

**Testimony of Meera Joshi**  
**Commissioner and Chair, New York City Taxi & Limousine Commission**  
**Before the For-Hire Vehicle Committee**  
**Intros. No. 897, 925 and 958**

**June 25, 2018**

Good morning Chair Diaz and members of the For-Hire Vehicle Committee. I am Meera Joshi, Commissioner and Chair of the New York City Taxi and Limousine Commission. Thank you for the opportunity to share the TLC's views today on Intros. 897, 925 and 958.

Two of these bills, Intros. 897 and 925, concern commuter vans. Commuter vans are just one of the industries regulated by the TLC, but they are a vital part of the City's transportation system. Commuter vans provide affordable transportation to New Yorkers, mostly in the outer boroughs, but also in Manhattan. This is especially true in neighborhoods that have less access to public transit.

As noted in a recent New York Times article, the biggest challenge facing the commuter van industry today is the presence of unlicensed vans. In many neighborhoods there is an increase in the number of larger vehicles with over 20 seats holding themselves out as commuter vans. Illegal vans are dangerous because, unlike authorized commuter vans, they lack basic safety protections, such as vehicle inspections and appropriate insurance coverage. Because there is no guarantee that the vehicle is insured, passengers (and drivers) have no remedy for medical expenses or other injuries in the event of a crash. More often than not, the driver of an unlicensed vehicle is also unlicensed by the TLC, meaning that they have not undergone a background check, drug test, or required trainings. The TLC has worked with the industry and members of the Council to support the licensed industry, including through van decals and passenger outreach, but the most effective tool is enforcement against unlicensed operators.

As part of our enforcement against illegal vans, the TLC regularly partners with the New York Police Department and we have recently begun partnering with the City sheriff as well. This is difficult and resource-intensive work. So far in (CY) 2018 (as of June 15), TLC Enforcement Officers have conducted 336 operations targeting illegal vans, including 148 in Brooklyn and 185 in Queens. In addition, TLC Enforcement Officers have conducted 123 joint operations with the NYPD, including 39 in Brooklyn and 34 in Queens. These joint operations frequently target illegal vans.

These operations support our other key enforcement tool: seizing illegally operating vehicles, including vans. We stopped seizing vehicles of first time offenders in 2015 because of a federal court ruling. Now, before TLC seizes and forfeits a vehicle, there must be at least one prior conviction for unlicensed illegal operation of a vehicle performing for-hire services. Once we operationalized this approach, TLC Enforcement began forfeiture operations for all illegally operating vehicles in late 2016. Since then TLC has successfully seized 103 vehicles, of which 36 were commuter vans. In this calendar year alone TLC has seized 51 vehicles, of which 9 were vans. Additionally, 13 vans have been forfeited. These operations yield hundreds of summonses against illegal van operators but also against for-hire vehicles doing illegal pickups, which also add to congestion in major van corridors like Flatbush Avenue, Manhattan Chinatown, Flushing, or the area around Jamaica Station. Removing these vehicles from their owners and keeping them off the road permanently is our best enforcement tool, and we will continue our van operations.

#### **Intro. 897**

Intro. 897 would amend the Administrative Code by requiring that no application for authorization to operate a commuter van service could be approved or renewed unless the applicant

produces records demonstrating the applicant has at least the same number of licensed drivers as affiliated commuter vans.

We agree that unlicensed activity is a problem in the commuter van industry, and that unlicensed drivers should never operate any TLC-licensed vehicle, including commuter vans. This is why we are taking the enforcement actions against unlicensed operators I have discussed. I would like to note, however, that many legitimate van businesses may have justifiable business reasons for having different numbers of drivers and vehicles. While TLC supports the goal of limiting unlicensed activity, we would like to work with the Council to ensure that any such bill would not limit the TLC's authority to authorize legitimate van businesses.

The number of licensed vans exceeded 500 in August 2015, but it has steadily declined, and as of May 2018 there are 286 licensed commuter vans, 243 licensed drivers, and 53 services authorized to provide commuter van trips. Licensed van operators are owned and operated as small businesses, covering the costs of van maintenance, insurance and licensing. Requiring a showing of a one for one match before authorization may pose an obstacle for these businesses because they do not always and at all times have an exact match of vans to drivers. So not having a one to one ratio is not necessarily evidence that unlicensed operators are driving the licensed vans. There are many legitimate reasons why a van service applicant would have fewer licensed drivers than licensed vans. For example, a company may purchase several vans because there is a good price opportunity before recruiting drivers, or the number of drivers may decrease because of sickness. These are normal occurrences in a small business.

No other sector regulated by TLC faces a similar requirement, and TLC is concerned that this bill may penalize legal businesses that are made up almost entirely of community owned and operated small businesses. And discouraging legal authorities may decrease the amount of

licensed activity, which would further decrease the amount of licensed vans and drivers. Again, we share the concern about unlicensed commuter van activity. We have worked closely with Council Member Miller and other members on commuter van issues, and we look forward to further conversations with the Council as we address unlicensed activity.

**Intro. 925**

Turning to Intro. 925, which would give the TLC the power to enforce against commuter vans that seat over 20 people. Today TLC licenses and has the power to enforce against licensed and unlicensed commuter vans with a seating capacity up to 20 seats. We know from experience, observation, and stakeholder input that there are more large vehicles in New York City that hold themselves out as commuter vans, whether they are vans or buses which are beyond TLC's power to enforce. Not only are these larger vehicles unlicensed, they are also uninspected and extremely unlikely to have the right insurance to protect passengers. Additionally, these larger vans are dangerous to the communities in which they operate, not only because of the safety concerns presented by all unlicensed activity, but because of their size they have less ability to stop or maneuver crowded streets including residential streets not meant for large buses or vans, posing greater physical dangers to more passengers and to the public. The TLC supports Intro. 925 because it would give the TLC new authority to enforce the full range of penalties against larger illegal vans, including fines, seizure and forfeiture. We thank Council Members Williams, Miller and Chin, and the commuter van industry for bringing this bill forward.

**Intro. 958**

Turning to Intro. 958, which amends section 19-507 of the Administrative Code to reduce mandatory penalties for violations of laws prohibiting taxicab drivers from: asking a passenger for their destination before the passenger is seated in the vehicle; refusing to take a passenger to

a destination; and overcharging a passenger. Intro. 958 would also reduce mandatory penalties for For-Hire Vehicles that do illegal street hails and eliminate the greater penalties set for illegal street hails in the Hail Exclusion Zone that are established by the State HAIL Law. The Hail Exclusion Zone includes the airports and Manhattan south of West 110<sup>th</sup> and East 96<sup>th</sup> streets.

TLC cannot support Intro. 958. Such reductions in penalties would weaken critical public safety and consumer protections. We know from painful experience that destination refusals are often a proxy for discriminating against passengers based on race and ethnicity. Unfortunately and even at the current penalty levels, we still get these complaints. TLC continues to receive complaints about refusal for unacceptable reasons in the for-hire and taxi sectors – there have been over 3,000 such complaints since January 2017 -- and these laws and penalties remain a vital tool to ensure that all New Yorkers receive service. Intro. 958 would greatly reduce this deterrent against discriminatory behavior, and it would move us backwards as a city instead of towards our goal of equitable service.

Penalties for fare overcharges likewise cannot be reduced. It is important to call a fare overcharge exactly what it is: theft. By reducing these penalties the bill sends a message to the hundreds of thousands of daily passengers that their consumer rights and protections are not important.

The bill would also greatly reduce penalties for illegal street hails. In 2016 the Council amended Section 19-507 to enhance penalties for illegal street hails in the Hail Exclusion Zone. That 2016 amendment was intended to protect yellow taxi drivers and owners from having their trips poached by illegal operators. The penalties for illegal street hails anywhere in the city generally range from a maximum \$500 fine for the first violation up to license revocation for the third violation. However, under the 2016 local law, if a licensed for-hire vehicle accepts a street

hail in the Manhattan Central Business District or at the airports, the local law penalties range from a \$2000 fine for the first violation up to a \$10,000 fine and license revocation for the third violation. These penalties were enacted at a time of increased illegal activity in the Hail Exclusion Zone, and they have served as a deterrent.

Reducing penalties for this behavior would undermine a key protection for taxi owners and drivers, as well as a key Vision Zero protection. We have said many times that illegal street hails are inherently unsafe, and the Council has recognized this threat since 1989, when it authorized the TLC to penalize drivers for illegal street hails and found that vehicles operating for hire without a TLC license are “a threat to the health, safety and well-being of their passengers and the general public.” The Council increased penalties for illegal street hails in 2012, noting in particular the danger posed to passengers by drivers with no insurance or insufficient insurance, and that “passengers who are hurt in unlicensed vehicles have no recourse to insurance or the TLC.”

We have recent examples of these dangers. We continue to see fatal crashes involving unlicensed drivers or vehicles. Last spring, a driver who had illegally picked up a passenger crashed on East Gun Hill Road, killing the passenger, and earlier this month, an unlicensed driver in the Bronx with ten open DMV suspensions hit and critically injured a pedestrian at 149<sup>th</sup> Street and River Avenue.

Illegal street hails are also bad for our licensees. Practically speaking, illegal street hails by either licensed or unlicensed operators harm those drivers and bases that follow TLC rules as well as State and local law. For those licensees, illegal street hails result in fewer passengers and fewer passengers obviously means less income. We are sensitive to fines and to drivers’ struggles to make a living, and we have continued to find ways to ease the burden on drivers, but I

would also note that, despite constant claims that drivers receive \$10,000 dollar penalties under section 19-507, that number is reserved for repeat offenders with at least three violations in a 24-month period, and the total number of drivers who have ever received that penalty is one (1).

In short, Intro. 958 would significantly weaken critical safeguards for passengers against discrimination, theft and illegal operators against unsafe operations. TLC does not support this legislation.

Thank you for giving me the opportunity to speak this morning.



June 25, 2018

Submission Testimony of the Committee for Taxi Safety  
In Opposition to Intro T2018-2190.

I am counsel to and President of the Committee for Taxi Safety, an industry group comprised of licensed agents who manage and operate approximately 20% of yellow taxi vehicles.

We submit these comments in opposition to Intro T2018-2190.

With truly all due respect, we believe this Intro sponsored by Council Members Cabrera and Diaz Sr. is misguided.

By this Intro, penalties for illegal activity and conduct would be reduced. Accordingly, we ask the very logical question why anyone would reduce penalties for illegal activity, especially when the result of that activity will hurt both the public, and industry stakeholders who paid the City for certain license rights.

The first rule for which it is proposed that the penalty would be reduced prohibits asking a passenger for a destination before the passenger is seated in a vehicle. We ask if the Council really wishes to allow drivers to pick and choose what passengers they wish to transport based on destination which often has a direct correlation with race or religion? This rule was put on the books to prevent drivers from refusing to go to poor neighborhoods which tend to have more minorities. So by reducing the penalties, we ask what is the purpose of this bill? Is it to allow for discrimination? If anything, we believe the fines should be increased because this conduct is not acceptable at any time.

The second rule for which it is proposed that the penalty would be reduced prohibits a driver without justifiable ground to take a passenger to any destination within the city. Again, for the reasons stated above, we ask if the purpose of this bill is to allow drivers to choose which neighborhoods they want to go so they can avoid poor neighborhoods, thereby reducing service even further to those neighborhoods? Although there is the extremely rare safety concern, the extremely few instances of problems should not be used as a justification to allow for wholesale

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discrimination. Again, we believe the fine should be increased because this conduct is also not acceptable at any time.

The third rule for which it is proposed that the penalty be reduced prohibits a driver from charging or attempting to charge a fare greater than the fare set by the Taxi & Limousine Commission. By reducing fines, are we giving a license to drivers to steal from the public? We truly do not see any rationale for this rule. This is not an occurrence that happens inadvertently. Either one charges the fare on the meter or one does not. And if a driver does not, that driver is guilty of stealing from the public. The public has an absolute and unequivocal right to trust that the fare it is being charged is the legal fare authorized by the TLC. Again, we believe that fines for stealing should be increased, not decreased.

Finally, the fourth rule for which the penalty would be reduced would prohibit for hire drivers from illegally accepting street hails. Taxi drivers paid exorbitant license fees to the City to purchase their medallion licenses at prices in excess of \$1 million. The city sold those licenses and the city has an obligation to protect those licenses. Reducing the fine for illegal pickups is the exact opposite of protecting those licenses. There simply is no justification for for-hire drivers to be picking up street hails, and if they do so, they should be fined. Reducing this fine is giving an invitation to ignore the exclusive license sold by this very city to taxi drivers and further eroding that license. It is an invitation for all for hire drivers to pick up illegally.

For all of the above reasons, we oppose this Intro and are available to further discuss same if requested.

Thank you.

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**TESTIMONY OF PETER M. MAZER: INTRO. 958**

*General Counsel*

**METROPOLITAN TAXICAB BOARD OF TRADE**

**New York City Council For-Hire Transportation Committee**

**June 25, 2018**

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Good morning, Chairperson Diaz and members of the Committee. My name is Peter Mazer, and I am General Counsel to the Metropolitan Taxicab Board of Trade (MTBOT), a trade association representing the owners of approximately 5,700 medallion taxicabs. We also operate the MTBOT drivers' resource center, which provides free training and other services to taxicab drivers, as well as free legal representation before the Office of Administrative Trials and Hearings (OATH), the Traffic Violations Bureau (TVB), and New York City Criminal Court for taxicab-related offenses. To date, we have represented drivers in more than 5,000 hearings and have saved them at least three quarters of a million dollars in legal fees.

This morning I would like to offer some comments and observations with respect to Intro. No. 958. This bill would substantially reduce fines for a number of offenses that are proscribed in the Administrative Code, including acceptance of street hails by licensed livery drivers, as well as passenger service refusals and overcharges by licensed taxicab drivers. As an advocate for the driver community, my initial reaction would be to support any bill that would

lower fines for our clients. For many of our drivers, fines imposed at administrative hearings or as a result of negotiated settlements with the TLC present a significant financial hardship and are often disproportionate to the offense committed.

Taxicab and for-hire drivers are regulated on multiple levels: by the NYPD, with criminal court and traffic court summonses; by an array of specialized enforcement agents, such as park and sanitation officers, with summonses returnable to OATH; by TLC inspectors, and even by members of the public who are always free to file consumer complaints. We have a complex system of laws, rules and regulations, with overlapping jurisdictions and inconsistent fines. For example, a driver blocking a lane of traffic could be issued a criminal court summons (and typically pay a fine of \$25-50), a parking ticket (and pay a minimum of \$95), a traffic ticket (and pay a minimum of \$138), or a TLC/OATH summonses (with a minimum fine of \$200). Depending on where the summons is adjudicated the fines will vary dramatically.

Part of this problem stems from the fact that for some infractions, such as refusals, overcharges and street hails, fines are set by the Administrative Code. For other offices enforced by the TLC, fines are set by TLC rule. And the TLC has broad authority to set high fines, and even seek license revocation, for every single offense.

Serious offenses may carry lower fines than less serious ones. If this legislation is enacted into law, the penalty of committing an act of a passenger service refusal or overcharge could be as low as \$100 for a first offense, but currently, the minimum fine for a parking offense is \$200, and for a minor traffic offense, \$300, which, as I noted, are higher than fines faced for the same offense before other jurisdictions.

This legislation is well-intended, and may be a significant first step toward reducing the regulatory burden faced by our licensees, but it does not address the overarching problem that our drivers face every day--- an inconsistent penalty structure that imposes severe penalties for certain offenses but less harsh penalties for more serious offenses. Inconsistent results undermine our licensees' confidence in the adjudications system at all levels. We need a top to bottom review of ALL of the agencies that enforce laws and rules against TLC-licensed drivers, and a complete review of the penalty structure for all offenses, in all jurisdictions with the

objective of ensuring equity, fairness and consistency. Penalties should be proportionate to the offense committed, and not be based on where the summons is heard or which law enforcement agency issues the summons.

This Council has broad authority to set fines and penalties for any code violation. It also has the authority to grant, or withhold from the TLC, authority to set penalties for specific rule violations. We urge the Council to undertake a comprehensive review of all fines and penalties set by the Council or the TLC to determine if they are fair and reasonable, and further the legitimate public safety concerns of the city.

Thank you for the opportunity to speak today. I will be happy to answer any questions you may have.



# New York Taxi Workers Alliance

*Union of NYC Taxi Drivers!*

*AFL-CIO, Intl. Transport Workers' Federation*

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Testimony of Zubin Soleimany, New York Taxi Workers Alliance  
New York City Council, For-Hire Vehicle Committee Hearing: Int. 958  
Scheduled for June 25, 2018

Good afternoon Chair Diaz, and Committee members. My name is Zubin Soleimany and I am a staff attorney with the New York Taxi Workers Alliance, the 21,000+ member strong union of drivers of yellow cabs, green cabs, and black cars.

We appreciate Councilman Cabrera's and this Committee's attention to the problem of excessive fines imposed by the Taxi & Limousine Commission and welcome legislation to reduce certain fine amounts. However, the current draft of Intro. 958 only reduces fine amounts for mandatory penalties governed by the Administrative Code for service refusal, overcharges, and illegal pickups. The vast majority of financial penalties are currently determined by TLC regulation and are not defined by any provision of the Administrative Code; it is these fines, and not the current mandatory penalties for refusal, that must be reined in.

Currently, for example, the TLC charges drivers \$200 for parking violations that, when issued by the NYPD, only cost \$65.<sup>1</sup> It is absurd for a workforce that earns less than average New Yorkers to pay a 300% premium on parking violations. The TLC routinely pursues a \$1,000 "reckless driving" charge, where there has been a simple traffic violation, or even a non-moving violation, on theories that the courts and OATH have consistently rejected.<sup>2</sup> One NYTWA member was charged with a \$350 violation and a possible 30-day suspension for using a nebulizer to treat his severe asthma while in his cab. Without his nebulizer, he would not have been able to breathe. The provision under which he was summoned, "Willful Acts Against the Public Interest," carries the same penalty in the driver rulebook as it does in the FHV Base owner rulebook.<sup>3</sup> That is, drivers earning poverty wages are subject to the same financial penalty, for the same conduct as a \$70-billion valuated multinational corporation. The TLC needs to ensure that driver fines are commensurate with driver workforce earnings.

**Broadly, NYTWA proposes a framework for driver fines similar to that adopted by the City of Chicago, in which the maximum amount a driver can be charged for a single violation is capped at \$400. Additionally, NYTWA proposes a maximum fine amount of \$1,000 per incident and an end, in most situations, to TLC's practice of suspending or revoking a driver's license and simultaneously imposing financial penalties.**

Currently, drivers may face bundled summonses in where four or more charges can lead to over \$4,000 in fines *and* a license suspension. The Council must ensure that the TLC is not able to fine drivers while, at the same time, taking away their ability to earn enough to pay those fines.

<sup>1</sup> Compare 35 R.C.N.Y. § 80-13(a)(1) and DOF Schedule of Parking Violation Fines:

<https://www1.nyc.gov/site/finance/vehicles/services-violation-codes.page> (Accessed June 24, 2018).

<sup>2</sup> See, e.g. *Taxi & Limousine Commission v. Abdul Latif* (OATH Appeals Unit June 22, 2016); *Taxi & Limousine Commission v. Irosh P. Maddumage* (OATH Appeals Unit, May 13, 2016).

<sup>3</sup> Compare 35 R.C.N.Y. §§ 80-12(d) and 59B-13(d).

The current combination of penalties can create crushing debt for workers who are in an unprecedented financial crisis.

NYTWA believes that the current penalty framework for service refusals should not be altered. Taxi and for-hire vehicle service must be available to every New Yorker, and the existing penalties are a necessary deterrent to refusal that helps ensure reliable service. Similarly, NYTWA opposes the current draft's plan to eliminate mandatory penalties for illegal street hails by for-hire vehicles. In order for the City to sustain diverse options of for-hire transit, vehicles within each sector must be able to compete fairly within their respective niches; penalties which deter illegal street hails by for-hire vehicles are essential for yellow and green cab drivers who depend almost exclusively on street hails for their living.

Thank you for the opportunity to comment on the pending legislation.

Zubin Soleimany



**Testimony of Kristen Johnson  
LDF/Fried Frank Fellow  
NAACP Legal Defense and Educational Fund, Inc.**

**Before the New York City Council  
Committee on For-Hire Vehicles**

**Opposing Int. No. 958**

**New York, NY**

**June 25, 2018**

## I. INTRODUCTION

Good Afternoon, Chair Díaz and members of the Committee. My name is Kristen Johnson and I am testifying on behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF). Thank you for the opportunity to testify this afternoon on Introduction 958. Almost exactly two months ago, I testified before the City Council to share LDF's concerns that a bill to lower TLC fines across the board was unacceptable because it would lower fines for racially-biased ride refusals. Those fines have proven inadequate to deter the widespread and persistent problem in this city of trying to hail a cab while Black. They surely should not be reduced.

It is with much disappointment that I am back here today to oppose a bill that is far more targeted toward lowering penalties for discriminatory ride refusals. At a time when this country is becoming increasingly aware of the racial divide that persists in accessing public accommodations, it is imperative for New York City to make a commitment to equal and fair access for all, and to not pit hard-working taxi drivers against Black commuters with divisive legislation like Introduction 958. I strongly urge you to vote no on this bill.

LDF is the nation's oldest civil and human rights law organization. LDF was founded in 1940 by Thurgood Marshall, who later became the first Black U.S. Supreme Court Justice. Since its inception, LDF has used legal, legislative, public education, and advocacy strategies to promote full, equal, and active citizenship for Black Americans. This has included litigating seminal cases such as *Brown v. Board of Education* and *Newman v. Piggie Park Enterprises*, which upheld Title II of the Civil Rights Act of 1964 and its prohibition on racial discrimination in public accommodations. LDF has also been on the frontlines of opposing racial profiling, whether practiced by law enforcement agencies, department stores, airlines, or, as in the matter under discussion today, taxicab drivers. LDF's work has long recognized that full citizenship for



Black Americans requires the elimination of discrimination in public spaces—schools, transportation, public accommodations—and the transformation of these spaces to protect the dignity of communities of color. Since our incorporation in 1940, LDF’s headquarters have been located in New York City. The majority of our staff works out of our New York City office, and most also reside in the City.

## II. TESTIMONY

The yellow taxi is one of the symbols most closely identified with New York City. But for many Black New Yorkers, being unable to hail a taxi has become a symbol of the frustration and indignity of prejudice and marginalization within one’s own city. For decades, Black New Yorkers have experienced standing on street corners, watching taxi after taxi pass them by, or hearing the car doors lock when they try to get in, and seeing the same cabs pull over for white passengers without hesitation. The problem, of course, is not new. The *New York Times* called attention to it in 1987 with the headline, “Hailing a Taxi Is Even Harder if You’re Black.”<sup>1</sup> And attention to the issue in New York arguably peaked in 1999, after actor Danny Glover filed a complaint alleging that five cabs had failed to stop for him and his daughter in Harlem.<sup>2</sup> In 2011, the City announced a crackdown on drivers who refused service to outer boroughs, a practice with a markedly disproportionate effect on people of color.<sup>3</sup> But, it is now 2018, and the problem persists: Every day, Black people in New York City are denied a basic service because of the color of their skin, learning from a young age to associate the “click” of a cab’s door locks with racial exclusion and corrosive prejudice.

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<sup>1</sup> Sam Roberts, *Hailing a Taxi Is Even Harder if You’re Black*, N.Y. Times (Dec. 10, 1987), <https://www.nytimes.com/1987/12/10/nyregion/metro-matters-hailing-a-taxi-is-even-harder-if-you-re-black.html>.

<sup>2</sup> Monte Williams, *Danny Glover Says Cabbie Discriminated Against Him*, N.Y. Times (Nov. 4, 1999), <https://www.nytimes.com/1999/11/04/nyregion/danny-glover-says-cabbies-discriminated-against-him.html>.

<sup>3</sup> Sara Frazier, *Crackdown on Taxis Who Rebuff Riders*, NBC New York (Mar. 9, 2011), <https://www.nbcnewyork.com/news/local/City-Cracks-Down-on-Taxis-Who-Rebuff-Riders-117655504.html>.

This past October, LDF's Director-Counsel, Sherrilyn Ifill, tweeted about her experience being denied service while trying to hail a taxi. The experience she described is a common one for Black New Yorkers: when the taxi driver saw her trying to flag him down, he turned his "on duty" light off and drove past. The Taxi and Limousine Commission (TLC) replied to the tweet, prompting an ongoing dialogue between LDF and TLC about the persistent problem of discriminatory ride refusals in the City. Within days of meeting with TLC, Ms. Ifill was refused service twice more, once while leaving the LDF office in the Financial District and once while leaving the staff holiday party in the West Village. Ms. Ifill's experiences underscore the prevalence of discriminatory ride refusals in the City. Our communications with TLC during this time have been constructive, and also illuminating as to the extent of the problems that must be overcome within the industry.

We are also keenly aware of the substantial burdens facing the industry. Taxi drivers in New York City are hurting. Competition has drastically increased and the value of taxi medallions has plummeted. In recent months, five taxi drivers facing financial pressures and debts have taken their own lives.<sup>4</sup> In one of the wealthiest cities in the world, this is a particular tragedy. The vast majority of taxi drivers in New York City are immigrants and people of color who themselves face institutional barriers of racism and economic injustice. At a time when we should be uniting to combat racism and economic injustice, legislation like Introduction 958 offers a false, divisive, and counterproductive solution to a very real problem.

Introduction 958 will not provide sustainable incomes for taxi drivers. It will facilitate discrimination. Introduction 958 would lower penalties specifically for the violation of refusing

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<sup>4</sup> Nikita Stewart & Luis Ferré-Sadurní, *Another Taxi Driver in Debt Takes His Life. That's 5 in 5 Months*. N.Y. Times (May 27, 2018), <https://www.nytimes.com/2018/05/27/nyregion/taxi-driver-suicide-nyc.html>.

to take a passenger to their desired destination. Service denials based on destination inflict direct harm on Black and brown people in this city, a disproportionate number of whom live in outer-borough neighborhoods that lack equal access to public transportation.<sup>5</sup> According to Councilmember Brad Lander in his report *Desegregating NYC*, many of New York City’s “‘transit deserts’ and underserved neighborhoods (especially those where many households are too poor to own cars) are located in low-income communities of color that suffer from decades of disinvestment.”<sup>6</sup> Many taxi drivers, as we have learned, admit that they will refuse service to a Black person based on the assumption that the customer lives in an outer-borough neighborhood, which would be less economically advantageous for the driver. Such refusals further segregate this city and further marginalize communities of color. They can prevent Black New Yorkers from participating as full citizens in New York City life.

Introduction 958 is a false remedy for the woes the taxi industry is facing. As we learned at the hearing in April and from reading statements from the Taxi Workers Alliance, there are a number of issues making it difficult for taxi drivers to earn a decent living today. Fines for discriminating against customers is not among them. Discrimination is not only wrong, it is bad for business. Losing Black customers like journalist Elon James White, who tweeted earlier this month that he was “sick of how badly [he] was treated by the taxi drivers and the fact that [he] had little recourse . . . for blatant discrimination and racism,” does not help the injury.<sup>7</sup> And, as White makes clear, the issue of ride refusals based on race and ride refusals based on destination are inseparable. He explains that he was called the n-word by drivers “for the crime of having a

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<sup>5</sup> See Brad Lander, *Desegregating NYC: Twelve Steps Toward a More Inclusive City* 26 (Apr. 2018), [https://drive.google.com/file/d/17yqKmyjsVXJEezRc-Dxfiz08F8C3MW\\_n/view](https://drive.google.com/file/d/17yqKmyjsVXJEezRc-Dxfiz08F8C3MW_n/view).

<sup>6</sup> *Id.*

<sup>7</sup> Elon James White, Twitter.com (June 7, 2018), [https://twitter.com/elonjames/status/1004721979100975104?ref\\_src=twsrc%5Etfw&ref\\_url=https%3A%2F%2Fnewsone.com%2F3807414%2Ftaxi-drivers-uber-lyft-karma%2F](https://twitter.com/elonjames/status/1004721979100975104?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Fnewsone.com%2F3807414%2Ftaxi-drivers-uber-lyft-karma%2F).

destination they didn't wanna go to.”<sup>8</sup> This sentiment is echoed by Bruce C.T. Wright, who recently wrote, “[O]n the rare occasion cabbies did stop, once it was learned that the destination was in a Black and/or brown neighborhood, drivers would casually respond they were off duty, only to pull off and stop a few feet later for a white fare.”<sup>9</sup> James Elon White and fellow journalists Jenna Wortham and Latoya Peterson have written about making the choice to pay a higher fee for other services to avoid the “potential humiliation” of being denied service by a yellow cab.<sup>10</sup> Taxi drivers have been ill-served by an industry that has failed to curb these practices, allowing the defection of an untold number of customers to competing transportation services. Laws like Intro 958 similarly will not help taxi drivers. It will risk further alienating potential customers and causing further harm to Black New Yorkers.

The bill currently before the Committee would lower the minimum penalty for a first time offense from \$200 to \$100, and lower the maximum penalty from \$500 to \$200. For a third-time violation within a 36-month period, the maximum fine would be lowered from \$1,000 to \$400. As we know from our discussions with the TLC and others, many drivers already consider the potential for a fine an acceptable “cost of doing business.” Combined with the false and harmful stereotypes of Black passengers that are widely held throughout the industry, making it easier to deny service based on destination will only make this city a more hostile place for people of color, inexcusably forcing many in their own hometown to feel like they don't belong.

Taxis operate in public spaces as public accommodations and the TLC is required to enforce policies and practices that ensure riders do not experience discrimination. The kind of discrimination experienced by Black passengers resonates deeply with African Americans who

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<sup>8</sup> Elon James White, Twitter.com (June 7, 2018), <https://twitter.com/elonjames/status/1004723042201858048>

<sup>9</sup> Bruce C.T. Wright, NewsOne (June 7, 2018), <https://newsone.com/3807414/taxi-drivers-uber-lyft-karma/>.

<sup>10</sup> Elon James White, Twitter.com (June 7, 2018), <https://twitter.com/elonjames/status/1004730070622228480>; Jenna Wortham, *Ubering While Black*, Matter (Oct. 23, 2014), <https://medium.com/matter/uber-ing-while-black-146db581b9db>.

still suffer the indignity of discrimination by businesses operating in public spaces. The Council must disrupt this discrimination and enable TLC to fulfill its obligation to ensure that all customers are afforded dignity and respect. The Council should be working with community members on strategies to end this problem and to hold those accountable who engage in damaging racial discrimination. And there is no reason why campaigns for the rights and economic well-being of New York City's taxi drivers should not run parallel to these efforts.

It is past time for us to realize that taxi driver discrimination against Black people—a long-time open and ubiquitous fixture of New York City streets—hurts both Black New Yorkers and taxi drivers. Taxi drivers need real solutions, and Intro 958 is not one of them. And if the City Council lowers the penalties for what is effectively racial discrimination, it will be a signal that Black New Yorkers—indeed, all New Yorkers—will hear loud and clear. Recent high-profile incidents have cast a national spotlight on some of the indignities and dangers faced simply from existing in public while Black, such as the inability to sit at a Starbucks, barbecue at the park, or take a nap in your university's dormitory without being treated like a criminal. Some private companies, like Starbucks, which partnered with LDF, and Airbnb, which partnered with the NAACP, have taken great, admirable strides to recover from embarrassing and harmful incidents of racial discrimination and to ensure that they do not recur. It is baffling that the City Council would move in the opposite direction and further enable such discrimination, rather than do everything in its power to prevent it.

New Yorkers pride themselves on advancing and representing values of equity, fairness, and diversity. The proposed bill is a step backwards for everyone. Worse, it is a statement that the daily indignities of Black New Yorkers don't matter. Going forward, we should look to bold, innovative solutions that will finally put an end to racial discrimination in the taxi industry. For

now though, the decision is exceedingly simple: Saying “No” to a bill that will make it easier for people to discriminate. Saying “No” to a bill that will make it easier for people who operate a public accommodation to deny a basic service in a way that would have a grossly disproportionate effect on Black people. This bill is not equitable. This bill is not just. And this bill is certainly not New York City.

We respectfully request that the Council reject this bill and support the imposition of penalties that will adequately deter taxi drivers from engaging in pernicious discrimination against Black commuters in our city.



**Amalgamated Transit Union (ATU) Urges City Reject  
Councilman Williams Bill  
That Could Expand Illegal Commuter Vans at Expense  
of Public Transit**

**Testimony to Committee on Committee on For-Hire  
Vehicles**

by

**Mark Henry, President and Business Agent, ATU Local  
1056 and  
Chair, ATU Legislative Conference Board**

Monday, June 25, 2018, 10:00 a.m., City Hall, Council Chambers

Thank you for the opportunity to testify.

I am Mark Henry, President and Business Agent for Amalgamated Transit Union (ATU) Local No. 1056; and Chair, ATU Legislative Conference Board. Local 1056 represents drivers and mechanics who work for MTA New York City Transit's Queens Bus Division; we serve the riding public. As mass transit professionals, ATU offers unique and valuable insights.

ATU opposes Int. No. 925 as drafted and urges it be subject to appropriate redrafting.

A reading of this bill shields shuttle service such as Hotel, Casino or ADA services currently in place. We agree that the bill prohibits and allows seizure of large size mini buses and buses that would operate illegally as commuter vans.

It does imply there is a loop hole in the commuter van law that grants legal use of 20+ capacity vehicles by valid Commuter vans or For Hire Services. (We already observe a number inter-borough operators that appear to function as de facto Express, Limited Buses or public transit in everything but name.)

This bill as drafted can challenge capacity restrictions for the Commuter Van to introduce larger licensed vehicles. There must be caps in place to not only limit to seating capacity, strictly bar any possibility of standing capacity and type of vehicles that may be used.

ATU cannot support any legislation that would allow Commuter vans and other For Hire Vehicle operators to seek legally to increase the seating capacity (20+) with larger mini vans, limo-style and or a regular bus in place of the current Passenger Van used under commuter van licensing language. Alternate forms of transportation such as the startups in the city such as the "app-based" FORD Chariot service, which received licensing through the TLC as a Black Car Service are not taken under consideration and have immunity.

The intent of the language is not clear and is left open to multiple forms of interpretation. It attacks current taxpayer-funded public transit and the safety of our passengers and operators. Clear caps limiting the type of transport vehicles and its capacity must be in place before ATU can consider extending any support.

ATU continues to advocate for Public transit; it serves as the lifeline of mobility for many New Yorkers. Working families need safe, equitable and efficient transportation. Public transit has the best impact "Green effect" on our environment. We strongly urge redrafting of this legislation.

ATU stands ready to work with the sponsors, the committee, its chair, and the Council to draft appropriate legislation.

Thank you.

*Amalgamated Transit Union Local 1056  
211-12 Union Turnpike  
Hollis Hills, NY 11364  
(718) 949-6444  
[www.Local1056.org](http://www.Local1056.org)*

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# Commuter Van Association of New York, Inc.

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*Hector B. Ricketts, MA - President*  
*Latif Ajala - Executive Secretary*  
*Leroy Morrison - Vice President*  
*Desmond West - Treasurer*  
*Winston Williams, Asst. Treasurer*

June 25, 2018

## Testimony Before New York City Council Transportation Committee

**Submitted By:** Hector B. Ricketts, MA, President & CEO.  
**Re: Intros. 897, 925 and 958**

Good morning Mr. Chairman and Members of the Transportation Committee.

I am Hector Ricketts, President of the Commuter Van Association of New York. I am also President and Owner of Community Transportation Systems, Inc. a licensed company authorized to operate 53 commuter vans in Queens and Brooklyn.

Thank you for the opportunity to testify on **Intros. 897, 925 and 958**

Over the past three decades, my colleagues and I have testified numerous times in these chambers for the growth, preservation, safety and recognition of commuter van service which is so vital to the communities we serve. This service provides reliable, safe, cost effective transportation and meaningful employment for tens of thousands in our communities. Consistently, our Association advocates for a licensed, safe, and regulated operation.

Today, I along with my colleagues support the passage of A) **Intro 925** which will give the Taxi & Limousine Commissioner the tools she currently lacks to enforce against vehicle with seating capacity in excess of twenty (20) passengers.

These vehicles operate with total disregard for the appropriate license, safety requirement and with limited or no Insurance ignoring the rule of law. They plague our streets and are often operated by unlicensed drivers who have seized an opportunity because the TLC does not currently have the authority to enforce against them; thus they deemed themselves untouchables. Please pass this Bill (intro 925) and give the T&LC no excuse for failing to make our citizens safe and save the business of Licensed Operators who work within the law.

**(B) Intro 897:** I respectfully ask that this Committee reject this Bill. While I respect and agree with the intent of the sponsors in their vision to ensure that every licensed commuter van is driven by a licensed operator, my objections are as follows:

1. This bill is discriminatory, no other licensee (Yellow Cab, Uber, Ford Chariot, Ambulate, Black car, Lyft) is required to adhere to such a standard
2. This Bill would not be practical in its implementation; because, when a driver is fired, resigns or commits suicide because of the harsh business environment this City Government has created, one would have to surrender the license until a driver is found, trained and hired or have said company authorization not renewed because driver number does not match fleet number.

3. There already exist laws on the books that the TLC, NYPD, and DOT can enforce sufficiently /aggressively to address the intent of this Bill. Preliminary research will show that current law exists to address vehicles operated by unlicensed drivers. Any form of serious enforcement will result in violation for: (A) No 19-A Safety Certification, B) No Commercial Drivers License (CDL) and C) No TLC Hack License. The problem here is the anemic and sporadic enforcement by the TLC and NYD against these unlicensed operators. If the Mayor of our City employed a No Tolerant enforcement policy the problem would be resolved in short order resulting in a safe city as vision zero intends

**(C) Intro 958:** I remain convinced that Laws/Fines/Penalties should be significant enough to be a deterrent to law breakers, particularly, if they are unlicensed operators. Therefore, I do not support this Bill or any reduction in penalties/fines. The significant challenge here, however, and perhaps the hypocrisy, is that our Government has given TNCs (Lyft, Uber, Ford Chariot) freedom to accept street hail, hiding behind an app while many other Livery services such as Commuter Vans are denied such privileges. Whether one hails a ride by raising his/her thumb on a street corner or taps a finger on a smart phone using an app on that same street corner, it is a hail and it produces the same result, the desired ride. TNCs are allowed by our Government to bankrupt established transportation businesses in New York City that have served this city for decades by coupling their millions of dollars with technology while our so-called leaders stand by and applaud. Look at how city DOT is giving away parking spaces to millionaires like zip car, enterprise, etc. while they kicked commuter van from a designated loading area in Queens to build a Pedestrian Plaza to house the homeless and drug dealers  
**Please level the playing field.** Our Mayor spoke against a tail of two cities. **Has he forgotten?**

**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: 6/25/18

(PLEASE PRINT)

Name: Dianna Pennetti

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

I represent: TLC

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: 6/25/18

(PLEASE PRINT)

Name: Meera Joshi

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

I represent: TLC

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: 6/25/18

(PLEASE PRINT)

Name: Mohammed Akinlolu

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

I represent: TLC

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. 2190 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/2018

(PLEASE PRINT)

Name: Kassandra Perez-Desir

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

I represent: Committee for Taxi Safety

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 958 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: Kristen Johnson

Address: 40 Rector St, NY, NY

I represent: NAACP Legal Defense Fund

Address: 40 Rector St, 5th fl.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 957

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: Bhairavi Desai

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

I represent: New York Taxi Workers Alliance

Address: 31-10 37th Ave # 300 LIC, NY 11101

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. 958 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/2017

(PLEASE PRINT)

Name: PETER M. MAZER

Address: 39-24 24th ST, LIC, NY

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. 925 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: LEROY MORRISON

Address: 3712 FORTLANDS AVE BROOKLYN

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

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

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 897 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: LEROY MORRISON

Address: 3712 FORTLANDS AVE BROOKLYN

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 897, 925, 958 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: Hector B. Kickette

Address: 157-11 Rockaway Blvd. N.Y. 11431

I represent: Commuter Van Association of N.Y.

Address: SAME

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. 958 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/25/18

(PLEASE PRINT)

Name: Debra J. Szymany

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

I represent: New York Taxi Workers Alliance

Address: 31-10 37th Ave. Ste. 300 LIC, NY 11101

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