



Monday, January 28, 2019

**STATEMENT OF OLEG CHERNYAVSKY  
EXECUTIVE DIRECTOR, LEGISLATIVE AFFAIRS  
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON FOR-HIRE VEHICLES  
COUNCIL CHAMBERS, CITY HALL  
JANUARY 28, 2019**

Good morning Chair Diaz and Members of the Council. I am Oleg Chernyavsky, the Department's Executive Director of Legislative Affairs and I am joined by Deputy Chief Richard Napolitano from the NYPD's Information Technology Bureau and our colleagues from the Taxi and Limousine Commission. On behalf of Police Commissioner James P. O'Neill, we are pleased to testify about two of the bills being heard today.

At the core of the Department's mission is our obligation to protect the health, safety and welfare of those that live, work and visit this city. To this end, the Department has leveraged technology and technological advancements to drive crime to lows not seen since the early 1950s. This includes the use of technologies such as ShotSpotter, smart phones, ARGUS cameras, and the Domain Awareness System, which integrates a multitude of technological crime fighting tools that better equip our officers to keep people safe.

However, our push toward technological integration does not end at advancements in crime fighting alone, it naturally extends into emergency response. The Department of Information Technology and Telecommunications (DoITT) is spearheading improvements to the 911 system with a long term goal of bringing the entire emergency system into the next generation. This is no easy task and this Department is actively involved in that effort. Annually, our 911 call centers receive approximately 9,000,000 calls for emergency service. This is why any change to the system, no matter how slight, requires significant thought, analysis, experimentation, validation, and piloting prior to full integration. This is not a quick process, nor should it be, as any failure of a request for emergency response to connect to the Department, or inability of the Department to accurately determine the location of an emergency call can cost a life. This is simply a cost too great to bear for the sake of prematurely implementing even a good idea.

The NYPD welcomes any and all innovations that will help us achieve our mission. This is why the Department supports the goal of greater access to first responders in cases of emergency, envisioned in Intro. 967, sponsored by Councilmember King, and Intro. 1319, sponsored by Councilmember Cumbo. Although I want to be clear, there should be no substitute for callers phoning in to 911 where possible to enable our call-takers to illicit what is often vital life-saving information. These pieces of legislation require the installation of a panic button in every taxi cab, HAIL and for-hire vehicle that can connect drivers and passengers to the police department. These bills seek to create another avenue in which the City can leverage technology to not only help prevent and solve crime, but to also connect those in distress to emergency services. However, while we agree that the integration of this technology, both into such vehicles and into the 911 system, may prove to be significant, it is important to stress that the Department does not currently have access to the GPS system installed in such vehicles, if GPS is in fact installed in all such vehicles, which is a vital component of having the ability to gain accurate location data.

Additionally, TLC data, such as license plate information and vehicle description information, would need to be integrated into the backend system. In busy locations, officers may respond to a scene and see multiple taxi cabs or for-hire vehicles that look identical. Relatedly, as companies such as UBER and LYFT have proliferated, it has become increasingly difficult to differentiate for-hire vehicles from personal vehicles. This is particularly why the panic light that is currently installed on taxi cabs would need to become a

requirement for all vehicles covered in this legislation. The presence of such lights and their integration into the scheme the bills envision, would enable responding officers to more quickly identify and respond to the relevant vehicle. These significant hardware installations and software upgrades, together with the required testing and validation of such a system and training for all of our 911 call takers would take significant time and certainly could not be accomplished in 120 days, as envisioned by the proposed legislation.

I want to stress that although there are current challenges to immediate implementation, this does not mean that this idea cannot be explored in the future. Indeed, the city is in the process of developing NextGeneration 911 which will provide significant upgrades to our current 911 system which potentially could be successfully leveraged to utilize technology such as what is proposed in this legislation. We welcome a continuing dialogue with the Council relative to this issue.

Thank you and we look forward to answering any questions you may have.

**Testimony of William Heinzen, Deputy Commissioner for Policy and External Affairs  
and Dianna Pennetti, Deputy Commissioner of the Uniformed Services Bureau  
New York City Taxi and Limousine Commission (TLC)  
New York City Council  
For-Hire Vehicle Committee  
Hearing on Intro Nos. 967, 1302 & 1319  
January 28, 2019**

Good morning Chair Diaz and members of the For-Hire Vehicle Committee. I am William Heinzen, Deputy Commissioner for Policy and External Affairs at the New York City Taxi and Limousine Commission. Joining me today is Dianna Pennetti, Deputy Commissioner of TLC's Uniformed Services Bureau. We are here today to share TLC's views on Intros No. 967, 1319 and 1302.

TLC's mission is to ensure that all New Yorkers receive safe, reliable and accessible for-hire service, which includes keeping passengers and drivers safe. To protect the riding public, TLC requires all drivers of TLC-licensed vehicles to obtain a license to carry passengers, whether in a yellow taxi, green taxi, livery car, black car, commuter van or luxury limousine. To obtain that license, drivers must meet stringent standards, such as fingerprinting, criminal background checks, New York State Department of Motor Vehicle driving record checks, drug testing and driver education courses (e.g., defensive driving, 24-hour TLC driver course, driver license exam, and wheelchair accessible vehicle training).

Additionally, to ensure safe rides for drivers and passengers, TLC urges them to not engage in illegal street hail activity. For drivers, these all-cash trips are unrecorded, making it that much more difficult to find an assailant, and indeed a person with bad intent may be trying to hail a livery illegally for that very reason. For passengers, you are getting in a car without knowing if the driver is licensed by TLC and therefore screened for safety, and you may be getting into a dangerous, uninsured vehicle. Indeed, many reported instances where drivers and passengers have reported assault have involved unlicensed activity.

Intro. Nos. 967 and 1319 would require taxis, street hail liveries and for-hire vehicles to have panic buttons in both the rear passenger compartment, and in reach of the driver's seat capable of sending distress signals to the New York City Police Department. In those rare instances where there is a problem, TLC wants drivers and passengers to receive emergency support as quickly as possible. TLC must defer to other agencies more familiar with the capabilities of emergency response technology, but we note that the bills as drafted are silent as to who will bear the costs of any new vehicle equipment. Without a full assessment of the technology we of course do not know what those costs might be, but we do know that drivers are struggling to cover their expenses, and we have to be concerned that drivers – many of whom own or lease their vehicles – may have to pay not only for installation but also for ongoing maintenance and monthly carrying charges for this technology.

Turning to Intro. No. 1302, which would require TLC to establish a minimum base rate that must be charged to passengers for trips dispatched by any High-Volume For-Hire Service that begin, end, or pass through the Congestion Zone recently created by the New York State Tax Law in 2018. The minimum base rate must be no less than the initial unit charge for a taxi and any required taxes, fees or surcharges. This minimum base rate in taxi is referred to as the drop charge.

The new State law defined the Congestion Zone as Manhattan south of and excluding 96th Street. For trips in yellow taxis that begin, end or travel through the Congestion Zone, State law required that passengers pay a Congestion Surcharge of \$2.50 per trip, while for trips in For-Hire Vehicles, passengers were to be charged a per-trip Congestion Surcharge of \$2.75, although the surcharge is reduced to seventy-five cents for shared rides.

It is important to note that today the Congestion Surcharge is not currently in place. Although the law was supposed to take effect on January 1, 2019, there is litigation

challenging the Congestion Surcharge. A New York State Supreme Court judge issued a Temporary Restraining Order enjoining implementation of the Congestion Surcharge on December 20, 2018, and on January 17, 2019 the judge ordered further briefing and temporarily extended the restraining order until January 31, 2019. Currently, then, the State Congestion Surcharge is not in effect. Given this, we urge the Council to wait until the litigation is resolved before considering legislation.

Additionally, legislating a minimum for-hire vehicle fare now appears to conflict with recent legislation from this committee. In August 2018, the Council passed, and the Mayor signed, several bills governing the for-hire vehicle industry, including Local Laws 147 and also Local Law 150, which Intro. No.1302 would amend. In addition to Local Law 147's moratorium on the issuance of new for-hire vehicle licenses for one year, Local Law 150 required TLC and the Department of Transportation to evaluate the impacts of High Volume For-Hire Services on New York City, including impacts on congestion, driver income and air quality. That study must be completed by August 2019, after which the Council in Local Laws 147 and 150 authorized TLC to take a variety of policy actions, and also "to determine whether the establishment of minimum rates of fare to be charged by vehicles licensed by the commission would substantially alleviate any of the problems identified in the study." We understood that the Council's decision in Local Law 150 to require TLC to complete this study before making any determination as to minimum fare setting was designed to ensure a rational process that considered all relevant factors, similar to how TLC evaluates potential taxi fare increases, or how, for well over a year, TLC evaluated whether and how to implement the recent driver pay standard.

Local Laws 147 & 150 pressed the pause button to allow the TLC and DOT to examine how best to evaluate the impacts of High Volume For-Hire Services on New York City, and how best to address those impacts. Without completing that Council-mandated study, TLC

cannot know the potential impacts of setting a For-Hire Vehicle fare on issues like congestion, driver income, traffic safety, or on outer borough vehicle availability, wait times and fares, and we think it would be irresponsible to regulate fares prior to that thorough evaluation.

Thank you for inviting TLC to testify today, and I will take questions after the Police Department has testified.



**January 28, 2019**  
**New York City Council**  
**Committee on For-Hire Vehicles**

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My name is Bryan Lozano and I'm the External Affairs Manager at Tech:NYC. Thank you for the opportunity to testify today.

Tech:NYC is a nonprofit coalition with the mission of supporting the technology industry in New York through increased engagement between our 700 member companies, New York government, and the community at large. Tech:NYC works everyday to foster a dynamic, diverse, and creative ecosystem, ensuring New York is the best place to start and grow a technology company. And over the past several years, New York City has proven itself a welcoming place for tech and a leader in the sector.

However New York's position as a tech hub and the continued growth of the industry is not a foregone conclusion. Rather, the continued success of our tech ecosystem will necessitate hard work, key investments, and smart legislation. Over the past year, the Council has proposed and passed a significant amount of legislation to regulate rideshare technologies and companies. While some of these have been smart and well-measured policies, other have not. Introduction 1302 — which would establish a base rate for high-volume for hire service in the congestion zone — represents the latter, and it would have serious negative consequences.

Last summer, the Council — to its credit — passed a law mandating drivers receive a living wage. But unlike that legislation, the intent of Introduction 1302 is not to support drivers, but to limit the amount of competition in the industry; which it would do to the detriment of all New Yorkers. This legislation would limit the ability of rideshare companies to compete on price and their ability to offer riders quality, affordable service.

Introduction 1302 also includes a potential minimum rate for shared rides, making this type of service less affordable. The City Council and the State have demonstrated their priority is to increase the efficiency and utilization of for-hire vehicles, and shared rides are a key mechanism for achieving these goals. Shared rides are something that should be incentivized, however this proposal will have the opposite effect, preventing companies from offering competitive prices.

When it comes to the ridesharing industry, the Council has too often relied on antiquated regulatory tools, failing to engage key stakeholders in finding a path forward that makes the most sense for the most New Yorkers: those who rely on Ubers and Lyfts and Vias to get around, those who drive for a living, and those who worry about congestion. With a living wage for drivers already established as law, the Council should be working to encourage industry competition, allowing different services and companies to offer the best prices and products.

As for Introductions 967 and 1319 — we support the intent and goal of increasing passenger safety across all types of service. However, the legislation should be revised to ensure the industry is able to devise innovative solutions, rather than merely installing a physical panic button for passengers and drivers. A physical panic button could be a major cost for drivers and there are undoubtedly more convenient, effective, and innovative solutions.

Thank you for your time.

## **BCAC Testimony regarding: FHV Committee Introductions 1319 & 967 – Passenger/Driver**

### **Panic Buttons**

Diana Clemente, President

January 28, 2019

Good Morning Chairperson Diaz and Members of the Committee. Thank you for the opportunity to address you today. My name is Diana Clemente and I am President of the Black Car Assistance Corporation (BCAC), a non-profit industry trade group advocating for the best interests of base Operators, and their drivers, since 1991. I am also the President of Big Apple Car and have worked in the industry for 45 years since starting as a customer service representative at age 16.

I am here today to speak in opposition to both Intro 1319 and Intro 967 as they relate to Black Car services.

The BCAC recognizes and appreciates the intent of both pieces of legislation. The primary concern of traditional, or legacy, black car companies has always been the safety of our drivers, and the clients we serve. The Black Car service sector has long been a staple service in New York City and across the metropolitan area for corporate clients. We provide vital transportation services for high level executives, office workers and clients of the corporate customers that utilize our services. Unlike the liveries that service the riding public and often are paid in cash, or the yellows who also service the riding public, some of whom also pay in

cash, cash payment is the black car industry is non-existent. Since cash is non-existent, the chances of a black car driver being attacked is also almost non-existent.

Less than 1% of our trips collectively are provided to individuals unaffiliated with the corporate and governmental agencies we service and the vast majority of our work is contractual. We don't service the public. The owner-operators affiliated with our licensed bases either have a stake of ownership in the BCAC member base as in the case of the cooperative groups amongst us, or have purchased or leased a franchise from the proprietary groups amongst us.

Going back to the earliest days of our existence, the mid-1960's, fifty plus years ago, when radios, or two-way communication devices were placed in yellow taxi cabs, the committee would be hard pressed to find a half dozen incidents, more likely even a single incident, of the type of activity that would warrant a panic button for either passenger or driver.

It is because of our safety record, as well as the vetting of our drivers and the quality and range of services that the Black Car industry has historically been exempt from similar FHV regulations. By seeking out BCAC Member Bases, our clients are doing their due diligence. They are entrusting their principals, employees, and their own clients with the appropriate Operator. As premium prices are paid in comparison to those of any other Industry sector, there must be a positive value proposition in order for the additional expense to be justified, and drivers in suit and tie and cars that are discreet are part of the package that enables us to differentiate ourselves from others.

In the case of clients' choice to pay premium rates to utilize Black Car services, the client is acknowledging that they are paying not just for the transportation, but for the added layers of quality, safety, and customer service. Based on these market realities, as well as the demands of corporate clients, many of the safety mandates of years past were in conflict with the business interests of BCAC Member Bases. Combining these factors, with the internal operational structure of the Black Car industry, the imposition of such mandates were unnecessary as evidenced from our past exemption from the Passenger Bill of Rights, as well as the existing driver panic light requirement.

In the Black Car sector, Bases have advanced systems and software in place to manage the flow of work, allowing for a higher level of security. Corporate clients long-standing relationships with their contracted Black Car Operators already provide an efficient means to make complaints, seek status inquiries and remedy negative situations.

Last year, when this Council voted to approve the creation of a new Industry sector – High-Volume For-Hire Service (HVFHS) – it paved the way to begin the practice of far more precise drafting and implementation of laws and regulations, further compartmentalizing the overall Industry so that rules put forward could be aimed in the most warranted direction, rather than serve as a “blanket” mandate, which typically does not apply to all sectors, and can actually hinder the growth, let alone survival, of a sector for which it was not designed around.

We strongly believe that is the case with both Intro 1319 and Intro 967 as they relate to Black Car services.

There will always be a demand for private, luxury ground transportation services in the New York City market provided by an entity that is reachable and responsive. Industry stakeholders have long known this, which is why so much effort has gone in to making sure our service offerings stand out among the rest.

The BCAC believes it to be more logical to direct these mandates on Industry sectors where such issues are not mitigated in advance in-house via any sort of management or mandated supplemental training, as is the case within the Black Car sector.

The drivers affiliated with our bases have a vested interest and face severe consequences should they engage in the types of behavior that have surfaced since the advent of the high-volume app based services that allow their drivers to begin providing service almost immediately after providing the requisite paperwork required by the state in which they operate.

So you see, in the end, there are clear cut distinctions between traditional black car operators and high-volume app based services and clear lines of operation should be drawn between the two classes of service. Put simply, we don't need protection from the public as our passengers are either employed or affiliated with our corporate clients, or they are traveling as their guests, and the public doesn't need protection from our drivers, all of whom are thoroughly vetted and each of whom have a monetary stake and something substantial to lose should they engage in any type of behavior that would warrant the need for a passenger panic button.

Further, and on a more emotional note, we are an industry that like the yellows has been hit hard by the more than 80,000 additional vehicles providing for-hire service. On behalf of all licensed black-car bases, I humbly ask the committee to allow us to differentiate our service offerings from the others as we struggle mightily to survive against overwhelming odds.

In light of the aforementioned reasons, and considering the market realities and the legislative history we have addressed in our testimony, we respectfully ask the Black Car sector be exempt from the safety mandates proposed in introductions 1319 and 967.

Thank you for time and for your kind consideration of the request I make on behalf of my industry and I will happily answer questions you may have.

FOR THE RECORD



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January 28, 2019

Committee on For-Hire Vehicles  
New York City Council  
City Hall  
New York, New York 10007

**RE: Introductory Numbers 967 and 1319**

Dear Chairman Diaz and Members of the Committee on For Hire Vehicles,

On behalf of the Independent Drivers Guild (IDG) and the more than 70,000 app-based drivers we represent, I write you today to express concerns with regard to Intros 967 and 1319 in relation to panic buttons for drivers and passengers of street hail liveries and for-hire vehicles.

Serving as a for-hire vehicle driver is a dangerous profession and protecting the safety of our city's drivers and riders is critical. We appreciate the City Council's interest in this area and while we support the intent of both panic button bills to improve driver and passenger safety, we believe that existing app-based technology offers a more practical and readily available solution.

While all for-hire vehicle drivers in New York City are required to complete fingerprint criminal background checks as well as training and certification exams, riders are not required to meet any such standards. App-based dispatch systems eliminate some of the safety hazards long associated with anonymous street hail pick-ups, but there are still far too many assaults on drivers. As the growth of shared or "pool" rides have increased, the threats to driver safety have also increased with incidences of rider-on-rider violence. That is why we have been pleased to see app-based companies begin to roll out emergency buttons within their software applications for both passengers and drivers.

App-based emergency buttons already exist in the largest apps and we believe they offer the best solution for the safety of riders and drivers alike. Using the technology already built into the app, app-based buttons give users their exact location to provide to 911 dispatchers and apps are already piloting technology to allow users to automatically transmit that location to 911 dispatchers with the press of the button. In-app buttons also offer the ability for a driver or rider to alert authorities without necessarily alerting the other parties in the vehicle.

The alternative, to build similar capabilities into physical buttons in the vehicle accessible to both drivers and riders, would be another unaffordable expense to drivers, challenging to install, subject to breakdown and difficult to enforce. Positioning physical panic buttons to be in reach of every for-hire vehicle

passenger would be impractical and beyond cost prohibitive, particularly with the growth in shared rides and van-based services. What's more, such buttons would likely break and require servicing that would cost drivers time and money whereas any improvements to app-based buttons could be completed with a simple software update.

We therefore suggest that the legislation being considered focus on and explore the benefits of app-based technology rather than requiring physical equipment.

Please do not hesitate to contact us if you have any questions, concerns or if we could supply any information regarding this issue. I can be reached at (347) 328-1088 or [scott@bendercantone.com](mailto:scott@bendercantone.com).

Sincerely,



Scott C. Cantone

On behalf of the Independent Drivers Guild (IDG)

C: Council Member Andy King  
Council Member Laurie Cumbo  
James Conigliaro, Jr., Founder & Executive Chair, IDG  
James DiGiovanni, Counsel to the Committee on For-Hire Vehicles  
Elliott Lynn, Legislative Counsel  
Christopher R. Lynn, Counsel to Chairman Diaz  
Adam Bermudez, Office of Council Member King  
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**Before the City Council Committee on For-Hire Vehicles, concerning Int 1302-2019:  
A Local Law to amend the administrative code of the city of New York, in relation to establishing a  
minimum base rate for trips dispatched by high-volume for-hire services in the congestion zone.**

My name is Charles Komanoff. I testified before this committee on November 19, 2018, regarding the TLC's Implementation of the Congestion Pricing Surcharge. As then, I represent taxi medallion interests but my analysis is performed independently and my opinions are my own. My qualifications are given in my Nov 19 testimony.

I fully support the intent of Int 1302-2019 but recommend that the Council and the Legislature go considerably further.

There are many equities to be balanced in setting policies governing for-hire vehicles: between yellow cabs and the app-based vehicle sector, which compete for the same business; between both classes of FHV's and private cars and trucks, which vie for the same road and street space; and between all motor vehicles and public transportation, whose uneasy relationship — competitive at times, but sometimes mutually supportive — is about to be made more tangled by congestion pricing.

Balancing these equities would be challenging in the best of times, which these are not. The app-based companies, Uber and Lyft, are decimating the taxi industry. Financial losses are endemic, and in the past year-and-a-half eight taxicab drivers have taken their own lives. The city's subways and buses are hemorrhaging riders and money. And the Manhattan core is more gridlocked than at any time in memory, in large part because thousands of drivers for Uber and Lyft spend so much time "trawling" for business — hanging out in the Manhattan taxi zone waiting to be pinged.

Everybody deserves a better deal. For-hire vehicle drivers want to survive. Motorists and truckers want to move and deliver. Transit users want subways that work and buses that aren't stuck in car traffic. Patrons of cabs, Ubers and Lyfts want to be picked up promptly and to arrive on time. People on foot and riding bikes want fewer vehicles. And, to repeat, drivers of for-hire vehicle want to survive.

I believe we can advance all of these aims simultaneously. Here's a 5-point plan:

1. Albany rescinds its flat-fee congestion surcharges on for-hire vehicles. (I'm referring to the intended Jan 1, 2019 surcharges that have been stayed by the temporary restraining order.)
2. New York City mandates and implements "connectivity" for app-based vehicles (taxis have it already).
3. Albany enacts congestion tolls on private cars and trucks.
4. During the run-up to congestion tolls, Albany phases in time-based congestion surcharges, including trawling chares, on app-based vehicles.

5. Albany enacts congestion surcharges on taxis, which only go into effect when congestion tolling is in place.

Here's why this program is fair:

- Connectivity for app-based vehicles is fair because it's easy, it's inexpensive, and it will ensure that the app-based companies comply fully with city regulations and state surcharges.
- Charging all motor vehicles to travel to or within the Manhattan CBD is fair since all motor vehicles contribute to congestion. (While today's technology doesn't let us toll or surcharge private cars and trucks that don't enter or leave the CBD, that is a pity but not a show-stopper, since these vehicles account for only 10 percent of CBD traffic.)
- It is fair to refrain from fully surcharging taxis and app-based vehicles until private cars and trucks pay tolls to enter the CBD. Only congestion tolls will give FHV's an opportunity to recoup the business they will lose from the surcharge with business they will gain from faster traffic.
- Phasing in congestion surcharges only for the app-based vehicles is fair because taxis have already paid for the right to operate in the taxi zone — a right they reasonably expected to hold in perpetuity — and because their numbers are capped by statute, and at just one-seventh of the putative city cap on the app-based vehicles.
- Surcharging all FHV trips based on their time in the taxi zone is fair because it ties the surcharge to "congestion causation," with trips that impose the greatest costs being charged the most.
- Imposing an additional "trawling surcharge" on app-based FHV's is fair because FHV trawling is a socially useless activity that is best addressed by making Uber and Lyft pay a price for it.

Here is what fair and effective congestion tolling and surcharging might consist of:

- Cars and trucks pay the higher-range cordon tolls outlined a year ago in the Fix NYC report.
- Once cordon tolls are in place, all FHV's are surcharged at \$0.40 per each minute with a fare in taxi zone.
- App-based FHV's are additionally surcharged for all time trawling in the taxi zone at 60% of the rate with a fare.
- All surcharge are discounted by 50% on weekends and 8pm-6am weekdays.

Here is what those tolls and surcharges would achieve, according to my traffic modeling:

- 15% faster travel in the CBD (more, once the congestion revenues are invested in better transit).
- \$1.7-\$1.8 billion a year in new net revenue for better transit, of which \$300 million will come from taxi surcharges and \$475 million from Uber surcharges.
- Manhattan residents, who will benefit the most, will pay the lion's share of the new tolls and surcharges — more than Brooklyn and Queens residents combined.
- The number of trips in yellow cabs is unchanged or rises slightly.

I'm happy to answer your questions about this program, including how I derived my results.

**Intro 0937 and Intro 1319 – LRT Testimony by Steven Shanker**  
**Executive Director – Livery Roundtable**

**FOR THE RECORD**

Thank you for giving me the opportunity to testify here today.

I am the executive director of the Livery Roundtable, representing livery bases across the city. Livery bases, as you know, are small mom-and-pop community-based businesses run, in many cases, by immigrants.

I am here today to testify in opposition of Intro 0937 and Intro 1319, requiring all livery vehicles install panic buttons for both drivers and passengers.

Our sector – Livery bases and drivers – already has to abide by over 135 different TLC regulations above any other for-hire sector. Many of which, similar to the two intros proposed here, increase operating costs for both drivers and bases that are already struggling to make ends meet.

I'll start with a bit of livery safety history. One of the largest safety issues we once faced were livery drivers being assaulted, and in some tragic cases, killed by passengers – that prompted the rules for camera and distress light in livery cars, which thankfully greatly improved drivers' safety.

With regards to passengers, the livery sector has an outstanding safety record.

First and foremost, our passengers are safe because our drivers are professionally trained.

Second, all drivers get a background check and are fingerprinted by the TLC.

Third, and most importantly, we do not engage in street hail, we only perform prearranged trips. We know exactly which driver picked up which passenger. Drivers know that if they harm a passenger, the base will know who the driver was, which is a huge deterrent.

Now, we are not here to say that tragic things haven't happened but they are rare and we work very hard as an industry to protect passengers and keep them safe. We know that safety is one of the core reasons our customers select their neighborhood base over other options in the market.

In addition, we do not know of any study or data that shows Intro 0937 and Intro 1319 will have a real impact on passenger or driver safety. We think those studies should come first, before a mandate that will impose a huge additional cost on drivers already squeezed by burdensome regulations.

We estimate that installing these two panic buttons will cost drivers about \$250. Maintaining an Internet connection for them will add a monthly fee of about \$25. That is a financial burden of \$550 for the first year and \$300 every year after.

Furthermore, the council should consult with NYPD as well who will need added manpower and investment to make panic buttons work, and whose input will be needed to determine how to deal with accidentally triggered buttons by either the driver and/or the passenger. In an industry that serves many tourists, we believe these incidents will be common.

This Council has been very clear about the desire to help struggling drivers. Requiring them to incur additional costs will negatively impact those efforts without gathering the data first to determine that panic buttons are the best course of action.



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January 28, 2019

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New York City Council  
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The alternative, to build similar capabilities into physical buttons in the vehicle accessible to both drivers and riders, would be another unaffordable expense to drivers, challenging to install, subject to breakdown and difficult to enforce. Positioning physical panic buttons to be in reach of every for-hire vehicle

passenger would be impractical and beyond cost prohibitive, particularly with the growth in shared rides and van-based services. What's more, such buttons would likely break and require servicing that would cost drivers time and money whereas any improvements to app-based buttons could be completed with a simple software update.

We therefore suggest that the legislation being considered focus on and explore the benefits of app-based technology rather than requiring physical equipment.

Please do not hesitate to contact us if you have any questions, concerns or if we could supply any information regarding this issue. I can be reached at (347) 328-1088 or [scott@bendercantone.com](mailto:scott@bendercantone.com).

Sincerely,



Scott C. Cantone

On behalf of the Independent Drivers Guild (IDG)

C: Council Member Andy King  
Council Member Laurie Cumbo  
James Conigliaro, Jr., Founder & Executive Chair, IDG  
James DiGiovanni, Counsel to the Committee on For-Hire Vehicles  
Elliott Lynn, Legislative Counsel  
Christopher R. Lynn, Counsel to Chairman Diaz  
Adam Bermudez, Office of Council Member King  
Monica Abend, Office of Council Member Cumbo



39-24 24th Street, 2nd Floor  
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**E-mail:** pmazer@metrotaxiboardoftrade.com

**Peter M. Mazer**

General Counsel

## TESTIMONY OF PETER M. MAZER

*General Counsel, Metropolitan Taxicab Board of Trade*

### CITY COUNCIL FOR-HIRE VEHICLES COMMITTEE

**January 28, 2019**

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Good morning Chairman Diaz and members of the Committee. My name is Peter Mazer, and I am General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT), an association representing owners of more than 5,000 licensed medallion taxicabs. We also provide an array of free services to the drivers of these taxicabs, including free representation in Traffic Court, before OATH, and in criminal court for vehicle offenses. This service has saved our drivers more than a million dollars in legal fees over the past three years.

There is no question that the medallion taxicab industry is in dire straits. Ridership has plummeted over the past five years primarily because of the proliferation of high volume for-hire services which have flooded the streets of the city with over 100,000 cars, and whose fares are largely unregulated, enabling these businesses to reduce fares to levels below those charged by taxicabs in order to capture market share. This situation is likely to worsen if a planned congestion surcharge, temporarily enjoined by the court, were to take effect. Taxicabs and street hail liveries must include the surcharge as an additional charge on the meter, while high volume for-hire services could easily absorb the increased cost imposed by the congestion surcharge by lowering their fares proportionately. This would hurt drivers in both the taxicab and for-hire industries, as they will all earn less. Intro 1302 would address this problem by ensuring that the high volume services charge at least the basic initial charge in a taxicab, which would be no less than \$5.80 if the congestion surcharge takes effect.

But more is needed. To preserve driver incomes, all trips in these services should have fares that are no less than taxicab or SHL fares for the same time and distance travelled. Inasmuch as the Council and the TLC have stated that ensuring drivers a reasonable income is a priority, this goal cannot be achieved if the largest segment of the industry can undermine driver incomes by continuously lowering fares to increase its market share. To this end, the Council should consider broadening the scope of this bill to restrict the ability of high volume for-hire services to cut fares below those in taxicabs for all trips, and not merely the initial fare imposed within in the congestion zone.

Intros. 1319 and 967 would mandate panic buttons available to both passengers and drivers, who would connect directly with NYPD. Drivers already have a panic button available to them which flashes a signal. It is not clear that this new feature would provide any more protection to either passengers or drivers. These bills presume that a signal to the police would generate an appropriate response but it is not evident that there is a protocol in place to do so. For example, a similar initiative in Washington, D.C. was met with a flat-out refusal by its Office of Unified Communications to integrate these emergency alerts into its 911/311 system for fear it would overwhelm an already taxed system. We could expect a similar response here. Panic buttons will quickly be misused as “complaint” buttons, requiring emergency responders to intercede in customer service issues unrelated to passenger or driver safety, distracting them from other priority calls. To be effective, a triggered panic alert requires the in-vehicle technology system to disable the driver’s meter until the alert is cleared by a dispatcher or, in this case, the NYPD – a potential nightmare for drivers who could wait hours or days for that “clear the system” response. Without integration to NYPD, taxicab owners would be forced to pay third-party services to monitor, triage, and report panic alert messages on a 24-hour basis, an additional and considerable expense to be borne by an industry already taxed to its limit.

In short, driver and passenger safety, a priority, can be addressed in other ways. Thank you for providing me the opportunity to speak this morning. I would be happy to answer any questions you may have.

**Committee on For Hire Vehicles  
In Relation to Panic Button and Distress Signals**

**Testimony provided by Scott Rutter  
V.P. of Limo Association of New York  
January 28, 2019**

Good Morning, my name is Scott Rutter and I am the Vice President of the Limo Association of New York, which is a group of Luxury Limousine Base owners here in New York City.

I am here again today to respectfully request the Committee to exempt Luxury Limousine base affiliated vehicles from any pending legislation regarding the installation of Panic Buttons and Distress Signals.

I would like to explain the reason LANY seeks exemption from legislation intended to enhance public safety, a goal we all share. We realize this effort is yet another response to the dramatic increase in vehicles affiliated with Transportation Network Companies, or TNC's, that drive this need for new regulation.

We feel strongly that this is another example of regulation that is being applied across ALL FHV Base types, when in fact it really has no application to the Luxury Limousine segment. The addition of nearly 100,000 vehicles over the past five years, almost all of which are TNC's driving around until summoned by electronic means to provide "On Demand" service where the driver doesn't know who the passenger is getting into the car, and the passenger doesn't know who is driving the car.

By contrast, the high majority of our business is all prearranged work with established customer accounts. We know exactly who is getting into our car and our customers know exactly who we are. In the high majority of circumstances, many of these customers have been using us for months and even years on end. These customers won't press a panic button or distress signal ... they will fire us and move on to another Luxury Base after researching and selecting one that will live up to their standards and who they want to use.

Yet we keep getting swept up in many "one size fits all" regulations aimed at the entire industry when in reality our segment has no impact on them. A few of these examples include:

- Wheelchair Accessible Vehicle regulations, when we don't even provide "On Demand" Service to begin with
- Data collection regulations aimed at ensuring equivalent service is available throughout the city. Certainly an important initiative – yet in our segment we don't decide where we are going to go or not. We go where our established customers tell us to go; and if we don't ... our customers will fire us for that also!
- Congestion pricing, yet our segment has actually reduced in size by about 2,000 vehicles compared to the almost 100,000 increase in TNC vehicles I mentioned earlier
- The current moratorium on adding any additional vehicles to our fleets, when clearly we have not added to the congestion issue at all!
- New Minimum wage increases when our employees can earn up to 70, 80, and sometimes even \$100,000 dollars annually! (Now I know this is more of a State issue, but along with all these other examples is having a serious impact on our segment of the industry)

So in conclusion I want to ask again that when you are deciding on this new regulation, whether it be the Panic Button issue, or any others, that you please take into account the various different Base types that exist in the FHV industry, and not lump us all in together. Especially when it is an issue that we have absolutely no impact on. Thank you.

**Alpha Strategic Planning Corp.**  
**140 Riverside Drive,**  
**New York, New York, 10024,**  
914-572-2865

Testimony by Dr. Richard Lipsky

NYC Council Hearing on For Hire Vehicles

**Topic:** Int 1302-2019: A Local Law to amend the administrative code of the city of New York, in relation to establishing a minimum base rate for trips dispatched by high-volume for-hire services in the congestion zone.

January, 28, 2019

As we are by now all aware, the NYC subway system is in a state of chronic disrepair, and this collapse of efficient service has severe repercussions on the ability of New Yorkers to travel for both work and pleasure. Many traffic experts point to this deteriorating service as one of the major causes of worsening street congestion, since many dissatisfied commuters abandon the subway and opt instead for for-hire vehicles as a more accommodating alternative.

(<https://www.businessinsider.com/uber-lyft-creating-traffic-cities-bruce-schaller-2018-7>)

In response to this transportation crisis, Governor Cuomo and the legislature passed a surcharge on all taxis and for-hire vehicles entering or otherwise using the designated taxi zone south of 96th Street in Manhattan. Some of us took issue with treating both taxis and for-hire vehicles comparably, since the heightened congestion experienced over the past four years has been widely attributed to the entry of Uber and its imitators into the current NYC market. Even so, regardless of the fairness of the current surcharge, I consider it essential that, at the very least, the monitoring and collection of the imposed fee proceed in the fairest and most efficient method possible.

The surcharges were enacted to provide badly needed funds for NYC Transit to rehabilitate the deteriorating infrastructure of the city's subway system. It follows that the collection must be monitored, and the funds collected, in the most accurate and timely manner possible. Efficiency and fairness are both critical.

Unfortunately, given the disparate way in which the TLC regulates taxis and TNCs, fairness is out of reach. This point was given credence by, of all people, TLC Chair Meera Joshi who made the following observation in examining the potential devastation of medallion and green taxis:

*"A new congestion charge on taxis and for-hire vehicles entering the busiest parts of Manhattan will be "potentially devastating" for New York City's struggling yellow-cab industry, the city's taxi chief has warned.*

*Taxi and Limousine Commissioner Meera Joshi said Monday that other sectors of New York City's for-hire industry, such as limousines and app-based ride-hailing services, have more flexibility to absorb the congestion fee.*

***“They’re not bound to a metered fare, so they can reduce the price of the trip so that the passenger doesn’t feel the effect,” she said in a statement following a City Council oversight hearing.*** (<https://www.wsj.com/articles/new-york-city-taxi-chief-congestion-fee-will-hurt-1542676567>)

This is precisely why Intro 1302 is necessary. The bill would address the oversight disparities, and would “require the Taxi and Limousine Commission to establish a minimum base rate that must be charged for a trip dispatched by any high-volume for-hire service that begins, ends, or passes through the congestion zone. The minimum base rate must be no less than the initial unit charge for a taxi and any required taxes, fees or surcharges.”

The bill would prevent Uber from gaming the system and create a more level playing field. There is, however, one huge problem: How will the TLC monitor the drop fares if Intro 1302 becomes law?

In the TLC’s own rule making (not voted on!), the agency has begged this oversight question. I refer you to the TLC’s proposed rulemaking for street-hail vehicles at §58-26 and §82-26:

“The Technology System must automatically add the \$2.50 Congestion Surcharge to the taximeter in a Taxicab or the \$2.75 Congestion Surcharge to the taximeter in a Street Hail Livery when a trip begins in or enters the Congestion Surcharge Zone as described in §58-26 and §82-26 respectively.”

As the rules go on to mandate:

“Section 24. Paragraph (3) of subdivision (f) of section 66-24 of Title 35 of the Rules of the City of New York is amended by adding new subparagraphs (xv) and (xvi), to read as follows: (xv) date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone, if the pick-up was not in the Congestion Zone, based on the reading from the Technology System...”

This language is intended to allow the TLC to know in real time the location of every one of its 13,587 licensed medallion taxis. It also ensures that the taxi

meters will be adjusted to accurately account for Zone pickups, and also that the mandated surcharges can be collected in a timely fashion.

This language is intended to allow the TLC to know in real time the location of every one of its 13,587 licensed medallion taxis. It also ensures that the taxi meters will be adjusted to rigorously account for trips made in the congestion zone in order that the mandated surcharges can be collected in a timely fashion.

Alas, there is no comparable requirement for TNC's in the TLC's proposed rules. The TLC's proposed rules have no requirement whatsoever for that the tens of thousands of TNC's be equipped with a "technology system" designed to the same specifications as required for the medallion taxis. Rather, the proposed rules permit vehicles operating under the umbrellas of Uber and Lyft et al. to employ a self-reporting methodology that has all the rigor of a take-home test.

The same shortcoming applies to any drop fare requirement. The TLC must mandate that the TNC's employ the same "technology system" that it requires for all green and yellow taxis — which the commission can do by adhering to the language in its preamble to Rules (i) through (xii), requiring that for-hire vehicle services submit their data **"in a format, layout, procedure, and frequency prescribed by the Commission..."**

In order to ensure fairness and equity, the TLC needs to mandate for the FHV's the same "technology system" that it requires for all green and yellow taxis. This would eliminate self-serving self-reporting of companies with records of false submissions to both municipal agencies as well as to courts.

However, if the TLC fails to act expeditiously-as is its wont-then the City Council must step in a remedy the obvious inequity by legislating that that the tens of thousands of TNC's be equipped with a "technology system" designed to the same specifications as required for the medallion taxis.

By doing so, it would also provide the State and the City with extremely useful real time comparable data that can be used to properly monitor traffic and collect and account for the proper fees from those companies most implicated in the current congestion crisis.

# THE NEW YORK CITY COUNCIL COMMITTEE ON FOR-HIRE VEHICLES

Monday, January 28, 2019

*Int 0967-2018, Int 1302-2018, and Int 1319-2018*

*Written Testimony for FHV bases that use the Uber App<sup>1</sup>*

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## Int. 0967-2018 and Int. 1319-2018

The for-hire vehicle (FHV) bases that use the Uber App welcome a conversation with the New York City Council on ways to improve safety for riders and drivers of for-hire vehicles (FHVs) across the industry. We are committed to working with the Council on the best way to improve safety for riders and drivers by ensuring that they can easily access emergency services and report unsafe incidents, and support both bills under consideration by the Committee.

However, we believe that small changes in both bills will allow the Taxi & Limousine Commission (TLC) to continuously update regulations so that the for-hire vehicle and taxi industries can continue to incorporate new technologies to improve access to emergency services for riders and drivers, keeping costs down for vehicles owners and reducing the opportunity for nefarious behavior and false positives. For example, in other cities with more advanced e911 systems, emergency distress buttons can be integrated with e911 so that emergency responders can track the location via GPS immediately. Once New York's system allows for this functionality, the Commission could require it; that becomes much harder with a hardware purchase.

The proposed legislation may limit the button to a physical-hardware distress button which presents limitations, barriers and risks including:

- Increased costs for vehicle owners, including installation and maintenance as well as a data plan.
- Once a vehicle owner installs a physical button, there is a reduced opportunity to continuously improve with new technology, like e911 integration.
- Increased false positives should the button be activated by baggage or a knee.
- Reaching for a physical button is less discrete than activating an app-based distress signal.
- Ensuring compliance would require additional vehicle inspections by the TLC, while an app-based system can be confirmed and updated remotely.
- A nefarious actor may be able to tamper with a physical button eliminating any safety benefit.

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<sup>1</sup> Abatar, LLC; Acht-NY, LLC; Achtzehn-NY, LLC; Danach-NY, LLC; Dreist-NY, LLC; Dreizehn-NY, LLC; Drinnen-NY, LLC; Eins-NY, LLC; Einundzwanzig-NY, LLC; Elf-NY, LLC; Funf-NY, LLC; Funfzehn-NY, LLC; Grun, LLC; Kuchen, LLC; Neun-NY, LLC; Neunzehn-NY, LLC; Schmecken, LLC; Sechs-NY, LLC; Sechzehn-NY, LLC; Sieben-NY, LLC; Siebzehn-NY, LLC; Unter LLC, Vier-NY, LLC; Vierzehn-NY, LLC; Weiter, LLC; Zehn-NY, LLC; Zwanzig-NY, LLC; Zwei-NY, LLC; and Zwolf-NY LLC.

The legislation under consideration today can be easily modified to account for the presently available as well as potential future technological solutions that are better suited to address the safety concerns while limiting the economic impact on drivers and rider experience. We hope this Committee seizes upon the opportunity to implement a state-of-the-art solution to these safety concerns.

### **Int 1302-2018**

The imposition of a minimum base fare on trips that begin, end, or pass through the congestion zone will only reduce competition and reward one segment of the industry over another, to the detriment of consumers. The Council passed legislation and the TLC adopted rules mandating minimum per trip payments for High Volume For Hire Vehicle Service (“HVFHVS”) drivers with the goal of ensuring drivers earn at least \$27.86 an hour. With that rule in place, the proposed minimum fare legislation does not serve any purpose related to FHV driver earnings. Rather, it subverts the City’s stated goal to reduce congestion by disincentivizing shared rides.

If the Council wishes to increase competition, this Committee and the industry should consider pursuing regulatory reform for Taxi, including expanding the upfront fair and shared rides pilots. Shared rides have the potential to improve utilization across the industry, are good for the environment, and may reduce overall congestion throughout the City. As more riders opt to take a shared ride, congestion decreases and FHV utilization rates are increased. The proposed legislation subverts the City’s stated goal to reduce congestion by disincentivizing shared rides which are aggressively priced to encourage efficient behavior. We long have supported, and will continue to support, serious proposals aimed at reducing congestion. This simply is not one of them.

### **Conclusion**

We urge the Committee to engage with Uber and other members of the FHV industry in an open and transparent manner and to work with the TLC to gauge the impact on drivers and riders. We would be happy to discuss these policies with any member of the FHV Committee and to answer any questions they may have about Uber’s existing safety tools as well as ways to further promote shared rides by loosening price restrictions currently in place in New York City’s for-hire transportation industry.

#

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1302 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Richard Lipsky

Address: 140 Riverside Drive

I represent: Taxi Fleet

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1302 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/28

(PLEASE PRINT)

Name: Aaron Smith

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1302 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 1/28/19

(PLEASE PRINT)

Name: William L. Heinzen

Address: 140 Riverside Drive

I represent: Taxi Fleet

Address: 33 Beaver Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/28/19

(PLEASE PRINT)

Name: Diana Feinstein

Address: TLC

I represent: TLC

Address: 33 Beaver Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1319+967 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1-25-19

(PLEASE PRINT)

Name: DIANA CLEMENTE

Address: PO BOX 925, NY, NY 1000 10272

I represent: BCAC

Address: PO BOX 925, NY, NY 10272

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/28/2019

(PLEASE PRINT)

Name: Jose A. RODRIGUEZ

Address: 208 W 149 ST APT-1D NY 10039

I represent: TAXI DRIVER DEFENSE GROUP

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/28/19

(PLEASE PRINT)

Name: BRIDGET FELIX

Address: 3881 SEDGEWICK, Bx NY 10463

I represent: TAXISTA INDEPENDIENTE DE NY

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SCOTT KUTTER

Address: 49-29 30TH AVENUE, L.I.C.

I represent: LIMO ASSOC OF N.Y.

Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/28/19

(PLEASE PRINT)

Name: PETER M. MAZER

Address: 39-24 24TH STREET, LIC, NY 11101

I represent: METROPOLITAN TAXICAB BOARD OF TRADE

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0967 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28

(PLEASE PRINT)

Name: Aziz Bal

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1319 + Res. No. 967

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Diana Clemente

Address: 21 Sandborn street S.I. NY 10312

I represent: The Black Car Assistance Corporation

Address: 30 Wall Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 01/28/19

(PLEASE PRINT)

Name: Kate Bluman

Address: ~~400~~ 2 MetroTech Ctr. 11201

I represent: DO IT

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1302 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/28/19

(PLEASE PRINT)

Name: Bryan Lozano

Address: \_\_\_\_\_

I represent: Tech: NYC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1-28-18

(PLEASE PRINT)

Name: Executive Director Olga Chernyousky

Address: \_\_\_\_\_

I represent: NYPD

Address: 1 Police Plaza

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1-28-19

(PLEASE PRINT)

Name: Deputy Chief Richard Napolitano

Address: \_\_\_\_\_

I represent: NYPD

Address: 1 Police Plaza

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: Rawl Rivers (PLEASE PRINT)

Address: 1831 Pilsgrim Ave

I represent: myself

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1302-2019 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: CHARLES KOMANOFF (PLEASE PRINT)

Address: 11 HANOVER SQ, NYC 10005

I represent: Taxifleet Management, Inc.

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

10/28/19

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Michele Pottin

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. 967/1319 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28

**(PLEASE PRINT)**

Name: Aaron Smith

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE NEW YORK CITY COUNCIL COMMITTEE ON FOR-HIRE VEHICLES**

Monday, January 28, 2019

*Int 0967-2018, Int 1302-2018, and Int 1319-2018*

*Written Testimony for FHV bases that use the Uber App<sup>1</sup>*

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**Int. 0967-2018 and Int. 1319-2018**

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However, we believe that small changes in both bills will allow the Taxi & Limousine Commission (TLC) to continuously update regulations so that the for-hire vehicle and taxi industries can continue to incorporate new technologies to improve access to emergency services for riders and drivers, keeping costs down for vehicles owners and reducing the opportunity for nefarious behavior and false positives. For example, in other cities with more advanced e911 systems, emergency distress buttons can be integrated with e911 so that emergency responders can track the location via GPS immediately. Once New York's system allows for this functionality, the Commision could require it;that becomes much harder with a hardware purchase.

The proposed legislation may limit the button to a physical-hardware distress button which presents limitations, barriers and risks including:

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- Reaching for a physical button is less discrete than activating an app-based distress signal.
- Ensuring compliance would require additional vehicle inspections by the TLC, while an app-based system can be confirmed and updated remotely.
- A nefarious actor may be able to tamper with a physical button eliminating any safety benefit.

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<sup>1</sup> Abatar, LLC; Acht-NY, LLC; Achtzehn-NY, LLC; Danach-NY, LLC; Dreist-NY, LLC; Dreizehn-NY, LLC; Drinnen-NY, LLC; Eins-NY, LLC; Einundzwanzig-NY, LLC; Elf-NY, LLC; Funf-NY, LLC; Funfzehn-NY, LLC; Grun, LLC; Kuchen, LLC; Neun-NY, LLC; Neunzehn-NY, LLC; Schmecken, LLC; Sechs-NY, LLC; Sechzehn-NY, LLC; Sieben-NY, LLC; Siebzehn-NY, LLC; Unter LLC, Vier-NY, LLC; Vierzehn-NY, LLC; Weiter, LLC; Zehn-NY, LLC; Zwanzig-NY, LLC; Zwei-NY, LLC; and Zwolf-NY LLC.

The legislation under consideration today can be easily modified to account for the presently available as well as potential future technological solutions that are better suited to address the safety concerns while limiting the economic impact on drivers and rider experience. We hope this Committee seizes upon the opportunity to implement a state-of-the-art solution to these safety concerns.

### **Int 1302-2018**

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If the Council wishes to increase competition, this Committee and the industry should consider pursuing regulatory reform for Taxi, including expanding the upfront fair and shared rides pilots. Shared rides have the potential to improve utilization across the industry, are good for the environment, and may reduce overall congestion throughout the City. As more riders opt to take a shared ride, congestion decreases and FHV utilization rates are increased. The proposed legislation subverts the City’s stated goal to reduce congestion by disincentivizing shared rides which are aggressively priced to encourage efficient behavior. We long have supported, and will continue to support, serious proposals aimed at reducing congestion. This simply is not one of them.

### **Conclusion**

We urge the Committee to engage with Uber and other members of the FHV industry in an open and transparent manner and to work with the TLC to gauge the impact on drivers and riders. We would be happy to discuss these policies with any member of the FHV Committee and to answer any questions they may have about Uber’s existing safety tools as well as ways to further promote shared rides by loosening price restrictions currently in place in New York City’s for-hire transportation industry.

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