

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

----- X

October 22, 2015
Start: 10:23 a.m.
Recess: 1:00 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick
James Vacca
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
James G. Van Bramer
David G. Greenfield
Costa G. Constantinides
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan Richards
Letitia James

A P P E A R A N C E S (CONTINUED)

Mira Joshi, Commissioner
NYC Taxi and Limousine Commission

Charles Ukegbu, Assistant Commissioner
Regional and Strategic Planning
NYC Taxi and Limousine Commission

Dr. Una S. T. Clarke
Former NYC Council Member
Present Board of Trustees at CUNY

Archie Spigner
Former NYC Council Member and District Leader

Rabbi Garth Merchant

Hector Ricketts
President
Commuter Van Association of New York
President & Owner of Community Transportation

Jerome McCoy
Owner and Operator
Java Lines Transportation

David Clark, Commuter Van Driver

Harbachan Singh
President
Queens Civic Congress

Mark Henry
President and Chairman
ATU Legislative Conference Board

Dustin Jones
Board Member
Disabled in Action
CIDNY, Center for Independence of the Disabled NY

Janice Schacter Lintz
Chief Executive Officer
Hearing Access and Innovations
f/k/a Hearing Access Program

Michelle Keller, Chair
Transportation Committee
Community Board 12, Queens

Bishop Potters

Calvin Hewitt
Transportation Committee
Planning Board 12

Mario Lopez, President, Owner and Operator
Mario's Transportation, Manhattan

2 (sound check, pause, background comments)

3 (gavel)

4 CHAIRPERSON RODRIGUEZ: Good morning and
5 welcome to today's hearing of the Committee on
6 Transportation. My name is Ydanis Rodriguez, and I
7 chair this committee. I'm joined by my colleagues
8 Council Member Vacca, Mealy, Williams, Eugene (sic),
9 Richards, Menchaca and Rose. This morning we will
10 discuss and hear testimony on three bills related to
11 the operation of commuter vans to find how we can
12 bring this valuable form of transportation out of the
13 shadows to be more incorporating to the city's
14 transportation network as a whole. The goal overall
15 is to ensure that safety and efficiency of this
16 industry to improve the lives of those who use it.
17 Over the past 35 years, commuter vans have served to
18 fill gaps in the transit network as well as lifeline
19 during times of crisis or a labor dispute when other
20 forms of travel went down. They are most popular in
21 areas of Brooklyn and Queens in communities lacking
22 sufficient bus or train options. At present, they
23 operate through fare arrangement and take passengers
24 to work in Manhattan or other popular locations such
25 as shopping malls, often serving many passengers at

2 the same time. Commute vans operate under the
3 jurisdiction of the TLC who is responsible for
4 licensing, regulation and enforcement. Commuter vans
5 while serving a sometimes vital role in transit
6 communities, a starved community have also presented
7 challenges. City law requires community van
8 operators to obtain a license from the TLC to operate
9 legally. Yet, some operators and drivers fail to
10 receive this license, but proceed to operate
11 illegally. This creates not only a danger to the
12 consumer as they cannot be sure that the drivers have
13 passed a requirement such as drug testing and
14 background checks, but also to others who use our
15 city streets as illegal operators have been found to
16 drive reckless, particularly when fleeing
17 enforcement. Between January 2013 and September 2014
18 the TLC with the support from the NYPD seized over
19 1,000 illegal vans highlighting how prevailing this
20 problem is. Currently, those found operating illegal
21 vans are charged \$500 for the first offense, and
22 \$1,000 for each subsequent offense.

23 This year, the TLC passed a rule
24 requiring licensed operators to put uniform decals on
25 their vehicles to signify that they are operating

2 legally. This came as a pilot program held by many
3 in the industry as productive as it allows
4 enforcement agents to more easily identify the bad
5 apples while letting the licensed operators work
6 freely.

7 The Committee would like to hear how
8 these efforts are progressing and the impact the new
9 rules are having on getting illegal cars off the
10 streets. We would also like to hear what the TLC
11 anticipated to be the impact of the recent federal
12 ruling restricting the TLC for assisting (sic)
13 vehicles particularly as it relates to commuter vans.
14 The legislation we will hear today are aimed at
15 further easing the work of licensed drivers while
16 more pointedly addressing illegal operators. The
17 first bill is sponsored by Council Member Williams
18 will do away with the requirement that licensed
19 operators pick up passengers only through pre-
20 arrangement, and instead will require set rules
21 established during the licensing process. This will
22 normalize the industry and will provide reliable--
23 reliability for riders without upsetting commuter--
24 community boards that have complained about vans
25 double parking where they pick up passengers. It

2 will also remove the requirement that driver keep
3 passengers' manifest to prove pre-arrangements. T

4 The next two bills both sponsored by my
5 colleague Council Member Miller will require the TLC
6 to study the industry including information on safety
7 related violations, data on vans, bases and drivers.
8 Information on illegal commuter vans is planed for
9 preventing vans from operating on bus routes. The
10 number of vans has information on the most utilized
11 route and ridership. It plans to review illegal
12 commuter vans, information for license renewals for
13 vans, bases and drivers, and a discussion under the
14 selection of rules. Under this bill, the TLC will not
15 issue any new commuter van license from effective
16 that date until designation of the report.

17 The second bill will increase fines
18 against commuter vans found to be operating illegally
19 from \$1,000 to \$3,000 for the first offense, and from
20 \$2,500 to \$4,000 for all subsequent offenses. We are
21 eager to hear from the TLC their thoughts on this
22 bill, and I personally am interested to hear how
23 enforcing of this industry is carried out. As well
24 as from industry participants and riders how they

2 feel such legislation will impact their daily--their
3 daily lives and work.

4 Before we begin, I would like to thank my
5 committee staff who work to put this hearing
6 together, Council Kelly Taylor and Policy Analyst
7 Jonathan Masserano, Gafar Zaaloff and Rosa Murphy as
8 well as my own staff, Chief of Staff Carmen De La
9 Rosa and my Legislative and Communications Director
10 Luis Acosta. I now turn to Council Member Williams
11 and Council Member Miller both to offer the
12 opportunity to speak on their bills.

13 COUNCIL MEMBER WILLIAMS: Thank you, Mr.
14 Chair. Before I start, I do want to acknowledge
15 someone who's been working on these issues when I was
16 just a pup, and I want to give her ado for helping us
17 shepherd where we are today, former council member,
18 Dr. Una Clarke. Give her a hand. (applause)
19 Affectionately know as Mama Clarke. Thank you so
20 much for all the work that you've done on this and
21 many issues, and we wouldn't be this far without the
22 work that you did in the council when you were here.

23 Good morning. My name is Jumaane
24 Williams, and I want to thank Chair Rodriguez for
25 having this hearing. Thank you all for coming and

2 testifying and listening about the issues that are
3 going on in the community hearing on commuter vans.
4 One of the bills being heard today is my bill, Intro
5 No. 570, also co-sponsored by Ben Kallos and Peter
6 Koo, which will repeat the Taxi and Limousine
7 Commission requirement that commuter vans operate on
8 a prearrangement basis and maintain a passenger
9 manifest. There are approximately 300 licensed
10 commuter vans that regularly pick up passenger,
11 paying passengers in neighborhoods such as Flatbush,
12 Flushing, and the east side of Manhattan. These
13 vans, which usually drive passengers from the far
14 corners of the outer boroughs to Manhattan or
15 Downtown Brooklyn are only supposed to pick up past
16 customers after prearranging pickups by phone. There
17 are also dozens of vans that drive around the people
18 can't really keep an accurate track of, and they are
19 notorious for violating all kind of rules. Those are
20 the vans that we are talking about today, except
21 those vans we want to increase violations form.
22 Commuter vans provide a critical transportation
23 service in the outer boroughs, and I think those
24 boroughs deserve to have proper transportation.

2 If the truth be told, as we see now I see
3 the rise of companies like Uber and the Green Car
4 industry to try to address the needs of
5 transportation in the city. There have been groups
6 of people providing--providing those needs for
7 decades in this city that have not for some reason
8 received the same welcome as many of these companies
9 now, and I think that's a travesty. Many of these
10 vans have been operating places that were and are
11 still transportation starved. The city has gone to
12 them at times of emergency, several--at least two
13 strikes, blizzards. And other things that have
14 knocked out transportation the city has gone to them
15 because they're the only ones operating. And after
16 that time period I think treated them unfairly
17 without giving them path. (sic) There are many who
18 are licensed by TLC and insured. Those are the
19 operators that we're talking about, the ones who are
20 licensed by TLC and insured, are in a quasi legal
21 state. They are licensed and insured, but the way
22 the law is now did not allow them to operate the
23 business model legally. And so, they have to rely on
24 elective and TLC to help them either turn an eye-- We
25 want to make sure that it's legal. We want to

2 normalize the relationship that exists currently. I
3 am in full support of and I want to thank also
4 Council Member Miller for his bill. I am in full
5 support of his bills that increase the penalty for
6 those who are not licensed and for those who are not
7 insured, and also pauses any new licenses while we do
8 a study. I think this package together really gets
9 to the concerns that people have while showing
10 respect for industry that has moved this city long
11 before we were--long before Green Cars that the city
12 has relied on. And so, my hope is that people will
13 listen, and will support these bills. As I
14 mentioned, my bill would eliminate the pre-
15 arrangement and passenger manifest requirements for
16 commuter vans, and will further repeal the
17 requirement that commuter vans--also know as dollar
18 vans by the way--renew their license every sixth
19 year. Once again, I want to thank Chair Rodriguez
20 for holding the hearing, Council Members Miller and
21 Kallos for their partnerships as well. I want to
22 thank my staff Nick Smith, Transportation Committee
23 Counsel Kelly Taylor, and Analyst Gafar Zaaloff,
24 Jonathan Massenrao, Russell Murphy as well as Lyle
25 Frank who helped draft the bill. I want to thank

2 Lucas Acosta, Council Member Rodriguez, L.B Ali--I
3 can't pronounce Ali's last name. How do you
4 pronounce it?

5 COUNCIL MEMBER MILLER: Rasoulinejad.

6 COUNCIL MEMBER MILLER: Rasoulinejad, who
7 is Council Member Miller's LD, and Paul Westrick,
8 Council Member Kallos' LD, and I want to give a shout
9 out to all of the van drivers who are here today who
10 I know do their best to operate safely. And also, I
11 have always supported increased enforcement on those
12 van drivers who are not licensed and not insured.
13 But I do want to give a special shout out to Brooklyn
14 van driver Leo Morrison, who those who know him has
15 been in constant conversation with me to try to move
16 this. I know that Hector Ricketts from Queens is
17 here as well, but thank you all. I'm looking forward
18 to this hearing. Thank you Commissioner Joshi for
19 all the work that you've done in helping normalize
20 this as much as possible as you can to make sure that
21 the public understands that the best thing to do is
22 to ride the vans that are licensed and insured as
23 opposed to the vans that have no license and no
24 insurance. I look forward to the hearing. Thank
25 you.

2 CHAIRPERSON RODRIGUEZ: Council Member
3 Miller.

4 COUNCIL MEMBER MILLER: Thank you, Chair
5 Rodriguez, and thank you Council Member Williams and
6 thanks everybody for coming out and really addressing
7 this very important issue that has impacted
8 communities throughout the city for so long. My Bill
9 860 is--is pretty self-explanatory. It's requiring a
10 study of safety related issues in the commuter van
11 industry and suspending new commuter van licenses
12 pending the completion of this study. Under the
13 bill, TLC will conduct a study on safety related
14 issues of the commuter van industry to be submitted
15 to the Council and post it one year after the date of
16 this study. The study would include at minimum
17 information on safety related issues data on vans
18 based on driver's information and legal commuter vans
19 that plan for preventing vans operating on bus
20 routes. The number of vans city's information on the
21 most utilized routes, and ridership or plans to
22 reduce illegal commuter vans. Information on license
23 renewals and on bases and drivers, and discussion on
24 the selection of routes. The CLC--TLC would not
25 issue any new commuter van licenses from this

2 affected date until the submission. And I think that
3 861 increasing penalties is pretty self-explanatory.
4 There is not a lot to be said because I--I--I think
5 that our chairman and Council Member Williams
6 articulated very well the--the historical impact of
7 the is community--the commuter van community. Now, I
8 could say that I have been vehemently opposed for--
9 for--for many years to the operations and the unsafe
10 operations and the fact that they had not provided
11 equitably accessible access to all the citizens of
12 our community and particularly Southeast Queens where
13 I represent. But there has been ongoing dialogue
14 with my predecessors in the Council, and--and with
15 myself, Council Member Williams, well beyond my time
16 in the Council. It's certainly something we've been
17 addressing for a long time, and for us to be here
18 today with a comprehensive package that addresses
19 this. I think it really speaks to the collaborative
20 work that could be done that ensures that community
21 is provided safe and accessible transportation
22 throughout the city, particularly those who are
23 transportation starved districts like the ones that
24 we represent. I think what is more indicative of the
25 collaborative effort is the folks that are here

2 today. And the fact that we have folks who have
3 historically not been on the same side have come to
4 an agreement that something has to be done that
5 clearly deserves safe and accessible services, but it
6 has to be done in a proper manner and a regulated
7 manner. So, I think that's why we are here today,
8 and to see that we have a collaboration of folks that
9 include community, obviously van owners and
10 operators, advocates and organized labor. It really
11 speaks to the importance of this issue. Obviously,
12 we are concerned over some of the recent incidents
13 that have occurred, and have been reported
14 negatively, and how do we address that? How does
15 this certainly fit into Vision Zero, which is so
16 important to the City of New York? I think that his
17 is an industry that has been left out of that. And
18 this report that we are undertaking should address
19 that by recommending safety mechanisms that ensure
20 the safety of all drivers, passengers and all those
21 on the road. So I look forward to discussions that
22 we've undertaken today, and certainly addressing the
23 Commissioner and seeing what the admin has in store
24 for us as well. So, thank you.

1 COMMITTEE ON TRANSPORTATION

17

2 COUNCIL MEMBER WILLIAMS: Mr. Chair, can
3 I say one thing? So I just want to join Council
4 Member Miller in thanking former Council Member
5 Comley now Senator Comley for the work he did prior
6 to Council Member Miller being here, and getting us
7 to this point also.

8 CHAIRPERSON RODRIGUEZ: Great. So thank
9 you Council Members Miller and Williams for you being
10 great partners not only on this bill, but other
11 initiatives here at the Council. I now ask our
12 Committee Counsel Kelly Taylor to please administer
13 the affirmation and I invite the TLC Commissioner
14 Mira Joshi to testify.

15 LEGAL COUNSEL TAYLOR: Please raise your
16 right hand. Do you affirm to tell the truth, the
17 whole truth, and nothing but the truth in your
18 testimony before the committee today, and to respond
19 honestly to Council Member questions?

20 COMMISSIONER JOSHI: I do.

21 LEGAL COUNSEL TAYLOR: Thank you.

22 CHAIRPERSON RODRIGUEZ: You may begin.

23 COMMISSIONER JOSHI: Okay, good morning
24 and thank you Chair Rodriguez and members of the
25 Transportation Committee and Council Members

2 interested in commuter vans. I'm Mira Joshi,
3 Commissioner and Chair of the New York City Taxi &
4 Limousine Commission, and I--I really want to thank
5 you for the opportunity today to discuss Intros 570,
6 860 and 861 concerning the city's commuter van
7 industry. And I'm very pleased that you're having
8 this hearing today because as Council Member
9 Rodriguez said, this is an industry (coughs) that
10 gets very little attention, but provides a great
11 breadth of public legal service. Commuter vans
12 represent a small portion of the sector's regulated
13 by the TLC, but they're an important and necessary
14 part of the city's transportation system. Commuter
15 vans provide true affordable transportation to New
16 Yorkers, mostly in the outer boroughs, but also in
17 Manhattan. This is especially true (coughs) in
18 neighborhoods that have less access to public transit
19 where commuter vans allow passengers to share rides
20 at minimal cost as little as \$2.00. In doing so,
21 commuter vans connect people with other
22 neighborhoods, often other new immigrant communities
23 at what may be faster times than public transit. An
24 example of this is the existing commuter van service
25 between Flushing and Manhattan's Chinatown where on

2 average a commuter van can provide this trip, which
3 might be a 70-minute subway ride in about 35 minutes.
4 There are currently 49 authorized commuter van
5 authorities and a total of 585 commuter vans
6 operating in the city. Many of these van companies
7 are owned and operated small businesses, often
8 serving their own communities. Popular service areas
9 include transportation between and among Flushing,
10 Sunset Park, Manhattan's Chinatown, Eastern Queens
11 and neighborhoods surrounding Flatbush Avenue in
12 Brooklyn. I'm proud to say that TLC has become
13 significantly more engaged with the commuter van
14 industry and our ongoing collaborative efforts aim to
15 improve both enforcement and customer experience.
16 One example of this, which I will discuss more today,
17 is the TLC's Commuter Van's Markings Pilot, which led
18 to passage of a comprehensive detail system to put
19 distinctive markings on licensed commuter vans to
20 further differentiate them from unlicensed vans.
21 These markings serve two purposes. They help law
22 enforcement better identify legal vans, and they make
23 it easier for passengers to choose legal vans, which
24 offer greater safety and consumer protection. As the
25 Commission's establishment of this pilot suggests,

2 the TLC is aware that some communities experience
3 illegal commuter van activity, and we maintain active
4 enforcement efforts against this activity. Illegal
5 vans are problematic because unlike authorized
6 commuter vans, they lack basic safety and consumer
7 protection such as driver background checks and
8 appropriate insurance coverage. As part of our
9 enforcement against illegal vans, the TLC regularly
10 partners with the New York City Police Department.
11 This is difficult work and our dedicated TLC
12 enforcement officers and the NYPD are committing--
13 committed to getting illegal operators off the road.
14 Until very recently, one of our key enforcement tools
15 was to seize illegal operating vans. But as you may
16 know, based on a recent Federal Court ruling on one
17 aspect of a larger pending case, we've stopped
18 seizing all of the--all cars including unlicensed
19 commuter vans. Rest assured, though, the TLC is
20 continuing to do commuter van enforcement and issuing
21 the appropriate criminal court summonses to violators
22 in order to deter those who engage in this illegal
23 activity.

24 Intro 861. On the top of it--of
25 enforcement I'd like to comment on Intro 861. Its

2 most significant provision increases the maximum fine
3 the owner and driver of an illegal commuter van would
4 pay from \$1,000 to \$3,000 for an initial violation,
5 and from \$2,500 to \$4,000 for a second violation with
6 two years. Intro No. 861 as drafted would not
7 provide for a minimum fine for these violations. The
8 TLC supports increasing fines as a way of deterring
9 illegal activity. We fear, however, that deleting
10 minimum fines, as is the case in the current draft,
11 would undermine this important effort. This is
12 because if there's only a maximum fine, but no
13 minimum, our experience has been that judges will
14 impose the lowest amount advocated for by the
15 defendant, which may well be below the amount
16 befitting the severity of the conduct. For this
17 reason, we recommend against eliminating the existing
18 minimum fines, and further suggest that the minimums
19 be increased to \$1,500--\$1,500 for the first
20 violation, and \$2,000 for the second in order to
21 ensure that violators receive meaningful fines that
22 will deter repeat offenders.

23 I'd also like to provide our thoughts on
24 Intro 570, which would alter several requirements for
25 commuter vans including the requirement that the

2 commuter van carry a passenger manifest on board.

3 The TLC does not object to the elimination of the

4 onboard manifest requirement. The second provision

5 of 570 would eliminate the pre-arrangement

6 requirement. While we strongly support the goals of

7 reducing any unnecessary regulatory burdens in the

8 commuter van industry, we are concerned that to the

9 extent this bill would affect the requirement that

10 commuter van service be prearranged, the State

11 Transportation Law would preempt Council action

12 because that law provides for licensing of van

13 service, which must be pre-arranged. Accordingly,

14 we'd be happy to explore further with Council ways in

15 which we can increase the flexibility of commuter van

16 operations in harmony with this current state law.

17 Intro 570 would also limit commuter van

18 pickups and drop-offs exclusively to designated stops

19 set forth in the Commuter Van Authorization, and

20 require commuter vans to travel designated routes.

21 We agree that providing space for commuter vans to

22 stop could be helpful preparing passengers wishing to

23 travel with available vans, and it may also benefit

24 other road users. At this time, we do not, however,

25 think it is necessary to require that pickups and

2 drop-offs occur exclusively at pre-designated
3 locations as this would reduce flexibility for
4 commuter van passengers who may benefit from being
5 dropped off closer to their destinations than is
6 possible when only using designated stops.
7 Therefore, although, providing designated pickup
8 points and drop-off points could be helpful, we'd
9 advise against limiting pickups to such locations.
10 Similarly, we do not believe fixed routes, which
11 would limit a van company's ability to tweak their
12 service provisions to meet new passenger needs, or
13 new conditions on the ground would necessarily help
14 the city set a framework for providing the best
15 transportation options for passengers. Intro 570
16 would also repeal the requirement that commuter van
17 services renew their authorizations with City DOT
18 every six years. Instead, permitting them to
19 continue operating until their authorization is
20 either suspended, revoked or they abandon it.

21 As I will discuss later in my testimony,
22 DOT plays an important role in reviewing and
23 recommending commuter van author--service
24 authorizations. But we do believe DOT with its
25 greater capacity to evaluate overall transportation

2 and traffic considerations citywide plays a valuable
3 role in reviewing these applications every six years
4 to determine whether the proposed van service meets
5 present and future public convenience and necessity.

6 Finally, I'd like to comment on Intro
7 860, which would require the TLC to cease issuing new
8 commuter van licenses until it completes a
9 comprehensive study of the commuter vans industry and
10 which T--and which would require TLC to repeat this
11 comprehensive study annually. There is no question
12 that it's important to monitor growth in the commuter
13 van industry, and all transportation sectors. But
14 the current growth controls in this sector make a
15 moratorium on issuing commuter van licenses
16 unnecessary. Today, a commuter van company cannot
17 gain authorization to operate unless it submits a
18 plan to DOT including proposed areas of service and a
19 maximum number of vans. DOT refuse--reviews the
20 proposal and pursuant to the Ad Code, DOT notifies
21 the affected community boards, City Council members,
22 transportation agencies, local stakeholders and the
23 public. Each of these stakeholders that has an
24 opportunity to provide feedback to DOT prior to its
25 determination of whether there is a public need for

2 service and the number of vans to be allowed per
3 authorization. Once DOT having considered input from
4 the aforementioned--aforementioned stakeholders and
5 having conducted any other relevant research and
6 analysis submits a recommendation to TLC to authorize
7 a commuter van authority based on need. Then the TLC
8 reviews the base application including terms such as
9 sufficiency of insurance, bond requirements, proof of
10 business status and any outstanding judgments before
11 it issues a license. Thus, on a micro level a study
12 is performed before any company is authorized to
13 perform service. And one of the findings of this
14 study that becomes of its legal terms of operation is
15 a cap on vehicles. This is arguably the most
16 rigorous growth control mechanism of any of our
17 regulated sectors. We believe that TLC's greater
18 involvement with outreach to the commuter vans
19 industry in recent years is already yielding great
20 results to assist in planning enforcement and other
21 measures to increase--increase the customer
22 experience. An example of this that I've already
23 mentioned is the TLC's commuter van decal program.
24 In August 2014, the TLC authorized a Commuter Van
25 Markings Pilot to assist law enforcement in better

2 identifying illegal vans and to help passengers enjoy
3 the safety benefits of riding in authorized vans. As
4 part of our outreach on the Commuter Van Decal
5 Program, the TLC met with elected officials and
6 members of community based commuter van authorities
7 to encourage authorities to participate in the pilot.
8 We also met with Chinatown Chamber of Commerce and
9 the commuter van authorities in Flushing. Outreach
10 included meeting with City DOT, Council Member Chin,
11 Community Board 3 and the NYPD to discuss the
12 implementation of designated stops for commuter vans
13 in Chinatown community.

14 The TLC met with the commuter van
15 industry for over two days to solicit their input and
16 feedback regarding the state of the commuter van
17 industry, participated in the commuter van outreach
18 event at Parsons Boulevard and Archer Avenue in
19 Jamaica and at Smith and Livingston in Downtown
20 Brooklyn, both of which are commuter van
21 transportation hubs. Additionally, this past July I
22 joined council members Chin and Koo to distribute
23 materials to help local riders identify and avoid
24 unlicensed van services at Confucius Plaza, and I
25 just want to clarify I actually personally was not

2 able to join that event, but my Deputy Commissioner
3 of Policy was.

4 I'm pleased to report that the pilot was
5 a big success. 87% of authorities and 75% of
6 vehicles voluntarily agreed to put these distinctive
7 markings on their vehicles and feedback from the
8 public and the industry has been positive. Because
9 of this successful demonstration, in July 2015, the
10 TLC unanimously voted with the support from several
11 City Council members including Council Members Chin
12 and Williams who kindly testified before the CL--TLC
13 Commission to make decals a permanent feature of all
14 TLC licensed commuter vans. Following this vote, the
15 TLC is working with the industry to develop the
16 specifics of a permanent marking scheme that's
17 sufficiently distinctive, difficult to counterfeit,
18 and affordable to these small businesses. Since
19 then, the TLC and DOT have continued to meet with the
20 commuter vans industry stakeholder to discuss issues
21 including licensing process and the need for
22 additional van stands in Queens. DOT and TLC
23 continue to work together to address the future needs
24 of the evolving commuter van industry. And recently
25 the TLC met with representatives of the industry to

2 discuss solutions to ensure the integrity and
3 effectiveness of the decal program. Another
4 important tool in our outreach has been the
5 development of a new simple palm card to explain to
6 customers why they should ride in licensed commuter
7 vans and how to identify these vans. With useful
8 feedback from Council, we redesigned the card to make
9 it less text heavy and more visually appealing. Our
10 goal was to make the information card as clear as
11 possible, and in the past year we've distributed
12 9,000 palm cards. And I believe we've brought some
13 today, if anybody is interested in looking at them or
14 need some for distribution. They are in English,
15 Spanish, Mandarin Chinese and French Creole, and
16 we've just distributed them at several public
17 outreach events to commuter van operators, NYPD,
18 community councils and elected officials. With the
19 support of the licensed commuter van operators, we
20 hosted community--commuter--community outreach events
21 in Jamaica, Downtown Brooklyn and Lower Manhattan.
22 We'd like to thank Council Members Chin and Williams
23 as well as the van operators for supporting these
24 outreach efforts.

2 In short, the TLC is proud of its deep
3 engagement with the commuter van industry, and we
4 feel we're constantly learning more information about
5 this vital sector. We're always happy to provide
6 Council with statistics and information that will
7 help you and your constituents in policymaking and
8 deliberations. Thank you for the opportunity to
9 testify on these bills. We appreciate Council's
10 attention to this small, but important segment of our
11 city's transportation network, and I'd be happy to
12 take any of your questions.

13 (pause)

14 CHAIRPERSON RODRIGUEZ: Thank you,
15 Commissioner. I also would like to recognized that
16 we also have Public Advocate Tish James and Council
17 Member Van Bramer and Reynoso. I had a question you
18 said in the first page of your testimony that there
19 are currently 49 authorized commuter vans, but that
20 we have 585 total commuter vans operating in the
21 city?

22 COMMISSIONER JOSHI: Yes, today we have
23 49 authorizations, and I can compare that with 2010
24 when we had 50. So the numbers fluctuated between,
25 50, 48, 47. We're now at 49. The number of vehicles

2 attached to those authorizations, and as I mentioned
3 in my testimony, each authorization has an individual
4 cap for the number of vehicles it's allowed to have.
5 Overall, we have 585 vehicles in service, but the
6 total cap of every authorization combined is 675. So
7 at no point could we go above the number 675.

8 CHAIRPERSON RODRIGUEZ: Yeah, but does
9 this mean that 49 had a permit, and 5--and we use
10 this number 536 are operating without being licensed?

11 COMMISSIONER JOSHI: No, 40--when we say
12 authorities, that's akin to a base. So there's--it's
13 almost like there's 49 bases and there's 585 vehicles
14 attached to those 49 bases. It's a separate license.

15 CHAIRPERSON RODRIGUEZ: Okay. So what is
16 your estimate on how many are operating without a
17 license?

18 COMMISSIONER JOSHI: It's a difficult
19 question. What I can give you is figures on what we
20 seize, and--and there are just the portion of illegal
21 operators. I actually in all honestly think that if
22 you speak to the commuter van operators that are
23 working everyday and competing with illegal
24 operators, you will get a truer sense of what the
25 volume of illegal operators are. But it's safe to

2 say that it's probably--I don't think equal, but not
3 far off from equal. But I really would defer to the
4 operators who experienced this everyday.

5 CHAIRPERSON RODRIGUEZ: Thanks. So when
6 you say 575 total commuter vans operating in the
7 city, this drivers, not company?

8 COMMISSIONER JOSHI: No, it is vehicles.
9 It's actual--

10 CHAIRPERSON RODRIGUEZ: (interposing)
11 Vehicles.

12 COMMISSIONER JOSHI: --vehicles. Yes.

13 CHAIRPERSON RODRIGUEZ: Great. And, of
14 course, I think that--I applaud both Council Member
15 Williams and Miller because working with the
16 stakeholders of this industry they're trying to come
17 out with a plan. Where we should be able to hope,
18 you know, those in debate would now for decades that
19 are providing important services, and their family
20 rely on their income also. So, I think that this is
21 a great plan, and I just hope that even though you
22 also share some concerns in some areas that we
23 continue the conversation, and see how we can--how we
24 can come out with a final product at the end of this
25 process where we can work with both Council Member

2 Miller and Williams around those three bills that
3 they have introduced here.

4 COMMISSIONER JOSHI: Absolutely.

5 CHAIRPERSON RODRIGUEZ: Okay. So, your
6 own understanding to what extent do you see this
7 industry providing an important transportation
8 service in New York City?

9 COMMISSIONER JOSHI: I think there's
10 really--there's several aspects of it, but the two
11 that sort of come to mind first is affordability. So
12 we hear a lot of--and I obviously as the TLC
13 Commissioner are asked a lot about yellow taxis,
14 green taxis, black cars, and they provide a level of
15 service at a certain price point. But in reality, we
16 know that that price point is not something that's
17 affordable for large sections of New York City. That
18 doesn't mean they don't have the same needs for
19 mobility as everybody else. Commuter vans have
20 filled that gap, and filled that gap admirably, the
21 illegal ones that are operating and providing that
22 safe transportation. They provide an affordable way
23 for people to get to and from work in places where
24 the public transit is less than what's needed to
25 accommodate the community's needs. And on--on a

2 second point they are what I consider sort of true
3 ride share. They are maximizing the use of one
4 vehicle and transporting a maximum amount of
5 passengers, which in an era--in an era where we're
6 looking to reduce car ownership is a good thing.

7 CHAIRPERSON RODRIGUEZ: (off mic) How
8 many companies--(on mic) How many companies have been
9 going through the DOT process, and at the end being
10 licensed by TLC as a commuter van?

11 COMMISSIONER JOSHI: That would be the 49
12 authorizations. All 49 of them have to go through
13 the DOT process.

14 CHAIRPERSON RODRIGUEZ: (interposing) So
15 that's the 49 companies?

16 COMMISSIONER JOSHI: Yes.

17 CHAIRPERSON RODRIGUEZ: How many drivers
18 each company has?

19 COMMISSIONER JOSHI: I don't know how
20 many drivers each company has, but we have about 300
21 licensed drivers today.

22 CHAIRPERSON RODRIGUEZ: Okay.

23 COMMISSIONER JOSHI: So you'll see there
24 is a difference between the number of licensed
25 vehicles and the number of licensed drivers. And

2 that's an area where I'd really like to work with
3 Council as well as community leaders on how we can
4 encourage more members of the community to become
5 licensed commuter van drivers so they can provide
6 that service through the licensed vehicles.

7 CHAIRPERSON RODRIGUEZ: My--my, you know,
8 concern with this information is that it's in the
9 line that we refer to the 49 as company. And then
10 you address--we include the 485 total commuter vans.
11 So those commuter vans are not company, but those are
12 cars.

13 COMMISSIONER JOSHI: Yeah, the easiest
14 way to think of it is--for me the easiest way to
15 think of it is on the FHV side we have livery and
16 black car bases. If you think of that--of the
17 authorizations as like a base. So every commuter van
18 has to be affiliated with the base. That's the
19 authorization. So it's like there's 49 bases, and
20 585 vans, and they each have to be author--affiliated
21 with one of the 49 bases.

22 CHAIRPERSON RODRIGUEZ: Okay, great. So
23 at this moment, how many applications are still
24 pending on DOT reviewing a TLC decision to provide a-
25 -to get a commuter van license?

2 COMMISSIONER JOSHI: So I'm going to
3 check with the staff, with DOT and TLC staff here,
4 and if I don't have that answer for you right now,
5 I'll make sure to get back to you. If you'll give me
6 one second. (pause) They're going to look so we'll-
7 -we can come back with the answer once they have it,
8 and if not, I'll be sure to follow up as soon as this
9 hearing is done with that answer if I can't get it to
10 you this second.

11 CHAIRPERSON RODRIGUEZ: Right, right. I
12 just hope that you--that we continue looking at the
13 services that those companies and drivers provide as
14 important to our city because many of them provide
15 services in desert area. In places where we don't
16 have the buses or the train connecting services in
17 those communities. And as we have for many of my
18 colleagues, sometimes it takes like two hour for
19 someone who lives in the Southern part of Brooklyn to
20 be able to able to come here in Midtown or this area.
21 So, my experiences is on how the system has been
22 working knowing again that I--based on what I heard
23 from my colleagues that most important leaders of
24 this industry they want to come out--out of the
25 shadows. They want to have a license. They want to

2 operate in a way that is-that the city recognize the
3 services that they provide at the same time that they
4 also know the responsibility that come with a license
5 that the city can provide. So I just hope again that
6 this is only the beginning of a process where with
7 the support of Mayor de Blasio and you as the
8 Commissioner and DOT, we can continue working with
9 our colleagues and the stakeholders of this industry.
10 And value the services that they provide where in our
11 city we have so many desert areas that they are not
12 connected with the buses and train. And see how we
13 can, you know, put together a system in place where
14 they can get their license at the same time that they
15 will be more responsible and accountable for
16 providing that safer--that--that service in a safe--
17 safe for--for New Yorkers.

18 COMMISSIONER JOSHI: Yeah, and that is
19 part of the reason why our push for distinctive
20 markings, which we've been working closely with the
21 industry so that communities are able to quickly
22 distinguish what are the license commuter vans and
23 what aren't as well as attracting more drivers to the
24 industry.

2 CHAIRPERSON RODRIGUEZ: Great. And
3 before I call on my colleague, I want to recognize
4 how the TLC Commissioner with the support of Mayor de
5 Blasio they've been approaching this issue in a
6 completely different way on how this issue was
7 approached in the past. I was even was told when we
8 were moving on this hearing be careful because in the
9 past there was a lot of clouds (sic) on this issue.
10 In 2015, 23 have a different approach, different
11 support from this administration the committee to
12 find a way on how we provide the best support for
13 this industry. (applause)

14 SERGEANT-AT-ARMS: Keep it down, please.
15 Keep it down, please.

16 CHAIRPERSON RODRIGUEZ: With that,
17 Council Member Williams.

18 COUNCIL MEMBER WILLIAMS: Thank you,
19 Commissioner, for your testimony and for all the
20 things you've been doing around this issue, and the
21 issue of taxis in general. So thank you for most of
22 the support on my bill. I understood the issue with
23 the state law. So I'm looking forward to try to work
24 with you to see what we can do to make sure that we
25 are in compliance while trying to get to the goal of

2 what that portion of the bill was to do. Now you
3 raise an interesting point about the pickup and drop-
4 offs. While we may each--we were probably trying to
5 help, I can see your point in maybe making--making
6 acting more restrictive. So I'm going to hopefully
7 hear what the operators have to say in response to
8 that. But I want to speak to most about what was the
9 renewal. So we obviously want to make sure that TLC
10 has the ability to check in, and make sure that
11 everybody is doing what they're supposed to do. My
12 understanding is that they have a two-year renewal
13 and a six-year renewal. Can you explain a little bit
14 more of--?

15 COMMISSIONER JOSHI: Sure. The--the two-
16 year renewal is a--is an individual process. That's
17 something that all of our licensees undergo. It's a
18 typical--the best way to sort of describe it, it's a
19 check in. You're still in good standing. You pay
20 the fee. You've done all your drug tests and
21 background. So it's a renewal. The DOT six-year
22 renewal on the authorizations isn't so much a
23 renewal, but they're looking at all of the
24 authorizations as well as changes in transportation
25 conditions. That' traffic conditions, roadway

2 changes, and they're trying to assess whether or not
3 the authorizations with the zones that come with them
4 sill makes sense. And we've had an opportunity.
5 I've just sort of briefly discussed this with DOT
6 what has been their experience with the six-year
7 renewal when the six-year review process. And, in
8 fact, they haven't actually restricted anyone as a
9 result of that process. In fact, they've extended
10 some areas of operations as a result of that process
11 in the past, and--

12 COUNCIL MEMBER WILLIAMS: (interposing) I
13 think one of the--Sorry, go ahead.

14 COMMISSIONER JOSHI: But I just wanted
15 to--so we as a sort of a very niched agency in a way
16 we're only considering the concerns of for-hire
17 transportation that don't have the breadth and the
18 vantage point that they have of considering all
19 citywide transportation issues in reviewing whether
20 that zone is appropriate or not.

21 COUNCIL MEMBER WILLIAMS: I think one of
22 the most onerous parts of that that I think have
23 caused the most problems is that they have to gather
24 a bunch of signatures on corners and passengers I
25 guess that doesn't seem particularly helpful. And I

2 think that's the part of this experience that we know
3 that causes the most problems. There's probably
4 others that I may not be thinking about, but I would
5 be supportive of maybe changing so that is less
6 onerous to--to get.

7 COMMISSIONER JOSHI: Um, I--I can't speak
8 for DOT, but I can say generally this administration
9 and TLC is certainly supportive of getting rid of
10 unnecessary regulatory burdens. And if the purpose
11 is to look at the zones and see if they're important
12 and signatures really don't weigh in very heavily on
13 that inquiry, I can say that we'll be happy to
14 discuss with you and DOT on ways to get rid of
15 certain steps that might not actually be informing
16 the process. But are, in fact, causing pain for
17 those who have to do then.

18 COUNCIL MEMBER WILLIAMS: Thank you so
19 much. No further questions.

20 CHAIRPERSON RODRIGUEZ: (off mic)
21 Council Member Miller.

22 COUNCIL MEMBER MILLER: Thank you, Chair
23 Rodriguez. Good morning, Commissioner. Thanks again
24 for your testimony. I have a few questions here. So
25 I'll begin with you mentioned about the decal program

2 and-and you spoke so admirably about its impact.
3 What--what--what has been the impact thus far on--
4 that you in terms of feedback that you've received?

5 COMMISSIONER JOSHI: So I get a lot of
6 feedback from the operators, and many of whom I'm
7 happy to say are here today, and I look forward to
8 their testimony and hopefully, they'll address this
9 issue as well. So the feedback we've gotten has been
10 overwhelmingly supportive. The operators and the
11 individual drivers feeling a sense of pride in
12 branding by having a decal that is akin to the taxi
13 green and yellow decal. Allows them to move around
14 and provide services in their neighborhood with a
15 sense of professionalism that they didn't have in the
16 past. I personally--I'll just give you a little
17 anecdote--was driving and alongside a commuter van
18 operator who had the decal. He was about eight
19 months into our program, and I just asked him what do
20 you think? He smiled, put his thumb up and pointed
21 to a taxi and said, Now, I'm just like them. And I
22 think that really in--in a nutshell is--is how the
23 industry has--has felt about this program, and
24 welcome it becoming a universal rule. The next
25 challenge for us is how do we roll it out industry

2 wide, and how do we come up with a scheme that works
3 well for law enforcement because it's very important
4 for law enforcement to quickly distinguish between
5 legal and illegal vans as well as for the general
6 public so that we can make sure that they're
7 patronizing the legal vans, and not patronizing the
8 illegal vans. But we started this meeting off with
9 an acknowledgement of this as an industry that's been
10 in the shadows, and need to be in the light, and this
11 is one part of that journey.

12 COUNCIL MEMBER MILLER: So this decal
13 program is this--isn't this a part of Local Law 48
14 for 2008 or 2007 that--that was introduced and became
15 law, and just sort of just going into effect now?

16 COMMISSIONER JOSHI: Um, if you don't
17 mind, could you just refresh my memory on what
18 exactly the provision you're referring to is?

19 COUNCIL MEMBER MILLER: So this Local 40-
20 -Local Law 48 required the decal be--be implemented
21 on all registered commuter vans back in 2007.

22 COMMISSIONER JOSHI: So it may coincide
23 with those, and I'd have to take a closer look at
24 local law, but I'm not sure what happened--

2 COUNCIL MEMBER MILLER: (interposing) So
3 pretty much I'm saying that we're touting--

4 COMMISSIONER JOSHI: --right after the
5 local law--

6 COUNCIL MEMBER MILLER: --we're touting a
7 program that should have taken place eight years ago
8 at the very least, and quite frankly, I don't see
9 that as the end all. While I appreciate being able
10 to distinguish, I'm not so sure as to--when we look
11 at the numbers of--and obviously there's been some
12 conversation about what information is available
13 online because I had--the last 2014 number I had was
14 344 registered vehicles. Um, and now we have 657
15 according to your testimony.

16 COMMISSIONER JOSHI: No, we have about
17 580 that are in service, but there is a cap on the
18 number of possible vehicles citywide and that's 675.
19 We cannot go above 675.

20 COUNCIL MEMBER MILLER: Okay, so--so
21 getting back to the decal program, have--have you
22 seen that these have been--(off mic) Do you know
23 anything about them being potentially--those decals
24 being copied or--?

2 COMMISSIONER JOSHI: Yeah, that is a
3 concern and it was raised by Council Member Chin at
4 our--our hearing on what--on a rule requiring decals
5 for everybody, and that's what we're in the process
6 of determining what should the permanent marker be?
7 Should it be a bar code, an RFID, something that's
8 very hard to copy, but easy for TLC inspectors and
9 for law enforcement to identify? And we'd welcome
10 your input in that process, which we haven't reached
11 the end of yet. But definitely counterfeiting and
12 imitating the legal decal is of highest priority for
13 us.

14 COUNCIL MEMBER MILLER: So, um--

15 COMMISSIONER JOSHI: (interposing) Well,
16 not counterfeiting. I mean imitating, making sure
17 that people don't counterfeit and imitate is our
18 highest. (laughs)

19 COUNCIL MEMBER MILLER: Thank you.
20 Certainly--certainly I--I think it's a good idea, of
21 course, but I want to make sure that those who are
22 entitled and those who have certainly gone through
23 the process are rewarded by that, and that there's
24 not any fraudulent activity going on there. So I
25 want to talk to--sort of speak to the study that the

2 bill is requesting and--and requiring, and--and that
3 is the process. We talked about--you mentioned your
4 process in obtaining licenses and also renewal of--of
5 such. I think that, um, there's also in the
6 Administrative Code a requirement that determines a
7 convenience--a necessity. How do you determine
8 necessity in approving applications currently?

9 COMMISSIONER JOSHI: The necessity
10 determination is primarily done by DOT and they make
11 a recommendation to us, and I'm happy to--there are
12 staff members from DOT available who may be able to
13 provide more details on the steps they take.

14 COUNCIL MEMBER MILLER: Yeah, could you
15 please join us.

16 COMMISSIONER JOSHI: I happen to have a
17 seat right next to me.

18 COUNCIL MEMBER MILLER: So certainly
19 that's--that's kind of my next question. What--what--
20 -what inner agency coordination is involved in this
21 including DOT and MTA and whoever else may be
22 involved? Would be my question to the gentleman who
23 is going to identify himself before testifying. Yes.

24 CHARLES UKEGBU: Good morning. My name
25 is Charles Ukegbu. I'm the Assistant Commissioner

2 for Regional and Strategic Planning. The Commuter
3 Van Assessment Program is conducted within my unit,
4 and our primary goal or obligation is to review
5 public confidence and necessity. We do that by
6 reviewing the--while once we receive an application
7 that comes to us from TLC, we review the data that is
8 supporting that application, which is already the
9 criteria posted online at DOT or TLC's website, and
10 also on our website. We review the roadway. First,
11 we have a territory that the applicant has requested.
12 We review the service conditions in those locations.
13 We also review--I think earlier you mentioned the
14 issue about petitions. We also review the number of
15 petitions in support as well as those who may oppose
16 it, and we also consider where there are any transit
17 facilities and bus stops and the service regularity
18 in those particular areas. We also sort of sit and
19 review comments from stakeholders--just stakeholder
20 council members and community boards. And before we
21 make a recommendation, we also conduct a hearing,
22 which we invite--we post the hearing on our website.
23 We give at least five days preceding the hearing
24 date for people to be aware, and sometimes we also go

2 out to the community and hand out flyers to say
3 here's something that's happening the area.

4 COUNCIL MEMBER MILLER: So--so you do
5 coordinate with--so with our agency in terms of you
6 guys are familiar with bus rides that may exist
7 within the--a close proximity there, and you take
8 that into consideration as well?

9 CHARLES UKEGBU: Yes, we do.

10 COUNCIL MEMBER MILLER: Okay. And are
11 there any other agencies that get involved in this
12 decision?

13 CHARLES UKEGBU: Well, we primarily
14 review the--the route and the territory. We consider
15 MTA's New York City Transit Service.

16 COUNCIL MEMBER MILLER: And TLC?

17 CHARLES UKEGBU: And, of course.

18 COUNCIL MEMBER MILLER: --MTA?

19 CHARLES UKEGBU: Of course.

20 COUNCIL MEMBER MILLER: And those are the
21 two agencies involved?

22 CHARLES UKEGBU: Yes.

23 COUNCIL MEMBER MILLER: Okay, thank you.

24 In terms of enforcement of these regulations, because
25 obviously I think that we're all on one accord and--

2 and with the prescribed regulations and--and--and
3 what we are attempting to do, but how this actually
4 gets done in terms of whether or not people are
5 acting accordingly according to the guidelines.
6 Could you explain, Commissioner, what are the basic
7 premises in which commuter vans operate in terms of
8 the demographics? So we--we know that there's things
9 like you can ride along a bus route. You can't stop
10 on the bus route. You have to have pre-arranged or
11 whatever, which is things you have.

12 COMMISSIONER JOSHI: Right, right.
13 Basically, they go through the process of necessity
14 that was just outlined by DOT, and then they're
15 authorized to work in a zone. By state law they're
16 supposed to work by pre-arrangement, and they work on
17 non-fixed routes. There are some prescriptions on
18 what communities--between what communities they can
19 serve. So they go from residential to business, but
20 they can't necessarily go business to business.

21 COUNCIL MEMBER MILLER: And could you
22 tell us about the enforcement of these regulations?

23 COMMISSIONER JOSHI: Since I became
24 Commissioner, we began pairing with NYPD, which we
25 used to do on occasion, but we made it a matter of

2 practice after I became Commissioner to get illegal
3 commuter vans off the road. So we would go into
4 neighborhoods where we had high reports of illegal
5 commuter van activity, and we still do this. And
6 when we--along with PD found illegal commuter vans
7 operating, we'd stop the vehicle, establish the
8 illegality, and then summons and seize the vehicle.
9 The reason why we do it with PD it's a disruptive
10 event. There's lots of people on the van that are
11 now not able to get to where they need to go to. So
12 the enforcement is primarily seizure of the vehicles
13 of the summoning of the operators and the drivers.
14 And as I mentioned in my testimony based on a recent
15 federal court ruling that--in which the case is
16 pending litigation so we don't know what the final
17 outcome will be, our ability to seize was struck
18 down. And so today we are not seizing those and
19 instead, we are issuing, which we are allowed to do
20 under the Administrative Code, criminal misdemeanor
21 summonses to the operators and we are working with
22 the DA's offices in Queens, which we're actually at
23 right now to tell them about this change in practice.
24 So that when they start seeing the misdemeanor
25 summonses come in, they know what the underlying

2 circumstances are. And we want to make sure that
3 they--that they understand the severity of the
4 conduct with them so that they pursue them. So we're
5 going to work with the DA's offices to make sure that
6 the criminal proceedings go forward.

7 COUNCIL MEMBER MILLER: So I have a
8 question. Does your agency have jurisdiction over
9 unlicensed TLC vehicles?

10 COMMISSIONER JOSHI: Our agency has
11 jurisdiction to take enforcement action against
12 anyone who's unauthorized--is providing unauthorized
13 for-hire service under the City Charter Section 19-
14 506.

15 COUNCIL MEMBER MILLER: So they don't do.

16 COMMISSIONER JOSHI: (interposing) I'm
17 sorry. Under the City Code--Ad Code.

18 COUNCIL MEMBER MILLER: All right, so--so
19 you don't need NYPD to enforce?

20 COMMISSIONER JOSHI: We don't but, as I
21 said before, these are not peaceful events. They
22 often end up in volatile events, and having the
23 presence of NYPD helps us keep the community and the
24 passengers calm as well as reinforces our enforcement
25 power in the street.

2 COUNCIL MEMBER MILLER: So there are--

3 COMMISSIONER JOSHI: (interposing) It's
4 a--it's a matter of law enforcement practice.

5 COUNCIL MEMBER MILLER: How many TLC
6 agents are there?

7 COMMISSIONER JOSHI: We--in field
8 enforcement we currently have I believe 160.

9 COUNCIL MEMBER MILLER: How many are
10 dedicated to commuter vans?

11 COMMISSIONER JOSHI: If you can hold on
12 one second, and I will get that number for you, but
13 they're usually--they're not that they're dedicated
14 staff. We have tours of duty, and everybody goes on
15 different tours. So at any time anyone could be
16 doing commuter van seizure work. It's on a rotation.
17 So all 160 or so will at some point in time--

18 COUNCIL MEMBER MILLER: (interposing) How
19 many vehicles are you responsible under your TLC--
20 under TLC licensing?

21 COMMISSIONER JOSHI: We have about 80,000
22 for-hire vehicles and we have 13,580 that--

23 COUNCIL MEMBER MILLER: (interposing) So
24 out of out that 80,000 vehicles how much time or how

2 much resources are dedicated percent wise to the
3 commuter van industry?

4 COMMISSIONER JOSHI: It's been a high
5 priority for me and for our enforcement, and I would
6 say easily a much higher percentage in terms of
7 combined outreach and enforcement than in the past,
8 but a considerable amount of our enforcement efforts
9 are working with PD at least twice a week where we're
10 doing seizure effort--combined operations.

11 COUNCIL MEMBER MILLER: And where will we
12 find this information? And where could we document
13 on this site the amount of summonses or enforcement
14 as compared to--

15 COMMISSIONER JOSHI: (interposing) Yes,
16 and I'm happy to provide that. We're happy to
17 provide that, and I have some of that with me today.
18 So we are happy to provide it--

19 COUNCIL MEMBER MILLER: (interposing) Do
20 you know how many summonses have been issued or how
21 many vehicles have be seized?

22 COMMISSIONER JOSHI: The seizures
23 calendar year 2014 516 and year to date up until we
24 were unable to seize any more, 275.

2 COUNCIL MEMBER MILLER: And what were
3 they last year? Do you know?

4 COMMISSIONER JOSHI: 516.

5 COUNCIL MEMBER MILLER: So that's maybe
6 coming a little low.

7 COMMISSIONER JOSHI: Well, we were
8 unable--our ability was recently stopped, so we've
9 lost some time and--and the ability to seize. Um,
10 but, you know, sometimes there is different fits and
11 spurts in when we can coordinate operations. So some
12 months is--some months there's many seizures and some
13 months there's less. So it's hard to tell until the
14 year is entirely over to make a true comparison.

15 COUNCIL MEMBER MILLER: And--and you did
16 mention that you are working with the district
17 attorney's office in lieu of not having the ability
18 to seize vehicles?

19 COMMISSIONER JOSHI: Yes. Since we are
20 allowed to issue criminal court misdemeanor
21 summonses, we want to make sure that the district
22 attorneys understand what those--why those summonses
23 are issued, and the severity of the conduct
24 underlying them so that they are prosecuted. And the
25 Permanency Assessment has also taken a keen interest

2 in making sure this has happened, and is assisting
3 with us meeting with the district attorneys to
4 explain.

5 COUNCIL MEMBER MILLER: Thank you, and
6 has there been a response from the Queens District
7 Attorney?

8 COMMISSIONER JOSHI: Um, I don't believe
9 we--that--that meeting is pending--is happening this
10 week, um, but our initial conversations with the
11 Manhattan District Attorney were very promising.

12 COUNCIL MEMBER MILLER: To be honest, I
13 am--I am a little more concerned about the Queens
14 District Attorney, and--and--and what--I'm--I'm less
15 optimistic.

16 COMMISSIONER JOSHI: Well, we're also
17 offering our--

18 COUNCIL MEMBER MILLER: (interposing)
19 I'm less optimistic so I will--I will--

20 COMMISSIONER JOSHI: --our prosecutorial
21 help so--

22 COUNCIL MEMBER MILLER: --offer the
23 assistance--I will offer the assistance of my office--

24 -

25

2 COMMISSIONER JOSHI: (interposing) We
3 will reach out to you.

4 COUNCIL MEMBER MILLER: --to see if there
5 is anything we can do and in doing so. Because I
6 think enforcement is going to be paramount to this
7 issue here, as--as we are all working together
8 collectively--

9 COMMISSIONER JOSHI: (interposing) Yes.

10 COUNCIL MEMBER MILLER: --to make this
11 industry safe, and make it more--but enforcement is
12 going to do that.

13 COMMISSIONER JOSHI: And we appreciate
14 your support and in truth, a criminal misdemeanor we
15 hope be a strong signal. So we'd like to make sure
16 we can use that tool.

17 COUNCIL MEMBER MILLER: Thank you,
18 Commissioner. I appreciate your time. I appreciate
19 you being here. Mr. Chairman, thank you for your
20 leadership as usual.

21 CHAIRPERSON RODRIGUEZ: Before I call on
22 the next person, in 1997, the City Planning Study
23 found that 900--at least 900 vans cooperated without
24 hurting the bus services and, therefore, they will
25 provide additional service. Do you think that those

2 findings are still accurate today, or do you think
3 that the demand and the needs are there for the
4 largest number of commuter vans?

5 COMMISSIONER JOSHI: I actually am
6 probably not the expert on the demand for bus. The
7 MTA is much better on what bus demand is, but I do
8 know the population in New York City has grown and
9 population in the boroughs has grown. And to me not
10 being, you know, a city planning and multiple--multi-
11 multi-leveled transportation expert, would led me to
12 believe that there probably is additional need for
13 services than there were in years past.

14 CHAIRPERSON RODRIGUEZ: Uh-huh, not only
15 that the population is growing, it's that so many
16 vacated in the past. Many commuters they were left
17 out. They were not connected with mass
18 transportation, and that's where this important
19 services come. So supplemented service that is
20 needed. So as you said, TLC cannot seize a vehicle.
21 Now, let me ask you, can NYPD seize a vehicle?

22 COMMISSIONER JOSHI: That's a question we
23 will take back, and get back to you with an answer.
24 As I said, the litigation is pending. So a lot of
25 these issues are not fully resolve yet.

2 CHAIRPERSON RODRIGUEZ: I think that we
3 need to explore any--any way how we can again like go
4 after the bad apple. I'm pretty sure that as I said
5 before, the stakeholders that are here, the drivers,
6 they want to be sure that that industry give us
7 support, and they are committed to also doing their
8 part. And--and it's for the benefit of everyone.
9 For New Yorkers that get into the van without the
10 permit, for someone that get into the van--the
11 commuter van that has the reckless drivers. I think
12 if TLC cannot seize the vehicle, then I--I hope that
13 we can explore can the NYPD explore and seize those
14 vehicles? Um, Council, uh, Public Advocate.

15 PUBLIC ADVOCATE JAMES: Thank you, Mr.
16 Chair. First, allow me to recognize a woman who all
17 of us in this room respect who was in the forefront
18 of this issue, and who is now part of the--she's a
19 trustee as part of the City University and that Dr.
20 Una Clarke and, of course, a district leader in the
21 Great Borough of Queens, Mr. Archie Spigner who also
22 was a council member in this body and he, too, was
23 involved in this issue. So we welcome them to this
24 chamber.

2 Commissioner, given the recent federal
3 court decision, can you just elaborate as to what is
4 the status of that decision? Is it--has it--was it a
5 district court decision, and--and is it now on
6 appeal? And has the practice of seizures been
7 stayed? If you could walk me through?

8 COMMISSIONER JOSHI: So--so litigation is
9 pending, some I'm somewhat limited in describing the
10 case, but it is pending and it's still pending before
11 the district court. They issued a decision that--
12 that--I'll boil it down very simply just to make it
13 easier for everyone, but basically saying that they
14 believe that the seizures that we do under the
15 Administrative Code that are identified in 19-506(k)
16 run afoul of the Constitution. The next phase in
17 that district court proceeding is to determine
18 whether or not to issue an injunction and briefing on
19 that matter is happening right now. We have
20 unilaterally stopped seizing vehicles based on that
21 decision.

22 PUBLIC ADVOCATE JAMES: Will vehicles be
23 returned? Is that part of the order?

24 CHAIRPERSON RODRIGUEZ: All of the
25 vehicles--vehicles are usually picked up very soon

2 after they are seized. So we don't hold any
3 vehicles. But at any point you can come and get your
4 vehicle from us via a bond, and we withdrew any
5 pending cases based on the decision.

6 PUBLIC ADVOCATE JAMES: And the seizure
7 of the vehicles it's all a civil matter. There is no
8 criminal component is that correct?

9 COMMISSIONER JOSHI: The Ad Code
10 authorizes us to take one of two courses. One, seize
11 the vehicle and go through a civil proceeding or to
12 issue a criminal misdemeanor summons. So what we're
13 doing now going the second round and issuing the
14 criminal misdemeanor summons.

15 PUBLIC ADVOCATE JAMES: Prior to the
16 decision have you ever issued or initiated a criminal
17 misdemeanor?

18 COMMISSIONER JOSHI: No, we stuck with
19 the administrative route.

20 PUBLIC ADVOCATE JAMES: And I guess it's
21 too early to get a sense of the disposition of the
22 criminal proceedings?

23 COMMISSIONER JOSHI: Yes, it is too early
24 because none of them have come to--ripe in
25 adjudication.

2 PUBLIC ADVOCATE JAMES: And Council
3 Member Miller understandably is concerned about
4 Queens. I'm concerned about the entire city. What
5 has been your conversations with the other four or
6 when--other--I know you had the meeting with the
7 Queens, the other three boroughs.

8 COMMISSIONER JOSHI: We've spoken to
9 Manhattan and we had very good discussions with
10 Manhattan because they--there's actually a clerk
11 there that is responsible for citywide procedures.
12 So he's acutely aware of the issue, and will continue
13 to work with him. And we're setting up meetings for
14 the other boroughs so that every DA's office
15 understands what these new criminal misdemeanor
16 summonses are, and why they're so important that they
17 be prosecuted.

18 COMMISSIONER JOSHI: And so let me get an
19 understanding with regards to the three bills that
20 are before us today. Is the--what is the position of
21 TLC? You oppose all three or all three are workable
22 or what is--what succinctly is the position--

23 COMMISSIONER JOSHI: (interposing) Sure.

24 PUBLIC ADVOCATE JAMES: --of TLC with
25 regards the three bills before--with the Council?

2 COMMISSIONER JOSHI: So I'm going to--
3 just so I get the numbers right. Give me one second.
4 On 861, which would increase fines for illegal
5 operation, we are supportive of that, and we would
6 actually advocate for an amendment where the minimum
7 fine is not eliminated. Instead, it is raise to
8 \$1,500 and \$2,000. Our experience is that when
9 judges do not have a range fine in front of them,
10 they will award the lowest fine advocated for, and we
11 wouldn't want the lowest fine advocated for to be
12 awarded in all cases because it might undermine the
13 real enforcement efforts.

14 PUBLIC ADVOCATE JAMES: So on 861 to
15 increase fines to TLC--

16 COMMISSIONER JOSHI: (interposing) Yes.

17 PUBLIC ADVOCATE JAMES: --some
18 amendments. On 860?

19 COMMISSIONER JOSHI: 860 is the bill that
20 calls from study and for a cap.

21 PUBLIC ADVOCATE JAMES: Yes.

22 COMMISSIONER JOSHI: We think that to the
23 extent it calls for a cap that's already in place.
24 So it's unnecessary, and to the extent that it calls
25 for a study, many of the factors outlined are

2 available already on our website, and we have done
3 significantly more in terms of outreach and
4 understanding the issues before the commuter vans
5 industry than in times past, and we would be happy to
6 update the Council regularly on those. But we do not
7 believe that an official study that must be done
8 annually is warranted.

9 PUBLIC ADVOCATE JAMES: So that
10 translates into opposition.

11 COMMISSIONER JOSHI: Yes, it does. I'm
12 trying to do it delicately.

13 PUBLIC ADVOCATE JAMES: Thank you.
14 You're capped currently at 675, is that true?

15 COMMISSIONER JOSHI: Yes, it is.

16 PUBLIC ADVOCATE JAMES: Okay, and the
17 last bill sponsored by Council Member Williams is
18 570?

19 COMMISSIONER JOSHI: 570 we support the
20 flexibility that Council Member--so I think to put it
21 succinctly, support, but we need to tweak the
22 language of it so it doesn't run afoul of state law.

23 PUBLIC ADVOCATE JAMES: So two out of
24 three. Is there any ongoing training for licensed
25 vans?

2 COMMISSIONER JOSHI: Um, the drivers?

3 PUBLIC ADVOCATE JAMES: Yes, the drivers.

4 COMMISSIONER JOSHI: We do have
5 requirements and--for our FHV and taxi, but we don't
6 have additional requirements for training right now
7 for our commuter van drivers. Our issue with
8 commuter van drivers right now is we don't have
9 enough of them. So we really need to focus on
10 recruitment and working with community advocates who
11 in large part I think would like to licensed drivers
12 to be driving licensed vans to see how we can
13 increased that licensed driver population.

14 PUBLIC ADVOCATE JAMES: So you want to
15 increase licensed commuter vans?

16 COMMISSIONER JOSHI: Drivers.

17 PUBLIC ADVOCATE JAMES: Drivers. Excuse
18 me and their training is how often?

19 COMMISSIONER JOSHI: Hold on one second.
20 (background comments)

21 PUBLIC ADVOCATE JAMES: And what are you
22 doing to recruit these drivers?

23 COMMISSIONER JOSHI: To recruit drivers
24 Jason Gonzalez my colleague here is actually working
25 with the department a few city agencies to see if we

2 can some more outreach efforts, and we'd like to work
3 with the different borough presidents as well as
4 council members to do outreach efforts as well.

5 PUBLIC ADVOCATE JAMES: And, of course,
6 at my, the Office of Public Advocate, we're
7 interested in assisting you as well.

8 COMMISSIONER JOSHI: Great. Thank you.

9 PUBLIC ADVOCATE JAMES: Thank you and the
10 last question is there a--or the next to the last
11 question--is there a watch list of legal drivers that
12 somehow violate the law or continue to receive
13 complaints? Is there a complaint data base I guess
14 is the question I'm asking?

15 COMMISSIONER JOSHI: Well, um, we don't
16 actually get--out of the consumer complaints,
17 passenger complaints, we get, the bulk of them when
18 they have to do with drivers are taxi and FHV.

19 PUBLIC ADVOCATE JAMES: Uh-huh.

20 COMMISSIONER JOSHI: But I'm happy to
21 query for you how many of them are drivers and see if
22 we can compare it over time to see if that's rising
23 or falling and if there are trends that focus on
24 certain drivers. But we don't currently keep an

2 isolated list. We have all the data, and can easily
3 query that for you, though.

4 PUBLIC ADVOCATE JAMES: And the concerns
5 with regards to unlicensed drivers--unlicensed vans
6 based upon the complaints that the Office of Public
7 Advocate has received is that most of them--some of
8 them do not have licenses. They don't have
9 insurance, and there's no inspections on their
10 vehicles. Is that the majority of the complaints
11 that you received for TLC?

12 COMMISSIONER JOSHI: Yeah, it's a--it's a
13 dangerous combination. You have a driver that hasn't
14 been drug tested. No criminal background check, no
15 DMV check. You have a vehicle that hasn't gone
16 through a--an inspection. We don't know the status
17 of the brakes or whether the tires are balding and
18 insurance does not cover if there is a crash. There
19 is for-hire insurance that must be specifically
20 bought to cover this kind of activity, and any
21 personal policy if there's one in effect has a
22 specific carve-out for for-hire. So anybody involved
23 in that crash would be devoid of a way to get
24 compensation through a policy on that vehicle.

2 PUBLIC ADVOCATE JAMES: But all of those
3 have criminal consequences corrects? There are
4 criminal statutes that cover those illegalities.

5 COMMISSIONER JOSHI: They--well, in--in a
6 holistic sense yes. The Ad Code 19-506, but for the
7 person who's injured--

8 PUBLIC ADVOCATE JAMES: (interposing)
9 Right.

10 COMMISSIONER JOSHI: --I don't know that
11 that--that misdemeanor is going to be of much comfort
12 to them.

13 PUBLIC ADVOCATE JAMES: And--but going
14 forward your office and my office as well as the
15 individual council members we could work on trying to
16 get more licensed commuter van drivers?

17 COMMISSIONER JOSHI: Yes, that's an
18 absolute priority.

19 PUBLIC ADVOCATE JAMES: We would love to
20 do that, and lastly I received--there's a letter here
21 at the desk from Community Board 12. Have you seen
22 the letter from Community Board 12 expressing
23 concerns about one particular license operation?

24 COMMISSIONER JOSHI: We do get letters
25 regularly from the community board, and my Licensing

2 Unit takes care of that. So I have not personally
3 seen that one.

4 PUBLIC ADVOCATE JAMES: I will share this
5 with you, and if you can address the concerns that
6 are expressed in this letter, it would be greatly
7 appreciated.

8 COMMISSIONER JOSHI: Absolutely.

9 PUBLIC ADVOCATE JAMES: And very last,
10 it's Council Member Miller and Council Member
11 Williams who are the primary sponsors of these bills,
12 which suggests that Brooklyn and Queens is where
13 there's issues. Is that the only two boroughs?

14 COMMISSIONER JOSHI: No, there's--there
15 extensive commuter van activity between Chinatown,
16 Manhattan and Flushing, Queens. So there is commuter
17 van activity in Manhattan, and I know Council Member
18 Donovan Richards you've got lots of commuter van
19 activities in your community, but yeah I would--I
20 would say Lower Manhattan, Brooklyn and Queens is
21 primarily where we see the most activity.

22 PUBLIC ADVOCATE JAMES: Thank you and
23 thank you Mr. Chair.

24

25

2 CHAIRPERSON RODRIGUEZ: Thank you.

3 Council Member Chin followed by Council Member
4 Richards.

5 COUNCIL MEMBER RICHARDS: Thank you. I'm
6 going to go first. I'm not Council Member Chin

7 COMMISSIONER JOSHI: (laughs)

8 COUNCIL MEMBER RICHARDS: Council Member
9 Richards here. Thank you, Commissioner, for being
10 here and I want to thank Council Members Miller and
11 Jumaane Williams, and Ydanis for their leadership on
12 this issue, and it's an issue that obviously Council
13 Member Miller and I have been working with your
14 agency on over the past year, and it's been an
15 ongoing issue. I do want to say that there are some
16 things that have gotten better. You know, I think
17 the coordination with your agency, and really the
18 work and the openness to work with the Council in
19 particular has really improved under this
20 administration. But, I do have some concerns about
21 Intro 570 and your statements in particular on not
22 supporting in particular designated stops for
23 commuter vans. And, I understand how important
24 commuter vans are in particular for communities like
25 the Rockaways and Roseville. But we are the ones

2 that get the biggest brunt of the complaints, and my
3 office is often overwhelmed with many complaints.
4 And just last year, we had a young lady unfortunately
5 because there are no designated stops, there was a
6 dollar van that--that was on the corner across the
7 street from the school sitting at a corner at a blind
8 spot. And a young lady was hit because if the
9 commuter van unfortunately being at a place that is
10 technically not safe. So I'm interested in hearing a
11 little bit more on why you're not supporting
12 designated stops, and I--and I do want to say that it
13 is a safety issue. That is what I want to get at
14 because often--and listen, I've taken dollar vans
15 before, you know, in my college days more so to get
16 home faster. But, you know, in the case of the
17 dollar van playing music, you know, someone playing
18 music in the dollar van in particular, and passenger
19 saying I need to stop there. They dash--they dash
20 over very quickly to--to let people off, and it
21 becomes a real safety issue So I want to hear more
22 of your thoughts on why this Administration is not
23 entertaining designated stops, which we desperately
24 need.

2 COMMISSIONER JOSHI: I--I would say I'm
3 not opposed to designated stops, but I'm not sure we
4 want to limit the commuter van to only designated
5 stops. We've worked with certain council members on
6 making sure there are designated spots for commuter
7 vans, and they've been a boon to the community and
8 they help guide the passengers to a particular
9 destination. And it certainly is the safest way to
10 embark and disembark the van. But I'd be--I guess we
11 would need a little bit more information and feedback
12 from the operators if by restricting a van operator
13 to designated stops would you inhibit their ability
14 to operate? What if conditions change and they need
15 to change a stop? What would the procedure be to
16 change your designated stop, and I wouldn't want to
17 at a time when we're trying to reduce the
18 bureaucratic hurdles to operation in advertently add
19 one. But I certainly agree with you that designated
20 stops are important and we wouldn't oppose designated
21 stops. We are just questioning whether that should
22 be the only way they can operate.

23 COUNCIL MEMBER RICHARDS: So I--I hear
24 you loud and clear but, you know, I'm not talking

2 about just the safety for, you know, other vehicles
3 on the road. I'm talking about also safety--

4 COMMISSIONER JOSHI: (interposing) Yes,
5 pedestrians and passengers--

6 COUNCIL MEMBER RICHARDS: --for
7 passengers, which is also--

8 COMMISSIONER JOSHI: (interposing) Yes.

9 COUNCIL MEMBER RICHARDS: --a big issue
10 and passengers need to know that if they're in a van
11 and can be safe as well. So, um, so I hear you, and--
12 --and I know that I've personally spoken to my
13 commuter van operators who, you know, I have a decent
14 relationship with, I can speak to any time. And
15 they're, you know, we're--they're willing to work
16 with us as we set up designated stops, but we need to
17 have more will--I would say from both DOT and in
18 particular your agency to make these particular
19 things happen. But, one it would make life easy on
20 them because I'm sure they don't enjoy, you know, I
21 don't want to call it harassment, but so much
22 enforcement from the Police Department, you know, as
23 they weave in and out. So it may ease a burden on
24 them as well, in that--in that particular area. But

2 it's something that I hope that we can revisit, and
3 that you're not closing the door on.

4 COMMISSIONER JOSHI: I'd love to explore
5 it further with you with the operators and with DOT
6 because I think we have the same goal is to make sure
7 that people can get predictable transportation, and
8 it doesn't put passengers or pedestrians at risk.

9 COUNCIL MEMBER RICHARDS: Okay, thank
10 you, Commissioner. I look forward to continued
11 conversations. Council Member Chin.

12 COUNCIL MEMBER CHIN: Thank you. Thank
13 you, Commissioner. It was a pleasure working with
14 you and your office helping the commuter van industry
15 that operate out of my district. And on the
16 designated stop I think we've been successful in
17 terms of working with DOT and the local community
18 board to get the designated pickup points. Right now
19 in my district we got two: The one at Confucius
20 Plaza, the one on East Broadway division, and now
21 we're pushing for another one on Elizabeth. I mean
22 the commuter vans industry was having a lot of
23 problems with NYPD. I mean even though they were--
24 you know, they the map of where they're legally
25 allowed to pick up. But with NYPD they don't care.

2 This is not a stop, and they just write them a
3 ticket. So when they start coming to my office with
4 stacks of tickets, I said we've got to do something.
5 And by having a stop there, that really eliminated a
6 lot of the ticketing problem. But also for the
7 riders, they know exactly where to go, and I think
8 that the outreach we did, with the decal was very
9 successful. The people are more aware now that okay,
10 I have to look for that to know that these are legal
11 vans with insurance. I think the safety issues is
12 very important to the ridership. So we are looking
13 at--I was really glad to hear you in terms of there's
14 some progress on working on a decal that cannot be
15 counterfeit because of the one that we saw. They
16 were on the van that were not legal. They managed to
17 get that decal, and they put it on their van. So we
18 really have to make one that is--is counterfeit proof
19 so that we can make sure that people know which ones
20 are the really good ones.

21 In terms of really continuing to do
22 outreach, I know that, you know, we're more than glad
23 to help with getting more licensed drivers, but a lot
24 of the community vans like in my district and in
25 other districts they serve the immigrant population.

2 And there is the limited, you know, English
3 proficiency issues there, but we also have some very
4 good local media, local newspapers. And I think the
5 issue about recruiting drivers, and law changes
6 because a lot of times the driver doesn't even know
7 there's a rules change until they get a ticket. So I
8 think we really need to do a lot more outreach you
9 know, in the language that they're familiar with. On
10 whether--and it's also the issue that you mentioned
11 about before in terms of the--the enforcement that we
12 cannot seize vehicles now, but the whole criminal
13 misdemeanor I think that's really important to get it
14 out there to the community. Because if people know
15 that it is a serious issue, and it could be a
16 criminal crime and they could have a record, I think
17 people will have to think twice before they--they do
18 what they're doing. And it might kind of help them
19 sort of know what the rules are. So I think a lot
20 more outreach is important to utilize the local media
21 and local organizations to get the word out on this
22 issue. And my question with you also is like how do
23 you continue the enforcement with NYPD because NYPD
24 right now they don't really know--I don't know if
25 they know the rules in terms of like the driver's

2 have a route that is approved. So that they should
3 be able to avoid ticketing from NYPD when they are at
4 a spot where they legally are allowed to do a pickup
5 even without the sign up there. But it's not happen.
6 So are there communications with NYPD in terms of
7 what the rules are for commuter vans in terms of
8 their--the routes that they are allowed to pick up
9 and drop off people?

10 CHAIRPERSON RODRIGUEZ: Sorry,
11 Commissioner.

12 COMMISSIONER JOSHI: Yes.

13 CHAIRPERSON RODRIGUEZ: Before you
14 respond to my colleague, I have to excuse myself for
15 a few minutes so that after Council Member Chin we
16 have Council Member Levin and Council Williams comes
17 back, I will (off mic) I will have to go (on mic) to
18 another committee.

19 COMMISSIONER JOSHI: Thank you. So on
20 communication with PD we work closely with Chief
21 Chin, Transportation, and we have coordinated
22 enforcement efforts. To the extent people are
23 getting tickets because there's some confusion with
24 NYPD about what their authority is, please bring them
25 to our attention because we are in close

2 communication with them, and we're happy to advocate
3 on behalf of drivers that get tickets erroneously and
4 we can also reinforce with them through additional
5 meetings what the parameters of the commuter van
6 authorization are. And then, they will--Chief Chin
7 has been very diligent about making sure that
8 officers on the ground are aware of it. We--when we
9 do join in enforcement, though, our Deputy
10 Commissioner of Enforcement can add to this, but we
11 meet--you know, we meet up with PD and we go over the
12 parameters of the enforcement action, which also
13 includes what commuter vans is allowed to do and what
14 it isn't allowed to do. And we can certainly make
15 the ticketing issues that you brought up today part
16 of that general rundown when we do these individual
17 enforcement efforts.

18 COUNCIL MEMBER CHIN: Yeah, that's
19 important because I think right now, the only
20 solution that we have found that is helpful is try to
21 get a commuter van stopped.

22 COMMISSIONER JOSHI: (interposing) So,
23 on that issue--

24 COUNCIL MEMBER CHIN: So in that law
25 (sic)--

2 COMMISSIONER JOSHI: I think you brought
3 up a good point, and I know Council Member Richards
4 just left. There's a distinction maybe between
5 designated pickups and designated--designating every
6 stop. And--and maybe there's more that we need to do
7 together in terms of designated pickups, which would
8 still allow some flexibility for drop offs. But we
9 know there are hubs where designated pickup
10 definitely helps throughput and definitely helps with
11 confusion in--with law enforcement.

12 COUNCIL MEMBER CHIN: Yeah, I think that
13 I mean I really encourage you to continue the
14 conversation with the commuter vans industry, with
15 the drivers and really to get the first hand
16 information from them. I mean a designated pickup
17 spot is easy. It's good for the consumer. They know
18 exactly where to go to get the van. I think that's
19 effective, but along the route of going home, often
20 times people want to be dropped off closer to where
21 they live, and if I've got to go all the way to the
22 last stop then it doesn't really make sense. So I
23 think dropping off might be that we need more
24 flexibility in that.

2 COMMISSIONER JOSHI: And I think that was
3 our concern, but I'm sure we can work with the
4 Council and DOT to see if there's some way you can
5 get the flexibility of drop-off, but get the benefits
6 of designated pickup.

7 COUNCIL MEMBER CHIN: Yeah, and I think
8 on my point that I raised about the--the outreach in
9 terms of, you know, utilizing different languages,
10 local media because I think all this information
11 that's happening now the commuter van industry they
12 really appreciate, you know, helping them to become
13 more, you know, professionalized, and they really
14 feel proud of having a decal. And I think it's just
15 a big change in the drivers that we met. I mean we
16 even consulted them on these legislation and they
17 already gave us some good suggestions, and concerns
18 that they have. So I think that that continuous
19 conversation outreach and information in the language
20 that they are more familiar with I think will go
21 really a long way of getting them more involved.

22 COMMISSIONER JOSHI: We'd like to work
23 closely with you on those outreach efforts because I
24 know we've had success in the past. So thank you.

2 COUNCIL MEMBER CHIN: Thank you,
3 Commissioner.

4 COUNCIL MEMBER WILLIAMS: Council Member
5 Levin.

6 COUNCIL MEMBER LEVIN: Thank you very
7 much. Thank you Commissioner. I just have one
8 question about--so I represent Downtown Brooklyn, and
9 it--it seems as if it's a terminus point for a number
10 of commuter van routes to go into Downtown Brooklyn
11 on the corner of Livingston and Jay Street or Smith
12 Street. And I was wondering is there--what happens
13 is because that seems to be an end point that there's
14 a--there's traffic backup that occurs down south on
15 Jay Street. Smith Street turns into Jay Street, and
16 I understand that it used to be a couple blocks south
17 on Atlantic Avenue was the terminus point, but that
18 it was moved up to try to mitigate traffic backups on
19 Atlantic Avenue. And I was wondering is there any--I
20 mean as we're kind of moving towards trying to
21 formalize this industry a little bit further with
22 this relationship with the city, whether there's a
23 possibility of exploring how to make that--how to
24 make that either a layover or a terminus point that
25 would--would mitigate further any traffic impacts.

2 So whether that means some type of taxi stand or bus
3 layover type situation. Something more akin to what
4 we do perhaps with MTA buses so there actually is a
5 bus stop somewhere nearby. I don't know. Is--is
6 there anyway to explore that with your partners at
7 the public transportation.

8 COMMISSIONER JOSHI: Yeah, I was just
9 going to mention we--we would do that in conjunction
10 with the Department of Transportation and probably
11 the Department of Transportation would send out
12 someone to take a look at the area, and assess the
13 problem. And signage usually goes a long way. So we
14 would determine what kind of signage was necessary.
15 I think it gets back to sort of this point of how
16 much do you want it? When is it important to
17 designate pickups for certain spots and when is it--
18 when do you want to let a commuter van operator have
19 flexibility. In some instances when it's congested,
20 designating is the appropriate route to take.

21 COUNCIL MEMBER LEVIN: Right, I mean as
22 it is now it ends up being that the--an area of
23 either a layover or kind of an extended stop occurs
24 in the right hand turn lane.

2 COMMISSIONER JOSHI: Right. So if
3 there's signage, then if there needs to be a stop
4 there at least it can be in a place where it's not
5 interfering with traffic.

6 COUNCIL MEMBER LEVIN: Right, it can
7 almost be like I mean because just--I mean because
8 even on Livingston after they make a right hand turn
9 there's a spot. You know, maybe--I wouldn't even be
10 opposed and my constituents might not be happy with
11 this, but to remove a couple of parking spots to make
12 that happen.

13 COMMISSIONER JOSHI: Okay, we'll--we can
14 follow up with DOT and your offices to isolate the
15 area, and see how best to manage it.

16 COUNCIL MEMBER LEVIN: Okay. Thank you,
17 Commissioner.

18 COUNCIL MEMBER WILLIAMS: (off mic)
19 Council Member Garodnick. (on mic) Thank you,
20 Commissioner. I do have a couple of questions in a
21 second. They--they may have been responded to. In
22 terms of enforcement, I left. I was walking out as
23 you were having that discussion, but I don't know
24 what you responded. Just let me know again, please,
25

2 what is--what is the plans if you're not allowed to
3 take the--

4 COMMISSIONER JOSHI: (interposing) We--
5 under the Ad Code we have two routes to pursue
6 enforcement, the civil route, which is seizure and
7 summons or a criminal route, which is issuing a
8 criminal misdemeanor. And that's the route we're
9 going now that we don't have seizure power. So we're
10 in talks with the respective DA's offices. So when
11 they see these misdemeanors summonses, they know what
12 the underlying conduct is, and they prosecute them
13 accordingly.

14 COUNCIL MEMBER WILLIAMS: And also I--we
15 have a video of me out there somewhere helping out a
16 TLC person--enforcement agent who was having some
17 very, very tough times. I'm really concerned if I
18 wasn't there what would have happened. Is there
19 going to be ongoing increased help and coordination
20 with the NYPD because if they--it--it seemed like it
21 wasn't really a safe environment for him to try to--

22 COMMISSIONER JOSHI: (interposing) Yeah,
23 when I started as Commissioner, we used to on an ad
24 hoc basis ask for help on--with NYPD on commuter van
25 enforcement issues. And when I started as

2 Commissioner we made a practice that we weren't going
3 to go out alone. We were only going to go out in
4 conjunction with NYPD, and Chief Chin has been an
5 extremely willing partner, and we've set up a regular
6 routine to do combined enforcements. But for the
7 very reason that you described, we needed the
8 additional law enforcement backup to do these
9 operations.

10 COUNCIL MEMBER WILLIAMS: All right. So
11 thank you very much, and I do want to--the Chair
12 Yassky (sic) who actually was working on some on
13 these issues with our predecessors before we can and
14 who is helping. But I really applaud the work that
15 you're doing in pushing this vision forward, and I
16 really hope that we can come to some agreement on
17 these bills, and get this passed as a package. So
18 thank you very much for your testimony and for you
19 work thus far.

20 COMMISSIONER JOSHI: Thank you very much.

21 COUNCIL MEMBER WILLIAMS: Next a very
22 esteemed panel. We have Dr. Una S. T. Clarke, former
23 Council Member and Board of Trustees at CUNY, and
24 former Council Member and District Leader Archie
25 Spigner, and Rabbi (background comments) Garth

2 Merchant. Sorry. You can now--(background comments,
3 pause) So we have to be out of here at 1:00. So we
4 want to try to see if we can speed up because we have
5 three or four additional panels to go. (pause) So,
6 generally, as a courtesy, we try to get the
7 fundamental and elected on time, but we have to be
8 out by 1:00 I was told. So we're going to start by
9 just putting time on for three minutes. So as a
10 friendly reminder, but obviously if you need to go
11 further, we will allow that. And this is weird
12 because I think I testified once on Tourette's
13 Syndrome at the invitation of Council Member Clarke,
14 and you were this side and I was on that side, and I
15 said this is interesting. But if we can set the
16 clock for three minutes, and I think you have to be
17 affirmed--affirmation. No.

18 LEGAL COUNSEL: Just city.

19 COUNCIL MEMBER WILLIAMS: Okay, and you
20 can start in the order of preference. I would the
21 count with--

22 DR. UNA CLARKE: [off mic]

23 COUNCIL MEMBER WILLIAMS: I agree. You
24 have to turn the mic on.

2 DR. UNA CLARKE: I just said good
3 afternoon, and I said the lady will go first because
4 is before gentlemen especially when there's danger.
5 So I'm going in--so I'm going in (laughter) front of
6 the men to protect them from danger. It is both an
7 honor and a privilege to come, and I wanted to come
8 to thank the Council, the present Council, but
9 especially Council Member Williams and Council Member
10 Miller for the initiative that you're putting forth.
11 I have come--this has come a long, long way, and I
12 can say to you the difficulty that I had to get the
13 first introduction passed in this hall. I was called
14 many, many names. Many people offered me a ticket to
15 go back where I came from because the commuter vans
16 was not compatible to first world, and I should go
17 back to the third world from which I come and from
18 which they came. So today, I am both honored and
19 privileged to be sitting here when you are refining
20 and making sure everybody understands that this is
21 transportation, and transportation for poor people is
22 very different transportation for people who have
23 affordability. And so, when it first started out, it
24 started out to help poor people get to work on time,
25 drop their children off at daycare centers and

2 continue their work. So for it to be refined under
3 your leadership I wanted to come today to thank you
4 and to say we've been on a journey. And the journey,
5 the destination is not yet completed, but that you
6 are doing an excellent job and for whatever input
7 that I can have, let the record show (sic) that I
8 have been a mentor to the industry and I never, ever
9 wanted illegal vans on the roads. I always everybody
10 to be illegalized because I understand the
11 responsibility that it is when you transport people
12 if there's an accident and somebody is not insured
13 what that implication could be if the van runs into
14 trouble. So I am here to support both of you, and to
15 say to you whatever I can continue to do in my own
16 advocacy know that I am on this side. As I've
17 already told the members of the industry that as long
18 as my brain can think and my mouth can talk, they can
19 depend on me to make sure that the journey is
20 completed and that they get the dignity and the
21 support that they need to operate these vans legally
22 in whatever areas there are no transportation for
23 people to get to their work on time. Because I don't
24 see the city expanding the subway system any further
25 than it has been since I got into office. [bell]

2 Maybe the Second Avenue so I thank you very much for
3 allowing me to come and to lend my voice to the
4 industry and to the drivers. I say to them you are
5 making a living. You are taking care of your family,
6 and that is all we want. We want a hand up, not a
7 hand out. Thank you very much. [applause]

8 SERGEANT-AT-ARMS: No applause, please.
9 Quiet.

10 [gavel]

11 COUNCIL MEMBER WILLIAMS: So, we
12 generally try to do is a sign for applause. They
13 frown upon noise. [background noise, pause]

14 ARCHIE SPIGNER: Chairman Williams and
15 members of the Council, Councilman Miller, Barron,
16 ladies and gentlemen. The, um, the name--you have
17 three introductory pieces of legislation in front of
18 you today. I think the most key one that I think
19 that most appropriately addresses the issue is the--
20 is Intro No. 860, which talks about a--a review and
21 analysis of the--of the problem, and this is a
22 problem. It's a problem looking for a solution. I
23 don't know where you all live, but I live in Queens,
24 and--and--and unless you have some insight as to
25 what's going on, it's hard to determine if you're

2 going to make the avenue. There are these long town
3 cars that run back and forth, and I don't know
4 whether they're legal or illegal but they're town
5 cars. If you--if you live on--if you live on Guy
6 Brewer Boulevard, which used to be New York
7 Boulevard, you've got these young small buses that
8 run up and down the street. You know, buses. Not
9 vans. They're buses and, of course, if you live as I
10 do there in Linden, you've got the vans. Now, with
11 the vans it's not unusual if you are on 223rd Street
12 and Linden Boulevard to see a van heading out towards
13 the county line make a U-turn. In the middle of the
14 street make a U-turn heading back in. Why is he
15 doing that? I have some insight as to why he's doing
16 it, but that's not--that's no way to run--run a
17 business and, um, and that's--and that's how it goes.
18 Our people in Southeast Queens yes we're black, and
19 we're poor, but we also deserve first class
20 transportation. We deserve first class. I don't
21 care there's Black--there's black people all over the
22 world. We all come from Mother Africa. And so an
23 injury to one is an injury to all. So my concern is
24 that we--we should get the best. When the--when the
25 Transit Authority doesn't have to provide first class

2 service, they provide it in another community, but
3 they don't have to worry a black people (sic)--black
4 people demanding it. When you have hundreds of vans
5 and all modes of transportation the first
6 consideration involve people who are cheap and fast.
7 What gets us to Jamaica Avenue or where we got to go
8 with the least amount of money, or what gets me to
9 work when the bus doesn't come or the bus is
10 overcrowded. That's the way I got to go, and it's
11 the obligation of the City of New York to provide
12 safe, clean, regular transportation to our citizens.
13 And if we don't demand it, then we're going to--then
14 we're going to have what we got [bell] a second rate
15 system. Thank you.

16 It's hard to follow these two
17 distinguished people because I respect Archie, my
18 leader. (laughs)

19 ARCHIE SPIGNER: (off mic) I respect you,
20 Rabbi.

21 RABBI GARTH MERCHANT: Yes, and one thing
22 I could say why does Nassau County not have a
23 problem? You see a lot of the vans, the--the--the
24 van in Queens one of the routes go to Nassau County
25 and Nassau County TLC had some regulation, and none

2 of the vans that operate here has TLC license from
3 Nassau County. And we don't see the working
4 relationship between New York City and Nassau County.
5 In the Bronx, you have the Westchester County TLC,
6 the vans that operate in the Bronx to Mount Vernon
7 goes into Westchester County. And those counties do
8 the law properly. What is the problem with an
9 illegal van? An illegal van if you Council Member
10 was driving your vehicle and you didn't have
11 insurance guess what? You get arrested, correct?
12 What happens is that these illegal vans don't have
13 insurance according to the law. So instead of giving
14 them fines, and taking their vans you impose the law
15 of them not having insurance. That is the way you
16 impose it. Number two, we have the MTA Police. The
17 MTA Police instead of New York City Police doing
18 this, the MTA police at Sutphin Boulevard they have
19 hundreds of MTA Police. In Brooklyn in Downtown
20 Brooklyn on Atlantic Avenue they have a lot of MTA
21 police officers. The MTA Police could enforce these
22 regulations, not the NYPD. Because why are we paying
23 taxpayers for a police force that's not imposing
24 transportation issues, and all they have to do is
25 look at those illegal vans. No insurance. Some of

2 them have no license. They get a criminal fine and
3 get arrested and they lose their thing instead of
4 doing this taking over their vans, right. Number
5 two, most of the commuter vans are illegal vans are
6 illegally operating, tested by the DOT. They come
7 under those guidelines. They are safe. They have to
8 be tested by the DOT--the New York State DOT, right.
9 The other thing is that we--there was mention by
10 Councilwoman Chin earlier that the problem is that a
11 lot of the vans can't pick up on the--the bus stop,
12 right. Most of the commuters we sometimes wave,
13 they're in the vans or in the bus stop. So let's
14 make a rule. Why can't the vans pick up in the bus
15 stop for safety? Why they get hassled? It's for
16 safety reasons, and they're part of the community
17 service. Let them do that and not harass them with
18 tickets and fines, and let's get the illegal vans off
19 the street, by imposing that insurance guideline.
20 [bell] Period.

21 COUNCIL MEMBER WILLIAMS: Here's the
22 handbook. I'm going to hand over the golden gavel
23 and the mic back to Chair Rodriguez.

24 CHAIRPERSON RODRIGUEZ: You can stay
25 there. We share. We're coming out okay--

2 COUNCIL MEMBER WILLIAMS: [interposing]
3 All right.

4 CHAIRPERSON RODRIGUEZ: --so thank you.
5 So, from--[off mic] We are very fortunate to have
6 this time someone who--someone that served in the
7 Council [on mic] a--a borough member and CUNY
8 Trustees, but I also had a great opportunity to be
9 there in her ceremony dedicating to her--in her new
10 role as the Board Trustee, and everything that you
11 say are important. So, we will continue working
12 again. We said from the beginning we heard from my
13 colleagues Miller and Williams. We want to work with
14 you and the other stakeholder to be sure that we come
15 out with a different way of how to approach and
16 organize the important service that the commuter vans
17 are providing to our city. And those who are in the
18 street putting the lives of many New Yorkers in risk
19 without having the proper license. They should also
20 be accountable. So with that, I would like to say
21 thank you and ask Council Member Miller or Williams
22 have any questions.

23 COUNCIL MEMBER WILLIAMS: I just want to
24 say thank you, and I agree with--although these is a
25 solid agreement (sic) and I do agree that we do need

2 to have first class transportation. And I believe
3 that these bills are aiming to do that to make sure
4 the transportation that's there is solid, and I
5 believe that these bills are aiming to do that to
6 make sure the transportation that's there is
7 licensed, is regulated and it's first class in
8 providing a service that's desperately needed. It
9 also no longer--I forgot to mention--I don't think it
10 competes with the MTA. Years ago maybe a little more
11 so with what is called the two-fare zones, but now if
12 you take the benefit of MTA you can straight from the
13 bus services subway. So if you're taking one of the
14 commuter vans, commonly called dollar vans, you don't
15 have that particular luxury. That means you really
16 need that transportation. So I forgot to mention
17 that in my opening statement, but I'm hoping that we
18 can address all of the concerns that were mentioned
19 by this esteemed panel.

20 DR. UNA CLARKE: I just want to thank you
21 very much, and Council Member Rodriguez, you promised
22 me that you were going to be a prime sponsor. Keep
23 your promise. [laughter]

24 CHAIRPERSON RODRIGUEZ: Okay.

2 COUNCIL MEMBER RICHARDS: [off mic] He
3 will and you will keep this one, okay. (sic) So I
4 also want--want to thank the panel, some folks that
5 I've worked with for decades on this issue, and--and
6 we will continue to do this. I think that we have
7 really relevant legislation before us that's going to
8 certainly--could potentially have a real impact on
9 the communities that are being served here. That
10 they don't need to be diminished in any shape, form
11 or fashion. They need to be adapted as is, and
12 working together I think has gotten us to this point
13 here.

14 ARCHIE SPIGNER: And I look forward to
15 the day when the so-called illegal, unlicensed,
16 untrained driver is--is trained, insured with
17 vacation, dental care, medical for his or her
18 children and living the kind of life that is provided
19 that unionized workers receive in New York City. Not
20 right now. They're being exploited.

21 CHAIRPERSON RODRIGUEZ: Great, and--and
22 again I--I understand as someone that used to be a
23 livery taxi driver, I understand that sometimes our
24 hard-working New Yorkers they find different way of
25 how to bring the income to support their families. So

2 when we are approaching or addressing this issue it
3 is not going after any individual who is behind the
4 wheel, but just wants to be sure that everyone should
5 have the proper insurance. They should be able--we
6 as a city should have the appropriate system on how
7 the opportunities is there for individuals who want
8 to raise, and get the license also to operate
9 commuter vans. So this is not going after any
10 particular group or individual. This is about making
11 sure that everyone follow the same rules and
12 regulation, and that we as a city put a system in
13 place that make the system more faster on how someone
14 can get a license. So that we also continue expanding
15 the commuter van, and be sure that every driver that
16 is one in New York that they have insurance, and they
17 have the proper permits from DOT and TLC. With that,
18 I am calling the next panel. Jerome McCoy, Leroy
19 Morrison, Solomon Hopp (sp?) Hector Ricketts.

20 [background comments, pause]

21 HECTOR RICKETTS: Good morning, Chairman
22 Rodriguez and members of the Council. My name is
23 Hector Ricketts. I'm the President of the Commuter
24 Van Association of New York, which is a trade
25 association of licensed commuter van operators in the

2 city. I'm also the President and owner of Community
3 Transportation, which is a commuter run service
4 authorized to operate 45 vans within Brooklyn and
5 Queens. Let me thank you, Mr. Chairman, for hosting
6 this hearing, and let me thank Council Members
7 Williams and Miller for their vision and commitment
8 to address an issue that is 20 years in the making.
9 Today, the atmosphere is different. I must
10 acknowledge the presence of my mentor, my leader, my
11 good friend Dr. Una Clarke, who took on this issue
12 decades ago when she was the lone voice in this body
13 advocating for vans. I thank her for her consistency
14 and her tenacity, and ladies and gentlemen of the
15 committee, if you finish the work it would be so
16 gratifying that she's still here to be a part of it.
17 I must acknowledge also the district leader, former
18 council member Archie Spigner. My good friend, we've
19 been on opposite sides of the issue for a number o
20 years, but we've been very cordial and courteous to
21 each other. I thank him for his consistency, too. I
22 won't say much about our history because it has been
23 talked about to a large extent. I must say that I am
24 thrilled that the sponsors of the bill understand all
25 aspects of how we operate and why these introductions

2 are important. The Introduction, too, increases the
3 penalties for illegal activity. It is extremely
4 important. Every law should be a deterrent. No law
5 should be a slap on the wrist. Today in this city,
6 there are commuter vans that are circumventing the
7 rules. They are operating 20-passenger buses all
8 across the city because TLC has no jurisdiction about
9 20 passengers. They're operating vans that are not
10 licensed, not insured. The drivers themselves have
11 no license, and many of them have run amuck of the
12 law. There needs to be calibration and hope the
13 Council can assist the regulatory agencies [bell] to
14 address this issue and not simply say it's out of
15 their jurisdiction. Many of them to avoid
16 enforcement under the commuter van law, move into
17 buses and they're doing the same thing and putting
18 people's lives at risk. You will notice that of the
19 major accidents that have happened over the past two
20 years they have all occurred involving unauthorized,
21 unlicensed commuter vans. I must commend the TLC
22 Commissioner and the Commission in general for their
23 work. For the first time in the history of this
24 industry, promoting, projecting, educating the
25 industry and its riders to what legal commuter van

2 service is. Their recent decal has boosted the
3 morale of the drivers, has created a heightened
4 awareness among the riders, and has allowed them to
5 make a clear distinction between legal and illegal
6 van. But we think they need to go further. We think
7 the bill that asks for enforcement, rather than asks
8 for increase in fines should actually be a minimum of
9 \$1,500. And we believe that the violation for a
10 second--the fines for a second violation should be
11 \$4,000. I am a free market supporter. I believe the
12 marketplace should decide how we grow our business.
13 I don't think government should arbitrarily cap a
14 company's ability to grow. But given the severity of
15 the system as it is now, I support Council Miller's
16 study and cap. I think that there is a lot to learn
17 in terms of who's licensed to operate where and how
18 and how many are licensed to operate. Is there
19 overlapping service? We need to clarify those. We
20 need to know if the persons of an agency that
21 authorizes companies has the authority to call a
22 company in for a hearing, and to address complaints
23 with the view of correcting them or putting them out
24 of service. So study and cap the industry once. The
25 commuter van industry wants the study and cap. They

2 further asked me to ask that the cap be for at least
3 two years and not simply for one year.

4 On the issue of eliminating the six-year
5 renewal, I disagree with the chair and I respectfully
6 do so. I understand her point but we are on the
7 receiving end of that. And she quoted state law in
8 saying that the prearrangement cannot be eliminated
9 because of state law. However, the six-year renewal
10 is not a part of the state law. The old Council
11 instituted that as a deterrent to the growth and
12 development of our companies. There's no other
13 agency in the city, no other entity in the city that
14 is required to do a six-year reauthorization.

15 Currently, we are also required to have a two-year
16 renewal, which mimics the six-year reauthorization.

17 The only difference between both is that with the
18 six-year renewal there's a public hearing. We're

19 saying that there are measures on the books that
20 create an oversight. For example, all licensed

21 commuter vans operators must have Nine (sic)

22 Certification, which requires a physical examination,

23 and an annual road test and review. Also--also--also

24 the industry has to adhere to all of the safety

25 requirements by the State Department of

2 Transportation. They also have to file an annual
3 affidavit--affidavit of compliance stating how many
4 accidents they've had in a year, how many violations
5 they've had in a year. So, there's so many levels to
6 rise to that it makes the six-year renewal null and
7 void. It is absolutely not necessary. So, I ask
8 that you pass the--all the insurances as a package.
9 That would mean a comprehensive reform of the
10 commuter van industry, which is so long overdue.
11 Thank you.

12 CHAIRPERSON RODRIGUEZ: Thank you.
13 Sorry, but we will keep the clock as it is now on the
14 two minutes. So, it goes--the number of individuals
15 that want to present their testimony, and we have to
16 be done by 1:00.

17 MALE SPEAKER: First of all, I would like
18 to thank the Chairman Rodriguez, the Transportation
19 Committee and the members of the van industry and the
20 public who are here supporting us. The de Blasio
21 Administration as well as the new part of the
22 progressive City Council members have made it a
23 priority to create--in creating the infrastructure
24 for making the city's streets safer for the traveling
25 public as well as the pedestrians. We have an issue-

2 -we have some issues that we need to discuss as it
3 relates to enforcement. For Vision Zero to be a
4 success, enforcement is a critical part. Currently,
5 there is no enforcement against illegal vans, and
6 buses as Mr. Ricketts just mentioned. In Brooklyn
7 for sure because I'm on the road everyday, and I know
8 for the last six to eight months we haven't seen any
9 enforcement. If we can have enforcement to enforce
10 Vision Zero, this is something necessary. Then we
11 need to see that enforcement working and having an
12 impact. We have been saying--talking this talk for
13 years for the last 10 to 12 years, and we haven't
14 seen the enforcement that we're enforcing during
15 those 10 to 12 years having the impact removed a
16 significant number of illegal operators from the
17 streets. It has not happened. I am sure in going
18 forward based on what I've heard today, and the
19 progressive members in this Council including Mr.
20 Jumaane Williams [bell] and others, I'm sure that
21 this will happen. But William and all of us here we
22 already set ourselves up an organization to in the
23 first place the members of the Council as well as the
24 regulatory and the enforcement bodies to see to it
25 that the enforcement aspect is done. Because the way

2 you do--you can pass many laws. Laws are made to be
3 passed. It's just pen and paper basically, but in
4 the end we need--we need to see results.

5 CHAIRPERSON RODRIGUEZ: Okay, thank you.

6 [applause]

7 SERGEANT-AT-ARMS: No applause--no
8 applause, please. Quiet place.

9 JEROME MCCOY: Good afternoon. My name
10 is Mr. McCoy. I'm the owner of Java Lines
11 Transportation. I would like to thank everyone that
12 has taken a couple of hours out of their time to come
13 here and discuss a matter that I find needs great
14 attention. My first concern is sharing information.
15 When the head does not know what the hands are doing,
16 all the laws in the world can be passed, but can be
17 enforced. The Police Department uses tool that has
18 been used since their inception, since the Greeks,
19 the Romans that tool is fear. Fear is not a good
20 motivator. Fear is a good destroyer. If rules and
21 laws are implemented so that the legal operators of
22 these vans can make a living without the fear of the
23 police, it's lack of knowledge or information on how
24 to carry out their duties, we would have more
25 drivers. We would have better community

2 communications. But because the police hammer legal
3 vans and they know it's legal just for a quota, makes
4 no sense. That drives away people from investing
5 into the business. Enforcement is good if you
6 enforce it correctly. If an officer is going to stop
7 a commuter van and he knows and anyone in the
8 industry can speak that officer is not going to stop
9 and enforce the law. He's going to stop you and
10 write you a bunch of tickets, and summonses to fill
11 his book. Then he's going to tell you go downtown
12 and tell it to the judge. Plead your case, which
13 then in turn takes time from the hardworking male and
14 female and citizens who are trying to support their
15 families. [bell] I lost my time. I have come to
16 the end. Okay, thank you very much.

17 MALE SPEAKER: Anyway, good afternoon,
18 Mr. Chair. Good afternoon also Mr. Miler and I can
19 say thank you so much to Mr. Jumaane Williams for
20 bringing us to light. This has been going on for
21 over 25 years in the industry, and as everyone knows,
22 that's what's going on. Where there's 9/11, when
23 there's a bus strike, a truck/train strike, when the
24 bus discharges they call for the vans, and at the end
25 of the day, they treat us like criminals. We don't

2 want to no longer be treated like criminals. That is
3 why we're here and we bring this to Mr. Jumaane
4 Williams. They should have been taken her a long
5 time ago, but we finally, finally--at this stage
6 where we're trying to make it better, so most of
7 these people are hardworking people and everyone
8 comes to this country with the American dreams. The
9 American dreams is to work hard and take care of your
10 family, and that's what we are looking forward to do.
11 And one of our main concerns a lot of drivers want to
12 drive an illegal and unlicensed commuter van, but
13 when they get stopped all the time, it looks like
14 they're criminals so they don't want to drive. So
15 one of our main problems, and also with the six-year
16 renewal. You've got to understand that a lot of
17 people in this stage, they don't want to give their
18 names any more. They don't want to tell you about
19 their address any more. That's the problem with the
20 six-year renewal. That's what's going on, and we've
21 got to understand a lot of females that's out there
22 late at night when the bus cut the service and the
23 transportation is not there after 9 o'clock at night.
24 The same licensed commuter van will drop these ladies
25 where they're living at. And we've got to understand

2 that a lot of people in here are in my community.
3 They don't have Uber money. They don't have Lyft
4 money. They don't have the Black Car money. They
5 have a fixed income that they have to provide for
6 their family, especially a single parent. There's a
7 lot of single parents in Brooklyn in my neighborhood
8 where if they come outside, they can barely find the
9 \$2.00 because-- I'm sorry. Thanks. [bell]

10 CHAIRPERSON RODRIGUEZ: Thank you. First
11 of all, we will continue getting your input on this
12 conversation. You are the ones who know this
13 industry better than anybody else, and we will
14 through my colleague Council Member Williams and
15 Miller and directly through the Commissioner of
16 Transportation we will continue sitting at the table
17 and getting your input and feedback. Than you.

18 COUNCIL MEMBER MILLER: Sorry. I do have
19 a question. Mr. Ricketts, you--you mentioned at the
20 end of I think it was your annual summation that you--
21 -that you are required to submit in terms of
22 performance of--of your operators and the business.
23 What--is there anything in terms of follow up where
24 there has been violations or accidents involved with
25 those employees of yours? What mechanism are in

2 place for retraining, redressing if any, or is there
3 recourse by the governing agencies that would address
4 those issues in terms of--

5 HECTOR RICKETTS: [interposing] Well, I--

6 COUNCIL MEMBER MILLER: --getting
7 licenses and so forth?

8 HECTOR RICKETTS: The--the policy I
9 referred to is called the Annual Affidavit of
10 Compliance, and this done by the Department of Motor
11 Vehicles. Every year by July 1st, every licensed
12 company must submit to the department the number of
13 drivers on their roster, the number of accidents
14 they've had in their previous calendar year, and the
15 number of violations, and the number of violations
16 and convictions per 10,000 miles. If it's not
17 submitted, it is automatic suspension of the company.
18 If there is not follow up, and it's correct--it's not
19 correct, then the company is revoked. If the
20 violation is exorbitant, the company is called into a
21 hearing where they could lose their authorization.

22 COUNCIL MEMBER MILLER: Do you know off
23 hand what those standards are in terms of--that would
24 trigger such a hearing and--and--and I also find it a
25 little counterproductive to not have the standards in

2 advance and/or to call you in after the fact, and not
3 kind of pre-warn you and say that this guy is--

4 HECTOR RICKETTS: [interposing] Well,
5 there-there--

6 COUNCIL MEMBER MILLER: --after the
7 accidents.

8 HECTOR RICKETTS: --there are other
9 measures in place. Under the Article 19-A program,
10 which bus drivers comply with, a driver first has to
11 be--has to pass the physical exam. He has to pass--
12 he or she has to pass the physical examination. Then
13 the driver's record must be checked and recorded. If
14 the violations in that record are gruesome, 19-A will
15 not certify that driver. This process is then
16 repeated annually where the driver is given a road
17 test, and biannually where the driver is given a road
18 test and a written test. So all these programs will
19 remain in place even if the six-year renewal is
20 removed.

21 COUNCIL MEMBER MILLER: Okay.

22 HECTOR RICKETTS: And then you look at
23 the safety aspect of it where the van is inspected
24 every six months, and the driver--the owner must

2 submit documentation showing that the van
3 preventative maintenance is done every 2,500 miles.

4 COUNCIL MEMBER MILLER: Do you as the
5 owner have a mechanism in place to review the
6 drivers' records--

7 HECTOR RICKETTS: [interposing] Yes, I
8 do.

9 COUNCIL MEMBER MILLER: --in between that
10 one-year period?

11 HECTOR RICKETTS: Yes I do and most
12 companies do.

13 COUNCIL MEMBER MILLER: Is there a cutoff
14 period at which point you call them in and say that
15 you've had three accidents? You need to review them
16 or you need to reinstruct them or something?

17 HECTOR RICKETTS: Well, we--we don't wait
18 until three accidents. We call them in and ask them
19 to do a defense--do a defensive driving course.
20 Three accidents within a short period of time the DMV
21 calls them in for retesting.

22 CHAIRPERSON RODRIGUEZ: Thank--thank you.
23 We need to move onto the next panel unless Council
24 Member Williams has a question.

2 COUNCIL MEMBER WILLIAMS: I just want to
3 say thank you all. I know you're thanking us, but
4 really you really drove the process in making sure
5 that information is out there, and helped get a
6 pathway. So thank you all the services you're
7 providing and for being here, and making sure that
8 this journey hopefully gets to the end. Thank you.

9 HECTOR RICKETTS: Thank you.

10 JEROME MC COY: Just to reinforce if you
11 guys don't know what, as Mr. Ricketts was saying,
12 much counterproductive a CV license from the
13 Department of Motor Vehicles, a hack license from
14 TLC, fingerprints, background check, child support,
15 then a medical from a certified board doctor proving
16 validity of fitness, and still we don't get the--

17 CHAIRPERSON RODRIGUEZ: [interposing]
18 And--and that's information that's important and
19 again, let's continue the conversation. The next
20 panel we'll call, we're calling on David Clark,
21 Harbachan Singh, James McCall, Mark Henry, and Dustin
22 Jones.

23 [background comments, pause]
24
25

2 CHAIRPERSON RODRIGUEZ: You may begin.
3 Again, please stay with the two minutes even if you
4 have to summarize your testimony.

5 DAVID CLARK: Okay. Yes. My name is
6 David Clark. I'm a commuter van driver. I live in
7 Queens, Jamaica. The reason why--I'm glad to get the
8 opportunity to come here today to say that the Taxi
9 and Limousine Commissioner they need to do more
10 enforcement in Queens, Jamaica about the illegal
11 drivers and their unlicensed van. First of all, as
12 was the Taxi and Limousine Commissioner said the
13 safety of the passengers is very important, but you
14 cannot have a driver driving a licensed commuter van
15 and the driver do not have a current commuter van
16 driver's license required by the State. The driver do
17 not have a medical certificate required by the state,
18 and the driver do not have a TLC license required by
19 the Taxi and Limousine Commissioner. So when the TLC
20 said that enforcement is there, but when the TLC come
21 out to, they out to make this enforcement by law to
22 pull over these licensed commuter vans to see who is
23 the driver driving these commuter van, and if the
24 driver is licensed and fit to operate these commuter
25 vans. The next thing is it that the NYPD have the

2 right to tow away an illegal van that's doing illegal
3 activities and that the 19 minus 52 additional power
4 of the Commissioner with respect to the unlicensed
5 activities Section 19-504 and the New York
6 Administration Law Section 19-52, Chapter 5 to
7 operate a van service. Those laws is on the books,
8 but those laws are not enforced. [bell] So you have
9 to enforce the law. Thank you.

10 HARBACHAN SINGH: My name is Harbachan
11 Singh, President of the Queens Civic Congress, and
12 under our organization, which represents over 100
13 civic organizations throughout the borough. We are
14 always concerned with educate affordable and safe
15 accessibility to essential services within and into
16 boroughs especially for the residents of Queens. For
17 whom the public transportation is grossly inadequate.
18 To fulfill the essential requirements, the commuter
19 van legislation has made provisions for the
20 operations or commuter vans in Queens and regulated
21 activities of these services, and by an large we are--
22 -these licensed operators have fulfilled this dire--
23 dire requirement and we are thankful for that.
24 However, areas of serious concerns either develop or
25 arise that must be fixed from time to time. There

2 are three bills before us, Intro 570, which seeks to
3 eliminate the prearrangement and passenger manifest
4 requirements for commuter vans, and appealing the
5 requirement for commuter vans to renew their license
6 every six years. While the elimination of
7 prearranged transportation and passenger manifest is
8 understandable, we believe that the vans should be
9 required to continue prove the need to--the need for
10 their service as originally mentioned by the civil
11 administration. We, therefore, support this except--
12 except for the last provision that relates to the--
13 every six years of renewal. And we also support the
14 other two 860 and 861, and-- [bell]

15 CHAIRPERSON RODRIGUEZ: Thank you.

16 MARK HENRY: Good afternoon. Amalgamated
17 Transit Union Local 1056 and 1179 thank the Council
18 and the Committee on Transportation for holding this
19 hearing, and we highlight the impacts of easing or
20 eliminating legislation on commuter van operations.
21 And how it greatly impacts public bus transit
22 throughout the City of New York primarily in Queens.
23 My name is Mark Henry. I'm the President and
24 business agent and Chairman of the ATU Legislative
25 Conference Board. ATU, 1056 and 1179 we are the bus

2 operators that operate where many of these vans
3 compete [bell] to pick up passengers, and we work for
4 the New York City Transit Authority and the riding
5 public. Both the ATUs jointly oppose 570, which
6 seeks to eliminate current regulations on commuter
7 vans and the ATU calls on the Council and to press
8 the City and the state agencies to work together to
9 address many of the commuter vans that illegally
10 operate unsafely in many of the city's communities.
11 The ATU also supports 860, which is the study of
12 safety related issues in the commuter van industry.
13 It also supports 861 to increase the penalties for
14 illegal vans. Easing any TLC laws governing commuter
15 vans presents a very bad idea in a new Vision Zero
16 society. Easing the laws puts more vans on the
17 streets, most will operate illegally. Currently the
18 large number of illegally operated vans prey on bus
19 routes picking up and discharging passengers at MTA
20 bus stops. Further--furthermore, these illegally
21 operated vans block the movement of bus services and
22 increasingly engage riders and the riding public who
23 frequent bus service. My local, the ATU is a
24 nationwide organization. We have expertise in mass
25 transportation initiative, and urge the Council to

2 introduce legislation that raised the standard of
3 safety for the riding public. The relative cases,
4 which the current commuter van illegally--illegally
5 operates at an astonishing rate in my community in
6 Queens and the members that I represent. Eliminating
7 the license requirements would further erode the
8 city's riding public at large and [bell] we point to
9 the frequent accounts of the dangerous accidents in
10 Brooklyn and in Queens. The ATU calls on the Council
11 to press to address the influx of those illegally
12 operated vans unsafely in the city's communities.
13 Thank you.

14 DUSTIN JONES: Good evening. My name is
15 Dustin Jones. I'm a board member of the Disabled in
16 Action and CIDNY, Center for the Independence of the
17 Disabled New York. I want to give a thanks to our
18 Councilman Miller, who's always been a big fan of
19 mine, you know, since I've been doing my career. I
20 would like to thank him for his leadership. I would
21 also like to thank Councilman Jumaane Williams. I'm
22 a big fan of yours. We've never met, but from one
23 disabled person to another, the way you carry
24 yourself, the way you are right now it's giving me
25 inspiration for my career, and where I want to be. I

2 want to talk about accessibility with commuter vans.
3 I've always been a resident up until June of this
4 year of Southeast Queens, and I have fond memories of
5 actually getting on the commuter vans and going to
6 Green Acres and different parts of Southeast Queens.
7 I think it's sad that I'm going to have to say fond
8 memories because I'm still alive and so is the
9 commuter vans. I think it's very important that, you
10 know, we have some type of regulation where people
11 with disabilities can like Access-A-Ride have another
12 option where we can get picked up safely,
13 responsibly, and have an affordable ride. Many
14 people with disabilities are on a fixed income, and
15 the commuter vans they provide a transportation where
16 we can afford that just like Access-A-Ride. But
17 lastly, I would also like to say the debate between
18 whether we should have a stop versus bus stops versus
19 designated stops, I think we do need to have a
20 designated stop versus bus stops because Access-A-
21 Ride is not allowed to park at bus stops. Commuter
22 vans should not be either. Right now the way
23 commuter vans do it, they will swerve anywhere and
24 they will pick you up on the corner, in the street,
25 and if I'm riding in a wheelchair, I don't want to

2 have that experience. So I think designated stops
3 are very important for people with disabilities.
4 Because when I talk to people who talk about commuter
5 vans, they do want to ride it, and they would like to
6 be on and off safely. Thank you. [bell]

7 CHAIRPERSON RODRIGUEZ: Thank you. Thank
8 you. So we're calling the next panel. [background
9 comments] Michelle Keller, Cauldin Harry--Harold.
10 [background comments]

11 COUNCIL MEMBER MILLER: Well, while
12 they're coming up, can I make a statement?

13 CHAIRPERSON RODRIGUEZ: Sorry. Mitchell
14 Methan, and Mario Lopez.

15 COUNCIL MEMBER MILLER: Thank you, Mr.
16 Chair, I was aware you were preparing the panel. I
17 just want to thank Dustin for the kind words to me.
18 It means a lot to me. I appreciate it. And also
19 thank you for reminding us that we have to think of
20 the entire population. And so I think those
21 operators are here now hopefully will listen to what
22 Dustin has said and really take that into account as
23 we move forward in the next frontier. And I want to
24 thank also ATU for coming in and having their
25 discussion on it. I would say we didn't get to the

2 part where we talked about a de facto two-fare zone,
3 which I think is actually accurate, but in my mind it
4 helps to not compete with some of the MTA buses
5 because if you're taking the dollar van, you're
6 actually going to be paying more. So I'm not sure if
7 that works for or against, but I'm still looking
8 forward to working--I've done a lot of work with TWU
9 I guess because they represent Brooklyn. But I'm
10 happy to sit down with ATU as well moving forward.
11 So thank you.

12 CHAIRPERSON RODRIGUEZ: You may begin.

13 [background comments]

14 JANICE SCHACTER LINTZ: Sorry. Hi, my
15 name is Janice Schacter Lintz, and I'm the CEO of
16 Hearing Access and Innovations formerly known as the
17 Hearing Access Program, which spearheaded most of the
18 hearing induction loops that you see around New York
19 City in the subway information booths, taxis,
20 museums, and theaters. I'm also the mother of a
21 daughter--a 21-year-old daughter who has a hearing
22 loss. I'm not going to comment whether or not
23 commuter vans should or should not exist because I
24 don't have that background. What I am going to
25 comment on is if they are going to exist, they need

2 to have the same hearing induction loops that the new
3 taxis of tomorrow have. No vehicle in this city
4 whether it's commuter vans, Access-A-Ride or Uber
5 should be exempt from these regulations, and if a
6 hearing induction loop is needed in the new taxi of
7 tomorrow, which you'll start--you're starting to see
8 the ear symbols in the back of the taxi, and on the
9 side door, then it needs to be in every mode of
10 transportation from Uber, commuter vans, Access-A-
11 Ride, buses, and we need to have consistency for
12 people with hearing loss. Not only does it benefit
13 the rider, it also benefits the driver who could have
14 a hearing loss and may not hear proper directions.
15 And it allows people with hearing loss to stay in the
16 workforce longer. The cost of putting a loop into a
17 vehicle give or take about \$250 to \$275. That is
18 nominal. We need to make sure that transportation is
19 accessible for people with hearing loss at all income
20 levels. We've heard plenty of testimony here that
21 commuter vans are necessary for the low economic
22 population. Most of the population with people with
23 disabilities falls into that classification, and we
24 need to make sure they have access to transportation.

25 CHAIRPERSON RODRIGUEZ: Thank you.

2 JANICE SCHACTER LINTZ: Thank you.

3 MICHELLE KELLER: Good morning or it
4 might be afternoon by now. Yes. Mr. Chairman and
5 distinguished members of the committee, thank you for
6 the opportunity to present my views to the committee.
7 My name is Michelle Keller, and I serve as chair of
8 Community Board 12 Transportation Committee in
9 Queens. I oppose Intro 570 eliminating (coughs) the
10 van renewal process. I do support Intros 860 and 861
11 requiring the study of safety related issues in the
12 commuter van industry and suspending new commuter van
13 licenses pending completion of such study. Community
14 Board 12's Transportation Committee has an important
15 role to play in the community, and that's to keep our
16 district safe. We have seen an increase of vans
17 operating illegally and legally throughout the major
18 corridors in our district. In particular, vans
19 constantly cut off other motorists that pick up
20 fares. This action is hazardous as well as reckless
21 on the part of the van operators. Some other
22 concerns we have are vans parking along Archer Avenue
23 in the bus lanes and soliciting fares at the hub.
24 Van angled parking along Parson's Boulevard between
25 Jamaica Avenue and Archer Avenue and also double

2 parking. Community Board 12 had met with van owners
3 and their spokesperson, Hector Ricketts, throughout
4 the years to discuss this blatant disrespect that the
5 van owners or operators demonstrated when idling
6 their vans in the bus stops to solicit commuters.
7 However, the van owners and/or operators continue to
8 violate the traffic rules and regulations by
9 preventing buses from safely loading passengers.
10 Passengers are forced to board the bus in the street
11 rather than curbside. This is very hazardous. As
12 recent as September 8th, [bell] representatives from
13 TLC--TLC appeared before the Transportation Committee
14 to report that TLC and NYPD partnered to issues over
15 600 summonses to van operators for various reasons
16 from May, 2015 to September, 2015. However, these--

17 CHAIRPERSON RODRIGUEZ: [interposing]
18 Sorry, Miss, can you please just summarize in ten
19 seconds?

20 MICHELLE KELLER: Okay.

21 MALE SPEAKER: I yield--I'll yield my
22 time to her.

23 MICHELLE KELLER: However, these agency
24 representatives have expressed over the years that
25 they are concerned about violence being used against

2 their employees when attempting to enforce the
3 traffic rules and regulations. CB12 Committee--
4 Transportation Committee has met with van owners in
5 the past who have expressed that they have been
6 victims of physical threats when attempting to
7 approach these illegal van operators about their
8 illegal activity when they are staged on Parsons
9 Boulevard and on 158th Street Underpass. Some van
10 owners have been attacked by other van owners while
11 parked at that staging site. In addition, the angle
12 and double parking causes congestion along Parsons
13 Boulevard. Now, we have livery cars that are now
14 parking their vehicles along that stretch on Parsons
15 seeking fares from the public, which causes oncoming
16 vehicles to cross over into the yellow lines. CB12
17 is a progressive body, and welcomes entrepreneurship
18 from all walks of life. We recognize that the van
19 service is a requested service now and in the future
20 for convenience, and a necessity for public that
21 chooses a mode of transportation that transports them
22 faster to the Downtown Jamaica hub to board the
23 subway. We adamantly express that a moratorium on
24 new van applications seeking to operate in CB12 be
25 instituted until the concerns have been completely

2 addressed and satisfied. CB12 urges TLC and NYC DOT
3 to continue the renewal application progress in order
4 to monitor the performance of vans operating on the
5 roads in CB12. In support of Intros 860 and 861, we
6 agree with the language, which directs TLC to conduct
7 a study of safety related issues in the community--
8 commuter van industry. We believe that this is a
9 significant step to force the van owners and
10 operators to conduct themselves in a professional,
11 safe and respectful manner on the roads citywide.
12 Thank you.

13 BISHOP POTTERS: I'm Bishop Potters. I
14 represent some 52 churches in the area, and first of
15 all, thank you so much for having this hearing, and I
16 came to let my Councilman Miller know that the
17 churches and the rest of the communities fully
18 support what he is doing. My problem is that even
19 the precincts that's in our area can see these
20 violations. We've got policemen with cars and
21 standing on the corner, will not do the things that
22 they know they can do. It's not--and violate city
23 traffic rules and they doesn't even stop them. They
24 don't question. They don't say anything. They just
25 stand there and look at them, and I think this

2 unacceptable to our community. So I think that one
3 of the things that we're going to have to do or
4 should do is have the police step up their part of
5 operating and doing the things that are within their
6 power in order to stop these vans from violating--and
7 they're violating the rules and regulations of not
8 only the Highway Department, but the city rules
9 that's put out for them. So, I--I support my
10 Councilman in these bills that he puts forth, and we
11 will work with him 100%. And I want my Councilman to
12 know, Councilman Miller that our community is 100%
13 behind you, and we support you in what you're doing.

14 [background comments]

15 CALVIN HEWITT: Good afternoon. My name
16 is Calvin Hewitt. I'm a member of Board--Planning
17 Board 12 and I sit on the Transportation Committee.
18 In brief, I support the Intros 860 and 861 with
19 respect to the safety issues that are identified.
20 Additionally, I oppose the elimination of the--the
21 review (sic) process without regard to the two-year
22 or the six-year term. Also, I want our Councilman to
23 know that communities are in steadfast support of him
24 and we thank him for the issues that he's brought to
25 the committee for their review. Thank you.

2 CHAIRPERSON RODRIGUEZ: Thank you. Sir.

3 [background comments]

4 MARIO LOPEZ: My name is Mario Lopez. I
5 am the President, Owner and Operator of a commuter
6 van service here in Manhattan, Mario's
7 Transportation. We transport passengers from the
8 Upper East Side down to the Financial District.
9 While I do support higher fines for illegal vans, I
10 don't have the same issues that the Brooklyn and
11 Queens vans do as far as illegal--other illegal
12 commuter vans. My issues are other companies posing
13 as licensed by the Taxi and Limousine Commission
14 posing as commuter vans. There are car services now
15 that are allowed to have vehicles like ours, and they
16 operate them as commuter vans while we have--where we
17 have all these expensive processes that we have to
18 get through to get licensed for our drivers, for our
19 vehicles annually, every two years and every six
20 years. And these car services are coming in now.
21 For example, here on the list they're--they're
22 running bigger vehicles now paid basically with the--
23 through the--I guess somebody found loopholes in the
24 system, and they're able to do this.

2 CHAIRPERSON RODRIGUEZ: Thank you and
3 with this panel we come to the end. Before we close
4 the hearing, I would like to give the opportunity to
5 Council Member Williams and Miller if they want to
6 have any final words.

7 COUNCIL MEMBER MILLER: First of all,
8 Council Member Rodriguez, I want to thank you on your
9 leadership. As you said, this is an issue that has
10 been in the forefront in communities throughout the
11 city for a few decades now. It has yet to be
12 addressed, and there's been some really relevant and
13 significant issues brought to the forefront, and
14 obviously, there's a lot of work to be done. I think
15 that passing this package and addressing these issues
16 in the first--is the first step of many to ensuring
17 that all New Yorkers have the safe, affordable and
18 accessible access that they deserve and that they are
19 entitled to. And we are looking forward to that, and
20 I also want to thank everyone who came out. As we
21 look at this broad coalition of community activists
22 of labor leaders, of van owners in this room that are
23 willing to sit down and address this and to make sure
24 that New Yorkers have the service that they are
25 entitled to and that they deserve. I look forward to

2 working with each and every one of you under your
3 leadership to make sure that we resolve this very
4 important issue for the citizens of our city.

5 COUNCIL MEMBER WILLIAMS: And I also want
6 to thank you, Chair, for your leadership in this
7 discussion, which has been difficult, and actually
8 much more contentious in the past. I think it's a
9 testament to all of us that we're trying to work our
10 way through this. And I want to thank Council Member
11 Miller for his partnership. Thank you for the
12 testimonies that we heard. I just want to make sure
13 that we're clear for those who are listening we are
14 talking about those vans that are licensed by TLC and
15 insured only. There are a lot of vans out there that
16 are unlicensed and that are uninsured and causing the
17 most havoc. We want them off the road, and we
18 support stepped up enforcement. We also support--and
19 I also support the moratorium as well as do the legal
20 van owners. I don't think it works without my bill.
21 So I know some people had some concerns with my bill.
22 It doesn't really help the situation because the van
23 drivers will still be there. And so, my bill is to
24 aim to give some regulation, and give an opportunity
25 for people to come out of the shadows to really work

2 legally, which I think will help everyone. And so I
3 believe this package does address everybody's
4 concerns, and doesn't really work in piecemeal. And
5 again, for the young lady that brought the issues of
6 people who are hearing impaired, thank you again for
7 making sure that we remember all New Yorkers as we
8 move forward. Thank you.

9 CHAIRPERSON RODRIGUEZ: And I would like
10 to say in closing that the Vision Zero safety for
11 pedestrians and cyclists and everyone will never be
12 compromised under my responsibilities as the Chairman
13 of this committee. While we believe that the bill
14 proposed by my colleague it has the intention to
15 regulate this industry so that we improve safety in
16 our city. We will continue listening to the voice of
17 anyone advocating for New Yorkers with disability.
18 That is very important. We will continue having
19 conversations with members of the community boards,
20 and also with the Local that represents other
21 drivers. But most important, we just believe that
22 the commuter vans provide services in desert areas in
23 our, but we are not providing the transportation that
24 New Yorkers deserve. So we appreciate your service,
25 but also we understand that there's some bad apples,

2 which is some drivers providing service without
3 having the license and insurance, and they should not
4 be there. Thank you. With that, this hearing is
5 adjourned.

6 [gavel]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 27, 2015