

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

----- X

February 29, 2016
Start: 10:20 a.m.
Recess: 12:33 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 J. Richards

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

Meera Joshi, Commissioner and Chair
NYC Taxi and Limousine Commission, TLC

Ray Scanlon, Deputy Commissioner
Uniform Service Bureau
NYC Taxi and Limousine Commission, TLC

David Byer, President
Committee for Taxi Safety

Arthur Goldstein
Taxi Cab Service Association

Peter Mazer, General Counsel
Metropolitan Taxi Cab Board of Trade

David Pollack

Berj Haroutunian, President
Black Car Assistance Corporation, BCAC
Black Car Base Black Vital Transportation

Erin Abrams
Via Transportation

Jose Altamirano, President
Livery Base Owners

Nancy Reynoso, Vice Presiden
Green Taxis of New York, Inc.

Jean Ryan, Taxis for All Campaign and
Disabled in Action of Metropolitan New York

Eva Lisa Valero
Taxi Driver

Bill Lindauer
New York Taxi Workers Alliance

Gafar La Vargas (sp?)

Arnold Serrano

Richard Taylor

2 [sound check, pause]

3 CHAIRPERSON RODRIGUEZ: Good morning and
4 welcome to today's hearing of the New York City
5 Council Transportation Committee. Before we begin I
6 would like for us to have a moment of silence for the
7 big things, for the four separate hit and run
8 incidents that occurred over the weekend including
9 NYPD Officer Benson Harrison killed in Network--in
10 Newark; Jose Contreras in the Bronx; Mr. Shinglia
11 (sp?) in Queens; and a cyclist in Brooklyn. [moment
12 of silence] This string of preventable deaths caused
13 by irresponsible drivers who fled the scene after
14 committing these crimes reminds us that we have much
15 more to do to end the epidemic of hit and run in New
16 York City. That's why we are standing with Mayor de
17 Blasio, the Speaker and all my colleagues to address--
18 -to address this crisis. We hope that all resources
19 are employed to bring these perpetrators of these
20 crimes to justice, making an example of them to say
21 New York City does not tolerate this criminal act on
22 our streets. My name is Ydanis Rodriguez, Chair of
23 the Transportation Committee, and I've been joined by
24 my colleagues Council Member Richards, Chin,
25 Constantinides, and Menchaca. Today, we will hear

2 legislation related to the taxi for--to the taxi and
3 for-hire vehicle industry impacting drivers, bases
4 and passengers a like. We hope to hear today about
5 how the industry might be impacted by this set of
6 bills, and how we can continue to bring parity and
7 fairness to a transportation sector undergoing rapid
8 change. This set of bills is designed to bring
9 greater price transparency, and person data security
10 for consumers, increase employment and financial
11 flexibility for drivers, and tighter regulation to
12 prevent illegal street hails. We have seen a
13 frenzied (sic) few years as it is related to our taxi
14 and for-hire sector. This is a field shaken up by
15 new entrants into the market, driving by technology
16 innovations that consumers across the city have been
17 drawn to. During this time, we as a city have to
18 struggle to keep pace in response to this
19 development, as many have been caught up in the winds
20 of this changing market. But as regulators and as
21 legislators, we have a responsibility to ensure a
22 level playing field for all players, fair labor
23 practices for workers, and ultimately a product
24 consumers can safely rely upon to get from point A to
25 point B. We at the Council will continue to take a

2 strong interest in this area, and will take action
3 when necessary to curb abuses, and maintain healthy
4 competition throughout the industry.

5 The first bill we will hear today related
6 to the licenses distributed by the TLC, Intro 1095,
7 introduced by myself would create a universal
8 license, ending the practice of having separate
9 licenses for the tax--for the taxi and for-hire
10 vehicle sectors. This will increase flexib--
11 flexibility for drivers---Give me one second, please.
12 [background comments]--allowing them to drive
13 whichever vehicle they choose without diverting or
14 reapplying when seeking to move from one class to
15 another. This bill will also remove the--the require
16 written exam. Instead, allow TLC the discretion to
17 use other measures to ensure English proficiency.
18 Currently, over 30,000--sorry--over 40,000 drivers
19 driving for app-based companies, and not required to
20 take a written English exam, and this bill would
21 bring greater equality between the two classes.

22 The second we were--we are hearing today
23 Intro 1096, which I also I'm to have sponsored, will
24 crack down on the practice of illegal street hails
25 most often done in select areas such as the Central

2 Business District, airport of major event hubs. We
3 have heard from all sectors of this industry that
4 many drivers in the for-hire vehicle sector are
5 driving into Midtown Manhattan or out to the airport
6 and picking up passengers via hails, a practice
7 limiting to yellow taxis. These driver swill
8 sometimes even have marketing materials in their
9 window or on their windshield identifying themselves
10 with certain app basis companies who otherwise pick
11 up fares via e-hails to encourage unsuspecting
12 passengers to use their services. But then charge
13 passengers through cost rather via the cash list
14 transfer. These drivers are essentially operating as
15 gif pickups (sic), as they are not affiliated with a
16 base or, if they are--they are driving with their
17 apps turned off, each of which raises--raise concerns
18 regarding passengers' safety and the stealing of
19 fares designated to the yellow taxi sector. Intro
20 1096, which I am proposing, will increase the penalty
21 for street hails accepted only in the hail zone on
22 South 96th Street on the west side, and 110th Street
23 on the east side of Manhattan as well as at the
24 airport and certain sports venue. This practice
25 while illegal has profit--proliferated recently,

2 damaging all sectors in the process, and create
3 unsafe conditions for passengers.

4 Intro 1092 introduced by Council Member
5 Lanc--Lay--Lancman will review the requirements
6 established by the TLC in relation to for-hire
7 vehicle retirement age. This will change the seven-
8 year registration on vehicles made in 2013, and
9 grandfather in vehicles made before 2012. Under this
10 law, vehicles must undergo annual inspections, but
11 can be used for a longer period of time so long as
12 they pass each inspection.

13 Intro 1080 introduced by Speaker Melissa
14 Mark-Viverito, Council Members Garodnick, Torres and
15 myself aims to provide greater peace of mind to
16 consumers using apps to e-hail riders. We have heard
17 numerous stories of passengers facing extreme sticker
18 shock following the completion of their ride, not
19 expecting the ad times, astronomical prices due to
20 search pricing or some other pricing mechanism. This
21 bill would end this by ensuring the consumer is given
22 a fair quote at the time they request a ride with the
23 assurance that the final fare not be any more than
24 20% higher. Transparency is--in pricing is vitally
25 important as we cannot stand for unknown variable

2 fares that passengers only become aware following the
3 completion of their ride. As riders sharing
4 applications continue to grow in popularity, the
5 volume of personal and financial information
6 collected by these providers continues to increase as
7 well. Two issues emerge: The possibility of and
8 indeed confirmed occurrence of rider--of ride sharing
9 companies using information to monitor customers, and
10 their vernable--vernable--vernability of financial
11 information.

12 Intro 10--685 (sic) introduced by
13 Council--introduced by Council Member Garodnick and
14 myself would require livery bases, black car bases
15 and luxury limousine bases to take measures to
16 protect information collected from passengers, and
17 only use information collected from passengers when
18 authorized to do so. This company will be required
19 to report any and all security breaches where
20 sensitive--sensitive--sensitive consumer's data,
21 including addresses and financial information has
22 been jeopardized. This bill will span the aspect of
23 an agreement between Attorney-General Eric
24 Schneiderman and the app-based company Uber following
25 a lawsuit brought against the company to all the

2 players in the growing--growing apps-based fields.
3 The committed is interested in hearing from the TLC
4 industry partners and advocates of organizations
5 about these bills--will--how this bill will impact
6 our city's ever-changing ride-for-hire services.
7 Each bill is targeted toward improving these services
8 for the many people employed by and who use the TLC
9 regulated cars. We hope to refine and then build
10 upon this legislation in the coming months as we
11 strive toward a more equitable playing field across
12 sectors. We also understand that there is mounting a
13 concern over the lack of accessibility requirements,
14 across all sectors that leaves many New York City
15 residents with limited options in the for-hire
16 sectors. This is an issue that is very important for
17 me and the whole committee as well as to the Council,
18 and we look forward to hearing these bills related to
19 the services to the disabilities in the near future.

20 Before we begin, I would like to thank my
21 committee staff Counsel Kelly Taylor, Policy Analysts
22 Jonathan Masserano and Gafar Zaaloff; Financial
23 Analyst Ruju (sic) and Chima--Chima Obichere, my
24 Chief of Staff Carmen de la Rosa, and my Deputy Chief
25 of Staff, Russell Murphy. I now offer my colleague--

2 Is Dan here? No? I now offer my colleague Council
3 Member Dan Garodnick the opportunity to speak on
4 Intro 658.

5 COUNCIL MEMBER GARODNICK: Thank you very
6 much, Mr. Chairman and I want to thank you for
7 holding this hearing on both of these consumer
8 protection bills, both 658 and Intro 1080. As you
9 noted, Intro 1080 would significantly increase
10 consumer protections in the for-hire vehicle industry
11 by requiring that these companies offer a binding
12 fare estimate upon a customer's request before the
13 outset of any trip. Intro 658 would require that the
14 Taxi and Limousine Commission come up with a privacy
15 and personal data security policy that affects all
16 bases including those for for-hire vehicle companies.
17 As the taxi and for-hire vehicle industry evolves,
18 consumers are often times left playing catch up.
19 They wonder how and why they are being charged
20 certain rates. In for-hire vehicles that may differ
21 from those in yellow Cabs and they may even differ
22 from what they expect. They give their personal
23 information without being certain how much access
24 drivers of the companies themselves have to that
25 data. These bills look to bring parity to the

2 industry and ensure that every passenger regardless
3 of the company that they patronize will provide them
4 with a fair and secure experience. Under proposed
5 law Intro 1080, black cars and limousines must
6 provide a binding fare quote or estimate upon request
7 before the ride is booked. The final fare a
8 customer is charged could not be more than 20% above
9 the initial estimate, which will greatly increase
10 price transparency and provide more certainty to
11 passengers. The changes would apply to all black car
12 and luxury limousine services including e-hail apps
13 like Uber, Lyft and Via. Under Intro 658, all taxi
14 and cab bases including those for Uber, Lyft liveries
15 and any other black cab or e-hail services will be
16 required to implement privacy and security policies,
17 prevent employees from accessing information that
18 does not pertain to their job, and protect customers'
19 financial data. This will ensure that customers will
20 be secured against having their personal information
21 violated by any taxi company. Eliminating the price
22 uncertainty for users of taxi apps and protecting
23 their personal information will greatly benefit the
24 growing numbers of New Yorkers who use these service
25 everyday. These are important consumer protection

2 bills that I'm very pleased to sponsor. I'm pleased
3 that they are being heard. So I thank you, Mr.
4 Chairman, and I look forward to the testimony from
5 the TLC everyone else today. Thank you.

6 CHAIRPERSON RODRIGUEZ: Thank you Council
7 Member Garodnick. I now offer Council Member Lancman
8 the opportunity also to speak on Intro 1092. I'd
9 also like to recognize Council Member Vacca and Jimmy
10 Van Bramer, and I will ask the Administration to--I
11 mean, the counsel to please administer.

12 LEGAL COUNSEL: Okay. Please raise your
13 right hand. Do you affirm to tell the truth, the
14 whole truth and nothing but the truth in your
15 testimony before the committee today, and to respond
16 honestly to council member questions?

17 COMMISSIONER JOSHI: I do.

18 LEGAL COUNSEL: Thank you.

19 COMMISSIONER JOSHI: Good morning.

20 CHAIRPERSON RODRIGUEZ: Good morning.

21 COMMISSIONER JOSHI: Is this on? Yes.

22 Okay. Thank you. Good morning Chair Rodriguez and
23 members of the Transportation Committee and members
24 of City Council. I am Meera Joshi, Commissioner and
25 Chair of the New York City Taxi and Limousine

2 Commission. Thank you for the opportunity to share
3 the TLC's views on Intro 658, 1080, 1092, 1095 and
4 1096, many aspects of which overlap with existing TLC
5 rules and practices. At the outset, I want to make
6 clear how much we appreciate the committee's ongoing
7 interest in and support of our agency, reiterate our
8 desire to work together to further improve the city's
9 for-hire service. In particular, and although not
10 addressed in the current set of proposals, we hope to
11 also work together where possible on other priority
12 policy areas such as increased accessibility and
13 accountability across all of our regulated sectors.

14 I'll begin with Intro 1092, which would
15 eliminate mandatory retirement for black cars as long
16 as the vehicle passes all inspections required by
17 State Vehicle Traffic Law, the Administrative Code or
18 TLC Rules. The impact of this intro would be
19 somewhat less than it appears because the TLC
20 eliminated retirement requirement for most of the
21 black car fleet in the spring of 2015. As
22 background, the TLC first passed a six-year
23 retirement mandate for black cars in April 2008.
24 However, the TLC eliminated the black car retirement
25 requirements for model year 2013 vehicles and after

1 in June, 20--I'm sorry--in April 2015. At the same
2 time, the TLC also extended the retirement threshold
3 from six model years to seven for all vehicles that
4 were model year 2012 or earlier. Thus, the effect of
5 this intro would be eliminate the retirement
6 requirements for approximately 28% of the black car
7 fleet. In contrast to yellow taxi service where
8 passengers do not pre-select the taxi company or
9 vehicle model, there's no single operational model in
10 the black car industry, and today we see a much
11 greater range of choice for passengers than in years
12 past. With this variety, we agree that applying a
13 single retirement schedule for all companies is
14 unnecessary due to existing market incentives to
15 replace vehicles at a rate, which satisfies customer
16 demand. Finally, we know the Council joins us in our
17 commitment to vehicle safety and environmental
18 health, and for that reason it is important to note
19 that all black cars are subject to regular updated
20 safety and emissions inspections so that even if the
21 retirement requirement is eliminated entirely,
22 unsafe, and environmentally unsound, black cars will
23 be removed from service by the TLC.
24

2 The next intro--Intro 1080 would amend
3 the Administrative Code to include a definition to
4 cover at-base dispatch in the FHV sector, dispatch
5 service provider, a concept that the TLC added to its
6 rules last year. In addition, Intro 1080 would
7 require the black and luxury limo bases as well as
8 dispatchers operating on their behalf neither quote
9 nor charge a fare greater than the fare listed in the
10 rate schedule filed with the Commission. TLC rules
11 have long required filing of and compliance with rate
12 schedules. Additionally, under the Intro any
13 passenger who requests it, would receive a fare
14 quote, a customer would--could then not be charged
15 more than 120% of this fare quote. Violations of the
16 rule would result in civil penalties unless the
17 provider reduced the fare to be in compliance with the
18 120% provision within ten days. The TLC has always
19 supported fare transparency as a powerful customer--
20 consumer protection tool. It allows passengers to
21 make informed choices from several different modes of
22 transportation. Yellow and green taxis offer metered
23 fares at published rates, and livery bases must
24 provide binding fare quotes. More recently, in June
25 2015, the TLC adopted rules requiring the provision

2 of fare estimates whenever price multiplier or
3 variable pricing commonly known as surge pricing is
4 used. To avoid sticker shock, these rules require
5 that upon request, the base must provide a fare
6 estimate in dollars and cents including any surge
7 pricing, and that the customer must affirmatively
8 accept the estimate to initiate service. The TLC has
9 begun routine testing of black car bases to evaluate
10 their performance on price transparency and consumer
11 protection. [coughs] Our testing efforts are
12 intended to ensure that the passenger has
13 affirmatively opted in, and accepts the variable
14 pricing for all dispatches by black car and lux limo
15 bases, and that whenever requested the passenger
16 receives an estimate of the total fare in dollars and
17 cents inclusive of variable pricing. Additionally,
18 we audit to determine whether the rates are properly
19 displayed on the website or Smart Phone app.
20 Although TLC rules do not specifically mandate a
21 maximum amount by which any actual fare may exceed
22 the estimate, our rules preventing fraud and
23 misrepresentation, provide us with the tools
24 necessary to handle over-charged complaints, and
25 under TLC rules, dispatch service providers are

2 required to give passengers a printed receipt
3 directing them to contact 311 with complaints.
4 Nonetheless, while the requirement of the fare quote
5 partially overlaps with TLC's existing regulation,
6 and while we believe that market driven customer
7 service concerns will largely prevent companies from
8 charging above a fare estimate, the TLC does not
9 oppose the provision capping actual fares at 120% of
10 the quote. We understand the 120% provision applies
11 to all providers of black car and lux--and luxury
12 limousine services not only to those who arrange for
13 transportation by app, and we would request that this
14 sector wide application be clarified so that as our--
15 as with our rules the same standards apply to all FHV
16 service providers.

17 Finally, the TLC does not support the
18 intro's safe harbor provision, which would allow
19 providers to avoid penalties if they correct a fare
20 overcharge within ten days. The actual mechanics of
21 how the provision would function are unclear, and may
22 prove difficult to enforce. But more importantly, if
23 the prohibition is important, we believe it should be
24 immediately binding to provide full consumer
25 protection for passengers, and include restitution.

2 The TLC always has prosecutorial discretion not to
3 charge if there are mitigating circumstances, but
4 companies that overcharge passners--passengers should
5 not escape having to answer to the TLC for such an
6 overcharge.

7 Intro 1095 would codify in the
8 Administrative Code the TLC's recent practice of
9 issuing a universal license. Until last year, the
10 city offered different driver's licenses for Yellow
11 medallion taxi drivers and for-hire drivers. Because
12 medallion licenses--because medallion licensed
13 drivers had to meet a higher standard, the TLC has
14 long permitted them to drive for-hire vehicles, but
15 not the reverse. Until recently, for-hire drivers
16 have had to obtain an additional medallion license
17 in order to drive a taxi. Last year, the TLC
18 formalized this existing practice with respect to
19 taxi drivers, and upon renewal, issued them all a
20 combination medallion and for-hire driver's license
21 amid FHV license. And in December 2015, began
22 providing experienced for-hire drivers the option to
23 switch to a Med FHV license so they can also drive a
24 taxi. And I'm pleased to note that since its
25 introduction, over 2,000 for-hire drivers have

2 received the new Med FHV license. In this regard,
3 Intro 1095 would align the language of the
4 Administrative Code to TLC's practice, and so we
5 wholeheartedly support these efforts to improve
6 driver mobility, and thank Committee Chair Rodriguez
7 for his personal support of this important local law
8 change. Intro 1095 would also amend the
9 Administrative Code by expanding the existing English
10 proficiency requirement for taxi drivers to all TLC
11 drivers. All drivers must be able to speak and
12 understand English. This requirement comes with a
13 proviso, however, that such an assessment shall not
14 include a written examination. We believe that the
15 existing retire--requirements serve New Yorkers well
16 by allowing passengers to choose the fore-hire
17 service that best meets their needs including their
18 language needs. In a city with a significant
19 immigrant population in which for-hire vehicle
20 driving offers employment opportunities for new
21 arrivals and where some for-hire vehicle service
22 providers may serve those immigrant communities
23 almost exclusively, it's not clear that there is
24 market demand citywide for this language requirement.
25 Additionally, the means by which the TLC would

2 interpret or administer this provision remain
3 unclear. That is, we're not certain how the Council
4 intends for the agency to determine that an applicant
5 is able to speak and understand English. Because
6 these licenses are so crucial for so many first
7 generation immigrant families, we would need to work
8 closely with the Council and the Mayor's Office of
9 Immigrant Affairs to ensure that implementation of
10 this expanded language requirement does not
11 inadvertently harm our newest New Yorkers. At a
12 minimum the TLC would want to ensure that current
13 licensees are grandfathered in, and do not lose their
14 livelihoods by virtue of this expanded language
15 requirement. The TLC looks forward to discussing
16 these policy and operational challenges further with
17 the Council.

18 Intro 1096 would amend the Administrative
19 Code by significantly increasing penalties for green
20 taxi drivers picking up passengers by street hail in
21 Manhattan south of West 110th Street and East 96th
22 Street otherwise know as the Hail Exclusionary Zone.
23 The bill would also provide for enhanced penalties
24 for all drivers where those illegal street hails
25 occurred in certain areas within the city including

2 the airports, the hail exclusionary zone, and the
3 areas around sports stadiums in the Bronx, Brooklyn
4 and Queens. The sections of the Administrative Code
5 that the Intro would amend with respect to green
6 taxis were added by the State legislature as part of
7 the Hail Law, and there may be a state preemption
8 issue to the extent that the intro would expand or
9 otherwise alter the provision's scope. Additionally,
10 as to increased penalties for all other illegal
11 conduct, while the intro amends 19-507 Section
12 (b) (1), it does not amend or address the existence of
13 19-506 Section E, which also empowers the TLC to
14 enforce against illegal street hails, but which would
15 now provide for different penalties. The TLC would
16 need to meet further with Council staff to clarify
17 these issues, as well as to ensure that in each
18 instance, the revised penalties provide a minimum as
19 well as the maximum so that fines, levies--fines
20 levied are strong enough to be a real deterrent.
21 Although we welcome additional tools to enforce
22 against illegal street hails, we are unclear why
23 Intro 1096's first section singles out green taxi
24 drivers for enhanced penalties. Our enforcement
25 experience simply does not support the premise that

2 green taxi drivers are violating the Hail Law at a
3 rate requiring specific legislative attention. In
4 the beginning of our green taxi program, and in
5 response to complaints, the TLC did several
6 enforcement actions against green taxis picking up
7 street hails in the Hail Exclusionary Zone. Those
8 enforcement actions combined with public messaging
9 including exterior markings making clear that green
10 taxis' limited street hail jurisdiction significantly
11 decreased the amount of illegal green taxi activity
12 as is borne out in our numbers. For this reason, the
13 TLC's major concern is with livery and black car
14 drivers illegally picking up street hails in
15 unlicensed or so-called straight plate operators
16 doing the same. Unlicensed operators in particular
17 present a serious safety threat to New Yorkers.
18 Their vehicles have not been inspected for safety.
19 They do not carry the proper commercial insurance and
20 the drivers have not been subject to background
21 checks including criminal and DMV record checks as
22 well as ongoing drug testing. In addition to
23 depriving customer of their right to a safe ride,
24 every unlicensed illegal trip deprives licensed
25 drivers of income, the city and the state of revenue

2 as well as avoiding contributions to make our yellow
3 and green taxis accessible. The TLC regularly
4 enforces against unsafe illegal operators, but as you
5 are aware, we lost our best tool last October when a
6 Federal District Court Judge ruled that in certain
7 circumstances seizing vehicles used for illegal
8 pickups as authorized under 19-506 of the
9 Administrative Code was unconstitutional. While that
10 litigation continues, we're exploring other
11 enforcement tools. For example, we're summoning for
12 this conduct under provisions of the State Vehicle
13 and Traffic law where the penalty is suspension or
14 revocation of the driver's DMV license or the vehicle
15 owner's registration. Further, under Local Law,
16 vehicles are subject to forfeiture where the owner
17 has two or more violations in the past 36 months for
18 unlicensed activity. As the Federal Court decision
19 regarding TLC seizures did not eliminate TLC's
20 ability seize vehicles that are subject to
21 forfeiture, we're developing a robust plan to utilize
22 this enforcement tool.

23 Regarding the provision of enhanced
24 penalties for illegal street hails in specific zones,
25 the TLC cannot support the intro division of the city

2 into different zones. The most important purpose of
3 the prohibition against illegal street hails is to
4 protect passengers from entering into unsafe cars
5 with drivers that have not been vetted, and to
6 prevent trips that cannot be accounted for if
7 something goes wrong. We believe that passengers
8 citywide deserve the fullest extent of this
9 protection, not just those in Midtown Manhattan, at
10 the airports, Yankee Stadium, Barclay's or City
11 Field. Notably, a few years ago we testified in
12 favor of the bill sponsored by Council Member Vacca
13 that elevated fines against straight plates to their
14 current levels. So again, we support increased
15 penalties against this egregious conduct and urge the
16 Council to apply the same penalties citywide.

17 Intro 658 would amend the Administrative
18 Code to require the Commission to develop a policy on
19 information security and use of personal information,
20 and to make that policy applicable to livery base
21 stations, black car base stations, and luxury limo
22 bases. The Intro further specifies that at a minimum
23 the policy covers certain described areas such as
24 permitted use and storage of credit card and personal
25 information and trip records. It would also mandate

2 PCI compliance for credit card payment systems as
3 well as requiring notification of security breaches.
4 Additionally, the Intro would require the Commission
5 to adopt rules establishing civil penalties of not
6 less than \$200, no more than a thousand dollars for
7 violations of these policies. Because the effective
8 date would be 90 days from enactment, the TLC would
9 have less than three months to evaluate, draft,
10 notice and promulgate any necessary rules. I note
11 that the Council is not writing on a blank state--
12 slate. TLC licensees are already subject to a
13 complex set of federal and state laws as well as TLC
14 rules governing the use of personal and credit card
15 information. For example, the TLC already requires
16 all base--all bases that collect private information
17 including the location as defined by state law filed
18 privacy and security policies with the TLC that meet
19 industry best practices. Bases must already notify
20 the TLC and impacted parties in the case of a
21 security breach under the State's General Business
22 Law, and under TLC rules and bases, of course,
23 already must comply with applicable laws. With
24 regard to PCI standards for collection of credit card
25 information, any entity that collects credit card

2 information is already subject to these standards
3 because every credit card company demands it. The
4 TLC takes these existing safeguards seriously. We're
5 in the process of initiating test--testing of bases
6 that dispatch drives by app like Uber and Lyft to
7 ensure that if the base collects any passenger
8 information through the app such as credit card
9 number, name, phone number, address or email address
10 it has filed privacy and security policies with the
11 TLC using industry best practices, the key
12 requirement of which is that the data is safeguarded
13 and only used for authorized purposes. Additionally,
14 a base must file any trade or brand names with the
15 Commission that they use in their passenger facing
16 Smart Phone apps so companies can be linked back to
17 the responsible--so complaints can be linked back to
18 the responsible company. Outside of the TLC there
19 are other enforcement mechanisms that in place
20 against market participants to ensure robust security
21 policies. In that regard, I note the State Attorney
22 General's recent settlement with Uber of its alleged
23 breach of State Data Security Law. Against the
24 backdrop of consumer protections, we are supportive
25 of Council's intent to emphasize the importance of

2 privacy and sort--security protections in Local Law,
3 but we're also somewhat wary of prescriptive
4 codification of testing standards in this rapidly
5 changing field. So we look forward to working with
6 Council on reinforcing the existing protections while
7 also allowing flexibility for future changes. Thank
8 you for the opportunity to testify on these bills,
9 and I'm happy to answer any questions you may have.

10 CHAIRPERSON RODRIGUEZ: Thank you. I
11 would like to also recognize Council Member
12 Greenfield who was here, and Council Member Levine.
13 First, I have a few questions and, of course, my
14 colleagues they also have some questions. The first
15 one is what is the fine for illegal street hail as
16 today?

17 COMMISSIONER JOSHI: I'm going to have
18 Deputy Commissioner Ray Scanlon give you a summary of
19 all the relevant fines. There's two provisions that
20 we summons under. One is our TLC Rules, and that's
21 when the illegal street hail is performed by someone
22 who's already licensed by the TLC and the second is
23 the Administrative Code, and that is when the person
24 who's performing the illegal street hail has no TLC
25 license. They're entirely unlicensed. [background

1 COMMITTEE ON TRANSPORTATION

29

2 noise, pause] Under the Ad Code the range is in 19-
3 506(e) it begins for straight plates I believe at--
4 actually, if someone hands me the Ad Code, I can look
5 it up. [background noise, pause]

6 Good morning.

7 CHAIRPERSON RODRIGUEZ: Good morning.

8 DEPUTY COMMISSIONER SCANLON: My name is
9 Ray Scanlon. I'm Deputy Commissioner for TLC's
10 Uniform Service Bureau, which includes enforcement.
11 So our primary rule that we would cite against a
12 licensee for an illegal street hail is in our rules,
13 Title 55, page 19-A, which carries a fine of \$500,
14 and there's also a second offense. I believe it's
15 \$750 for a second offense within--

16 CHAIRPERSON RODRIGUEZ: \$750 the second
17 one.

18 DEPUTY COMMISSIONER SCANLON: --12
19 months. [pause] [background comment] Oh, the
20 second offense is \$1,500--

21 CHAIRPERSON RODRIGUEZ: [interposing]
22 \$1,500.

23 DEPUTY COMMISSIONER SCANLON: --within 24
24 months, and then the third offense within 24 months
25 would be revocation.

2 CHAIRPERSON RODRIGUEZ: Twenty-four
3 months?

4 DEPUTY COMMISSIONER SCANLON: Twenty-four
5 months. In a 24-month period, correct.

6 COMMISSIONER JOSHI: And that's for the
7 licensed.

8 DEPUTY COMMISSIONER SCANLON: That's for
9 a licensed FHV driver.

10 CHAIRPERSON RODRIGUEZ: Thank you. What--
11 what--

12 DEPUTY COMMISSIONER SCANLON:
13 [interposing] Unlicensed--

14 CHAIRPERSON RODRIGUEZ: --is it--what--
15 what is the fine for those drivers such in my case
16 targets to 25th and Broadway, but they don't have any
17 license at all from TLC?

18 DEPUTY COMMISSIONER SCANLON: Right, we--
19 that's what we call straight plates, and we would
20 summons them under the New York City Administrative
21 Code 19-506(b)(2), which carries a first offense fine
22 I believe of \$1,500, and then a second offense fine
23 within 36 months of \$2,000.

24

25

2 CHAIRPERSON RODRIGUEZ: \$2,000? Do you
3 have the number of how many of those cases--drivers
4 have--have--in 2015 you were able to give summons?

5 COMMISSIONER JOSHI: So in 2015 between
6 Manhattan and the airports, which I know is the
7 primary area of concern, it was almost 16,000
8 drivers, owners and drivers summons for illegal
9 street hail.

10 CHAIRPERSON RODRIGUEZ: Amen.

11 CHAIRPERSON RODRIGUEZ: Citywide that
12 number was about 24,000.

13 CHAIRPERSON RODRIGUEZ: 24,000 and--and
14 how many of those were given to those drivers such as
15 in my case target to 25th or in--or other places in
16 Queens who they are picking up passengers without
17 having any license from TLC?

18 COMMISSIONER JOSHI: I don't have the
19 breakdown immediately for those that given to TLC
20 licenses versus straight plates, but I'm happy to
21 provide that breakdown for you.

22 CHAIRPERSON RODRIGUEZ: Do you think that
23 last number is in the hundreds or thousands?

24 COMMISSIONER JOSHI: The majority of them
25 will probably be straight plates.

2 CHAIRPERSON RODRIGUEZ: But I think that
3 they were--that number is in the hundreds?

4 COMMISSIONER JOSHI: It's in the--it's
5 going to be in the thousands.

6 CHAIRPERSON RODRIGUEZ: In the thousands?

7 COMMISSIONER JOSHI: Yeah because the
8 total number is 24,000.

9 DEPUTY COMMISSIONER SCANLON: [off mic]
10 It's 30,000. (sic)

11 CHAIRPERSON RODRIGUEZ: No, but I'm
12 saying for those individuals that don't have any
13 license?

14 COMMISSIONER JOSHI: That are wholly
15 unlicensed if--the number will be in the thousands.

16 CHAIRPERSON RODRIGUEZ: Okay. When you
17 look at a number, how many--what is the number of
18 summons you've been giving to illegal street hails
19 down 96th Street in the West Side and down 110th
20 Street in Manhattan.

21 [background comments]

22 COMMISSIONER JOSHI: So in calendar year
23 2015, that number was 6,800, approximately 6,800 and
24 in calendar 2014, 7,500.

2 CHAIRPERSON RODRIGUEZ: So most of the
3 summons given for street--for illegal street hail
4 were not given to--in 90--96th and 110th Street?

5 COMMISSIONER JOSHI: A large number of
6 our summonses are given at the airports. So for
7 example, in calendar year 2015, over 9,000 summonses
8 given at the airports, and in calendar year '13--'14
9 when we didn't have the additional squads that we
10 have today, it was about 4,000.

11 CHAIRPERSON RODRIGUEZ: Okay. So when we
12 put airport aside, in my case is I would like to see
13 the number and what is the difference between summons
14 given down 96th and 110 in Manhattan compared to the
15 other area putting aside the airport.

16 COMMISSIONER JOSHI: Putting aside the
17 airport, it's about 6,800 out of 24,000.

18 CHAIRPERSON RODRIGUEZ: 6,800?

19 COMMISSIONER JOSHI: Uh-huh.

20 CHAIRPERSON RODRIGUEZ: In Manhattan
21 south--south 96 Street?

22 COMMISSIONER JOSHI: Yes.

23 CHAIRPERSON RODRIGUEZ: And what is the
24 number in the outer borough without our airports?

1 COMMITTEE ON TRANSPORTATION

34

2 COMMISSIONER JOSHI: Taking the airports
3 out?

4 CHAIRPERSON RODRIGUEZ: Yes.

5 COMMISSIONER JOSHI: It's 2,400 minus
6 9,000.

7 CHAIRPERSON RODRIGUEZ: 24,000?

8 COMMISSIONER JOSHI: Minus 9,000.

9 CHAIRPERSON RODRIGUEZ: So we are
10 thinking that most of the illegal street hail happens
11 on 96th Street in the West Side and South 110th
12 Street in the East Side? [pause] Say 6,800 and--

13 COMMISSIONER JOSHI: [interposing] 6,800
14 for Manhattan, the Hail Zone--

15 CHAIRPERSON RODRIGUEZ: [interposing]
16 South--south 9--

17 COMMISSIONER JOSHI: --about 9,000 for
18 the airports, and citywide 24--

19 CHAIRPERSON RODRIGUEZ: [interposing]
20 Yeah.

21 COMMISSIONER JOSHI: --24,000.

22 CHAIRPERSON RODRIGUEZ: So definitely the
23 numbers there like the vast majority of illegal
24 street hail based on the number of summons has

25

2 happened in 2015 south 96th on the West Side and
3 South 110 in the East Side?

4 COMMISSIONER JOSHI: That is our--a hot
5 bed of activity yes.

6 CHAIRPERSON RODRIGUEZ: What is it?

7 COMMISSIONER JOSHI: That is a--that is a
8 concentration of illegal activity. Yes.

9 CHAIRPERSON RODRIGUEZ: Yes. Okay, so we
10 can agree with that one. So my--my second question
11 is on--on the universal--universal license. How many
12 cars affiliated with the app services?

13 COMMISSIONER JOSHI: How many cars?
14 Well, Uber, for example, has about 30,000 affiliated
15 with them. Lyft I think has much fewer, but they
16 still have the ability to dispatch to any car that is
17 a black and to day we have over 40,000 black cars.

18 CHAIRPERSON RODRIGUEZ: Okay, so and then
19 based on the number that we had like 75 at the
20 company that they have raised already?

21 COMMISSIONER JOSHI: I think we probably
22 have a lot more than that today. The last time I
23 testified last year at a hearing, you had on apps.
24 We--we quoted number 75, but that number has grown.
25 As we do our testing for compliance for our new

2 Apples, we're discovering more and more bases that
3 are utilizing apps.

4 CHAIRPERSON RODRIGUEZ: So the number is
5 we can say altogether should be close--

6 COMMISSIONER JOSHI: [interposing] It's
7 hundreds.

8 CHAIRPERSON RODRIGUEZ: --to 50?

9 COMMISSIONER JOSHI: Yes.

10 CHAIRPERSON RODRIGUEZ: Fifty passengers,
11 I would say that number.

12 COMMISSIONER JOSHI: I'm sorry.

13 CHAIRPERSON RODRIGUEZ: Uber, Lyft, Via
14 and the other drivers together--

15 COMMISSIONER JOSHI: [interposing]
16 Together that's 40--over 40,000 vehicles.

17 CHAIRPERSON RODRIGUEZ: Over 40,000
18 vehicles?

19 COMMISSIONER JOSHI: Yes, including all
20 other traditional black car bases.

21 CHAIRPERSON RODRIGUEZ: What is the
22 English requirements that those drivers has?

23 COMMISSIONER JOSHI: There is no English
24 requirement for black car drivers or our livery
25 drivers. They're--

2 CHAIRPERSON RODRIGUEZ: Have you--have
3 you--have you documented any complaints from--from
4 any consumers about the trouble on being not able to
5 communicate because of English and the lack of
6 drivers to speak the language?

7 COMMISSIONER JOSHI: We looked through
8 our complaint database in anticipation of this
9 question, and did not find any complaints in the FHV
10 sector.

11 CHAIRPERSON RODRIGUEZ: So you looked at
12 the technology in order to--are there in our time
13 where if we're talking about more than 40,000 being
14 provided excellent services if we want to look at
15 like that. We have not complaint from any consumers
16 that--

17 COMMISSIONER JOSHI: [interposing] Yes.
18 I mean those complaints that come directly to us. if
19 people file complaints directly with the base, we
20 won't see them. So people that decide to call 311
21 and complain there is no groundswell of complaints
22 against language barriers in the FHV industry.

23 CHAIRPERSON RODRIGUEZ: Great. And--and
24 for me again this is about when we talk about the
25 universal license, there's a case already for anyone

2 that would say, okay, but how will someone be able to
3 communicate when he or she need the services. We can
4 work with the--with TLC and--and be able to have--the
5 tools are in lace so that, you know, the language
6 requirement is taken care by knowing that there's
7 more than 40,000 drivers in New York City affiliated
8 with Uber, Lyft, Via and others that they are
9 providing the services without having any
10 requirements of English as--as--as one of the
11 requirements.

12 COMMISSIONER JOSHI: And I would
13 actually, 40,000 is the number of vehicles. The
14 number of drivers is 90,000.

15 CHAIRPERSON RODRIGUEZ: 90,000?

16 COMMISSIONER JOSHI: Yes.

17 CHAIRPERSON RODRIGUEZ: Great. And--and
18 how many drivers do we have in yellow?

19 COMMISSIONER JOSHI: In yellow we have
20 about 57,000 drivers.

21 CHAIRPERSON RODRIGUEZ: 57,000. How many
22 livery?

23 COMMISSIONER JOSHI: 90,000. Well, I--I
24 don't distinguish between livery and black car
25 because they can drive either. Together that's

2 90,000 FHV drivers. Okay, great. So I will get back
3 to other questions, but first I would like to be able
4 to turn it to my colleague Council Member Garodnick.

5 COUNCIL MEMBER GARODNICK: Thank you
6 again, Mr. Chairman, and Madam Chair I wanted to
7 follow up on both 1080 and 658. So first of all,
8 thank you for your general support of 1080. We'll
9 take a look at that safe harbor provision that you--
10 you mentioned. What I wanted to ask you specifically
11 is whether we need more detail on the contours of a
12 fair estimate. The idea that we would say okay, you
13 need to offer--a for-hire vehicle company needs to
14 offer the public a binding fair estimate. One might
15 reasonably assume that that would be arranged. Like
16 if the average fare was like a \$15 fare maybe the
17 range would be somewhere between \$15 and \$18 or \$15
18 and \$20. If one of these companies decides to
19 instead to give you a range of \$15 to \$115, the--the
20 benefit of a fair estimate becomes less beneficial.

21 COMMISSIONER JOSHI: Yes.

22 COUNCIL MEMBER GARODNICK: How--how do
23 youth ink we should deal with that particular
24 question?

2 COMMISSIONER JOSHI: I--I think it's a
3 really good point because you could create a loophole
4 that destroys the protection that the--that our rules
5 and your proposed Local Law are designed to provide.
6 One way--one I would, you know, make sure that the
7 word estimate is not part of the language because
8 that may raise the question of whether it could ever
9 be binding because it's an estimate. So quote I
10 think is the better--is the better terminology, and
11 second, there would probably be have--have to be some
12 thought to a maximum amount--amount of the range.
13 You know, is it done in dollars? It can't be
14 arranged more than \$10 or is it done in a percentage?
15 Although, not as exact, I would advocate for
16 something in dollars because that's what the
17 passenger can easily understand if a passenger is
18 trying to figure out whether a quote is in line with
19 local law or not, and they're apt to convert it to
20 percentages. I think it becomes a little cumbersome,
21 and you lose some of the effectiveness.

22 COUNCIL MEMBER GARODNICK: Well, it may
23 be that if--even if you did a percentage that was a
24 requirement on the company, it could be translated to
25 the consumer, you know, dollar amount.

2 COMMISSIONER JOSHI: Yes, I--I think the
3 key is that the consumer needs to see--and maybe I'm
4 speaking for myself personally because I hate math.
5 I'd rather see things in dollars and cents too.

6 COUNCIL MEMBER GARODNICK: I think that's
7 absolutely right, and I do think that we need to--to
8 make sure that we're talking about if they're
9 estimates that they're estimates that feel closer to
10 quotes as opposed to estimates, which create a--a--
11 you know an enormous loophole that become
12 meaningless, and I think that that's something that
13 we need to--to also take a look at here. So thank
14 you. On 658, I--I understand your testimony that the
15 TLC is as you put it wary of presumptive codification
16 of--of testing standards and, you know, and I think
17 that that makes-- Sorry. I'm just reading my own
18 handwriting. Prescriptive codification of testing
19 standards. That said, I thin that many of us on this
20 committee have concern about maybe leaving it a
21 little too amorphous. So I wanted to just probe on
22 that a little bit more because your rules require
23 that app privacy and security policies meet industry
24 best practices. Give us a sense of what exactly that
25 means to you. In your testimony you said the key

2 requirement is that data is safeguarded and only used
3 for authorized purposes. But what else does that
4 mean for it to be industry best practice, and have
5 you ever found that an app was not meeting that
6 standard?

7 COMMISSIONER JOSHI: Right. So we look
8 to things like there is a group that has sort of ten
9 privacy princ--principles, the International
10 Association of Privacy Professionals, and we use
11 those sort of ten princi--principles to monitor the
12 adequacy of privacy and security. And--and those may
13 change over time as people--what people collect
14 changes over time. But one is consumer choice and
15 consent. I mean they're all things that are outlined
16 in you bill. Consumer choice and consent, that
17 information is only used for specific purposes, and
18 that the consumer has consented to that. But another
19 source for us is the Attorney General's Office who
20 weighs in and provides us with feedback on what they
21 believe are right protocols especially with respect
22 to who--which employees have access to data, and what
23 purpose--the company specifies what purpose the
24 access is for. So those are the types of things.
25 But, you know, so do work with the Attorney General's

2 Office and they do make specific--specific detailed
3 requirements I think on a case-by-case basis when
4 they come up. And when we passed our rule, they gave
5 us general feedback, and that's really the guidelines
6 that we use. But I--I think we just want to make
7 sure that whatever guidelines are in place, they're
8 fluid enough so that if there's changes in the market
9 and the best practices change that the Local Law is
10 never behind whatever best practice model--

11 COUNCIL MEMBER GARODNICK: [interposing]
12 I--I think that that's fair, and we want to make sure
13 that you have the tools to make it a floor rather
14 than a ceiling on privacy protections--

15 COMMISSIONER JOSHI: [interposing] Uh-
16 huh.

17 COUNCIL MEMBER GARODNICK: --but that
18 itself should not be a reason for us not to spill out
19 the ones that I think we would all recognize would be
20 the base level of privacy protections that should be
21 ensured for any particular ride.

22 COMMISSIONER JOSHI: I do also want to
23 note, and this is something that--it's an operational
24 concern of the agency. So as Council Member
25 Rodriguez asked me earlier how many apps are out

2 there now, last year we said maybe 75. Now, we think
3 there's much more than that, and as every new app
4 crops up, that reviewing the privacy and security
5 policies against detailed criteria is an exercise
6 that becomes a--a larger one, one that-- You know,
7 we're not--we're not disinclined to take on new work,
8 but we're operationally our--our budget is designed
9 to take care of safety and admissions inspections,
10 field enforcement and other regulatory purposes.
11 This is a new area for us. So with the growth it
12 would demand new resources as well as new expertise
13 within the TLC.

14 COUNCIL MEMBER GARODNICK: I--I think
15 that I understand that, and I think that it also
16 suggests that the more prescriptive we are oddly
17 enough, the less work on the TLC to actually have to
18 figure out what industry best practices are and,
19 therefore, perhaps less of an obligation on you to
20 deal with something, which is not part of your core,
21 you know, daily mission at least. Let's talk about
22 the--the TLC's rules themselves because at a
23 transportation hearing back in December of 2014, you
24 had testified that TLC's catch-all provisions that
25 prohibit for-hire vehicle base owners and driver from

2 acting against the best interest of the public would
3 allow the Commission to penalize actors that are
4 misusing data and personal information. Do you think
5 that that--you still think that that is true? Do you think
6 that that provision of the rule allows you to--to go
7 after a violator here?

8 COMMISSIONER JOSHI: Yes, I do.

9 COUNCIL MEMBER GARODNICK: Okay, and do
10 you--do you think that you would be aided if we had
11 additional delineation of what those rules were in
12 local law or do you think that you have in catchall,
13 that they are in the best of the public? Do you
14 think that that would be able to be supported if--
15 supported if challenged?

16 COMMISSIONER JOSHI: I think we would be
17 able to adequately enforce on either scenario. I
18 think a defense attorney would have a harder time
19 raising a defense in the second scenario that you
20 outlined where there was more specificity.

21 COUNCIL MEMBER GARODNICK: Okay. The
22 biggest data breach that we have seen involving taxi
23 or FHV apps was actually involving information about
24 drivers, not riders. So that would the God view
25 example I think got a lot of press about, you know,

2 the possibility of following an individual rider
3 around. The biggest data breach we've seen involved
4 drivers. Was TLC notified when Uber driver
5 information was hacked back in September of 2014?

6 COMMISSIONER JOSHI: We wrote to Uber as
7 soon as we became aware of the security breach, and
8 asked them to notify us if any New York City drivers
9 were impacted by the security breach. They wrote to
10 us and told us that no New York City drivers were
11 impacted by security breach. Our require them had a
12 New York City driver been impacted to notify us as
13 well as the State. The State obviously had a
14 different issue. They say statewide there is some
15 disconnect there because Uber doesn't operate outside
16 of New York City, but they--the State followed up on--
17 --on their--on the basis of the statewide rule.

18 COUNCIL MEMBER GARODNICK: And--and do
19 any of your existing rules at TLC limit how an app
20 can use or store driver information?

21 COMMISSIONER JOSHI: Our rules that we
22 passed last year that say you must have privacy and
23 security policies that are aligned with best
24 practices mean that the way that they store--gather
25 and store and use that information must be in line

2 with what the--sort of the ten principles of the
3 International Association of Privacy.

4 COUNCIL MEMBER GARODNICK: And the ten
5 principles of International forgive me I don't--I
6 don't know all--

7 COMMISSIONER JOSHI: [interposing] And
8 that's one best practice. There are other places you
9 could go, but you can--

10 COUNCIL MEMBER GARODNICK: [interposing]
11 But that's the one that you--it sounds like you point
12 these app companies toward, that International
13 Standard of Best Practices.

14 COMMISSIONER JOSHI: We don't define best
15 practices in our rule, but if somebody was curious as
16 to what we would use, that's--that's what we would
17 use.

18 COUNCIL MEMBER GARODNICK: And those are
19 privacy best practices for both riders and driver
20 information?

21 COMMISSIONER JOSHI: It's for any private
22 information as defined by state law.

23 COUNCIL MEMBER GARODNICK: And--

24 COMMISSIONER JOSHI: [interposing] So
25 that works for both.

2 COUNCIL MEMBER GARODNICK: It does work.
3 Okay, that was my follow-up question. Okay. All
4 right. Well, it looks like we've got--well, the last
5 from me. Thank you, Mr. Chairman, for the time. We
6 have a--a penalty for violations here that is maximum
7 of a thousand dollars. Considering what you had said
8 about the safe harbor provision in that first bill,
9 and the concern that if you actually are in a
10 position where you're, say, overcharging a customer
11 or perhaps even in this situation, violating their
12 privacy, stealing personal data or whatever, do you
13 think a thousand dollars is enough?

14 COMMISSIONER JOSHI: I--it depends
15 whether what you're calling a violation. So if--if
16 it's every instance a thousand dollars can add up.
17 If hundreds of people's personal information is not
18 used--is used inappropriately that sometimes is hard
19 to quantify. So another way to go about it is to
20 provide a much hard--a much larger fine, but we are
21 dealing with large companies as--of great means. So,
22 a thousand dollars is sort of a pittance for them.

23 COUNCIL MEMBER GARODNICK: I--I agree
24 with that, and I--and--and I'm--obviously I know
25 that's the way I've written it in the bill at least

2 for the moment, but I--I want to make sure that to
3 the extent that you have a violation of the policy
4 it's not a one thousand dollar experience. I mean if
5 you're a thousand dollars for the entire universe of
6 your--your vehicles, that's a different story than
7 you're hit once for an overall system wide violation
8 of privacy. So I do think that we need to make sure
9 that we get that right, and I think your--your point
10 is correct that these are companies of means this--
11 when you're talking about consumer privacy it has to
12 be more than cost of doing business like penalties,
13 and we need to get that right. So, than you for that
14 and, Mr. Chairman, thank you for your--your
15 generosity on the time.

16 CHAIRPERSON RODRIGUEZ: Before calling my
17 colleagues Menchaca and Lander, two questions? How
18 many complaints do you get regarding pricing in black
19 cars?

20 COMMISSIONER JOSHI: We get very few
21 complaints overcharges. Than may be that people go
22 directly to the company, but it's not a--it's not a
23 large source of complaints for us.

24 CHAIRPERSON RODRIGUEZ: Great. And also
25 can a--can a taxi driver who is affiliated with an--I

2 mean a livery taxi driver that is affiliated with one
3 of the base, can they also work for--use the
4 application of Uber and Lyft--and Lyft?

5 COUNCIL MEMBER GARODNICK: A livery
6 driver I believe Lyft--I mean I believe Uber has one
7 livery base. So they could work for that livery base,
8 but other than that--let me step back. So a driver
9 can work for either a black car base or a livery
10 base. A vehicle that's been designated as a livery
11 car can only do jobs for a livery base.

12 CHAIRPERSON RODRIGUEZ: In 2015, how many
13 cases have you logged--have your enforcement
14 identified of livery taxi drivers that are raised
15 here (sic) as working for the livery that also having
16 worked for Uber?

17 COMMISSIONER JOSHI: We did find several
18 instance of that, hundreds of instances and we did a
19 part--we did a prosecution, and I believe there was a
20 settlement reached and a penalty paid by the company
21 for that illegal cross-dispatch.

22 CHAIRPERSON RODRIGUEZ: Do you think that
23 this is something that currently--this happened very
24 often?

2 COMMISSIONER JOSHI: We--I--we started
3 our case last year based on complaints that we were
4 getting, and uncovered a pattern. The company since
5 assured us that it's not happening any more, and I
6 haven't received--we as an agency haven't received
7 recent complaints. But if you're aware of instances,
8 please let us know. We're happy to investigate.

9 CHAIRPERSON RODRIGUEZ: But I mean I'm
10 not going to be the one bringing the cases to you.
11 My thing is based on what you hear from livery bases
12 owners, based on what your own team have been able to
13 identify, based on what happened in 2015, do you
14 thing that this is something that is currently
15 happened today that we have thousand of livery
16 drivers that they are affiliated with bases, that
17 they are also are using, working with Uber apps?

18 COMMISSIONER JOSHI: I can't speculate on
19 that. I haven't reviewed any complaints of that
20 nature recently.

21 CHAIRPERSON RODRIGUEZ: Is there any
22 current open investigation going on?

23 COMMISSIONER JOSHI: I couldn't comment
24 on open investigations, but I'm happy to if you have
25 or your--or instances--

2 CHAIRPERSON RODRIGUEZ: [interposing] No,
3 but I didn't--but I

4 COMMISSIONER JOSHI: --are being brought
5 to your attention, that's the--that's the way we
6 uncover patterns, and we're happy to investigate.

7 CHAIRPERSON RODRIGUEZ: But I think it's
8 a fair question for you to answer. Is TLC at the
9 current moment are working on any cases where drivers
10 are--who are affiliated--livery drivers affiliated
11 with those places are also working for Uber?

12 COMMISSIONER JOSHI: We very well may be,
13 but we have hundreds of cases that we work on against
14 drivers, bases either based on consumer complaints or
15 other complaints. So I can't tell you yes or no
16 today.

17 CHAIRPERSON RODRIGUEZ: Commissioner, I
18 think that--

19 COMMISSIONER JOSHI: [interposing] I can
20 tell you that in the past we did

21 CHAIRPERSON RODRIGUEZ: --it's not a hard
22 question to ask.

23 COMMISSIONER JOSHI: --an enforcement
24 action.

2 CHAIRPERSON RODRIGUEZ: It's not a hard
3 question to answer. It's about I'm--I'm not--

4 COMMISSIONER JOSHI: [interposing] Are
5 you asking me whether livery--livery vehicles are
6 being dispatched by Uber to--

7 CHAIRPERSON RODRIGUEZ: [interposing]
8 Yes.

9 COMMISSIONER JOSHI: --to black car jobs?

10 CHAIRPERSON RODRIGUEZ: Yes.

11 COMMISSIONER JOSHI: Today, sitting here,
12 I don't have a complaint of that nature in front of
13 me. If you have it, we're welcome--we welcome the
14 opportunity to investigate it, and we don't currently
15 that I know of--but we may because I'm not aware of
16 every open investigation--have an investigation into
17 that. But again, this is a public hearing and since
18 we're talking about the issue publicly, if people
19 listening to this are coming across that, please let
20 us know. We've investigated in the past. We've
21 brought financial penalties to bear upon the company
22 for that kind of illegal conduct, and we're happy to
23 do that again.

24 CHAIRPERSON RODRIGUEZ: Great. I just
25 believe that it is important that, you know,

2 especially if in 2015, you already have identified
3 hundreds of drivers that they were affiliated with
4 livery bases, and they were also working of apps
5 company, something that they were not allowed to do
6 because we don't have the cross services. We have
7 not approved it yet, as a rule and was the TLC. If
8 that happened in 2015, I just believe that it is
9 important to continue monitoring. Not only there's
10 about people bringing the complaint. I think it's
11 putting the resources because again for me the way
12 our city works, our first responsibility is the
13 consumers, and I'm fine with that. The second
14 responsibility for me are the drivers. I believe it
15 is important that all drivers should be able to
16 bring, you know, their resources--their money to
17 support their family. Liveries, base, black car
18 drivers, green, yellow. my issue is when we have a
19 few individual corporations that you believe--that
20 they believe that they can, you know, working and
21 following different rules and regulations. And I can
22 say that if today TLC send a unit, you would identify
23 thousands more drivers who are affiliated with livery
24 bases or other bases that they are also using the
25 Uber apps, and I think for me it is unfair because

2 it's all about leveling the playing field. I
3 believe--I used to be a--a livery taxi driver, and I
4 believe it is my responsibility to--to support
5 consumer drivers and everyone. But I think that's
6 happening here. We know that is happening, and we
7 have decided to look in the other direction. Council
8 Member Menchaca.

9 COUNCIL MEMBER MENCHACA: Thank you,
10 Chair, and I want to just lift something you just
11 said, leveling the playing field, and I want to focus
12 on 1095 and the Universal Card

13 COMMISSIONER JOSHI: The Universal
14 Driver's License?

15 COUNCIL MEMBER MENCHACA: The Universal
16 Driving Card Vehicle License. Tell me a little bit
17 about--walk us through the work, specifically in the
18 requirements and the change in the requirements for
19 language, and you're saying that you're not going to
20 require a written test. So tell me what you are
21 requiring to be able to meet the standard that you're
22 changing?

23 COMMISSIONER JOSHI: So, it--the proposed
24 Local Law comes from counsel. It's not our proposal.
25 We're commenting on it.

2 COUNCIL MEMBER MENCHACA: So you don't
3 support--you--I think you--

4 COMMISSIONER JOSHI: [interposing] We--we
5 said we had concerns about extending the English
6 language requirement to everybody. One, because we
7 emphasized that people that are currently licensed be
8 grandfathered in. They haven't taken an English
9 proficiency test. If one was to be imposed today,
10 they may lose their ability to earn a living. And
11 two, we had some concerns about actually your
12 question exactly, how would we implement an English
13 proficiency test without a written test, but more
14 importantly in a way that doesn't foreclose people's
15 opportunity to earn a living. And in that regard,
16 we'd have to work closely with the Mayor's Office of
17 Immigrant Affairs who is pretty much the experts in
18 that area as well as with counsel. If the intent is
19 to expand the English language requirement, it's got
20 to be done in a way that still allows people to work.

21 COUNCIL MEMBER MENCHACA: And
22 Commissioner, I think there--there are already
23 requirements today, correct, that you're implementing
24 that you're owning as an agency.

25 COMMISSIONER JOSHI: Yes, some--

2 COUNCIL MEMBER MENCHACA: What are those?

3 COMMISSIONER JOSHI: On--on taxi there is
4 an English requirement. That's a written and it's
5 also an oral component. There's three parts to the
6 English test. In two, the test taker listens to
7 something and then responds in writing. In one, they
8 read a narrative and respond in writing, and
9 ironically, they do better on the reading part than
10 they do on the oral generally.

11 COUNCIL MEMBER MENCHACA: Interesting.
12 Okay, and so that already exists now.

13 COMMISSIONER JOSHI: Yes.

14 COUNCIL MEMBER MENCHACA: And so that--
15 that requirement will change. And so tell me about
16 the change from--essentially what we're--what we're
17 doing is expanding that requirement across all under
18 this universal plan for all licenses.

19 COMMISSIONER JOSHI: Yeah, I think the--
20 the proposed bill does two things. Today the Ad Code
21 has separate categories for for-hire drivers, and for
22 taxi drivers. It's collapsing those. So it's just
23 making it a cleaner process. That means you pay one
24 renewal. You do one drug test. So all your driver
25 license requirements happen once instead of twice,

1 COMMITTEE ON TRANSPORTATION

58

2 and that allows you to have more mobility. You can
3 drive cars in different sectors.

4 COUNCIL MEMBER MENCHACA: It sounds like
5 there's some efficiencies here that--

6 COMMISSIONER JOSHI: [interposing]
7 There's a lot of efficiencies--

8 COUNCIL MEMBER MENCHACA: [interposing]
9 That is driving the bill.

10 COMMISSIONER JOSHI: --for us
11 administratively and for drivers as well.

12 COUNCIL MEMBER MENCHACA: Got it. So
13 tell me a little bit then about the number of people
14 that will be affected by this new--so we're moving
15 from taxi only to--to now everyone. What--what's
16 that number shift?

17 COMMISSIONER JOSHI: If it--if you're
18 expanding and--and--are you talking about the English
19 requirement?

20 COUNCIL MEMBER MENCHACA: The new people
21 in this new universal plan that will be affected by--
22 by this local law.

23 COMMISSIONER JOSHI: It depends. If the-

24 -

25

2 COUNCIL MEMBER MENCHACA: [interposing]

3 Under the requirements of the--sorry to interrupt.

4 Under the requirements of the New English Proficiency
5 Requirements?

6 COMMISSIONER JOSHI: The proposal in
7 Local Law it's not clear whether there would be
8 grandfathering or not. If there's no grandfathering,
9 there are about 90,000 for-hire vehicle drivers
10 today. If there is grandfathering, we bring on
11 anywhere between a thousand and two thousand for-hire
12 drivers a month. So those new drivers would be
13 subjected to the additional testing.

14 COUNCIL MEMBER MENCHACA: Got it. Have
15 you spoken--

16 COMMISSIONER JOSHI: [interposing] But I
17 just want to note that previously only taxi drivers
18 went to school, but we passed rules in 2015, actually
19 late 2014, and now all for-hire drivers, new drivers
20 also attend school. So that's 24-hour classroom
21 experience focusing on our rules as well as safety.

22 COUNCIL MEMBER MENCHACA: This kind of
23 just reminds me of some of the other fights that
24 we're pushing right now in adult education and adult
25 literacy. It's the concept of literacy for all, and

2 really maintaining our commitment to our immigrant
3 communities. And as we're changing rules or
4 beginning to think about changing rules with the
5 administration, is the administration and really your
6 administration at the--at the TLC ready to join us in
7 advocacy for more funding for these drivers that will
8 have a different maybe elevated responsibility
9 grandfathered or not. I think--I think there's
10 arguments for both sides honestly, but are we ready
11 to invest in our immigrant workforce with education.
12 And so, you mentioned something, and I'm connect it
13 to something you said earlier is that MOIA, the
14 Mayor's Office of Immigrant Affairs are--are the
15 experts. But, I want to challenge that for you and
16 all the agencies [coughing] that are not MOIA that
17 your--your expertise I think, the expertise of MOIA
18 really needs to live and breathe and thrive in every
19 agency. And that's why we're--we're hitting up
20 against so many walls when we're making changes in
21 different agencies that we're just kind of saying
22 well, that's--that's MOIA's thing. They'll--they'll
23 tell us how to do it. I'm really asking you to think
24 about it, and tell me how this is going to work and

2 what you need as resources as we go into the budget
3 hearings to make this a success.

4 COMMISSIONER JOSHI: So I do believe that
5 providing transferrable skills is important. So
6 English is obviously a transferrable skill. You may
7 bet it because it's part of a driver's license
8 process as it is in the taxi world, but it's
9 something you can use in other areas of your life.
10 So that--there's important--that's an important
11 feature.

12 COUNCIL MEMBER MENCHACA: Right.

13 COMMISSIONER JOSHI: But, yes, you're
14 right. There would be--in an ideal world, there would
15 be funding to provide classes for drivers that
16 weren't able to pass an English proficiency test so
17 they could get to that level. We have an open-ended
18 licensing system, and we bring on new drivers with
19 high frequency. So it's hard for me to sit here
20 today and tell you what that budget would look like.
21 I don't know actually how much it cost to provide
22 those kinds of English language classes, and as I
23 said we have 90,000 and growing drivers. So it is a
24 very large pool, but--

2 COUNCIL MEMBER MENCHACA: [interposing]

3 Right.

4 COMMISSIONER JOSHI: --we welcome any
5 addition to our process that helps drivers number one
6 perform better as for-hire service drivers. But two,
7 generally allows them to earn incomes in other ways
8 even outside of our regulatory system.

9 COUNCIL MEMBER MENCHACA: That's great.
10 So I invite you to join our coalition of--of
11 advocates to help us bring more dollars to this
12 world, and I also invite you to really own that--that
13 commitment to our immigrant population. As you
14 already do in providing an ecosystem of opportunity
15 to people who are driving, we know the stories. You
16 don't have to--I think--I think the chair in his
17 opening remarks talked about the immigrant community.
18 This is sometimes their first job. Not their last
19 job as they go through their economic ladders. And so
20 I'm hoping you could kind of join us, and also again
21 own it. And so I think--have you had conversations
22 with MOIA yet on this?

23 COMMISSIONER JOSHI: Yes, we have. So
24 it's---

2 COUNCIL MEMBER MENCHACA: [interposing]

3 Good.

4 COMMISSIONER JOSHI: --given some ideas
5 on--on ways they help people understand English that
6 are outside of traditional testing. So that's
7 definitely things we want to explore, and our office
8 is happy to get in touch with yours after the
9 hearing--

10 COUNCIL MEMBER MENCHACA: [interposing]

11 Let's do that.

12 COMMISSIONER JOSHI: --to hear more about
13 your coalition.

14 COUNCIL MEMBER MENCHACA: Great and--and--
15 -and things like knowing how much a class costs would
16 be great for you to know as Commissioner so you
17 understand the world, and again, own it, and we can
18 do that together. So thanks so much for--for that.

19 COMMISSIONER JOSHI: Thank you.

20 COUNCIL MEMBER MENCHACA: I'm looking
21 forward to working with you. Thanks, Chair.

22 CHAIRPERSON RODRIGUEZ: Thank you. I--
23 before I call on my colleague, what I--I would like
24 to clarify that going back from the beginning there's
25 more than 40,000 drivers that they are affiliated

2 with the apps company, Uber, Lyft, Via and others
3 that those drivers they don't have to have any
4 English requirements?

5 COMMISSIONER JOSHI: That's correct

6 CHAIRPERSON RODRIGUEZ: That's correct,
7 right. And it is correct also that drivers in order
8 to get a license from the TLC they have to come
9 within New York City with a driver's license, right?

10 COMMISSIONER JOSHI: That's correct.

11 CHAIRPERSON RODRIGUEZ: And, therefore,
12 they need to take the test in English when they--in
13 order to get the license.

14 COMMISSIONER JOSHI: That's my
15 understanding of DMV requirements.

16 CHAIRPERSON RODRIGUEZ: Yeah. Therefore
17 it is not our intention to add any new more things in
18 this process. What we are saying is the way of how
19 the industry has been working so far where livery,
20 the Uber, the Lyft, the other, the 40,000 the close
21 to 90,000 drivers that are working in the black car
22 in livery, they've been providing a great services
23 without any additional requirements. So it is not
24 our intention to add anything more when we are

2 address the way of how we are looking to create the
3 universal license.

4 COMMISSIONER JOSHI: And as we testified,
5 that's an area where we needed clarification on what
6 the Council meant when they said to test for
7 proficiency other than a written test, but that
8 leaves open lots of possibilities, and we'd look to
9 have further discussions with Council to see what
10 your intentions were on that--on this issues.

11 CHAIRPERSON RODRIGUEZ: Yeah, and--and I
12 think that now where many of the apps services, they
13 be--they have become reference to everything that we
14 do in the city, and we're saying that they've been
15 providing the services without any complaint for any
16 consumers about the languages. So it is not my
17 intention again to add any new requirements for the
18 drivers, but it's more to be sure that we have the
19 same requirement as those that would work for the--
20 for the app services. You know, we will continue the
21 conversation, but listening to your testimony, I
22 think that literally (sic) confuse us talking about
23 adding new things, and it is not our intention to
24 create a universal license adding any new more
25 requirements to the drivers.

2 COMMISSIONER JOSHI: Yes, so that's a
3 point that definitely needs clarification because
4 that's the impression we got from reading your
5 proposal.

6 CHAIRPERSON RODRIGUEZ: Great. Thank
7 you. Council Member.

8 COUNCIL MEMBER LANDER: Thank you very
9 much, Mr. Chair. Thank you, Commissioner. I'm glad
10 that we're having this hearing, and moving forward on
11 a lot of the reforms that we need, and I support the-
12 -the bills being put forward today. But I also know
13 that we really need to keep building momentum so we
14 can address accessibility so we can address driver
15 issues, so we can address the range of other issues
16 of sort of equity and quality, and service and
17 accessibility across this system. So in that, I just
18 have one question that sort of relates to these
19 bills, and one thing we're going to need moving
20 forward, which is the ability to--to track trips.
21 And then this seems to go to me to the issue of fair
22 quotes. Obviously, if you want to be able to
23 enforce, by far the easiest that we could do that was
24 if you knew what the quote was and what the fare was,
25 and this would be a self-enforcing very simple law to

2 enforce. To some extent, this goes to the security
3 issues as well. That's separate because obviously
4 what they're going to keep is going to be more than
5 what they give you. But can you just remind me where
6 we are on this, what information do you, and why in
7 this age of growing technology can we not have you
8 getting enough to be--to address enforcement issues?
9 But also help us as we move forward. If we're going
10 to be getting accessibility information, we're going
11 to be working on just a whole range of issues. So
12 just, you know, remind me where we are in terms of
13 what information you have and what information will
14 be helpful in enforcing this set of rules and the
15 rest of the work we're going to do together.

16 COMMISSIONER JOSHI: So we're lopsided
17 basically. In--on the yellow taxi side and the green
18 taxi side we have pickup, drop-off and fair
19 information, driver identification and vehicle
20 identification. And as you mentioned it is vital for
21 us as well as for other agencies in whole host of
22 initiatives. FHV side, we are--have access to the
23 directive detailed information about a trip, but a
24 directive is a cumbersome process. That's basically
25 us writing to a base saying please give us

2 information about trips that happened on this day or
3 with this driver. We passed a rule last year that
4 now requires all FHV bases to give us, and that's
5 self-reporting. That's them giving us their account
6 of what's happened, their volume during the day of
7 the pickup--and pickup, date, time and location,
8 vehicle number and driver number for every trip. So
9 that's just trips. That is useful. It gives us
10 volume. It doesn't give us the level of detail that
11 is necessary for real planning and for real
12 enforcement, and I--and that is self-reporting. So
13 it's little clunky. It's been a great from us from
14 where we were two years ago with absolutely no
15 insight into trip volumes in this area, but it is
16 still very clunky because bases of different means
17 provide us different levels of data. And even the
18 most sophisticated apps out--that--that provide data
19 to us of the trip record data often--I mean this may
20 surprise some. It's taken several tries to actually
21 get that data in a format in which it can be read.
22 Today, we do have about 62 million trip records or
23 partial trip records that we didn't have years ago,
24 but we're far from the level of detail on the trips
25 that we need in the--in the FHV sector to do many of

2 the initiatives that Council has proposed as well as
3 to have real enforcement and accountability. And, as
4 more passengers move over to that sector, that need
5 becomes more increasing.

6 COUNCIL MEMBER LANDER: Thank you. Mr.
7 Chair, I guess I guess I would just maybe underline
8 this. It seems to me if we're going to get to real
9 equity across this system, if we're going to be able
10 to do real enforcement on all the things we're
11 looking at, if we're going to move forward to be able
12 to address accessibility, if we're going to think
13 about issues of protecting drivers and consumers,
14 there's just no reason one, to have equal information
15 and trip reporting requirements across the systems.
16 And two, to use the technology we have to make sure
17 that TLC has it in real time and not in clunky after-
18 the-fact ways. So, that's on for today's hearing,
19 but it seems to me the things we're doing in today's
20 hearing would be a lot easier if we were talking
21 about it. So I hope moving forward, we'll be able to
22 add that--

23 COMMISSIONER JOSHI: [interposing] And I--

24 COUNCIL MEMBER LANDER: --to this.

2 COMMISSIONER JOSHI: --I just want to
3 note, Council Member Rodriguez, you did mention, you
4 know, the issue of cross-class dispatching. This is
5 something where trip recording would make it a lot
6 easier to investigate. And I do want to just point
7 out two things on the cross-class dispatching. One,
8 you said the agency shouldn't look the other way.
9 The agency doesn't have those type of allegations in
10 front of us. So again, I'd ask you to provide them
11 to us, and we're happy to look into them. And two,
12 there is some level of confusion when it comes to the
13 livery versus black car dispatch when--with the green
14 taxis. Because a company like Uber does offer a
15 service UberT is livery cars. That's green taxis
16 that are affiliated with a livery base, and often
17 times there's some confusion of whether or not that
18 is cross-class dispatching. In fact, it's not. It's
19 eHail. So it's considered a hail, and the customer
20 doesn't pay through the app. They pay the driver
21 directly in cash or by credit, and the driver gets a
22 tip. But we're happy to discuss this issue further
23 with you especially if you have additional
24 information you'd like to share with us.

2 CHAIRPERSON RODRIGUEZ: I do my role as
3 the legislative of the car, the body. I believe that
4 agency who have--who we allocate the resources to
5 have the men and women power, I would encourage the
6 agency that since you know that that was happening in
7 2015, to monitor and see if this something that is
8 currently happening. That's my suggestion to the
9 agency. I think that you have a very close
10 relationship with all the--all the sector including
11 the livery, the black car, the yellow and the app
12 services. And what I'm suggesting, it is important
13 to see if this something that is happening at the
14 present time. And this all about for me what have
15 happened in 2015, and it take me to the question in
16 those 100 cases what were the consequences for those
17 bases for the app company who were using livery taxi
18 drivers when they were not supposed to.

19 COMMISSIONER JOSHI: I--I don't know if
20 the volume was hundreds. I think it might have been
21 a little larger, and the company involved, Uber, paid
22 a \$90,000 settlement.

23 CHAIRPERSON RODRIGUEZ: To the City.

24 COMMISSIONER JOSHI: To the City of New
25 York.

2 CHAIRPERSON RODRIGUEZ: I see and the
3 hundreds came from anyone questions, we can go back.

4 COMMISSIONER JOSHI: Okay, then I may
5 have given you the wrong number, and I--

6 CHAIRPERSON RODRIGUEZ: [interposing]
7 Great.

8 COMMISSIONER JOSHI: --I--I can get an
9 exact number. I just don't have it on me.

10 CHAIRPERSON RODRIGUEZ: Great, and I--I
11 just that, you know, it is important to continue, and
12 my thing I'm all about supporting everyone. I said
13 before, it's a great city where anyone should be able
14 to make it. 57 million tourists, 8 million people.
15 There's opportunity for everyone. It's all about
16 being sure that everyone playing the same rule or
17 regulation. What I'm saying is the--is the--it
18 doesn't--I'm not referring as you as the commissioner
19 and neither the agency has allowed different sectors
20 to play by those rules and regulations. Because what
21 I say we as a city have decided to allow certain
22 things to happen, and it involve everyone. Like, you
23 know, not only the agency, it involve the Council, it
24 involve the other sector. I think it is important
25 again that everyone do fine. What-how many drivers

2 in 2015 do you identify working for the app company
3 that didn't have any license form TLC?

4 COMMISSIONER JOSHI: Unlicensed drivers
5 working for an app company, I--I don't have--I don't-
6 -you know, we don't encourage that. We obviously do
7 enforcement actions against bases that dispatch
8 unlicensed vehicles and unlicensed drivers. I don't
9 have a number on hand on how often that happens, or
10 whether it was with app companies or with traditional
11 bases, but we're happy to get those stats from you
12 from our base unit.

13 CHAIRPERSON RODRIGUEZ: Great. What
14 about cases where a driver's license were suspended
15 when they were working for livery, but then they have
16 some attraction to go and then switch and work for
17 any apps company?

18 COMMISSIONER JOSHI: So this is another
19 area where trip records that were provided to us
20 automatically in similar fashion as we get them with
21 yellow and green taxis would be tremendous. Because
22 yes, there is a large group, a much larger than we
23 would like group of suspended drivers that are
24 routinely dispatched and suspended vehicles that are
25 routinely dispatched. And our sense from the trip

2 records that we have that are incomplete now is that
3 this an industry wide problem among the whole--among
4 the FHV sector.

5 CHAIRPERSON RODRIGUEZ: Do you have a r
6 number like in 2015?

7 COMMISSIONER JOSHI: I don't have a
8 number in part because I don't have complete trip
9 records from all of the FHV industry. We have a good
10 amount of them, but we don't have complete.

11 CHAIRPERSON RODRIGUEZ: But the--based on
12 those amounts that you have?

13 COMMISSIONER JOSHI: I could get a number
14 you. I don't have a number off hand, though.

15 CHAIRPERSON RODRIGUEZ: Do you think that
16 this is a current problem that we have?

17 COMMISSIONER JOSHI: Yes, I do think it's
18 a current problem.

19 CHAIRPERSON RODRIGUEZ: Okay, great.
20 Thank you, Commissioner. As you know, there's a lot
21 of respect for your leadership. You know, that we've
22 been working very close on--on this issue and for
23 all--and all the drivers. Like we are here to
24 support everyone. [Speaking Spanish] Thank you,
25 Commissioner.

2 COMMISSIONER JOSHI: Thank you very much.

3 CHAIRPERSON RODRIGUEZ: I would like to
4 call the next panel. [background comments, pause]
5 David Pollack, Peter Mazer, David Byer and Arthur
6 Goldstein. As usually, as you know, because of
7 timing if you have a--your great testimony written,
8 give it to Rose and you have two minutes to
9 summarize. [background comments, pause] David.

10 DAVID BYER: Good morning Chairperson
11 Rodriguez and members of the Council Transportation
12 Committee. My name is David Byer. I am the
13 President of the Committee for Taxi Safety and
14 Industry Group whose members manage approximately 20%
15 of the industry medallions. We thank the Council for
16 the opportunity to present comments concerning
17 legislation for the for-hire industry. We applaud
18 the Council for proposing these regulation, which we
19 hope are the start of implementing rules to regulate
20 and ensure that all segments of the fire-hire
21 industry are treated equally. As the regulatory
22 scheme presenting exists, the medallion industry is
23 unable to compete, not because there is a better
24 product available to the public, but because of the
25 lack of a level playing field, but there are

2 different regulations that apply to the two segments
3 of the fire-hire industry. We have repeated asked
4 why Uber and not the yellow taxi industry gets to set
5 its own fares, gets to impose public surge? Why Uber
6 has no accessibility requirements even though it has
7 33,000 vehicles on the road? Why Uber does not pay
8 MTA tax? Why Uber's vehicles do not have partitions
9 to protect both the public and the drivers? Why Uber
10 gets to choose virtually any vehicle it wants? Why
11 Uber's vehicles are not branded in the same manner as
12 our yellow taxis--and green outer borough vehicles.
13 We have repeatedly asked why Uber drivers do not
14 receive wage protection as yellow medallion drivers
15 do? Why Uber is allowed to determine what percentage
16 of the fares it takes from drivers when the yellow
17 medallion segment cannot? Why Uber is allowed to
18 charge drivers any amount for purchasing a car when
19 the yellow medallion industry has--has specific caps
20 and transparency in its leases. Why Uber is allowed
21 to let its drivers drive up to 19 continuous hours
22 putting the public and its drivers at risk? Why Uber
23 gets to deal with its drivers without oversight when
24 its professed goal is replace its drivers in
25 driverless cars making drivers nothing less than a

2 temporary commodity. Uber has made it clear that it
3 cares more about its financial bottom line than the
4 welfare of its workers. Uber's disregard for its
5 workers should serve as an important reminder of why
6 numerous driver protections including strong wage
7 protections already exist in the New York City taxi
8 industry. Taxi regulations have been developed over
9 50 years to protect both the public, the driver and
10 all industry stakeholder--

11 CHAIRPERSON RODRIGUEZ: [off mic]

12 [interposing] You need to sum up?

13 DAVID BYER: Okay.

14 MALE SPEAKER: Mr. Chairman, mine is very
15 short so if he could continue a little bit.

16 DAVID BYER: I mean we're--because we're
17 dealing with five proposals so-- So in Intro 1080,
18 this Council proposes that when Uber and other eHail
19 services provide a fare quote, the quote itself does
20 not have to be honored, but rather only a price
21 within 20% of that quote. Why shouldn't Uber need to
22 honor the price it quoted? In what other industry is
23 that done? This is simply bait and switch. We are
24 not suggesting that the price quoted should be
25 honored all day, but surely for a reasonable period

2 of time that price must be honored. But then this is
3 already in the bill itself, this Intro provides that
4 if Uber or other car services get caught not honoring
5 a price within that 20%, they simply need to refund
6 the difference. Accordingly, the intro provides
7 there is no penalty for a violation. What is the
8 purpose of the regulation if there is no penalty if
9 the regulation is violated? We therefore urge the
10 Council to pass meaningful legislation mandating that
11 Uber honor its price quotes. In Intro 1096, this
12 Council proposes to increase penalties for illegal
13 pickups.

14 CHAIRPERSON RODRIGUEZ: [off mic] Could
15 go to the end. Can you summarize. (sic)

16 DAVID BYER: Okay. Well, in closing we
17 urge the Council to address the double standard that
18 exists between Uber and the taxi industry. We
19 believe the Council has a moral and legislative duty
20 to act by imposing real regulations to create parity,
21 and we believe there also should be accessibility for
22 all. We welcome the opportunity to further discuss
23 this with the Council.

24

25

2 CHAIRPERSON RODRIGUEZ: Great. I had no
3 intention to halt. As I said at the beginning of the
4 hearing on the accessibility as a version.

5 ARTHUR GOLDSTEIN: Good morning, Mr.
6 Chairman, Councilman. My name is Arthur Goldstein.
7 I represent the Taxi Cab Service Association. We are
8 here today because apps were being used in a
9 regulated industry before rule making took place, and
10 I'm going to shorten my statement because David had
11 some real specifics that--that we concur with. As
12 prelude to our comments on each bill, I must state
13 that the for-hire industry is highly regulated for a
14 host of reasons involving protecting the public and
15 drivers and having balance in providing
16 transportation in our city. While the laws and rules
17 controlling meter rates, and which vehicles can be
18 used may exist for good reason, they're also like
19 handcuffs when companies can enter a market and be
20 free of important regulations and can change fares at
21 a whim. This is an unlevel playing field. On the
22 bills, we support 1095. We support Intro 1092,
23 however--however, it should be amended to treat taxis
24 and both cars equally. What is the difference what
25 vehicle TLC is inspecting if--if it passes? We--we

2 support Intro 1096. However, it will be stronger if
3 it were limited--if it wasn't limited to zones, and
4 the violations should be considered a misdemeanor
5 returnable to criminal court. We also believe that
6 the city needs more TLC--TLC agents than is presently
7 projected in the--in the budget. We generally
8 support Intro 1080. However, it does not address two
9 issues: The meters in the cabs are tested and
10 approved. App companies have their own internal
11 formula. We have no idea, you know, what it
12 includes. It doesn't provide equitable service in
13 that respect. It's the new taxi apps hour and the
14 way to ride are used in neighborhoods. The prices do
15 not change per neighborhood. App companies and
16 virtual media should be submitted to the TLC for
17 testing and approval. Also, in creating a definition
18 of dispatch service providers, the Council should
19 further define it as an entity that obtains at least
20 75% [bell] of the business through apps. Lastly, we
21 support Intro 658. However, if Intro 1080 does not
22 pass, the Council needs to define a dispatch service
23 provider in municipal. (sic) To conclude, we need
24 strong enforcement, and a level playing field. To
25 that end, the dispatch service provider with our

2 suggested language above needs to be required to have
3 50% accessible vehicles. Where there's respect for
4 civil rights, and where is the level playing in the
5 for-hire industry. Thank you. [background noise,
6 pause]

7 PETER MAZER: [coughs] [off mic] Good
8 morning, Chairperson Rodriguez and members of the
9 City Council Transportation Committee. My name is
10 Peter [on mic] Mazer and I am General-- Is it on
11 now? Okay. My name is Peter Mazer and I'm General
12 Counsel to the Metropolitan Taxi Cab Board of Trade.
13 We represent the owners and operators of more than
14 5,000 licensed New York City medallion taxicabs. In
15 addition, as part of our recent initiative supported
16 by our membership, we have opened the first of its MT
17 BOT driver resource center. We provide free legal
18 representation to our drivers and assist them in
19 navigating the complexities of dealing with the city
20 to obtain and retain their taxicab driver's licenses.
21 You have my full testimony. Since I would not be
22 able to get through it, I'm just going to highlight a
23 couple of things that are extremely important. First
24 of all, we want to commend the City Council for
25 taking the problem of unlicensed livery taxis, gypsy

2 cabs seriously and proposing new and higher fines for
3 some--such unlawful activity. We support Intro 1096,
4 which increases penalties for illegal street hails in
5 the hail zone. However, it must go further. For
6 years the TLC has been seize vehicles operating
7 illegally. As a result of recent litigation, it no
8 longer has the power to do so. However, the criminal
9 court system retains concurrent jurisdiction over
10 unlicensed for-hire activity. Provision of the
11 Administrative Code relating to criminal prosecution
12 for unlicensed for-hire activity should be amended to
13 increase the criminal court sanction fines and to
14 make the operation of an unlicensed vehicle for hire
15 a misdemeanor or picking up a street hail a
16 misdemeanor. This is the best way to protect
17 passengers and drivers. It's important to remember
18 that while different segments of the for-hire
19 industry serve different members of the public,
20 everyone is entitled to the same public safety. We,
21 therefore, support 1095, which would create the
22 Universal Taxicab For-Hire License, since drivers in
23 both segments of the industry should be subject to
24 the same rules with respect to obtaining and
25 retaining a license. We support fair practices in

2 TLC regulated industries. As a yellow taxi
3 organization, we support the meter rated fare and
4 believe it's an effective way to protect consumers.
5 However, we urge the Council to revisit certain
6 provisions of 1080 for the following reasons: A
7 taxicab driver must charge meter rated fare. A
8 driver who overcharges a passenger by more than \$10
9 faces a mandatory revocation of his or her license.
10 However under these new introductions, a for-hire
11 vehicle driver who charges a passenger well in excess
12 of the fare quoted by the base will only be--only be
13 subject to a fine even though the driver engaged in
14 the same type of misconduct. We ask you look at
15 Section 19-506 the Administrative Code. It has
16 specific penalties for passenger refusals,
17 overcharges, refusal to transport passengers with a
18 disability and prohibited unlicensed activity, and
19 believe the same penalties should be imposed for all
20 of these violations. Thank you.

21 DAVID POLLACK: Good morning or
22 afternoon. It's exactly noon. So I'll--I'LL just
23 say good afternoon, Mr. Chairman and council members.
24 I've heard a lot about--I mean in your--in your
25 original testimony you said it's your responsibility

2 for a level playing field. And that is so, and--and
3 that what I've heard from Dave Byer, from Arthur
4 Goldstein and from Peter Mazer here. Yet, the
5 ability of Uber to cut prices and be flexible with
6 their prices whenever it serves a competitive
7 objective is still allowed. You know, rules must be
8 equal regarding the fare flexibility and everything
9 else. It's funny. While I was sitting here, I was
10 looking around and right up there there's a quote
11 from Thomas Jefferson on the ceiling, and it says
12 "Equal and exact justice for all men or whatever
13 state of persuasion." And that's what the bottom
14 line is here. You know, years ago the yellow
15 industry and the for-hire industry they were
16 different, and they could live with different rules,
17 but they're not different any more. eHail are street
18 hails, and the rules to be equal or as you said on a
19 level playing field. Thank you very much.

20 CHAIRPERSON RODRIGUEZ: Thank you, and we
21 are just going to be, you know, continuing the
22 conversation with you and all the sectors, livery,
23 green, black car, limousine, and especially with the
24 administration as we will move on--on these bills and
25 all the bills. Thank you. The next panel Jose

2 Altamirano, Berj Haroutunian, Nancy Reynoso, Erin
3 Abrams--Erin Abrams. [background comment, pause]

4 BERJ HAROUTUNIAN: Good afternoon. My
5 name is Berj Haroutunian, and I'm the President of
6 the Black Car Assistance Corporation, is known as the
7 BCAC and as well as the Black Car Transportation as
8 the Black Car Base Vital Transportation. I want to
9 thank the Council for taking time to hear from me
10 today in support of eliminating the mandatory black
11 car vehicle retirement rule, and for continued shared
12 interest in making the black car industry fair and
13 increasingly safe for all. Vital Transportation is a
14 co-op owned and operated base with approximately 300
15 affiliated individuals. Just as Vital Transportation
16 is an invaluable source of income for more than 300
17 men and women and their families, it is also one of
18 the--one of more than 25 base members with
19 approximately 5,500 vehicles represented by the BCAC.
20 Also, those 300 plus drivers of Vital Transportation
21 are not just drivers, but an administrative call
22 center and clerical staff as well. Now, let me give
23 you a brief background on the Black Car Assistance
24 Corporation, known as the BCAC. The BCAC was formed
25 in 1991 to serve as a unified voice of the black car

2 base operators, and its affiliated drivers, and has
3 served New York on a daily basis. One issue of
4 significant importance is exactly what we're talking
5 about here today, the elimination of the mandatory
6 Black Car Vehicle Retirement Rule. This--this rule,
7 which came as part of an effort to lower carbon
8 emissions industry wide under the banner of PLANYC
9 2030 was supposed to go into effect for the black
10 cars on January 1, 2009. In December of 2008, the
11 TLC deferred its implementation for a period of one
12 year due to the massive economic downturn facing the
13 country and crippling effect it had on the black car
14 industry. And they didn't just defer it for one
15 year. It was deferred yet again in 2009 as it was
16 later in 2010. Deferment aside, we must recognize
17 the fact that even though black car leverage on
18 luxury limousines were cited in the PLANYC 2030
19 Initiative, the black car industry is the only one
20 that walked away with this rule, the Mandatory
21 Vehicle Retirement.

22 CHAIRPERSON RODRIGUEZ: [off mic] If you
23 don't you summarize--[on mic] If you don't mind, you
24 summarize because we have to keep moving. Okay.

2 BERJ HAROUTUNIAN: Well, we just--I just
3 want to summarize by, you know, we appreciate that
4 the city is taking this--and this rule in effect
5 because we also want to play on a level playing
6 field. We had this rule just in place on the black
7 car industry, not on--on any other industry. So
8 thank you for listening to us.

9 CHAIRPERSON RODRIGUEZ: Great. Thank
10 you. I'd like to ask [off mic]-- [on mic] 15 seconds.
11 [background noise, pause] Next person, please.

12 Sure.

13 CHAIRPERSON RODRIGUEZ: And again, if the
14 testimony takes more than the two minutes, please
15 just feel free to summarize since we already have it
16 for the record.

17 ERIN ABRAMS Of Course. Good morning
18 council members. My name is Erin Abrams and I
19 appreciate the opportunity to address today on behalf
20 of Via, an on-demand ride sharing platform that
21 provides service in Manhattan. We at Via recognize
22 the importance of information security and data
23 privacy. The security of our members' and drivers'
24 data is paramount. Safeguarding that data is an
25 extension of our goal to provide the safest possible

2 ride sharing experience for our members. We
3 currently have a comprehensive scalable and reliable
4 security policy in place, and have implemented a best
5 in class security infrastructure that exceeds
6 industry standards in order to fully protect drivers
7 and members' personal data in our business
8 operations. While we appreciate the spirit and
9 intention of Intro No. 658, we think that certain
10 aspects of the bill could be clarified, and amended
11 to be more consistent with existing regulatory
12 requirements. As a threshold issue, each business
13 would be able to develop its own security policy that
14 is appropriate to the size and scale of its
15 operations and the unique risks it faces. If the TLC
16 were to mandate and enforce a one-size-fits-all
17 security policy, the upfront costs of complying with
18 such requirements would driver smaller players out of
19 business or make it very difficult for their--them to
20 compete in the marketplace. It would also be
21 unnecessary as the risk profile of a global
22 technology company operating in hundreds of cities
23 and countries is far different than that of a small
24 black car or livery base operating locally in New
25 York City. As written, the requirements for bases

2 reporting a data breach would be substantially
3 broader than the existing requirements under New York
4 law. Furthermore, the bill's requirements to obtain
5 a passenger's express informed and documented consent
6 and multiple points during an ordinary course
7 transaction would be unduly burdensome and not
8 practical in an age where consumers value the
9 efficiency and ease of use of mobile apps non-demand
10 transit. Finally, the bill requires bases to develop
11 a procedure for reporting to the commission on
12 security incidences, threats, weaknesses,
13 malfunctions or criminal activity, but it defines
14 only [bell] security threats. Overall, while we
15 appreciate the intent of the legislation, we would
16 encourage the sponsors of the bill to clarify and
17 revive so that it is more consistent with the current
18 body of state and federal law on the issue.

19 CHAIRPERSON RODRIGUEZ: [off mic] Thank
20 you. Please sum up.

21 ERIN ABRAMS: While we have positions on
22 the other intros, they are detailed in our written
23 testimony, we'll move on and include them only in our
24 written testimony for the sake of brevity. We look
25 forward to continuing to work with the City and the

2 Transportation Committee to implement constructive
3 solutions to the important issues facing the
4 transportation sector in New York City. Thank you
5 for your time today.

6 JOSE ALTAMIRANO: Good afternoon,
7 Chairman. My name is Jose Altamirano, the President
8 of the Livery Base Owners, and I am proud of being
9 here today representing the hard working men and
10 women who run independent bases across New York City.
11 For over 40 years the livery industry has served
12 millions of riders in our diverse communities that
13 have been underserved by other modes of
14 transportation. We are affiliated with over 30,000
15 drivers many of whom are immigrants and people of
16 color. They function as the backbone of our
17 community, supporting the local economy and providing
18 reliable services to those who need it. We believe
19 it is vital that all companies in our industry are
20 held to the same high standards of operation and
21 safety in the interest of passengers we serve. Thus,
22 we support many of the initiatives that this
23 committee is taking including Intro 658, Intro 1080
24 and Intro 1092. At the same time, we have concerns
25 of Intro 1095 because while we support a Universal

2 Driver's License for taxicab and for-hire vehicles
3 drive--drivers, we fear how it may be applied as it
4 relates to some of older and immigrant drivers who
5 have proficiency issues with the English language .
6 In addition, we strongly oppose Intro 1096, a Local
7 Law to amend the Administrative Code of the City of
8 New York in relation to increasing penalties for
9 accepting a passenger by street hail from a location
10 where street hails are not permitted. As you know,
11 current licensing of street hail regulations already
12 provide the fine parameters by which our industry
13 operates. The riding public of our city particularly
14 in underserved areas has a long history with livery
15 service, and there are beliefs that people should
16 have the right to legally hail a cab on their own
17 streets without being punished for it. While our
18 industry supports enforcement of the current
19 regulation, we believe increasing penalties in an
20 effort to line the city's coffers will not achieve
21 the desired outcomes. It is not about how much the
22 City raises the fine, but how well we can educate the
23 public to eradicate the practice. The responsibility
24 cannot and should not be shifted to the drivers with
25 higher fines. Fines are too high already the TLC

2 rules and the street hail livery legislation. The
3 City needs to propose a budget that protects [bell]
4 all segments of the industry, educate their residents
5 and help them identify which are legal, safe and
6 licensed vehicles, which they can use when at home
7 and on the streets. This in essence should be more
8 efficient and constructive vehicle for improving the
9 safety and welfare of the riding public as well as
10 the industry we represent. Thank you.

11 [background noise, pause]

12 NANCY REYNOSO: Good morning, Chair
13 Rodriguez and everybody here. I am Nancy Reynoso. I
14 am Vice President of Green Taxis of New York, Inc. I
15 am also a full-time driver and advocate. We are here
16 specifically on Intro 1096. We're really concerned
17 about it. I mean for a long time the street hail
18 livery industry has asked for enforcement. I think
19 we have to right, as the second industry next to the
20 yellow, to do the legal street hails, and we have
21 been shunned away and not listened to. We feel that
22 the raise in the fines is a deterrent for illegal
23 street hails that everyday have grown bigger and
24 bigger by the number due to the growing amount of the
25 FHV industry. My drivers are going into financial

2 rolls and emotional distress if they cannot work
3 their legal ways in the outer boroughs where they are
4 supposed to give service at. They are very concerned
5 with the measure that will only come and give higher
6 fines in some areas where when you look at the
7 parameters the--most of the green cabs are not even
8 there. When you're talking about enforcing below
9 110th and 96th, those are not the areas where the
10 green cabs serve. So it's not legal. We're not
11 talking about legal playing fields here. It's not
12 fair. It's an injustice to our drivers. We were sold
13 the green permit that would say you can do your legal
14 street hails in your areas, and it's not being done
15 right now. We propose that you please watch what
16 you're going to vote on because we want everything to
17 be on a level playing field, and my drivers deserve
18 the right to do their street hails in North Manhattan
19 in the Bronx, in the areas where they can without
20 being approached by all these illegal street hails
21 that are going on. The numbers that you have for the
22 airports are very high, but that's because TLC is
23 only enforcing in some areas. If you will go into
24 Northern Manhattan in the Bronx we will have higher
25 numbers and will show a different picture. This is

2 what my drivers are facing everyday, and we beg you
3 to please do not go on with this as you have it
4 written because this is unjust, this is unfair to my
5 drivers.

6 CHAIRPERSON RODRIGUEZ: I just would like
7 to say that, you know, [bell] definitely when we come
8 out with a solution, that solution also bring a
9 problem, which is that as someone again that used to
10 be 112 Bailey--Bailey Car Service in the year that I
11 was at City College. I believe that I know, you
12 know, all those 60 hours that a livery taxi driver
13 has to work to support the family. And then when we
14 were able to create, advocate for the creation of the
15 green car, then now we face the reality, which is,
16 you know, now the green car sector is you guys with
17 all the rides you have saying yes we understand that
18 most of the legal street hail is happening down 96th
19 and 110th Street. But also, we want to see
20 enforcement in those areas and the outer borough
21 area. So it's no--it's not a black and white issue,
22 and I understand that's a complex one, and we will
23 continue conversations with everyone, the green and
24 the livery. I said before, you know, this is all
25 about everyone knowing that there's opportunity for

2 people to do well, and--and now is not questioning as
3 services is part of our everyday life. The question
4 is--is consumers making the pre-arrangement with the
5 app services? Saying if they are doing that, I don't
6 think that no one can questioning those more than 75
7 app companies because they are providing a good
8 service to that consumer, right. The question is are
9 any of those who are supposed to be only doing the
10 prearrangements with app, also doing the legal street
11 hail. And then that's what we have to address in
12 approaching it. I hope that everyone is on board.
13 When it comes to the green and the livery, the
14 question is--again, I live in Inwood. Where I live I
15 know how many bases, and many of the drivers there,
16 and I helped with the creation of the green base in
17 Sherman Avenue. And I was advocate, I know that
18 someone who invests \$15,000, \$20,000 to buy a new car
19 to get the permit, to get a license, they also are
20 claiming for their rights. So, we will continue
21 conversation, but I understand that it is complex.
22 You know, saying that okay we also want to be--
23 increase the penalty to the outer boroughs. We--this
24 is all about how can we work in this case on the
25 livery and green with something that every single one

2 should be able to make the money to support their
3 family. Thank you. The next panel Hoffman Chabori
4 (sp?), Jean Riley, Zuban Solimani (sp?) and Bill
5 Linda--Lindenberg.

6 SERGEANT-AT-ARMS: Folks, if you're in
7 this call, please come up. If you have copies of
8 statements [off mic] [background comments, pause]

9 BILL LANDAUER: I'm Bill Landauer.

10 SERGEANT-AT-ARMS: Yeah, give us second,
11 Bill. Hold on a second. [pause]

12 CHAIRPERSON RODRIGUEZ: Sir, okay, can
13 you put on--yeah. [pause]

14 Thank you.

15 CHAIRPERSON RODRIGUEZ: Let me also--let
16 me also call Alba Lisa Palero (sp?) and William Lin--
17 Lindauer.

18 JEAN RYAN: Are--are any more people
19 coming up?

20 CHAIRPERSON RODRIGUEZ: Yeah, I want a
21 chair in both sides so that we can-- [pause] You may
22 begin, miss.

23 SERGEANT-AT-ARMS: Take a seat, sir.
24 Anybody has any copies of statements?

25 JEAN RYAN: I do.

2 SERGEANT-AT-ARMS: Okay. That's fine.

3 CHAIRPERSON RODRIGUEZ: You may begin.

4 Two minutes each.

5 JEAN RYAN: [off mic] It's ladies first.

6 BILL LINDAUER: You. Ladies first.

7 [laughs]

8 JANE RYAN: Hi.

9 SERGEANT-AT-ARMS: [off mic] Just press
10 the button.

11 JEAN RYAN: Oh. Sorry. Hi, I'm Jean
12 Ryan. I'm from the Taxis for All Campaign and
13 Disabled in Action of Metropolitan New York. Taxis
14 for All is a coalition of civil rights, disability
15 groups who are--who have been striving for 20 years
16 to get equal access in taxis for our (sic) vehicles
17 and black cars, and we're not giving up. But we can
18 hardly ever get a ride. We can't count on--we can't
19 go anywhere that, you know, we--we just can't count
20 on it. It's not a back-up, and we're stuck with slow
21 buses and horrible Access-a-Ride. Like today they
22 came an hour late. I have no back up. I can't call
23 Uber. Oh, I can--I can use my app, but I won't get a
24 car. So what--why try? So, [coughs] two years ago
25 we go 50--we got in law--a legal sediment--settlement

2 in a federal court case. We got the agreement to
3 have 50% of the yellows it--by 2020 will be
4 wheelchair accessible, but if there aren't any left,
5 that's not going to do us any good. Plus most people
6 are taking Uber, and many people are taking Uber, and
7 there really aren't enough accessible vehicles of any
8 kind, and forget getting a car service. It just
9 doesn't exist. You know, we're--we're stuck. We're
10 stuck in our houses. We're stuck at our jobs. We're
11 stuck everywhere, and we can't get anywhere. So,
12 [coughs] we've been trying to meet with the Speaker
13 of the Council, and we have not been able to get a
14 meeting, but Uber can, but we can't. And we've been
15 trying and trying, and we've been trying to get bills
16 passed, and we can't get that done either, and it's
17 not our fault. It's the Council's fault for not-not
18 coming through and treating all people equally like
19 the progressive Council says it wants to do. Look,
20 there's no--there's no people here except for you,
21 Council Member, you know. And, your staff I guess,
22 but I mean where are the rest of the Council members?
23 And every time we get to speak, there's nobody left.
24 So, we want a--we want to have a--a hearing and we
25 want to have Intro 749 passed, which would allow

2 100%--which would require 100% access--wheelchair
3 access in every form or cab, taxi, whatever you want
4 to call it because everybody can ride in a wheelchair
5 accessible cab. But we can't ride in an inaccessible
6 sedan or an SUV. And we want to urge you to ask
7 Speaker Viverito--Mark-Viverito to meet with us so
8 that we can discuss our issues.

9 CHAIRPERSON RODRIGUEZ: Great.

10 JEAN RYAN: And the last thing is the
11 City--is the State--there are two State bills in
12 Albany that are being considered, which would give
13 Uber and other app companies free reign to go
14 anywhere where they wanted without enough
15 supervision.

16 CHAIRPERSON RODRIGUEZ: Great. I just
17 would like to say that first of all, if you directly
18 or through your representative would like to request
19 a meeting, first of all, so far after today myself
20 I'm working very closely with the Speaker. I have
21 not gotten any requests for any meeting. So if
22 there's any requests to have a meeting, definitely we
23 can work with the Speaker and be sure that we would
24 meet with you--

25 JEAN RYAN: [interposing] We--we have--

2 CHAIRPERSON RODRIGUEZ: --as you request.
3 (sic)

4 JEAN RYAN: --yes, we have tried. We
5 have asked directly of the Speaker to have a meeting,
6 and we never get any responses. Never.

7 CHAIRPERSON RODRIGUEZ: But let's--let's--
8 -let's work it out, okay.

9 JEAN RYAN: Okay.

10 CHAIRPERSON RODRIGUEZ: Let's be sure
11 that we put a meeting together with her.

12 JEAN RYAN: That would be great.

13 CHAIRPERSON RODRIGUEZ: Thank you.

14 Thanks. [pause]

15 JEAN RYAN: Thank you.

16 EVA LISA VALERO: Good afternoon. My--
17 thank you to the Council and both--thank to everybody
18 for listening. My name Eva Lisa Valero (sic). I'm
19 not--I am a daughter of a driver. I'm also a license
20 holder. We also--I also--if--I'm sorry. I'm a
21 little nervous. I'm also part of a committee of taxi
22 drivers that are coming together to work along with
23 the Council and TLC about the fines and penalties
24 that are being proposed towards the taxi drivers. I
25 think that the Councilman along with the TLC should

2 create a table and meet with a lot of the leaders
3 from the taxi industry, and work on finding common
4 grounds about these penalties that they're trying to
5 implement on the taxi drivers. The 1096 we do not
6 support their proposal because it only increase
7 hardship on the taxi drivers. I believe that we--we
8 will be--we can find common grounds with the livery,
9 green taxi and the yellow taxi community to reduce
10 the illegal hailing on our streets. And also to
11 continue to provide a secure service to our customers
12 and not causing many family members to lose their
13 means of income in supporting their families. We
14 want to increase our economy, not create hardships on
15 them in having unemployment rise instead of
16 decreasing. Thank you.

17 CHAIRPERSON RODRIGUEZ: [off mic] Thank
18 you.

19 BILL LINDAUER: My name is Bill Lindauer.
20 I'm with the New York Taxi Workers Alliance. These
21 are modest proposals and we support them, but the
22 main enemy is Uber. They don't provide any
23 accessibility for the--for the--for our community and
24 it's shameful. We're--we're pro--yellow cabs will be
25 provided and 50% of yellow cabs will be wheelchair

2 accessible. Why aren't any Uber vehicles accessible?
3 And another thing, I think maybe the city, the TLC or
4 the City Council could have an education campaign.
5 My understanding is that if there--if there's an
6 illegal pickup, the insurance does not cover the
7 people in that vehicle. I think we have an education
8 campaign to let the public know that you won't be
9 insured, you know, and there's some--it's totally
10 illegal that aiding an abetting a criminal act.
11 Thank you.

12 WILLIAM GARFIELD: Hello. My name is
13 William Garfield and I'm an HSL driver. I also
14 belong to GTNY (sic), and my concern about the 1090--
15 1096, I believe it is, is just enforcement on those
16 boroughs area. I think we should enforce everywhere
17 because like you say we're doing equality about all
18 license. So I think this should be a equality about
19 all summons. When you get those numbers from 60%--I
20 mean 60,000 summons or 19,000 summons you have also a
21 TLC unit at JFK. That's why you get more summons out
22 there. We haven't get no summons, we haven't get no
23 TLC support all over the areas. So I think you
24 should enforce the whole area because New York have a
25 lot of people all around the city, and we also need

2 help because we haven't get no support about TLC.
3 We're getting labeled with this (sic) everywhere.
4 We're getting summons everywhere, but there's no
5 support about illegal street hail--or pickups. All
6 right.

7 CHAIRPERSON RODRIGUEZ: Sure.

8 WILLIAM GARFIELD: You're welcome.

9 Thanks.

10 CHAIRPERSON RODRIGUEZ: So let me call
11 the next panel. Gafar La Vargas(sp?), Teresa Pena,
12 Arnold Serrano, Richard--Richard Taylor. [background
13 comments] Jose Lasorda. [pause] You may begin.
14 You want to come on this side? [pause]

15 GAFAR LA VARGAS: I just came by to
16 charge it. (sic) I just came to say thank you to you
17 because my defense you have done already. That's all
18 I have to say, okay? Thank you. [background
19 comments]

20 ARNOLD SERRANO: [Speaking Spanish]

21 [bell]

22 CHAIRPERSON RODRIGUEZ: And basically
23 what he said that the livery taxi basically that he
24 is providing their services that the consumers are
25 demanding for. [Speaking Spanish]

2 RICHARD TAYLOR: Chair Rodriguez and
3 Committee counsel, thank you for the opportunity for
4 allowing me to comment on Intro 1096. Given the
5 recent unprecedented transformative disruptive
6 changes in the taxi and FHV industry, your
7 committee's objective oversight in support of the
8 Taxi and Limousine Commission to stabilize the
9 industry is invaluable. Regarding Intro 1096, many,
10 although not all Taxi and Limousine Commission
11 penalties for rule violations are inherently linked
12 to immediately known identifiable violations. For
13 example, failure to comply with licensing rules,
14 immediately identifiable, complaints reported by
15 injured parties immediately identifiable. But in the
16 case of street hail violations, an enforcement agent
17 must first identify each violation for the penalty to
18 be applied where the injured parties due to a loss in
19 business in this case are legally operating FHV bases
20 and affiliated FHV drivers in compliance with TLC
21 Rules 59(b) and 25(a) and 5517(a), and the over \$6
22 billion loss in medallion value suffered by the
23 medallion taxi industry. Hypothetically, unless
24 enforcement agents are seated in all FHV or
25 alternatively stationed at each approximately 12,000

2 street corners in Manhattan, it's not possible to
3 effectively determine industry wide street hail rule
4 violations with only several hundred enforcement
5 agents in order to achieve the prevention of illegal
6 street hails. For this purpose, a passenger
7 monitoring and detection system requirement must be
8 included in the penalty rule in order to enforce TLC
9 Rule 59(b) 25(a) for bases for street hail
10 prevention. For each passenger entry, the event in
11 real time would be securely transmitted to the FHV
12 bases dispatch system [bell] required trip records
13 maintained in compliance with TLC Rules 59(b) (19) in
14 order to search the trip records, and confirm the
15 passengers' legal request to service on the pickup
16 location. Failure to locate and confirm the dispatch
17 records driver pickup instructions would then
18 determine the passenger entry as an illegal street
19 hail, and cause the penalty to be applied.

20 CHAIRPERSON RODRIGUEZ: Great.

21 RICHARD TAYLOR: In that case, I just
22 want to add that the enforcement agents then could
23 focus their attention on cars operating with private
24 plates picking up people illegally.

2 CHAIRPERSON RODRIGUEZ: Great. With
3 that, this hearing is adjourned, and we will continue
4 conversation with all sectors related to this great
5 industry. Thank you. [gavel]

6

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 March 17, 2016