TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

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COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

Reported by:
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HEARING CONVENED AT 10:17 A.M.

COMMISSIONERS PRESENT:
Meera Joshi, Chair
Nora Constance Marino
Lauvienska Polanco
Edward Gonzales
Frank Carone
LaShann DeArcy
Jacques Jiha

ALSO PRESENT:
Chris Wilson, General Counsel
Chris Tormey, Director of Applicant Licensing
Rodney Stiles, Director of Research and Evaluation
Keith Walsh, Assistant General Counsel
Ryan Wanttaja, Assistant General Counsel
Staff
The Public

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Taxi and Limousine Commission Meeting
January 29, 2015

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CHAIR JOSHI: Good morning. The time is now 10:30, I think -- 10:17, sorry. And we're going to start the Public Meeting for the Taxi and Limousine Commission.

For the Chair's report, I first want to thank everybody this week for your cooperation during our blizzard, or semi-blizzard, on Tuesday by staying off the streets. It was a tremendous help for the Department of Sanitation who did an excellent job getting them cleared in record time. And for everybody who's out there, the weather's still bad. There's still ice. So please drive safely and drive slowly.

Next, I'd like to introduce two people that will be joining the TLC in the next few weeks as assistant commissioners. First is Ruben Santiago, who's in the back already standing right next to Ray Scanlon. He's going to join as Assistant Commissioner of Enforcement. He's a highly-decorated retired detective second grade who's been with the Business
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Integrity Commission now as Director of Investigations and Enforcement. And we look forward to him joining later this month, and I'm sure everybody will get to know him very well through good times and bad.

So welcome, Ruben.

(Appause.)

CHAIR JOSHI: And next is Midori Valdivia, will be joining us as an Assistant Commissioner of Finance and Operations. She has masters in public affairs from Princeton. She has extensive experience and background in transportation working with the Port Authority since almost 2008. She is currently Senior Advisor to Pat Foy. And we really look forward to bringing her on as well as leveraging all her transportation expertise.

So welcome, Midori.

(Appause.)

CHAIR JOSHI: We have a pretty long Agenda today so I'm going to just move
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quickly through to the adoption of minutes.
All in favor of adopting the minutes from
the December 19th Public Hearing.

(Chorus of Ayes.)

CHAIR JOSHI: With that, the
minutes are adopted.

Next is base applications. Chris Tormey.

MR. TORMEY: Good morning. My name is Chris Tormey, Director of Applicant
Licensing with the TLC. We have 17 livery base applications for your determination
this month with 4 denials.

CHAIR JOSHI: All in favor of accepting licensing's report and recommendation.

(Chorus of Ayes.)

CHAIR JOSHI: That is accepted.

Last month, we had a hearing on driver education rules. The rules basically were sort of two big issues that were changes from the rules as originally published, were, one, expanding the universe of drivers that will have to take
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an education or driving school; and two,
eliminating the provision that would turn
driving school into a sole source contract
arrangement. So Chris will read the intro,
but today we'll vote on them after having
had the public hearing last month.

MR. WILSON: Yes, as the
Commissioner indicated, we had a public
hearing on these rules in December.
Following the public hearing, the staff
proposed several changes to the rules, most
notably to remove language that permits the
TLC to require that drivers take courses
with a single provider and to provide for
conditional FHV driver's license until the
infrastructure is in place to offer FHV
drivers driver-education training. Once
the course is available, drivers will need
to take the course within 90 days in order
to maintain their license, or as an
alternative, if they prefer not to wait,
we'll permit drivers to take taxi school
and have that count. The rules were
originally published in the City Record on
November 18th with a comment deadline of December 18th. Over 40 written comments were received, which have been provided to the Commissioners. As local law requires, the final resolution for Commission action today -- the final rule for Commission action today was posted on the TLC's website on January 26, 2015 and sent to the Commissioners on that date. And if people are ready to vote.

CHAIR JOSHI: All in favor of the rules.

(Chorus of Ayes.)

CHAIR JOSHI: With that, they're unanimously passed.

Next on the Agenda is a pilot resolution that is up for Commission approval, which would allow a limited variety of used vehicles in for taxi service. Director of Research and Evaluation Rodney Stiles is going to do a brief presentation on the pilot.

MR. STILES: Thank you, Chair Joshi, and good morning, Commissioners. I
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will begin by giving you some background on used vehicles in taxi service in New York, and then I'll outline the plan for piloting used vehicles. After, I'll take any questions you might have.

Since 1996, the Commission has only allowed new vehicles with fewer than 500 miles on the odometer to enter taxi service. Before then, it was common for owners to purchase a used taxi or even a used police vehicle at auction. TLC has been asked to consider allowing used vehicles as taxis again, and the purpose of this pilot is to see if used vehicles can lower owner expenses without adversely affecting public safety. In addition, the pilot is a chance to see if used vehicles can promote the use of the medallion-only DOV lease.

Under the pilot, TLC would allow used vehicles that are no more than two years old. These used vehicles must be on the list of currently-approved taxicab vehicles. In addition, vehicles must have
been previously licensed by TLC, either as yellow taxis or FHV s. Opening up the pilot to vehicles from other segments will give vehicle owners the flexibility to migrate between industries, if they have a current vehicle they wish to bring into service under the DOV model.

Currently, there are over 20 vehicle models approved for taxicab service. After April 20th, 2015, only those vehicles meeting the vehicle specifications under the Taxi of Tomorrow program will be permitted. Those with vehicles on the pre-April 20th list must apply to participate prior to April 20th. For a used vehicle with a model year that is the same or greater than the current year, retirements will remain unchanged. In 2015, any vehicle that is a model year 15 or a model year 16 can be placed into service on the normal retirement schedules. For those vehicles with a model year one year less than the current year -- this year, that would be a model-year-14
vehicle -- all retirement schedules will be reduced by one year. Similarly, for used vehicles with a model year that is two years less than the current year -- in 2015, this is a model-year-2013 vehicle -- all retirement schedules will be reduced by two years.

During the pilot, TLC will evaluate results of safety and emissions inspections of the used vehicles, the costs associated with the purchase and maintenance of used vehicles, and passenger and driver satisfaction with used vehicles.

Thank you for your time. I can now take any questions you might have.

COMM. GONZALEZ: Good morning. I got a quick question. As part of the program, when a vehicle is going to be entered into the pilot program, is there provision to capture the vehicle's mileage as it enters the pilot program?

MR. STILES: Yes. We intend to capture the mileage then, and then every subsequent inspection.
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COMM. GONZALEZ: Okay. Thank you.

MR. WILSON: So as was required by local law, the proposed pilot resolution was posted on the TLC's website on January 26th and sent to the Commissioners on that date. Since that time, as a result of the consultations with certain industry stakeholders, we have determined to limit the number of possible participating vehicles to 400 over the life of the pilot, and it made changes to the pilot resolution to reflect that. So we made three changes. We have changed paragraph 1 to add the sentence, "The chairperson can terminate the pilot program at any time." We have changed paragraph 4, number of participants, to read, "The minimum number of participants will be one. The maximum number of vehicles eligible to participate shall be 400." And then we have added to paragraph 6 -- we've changed paragraph 6(f) consistent with that to say, "The number of participants in the pilot program is not limited but the maximum number of vehicles
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eligible to participate shall be 400. The pilot program will need at least one participant in order to effectively test the use of used vehicles in taxicab service."

As local law requires, the Commissioners need to approve those changes unanimously if we're going to keep them in the proposed resolution. So the Commissioners need to approve those changes. All in favor.

COMM. MARINO: Can I just ask a quick question before we vote? How are we deciding who gets these first 400 vehicles? I would assume that since this is going to save the owners money that there will be some demand for them. So what is the procedure for that?

MR. WILSON: They'll essentially be first come, first served.

COMM. MARINO: Easy enough.

CHAIR JOSHI: All in favor.

MR. WILSON: All in favor of the changes.
Mr. Wilson: So the changes were approved.

And so now you're voting on the pilot resolution as amended. All in favor.

(Mr. Wilson: We actually --)

Chair Joshi: Next, we'll have a public hearing on Owner Must Drive Rules package that was published December 30th, I believe.

Mr. Walsh: Were there any public comments? Is that what you're asking for?

Chair Joshi: No. First you do your presentation, then they comment on your presentation.


Mr. Walsh: Yes, riveting is the exact right word.

Comm. Dearcy: Riveting. I can't
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wait. I'm nervous for you now.

MR. WALSH: That's a lot to have to
live up to here.

I thank you, and good morning,
Commissioners. For those of you who I've
not met, my name is Keith Walsh. I'm an
Assistant General Counsel with the TLC.
I'll be speaking this morning on the
proposed revisions on the Owner Must Drive
rules, or OMD.

First, let's take a look at OMD
history. The original rules were passed in
1990. For those that are math deficient,
that would be 25 years ago. If you
remember 25 years ago, if you thought of
the word apple, you didn't think of
anything but green or red. Now when you
think of apple, you think of anything but
green or red. So a lot has changed in
25 years. At the point in time, the OMD
rules applied only to owners of independent
medallions. Prior to their passage, there
were no such driving requirements for these
owners.
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The primary purpose of the OMD requirement was to promote safety and customer service in the taxicab segment. TLC data showed that independent medallion drivers, when they operated as an owner/driver, provided better customer service as well as safer service.

The 1990 adopted rules included exemption from the rules for those owners who purchased their medallions prior to 1990, requirement that the medallion owner drive the vehicle a minimum of 210 9-hour shifts on a yearly basis, or approximately 1,900 hours, allowance for the medallion owners to request a temporary waiver from the driving requirement for things such as medical or other limited reasons, an exclusion for an inheriting spouse from the OMD requirement such that the spouse would be subject only to the same requirements as the deceased owner. And it also included penalties and fines for non-compliance. These rules remained in effect for the 20-year period from 1990 until 2011.
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In 2010, a petition for rulemaking involving OMD was submitted to the TLC. That, along with input from industry groups, resulted in the 2011 changes to the OMD rules. Those changes included reducing the number of shifts required to be driven by the owner from 210 shifts to 180 shifts, or from approximately 1,900 hours down to 1,600 hours; further reductions for those owners age 62 or older and meeting certain other requirements, those shifts were reduced to 150 7-hour shifts, or approximately 1,000 hours yearly. These changes also introduced the allowance under certain conditions for the owner to designate another driver to fulfill their OMD required shifts. We refer to it as the independent or designated driver option. And lastly, additional flexibility was included in granting temporary waivers from the OMD requirement, again due to medical or other limited circumstances.

In 2014, the introduction of Mayor de Blasio's Vision Zero initiative included
a number of City Council actions which provided for, one, driver accountability when a vehicle crash results in injury or death, and also changes to the TLC Persistent Violator program to include DMV points. So these actions along with TLC further action continue to, in the process of enhancing and improving the driver training curriculum, which you just asked, to include defensive driving and distracted driving courses, as well as the remedial course for the persistent violators. For these efforts, the Vision Zero efforts and the most-recently-passed efforts, these are there to ensure that all drivers across all driving segments are safer and better drivers.

TLC still believes it's important to have a medallion segment owned and operated by an owner/driver. However, as a result of these actions and changes affecting all drivers, it is also appropriate to revise the OMD rules to allow more flexibility to owner/drivers of
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independent medallions. We are therefore proposing the following changes: The first proposal is to change the shift requirement to an hour requirement. Drivers will receive credit for each hour they drive rather than credit only when completing an entire shift. This change also applies to inheriting spouse. Second, we propose that the general rule requirement of 180 9-hour shifts, or approximately 1,600 hours, be reduced to only 900 hours yearly, a reduction of over 40 percent. Additionally, for individual owners -- that is someone who is not involved in a partnership or an ownership model -- those that are 62 years of age or older and meet certain other requirements, the proposal is to reduce their driving requirement from the 150 7-hour shifts, or about 1,000 hours yearly, to only 600 hours yearly, again a reduction of about 40 percent. For those owners who do not meet the required hours, depending upon the number of missed hours, the fines will be reduced from the current
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amounts, which currently range between $1,000 and $10,000 on a yearly basis, to a number that's between $500 and $4,000, so another great reduction there.

Continuing on the proposed revisions, for the independent or designated driver option, currently, the owners are allowed this option only after they have owned their medallion for a minimum of 10 years and have met the requirement during that period. We propose to reduce this requirement to only 5 years of ownership as long as they have met that requirement during that period. Also, the proposed rules offer flexibility in the timing of when a medallion owner may choose to exercise this option, such that they may do so anytime during the calendar year and still receive credit. And the penalty for choosing to opt out of the OMD requirement by selecting the independent driver option, that will be reduced from the current $5,000, or $2,500 if you're age 62 or older, to $1,000, or $500 at age 62 or
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older. Lastly, we propose additional flexibility in the length of time that a waiver may be granted. Currently the maximum time is 6 months. We ask to increase this to 12 months.

In conclusion, we believe that these proposed rules offer the independent medallion owner extra greater flexibility in how they may operate their business in terms of the number of hours they wish to drive, who and how many other drivers they choose to select, and therefore, these rules as proposed should be adopted.

COMM. JIHA: Quick question for you. If safety is the issue here, why not apply the same rules to all medallion owners?

MR. WALSH: To all medallion owners?

COMM. JIHA: Yes.

MR. WALSH: I would say that you're exactly right, and that's what some of the Vision Zero proposals have done, and other TLC proposals have broadened the scope of
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the effort on safety and customer service
to all drivers. At the same time, these
particular medallion owners, one, many of
them came into the system knowing that
these were the rules and regulations and
this is the requirement. And also, we know
that -- we hope to be able to maintain some
sense of connection with these drivers
because they're an important part of the
driving segment. They are people that are
heavily involved in driving day to day,
they know the business, they're out there
on the streets, they can be helpful to us,
and they can provide a good conduit of
information. So we think it's critical
that there's a maintenance of an Owner Must
Drive requirement and that this particular
population retains that requirement.

COMM. JIHA: Well, I applaud the
TLC for relaxing these rules. However, I'm
hoping that eventually we will eliminate
all these rules. From my perspective,
there's no reason why a retiree who owns an
independent taxi medallion should be
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treated differently than a corporate medallion owner. And there's no reason why there should be some kind of economic burden imposed on these folks and while there's none on the corporate medallion owners.

CHAIR JOSHI: Thank you, Commissioner Jiha. I just want to point out one other reason. And Keith, if it was in your presentation and I skipped it, I'm sorry. But I think there's also two other reasons that are helpful for the owner to have those shift requirements: One, it provides a steady stream of income that they can represent to the bank when it comes to financing for medallions; and two, it has historically kept the price of the independent medallion a little bit lower. We don't know how that will play out in future years making it something that years back became more affordable for individual owners to enter the medallion market. So we'll continue to balance the restrictions we put on versus the benefits they provide.
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And this isn't the first time we've tweaked these rules. I'm sure it won't be the last. But I think this is a good step in the right direction.

COMM. JIHA: With all due respect, I don't think we know better what's good for them than they know for themselves. The notion of having them earning income, sure, if they want to earn some income they would just have to drive themselves.

MR. WALSH: And I believe we have some speakers from the industry that might be on cue after me.

CHAIR JOSHI: Yes, we do. We actually have a long list of speakers so I ask everyone to respect the 3-minute time limit.

And we'll start with Ethan Gerber.

MR. GERBER: Good morning, Commissioners. I'll start off by saying I do agree with Commissioner Jiha that a total relaxation would be best, although I'm here today to say I agree with the changes and to say that I think the TLC's
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done a good job.

Although, as far as presentation goes, I remember 2011 slightly different. I'm the Executive Director of the Greater New York Taxi Association. In 2011, I stood with dozens of owner/operators, their widows and their offspring, urging this Commission to vote down changes that would increase penalties for people not meeting minimum hour requirements of the Owner Must Drive rules. Due in large part to the heartfelt pleas of those people, this Commission delayed the vote and then amended the rules to somewhat relax the penalties. It was due to the compassion of some of the commissioners -- I remember Commissioner Marino in particular -- that those draconian penalties were avoided and ultimately relaxed.

Today you take a further step in the right direction making the rules more humane and recognizing that people who own their own cabs are human beings who cannot work on a regulatory timetable when they
encounter the normal events and sometimes tragedies of life. These people, like people everywhere, encounter divorces, family upheaval, disease, infirmity, death. Moreover, they cannot simply sell their most-valuable asset just because rules say they must. All the normal factors -- market conditions, interest rates, state planning, needs, special needs, et cetera -- play into these decisions.

Today's rules will help loosen this regulatory chokehold, help older drivers fit in their time periods, and ultimately help maintain the value of these assets.

So I thank the Commission and urge passage. Thank you.

MR. WILSON: Thank you, Mr. Gerber. The next speaker is Peter Mazer.

MR. MAZER: Good morning, Chair Joshi and Members of the Commission. I'm Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade. We represent the owners of approximately 5,500 medallions, the agents who operate many of
these cabs. Several hundred of the
taxicabs owned or operated by MTBOT members
are affected by the Owner Must Drive rules,
which are under consideration today. I
enthusiastically support these rules and
urge their immediate passage.

Furthermore, I commend Chair Joshi
and the TLC staff for thoughtfully
addressing an issue that has had a deep and
meaningful impact on thousands of
hardworking New Yorkers who invested their
lives in the yellow-taxi industry. In
today's rapidly-changing environment, it is
important to ever lay fresh eyes on how
various segments of the regulated
industries are treated and to ensure that
as we grow as innovators in industry we
never lose sight of the tens of thousands
of real hardworking people who make up this
industry, nor do we lose sight of how
important it is to provide them with the
tools they need to survive amidst
competition, often from under-regulated or
unregulated elements.
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Since 1990, purchasers of independent medallions were required to operate their vehicles personally for a minimal number of period of time each year or face very substantial penalties. The independent medallion taxi owner is an integral component on the medallion taxicab industry, these proposed rules would repeal some portions of existing rules which have worked to the detriment of owner/operators and will in fact strengthen the segment of the industry.

In particular, we wish to highlight the following changes which were incorporated: The replacement of the 180 9-hour shift requirement with a threshold number of hours which must be fulfilled each year will offer owner/operators greater flexibility to operate the cabs in the best way to serve the public and meet their personal needs. Many owners have been subjected to substantial fines even though they operated their taxicabs on a full-time basis simply because due to
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health or other considerations they could not remain on the road 9 consecutive hours every day. Since owners will now have to fulfill a 900-hour requirement rather than a shift requirement, they have flexibility to work less than 9 consecutive hours without facing thousands of dollars in fines. The penalties under these proposed rules are more proportionate to the offense. Under existing rules, an owner is required to complete 180 9-hour shifts a year. An owner who fails to meet this requirement by missing 10 shifts faces a $1,000 fine. A driver who misses 11 shifts has a $5,000 fine. This is a greater fine than the driver would receive for virtually any other TLC violation, including refusals and overcharges. Under existing rules, drivers are permitted to designated — independent designated driver on a payment of a $5,000 penalty. The current process is confusing and very difficult to comply with. As a result, few owners have taken advantage of this rule. Many of those who
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utilized this rule in the past paid substantial fines anyway because they failed to comply with some technical requirement. The new rules make common-sense changes to these requirements. And finally, the rules have extended the period for which a driver can apply for a hardship exemption from 2 6-month periods, or 12 months in total, to 2 12-month periods, or 24 months in total. Many drivers have had illnesses or other emergencies preventing them from fulfilling their driving requirements. However, they did not wish to sell their medallions since they expected to recover from their illnesses or have their personal hardship alleviated in the foreseeable future.

In summary, these rules will strengthen the independent taxi owner segment and the rules are a good thing, and at the same time recognize the needs of the independent operator segment of the industry.

And finally, we urge that these
rules be passed today. Thank you.

MR. WILSON: Thank you, Mr. Mazer.

The next speaker is Tweeps Phillips.

MS. PHILLIPS: Good morning, Chair Joshi and Commissioners. On behalf of the Committee for Taxi Safety, we thank you for this opportunity to testify on the rules before you today. Just to point out, our testimony actually includes comments on both rule sets. So but I know that we're just doing Owner Must Drive right now. So we'd like to say that we support the changes that have been made to the rule. We think it's important that now in 2015 we recognize that these rules created undue financial burdens on the segment of the industry. So we support what you found and hope that these rules pass today.

I don't know if I can comment on the e-hail rules now or should I wait to --

MR. WILSON: You're also on the list for those, so we'll call you again, if that's okay.
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MS. PHILLIPS: Okay. I'll be back then. Thank you.

MR. WILSON: Thank you.

The next speaker is Erhan Tuncel.

MR. TUNCEL: Good morning, Chair Joshi, Commissioners. My name is Erhan Tuncel. I'm the Managing Director of the League of Mutual Taxi Owners. Thank you for allowing me to testify today.

First of all, I would like to state that we understand the purpose of the Owner Must Drive rules which were put in place to make sure that individual medallion ownership successfully continues for the future generation of taxi drivers. Ever since I got involved in the taxi industry, about 15 years ago, I've been personally trying to make everyone understand the harshness of the Owner Must Drive rules and the severe consequences for the independent owner/drivers who are not able to fulfill the requirements of the Owner Must Drive rules. If an owner/driver went out under the current rules and worked 8 hours and 55
minutes, that 8 hours and 55 minutes would not be considered a shift. So that 8 hours and 55 minutes will literally be thrown into the garbage as far as satisfying Owner Must Drive rules, which was ridiculous in my opinion. And under the new rules or the proposed rules, those 8 hours and 55 minutes would accumulate into 900 hours which makes it much easier for us to fulfill the requirements.

On behalf of the members of the League of Mutual Taxi Owners, I would like to commend Commissioner Joshi and her staff for recognizing the severity of the current Owner Must Drive rules and realizing the necessity to modify them. LOMTO fully supports proposed amendments and urges you all to vote in favor. Thank you very much.

MR. WILSON: Thank you.

The next speaker is David Clarke.

MR. CLARKE: Hello. Good morning, Commissioners. My name is David Clarke. I'm a commuter van driver, operator and owner. The reason why I'm here today is
about the commuter van because the Taxi and Limousine Commissioner not focusing on the commuter vans.

MR. WILSON: Mr. Clarke, the rules are actually about Owner Must Drive and taxicabs, not about commuter vans. Do you have comments on the Owner Must Drive rules that we posted?

MR. CLARKE: No. I'm just here about the commuter vans only.

MR. WILSON: There isn't a commuter-van issue before the Commissioners today. So if I could ask you to --

MR. CLARKE: Okay. Thank you.

CHAIR JOSHI: If you actually have comments on commuter vans, I can arrange for a staff member to meet you in the back so we can take them.

MR. CLARKE: Thank you.

CHAIR JOSHI: Cindi Davidson is right behind you.

MR. WILSON: Thank you, Mr. Clarke.

The next speaker is Nixon Jean Pierre.
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MR. PIERRE: Good morning, everyone. My name is Nixon Jean Pierre. I thank Commissioner Joshi and all the Commissioners for meeting with us, (inaudible). It was a great meeting and we appreciate the outcome. I want to show thanks for Commissioner Jiha. I want to thank you for your statement because it is exactly what we wanted but unfortunately we didn't get it, but we do appreciate what we get. We support the changes, so for no longer have to do 180 shifts in nine hours. We cannot have redesignate driver who has a taxi license from -- that is given by the Commission. And we do support less penalties and fines. We also support the waiver which is no longer at six months but 12 months. However, we do have some issues regarding the language. The proposal commission -- the Commission proposes to revoke if the hours is not completed within a year and if the driver missed 10 hours within three years, or 100 hours within three years. So I think there should be more
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leniency when it comes to that because revocation shouldn't be part of the topic because we work so hard to get there. I think one day we hope to have this Owner Must Drive rules to be able to (inaudible) of the past.

So we do appreciate the changes and we want to continue to work with you to better the industry. Thank you.

MR. WILSON: Thank you. And I'd just like to make one note. I think we almost never impose revocation for Owner Must Drive. So it's actually discretionary on the part of the Chair and for Owner Must Drive violations it's really something we almost never go for.

CHAIR JOSHI: If ever.

MR. WILSON: Pardon me?

CHAIR JOSHI: If ever.

MR. WILSON: If ever.

And the next speaker is Shovan Barua.

MR. BARUA: My name is Shovan Barua, and thank you for giving me the
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opportunity to speak and thank you for the Commissioner and all Members of the Board here. And I'm owner/driver. I'm driving almost 25 years and -- 25 years. I'm driving 7 days a week, and very hard to drive every day, single day, 17, 18, 19 hours. So not easy. I'll show you this thing. If you read this paper (handing), 17, 18 hours per day, and all kinds of fee, all kinds of taxi expense, 27,000-something dollars left in the year. How I survive, this money. I have two kids, both of them in college, and very hard to live, this money. These were statements, how much money I make, now much I expense, and how much money I have in the year left, and all fines and regulations, it's very hard to survive this business.

So think about owner must have to drive rule and what about your proposal here (inaudible) group, and I appreciate you (inaudible). Thank you very much.

CHAIR JOSHI: Thank you.

MR. WILSON: Thank you. The next
MR. LINDAUER: Good morning. If Godzilla can go from being a bad monster to being a good monster defeating (inaudible) Rodan, the TLC can go from being a bad monster to a good monster, and these are very progressive steps, and these steps are ones that were championed by the New York Taxi Workers Alliance and I'm proud to be a member of that wonderful organization and proud to be able to speak with Bhairavi. She missed the bus. But good work. I'm glad to see progressiveness and humaneness at the TLC because a lot of the rules are still onerous and the fines are heinous. This is a great step. Thank you, Meera, and the Commissioners.

MR. WILSON: Thank you. And the next speaker is Bhairavi Desai.

MS. DESAI: I caught my bus. Good morning. I'm Bhairavi Desai, Executive Director of the New York Taxi Workers Alliance.

I just really wanted to echo what
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Bill had said. I remember a couple years ago when the changes were first made to the Owner Must Drive rule and, you know, we've been really supportive, that individual owners who wanted to lease their medallion, particularly to drivers, individual drivers, you know, as DOV operators to take over their shift obligation, that's something we had championed and we were really pleased to see it pass. We continually said that the fine amount of 5,000 was too onerous and we'd all seen that for many individuals, you know, who didn't want to take that option still wanted to continue to drive but couldn't make the 180-shift requirement. So we're really pleased to see that the TLC was able to work with several segments in the industry and come up with this rule's proposal, and so just wanted to add our support to. Thank you.

MR. WILSON: Thank you.

And the last speaker is Hardev Otal.
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MR. OTAL: Good morning, everybody. My name is Hardev Otal. I own the individual medallion since 1993 and I'm still driving that medallion. And like you said today, after 62 age, we have to drive certain hours or certain shifts. I'm asking everybody, what is the retirement age in a taxi driver? And other things, like when we're driving, there's so many problems on the street. Like a pedestrian, they keep walking on don't-walk signs. And I think this should be eliminated after 62 age or 66, whatever the age is of retirement. Thank you.

MR. WILSON: Thank you. Do any of the Commissioners have comments, questions?

COMM. CARONE: Just a quick comment before we vote on that. I listened to Commissioner Jiha. I think I agree with your assessment. I do recall the hearing in 2011 the same way that Ethan Gerber does. And it was a contentious, emotional hearing. I think it was in the Bronx, if I'm not mistaken. And it's certainly,
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don't want to throw the baby out with the bath water. And we're moving in the right direction but if we're continually watering it down, in the light of Vision Zero where we're kind of taking safety from a more universal perspective, I think it's time to really look at these rules and try to eliminate them.

COMM. DEARCY: Thank you. I want to thank Commissioner Jiha for his comments. I too recall the hearing in 2011. It happened to be my first hearing so it was memorable for a number of reasons. I am also persuaded by the comments that you made, Commissioner. And I have to say, Commissioner Joshi, I am not persuaded necessarily by the notion that these rules are necessary to assist drivers in demonstrating their credit-worthiness. I would urge that the Commission look into the rationale that you offered with respect to the impact of the shift requirements on the cost of the medallions. But while I am wholeheartedly in favor of these rules
because I do believe they are a step in the right direction, if given the opportunity and if formulated properly, I suspect that I would vote for rules that were either further watered down or eliminated the requirements altogether. But today obviously I would vote for these rules. But I urge the Commission to take a long hard look at whether or not it's appropriate for these rules to be in place going forward.

COMM. MARINO: I'd like to echo Commissioner DeArcy's words. You took the words right out of my mouth, frankly. And I clearly remember the 2011 hearing as well. I don't think -- it's like having our foot around someone's throat and I don't think it's necessary. But these rules are a tremendous improvement today and I do want to commend you and your staff for drafting them. And as Commissioner DeArcy said, we need to take continued steps. This matter's not over today, but these rules are really well-written today
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compared to what exists.

CHAIR JOSHI: So what I'd like -- I think I wasn't at the 2011 hearing. Maybe that's a good thing. But what I can say is a lot has changed since 2011, and some of the rationales that had been put forward with relation to depressing the medallion price of the independent medallion may not be so forceful today. And I think your point on is credit worthiness -- I mean, that's another rationale that it's shown a constant stream of income that makes it easier or credit unions to give loans, there are other ways to prove that. We have records that show how often a cab is driven. That's a good example. But I think that what we've see with these rules is every so often we're revisiting the rules, but I do believe the next best course of action would be to go ahead on the improvements that we've formulated so far and make sure that we pay close attention because we're willing and open obviously to further amend the rules. It
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seems like the right thing to do and it
sounds like a lot of Commissioners feel
like that is where we need to eventually
end up. So what I'd suggest is that we
vote on the rules as drafted today and keep
it on as an agenda item to keep reviewing
in the future.

MR. WILSON: So let me do the
couple of administerial things. These
rules were published in the City Record on
December 30th with a comment deadline of
January 29th. Four written comments were
received, all of which have been provided
to the Commissioners. Based on staff
feedback, following publication, we made
several mostly technical changes to the
rule. These included cleaning up
references to the holding period to 5
years, and we found several references to
shifts, which we changed to hours to be
consistent throughout. As local law
requires, the final rule for Commission
action was posted on the TLC's website on
January 26th and sent to the Commissioners
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on that date. All in favor.

(Chorus of Ayes.)

(Applause.)

CHAIR JOSHI: Next on the Agenda is our presentation and public hearing on our proposed e-hail rules that would make e-hail providers licensees of the TLC. And Ryan Wanttaja will do our e-hail presentation.

MR. WANTTAJA: All right. Good morning, Commissioners. My name is Ryan Wanttaja, Assistant General Counsel for the TLC. I'm here today to talk about the proposed e-hail rules which seek to make permanent the e-hail pilot.

COMM. MARINO: Madam Chair, is this a vote today or just a hearing?

CHAIR JOSHI: I think we might be in a position to have a hearing and a vote but we'll take testimony and see where the Commissioners are afterwards.

COMM. MARINO: I just want to make a comment. I did have a previous appointment today. I informed Madam Chair.
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So if I do leave during anyone's comment, I apologize in advance. I'm not being rude. I had a commitment conflict today.

MR. WANTTAJA: I'll try to get through the presentation as quickly as possible.

By means of background, e-hails have been a taxi service for almost two years as part of our e-hail pilot program. Since April 26th, 2013 to present, TLC has been testing e-hails in taxi service. For those of you who might be unfamiliar, e-hailing allows a passenger to make a taxi-pickup request through his or her smart phone. Basically it extends a hand hail allowing taxi drivers to see around corners and increases fare opportunities.

As the pilot progressed, we found both passengers and drivers have become more adept at using e-hail. Fulfillment rates have increased from 25 percent at the beginning of the pilot to 63 percent more recently. Additionally, 479,424 unique passengers requested e-hails during this
pilot and 8,407 taxi drivers serviced e-hail trips. So e-hail is becoming quite popular with both passengers and drivers. But while e-hail adoption has increased over time, e-hail remains a relatively small share of all the taxi trips. Less than half of 1 percent of all taxi trips originate as an e-hail. We're finding e-hails are servicing areas with historically low taxi traffic, 65.3 percent of all e-hail trips were picked up north of 110th Street in Manhattan or in the outer boroughs whereas only 6 percent of all taxi trips were picked up in those locations.

Additionally, TLC passenger surveys have found that e-hail service has been utilized by people of all ages, including senior citizens who make up over a quarter of reported app users. Safety and service-refusal complaints are at similar or lower levels as compared to before the pilot. And DMV data indicates e-hail drivers get into collisions at a lower rate than non e-hail drivers. About 6 percent
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of all e-hail-using drivers have been in a collision during a time period whereas 8.4 percent of all non e-hail-using drivers were in a collision.

FHV licensees in all categories, including drivers, vehicles and bases, continue to rise. And given the low volume of trips that are e-hailed, the overall financial impact of both FHV and medallion industries has been small.

In conclusion, the data evaluated by TLC suggests that e-hail apps increases the efficiency by which passengers and drivers are connected in certain lower-traffic areas, and they do so without negatively impacting the FHV industry or the general taxi-hailing public.

As I mentioned, the rules seek to make permanent the e-hail pilot program with a few new requirements. Passengers may e-hail any taxis or SHL anywhere in the city with the exception of the airports and areas where SHLs are restricted from picking up. The pilot program applied to
only to taxis. We've expanded that to include SHLs as well. Another new and important feature is that passengers may now e-hail a wheelchair-accessible vehicle using an e-hail app. So e-hail apps must offer a mechanism by means to e-hail a wheelchair-accessible vehicle as part of their app.

A continuation with pilot, all fares must be calculated using the taxi meter. There will be no manual entry of the fare allowed. Everybody that e-hails a taxi trip will get the metered fare. E-payments or paying for the fare using the app is optional, but if the app does offer e-payments, it must me integrated into the existing backseat equipment. Use of an e-hail app is restricted when the vehicle is in motion to prevent distracted driving, only permitting acceptance of an e-hail with a single touch. And a continuation of the pilot, drivers are limited to using one e-hail device at a time.

App providers must adhere to data
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security standards including PCI certification for credit card payment if the app offers credit card payment. And another new requirement is e-hail providers must meet data privacy requirements.

We believe these requirements will bolster an already-successful pilot program. Thank you for your time, and I'm happy to answer any questions.

CHAIR JOSHI: If nobody has questions, we'll move straight to the public hearing. And our first speaker will be Council Member Ben Kallos.

MR. KALLOS: Good morning, Chair Joshi and Commissioners of the Taxi and Limousine Commission, as well as Commissioner Jiha. How are you doing? Good to see all of you. I'm Council Member Ben Kallos. For those of you watching online, those of you in the audience, you can tweet me @benkallos. I represent the Upper East Side, Midtown East, Roosevelt Island and El Barrio. Thank you for this important hearing and opportunity to
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testify to the TLC's proposed rules to
establish a permanent e-hail rules for New
York City.

For my constituents, taxicabs and
livery cars are not a luxury but an
essential part of public transportation
network. According to the 2014 Taxicab
Fact Book, yellow cabs provide an average
of 485,000 trips per day to 600,000
passengers, moving 236 million passengers
per year with 90.3 percent of those pickups
happening in Manhattan. With a single
subway line that is overcapacity and bus
service rated worst in the city by the
Straphangers, the Upper East Side relies on
yellow cabs for public transportation. My
constituents use cabs to go to work,
meetings, doctor's appointments, TLC
hearings, and everything else where
transportation's essential. If you don't
believe me, just try to hail a cab in the
morning. Technology has recently disrupted
the transportation industry bringing many
advances and efficiencies. The current
rules as proposed by the TLC recognize the need for these efficiencies and innovation. To that end, I support these rules as a good start for government that must adapt to disruption improving services for every New Yorker.

Nearly two years ago, TLC authorized a pilot program to offer e-hails to New York City's passengers. According to report by the TLC which evaluated this program, even under the limited scope of the pilot, an average of 7,000 e-hails were received by participating drivers each day. Not surprisingly, 66 percent of these came from Northern Manhattan and the outer boroughs. This data proves that most areas of our city could benefit substantially from an expanded e-hail marketplace to supplement our transit options, particularly areas where cabs are not ubiquitous and street hailing is difficult.

As we now seek to finalize rules for permanent e-hail marketplace, we must ensure fair access, fair competition and
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fair pricing. While the rules as a whole take us in a very positive direction, two key components are missing, an open API and a New York City TLC e-hail app. I propose legislation which does exactly that, and I urge this body to seize the moment and incorporate these changes into the rules while supporting legislation to codify your regulations into law. The universal app is only possible through a New York City TLC e-hail app with an open application program interface or API that will allow both the City, the app and any third-party app to access and to e-hail all 13,637 yellow cabs and 6,000 green cabs through a single button on their T and LPEP system regardless of the app used by the passenger. The TLC Commission must have its own app so that the riding public has the option of going through the TLC base system. Only by creating a universal app with an open API can we ensure that there will be critical mass of vehicles ready, willing and able to answer a call. This
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will not prevent the Ubers or Hailos or Lyfts of the world. It would create an alternative through the already-great yellow and green infrastructure.

Under existing and proposed regulations, passengers and drivers are app-dependent providing a marketing advance to an app with the biggest fleet. An open API connects all passengers to 19,637 cabs that they choose to access e-hails leveling competitions so the best app can win, and creating a win, win, win for app developers, drivers, and most importantly, passengers. Currently, five apps are permitted to participate: Uber, Curb, formerly know as Taxi Magic, VeriFone, Creative Mobile Technologies consolidated with Mobile Knowledge Systems, and Hailo, that withdrew from the New York City marketplace. In all honesty, I've only heard of one of these apps. For comparison's sake, on Google Play, Uber has between 10 and 50 million passenger app installs with 100 to 500,000 driver app
installs; while Curb has between 500,000 and a million passenger app installs and 5 to 10 thousand driver app installs. A passenger could install Curb, but good luck finding a driver using their app. That passenger is most likely going to try Curb app once, see that it provides no drivers, then move on to Uber, and so much for competition. Don't get me wrong. I hope all five are successful, but only an API that makes all 19,637 medallions available to all passengers through all apps provide a truly level playing field where new apps can compete.

While on the Taxi Dave Show on WOR at 7:10 a.m., a yellow cab driver called in to share that he had picked up a passenger via street hail although he and his passenger were attempting to find an e-hail using Uber. Regulations fail to require that apps display all available yellow and green cabs while protections provide to undermine legislation with required an app to display all vehicles. This prevents an
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app from hiding eligible yellow and green
cabs in order to steer passengers to their
own vehicle where the app company can earn
greater profit.

In a Christmas Eve e-mail to
customers, Uber announced it was charging
customers a $2 booking fee to use this
e-hailing app for yellow and green taxis.

Regulations proposed by the TLC fail to
regulate anticompetitive practices that
disincentivize the use in yellow and green
cabs in favor of using an app's own fleet.

Regulations must adopt the same protections
as proposed under my legislation which cap
fees on apps using an open API and provide
a free option to every passenger through a
New York City TLC e-hail app.

Uber continues to defend its
practice of surge pricing including
charging 2.8 times the normal fare to New
York City passengers during the recent
winter storm when the MTA was shut down
leaving many stranded. Meanwhile,
according to the 2014 Taxicab Fact Book,
the average fare for a yellow cab was only $13.40 compared to $37.52, or 2.8 times that fare. The regulations fail to (inaudible) surge pricing while protections proposed under my legislation would guarantee passengers a metered fare no matter whether conditions or demands had increased. Lift has accused Uber of bait-and-switch tactics. The regulations failed to address bait-and-switch tactics while protections proposed under my legislation would forbid apps using e-hailing from discriminating against yellow or green cabs as well as from influencing passengers to use a vehicle that is not yellow or green. This would stop apps from hiding yellow or green cabs, from displaying flash screens, soliciting passengers to use other vehicles with or without incentives or other anticompetitive tactics.

I have enclosed a copy of the legislation in addition to passing new regulations as amended with (inaudible) as
well as others. I hope to have a resolution from the TLC in support of my legislation, would not only codify your regulations but provide additional protections.

I'd like to close by commending the TLC on the work you've done thus far to foster an e-hail marketplace in New York City. I also will continue (inaudible) approach by adopting these changes and New Yorkers are able to access competitive and fair marketplace, and TLC has the ability to make sure every single New Yorker can hail a cab anytime they want to get where they're going as fast as possible.

Thank you so very much.

COMM. MARINO: May I make a comment, Madam Chair?

Thank you, Councilman, for that very-detailed proposal. I must admit, I didn't understand all that technical stuff -- I'm still on API -- but I actually just got a new smart phone and Uber was pre-installed and I could not believe it.
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It was pre-installed on the Samsung phone. So I'm all for encouraging competition and it sounds like your legislation is very well-thought-out. I don't quite understand how it ties all of the apps in together and what the logistics in technology is to make that work. I'm assuming you figured all of that out or someone has.

MR. WANTTAJA: I'm a software developer and lawyer.

COMM. MARINO: Oh, okay. Well, I think the proposal sounds excellent and I think it will be great for the city and the industry.

MR. WANTTAJA: Thank you. Any other questions or comments?

COMM. JIHA: Are you asking for the city to develop an app itself or are you asking the city to integrate all apps into some kind of platform?

MR. WANTTAJA: Two separate apps. The first app is for the TLC to either build or license an app that would be the New York City-branded app so you know that
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it's trustworthy, you know it's safe, it's got the checkers on it, and anyone can use it. And that being said, the technology marketplace moves so very quickly so I know that the very best we can hope to do as a city is to build a baseline, a product that we know works that anyone can use that doesn't have any additional fees and will just work. But in terms of for the bells and whistles, I also understand we need to have a place where there is room for third-party actors like Uber, Lyft, or whoever chooses to enter the marketplace to compete. So the idea is every time a yellow or green cab presses the "I'm available for e-hails" through their TPEP/LPEP system, that would go to a computer and it would be listed on that computer and that computer would have what is called an API, and any app would be able to go to that computer and say, Hey, do have any cabs near 81st and York where Ben Kallos is trying to hail a cab? And it would spit it back the same way to the city
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app as it would to Uber or Curb or whomever, and in so doing, it means that all 19,637 vehicles could be made available. So the first piece is an app. The second piece is this API that would be open to all. And it would be something that the City had ownership over so that we wouldn't be dependent on a TPEP or LPEP vendor to open up their own system.

Thank you so very much. And while I'm here, I just want to thank all the drivers for getting me and so many hundreds of thousands of other New Yorkers where they need to go every morning.

CHAIR JOSHI: Thank you very much.

MR. WILSON: Thank you.

And the next speaker is Ethan Gerber.

MR. GERBER: I'm Ethan Gerber, the Executive Director of the Greater New York Taxi Association, the progressive leader of the taxi industry. We promoted many of the changes that transformed our industry, the first fleets to be hybrid, to be wheelchair
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accessible, to use credit cards before
these were mandated.

Today, we are in a time of rapid
transition. App companies like Uber and
Lyft who spend hundreds of millions of
dollars promoting their technology as
disrupters of the industries you regulate,
that you promote, in the case of
medallions, that you have sold to the
public. At the same time, they are taking
the public position that they are not
transportation companies at all, and
therefore, beyond the regulation of this
body and bodies like this throughout the
world. Recently, they have made fools of
the Commission objectively refusing to
follow your disclosure rules, your
disclosure directives, and then playing a
shell game so as soon as you shut down one
base they move all their vehicles to
another base.

Today you make several positive
advancements and we support those changes
and the effort that the TLC and staff has
recently made to come to grips with these rapid changes. We agree with the app companies about one thing, and that is that they say when they're confronted by regulators they are not transportation companies, they're technology companies. We, the for-hire transportation industries cannot and do not compete with technology. We are a highly-regulated infrastructure that has been gradually modified and improved since the creation of the medallion system back in 1937. We need to integrate technology into our structure to improve our service and offer an alternative to the app companies which flaunt their lack of respect to the rules and regulators throughout the nation and the world. While the rules today are an improvement over the premature and hastily-design pilot program which devastated all your regulated industries, the better solution, one we have urged for every year is what you just heard, Council Member Kallos, a uniformed taxi and
street-hail livery app, one that is in all yellow and green cabs and interacts with TPEP and LPEP, and where multiple companies can enter the market through an open API platform. (Inaudible) multiple vendors to the riding public, will be one interface on your smart phone, one monitored like TPEP, by the TLC, only by having one such interface of all 14,000 yellows and eventually perhaps 18,000 street-hail liveries where there'll be critical mass so that there will be enough vehicles to make the program (inaudible) work. This will be supported by both the yellow and green industries. I've met with the leaders of both. And also by the disabled, would be able to designate an accessible vehicle by simply pushing a button.

I salute Councilman Ben Kallos for his foresight in proposing a plan like this. I note that America's second and third largest cities, Los Angeles and Chicago, are now beginning to implement these changes, changes that would provide
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great alternative through their regulated predictable industries so that passengers do not have to wrestle with price gouging, privacy violations, lack of oversight and accountability that is played (inaudible) world. There is a place for these companies, but the regulated brick and water of New York for-hire companies should be allowed to compete on an equal footing.

Thank you, Madam Chair, for the improvements your team has made. I ask you to join Councilman Kallos in the next big step which will proudly put our taxi industry back in its rightful place as the best and most advanced taxi industry in the nation. Thank you.

MR. WILSON: Thank you, Mr. Gerber.

The next speaker is Michael Simon.

MR. SIMON: Good morning, Commissioners. My name is Michael Simon. I'm a medallion owner. I bought my medallions rightfully. I didn't steal them. And I believe that there should be some obligations for that purchase.
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The last rate increase went 100 percent to the drivers. It's all been lost to the ride shares. At that time, the TLC had concern for yellow cab drivers and taxi drivers were really doing well, but no more. When it is slow, it is slower. And when it is busy, it is less busy. I figure taxis are grossing about 25 percent less so drivers are also earning about 25 percent less due to ride shares. The TLC would find it impossible under current conditions to correct this. If it were to improve an eventual meter rate increase, ride shares would just keep its prices steady --

MR. WILSON: Mr. Simon, do you have comments on the e-hail rules before the Commissioners?

MR. SIMON: Yes, it is, because it all relates. These e-hail rules are playing very important roles in almost the entire industry. So everything I'm saying I believe is relevant.

COMM. MARINO: Does he support the rules?
MR. SIMON: I support the rules, yes.

The ride shares would just keep its prices steady and the rate increase would produce nothing because taxis would lose passengers to the ride shares. The functioning of a regulated and nonregulated player in the same class of service is impossible. The regulated service would have to stand down. And this is not right. Why would a player who hasn't bought these rights have the upper hand to those who haven't? How can an individual medallion owner or a mini-fleet operator who needs drivers compete against the likes of Uber which offer substantial sums of money to drivers and then supports their income? We are not talking about large fleets here. We are talking about minis and individuals. The situation as it stands now is demeaning to the taxi owner who sees that what he has paid for others have gotten free. The people of New York deserve the income produced from the sale of taxi medallions.
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for items like pre-K and affordable housing. The TLC should seek the highest price for medallions at auction. And the City has every right to pass rules that enable it to sell medallions at the highest possible price when its proceeds go for the public good. A private company that has only the interest of making money for its shareholders should not be part of this discussion.

In years to come, taxis and Uber-like cars will morph into identical forms. Why would you choose the one who hasn't paid for those rights to be a taxi over the one who has paid? That makes absolutely no sense. Ride shares are a fad and should not play an oversized role in changing your policy on the long-standing progress the TLC has made in improving the lives of taxi drivers. The TLC should keep the integrity of the medallions strong as a preeminent investment to the for-hire industry.

MR. WILSON: I'll ask you to sum
MR. SIMON: Okay. I don't have too much more. Taxis and for-hire bases have different ways of billing. Taxis use a metered rate and the cost is calculated at the end of the ride. For-hire services use the quote system so that before the ride begins, the rider knows how much it costs. But ride shares are using a smart phone and GPS as a taxi meter. The telephone has taken on many purposes and one of them is the ability to meter a ride. Just like there are different forms of telling time, watches, clocks, et cetera, there are different forms of metering. The telephone GPS is a meter and it is being used for the same purpose as a taxi meter.

MR. WILSON: Mr. Simon, I'm going to have to ask you to stop.

MR. SIMON: Okay.

MR. WILSON: Thank you.

Let the record reflect that Commissioner Marino departed at 11:25.

The next speaker is George Laszlo.
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MR. LASZLO: Commissioners, good morning. Is it still morning? I'm not sure.

First, I want to thank Councilman Kallos for showing up today. There's only one thing that he forgot to do, which is to ask you not to vote on this today. Is he still here? And if so, could you make that request?

My main objective for being in front of you today -- by the way, I'm the Executive Director of the Taxi and Limousine Research Center, a relatively new organization, so many of you may not be familiar with that. One of the things that sets us apart is that we are actually not involved in the industry directly; in other words, we have no financial interest, we don't drive cabs, we're not an insurance company, we're not selling taxis. So we are actually looking out for the best interest of the riders and the drivers essentially. My main objective for coming to you today is to make sure that you do
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not vote on this rule today. Ms. Marino rightfully and clearly stated that she does not truly understand the software implications, the IT implications. Well, I will tell you that what you have here today is actually going to be disastrous to what you're trying to accomplish.

But my main point that I wanted to make to you is one that wasn't on the slide that was presented earlier. That has to do with a surge pricing I think the council member also alluded to. I think that you're going to undermine the entire yellow and green cab industry by accepting this as part of the provisions. I have started to call this particular rule that you're trying put through today as the hail and farewell act because you do not understand the consequences, the unintended consequences, of the terms that are in this rule -- are in these rules. I've read it from top to bottom. I gave and submitted to you all the reasons why this is a bad, badly, badly-written rule. Many provisions
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of it are bad.

My key objection for the surge pricing, there's no provision at all for a reduction of fares, which, by the way, you have a ceiling on overcharging, which, of course, will be now eliminated by surge pricing because it's accepted somewhere else in the rules. But you do not stop companies from actually lowering fares, which is exactly what's going to happen to eliminate competition. You do not understand that. You have not looked at the ramifications of that. The third one is that this bidirectional integration between existing TPEP and LPEP systems -- and by the way, I'm also an IT guy, so I understand what's required here, and I discussed this with you before, two years ago, when you were trying to get more TPEP and LPEP vendors, which, by the way, never happened. So you do not understand really truly the implications of having to integrate this thing. My major concern is that communication is required for
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bidirectional data transfer. And drivers today, if you ask, they'll tell you that they have trouble completing transactions. And if an app does not allow you to do cash payments, then you can't finish the fares. It's as simple as that.

Fourth, you have -- there are dozens and dozens of pages about getting an exempt -- sorry, only a single sentence that allows the Commissioner at her sole discretion, his sole discretion, to basically allow someone to not do the integration with TPEP or LPEP. May I ask why the Commissioner should be put in this position to making that sole decision? Shouldn't the entire committee here or all the members make that decision instead? It's just bad. You have dozens and dozens of pages requiring how TPEP and LPEP and apps are going to be integrated. But you actually have only one sentence which completely eliminates all of it, all of it. So you need to stop that.

Next, the wheelchair-access issue.
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There are -- it's subtle but I have to tell you that the way --

    MR. WILSON: I must ask you to finish up since you're at three minutes.

    MR. LASZLO: Okay. I will go back just for a moment if I may to just give you a scenario. A few days ago we had a blizzard. Ms. Joshi, you alluded to it earlier. Imagine if the governor, like he did, stopped the MTA from operating, but imagine also that Mayor de Blasio did not put an 11:00 curfew on. So what would happen to a poor woman who's working at Penn Station at McDonald's who tries to get home to Carroll Gardens, tries to get a cab outside, not a single yellow light, white light, on the yellow cab or green cab on there, because all the drivers are now using the apps and they're looking for higher fares. You're allowing surge pricing. So she goes to her phone and looks it up and says, Well, oh, my God, it's going to cost me $80 to get to Carroll Gardens. I can't afford that. That's
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higher than my wages today. So she's going to go trudge home through the snow, try to get across the Brooklyn Bridge, and maybe she'll get run over by someone who's going too fast, perhaps by a black-car driver --

CHAIR JOSHI: I think it's time to sum up. We have several people after you. But we get your point. I think Chris is going to clarify, there might be some confusion on the difference between a service fee and surge pricing. There's nothing in our rules that permits surge pricing. There is the metered fare --

MR. LASZLO: There's language in there that uses the word surge. Thank you very much. But again, I would urge all of you not to vote today.

CHAIR JOSHI: Chris will respond with a few clarifications to your testimony.

MR. WILSON: Yes. The proposed rule does not permit surge pricing in taxicabs. The fare in taxicabs, whether it's from an e-hail or a street hail, it's
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supposed to be the metered fare. The meter is supposed to go on as (inaudible) the vehicle. The proposed e-hail rules do permit an e-hail app provider charge a service fee for the use of the app. In most cases, we found those to be (inaudible).

Finally, in terms of the hypothetical with vehicle availability from the storm, we note that although there are in total number a fair number of e-hail rides, when (inaudible) the number of total taxi trips that began with an e-hail is relatively small, 5 percent.

FEMALE SPEAKER: Less than half a percent.

MR. WILSON: So I'm not sure that e-hail or no e-hail would've affected the outcome in the scenario at Penn Station or in the blizzard at all.

And then the next speaker is Jeremy Phillips.

MR. PHILLIPS: Hello. My name is Jeremy Phillips. I'm the Vice President of
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Business Development for Curb. We were formerly called Taxi Magic. Our corporate name is RideCharge, Inc. and we are an approved e-hail vendor to the TLC e-hail pilot program. Curb is an app that connects people to safe, reliable rides from professional drivers. We only work with fully licensed and insured taxicab drivers. We currently partner with over 90 taxi companies in 60 U.S. cities and our technology powers millions of rides per month across the country.

I'm speaking on behalf of Curb in support of the continuation of the TLC's e-hail program as a set of rules. We believe that e-hail provides for choice and convenience for all New Yorkers and helps New York City taxi drivers better serve all the boroughs. However, in order for e-hail to reach its fullest potential and prove successful for drivers and riders, TPEP integrations for booking is essential. Currently, there is no rule that requires TPEP vendors to allow the transmission of
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e-hail bookings to the TPEP's front seat driver information monitors or to TPEP's mobile data terminal. That's the front seat computer that the driver gets messages on, which drivers are already trained to use. In our 60 markets, we've leveraged that existing driver information monitor, or sometimes it's called an MDT. We leveraged that existing in-cab infrastructure to send millions of our trips to the tens of thousands of drivers on our platform including in New York City as part of the accessible dispatch program. We power the Wheels On Wheels app. The trips go to the driver's DIM already. By integrating with the available in-cab dispatching technology that's already available in the taxis in New York City, we are able to ensure that drivers see our trips on the hardware that they are already trained to use rather than requiring them to divert their attention to additional devices in the cab. Preserving safety and efficiency of the e-hail program hinges on
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the ability for all participants to be able
to send trips to drivers via this DIM or
MDT. As a result, TPEP vendors, CMT and
VeriFone, must be compelled under
commercially-reasonable terms to do so.
Additionally, through integration to the
TPEP and/or the meter in the 60 markets
that we currently operate in, we only send
trips to the drivers that are available in
seeking those new riders. Not all drivers
are created equal. Some are on trips and
not looking for additional trips at that
very moment, some don't want to be on the
e-hail program at all. Such meter
integrations already exist in New York City
and the TPEP vendors have access to the
information required for this integration.

We argue that cab availability
through the TPEP and/or meter integration
should be made available to all e-hail
vendors for free or at very least under
commercially-reasonable terms at most. It
is essential to know whether a cab is
available in seeking a trip before offering
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them another ride. Having access to cab availability data would, again, increase efficiency and preserve the integrity of the e-hail program by ensuring that available drivers receive trips from as many sources as possible and have the opportunity to serve as many New Yorkers and others as they can.

Curb have tested and deployed our integration throughout the country with mobile knowledge in CMT and we have a clear track record of success. We ourselves are the TPEP-equivalent vendor in over 45 markets including Chicago, L.A. and D.C. Therefore, we know that being a TPEP vendor in New York City is lucrative enough without assessing fees to e-hail providers for the DIM and meter integrations that would make the e-hail program a real success. We currently have open applications with TLC to be a TPEP and LPEP vendor for this very reason.

We cannot stress enough our support of the continuation of e-hail program
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contingent upon the (inaudible) certain rules that will encourage all e-hail vendors to work together and pursue a safer, more reliable program and effective program overall.

Any questions?

MR. WILSON: Thank you.

CHAIR JOSHI: I just want to respond to your point about integration for driver availability. That's not currently part of the package. It's definitely something that's -- it's an interesting point and we want to have a better understanding of whether it's necessary to regulate in that arena or not, and it's something we'll be keeping our eyes on as we go forward with licensed e-hail and look forward to your continued input as we move into the e-hail world here in New York.

MR. PHILLIPS: Thank you.

MR. WILSON: The next speaker is Richard Thaler.

MR. THALER: Chair Joshi and Commissioners, my name is Richard Thaler.
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I'm speaking as a resident of New York City and an industry consultant.

First, I would like to say that I couldn't disagree more with the unfavorable comments made about these e-hail rules. I just got the impression that the previous commentators have not read or understood the e-hail rules. I think the e-hail rules, reading them carefully, will promote the most open-market innovation possible, in fact that every licensed e-hail vendor would be compliant with the objectives previously stated, especially by Council Member Kallos.

My technical comments are the following: Regarding the rule requiring a TPEP/LPEP provider to provide an API for an e-hail provider to receive the fare elements from the taximeter when the taximeter is timed off, the API requirement should be modified in order to avoid an additional point of failure to the e-hail fare payment process. If the API enables the transfer of taximeter fare elements by
means of a web host API, although the delay for the e-hail app to receive the fare data may be only a few seconds, poor cellular coverage may increase the delay or cause a failure of the e-hail app to receive the fare data. Therefore, as a minimum, the API should be required to enable the NFC, the near field communication, card reader to support transponder communication to the e-hail smart phone app where the NFC reader will transmit the fare data to the smart phone NFC interrogator API, and that would be the java JSR-257 totally inside the vehicle. As long as the communication of the fare data is confined to the taxi, poor cellular coverage cannot cause a failure. However, if the TPEP/LPEP system fails, the passenger should be allowed to key enter the fare elements so at least they can pay the fare using the e-hail app. Alternatively, an API requiring the use of Bluetooth low energy communications between the TPEP/LPEP system and the passenger smart phone e-hail payment smart phone app
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could be considered.

Next, drivers should be required to
log in at the start of each shift with an
e-hail registration code so that the system
would then begin to track the availability
of these vehicles and the location.

The PIM should add the e-hail fare
payment option to the cash and card payment
types, so the passenger can select that
e-hail registration code of the driver.

If a lease driver is allowed to use
only -- and this is -- I didn't understand
this part of the rule -- if a lease driver
is allowed to use only one device for
e-hail, the smart phone, and e-hail fare
payment, is a driver allowed to use their
own mobile if the taxi owner installs what
you call a permanent device? If a
permanent device is installed, would every
approved e-hail provider be required to
install their e-hail app in the permanent
device even though the device may not be
able to support the specific e-hail
application requirements?
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Just a few more things. Regarding the API documentation that the TPEP/LPEP vendors must provide to the TLC for distribution, hopefully the API that would be would provided by TPEP and LPEP would be given to the TLC for distribution to all applicants through the TLC, so they wouldn't be dealing directly with the TPEP/LPEP providers.

Now, these requirements should include the following: Standard format -- just give me about a minute -- standard format for API library and language, if it's getting the information over the Internet, it should be an REST API, if NFC, java for Android or Objective-C for Apple; reference guide for documentation in API libraries be provided, certainly should provide the documentation necessary to develop the system; a software application supporting a taximeter interface to enable e-hail applicants to develop and test e-hail apps, because if the developer --

MR. WILSON: Can I ask you to wrap
it up, please.

MR. THALER: I am. If the developer doesn't have the documentation, how can they complete the application? And finally, the TLC should provide all API documentation to each e-hail applicant when the applicant notifies their intention to file an application. Thank you.

MR. WILSON: Thank you.

The next speaker is Anthony Parrizzi.

MR. PARRIZZI: Good morning, Commissioners, and good morning, Chair Joshi. My name is Anthony Parrizzi. I'm a CEO Board Member of NuRide Transportation Group. We're a transportation solutions company. Basically, we provide technology in grand transportation. And right now we're preparing to launch our base under the brand LaPuma. We do support the e-hail app, the technology. We're a big fan of it. We're in the process of also providing wheelchair-accessible vehicles into the industry. We have allocated funds to
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purchase over 150 vehicles. We find that after speaking to the disabled community, the e-hail app is one of a great benefit to that community. Our Senior Advisor and Board Member, former Governor David Patterson, feels very strongly about this, that we should definitely continue to push for the e-hail application. We're very excited about it. I'm excited about being here and also being part of the TLC and look forward to successfully launching the e-hail apps.

Thank you. Any questions?

CHAIR JOSHI: Nice and brief. Thank you.

MR. WILSON: Thank you.

The next speaker is Peter Mazer.

MR. MAZER: Good morning. I am Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade. I speak in support of the proposed e-hail rules and urge their passage.

Almost two years ago, the Taxi and Limousine Commission approved the 12-month
pilot program to test e-hail in New York City taxicabs. It's now time to make this program permanent and to provide the yellow taxicab passengers with long-term assurances that they will be able to e-hail a yellow taxi, that a taxi will charge a reliable and regulated rated fare calculated on the meter approved by New York State Bureau of Weights and Measures, that the taxi passengers' consumer rights and credit card security is protected through the highly-regulated taxi medallion system and the TLC. E-hailing is here to stay and can be a helpful tool to taxi passengers and taxi drivers alike.

As the Commission has reported in its findings concerning the pilot program, many of the concerns raised by some who are opposed to e-hailing in taxicabs simply have not come to pass. Drivers using e-hailing apps are no more likely to be involved in accidents than other drivers. Refusals and overcharges have not increased through use of e-hailing. Incidents of
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dangerous driving, cell phone use, have in fact decreased, according to TLC data. And significantly, e-hailing has most often occurred outside the central business district so yellow cabs have become more common players in Northern Manhattan and the boroughs.

The proposals require certain elements in the program that will protect the public. First and foremost, all e-hail app providers must be licensed by the TLC. Since the owners of the apps must obtain and maintain a license to continue in business, the city and the TLC has some assurances that rules will be followed because there's too much at stake for an operator who chooses not to comply with the TLC Rules, whether it be to provide reports and data or just ensure that the apps work correctly and that the right fares are charged and that the payments are processed.

Second, any app must work exclusively with the taximeter. The
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integrity of the meter and the assurance that a true and correct fare will be charged to all passengers is the hallmark of the yellow taxicab industry. Drivers who overcharge passengers face license revocation, and rightfully so. With the e-hail program, there will be no virtual meters allowed in yellow cabs, no unapproved devices for calculating fares. Every passenger using an app will know the basis for calculating a fare on a trip.

Third, only metered rates or fares can be charged. There'll be no unapproved surge pricing or other forms of price gouging that routinely occur at the whims of certain individual app companies that operate in the black car and livery industries.

Fourth, these rules are inclusive and welcoming to any and all e-hailing apps that comply with the rules. The rules do not pick favorites, do not exclude anybody, and they do what good regulation should do, which is to innovate while protecting the
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public and not at the expense of the public, and to regulate by respecting industry participants like drivers and owners and not working against them.

Finally, all fares will work through the existing TPEP and LPEP, so there will be a record of all trips and integrity and security in the processing of all payments. These are also important passenger safety features. E-hailing is not intended to replace the customary methods of obtaining a taxicab, as set forth in the definition of hail. In the central business district, at most hours passengers will still be able to raise their hand and get a cab. However, e-hailing will assist the provision of taxicab services at off-hours when cabs are scarcer and in areas where there may not be as many taxicabs available for hire. E-hailing will be a means to improve taxicabs' efficiency and utilization.

So in conclusion, I'll just say that e-hailing will revolutionize the
iconic New York City taxicab market in much the way the TPEP revolutionized the taxicab industry, and LPEP the SHL industry. E-hailing is a win-win model for New York City taxicabs, expanding service, safety and reliability, and we urge the immediate passage of these rules.

MR. WILSON: Thank you.

The next speaker is Tweeps Phillips.

MS. PHILLIPS: Hello again. My name is Tweeps Phillips and I'm the Executive Director of the Committee for Taxi Safety. I gave you my testimony earlier which has a more-detailed outline of our issues with the rule set in front of you, but I'll just quickly go through some issues.

We'd like to point out that an e-hail is a hail, whether it is to hail a taxi or used in Uber. This fact cannot be divorced from one another because street hail is as instantaneous as an act of the smart phone e-hail app can provide. We
urge you to look at and address how black-car apps like Uber have operated without a regulatory framework in New York City.

Secondly, the Commission has mandated that any yellow-taxi app that wishes to offer a seamless pay through the app service integrate with the current two TPEP providers. Since both of these e-hail providers wish to compete with app makers for e-hail business, they have successfully become gatekeepers shutting out other innovative app makers. Competitors should not be allowed to dictate terms of how they will accept competition. Perhaps Councilman Ben Kallos's universal e-hail bill would help to level the playing field between the yellow-taxi and the black-car e-hail world.

Thank you again for the opportunity to speak to you today, and if you have any questions, I'm happy to answer them.

MR. WILSON: Thank you.

The next speaker is Bijou Mathew.
MR. MATHEW: Good morning,
Commissioner Joshi and the rest of the
Commissioners. My name is Bijou Mathew and
I am in the leadership of the New York Taxi
Workers Alliance and the National Taxi
Workers Alliance, and I also have a second
hat that I wear as a tenured professor of
information systems at a university in New
Jersey.

There are many, many things that I
could comment on in relation to the apps,
to the rules, but I will limit my comments
to two specific ones because I think in the
general forward-moving direction that we
are all committed to, these are the two
things that I think we really need to pay
attention to: The first is there's been a
lot of talk in this hall today about the
concept of open API. Councilman Kallos
pointed to it as well as several other
speakers and I think we need to start
implementing some of those standards right
now in these set of rules that are going to
be passed. For instance, I mean, simply
put, if I am trying to enter the market and if I have to go to the TPEP vendors and try and get the interface details, it is going to be a problem within a structure of a market that is controlled by two TPEP vendors. I think it's really crucial. We've established this as a standard across the world. More than 15 years ago the federal government, the court system, everybody put it into place that even large operators like Microsoft just put their API details out, they should be published, and that any market entrance should be able to see those standards and operate by them instead of having to go and request for it. So I would actually say that either they should be, by these rules, forced to publish the APIs openly rather than having to be sought from them and/or they should have to be handed over to the TLC and the TLC can publish them. I think this whole idea of having to go to the TPEP vendors on your knees and ask for this stuff is just ridiculous. I think it's just
counterproductive, it is against established standards, and we are moving backwards if we do that.

Second is the whole question of how much the TPEP vendors are allowed to charge, how much the per-transaction rate that's allowed to be charged in this whole thing, $0.05. The cost of data storage in the United States and the rest of the world has collapsed dramatically over the last decade, over the last five years, over the last three years. Today, it's less than I would say $0.02 to store a gigabyte of data and better than security and better than handling costs, and you'll have a maximum of $0.05 to $0.10 per gigabyte of data. And here we are giving away $0.05 for a transaction. That's ridiculous. I mean, if you really evaluate the cost of data storage per transaction, it would be so negligible that you'll have to approximate it to zero. So you'll have to take a conglomerate of transactions, a thousand transactions, and say a thousand
transactions may be worth $0.05 for $0.10 or $0.15. That's the level at which -- I mean, the cost of data storage has collapsed in the United States between 2007 and today. That is in the last seven years by over 700 percent.

MR. WILSON: Can I ask you to sum up, please.

MR. MATHEW: Sure. So I would just urge that you completely -- I would say that the cost of data storage that is being afforded per transaction cost should be less than $0.01. Thank you so much.

MR. WILSON: Thank you. The next speaker is Bhairavi Desai.

MS. DESAI: Good morning again. I'm Bhairavi Desai, Executive Director of the New York Taxi Workers Alliance.

So Bijou was really speak about the technical aspects of the proposed rules. I wanted to focus generally on other aspects of it. Of course we're in favor of the e-hail program and we're pleased to see the TLC on looking to make these rules
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permanent. We want to first and foremost say that this must remain a driver's choice and a driver's market. Otherwise, what we will see, just like on the credit card processing under TPEP, where drivers lose 5 percent per transaction, or which has now been changed to the $11 per shift, we will have just another corporation that's going to take a dig to gut driver incomes. And so it's important that this remains a driver's market and we're pleased to see that that is what you're proposing in these rules.

So the rules should make it clear that if a fleet or an agent imposes an app on the driver that there would be a penalty. The medallion owner's rule book should be changed to add this new rule and to have a monetary penalty. There should also be requirements for the app provider to turn over e-hail payment to the driver and allow the driver to pursue prosecution at the TLC OATH tribunal if the app provider has not -- continues to owe money.
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to the driver. Just like under TPEP with
the credit card processing, if the fleet or
agent does not turn money over to the
driver, it's clearly in the rule book that
that's a violation and the driver would be
able to file a complaint. Well, similarly,
if an app provider holds drivers' money, we
should be able to file a complaint at the
TLC. There should be a cap on the
percentage for the processing for the
e-hail payment. We don't see that anywhere
in the rules. And if TPEP actually should
be responsible for logging out drivers from
accessible dispatches if the course has not
been completed. There's a lot of confusion
as to the course requirements we've seen in
the past and it's the TPEP vendor that's
currently responsible for locking out
drivers, for example, if the Hack or FHV --
if the Hack is suspended. And so
similarly, it should be the TPEP vendor's
responsibility to monitor this, not the
e-hail app's responsibility.

As far as the app companies are
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concerned -- this is really important to us -- you take a company like Uber, which has, you know, UberX, UberBlack, UberSUV and supposedly UberT, well, in UberT, they use the app basically to gray out the taxis. They sign up taxi drivers under the UberT so they can present to the consumers that they've got the most number of vehicles under their app. But in reality, they gray out the taxis and so we're not really able to have those fares -- we're at a competitive loss. You'll recall around the Christmas season when Uber raised the price on passengers from $1 to $2, you know, if they're going to use the dispatch from the UberT. In that same message, they said, Oh, but don't worry because UberX is even cheaper. A company that does that, it must clearly be stated in these e-hail rules, that a company that basically gives us a disadvantage in this market would have that license revoked. It's absolutely fraudulent behavior and that no company should be able to get away
with it. Similarly, if you find that an app -- I'll just wrap up with just one last point -- if you find that an app company has dispatched to a private vehicle, which of course it's much difficult to pursue enforcement against illegal kick-ups if they're being dispatched through an app, and as you know, the UberX model across the country, so-called ride share, is actually dispatching to private vehicles, private motorists, with private insurance, like they do in New Jersey. Well, if they're going to do that to vehicles here, not only should that license obviously be revoked but we would say that the TLC should strongly work with the attorney general's office and pursue racketeering charges because the letter of the law, that is organized crime. In fact, we believe that New York State should move to ban drop-offs by unlicensed motorists --

MR. WILSON: Can I ask you to sum up, please.

MS. DESAI: Yes -- where the pickup
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may have originated outside of New York such as New Jersey but the drop-off may be here where the state and the city has clearly said that dispatching for-hire jobs to private vehicles is absolutely illegal. And so we think that these rules just need to be made more stronger in order to truly provide us a leveled playing field. Thank you.

MR. WILSON: Thank you.

The last speaker is David Clarke, who I think wanted to talk about commuter van issues and not e-hail. Is he still here?

(No response.)

MR. WILSON: I think then that's our last speaker.

So that's concludes the public hearing.

CHAIR JOSHI: We've had a lot of good points raised. I think -- I'm sorry, Commissioner Jiha, did you have --

COMM. JIHA: No. I was going to ask you is there urgency to take any
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action? Because I would rather take my
time to review and to understand a lot more
about what's taking place in terms of this
technology.

CHAIR JOSHI: We have, actually, an
ongoing pilot, so people that are now
providing e-hail services can continue to
provide e-hail services. And it's
important to move forward but I respect the
fact that there's been lots of points that
have been brought up today that we need to
consider. I strongly feel though that we
should take a definitive step towards
codifying and turn the app providers into
licensees. This is a new chapter, and like
with all of our chapters, we tweak them
relentlessly as we go along. And it's also
good to see how the initial roll-out works
so that when we make decisions about how to
further finesse them, we're doing that
based on actual feedback.

So I think it's important to go
forward with what we have today but two of
the points that struck me that definitely
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need further examination is one on integration with driver availability. If that's something that the market cannot sort out by itself, then we will need to step in and set regulations and require that. My preference is to see if we can try to see if the market can work that out. But let's see if that can be resolved through competition. But if not, we're willing to make changes. I think I speak for the Commission in saying that.

The other issue that I think that was suggested in Kallos's bill is forcing everybody to work through the DIM. I'm not so sure -- that may be a choice but I'm not comfortable with that being a requirement. I think that people that run apps like the branding that comes with having their app, the public facing and driver facing, something that they designed, so not necessarily through the DIM. But nothing in our rules actually prohibits using the DIM. It's just a matter of can the parties work together to come with a
commercially-reasonable solution. And again, I'd like to let the parties have that opportunity to do that, but if there are going to be impediments because the players cannot get to commercial and reasonable terms, then we should stand ready to step in and finesse the e-hail package to set those terms for them.

One important distinction with our package and what I think compels me to say let's move forward with it is that this is still driver's choice. We're not mandating it for drivers but we're allowing them to immediately have a choice and we'll create a license structure so that we have some regulatory authority over the people that are providing the dispatches to the taxi drivers.

So I would recommend moving forward today on the vote but really keeping these two things in the forefront on integration, use of the DIM and the driver availability integration.

COMM. JIHA: This is new to me. My
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concern is I've not really studied all this and really have a good understanding of the ramifications and I would appreciate it if I could have the opportunity to basically have a chance to review and hear different players and understand full ramifications of the vote that I'm taking.

CHAIR JOSHI: So I guess we can make a motion to see if anyone's in favor of moving ahead with a vote today. Is anyone in favor of moving ahead with a vote today?

COMM. CARONE: With all due respect to Commissioner Jiha, (inaudible), we should give it courtesy but my preference would be to move ahead.

COMM. GONZALEZ: I second the motion to move ahead, if possible.

COMM. DEARCY: It seems to me that moving ahead certainly doesn't preclude us from considering and deliberately moving forward as it is deemed necessary on any of the comments that were made today. But what we do get if we move forward today and
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if the rule passes is a codification and
the ability to regulate (inaudible). Have
I summed that up properly?

CHAIR JOSHI: Yeah. Nothing in the
proposed e-hail rules prohibits some of the
changes that were suggested today.

COMM. DEARCY: Okay. Do we need to
vote on a motion?

CHAIR JOSHI: Want to call the vote
on the motion?

MR. WILSON: (Inaudible) motion to
move ahead. All in favor.

(Chorus of Ayes.)

COMM. GONZALEZ: I'd also like to
make just a general comment to echo Madam
Chair's remarks on driver availability.
The one thing, while it's new and exciting
and innovative, I'm still a little on the
fence on driver availability in that I'm
still not sure what the objective benefits
are for driver availability, particularly
the benefits to the drivers and the
passengers, and whether the use of
availability and things like open API and
what have you, doesn't inadvertently harm those same drivers and passengers and possibly even the TPEP and LPEP vendors. So while I am open to hearing more about the details around driver availability and use of API, I am prepared to vote today.

MR. WILSON: Thank you. These rules were published in the City Record on December 30th with a comment deadline of January 29th. Nine written comments were received, all of which have been provided to the Commissioners. It is required by local law the final rule that's up for Commission action was posted on the TLC's website on January 26th and sent to the Commissioners on that date.

All in favor.

(Show of hands.)

MR. WILSON: They passed unanimously.

COMM. JIHA: I just want to make a point that I think it's a good step forward. That's the reason why I vote for it but at the same time I would have
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appreciated the opportunity to have the
time to review.

CHAIR JOSHI: We can make sure that
we have more -- we can meet with our staff
and have more discussion about some of the
feedback we get too on the one-on-one
meetings.

MR. WILSON: And I think that
concludes the meeting. Thank you. It's
12:05.

(Time noted: 12:05 p.m.)
CERTIFICATE

STATE OF NEW YORK )
COUNTY OF RICHMOND ) ss.: 

I, DANIELLE CAVANAGH, a Notary Public within and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related to any of the parties to this action by blood or 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 1st day of February 2015.

_______________________
DANIELLE CAVANAGH
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