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3	NEW YORK CITY	
4	TAXI & LIMOUSINE COMMISSION	
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2	HEARING CONVENED AT 10:04 a.m.	
3	COMMISSIONERS PRESENT:	
4	Meera Joshi, Chair	
5	Jacques Jiha	
6	Elias Arout	
7	Frank Carone	
8	Edward Gonzales	
10	Lauvienska Polanco	
11	Nora Constance Marino	
12	Bill Aguado	
13	ALSO PRESENT:	
14	Chris Wilson, General Counsel	
15	Angelique Meola, Supervisor of Licensing	
16		
17	Staff	
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19	The Public	
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23	Reported by:	
24	Jennifer Cassella	
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2	PRESENTATION ON TAXI IMPROVEMENT SURCHARGE PAGE PAYMENT PROCESS	
3	Keith Walsh16	
4	Nicole Payne37	
5	NICOLE Payme	
6	SPEAKERS ON DRIVER RETALIATION RULES PAGE	
7	Bill Lindauer, NYTWA12	
8		
9	SPEAKERS ON TAXI IMPROVEMENT SURCHARGE PAGE PAYMENT PROCESS	
10	Inat German42	
11	Janice Lintz44	
12	Hassan Elkarch47	
13	Michael O'Laughlin51	
14	Jagjit Singh63	
15	Bill Lindauer, NYTWA67	
16	Osman Chowdhury, United Taxi Driver Association69	
17	Daniel Ackman71	
18	Davinder Singh81	
19	Lester Marks85	
20		
21		
22		
23		
24		
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4 Proceedings 1 MR. WILSON: Good morning. The 2 first order of business, we have a matter 3 for Executive Session so I will move for 4 the Commission to go into Executive Session 5 6 to deal with appeal of a revocation. 7 All in favor? (Chorus of Ayes.) 8 MR. WILSON: We'll convene in 9 Executive Session and we'll be back 10 11 shortly. Thank you. (The Board is in Executive Session.) 12 13 THE CHAIR: Good morning, everyone. The time is now 10 of 11:00. And actually, 14 15 I'm going to just turn the microphone over 16 to Chris to report out the results of 17 Executive Session. MR. WILSON: Yes. The Commission 18 met in Executive Session this morning to 19 consider the appeal of 20 Lionel Pierre (phonetic) whose license was 21 revoked by the Commission. 22 23 determination was suspension pending at the utmost review and \$750 fine. 24

THE CHAIR: With that, we're going

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#### Proceedings

to move to the Chair's report. I have a few staff updates to provide. First, we have a new member of the TLC staff, Bill Heinzen, who joins us as Special Advisor the the Commission. After decades of city experience as Assistant Corporation Counsel, Deputy General Counsel to former Mayor Michael Bloomberg, and most recently General Counsel for Hudson Yards, he has begun working with the TLC and he's already hard at work testifying right now before Borough President Gale Brewer at her Manhattan hearing on congestion.

I'd also like to give a warm welcome to our new External Affairs Director,
Callal Wright (phonetic), who I hope is here and can stand up. Callal has skillfully managed our call center since 2012 and is intimately familiar with issues pertaining to all of our stakeholders. So please feel free to introduce yourselves and she'll be doing the same in the coming weeks.

For our frequent fliers at

#### Proceedings

licensing, I want to announce that Deputy Commissioner Gary Weiss has a new right hand, Stacy Lorenzo, who has been promoted to the position of Chief of Staff and will be another great asset for all of our licensees. And I don't know if Stacy's here today. Is she? No, she's not. So she's still at licensing at the counter probably, and she'll be another asset for all of our licensee's as a contact point. She's previously served as the Director of Counter Operations and has been with the TLC since 2007.

And finally, I'd like to announce a new role for a long time TLC employee,
Cindy Davidson, who is now Executive
Director of Policy Initiatives and will be spearheading her role out of our new FHV
Education Initiatives, as well as our push to integrate more safety and accessibility requirements into all of our driver training.

A few recent events. On September 10th, we held our Driver Safety

#### Proceedings

Awards and had the honor of celebrating almost 300 drivers in many garages and bases for their laudable safety and accessibility records. These are the true drivers of accessibility in safe streets of New York. We got to recognize them formally last week, and I ask that each and every passenger do their part in recognizing professionalism by showing their appreciation through their tips.

Also, earlier this week was the announcement of a \$20 million Federal grant to the New York City Department of Transportation to pilot connected vehicle technology. TLC joined DOT in the announcement by U.S. Secretary of Transportation, Anthony Fox.

Phase 1 of the project is developing equipment and the TLC will be on the ground floor. TLC drivers, volunteers from our pool of 130,000 experienced professionals will be tapped to provide input in developing connected vehicle equipment, answering such questions as what is the

#### Proceedings

best way to alert a driver, voice, speak or other alternatives.

Phase 2 is implementation. On a voluntary basis and with no cost, equipment developed through driver input will be put into TLC vehicles that frequent Manhattan to test how the proactive safety alerts work in practice. We look forward to being part of this development of developing this technology, which the United States

Department of Transportation has made clear will become mandatory in the very near future.

Also just a few process updates. We issued an industry notice a few weeks back that allows applicants to apply online to be taxi drivers, to take their test in between their -- the time that they apply online and their first appointment. So hopefully this cuts down on the processing times for taxi drivers. If there's any questions about that, Stacy Lorenzo or Gary Weiss are available to help walk you through that process, but essentially you

#### Proceedings

finish your Part A application, you can take taxi school, your English proficiency, and then come in for your appointment to complete Part B, which should very much make that process more efficient.

We have another, I think I've mentioned this before but the date is looming, November 12th we'll be moving to the Falchi Building. So our entire licensing process will move over to new headquarters which will probably be much more desirable in appearance than our current headquarters, and the elevators may actually work. So this is progress.

And one clarification that I wanted to make on the accessibility requirements in the yellow taxi world, the lottery was for independent so 50 percent of the independent medallion owners were picked through lottery for conversion, but that doesn't mean that the corporate medallions were relieved of a conversion mandate. 50 percent of the corporate medallions must be converted. They're done on a mini fleet

#### Proceedings

basis so one out of every two. There's no need for lottery in that situation because we can track every corporate mini fleet and ensure that one half of them is made accessible. So I just wanted to make sure that was clear.

So first on the agenda, we have a vote on our Fare and Leasecap Hearing, amendments to them which we had a hearing in July. We've made some amendments based on that hearing. Chris will go through those changes and then we'll move to the full Commission vote.

MR. WILSON: So yes. These rules were originally published in the City Record on June 8th, 2015 with a comment deadline of July 16th, 2015. A public hearing was held on these rules on July 16th, 2015. Six written comments were received, all of which have been provided to the Commissioners.

Following publication based on comments and feedback, the staff has recommended the following changes to the

#### Proceedings

proposed rule: We removed the language repealing the optional gas surcharge so the optional gas surcharge will remain in the rule, and we added language describing the timing and how the timing of non-cash payments must occur, as well as clarifying non-cash payments must be provided at no cost to the driver, meaning that the driver must have a reasonable way to access cash without a fee, and clarified several aspects of the hybrid taxicab lease.

As Local Law requires, the final

As Local Law requires, the final rule for Commission action was posted on the TLC's website on September 14th and sent to all the Commissioners on that date.

Do the Commissioners have any questions, comments?

(No response.)

MR. WILSON: Are we ready to vote?

All in favor?

(Chorus of Ayes.)

MR WILSON: Okay. This passed

unanimously.

THE CHAIR: We're going to go a

### Proceedings

little bit out of order and our

next -- actually -- so we're not going to
go out of order. We're going to have now a
hearing on a rule that was published
30 days ago, expanding our retaliations
rules that were previous -- or today
applied just for yellow taxi drivers, to
expand them to all FHV drivers to provide
protection against retaliation and impose a
fine upon the retaliating entity and an
avenue for restitution for the affected
drivers.

MR. WILSON: We have a few speakers on this today. The first speaker is Bill Lindauer from NYTWA.

MR. LINDAUER: I'm Bill Lindauer,
New York Taxi Workers Alliance. Of course
I do not believe in retaliation. Of course
maybe personally I like to get even
sometimes, but retaliation rules are a good
thing. We should prevent retaliation, make
the strongest rules as possible, prosecute
people to the fullest extent of the law and
the expansion to FHV vehicles is long

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1	Proceedings	
2	overdue. Thank you.	
3	MR. WILSON: Thank you.	
4	THE CHAIR: The world's briefest	
5	Bill Lindauer testimony.	
6	MR. WILSON: In our eagerness to get	
7	into the part of the matter on the actual	
8	vote, there's a couple of housekeeping	
9	items on the agenda. So the first matter	
10	on the agenda and then we'll return to the	
11	public hearing is the approval of the	
12	minutes from July.	
13	All in favor?	
14	(Chorus of Ayes.)	
15	MR. WILSON: And the next item is	
16	the approval of base station applications.	
17	Is somebody from licensing here? Yes.	
18	MS. MEOLA: Good morning. My name	
19	is Angelique Meola. I'm the Supervisor of	
20	Licensing. We have 18 bases for your	
21	approval.	
22	MR. WILSON: All in favor?	
23	(Chorus of Ayes.)	
24	MR. WILSON: Thank you.	
25	So we'll resume the public hearing	

### 1 Proceedings 2 on the retaliation rules, and the next 3 speaker is Mr. Osman Chowdhury. MR. CHOWDHURY: No. Thank you. 4 5 MR. WILSON: You're okay? Thank 6 you. 7 The next speaker is Jagsit Singh. MR. J. SINGH: Good morning to 8 everybody. Thank you for letting me speak. 9 I'm here on behalf of the vehicle 10 wheelchair medallion owners and we believe 11 the vehicle wheelchair medallion owners are 12 entitled to the same funds from the future 13 Improvement Funds as are the people. 14 I am requesting that to be added into the 15 proposed rule. The vehicle wheelchair 16 17 owners are the ones who are really doing the wheelchair pickups and making the whole 18 19 system work. Without --MR. WILSON: Mr. Singh, I think 20 you're actually testifying on the other set 21 of rules. I can put your name on the list 22 23 for that other set of rules. 24 MR. J. SINGH: I'm sorry.

MR. WILSON: That's fine.

Thank

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		15
1	Proceedings	
2	you. So I've added you to the other list.	
3	I'll call you again.	
4	The next speaker is Davinder Singh.	
5	MR. D. SINGH: Good morning. I'm	
6	here with him.	
7	MR. WILSON: You're also with him.	
8	I'll change you as well. Thank you.	
9	And the last speaker I have is	
10	Ashish Paul.	
11	(No response.)	
12	MR. WILSON: Okay.	
13	These rules were published in the	
14	City Record on August 14th, 2015, with a	
15	comment deadline of September 13th. No	
16	written comments were received. As Local	
17	Law requires, the final rules for	
18	Commission action, which is unchanged from	
19	the proposed rule, was posted on the TLC's	
20	website on September 14th, 2015 and sent to	
21	the Commissioners on that day.	
22	Although we hadn't put this on the	
23	agenda for a vote, if the Commissioners are	
24	ready to vote, I think we can.	
25	All in favor?	

#### Proceedings

(Chorus of Ayes.)

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THE CHAIR: The next set of rules is -- it started last April with our rule in creating a \$0.30 Taxicab Improvement Fund and it's the next phase of our ongoing commitment to create the most accessible for-hire fleet in America. It dictates the distribution among drivers and vehicle owners of the money collected through the \$0.30 surcharge. In a nutshell, \$0.50 per trip and an increased -- \$0.50 per trip is added to the payout for every driver of an accessible taxicab and there's an increase in the debt head for accessible dispatch trips; 14,000 at hack-up for accessible vehicle owners, and 4,000 per year for the next four years for added maintenance cost. And it's in recognition the taxis are fixed priced which makes absorbing any additional expenses a challenge.

And Keith Walsh from our Legal Unit is going to give a presentation on how the distribution will work.

MR. WALSH: Good morning, everyone.

#### Proceedings

My name is Keith Walsh. I'm one of the Assistant General Counsel's here at TLC. This presentation is going to have two short parts. I know this is actually the highlight of today's Commission hearing so I'll try not to take too long so we can have some time for questions.

First we'll describe how the proposed rules, which includes the Taxi Improvement Fund distributions, will take effect, and then my colleague, Nicole Payne from our TLC's Accounting and Special Projects Group will describe the actual process that's involved in distributing the funds.

So these rules, as the Commissioner just mentioned, they represent the first part of our TIF distributions, although they're the third section of our TIF rules. The rules started last April. We had two portions. This is now the third part.

Later this year, we'll also begin drafting some Street Hail Livery Improvement Fund Distribution Rules, so just so you know,

#### Proceedings

these deal only with yellows and the distribution on that side.

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As also mentioned, the Chair took a lot of my presentation material, there's a couple of reasons why we need to do this.

One is the fixed rate model for the taxicabs. There isn't much ability for the owners to manage these costs, and also because the diversions are scheduled to begin in January of next year so there's a push to get these rules done.

There are a number of challenges to overcome in drafting these rules. One, how to make the distribution of payments to the medallion owners in the DOV environment, that's the driver-owned vehicle environment. We'll deal with those a little bit later but we -- it's dealing with two different issues here; one is the medallion only lease environment, and the second one is the all-in lease where not only the medallion is involved, but the medallion owner's involved in a conditional purchase agreement. We'll talk about that

#### Proceedings

a little later.

The second obstacle we had to overcome was how to rapidly and regularly provide drivers with payments from the Taxi Improvement Fund. We didn't want this to be a once a year payment or a twice a year payment. Our goal is to do this very rapidly and do it on a regular basis. We'll talk about that through the rules here as well.

The third part was how to provide the payments to medallion owners, how to get those \$14,000 payments to medallion owners as well as the ongoing maintenance payments. I think we've accomplished all three in this rule package.

So as you're aware, our disability -- our Disabled Accessibility Plan or the DAP was issued last year in 2014. It outlines our path to a goal of 50 percent wheelchair accessibility by 2020. Include in this are one, the 50 percent wheelchair accessibility requirement for medallions, both mini

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fleets, and I think the Chair also mentioned this, mini fleets have a 50 percent requirement so that there's no need to determine which one of their vehicles becomes accessible. It's up to them. And then that begins next year, 2016, with any vehicles that begin to retire in 2016 on the mini fleet side. Also on the independent medallions, so if they're single medallions. Those medallions, as the Chair mentioned, we had our first drawing for those a few months ago and 50 percent of those scheduled to retire in 2016 will become accessible. That's what we pulled from the drawing and so those have already been identified, those medallion owners are aware of their accessible requirement and will begin converting when their vehicles retire in 2016.

Also included in these rules are the expansion of the Accessibility Dispatch
Program. That's the program that provides
funds for drivers who pick up passengers

#### Proceedings

through the Accessibility Dispatch Program.

And that program is essential because it's the way that -- it's the manner in which the disabled wheelchair-accessible community is connected to yellow taxis.

And also, that program provides financial incentives for the drivers who takes those calls.

So let's move on. This is exactly how our Taxi Improvement Plan works. As the Chair mentioned, we have a \$0.30 fee on the surcharge on the yellow trips. That money goes into the Taxi Improvement Fund or the TIF Fund, and then it's segregated; a portion of it goes to drivers and a portion of it goes to medallion owners.

This is a quick recap of our previous rules back a year ago, 2014. The first set of rules establish the TIF. It created the passenger collection mechanism, how we collected with the surcharge from the passengers, and also put together the Conversion Accessibility Program for both mini fleets and independents. Last year,

#### Proceedings

we also did a second package which created the process by which we collect the funds and now this process is the distribution side.

So this rule package actually has three components. The first is the TIF distributions, a portion of it to drivers, a portion of it to medallion owners. We also put together the processes that we need to do internally to get the monies out there. Secondarily, it increases the amounts through the accessibility dispatch driver fee. Those are the amounts, as I mentioned, that the drivers get when they handle an accessibility dispatched call.

And lastly, there's some changes to certain lease rates. Why do we need to do that? That's because certain lease rates, as I mentioned, involve a medallion only or a medallion and a conditional lease agreement, and so in those environments, the funding for the purchase of the vehicle needs to go to the person who's actually involved in the purchase of the vehicle.

#### Proceedings

It may or may not be the medallion owner and so we've accounted for that as well. We'll get into some details in there in a second.

Let's start with the easy side which is the driver distribution. So drivers will receive the Taxi Improvement Fund or TIF payment simply for driving an accessible taxicab. That's all they must do, is to sit in the vehicle, drive a vehicle, take trips in the vehicle. They will be paid. These payments will be made on a periodic basis beginning next year in 2016. Initially our goal is to do these payments every two weeks so that drivers will see a quick and rapid turnaround in the funding and we'll see the benefits of driving an accessible vehicle.

Payments will be based on TLC data. We'll collect that from the TPEP vendors and that data will show us by driver how many trips that driver took. The amounts of the drivers will be based on the total number of trips they took, the TPEP data,

#### Proceedings

and calculated on a per trip basis. Next year, our plan is to pay the drivers \$0.50 per trip in an accessible vehicle. As an example, and you can see on the slide here, 16 trips a day, 5 days a week, there's 80 trips a week. That 80 trips times the \$0.50 is a net of \$40 a week for a taxi driver driving an accessible vehicle. That does not include any payments for the accessible dispatch fee which are above and beyond that. So it's simply by driving that accessible vehicle, you may earn \$40 a week or more, or as much as \$2,000 a year.

Medallion owners, slightly different mechanism here. There are two payment strings to medallion owners. First, they receive a single payment when they place an accessible vehicle on the road, that's the \$14,000 payment amount. Secondarily, as that vehicle stays on the road and continues to operate and passes TLC inspection, and also is on the road for a number of trips during a period of time, they will receive the additional amounts

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which comes out to be \$4,000 a year.

That's divided into two portions; one is \$1,500 for the estimated additional maintenance costs of an accessible vehicle, and \$2,500 per vehicle for the estimated amount of down time that the vehicle may have while it's being maintained with these additional service requirements.

The third portion of this is the accessible dispatch -- I should say the second portion is the accessible dispatch fees. As I mentioned, these are the fees that drivers will receive when they take an accessible dispatch call and service an accessible dispatch customer. So in the past, the amounts you can see in the middle column on that slide ranging from \$6 to \$15. TLC took a look at the rates for a .5-mile taxi trip and determined that a .5-mile taxi trip generally runs about \$5. If you include a \$5 fee just for that portion of the -- the distance portion of the trip plus the timing amount of that, in reality, that .5-mile trip should result

#### Proceedings

closer to a \$10 fee, so that's why the base line that was \$10, it's gone from \$6 to \$10.

In addition, every .5 miles, in addition to that there's another \$5 fee involved in that. So as you can see, it goes from \$10 up to \$30 now, a large increase. In addition, the passenger no fee -- fee of \$5 stays the same. That's a situation where a passenger is not there when the driver shows up. So a great opportunity for persons driving the wheelchair-accessible vehicle to earn some additional funds besides just the TIF funds.

Okay. The last piece of this rule package talks about the changes to the lease rates. As I mentioned earlier, the difficulty here is that we are trying to get the medallion owner funds into the hands of the person that's bearing the cost of putting the vehicle on the road. Generally, it's the medallion owner. However, in a couple of situations, the

#### Proceedings

medallion owner may or may not be involved in actually paying for that vehicle, so in those cases, the -- primarily the maintenance payment will go to the person that bears the cost of the maintenance and that's very likely going to be the driver of that vehicle, whether they are either leasing just the medallion only and bringing their own vehicle to the table or if they're leasing the medallion and purchasing a vehicle through the medallion owner. In either case, they deserve that maintenance payment of \$4,000 a year.

How are we going to pass that payment through from the medallion owner to the drivers? We don't have the ability to do that through our systems so rather what we've done is established a credit, not a reduction in the leasecap --

COMM. JIHA: Are you saying the driver or the owner of the vehicle?

MR. WALSH: This is the driver that will receive it. It will be passed through from the medallion owner to the driver and

### Proceedings 1 2 the pass-through will be done by this credit. So rather than -- so the medallion 3 owner will actually receive the maintenance 4 payments of \$4,000 a year, however, that 5 6 amount will be passed through to the driver 7 by reducing -- by crediting their lease payment by \$77 a week. 8 9 COMM. JIHA: It's the driver or the owner of the vehicle? 10 MR. WALSH: The driver receives the 11 credit. 12 THE CHAIR: It could be the owner. 13 COMM. JIHA: The driver could be the 14 15 owner? 16 MR. WALSH: Yes. THE CHAIR: Yeah. Because in a 17 medallion only lease, generally the driver 18 19 would be the owner or have control of the vehicle. The driver is generally the owner 20 but will have control of the vehicle. 21 COMM. JIHA: Conceptually it's the 22 23 owner of the vehicle you're talking about,

not the driver?

THE CHAIR: Right.

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#### Proceedings

MR. WALSH: But in the cases where the driver has now responsibility for the vehicle itself, either because they're purchasing it from the medallion owner or they brought their own vehicle to the environment, they must receive this credit. So that's the way we're accounting for that \$4,000 a year by this \$77 credit to their lease rates.

All right. So now we're going to talk about -- those are the rules in general, the three parts; the TIF distributions, the leasecap changes, and the accessible dispatch fee increases.

COMM. MARINO: Can I ask a question?

MR. WALSH: You bet.

COMM. MARINO: I don't know if it's just me, this is a lot of information to take in at once.

MR. WALSH: Yes, it is. Yes.

COMM. MARINO: So I hope I'm not the only one who feels that way.

You're talking about the \$0.30 surcharge but then you're talking about a

#### Proceedings

\$0.50 surcharge. Can you just
differentiate between those two, please?

MR. WALSH: Sure. So the passenger -- all passengers are paying the \$0.30 surcharge. That \$0.30 surcharge goes into a pool of money. Out of that pool of money we're doing various things with it, part of it is going to the vehicle side of the equation --

COMM. MARINO: Right. So the drivers, the medallion owners, and then there's administrative costs. What are the percentages for those provisions?

MR. WALSH: So the \$14,000 up front payment to medallion owners and the \$4,000 maintenance payments are coming out of that -- out of the \$0.30 fee that the passengers pay. The payment stream for all of this fund is the \$0.30 surcharge to passengers. Out of that, we break out the money into medallion owner side and a driver side.

COMM. MARINO: Have you decided what those percentages are?

#### Proceedings

MR. WALSH: Yes. In fact, they are in the original rule package. So out of the \$0.30, \$0.25 goes to the owner portion and \$0.05 goes to the driver.

COMM. MARINO: And what about administrative costs? Nothing for administrative costs? You had mentioned that as well.

MR. WALSH: No, that's all internal. The administrative costs are actually going to be the accessible dispatch program which is covered by -- also by the fund itself.

COMM. MARINO: Of course. What was I thinking?

MR. WALSH: But to go back to your question about the difference between the \$0.30 and the \$0.50, \$0.30 is what all passengers pay. Those drivers that end up driving an accessible vehicle, they will get \$0.50 because one, there's fewer accessible vehicles on the road. We're only going to have 50 percent accessible vehicles, right? I shouldn't say only, but we will have a 50 percent -- so we're

1	Proceedings
2	collecting \$0.30 on every trip but paying
3	out on the accessible vehicles side. So
4	medallion owner payments of \$14,000 and
5	\$4,000, driver payments of \$0.50 per trip.
6	That's the difference between the \$0.30 and
7	the \$0.50. The \$0.50 is part of the
8	distribution out of the \$0.30 that's
9	collected.
10	COMM. MARINO: So is it cumulative?
11	Is it going to be \$0.80?
12	MR. WALSH: No. I'm sorry. The
13	\$0.30 is what the passenger pays and that
14	goes into the fund.
15	COMM. MARINO: And the \$0.50 is
16	from who's paying that?
17	MR. WALSH: It comes out of the
18	\$0.30 fund at the end of a period of
19	time
20	COMM. MARINO: But how does that
21	math work? If you get \$0.30, how do you
22	get \$0.50 out of it?
23	THE CHAIR: You get \$0.30 from every
24	ride, but you're not giving out to every
25	driver. You're only giving out to a

### Proceedings 1 2 smaller portion of drivers in accessible --3 COMM. MARINO: Thank you for clarifying that. 4 MR. WALSH: So half of the vehicles 5 6 will be accessible, half of them will not, 7 but all of them will collect \$0.30. Every yellow will collect \$0.30. So that's the 8 reason why we can pay \$0.50 on a trip when 9 we're only collecting supposedly \$0.30 on a 10 11 trip. 12 COMM. MARINO: Because some people 13 are getting zero? MR. WALSH: Exactly right. Those 14 15 not driving an accessible vehicle --THE CHAIR: People that drive 16 17 non-accessible vehicles will not get a payout. People who drive accessible 18 19 vehicles will. COMM. CARONE: I just want to stay 20 21 on that point for a moment. Thank you, Commissioner, that was a very good point 22 23 that wasn't clear on the testimony.

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First of all, I think the whole set

of rules are a great job recognizing the

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practical reality of keeping accessible fleets on the road and encouraging drivers to not only want to drive but see that there's economic gain to drive. We've been saying for a long time there's benefit economically besides the moral obligation to do so and get an accessible fleet on the road.

On the \$0.30 component, which is a -- I was here for that hearing. thought it was -- then I thought it was a great thing and I still believe that. Your work and the TLC's staff work on recognizing how to practically implement that is a good job, but it's only going to be effective in the real world in a practical sense if there are enough passengers paying into this \$0.30. If that population somehow decreases, then the \$0.50 that goes to the drivers who are doing it and the 14,000 and all these other numbers that you're, I guess hypothecating on this slide presentation, may not be accurate. So I think it's incumbent upon

### Proceedings

us to recognize that, do what we can to keep that segment of the industry strong and make sure that the \$0.30 actually comes in in the volume that we're hoping for and actually increases so there's more money to further incentivize the drivers to do this while we figure out ways to continue to get the accessible fleets on the road.

But I would be very, very interested to see those numbers, and how they come in, and what their body is of the \$0.30 going forward, and if there is some other strains on that segment we should be very mindful of that and do what we can to protect it.

MR. WALSH: Absolutely. That's something that we won't overlook. Just to mention, the original rule set does require that we reevaluate the TIF program in 2017. It doesn't mean we're going to wait until 2017 to monitor and track the changes in the yellow volume, absolutely right.

COMM. CARONE: And I'm also, just to be clear, I appreciate that and that's a good thing but I'm going beyond the TIF

#### Proceedings

rules and saying what we can do to make sure that entire segment stays strong and viable.

MR. WALSH: Absolutely.

COMM. MARINO: I just have one other question. So this only applies to yellows, not greens at all, correct?

MR. WALSH: This -- these rules, as we're looking at today, only apply to the yellow side. Later this year we will take a look at the Street Hail Livery

Improvement Fund. They have their own fund as well, similarly structured; \$0.30 from each hail passenger trip goes into that fund, but recall though, that they have a fewer amount of hail funds -- of hail trips so therefore a smaller amount of hail funds. So the program --

COMM. MARINO: You're still working on that basically? That's the short answer.

MR. WALSH: Absolutely right. It needs to be looked at, but absolutely right. We are not forgetting that and it

#### Proceedings

will be looked at later this year.

COMM. MARINO: And it has a whole new set of conditions you're going to have to explain to us?

MR. WALSH: Probably equally as confusing, yes.

Any other questions on that before I turn it over to my colleague? She's going to talk about the distribution process, how we're going to effectuate what we've just described what we plan to do.

(No response.)

MR. WALSH: Okay. Very good.

MS. PAYNE: Thank you, Keith.

As mentioned earlier, there are two pavement streams for medallion owners and both streams are contingent on the qualifications which is the current accessibility requirement, either independent or fleet, under Section 58-50 of TLC rules.

The first is a post inspection payment, which is a one time lump sum payment of \$14,000, which is for the

### Proceedings

purchase of the accessible vehicle. The controls for this payment, you have to have a successful hack-up and inspection at Woodside, and the payment will be disbursed within 90 days.

The second stream of payment is the operational cost payments which are \$4,000 a year over years one through four. This payment is broken up into \$1,333.33 per inspection. So these payments are contingent on you successfully passing the triannual inspections at Woodside. Also, the vehicle must have completed 250 minimum trips in between inspections. Both payment processes will be automated via our distributions systems.

Drivers are the key to reaching our accessibility goal. Incentives are available to get more WAVs on the road.

Keith gave the example earlier, or he was going to give the example earlier, that a driver driving five days per week can make \$160 a week or additional \$2,000 per year just by driving a WAV vehicle. Even the

#### Proceedings

driver that only works about three days a week would still have 15 trips a day in the WAV vehicle will make about \$22.50 additional dollars a week or about \$90 a month.

We currently have a population of drivers that already do WAV vehicles without this payment stream. 20 percent of drivers complete about 60 percent of WAV vehicle trips currently. These top 20 percent of performers can earn as much as \$2,500 a year on top of already metered fare and for work they're already doing just by driving the WAV vehicle and doing things already. Plus, drivers have the ability to earn additional accessible dispatch fee for trips accepted from the accessible dispatch system that Keith mentioned earlier.

Lastly, owner-drivers have an opportunity to receive the owner vehicle payments, which is \$4,000 a year -- sorry, \$4,000 lump sum payment, and then \$4,000 a year broken up into the \$1,300 increments.

### Proceedings

Driver payments, which for year one will be \$0.50 per trip, and the accessible dispatch fees which we mentioned range between \$10 and \$30 depending on the distance driven to the passenger pickup.

Each WAV vehicle added to the

New York City taxi fleet provides

additional opportunities for our wheelchair

passengers. Here's how medallion owners

participate: They complete a program

agreement which includes a program

acknowledgment, a participation in payment

form which includes direct deposit

information, and tax identification

information because these funds are

taxable. And they have to purchase a

vehicle, pass inspection, and place them on

the road.

For drivers, they also complete a program agreement, which is a little different. It includes an acknowledgment and participation and payment form, plus tax identification information. And they simply drive an accessible vehicle and they

### Proceedings

can receive these funds.

We'll use TPEP data to track trips in accessible vehicles as control for paying per trip for drivers, and we're also partnering with Bank of America to provide personal debit cards to drivers which their trip funds will be loaded onto. Enrollment for this program will begin October 1st. Participation agreement forms will be available online at LIC and SME facilities.

Our outreach plan goal is to create driver awareness and incentivize drivers to lease WAVs. Our actions include a targeted amount to top WAV drivers. As I mentioned, 20 percent of drivers, they do do the bulk of WAV trips currently, so we'll target those drivers. We're going to do industry notices to everyone. We're also outreaching with the captive audiences of driver populations at Long Island City and Woodside and possibly the airports to get the word out there. We also have a tip website and we'll be conducting a post hearing Q&A today if you need more details

		42
1	Proceedings	
2	and information. Thank you.	
3	THE CHAIR: Thank you very much.	
4	And now we'll turn to our public hearing,	
5	and we do have a number of speakers. We'll	
6	begin with a representative from the	
7	Mayor's Office for People with	
8	Disabilities.	
9	MR. WILSON: Yes. The first speaker	
10	is Inat German from Commissioner Calise's	
11	office.	
12	MS. GERMAN: Good morning,	
13	Chair Joshi and members of the Commission.	
14	Commissioner Calise apologizes for not	
15	being able to be here because of the other	
16	meetings. My name is Inat German and I'm	
17	the Transportation Coordinator for the	
18	Mayor's Office for People with	
19	Disabilities, MOPD, and with me today is	
20	Wally Sabril (phonetic), the Housing	
21	Coordinator for MOPD.	
22	The de Blasio administration and	
23	MOPD share TLC's goal for increasing the	
24	accessibility of the taxicab fleet to	

individuals with mobility, visual, and

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### Proceedings

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hearing disabilities. We have supported wheelchair accessibility in the City's taxi fleet, including the commitment to reach 50 percent being wheelchair-accessible by 2020. And by these rules, they will honor that commitment as well as the installation of induction loops in vehicle screens in vehicles.

Support for the purchase of accessible vehicles is a key step. We must also ensure that as more accessible vehicles become available they are utilized by taxi owners and taxicab drivers in order to provide meaningful and timely service to individuals with disabilities throughout New York City. Obtaining accessible vehicles and not deploying them on the street is not the City's intent. Thus, MOPD supports the proposed rules because they provide significant financial incentives to taxi owners who place wheelchair-accessible vehicles into service. And equally important, they also provide incentives to drivers who operate

#### Proceedings

wheelchair-accessible taxis, including a fee per ride, increased fees for providing a ride to someone who is using the City's accessible dispatch program.

In conclusion, we are eager to continue working with the TLC and the stakeholders to ensure that the wheelchair-accessible vehicles are available to individuals with disabilities. Thank you.

MR. WILSON: Thank you.

And the next speaker is Janice Lintz.

MS. LINTZ: Hello. My name is

Janice Schacter Lintz and I am the CEO of

Hearing Access Innovations, formerly known
as the Hearing Access Program, which

spearheaded the hearing induction project

with the TLC Commission about 11 years ago.

I'm also the mother of a 21-year-old

daughter who is hard of hearing. I'm

defining my comments solely to hearing

access, since I do not have the expertise

to weigh on the other issues before the

#### Proceedings

Commission.

I applaud the TLC for people inductions for people who are hard of hearing. New York City is the first city in the country to have hearing induction loops in its for-hire vehicles such as taxis. The current request to provide funds for accessible taxis gives the impression that access in accessible taxis means physical access. Accessible does not mean physical access. Accessible means removal of the artificial barriers that prevent people with disabilities from using taxis, including but not limited to riders who are deaf and hard of hearing or visual impairments.

We urge the Commission to clarify
the term access and accessible to include
people who are deaf and hard of hearing as
well as people with visual impairments.
Our concern and/or fear is that when the
administration changes, the terminology
will not be clear to the next Commission.
All too often, hearing loss and hearing

#### Proceedings

induction loops are forgotten because hearing loss and the technology are invisible. Please see my recent article in Huffington Post on hearing loss, the forgotten disability. I include the link in my comments.

Even this was evidenced in the recent presentation by the TLC when the use of a wheelchair symbol was used to mean access. It should be all the symbols for people with disabilities. In fact, MOPD has developed a wonderful symbol showing a rainbow with all the different symbols, and we encourage the Commission to adopt that symbol. And we're really thrilled by MOPD utilizing a very inclusive symbol.

We would like to see part of accessible taxi fund used to ensure open captioning is available on all taxi television media contact and to add hearing induction loops for other non-taxi of tomorrow vehicles for and/or other boroughs. They are currently not available in the green taxis and we would like to see

#### Proceedings

that change. We hope the Commission will support clarifying the term accessible to ensure hearing induction loops and other disabilities are included as well as to expand the use of funds to include captioning and funding hearing induction loops for non-taxis of tomorrow vehicles. Thank you for your time.

THE CHAIR: Thank you very much and we look forward to incorporating the MOPD symbol in our future literature and presentations.

MR. WILSON: Thank you.

The next speaker is Doris Gil.

(No response.)

MR. WILSON: Okay. The next speaker is Hassan Elkarch.

MR. ELKARCH: Good morning,
everybody. My name is has Hassan Elkarch.
I worked in many wheelchair medallion for
865,000 (inaudible). I am the owner and
the driver. Just the car cost me \$52,000,
is (inaudible). The monthly payments for
the car is 927. The medallion, 4,400, the

### 1 Proceedings 2 insurance 335 a month plus the tax \$10,000 a year, the medallion owner. The 3 medallions are very old, plus the repairs, 4 so the total comes out to like almost 5 6 \$7,000 a month. I drive by myself. 7 THE CHAIR: I'm sorry. Are you a 8 vehicle owner as well? 9 MR. ELKARCH: I am the owner. THE CHAIR: So as the owner and the 10 11 driver --MR. ELKARCH: And the driver. 12 13 THE CHAIR: As the owner you're entitled to \$14,000 -- oh, but you already 14 15 have an accessible medallion. So you just 16 get the driver part then. Yes, now it's 17 making sense. I have it coming up 18 MR. ELKARCH: 19 one year and three months. I've been working free, free. I swear to God. I 20 have two kids to feed. How fair is that? 21 The green taxis, they get \$15,000 up front. 22 23 Now our Taxi & Limousine Commission is 24 willing to have the new guys coming in for

\$14,000 plus the 4,000 a year. I don't

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### Proceedings

find it to be fair. Plus --

THE CHAIR: So you'd like access to similar grant money that the green taxis have and that the converted taxis would have, the \$14,000?

MR. ELKARCH: All right.

THE CHAIR: No. I'm just asking. I think that's -- I want to make sure I understand the point of your testimony is that the grant money that's available for green taxis and is available for converted taxis, you're asking that it be available for existing accessible medallions?

MR. ELKARCH: Yeah, easy. Can it apply for me too?

THE CHAIR: Actually, I mean, we will take that back and look into the economics of it but right now the rules do not provide for it, but thank you.

COMM. CARONE: I just want to add, I agree with the testimony. I didn't catch your name, sir, but it seems to me that those who took the initiative and bought these vehicles before they were required to

#### Proceedings

do so should benefit just as much as those doing it prospectively, in fact maybe more. Maybe more for the fact that fellows like this gentleman driving as he says for free, I'm not sure what he exactly means by free, but the point is maybe he made the investment when he did, he thought it was the right thing to do, and I think you're 100 percent right.

COMM. MARINO: I concur with my colleague and I think these are the pioneers really who ventured out into this unknown territory because it's the right thing to do, so I think --

THE CHAIR: So it's a matter of economics and we're happy to take another look at how that would work out for already people that hacked-up with an accessible medallion.

COMM. MARINO: Great. Thank you for your testimony.

MR. WILSON: The next speaker is Aly Eldoksh.

(No response.)

		51
1	Proceedings	
2	MR. WILSON: Ashish Paul.	
3	(No response.)	
4	MR. WILSON: Ranjit Sarkar.	
5	(No response.)	
6	MR. WILSON: Animesch Howlaber.	
7	(No response.)	
8	MR. WILSON: Michael O'Laughlin.	
9	MR. O'LAUGHLIN: Hi. I'm	
10	Michael O'Laughlin. I speak today for Cab	
11	Riders United. We're a one-year-old	
12	initiative to provide a public voice for	
13	the passengers who pay for taxis and	
14	for-hire service in New York City,	
15	including every single dollar that goes	
16	into the taxi group fund is coming out of	
17	their purse, their pocket, the wallet of a	
18	passenger.	
19	We strongly support accessibility,	
20	full accessibility for New Yorkers	
21	throughout our transportation system,	
22	therefore we largely support the proposed	
23	rules as a step toward that goal with a few	
24	caveats and notes that we ask you to pay	
25	attention to, and with also the observation	

#### Proceedings

that this may in fact be as, I think, you know, Commissioner Carone eluded to, a wait stop along the way to a holistic big picture vision of a new structure for the taxi and for-hire industry of New York.

We'll see what comes out of the study that's underway right now.

A few key points: Riders support accessibility but they are unwilling to pay for more less. Safety and quality must be assured for all passengers. We recently surveyed the 10,000 or so people that are on our online support list. 91.4 percent of them support making taxis accessible and taxis and for-hire vehicles more accessible for passengers with disabilities, however, 76.2 percent of them would not continue to support the plan if accessible taxis were less safe or lower quality than non-accessible taxis.

I will spare you the multimedia portion of this. Some of you have heard me play the sound of a --

THE CHAIR: I think we've heard it

#### Proceedings

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MR. O'LAUGHLIN: -- rattling WAV converted taxi in the past. There's a link included in the testimony if you care to go back and listen to that again.

Our recommendations: At a minimum, in order to qualify for payments from the Taxicab Improvement Fund, which again is funded by the passengers, and this would apply also to the green when voting, any vehicle that receives funds from that fund should at a minimum include passenger airbags proven to work around the partition to protect the passengers who are not only paying the fare, they are paying additional for the wheelchair accessibility. Any vehicle that's up-fitted or converted for wheelchair accessibility should meet the OEM standards for safety and durability. We urge you to tightly regulate the quality of WAV conversions to avoid that bucket of bolts effect that I previously eluded to, and also to strongly consider the exterior design of taxis supported through this fund

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to make sure that they minimize the danger to pedestrians and bicyclists with whom we share the streets.

Second big point, accessibility as Ms. Schacter Lintz eluded to, accessibility is more than wheelchair accessibility. There are hundreds of thousands of New Yorkers with mobility impairments. There are also hundreds of thousands of New Yorkers who are deaf and hard of hearing, blind or visually impaired. Making New York City's vehicles -- for-hire vehicles more accessible for passengers in wheelchairs is important, and laudable, and good, and we support it but it is not adequate. We have to make sure that these vehicles serve the needs of New Yorkers with multiple disabilities. 85 percent of the riders responding to our survey supported requiring the vehicles to be accessible for the deaf and hard of hearing, and the visually impaired.

Our recommendations: At a minimum, all of the vehicles subsidized by the

### Proceedings

program should be required at a minimum to include the accessibility features that are standard in the standard taxi of the NV200 Taxi of Tomorrow, hearing loops, high visibility seatbelts and high visibility seats to help the visually impaired. That is not too much to ask as an accommodation in what is an accessible taxi, and we should do much more across the board.

An important note about borough equity, by the way, the highest percentages of New Yorkers who are deaf and hard of hearing, who are blind or visually impaired reside in Brooklyn and in the Bronx. The Taxi of Tomorrow currently will primarily serve Manhattan and the airports because most of them are yellow taxis. Most of the New Yorkers who are visually impaired or hearing impaired will not, unless you act, will not have features in their taxis to make them accessible for their needs.

We've included some additional information. There are a lot -- this is a very complicated program.

#### Proceedings

We particularly appreciate the changes to the debt head to make that work better. It's important to make sure that taxi drivers do want to use these vehicles and if we can help in any way to facilitate further dialogue around these other disabilities, we would welcome the opportunity to work with the Commission and with the advocates and stakeholders to do that. Thank you for your time today.

COMM. CARONE: Do you mind, I just

COMM. CARONE: Do you mind, I just have a quick point?

MR. O'LAUGHLIN: Sure.

COMM. CARONE: I think your testimony is like 10,000 for viewing long-term goals -- so anyway, I was listening to you about the different classifications as you described of the needs for people with disabilities and I concur with -- I think it's objectively true what you said, I don't think you can disagree with it. The rules on the table I think are the first step towards creating an income viability for drivers and owners

#### Proceedings

to get there. I would ask that your group and others like it sort of encourage usage by the taxis and encourage a sense of loyalty to that segment so there is an empowerment and economic advancement that that group can see and embrace and continue to invest in. At the end of the day, that's what's going to drive us getting to your goal which I share, by the way, but I think the rules that you're testifying about, it sounded to me like you agree is the right approach.

MR. O'LAUGHLIN: Overall, yes, we do. There is one other point that I think we should make. Thank you for your feedback, Commissioner. We're giving \$14,000 off the bat for the hack-up, right. That's a lot of money. Unless you put regulations in place that require the standards that we're talking about, you will create a perverse incentive for the medallion owner or their agent to take the \$14,000 and buy a cheaper, lower quality, less accessible taxi and put that out there

#### Proceedings

on the street and pocket the difference.

THE CHAIR: So under the rules that were implemented on September 1st, everyone who is converting to accessible has to use the NV200 accessible, which has passenger airbags, has the safety features, so there isn't the option to cheat as you put it. It also has a hearing loop and it has some amenities for the visually impaired. There are carve outs but they are relying on a waiver from the Commission and the standards that we've required already across the board were not likely to dilute if we're providing a waiver. That's not sufficiently a reason for a waiver.

MR. O'LAUGHLIN: Thank you for clarifying that.

COMM. MARINO: Thank you for that clarification as well.

MR. O'LAUGHLIN: That is an important clarification. But in the case of green taxis for most of the population of New York City outside of Manhattan and the airport passengers, does that same

### Proceedings

standard apply?

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THE CHAIR: That same standard does not apply. None of the FHVs have vehicle specs and many large sections of the FHV don't even have an accessibility requirement of any type at all, which I think brings us back to Commissioner Carone's point that we have to be judicious about how we, and I'll be blunt, pick apart our programs to provide accessibility and take the universal view that we're looking at one segment and demanding much, much, more from one small segment and there's lots of segments out there that don't have a similar requirement. And these are, as you pointed out, it's a segment where the fare is fixed so the opportunity for revenue is fixed and the economics require an incentive that is passenger provided.

MR. O'LAUGHLIN: I think we all agree that we need to take a big picture view of the full spectrum of different service providers and figure out a way to

#### Proceedings

balance the system so that people's needs are met equitably but fully, no matter what their disability, no matter the borough that they live in.

And I guess one last thing, \$14,000 towards the hack-up and something similar down the road for SHL's, the hearing loop, as I understand it, costs a few hundred dollars.

THE CHAIR: That's already required in the Taxi of Tomorrow.

MR. O'LAUGHLIN: But not in other wheelchair-accessible, you know, air quotes, accessible taxis in New York, right?

THE CHAIR: So we're happy to explore that and the feasibility of incorporating that, and to the extent there are funds out there that people want to donate to support those kind of initiatives, we're happy to be recipients to those.

MR. O'LAUGHLIN: My point, respectfully, is that we are already

### Proceedings

donating. I get in a green taxi in Brooklyn and I pay the \$0.30 surcharge. I don't regard it as satisfactory if that only supports increasing the accessibility for the deaf and hard of hearing, for the visually impaired in what is predominantly the Manhattan yellow --

THE CHAIR: The green taxi funds go back to the green taxis.

MR. O'LAUGHLIN: Right, but they
don't measure up to the same standards.
You're not requiring hearing loops in the
green taxis, you're not requiring high
visibility seatbelts. I bought this online
from Amazon for about a buck fifty. I
think you can probably get a volume
discount, right, and make them available
for the green taxis.

THE CHAIR: But why limit to green taxis? I mean, under your theory that should be every 80,000 vehicles on the road. So I think that in your testimony, I think you should be fair to not single out one sector and sort of put all of the

#### Proceedings

criticism on what's not available and take a broader view of what the entire fleet, which is 80 plus thousand cars.

MR. O'LAUGHLIN: So I think I tried to acknowledge the fact that we do need to take that big picture, look at things, but the rules that we're talking about --

THE CHAIR: We're actually not talking about the green taxis in this rule package.

MR. O'LAUGLIN: And there is soon to be a parallel for green taxis which is the reason that we've sort of bled into that topic more than we've bled into all of the rest of the for-hire vehicles around the City, and as you know, I actually probably would support, you know, requiring more of these same standards for other vehicles as well, including safety standards.

THE CHAIR: Thank you.

MR. O'LAUGHLIN: Thank you very much.

MR. WILSON: The next speaker is Jagjit Singh.

### Proceedings

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MR. J. SINGH: Hello again. Good morning. My name is Jagjit Singh. I've been driving taxi for 20 years. So I'm here to request that for the Improvement Funds to be added to the individual rides owners because individual wheelchair owners are the ones who are really doing the wheelchair pickups and making the work. Garage wheelchair jobs are mostly part and those drivers refuse the job and don't respond. The regular medallion owners who need to convert to wheelchair don't care about the system. As a matter of fact, they are going to provide their revenue change to wheelchair-accessible.

While individual medallion owners, wheelchair medallion owners are working for eight years to provide wheelchair vans and make sure the system that TLC created works. It is coming to the point where wheelchair medallion owners are not going to be able to afford to stay in business because they can't find the second driver any month of the lease because all drivers

#### Proceedings

want to drive hybrid cars without
wheelchair lifts and all are going to Uber
because they don't have a wheelchair
service. Only wheelchair medallion owners
are working and vans are sitting at least
half of the day or more, not serving the
public. Increased expense with having
lift, it increase, you know, we have to
spend more money on repairs, engine,
transmission barely lasts one year which
costs us \$4,000.

THE CHAIR: I'm sorry to interrupt you. Are you a wheelchair medallion owner today?

MR. J. SINGH: Yes.

THE CHAIR: Yes. Okay. So is your testimony, the point the same as the medallion owner that previously -- that you're asking that the \$14,000 and the maintenance money be applied as well to current accessible medallion?

MR. J. SINGH: Yes. These expenses are so much that we are giving the gross for the fare. We have been driving

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directly lift since 2007. Garages don't have parts to fix it because they are modified out of the other states like Michigan, Indiana. These are also one of the reasons drivers don't like to drive our vans because they are not modified locally. Now they are getting modified, but since I've been driving the Dodge Caravan, which is the first van I ever had, and most of the drivers had to get rid of their vans previous earlier before the expiration date. Future owners who just bought from the most recent years, the option where TLC settled the price are obviously having the hardest time because TLC sold them the medallion for highest price, more than what the regular medallion ever paid. Their expenses are higher because of the high price, more in the making as Mr. Hassan just told, said because of that and most of them want to go bankrupt because the price of the medallion is not even half than what their paying now for their mortgage.

If those guys go out of business,

#### Proceedings

how would that look for the City and wheelchair system? If individual wheelchair medallions are not there, there will be almost no wheelchair medallions serving the public. Because of all this, we, individual wheelchair medallion owners should be entitled to the wheelchair Improvement Surcharge Fund.

And I have some suggestions also to make the service better. I don't know if I should say it.

THE CHAIR: Yes, please.

MR. J. SINGH: When we get the job, drives should be provided with the phone number from the Metro-North company in Connecticut because sometimes we end up in a closed street or double parked vehicle we can't go in front of pickup location, so we should have better contact with our customers so we can serve them better, because especially they don't pick up their phone easy.

This, as Mr. Michael said, this wheelchair service should be part of other

### Proceedings 1 2 boroughs, as it would be our getting the \$0.30 from them also, and as you said that 3 there's no funds for them, the 4 administrative funds can be avoided through 5 6 the e-hail apps. Why can't the wheelchair 7 jobs pass through the new apps so the medallion owners don't have to pay 8 administrative funds every year to TLC. 9 And that's all I have to say. Thank you. 10 11 THE CHAIR: Thank you very much. 12 MR. J. SINGH: Thank you very much. MR. WILSON: Thank you. 13 The next speaker is Kaur Baljinder. 14 15 (No response.) MR. WILSON: The next speaker is 16 Bill Lindauer. 17 18 MR. LINDAUER: Another chapter in 19 the whiz and wisdom of Bill Lindauer. Okay. I support those individual medallion 20 owners. They have a very valid case. 21 Their expenses are so much and these days 22

you cannot get a second driver. No one

wants to drive that, those rattle traps,

unfortunately. I don't know exactly what

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the experience with the NV200 is but hopefully it will be better than the Dodge Caravan and some of the others of that ilk.

But what I want to say, many years ago a passenger got into my cab and he said take me to the Biltmore Hotel. And I said the Biltmore Hotel, they tore it down. said okay, then take me to the Vanderbilt Hotel. I said they converted that to apartments years ago. I said, am I in the twilight zone? And I ask today, am I in the twilight zone? You think of \$0.50, a pathetic amount. This is 2015, not 1915 in Brule, Nebraska. \$0.50 cents? Do you know what that will get you, a postage stamp, one postage stamp, and maybe you can put that as a down payment on a newspaper. It buys you nothing. It's an insult. How could you think of \$0.50? I know that you have those \$0.50 surcharges. It all should be a dollar. They've been \$0.50 for 20 years. Anyone know about inflation? \$0.50 is ridiculous. You've got to rectify that situation. It's an insult to your

### Proceedings

intelligence and it's also to the public's intelligence and to my intelligence.

\$0.50, pathetic. Thank you.

THE CHAIR: Thank you.

MR. WILSON: The next speaker is Osman Chowdhury.

MR. CHOWDHURY: Good afternoon, everybody. My name is Osman Chowdhury.

I'm from the United Taxi Drivers

Association.

First of all, thinks the wheelchair thing is a very good thing, the Federal Law and City Law must all cater to wheelchair. By the Federal Law, the driver works eight hours employed with the City, because when individual, they make a law against drivers. They make drivers who don't mind some wheelchair driving, but how difficult is driving. When we get the -- instead of \$0.50 giving the part tip, but behind how much gas I spend if you drive a regular car and hybrid car, what a difference, beginning at the \$40. How much do they spend in additional gas costs? Please

#### Proceedings

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count it. We shouldn't just allow the law
-- because how much gas to the driver
(inaudible.)

Also, wheelchair when they're driving to us slowly and cautiously, they are making less money, and also giving the 14,000 -- well, 4,000, 18,000 a year giving the wheelchair subsidiaries. How many garages have wheelchair drivers still sitting? You pay the 18,000, no dispatch. If the driver is not making money, driver don't take the wheelchair driving. There is another option now. It's the 21st Century. They have a lot of options. If they don't make enough money, why drive the wheelchair, they go with Uber. I mean, green cab, the livery, limousine, you have to think about why they don't like to drive the wheelchair. There's lots of headache that we need to make more money for drivers. \$0.50 is not enough. Thank you very much.

MR. WILSON: Thank you.

The next speaker is Dan Ackman.

### Proceedings

MR. ACKMAN: Thank you,

Commissioner. Thank you for allowing me to

testify. I actually have one small

technical point and then several larger

points.

First, I'm a lawyer. I often
represent taxi drivers and occasionally
represent taxi owners as well, who are
sometimes the same person who does both.
First of all, as I read the rule, I might
have read it wrong, the \$77 credit applies
to all these things. If I'm wrong about
that, so be it, but it should only apply to
the medallion only leases for the reasons
Counsel said. Did I read it wrong?

MR. WILSON: It does apply. It actually applies in the case of DOV fleet type leases so it's the medallion only lease and the medallion portion of the DOV type lease.

MR. ACKMAN: I thought it read all, but if I'm wrong, I'm wrong. That's fine.

On the larger points, I think these rules don't acknowledge the earth

### Proceedings

change -- the earthquake that has occurred in the industry since the settlement of the lawsuit which led to them. Obviously there's a dramatically different industry that we're facing now, that is facing these issues now than was in 2013 when the settlement occurred --

COMM. MARINO: Which settlement are you talking about?

MR. ACKMAN: All of this arose out of a settlement of the Noel litigation. That was litigation that was started in 2011. The second circuit essentially said it had no merit. Nevertheless, the TLC settled it. That's what led to this whole situation.

With that, the world is very different today than it was then, but the rules don't seem to acknowledge it. Specifically, it's my understanding, and correct me if I'm wrong, 45 percent of the wheelchair-accessible green taxi medallions that have been issued have now been withdrawn from use. In other words, almost

### Proceedings

half of the people who have wheelchair-accessible green medallions have decided they're not even worth driving.

THE CHAIR: We're happy to -- you're saying those licenses have been returned to the TLC?

MR. ACKMAN: Well, I'm not not sure if that's the technical term.

THE CHAIR: What's your marker for out of use then? Where do you get the 45 percent?

MR. ACKMAN: I looked at the website -- I'll tell you where I got it.
On the website you have the data for all the green licenses are listed, the green cab licenses are listed by number. I downloaded it and I looked at just the wheelchair-accessible ones, I believe that was around 1,800, then I looked at of those how many were out of service or out of use, I forget the exact terminology, but 45 percent of the green wheelchair-accessible medallions have been returned or have been withdrawn from use.

#### Proceedings

THE CHAIR: We're happy to get you clarification. A lot of times we give extensions because it takes time for people once they buy their permit to hack-up. So it was 180 days but we gave people lots of extensions, but we're happy to get more granular stats from licensing for you so that -- but I think your point is that, yes, there are -- it is harder to run a wheelchair-accessible vehicle than it is a standard taxi, and that is true.

MR. ACKMAN: It's so much harder they're deciding not to bother. I don't know what percentage of the 45 percent is due to extensions, but if you look at other types of medallions, a service percentage are out of use but nowhere near 45 percent. I think it's more like 17 percent. So there's a huge discrepancy in the usability of a wheelchair car — a wheelchair car, and the owners of these have spoken with their wheels, so to speak, and left the road.

## Proceedings

THE CHAIR: And I think that's what we acknowledged in the preamble, when you're in an environment where the fare opportunity is fixed because it's by the meter, the economics of converting to wheelchair-accessible are very, very difficult and thus that's one of the reasons of the Improvement Fund in both sectors, to try to mitigate against that.

MR. ACKMAN: I understand you're trying to change the economics but as I understand it, that \$0.50 charge is not even in the rule. I'm not really -- I don't know if it's written down anywhere. I asked the Counsel, he said it's not in the rule that's part of the plan, the 50 percent supplement per fare. It's not in the rule, as far as I can tell, it's not in the letters that the drivers received telling them that they had to convert. There's nothing. I think the 14,000 is not in those letters either. So I think it reigns to be seen whether the economics will change enough to change the attitudes,

### Proceedings

but specifically -- actually that goes to another point, if the economics haven't changed sufficiently, why not make it voluntary? If I can go on.

I mean, if you say that now \$0.50 will incentivize people, but you're not letting it be an incentive. An incentive is something you take or you don't take. You're forcing them to drive these wheelchair medallions. Why not make it voluntary and see what is enough? Maybe \$0.50 is enough, maybe you need \$0.75, maybe you need a dollar, but you certainly are not giving people an incentive. You're forcing them and saying here is what we're giving you. Secondly --

THE CHAIR: Thank you.

COMM. CARONE: I'm sorry. I'm not following your point. You've been pointing out your, I guess, interpretation of stats, your interpretation of what you've been able to download and read and from that interpretation concluding certain things.

I haven't heard yet what you're asking,

#### Proceedings

what are your views.

MR. ACKMAN: You've heard from others that these wheelchair-accessible vehicles are very difficult to lease. The taxi industry thrives and can only operate if people can lease out their medallions in addition to driving them if they're driver-operated or owner-driver medallions, but they need to be able to lease them. They cannot lease them and the green people -- the green cabs drivers are deciding they're not worth driving, that's why they're turning them back. So my point is, this whole program should be rethought in the new environment.

Another part of this new environment is now we have 33,000 black cars. Two years ago we had -- or less than two years ago we had 10,000. None of these black cars have any wheelchair accessibility obligation. Why? As the Commissioner just said, you have a system which now has so many black cars serving the public, if that's -- yet they have no obligation and

#### Proceedings

all of it has gone to a small subset of yellow cab drivers. That seems to be fundamentally unfair.

THE CHAIR: Thank you very much.

MR. ACKMAN: Do you have a question?

COMM. CARONE: I don't have a question. It's an observation. I think you just need to be a little careful with your stats as you state them as fact. I'm not so sure -- you mentioned two years ago there were 10,000 black cars, or whatever it is, I forget how you described it --

MR. ACKMAN: No, no. Black cars.

COMM. CARONE: -- black cars a moment ago. I recall when we did the street hail legislation and that rule, we, I believe, had numbers close to 80,000 of illegal vehicles on the road and so there's always been a glut of vehicles, whether legal or otherwise, and I'm not getting used to your points.

MR. ACKMAN: I'm talking about licensed black cars.

COMM. CARONE: Well, I just, again,

#### Proceedings

I challenge you and I'm happy to talk to you about this offline. I just think your number when you do it, you're saying them as fact and they get into the record. I just want to be clear. I'm not so sure where they're from.

MR. ACKMAN: I'll tell you exactly where I got them. The Commissioner didn't seem to dispute them. She just disputed how they came about, but the fact that you can go on the website yourself and download the data, you can look at it. You will see a huge percentage of the wheelchair-accessible green vehicles have been withdrawn from service.

COMM. CARONE: I get that but I'm saying you made the conclusion that some greens are giving back because their, whatever metaphor you used about that they're speaking with their wheels, I'm not so sure what's in the minds of those drivers and we have no idea, and I'd like to find out. But I think this rule recognizes the change in landscape and I

## Proceedings

said several times during this hearing that the \$0.30 is only as good as the riders who are paying it. So in order to encourage that, we need to be mindful of that and do whatever we can including this rule and perhaps future rule making that will continue to encourage that as best as we can. Otherwise it's really more philosophy than practical result.

MR. ACKMAN: Right, but I would urge you to stop, take a breath, look at the current landscape before you make anyone convert their car. Thank you.

COMM. MARINO: The one point I think I would agree with, the landscape has changed dramatically in the last two years and I don't think that's something we can pretend didn't happen at the time of that decision. There have been substantial changes in our industry.

COMM. GONZALES: I agree with you as well, but landscape's always going to be fluid and we have to start somewhere.

COMM. MARINO: That's a good point.

#### Proceedings

MR. WILSON: The next speaker is Davinder Singh.

MR. D. SINGH: Hello, ladies and gentlemen. My name is Davinder Singh. I'm a wheelchair-accessible medallion owner so I'm driving, I drive myself. I have no drivers at this time and my issue is all connected to wheel-chair accessible system. I see so many guys every single day at the airport, they're trying to do extra loading in our wheelchair car. If it happened with our car so they don't care about it, they don't worry about our car. They put extra loading, like more than seven, eight pieces in our car and sometimes they put like two extra loading in the front seat and backseat as well.

So I spoke with the supervisor at JFK. So what's going to really happen, who's going to stop this? So if I refuse this, you're going to give us a summons, so what's does that really mean, and what's the real solution of this matter? They told me just go in regular lane, don't make

#### Proceedings

it like over with someone else.

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So my concern is like, main issue is like don't we need the expression like most of our work, is why we put extra loading in our car, like TLC like to put our work in our airport. I asked someone like two times I spoke with the dispatcher, I said I'm not doing this because it's extra loading in our car. So they said get in the lane, go back in the lot and go back in the regular lane. I said I was waiting the last two hours on the same JFK lot so why do I go back in the regular lane? He said no, you have to to go back in the regular lane. They're always throwing us, go back in your regular lane. There's no room for them, there's all room for drivers. If we miss it, they give us a summons right away. Go back to the regular lane.

And my second issue, my second issue with the JFK airport, and the second issue is like our cost. The same cost we have like one person drive wheelchair car and now they're going to already have a

#### Proceedings

wheelchair car. So it will be the same compared to coming out with his car and our car. It's the same issue. The same issue too, and so also that's like my main concern in JFK airport. In livery car, when I go to terminal, in the lane, pull out, find the right one then start loading. That's the main issue.

I have something that recently happened last Tuesday, I have some video with we, so I show you what the supervisor does with the driver. So if you want me to share with you, I would love to share with you.

THE CHAIR: I know

Commissioner Carone has something to say, but Cindy Davidson who is in the back who handles a lot of our airport issues, if you could share that video with her that would be very helpful. Oh, actually Allan Fromberg will take it from you. Thank you.

MR. D. SINGH: Thank you.

THE CHAIR: And I think

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#### Proceedings

Commissioner Carone has something to say.

COMM. CARONE: I guess my question was -- I was just trying to make sure I understand your, I guess your dilemma. Are you saying that you're on the line at JFK with the rest of the medallion -- the yellows and when it gets to your spot in line because of the accessible nature of your vehicle you're told to go to the back of the line because it's harder or more difficult to load or unload? Is that what you said?

MR. D. SINGH: No. Like I'm used to going to JFK, I stop in the taxi lot and stay there like sometimes one hour, sometimes two hours, not less than that. Sometimes there's no cabs there and they call us, we need a wheelchair so we provide them wheelchair. So they put more than eight or nine pieces of heavy luggage in our back car.

THE CHAIR: So they don't actually have a wheelchair passenger, they're calling you because they know that yours is

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1	Proceedings	
2	larger capacity?	
3	MR. D. SINGH: Yeah.	
4	THE CHAIR: That's definitely	
5	something we can address with the airport	
6	staff.	
7	MR. D. SINGH: Yes, please. Because	
8	I'm already favored to go to any terminal,	
9	they call us go to front and put excess	
10	stuff in your car and the front seat as	
11	well too. And sometimes in the city too,	
12	like all the time we ask we refuse them.	
13	THE CHAIR: That's probably not the	
14	purpose of our wheelchair-accessible taxis.	
15	MR. D. SINGH: That's all they say,	
16	get out of this lane, go back in regular	
17	lane. I said I can do nothing about that.	
18	So please think about that on this matter.	
19	THE CHAIR: Thank you very much.	
20	MR. WILSON: And the last speaker is	
21	Lester Marks.	
22	MR. MARKS: Hi. Good afternoon. My	
23	name is Lester Marks. I work at Lighthouse	
24	Guild. Lighthouse Guild is an organization	
25	that serves people who are visually	

#### Proceedings

impaired, blind, and with multiple disabilities.

So I just -- I wanted to really come here today and just emphasize the importance of the accessibility features for somebody who is visually impaired or blind. I was happy to hear earlier that the standard that's going to be in the Taxi of Tomorrow will be consistent across, and the standard across the entire fleet. This is something that's welcome news.

Somebody who's visually impaired or blind really, you know, will benefit greatly from the accessibility features, and I just want to highlight a couple of them that really are important. In the yellow cabs right now there are -- there's the accessible payment method where somebody who is visually impaired or blind can use the alternative method on the TPEP system to make sure that they can complete their transaction safe and independently, and that's something that needs to continue.

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I would also just emphasize the need for the color contrast and the high visibility seatbelts, and the high visibility, you know, the guardrail as you walk in. Contrast is such an important part of people who are visually impaired and blind, and frankly, it's not something that just is limited to somebody who is blind, as we may see somebody who is blind as somebody with a dog or somebody with a cane. As we all grow older, regardless our eyesight will deteriorate and one of the first things to go is contrast. So if you think about getting into a cab late at night, the black seat on the black, you know, floor, there are great potentials for mishaps and accidents. So really drive home and emphasize the point of color contrast. It's really am important part, and the safety of the seatbelt issue and being able to ensure that somebody who may not have sight or may have some decline in vision can locate that seatbelt. I mean, I find myself, for whatever reason, I put a

## Proceedings

seatbelt on everywhere else except when I get into a New York City taxicab and that's starting to change. So somebody who is visually impaired needs to make sure that they're able to see that, they're able to see the buckle and they're able to make sure that they that they're as safe as everybody else.

So as we continue to think about accessibility, I hope that, you know, we hear a lot about wheelchairs, and not to disparage the wheelchair community and we work very closely with them, but we have to also keep in mind the needs of somebody who is visually impaired and somebody who is blind.

And I just want to echo Michael's point earlier about the outer boroughs, and obviously this is related to yellows, but the green taxis in the outer boroughs specifically in the Bronx and specifically in Brooklyn are where a tremendous amount of our population lives and resides, and to make sure that the accessibility features

# Proceedings that will exist in the yellow cabs exist in the outer boroughs is something that I would, you know, look toward to working with this Commission to make sure that that is something that comes true. So I thank you very much. THE CHAIR: Thank you for coming. Is there any other speakers? (No response.) THE CHAIR: If not, then that ends today's meeting. The time now is 12:09 and thanks everybody for coming. (Time noted: 12:09 p.m.)

Taxi and Limousine Commission Meeting September 17, 2015

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2	CERTIFICATE	
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4	STATE OF NEW YORK )	
5	) ss.: COUNTY OF RICHMOND )	
6		
7	I, JENNIFER CASSELLA, a Notary Public	
8	within and for the State of New York, do hereby	
9	certify:	
10	I reported the proceedings in the	
11	within-entitled matter, and that the within	
12	transcript is a true record of such proceedings	
13	to the best of my ability.	
14	I further certify that I am not related	
15	to any of the parties to this action by blood	
16	or marriage; and that I am in no way interested	
17	in the outcome of this matter.	
18	IN WITNESS WHEREOF, I have hereunto set	
19	my hand this 21st day of September, 2015.	
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22	JENNIFER CASSELLA	
23		
24		
25		

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<b>a.m (1)</b> 2:2 <b>ability (4)</b> 18:8 27:17 39:17 90:13						
<b>able (8)</b> 42:15 63:23 76:23 77:10						
87:22 88:6,6,7						
<b>absorbing (1)</b> 35:16,22 36:5,23,24 <b>absorbing (1)</b> 16:20						
accepted (1) 39:18						
access (10) 11:10 44:17,18,24 45:10,11,12,19 46:11 49:3						
45:10,11,12,19 46:11 49:3 accessibility (33) 6:21 7:5,6 9:17						
19:19,22,24 20:23 21:2,24 22:13						
22:16 37:20 38:19 42:24 43:3						
51:19,20 52:10 53:17,19 54:5,6,7						
55:3 59:6,12 61:5 77:21 86:6,15						
88:11,25						
accessible (68) 10:6 16:7,14,15,16						
20:6,15,19 23:10,19 24:4,9,11,13						
24:19 25:5,11,12,15,16 29:15						
31:12,20,22,23 32:3 33:2,6,15,18						
34:2,8 35:9 38:2 39:17,19 40:3						
40:25 41:4 43:11,12,17 44:5 45:9						
45:10,11,12,19 46:19 47:3 48:15						
49:14 50:19 52:15,16,19 54:14						
54:22 55:9,22 57:25 58:5,6 60:15						
64:22 81:9 84:9 86:19						
accidents (1) 87:18						
accommodation (1) 55:8						
accomplished (1) 19:16						
accounted (1) 23:3						
accounting (2) 17:13 29:8						
accurate (1) 34:25						
Ackman (15) 3:17 70:25 71:2,22						
72:11 73:8,13 74:13 75:11 77:3						
78:6,14,23 79:8 80:11						
acknowledge (3) 62:6 71:25 72:20						
acknowledged (1) 75:3						
acknowledgment (2) 40:13,22						
act (1) 55:20						
action (3) 11:14 15:18 90:15						
actions (1) 41:14						
actual (2) 13:7 17:14						
add (2) 46:21 49:21						
added (7) 11:5 14:15 15:2 16:13,18						
40:7 63:6						
addition (4) 26:5,6,9 77:8						
additional (12) 16:20 24:25 25:4,9						
26:15 38:24 39:5,17 40:9 53:16						
55:23 69:25						
address (1) 85:5						
address (1) 65.5 adequate (1) 54:17						
adequate (1) 54:17 administration (2) 42:22 45:23						
administrative (6) 30:13 31:7,8,11						
67:5,9						
adopt (1) 46:15						
advancement (1) 57:6						
Advisor (1) 5:6						
1.21.301 (1) 0.0						

```
advocates (1) 56:10
Affairs (1) 5:16
afford (1) 63:23
afternoon (2) 69:8 85:22
agenda (4) 10:8 13:9,10 15:23
agent (1) 57:23
ago (10) 12:6 20:13 21:19 44:20
  68:6,11 77:19,20 78:11,16
agree (5) 49:22 57:12 59:23 80:16
  80:22
agreement (5) 18:25 22:22 40:12
  40:21 41:10
Aguado (1) 2:11
air (1) 60:14
airbags (2) 53:14 58:7
airport (7) 58:25 81:11 82:7,22
  83:6,19 85:5
airports (2) 41:22 55:17
alert (1) 8:2
alerts (1) 8:8
all-in (1) 18:22
Allan (1) 83:22
Alliance (1) 12:18
allow (1) 70:2
allowing (1) 71:3
allows (1) 8:17
alternative (1) 86:21
alternatives (1) 8:3
Alv (1) 50:24
Amazon (1) 61:16
amendments (2) 10:10,11
amenities (1) 58:10
America (2) 16:8 41:6
amount (9) 24:20 25:7,24 28:6
  36:17,18 41:15 68:14 88:23
amounts (5) 22:13,14 23:23 24:25
  25:17
and/or (2) 45:22 46:23
Angelique (2) 2:15 13:19
Animesch (1) 51:6
announce (2) 6:2,15
announcement (2) 7:13,17
answer (1) 36:22
answering (1) 7:25
Anthony (1) 7:18
anyway (1) 56:17
apart (1) 59:11
apartments (1) 68:11
apologizes (1) 42:14
appeal (2) 4:6,20
appearance (1) 9:13
applaud (1) 45:3
applicants (1) 8:17
application (1) 9:2
applications (1) 13:16
applied (2) 12:8 64:21
applies (3) 36:7 71:12,18
```

apply (9) 8:17,19 36:10 49:16 53:11 59:2,4 71:14,17 appointment (2) 8:20 9:4 appreciate (2) 35:24 56:2 appreciation (1) 7:11 approach (1) 57:13 approval (3) 13:11,16,21 apps (2) 67:6,7 April (2) 16:4 17:21 arose (1) 72:11 **Arout (1)** 2:6 article (1) 46:4 artificial (1) 45:13 Ashish (2) 15:10 51:2 asked (2) 75:16 82:7 asking (4) 49:8,13 64:20 76:25 aspects (1) 11:12 asset (2) 6:6,10 Assistant (2) 5:7 17:3 **Association (2)** 3:16 69:11 assured (1) 52:12 attention (1) 51:25 attitudes (1) 75:25 audiences (1) 41:20 August (1) 15:14 automated (1) 38:16 available (12) 8:24 38:20 41:11 43:13 44:10 46:20,24 49:11,12 49:13 61:18 62:2 avenue (2) 1:22 12:12 avoid (1) 53:22 avoided (1) 67:5 Awards (1) 7:2 aware (2) 19:18 20:18 **awareness (1)** 41:13 Ayes (5) 4:8 11:22 13:14,23 16:2

В **B** (1) 9:5 back (20) 4:10 8:16 21:19 31:16 49:18 53:6 59:8 61:10 77:14 79:19 82:11,11,14,15,16,20 83:18 84:10,22 85:16 backseat (1) 81:18 balance (1) 60:2 Baljinder (1) 67:14 Bank (1) 41:6 bankrupt (1) 65:22 barely (1) 64:11 barriers (1) 45:13 base (2) 13:16 26:2 based (4) 10:11,23 23:20,24 bases (2) 7:4 13:20 basically (1) 36:21 basis (5) 8:5 10:2 19:9 23:14 24:2 bat (1) 57:18 bearing (1) 26:22

bears (1) 27:6 Beaver (1) 1:10 beginning (2) 23:14 69:24 begins (1) 20:7 begun (1) 5:11 behalf (1) 14:10 believe (5) 12:19 14:11 34:13 73:19 78:18 benefit (3) 34:6 50:2 86:14 benefits (1) 23:18 best (3) 8:2 80:8 90:13 bet (1) 29:17 better (5) 56:4 66:11,20,21 68:3 beyond (2) 24:12 35:25 bicyclists (1) 54:3 big (4) 52:4 54:5 59:23 62:7 Bill (9) 2:11 3:7,15 5:5 12:16,17 13:5 67:17,19 Biltmore (2) 68:7,8 bit (2) 12:2 18:19 black (9) 77:18,20,24 78:12,14,15 78:24 87:16,16 Blasio (1) 42:22 bled (2) 62:14,15 blind (10) 54:12 55:14 86:2,8,14,20 87:8,10,10 88:17 blood (1) 90:15 **Bloomberg (1)** 5:9 blunt (1) 59:11 board (3) 4:12 55:10 58:14 body (1) 35:12 bolts (1) 53:23 borough (4) 1:12 5:13 55:11 60:4 boroughs (5) 46:24 67:2 88:19,21 89:3 bother (1) 74:14 **bought (3)** 49:24 61:15 65:13 break (1) 30:21 breath (1) 80:12 Brewer (1) 5:13 briefest (1) 13:4 **bringing (1)** 27:10 brings (1) 59:8 broader (1) 62:3 broken (2) 38:10 39:25 **Bronx (2)** 55:15 88:22 Brooklyn (3) 55:15 61:3 88:23 brought (1) 29:6 Brule (1) 68:15 buck (1) 61:16 bucket (1) 53:22 buckle (1) 88:7 Building (1) 9:10 bulk (1) 41:16 business (3) 4:3 63:23 65:25 buy (2) 57:24 74:5 buys (1) 68:19

C C (2) 90:2,2 cab (6) 51:10 68:6 70:18 73:17 78:3 87:15 cabs (4) 77:12 84:18 86:18 89:2 calculated (1) 24:2 Calise (1) 42:14 Calise's (1) 42:10 call (6) 5:19 15:3 22:16 25:15 84:19 85:9 Callal (2) 5:17,18 calling (1) 84:25 calls (1) 21:9 cane (1) 87:12 capacity (1) 85:2 captioning (2) 46:20 47:7 captive (1) 41:20 car (20) 47:23,25 69:22,23 74:21 74:23 80:14 81:12,13,14,16 82:6 82:10,24 83:2,3,4,6 84:22 85:10 Caravan (2) 65:9 68:4 cards (1) 41:7 care (3) 53:5 63:13 81:13 careful (1) 78:9 Carone (15) 2:7 33:20 35:23 49:21 52:3 56:12,15 76:19 78:7,15,25 79:17 83:17 84:2,3 Carone's (1) 59:9 cars (9) 62:4 64:2 77:18,21,24 78:12,14,15,24 carve (1) 58:11 case (4) 27:13 58:22 67:21 71:18 cases (2) 27:4 29:2 cash (1) 11:10 Cassella (3) 2:23 90:7,22 catch (1) 49:22 cater (1) 69:14 cautiously (1) 70:6 caveats (1) 51:24 celebrating (1) 7:2 center (1) 5:19 cents (1) 68:15 Century (1) 70:15 CEO (1) 44:16 certain (3) 22:18,19 76:24 certainly (1) 76:14 certify (2) 90:9,14 Chair (53) 2:4 4:13,25 11:25 13:4 16:3 18:4 20:2,12 21:12 28:13,17 28:25 32:23 33:16 42:3.13 47:10 48:7,10,13 49:3,8,17 50:16 52:25 58:3 59:3 60:11,17 61:9,20 62:9 62:21 64:13,17 66:13 67:11 69:5 73:5,10 74:2 75:2 76:18 78:5 83:16,25 84:23 85:4,13,19 89:8 89:11 Chair's (1) 5:2

**challenge (2)** 16:21 79:2 **challenges (1)** 18:13 **change (9)** 15:8 47:2 63:16 72:2 75:12,25,25 79:25 88:4 changed (2) 76:4 80:17 changes (9) 10:13,25 22:17 26:18 29:14 35:21 45:23 56:3 80:21 chapter (1) 67:18 **charge (1)** 75:13 cheaper (1) 57:24 cheat (1) 58:8 Chief (1) 6:5 Chorus (5) 4:8 11:22 13:14,23 16:2 Chowdhury (6) 3:16 14:3,4 69:7,8 69:9 Chris (3) 2:14 4:16 10:12 Cindy (2) 6:17 83:18 circuit (1) 72:14 city (18) 1:3 5:7 7:14 10:16 15:14 40:8 41:21 43:17 45:5,5 51:14 58:24 62:17 66:2 69:14,16 85:11 City's (4) 43:3,19 44:4 54:13 clarification (4) 9:16 58:20,22 74:3 clarified (1) 11:11 clarify (1) 45:18 clarifying (4) 11:7 33:4 47:3 58:18 classifications (1) 56:19 clear (6) 8:12 10:7 33:23 35:24 45:24 79:6 close (1) 78:18 closed (1) 66:18 closely (1) 88:14 closer (1) 26:2 colleague (3) 17:12 37:9 50:12 collect (4) 22:3 23:21 33:7,8 collected (3) 16:10 21:22 32:9 collecting (2) 32:2 33:10 collection (1) 21:21 color (2) 87:3,19 column (1) 25:18 come (3) 9:4 35:11 86:4 comes (6) 25:2 32:17 35:4 48:5 52:7 89:6 coming (9) 5:23 30:17 48:18,24 51:16 63:21 83:3 89:8,13 **COMM (37)** 27:21 28:9,14,22 29:16 29:18,22 30:11,24 31:6,14 32:10 32:15,20 33:3,12,20 35:23 36:6 36:20 37:3 49:21 50:11,21 56:12 56:15 58:19 72:9 76:19 78:7,15 78:25 79:17 80:15,22,25 84:3 comment (2) 10:17 15:15 comments (6) 10:20,24 11:18 15:16 44:23 46:7 Commission (21) 1:4,11 4:5,18,22

5:6 10:14 11:14 15:18 17:6 42:13 44:20 45:2,18,24 46:15 47:2 48:23 56:9 58:12 89:5 Commissioner (13) 6:3 17:17 33:22 42:10,14 52:3 57:17 59:9 71:3 77:22 79:9 83:17 84:2 Commissioners (6) 2:3 10:22 11:16,17 15:21,23 commitment (3) 16:7 43:4,7 community (2) 21:6 88:13 company (1) 66:16 compared (1) 83:3 complete (5) 9:5 39:10 40:11,20 86:22 completed (1) 38:14 complicated (1) 55:25 component (1) 34:10 components (1) 22:7 Conceptually (1) 28:22 concern (3) 45:22 82:3 83:6 concluding (1) 76:24 conclusion (2) 44:6 79:18 concur (2) 50:11 56:21 conditional (2) 18:24 22:21 conditions (1) 37:4 conducting (1) 41:24 confusing (1) 37:7 congestion (1) 5:14 connected (4) 7:15,24 21:6 81:9 Connecticut (1) 66:17 consider (2) 4:20 53:24 consistent (1) 86:10 Constance (1) 2:10 contact (3) 6:11 46:21 66:20 contingent (2) 37:18 38:12 continue (7) 35:8 44:7 52:18 57:7 80:8 86:25 88:10 continues (1) 24:22 contrast (4) 87:3,6,14,20 control (3) 28:19,21 41:4 controls (1) 38:3 convene (1) 4:9 **CONVENED (1)** 2:2 conversion (3) 9:21,23 21:24 **conversions (1)** 53:22 convert (3) 63:13 75:21 80:14 converted (6) 9:25 49:5,12 53:4,18 68:10 converting (3) 20:20 58:5 75:6 Coordinator (2) 42:17,21 corporate (3) 9:22,24 10:4 Corporation (1) 5:7 correct (2) 36:8 72:22 cost (9) 8:5 11:9 16:18 26:22 27:6 38:8 47:23 82:23,23 costs (9) 18:9 25:5 30:13 31:7,8,11 60:9 64:12 69:25

Counsel (6) 2:14 5:8,8,10 71:16 75:16 Counsel's (1) 17:3 count (1) 70:2 counter (2) 6:9,13 country (1) 45:6 **COUNTY (1)** 90:5 couple (4) 13:8 18:6 26:25 86:16 course (3) 12:18,19 31:14 covered (1) 31:13 create (3) 16:7 41:12 57:22 created (3) 21:21 22:2 63:20 creating (2) 16:5 56:24 credit (6) 27:19 28:3,12 29:7,9 71:12 crediting (1) 28:7 criticism (1) 62:2 cumulative (1) 32:10 current (5) 9:14 37:19 45:8 64:22 80:13 currently (5) 39:7,11 41:17 46:24 55:16 customer (1) 25:16 customers (1) 66:21 cuts (1) 8:21

#### D

**D** (7) 15:5 81:4 83:24 84:14 85:3,7 85:15 Dan (1) 70:25 danger (1) 54:2 **Daniel (1)** 3:17 **DAP (1)** 19:20 data (6) 23:20,22,25 41:3 73:15 79:13 date (3) 9:8 11:16 65:13 daughter (1) 44:22 Davidson (2) 6:17 83:18 Davinder (4) 3:18 15:4 81:3,5 day (7) 15:21 24:6 39:3 57:8 64:7 81:10 90:19 days (7) 12:6 24:6 38:6,23 39:2 67:22 74:6 de (1) 42:22 deadline (2) 10:18 15:15 deaf (6) 45:16,20 54:11,22 55:13 61:6 deal (3) 4:6 18:2,18 dealing (1) 18:19 debit (1) 41:7 debt (2) 16:15 56:3 decades (1) 5:6 decided (2) 30:24 73:4 deciding (2) 74:14 77:13 decision (1) 80:20 decline (1) 87:23 decreases (1) 34:20

defining (1) 44:23 definitely (1) 85:4 demanding (1) 59:14 **Department (2)** 7:14 8:12 depending (1) 40:5 deploying (1) 43:18 deposit (1) 40:14 **Deputy (2)** 5:8 6:2 describe (2) 17:9,14 described (3) 37:12 56:19 78:13 describing (1) 11:5 deserve (1) 27:13 design (1) 53:25 desirable (1) 9:13 details (2) 23:4 41:25 **deteriorate (1)** 87:13 determination (1) 4:23 determine (1) 20:5 determined (1) 25:20 developed (2) 8:6 46:13 developing (3) 7:19,24 8:10 development (1) 8:10 dialogue (1) 56:7 dictates (1) 16:8 difference (4) 31:17 32:6 58:2 69:23 different (8) 18:20 24:15 40:22 46:14 56:18 59:24 72:5,19 differentiate (1) 30:3 difficult (4) 69:19 75:8 77:5 84:12 difficulty (1) 26:20 dilemma (1) 84:5 dilute (1) 58:14 direct (1) 40:14 directly (1) 65:2 **Director (3)** 5:16 6:12,18 disabilities (13) 42:8,19 43:2,16 44:10 45:14 46:12 47:5 52:17 54:19 56:8.20 86:3 disability (3) 19:19 46:6 60:4 disabled (2) 19:19 21:5 disagree (1) 56:23 disbursed (1) 38:5 discount (1) 61:18 discrepancy (1) 74:20 disparage (1) 88:13 dispatch (16) 16:15 20:23 21:2 22:13 24:11 25:11,12,15,16 29:15 31:12 39:18,19 40:3 44:5 70:11 dispatched (1) 22:16 dispatcher (1) 82:8 dispute (1) 79:10 disputed (1) 79:10 distance (2) 25:23 40:5 distributing (1) 17:15 distribution (9) 16:9,24 17:25 18:3

18:15 22:4 23:7 32:8 37:10					
distributions (5) 17:11,19 22:8 29:14 38:17					
diversions (1) 18:10					
divided (1) 25:3					
<b>Dodge (2)</b> 65:9 68:3					
dog (1) 87:11					
doing (9) 5:23 14:17 30:8 34:22					
39:14,15 50:3 63:8 82:9					
dollar (3) 51:15 68:22 76:14					
dollars (2) 39:5 60:10					
donate (1) 60:21					
donating (1) 61:2					
<b>Doris (1)</b> 47:15					
<b>DOT (1)</b> 7:16					
double (1) 66:18					
<b>DOV (3)</b> 18:16 71:18,20					
download (2) 76:23 79:12					
downloaded (1) 73:18					
drafting (2) 17:23 18:14					
dramatically (2) 72:5 80:17					
drawing (2) 20:13,16					
drive (18) 23:11 33:16,18 34:4,5					
40:25 48:6 57:9 64:2 65:6 67:24					
69:22 70:16,19 76:10 81:7 82:24					
87:18					
driven (1) 40:5					
driver (47) 3:6,16 6:22,25 8:2,6					
11:9,9 16:13 22:14 23:7,22,23					
24:9 26:12 27:7,22,23,25 28:6,9					
28:11,14,18,20,24 29:3 30:23					
31:5 32:5,25 38:23 39:2 40:2					
41:13,21 47:23 48:11,12,16					
63:24 67:23 69:15 70:3,12,12					
83:13					
driver-operated (1) 77:9					
driver-owned (1) 18:17					
drivers (58) 7:3,6,21 8:18,22 12:8					
12:9,13 16:9 19:5 20:25 21:8,16					
22:8,15 23:7,16,24 24:3 25:14					
27:17 30:12 31:19 33:2 34:3,21					
35:7 38:18 39:8,10,16 40:20 41:5					
41:7,13,15,16,18 43:14,25 56:5					
56:25 63:11,25 65:6,11 69:10,18					
69:18 70:10,22 71:8 75:20 77:12					
78:3 79:23 81:8 82:18					
drives (1) 66:15					
<b>driving (22)</b> 23:9,19 24:9,12 26:13 31:20 33:15 38:23,25 39:15 50:5					
63:4 64:25 65:9 69:19,20 70:6,13					
73:4 77:8,13 81:7					
due (1) 74:16					
durability (1) 53:20					
<u> </u>					

**E (2)** 90:2,2

e-hail (1) 67:6

**E-MAIL (1)** 1:24 eager (1) 44:6 **eagerness (1)** 13:6 earlier (9) 7:12 26:19 37:16 38:21 38:22 39:20 65:12 86:8 88:19 earn (4) 24:13 26:14 39:12,17 earth (1) 71:25 earthquake (1) 72:2 easy (3) 23:6 49:15 66:23 echo (1) 88:18 economic (2) 34:5 57:6 economically (1) 34:7 economics (7) 49:19 50:17 59:20 75:6,12,24 76:3 **Education (1)** 6:20 Edward (1) 2:8 effect (2) 17:12 53:23 effective (1) 34:17 effectuate (1) 37:11 **efficient (1)** 9:6 eight (4) 63:19 69:15 81:15 84:21 either (5) 27:8,13 29:4 37:20 75:23 **Eldoksh (1)** 50:24 **elevators (1)** 9:14 Elias (1) 2:6 Elkarch (9) 3:12 47:18,19,20 48:9 48:12,18 49:7,15 eluded (3) 52:3 53:23 54:6 **embrace (1)** 57:7 emphasize (3) 86:5 87:2,19 employed (1) 69:16 **employee (1)** 6:16 empowerment (1) 57:6 encourage (5) 46:15 57:3,4 80:4,8 encouraging (1) 34:3 ends (1) 89:11 engine (1) 64:10 English (1) 9:3 **Enrollment (1)** 41:8 ensure (6) 10:5 43:12 44:8 46:19 47:4 87:22 entire (4) 9:10 36:3 62:3 86:11 entitled (3) 14:13 48:14 66:8 entity (1) 12:11 environment (7) 18:16,18,21 29:7 75:4 77:16,17 environments (1) 22:22 equally (2) 37:6 43:24 equation (1) 30:10 equipment (3) 7:20,24 8:5 equitably (1) 60:3 equity (1) 55:12 especially (1) 66:22 essential (1) 21:3 essentially (2) 8:25 72:14 establish (1) 21:20 established (1) 27:19

estimated (2) 25:4,6 events (1) 6:24 everybody (5) 14:9 47:20 69:9 88:8 89:13 evidenced (1) 46:8 exact (1) 73:22 **exactly (5)** 21:10 33:14 50:6 67:25 79:8 example (3) 24:5 38:21,22 excess (1) 85:9 Executive (7) 4:4,5,10,12,17,19 6:17 exist (2) 89:2,2 **existing (1)** 49:14 expand (2) 12:9 47:6 expanding (1) 12:6 expansion (2) 12:25 20:23 expense (1) 64:8 expenses (4) 16:21 64:23 65:19 67:22 **experience (2)** 5:7 68:2 experienced (1) 7:22 **expertise (1)** 44:24 **expiration (1)** 65:12 explain (1) 37:5 explore (1) 60:18 **expression (1)** 82:4 extensions (3) 74:4,7,16 extent (2) 12:24 60:19 exterior (1) 53:24 External (1) 5:16 extra (5) 81:11,14,17 82:5,9 evesight (1) 87:13

**F (1)** 90:2 **facilitate (1)** 56:6 facilities (1) 41:11 facing (2) 72:6,6 **FACSIMILE (1)** 1:23 fact (10) 31:2 46:12 50:3,4 52:2 62:6 63:14 78:10 79:5,11 fair (3) 48:21 49:2 61:24 Falchi (1) 9:10 familiar (1) 5:20 far (1) 75:19 fare (7) 10:9 39:14 53:16 59:18 64:25 75:4,18 favor (5) 4:7 11:21 13:13,22 15:25 favored (1) 85:8 fear (1) 45:22 feasibility (1) 60:18 features (6) 55:3,21 58:7 86:6,15 88:25 Federal (3) 7:13 69:13,15 fee (13) 11:11 21:12 22:14 24:11 25:22 26:2,6,10,10 29:15 30:18

39:18 44:3 feed (1) 48:21 feedback (2) 10:24 57:17 feel (1) 5:22 feels (1) 29:23 fees (4) 25:13,13 40:4 44:3 fellows (1) 50:4 fewer (2) 31:21 36:17 **FHV (4)** 6:19 12:9,25 59:5 **FHVs (1)** 59:4 fifty (1) 61:16 figure (2) 35:8 59:25 final (2) 11:13 15:17 finally (1) 6:15 financial (2) 21:7 43:21 find (5) 49:2 63:24 79:24 83:8 87:25 fine (4) 4:24 12:11 14:25 71:23 finish (1) 9:2 first (22) 4:3 5:3 8:20 10:8 12:15 13:9 17:9,18 20:12 21:20 22:7 24:17 33:24 37:23 42:9 45:5 56:24 65:10 69:12 71:7,11 87:14 five (1) 38:23 fix (1) 65:3 fixed (5) 16:19 18:7 59:18,19 75:5 fleet (12) 9:25 10:4 16:8 20:9 34:8 37:21 40:8 42:24 43:4 62:3 71:18 fleets (5) 20:2,3 21:25 34:3 35:9 fliers (1) 5:25 floor (3) 1:11 7:21 87:17 fluid (1) 80:24 following (3) 10:23,25 76:20 for-hire (7) 16:8 45:7 51:14 52:6 52:16 54:13 62:16 forcing (2) 76:10,16 forget (2) 73:22 78:13 forgetting (1) 36:25 forgotten (2) 46:2,6 form (2) 40:14,23 formally (1) 7:8 former (1) 5:8 formerly (1) 44:17 forms (1) 41:10 forward (3) 8:9 35:13 47:11 four (2) 16:18 38:9 Fox (1) 7:18 Frank (1) 2:7 frankly (1) 87:8 free (5) 5:22 48:20,20 50:5,6 frequent (2) 5:25 8:7 Fromberg (1) 83:22 front (6) 30:15 48:22 66:19 81:17 85:9,10 full (3) 10:14 51:20 59:24 fullest (1) 12:24

fully (1) 60:3 fund (21) 16:6 17:11,24 19:6 21:14 21:15 23:8 30:20 31:13 32:14.18 36:13,13,16 46:19 51:16 53:9,12 53:25 66:9 75:9 fundamentally (1) 78:4 funded (1) 53:10 funding (3) 22:23 23:18 47:7 funds (22) 14:13,14 17:16 20:25 22:3 26:15,16,21 36:17,19 40:16 41:2,8 45:9 47:6 53:12 60:20 61:9 63:6 67:4,5,9 further (3) 35:7 56:7 90:14 future (5) 8:14 14:13 47:12 65:13 80:7 G

gain (1) 34:5 Gale (1) 5:13 Garage (1) 63:10 garages (3) 7:3 65:2 70:10 Gary (2) 6:3 8:24 gas (5) 11:3,4 69:22,25 70:3 general (5) 2:14 5:8,10 17:3 29:13 generally (4) 25:21 26:24 28:18,20 gentleman (1) 50:5 gentlemen (1) 81:5 German (4) 3:10 42:10,12,16 getting (6) 33:13 57:9 65:8 67:2 78:21 87:15 Gil (1) 47:15 give (6) 5:15 16:23 38:22 74:3 81:22 82:19 gives (1) 45:9 giving (10) 32:24,25 57:17 64:24 69:21 70:7,8 76:15,17 79:19 **glut (1)** 78:20 go (28) 4:5 10:12 11:25 12:4 22:24 27:5 31:16 53:5 61:9 65:22,25 66:19 70:17 76:5 79:12 81:25 82:11,11,14,15,16,20 83:7 84:10 85:8,9,16 87:14 goal (8) 19:8,21 23:15 38:19 41:12 42:23 51:23 57:10 goals (1) 56:17 God (1) 48:20 goes (12) 21:14,16,17 26:8 30:6 31:4,5 32:14 34:21 36:15 51:15 76:2 going (34) 4:15,25 11:25 12:3,4 16:23 17:4 27:7,15 29:11 30:9 31:11,23 32:11 34:16 35:12,20 35:25 37:4,9,11 38:22 41:18 57:9 63:15,22 64:3 80:23 81:20,21,22 82:25 84:15 86:9 Gonzales (2) 2:8 80:22

good (20) 4:2,13 12:21 13:18 14:8

37:14 42:12 47:19 54:16 63:2 69:8.13 80:3.25 85:22 grant (3) 7:13 49:4,11 granular (1) 74:8 great (6) 6:6 26:12 33:25 34:13 50:21 87:17 greatly (1) 86:15 green (24) 46:25 48:22 49:4,12 53:11 58:23 61:2,9,10,14,19,20 62:10,13 70:18 72:23 73:3,16,16 73:23 77:11,12 79:15 88:21 greens (2) 36:8 79:19 gross (1) 64:24 ground (1) 7:20 group (4) 17:14 51:16 57:2,7 grow (1) 87:12 **guardrail (1)** 87:5 guess (5) 34:23 60:6 76:21 84:3,5 Guild (2) 85:24,24 guys (3) 48:24 65:25 81:10 Н hack-up (5) 16:16 38:4 57:18 60:7 74:5 hacked-up (1) 50:19 hail (7) 17:24 36:12,15,17,17,18 78:17 half (6) 10:5 33:5,6 64:7 65:23 73:2 hand (2) 6:4 90:19 handle (1) 22:16 handles (1) 83:19 hands (1) 26:22 happen (2) 80:19 81:20 happened (2) 81:12 83:11 happy (8) 50:17 60:17,22 73:5 74:2 74:7 79:2 86:8 hard (9) 5:12 44:22 45:4,16,20 54:11,22 55:13 61:6 harder (3) 74:10,13 84:11 hardest (1) 65:16 Hassan (4) 3:12 47:18,20 65:20 head (2) 16:15 56:3 headache (1) 70:20 headquarters (2) 9:12,14 hear (2) 86:8 88:12 heard (4) 52:23,25 76:25 77:3 hearing (41) 1:11 2:2 5:14 10:9,10 10:12,19 12:5 13:11,25 17:6 34:11 41:25 42:4 43:2 44:17,18 44:19,22,23 45:5,6,16,20,25,25 46:3,5,21 47:4,7 54:12,23 55:5 55:14,20 58:9 60:8 61:6,13 80:2 heavy (1) 84:21 Heinzen (1) 5:5 held (2) 6:25 10:19

Hello (3) 44:15 63:2 81:4

15:5 16:25 33:22 34:16 35:25

help (3) 8:24 55:7 56:6 helpful (1) 83:21 hereunto (1) 90:18 Hi (2) 51:9 85:22 high (6) 55:5,6 61:14 65:19 87:3,4 higher (1) 65:19 highest (2) 55:12 65:17 highlight (2) 17:6 86:16 holistic (1) 52:4 home (1) 87:19 honor (2) 7:2 43:6 hope (4) 5:17 29:22 47:2 88:11 hopefully (2) 8:21 68:3 hoping (1) 35:5 Hotel (3) 68:7,8,10 hour (1) 84:16 hours (3) 69:16 82:13 84:17 housekeeping (1) 13:8 Housing (1) 42:20 Howlaber (1) 51:6 Hudson (1) 5:10 **Huffington (1)** 46:5 huge (2) 74:20 79:14 hundred (1) 60:9 hundreds (2) 54:8,10 hybrid (3) 11:12 64:2 69:23 hypothecating (1) 34:23

idea (1) 79:23 identification (2) 40:15,24 identified (1) 20:17 ilk (1) 68:4 illegal (1) 78:19 impaired (15) 54:12,23 55:7,14,19 55:20 58:10 61:7 86:2,7,13,20 87:7 88:5,16 impairments (3) 45:17,21 54:9 implement (1) 34:15 implementation (1) 8:4 implemented (1) 58:4 importance (1) 86:6 important (8) 43:24 54:15 55:11 56:4 58:22 86:17 87:6,20 impose (1) 12:10 impression (1) 45:10 Improvement (15) 3:2,8 14:14 16:5 17:11,24 19:6 21:11,14 23:8 36:13 53:9 63:5 66:9 75:9 Inat (3) 3:10 42:10,16 inaudible (3) 47:22,24 70:4 incentive (5) 57:22 59:20 76:8,8,15 incentives (4) 21:8 38:19 43:22.25 incentivize (3) 35:7 41:13 76:7 include (9) 19:23 24:10 25:22 41:14 45:19 46:6 47:6 53:13 55:3 included (4) 20:22 47:5 53:5 55:23

includes (4) 17:10 40:12,14,22 including (6) 43:4 44:2 45:15 51:15 62:20 80:6 inclusive (1) 46:17 income (1) 56:25 incorporating (2) 47:11 60:19 increase (3) 16:14 26:9 64:9 increased (3) 16:12 44:3 64:8 increases (3) 22:12 29:15 35:6 increasing (2) 42:23 61:5 increments (1) 39:25 incumbent (1) 34:25 independent (4) 9:19,20 20:10 37:21 independently (1) 86:23 independents (1) 21:25 Indiana (1) 65:5 individual (7) 63:6,7,17 66:3,7 67:20 69:17 individuals (3) 42:25 43:16 44:10 induction (7) 43:8 44:19 45:6 46:2 46:22 47:4,7 **inductions (1)** 45:4 industry (8) 8:16 35:3 41:18 52:6 72:3,5 77:6 80:21 inflation (1) 68:23 information (6) 29:19 40:15,16,24 42:2 55:23 Initially (1) 23:15 initiative (2) 49:24 51:12 initiatives (3) 6:18,20 60:22 **Innovations (1)** 44:17 input (2) 7:23 8:6 inspection (5) 24:23 37:23 38:4,11 40:18 inspections (2) 38:13,15 installation (1) 43:7 insult (2) 68:19,25 insurance (1) 48:2 integrate (1) 6:21 intelligence (3) 69:2,3,3 intent (1) 43:19 interested (2) 35:10 90:16 internal (1) 31:10 internally (1) 22:11 interpretation (3) 76:21,22,24 interrupt (1) 64:13 intimately (1) 5:20 introduce (1) 5:22 invest (1) 57:8 **investment (1)** 50:8 invisible (1) 46:4 involve (1) 22:20 involved (6) 17:15 18:23,24 22:25 26:7 27:2

Island (1) 41:21

issue (9) 81:8 82:3,21,21,22 83:4,4

83:9 87:21 issued (3) 8:16 19:20 72:24 issues (5) 5:20 18:20 44:25 72:7 83:19 item (1) 13:15 items (1) 13:9

**J (7)** 14:8,24 63:2 64:16,23 66:14 67:12 Jacques (1) 2:5 Jagjit (3) 3:14 62:25 63:3 Jagsit (1) 14:7 Janice (3) 3:11 44:14,16 January (1) 18:11 Jennifer (3) 2:23 90:7,22 **JFK (6)** 81:20 82:13,22 83:6 84:6 84:15 Jiha (5) 2:5 27:21 28:9,14,22 **job (4)** 33:25 34:16 63:11 66:14 jobs (2) 63:10 67:7 joined (1) 7:16 joins (1) 5:5 Joshi (2) 2:4 42:13 judicious (1) 59:10 July (4) 10:11,18,20 13:12

June (1) 10:17

K
Kaur (1) 67:14
keep (2) 35:3 88:15
keeping (1) 34:2
Keith (6) 3:3 16:22 17:2 37:15
38:21 39:19
key (3) 38:18 43:11 52:9
kids (1) 48:21
kind (1) 60:21
know (23) 6:7 17:5,25 29:18 52:3
60:14 62:17,18 64:9 66:11 67:25
68:15,20,23 74:15 75:15 83:16
84:25 86:14 87:5,17 88:11 89:4
known (1) 44:17

L
ladies (1) 81:4
landscape (3) 79:25 80:13,16
landscape's (1) 80:23
lane (10) 81:25 82:11,12,14,16,17
82:20 83:7 85:16,17
language (2) 11:2,5
large (2) 26:8 59:5
largely (1) 51:22
larger (3) 71:5,24 85:2
lastly (2) 22:17 39:21
lasts (1) 64:11
late (1) 87:15
laudable (2) 7:4 54:15

Lauvienska (1) 2:9 law (8) 11:13 12:24 15:17 69:13,14 69:15.17 70:2 lawsuit (1) 72:4 lawyer (1) 71:7 lease (18) 11:12 18:21,22 22:18,19 22:21 26:19 28:7,18 29:10 41:14 63:25 71:20,21 77:5,7,10,11 leasecap (3) 10:9 27:20 29:14 leases (2) 71:15,19 leasing (2) 27:9,11 led (2) 72:4,16 left (1) 74:25 legal (2) 16:22 78:21 legislation (1) 78:17 Lester (3) 3:19 85:21,23 let's (2) 21:10 23:6 letters (2) 75:20,23 letting (2) 14:9 76:8 LIC (1) 41:11 license (1) 4:21 licensed (1) 78:24 licensee's (1) 6:11 licensees (1) 6:7 licenses (3) 73:6,16,17 licensing (7) 2:15 6:2,9 9:11 13:17 13:20 74:8 lift (2) 64:9 65:2 lifts (1) 64:3 Lighthouse (2) 85:23,24 limit (1) 61:20 limited (2) 45:15 87:9 limousine (3) 1:4 48:23 70:18 Lindauer (9) 3:7,15 12:16,17,17 13:5 67:17,18,19 line (4) 26:3 84:6,9,11 link (2) 46:6 53:4 Lintz (5) 3:11 44:14,15,16 54:6 Lionel (1) 4:21 list (3) 14:22 15:2 52:14 listed (2) 73:16,17 listen (1) 53:6 listening (1) 56:18 literature (1) 47:12 **litigation (2)** 72:12,13 little (5) 12:2 18:19 19:2 40:21 78:9 live (1) 60:5 livery (4) 17:24 36:12 70:18 83:6 lives (1) 88:24 load (1) 84:12 loaded (1) 41:8 loading (6) 81:11,15,17 82:5,10 83:8 Local (2) 11:13 15:16 locally (1) 65:7 locate (1) 87:24 location (1) 66:19

long (5) 6:16 12:25 17:7 34:6 41:21 long-term (1) 56:17 look (12) 8:9 25:19 36:12 47:11 49:18 50:18 62:7 66:2 74:16 79:13 80:12 89:4 looked (5) 36:24 37:2 73:13,18,20 looking (2) 36:10 59:13 looming (1) 9:9 loop (2) 58:9 60:8 loops (8) 43:8 45:7 46:2,22 47:4,8 55:5 61:13 Lorenzo (2) 6:4 8:23 loss (3) 45:25 46:3,5 lot (11) 18:5 29:19 55:24 57:19 70:15 74:3 82:11,13 83:19 84:15 88:12 lots (3) 59:15 70:20 74:6 lottery (3) 9:18,21 10:3 love (1) 83:14 lower (2) 52:20 57:24 loyalty (1) 57:5 luggage (1) 84:21 lump (2) 37:24 39:24

М main (3) 82:3 83:5,9 maintained (1) 25:8 maintenance (9) 16:18 19:15 25:5 27:5.6.14 28:4 30:17 64:21 making (9) 14:18 48:17 52:15 54:13 63:9 65:20 70:7,12 80:7 **MAMARONECK (2)** 1:22,22 manage (1) 18:9 managed (1) 5:19 mandate (1) 9:23 **mandatory (1)** 8:13 Manhattan (6) 1:12 5:14 8:7 55:17 58:24 61:8 manner (1) 21:4 Marino (22) 2:10 29:16,18,22 30:11,24 31:6,14 32:10,15,20 33:3,12 36:6,20 37:3 50:11,21 58:19 72:9 80:15,25 marker (1) 73:10 Marks (4) 3:19 85:21,22,23 marriage (1) 90:16 material (1) 18:5 math (1) 32:21 matter (11) 4:3 13:7,9 50:16 60:3,4 63:14 81:24 85:18 90:11,17 Mayor (1) 5:9 Mayor's (2) 42:7,18 mean (10) 9:22 35:20 45:12 46:10 49:17 61:21 70:17 76:6 81:23 87:24 meaning (1) 11:9 meaningful (1) 43:15

means (3) 45:11,12 50:6 measure (1) 61:12 mechanism (2) 21:21 24:16 medallion (59) 9:20 14:11,12 18:16,21,23,24 19:13,14 20:18 21:17 22:9,20,21 23:2 24:15,17 26:21,24 27:2,9,11,12,16,25 28:3 28:18 29:5 30:12,16,22 32:4 37:17 40:10 47:21,25 48:3,15 50:20 57:23 63:12,17,18,22 64:5 64:14,19,22 65:17,18,23 66:7 67:8,20 71:15,19,20 81:6 84:7 medallions (17) 9:22,24 19:25 20:10,11,11 48:4 49:14 66:4,5 72:23 73:3,24 74:17 76:11 77:7,9 media (1) 46:21 Meera (1) 2:4 meet (1) 53:19 meeting (1) 89:12 meetings (1) 42:16 member (1) 5:4 members (1) 42:13 mention (1) 35:18 mentioned (16) 9:8 17:18 18:4 20:3,12 21:12 22:15,20 25:13 26:19 31:8 37:16 39:20 40:4 41:15 78:11 Meola (3) 2:15 13:18,19 merit (1) 72:15 met (2) 4:19 60:3 metaphor (1) 79:20 meter (1) 75:6 metered (1) 39:13 method (2) 86:19,21 Metro-North (1) 66:16 Michael (5) 3:13 5:9 51:8,10 66:24 Michael's (1) 88:18 Michigan (1) 65:5 **microphone (1)** 4:15 middle (1) 25:17 miles (1) 26:5 million (1) 7:13 mind (3) 56:12 69:18 88:15 mindful (2) 35:14 80:5 minds (1) 79:22 mini (6) 9:25 10:4 19:25 20:3,9 21:25 minimize (1) 54:2 minimum (5) 38:14 53:7,13 54:24 55:2 minutes (1) 13:12 mishaps (1) 87:18 mitigate (1) 75:10 mobility (2) 42:25 54:9 model (1) 18:7 modified (3) 65:4,7,8

moment (2) 33:21 78:16

money (15) 16:10 21:14 30:7,8,22 35:6 49:4,11 57:19 64:10,21 70:7 70:12.16.21 monies (1) 22:11 monitor (1) 35:21 month (4) 39:6 48:2,6 63:25 monthly (1) 47:24 months (2) 20:13 48:19 **MOPD (7)** 42:19,21,23 43:20 46:12 46:16 47:11 moral (1) 34:7 morning (10) 4:2,13,19 13:18 14:8 15:5 16:25 42:12 47:19 63:3 mortgage (1) 65:24 mother (1) 44:21 move (5) 4:4 5:2 9:11 10:13 21:10 moving (1) 9:9 multimedia (1) 52:22 **multiple (2)** 54:19 86:2

#### Ν

name (11) 13:18 14:22 17:2 42:16 44:15 47:20 49:23 63:3 69:9 81:5 85:23 nature (1) 84:9 near (2) 8:13 74:18 **Nebraska (1)** 68:15 need (18) 10:3 18:6 20:4 22:11,18 41:25 59:23 62:6 63:13 70:21 76:13.14 77:10 78:9 80:5 82:4 84:19 87:2 needs (9) 22:24 36:24 54:18 55:22 56:20 60:2 86:24 88:5.15 **net (1)** 24:8 Nevertheless (1) 72:15 new (34) 1:3,22 5:4,16 6:3,16,19 7:7,14 9:11 12:18 37:4 40:8 43:17 45:5 48:24 51:14.20 52:5.6 54:9,11,13,18 55:13,19 58:24 60:15 67:7 77:16,17 88:3 90:4,8 news (1) 86:12 newspaper (1) 68:18 Nicole (2) 3:4 17:12 night (1) 87:16 nine (1) 84:21 Noel (1) 72:12 non-accessible (2) 33:17 52:21 non-cash (2) 11:6,8 non-taxi (1) 46:22 non-taxis (1) 47:8 non-wheelchair (1) 74:23 Nora (1) 2:10 Notary (1) 90:7 **note (1)** 55:11 noted (1) 89:14 notes (1) 51:24 notice (1) 8:16

notices (1) 41:19 **November (1)** 9:9 number (7) 18:13 23:25 24:24 42:5 66:16 73:17 79:4 numbers (3) 34:23 35:11 78:18 nutshell (1) 16:11 **NV200 (3)** 55:4 58:6 68:2 **NYTWA (3)** 3:7,15 12:16

O'Laughlin (15) 3:13 51:8,9,10

53:3 56:14 57:14 58:17,21 59:22 60:13,24 61:11 62:5,22 O'LAUGLIN (1) 62:12 objectively (1) 56:21 obligation (3) 34:7 77:22,25 observation (2) 51:25 78:8 obstacle (1) 19:3 **Obtaining (1)** 43:17 obviously (3) 65:15 72:4 88:20 occasionally (1) 71:8 occur (1) 11:7 occurred (2) 72:2,8 October (1) 41:9 OEM (1) 53:20 office (3) 42:7,11,18 offline (1) 79:3 oh (2) 48:14 83:21 okay (9) 11:23 14:5 15:12 26:17 37:14 47:17 64:17 67:19 68:9 old (1) 48:4 older (1) 87:12 once (3) 19:7 29:20 74:5 one-year-old (1) 51:11 ones (3) 14:17 63:8 73:19 ongoing (2) 16:6 19:15 online (5) 8:17,20 41:11 52:14 61:15 open (1) 46:19 operate (3) 24:22 43:25 77:6 operational (1) 38:8 **Operations (1)** 6:13 opportunities (1) 40:9 opportunity (5) 26:13 39:22 56:9 59:19 75:5 option (3) 58:8 65:14 70:14 optional (2) 11:3,4 options (1) 70:15 order (6) 4:3 12:2,4 43:14 53:8 80:4 organization (1) 85:24 original (2) 31:3 35:18 originally (1) 10:16 Osman (4) 3:16 14:3 69:7,9 outcome (1) 90:17 outer (3) 88:19,21 89:3 outlines (1) 19:21

outreach (1) 41:12 outreaching (1) 41:20 outs (1) 58:11 outside (1) 58:24 Overall (1) 57:14 overcome (2) 18:14 19:4 overdue (1) 13:2 overlook (1) 35:17 owner (30) 23:2 26:21,24 27:2,13 27:16,22,25 28:4,10,13,15,19,20 28:23 29:5 30:22 31:4 32:4 39:22 47:22 48:3,8,9,10,13 57:23 64:14 64:19 81:6 owner's (1) 18:24 owner-driver (1) 77:9 owner-drivers (1) 39:21 owners (35) 9:20 14:11,12,17 16:10,17 18:9,16 19:13,15 20:18 21:17 22:9 24:15,17 30:12,16 37:17 40:10 43:14,22 56:25 63:7 63:7,12,17,18,22 64:5 65:13 66:7 67:8,21 71:9 74:23

Ρ p.m (1) 89:14 package (6) 19:17 22:2,6 26:18 31:3 62:11 **PAGE (3)** 3:2,6,8 paid (2) 23:13 65:18 parallel (1) 62:13 parked (1) 66:18 part (19) 7:9 8:10 9:2,5 13:7 17:19 17:22 19:12 30:9 32:7 46:18 48:16 63:10 66:25 69:21 75:17 77:17 87:7,20 participate (1) 40:11 participation (3) 40:13,23 41:10 particularly (1) 56:2 parties (1) 90:15 partition (1) 53:14 partnering (1) 41:6 parts (3) 17:5 29:13 65:3 pass (3) 27:15 40:18 67:7 pass-through (1) 28:2 passed (3) 11:23 27:24 28:6 passenger (14) 7:9 21:21 26:9,11 30:5 32:13 36:15 40:6 51:18 53:13 58:6 59:21 68:6 84:24 passengers (15) 20:25 21:23 30:5 30:19,21 31:19 34:19 40:10 51:13 52:12,17 53:10,15 54:14 58:25 passes (1) 24:22 passing (1) 38:12 path (1) 19:21 pathetic (2) 68:14 69:4 Paul (2) 15:10 51:2

pavement (1) 37:17 pay (10) 24:3 30:19 31:19 33:9 51:13.24 52:10 61:3 67:8 70:11 paying (10) 27:3 30:5 32:2,16 34:19 41:5 53:16,16 65:24 80:4 payment (27) 3:2,9 19:7,8 23:9 24:16,18,20 27:5,14,16 28:8 30:16,19 37:24,25 38:3,5,7,10,15 39:9,24 40:13,23 68:18 86:19 payments (21) 11:7,8 18:15 19:5 19:13,14,16 23:13,16,20 24:10 28:5 30:17 32:4,5 38:8,11 39:23 40:2 47:24 53:8 Payne (3) 3:4 17:12 37:15 payout (2) 16:13 33:18 pays (1) 32:13 pedestrians (1) 54:3 pending (1) 4:23 people (26) 12:24 14:14 33:12,16 33:18 42:7,18 45:3,4,14,20,21 46:12 50:19 52:13 56:20 60:20 73:2 74:4,6 76:7,15 77:7,12 85:25 87:7 people's (1) 60:2 percent (24) 9:19,24 19:22,24 20:4 20:14 31:23,25 39:9,10,12 41:16 43:5 50:10 52:14,18 54:19 72:22 73:12,23 74:15,18,19 75:18 percentage (3) 74:15,17 79:14 percentages (3) 30:14,25 55:12 performers (1) 39:12 period (2) 24:24 32:18 periodic (1) 23:14 permit (1) 74:5 person (5) 22:24 26:22 27:5 71:10 82:24 personal (1) 41:7 personally (1) 12:20 persons (1) 26:13 pertaining (1) 5:21 perverse (1) 57:22 phase (3) 7:19 8:4 16:6 **philosophy (1)** 80:9 **phone (2)** 66:15,23 phonetic (3) 4:21 5:17 42:20 physical (2) 45:11,12 pick (3) 20:25 59:11 66:22 picked (1) 9:20 pickup (2) 40:6 66:19 pickups (2) 14:18 63:9 picture (3) 52:5 59:23 62:7 piece (1) 26:17 pieces (2) 81:15 84:21 Pierre (1) 4:21 pilot (1) 7:15 pioneers (1) 50:13 place (4) 24:18 40:18 43:22 57:20

**plan (7)** 19:20 21:11 24:3 37:12 41:12 52:19 75:17 play (1) 52:24 please (7) 5:22 30:3 46:4 66:13 69:25 85:7,18 plus (8) 25:24 39:16 40:23 48:2,4 48:25 49:2 62:4 pocket (2) 51:17 58:2 point (21) 6:11 33:21,22 49:10 50:7 54:5 56:13 57:15 59:9 60:24 63:21 64:18 71:5 74:9 76:3,20 77:14 80:15,25 87:19 88:19 pointed (1) 59:17 pointing (1) 76:20 points (4) 52:9 71:6,24 78:22 Polanco (1) 2:9 Policy (1) 6:18 pool (3) 7:22 30:7,7 population (4) 34:20 39:7 58:23 88:24 populations (1) 41:21 portion (12) 21:16,17 22:8,9 25:10 25:12,23,23 31:4 33:2 52:23 71:20 portions (2) 17:22 25:3 position (1) 6:5 possible (1) 12:23 possibly (1) 41:22 post (3) 37:23 41:24 46:5 postage (2) 68:16,17 posted (2) 11:14 15:19 potentials (1) 87:17 practical (3) 34:2,18 80:10 practically (1) 34:15 **practice (1)** 8:9 preamble (1) 75:3 predominantly (1) 61:7 **PRESENT (2)** 2:3.13 presentation (6) 3:2 16:23 17:4 18:5 34:24 46:9 presentations (1) 47:13 **President (1)** 5:13 pretend (1) 80:19 prevent (2) 12:22 45:14 previous (3) 12:7 21:19 65:12 previously (3) 6:12 53:23 64:19 price (4) 65:15,17,20,22 priced (1) 16:20 primarily (2) 27:4 55:16 proactive (1) 8:8 probably (6) 6:10 9:12 37:6 61:17 62:17 85:13 proceedings (88) 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1

27:1 28:1 29:1 30:1 31:1 32:1

33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:10,12 process (10) 3:2,9 8:15,25 9:6,11 17:15 22:3.4 37:10 processes (2) 22:10 38:16 processing (1) 8:21 professionalism (1) 7:10 professionals (1) 7:22 proficiency (1) 9:3 program (18) 20:24,24 21:2,3,7,24 31:12 35:19 36:19 40:11,12,21 41:9 44:5,18 55:2,25 77:15 programs (1) 59:11 progress (1) 9:15 project (2) 7:19 44:19 **Projects (1)** 17:14 promoted (1) 6:4 proposed (6) 11:2 14:16 15:19 17:10 43:20 51:22 prosecute (1) 12:23 prospectively (1) 50:3 protect (2) 35:15 53:15 protection (1) 12:10 proven (1) 53:14 provide (16) 5:3 7:23 12:9 19:5,12 41:6 43:15,21,25 45:8 49:20 51:12 59:11 63:15.19 84:19 provided (4) 10:21 11:8 59:21 66:15 providers (1) 59:25 provides (3) 20:24 21:7 40:8 providing (2) 44:3 58:15 provisions (1) 30:14 public (10) 2:18 10:18 13:11,25 42:4 51:12 64:8 66:6 77:24 90:7 public's (1) 69:2 **publication (1)** 10:23 published (3) 10:16 12:5 15:13 pull (1) 83:7 pulled (1) 20:16 purchase (6) 18:25 22:23,25 38:2 40:17 43:10 purchasing (2) 27:12 29:5 purpose (1) 85:14 purse (1) 51:17 **push (2)** 6:20 18:12 put (17) 8:6 14:22 15:22 21:23 22:10 57:19,25 58:8 61:25 68:17 81:14,16 82:5,6 84:20 85:9 87:25

### Q Q&A (1) 41:25 qualifications (1) 37:19 qualify (1) 53:8 quality (4) 52:11,20 53:21 57:24 question (6) 29:16 31:17 36:7 78:6 78:8 84:3 questions (5) 7:25 8:23 11:18 17:8 37:8 quick (3) 21:18 23:17 56:13 quotes (1) 60:15 R (1) 90:2 rainbow (1) 46:14 range (1) 40:4 ranging (1) 25:18 Ranjit (1) 51:4 rapid (1) 23:17 rapidly (2) 19:4,9 rate (1) 18:7 rates (5) 22:18,19 25:19 26:19 29:10 rattle (1) 67:24 rattling (1) 53:3 reach (1) 43:4 reaching (1) 38:18 read (5) 71:11,12,16,22 76:23 ready (2) 11:20 15:24 real (2) 34:17 81:24 reality (2) 25:25 34:2 really (13) 14:17 46:16 50:13 63:8 75:14 80:9 81:20,23 86:4,14,17 87:18,20 reason (4) 33:9 58:16 62:14 87:25 reasonable (1) 11:10 reasons (4) 18:6 65:6 71:15 75:9 recall (2) 36:16 78:16 recap (1) 21:18 receive (9) 23:8 24:18,25 25:14 27:24 28:4 29:7 39:22 41:2 received (3) 10:21 15:16 75:20 receives (2) 28:11 53:12 recipients (1) 60:22 recognition (1) 16:19 recognize (2) 7:7 35:2 recognizes (1) 79:25 recognizing (3) 7:10 33:25 34:15 recommendations (2) 53:7 54:24 recommended (1) 10:25 record (4) 10:17 15:14 79:5 90:12 records (1) 7:5 rectify (1) 68:24

reducing (1) 28:7 reduction (1) 27:20

putting (1) 26:23

```
reevaluate (1) 35:19
refuse (3) 63:11 81:21 85:12
regard (1) 61:4
regardless (1) 87:12
regular (11) 19:9 63:12 65:18
  69:22 81:25 82:12,14,15,17,20
  85:16
regularly (1) 19:4
regulate (1) 53:21
regulations (1) 57:20
reigns (1) 75:24
related (2) 88:20 90:14
relieved (1) 9:23
relying (1) 58:11
remain (1) 11:4
removal (1) 45:13
removed (1) 11:2
repairs (2) 48:4 64:10
repealing (1) 11:3
report (2) 4:16 5:2
reported (2) 2:23 90:10
RÉPORTING (1) 1:21
represent (3) 17:18 71:8,9
representative (1) 42:6
request (2) 45:8 63:5
requesting (1) 14:15
require (3) 35:18 57:20 59:20
required (4) 49:25 55:2 58:13
  60:11
requirement (6) 19:25 20:4,19
  37:20 59:7,17
requirements (3) 6:22 9:17 25:9
requires (2) 11:13 15:17
requiring (4) 54:21 61:13,14 62:18
reside (1) 55:15
resides (1) 88:24
respectfully (1) 60:25
respond (1) 63:12
responding (1) 54:20
response (10) 11:19 15:11 37:13
  47:16 50:25 51:3,5,7 67:15 89:10
responsibility (1) 29:3
rest (2) 62:16 84:7
restitution (1) 12:12
result (2) 25:25 80:10
results (1) 4:16
resume (1) 13:25
retaliating (1) 12:11
retaliation (6) 3:6 12:10,19,21,22
  14:2
retaliations (1) 12:6
rethought (1) 77:15
retire (3) 20:8,14,20
return (1) 13:10
returned (2) 73:6,25
revenue (2) 59:19 63:15
```

review (1) 4:24

revocation (1) 4:6 revoked (1) 4:22 **RICHMOND (1)** 90:5 rid (1) 65:11 ride (3) 32:24 44:3,4 riders (5) 45:15 51:11 52:9 54:20 80:3 rides (1) 63:6 ridiculous (1) 68:24 right (25) 5:12 6:3 28:25 29:11 30:11 31:24 33:14 35:22 36:23 36:25 49:7,19 50:9,10,14 52:8 57:13,18 60:16 61:11,18 80:11 82:19 83:8 86:18 road (14) 24:19,21,23 26:23 31:22 34:3,9 35:9 38:20 40:19 60:8 61:23 74:25 78:19 role (2) 6:16,19 room (3) 1:11 82:17,18 rule (21) 11:2,5,14 12:5 14:16 15:19 16:4 19:17 22:6 26:17 31:3 35:18 62:10 71:11 75:14,17,19 78:17 79:24 80:6,7 rules (38) 3:6 10:15,19 12:7,21,23 14:2,22,23 15:13,17 16:3 17:10 17:17,20,21,25 18:12,14 19:10 20:22 21:19,20 29:12 33:25 36:2 36:9 37:22 43:6,20 49:19 51:23 56:23 57:11 58:3 62:8 71:25 72:20 run (1) 74:10

#### S

runs (1) 25:21

Sabril (1) 42:20 safe (4) 7:6 52:20 86:23 88:8 safety (9) 6:21,25 7:4 8:8 52:11 53:20 58:7 62:20 87:21 Sarkar (1) 51:4 satisfactory (1) 61:4 saying (8) 27:21 34:6 36:2 73:6 76:16 79:4,18 84:6 says (1) 50:5 Schacter (2) 44:16 54:6 scheduled (2) 18:10 20:14 school (1) 9:3 screens (1) 43:8 seat (3) 81:17 85:10 87:16 seatbelt (3) 87:21,24 88:2 seatbelts (3) 55:6 61:15 87:4 seats (1) 55:7 second (13) 18:22 19:3 22:2 23:5 25:12 38:7 54:5 63:24 67:23 72:14 82:21,21,22 Secondarily (2) 22:12 24:20 Secondly (1) 76:17 **Secretary (1)** 7:17

section (2) 17:20 37:21 sections (1) 59:5 sector (1) 61:25 sectors (1) 75:10 see (18) 23:17,18 24:5 25:17 26:7 34:4 35:11 46:4,18,25 52:7 57:7 76:12 79:13 81:10 87:10 88:6,7 seen (1) 75:24 segment (7) 35:3,14 36:3 57:5 59:13,15,18 segments (1) 59:15 segregated (1) 21:15 sense (3) 34:18 48:17 57:4 sent (2) 11:16 15:20 September (7) 1:9 6:25 11:15 15:15,20 58:4 90:19 serve (3) 54:18 55:17 66:21 served (1) 6:12 serves (1) 85:25 service (12) 25:9,15 43:15,24 51:14 59:25 64:5 66:11,25 73:21 74:17 79:16 **SERVICES (1)** 1:21 serving (3) 64:7 66:6 77:24 Session (6) 4:4,5,10,12,17,19 set (8) 14:21,23 16:3 21:20 33:24 35:18 37:4 90:18 settled (2) 65:15 72:16 **settlement (4)** 72:3,8,9,12 seven (1) 81:15 share (6) 42:23 54:4 57:10 83:14 83:14,20 she'll (2) 5:23 6:10 **SHL's (1)** 60:8 short (2) 17:5 36:21 **shortly (1)** 4:11 **show (2)** 23:22 83:12 **showing (2)** 7:10 46:13 **shows (1)** 26:12 side (9) 18:3 20:9 22:5 23:6 30:9 30:22,23 32:3 36:11 sight (1) 87:23 significant (1) 43:21 similar (3) 49:4 59:16 60:7 similarly (1) 36:14 simply (3) 23:9 24:12 40:25 Singh (23) 3:14,18 14:7,8,20,24 15:4,5 62:25 63:2,3 64:16,23 66:14 67:12 81:3,4,5 83:24 84:14 85:3,7,15 single (5) 20:11 24:18 51:15 61:24 81:10 sir (1) 49:23 sit (1) 23:11 sitting (2) 64:6 70:11 situation (4) 10:3 26:11 68:25 72:17

situations (1) 26:25 Six (1) 10:20 **skillfully (1)** 5:19 slide (3) 24:5 25:18 34:24 slightly (1) 24:15 **slowly (1)** 70:6 small (3) 59:14 71:4 78:2 smaller (2) 33:2 36:18 SME (1) 41:11 sold (1) 65:16 solely (1) 44:23 solution (1) 81:24 somebody (12) 13:17 86:7,13,20 87:9,10,11,11,22 88:4,15,16 soon (1) 62:12 sorry (6) 14:24 32:12 39:23 48:7 64:13 76:19 sort (3) 57:3 61:25 62:14 sound (1) 52:24 sounded (1) 57:12 spare (1) 52:22 speak (4) 8:2 14:9 51:10 74:24 speaker (17) 12:15 14:3,7 15:4,9 42:9 44:13 47:15,17 50:23 62:24 67:14,16 69:6 70:25 81:2 85:20 speakers (5) 3:6,8 12:14 42:5 89:9 speaking (1) 79:21 **spearheaded (1)** 44:19 spearheading (1) 6:19 **Special (2)** 5:5 17:13 specifically (4) 72:21 76:2 88:22 88:22 specs (1) 59:5 spectrum (1) 59:24 spend (3) 64:10 69:22,25 **spoke (2)** 81:19 82:8 spoken (1) 74:24 spot (1) 84:8 ss (1) 90:4 **Stacy (2)** 6:4 8:23 Stacy's (1) 6:7 staff (7) 2:17 5:3,4 6:5 10:24 34:14 85:6 stakeholders (3) 5:21 44:8 56:10 **stamp (2)** 68:16,17 stand (1) 5:18 standard (7) 55:4,4 59:2,3 74:12 86:9,11 standards (6) 53:20 57:21 58:13 61:12 62:19,20 start (3) 23:6 80:24 83:8 started (3) 16:4 17:21 72:13 starting (1) 88:4 state (3) 78:10 90:4,8 states (2) 8:11 65:4 station (1) 13:16

stats (3) 74:8 76:21 78:10

stay (3) 33:20 63:23 84:16 stays (3) 24:21 26:10 36:3 **STENO-KATH (1)** 1:21 Stenokath@verizon.net (1) 1:24 step (3) 43:11 51:23 56:24 stop (4) 52:4 80:12 81:21 84:15 strains (1) 35:13 stream (3) 30:19 38:7 39:9 **streams (2)** 37:17,18 street (7) 1:10 17:24 36:12 43:19 58:2 66:18 78:17 streets (2) 7:6 54:4 strings (1) 24:17 strong (2) 35:3 36:3 strongest (1) 12:23 strongly (2) 51:19 53:24 **structure (1)** 52:5 **structured (1)** 36:14 study (1) 52:7 stuff (1) 85:10 subset (1) 78:2 subsidiaries (1) 70:9 **subsidized (1)** 54:25 substantial (1) 80:20 successful (1) 38:4 successfully (1) 38:12 sufficiently (2) 58:16 76:4 **suggestions (1)** 66:10 sum (2) 37:24 39:24 summons (2) 81:22 82:19 supervisor (4) 2:15 13:19 81:19 83:12 **supplement (1)** 75:18 support (12) 43:10 47:3 51:19,22 52:9,14,15,19 54:16 60:21 62:18 67:20 supported (3) 43:2 53:25 54:21 supports (2) 43:20 61:5 **supposedly (1)** 33:10 surcharge (14) 3:2,8 11:3,4 16:11 21:13,22 29:25 30:2,6,6,20 61:3 66:9 surcharges (1) 68:21 sure (21) 10:6 30:4 35:4 36:3 49:9 50:6 54:2,17 56:4,14 63:20 73:8 78:11 79:6,22 84:4 86:22 88:5,8 88:25 89:5 survey (1) 54:20 surveyed (1) 52:13 **suspension (1)** 4:23 swear (1) 48:20 **symbol (5)** 46:10,13,16,17 47:12 symbols (2) 46:11,14 system (10) 14:19 39:19 51:21 60:2 63:14,20 66:3 77:23 81:9 86:22 systems (2) 27:18 38:17

Т T (2) 90:2,2 table (2) 27:10 56:23 take (22) 8:18 9:3 17:7,11 23:12 25:14 29:20 36:11 49:18 50:17 57:23 59:12,23 62:2,7 68:7,9 70:13 76:9,9 80:12 83:22 takes (2) 21:8 74:4 talk (5) 18:25 19:10 29:12 37:10 talking (8) 28:23 29:24,25 57:21 62:8,10 72:10 78:23 talks (1) 26:18 tapped (1) 7:23 target (1) 41:17 targeted (1) 41:14 tax (3) 40:15,24 48:2 taxable (1) 40:17 taxi (46) 1:4 3:2,8,16 8:18,22 9:3 9:18 12:8,18 17:10 19:5 21:11,14 23:8 24:8 25:20,21 40:8 43:3,14 43:22 46:19,20 48:23 51:16 52:6 53:4 55:4,5,9,16 56:5 57:25 60:12 61:2,9 63:4 69:10 71:8,9 72:23 74:12 77:6 84:15 86:9 taxicab (8) 11:12 16:5,14 23:10 42:24 43:14 53:9 88:3 taxicabs (1) 18:8 taxis (32) 16:19 21:6 44:2 45:8,9 45:10,15 46:25 48:22 49:4,5,12 49:13 51:13 52:15,16,19,21 53:25 55:18,21 57:4 58:23 60:15 61:10,14,19,21 62:10,13 85:14 88:21 technical (2) 71:5 73:9 technology (3) 7:16 8:11 46:3 television (1) 46:21 tell (3) 73:14 75:19 79:8 telling (1) 75:21 term (3) 45:19 47:3 73:9 terminal (2) 83:7 85:8 terminology (2) 45:23 73:22 territory (1) 50:14 test (2) 8:8,18 testify (1) 71:4 testifying (3) 5:12 14:21 57:11 testimony (9) 13:5 33:23 49:10,22 50:22 53:5 56:16 61:23 64:18 thank (45) 4:11 13:2,3,24 14:4,5,9 14:25 15:8 33:3.21 37:15 42:2.3 44:11,12 47:9,10,14 49:20 50:21 56:11 57:16 58:17,19 62:21,22 67:10,11,12,13 69:4,5 70:22,24 71:2,3 76:18 78:5 80:14 83:23,24 85:19 89:6.8 thanks (1) 89:13 theory (1) 61:21

thing (8) 12:22 34:13 35:25 50:9 50:15 60:6 69:13,13 things (6) 30:8 39:16 62:7 71:13 76:24 87:14 think (43) 9:7 14:20 15:24 19:16 20:2 33:24 34:25 49:9 50:9,12,15 52:2,25 56:15,21,22,24 57:11,15 59:8,22 61:17,23,24 62:5 68:13 68:20 70:19 71:24 74:9,19 75:2 75:22,23 78:8 79:3,24 80:15,18 83:25 85:18 87:15 88:10 thinking (1) 31:15 thinks (1) 69:12 third (4) 17:20,22 19:12 25:10 thought (4) 34:12,12 50:8 71:22 thousand (1) 62:4 thousands (2) 54:8,10 three (5) 19:17 22:7 29:13 39:2 48:19 thrilled (1) 46:16 thrives (1) 77:6 throwing (1) 82:16 **Thursday (1)** 1:9 **TIF (10)** 17:19,20 21:15,20 22:7 23:9 26:15 29:13 35:19,25 tightly (1) 53:21 time (18) 4:14 6:16 8:19 17:8 24:24 25:7 32:19 34:6 37:24 47:9 56:11 65:16 74:4 80:19 81:8 85:12 89:12.14 timely (1) 43:15 times (5) 8:22 24:7 74:3 80:2 82:8 timing (3) 11:6,6 25:24 tip (2) 41:23 69:21 tips (1) 7:11 **TLC (24)** 5:4,11 6:14,16 7:16,20,21 8:7 17:3 23:20 24:22 25:19 37:22 44:7.20 45:3 46:9 63:20 65:14.16 67:9 72:15 73:7 82:6 **TLC's (5)** 11:15 15:19 17:13 34:14 42:23 today (12) 6:8 12:7,15 36:10 41:25 42:19 51:10 56:11 64:15 68:12 72:19 86:5 today's (2) 17:6 89:12 told (3) 65:21 81:25 84:10 tomorrow (6) 46:23 47:8 55:5,16 60:12 86:10 top (3) 39:11,13 41:15 topic (1) 62:15 tore (1) 68:8 total (2) 23:24 48:5 TPEP (4) 23:21,25 41:3 86:21 track (3) 10:4 35:21 41:3 training (1) 6:23 transaction (1) 86:23 transcript (2) 1:2 90:12

transmission (1) 64:11 transportation (5) 7:15,18 8:12 42:17 51:21 traps (1) 67:24 tremendous (1) 88:23 triannual (1) 38:13 tried (1) 62:5 trip (16) 16:12,12 24:2,4 25:20,21 25:24,25 32:2,5 33:9,11 36:15 40:3 41:5,8 trips (16) 16:16 21:13 23:12,23,25 24:6,7,7,24 36:17 38:15 39:3,11 39:18 41:3,17 true (5) 7:5 56:22 74:12 89:6 90:12 try (2) 17:7 75:10 trying (4) 26:20 75:12 81:11 84:4 Tuesday (1) 83:11 turn (3) 4:15 37:9 42:4 turnaround (1) 23:17 turning (1) 77:14 twice (1) 19:7 twilight (2) 68:12,13 two (18) 10:2 17:4,21 18:20 23:16 24:16 25:3 30:3 37:16 48:21 77:18,19 78:11 80:17 81:16 82:7 82:13 84:17 type (3) 59:7 71:19,21 types (1) 74:17 U

**U.S (1)** 7:17 Uber (2) 64:3 70:17 unanimously (1) 11:24 unchanged (1) 15:18 understand (5) 49:10 60:9 75:11 75:13 84:5 understanding (1) 72:21 underway (1) 52:8 unfair (1) 78:4 unfortunately (1) 67:25 Unit (1) 16:22 United (4) 3:16 8:11 51:11 69:10 universal (1) 59:12 unknown (1) 50:14 unload (1) 84:12 unwilling (1) 52:10 up-fitted (1) 53:18 updates (2) 5:3 8:15 urge (3) 45:18 53:21 80:11 usability (1) 74:20 usage (1) 57:3 use (11) 41:3 46:9 47:6 56:5 58:5 72:25 73:11,21,25 74:18 86:21 utilized (1) 43:13 utilizing (1) 46:17 utmost (1) 4:24

### ٧ valid (1) 67:21 van (1) 65:10 Vanderbilt (1) 68:9 vans (4) 63:19 64:6 65:7,11 various (1) 30:8 vehicle (57) 7:15,24 14:10,12,16 16:9,17 18:17 22:23,25 23:11,12 23:12,19 24:4,9,13,19,21 25:5,6 25:7 26:14,23 27:3,8,10,12,22 28:10,20,21,23 29:4,6 30:9 31:20 33:15 38:2,14,25 39:4,11,15,22 40:7,18,25 43:8 48:8 53:12,18 59:4 66:18 74:11,22 84:10 vehicles (37) 8:7 12:25 20:5,8,20 31:22,24 32:3 33:5,17,19 39:8 41:4 43:9,11,13,18,23 44:9 45:7 46:23 47:8 49:25 52:16 54:13,14 54:18,21,25 56:5 61:22 62:16,19 77:5 78:19,20 79:15 vendors (1) 23:21 ventured (1) 50:13 viability (1) 56:25 viable (1) 36:4 video (2) 83:11,20 view (3) 59:12,24 62:3 viewing (1) 56:16 views (1) 77:2 visibility (5) 55:6,6 61:15 87:4,5 vision (2) 52:5 87:24 visual (3) 42:25 45:16,21 visually (14) 54:12,23 55:7,14,19 58:10 61:7 85:25 86:7,13,20 87:7 88:5,16 voice (2) 8:2 51:12 volume (3) 35:5,22 61:17 voluntary (3) 8:5 76:5,12 volunteers (1) 7:21 vote (6) 10:9,14 11:20 13:8 15:23 15:24 voting (1) 53:11

#### W

wait (2) 35:20 52:3
waiting (1) 82:12
waiver (3) 58:12,15,16
walk (2) 8:24 87:6
wallet (1) 51:17
Wally (1) 42:20
Walsh (25) 3:3 16:22,25 17:2
27:23 28:11,16 29:2,17,21 30:4
30:15 31:2,10,16 32:12,17 33:5
33:14 35:16 36:5,9,23 37:6,14
want (15) 6:2 19:6 33:20 34:4 49:9
49:21 56:5 60:20 64:2 65:22 68:5
79:6 83:13 86:16 88:18

wanted (3) 9:16 10:6 86:4

wants (1) 67:24 warm (1) 5:15 wasn't (1) 33:23 WAV (10) 38:25 39:4,8,10,15 40:7 41:15,17 53:3,22 **WAVs (2)** 38:20 41:14 way (11) 8:2 11:10 21:4 29:8,23 52:4 55:12 56:6 57:10 59:25 90:16 ways (1) 35:8 we'll (20) 4:9,10 9:9 10:13 13:10 13:25 17:9,23 18:18,25 19:10 23:4,18,21 41:3,17,24 42:4,5 52:7 we're (33) 4:25 11:25 12:3,4 29:8 29:11 30:8 31:22,25 33:10 35:5 35:20 36:10 37:11 41:5,18,19 46:16 50:17 51:11 57:17,21 58:15 59:13 60:17,22 62:8,9 72:6 73:5 74:2,7 76:16 we've (11) 10:11 19:16 23:3 27:19 34:5 37:11 52:25 55:23 58:13 62:14,15 website (6) 11:15 15:20 41:24 73:14,15 79:12 week (11) 7:8,12 24:6,7,8,14 28:8 38:23,24 39:3,5 weeks (3) 5:24 8:16 23:16 weigh (1) 44:25 Weiss (2) 6:3 8:24 welcome (3) 5:15 56:8 86:12 wheel-chair (1) 81:9 wheelchair (50) 14:11,12,16,18 19:22,24 40:9 43:3 46:10 47:21 53:17,19 54:7 63:7,9,10,13,18,19 63:22 64:3,4,5,14 66:3,4,5,7,8,25 67:6 69:12,14,19 70:5,9,10,13,17 70:20 74:21 76:11 77:21 81:12 82:24 83:2 84:19,20,24 88:13 wheelchair-accessible (19) 21:5 26:14 43:5,23 44:2,9 60:14 63:16 72:23 73:3,19,24 74:11,22 75:7 77:4 79:15 81:6 85:14 wheelchairs (2) 54:15 88:12 wheels (2) 74:24 79:21 WHEREOF (1) 90:18 whiz (1) 67:19 willing (1) 48:24 Wilson (35) 2:14 4:2,9,18 10:15 11:20,23 12:14 13:3,6,15,22,24 14:5,20,25 15:7,12 42:9 44:12 47:14,17 50:23 51:2,4,6,8 62:24 67:13,16 69:6 70:24 71:17 81:2 85:20 wisdom (1) 67:19 withdrawn (3) 72:25 73:25 79:16

within-entitled (1) 90:11

**WITNESS (1)** 90:18 wonderful (1) 46:13 Woodside (3) 38:5,13 41:22 word (1) 41:23 words (1) 72:25 work (18) 5:12 8:9 9:15 14:19 16:24 32:21 34:14,14 39:14 50:18 53:14 56:3,9 63:9 82:5,6 85:23 88:14 worked (1) 47:21 Workers (1) 12:18 working (7) 5:11 36:20 44:7 48:20 63:18 64:6 89:4 works (4) 21:11 39:2 63:21 69:15 world (3) 9:18 34:17 72:18 world's (1) 13:4 worry (1) 81:14 worth (2) 73:4 77:13 Wright (1) 5:17 written (3) 10:20 15:16 75:15 wrong (6) 71:12,13,16,23,23 72:22 X Υ Yards (1) 5:10 Yeah (3) 28:17 49:15 85:3 vear (30) 16:17 17:23 18:11 19:7,7 19:20 20:7 21:19,25 23:14 24:3 24:14 25:2 27:14 28:5 29:9 36:11 37:2 38:9,24 39:13,23,25 40:2 48:3,19,25 64:11 67:9 70:8 years (13) 16:18 38:9 44:20 63:4 63:19 65:14 68:5,11,23 77:19,19 78:11 80:17 yellow (12) 9:18 12:8 21:6,13 33:8 35:22 36:11 55:18 61:8 78:3 86:18 89:2 yellows (4) 18:2 36:7 84:8 88:20 York (16) 1:3,22 7:7,14 12:18 40:8 43:17 45:5 51:14 52:6 54:13 58:24 60:15 88:3 90:4,8 Yorkers (6) 51:20 54:9,11,18 55:13 55:19 Ζ zero (1) 33:13 zone (2) 68:12,13 0 **0.05 (1)** 31:5 **0.25 (1)** 31:4 0.30 (29) 16:5,11 21:12 29:24 30:6 30:6,18,20 31:4,18,18 32:2,6,8

32:13,18,21,23 33:7,8,10 34:10

34:19 35:4,12 36:14 61:3 67:3

80:3

1 (1) 7:19 1,300 (1) 39:25 1,333 (1) 38:10 1,500 (1) 73:20 10 (6) 4:14 26:2,3,4,8 40:4 10,000 (5) 48:2 52:13 56:16 77:20 78:12 10:04 (1) 2:2 100 (1) 50:10 10543 (1) 1:22 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 139 (1) 1:22 13h (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18 (0) 10 74:6 1915 (1) 68:14 19TH (1) 1:11 1st (2) 41:9 58:4	0.50 (27) 16:11,12 24:3,8 30:2 31:18,21 32:5,7,7,15,22 33:9 34:21 40:3 68:13,15,20,21,22,24 69:4,21 70:22 75:13 76:6,13 0.75 (1) 76:13 0.80 (1) 32:11	2015 (8) 1:9 10:17,18,20 15:14,20 68:14 90:19 2016 (5) 20:7,8,15,21 23:15 2017 (2) 35:19,21 2020 (2) 19:23 43:6 21-year-old (1) 44:21 212.95.DEPOS (1) 1:23	85 (2) 3:19 54:19 865,000 (1) 47:22 8th (1) 10:17 9 90 (2) 38:6 39:5 91.4 (1) 52:14
1,300 (1) 39:25 1,333.33 (1) 38:10 1,500 (1) 73:20 10 (6) 4:14 26:2,3,4,8 40:4 10,000 (5) 48:2 52:13 56:16 77:20 78:12 10:04 (1) 2:2 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12 (1) 9:9 130,000 (1) 7:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18 (0) (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  20 (1) 4:14 2 (250 (1) 38:14 30 (3) 12:6 26:8 40:5 30 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 7:3 37 (1) 3:4  4 4,000 (14) 16:17 25:2 27:14 28:5 29:9 30:16 32:5 38:8 39:23,24,24 48:25 64:12 70:8 44,000 (1) 47:25 40 (3) 24:8,13 69:24 42 (1) 3:10 44 (1) 3:11 45 (5) 72:22 73:11,23 74:15,18 47 (1) 3:12  5 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 5 (6) 24:6 25:21,22 26:5,6,10 5 (6) 24:6 25:21,22 26:5,6,10 5 (7) 34:40 5 (7) 34:40 5 (7) 34:40		<b>21st (2)</b> 70:14 90:19 <b>22 50 (1)</b> 39:4	914.381.2061 (1) 1:23
1,333.33 (1) 38:10 1,500 (1) 25:4 1,800 (1) 73:20 10 (6) 4:14 26:2,3,4,8 40:4 10,000 (5) 48:2 52:13 56:16 77:20 78:12 10:04 (1) 2:2 100 (1) 50:10 10543 (1) 1:22 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12(1) 3.7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 139 (1) 1:22 139 (1) 1:22 139 (1) 1:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18 (0) 17:46 1915 (1) 68:14 19TH (1) 1:11  30 (3) 12:6 26:8 40:5 30 (0) (1) 7:3 33 (1) 11:0 30 (0) (1) 7:3 33 (1) 11:0 30 (0) (1) 7:18 30 (0) (1) 7:3 33 (1) 11:0 30 (0) (1) 7:18 30 (0) (1) 7:3 33 (1) 11:0 33 (0) (1) 7:3 33 (1) 11:0 34 (1) 11:0 33 (1) 12:0 24 (4) (3) 14:2 37 (1) 3:4  4,400 (14) 16:17 25:2 27:14 28:5 29:9 30:16 32:5 38:8 39:23,24,24 48:25 64:12 70:8 4,400 (1) 47:25 44 (1) 3:11 40 (3) 24:8,13 69:24 42 (1) 3:10 44 (1) 3:11 44 (1) 3:11 55 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 5 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 5 (1) 37:21  6 (2) 25:18 26:3 6 (1) 39:10 6 (2) 25:18 26:3 6 (1) 39:10 6 (3) 13:14			
1,800 (1) 73:20 10 (6) 4:14 26:2,3,4,8 40:4 10,000 (5) 48:2 52:13 56:16 77:20 78:12 10:04 (1) 2:2 100 (1) 50:10 10543 (1) 1:22 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 139 (1) 1:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 16 (2) 3:3 24:6 16 (0) 138:24 18 (1) 13:20 18 (1) 13:20 18 (1) 13:20 18 (1) 13:20 19 (3) 13:16 26:8 40:5 300 (1) 7:3 30 (0) (1) 7:3 33 (1) 1:10 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 33,000 (1) 77:18 4,000 (14) 16:17 25:2 27:14 28:5 29:9 30:16 32:5 38:8 39:23,24,24 44:25 64:12 70:8 4,400 (1) 47:25 40 (3) 24:8,13 69:24 41 (1) 3:11 45 (5) 72:22 73:11,23 74:15,18 47 (1) 3:12 5 (6) 24:6 25:21,22 26:5,6,10 5 (6) 24:6 25:21,22 26:5,6,10 5 (1) 9:19,23 19:22,24 20:3,13 31:33,25 43:5 75:18 51 (1) 3:13 5,000 (1) 47:23 58-50 (1) 37:21 6 (2) 25:18 26:3 6 (2) 25:18 26:3 6 (1) 3:14 6 (1) 3:15	<b>1,333.33 (1)</b> 38:10		
10 (6) 4:14 26:2,3,4,8 40:4 10,000 (5) 48:2 52:13 56:16 77:20 78:12 10:04 (1) 2:2 100 (1) 50:10 10543 (1) 1:22 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12 (th) 9:9 130,000 (1) 7:22 139 (1) 1:22 139 (1) 1:22 139 (1) 1:22 139 (1) 1:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 16 (2) 3:3 24:6 16 (1) 38:24 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  300 (1) 7:3 33 (1) 1:0 33,000 (1) 7:18 33 (0) 1.7:3 33 (1) 1:10 33,000 (1) 7:18 33 (0) 1.7:3 33 (1) 1:10 33,000 (1) 7:18 33 (1) 1:10 34,000 (14) 16:17 25:2 27:14 28:5 29:9 30:16 32:5 38:8 39:23,24,24 48:25 64:12 70:8 44,000 (14) 16:17 25:2 27:14 28:5 29:9 30:16 32:5 38:8 39:23,24,24 48:25 64:12 70:8 44,000 (14) 47:25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 13:24 15 (2) 13:25 15 (2) 13:24 15 (2) 13:			
10,000 (5) 48:2 52:13 56:16 77:20 78:12 10:04 (1) 2:2 100 (1) 50:10 10543 (1) 1:22 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12 (1) 3.7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 139 (1) 1:22 139 (1) 1:22 139 (1) 1:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 16 (0) 1) 38:24 16 (0) 1) 38:24 16 (1) 13:20 18 (0) 17:6 18 (1) 13:20 18 (0) 17:6 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  33 (1) 1:10 33,000 (1) 77:18 335 (1) 48:2 33 (1) 1:10 33,000 (1) 77:18 335 (1) 48:2 37 (1) 3:4  4 (4) (1) 47:25 29:9 30:16 32:5 38:8 39:23,24,24 48:25 64:12 70:8 4,400 (1) 47:25 49:6 54:12 70:8 4,400 (1) 47:25 56(1) 3:12 42 (1) 3:10 44 (1) 3:11 45 (5) 72:22 73:11,23 74:15,18 47 (1) 3:12 5 (6) 24:6 25:21,22 26:5,6,10 5 mile (3) 25:20,21,25 50 (10) 9:19,23 19:22,24 20:3,13 31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15			
78:12 10:04 (1) 2:2 100 (1) 50:10 10543 (1) 1:22 10th (1) 6:25 11 (1) 44:20 11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 180 (0) 74:6 1915 (1) 68:14 19TH (1) 1:11			
10:04 (1) 2:2			
10543 (1) 1:22	-		
10th (1) 6:25   11 (1) 44:20   11:00 (1) 4:14   12 (1) 3:7   12:09 (2) 89:12,14   12th (1) 9:9   130,000 (1) 7:22   13th (1) 15:15   14,000 (16) 16:16 19:14 24:20   30:15 32:4 34:22 37:25 48:14,25   49:6 57:18,24 60:6 64:20 70:8   75:22   15 (2) 25:19 39:3   15,000 (1) 48:22   16 (2) 3:3 24:6   160 (1) 38:24   16th (2) 10:18,20   17 (2) 1:9 74:19   18 (1) 13:20   18,000 (2) 70:8,11   180 (1) 74:6   1915 (1) 68:14   19TH (1) 1:11		<b>37 (1)</b> 3:4	
11 (1) 44:20 11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11			
11:00 (1) 4:14 12 (1) 3:7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11			
12 (1) 3:7 12:09 (2) 89:12,14 12th (1) 9:9 130,000 (1) 7:22 139 (1) 1:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  48:25 64:12 70:8 4,400 (1) 47:25 40 (3) 24:8,13 69:24 42 (1) 3:10 44 (1) 3:11 45 (5) 72:22 73:11,23 74:15,18 47 (1) 3:12  5 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 50 (10) 9:19,23 19:22,24 20:3,13 31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15			
12:09 (2) 89:12,14       4,400 (1) 47:25         12th (1) 9:9       40 (3) 24:8,13 69:24         130,000 (1) 7:22       42 (1) 3:10         13th (1) 15:15       44 (1) 3:11         14,000 (16) 16:16 19:14 24:20       47 (1) 3:12         30:15 32:4 34:22 37:25 48:14,25       47 (1) 3:12         49:6 57:18,24 60:6 64:20 70:8       5         75:22       5         14th (3) 11:15 15:14,20       5-mile (3) 25:20,21,25         15 (2) 25:19 39:3       50 (10) 9:19,23 19:22,24 20:3,13         15,000 (1) 48:22       31:23,25 43:5 75:18         16 (2) 3:3 24:6       51 (1) 3:13         160 (1) 38:24       52,000 (1) 47:23         16th (2) 10:18,20       58-50 (1) 37:21         17 (2) 1:9 74:19       6         18 (01) 74:6       60 (1) 39:10         1915 (1) 68:14       63 (1) 3:14         19TH (1) 1:11       67 (1) 3:15			
130,000 (1) 7:22 139 (1) 1:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  42 (1) 3:10 44 (1) 3:11 45 (5) 72:22 73:11,23 74:15,18 47 (1) 3:12  5 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 50 (10) 9:19,23 19:22,24 20:3,13 31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15			
139 (1) 1:22 13th (1) 15:15 14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  44 (1) 3:11 45 (5) 72:22 73:11,23 74:15,18 47 (1) 3:12  5 5 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 50 (10) 9:19,23 19:22,24 20:3,13 31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 6 6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15	<b>12th (1)</b> 9:9		
13th (1) 15:15       44,000 (16) 16:16 19:14 24:20         30:15 32:4 34:22 37:25 48:14,25       49:6 57:18,24 60:6 64:20 70:8         75:22       5         14th (3) 11:15 15:14,20       5-mile (3) 25:20,21,25         15 (2) 25:19 39:3       50 (10) 9:19,23 19:22,24 20:3,13         15,000 (1) 48:22       31:23,25 43:5 75:18         16 (2) 3:3 24:6       51 (1) 3:13         160 (1) 38:24       52,000 (1) 47:23         16th (2) 10:18,20       58-50 (1) 37:21         17 (2) 1:9 74:19       6         18 (1) 13:20       6         18,000 (2) 70:8,11       6 (2) 25:18 26:3         1915 (1) 68:14       63 (1) 3:14         19TH (1) 1:11       67 (1) 3:15			
14,000 (16) 16:16 19:14 24:20 30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22 14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  47 (1) 3:12  5 (7) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 50 (10) 9:19,23 19:22,24 20:3,13 31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15			
30:15 32:4 34:22 37:25 48:14,25 49:6 57:18,24 60:6 64:20 70:8 75:22  14th (3) 11:15 15:14,20 15 (2) 25:19 39:3 15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  5 (6) 24:6 25:21,22 26:5,6,10 5-mile (3) 25:20,21,25 50 (10) 9:19,23 19:22,24 20:3,13 31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15			
75:22  14th (3) 11:15 15:14,20  15 (2) 25:19 39:3  15,000 (1) 48:22  16 (2) 3:3 24:6  160 (1) 38:24  16th (2) 10:18,20  17 (2) 1:9 74:19  18 (1) 13:20  18,000 (2) 70:8,11  180 (1) 74:6  1915 (1) 68:14  19TH (1) 1:11  5 (6) 24:6 25:21,22 26:5,6,10  5-mile (3) 25:20,21,25  50 (10) 9:19,23 19:22,24 20:3,13  31:23,25 43:5 75:18  51 (1) 3:13  52,000 (1) 47:23  58-50 (1) 37:21  6  6 (2) 25:18 26:3  60 (1) 39:10  63 (1) 3:14  67 (1) 3:15			
14th (3) 11:15 15:14,20       5-mile (3) 25:20,21,25         15 (2) 25:19 39:3       50 (10) 9:19,23 19:22,24 20:3,13         15,000 (1) 48:22       31:23,25 43:5 75:18         16 (2) 3:3 24:6       51 (1) 3:13         160 (1) 38:24       52,000 (1) 47:23         16th (2) 10:18,20       58-50 (1) 37:21         17 (2) 1:9 74:19       6         18 (1) 13:20       6         18,000 (2) 70:8,11       6 (2) 25:18 26:3         180 (1) 74:6       60 (1) 39:10         1915 (1) 68:14       63 (1) 3:14         19TH (1) 1:11       67 (1) 3:15	49:6 57:18,24 60:6 64:20 70:8	5	
15 (2) 25:19 39:3       50 (10) 9:19,23 19:22,24 20:3,13         15,000 (1) 48:22       31:23,25 43:5 75:18         16 (2) 3:3 24:6       51 (1) 3:13         160 (1) 38:24       52,000 (1) 47:23         16th (2) 10:18,20       58-50 (1) 37:21         17 (2) 1:9 74:19       6         18 (1) 13:20       6         18,000 (2) 70:8,11       6 (2) 25:18 26:3         180 (1) 74:6       60 (1) 39:10         1915 (1) 68:14       63 (1) 3:14         19TH (1) 1:11       67 (1) 3:15			
15,000 (1) 48:22 16 (2) 3:3 24:6 160 (1) 38:24 16th (2) 10:18,20 17 (2) 1:9 74:19 18 (1) 13:20 18,000 (2) 70:8,11 180 (1) 74:6 1915 (1) 68:14 19TH (1) 1:11  31:23,25 43:5 75:18 51 (1) 3:13 52,000 (1) 47:23 58-50 (1) 37:21  6 6 (2) 25:18 26:3 60 (1) 39:10 63 (1) 3:14 67 (1) 3:15			
16 (2) 3:3 24:6       51 (1) 3:13         160 (1) 38:24       52,000 (1) 47:23         16th (2) 10:18,20       58-50 (1) 37:21         17 (2) 1:9 74:19       6         18 (1) 13:20       6         18,000 (2) 70:8,11       6 (2) 25:18 26:3         180 (1) 74:6       60 (1) 39:10         1915 (1) 68:14       63 (1) 3:14         19TH (1) 1:11       67 (1) 3:15		31.23 25 43.5 75.18	
160 (1) 38:24     52,000 (1) 47:23       16th (2) 10:18,20     58-50 (1) 37:21       17 (2) 1:9 74:19     6       18 (1) 13:20     6       18,000 (2) 70:8,11     6 (2) 25:18 26:3       180 (1) 74:6     60 (1) 39:10       1915 (1) 68:14     63 (1) 3:14       19TH (1) 1:11     67 (1) 3:15			
17 (2) 1:9 74:19       18 (1) 13:20       18,000 (2) 70:8,11       180 (1) 74:6       1915 (1) 68:14       19TH (1) 1:11         6       6 (2) 25:18 26:3       60 (1) 39:10       63 (1) 3:14       67 (1) 3:15	<b>160 (1)</b> 38:24		
18 (1) 13:20     6       18,000 (2) 70:8,11     6 (2) 25:18 26:3       180 (1) 74:6     60 (1) 39:10       1915 (1) 68:14     63 (1) 3:14       19TH (1) 1:11     67 (1) 3:15		<b>58-50 (1)</b> 37:21	
18,000 (2) 70:8,11     6 (2) 25:18 26:3       180 (1) 74:6     60 (1) 39:10       1915 (1) 68:14     63 (1) 3:14       19TH (1) 1:11     67 (1) 3:15			
180 (1) 74:6     60 (1) 39:10       1915 (1) 68:14     63 (1) 3:14       19TH (1) 1:11     67 (1) 3:15			
1915 (1) 68:14 19TH (1) 1:11 63 (1) 3:14 67 (1) 3:15			
<b>19TH (1)</b> 1:11 <b>67 (1)</b> 3:15	<b>1915 (1)</b> 68:14		
1st (2) 41:9 58:4 69 (1) 3:16		<b>67 (1)</b> 3:15	
	<b>1st (2)</b> 41:9 58:4	<b>69 (1)</b> 3:16	
7	2	7	
<b>2 (1)</b> 8:4 <b>7,000 (1)</b> 48:6			
<b>2,000 (2)</b> 24:14 38:24 <b>71 (1)</b> 3:17	<b>2,000 (2)</b> 24:14 38:24		
<b>2,500 (2)</b> 25:6 39:13 <b>750 (1)</b> 4:24			
<b>20 (6)</b> 7:13 39:9,12 41:16 63:4 <b>76.2 (1)</b> 52:18	• •		
68:23 <b>2007 (2)</b> 6:14 65:2		77 (3) 28:8 29:9 71:12	
<b>2011 (1)</b> 72:14 <b>8</b>		8	
<b>2012 (1)</b> 5:20 <b>80 (3)</b> 24:6,7 62:4	<b>2012 (1)</b> 5:20	<b>80 (3)</b> 24:6,7 62:4	
<b>2013 (1)</b> 72:7 <b>80,000 (2)</b> 61:22 78:18		<b>80,000 (2)</b> 61:22 78:18	
<b>2014 (2)</b> 19:21 21:19 <b>81 (1)</b> 3:18	<b>2014 (2)</b> 19:21 21:19	<b>81 (1)</b> 3:18	