

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FOR HIRE VEHICLES

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August 8, 2018
Start: 10:18 a.m.
Recess: 10:42 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E:
RUBEN DIAZ, SR.
Chairperson

COUNCIL MEMBERS:
JOSEPH C. BORELLI
COSTA G. CONSTANTINIDES
STEPHEN LEVIN
BRAD LANDER
FRANCISCO P. MOYA
YDANIS A. RODRIGUEZ
DEBORAH L. ROSE
PAUL A. VALLONE

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

[gavel]

CHAIRPERSON DIAZ: We started working January 1st and because of this committee today we are, are right in the position when the city of New York will make history and because of this committee many members of the city council has come forward with powerful and, and very interesting pieces of legislation. I have to thank New York City Council Speaker Corey Johnson, he created the committee, he trusted me and gave me the support, all the support that I... that was needed. I would like to, to thank Speaker Chief of Staff Jason Goldman, his being very, very open and very helpful; the members of the For-Hire Vehicle Committee. I would like to thank all the people because nothing, nothing gets done by itself, there are people, sometimes the people don't know but there are people who are behind and they are the ones that really deserve all the credits and people that support when all the what we call negative that people like the council... the center staff, staff and Mr. Hektor Theodore and the members of

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2 the 32BJ union, union, the Metropolitan Taxi Cab
3 Board of Trade, and the New York Taxi Workers
4 Alliance, most importantly my council, my friends,
5 my body, Christopher Lee he's been the one putting
6 everything together, Christopher thank you very
7 much...

8 CHRISTOPHER LEE: No, thank you.

9 CHAIRPERSON DIAZ: And I would also like
10 to thank the yellow hats for their supports. Today
11 we will be voting on six important pieces of
12 legislation. I'm proud to have introduced three of
13 these bills. The first bill, the first proposed is
14 Introduction 838-C, which... this bill will create a
15 new licensing requirement for high volume for hire
16 services companies that dispatch 10,000 or more for
17 hire vehicle trips per day. This bill will set
18 licensing conditions to ensure proper oversight of
19 the big app companies that have had such a large
20 impact on the industry, on the city and will allow
21 the city to tailor future laws and regulations in a
22 way it has not been able to be done in the past.
23 The second bill, Introduction, Introduction 634-B

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2 which will waive the license fee for taxis and for
3 hire vehicles that are wheelchair accessible. The
4 current license fee for taxis is 550 dollars and
5 for hire vehicles it is 275 dollars. Waiving this
6 fee will give drivers an additional incentive to
7 use wheelchair accessible vehicles. The third piece
8 of legislation, Introduction 958-A which will
9 remove the increased financial penalties which can
10 be as high as 10,000 dollars for unauthorized
11 street hails by TLC licensed drivers in the hail
12 exclusionary zone. We will also be voting on
13 Proposed bill number four, proposed by Council
14 Member Levin as Introduction 144-B. This bill will
15 require the TLC to study and decide whether to
16 adopt vehicle utilization standards, a regulation
17 on the number of for hire vehicle licenses. During
18 the one-year study, TLC will not issue new for hire
19 vehicles licenses unless the vehicle is wheelchair
20 accessible and TLC will be able to issue new
21 licenses if it determines that services is needed.
22 The fifth bill will be proposed.. well is proposed
23 by Council Member Lander, it's Introduction 890-B,

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2 which would require TLC to set minimum payment for
3 drivers on trips arranged by high volume for hire
4 services. Additionally, TLC will have to study
5 payments to drivers not working for high volume for
6 hire services and study whether to set minimum
7 fares for hire vehicles before deciding whether to
8 establish rules in those areas. I would like to
9 recognize some of the Council Members here; we got
10 Council Member Constantinides, Council Member Rose,
11 Council Member Borelli, Council Member Levin,
12 Council Member Lander. I would like... I would like
13 to invite Council Member Levin if he has to... if he
14 would like to speak on behalf of the... of the bill
15 that he's proposing. Okay, Council Member Levin.

16 COUNCIL MEMBER LEVIN: Well thank you
17 very much Chair Diaz and thank you for speaking on
18 this set of legislation as well as your leadership
19 in bringing this package of bills expeditiously
20 through this committee. And I want to thank you for
21 allowing me to say a few words to the committee
22 this morning. My name is Council Member Stephen
23 Levin and I'm the sponsor of Intro 144, a bill that
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1 provides a thoughtful and measured response to the
2 transportation impacts that our communities have
3 faced over the past several years. An average of
4 2,000 new vehicles are added to the city's streets
5 each month over saturating the market and making it
6 difficult for drivers to earn a decent living in
7 New York City. In fact, that is not sustainable.
8 The taxi industry has had caps on vehicles for over
9 70 years and it's time that we bring some balance
10 to the system where we're seeing our streets
11 flooded with more and more vehicles each month. In
12 the past few years alone, the number of TLC
13 licensed vehicles has almost doubled from 74,000 in
14 2014 to 130,000 today so just since we last
15 considered this piece of legislation in 2015, we've
16 seen an almost doubling during that time. If we
17 continue to let drivers struggle to pay their rent
18 and we turn a blind eye to growing congestion, we
19 are not doing our job as elected officials. Intro
20 144 presses the pause button so that we as a city
21 can examine how best to ensure equitable pay for
22 all drivers, tackle ever worsening congestion and
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2 keep up with the changing landscape so that riders
3 throughout the city have access to transportation
4 options. During the one year restriction on
5 issuances of new for hire vehicle licenses, the
6 Taxi and Limousine Commission will work with the
7 Department of Transportation to study vehicle
8 utilization rates, access to services in different
9 geographic areas of the city, driver income and
10 traffic congestion so that we can enact an adaptive
11 forward thinking control mechanism that balances
12 the need for varied transportation access with our
13 city wide goals of maintaining a living and... living
14 wage and a fair public transit system. This bill
15 also includes an exemption for accessible vehicles.
16 Our city's need to address overall transportation
17 accessibility is long overdue and this bill will
18 incentivize companies to speed up their commitment
19 to make vehicle transportation more accessible to
20 disabled riders across New York City. At any time
21 during the one year pause in the issuances of new
22 FHV licenses a company or an individual can come to
23 the TLC and get... apply for and receive a TLC

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1 license for an accessible vehicle. I want to thank
2 the drivers that have spoken out and are calling
3 for this much needed legislation like Richard Chow
4 who generally shared his story with me and who's
5 brother died recently by suicide after going into
6 debt as taxi driver. We simply can't wait any
7 longer, we need to enact sensible regulation now. I
8 want to thank Speaker Johnson for his critical
9 support for this legislation, I want to thank Chair
10 Ruben Diaz Senior for, for his unwavering support
11 and, and, and leadership on this. I want to thank
12 Council Member Brad Lander who has sponsored really
13 critical legislation that works in harmony with,
14 with Intro 144. I want to acknowledge Jason
15 Goldman, our Chief of Staff here at the Council,
16 Laura Popa who worked many, many late hours with
17 her staff to ensure that this bill is balanced,
18 that it is fair and that it is going to be
19 effective in addressing the concerns that we have
20 seen and so I want to acknowledge her staff; James
21 DiGiovanni, DiGiovanni; Jonathan Masserano; Emily
22 Rooney; Rick Arbelo; Chima Obichere; John Basile;

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2 Malak Nassereddine; Nell Beckman and I'd also like
3 to acknowledge Tiers Enasser [sp?]. I want to
4 acknowledge the Taxi Worker Alliance, Beta Vedisi
5 [sp?] and her entire team who has been so heartfelt
6 on making sure that we are keeping in mind the
7 impact to the drivers across the sectors of for
8 hire vehicles, you know there was a time in New
9 York City when you could as a recent immigrant to
10 New York City drive a cab and be able to make it
11 into the middle class to provide a better future
12 for your family, for your children and what we've
13 seen over the last several years is that foothold
14 in the American dream slip away for thousands of
15 drivers and, and it's important that we as a city
16 acknowledge that we have a responsibility here to
17 act and I want to thank Beta Via and, and the Taxi
18 Worker Alliance for, for reminding us of that... of
19 that responsibility. I'd also like to acknowledge
20 the IDG, the Independent Drivers Guild for their
21 advocacy and I want to acknowledge all of the
22 organizations and people from Lyft and Uber and Via
23 to National Action Network, the NAACP who have
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2 raised concerns about this legislation but have
3 always come with, you know a very thoughtful and
4 important perspective and, and I think has really
5 made this legislation a better piece of legislation
6 making sure that we're keeping in mind that their
7 discrimination among... from taxi drivers to the
8 African American community in New York City is a...
9 is a real issue that has been going on for far too
10 long and we need to make meaningful changes to
11 address that and I think it's important that that
12 be acknowledged. I think that it's important that
13 we all work collectively moving forward to make
14 sure that we are looking at this industry,
15 balancing the needs of consumers, of communities of
16 color, of drivers in a way that is responsible and,
17 and, and respectful and commensurate with the
18 responsibility of this body so with that I want to
19 turn it back to our chair, Chair thank you very
20 much and I encourage my colleagues to vote aye on
21 Intro 144, thank you.

22 CHAIRPERSON DIAZ: Thank you Council
23 Member Levin, it has been... it has been an honor, a
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2 privilege for me to work with you and to be sure
3 that we all do something that the city of New York
4 be proud of. Council Member Lander I also
5 appreciate your support and your... the way you have
6 received me since I came, and I appreciate and I'm
7 very proud of being part of the team. So, Council
8 Member Lander.

9 COUNCIL MEMBER LANDER: Thank you Mr.
10 Chair and I really want to echo that sentiment of
11 partnership and collaboration and looking at the
12 research and listening to New York... New Yorkers
13 across a wide range of perspectives in this really
14 complex field and I want to give real credit to you
15 and your team, to Council Member Levin who's been a
16 real partner in this and to Speaker Johnson as
17 well. Obviously, there's been a lot of noise out
18 there in the media and in the social media and on
19 the apps but I think if you look at what we're
20 doing, if you look at the data behind it, if you
21 look at the process behind it the package of
22 legislation that we are passing today gets the
23 balance right. We are confronting plummeting driver
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2 pay and rising driver poverty, growing congestion,
3 the need for accessible, wheelchair accessible FHV
4 service for thousands of New Yorkers with the need
5 to provide good service to customers and we don't
6 take that for granted. We appreciate the way that
7 app based service has been a game changer for
8 families especially in the outer borough and I know
9 that Steve and I also feel especially sensitive as
10 white men who have never had the indignity of
11 raising our hands and having cab after cab drive by
12 us of New Yorkers of color who have come to rely on
13 app service that, that transport them to their
14 home, to their jobs and of course so many people in
15 the outer boroughs but it's also just no secret
16 that the rapid spectacular growth of Uber and Lyft
17 and Via, 500 percent in the last three years alone
18 has made it impossible for drivers to earn a living
19 and feed their families and the data on that is
20 overwhelming. The report that James Parrott and
21 Michael Reich put forward a couple of months ago
22 makes it plain. The overwhelming majority of Uber
23 and Lyft and app based for hire vehicle drivers are

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2 immigrants, two thirds are driving full time but 85
3 percent don't earn a living wage and let's remember
4 they're categorized as independent contractors so
5 they have to pay all their expenses, they don't get
6 health benefits or sick days, now we've reached a
7 point where 40 percent of them have incomes low
8 enough to qualify for Medicaid that growth, a 500
9 percent growth in cars is what's made that happen,
10 a three dollar decline in hourly pay just from 2016
11 to 2017 and the reason is pretty straightforward
12 and the report makes it clear. Right now, those
13 cars are empty 40 percent of the time, that's bad
14 for congestion that they're driving around empty,
15 but the drivers don't earn anything when their cars
16 are empty and so this growth, it's impact on
17 congestion and it's less understood but just
18 critical driving up of driver poverty is what has
19 compelled us to bring this legislation forward. I'm
20 proud to be the prime sponsor of Intro 890-B which
21 will make New York City the first city in the
22 country to require that Uber and Lyft and other for
23 hire vehicle apps pay their drivers a living wage,

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1 a very creative formula developed by those
2 researchers and supported by the Taxi and Limousine
3 Commission will provide that they earn \$17.22 an
4 hour after expenses so they can feed their
5 families, that's still not a lot of money in this
6 very unaffordable city but it's about 6,000 dollars
7 on average more than they are making today in a
8 year and that will go a long way to making it
9 possible for people to feed their families in this
10 city to live here in a basic way. It'll also have a
11 very positive impact on service and congestion
12 because it provides Uber and Lyft an incentive to
13 get that 40 percent down and if we can have cars
14 deployed in places with incentives from the
15 companies where we need the service then we can
16 achieve the goal not just of the service we have
17 today but of improved service for all New Yorkers
18 especially outside the central business district
19 and in the outer boroughs in a way that also
20 functions to limit congestion and boost driver pay.
21 It's a smart solution, it really is going to carry
22 us forward and then I'll just finally close by
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2 underlining the point Council Member Levin made
3 about accessible vehicles which I just don't think
4 has gotten enough attention here even from me. The,
5 the companies, the app companies all just made a
6 consent decree in court to get to 25 percent
7 vehicles that are wheelchair accessible over the
8 next few years and I've been saying until recently
9 today they're in the single digits, but the truth
10 is today they're not even in the single digits, its
11 point five percent of app based FHV's, which are
12 wheelchair accessible today. So, if those companies
13 want to get more vehicles on the road in the year
14 to come while the pause is in place we will be
15 thrilled if they add wheelchair accessible vehicles
16 out there that make sure all New Yorkers have the
17 high quality service they need on streets that are
18 less congested and with drivers that are not in
19 poverty but can earn a living wage. Mr. Chair thank
20 you very much and I'm proud to be a supporter of
21 this whole package.

22 CHAIRPERSON DIAZ: Thank you Council
23 Member Lander and all the members of the committee
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COMMITTEE ON FOR HIRE VEHICLES

here except Council Member Vallone so now ladies and gentlemen I now am ready to call on the vote, I will call... will now call for a vote on proposed Introduction, Introduction 144-B, 634-B, 838-C, 890-B and 958-A. I recommend my colleagues a, a yes vote on all of them and now I ask the Committee Clerk to call the roll.

COMMITTEE CLERK MARTIN: William Martin Committee Clerk, roll call vote, Committee on For Hire Vehicles, Chair Diaz?

CHAIRPERSON DIAZ: Yes, on all.

COMMITTEE CLERK MARTIN: Constantinides?

COUNCIL MEMBER CONSTANTINIDES: Aye on all.

COMMITTEE CLERK MARTIN: Rodriguez?

COUNCIL MEMBER RODRIGUEZ: Before I vote I would like to say that in the last four years we've been working so hard in this council to level the playing field for the taxi industry of the great city of New York. We feel that in the city the last year welcomed 65 million tourists with an 8.5 million population provided opportunity for

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2 everyone to do good, we feel that the 75 app
3 companies have a market, but they should not expect
4 that they will be allowed to grow in the city by
5 destroying the traditional other player from the
6 yellow taxi, livery taxi and the traditional black
7 car. In the last four years we make a lot of
8 changes, we established a universal license...
9 universal license, we were able to... for the
10 hardworking men and women especially those 6,000
11 independent medallion owners who suffer a lot, who
12 many of them being... some of them been committed
13 suicide, some of them that doesn't have enough to
14 pay their mortgage or their house or sending their
15 kids to college. Today we are making history by
16 voting on this package of legislation that will
17 continue leveling the playing field to all sectors
18 of the great city of New York. With that I vote
19 aye.

20 COMMITTEE CLERK MARTIN: Rose?

21 COUNCIL MEMBER ROSE: Aye on all.

22 COMMITTEE CLERK MARTIN: Moya?
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2 COUNCIL MEMBER MOYA: Permission to
3 explain my vote Mr. Chairman? While I'm voting for
4 Intro 144-B I do have concerns with the potential
5 impacts it could have both in the service in
6 traditionally underserved communities in the outer
7 boroughs and on other smaller companies in the for-
8 hire vehicle sector including numerous liveries and
9 car services in the district that I represent.
10 Again, as a member for the for-hire committee I
11 will continue to work to ensure that the TLC is
12 responsive to our community's needs and that the
13 FAH sector works for everybody. We are not
14 intending to take away services that, that is why
15 we have given the TLC the power to ignore the cap
16 if we see that it is actually affecting the outer
17 borough communities that we are intending to help.
18 So, with that Mr. Chairman, thank you, I will be
19 voting aye on all.

20 COMMITTEE CLERK MARTIN: Borelli?

21 COUNCIL MEMBER BORELLI: Aye on all
22 except 144 and 890.

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COMMITTEE ON FOR HIRE VEHICLES

COMMITTEE CLERK MARTIN: By a vote of six in the affirmative, zero in the negative and no abstentions all items are adopted by the committee with the exceptions of Introductions 144-B and 890-B are adopted by a vote of five in the affirmative, one in the negative and no abstentions.

CHAIRPERSON DIAZ: Ladies and gentlemen this meeting is closed.

[gavel]

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 August 10, 2018