

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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January 28, 2019  
Start: 10:02 a.m.  
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HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS: Joseph C. Borelli  
Costa G. Constantinides  
Francisco P. Moya  
Ydanis A. Rodrigutez  
Deborah L. Rose  
Paul A. Vallone

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

Bill Heinzen, Deputy Commissioner for Policy and External Affairs New York City Taxi and Limousine Commission

Diana Pennetti, Deputy Commissioner of Uniform Services Bureau, Taxi and Limousine Commission

Oleg Chernyavsky Executive Director of Legislative Affairs, New York City Police Department

Richard Napolitano, Deputy Chief of Information Technology Bureau, New York City Police Department

Richard Lipsky

Charles Komanoff

Diana Clemente, President, Black Car Assistance Corporation, BCAC & President of Big Apple Car

Brian Lozano, Tech NYC

Peter Mazer, General Counsel, Metropolitan Taxicab Board of Trade

Scott Rudder, Vice President, Limo Association of New York

Aziz Bah (sp?) FHV Driver, Member of Independent Driving Guild

Aaron Smith, Independent Driver's Guild

Raoul Rivera, TLC Driver

Bridget Felix, Taxi Driver

Seth (sic) Rodriguez, President of the Taxi Workers  
and Friends

Michelle Docken, Driver

2 [sound check] [background comments/  
3 laughter] [gavel]

4 SERGEANT-AT-ARMS: Quiet, please.

5 CHAIRPERSON DIAZ: Good morning ladies  
6 and gentlemen. Welcome to the hearing on the City  
7 Council Committee on For-Hire Vehicles. I am Ruben  
8 Diaz, Sr. the Chair of the Committee. Today we will  
9 be conducting a hearing on three pieces of  
10 legislation. First, Intro No. 1302, a bill which I  
11 have sponsored would amend the Administrative Code of  
12 the City of New York in relation to establishing a  
13 minimum base rate for trips dispatched by high volume  
14 for-hire service in the congestion zone. My bill  
15 will require the Taxi and Limousine Commission to  
16 establish a minimum base rate that must be charged  
17 for a trip dispatched by any high volume for-hire  
18 service that begins, ends or passes through the  
19 congestion zone. It will also require that the  
20 minimum base rate must be no less than the initial  
21 unit charge for a taxi and any required taxes, fees  
22 or surcharges. Since beginning—since becoming chair  
23 of this committee, one of my primary goals has been  
24 to establish parity across the industry, and to bring  
25 fairness and economic stability—stability for all

2 drivers. Some have argued that the congestion prices  
3 and surcharge implemented by the state last year and  
4 which will have taken effect this month if not for a  
5 lawsuit some charged that this—this proportionality  
6 affects taxis because for-hire vehicles do not have  
7 mete—metering—metering fares and to not need to pass  
8 the cost of the fee that they need onto the  
9 passengers. These, my friends, creates an even level  
10 playing field, which is contrary to the goals that I  
11 have set as the chair of this committee. The two  
12 other bills being considered today related to panic  
13 buttons inside taxis and for-hire vehicles. First,  
14 Introduction 1319 sponsored by our Majority Leader,  
15 Council Member Laurie Cumbo of Brooklyn would amend  
16 the Administrative Code of the city of New York in  
17 relation to distress signal for passengers in  
18 taxicabs, street hail vehicles and for-hire vehicles.  
19 The bill will require all taxicabs hail vehicle,  
20 liveries, black cars and luxury limousines to have a  
21 panic button installed that would allow passengers to  
22 send a distress signal to law enforcement. The other  
23 bill, Introduction No. 967 sponsored by Council  
24 Member Andy King of the Bronx will amend the  
25 Administrative Code of the city of New York in

2 relation to panic buttons for drivers of taxicabs,  
3 street hails, liveries and for-hire vehicles. This  
4 will require the taxi street hair liveries and for-  
5 hire [phone rings] Sorry. [laughter] Where was I?  
6 The other and then we started. The other bill  
7 Introduction 9 67 sponsored by Council Member Andy  
8 King of the Bronx who just arrived will amend the  
9 Administrative Code of the city of New York in  
10 relation to panic buttons for drivers of taxicabs,  
11 street hail, liveries and for-hire vehicles. This  
12 bill will require taxis, street hail, liveries and  
13 for for-hire vehicles to have a panic button within  
14 reach of the driver to notify the Police Department  
15 when the driver is in distress. We have one bill  
16 requiring panic button for a passenger, and another  
17 bill requiring a panic button for the driver. So,  
18 they both have panic buttons. This is a panic button  
19 here. So, that means that if the driver is-is in  
20 distress, the driver could push a button, and if the  
21 passenger is in distress, the passenger could push a  
22 button. Anyway, before I call up the first panel and  
23 ask this sponsor-I would ask before-and this is my-  
24 the members of the-of the committee here today  
25 Council Member Vallone and Council Member Rose, and

2 we've also been joined by Council Member Andy King  
3 who is the sponsor of one of the bills and I would  
4 like him to say a few words.

5 COUNCIL MEMBER KING: Good morning, and--

6 CHAIRPERSON DIAZ: [interposing] Wait,  
7 you are the panic button for the drivers?

8 COUNCIL MEMBER KING: Yes, I am the panic  
9 button for the driver. Okay. [mimics Diaz's accent]  
10 [laughs]

11 CHAIRPERSON DIAZ: Okay so the panic  
12 button for the--for the passenger vehicle here?

13 COUNCIL MEMBER KING: Um, no, but at  
14 another day, we'll put it all in one car. So, but I  
15 want to say thank you Mr. Chair for your energy this  
16 morning. This is a serious topic that we are  
17 addressing. I want to thank the panel for coming in  
18 to give your expert testimony, but today is all about  
19 Intro 967 as well as the others, which will mandate a  
20 panic button bill for all for-hire vehicles licensed  
21 by TLC. Creating a means to help those drivers and  
22 individuals in distress by signaling a system that  
23 connects the driver to NYPD and that department and  
24 why? For the safety of all those professionals.  
25 When livery driver Richard Deleon's car and the

2 passengers were attacked by a knife in 2017, he did  
3 everything possible to protect those three  
4 passengers, and his head. His thumb was cut off.  
5 Last year, a man believed-believed the Yellow Cab cut  
6 him off in Astoria and when he pulls over the guy  
7 parks his car and goes out to threaten him. The  
8 suspect then pulls a blade and slashes the cabbie's  
9 tire. Mr. Sing a taxi driver was assaulted by some  
10 bigot racist John called him slurs and robbed him of  
11 his religious turban, and in the Bronx while trying  
12 to collect a fare after a long ride from Manhattan,  
13 they punched this man and attempted to destroy his  
14 vehicle. A driver in the Bronx shot three times by a  
15 passenger carrying a guy who ran off with his cash  
16 and wallet before the stumbled out of his vehicle to  
17 wave a passing police cruiser, which was luckily  
18 nearby at the time. What had happened if he wouldn't  
19 have been so lucky? So, when I hear Brother Jay  
20 Cologne-Comacho, excuse me, family a father or three  
21 shot eight times while they're taking, cab drivers  
22 with a number of stories being forced to drive to  
23 addresses that don't exist only to be robbed, their  
24 cars to be taken away from them or to be beaten. This  
25 is a serious situation, and need to make sure that



2 these New Yorkers that New Yorkers count on every day  
3 to move them around are protected and being able to  
4 go home and provide for their families. So, today's  
5 legislation is about protecting New Yorkers who serve  
6 New Yorkers each and every day. It's not no way to  
7 play games so while we would check out the fiscal  
8 impact of what this can have on the driver, I offer  
9 today that we as a city should do all that we can  
10 fiscally. If there's a fiscal impact then as we  
11 providing funding for education, as we provide  
12 funding for transportation, as we provide funding for  
13 safety, this is one of those things that we need to  
14 provide funding for safety if there is a fiscal  
15 impact, and there should be no fiscal impact. To the  
16 driver as we attempt to save their lives. So, that  
17 being said, I want to thank you, Mr. Chair for  
18 holding today's conversation. I look forward to a  
19 spirited conversation, to ends to save the lives of  
20 our New York drives. Thank you.

21 CHAIRPERSON DIAZ: Thank you, Council  
22 Member for your leadership, and desire to help the  
23 industry. Thank you. Now, I am ask the counsel to  
24 take the oath.

2 LEGAL COUNSEL: Please raise your right  
3 hand. Do you affirm to tell the truth, the whole  
4 truth, and nothing but the truth in your testimony  
5 before this committee, and to respond honestly to  
6 Council Member questions?

7 DEPUTY COMMISSIONER HEINZEN: I do.

8 LEGAL COUNSEL: Thank you.

9 DEPUTY COMMISSIONER HEINZEN: Okay, Good  
10 morning Chair Diaz, good morning members of the for-  
11 hire vehicle committee and Council Member King. I'm  
12 Bill Heizen the Deputy Commissioner for Policy and  
13 External Affairs the New York City Taxi and Limousine  
14 Commission. Joining me today from TLC is Diana  
15 Pennetti who is the Deputy Commissioner of TLC's  
16 Uniform Services Bureau, and we are here today to  
17 share TLC's views on Intros 967, 1319 and 1302. TLC  
18 takes very seriously the safety of its passengers and  
19 of its drivers. Our mission is to ensure that all  
20 New Yorkers receive safe, reliable and accessible  
21 for-hire service, which includes keeping passengers  
22 and drivers safe. To protect the riding public, TLC  
23 requires that all drivers of TLC licensed vehicles  
24 must obtain a license to carry passengers whether in  
25 Yellow, Green, Livery, Black Car, commuter van, or

2 lux limo. To obtain that license, drivers must meet  
3 very stringent standards such a fingerprinting, and  
4 we're pretty unique in the country on this, and we're  
5 proud of that. Criminal background check a New Yorker  
6 State Department of Motor Vehicle driving record  
7 check, drug testing and driver education courses.  
8 Additionally, to ensure safe rides for drivers and  
9 passengers, TLC always urges them to not engage in  
10 illegal street hail activity. For drives these all-  
11 cash trips and they are of necessity all cash, the  
12 trips are unrecorded making it that much more  
13 difficult for the police or for TLC to locate the  
14 assailant and indeed a person with that intent may  
15 actually be trying to hail a ride illegally for that  
16 very reason. For passengers. For passengers you are  
17 getting into a car with out knowing if the drive is  
18 licensed by TLC. Therefore, and therefor screened  
19 for safety. You may be getting into a dangerous  
20 uninsured vehicle. The vehicle may not have been  
21 inspected, and we know that many reported instances  
22 where drivers and passengers have reported assault  
23 have involved unlicensed activity. Intros 967 and  
24 1319 would require that taxi street hail with reason  
25 for-hire vehicles have panic buttons in the rear

2 passenger compartment and in reach of the driver's  
3 seat capable of sending distress signals to the New  
4 York City Police Department. In those rare instances  
5 where there is a problem, TLC wants drivers and  
6 passengers to receive emergency support as quickly as  
7 possible. We must defer to other agencies who are  
8 more familiar with the capabilities of emergency  
9 response technology, but from a TLC perspective, I do  
10 want to note that the bills as drafted are currently  
11 silent as to who would bear the cost of any new  
12 vehicle equipment and without a full assessment of  
13 the technology, we, of course, don't know what these  
14 costs might be. We do know I think everyone in this  
15 room knows that drivers are struggling to meet  
16 expenses, and so we have to be concerned, and I want  
17 to put it on the record that we have to be concerned  
18 that for our drivers, many of whom own or lease their  
19 vehicles we want to be careful that they may be on  
20 the hook for paying not only for the installation but  
21 presumably for ongoing maintenance costs and any  
22 monthly technical—you know, carrying charges for this  
23 technology. Turning to Intro No. 1302, which would  
24 require TLC to establish a minimum base rate that  
25 must be charged to passengers for trips dispatched by

any high volume for-hire service that begin and/or pass through the Congestion Zone recently created by New York State Tax Law in 2018. The minimum base rate under 1302 must be no less than the initial base—the initial unit charge for a taxi and any required taxes, fees, or surcharges. This minimum base rate in taxi is referred to as the drop charge. The new state law defined the congestion zone as Manhattan south of 96<sup>th</sup> Street. For trips in Yellow Taxis that begin and/or travel through the congestion zone, state law required that passengers pay a congestion charge of \$2.50 per trip while for trips in for-hire vehicles passengers were to be charged a per-trip congestion surcharge of \$2.75. Although that surcharge as you know is reduced to 75 cents for shared rides. It is important to note the congestion surcharge is now in place today. Although that law was supposed to take effect on January 1, 2019, there is litigation challenging the congestion surcharge. A New York State Supreme Court Judge issued a temporary restraining order and joining implementation of the surcharge on December 20<sup>th</sup> of last year, and just last week on January 17<sup>th</sup> the judge ordered further briefing and temporarily

1 extended the restraining order under January 31,  
2 2019. Currently then the state congestion surcharge  
3 is not in effect. Given this, I would urge the  
4 Council to wait until the litigation is resolved and  
5 the outcome is known before considering legislation.  
6 Additionally, however, legislating a minimum for-hire  
7 vehicle fare now appears to conflict with recent  
8 legislation from this committee. In August 2018, as  
9 you know, the Council passed and the Mayor signed  
10 several bills governing the for-hire vehicle industry  
11 including Local Laws 147 and 150, which Intro 1302  
12 would amend. In addition to Local Law 147's  
13 moratorium on the issuance of new for-hire vehicle  
14 licenses for one year, Local Law 150 requires TLC and  
15 the city Department of Transportation to evaluate the  
16 impacts of high volume for-hire services on New York  
17 City, and just as a reminder I know you know this,  
18 Chair, but for-hire vehicles service—the high volume  
19 for-hire services are those bases that dispatch over  
20 10,000 trips a day on average and currently that  
21 would be Uber, June, Via and Lyft. So Local Law 150  
22 required TLC and DOT to evaluate the impacts of high  
23 volume for-hire services at New York City including  
24 impacts on congestion, driver income and air quality  
25

among others. That study must be completed by August 2019, after which the Council in Local Law 147 and 150 authorize TLC to take a variety of policy actions and also to "Determine whether the establishment of minimum of fare to be charged by vehicles licensed by the Commission would substantially alleviate any of the problems identified in the study." We understood that the Council's decision in Local Law 150 to require TLC to complete this study before making any determination as to minimum fare setting was designed to ensure a rational process that considered all of the relevant factors similar to how TLC evaluates potential taxi fare increase or how for well over a year, TLC evaluated whether and how to implement the recent driver pay standard. So, Local Laws 147 and 150 pressed the pause button to allow the TLC and DOT to examine how best to evaluate the impacts of high volume for-hire services on New York City, and how best to address those impacts. Without completing that Council mandated study, TLC cannot know those potential impacts, the impact of say a for-hire vehicle minimum fare on issues like congestion, driver income, traffic safety our an outer borough availability, wait times and fares, and we think I

2 would be irresponsible at this point to regulate  
3 fares prior to that thorough evaluation. Thank you  
4 for inviting us to testify today, and I will take  
5 your questions after the Police Department has  
6 testified.

7 OLEG CHERNYAVSKY: Good morning, Chari  
8 Diaz and members of the Council. I'm Oleg  
9 Chernyavsky the Department's Executive Director of  
10 Legislative Affairs, and I'm joined here today by  
11 Deputy Chief Richard Napolitano from the NYPD's  
12 Information Technology Bureau and our colleagues from  
13 the Taxi and Limousine Commission. On behalf of  
14 Police Commissioner James P. O'Neill, we are please  
15 to testify about two of the bills being heard today.  
16 At the core of the department's mission is our  
17 obligation to protect the health, safety and welfare  
18 of those that live, work and visit this city. To  
19 this end the department has leveraged technology and  
20 technological advancements to drive crime to lows not  
21 seen since the early 1950s. This includes the use of  
22 technologies as Shot-ShotSpotter, Smart Phones, Argus  
23 cameras and the Domain Awareness System, which  
24 integrates a multitude of technological crime  
25 fighting tools that better equip our officers to keep



2 people safe. However, our push toward technological  
3 integration does not end at advancements in crime  
4 fighting alone. It naturally extends to emergency  
5 response. Department of Technology and  
6 Telecommunications of Information Technology and  
7 Telecommunications is spearheading improvements to  
8 the 911 system with a goal—with a long-term goal of  
9 bringing the entire emergency system into the next  
10 generation. This is no easy task and this department  
11 is actively involved in that effort. Annually our  
12 911 call centers receive approximately 9 million  
13 calls for emergency service. This is why any change  
14 to the system no matter how slight requires  
15 significant thought, analysis, experimentation,  
16 validation and piloting prior to full integration.  
17 This is not a quick process nor should it be as any  
18 failure of request for emergency response to connect  
19 to the department or inability of the department to  
20 accurately determine the location of an emergency  
21 call can cost a life. This is simply a cost too  
22 great to bear for the safe of prematurely  
23 implementing even a good idea. The NYPD welcomes any  
24 and all innovations that will help us achieve our  
25 mission. This is why the department supports the

2 goal of greater access to first responders in cases  
3 of—and in case of emergency envisioned in Intro 967  
4 sponsored by Council Member King and Intro 1319  
5 sponsored by Council Member Cumbo. Although I want  
6 to be clear, there should be no substitute for  
7 callers phoning in to 911 where possible to enable  
8 our call takers to elicit what is often vital life  
9 saving information. These pieces of legislation  
10 require the installation of a panic button in every  
11 livery cab, hail and for-hire vehicle that can  
12 connect drivers and passengers to the Police  
13 Department. These bills seek to create another  
14 avenue in which the city can leverage technology to  
15 not only help prevent and solve crime, but to also  
16 connect those in distress to emergency services.  
17 However, while we agree that the integration of this  
18 technology both into such vehicles and into the 911  
19 system may prove to be significant. It is important  
20 to stress that the department does not currently have  
21 access to the GPS system installed in such vehicles.  
22 If GPS is, in fact, installed in all such vehicles,  
23 which is a vital component of having the ability to  
24 gain accurate location data. Additionally, TLC data  
25 such as license plate information and vehicle

2 description information would need to integrate into  
3 the back-end system. In busy locations officers may  
4 respond to a scene and see multiple taxi cabs or for-  
5 hire vehicles that look identical. Relatedly as  
6 companies such as Uber and Lyft have proliferated, it  
7 has become increasingly difficult to differentiate for-  
8 hire vehicles from personal vehicles. This is  
9 particularly—this is particularly why the panic light  
10 that is currently installed on taxicabs would need to  
11 become a requirement for all vehicles covered in this  
12 legislation. The presence of such lights and their  
13 integration into the scheme the bills envision, would  
14 enable responding officers to more quickly identify  
15 and respond to the relevant vehicle. These  
16 significant hardware installations and software  
17 upgrades together with the required. With the  
18 required testing and validation of such a system and  
19 training for all of our 911 call takers would take  
20 significant time and certainly could not be  
21 accomplished in 120 days as envisioned by the  
22 proposed legislation. I want to stress that  
23 although there are current challenges to immediate  
24 implementation this does not mean that this idea  
25 cannot be explored in the future. Indeed, the city

2 is in the process of developing Next Generation 911,  
3 which will provide significant upgrades to our  
4 current 911 system, which potentially could be  
5 successfully leveraged to utilize technology such as  
6 what is proposed in this legislation. We welcome a  
7 continuing dialogue with the Council relative to this  
8 issue. Thank you and we look forward to answering  
9 any questions you may have.

10 CHAIRPERSON DIAZ: Thank you to both of  
11 you. Mr. Oleg Chern—how do you pronounce—how do you  
12 pronounce your name?

13 OLEG CHERNYAVSKY: Chernyavsky.

14 CHAIRPERSON DIAZ: Chernyavsky. Okay.  
15 [coughs] Let me—let me ask you a question yes or no.  
16 Does the NYPD support or does not support the panic  
17 button?

18 OLEG CHERNYAVSKY: Well, I think as I  
19 tried to explain in the legislation, it's not really  
20 a yes or no question. It's yes we support the idea of  
21 getting somebody that is the victim of a crime  
22 immediate access to the Police Department however,  
23 that may happen. Now there are currently challenges  
24 with simply saying yes put a panic button in every—in  
25 every car because there's also a back end and—a back

2 end component to this, and the requirement would  
3 really need for officers to be able to distinguish  
4 these various vehicles. I mean the example I tried  
5 to make is imagine that there is a panic button that  
6 gets hit in a Yellow Cab and we respond to the corner  
7 of Broadway and Canal Street, and there are five  
8 Yellow Cabs there. How would we know which Yellow  
9 Cab pressed the button. So there's--there's a lot--  
10 there's a lot of issues that need to be worked out,  
11 but the concept of getting people whether it be the  
12 driver or whether it be a passenger in a for-hire  
13 vehicles or Yellow Cab quicker access to the Police  
14 Department to emergency response, it's certainly  
15 something we're in favor of.

16 CHAIRPERSON DIAZ: So, how do you  
17 [coughs] how do you see--the passenger have--the  
18 passenger would have a panic button. The driver  
19 would have a panic button. [coughs] I--I--I'm--I'm a  
20 little bit not clear. I mean who's and why the panic  
21 button has to be pushed because it could be that the  
22 life, the passenger feels that he or--or--or her life  
23 is in danger, but what about if they are discussing  
24 about politics not like Trump's--the other don't like

2 Trump, and because they don't like Trump or don't  
3 like Trump one of the two would push the button?

4 OLEG CHERNYAVSKY: Well, I-I-I mean I  
5 think it's--

6 CHAIRPERSON DIAZ: [interposing] My life  
7 is threatened because I thought this guy because he  
8 doesn't like Trump or I like Trump my life--my life is  
9 in danger?

10 OLEG CHERNYAVSKY: Yeah, I mean I-I think  
11 I certainly agree that people shouldn't be hitting a  
12 panic button based on their like or dislike for the  
13 Presidents, but I-I think that the idea conceptually  
14 is about a real emergency, and I think--I'll tell you,  
15 you raise a very interesting point because what the  
16 balance--what I'm saying is that although we want--we  
17 want faster access whether it be a panic button or  
18 whether it be some other form, faster access for  
19 victims of crime to the Police Department. These are  
20 one of the issues that need to be worked through.  
21 It's not only the technological hurdles, the  
22 software, the hardware, but it's also the abuse of  
23 the system and how--how do we work through what is the  
24 best way to connect victims of crime to the Police  
25 Department, through a system that will not be abused

2 or there—should there be safeguards created whenever  
3 you implement the system. So, for example, if this—  
4 the system proposed in these bills were to come to  
5 pass eventually , there would also have to be  
6 analysis done about false alarms, about people  
7 pressing the button and diverting police resources  
8 away from real emergencies to respond to an argument  
9 over politics as you mentioned. So these are all  
10 things that need to be considered in—in designing  
11 such a system.

12 CHAIRPERSON DIAZ: Yeah, I think—I think  
13 it's a good idea, but my concern is how would you—how  
14 do we—how we would differentiate from the real or  
15 the—the real danger on somebody that just—I don't  
16 like this driver or whatever and I'm going to push a  
17 button like and then I'm going to claim something.  
18 How do we know who's for real or who is not?

19 OLEG CHERNYAVSKY: I think-- [phone  
20 ringing] Excuse me. I think—I think you're saying—I  
21 think what you're saying is right that it's—this is  
22 why I think a longer term conversation needs to  
23 happen not only about the technology because  
24 certainly the bill hasn't effective date, both bills  
25 of 120 days. I—I don't think—I think everybody would

2 agree that we're not there yet, but beyond the  
3 technology hardware, software, this is the  
4 conversation that needs to happen. I think all of  
5 the relevant stakeholders need to get in the room,  
6 PD, TLC, the Council especially and talk about not  
7 only what needs to be done and what the best way to  
8 do—to do that is, but also how to create safeguards  
9 against people abusing the system to make sure that  
10 what we're actually getting are real emergencies, and  
11 we're not getting disputes over politics or—or, you  
12 know, people that have, you know, after a night of  
13 partying a night out on the town pressing the button  
14 because they had a little too much to drink. I mean  
15 these are the sort of things that we need to—we need  
16 to think about, we need to talk about, we need to  
17 address because although it's a good idea to connect  
18 people to emergency service faster what we can't have  
19 happen is a emergency service responders being  
20 diverted from real emergencies to answer false calls.

21 CHAIRPERSON DIAZ: Yeah, I have asked my  
22 staff to—to look into that, too, because it—it could  
23 be a problem. Also, it could be a burden for the  
24 driver because drivers nowadays they are a bit too—  
25 they—they are built for anything. So, anyway, let



2 me-let me-I think we're going to come back to you but  
3 let me ask the TLC a question.

4 OLEG CHERNYAVSKY: Uh-hm.

5 CHAIRPERSON DIAZ: Regarding-regarding  
6 Introduction 1302, are you opposing that?

7 DEPUTY COMMISSIONER HEINZEN: [off mic]  
8 Yes. [on mic] I'm not opposing it-we're not  
9 opposing it. What we're saying is (1) the surcharge-  
10 I think this is a response to the state's surcharge.  
11 The surcharge is under-not only being mitigated,  
12 there's temporary retraining order. There's  
13 litigation naming the city, naming TLC. So, I think  
14 it's early to gauge a response, but (2) we-our  
15 office, your office went through a very long process  
16 over last spring and summer with this package, this  
17 pretty historic package of regulation that you  
18 shepherded through. They put a moratorium on the  
19 vehicle licenses. They created a new licensing  
20 class. They directed us to do a very thorough study  
21 for a year of many factors before we determine  
22 whether we should-after the moratorium ends whether  
23 we should put additional limits on the number of for-  
24 hire vehicle licenses, whether we should establish a  
25 vehicle utilization rate. It also said that after

2 the study we should consider whether or not to set a  
3 minimum rate of fare for all the vehicles we license,  
4 but that obviously included for-hire vehicles, and it  
5 said that if we—if we made that decision at the time  
6 that doing that would alleviate some of the problems  
7 identified in the one-year study. We could then set  
8 a minimum fare, but taking it—it gave additional  
9 factors that we have to consider. So, it set forth a  
10 process, which is pretty similar to the process that  
11 we went through when we set the—the new driver income  
12 rules that was—and—and that process was also set  
13 forth in Local Law and similar to the process that we  
14 go through when we do a fare increase, you know,  
15 every two years we have to have a hearing on—the  
16 minimum fare, on the—the lease cap amount. So, the  
17 concern is that we just had this legislation. It  
18 just set for the process. The concern is that if we  
19 circumvent that process, I think we're making any  
20 action vulnerable to attack not just criticism, which  
21 we can handle, I know. I know you can, but—but legal  
22 attack.

23 CHAIRPERSON DIAZ: I just—I just want  
24 everyone to know and—and the Commissioner to know  
25 that [coughs] that I put—that we put that bill

2 together based on the Commissioner's recommendation  
3 because I have the other newspaper from the Wall  
4 Street Journal--

5 DEPUTY COMMISSIONER HEINZEN: Uh-hm.

6 CHAIRPERSON DIAZ: --November 19--

7 DEPUTY COMMISSIONER HEINZEN: Uh-hm.

8 CHAIRPERSON DIAZ: --of 2018. The

9 Commissioner speaking to the people there she said  
10 that the paper reads: Taxi and Limousine Commissioner  
11 Meera Joshi said Monday that other sectors of New  
12 York City for-hire--for-hire industry such as  
13 limousine and app based ride-ride services have more  
14 flexibility to absorb congestion fee. Then she said,  
15 They are not bound to meet the-metered read fare so  
16 they can reduce the price of the trip so that the  
17 passenger doesn't feel the effect. She said in a  
18 statement following a City Council Oversight  
19 Committee. So, she-she-now she's opposing you. I  
20 don't understand. I don't know.

21 DEPUTY COMMISSIONER HEINZEN: I didn't  
22 say she's opposing me.

23 CHAIRPERSON DIAZ: I'm confused.

24 DEPUTY COMMISSIONER HEINZEN: Right. I-I-  
25 an interesting thing has happened since that article,

2 which is the city was sued and TLC was sued and we  
3 were sued specifically on—and the state on the  
4 congestion surcharge. The judge entered a temporary  
5 restraining order. So, we're in litigation right  
6 now.

7 CHAIRPERSON DIAZ: That's not—I don't  
8 think that's something that had nothing to do with  
9 the other. I mean we had to prepare.

10 DEPUTY COMMISSIONER HEINZEN: Uh-hm.

11 CHAIRPERSON DIAZ: See if—if—if—the good  
12 actual news is that you always prepare for the worst  
13 and if you prepare for the best hoping for the worst  
14 or prepare for the worst hoping for the best, you  
15 prepare in advance. You don't wait. Let's see the  
16 year and let's wait to see what happens, and then  
17 when it happens, oh, we got to do this. We all know  
18 that the judge or court held the—the fare.

19 DEPUTY COMMISSIONER HEINZEN: Uh-hm.

20 CHAIRPERSON DIAZ: That we know. The  
21 judge might come and say forget it, but the judge  
22 might come and say go.

23 DEPUTY COMMISSIONER HEINZEN: Uh-hm.

24 CHAIRPERSON DIAZ: So, I think—I think it  
25 would be better for us ready about whatever we are

2 hoping. If we're hoping the judge said go, we're  
3 ready.

4 DEPUTY COMMISSIONER HEINZEN: I-I  
5 understand your point. I'm under no illusion that  
6 TLC can control your actions on legislation, and it's  
7 your prerogative obviously.

8 CHAIRPERSON DIAZ: No, no. I'm sorry.  
9 I'm sorry. I don't want to--I've been accused of  
10 being something, but I-I'm not trying to be  
11 disrespectful, and I'm not. I just want to be clear.  
12 If she or the Commissioner says we put that bill  
13 together because of the Commissioner said, and what  
14 she said--she said this--this is going to hurt the  
15 driver the--the livery. The Uber and the other guy  
16 they could do this, but the other drivers are going  
17 to be punished. So we said okay let's make it fair  
18 to everybody the Uber and whatever cannot do  
19 anything. They all have to do the same thing. That's  
20 what she say, and with the bill now she's saying no  
21 good.

22 DEPUTY COMMISSIONER HEINZEN: I'm-I'm  
23 definitely familiar with the history. As I said, TLC  
24 is named as respondent, the city is named as a  
25 respondent, Chair Joshi is named as a respondent. So,

2 I really can't comment on this because e we're under  
3 litigation.

4 CHAIRPERSON DIAZ: Okay. If any—they all  
5 left. Do you want—do you want a question? Okay,

6 COUNCIL MEMBER KING: Thank you, Mr.  
7 Chair. First, I want to make a statement and then  
8 I'll come back to one or two questions that I have.  
9 This Intro that came out, it didn't jus come out  
10 because one day I was just randomly sitting down and  
11 said hey let me come up with some legislation with  
12 taxi drivers. There's been a number of incidents  
13 that occurred in the Borough of the Bronx, and beyond  
14 and about 150 drivers came together with base owners  
15 for Commissioner Joshi, NYPD, a couple of different  
16 precincts and myself to discuss what can be done with  
17 all these drivers that are being robbed, shot,  
18 stabbed and fearful of their lives? Out of that  
19 conversation came an—this Intro to figure out how do  
20 we save the lives of the drivers who are vulnerable  
21 why the have to look in one direction and not having  
22 the luxury of looking over their shoulder regularly  
23 while they're driving a car or they're looking in a  
24 rear view mirror, but got to managing the road. Out  
25 of that came this panic. But, so as I'm listing to

2 your conversation, it appears that there isn't  
3 nothing in the way that really can obstruct us from  
4 achieving the goal of making sure of the drivers'  
5 safety other than time, other than a little bit more  
6 research and figure out the fiscal impact that will  
7 happen if we were to implement this. Is that a fair  
8 assessment of your testimony?

9 DEPUTY COMMISSIONER HEINZEN: Yeah, I  
10 think—I—I-I think we're saying the same thing--

11 COUNCIL MEMBER KING: Okay,

12 DEPUTY COMMISSIONER HEINZEN: --but I  
13 think over-over-it's time absolutely--

14 COUNCIL MEMBER KING: [interposing]

15 Right.

16 DEPUTY COMMISSIONER HEINZEN: --because  
17 we're not there yet in a lot of ways, but during that  
18 time let's--let's have the conversation, but not  
19 necessarily limit ourselves to panic button. Maybe  
20 during that conversation we're going to figure out a  
21 better way to allow drivers that get put in these  
22 very dangerous situations, I think everybody is  
23 acknowledging that. You know, we--whether it's the  
24 passenger of the driver we don't want either party to  
25 be faulted into a criminal or a crime. So, whatever

2 it is, whatever the best solution is. I don't want  
3 to hamstring all of us to one solution, but I think  
4 that's why what we're saying is we support the goal  
5 of your bill. Your—the goal of your bill is to  
6 protect drivers against being victims of crimes and  
7 we support that goal 150% and let's have a  
8 conversation and figure out what the best path is  
9 moving forward to achieve that goal, and if it turns  
10 out at the end of that conversation that it's panic  
11 buttons then great. If it turns out that we can  
12 figure out a better way to do it, then that's treat,  
13 too.

14 COUNCIL MEMBER KING: Okay, I thank you  
15 for that. I believe we're all on the same page,  
16 whether I can whether it's a button or that button  
17 signals a light because I do understand yes you can  
18 ride in and seven cars look alike and who pressed the  
19 button, but just like New York City buses when the  
20 driver presses his emergency buttons the lights  
21 flash, the sign goes across emergency 911. So  
22 everyone knows that that bus in distress, figuring  
23 out that technology and understand how the GPS system  
24 you're saying we're not connected. But again, that's  
25 a conversation that we often have or we're all on the



2 same page to make it work. So, I'm looking forward  
3 to having more conversations, and you mentioned about  
4 the 120 days. I-I can concur 120 days might be an  
5 aggressive plan to try to make it happen after we  
6 sign legislation. But what I would ask us to do,  
7 though, is have conversations now and not let them  
8 drag on six months and then be visited again, and  
9 then look at, you know, we're back in 2020 before  
10 2021 before we're able to implement it, and by that  
11 time we'll be having more staff because the other  
12 drivers might have got killed shot and robbed, and  
13 the goal is to minimize it today. So, what I would  
14 ask us if we can figure out by the holiday season  
15 time that we might be able and I'm talking about the  
16 winter season. That when-when the people have money  
17 and people are going after the drivers being able to  
18 have this implemented by this. So, we're in the  
19 beginning of the year. We're in January. I'm  
20 talking about maybe like a 7 or 8-month conversation  
21 of putting stuff together to see by at least November  
22 we might be able to roll it out some there. Do you  
23 think that-that that's a logical plan or thought  
24 process? Do you think that can be done and we can

2 come together in the next 10 months to see if we can  
3 make something like this come to fruition?

4 DEPUTY COMMISSIONER HEINZEN: I think  
5 that we can start the conversation immediately and  
6 where that conversation will take us, it will take us  
7 but I think at least start the conversation with  
8 having the same goal.

9 COMMISSIONER KING: Okay I appreciate it.  
10 So, the Committee and I know my office will be  
11 reaching out to you to start those conversations as  
12 soon as the second month of the year, and we're in  
13 the first month now. So, you know, let's talk in the  
14 second month of the year. So, by the 11<sup>th</sup> month of  
15 the year we could be implementing something will save  
16 the lives during the holiday season. I want to ask  
17 you a question in regards to—just following up on  
18 what the Chair was mentioning in regards to the  
19 congestion. I just want to know like I have three  
20 questions here I jotted down. The first one I want  
21 to know do—do you know how many rides were—were taken  
22 at high volume for-hire vehicles in the Congestion  
23 Zone during 2018 and what that monthly average looked  
24 like.

2 DEPUTY COMMISSIONER HEINZEN: I don't  
3 have that right now, but I can—I will definitely get  
4 that for you.

5 DEPUTY COMMISSIONER HEINZEN: I don't  
6 have that right now, but I will definitely get that  
7 for you.

8 COUNCIL MEMBER KING: Okay, because I'm—  
9 I'm trying to get a feel of ow many—how much traffic  
10 is actually flowing?

11 DEPUTY COMMISSIONER HEINZEN: We looked  
12 at this generally a few months ago and I have a  
13 memory but I don't—I don't have it in front of me.  
14 So, but—I—I know I can get you that and just to be  
15 sure, I have it right—what you would like to know is  
16 the number of trips in the Congestion—the total  
17 number of trips in the Congestion Zone for 2018 and  
18 then broken down by month--

19 COUNCIL MEMBER KING: Right.

20 DEPUTY COMMISSIONER HEINZEN: --and then  
21 I—I would like to give you for 2018 the average daily  
22 tip line.

23 COUNCIL MEMBER KING: Yes, thank you  
24 because I wanted to get a feeling of how much traffic  
25 we do have really coming down. How much money do you

2 think with this moratorium that—did we lose any. I  
3 mean how much money would you have gained if this  
4 moratorium wasn't place right now, and I'd like to  
5 get an idea does—how many folks in different areas?  
6 Do you think this is stopping people from coming up  
7 from different areas first say the Bronx because they  
8 might be charged?

9 DEPUTY COMMISSIONER HEINZEN: I do know  
10 that to the extent people from the Bronx are taking—  
11 to the extent they're taking livery or they're taking  
12 Green into the city, into the—I apologize—into  
13 Manhattan, into the congestion zone, those trips—  
14 those numbers are not particular high compared with  
15 Taxi and compared with the high volume for-hire-  
16 services. We can—this will take a little bit longer,  
17 but we could take a—we could take a look at the  
18 number of tips by origin, but your question really is  
19 what—what sort of impact might this—might this have.  
20 I'm sure right now. I know that every time there's  
21 been an increase in the yellow fare, there has been  
22 a—a small decrease in trip numbers.

23 COUNCIL MEMBER KING: So, as I'm asking  
24 questions, because I just want to make sure or get an  
25 idea on the record, but sometimes we have best

2 intentions, and sometimes legislation can be  
3 discriminatory--unintended consequences that could be  
4 discriminatory especially when we've got five  
5 borough, and we're talking about Manhattan and--

6 DEPUTY COMMISSIONER HEINZEN:

7 [interposing] Uh-hm.

8 COUNCIL MEMBER KING: --though Manhattan  
9 is still part of the five boroughs. It's not an  
10 entity off by itself because there's Queens, and it's  
11 just like the Bronx or Brooklyn or Staten Island.  
12 So, how do we make sure that everyone has equal  
13 access to parts of the city of New York and we don't  
14 get priced to stay out of it or we get priced to come  
15 into it. So, I just want to get an idea because as  
16 we talked about the drivers getting killed, you know,  
17 their ethnicity, their--their story is different than  
18 maybe someone else who's driving in Midtown Manhattan  
19 who can afford to stay in this circle whereof, you  
20 know, by means of an income. In different parts of  
21 the borough the money is not flowing. How do I get  
22 charged to go into another part of the area where  
23 there is more money flowing?

24 DEPUTY COMMISSIONER HEINZEN: I think  
25 Councilman King we're very concerned about any

2 increase in passenger fare in any sector. We're very  
3 concerned about the—what impact that has on people  
4 and their ability to get around, and that's one  
5 reason why in the Local Laws that the Council passed  
6 and the Mayor signed in August, it set forth the  
7 requirement to do a study of various factors of the  
8 impacts of for-hire vehicles and particularly the  
9 high volume for-hire services on factors like driver  
10 income, but on service availability and any increase  
11 in fare we're supposed to look at how that might  
12 affect service availability meaning whether people  
13 in, you know, non-Manhattan core who lived in those  
14 neighborhoods who were getting trips, whether they  
15 would be impacted by that either because there were  
16 fewer vehicles and, therefore, fewer trips, whether  
17 wait times were going to be increased either by a  
18 more—you know, by the moratorium on vehicle licenses  
19 or by any increase in fare, and so those are all the  
20 things that we think (a) that we were charged by  
21 Council to look at, those are the types of things we  
22 look at when we increase fares in Yellow. Those are  
23 the types of things that we looked at when we set  
24 forth the Driver Income Standard, and those are the  
25 types of things that we would want to look at before

2 we regulate a new base fare for for-hire vehicles or  
3 just for the high volume for-hire services.

4 COUNCIL MEMBER KING: Well, I thank you  
5 for that. I just ask us all to continue to be fair  
6 in all our assessments. New York is a great city to  
7 be in and while we are diverse, we still have our  
8 issues on our diversity, and some of our policies and  
9 rules do make it more difficult for every New Yorker  
10 to access. That's just the reality, and I don't want  
11 us to ever be in a hearing and ignore that those are  
12 realities for certain individuals who or certain New  
13 Yorkers. I'm just going to go back to the panic  
14 button communication with NYPD, and I—when we start  
15 talking about fiscal impact, I want us to be able to  
16 see if we as a city can make sure that we are putting  
17 our money where our mouth is. Recently myself and  
18 Council Member Ghonaj we had introduced legislation  
19 in regards to putting panic buttons on the safe haven  
20 zones in-in the city of New York after Junior was  
21 viciously murdered at a bodega. I've learned last  
22 week or the week before that City Hall—it's not—NYPD  
23 has put a panic button in the store that Junior was  
24 killed in as well as new technology and cameras all  
25 around the store that should make our grocery stores

2 and anybody who wants to be part of the safe fare of  
3 those—safer. So, if we're able to do it at such a  
4 level like that that means NYPD does have some sense  
5 of technology to do something like this. So there is  
6 some type of precedent. Even though we're on the  
7 same page I just want to put that on the record  
8 because I don't want us to hold ourselves hostage to  
9 time when—when there is a path for us to move as  
10 quickly as possible as we can. So, I just wanted to  
11 put that on the record, and I thank you all for that  
12 technology, for the Safe fare and I'm looking forward  
13 to working with that in our bodegas as well as making  
14 sure our taxi drivers are safe. So, Mr. Chair, thank  
15 you for today's conversation. I appreciate it and  
16 thank you all for your testimony.

17 CHAIRPERSON DIAZ: Thank you Council  
18 Member King. It's always an honor and a pleasure to  
19 work with you. I'm—I'm a co-sponsor of the bill or  
20 the panic button for the drivers.

21 COUNCIL MEMBER KING: [off mic] I thank  
22 for that. (sic)

23 CHAIRPERSON DIAZ: So, so, you know,  
24 going back to—to what I was saying before, we all  
25 know that a new commissioner is coming because the



2 commissioner I heard that she resigned. So, I-my  
3 advice is that we should do-the commissioner we  
4 should prepare, and do everything possible for the  
5 next people-person that comes to get it easier and to  
6 get things done and don't let me [patata caliente] Do  
7 you know what's a [patata caliente]?

8 DEPUTY COMMISSIONER HEINZEN: No, sir.

9 CHAIRPERSON DIAZ: A hot potato.

10 DEPUTY COMMISSIONER HEINZEN: Okay.

11 [laughter] I got the caliente part but it-it was hot.

12 CHAIRPERSON DIAZ: So, I-I don't want to  
13 ask you one more question. I'm good-I'm-I'm okay  
14 with none of you so I thank you for being here today.  
15 So, I-I hope that today we have a good understanding  
16 and we are working.

17 DEPUTY COMMISSIONER HEINZEN: I think we-  
18 I-I hope we have a good understanding as well and I  
19 just again want to emphasize on 1302 our-our point is  
20 that there's a whole process here that was-and it was  
21 set forth by Council about the types of things we  
22 need to look at and the things we follow in the  
23 process we need to follow, and so that's why we were  
24 confused--

25 CHAIRPERSON DIAZ: Right.

2 DEPUTY COMMISSIONER HEINZEN: --to see the  
3 legislation mandate that direct result.

4 CHAIRPERSON DIAZ: And my point is again  
5 that even though these--there is a litigation about  
6 the 1302, we don't lose anything by being ready, and  
7 getting something already prepared, and--and if the  
8 judge decided that the--the--the fare goes, we're  
9 ready, but for us who wait until the judge decided,  
10 the court decided what's going to happen--

11 DEPUTY COMMISSIONER HEINZEN: Uh-hm.

12 CHAIRPERSON DIAZ: --for us to start  
13 preparing, people we're--we're not doing a good  
14 service to the--do the drivers and to--to the industry.  
15 I think that we should be--we should be ready for  
16 whatever always whatever. Sometimes they announced  
17 that it's going to snow, and the city prepare for the  
18 snow, and there's no--there's no snow. But all the  
19 time they--the city doesn't prepare and the snow come  
20 and the mayors come unprepared. So we always--so  
21 thank you very much for being here today. I thank  
22 you very much.

23 DEPUTY COMMISSIONER HEINZEN: Thank you,  
24 Chair. [background comments/pause]

2 CHAIRPERSON DIAZ: We have been joined by  
3 Council Member Moya from Queens. I'm going to call  
4 Richard Lipsky, Charles Komanoff, Brian Lozano and  
5 Diane Clemente. [background comments/pause]  
6 [pounding sound] Two minutes. We're going to two  
7 minutes—two minutes each. Mr. Lipsky.

8 Yes. Mr. Chairman.

9 CHAIRPERSON DIAZ: Go ahead.

10 RICHARD LIPSKY: Thank you very much.  
11 Philosopher Alisdair MacIntyre once said that  
12 bureaucratic wisdom is one of the great moral  
13 fictions of our time, and I think we saw an example  
14 of that in the testimony of the city commissioners,  
15 but before I go into a little more depth on that  
16 because I'm here talk about 3-1302, but the panic  
17 button issue is intertwined with that because the  
18 police are talking about how do I identify which car  
19 and which taxi? Very simple. If they had a system  
20 that was integrated through technology like taxis  
21 have with the TPEP computer system, then it would be  
22 very easy to integrate the panic button with the  
23 computer system, and you'd know exactly which taxi or  
24 for-hire vehicle had that particular problem in their  
25 vehicle. So everything comes back to the fact that

2 we lack regulatory parity between the sectors. Now,  
3 in reference to the TLC, the question is if we wait  
4 and the Commissioner tried to avoid what Chair Joshi  
5 had said and you pointed out in your own remarks that  
6 this could gain the system, but we've already seen  
7 what has happened through the decimation of taxi over  
8 the last two or three years, and what the  
9 Commissioner is saying this could really hurt folks,  
10 but this is a real life and death situation. So,  
11 we're going to wait for their study, and how many  
12 bodies are going to be littering the streets while  
13 they finish their study? What the 1302 does is to  
14 create regulatory parity on the price of the drop  
15 fare because the TLC in three years didn't do its  
16 job, which was to regulate fares. So, they allowed  
17 surge pricing, they allowed predatory pricing. They  
18 allowed these companies to come in and do whatever the  
19 hell they wanted to do in terms of generating  
20 business at the expense of the Yellow Taxi industry  
21 [bell] and what we face now is a delay that is life  
22 threatening, and we support 1302, and we support not  
23 only but, we support connecting all of the for-hire  
24 vehicles to the same kind of software integration  
25 that taxis have so we know who's on the street. One

2 point before I finish. We have thousands of for-hire  
3 vehicles, Uber, Lyfts, Via, et cetera that come in  
4 from the airports, they come from New Jersey, they  
5 come in from Westchester. They're not registered in  
6 the city of New York, and without connectivity, they  
7 are cheating the MTA and cheating the taxi industry  
8 of fares that belong to it through its franchises.  
9 Thank you, Mr. Chairman.

10 CHAIRPERSON DIAZ: Thank you. Thank you,  
11 Mr. Lipsky. Now, what I-what I was-really threw me  
12 off that I thought the Commissioner was going to be  
13 excited to support this because this is--this is a  
14 based--this--this--my bill is based on what she said,  
15 and she was supportive and then now she said let's  
16 wait no good. That was--that was my concern is two  
17 different point of view.

18 RICHARD LIPSKY: No, I-I-I get that, and  
19 I think what you should have done was to relabel 1302  
20 Joshi's Law. [laughter]

21 CHAIRPERSON DIAZ: It was--it was--it was  
22 written based on what she recommended--

23 RICHARD LIPSKY: I understand.

24 CHAIRPERSON DIAZ: --and now she come and  
25 say I'm against it. I don't know. Maybe I should--

2 RICHARD LIPSKY: [interposing] And by the  
3 way, litigation has nothing to do with that. They're  
4 trying to punt.

5 CHAIRPERSON DIAZ: I understand that.

6 RICHARD LIPSKY: Kick the ball, kick the  
7 ball down, wait for a year and a half. It doesn't  
8 matter.

9 CHAIRPERSON DIAZ: But, you know, that's  
10 already—it is what it is. [background comments]

11 CHARLES KOMANOFF: My name is Charles  
12 Komanoff. I testified before this committee on  
13 November 19. I represent Taxi Medallion interest,  
14 but my analysis and opinions are my own. I have  
15 copies of my detailed remarks, which I will summarize  
16 here. May I approach or—Thank you sir. I fully  
17 support the intent of Int. 1302-2019, but recommend  
18 that we go further. There are many equities to be  
19 balanced here. Everybody deserves a better deal.  
20 Thank you. For-hire vehicle drivers want to survive.  
21 Motorists and truckers want to move and deliver.  
22 Transit users want subways that work and buses that  
23 aren't stuck in car traffic. Patrons of cabs, Ubers  
24 and Lyfts want to be picked up promptly and to arrive  
25 on time. People on foot and riding bikes want fewer

2 vehicles, and to repeat, driver of for-hire vehicles  
3 want to survive. I believe we can advance all of  
4 these aims simultaneously with this five point plan.  
5 Number 1. Albany rescinds its five fee congestion  
6 surcharges on all for-hire vehicles. They could do  
7 that today. Number 2. New York City mandates and  
8 implements connectivity. As my colleague, Mr. Lipsky  
9 described for app vehicles, which taxis already have,  
10 they could begin to do this today. Albany enacts  
11 congestion tolls on private cars and trucks. They  
12 could do that in the budget session. During the run  
13 up to implementing those congestion tolls, Albany  
14 phases in time-based congestion surcharges including  
15 tolling charges on the app-based vehicles and Number  
16 5. Albany enacts congestion surcharges on taxis to go  
17 into effect only when congestion tolling is in place.  
18 Here's why this program is fair. [bell] Connectivity  
19 for app-based vehicles is fair because it's  
20 inexpensive and will ensure full compliance with  
21 regulations charging all motor vehicles to travel to  
22 or within the Manhattan core is fair since all motor  
23 vehicles contribute by their presence to congestion.  
24 It's fair to refrain from fully surcharging all of  
25 the for-hire vehicles until private cars and trucks

2 pay tolls to enter the Central Business District. I  
3 explain why in my printed remarks, but beginning  
4 congestion surcharges for Uber and Lyft now is fair  
5 because unlike taxis, they have not paid for the  
6 right to operate in the taxi zone, and because they  
7 now number 7 times as many as taxicabs. Surcharging  
8 all for-hire vehicles based on time in the taxi zone  
9 not the drop, but on time in the zone with the fare  
10 is fair because it ties the surcharge to how much  
11 congestion each trip causes and it finally imposing  
12 an additional trolling surcharge on the app-based  
13 Uber and Lyft is fair because FHV trolling is a  
14 socially useless activity that is best addressed by  
15 making Uber and Lyft pay a price for it. Now, I  
16 outlined what that program would look like. I list-

17 CHAIRPERSON DIAZ: [interposing] Thank  
18 you.

19 CHARLES KOMANOFF: --what the benefits  
20 would be. We would have 15% faster travel in the  
21 heart of Manhattan. We would raise between a billion  
22 and a half and two billion dollars a year for  
23 transit. Manhattan residents who should pay the most  
24 will pay more in toll in the new tolls and surcharges  
25 than Brooklyn and Queens residents combined--



2 CHAIRPERSON DIAZ: [interposing] Okay.

3 CHARLES KOMANOFF: --and the number of  
4 Yellow Cabs--

5 CHAIRPERSON DIAZ: [interposing] Okay.

6 CHARLES KOMANOFF: --will be preserved.  
7 I'm happy to answer questions.

8 CHAIRPERSON DIAZ: Thank you. Thank you,  
9 sir.

10 CHARLES KOMANOFF: Thank you.

11 CHAIRPERSON DIAZ: Thank you, sir.

12 DIANA CLEMENTE: [off mic] Good morning,  
13 Chairperson Diaz and members of the committee. Thank  
14 you for the opportunity to [on mic] to address you  
15 today. My name is Diana Clemente.

16 CHAIRPERSON DIAZ: I'm sorry. I'm sorry.  
17 Could you--? Yeah. [Speaking Spanish] If anyone  
18 needs translation there is equipment. So, you could  
19 raise your hand and then sergeant-of-arms will  
20 provide you with one of the equipment. I'm sorry.

21 DIANA CLEMENTE: Sure. My name is Diana  
22 Clemente, and I am President of the Black Car  
23 Assistance Corporation, BCAC, a non-profit industry  
24 trade group advocating for the best interests of base  
25 operators and their drivers since 1991. I'm also the

2 President of Big Apple Car, and have worked in the  
3 industry for 45 years since starting as a customer  
4 service representative at age 16. I'm here today to  
5 speak in opposition to both Intro 1319 and Intro 967  
6 as they relate to black car services. The BCAC  
7 recognizes and appreciates the intent of both pieces  
8 of legislation. The primary concern of traditional  
9 or legacy black care companies has always been the  
10 safety of our drivers and the clients we serve. The  
11 black car service sector has long been a stable  
12 service in New York City and across the metropolitan  
13 area for corporate clients. We provide vital  
14 transportation services for high level executives,  
15 office workers and clients of the corporate customers  
16 that utilize our services. Unlike the liveries that  
17 service the riding public, and often are paid in  
18 cash, or the Yellows who also service the riding  
19 public some of whom also paying cash. Cash payment  
20 in the black car industry is non-existent. Since  
21 cash is non-existent, the chances of a black car  
22 driver being attacked is also almost non-existent.  
23 Less than 1% of our trips collectively are provided  
24 to individuals unaffiliated with the corporate and  
25 governmental agencies we service and the vast

2 majority [bell] of our work is contractual. We don't  
3 service the public. The owners/operators affiliated  
4 with licenses spaces either have a stake of ownership  
5 or in the BCAC member base as in the case of t he  
6 cooperative groups amongst us will have purchased or  
7 leased a franchise from the proprietary groups  
8 amongst us. Going back to the earlies days of our  
9 existence, the mid-1960s, 50+ years ago when radios  
10 or 2-way communication devices were placed in yellow  
11 taxicabs, the committee would be hard pressed to find  
12 a half dozen incidents more likely even a single  
13 incident of the type of activity that would warrant a  
14 panic button for either passenger or driver.

15 CHAIRPERSON DIAZ: Thank you.

16 DIANA CLEMENTE: It is because of our  
17 safety record as well as the [bell] vetting of our  
18 drives and the quality and range of services that the  
19 black car industry--

20 CHAIRPERSON DIAZ: [interposing] Okay.

21 DIANA CLEMENTE: --has historically been  
22 exempt from similar FHV regulations. By seeking out  
23 BCAC member bases, our clients are doing their due  
24 diligence. They are entrusting their principles,  
25 employees and their own clients with the appropriate

2 operator. As premium prices are paid in comparison  
3 to those of any other industry sector—

4 CHAIRPERSON DIAZ: We have to move on.

5 DIANA CLEMENTE: Well, so I'll go faster.

6 CHAIRPERSON DIAZ: No, no, it seeming  
7 your time is—your time is yours. You went over twice  
8 your time already.

9 DIANA CLEMENTE: Oh, I'm so sorry. Okay.  
10 Can I race through it?

11 CHAIRPERSON DIAZ: You're done.

12 DIANA CLEMENTE: No, I will—I'll go  
13 really fast. As premium prices are paid to come--

14 CHAIRPERSON DIAZ: No.

15 DIANA CLEMENTE: No.

16 MALE SPEAKER: It's in the record.

17 CHAIRPERSON DIAZ: Yeah, we got it.

18 DIANA CLEMENTE: You got it. Okay.

19 CHAIRPERSON DIAZ: Yeah, we got it.

20 Yeah, we do.

21 DIANA CLEMENTE: Okay, so then can I just  
22 read on paragraph?

23 CHAIRPERSON DIAZ: [laughs]

24 DIANA CLEMENTE: One paragraph. I'm just  
25 going to read one paragraph. Further and on a more

2 emotional note, we are an industry that like the  
3 yellows has been hit hard by the more than 80,000  
4 additional vehicles providing for-hire service. On  
5 behalf of all licensed black car bases, I humbly ask  
6 the committee to allow us to differentiate our  
7 service offerings from the others as we struggle  
8 mightily to survive against overwhelming odds.

9 CHAIRPERSON DIAZ: Okay.

10 DIANA CLEMENTE: Thank you. [laughs]

11 CHAIRPERSON DIAZ: Thank you.

12 Thank you, Chair and thank you for  
13 convening—for convening--

14 CHAIRPERSON DIAZ: [interposing] Let me--  
15 let me--let me hold. All--all the witness has two  
16 minutes. When you see--hear the--the bell, that means  
17 that the two minutes are up.

18 BRIAN LOZANO: Great. My name is Brian  
19 Lozano and I'm with Tech NYC. Tech NYC is a non-  
20 profit coalition with the mission of supporting the  
21 tech industry in New York through increased  
22 engagement between our 700 member companies in New  
23 York government and the community at large. Tech NYC  
24 works every day to foster a dynamic diverse and  
25 creative ecosystem ensuring New York is the best

1 place to start and grow with a tech company, and over  
2 the past several years, New York City has proven  
3 itself a welcome place for tech. However, New York's  
4 position as a tech hub, and the continued growth of  
5 the industry is not a foregone conclusion. Rather,  
6 the continued success of our ecosystem will  
7 necessitate hard work, key investments and smart  
8 legislation. Over the past year, the Council has  
9 proposed and passed a significant amount of  
10 legislation to regulate ride share tech companies,  
11 and while some of these have been smart and well  
12 measured policies, others have not. Intro 1302,  
13 which would establish a base rate for high volume,  
14 for high service in the congestion zone represents  
15 the latter, and would have serious negative  
16 consequences. Last summer the Council to its credit  
17 passed a law mandating drivers receive a living wage.  
18 But unlike that legislation the intent in Intro 1302  
19 is not to support drivers, but to limit the amount of  
20 competition in the industry, which would be to a  
21 detriment to all New Yorkers. The legislation would  
22 limit the ability of ride share companies to compete  
23 on price and their ability to offer riders quality  
24 and affordable services. Intro 1302 also includes a

1 potential minimum rate for shared rides making this  
2 type of service less affordable. The City Council  
3 and the state have demonstrated their priority to  
4 increase the efficient utilization of for-hire  
5 vehicles and shared rides are a key mechanism in  
6 achieve these goals. Shared rides are something that  
7 should be incentivized. However, this proposal will  
8 an opposite effect preventing companies from offering  
9 competitive prices. When it comes to the shared ride  
10 industry, the Council too often rely on antiquated  
11 regulatory tools failing to engage key stakeholders  
12 in finding a path forward that makes the most sense  
13 for the most New Yorkers. Those who rely on for-hire  
14 vehicles, those who drive for a living and those who  
15 worry about congestion. Where a living wage for  
16 drivers already establishes law, the Council should  
17 be working to encourage industry competition allow  
18 different services and companies to offer the best  
19 price in products. As for Intro 967-1319, we support  
20 the intent of the goal in increasing the passenger  
21 safety across [bell] all types of services. However,  
22 legislation should be revised to ensure the industry  
23 is able to devise innovative solutions rather than  
24 millions installing a physical panic button and the  
25

2 rest of my testimony is in front of you. Thank you  
3 so much for the opportunity to testify.

4 CHAIRPERSON DIAZ: You did good. You  
5 read the whole thing [laughter] in two minutes.

6 BRIAN LOZANO: I was close. [laughs]

7 CHAIRPERSON DIAZ: Oh, by the way,  
8 before, you know, when you said that the Introduction  
9 1302 is not to support drives, how do--how do you. I  
10 mean with Introduction--Introduction 302 I don't know  
11 if you're on the--if you really read the--the bill, but  
12 this says that if we're going to do that, every  
13 driver, every car, everybody will have to do the  
14 same. We cannot--we cannot give pre-relation to Uber  
15 and to Lyft and to--leave the other drivers on their  
16 own. If we're going to do it, it have to equal and  
17 fair. So, when you say we are not protecting  
18 drivers, I don't know where you're coming from.

19 BRIAN LOZANO: Is that--is that a  
20 question, Council Member?

21 CHAIRPERSON DIAZ: Yeah, I mean I want  
22 you to clarify that to me.

23 BRIAN LOZANO: It's--it's like we said, I  
24 think some of the laws were positioned relative to  
25 living wages. We support and I think--



2 CHAIRPERSON DIAZ: [interposing] No, you-  
3 you stated--

4 BRIAN LOZANO: Yeah.

5 CHAIRPERSON DIAZ: Introduction 1302 is  
6 not to support drivers. So, I want you to clarify  
7 that to me.

8 BRIAN LOZANO: We believe that the shared  
9 rides are a very important part of--of providing  
10 affordable services and gives an opportunity to  
11 drives to--to provide those services to passengers and  
12 we think that this bill is a detriment to that.

13 CHAIRPERSON DIAZ: So, do we have Uber  
14 taking advantage and--and--and we say no? Do you take  
15 advantage? Do you take advantage? And would--would  
16 you say no, let--let Uber and Lyft take the advantage  
17 and the driver being disadvantaged. Because  
18 protecting drivers means everybody the same. That's  
19 protection. So, you say Introduction 1302 is not  
20 supporting drivers, I don't know what you mean, but  
21 thank you very much for your testimony.

22 BRIAN LOZANO: Thank you.

23 CHAIRPERSON DIAZ: Okay. Thank you,  
24 thank you. [background comments] Peter Mazer, Mr.  
25 Peter Mazer. Scott Router--Router. Scott? Who's

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2 Scott? Ozzie Ball. (sic) Aaron Smith. [pause] Let  
3 me have a break for five minutes. Okay. I'll be  
4 back. Let's hold for five minutes. I'll be back.

5 Let me go to some place. [background comments][gavel]

6 Okay, we're back in business. I have been joined by  
7 Council Member Constantinides. Thank you. So--

8 PETER MAZER: Good morning Chairman Diaz  
9 and members of the Committee. My name is Peter Mazer  
10 and I'm General Counsel to the Metropolitan Taxicab  
11 Board of Trade. My association representing owners  
12 of more than 5,000 licensed medallion taxicabs. We  
13 also provide an array of free services of drives of  
14 these taxicabs including free representation in  
15 Traffic Court, the parole (sic) and in Criminal Court  
16 for vehicular offenses. This serviced has saved our  
17 drivers more than a million dollars in legal fees  
18 over the past three years. There is no question that  
19 the medallion industry is in dire straits. Ridership  
20 has plummeted over the last five years primarily  
21 because of the proliferation of the high volume for-  
22 hire services that have flooded the streets with over  
23 100,000 cars, and whose fares are largely unregulated  
24 enabling those businesses to reduce fares to levels  
25 below those charged by taxicabs in order to capture

2 market share. The situation is likely to worsen if a  
3 planed congestion surcharge temporarily enjoined by  
4 the courts were to take effect. Taxicabs and street  
5 hail liveries must include the surcharge as an  
6 additional charge on the meter while high volume for-  
7 hire services could easily absorb the increased costs  
8 imposed by the congestion surcharge by lowering the  
9 fares proportionately. This would hurt drivers of  
10 both taxicabs and for-hire industries as they will  
11 all last. Intro 1302 would address the problem by  
12 ensuring that these high volume services charge at  
13 least the basic initial rate charged in the taxicab,  
14 which would be no less than \$5.80 if the congestion  
15 surcharge would take effect, but more is needed. To  
16 preserve driver incomes, all trips in these services  
17 should have fares that are no less than changed by  
18 the taxicabs or street hail liveries with the same  
19 time and distance traveled. Inasmuch as this Council  
20 and the TLC have stated that ensuring drivers a  
21 reasonable income is a priority. This goal could not  
22 be achieved if the largest segment of the industry  
23 can undermine driver incomes by continually lowering  
24 fares to increase market share. To this end, the  
25 Council should consider broadening—broadening the

2 scope of the bill to restrict the ability of high  
3 volume for-hire services to cut fares below those in  
4 taxicabs and all trips, not merely those that the  
5 initial fare imposed within the congestion zone.  
6 Intros 13, 19 and 967 would mandate panic buttons  
7 available to both passengers and drivers, which would  
8 connect directly with the NYPD. Drivers already have  
9 a panic button. It's not clear how this new feature  
10 would provide any additional protection for  
11 passengers. These bills presume that a signal to the  
12 police would generate an appropriate response, but it  
13 is not evident that there is a protocol in place to  
14 do so. For example, a similar initiative in  
15 Washington, D.C. was met with a flat out refusal by  
16 the Office of the Untied-Unified Communications to  
17 integrate the emergency alerts into 911 and 311  
18 systems. We could expect a similar result here.  
19 [bell] If I can just summarize at the end?

20 CHAIRPERSON DIAZ: No, no, finish  
21 reading.

22 PETER MAZER: Yes. Okay. Panic buttons  
23 will quickly be misused as complaint buttons  
24 requiring emergency respondents to intercede in  
25 customer service issues unrelated to passenger or

2 driver safety distracting them from other priority  
3 calls. To be effective, a trigger panic alert  
4 requires an in-vehicle technology system to disable  
5 the driver's meter until the alert the cleared by the  
6 dispatcher or in this case the NYPD. A potential  
7 nightmare for drivers who could wait hours or even  
8 days for that clear-the-system response. Without  
9 integration to NYPD, taxicab owners would be forced  
10 to pay third-party services to monitor triage and  
11 report panic alert messages on a 24-hour basis, an  
12 additional and a considerable expense to be born by  
13 an industry already taxed to the limit. In short,  
14 driver and passenger safety, a priority can be  
15 addressed in other ways. Thank you for giving me the  
16 opportunity to testify this morning. I'll be happy  
17 to answer any questions-

18 CHAIRPERSON DIAZ: Thank you.

19 PETER MAZER:--that you may have.

20 CHAIRPERSON DIAZ: Scott.

21 SCOTT RUDDER: [off mic] Thank you very  
22 much. [on mic] Good morning. Well, good morning.  
23 My name is Scott Rudder. I'm the Vice President of  
24 Limo Association of New York, which is a group of  
25 luxury limousine base owners here in the city. I'm

2 here again today to respectfully request that the  
3 Committee exempt luxury limousine base affiliated  
4 vehicles from any pending legislation regarding the  
5 installation of panic buttons and distress signals  
6 and I'd like to explain the reason why our  
7 association seeks exemption from legislation, which  
8 is intended to enhance public safety, a goal that we  
9 all share. We realize this effort is yet another  
10 response to the dramatic increase in vehicles  
11 affiliated with transportation network companies or  
12 TNCs that have driven the need for this new  
13 regulation. We feel strongly this another example of  
14 regulation that is being applied across all FHV base  
15 types when, in fact, it really has no application in  
16 the luxury limousine segment. The addition of nearly  
17 100,000 vehicles over these past five years all-all  
18 of-almost all of which are TNCs trolling around  
19 until summoned by electronic-by electronic means to  
20 provide on-demand service where the driver doesn't  
21 know the passenger is getting into the car and the  
22 passenger doesn't know who's driving the car. By  
23 contrast, the high majority of our business is all  
24 pre-arranged work with established customer accounts.  
25 I would add that there is absolutely no cash

2 involved. We know exactly who is getting in our car  
3 and our customers know exactly who we are. In the  
4 high majority of circumstances many of these  
5 customers have been using us for months and even  
6 years on end. These customers won't press a panic  
7 button or a distress signal. They'll fire us and  
8 move onto another luxury limousine base after  
9 researching and selecting one that will live up to  
10 their standards and who they want to use. Yet, we  
11 keep getting swept up into many one-size-fits-all  
12 regulations aimed at the entire industry when in  
13 reality [bell] our segment has no impact on them.  
14 Very quickly, a few of those are wheelchair  
15 accessible vehicle when we don't provide on-demand  
16 service to begin with, data collection regulations  
17 where we don't decide where we're going to go. Our  
18 customers decide that. Congestion Pricing. Our base  
19 groups have lost about 2,000 vehicles over the past  
20 few years compared to the 100,000 increase in TNCs.  
21 So, in conclusion, I want to ask again that when you  
22 are deciding on this new regulation whether it be the  
23 panic button issue or any others that you please take  
24 into account the various different base types that  
25 exists within the FHV industry and not lump us in all

2 together especially when it's an issue that we have  
3 absolutely no impact on. Thank you very much.

4 CHAIRPERSON DIAZ: Alright, thank you.

5 AZIZ BAH: Thank you very much, Chairman  
6 Diaz. My is Aziz Bah. I'm a driver, FHV driver and a  
7 member of the Independent Driving Guild, and today  
8 I'm here to talk about Intro 967 and 1319 in  
9 reference to panic button for both riders and drivers  
10 and I think that's essential to have safety for both  
11 drivers and passengers, but now we can work directly  
12 with the app based companies to integrate that  
13 feature into the app itself as opposed to having  
14 drivers to really go to like a third party to a shop,  
15 extra expenses for those drivers and have them  
16 install that. That's an extra expense added to in  
17 the back of drivers that are already taxed at every  
18 single level and actually we're crying out loud right  
19 now that we cannot afford most things. The last  
20 thing we want to see is somebody really asking us to  
21 go through some hoops in order to install a panic  
22 button, and I think with technology it can be easily  
23 integrated and it can work very well, and both  
24 passengers and riders can have it. And like I said,  
25 they already have a pilot program, which there's some



2 apps and it's working perfectly fine. Now, in regard  
3 to 1302, the congestion issue, I've been driving for  
4 about five years and I can tell you straight up that  
5 we are not the one causing congestion. For some  
6 reason we are being blamed, but I think putting the  
7 congestion issue where it is on the back of delivery  
8 drivers and personal cars, maybe that can address the  
9 congestion issue [coughing] and it's going to—if  
10 implemented, it's going to really hurt people that  
11 are from the outer boroughs. Those are people that  
12 are going to be paying the most, and that's not fair  
13 to them. So, as a driver [bell] I can tell you the  
14 congestion is not on our part. Thank you.

15 CHAIRPERSON DIAZ: Thank you.

16 AARON SMITH: Hi. Sorry. Good morning,  
17 good morning Chairman Diaz and members of the FHV  
18 committee. My name is Aaron Smith, and on behalf of  
19 the Independent Driver's Guild and more than 70,000  
20 app-based drivers that we represent, I write to you  
21 today to express concerns regarding Intros 967 and  
22 1319 in relation to panic buttons for drivers and  
23 passengers of street hail liveries and for-hire  
24 vehicles. Serving as a for-hire vehicle driver is a  
25 dangerous profession and protection—protecting the

2 safety of our city's drivers and riders is twofold.  
3 We appreciate the City Council's interest in this  
4 area. While we support the intent of both panic  
5 buttons—both panic button bills to improve driver and  
6 passenger safety, we believe that existing app based  
7 technology offers a more practical and readily  
8 available solution. While all for-hire vehicle  
9 drivers in New York City are required to complete  
10 fingerprint, criminal background checks as well as  
11 well as training and certification—and ceti—sorry—  
12 sorry—certification exams, riders are not required to  
13 meet any such standards. App based dispatch systems  
14 eliminate some of the safety hazards long associated  
15 with a anonymous street hails in pickups, but there  
16 are still far too many assaults on drivers. As the  
17 result of shared or pool rides have increased, the  
18 threat to drivers have also increased where incidents  
19 of rider—with even incidents of rider or rider  
20 violence. This is why we need to be—this is why we  
21 need to be pleased to seek the app based companies to  
22 begin to roll out emergency buttons within our—within  
23 their software applications for both passengers and  
24 drivers. App based emergency buttons already exist  
25 within the larger apps, and we—we believe that those

2 are the best solutions to the drivers and the riders  
3 alike. They already use technology built in the app  
4 to find out their exact location and provide 911  
5 dispatch already, and they're already piloting  
6 technology to help allow the transmit of the location  
7 to 911 directly. The alternative is to build some  
8 similar capacities in the physical ways, it would  
9 just hinder a lot and it would put a big strain on  
10 the drivers. [bell] So, we need all the help we can  
11 get. Thank you, Chairman Diaz.

12 CHAIRPERSON DIAZ: Thank you. Thank you  
13 for your participation. Thank you. I appreciate it.  
14 We have a question. Hold on Wait, wait, wait.

15 COUNCIL MEMBER KING: Than you, Mr.  
16 Chair. To Taxicab Board of Trade Peter Mazer. Did I  
17 get it right?

18 PETER MAZER: Yes, right here.

19 COUNCIL MEMBER KING: So, you mentioned  
20 that you have a really—a real strong, third stage not  
21 really supportive of the panic bill 1319 and 967.  
22 Now you mention at the end and it's short: Drivers  
23 and passengers and priority can be addressed in other  
24 ways. So, while I applaud and appreciate your  
25

2 testimony, one of the things that I do not support  
3 when people say no, but don't offer a suggestion.

4 PETER MAZER: Uh-hm.

5 COUNCIL MEMBER KING: So, if you're going  
6 to say no, what ways can we save drivers? Because  
7 you did share that.

8 PETER MAZER: Okay, well in two minutes  
9 it's hard to share. I had to address the bills that  
10 were before us as opposed to rewriting a bill. I  
11 think you opened the door at the beginning of the--  
12 your comments with NYPD and the discussion really has  
13 to be a conversation between the industry, the City  
14 Council, the Mayor's Office, the Taxi and Limousine  
15 Commission and the New York City Police Department to  
16 come up with the correct solutions. We do have a  
17 panic button that's available for drivers now as  
18 you're aware, which provides a light in the back. It  
19 isn't all that effective and hadn't been effective in  
20 the past because drivers at NYPD responders tended  
21 not to know what it was or thought it was on by  
22 mistake and a lot of drivers who had the flashing  
23 panic button going on and--and nothing really  
24 happened. Our concern with the bill is I probably  
25 have a greater concern with the panic button for

2 passengers because we've seen the kinds of things  
3 that passengers will do. Oh, I don't like this  
4 driver. He's driving too fast. Hit the panic  
5 button. Oh, this driver move. I-I think he came a  
6 little too close. Maybe that light was red when he  
7 went through and he coasted through. It was yellow.  
8 Hit the panic button. Drivers are sophisticated. I  
9 don't think that we're going to find drivers using  
10 the panic button to any great degree without there  
11 being a real emergency. Passengers on the other hand  
12 will use the panic button. They call the police for  
13 everything. They will say I didn't like the way the  
14 driver looked at me. I didn't like the way the  
15 driver let me off too far curb. I didn't like the  
16 way the driver slammed the trunk down when he took my  
17 luggage out, and we don't want-I-I think our  
18 resources in the city should be invested in that kind  
19 of interrelationship and certainly that's not an  
20 emergency. Maybe if you can call 911 and get a  
21 police response and work it out, we can do something  
22 like that. We have a bigger problem-one of the  
23 problems drivers face every day is the problem of  
24 fare evasion, which is a huge problem this industry  
25 that passengers walk out without paying and there's

2 no relief for the drivers of drivers there. I think  
3 drivers are sophisticated enough. My concern with  
4 the bill as drafted is that I don't know if NYPD is  
5 sophisticated—is at the level right now or will be at  
6 the level within a short period of time to integrate  
7 any kind of system into an emergency response into a  
8 true 911 system. You really need to have vehicle  
9 locators in every vehicle. You have to know the  
10 identity of the vehicle. You have to have inter-  
11 relationship between the Taxi and Limousine  
12 Commission and NYPD so that data and the TLC does  
13 have real time data at least with respect to taxis  
14 and street hail liveries, but we know the medallion  
15 number, where it is, who's driving it and its exact  
16 location at any given time. Once we get through  
17 those hurdles, I think that's where the solution will  
18 lie. I'm not dodging and saying that—that I—I—that  
19 this—that the solution—I'm putting this solution  
20 aside and saying, you know, let everybody else figure  
21 out the solution. I think the solution we're not—  
22 we're not far from where we would want to be, but we  
23 have to have the kind of integration, and whatever we  
24 do in the taxicab industry, we have to make sure the  
25 same thing is done in the for-hire industry, which

2 maybe doesn't have as much sophisticated tracking  
3 mechanisms in place as we now see in the—in the  
4 taxicab industry here livery side. So, so I think  
5 that's all I'm—I'm trying to say and I hope I  
6 answered your question .

7 COUNCIL MEMBER KING: You did and I want  
8 to say thank you and I just urge you. We consider  
9 you guys, panelists of experts, people who are in the  
10 field. So in the world of technology us being able  
11 to send a man to the moon, we can't say that we can't  
12 sit here and figure out—and you said panic buttons.  
13 Panic buttons does it have to be a switch? You know,  
14 do you have all kind of applications that just hits  
15 you? Whatever we call it, but I'm just saying having  
16 some type of mechanism whether it's on a Smart phone  
17 or GPS, every base driver or owner says their cars  
18 are equipped with GPS. These things already exist.  
19 It's just a matter of how do we link 'em and sync 'em  
20 so we can protect our drivers, and that's where I  
21 hope this—I would like everybody's conversation to go  
22 as opposed to just saying no because we have the  
23 right to say no, but being responsible because  
24 identity—if you're not sitting behind the wheel, it's  
25 not fair to sit here and have a conversation on no.

2 We'll, you're not out there for 12 hours a day and  
3 trying to get home or not getting robbed, stuff and  
4 so forth. So, that's my conversation, but than you  
5 again.

6 CHAIRPERSON DIAZ: Thank you.

7 COUNCIL MEMBER KING: I just wanted to  
8 get some clarity on the record, and we're looking  
9 forward to bringing everybody into the room when we  
10 have the next conversation.

11 CHAIRPERSON DIAZ: Okay.

12 COUNCIL MEMBER KING: Alright, thank you.

13 CHAIRPERSON DIAZ: Thank you very much.

14 PETER MAZER: Thank you very much.

15 CHAIRPERSON DIAZ: Bridget Felix, Raul  
16 Rivera, and Jose Rodriguez. [background  
17 comments/pause] Okay.

18 RAUL RIVERA: My name is Raul Rivera. I'm  
19 a New York City TLC driver. I was born and raise in  
20 the Bronx.

21 CHAIRPERSON DIAZ: [om mic]

22 RAUL RIVERA: Reset it, reset it,  
23 alright. My name is Raul Rivera. I'm a New York City  
24 TLC driver. I was born and raise in the Bronx.  
25 Finally, a bill I personally agree with. Drivers



2 need protection. I'm a driver myself. If you truly  
3 want to help drivers, here are a few points to  
4 consider: Abolish the unconstitutional jeopardy TLC  
5 rule. Do it now. Stop wasting time and give drivers  
6 80%. Do it now. Cap drivers. Do it now. Exempt  
7 all TLC drivers from congesting pricing. Do it now.  
8 Tell-tell City Council members to stand with Evelyn  
9 Raymond and the NYPD 12. Do it now. And the illegal  
10 NYPD ticket quotas. Do it now. Ask the Mayor why he  
11 redacted the 2-minute dollar Uber study. Do it now.  
12 Ask the Mayor why he gave away free parking to  
13 Enterprise and Zip Car. Do it now. Reform the TLC  
14 and sign my petition. Do it now. Save the role of  
15 Public Advocate. Do it now and on February 26, vote  
16 for Jumaane Williams the next Advocate of New York  
17 City. These points will no doubt only our City TLC  
18 drivers. Let put end to this Trump like commission  
19 and end this horrible nightmare once and for all.  
20 New York City drivers unite. [Speaking Spanish]

21 COUNCIL MEMBER KING: How are you saying  
22 that again?

23 CHAIRPERSON DIAZ: Okay.

24 COUNCIL MEMBER KING: How you say your  
25 name again? Your name?

2 RAUL RIVERA: Raul, Raul Rivera.

3 COUNCIL MEMBER KING: Raul?

4 RAUL RIVERA: Raul R-A-U-L. I'm a  
5 project.

6 COUNCIL MEMBER KING: Okay, it's on that  
7 list Do it Now.

8 CHAIRPERSON DIAZ: No, it's-

9 RAUL RIVERA: Do it now. Do it now.

10 CHAIRPERSON DIAZ: Okay, okay, yah, yah.

11 RAUL RIVERA: {Speaking Spanish} I had an  
12 accident last night. I got to go. I got to get a  
13 new car. I can't take the time--

14 CHAIRPERSON DIAZ: Okay, got you.

15 RAUL RIVERA: --from the TLC. From the  
16 TLC.

17 BRIDGET FELIX: Good morning. My-my name  
18 is Bridget Felix. I am-I'd like to say that I am all  
19 for the panic buttons for the drivers. I don't think  
20 that it should be limited at all. I don't think that  
21 the limo drivers will ever know if t here is a  
22 passenger that has a gun inside and wants to shoot  
23 another person inside their limo. I think every  
24 driver should have a panic button. As far as the  
25 passenger. I've had complaints because I don't allow

2 the passenger to smoke marijuana or drink alcohol in  
3 my car and they want to complain. Will the panic  
4 button be used for that? Well, I-I'm-I'm not for the  
5 panic button for the passenger, but definitely for  
6 the driver. As we can see how TLC Joshi never  
7 answers the questions and runs around your questions.  
8 I think that that bad habit is going to trickle down  
9 to the next Commissioner. Can we just reform TLC  
10 completely, please, please?

11 CHAIRPERSON DIAZ: That's not--that's not  
12 up to me. That's--that's above my pay grade.

13 BRIDGET FELIX: It should be up to us as  
14 well. We need--we need the rate for the drivers to  
15 get paid what was already established not continue to  
16 cut it down, and then running around, "Oh, now we  
17 need to research for another year." No, we need it  
18 now, now. What are we waiting for? More suicides?  
19 Now. Thank you.

20 CHAIRPERSON DIAZ: Thank you.

21 SETH RODRIGUEZ: [off mic] Buenos Dias.  
22 [on mic] Buenos Dias. [Speaking Spanish]

23 TRANSLATOR: I am Seth (sic) Rodriguez.  
24 I am the President of the Taxi Workers and friends,  
25 and I must--I want to say hi to the Reverend and to

2 the Council Members present here. I want to—I want  
3 to talk about the bill proposed 1302 because I'm  
4 looking for equality for all drivers. I want to ask  
5 the reverend whether—if that bill gets approved if  
6 it's going to go into effect and when it's going to  
7 do so because there was a law—a bill that was signed  
8 by—approved and signed by—by the Mayor in August for  
9 platforms to—to hold them accountable and it was  
10 supposed to enter into effect in November the 14<sup>th</sup>  
11 and to date it hasn't do so. When is that—that's  
12 going to be the case.

13 SETH RODRIGUEZ: [Speaking Spanish]

14 TRANSLATOR: Secondly, I want to ask  
15 about a project a bill project—bill 967 that was  
16 proposed by the Councilman King that was—that took  
17 place in 2009 when the mayor—the mayor was—Mayor  
18 Bloomberg and that was approved in order to set some  
19 funding for safety devices, but that never took  
20 place. So, I want to know if there can be an inquiry  
21 or to find out when that's actually going to happen  
22 because it never took—it never took.

23 SETH RODRIGUEZ: [Speaking Spanish]

24 [bell]

25

2 TRANSLATOR: We want to appeal to the  
3 common sense of the 51 Council Members to protect the  
4 life, the life of our colleagues that day after day  
5 go out to work or to get an income for-for their  
6 families because when this seat belt law was taken  
7 away that put us in peril because actually don't know  
8 who is stepping into our cars, and then that person  
9 can just grab the driver by the seat belt, but if  
10 these new laws with the devices is approved, that  
11 would really help us with regards to our safety.

12 CHAIRPERSON DIAZ: Thank you. We have  
13 been joined by Council Member Ydanis Rodriguez the  
14 Chairman of the Transportation Committee and we have  
15 one more, the last one is Michelle Putin.  
16 [background comments] Michelle, you are-you are the  
17 last one and we're finished. See they said that they  
18 leave, they left their-the last for the-the best for  
19 the last. [background comments]

20 MICHELLE DOCKEN: Thank you. I did say  
21 that. Hi, my name is Michelle Docken. I am a driver  
22 first and foremost and I am an IDG steward. I help  
23 drivers every day. I talk to drivers about safety.  
24 One of the main things that we have is the fact that  
25 drivers don't truly know who's behind them, and so,

2 yeah, that seat belt law is not a good idea to put it  
3 back in place. That took away safety for the  
4 drivers. So, we do have some of the inter apps  
5 already that can be implemented for the safety of  
6 drivers. The other thing I want to talk about is  
7 congestion. We're being blamed for congestion. If  
8 we drive around the city everyday we look at all the  
9 manmade reasons why congestion is happening. Streets  
10 are being turned into one-way streets, which should  
11 have been two-way streets. City Bikes are all over  
12 taking u almost a block or half a block in every  
13 which way you go. Bike lanes are now added, and then  
14 parking lanes are put in in the middle and then an  
15 entire area is taken away for-for bikes to ride.  
16 Then we have the issue where there's no way for us to  
17 pull over to drop off our passengers. We have no  
18 spots or very few spots where our drivers can even go  
19 to park to be able to go use-use the restrooms. So,  
20 congestion should be blamed on everyone because trucks  
21 open their-their back hatches and they don't care how  
22 long it takes them to offload because they're where  
23 they need to be, and everybody else has to wait or go  
24 around. So, why are they not being charged a fee?  
25 Then on top of that, why-yes, I think if a regular

2 person has to come in, they should be involved also  
3 in the cost. We pay a tax that goes nowhere as an  
4 FHV driver. What are they doing with that money or  
5 that income that they take in? We also pay a bad  
6 (sic) car front fee that we pay that helps us out a  
7 little bit. [bell] So, in all if you look at all of  
8 the things that's put on, let's be fair to everyone.  
9 Not just FHV drivers. Not just Yellows. Yellow  
10 cannot take another fee put on their back. \$5.80.  
11 Who's going get in a Yellow now? Are you trying to  
12 kill the industry or are you trying to help us? So,  
13 we do—we give a service to everyone.

14 CHAIRPERSON DIAZ: That—I should know  
15 that's the gift of our beloved governor not us.

16 MICHELLE DOCKEN: Right.

17 CHAIRPERSON DIAZ: Not the city. That's  
18 your friend upstairs.

19 MICHELLE DOCKEN: Well, he's not my  
20 friend. At this point if we're looking to help  
21 people, then we look at everyone.

22 CHAIRPERSON DIAZ: [interposing] Okay

23 MICHELLE DOCKEN: We should be looking at  
24 everyone.

2 CHAIRPERSON DIAZ: [interposing] What I  
3 think--what I think that you have you proposed  
4 something that makes sense. It makes sense.  
5 Everybody should be subject to the same penalty or-or  
6 thing that you are trying to pose the driver. Thank  
7 you very much.

8 MICHELLE DOCKEN: You're welcome.

9 CHAIRPERSON DIAZ: Ladies and gentlemen,  
10 this concludes our For-Hire Vehicle Committee hearing  
11 this morning. Thank you, all of you for being here  
12 for listening for participating, and you took more  
13 time that we want. [laughs] [gavel]

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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 February 15, 2019