

NYC - Taxi & Limousine Commission Meeting
December 2, 2020

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New York City
Taxi & Limousine Commission
Commission Meeting

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Webex Video Conference
December 2, 2020
10:42 a.m.

HELD BEFORE:

- ALOYSEE HEREDIA JARMOSZUK, Chair
- RYAN WANTTAJA, Acting General Counsel
- BRIAN SWITZER, Director of Operations, TLC

BOARD OF COMMISSIONERS:

- NORA CONSTANCE MARINO
- KENNETH MITCHELL
- LAUVIENSKA POLANCI
- STEVE KEST
- THOMAS SORRENTINO

Shechinah Jackson,
Court Reporter

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S P E A K E R

FABIAN CANCEL

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MS. JARMOSUZK: I am calling the meeting to order at 10:43 a.m. I am Aloyesse Heridia Jarmosuzk, commissioner and chair of the TLC. I'm joined today by our board of commissioners; Steven Kest, Nora Constance Marino, Kenneth Mitchell, Lauvienska Polanco and Thomas Sorrentino.

I'd like to begin by discussing the rules that the commission is voting on today and their benefit to TLC licensees. Today the TLC commissioners will vote on revised processes that gives TLC licensed drivers additional rights and protections if arrested for a suspected crime.

Currently, the process to preserve public safety, the TLC automatically suspends a TLC license when a TLC license driver has been arrested for a serious crime. This is known as a summary suspension, which is temporary, while the TLC licensed driver contests the alleged crime.

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2 TLC licensed drivers that are
3 arrested for a serious crime have a
4 right to challenge suspensions before an
5 administrative law judge. The
6 administrative law judge assesses
7 whether a TLC licensed driver who has
8 been arrested for committing a serious
9 crime poses a threat to public safety.
10 The administrative law judge then issues
11 a written recommendation to the TLC,
12 which the chair may approve or
13 disapprove. What is being voted on is
14 for an improvement in those processes.
15 Our proposed rules will clarify and
16 strengthen existing summary suspension
17 practices that the TLC has implemented
18 over the past year and a half. The
19 proposed rules specify various factors
20 and an administrative law judge can
21 consider assessing whether a suspended
22 TLC licensed driver poses a public
23 safety risk. The administrative law
24 judge would make a more individualized
25 review and examine the TLC licensees

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2 history -- historic -- historically,
3 including criminal history and driving
4 record, their standing in the community,
5 the specifics of the alleged crime and
6 anything else that would help support
7 lifting the suspension. The proposed
8 rules would also allow TLC licensees to
9 request a summary suspension hearing at
10 any time after a suspension and the TLC
11 must then hold that hearing within 10
12 days of the request.

13 The new rules would also put in
14 place shorter timelines for the
15 administrative law judge's written
16 recommendations to the chair, and for
17 issuance of a decision by the TLC chair.

18 The benefits to the TLC licensees
19 from the proposed rules are important to
20 note. So it's important to note that
21 most TLC licensed drivers are law
22 bidding citizen that work serving the
23 public. And it is very rare for a TLC
24 licensed driver to be arrested for a
25 serious crime. There are approximately

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180,000 TLC licensed drivers, and less than half a percent of the TLC licensed drivers experience summary suspensions annually. So we're talking about point 66 of the licensees population or roughly 1,200 drivers or licensees a year. Just for clarification on those data points.

The commission heard testimony from TLC licensees and other members of the public at it's October 19th commission meeting. The commissioners are prepared today to vote on the proposed rule changes, which will benefit the small number of licensed TLC drivers who face summary suspension by giving them additional rights to an individual license decision and a faster process. The results for many of these TLC licensed drivers will be that they can drive for hire more quickly, and potentially earn income rather than remain suspended.

Other aspects of our proposed rules

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2 today will include a vote by the
3 commissioners on increasing the number
4 of wheelchair accessible vehicles on the
5 road by expanding the pool of vehicles
6 eligible to receive money from the taxi
7 improvement fund. The taxi improvement
8 fund provides money to help Medallion
9 owners with the cost of purchasing and
10 maintaining yellow taxis. It also
11 provides a \$1 per trip payment to
12 drivers of wheelchair accessible cabs.
13 The proposed rules would allow the TLC
14 to formally align its regulations --
15 sorry, separately.

16 The additional proposed rules would
17 allow the TLC to formally align its
18 regulations with city counsel
19 legislation that was passed on August
20 14, 2018, and that went into effect on
21 November 12, 2018. The Local Law 151 of
22 2018 reduced some penalties for
23 unauthorized street hails.

24 As a reminder, TLC has increased
25 enforcement below 96th Street in

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2 Manhattan. Penalties for illegal street
3 hails remain significant, and are \$500
4 for the first illegal street hail
5 violation, \$750 for the second
6 violation, and a third violation results
7 in a license revocation. The proposal
8 at hand is merely a formality, since our
9 current rules do not reflect the
10 requirements of Local Law 151.

11 Finally, the proposed rules allow
12 some FHV bases to continue to pay
13 drivers in accordance with preexisting
14 arrangements or agreements. In response
15 to public comments, we have revised a
16 proposed rule to broaden the type of
17 base-operating model to include both
18 co-ops and franchises. We appreciate
19 the feedback that we received during --
20 before, and after our October 19th
21 hearing.

22 And now I'd like to just share a
23 second update on the agency and industry
24 overall. So with respect to ridership,
25 since April, the worse days of COVID-19,

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2 ridership has continued to increase,
3 however, we're still living with the
4 pandemic, and sharply reduced economic
5 activity like business travel,
6 community-themed tourism and
7 entertainment continues to challenge New
8 York City's economy in all segments of
9 the four higher transportation industry
10 here in New York City.

11 As economic activity returns,
12 passenger demand has increased and the
13 trip numbers are up. Different trip
14 numbers and specific sectors can be tied
15 directly to different markets they
16 serve, for instance, most yellow taxi
17 trips are directly connected to economic
18 activity at the airports and in
19 Manhattan central business districts.
20 Nevertheless, trips in yellow and green
21 taxis are increasing. In April, yellow
22 taxi trips fell to the lowest point of
23 an average of 7,928 trips per day. By
24 October, we have seen an increase to an
25 average of 54,221 trips per day, which

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2 represents a 583 percent increase.

3 Green taxi cabs also increased
4 during this period from an average of
5 1,186 trips in April to 3,067 trips per
6 day in September, an increase of almost
7 158 percent.

8 High volume trips are high volume
9 for-hire vehicle trips are prearranged
10 and less dependant on the presence of
11 the movement of people in the central
12 business district. But still, the high
13 volume for-hire vehicle trips also fell
14 significantly in April, dropping to a
15 low of about 143,000 trips per day, and
16 those are now up to about 427,000 trips
17 per day.

18 So overall, the numbers are
19 encouraging as they show passengers
20 demand is increasing, even at a time of
21 record low tourism and with many
22 traditional customers working from home.
23 And even in these challenging days, we
24 know that as we progress through the
25 pandemic, and since the vaccine is on

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the horizon, we can expect to see an increase in activity in New York City in the days ahead. But, of course, the trips are lower, which means lower income and difficulties for all segments of the industry to make ends meet.

A little further on our data the our TLC data shows that during the fall, yellow taxi drivers who have been working are earning approximately 20 percent less then they were earning in February of this year. For drivers who leased vehicle, which is their main business expense, has seen a decrease in those expenses because leasing fees are slightly more affordable, so the impact of the loss in income is somewhat or was somewhat offset by the decrease in the vehicle lease rates.

So, you know, we are seeing some encouraging signs. The number of applicants, new applicants for TLC driver's licenses has increased almost 5 times more than at the start of the

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2 pandemic. Relatedly, our driver
3 education schools and test centers have
4 safely reopened. Between October 19th
5 and November 27th, we've had over a
6 thousand applicants take the 24-hour TLC
7 driver education course, which is
8 required. And we've seen 561 applicants
9 complete their education requirements
10 and pass the actual driver's examine.

11 So at the start of the pandemic we
12 did -- we implemented a few programs
13 that we thought would be helpful to our
14 licensees, including the creation of the
15 FHV license steward's program that
16 allowed licensees to put those FHV
17 licences in storage, allowing many of
18 those licensees to reduce their
19 operating expenses. Quite
20 encouragingly, we are seeing more of
21 those licenses come out of storage and
22 that is very very good news for us.
23 Nonetheless, I don't want to sugarcoat
24 COVID's impacts on the city's economy
25 and on the industry, but we do see TLC

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licensed drivers and passengers returning, and we will continue our efforts to assist TLC licensed drivers during this period and to provide uninterpreted services, including the processing of applications and inspecting of vehicles.

Additionally, and separately, our driver resource center that has now been open for 6 months, is offering remote financial counseling, legal services, public benefit application support, and driver protection services. To date, more than 700 individual TLC licensed drivers have been served by the center, and our legal services team has also opened over 500 cases related to Medallion loans and many of our clients are receiving assistance in debt reduction as well as education and consumer rights. And you can find out more information on how to make an appointment with the driver resource center on the TLC's website.

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And now I'll give you just some brief additional up-dates on the rest of the agencies, and I'm doing this so that you and the public at large can be aware of all the work that is being done, and that we've never shut done during the pandemic.

So yesterday on a Vision Zero update, TLC held it's seventh annual honor roll ceremony online. 411 TLC license drivers were honored for their safety records. Drivers who were full time, did not have any safety violations over the past 4 years, and were not involved in any serious collisions. Additionally, 25 of the safest TLC license business, which have had no crashes involving their affiliated vehicles since 2017, were honored. Those bases, which included 5 yellow taxi fleets and 20 community car service bases, have shown great innovation in promoting a safe driving culture among the drivers they work with.

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Additionally, 21 TLC licensed drivers were also honored as accessibility leaders for their dedication and commitment to the city's accessible dispatch program, which provides on-request access to yellow and green taxis anywhere in New York City.

Those honorees provided the most trips to wheelchair users in the past year, and averaged about 250 trips per year for each driver, the most since the 2018 city-wide expansion of the program.

And, finally, 25 drivers who delivered the most meals through the COVID-19 emergency food delivery program were honored. Over 10,000 licensees participated using taxis, black cars, livery cars and family cars to deliver approximately 65 million meals to over 720 households and earned over 35 and half million dollars in direct wages.

We're very grateful for that program and for the efforts of all of the licensees, especially those that took

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2 part in our honor roll this year.

3 Please know that you are celebrated and
4 appreciated by the TLC for the important
5 work that you do and by the city we all
6 serve together. And we hope that
7 everybody will join us in congratulating
8 you on your achievements and celebrate
9 with us by viewing the honor roll video
10 ceremony online, and it can also be
11 viewed on the TLC's YouTube channel.

12 And, then, additionally, on the
13 topic of Vision Zero, I want to remind
14 everyone that a new seat belt law went
15 into effect last month. And so all
16 passengers are now required by state law
17 to wear a seat belt no matter where they
18 sit in the vehicle. The law applies to
19 private vehicles and TLC licensed
20 vehicles. Unbuckled adult passengers
21 can face up to a \$50 fine. We ask TLC
22 drivers to remind passengers to buckle
23 up at all times. Parents are the ones
24 who are responsible for securing their
25 children when riding in a TLC licensed

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2 vehicle. And so if you are a passenger
3 and taking a ride in a TLC vehicle,
4 please make sure that you're following
5 the law and staying safe. You know,
6 seat belts save lives, and it's
7 important that we take guard ourselves.

8 And just a few more updates before
9 we move on to the meat of this meeting.
10 So a couple of weeks ago you may have
11 noticed or you may in the future spot a
12 new electric yellow taxi on the road.
13 Our safety and emissions team recently
14 hacked up the city's first Tesla yellow
15 taxi, and we're pleased that passengers
16 are going to be able to use more zero
17 emission forms of transportation.

18 The vehicle technology has improved
19 significantly since the TLC's Nissan
20 LEAF pilot between 2013 and 2015, and
21 the charging of the structures, city
22 wide, has improved, and we will continue
23 to make it better. We're excited to
24 inspect electric vehicles so that they
25 can join the yellow taxi fleet and it

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joins a growing number of electric for-hire vehicles on the road already due to their exemption from the licensing clause.

With respect to our licensing division, they have begun issuing newly designed -- the newly designed DMV Excelsior plates. So those will be on the road and we look forward to seeing them throughout New York City. And back to safety and emissions, I'd like to share that between October and November, the TLC completed over 15,000 vehicle inspections, our average wait times are down, the inspection failure rate for all license types are down as well, and we continue to work on new ways to share information about inspections to help licensees pass on their first visit, and to better support them if that does not work out on the first visit.

With respect to enforcement, our TLC enforcement officers have been assisting many of the COVID-19 emergency-related

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2 assignments with the City. Those
3 include providing PPE to TLC licensees,
4 loading meals at distribution sites and
5 assisting the New York City Sheriff at
6 the Port Authority and Penn Station, as
7 well as, bridges and tunnels, and doing
8 business inspections throughout the
9 city. It's truly a cross agency
10 collaborative effort.

11 Since October, as well, our officers
12 resumed the TLC enforcement activity.
13 And they are mainly located in the
14 central business district in Manhattan,
15 and it's focused on the illegal street
16 hail and Vision Zero violations, and to
17 date, we have issued since -- as of
18 November 22nd, about 112 summonses for
19 unlicensed operator and illegal street
20 hail activity in the central business
21 district of Manhattan. We also continue
22 to work with licensees in our external
23 affairs office.

24 The TLC has a new program that it
25 began a couple of weeks ago with the New

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York City Department of Education, to set up webinars for TLC licensees about adult education and driver resources. And we're happy to inform and delighted to inform the TLC driver population about 3 resources that the DOE offers, particularly for those who did not finish high school or wish to pursue more education, and we will continue to share more information on that in the days ahead.

And lastly, on the recording, we continue implementing and enforcing new rules on taxi cab brokers and agents that were adopted earlier this year. Brokers recently submitted an annual disclosure, for the first time, providing greater insight into their interest in TLC-issued taxi cab licenses and related taxi cab businesses or services provided to their clients and that's really important on our transparency endeavors.

And lastly, many trips throughout

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the city have begun to also gradually increase through our accessible dispatch program, which remains fully remote, but is functioning, and we're seeing about a 50 percent or so increase and so we're very pleased with that.

And so thank you for listing to all this information. I just want to make sure that everybody has a sense of what we're doing at the agency in support of the industry at large. And I want to stress to all of our licensees that the TLC is here to fully support you as New York's economy recovers in the year ahead. The TLC is fully committed to the health of the industry as well as to the safety and well-being of all of its licensees. So please do not hesitate to get in touch with us if there's anything that you need or help or if you have ideas that you would like to share, you are always welcome to e-mail us at tlcexternalaffairs@tlc.nyc.gov or you're welcomed to e-mail me directly through

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the TLC website. I read all of the e-mails that come in and I respond. And so you're welcome to reach out to us utilizing either of those mediums.

So I thank you for taking part and attending the commission meeting today, and we wish you and your loved ones a very safe and healthy holiday season.

And now we can move forward on voting from the minutes from our previous meeting.

MR. WANTTAJA: Commissioners, before you, are those minutes for the October 19th commission meeting. I will call a vote now to adopt those minutes. All in favor of adopting the minutes from the October 19th commission meeting, please raise your hands. And the minutes are adopted unanimously.

Okay I will now call on Fabian Cancel to present the base license recommendations.

MR. CANCEL: Good morning, commissioners. My name is Fabian

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Cancel, and I am the director of the base and the business licensing unit. We currently have seven base renewal and change applications awaiting your approval. These have been presented to you in the last agenda recently sent to you.

MR. WANTTAJA: So I will now call a vote on adopting the base license recommendations.

All in favor of adopting the base license recommendations.

Commissioner Polanco, we are calling a vote on -- all in favor of adopting the base license recommendations.

And with that, the base are license recommendations are adopted unanimously.

MR. CANCEL: Thank you.

MR. WANTTAJA: So next up -- thank you, Fabian.

Next up, we will vote on two rule packages. The first rule package is for a vote -- up for a vote, is a clean-up rule package making technical changes to

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portions of TLC's rules. These rules were described earlier by the chair. These proposed rules were published in The City Record on September 18th, and a public hearing was held on the proposed rules on October 19th.

In response public testimony and written comments, TLC amended the proposed rules to allow for bases other than those who also operate as high volume for-hire services that are organized as co-ops to paid drivers and require drivers to pay to summonses in accordance with their co-op agreement. And with that, I will call for a vote on the clean-up rule package.

All in favor of adopting the clean-up rules.

And with that the rules passed unanimously.

MS. MARINO: Can I just say something?

MR. WANTTAJA: Yes.

MS. MARINO: Okay. I'm voting yes

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on this because I think these clean-up rules are definitely an improvement, but just, for the record, I think more improvements can be made especially with respect to due process. As someone who practices constitutional law, it's just something I pay keen attention to. So I think this definitely is a step in the right direction. I commend the chair for her leadership. I think (inaudible.)

MR. WANTTAJA: Just for the record, the rules that we just voted on were the clean-up rules packages that just seems like, increased the number of vehicles that can receive tip funds.

(Whereupon, the commissioners are speaking simultaneously.)

So that's coming up right now. Just for clarification so I have this down for the record, you voted yes on the clean-up rules packages.

MS. MARINO: Yeah, I'm voting yes on both packages.

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MR. WANTTAJA: All right, thank you. I'll do the formal introduction of the next one now, then, thank you.

The second rule package updates the rule surrounding TLC summary suspension hearings. These were also described early by the chair. These proposed rules were published in The City Record on September 18th, and a public hearing was held on the proposed rules on October 19th.

And in response to public testimony and written comments, the statement and basic purpose of the rules was amended to address comments the TLC received relating to the contents of the hearing notice, the type of charges on which suspension should be based, a shorter time frame for license reinstatement and the anonymity of hearing decisions. But no changes to the content of the rules were made.

And with that, I will call for a vote on the summary suspension rules.

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All in favor of adopting the rules.

And with that, the rules are adopted
unanimously.

MS. JARMOSZUK: Commissioner Marino,
I just want to acknowledge your
comments, and I support what you're
saying, as well as, I can reaffirm my
commitment and the agency's commitment
to continue to improve on a daily,
monthly, quarterly and annual basis. So
we are doing everything that we can to
be the best version of ourselves that we
can be. Thank you.

MS. MARINO: Chair, I want to be
very very impressive and I really
commend your leadership on this and many
issues.

MR. SORRENTINO: I'd like to also
second that motion, so to speak, that I
believe that this is a good improvement
of the roles, and I think that we can go
further as we go down the road. So I
commend the chair and all my fellow
commissioners for voting in favor of

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this. Thank you.

MS. JARMOSZUK: Thank you
commissioner.

And if there aren't any other
comments, we can close this meeting.
It's 11:10 on December 2nd. Thank you
everyone.

(Whereupon, the commissioners are
speaking simultaneously.)

MS. POLANCO: Sorry, I wanted to
move on from the voting. I just want to
wish everyone at TLC, the staff, the TLC
staff members, the officers that are out
there, everyone at the office and you
commissioners, and my fellow
commissioners, happy holidays. Please
stay safe. And I want to wish out
there, the public, the drivers, everyone
in the industry as well, happy holidays.
Please stay safe and hopefully next
year, we could continue to work on all
the projects that we have in mind to
help improve the lives of everyone in
the industry, so thank you.

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MS. JARMOSZUK: Thank you.

MS. MARINO: I second that. And hopefully that will be in person.

MS. JARMOSZUK: Hopefully. Any other commissioners have any parting words? No? Thank you all have a -- stay safe, be well, and now I will officially close this meeting. It is 11:12 on December 2nd. Thank you all.

(TIME NOTED: 11:12 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

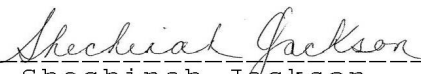
Ss:

COUNTY OF BRONX)

I, Shechinah Jackson, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 12/02/2020.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 2nd day of December 2020.


Shechinah Jackson

\$1 7:11	action 30:15	ago 17:10 19:25	anonymity 26:21	arrested 3:16,21 4:3,8 5:24 (5)
\$50 16:21	activity 9:5,11,18 11:3 19:12,20 (6)	agreement 24:15	anything 5:6 21:20	ask 16:21
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\$750 8:5	additional 3:15 6:18 7:16 14:3 (4)	ahead 11:4 20:12 21:16	applicants 11:23,23 12:6,8 (4)	assesses 4:6
& 1:4	additionally 13:9 14:17 15:2 16:12 (4)	airports 9:18	application 13:13	assessing 4:21
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19th 6:12 8:20 12:4 22:15,18 24:7 26:12 (7)	administrate 4:20	alleged 3:25 5:5	applies 16:18	assist 13:4
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