

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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May 19, 2016
Start: 1:55 p.m.
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HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine
The Speaker (Council
Member Mark-Viverito)
Steven Matteo

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

Nora Marino
Queens County Commissioner
Taxi and Limousine Commission

2 [gavel]

3 CHAIRPERSON LANDER: Good morning and
4 welcome to the New York City Council Committee on
5 Rules, Privileges and Elections. My name's Brad
6 Lander and I chair the committee. I want to
7 apologize to the other members of the committee and
8 to our guest and guests; I was attending a funeral
9 out on Long Island for this fallen officer and it
10 took a while to get back, so I apologize.

11 We are joined this morning by our
12 Minority Leader Steve Matteo from Staten Island and
13 by Council Member Margaret Chin from Manhattan; other
14 members of the committee will probably join as well;
15 also joined by our Committee Counsel Jason Otano and
16 thank you to the staff of the Council's Investigative
17 Unit, Chuck Davis, Deandra Johnson and Sheena Blaise
18 [sp?] for their work.

19 We have one item for consideration today,
20 following the recommendation of the Queens delegation
21 in a letter dated April 29th, 2016; Mayor Bill de
22 Blasio formally submitted the name of Nora Marino to
23 the Council for its advice and consent regarding her
24 nomination for reappointment to the New York City
25 Taxi and Limousine Commission. If Ms. Marino

2 receives the advice and consent to the Council and is
3 subsequently reappointed to the TLC, she'll be
4 eligible to complete the remainder of the seven-year
5 term expiring January 31st, 2022; because we've done
6 several TLC appointments and in light of my
7 tardiness, I will skip describing what the TLC does
8 and refer people to earlier hearings where we have
9 gone on about that. I will just note that TLC
10 members other than the chair don't receive
11 compensation, so this is not a salaried position that
12 we're considering and all their proceedings are
13 matters of public record as well.

14 So Ms. Marino, thank you very much for
15 being here this morning and thank you for your
16 patience and if I can just ask if you will raise your
17 right hand to be sworn or affirmed in by the clerk.
18 I mean, by our counsel; I apologize. You can...
19 [crosstalk]

20 COMMITTEE COUNSEL: No need to stand.

21 CHAIRPERSON LANDER: That's fine.

22 COMMITTEE COUNSEL: Do you swear or
23 affirm that the statement you're about to make will
24 be the truth, the whole truth and nothing but the
25 truth? Thank you.

2 CHAIRPERSON LANDER: Thank you. If
3 you'll give us your opening statement... [background
4 comments] Hm? And I'll point out; we have, you know
5 the materials or prehearing questions, investigative
6 background, et cetera, all in the red binders and
7 Ms. Marino, if you'll go ahead and give us your
8 opening statement.

9 NORA MARINO: Okay, sure. My name is
10 Nora Constance Marino; I have served as the Queens
11 County Commissioner of the TLC since 2011, when I was
12 appointed by then Mayor Michael Bloomberg. I'm an
13 attorney and I have my own private practice, which I
14 have successfully run for many years. My practice
15 consists of personal injury claims, medical
16 malpractice, constitutional violations issues and
17 some family law and divorce as well, as well as some
18 contract disputes. I'm a long-time Queens County
19 resident, having first moved into the borough in the
20 early 1990s and I graduated from the CUNY School of
21 Law at Queens College.

22 I believe my skills as a trial lawyer are
23 an asset to this position and as I am able to focus
24 on facts and I'm aware of multiple sides to a story
25 and multiple issues. Also my experience as a small

2 business owner gives me a unique perspective for this
3 position.

4 In my time thus far on the Commission I
5 have been well-received; I have an open door policy
6 wherein if anyone wishes to discuss an issue with me
7 or educate me as to a side of an issue that I have
8 not considered or was not aware of, they can come to
9 my office and sit down with me; I've met with people
10 in the evenings and on weekends to effectuate this.
11 I believe this openness and willingness to listen and
12 learn has been well-received by the industry and I
13 look forward to continuing to serve my city on this
14 commission.

15 CHAIRPERSON LANDER: Thanks for your
16 opening statement and also for the answers you gave
17 in advance of the hearing, your response to your
18 questions and I just wonder if you... you know it's
19 been an... the last few years on the TLC have been
20 interesting ones, certainly a lot of the issues have
21 been more contentious than perhaps you would've
22 expected when you originally agreed to serve...

23 [crosstalk]

24 NORA MARINO: Yeah, just a little, yeah
25 it's been **[inaudible]**.

2 CHAIRPERSON LANDER: and I just wonder if
3 you could walk us through -- you don't need to tell
4 us about your opinions on all those things, but just
5 give us a little more flavor for how you've
6 approached some of these contentious issues, you know
7 where you've, you know been persuaded on something
8 maybe you didn't start out agreeing with or where
9 you... you know, just walk us through kind of how you..
10 [crosstalk]

11 NORA MARINO: How...

12 CHAIRPERSON LANDER: you know, how
13 you're... how you're representing Queens residents and
14 the Council in thinking about these tough issues.

15 NORA MARINO: Oh well I have to say when
16 I first came on the Commission I really didn't know
17 anything about this industry and I barely knew the
18 difference between a yellow, a livery and a black car
19 and you're kind of in this position where all of a
20 sudden you're making decisions that are going to
21 affect people's lives and being a small business
22 owner myself and being an attorney, I always would
23 try to turn around and say what if there were nine
24 members that were making decisions on my industry who
25 knew nothing about my industry and I really.. I

2 thought that was important that... the way to rectify
3 that is to really speak to people and listen to what
4 everyone has to say from every side, whether it's a
5 driver or an owner or an agent or a citizen, I mean
6 you need to hear what everyone has to say and I
7 needed to get educated, and I spent a lot of time the
8 first couple years really just sitting down and
9 speaking with people and you know we had some very
10 contentious votes, which is amazing, because from
11 what I understand, it was quite calm before 2011 it
12 seems and all these crazy things came up at once, in
13 a matter of a few years between the Taxi of Tomorrow
14 and raises and the green cars and now we have Uber.
15 But I think that no matter what the issue is, you
16 have to listen to people who know the industry,
17 'cause they know it way better than me or any of us
18 that sit on the board 'cause they're living it every
19 single day and it's their jobs and it's their
20 livelihood and there's different aspects to that; you
21 have the owners and the drivers and everyone has
22 different interests, and I remember at one hearing
23 someone described -- it was very well described; they
24 said it's like taking a balloon, if you push it on
25 one end it affects it on another end, and so many of

2 our votes are like that; you know, it might help one
3 section of the industry; it might hurt another. So
4 it's really important to be well rounded in the
5 information you receive and the knowledge you gain
6 and you only gain that from putting time into it and
7 talking to people and listening to what they have to
8 say about it and try to make a decision that you know
9 you feel is really the best for everyone and I know
10 that there have been some very, as you said,
11 contentious votes the last few years. I initially
12 did not vote yes on the green cars and looking back
13 now, I think they're great, so... but you live and
14 learn; I mean I'm not perfect, I don't think any of
15 us are perfect. That's probably the only vote I
16 would probably change now in retrospect as a Monday
17 morning quarterback, but most of my votes I believed
18 were the right thing to do and I wanna continue that.

19 CHAIRPERSON LANDER: Now one other where
20 I know you sort of, you know, voted against what the
21 staff and administration recommendation were was the
22 Taxi of Tomorrow...

23 NORA MARINO: Yes, **[inaudible]**...
24 [crosstalk]

2 CHAIRPERSON LANDER: just maybe walk us
3 through kind of what persuaded you that that was not...
4 you know, why... you know, explain that vote; how you
5 came... [crosstalk]

6 NORA MARINO: The Taxi of Tomorrow was,
7 again, you know very contentious and I gave that a
8 lot of thought, I really did. I know it looked very
9 nice on the outside to have this uniform taxi in the
10 city and had all these amenities, but I felt that
11 limiting people's choices, you know the owners, the
12 fleet owners and individual owners, limiting their
13 choices or actually, eliminating their choices and
14 saying this is the car you have to drive; I didn't
15 think that was really right for them; I also didn't
16 think it was right in the sense that we would be
17 eliminating any competition; it would give us...
18 whoever was successful with that bid and got the
19 contract now has a monopoly over taxis in one of the
20 greatest and largest cities in the world and you run
21 the risk of well this, you know, you only cost 25
22 cents, well guess what; you can't get it anywhere
23 else, it's \$4.00 now. And I just saw a lot of room
24 for problems; what if there's a recall? What if
25 there's a recall and you have to pull these cars off

2 the road; now what, the entire industry is paralyzed.
3 And what really disturbed me; we were just coming out
4 of the recession at that point and it was outsourcing
5 jobs; these vehicles were not made in America; forget
6 in New York State, they weren't even made in America;
7 it was I think... you know, the cars are being made in
8 Mexico, so we're outsourcing; I mean we're government
9 and we're supposed to be supporting American jobs and
10 we are gonna... giving this contract to the only
11 company that we're gonna allow to make these cars and
12 they're doing it in another country. So those are
13 the only reasons I can remember off the top of my
14 head; I know if I read through the minutes there's
15 probably more, but I felt very strongly against...
16 about the Taxi of Tomorrow and I still do, I still
17 don't think it's a good idea.

18 CHAIRPERSON LANDER: I have a few more
19 questions, but I suspect some of them will get asked
20 by my colleagues, so I will hand it off. We've also
21 been joined by Council Members Dickens and Rose and
22 Council Member Chin has questions.

23 COUNCIL MEMBER CHIN: Thank you. Good
24 afternoon.

25 NORA MARINO: Good afternoon.

2 COUNCIL MEMBER CHIN: In your question,
3 it was interesting to see that you list one of the
4 greatest issues for the TLC right now is app-based
5 technology and so maybe you can go, you know, talk
6 about that a little bit more, how you see this really
7 affecting the whole industry, like the yellow cabs
8 and also people who don't utilize apps, so how do we
9 make sure that they also get the services that they
10 need?

11 NORA MARINO: Well I'm gonna answer your
12 last question first. The way we make sure that
13 people don't use apps to get service is by keeping
14 the yellows, greens and liveries and black cars on
15 the road in the current system. The app-based
16 industry I think is turning things upside down, not
17 just in this city, but I've done a little research; I
18 mean San Francisco I think is where Uber started,
19 it's rocking the boat for sure, Uber is rocking the
20 boat and I think... the way we have our setup here in
21 New York City was set up I believe in the 70s by
22 Mayor Koch when he separated the yellow cars from
23 livery cars and made rules where yellow cars cannot
24 have radios and can only do street hails and liveries
25 could not do street hails but could only have radios

2 and get radio calls and then the black cars were
3 accounts, and that worked very well for 30-something
4 years or maybe 40 years; my math isn't too good. Now
5 we have this app-based industry that's come in and
6 what we've done is we've tried to fit them into an
7 existing category; either the yellow/green, livery or
8 black car, but they're really... I mean it's a really
9 unique situation, 'cause they kinda have
10 characteristics from one but not all of them and then
11 they have some characteristics of another but not all
12 of that and it's a really gray area and I think the
13 solution would've been to have really cut out a
14 fourth category for the app-based companies. Of
15 course, you know again, this might be Monday morning
16 quarterbacking, but it's not something I don't think
17 we can still proceed with. They're definitely
18 hurting the other industries because they get certain
19 advantages that the yellow cars don't have and we
20 have so many restrictions on yellow cars, I mean
21 frankly, I think we have our foot on their throats
22 really in a lot of ways and I've heard this complaint
23 from drivers and owners, you know repeatedly
24 throughout the years and we have so many rules; I
25 mean our rule book is like this big for the yellows

2 and the app-based companies don't really have to
3 abide by any of those rules, but they're getting all
4 the benefits of a yellow car, so... I mean I don't know
5 what the answer is as I sit here, but it definitely
6 needs to be addressed; I think carving out a fourth
7 category is the way to handle it so we can at least
8 level the playing field, 'cause I don't think it's
9 leveled, I mean over the Christmas holiday, and this
10 is just kind of burned in my brain, I was going to a
11 Christmas party at night, in the evening and I was
12 walking on the West Side and a yellow cab was pulled
13 over and he had his hood open; he was fixing
14 something in his car and so he was out of the car and
15 he looked up and he recognized me and he said, "Oh my
16 good, you're Commissioner Marino," and I was like,
17 wow, geez **[inaudible]** celebrity and I'm flattered
18 that he recognized me, but what really stuck in my
19 brain was he said to me, you know, "Please, Uber's
20 killing us; I can't feed my family. Please, you have
21 to do something," and I was speechless and I was
22 standing on the street, it just... I mean my heart
23 broke and I was speechless, 'cause I felt like I
24 don't know how to help you; I don't know what to do
25 with this technology; I don't know how to handle

1 this. But and that really stuck with me; it still
2 does; he was like pleading with me and it was... and I
3 feel it is incumbent upon us to do something. I
4 don't know what the future holds, I mean you can't
5 stop technology, but I think we need to balance
6 things a little bit better than they're being
7 balanced now, I mean I think the apps are getting all
8 the benefits and having none of the burdens and
9 that's the problem and of course they're going to
10 have an advantage in the entire industry that way.
11 So I think that is our biggest challenge right now.

12
13 COUNCIL MEMBER CHIN: Yeah, I... I mean
14 somehow I do agree with you in terms of the yellow
15 cab, 'cause every time I get into a yellow cab I talk
16 to the drivers... [interpose]

17 NORA MARINO: Yeah me too. Yeah.

18 COUNCIL MEMBER CHIN: and it's getting
19 tougher and tougher and a lot of them are having a
20 hard time... [crosstalk]

21 NORA MARINO: Yeah, and...

22 COUNCIL MEMBER CHIN: so we have to
23 really see how we can, you know help them, but also..
24 I know they are also trying to get yellow taxis to
25 use apps also, but I think that's something that in

2 the long run we have to really work on and i...

3 [crosstalk]

4 NORA MARINO: Hey and that's another
5 possibility with a universal app and I would support
6 that completely, because it's gonna go under
7 otherwise; I just think, you know 10 years from now I
8 think yellow cars could be a thing of the past if
9 things continue in the way they're going, that's
10 what's going to happen, I just... I could be wrong, I
11 don't have a crystal ball, but I think we're going in
12 a direction where they could be facing oblivion, so
13 either we own up to that and say okay, this is the
14 future, you know the future New York City is not
15 gonna have yellow cabs and fine, if we're gonna go in
16 that direction, let's at least own it and acknowledge
17 it and move in that direction, but if we wanna save
18 what's here and try to make it fair so everyone has a
19 chance to stay in business, I think we should do
20 that. I mean I was in Albany the other day on behalf
21 of my day job and I was lobbying with the New York
22 State Trial Lawyers and we were in an assemblyman's
23 office from Staten Island and somehow Uber came up in
24 the conversation and he mentioned that a long-time
25 livery company of about 40 years just shut its doors

2 because they can't compete with Uber and I said, "You
3 said a long-time company, well how long have they
4 been there?" And he said, "40 years." And look,
5 businesses do come and go in life, I mean you know,
6 typewriter companies don't have businesses anymore,
7 film developing stores don't have business anymore,
8 so that's the flip side of it, you know technology
9 does change things and it does make certain
10 industries obsolete. So it's a lot to think about; I
11 mean I certainly don't have answers as I sit here, as
12 I'm sure none of you do either; if anyone does, I'd
13 love to hear ideas, but we really need to think about
14 what direction we wanna take this and how we wanna
15 deal with it, because they could be obsolete.. it
16 could be inevitable that they're obsolete, there
17 could be something we could do; there's a lot to talk
18 about.

19 CHAIRPERSON LANDER: Thank you, Council
20 Member Chin; we've been joined by Council Member
21 Garodnick. Any.. Any of my other, my col.. oh, Council
22 Member Dickens.

23 COUNCIL MEMBER DICKENS: Thank you so
24 much, Chair and thank you so much for your testimony
25 and for being here this afternoon.

2 NORA MARINO: It's alright. Thank you.

3 COUNCIL MEMBER DICKENS: You are correct
4 that industries do change and technology is what is
5 going on today; I don't know if it's always the best,
6 because that can fail also, but having said that, the
7 reason Uber and Lyft and those are able to survive
8 is, and this is in my community and it still occurs,
9 although not to the same degree; I can go and try to
10 hail a yellow cab right outside of City Hall and they
11 won't stop for me or when I tell them where I'm going
12 in Harlem, they flip the off duty sign, so even
13 though it's not to the same degree as it was say 10
14 or 15 years ago, I'm still experiencing that level of
15 prejudice from yellow cabs, whereas Uber goes
16 anywhere I tell them to go or Lyft goes anywhere I
17 tell them to go. So in my community it's still a
18 problem and we've got yellow cabs now in the streets
19 of Harlem and East Harlem and West Harlem, we
20 definitely do... [interpose]

21 NORA MARINO: And the greens too you
22 have.

23 COUNCIL MEMBER DICKENS: Oh absolutely
24 the greens, but there's another issue with the
25 greens, because... and I support the greens, I fought

2 for the greens when that was on the table here at the
3 Council, but the greens seem to cost a few dollars
4 more than the yellow cabs do, by the way, so I just
5 wanna put that out there so that we're aware that
6 there's a differential and for those that can least
7 afford it, it's a problem, because I've been getting
8 complaints in my office about the difference between
9 the cost of taking a green cab and a yellow cab. So
10 I wanna put that out there and I did wanna put out
11 about the complaints that I get and that I have about
12 the yellow cabs are not, still many not wanting to go
13 into communities of color.

14 NORA MARINO: Or communities that are
15 far, that are still within the five boroughs, 'cause
16 actually, I left a TLC hearing a year or two ago and
17 I used.. I always take the train, but I just decided I
18 was gonna treat myself and I was gonna take a taxi
19 and I hailed a cab, and I live way out in northeast
20 Queens, it's in city limits, but it's northeast
21 Queens, I get in the car and I tell the guy where I'm
22 going and he said, "Oh, that's Nassau County." I
23 said, "No, that's Queens County." He goes, "No, I'm
24 sure that's Nassau County." I said, "Well that's
25 funny, 'cause I'm the Queens County Commissioner of

2 the TLC, so I think I have to live in Queens,"
3 [laughter] and the blood drained from his face and he
4 goes, "Oh my god," and I'm like, "Don't worry, just
5 take me," but I said, "but you really shouldn't do
6 that; if someone... you know if it's Queens or Brooklyn
7 or King or Staten Island, you have to take them and
8 he was like, "I'll never do it again." [background
9 comments] Yeah. [crosstalk]

10 COUNCIL MEMBER DICKENS: So because...

11 [laughter]

12 NORA MARINO: And uh... But I know

13 **[inaudible]**... [crosstalk]

14 COUNCIL MEMBER DICKENS: So... yeah, yeah...

15 NORA MARINO: Yeah.

16 COUNCIL MEMBER DICKENS: you know exactly
17 what I'm talking about, whether it's... [crosstalk]

18 NORA MARINO: Yeah.

19 COUNCIL MEMBER DICKENS: distance or the
20 case with me; it's color... [crosstalk]

21 NORA MARINO: Whether it's distance or
22 ethnicity or race or gender, who knows, yeah, that is
23 an issue, because the driver does have that ability
24 to make that choice, whereas, like you said with
25 Uber, they just show up and they don't know.

2 COUNCIL MEMBER DICKENS: And you know, I
3 know that you would tell me to lodge a complaint and
4 frequently... you know, I should lodge a complaint and
5 frequently I don't... I have in the past; I don't
6 because of the time and the frustra... so now
7 sometimes, like I told my colleague, I stand with a
8 sign, "I'm not going to Harlem."

9 [laughter]

10 NORA MARINO: Well lodging a complaint is
11 probably a lot easier than you think now, because
12 with our cell phones you could just snap a picture of
13 their number and then do it later... [crosstalk]

14 COUNCIL MEMBER DICKENS: Yeah.

15 NORA MARINO: when you have time. You
16 don't have to get a pen and paper and all that...

17 [crosstalk]

18 COUNCIL MEMBER DICKENS: Usually if they
19 don't take me, I just go on to the next one, you
20 know, because I'm usually in a rush, I'm usually
21 late... [crosstalk]

22 NORA MARINO: I know. But we should know
23 who those drivers are, you know, we really should...

24 [crosstalk]

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2 COUNCIL MEMBER DICKENS: But... alright,
3 thank you, I just wanted to put that on the table so
4 that... [crosstalk]

5 NORA MARINO: No, I [inaudible]...
6 [crosstalk]

7 COUNCIL MEMBER DICKENS: that you, you
8 know, sitting on TLC would still be aware that these
9 are issues that come up... [crosstalk]

10 NORA MARINO: Can I ask you a question?
11 With the Uber, 'cause you're saying the green cars
12 are a couple of dollars more; what about... 'cause I've
13 never taken... [crosstalk]

14 COUNCIL MEMBER DICKENS: Well now Uber...
15 that's a whole different [inaudible]... [crosstalk]

16 NORA MARINO: Yeah, that's a whole...

17 COUNCIL MEMBER DICKENS: you choose to
18 take Uber or Lyft or whatever because you have to
19 sign up with a credit card and whatnot and they have
20 differentials. In other words, they'll charge you
21 more during certain hours, during peak hours...
22 [crosstalk]

23 NORA MARINO: Yeah, [inaudible]...
24
25

2 COUNCIL MEMBER DICKENS: [inaudible]

3 hours, there's an additional charge, sometimes as
4 much as twice as much... [crosstalk]

5 NORA MARINO: I know and I think that's
6 horrible.

7 COUNCIL MEMBER DICKENS: when it's peak
8 hours, so that's different, but that's by choice;
9 someone can choose to join up with Uber or choose to
10 join up with Lyft and now there's a third one out
11 there, but in the case of a yellow cab or a green
12 cab, you stand out, supposedly and call them; it's
13 just like when you did the black cars, you call them..
14 [crosstalk]

15 NORA MARINO: Right, exactly.

16 COUNCIL MEMBER DICKENS: you didn't hail
17 them in the street; you call them and so that was a
18 choice; you intentionally went and called them on the
19 phone; Uber you don't call, you use your phone..
20 [crosstalk]

21 NORA MARINO: Oh right, right.

22 COUNCIL MEMBER DICKENS: but it's the
23 same concept; in the case of the yellow and green
24 you're standing out hailing them as a public John Q.
25 Citizen. Thank you.

2 NORA MARINO: Thank you.

3 CHAIRPERSON LANDER: Thank you, Council
4 Member Dickens. Council Member Garodnick, followed
5 by Council Member Rose.

6 COUNCIL MEMBER GARODNICK: Thank you very
7 much. And hello; I really just wanted to ask one
8 question; it may be a multiple part question, but it
9 really has to do with abstentions in your record
10 since being appointed. I see an abstention on the
11 "owner must drive" rules, the abstention on the sex
12 trafficking, an abstention on E-help pilot program,
13 and the TPEP cleanup rules and I just figured I would
14 ask as to what prompted the abstentions in those
15 cases; what generally prompts an abstention for you
16 when you're seeing a matter before the TLC and
17 certainly any light you could shed on those
18 particular issues would be great.

19 NORA MARINO: I don't have an independent
20 recollection of each one of those votes; I'll take
21 your word for it; I do kind of remember the sex
22 trafficking vote. But I haven't voted with an
23 abstention for quite some time; I think the last one
24 was probably a couple years old at least...

2 COUNCIL MEMBER GARODNICK: June 20th,
3 2013, I think.

4 NORA MARINO: So three years ago.

5 COUNCIL MEMBER GARODNICK: Yeah.

6 NORA MARINO: But generally I... we... it
7 hasn't been the same I think under this new chair,
8 but we were forced to vote on issues that I just
9 don't think we ever had enough information on; we'd
10 come in, we'd have this hearing, people would speak
11 and it'd be like okay, vote and there were questions
12 and there were things that needed to be explored and
13 I guess that was my way of saying you know, I can't
14 vote yes and I can't vote no because I need more
15 information, we had 50 speakers, 50 people commented
16 who all said, you know intelligent things that were
17 all conflicting with one another; I mean I wanted to
18 digest it, I wanted to maybe follow up with further
19 questions and I always said, let's have a hearing and
20 then do the vote later so you can, you know explore
21 more and get questions answered and we were forced to
22 vote and so I would say well I can't vote yes and I
23 can't vote no because I don't have enough
24 information.

2 COUNCIL MEMBER GARODNICK: So that makes
3 a lot of sense, in fact it's something which also
4 animates this committee, to the great credit of our
5 chairman we tend to have these hearings and we digest
6 it and then we vote at a subsequent meeting, which
7 allows us to -- I'm sure there will be 50 or 60
8 people on your appointment today with conflicting re...
9 no, I'm just teasing, I'm sure it's not gonna be like
10 that.. [laughter] but if there were, at least..

11 [crosstalk]

12 NORA MARINO: Right.

13 COUNCIL MEMBER GARODNICK: we would have
14 the chance to think about it and process it..

15 [crosstalk]

16 NORA MARINO: Exact... in fact, we'd be
17 hearing on these major issues, we weren't just
18 hearing two or three people and we would be there... I
19 mean some of those votes, we were there like three,
20 four hours you know listening to the public; how do
21 you just say okay, I'm done now and let's vote, I
22 mean...

23 COUNCIL MEMBER GARODNICK: But these were
24 not situations which you felt like you were somehow
25 conflicted about.. I'm sorry, not conflicted in terms

2 of your view, but conflicted personally or anything
3 in the ability to cast a vote; it was just that you
4 felt like you did not have enough time to process...

5 [crosstalk]

6 NORA MARINO: I did not have enough
7 information, yes... [crosstalk]

8 COUNCIL MEMBER GARODNICK: O... Okay.

9 NORA MARINO: or you know, if someone
10 brought up a really good point that conflicted with
11 someone else's really good point, you wanted to
12 follow up, you wanted to ex... well I did, I wanted to
13 explore them.

14 COUNCIL MEMBER GARODNICK: Good, I think
15 that sounds totally reasonable. Now you did say you
16 remembered the sex trafficking thing, so why don't
17 you tell us about that.

18 NORA MARINO: Yeah, I think my problem
19 with... because everyone was like, you voted no on
20 that, you know, or I abstained on that, but I think
21 the reason why I abstained on that vote was because I
22 thought the way the rule was written was very unfair
23 to the drivers, because it... if they were caught
24 transporting anyone regarding sex trafficking they
25 were subject to a \$10,000 fine, but yet they didn't

2 have to have any knowledge of it whatsoever. So it
3 was just the... it was... it's like this FedEx lawsuit
4 that came about a couple years ago where the federal
5 government prosecuted FedEx for shipping illegal
6 substances, including drugs and FedEx was like, I
7 don't know what's in the packages, I mean we get a
8 package, they pay; we ship it, and it was the same
9 thing with the way this rule was; if a driver gets
10 caught with... if someone just hails a cab and they get
11 transported and they pay and they leave and to the
12 driver it's another fare, but it's later found out
13 that that was a sex trafficking transport; the
14 driver's responsible and has to pay \$10,000. I
15 didn't think that was fair at all and I felt that the
16 rule needed to be revised to protect the driver
17 somehow; I mean if he has knowledge, if someone gets
18 in and says, "Hey, I'm sex trafficking; can you take
19 me here?" and then they take them, okay, I think that
20 warrants a fine, but if you're just picking up a fare
21 off the street and you don't know; maybe it's a
22 father and his daughter or that's what you're
23 thinking, I mean you don't know; how can we make this
24 poor driver pay \$10,000, I mean these guys aren't

2 making a lot of money and with no hearing, no
3 administrative proceeding, it just wasn't fair to me.

4 COUNCIL MEMBER GARODNICK: Okay. Thank
5 you; you answered my questions; I appreciate it.
6 Thank you.

7 CHAIRPERSON LANDER: Thank you, Council
8 Member Garodnick. Council Member Rose.

9 COUNCIL MEMBER ROSE: Thank you. I'd
10 like you to take a message back to the Commissioner
11 and think... uh-oh. You're gonna be pleasantly
12 surprised that I really appreciate the fact that
13 Staten Island now has an office and a place where you
14 know our drivers can go without having to go out to
15 Queens and spend an entire day and lose business, so
16 you know, tell the Commissioner I really appreciate
17 it; it's been a long time coming.. [crosstalk]

18 NORA MARINO: I think...

19 COUNCIL MEMBER ROSE: I'm exhaling...

20 NORA MARINO: Commissioner Root [sp?] had
21 a lot to do with that.. [crosstalk]

22 COUNCIL MEMBER ROSE: Uhm-hm.

23 NORA MARINO: so he should.. and he just
24 retired, after 25 years on the Commission.

2 COUNCIL MEMBER ROSE: So I wanted, you
3 know, I want the Commissioner to know that.

4 And I have a concern about the green car
5 industry; it hasn't seemed to catch on in Staten
6 Island at all and I don't know how it's doing in the
7 other boroughs, so have there been any conversations
8 about the green car industry; is it truly viable; are
9 you looking at maybe other options in outer boroughs
10 where maybe it's not working, the green car industry?
11 I just wanna know if it's on the Commission's, you
12 know radar.

13 NORA MARINO: Not to my knowledge; I'm
14 not always privy to what's on their radar, what
15 they're working on behind the scenes so to speak; I
16 will say in my neighborhood, in northeast Queens, we
17 don't see a lot of green cars either, so I can relate
18 completely. I think the issue though is... again, the
19 cars are gonna go where the money is, so I live in
20 Queens; I'm sure at Queens Center Mall there's
21 probably a lot of green cars, but by my in northeast
22 Queens, not so much; I mean there might be a few in
23 Bayside, you know there's a lot of restaurants and
24 bars around there, but...

2 COUNCIL MEMBER ROSE: Now Staten Island
3 in its entirety is not so much.

4 NORA MARINO: Yeah.

5 COUNCIL MEMBER ROSE: Yeah, I...

6 NORA MARINO: Yeah, so...

7 COUNCIL MEMBER ROSE: I was just
8 wondering if there were any conversations about how
9 to better serve maybe those communities where that
10 particular service was supposed to fill some of the
11 gaps. And [background comment] I just have a last
12 comment. I noticed, by your responses to the
13 questions and to Council Member Garodnick's
14 questions, that you seem to strike a balance between
15 what's good for the consumer and the driver, and I
16 just wanna say that that's somewhat unique; we
17 represent the people and the consumer and we are
18 looking for a set of justice for the consumer, but I
19 really appreciate that you have been able to sort of
20 strike the balance where the driver is also
21 considered, the driver's [inaudible]... [crosstalk]

22 NORA MARINO: Thank you, [inaudible]...

23 COUNCIL MEMBER ROSE: to the longevity
24 of, you know, I think the industry, because I just
25 think you need to strike that... and so... [crosstalk]

2 NORA MARINO: Yeah, and I agree...

3 COUNCIL MEMBER ROSE: I just wanted to
4 thank you, you know for... [crosstalk]

5 NORA MARINO: I appreciate your words
6 very much.

7 COUNCIL MEMBER ROSE: for bringing that
8 sort of perspective to the Commission.

9 NORA MARINO: My vote... I felt, like I
10 said before, I would put myself in their shoes and
11 how would I feel if nine people said okay, we're
12 gonna regulate the package of law and none of them
13 ever **[inaudible]** day in their life and that's how I
14 feel sometimes, like I don't... you know I didn't know
15 the industry, so I value the opinions of the drivers
16 and the owners and the agents, you know they can
17 educate me, so I'm open to hearing what they have to
18 say and I think I owe it to the industry to consider
19 all those perspectives in addition to the riding
20 public.

21 COUNCIL MEMBER ROSE: I just think it's
22 important that we have people on the Commission that
23 can look at both sides, but I'm still with Council
24 Member Dickens; I've had that experience, where I was
25 refused a ride, so.

2 NORA MARINO: Please... Please snap... take
3 out your phone and please, we have to know who these
4 people are; it's not gonna stop if we don't know who
5 they are, because if they get a fine or they get a
6 suspension, that's gonna make it stop; when you hit
7 people in the pockets, that's when you get a
8 reaction, but if we don't know who they are, we can't
9 do anything.

10 COUNCIL MEMBER ROSE: Thank you.

11 CHAIRPERSON LANDER: Alright, I have a
12 couple more questions; we won't go on all day,
13 obviously these are issues we could talk about more
14 than all day, but... [crosstalk]

15 NORA MARINO: Yes, uh-huh, **[inaudible]**...

16 CHAIRPERSON LANDER: one issue that...
17 there are a couple issues the Council is really
18 wrestling with here; you know we've passed a few new
19 laws in relationship to some of the shifts in the
20 industry and **[inaudible]** in particular, but we're
21 still grappling with a few of them, so accessibility
22 is a big one, especially the total lack of
23 accessibility in the FHV and Uber world and I just
24 wonder what your thoughts are on how we can do more,
25 you know, we're doing some things in yellow, to be

2 sure, but in yellow, green, FHV space [sic] to
3 achieve a much higher percentage of accessible..
4 [crosstalk]

5 NORA MARINO: And...

6 CHAIRPERSON LANDER: vehicles than we now
7 have.

8 NORA MARINO: that's a great point and
9 again it goes to saying we have all these rules for
10 the yellows, but the app-based companies have no
11 rules for this and they're the ones really, you know,
12 taking up a tremendous percentage of the business on
13 the streets. So I definitely think there needs to be
14 some type of requirement for them as well, I mean
15 Uber is what, a multibillion dollar company and they
16 don't have to do it; then you have some of these cab
17 drivers that are just scraping to get by and they
18 have to do it, so it's very unbalanced right now. I
19 think a 100 percent accessible industry is
20 unrealistic, I just do; I don't think it's realistic,
21 at least at this point in time; maybe in the future,
22 but certainly we need to do better than we're doing
23 now. I have heard complaints from people and it's
24 really, it's heartbreaking; I mean here is someone
25 who's disabled, like I can't get a cab and it's...

2 'cause people said it to me and again, it's like, I
3 want an answer for them; I wanna have a solution and
4 I don't right now. So it's something I think we need
5 to work on; I think we need to set a goal, whether
6 it's, you know, 20 percent or... and I'm just making
7 that number up; some type of a percentage, 'cause
8 the... I've done a little research into this as well,
9 the disabled population in the city is a very low
10 percentage, you know thank God, it's a very low
11 percentage, it's like .0... I mean it... I think it's
12 even less than 1 percent; don't quote me on that, but
13 it may be a single digit percent; it's very low. So
14 we would need more not percentage of the fleets,
15 'cause just statistically it wouldn't work out any
16 other way, but we need to set a goal and we need to
17 include all aspects of the industry, the yellows, the
18 liveries; not so much the black 'cause they're more
19 account-based, so... I mean we could include them, but
20 I think it's more the public, you know, yellows,
21 liveries and app-based, I mean they have to pitch in
22 here too, they're profiting off of this industry,
23 they need to pitch in to level the field here.

24 CHAIRPERSON LANDER: Good, I mean I think
25 there's a real goal here to get there and whether we

2 do that with a surcharge and then some kind of
3 centralized dispatch or whether we do that with a
4 percentage of any large base [sic]... [crosstalk]

5 NORA MARINO: I think the centralized
6 dispatch is a great idea; someone just mentioned that
7 to me and that I think is a terrific idea; I would
8 love to explore that.

9 CHAIRPERSON LANDER: Alright, thanks.
10 Those of us that deal with Access-A-Ride I think have
11 some hesitance as to whether centralized [background
12 comments] dispatch is the way to go, although maybe
13 in the new... you know, if it was centralized... anyway,
14 so... [interpose]

15 NORA MARINO: Well wait; no... well la... may
16 I explore that?

17 CHAIRPERSON LANDER: Of course, please.

18 NORA MARINO: No, I have heard nightmares
19 about Access-A-Ride, but when you say centralized
20 dispatch, don't you mean that it would be the cars on
21 the street, but it would be like a separate way to
22 tell it?

23 CHAIRPERSON LANDER: Well I mean I've
24 heard two different models for how we could do better
25 in accessibility for FHV's and Uber and Lyft; one is

2 that for any... a base over some size, they'd be
3 required to have some percent of vehicles under
4 contract that were accessible and so they would be in
5 their own service area and they'd... let's say it was
6 20 percent; they'd have to make sure they had 20
7 percent of their cars that were accessible and
8 wherever they were you'd have those cars. Another
9 way you could do it is, put a surcharge on all the
10 FHV's and then yes, have some sort of system where you
11 are using that money to help people have accessible
12 FHV's and Uber and Lyft and then you'd put in... you
13 know then the disabled rider would, you know, either
14 call or app into that centralized dispatch and that
15 dispatch would get one of those cars to meet that
16 ride need, and maybe in the world of technology that
17 we have now that could work sufficiently for the
18 Access-A-Ride model, which is a centralized dispatch;
19 it does not provide the level of service... [crosstalk]

20 NORA MARINO: I agree.

21 CHAIRPERSON LANDER: that we want, so...

22 [crosstalk]

23 NORA MARINO: I agree, if it's anything
24 like Access-A-Ride, then that's not the answer,
25 because... I mean I had a client once I was meeting

2 somewhere and he was disabled and he was like, "Oh I
3 have to leave like three hours before." I said,
4 "Why?" He goes, "That's how Access-A-Ride is; you
5 don't know when they're gonna sh..." I was like, "What;
6 what do you mean you don't when they're gonna show,"
7 it was horrible; I mean I think I sent him a car,
8 but...

9 CHAIRPERSON LANDER: Yeah and I mean the
10 MTA at our hearing the other day said that they are
11 looking at trying to use the new technologies to
12 change the way that they do **[inaudible]** reservations,
13 so... [crosstalk]

14 NORA MARINO: We definitely have to do
15 better with that, all of us; that's... [crosstalk]

16
17 CHAIRPERSON LANDER: Alright, so... but
18 we'll work together to figure out some approach
19 there. One thing we're looking at at the Council;
20 there was an effort to put some kind of driver
21 benefits fund in place, but the courts ruled that the
22 TLC didn't have the power to do it on its own, so
23 we're now considering legislation that the Council
24 would pass that would give the TLC authority to
25 create a driver benefits fund... [crosstalk]

2 NORA MARINO: I vaguely remember that,
3 yeah.

4 CHAIRPERSON LANDER: in which some..
5 again, it would, you know, likely have to be done
6 through a surcharge and then that would be available
7 to drivers for some range of help or other benefits.
8 So you don't have a position on that one way or the
9 other...

10 NORA MARINO: I think...

11 CHAIRPERSON LANDER: without knowing
12 more, which is fair.

13 NORA MARINO: Yeah, I think off the top
14 of my head what I'd say about that is; you know it's
15 gonna depend on the surcharge and it's gonna depend
16 on if this is what they want. I am assuming most of
17 them would want it, I mean I'm self-employed; I don't
18 have any type of benefits plan, so I would love a
19 benefits plan for a small surcharge, but that's
20 something I'd really like to get feedback from the
21 industry stakeholders themselves and see how they
22 feel about it; what they'd be willing to pay; what
23 they can afford to pay for the surcharge, 'cause
24 these guys really... you know after they pay for their
25 cars and after they, you know, pay all this out at

2 the end of the day, you know they work these grueling
3 12-hour shifts and it's not a lot of money, so that's
4 something I would definitely wanna get in put from
5 the drivers themselves.

6 CHAIRPERSON LANDER: Good. Well
7 obviously we could keep going 'cause there's many
8 more issues, but I think you've shown, you know, both
9 a knowledge of a lot of the issues we're facing and
10 for someone who didn't have any experience in the
11 field before... [crosstalk]

12 NORA MARINO: **[inaudible]** [laugh]...

13 CHAIRPERSON LANDER: you've learned a lot
14 and that you bring a refreshing openness and not a
15 kinda knee jerk approach to it, so unless any of my
16 colleagues have further questions, we'll close the
17 hearing..

18 NORA MARINO: Okay.

19 CHAIRPERSON LANDER: for the reasons you
20 outlined, we don't vote today; we give our members a
21 chance to... [crosstalk]

22 NORA MARINO: I hated that; I was like
23 what do you mean we have to vote right now; I can't,
24 I have to **[inaudible]**... [crosstalk]

2 CHAIRPERSON LANDER: no, and we know
3 probably right now we could, but [laughter] it is
4 better practice to make it that you have a couple of
5 days to review and research and **[inaudible]**...
6 [crosstalk]

7 NORA MARINO: Sure. Sure.

8 CHAIRPERSON LANDER: before you have to
9 make your decision, so thank you very much..

10 NORA MARINO: Thank you.

11 CHAIRPERSON LANDER: no one else from the
12 public decided to testify, so we will go ahead and
13 close [gavel] the public hearing and the committee
14 will resume from recess on the 25th. Great, thank
15 you.

16 NORA MARINO: Thank you very much. Thank
17 you. [background comments]

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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 May 23, 2016