

**TAXI AND LIMOUSINE COMMISSION**  
**October 16, 2014**

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TRANSCRIPT OF THE  
NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION

Thursday, October 16, 2014  
33 Beaver Street  
COMMISSION HEARING ROOM, 19TH FLOOR  
BOROUGH OF MANHATTAN

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<p style="text-align: right;">2</p> <p>1 HEARING CONVENED AT 9:59 A.M.</p> <p>2</p> <p>3</p> <p>4 COMMISSIONERS PRESENT:</p> <p>5 Meera Joshi, Chair</p> <p>6 Nora Constance Marino</p> <p>7 Lauvienska Polanco</p> <p>8 Edward Gonzales</p> <p>9 Frank Carone</p> <p>10 LaShann DeArcy</p> <p>11 Jacques Jiha</p> <p>12</p> <p>13 ALSO PRESENT:</p> <p>14 Chris Wilson, General Counsel</p> <p>15 Allison Siegel, Assistant Commissioner of Licensing and Standards</p> <p>16</p> <p>17 Staff</p> <p>18</p> <p>19 The Public</p> <p>20</p> <p>21 The Press</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Reported by: Danielle Cavanagh</p>	<p style="text-align: right;">4</p> <p>1 Proceedings</p> <p>2 CHAIR JOSHI: Good morning. The time</p> <p>3 is now almost 10:00 a.m. and we're going to</p> <p>4 make a motion for the Commission to go into</p> <p>5 Executive Session to discuss litigation</p> <p>6 matters in one second.</p> <p>7 COMM. DEARCY: So moved -- oh, you</p> <p>8 made a motion?</p> <p>9 CHAIR JOSHI: Yes.</p> <p>10 COMM. DEARCY: I second.</p> <p>11 CHAIR JOSHI: All in favor.</p> <p>12 (Chorus of Ayes.)</p> <p>13 CHAIR JOSHI: With that, the</p> <p>14 Commission will move into Executive Session</p> <p>15 and we'll reconvene probably around 10:15,</p> <p>16 10:20 for our regular Public Session.</p> <p>17 (Whereupon, the Board moves into</p> <p>18 Executive Session and reconvenes at</p> <p>19 10:30 a.m.)</p> <p>20 CHAIR JOSHI: Good morning. The time</p> <p>21 is now 10:30 and we're going to begin the</p> <p>22 Public Meeting of the New York City Taxi and</p> <p>23 Limousine Commission.</p> <p>24 I want to just start today's meeting</p> <p>25 by acknowledging two people, one of which may</p>
<p style="text-align: right;">3</p> <p>1</p> <p>2 SPEAKERS ON FHV DISPATCH RULES PAGE</p> <p>3 Josh Mohrer, Uber..... 32</p> <p>4 Eran Zach, Uber..... 51</p> <p>5 Khyzer Ahmed, Uber..... 54</p> <p>6 Muhammed Raza, Uber..... 56</p> <p>7 Saeed Amwar, Uber..... 58</p> <p>8 David Estrada, Lyft..... 59</p> <p>9 Ira Goldstein, Black Car Assistance Corporation</p> <p>10 and the New York Black Car Operators' Injury</p> <p>11 Compensation Fund, Inc..... 67</p> <p>12 Richard Thaler..... 76</p> <p>13 Michael Simon..... 80</p> <p>14 Carolyn Castro, LRT, speaking on behalf of Avik</p> <p>15 Kabessa, Carmel Car &amp; Limousine Service..... 82</p> <p>16</p> <p>17 Tarek Mallah..... 85</p> <p>18</p> <p>19 Cira Angeles, Livery Base Owners..... 93</p> <p>20</p> <p>21 Michael O'Loughlin, Cab Riders United..... 102</p> <p>22</p> <p>23 Bouchaib Lel Hassani, Lyft..... 108</p> <p>24</p> <p>25 Andrew Rasiej, New York Tech Meetup..... 110</p> <p>Abdoulrahme Diallo..... 118</p> <p>1 SPEAKERS ON TAXI-SHL IMPROVEMENT PAGE</p> <p>2 SURCHARGE COLLECTION</p> <p>3 Michael O'Loughlin, Cab Riders United..... 129</p> <p>4</p> <p>5 Gary Farber..... 132</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">5</p> <p>1 Proceedings</p> <p>2 be here and one of which may be not. The</p> <p>3 first is, I want to introduce to everybody,</p> <p>4 Jeff Roth, who is going to be our new Deputy</p> <p>5 Commissioner of Policy. He will be starting</p> <p>6 on October 20th. And Jeff is here, actually</p> <p>7 waiting in the wings. Welcome. It's a face</p> <p>8 you can get used to because many of you will</p> <p>9 be calling him now instead of me. So a warm</p> <p>10 welcome to Jeff. Just a little bit of</p> <p>11 background --</p> <p>12 (Applause.)</p> <p>13 CHAIR JOSHI: -- Jeff comes to us</p> <p>14 from the fire department where he served as</p> <p>15 the Assistant Commissioner of Management</p> <p>16 Initiatives from 2010 until now. He oversees</p> <p>17 data analytics reporting and internal audit</p> <p>18 and compliance. And before that, Jeff was</p> <p>19 the Senior Policy Advisor for the Mayor's</p> <p>20 Office of Operations for three years. So we</p> <p>21 welcome Jeff and I know his plate will be</p> <p>22 full on day one.</p> <p>23 I'd also like to welcome Fred Amofo</p> <p>24 who is here with us today, and I'm proud to</p> <p>25 say --</p>

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<p style="text-align: right;">6</p> <p>1 Proceedings</p> <p>2 (Applause.)</p> <p>3 CHAIR JOSHI: -- was named the</p> <p>4 International Driver of the Year in New</p> <p>5 Orleans last month. He made a 1,300-mile</p> <p>6 trip in a taxi that was painted half green</p> <p>7 and half yellow. And the meter was running,</p> <p>8 right?</p> <p>9 MR. AMOAF0: It was.</p> <p>10 CHAIR JOSHI: What was the total</p> <p>11 bill?</p> <p>12 MR. AMOAF0: 6,000, 7,000.</p> <p>13 CHAIR JOSHI: So no complaints about</p> <p>14 fares here, right?</p> <p>15 But thank you, Fred. But most of</p> <p>16 all, thank you for your words of guidance to</p> <p>17 fellow taxi drivers and livery drivers on the</p> <p>18 importance of safety and being a living</p> <p>19 example of what that looks like. So thank</p> <p>20 you very much for joining us, and a big round</p> <p>21 of applause for Fred.</p> <p>22 (Applause.)</p> <p>23 CHAIR JOSHI: Yesterday we had the</p> <p>24 pleasure of starting the 25-mile-per-hour</p> <p>25 countdown, the 25 to 25. And I was joined</p>	<p style="text-align: right;">8</p> <p>1 Proceedings</p> <p>2 of course we'll be doing social media</p> <p>3 campaigns. And this is all in addition to</p> <p>4 the work that PD is doing and DOT. They have</p> <p>5 lots of Vision Zero street teams that will</p> <p>6 literally be out on the street handing out</p> <p>7 fliers to pedestrians and to drivers to let</p> <p>8 them know of the new speed limit, an</p> <p>9 important and historic achievement for Vision</p> <p>10 Zero.</p> <p>11 In talking about Vision Zero, you</p> <p>12 also know that earlier in the year as part of</p> <p>13 Vision Zero the TLC committed to penalizing</p> <p>14 drivers that are caught on camera running red</p> <p>15 lights. We've begun getting that data and</p> <p>16 identifying the drivers associated with those</p> <p>17 red-camera violations. But Vision Zero is</p> <p>18 ultimately about safety. It's not really</p> <p>19 about penalizing drivers. It is one part of</p> <p>20 Vision Zero but it's not the end goal of</p> <p>21 Vision Zero. So in that vein, we've decided</p> <p>22 from now until the end of the year we'll be</p> <p>23 sending out warning letters to drivers who</p> <p>24 are caught in the red-light cameras so that</p> <p>25 they understand that this behavior is subject</p>
<p style="text-align: right;">7</p> <p>1 Proceedings</p> <p>2 with Polly Trottenberg, Transportation</p> <p>3 Commissioner, and Chief Chan of PD, as well</p> <p>4 as Families for Safe Streets and</p> <p>5 Transportation Alternatives and many</p> <p>6 community leaders and many people who've lost</p> <p>7 loved ones, all in support of the new</p> <p>8 25-mile-an-hour speed limit which will be</p> <p>9 imposed on November 7th. We were also joined</p> <p>10 by Transportation Committee Chair Ydanis</p> <p>11 Rodriguez. The new speed limit will go into</p> <p>12 effect on November 7th.</p> <p>13 We're working closely with DOT and PD</p> <p>14 to make sure everyone's aware of the change.</p> <p>15 And just so that you know, some of the ways</p> <p>16 we're trying to get the message out to</p> <p>17 drivers is there will be some text messaging</p> <p>18 on the dim to let people know when the</p> <p>19 imposition date starts. That's November</p> <p>20 27th. We've got flyers at our Woodside</p> <p>21 location and at our licensing facilities.</p> <p>22 There will be industry notice as well as</p> <p>23 e-mail blasts and we'll be running PSAs on</p> <p>24 the inside of the taxicabs so the public is</p> <p>25 aware of the 25-mile-an-hour speed limit, and</p>	<p style="text-align: right;">9</p> <p>1 Proceedings</p> <p>2 to penalty, and to stiff penalty, and</p> <p>3 hopefully it will serve as a strong deterrent</p> <p>4 to those drivers so that they don't get</p> <p>5 caught again.</p> <p>6 Our goal is that by doing a full</p> <p>7 warning campaign that lasts for a month or</p> <p>8 two, we're able to get a strong message out</p> <p>9 and that when we get to summoning, the</p> <p>10 volume of potential violators is greatly</p> <p>11 reduced. So anything you can help us to do</p> <p>12 to spread the word we greatly appreciate</p> <p>13 because ultimately our goal is not to summons</p> <p>14 for a driver violating traffic laws. We just</p> <p>15 rather not have those incidents occur in the</p> <p>16 first place.</p> <p>17 And the last piece of really good</p> <p>18 news in the Chair's report is we had a great</p> <p>19 month for taxi history. Last week, a baby</p> <p>20 boy, William Steinhaus, was born in a New</p> <p>21 York City taxicab. Thanks to the cool-headed</p> <p>22 medallion driver, Osama Hassan, who I think</p> <p>23 will be joining us next month, when it was</p> <p>24 clear that his passenger, the expecting</p> <p>25 mother, was not going to make it to the</p>

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10	<p>1 Proceedings</p> <p>2 hospital, he pulled over to make sure that</p> <p>3 the mother and her family had a safe and</p> <p>4 private way to deliver the baby. And the</p> <p>5 baby was a delivered actually in the back</p> <p>6 seat of the taxicab and is healthy and we</p> <p>7 look forward to meeting baby boy William</p> <p>8 Steinhaus next month when he's a little bit</p> <p>9 older and can join this wonderful party, not</p> <p>10 the baby shower he intended, I'm sure.</p> <p>11 And with that, we're going to move on</p> <p>12 to our regular agenda. The first is adoption</p> <p>13 of minutes. So all in favor of adopting the</p> <p>14 minutes from the September 2014 Commission</p> <p>15 Meeting.</p> <p>16 (Chorus of Ayes.)</p> <p>17 CHAIR JOSHI: With that, the meeting</p> <p>18 minutes are unanimously adopted.</p> <p>19 Next is base applications, and</p> <p>20 Chris -- oh, no, Allison Siegel will brief us</p> <p>21 on the base application up for vote this</p> <p>22 month.</p> <p>23 MS. SIEGEL: Good morning. I'm</p> <p>24 Allison Siegel, the Assistant Commissioner</p> <p>25 for Licensing and Standards. Today we're</p>	12
11	<p>1 Proceedings</p> <p>2 presenting to you 17 base applications for</p> <p>3 your review and approval.</p> <p>4 CHAIR JOSHI: All in favor of</p> <p>5 approving Allison's recommendations.</p> <p>6 (Chorus of Ayes.)</p> <p>7 CHAIR JOSHI: And with that, the</p> <p>8 recommendations are approved.</p> <p>9 MS. SIEGEL: Thank you.</p> <p>10 CHAIR JOSHI: Next on our agenda is a</p> <p>11 vote on Vision Zero implementing rules, and</p> <p>12 Chris Wilson will explain one proposed</p> <p>13 amendment to the rules.</p> <p>14 MR. WILSON: Yes. These rules</p> <p>15 originally ran in the City Record on</p> <p>16 August 8th in 2014. The comment deadline was</p> <p>17 on September 10th, 2014. We received 59</p> <p>18 written comments. We had a public hearing on</p> <p>19 these rules at the last Commission meeting on</p> <p>20 September 18th, and a copy of the transcript</p> <p>21 from that hearing was provided to all of the</p> <p>22 Commissioners. Subsequent to the hearing, as</p> <p>23 a result of feedback, public feedback and</p> <p>24 staff comment, the Staff recommended changes</p> <p>25 that had been made in the rules. Published</p>	13
10	<p>1 Proceedings</p> <p>2 fines were raised for 9 violations for which</p> <p>3 points were eliminated. Given the date of</p> <p>4 violations already written, the Staff</p> <p>5 determined (inaudible) defined for only one</p> <p>6 violation, 54-16(g), failure to comply with</p> <p>7 reasonable passenger requests and eliminate</p> <p>8 the increases for the other 8.</p> <p>9 Further, as a response as a result of</p> <p>10 public comment, the Staff determined to</p> <p>11 clarify the provisions of the rules regarding</p> <p>12 the combination of persistent violator points</p> <p>13 and critical driver points to make clear that</p> <p>14 the only persistent violator points to which</p> <p>15 this is applicable are those with violations</p> <p>16 of Section 54-13 and 54-14 in the case of</p> <p>17 taxi drivers and Rules 55-13 and 55-14 in the</p> <p>18 case of FHV drivers.</p> <p>19 Subsequent to that, in addition we</p> <p>20 have made two further changes. Definitions</p> <p>21 have been added for critical injury in</p> <p>22 serious crash, which track the enabling</p> <p>23 legislation. And we also clarified that for</p> <p>24 purposes of combining the points that points</p> <p>25 accumulate as of the date of conviction. As</p>	12

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<p style="text-align: right;">14</p> <p>1                   Proceedings</p> <p>2           10th. Do you all agree?</p> <p>3           COMMISSIONERS: Yes.</p> <p>4           MR. WILSON: So now I guess we can</p> <p>5           call it for a vote, and all in favor.</p> <p>6           COMM. GONZALES: I'd like to make a</p> <p>7           comment first. Generally, I'd like to thank</p> <p>8           Staff for explicitly adding the definitions</p> <p>9           and modification to the summarily</p> <p>10          suspensions. It adds objectivity to the</p> <p>11          rules and reduces potential ambiguity going</p> <p>12          forward. I'd also like to express support to</p> <p>13          comments made last meeting by Commissioner</p> <p>14          Marino on preventive actions and Commissioner</p> <p>15          Jiha on statistics. And I'd also like to add</p> <p>16          my opinion on summarily suspensions and</p> <p>17          Vision Zero.</p> <p>18          On preventive actions, I'd like to</p> <p>19          reiterate my comment at the last meeting</p> <p>20          encouraging the veteran drives such as one</p> <p>21          that we have here today, Fred Amofo, to</p> <p>22          reach out to the newer drivers to reinforce a</p> <p>23          need to diligently drive safely while</p> <p>24          operating a taxi, street-hail livery, or</p> <p>25          for-hire vehicle in New York City. Veteran</p>	<p style="text-align: right;">16</p> <p>1                   Proceedings</p> <p>2           It doesn't just require -- it goes beyond</p> <p>3           just sharing. I may be a little preachy</p> <p>4           here, but what may not be as obvious to some</p> <p>5           is that there is a level of mutual</p> <p>6           stewardship and responsibility that goes hand</p> <p>7           in hand with sharing public space, especially</p> <p>8           roads in New York City. Said another way,</p> <p>9           everyone, those same pedestrians, drivers,</p> <p>10          cyclists, pedicab operators and others need</p> <p>11          to demonstrate positive behaviors and look</p> <p>12          out for each other.</p> <p>13          To the drivers, and not just the TLC</p> <p>14          licensees here, please establish a routine</p> <p>15          where you look out for pedestrians in your</p> <p>16          blind spots at all times and resist the urge</p> <p>17          to speed through a traffic light before it</p> <p>18          turns red. Instead of taking that split</p> <p>19          second to decide to speed up through the</p> <p>20          intersection, take that same split second and</p> <p>21          remind yourself that it's not worth the risk</p> <p>22          to critically injure yourself, your passenger</p> <p>23          or another driver or a pedestrian to reduce</p> <p>24          travel time by a mere 30 to 90 seconds.</p> <p>25          To the pedestrians, I implore you to</p>
<p style="text-align: right;">15</p> <p>1                   Proceedings</p> <p>2           drivers, especially those honored last month,</p> <p>3           have a wealth of knowledge and experience</p> <p>4           that should be shared with others.</p> <p>5           On statistics, while the drivers</p> <p>6           serving New York City in the taxi and</p> <p>7           for-hire vehicle industry are statistically</p> <p>8           safe, statistics will never capture the</p> <p>9           physical, emotional, legal and financial</p> <p>10          impacts of families of the critically injured</p> <p>11          and the drivers. These statistics bring me</p> <p>12          to summarily suspension clauses in the rules.</p> <p>13          If the rules pass, I request that the Police</p> <p>14          Department and OATH expeditiously but</p> <p>15          thoroughly process summarily suspensions</p> <p>16          especially where the findings merit driver</p> <p>17          reinstatement. This is necessary to minimize</p> <p>18          any financial disruptions to any suspended</p> <p>19          driver and their families, not to Vision</p> <p>20          Zero.</p> <p>21          In this vibrant city, it is obvious</p> <p>22          that pedestrians, drivers, cyclists, pedicab</p> <p>23          operators and others must share the roads of</p> <p>24          New York City when traveling from point A to</p> <p>25          point B. You know what, I'll take it back.</p>	<p style="text-align: right;">17</p> <p>1                   Proceedings</p> <p>2           look at things from the drivers' perspective</p> <p>3           when entering the road even if you believe</p> <p>4           you have the right of way. Exhibit a routine</p> <p>5           where you put down the cell phone and be</p> <p>6           aware of your surrounding and all of its</p> <p>7           moving parts. In a similar manner to the</p> <p>8           drivers, instead of taking that split second</p> <p>9           to decide to run through an intersection</p> <p>10          before the light turns red, take that same</p> <p>11          split second to remind yourself it's not</p> <p>12          worth the risk to become critically injured</p> <p>13          just to reduce your travel time by the 30 to</p> <p>14          90 seconds.</p> <p>15          Thank you.</p> <p>16          CHAIR JOSHI: Thank you, Ed. Thank</p> <p>17          you very much, Ed. It's an important message</p> <p>18          that this Vision Zero really stems from each</p> <p>19          one of our own personal actions and decisions</p> <p>20          and taking a little bit of time as we drive</p> <p>21          and as we navigate the streets can make a</p> <p>22          huge difference.</p> <p>23          MR. WILSON: Are the Commissioners</p> <p>24          ready to vote? Anybody wish to say anything?</p> <p>25          COMM. MARINO: Yeah, I'd like to say</p>

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<p style="text-align: right;">18</p> <p>1                    Proceedings</p> <p>2            something. I'm very torn on these rules. I</p> <p>3            understand the devastation to a family when a</p> <p>4            family member, or a friend even, is</p> <p>5            critically injured or killed; however, these</p> <p>6            rules to me seem somewhat draconian in that</p> <p>7            an accident can happen to anyone, even the</p> <p>8            most diligent conscientious of drivers. An</p> <p>9            accident is an accident, and there's a</p> <p>10           difference between negligence and</p> <p>11           recklessness. And while I understand that</p> <p>12           we're trying to create a safer city, and of</p> <p>13           course we all support that, I think perhaps</p> <p>14           taking a more preventative action would be a</p> <p>15           better approach at this point in time, and I</p> <p>16           just think there are constitutional issues</p> <p>17           here which can't be ignored with the</p> <p>18           suspension or revocation of someone's right</p> <p>19           to make a living. And although my heart</p> <p>20           bleeds for these families, you know, that --</p> <p>21           Cooper, Ms. Cooper, who was here at the last</p> <p>22           hearing, and I understand we all want a</p> <p>23           result when something like this happens;</p> <p>24           however in my opinion, I just think a</p> <p>25           preventative measure may be a better way to</p>	<p style="text-align: right;">20</p> <p>1                    Proceedings</p> <p>2            of these rules means that necessarily we are</p> <p>3            somehow voting against the notion of working</p> <p>4            in determining what other preventive measures</p> <p>5            we can is kind of a false positive. So I</p> <p>6            take issue with the notion that I or anyone</p> <p>7            who would vote in favor, the suggestion that</p> <p>8            perhaps we're not in favor of working on</p> <p>9            preventative measures.</p> <p>10            COMM. MARINO: I apologize if it came</p> <p>11            across that way.</p> <p>12            COMM. DEARCY: No, it's okay.</p> <p>13            COMM. MARINO: I wasn't addressing</p> <p>14            that at all. I was just suggesting maybe</p> <p>15            instead of taking this approach now we take a</p> <p>16            different approach first.</p> <p>17            COMM. DEARCY: Fair enough. And I</p> <p>18            think that what was important to me in terms</p> <p>19            of some of the issues that you raised,</p> <p>20            because you and I share some of the concerns,</p> <p>21            is the fact that I believe that this</p> <p>22            commission will be deliberate in its</p> <p>23            determination of whether or not there is a</p> <p>24            finding necessary for a requisite suspension.</p> <p>25            COMM. CARONE: Thank you. I want to</p>
<p style="text-align: right;">19</p> <p>1                    Proceedings</p> <p>2            go with perhaps required training, required</p> <p>3            courses, just, you know, approach it from the</p> <p>4            other side to avoid the accident or prevent</p> <p>5            that accident from happening in the first</p> <p>6            place rather than try to clean up a mess</p> <p>7            after when it's really too late anyway and it</p> <p>8            could really just devastate another family</p> <p>9            because now someone can't bring food home to</p> <p>10           their family. So I have a problem with these</p> <p>11           rules as written.</p> <p>12            I also understand the political</p> <p>13            conundrum of them being -- coming down from</p> <p>14            the City Council, which also opens up a whole</p> <p>15            other can of worms. But I can't support</p> <p>16            these rules as written and I just wanted to</p> <p>17            explain why.</p> <p>18            (Applause.)</p> <p>19            COMM. DEARCY: I certainly appreciate</p> <p>20            your remarks and I think that an affirmative</p> <p>21            vote in favor of these rules by no means</p> <p>22            should be taken as a way to preclude our</p> <p>23            ability to also work on preventative</p> <p>24            measures. And I think to make the logical</p> <p>25            connection suggesting that we vote in favor</p>	<p style="text-align: right;">21</p> <p>1                    Proceedings</p> <p>2            hitchhike on Commissioner DeArcy's comments,</p> <p>3            and I also know exactly where Commissioner</p> <p>4            Marino is coming from in heartfelt remarks</p> <p>5            and I empathize with them. I also want to</p> <p>6            thank Mr. Gonzales for his important remarks.</p> <p>7            But I'm comfortable with these rules</p> <p>8            for the following reasons, and I know the</p> <p>9            slideshow was put forth at the last hearing,</p> <p>10           but in order for Cooper's Law to take effect,</p> <p>11           two events have to happen first. And then</p> <p>12           when those two trigger events happen, then a</p> <p>13           third additional safety mechanism.</p> <p>14            First, a TLC-licensed driver involved</p> <p>15           in a serious crash that results in a critical</p> <p>16           injury or death, and that includes someone</p> <p>17           who's likely to die or needs life-sustaining</p> <p>18           support, and then and only then, if that same</p> <p>19           TLC-licensed driver is issued a summons or</p> <p>20           charged with a crime related to the crash.</p> <p>21           So once those two condition precedents occur,</p> <p>22           then the TLC may summarily suspend, but only</p> <p>23           upon a finding that the driver's conduct was</p> <p>24           substantially the cause of the serious crash.</p> <p>25           Then we're ensured by OATH that they'll</p>

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<p style="text-align: right;">22</p> <p>1                   Proceedings</p> <p>2       proceed with an expeditious hearing</p> <p>3       nonetheless. So I think the overriding idea</p> <p>4       of safety on the streets coupled with those</p> <p>5       due process considerations make me</p> <p>6       comfortable on voting yes.</p> <p>7       MR. WILSON: Anybody else wish to</p> <p>8       speak or should we call for a vote?</p> <p>9       (No response.)</p> <p>10       MR. WILSON: All in favor.</p> <p>11       (Members in favor signal with the</p> <p>12       raise of a hand.)</p> <p>13       MR. WILSON: All opposed?</p> <p>14       (Members in opposition signal with</p> <p>15       the raise of a hand.)</p> <p>16       CHAIR JOSHI: So with 1, 2, 3, 4, 5,</p> <p>17       6 -- 6 in favor and 1 opposed, the Vision</p> <p>18       Zero implementing rules are passed.</p> <p>19       Next on our agenda is a Public</p> <p>20       Hearing on FHV accountability rules. And</p> <p>21       we're holding today's hearing. In</p> <p>22       particular, one aspect of the rules has</p> <p>23       spurred a wide variety of comment from a wide</p> <p>24       variety of sources, and this is the purpose</p> <p>25       of CAPA. And I think I speak for the</p>	<p style="text-align: right;">24</p> <p>1                   Proceedings</p> <p>2       group have the same message, in the interest</p> <p>3       of time, please send up one representative.</p> <p>4       You're more than welcome to describe your</p> <p>5       group and show for us how many are and</p> <p>6       representing that group. But I don't think</p> <p>7       that it is a good use of the time today to</p> <p>8       one by one have people reiterate the same</p> <p>9       message if it can be done in the group form.</p> <p>10       So with those two ground rules, I'm</p> <p>11       looking forward to a full and vibrant</p> <p>12       commission meeting hearing on these FHV</p> <p>13       accountability rules. And again, I want to</p> <p>14       thank on behalf of the whole commission, the</p> <p>15       fact that people are really coming out and</p> <p>16       speaking, reading and paying attention to</p> <p>17       these issues.</p> <p>18       COMM. MARINO: Madam Chair, before we</p> <p>19       begin, I just want to say I may have to leave</p> <p>20       early. I'm on a federal court deadline. So</p> <p>21       if someone is speaking or about to speak and</p> <p>22       I leave, I don't want anyone to think I'm not</p> <p>23       interested in what anyone has to say because</p> <p>24       I am. But unfortunately, I have other</p> <p>25       obligations today. So I just wanted to say</p>
<p style="text-align: right;">23</p> <p>1                   Proceedings</p> <p>2       Commission as a whole, we're especially</p> <p>3       heartened to get this broad feedback and</p> <p>4       especially heartened to get feedback from</p> <p>5       drivers of their own volition that would like</p> <p>6       to come forward today and speak. So I want</p> <p>7       to thank everybody who's participating today</p> <p>8       as we continue to flesh out these complex</p> <p>9       issues.</p> <p>10       Today we will have the hearing and we</p> <p>11       will not vote today on this rules package in</p> <p>12       anticipation of the wide variety of testimony</p> <p>13       that we will get. But because we do have</p> <p>14       several people that would like to testify and</p> <p>15       we do have time constraints, I just want to</p> <p>16       set a few ground rules.</p> <p>17       First, we're going to impose the</p> <p>18       strict 3-minute rule. So I'm asking you in</p> <p>19       advance to honor that, not force us to</p> <p>20       repeatedly cut you off and to distract from</p> <p>21       your main message and turn your testimony</p> <p>22       into an argument about whether the light is</p> <p>23       green or ready.</p> <p>24       And second, I'm going to ask that if</p> <p>25       you're here and several members of the same</p>	<p style="text-align: right;">25</p> <p>1                   Proceedings</p> <p>2       that in case I have to leave.</p> <p>3       CHAIR JOSHI: And with that, Chris</p> <p>4       Wilson will introduce the proposed rule.</p> <p>5       MR. WILSON: So the proposed rule</p> <p>6       would do a number of things. I know many of</p> <p>7       you are aware of it. It would require FHV</p> <p>8       bases to submit trip records to the TLC,</p> <p>9       prohibit a base from dispatching a vehicle</p> <p>10       affiliated with a different class of FHV</p> <p>11       base, prohibit dispatching another base's</p> <p>12       vehicles without an agreement between bases,</p> <p>13       and require bases dispatching vehicles from a</p> <p>14       different base to provide the customer with a</p> <p>15       name and license number of the base with</p> <p>16       which the dispatch car is affiliated, and it</p> <p>17       would establish a violation for failing to</p> <p>18       comply with certain portions of the new rule.</p> <p>19       I believe we also have a staff</p> <p>20       presentation on this.</p> <p>21       CHAIR JOSHI: Yes. Jo Rausen will do</p> <p>22       a brief presentation on the rule.</p> <p>23       MS. RAUSEN: Good morning,</p> <p>24       Commissioners. I am Jo Rausen. I am the</p> <p>25       Executive Director of Technology Programs in</p>

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26	<p style="text-align: center;">Proceedings</p> <p>1 the Policy Office at TLC, and I'll be doing a 2 really quick briefing on the proposed rule 3 before you. 4 5 So this slide really just reiterates 6 what Chris just said what the proposed rule 7 would do, so I'm not going to repeat myself. 8 But I want to provide a little bit of 9 background about why this rule is before you 10 today. Recently, we've seen that some bases 11 have started dispatching vehicles that are 12 affiliated with a different base. We've also 13 seen that sometimes these bases are 14 dispatching vehicles that are of a different 15 licensee class as the base itself; so for 16 example, a black car base would dispatch a 17 livery vehicle or a livery base would 18 dispatch a black car vehicle. 19 The current rules today actually 20 permit a base to dispatch a vehicle that's 21 affiliated to a different base if the 22 passenger is informed. However, industry's 23 practice up until very recently has been to 24 do this only subject to an agreement between 25 the two bases. So there have been a few</p>	28	<p style="text-align: center;">Proceedings</p> <p>1 2 different licensee class and dispatching 3 nonaffiliated vehicles when there is no 4 agreement between the two bases may actually 5 put drivers at risk of losing Workers' 6 Compensation benefits if there's a crash or 7 an incident that occurs during the trip. 8 And then finally, the current rules 9 actually don't specify what particular 10 information must be provided to a passenger 11 if a base does dispatch a vehicle affiliated 12 with another base. So I'm going to go into 13 each of these and talk a little bit about 14 what the proposed rule is going to do to 15 actually solve some of these problems. 16 On the issue of driver 17 accountability, today TLC identifies the 18 driver of one of our licensed vehicles in 19 FHV's by requesting the dispatch records from 20 the base. We don't have TPEP and LPEP 21 systems like we do in yellow cabs and in the 22 green street-hail liveries, so we're reliant 23 on the base to actually tell us who was 24 driving that vehicle and who actually 25 dispatched that trip. Because the affiliated</p>
27	<p style="text-align: center;">Proceedings</p> <p>1 impacts of these new service models of bases 2 dispatching other bases, drivers and vehicles 3 of different classes. 4 5 First, the current rules don't 6 provide a way that the TLC can actually 7 identify who the operator of a vehicle is in 8 all circumstances. If a vehicle is 9 dispatched by another base other than its 10 affiliated base, if we go to the base to 11 actually find out who the operator of the 12 vehicle is, they may not have a record of 13 that trip and that transaction. And that is 14 really important for accountability to 15 drivers especially in light of Vision Zero 16 initiatives, where we're now doing red-light 17 cameras, we're doing the new LIDAR speed 18 guns. And if a member of the public or 19 enforcement witnesses a vehicle where they 20 may not be actually driving the vehicle but 21 they may only have a license plate by which 22 we can then try and determine who the actual 23 operator of the vehicle is. 24 Next, the bases' cross-class 25 dispatching, so dispatching a vehicle of a</p>	29	<p style="text-align: center;">Proceedings</p> <p>1 2 base may no longer have a record of who was 3 actually in that vehicle and who was actually 4 servicing that trip, then they may not be 5 able to give us that information and we lose 6 some accountability back to the actual driver 7 who performed the trip. So this obviously 8 impacts our safety and our consumer 9 protection rules. 10 The proposed rule seeks to solve this 11 by actually requiring bases to routinely 12 submit the dispatch records that they are 13 already required to maintain by TLC Rules to 14 the TLC, that way we're able to have a record 15 of all of those trips and we don't have to 16 even go through the process of trying to 17 reach out to the affiliated base or any 18 unknown base that we might not even know 19 about that may have dispatched the driver. 20 On the issue of driver protection, 21 New York State Workers' Compensation Board 22 has indicated that cross-class dispatching 23 could leave drivers without Workers' 24 Compensation coverage in some cases. 25 Similarly, the Black Car Fund and livery fund</p>



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<p style="text-align: right;">30</p> <p>1                                Proceedings</p> <p>2            rules, those are the funds that actually are</p> <p>3            the Workers' Compensation funds, could leave</p> <p>4            drivers with vehicles dispatched by a</p> <p>5            nonaffiliated base without Workers'</p> <p>6            Compensation coverage. There is some</p> <p>7            ambiguity here and we don't want to be in a</p> <p>8            situation where a driver is in a crash and</p> <p>9            then may not be covered in some way and has</p> <p>10           to litigate out to try to figure out if they</p> <p>11           can get coverage.</p> <p>12                So our proposed rule will actually</p> <p>13                effectively prohibit cross-class dispatching</p> <p>14                by requiring that both the affiliated and</p> <p>15                dispatching base be a member of the same</p> <p>16                Workers' Compensation fund so there's no</p> <p>17                issue of who paid into what fund and whether</p> <p>18                that trip should be covered. And it will</p> <p>19                also require bases to have an agreement with</p> <p>20                each other in order to dispatch each other's</p> <p>21                drivers, thus ensuring that there is driver</p> <p>22                coverage.</p> <p>23                        Finally, on the issue of passenger</p> <p>24                        information, the current rules do specify</p> <p>25                        that bases have to tell the passenger if they</p>	<p style="text-align: right;">32</p> <p>1                                Proceedings</p> <p>2            to answer any questions and then I'll step</p> <p>3            aside and let all of the folks that are here</p> <p>4            to testify today tell you how they feel.</p> <p>5                        MR. WILSON: Okay. Thank you.</p> <p>6                        The first speaker up -- and I will</p> <p>7            remind people of the Chair Joshi's request,</p> <p>8            that if you are representing a group of</p> <p>9            people, only one person should speak.</p> <p>10                The first speaker is Josh Mohrer,</p> <p>11                Uber.</p> <p>12                        MR. MOHRER: Good morning,</p> <p>13                Commissioners. My name is Josh Mohrer, and</p> <p>14                I'm the General Manager of Uber New York. As</p> <p>15                you probably know, Uber has been in operation</p> <p>16                in New York City for more than three years</p> <p>17                and partners with thousands of FHV drivers.</p> <p>18                        Approximately one-third of the</p> <p>19                drivers who use Uber in New York do so part</p> <p>20                time as a way to supplement the income earned</p> <p>21                from their primary affiliated base. This</p> <p>22                group of more than 3,500 FHV drivers on</p> <p>23                average earn an additional \$700 per week</p> <p>24                using Uber. We hear a variety of stories</p> <p>25                from these part-time drivers. One driver,</p>
<p style="text-align: right;">31</p> <p>1                                Proceedings</p> <p>2            dispatch a vehicle affiliated with another</p> <p>3            base but they don't actually specify what</p> <p>4            information must be provided. So this</p> <p>5            information may be necessary for lost</p> <p>6            property, for consumer complaint, if anytime</p> <p>7            we need to investigate who was in a trip, who</p> <p>8            performed a trip, what vehicle it was, we</p> <p>9            need a range of information and ensuring that</p> <p>10           the passenger is actually getting into the</p> <p>11           vehicle that they ordered, which if you ever</p> <p>12           try to take a black car livery from the</p> <p>13           airport and seen all the people waiting</p> <p>14           around for cars, you can understand a little</p> <p>15           bit about how tricky that can be.</p> <p>16                So the proposed rule will actually</p> <p>17                require the bases to provide both the TLC</p> <p>18                license number and name of the base to the</p> <p>19                passenger of the base that the vehicle is</p> <p>20                affiliated to and the base that the vehicle</p> <p>21                was dispatched by, that way the passenger</p> <p>22                will have all of the information that they</p> <p>23                need and we can fully research any complaints</p> <p>24                or lost property requests.</p> <p>25                        And that's really it. So I'm happy</p>	<p style="text-align: right;">33</p> <p>1                                Proceedings</p> <p>2            Eran Zach, is primarily affiliated with a</p> <p>3            corporate luxury base and does a couple of</p> <p>4            long-haul trips per day. During the six</p> <p>5            hours per day between those trips, Eran Zach</p> <p>6            uses Uber to fill in downtime rather than</p> <p>7            idling on the streets of Manhattan. Another</p> <p>8            driver, Marusi Haus (phonetic), works with a</p> <p>9            livery service in the Bronx during the day in</p> <p>10           her community but utilizes Uber at night when</p> <p>11           her local business slows down.</p> <p>12                In the weeks leading up to this</p> <p>13                hearing, we've heard dozens of stories just</p> <p>14                like this. The proposed rules would not only</p> <p>15                prohibit black-car drivers from using Uber</p> <p>16                without written consent from their base but</p> <p>17                it would also prohibit livery drivers</p> <p>18                entirely because of the restriction on</p> <p>19                cross-class dispatch. We understand that the</p> <p>20                motivation for this is to ensure Workers'</p> <p>21                Compensation coverage for black-car drivers;</p> <p>22                However, New York State's statute does not</p> <p>23                prohibit the Black Car Fund from covering</p> <p>24                livery vehicle operators. The BCF has in</p> <p>25                fact allowed at least one livery base to</p>

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34	<p>1 Proceedings</p> <p>2 become a member, which indicates the BCF is</p> <p>3 technically able to provide coverage to</p> <p>4 livery drivers if it so chooses.</p> <p>5 Prohibiting cross-class affiliation</p> <p>6 would also eliminate our ability to dispatch</p> <p>7 almost 2,000 street-hail livery drivers that</p> <p>8 currently use the Uber app because these cars</p> <p>9 are livery vehicles. This would also prevent</p> <p>10 us from connecting hundreds of riders per</p> <p>11 week with a subset of those SHLs that are</p> <p>12 wheelchair accessible through Uber's</p> <p>13 wheelchair accessible vehicle option UberWAV.</p> <p>14 The flexibility and mobility this innovative</p> <p>15 partnership provides to members of the</p> <p>16 disabled community who would otherwise have</p> <p>17 to book ground transportation hours or even</p> <p>18 days in advance is truly life-changing. I</p> <p>19 hope that the TLC at the very least will</p> <p>20 carve out an SHL exception to maintain these</p> <p>21 programs.</p> <p>22 Finally, the TLC's proposal would</p> <p>23 require base owners to transmit all records</p> <p>24 to -- all trip records to the TLC but does</p> <p>25 not protect passenger privacy and may place</p>	36	<p>1 Proceedings</p> <p>2 COMM. DEARCY: Don't go away. I</p> <p>3 think there are going to be questions for</p> <p>4 you.</p> <p>5 COMM. MARINO: I just have one very</p> <p>6 quick question. You said that you know of</p> <p>7 one livery base that is a part of the Black</p> <p>8 Car Fund.</p> <p>9 MR. MOHRER: Yes.</p> <p>10 COMM. MARINO: Can you tell me who</p> <p>11 that is and when they became a part?</p> <p>12 MR. MOHRER: I can. It's the Olympic</p> <p>13 Operating Car Service, Inc. I don't have</p> <p>14 their license number but it says on the</p> <p>15 website that they're part of the base -- I</p> <p>16 mean that they're part of the fund.</p> <p>17 COMM. POLANCO: The question that I</p> <p>18 have is the trip records, what are</p> <p>19 basically -- what is it composed of? Would a</p> <p>20 passenger's name be there? I thought that --</p> <p>21 CHAIR JOSHI: The passenger's name</p> <p>22 would not be there. It's the trip record</p> <p>23 requirement that a base today is currently</p> <p>24 required to keep on site and available for</p> <p>25 inspection. The rule basically takes the</p>
35	<p>1 Proceedings</p> <p>2 it at risk. Such sensitive trip data could</p> <p>3 be disclosed either purposely through a</p> <p>4 third-party request or inadvertently to a</p> <p>5 wider audience, potentially undermining the</p> <p>6 privacy of drivers, passengers and bases.</p> <p>7 The rules don't provide for anonymization of</p> <p>8 the data or explain how trip records will be</p> <p>9 kept confidential.</p> <p>10 The decision before you affects</p> <p>11 thousands of lives. To help you understand</p> <p>12 the impact, I've compiled a list of drivers</p> <p>13 who have been using Uber to supplement their</p> <p>14 income and the amount they earned last week.</p> <p>15 You will see that there are thousands of FHV</p> <p>16 drivers working with Uber part time, and the</p> <p>17 proposed rule will make it more difficult for</p> <p>18 them to make a living. I therefore hope that</p> <p>19 you will consider alternatives to the</p> <p>20 proposed rules and thank you for your time.</p> <p>21 Thank you.</p> <p>22 (Applause.)</p> <p>23 CHAIR JOSHI: Thank you. And you did</p> <p>24 that in under three minutes, Josh.</p> <p>25 MR. MOHRER: I practiced.</p>	37	<p>1 Proceedings</p> <p>2 inspection requirement and turns it to an</p> <p>3 electronic transmission requirement.</p> <p>4 COMM. POLANCO: The trip record</p> <p>5 itself --</p> <p>6 CHAIR JOSHI: The data points remain</p> <p>7 the same.</p> <p>8 COMM. POLANCO: But it's just simply</p> <p>9 the area of pick-up and drop-off and the time</p> <p>10 and so forth.</p> <p>11 CHAIR JOSHI: The vehicle number and</p> <p>12 the hack license number I believe of the</p> <p>13 driver.</p> <p>14 MR. MOHRER: Right. But it's not</p> <p>15 just the area. It's the lot-long so it's the</p> <p>16 exact point, which if cross-referenced with</p> <p>17 say a paparazzi photo, as happened recently</p> <p>18 with open taxi data could indicate where</p> <p>19 somebody lives. And we just think that to</p> <p>20 achieve the goal of the TLC, there are other</p> <p>21 types of data. As an example, a base could</p> <p>22 submit every week or every day a list of</p> <p>23 every driver it's affiliated with in that day</p> <p>24 that it's given trips to. And so if there</p> <p>25 were an incident, they would have that list</p>

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38	<p style="text-align: center;">Proceedings</p> <p>1 of every base that a certain driver is 2 working with. We think there are other ways 3 to share data in the less complete form that 4 would achieve the same goal, and we're 5 certainly open to that. We just don't think 6 it's quite there in the current rules.</p> <p>7       COMM. DEARCY: Forgive me, because I 8 was a little bit in two places. You and I 9 met earlier. We met briefly in my offices 10 this week and we talked a bit about the 11 disclosure requirements and I asked you then, 12 and I don't know if you've given any more 13 thought to it now, in terms of the 14 information that you consider sensitive and 15 are concerned about, does that information 16 rise to the level of the trade secret? 17       MR. MOHRER: Yes. We think it does.</p> <p>18       COMM. DEARCY: So if it rises to the 19 level of trade secret, my understanding -- 20 and please, Chris, you can correct me if I'm 21 wrong -- there are procedures in place under 22 the current FOIL Laws, or FOIL Laws, that 23 would protect against the disclosure of trade 24 secret. Why would that not be sufficient to 25</p>	40	<p style="text-align: center;">Proceedings</p> <p>1 very best to make sure we adhere to the FOIL 2 requirements, but I think it speaks for 3 itself.</p> <p>4       My own point is you recognize 5 yourself that the access to the data is a 6 valuable activity in the TLC, much like TPEP 7 and LPEP. You're saying that perhaps there 8 are other ways collecting the data. You're 9 also saying it may violate trade secrets. 10 I'm just curious how the bullet points, date 11 and time, license number, dispatch license 12 number and the base is trade secrets. Since 13 we're committed to inspect and the confiscate 14 anyway the same data, what's the difference 15 if you provide it or if we take it? 16       MR. MOHRER: So I think there's a 17 difference between kind of maybe the old way 18 where I have a binder full of information and 19 you come by the base every week and check it 20 out and me delivering you a CSV file that's 21 subject to a FOIL request that can be easily 22 mined for things like our growth, things that 23 we want to keep a secret. Like I said, I 24 think there's a way to get this done that's a 25</p>
39	<p style="text-align: center;">Proceedings</p> <p>1 protect against your concerns of disclosure 2 of your highly-sensitive information? 3       MR. MOHRER: So I'm not a lawyer, and 4 so I should find that out. But when we met 5 with the TLC here, they indicated that they 6 weren't sure that that was the case and, you 7 know, they didn't give us that assurance.</p> <p>8       COMM. DEARCY: I think it may be 9 helpful for us to look into the intersection 10 between the FOIL Laws and trade secret 11 information. This can't be the only industry 12 where this issue arises. And certainly I 13 think it wouldn't be necessary to throw out 14 the baby with the bath water with respect to 15 the disclosure requirement if there are 16 already laws in place that address your 17 concerns regarding trade secret, which I 18 appreciate. I'm a business lawyer by trade, 19 so I understand that. But I think that there 20 may be -- and we should perhaps look into 21 that and maybe you can provide that 22 information.</p> <p>23       COMM. CARONE: I want to agree that 24 if there are trade secrets, we should do our 25</p>	41	<p style="text-align: center;">Proceedings</p> <p>1 middle ground that would achieve what you 2 want to achieve but also protect us. But 3 it's sort of not the way it was, right? It's 4 me delivering a CSV and there's just a lot of 5 exposure there for us.</p> <p>6       COMM. JIHA: Let me ask you a 7 question because I'm a little disturbed by 8 the notion of trade secret. Can you be more 9 elaborate in terms of what you mean by trade 10 secret? Because I don't see growth numbers 11 as a secret. This is public information.</p> <p>12       MR. MOHRER: Well, Commissioner 13 DeArcy said the trade secret thing. I didn't 14 actually say that.</p> <p>15       COMM. DEARCY: Well, let me make it 16 clear. What I asked you was whether the 17 information that you are asserting you want 18 to keep secret is trade secret. You're 19 response was yes. I'm certain that your 20 lawyers will let you know that it will be 21 your burden, not ours, to prove in fact that 22 it is trade secret. And you're not a lawyer 23 so I'm not going to hold you accountable for 24 understanding the laws regarding what rises 25</p>

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42	<p>1 Proceedings</p> <p>2 to the level of trade secret. But I will</p> <p>3 tell you that your example likely would fail</p> <p>4 miserably.</p> <p>5 (Applause.)</p> <p>6 COMM. JIHA: I would agree with you.</p> <p>7 CHAIR JOSHI: I just wanted to</p> <p>8 clarify your explanation that you're okay</p> <p>9 with us inspecting books and records but</p> <p>10 you're not okay with something that's sort of</p> <p>11 using technology for us to get the same</p> <p>12 information. That I'm having a little bit of</p> <p>13 trouble with.</p> <p>14 MR. MOHRER: No. What I said was I</p> <p>15 thought that the sort of -- someone pointed</p> <p>16 out that it's on the books, you could come in</p> <p>17 and visit, and I said the sort of the spirit</p> <p>18 of those guidelines when they were created</p> <p>19 was before there was trip data. And when we</p> <p>20 met, you specifically said, "Well, Josh, now</p> <p>21 that you have this -- you're an app company</p> <p>22 so you have this data. It's so easy for you</p> <p>23 and we want some of that data." And I think</p> <p>24 that wanting data for data's sake is just not</p> <p>25 necessarily appropriate versus saying, "We</p>	44	<p>1 Proceedings</p> <p>2 policy determinations, and there's more and</p> <p>3 more passengers in the livery and black-car</p> <p>4 world, and especially in the black-car world.</p> <p>5 They deserve the same sort of informed</p> <p>6 policy-making by this regulatory authority</p> <p>7 that the yellow passengers get.</p> <p>8 MR. MOHRER: And I agree, and so I</p> <p>9 would point to you as an example of e-hail</p> <p>10 pilot of which we're a participant, I think</p> <p>11 currently the only active one. We submit</p> <p>12 data every month for that but we came to an</p> <p>13 agreement with your office you'll let us</p> <p>14 abstract it. So instead of lot logs, we give</p> <p>15 ZIP codes. Because we all agreed that what</p> <p>16 you were trying to accomplish with that data</p> <p>17 could be achieved with ZIP codes rather than</p> <p>18 lot logs which are basically street addresses</p> <p>19 and you agreed to that. And so all I'm</p> <p>20 saying is that we would like to go through a</p> <p>21 similar process this time around and come to</p> <p>22 an agreement on a slightly abstracted version</p> <p>23 of data that would accomplish what you want</p> <p>24 but not making us feel uneasy about privacy</p> <p>25 concerns.</p>
43	<p>1 Proceedings</p> <p>2 want data to know where drivers are and what</p> <p>3 they're doing," which I think is appropriate.</p> <p>4 And I think we can find a way to transmit</p> <p>5 that effectively all the time to remedy all</p> <p>6 the concerns about driver accountability with</p> <p>7 something short of what you're proposing.</p> <p>8 CHAIR JOSHI: I don't think wanting</p> <p>9 data for data's sake is our stated purpose</p> <p>10 and it's certainly not our intention. There</p> <p>11 are individual cases where enforcement is a</p> <p>12 lot easier when we have electronic</p> <p>13 submission, and we know that because that's</p> <p>14 the advantage we have with TPEP and LPEP. It</p> <p>15 gives passengers a quick avenue to redress</p> <p>16 rather than a long drawn out investigative</p> <p>17 process, which sometimes is futile depending</p> <p>18 on the quality of the records a base keeps.</p> <p>19 But second and more importantly,</p> <p>20 sometimes it's policy. It helps us form good</p> <p>21 informed policy about how for-hire</p> <p>22 transportation in the city should operate.</p> <p>23 Having records that we have to the extent on</p> <p>24 the green and the yellow is extremely</p> <p>25 important to us for making determinations,</p>	45	<p>1 Proceedings</p> <p>2 COMM. CARONE: Josh, I just want to</p> <p>3 hitchhike what the Chair has said. I think</p> <p>4 your characterization of data for data's sake</p> <p>5 is really a gross mischaracterization of why</p> <p>6 we at the TLC Commission want the data. The</p> <p>7 very nature of TPEP and LPEP allowed us to</p> <p>8 make decisions that sometimes were readily</p> <p>9 available and obvious and sometimes not so</p> <p>10 obvious. There's been intangibles that we</p> <p>11 really just can't quantify here but has been</p> <p>12 critical to us analyzing data. And we don't</p> <p>13 really think that having a litmus test or a</p> <p>14 list of the reasons at this particular moment</p> <p>15 is a basis not to require the data. It's</p> <p>16 been very, very helpful. And you have a real</p> <p>17 uphill battle convincing based on what you</p> <p>18 said so far. And if you have another</p> <p>19 alternative -- I haven't seen it -- please</p> <p>20 come forward with it. But understand data is</p> <p>21 something that we are very, very interested</p> <p>22 in.</p> <p>23 MR. MOHRER: Well, I apologize for</p> <p>24 that expression. I shouldn't have said that.</p> <p>25 I would add though that it seems like if data</p>

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46	<p style="text-align: center;">Proceedings</p> <p>1 is -- okay, well, I'm over my three minutes.</p> <p>2</p> <p>3 COMM. DEARCY: Can I -- you mentioned</p> <p>4 and we talked about the street-hailed</p> <p>5 liveries that are wheelchair accessible and</p> <p>6 what the importance is, and what you noted</p> <p>7 has been a segment of our city that's been</p> <p>8 serviced by those cars using the e-hail app</p> <p>9 and that the passage of these rules would</p> <p>10 prevent that because of the prohibition</p> <p>11 against cross-dispatches.</p> <p>12 MR. MOHRER: Yes.</p> <p>13 COMM. DEARCY: My question for you is</p> <p>14 is there anything preventing Uber from</p> <p>15 getting a livery base itself and then the</p> <p>16 cross-dispatch problem or prohibition at</p> <p>17 least in that regard would fall away as moot.</p> <p>18 MR. MOHRER: So I think we'd have</p> <p>19 to -- I don't think our office is zoned</p> <p>20 properly to make us, you know, able to have a</p> <p>21 livery base. There's a lot of things about</p> <p>22 livery that are a little bit easier than on</p> <p>23 the black-car side and there are all these</p> <p>24 hoops to jump through. One of them is</p> <p>25 parking. That wouldn't be the case for SHLs</p>	48	<p style="text-align: center;">Proceedings</p> <p>1 entry for barrier for a livery base is so</p> <p>2 high that your multi-billion-dollar-value</p> <p>3 company couldn't do it? I'm sorry.</p> <p>4</p> <p>5 (Applause.)</p> <p>6 MR. MOHRER: That's okay. What I'm</p> <p>7 saying is that I -- look, we're offering</p> <p>8 wheelchair service right now. It works</p> <p>9 really well.</p> <p>10 COMM. DEARCY: I'm with you on that.</p> <p>11 You and I are together with the importance of</p> <p>12 that.</p> <p>13 MR. MOHRER: If the TLC's answer is</p> <p>14 that I need to get a storefront that's the</p> <p>15 correct zoning, that I need to go and get a</p> <p>16 livery base, and then I can continue doing</p> <p>17 the wheelchair stuff then I guess we'll look</p> <p>18 into that, but those things take six months</p> <p>19 to a year.</p> <p>20 COMM. DEARCY: Okay.</p> <p>21 CHAIR JOSHI: Can I just clarify for</p> <p>22 the record, you're offering wheelchair</p> <p>23 service through the e-hail pilot?</p> <p>24 MR. MOHRER: No. We're offering</p> <p>25 wheelchair service through the cross-class</p>
47	<p style="text-align: center;">Proceedings</p> <p>1 because they're exempted. It's something</p> <p>2 that we've looked at. It's a real process.</p> <p>3 It's hard.</p> <p>4</p> <p>5 COMM. DEARCY: I got to tell you, the</p> <p>6 fact that you said it's a real process and</p> <p>7 it's really hard is actually --</p> <p>8 MR. MOHRER: I mean, I actually --</p> <p>9 COMM. DEARCY: Let me finish. Let me</p> <p>10 finish. It resonates with me but not in a</p> <p>11 way that I think is helpful for you because,</p> <p>12 you know, the livery bases that are in</p> <p>13 existence have gone through that very real</p> <p>14 process that's not really easy and costs a</p> <p>15 lot of money and you're suggesting that you</p> <p>16 wouldn't or couldn't or didn't want to do</p> <p>17 that because you'd have to go through the</p> <p>18 very same process that the industry</p> <p>19 players --</p> <p>20 MR. MOHRER: I would have to move my</p> <p>21 office location because it's not commercial</p> <p>22 zone use 6. I don't even know what that</p> <p>23 means but I just know that I'm not it. And</p> <p>24 so there are all these -- and yes.</p> <p>25 COMM. DEARCY: So you're saying the</p>	49	<p style="text-align: center;">Proceedings</p> <p>1 dispatch of livery vehicles. The e-hail</p> <p>2 pilot, when it was created, there was no such</p> <p>3 thing as that SHLs.</p> <p>4</p> <p>5 CHAIR JOSHI: Could you offer</p> <p>6 wheelchair service through the e-hail pilot?</p> <p>7 MR. MOHRER: No. It is our opinion</p> <p>8 that green --</p> <p>9 CHAIR JOSHI: You couldn't ask</p> <p>10 someone if when they're doing an e-hail</p> <p>11 whether they wanted to choose a wheelchair</p> <p>12 accessible or a non-wheelchair accessible?</p> <p>13 MR. MOHRER: The e-hail pilot, and</p> <p>14 this is when I submit data --</p> <p>15 CHAIR JOSHI: The e-hail pilot allows</p> <p>16 you to e-hail any green including</p> <p>17 wheelchair-accessible greens.</p> <p>18 MR. MOHRER: Commissioner, I'm not</p> <p>19 sure that's the case because when the e-hail</p> <p>20 pilot was created, the green taxis didn't</p> <p>21 exist yet.</p> <p>22 CHAIR JOSHI: But haven't we allowed</p> <p>23 people to do e-hail in the greens?</p> <p>24 MR. MOHRER: Case in point, that when</p> <p>25 I dispatch green, I cannot call them taxis;</p>

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50	<p>1 Proceedings</p> <p>2 when I submit to you data about the e-hail</p> <p>3 pilot, you ask me specifically to strip out</p> <p>4 the green because you do not see it as</p> <p>5 relevant to e-hail data. You said, "Only</p> <p>6 give us yellows." The e-hail pilot was</p> <p>7 created at a time where SHLs didn't exist.</p> <p>8 CHAIR JOSHI: I think you're</p> <p>9 currently giving us the green and the yellow.</p> <p>10 Actually, Joe's nodding in the back yes, you</p> <p>11 do give us the green and the yellow.</p> <p>12 MR. MOHRER: Well, I have in writing</p> <p>13 from your analysts saying, "Please only sent</p> <p>14 the yellow." I could submit that if that's</p> <p>15 interesting.</p> <p>16 CHAIR JOSHI: We get data on green</p> <p>17 e-hails and yellow e-hails.</p> <p>18 MR. MOHRER: We don't see the greens</p> <p>19 as part of the e-hail pilot.</p> <p>20 CHAIR JOSHI: Okay. So we could</p> <p>21 discuss this further, but there's no</p> <p>22 prohibition, just so you are clear of the</p> <p>23 Commission's position, there's no prohibition</p> <p>24 on you doing e-hail with</p> <p>25 wheelchair-accessible greens regardless of</p>	52	<p>1 Proceedings</p> <p>2 pretty well for me. Even though these rules</p> <p>3 would allow bases to form agreement with one</p> <p>4 another so the drivers like me can be</p> <p>5 dispatched by more than one base, bases are</p> <p>6 not going to play nice with each other. It's</p> <p>7 pretty obvious. They haven't worked together</p> <p>8 in ages. It's natural business for them.</p> <p>9 They won't want to do it. Partnering with</p> <p>10 multiple bases makes my life easier, makes me</p> <p>11 achieve more on a daily basis by maximizing</p> <p>12 my potential as a black-car driver,</p> <p>13 owner/operator, and business owner.</p> <p>14 The proposed rules will simply take</p> <p>15 my freedom away. It will take my freedom of</p> <p>16 choice. I decided to become an owner and</p> <p>17 operator just because of that freedom. It</p> <p>18 will basically take my freedom and will put</p> <p>19 it in the back-base hands. I can honestly</p> <p>20 say by partnering up with multiple bases I</p> <p>21 have increased my revenues, reduced my</p> <p>22 expenses, most importantly, improved my</p> <p>23 quality of life. I can go home, and</p> <p>24 affordably go home, after working 8 to 12</p> <p>25 hours every day. Before partnering with</p>
51	<p>1 Proceedings</p> <p>2 this rule-making before or after.</p> <p>3 MR. MOHRER: Okay.</p> <p>4 CHAIR JOSHI: That was a long three</p> <p>5 minutes. Sorry.</p> <p>6 Next we have -- I have several other</p> <p>7 people listed for Uber, and if you're all</p> <p>8 representing the same group, then send your</p> <p>9 representative. If you're coming up with a</p> <p>10 different message individually, then please</p> <p>11 do so. And Chris Wilson will go through --</p> <p>12 we have Eran Zach is first.</p> <p>13 MR. ZACH: Good morning,</p> <p>14 Commissioners. I don't know if I'm speaking</p> <p>15 on behalf of the other group that's here from</p> <p>16 Uber, but I actually came here to speak for</p> <p>17 myself. I don't know what the rest of the</p> <p>18 messages are. My name is Eran Zach. I've</p> <p>19 been a licensed black-car driver for about</p> <p>20 two years. I'm speaking here again as a</p> <p>21 driver, as an operator, not for any New York</p> <p>22 base that's licensed with the TLC.</p> <p>23 The proposed rules will limit my</p> <p>24 freedom of work. I choose to work with any</p> <p>25 base that I would want. So far it worked</p>	53	<p>1 Proceedings</p> <p>2 multiple bases, I had to work 12- to 16-hour</p> <p>3 days wasting valuable time just waiting for</p> <p>4 the next dispatch.</p> <p>5 If I'm required to receive dispatch</p> <p>6 only from one affiliated black-car base, as</p> <p>7 I'm affiliated with First Corporate Sedans, I</p> <p>8 would lose about \$1,000 a week. These</p> <p>9 proposed rules were pushed by bases against</p> <p>10 new innovation and new innovative companies</p> <p>11 like Uber, Lyft, and against the new law that</p> <p>12 allows us to work this way. This simply is a</p> <p>13 move of panic because of bases that feel that</p> <p>14 they can't control their drivers, especially</p> <p>15 on peek hours.</p> <p>16 For those regards, I ask you to</p> <p>17 oppose the proposed rules and decide instead</p> <p>18 to serve the best interest of the New York</p> <p>19 City drivers. Thank you.</p> <p>20 (Applause.)</p> <p>21 MR. WILSON: The next speaker listed</p> <p>22 is Gurwinder Singh. Is he here?</p> <p>23 (No response.)</p> <p>24 MR. WILSON: The next speaker is</p> <p>25 Khyzer Ahmed.</p>

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54	<p>1 Proceedings</p> <p>2 MR. AHMED: Hi to all of the</p> <p>3 Commissioners. My name is Khyzer Ahmed. I'm</p> <p>4 affiliated with the Taxi and Commission. I</p> <p>5 have been a for-hire for the last three</p> <p>6 years, and I have been working with this one</p> <p>7 car service company.</p> <p>8 Now, the new rules which will stop me</p> <p>9 to work with multiple dispatch may definitely</p> <p>10 make me lose money because many of the New</p> <p>11 York City car services, they have different</p> <p>12 policies for the drivers which restrict them</p> <p>13 to stay with them even if they don't have</p> <p>14 work. Let's say in my personal case, I will</p> <p>15 like to specify one case when my car service</p> <p>16 company has a timing. If I'm not in New York</p> <p>17 City before 7:00 a.m., they will not allow me</p> <p>18 to work until 12:00 p.m. I don't know about</p> <p>19 the other, like, car services but my personal</p> <p>20 car service has this. This sometimes makes a</p> <p>21 problem, a definite problem, because if I'm</p> <p>22 let's say in traffic or something and I get</p> <p>23 late in the city, you know, I cannot work</p> <p>24 until 12:00 p.m. Uber or -- I'm basically on</p> <p>25 the behalf of Uber right now -- since I</p>	56	<p>1 Proceedings</p> <p>2 Commission to just please don't -- I would</p> <p>3 like to oppose the new rule which will stop</p> <p>4 me to make at least 5, 600 dollars a week,</p> <p>5 which is probably from a bad time. Thank</p> <p>6 you.</p> <p>7 MR. WILSON: The next person listed</p> <p>8 to speak is Muhammed Raza.</p> <p>9 MR. RAZA: Good morning, Commission.</p> <p>10 My name is Muhammed Raza and I'm licensed for</p> <p>11 TLC for more than 11 years and I'm working</p> <p>12 with the Carmel Car Service for more than 4</p> <p>13 years now and they -- the way I look at it,</p> <p>14 the reason why I want to drive with two bases</p> <p>15 because of my freedom, my flexibility, my</p> <p>16 hours, my eligibility, and everything. I</p> <p>17 have a family to feed and the way the new</p> <p>18 system works, the way the Carmel and the TLC</p> <p>19 combined, I get happy to be able to feed my</p> <p>20 family, I get happy -- I have more hours --</p> <p>21 less hours with more money, so I could spend</p> <p>22 time with my family. If I work with Carmel,</p> <p>23 just one company called Carmel, I won't have</p> <p>24 that much freedom, I won't have that much</p> <p>25 flexibility to say, okay, I can make enough</p>
55	<p>1 Proceedings</p> <p>2 started working with Uber, that helped me a</p> <p>3 lot. If I have multiple options, that</p> <p>4 obviously makes me help make money for my</p> <p>5 family. Since I'm an owner/operator, I have</p> <p>6 expenses.</p> <p>7 Most of the car service companies in</p> <p>8 the city, they don't deal with the drivers as</p> <p>9 regular employees in the sense that they</p> <p>10 don't give you any benefits. They don't</p> <p>11 have -- I don't have Workers' Compensation.</p> <p>12 I don't know the details but regular -- any</p> <p>13 kind of benefit -- let's say if your car's</p> <p>14 broke down, if you have a small accident,</p> <p>15 they don't cover you. They just take another</p> <p>16 driver, they dispatch job to the other</p> <p>17 drivers. They don't actually care about you.</p> <p>18 So being -- having the ability to work with</p> <p>19 multiple dispatch actually helps us feel more</p> <p>20 relaxed, more comfortable working, putting</p> <p>21 less hours. Instead of 16 hours, I can work</p> <p>22 probably 12 hours and make the same money.</p> <p>23 So this is definitely a good thing for the</p> <p>24 drivers and especially the owner/operators</p> <p>25 just like me. And I would like the Taxi</p>	57	<p>1 Proceedings</p> <p>2 earning to say I could survive and spend time</p> <p>3 to feed myself, my family.</p> <p>4 And I live most of the time in Long</p> <p>5 Island. Most of the time they want -- the</p> <p>6 reason why I'm saying to myself I want to</p> <p>7 drive for two companies, that most of the</p> <p>8 times that they don't have jobs in Long</p> <p>9 Island, so I would come to the city just to</p> <p>10 start working with Carmel. With Uber I have</p> <p>11 that opportunity to start with Long Island</p> <p>12 and start working my shift. I'm working with</p> <p>13 Uber for almost two months now and I'm happy</p> <p>14 to proudly say that I make over \$10,000 just</p> <p>15 to work on a side company -- thank you --</p> <p>16 just to work with Uber, not with Carmel as</p> <p>17 well.</p> <p>18 (Noise from the crowd.)</p> <p>19 COMM. DEARCY: Can you quiet down in</p> <p>20 the back so that he can speak, please?</p> <p>21 MR. RAZA: If I just work with</p> <p>22 Carmel, I won't be able to have that much</p> <p>23 money in my pocket, opportunity that I have</p> <p>24 with me right now. So if you can just able</p> <p>25 to just stay with the (inaudible) of the</p>

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58	<p>1 Proceedings</p> <p>2 driver, we'd really appreciate it. Thank</p> <p>3 you.</p> <p>4 (Applause.)</p> <p>5 MR. WILSON: The next speaker is</p> <p>6 Saeed Amwar.</p> <p>7 MR. AMWAR: Good morning,</p> <p>8 Commissioner. My name is Saeed Amwar. The</p> <p>9 TLC's proposed rule would put drivers like me</p> <p>10 at the mercy of the base owner. I swear to</p> <p>11 God, I'm already on the mercy of the base</p> <p>12 owner. They tell me what time to work, what</p> <p>13 time to go home, when to stop, where to stop.</p> <p>14 If I'm sitting in midtown, they force me to</p> <p>15 go downtown. If I'm downtown, they force me</p> <p>16 to go to midtown. If I don't go there, they</p> <p>17 take me off the list for 45 minutes. Now I'm</p> <p>18 sitting in midtown 45 minutes. And the TLC</p> <p>19 officer and the traffic guy officer come</p> <p>20 after me. I'm like their number one enemy.</p> <p>21 Trust me.</p> <p>22 (Applause.)</p> <p>23 MR. AMWAR: The ten private cars</p> <p>24 there, they're not going to go to them.</p> <p>25 They're going to come to me. The proposed</p>	60	<p>1 Proceedings</p> <p>2 Commissioners, Chair Joshi. Good to see you.</p> <p>3 COMM. MARINO: What is your name</p> <p>4 again, please?</p> <p>5 MR. ESTRADA: David Estrada. I'm the</p> <p>6 Vice President of Government Relations at</p> <p>7 Lyft.</p> <p>8 We at Lyft, we were thrilled to</p> <p>9 launch in New York City just several months</p> <p>10 ago, and after a rough, admittedly rough</p> <p>11 start, we were extremely excited to get</p> <p>12 launched under a set of rules which were</p> <p>13 explained to us, and now the rules are going</p> <p>14 to be changed.</p> <p>15 I just want to explain we only want</p> <p>16 to talk about the one rule that would require</p> <p>17 us to go get permission from another</p> <p>18 black-car base, so our black-car base getting</p> <p>19 permission from another black-car base to</p> <p>20 dispatch drivers affiliated with them. And</p> <p>21 let's assume that that base is Uber, which,</p> <p>22 by the way, Uber has already made quite clear</p> <p>23 to us that we need not come ask them for an</p> <p>24 agreement. It's not going to happen. So we</p> <p>25 have to change our business entirely.</p>
59	<p>1 Proceedings</p> <p>2 rules -- many TLC rules have nothing to do</p> <p>3 with the safety of myself and consumer.</p> <p>4 Working with the multiple bases and the base</p> <p>5 owner knows if they throw me off from the</p> <p>6 list, I can go somewhere else and get more</p> <p>7 money. So they're going to stop doing that,</p> <p>8 take me from the list. If I have argument</p> <p>9 with the dispatcher and I say one "F" word,</p> <p>10 they close me down for 24 hours. I can't</p> <p>11 work for 24 hours.</p> <p>12 So please, Commissioners, I'm saying,</p> <p>13 bottom of my heart, oppose those rules. Let</p> <p>14 us -- independent operators, which we are,</p> <p>15 and we can choose who we want to work, Uber,</p> <p>16 Lyft, anybody you know. So please oppose</p> <p>17 those rules. It's good for us. This way we</p> <p>18 have more rights, consumers can have for</p> <p>19 freedom. And there's more green in my</p> <p>20 pocket, not in the Citibank and Chase Bank.</p> <p>21 (Applause.)</p> <p>22 MR. AMWAR: Thank you.</p> <p>23 MR. WILSON: The next speaker is</p> <p>24 David Estrada from Lyft.</p> <p>25 MR. ESTRADA: Good morning,</p>	61	<p>1 Proceedings</p> <p>2 I wanted to tell you what we think is</p> <p>3 going to happen from a business perspective</p> <p>4 if this rule gets passed. First, as you've</p> <p>5 heard from the drivers, the drivers are going</p> <p>6 to lose, they're going to have lots of idle</p> <p>7 time on their hands. There's a huge</p> <p>8 inefficiency that's going to be put into the</p> <p>9 system if you say drivers get walled off and</p> <p>10 are controlled by a base and passengers may</p> <p>11 not be going and calling that base and you</p> <p>12 have drivers sitting on their hands. If</p> <p>13 drivers have freedom, passengers, no matter</p> <p>14 which base they like to get dispatched from,</p> <p>15 can have a pool of drivers to come get them.</p> <p>16 Drivers make more money, passengers get</p> <p>17 picked up more quickly.</p> <p>18 Local bases lose. Ironically, local</p> <p>19 bases are very much in favor of pushing this</p> <p>20 rule and I've been asking them, do they not</p> <p>21 see what is going to happen? And here's what</p> <p>22 I think is going to happen: We are going to</p> <p>23 be forced to go lure drivers to leave the</p> <p>24 local bases and to affiliate with us because</p> <p>25 we'll have no drivers and we have to worry</p>



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62	<p style="text-align: center;">Proceedings</p> <p>1 about whether others are going to agree with 2 us. Right? So we go and we lure these 3 drivers with bonus payments, they come to us 4 for the bonus payments, and then a larger 5 player lures the drivers away from us. At 6 the end of the day, the largest player -- I 7 will not name names -- the largest player who 8 is the most well-capitalized, even though 9 they don't like this rule, they're 10 incentivized by this rule to pay very, very 11 large bonus payments to get enough drivers to 12 affiliate with them, because as you've heard 13 them say, they have thousands of drivers 14 they're going to lose out on. And in order 15 for them to be able to keep dispatching those 16 drivers, they're going to have to go pay 17 drivers to leave their existing bases and 18 come work for them. And that is a company 19 that wants to grow and grow and grow as we 20 all do. And if you want to grow and grow and 21 grow, ultimately, you want all of the 22 drivers. 23 What happens when a monopoly is 24 formed? Terrible practice that consumers 25</p>	64	<p style="text-align: center;">Proceedings</p> <p>1 take care of that. If they don't follow the 2 rules, if they don't compensate drivers like 3 they're supposed to, let's look for a driver 4 class action to take care of that. Thank 5 you. 6 CHAIR JOSHI: Thank you very much. 7 COMM. POLANCO: Mr. Estrada, what's 8 your position with the trip records? 9 MR. ESTRADA: I support the rules for 10 the trip records. 11 COMM. POLANCO: As written? 12 MR. ESTRADA: Do I support it as 13 written? 14 MS. DELMERE: We'd like there to be 15 some -- we think that -- so I'm Diana Delmere 16 (phonetic). I'm a (inaudible). I've met a 17 couple of you. 18 So I think ideally we think there 19 might -- you know, there could be other 20 ways -- we agree there could be other ways to 21 do this and still have the accountability but 22 if -- we understand that this is the way the 23 TLC wants to do it, to collect the trip 24 records centrally, and that's fine. We 25</p>
63	<p style="text-align: center;">Proceedings</p> <p>1 have to pay higher prices because a monopoly 2 naturally leads to -- guess what -- I don't 3 have competition anymore. I get to raise my 4 prices. 5 (Applause.) 6 MR. ESTRADA: Now, here's the great 7 news. This is completely unnecessary. This 8 rule -- 9 CHAIR JOSHI: I apologize, but I did 10 make a strict red light. 11 MR. ESTRADA: I got seven seconds 12 left. 13 CHAIR JOSHI: Okay. You've got seven 14 seconds. 15 MR. ESTRADA: The rule is 16 unnecessary. Please take a look at our 17 papers. The Black Car Fund is in fact 18 required to compensate a driver in an injury 19 if we dispatch them and they're affiliated 20 with another base. There's a rule, and we 21 cited the rule in our papers, and there's 22 binding case law that says they're required. 23 So they come and say, "We might not do it." 24 If they don't do it, let's let litigation 25</p>	65	<p style="text-align: center;">Proceedings</p> <p>1 understand because it's the way of the TPEP 2 and the LPEP systems work, so it would be 3 consistent. I think the only thing we're 4 concerned about is there was conversation 5 about there are other agencies, other State 6 and City Agencies, that have put in their 7 rules some way that the FOIL request 8 responses sort of encapsulate protections for 9 an automatic system for if there's, you know, 10 confidential business information that could 11 be disclosed and disclosing large amounts of 12 records at one time. And so I think it would 13 be useful to look at what those other 14 agencies have done to do that, just to 15 prevent against if you end up disclosing 16 something that the company thinks is 17 confidential, then there's going to be all 18 this litigation, or if you want to and you 19 have to ask them to sort of assert it. So I 20 just think there might be an efficient way to 21 do both, for the TLC to get the records and 22 also to avoid it being a case-by-case fight. 23 CHAIR JOSHI: Can I ask on that one 24 point if there are other New York City and 25</p>

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66	<p>1 Proceedings</p> <p>2 State Agencies that you're referring to, then</p> <p>3 it will be helpful if you sent us those</p> <p>4 names.</p> <p>5 MS. DELMERE: Okay. I'll do that.</p> <p>6 COMM. MARINO: Madam Chair, I just</p> <p>7 had one quick question. Mr. Estrada</p> <p>8 mentioned his papers. Do we have those?</p> <p>9 CHAIR JOSHI: Yes, we have those.</p> <p>10 They were e-mailed to you last night after I</p> <p>11 received them.</p> <p>12 COMM. MARINO: Thank you. I have not</p> <p>13 had a chance to look at those yet.</p> <p>14 MR. ESTRADA: Please do.</p> <p>15 I wanted to answer also one</p> <p>16 particular answer in response to the data.</p> <p>17 We actually thought it was a very good idea</p> <p>18 to supply electronic records because we</p> <p>19 recognize the importance of getting</p> <p>20 information quickly about a trip that has</p> <p>21 occurred where an accident's occurred, and</p> <p>22 you need to know who did the dispatch. And</p> <p>23 we think that actually us supplying the</p> <p>24 records directly to the TLC electronically</p> <p>25 quickly allows you to get the information you</p>	68	<p>1 Proceedings</p> <p>2 integrates new technology. Because of time</p> <p>3 constraints, I cannot fully address all of</p> <p>4 the comments that the BCAC and the Fund</p> <p>5 submitted and do refer the Commission to our</p> <p>6 full submission which I e-mailed to you</p> <p>7 yesterday. Here I would like to highlight</p> <p>8 some key points.</p> <p>9 First, we agree with the TLC that</p> <p>10 bases should be permitted only to dispatch a</p> <p>11 vehicle affiliated with the class of FHV</p> <p>12 base. This rule protects the driver and is</p> <p>13 appropriate for Workers' Compensation and</p> <p>14 insurance reasons. This is not only the</p> <p>15 opinion of the Black Car Fund but it is the</p> <p>16 opinion of the New York State Workers'</p> <p>17 Compensation Board as well.</p> <p>18 Second, we agree with the TLC that no</p> <p>19 base should dispatch another base's vehicles</p> <p>20 without an agreement between the bases. This</p> <p>21 will facilitate the dispatch process and</p> <p>22 protect the affiliated base and payment to</p> <p>23 the Black Car Fund. In fact, the BCAC</p> <p>24 advocates to make it even easier for drivers</p> <p>25 to obtain additional work by adding a</p>
67	<p>1 Proceedings</p> <p>2 need and it actually supports the openness of</p> <p>3 us being able to dispatch drivers who are</p> <p>4 affiliated with other bases as opposed to you</p> <p>5 having to go to that base to get the</p> <p>6 information.</p> <p>7 COMM. JIHA: Let me ask you a quick</p> <p>8 question. Are you saying that Workers' Comp.</p> <p>9 under the Black Car Fund is portable?</p> <p>10 MR. ESTRADA: I'm saying they're</p> <p>11 specifically required to compensate any</p> <p>12 driver who is TLC-licensed when the driver</p> <p>13 has been dispatched by a licensed base and</p> <p>14 that base for that trip is paying into the</p> <p>15 Black Car Fund.</p> <p>16 Thank you.</p> <p>17 MR. WILSON: Thank you. The next</p> <p>18 speaker I have listed is Ira Goldstein.</p> <p>19 MR. GOLDSTEIN: Good morning,</p> <p>20 Commissioners. I'm Ira Goldstein, and on</p> <p>21 behalf of the Black Car Assistance Corp. and</p> <p>22 the New York Black Car Fund, I want to thank</p> <p>23 the TLC for this opportunity to comment on</p> <p>24 its proposed amendments to the for-hire</p> <p>25 vehicle dispatch rules as our industry</p>	69	<p>1 Proceedings</p> <p>2 provision to the proposed rules which would</p> <p>3 allow an affiliated base to issue a type of</p> <p>4 blanket authorization to any number of other</p> <p>5 black car bases so long as it accepts the</p> <p>6 corresponding liabilities with that dispatch</p> <p>7 job. Details are provided as well in the</p> <p>8 e-mail that I sent you.</p> <p>9 Third, we are deeply concerned about</p> <p>10 the TLC's requirement that the inter-base</p> <p>11 agreement address the liability a base faces</p> <p>12 in the event of a crash. That requirement</p> <p>13 assumes that either an affiliated or a</p> <p>14 dispatch base has some legal liability</p> <p>15 related to a crash as a matter of law. That</p> <p>16 directly contradicts the law in New York and</p> <p>17 New Jersey. Going back to the birth of the</p> <p>18 black-car industry in the mid 1980s, in every</p> <p>19 case which has decided the issue, black-car</p> <p>20 drivers are deemed to be independent</p> <p>21 contractors of the base and never has a court</p> <p>22 found that a black-car driver is an employee</p> <p>23 of the base or that the base has liability</p> <p>24 under the theory of respondeat superior as a</p> <p>25 matter of law. The TLC has amended the rules</p>

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70	<p>1 Proceedings</p> <p>2 to delete one of the troubling paragraphs</p> <p>3 from The Statement of Basis and Purpose. We</p> <p>4 would just request that there was one other</p> <p>5 paragraph that should be deleted to remain</p> <p>6 consistent with that ultimate purpose. And</p> <p>7 again, we refer that in the full memo that we</p> <p>8 sent you.</p> <p>9 Finally, our last set of comments is</p> <p>10 based on fairness and accountability. The</p> <p>11 Staff recently amended Section 59B-26(a)</p> <p>12 clarifying that the dispatch base, not the</p> <p>13 affiliated base, is responsible for</p> <p>14 dispatching a vehicle that is not current in</p> <p>15 its inspection requirement. The TLC Rules</p> <p>16 and the TLC's interpretation of the rules</p> <p>17 should make clear in all other instances</p> <p>18 where there is a question of liability</p> <p>19 between an affiliated base or a dispatching</p> <p>20 base that the penalty or fine associated with</p> <p>21 the dispatch of the vehicle or the operation</p> <p>22 of that vehicle should be placed on the base</p> <p>23 responsible for that dispatch.</p> <p>24 CHAIR JOSHI: Sorry to interrupt,</p> <p>25 Ira, you're also at the red light.</p>	72	<p>1 Proceedings</p> <p>2 been proposed here and asserted that a driver</p> <p>3 working for two bases of the same class will</p> <p>4 not be denied coverage by the fund?</p> <p>5 MR. GOLDSTEIN: You are correct.</p> <p>6 They will not be denied. If a black-car</p> <p>7 base, as long as it's a black-car base</p> <p>8 dispatching a black-car vehicle, if it's</p> <p>9 working for multiple bases, it would be</p> <p>10 covered.</p> <p>11 COMM. CARONE: Thank you. And the</p> <p>12 second question is I'm trying to understand</p> <p>13 your proposed amendment to the regulation</p> <p>14 dealing with the agreements. It sounds like</p> <p>15 you're agreeing with what's proposed but I'm</p> <p>16 not yet wrapping my arms around what you mean</p> <p>17 by "blanket agreement." Are you saying that</p> <p>18 the fund would have an agreement with all of</p> <p>19 the bases and there's a general agreement</p> <p>20 from the fund? Or is it still an agreement</p> <p>21 from base to base? I'm not fully</p> <p>22 comprehending.</p> <p>23 MR. GOLDSTEIN: It would still be</p> <p>24 from base to base. I can represent to you</p> <p>25 that the majority of the BCAC members do want</p>
71	<p>1 Proceedings</p> <p>2 MR. GOLDSTEIN: If I can half a</p> <p>3 minute, I encouraged my members not to come</p> <p>4 here and pile on. I'm the only one here from</p> <p>5 the industry. May I finish?</p> <p>6 CHAIR JOSHI: Yes.</p> <p>7 MR. GOLDSTEIN: Thank you. If the</p> <p>8 TLC believes that the rules as they now</p> <p>9 already exist, that burden to the base</p> <p>10 responsible for the dispatch and that further</p> <p>11 clarification of that responsibility and</p> <p>12 imposition of liability is already contained</p> <p>13 in the existing rules, I ask that the TLC</p> <p>14 state so on the record at this hearing.</p> <p>15 Otherwise, I ask the Commission to review our</p> <p>16 proposed changes submitted to the TLC.</p> <p>17 On behalf of the BCAC and the Black</p> <p>18 Car Fund, I thank you for your time and</p> <p>19 consideration.</p> <p>20 COMM. CARONE: Good morning, Ira. I</p> <p>21 just have two questions for you and I'll ask</p> <p>22 them both and then you can answer them as</p> <p>23 best you see fit.</p> <p>24 The first has to do with Workers'</p> <p>25 Comp. coverage. Do you agree with what has</p>	73	<p>1 Proceedings</p> <p>2 to enter into agreements with the other</p> <p>3 bases, and I think under the circumstances --</p> <p>4 I will use names -- Uber and Lyft -- to allow</p> <p>5 the drivers to get additional work. I can't</p> <p>6 tell you that every one of the members is but</p> <p>7 I can tell you that a large majority in our</p> <p>8 conversations has stated that they would.</p> <p>9 And it's not that the members are being such</p> <p>10 great guys. They just think it's a business</p> <p>11 model that works now, that if they try to</p> <p>12 just keep the drivers to themselves and they</p> <p>13 have downtime, they feel they may ultimately</p> <p>14 lose that driver from affiliating with them.</p> <p>15 So like I said, the large majority of my</p> <p>16 members are willing to let the drivers work</p> <p>17 for another base.</p> <p>18 (Applause.)</p> <p>19 COMM. MARINO: Regarding the Workers'</p> <p>20 Comp., just so I understand, so black car to</p> <p>21 black car or livery to livery there's</p> <p>22 coverage, but when you're crossing classes</p> <p>23 there is not. And you're saying this is a</p> <p>24 New York State -- this comes from the State</p> <p>25 regulations?</p>

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<p style="text-align: right;">74</p> <p>1 Proceedings</p> <p>2 MR. GOLDSTEIN: Oh, as the rules were</p> <p>3 originally intended and under our plan of</p> <p>4 operation. The one thing, which I will just</p> <p>5 to clarify, that was mentioned by Josh Mohrer</p> <p>6 from Uber, there is one base that I know of</p> <p>7 that is classified as a livery base under TLC</p> <p>8 Rules but they still meet the requirements as</p> <p>9 a base, not picking and choosing individual</p> <p>10 drivers, of the State Law requirements to be</p> <p>11 a member of the fund, because there's</p> <p>12 basically two requirements, that they do</p> <p>13 90 percent or more of their business on a</p> <p>14 non-cash basis and that the base owns less</p> <p>15 than half their vehicles. If you meet those</p> <p>16 requirements in New York State, the fund must</p> <p>17 take you as a member. If you do not meet</p> <p>18 those requirements --</p> <p>19 COMM. MARINO: And must provide</p> <p>20 Workers' Comp. in the event of an accident.</p> <p>21 MR. GOLDSTEIN: Yes. And if you do</p> <p>22 not meet those requirements, we cannot take</p> <p>23 you. So there's no discretion on the part of</p> <p>24 the fund on that.</p> <p>25 So just to clarify, it is true that</p>	<p style="text-align: right;">76</p> <p>1 Proceedings</p> <p>2 are doing cash business so they're not coming</p> <p>3 anywhere near the 90 percent.</p> <p>4 COMM. MARINO: And that's not your</p> <p>5 rule, that's a New York State rule?</p> <p>6 MR. GOLDSTEIN: Yes, that's State Law</p> <p>7 Executive Law.</p> <p>8 CHAIR JOSHI: Thank you.</p> <p>9 MR. WILSON: The next speaker is</p> <p>10 Richard Thaler.</p> <p>11 MR. THALER: Chair Joshi and</p> <p>12 Commissioners, simply stated, this proposed</p> <p>13 rule depends on self-compliance with the</p> <p>14 provisions of the proposed rule for</p> <p>15 dispatching, and trip management and trip</p> <p>16 reporting by affiliated and nonaffiliated</p> <p>17 FHV's and FHV bases. The rule does not</p> <p>18 provide a means to determine if a failure to</p> <p>19 collect and transmit any trip records to the</p> <p>20 Commission as required in Section 59B-19(a)</p> <p>21 has occurred. There's no mechanism in the</p> <p>22 proposed rule to ensure compliance, detect a</p> <p>23 violation or provide enforcement.</p> <p>24 A solution to this oversight must</p> <p>25 require that all passenger mobile FHV</p>
<p style="text-align: right;">75</p> <p>1 Proceedings</p> <p>2 there is one livery base but we would not</p> <p>3 cover livery drivers dispatched by a</p> <p>4 black-car base.</p> <p>5 COMM. MARINO: But if that one livery</p> <p>6 base doesn't meet those two elements, from</p> <p>7 your knowledge, what is the position of the</p> <p>8 majority of the bases? Do most of them meet</p> <p>9 those two requirements?</p> <p>10 MR. GOLDSTEIN: The majority of which</p> <p>11 bases?</p> <p>12 COMM. MARINO: All the bases. I</p> <p>13 mean, I'm just, with the cross --</p> <p>14 MR. GOLDSTEIN: Which category?</p> <p>15 COMM. MARINO: The 50-percent and --</p> <p>16 or 90 percent you said has to be a non-cash</p> <p>17 basis and 50 percent have to be based on</p> <p>18 cars.</p> <p>19 MR. GOLDSTEIN: All members of Black</p> <p>20 Car Fund do. They have to otherwise they</p> <p>21 can't be a member of the fund.</p> <p>22 COMM. MARINO: And do you know of the</p> <p>23 livery or you don't know that? That's not</p> <p>24 within your knowledge?</p> <p>25 MR. GOLDSTEIN: The large majority</p>	<p style="text-align: right;">77</p> <p>1 Proceedings</p> <p>2 prearrangement apps and all driver dispatch</p> <p>3 apps provided by app vendors to FHV bases</p> <p>4 for distribution to affiliated and</p> <p>5 nonaffiliated drivers and passengers by any</p> <p>6 affiliated or nonaffiliated base to each</p> <p>7 driver must integrate with all passenger</p> <p>8 prearrangement apps in the following way:</p> <p>9 The passenger app must first search the pool</p> <p>10 of all available FHV's tracked by the</p> <p>11 distributed apps, locate an available FHV and</p> <p>12 transparently determine its affiliated base</p> <p>13 without any data or voice contact with the</p> <p>14 driver.</p> <p>15 The trip request must be forwarded to</p> <p>16 the affiliated base for either auto dispatch</p> <p>17 or call-taker access as may be required by</p> <p>18 the passenger. If for any reason an</p> <p>19 affiliated base cannot or will not provide</p> <p>20 dispatch service for any trip request</p> <p>21 instance, at the FHV base's option the</p> <p>22 affiliated base must forward the call to the</p> <p>23 nonaffiliated base under a prearranged</p> <p>24 dispatch agreement and notify the passenger</p> <p>25 by voice or messaging of the transfer under</p>

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78	<p>1 Proceedings</p> <p>2 an agreement required by the proposed rule</p> <p>3 Section 59B-17(d).</p> <p>4 Each trip record must be recorded to</p> <p>5 the affiliated FHV base's dispatch system</p> <p>6 file for storage and submission to the</p> <p>7 Commission. While the Commission places a</p> <p>8 responsibility for FHV trip record reporting</p> <p>9 on the affiliated bases, TPEP requires that</p> <p>10 the taxi trip record reporting be the</p> <p>11 responsibility of the TPEP provider.</p> <p>12 In the case of the FHV industry, it's</p> <p>13 the dispatch and passenger mobile system</p> <p>14 provider that's analogous to the TPEP</p> <p>15 provider. Therefore, the rule should</p> <p>16 require -- could require the dispatch and</p> <p>17 passenger mobile system provided to the FHV</p> <p>18 base to be responsible for submitting trip</p> <p>19 records to the TLC, not the affiliated base.</p> <p>20 If an FHV base developed the systems in</p> <p>21 house, the base would be responsible for</p> <p>22 submitting the trip records to the</p> <p>23 Commission. And since fare payment is a</p> <p>24 separate issue, there should be some means</p> <p>25 for the FHV systems provider to provide an</p>	80	<p>1 Proceedings</p> <p>2 Could be inadvertent.</p> <p>3 COMM. DEARCY: Right, it could be</p> <p>4 inadvertent. If there's a way to look into</p> <p>5 that to see if there's a way to remedy that,</p> <p>6 I just think they're fair comments.</p> <p>7 MR. WILSON: Thank you. The next</p> <p>8 speaker is Michael Simon.</p> <p>9 MR. SIMON: Good morning,</p> <p>10 Commissioners. I'm going to break the flow</p> <p>11 here a little bit. I'm a medallion owner.</p> <p>12 I've been a medallion owner for forty years.</p> <p>13 I would like to comment today.</p> <p>14 The e-hail and street hail have the</p> <p>15 same purpose, an instant signalling of a</p> <p>16 for-hire vehicle. The only difference</p> <p>17 between the two is that one uses technology</p> <p>18 and one uses the wave of the hand. But they</p> <p>19 both are hailed and they both should be</p> <p>20 exclusively for the taxi industry. To wait a</p> <p>21 few seconds or even a few minutes for a car</p> <p>22 is not prearrangement just because it is used</p> <p>23 with a smart phone.</p> <p>24 Taxis are generally defined in our</p> <p>25 society as an immediate calling or signalling</p>
79	<p>1 Proceedings</p> <p>2 Attestation of Compliance statement to the</p> <p>3 Commission and demonstrate dispatch</p> <p>4 compliance with the rule.</p> <p>5 Thank you.</p> <p>6 CHAIR JOSHI: Thank you very much.</p> <p>7 And next we have --</p> <p>8 COMM. DEARCY: May I? I have a</p> <p>9 comment in response.</p> <p>10 CHAIR JOSHI: Oh, sorry.</p> <p>11 COMM. DEARCY: Mr. Thaler, I thank</p> <p>12 you for your comments. I wanted to just</p> <p>13 point out that if the issue that you</p> <p>14 highlight in the first paragraph of your</p> <p>15 comments is accurate, and I'm not taking</p> <p>16 issue with its accuracy or not, I would just</p> <p>17 suggest that this be something that we</p> <p>18 certainly look into. It's far too technical</p> <p>19 for my brain to --</p> <p>20 MR. THALER: Understood.</p> <p>21 COMM. DEARCY: But I do think if</p> <p>22 there is a loophole in our rules that would</p> <p>23 allow someone without or knowledge to fail in</p> <p>24 compliance then we should --</p> <p>25 MR. THALER: Could be inadvertent.</p>	81	<p>1 Proceedings</p> <p>2 for a for-hire car. To believe a signal</p> <p>3 through a smart phone which summons the</p> <p>4 closest vehicle should be considered as a --</p> <p>5 should not be considered as a taxi is just</p> <p>6 semantics and deception. For an e-hail not</p> <p>7 to be considered a taxi there has to be a</p> <p>8 waiting period. If for-hire cars using</p> <p>9 e-hail are allowed to pick up passengers</p> <p>10 without any time lapse, what we are doing is</p> <p>11 just actually licensing more taxis. Why</p> <p>12 should the City of New York have such lost</p> <p>13 revenue? For every UberX car, a medallion</p> <p>14 could be sold or auctioned.</p> <p>15 Because of the type of cars that the</p> <p>16 e-hails have, black luxury sedans, and the</p> <p>17 type of vehicles that are required for taxis,</p> <p>18 taxis are at a competitive disadvantage.</p> <p>19 Taxis are also at a pricing disadvantage.</p> <p>20 Taxis have to have a fixed-price structure,</p> <p>21 whereas e-hails can manipulate their prices</p> <p>22 at any time. This is grossly unfair. Hail</p> <p>23 rights belong to yellow cabs, e-hail or the</p> <p>24 wave of the hand, for the e-hail it's nothing</p> <p>25 more than the hail with a phone. Doesn't it</p>

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82	<p>1 Proceedings</p> <p>2 matter that medallion owners purchase these</p> <p>3 rights legally and faithfully believing that</p> <p>4 the city considers us its own and vice versa.</p> <p>5 By allowing Uber with the e-hail to be</p> <p>6 unrestricted and uncontrolled, irreparable</p> <p>7 harm will be done to the taxi industry.</p> <p>8 I agree that today's rule is a good</p> <p>9 first start for the black cars, but now we</p> <p>10 need rules for Uber and to protect the taxi</p> <p>11 rights of medallions. Thank you.</p> <p>12 (Applause.)</p> <p>13 MR. WILSON: Thank you. The next</p> <p>14 speaker is Carolyn Castro from the Livery</p> <p>15 Roundtable. Is she here? Here she is, okay.</p> <p>16 MS. CASTRO: Good morning,</p> <p>17 Commissioners. I'm actually speaking on</p> <p>18 behalf of Avik Kabessa of Carmel Car &amp;</p> <p>19 Limousine Service as he is out of town today.</p> <p>20 My Dearest Commissioners, I'd like to</p> <p>21 convey my sincerest gratitude to the</p> <p>22 Commission and this administration for the</p> <p>23 proposed FHV dispatch rules. They are</p> <p>24 carefully drafted following input from the</p> <p>25 industry, and while they are simply making</p>	84	<p>1 Proceedings</p> <p>2 bases but it is only through an agreement</p> <p>3 between bases that proper customer service</p> <p>4 and reliability of service can be secured.</p> <p>5 Furthermore, the only safeguard the</p> <p>6 TLC has in order to secure a licensed driver</p> <p>7 to service the public and for proper record</p> <p>8 of all trips to be maintained is through the</p> <p>9 affiliated base.</p> <p>10 Additional, by holding the affiliated</p> <p>11 base accountable for its affiliated drivers,</p> <p>12 the TLC secures the affiliated base will only</p> <p>13 partner with licensed bases and/or app.</p> <p>14 So I not only commend but thank the</p> <p>15 Commission for taking these dispatch rules</p> <p>16 seriously. Sincerely, Dr. Avik Kabessa.</p> <p>17 Thank you.</p> <p>18 (Applause.)</p> <p>19 MR. WILSON: The next speaker is</p> <p>20 Tarek Mallah.</p> <p>21 (Noise from the crowd.)</p> <p>22 MALE SPEAKER: That's not going to</p> <p>23 work. Everyone needs to be respectful of</p> <p>24 everybody else. If you can't be respectful,</p> <p>25 you'll be asked to leave. Okay? Thank you</p>
83	<p>1 Proceedings</p> <p>2 into law practices that existed in the last</p> <p>3 30 years, they also allow for new business</p> <p>4 models to come in.</p> <p>5 The current situation where one base</p> <p>6 can dispatch to drivers of another base</p> <p>7 without an agreement between the two bases is</p> <p>8 worse than the Wild West. The consequences</p> <p>9 of the current situation are no longer</p> <p>10 speculations. They are facts. There isn't a</p> <p>11 day since July where we do not receive a call</p> <p>12 from a passenger regarding a lost item or a</p> <p>13 fare dispute on a ride we never dispatched</p> <p>14 from a base we never worked with. An Uber</p> <p>15 customer, for example, that entered a Carmel</p> <p>16 car not knowing that Uber and Carmel are not</p> <p>17 connected called Carmel for solutions and we</p> <p>18 had no way of helping them because we have no</p> <p>19 relationship with Uber to know what the</p> <p>20 customer was talking about. Almost every day</p> <p>21 since July we are experiencing customers that</p> <p>22 are left stranded because the driver got a</p> <p>23 better offer five minutes before the original</p> <p>24 ride is supposed to take place. Bases should</p> <p>25 be able to dispatch to drivers from other</p>	85	<p>1 Proceedings</p> <p>2 very much.</p> <p>3 MR. MALLAH: Good morning,</p> <p>4 Commissioners. Good morning, Ms. Chair. It</p> <p>5 is often we come to an agreement but this one</p> <p>6 is even further of an agreement that this is</p> <p>7 the proper and respectful way to continue to</p> <p>8 conduct business, serve our customers and</p> <p>9 serve our valued drivers and uphold the laws</p> <p>10 and regulations that without them we would</p> <p>11 not be able to continue to serve. I'm sorry.</p> <p>12 The distraction is still getting to me. So I</p> <p>13 apologize.</p> <p>14 The progression and innovation and</p> <p>15 development of the human race from day one</p> <p>16 has always gone with building sound rules and</p> <p>17 regulations. Whether we call them religions,</p> <p>18 rules, laws, they're still the same.</p> <p>19 Coming in today, and I find it</p> <p>20 grossly insulting from some of my fellow --</p> <p>21 and I use that term loosely because they're</p> <p>22 refusing to accept the fact that they are</p> <p>23 fellow companies and fellow business</p> <p>24 people -- not willing to earn and work hard,</p> <p>25 or work easy or smart, to get to the same</p>

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<p style="text-align: right;">86</p> <p>1 Proceedings</p> <p>2 situation that our hardworking drivers,</p> <p>3 business owners, affiliates, regulators, have</p> <p>4 worked for years to build. It takes time to</p> <p>5 build a business or it takes a lot of money.</p> <p>6 But at the same time, you should be able to</p> <p>7 do the same. I find it insulting that we get</p> <p>8 some large business and large money that come</p> <p>9 and claim we're only doing this for the</p> <p>10 benefit of the drivers. The fact is every</p> <p>11 single business and every single large</p> <p>12 multibillion or multimillion company that</p> <p>13 comes in today has one intention. It is to</p> <p>14 make profit and be a successful business. So</p> <p>15 let's stop with that and let's call it the</p> <p>16 way it is.</p> <p>17 The drivers, if we are all concerned</p> <p>18 about one factor, maximizing the drivers'</p> <p>19 ability to make a living, it is through</p> <p>20 coordination, not through bidding. It is</p> <p>21 not. Today, as one of the competitors</p> <p>22 mentioned about the other, it's a very easy</p> <p>23 thing to walk into the market and add a very</p> <p>24 large bonus of money, of nobody's money, and</p> <p>25 acquire a driver or lure in a driver.</p>	<p style="text-align: right;">88</p> <p>1 Proceedings</p> <p>2 MR. MALLAH: I apologize. The last</p> <p>3 very statement I wanted to say is we forget</p> <p>4 that the drivers do have an option. They can</p> <p>5 exercise that option for a cost of \$25 of</p> <p>6 re-affiliating. If a company that you don't</p> <p>7 like to work with or affiliate with or</p> <p>8 receive the specials from, I highly suggest</p> <p>9 any individual driver it is a very easy</p> <p>10 process, as the TLC knows very well, to leave</p> <p>11 that company and work for somebody else.</p> <p>12 Thank you very much.</p> <p>13 (Applause.)</p> <p>14 MR. WILSON: Mr. Mallah, there was a</p> <p>15 question for you.</p> <p>16 COMM. DEARCY: In listening to your</p> <p>17 comments, there was some reference to the</p> <p>18 cost with respect to operating your</p> <p>19 businesses. I had made a reference when the</p> <p>20 Uber representative was up regarding the cost</p> <p>21 and labor to establish and run a livery</p> <p>22 operation. Can you speak to that? Because I</p> <p>23 certainly don't want to speak out of turn,</p> <p>24 and you referenced it, if you can put some</p> <p>25 color on that topic in terms of the cost</p>
<p style="text-align: right;">87</p> <p>1 Proceedings</p> <p>2 The challenge is how to provide and</p> <p>3 how to maximize the time of that driver and</p> <p>4 be able to provide the service to the</p> <p>5 customer. But we can only see this through</p> <p>6 coordination. If we're talking about the</p> <p>7 drivers taking the peak time when there is</p> <p>8 already demand, when they already have a job,</p> <p>9 and offering them a higher yielding job,</p> <p>10 that's not maximizing his time. That's</p> <p>11 putting a driver in a bidding situation that</p> <p>12 may be unfair to the driver himself.</p> <p>13 So let's keep it the way suggested.</p> <p>14 Let's work on coordination. The businesses</p> <p>15 that want to work together can compete and</p> <p>16 can work and can collaborate. The companies</p> <p>17 that have enough work and don't need to</p> <p>18 collaborate with somebody else and have</p> <p>19 served their communities and serviced</p> <p>20 adequately can continue to do this.</p> <p>21 CHAIR JOSHI: Thank you very much.</p> <p>22 MR. MALLAH: Am I running out? I ran</p> <p>23 out?</p> <p>24 CHAIR JOSHI: Yeah. The clock is</p> <p>25 exacting today.</p>	<p style="text-align: right;">89</p> <p>1 Proceedings</p> <p>2 associated and the time associated with</p> <p>3 establishing a vibrant livery base. I don't</p> <p>4 know how large your company is in terms of</p> <p>5 cars.</p> <p>6 MR. MALLAH: With pleasure. Our</p> <p>7 company, our business today, with all three</p> <p>8 bases we have is about 950, give or take a</p> <p>9 driver or two, depends on who's being lured</p> <p>10 today or not, 950 drivers. We work -- the</p> <p>11 head office is in Long Island City. We have</p> <p>12 moved about six years ago to find a more</p> <p>13 suitable facility to comply with the Rules</p> <p>14 and Regulations of the TLC, providing</p> <p>15 off-street parking, providing an adequate and</p> <p>16 healthy place for our call center and our</p> <p>17 drivers to come in and work. The commitment</p> <p>18 that we took being 37 years in business is</p> <p>19 for exactly that. We are here to stay. We</p> <p>20 made the commitment. We followed the rules.</p> <p>21 We have found the right zoning area to</p> <p>22 purchase a building. We did not</p> <p>23 hypothetically pick up a beautiful place in</p> <p>24 Chelsea that looks good.</p> <p>25 COMM. DEARCY: I don't mean to cut</p>

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90	<p>1 Proceedings</p> <p>2 you off, but, yes, I do.</p> <p>3 MR. MALLAH: Money-wise?</p> <p>4 COMM. DEARCY: Yes.</p> <p>5 MR. MALLAH: Money-wise it could be</p> <p>6 as simple as -- and as a member of the Livery</p> <p>7 Roundtable, if I'm speaking for Dial 7,</p> <p>8 Dial 7 chooses to put a large investment of</p> <p>9 multimillion dollars into a building. But</p> <p>10 that is the asset of the building. Could we</p> <p>11 run an office today with \$5,000 or rent in a</p> <p>12 place in Long Island City? We know we have</p> <p>13 600 bases, about 600 livery bases, that do</p> <p>14 this every day and they find the appropriate</p> <p>15 place for them to work. So to your point,</p> <p>16 Commissioner --</p> <p>17 COMM. DEARCY: No, I meant -- I don't</p> <p>18 know if I've asked the question clearly</p> <p>19 enough. I suspect I have not. Are there</p> <p>20 costs associated with you recruiting and</p> <p>21 retaining drivers? I'm talking about that</p> <p>22 speak to the cost dispatch.</p> <p>23 MR. MALLAH: Oh, yes, absolutely. We</p> <p>24 advertise, we recruit, we offer programs that</p> <p>25 would help our drivers join our company. How</p>	92	<p>1 Proceedings</p> <p>2 is a large staff and it is a large cost.</p> <p>3 Does that answer the question?</p> <p>4 CHAIR JOSHI: 900 vehicles?</p> <p>5 MR. MALLAH: 950-some.</p> <p>6 CHAIR JOSHI: I actually have a</p> <p>7 question for Lyft since you're still here.</p> <p>8 How many vehicles are associated with the</p> <p>9 base that you own?</p> <p>10 MS. DELMERE: Just to be clear, are</p> <p>11 we talking about livery vehicles?</p> <p>12 CHAIR JOSHI: Any. You're a vehicle</p> <p>13 black-car base. I know there's a difference.</p> <p>14 I'm just curious now because we're talking</p> <p>15 about the cost associated with vehicle</p> <p>16 affiliation.</p> <p>17 MS. DELMERE: Affiliated with our</p> <p>18 base?</p> <p>19 CHAIR JOSHI: Yes, affiliated with</p> <p>20 your base. How many vehicles?</p> <p>21 MR. ESTRADA: So to our current</p> <p>22 knowledge, instead of 950 we have about 10.</p> <p>23 CHAIR JOSHI: 10 vehicles affiliated?</p> <p>24 MR. ESTRADA: Yes.</p> <p>25 CHAIR JOSHI: And what percentage of</p>
91	<p>1 Proceedings</p> <p>2 much is that per driver; is that the</p> <p>3 question?</p> <p>4 COMM. DEARCY: I don't know if you</p> <p>5 have a ballpark.</p> <p>6 MR. MALLAH: Not less than \$10,000 of</p> <p>7 an acquisition.</p> <p>8 CHAIR JOSHI: So is also the</p> <p>9 question, is there a cost associated for</p> <p>10 every vehicle affiliated with the base?</p> <p>11 COMM. DEARCY: I'm trying to get a</p> <p>12 clear picture of the cost associated with</p> <p>13 your (inaudible).</p> <p>14 MR. MALLAH: Sure. Our base has 12</p> <p>15 staff members. I'm talking about Dial 7. So</p> <p>16 our Dial 7 alone has 12 staff members that</p> <p>17 deals with accountability rules alone between</p> <p>18 going through the markings, the condition of</p> <p>19 the vehicles, the nonphysical safety as in</p> <p>20 compliance with the TLC Rules, is the camera</p> <p>21 working, the license upgrades. We have to</p> <p>22 check the license on a daily basis for 950,</p> <p>23 the cleanliness, the service, the customer</p> <p>24 complaints department, the maintenance of the</p> <p>25 drivers' complaints about the intentions. It</p>	93	<p>1 Proceedings</p> <p>2 your dispatchers are fulfilled by vehicles</p> <p>3 that are affiliated with your base?</p> <p>4 MR. ESTRADA: What percentage?</p> <p>5 CHAIR JOSHI: Of your dispatchers are</p> <p>6 fulfilled by vehicles that are affiliated</p> <p>7 with your base?</p> <p>8 MR. ESTRADA: A very small percentage</p> <p>9 given that hundreds have signed up to perform</p> <p>10 runs.</p> <p>11 CHAIR JOSHI: Thanks. Are there any</p> <p>12 more questions?</p> <p>13 MR. MALLAH: Commissioner DeArcy, did</p> <p>14 I answer your question?</p> <p>15 COMM. DEARCY: You did. We're not</p> <p>16 voting today. I may have an additional</p> <p>17 question and I'll follow up with you.</p> <p>18 MR. MALLAH: Yes, ma'am.</p> <p>19 MR. WILSON: And the next speaker is</p> <p>20 Cira Angeles.</p> <p>21 MS. ANGELES: Good morning,</p> <p>22 Commissioner Joshi and Commissioners and</p> <p>23 everybody else. Good morning. My name is</p> <p>24 Cira Angeles from the Livery Base Owners.</p> <p>25 The rules that we have before us today</p>



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<p style="text-align: right;">94</p> <p>1                    Proceedings</p> <p>2            basically come to clarify that we can compete</p> <p>3            under the same set of rules. So we can</p> <p>4            compete, assuring not only that the driver</p> <p>5            can make money, because I hear that, yes, it</p> <p>6            is good to make money, it is good to have an</p> <p>7            additional income, and I think we are as an</p> <p>8            association and as an the industry, we want</p> <p>9            to make sure that our drivers make money. We</p> <p>10           are community-based. And I believe that the</p> <p>11           difference between having technology is that</p> <p>12           contact that we have with our community.</p> <p>13           That makes us different because we service a</p> <p>14           group of people from a specific place that</p> <p>15           respect what we do. And families and</p> <p>16           families before us are doing this.</p> <p>17           We comply with the rules because</p> <p>18           there's two key components of the compliance</p> <p>19           of these rules. One is our passenger, our</p> <p>20           commitment to safety. And the second one,</p> <p>21           which is our first client, is the driver. We</p> <p>22           need to make sure that while the driver makes</p> <p>23           money and finds ways through technology to</p> <p>24           make money, he is assured that when an</p> <p>25           incident happens, especially in our industry</p>	<p style="text-align: right;">96</p> <p>1                    Proceedings</p> <p>2                    By having everything documented, by</p> <p>3            having agreements, business agreements, that</p> <p>4            we can all abide, one set of rules, we are</p> <p>5            not only accomplishing the business</p> <p>6            perspective part of it but we are also</p> <p>7            assuring that the public is safe while our</p> <p>8            driver doesn't have to go through court</p> <p>9            processes to determine who is going to take</p> <p>10           care of it, who is paying into the fund, who</p> <p>11           is a member or not of the fund. The driver</p> <p>12           doesn't know that.</p> <p>13           And yes, indeed, it's very easy to do</p> <p>14           a base transfer. You can go for \$25 and</p> <p>15           inspect your car visually at TLC and you</p> <p>16           already have a base. So we must -- it is our</p> <p>17           responsibility to make sure that we bring one</p> <p>18           set of rules that protect us all and our</p> <p>19           business as well. Yes, there is a component</p> <p>20           of the competition. We don't have the money</p> <p>21           that it takes to compete at that level but I</p> <p>22           do believe with real true willingness from</p> <p>23           all of us to cooperate and to coordinate an</p> <p>24           effort to work together, to see that these</p> <p>25           things are looked into and preserved, I think</p>
<p style="text-align: right;">95</p> <p>1                    Proceedings</p> <p>2            where we see incidents more often than not</p> <p>3            lately in the news, that we are assured that</p> <p>4            that driver is compensated through the livery</p> <p>5            fund. If that driver gets a call and we</p> <p>6            don't know where he has gotten the call, when</p> <p>7            we have to comply and send documents as to</p> <p>8            where the driver was, whether or not it was a</p> <p>9            call dispatched by the base, we don't have</p> <p>10           any records of it. Having an agreement,</p> <p>11           having a business agreement, working together</p> <p>12           at the end of the day -- we don't necessarily</p> <p>13           have to be friends because this is not about</p> <p>14           friendship or whether we like someone or not.</p> <p>15           This is about a business relationship that</p> <p>16           can assure that our drivers can make more</p> <p>17           money or that there is compliance and that</p> <p>18           the laws before us at the State level, which</p> <p>19           are the BCAC, as Ira Goldstein explained very</p> <p>20           clearly, and also the livery fund, are there</p> <p>21           to protect who? The driver. Yes, a driver</p> <p>22           wants to make money but we cannot forget the</p> <p>23           basics and why we are base owners who have to</p> <p>24           be responsible of the public safety and of</p> <p>25           that driver as well.</p>	<p style="text-align: right;">97</p> <p>1                    Proceedings</p> <p>2            we can all do it.</p> <p>3                    Any questions?</p> <p>4                    COMM. DEARCY: I do have a question.</p> <p>5            I don't know if it goes directly to your</p> <p>6            comments. I have concerns obviously with</p> <p>7            respect to Workers' Compensation, and hence</p> <p>8            the cross-dispatch rules because at least as</p> <p>9            I interpret, the rules as they stand, drivers</p> <p>10           would be left without coverage if we allowed</p> <p>11           for cross-dispatch. But within the class,</p> <p>12           the livery class, assuming no cross-dispatch,</p> <p>13           why should we not allow drivers within the</p> <p>14           livery class amongst each other to have the</p> <p>15           ability without the permission from the</p> <p>16           bases?</p> <p>17           MS. ANGELES: How do I know where the</p> <p>18           driver is, who dispatched the call? I would</p> <p>19           not know that unless there is an incident and</p> <p>20           the question arises whether the base</p> <p>21           dispatched this vehicle or not. I don't know</p> <p>22           to what extent, I don't know the specifics,</p> <p>23           or as to whether or not the livery fund would</p> <p>24           cover, but as I understand it to the best of</p> <p>25           what I read, it's only when the base, the</p>

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98	<p>1 Proceedings</p> <p>2 affiliated base where that vehicle is</p> <p>3 affiliated, can prove that that vehicle was</p> <p>4 dispatched by them. Having that vehicle, and</p> <p>5 I think the reason why we have the green cabs</p> <p>6 and the SHLs is basically because a lot of</p> <p>7 the drivers were doing street hails and you</p> <p>8 did not know where the call was, and the same</p> <p>9 could apply here. I really don't know the</p> <p>10 specifics to the law but I do understand that</p> <p>11 the base has to keep the record and the base</p> <p>12 has to tell the livery fund at the moment of</p> <p>13 the incident or accident if that vehicle was</p> <p>14 dispatched by them. So that could create a</p> <p>15 serious problem for that driver and also for</p> <p>16 the base because the base is accountable</p> <p>17 under the TLC Rules.</p> <p>18 COMM. DEARCY: You've had it -- I</p> <p>19 think it was described in our presentation as</p> <p>20 an industry practice of allowing within the</p> <p>21 class of livery drivers allowing the drivers</p> <p>22 to be dispatched from various bases already,</p> <p>23 correct?</p> <p>24 MS. ANGELES: Not as far as I know,</p> <p>25 unless there is an understanding or agreement</p>	100	<p>1 Proceedings</p> <p>2 COMM. MARINO: This isn't necessarily</p> <p>3 directed at you, Cira, and I appreciate your</p> <p>4 comments. My concern with these rules, and</p> <p>5 this might go for everyone, is that they make</p> <p>6 sense in a lot of ways, but do you think all</p> <p>7 of these bases, notwithstanding black cars or</p> <p>8 liveries, but do you think everyone really</p> <p>9 can work together? I mean, I don't think I'm</p> <p>10 the only one who sensed a little bit of</p> <p>11 tension sometimes between some of the players</p> <p>12 out there. Do we think we can all --</p> <p>13 MS. ANGELES: There's always tension.</p> <p>14 COMM. MARINO: I mean, I would like</p> <p>15 to see everyone working together. But my</p> <p>16 only fear with these rules the way they're</p> <p>17 written is that if someone's like, no, I</p> <p>18 don't want to play with you --</p> <p>19 MS. ANGELES: Well, this is business</p> <p>20 and I believe in the name of business, this</p> <p>21 is not about friendship. Therefore, if this</p> <p>22 was about friendship, then yes, we cannot</p> <p>23 work together. I agree with that. But this</p> <p>24 is business and we have to conduct business</p> <p>25 differently.</p>
99	<p>1 Proceedings</p> <p>2 between bases. That much I do know. And it</p> <p>3 has to be in a practice for years where black</p> <p>4 cars and liveries --</p> <p>5 COMM. DEARCY: Not blacks. I want to</p> <p>6 put blacks aside. I only want to talk about</p> <p>7 the livery cabs.</p> <p>8 MS. ANGELES: Livery is the same way.</p> <p>9 There is a mutual understanding as to the</p> <p>10 work that one or the other one is doing.</p> <p>11 There is some accounts that one covers the</p> <p>12 other and it goes the same way, but --</p> <p>13 COMM. DEARCY: Is that formalized?</p> <p>14 Is it documented?</p> <p>15 MS. ANGELES: In some cases it is.</p> <p>16 In some cases I cannot testify to that. But</p> <p>17 some bases do have agreements to cooperate</p> <p>18 with each other and to work with each other</p> <p>19 and to make sure that that driver, when it</p> <p>20 comes to a situation, if it shows that it's</p> <p>21 affiliated with base XYZ, that that base can</p> <p>22 account for that dispatch in that particular</p> <p>23 moment because he's going to be paid through</p> <p>24 his base, not necessarily through the other</p> <p>25 base.</p>	101	<p>1 Proceedings</p> <p>2 COMM. MARINO: Agreed.</p> <p>3 MS. ANGELES: There is agreements,</p> <p>4 there's lawyers, and there's a whole bunch of</p> <p>5 things that we can all agree that, you know,</p> <p>6 we can come to terms with -- not necessarily</p> <p>7 100 percent agree, but there is a middle</p> <p>8 ground where we can meet -- and especially in</p> <p>9 the sake of public, in the sake of our</p> <p>10 industry in preserving what we created for</p> <p>11 years at a time, I believe that, yes, we can</p> <p>12 come to an understanding and perhaps</p> <p>13 something that we can all make money and we</p> <p>14 can all co-exist.</p> <p>15 COMM. MARINO: And serve the public</p> <p>16 at the same time.</p> <p>17 MS. ANGELES: Absolutely, by</p> <p>18 preserving public -- and first of all, I am</p> <p>19 very concerned making sure that the driver,</p> <p>20 while he feels and understands, which is</p> <p>21 great that he's making money, that he's also</p> <p>22 protected, that it's not the \$700 or the</p> <p>23 \$1,000. It is that when something happens to</p> <p>24 you, I, as a responsible base owner, know</p> <p>25 that you're going to be covered. It's not</p>

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<p style="text-align: right;">102</p> <p>1                    Proceedings</p> <p>2            going to be left out to a law firm to</p> <p>3            determine whether or not you qualified.</p> <p>4                    COMM. MARINO: Thank you.</p> <p>5                    MR. WILSON: Thank you. The next</p> <p>6            speaker is Michael O'Loughlin.</p> <p>7                    MR. O'LOUGHLIN: Good morning. This</p> <p>8            is fascinating, and may you live in</p> <p>9            interesting times. My name is Michael</p> <p>10           O'Loughlin. I'm here today as the Campaign</p> <p>11           Director for Cab Riders United, a new</p> <p>12           initiative to provide a voice for the</p> <p>13           1.2 million taxi and for-hire vehicle</p> <p>14           passengers in New York. I'm also today</p> <p>15           speaking, and my comments are endorsed by</p> <p>16           Transportation Alternatives, New York</p> <p>17           citywide 100,000-member leading safe streets</p> <p>18           organization. And I bring you greetings from</p> <p>19           Dana Lerner who is not able to be here but</p> <p>20           wishes me to pass along that she continues to</p> <p>21           encounter taxi drivers who are unfamiliar</p> <p>22           with Cooper's Law and urges you to take</p> <p>23           additional initiative to educate the drivers</p> <p>24           about that. I'll significantly amend my</p> <p>25           remarks for time.</p>	<p style="text-align: right;">104</p> <p>1                    Proceedings</p> <p>2            fatality on city streets is inevitable or</p> <p>3            acceptable.</p> <p>4                    Increasing transparency and</p> <p>5            accountability, our key tools for enhancing</p> <p>6            both safety and consumer protection, we</p> <p>7            believe the proposed rule changes are</p> <p>8            consistent with this principle; in</p> <p>9            particular, we support the proposed rule</p> <p>10           changes because they will require FHV bases</p> <p>11           to submit trip records to the TLC and require</p> <p>12           bases dispatching vehicles from a different</p> <p>13           base to provide the customer the name and</p> <p>14           license number of the base which the</p> <p>15           dispatched car is affiliated. The passengers</p> <p>16           who pay for transportation in a for-hire</p> <p>17           vehicle, the people of New York who share our</p> <p>18           neighborhood streets with tens of thousands</p> <p>19           of licensed FHV drivers and tens of thousands</p> <p>20           of licensed for-hire vehicles and the Taxi</p> <p>21           and Limousine Commission that passengers and</p> <p>22           the public rely on for regulation and</p> <p>23           enforcement. To protect our interests, we</p> <p>24           simply must be able to identify the driver</p> <p>25           and the base of a for-hire vehicle in the</p>
<p style="text-align: right;">103</p> <p>1                    Proceedings</p> <p>2            The mission of Cab Riders United is</p> <p>3            to improve the safety, quality of service and</p> <p>4            environmental impact of New York City's taxi</p> <p>5            and for-hire vehicles and consumers. We</p> <p>6            strongly support innovations that increase</p> <p>7            consumer options provided they are consistent</p> <p>8            with those three principles, safety, quality</p> <p>9            of service, and environmental impact.</p> <p>10           Cab Riders United strongly supports</p> <p>11           the principle of Vision Zero. The deaths and</p> <p>12           injuries on our city street are unacceptable.</p> <p>13           We share the goal of Mayor de Blasio, Speaker</p> <p>14           Mark-Viverito, the City Council, and others</p> <p>15           including many in the leadership of this</p> <p>16           agency to make our streets safer and to make</p> <p>17           Mayor de Blasio's Vision Zero a reality. We</p> <p>18           urge the Commissioners to always keep in</p> <p>19           mind -- keep safety in mind as the number one</p> <p>20           priority and to always remain mindful of the</p> <p>21           2014 Vision Zero action plan which reads in</p> <p>22           part that the City of New York must no longer</p> <p>23           regard traffic crashes as mere accidents, but</p> <p>24           rather as preventable incidents that can be</p> <p>25           systematically addressed. No level of</p>	<p style="text-align: right;">105</p> <p>1                    Proceedings</p> <p>2            case of a crash, dangerous driving or any</p> <p>3            other safety issue or a consumer complaint.</p> <p>4                    Driver and base accountability is</p> <p>5            essential to ensuring safety and consumer</p> <p>6            protection. A driver violates a person's</p> <p>7            right by unjustly refusing service,</p> <p>8            overcharges the consumer or otherwise</p> <p>9            violates the rules put in place protecting</p> <p>10           New Yorkers' rights, we need the ability to</p> <p>11           identify that driver and base, enforce</p> <p>12           accountability and protect passengers and the</p> <p>13           public. A driver speeds, runs red lights,</p> <p>14           recklessly fails to yield to pedestrians,</p> <p>15           maybe even kills or injures someone we love,</p> <p>16           we need the ability to identify that driver</p> <p>17           and base, enforce accountability and protect</p> <p>18           the passengers and the public.</p> <p>19           Additionally, we would strongly urge</p> <p>20           that the data collected pursuant to this rule</p> <p>21           should be made as publicly accessible as</p> <p>22           possible, available to be searched and</p> <p>23           subpoenaed in the case of a crash, for</p> <p>24           example.</p> <p>25           Thank you for the opportunity to</p>

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106	<p>1 Proceedings</p> <p>2 testify today. And thank you for the very</p> <p>3 thorough process.</p> <p>4 COMM. CARONE: Just a follow-up</p> <p>5 comment, and I thank you for those remarks,</p> <p>6 and I sympathize and concur with most of</p> <p>7 them. What I want to comment on, I want to</p> <p>8 do by virtue of your testimony, so it's not</p> <p>9 to come across to any particular speaker.</p> <p>10 But the rules, we're not sure where they wind</p> <p>11 up, but the rules as proposed, they are</p> <p>12 accountability rules, they are protection</p> <p>13 rules. That's exactly what they are. And we</p> <p>14 heard some comments that, you know, the</p> <p>15 drivers may lose income, a very, very serious</p> <p>16 concern with the Commission. We heard that</p> <p>17 the bases will certainly work together, nice</p> <p>18 to hear that. But I want to say from</p> <p>19 speaking for myself, if the rules, which are</p> <p>20 accountability and safety rules, are instead</p> <p>21 used as a sword to prevent drivers from</p> <p>22 working, to prevent passengers from getting</p> <p>23 the service they need, I for one will be very</p> <p>24 aggressive to use these rules right back</p> <p>25 before us immediately. So I don't know where</p>	108	<p>1 Proceedings</p> <p>2 speaker is Khadija Lamchouak. Is he or she</p> <p>3 here?</p> <p>4 (No response.)</p> <p>5 MR. WILSON: The next speaker we've</p> <p>6 got listed who could just come up is Bouchaib</p> <p>7 Lel Hassani.</p> <p>8 MR. LEL HASSANI: Good afternoon,</p> <p>9 everyone. My name is Bouchaib and I'm here</p> <p>10 today to speak for myself and on behalf of</p> <p>11 many Lyft VFH drivers in New York City. Like</p> <p>12 Khadija Lamchouak, whose oath you might have</p> <p>13 seen today in the A.M. New York, we will be</p> <p>14 greatly affected by this new regulation. The</p> <p>15 livelihood of my fellow drivers and I cannot</p> <p>16 be jeopardized by limiting our freedoms. Our</p> <p>17 freedom of choice should not be touched.</p> <p>18 Limiting our choice to one base is going to</p> <p>19 hurt us and our families, knowing that we</p> <p>20 have way too many expenses, gas, garage,</p> <p>21 parking, tolls, tickets, clothes, working</p> <p>22 clothes, and all kinds of expenses.</p> <p>23 If this goes in effect, our</p> <p>24 productivity per hour per day will go</p> <p>25 extremely low. We will burn more gas and</p>
107	<p>1 Proceedings</p> <p>2 they go but if they are, if some form of them</p> <p>3 passes -- and I'm not predicting anything,</p> <p>4 but just speaking right off the top of my</p> <p>5 head right now -- and instead will be used as</p> <p>6 a sword rather than for their true purpose, I</p> <p>7 think I could speak for the Commission and</p> <p>8 myself that we'll take that very serious.</p> <p>9 MR. O'LOUGHLIN: I appreciate that.</p> <p>10 Accountability just has to be there. We</p> <p>11 appreciate the crosscurrents and competing</p> <p>12 interests, but the accountability has to be</p> <p>13 there.</p> <p>14 COMM. MARINO: Could I just get your</p> <p>15 name and the entity you're speaking on behalf</p> <p>16 of again? I'm sorry.</p> <p>17 MR. O'LOUGHLIN: Sure. No problem.</p> <p>18 Michael O'Loughlin,</p> <p>19 O-apostrophe-L-O-U-G-H-L-I-N. And it's Cab</p> <p>20 Riders United. And then my comments are also</p> <p>21 endorsed by Transportation Alternatives.</p> <p>22 COMM. MARINO: Transportation</p> <p>23 Alternatives, endorsed by. Thank you very</p> <p>24 much.</p> <p>25 MR. WILSON: Thank you. The next</p>	109	<p>1 Proceedings</p> <p>2 valuable time for nothing. We will only</p> <p>3 create more traffic, stress and rested</p> <p>4 drivers and all major carbon contributors to</p> <p>5 global warming. This proposal is also going</p> <p>6 to limit the consumers' choices; for example,</p> <p>7 imagine if I happen to be the only driver in</p> <p>8 a given neighborhood. With multiple bases,</p> <p>9 that customer is most likely going to go to</p> <p>10 his doctor appointment and not miss on it.</p> <p>11 If I only -- if I only had one base, that</p> <p>12 customer will just have to wait. And imagine</p> <p>13 also if in another example, if that consumer</p> <p>14 is on a budget, looking up for apps and ways</p> <p>15 to get to see his -- maybe his wife that's</p> <p>16 delivering a baby, cannot go. He will just</p> <p>17 have to go pay a certain price for that one</p> <p>18 option and that might take also a long time.</p> <p>19 In another -- in conclusion, with</p> <p>20 this new regulation, everyone will be</p> <p>21 hurting. And this is why we are here today</p> <p>22 saying please no, please no.</p> <p>23 God bless America and God bless our</p> <p>24 freedoms. Thank you.</p> <p>25 (Applause.)</p>

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110	<p>1 Proceedings</p> <p>2 MR. WILSON: Thank you. The next</p> <p>3 speaker is Andrew Rasiej.</p> <p>4 MR. RASIEJ: Thank you. Good</p> <p>5 morning. My name is Andrew Rasiej and I'm</p> <p>6 the Chairman of the New York Tech Meetup.</p> <p>7 COMM. MARINO: I'm sorry. New York</p> <p>8 what?</p> <p>9 MR. RASIEJ: The New York Tech</p> <p>10 Meetup, which represents 42,000 members of</p> <p>11 the New York City tech community. We grow by</p> <p>12 over 600 new members a month and our members</p> <p>13 come from every borough of the city, and more</p> <p>14 importantly, through every major New York</p> <p>15 City industry. What is happening in New York</p> <p>16 is not just a growing tech sector, but rather</p> <p>17 a complete transformation of our whole city</p> <p>18 into a 21st century economy. It is because</p> <p>19 of this transformation I am compelled to</p> <p>20 appear before you today.</p> <p>21 Technology is a tool. It can be used</p> <p>22 for good and it can also be very destructive</p> <p>23 when it's used badly or without</p> <p>24 understanding. Technology also moves very</p> <p>25 fast. Ten years ago we all carried flip</p>	112	<p>1 Proceedings</p> <p>2 drivers and will have a particularly harmful</p> <p>3 impact in the newest and most innovative</p> <p>4 entrance into the market.</p> <p>5 In order for New York City to succeed</p> <p>6 in the 21st century, it has to be seen</p> <p>7 globally as a center for innovation. Without</p> <p>8 this perception, entrepreneurs and computer</p> <p>9 science engineers will choose other places to</p> <p>10 start businesses that are so critical to</p> <p>11 growing New York City's economy. Although</p> <p>12 the proposed rule change has benevolent</p> <p>13 intent, the by-product of the rule will send</p> <p>14 a message that New York City is relying on</p> <p>15 old systems to protect the public rather than</p> <p>16 using new technology and innovation itself to</p> <p>17 solve a life-safety issue.</p> <p>18 If the TLC wants to be sure it can</p> <p>19 track drivers for traffic violations, it</p> <p>20 should use new digital technologies to do so</p> <p>21 rather than relying on 20th century radio</p> <p>22 communication infrastructure.</p> <p>23 Secondly, and maybe more importantly,</p> <p>24 for New York to compete in the global economy</p> <p>25 and provide every New Yorker with the</p>
111	<p>1 Proceedings</p> <p>2 phones. And today a smart phone packs a</p> <p>3 hundred times the technology that's sent men</p> <p>4 to the moon. And much of that technology, as</p> <p>5 innovative as it can be, can also cause</p> <p>6 disruption to existing markets and processes.</p> <p>7 Unfortunately, our legislative and regulatory</p> <p>8 frameworks have not kept up with the speed.</p> <p>9 And as a result, we are forced to try and fit</p> <p>10 new technology to fit rules and laws that</p> <p>11 were written for a different era.</p> <p>12 Of course no one would argue with any</p> <p>13 effort to create new laws, regulations or</p> <p>14 rules to protect the public from harm,</p> <p>15 especially if emerging technology does more</p> <p>16 harm than good. However, the TLC's proposed</p> <p>17 new rule changing governing -- changes</p> <p>18 governing livery and black-car drivers in</p> <p>19 order to meet New York City's goals to reduce</p> <p>20 traffic injuries and fatalities will have the</p> <p>21 opposite effect and will cause more harm than</p> <p>22 good. By mandating their drivers to accept</p> <p>23 trips from just a single livery or a</p> <p>24 black-car company, the rule will restrict</p> <p>25 competition to the detriment of customers and</p>	113	<p>1 Proceedings</p> <p>2 opportunity to find jobs, affordable housing,</p> <p>3 good education for their children and</p> <p>4 environmentally-safe air to breathe, it is</p> <p>5 essential that New York City looks to create</p> <p>6 open markets as a default setting for any</p> <p>7 industry or service. Open markets provide</p> <p>8 motivation for entrepreneurs and investors to</p> <p>9 create innovation and that creates efficacies</p> <p>10 of scale and delivers services more</p> <p>11 affordably for the public. Economists the</p> <p>12 world over will agree on this dynamic.</p> <p>13 Although it is true that innovation and</p> <p>14 efficacies can also impact existing jobs and</p> <p>15 market monopolies, the overwhelming evidence</p> <p>16 points to more equality for both the public</p> <p>17 and the employed when both are offered access</p> <p>18 to open markets.</p> <p>19 In the case of emerging technology</p> <p>20 for the taxi and limousine industry, it has</p> <p>21 the promise of not only offering the public</p> <p>22 more choice but also offering drivers of cars</p> <p>23 more choice and control how they work and how</p> <p>24 much money they earn. Now, I completely</p> <p>25 understand that transportation technologies</p>

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114	<p>1 Proceedings</p> <p>2 can also enrich powerful corporate players</p> <p>3 who enter the market offering efficient</p> <p>4 service to the public --</p> <p>5 MR. WILSON: Can I ask you to sum up,</p> <p>6 please.</p> <p>7 MR. RASIEJ: -- but promise better</p> <p>8 working conditions for drivers. The TLC's</p> <p>9 ultimate -- yes, I will end in just ten</p> <p>10 seconds. The ultimate responsibility for the</p> <p>11 TLC should be the greater good of the public</p> <p>12 and by carefully embracing technology, it can</p> <p>13 continue to achieve that goal.</p> <p>14 Thank you very much.</p> <p>15 MR. WILSON: Thank you. And the last</p> <p>16 speaker --</p> <p>17 COMM. MARINO: Could I just ask one</p> <p>18 quick question, Chris?</p> <p>19 Are you affiliated with any of the</p> <p>20 groups that are here today?</p> <p>21 MR. RASIEJ: Not at all. I am simply</p> <p>22 affiliated with the New York Tech Meetup,</p> <p>23 which is a trade group that represents the</p> <p>24 technology sector of New York.</p> <p>25 COMM. MARINO: So you think these</p>	116	<p>1 Proceedings</p> <p>2 one company.</p> <p>3 CHAIR JOSHI: There's no requirement</p> <p>4 that you're limited to one base or one</p> <p>5 company or one anything in the rule. It says</p> <p>6 you can work for multiple but it talks about</p> <p>7 an agreement between the multiple bases.</p> <p>8 MR. RASIEJ: Fine. But the reality</p> <p>9 of it is that we're still relying on base</p> <p>10 technology and radio technology as the</p> <p>11 infrastructure for --</p> <p>12 CHAIR JOSHI: That may be a whole</p> <p>13 other set of rule making for another day but</p> <p>14 it's not today's issue.</p> <p>15 MR. RASIEJ: I appreciate that. And</p> <p>16 my only comment back to you is just that I</p> <p>17 would be very careful that in an attempt to</p> <p>18 try to solve the issues today with a rule</p> <p>19 that you will create a larger problem than</p> <p>20 this particular rule creates today.</p> <p>21 COMM. CARONE: I have one follow-up</p> <p>22 question as well. You testified on real</p> <p>23 macro global concerns. Have you submitted</p> <p>24 any of your positions in writing with a</p> <p>25 background on your group?</p>
115	<p>1 Proceedings</p> <p>2 rules are basically bad for technology?</p> <p>3 That's your position?</p> <p>4 MR. RASIEJ: I think that these rules</p> <p>5 are bad for the City of New York</p> <p>6 wholistically because it's creating a closed</p> <p>7 market. So we can use technology sometimes</p> <p>8 for good and sometimes for bad. This</p> <p>9 particular case, although it has a</p> <p>10 technological bend to it, is actually</p> <p>11 creating a closed market, which for the city</p> <p>12 as a whole sends a terrible message. So the</p> <p>13 by-product of this is going to be further</p> <p>14 detriment to the city's economy and to the</p> <p>15 perception of New York as a 20th-century city</p> <p>16 as opposed to a 21st-century city.</p> <p>17 CHAIR JOSHI: Can I just say a</p> <p>18 comment? There was one characterization of</p> <p>19 the rule that I think we should clarify just</p> <p>20 so that the message that you're -- you're</p> <p>21 saying that the rule mandates that a driver</p> <p>22 work with one base. That's actually not the</p> <p>23 rule, so I just want for the record to</p> <p>24 clarify that.</p> <p>25 MR. RASIEJ: I thought it was with</p>	117	<p>1 Proceedings</p> <p>2 MR. RASIEJ: So the City of New York</p> <p>3 and the deputy mayor for economic development</p> <p>4 recently announced an economic impact study</p> <p>5 that showed the growth of the tech industry,</p> <p>6 not as just a growth in people interested in</p> <p>7 just technology jobs, but the transformation</p> <p>8 of all of New York's traditional industries;</p> <p>9 finance, insurance, media and health care.</p> <p>10 And so there's overwhelming evidence that's</p> <p>11 been submitted to the Mayor's Office and to</p> <p>12 the City of New York and to the Governor's</p> <p>13 Office that New York is competing for</p> <p>14 21st-century jobs and is trying to send the</p> <p>15 message that people who want to start</p> <p>16 businesses in 21st century should be doing so</p> <p>17 here. There's an overwhelming --</p> <p>18 COMM. CARONE: Can I stop you for a</p> <p>19 second? I don't think you answered me. I</p> <p>20 appreciate that, and we have a rule in front</p> <p>21 of us that we're trying to hear testimony on</p> <p>22 and make the best decisions, so if you have</p> <p>23 an opinion as to how this rule affects the</p> <p>24 economy of New York I'd like to see that in</p> <p>25 writing in more clarity, please.</p>

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118	<p>1 Proceedings</p> <p>2 MR. RASIEJ: I thought my testimony</p> <p>3 pointed out that the rule may itself be</p> <p>4 benevolent but it will send a negative</p> <p>5 message. That was the point of my testimony.</p> <p>6 CHAIR JOSHI: Okay. Thank you. And</p> <p>7 the last speaker is Abdourahme Diallo.</p> <p>8 MR. DIALLO: Dear Commissioners, my</p> <p>9 name is Abdourahme Diallo. I'm an FHV</p> <p>10 driver speaking on behalf of myself and my</p> <p>11 fellow drivers. We have initiated a group</p> <p>12 called the Uber Drivers Network which is now</p> <p>13 changing to the United Drivers Network. And</p> <p>14 the reason for this is because of multiple</p> <p>15 issues that we've had with Uber along the</p> <p>16 way. But anyway, let's talk about the rule</p> <p>17 that we're discussing today. So to</p> <p>18 understand, I think she clarified for me that</p> <p>19 actually this rule here is that you can only</p> <p>20 work with one base and those bases with whom</p> <p>21 that base is in agreement with; is that</p> <p>22 correct?</p> <p>23 CHAIR JOSHI: That's correct.</p> <p>24 MR. DIALLO: So that being the case,</p> <p>25 we believe by not limiting drivers to work</p>	120	<p>1 Proceedings</p> <p>2 TLC, can you guys investigate if the fact is</p> <p>3 that drivers do make more money by working</p> <p>4 with multiple bases at the same time. If you</p> <p>5 can investigate -- I know a few drivers spoke</p> <p>6 about that -- then you will see that drivers</p> <p>7 made more money when a driver could not work</p> <p>8 with Uber and another company. They made</p> <p>9 more money. But now that it is open, there's</p> <p>10 an influx of drivers coming into Uber and</p> <p>11 these companies, which saturate the market,</p> <p>12 and eventually we believe this would destroy</p> <p>13 the black-car industry as a whole. Because</p> <p>14 the monopoly that we're talking about now, if</p> <p>15 things go the way they are, we will find that</p> <p>16 Uber, being that they have the most money,</p> <p>17 will eventually grab all the drivers. And</p> <p>18 what happens is they bring drivers, drivers</p> <p>19 may not be making more money so they end up</p> <p>20 leaving, but they get a new influx of drivers</p> <p>21 with their incentives to join. The</p> <p>22 incentives cause drivers to come in but as</p> <p>23 soon as they find out that there isn't enough</p> <p>24 money, they leave.</p> <p>25 Now, most of you probably heard the</p>
119	<p>1 Proceedings</p> <p>2 with only their base and the bases that that</p> <p>3 company's in agreement with, what happens is</p> <p>4 that drivers become cheap labor, and I will</p> <p>5 explain that. Companies like Uber, when this</p> <p>6 becomes open where they can pick up any</p> <p>7 driver they want from any company, you find</p> <p>8 that there's an influx of thousands of</p> <p>9 drivers coming to their company. Some of us</p> <p>10 as drivers, we only work with Uber. So the</p> <p>11 question is here if drivers are happy working</p> <p>12 with Uber and not Carmel or Dial 7 or any</p> <p>13 other company, why shouldn't you transfer to</p> <p>14 Uber? Why should you be affiliated with</p> <p>15 Carmel or Dial 7 yet still taking jobs with</p> <p>16 Uber to make more money? To us it does not</p> <p>17 make sense.</p> <p>18 The benefit here is just what? That</p> <p>19 drivers -- companies, by just making this</p> <p>20 rule open, by making this rule open where</p> <p>21 they can select any driver, Uber, Lyft and</p> <p>22 companies like them benefit, but the driver</p> <p>23 does not benefit because at the end of the</p> <p>24 day, they talked about drivers making more</p> <p>25 money, which is not true. I will ask the</p>	121	<p>1 Proceedings</p> <p>2 slogan, "Cheaper than a taxi." I ask you,</p> <p>3 who does that benefit, the driver or the</p> <p>4 client? Cheaper than a taxi. How can I</p> <p>5 drive a 75,000-dollar car and pick up fares</p> <p>6 cheaper than a taxi? Does that make sense?</p> <p>7 (Applause.)</p> <p>8 MR. DIALLO: Does that make sense?</p> <p>9 So I want to make one point, one point, and</p> <p>10 that may sum up the whole context of my</p> <p>11 argument and the argument of my fellow</p> <p>12 drivers. By limiting companies to only</p> <p>13 dispatch drivers from their bases and the</p> <p>14 bases they're affiliated with, that they're</p> <p>15 in agreement with, that makes the driver more</p> <p>16 valuable. Now companies do not only have to</p> <p>17 compete for the client but they also have to</p> <p>18 compete for the driver. Now a driver would</p> <p>19 look at which company provides the best</p> <p>20 choices, the most security, the most benefits</p> <p>21 for them, and they will go there. I mean, if</p> <p>22 you're saying that you're happy with Uber yet</p> <p>23 you're with Carmel and Dial 7, why? All you</p> <p>24 have to do is just leave. Uber has bases.</p> <p>25 Go there. And as far as Lyft is concerned,</p>

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122	<p>1 Proceedings</p> <p>2 they mentioned 10 drivers. Why?</p> <p>3 So if this rule goes forward, Uber</p> <p>4 loses all the thousands that they have -- I</p> <p>5 mean Lyft loses all the thousands that they</p> <p>6 have now working for them who are not</p> <p>7 affiliated with them. And then they have to</p> <p>8 start all over. That's why they're pushing</p> <p>9 this rule. Most of us that went to Lyft -- I</p> <p>10 went to Lyft. I only did two fares. Because</p> <p>11 it makes no sense. These guys -- look, we</p> <p>12 have to care about the client. I'm a driver.</p> <p>13 I want the client to be happy because if the</p> <p>14 client's not happy, I'm not going to make</p> <p>15 money. But at the same time, why should the</p> <p>16 client have all the benefits and I suffer?</p> <p>17 We used to take home at times monthly maybe</p> <p>18 \$10-, \$11,000 as an SUV driver. Now I do not</p> <p>19 take home more than \$5,000 a month and I pay</p> <p>20 \$2,000 for my car payment and my insurance.</p> <p>21 How could I make money?</p> <p>22 CHAIR JOSHI: Can I ask you, when you</p> <p>23 talk about the change in the level of income,</p> <p>24 is the change related to opening up the</p> <p>25 market, they influx of drivers?</p>	124	<p>1 Proceedings</p> <p>2 that made me happy. I liked what they were</p> <p>3 offering. So what did I do? I left the guys</p> <p>4 I was with and went to Uber. It's not</p> <p>5 because I was making more money with Uber,</p> <p>6 no. For me that wasn't the case because I</p> <p>7 made more money with the company I was with</p> <p>8 before Uber than Uber when I came. But with</p> <p>9 Uber, I was stress-free. For me, that was</p> <p>10 valuable. But then when I couldn't make ends</p> <p>11 meet anymore, now the stress that I had</p> <p>12 before was nothing compared to this.</p> <p>13 (Applause.)</p> <p>14 CHAIR JOSHI: So is part of your</p> <p>15 argument -- if I'm phrasing is wrong, let me</p> <p>16 know -- is that more drivers have more trips</p> <p>17 available but every single driver is making</p> <p>18 less?</p> <p>19 MR. DIALLO: Exactly. Here's the</p> <p>20 thing --</p> <p>21 COMM. CARONE: Could I ask you a</p> <p>22 question?</p> <p>23 MR. DIALLO: Let me make one point,</p> <p>24 please. Uber as a company --</p> <p>25 COMM. DEARCY: I think you need to</p>
123	<p>1 Proceedings</p> <p>2 MR. DIALLO: Influx of drivers.</p> <p>3 Let me ask you a question. I'm</p> <p>4 sorry. I'm so hyped up. A gentleman</p> <p>5 mentioned, "I may be the only driver in the</p> <p>6 neighbor; therefore, clients won't get a</p> <p>7 car." That is impossible in New York City.</p> <p>8 You know better than me how many TLC drivers</p> <p>9 you have in New York City. How many?</p> <p>10 CHAIR JOSHI: 115,000.</p> <p>11 MR. DIALLO: Oh, my God. And you're</p> <p>12 telling me that you'll be in the neighborhood</p> <p>13 and there's only one driver available? It's</p> <p>14 not ever possible. How come then I sit in</p> <p>15 the neighbor for over two, three hours</p> <p>16 without a single fare? How can that be?</p> <p>17 CHAIR JOSHI: Do you currently drive</p> <p>18 with Uber?</p> <p>19 MR. DIALLO: I drive with Uber. And</p> <p>20 I can pick up --</p> <p>21 CHAIR JOSHI: Do you pick up with any</p> <p>22 other apps?</p> <p>23 MR. DIALLO: No, I don't at the</p> <p>24 moment. I used to work with other companies.</p> <p>25 When Uber came along, they gave me an ease</p>	125	<p>1 Proceedings</p> <p>2 just respond.</p> <p>3 CHAIR JOSHI: You've got to answer</p> <p>4 the questions.</p> <p>5 MR. DIALLO: Sure. I'm sorry. I</p> <p>6 apologize. Go ahead.</p> <p>7 COMM. CARONE: You should want to</p> <p>8 hear my question, more important than making</p> <p>9 your -- I appreciate your passion, by the</p> <p>10 way. It's helpful. But I'm not clear --</p> <p>11 maybe you said it in the beginning and I</p> <p>12 missed it -- but are you for the rule as</p> <p>13 written right now or against the rule?</p> <p>14 COMM. DEARCY: I concur in that</p> <p>15 question.</p> <p>16 MR. DIALLO: We are in favor of the</p> <p>17 rule where drivers can only be dispatched by</p> <p>18 the base they're associated with or bases</p> <p>19 that they're in agreement with. This is what</p> <p>20 we are for. And we are over here standing</p> <p>21 for about 2,000 drivers that are with us.</p> <p>22 COMM. CARONE: Can you pass that card</p> <p>23 up here -- you're waving it around -- so we</p> <p>24 could take a look at it?</p> <p>25 MR. DIALLO: Yes (handing).</p>



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126	<p>1 Proceedings</p> <p>2 COMM. DEARCY: So you're for the</p> <p>3 rules as proposed?</p> <p>4 MR. DIALLO: Yes.</p> <p>5 COMM. DEARCY: You said there's 2,000</p> <p>6 members in your organization?</p> <p>7 MR. DIALLO: Yes.</p> <p>8 COMM. DEARCY: Part of your argument</p> <p>9 as to why you're for the proposed rule, and</p> <p>10 I'm an attorney and I'd just have to commend</p> <p>11 you because this is the first person that</p> <p>12 I've heard part for this argument so I'm</p> <p>13 always interested when I hear a unique</p> <p>14 position. But your position is that the</p> <p>15 rules actually, contrary to what some of the</p> <p>16 other drivers were complaining about, you</p> <p>17 think that it creates greater value in the</p> <p>18 driver and you believe that it gives you more</p> <p>19 power in the market and in the industry</p> <p>20 rather than less? Is that --</p> <p>21 MR. DIALLO: Absolutely.</p> <p>22 COMM. DEARCY: Can you just concisely</p> <p>23 expand on that?</p> <p>24 MR. DIALLO: Now, like I mentioned</p> <p>25 the slogan that Uber has been putting out,</p>	128	<p>1 Proceedings</p> <p>2 phone. What does that -- like I said, it</p> <p>3 makes the driver less valuable because now</p> <p>4 you guys don't have to compete for qualified</p> <p>5 drivers like myself. You understand? They</p> <p>6 don't have to compete for us anymore. They</p> <p>7 don't have to provide us a fair net income</p> <p>8 weekly or monthly for us to sustain</p> <p>9 ourselves. They don't, because they know</p> <p>10 that if they lose me or they lose even a</p> <p>11 thousand, guess what? There's another</p> <p>12 thousand that will come. The market becomes</p> <p>13 saturated. Now the driver becomes expendable</p> <p>14 whereas, look, if we don't have you, we can</p> <p>15 get another guy. It does not matter.</p> <p>16 COMM. DEARCY: Thank you.</p> <p>17 MR. DIALLO: So by making this rule</p> <p>18 go forward, we become more valuable as</p> <p>19 drivers.</p> <p>20 (Applause.)</p> <p>21 MR. WILSON: That was the last</p> <p>22 speaker, and this concludes the public</p> <p>23 hearing.</p> <p>24 CHAIR JOSHI: So next on our agenda</p> <p>25 is the Public Hearing on the SHL Improvement</p>
127	<p>1 Proceedings</p> <p>2 "Cheaper than a taxi." And if you go on</p> <p>3 Uber's website, you'll notice that it</p> <p>4 mentions cheaper than a taxi. This is only</p> <p>5 for you, the client. But it does not affect</p> <p>6 the driver. Every driver who is here, not</p> <p>7 with Lyft and Uber, who are here</p> <p>8 independently by themselves, can testify that</p> <p>9 that is a lie, that as a driver, when Uber</p> <p>10 makes it cheaper than a taxi, right, or --</p> <p>11 I'm sorry -- when Uber makes their fares</p> <p>12 cheaper than a taxi, they are catering to the</p> <p>13 clients but now the driver is making less</p> <p>14 money. And what does that also do? By</p> <p>15 opening up the market, by opening up -- by</p> <p>16 making it open, now you have, like I said, an</p> <p>17 influx of thousands of drivers. I'm sure the</p> <p>18 Carmel guys, now since Uber made it not</p> <p>19 mandatory to join their base to work with</p> <p>20 them, almost every driver in the city came</p> <p>21 and joined Uber and Lyft. Right? So almost</p> <p>22 every driver, because we drivers, we drive in</p> <p>23 the city and we see how many drivers have the</p> <p>24 Uber phone. Right? Now you see almost every</p> <p>25 driver from every other company with the Uber</p>	129	<p>1 Proceedings</p> <p>2 Fund Surcharge Collection. It's a technical</p> <p>3 rule.</p> <p>4 MR. WILSON: These rules follow on</p> <p>5 rule making the Commission did in April to</p> <p>6 move the taxi fleet to 50-percent</p> <p>7 accessibility by 2020. They establish</p> <p>8 technical requirements for collection and</p> <p>9 remittance of this taxi and street-hail</p> <p>10 livery improvement fund surcharges for which</p> <p>11 collection begins January 1st, or for which</p> <p>12 collection from the public begins January</p> <p>13 31st. These rules establish certain</p> <p>14 technical requirements.</p> <p>15 Lastly, the rules were published in</p> <p>16 the City Record on September 16th with a</p> <p>17 comment deadline of October 16th. No written</p> <p>18 comments were received.</p> <p>19 We have three speakers. The first</p> <p>20 speaker is Michael O'Loughlin.</p> <p>21 MR. O'LOUGHLIN: I was hoping for a</p> <p>22 longer intermission.</p> <p>23 MR. WILSON: No, we're still here.</p> <p>24 MR. O'LOUGHLIN: Sorry. Just bear</p> <p>25 with me for one second, please. Michael</p>

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130	<p>1 Proceedings</p> <p>2 O'Loughlin again on behalf of Cab Riders</p> <p>3 United. Cab Riders United strongly supports</p> <p>4 the goal of moving towards wheelchair</p> <p>5 accessible fleet. In fact, we believe that</p> <p>6 increasing accessibility to taxis and</p> <p>7 for-hire vehicles, not only for people in</p> <p>8 wheelchairs, but it's important to do this to</p> <p>9 reach other parts of the city, to reach</p> <p>10 people at different hours of the day.</p> <p>11 The proposed rule seems</p> <p>12 administratively appropriate in terms of the</p> <p>13 collection and the tracking of the surcharge.</p> <p>14 As a voice for passengers who will actually</p> <p>15 be paying the \$0.30 surcharge on every ride,</p> <p>16 we value the TLC's oversight on this and</p> <p>17 would actually say it is also very important</p> <p>18 that every single penny that is collected is</p> <p>19 used expressly for the purposes designated.</p> <p>20 And secondly, we want to raise a</p> <p>21 concern about the quality of the conversions</p> <p>22 that actually happen to make sure that the</p> <p>23 conversion to a wheelchair-accessible vehicle</p> <p>24 maintains a safe vehicle and one that is</p> <p>25 pleasant to ride in. In particular, I want</p>	132	<p>1 Proceedings</p> <p>2 collection of the \$0.30 so there will be more</p> <p>3 accessible vehicles on the road --</p> <p>4 MR. O'LOUGHLIN: Which we support.</p> <p>5 CHAIR JOSHI: -- hopefully not</p> <p>6 rattling.</p> <p>7 MR. O'LOUGHLIN: And we've seen</p> <p>8 well-intentioned rules in the past.</p> <p>9 CHAIR JOSHI: And there are new --</p> <p>10 our new manufacturers will meet the test.</p> <p>11 There's going to be more demand for these</p> <p>12 vehicles and the quality of the vehicles has</p> <p>13 to get better.</p> <p>14 MR. O'LOUGHLIN: I don't know exactly</p> <p>15 what that standard is but we'd love to work</p> <p>16 with you to make sure that the right</p> <p>17 standards are in place.</p> <p>18 Thank you.</p> <p>19 MR. WILSON: Thank you. The next</p> <p>20 speaker is Ira Goldstein.</p> <p>21 MR. GOLDSTEIN: Oh, no.</p> <p>22 MR. WILSON: Okay. Thank you. And</p> <p>23 the last speaker is Gary Farber.</p> <p>24 MR. FARBER: Good morning,</p> <p>25 Commissioners, Chair Joshi. It's very nice</p>
131	<p>1 Proceedings</p> <p>2 to share with you an e-mail that came to us</p> <p>3 at Cab Riders United. "Michael, listen to</p> <p>4 the attached sounds. I missed recording</p> <p>5 during the potholes. This was just over a</p> <p>6 typical street. I can't believe the amount</p> <p>7 of noise and vibration from a brand-new</p> <p>8 vehicle, and passengers will have to pay a</p> <p>9 surcharge to subsidize this experience?" And</p> <p>10 now I'm going to try and experiment here.</p> <p>11 (Whereupon, Mr. O'Loughlin holds his</p> <p>12 phone to the microphone for the Commission to</p> <p>13 hear the recording.)</p> <p>14 MR. O'LOUGHLIN: I don't know if the</p> <p>15 microphone will pick this up.</p> <p>16 CHAIR JOSHI: This is the sound of an</p> <p>17 accessible vehicle?</p> <p>18 MR. O'LOUGHLIN: This is a brand-new</p> <p>19 just-converted accessible vehicle. And that</p> <p>20 is the sound of the pieces rattling.</p> <p>21 CHAIR JOSHI: Thank you for sharing.</p> <p>22 Today's rule making is about the technical</p> <p>23 amendments to the rule --</p> <p>24 MR. O'LOUGHLIN: Understood.</p> <p>25 CHAIR JOSHI: -- to allow for</p>	133	<p>1 Proceedings</p> <p>2 to see you again. I made a mistake. I</p> <p>3 wanted to speak on the previous issue but I</p> <p>4 put my name on the wrong list. But I'll</p> <p>5 speak on this issue also.</p> <p>6 The collection of a \$0.30 fare to</p> <p>7 better wheelchair-accessible taxis is a</p> <p>8 fantastic idea. However, if we don't do more</p> <p>9 to put these cars on the road, you don't have</p> <p>10 to collect this money because there are no</p> <p>11 drivers for the wheelchair-accessible taxi.</p> <p>12 As I made it clear to you on previous</p> <p>13 occasions, we operate a base that has over</p> <p>14 350 wheelchair-accessible vehicles affiliated</p> <p>15 to it, which represents more than half of the</p> <p>16 vehicles that are on the road today that are</p> <p>17 wheelchair-accessible. Out of those</p> <p>18 vehicles, 175 are standing in a parking lot</p> <p>19 because we lost all of our drivers to Uber.</p> <p>20 They took our cars, they went to Uber, they</p> <p>21 got the signup bonus, and they came back to</p> <p>22 us saying, "You can keep your car. I'm</p> <p>23 driving an Uber car solely." And that's</p> <p>24 going to continue. I'm sure TLC is aware of</p> <p>25 the numbers that are right now in front of</p>

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134	<p>1 Proceedings</p> <p>2 them with the new issuance of the</p> <p>3 wheelchair-accessible permits. No one's</p> <p>4 taking them, and there's a reason for it.</p> <p>5 There's no necessity for it anymore. The</p> <p>6 only people that suffer is not the driver, is</p> <p>7 not the TLC base operator. The only person</p> <p>8 who suffers is the person who's riding in a</p> <p>9 wheelchair and cannot get a ride. What Uber</p> <p>10 is saying is that they put out an app, which</p> <p>11 is UberWAV. For them it is as simple as</p> <p>12 that, put out an app and it solves all the</p> <p>13 problems. It doesn't work like that. They</p> <p>14 have no idea what it takes to dispatch a</p> <p>15 wheelchair-accessible vehicle. They have no</p> <p>16 idea what it takes to cater to a</p> <p>17 wheelchair-accessible rider. This is not a</p> <p>18 technical issue. It's not an IT department</p> <p>19 issue. This is not a computer company. This</p> <p>20 is real people dispatching real drivers in</p> <p>21 real vehicles to real people. You cannot</p> <p>22 measure this program by what's going on. The</p> <p>23 underlying issues are there and no one's</p> <p>24 acting on.</p> <p>25 Of course they stand to make billions</p>	136	<p>1 Proceedings</p> <p>2 service the wheelchair-accessible ridership.</p> <p>3 CHAIR JOSHI: Thank you.</p> <p>4 MR. WILSON: And that was the last</p> <p>5 speaker so that concludes the public hearing.</p> <p>6 Do any of the Commissioners have any</p> <p>7 comments, questions?</p> <p>8 (No response.)</p> <p>9 MR. WILSON: Are we ready to vote?</p> <p>10 All in favor.</p> <p>11 (Chorus of Ayes.)</p> <p>12 MR. WILSON: So five Commissioners</p> <p>13 voting in favor, so the rule passes.</p> <p>14 CHAIR JOSHI: And that is the --</p> <p>15 MALE SPEAKER: I would like to talk</p> <p>16 to you for myself.</p> <p>17 CHAIR JOSHI: Can I ask, because</p> <p>18 we're actually at the ending of our</p> <p>19 commission meeting, I will definitely have a</p> <p>20 staff member come and meet you in the back so</p> <p>21 we can exchange information. Thank you.</p> <p>22 Just for the record, we had two</p> <p>23 Commission Members that had to leave early.</p> <p>24 Ed Gonzales had to leave at noon and Nora</p> <p>25 Marino had to leave at 1:35. And with that,</p>
135	<p>1 Proceedings</p> <p>2 on this. We understand. We don't want to</p> <p>3 stand in the way of process. Of course it</p> <p>4 has to be there. But someone has to keep</p> <p>5 track of that. By not implementing the</p> <p>6 previous rule that you're talking about, it's</p> <p>7 going to allow Uber to steal every single</p> <p>8 driver. And, yes, it will devalue every</p> <p>9 single driver's worth, it will devalue the</p> <p>10 cost of the medallions, it will slow down</p> <p>11 your issuance of wheelchair-accessible</p> <p>12 permits, which you plan to have 16 and a half</p> <p>13 thousand of by year 2020. Who's going to</p> <p>14 drive those cars? What for? You have an</p> <p>15 obligation to the medallion owners who paid</p> <p>16 you a million dollars for medallion that's</p> <p>17 worth 700,000 right now, and going lower and</p> <p>18 lower. Again, I don't want to go on about</p> <p>19 this all the time but --</p> <p>20 MR. WILSON: Could we return to the</p> <p>21 rule at issue?</p> <p>22 MR. FARBER: Yes. I believe you</p> <p>23 should pass this rule and the previous rule</p> <p>24 should pass also. This will help us retain</p> <p>25 some drivers to put them into vehicles to</p>	137	<p>1 Proceedings</p> <p>2 we will be ending today's Commission Meeting</p> <p>3 at 12:45. I'm sorry. Nora left at 12:35, Ed</p> <p>4 left at 12:00, and we're ending at 12:45.</p> <p>5 (Time noted: 12:45 p.m.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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October 16, 2014

C E R T I F I C A T E

STATE OF NEW YORK )

:

COUNTY OF RICHMOND

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 20th day of October 2014.

\_\_\_\_\_  
DANIELLE CAVANAGH

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