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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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NOVEMBER 19, 2018
Start: 10:05 A.M.
Recess: 11:43 A.M.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: RUBEN DIAZ, CHAIR

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

2
3 A P P E A R A N C E S (CONTINUED)

4 MEERA JOSHI, Chair and Chief Executive
5 Officer Taxi and Limousine Commission

6 RYAN WANTTAGA, Deputy General Counsel

7 CAROLYN PRATZ, Medallion Owner

8 RICHARD LIPSKY (SP?)

9 ALFRED ASTRALIE

10
11 SPIRO MASADOV (SP?), Licensed TLC
12 Driver, Founder of Athena Technology

13 PETER A. MASSER, General Counsel to the
14 Metropolitan Taxicab Board of Trade

15 SELEDINO BERNARDO, Medallion owner for
16 nearly 30 years

17 JOEL EL NANDEZ (SP?)

18 CHARLES COMANO (SP?), Economist,
19 Mathematician, Student of Traffic,
20 Transit and Transportation

21 RAUL RIVERA, NYC TLC driver

22 FAMVIR HAMID

23 NICOLI HANT, Yellow Medallion driver and
24 owner
25

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

3 STAN VERAMID (SP?), Taxi Driver and
4 Medallion Owner of NYC

5 JOSE HERNANDEZ, representing United
6 Spine Association

7 MARIO PENNA, TLC Licensed Driver

8 BRIDGET FELIX, Sharing Jose Rodriguez
9 comments

10 BASILLIO BELTRAY (SP?), speaking on
11 behalf of Taxi Drivers

12 JACOB PELLICANO (SP?)

13 AUGUSTINE CANN (SP?)

14 JOSE RODRIGUEZ, Taxi Defense Group

15 SOLOMON NEWSCHATZ, Taxi owner driver

16 LAU SINK (SP?), owner yellow cab driver

17 ALEXI METADOWSKI, Technologist

18 MOHAMMED TIPU SALTAN, Taxi Worker
19 Alliance, driver, Physics background,
20 highly mathematical

21

22

23

24

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2 SARGEANT AT ARMS: Microphone
3 check. Today's date November 19th, 2018. Committee
4 on For-Hire Vehicles being recorded by John Biando
5 (SP?).

6 CHAIR RUBEN DIAZ: Good morning ladies
7 and gentlemen. I am Council Member Ruben Diaz, Chair
8 Member of the For-Hire Vehicle Committee. We are
9 here today to exerci... exercise the oversight power of
10 this Council to solicit public testimony in this
11 public forum regarding the Published Rules of the
12 Taxi and Limousine Commissioner regarding the
13 enacting of the New York State Law signed into Law in
14 June by the governor which would impose a fee on all
15 For-Hire Vehicle which enter the Manhattan Center
16 Business District where we cut the congestion some
17 during rush hour. The fee is \$1.50 per yellow and
18 green and \$2.75 for other. The State Law mandates
19 that TLC charge this fee to all For-Hire vehicles,
20 collect and transmit this fee to Albany for the use
21 by the MTA. We have reviewed the proposed regulation
22 in which the Taxi and Limousine Commissioner will
23 have a public hearing later this month. Having
24 reviewed this, it my belief this proposal, let's see
25 what happened. We asked the witnesses to avoid

2 generalities this morning and we ask all witnesses to
3 focus upon these three things, four things, five
4 things, how would the For-Hire Vehicle driver charge
5 the passenger? How do we prevent over-charging and
6 fraud? How would the For-Hire Vehicle driver collect
7 this money? What type of record would they be
8 required to maintain? How would this money be
9 transmitted to Albany and the MTA? So ladies and
10 gentlemen we are going to, we are joined today by
11 Council Member Borelli, and now we are going to open
12 the hearing for testimony and we will have the Taxi
13 and Limousine Commissioner, then I will ask the
14 lawyer to take the oath.

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

20 MEERA JOSHI: I do.

21 COUNSEL: Thank you.

22 CHAIR RUBEN DIAZ: Good morning
23 Commissioner, it is a honor and pleasure to have you
24 today and the floor is yours.

2 MEERA JOSHI: Good morning Chair Diaz. I
3 am joined today by, with Ryan Wanttaja our Deputy
4 General Counsel. I am here today to provide an
5 overview of the TLCs role in implementation of the
6 New York State Congestion Surcharge that will be
7 required by the State Law Article 29C beginning on
8 January 1st, 2019. In October 2017, Governor Andrew
9 Cuomo created the Fix NYC Advisory Panel to address
10 congestion in New York City and to evaluate potential
11 new revenue sources for the MTA. The Fix NYC Panel's
12 recommendations included collection of a congestion
13 surcharge on Taxi and FHA trips in parts of
14 Manhattan. In April 2018, as part of the New York
15 State Fiscal Year 2019 Budget the Legislature amended
16 the State Tax Law to create a new Congestion Zone in
17 Manhattan below 96th Street and to impose a
18 Congestion Surcharge on all trips in For-Hire
19 Vehicles including Taxi, Black Car, Liveries and
20 Limousines that begin, pass through or end in the
21 Congestion Zone. Beginning January 1st, 2019 the
22 State Tax will assess a Congestion Surcharge of \$2.50
23 in yellow taxis or \$2.75 for a trip in For-Hire
24 Vehicles. That is black cars including at base
25 companies, liveries and greens. For shared rides the

2 Surcharge will be reduced to \$0.75 per party. If the
3 passenger requests a shared ride the trip will be
4 assessed the Shared Ride Surcharge even if no other
5 passenger joins. The Surcharge does not apply if the
6 trip does not start and end in New York State or if
7 the trip is provided on or by or on behalf of the
8 MTA. For example, MTA Access-A-Ride trips will be
9 excluded from the Congestion Surcharge. Under the
10 State Law, the obligation to collect a Surcharge
11 falls on Medallion Owners and FHV Bases. They are
12 solely responsible for sending the funds collected to
13 the State Department of Tax and Finance. The State
14 Law further requires that the Bases and Medallion
15 Owners register as Tax Payers subject to the
16 Congestion Surcharge and file every month a list of
17 all trips on which a Surcharge accrued as well as
18 sending the amounts due for that month. On Friday,
19 the State Tax issued Congestion Surcharge Guidance.
20 We have copies with us if you would like to see them.
21 For Bases and Medallion Owners in a memorandum which
22 is also available on their website and we learned
23 this morning that the State has issued Emergency
24 Regulations providing further guidance on
25 implementation of the surcharge and we are happy to

2 share that information with you as well. The Law
3 requires that the TLC cooperate with the State Tax in
4 administering the Congestion Surcharge. Accordingly
5 the TLC has consulted with State Tax on how to
6 reflect the Congestion Surcharge in TLC Regulations.
7 As a result of these conversations, the TLC on
8 October 26th published proposed rules and noticed a
9 hearing for November 28th. Notably the Public
10 Proposals include for Taxis they require at the Taxi
11 Meter and In-Taxi Technology Systems automatically
12 charge the appropriate Congestion Surcharge when a
13 trip touches the Congestion Zone and report on the
14 details of each trip that triggers a Congestion
15 Surcharge. And for all FHV Bases they are required
16 to charge and collect the applicable Congestion
17 Surcharge and to report to the TLC whether the trip
18 was in the Congestion Surcharge Zone at any point of
19 the trip and therefore are liable for the Surcharge.
20 Additionally for the high-volume For-Hire Bases, a
21 category created by Intro 838C proposed rules also
22 published on October 26, require them to use in-
23 vehicle technology, GPS Technology and report to the
24 TLC on each trip that triggers the Congestion
25 Surcharge. These reports for the high-volume For-

2 Hire Service providers will include Trip Route
3 Information including when and where a vehicle
4 entered the Congestion Zone during a trip. These
5 rules will therefore require data points that the
6 State has said are necessary to audit returns and
7 payments by Owners and Bases. To repeat, the Public
8 Hearing on these proposed rules will take place at
9 10:00 a.m. on November 28th, 2018 in the TLC Hearing
10 Room at 33 Beaver Street, 19th Floor. We invite and
11 encourage you and your fellow Council Members and
12 members of the public to attend the hearing and
13 provide comments on the proposed rule as we move
14 forward on the Rule Making Process required by the
15 City Charter, uhm and just two other notes, uhm one I
16 am very pleased to the Translation Services that are
17 offered this morning and encourage everybody who is
18 in the audience who would like to take advantage of
19 them to use them and to that after my testimony today
20 I do have to return to the office but I want you to
21 be assured that for every hearing that is conducted
22 in these chambers by your Committee, I do watch the
23 live stream video when possible and when I'm not able
24 to I watch in the evening the rest of the, of the
25 hearing so I am aware of all of the testimony that

2 happens after I leave uhm and what people testify
3 about and what your questions are. Thank you.

4 CHAIR RUBEN DIAZ: Thank you
5 Commissioner. The Governor appointed a Special Task
6 Force to study and report this matter. They did so
7 and going to send the proposal to the Legislature.
8 Isn't it true that any city agency most use a 60-day
9 period in order to implement the Administrative
10 Procedure Act?

11 MEERA JOSHI: Uhm if you are referring to
12 a Specific Provision uhm it would be helpful if you
13 gave me the citation and I would be happy to verify
14 whether that 60 days applies in this situation.

15 CHAIR RUBEN DIAZ: I'm talking about this
16 issue that, that we are dealing today.

17 MEERA JOSHI: I know but can you give me
18 the cite for the 60 days you are referring to. It
19 would be helpful for me in answering the question.
20 What section of the law?

21 CHAIR RUBEN DIAZ: Send the day at the
22 Law was signed, there is 60 days, any Agency.

23 MEERA JOSHI: And again it would be
24 helpful for me to understand what section of the Law
25 that you are referring to since the day the Law was

2 signed we've been in constant contact with the State
3 Department of Tax and Finance as well as the
4 Governor's Office uhm on the time table for when we
5 would do implementing rules but the primary guidance
6 comes from the State as it is a State Law and the
7 State is the one that will be collecting the Tax from
8 the individual Bases as well as from the Medallion
9 Owners.

10 CHAIR RUBEN DIAZ: I am referring myself
11 to the City Administrative Procedure Act.

12 MEERA JOSHI: CAPA and CAPA relates to
13 our Rule Making Process which we are in the midst of.
14 It's Open Comment Period right now where we welcome
15 your comments on the proposed rules that we have uhm
16 put on our website and in the City Record on October
17 26th. And the relevant timeframes under CAPA are
18 there must be 30-days of publication before we have a
19 vote.

20 CHAIR RUBEN DIAZ: Based on that, based
21 on the, the City Administrative Procedure Act, it
22 gives agencies 60-days to implement the procedure,
23 why did your Agency, why did your Agency wait until
24 the last possible minute to issue this regulation?

2 MEERA JOSHI: Uhm it is guidance on how
3 this is collected is actually coming out right now as
4 we speak from the State. We published rules on
5 October 26th and there was not much time actually
6 between the passage of the Law and the
7 implementation, so those rules are op.. subject to
8 public comment and we welcome your thoughts on how
9 they could be improved and we will have a vote on
10 them after our hearing on November 28th.

11 CHAIR RUBEN DIAZ: Alright, how will
12 Taxi, Medallion Owners and For-Hire Driver Base
13 transmit the Congestion Surcharge to the State?

14 MEERA JOSHI: So that is in both the
15 State Law and the guidance that they have recently
16 promulgated. Essentially there is a website called
17 the Congestion Surcharge Web File. Every liable
18 taxpayer will have to first register as a taxpayer
19 pay a fee of \$1.50 and then every month they will
20 have to send returns electronically to the Congestion
21 Surcharge Web File itemizing how many trips that were
22 taken that triggered the Congestion Surcharge and
23 with sending in those returns they must also send in
24 the amount due based on those trips.

2 CHAIR RUBEN DIAZ: Alright. DIC Proposal
3 includes a \$50 fine for drivers who do not collect
4 this surcharge. How would the PAC implement that?

5 MEERA JOSHI: Uhm give me one moment, I
6 want to consult with my Deputy General Counsel on the
7 provision that you are referring to. Are you
8 referring to section 29 of our Proposed Rules?

9 CHAIR RUBEN DIAZ: Yeah, I'm reading your
10 Proposal 80-19 and 80-19b.

11 MEERA JOSHI: Right so that's section 29
12 and section 30 and those are actually two changes to
13 our Proposed Rules that are entirely unrelated to the
14 congestion surcharge, uhm in section 29 we got rid of
15 the Authorized Group Ride Taxi Line and changed it to
16 a more general description offering more flexibility,
17 public transportation facility and did the same in 30
18 so these are two what I would describe as sort of
19 cleanup provisions that are in this proposed rule
20 package but actually don't implicate the Congestion
21 Surcharge and the \$50 fine attached to both section
22 29 and section 30 have no applicability to the
23 Congestion Surcharge which is required in the section
24 above it, section 28.

25 CHAIR RUBEN DIAZ: Thank you.

2 MEERA JOSHI: You are welcome.

3 CHAIR RUBEN DIAZ: How do we prevent
4 over-charging and fraud?

5 MEERA JOSHI: Excuse me?

6 CHAIR RUBEN DIAZ: How do we, how will we
7 prevent over-charging when collecting the fee. How
8 over-charging and fraud be prevented?

9 MEERA JOSHI: Uhm that's a good question.
10 So, what we do generally is we do audits, we review
11 records and we get consumer complaints and a perfect
12 example of that is I don't know if you recall Rate 4.
13 There was a time when Taxi drivers, uhm some Taxi
14 drivers were over-charging passengers by pressing
15 Rate 4 on the meter and they were getting an out of
16 town rate rather than the normal rate for an out of
17 town trip. Uhm and that came to light through
18 consumer complaints and then review of the records.
19 Uhm and we continue to do that in all sectors to
20 ensure that we are able to catch when there is over-
21 charges. And when there are over-charges those
22 drivers are prosecuted and they have to pay a penalty
23 and sometimes lose their license.

24

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2 CHAIR RUBEN DIAZ: Okay will you will you
3 tell me again how will the For-Hire Driver collect
4 this money.

5 MEERA JOSHI: The rules that we have
6 proposed and the State Law require that every For-
7 Hire trip the amount that is added, there must be an
8 amount added to the trip that must be passed on to
9 the passenger. And the relationship between the
10 driver and the base requires that the base collect
11 that Surcharge from each trip that they dispatched to
12 a driver whether that is a credit card or a cash
13 trip. The base has to hang on to that money, \$2.75
14 per trip and then at the end of the month send all of
15 the Surcharges that it has collected to the State
16 electronically via their Congestion Surcharge Web
17 File website.

18 CHAIR RUBEN DIAZ: Thank you. Will the
19 drive hav... will the driver be required to maintain a
20 record?

21 MEERA JOSHI: It is the responsibility of
22 the base to retain the record, not the responsibility
23 of the drier. The base is the taxpayer in this
24 instance, not the driver.

2 CHAIR RUBEN DIAZ: Okay how are you, how
3 are you, how are you are proposing that this money be
4 transmitted to Albany.

5 MEERA JOSHI: It's a State Tax and so
6 that is a relationship between the taxpayer and the
7 State because the City doesn't collect State Taxes so
8 we don't hve a role in collection at all, we don't
9 have the authority to collect a State Tax so the
10 State has asked all taxpayers, one to register and
11 they give a website where every taxpayer must
12 register, that's every Medallion Owner, every SHL
13 permit holder, every FHV base and then once
14 registered they have to file monthly returns
15 electronically and they have to send the money
16 electronically as well via their Congestion Surcharge
17 Web File website.

18 CHAIR RUBEN DIAZ: So, Commissioner would
19 you say that TLC is ready to go on this?

20 MEERA JOSHI: The TLC I'm, I'm not sure.
21 If you are talking about collecting money the TLC has
22 no role in collecting money. We don't collect State
23 Taxes. The MTA Tax that is on every Tax Trip now we
24 do not collect that Tax. Medallion Owners must send
25 that directly to the State and they do.

2 CHAIR RUBEN DIAZ: Okay. I'm going to
3 let it go. Do you, Commissioner I have no more
4 questions for you.

5 MEERA JOSHI: Thank you.

6 CHAIR RUBEN DIAZ: Alright thank you very
7 much for being, for being here today.

8 MEERA JOSHI: And I welcome your input on
9 our hearing on November 28th.

10 CHAIR RUBEN DIAZ: I have one more
11 question, one last question. I wrote to you and your
12 office on October 22nd, I have a copy of the letter
13 here. Regarding my assessment of your regulation
14 which were published October 4th but I never received
15 a response any reason why?

16 MEERA JOSHI: Yeah so unfortunately and
17 I, I managed to get a copy of this letter because it
18 was never sent to my office. It was also, there is
19 no record of it being sent to the Mayor's Office.
20 Members of the Industry got copies of a letter that
21 was addressed to me but I myself never got a copy.
22 It was never sent to my office. So I was only able
23 to review it because uhm Central Staff at the Council
24 was able to share a copy with us after we asked about
25 it. So we received a copy of the letter, not from

2 your office, but from other sources only after we
3 became aware that such a letter existed because
4 members in the Medallion Industry had copies of it
5 but the City Agency that it was addressed to did not.

6 CHAIR RUBEN DIAZ: I, I, have been
7 informed that too it was sent to your office by email
8 and my lawyer is telling me that he sent it to your
9 lawyer, Chris, to Chris who?

10 RYAN WATTAJA: Chris Wilson.

11 MEERA JOSHI: Chris Wilson has received
12 correspondence from your lawyer, Chris Len. It was
13 regarding a request that we have an RFP for a
14 particular company that he was advocating we use to
15 require in-vehicle technology in the For-Hire sector.
16 Uh that does relate to the same topic as this letter
17 but it is not the exact same letter.

18 CHAIR RUBEN DIAZ: Alright.

19 MEERA JOSHI: Thank you though.

20 CHAIR RUBEN DIAZ: If you didn't get it,
21 I then I apologize but I saw that your office was
22 sent a...

23 MEERA JOSHI: I appreciate the apology
24 and I think we have addressed today the issues that
25 were raised on whether there has been publication of

2 rules on high volume and publication of rules on
3 congestion. Both of those has been published and
4 sine we are in the comment period we really look
5 forward to your input.

6 CHAIR RUBEN DIAZ: I will make sure
7 Commissioner that any other correspondence from my
8 office to you will, you will be uhm, you will be
9 getting it.

10 MEERA JOSHI: I appreciate it because I
11 like to hear from you directly rather than from the,
12 from others about what you are telling me.

13 CHAIR RUBEN DIAZ: Thank you.

14 MEERA JOSHI: Thank you.

15 CHAIR RUBEN DIAZ: Have a good day.

16 MEERA JOSHI: You too.

17 CHAIR RUBEN DIAZ: (long pause). Okay we
18 have been joined by Council Member Vallone. Good
19 morning Council Member. Okay now we are going to
20 all, we are going to call Carolyn Pratz (SP?)
21 Medallion owner, Richard Lipsky, Alfred Astralie
22 (SP?), Spiro Masadov, Peter A. Masser, Seledino
23 Bernardo (SP?). Okay uhm Mr. Lipsky.

24 RICHARD LIPSKY: Thank you Mr. Chairman.
25 Uhm in response to your questions on the Chair about

2 the reporting period uhm the I believe the Bill was
3 passed in at the end of March and I think it is
4 appropriate to question why uhm 30 days before
5 implementation date we are now in a review period.
6 It is a very short of period of time to address some
7 very serious issues. So, I Think that uhm the
8 commissioners should have been more expedition in
9 getting their act together and getting these proposed
10 rules in a more timely fashion but so be it. We are
11 here, uhm I think that one major point that should be
12 made here is that the proposed rules of the TLC are
13 basically two separate reporting procedures. One for
14 Taxi Medallion Owners and the other for FHV's. The
15 Taxi Medallion Owners will be going through the
16 typical barium enema through a technology system
17 called TPEP which will then accurately in real time,
18 look at the data, where they are, what they are doing
19 and so forth and so on, a very comprehensive system.
20 In the proposed rules for FHV's we have a self-
21 reporting system that is open to the potential for
22 abuse. Now if we were dealing with the Boy Scouts of
23 America we might not be concerned but we are dealing
24 with companies such as uber who have a long record of
25 fra... defrauding their own drivers, uhm fooling with

2 and failing to provide accurate information to
3 municipalities such as Portland and Seattle through a
4 great balling technique and in Federal Court they
5 were demonstrated, they demonstrated that they had
6 defrauded drivers and they called it a glitch. If we
7 are going to have an oversight for the collection of
8 this Congestion Fee the oversight must be the same
9 technology system for Taxis as if for FHVs, otherwise
10 we are dealing with an unequal system of justice.

11 CHAIR RUBEN DIAZ: I'm going to ask you a
12 question Mr. Lipsky. How would you grade TLC work in
13 enforcing these rules?

14 RICHARD LIPSKY: Well I would give it an
15 incomplete now, but if we are going to look at the
16 history.

17 CHAIR RUBEN DIAZ: What do you think?

18 RICHARD LIPSKY: Of the history of the,
19 of the TLC if we look at the way in which they
20 enforce rules for FHVs versus Taxis they have one
21 system for Taxis which is very extensive and
22 ownerist. They have another system for uber which is
23 less so.

24 CHAIR RUBEN DIAZ: How you would, how
25 would you?

2 RICHARD LIPSKY: I would, as a former
3 professor, I would, I would fail them.

4 CHAIR RUBEN DIAZ: Okay thank you.

5 CAROLYN PRATZ: Good morning Chairman
6 Diaz. My name is Carolyn Pratz. I am a Medallion
7 Owner and as a Medallion Owner I am one again
8 mystified as to why my own Government, in this case,
9 New York State would seek to make what is already a
10 horrific situation even worse. After eight suicides
11 it is hard to believe that they would even consider a
12 new burden on the industry which will of course be
13 much greater on the yellow segment because almost all
14 of our trips are in Manhattan and it is mostly not
15 group rides so we will be charged the full amount of
16 \$2.75 on every trip. That would represent a 17% fare
17 increase and that would basically preclude any chance
18 of giving the driver's a raise at any point in the
19 future. The problem of congestion is not caused by
20 passenger cars or yellow cabs. There are 2,000 less
21 yellow cabs on the road, we are doing 50% less trips
22 than we were doing in 2011. The reason we have
23 congestion is not for the lack of congestion pricing.
24 The reason we have congestion is that there are too
25 many cars on the road, and I would just like to point

2 out that there are 6,000 more cars on the road today
3 than there were in the middle of July. So much for
4 the CAP that everybody worked so hard to pass. There
5 is no CAP. And I would also like to remind you that
6 yellow taxis are mandated to be on the road unlike
7 black cars which is an elective activity. Uhm there
8 are a couple of other aspects to congestion that is
9 not being discussed, about 20% of all crashes of all
10 types of vehicles in New York City involved TLC
11 Licensed Vehicles. So it is the TLC licensed
12 vehicles who are causing the crashes. Indeed monthly
13 crashes among black cars have gone up 644% comparing
14 2014 to 2018. Most crashes in the City are
15 associated with driver inattention. And let's fact
16 it there is no way an app driver can function without
17 frequently consulting a phone or a tablet. And as
18 far as app companies self-reporting so that we can
19 uhm collect the Congestion Surcharge, in light of
20 their past performance where they often block the
21 disclosing information and then also during the
22 Federal Law Suit TWA versus Uber Law Suit which
23 required Uber to produce pay records, it should be
24 noted that the records they produced in Federal Court
25 did not match the records produced by the drivers.

2 Obviously there needs to be a disinterested third
3 party collecting and forwarding all of the data to
4 the TLC so it's not on an audit basis or a complaint
5 basis but all the data to the TLC in real time. It
6 is crucial to a number of measures the TLC is working
7 on such as driver income rules, utilization rates and
8 environmental studies. Anything less, simply will
9 not do. Thank you.

10 CHAIR RUBEN DIAZ: Thank you. Let me ask
11 you the same question that I asked Mr. Lipsky how do
12 you rate the work done by TLC?

13 CAROLYN PRATZ: For this particular Bill
14 I agree incomplete and in general an F. If there was
15 something worse than an F it would be beyond that.

16 CHAIR RUBEN DIAZ: Thank you.

17 CAROLYN PRATZ: Good morning Chairman
18 Diaz. My name is Spiro Masadov. I am a licensed TLC
19 driver and I am a founder of Athena Technology.
20 Athena is a newly licensed TLC licensee with a
21 software-based technology system designed to improve
22 the service level of taxi cabs. Our software uhm
23 basically bridges the gap between the kind of
24 disruption that we've seen from companies like Uber
25 and Lyft with a strong economic and regulatory

1 approach to our transit system on the streets. We
2 currently have over 2,500 vehicles under contract,
3 over 200 on the road in only the first few months and
4 our company, our technology is a direct response to
5 control by technology providers that have led to
6 nearly half a decade in terms of a response to the
7 disruption by Uber and Lyft and traditional industry
8 like taxi and traditional for-hire. Our technology
9 also allows us to tackle big problems like congestion
10 in New York City and driver income degradation
11 through data tools that allow us to better understand
12 and better regulate and enforce in a modern
13 environment. A clear benefit, the City can derive
14 from our technology is accurate monitoring and
15 determination of all trips that qualify for the
16 Congestion Surcharge that we are discussing today.
17 Our technology can both provide all of the data
18 providing essentially an audit on an ongoing basis
19 and in an automated fashion. This allows us to know
20 that every single trip that qualified for the
21 Congestion Surcharge including those that transverse
22 the Taxi Zone begin in the Taxi Zone or end in the
23 Taxi Zone are all independently and accurately
24 determined to be so. This would allow TLC to not
25

2 have to feed off of complaints and individual
3 instances but would allow us through data and through
4 transparency to determine exactly how much is owed so
5 that when those individuals go to those websites and
6 submit the amount that they owe to the State in terms
7 of this tax we would be able to know in real time
8 whether or not this was the accurate amount. Our
9 technology is different from the current analog
10 systems in three critical ways which really help us
11 execute on this and do so on an expedited timeline
12 that we are facing today. 1) It is an entirely
13 cloud based technology which allows us to package
14 exactly what is needed for both the City and State in
15 a pure software fashion. 2) Our installation
16 process involves minimal to zero hardware. This is
17 largely due to our system using the software and
18 tools like GPS in order to implement the actual
19 operational functions without any kind of invasive
20 install. This allows us even with our current
21 technology systems for Taxis to complete an install
22 in under 30 minutes and perhaps even find that this
23 kind of a product doesn't even have a physical
24 installation in the way that it applies to the
25 Congestion Surcharge. 3) All of these software

2 elements allow us to adapt the system as we move so
3 that in further conversations like this in
4 determining how we can adjust policy and put out
5 changes that help us tackle problems like congestion
6 we can have both the data and information to make the
7 right choices when we regulate and when we create
8 policy but not only that we can enforce and update in
9 real time so that we can apply this through
10 directives like TLC does with us as a licensee so
11 that it is a quick ongoing process. This essentially
12 allows our governance to meet and match the speed of
13 innovation of the way that companies like Uber and
14 Lyft are changing the way we transport.

15 CHAIR RUBEN DIAZ: With all that
16 knowledge and all that technology that you are, that
17 you are talking about has anyone TLC or anyone has
18 contacted to you because you bring some?

19 SPIRO MASADOV (SP?): No sir. I have
20 bridged out but I have uhm yet to receive a response.

21 CHAIR RUBEN DIAZ: So, knowing all of
22 those, technology and what TLC has, do you think that
23 TLC is capable to enact this regulation based on
24 time?

2 SPIRO MASADOV (SP?): I believe that in
3 the laws that we have passed, they have the
4 opportunity to but I have yet to see uhm a
5 willingness to go forward and do so, see our, our
6 government needs to work with technology providers
7 like us who essentially say regulate me, license me
8 and let us, put out a piece of technology that
9 empowers the regulator. Today we have uhm not enough
10 enforcement agents. We don't have enough enforcement
11 tools. Our technology allows us to bring enforcement
12 into the digital realm and automate it so that every
13 individual at TLC can be further empowered to tackle
14 a very difficult job. We are trying to regulate an
15 FHV sector that is both, that is growing in both size
16 and segmentation. It is becoming ever more
17 complicated and thousands and thousands more trips,
18 so a manual audit simply won't do anymore.

19 CHAIR RUBEN DIAZ: So how will you rate
20 the effort of FHV in, in, in putting this into
21 action?

22 SPIRO MASADOV (SP?): Yeah, yeah I, I
23 think incomplete definitely covers it. Uhm and if it
24 remains so, we may see that F.

25 CHAIR RUBEN DIAZ: Thank you, Mr. Masser.

2 PETER A. MASSER: Sure, uhm good morning
3 Chairman Diaz and member of the Committee. My name is
4 Peter Masser and I am General Counsel to the
5 Metropolitan Taxicab Board of Trade. You have my
6 written comments and I am just going to paraphrase
7 them in the interest of time. On January 1st of
8 2019, the Tax, the Taxicab and the Street Hail Livery
9 Industries will face one of the most significant
10 challenges to confront these battered industries when
11 a devastating surcharge on rides is imposed to simply
12 subsidize the MTA and the back of our passengers.
13 Only time will tell how seriously ridership and
14 driver incomes will be eroded by the new tax but one
15 thing is absolutely certain, the TLC, the City and
16 the MTA will know exactly how much to collect from
17 Taxicabs and Street Hail Liveries because these
18 vehicles are equipped with technology systems that
19 will automatically end the surcharge to cover trips
20 and the taxes will be paid. The remainder of the
21 Livery Industry will also face a surcharge on some of
22 their trips but there will be two significant
23 differences. First, since there is no meter or
24 technology systems in these vehicles, this industries
25 will simply self-report the number of trips and

2 report to the State and amount that each base
3 determines is appropriate. The TLC recognizes this
4 since the rules governing the For Hire and Black Car
5 Industries are simply amended to add one sentence
6 directly base owners to bill and collect but not
7 remit the surcharge as applicable to the MTA and the
8 TLC didn't even set a penalty for violating this
9 rule. So unlike Taxicabs and SHL where every trip is
10 documented, the Black Car and the Livery Industries
11 and the base owners will simply decide how many trips
12 are subject to the surcharge and on November 26 when
13 they work on the new uhm For Hire volume For Hire
14 Services Rules it will not even include this
15 requirement. The second major difference is that
16 liveries and black cars can essentially declare
17 virtually any trip to be a group ride and pay a
18 surcharge of only \$0.75 per passenger even if there
19 is only one passenger in the vehicle. The passenger
20 need only declare that he or she is willing to share
21 a ride even if no ride sharing has occurred. We are
22 waiting for clarification from Department of Taxation
23 and Finance about Group Rides which may have come out
24 today but the TLC ruled as crystal clear as long as a
25 passenger has the "understanding" that a ride might

2 be shared, it is a shared ride subject to potentially
3 lower surcharge and there is no mechanism in place
4 other than the good will of the various base owners
5 to determine how many passengers are actually in a
6 vehicle at any given time. I agree that this is a
7 State Tax and ultimately enforcement belongs on a
8 part of the State. We do have a, an uneven system
9 right now because we have Taxicabs that are going to
10 pay to tax without question and the rest of the
11 industry that may pay the tax or some of it. So half
12 a million people, the industry that moves a half a
13 million people a day can evade the tax while other
14 industries will be assessed every penny. The
15 solution is simple, the technology exists today which
16 could be mandated, Liveries, Black Cars, High Volume,
17 For Hire Vehicles to ensure that the tax is properly
18 assessed, passed on to customers and not drivers and
19 remitted to the State. Existing cabs and SHLs why
20 not in the rest of the industry, thank you.

21 SPIRO MASADOV (SP?): Can I grade them?

22 CHAIR RUBEN DIAZ: As you, I'm going to
23 ask you all the same question? How are you rated?

24 PETER MASSER: And I'm going to give
25 different answer. I'm going to grade the State

2 first. The State gets an F for imposing the Tax
3 because this has been an incredibly devastating
4 burden on this industry coming at a time when this
5 industry is hurting but I'm going to give the TLC an
6 A but I'm going to put it in my pocket and I'm not
7 going to give it to them yet because I know after
8 listening to the testimony at today's hearing, after
9 listening at what they are going to hear next
10 Wednesday at their public hearing they are going to
11 do the right thing and imp, adopt the regulations
12 that will level the playing field and make sure that
13 the Tax is properly assessed and collected on
14 everybody and I will give the State a better grade if
15 they close the shared ride loop hole and make sure
16 that only true legitimate shared rides are paying the
17 shared ride 75 surcharge. If they do that, I will
18 give them a D. I will move their F to a D. Thank
19 you.

20 SELEDINO BERNARDO: Good morning Chair.
21 I'm sorry, good morning Commissioner, can you hear
22 me? My name is Seledino Bernardo I am a Medallion
23 owner for almost 30 years. My name is Seledino
24 Bernardo I am a Medallion owner for almost 30 years.
25 In July 2018, we get 253,000 trips per day average,

2 down from 475,000 trips in 2011. If the Taxi and
3 Limousine Commission and the Council Members passed
4 the \$2.50 to the passengers I believe, I strongly
5 believe that the yellow cab industry will lose close
6 to 50% of its business. That means that by passing
7 the \$2.50 surcharge the yellow cab is out of a
8 business. Which was the clear goal of former Mayor
9 Bloomberg in 2013. In other words, the \$2.50 will be
10 the knockout of yellow cabs. I want to be very clear
11 in that uhm I don't want anybody here to be surprised
12 that by mid-2019 we are in tremendous crisis and you
13 are going to see more sweet sites coming and things
14 like that will happen. You can imagine the Taxicab
15 cannot survive with 200,000 trips a day or less
16 because we have very operating costs that many of
17 those guys driving at base cars do not have. So,
18 basically I go for a no of the fee of \$2.50
19 surcharge. That is what I have to say.

20 CHAIR RUBEN DIAZ: Thank you sir.

21 PETER MASSER: Can I add, can I add one
22 thing to the testimony, that if in fact that City and
23 State do not impose an equal protection, an equal
24 system of monitoring and accounting that the

2 surcharge should not go forward until and if the same
3 system applies to everybody.

4 CHAIR RUBEN DIAZ: That's a good point.
5 Are you ready to rate?

6 SELEDINO BERNARDO: Say that again?

7 CHAIR RUBEN DIAZ: Are you ready to rate
8 TLC?

9 SELEDINO BERNARDO: The Taxi and
10 Limousine Commission is making a terrible job. Not
11 now but many years.

12 CHAIR RUBEN DIAZ: Just give me, not a
13 statement just a ...

14 SELEDINO BERNARDO: Definitely a
15 terrible job yes. That is your question. I
16 answered your question.

17 CHAIR RUBEN DIAZ: What, what?

18 SELEDINO BERNARDO: They are behind the
19 destruction of.

20 CHAIR RUBEN DIAZ: A, B, C, D, F? What?

21 SELEDINO BERNARDO: F.

22 CHAIR RUBEN DIAZ: Thank you, thank you,
23 very thank you.

24 SELEDINO BERNARDO: Put a Z. (laughter).

2 CHAIR RUBEN DIAZ: Jose El Nandez (SP?),
3 Charles Comano (SP?), Raul Rivera, Famvir Hamid and
4 Cor Ham (SP?). Nico.. Nicholi. I got to go to the
5 bathroom. Let me hold it one minute. (long
6 silence). Okay. Sorry but mother nature called.
7 Uhm we have been joined by Council Member Rose,
8 Council Member Constantinides and Council Member
9 Rodriguez. Sir your turn.

10 RAUL RIVERA: My name is Raul Rivera. I
11 am a New York City TLC Driver. I was born and raised
12 in the Bronx. Mr. Speaker, your Congestion Pricing
13 Bill is not needed. Your Bill will drive riders away
14 and push drivers deeper into poverty. The only Bill
15 that needs to be passed is the dollar bill. We now
16 have a total of eight drivers who committed suicide
17 and the only thing the City Council cares about is
18 how to make money off of the back of the New York
19 City Taxi Driver, shame on your Mr. Speaker, kill you
20 Bill now. The Mayor spent \$2 million on a study to
21 show Uber and Lyft with a supposed cause of
22 congestion in the City. When the study was
23 completed, it showed this was not the case, instead
24 your corrupt Mayor redacted many pages of the study
25 before he was forced to release the findings. Mr.

2 Speaker if you truly want to help Taxi Drivers force
3 the TLC to stop wasting time and give drivers the pay
4 hike we all need before God forbid driver number nine
5 takes his or her life. Do it now, save a life today.
6 You can also save the role of the public advocate,
7 Reinstate Mark Peters, fix the Public Housing Crisis,
8 ask the Mayor and the Police Commissioner why they
9 refuse to acknowledge the NYPD 12 and the ticket
10 quotas that are driving New York City Taxi Drivers to
11 poverty and suicide. I beg all Taxi Drivers to stand
12 with me and the NYPD 12 and help the Taxi and help
13 end the ticket quotas now. New Yorkers, wake up and
14 smell the corruption. Replace the current Police
15 Commissioner now and made Edwin Raymond the new
16 Police Commissioner, reform the NYPD, reform the TLC,
17 reform the MTA, refuse the New York City Housing
18 Authority when we have a Governor and Mayor that can
19 come together for Amazon to sell out New Yorkers and
20 totally ignore the driver suicides. This amounts to
21 nothing more than political corruption. Mr.
22 Governor, you did not have the right to rename the
23 Tappan Zee Bridge, how much did this cost tax payers?
24 I voted for your father. I can only imagine how your
25 father must be rolling over in his grave to see what

2 you and the Mayor are doing to New York City, shame
3 on you both. I have one quote. Poverty is the worst
4 form of violence. Poverty is the worst form of
5 violence. Mahatma Ghandi.

6 CHARLES COMANO (SP?): My name is Charles
7 Comano. I'm an economist. A mathematician and a
8 long-time student of New York City Traffic, Transit
9 and Transportation. I have been retained by Taxi
10 Medallion Interest to evaluate the proposed TLC
11 Regulations to monitor, account for and implement the
12 congestion pricing surcharge. My primary
13 recommendation is that this Committee direct the TLC
14 to mandate as soon as possible universal digital
15 connectivity for all For Hire Vehicles. This will
16 ensure that the FHV surcharges taking effect on
17 January 1 are properly billed and accurately
18 collected in a process that will merit public trust.
19 It will also lay the foundation for vital congestion
20 pricing reforms. The expected receipts from the
21 congestion surcharges that begin on January 1 total
22 an impressive \$400 million a year. But actually
23 collecting the revenues will require scrupulous
24 hearing to the surcharge rules by Taxi Medallion
25 Owners and For Hire Vehicle Owners and Bases. The

2 owners and bases must understand that their surcharge
3 deposits into the state account are being monitored
4 closely which requires connecting the For Hire
5 Vehicles with the TLC through a continuous data link.
6 This concern is not hypothetical. As I detailed in
7 my written submission. Uber has a history of gaming
8 rules and regs. At present, there is nothing to stop
9 Uber or it's drivers or basis from bending the
10 surcharge requirements to their own purposes.
11 Especially problematic is the State's \$0.75 pool ride
12 exemption to the For Hire Vehicle, \$2.75 surcharge.
13 A surcharge knock off of \$2.00 or more delivered via
14 an opaque and confusing formula is rife for abuse and
15 calls out for rigorous independent monitoring. There
16 are presently 1/3 of a million daily zone trips using
17 or daily zone using trips by TNC or Ubers and Lyfts.
18 No one knows how many of them will devolve into
19 surcharge shortcuts or phantom pool rides but why
20 leave it to chance. The City Council should direct
21 the TLC to mandate university connectivity for all For
22 Hire Vehicles as soon as possible. Now in my
23 submission I have other things to say about reforming
24 the way in which the surcharge is structured that
25 will reduce traffic congestion and improve driver

2 incomes at the same time due to my expired I won't go
3 into that in my written remarks or in my verbal
4 remarks. I would be happy to answer any questions.

5 RAUL RIVERA: My lawyer is telling me
6 that he has, he has been meeting with you.

7 CHARLES COMANO (SP?): I'm sorry.

8 RAUL RIVERA: My lawyer, Christopher Lin.
9 This is my lawyer, Christopher Lin. Have you been
10 meeting with him?

11 CHARLES COMANO (SP?): Uhm no we've had a
12 few email uhm connections lately.

13 RAUL RIVERA: You never met with him?

14 CHARLES COMANO (SP?): No.

15 CHAIR RUBEN DIAZ: Next.

16 NICOLI HANT (SP?): Thank you Mr.
17 Chairman. My name is Nicoli Hant. I am a yellow
18 medallion taxi driver since 1988 and I am an owner
19 since 1990. I want to be very short. Uber and Up
20 Cars cannot be trust to self-report. That has to be
21 connect to the government, to the Taxi Limousine
22 Commission or to the City Hall, whatever. The
23 problem is and I will ask you again Mr. Mr. Diaz if
24 you can, pass this question to Mayor, Governor and
25 the authority. Who will this \$2.50 medallion owners,

2 yellow medallion orders or is it going to destroy
3 their life. It will be more, and more suicide. I
4 said it before when my best friend killed himself, I
5 am saying now it will be more. Taxi, Limousine
6 Commission and the Government.

7 CHAIR RUBEN DIAZ: Can I interrupt you
8 one minute.

9 NICOLI HANT: Pretty please.

10 CHAIR RUBEN DIAZ: No, no, no I'm going
11 to give you the time, don't worry about it.

12 NICOLI HANT: Okay uhm yes.

13 CHAIR RUBEN DIAZ: Did you know this is
14 not a City County Bill. This is, the Governor.

15 NICOLI HANT: That's what I said if you
16 can pass that question to them.

17 CHAIR RUBEN DIAZ: Thank you.

18 NICOLI HANT: Not you because you are not
19 here when the mess was created. You are here just
20 this year. The Government and the Taxi Limousine
21 Commission has a good plan. First ignore, then,
22 delay, delay, delay and this way they are going to
23 gain our life, our blood. That's what, the their
24 plan. My opinion, I thought in the beginning Meera
25 Joshi she couldn't do anything. She had all the

2 tools to stop this mess. She ignored it and she, she
3 is doing nothing. Uhm. More, more problem what they
4 face. For each money, what to collect from the
5 passengers, me the driver or other drivers, we
6 collect \$0.95 per dollar. \$0.05 goes to the fee of
7 the credit cards. That's our Taxi Limousine
8 Commission allowed the vendor to charge us up to 5%
9 so that's going to be for me if would only have 20
10 trips a day is going to be a bill of more than \$100 a
11 month only for the fee which I have to give it to the
12 Government, to the State, that was, those 5% would
13 add up and more and more and that's including the
14 tolls from the bridges and the \$0.30 for the
15 improvement. I don't know if personally I can
16 survive but I'm not going to kill myself I believe in
17 God and the only hope that I have is hope in God not
18 in politicians. Thank you very much.

19 CHAIR RUBEN DIAZ: Thank you. Let you
20 let me right to the point. Let me uhm. (SPEAKING
21 OTHER LANGUAGE). I'm saying that this, we are
22 dealing to them with the Law that the State was that
23 the Governor and the State Legislature imposed on the
24 drivers. This is not a City Law. This is not a City
25 Council Law but the law supposed to start on January

2 1st and the law supposed to charge \$2.50 to the
3 yellow taxi and \$2.75 to the other the rest and it is
4 supposed to start according to the mandate from the,
5 from the State January 1st. This is abusive. It is
6 another imposition that the State is putting on the
7 Taxi Driver that I don't agree with it but we have
8 our hands tied but we have to impose, we have to be
9 sure that this is done. So that's what we are doing
10 today.

11 Good morning Mr. Diaz. This is Stan
12 Veramid (SP?) I am an active Taxi Driver and a
13 Medallion Owner of New York City. I've been driving
14 for 21 years and with all of my experience and
15 everything the congestion that we are seeing right
16 now in the streets of New York City is not for yellow
17 cabs. Yellow cabs is, we are losing a lot of cabs
18 every single day because of medallion owners cannot
19 pay their uhm mortgage or whatever the violation that
20 they get or everything. All of the fines that they
21 impose on the yellow cabs and everything so we
22 basically have maybe 10-12,000 yellow cabs rather
23 than 400,000 other cars that is coming to the City.
24 New York City Yellow Cabs already paying the highest
25 taxes. The driver's, already, every single thing

2 they make is accountable and they are paying all of
3 the taxes on their incomes and everything so this
4 \$2.70, \$2.50 that is imposed for the Taxis. The
5 yellow Taxis. First of all it will be very hard for
6 the driver to explain to the customers who is sitting
7 behind. Sometime it happened to me in my experience
8 the \$0.50 and the \$0.30 surcharges we have to explain
9 because some people don't have any idea what is that
10 for and then on top of that, the \$2.50 is going to be
11 impossible for them to understand because we are
12 here. We know the rules. The people read newspaper,
13 listen to the news. A lot of people don't listen to
14 news and read newspapers. So it will be a new thing
15 for them to know the \$2.50 and there will be a lot of
16 chaos for this and also the yellow cabs are just like
17 MTA busses and the trains. The people use yellow
18 cabs every single day. So for them, just like City
19 Busses and the, the trains we are always in the City
20 and we have been there for the last 50 to 60 years, I
21 don't know how long so it will be really hurtful to
22 the cab drivers because a lot of people are not going
23 to use the yellow cabs anymore because of discharges
24 because they would rather go to the train and use the

2 \$2.50 for the train or the busses. So that would be
3 hurtful for the yellow cabs. So. (bell ringing).

4 JOSE HERNANDEZ: Uhm yellow, thank you
5 Council Member Diaz for you know having us. I
6 actually have been one of your constituents for over
7 20 years when you in Jackson Avenue when you were a
8 State Senator so I thank you for all of your service.
9 Uhm I wanted to add my comments, as the only person
10 with a physical disability here. Uhm I believe that
11 the congestion pricing should be expect for
12 wheelchair accessible vehicles within the TLC and the
13 For Hire Vehicle Industry. Getting around the City
14 with a physical disability is hard enough as it is.
15 Uhm and it would incentivize drivers to get
16 wheelchair accessible vehicles out of parking lots
17 and on to the roads. The TLC and the City Council
18 already imposed a free zone licenses and except for
19 those who you know get more accessible vehicles. Who
20 get accessible vehicle license and as a result I have
21 already noticed that there are more wheelchair
22 accessible vehicles out on the roads. I have
23 actually had someone approach me and say you know do
24 you know where i can get a wheelchair accessible
25 vehicle as I drive myself. Uhm so the City is making

2 strides to make it easier for the disabled to get
3 around. Uhm even the MTA has a pilot program that
4 hopefully that they expand uhm where they provide
5 power transit services through the TLC and send H
6 services. You know making it even easier for a
7 person like myself to get around the City. So I just
8 ask that you know the TLC and the City Council take
9 into consideration making uhm this imposed rule,
10 exempt for wheelchair accessible vehicles.

11 CHAIR RUBEN DIAZ: Thank you, will you
12 please say your name for the record?

13 JOSE HERNANDEZ: My name is Jose
14 Hernandez and I represent United Spine Association.

15 CHAIR RUBEN DIAZ: Jose I argue with you
16 in that as a whole the Law is wrong. It is.

17 JOSE HERNANDEZ: It is already.

18 CHAIR RUBEN DIAZ: But if it has to
19 implement it some people should be assent.

20 JOSE HERNANDEZ: Okay.

21 CHAIR RUBEN DIAZ: So I thank you, thank
22 you for... we have been joined by Council Member. We
23 have been joined by...

24 JOSE HERNANDEZ: Can I say som... can I say
25 one more thing? Can I add something please? Jose,

2 please. One thing. I have three years of driving,
3 over 10,000 rides you cannot trust the apps. You
4 cannot trust the apps. The Taxi Industry belongs to
5 New York City and New Yorkers not to, to the big
6 economy, not to Uber or Lyft. Back in the day when
7 you needed a ride, you picked up a phone, you called
8 the base. A call came. You wave your hand, a car
9 comes. You pick up a phone another car comes. The
10 Taxi Industry belongs to New York. You have to save
11 the yellows. In order to day that, you have to make
12 us equal, you have to unite us. You are not going to
13 save the yellows if Uber is cheaper than the yellows
14 you can't do it. It's not going to happen. The
15 suicides are going to continue. I'm going to also
16 start on December 4. On December 4, I'm going to
17 start a petition to reform the TLC. It has to get
18 done, somebody has to start it. Even if it doesn't
19 fly I have to try.

20 CHAIR RUBEN DIAZ: Gentleman thank you.
21 Mario Penna, Bridget Felix, Basillio Beltray (SP?),
22 Jacob Pellicano (SP?) one more, Augustine Cann (SP?)
23 okay. Bridget come on Bridget. Gentlemen, ladies
24 and gentlemen welcome. We are going to start with
25 you.

2 MARIO PENNA: Good morning Mr. Councilman
3 Diaz uhm my name is and good morning to everybody in
4 the room. Uhm my name is Mario Penna I am a TLC
5 Licensed Driver and I am here this morning because I
6 feel that with the number eight taxi driver killing
7 himself I believe that all of the authority are
8 underestimating what is going on in the industry.
9 Uhm it is a shame that the commissioner that one of
10 the guy or one of the driver that killed himself
11 blamed it straight to TLC that she never hear to hear
12 the testimony and I am worried. I am worried with
13 the situation uhm on behalf of my community in the
14 Bronx I wanted to say that we are losing the respect
15 for the enforcement of POC. Besides all of the
16 problem that we are going through, they are coming to
17 persecute us, to abuse the authority, to
18 underestimate us as human beings because they not
19 allow us to not even complain and I am going to say
20 we are losing their line of respect between the uhm
21 the enforcement TLC department and the driver. We
22 work, we work with the police department 24/7 and we
23 never got issue. We the cops but the Enforcement
24 Department or TLC are abusing the authority and who
25 knows what is going to happen. We have enough

2 problems as a Taxi Driver and the way that they are
3 treating us is making me worried. Thank you very
4 much Mr. Diaz and thank you very much to all of the
5 Council Members.

6 CHAIR RUBEN DIAZ: (SPEAKING OTHER
7 LANGUAGE).

8 Good morning Chairman Diaz and the
9 members of the For Hire Community. Thank you for the
10 opportunity to speak on behalf of David Byer from the
11 Committee for Taxi Safety as well as the men and
12 women of the Taxi Industry who provide transportation
13 on New York Streets every day. As we already know
14 there is a plethora of unequal regulation on the
15 State level. Uhm there is a \$0.50 MTA surcharge, an
16 additional \$0.30 Taxi Improvement Surcharge as well
17 as a \$2.50, uhm now a \$2.50 Congestion Surcharge for
18 every ride in the MTA Improvement Zone. This totals
19 \$3.30 just for Government mandated programs. These
20 fees do not include the \$2.00 base fee to pay the
21 driver's salary. This is a total of \$5.30 before the
22 cab even moves. In contrast FHV's operating the City
23 are only required to pay \$2.75. A price that is
24 significant lower, especially for riders looking to
25 take cheaper rides. Uhm being that all of the

2 congestion pricing reports have found that the rapid
3 and unchecked increase for For Hire vehicle have been
4 the primary cause of increasing congestion it makes
5 no sense to more highly charge Taxis whose numbers
6 have been fixed for several years as compared to HVs
7 that have gone up rapidly. More importantly for this
8 hearing uhm there is a problem with the regulations
9 in the TLC. As you have already heard, the TPEP
10 system offers real time data where as self-regulation
11 has an inherent advantage and is likely to result in
12 under-reporting even more so, this is true for rides
13 that are coming from outside of New York City. We
14 seen an increased in rides coming from Nassau County
15 in Westchester as well as Connecticut and New Jersey.
16 It is unlikely that FHV companies will be reporting
17 those rides in New York City. Uhm we ask the TLC
18 consider revising its policies to match the realities
19 that we have discussed, the realities that this
20 unequal regulation will continue to hurt what is
21 already a dying Taxi industry. Thank you very much.

22 CHAIR RUBEN DIAZ: (SPEAKING OTHER
23 LANGUAGE).

24 BASILLIO BELTRAY (SP?): Good morning.

25 CHAIR RUBEN DIAZ: It is okay.

2 BASILLIO BELTRAY (SP?): Good morning my
3 name is Basillo Beltray. I am here on behalf of Taxi
4 Drivers. And the Commissioner stopped taking account
5 of what they are doing but they are taking account of
6 what they are doing against us as the drivers.

7 UNIDENTIFIED: (SPEAKING SPANISH).

8 BASILLIO BELTRAY (SP?): In the Community
9 of the Taxi Drivers you have had.

10 UNIDENTIFIED: (SPEAKING SPANISH).

11 BASILLIO BELTRAY: I believe someone
12 should pay for those debts.

13 UNIDENTIFIED: (SPEAKING SPANISH).

14 BASILLIO BELTRAY: Those are debts.

15 UNIDENTIFIED: (SPEAKING SPANISH).

16 BASILLIO BELTRAY: Here when a driver ...

17 UNIDENTIFIED: (SPEAKING SPANISH).

18 BASILLIO BELTRAY: Is only a position
19 that they are looking for the City, what is going on?

20 UNIDENTIFIED: (SPEAKING SPANISH).

21 BASILLIO BELTRAY: We don't have not even
22 the right to be a cab driver.

23 UNIDENTIFIED: (SPEAKING SPANISH).

24 BASILLIO BELTRAY: The right to be a cab
25 driver.

2 UNIDENTIFIED: (SPEAKING SPANISH).

3 BASILLIO BELTRAY: With the apps of Uber
4 and Lyft they have done harm to us.

5 UNIDENTIFIED: (SPEAKING SPANISH).

6 BASILLIO BELTRAY: We understand that
7 Uber pool is beneficial toward the City.

8 UNIDENTIFIED: (SPEAKING SPANISH).

9 BASILLIO BELTRAY: Where's the benefit
10 for our drivers?

11 UNIDENTIFIED: (SPEAKING SPANISH).

12 BASILLIO BELTRAY: That perform this type
13 of service.

14 UNIDENTIFIED: (SPEAKING SPANISH).

15 BASILLIO BELTRAY: And perform out of
16 taking money the MTA.

17 UNIDENTIFIED: (SPEAKING SPANISH).

18 BASILLIO BELTRAY: They allow it to Uber
19 and our benefits of the drivers.

20 UNIDENTIFIED: (SPEAKING SPANISH).

21 BASILLIO BELTRAY: We want you to take
22 out, we want you to take the drivers into
23 consideration.

24 UNIDENTIFIED: (SPEAKING SPANISH).

25

2 BASILLIO BELTRAY: We are not third party
3 employees.

4 UNIDENTIFIED: (SPEAKING SPANISH).

5 BASILLIO BELTRAY: And it's a struggle on
6 the treatment that TLC is giving us.

7 UNIDENTIFIED: (SPEAKING SPANISH).

8 BASILLIO BELTRAY: We want you to take
9 into account thank you.

10 CHAIR RUBEN DIAZ: Bridget.

11 BRIDGET FELIX: Good afternoon uhm my
12 name is Bridget Felix and I did have a comment but I
13 would like to share Jose Rodriguez comment if that is
14 okay.

15 JOSE RODRIGUEZ: (SPEAKING SPANISH).

16 BRIDGET FELIX: Good afternoon, my name
17 is Jose Rodriguez. Good afternoon Chair Diaz. My
18 name is, I'm here on behalf of the Taxi Defense
19 Group.

20 JOSE RODRIGUEZ: (SPEAKING SPANISH).

21 BRIDGET FELIX: I have two points to
22 express. One that happened the past public hearing
23 that we had.

24 JOSE RODRIGUEZ: (SPEAKING SPANISH).

2 BRIDGET FELIX: In where different
3 Legislations were approved.

4 JOSE RODRIGUEZ: (SPEAKING SPANISH).

5 BRIDGET FELIX: Include the regulations
6 of the different platforms.

7 JOSE RODRIGUEZ: (SPEAKING SPANISH).

8 BRIDGET FELIX: In which they became
9 effective on November 14th.

10 JOSE RODRIGUEZ: (SPEAKING SPANISH).

11 BRIDGET FELIX: In which we are not
12 aware.

13 JOSE RODRIGUEZ: (SPEAKING SPANISH).

14 BRIDGET FELIX: In which we are not aware
15 of why the Taxi and Limousine is not authorized or
16 has not made effect the Law that the Governor had
17 signed.

18 JOSE RODRIGUEZ: (SPEAKING SPANISH).

19 BRIDGET FELIX: In spite of that, the
20 Council and the Mayor should take into account.

21 JOSE RODRIGUEZ: (SPEAKING SPANISH).

22 BRIDGET FELIX: In moving her from...

23 JOSE RODRIGUEZ: (SPEAKING SPANISH).

24 BRIDGET FELIX: In which she actually
25 isn't.

2 JOSE RODRIGUEZ: (SPEAKING SPANISH).

3 BRIDGET FELIX: Yes because she cannot be
4 above the Constitution of the United States.

5 JOSE RODRIGUEZ: (SPEAKING SPANISH).

6 BRIDGET FELIX: With the Law that went
7 into effect, that is going into effect on January 1.

8 JOSE RODRIGUEZ: (SPEAKING SPANISH).

9 BRIDGET FELIX: The City should find a
10 solution of what is going on within the City limits.

11 JOSE RODRIGUEZ: (SPEAKING SPANISH).

12 BRIDGET FELIX: Removing the heavy cargo
13 vehicles that make deliveries on daily basis in the
14 City.

15 JOSE RODRIGUEZ: (SPEAKING SPANISH).

16 BRIDGET FELIX: They are the main. They
17 are the main peoples to be blamed because they are
18 the ones that are congesting our streets.

19 JOSE RODRIGUEZ: (SPEAKING SPANISH).

20 BRIDGET FELIX: The majority of our
21 streets are very narrow and that's the majority of
22 the problems that we are having in the City.

23 JOSE RODRIGUEZ: (SPEAKING SPANISH).

24 BRIDGET FELIX: Also the.

25 JOSE RODRIGUEZ: (SPEAKING SPANISH).

2 BRIDGET FELIX: Also there should be some
3 kind of training for the drivers of the MTA because
4 they also make a lot of congestion.

5 JOSE RODRIGUEZ: (SPEAKING SPANISH).

6 BRIDGET FELIX: The bus is official but
7 the driver is not.

8 JOSE RODRIGUEZ: (SPEAKING SPANISH).

9 BRIDGET FELIX: They do not respect the
10 Transit Laws.

11 JOSE RODRIGUEZ: (SPEAKING SPANISH).

12 BRIDGET FELIX: And several occasions to
13 go through the red lights and they stop also transit.

14 JOSE RODRIGUEZ: (SPEAKING SPANISH).

15 BRIDGET FELIX: And that's where the
16 Governor should.

17 JOSE RODRIGUEZ: (SPEAKING SPANISH).

18 BRIDGET FELIX: On everything that is
19 going on on a daily basis.

20 JOSE RODRIGUEZ: (SPEAKING SPANISH).

21 BRIDGET FELIX: They find a solution then
22 we will agree on the initiative that they are
23 planning on implement on us.

24 JOSE RODRIGUEZ: (SPEAKING SPANISH).

2 BRIDGET FELIX: Finding a solution on
3 removing the heavy trucks.

4 JOSE RODRIGUEZ: (SPEAKING SPANISH).

5 BRIDGET FELIX: Making it in the morning.

6 JOSE RODRIGUEZ: (SPEAKING SPANISH).

7 BRIDGET FELIX: And the only form of
8 avoiding congestion.

9 JOSE RODRIGUEZ: (SPEAKING SPANISH).

10 BRIDGET FELIX: Thank you.

11 CHAIR RUBEN DIAZ: (SPEAKING SPANISH).

12 BRIDGET FELIX: May I? This congestion
13 pricing uhm is very worrisome. It is an extra amount
14 of money that obviously eight drivers could not
15 afford thus omitting suicide. It think that uh there
16 shouldn't be any more fees placed on to these
17 drivers. Not alone if the applications are going to
18 change, charge the drivers double or triple the
19 amount calling it a glitch. Uhm all of these
20 problems that we have been having, I think that the
21 Commissioner Meera Joshi. Where's the camera. She
22 said that she sees an account. She just leaves.
23 Doesn't even sit here to listen to us. Very
24 considerate. Needs to get fired. How do I make a
25 formal complaint so that we can change the

2 Commissioner. She should have been looking at the
3 core issues and the core problems instead of driving
4 TLC Agents into the Bronx, into Washington Heights,
5 giving them fines and having these drivers commit
6 suicide. Therefore congestion pricing shouldn't be
7 happening.

8 CHAIR RUBEN DIAZ: Bridget as you know on
9 the last hearing the Commissioner sent a Deputy
10 Commissioner. And that Deputy Commissioner sat in
11 here for the whole meeting listening and I agree with
12 you that the Commissioner never stays. She uhm. But
13 that is out of my hands. That is her choice.

14 BRIDGET FELEX: That's like saying I want
15 your money. I don't want to listen to you but I do
16 want your money here is a fine now go kill yourself.
17 Not nice.

18 CHAIR RUBEN DIAZ: Okay and I also agree
19 with you imposing more fee too.

20 BRIDGET FELIX: I would like to rate a -F
21 just to avoid you asking me.

22 CHAIR RUBEN DIAZ: A -F?

23 BRIDGET FELIX: Uh-huh, okay, yeah.

24 CHAIR RUBEN DIAZ: Thank you ladies and
25 gentleman. Thank you for your cooperating and

2 participation. (silence). Yeah you know you got to
3 bear with me. Solomon Newschatz (SP?), Long Singh
4 (SP?) what do you call that. Lau Sink (SP?). Okay
5 we are starting with you sir.

6 ALEXI METADOWSKI (SP?): Good morning
7 Members, good morning Chairman Diaz. Good morning
8 ladies and gentleman. I'm Alexi Metadowski.
9 Technologist. The first car sharing and professional
10 space. We specialize in black, in Black Cars and
11 Taxi Cabs. We pretty much make driver's rental
12 experience much easier than it used to be for many
13 years and it is one of the key problems that we
14 currently have with the Taxi Industry. I do believe
15 that congestion price will help New York City believe
16 it or not. Drivers will be making more money as the
17 traffic will decrease. London has shown that traffic
18 rate has decreased by 30%, after implementing
19 congestion pricing. Therefore our Technology is able
20 to allow data, old records, submit and ensure that
21 changes are being distributed correctly. We
22 encourage to collect all trips recorded for Yellow
23 Taxis that will allow everyone to be fair amounts.
24 We are willing to work with the City/State to ensure
25 that Congestion Pricing is implemented at its best.

2 I think there should be an RFP to choose which system
3 would be performing in the best interest of the City,
4 State, Drivers and Passengers. I don't think there
5 should be one company who will be doing all of the
6 auditing. I'm done.

7 CHAIR RUBEN DIAZ: Can you please say
8 your name please?

9 ALEXI METADOWSKI (SP?): Alexi
10 Metadowski.

11 SOLOMON NEWSCHATZ (SP?): Good morning
12 uhm my name is Solomon Newschatz. I am an
13 owner/driver of Yellow Taxi for 18 years now. My
14 family has been in the industry for 40 years. This
15 congestion pricing that the State wants to put we
16 just have to call it what it is and that's a tax.
17 Okay this is a tax that is going to burden on to the
18 driver's solely and I have proof to show. When we
19 started with the TPPC systems back in 2007, we
20 started taking records, uhm since then there have
21 been other companies that have been uhm taking this
22 information. I don't know why the Governor is not
23 looking at it. I was making more money back in 2009
24 and 2010 and paying less with the MTA Tax. Now we
25 are making less money and I am going to have to pay

2 more on the Tax. I ask of you Council Members to
3 please put a stop to this because what is this the
4 future of our industry now, every single time the MTA
5 messes up and they go into debt you know the State is
6 going to start collecting money from you know Yellow
7 Taxi Drivers now uhm and as we all know when a tax
8 comes through uhm it never goes away. It only gets
9 increased, case in point the MTA Tax has never gone
10 away and it has been around now for the last 10
11 years. This has to stop so I ask of you please to
12 help us to speak with the State to put a stop on this
13 proposal because it's coming, its going to be coming
14 directly out of my income and I give the TLC a full
15 blown F.

16 LAU SINK (SP?): Hi my name is Lau Sink.
17 I am owner, Yellow Cab driver. I'm driving 30 years.
18 This City congested fees is we have nothing to do
19 with this it's because of Uber. It's because of the
20 TLC and Limousine Commission the survey says 47% cars
21 running without fare. Why don't the 47% cars they put
22 out so the City can bring and if they bring, start
23 charging \$2.50 from us and we go out of business we
24 are already starving. We have no money anymore to
25 be, we have no money to pay and the only option left

2 bankruptcy or we can do the suicide. I don't see any
3 other way. Thank you. If the people sometimes see
4 we will be charging \$2.50 to \$2.70 this money they
5 open the door go away. Uber charging ahead of the
6 time but I can do. I have to pay the \$2.50 and I
7 have to lose a fare. Okay if they start charging
8 \$2.50 there is no way we can pay the medallion. No
9 way I can pay the mortgage of my house. Thank you.

10 CHAIR RUBEN DIAZ: Ladies and gentleman.
11 Again let me explain myself this is a problem that we
12 are facing, my committee is facing that problem too.
13 This is a problem that the State is imposing us. It
14 has nothing to do with us. The State, the Governor
15 and the Legislation have said that they are going to
16 find money for the MTA. One of the ways that the
17 Governor finds the money according to him to help the
18 MTA is to impose a tax, preferably on, on, on, on uhm
19 Taxi Drivers eventhough they say the passengers
20 because the passenger, the passenger would be the one
21 that at the end had to pay for it. So they, they the
22 yellow taxi driver is suppose to \$2.50 to passengers
23 and the other \$2.75 to drivers and that is supposed
24 to be those vehicle that enter uhm the congestion
25 zone in Manhattan.

2 ALEXI METADOWSKI: Mr. Mr. Council who
3 has the ability to put a stop to this because what
4 does the Yellow Taxi Industry have to do with the
5 MTA. You know, we transport people. I do a service.
6 I, this is not what I signed up for 18 years ago and
7 this is not what my family 40 years ago you know got
8 involved. We believe that you know, they believed
9 that as immigrants when they came here that they were
10 going to buy a medallion, invest in it, and then pass
11 it on to their family for the future as a way to
12 retire. But you I can't even do that, if something
13 happens to me and I get sick tomorrow, I can't work,
14 I can't get a driver. Garages are not going to pay
15 me nothing, how do I live.

16 CHAIR RUBEN DIAZ: Let me tell you how it
17 works. City Council made laws for the City for the
18 five boroughs, not for the State for the five
19 boroughs. So any Laws that we make is applicable to
20 Bronx, Brooklyn, Staten Island, Queens and Manhattan.
21 The State, the State Legislature and the Governor
22 made Laws for the whole State and their Laws apply to
23 us and when they made a Law, the Legislature they are
24 above us. This is something ridiculous. This, piece
25 of Legislation. This, this requirement is

2 ridiculous, uhm especially when you have Yellow Taxi
3 drivers going bankrupt and some Taxi Drivers cannot
4 even serve because they cannot comply with, with what
5 requires and we are putting more pressure on them so
6 they can keep killing themselves. That is what the
7 Governor is doing and that is what the State
8 Legislature are doing. Putting more pressure on them
9 so they can keep killing themselves. Because they
10 would not have the pressure is, is, is horrible. I
11 will continue talking, I will continue speaking, I
12 will continue writing, I will continue saying
13 somethings that the other people don't say, the
14 Governor is wrong. The State Legislature is wrong
15 and they are abusing and they are imposing uhm a Tax
16 to the, to the drivers of the Taxi Driver and the
17 City of New York in order for them to find money so.
18 Let's see what we can do. I will not keep quiet.

19 CHAIR RUBEN DIAZ: Thank you, thank you,
20 very much I appreciate that. Thank you. We will see
21 what we can do. Ladies and gentleman I appreciate
22 you coming today. This is I'm sorry we got one more.
23 Okay, okay. (silence).

24 MOHAMMED TIPU SALTAN: My name is
25 Mohammed Tipu Saltan from your Taxi Worker Alliance,

2 also as a driver, also as a Physics background from
3 CUNY, and also very highly mathematical, with the
4 math metics and working with the New York Taxi Worker
5 Alliance since 2005 and fighting for the driver, for
6 the workers and I mean standing right here, sitting
7 right here to testify on the driver's on behalf of
8 this Hire Vehicle Industry. The City Council and the
9 Mayor must step and defend Yellow Cab Drivers who
10 could see in as much \$15,000 in income at the time of
11 unprecedented studying. Over 90% of the Yellow Cabs
12 will be affected as the surcharge \$2.50 applies to
13 the Chief of the originated below, uhm below 96th
14 Street in Manhattan. The majority of the yellow
15 fares already thousands of, thousands of owner
16 drivers struggle to hold on their medallion fighting
17 the bankruptcy. They struggle, forcefully and that
18 has plagued thousands of drivers, fellow drivers.
19 The value has fallen about 80, about 80% reflecting
20 the reality how much owner can actually cover the
21 mortgage based average fare of venue. Yellow Cab
22 driver, owner driver, lease driver who lose even 15%
23 ridership due to surcharge and tips already down from
24 the Uber Building Business Model that did not even
25 the customers pay on will be likely be wiped out, 80%

2 will be suffer as much as \$15,000 paycard. What
3 driver, what driver would be served right in the
4 devastating. The state will be shamelessly stealing
5 from the poor people who have nothing left to give.
6 The State and the City need to be understand that one
7 stable cash cow the yellow cab have been destroyed by
8 unlevel competition and instead of lowering the City
9 and the State need to help stabilize it. By the time
10 the measure was passed in March four drivers had
11 taken their lives and financial devastating because
12 of this. It was purposely and cruel attacked by the
13 Albany to pass the surcharge. Today the number has
14 risen eight suicides, among them four yellow cab
15 drivers. Yellow cab have already contributed close
16 to \$1 billion to MTA and since 2009. Meanwhile Uber
17 and Uber and Lyft cohearts are getting searches for
18 the same pool trips had that driving down the MTA
19 ridership. Albany is crossing the sector and
20 workforce that contributed all of these years while
21 regarding business model that already directly.

22 CHAIR RUBEN DIAZ: Sir, your time is up.

23 MOHAMMED TIPU SALTAN: Okay I have
24 moment, please. This is a drivers feelings, please.
25 How can the City stand by and watching the State

2 institute a tax who will lead to the massive
3 bankruptcy, homeless, can the TLC even guarantee that
4 enforcement of the surcharge can be equal among the
5 middle yellow cab? Outside of the TLC technology,
6 Uber, Lyft. The City Council has to intervene with
7 whom real message. City Council has to intervene
8 with who rule message calling to the State to delay
9 the implementation and address the issue, the
10 congestion pricing, comprehensively and after facing
11 reality of devastation of this yellow cab industry.
12 I am really happy you let me take one moment to that.
13 Thank you so much.

14 CHAIR RUBEN DIAZ: Thank you very much.
15 Uhm to all of you and to all of uhm you in attendance
16 for being here today. The For Hire Vehicle
17 Committee, I ask the Chairman and the members of the
18 Committee we are committed to work for and on behalf
19 of the drivers and on behalf of the industry and to
20 be sure that we do our best to alleviate the burden
21 that has been put on you for many years. It there is
22 nothing new. Everyone today. The basis of the
23 issue, the drivers. The insurance company, the
24 leasing company, the renting companies, everybody is
25 taking advantage, now also the Governor is doing it,

1 COMMITTEE ON FOR-HIRE VEHICLES

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2 imposing taxes on you. So, let's see what happens

3 Ladies and Gentlemen. I appreciate you coming today.

4 Thank you very much for being here and this meeting

5 is adjourned. (gavel pounding).

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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 December 15, 2018