

Testimony of Meera Joshi
Commission and Chair, New York City Taxi & Limousine Commission
Intro No. 963
City Council Transportation Committee

September 25, 2017

Good morning Chair Rodriguez, and members of the Transportation Committee. I am Meera Joshi, Commissioner and Chair of the New York City Taxi and Limousine Commission. Thank you for the opportunity to share the TLC's views on taxi medallions and more specifically, Intro. 963, which would require the formation of a task force to study taxi medallion values and make recommendations that would strengthen the taxi industry.

The yellow cab is an iconic symbol of New York City, and each day, hundreds of thousands of people hail yellow cabs in Manhattan to reach meetings, fulfill family obligations, and tour the City. For decades many New Yorkers, including many recent arrivals, have seen driving a taxi as a good job providing a stable income. The medallion situation has changed in New York City, and I want to offer some thoughts today about those changes, which have an impact on small businesses and on our licensed drivers.

A taxi medallion gives its owner the exclusive right to accept street hails anywhere in New York City, as well as the right, shared by local car services, app-based services, and traditional black cars, to transport passengers who book trips in advance by "prearrangement."

For decades the number of medallions remained steady at around 12,000. And then, beginning in 1995, the state legislature and the City Council, on different occasions, authorized the TLC to issue more medallions, putting the total number of medallions today at 13,587. These "new" medallions were sold at auctions conducted by the TLC. The average bid for a medallion increased with each successive auction, ultimately to \$1.2 million in March 2014.

Medallions are transferable and are frequently sold after auction in private sales. The amount of these sales is reported to the TLC, and the transaction is subject to a City transfer tax, which, thanks to recent legislation sponsored by Chair Rodriguez, was reduced from 5% to .5%. Like the medallions sold at auction, medallions transferred privately for as much as \$360,000 in 2004 and for as much as \$1.1 million in 2014. Since 2014, medallion transfer prices have fallen. In 2016, medallions transferred for between \$325,000 and \$750,000, and this year, medallions have transferred for between \$150,000 and \$580,000. This month there were two large sales, in one the selling bank financed the purchase of 49 medallions at \$335,000 per medallion, and in the other a single lot of 46 medallions sold for \$186,000 each.

During this same time, the for-hire vehicle (FHV) sector has grown to historical proportions. In late 2011, the TLC issued the first of many for-hire vehicle base licenses to Uber, an app-based transportation company, and since then many other app-based companies have begun operations in New York City. These companies, like any other for-hire vehicle base, are subject to TLC rules and can only dispatch drivers and vehicles that are vetted and licensed by the TLC. The technology these companies use has been efficient for dispatching vehicles, and drivers and passengers have responded, favorably.

From 2011 to the present, the number of for-hire vehicles more than doubled, from around 35,000 to roughly 90,000. We saw similar growth in the number of FHV drivers, from roughly nearly 55,000 in 2011 to 90,000 in 2016, at which time, thanks to Chair Rodriguez, the barrier that prohibited licensed drivers from driving in both the taxi and FHV sectors was removed with the establishment of a universal TLC Driver License. Today the TLC licenses more than 170,000 drivers who can operate in both the taxi and for-hire vehicle sectors.

In November 2014, the TLC mandated that all FHV bases provide trip data, as had long been available for taxis. From this we know that the for-hire sector completed roughly 133 million trips in 2016 and is on course to do more than 10 million more this year, about 143 million trips in total.

By comparison, during this period of growth in the FHV sector, total annual taxi trips and annual taxi fare box revenue decreased. In 2011 taxis made 216 million trips and generated nearly \$2.3 billion in fares, and in 2016 taxis made over 130 million trips and generated roughly \$1.8 billion in fares. This downward trend in taxi trips and fare box revenue continues this year.

Because historically medallion purchases are financed purchases, discussion of valuation must include a review of lending practices over time. As with the housing market, liberal lending practices can increase both demand and prices, and conservative lending practices lower them. Prior to 2014 many banks offered no- or low-deposit balloon loans that were due in full after three years, requiring frequent refinancing—often at a much higher interest rate. With each refinancing, many banks offered to lend additional funds, further increasing the debt burden on the borrower. As the loans increased, so too did the price at which medallions were bought and sold in private transactions. And consequently, the higher the sale price, the more banks were willing to loan.

Today, banks and their regulators recognize that value must be tied directly to income stream and service levels. Regulators are scrutinizing medallion portfolios, and in some cases taking over the lending institution after uncovering unsound banking practices. There are few available funds to finance medallions, so when sales occur, they are most frequently either seller-financed or cash transactions.

As I mentioned before, medallions still sell, but at lower prices than their historic highs. New purchasers may represent awareness of this continuing business opportunity. Those newly buying medallions may represent an awareness of driving a yellow taxi as a continuing business opportunity within the New York City brand. Going forward, taking advantage of this opportunity will likely mean increased integration of technology in business operations. For taxis, this may include using apps to help drivers find their daily and weekly leased taxis, sign in and out of shifts, get their compensation directly deposited, and be paid a commission on fares.

Other revenue models may also appeal to medallion owners. Already, we have seen garages show interest in commission-based operations, rather than the traditional leasing system that many drivers work under today. Other medallion owners may approach revenue as a percentage of the fares earned (which go up and down with seasonality) rather than today's fixed monthly lump sum payment model. Both of these business strategies give medallion owners and operators a vested interest in quality and responsiveness of service for drivers and passengers, something that was typically only true for owner drivers.

TLC has not simply observed market trends. Medallions are regulated assets, so during this time of change the TLC has reviewed and revised regulations to increase flexibility for medallion owners, operators and drivers. Recent medallion-specific reforms include:

- Eliminating the owner-must-drive requirement so that independent medallion owners have greater flexibility to drive or lease their taxi;
- Eliminating the distinction between independent and corporate medallions and lowering the transfer tax from 5% to .5% to bring about greater liquidity in the market;

- Removing the prohibition on non-cash payments from taxi garages to drivers, allowing electronic or other payment methods so long as they are offered at no additional cost to the driver;
- Extending vehicle retirement periods;
- Giving owners a choice on whether or not to install a partition;
- Supporting the use of apps to hail and pay for taxis; and
- Allowing garages to recruit from the entire universe of drivers, today over 160,000, rather than only a much smaller population that went to taxi-specific school.

In addition to these reforms, in October 2015 we gave taxi owners greater flexibility to lease outside of the TLC's lease cap rules by either splitting fares with their drivers or leasing for fewer than twelve hours. I am happy to report that just last month, almost two years after we made it available, one operator has taken advantage of this opportunity and reports considerable uptick in drivers working with his garage. We also recently launched Citywide Accessible Dispatch, which allows taxi drivers to receive the metered fare for the trip, plus a dispatch payment to compensate for the time spent traveling to the pickup point and assisting the passenger. And finally, we are partnering with the MTA to test out Access-A-Ride trips in both taxis and FHV's.

Intro 963

I would like to now comment on Intro 963, which would establish a task force to study taxicab medallion values and the impact of taxi medallion sales on the city's budget, and to make recommendations to increase the value of taxi medallions.

I want to note that since this bill was first introduced in October 2015, the TLC and Chair Rodriguez have taken significant steps, many of which I outlined above, to ensure the continued vitality of the taxi industry.

Additionally there is a substantial amount of information that is already publicly-available to better assess actual medallion values – trip and fare data, maximum lease caps, leasing income, gas prices, and more. We continue to identify and publish relevant information so that the City Council, the TLC, and the market can continue to make informed decisions.

The TLC always supports developing new proposals to help our licensees, and we are interested to hear proposals for additional steps the City might take. Government reform is important to ensure that regulation is not an obstacle to progress, but in today's market it is not the only way to bring about meaningful change. We are seeing new approaches from within the industry that leverage technology to attract passengers and drivers with more flexible business models, and we welcome these initiatives.

We also think it is important that membership of a task force reflects today's industry. For example, due to the reforms that I mentioned, some of the task force members represent driver categories that no longer exist. Any task force would also benefit from individuals that represent the full diversity of the industry – including medallion owners, garages, and those who dispatch and lease taxis, as well as the people behind the wheel, the drivers.

Thank you for allowing me to testify today. I would be happy to answer your questions.

**Testimony of Kassandra Perez-Desir
On behalf of The Committee for Taxi Safety**

**To the New York City Council
Committee on Transportation
Oversight – Taxi Medallion Values T2017-6622
and
Intro 0963-2015 A Local Law to create a task force to study taxicab medallion values**

September 25, 2017

It's good that the Council wants to understand medallion values, it is however something that we all already know. Taxis have been largely burdened with regulations that don't apply to any other segment in the for-hire industry. For example, we are mandated into one car- the Nissan NV 200 otherwise known as Taxi of Tomorrow ("TOT"). The car was not originally designed to be an accessible vehicle and the city nonetheless entered a settlement requiring half of all taxis having to become accessible by 2020. The car was also not designed to be fuel efficient as hybrid vehicles.

The most popular vehicle as a taxi in the run up to this program was the Camry Hybrid. It is no accident that today Uber stands at 70% of their vehicles are Camry hybrids. It is also the predominant vehicle in liveries and black cars. The Camry Hybrid has proven to be good for the environment, passengers and drivers as they don't have to spend more and more money on gas.

The city made the wrong choice in the TOT by picking a car that was not by original design accessible or as fuel efficient as the Camry. This failure has a direct correlation between the time drivers started abandoning taxis for services like Uber which would give them the car of their choice without restriction from the city of New York. Uber existed with taxis for four years without any drivers abandoning taxis for that service, and it was only advent of the TOT program and the accessibility program that literally drove drivers from taxis to services that would give them the cars they wanted. Medallions, if not on the road and that are fully financed now stand in storage at over 800 according to TLC data.

Take into account that there are hundreds of TOTs sitting idle every day in NYC hoping drivers will take a chance on driving a less fuel efficient car than drive the hybrid of their choice.

Testimony of David Pollack on behalf of the Taxicab Service Association (TSA)

TRANSPORTATION COMMITTEE HEARING:

MEDALLION VALUE TASK FORCE

September 25th, 2017, City Hall, NYC Council Chambers

Good morning Chairman Rodriguez and Transportation committee members, my name is David Pollack, the President of the Taxicab Service Association (known as the TSA). Our membership consists of credit unions who have been lending on the medallion asset, some for many decades. The TSA has not come to bash the TLC, the mayor or this council, but to offer instead a solution for stakeholders that who have been abandoned.

Economics 101 shows us that an industry dependent on drivers becomes worthless without an abundant driving workforce. We have a solution that will solidify the current workforce while enlisting new drivers to drive Wheelchair Accessible vehicles in NYC, thereby increasing medallion values.

If you ^{ARE} keeping score, three major NYC medallion credit unions have been placed into receivership caused by a workforce shortage. That said, the more a driver can earn while driving a medallion taxi, the more it is worth because the asset is generating income. Our plan will assure an increase in driver earnings with a minimal effect on the current FHV models.

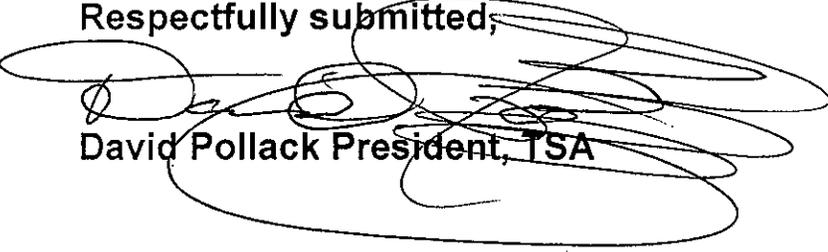
Background: The great migration of yellow cab drivers leaving to drive for app companies began approximately four years ago with the introduction of Wheelchair Accessible Vehicles (WAVs) as yellow cabs. Driving a yellow cab became an unattractive job. Over three years ago, in these very chambers and, at the NYC Taxi & Limousine Commission, industry advocates warned that a disruption and devaluation of the NYC taxi medallion would occur, leaving stakeholders abandoned, and leading to thousands of New Yorkers losing their small businesses with collateral unemployment. Two years ago we saw the introduction of Intro 963. Obviously, the formation of a medallion-value task force is long overdue, and based on the current financial situation within the medallion industry, the

TSA applauds this hearing. It should also be noted, during that time, the TLC made regulation changes for the benefit of the industry, but it is obviously not enough. The budget predictions on surcharges for the Transportation Improvement Fund (TIF) and the MTA, have not met their goals due to this disruption. And, at this time there are approximately 800 medallions sitting idle in TLC storage, and many other WAVs sitting without drivers. Current vehicle inequality is not sustainable in any way, unless all segments of the NYC transportation industry agree on a plan.

Plan: A surcharge on every app-based fare, earmarked specifically for the TIF will allow the current 50 cent WAV driver incentive to be increased to three dollars per fare. This simple but effective solution will stop the exodus of drivers from the yellow sector and New York City can rely on this WAV force to service all handicapped communities. Additionally, with the use of new driver technologies like the Lacus Drivers app, current yellow drivers can reserve a yellow cab minutes from their home and start working without having to waste time driving to work, or driving into and out of Manhattan during rush hours.

Please count on the TSA for any financial input and suggestions regarding this plan. I also urge you to appoint Robert Familant, the CEO of Progressive Credit Union, (the last major "Taxi Credit Union" in NYC) to fill the vacancy of medallion lender on this task force.

Respectfully submitted;



David Pollack President, TSA

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September 25, 2017

My name is Ethan Gerber, I am an attorney with Abrams Fensterman, and I represent many large taxi fleets and many individual owners. I also own a few medallions myself.

In order to understand the medallion industry, you need to go back in time. During the great depression, any person with a car could be a cabdriver. Even though it was far harder to get a car during the depression than it is today, the streets were flooded with cabs, Drivers were fighting each other for fares. No one was able to earn a living. In 1937, your predecessors the board of Alderman, created the medallion system. They limited the number of medallions. This was done to benefit the drivers and enable them to earn a living wage. As time went on, every once in a while, the city would increase the number of medallions, always conducting a study to determine the economic and environmental impact of putting more cars on the road.

A few years ago this all changed. Technology and the TLC, allowed a hail to be done electronically, rather than by lifting a hand, but the effect is the same. Soon we had streets flooded with 70,000 new vehicles. It's important to note that a for hire vehicle is not the same as a passenger vehicle. When I commute to work, I take my parked car and drive it to my office and park it. A for hire vehicle is on the road constantly. Some estimates say that one for-hire vehicle is the same as 30 private vehicles. The streets are flooded. Don't take my word for it. Go outside and count the vehicles you see with the letter T at the beginning of their plate. These are for-hire vehicles and they are everywhere. Drivers could no longer earn a living. Uber is not an efficient model. In order for there to be a vehicle within a few minutes of every New Yorker, it means that there have to be tens of thousands of empty vehicles not earning a living for their drivers at any given moment. In the yellow industry, the results have been devastating Not just for the drivers but for the owners as well.

It is important to remember, that this industry was created by this body. That this body together with the New York State Legislature authorized the auctions of New York City medallions that the New York City taxi and Limousine Commission promoted the sale of medallions, giving out flyers and material to suggest the great investment potential of medallion taxi cabs. Thousands of the buyers of these cabs, many relatively low income people, many of them immigrants, trusted New York City and invested in New York City by buying these medallions. Over the last three years, these trusting New Yorkers saw their life savings destroyed while the city Council and the TLC did nothing to help them. The city sat there while a gigantic multi-billion dollar California

based conglomerate called these thousands of owners a “monopoly”, while they willingly broke laws all over the world, they labeled Taxi owners a “cartel”. Unfortunately some of this council and some of the media bought into that deluge of corporate advertising and lobbying.

So now that the genie is out of the bottle what can we do?

First off, parity. The New York City medallion industry is the most regulated industry in New York. The TLC tells us the price structure for our fares, and the lease structure for our drivers, they dictate what our contract must look like even what vehicles we are allowed to own. Uber and Lyft, on the other hand are left to their own devices.

The TLC requires half our vehicles to be wheelchair accessible. There is no such requirement for Uber and Lyft.

We are required to have ample parking, so that our cars do not clog every available parking space. There is no such requirement for Uber or Lyft.

We are required to have partitions in our vehicle. Partitions stop the communication between passenger and driver, and interfere with air-conditioning flow. There is no such requirement for Uber or Lyft.

Our passengers are required to pay a \$.50 surcharge for the MTA. There is no such requirement for Uber or Lyft

You sold us an exclusive right. We paid millions for that right. We filled the city coffers with billions from auctions. We employ thousands of New Yorkers – not just drivers, but dispatchers, mechanics and office staff and others needed for our New York City brick and mortar companies. Now you gave these rights away for free.

If we do have to compete with Uber or Lyft let them have the same standards as us. Either tighten their regulations or loosen ours.

Second – limit the number of vehicles – there are too many on the road, set a cap. Not only is this good for the industries and congestion, it is essential for the environment

Another thing that the city can do is to promote the New York City taxi cab. We have wonderful apps. These apps like Curb and Arro make hailing a taxi as easy as hailing an Uber or Lyft. We even have an app “LACUS” that saves drivers time and money by being able to get a cab without going to a garage. The city has done nothing to promote those apps. The tens of thousands of individual owners cannot independently afford to advertise especially now that many of them are forced into bankruptcy, the city can do this.

Members of this counsel – the city made a promise to medallion owners and drivers – spend your money and get this exclusive right – you raised that money and then gave that exclusive right away. Now is the time to earn the trust that these hard working men and women placed in you and backed up with their hard earned money.



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Peter M. Mazer
General Counsel

Testimony of Peter M. Mazer

General Counsel

Metropolitan Taxicab Board of Trade

Medallion Industry Oversight Hearing

September 25, 2017

Good afternoon Council Member Rodriguez and members of the Transportation Committee. My name is Peter Mazer, and I am General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT). We represent the owners and operators of more than 5,500 licensed medallion taxicabs. Thank you for holding this hearing today and giving me the opportunity to discuss the current crisis in the medallion taxicab industry.

Medallion values have plummeted since 2013. Indeed, it is very difficult to accurately determine the value of a medallion now, since there are few transactions and virtually no financing available. But this is not the first time medallion prices have fallen dramatically. Between 1998 and 2001, medallion values fell by about a third,¹ primarily because there was a lack of confidence in the health of the industry. At that time, the City adopted a series of regulations to improve service to consumers and professionalize the industry. These reforms included mandatory drug testing, criminal background checks, and programs to track drivers' who committed multiple driving offenses. Taxicab owners had new insurance requirements and mandatory retirement of taxicab vehicles. Over time, the industry embraced these changes, service improved, and there was renewed confidence in the health of the taxicab industry, which was ultimately reflected in higher medallion values.

¹ Average medallion sales prices fell from \$300,000 in July 1998 to \$199,000 in July 2001.

Medallion values continued to rise until 2013, primarily because of the confidence in the industry by owners and drivers, and because lenders provided financing both to purchasers of medallions as well as those refinancing to further invest in the medallion industry. This level of confidence has eroded over the last four years. More individuals are licensed by the TLC, but fewer of these individuals are driving yellow cabs. Medallions are now routinely placed in storage by owners, or are being foreclosed upon by lenders. This never happened in the past. Ridership is down, and there is pessimism within all segments of the industry.

But there are also many encouraging signs. While crashes involving black cars have skyrocketed, yellow cabs have fewer crashes per mile traveled than just about any other form of transportation.² I submit that the past TLC reforms worked to make taxis safer. Driver earnings within the yellow cab industry are still healthy. Hour-for-hour, taxicab drivers earn more than other for hire vehicle drivers.³ And despite 100,000 for hire vehicles on the road (vs 14,000 yellow cabs), every day more than 300,000 individuals still place their hands in the air, walk to a hack stand, or use an app, to ride yellow. So we have a lot to be proud of.

The City Council and the TLC has worked with this industry to make necessary legal and regulatory changes, and we applaud your efforts to support the taxicab industry. I believe there are a few areas that can still be tackled, and we look forward to working with you on each of them:

- ***Vehicle Choice.*** The medallion industry is burdened with the expensive, unreliable, gas guzzling NV200 as the mandated vehicle, while FHV operators can place into service any vehicle their drivers and passengers want. The City Council mandated a limited hybrid option, but more needs to be done to provide vehicle choice for the medallion industry. Furthermore, it is the medallion industry that provides the bulk of the city's demand responsive accessible transportation--- a responsibility that should be shared with the rest of the industry.
- ***Leasing Reform.*** The TLC regulates every aspect of the lease between owner and driver of a yellow cab, but NO aspect of the arrangement between FHV owners and driver. This stifles flexibility because drivers and owners lack the legal ability to agree to fair, reasonable leasing terms that best suit their needs. We urge that drivers, owners, regulators and lawmakers work together to make leasing more affordable and provide drivers and owners with greater flexibility to meet the needs of the industry and the public.
- ***Promoting Efficient Vehicles and Congestion Mitigation.*** Taxicabs average 25 to 30 trips per day; other for-hire vehicles about four (4). Yet, the number of taxicabs is fixed,

² In the three year period between July 2014 and May 2017, Black Car crashes increased fivefold from 534 to 2,6109 while medallion taxicab crashes declined from 1,168 to 1,065.

³ Taxicab driver books per hour of service has remained constant at \$30-32 per hour according to TLC data.

and burdened with mandates that do little to improve service⁴, while the lightly-regulated for-hire industry continues to increase by record numbers, and the number of licensed for-hire vehicles bears no relationship to the demand for service, especially accessible service. New and creative ways can be developed to promote the use of vehicles that engage in the greatest numbers of trips per vehicle; everything from more dedicated areas for exclusive taxicab pickups, allowing taxicabs to use bus lanes to improve traffic flows, and providing additional service in vehicles that have demonstrated efficiency in transporting large numbers of passengers.

- **Enforcement of Rules.** Fines imposed against those who ignore the law and TLC rules should not be merely a cost of doing business. All segments of the industry must obey all of the laws and regulations that are in effect, or face serious consequences. Everyone must obey traffic and public safety laws. Street hails should not be permitted by vehicles not authorized to do so. Anti-hustling laws should be enforced against unlicensed hustlers⁵. Livery and black car bases should comply with all regulations, from off-street parking and anti-nuisance laws (for livery bases) to Attorney General requirements relating to franchises and cooperatives (black car bases). No one should be exempt from the requirements of the law governing their industries. TPEP monitors every aspect of the taxicab industry; there is no equivalent in the for-hire sector.
- **Accessibility.** The taxicab industry has placed nearing 2,000 accessible vehicles into service without any consideration as to whether there is a demand for this service, whether these vehicles are suitable for use as taxicabs, or whether drivers are willing to operate them. The other regulated segments of the for hire industry (except for Street Hail Liveries) have made little or no commitment to accessibility. The TLC has begun the process of reviewing this issue.
- **Urgency.** Time is of the essence. We need action on these items now to prevent a further crisis in the medallion industry.

Thank you for providing the opportunity to speak today. I will be happy to answer any questions you may have.

⁴ For example, accessibility mandates unrelated to the need for service, limitations on vehicle choice, and limited flexibility in leasing.

⁵ Laws are currently being used to penalize licensed taxicab drivers who violate traffic laws rather than unlicensed operators who are prey on prospective passengers



Taxi Medallion Owner Driver Association

Testimony before the City Council Transportation Committee

Legislation to create a Taxi Medallion owner task force

September, 25, 2017

Dr. Richard Lipsky

Good afternoon Mr. Chairman. I want to take this opportunity on behalf of the Taxi Medallion Owners and Drivers Association-known as TMODA-to thank you for this hearing and your sincere effort on behalf of over 6,000 immigrant medallion owners and the 30,000 New Yorkers that rely on these hard working small business people.

We fully support the Chair's efforts here and my testimony is designed to help point the way to a fairer future for those medallion owners who have invested so much in the city that took them in.

It has been three years since the Uber invasion has upended the existing taxi industry. Yet, in this period of time, this is the first hearing that is seeking to look at the plight of the medallion owners and their financial decimation-all well documented in the media. (<http://nypost.com/2016/07/05/city-lets-uber-and-lyft-cannibalize-the-american-dream/> ; https://www.nytimes.com/2017/09/10/nyregion/new-york-taxi-medallions-uber.html?_r=0)

It's about time, and let's hope it isn't too late. That's because as we speak, thousands of medallion owners are either in foreclosure or facing financial ruin shortly because of the declining value of the medallion.

But let's put one myth to rest: The reason for this decimation doesn't rest with Uber, but with the City of New York and, yes, with the City Council as well. The City Charter is very clear that it is the obligation of city officials to protect the financial stability of the medallion-a task that it has failed miserably at.

It failed because it failed to protect the regulatory system that the city itself had set up to insure that the public health and safety was protected. Its failure derives from the fact that it refused to hold Uber and its imitators to the same regulatory standards that it mandates for taxis.

In 2020, 50 % of taxis will have to be accessible for people with disabilities-a mandate that is financially arduous and one that Uber has been exempted from.

Yet in the past two years and despite the pleas from the disability advocates-the council has not even held a single hearing on this issue.

Why not? Is there a good public policy reason, and if there isn't what are we left to infer from this absence? The only logical explanation is that there is a thumb on the scales of justice-one that benefits Uber over the people with disabilities. A council member tried to sponsor such a bill but was not allowed to do so. Are special interests being privileged over people with disabilities? In the City of New York?

When we tried-after a number of women had been assaulted-to get legislation introduced to place the same technology in Uber cars that have been mandated for taxis, the council sponsor who agreed to draft the bill was shut down and the issue was not allowed to even be discussed in a democratic forum.

Why not? Once again, when there isn't a good policy reason neutral overseers are left to draw their own conclusions.

When the Mayor proposed a cap on the number of Uber cars the Speaker said, and I quote, "Not of primary concern...is the value of city-issued cab medallions...To me the concern of the value of the taxi medallions is not what's at issue here..." <http://observer.com/2015/07/council-speaker-insists-uber-regulation-bill-not-about-taxi-medallions/>

Why not? Don't these immigrants who were induced to invest hundreds of thousands of dollars in a rule-based system deserve the protection that the City Charter mandates?

Last year a multi-university study found that Uber discriminated against minorities and women. The City Council was uninterested in this blatant violation of the rights of so many vulnerable populations.

[\(http://news.stanford.edu/2016/10/31/researchers-stanford-mit-university-washington-find-ride-share-drivers-discriminate-based-race-gender/\)](http://news.stanford.edu/2016/10/31/researchers-stanford-mit-university-washington-find-ride-share-drivers-discriminate-based-race-gender/)

Why not?

Last year Public Citizen published a report that outlined how Uber was disrupting democracy all over the United States-including in NYC. But the indictment-though strong-was missing something important about what happened here. (

<https://www.citizen.org/sites/default/files/uber-disrupting-democracy-corporate-power-report.pdf>)

Public Citizen only examined the actions and reactions of the mayor to Uber's multi-million dollar pressure campaign. What it missed in taking a look at the actual decisions made, was what happened after the mayor, clearly suffering from PTSD, slunk away.

After that, what happened right here at the city council was not actual public decision making, but what the political scientists call "non-decisions." The ways in which bills and edicts are suppressed so they never see the light of day. This suppression process is usually a product of an organization's, "mobilization of bias." (https://www.jstor.org/stable/1952568?seq=1#page_scan_tab_contents)

What has happened at the city council over the past two years is a classic case of the power of bias and non-decision making; a process more powerful and sinister because it operates in secret and through the support of well heeled special interests.

([https://www.unc.edu/~fbaum/teaching/articles/Bachrach and Baratz 1962.pdf](https://www.unc.edu/~fbaum/teaching/articles/Bachrach_and_Bartz_1962.pdf))

If the Council is looking to help preserve the medallion system, the first thing it needs to do is take its political thumb off of the scale. The taxis exist in a regulated industry where they have contracted to perform a service-and paid dearly for the privilege.

The taxi medallion is really no different than a moral obligation bond backed by the full faith and credit of NYC.

I have been advocating successfully on behalf of immigrant businesses for over 35 years-against mega development, Walmart, soda and tobacco taxes, and the anti-

competitive behavior of Budweiser against our own local independent Hispanic beer distributors.

In each and every case we have had elected officials step forward to champion the cause of these Davids against the Goliaths of big business and big government. Yet in the case of Uber-a more than \$60 billion corporation-and its assault on the immigrant medallion owners, the political advocates are MIA.

Why haven't they stepped up? Why is CM Rodriguez the first leader to do so? And why have the Mayor and the Speaker-forthright in their advocacy on behalf of immigrants when the policy emanates from Washington-been so silent on behalf of real life, flesh and blood NYC immigrants whose only fault was that they worked hard, invested their money, and played by the rules?

We have our own ideas, but people should ask them directly.

So we are here today and the direction should be very clear. The day of keeping a double set of books needs to end right now. In order to protect the value of the taxi medallions we need to make sure that all of the rules and regulations are applied to every single competitor.

The era of virtue signaling must end-a practice where our political leaders say one thing but act according to a different standard altogether.

If the rules are applied equally all of the medallion owners-who have known nothing but hard work-will welcome the competition. But if the competition continues to insist on playing by a different set of rules, than New York should simply follow London and tell Uber to hit the road.

New York City Council Transportation Committee Hearing on Taxi
Medallion Values September 25, 2017

Good afternoon. My name is Carolyn Protz. I am an individual medallion owner.

Something that has been lost in the discussion is that you, city government, are our partners. And we, being part of NYC's public transportation system, are your partners. Being a partner does have certain obligations. We follow the rules – you protect the franchise we purchased.

When I watch you at the various hearings you hold, I see that you are trying to do the right thing- to lift people out of poverty, provide opportunities, educate and help people in health care and housing.

But in our case, what's happened, is that an entire cohort of citizens, the individual medallion owner and their families, which amount to 30,000 people, have been plucked out of the middle class and plunked down into the depths of poverty.

You have the power and indeed the duty to remedy this dire situation. I thank you for the first step, creating this task force. In remedying this situation, you will also help the city to maintain the revenue stream which we have provided to the city – billions of dollars over the years. As Senator Everett Dirksen used to say “A billion here, a billion there, pretty soon you're talking real money.” And NYC has lost a lot of money already. In addition to the 2 billion dollars in lost medallion sales you should be collecting \$300,000 a day in MTA fees. You're only collecting \$150,000. You should be collecting \$180,000 in TIF fees.

You're only collecting \$90,000. That represents a loss to the city of \$86 million in one year.

A little history and some more math. Before the multinational multi billion dollar app company invasion there were 38,000 vehicles for hire licensed by the TLC. There are now 110,000. Commissioner Joshi has told us that there will be 35,000 more vehicles for hire and 50,000 more drivers this year. This has occurred and will occur with no environmental study. Perhaps the consequences are so obvious that you really don't even need to do one. According to a DEP study that was done before the increase in vehicles, there were 300 deaths per year and thousands of hospital admissions caused by particulate matter emitted by vehicles. One can imagine what the numbers would look like now.

Keep in mind that demand for rides is relatively static. This is the crux of the problem. There are simply more vehicles out there chasing the same number of passengers, lowering the income for black, yellow, green and livery drivers. It should be noted that the attrition rate among app drivers is 50% in one year. Every year Uber is losing a majority of its workforce.

The yellow cab, in the past, was operated efficiently, in that if a cab was double shifted, as 75% of them were, they did 60 trips per day. Now many times the cab is only single shifted and does about 20 trips per day. Trip revenue was 6 million dollars a day – it is now 4 million dollars a day.

Even worse, the app company cars do 5-6 trips per day. Some of the legacy bases do even fewer trips or no trips at all since you've allowed cross base dispatching. This is not an efficient use of a vehicle.

Let's look at some other consequences. Crashes involving TLC licensed vehicles. And keep in mind total trips are about the same 2014 to 2017.

July 2014	2,612 crashes	
May 2017	4,301 crashes	65% increase

This increase was not due to yellow cabs. Our number is approximately 1,000 crashes a month and is relatively stable. Down about 10% over the same time period.

All the increase in crashes is in the black car segment.

July 2014	534 crashes	
May 2017	2,810 crashes	426% increase

How can we account for these staggering increases? Many new, less experienced drivers using multiple phones and GPS resulting in distracted driving. Yellow cab drivers, in contrast, are not even allowed to have a phone conversation using an earpiece. Researchers found that people who are regularly bombarded with several streams of electronic information cannot pay attention, recall information or switch from one job to another as well as those who complete one task at a time. A study at the University of London found that participants who multitasked experienced IQ score declines that were similar to what they'd expect if they had smoked marijuana or stayed up all night. IQ drops of 15 points for multitasking men lowered their scores to the average of an 8 year old child.

The negative externalities of all these additional vehicles on the streets of our city, in terms of discouraging people from using public transportation, congestion, pollution, crashes and loss of revenue to the City have been devastating.

The Mayor, City Council and DOT have all stated goals of decreasing congestion, pollution and accidents while encouraging the use of public transportation. While at the same time, the TLC is pumping out a seemingly unlimited number of for hire vehicles. To someone outside of government this seems downright insane.

It's time for you to step up to the plate and legislate responsibly.

Carolyn Protz

Member, NYC Taxi Medallion Owner Driver Association

comradesinc@aol.com

917-573-1996

Testimony before the NYC Council Committee on Transportation

Lucius J. Riccio Ph.D. P.E.

September 25, 2017

Thank you, Mr. Chairman, for the opportunity to address this committee. I have attached to this written testimony my recent op ed opinion piece in Crains NY Business. In that article and during my TV appearances on PBS's Metro Focus, Channel 5's Good Day New York and other channels, and during my radio appearance on ~~ABC~~ radio's Taxi Talk, I have made my opinion well known that I believe several significant policy mistakes have been made which have led to our current unsustainable and economically undesirable situation for surface transportation in NYC particularly in Manhattan. I thank you for initiating the new inquiry because we are in a moment of crisis. Let me try to briefly explain my concern.

NYC has limited street space to provide a livable, economically viable environment. How it uses that street space is essential to NY's future growth. Although NYC has America's most extensive public transportation network, a system critical to life in our City, it also has the best regulated yellow taxi system in America, a model for the country and for big cities around the globe. It was created to provide professional surface transportation services.

Before it was created over 80 years ago, surface transportation was a Wild West of vehicles and drivers. We seem to have forgotten that purpose and instead have ushered in a new Wild West era. It was created recognizing that we due to our density and limited street space, not everyone can drive around or be driven around. The yellows were to serve as the appropriate and exclusive alternative to the mass transit system. Together these two systems have enabled NYC to be the great city it truly is.

"Black Car"-For Hire Vehicles- were created in the late 70s to serve a very limited upscale clientele, Wall Street Banks, Law Firms, special events. Two major mistakes were made at that point.

First no limitation was imposed on the number of FHV's that would be allowed to operate. It was assumed that the free market would "regulate" the amount to an inconsequential small number due to their considerably higher charges.

The other mistake was they were not charged an "entry fee" as the yellows had been, denying the City of billions of additional revenue.

Years later, one more crucial mistake was made. When the Blackberry was invented around the year 2000, I told the yellow industry that that device would soon have a picture of a cab which when tapped would send a signal that someone wanted a cab and that one would then be assigned to the person requesting. The yellow industry did nothing with that suggestion. Rather

than “stealing the march”, just like Eastman Kodak regarding digital cameras, they did not prepare for a changing world.

When Uber came along it represented itself to be a new and exciting transportation alternative. The media played it up that way, investors threw money at it (they still do), and politicians sat idly by under the guise of free market capitalism. In reality Uber is just a car and a driver. From a transportation standpoint, nothing is new. But from a customer service standpoint, the app seemed revolutionary. That, along with the investor and government subsidized lower charges, made Uber look like the “next big thing.”

Those mistakes and the media-puffed misguided illusion resulted in the “out of control” situation we now face. The new FHV's, Uber, Lift, Get, Via, are not, to use a chic term, *disrupting* our essential transportation systems which NYC desperately needs, but are to a real extent destroying them by creating congestion for buses, trucks and emergency vehicles. Bruce Schaller's excellent report documents the unsustainability of the unregulated and unlimited policy currently in effect. Congestion is at an all-time high and getting worse. Air quality is getting worse from tens of thousands of additional vehicles we don't need on the road. MTA ridership is being affected threatening the long term viability of that critical asset. You, Mr. Chairman, have the opportunity to start the process to correct that.

In addition the City has lost out on billions of dollars of revenue which could have been used for public infrastructure. The failure to charge a medallion type entry fee and the failure to charge the 50 cent MTA fee has cost the City billions of addition funds the MTA so obviously needs. This committee needs to consider instituting such fees.

I should also mention the City was making real progress with the yellows to provide an alternative for the disabled. These new FHV services have provided little if any help with that community. I find it unconscionable that nothing is being done to recognize the contribution of the yellow industry.

As for the medallion owners, **the City has violated the medallion contract.** Each medallion came with the exclusive right to the unplanned, non-prearranged, spontaneous ride demand. This contract was formally reinforced at least twice. First, when Black Cars were created, regulations and enforcement policies were put in place to keep them from poaching rides from the yellow cabs. Second, the contract was reaffirmed, particularly for the lucrative mid-Manhattan market, with the creation of the Green Cabs.

The City took people's money when medallions were purchased. That money was not a gift to the City. It was a contract, a contract for the exclusive right to those rides. The City has, in my mind, the obligation to uphold that contract or return that money plus damages back to medallion owners. I hope the courts would support such an obvious conclusion, or force the City to adopt a fair policy.

If such a policy was a consideration, given we have an untenable current situation, I propose one potential policy correction for the benefit of our City:

First establish a FHV baseline number. Grant "grandfather" status to all base-affiliated FHVs registered with the TLC as of, say, 2008 or 2010 and exempt from new fees and limitations.

Second, all new (since 2008 or 2010) FHVs operating (e-hail pick up) in the Manhattan zone, must either pay a flat fee of, say \$10,000 per year, or a per-pick up fee of \$5.00 per ride with \$0.50 going to the MTA, the rest to the City. They must register to operate as such and provide all digital and financial data. Fines for non-registered FHVs picking up in Manhattan would be set at a very high level, say \$25,000.

Third the number of FHVs allowed to register for e-hail in Manhattan would be limited to the number of sold yellow medallions. If the City wants more FHVs to operate in Manhattan as e-hail vehicles, it must first sell additional medallions.

I offer these suggestions in attempt to correct the mess we are in now. As the City grows, it will depend more and more on smart transportation policy and infrastructure decisions. I congratulate this committee for recognizing the urgency of these matters.

Respectfully submitted.

Lucius J. Riccio was the Commissioner of the NYC Department of Transportation and member of the MTA Board 1990-93. He currently is a Lecturer in Discipline at Columbia University's School of International and Public Affairs.

OPINION

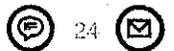
May 24, 2017 12:01 a.m.

OP-ED

Three mistakes that snarled Manhattan traffic and caused the taxi crisis

A former transportation commissioner aims to restore order—and medallion values

By Lucius Riccio



Traffic in New York City has never been good. But it does seem to be getting worse. The reason is clear: There are tens of thousands more for-hire vehicles in Manhattan than there were just a few years ago. Uber, Via, Lyft and other companies are all competing with taxis for this lucrative market. All these extra vehicles add up to one thing—almost constant gridlock. And unless someone takes charge, it's only going to get worse.

Let me try to make some sense of the situation. Some history may be helpful.

New York City has the country's best, most highly regulated taxi system, all based on the city's sale of a fixed set of medallions. Only cabs are allowed to pick up anyone who "hails" service from the curb. In the early 1980s the Taxi and Limousine Commission sanctioned a lightly regulated "for-hire" system intended mostly for an upper-income clientele. Those vehicles, commonly called black cars, could not pick up street hails but instead used a "pre-arrangement" procedure, which in those days meant a phone call. Wall Street employers, law firms and others contracted with them for service.

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At that time, the city made two major mistakes: It didn't charge black-car companies an entry fee and it placed no limits on the number of vehicles they could operate in the city. The medallion system had accomplished both objectives for taxis.

After BlackBerry devices came along in 1999, the city made a third mistake. It did not recognize the technology's potential for disruption. Apps could allow people to get cars with the touch of their mobile devices. No one (other than me) asked whether

that would be considered a hail or a pre-arrangement.

Since then, the city has sold new taxi medallions, raking in billions of dollars. A lot were sold to drivers who thought they were not only buying into the American Dream, but that they had acquired the exclusive right to Manhattan's lucrative spontaneous-trip market. That implied contract was reinforced with the creation in 2013 of green cabs, which are not allowed to pick up hails in most of Manhattan or at airports.

In recent years, the invasion of Manhattan by vehicles summoned by app has threatened the regulated yellow-cab system (not to mention public transit). Medallions worth a million dollars a few years ago are now worth far less. Medallion owners rightfully feel betrayed. The competition is unfair. And the city suffers from congestion.

What should be done? What is fair? Here is what I recommend.

The city should recognize it has an obligation to support and protect its well-designed yellow taxi system. It took their money; it should live up to that "contract."

To do so, it should either give medallion owners their money back or impose a fee on competing services that pick up in Manhattan, by app or any other method—say, \$15,000 annually per vehicle. (That would yield about \$1 billion per year, enough to build a mile of subway tunnel each year! More mass transit is the real answer to congestion.) With an entry fee, the free market would determine if it makes sense for a car service to add vehicles. If congestion still gets worse, the fee would be increased.

Transportation has been the key to our economic growth. The city needs a transportation plan to keep that growth going. Mistakes were made, but it is never too late to make the right decisions.

Lucius Riccio lectures at Columbia University and is a former New York City Department of Transportation commissioner and MTA board member.

OPINIONONLINE OP-ED

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Edward C. Greenberg 4 months ago

Uber would never have taken root if NYC Mass transit was expanded over the decades to fill obvious needs. In the last 10 years 4 miles of track and 5 new stations came on line. 3 miles of track and 4 of those stations took 100 years from planning to opening.

Facing rapid growth and intense congestion the state of Florida planned Tri-Rail a commuter rail line linking Miami, Fort Lauderdale, and West Palm Beach, Florida, is wholly owned by the Florida DOT.



Transportation Alternatives' Testimony to the Committee on Transportation

Julia Kite, Policy and Research Director
September 25th, 2017

Intro 1031-2015: SUPPORT

Thank you, Committee Chair Rodriguez, for convening this hearing. My name is Julia Kite and I am the Policy and Research Director for Transportation Alternatives, New York City's advocates for biking, walking, and public transportation. We support the proposed study of traffic congestion due to truck deliveries during daylight hours in the Manhattan Central Business District and Downtown Brooklyn. While truck deliveries are crucial to our economy, sustaining small and large businesses alike, in a Vision Zero city the current safety risks created by trucks and their associated congestion are unacceptable. Trucks are involved in a disproportionately high number of pedestrian and cyclist deaths and serious injuries, which are preventable. Therefore, we request that this study also make recommendations as to ways in which New York City can facilitate safer truck deliveries.

The Department of Citywide Administrative Services has set an admirable example through the installation of side guards and the introduction of automatic braking systems on city fleet vehicles. We would like to explore the feasibility of requiring similar interventions on the most dangerous trucks on New York City streets - specifically, **private waste haulers**.

- This summer, a driver for such a company killed Neftaly Ramirez in a hit-and-run as he cycled home from work in Greenpoint. The driver allegedly did not realize he had struck anybody. **If it is possible for someone driving a vehicle to run over an adult man and his bicycle without noticing, then these vehicles are too unsafe to allow on New York City streets.**
- Another truck driver was recently prosecuted for the death of Elise Lachowyn, a pedestrian killed near the Javits Center in 2016 when the driver failed to yield the right of way when turning. Because this driver's truck was registered in New Jersey, he was **exempt from the New York State regulation that convex crossover mirrors be installed on his truck**. These mirrors might have helped avoid the fatal collision.
- If one wishes to do business in New York City, one should **ensure private fleets are up to a Vision Zero standard of safety**. We urge the City to explore all options to require safer large trucks.

With regard to congestion, we are pleased that the Department of Finance will be unveiling **reforms to the Stipulated Fine Program** this autumn. The program has long been unfit for purpose, incentivizing commercial parking practices that both clog streets and endanger other road users. While the reforms are a move in the right direction, we maintain that the program erodes traffic law compliance and is inherently inequitable, and should therefore be **discontinued**.

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- In particular, we strongly advise **against maintaining reduced penalties** for those violations which are most dangerous to pedestrians and cyclists. This includes **parking in pedestrian ramps and at bus stops**.
- As we understand it, at present these violations are penalized at a reduced rate for program participants, and this policy would remain in place under the new rules.
- Last year, truck drivers were responsible for at least 23 pedestrian and cyclist deaths, and in the Vision Zero era, no amount of dangerous parking with the City's blessing can be excusable.
- **Reduced fines for these actions still send the message that dangerous parking is not a major hazard, and that safety can still be sacrificed for convenience.** Encouraging that mentality is a slippery slope.

We look forward to continuing to work with the DOT in the future on safer, more human-centered streets in New York City. This study will help pave the way towards practical policy recommendations.

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I represent: Yellow Taxi

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Name: Midori Valdivia

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I represent: TLC

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Name: Commissioner Meera Joshi

Address: 33 Beaver street, 2nd floor, NY, NY 10004

I represent: NYC Taxi and Limousine Commission

Address: 33 Beaver Street
New York, NY 10004

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I represent: TAXI MEDALLION OWNER DRIVER ASSOCIATION

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Name: NICOLAE HENI

Address: _____

I represent: INDIVIDUAL OWNER

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Name: PETER M. MAZER

Address: 39.24 24th STREET - LIC, NY 1101

I represent: METROPOLITAN TAXICAL BOARD OF TRADE

Address: SAME

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Name: Mike Simon - Metalion Owner

Address: MANHATTAN, 527 3rd AVE NY #313

I represent: MYSELF + MY DRIVERS

Address: _____

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Name: DAVID (PLEASE PRINT) POLLACK

Address: 11 Edge Water Lane, Haverstraw NY.

I represent: TAXICAB Service ASSOC. (TSA)

Address: _____

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Name: SERGIO CABRERA (PLEASE PRINT)

Address: 546 W 165TH ST

I represent: TMODA

Address: 546 W 165TH ST. N.Y, N.Y 10032

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Date: 9-25-17

Name: Gloria Goveya (PLEASE PRINT)

Address: 58-27 263rd Ave Neck

I represent: 11362

Address: _____

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Name: OSMAN CHOWDHURY

Address: _____

I represent: UNITED TAXI DRIVERS ASSOCIATION INC

Address: _____

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Name: Lucius Riccio

Address: 315 E 69th St. NY NY 10021

I represent: _____

Address: _____

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in favor in opposition

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(PLEASE PRINT)

Name: ETHAN GAMBILL

Address: 1 MEMOTECH

I represent: TAXI INDUSTRY

Address: _____

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Date: 9/25/17

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Name: Kassandra Perez-Desir

Address: _____

I represent: Committee ^{for} Taxi Safety

Address: _____

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Name: Bernardo Celarino

Address: 5061 96th St 1F

I represent: Taxi Industry

Address: _____

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Name: Gloria Guerra

Address: _____

I represent: Medallion owner's

Address: _____

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Date: 9/25

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Name: Edith Prent

Address: 789 W 116 St NY 10024

I represent: D.A. (Downtown Art Assoc)

Address: _____

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Name: Arthur Goldstein

Address: 635 3rd Ave

I represent: TSA

Address: _____

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(PLEASE PRINT)

Name: UPPKAR THIND

Address: 79-18 265th Street, Glen Oaks, NY

I represent: TMODA

Address: _____

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(PLEASE PRINT)

Name: ALINO HERVIAS

Address: 73 TENNYSON ST

I represent: TMODA

Address: _____

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