HEARING CONVENED AT 10:45 A.M.

COMMISSIONERS PRESENT:

David Yassky, Chairman
LaShann DeArcy
Edward Gonzales
Nora Constance Marino
Lauvienska Polanco

ALSO PRESENT:
Meera Joshi, General Counsel
Staff
The Public
The Press

Reported by:
Kari L. Reed
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MR. SWITZER: Ladies and gentlemen, if you'd like to speak at the public hearing, we have a sign-up sheet at the podium. We'll be starting momentarily. There's additional seating in the overflow room, we will show you where to go.

(Recess taken)

MR. SWITZER: Good morning, ladies and gentlemen, we are about to begin. Please take your seats. Last call to sign up to speak, sign-up sheets are on the podium, please do so now. Thank you.

(Pause in the proceedings)

CHAIR YASSKY: Good morning. Thank you for joining us this morning. I call the meeting to order at 10:45 a.m. Present are Commissioners Marino, Polanco, Gonzalez, Yassky and DeArcy. Just some quick updates before we begin with our agenda of business for the morning.

First, the Street Hail Livery program, just to update folks where we are. So far we have issued, the TLC has issued about 4,000, probably a little over 4,000, I
don't know, Gary would know, it's another
hundred or so every day, so about 4,000
licenses to Street Hail Livery now permit
holders. Of those, somewhere around 500 are
fully equipped and out on the street as
properly licensed Street Hail Liveries,
serving the riding public. The others are in
various stages of getting the necessary
equipment, and I would expect you will see
all 4,000 of those on the street within a
month or so.

I'm really pleased that to date
well more than 20 percent of the licenses
that we have issued are for wheelchair
accessible vehicles. I know that that was a
lot of discussion in the -- when that statute
was under consideration about how to make
sure that we serve the people in wheelchairs
throughout New York City. I thank this
Commission, and Commissioners, I hope that
you take pride in this accomplishment in
particular. Today someone in Manhattan can
call 311 and get a taxi. It's a longer wait
than it should be and that it will be, it's
running pretty consistently around a fourteen or fifteen minute wait. Still well below the wait time of infinity that we had for decades. In the boroughs, though, there really had been no opportunity. As we know when we ran our compliance program for a period of time, pretty much every single livery base that we called and asked for a wheelchair accessible car said they had none available. That is about to end.

We've issued over a thousand licenses for wheelchair accessible cars. Those take longer to get on the road because the cars are not readily available; it takes a while to get them outfitted and hacked up. I think there are about a dozen so far. Still, so from zero to a dozen. And but again, I would say within a couple of months you'll have hundreds, probably more than a thousand on the road serving, available to serve people in wheelchairs. So that is a particular point of pride.

Taxi of Tomorrow. So this, as you know industry partners who are here today,
there is a considerable amount of litigation around the Taxi of Tomorrow initiative, and that results unfortunately in a lot of uncertainty. I know we are getting tons of questions on licensing, and at Woodside from our licensees about what are the rules. Because you have a set of rules that the Commission adopted that are printed and in our rule book. But we also have a court decision that says those rules are invalid.

The simple -- the short answer, I wish it were a simple answer, but the short answer is that the TLC will enforce the law as it stands. The reason it's not simple is I can't guarantee to you what that law will be in a matter of weeks or months. The city is energetically appealing the Supreme Court decision that invalidated the Taxi of Tomorrow rules. I can't tell you in the industry what the timing of that appeal will be for the simple reason, as you know, that I don't know. I don't know when the court will choose -- when the Appellate Division will choose to hear it, I don't know how quickly
they will render a decision, and I certainly
don't know what that decision will be.

As of today, our vehicle
specifications are what they were prior to
the Taxi of Tomorrow rules being enacted.
That would have been true in any event
because we're not at that October 28th
activation date. That is, that's the term of
art in our rules. If nothing changes between
now and October 28th, our specifications will
be the same on October 28th and October 29th
and October 30th as they are today and as
they were prior to enactment of those Taxi of
Tomorrow rules. And that is what the TLC
will enforce.

If the Appellate Division changes
that Supreme Court ruling and reinstates the
rules that were enacted by this Commission,
then of course that is what the TLC will
enforce. And I know we're going to get a lot
of questions about well, how do I plan for
that. One problem with litigation is it does
create that -- it does create some
uncertainty. And all I can say is the TLC
will enforce the law as it stands on the day that we're talking about. So when the, if and when the Appellate Division acts and changes it, then we'll enforce the rules that will have gone into effect at that time. That's the best guidance I can offer.

Okay. In the meantime, people have asked specifically is the NV200 an approved taxi. Well, of course it is. It meets the specifications that were in effect, you know, prior to the Taxi of Tomorrow rules. It meets the specifications that therefore are in effect today. So taxi owners or medallion owners who wish to can hack up an NV200. And, you know, since I do believe that, just as with the credit card initiative, the Taxi of Tomorrow improvements are a terrific benefit for passengers, I think that for passengers to be able to have the confidence that they are in a crash tested vehicle, for passengers to have the expansive leg room that the Taxi of Tomorrow vehicle provides, for passengers to have the panoramic roof, the rear air conditioning, the lights and
charging port amenities, all of that will be
a leap forward in service to passengers that
will ensure the vitality of the industry and
ensure that New York continues to be the gold
standard for taxi service worldwide. And so
for that reason I certainly encourage
medallion holders and I am confident that
many medallion owners will make that choice
to hack up NV200s regardless of what the
litigation outcome is. So but having said
that, clearly we'll have to continue to watch
the courts.

Enforcement. I want to welcome --
we have -- our regulars may have noticed an
unusually large number of uniformed TLC
enforcement officers here today. That's
because we graduated another class yesterday
over at the Police Academy. They were very
gracious, thank you again, NYPD, for lending
us your auditorium. We graduated another
class of enforcement inspectors. The new
folks, raise your hands if you're in this
room. I guess you're --

(Applause)
CHAIR YASSKY: There are a few, and many more outside. I am just so thrilled. You know, we continue to attract really -- I know we're officially New York's proudest. I think we're New York's justifiably proudest because of the high quality of the folks that we continue to attract to our enforcement operation. And Ray Scanlon, I know we talked about this at the last meeting, but Deputy Commissioner Scanlon and Assistant Commissioner Hunt and Chief Sobers, the command structure in the enforcement division, have added over a hundred new enforcement folks over the last year or 18 months. And have done so while maintaining the same level of productivity and professionalism that has been true throughout. That's remarkable. I mean it's a remarkable achievement to more than double the size of your operation and have the quality, not just -- not degrade, but continue to improve throughout. So I commend once again our enforcement team.

And the personnel of course results
in more work being done on the streets. Last month 700 some odd illegal taxis taken off the streets, in addition to the thousands of summonses for illegal street hail where we are not able to seize, where for violations like cell phones and passenger service issues that are fundamental to our mission, our inspectors are doing more out in the streets than they have ever done. And that's a -- it's great. And I know that for you, for the licensees that are here, for the industry stakeholders, you know, that means not just that our passengers are protected against illegal activity, it also means that your license is being defended by our field strength day in, day out.

Last point, two last points, three last points really. One is that, as you know, we've been putting more and more of our transactions online. As of a couple of months ago, licensees had been able to renew their licenses online. That continues to work very smoothly.

As of tonight, licensees will be
able to pay summonses online. So not something -- nobody ever wants to pay a fine for a summons, but should you be in the position of receiving a summons and have a fine to pay, either in advance of adjudication or ahead of time, rather, or post -- yes, yes, either one, you can go online starting at 5:30 tonight? Wait until tomorrow morning, just to make sure, how about. Gary says 6:00 o'clock. I guess at 6:00 o'clock we're planning to flip the switch. But, you know, let's not all -- we don't want to have an Affordable Care Act thing where everybody tries to log on in the first ten minutes. Why don't you wait until the morning just to be sure. But if you have a summons and you don't want to come in to, you know, Long Island City to have to pay it, you can just log onto nyc.gov/taxi starting tonight.

So thank you. And I just thank you, Gary Weiss, and Jeff Grunfeld, our, you know, the head of licensing at MIS for all the work that went into that.
There are 13,237 medallion taxicabs as of today. There will shortly, as you know, be 13,437 since we are putting 200 medallions up for auction issuance in November. The dates are, for people who are interested -- and, you know, I can offer one at the low, low price of, well, I don't know what the low, low price is, but that will be determined by the auction. But whatever the low, low price ends up being, history at least suggests it's an excellent value for the investors. And so I recommend that you consider participating in our auction.

Now, we will be collecting bids November 7th, 8th, 12th and 13th here at Beaver Street. So you just have to fill out a short form, sign your name, put in a small check and drop it off here at Beaver Street on November 7th, 8th, 12th or 13th. The bids will be opened November 14th. And the 200 highest bids, or really since they're auctioned in lots of two, the hundred highest bids will be accepted, and we will issue medallions then upon payment of the bid
amount.

Yesterday -- as you know, we have rules that protect passengers against being overcharged, and we do everything we can to make sure those rules are enforced and passengers are charged the right amount. We also have rules that prevent drivers from being overcharged by medallion owners. And we over the last year and a half -- and we went through this also last month as well -- have established a lease cap enforcement unit that has borne I would say considerable fruit, returning some $150,000 in restitution to drivers. Another well over $100,000 in fines. Yesterday, that initiative also yielded three arrests. Not something one should be happy about, but if people are going to violate the rules I guess we can take some sober satisfaction in knowing that justice will be done.

Three of our licensees who made the grave mistake of giving us phony documents to try and cover their tracks as to what they were charging drivers, we turned that
evidence over to the Department of
Investigation, they completed their
investigation, and working together with the
New York County District Attorney, the
Manhattan District Attorney, arrested the
three licensees who did that. I guess there
are, you know, no convictions yet, but the
Manhattan District Attorney has indicted or
charged all three with felony -- with felony
offenses. I can't imagine a reminder is
needed to do something so fundamental as tell
the truth to the government agent, to a
government agency, especially the government
agency that regulates, that is regulating
you. But I guess if any reminder is needed,
let that be one. I certainly hope that that
is really isolated incidents and that we
won't see more of that.

Finally, last item. This is a bit
of a complicated one, and I am looking to
you, our industry partners, for guidance I
guess a little bit. This has to do with the
issue of named drivers.

So for medallion owners, you know
that we currently operate a process that enables medallion owners to designate an individual or more than one individual as named drivers for a particular medallion. So when you register with us your ownership of the medallion or when you register the vehicle, you can tell us David Yassky is going to be driving my taxicab.

That has two consequences. One is that if you designate a single named driver and that driver does drive a certain amount, then the retirement age for that vehicle can be extended. Not can be, is extended. A second consequence, so I'm given to understand, is that some medallion owners find that a valuable thing when in terms of their insurance that insurance companies I am told prefer a vehicle that has a specific and consistent driver to one that has just any old driver.

So the TLC for years has been collecting this information. Medallion owners are every day telling us David Yassky is driving this cab, and, more to the point,
some 500 times a day changing that. So sending us an email or a fax that says it's no longer David Yassky but Meera Joshi who's driving my taxi. And we dutifully record all that information in TAMUS, which takes a considerable amount of time from our folks in licensing.

And you will recall, industry partners, several months ago we approached you to say, you know, when we looked at our records, we discovered that in many, many cases the people who are designated as named driver are not in fact driving the car. So there's a vehicle that our records, our TAMUS records say because the medallion owner told us David Yassky is the named driver and they're the only person who will be driving this car, but TPEP tells us that five other people drove it in the last month.

When we came across that we did a couple of things with medallion. One is we reset the retirement. If that's true, then medallions that had had their retirement date for the vehicle extended were not entitled to
that extension and we reset those. We did that for thousands of medallions as a group a year or so ago. We are now undertaking that exercise again, just so you know. And I suspect that we'll have additional medallion owners who aren't entitled to the exemption that they have claimed and those will be reset, fair enough.

But beyond that, it is in theory, not just in theory, it is a violation of our rules to tell us there is a named driver and have someone other than the named driver driving the cab. That's what our rules say. I do not think it would serve -- I will be straightforward with you and say I don't see a really significant public purpose in summonsing thousands of medallion owners for having -- for allowing someone other than the named driver to drive their cab. Technically if we were going to follow our rule book we would today issue thousands of violations to medallion owners for someone other than the named driver drive their vehicle.

I don't -- I'm not convinced that
that would serve a public purpose commensurate with the burden on the industry of issuing those summonses. At the same time, I don't think it makes any sense for our licensing division to spend hundreds of person hours maintaining the named driver data base when, as it turns out when we look at it, half the time people who tell us there's a named driver that drive then follow that, and half the time they don't. That is just a sheer waste of time for our licensing staff, which is already overburdened.

So what I propose to do is to discontinue the practice of maintaining the named driver data base other than for the purpose of retirement extension. So, and we will spell this out in an industry notice, but I want to be -- I want to explain it to you here. For people who wish a retirement extension, you will continue to have the opportunity to designate a named driver, and provided that named driver actually is the one who drives the vehicle, you will have the retirement extension. Other than that, we
will no longer accept designations of named drivers. And we'll have to modify our form somewhat because now there's no distinction, we have retirement extension and just general named driver, but that will be the purpose of it.

I'm telling you this in advance because we did some industry outreach, and I'll be candid about what we heard back. We heard back no, we want you to track who the named driver is, because it's -- sometimes insurance companies care about that. But when we said okay, but if we are going to track it, then we're going to enforce the rule that says you have to live by it, and we're going to summons people. And what we heard back uniformly was I do not want -- we the industry do not want you to do that.

So our plan is to discontinue accepting the named drivers designations. If you in the industry feel that it is a worthwhile thing for us to do, and you're prepared to live by that, and the trade associations that are here and that we deal
with, send me a letter that says no, I want you to keep tracking named drivers, we will -- I will respect that and we will continue doing it if you do that in the next couple of weeks. But I want you to -- I want everyone to understand that that means then that we will summons the violators, because it does not make any sense for the city to spend money keeping track of all the named drivers in our data base if half the time it's adhered to and half the time not. So that's how I leave it with you. We will expect to issue an industry notice implementing this in a couple of weeks. If in that time you want to communicate to us keep the named driver and enforce it, fair enough.

Okay. Thank you, folks, thank you, Commissioners for indulging me, I know we had a lot of comments today. But we can now move to the business of the Commission meeting. So first we have some base applications before us. Chris.

MR. TORMEY: There we go. Good
morning. My name is Chris Tormey, Director of Applicant Licensing for the Taxi & Limousine Commission. I'm presenting the following bases for approval this month, with two denials.

CHAIR YASSKY: I'm going to hold this in abeyance for a moment while we wait for Commissioner Polanco to return.

MR. TORMEY: Okay.

CHAIR YASSKY: Thank you, Chris.

STAFF MEMBER: Just stand there and look uncomfortable.

MR. TORMEY: No problem, no problem.

(Laughter)

CHAIR YASSKY: No, actually what I was proposing was -- thank you very much for your presentation, you can have a seat.

MR. TORMEY: Okay.

CHAIR YASSKY: We'll return to this item when we have a quorum to vote.

MR. TORMEY: Okay.

CHAIR YASSKY: We have before us today three rules for a hearing, and two of
those rules I expect for Commission action. Let's begin with the, we have a rule relating to the color of livery vehicles. Meera, will you describe this briefly.

MS. JOSHI: Today we'll take public testimony on proposed rules that:

Prohibit FHVs from being painted any shade of green;

Mandate wheelchair passenger assistance training for all new taxi drivers;

and,

Increase paratransit based license periods to three years, to align them with FHV and SHL base license schedules.

The rules were published in the City Record on September 11th, 2013, comment period ended on October 11th, 2013. One comment was received. Based on comments received and staff comments, one post publication change was made. The prohibition on any shade of green was deleted and replaced with a prohibition on any shade of apple green, a defined term.

So now we'll take testimony on the
proposed Green Rule. First I have Erhan Tuncel from LOMTO.

COMM. MARINO: Can I just make a clarification? The term apple green is specifically the color of the outer boro street hails that is already chosen and defined, and that's the only shade of green that you are -- that is involved in this rule; correct?

CHAIR YASSKY: Correct.

MS. JOSHI: Correct.

And because we have three hearings today, we are going to limit each speaker to three minutes.

MR. TUNCEL: Good morning, Mr. Chairman --

CHAIR YASSKY: Good morning.

MR. TUNCEL: -- Commissioners. My name is Erhan Tuncel, managing director of the League of Mutual Taxi Owners. I'm here to testify in support of the Street Hail Livery rules update.

The amendment to the rule in subdivision (d) of the Subchapter 59A,
section 29, for the for-hire vehicle owners is essential to eliminate the confusion among the riding public. This amendment will prohibit the for-hire vehicles not licensed and valid to operate as a Street Hail Livery from getting painted any shade of green, much like they are prohibited from being painted any shade of taxi yellow.

But in order to accomplish full compliance, I stress the necessity to also update the rule in subdivision (d) of Subchapter 59B, section 29, for the for-hire base owners. This rule must also be amended to prohibit the for-hire vehicles not licensed and valid to operate as Street Hail Livery from getting painted any shade of green, so that it's clear to everyone in the FHV industry that only licensed Street Hail Livery vehicles can be painted green.

Also, even though the regular Street Hail Livery license holders are given 90 days to hack up their vehicle, I don't see any reason for them to be painted green on day one. That gives them 89 days to cause
all sorts of confusion out there. They should not be allowed to paint or put decals on their vehicles until ten days prior to hack up of the vehicle. This simple amendment will drastically slash the number of unauthorized green FHVs on the road to help minimize the confusion for the riding public.

And, last comment I have is about the safety of SHL drivers. I'm worried because the partition rules for an SHL vehicle lack the strength to protect the driver. The law should be simplified, much like the one for the yellow taxis, so that only the owner-driven SHLs can be exempt from putting the partition in. If the SHL is driven by any driver other than the owner, it must have a partition for the driver's protection. You must act now, rather than later, so that lives can be saved.

Thank you very much.

CHAIR YASSKY: Thank you.

The next speaker is Gary Farber.

Followed by Scott Yoars -- I'm sorry, yes,
followed by Scott Yoars.

MR. FARBER: Good morning, Commissioner.

CHAIR YASSKY: Good morning.

MR. FARBER: Our concern is very simple. We think that TLC is absolutely delusional when they say that they're going to have a thousand vehicles in the next month with wheelchair accessible on the road. It's just simply impossible. If you look right now at the statistics, of all the licenses that you have issued, like you said, only 19 vehicles on the road. There's not enough financing for the people that applied for the permits and got the permits. They were never qualified for financing. There's not enough vehicles available to convert to a wheelchair vehicle. We cannot convert them, we can't paint them in time, we can't do anything with a vehicle close --

CHAIR YASSKY: I'm sorry, just, sir, are you -- we have then a separate rule, the next on the agenda speaks to the financing of the wheelchair accessible
vehicles. Is that what you're here to talk about?

MR. FARBER: Not only that.

CHAIR YASSKY: Well, all right. I mean if, you know, if you wish you're entitled to three minutes on this rule.

MR. FARBER: I will come back, I will come back on the financing.

CHAIR YASSKY: What you've talked about so far is not related to the rule that's before us, the question of the green paint.

MR. FARBER: I signed up to speak about the grants and the permits.

CHAIR YASSKY: Okay. So then can I ask you to wait until then?

MR. FARBER: Absolutely, no problem.

CHAIR YASSKY: That will be next. Thank you.

Is that true also for Mr. Yoars from Freedom Motors? That sounds like probably about the accessible grants.

MR. YOARS: Correct.
CHAIR YASSKY: Okay, good, we'll wait until next.

Bill Lindauer, are you here to speak about the green issue?

MR. LINDAUER: Yes.

CHAIR YASSKY: Excellent.

Mr. Lindauer.

MR. LINDAUER: You have to be a Jets fan to like green.

CHAIR YASSKY: That's what I say.

MR. LINDAUER: And I don't think any other motorist will paint their car, their personal car, that color green. It's kind of -- it just, it stands out because it's so bad.

But I've noticed in Queens, where I live, that there are some Town Cars, Lincoln Town Cars that are painted green but they do not have the required roof light and meter and stuff on the doors. I don't know if they're operating or not.

CHAIR YASSKY: I'm glad -- you know, apart from this rule the -- I'm glad you asked because I know a lot of folks in
the industry have called us and said I've seen a lot of green cars but they're not -- they don't have the decal, or they have the decal but they don't have the roof light, or they have the roof light but they don't have the meter, what's going on. The answer is it takes a while to get all the equipment. And what in particular the LPEP equipment the, you know, the credit card processing equipment. There's currently I think, maybe somebody will correct me, I think it's about a three to four week wait from when you sign up with one of the companies that provides that until they can install it, because there are, as I said, 4,000 people out there who have gotten a license, there are only two companies that are installing the equipment today, and you can't just walk in and do it. Plus I think also, you know, reality is many of the licensees I'm sure, I think the bulk of the licensees are livery drivers who work, right, they work as a livery driver.

MR. LINDAUER: Yeah.

CHAIR YASSKY: So, you know, until
they make time to go and get the meter and go
and get the LPEP and get the roof light, it
could take them a month to want to do that or
to make time to do that, and then they have
to wait the three to four weeks besides.

COMM. DeARCY: But they don't have
an unlimited amount of time to get that done.

CHAIR YASSKY: No, they don't.

They have 90 days to get all that done.

MR. LINDAUER: And what about
geofencing? It's essential as the yellow cab
drivers --

CHAIR YASSKY: Of course.

MR. LINDAUER: -- for these

vehicles to have geofencing so they don't

invade our territory.

CHAIR YASSKY: That's part of the

LPEP equipment. And the answer, I guess the
real answer to your question is until you
have all the equipment in, including the roof
light, including the meter, including the
LPEP with its geofencing, then you are not
authorized to accept street hails, period.

And you should know, and I guess
this is something that I didn't include in my remarks, but we now are enforcing our Street Hail Rules. So as of, you know, today I'm going to say half, probably more than half, probably 60 percent or 70 percent of our enforcement officers who are in the field today are in the boroughs, still focused on, still focused on Manhattan.

MR. LINDAUER: Right.

CHAIR YASSKY: But are in the boroughs issuing tickets to people who are not fully licensed Street Hail Liveries and are doing street hail work. Do I think that that will eliminate the illegal street hails tomorrow? Probably not. I think it will be a period of time until that enforcement, you know, sinks in and takes hold. But starting weeks ago, shortly after we started issuing the licenses, we also started enforcing the rules.

MR. LINDAUER: Right.

CHAIR YASSKY: So unless you get that equipment, if you are acting as a -- if you're pretending to be a taxi, you're going
to get a ticket from us.

MR. LINDAUER: So you just can take base calls --

CHAIR YASSKY: Correct.

MR. LINDAUER: -- right now.

CHAIR YASSKY: Yes. If you're authorized as a livery, of course you continue to be able to do that work.

MR. LINDAUER: Okay. Thank you very much.

CHAIR YASSKY: Thank you, Mr. Lindauer.

That is it for this rule.

Commissioners, one, two, three, four, five. First I'd like to return to the recommendations made by the licensing division for bases to be approved, renewed, and in a couple of cases denied. I move that we accept the recommendations of the licensing division as to those bases. All in favor say aye.

(Chorus of ayes)

CHAIR YASSKY: No no. By unanimous vote with five Commissioners present, let the
record reflect licensing recommendations are adopted.

Now to move to the vote on the, I'm calling it the Green Rule but it's the rule that is before you today that -- well, we'll just call it the Green Rule because it doesn't really have any other way to refer to it. But the rule that we just heard testimony on.

COMM. DeARCY: Commissioner?

CHAIR YASSKY: Yes.

COMM. DeARCY: Sorry. Before you take the vote I would like to recommend that we certainly consider and look into the suggestion that was made by Mr. Tuncel I believe is his name, with respect to subdivision (d) of Subchapter 59B. I don't know what that subdivision is, but if there is a corollary rule that exists with respect to the for-hire base owners, it certainly seems to me that it's something that we should investigate as to whether it's appropriate to make sure that the rule exists where appropriate in both places.
CHAIR YASSKY: You know -- okay, we will do so. Thank you. That might be an added level of deterrence. So thank you.

MR. TUNCEL: You need a comment from me or --

CHAIR YASSKY: No, it's not necessary. Although I would say that is -- that's a suggestion -- I don't know, you know, whether penalizing the base owner in addition to the vehicle owner, how much use that is we can debate and talk about and it might be worth doing. I will just say again --

MR. TUNCEL: Nobody --

CHAIR YASSKY: -- to our stakeholders this --

MR. TUNCEL: But nobody gets to -- I mean nobody needs to be penalized. It's just a change in the rule change is --

CHAIR YASSKY: I suppose you could just say you can't affiliate that car, I guess that could be -- I'm not actually totally sure what you have in mind there, but --
MR. TUNCEL: The same rule for the yellow taxis.

CHAIR YASSKY: Nor am I actually inviting the discussion, but what the heck.

MR. TUNCEL: The same rule that you are amending today for the vehicle owners --

CHAIR YASSKY: Yes.

MR. TUNCEL: -- exists for the base owners. So all I'm suggesting -- I'm stressing the importance of the point that it should also be amended for the base owners.

CHAIR YASSKY: What do you mean it should be amended for the base owners, what would that mean?

MR. TUNCEL: Well, basically what you are doing is adding another subdivision to the rule on the vehicle owner's case, that where they can't paint the car --

CHAIR YASSKY: Right.

MR. TUNCEL: -- the vehicle any shade of taxi yellow, you are just adding another subdivision saying that they can't paint the car any shade of green to protect --
COMM. MARINO: Apple green.

MR. TUNCCEL: Apple green. So --

CHAIR YASSKY: You're saying in addition to the vehicle owner -- this rule imposed a prohibition on the vehicle licensee for a livery vehicle, for an FHV, that it can't be painted apple green. You're saying in addition to that a base owner should be prohibited from what, from affiliating any car that's painted apple green, is that what you're proposing?

MR. TUNCCEL: Well, whatever that rule is meant to do --

CHAIR YASSKY: Yes.

MR. TUNCCEL: -- for the base owners --

CHAIR YASSKY: I know. I'm just saying --

MR. TUNCCEL: -- as far as yellow vehicles are concerned, it should -- it should do the same thing for the apple green.

COMM. DeARCY: As I understand what he's saying, and I could be mistaken, is that we are currently revising or amending a rule
that prohibits cars from being painted yellow
taxi to also include green taxis. He's
saying there's a corollary -- and I don't
know if this is true.

CHAIR YASSKY: I got it.

COMM. DeARCY: There's a corollary
rule --

CHAIR YASSKY: For the base.

COMM. DeARCY: -- that exists for
the base. So if it's -- if we are going to
make an amendment with respect to one rule,
why not do it in the other place. That's
all.

CHAIR YASSKY: And certainly I
can't think of a reason not to do it.
Whether I think -- whether I think it
provides a huge value or not is of -- but
fine.

COMM. DeARCY: But for
consistency's sake.

CHAIR YASSKY: But for consistency
we should do it, agreed.

COMM. MARINO: For consistency,
that's what I think he's saying.
CHAIR YASSKY: And I get that.

I would say, and I would say in general, folks, this was, you know, just submitted today. That's fine, that's perfectly within your rights. If you give us stuff ahead of time we can -- it's easier to incorporate it and make a sensible change than it is if you give it to us now. But it doesn't mean we can't go back and redo it.

COMM. DeARCY: Right.

CHAIR YASSKY: So I understand, and I --

COMM. DeARCY: Because we can do this rule today.

CHAIR YASSKY: We can do this rule today and go back and make the conforming change later, and I see no reason not to do that. I encourage people always to give us comments ahead of time, it's easier for us to incorporate it.

Thank you, Mr. Tuncel.

MR. TUNCEL: Okay.

COMM. DeARCY: Can I just say, I appreciate the fact that it's a very
concrete --

CHAIR YASSKY: Yes.

COMM. DeARCY: -- and constructive suggestion, because oftentimes we have people who just come and just want to vent. So I personally appreciate that it was a very -- I think a very detail oriented and concrete suggestion. So I appreciate it. The timeliness of it may be --

MR. TUNCEL: Commissioners, I appreciate the fact that you --

CHAIR YASSKY: I should be clear, I appreciate it as well.

(Laughter)

COMM. MARINO: I appreciate you appreciating me.

CHAIR YASSKY: I yield to no one in my appreciation for specific and constructive comments.

COMM. MARINO: Maybe we should also, if we are going to consider that second part we should also perhaps consider the partition issue as well, because that is a safety concern.
MR. TUNCEL: That's a very important issue also, yes.

COMM. MARINO: Not for right now, but I think that should be considered. That is a safety issue.

CHAIR YASSKY: Understood. Okay, thank you.

So I'm sorry, but we -- I appreciate that, so now is it appropriate to move to a vote on this rule?

COMM. DeARCY: I think so.

CHAIR YASSKY: All right. I move that we approve the so-called Green Rule.

All in favor say aye.

(Chorus of ayes)

CHAIR YASSKY: Opposed, no.

Let the record show by a unanimous vote of five Commissioners present the, that rule is adopted.

Okay. Now, a hearing on Grant Rules for Street Hail Liveries. Meera, will you explain it very briefly.

MS. JOSHI: Today we take public testimony on proposed rules that codify the
process for awarding grants to owners of wheelchair accessible Street Hail Liveries, as authorized by the state Street Hail Livery law. The rules were published in the City Record on September 16th and comment period ended on October 16th. Eight comments were received. Based on external and internal comments received, the following changes were made to the rules post publication.

The requirement that payments be made in three equal annual installments was removed;

The definition of accessible vehicle was aligned with the definition in the Street Hail Livery state law; and,

The requirement of participation with National Mobility Equipment Dealers Association Quality Assurance Program was removed.

Finally, sections on transferability of subsequent grant payments were removed as unnecessary.

We have several speakers signed up. First is Ethan Tuncel from LOMTO.
CHAIR YASSKY: Or Erhan. Again, Mr. Tuncel.

As you're coming up, sir -- Commissioners, this does speak I think to the issue that the gentlemen starred or raised earlier. In order to get -- it's one thing to issue the licenses for wheelchair accessible vehicles, Street Hail Livery vehicles. To actually get them on the road will take some subsidy. That's what, you know, that's what the state legislature realized when they adopted the law. That's why they provided for it. And that's, you know -- and I think that's the truth.

We did not include these rules at the outset because honestly we didn't think it was necessary to have rules that speak to it. A lot of city grant rules don't have rules that codify it. As we continued to think it through and work with the Law Department, they advised us that the sensible thing to do would be to codify the grant program into a rule, which is what we are doing here to today.
Mr. Tuncel.

MR. TUNCEL: Good morning once again. My name is Erhan Tuncel.

The Hail Act calls for 20 percent accessibility for the Street Hail Liveries. As of yesterday -- that was as of Monday -- there are 3,994 SHL liveries licenses issued, and of those, 1,206 are accessible. That's 30 percent accessibility. However, when we look at the numbers of the SHLs that are certified and hacked up, serving the public, we get a much different picture.

As of Monday, there are 471 SHLs hacked up, of which only 12 are accessible. That's only two and a half percent accessibility. Again, 30 percent accessibility for the sold SHLs, compared to two and a half accessibility for the hacked up SHLs. Something is seriously wrong with the process.

The main reason for this great disparity is the discrepancy between the amount of time allowed for the regular SHLs to hack up and the amount of time allowed for
the accessible SHLs to hack up and start
serving the public. The regular SHLs are
given 90 days to finish the process, and
accessible SHLs are given 180 days.

In reality, the actual amount of
time needed for hack up of a regular SHL is
less than a week. Keep in mind, it takes a
medallion owner less than five days to put it
on the road. I did it in three and a half
days. However, I understand that an owner of
an accessible medallion or an SHL will need
additional time to convert the van to be
accessible. But still, there is no reason
for an accessible SHLs -- that's all
accessible SHLs -- there's still no reason
for an accessible SHL to have 180 days to
hack up. I don't think it's unreasonable to
require that all SHLs get hacked up within
three months of issuance.

I believe that the hack up deadline
for all SHLs and the consequences for not
complying with that deadline need to be the
same in order to make sure that the Hail
Act's 20 percent accessibility requirement is
met not only on paper but also on the road, where it matters the most, because that's what I believe the spirit of the Hail Act is meant to accomplish.

Thank you for your time. Any questions?

CHAIR YASSKY: Thank you. Thank you.

MR. TUNCHEL: Thank you.

CHAIR YASSKY: Next is Gary Farber, and followed by Scott Yoars.

COMM. MARINO: Actually I do have a question, I'm sorry. I know you look uncomfortable.

MR. FARBER: No, I'm just perfectly fine, it's all right.

COMM. MARINO: Does this -- what does this have to do with the grant? I'm not sure that I'm -- are you objecting to --

CHAIR YASSKY: Mr. Tuncel can speak. I don't think he -- I think he's raising kind of a related issue but it doesn't -- do you object to the grant?

COMM. MARINO: Do you have a
problem with the grant rules the way they're 
set up that we're voting on today or -- I 
mean this is something we can definitely talk 
about and consider, but do you have a problem 
with the grant rules, the --

MR. TUNCYL: I don't necessarily 
have a problem with the grant rules.

CHAIR YASSKY: Right.

MR. TUNCYL: No.

COMM. MARINO: Okay.

MR. TUNCYL: I just had 
something --

CHAIR YASSKY: You wanted to raise 
that issue.

COMM. MARINO: All right.

CHAIR YASSKY: Understood.

COMM. MARINO: And they're valid 
points and I'm sure we'll -- all right, I 
wanted to make sure we were on the same page 
here.

CHAIR YASSKY: Thank you.

MR. FARBER: Okay. Good morning 
once again. I'm sorry, I'm not as well 
prepared as the other gentleman, but the
numbers speak for themselves, okay.

The sole reason why there are so few vehicles on the road is only because the people that you gave the licenses to are not equipped to put the cars on the road. The issue that he brought up, it's going to be impossible to put the cars on the road in 180 days because the financing is not in place. If you don't vote on a grant to be paid in one shot, the process will be slowed down by years, not by months.

CHAIR YASSKY: So just so you know, our original -- the rule that we originally published did provide for the grant to be spread out over time.

MR. FARBER: We know that.

CHAIR YASSKY: We received comments, perhaps from you, I don't know.

MR. FARBER: Yes, you did.

CHAIR YASSKY: And in response to those comments the rule now will permit a grant to be issued all in one lump sum at the beginning.

MR. FARBER: We hope that when you
vote that you will keep it the same.

CHAIR YASSKY: Okay.

MR. FARBER: Keep it in one shot.

I also would like to suggest, we know that once the vehicle passes inspection, it takes six to eight weeks to receive that payment. You have to cut it down to four weeks if you want to put on the road even faster.

CHAIR YASSKY: That is a very legitimate issue, I understand that. We're working to get that, you know, as fast as we can. You know, it's a new program for us and so some of the mechanics of it need to be -- need to be oiled and streamlined.

However, also I will say to grantees that if you give us all your information at the beginning, we need the tax ID numbers, we need for a check to be issued we have to run it through the city's -- I'm blanking on the name of it, but the kind of -- what's the name of the thing that you check all grantees against?

STAFF MEMBER: (Inaudible)
CHAIR YASSKY: Against the data base that makes sure that somebody is eligible to receive funds, and that requires some information from grantees. If we can get that from you up front we can do it quickly. But you could say back to me then we have to tell you exactly what we need at the earliest possible date, and you'd be right about that. We will make every effort to get the funds flowing, you know, as quickly as possible.

MR. FARBER: That's great. But keeping that in mind, you will see that still, even if you speed up the process, the amount of vehicles that it's going to put on the road by March, which is the cut off date from the time that you start issuing the permits, going to when you stop issuing the wheelchair accessible permits on September 28th, from September 28th going out to March 28, that's the cut off date for six months, we will not have more than 400 vehicles on the road.

My question is, there are no rules
in place what you can do with the permit. It said in the outset of the program that the permits are transferable, you can sell them. We tried doing that. We were told that not yet, you're not allowed to sell the permit, you're not allowed to transfer the permit.

What's happening now is that we are inundated by daily calls, at least 50 to 60 calls a day. People want to sell the permit to us because they can't put cars on the road and they know they won't be able to put the car on the road. There are no rules in place what you can do with the permit. There's no definition of what the permit stands for. We don't know what to do with this permit. No drivers know what to do with the permit, no base operators know what to do with the permit. People are renting it, trying to lease it, trying to sell it. There's no definition.

CHAIR YASSKY: I'm glad you are raising this, these are important things. We are working through the mechanic -- the permits are transferable, it says so in the
statute, as you say. For that to be real, we have to have not just a rule, which we have, but a process in place with, you know, forms and mechanics that people have to go through in order to transfer.

MR. FARBER: There are none.

CHAIR YASSKY: You are correct none of -- that that does not exist. We want to -- once the court decision came out allowing us to go forward, there was, as you see, great demand for people to get permits in the first place. We are meeting that demand. We know that the next wave of demand will be for people to transfer.

In the ordinary course, as with everything, if somebody decided they were going to move to Florida and they want to transfer their permit --

MR. FARBER: Only for the --

CHAIR YASSKY: -- we will get a transfer process in place. If, you know, if it's necessary now, then we have to start, we have to --

MR. FARBER: It's essential.
CHAIR YASSKY: -- redouble our efforts to get it done now.

What I would ask to do, because some of the things you've raised about leasing and what structures -- I think any of the structures short of transfer that you alluded to are permissible within our rules. It just may -- some people may need guidance and confirmation that what they're doing is appropriate. And I encourage you to contact Meera, our general counsel's office, other people have done that, and we can walk you through some options that are available to you outside of filing any paper with TLC. However, we also need to have a process for people to transfer.

Meera is pointing out there are also some limits on who you can transfer to and who you can't. But again, let me encourage you to sit down with us and we can walk you through what you can do and what you can't.

MR. FARBER: I would like nothing more than that.
CHAIR YASSKY: Okay. Thank you.

COMM. MARINO: And, sir, what is your position?

MR. FARBER: I operate a SHL endorsed base. Okay. And again, we're faced with this problem.

COMM. MARINO: In which county?

MR. FARBER: In Kings County, Brooklyn, New York.

COMM. MARINO: Okay. All right.

MR. FARBER: I don't think you guys understand what's happening. A lot of these permits have been purchased in order to resell them as an investment, okay. So if those -- if there's no guidelines for that, they're not going to materialize as a vehicle on the road.

COMM. MARINO: Those are valid points.

CHAIR YASSKY: Meera is even bringing me further up to speed. We're very close to having a set of transfer forms that will be -- that are available for people to do that. They're not public, they're not on
our Web site yet, but we are very close to that. Just let us know what you are looking to do and I think we can facilitate your doing whatever it is.

MR. FARBER: All right.

CHAIR YASSKY: Okay.

MR. FARBER: Thank you so much.

COMM. GONZALEZ: Okay, I have a question, Mr. Chair. With respect to the grant payment, the customer buys the vehicle, the expectation is that there's going to be a grant to help finance the vehicle. Does the grant payment, once it passes inspection or the vehicle passes inspection and everything, does it go to the vehicle owner or can it be assigned to the financing company?

CHAIR YASSKY: It can be assigned. And we have already, you know, made a form for that. We have a form for not just everything -- not quite everything, but most everything.

COMM. GONZALEZ: We don't have an app, though.

CHAIR YASSKY: We do have a
forum -- no, we don't have an app for that.

(Laughter)

CHAIR YASSKY: And we are finding that most people, as you would expect, want to have it assigned to their -- to the dealership or maybe the retrofitter, whoever it is that's doing the work in expectation of getting the money.

COMM. GONZALEZ: Okay. Thank you.

MR. FARBER: Thank you.

CHAIR YASSKY: Well, we have Scott Yoars, followed by Jesse Love. I think Love. If it's Lore, I apologize.

MR. YOARS: Thank you so much for the opportunity to come and speak with you briefly. I'm with Freedom Motors. We have been in business for 25 years as a vendor supplying conversion vehicles to the industry as well as to the private individuals.

As Gary was saying, we kind of have a similar concern regarding the actual structuring of some of the rules and the mechanics and the greasing of the grants coming together. I did not realize and now
I'm glad to hear that there is an actual opportunity for a form to be assigning the dollar amount for the conversion to possibly the bank, finance company, or even the conversion company.

And if there are any subcommittees that actually work on the structure and how this operates and how to make these grants more effective, because at this point in time there are several permits out there, as you'll probably hear from other people, to individuals that quite frankly can't afford to go ahead and actually purchase a brand new vehicle out of the gate.

CHAIR YASSKY: Right.

MR. YOARS: And so it's great, I've got a Lottery ticket, but now what do I do. So now they're going to sell them or transfer them and such.

We're also as an industry just trying to go ahead, as well as I'm sure others in the industry, to just -- there is uncertainty. We also want to go ahead and see as quickly as possible, because it's
ultimately for those that are on the streets, the wheelchair, you know, people that are there, to make sure that this process and the grants are administered as efficiently and effectively as possible.

CHAIR YASSKY: Yeah. I really would urge, you know, you in particular I hope will come in and sit with us, because we've had a couple of folks in your space come in and look at the paperwork that we did --

MR. YOARS: Yup.

CHAIR YASSKY: -- to say -- so we could say does this work for you, is this assignment form --

MR. YOARS: Right.

CHAIR YASSKY: -- something you'll be able to rely on.

MR. YOARS: Right.

CHAIR YASSKY: But, you know, I think your input would be very valuable there. Okay?

MR. YOARS: Great.

CHAIR YASSKY: And our goal just is
we certainly want to facilitate that transaction.

MR. YOARS: I believe you.

CHAIR YASSKY: We want the permittee to be able to go to you or to go to a dealer and say I have this, part of my payment is the $15,000 grant, but then you need to be able to rely on that before you put a car out the door. The chicken and egg problem, you know, Commissioners is, we want to see the car at Woodside before we write somebody a check. We don't want to write a check to somebody and then -- you know, before we've seen the car. So Mr. Yoar --

MR. YOARS: Yoars.

CHAIR YASSKY: I'm sorry, Mr. Yoars --

MR. YOARS: That's fine.

CHAIR YASSKY: -- doesn't want to give somebody a car until he's got the money in hand. So we understand that chicken and egg problem.

MR. YOARS: Right.

CHAIR YASSKY: We want to make sure
that people in his position can rely on the
city to let the car go out the door.

MR. YOARS: Exactly. And I know
you're working toward that, and if we are
able to provide input regarding that, that's
great to hear.

CHAIR YASSKY: Okay. You know,
We'll reach out to you.

MR. YOARS: Great. Thanks again.

CHAIR YASSKY: So is it Mr. Lore or
love?

MR. LORE: It's Lore.

CHAIR YASSKY: I apologize.

MR. LORE: That's okay. You're
going to love what I have to say, though.

CHAIR YASSKY: Excellent.

(Laughter)

CHAIR YASSKY: And then finally
Jenny Ahmed from Pia Car.

MR. LORE: Mr. Chairman, members of
the Commission, my name is Jesse Lore. I
work at Ride-Away. We have been selling
wheelchair accessible vehicles for the last
25 years.
We have been selling wheelchair taxis in New York City for the last seven years. We have seen many generations of these vehicles come and go. I've personally taken credit applications from dozens of permit holders representing hundreds of vehicles. And I strongly support the payment of the $15,000. I did submit written comments, so you can refer to those. I really believe that the vast majority of permit holders will not be able to secure financing for these vehicles without that grant up front. So we are happy with that process and we are happy with that change, thank you.

We are also a National Mobility Equipment Dealers Association member, we are a QAP member. As such, we have to adhere to very high standards. We have to undergo annual inspections. We have to comply with federal Motor Vehicle Safety Standards. We have to provide 24/7, 365 service to our customers. We have to have all of our technicians trained by the manufacturers of
these vehicles and the products. And, as 
such, we provide a higher level of service to 
our clients.

Quite frankly, not all wheelchair 
accessible vehicles have stood the test of 
time on the streets in the last seven years 
that we've been here. Many vehicles we have 
seen have failed in in-service on the ground.

And that's one of our biggest 
concerns with this new program. Should the 
vehicles not meet the highest standards of 
production and engineering, the investment, 
be it 35, 40 thousand dollars or 20 thousand 
dollars on a used vehicle, the people who are 
driving these, the permit holders, may not be 
able to withstand some of the same problems 
with the vehicle that a well financed 
medallion holder would.

I'd encourage you to put back in 
the NMEDA QAP requirement for dealers, 
because we do uphold those highest standards, 
and ensure that the permit holders and the 
vehicle owners and drivers keep these 
vehicles on the road.
I'd also encourage you to look at the NMEDA compliance review program, which ensures that the conversions have met federal Motor Vehicle Safety Standards. Not all of the converters have met federal Motor Vehicle Safety Standard 208 for occupant crash protection. Many of them have met compliance on 310 for the -- or 301 for the fuel tank, as well as for the seat belts, but occupant crash protection safety, the safety and the lives of the passengers in wheelchairs is the most important thing, we believe, and we believe that that's essential that the rules reflect that the NMEDA compliance review program is met by conversions.

CHAIR YASSKY: Thank you.

MR. LORE: Thank you for your time.

MR. YOARS: I would second that from Freedom Motors. Because the QAP, that is really an important thing to look real closely at.

CHAIR YASSKY: Thank you. Thank you.

Jenny, Ms. Ahmed.
MS. AHMED: Good afternoon, Commissioners. I'm Jenny from Pia Car Limo. My husband and I are the base owners. Our base, we're a street hail endorsed base, and we have the largest percentage of handicapped accessible on our base.

You're getting a lot of testimony from the finance people, and I'm definitely in support for the one lump sum payment. But I would like to give you some of the human background of how this is impacting my drivers.

The large percent of our base is foreigners. English is their second language. They look at this street hail permit as their slice of the American dream. They went and took five -- I mean obviously, why would you want one when you can have five. I teased them and I said you know what, you're a mini fleet owner now, and they're like really. And this -- I mean they're becoming more responsible citizens.

My -- I'm also an attorney -- my base, my husband and I, we help them do their
paperwork, we do their grant applications for them. We have a direct contract with MTA for the Access-a-Ride. The banks are kind of scared because this is a new program. I've actually had to deal with the banks, guaranteeing them, you know, dispatch calls so that they can make their payments. For a base, I don't know if the other bases are doing it but we're doing it for our drivers. It's a lot of work.

But when they come to get their car on the road the first time, they're like so excited. I mean I have pictures of every one of my green cars. They're like Jenny, take my picture. And I have to email it or Skype it to their family back in Pakistan, they're like so excited.

This is -- they're filing tax returns now. They have never filed tax returns before. I'm helping them clean up their credit. They're -- you know, they never had credit before because, you know, if they're only making a hundred dollars a day, what could they possibly do with credit.
Something I'm really proud to say
is yesterday I helped two of them enroll in
Obamacare, when they were on Medicaid, you
know. So you're getting people paying taxes
now. So I know this wasn't the intent of the
grant, but this is really something the city
really needs to like pat themselves on the
back because this is helping people out of,
you know, out of poverty.

And I have my Veriphone, you know, data to support how much money these people
are making, and this is great. At first they
were thinking oh, no, the LPEP is going to be
reported to HRA. And I'm like no, but this
can be a good thing. Why do you want to keep
getting this when, you know, now you can get
a house, you can get this, you can get that.
And it's like I see so much growth.

There's still challenges. And if
that grant comes in one lump sum it will
definitely, definitely just steam roll
everything. It's just doing so great.

I wish you could come in my office
and just see. I have ten, 20 people in my
office. My husband and I work until 12:30 in
the morning and we have people in our office.

CHAIR YASSKY: I think this sounds
like a Commission field trip. I don't know,
it could be --

(Laughter)

MS. AHMED: But it's great. And
I'm sure this wasn't one of the intentions of
this grant. But I just want you to know from
a human aspect.

Yes, they want to transfer
because -- this is what I tell them. You
know, the bank is not going to give you a
loan to put you in business. It's easier to
take a bite of the cookie than to take the
whole cookie. So get one permit, you know,
transfer another to your wife, transfer
another for your son, it's a family, youse
are all making the money, it's easier to get
one loan than get five. And I'm telling
you --

CHAIR YASSKY: That's good advice.

MS. AHMED: -- it's beautiful.

It's beautiful. It's working.
CHAIR YASSKY: Thank you. Well, thank you -- thank you for the testimony and the encouraging words --

MS. AHMED: You're doing a great job.

CHAIR YASSKY: -- obviously. But really for -- I mean, you know, what you described is your relationship with the drivers at your base.

MS. AHMED: I have pictures of every one of my green cars.

CHAIR YASSKY: That's, I mean I've seen that so many times in this industry that it is, I mean, it's almost a stereotype of the small business where everyone is a family pulling together, trying to make it work. And these are not easy because it's a lot of hours, and some weeks there's a bad week and you can't really survive a bad week that easily. But when you have the kind of heart that you're talking about, people make it work and then it really is the American dream.

MS. AHMED: Two enrolled in
Obamacare last night.

CHAIR YASSKY: That's a --

MS. AHMED: I was in the office until 12:30. They were on Medicaid. They're coming up in life. You have no idea how happy they are.

CHAIR YASSKY: So anyway --

MS. AHMED: They come in and they're just beaming when they get their car. I have to go take their picture and it gets sent to like, you know, ten addresses overseas. They're like so proud, you have no idea.

CHAIR YASSKY: I can't think of a better note to end this meeting on. Thank you so much --

MS. AHMED: You're welcome.

CHAIR YASSKY: -- for your testimony.

So all right. Actually it's not ending because we have one more rule I realize. But I call for a vote now on the grant rules before us. All in favor say aye. (Chorus of ayes)
CHAIR YASSKY: Opposed, no. By unanimous vote with five Commissioners present the rule is adopted.

We have one final rule that I don't know if we'll be able to act on it today but we can have at least have the hearing on it. The hearing -- this is a rule, and what Ms. Ahmed said about LPEP, I know we have had a lot of discussion from folks in the industry about LPEP and what does it mean. And just like five years ago with TPEP where, you know, kind of electronic monitoring and reporting and it seems unnerving to people. But on the other hand it enables all kinds of things that from our perspective, credit cards for passengers, but all kinds of plugging into the system that wouldn't be possible otherwise. So I think your point is extremely well taken.

At any rate, we have a bunch of clean ups that we are proposing to make to the LPEP rules. Meera, please describe them, then we'll have the public testimony.

COMM. MARINO: All right. Before
Meera begins, I have an appointment, I need to leave. We did -- I mentioned it to Meera earlier. So I apologize. If anyone wants to contact me and give me any information, my, you know, my lines are always open.

(Commissioner Marino exits meeting room)

MS. JOSHI: Okay. Today we'll take public testimony on proposed technical clean up amendments to the LPEP rules. In sum, these changes align the LPEP rules with the more recently passed TPEP rules and:

- Require that the LPEP be capable of dimming the roof light when a Street Hail Livery vehicle is in the hail exclusionary zone and the meter is disabled;
- Require LPEPs to offer passengers with visual disabilities the ability to pay their fares unassisted;
- Three, require distinctions within LPEP between whether a trip is street hailed or dispatched.

The rules were amended post publication to further clarify which rate
codes should automatically prompt the inclusion of an MTA tax and rename Borough Taxi Information to Street Hail Information.

So today we'll take public testimony on these rules.

CHAIR YASSKY: Do we have people signed up to speak? Yes, we have people signed up to speak. Oh, Mr. Tuncel from LOMTO. And then Ethan Gerber from the Greater New York Taxi Association.

MR. TUNCEL: Good morning,

Mr. Chairman --

CHAIR YASSKY: Good morning.

MR. TUNCEL: -- and Commissioners.

My name is Erhan Tuncel. I'm managing director of the League of Mutual Taxi Owners.

I'm here to testify in support of the proposed rule changes for the LPEP update, especially the addition to the paragraph one of Chapter 85, section 31, subdivision (e), Automatic Vehicle Location System and Location Services, which requires the LPEP provider to turn off the roof light while the Street Hail Livery vehicle is in
the Hail Exclusionary Zone and the taximeter is disabled.

The single roof light system was designed for the express purpose of communicating to the riding public whether a taxi is available for a street hail. If the roof light is on, medallion taxi and Street Hail Livery is available. If the roof light is off, they're not available.

A lit roof light atop a Street Hail Livery indicates to the riding public that the Street Hail Livery, SHL, is available. However, the SHLs are not permitted to pick up, thus not available to the riding public in the Hail Exclusionary Zone. Therefore, a lit SHL roof light in the Hail Exclusionary Zone relays an incorrect and confusing message to the riding public.

Allowing LPEP to turn the SHL roof lights off in the SHL Hail Exclusionary Zone can only strengthen the message to both the Street Hail Livery drivers and the riding public that Street Hail Livery hails in the exclusionary zone are prohibited.
Thank you very much.

CHAIR YASSKY: Thank you.

Mr. Gerber, and then Ronnie Ellen.

(No response)

CHAIR YASSKY: All right, Ronnie Ellen. Is that you, Ronnie? It is.

MS. ELLEN: It is. But my comments were about the grant.

CHAIR YASSKY: What?

MS. ELLEN: My comments were not about this. I'm sorry.

CHAIR YASSKY: Well, all right. We had you signed up on this one. If that's our error, I apologize.

MS. ELLEN: Okay.

CHAIR YASSKY: Would you like to be heard on the grant? I mean out of courtesy to you. Obviously we voted already.

MS. ELLEN: Sure. I know you voted already.

CHAIR YASSKY: Yes.

MS. ELLEN: The only suggestion, I think that it's of real paramount importance to get these vehicles on the road as soon as
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possible.

CHAIR YASSKY: Indeed.

MS. ELLEN: And all of you appreciate that.

I'm wondering if it would be possible to create some kind of voucher to give to the converter --

CHAIR YASSKY: Ah. So in essence we have that -- just Ms. Ellen -- that when somebody -- if one of the permittees comes to us and says I want this grant, I want to be able to buy a vehicle but the person I'm buying it from or the person who's doing the upfitting needs to know I am getting this grant.

MS. ELLEN: Yes.

CHAIR YASSKY: We have a letter, and we've worked with some of the industry but probably not everybody. So again, people in the industry who are in the financing or retrofitting side, and there are things you would like to see from us along these lines, come in and tell us.

MS. ELLEN: Yes.
CHAIR YASSKY: We worked out a letter that says dear upfitter, dear dealer, dear vendor, this permittee will be getting $15,000 --

MS. ELLEN: Okay.

CHAIR YASSKY: -- upon presentation of the vehicle you can count on that.

Sincerely, City of New York. So --

MS. ELLEN: Okay. My suggestion --

CHAIR YASSKY: -- that functions as a voucher.

MS. ELLEN: My suggestion is that the money go directly to the converter --

CHAIR YASSKY: And again --

MS. ELLEN: -- not to the permit owner.

CHAIR YASSKY: Understood. I don't want to waste your time. And again, if the permittee wishes, they can sign a form, they can fill out a form and execute -- and we will execute a form that does assign the payment so that they can then bring that to the converter or the dealer or the vendor.

MS. ELLEN: Okay.
CHAIR YASSKY: And again, so that does function like a voucher.

MS. ELLEN: Thank you very much.

CHAIR YASSKY: You're welcome.

Luis Ramos, followed by Bill Lindauer.

MR. RAMOS: I was going to comment on the grant but you already voted on it, Commissioner.

CHAIR YASSKY: Okay, thank you.

Mr. Lindauer.

MR. LINDAUER: I pass.

CHAIR YASSKY: Thank you.

And then the two remaining are Carolyn Castro, representing the Livery Roundtable, and Tarek Mallan, representing Dial 7. Ms. Castro is --

MS. CASTRO: Good morning, Commissioners. Mr. Mallan had to leave so he will not be providing testimony this morning.

My name is Carolyn Castro and I'm the executive director of the Livery Roundtable. Thank you for allowing me the opportunity to talk with you today regarding
While the LRT does not object to most of the proposed rules, we ask that the Commissioners not vote -- which obviously you're not now -- consider not voting in the future in favor of the proposed rules because they follow some of the guidelines promoting one sector of the industry while minimizing another.

The TLC -- the purpose of the pilot we feel is to make the pilot more attractive to SHLs and minimize liveries' overall role in the industry. The proposed rules allow the Street Hail Livery car to use the meter on prearranged trips, which is against the TLC's original ruling.

The proposed change of subdivision (b), section 8331 of title 35(b)-52 talks about on duty, unfavorable -- unavailable codes. And 10(b)-62 states that if a driver indicates that the trip originated as a dispatch, the taximeter must not include the MTA tax for any of the rate codes input by the Street Hail livery driver, indicating
that the prearranged trip will be priced
using the meter and in violation of ATthe TLC's
own rule regarding the prea rranged fare.

ProposedUN rule 10(b)-62 violates
TLC's cur rent rule of 59(b)-23, Operations,
Rates and Tolls, w here it says, rate quotes
livery base only. A base s tation owner must
provide an accurate and binding pric e quote
to any prospective passenger contacting the
base for transportation to a specified
destination and immediate stops.

On top of the violation of the
rule, allowing the Street Hail Livery base to
now accept prearranged requests without the
need of obtaini ng the destination from the
passenger, or providi ng the passenger with a
binding quote, places the Street Hail Livery
in a superior position to the regular li very
license and base. It is an illegal and
brutal way of forcing livery drivers to
convert to the Street Hail Livery program.

On behalf of the livery vehicles
and drivers currently in the industry, I'd
like to thank you for the time to listen to
us this morning.

CHAIR YASSKY: Thank you very much.

MS. CASTRO: Thank you.

CHAIR YASSKY: So that concludes the public hearing on these proposed rules. We are not -- we don't have a quorum present to vote on this proposed rule today, so we will have to put it over to our next meeting. Commissioners, I anticipate that we will vote on these proposed rules at our next meeting.

Other than that, that concludes the agenda for today. With that, today's meeting is adjourned at 12:00 o'clock, 12:03 to be precise, p.m., thank you. And thank you as always to our intrepid court reporters.

(Time noted: 12:03 p.m.)
CERTIFICATE

I, KARI L. REED, a Registered Professional Reporter (Stenotype) and Notary Public with and for the State of New York, do hereby certify:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of October, 2013.

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