

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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January 22, 2020
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HELD AT: Council Chambers - City Hall

B E F O R E: Ydanis Rodriguez
Chairperson

COUNCIL MEMBERS: Ydanis Rodriguez
Fernando Cabrera
Chaim M. Deutsch
Ruben Diaz, Sr.
Rafael L. Espinal, Jr.
Peter A. Koo
Stephen T. Levin
Mark Levine
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richards
Deborah L. Rose

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

Bill Heinzen
Acting Commissioner
New York City Taxi and Limousine
Commission

Brendan Sexton

Aziz Bah

Paul Klimas

Tina Raveneau

Peter Mazer

Kay Lantigua

Scott Rudder

Sam Jammal

Brad Sayler

Raul Rivera

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2 SARKEEM BRADLEY: Test, test, test, today
3 is the Committee on Transportation. Today's date is
4 January 22, 2020. This is being recorded by Sarkeem
5 Bradley.

6 CHAIRPERSON RODRIGUEZ: Good morning. I'm
7 going to say a few words in Spanish and then we go
8 back to English. We will have translation, too.
9 [speaking in Spanish] Joffrey Livery. I was 112 at
10 Caddie Car Service and then it grew from Caddie and
11 Simon, we create Bailey Car Service. So I no hear
12 without the springs or know what it is, what it was
13 to be a livery taxi driver, and I also had been
14 working to level the playing field. As everyone know
15 that I always have said that the City of New York
16 provide opportunity to everyone. To those who had a
17 high volume at there's a market for you guys. For
18 those that had a family corporate black car for
19 decades there should be opportunity for them. For
20 the 15,000 medallions, including 6000 individual
21 medallion owners, of those small corporation, of
22 individual and corporation that they own 20, 25
23 medallions there should be opportunity for them. So
24 as we are getting close to finalize our medallion
25 task force, which was a bill that I introduced that

1 we passed like three years ago and a task force that
2 have a deadline of the 31st of this money to submit
3 the report to the mayor and to the speaker and from
4 there it would be a public document, a document that
5 will have a lot of recommendation, beyond
6 recommendation on how the city should explore, work
7 with the public, private sector and dealing with the
8 challenges to explore about financial assistance, one
9 mechanism can do the work. A lot of recommendation
10 are also related to calling to expand TLCSA agency so
11 the agency can respond to the need and to the TLC as
12 an industry of the 2020. A lot of recommendation
13 about enforcements. A lot of recommendation about
14 innovation [inaudible] knowledge. So as we are
15 getting close to release that report by the 31st it
16 is also our responsibility to address the other
17 sector that no everyone is talking about, the livery,
18 taxi driver, those affiliated with [inaudible]. So
19 that's why we're here today. Again, so don't take me
20 wrong, as we are addressing idea, suggestion,
21 recommendation to be helpful to the livery is not
22 because we have forgetting, forgiven the, the other
23 sector that we've been working with. But this is
24 about as we are getting close to recommendation on
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1 medallions we also have those single bases. They've
2 been closing. We have many drivers that they were
3 offered that they would be making \$3000 a week and
4 they took the \$4000 they was offered as a promotion.
5 They found out that they can, they are not making
6 \$1000 a week. Not even \$3000. So again that's the
7 purpose of today. You know, we want to welcome
8 everyone here. As everyone know, I am Ydanis
9 Rodriguez, the chair of this committee. Today we
10 have also have been joined by Council Member Cabrera
11 and Cohen. And today we will be conducting a hearing
12 on three bills, that I have a sponsor related to for-
13 hire vehicle industry, but I got to say that Council
14 Member Cabrera also has been a champion also of
15 advocating for, for the livery drivers. That's also
16 my colleague here, Council Member Cohen, who has also
17 been working addressing the challenges that we face
18 in the taxi industry in our city. This council in
19 collaboration with the administration and TLC has
20 taken in numbers of, of, over, taking numerous
21 measures over the past several years to help raise
22 the standard of living of for-hire drivers. Despite
23 our effort to help increase their income, many livery
24 and black car drivers are still struggling to make
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1 ends meet. We need to explore creative ways to help
2 increase the monthly income that drivers earn. We
3 cannot stop with the minimum driver's pay rules.
4 This is an industry where many drivers are working
5 10, 12 hours a day, seven days a week. I lived that
6 experience. I know that drivers we got to work,
7 especially from Friday to Sunday. That's when we
8 have more riders, especially those that provided
9 services and the livery. [speaking in Spanish].
10 That's a weekend that you would like to be in your
11 family, with your family, with your children, even
12 your wife or your husband. But in order to make your
13 living you need to work from Friday evening almost
14 without stop up to Sunday. And still you are
15 struggling and you need your help and we are
16 committed to provide you help. Just like we were
17 able to increase the awareness for the taxi medallion
18 owners, we need to also look into the issues
19 impacting the livery and black car drivers who are
20 composed of many immigrant drivers as well. Those of
21 you who provide the services, especially in the
22 Washington Heights, in the South Bronx, in Brooklyn,
23 in Queens, in Staten Island, in community where you
24 know your passenger, and sometimes those passenger,

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2 sometimes they don't even have the money and you take
3 them to their destination and they pay you days
4 after. Because you are a family community oriented
5 business. There's no New York City without yellow
6 taxi. There's no New York City without livery bases.
7 And many of them have been closing. Today we will be
8 looking into a few bills which aim to help struggling
9 taxi drivers. The first bill, Intro number 1738 will
10 prohibit TLC from banning exterior advertising on the
11 for-hire vehicles, including the ban on rooftop
12 advertising. I've been doing and I will continue
13 doing the best to help with the yellow, especially
14 zero tolerance for anyone that do pickup down 96th
15 Street, at the JFK and Laguardia, but as I will be
16 leading this effort together with the Speaker, my
17 colleague, and the advocates, private owners,
18 medallion drivers to get [inaudible]. Yesterday I
19 had a meeting with the Port Authority saying that
20 yellow should be protected at the JFK and Laguardia.
21 So as I am doing that, I'm also asking to share the
22 opportunity for drivers who are related, associated
23 with the livery and the corporate black car to be
24 able to also put the advertise in the top of the
25 vehicles and inside so that they can make additional

1 \$1000 a year. There's no competition if we are able
2 to structure it well. My second piece of
3 legislation, a preconsidered bill that will be
4 introduced at tomorrow's Stated Meeting, will allow
5 for-hire vehicle drivers to advertise on the interior
6 of their vehicles by this playing digital advertising
7 on the tablets. It has been estimated that the
8 revenue generated from this type of advertising can
9 be about \$200 or \$300 a month, extra income that for-
10 hire vehicle drivers can use to pay for their over,
11 ever-increasing monthly expenses and would not
12 require any increase in hours expense on the road.
13 The final bill on today's agenda is a preconsidered
14 Intro that would establish a black car and livery
15 task force. Just two months ago this committee held
16 an oversight hearing titled The Current Situation for
17 Livery and Corporate Black Cars. During the hearing
18 we heard testimony about how this sector is hurting.
19 The task force created under this bill will be
20 charged with studying the numerous challenges this
21 particular sector is currently experiencing and then
22 issuing a report with their finding and
23 recommendation. The task force will be similar in
24 scope to the task force that the council created that
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1
2 is currently studying in the plight of drivers in the
3 yellow medallion industry, and I want that task force
4 as, you know, as it is a structure in the proposal to
5 be composed by 11 members, including the chair of the
6 designated from the TLC, the speaker, the mayor, but
7 that task force I want to be led by drivers.

8 [speaking in Spanish] I look forward to hearing

9 everyone's testimony and working with the

10 administration, TLC and the stakeholders to enact

11 these bills. Before I ask the committee counsel to

12 administer the oath I would like also to recognize

13 Council Member Levine and Richards, who also are here

14 with us today. I now ask the committee counsel to

15 please administration the affirmation and then invite

16 you to deliver your statement, and thank you for the

17 great job that you have done as [inaudible]

18 committee. You've been accessible, you've been fair,

19 and you've been having an opportunity to listen to

20 the need and explore, and, and explore ideas on how

21 we can take TLC to the new level. So I know that

22 hopefully with the new chair coming on board you will

23 stay because your contribution is very important for

24 our city and for the taxi industry. [applause]

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COUNSEL: Please raise your right hand.

Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before this committee and to respond honestly to council member questions?

UNIDENTIFIED: I do. Good morning, Chair Rodriguez, members of the Transportation Committee. I'm Bill Heinzen, the acting commissioner of the New York City Taxi and Limousine Commission. Thank you for inviting me here this morning for this hearing on legislation that would create a livery and traditional black car task force, as well as legislation to allow advertising in and on for-hire vehicles in New York City. Preconsidered Intro number 5549 would create a livery and traditional black car task force to identify any challenges to the viability of the industry and to make recommendations to address the task force's findings. As I have testified before, TLC and the mayor support the creation of this task force. I can, in the interest of time I can shorten some of my testimony on the task force, but I just want to repeat, as I said, that we support the creation of this. I think there's a variety of issues that are foremost in your

1 minds and TLC's minds and obviously in the drivers'
2 and the livery communities minds, including, you
3 know, availability of drivers, availability of
4 vehicles, issues like insurance, etc., that I think
5 the task force can look at. Those are just some of
6 the issues. Intro number 1738 and preconsidered
7 Intro number 5628 would allow interior and exterior
8 advertising in for-hire vehicles. TLC's long-
9 standing rules prohibiting advertising on and inside
10 for-hire vehicles were challenged in federal court
11 and TLC could not enforce the rule for approximately
12 one year while the courts considered the case.
13 During that time TLC received few applications for
14 advertising permits and only 82 for exterior
15 advertising were issued. Last summer a federal
16 appellate court upheld the rule in a decision that
17 reinforced the city's authority to regulate
18 commercial advertising in public spaces, as well as
19 the city's interest in regulating the interior of the
20 vehicles that TLC licenses. Allowing over 100,000
21 licensed for-hire vehicles in every neighborhood and
22 in every borough to carry advertising may greatly
23 expand advertising in the public and this legislation
24 may impact the city's regulation of advertising far
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1 beyond TLC issues. With the city's limited authority
2 to regulate ad content unless it is obscene or
3 criminal, ads could be for anything from Broadway
4 musicals to strip clubs, both inside and outside of
5 vehicles. Once these ads are permitted it would be
6 difficult to scale them back. As currently drafted,
7 preconsidered Intro number 5628 appears to prohibit
8 the city's ability to require permits or licenses for
9 displaying interior ads, which will make it difficult
10 to know how the full extent, to know the full extent
11 of such problems because the city will not even know
12 how many vehicles have interior advertising, let
13 alone which ones. I have testified before that
14 expanding advertising to for-hire vehicles raises
15 challenges that we need to address, and that I think
16 we can address. The new task force may provide a
17 good forum for some of these discussions. TLC
18 understands the desire to increase driver revenue,
19 which has been one of our key policy missions in she
20 administration. But we always ask if the financial
21 benefits of any new technology will actually reach
22 drivers in a meaningful way and that's a concern I
23 know the council shares. To ensure the potential
24 benefits are not overstated and the drivers would
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1 actually benefit from for-hire vehicle advertising
2 rather than just the advertising companies
3 themselves, leasing companies, or the apps, it is
4 important that the city retain the necessary
5 authority to address these concerns. Any promised
6 financial benefits should be clear to drivers and/or
7 vehicle owners. They should be consistent. They
8 should be guaranteed, and they should be readily
9 enforceable. It is also important to remember that
10 it may not just be one or two companies that want to
11 sell advertising. In addition to the companies that
12 have already come forward, there will likely be
13 several business models for advertising and a wide
14 variety in the terms offered to drivers. These
15 advertising terms and conditions may leave drivers
16 with little say or lock them into one-sided legal
17 agreement. Mandatory arbitration clauses, which
18 waive the right to bring class actions into courts,
19 non-disparagement agreements, terminations without
20 cause, and the lack of any guarantee of any specific
21 payment or any guaranteed time frame for payments are
22 issues that concern all of us and we must be able to
23 protect drivers and owners against them. Because
24 advertising relies on increased visibility, it will
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1 like be easier and more desirable for corporations to
2 enter into agreements with leasing companies that own
3 many vehicles or with app companies or bases than to
4 make individual agreements with individual drivers or
5 vehicle owners. In taxis, for example, most
6 advertising is done on a fleet model and the drivers
7 do not share the revenues. If advertising companies
8 do enter into fleet-based companies, agreements,
9 excuse me, drivers who lease vehicles may well see
10 little or no benefit. Allowing interior advertising
11 may raise other specific concerns for drivers and
12 passengers. We often hear passenger complaints about
13 interior advertising in yellow taxis. But we also
14 hear complaints from yellow taxi drivers and the
15 drivers tell us that the ads can be annoying, with
16 the same audio playing on repeat all shift long.
17 Even with prohibitions against obscene content, there
18 will be no meaningful way to restrict advertising
19 that some passengers might find offensive. Extending
20 interior ads to for-hire vehicles would multiple
21 these passenger and driver concerns by tens of
22 thousands. It is also not fully clear what impact
23 FHV advertising may have on taxi advertising revenue.
24 With the large increase in ads for for-hire vehicles,

1 such competition may drive down the revenue potential
2 for taxis and street hail liveries, causing
3 unintended financial consequences. So it is
4 important that we discuss these issues and that we
5 leave the city the authority to address them so that
6 drivers and vehicle owners are not excluded from
7 advertising profits. On a personal note, Chair
8 Rodriguez and members of the committee, I appreciate
9 very much your comments at the beginning. I think
10 that the collaboration that the TLC has been able to
11 have with the City Council through the Transportation
12 Committee has been important and as I've said many
13 times, I always think that when we work together we
14 get the most done. We've had disagreements over the
15 years and that's to be expected. But I appreciate
16 that we have been able to have those discussions,
17 both in hearings and outside of hearings and I'm
18 grateful for the time that committee members and
19 other members of City Council have given to me and my
20 staff for meetings and inviting us into your
21 districts, where we have done events. So I want to
22 thank you for that collaboration and thank you for
23 inviting me to address these challenges.
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2 CHAIRPERSON RODRIGUEZ: And instead of
3 starting myself asking it question, I'm going to be
4 calling my colleague, right? Council Member Cabrera.

5 COUNCIL MEMBER CABRERA: Oh wow, I'm
6 shocked. Thank you, Mr. Chair, for this opportunity.
7 As the acting commissioner, I just have a couple of
8 questions regarding Council Member Rodriguez's bill.
9 The first one, if I understand right, your biggest
10 concern regarding outdoor, ah, the ones that go on
11 the roof, advertisement, ah, is basically that you're
12 concerned that the driver will not directly benefit
13 from it. Is that, am I hearing you right in your
14 testimony?

15 COMMISSIONER HEINZEN: That, that's
16 correct. Generally whenever companies come with a
17 solution that's gonna promise money we're always
18 nervous because we've seen this in the past where
19 they've come and the drivers haven't benefitted or
20 vehicle owners haven't benefitted.

21 COUNCIL MEMBER CABRERA: But what about
22 if the bill was drafted that it will make the
23 provision and will structure in such a way that the
24 drivers will get the benefit? Would that be
25 something that the TLC would be open to?

2 COMMISSIONER HEINZEN: Yeah, absolutely.
3 I think that many of our concerns can be addressed
4 either through, um, changes to the legislation or
5 allowing TLC the latitude to ensure those changes in
6 any registration that we would pass.

7 COUNCIL MEMBER CABRERA: Commissioner, I
8 really appreciate that response. I think that will
9 be like the quickest point A to point B solution.
10 Mr. Chair, I really would encourage you, ah, to make
11 those amendments so our drivers are able to benefit,
12 ah, from this advertisement. The indoor, ah,
13 advertisement, is there any way possible that the
14 passenger would have a choice to have an on or off
15 button?

16 COMMISSIONER HEINZEN: I think the
17 legislation itself requires that that option be there
18 to, to mute the advertising. So that...

19 COUNCIL MEMBER CABRERA: And would that,
20 I'm sorry, go ahead.

21 COMMISSIONER HEINZEN: I'm sorry, I
22 didn't mean to interrupt.

23 COUNCIL MEMBER CABRERA: No, no, I
24 interrupted. So you were saying?
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2 COMMISSIONER HEINZEN: Ah, and I think,
3 and I will say I think we know from our experience in
4 taxis sometimes those buttons don't work, aren't as
5 responsive as we want them to be, but that
6 requirement is in the legislation, which is a good
7 thing, and that can help the passengers. You still
8 have the drivers, who are [coughs], excuse me, in the
9 car and they don't have that option to turn it off or
10 not when the passenger is in there, so the drivers
11 are subjected to the repeated messages or
12 advertising. You know, if we think back to different
13 programs that have occurred in yellow taxis with
14 celebrity voices, for example, I think on the third
15 or seventh or 27th time it can get a little old
16 hearing it.

17 COUNCIL MEMBER CABRERA: Just like
18 working in a store you keep hearing the same song
19 over and over again.

20 COMMISSIONER HEINZEN: Right, like a
21 Mariah Carey Christmas song.

22 COUNCIL MEMBER CABRERA: [laughs] That
23 was a good one. But is there any way, maybe, to
24 require, ah, that the driver will have the ability to
25 turn it on and off and basically ask the passenger

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2 would you like to have the advertisement on every
3 time they come in. Would that be something that you
4 would be amicable to?

5 COMMISSIONER HEINZEN: Ah, that may, I
6 hadn't thought about that. That may be an approach.
7 I don't know if the companies themselves are going to
8 like that, but that may be an approach.

9 COUNCIL MEMBER CABRERA: I mean, I would
10 imagine if it's in the bill and it passes that would
11 be for the companies to consider whether they want it
12 or not, and I would imagine they would. You know,
13 there's thousands and hundreds of thousands of
14 passengers every day and it gives the power to the
15 driver and also to the customer who, ah, is driving.
16 Those were my only questions. I'll turn it back to
17 the chair. Mr. Chair, I really appreciate an
18 opportunity to be able to ask right from the
19 beginning. Thank you again. Thank you for your
20 service.

21 COMMISSIONER HEINZEN: Thank you, Council
22 Member.

23 CHAIRPERSON RODRIGUEZ: Council Member
24 Cohen.

1 COMMITTEE ON TRANSPORTATION 21
2 COUNCIL MEMBER COHEN: Thank you, Chair.
3 Good morning.

4 COMMISSIONER HEINZEN: Good morning.

5 COUNCIL MEMBER COHEN: Ah, I don't know
6 if I have a question and I really, I'm relatively new
7 to this committee and my expertise in this area is
8 incredibly limited. But I will tell you as a New
9 Yorker, as somewhere here in the council, and, and
10 I'm not trying to blame you or like, but I just
11 really want to go on record. My frustration about
12 the condition of this industry at large, that, you
13 know, I've been in office for six years. The mayor's
14 been in office for six years. And this industry was
15 in terrible shape when we got here and, you know,
16 despite, you know, my, my chair here has some, you
17 know, good ideas about ways to help individual
18 drivers, but this industry is really just in such bad
19 shape, that the plight of the drivers is so bad, you
20 know, whether it's yellows and the medallion crisis,
21 like from stem to stern this industry is in such poor
22 shape, and I really don't feel like that we have, you
23 know, at this late stage in, in, in our tenures that
24 there's a comprehensive solution on the horizon that
25 it's gonna make a viable industry, so that New

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2 Yorkers can go from point A to point B by car at a
3 price they can afford, that provides drivers with a
4 living wage, that we have a functional taxi and
5 limousine or, you know, there's so many, I don't even
6 know what the right word is, we're all in a different
7 fragmentation in the car industry. Um, and again,
8 I'm not, you know, you're the interim chair, I'm glad
9 that you're doing it. I know, I understand that
10 there is a proposed chair coming the pike and, but I
11 really just, you know, I just hope that you could
12 take the word back that really, you know, the clock
13 is ticking, ah, you know, and literally, it's not an
14 exaggeration that it's life and death for some
15 people. I would feel good if I left my term in
16 office feeling that we had really made some
17 comprehensive change to get this industry to a place
18 where, again, where people could make a living and it
19 could still serve New Yorkers. So I don't have a
20 question, Chair, but I really appreciate the time and
21 I appreciate your hard work over these many years and
22 your continued effort to try to get us on a course.
23 Thank you.

24 COMMISSIONER HEINZEN: Thank you. Could
25 I respond?

1 COUNCIL MEMBER COHEN: Please.

2 COMMISSIONER HEINZEN: So thank you for
3 that question. I would just say that you have done a
4 lot as a member of the City Council. It took many
5 years for the apps, they came in, they did a lot of,
6 they disrupted the industry, to use their term. The
7 disruption was pretty severe, and it was pretty
8 severe in yellow, it was severe in green, it was
9 severe in livery, traditional black car. I mean, it
10 has transformed the industry. It's 85,000 more
11 vehicles, 85,000 more drivers. There is no question.
12 And there is no question that this industry, parts of
13 this industry are in crisis and there's different
14 types of crisis, and part of that problem is that we
15 are operating in a regulatory framework that is not
16 fully under our control because a lot of it is set by
17 state law, that is, I know that is frustrating for
18 you. That is a constant source of frustration for
19 us. But given the tools that we have, we actually
20 have done a lot and that we, City Council, and the
21 mayor and TLC, and one of the biggest steps that was
22 taken, again it took a long time to get into this,
23 can't just turn things around overnight. One of the
24 biggest steps that was taken was the vehicle license
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2 cap, also the driver pay policy. There's been a lot
3 of, um, efforts have been taken to try to inject more
4 [equity] into the medallion market and to unfreeze
5 the market. We're dealing with major problems here,
6 but in fact pretty significant steps have been taken,
7 and were taken by, by you.

8 COUNCIL MEMBER COHEN: I appreciate that.
9 And I don't disagree with anything that you've said.
10 I will say, though, that it, it's felt as an
11 observer, you know, and as a participant that it has
12 been a little piecemeal and I'm not sure that that
13 approach is, is sufficient. In fact, I feel like
14 it's not sufficient. Thank you.

15 COMMISSIONER HEINZEN: OK. Thank you.

16 CHAIRPERSON RODRIGUEZ: Commissioner, we
17 do agree that there is a real crisis and of course
18 we've been part of this conversation and the
19 partnership and through your representative also, TLC
20 been sharing a lot of data and a lot of input on the
21 yellow taxi medallion task force. We do agree that
22 they have been, that we face a, a real crisis that
23 affect the yellow taxi industry, right?

24 COMMISSIONER HEINZEN: Absolutely.
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1 CHAIRPERSON RODRIGUEZ: We do also, how
2 can you describe also the crisis affecting the livery
3 bases, base, in your own experience, the one that
4 have institutional knowledge or the transition from
5 the moment when they used to be 40,000 drivers
6 affiliated with livery to the number going down to
7 less than 20,000, how can you describe that crisis?
8 Because what I feel is that, as I say, if you ask me
9 today I don't have one yellow driver as my
10 constituents in northern Manhattan. I don't have one
11 medallion owner as my constituents in northern
12 Manhattan. If and still those of you guys that work
13 with a yellow you know that I've been going extra
14 mile at a point that sometime it's taking a lot of
15 heat in the effort to level the playing field,
16 because for me this is about justice. For me this is
17 about helping the industry. All sectors of the
18 industry. So I think that the City of New York right
19 now everyone, if you talk about crisis in the taxi
20 everyone just look on just the yellow. No one is
21 thinking about the dozen of livery bases that they've
22 been closing. No one looking at first class,
23 Riverside, high class, Audubon, Dykeman, that they
24 used to have 600 drivers and they only have 200. So
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1 no one thinking about, you know, how when we started
2 with a few dozen of vehicles and now we have more
3 than 100,000 citywide. So there's more vehicle than
4 the market outside there. So how can you describe
5 that crisis that you have seen, based on what you
6 have heard, based on the data that you have been able
7 to look at, TLC, that is affecting the livery taxi
8 industry.
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10 COMMISSIONER HEINZEN: I think it looks
11 somewhat like the impacts on the yellow industry look
12 and I think you're right. We spent time focusing on
13 the yellow industry with the task force and I think
14 this is good, the task force for the livery is a good
15 idea to help focus our attention on this area. We
16 have obvious, we've been working and looking to see
17 what is going on with livery. I think the facts are
18 as the industry represents them, since the
19 introduction of the apps in New York City the number
20 of vehicles that are affiliated with bases has
21 decreased. Um, there's always a certain amount of
22 bases that open and close, but the net loss in bases
23 is something, um, that has gotten higher so, you
24 know, we've lost many more bases. We've lost more
25 bases in the last 10 years that have opened. We've

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2 seen somewhat recently that the types of bases that
3 close, it's not someone, a new entrant who maybe was
4 in for a year or three years, but we're seeing some
5 other real, the longer-term bases that were the
6 anchors of the community, that maybe have been in
7 existence for 10 years, 20 years, those are also
8 starting to close. We've also seen, um, although
9 there are more drivers available than ever before, to
10 drive for a livery we see, um, that the competition
11 from the apps has meant that the livery bases and the
12 traditional black car sometimes struggle to retain
13 drivers. So these are the, these are the elements
14 of, of the problem that the livery is facing today.

15 CHAIRPERSON RODRIGUEZ: All right. My
16 colleague here represent the area, you know, in the
17 Bronx and I'm pretty sure [inaudible] that I also
18 have in northern Manhattan. Again, as you know,
19 being chair in this, being a member of this committee
20 from 2009 to 2013 and then being the chair, being a
21 member and now being the chairman of this committee
22 from 2009 to 2013 to today, exact day, the year the
23 previous time when this for-hire vehicle was
24 separating, then it's back, you know that we've been
25 in the table. I always pushing coalition to see in

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2 the round table conversation, I want for different
3 sector to support each other. But I know, and as you
4 know, that I'm a big proponent. In 2014 I called for
5 the bailout to the yellow taxi. I used the word
6 bailout, in 2014. So to talk and have conversation
7 about financial assistance and different type of
8 mechanism that can be created is not something new
9 that I've been putting on the table. As also you
10 know that I've been a big proponent to increase
11 enforcement down 96th, JFK, and Laguardia. So I
12 highlighted again that when I talk about the
13 situation in the South Bronx, the situation in
14 northern Manhattan, the situation in Queens and other
15 places, you know, both of us, and they have
16 Riverdale, you know, Cabrera knows [inaudible], you
17 know, Marble Hill is between us, between [inaudible].
18 So we know if I will be a yellow taxi driver the only
19 reason why you would see yellow taxi drivers going to
20 Riverdale or to [inaudible] and [inaudible],
21 [inaudible] and [inaudible] is I'm dropping someone
22 there, because the market is in the midtown area.
23 The market is, isn't in the JFK. The market is in
24 Laguardia. However, the livery during the
25 [inaudible] and crack, you know, it was the livery

1 who were there in the South Bronx. It was the livery
2 who was there in Washington Heights. It is the
3 livery who were there. But when I bought the
4 Chevrolet Impala to be affiliated with TLC I only had
5 to go to Route 46 in Jersey and buy together with my
6 brother-in-law for \$1500 and get like \$700 insurance
7 and like a \$300 permit TLC, and the radio in the car
8 was ready to go out. It was less than \$5000
9 investment. Today if you want to be affiliated with
10 a livery, if you want to be a livery or corporate
11 black car, the investment is around \$25,000 and when
12 you look at the fare, it's not a big difference how
13 much the fare was, \$7 from Dykeman to City College in
14 the '80s to probably \$15 now, from the '80s to 2020.
15 So, you know, how can we look, how can, how much, how
16 do we think are the drivers affiliated with the
17 livery doing when it comes to the income they're
18 making? How many hours do you feel based on the data
19 that you collect from the bases they working and how
20 much do you think that adding a potential additional
21 income of \$300 a month if they will be able to use
22 the roof of the car to advertising inside the car
23 would make a difference to those drivers?
24
25

1
2 COMMISSIONER HEINZEN: So I, I think that
3 any amount of income is gonna make a difference in
4 almost every driver we license. That's clear. We're
5 talking about people who don't make a tremendous
6 amount of money and I know that extra income helps.
7 What we're trying to do, what we make to sure
8 happens, is with any legislation that that money
9 actually gets to the drivers. I think if, I assume
10 there's a lot of money in advertising and I'd rather
11 that the companies didn't hold all of that or that it
12 didn't go to leasing companies or fleets, but that it
13 actually went to the drivers. So that's, um, I'm
14 very interested in getting more income for the
15 drivers. I just want to make sure that it actually
16 gets to them.

17 CHAIRPERSON RODRIGUEZ: So I think that
18 we agree that, you know, those suggestions and
19 recommendations that you brought to the table about
20 concern about the bill, those are details that work
21 it out between the staff of TLC, City Hall, and us
22 and see how can we, you know, put thing in place at
23 that, you know, have the drivers' interests as the
24 first priority when it comes to guarantee that most
25 revenue that they will make go to their pockets to

1 support them, so, and to support the family. Have
2 you been in contact with other, I mean, meaning TLC,
3 with other major cities, such as Chicago, which
4 currently allow for-hire vehicles and taxis to engage
5 in rooftop advertising and how do you think, how are
6 they able to manage this issue, but so far, you know,
7 we are still [inaudible] able to do it.

9 COMMISSIONER HEINZEN: That's a good
10 question. I, I haven't been in touch with them on
11 that issue. We do speak a lot to Chicago and to the
12 other cities that regulate, so that's a question that
13 we ask them. That's a good idea to learn from their
14 experience.

15 CHAIRPERSON RODRIGUEZ: OK. And I will
16 assume that, again, the concern, the legitimate
17 concern and as today being the first, the first
18 hearing we, definitely we have to explain hours going
19 back and forth on details of, about this bill. But
20 we can agree, right, that that concern that TLC
21 shared today are not related on any data driving
22 policy but is more concern in general?

23 COMMISSIONER HEINZEN: Well, some of the
24 concerns are based on, some of the, I mean, some of
25 the concerns are just universal concerns about making

1
2 sure that drivers actually benefit. Some of the
3 concerns are based on looking at some of the
4 contracts, proposed contracts and agreements we've
5 seen, um, for advertising and some of, and the fact
6 that there will be many other companies entering this
7 picture, so we don't really know who those are yet or
8 what kind of business model they're going to have, so
9 we want to make sure that whatever we do, you know,
10 benefits drivers or vehicle owners.

11 CHAIRPERSON RODRIGUEZ: OK.

12 COMMISSIONER HEINZEN: And some of the
13 concerns are based on our experience with yellow taxi
14 where, you know, drivers don't benefit from the
15 advertising in yellow taxi.

16 CHAIRPERSON RODRIGUEZ: OK. What other,
17 and again I welcome those suggestion. What other
18 suggestion, what other ideas have you, if there's any
19 that you can share with us, do you feel we should
20 explore to help the livery bases and the drivers and
21 the corporate black car that they are struggling
22 today?

23 COMMISSIONER HEINZEN: I think, um, you
24 know, I think it's about trying to, it's about
25 increasing pay, but it's also about reducing

1
2 expenses, which gets you to the same place. Um, I
3 think it would be good to take a look at what some of
4 the more common expenses are and whether there are
5 ways to reduce them, maybe that's insurance costs, if
6 there's some way to get those costs down for drivers.

7 CHAIRPERSON RODRIGUEZ: OK. [speaking in
8 Spanish] As you know, Commissioner, for, this is a
9 thing that I've been asking TLC for years, to the
10 former chair, associate and others and the team on
11 how can we look at the possibility to give a
12 forgiveness of debt to drivers who are affiliated
13 with livery bases that they owe money because of
14 picking up in the outer borough area where residents
15 in those communities they don't have another mode of
16 transportation, where they have to walk 15 blocks
17 from the train station to their apartment or their
18 house where they live, and as you know we've been
19 talking about have you, and if we had to, you know,
20 just get the answer in another moment we will, more
21 than happy to put on hold, but is there any
22 information that also you can share with us about,
23 you know, what is the debt and how can we explore the
24 possibility to work on that?

1 COMMISSIONER HEINZEN: So I think you
2 have to you, and we have had, we have had these
3 discussions, I think you know that I and the agency
4 have pretty strong views about illegal street hails
5 and street hails, I think that it may be that there
6 are ways to focus more on education from licensed
7 drivers who do, who do illegal street hails, at least
8 the first or second time. I think the problem of
9 unlicensed drivers remains a really serious public
10 safety concern and that's throughout the city. I
11 know that when we have stopped unlicensed drivers,
12 whether they're in unlicensed vehicles or whether
13 they're actually in a licensed vehicle that someone
14 has let them us, ah, we often find people with
15 significant criminal records that, and so they would
16 not have made it through our background checks, so I,
17 I can't ignore those problems and concerns because we
18 have to be worried about the safety of drivers and we
19 have to be worried about the safety of passengers. I
20 think in terms of looking at, in terms of looking at
21 enforcement I, I would suggest that this is sort of
22 one of the major topics that would be under
23 consideration in the task force.
24

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2 CHAIRPERSON RODRIGUEZ: OK. I'd more
3 than happy, I just feel that, you know, sometimes I
4 have to stop at Pier 83 at 42nd and, and waiting for
5 some friend of mine there and when I am there and to
6 see like numbers of drivers that they know one did a
7 prearrangement and that's one of the market that
8 should be it for the yellow or for individuals that
9 they use prearrangement with the Uber and Lyft and
10 the other 73 app companies using the technology. But
11 not as, should not be a space for any driver to go
12 there asking passengers do you need a taxi, when
13 those are not yellow or no one did a prearrangement
14 with the app. So I'm all about enforcing there. So
15 when we have many cases, that you heard the story
16 about luxury building, you know, and sometimes, you
17 know, some drivers passing by, that they are not
18 yellow, and making some relationship and, you know,
19 approaching the people that are coming out, using
20 whoever to be able to provide those individuals that
21 they are coming out from the luxury apartment we,
22 again, a services that was not prearranged through
23 the apps or neither is the yellow. So I think that
24 there's a market [easing] down 96th and this is
25 something, again, I'm hoping to, we will explore

1
2 that. But I think that when we have so many area
3 down 96 and the JFK what we need to explore is the
4 enforcement on TLC. There should not be one person
5 from TLC sent to the South Bronx because they need to
6 get a numbers of ticket. They should not be no one
7 [applause], you know, watching tonight, you know, if
8 we will say we have enough and we are covering every
9 corner here, but when you landed from DR with the
10 warm weather, we would love to be in the Caribbean,
11 and you're landing the JFK and you are coming out and
12 immediately you're being approach by people, do you
13 need a taxi, and of course this is something that
14 also we discussed yesterday with the chairman of the
15 Port Authority on how they also can increase
16 enforcement in those area, so that the yellow for
17 those who landed that they didn't did a
18 prearrangement with a 75 Uber, Lyft, B and the other
19 72 for the rest to be yellow. So when we have so
20 many area, I just say it one more time, there should
21 not be one person from law enforcement of TLC. There
22 should not be one in Third Avenue and Tremont. There
23 should not be no one affording there. We are doing
24 exactly what one of the bills, we are not being able
25 to pass it. I have a bill that is, it's not about

1
2 TLC, but I have a bill for years that is calling for
3 the City of New York to let drivers to park the car
4 after sanitation cleaned the street. Makes sense.

5 And the only reason we have not passed it is because
6 we make like 30 million dollars by giving tickets to
7 those individuals. So for me this is about again, it
8 can be there, but I hope that things like that, if we
9 can establish some level of flexibility and priority
10 I will be calling TLC to deploy and if you can share
11 with us, I think it's around 200 men and women that
12 we have enforcement to be just focused on 96. That's
13 where the yellow need help. The yellow doesn't need
14 help for anyone to be doing enforcement in the South
15 Bronx, in northern Manhattan, in Queens, in Brooklyn,
16 in Staten Island. So, you know, can we explore, you
17 know, even though we will, can discuss at the task
18 force, but can we make some plan to see how we can
19 address that situation?

20 COMMISSIONER HEINZEN: We can certainly
21 discuss it. I know we've had this discussion. I
22 think, you know I, I disagree with you on the need
23 for enforcement above 96th Street. We've got
24 500,000, we've got a million trips a day, 500,000 are
25 at the airports and in midtown. But another 500,000

1
2 are throughout the city. And we do have to, it's not
3 just about protecting yellow taxi drivers, it's about
4 protecting passengers as well, and we do have to make
5 sure that unlicensed drivers are not out there
6 operating and picking up passengers, because that is
7 a risk to public safety, and I can't, I can't not
8 think that and I can't not say it. It continues to
9 be a risk to public safety.

10 CHAIRPERSON RODRIGUEZ: I disagree with
11 you.

12 COMMISSIONER HEINZEN: I know.

13 CHAIRPERSON RODRIGUEZ: I disagree with
14 you. I, and I call for City Hall to establish
15 [inaudible] some level of flexibility. We have
16 decided that even with the street vendor that we
17 still will be in conversation to lift the numbers of
18 the street vendor, but they have been so
19 understanding of some level of flexibility. It's not
20 about safety, Commissioner. It's about priority.
21 Were they, with the yellow do we have to, do we want
22 to balance today? You know what we hear from anyone
23 in the yellow? What is the solution on this? Part
24 of the solution - enforce 96, below 96th Street.
25 Enforce at JFK.

2 COMMISSIONER HEINZEN: And we...

3 CHAIRPERSON RODRIGUEZ: That's
4 corruption...

5 COMMISSIONER HEINZEN: And we...

6 CHAIRPERSON RODRIGUEZ: ...going on.
7 That's corruption going on inside the Port Authority,
8 inside the JFK. The only way, and this is not on
9 you, this is on TLC. But there's a big network
10 there. That's the only way on how, if you go to JFK
11 today you will see many women inside the JFK. It's a
12 whole structure. They have people different way,
13 different places, in the corner, sending signal.
14 It's like a cartel inside the JFK [inaudible] and
15 that's happening under our watch. [applause] If you
16 go to One Police Plaza today and you do the walk and
17 you go behind the screen, NYPD know any movement that
18 happen down Canal Street. If you go to JFK, because
19 if they don't do it then we're not safe, they should
20 know every single movement. So, again, a sign saying
21 let's be, work together, on the feasibility in the
22 uptown area, I also say let's send a zero tolerance
23 to anyway that do illegal pickup at JFK and
24 Laguardia.

25

1 COMMISSIONER HEINZEN: I agree you with
2 on the problem at the airports. It's absolutely a
3 problem. I'm glad you had that conversation with the
4 Port Authority. We're also meeting with them. This
5 has been a series of ongoing conversations with them.
6 We have different levels of success in getting access
7 to the terminals at Laguardia and JFK. We
8 definitely, everyone who goes to an airport knows and
9 has to agree with you that there's a problem there
10 and there are people there posing as licensed drivers
11 or as taxi drivers. They're holding up a sign that
12 says Uber and they're just, we don't know who those
13 people are, but we know they're not licensed drivers
14 and we know that they are in a situation where they
15 can gouge the passengers and they can do a lot of
16 other things to the passengers, and it's not a good
17 situation. The construction has been a serious
18 problem in terms of everyone's ability to maneuver
19 there and deployment, but we absolutely target our
20 resources at midtown and we do target them at the
21 airports. I would just say something I've said
22 before, which is in the last five years the number of
23 vehicles has doubled and the number of drivers has
24 doubled, but the amount that TLC has collected in
25

1 fines has gone down by 30%. So we're not out there
2 doing this to make money. We're out there enforcing
3 and it's a public safety and it's passenger safety,
4 but we're not trying to, if we're trying to make
5 money we're not doing a very good job because despite
6 the fact that there's double the number of
7 enforcement targets our revenues for enforcement have
8 gone down significantly.

10 CHAIRPERSON RODRIGUEZ: [inaudible] the
11 playing field and address how the yellow taxi driver
12 been losing a lot of riders. Those numbers are
13 mainly in the midtown area. The yellow are not
14 losing riders in the South Bronx. The yellow are not
15 losing riders in uptown. The yellow are losing down
16 96. We agree with that.

17 COMMISSIONER HEINZEN: We agree with
18 that. I think we're...

19 CHAIRPERSON RODRIGUEZ: Yeah.

20 COMMISSIONER HEINZEN: I think where we
21 disagree is I don't see enforcement as just about
22 helping yellow taxis. I see that as a goal of
23 helping all of our licensees and the licensed
24 drivers, but also helping protecting passengers.

1
2 CHAIRPERSON RODRIGUEZ: Yeah, and, and I
3 don't think that if you go to Dykeman Street and
4 Broadway, I would like to invite, you know, TLC to
5 have a walk together with all of us who represent in
6 this case the Bronx and Washington Heights. And
7 being standing at a corner and thinking about a
8 teacher that come out from the school who, there's
9 not one yellow passing by because the demand and the
10 markets they are not for the yellow. So my thing is
11 about the city has established a lot of level of
12 flexibility in different area. And even though
13 you've been nice and I can say more than happy to
14 walk with you, I always believe that you could be
15 great commissioner, too, but I think that, you know,
16 that part related to that issue I am fed up and I'm
17 tired. Because even though every time that we ask to
18 look at that situation it's about we're looking at
19 it. We need action. You know, [speaking in
20 Spanish]. And as I believe also that, you know, we
21 need to increase the salary to the men and women that
22 they do enforcement on TLC. Again, when, what is,
23 what data do we have about any driver that is
24 affiliated with one of those bases? Who did a favor
25 by picking [inaudible] in an area where there's no

1
2 any other mode of transportation. They shouldn't be
3 a target, Commissioner. We should be, we have
4 established hundreds of flexibility in different
5 area. This is one of those that I'm calling today on
6 TLC one more time, let's focus all enforcements when
7 it comes to a street hail down 96th, JFK, and
8 Laguardia.

9 COMMISSIONER HEINZEN: And we're, I'm
10 absolutely willing to continue conversations and to
11 look at ways, whether it's through the task force or
12 otherwise, and talk about enforcement flexibility.
13 Just withdrawal above 96th Street I don't think
14 that's flexibility. I think that that's, I think
15 that that's going too far. But I think that in terms
16 of deployment of resources and focusing on midtown
17 and the airports we, we do that. And we're happy to,
18 um, work with you more on that and, you know, make
19 sure that we're going where the action is.

20 CHAIRPERSON RODRIGUEZ: Council Member
21 Cabrera.

22 COUNCIL MEMBER CABRERA: Thank you so
23 much, Mr. Chair. I just want to, a follow-up
24 question. At the airport what kind of jurisdiction
25

1
2 do you have and what are you able to enforce at the
3 airport?

4 COMMISSIONER HEINZEN: We're able to
5 enforce TLC rules and we're able to enforce, you
6 know, we're able to enforce the traffic laws that we
7 can enforce in other places. But, but what we're
8 really looking at for at the airports is whatever you
9 call it, poaching, people, you know, illegal pickups,
10 people not going to the hold lot, where they should,
11 you know, people...

12 COUNCIL MEMBER CABRERA: Do you guys do
13 undercover work?

14 COMMISSIONER HEINZEN: At the airports?

15 COUNCIL MEMBER CABRERA: Yes.

16 COMMISSIONER HEINZEN: Ah, there are,
17 there is undercover work at the airports.

18 COUNCIL MEMBER CABRERA: 'Cause I, you
19 know, I've had the, the same experience...

20 COMMISSIONER HEINZEN: Yeah.

21 COUNCIL MEMBER CABRERA: ...where I've
22 been approached and I have never seen a TLC, ah,
23 inspector there. Is there a particular reason why
24 that's the pattern?
25

1
2 COMMISSIONER HEINZEN: I don't know which
3 time you were there, which, or which terminal. We do
4 have people stationed at JFK. We're trying to get
5 people stationed at, at Laguardia. So we do have
6 dedicated squads that are there. Um, we're more
7 likely to be outside the terminals than inside the
8 terminals. The Port Authority Police Department also
9 has the authority to enforce these and we do join
10 operations with them. We have regular meetings to
11 encourage them to do this. I think it's really more,
12 it's really in the Port Authority's interest to do
13 this type of enforcement because it is not a great
14 passenger experience. I think you know when you come
15 off the plane....

16 COUNCIL MEMBER CABRERA: Very annoying.

17 COMMISSIONER HEINZEN: ..and encounter
18 this, and it's not good for traffic.

19 COUNCIL MEMBER CABRERA: It's annoying,
20 it's a bit scary. Sometimes they're very forceful.
21 Ah, you know, I had the same experience and biggest
22 shock, at one point I want to tell them, look, I'm a
23 New York City Council Member. Why are you doing
24 this? Ah, which, you know, they get startled, but
25 there's nobody there to say hey, you know, what's

1
2 going on here, and they do, I mean it's like, it's
3 not just once, twice, you know, I had instances where
4 I had to wait a while to be picked up and it's just
5 like they're continuing, you have a point person that
6 has, you know, connections to whoever is gonna come.
7 Um, I would imagine that it wouldn't be that
8 difficult, ah, to be able to single them out. And
9 that's why I'm a little confused why it's not causing
10 enough fear in them to say this is not a good
11 business practice, it's gonna cost me too much.

12 COMMISSIONER HEINZEN: So this is an
13 ongoing, this is an ongoing, ah, frustration of ours.
14 Some of it does rely on getting access into the
15 terminals and being able to enforce on Port Authority
16 property. We've had more luck at one airport than
17 the other. But we're working through those issues
18 with them. Um, I think it's important, ah, that
19 Chair Rodriguez had that meeting with the Port
20 Authority. I know, I believe I have a meeting with
21 the Port Authority on this topic this week, if it's
22 not next week. So we have to keep, we have to keep
23 hammering that home. They've also, as you know, they
24 proposed access fees at the airport for yellow taxi
25 and for livery and part of what they've said if they

1 collect those fees is they would be improving, you
2 know, the driver experience. They would be improving
3 facilities for drivers. And they would also be
4 improving the dispatch system so that yellow taxis
5 are dispatched much more efficiently. I think a big
6 part of the problem is that the drivers are sitting
7 in the lot and while they're sitting there not being
8 deployed there's passengers and that creates an
9 operating for other operators who come in. So, Chair
10 Rodriguez referred to, um, problems of corruption
11 with, you know, rings of people who are intercepting
12 passengers. Those are, those are absolutely
13 problems. What I would suggest is, ah, that Deputy
14 Commissioner Diana Panetti, who I think you've met
15 with...

17 COUNCIL MEMBER CABRERA: Yes.

18 COMMISSIONER HEINZEN: I think it would
19 be good if, if we could arrange a meeting with her
20 and with you and with Chair Rodriguez to talk
21 specifically, you know, about enforcement but we can
22 also put a big emphasis on enforcement at the
23 airports and we can talk about enforcement citywide.

24 COUNCIL MEMBER CABRERA: I welcome that
25 meeting. I think it would be, Mr. Chair, I think it

1 would be very productive, ah, to get that done,
2
3 'cause I'm into next steps of, of action. Ah, I
4 don't want us to come back here at another hearing
5 and we're still on the same position. So the sooner
6 we could do that, ah, I definitely will welcome that.
7 I'm just curious, do you know how many tickets are
8 given above 96th Street versus below 96th Street?

9 COMMISSIONER HEINZEN: I don't, I don't
10 have that here.

11 COUNCIL MEMBER CABRERA: Can we get that
12 information?

13 COMMISSIONER HEINZEN: Yes.

14 COUNCIL MEMBER CABRERA: 'Cause that data
15 will speak loudly as to what is taking place, and if
16 you could give us, ah, also a breakdown by borough so
17 we know where is it most active. I would imagine you
18 can get it by borough, right?

19 COMMISSIONER HEINZEN: In terms of, in
20 terms of where tickets are issued?

21 COUNCIL MEMBER CABRERA: Yes.

22 COMMISSIONER HEINZEN: OK.

23 COUNCIL MEMBER CABRERA: I just want to
24 make sure that not certain communities that are being
25 targeted. It will make sense [applause] because I

1
2 chair Governmental Operations and we're gonna have a
3 hearing regarding ticketing, same thing is happening
4 in Sanitation Department, where communities of people
5 of color are being overly, ah, ticketed compared to
6 other communities. I mean, explain, I've seen, ah,
7 the data, and I, I just hope that that's not
8 happening, ah, happening with the TLC. Ah, that,
9 that they're being targeted. So I'm, I'm going to be
10 very open-minded until I see the data, ah, showing
11 where it's being targeted. My last question, and
12 I'll close with this, Mr. Chair, thank you for the
13 time here, is, and I know you're the interim, ah,
14 commissioner right now and there's a transition
15 that's going to be taking place, but right now what,
16 do we have like a master plan in action as to what
17 we're gonna do next, ah, what, a plan that is gonna
18 guide us, or are we waiting for the next
19 commissioner, ah, to come in and then a plan is going
20 to be established?

21 COMMISSIONER HEINZEN: I think what we've
22 been, you know, what we've been working on for the
23 last few years and certainly in the last year and a
24 half have been, a lot of the priorities have been set
25 for us by you, by City Council. There's a tremendous

1
2 amount of legislation in August of 2018, later in
3 December, and then I think early in 2019, and that
4 set forth, for example, a study on cognition, a study
5 on driver pay, a medallion task force. We'll have
6 the livery task force. So we have been, um, looking
7 systematically at different parts of the industry and
8 at different issues.

9 COUNCIL MEMBER CABRERA: I had an
10 opportunity to talk to, ah, the candidate for the
11 next commissioner. Looking forward to those hearings
12 and see, um, how many questions put forth, and
13 hopefully we could tackle some of these things. Last
14 question relating, and I forget to ask, do we need
15 legislation to help TLC dealing with those who are
16 not licensed doing the illegal activity at the
17 airports?

18 COMMISSIONER HEINZEN: I think we have
19 the authority now.

20 COUNCIL MEMBER CABRERA: You have the
21 authority?

22 COMMISSIONER HEINZEN: [inaudible] more
23 legislation. I think the question is, I don't want
24 to get too, the question is getting, having
25 consistent authority at both airports, at each

1 terminal, for TLC to go onto the premises of Port
2 Authority, those leased properties, and make sure
3 that we have full access to that and that we can
4 enforce in those premises.
5

6 COUNCIL MEMBER CABRERA: But you have
7 that authority right now by law. Do you have that
8 authority?

9 COMMISSIONER HEINZEN: We have to, we
10 have to create agreements with the Port Authority to
11 get on, to be able to get in there and to enforce.

12 COUNCIL MEMBER CABRERA: But what about
13 if we provided a piece of legislation that would
14 automatically give you access?

15 COMMISSIONER HEINZEN: Ah, that would be
16 good. I'm not sure, again, I don't want to get too
17 in the weeds. I'm not sure if City Council can, I'm
18 not sure that what Local Law can do with respect to
19 Port Authority authority over their leased premises,
20 although ultimately the city owns the property. So
21 that's something to look at.

22 COUNCIL MEMBER CABRERA: Yeah, that's
23 what I was gonna get at, we own the land.

24 COMMISSIONER HEINZEN: Yes.
25

2 COUNCIL MEMBER CABRERA: We own the
3 property. So we should be, ah, really have the power
4 to determine, and so I'm looking forward to that
5 conversation. I'm really trying to power for you to
6 be able to, to help the taxi drivers who pay their
7 monthly, you know, dues and yearly dues and, and they
8 go by the book, you know, here comes somebody else
9 who want to, you know, circumvent the process. Thank
10 you so much. Commissioner, if I don't see you again
11 in this position, thank you for all your work.
12 Appreciate it.

13 COMMISSIONER HEINZEN: Thank you,
14 Councilman.

15 CHAIRPERSON RODRIGUEZ: Thank you.
16 Commissioner, how many men and women do we have today
17 enforcement for TLC?

18 COMMISSIONER HEINZEN: It's, I think you
19 had said 200. It is around 200, but that, that
20 includes administrative staff as well as the people
21 out in the field. The number in the field, who are
22 able to be able out in the field in terms of the
23 officers and some of the, um, senior management is
24 probably closer to, it's below that number, it's
25 above 100. As I said, we just brought on a class in

1
2 April and then we just brought on another class in
3 November. We're waiting for all of them to get their
4 special patrolman status so they can be out in the
5 field.

6 CHAIRPERSON RODRIGUEZ: OK. So I think
7 that, and again since this was not a top priority for
8 this hearing today, but it's about the crisis, what
9 to do, we asked that question, but if we can also get
10 those information from your team about a breakdown on
11 the number of tickets given citywide, how many have
12 been given to the outer borough and which one, how
13 many to the down 96th Street, how many men and women
14 having, doing enforcement, and the breakdown also in
15 the area that they have been deployed. One thing
16 that I want to be clear is that cracking down on
17 unlicensed drivers is something that we've been
18 advocating for years. So we do agree that, you know,
19 we should have zero tolerance for anyone that is
20 driving, well, they can call it taxi or livery, but
21 it's not if they don't have the license. So cracking
22 on licensed drivers is not the same as, as we are
23 calling for the TLC to be more flexible to men and
24 women who they are affiliated with the bases and they
25 respond to a demand that we have in area where they

1 don't have yellow, that they just, again, those bases
2 that I'm mentioning, that they are in those
3 community. So I want to be clear on that part just
4 now.
5

6 COMMISSIONER HEINZEN: Thank you.

7 CHAIRPERSON RODRIGUEZ: And the regulate
8 license should happening independently of a street
9 hailing, which is a two different approach. One
10 question again, thinking about [inaudible] related to
11 a task force, identifying idea or suggestion, but let
12 me take advantage also to advance the conversation.
13 Do you think that it's possible to do a pilot project
14 where we, we mean TLC, you guys, the city work
15 installing some electrical chargers, taking like a
16 305 spot in front of those base, the livery bases, so
17 that also we can provide incentive to the bases that
18 they can attract drivers who are into electrical
19 cars?

20 COMMISSIONER HEINZEN: I don't, I hadn't
21 heard this idea before. It sounds like a very
22 intriguing idea and obviously battery electric
23 vehicles is an exception to the vehicle license cap.
24 I, it's, the Department of Transportation is really,
25 has been taking the lead in terms of expanding

1
2 chargers and battery electric vehicles. So I think
3 it would be good if we had this conversation, but if
4 we included DOT as well, I think they have the
5 resources and the know-how. I think it's...

6 CHAIRPERSON RODRIGUEZ: I guess, you
7 know, feel that, yeah, I just feel that we should
8 also think about going green when it comes to the
9 cars, and as you know there's some incentive for an
10 individual that would like to get into the electrical
11 vehicle, at the federal level, and soon I think at
12 the city level that it would reduce, I think that the
13 cost of those vehicle like from \$40,000 to \$30,000,
14 and I think that if we can do some pilot project
15 identifying, you know, a few spot, close, in front of
16 the livery bases, and even if we have some public
17 parking that, you know, that can be designated just
18 for, you know, the taxi, for individual affiliated
19 with livery and corporate, other sector interested
20 into go and getting into electrical car, I hope that,
21 again, that we can, you know, discuss with you DOT
22 and City Hall.

23 COMMISSIONER HEINZEN: OK, thank you, I
24 think it's an interesting idea.

2 CHAIRPERSON RODRIGUEZ: OK, thanks.

3 Council Member Koo, please.

4 COUNCIL MEMBER KOO: Thank you, Chair.

5 Commissioner, thank you for coming to testify before
6 us. You know, driving a taxi or driving a livery car
7 is an honorable job. Many successful people came
8 here and start driving taxi or limousine or livery
9 cab, and then they go on, they make money, and they
10 become very successful through another business. So
11 we should do our best to help all these drivers,
12 especially the new immigrants, and I don't see why
13 DOC would oppose advertising inside the car or even
14 outside the car, because usually on taxis we are
15 bombarded with advertisements everywhere we go. You
16 know, you open your cell phone, there are lots of
17 advertisements. You go to the bathroom, there's
18 advertisements. You go on Times Square, there's all
19 these neon signs, advertisements. So why we restrict
20 advertising in for-hire vehicles? I mean,
21 [inaudible] all these people, if they can make \$200
22 extra or \$300 extra it will help them, because the
23 economy is not that good, even on the surface it's
24 good. And unemployment is down, but it's really hard
25 to make money. All the retails are doing, not doing

2 well, I'm sure all the drivers too. So if we can do
3 something that's not harmful to public safety why
4 don't we do it?

5 COMMISSIONER HEINZEN: Thank you...

6 [applause]

7 CHAIRPERSON RODRIGUEZ: Council Member,
8 before the Commissioner answered that question. What
9 we heard from the commissioner is that [inaudible]
10 suggestion, concern, ideas, but they did not testify
11 against it. They just feel that, you know, there's
12 some questions that had to be addressed, just for,
13 you know...

14 COUNCIL MEMBER KOO: So all together, and
15 fine tune these guidelines...

16 CHAIRPERSON RODRIGUEZ: Yeah.

17 COUNCIL MEMBER KOO: ...for them to
18 [inaudible] advertising.

19 CHAIRPERSON RODRIGUEZ: Yeah, they are
20 not, that's what I heard from the commissioner, it's
21 not TLC didn't come say here today we support it, but
22 neither they say we are against it. What they say
23 there's a number of question and suggestions, and
24 that should be addressed. I'm sorry, I wanted to be
25 fair.

2 COMMISSIONER HEINZEN: Yeah, we flagged
3 different concerns it with it. The overall concern,
4 Councilman Koo, is just to make sure there are
5 benefits, there are financial benefits that are being
6 suggested would be available to drivers or to vehicle
7 owners. We just want to make sure that they get
8 those and that there are safeguards in place to make
9 sure that any benefits really go to them and not to
10 the advertising companies or to the apps, but to the
11 people who actually need it.

12 CHAIRPERSON RODRIGUEZ: [inaudible]

13 COMMISSIONER HEINZEN: Sure. I think he
14 had a phone call. [pause]

15 CHAIRPERSON RODRIGUEZ: Council Member
16 Menchaca.

17 COUNCIL MEMBER MENCHACA: [speaking in
18 Spanish] Um, hi.

19 COMMISSIONER HEINZEN: Good morning,
20 Councilman.

21 COUNCIL MEMBER MENCHACA: Good morning,
22 and, you know, I think that what I want to ask about
23 is really the relationship between TLC, the drivers,
24 and the concept of advertisement and I, you know,
25 looking through your testimony I really saw, ah, it

1 has, a lot of hesitation to really open that space up
2 through what I'm imagining is information that you've
3 gathered so far from, from all the multiple, ah, all
4 the multiple kind of driver relation, ah, the driver
5 pieces, yellow cab, green, for-hire, etc., and so I
6 guess what I want to know is, is there, is there a
7 real study behind the decisions and the hesitation
8 that we can kind of see together and, and just
9 understand the component of, of advertisement, and
10 the reason I'm asking this is we've been experiencing
11 a lot of, a lot of fatalities in the city, deaths
12 that are related to doors opening, and so I want to
13 bring in another conversation about how we advertise
14 things like watch when you open the door, and those
15 aren't kind of funding-relating advertisement, but do
16 they have a relationship here in this conversation
17 where we can, we can work with the industries to
18 build awareness campaigns around opening doors that
19 might cause a biker to hit, and so that, that's one
20 thing that kind of popped up for me, and maybe that
21 can help move the conversation and, and, and think
22 about multiple things at the same time. So I just
23 wanted to see if that was provocative for you at all.
24 [inaudible]
25

1 COMMISSIONER HEINZEN: Thank you,
2
3 Councilman. To answer the first part of your
4 question, the concerns that we raised, that I raised
5 during the testimony, one just a flag that, you know,
6 the city does litigate, has litigated in terms of the
7 city's ability to regulate advertising in the public
8 space, and this is not just a TLC issue. The city
9 has enforced another context, for example, the, ah,
10 the barges on the river with the advertising, etc.,
11 so we, I do want to say that there are larger city
12 concerns here about just the city's ability to do
13 that type of regulation. But obviously in terms of
14 getting more money to the drivers, ah, we definitely
15 support that. I'm interested in that. The concerns
16 that I brought to the table, it's not, it's not a
17 question of having done a study. It's just a
18 question in the time I've been there and the time
19 other people at TLC have been there many companies
20 have come to the table and said we have this thing,
21 and this is gonna change your life and this is gonna
22 help you. You know, the biggest example is with the
23 apps. You're gonna make \$80,000, you're gonna make
24 \$90,000 a year. Well, that didn't really happen,
25 and...

1 COMMITTEE ON TRANSPORTATION 61
2 COUNCIL MEMBER MENCHACA: But that's,
3 that's the driver.

4 COMMISSIONER HEINZEN: [inaudible]...have
5 a lot of smaller groups. So, I don't mean to
6 interrupt you, but just if I could finish the
7 thought. We always have to say is this going to,
8 this, this benefit that's being promised to the
9 drivers, is it real, because before we regulate and
10 allow it in or preclude it we want to make sure that
11 the drivers or the vehicle owners are actually going
12 to see the benefit and it's not just another example
13 of people making money on the backs of the drivers,
14 um, and the drivers themselves not seeing that
15 benefit.

16 COUNCIL MEMBER MENCHACA: Got it. And,
17 and I get that, too, and that was pretty laid out,
18 ah, in terms of the kind of legal, ah, stuff that
19 needs to happen that might not actually put the
20 drivers at the front end of a, of a, and a recipient
21 for, for the, the extra revenue, and, and I get that.
22 And so I hope that this hearing and the conversations
23 that happen kind of offer opportunities for the
24 drivers to do that, and I think that's on the drivers
25 to figure out how they're gonna really make the point

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2 to bring in that revenue to them. Because that's
3 really the pressure point here that I think
4 everyone's trying to figure out, and this an idea.
5 And then I'm pivoting to the other piece...

6 COMMISSIONER HEINZEN: Yes.

7 COUNCIL MEMBER MENCHACA: Ah, the, the
8 kind of public awareness announcements that need to
9 happen. And I know we've had conversations before
10 about this in terms of how we bring more safety and
11 bringing decals inside, which is a form of
12 advertisement, through, um, messages for, for
13 passengers to be careful when they open the door
14 because they might cause a real potential fatal
15 situation. And so do those things come together at
16 all? Do those things have relationship, and can we
17 have that conversation with, with our community about
18 how we can do that together?

19 COMMISSIONER HEINZEN: I think you raised
20 a really interesting point. One, I think, you know,
21 we are one of the lead Vision Zero agencies. We do
22 do a tremendous amount of work with the other
23 agencies but also with the different transportation
24 safety groups, in terms of the, and the education we
25 do with our drivers in terms of trying to raise

1 awareness about bikers, about pedestrians, about
2 other vehicles, about the best way to check for them,
3 encouraging the passengers to always check before
4 they exit a vehicle so that they don't, um, a bike,
5 they don't collide with a biker at that moment.

6 There are, um, stickers and decals that we have made
7 available. We haven't mandated it, but we have made
8 it available to for-hire drivers. And those are at
9 our inspection facility in Woodside, Queens. I think
10 one interesting point is when, if you look at the
11 interior, ah, advertising that's in taxis the city
12 gets a piece of that content. Not a, not a financial
13 benefit, but the city is able to use a portion of
14 that content for public service announcements. And I
15 think you may have seen, there have, there have been
16 some that have been TLC-specific. There was a
17 service refusal video that we did with Speaker Mark-
18 Viverito. There are other, there's currently like a
19 buckle-up video. So there's things that we do in the
20 space and that might be something to look at with
21 this interior advertising legislation about retaining
22 for the city some real estate in whatever ad content
23 occurs in the cars, because if it's going to happen
24 the city should be able to leverage that space for,
25

1
2 you know, for public safety reasons and along the
3 lines of what you're saying.

4 COUNCIL MEMBER MENCHACA: Thank you for
5 that. And, and I think that's what I wanted to
6 invite in this conversation and in this space is to
7 really think about how we work together to do the
8 kind of public service announcements, ah, different
9 and, and, and to kind of build, build that in
10 potentially into the legislation. But the second
11 thing is, in the current yellow taxi cab real estate
12 that you have in the cab through the video, ah, I
13 remember Melissa Mark-Viverito talking about IDNYC
14 and the Buckle Up pieces. And, and so is that, is
15 that revenue that you offer to the cab as well? So
16 is that payment? You pay for that, or is that just
17 like a...

18 COMMISSIONER HEINZEN: Understand. It's
19 a, we, the city bargained for that space. We don't,
20 we don't pay for that space.

21 COUNCIL MEMBER MENCHACA: Got it. So
22 just part of the larger contract?

23 COMMISSIONER HEINZEN: The city has to
24 pay to create the content, but we don't have to, we
25 don't pay for that space.

1
2 COUNCIL MEMBER MENCHACA: OK, great. Um,
3 again, I'm just thinking out loud. How do we, how do
4 we have a discussion about whether or not that
5 changes in this space where, where that's a,
6 opportunity for revenue for drivers. Um, I don't
7 know what, I don't know what will happen, but I just
8 wanted to start the conversation in terms of some
9 other public policy goals and to have everybody at
10 the table to discuss it. And that's really the one
11 thing that I wanted to throw out there that might
12 just change the way that we think about this
13 together. Thank you.

14 COMMISSIONER HEINZEN: Thank you,
15 Councilman.

16 CHAIRPERSON RODRIGUEZ: Thank you. So
17 thank you for, you know, your being here with an open
18 mind. I know that we've been working with this for
19 years and I know that all of us care for the future
20 of the taxi industry, an industry that, as we say, is
21 yellow, is corporate black car, like the high-volume
22 black car, they are the livery, and at some point, as
23 we have done before, we will have a round table
24 conversation with the other sector. Everyone have to
25 do their part. I feel that, as I said before, a city

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2 with 65 million tourists, 8.6 million residents,
3 provide opportunity to everyone. I have been a
4 livery taxi driver. I've been there for the yellow.
5 I understand the importance to work with the high-
6 volume ad in the corporate, too. But I also feel
7 again having more responsibility to also stand up for
8 the livery, as [inaudible] stand up for the yellow.
9 And [speaking in Spanish]. You know, this is the
10 American dream, Commissioner. Without that I would
11 not be able to move from being washing dishes at Old
12 Henry Restaurant at West 46th Avenue and 83, and be
13 able to do other job and end up driving a taxi, and
14 be able over here today. So behind any driver who is
15 here, not only they are supporting their self but
16 they're raising the next doctor and they're raising
17 the next engineer, and they themselves also are
18 working and going to school, and I think that, you
19 know, the city had to stand up. The city had to help
20 to deal with, you know, this crisis. I say the
21 agency of TLC should be expanded. You know, it's
22 like one of the smallest agencies that we have and
23 I'm not going to put you on the spot. This is myself
24 as a council member. You know, the agency grow on
25 the demand, you know, and every day there's new case.

1
2 There's a livery, there's a black car, there's a
3 Uber, there's application, and I think that you do
4 the best we can. But it's different when you have
5 someone in charge of the department and that person
6 has 25 individuals under their responsibility, to be
7 able to look at the data, to be able to coordinate
8 enforcement. So I think again that we, from our end,
9 we also need to look at this as we starting
10 negotiating the budget, to [inaudible] resources and
11 it's not to pull in [inaudible] resources to send
12 again, we will be in different side, to send a TLC
13 enforcement to area where there is no other mode of
14 transportation. But to add, to add resources, to
15 provide, you know, services, connecting the drivers
16 with benefit, they don't have a pension plan. We can
17 create a pension plan. They don't have insurance.
18 We should create an insurance. You know, this is the
19 men and women that they contribute a lot. And
20 there's a model already. You had the limousine
21 business that some of them they are structured in a
22 way that everyone that is affiliated with them, they
23 have insurance. They have benefit. They have a
24 salary that they also have guarantee. So I think
25 that even though the driver who are affiliated with a

1
2 base, if they are independent drivers, but we the
3 city has to share some investments. You know, I
4 appreciate that you, we've been working together and
5 beside that TLC and Long Island City and all the
6 places you welcome the drivers and respond to any
7 concern, but you, we met, as we met with numbers of
8 livery bases owner and drivers and we agreed that it
9 was important to expand those services. And we had
10 the last Wednesday of the month in Community Board 12
11 in northern Manhattan, at 176 and Audubon, a day
12 where from 6 to 8 there is staff from TLC listening
13 to any concern that drivers have, any need that they
14 have. And we need to continue having more resources.
15 So I...

16 COMMISSIONER HEINZEN: We'll be there
17 next Wednesday.

18 CHAIRPERSON RODRIGUEZ: Next Wednesday.
19 So the TLC, if we, from our end it's about getting
20 those resources, to have as we have with the
21 immigration, immigrant service, that we have service
22 in our office. Just imagine that we put the
23 resources so that in each council member TLC can send
24 a staff, especially in those community that we have a
25 numbers of bases. So, you know, there's a

1 [inaudible] already that we've been working and I
2 appreciate, but I think again that we have to keep
3 working harder. I want to also to share before we
4 also call on the panels coming that we will have two
5 hearing, very important also, not necessarily in the
6 TLC, but I also wanted to share this new thing that
7 will happen that involve [speaking in Spanish], how
8 many of you are immigrants? [speaking in Spanish].
9 I'm one of those. We come from Asia, we come from
10 Africa, we come from Latin America, we come from
11 different places. So, so [speaking in Spanish] so I
12 also beside on and before you will go, I also want to
13 take advantage, advantage of the public, to invite
14 all immigrants and people that have compassion for
15 immigrants. By the way, your family that came from
16 any place in Europe a hundred years ago you are as
17 immigrant is my daughters, that they are born and
18 raised here. So tomorrow we are introducing a bill
19 that will reestablish the rights of immigrants with
20 green card and working permits to vote in municipal
21 election. It's a bill that [applause], it's a bill
22 that together with myself, Carlos Menchaca, the
23 chairman of transportation, and other 22 council
24 members as a co-prime, the Immigration Coalition, the
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2 NAACP, the Black and Latino Nation Caucus, the
3 Progressive Caucus, we are challenges, progressive
4 leader in New York City to say if we are progressive
5 and we challenge that guy in D.C., let's show that we
6 are progressive by reestablishing, because at the
7 late of the 1900s and by the 1920s still in [Texas]
8 people could vote in the state without be US citizen.
9 So let's be ready because this also affect in a
10 positive way [inaudible] voice to close to one
11 million New Yorkers to elect a leader so that also
12 will advocate for yourself. Tomorrow noon we will be
13 introducing the bill here. Also, on the 29th on
14 another issue on transportation we will have a
15 oversight hearing, Improving Street and Vehicle
16 Safety. That hearing will happen next week on the
17 29th. As you know, many people been dying because
18 crashes, especially involving truck. Technology is
19 there. The Trucking Association, we came to the
20 round table, they been open, they been putting a lot
21 of ideas, so on the 29th going to be having this
22 hearing, listening and more details on what are we
23 doing today to work with the new technology, for the
24 city to work with new, ah, renovation on intersection
25 to make the street safety using the technology and

2 DOT improving intersections. So those are things
3 related to transportation. Those are things related
4 to immigrants. And I appreciate again the services
5 that you have done, and I know that we have built for
6 so many years if you decide to stay here and
7 [inaudible]. Gracias.

8 COMMISSIONER HEINZEN: Thank you.

9 CHAIRPERSON RODRIGUEZ: Thank you.

10 COMMISSIONER HEINZEN: Thank you, Chair
11 Rodriguez. [applause]

12 CHAIRPERSON RODRIGUEZ: So now with the
13 public I want to call Brendan Sexton, Tina Raveneau,
14 Paul Clemens, Aziz Bath, and Cita Angelis.

15 UNIDENTIFIED: I can call them if you want
16 me to.

17 BRENDAN SEXTON: Good morning, Chairman
18 Rodriguez, members of the Transportation Committee.
19 My name is Brendan Sexton. I'm the executive
20 director of the Independent Drivers Guild, otherwise
21 known as IDG. We are here to wholeheartedly support
22 Intro 1738. Joining me today on this panel are some
23 drivers who are going to help tell our story, the
24 story of how at-base drivers who, despite the reforms
25 passed by this council and despite what TLC claims,

1 continue to struggle to make a fair and livable wage.
2 I'd also like to acknowledge the over 80 drivers that
3 took the morning off to come and support this bill as
4 well, to my IDG brothers and sisters out there.
5 [applause]. More than, and I'd also like to
6 recognize Commissioner Heinzen for, um, also
7 supporting our amendment to this bill and supporting
8 the rooftop ads for the vehicles. More than 100 IDG
9 members came before you that day to seek your help as
10 we rolled out our new Driver Bills of Rights to
11 address these and other concerns affecting drivers'
12 livelihoods. A week later thousands of our members
13 temporarily closed down the Brooklyn Bridge and the
14 FDR in protest and their response the TLC ignored
15 Uber [applause] [inaudible]. I am pleased to know
16 that the City Council and especially the members of
17 this committee have heard our pleas and a number of
18 bills addressing the issues, raising our Driver Bill
19 of Rights are in the works. Today marks the first
20 hearing addressing one of these bills and what we
21 hope is the first of several bills to come before
22 this committee to provide immediate and much-needed
23 relief to drivers. As many members of this committee
24 know through our discussions over the last few
25

1 months, we believe Intro 1738 is a very important
2 measure that would provide at-base and livery drivers
3 with an opportunity to supplement their income from
4 driving. This is money that will go directly into
5 the pocket of for-hire vehicle owner-operators, not
6 the base owners, not Uber, not Lyft, not fleet
7 owners. This legislation will require the Taxi and
8 Limousine Commission issue permits to allow for
9 exterior rooftop advertising on any type of for-hire
10 vehicle, provided that advertising is applicable to
11 the laws. And these opportunities are currently only
12 afforded to medallion owners, but not the for-hire
13 vehicle owner-operators. This bill will provide for
14 parity, equality, and a significant step in the fight
15 for fair treatment. We were all dumbfounded in
16 August of 2019 when the TLC took away this ability,
17 only from for-hire vehicle drivers. Given the
18 continuing struggles the for-hire vehicle drivers
19 continue to go through, this just added the insult to
20 the injury. Intro 1738 corrects this injustice by
21 affording for-hire vehicle drivers the opportunity to
22 contract with TLC-approved advertising companies for
23 digital rooftop advertising to earn \$300 per month,
24 close to \$3600 per year in supplemental income. As
25

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2 you'll hear from the drivers themselves, this
3 additional income in their lives. It can cover any
4 number of expenses, such as health insurance, which
5 is not provided by the app-based companies, a month's
6 worth of healthy groceries, or 100% of a driver's
7 monthly fuel expenses. It is also important to note
8 that this opportunity to earn additional income comes
9 without any obligation to spend additional hours on
10 the road, and as a result will not increase
11 congestion. It will also allow hard-working drivers
12 to bring home the same income while spending less
13 time on the road and more time with their families.
14 We also want to ensure that there are additional
15 driver protections built into this legislation to
16 ensure that drivers who benefit from this
17 opportunity, not the app companies, not leasing
18 companies, and especially not fleet owners. All
19 drivers must be afforded this opportunity without undue
20 interference from the exploitive nature of app-based
21 or leasing companies. 80% of our industry drivers
22 own their own vehicles. 20% lease. As you all know,
23 our industry drivers have major issues with predatory
24 leasing. Therefore, while this legislation is
25 currently drafted it will definitely benefit the

1 majority of our drivers, we are less certain, given
2 the leasing industry's tendency to take advantage of
3 our drivers about the rest. We would like to see an
4 amendment to Intro 1738 that provides TLC with the
5 regulatory authority to ensure drivers are protected
6 and not further exploited by preventing leasing
7 companies as well as the app companies from either
8 requiring or prohibiting drivers from obtaining
9 rooftop to ensure that any and all revenue derived
10 from such advertising goes directly and fully to the
11 driver at a fair and mutually agreeable rate. In
12 speaking with some of you on this committee and
13 others concerns have been raised what I would like to
14 address. We have spoken to a major rooftop
15 advertising company we believe, ah, testifying here
16 today who currently provides exterior rooftop
17 advertising to the taxi industry, and it is very
18 clear the existing benefits to the taxi industry from
19 digital rooftop advertising will not be diminished or
20 diluted in this bill anyway. To the contrary, if
21 advertisers and drivers are able to deploy rooftop
22 advertising on both taxicabs and for-hire vehicle
23 drivers, the advertising coverage to advertisers
24 would be expanded within the city and rooftop
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1
2 advertising becomes more attractive to the
3 advertisers. For the past few months our team has
4 engaged numerous council members on this and other
5 pressing issues, and I'd like to thank Chairman
6 Rodriguez for spearheading the effort to introduce
7 this bill. I'd also like to take a moment to thank
8 those of you who have chosen to stand with the IDG,
9 our drivers, and the working-class New Yorkers by
10 sponsoring and supporting this bill. It's clear that
11 you all truly understand just how important this
12 income will be for the drivers and their families.
13 Your care is also demonstrated by the other issues on
14 the agenda today, with regard to legislation of a
15 black car livery task force. We applaud any efforts
16 that would assist the viability of this industry and
17 help our brother and sister black car and livery
18 drivers. We would only recommend that the
19 legislation be amended to provide for driver and/or
20 driver labor organization on the task force. In
21 closing I want to thank committee, the committee, for
22 all the work you've and all we have accomplished
23 together over the last few years in providing relief
24 to 80,000 working families, specifically the approval
25 of landmark driver income and transparency

1
2 legislation in 2018. And while this has provided
3 some needed relief, the TLC's resulting regulations
4 and the lack of enforcement has caused some real
5 problems, whereby the full intent and goal of this
6 legislation has still yet to be realized. More work
7 needs to be done, but Intro 1731 is an important and
8 significant first step for-hire vehicle drivers in
9 this community. I want to thank you for taking the
10 lead on it, Councilman Rodriguez.

11 AZIZ BAH: Good morning. Thank you,
12 Chairman Rodriguez, members of the committee. My
13 name is Aziz Bah. I'm a driver advocate and, most
14 importantly, a driver myself. I'm a current New York
15 resident and have been an [inaudible] driver for the
16 past five years. I'm here to testify in support of
17 Intro 1738 to ensure myself and the driver, the
18 drivers I represent have real independent economic
19 opportunities. We need to survive in this industry.
20 In the wake of, ah, the calendar restriction that,
21 ah, most of us are very familiar with, anyone know
22 about the lock-out? Which, ah, base companies
23 actually have used to limit my abilities to earn a
24 decent living. I'm looking forward to installing a
25 rooftop advertising system on my car in order to earn

1
2 some extra additional income. As an owner-operator
3 the income earned through rooftop advertising means
4 additional money that will, that will be able to
5 cover the cost of my insurance, a much-needed relief
6 to reduce the stress associated with that monthly
7 expense. Busy or not, I will have peace of mind
8 knowing that I'm not going to struggle wondering how
9 to pay my monthly bills. Having the opportunity to
10 earn extra income doing the same exact thing that I
11 normally do on a daily basis without adding extra
12 tasks to perform is not only a relief, but a must-
13 have option for drivers like myself. I have the same
14 universal driver's license as any other for-hire
15 livery or taxi driver. I simply do not understand
16 why a rooftop ad is only limited to some sectors of
17 this industry. How fair is that? Why am I being
18 denied the same opportunities that others have?
19 \$3600 a year will be a much-needed addition to my
20 bottom line. I appear before you today not just as
21 an owner-operator FHV driver, but also a driver
22 advocate. As an organizer with the Independent
23 Drivers Guild I am constantly in contact with many,
24 many, many drivers. My brothers and sisters are here
25 and see firsthand the struggle that drivers face on a

1
2 day-to-day basis. These hardships and struggles are
3 all, I can assure, directly related to a lack of
4 decent income. Any extra cent a driver can earn is
5 valuable and life-changing. An additional \$3600 a
6 year, though it may sound like not much to some, will
7 go a very long way in helping thousands of hard-
8 working New Yorkers like myself earn a living wage.
9 Right now you have the opportunity to take an
10 important step in improving the lives of drivers.
11 Once rooftop advertising is allowed on FHV's, I hope
12 to focus more on my family because I will have one
13 less bill to worry about. So I strongly support
14 Intro 1738 and urge this committee and the council to
15 pass this measure. Thank you, Mr. Chairman, and
16 thank you to all who signed on as sponsors of this
17 bill. IDG drivers appreciate your support.
18 [applause]. Thank you, thank you.

19 UNIDENTIFIED: Good afternoon everyone,
20 it's a pleasure and honor to be here before you,
21 Chairman and the Transportation committee, Ydanis
22 Rodriguez, thank you for putting this hearing
23 together. We have spoken before about the need to
24 address the crisis that we have in the livery sector
25 of the industry, which often, more often than not, is

1 not recognized as a different kind of segment within
2 all the segments of the, within the definitions in
3 the TLC. There's black cars, there's luxuries, there
4 is limousines, there's high-volume bases, but there
5 are liveries in our communities, ah, that serve, ah,
6 the sectors where nobody wants to go. We've been
7 there for decades and this is an important step that
8 has been taken by the Transportation Committee, as we
9 stated in the last hearing to ensure that we hear the
10 concerns that we have an opportunity to sit down and
11 look at all the options and how to address the crisis
12 that we are in, the same concerns that the drivers
13 today express. They want to make more money, they
14 want better conditions of work, but they also want to
15 ensure that this is not going away, somehow,
16 somewhere. We have seen our industry decimated since
17 2014, when we were 24,000 drivers and vehicles
18 affiliated to our 508 bases. Today, according to the
19 TLC we have less than, fewer less than 10,000. This
20 is a real crisis that has to be looked into, the same
21 way it was done, ah, when it was examined the crisis
22 on the yellow medallion owners and the drivers. It
23 is a great opportunity also to allow the drivers to
24 make decisions where they can make more money and
25

1 they can feel free. As one of them stated, that they
2 have one less bill to pay. So I commend the
3 Transportation Committee, ah, Chairman, um,
4 Rodriguez, and all the members, ah, of the City
5 Council that are thinking how to provide to an
6 industry in crisis. And also how to take a step back
7 and look at the issues. How can we improve not only
8 the drivers and the businesses that were created by
9 drivers, because my dad, Number 29 of Riverside,
10 created a base that today it exists. I'm a second
11 generation. The members of our association, the
12 majority of us are second-generation base owners,
13 daughters and sons of drivers, family members. My
14 mom is 77. She is still at the base. She is still
15 in the business with us, ah, so we do have planted
16 roots in our communities. We know the people around
17 and we know the drivers and they are our partners.
18 So therefore we are here to, ah, say that we identify
19 very much with the issues of the drivers, but at the
20 same time we recognize that this is something that
21 needs to be looked at together to protect what we
22 have created in our communities, ah, 40, 50 years
23 ago. Thank you.

1
2 PAUL KLIMAS: Good morning, Mr. Chairman
3 and members of the committee. My name is Paul Klimas
4 and I am proud to testify before you today as a full-
5 time for-hire vehicle driver in support of Intro
6 1738. As a native New Yorker, born and bred in
7 Queens, I know just how essential our hard work is in
8 ensuring that the transportation needs of New Yorkers
9 are serviced 24 hours a day, seven days a week. My
10 testimony today will in part tell my story, but it
11 will also shed light on how the TLC is taking money
12 out of my pocket and the pockets of other hard-
13 working New Yorkers. Over the course of my life, I
14 have worked in many different fields. After college
15 I began working at the American Stock Exchange, a job
16 which I chose to leave after suffering from PTSD due
17 to my experiences on 9/11. Years later I returned to
18 school to earn a degree in nursing, but instead of
19 pursuing a career in the medical field I chose to
20 begin working as a full-time for-hire vehicle driver.
21 I say this because I want to make something very
22 clear. I love to drive and I chose to drive. That's
23 why I've made it my career. I love meeting new
24 people every day. I love making sure my passengers
25 get to their destination safely and, most

1
2 importantly, I love the freedom and sense of self-
3 ownership I get as an owner-operator. Unfortunately,
4 every day it's becoming more and more difficult to
5 survive in this industry. App companies continue to
6 exploit drivers and it often feels as though no one
7 is looking out for us, despite all of the hard work
8 we do to keep the city running. Nowadays I work more
9 hours than ever before and still struggle to make a
10 living wage, a standard we should not be forced to
11 fight for, but are being forced to nonetheless. I'm
12 here today not just to share my own story, but to
13 encourage this committee and the entire City Council
14 to pass Intro 1738. Before the TLC's abrupt ban on
15 rooftop advertising on for-hire vehicles I was
16 earning much-needed additional income every month
17 just for having a screen installed on the top of my
18 car. I drove no extra hours and was earning an
19 additional \$300 per month, nearly 5% of my salary.
20 For the first time in a long while I found myself in
21 a position where I was able to afford health
22 insurance, and I don't need to explain to anyone how
23 critical access to health insurance is for one's
24 well-being. I finally began and ultimately found a
25 plan I could cover the cost of using the money I

1
2 earned through rooftop advertising. Now that I've
3 been forced to remove my screen and that additional
4 income has been eliminated, I have to spend many more
5 hours on the road every week just to pay for my
6 health insurance. To be frank, the TLC's reversal of
7 this issue is not just bizarre, it's insulting and
8 hurtful. Though to some it may seem to be a simple
9 policy decision, in reality it's something deeply
10 personal that is affecting the livelihoods of
11 thousands of drivers across the city. I as well as
12 all the drivers here today want to continue doing
13 what we enjoy in serving the city. But to do so we
14 need the TLC to stop taking our money out of our
15 pockets and stop implementing policies that hurt
16 drivers. Today you all have the opportunity to do
17 something that can significantly change lives of
18 thousands of hard-working New Yorkers. Pass Intro
19 1738 and allow all of us to earn the money that we
20 deserve. Thank you for your time.

21 TINA RAVENEAU: Good morning, Chairman
22 Rodriguez and members of the committee. My name is
23 Tina Raveneau and I currently live in Brooklyn and
24 have been a for-hire vehicle driver for nearly three
25 years. Today I speak from my personal experiencing

1
2 as an FHV driver and also as a representative
3 advocating on behalf of my fellow drivers throughout
4 the industry. I'm here today to call on this
5 committee to approve Intro 1738. I entered, I
6 entered the rideshare industry because of the
7 flexibility and freedoms it promised. As a single
8 mother raising my 11-year-old son, raising my 11-
9 year-old son, the, the assurance of determining my
10 own schedule allows me to spend time with my son.
11 Unfortunately, the at-base companies which I drive
12 for have made it increasingly difficult to earn the
13 living my son and I deserve and need to survive in
14 New York City. IDG has raised many of these issues
15 drivers are facing with the members of this
16 committee, such as destination filter, random
17 deactivations, schedule shifts, and predatory leasing
18 practices to name a few. While we look forward to
19 working with you on addressing these issues, we're
20 here today because we have a real opportunity to
21 erase the hardship drivers face. Intro 1738 will
22 afford FHV drivers the opportunity to earn an
23 additional \$3600 per year, without spending any time
24 on the road and away from our families. This income
25 will allow me to pay for my son's afterschool

1
2 program. I find it very insulting that anyone who
3 claims to be pro driver or pro worker would not
4 support this bill very directly. But taking money
5 out of our pockets of thousands of hard-working
6 drivers, thousands of hard-working New Yorkers, as it
7 stands today FHV drivers across the city are being
8 driven closer and closer to poverty lines. As the
9 cost of living and operating in this industry is far
10 outpaced in the income we earn. Today I speak to you
11 as my last resort, as a struggling single mother
12 asking for help, and I'm also an immigrant as well,
13 so I know the struggle. I go through it every day. We
14 have brought our concerns to the TLC and they
15 continue to ignore our plea for help. It's
16 incredibly important that the council takes action to
17 reserve TLC baseless ban on rooftop advertising and
18 take an important step in providing drivers the
19 livelihood we deserve. Please, please, I'm urging
20 you and I'm begging you today to please pass Intro
21 1738 and show us all that you truly really do care
22 about us and our families. Thank you. [applause]

23 CHAIRPERSON RODRIGUEZ: I just have two,
24 first of all, my commitment is there, have always
25 been there, again to all the sector, and, and, I just

1
2 have two questions and then we will hear from the
3 other panel. One is especially relating, and of
4 course [inaudible] as you know the IDG, you know,
5 that represent many of the drivers, most of the
6 drivers who are here, the leadership, you know, is
7 speaking also on behalf of the drivers, then we also
8 have member of the livery base association
9 [inaudible] see that and then we will also hear from
10 some institution, they have different point of view,
11 and then we get back to a, some representative of the
12 private sector who has an idea that they can share
13 how can they work based on their own experience, and
14 then we will open to if there are any other drivers
15 who are not necessarily associated with the IDG that
16 also would like to say, make a comment with this.
17 Saying that, one of the questions for me is about is
18 there any evidence that indicate that hailing
19 confusion between for-hire vehicles and yellow taxi
20 with rooftop advertising system installed is a
21 reasonable concern.

22 UNIDENTIFIED: Um, I appreciate the
23 question and your leadership on this issue. As far
24 confusing for street hails, I would assume not. Ah,
25 New York City cabs are distinctly yellow. They are

1 known around the world, ah, not just here in, in New
2 York City. They're an icon of, of this city. Ah,
3 also it's illegal for-hire vehicle drivers to pick up
4 street hails and, and our drivers know this very
5 clearly, ah, and do not, um, pick up street hails.
6 Ah, as we've kind of talked about before with the TLC
7 enforcement, they don't want a TLC agent pulling them
8 over and giving them tickets. Um, so I, I think it's
9 a little, um, dubious to say that there will be,
10 there will be some confusion on, on hailing while,
11 while taxis are very clearly yellow and for-hire
12 vehicles are not. Um, you know, an ad on a rooftop
13 isn't gonna, gonna force a driver to do something
14 illegal and it's, it's not gonna change a black Camry
15 into a yellow, ah, New York City taxi.

17 CHAIRPERSON RODRIGUEZ: What has been
18 the, the response that you have got from TLC to the
19 concern you have raised regarding Uber and Lyft
20 circumvention of the minimum payrolls?

21 UNIDENTIFIED: Ah, we've, we've been
22 bringing this, ah, to the attention of TLC since
23 June, when Lyft started to circumvent the minimum
24 wage rules, um, and I believe in their testimony over
25 the last summer they began their change their

1 language from, from the minimum, the hourly minimum
2 wage becoming an average minimum wage. They claim
3 have no enforcement vehicle to, to make sure that
4 drivers are being paid the minimum wage. Again,
5 they're changing the language, making it an average
6 minimum wage and not an actual minimum wage, which is
7 sort of equivalent of saying, you know, the average
8 Amazon worker is a millionaire, ah, considering Jeff,
9 Jeff Bezos' wealth. We are, we are disheartened, we
10 are concerned that the TLC is not, not taking this
11 seriously enough and allowing these companies to do
12 what they want when they want to do it, with no
13 concern to the driver's well-being.

15 CHAIRPERSON RODRIGUEZ: OK. So I'm going
16 to leave it there with those two questions because I
17 don't want to get into, you know, on the experience
18 that you could have discussing with TLC or why, you
19 know, they were not allowed up to this moment,
20 instead of focusing on being positive, since they say
21 that they were open to work together and, and address
22 all those concern. I think that, I will assume that,
23 you know, as leaders of the IDG you do understand
24 that we take it very seriously to be sure that when
25 we say that these will allow create opportunity for

1
2 drivers to earn around \$300 a month additional income
3 that you can add to whatever they're making, that
4 this is something that we will work with TLC, we will
5 work with the advocate to be sure that a structure is
6 in place to guarantee that it's not a strong
7 guarantee that they will make in the \$300 but it's
8 about, it's about the procedure, to be sure that, you
9 know, any opportunity for the, for the private sector
10 to come on board, we had to learn from previous
11 experience. And to be sure that the dollar go to the
12 drivers. That's something that we agree.

13 UNIDENTIFIED: Yeah, absolutely, um, and
14 we are pleased to, um, Acting Commissioner Heinzen
15 agree with, with the amendment that we're looking for
16 to make sure that, ah, not only the for-hire vehicle
17 owner-operators get the money that the, that the, the
18 drivers that are leasing also directly get the money
19 and making sure that the TLC has the regulatory
20 authority to make sure that those drivers are
21 getting, are getting the money. We, we one hundred
22 percent agree that the drivers should be the benefit
23 of this and no one else, and we've seen in the taxi
24 industry where the fleet, the mega fleet owners are

1 making all the money on the, on the ads and we want
2 to make sure that the drivers are protected here.

3
4 CHAIRPERSON RODRIGUEZ: All right. And
5 to the drivers, you know, it is through organizing,
6 agitating, and fighting in your own community in the
7 city that you will get your rights to be respected.
8 [applause] You know, I always said, I always say I'm
9 more an organizer than being an elected official, and
10 number talk louder than anything else. If you will
11 be 20, 20 of here, the attention would not be the
12 same. People pay attention based on number, based on
13 your mobilizing. [applause] You know, so, so and I
14 said the good thing is my record has been very
15 straight. I had to take a lot of heat, you know,
16 from some of my livery and, and [inaudible] helping,
17 but they in my district, because as I said before and
18 they were not here, you know, couldn't be here early
19 before. I don't have one yellow taxi that I know
20 that live in District 10. I don't have one medallion
21 only that live in my district. And I never give up
22 one inch of the fight for the yellow because for me
23 it is about fighting for justice. So when we pass
24 all those law, the universal license, creating more
25 flexibility, flexibility, you know, on how the

1 medallion owners able, you know, to buy or sell the
2 medallion trying to incentivize, you know, the
3 dynamic of the economy in the yellow. I had done it
4 even at a moment when I was criticized because I feel
5 it was the right thing to do and that's what I would
6 do. When in 2014 I called for the bail-out I was
7 told you crazy, how can we get the money, what
8 mechanism can be in place, and I said we did a bail-
9 out to restate we should establish, we explore
10 whatever mechanism is in place to provide some type
11 of financial assistance. Let's not just marriage
12 with the word, let's be marriage with the intention.
13 So as I have been for the yellow, as I will be
14 fighting for the Port Authority, it doesn't take any
15 recommendation. Enforce the law. Look behind the
16 screen. Because if the Port Authority, they don't
17 know who is the every single individual that go in
18 and out JFK and Laguardia. Who go there, you know,
19 spending hours, then New York City is not safe. So
20 this doesn't take much. It doesn't take more round
21 table conversation. It's only taking action. When
22 we see individual they don't have license, picking
23 up, dropping off passenger. Regardless who they are
24 we condemn it and they should be out of the street.
25

1 But at the same time we also need to be there for the
2 men and women that provide the services, as I say, in
3 places in this city that because of the market,
4 because of the demand, because of where the 65
5 million tourists stay, because the economy that we
6 have built that had not include the underserved
7 community, we had the two economy on the taxi. The
8 yellow in one area, they need to be protected, they
9 need to be secure, and some of the thing is about
10 pilot project that we should, let's do it for the
11 numbers of year and let's see how they work. But I
12 ask everyone, all the sector, to be open and
13 compromise. As the yellow is bleeding the livery
14 bases, the corporate black car, they're bleeding too.
15 And they can die. And with that I would like for
16 [inaudible] to explain about what is the dynamic and
17 I just hear little things about the different, when I
18 used to be 112 Bailey Car Service and Caddie Car
19 Service sometime there was a passenger that they call
20 and they didn't have the \$7 and the dynamic [speaking
21 in Spanish]. Can you explain a little bit about that
22 community part on how the livery drivers work, how
23 they make arrangement with family to take this kid to
24 school, that, how does it work?
25

1
2 UNIDENTIFIED: Well, thank you, Chairman
3 Rodriguez, um, I think that in the communities is a
4 little bit different, as we were explaining of the
5 different sectors and how they work and where they
6 concentrate based on the number of passengers that
7 they can pick up in different areas. The yellows
8 have been known to be in the central business
9 district, as you pointed out, but we have
10 concentrated in those areas in the neighborhoods.
11 Let's, let's talk about one, for instance in the
12 Bronx, where the mother knows the, the bodega owner,
13 but he, she also knows the community car service
14 that's been there since she came to the United States
15 30 or 20 years ago. And now the kid needs to go to
16 school and she cannot get out, but she knows that she
17 can call the responsible party in that, in that base
18 and say can you do me a favor? Can you send one of
19 the oldest drivers to pick up my son? Um, I'll call
20 them in ahead of time and then I'll pass by Friday
21 and pay you. Ah, he's, she's not paying the driver,
22 but she comes in with the notion that they understand
23 that she is a person in need. And the same happens
24 with ladies in the community when, um, the sons or
25 daughters have not delivered money to them, and they

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2 said my son or my daughter is going to bring me money
3 on Friday and I'll make sure that I'll pay you
4 because I have to go to the doctor. We are now
5 particular as to the \$10 or the \$20 that you have to
6 give me to go to the appointment with the lady that
7 takes care of you. We make sure that that person is
8 covered. That's why we see that sometimes it's very
9 unfair because many drivers feel that out of the need
10 that it has been created for lack of, of, of a lot of
11 transportation in the boroughs and this is a
12 discussion that we had in 2011 and 2010, um, about
13 the need to have more affordable transplantation that
14 is easy and is safe, and it provides all the safety,
15 ah, measures, that the central business district has,
16 ah, and that was one idea. It didn't work because we
17 see today how it changed under, you know, how
18 technology companies came in, in, in the dynamics and
19 how we work have completely changed forever, both for
20 the drivers and also for the business owners, for the
21 small business owners. Now we have to be, for the
22 first time in our lives, concentrate and work
23 together. Something that that word, 20 years ago, 10
24 years ago, was basically impossible, to put two
25 businesses competing for the same thing together. We

1
2 created a platform just to get the pool of our
3 vehicles together so that let's say you call a base
4 in Washington Heights, but there is a vehicle
5 downtown to pick up. Somebody calls it. She needs a
6 pickup on 34th Street. If there is a vehicle from
7 one of the bases new family that operates some around
8 the district, that driver has the ability to pick up
9 that call and take that lady back to Washington
10 Heights. So and back and forth. And that's the kind
11 of service, and the same goes for the airport. One
12 time I, I, my mother came and I couldn't pick her up,
13 and I called, ah, one of the bases and they tell me
14 that Bell Car Service had a guy that just dropped a
15 passenger that they were going to send the call over,
16 and then he brought my mother to New Jersey safe. So
17 this is the kind of dynamics that we have and that's
18 why I think it is important because people rely on
19 the service that we provide. Many people come to
20 work and there's no bus, there's no transportation
21 that is safe at night. We are there because they
22 know the local car service, open 24 hours a day. So
23 therefore I urge this, this committee to continue to
24 consider options for us to remain viable.

1 COMMITTEE ON TRANSPORTATION 97
2 CHAIRPERSON RODRIGUEZ: And with that,
3 again, we will continue working together with you,
4 all the sector, and I urge, and, and before I finish
5 with this, how many, based on what you know, how many
6 livery bases do we have in New York City?

7 UNIDENTIFIED: According to the TLC, um,
8 it's 439. We've seen almost 60 bases have to close
9 their doors, um, especially bases that, that were
10 formed by drivers, a group of drivers that got
11 together and pooled their resources with their
12 vehicles and, and worked, some of them being owners
13 of a business during the day and being drivers during
14 the night. So this is the kind of, um, of effort
15 that has been put in and sweat and tears that have
16 been put in into this business.

17 CHAIRPERSON RODRIGUEZ: And I will assume
18 that in your case, both you guys can also clarify
19 that one of the concern brought by TLC which is about
20 on the advertising how can they keep track of the
21 advertising tool and, you know, one of the concern
22 that the commissioner brought was just about the
23 data, how can they keep track of those data. I will
24 assume that you...

25 UNIDENTIFIED: I've...

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2 CHAIRPERSON RODRIGUEZ: ...have had to
3 respond every day to a lot of requires of data in
4 different model related to TLC.

5 UNIDENTIFIED: I believe that there's a
6 model that has been created for many years with the
7 yellows. There is a model that was created, so to
8 speak, to mimic that, that creation which was the
9 greens, and now I think that TLC has a road map as to
10 how to track these things, so this is nothing new.
11 Ah, and I believe if it's done correctly, ah, with
12 the drivers' protection in mind, I think it will be a
13 successful, ah, thing for the driver and for the
14 community as well.

15 CHAIRPERSON RODRIGUEZ: OK. So I would
16 like to invite the 465, the 469 bases...

17 UNIDENTIFIED: 39.

18 CHAIRPERSON RODRIGUEZ: 39, to
19 [inaudible] to organize, to come together, because as
20 I told the yellow it is by organizing that they will
21 have a strong voice. So I think that again we will
22 be able to pull together in the next couple months,
23 not only the recommendation coming from the yellow
24 task force, but also recommendation that I hope if we
25 are able to move this bill with the support, again

1 with the speaker, my colleague, and City Hall, that
2 we can be able to get a strong recommendation. And I
3 also urge, you know, those leaders of the industry,
4 the livery industry, to also look at what happen when
5 we created the task force. I know that when we are
6 in the process of creating a task force, you know,
7 because all the negative experience and the urgency,
8 what we heard from the yellow was we cannot wait the
9 six months. We cannot wait for that time
10 recommendation. What now everyone is on expectation
11 on when the report will be released, which must be
12 done by the 31st based on the bill that I introduced
13 and we passed in the council. So on the 31st the
14 report on the yellow taxi medallion task force go to
15 the speaker and to the mayor, so that will be kind of
16 public documents. And I know that there's a lot of
17 expectation. The same thing will happen with the
18 livery and corporate black car task force. We will
19 have a great opportunity to expand a period of time.
20 However, we will not be waiting for those
21 recommendations. We need to act now. Because...

23 UNIDENTIFIED: As I said, Chairman
24 Rodriguez, I think it is important that you mention
25 that because there is a sense of urgency, ah, in our

1
2 bases, and also drivers are hurting when they cannot
3 reenter. If they have a vehicle and they lose the
4 license, which is some major concern that everybody
5 has, if they lose their license they have no way to
6 reenter the system, even if that vehicle was already
7 there, and so I, I urge the, the council and the TLC
8 to look at that and allow those drivers a mechanism
9 to be able to re-register their vehicles, because
10 they are financed, they have to park them, they have
11 to park them and pay for the garage, and they cannot
12 work and they have to resort and in incurring all
13 this cost and then renting a vehicle. I do believe
14 that there should be a way and this will help the
15 bases that have lost half of the stock of the
16 vehicles without a mechanism to just bring those
17 drivers back to work. Thank you.

18 COUNCIL MEMBER MENCHACA: [speaking in
19 Spanish] I, I have a question. Thank you, Chair,
20 and, ah, part of my conversation and the questions
21 that I asked the commissioner earlier was about PSAs
22 and the tension point here is real and we, and you've
23 laid out the case to really build more and additional
24 revenue. The question is how and so I'm, I'm
25 learning, I'm not, I'm not a driver, ah, but I am on

1
2 the City Council, I'm here on the Transportation
3 Committee, and I want to help and I want to support,
4 and so I'm learning here. And so my question really
5 is how do we answer the question, because there is a
6 real question about how we ensure that money goes
7 directly to the driver? And I think that a lot of
8 the testimony, and I'm sorry, I stepped out a couple
9 times, may have already been discussed but I want to
10 hear it, how we're gonna ensure that drivers get that
11 money, and that no one is gonna be left behind, no
12 one's gonna be pushed out of that new revenue stream,
13 ah, and, and so I want to hear what that, what that
14 mechanism is, ah, or if it's just an intention, and
15 that's OK, but then we have to solve that before we
16 move forward. The last thing we want is for someone
17 else to make money and not the drivers. That's not
18 what we want. And we're not going to move forward
19 until we solve that. So is there a solution to that
20 question?

21 UNIDENTIFIED: Sure, Councilman, thank you
22 for that thoughtful question. Um, it is our
23 intention 100% to make sure that the drivers are
24 earning the money and that's it not going to the
25 fleet owners, it's not going to....

1 COMMITTEE ON TRANSPORTATION 102
2 COUNCIL MEMBER MENCHACA: Right, so
3 that's the intention.

4 UNIDENTIFIED: So...

5 COUNCIL MEMBER MENCHACA: That's my
6 intention, too, that's all our intentions.

7 UNIDENTIFIED: Yeah, so, so, ah, in the
8 for-hire vehicle industry about 80% own, so there
9 would be a direct connection between the, the
10 rooftop, ah, folks and the, and the car owner. Um,
11 so that would be just a direct experience then. Our
12 concern is that it would leave out the 20% that lease
13 and are caught in these leasing arrangements. We
14 want to make sure that, that they have the ability to
15 also earn the money....

16 COUNCIL MEMBER MENCHACA: And that's just
17 20% of the drivers, not the bases, you're talking
18 about the drivers?

19 UNIDENTIFIED: Correct, yeah, and what we,
20 what we're, um, what we're saying is that the, the
21 TLC, um, through, through different regulations can
22 actually regulate a leasing, um, agreement between a
23 driver and a leasing company and have clear
24 transparency as to what all the charges are. So for
25 instance if, if a driver goes to his leasing company

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2 and say hey, I want the ability to earn \$300 and the
3 leasing company says sure, go right ahead, and next
4 money his bill is up \$300, um, he would be able to go
5 the TLC and they would be able to regulate and make
6 sure that that's clearly seen, that, that the leasing
7 company is increasing the cost for him. Um, making
8 sure that the TLC has the regulatory authority to
9 understand what leases are and what all the charges
10 are is, is the first and most important step.

11 COUNCIL MEMBER MENCHACA: Got it, OK. So
12 really this is a, this is a, ah, it puts a lot of
13 onus on the driver to review and if there's a
14 discrepancy the TLC would then have to step in and
15 monitor, regulate that issue, is that right?

16 UNIDENTIFIED: Well, we wouldn't want the
17 onus on the driver, um, again, you know, we think
18 that...

19 COUNCIL MEMBER MENCHACA: You wouldn't
20 want the onus on the driver?

21 UNIDENTIFIED: No, we think, we think
22 that, that the TLC should be laying out what it means
23 to be, to have a lease or a rental agreement. Um,
24 the plates that the city gives out is a product and
25 the TLC should be able to regulate that product and

1
2 any, and any transactions that happen after that. So
3 if, if we lay out a certain standard of what leases
4 should be, caps, for instance, right, on how much a
5 lease can be, um, and transparency within that, we'd
6 be protecting the drivers. We don't want a driver
7 to unfortunately sign something that, that they may
8 not be familiar with and then turn around and say oh,
9 they're stuck with it, and, and by the way, you can't
10 drive, but you're gonna be stuck with this lease
11 anyway. We want make sure that everything is spelled
12 out and clear and that all parties involved have to
13 abide by that.

14 COUNCIL MEMBER MENCHACA: OK. Last
15 question is on the, the public service announcement
16 work, and I think there's a lot hesitation to put
17 more on the driver to add the decals for opening
18 doors for passengers and can anyone give me a sense
19 about, about how willing the industry is really
20 willing to work with us as we, as we design this
21 larger framework to include more public service
22 announcements for folks that are opening the door, to
23 watch for bikers, and, and how, how willing is the
24 industry to have those conversations?

25

1
2 UNIDENTIFIED: So, ah, I won't speak about
3 the industry, but I will certainly say last spring we
4 worked with the TLC and different biking
5 organizations, um, where we took a bike rider on
6 Bushwick, um, and understanding each other's
7 different realms of the street, right? We're all,
8 we're all in one room touching one part of the
9 elephant and we don't know what the other part feels
10 like. So we've been working closely with, with, ah,
11 [inaudible] and Aziz and Tina if you want to jump in,
12 ah, we've been working with bike advocates and open
13 curb space folks to, to really get a sense of what
14 our different needs are and how we can all coexist on
15 the same street without, without injuring or, right,
16 without hurting anyone and making sure that everyone
17 goes from point A to point B in the safest possible
18 way.

19 COUNCIL MEMBER MENCHACA: Great, well,
20 invite me to that conversation. I'm a biker, I don't
21 driver, I don't have a driver's license. I know how
22 to drive, but I don't have a driver's license. Ah,
23 and I would like to be a part of that conversation,
24 so if you can invite me that'd be wonderful.

25 UNIDENTIFIED: Great, absolutely.

2 COUNCIL MEMBER MENCHACA: OK. Thank you.

3 CHAIRPERSON RODRIGUEZ: So thank you
4 guys.

5 UNIDENTIFIED: David Byer, Peter Mazer,
6 Richard Litsky, Scott Rudder.

7 CHAIRPERSON RODRIGUEZ: You may begin. I
8 think gotta take the other one, yeah.

9 PETER MAZER: OK, try this one, yeah,
10 it's better. Good afternoon, Chairman Rodriguez and
11 members of the committee. My is Peter Mazer and I'm
12 general counsel to the Metropolitan Taxicab Board of
13 Trade, a full-serve trade association representing
14 the owners of approximately 5000 medallion taxicabs
15 and providing services to medallion taxicab owners
16 and their drivers. Our primary mission is to ensure
17 that the medallion taxicab industry remains strong
18 and vibrant, and continues to provide high-quality,
19 demand-responsive transportation to the millions of
20 New York City residents and visitors visiting each
21 year. The strength of the medallion industry is
22 premised on providing a distinctive transportation
23 service that is in high demand. The iconic New York
24 City taxicab is recognized around the world as a
25 symbol of the city. Unique features of the taxicab

1 business, such as the exclusive right to accept
2 passengers by hail on the street have been enshrined
3 in law for more than 80 years. The taxicab industry
4 is highly regulated, including the color of the car,
5 the markings, the fares that's charged, where drivers
6 go, all are regulated. Taxicabs are not the same as
7 the other for-hire transportation providers.
8 They're not Ubers, they're not Lyfts, they're not
9 black cars. Unlike most of the other transportation
10 providers, taxicab owners, whether they personally
11 drive their cars or lease them to others, have made a
12 substantial investment. They have bought their
13 licenses either from the city directly or from other
14 operators. In either event, their investment in most
15 cases is worth far, far less today than it was when
16 they purchased their medallion. We can debate the
17 reasons why, but the loss of revenue and diminished
18 cash flow into the medallion taxicab industry has
19 certainly played a major part. Last year passengers
20 spent 800 million dollars less in taxicab fares than
21 they spent 500 years ago, and ultimately the only way
22 to restore financial solvency to the taxicab industry
23 is to stabilize the revenue stream. And one
24 significant part of that revenue stream is the right
25

1 of owners to advertise both on the roofs and on the
2 interiors of the cabs, so we have two bills that
3 would take, that would expand that right to 100,000
4 for-hire vehicles that will be operating on the
5 streets of the city of New York. I don't think I had
6 three minutes. Advertising clutter of this nature
7 would detract from the value of taxicab ad
8 placements, saturate the market, and cause
9 advertising to be a less lucrative source of income
10 for everyone. Furthermore, permitting rooftop
11 advertising on for-hire vehicles will make them
12 indistinguishable from taxicabs and will result in
13 more illegal street hails. At night when a passenger
14 sees a rooftop they won't see the yellow car, they
15 don't see the black car, they don't see the medallion
16 number. They see the rooftop and that's what they
17 will hail, and the driver will stop, especially if
18 it's a driver that's driving for Uber and Lyft and
19 he's off, he's off the app and he has no business,
20 he'll pick up that fare. As revenue in taxicabs
21 plummet from a saturated advertising market for-hire
22 vehicle owners will only marginally benefit from the
23 additional rooftop advertising ads as the value of
24 these ads decrease for everyone. Taxicabs were given
25

1 the right to display interior advertising to, in part
2 to offset the cost of the required technology
3 equipment. If interior advertising is permitted in
4 100,000 FHV's, then that source of revenue will be
5 diminished to the taxicab market. As the digital
6 advertising market becomes oversaturated it will
7 continue, it will be necessary for the owners to
8 either absorb these costs or to find some other
9 additional funding. The city continues to consider
10 ways to assist the taxicab industry and we appreciate
11 that, by some sort of financial assistance to
12 distressed owners. Does it really make sense to
13 significantly reduce a significant source of revenue
14 to the taxicab industry at the same time that bail-
15 outs and other types of aid are being considered? We
16 need to bring more, not less, revenue into this
17 depressed industry. The for-hire industry sets its
18 own fares. Buses can increase their revenue through
19 a passenger fare structure. Taxicab fares are set by
20 regulation and the taxicab industry cannot increase
21 revenue through fare adjustments not approved by the
22 city. Advertising is one of the few sources of
23 revenue available to the taxicab industry that is
24 within its control. Expanding advertising to include
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2 the for-hire industry will effectively destroy that
3 source of revenue. I want to thank you for giving me
4 the opportunity to speak this morning.

5 KAY LANTIGUA: Good afternoon. Thank
6 you, Chairman Rodriguez and the members of the
7 Transportation Committee. My name is Kay Lantigua.
8 I'm here to testify on behalf on David Byer, who is
9 the president of the Committee for Taxi Safety, a
10 coalition of medallion owners and operators here in
11 New York City. We wish to commend the City Council
12 and Chairman Rodriguez on the speed with which it has
13 moved to address the crisis in the taxi industry.
14 However, we have some concerns about proposed Intro
15 1738 and 5628, pertaining to advertisements on for-
16 hire vehicles. You have the full version of the
17 Committee for Taxi Safety's testimony in front of
18 you, but we would like to summarize some of the
19 concerns, the bills before the committee today.
20 While intended to assist in providing additional
21 revenue streams for the for-hire segment, the bill
22 will have the unintended consequence of perpetuating
23 the same policy-making that has led to the unfettered
24 growth in the for-hire sector and has diminished the
25 ability of drivers to earn a living. Much like the

1 unregulated growth of the app-based services in prior
2 years, these bills, when taken together, have the
3 ability to reduce ad revenues in the yellow taxi
4 industry and as opportunities for advertisement
5 become more widely available companies will move
6 towards paying less for them. Multinational
7 companies will be well positioned to have exclusive
8 deals signed with them, potentially leaving drivers
9 with less ad revenues in their hands. Additionally,
10 the unintended safety consequence to the city will
11 result in a proliferation of eye-level advertisement
12 that will be distracting for pedestrians and
13 cyclists. The city has never had the nearly 100,000
14 plus cars displaying eye-level advertisements before.
15 Modern technology and these advertisements will
16 encourage distracted driving, block views, and will
17 upend the tightly controlled number of ads in the
18 city today. This will lead in all likelihood to a
19 dangerous environment for drivers, bike riders, and
20 pedestrians alike. The city needs to come to a place
21 of understanding that the best way to maximize driver
22 income, reduce congestion, and create opportunities
23 that can arise from the existing car ad revenue base
24 is to fully utilize the fleets that are already
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2 authorized to do so, such as the yellow and green
3 taxis. The downside of implementing this legislation
4 is that it will give the false sense that something
5 has been done to alleviate this burden. In reality,
6 as advertisement rates plummet, leaving large
7 companies to lock in deals, independent owners will
8 for the first time see this revenue stream dry up.
9 Lastly, the Committee for Taxi Safety supports the
10 introduction of the black car and livery task force.
11 We believe looking at these issues is important and
12 each time the council has taken a holistic approach
13 to the for-hire vehicle industry it has come up with
14 policies that has improved driver incomes and
15 opportunities across the board and have stabilized
16 locally based industry, while at the same time not
17 affecting the bottom line for multinational
18 companies. This is the balance that needs to be
19 struck to successfully fix this industry. We look
20 forward to continuing our work with the committee.
21 Thank you for your time.

22 SCOTT RUDDER: Good afternoon. Thank
23 you, Mr. Chairman. My name is Scott Rudder. I'm the
24 vice president of the Limousine Association of New
25 York. I'm here today to speak on behalf of the TLC's

1 category of luxury limousine base operators. We've
2 testified several times before this committee now,
3 with much appreciation for the opportunity to build a
4 greater understanding of the significant differences
5 that exist between the luxury limousine-based
6 designation and other FHV-based designations that are
7 regulated by the TLC. We think it's excellent public
8 policy that the council is seeking input from various
9 stakeholders in the industry through legislation to
10 create a task force consisting of the various TLC
11 regulated sectors. I want to emphasize the
12 importance of including a representative of the
13 luxury limousine segment bases for the formation of
14 the new task force. We are regulated and operate in
15 a much different manner than the black and livery
16 bases. We presented in previous testimony that the
17 luxury limousine bases keep getting swept up in
18 regulations that are aimed primarily at curbing the
19 impacts of the TNC phenomenon, yet we don't
20 contribute to any of the economic or congestion
21 issues that they have largely created. Several of
22 these issues include, first, the minimum pay, ah,
23 minimum driver pay requirements. Our employee-based
24 drivers earn \$50,000, \$75,000 even as much as
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1 \$100,000 a year in W2-based earnings, along with sick
2 leave, unemployment, insurance, disability, and
3 absolutely no expenses. These are real middle-class
4 jobs. Another issue, midtown congestion. The FHV
5 industry now has over 110,000 vehicles on the streets
6 of New York, of which only about 4000 are luxury base
7 operators, and we've been shrinking by about a third,
8 ah, in, in recent years, which means fewer jobs for
9 our employee drivers. Luxury bases do not provide
10 on-demand service. We provide prearranged service
11 with established customers. We do not cruise the
12 streets looking for business, therefore creating the
13 congestion issue. And then, lastly, the vehicle
14 moratorium. Luxury bases build our business by
15 selling new customers, new accounts that use our
16 services on an ongoing basis. We don't cruise
17 looking for that business. The bottom line is that
18 if I can't add new cars I can't sell new business,
19 and that means I have to lay off drivers at our
20 company. So in closing I ask please include luxury
21 base operators in the new task force. We believe
22 that we can help solve many of the issues that we all
23 face today while saving many of the very good middle-

1 class jobs that we provide in the luxury segment.

2 Thank you.

3
4 CHAIRPERSON RODRIGUEZ: Well, repeating
5 over and over, we've been in these years, you know,
6 working with many bills, sometimes, you know,
7 especially bill important for the yellow, with moving
8 with supporter, even though there was opposition from
9 the black, from the livery and other, because we feel
10 that, you know, it was the right thing to do. Now
11 I'm going to be calling all of you to go back to your
12 team and come back and see how you can compromise. I
13 feel that the challenges that we have in the yellow,
14 again, I don't have experience, when it comes to the
15 yellow as much as you have, I just had the limited
16 one from my role as a chairman. But I think that the
17 challenge with the yellow is to be sure that there's
18 a financial support so that the loan that medallion
19 owner pays, instead of \$3000 that they're paying
20 today because the, the price of the medallion went
21 from \$300,000 to \$700,000 and then, then they had to
22 restructure the loan and now those 6000 individual
23 medallion owner they have to pay \$3000 a month. What
24 we need to figure out is how, what can be put in
25 place for those individual medallion owner to pay

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2 half or less than half so that they can be able to
3 make enough to pay the mortgage, to support the
4 family, so that they don't lose their house, so that
5 they can be able to maintain their student loan that
6 they need to send their kid to college. So I hope
7 that also, I just would like to see you also looking
8 at the big picture. I know that this is something
9 that is a big ask. I know listening and talking to
10 you guys from the yellow perspective, you are in that
11 position. But, again, I think that I had the moral
12 ask, respect to ask you, because I've been there,
13 moving and working on a number of bills that they
14 were not support about other sector, and we thought
15 that was the right thing to do. I think that we need
16 to explore, you know, can we pass a bill that let the
17 medallion owners to have two car with one medallions.
18 You know, what other things can we do? Not to be
19 helpful, but again I see adding a additional
20 opportunity for someone to make \$300 a month, I think
21 it's additional good income that make a difference,
22 and any individual, including us, that we live
23 paycheck by paycheck, you know, that support a family
24 to, and to support our community. So I just want to,
25 you know, to leave it there. I definitely need to

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2 look at it to see how we can find some way of
3 compromise and, and more than, and I take your, your,
4 you know, [inaudible] and we have many meeting before
5 and I do, I see the limousine business as a model. I
6 hope also that we hope to see other corporate black
7 car structure in that way, with all those benefit,
8 and I'm committed to work with you and also bringing
9 you the name of the institution as a potential member
10 if we vote this bill that I hope it can be voted and
11 hopefully TLC coming on board supporting I thought
12 that there's opportunity to create this livery
13 corporate, including the limousine task force.

14 SCOTT RUDDER: Great, thank you very
15 much.

16 CHAIRPERSON RODRIGUEZ: Thank you,
17 thanks.

18 UNIDENTIFIED: Sam Jammal, Brad Sayler,
19 George Hocket, Estie Coner.

20 SAM JAMMAL: Thank you, Chairman
21 Rodriguez. My name is Sam Jammal, and I'm the
22 regulatory affairs director and counsel for Firefly.
23 I want to thank you for this opportunity to testify
24 today with regard to Intro 1738, legislation to
25 provide for-hire vehicle drivers the opportunity to

1 partner with companies like ours to earn additional
2 revenue from rooftop advertising. Firefly is a
3 mobility-based communications platform for engaging
4 cities and surrounding communities. We deploy
5 digital smart screens on top of the existing fleet of
6 taxi and rideshare vehicles to deliver media content.
7 Our rooftop type of screens show out of home
8 advertisements designed for pedestrians in the area
9 of the vehicle. They are also GPS-enabled, which
10 allows us to optimize display of creative content on
11 the screens based on the real-time location of the
12 vehicle down to the city block level. For example,
13 this has included advertising campaigns such as one
14 for the grand opening of a new retail location on
15 Fifth Avenue that geo-fenced to the neighborhood
16 around the store. Or we can run a citywide campaign
17 with a city partner like the census that displays the
18 same message across the city but in different
19 languages for different neighborhoods. Firefly is a
20 local sales installation team based here in New York
21 City, including an installation facility in Brooklyn.
22 We currently operator on taxis in New York City
23 through our partnership with the Metropolitan Taxicab
24 Board of Trade. As you know, MTBOT is the largest
25

1 trade association for taxis in New York City. We
2 have the exclusive right to deploy rooftop
3 advertising on MTBOT's fleet of yellow taxis and are
4 committed to growing our presence on taxis. In
5 addition to New York City, we have hundreds of taxis
6 and rideshare vehicles across Los Angeles, San
7 Francisco, Dallas, Chicago, and Miami, as well as in
8 Westchester County on rideshare. As a part of our
9 commitment to the cities where we operate, Firefly
10 commits 10% of our advertising inventory of pro bono
11 messaging for nonprofit and local government
12 partners. In New York City, this has included
13 partnerships with Amber Alert Broadcast Network and
14 Census Awareness campaigns with Association for a
15 Better New York and the National Association of
16 Latino Elected Officials. I am here today because
17 Firefly was previously operating as a TLC-approved
18 rooftop advertising picture provider for-hire
19 vehicles. We received our permit in June of 2019 and
20 we're here to strongly support the legislation. I'm
21 happy to answer your questions on how we can make
22 sure that this works for drivers and agree with the
23 conversations earlier about offering a language to
24 amend to guarantee driver pay. Thank you.
25

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2 BRAD SAYLER: Chairman Rodriguez and
3 members of the Committee on Transportation. My name
4 is Brad Saylor. I'm the cofounder of Octopus
5 Interactive. Thank you for the opportunity to
6 testify today about the preconsidered introduction
7 for advertising inside for-hire vehicles, and thank
8 you to all the Octopus drivers that appeared today to
9 speak as well as show their support. We're here to
10 urge the council to approve this introduction and
11 eager to work with the council to address the needs
12 of rideshare drivers in New York City. Octopus
13 partners directly with rideshare drivers to give them
14 Play Octopus Interactive tablets. Our tablets
15 features games and prizes for riders, as well as
16 local information and short video advertisements. We
17 provide the tablets, data plan, and mounting
18 accessories to drivers for free. With Octopus
19 drivers report happier riders, better tips and
20 ratings, and higher earnings. Our entire platform is
21 supported by ad revenue. We've issued tablets to
22 nearly 20,000 drivers in 20 of the nation's largest
23 cities. Both riders and drivers love our product.
24 In particular, 86% of riders and 88% of drivers
25 report a positive experience. We operated in New

1
2 York for nine months prior to the TLC reinstating its
3 advertising ban, growing to over 2000 active drivers,
4 and today you'll hear firsthand from Octopus drivers
5 that were forced to return their tablet. Also in our
6 written testimony you'll see over 500 statements from
7 satisfied New York Octopus drivers. In addition to
8 happier riders, our drivers earn more money. They
9 report an average 31% increase in tips, and we pay
10 them, with many earning \$50 to \$100 per month via
11 direct deposits into their bank accounts. In total,
12 our New York drivers have earned over \$600,000 in
13 Octopus payments. We currently have over 1200 New
14 York drivers who have completed their applications
15 and are anxious to receive a tablet and start earning
16 more money. The only thing stopping them is the TLC.
17 The TLC claims that their ad ban promotes the overall
18 ride experience. Ironically, this promotes the
19 overall rider experience. Riders enjoy playing
20 games, learning about their driver, and seeing local
21 information. About 60% of our screen time is
22 dedicated to non-advertising content and our tablets
23 see nearly one million touches per day. For
24 uninterested riders, we offer easy controls to mute
25 or nap the tablet, reducing brightness and sound to

1 minimum levels. Riders can even turn the tablets
2 completely off, as well as drivers may easily mute or
3 power off using the buttons on the top of the tablet.
4 The TLC's ban totally ignores these easy ways to
5 ensure that interior advertising doesn't harm the
6 overall rider experience. In summary, we offer a
7 game tablet that drivers and riders love throughout
8 the country, but we are unable to do this in New York
9 because of the TLC's rules. We urge you to approve
10 the preconsidered introduction before you today that
11 would permit interior advertising and allow New York
12 drivers to enjoy the same amenity and additional
13 earnings as their peers in other cities.

14 UNIDENTIFIED: Good afternoon, Mr.

15 Chairman, members of the council, and all of my
16 fellow brothers and sisters. I have been driving,
17 ah, I have been FHV driver for four years now. After
18 having the tablet, Octopus tablet, inside my car it
19 was a good source of earnings and ratings. Every
20 customer who came inside my car they definitely
21 enjoyed the game and I was being paid for the points
22 of the game they played. Even, eventually, um, they
23 started giving me tips, cash tips, and tips in the
24 apps as well. So far I made \$375 with Octopus tablet
25

1
2 and after the TLC ban I was forced to return it. I
3 definitely want it back if it's allowed back in the
4 city. Thank you.

5 UNIDENTIFIED: Well, hello. Thank you,
6 Chairman Rodriguez and other members of the council
7 for coming today and hearing what we have to say.
8 Ah, I started driving for about three years, ah, for,
9 ah, the rideshare companies, street hail, not street
10 hail but FHV, of course. Um, and while I was driving
11 I, I realized that I needed more revenue. So I
12 searched the web trying to find a way that I could
13 increase the amount of the earnings I was making.
14 When I found Octopus I felt like it was a Godsend, so
15 I signed up. I didn't have to pay for the tablet.
16 They mailed it to me. I was able to use it, and the
17 experience that I, that I found when riders would
18 come in and kind of not be comfortable, when I
19 integrated the app with my vehicle I saw immediately
20 a difference. People came in, they were excited,
21 they saw a device, they asked the questions, they
22 started utilizing it. I saw children come in, little
23 kids, playing with the app, smiling and laughing, ah,
24 and then when the decision got passed for me to
25 return the tablet not only it was a financial

1 hardship, but I saw the difference when riders would
2 come in, when little kids would come in the car and
3 just sit quietly with their hands folded and not be
4 able to be entertained. And I got to tell you, to
5 do your job and to know that that level of
6 satisfaction was removed from the platform, it was
7 really detrimental, and I don't want to overextend
8 my time. That's all. Thank you.

10 CHAIRPERSON RODRIGUEZ: Thank you, thank
11 you. I just have two questions, and one is how do
12 you feel with the concern and question from the TLC
13 commissioner about how does, in your case, I will
14 assume it's a different business model, but in your
15 case or based on other also who compete in the same
16 industry, what is the model that it is structured on
17 that allow the drivers to make like the average of
18 \$300 a month?

19 SAM JAMMAL: Thank you for the question.
20 So from how Firefly operates, we operate directly
21 with the drivers. We don't, in New York City we
22 haven't and have no plans to work with leasing
23 companies or with app-based companies. We go
24 directly to the drivers and if they work 40 or more
25 hours a week or on the road, um, those are who we

1 partner with. We, you know, there are not out-of-
2 pocket costs to the drivers that partner with
3 Firefly. We install the devices. There's no monthly
4 service fee. And so for them this really is getting
5 paid \$300 a month for doing the same job they would
6 already be doing. We were successfully able to do
7 this for two months with a little over 25 drivers
8 with a longer dozens of folks on a wait list, um,
9 until the TLC unilaterally decided to end the
10 program. Ah, and so for us, you know, we think the
11 best model to do this is, as kind of discussed
12 earlier, is really make sure that the money goes
13 straight to drivers. It's worked for us in other
14 markets. It's worked for us in New York City, and we
15 think this is a way to make sure that these guys that
16 are working these long hours can earn a good
17 supplemental income to support their families.

19 BRAD SAYLER: So, ah, one, one thing that
20 kind of bears reiteration and is important for
21 Octopus is that it also just, it enhances the overall
22 rideshare experience and our riders are seeing better
23 tips and ratings. Um, certainly we, we pay them up
24 to \$100 a month, but their earnings in increased
25 ratings, or, I'm sorry, increased tips can be three

1 times that amount. So, you know, the earnings are a
2 strong motivator, but a security motivator. It
3 generally improves their overall rideshare
4 experience. Um, an important aspect of what we do,
5 too, is have a no-questions-asked free return policy.
6 If the tablet's not working for them in the car,
7 they're not earning like they expect to, they take it
8 out, ship it back to us for free. No questions
9 asked. To, to address one, one comment from the, um,
10 the prior panel, um, advertising in vehicles in New
11 York is, is not a zero sum game. We are not taking
12 money away from interior taxi advertising. Ah, we
13 actually, have, a quote in the written testimony that
14 I'll read. It's from one of the digital agencies we
15 work with in New York City. Um, Serino Coyne signed
16 a contract with Octopus to run ads for the rest of
17 the year. Barton said they do not take from their
18 budget dedicated to taxi TV, but rather a pulling
19 from their digital budgeting. There are many, many
20 Fortune 500 companies that want their advertisements
21 in and on vehicles in New York City, so let's bring
22 that value into the city, into drivers' pockets, and
23 not try to take it from rideshare pockets and put it
24 into yellow taxi pockets.
25

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2 CHAIRPERSON RODRIGUEZ: OK. And, and,
3 can, can the tablets work, I mean, I will assume the
4 technology is there, can it also work with different
5 multiple language for different community, give that
6 option to people?

7 SAM JAMMAL: Yeah, so we, we actually ran
8 a Univision campaign and, and they decided to do that
9 in Spanish. We did English subtitles, um, we can do
10 vice-versa. Um, but yes, that's, that's technology
11 that we can, we can definitely do. Um, and then to
12 go to, to the PSA, um, comment earlier from Council
13 Member Menchaca, um, if, if the TLC has, has an ad
14 they would like us to run about not opening the door
15 into bike lanes we could get that on, on the tablets
16 within a day.

17 CHAIRPERSON RODRIGUEZ: OK. I think that
18 it is very important to know that, you know, the
19 [inaudible] and technology is there for provide, you
20 know, the application in multiple language so that
21 people, you know, they have the option to, you know,
22 click into English and Spanish, French, or any other
23 language, like Mandarin, Cantonese, so that it's an
24 option to the riders to knowing which language they
25 want to navigate what is in the tablets. The other

1
2 thing is about to, one other thing is about how much
3 do you reinforce that option, that people, that what
4 you provide, especially in the tablets related to
5 children is more educational than, you know, creating
6 an opportunity for, you know, and as a father to
7 daughter [inaudible] technology can be negative or
8 positive, so in that part it's about there's a lot of
9 apps and programming software with education,
10 environmental, animals, math, science, that is not
11 just about what you have seen promoting violence, so
12 how much do you look and take the measure to be sure
13 that what is provided in, in all those, ah, software
14 installed are more focusing on education.

15 SAM JAMMAL: Definitely. So, you know,
16 our, our drivers can attest, whether they're 80 years
17 old or 8 years old that, that riders appreciate the
18 tablet. Um, we have this, this picture trivia game.
19 We've actually recently rolled this out, ah, just to
20 make it easier for, for children to play. Ah, who's
21 this, who's this singer? Bob Marley. Then they
22 don't have to read a bunch of text, like our
23 traditional trivia game. Um, so we're, we're always
24 optimizing like that. We have a direct communication
25 with tens of thousands of drivers that are giving us

1 feedback on the tablets every single day, so the, the
2 tablet and the product have evolved from that
3 feedback and we'll continue to evolve to address, um,
4 those exact things that you mentioned.
5

6 CHAIRPERSON RODRIGUEZ: OK. Just, I
7 mean, let's be sure that whatever, you know, I want
8 to leave behind those year in the '80s when Walter
9 used to work in the Burnside City College and I used
10 to be organizing, taking over the building. So, so
11 those year was year that, you know, what daycare used
12 to be, used to be places where people have a TV,
13 especially in the poor neighborhood, and sending the
14 kid to be spending the whole day in front of the TV,
15 so whatever is offered on advertising and one for us
16 to look at a more interactive, more related to
17 educational, complement whatever educational
18 happening in the, in the school. Thank you.

19 [inaudible]

20 SAM JAMMAL: And, and just on our end
21 with Firefly, we only display community-appropriate
22 advertising. We don't rent tobacco ads, e-
23 cigarettes, firearms, or adult entertainment
24 advertisements. We know how important it is to make
25 sure that it's community-appropriate and we're

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2 willing to work with the TLC and the council to
3 continue to do that, as well as, like I mentioned
4 before, the 10% of ads on PSAs. Right now we're
5 hyper-committed to helping with some of our nonprofit
6 partners educate for outreach on the census, which we
7 know is very important to the city, and we're looking
8 at other partnerships as well, just be able to use
9 the reach of these vehicles and the screens to get
10 out different messages and help with public
11 education.

12 CHAIRPERSON RODRIGUEZ: So we have Raul
13 Rivera, and who was [inaudible] IDG. If there are
14 another driver who are [inaudible] IDG please come to
15 the table, and we that we will finish this section
16 for the public. Any drivers [inaudible] IDG, you
17 weren't in your seat, just please be sure beside Raul
18 Rivera that also you say your name so that we be sure
19 that it's in the record. You can begin.

20 UNIDENTIFIED: Honorable Chairman,
21 members of the committee, and my fellow workers. I'm
22 driving in New York City almost 20 years, in yellow
23 industry, in livery industry, and now in app-based
24 company. And I'm having my own [inaudible] and
25 operating indoor advertisement Octopus tablet. And

1 that was very good and very impressive by the
2 customers, especially they're encouraged to play
3 while I was driving. And besides that, I'm getting,
4 ah, almost \$100 per month from the Octopus regarding
5 the bonus points, and I'm encouraging to have this
6 internal advertisement, ah, and passengers'
7 entertainment like Octopus inside the car. Thank
8 you.

10 CHAIRPERSON RODRIGUEZ: Thank you, sir.

11 UNIDENTIFIED: Hello Chairman. We thank
12 you for having this and, ah, I'm speaking on, on, on
13 my own behalf, but I am sure that there is some
14 traction out there on the, on the things that I'm
15 gonna raise. Ah, relative to the, the advertising
16 and, and, and the anything that, that a driver can
17 have in their vehicle, ah, I think the most important
18 thing relative to that is that that driver, indeed
19 and in fact is an independent contractor. He is not
20 an employee of a larger group. He is an independent
21 contractor. We happen to be also in New York, unlike
22 any other city in this, in this, in this country, in
23 this great country. Ah, TLC drivers, which means we
24 are clearly called to a professional standard. Ah,
25 I'm retired military. I, I've been an x-ray tech,

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2 you know, I held that license for many years. I have
3 chosen to do what I do right now. And I'm doing as
4 an independent contractor, ah, who happens to hold a
5 TLC license to prove and to show the level of
6 professionalism that I elect to operate on and by.
7 So having said that, you know, sometimes I hear
8 things and I wonder if it's understood. I hear your
9 speech, ah, Chairman Ydanis Rodriguez, and I really
10 like that you, you've lived it yourself, you
11 understand that for many people this is a stepping
12 stone to greater things for them and their families,
13 and I really appreciate that. But I [inaudible] a
14 hint of marginalization sometimes and that's
15 disturbing, 'cause it manifests in larger things.
16 Things gather their own momentum and, and then the
17 driver's voice is lost. One thing that I, I am a
18 five-star driver, I've done over 8000 rides in about
19 two years and nine months. Um, I get a lot of tips.
20 I don't have this advertising. I don't have any
21 problem with these advertising. I love the concept.
22 My only challenge with it is our we limited to \$100 a
23 month or \$300 a month? Because indeed and in fact
24 you are in my car, you know what I mean? And you're
25 getting the benefit of advertising in the customers

1 that I am serving. So I'm hoping that this is not
2 some limited, ah, amount of income, that cannot be
3 renegotiated down the line as, as drivers
4 successfully navigate the streets of New York and
5 environs for the advertising to be shown. OK, so
6 that's, that's one point. Another point, and this is
7 my larger point. I've done over 8000 rides. I, as
8 an FHV driver it's on a prearranged basis. Ah, as I
9 said, I'm a five-star driver, so there are people who
10 ride with me who would like to ride with me again.
11 Currently there is no mechanism for, from what I
12 provide, the level of service that I provide, to be
13 reselected by passengers who would like to ride with
14 me again. And I find that problematic. Because I am
15 conducting a business effort, and I think that that
16 should be addressed. I don't want to do street
17 hails. There was a gentleman here who, I have zero
18 interest in doing street hails. I want to know who's
19 getting in my car. So that earlier point about, ah,
20 you know, if somebody sees advertising on a car, I, I
21 have to respectfully dismiss that. But, um, I really
22 believe that there needs to be a mechanism for
23 passengers who want to become my customers to, to
24 whatever degree, on whatever recurring basis, ah, to
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2 have that wherewithal. Because I think that many
3 drivers are very professional and do create their own
4 customer bases, but they're separated from those
5 customer bases and that money has to go to larger app
6 organizations and that troubles me. In other words,
7 people are being kept, ah, with reduced incomes for
8 no reason, when they've worked to have, ah, a basis
9 for earning. Thank you.

10 RAUL RIVERA: Good afternoon, Mr. Chair.

11 I just want to mention that my fellow driver here, he
12 yielded his time to me, to read four minutes.

13 CHAIRPERSON RODRIGUEZ: [inaudible]

14 RAUL RIVERA: Mucho gracias. Ah, I didn't
15 write anything down. I'm just gonna speak off the
16 top of my head, but, ah, bill, ah, 1738, I'm for it,
17 I'm for it. Even though I don't want one of those
18 advertising signs on my car, I'm for it, as long as
19 it doesn't hurt the driver, as long as the companies
20 don't abuse the driver, and we're going to monitor
21 that on our own. Ah, and also they don't rip off the
22 driver. Again, personally, I don't want it on my
23 vehicle. Ah, the reasons why is because, ah, we have
24 an additional 60% TLC inspectors on the force and we
25 need more protection, and putting a sign like that on

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2 my vehicle would make me a target, an easy target, to
3 just give more tickets and more tickets and more
4 tickets. I was in Williamsburg this past weekend.
5 TLC was all over the place, and now because there's
6 60% more they're traveling in packs. You used to see
7 one or two, but now you see two or three cars. You
8 see this up in upper Manhattan, you see it in the
9 Bronx, and you see it in Brooklyn. I work Brooklyn a
10 lot and that's where I've seen them. Ah, we listened
11 to what the chairman said from the TLC, um,
12 unfortunately he didn't get the job. Maybe if he
13 would have gave us a driver sit-down, like you did,
14 you sat down with us and, and we spoke, we put our
15 concerns, you signed the petition to reform the TLC.
16 You agree with me that the TLC needs to be reformed.
17 I mentioned, ah, a CCRB for the TLC because now that
18 we have 60% more inspectors we're gonna need
19 protection. We need to be able to report, ah, an
20 inspector that crosses the line. If, if, ah, I'm
21 gonna point a few more things. If you don't have an
22 email, if you don't have an active email with the TLC
23 they fine you \$300. Ah, we had the double jeopardy
24 where if you went through a red light camera, ah, if
25 you have a TLC plate it's \$400 and three points,

1 right? If it's a regular plate it's \$50. We have to
2 create bills. Every time we need something we have
3 to create bills to get more stuff for the driver. It
4 seems like the TLC has more power than the City
5 Council. It's pretty, it's pretty amazing. Now I
6 want to finish off on this real quick. I also want
7 to mention that we are not employees. We need to be
8 protected we are independent contractors. We don't
9 need AB5. We are independent contractors, and we
10 need to protect that. Also, I want to mention that
11 it's unfortunate that we have a, a city council
12 member by the name of Antonio Reynoso. Antonio
13 Reynoso is a City Council member. He's also part of
14 the Transportation Committee. He failed to give
15 myself and my fellow drivers a meeting and I think it
16 makes the committee look bad. When you have a, a
17 person of color, his uncle is a driver, and he
18 refuses to meet with us. So you, we sent you our
19 email and we're asking that Mr. Reynoso be removed
20 from the Transportation Committee. If you fail to
21 listen to the drivers you cannot help them. It's
22 very simple. You listen to us. We appreciate that.
23 We thank you. We're very appreciative of you. You
24 gave us a sit-down, you listened. We sat down with
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2 nine City Council members. We sat down with Ruben
3 Diaz, Jr., borough president of the Bronx, we got
4 more meetings with more borough presidents of the
5 city, and it's very simple. You don't, you don't
6 have to sign the petition. You could say yes or you
7 could say no. But you don't have the option to
8 ignore us, and we ask that Reynoso be removed. We
9 ask...

10 CHAIRPERSON RODRIGUEZ: OK.

11 RAUL RIVERA: We're not, we're not gonna
12 stop. We're gonna ask. We already sent the email to
13 you and Corey Johnson. We want him off the committee
14 because it's very insulting.

15 CHAIRPERSON RODRIGUEZ: OK. Thank you.

16 UNIDENTIFIED: Very insulting.

17 CHAIRPERSON RODRIGUEZ: Thank you, Raul.

18 And first of all, as I said before conversation, so I
19 thank you. Some of the conversation will continue on
20 this topic today on this bill and we also would like
21 to use this opportunity also to invite all New
22 Yorkers to come tomorrow at noon at the steps of City
23 Hall and join the movement that is working on
24 introducing a bill to allow New Yorkers with green
25 card and working permits to vote in municipal

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2 election, as it was allowed in the late 1900s and the
3 beginning of the 2000s, 1920, still in Texas it was
4 allowed, and I think that having an industry of so
5 many immigrants who, as myself been an immigrant with
6 green card who was part of the livery taxi from '83
7 to 2000, I know that it will help to show what
8 democracy is all about when we will provide
9 opportunity again for New Yorkers to be able to elect
10 the mayor, the comptroller, the public advocate, the
11 borough president, and the council member. So
12 everyone is invited to be here tomorrow at noon. We
13 would also like to invite everyone to come here to
14 our next hearing, which is going to be on the 29th,
15 and at that particular one we will be holding a
16 hearing improving oversight with few bills probably
17 addressing improving street and vehicle safety. As
18 everyone know, there's a different law in Europe
19 where all the truck when they are put in the street
20 they already have the technology with the sensor
21 inside. Here in United States there's a bipartisan
22 bill by Senator Gillibrand and Marco Rubio, I believe
23 that they also calling for the, ah, the manufacturers
24 of trucks, ah, that they put truck in the street to
25 also be installed with sensors. Meeting with the

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2 Trucking Association, they also are committed to
3 continue doing this part when it comes to making the
4 street safety for pedestrians. We also have many
5 intersections in the City of New York that we had the
6 time separate for pedestrians and for drivers to make
7 a turn so we would be listening from DOT and the
8 private sector on how much technology are there, how
9 are they doing on technology, how can we also
10 redesign our intersections, since more than 80% of
11 the crashes that happen the City of New York happen
12 in intersections, so that's going to be our next
13 hearing on the 29th here at the council. I would
14 like to thank the committee staff, Elio Lim, Alex
15 Washington, both of them counsel, Rig Abello, senior
16 policy analyst, Chima Overture, financial unit head,
17 and Joan Basil, finance analyst. With that this
18 hearing is adjourned. [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 January 28, 2020