HEARING CONVENED AT 9:40 A.M.

COMMISSIONERS PRESENT:

Meera Joshi, The Chair
Elias Arout
Frank Carone
Edward Gonzales
Nora Constance Marino (present for general meeting)
Iris Weinshall

ALSO PRESENT:

Chris Wilson, Assistant General Counsel
Christopher Tormey, Director of Applicant Licensing
Jo Rausen, Director of Technology Programs

Staff

The Public
The Press

Reported by:

Kari L. Reed
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THE CHAIR: It's now 9:40, almost 9:40, and we're going to open our public meeting. And the first item on the agenda is a motion to move into executive session. All in favor?

(Chorus of ayes)

THE CHAIR: Aye. So with that, we'll move into executive session to review an appeal from a discretionary revocation licensee, Mohamed Diallo.

(Whereupon, an executive session was begun at 9:40 a.m.)

(Recess taken)

(Whereupon, the Commissioners returned from executive session and the following proceedings commenced at 9:55 a.m.)

THE CHAIR: Good morning. It's now 9:55 and we are going to continue with our public session.

In the executive session the Commission reviewed a discretionary -- or an appeal from a discretionary revocation, and it was the unanimous decision of the Commission to reinstate the OATH Judge's
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recommendation, which is for licensee Mohamed Diallo to reinstate a 45 day suspension and $1,500 fine. And, in addition, the Commission has ordered that the licensee attend a six month anger management program. Previously the agency had modified the OATH's Judge's recommendation and revoked Mr. Diallo's license. So his license will now be reinstated, but he'll have a 45 day suspension.

Next we'll move to the chairs' reports, and I'm just going to give you a few updates from last month.

We have in the upcoming weeks a few information fairs on the Green Taxi program. It's for passengers as well as for potential purchasers. There's one in Queens, June 23rd; Manhattan, June 25th; Brooklyn, June 26th; Staten Island, June 30th, and the Bronx, July 7th. And we have some fliers, we can put them in the back, as well as the information is posted on our Web site.

In the past couple weeks we did -- we were -- participated in a hearing at City
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Council on the Green Taxi program, and we also submitted to the state a disabled accessibility plan, outlining the agency's goals to create a more accessible fleet, yellow, green and livery, throughout New York City. And that plan is now with the state, and they will consider it for 60 days, and we should hear back from them by the end -- by mid August.

On enforcement. Year-to-date we've issued 913 street hail livery summonses against drivers or owners, and that is for street hail livery vehicles that are in the exclusionary zone picking up hail customers. And on seizures, which is illegal car service by wholly unlicensed vehicles, calendar year-to-date we've done 3,800 seizures.

Vision Zero. We've continued to attend town halls. And in the last month we attended one on May 22nd in the Bronx and June 3rd in Rockaway. And we have some upcoming in the Bronx, June 24 -- I'm sorry, June 24th in Queens, and in the Bronx tonight there will be one at Parkchester Library.
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Also in the last week four pieces of legislation were passed by City Council that give the TLC additional tools to penalize drivers who are reckless and unsafe. All of them relate to drivers that are involved in serious crashes that involve critical injury, three of them do, and one of them requires the TLC to provide additional information on its Web site and to the public on crash data involving TLC licensed vehicles. Those have been passed by City Council. There was a hearing held a week ago at City Hall, and the mayor is expected to sign them in the upcoming weeks.

And today we have on our agenda another important TLC Vision Zero initiative, and that is a proposed -- before the Commission is a proposed pilot to test vehicle safety technology, that will really allow us to find out how this technology works in the for-hire industry. And there's really three categories of technology. Black boxes, which record data and, most importantly, how a vehicle -- vehicle data
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prior to a crash. Alerting technology, which tells the driver when they are going above a certain speed limit. And speed governing technology, which actually stops the car from going above certain speed limits. So we are going to hear a presentation on that before the Commission votes on the proposed pilot.

We also have two rules packages up for hearing and vote. One of them is on a lifetime exception to our education rule, our taxi school, and the other one is really a technical amendment to our rules to memorialize a practice in insurance requirements by putting it into a rule, and that simply is to put the vehicle identification numbers of covered vehicles on the dec page of an umbrella policy.

So with that we are going to move to adoption of the minutes. All in favor of adopting the minutes from the May 15th, 2014 Commission meeting?

(Chorus of ayes)

THE CHAIR: Aye. So with that, the minutes are unanimously adopted. And now
we'll hear about base applications.

Good morning.

MR. TORMEY: Good morning. My name is Christopher -- good morning. My name is Chris Tormey. I'm the Director of Applicant Licensing with the Taxi and Limousine Commission. The following bases are being recommended for approval this month in your package, with three for denial.

THE CHAIR: So all in favor of accepting the approvals and denials?

COMM. MARINO: Can you just tell us why the denials?

MR. TORMEY: They didn't meet their outstanding requirements in time. Some had less than ten vehicles, different rules infractions, so they didn't meet the requirements.

COMM. MARINO: But they can reapply if they want?

MR. TORMEY: They can.

Any other questions?

THE CHAIR: Okay. All in favor of the approvals and denials?
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(Chorus of ayes)

THE CHAIR: Aye. So those are unanimously approved and denied. Thank you.

MR. TORMEY: Thank you.

THE CHAIR: If Jo Rausen is available, I'd like to move straight to our black box pilot resolution.

Since we have a minute while she enters the room, I'm going to let Chris Wilson just give a summary of what the actual resolution is before the pilot present -- before the presentation of the pilot.

MR. WILSON: The resolution will do -- will authorize the pilot for a one year period. Participants will have to enter into an MOU with the MO -- with the TLC regarding their participation in the pilot. Participants will be required to submit security and privacy plans as part of their pilot proposal. Any participant with the technology capturing passenger images or video will be required to post warnings to passengers. Participants must also submit cost information and describe how the
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Technology proposed will increase passenger and public safety. There should be no cost to drivers from the proposal. Participants will be required to report to the Commission regularly with data summarizing speed and speeding events, braking and hard braking events, acceleration and hard acceleration, collision events, algorithmic scoring, and a summary of all complaints related to the pilot program received from drivers, owners and passengers.

The Commission itself will prepare a report within four months of the conclusion of the program, summarizing the program and making conclusions and recommended rule making or not.

Participating vehicles will be exempt from certain TLC rules, including those eliminating additional equipment. Drivers participating with vehicles will be exempt from some restrictions on the use of electronic communications devices, but only insofar as these relate to the technology being piloted. And data obtained during the
pilot will not be used for TLC enforcement, although the data may be reviewed in the event of a serious crash that captures data regarding that crash.

The final resolution was -- for action was posted in the Commission's Web site and transmitted to the Commissioners as required by Local Law on June 16th.

THE CHAIR: Okay. And Jo's here right now, good timing.

MS. RAUSEN: Is there a clicker?

Good morning. My name is Jo Rausen. I'm the Director of Technology Programs here at the TLC. This morning I'll be briefing you on the vehicle safety technology pilot program resolution that's before you today.

This pilot program would allow all of the industries that we regulate to put various vehicle safety technologies into service, and would enable the TLC to evaluate the effectiveness of these technologies at reducing crashes and dangerous driving behaviors.

This pilot program is one of the
many TLC initiatives outlined in Mayor de Blasio's Vision Zero action plan. Vision Zero is a wide reaching program to eliminate traffic fatalities in New York City that calls for street redesigns led by the Department of Transportation, public education campaigns, stepped up NYPD enforcement against the most dangerous driving behaviors, and increased vigilance on the part of all drivers, pedestrians and cyclists, to ensure that lives are not lost or forever altered due to preventable traffic crashes. Vehicle technologies like the ones proposed in the pilot present an excellent opportunity to improve the safety of TLC regulated industries by changing the everyday environment that drivers experience, and providing them with the tools to become even safer drivers.

While most TLC drivers are safe drivers already, they drive so many miles each year, and are such a big part of the City's traffic flow, that any improvements to their driving habits could help change the
tone of driving in New York City. By testing these technologies on a pilot basis, we will have the opportunity to obtain data to measure the impact that these technologies have on safety. We will also have the opportunity to gain feedback on them from the industry and from the public, and identify any implementation issues in a real world, for-hire application in New York City.

Based on the types of companies that responded to two safety technology requests for information that TLC released earlier this year, we expect pilot technologies to fall into three main categories. Black boxes record vehicle data and can identify events such as speeding and hard braking, which can indicate aggressive driving. These devices can be useful for analyzing the events that surrounded a crash, and have been found to cause drivers to be more cautious just by knowing that they're installed. They can also be used as a tool to provide drivers with feedback about their driving.
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Many commercial fleets such as FedEx and UPS use recording devices to promote safety. Some insurance companies, like Progressive, allow companies to use these devices to demonstrate their driving behavior and qualify for discounts. City vehicles, including TLC's own service vehicles, are also getting these types of data recorders installed as a part of Vision Zero. And TLC volunteered to be the first agency to get them installed in our fleet. In addition, some TLC regulated FHV fleets have begun to install black boxes in their cars already.

Driver alert systems take black box data recorders a step further and alert drivers when they're speeding or when there is something in their path. This live feedback can help drivers drive more safely, and over time drivers tend to get fewer alerts because they've positively modified their behaviors in response to the alerts. These types of systems are already in use in Dubai taxis, warning drivers when they exceed
a certain speed limit for 60 seconds.

Speed governors are devices that actually limit the speed that the vehicle can travel. They can be relatively simple and cap a vehicle's speed at a set speed limit, such as 55 miles per hour, or they can limit speeds at different levels in different geographic areas based on geofencing. Speed governors are already required in all commercial vehicles over 3.5 tons, and coaches with more than nine seats in the European Union.

Some of these technologies integrate with cameras that may face outwards towards the front of the vehicle, backwards towards the back of the vehicle, or inwards towards the driver. These are already in use in some New York City FHVs, and assist with determining the circumstances surrounding a crash and expediting insurance proceedings.

This footage can also be helpful in identifying the offenders when drivers are victims of crimes, and has been used to exonerate drivers who have been falsely
accused of wrong doing. In Russia and South Korea, these types of things are extremely common.

Vision Zero applies to all New Yorkers and all TLC regulated vehicles. So technology companies that apply to participate may partner with owners of FHV, yellow taxi, borough taxi, commuter vans, fleets, bases, or individual driver/owners. They official pilot program participants will be the technology companies. TLC will evaluate their proposals and, if approved, they will enter into a memorandum of understanding with the TLC, further detailing the provisions in the resolution before you today.

Approved participating technology companies will identify owners of TLC regulated vehicles or businesses who wish to pilot their technologies. And these parties will agree on who will bear the cost of the pilot program, if any.

In any case where data are (sic) being collected, measures to protect privacy
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are very important. The pilot resolution contains various privacy protections. First, privacy policies and protections will be one of the criteria on which the TLC will evaluate all proposals. Technologies that do not adequately protect driver and passenger privacy, such as unauthorized access, will not be approved.

Second, both vehicle owners and drivers must consent to participate. This is an optional pilot.

Third, for technologies involving cameras, TLC will require stickers in the vehicles notifying passengers that the cameras are present.

Fourth, TLC will not use pilot data for enforcement. The point of this pilot is for the TLC and the industry to learn. So it's important that pioneering drivers are not penalized.

Finally, for technologies involving cameras, TLC will not review video except in the evaluation of circumstances surrounding serious crashes. Most video,
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therefore, will not be reviewed.

In preparing for this program, the TLC benefited from several conversations with the New York Civil Liberties Union, whose input helped shape the privacy provisions in the resolution before you today.

We believe that the TLC will learn a great deal from this pilot. Our primary vehicle sources will be crash records derived from DMV accident reports, data collected by the safety technologies, and feedback from technology companies and TLC licensees that participate in the pilot. The goal of the pilot is to determine whether these technologies reduce the incidence of serious crashes. Therefore, a key indicator of the success of the technology will be whether the crash rates differ between drivers with and without safety technologies, and drivers with different types of safety technology. Our research and evaluation division will look at things such as pilot program drivers as compared to non-pilot program drivers, and pilot program drivers as compared to their
own past records, looking for evidence of improvement over time.

In addition to crash rates, we'll examine whether there is evidence that technologies are reducing the incidence of dangerous behaviors commonly associated with crashes. For example, we can look to see if drivers with a speeding alert system speed less frequently over time. We can compare the effectiveness of different types of technologies by looking at whether drivers with one technology reduce their speeding or hard braking more over time as compared to other groups.

We will also examine what types of behaviors are most highly correlated with crashes. For example, if we find that drivers who were speeding are more likely to get into serious crashes, but we find that hard braking is not highly associated with crashes amongst our regulated vehicles, it will help us prioritize what types of technologies and policies would be more helpful in the future.
Although safety is the primary motivation behind testing these technologies, we also want to understand the other values that they bring to drivers and owners. For example, some of these technologies help drivers improve fuel efficiency, or can remotely provide vehicle owners with maintenance alerts, such as an activation of a check engine alert.

Safety technologies can also sometimes help drivers get lower insurance rates. One industry player told us that he appreciates getting an alert when one of his drivers gets in a crash. He can reach out to the driver to see if he needs help, and take other steps necessary after the crash.

Finally, we'll also be learning what challenges exist with these technologies, and whether they are a good fit for all TLC regulated industries or -- as they are -- or with some modification.

Going forward, we envision the next following steps. First, you will have the opportunity to vote on the resolution
today. If it passes, the TLC will publish a template MOU outlining further details for companies interested in participating. At that time TLC will be then accepting proposals from technology companies. TLC will evaluate the proposals on a rolling basis. The pilot will officially launch when the first approved technology goes into service. Additional companies may join the program while it's in progress. The pilot will end a year after the first technology goes into service. We will report our findings to you every four months and at the conclusion of the pilot. We hope that this program will help identify which technologies are most effective at preventing crashes and saving lives, and look forward to working with the technology companies, the industry, and with you to learn more about their effectiveness in New York City's for-hire industries.

Thank you very much for considering this pilot program resolution, and I'm happy to answer any questions you may
have at this time.

COMM. WEINSHALL: I have a question. How many vehicles do you plan on putting these black boxes in?

MS. RAUSEN: We're going to leave that up to the partnerships that the technology companies can make with industry partners. So however many, you know, volunteers want to actually participate with them are welcome to participate in the pilot.

COMM. WEINSHALL: But you hope that there will be a big enough group so that you --

MS. RAUSEN: Correct.

COMM. WEINSHALL: -- will be able to get a good data --

MS. RAUSEN: Correct.

COMM. WEINSHALL: -- that will come in.

MS. RAUSEN: Any data is good data, but yes, obviously the more data that we can collect, the more conclusions that we can draw.

COMM. WEINSHALL: And you're going
to try and put these in an array of cars, not just one --

MS. RAUSEN: Correct. Correct.

COMM. WEINSHALL: -- vehicle, you're going to try and get -- make sure they're in all different vehicles?

MS. RAUSEN: Yes. We would love to see them in all of the different types of vehicles, because they all have different patterns and rules and things that they follow, so we would love to see that.

COMM. WEINSHALL: And would the company be responsible for installing the black box and then taking it out and doing any repairs that are necessary?

MS. RAUSEN: Yes, that's correct.

COMM. WEINSHALL: Thank you.

MS. RAUSEN: No problem.

COMM. GONZALES: Okay, I have a question. Can you elaborate a little bit on what the participant's selection criteria will be, like how we are going to decide on --

MS. RAUSEN: Sure. Sure. So we
are going to -- we're going to have them submit a proposal that basically speaks to how does their technology meet the goals of Vision Zero and safety. So it will describe what the technology does and what the safety goals are. They will have to produce a privacy plan that will talk about specific risks related to their technology in vehicles and how they're mitigated, as well as a security plan that talks about how they're going to safeguard the data and make sure there's not unauthorized access. And then we'll do some testing of our own. We'll actually take a look at it in vehicles, similar to what we do with all of our technology programs with the EL pilot, and even with T-PEP and L-PEP we do testing and we take a look and see how they work and make sure that they're not interfering with any of the other operations of the vehicles, like the T-PEP if it's in a yellow taxi or the roof light or any other equipment that's required to be in the vehicles. So we'll be reviewing both, you know, proposals as to how
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it's going to work, as well as doing our own

testing of the solutions.

COMM. GONZALES:  Okay. Thank you.

MS. RAUSEN:  Any other questions?

MR. WILSON:  Are there any other

questions from the Commissioners?

(No response)

MR. WILSON:  Are we ready to vote?

Okay. Do you want me to do a roll call?

Okay.

Commissioner Carone?

COMM. CARONE:  Yes.

MR. WILSON:  Commissioner Arout?

COMM. AROUT:  Yes.

MR. WILSON:  Commissioner Joshi?

THE CHAIR:  Yes.

MR. WILSON:  Commissioner

Weinshall?

COMM. WEINSHALL:  Yes.

MR. WILSON:  Commissioner

Gonzales?

COMM. GONZALES:  Yes.

MR. WILSON:  Commissioner Marino?

COMM. MARINO:  Yes.
MR. WILSON: Thank you.

THE CHAIR: The resolution is adopted with a unanimous vote.

Next --

COMM. WEINSHALL: Can I, I'm sorry, I should have asked you this when you gave your report, and I was remiss, I was on my iPhone. So I have noticed, because I travel around the city a lot for my job, that there are a number of taxi garages that have many new Taxi of Tomorrows in their facilities. And some of them look as though they are hacking them up, they are getting them ready.

COMM. MARINO: Iris, is your mike on?

COMM. WEINSHALL: Yeah, it is on. But they are getting them ready to go on the street and I've seen some on the street. Can you sort of give us a update as to --

THE CHAIR: Sure.

COMM. WEINSHALL: -- the numbers and fleets voluntarily buying these cabs and what's going on?
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THE CHAIR: Sure. The Taxi of Tomorrow, the NV200 taxi, is an authorized taxi model, so anyone who purchases one can hack it up and put it into service. So the ones that you see in service are done on a voluntary basis. People have chosen that vehicle among 16 other models that they could have chosen. They chose to buy the Taxi of Tomorrow. To date we have 238 Taxi of Tomorrows in service. And they are probably about at sort of an increasing rate, but even this week I think there were about nine or ten a day were coming in to be hacked up.

COMM. WEINSHALL: Okay. Thank you.

THE CHAIR: Next on the agenda is a rule package amending certain requirements for insurance paperwork that is submitted to licensing prior to getting your TLC license. We have a hearing first on the rule and then we can, if the Commission is ready, move to a vote. So first on our speaker list is Joseph Gatti, BCC Group.

MR. WILSON: Perhaps before
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Mr. Gatti begins I'll just give a quick summary of the rule for the benefit of the Commissioners and the audience. The rule is intended to aid Commission staff in reviewing insurance policies provided as proof of insurance by licensees. Notably, the rule doesn't change current TLC standards for amounts of liability to be provided. Currently $100,000 per occurrence and $300,000 per occurrence for bodily injury and death for taxis in most for-hire vehicles, with higher limits for larger for-hire vehicles. In developing the rules, the TLC consulted with insurers and brokers, and we believe that most will have no difficulty in complying with the standards. In fact, several of the insurers told us that in fact they will have no difficulty in complying with the standards.

Specifically under the rules, the declaration page for an insurance policy submitted must include: The level of insurance provided for personal injury protection; the level of insurance provided...
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for bodily injury and death; the name of the registered vehicle owner, who must be the licensee as the named insured; policy dates identical to those in the certificate of insurance; a policy number identical to that on the certificate of insurance; and, if the registered vehicle owner is submitting a policy for more than one vehicle and a schedule of the vehicle identification numbers is provided, it will be accepted only if the name of the insured -- if the named insured is the same on both the certificate and the declaration page. In addition, the rules provide that the schedule of vehicles must tie each vehicle by VIN number to the type of insurance provided, the insurer must be authorized to provide coverage in New York state, and no report forms will be authorized.

Finally, for black cars, luxury limousines and certain larger livery vehicles, base umbrella policies will not be accepted as proof of additional coverage in excess of TLC's regular limits, unless the
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base actually owns those vehicles.

The rules were published in the City Record on May 14, 2014, and comments were due June 13th, 2014. Two comments were received, which were forwarded to the Commission. No changes have been proposed to the rule as originally published. The final rule for action was posted on the Commission's Web site and transmitted to Commissioners as required by Local Law on June 16th.

COMM. MARINO: I have a question before you continue. You said that the limits right now are one hundred, three hundred, the limits right now are one hundred, three hundred for regular cars and you said they're greater for larger cars. Can you be more specific?

MR. WILSON: Sure. Our for-hire vehicle rules provide that -- so those are the limits for taxis and most for-hire vehicles. And then --

COMM. MARINO: I think it's the larger vehicles, the limos, what's the limit
on that?

MR. WILSON: Correct. Let me give you those, I've just got to find them.

So for for-hire vehicles with a seating capacity of nine to 15 passengers, it's a minimum liability for bodily injury and death of one million five hundred thousand. And then for luxury limousines --

COMM. MARINO: Hold on, a single limit, one point five?

MR. WILSON: A single limit of one point five.

COMM. MARINO: Okay.

MR. WILSON: And then for luxury limousines with a seating capacity of less than nine, it's a single limit of one point five million.

COMM. MARINO: So they're both one point five million?

MR. WILSON: Excuse me?

COMM. MARINO: So they're both one point five million?

MR. WILSON: Yes. Oh, excuse me, no, no. For one to eight it's five hundred
per person and a $1,000,000 per occurrence for the luxury limousines.

COMM. MARINO: I'm sorry, five hundred what?

MR. WILSON: Five hundred per person and $1,000,000 per occurrence on limousines for one to eight passengers.

COMM. MARINO: So five hundred/one million for one to eight, and one point five single limit for nine plus, and one hundred/three hundred for everything else; correct?

MR. WILSON: And then -- yes. And then for luxury limousines which seat 16 to 20 passengers, it's a single limit of five million.

COMM. MARINO: All right. I have questions, but perhaps we'll listen first.

MR. GATTI: And I have copies of this if you want, anybody wanted them.

MR. WILSON: Yes.

THE CHAIR: You can give it to the inspector there.

MR. GATTI: Good morning,
Commissioners. My name is Joseph Gatti, and I'm the Executive Vice President and Chief Operating Officer of the BCC Group, which is an insurance brokerage firm, consulting and underwriting, here in the city. I have almost 30 years --

THE CHAIR: Do you mind just speaking a little louder?

MR. GATTI: I'm sorry.

THE CHAIR: Thank you.

MR. GATTI: I have almost 30 years of experience in the insurance industry. And I have worked for companies, local companies, such as AIG, AI and Willis. My resume is attached for your reference. And I'm here to testify against the proposed changes in the TLC's rules regarding insurance requirements, which would, among other things, prohibit the use of excess insurance to meet the TLC insurance requirements, as you just stated.

Using excess insurance provides TLC licensed businesses and drivers an affordable way to meet TLC requirements, while providing adequate protection for the
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public. Excess auto liability is a statutorily approved form of insurance by the New York State Department of Financial Services. And until about 18 months it was also --

COMM. MARINO: Louder, slower.

MR. GATTI: The excess liability is statutorily approved by the insurance -- New York State Department of Financial Services, and until about 18 months ago it was also accepted by the TLC. Excess auto liability insurance is accepted by regulatorily (sic) authorities for taxi and for-hire across the United States and in New York state.

Our policies specifically identifies the vehicle and the driver, and provides 24/7 coverage to the vehicle. Our declaration page clearly states the level of insurance provided for bodily injury and/or death. The insurance carrier has been authorized by the state and federal government to write excess auto liability in New York state. Each individual vehicle is
issued their own policy with one policy number which matches the insured on the dec page and the certificates of insurance that are issued. Our declaration page clearly states the effective date of coverage.

There is an important aspect that has not been addressed. Our policy and our insurance company is an A rated carrier, and our reinsurer is an A plus fifteen, excellent, with five billion in assets, to cover claims. Our primary carriers are NR, and they don't have the size, reserves, experience and support as the well-established carriers in our program. In addition, the primary carriers do not have enough capacity or surplus to meet the demands of the new rules mandating the higher limits. Therefore, our excess program would provide a lower cost option, with full coverage for the increased demand.

We are also approved by our insurance carriers to write higher limits for medallion owners. It is voluntary. Some have decided to purchase that to cover
catastrophic losses.

Many of the TLC licensed entities are small businesses that are the foundation of this great city. By prohibiting the use of excess insurance to meet TLC's insurance requirements, you will deprive many of these small businesses of the lower cost option and reduce competition. This rule may have the unintended consequences of driving home -- driving TLC regulated business and individuals from seeking TLC licensing because they cannot meet their insurance requirements. We will also surely reduce the choices that TLC drivers have, and businesses, and raise insurance policies because of the lack of competition. I respectfully ask that you not approve this rule change prohibiting the use of excess insurance.

THE CHAIR: Thank you.

Next, Sergio Sanchez, Luxury Base Operators Association.

MR. SANCHEZ: Good morning. My name is Sergio Sanchez. I'm the President of
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the Luxury Base Operators Association, a trade association for luxury limousine bases. LBOA represents over 3,200 drivers in the luxury limousine industry. I am a third generation yellow cab driver. And I have been in the for-hire industry myself for over 27 years.

The TLC rules governing insurance requirements for the different segments of the industry are antiquated and do not reflect how luxury limousine bases operate today. Limousine bases used to operate the larger stretch limousines, but the days of those larger limousines has passed. Today, luxury bases operate approximately over 3,000 vehicles. Of the 3,000 vehicles, 2,500 of them are sedans and SUVs, the exact same vehicles operated by black car bases. Yet, insurance requirements for limousine vehicles with a capacity of one to eight passengers is $500,000 per person and $1,000,000 per occurrence, versus the $100,000 per person and $300,000 per occurrence for black car vehicles. As discussed, the luxury vehicle,
the limousine vehicles, are the same as the black car vehicles.

THE CHAIR: I just want to clarify for the record.

MR. SANCHEZ: Yeah.

THE CHAIR: Today the rule that's before -- the amendment to the rule --

MR. SANCHEZ: Yes.

THE CHAIR: -- that's before the Commission --

MR. SANCHEZ: I'm getting there.

THE CHAIR: Yeah, it doesn't change at all the minimum requirements or address minimum insurance requirements.

MR. SANCHEZ: No, I understand that. I'm just making the analogy that it's the same business model.

THE CHAIR: Okay.

MR. SANCHEZ: So why the difference in insurance.

THE CHAIR: That may be another rule another day, but it's not today's rule.

MR. SANCHEZ: Good enough. Good enough.
THE CHAIR: Thank you.

MR. SANCHEZ: I'll move on.

I'm not testifying that the limousine bases should not put -- not be put in the same category of black cars. There are reasons to keep these two categories separate. The proposed rule change eliminate excess insurance, as discussed. Because of the higher insurance, our drivers pay approximately $5,400 per year for insurance, versus 44 for black cars. Drivers pay the insurance premiums, and paying an extra $1,000 per year at $100 is significant, $100 a month is significant. The practical effect of the different insurance premiums is that drivers for limousine bases are choosing to leave portions of the industry and move their segment with lower insurance requirements.

Limousine bases used to be able to work with drivers to obtain insurance to meet TLC requirement at a lower cost with the excess insurance, but can no longer do that if the rule goes through. Limousine bases are in an extreme disadvantage competing with qualified
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drivers because of the insurance disparity. Excess insurance provides a way for many drivers to meet the insurance requirements at a lower cost. Eliminating the use of excess insurance would further compound the higher cost of insurance facing luxury drivers by eliminating a viable lower cost option. I urge you to please reject the changes to the insurance requirements and to review current insurance requirements for luxury bases, which do not make any sense today.

Thank you for your time, and I'm available for any questions. Anybody?

MR. WILSON: Thank you.

The next speaker is Bill Gorton from Ben's Limousines.

MR. GORTON: Good morning, Commissioners. My name is Bill Gorton, and I am the chauffeur manager for Ben's Limousine, which is a licensed luxury base with the Taxi and Limousine Commission. I have over 30 years of experience in working in the business. I am here to provide comments
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against the proposed rule change, which
would, among other things, prohibit the use
of excess insurance for drivers and others to
meet the TLC's insurance requirements.

Although I am here to comment on
the rule prohibiting the use of excess
insurance, I first would like to just simply
explain the background of the industry. As
my colleague mentioned, many years ago
limousines were the large vehicles that we
know as limousines. But the bases today
don't operate that way. They use SUVs and
sedans as their prime vehicle. One major
difference between limousine bases and black
car bases is the limousine vehicle does not
require the base standard markings. This is
a significant appeal to our clients, being
unmarked.

However, despite using the same
vehicles, drivers affiliated with luxury
bases must have higher insurance requirements
than their fellow drivers who affiliate with
black car bases. Drivers for limousine bases
pay $1,200 to $1,500 a year more for
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insurance than those who work with black car bases. This is fundamentally unfair and puts drivers for limousine bases at a severe disadvantage to serve the same purpose, and serve no purpose because of the insurance.

Most limousine companies are small businesses, and are hurt by the higher insurance requirements and the cost of providing higher insurance. By accepting excess insurance to help meet TLC requirements, luxury bases had a way to assist the vehicle owner/driver to meet the higher costs. Excess insurance made the playing field equal.

As a chauffeur manager for Ben's Limo, it is part of my job to recruit new drivers. The task has become harder and harder as many drivers realize they can work for a black car company and have no increase of the cost of insurance, while drivers for our base, a luxury base, have to have that higher requirement. Currently there are only two, and I repeat two, companies that offer this higher insurance in the state of New
York. Two. That is a big hump to go over.
The biggest obstacle when recruiting drivers who used to drive for black car companies is that unless they are insured by one of these two companies, they then have to cancel their existing insurance, are forced for a pay out, have to file new paperwork, and pay the increased cost.

MR. WILSON: Mr. Gorton, can I ask you to wrap up?

MR. GORTON: Yes. Okay.

I urge you to keep the excess insurance policy and don't change it. Thank you.

MR. WILSON: Thank you.

And the next speaker is Michael Katzman from the Pro-Tech Agency.

MR. KATZMAN: Good morning, Commissioners. My name is Michael Katzman, and I am the president and CEO of Pro-Tech Agency. It's a New York City based, full-service insurance brokerage company. I have been in the insurance business personally over 40 years as an owner and
operator of my own insurance agencies and businesses.

During all the years in business I have always represented the consumer on their various business entities, which is why I felt the necessity to testify before the Commission against the proposed rule changes prohibiting the purchase of excess insurance. Whether intentional or not, this change will hurt the small business people trying to make a living in the for-hire vehicle industry.

The Commission requires certain vehicles to have $1,000,000 of auto liability limits to protect the public riding in these vehicles. Yet, by making this rule change, it would make it so difficult that the vast majority of drivers cannot find companies that are willing to provide them with the limit of liability coverage. The demand for the insurance far outweighs the supply. As you heard my predecessor say, there are two companies that are doing it, and I believe these companies have reached their maximum limits on issuing a million dollars.
I understand that there is a company ready, willing and able to provide the insurance so that these for-hire vehicles can meet the TLC's $1,000,000 requirement where necessary. The company has an A rating, backed by an A plus rated insurance company. These are the highest ratings that you can get in the insurance industry. In addition, the company is approved in the state of New York by the Department of Financial Services insurance department.

I can't understand why this Commission would seek to exclude this important excess coverage, which would be a direct penalty to be imposed on the common small business owner by impeding and excluding a whole segment of potential business for which they can't qualify because they can't attain the required coverage.

This is both unfair and unjust, and it should not be passed by this Commission.

In a great city such as New York, which just elected a mayor who stood for the common people, the small, hard working
citizens, there can be no justification to limit their ability to make a living even further. The costs involved in the livery business are way too high as is, and to limit the ability to compete in all areas would not be in the best interests of the city or public or the people trying to provide the coverage.

I implore you as a fair minded -- as fair minded protectors of the public to vote down this unfair rule change that would exclude excess auto liability insurance for being used to meet the TLC's requirements.

Thank you for your time. Any questions? I'll be happy to --

MR. WILSON: Thank you.

The next speaker is Frank Caponi of Cavallino Risk Management.

(No response)

MR. WILSON: The next speaker after that -- if Mr. Caponi comes in, we'll call him -- is Phillip Hom of Windels Marx.

MR. HOM: Good morning,

Commissioners. My name is Phillip Hom, and
I'm an attorney with Windels Marx. And I had sent in comments last week, so you have them, it's the same letter that's going around right now, so I'm going to make this brief and just summarize my points.

We're here to provide comments on behalf of our client, the BCC Group, which testified just a few minutes ago, to oppose the change to the TLC rules which would prohibit the use of excess insurance policies to meet the TLC's insurance requirements. I have three main points.

The first point is, you know, we believe that such a rule change would be preempted under state law, whether explicitly or implicitly. The TLC rules right now regarding insurance specifically reference the state law, the Vehicle and Traffic Law section 370, and under VTL section 370 it specifically says that you can meet insurance requirements for for-hire vehicles by using a combination of bonds or policies. Currently there's nothing in the TLC rules that says that you can't use this combination until you
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pass, you know, pass or consider this rule
that's up for consideration right now. Until
about a year and a half ago TLC did accept
excess policies, and then my understanding is
they stopped accepting this policy -- this
excess insurance without any notice, which I
believe is probably preempted by state law.

The second point I'd like to make
is people in the industry and people from
insurance companies have told me that this
policy change was made, as I said before,
without notice, and it's, you know, until,
you know, you wait until now to pass the
rules. So it seems like it's just being done
backwards. And it's problematic because it
shows that the TLC probably shouldn't have
made that policy change in the first place.

And my last point is that there
are, as, you know, many people before me have
tested, there are a lot of people in the
industry who have, you know, thousands of
limousine operators who are waiting for the
TLC to accept excess insurance to help them
fulfill this $1,000,000 insurance coverage
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requirement. This provides them a less expensive way to meet the insurance requirements that they otherwise would not be able to satisfy. And we're confident that, you know, the insurance companies working with the TLC can make excess insurance work if there are any issues.

Thank you for listening to my comments.

MR. WILSON: Thank you.

The last, next speaker listed is Ethan Gerber from the Greater New York Taxi Association.

COMM. MARINO: Can I just ask the chair a question? Is that true, that we stopped accepting excess before this rule has gone into effect?

THE CHAIR: Two years ago or maybe longer, we notified people that they had to have certain information on the dec page. That had always been a requirement, but we were officially notifying people that were not complying with that. And this rule memorializes that practice that's been in
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effect for two years.

COMM. MARINO: But not -- but
having something in the dec sheet is not the
same as rejecting excess insurance, so I'm
just trying to clarify that.

THE CHAIR: Well, if -- we reject
insurance if it doesn't have the vehicle
identification information on the dec page,
the insureds on the dec page, a base policy
that doesn't cover -- that covers vehicles
that are not owned by the base. So whatever
name you want to give the insurance that we
reject, it's really those characteristics
that we are looking for.

COMM. MARINO: Okay.

AUDIENCE MEMBER: The answer is
yes.

COMM. MARINO: Okay, thank you.

MR. GERBER: Good morning. I'm
Ethan Gerber from the Greater New York Taxi
Association. I'll be very brief.

The rule at first sets out what
its intention is. The second part of the
rule recognizes bonds and recognizes
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policies. The third part of the rule sets
only what a policy is supposed to be stating
and what that requirement is. It doesn't
address the bonds, and we would like
clarification from this Commission that this
does not address bonds. That's all.

THE CHAIR: Thank you.

MR. GERBER: If we could get that
clarification.

MR. WILSON: The next speaker is
Pat Russo from Windels Marx.

MR. RUSSO: Good morning,
Commissioners. I'm here to address just some
of the questions that just happened in the
colloquy. But first I want to say the stated
basis and purpose of the rule today is to
address several bullet points as it's been
proposed. The elimination of excess
insurance does not get to that point.
There's no rational basis to pursue this when
declaration pages from insurance companies
not only can be presented to licensing to
address each and every one of these points on
page two, but in the last year, through
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personal experience of our firm, we've presented them. So this is really today a matter of form over substance. And that form has been rejected. The more fundamental question is, what kind of insurance is being provided, what kind of coverage is being provided, and what kind of companies. This doesn't even address the issue of ratings of insurance companies, which both folks from the insurance industry spoke of.

Today's rule adversely affects drivers, specifically those in the independent contractor model who want to work in the luxury limousine bases. It's eliminating from them the possibility of a cheaper alternative to provide the same insurance coverage and the same protections to the TLC, the passenger and other drivers. What really today does is promote a duopoly, where a limited number of insurance companies can go forth and provide this coverage as it's set forth, even though, again, what's been presented in the last year in terms of forms, in terms of samples, meets each and
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every one of these requirements. So what
today's rule does is it throws out the baby
with the bath water, and it doesn't address
what you're trying to do in the stated basis
and the purpose.

So the history of it in the last
eighteen months is, insurance companies have
presented and continue to present in dialogue
with the TLC to meet each and every one of
these requirements. By promoting these rules
today and by voting on them today, you will
be in effect eliminating a viable
alternative, a cheaper alternative that meets
all those requirements, that has been in
business for years. And this is the first
time that I can think of that the Commission
has actually gone forward and eliminated a
viable industry, a viable source of business,
a viable protection for drivers and small
businesses alike, just to achieve a goal that
it cannot otherwise achieve by stipulating
and concerning what declaration pages
include, which is actually what your rule is
trying to get at. So I think we'd like to
continue that dialogue, and we strongly urge you to either postpone the vote or actually deny the proposed rules.

    Thank you.

MR. WILSON: Thank you.

And the final speaker is Mr. Osman Chowdhury.

MR. CHOWDHURY: Hello, good afternoon, everybody. My name is Osman Chowdhury. I also have to say that the insurance has not only has -- I'm here to talk about the Zero Vision policy of Bill de Blasio. I'm talking about the Zero Vision policy of Bill de Blasio. But what's going on right now, and it's still going on, because there are some places that don't have any green arrow sign, at the intersection of 20 Park Avenue, 20 Third Avenue, 11 7th Avenue does not have a green arrow. People cannot, motorists cannot go across the street. And you need to take action, because if the police start to crack down, the drivers are going to lose their licenses, and very soon. And I also have a --
THE CHAIR: Thank you. Today's hearing is on the rule amending -- the proposed rule to amend our insurance requirements.

MR. CHOWDHURY: Okay.

THE CHAIR: So there are town halls that we're doing throughout the city, where it sounds like what you're discussing would be a perfect topic for those. So you can -- somebody can meet you in the back and give you a list of the next one.

MR. CHOWDHURY: Okay. Thank you very much.

THE CHAIR: Thank you.

MR. CHOWDHURY: You're welcome.

MR. WILSON: Thank you.

Do any of the Commissioners have anything they want to add or questions or --

COMM. MARINO: Yes, I do. I don't -- I don't understand why we are -- why we have a rule here that really has not only the potential but it's going to have the effect of eliminating excess insurance. I mean I deal with insurance companies in my
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practice. In my law firm, 80 percent of my practice deals with insurance companies. Excess insurance is a great thing. I mean why do we want to cut out that option for people? I mean I have it on my home, I could have it on my malpractice. I mean if excess was cut out, for me personally it's going to have a detrimental effect. A million, $1.5 million in coverage is a huge nut. I mean their assessment is only two companies that offer that.

I think this is a bad rule. I just, I think the intent is -- there's a good intent but I think the effect is going to be very negative. And I think limiting people's options is not productive, it's not the American way, and I am really urging my colleagues to vote against this. I think the rules need to be revamped. I think there's good ideas here, but this is not -- this is not a good plan the way this is right now.

COMM. GONZALES: This is Commissioner Gonzales. I partially agree with Commissioner Marino. I guess overall I
see this rule before us to help improve on
the transparency of what -- both -- I guess
particularly in administrative issues, in
that it's explicit what's on the declaration
page, there's no ifs, ands or buts, the
vehicle numbers, so on and so forth. I
personally would probably like I guess
further review of, I guess what -- first I
have one question, we should start there.
With respect to the rules before us, it's
not -- it does not prohibit the industry from
obtaining umbrella insurance just for -- just
as incremental supplemental insurance for
their business and their vehicles; correct?
As long as they have -- they meet the --
they're compliant with the VIN numbers and
items on the declaration page; correct?

MR. WILSON: That's correct.

THE CHAIR: That's correct.

COMM. MARINO: I think it's going
to have the unintended effect of doing that.
That's the issue here.

THE CHAIR: It's correct for if
the base owns all of the vehicles. It's not
correct for vehicles that are not owned by that base.

COMM. GONZALES: Okay.

COMM. MARINO: Can you say that again? It's correct if --

THE CHAIR: If the base owns all of the vehicles that are covered under the umbrella.

COMM. MARINO: That eliminates excess.

THE CHAIR: But if the umbrella policy covers vehicles that are not owned by the base, then it will not meet the TLC requirements.

COMM. MARINO: Well --

COMM. CARONE: Madam Chair, I'm listening to a lot of testimony about excess insurance and umbrella policies, and the stated purpose of the rule doesn't address eliminating those type of insurances. So I'm looking at the rule and I'm reading what is it that I'm really missing. And it seems that there's a level of ambiguity here and a lack of clarity. And when there is such
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ambiguity, perhaps we should table the vote
and clarify that. Because I don't think the
intention was that. You also have questions
from Mr. Gerber about self insurance. So to
the extent that we have this ambiguity,
perhaps we should table this vote.

THE CHAIR: So we can make a
motion to -- we actually, we have the hearing
today, but we can or cannot vote, that's up
to us. So we can just vote it at another, at
the next following hearing continue --

COMM. WEINSHALL: So we don't have
to make a motion to table?

THE CHAIR: No, we don't have to
have a motion to table. So the hearing is
closed, and we can vote on it at the next
meeting.

COMM. AROUT: I'd rather vote on
it now and get it over with.

THE CHAIR: I agree that there's
been some questions raised during the
testimony, the testimony that we heard today,
and definitely some ambiguity among the
Commissioners' understanding of the rule,
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that it's worthwhile to take the extra time
to clarify those and, if we need to, make
further amendments.

COMM. AROUT: Put it to a vote.

THE CHAIR: I can take a -- make a
motion to see who would like to vote today,
but it sounds from just the general
discussions that at least three Commission
members would prefer to table, which means
that that vote would not -- the vote would be
to table it.

COMM. MARINO: But just to be
clear, I think there needs to be changes in
these rules to address the ambiguity and
address these concerns.

THE CHAIR: I think that that's
the purpose of not voting today.

COMM. CARONE: That would be the
purpose for tabling it, yes.

COMM. MARINO: Right. But I'm
saying it's not just bringing the same rule
back next month.

THE CHAIR: No, I don't think we
would do that. Then we could vote today.
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COMM. MARINO: Yeah. I'm just making sure, for the record.

COMM. GONZALES: I'd just like to reemphasize, I mean, as far as the rules are concerned, again, the emphasis on objectivity and clarity and details, I'm, you know, for that. But I do agree there's ambiguity with respect to use of excess insurance and things of that nature. I would like some more information on that before I'm prepared to vote.

COMM. MARINO: And I would like to say if these rules are revamped at all, which they should be and probably will be, I really strongly urge us and our staff to do everything to not limit excess insurance. Excess insurance is a great thing for businesses. I think having any rule that even can remotely possibly exceed the option of purchasing excess insurance is a bad idea. That's my two cents.

COMM. AROUT: But can I say is this going to change everything else if we have to not vote on this?
THE CHAIR: No. We can --

COMM. AROUT: What do we do?

THE CHAIR: We can vote next month on this. This will allow further --

COMM. AROUT: What are we going to gain by holding it for the next meeting?

THE CHAIR: We are going to gain some clarity. There's Commission members that need additional information on the objects of the rule and whether they are being met as drafted, as well as testimony that the Commissioners just got today. We got two written submissions in testimony, but the Commissioners just today got the benefit of public testimony. So they'd like time to consider that. As well as have further discussions with staff on how the rule can be fine tuned before they're prepared to vote.

COMM. AROUT: And at the next meeting you'll vote on it, is that the schedule?

THE CHAIR: That's the schedule, yes.

Next on the agenda is a rule that
would provide an exemption to taxi school for licensees that have been -- obtained their license before 1999, which is the year the taxi school requirement came into being. It would allow those people who let their license lapse come in and get another license without having to get -- to take taxi school as long as they meet all the other licensing requirements of TLC.

And also a question that came up in comments that I just want to clarify. Today, people that get a license after 1999 that have already taken taxi school, if they do let their license lapse and they want to come back in and get another license, we have a record that they have attended taxi school and that the requirement was met when they first attended, it's transferred over, and so they don't have to take taxi school for a second time. That's not covered by the rule. It's our current practice and we have no intention on changing that.

COMM. WEINSHALL: So I'm unclear. So if you -- before 1999 if you didn't take
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taxi school, you now will not be required to?

THE CHAIR: If you meet all the
other conditions of licensure, that's a good
driving history, a fitness review, and you
have no -- what's the last?

MR. WILSON: No outstanding fines
and you are back in two years.

THE CHAIR: No outstanding fines,
then you can come back within two years.
This was driven by discussions with the
industry on the difficulty of retaining
drivers, retaining long term drivers. And
sometimes drivers may leave for a year or
two. And in order to entice them to come
back to driving, removing one of those
obstacles, which is taxi school. So the idea
is because they have the life experience,
that will count as an equivalency to taxi
school. The rule eventually sunsets because
this is a limited group of people and over
time it will age out.

COMM. MARINO: So we're making
things easier for people at this point?

THE CHAIR: Yin and yang.
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COMM. WEINSHALL: Isn't there a benefit to having people going to taxi school?

THE CHAIR: Absolutely, and there's still an education requirement, every driver will have to take a renewal course and wheelchair accessibility training, and there's defensive driving courses. So there are annual course requirements regardless of whether you take the initial taxi school. This just alleviates the initial burden of having to pay for the expense of taxi school to re-enter the driving world.

COMM. AROUT: Madam Chairlady, if you don't mind, can we go right back to the vote? Can you just have a raise of hands who wants to go back to the board and vote on this in the next meeting? I say -- I had said I would like to vote this today.

THE CHAIR: On the insurance rule?

COMM. AROUT: Yes.

THE CHAIR: Okay. So I'll make a motion. Who would like to table a vote on the amendment to the insurance rules for
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today? All in favor? It looks like one, two, three, four, five out of six.

COMM. AROUT: Thank you.

THE CHAIR: And we have one speaker scheduled for the hearing on the education exemption rule.

MR. WILSON: Peter Mazer, please.

MR. MAZER: Good morning, Commissioners. Peter Mazer, General Counsel, Metropolitan Taxicab Board of Trade. You have my written comments which I submitted, and it was addressed this morning by the chair.

My concern was that the rule does not provide that those people who have taken the school requirement since January 1st of 1999 and who allow their license to lapse, that some of those people have been told by employees at Licensing that in order to reapply for the license they would be required to go back to school. I am glad for the clarification that we now have that Licensing will no longer be requiring anybody who has completed the school requirement to
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go back to school as long as their license was voluntarily lapsed, they were not addressing people that were revoked or lost their licenses for other reasons. It's not in the rule, it's a policy of the Commission. At some point we would urge the Commission to adopt that formally as a rule.

    Thank you.
    MR. WILSON: Thank you.

These rules were originally published in the City Record on May 15th, 2014, with a comment deadline of June 16th, 2014. Two written comments were received, which have been provided to the Commissioners. There were comments from the New York Taxi Workers Alliance and the Metropolitan Taxicab Board of Trade. Based on the comment from the New York Taxi Workers Alliance, the staff recommended one change to the rule as originally proposed. That was to clarify. The original language in the proposed rule had said that a returning licensee could have no outstanding summonses or fines. We removed the language about
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outstanding summonses, because the time for those had been passed, but reduced the required payment of any outstanding fines before somebody is qualified to return as a licensee. And the final rule for action with that comment reflected was posted on the Commission's Web site and transmitted to the Commissioners, as required by Local Law, on June 16th.

And are we ready for a vote? Any questions, comments?

(No response)

MR. WILSON: Commissioner Carone?

COMM. CARONE: Yes.

MR. WILSON: Commissioner Arout?

COMM. AROUT: Yeah.

MR. WILSON: Commissioner Joshi?

THE CHAIR: Yes.

MR. WILSON: Commissioner Weinshall?

COMM. WEINSHALL: Yes.

MR. WILSON: Commissioner Gonzales?

COMM. GONZALES: Yes.
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MR. WILSON: Commissioner Marino?

COMM. MARINO: Yes.

MR. WILSON: Thank you. Thank you.

THE CHAIR: That concludes our meeting today, and the time now is 11:00 a.m.

(Time noted: 11:00 a.m.)
CERTIFICATE

STATE OF NEW YORK 

) SS:

COUNTY OF ORANGE 


I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with 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, by blood or marriage, to any of the
parties in this matter and that I am in no
way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of June,
2014.

_________________________

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