

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FOR-HIRE VEHICLES

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February 12, 2018
Start: 10:05 a.m.
Recess: 3:21 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: RUBEN DIAZ, JR.
Chairperson

COUNCIL MEMBERS: Joseph C. Borelli
Costa G. Constantinides
Francisco P. Moya
Ydanis A. Rodriguez
Deborah L. Rose
Paul A. Vallone

A P P E A R A N C E S (CONTINUED)

Meera Joshi, Commissioner

New York City Taxi and Limousine Commission

Diana Pennetti, Chief of Enforcement

New York City Taxi and Limousine Commission

Louis Molina, First Deputy Chief of Enforcement

New York City Taxi and Limousine Commission

Mohammed Akinlolu,

Assistant Commissioner of Prosecution

New York City Taxi and Limousine Commission

New York Congressman Adriano Espaillat

New York City 13th Congressional District

Peter Mazer, General Counsel

Metropolitan Taxicab Board of Trade

Warren Prosky, MTBOT, Brooklyn

Malcolm Rattner, Susan Maintenance Corp., Taxi & Limo

Pedro Aguiar, President, Taxi Drivers Coalition

Hector Leonardo Herman, Cab Driver

Valbuena Flores, Cab Driver

William Martez, Cab Driver, Organizer of CGT

Dana Lerner, Member, Families for Safe Streets

Matt Doss, Former Commissioner and Chairman
New York City Taxi and Limousine Commission

Pastor Rosello Basora

Amada Lopez, Cab Driver

Juan Eradia, Cab Driver

Aris White, Cab Driver

Nancy Reynoso, Green Taxi Driver, Bronx

Jose Altamirano, Livery Owners Association

LeRoy Morrison, Vice President
Commuter Van Association of New York
Owner of commuter van companies

Sergio Rodriguez, NY State Federation of Taxi Drivers
Appearing for: Spokesman Fernando Matteo

Jose Deloria, Assessor, Federation of Taxi Drivers

Patricia Gatland, Counsel, Windels, Marx & Mittendorf

Nicolai Hent, Cab Driver

Shakti Kataj (sp?) Medallion Owner

John McDonough, Yellow Cab Driver, Queens

Bustle Pelazzio, Black Car Driver

Jose Luis Debora, Representative
Confederation of Taxi Drivers of New York

Sergio Cabrera, Medallion Owner

Nino Kerbeus, Taxi Driver

Art Cousin (sic), Medallion Owner

Maria Rodriguez, Substitute Teacher & Uber Driver

Andres Gonzalez, Taxi Driver

Solomon Nushats, Yellow Taxi

Lorraine Claire, Commuter Van Driver, Bronx

Thelma Williams, Livery Driver, Jamaica Queens

Suma Lama, Apps Based Driver

Jose Rodriguez

1 COMMITTEE ON FOR-HIRE VEHICLES

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2 [sound check, pause]

3 CHAIRPERSON DIAZ: Good morning. I'm
4 Council Member Ruben Diaz, and welcome to you all to
5 our first public hearing of the newly created For-
6 Hire Vehicles. I have to express my appreciation to
7 Speaker Corey Johnson for appointing me to be the
8 chair of this committee. We have many problems.
9 It's a bad situation which we have to try to solve.
10 Today we started with one. In the future—in the
11 future we will be dealing with others. This
12 committee is composed of seven Council members, six
13 Council members, one from the Bronx, myself, one from
14 Manhattan, two from Staten Island and three from
15 Queens.

16 SERGEANT-AT-ARMS: [interposing] Silence
17 your cell phones, please.

18 CHAIRPERSON DIAZ: Today, we have one of
19 them from Manhattan, Council Member Ydanis Rodriguez,
20 [background comments] and we have Council Member
21 Lander.

22 COUNCIL MEMBER LANDER: Good morning.

23 CHAIRPERSON DIAZ: Good morning and
24 Council Member Borelli.

25

2 COUNCIL MEMBER BORELLI: Good morning,
3 Council Member.

4 CHAIRPERSON DIAZ: Good morning. Good
5 morning ladies and gentlemen. Again, my name is Ruben
6 Diaz. I represent the 18th Council District located
7 in Bronx County. Thank you all for attending and
8 showing interest in this issue. I am the Chairman of
9 the Council Committee, a newly created committee. I
10 was appointed by the honorable City Council Speaker
11 Corey Johnson. This committee-[background comments].
12 This committee is composed by six other Council
13 members. They are Ydanis Rodriguez from Manhattan,
14 Joseph Borelli and Deborah Rose from Staten Island,
15 Peter Vallone, Francisco Moya, and Constantinides,
16 Costa from Queens. The topic of-for hearing this
17 morning is policies and procedures for enforcement by
18 the Taxi and Limousine Commission and the fines
19 generated from 2013 until the present. As this is
20 clear from the chart-you see the chart over here?
21 It's clear from this chart, which-which was taken
22 from the New York City Mayor's Management Report
23 fines by the Taxi and Limousine Commission have
24 increased them rapidly in the past three years. I am
25 going to have to stand up to show this here, and you

2 can see [background comments] in 2000—in 2014 the
3 fine was—came to approximately low, but when you go
4 to the next years, the fine has increased by—from \$9
5 million to \$10 million—to \$10 million in '16 and \$9
6 million. So, one of the questions that we have to
7 ask is why the increase—this increases does ask the
8 following question: What is the reason for these
9 increases? Has the TLC been able to simply catch
10 wrong behavior by the taxi and livery industry? Is
11 the perception of the TLC of not harmful and
12 otherwise innocent behavior been met—it's perceived
13 as wrongdoing? Is the TLC issuing the excessive fine
14 as a way to increase revenues for the agency? Where
15 and most important—where and most important: In
16 which part of the city has this enforcement been
17 carried out? In the Bronx, Manhattan or on the—on
18 Mid-Manhattan. Within the past few weeks we have
19 seen an increase of several incidents in which
20 drivers were venting their frustration. For example:
21 On January 24, 2018, a driver was accused of
22 vandalizing a vehicle of an enforcement agent,
23 property of Taxi and Limousine Commission. On
24 Monday, February 5, 2018, a taxi driver by the name
25 of Douglas Shifter killed himself before City Hall as

2 means of showing his frustration of the Taxi and
3 Limousine Commission Rules. In New York Daily News
4 reported in February 7, 2018 edition that there was
5 another case of a driver by the name of Danilo
6 Corporan. Mr. Corporan on December 20, 2017 killed
7 himself by jumping from the rooftop building—from the
8 rooftop building on West 135th Street in Manhattan
9 after returning from a TLC hearing and being fined
10 \$1,500 and his license being taken away. The Taxicab
11 News also reported that on Sunday, November 12, 2017,
12 another case happened with a driver by the name of
13 Alfredo Perez. Mr. Perez who worked for more than 50
14 years in the industry killed himself also because he
15 wasn't able to pay the excessive fine given to him.
16 On the other hand, we have been contacted by the
17 owners of hotel restaurants and other nightlife
18 venues in Mid Manhattan complaining who insisted that
19 they're—they're desperate to be no enforcement
20 against unlicensed street hail in the Mid-Manhattan
21 area. If this is true, it might be a dangerous
22 situation where passengers are being deprived of
23 their dependable Yellow Taxi contributions to the
24 downfall of the Yellow Taxi industry. There is one
25 line in the Mayor's Management Report, which is part

2 of this equation as well that can—as well that can
3 send the revenues generated from the sale of the
4 Yellow Taxi Medallion. This revenue have virtual—
5 have virtually diapered overnight. At the conclusion
6 of this hearing this committee will—will reveal the
7 record issue, issue a report and then consider which
8 option best serves the convenience and comfort of the
9 New York riding public. Among the options, which are
10 being investigated are, but not limited to
11 strengthening or adding to the number of TLC and
12 throughout budget modification restricting the
13 business district of Manhattan, New York Hotel or the
14 two airports either Beverly with this committee of by
15 legislation, or legislation—or legislation, which
16 would separate the enforcement function of the TLC
17 from that agency and place it with the NYPD. I'm
18 going to do something that is not done here because
19 most of the people here are Hispanic. I'm going to
20 read in—in Spanish. [Speaking Spanish] [background
21 comments, pause]

22 SERGEANT-AT-ARMS: Ladies and gentlemen,
23 if you can just be patient with us, just have and
24 seat, and let's give the gentleman some space. He's
25 going to be fine. We're going to have some emergency

2 personnel come and check on him and make sure
3 everybody's okay. Alright, so just be patient with
4 us. We should be starting shortly.

5 CHAIRPERSON DIAZ: Okay. Let's take a
6 seat. The person hurt seems to be okay. [background
7 comments, pause] [Speaking Spanish] Council Member
8 Ydanis Rodrigues—Council Member Ydanis Rodriguez has
9 a comment before we introduce the Commission.

10 COUNCIL MEMBER RODRIGUEZ: [off mic] Good
11 morning Commission—Commissioner, and members of this
12 important industry, and the Chairman of this
13 Committee Ruben Diaz. I know that he would do a
14 great job as the leader of this committee. As the
15 Chairman of the Transportation Committee, the last
16 four years have been very tough for us working to
17 balance, you know the raw responsibility and rights
18 of members of this industry. I recognize after Uber
19 and Lyft and other tech companies have arrived in New
20 York City, they have also brought negative impact
21 because many passengers are not there for the livery
22 or green taxi industry. Also, we know that there's a
23 lot of illegal pickups in front of the hotels, and
24 our JFK and La Guardia. In the last four years,
25 we've been working very hard to be sure that

2 enforcements are mainly focused in Midtown, and I
3 think that this is going to be what I hope a new
4 change that in the new leadership of Ruben-Council
5 Member Diaz and the Administration we can be able to
6 explore. The men and women who serve especially in
7 the outer boroughs, the Bronx, the Uptown Manhattan.
8 Now, they are responding for the needs of many riders
9 who put the demand in the market for a street hail.
10 However, we have to discuss with those drivers who
11 own the green taxis, the livery, the base owners to
12 come up with a conclusion that benefits everyone.
13 [Speaking Spanish] Thank you.

14 CHAIRPERSON DIAZ: Thank you, Councilman.
15 We have been joined fully by the Honorable Congress
16 Member Adriano Espaillat. Thank you for being with
17 us, Congressman. And now, ladies and gentlemen, I
18 would like to call on the Commissioner of the Taxi
19 and Limousine, the Honorable Meera Joshi

20 LEGAL COUNSEL: Commissioner, if you
21 don't mind, could you stand and give the oath along
22 with your members. You don't have to stand to the
23 extent that your other executive staff, we'll do it
24 at once. Do you swear to tell the truth, the whole
25 truth and nothing but the truth to the best of your

2 ability and answer honestly as best as possible to
3 the members of this committee?

4 COMMISSIONER JOSHI: I do.

5 DIANA PENNETTI: I do.

6 LEGAL COUNSEL: Thank you.

7 COMMISSIONER JOSHI: Good morning Chair
8 Diaz, and members of the For-Hire Committee. I'm
9 Meer Joshi, Commissioner and Chair of the New York
10 City Taxi and Limousine Commission, and with me are
11 Diana Pennetti, our Chief Enforcement; Louis Molina,
12 our First Deputy Chief of Enforcement; and Mohammed
13 Akinlolu, our Assistant Commissioner for Prosecution.
14 Thank you for inviting me to testify today about
15 TLC's enforcement efforts, Chair Diaz. I look
16 forward to continuing to what has been a productive
17 working relationship and working with the entire FHV
18 community to strengthen all segments of the industry
19 including hardworking drivers, the bases that
20 dispatch trips to them, our thousands of yellow and
21 green taxis and the millions of passengers who
22 deserve safe, legal services that our licensees
23 provide. The TLC community has had very difficult
24 news in recent days. As many are aware, three men
25 who had been licensed TLC drivers recently ended

1 their lives. For those left behind suicide leaves
2 unanswered questions. What we do know is that we as
3 a city must continue to focus strongly on expanding
4 access to mental health services for anyone who needs
5 support. At TLC our focus has been and will continue
6 to be on better understanding and attempting to
7 lessen the stresses many of our drivers face, and I
8 hope today we can discuss the steps TLC has already
9 taken. Given today's focus on TLC enforcement, I
10 also feel it's important to provide the committee and
11 the public with an account of what happened just two
12 weeks ago. On January 24th, two of our officers
13 stopped a TLC licensed vehicle operated by an
14 unlicensed driver in the Bronx after seeing him
15 illegally pick up a street hail. As our officers
16 issued a summons to the driver, a crowd gathered,
17 blocked the enforcement officers' vehicle with other
18 vehicles, and verbally threatened them. The officers
19 returned to their vehicle and minutes later a man
20 wielding a metal baseball bat attacked their car
21 smashing in two of the windows while the officers
22 remained in the vehicle. Miraculously, our officers
23 were not harmed. This is an active NYPD
24 investigation and we're confident that the people who
25

1 were involved with this violence will be prosecuted.
2 Unprovoked violent attacks on our officers will not
3 be tolerated. I thank those including Chair Diaz who
4 have publicly condemned such a task. There are
5 proven peaceful ways to solve problems through
6 communication and collaboration. The TLC and
7 especially the Enforcement Division is always open to
8 discussion, and as many of you know, incorporates
9 driver feedback whenever possible. To understand our
10 enforcement division, it's important to understand
11 the agency and its mission. The Commission has nine
12 members, five of whom were appointed on the
13 recommendation of the Council Borough Delegations,
14 and I'm proud to say that today some of those
15 Commission members are with us: Commissioner
16 Polanco, Commissioner Sorrentino, and Commissioner
17 Aguado. Commissioner Polanco and Aguado have strong
18 ties to Norther Manhattan and the Bronx and both
19 understand the value enforcement brings to these
20 communities. TLC regulates the city' for-hire
21 transportation industry including yellow and green
22 taxis, Black cars including traditional an app based,
23 livery, commuter vans, luxury limousines and-and
24 ambulette vehicles as well as their drivers and the
25

2 businesses that support them. The number of our
3 licensees has increased in the past four years.
4 Today, we license almost 180,000 drivers and about
5 130,000 vehicles. These increased numbers have
6 undoubtedly had an impact on the agency's finances
7 and operations. For example, we've seen an increase
8 in overall agency revenue due to an increase in the
9 volume of license application and renewal fees, a
10 natural result of the growing population of
11 licensees. Even with this growth, our enforcement
12 revenue has remained flat over the last four fiscal
13 years. TLC has 196 enforcement officers who operate
14 citywide. They are New York State Peace Officers
15 with the authority to stop vehicles, issues
16 administrative and criminal summonses and make
17 arrests. Our officers' daily work involved
18 enforcement against cars speeding, running red lights
19 or picking up passengers for an illegal ride, and
20 often involved car stops. Temporary car stops are
21 universally recognized as one of the most difficult
22 actions for law enforcement officers. Given the
23 number of vehicles and the size of the city,
24 enforcement is a huge challenge, and we are very
25 proud of the hard work that our officers do every

day. Of course, state and local law play a key role in shaping our enforcement initiatives. For example, state and local law limit the right to pick up a street hail to yellow and green taxis; set the maximum amount a passenger has to pay for a legal street hail; created two separate sectors for car service, delivery sector and the black car sector; set the penalties for accumulating too many DMV points including suspension and revocation; and define an illegal street hail as both a crime and an administrative violation and set those penalties. The Council has long empowered the TLC to enforce against illegal street hails and has consistently recognized the unique threat they pose to the public. In fact, the Council has been particularly active in strengthening enforcement tools against illegal street hails. In 1989, when the Council authorized the TLC to penalize drivers for illegal street hails, it found that vehicles operating for hire without a TLC license are "A threat to health, safety and wellbeing of their passengers and the general public." It further noted at the time that, "Many of the vehicles operated in disregard of the TLC's regulatory authority lack adequate insurance

2 coverage, are mechanically unsafe and are not driven
3 by responsible drivers. In 2012, the Transportation
4 Chair Vacca, ushered through legislation that
5 recognized the importance of curbing illegal street
6 hails by both unlicensed and licensed TLC vehicles
7 and drivers. This legislation increased the
8 penalties for illegal street hails in an unlicensed
9 vehicle from a maximum of \$1,500 to a maximum of
10 \$2,000. The Council again noted that thousands of
11 unlicensed drivers and vehicles "are not subject to
12 the same strict regulations and oversight as TLC
13 licenses" and that "as a result, passengers who are
14 hurt in an unlicensed vehicle have no recourse to
15 insurance of the TLC." Finally, in 2016, the Council
16 increased penalties for license for-hire drivers that
17 do illegal street hails specifically in the Manhattan
18 Central Business District and at the airports. The
19 penalties for a licensed driver that accepts a street
20 hail anywhere in the city generally range from a \$500
21 fine for the first violation up to license revocation
22 for the third. However, under the 2016 local law, if
23 a licensed driver accepts a street hail in Manhattan
24 Central Business District or at the airports, the
25 local law penalties range from a \$2,000 fine for the

2 first violation up to a \$10,000 fine and license
3 revocation for the third. [background comments] So,
4 these are--

5 SERGEANT-AT-ARMS: All you sit down.

6 COMMISSIONER JOSHI: So, just to be
7 clear, these are the rules set forth by this City
8 Council, and these are amendments made to local law
9 by this City Council that sets the penalties for the
10 violations I've outlined. The TLC couldn't agree
11 more with the need to effectively combat illegal
12 street hails. Transporting passengers without a
13 proper TLC license is bad for passengers, drivers and
14 bases. For passengers getting in an unlicensed
15 vehicle means getting inside with an individual who's
16 not been background checked or drug tested, and who's
17 unaware of our important Consumer Protection and
18 Safety Rules. Moreover, passengers are endangered
19 when they ride in an unlicensed vehicle that has not
20 been checked for road safety, and doesn't have
21 adequate insurance leaving passengers unprotected in
22 the event of a crash. Passengers are also without
23 any means of recourse if something goes wrong because
24 unlike legal dispatches from the base, there is no
25 record of the trip and no accountability for the

2 driver, and illegal street hails are also bad for our
3 licensees. Practically speaking, illegal street
4 hails by either licensed or unlicensed operators harm
5 those drivers and bases that follow TLC rules as well
6 as state and local law. For them, illegal street
7 hails result in fewer passengers and fewer passengers
8 obviously means less income. Many members of this
9 Council reaffirm this approach on a regular basis
10 when they reach out to us on behalf of their
11 constituents and request enforcement against illegal
12 activity in their neighborhoods throughout the city.
13 Against this backdrop of repeated and continuous
14 support for the public safety benefits of enforcement
15 against illegal operators, TLC officers have
16 diligently performed their duties. One year ago, the
17 TLC recruited and hired a new head of enforcement,
18 Diana Pennetti, and I know that many of you have met
19 with her. Enforcement in this city is an enormous
20 task, but she has brought a new approach to the job
21 by greatly increasing enforcements engagement with
22 our licensees, a change that has benefitted officers
23 and licensees. In the last year, Chief Pennetti has
24 held many productive meetings with base owners,
25 driver and elected officials so she has a firm and

2 real understanding of industry issues. Chief
3 Pennetti and Deputy Chief Molina have appeared on
4 local radio shows to further explain enforcement
5 processes and encourage feedback. Further, both
6 enforcement and our External Affairs Unit regularly
7 engage with driver communities all over the city and
8 have addressed topics such as ticketing fines,
9 enforcement, drivers' rights at OATH hearings, and an
10 overview of the consumer complaint process. And as
11 we've discussed, Chair Diaz, you have appointed an
12 official TLC Liaison to Jenny Mahia and we look
13 forward to working with her on an individual driver
14 concern. I've also visited based and attend meetings
15 with drivers of all sectors to ensure that all of us
16 at the TLC are well informed, available and well
17 prepared to support and improve taxi and for-hire
18 service in this city. We will continue this
19 engagement so that we could better understand, and
20 try to resolve the concerns of our licensees, and I
21 help them better understand TLC's role. Chief
22 Pennetti has also focused on officer training, which
23 is fundamental to effective field enforcement. Above
24 and beyond the State requirements for peace officer
25 training, TLC requires that all of our new recruits

2 receive enhanced car stop training as well as
3 training to conduct undercover operations while
4 avoiding entrapment. Chief Pennetti has also
5 emphasized the importance of respect for all in the
6 field, and mandated cultural sensitivity training for
7 all officers. In fact, it was a meeting with you
8 Chair Diaz one year ago that resulted in the TLC
9 accelerating the time table for rolling this training
10 out. As another means of monitoring street
11 encounters, the majority of TLC patrol cars are now
12 equipped with in-vehicle cameras on the front
13 dashboard and rear deck of the car. So, street
14 encounters are captured on video. The city and TLC's
15 enforcement are driver by safety, and what underlies
16 all of our enforcement action is the desire to change
17 dangerous and unsafe behavior. To support this
18 mission, we've taken several significant step to
19 ensure that penalties match our safety goals, and
20 we've done this without reducing the high safety and
21 commute-consumer protection standards that set New
22 York City apart. For example, local law requires us
23 to suspend TLC licensees when drivers get too many
24 DMV points. Since 2015, TLC has allowed many drivers
25 to take safe driving courses all the way up to the

2 date of their hearing that reinforce the rules of the
3 road and of avoid the penalties that would have put
4 them out of work for an extended period of time.

5 This reinforces safe conduct, and allows them to
6 continue making money safely and legally. Also,

7 since 2015, following a meeting including industry
8 stoke-stakeholders and TLC employees, TLC does not

9 produce-pursue a red light camera summons if the

10 driver has already paid the underlying Department of
11 Finance summons. In 2016, TLC Commissioners adopted

12 new penalty review packages that resulted in the

13 reduction of over 30 monetary penalties. Starting n

14 2017, rather than issuing summonses for minor

15 equipment violation officers generally issue a notice

16 of violation that allows a driver to fix the problem

17 rather than issue a summons. Also, in 2017, we

18 amended our rules to allow drivers whose TLC licenses

19 expired to renew and reopen them within six months

20 and get back on the road without having to apply for

21 a new license. Further, we've heard concerns from

22 drivers about receiving field summonses in the mail

23 instead of doing a stop, I'm pleased to say that

24 since January 2017, we've reduced the percentage of

25 mailed summonses from 60% to 15%. We've also

2 enhanced our prosecution practices to further ensure
3 that drivers understand their rights and have time to
4 consider their options. For the vast majority of
5 cases, drivers get a settlement letter from us that
6 clearly explains the driver's rights, options and
7 describes an offer to settle the case. Driver are
8 encouraged to contact us at any point to discuss
9 their case and ask questions they may have about the
10 OATH process and the facts of their case. And if at
11 that point additional information from the driver
12 warrants, the summons is withdrawn. These changes
13 are each the result of open communication with
14 drivers and community leaders, and they've required
15 hard work from all involved. We're proud of these
16 accomplishments, and we think they strengthen our
17 enforcement and in public safety. TLC's enforcement
18 efforts are proportionate, appropriate and strategic.
19 TLC enforcement is deployed throughout the city, and
20 we're transparent about these actions. Our
21 Enforcement Division strikes the balance to ensure
22 all areas of this city receive enforcement because
23 all New Yorkers deserve the same safety and consumer
24 protections. Enforcement data is published in the
25 Mayor's Management Report, the Preliminary Mayor's

2 Management Report, the TLC Annual Report and in
3 monthly enforcement reports that list the top ten
4 violations issued each month broken down by borough
5 and by precinct. A review of these public reports
6 show the majority of our enforcement is for unsafe
7 moving violations and illegal activity, both of which
8 protect the public. The highest number of
9 enforcement summonses by borough for 18 of the last
10 19 months were in Manhattan. In Calendar Year 2017,
11 51% of the summonses were issued in Manhattan; 34%
12 were issued in Queens with the vast majority at the
13 two airports, and the remaining 15% were spread out
14 between Brooklyn, the Bronx and Staten Island. In
15 some months there are concentrated enforcement
16 efforts in certain precincts, in boroughs many times
17 in response to increased complaints from residents
18 and their elected officials. Operating a TLC license
19 has always been—operating with a TLC license has
20 always been a career in New York City that helps
21 people support their families and their communities,
22 and it continues to offer opportunity for drivers. We
23 encourage people to get licensed even if they
24 previously have operated without one. So, for those
25 of you who have been caught driving without a TLC

2 license, this history should not prevent you from
3 operating legally. I invite you to contact TLC to
4 discuss how you can become a licensed driver, and for
5 those who wish to pick up street hails, I know first
6 hand from my work on the Green Taxi Program the
7 relief drivers experience once they get—once they a
8 permit and can perform this work legally. We look
9 forward to working closely with this committee to
10 ensure that the path to operating legally is as
11 seamless as possible. Thank you for allowing me to
12 testify. I strongly encourage you to continue to
13 reach out to me and to the agency with citywide and
14 community specific concerns as you've done so
15 productively in the past. I have a stack of our
16 External Affairs outreach cards in front of me, and I
17 encourage drivers and other licensees to please take
18 one and use the email address on it to let us know
19 about their specific questions or concerns. Working
20 together I know we can continue to improve the for-
21 hire industry.

22 CHAIRPERSON DIAZ: Thank you,
23 Commissioner. I have some questions I will ask you.
24 Yeah, I'm a Puerto Rican. We have black hair—we have
25 black very kinky hair. I'm a Brooklynese, but I hate

2 to take-to be taken for granted, and I have two
3 different reports. Someone has lied to me in the
4 report, and I don't like that. First, I got the
5 report you say in this report: The high baseline in
6 the report, the higher number of enforcement
7 summonses by borough for the 18-over the last 19
8 months were in Manhattan. In calendar 2017, 51% of
9 the summonses were issues in Manhattan. 51% in
10 Manhattan, 34% in Queens, and the remaining 15% in
11 Brooklyn and the Bronx. I got a report from the-from
12 the-from the-from this staff here saying that in 19-
13 2017, there were 1,678 state placed summonses in the
14 Bronx. Only 909 in Queens and 336 in Manhattan and
15 just 169 in Brooklyn, and you're telling me something
16 the central staff says 33-is telling me another
17 thing. Which one is lying to me?

18 COMMISSIONER JOSHI: So, I believe
19 central staff was informed, and your office was
20 informed as well that the annual report you're
21 looking at that has a 100-1,678 number for straight
22 plate violations, is listed under a column for the
23 Bronx. It comes from our annual report. There is a
24 mistake in our annual report. The boroughs of
25 Brooklyn and the Bronx were switched.

2 CHAIRPERSON DIAZ: [interposing] You say
3 that you're reporting on--on my staff.

4 COMMISSIONER JOSHI: Our report and we
5 informed central staff that were was a--

6 CHAIRPERSON DIAZ: [interposing] Well,
7 there's--there was a mistake on your report?

8 COMMISSIONER JOSHI: There is a mistake
9 on our report, and we informed your central staff of
10 the mistake.

11 CHAIRPERSON DIAZ: [interposing] Why--

12 COMMISSIONER JOSHI: The 1,678 straight
13 plate summonses were issues in--

14 CHAIRPERSON DIAZ: [interposing] After--
15 after the central staff call-up, Commissioner, why
16 you make a mistake like that?

17 COMMISSIONER JOSHI: The mistake was
18 made-- [cheers/applause]. Can I just mention--
19 [audience protesters]

20 SERGEANT-AT-ARMS: Quiet down please.

21 COMMISSIONER JOSHI: You're underlying--

22 SERGEANT-AT-ARMS: [interposing] Quiet
23 down, please.

24 COMMISSIONER JOSHI: You're--[audience
25 protesters]

2 COMMISSIONER JOSHI: Your underlying
3 point is how many straight plates summonses were
4 issued in the Bronx. We publish that information
5 month by month. Every month it's on our website.
6 There is a mistake in the Annual Report, which is the
7 top ten violations for the entire year, but the
8 month-by-month breakdown is on our website every
9 month, and the number 1,678 is the number of straight
10 plate summonses that were issued throughout the year-
11 -

12 CHAIRPERSON DIAZ: [interposing] In the
13 Bronx?

14 COMMISSIONER JOSHI: No, in Brooklyn
15 because I see both lawyers on either side of you
16 shaking their heads. They understand that the
17 columns were switched, and the 1,678 number refers to
18 Brooklyn. The number that refers to the Bronx is
19 169. [background comments]

20 SERGEANT-AT-ARMS: Quiet, please.

21 CHAIRPERSON DIAZ: I-I just want to make
22 clear to your office and thank you for-for calling Ed
23 (sic) with me, with the gentlemen he happens to be
24 the liaison from my office to your office. So, maybe
25 we could do better for the drives, but I want to make

2 clear to you and the central staff employees, I
3 didn't come here to play a joke. I didn't come here
4 to-to make believe. I came here to do a job, and I
5 hope that we could do that job honestly, seriously,
6 and we are not trying to mislead anyone. We want it
7 to be-see, you came to my office about-about two
8 years ago, one years ago when I was a Senator, and I
9 told you about-we discussed in my office the problem
10 of enforcement. You brought with you the-the new
11 inspector that you will appoint, that you have
12 appointed to. I told you about the abuses that they-
13 you told me you were going to have a training where
14 it would be more sensitive, but you know what
15 happened? Instead of going down, they-the, yeah,
16 abuses increases, and the persecution and the thing
17 increases. So, I-I-I find myself like-like and no
18 one laugh at, and I say what-what's going on here?

19 COMMISSIONER JOSHI: I would appreciate
20 it if you could, and as I encouraged you then, and
21 I've continuously encouraged you and every driver we
22 meet-that we meet with as a group or individually, if
23 you have an experience with any one of our officers
24 that's inappropriate, in order for us to take action
25 against that officer, we need to know about it. You

2 can report it anonymously. You don't need to put
3 your name on it. So, if you believe that abuses have
4 gone up, please send me all of that information so we
5 can take prompt action.

6 CHAIRPERSON DIAZ: Well, I-I-I, if you
7 don't know that this is going on, I don't know what
8 else to tell you. People are killing themselves.
9 Why you think people are killing themselves?

10 [cheers/applause] [background comments]

11 COMMISSIONER JOSHI: No, I'm sorry. It's
12 a tragic event.

13 CHAIRPERSON DIAZ: It is a tragedy.

14 COMMISSIONER JOSHI: The individual, for
15 the family left behind, and it leaves a lot of
16 questions. There are so many factors that go into
17 it, and all that we can do is hope that those that
18 are feeling suicidal thoughts make sure that they
19 reach out to the appropriate licensed professionals
20 [audience protesters] who can give them help.

21 CHAIRPERSON DIAZ: You know, we have—

22 SERGEANT-AT-ARMS: [interposing] Keep it
23 down, please. [audience protests]

24

25

2 CHAIRPERSON DIAZ: Ladies and gentlemen,
3 you have to control yourself. [Speaking Spanish]
4 [audience protests]

5 SERGEANT-AT-ARMS: [interposing] Keep it
6 down please. Keep it down. Keep it down.

7 CHAIRPERSON DIAZ: We—we live in a city
8 where the Mayor and his administration claims to be
9 the protectors of immigrants, claim to be a city
10 where we have—we have refused for—for immigrants, and
11 that there will not give any information to the
12 federal government to protect—to protect immigrants.
13 Most of the drivers are immigrants, and it's very bad
14 example that your administration and the Mayor
15 administration are doing to protect immigrants, and
16 to give immigrants an opportunity to basically earn
17 their living, and what you're doing is kind of
18 hypocrite because—because—because what we're doing
19 are giving summonses, entrap—community entrapment
20 just purposely. By the way, out of the 196 agents,
21 how many in the Bronx do you have?

22 COMMISSIONER JOSHI: Excuse me. Could
23 you repeat the question?

24

25

2 CHAIRPERSON DIAZ: About--about the--about
3 the one--you have 196 traffic enforcement agents. How
4 many of them are in the Bronx?

5 COMMISSIONER JOSHI: They move from
6 borough to borough. They are not centrally located.
7 As you can see from our monthly reports, primarily
8 enforcement is in Manhattan, and then the next
9 largest borough where we have an enforcement present
10 is Queens. Then among Brooklyn, Bronx and Staten
11 Island about to move from borough to borough. They
12 are not centrally located. As you can see from our
13 monthly reports, primarily enforcement is in
14 Manhattan, and then the next largest borough where we
15 have an enforcement present is Queens. Then among
16 Brooklyn, Bronx and Staten Island about 15%.

17 CHAIRPERSON DIAZ: What--what--what part of
18 Manhattan? Is it Upper Manhattan?

19 COMMISSIONER JOSHI: The Central Business
20 District.

21 CHAIRPERSON DIAZ: They're complaining
22 that there's no--no enforcement there and that's why
23 the yellow is going down because Uber is taking over.

24

25

2 COMMISSIONER JOSHI: That people are
3 complaining about illegal activity does not
4 necessarily mean that enforcement is not occurring.

5 CHAIRPERSON DIAZ: I'm going to hold my
6 questions for later. I don't know if any other of my
7 colleagues have any questions. [background comments]
8 Council Member Lander.

9 COUNCIL MEMBER LANDER: Thank you, Mr.
10 Chairman. I appreciate the opportunity. Thank you
11 Commissioner. Thanks everyone for turning out today.
12 I have a lot of sympathy for drivers feeling the
13 incredible stress that the increased number of cars
14 mostly caused by the increase in the use of Uber and
15 Lyft have meant on our street. I was out at that
16 vigil for Doug Shifter that some folks held last
17 week, and I've had the opportunity to sit down both
18 with the Independent Drivers Group and the New York
19 Taxi Workers Alliance. I guess what I would say is
20 that my senses that the—at least what I have heard is
21 that the number one cause of that increased stress
22 and the—the number one desire I've heard from the
23 public policy point of view is to look at some pay
24 regulations to raise the floor for drivers who find
25 it harder and harder to earn a living with so many

2 more cars on the road, and I know you—you referred to
3 that briefly in your remarks here, but I feel like it
4 would be valuable in light of the conversation about
5 those tragedies, but also just the stress that you
6 can probably feel in the room. So, I just wonder if
7 you could reflect. I know that you've begun to take
8 a look at regulations to raise the floor, think about
9 whether something like you have in yellows would make
10 sense for for-hire vehicles. Can you just let me
11 know what the—what your plans are, what you're
12 thinking, what listening you're doing?

13 COMMISSIONER JOSHI: Yes, we've had an
14 incredible increase of drivers and vehicles and so
15 what drivers were able to make a few years ago it
16 becomes much more difficult today when they're
17 competing among 180,000 drivers. There are more
18 passengers, but there's not an infinite tie. So, at
19 some point they make less money. With the yellow
20 taxi drivers we have paid protection and
21 transparency. They know how much they're supposed to
22 be paid, and there's a limit to how much anyone can
23 lease a medallion or a taxi to them. So, we're
24 looking to do the same thing for our FHV drivers so
25 they can have certainty that on every trip, they'll

2 make at least a certain amount. There are other
3 parts to that problem. The expanding industry will
4 continue to make driving a very stressful career
5 without any kind of growth control mechanism.

6 COUNCIL MEMBER LANDER: And let me just
7 ask on that. I mean you and the administration
8 brought to this Council a proposal to put a temporary
9 pause on increasing licenses a couple of years ago.
10 This Council made a decision not to move forward with
11 that cap. Is that right?

12 COMMISSIONER JOSHI: That's correct, and
13 I think as everybody knows, the rate of growth from
14 then to now has continued at a pace that nobody
15 contemplated. A lot of that explains what you see on
16 the board behind you, which is projected revenue, and
17 an increase in projected revenue. Four times a year,
18 OMB can adjust our budget. In 2013, OATH and TLC for
19 the first time split the fine and revenue budget.
20 So, 2013, was the first year that OMB was tasked with
21 trying to project what a fine and revenue—fine
22 revenue budget would be for the agency. As the years
23 have gone on, we've added 50,000 vehicles and 50,000
24 drivers. Nobody wants any driver to commit anything
25 unsafe, but the truth is with the intro-introduction

2 of so many new drivers and so many inexperienced
3 drivers, there are public safety violations that are
4 happening on the street. And so, we are fining
5 people for them, but as you can see by the red line,
6 which is the money we actually collected, we've
7 collected \$1 million less last year than we did in
8 2016, and actually, we've collected less than we have
9 in the last few years. So, OMB's projection which
10 they modify four times a year as the industry keep
11 growing, has gone up, but our actual revenue, the
12 amount we collect has gone down, and that is in the
13 midst of an increase in drivers and vehicles.

14 COUNCIL MEMBER LANDER: So, let me just
15 make sure I understand. So, the red line here, which
16 is basically flat from 2014 to 2017 is TLC fines and
17 forfeitures in actual dollars?

18 COMMISSIONER JOSHI: Yes.

19 COUNCIL MEMBER LANDER: And you're
20 saying--and the--just give--remind me the numbers of FHV
21 vehicle increase. Over that period of time how many
22 more--?

23 COMMISSIONER JOSHI: [interposing] It's
24 about 50,000 new vehicles and 50,000 new drivers.
25 The biggest sector to grow has been the black car

2 sector, and actually in the Bronx, almost 50% of the
3 summonses we give out now for illegal street hails
4 are to black cars not liveries. It's about half and
5 half.

6 COUNCIL MEMBER LANDER: So, and that's
7 about doubling. So, that's more than doubling the
8 number of FHVs that are on the road from 2014 when
9 this chart started. So, the number of licensed FHV
10 cars and drives has—has—has approximately doubled
11 while the number of fines and for—forfeitures has
12 remained effectively flat?

13 COMMISSIONER JOSHI: Yes, and—and so, you
14 might say well, how are we able to reduce revenue
15 while the industry is growing at such an
16 unprecedented rate, and Chair, Diaz, I have to give
17 you and your stakeholder groups that you've put
18 together a lot of credit because some ideas have come
19 out of that as ways to balance out penalty structures
20 and give drives an opportunity to get back on the
21 road quickly. So, there's things like offering them
22 the opportunity to take driving courses in lieu of a
23 revocation. Offering them an opportunity to take a
24 defensive driving course in lieu of a fine. Offering
25 them the opportunity to enter into a payment plan

2 with no money down. Offering them the opportunity
3 to-to-for the CD points, which I know is a local law
4 that a lot of drivers experience the accumulation of
5 CD points. Those are basically points that you get
6 on your DMV license. As soon as you get six under
7 City Council Law, you are to be suspended, and
8 working with your office, we worked out a plan where
9 drivers can take a course and pay a much smaller
10 fine. In terms of fines, people see on summons
11 numbers like \$1,000, \$10,000, \$3,000, and anybody who
12 receives a summons that has numbers that large would
13 be shocked. Those numbers appear on summonses
14 because under OATH's rules we are required to tell
15 the person receiving the summons what their maximum
16 penalty they could face. The-the summons announced
17 that come from the Ad code are generally in the
18 \$1,000 range. They start at around \$500 and they go
19 up to \$10,000. The summons for TLC rules that are
20 based on violations of TLC rules range from \$50 to
21 \$400, and the majority of those summonses are and-are
22 settled for or go to OATH hearing, and it results in
23 a payment of \$3500 or less. So, I completely
24 sympathize with anyone who gets a summons with a very
25 large number in it. That is local law. That is the

2 requirement of OATH. Happy to discuss that with you
3 and with OATH if there is a way to help get
4 information about some drivers, but that is the
5 maximum penalty, but the TLC fines range in the
6 hundred dollars.

7 COUNCIL MEMBER LANDER: Thank you.

8 Could—if I could just ask one—one more line of
9 questioning here. One thing that I'm very proud of
10 that this Council has done, and we did it actively
11 under Chair Rodriguez whose leadership in the
12 Transportation Committee last term—last term is to
13 focus on Vision Zero and reducing pedestrian
14 fatalities, driver fatalities, bike fatalities and
15 we've seen enormous progress over the last four
16 years, and saving people lives and reducing
17 fatalities, and crashes. Now, we don't want—I don't
18 believe that taxi and the TLC drivers should be
19 subject to—to disproportionate enforcement relative
20 to private drivers like myself and others, but we
21 worked with the NYPD to increase Vision Zero
22 enforcement, and I know on focusing on private
23 drivers like me and others there's really been a very
24 significant increase about four times as many
25 speeding, a red light camera and other infractions

2 targeted in the places and at the locations and on
3 the infractions that have caused deaths and
4 fatalities and serious injuries. So about four times
5 on private drivers. It doesn't seem to me that
6 there's been anything like a four times increase in
7 TLC enforcement. I wonder if you could just talk
8 about what the TLC is doing to help the city comply
9 with Vision Zero, how you work with the PD and how
10 that compares and, you know, what we're doing to
11 balance the desire to be fair and thoughtful to
12 drives with the need to not have people get killed on
13 our streets?

14 COMMISSIONER JOSHI: So, it is--Vision
15 Zero is about changing the cultures of those drivers
16 [coughs] who are less than diligent on the road, and
17 it's something that affects all of us, whether we're
18 a driver, a pedestrian, a bike rider, we all use the
19 roads. The roads must be safe. We do a lot of
20 education and outreach on Vision Zero. We've visited
21 over 700 bases to let them know what the top ten
22 hazardous moving violations are, to warn them
23 especially about things that have tragically killed
24 other, the left hand turn that they need to be extra
25 vigilant for those things. So, we tried to focus in

2 on the most dangerous behaviors that we see, and make
3 sure drivers understand what they are, not just to
4 avoid a fine to avoid injuring or killing someone
5 because the fine doesn't matter. It's the--changing
6 the conduct that really matters, and making sure our
7 streets are safer. We've also prioritized our
8 enforcement on hazardous moving violations. So,
9 things like speeding and speeding over 10 miles over
10 the speed limit. Those are things that we have a
11 special squad that goes out and goes to the
12 intersections that we know from DOT information are
13 dangerous and focuses on catching speeders in those
14 sections. So, really by--we--you know, we have 196
15 officers. It's a huge industry and a huge city. We
16 can't be everywhere. So, we have to prioritize, and
17 safety comes first, and so you'll see as our
18 summoning records show that the majority of the
19 summonses are illegal street hails and un--unsafe
20 driving violations.

21 COUNCIL MEMBER LANDER: And I know that
22 Dana Lerner, Cooper Scott's mom is here with us in
23 the chamber, and I think she'll testify later on what
24 advocates from Families for Safe Streets want to see
25 for us to do collectively of private drivers, of TLC

2 drivers more to save lives, and I guess I'll just end
3 with this. I-I sympathize with the stress the
4 drivers are feeling. I want to see you move forward
5 with pay regulations, with doing the things we can to
6 make sure people can earn a living, and that unfair
7 or unregulated competition doesn't make it possible
8 for people to feed their families. But I don't want
9 it come at the cost of compromising our Vision Zero
10 enforcement, of saving lives or of implementing the
11 laws that the Council has chosen to adopt. So, thank
12 you for your time today, Mr. Chair. Thank you for
13 convening this hearing.

14 CHAIRPERSON DIAZ: [coughs] Commissioner,
15 let me ask you a question: Do drivers ever get
16 separate summonses one from the NYPD and one from the
17 TLC for the same violation?

18 COMMISSIONER JOSHI: [background
19 comments] I'm going to let Chief Diana Pennetti
20 answer that question.

21 CHIEF DIANA PENNETTI: Good morning. I
22 can tell you that drivers never get the same summons
23 for the same violation from TLC officers and NYPD.

24 CHAIRPERSON DIAZ: [interposing] Let me-
25 let me-let me-let me advise you, you are under oath.

2 CHIEF DIANA PENNETTI: I understand that,
3 sir.

4 CHAIRPERSON DIAZ: Okay.

5 CHIEF DIANA PENNETTI: So, I will tell
6 you that during surge operations --[background
7 comments] [audience protests]

8 SERGEANT-AT-ARMS: Quiet please and sit
9 down.

10 CHIEF DIANA PENNETTI: I can tell you--

11 CHAIRPERSON DIAZ: [interposing] Excuse
12 me. Do you--I--I--do--

13 COMMISSIONER JOSHI: [interposing] Can I
14 ask you--can you do me a favor and just give us the
15 example you have.

16 CHAIRPERSON DIAZ: Yes, one moment--one
17 moment. I want to hear the Commissioner. [Speaking
18 Spanish] [audience protests] Yeah, but the young--no,
19 this, sir--sir, they're going to take you out. You
20 bot to--they're going to take you out. You got to be
21 sure that we control what's said. [background
22 comments] [Speaking Spanish]

23 SERGEANT-AT-ARMS: [interposing] Quiet,
24 please.

2 CHAIRPERSON DIAZ: Okay, but—I'm saying
3 that she's under oath, and she's a professional. She
4 should know what she's doing. So, not only I'm
5 telling you quiet, and this is the last time I'm
6 going to ask you to quiet down. Thank you. Let's
7 go.

8 SERGEANT-AT-ARMS: Quiet down, please,
9 quiet down. [audience protests]

10 CHIEF DIANA PENNETTI: Can I tell you
11 that under our policies and operations we do conduct
12 joint operations with NYPD and when we conduct those
13 operations sometimes the NYPD will issue summonses
14 for VTL violations while the TLC officer issues a TLC
15 violation.

16 CHAIRPERSON DIAZ: [interposing] So,
17 you're telling me—you're telling me that there are no
18 summonses for the same violation one from you and one
19 from the Police Department?

20 CHIEF DIANA PENNETTI: I will tell you
21 that there may be two summonses issued on the same
22 spot, but there should not be two summonses issued
23 for the same violation. The PD should be issuing
24 fore the VTL, the TLC should be issuing for the TLC.

2 COMMISSIONER JOSHI: If there is an
3 example of that, as Chief Pennetti jut stated, it is
4 our practice, policy and procedure that there not be
5 similar--this trend of two. (sic)

6 CHAIRPERSON DIAZ: [interposing] So, you--

7 COMMISSIONER JOSHI: [interposing] So, if
8 you have that example, you need to bring that to our
9 attention because that would be contrary to our
10 practices and procedures.

11 CHAIRPERSON DIAZ: So, this is
12 incredible. So, you have found a way to switch
13 something for the--

14 COMMISSIONER JOSHI: [interposing] You've
15 asked us a question. There's not a yes or no answer
16 to it. So, I've asked you to help us because if we
17 want to solve problems--

18 CHAIRPERSON DIAZ: [interposing] No, I'm
19 asking you to help us.

20 COMMISSIONER JOSHI: --we've got to work
21 together--

22 CHAIRPERSON DIAZ: [interposing] I'm
23 asking--I'm asking you--

24 COMMISSIONER JOSHI: --and share
25 information.

2 CHAIRPERSON DIAZ: Listen, I'm asking you
3 to help because they complain, they are complaining--
4 and they, if they can get like--

5 COMMISSIONER JOSHI: [interposing] And I
6 think the way I can best help them is if we work
7 together and share information.

8 CHAIRPERSON DIAZ: They are taking their
9 lives. They are taking--they're committing acts of
10 violence because they are so frustrated, so--so, under
11 it because--

12 COMMISSIONER JOSHI: [interposing] And
13 that's why they need real communication with us to
14 understand the stressors. Now, we've met with
15 several groups of drivers, and there are several
16 things they've raised that we have addressed things
17 like payment plans that were asked for, and they
18 asked for no more down payment on payment plans. So,
19 reduced their payment plans, which used to be \$1,500
20 to \$1,000 and got rid of the down payment. They
21 asked for consumers. They brought up the issue of
22 consumers testifying a hearings and we've discussed
23 this with you, and I've even written letters to you
24 explaining these are OATH's court procedure rules,
25 and I really urge people to invoke another rule

2 that's available to them at OATH, which they can ask
3 the judge to require the consumer to appear in the
4 courtroom. And so, making sure that drivers truly
5 understand their rights would be very, very helpful,
6 and I would appreciate working, continuing to work
7 with you so that we get to exact issues, and exact
8 resolutions.

9 CHAIRPERSON DIAZ: It is—it is my-my
10 commitment and my purpose to work closely with you to
11 be sure that we release the burden on these. Let me
12 ask you another question.

13 COMMISSIONER JOSHI: I think we have the
14 same goal.

15 CHAIRPERSON DIAZ: Okay. Do drivers ever
16 get points—points in both the Critical Driver and—and
17 Persistent Violator Program from the same violation?
18 (sic)

19 COMMISSIONER JOSHI: Again, there are
20 different sets of rules. There is no—the Critical
21 Driver Program is based on DMV points that you get.
22 For example, anyone who drives and gets caught with a
23 cell phone will get 5 DMV points. Under City Council
24 law that translates into 5 Critical Driver points.
25 The Persistent Violator Rule—points come from TLC

2 Rules. There should never be an instance when that
3 happens, but if you have one, you need to let me know
4 about it because nobody is perfect.

5 CHAIRPERSON DIAZ: [laughs] Okay.

6 [audience protests] I take that. I take that.

7 CHAIRPERSON DIAZ: What do you want me to
8 say?

9 COMMISSIONER JOSHI: What do you want me
10 to say?

11 CHAIRPERSON DIAZ: I take that—I—I accept
12 that.

13 COMMISSIONER JOSHI: That's what
14 communication is for.

15 CHAIRPERSON DIAZ: I will accept that.

16 COMMISSIONER JOSHI: There's a lot of
17 people that have brought things to my attention and
18 we have resolved them.

19 CHAIRPERSON DIAZ: I will accept that. Do
20 M—the Department of Motor Vehicles driver's license
21 points results in TLC enforcement points?

22 COMMISSIONER JOSHI: Under local law
23 every DMV point and every DMV point is related to a
24 serious violation, and dangerous violation, running a
25 red light, speeding. That does translate into what's

2 called a CD point under City Council's law. Under
3 that law, when you get six, there's suspension. When
4 you get 10 or more there's revocation, and that's
5 areas where we've worked hard to make sure drivers
6 have an opportunity to learn and reinforce good
7 safety practices so that they can get back on the
8 road.

9 CHAIRPERSON DIAZ: Do-do you-do you see
10 why there are so frustrated? I mean they get points
11 here, they get points there?

12 COMMISSIONER JOSHI: But the points are
13 based on dangerous driving so the frustration I
14 understand. The person who gets hit--

15 CHAIRPERSON DIAZ: [interposing] These
16 are--

17 COMMISSIONER JOSHI: --is much more than
18 frustrated. So, we have to understand these are
19 public safety issues. This is your neighborhood.
20 This is my neighborhood. This is our city.

21 CHAIRPERSON DIAZ: [interposing] Yes.

22 COMMISSIONER JOSHI: We deserve safe
23 streets, and there are thousands and thousands and
24 thousands of very good--

2 CHAIRPERSON DIAZ: [interposing]

3 Commissioner.

4 COMMISSIONER JOSHI: --professional

5 drivers--

6 CHAIRPERSON DIAZ: [interposing]

7 Commissioner.

8 COMMISSIONER JOSHI: --who are very

9 diligent about the way they drive.

10 CHAIRPERSON DIAZ: Commissioner, people

11 jump the turnstiles in the subway, and they get free.

12 They don't get arrested. People urinate in the

13 street. They do maybe one of these. They didn't get

14 arrested.

15 COMMISSIONER JOSHI: [interposing] I-I,

16 you know, I do want to reiterate we have members here

17 who have people that have come to testify today who

18 have lost family members due to tragic crashes. So,

19 I don't want to minimize that, and compare that to

20 turnstile jumping.

21 CHAIRPERSON DIAZ: [interposing] Neither--

22 neither do I. I just want to be-- See, they could--

23 they could-- If they violate--if they violate the

24 rules, if they commit the violations, some of them,

25 I'm not saying summon them. I'm not saying don't do

2 this. I'm saying, why so high? Why \$1,500? Why
3 \$3,000? Why \$10,000?

4 COMMISSIONER JOSHI: Do you--do you recall
5 what I said? [cheers/applause] It--it will always
6 get an applause when you through out--

7 CHAIRPERSON DIAZ: [interposing] Keep it
8 down. Keep it down.

9 COMMISSIONER JOSHI: --large numbers like
10 that, but it's important to put it in context, and
11 what I said was those large numbers are in the local
12 law, and according to the rules of OATH, we must put
13 the maximum penalty on every summons.

14 CHAIRPERSON DIAZ: Can I have Council
15 Member--

16 COMMISSIONER JOSHI: The actual fines
17 collected are not in that range. It is the matter of
18 the shock of seeing a summons that says \$10,000 on
19 it, and I understand that shock especially if there--

20 CHAIRPERSON DIAZ: [interposing] You
21 know--

22 COMMISSIONER JOSHI: --is any language
23 barrier, if there's any misunderstanding and that is
24 something I will gladly work with you how we can
25 better inform people of their rights.

2 CHAIRPERSON DIAZ: [interposing] We
3 would—we would agree. We will agree to disagree,
4 okay? Council Member Rodriguez and then Council
5 Member Cabrera, and by the way, we are joined—we have
6 been joined by Council Member Moya, Francisco Moya
7 from Queens and Council Member Cabrera from the
8 Bronx. Rodriguez, Council Member Rodriguez.

9 COUNCIL MEMBER RODRIGUEZ: Thank you
10 Chair. Commissioner, the area where we—we're not
11 able to finish—I think an agreement was— I mean
12 during my time that I used to oversee the MTA, the
13 TLC was the one about drivers getting the tickets
14 from the Department of Motor Vehicles, and then also
15 getting similar to the question of--to the concern
16 that the Chairman brought and also getting the same
17 tickets from the TLC. I believe that that area
18 should be an area that I hope, I know that it will
19 not be resolved here in this hearing, but I hope that
20 working together with the Chairman you can come out
21 with some conclusion on how to readjust in a way that
22 someone doesn't get a ticket let's say for \$200 by
23 the department, a police officer and ticketed by the
24 Department the Department of Motor Vehicles, and they
25 get additional X amount of tickets for the TLC. Do

2 you think that there's windows to continue that
3 conversation, and find out some solution?

4 COMMISSIONER JOSHI: Yes. So, I think
5 we—we started on that, and I think even at the last
6 meeting that the three of us were present at we
7 talked about the difficulty that a driver faces when
8 they get a summons from NYPD and then they get a
9 summons from TLC. Not only is it two summonses, but
10 there's a certain amount of confusion involved with
11 that. Tack on the fact that we have to put on the
12 maximum penalty and the words suspension and
13 revocation and it's clearly a stressful situation.
14 Does it have to be that way? Can there be a better
15 way to communicate what the rules are? Obviously
16 there can be and this is a local law that I have
17 expressed in the past willingness to work with the
18 Council on how to amend it where we absolutely do not
19 compromise the safety standards, but we're able to
20 make a law that is effective for drivers instead of
21 being a stress.

22 COUNCIL MEMBER RODRIGUEZ: Okay, the
23 other thing is with the taxi stand that we have in
24 the city, I can't speak about those in Northern
25 Manhattan, and I'm—you know that we were able to get

2 some changes in some of those in Fort Washington in
3 front of the Milstein (sic) Hospital for Washington
4 and 168. Can we work in in a way that the taxi stand
5 allow livery drivers to wait there to pick up some
6 passengers?

7 COMMISSIONER JOSHI: I'm glad you raised
8 that. We've recently done a citywide survey so that
9 everybody knows where every stand is and what it's
10 labeled, and that's the first step in making sure
11 that those stands are actually labeled for the kinds
12 of vehicles that need them. We do that in connection
13 with DOT, but it's based on community input. So,
14 it's people telling us that in that community there
15 is an FHV need for a stand. So, that's project is
16 underway and I really look forward to getting your
17 input on how we can get it to move faster, and make
18 sure it's accurate and reflects the community's
19 needs.

20 COUNCIL MEMBER RODRIGUEZ: Okay. So my
21 suggestion again at the local level is for all taxi
22 stands that we have in Northern Manhattan to be
23 changed in a way that livery taxis will also be
24 allowed to pick. [Speaking Spanish] [applause]

2 SERGEANT-AT-ARMS: Be quiet. Keep it
3 down.

4 COUNCIL MEMBER RODRIGUEZ: My other
5 suggestion, Commissioner-- First of all, I had a
6 question on those summonses--summons thinking back
7 based on the data that we have right now, those in
8 Manhattan what percentage are given to the Midtown
9 area and what percentage are given the outer borough
10 areas?

11 COMMISSIONER JOSHI: We publish every
12 month on our website--I'm going to show you a chart
13 that's painfully small, but if you go on there you
14 can see [coughs] and it shows you by precinct--I'll
15 find it--by precinct month by month the number of
16 summonses for the top ten violations and what those
17 top ten violations are. I believe the majority of
18 the summonsing is in the Central Business District.
19 Oh, here you go. That's the chart. It's really
20 small, but I'm going to defer to Chief Pennetti and
21 Louis Molina to verify that for me. [pause]

22 DEPUTY CHIEF MOLINA: Good afternoon,
23 Council Member. So, we do conduct a larger--a lot of
24 our enforcement in the Central Business District. I
25 don't have an exact percentage for you right now, but

2 I can follow up with your office to get those
3 percentages to you to delineate which summonses are
4 given in the Central Business District, and which are
5 given Northern Manhattan.

6 COUNCIL MEMBER RODRIGUEZ: Okay, but we
7 can agree that the largest numbers of those summons
8 in Manhattan were given to the Central Business?

9 CHIEF DIANA PENNETTI: Yes, sir.

10 DEPUTY CHIEF MOLINA: Is that what it is?

11 COUNCIL MEMBER RODRIGUEZ: Okay, can you
12 focus on enforcement more on luxury buildings,
13 hotels? Because know what we heard, you know, loud
14 and clear about many drivers is that it looked that
15 there's some level of coordination between doormen in
16 those places, and-and enforcement so that nothing
17 happen there. So, can you-or are you-have you been
18 looking at the situation on the lack of enforcement
19 in front of hotels and luxury buildings?

20 CHIEF DIANA PENNETTI: Council Member, I
21 can tell you that in the past year we have focused on
22 hotels, piers, clubs, theater district, in the
23 Central Business District of Manhattan. We have not
24 only done it through uniformed marked patrols during
25 general enforcement, but we've also done numerous

2 decoy operations. What we have found is this--this is
3 a problem that is consistent, and we are now
4 exploring different ways to deter that bad behavior.
5 We get the illegal street hails at the piers. We get
6 the illegal pickups at the hotels. We're working in
7 conjunction with the doormen. We have decoys come
8 out of the hotels, and--and go to those--to the
9 doormen. They get a non-yellow to pick them up
10 that's not pre-arranged. We give them a summons.
11 It's time consuming and it's slow. So, what we're
12 also doing now is enforcing all the no standing, no
13 parking, no idling laws just to keep them moving, and
14 not have them set up at the site. But we are
15 addressing this problem. It's--it's mostly addressed
16 through decoy operations and observations. We stake
17 out hotels especially and have a point car call out
18 the offender and have a car down the block pull them
19 over.

20 CHAIRPERSON DIAZ: You see, it seems that
21 you have problems enforcing--enforcing in Manhattan,
22 but you have no problem enforcing in the Bronx and
23 Upper Manhattan. So, it's the same impasses. I
24 wish--I wish to see the same impasses that you put
25 enforcement in the Bronx and entrapment, and with

2 this kind of tactic that you use in the Bronx and
3 Manhattan. What do you use down in Mid-in Mid-
4 Manhattan in the hotel industry?

5 COMMISSIONER JOSHI: Chair Diaz, the
6 numbers don't support what you've said because the
7 numbers of summonsing in the Bronx are significantly
8 lower than the numbers of summonsing in Manhattan and
9 sometimes the word 'entrapment' is used to describe
10 what's actually an undercover operation. An
11 undercover operation is where one of our officers in
12 plain clothes hails and they're picked up. After
13 having a meeting with you, where you expressed
14 concern about the manner in which those operations
15 took place, we went back and did an additional
16 refresher course for all of our officers about what
17 an appropriate undercover operation is, and that
18 means you cannot do things like pretend you need to
19 go to the hospital, act like you're in dire distress.
20 Anything that would make a driver make a decision
21 that they wouldn't normally be inclined to make. If
22 that happens again, and I stress-

23 CHAIRPERSON DIAZ: [interposing] It's
24 happening.

2 COMMISSIONER JOSHI: Then you need to
3 tell me about it, because you and I met in February.
4 By March that training had rolled out since among all
5 of our officers as well as the new cadets. We have--

6 CHAIRPERSON DIAZ: [interposing]
7 Commissioner

8 COMMISSIONER JOSHI: --employed a
9 disciplinary division. If you give me information,
10 we will then review memo books, radio rooms, vehicle
11 logs, talk to the--talk to the--the victims if they're
12 able to, other witnesses, other people on the squad.
13 There's a full investigative process that goes
14 forward and only then will the officer who does such
15 behavior get the strong and clear message that it's
16 unacceptable. If we don't get information, if we
17 don't get specific information, we cannot punish
18 officers that are out of line.

19 CHAIRPERSON DIAZ: [interposing] How do
20 you--?

21 COMMISSIONER JOSHI: [interposing] But
22 the vast majority of our officers are hardworking and
23 diligent people.

24 CHAIRPERSON DIAZ: [interposing] I'm
25 sorry, I'm sorry to interrupt you. I'm sorry to

2 interrupt you, Commissioner. How could you get info-
3 you're getting information. People don't-listen-
4 listen--

5 COMMISSIONER JOSHI: [interposing] I
6 can't bring charges against someone based on a--

7 CHAIRPERSON DIAZ: [interposing] I
8 believe--

9 COMMISSIONER JOSHI: --on a large
10 allegation.

11 CHAIRPERSON DIAZ: Commissioner, with all
12 due respect, I believe that the enforcement impacted
13 and for the-the entrapment tactic that you-that you
14 are using are illegal, and I don't go for it, and
15 people are complaining daily. Daily they're
16 complaining. You don't even-you don't even-the
17 department don't even give the drivers the
18 opportunity to be present in the hearing. They just-
19 they get something calling and they just summon them.

20 SERGEANT-AT-ARMS: Keep it down, keep it
21 down, please.

22 COMMISSIONER JOSHI: Drivers are
23 absolutely--[cheers/applause]

24 SERGEANT-AT-ARMS: No round of applause,
25 please.

2 COMMISSIONER JOSHI: Drivers are
3 absolutely present in hearings. They are given
4 notice of the hearings, but you have asked me to take
5 action someone based on broad allegation of what you
6 call abuse, and what you call entrapment. This is
7 America. There's due process. So, who am I holding
8 responsible? What officer? Don't I need evidence
9 against that particular officer? Doesn't that
10 officer get entitled to see the evidence against
11 them, and that's why it must be on a case-by-case
12 basis, and we're extremely strict with that
13 information. There have been cases where we get
14 allegations and we thoroughly investigate them, but
15 everybody deserves the same level of Constitutional
16 protection and to see the evidence that is lodged
17 against them. A general allegation of abuse doesn't
18 serve either of us getting towards the mutual goal we
19 have of respectful enforcement. It may make people
20 feel riled up. It may make drivers feel emotional,
21 but it doesn't actually move the ball forward. So, I
22 hope that you will feel comfortable enough to give me
23 those specific examples so we can take action.

24 CHAIRPERSON DIAZ: I'll give you a
25 thousand of them.

2 COMMISSIONER JOSHI: I would love to have
3 them. Thank you.

4 COUNCIL MEMBER RODRIGUEZ: Commissioner,
5 one general complaint that I hear from drivers is
6 that [background comments] is that sometimes, and I'm
7 for the rider's right to be a protected, but what I
8 heard many times is that if someone is in the back-if
9 a passenger put a complaint on a driver, that driver
10 get a ticket from the TLC without having a fair
11 hearing where the passenger is called to go to TLC
12 and face that driver. Is that happening, and if
13 that's happening, can that be changed?

14 COMMISSIONER JOSHI: So, the hearings
15 take place in an OATH hearing. That's the Office of
16 Administrative Trials and Hearings. It's a separate
17 agency than ours, and they have different rules that
18 govern their courtroom. Under the rules the
19 complainant is allowed to appear by telephone, and I
20 am very, very cognizant that many drivers feel that
21 is unfair. They show up in person and the
22 complainant phones in. So, I have-I think in a
23 letter to you and both in meetings said this is
24 something we need to discuss with OATH about how to
25 change procedures so that there is a sense that the

2 drivers are getting a fair hearing. There are
3 opportunities for change. There's video appearances
4 now that possibly both the driver and the complainant
5 could take advantage of. That's new technology
6 that's not that difficult to utilize in everyday
7 hearings. It would save a driver time and money
8 because time is money from appearing at a hearing,
9 and it would allow the driver to see the complainant
10 by a video. So there is an opportunity for change,
11 but it involves working with the Office of
12 Administrative Trials and Hearings, but I'm happy to
13 undertake that with you.

14 COUNCIL MEMBER RODRIGUEZ: [Speaking
15 Spanish] [cheers/applause]

16 SERGEANT-AT-ARMS: [interposing] Keep it
17 down.

18 COUNCIL MEMBER RODRIGUEZ: I'm going to
19 be finished--

20 SERGEANT-AT-ARMS: [interposing] Keep it
21 down, please.

22 COUNCIL MEMBER RODRIGUEZ: I'm going to
23 be finished making recommendations, Commissioner. I
24 think that we need to put in place some type of
25 moratorium. At the details, I would suggest, you

2 now, the Chairman can discuss it with the agency, but
3 I think that, of course, if it doesn't put at risk
4 the safety, you know, if it's a driver that he or
5 she, or like in large numbers of number, but the
6 driver doesn't have a criminal record, that driver
7 his license is not suspended. I think that we should
8 discuss putting a moratorium. [Speaking Spanish]
9 Thank you, Commissioner.

10 CHAIRPERSON DIAZ: A problem is it? No.
11 [applause]

12 COMMISSIONER JOSHI: I want to follow up.
13 There is an important pathway for passengers and
14 consumers to report information. So, whatever the
15 pathway forward is we can't make—we can't put
16 obstacles in—on that because that is a passenger's
17 rights to have a safe and legal ride. There is a
18 number that you asked me for Chair Diaz prior to this
19 hearing that might be hopeful for me to get you right
20 now. How many people are found guilty after a
21 hearing, and how many people are found not guilty.
22 In 2017, 38% of the hearings was—ended with a guilty
23 finding, and 61% ended with a non guilty finding.
24 [audience protests]

2 SERGEANT-AT-ARMS: Keep it down, please.

3 Keep it down please. [background comments]

4 CHAIRPERSON DIAZ: Councilman Cabrera.

5 COUNCIL MEMBER CABRERA: Thank you so

6 much, Mr. Chair. Congratulations on your first

7 hearing as the chair of this committee.

8 Commissioner, I'm actually not in this committee.

9 However, I do chair the Government Operations

10 Committee and I keep hearing you mention OATH. I'd

11 like to address that in a second, but I have also as

12 well many, many of my constituents, some of them that

13 are here who live in my district. I have one of

14 those districts that has one of the most livery

15 drivers who live in my district. So, this is really,

16 really important to me. The—the first thing I'd like

17 to address here I—I'm—I'm pretty sure this is not the

18 first time you're getting the sense that the—part of

19 the problem here is the tone, the perception and

20 often justifies that justified that there's a level

21 of aggressiveness that comes from the TLC towards the

22 livery drivers. Let me give you an example of that.

23 In 2015, actually from 2012 to 2015, TLC had an

24 enforcement and they seized over 21,000 as you

25 remember. Then that was taken to court, and the

2 judge ruled in favor of the livery caps. Then for
3 some reason that to this day I still don't understand
4 you try to implement it back again after the courts
5 said this is unconstitutional. There was no probably
6 cause. There's not enough, you know, system in place
7 that seems fair. Then he started again, and I could
8 go on with the--the double ticketing that takes place,
9 which I--I think we're playing with semantics here
10 because the fact is that you do issue a ticket and
11 then the Police Department gives another ticket but
12 under a different--it's a different name. Under a
13 different category. So, it's the same difference.
14 It's just a different name that--that is given. So,
15 let's don't play with semantics. There's not a week--
16 --and I'm really upset about this--there's not a week
17 that I don't get livery drivers that come to my
18 office that call me that stop me in the street and
19 they say, Council Member Cabrera, we got to do
20 something about this. We--we get on the radio and my
21 God the--the phone calls that we get is--is literally
22 about this. So, this is not something that they are
23 imagining to be. So, the first question I have for
24 you, are we playing with semantics and/or is--are they

2 really getting two tickets under to different
3 charges, but it's the same event that took place?

4 COMMISSIONER JOSHI: As Council Member
5 Rodriguez mentioned, this has been an issue for quite
6 a while because City Council has a law called the
7 Critical Driver, and it becomes very confusing for
8 drivers. As I mentioned before, if you get a cell
9 phone ticket, you're going to get a DMV ticket from
10 the NYPD who pulls you over. If those 5 points have
11 put you into a category where you now have 6 DMV
12 points, you're—because you had one in the past, then
13 you're going to get a ticket from us because you've
14 reached a critical driver threshold as described in
15 local law. It is confusing because now you get two.
16 It gets even more confusing because local law says
17 there's a 15-month lookback period and it's from the
18 date of conviction. So, you may—the incident may
19 have occurred years ago. If the conviction is a year
20 later, now you're getting CD point tickets. So, I
21 have expressed my own concern with drivers' ability
22 to understand this process and have urged and
23 continued to urge this committee to take up this
24 issue, because the underlying premises supports safe
25 driving. If the result of a complicated process

2 that's in our legal—in our local law if the drivers
3 are getting stressed out, and they don't understand
4 because the time of the incident is so far away from
5 the time of the ticketing plus they're getting
6 another ticket from NYPD. We have not—together we
7 have not achieved our goal.

8 COUNCIL MEMBER CABRERA: [interposing]
9 So, what do you suggest that we should do that you—
10 you can propose today that will be fair?

11 COMMISSIONER JOSHI: I—I don't think it's
12 appropriate for me to propose something on the spot
13 today because that section is—is a complicated and
14 lengthy section, but I am certainly happy to meet
15 with you and the rest of the committee. There are
16 some things that our staff has thought about in the
17 past that we can bring to your attention, but I think
18 clarity for the drivers to understand the primary
19 purpose of the law, which is that we do hold TLC
20 licensed driver to a higher standard. On the
21 seizures, I do have to tell you seizures and
22 forfeitures are—and in that case decision are a lot
23 of them the forfeitures are completely of wholly
24 unlicensed vehicles and a lot of this is really
25 dangerous activity that happens in the commuter van

2 industry and the illegal commuter van industry. We've
3 worked closely with Council Member Miller as we
4 walked through neighborhoods and he showed us
5 specific sites of crashes and illegal operators. And
6 those are the targets of many of our forfeiture
7 actions to send a strong message. There are
8 tragedies attached with those illegal commuter vans.
9 I'm sure you're familiar with them, and I know
10 Council Member Miller is. So, it's an important
11 tool. The—the federal court said we could not seize
12 cars any more, not because of probably cause, but
13 because the—the driver didn't have notice that
14 seizure was a possibility. They did, however, say we
15 could seize and forfeit repeat offenders' cars. So,
16 the people whose cars we seize now for forfeiture are
17 people that have multiple unlicensed activity
18 violations in their past, they're driving completely
19 without a TLC license. [applause]

20 SERGEANT-AT-ARMS: Keep it down, please.
21 Keep it down please.

22 COUNCIL MEMBER CABRERA: Let me—let me
23 say—by the way, if you want to clap, just go like
24 this. Okay? So, so let me—I—I—as a matter of fact,
25 that's not what the court said. The court—let me

2 just read verbatim what the court said. That TLC
3 officers who seize vehicles under the policy did not
4 have enough information to determine probable cause
5 to believe the vehicle was subject to forfeiture.
6 This is a direct quote from the case. So—but the
7 point that I'm making, Commissioner, and I hope you
8 will appreciate what I'm talking about here is the
9 tone. Look how many people are here today. I've
10 been here eight years and this is one of the most
11 fullest hearings that I have—I have been here. You
12 could—you can understand that there is an-an-an
13 undercurrent of contention and—and they're upset
14 because it's not only affecting their livelihood, but
15 imagine everyday you're under that level of stress.
16 It has an impact on the life blood, transportation
17 life blood of the city, and I'm with you, with those
18 who—who need to be punished. I—I get that piece. I—
19 I—I—there's not person in this entire place who's not
20 with you with that, but I'm—what I'm talking about is
21 that we could do better, and I'm sure you will
22 appreciate what I'm saying that we could do better
23 and—and getting this logistical pieces taken care of
24 because at the very best we have in our perception
25 problem, at the very worst we have an injustice

2 procedures and policy in place that is affecting our
3 drivers, which is going to affect families. It's
4 going to affect our community especially communities
5 like mine. I'm looking forward Mr. Chairman to
6 getting together, Commissioner and also with the
7 Commissioner of OATH, who I just met with last week,
8 which I think he does a tremendous job at fairness.
9 I'm not sure if he's aware of this is taking place,
10 but I-I would like-I-I would hope you could make the
11 commitment that we can meet soon, I mean this week or
12 next week so we could get to the bottom of this, and
13 if we need to change a law, let's change the law.
14 Thank you so much. [cheers/applause]

15 COMMISSIONER JOSHI: Thank you, and I
16 think this is-

17 SERGEANT-AT-ARMS: Keep it down. Keep it
18 down.

19 COMMISSIONER JOSHI: This crowd-this
20 crowd also represents the immense number of drivers
21 that have joined this industry in the last four or
22 five years. We now license as many drivers as there
23 are in the city of Syracuse. So, the more drivers
24 there are, the more difficult it is to make a living
25 and every little thing becomes that much more of a

2 stress. This is something we're cognizant of, and we
3 ourselves held a driver hearing last April. It
4 lasted for six hours. We listened to testimony from
5 drivers for six hours from some of the difficulties
6 of trying to make a living today when there are so
7 many other drivers on the road and so many other
8 vehicles on the road. On the--on the case site, the
9 forfeiture provision is for two-time offenders, and
10 so the concern of the court is that we did not have
11 enough information about prior offenses. And so, we
12 didn't have not probably cause in a sense that
13 happened in that moment, but that we had enough for
14 forfeiture, which required knowing the history, and
15 the court was correct on that point.

16 COUNCIL MEMBER CABRERA: Thank you,
17 Commissioner, and I'm looking forward to sitting down
18 and making some real changes that is going to help
19 not just the livery community, but all of our
20 communities. Thank you so much, Mr. Chairman. Thank
21 you for the time.

22 COMMISSIONER JOSHI: Thank you, and we
23 look forward to working with you.

24 CHAIRPERSON DIAZ: We have also--have been
25 joined by Council Member Miller, and Council Member

2 Vallone. Vallone has to leave. Commissioner, before
3 I call on them, I will finish with you. [background
4 comments] The New York Post, Commissioner, the New
5 York, the New York, the New York Post on February
6 10th reported--reported that Mayor de Blasio said: We
7 have to come back and look at what is a single
8 comprehensive vision for the future of our for-hire
9 vehicle sector. The Mayor said that. So, I'm glad
10 that the Mayor is--is seeing the problem now. My
11 question is did you agree with this?

12 COMMISSIONER JOSHI: Absolutely. The for-
13 hire industry is governed by our rules, by the
14 committee's rules and the Council's rules as well as
15 by the state's rules. The for-hire industry has
16 grown in ways nobody contemplated--

17 CHAIRPERSON DIAZ: [interposing] So, the
18 Mayor--

19 COMMISSIONER JOSHI: --in the last few
20 years. So--

21 CHAIRPERSON DIAZ: [interposing] I want
22 to keep it short. (sic)

23 COMMISSIONER JOSHI: There's lot of good
24 to that. Passengers get a lot more rides. Their
25 prices are things that they enjoy because they keep

2 going down, and there's a lot more access to places
3 in the boroughs. But that brings about other
4 problems. It brings about the problems of lots of
5 cars in the CBD. Drivers having difficulty making a
6 decent living. More vehicles that we don't know the
7 exact whereabouts because the trip tracking is not
8 the same.

9 CHAIRPERSON DIAZ: [interposing]
10 Commissioner, will you please—let's stay on the
11 vision or the Mayor's vision.

12 COMMISSIONER JOSHI: So, the vision is
13 that you cannot solve all of those problems with
14 three different entities regulating unless there is
15 some cohesiveness in working together, and that
16 requires our agency and your committee to work
17 together to try to resolve things that are in the law
18 now or make changes to get to that.

19 CHAIRPERSON DIAZ: [interposing] The
20 Mayor—the Mayor is talking about a single
21 comprehensive vision for the future of the industry.
22 I asked you if you should—if you agree with that.
23 You said yes. What is the vision?

24 COMMISSIONER JOSHI: The vision is that
25 the separate entities, government entities that

2 govern this cannot be at larger heads. We need to
3 work together for the industry's sake to give them
4 more solutions to the problems that they're facing.

5 CHAIRPERSON DIAZ: Okay, thank you.

6 Council Member Miller and then we will be done with
7 this.

8 COUNCIL MEMBER MILLER: Thank you, Mr.

9 Chair, and thank you, Commissioner. This has
10 obviously become increasingly important. We've had
11 this hearing probably [coughs] several times a year
12 for the last four years, which demonstrates how the-
13 the-for-hire has evolved, and that is the
14 question here today: As for-hire has evolved here
15 within the City of New York particularly in
16 communities of color. Have-have the agencies not
17 just TLC by other agencies' ability to-to oversee,
18 and ensure that-that the service that is being
19 provided are consistent with local law and-and other
20 provisions that you-that you talked about there.
21 And-and I just want to pivot for a minute because I
22 know we're all here for the very same reason, but I
23 think different-different things have brought us here
24 today because I would submit that the answer is
25 emphatically no that we have not demonstrated that we

2 do have the ability to not just ensure and oversee
3 that services are being delivered, but that our
4 consumers, our customers and our constituents are
5 safe in doing so. And that is the-the-and-and most
6 importantly, we're also talking about the operators
7 of these vehicles being safe as well. So, I know
8 that you are absolutely overwhelmed, but it is what
9 it is. We have to talk about it because we've been
10 coming back and forth. In fact, yesterday made-
11 marked the two-year anniversary of the death of a 16-
12 year-old that was struck and killed by an unlicensed
13 commuter van, and there's been no resolve as of yet.
14 And so one of the things I want to-that we want to
15 talk about is whether or not we have selective
16 enforcement. We're talking about enforcement in your
17 agency is concentrating in areas of the Bronx, as
18 opposed to Manhattan and-and so forth, and I would
19 submit that in Southeast Queens where our problem are
20 illegal commuter vans there's absolutely no
21 enforcement, and that creates an unsafe and
22 unregulated environment, and we've passed laws, and-
23 and very-and it is very unfortunate that there's been
24 on enforcement of those laws, and you talk about us
25 doing tours and very specific walk-throughs and that

2 indeed has happened. But I am here and I see some
3 commuter van operators out there, legal commuter van
4 operators out here as well, and that we have all come
5 together to say that we want to provide a service.
6 We want to provide a safe service, but honestly, the
7 Decal Program was a failure. There's more illegal
8 commuter vans on the street now than there's ever
9 been. There are Florida plates, Pennsylvania plates,
10 Georgia plates and absolutely no enforcement. Last
11 month I spoke with Chair Lhota of the MTA, and—and
12 talked about the loss of revenue and the safety of
13 the operation. A bus cannot pull over to the curb to
14 pick up a passenger because they can't load because
15 the illegal vans are there. No, there is no
16 enforcement. TLC is not there to enforce to make
17 sure that passengers can safely load and be unloaded
18 from the bus, and other things, situations like that
19 that are occurring. Safety to the public is—is
20 paramount here. It is just not happening. What are
21 we going to do to make sure that the bills that were—
22 that were almost nearly signed into law nearly one
23 year now are being enforced, aside from the cap. The
24 cap makes no difference if—if you have all illegals
25 out there. The—the moratorium and the study to make

2 sure that things are—what have you learned in the
3 past year that we can do—we can be better and we can
4 be safer now.

5 COMMISSIONER JOSHI: *I'm going to defer
6 to Deputy Chief of Enforcement Louis Molina to give
7 you a description of our commuter van operations in
8 the past year, but I do want to advise you of a
9 pending piece of legislation that I hope will allow
10 us to do broader enforcement in a way that that's
11 necessary against commuter vans. You've brought to
12 our attention and members of the commuter van
13 industry have brought to our attention that today the
14 illegals are more than 20 seats. We don't have the
15 jurisdiction to pull those vehicles over. So, as
16 they perform illegally we are stuck. We literally
17 have our hands bound. So, I believe there's
18 legislation that's going to be introduced or will be
19 introduced that would increase our enforcement
20 capacity so we would have the jurisdiction to pull
21 those large vehicles over. It appears from what I
22 talk to the commuter van industry they are becoming
23 more and more common, and maybe because they know we
24 cannot pull them over. So, I know we've done a
25 tremendous amount of work in the commuter van

2 industry. There is still illegal activity out there,
3 but I do think it's important that you understand
4 what we want done today.

5 DEPUTY CHIEF MOLINA: Good afternoon,
6 Council Member Miller, and I've met with you in the
7 past and I've also met with commuter van industry
8 stakeholders that are licensed in the Queens
9 community, and we have done significant more
10 enforcement that we have in the past in that Queens
11 area where the commuter van routes are located.
12 There has been significant enforcement increase in
13 activity as far as unlicensed summonses given. We
14 have also done undercover operations with many of
15 these unlicensed drivers, and also understanding that
16 in addition to unlicensed commuter vans, there are
17 also unlicensed vehicles that are impacting the
18 commuter van industry because they, too are picking
19 up along the route.

20 COMMISSIONER JOSHI: We've to date seized
21 30 illegal commuter vans, and 15 of them we have and
22 12 of them are actually in forfeiture proceedings.

23 COUNCIL MEMBER MILLER: So, so, I was in
24 a—in one of our previous meetings, there was a major
25 enforcement piece that was taking place in Brooklyn,

2 and—and we were told that that would then work its
3 way out to Southeast Queens, and that was probably
4 six months back. It has not happened. Now, in terms
5 of coordination between the MTA and coordination
6 between the NYPD, and I've spoken to Chief O'Neill as
7 well as Chair Lhota, and everybody thinks it's a good
8 idea, but this idea has never come—become reality,
9 and we still see what we see there, and between the—
10 the—the agencies and—and the authorities involved,
11 you would think that if we were working together we
12 would be able to accomplish this goal. I know it's a
13 monumental task to eliminate the amount of
14 enforcement agents that you have, but are we using
15 all the tools in the tool box to make sure that
16 riding public is safe?

17 COMMISSIONER JOSHI: We do try to do as
18 many joint enforcement operations with NYPD as we
19 can, but we're also happy to engage again to do
20 additional enforcement in Southeast Queens either
21 with or without them. Sometimes they're not available,
22 and that's why we've started doing what we call surge
23 operations where we deploy more of our enforcement
24 officers in one area that's a hot spot for illegal
25 operators of commuter vans. So, we'd be happy to

2 make sure that the areas that you're most concerned
3 about get that type of enforcement. We continue to
4 do what we can with what we have, but I understand
5 your situation because you still see illegal
6 operators out there. You have to understand we're
7 committed to this, and we'll continue to work towards
8 it, and if it means partnering with other agencies
9 we're happy to take the lead on making sure those
10 meetings happen and try to get as much cooperation as
11 we can.

12 COUNCIL MEMBER MILLER: It is with that—I
13 thank you for that commitment and—and—and Chair I—I
14 would love to—to—to make sure that this committee is
15 overseeing the collaboration of the agencies and all
16 the stakeholders involved so that we can really bring
17 this thing to—to a—a head. This is something
18 that's been going on for—for decades. We finally got
19 the legislation past, but quite frankly, it means
20 nothing without enforcement, and we have and no
21 enforcement, and—and we'd like to work with you—work
22 the committee to make sure that we clean this
23 industry up, and we have all the people in the room
24 that it would—that need to be in the room to make it
25 happen. So the ball is in your court. Thank you.

2 COMMISSIONER JOSHI: Thank you.

3 COUNCIL MEMBER MILLER: Thank you, Mr.
4 Chair.

5 CHAIRPERSON DIAZ: Madam Commissioner, I
6 wish to express my appreciation. Thanks for being
7 here today. As you can see, the--the attendance really
8 has been--it is one of the biggest here, and because
9 people are--are concerned, people are really, really
10 concerned and hopefully, now we're going to--we're
11 starting something different where all of them will
12 be feeling more comfortable, and we could stop that
13 incidents of people killing themselves and the
14 pressure that comes down. Thank you very much, but
15 before I go, let me congratulate you on another skill
16 that you showed today. You good for--you are good
17 filibustering--[laughs]--filibustering.

18 COMMISSIONER JOSHI: No, those are facts.
19 Not filibustering.

20 CHAIRPERSON DIAZ: Thank you. Thank you.

21 COMMISSIONER JOSHI: Thank you and I urge
22 you to continue to try to really hone in on what
23 actual are. I know you've got a liaison now that
24 you've assigned to TLC. So, we look forward to
25 working with her.

2 CHAIRPERSON DIAZ: Thank you. Thank you,
3 Commissioner. Thank your stop. I-I would like to
4 thank you again, and I got to call Congressman
5 Espaillet to be a witness today. So thank you
6 Commissioner.

7 COMMISSIONER JOSHI: Thank you very much.
8 Look forward to working with you. [background
9 comments, pause]

10 LEGAL COUNSEL: Congressman. Is this on?
11 [background comments] You're up. Congressman, can
12 you please stand raise your right hand so I can swear
13 you in? [background comments]

14 LEGAL COUNSEL: Do you affirm to tell the
15 truth, the whole truth and nothing but the truth in
16 your testimony before this committee and to respond
17 honestly to all Council Members' questions?

18 CONGRESSMAN ESPAILLET: [off mic] I do.

19 LEGAL COUNSEL: Thank you.

20 CONGRESSMAN ESPAILLET: Thank you, Mr.
21 Chairman, Chairman Diaz, City Council members and
22 those in the audience. I want to thank everybody for
23 coming here. This is an important hearing for New
24 York City and for my district, the 13th Congressional
25 District in the City of New York. The New York City

2 Taxi and Limousine Commission, TLC was created in
3 1971 as the oversight commission responsible for the
4 licensing and regulation of New York City's Medallion
5 Yellow Taxicabs, for-hire vehicles, community based
6 liveries, black cars and luxury limousines, commuter
7 vans and power transit vehicles. The Commission
8 established a board that consists of nine members
9 eight to whom are on salary commissions while the
10 paid chair commissioner presides over regularly
11 scheduled public commission meetings and is the head
12 of the agency. The TLC maintains a staff of
13 approximately 600 employees assigned to various
14 divisions and bureaus. The TLC licenses and
15 regulates over 50,000 vehicles and over 140,000
16 drivers. The commission is also responsible for the
17 performing safety and emission inspections of more
18 than 13,587 medallion taxicabs three times each year
19 as well as a bi-annual inspection of TLC licensed
20 for-hire vehicles making the commission the most
21 actively taxi and limousine licensee and regulatory
22 agency in the entire United States. As of 2015,
23 there were a total of more that 143,000 licensed taxi
24 and for-hire vehicle drivers in New York City
25 including 13,587 yellow taxis in New York City, and

2 approximately 38,319 Yellow Cab drivers, 7,676 street
3 hail livery cabs in New York City and approximately
4 13,455 street hail livery cab drivers. Additionally,
5 there were 38,791 black care for-hire vehicles;
6 21,932 livery cab for-hire vehicles and 5,881 luxury
7 limo cars. There were also paratransit and commuter
8 van operators in New York City including 288 commuter
9 van drivers for 584 vehicles, and 2,206 paratransit
10 drivers for 1,123 vehicles. These—this industry
11 faces great challenges. Taxi drivers face economic
12 deprivation created by the fairly new influx of
13 driving services and ride share applications like
14 Uber, Lyft, Juno and Via. It is difficult to
15 distinguish between each of these ride share services
16 considering that many drivers provide services for
17 multiple companies. However, it is estimated that
18 there are nearly 56,000 Uber—Uber vehicles in
19 operation, just over 28,000 Lyft vehicles in
20 operation, 17,038 Juno vehicles in operation and
21 nearly 6,000 Git vehicles in operation as well as
22 4,000 VIA vehicles in operation. According to a 2017
23 New York Times article, Uber and Lyft cars outnumber
24 Yellow Cabs in New York City 4 to 1. In 2010, Yellow
25 Cabs made 463,701 daily trips and brought in \$5.17

1 million in daily fares during the month of November
2 alone. Six years later, the numbers have dropped and
3 in November 2006, the Yellow Cabs made an average of
4 336,736 daily trips, and brought in \$4.98 million in
5 daily fares according to the city data. In contract
6 and according to the same report, Uber provides an
7 average of 226-46 rides per day in October 2016.
8 Lyft came in a distant second with 35,908 rides
9 according to city data while Via had 21,698, Juno had
10 20,426 rides and GIT had, which launched in the city
11 in 2014 came in with 7,227 rides. Why do individual-
12 why do individuals drive taxis? What are some of the
13 benefits for driving a taxi in New York City? First
14 the taxi drivers have the ability to work hours
15 rather than a 9:00 to 5:00 routine. While they can
16 easily find work almost anywhere as it is a regular
17 work. Secondly, higher fares favor taxi drivers
18 especially during the weekends or busy times of the
19 week. In addition, drivers are paid immediately and
20 often are able to hold their earnings in their hand.
21 Thirdly, the taxi industry was develop for and has
22 long established practices that were developed to
23 protect and create relatively stable income unlike
24 many new technology and RUSH and share ride services.
25

2 However, the influx of services like Uber has
3 overtaken the industry and the market. The problems
4 facing the city's taxi driver has become so bad that
5 many taxi driver roam around the city unable to pick
6 up fares. Drivers face fear, isolation and increased
7 anxiety with their ability to make a living, their
8 survival and livelihood. The economic hardship that
9 the car service like Uber and its competitor services
10 have created is a stark reality for New York City
11 taxi drivers. The unconventional standards and
12 unrealistic expectations for drivers in New York City
13 has caused many individuals—individuals and long-term
14 drivers to feel overwhelmed and anxious. Consider
15 the economic strain and financial challenges that
16 many drivers face. From 2013 to 2016 the gross
17 annual car service booking of a full-time Yellow taxi
18 driver declined falling from an annual salary of
19 \$88,000 a year to just over \$69,000 resulting in
20 increased bankruptcies, foreclosures, and the issues
21 that plague taxi drivers with mounting existential
22 difficulties. Moreover, medallions, which grant the
23 right to operate a taxi in New York City are now
24 depreciating assets, and drivers who borrowed money
25 to pay them once a sound investment strategy now many

2 find themselves deeply in debt. New York City cab
3 drivers are some of the—the hardest working drivers
4 in the nation entrusted with the duty of getting the
5 riders to their destination safely and swiftly. They
6 pay a premium to operate the Yellow Cabs service
7 throughout the city and at no fault of their own, the
8 value of their medallion has plummeted while leaving
9 many vulnerable and unable to pay the now exorbitant
10 loan payments due to the market condition. Let me
11 arrive at some conclusions. As you saw, Mr. Chairman
12 today, the Commissioner presented a very dire and
13 troubling picture of this industry. This is not an
14 indictment on innovation. The TLC touts on its
15 website that it is dedicated to fostering an
16 environment that allows for-hire industry to provide
17 safe, innovative and accessible service. Yet, we saw
18 three drivers this year tragically take their lives.
19 Yet, the TLC has failed in its efforts to incorporate
20 an open tech—new technologies; provide better
21 accessibility for customers; create competitive rate
22 structures for drivers; and present transparency
23 easily available such as trip records, fares and
24 routes. For-hire and livery vehicles face exorbitant
25 fines like [Speaking Spanish] including fees and

2 fines for not keeping detailed records of passenger
3 and trip records. Having outlined several issues of
4 concern due to my testimony today, Mr. Chairman, the
5 TLC I offers the following recommendations to your
6 committee and to the city of New York for
7 consideration to ensure transparency, accountability,
8 innovation for New York City taxi, for-hire, liberal
9 and e-hail rideshare services. [Speaking Spanish] I
10 call for the immediate dismantlement of the TLC
11 Commission and create a new entity [cheers/applause]
12 that reflects the innovative and new modes of
13 transportation including ride share applications.
14 [Speaking Spanish] The Taxi Limousine Commission
15 [Speaking Spanish] [cheers/applause] [Speaking
16 Spanish] Mr. Chairman, you face a great challenge.
17 I would like to work with you in creating a new
18 agency that will respond to the needs of all New
19 Yorkers. [cheers/applause] The second recommendation
20 calls for-to establish new rules and regulations that
21 incorporate modern day ride share platforms to
22 equalize the market for all driving competitors and
23 better streamline the process for customers. The
24 third recommendation is to create a stand-alone
25 enforcement unit for the TLC. [Speaking Spanish]

2 Taxi Limousine Commission [Speaking Spanish]

3 [applause] The current system—the current system of

4 enforcement and core system is under the purview of

5 the TLC, and does not provide care operators and

6 drivers a due process, and does not allow for a

7 proper oversight to take place. Find solutions to

8 the medallion debt that New York cab driver face and

9 allow greater flexibility to ensure continuing

10 operation of their cabs and the ability for them to

11 repay their loans, and the dual use of green cabs by

12 providing them—providing them from taking pre-

13 arranged trips and limiting them to hail services.

14 Thus, making livery and black cars the only

15 prearranged service. Reduce the fines. [Speaking

16 Spanish] for hail ride services—for hail ride for

17 livery and black car drivers and operators.

18 Currently fines for for-hire vehicles for picking up

19 street hails in the outer boroughs are \$500 for the

20 first offense, \$1,500 for the second offense and a

21 revocation of their license for the third offense,

22 and below 96th Street \$2,000 for the first offense,

23 \$4,000 for the second offense [audience protests] and

24 \$10,000 for the third offense. We must reduce

25 dramatically this fine. We should cap the industry.

2 We should place a cap on the bases and in the number
3 of drivers out there. We cannot allow the industry
4 to balloon to 200, 300,000 drivers in the city of New
5 York. It is unsustainable, and finally to create a
6 greater regulation for ride share services for Uber
7 [Speaking Spanish] Lyft and other e-hail
8 transportation services. Finally, Mr. Chairman, I
9 want to bring greater attention to the troubling
10 stories of entrapment. [Speaking Spanish] conducted
11 by the roughly 200 enforcement inspectors in the TLC.
12 Many operators of for-hire vehicles claim to have
13 received large fines for picking seemingly in-need
14 individuals only to find out that prospective
15 passenger was part of a larger network of fine
16 distribution practices. [Speaking Spanish]
17 [applause] I am deeply troubled by the fact that of
18 the top ten enforcement summonses given out by the
19 TLC in 2016, five of them were specifically for-hire
20 vehicles, the most of any TLC license type. As part
21 of my continued efforts to ensure that all taxi
22 drivers and for-hire vehicles are treated equally, I
23 will be sending a letter—listen to me, Mr. Chairman.
24 I will be sending a letter to the Department of
25 Justice to request an impartial investigation of

2 selective enforcement and entrapment practices and
3 discrimination within the TLC. [Speaking Spanish] It
4 is my belief that the—the recommendations put forward
5 to dismantle the TLC and rebuild the Commission with
6 a new agency will help create an equitable market for
7 all New York Taxi and for-hire drivers and owners as
8 well as share rides services that will ensure
9 transparency, accountability, and innovation for the
10 New York City drivers and the customers they serve.
11 Thank you for your time, Mr. Chairman, and I look
12 forward to with you. [cheers/applause]

13 CHAIRPERSON DIAZ: [gavel] [cheers/
14 applause] All the voice by all. Mr. Congressman, it
15 was an honor for me to serve with you in the State
16 Senate. I thank that it will be a great honor now
17 that you are in the Congress and I'm here. To those
18 of you three, you have to remember that all of these
19 that's happening, we're having people fighting—
20 fighting an organization, fighting and moving and—and
21 applying for years. A year ago—a year ago or I think
22 it was—I think it was October 4 we formed a committee
23 of 25, 25 leaders, and those 25 of you they have—we
24 have been meeting with me. You look at what you have
25 done, look at what you have done, look at how far we

2 have come. You created a committee especially this
3 committee, this committee For-Hire Committee. It's a
4 consequence of those 25. They're troubled. That are
5 what meeting with me, and we-we continue meeting.

6 [Speaking Spanish] [applause] Senior Presidente,
7 Senior Presidente [Speaking Spanish] [applause]

8 CHAIRPERSON DIAZ: Gracias, gracias,
9 gracias. [background comments, pause]

10 CHAIRPERSON DIAZ: And now, ladies and
11 gentlemen--background comments]--the authorities here
12 are asking me and telling me that from now on
13 everyone will be only two minutes. So, those of you
14 that's sitting there, and from now on, two minutes
15 because there's too many people that would like to-to
16 speak today. We have Peter M. Mazer from the Board
17 of Fantastica, Board of Trade, and we have Malcolm
18 Rattner, representing Susan--Susan well, Susan. Who's
19 up? This is going to be--? Who is--who is--who is
20 the--?

21 LEGAL COUNSEL: Susan Maintenance.

22 CHAIRPERSON DIAZ: Who's Susan
23 Maintenance?

24 LEGAL COUNSEL: Cruising with Susan.
25 That's Malcolm Rattner.

2 CHAIRPERSON DIAZ: Uh-hm. Yeah, but
3 who's Susan?

4 LEGAL COUNSEL: That's the name of the
5 cab company. [laughs]

6 CHAIRPERSON DIAZ: Okay, and Warren--
7 Gosh. [background comments]

8 CHAIRPERSON DIAZ: Warren Prosky from
9 Wonderful Nice. (sic) [background comments]

10 CHAIRPERSON DIAZ: Okay.

11 LEGAL COUNSEL: Actually the remainder of
12 the witnesses from the public don't have to be sworn
13 in.

14 CHAIRPERSON DIAZ: Okay. Alright.

15 LEGAL COUNSEL: Go ahead.

16 PETER MAZER: Sure. Good afternoon,
17 Chairman Diaz and members of the Committee. My name
18 is Peter Mazer and I am General Counsel to the
19 Metropolitan Taxicab Board of Trade, the city's
20 largest taxicab trade association representing the
21 owners of approximately 5,500 licensed medallion
22 taxicabs. In addition, we represent the MTBOT Driver
23 Resource Center, a free training, licensing and legal
24 service that has handled 55-over 5,000 summonses and
25 violation on behalf of our drivers. Driving a Yellow

2 Taxi is more challenging today than at any point in
3 the 100-year history of this iconic industry. That's
4 in large part because while the number of licensed
5 taxicabs has remained essentially the same over the
6 past four years, the number of traditional livery
7 vehicles has declined by half from 23,000 to about
8 14,000, but the number of black cars has increased
9 fourfold from about 21,000 to 83,000. 63,000 of
10 these are licensed to one entity, Uber, who has been
11 able to flood Manhattan using instantaneous app-based
12 services without any environmental review, any cap on
13 their future growth, any consideration of the impact
14 of actual need for this level of service, the impact
15 on drivers' incomes, consumer protections or quality
16 of life. This oversupply of vehicles is just-in just
17 one segment of the industry while others are
18 faltering, has led tens of thousands of Uber, Lyft
19 and other drivers unable to meet their economic
20 targets on our fares alone to desperately troll and
21 congest Manhattan streets while they illegally pick
22 up street hails for extra income. Illegal-Illegal
23 street hails not only congest Manhattan streets, they
24 steal fares from hardworking cabbies that pay for the
25 right to accept hails, proposed an enormous public

1 safety threat. These vehicles are not ensured to
2 accept street hails. The driver may have a suspended
3 license, may rip you off and may have a criminal
4 record. Illegal street hails passenger is
5 essentially hijacking. Before Uber, the TLC had far
6 fewer resources than needed. Today, they are
7 completely overwhelmed. While the number of for-hire
8 vehicles has exploded 250% since 2012, the number of
9 TLC agents has risen by only about 10% in that time
10 and the TLC has not been able to increase its
11 headcount since 2015. While Chair Joshi and her
12 staff deserve credit for their hard work in making
13 some improvements to the agency's performance, the
14 TLC should be provide—prioritizing those limited
15 resources to go after two principal violators: Those
16 operating without any TLC license at all and license
17 operators that perform illegal street hails in
18 Manhattan and at the airports. Doing so would protect
19 New York--New Yorkers' public safety and consumer
20 rights, reduce congestion and protect the livelihoods
21 of thousands of licensees, but there are also street
22 hail livery operators who paid for the right to
23 accept street hails outside the Central Business
24 District. Their rights need to be protected.
25

2 Without enforcement in the area they serve, their
3 permits are worthless. Today we are heading off a
4 cliff. With no limitations on Uber and other app-
5 based services, vehicle saturation and unfair
6 competition and the targeted and systematic
7 enforcement against licensees is leaving some drivers
8 [bell] to extremes--if I can just sum up--as
9 evidenced by the tragic suicided of Doug-Douglas
10 Shifter just last week. Douglas drove for a
11 corporate black car service, and just couldn't adapt
12 to the lawlessness of the city streets. Equally
13 devastating is the over-summonsing of the Yellow
14 Taxicab drivers. Taxicab drivers are being ticketed
15 merely for being taxicab drivers, mostly by NYPD but
16 also by TLC and the Port Authority.

17 SERGEANT-AT-ARMS: [interposing] Quiet
18 down.

19 PETER MAZER: In the past month, our
20 resource center handled over 250 summonses, the most
21 we've done in a single month. Meanwhile, the black
22 market of illegal pickups at the airport has become
23 sophisticated criminal operations, but enforcement
24 often targets licensees who engage in technical
25 violations that is often criminalized. The hotels

2 are rife with illegal pickups. Many cabbies don't
3 even bother to go there any more. Compounding this
4 problem is the well-intended, but unfair consumer
5 complaint procedure that allows every citizen whether
6 or not a passenger to file a complaint against any
7 taxi driver without ever coming to court. There is a
8 lack of confidence in the various tribunals from OATH
9 to the Traffic Violations Bureau to Criminal Court
10 that often allows serious offenders to receive
11 minimal punishment, but denied due process right to
12 good drivers who question whether they can get a fair
13 hearing. I urge this committee to use its powers and
14 expertise to look at every aspect of the enforcement
15 and adjudicatory process, and fix this broken
16 process. Too many drivers are suffering because of
17 it. I want to thank you for giving me the
18 opportunity to speak, and I would be--look forward to
19 answering any questions that you may have. Thanks.

20 CHAIRPERSON DIAZ: Good morning.

21 WARREN PROSKY: Good morning. My name is
22 Warren Prosky. I operate a Yellow Taxi fleet in
23 Brooklyn, and I will never be able to do everything I
24 want in two minutes, but I'm going to do my best.
25 First of all, I'm like everyone here in this room. I

2 was born in Brooklyn, I was educated in Brooklyn and
3 I've worked in Brooklyn. So, everybody here is here
4 for a particular reason and that's because they're
5 New Yorkers. My family started as immigrants, and
6 instead of carrying fruit from the Bronx Terminal
7 Market they decided to go into the taxi business, and
8 for 60 some odd years, I'm the third generation. My
9 son, unfortunately is the fourth generation and may
10 not see his career in the taxi industry. Every one
11 of us who's here today has a specific issue with
12 enforcement. This is not 30, 40 years ago. They
13 treat every segment of taxi whether it's livery, for-
14 hire, black car, not equally based on today's world.
15 Alright. You can't give people summonses for \$125
16 for a light bulb when they're not earning \$100. You
17 can't go anywhere in the city of New York now and not
18 look at the right and look to the left and see a TC
19 plated car parked illegally, double-parked, stealing
20 your fare because the person got into the wrong
21 vehicle not knowing that you either pre-arranged or
22 did a street hail. We're at a point now where we're
23 fighting to just do what we're paying to do, and why
24 do I say that? I say I go down the street, and
25 again, I'm talking about TC plated cars and yes I'm

2 talking ride share. People who work car service,
3 people who work in communities want to support their
4 families. People who drive Yellow cabs don't get up
5 at 3:00 in the morning because they like doing it, or
6 go home at 4:00 in the morning. They want a little
7 piece of their American dream and they've lost it.
8 The city is allowed because of the lack of
9 enforcement. Right in front of a hotel for instance
10 in Manhattan it says: Taxi Only, but there are no
11 taxis there. There are no car services there. What
12 do you see? You see TC plated cars sitting there for
13 hours waiting for a ride that they may not get for
14 hour. You see in metered spots all over the city in
15 municipal lots, people sleeping in cars with TC
16 plates. Car service people don't do that. Yellow
17 Taxi people don't do that. Yet, every New Yorker
18 here walks down the street and sees somebody sleeping
19 at a meter. There's no money in the meter, and
20 there's no income coming into the city. Alright,
21 we're getting pulled over in the Yellow industry
22 because we're a target. In the communities you go to
23 Kings Plaza, you go to Queen Center. Do you operate
24 the way you're supposed to operate? No, because
25 you're fighting with 20 cars or 30 cars that are not

2 supposed to be there. There is nothing wrong. Ride
3 share is a good thing, except everybody here has got
4 some regulation: What they can charge, where they
5 could be, what they've got to do. Not ride share. I
6 have a driver who needed glasses. He almost went to
7 jail because when he hit the meter at the end of his
8 fare, guess what happened? He went to the out-of-
9 town mode on his meter for those guys who know what
10 I'm talking about. Yet, at the same time, there are
11 people who go to work everyday using ride share of
12 their choice, but the city doesn't call getting
13 ripped off an \$8.00, the next day it's \$26.00, the
14 next day it's \$14.00. Yellow Cab can't do it, car
15 service can't do it. You agree with a fare and you
16 charge it. I have a metered rate. I charge it.
17 There's another thing and I—and I know this is
18 enforcement and I'm sorry. I'll be very quick.

19 CHAIRPERSON DIAZ: [coughs] I—I would
20 like to meet with you, and the staff to see—you're
21 telling me that the Yellow Car has different—Uber has
22 different rules than the Yellow car.

23 MALE SPEAKER: Absolutely.

24 WARREN PROSKY: Here's—here's what I'm
25 going to tell you.

2 SERGEANT-AT-ARMS: [interposing] Keep it
3 down, please.

4 WARREN PROSKY: We all interpret what we
5 believe the city mandates we do. Yellow follows the
6 rules, for-hire follows the rules.

7 CHAIRPERSON DIAZ: They know the way.(sic)

8 WARREN PROSKY: No, listen a minute.
9 For-hire--everybody follows the rules, and we're
10 getting something kicked, right? They do whatever
11 they want.

12 CHAIRPERSON DIAZ: Who's they?

13 WARREN PROSKY: Ride share, okay, okay.
14 Uber, Lyft, Via, Juno--

15 CHAIRPERSON DIAZ: Give me their names,
16 give me their names.

17 WARREN PROSKY: Okay, my point is we all
18 just to make a living. We all want to make a living,
19 and I will tell you it is something that is bothered
20 me lately, and I'll just throw it in quick, Green
21 cars. They had an opportunity. The city didn't help
22 them.

23 CHAIRPERSON DIAZ: The Green cars?

24 WARREN PROSKY: Green cars.

2 CHAIRPERSON DIAZ: They so they could
3 have--

4 WARREN PROSKY: [interposing] They could
5 have--

6 CHAIRPERSON DIAZ: --put it to the bus,
7 under the bus?

8 WARREN PROSKY: Okay. Yellow, okay. A
9 guy gets up. He used to do a certain amount of
10 rides. Now, he can't do that any more. Why?
11 Because he's either getting stopped by the police,
12 getting stopped by the TLC. I'll gladly explain to
13 you the summons situation that everybody here knows
14 what they're talking about including the TLC. But I
15 will tell you, though, in the last several months,
16 the Police Department, the TLC has been very
17 receptive to hear some of our complaints as an
18 industry.

19 CHAIRPERSON DIAZ: Good. That's good.

20 WARREN PROSKY: [interposing] But let me
21 tell you one thing very quickly because no one else
22 is going to talk about this in the room.

23 CHAIRPERSON DIAZ: Okay.

24 WARREN PROSKY: Okay, real quick. I'm
25 sorry. Everybody will get their chance. The city of

2 New York when they created credit cards came up with
3 something called LPEP and TPEP, and for people in the
4 room who don't know what it is, real quick, it's a
5 monitoring system that allows credit card
6 transactions, which is good for the public. It
7 allowed green cars to take credit cards or do what
8 they do, but for some reason and I don't think
9 anybody in this room knows the answer there are
10 105,000 cars being operated by ride share that don't
11 need to be regulated with LPEP or TPEP. So, how do
12 we know how many rides they actually do?

13 CHAIRPERSON DIAZ: Right.

14 WARREN PROSKY: How do we know how much
15 money they actually subsidize the city, the state in
16 the fares they take?

17 CHAIRPERSON DIAZ: I-I promise that I-I
18 will--

19 WARREN PROSKY: But I'll gladly share
20 that with you.

21 CHAIRPERSON DIAZ: I will write a
22 legislation to see how could we stop that.

23 WARREN PROSKY: Okay.

24 CHAIRPERSON DIAZ: So, I need--all--
25 everyone present, and all you have to understand that

2 I'm the Chairman of the committee. The committee is
3 composed of other members and I need the support of
4 the members, and I need the support of the members
5 and I need the support--of the--of the Speaker, and I
6 need the support of other people so we could do
7 something, but I will do my best. I mean I'm
8 committed, and we have to work for everyone--for
9 everyone, the black, green, yellow, livery, for
10 everyone to be fair and to be sure that everyone is
11 treated equally. So thank you very much.

12 WARREN PROSKY: Thank you. Does anybody
13 have any question? I'd gladly answer them.

14 CHAIRPERSON DIAZ: No, we--because we got--
15 thank you very much. You have provided over--very--

16 WARREN PROSKY: [interposing] Thank you.

17 CHAIRPERSON DIAZ: --provided over--very--
18 very--

19 WARREN PROSKY: [interposing] I'm not
20 going to give the names.

21 CHAIRPERSON DIAZ: --very good
22 information.

23 MALCOLM RATTNER: The TLC in its infinite
24 wisdom has put--

2 CHAIRPERSON DIAZ: [interposing] But we
3 don't want to—we don't want to repeat the same thing,
4 right?

5 MALCOLM RATTNER: We won't.

6 CHAIRPERSON DIAZ: No, okay.

7 MALCOLM RATTNER: THE TL—the TLC in their
8 infinite wisdom have put the banks out of the
9 business loaning money to the Yellow Cabs because due
10 to no enforcement, nobody wants to give any loans
11 out.

12 MALE SPEAKER: I know.

13 CHAIRPERSON DIAZ: [off mic] Your name,
14 please.

15 MALCOLM RATTNER: Malcolm Rattner.

16 MALE SPEAKER: Malcolm Rattner.

17 MALCOLM RATTNER: Due to.

18 CHAIRPERSON DIAZ: [off mic]

19 MALCOLM RATTNER: Okay, due to—due—due to
20 lack of enforcement, the Taxi and Limousine
21 Commission has put the banks out of business loaning
22 the money to buy medallions. People have invested
23 \$800,000, a \$1 million in investments, African-
24 Americans. Alright, of minority invested everything
25 including their house. They have lost it. The banks

2 have taken it away. They have been threatened. They
3 have been put out of business. This has to do with
4 the TLC—the Taxi and Limousine Commission. It also
5 has to do with whoever allowed 80,000 cars to hit the
6 street without—without any EPA being done on it.
7 Whoever thought without any—any—what word am I
8 looking for? Without—without any enforcement that
9 this would ever happen. It happened. On top of it,
10 the TLC we all know is making tons of money right
11 now, but they can't afford to hire any more
12 inspectors, 167 inspectors. That's like—that's like
13 going fishing in fish tank. There's nothing—there's—
14 I don't think they should be in the Bronx. I think
15 you should the Police Department in the Bronx. I
16 think the TLC enforcement should be in the business
17 area, and I think Diane Pennetti should get the tools
18 of the trade that she needs to enforce all these
19 rules, and why does Uber and Lyft and Juno have
20 special rules? That is mind-boggling. I feel
21 terrible for the minorities that invested in this
22 business. I myself started in this business
23 [applause] when I was 13 years old sweeping floors. I
24 have a daughter sitting right over there, alright,
25 that says to me everyone morning, Dad, take it easy.

2 I got pictures that I sent to the Taxi and Limousine
3 Commission--

4 CHAIRPERSON DIAZ: Okay.

5 MALCOLM RATTNER: --showing cars left
6 laying around. I'm okay, sir. Alright, but what I'm
7 trying to say is why hire a cop's cop like Diane
8 Pennetti and not give her the tools of the trade. If
9 a carpenter showed u at your house to put a roof on--

10 SERGEANT-AT-ARMS: [interposing] Keep it
11 down, please.

12 MALCOLM RATTNER: --and didn't bring his
13 saw and his hammer, what are you here for? And on-on
14 that part that's it, and if you need me for anything
15 else I'm more-- But I want to mention one other
16 thing.

17 CHAIRPERSON DIAZ: No, we have to go. We
18 got to go.

19 MALCOLM RATTNER: We'll go. This cop's
20 cop that they hired, Diane Pennetti, goes out at 4:00
21 in the morning on her own time, and looks at all
22 these areas, alright, when the TLC has never done
23 this, and the hotel people working at the hotels
24 alright, to get a fare out of there you got to put
25 \$20 in the trunk of your car. That's insane.

2 CHAIRPERSON DIAZ: That's it. Alright.
3 Okay. Alright, thank you, sir. Thank you for your
4 testimony.

5 MALCOLM RATTNER: You're welcome.

6 CHAIRPERSON DIAZ: It's good for me to
7 hear those things.

8 MALCOLM RATTNER: Well, I'd like to say
9 one thing: Ms. Gatley (sp?) is sitting right over
10 there. Ms. Gatley, could you stand up for one
11 second? I was fortunate to know her father when I
12 was in the Army, alright, 50 some odd years ago, and
13 to this day I remember him everyday. Thank you very
14 much for your time.

15 CHAIRPERSON DIAZ: Thank you, thank you,
16 thank you.

17 MALCOLM RATTNER: Thank you, thank you.

18 MALE SPEAKER: Alright, are you ready.

19 CHAIRPERSON DIAZ: And deliver your
20 testimony. We have to go call now.

21 MALCOLM RATTNER: Alright, that's good.
22 Let's go. [background comments]

23 CHAIRPERSON DIAZ: Pedro Aguiar, Flores--
24 Buena Flores, Hector Herman, William (sic) Martez.
25 [background comments, pause]

1 COMMITTEE ON FOR-HIRE VEHICLES 111

2 SERGEANT-AT-ARMS: Come down, please.

3 Folks, if your name was called please come down. If
4 you have copies of your statements, bring it with
5 you.

6 CHAIRPERSON DIAZ: Those meeting with us,
7 those meeting with us--

8 SERGEANT-AT-ARMS: Please come down.

9 [background comments, pause]

10 CHAIRPERSON DIAZ: Two minutes. Okay.

11 [background comments, pause] Two minutes each.

12 [background comments] Okay.

13 PEDRO AGUIAR: [Speaking Spanish]

14 CHAIRPERSON DIAZ: Jenny, will you
15 translate that?

16 TRANSLATOR: Yes. Good morning. My name
17 is Pedro Aguiar, President of Taxi Drivers Coalition
18 of Taxi Drivers.

19 PEDRO AGUIAR: [Speaking Spanish]

20 TRANSLATOR: Reverend Ruben Diaz
21 Chairman.

22 PEDRO AGUIAR: [Speaking Spanish]

23 TRANSLATOR: We as representatives of
24 Taxi Drivers of New York are asking the Committee the
25 following:

2 PEDRO AGUIAR: [Speaking Spanish]

3 TRANSLATOR: First of all, I ask the
4 Commissioner to hand over to the committee all the
5 regulations especially from 2008, 2009.

6 PEDRO AGUIAR: [Speaking Spanish]

7 TRANSLATOR: Also, I would like to add
8 since the passengers have passenger's rights, I would
9 like to ask also for the drivers to have driver's
10 rights.

11 PEDRO AGUIAR: [Speaking Spanish]

12 TRANSLATOR: Also, I would like to add
13 that the private place vehicles are doing off with
14 our industry.

15 PEDRO AGUIAR: [Speaking Spanish]

16 TRANSLATOR: States from Pennsylvania,
17 Rhode Island, Connecticut, and New Jersey are taking
18 our passengers from our area.

19 PEDRO AGUIAR: [Speaking Spanish]

20 TRANSLATOR: We that pay an enormous
21 amount of fines and insurance are being persecuted by
22 Taxi and Limousine and they're not.

23 PEDRO AGUIAR: [Speaking Spanish]

24 TRANSLATOR: We would like to also add
25 those fines that we are receiving that you as the—as

2 Chairman of the Committee to take into consideration
3 and avoid one and for all, all these high--all of
4 these high fines that we are receiving from Taxi and
5 Limousine Commission.

6 PEDRO AGUIAR: [Speaking Spanish]

7 TRANSLATOR: I want to conclude with this
8 saying to my colleagues--

9 PEDRO AGUIAR: [Speaking Spanish]

10 TRANSLATOR: --the same way you see these
11 three roses--

12 PEDRO AGUIAR: [Speaking Spanish]

13 TRANSLATOR: --that represent those
14 three--those three drivers that lost their lives--

15 PEDRO AGUIAR: [Speaking Spanish]

16 TRANSLATOR: Alfred Perez, he hanged
17 himself.

18 PEDRO AGUIAR: [Speaking Spanish]

19 TRANSLATOR: As well as Danilo Corporan
20 because of the excessive fines, he jumped from a
21 high--from a rooftop.

22 PEDRO AGUIAR: [Speaking Spanish]

23 TRANSLATOR: And last Monday right in
24 front of City Hall steps, Douglas Shifter shot
25 himself in his head.

2 PEDRO AGUIAR: [Speaking Spanish]

3 TRANSLATOR: As of today, I would like to
4 add that we all work together in memory of these—of
5 these three drivers that lost their lives due to the
6 industry.

7 PEDRO AGUIAR: [Speaking Spanish]

8 TRANSLATOR: [applause] Thank you to the
9 25 before the Commission, and thank you Ruben Diaz.

10 HECTOR LEONARDO HERMAN: Yeah? [coughs]

11 Thank you guys for giving me the opportunity.

12 [Speaking Spanish]

13 TRANSLATOR: Good afternoon,
14 distinguished personalities, persons in this
15 municipal room.

16 HECTOR LEONARDO HERMAN: [Speaking
17 Spanish]

18 CHAIRPERSON DIAZ: [Speaking Spanish]

19 HECTOR LEONARDO HERMAN: [Speaking
20 Spanish]

21 TRANSLATOR: My name is Hector Leonardo
22 Herman, also known one to two. (sic)

23 HECTOR LEONARDO HERMAN: [Speaking
24 Spanish]

25

2 TRANSLATOR: So, all the Councilmen
3 especially to our dear Reverend Ruben Diaz, Sr. who
4 presidents over this new committee for the vehicles
5 for-hire under the supervision of TLC.

6 HECTOR LEONARDO HERMAN: [Speaking
7 Spanish]

8 TRANSLATOR: And a special hello to all
9 the people here today especially to all taxi drivers
10 that are here today.

11 HECTOR LEONARDO HERMAN: [Speaking
12 Spanish]

13 TRANSLATOR: But today will be witness to
14 one of the greatest moments that the taxi industry
15 has had in a long time.

16 HECTOR LEONARDO HERMAN: [Speaking
17 Spanish]

18 TRANSLATOR: We hope that our
19 participation in the end we are able to provide
20 contributions to find solutions—

21 SERGEANT-AT-ARMS: [interposing] Keep it
22 down, keep it down.

23 TRANSLATOR: --to so many problems that
24 the taxi driver has today in New York City, but
25 mainly to take us with solutions that are real

2 economical, social and are both all humanitarian for
3 our drivers.

4 HECTOR LEONARDO HERMAN: [Speaking
5 Spanish]

6 TRANSLATOR: But you said this before.
7 Thank you.

8 HECTOR LEONARDO HERMAN: [Speaking
9 Spanish]

10 TRANSLATOR: Present today here are part
11 responsible, the people that are—I'm sorry—that are
12 responsible for the—the full size of so many of our
13 friends in the last few months and--

14 HECTOR LEONARDO HERMAN: [interposing]
15 [Speaking Spanish]

16 TRANSLATOR: --we must hold them
17 responsible.

18 HECTOR LEONARDO HERMAN: [Speaking
19 Spanish]

20 TRANSLATOR: We also must hold
21 responsible--

22 SERGEANT-AT-ARMS: [interposing] Quiet,
23 please.

24 TRANSLATOR: --directly our Governor
25 Andrew Cuomo, our ambitious and arrogant policies.

2 He didn't hesitate and gave all the rights and power
3 to the apps companies like Uber, Lyft-

4 SERGEANT-AT-ARMS: [interposing] Keep it
5 down.

6 TRANSLATOR: --Via and others.

7 HECTOR LEONARDO HERMAN: [Speaking
8 Spanish]

9 TRANSLATOR: We'll use Uber as an example
10 since it's the company that has affected the most to
11 our industry with a 63% of the customers leaving our
12 industry to go with Uber.

13 HECTOR LEONARDO HERMAN: [Speaking
14 Spanish]

15 TRANSLATOR: We would like to ask all
16 Council and authorities to please give this committee
17 all their support that is-that has started being with
18 Reverend Diaz as the head of this committee.

19 HECTOR LEONARDO HERMAN: [Speaking
20 Spanish] [bell]

21 TRANSLATOR: Okay, we would like-we want
22 to support the proposals brought by Congressman
23 Adriano Espaillat about TLC being dismantled, but
24 before we would like the TLC to be held accountable

2 for many of the summonses that they have issued our
3 taxi drivers which they have enriched themselves.

4 HECTOR LEONARDO HERMAN: [Speaking
5 Spanish]

6 TRANSLATOR: Okay, a street hail and taxi
7 must be reviewed mid-yearly because they have not
8 complied with the service needed in the Uptown areas
9 where they will mainly operate and for which they
10 were created.

11 HECTOR LEONARDO HERMAN: [Speaking
12 Spanish]

13 TRANSLATOR: We are providing a service
14 to the Uptown area of the boroughs, which no green
15 car or taxi—or Yellow Taxi are found, and even though
16 the customer is not aware that they are breaking the
17 law, we are providing a service for them.

18 HECTOR LEONARDO HERMAN: [Speaking
19 Spanish]

20 CHAIRPERSON DIAZ: [Speaking Spanish]

21 HECTOR LEONARDO HERMAN: [Speaking
22 Spanish]

23 CHAIRPERSON DIAZ: [Speaking Spanish]

24 HECTOR LEONARDO HERMAN: Yellow.

25 CHAIRPERSON DIAZ: [Speaking Spanish]

2 HECTOR LEONARDO HERMAN: [Speaking
3 Spanish]

4 TRANSLATOR: Yeah, okay. We—we
5 [laughter] would like to—the elimination of the
6 program of Critical Driving that was created by the
7 Commissioner Meera Joshi. Also, the taxi—a lot of
8 people are being held in the street because they—they
9 have always done that.

10 HECTOR LEONARDO HERMAN: [Speaking
11 Spanish]

12 CHAIRPERSON DIAZ: [Speaking Spanish]

13 HECTOR LEONARDO HERMAN: [Speaking
14 Spanish]

15 TRANSLATOR: We would like the Committee
16 to re-evaluate the prices that the apps have in order
17 to be fair to all drivers.

18 HECTOR LEONARDO HERMAN: [Speaking
19 Spanish]

20
21 TRANSLATOR: Reduce or stop the emission
22 of new plates for taxis, which they said that more
23 than 2,000 plates are coming out from Albany every
24 month.

2 HECTOR LEONARDO HERMAN: [Speaking
3 Spanish] [applause] [background comments, pause]

4 VALBUENA FLORES: [Speaking Spanish]

5 TRANSLATOR: Good afternoon. My name is
6 Valbuena Flores.

7 VALBUENA FLORES: [Speaking Spanish]

8 TRANSLATOR: First, I would like to give
9 thanks to God.

10 VALBUENA FLORES: [Speaking Spanish]

11 TRANSLATOR: To give thanks to all of us
12 that are here especially our drivers behind the
13 wheel.

14 VALBUENA FLORES: [Speaking Spanish]

15 TRANSLATOR: For me it's an honor to have
16 you in front of all of us representing the Hispanic,
17 Reverend Diaz.

18 VALBUENA FLORES: [Speaking Spanish]

19 TRANSLATOR: I have a lot of faith in
20 God, Reverend Ruben Diaz and his team of advisors.

21 VALBUENA FLORES: [Speaking Spanish]

22 TRANSLATOR: For no one it's a surprise--

23 VALBUENA FLORES: [Speaking Spanish]

24 TRANSLATOR: --that TLC mistreats drivers
25 behind the wheel of the city of New York.

2 VALBUENA FLORES: [Speaking Spanish]

3 TRANSLATOR: It is so severe that it
4 overpasses the city Mayor Bill de Blasio.

5 VALBUENA FLORES: [Speaking Spanish]

6 TRANSLATOR: And it passes the
7 Constitution of the United States violation.

8 VALBUENA FLORES: [Speaking Spanish]

9 TRANSLATOR: Because the Constitution
10 tells me--

11 VALBUENA FLORES: [Speaking Spanish]

12 TRANSLATOR: You cannot be found guilty
13 twice for the same act.

14 VALBUENA FLORES: [Speaking Spanish]

15 TRANSLATOR: In which Taxi and Limousine
16 Commission has this practice on a daily basis behind
17 our men and women behind the wheel.

18 VALBUENA FLORES: [Speaking Spanish]

19 TRANSLATOR: Where the Department of
20 Transit give you a summons of \$300--

21 VALBUENA FLORES: [Speaking Spanish]

22 TRANSLATOR: --TLC surpasses that summons
23 with the amount of \$1,000.

24 VALBUENA FLORES: [Speaking Spanish]

25

2 TRANSLATOR: On behalf of all my
3 colleagues that we have--

4 VALBUENA FLORES: [Speaking Spanish]

5 TRANSLATOR: --on our streets--

6 VALBUENA FLORES: [Speaking Spanish]

7 TRANSLATOR: --to find our bread of our
8 family--

9 VALBUENA FLORES: [Speaking Spanish]

10 TRANSLATOR: --and giving the community a
11 service.

12 VALBUENA FLORES: [Speaking Spanish]

13 TRANSLATOR: A first class---

14 VALBUENA FLORES: [Speaking Spanish]

15 TRANSLATOR: --because when you're going
16 to pick up a passenger from door to door that doesn't
17 have a price.

18 VALBUENA FLORES: [Speaking Spanish]

19 TRANSLATOR: Reverend Ruben Diaz--

20 VALBUENA FLORES: [Speaking Spanish]

21 TRANSLATOR: --we know he's not going to
22 make miracles because miracles are performed by God.

23 VALBUENA FLORES: [Speaking Spanish]

24

25

2 TRANSLATOR: But yes, he will find
3 solutions to our men and women behind the wheel of a
4 vehicle--

5 VALBUENA FLORES: [Speaking Spanish]

6 TRANSLATOR: --where it's anywhere from
7 \$100 to \$10,000.

8 VALBUENA FLORES: [Speaking Spanish]

9 TRANSLATOR: It is impossible [bell] to
10 surpass the Department of Transit and a fine of \$400--
11 of \$400.

12 VALBUENA FLORES: [Speaking Spanish]

13 TRANSLATOR: Reverend, us--women and men
14 behind the wheel want solutions.

15 VALBUENA FLORES: [Speaking Spanish]

16 TRANSLATOR: Because we are tired that
17 the words are being dispensed in air.

18 VALBUENA FLORES: [Speaking Spanish]

19 TRANSLATOR: And publicly, I am asking
20 you--

21 VALBUENA FLORES: [Speaking Spanish]

22 TRANSLATOR: -but I know you will not
23 perform miracles, but you will find solutions for our
24 problem.

25 VALBUENA FLORES: [Speaking Spanish]

2 CHAIRPERSON DIAZ: Bless you.

3 TRANSLATOR: Thank you, and the blessings
4 will over-shine among us [applause] and everyone
5 here. [background comments]

6 CHAIRPERSON DIAZ: Gracias. [Speaking
7 Spanish]

8 VALBUENA FLORES: [Speaking Spanish]
9 [Speaking Spanish]

10 TRANSLATOR: Good afternoon, Reverend,
11 Councilman Diaz and all the Councilmen that are
12 present. My name is William (sic) Martez.

13 WILLIAM MARTEZ: [Speaking Spanish]

14 TRANSLATOR: I am the mentor of an
15 organization called CGT.

16 WILLIAM MARTEZ: [Speaking Spanish]

17 TRANSLATOR: We as the community of taxi
18 drivers--

19 WILLIAM MARTEZ: [Speaking Spanish]

20 TRANSLATOR: --we are highly concerned of
21 all the suicides that have been committed within the
22 last nine months.

23 WILLIAM MARTEZ: [Speaking Spanish]

24 SERGEANT-AT-ARMS: [interposing] Keep it
25 down please.

2 TRANSLATOR: We are here for a purpose.

3 WILLIAM MARTEZ: [Speaking Spanish]

4 TRANSLATOR: --to ask the Council Members
5 of the city especially Ruben Diaz--

6 WILLIAM MARTEZ: [Speaking Spanish]

7 TRANSLATOR: The time has come where
8 someone within this community is interested--

9 WILLIAM MARTEZ: [Speaking Spanish]

10 TRANSLATOR: --for this community of men
11 and women.

12 WILLIAM MARTEZ: [Speaking Spanish]

13 TRANSLATOR: When we wake up and empower
14 ourselves to God--

15 WILLIAM MARTEZ: [Speaking Spanish]

16 TRANSLATOR: And we come out to the
17 street to look for to sustain of our daily needs.

18 WILLIAM MARTEZ: [Speaking Spanish]

19 TRANSLATOR: The--the organization CGT
20 wants to be very brief in order to give others the
21 same opportunity.

22 WILLIAM MARTEZ: [Speaking Spanish]

23 TRANSLATOR: And to other members and the
24 Council Members who are here present.

25 WILLIAM MARTEZ: [Speaking Spanish]

2 TRANSLATOR: We feel that the TLC
3 Commission should be investigate and dismantled--

4 WILLIAM MARTEZ: [Speaking Spanish]

5 TRANSLATOR: --and should be--they should
6 organize a new committee, a new Taxi and Limousine
7 Commission--

8 WILLIAM MARTEZ: [Speaking Spanish]

9 TRANSLATOR: --but they have organized
10 the community of the taxi drivers.

11 WILLIAM MARTEZ: [Speaking Spanish]

12 TRANSLATOR: Fines of \$3,000, \$5,000 and
13 \$10,000.

14 WILLIAM MARTEZ: [Speaking Spanish]

15 TRANSLATOR: It's not fair to men and
16 women that come out to the streets--

17 WILLIAM MARTEZ: [Speaking Spanish]

18 TRANSLATOR: --to carry a passenger of
19 \$7.00, \$8.00 and \$10.00.

20 WILLIAM MARTEZ: [Speaking Spanish]

21 TRANSLATOR: Automatically, when Taxi and
22 Limousine Commission gives you an excessive fine, you
23 do not have the money to pay for these excessive
24 fines, and that's where the suicide comes upon the
25 drivers.

2 CHAIRPERSON DIAZ: [interposing] MR.
3 Martez. My name is William Martez. (sic)

4 CHAIRPERSON DIAZ: Mr. Martez and Mr.
5 Aguiar, I would like to—for the two of you I would
6 like to express my thanks and my appreciate because
7 you spent time with me in the 20—in the group of 25
8 trying to deal with the problem. So, I—I would like
9 for you to continue working with me and that group,
10 and thank you for being here today. [Speaking
11 Spanish] One more associate will testify. Dan
12 Lerner. I think that is what it is really.

13 FEMALE SPEAKER: Dana Lerman.

14 CHAIRPERSON DIAZ: Dana Lerman, Matthew
15 Dose?

16 MATTHEW DOSS: Doss.

17 CHAIRPERSON DIAZ: Doss. He used to be
18 Commissioner of TLC, Matthew Doss; Margaret Lopez,
19 Pastor Rosella Barsora (sp?) and Pablo Urdana, the
20 group from VeintiCinco. [background comments, pause]
21 Let's start with Matthew Doss. He used to be the
22 Commissioner of TLC. I don't know if we started with
23 him or not. So, let's hear what he says. Hello.

24 DIANA LERNER: Yeah, I would like to
25 start, please. Okay. Thank you so much. My name is

2 Dana Lerner and I am a member of Families for Safe
3 Streets, a group no one wishes to join. We have all
4 lost loved ones who were seriously injured in a
5 traffic crash. First, I would like to send my
6 condolences to the family and friends of Douglas
7 Shifter and the other families who've also suffered
8 these terrible losses. It's a horrific tragedy, and
9 I understand the pain too well because four years ago
10 a reckless taxi driver killed my 9-year-old son. He
11 was walking down the street—he was walking across the
12 street with his father hand-in-hand. He had the
13 right-of-way, and the—and the driver struck them both
14 and killed my child. Cooper was full of life. His
15 laughter was hysterical. He made everybody—everyone
16 around him feel good. He loved life, and I will
17 never understand why this man chose to drive so
18 dangerously and how he could insist that he did not
19 see my husband who's 6 foot 3 inches tall and my
20 child right in front of him. Imagine the horror of a
21 father watching his child killed right before his
22 eyes. There are no words to adequately describe the
23 agony our family lives with every moment of every
24 day. The driver killed all of us that day, and all
25 he received was a traffic ticket, a traffic ticket

2 for killing my child. There is a complete lack of
3 justice. We are sympathetic to the—to the
4 challenging work environments and economic situations
5 that many drivers confront as they seek economic
6 opportunity for themselves and their families. They
7 deserve a living wage, and there are many things that
8 could be done including raising rates, limiting the
9 number of for-hire vehicles, but sacrificing safety
10 is not an option. If you chose to be a professional
11 driver, it is your job to drive the utmost care.
12 There are no excuses for breaking the law. If you
13 are breaking the law, you should be penalized so that
14 you change your behavior. It is also essential that
15 drivers—that dangerous drivers be taken off the road
16 so no one else gets hurt or killed. If you are an
17 unlicensed driver, you have absolutely no right to
18 consider yourself worthy of this job. Not everybody
19 is capable of or should be driving a taxi in New York
20 City. When the NYPD and the TLC issues—issues
21 tickets to drivers who are speeding or making
22 reckless turns or takes actions against drivers, they
23 are protecting all of us. These laws are put into
24 place because the TLC is working to protect New
25 Yorkers and to save people's lives including the

2 drives' lives and family members. In fact, the
3 communities where many drivers live are particularly
4 dangerous. Tragically, residents in low-income
5 communities are three times more likely to be gilled-
6 be killed in a traffic crash. There is so much that
7 needs [coughs] excuse me. There is so much that
8 needs to be done, and we are here today to demand
9 that New York City and the TLC do more to protect New
10 Yorkers for Cooper, for my son, for the hundreds
11 killed each year and the thousands who are seriously
12 injured every year. Alright, I'm done.

13 MATTHEW DOSS: Good afternoon. First of
14 all, congratulations to Chairman Diaz for this new
15 committee. I think it's a great idea and also you're
16 in great hands with former Chairman Chris Lynn who I
17 know both of you and the Committee certainly have
18 been standing up for drivers your entire career, and
19 this is a day about drivers. My name is Matt Doss.
20 I'm the former New York City Taxi and Limousine
21 Commissioner and Chairman. I served from a few
22 months before 9/11 until 2010. Since then, I've been
23 teaching and researching up at City College in Harlem
24 for the U.S. Department of Transportation Research
25 Center studying these issues and lecturing around the

2 world on these issues. I have not since I left the
3 TLC out of respect for my successor and successors
4 testified at the TLC or at the Council. This is the
5 first time. I think this is the right time to talk
6 about some of the issues, and I'd like to first of
7 all recognize the memory of Doug Shifter. Doug and I
8 were both columnists for the Black Car News, and—and
9 the other terrible tragedies. Suicide is not an
10 answer, but certainly the timing of it could not have
11 been more eerie. Doug took his life on the same day,
12 this February 5th that we had the taxi riots in 1934
13 in this city with not exactly the same situations,
14 but a lot of the similar problems that we're facing
15 now. After—when the Great Depression hit there was
16 an oversupply of taxicabs, and people couldn't hear a
17 living, and we had riots in the street, and
18 ultimately that led to the creation of the medallion
19 system, and the Haas Act in 1937 by Alderman Haas,
20 and Mayor La Guardia. Now, we're ironically in—in a
21 situation where we have big problems that have
22 transpired since I've left. There were problems
23 there before, but a lot more have compounded, and
24 number 2, the Council can and has a unique
25 opportunity to make a difference just like they did

2 with Ms. Lerner's son Cooper passing Cooper's Law.

3 Now is the moment in the time where I think a lot of
4 the issues can be addressed, you know, heretofore.

5 So, I just want to quickly define the problem and
6 make three suggestions and recommendations and offer

7 my services to the committee if you ever need any
8 reports or any advice for my new perspective. Since

9 I left TLC, the number of vehicles overall has
10 doubled. The number of medallions, we put medallions

11 on the road over a thousand. There a less medallions
12 on the road now because they're mostly in storage.

13 So, there's actually less Yellows on the street. The

14 number of for-hire vehicles has tripled, green cabs
15 are not what they would—they ended up thinking they

16 would be. They're not making money like they should
17 have been. There are over 69,000 Uber vehicles,

18 which is more than half of the number of vehicles out
19 there, and on top of that there's -there's problem

20 with surge pricing. Surge pricing, which is charging
21 during rush hour, which is the worst possible time to

22 encourage drives to come out on the road, you know,

23 two or three times the fare. I know that there's

24 been some proposed legislation to that effect. Surge

25 pricing when you have too many cars. It was great

1 thing at the beginning for the drivers. They would
2 work less hours and make more money, but as the
3 numbers of Ubers grew, drivers are now making less
4 leading to some of these situations. There's an
5 uneven playing field. The Yellow medallion industry
6 has paid in my-by my estimates over \$600 million in
7 MTA taxes. You know, so there's an uneven playing
8 field, but nobody has been spared the growth of this-
9 this problem. The surge pricing and the-the
10 unchecked growth, which the Council looked into a
11 couple of years ago, and I'd urge you to teak another
12 look at it. That unchecked growth has caused a lot
13 of these economic problems just like they did that
14 led to the creation of the medallion system. So, I-I,
15 you know, and-and just one little aside on the yellow
16 industry because these are people that laid out, you
17 know, their life savings on the line, putting their
18 kids through college, taking out loans. Forty percent
19 of the taxi trips went down. Revenue went down 23%
20 since I left, and last but not least, the medallion
21 values have plummeted over 60%. That highlights I
22 think the problems. The Council an the TLC have
23 tried to do a few things to help the Universal
24 license and, you know, fixing some of the medallion
25

2 rules, but I think there are three suggestions I
3 would make real quickly because I know there's a lot
4 of people that want to be heard: Number 1: As an—as
5 an emergency action item I would take a look at that
6 legislation that you put in a few years ago and now
7 you have a new Speaker. Let's take a fresh look at
8 it, and I'm not saying that their— Look, you just
9 capped commuter vans. You capped the number of
10 commuter vans by legislation. Let's take a look at a
11 growth limitation, not for everybody. I mean
12 everybody has been hurt by—by this growth. I know
13 livery, black car and limousine companies that have
14 gone out of business. The cap should be for those
15 with great responsibility and great resources. Maybe
16 10 or 20,000 vehicles or more. Number 2: Ban surge
17 pricing, okay, during rush hour unless you're sharing
18 rides. Make better use of the cars that are on the
19 road during rush hour. Require that if you're going
20 to surge price Uber, Lyft and whoever wants to do it,
21 you have to two or three different passengers in the
22 car, and last but not least enforcement. This is an
23 issue of priority I believe. You know, I think
24 number 1, we need to enlist more citywide folks in
25 this effort. First of all, you should get the Police

2 Department more involved at the precinct level.

3 There are bunch of state troopers, okay that the

4 governor sent down here who are writing tickets

5 outside the tunnel. Put them into action to go after

6 not these hardworking people--

7 CHAIRPERSON DIAZ: [interposing] Mr.

8 Doss--

9 MATTHEW DOSS: --but against the people

10 who are unlicensed and who have no license. That's--

11 that's where the priority should be. You have a law

12 on the books that says [bell] two strikes, you're

13 out. I think you need to have a one strike you're out

14 policy for people that have no licenses. You can't

15 seize their vehicles any--any more under the case law,

16 but you can confiscate after a hearing their

17 licenses.

18 CHAIRPERSON DIAZ: I'm going to ask you--

19 I'm going to ask Mr. Lee--

20 MATTHEW DOSS: Sure.

21 CHAIRPERSON DIAZ: --to coordinate a

22 meeting with you and Mallet (sp?) the three of you so

23 you--you offered to help--to help us out.

24 MATTHEW DOSS: It would be my pleasure

25 and honor.

2 CHAIRPERSON DIAZ: And I will ask them to
3 meet with you and, you know, give us—and let's see
4 what we could do today. Thank you and--

5 MATTHEW DOSS: Thank you.

6 CHAIRPERSON DIAZ: [Speaking Spanish] to
7 all of you. I may have to listen to you, and I will
8 listen to you, but I hope—I hope after you speak, you
9 sit down and listen to the rest. [Speaking Spanish]
10 So, gracias.

11 PASTOR ROSELLA BARSORA: Good afternoon,
12 Mr. Chairman. Thank you for giving me the
13 opportunity to express myself.

14 CHAIRPERSON DIAZ: [interposing] State
15 your name. What is it?

16 PASTOR BASORA: My name is Pastor Rosello
17 Basora. (sic)

18 CHAIRPERSON DIAZ: Okay.

19 PASTOR BASORA: And I have 15 points to
20 present to you, but in two minutes, I don't think I'm
21 going to report it, but I remember back in the time
22 2000–2013, the second mayoral debate, Mayor Bill de
23 Blasio he promised to us Minutes 41 Second Mayoral
24 Debate, Mayor Bill de Blasio he promised to us TLC
25 have too much powers. They need to do something with

2 that power. Oh, yes, they did something. Do you-do
3 you want to know what they did? They tripled the
4 powers of TLC, and then do you know, do you want to
5 know what they did? They tripled-not triple. It's
6 far from being tripled. They multiplied time and
7 time over the ticket from \$50 they increased the
8 penalty to \$4,000 ticket. It's crazy. I'm here on
9 behalf of-of all those people that are crying
10 outside. I am here-when I was here on behalf of the
11 passengers, the drives of those families that they
12 are suffering right now. I remember when Ms. Meer
13 Joshi, the Taxi and Limousine Commissioner when they
14 said, and I have the record, I recorded it myself.
15 She said, Eighty-three percent of the drivers they
16 are good drivers, and now I been listening to too
17 many lies today here. I am not right here to point
18 my finger on nobody, but everybody right now right
19 here know who's lying because she say 83% of drivers
20 our livery drivers they are good drivers. Now, she
21 come with another history now because it's not about
22 the payments, see. You're about to educate them.
23 You go-you go to educate them with a \$4,000 ticket,
24 no. What you are doing is making driver to jump out

2 from the building, blow out brains, your—the head and
3 so on. Thank you. [pause]

4 AMADA LOPEZ: [Speaking Spanish]

5 TRANSLATOR: [off mic] Good afternoon,
6 Reverend. [on mic] Good afternoon, Reverend, all my
7 friends that are company here, and all people that
8 are in the same battle.

9 AMADA LOPEZ: [Speaking Spanish]

10 TRANSLATOR: With, sir, the time, you
11 shouldn't worry. I will try to be as—be as brief as
12 possible.

13 AMADA LOPEZ: [Speaking Spanish]

14 TRANSLATOR: Brief because I know that
15 that whatever I'm about to say is going to be precise
16 with everyone that's present.

17 AMADA LOPEZ: [Speaking Spanish]

18 TRANSLATOR: I could add that we are in a
19 moments that are historical definitely.

20 AMADA LOPEZ: [Speaking Spanish]

21 TRANSLATOR: Not historical because of
22 what our Congressman Espaillat offered or promised
23 us.

24 AMADA LOPEZ: [Speaking Spanish]

2 TRANSLATOR: I hope that his words
3 correspond with his being.

4 AMADA LOPEZ: [Speaking Spanish]

5 TRANSLATOR: I sat that it's an
6 historical moment--historical moment because as of
7 today--

8 AMADA LOPEZ: [Speaking Spanish]

9 TRANSLATOR: --I apologize for the
10 mixture of language.

11 AMADA LOPEZ: [Speaking Spanish]

12 TRANSLATOR: I believe that I am adding
13 today elements--

14 AMADA LOPEZ: [Speaking Spanish]

15 TRANSLATOR: --additional for the future.

16 AMADA LOPEZ: [Speaking Spanish]

17 TRANSLATOR: Be able to tell my
18 grandchildren and maybe my great grandchildren--

19 AMADA LOPEZ: [Speaking Spanish]

20 TRANSLATOR: --that still at the year of
21 2018--

22 AMADA LOPEZ: [Speaking Spanish]

23 TRANSLATOR: --and the city of New York
24 the capital of the world---

25 AMADA LOPEZ: [Speaking Spanish]

2 TRANSLATOR: --the Mayor of the city and
3 the Council--

4 AMADA LOPEZ: [Speaking Spanish]

5 TRANSLATOR: --have given them the tools
6 to an agency of Taxi and Limousine.

7 AMADA LOPEZ: [Speaking Spanish]

8 TRANSLATOR: --and behind the--for seeking
9 of making money and money.

10 AMADA LOPEZ: [Speaking Spanish]

11 TRANSLATOR: --they will use strategic
12 elements that are available.

13 AMADA LOPEZ: [Speaking Spanish]

14 TRANSLATOR: --with the only objective--
15 [Speaking Spanish]

16 TRANSLATOR: --I repeat money, money,
17 money behind that method.

18 AMADA LOPEZ: [Speaking Spanish]

19 TRANSLATOR: With the authorization of
20 extortion we have Mafia--

21 AMADA LOPEZ: [Speaking Spanish]

22 TRANSLATOR: --have convicted many of the
23 drivers from the city and the state.

24 AMADA LOPEZ: [Speaking Spanish]

25

2 TRANSLATOR: Permanently stressed and
3 paranoid--

4 AMADA LOPEZ: [Speaking Spanish]

5 TRANSLATOR: --as a consequence in the
6 confinement of--

7 AMADA LOPEZ: [Speaking Spanish]

8 TRANSLATOR: We don't need to be
9 psychiatrist, psychologists to know the behavior of
10 our human beings.

11 AMADA LOPEZ: [Speaking Spanish]

12 TRANSLATOR: To understand that our
13 drivers are being cornered by an inspector of the
14 city of New York.

15 AMADA LOPEZ: [Speaking Spanish]

16 TRANSLATOR: Especially if they own rent
17 to their landlord. [bell]

18 AMADA LOPEZ: [Speaking Spanish]

19 TRANSLATOR: Company to the insurance--

20 AMADA LOPEZ: [Speaking Spanish]

21 TRANSLATOR: --to the idea of the vehicle
22 in which you drive.

23 AMADA LOPEZ: [Speaking Spanish]

24 TRANSLATOR: I don't justify consequences
25 get-that driver will have, but I understand.

2 AMADA LOPEZ: [Speaking Spanish]

3 TRANSLATOR: The potential and reaction--

4 AMADA LOPEZ: [Speaking Spanish]

5 TRANSLATOR: --when you find yourself in
6 this situation.

7 AMADA LOPEZ: [Speaking Spanish]

8 TRANSLATOR: Knowing that you will not be
9 free from that agent from Tax and Limousine. [bell]

10 AMADA LOPEZ: [Speaking Spanish]

11 TRANSLATOR: I hope that as of this
12 moment, there's a before and after in this city.

13 AMADA LOPEZ: [Speaking Spanish]

14 TRANSLATOR: For the wellbeing of a
15 sector it's very important and behalf that they pay
16 their taxes--

17 AMADA LOPEZ: [Speaking Spanish]

18 TRANSLATOR: --maintain their homes--

19 AMADA LOPEZ: [Speaking Spanish]

20 TRANSLATOR: --and also maintain all the
21 expenses in the city of New York.

22 CHAIRPERSON DIAZ: [Speaking Spanish]

23 AMADA LOPEZ: [Speaking Spanish]

24 TRANSLATOR: My name is Amada Lopez.

25 PABLO URENA: [Speaking Spanish]

2 TRANSLATOR: Good afternoon. My name is
3 Pablo Urena.

4 PABLO URENA: [Speaking Spanish]

5 TRANSLATOR: I am a taxi driver and I
6 drive an HSL Green Taxi.

7 PABLO URENA: [Speaking Spanish]

8 TRANSLATOR: I am very hurt to the
9 testimony that the lady testified prior.

10 PABLO URENA: [Speaking Spanish]

11 TRANSLATOR: And I would like to tell the
12 woman that was here that we never come out to the
13 street to hurt anyone.

14 PABLO URENA: [Speaking Spanish]

15 TRANSLATOR: We also have families and
16 children.

17 PABLO URENA: [Speaking Spanish]

18 TRANSLATOR: We respect and love our
19 families.

20 PABLO URENA: [Speaking Spanish]

21 TRANSLATOR: I am very sorry of what
22 happened, and only God knows why things happen.

23 PABLO URENA: [Speaking Spanish]

24 TRANSLATOR: In the order that we have at
25 this moment I would like to say--

2 PABLO URENA: [Speaking Spanish]

3 TRANSLATOR: --the words that the
4 gentleman had left written in front of City Hall--

5 PABLO URENA: [Speaking Spanish]

6 TRANSLATOR: --he says--he says in those
7 words that he blames the Governor and the Mayor.

8 PABLO URENA: [Speaking Spanish]

9 TRANSLATOR: I am doing this because it
10 drove to the situation of what I have worked in this
11 industry.

12 PABLO URENA: [Speaking Spanish]

13 TRANSLATOR: Taking in consideration of
14 all the persons he mentioned--

15 PABLO URENA: [Speaking Spanish]

16 TRANSLATOR: --he said first Bloomberg--

17 PABLO URENA: [Speaking Spanish] [bell]

18 TRANSLATOR: --I remember perfectly it
19 was a phrase of Bloomberg's daughter: We are
20 daughters of everyone--

21 PABLO URENA: [Speaking Spanish]

22 TRANSLATOR: --which means if I eat, the
23 person in front of me has to also eat.

24 PABLO URENA: [Speaking Spanish]

25

2 TRANSLATOR: If I go in terms of what
3 Cuomo said, how can I interpret it?

4 PABLO URENA: [Speaking Spanish]

5 TRANSLATOR: Not with his words, but his
6 actions.

7 PABLO URENA: [Speaking Spanish]

8 TRANSLATOR: The Governor will say in the
9 State of New York it's Uber.

10 PABLO URENA: [Speaking Spanish]

11 TRANSLATOR: If I translate to what Bill
12 de Blasio also said in his agenda--

13 PABLO URENA: [Speaking Spanish]

14 TRANSLATOR: --he would say in his words:
15 New York City is Yellow--

16 PABLO URENA: [Speaking Spanish]

17 TRANSLATOR: --and in this case for me to
18 conclude, I would like to say that New York is for

19 everyone. PABLO URENA: [Speaking Spanish]

20 TRANSLATOR: This topic falls behind
21 everyone. This industry is of everyone.

22 PABLO URENA: [Speaking Spanish]

23 TRANSLATOR: We need that you--

24 PABLO URENA: [Speaking Spanish]

25

2 TRANSLATOR: We need for you to help us
3 find a solution to the taxi industry.

4 PABLO URENA: [Speaking Spanish]

5 TRANSLATOR: Thank you.

6 CHAIRPERSON DIAZ: [Speaking Spanish]

7 [applause] [background comments] Alice Baez, Jose
8 Altamirano, Johan Semelo; and Juan-Juan Eradia, and
9 Nancy Reynoso. [background comments, pause]
10 [Speaking Spanish] Okay.

11 JUAN ERADIA: [Speaking Spanish] Buenos
12 Diaz.

13 TRANSLATOR: Thank you. Good morning-
14 good afternoon. My name is Juan Eradia.

15 JUAN ERADIA: [Speaking Spanish]

16 TRANSLATOR: Today has been a day-a very
17 important day for us--

18 JUAN ERADIA: [Speaking Spanish]

19 TRANSLATOR: --because we have heard
20 things--

21 JUAN ERADIA: [Speaking Spanish]

22 TRANSLATOR: --that we were very anxious
23 to hear prior.

24 JUAN ERADIA: [Speaking Spanish]

25

2 TRANSLATOR: We have to be thankful to
3 the Chairperson of this new committee--

4 JUAN ERADIA: [Speaking Spanish]

5 TRANSLATOR: --for--for the Speaker.

6 JUAN ERADIA: Corey Johnson.

7 TRANSLATOR: Corey Johnson--

8 JUAN ERADIA: [Speaking Spanish]

9 TRANSLATOR: --for the creation of this
10 committee.

11 JUAN ERADIA: [Speaking Spanish]

12 TRANSLATOR: To treat topics of the
13 jurisdiction of the taxi industry.

14 JUAN ERADIA: [Speaking Spanish]

15 TRANSLATOR: We don't want to prolong
16 allowed to give opportunities to others.

17 JUAN ERADIA: [Speaking Spanish]

18 TRANSLATOR: But we would like to get--

19 JUAN ERADIA: [Speaking Spanish]

20 TRANSLATOR: --on with this committee.

21 JUAN ERADIA: [Speaking Spanish]

22 TRANSLATOR: It has arrived in a moment
23 where the industry has converted into a chaos--

24 JUAN ERADIA: [Speaking Spanish]

2 TRANSLATOR: --due to the capacity of the
3 person--of the person who has administered the Taxi
4 and Limousine Commission.

5 JUAN ERADIA: [Speaking Spanish]

6 TRANSLATOR: We have said that the laws
7 would have been more flexible when they arrived to
8 the Council Member Ydanis Rodriguez.

9 JUAN ERADIA: [Speaking Spanish]

10 TRANSLATOR: But apparently things
11 changed against what we were expecting.

12 JUAN ERADIA: [Speaking Spanish]

13 TRANSLATOR: For what we having a lot of
14 faith in what this committee means.

15 JUAN ERADIA: [Speaking Spanish]

16 TRANSLATOR: Unify us with what Adriano
17 Espaillet is offering.

18 JUAN ERADIA: [Speaking Spanish]

19 TRANSLATOR: In favor of [bell] of an
20 expedited decision and regulations--

21 JUAN ERADIA: [Speaking Spanish]

22 TRANSLATOR: --that establish the
23 function of Taxi and Limousine Commission.

24 JUAN ERADIA: [Speaking Spanish]

25

2 TRANSLATOR: Because it's not only the
3 entrapment and the excessive fines--

4 JUAN ERADIA: [Speaking Spanish]

5 TRANSLATOR: --but like there are other
6 issues in which Taxi and Limousine Commission does
7 not--

8 JUAN ERADIA: [Speaking Spanish]

9 TRANSLATOR: --does not give us any money
10 back, and they stay with our money.

11 JUAN ERADIA: [Speaking Spanish]

12 TRANSLATOR: Violent attitude of the
13 inspectors [bell]

14 JUAN ERADIA: [Speaking Spanish]

15 TRANSLATOR: So, it's our job, which is
16 unbearable.

17 JUAN ERADIA: [Speaking Spanish]

18 TRANSLATOR: They act like--

19 JUAN ERADIA: [Speaking Spanish]

20 TRANSLATOR: --with abuse and look for us
21 as victims.

22 JUAN ERADIA: [Speaking Spanish]

23 TRANSLATOR: Sometimes we have our
24 spouses in the vehicle and they think that they're
25 passengers and they still give us fines.

2 JUAN ERADIA: [Speaking Spanish]

3 TRANSLATOR: And I have several examples
4 of this.

5 JUAN ERADIA: [Speaking Spanish]

6 TRANSLATOR: [interposing] A number of
7 taxis--

8 JUAN ERADIA: [Speaking Spanish]

9 TRANSLATOR: --and which they have [bell]
10 illegally.

11 JUAN ERADIA: [Speaking Spanish]

12 TRANSLATOR: For and which we expect to
13 receive some kind of decision on these drivers that
14 they have not returned their vehicles back.

15 JUAN ERADIA: [Speaking Spanish]

16 TRANSLATOR: Revise everything that this
17 industry acquired--

18 JUAN ERADIA: [Speaking Spanish]

19 TRANSLATOR: --and they want to improvise
20 in front of us a monopoly that they implemented
21 against us.

22 JUAN ERADIA: [Speaking Spanish]

23 CHAIRPERSON DIAZ: [Speaking Spanish] I
24 would like—I would love for you to meet with Jenny on
25 that—on that information because now we have a lot—

2 directly onto the TLC, and let's see what we--what we
3 actively with in, what happened with that. Thank you
4 and get with Jenny.

5 JUAN ERADIA: Okay.

6 CHAIRPERSON DIAZ: From what we heard
7 today from that Commission.

8 JUAN ERADIA: Okay.

9 CHAIRPERSON DIAZ: [Speaking Spanish]

10 JUAN ERADIA: [Speaking Spanish]

11 CHAIRPERSON DIAZ: [Speaking Spanish]

12 ARIS WHITE: Okay, my--my Aris White (sic)
13 and I will talk to the committee. I remember
14 February 4, 2016 when we were here with Pastor
15 Basora, Eddie Sengala and 64 and another chairperson.
16 The congregation--the congregation of the city of New
17 York. Do you remember that? Okay, and on that day
18 we--we know--I'm sorry about my voice. It's broken
19 because I remember my friend Scott Pollet (sp?)--
20 [clearing throat) and we see the light on that day
21 because we knew that another--another news is coming
22 to the light, and--and this day is a great day for
23 that. In that effort, I want to make that we agree
24 and support that Congressman Adriano Espaillat told
25 about the dismantle of the TLC agency because that

2 agency has worked on their own-own law because she
3 have different law and different enforce to apply the
4 law to the same person or to the-to the same
5 companies and the-and the area of business. Because
6 they have a lot of interest in that-in that-in that
7 and [bell] in the industry, and they don't see that
8 rides-they don't see that the innocent-they don't see
9 the workers. They don't see persons. Nothing. They
10 only see the money, and the other things in-is that
11 we-we demand to that Uber is-is more this stuff
12 because it's a real distortion in the industry
13 because the-the only monopoly accept is by the state.
14 The state can't hurt that the monopoly to a private
15 company. That's a wrong-a wrong path because when we
16 see the story, the private monopoly. They-they have
17 it all. They-they-they don't stop it at nothing,
18 and Uber has shown they don't care about it. They
19 don't care about nothing, the law ore anything. They
20 only care about the money. A person, they have
21 mandates, our city and they [bell] have a mandate to
22 our destiny. They come to all the city, and they-
23 bring another city's element, and that case is the
24 personnel of the agency, the TLC working for them,
25 and this-and then they-they-they act-they're acting

2 like a conflict of interest, and then who—who are the
3 sacrifice for that kind of policies? Us, the
4 drivers, all drivers. I don't—I'm talking about the
5 Yellow cabs and I'm talking about the liveries—

6 CHAIRPERSON DIAZ: Okay.

7 ARIS WHITE: --and all drivers.

8 CHAIRPERSON DIAZ: Okay.

9 ARIS WHITE: And---

10 CHAIRPERSON DIAZ: And that--

11 ARIS WHITE: Another thing, sir.

12 CHAIRPERSON DIAZ: We have to move.

13 ARIS WHITE: Okay.

14 CHAIRPERSON DIAZ: We have 50 more
15 people.

16 ARIS WHITE: Right, just one second, and
17 another part is about the healthcare and our demands
18 of the social care, we have the drivers, and then we
19 have a proportion. I would to-to meeting with you
20 about [bell] we have a—we have a project about--

21 CHAIRPERSON DIAZ: Okay, gracias,
22 gracias. [Speaking Spanish]

23 ARIS WHITE: Thank you.

24 CHAIRPERSON DIAZ: Gracias.

2 JOHAN SEMELO: [Speaking Spanish] Johan
3 Semelo.

4 TRANSLATOR: My name is Johan Semelo.

5 JOHAN SEMELO: [Speaking Spanish]

6 TRANSLATOR: I belong to the group of
7 Drivers in Defense and also 25--

8 JOHAN SEMELO: [interposing] [Speaking
9 Spanish]

10 TRANSLATOR: Since the law of Borough
11 taxes picking up the street--

12 JOHAN SEMELO: [Speaking Spanish]

13 TRANSLATOR: --I was one of the fortunate
14 that was issued a ticket in 2014.

15 JOHAN SEMELO: [Speaking Spanish]

16 TRANSLATOR: In 2015 I became seriously
17 ill.

18 JOHAN SEMELO: [Speaking Spanish]

19 TRANSLATOR: I saw myself between life
20 and death.

21 JOHAN SEMELO: [Speaking Spanish]

22 TRANSLATOR: Where my brothers, family
23 members and colleagues told me many things.

24 JOHAN SEMELO: [Speaking Spanish]

25

2 TRANSLATOR: But thank God I re-really
3 came back from death.

4 JOHAN SEMELO: [Speaking Spanish]

5 TRANSLATOR: Because of issues of my
6 health, I wasn't able to go to Taxi and Limousine
7 Commission and fight for these tickets--

8 JOHAN SEMELO: [Speaking Spanish]

9 TRANSLATOR: and it was too late now to--
10 in order to reapply for my license, it's about \$500.

11 JOHAN SEMELO: [Speaking Spanish]

12 TRANSLATOR: Maybe that money I could
13 find.

14 JOHAN SEMELO: [Speaking Spanish]

15 TRANSLATOR: But now, please, the \$1,500
16 that I owe, there's no way that I could get that
17 money.

18 JOHAN SEMELO: [Speaking Spanish]

19 TRANSLATOR: All I want to do is work.
20 Due to my illness I cannot work in any other given
21 job.

22 JOHAN SEMELO: [Speaking Spanish]

23 TRANSLATOR: I would like to know--I would
24 like to know if there is any other way that I could
25 be helped to pay that \$1,500, and being in that case

2 I would also do the same thing that my colleagues did
3 in taking my life away.

4 CHAIRPERSON DIAZ: [Speaking Spanish] I'm
5 happy to see you again--

6 JOHAN SEMELO: Thank you.

7 CHAIRPERSON DIAZ: --in real life.

8 JOHAN SEMELO: Thank you.

9 CHAIRPERSON DIAZ: Next one.

10 NANCY REYNOSO: Hey, good afternoon,
11 Chair Diaz and everybody in attendance. My name is
12 Nancy Reynoso. I am a green taxi
13 driver/owner/advocate for the five--past five years
14 since borough taxes came into implement. I represent
15 myself and just a couple of drivers who are owners
16 and drivers to the borough taxis. No organization
17 involved. We have shared many concerns like the
18 other drivers when it comes to high fines, and what
19 they're saying is one part is with the commission
20 with them, and we can all share thoughts on that
21 because I think it's something that has to be looked
22 upon. But as green taxi drives who bought a permit to
23 legally street hail in 4-1/2 parts of the city, I
24 mean it's been really hard to with obviously the
25 illegal activity going around us. And when I say

2 illegal activity, the illegal activity is really high
3 up in Lower Manhattan, in the Bronx, which is
4 obviously more dominated by the fore-hire industry,
5 which is higher numbers than us. It's say I
6 understand. Everybody wants to make a living, and I
7 understand you, Chair Diaz when you say the hard
8 working men of the livery industry. We shouldn't
9 forget us green taxi drivers. I am a Bronx girl.
10 Just the way you love the Bronx, I love it, too.
11 You've done many things for your constituents. I am
12 a Jacobi Hospital baby born. So, I would love to
13 give more service to my people of the Bronx, which is
14 obviously my rights are always violated every single
15 day, and I don't understand why there would be such
16 proposal to say that livery drivers can actually pick
17 up literally in the Bronx when there's already a
18 green taxi system in effect. If we can find things
19 to work this out it would be better.

20 CHAIRPERSON DIAZ: I'd like to get with
21 you on telling me where--

22 NANCY REYNOSO: Sure.

23 CHAIRPERSON DIAZ: --where--where's the
24 proposal? Where and when--

2 NANCY REYNOSO: [interposing] The
3 proposal--

4 CHAIRPERSON DIAZ: --are we--are we
5 proposing that?

6 NANCY REYNOSO: We would love--I mean to--
7 -

8 CHAIRPERSON DIAZ: [interposing] No, no,
9 no, you say--let's--let's be clear.

10 NANCY REYNOSO: Okay.

11 CHAIRPERSON DIAZ: Where is that proposal
12 and who's proposing that?

13 NANCY REYNOSO: We can talk again at the
14 table us with the--

15 CHAIRPERSON DIAZ: Yeah, but don't tell
16 me that you had to testify something that you don't
17 even know what it is.

18 NANCY REYNOSO: I know what I'm talking
19 about.

20 CHAIRPERSON DIAZ: No, no, but I don't
21 know what you're talking about. You're telling me
22 that there is a proposal.

23 NANCY REYNOSO: [interposing] Well, I'm
24 talking about us meeting like we've been requesting
25 to meet with you--

2 CHAIRPERSON DIAZ: [interposing] You--

3 NANCY REYNOSO: --but not an
4 organization.

5 CHAIRPERSON DIAZ: Well, let's clear. In
6 the basic proposal, and I'm saying where is the
7 proposal? Who's proposing that?

8 NANCY REYNOSO: A proposal to meet and
9 talk about the problems of our industry.

10 CHAIRPERSON DIAZ: Anyway. I'm sorry.
11 Go ahead.

12 NANCY REYNOSO: The green taxi industry
13 has a lot of problems, and we can't deny that it's
14 not perfect. It had a lot of issues with it, because
15 it's trying to struggle like other drivers are.

16 CHAIRPERSON DIAZ: [interposing] Again,
17 again, again, again we are meeting here to try to
18 solve a problem of abuses, high fines and thanks for
19 your fine proposal. You come—you come from the left
20 field on saying there's a proposal to have a leader
21 (sic) I say what are we talking about?

22 NANCY REYNOSO: I mean we can talk about
23 our same shared problems.

24 CHAIRPERSON DIAZ: No, we don't want to
25 talk about it. No, we don't want to talk about.

2 NANCY REYNOSO: Well, we've been trying
3 to talk about for six months and we ran for it.

4 CHAIRPERSON DIAZ: No, we're going to--
5 we're going talk about fines, high fines and be sure
6 that--

7 NANCY REYNOSO: And we---I mentioned it.

8 CHAIRPERSON DIAZ: And be sure that we
9 solve the problem of these drivers of abusive
10 situations.

11 NANCY REYNOSO: [interposing] And it's
12 fine. I understand that, but I want you to
13 understand us, too. We are drivers, hardworking
14 drives also, too.

15 CHAIRPERSON DIAZ: Thank you

16 JOSE ALTAMIRANO: Good afternoon,
17 Reverend Diaz, members of the City Council staff,
18 everyone coming. [applause]

19 SERGEANT-AT-ARMS: [interposing] Keep it
20 down, please.

21 JOSE ALTAMIRANO: Thank you for inviting
22 us to testify at today--of this at today's hearing.
23 My name is Jose Altamirano. I'm here presenting the
24 livery base owners. We represent over 150 livery
25 bases in New York City. Our member bases serve

2 approximately 150,000 New Yorkers each day in every
3 borough. Our members are striving working class
4 immigrants from whom English is a second language. We
5 employ approximately 12,000 drivers who are hard
6 working immigrants themselves. Many of our base
7 owners are also drivers or entrepreneurs who have
8 scrimped and saved to invest with friends and family
9 to open a small business and serve their community.
10 We serve a population that does not have other
11 reliable transportation options. We help Abuela get
12 to her doctor's appointment, a security guard get
13 home safe from this late night shift and transport
14 countless families to school and to pick up their
15 groceries. We are a centric component of many of New
16 York City neighborhoods especially outside of the
17 commercial corridors of the Central Business District
18 of Manhattan. But our heavily regulated industry is
19 going through unbearable changes. Some changes are
20 the result of technology, and others are the result
21 of poor policy decisions. As we struggle to protect
22 our business, our government institutions have sadly
23 not been there to support us. Rather, the city has
24 pursued a course of increasingly punitive measures of
25 taxis regulating and fining, which threatens the

1 livelihood of the drivers and bases all while not
2 promoting safe licensed education activities. These
3 measures as we discussed have eroded our trust in the
4 Taxi and Limousine Commission. We are here to day to
5 call on our government to work for us and with us.
6 We recognize the need to punish bad actors, but we
7 also want our government to support and reward the
8 good actors. First, we have to point out that TLC
9 has recently enacted wheelchair accessibility rules,
10 which threaten to bankrupt the industry. Despite the
11 pleas of small businesses and drivers, in December
12 the TLC passed a rule that would force based to
13 dispatch 25% for our calls to wheelchair accessible
14 vehicles. Our drivers do not own these vehicles.
15 They will neither—they will either lose 25% of their
16 business, or they will be forced to purchase
17 expensive wheelchair accessible vehicles. Second, we
18 are calling for a revision to the rules implemented
19 by the TLC in April 2009. These rules have been used
20 as a revenue mechanism for the city not to increase
21 passenger and deriver safety, but as threatened and
22 furthermore enacted through the Vision Zero
23 regulations, which expanded the TLC's power to punish
24 our drivers [bell] and bases. We are calling for
25

2 thoughtful amendments to these laws that will promote
3 changes in driver behavior, and not suspensions in
4 revocation. We are calling for tactic changes in now
5 TLC enforcements speaks to our drivers and our bases.
6 We deserve courtesy and respect. What we have been
7 receiving are harsh words and often profanity that
8 make us feel like criminals instead of hard working
9 residents of this great city. We are exaggerating—we
10 are not exaggerating when we describe a community
11 that is fed up with the number of regulations and
12 TLC's heavy handed enforcement. These are just the
13 following examples, which I'll go through briefly.

14 [background comments]

15 JOSE ALTAMIRANO: Imagine a driver who is
16 responding to a call. [bell] He receives—he arrives
17 to an apartment building on Tremont Avenue in the
18 Bronx, and finds there is no parking spaces in front
19 of the passenger's home. The passenger is not
20 outside. He puts on his flashers and he waits
21 patiently for his passenger to come down. A TLC
22 enforcement agent arrives, orders him because he's
23 blocking traffic to go around. He's explains to the
24 officer that he's waiting for a passenger that has
25 disabilities. Regardless of the fact, the officer

2 makes him move. As the passenger comes outside and
3 the driver is not there, the passenger then calls the
4 base to complain. He calls 311 to file a complaint
5 because she is at a risk of missing her appointment,
6 and now the—the driver is force with a TLC summons
7 either way.

8 CHAIRPERSON DIAZ: I want to ask you,
9 that all those cases is that specific with Janie?
10 [background comments]

11 JOSE ALTAMIRANO: And let me finalize
12 now. I'll pass you the examples. TLC informant
13 agents have developed a gotcha mentality. A driver
14 is inside of his car--[bell]

15 CHAIRPERSON DIAZ: Yeah, you Jenny. I'm
16 give you a courtesy, because I'm personal, you speak
17 with Jenny. Give us all that information, and you
18 and Jenny will want to go through—we're going to talk
19 to the TLC and they see what is it what you're
20 talking about okay.

21 JOSE ALTAMIRANO: Okay. Thank you very
22 much.

23 CHAIRPERSON DIAZ: Okay. Thank you. Mr.
24 Eradia, Mr. ALTAMIRANO, thank you very much for being
25 part of my—of this group that have been fighting for

2 all these things with the 25. [Speaking Spanish]

3 LeRoy Morrison, Rafael Rosario, Andreas Camillo, and
4 Farley Guerra (sic) and Samuel Rodriguez.

5 [background comments] [Speaking Spanish] [pause]

6 Okay. Two minutes. Alright, you name and two
7 minutes and let's go. Your name. [background
8 comments]

9 LEROY MORRISON: Good morning. My name
10 is Leroy Morrison, and want to say thank you for
11 keeping this hearing. I'm all-I'm from Brooklyn,
12 right. I'm also part of Commuter Van in New York
13 City. I'm also the Vice President of Commuter Van
14 Association of New York and I'm also owner of
15 companies also that we do a commuter van in New York
16 City. Whenever the city is in crisis, they call on
17 commuter vans. Commuter vans aren't of
18 transportation in New York City and 9/11 we're there.
19 Sandy, we're there, train strike, taxi strike, we're
20 always there, but after everything is over, we feel
21 like we—we're still left behind. Everybody forget
22 about us and we go back to regular, but today, Mr.
23 Chair, there's a lot of issue that commuter van is
24 facing in New York City. It may not want run in the
25 Bronx. Only one person that I know that own a

2 company in the Bronx, and he's not existing any more,
3 but Southeast Queens and Brooklyn, it's commuter
4 vans. We have over 52 companies in New York City
5 that do transportation in New York City. Council
6 Member Jumaane Williams and Council Member Daneek
7 Miller came up with some legislation last year, and
8 what we need also for you to understand, Mr. Chair,
9 that we have a lot of fatal in Brooklyn, a lot of
10 people getting killed in Brooklyn by unlicensed
11 rogues, street rogues, and people dying regularly.
12 Drivers get out of the buses and run. What we have
13 in New York City now we have buses that from anywhere
14 from 20 to 25 up to 30 people where they have a
15 Pennsylvania plate, Georgia plate. If you go to
16 Brooklyn, we can give you a tour of Brooklyn any day,
17 Mr. Chair, and what we are asking is more enforcement
18 in Brooklyn and we need also for you to support the
19 legislation so that the city can go after these
20 rogues. They're using these buses as tools to run
21 people over, caution the buses and the insurance
22 right that we're paying as commuter van in New York
23 City, we're paying over \$21,000. [bell] We cannot
24 even feed our family right now because based on

2 what's going on with all the rogues putting us out of
3 business, and—and we want you to carefully look--

4 CHAIRPERSON DIAZ: [interposing] I'm
5 going to ask you to speak to your Council Member,
6 Jumaane Williams and the one of those legislations
7 that you said the put in, and have them contact Mr.
8 Christopher Lee, and let's talk about it.

9 LEROY MORRISON: Yes, sir, and—and—and,
10 you know, one more thing that I have to say, sir--
11 [background comments]

12 LEGAL COUNCIL: It's already requested.

13 LEROY MORRISON: And what--?

14 LEGAL COUNSEL: We have requested that
15 both of those bills be brought here for a hearing.

16 CHAIRPERSON DIAZ: My Counsel and my
17 Counsel is telling me that we have already requested
18 those bills for a hearing.

19 LEROY MORRISON: Yes, sir. So, I-I
20 understand the Bronx is a little bit different, but
21 we're facing on the—the

22 CHAIRPERSON DIAZ: No, no, they're no
23 different.

24 LEROY MORRISON: You know, we're
25 probably--

2 CHAIRPERSON DIAZ: [interposing] The two
3 bills that you're talking about?

4 LEROY MORRISON: Yes sir.

5 CHAIRPERSON DIAZ: This committee already
6 had requested them to come for the hearing. So, we--
7 we even. Well, are you asking me or are you working
8 me?

9 LEROY MORRISON: And in due process I
10 want you to use a consultation as the chair to look
11 into those risky insurance companies that's a New
12 York City sign risk that every year they're going up
13 17%, 25%. What is going to happen to us? We're
14 going to end up out of business. Right, we're in
15 bankruptcy.

16 CHAIRPERSON DIAZ: Okay, thank you.

17 LEROY MORRISON: Thank you.

18 CHAIRPERSON DIAZ: Sir.

19 Okay.

20 SERGEANT-AT-ARMS: [interposing] Keep it
21 down.

22 RAFAEL ROSARIO: [Speaking Spanish]

23 CHAIRPERSON DIAZ: [Speaking Spanish]

24 RAFAEL ROSARIO: [Speaking Spanish]

2 CHAIRPERSON DIAZ: Where is she? Jenny,
3 you're going to translate. Take it away.

4 TRANSLATOR: [Speaking Spanish]

5 RAFAEL ROSARIO: Okay.

6 CHAIRPERSON DIAZ: [Speaking Spanish]

7 RAFAEL ROSARIO: [Speaking Spanish]

8 Rafael Rosario.

9 TRANSLATOR: My name is Rafael Rosario.

10 RAFAEL ROSARIO: [Speaking Spanish]

11 TRANSLATOR: I have a license to conduct
12 a green vehicle in New York.

13 RAFAEL ROSARIO: [Speaking Spanish]

14 TRANSLATOR: I'm informing that I am not--
15 I'm not in--in agreement.

16 RAFAEL ROSARIO: [Speaking Spanish]

17 TRANSLATOR: That the laws that enforce
18 us to help us better our job--

19 RAFAEL ROSARIO: [Speaking Spanish]

20 TRANSLATOR: --legally in the city of New
21 York.

22 RAFAEL ROSARIO: [Speaking Spanish]

23 TRANSLATOR: For a group of taxi drivers
24 that are not legally--

25 RAFAEL ROSARIO: [Speaking Spanish]

2 TRANSLATOR: --to benefit themselves from
3 our jobs.

4 RAFAEL ROSARIO: [Speaking Spanish]

5 TRANSLATOR: Since we have to pay for
6 taxes and a license to operate--

7 RAFAEL ROSARIO: [Speaking Spanish]

8 TRANSLATOR: [Speaking Spanish]

9 RAFAEL ROSARIO: [Speaking Spanish]

10 TRANSLATOR: To pay taxes to operate--

11 RAFAEL ROSARIO: [Speaking Spanish]

12 TRANSLATOR: --that group that wants them
13 not be bothered.

14 RAFAEL ROSARIO: [Speaking Spanish]

15 TRANSLATOR: They do not pay no taxes--

16 RAFAEL ROSARIO: [Speaking Spanish]

17 TRANSLATOR: --or license to conduct--

18 RAFAEL ROSARIO: [Speaking Spanish]

19 TRANSLATOR: We have to guarantee the
20 safety of our community.

21 RAFAEL ROSARIO: [Speaking Spanish]

22 TRANSLATOR: We hope that you take into
23 consideration--

24 RAFAEL ROSARIO: [Speaking Spanish]

25

2 TRANSLATOR: --hoping that the problems
3 are resolved--

4 RAFAEL ROSARIO: [Speaking Spanish]

5 TRANSLATOR: --in a productive form--

6 RAFAEL ROSARIO: [Speaking Spanish]

7 TRANSLATOR: --for our class of drivers.

8 RAFAEL ROSARIO: [Speaking Spanish]

9 TRANSLATOR: Since we don't have no one
10 that represents us--

11 RAFAEL ROSARIO: [Speaking Spanish]

12 TRANSLATOR: --thank you. Member of
13 Group GT of New York.

14 RAFAEL ROSARIO: Okay, gracias.

15 [background comments]

16 ANDRES CAMILO: [Speaking Spanish]

17 TRANSLATOR: Good afternoon.

18 ANDRES CAMILO: [Speaking Spanish]

19 TRANSLATOR: Reverend Ruben Diaz, Member
20 of the Committee--

21 ANDRES CAMILO: [Speaking Spanish]

22 TRANSLATOR: --and the other members of
23 the Council.

24 ANDRES CAMILO: [Speaking Spanish]

25

2 TRANSLATOR: I would like to give to
3 extend my thanks.

4 ANDRES CAMILO: [Speaking Spanish]

5 TRANSLATOR: Was as I said before there
6 isn't this problem intense within the taxi drivers.

7 ANDRES CAMILO: [Speaking Spanish]

8 TRANSLATOR: Besides being the president
9 of a company of New York, President of High Class--

10 ANDRES CAMILO: [Speaking Spanish]

11 TRANSLATOR: --I would like to also say
12 that entrapment as you so called--

13 ANDRES CAMILO: [Speaking Spanish]

14 TRANSLATOR: --not only has arrived to
15 the taxi drivers for New York--

16 ANDRES CAMILO: [Speaking Spanish]

17 TRANSLATOR: --but also to the owners of
18 the base company--

19 ANDRES CAMILO: [Speaking Spanish]

20 TRANSLATOR: --but transfers also
21 directly to the taxi drivers of the city of New York.

22 ANDRES CAMILO: [Speaking Spanish]

23 TRANSLATOR: Approximately a year ago it
24 didn't really have the technology to know whether or
25 the taxi driver was legal or not.

2 ANDRES CAMILO: [Speaking Spanish]

3 TRANSLATOR: If a taxi—if a taxi driver
4 was suspended we wouldn't receive no correspondence
5 immediately that the driver's was suspended.

6 ANDRES CAMILO: [Speaking Spanish]

7 TRANSLATOR: Now Taxi and Limousine send
8 us that we have to send them similar--

9 ANDRES CAMILO: [Speaking Spanish]

10 TRANSLATOR: We have to send all the
11 costs generated monthly.

12 ANDRES CAMILO: [Speaking Spanish]

13 TRANSLATOR: In which we understood it was
14 to do a comparison to see if the bases had sufficient
15 amount of calls for the taxi drivers.

16 ANDRES CAMILO: [Speaking Spanish]

17 TRANSLATOR: But in a year [bell]
18 afterwards--

19 ANDRES CAMILO: [Speaking Spanish]

20 TRANSLATOR: --the majority we have
21 received summonses in which we have to show that the
22 majority of drivers have received summonses to
23 passengers they never picked up.

24 ANDRES CAMILO: [Speaking Spanish]

25

2 TRANSLATOR: What it means if you're
3 driving to your job--

4 ANDRES CAMILO: [Speaking Spanish]

5 TRANSLATOR: --why do you have to wait
6 six to twelve months to realize that you've been
7 violating the laws of the city.

8 ANDRES CAMILO: [Speaking Spanish]

9 TRANSLATOR: But they issue--they send out
10 summonses, which commence from \$800 to \$800 in
11 summons.

12 ANDRES CAMILO: [Speaking Spanish]

13 TRANSLATOR: What it means is that it's
14 also hurting the drivers via the base company.

15 ANDRES CAMILO: [Speaking Spanish]

16 TRANSLATOR: Because these summons they
17 transfer when the taxi have to pay for them.

18 ANDRES CAMILO: [Speaking Spanish]

19 TRANSLATOR: I just want to let you know,
20 and remind you--

21 ANDRES CAMILO: [Speaking Spanish]

22 TRANSLATOR: --that our Mayor that we
23 supported him immensely.

24 ANDRES CAMILO: [Speaking Spanish]

25

2 TRANSLATOR: But he forgot he was the
3 defense of the community.

4 ANDRES CAMILO: [Speaking Spanish]

5 TRANSLATOR: And today he is like the
6 opposer of the taxi drivers.

7 ANDRES CAMILO: [Speaking Spanish]

8 TRANSLATOR: I would also like to say to
9 the Mayor not to concentrate on the drivers [bell]
10 when they need money from the drivers.

11 ANDRES CAMILO: [Speaking Spanish]

12 TRANSLATOR: Because we supported the
13 Mayor and gave him a lot of support for him to be
14 where he is today. Thank you.

15 SERGIO RODRIGUEZ: How you doing? My
16 name is Sergio Rodriguez from the New York State
17 Federation of Taxi Drivers, and I have a message from
18 our spokesman Fernando Matteo who had a death in his
19 family. We've had a very stressful few weeks to say
20 the least. TLC officers being attacked by a mob,
21 disorderly livery cab drivers who TLC—who took the
22 law into their owns and vandalized a TLC patrol car
23 while agents were sitting inside. We do not condemn
24 that. Weeks of daily protests in Northern Manhattan
25 and the Bronx. Two weeks ago we had a meeting with

2 the New York State Federation-between the New York
3 State Federation and some TLC members addressing the
4 numerous issues affecting both the drivers and the
5 TLC together. We worked on finding several solutions
6 and bogging down the drivers of the law enforcement
7 for TLC. We put a couple of things together for the
8 committee to please take into consideration.

9 Number 1: Body cams for the TLC
10 inspectors. This will ensure that the TLC agents do
11 not abuse their power when stopping the cab driver.
12 It will record the entire experience.

13 Number 2: Deploy an undercover unit
14 from TLC that can pose as drivers. This will allow
15 TLC agents to monitor the behavior of the agents that
16 are doing the enforcement.

17 Number 3: TLC should develop a
18 department similar to NYPD's Internal Affairs Bureau
19 where drivers can file grievances that can be
20 investigated by an independent unit.

21 Number 4: The TLC should have a warning
22 system for minor infractions, not issue summons for
23 everything that happens.

24 Number 5: TLC should not entrap a
25 driver after he or she refuses a street hail.

2 Number 6: When a TLC agent allows a
3 driver to leave the scene of an infraction, it should
4 not receive a—they should tell them that if they are
5 going to be receiving a summons in the mail; [bell]
6 and finally what I would like you guys to ask is find
7 out every day driver's lose their licenses.

8 Everyday. How many inspectors have lost their jobs
9 or been suspended for their treatment of drivers?
10 That's a great question I would love answered.

11 [background comments]

12 JOSE DELORIA: [Speaking Spanish]

13 TRANSLATOR: My name is Jose Deloria
14 (sp?) Assessor of the Federation of Taxi Drivers.

15 [background comments]

16 JOSE DELORIA: [Speaking Spanish]

17 TRANSLATOR: It was under the Federation
18 then.

19 JOSE DELORIA: [Speaking Spanish]

20 TRANSLATOR: Jose Deloria, Assessor of
21 Federation of Taxis.

22 JOSE DELORIA: [Speaking Spanish]

23 TRANSLATOR: I would like to recognize--

24 JOSE DELORIA: [Speaking Spanish]

2 TRANSLATOR: In such a short time that
3 Reverend has been directing the industry.

4 JOSE DELORIA: [Speaking Spanish]

5 TRANSLATOR: Has made history that gives
6 us the confidence.

7 JOSE DELORIA: [Speaking Spanish]

8 TRANSLATOR: Not only that we could
9 trust--

10 JOSE DELORIA: [Speaking Spanish]

11 TRANSLATOR: --in people that we as a
12 community has elected.

13 JOSE DELORIA: [Speaking Spanish]

14 TRANSLATOR: Now that he returns to us
15 that empowerment, we have given him.

16 JOSE DELORIA: [Speaking Spanish]

17 TRANSLATOR: And I would like to also say
18 that the death of those three colleagues--

19 JOSE DELORIA: [Speaking Spanish]

20 TRANSLATOR: --will not be in vain that
21 not only on this meeting that we have but in others.

22 JOSE DELORIA: [Speaking Spanish]

23 TRANSLATOR: We are finding the unity
24 between the industry.

25 JOSE DELORIA: [Speaking Spanish]

2 TRANSLATOR: That's probably because
3 we're in ourselves and we weren't able to find the
4 unity amongst ourselves.

5 JOSE DELORIA: [Speaking Spanish]

6 TRANSLATOR: Thank you reverend. I give
7 you thanks because we couldn't find it. (sic)

8 CHAIRPERSON DIAZ: [Speaking Spanish]

9 I'm saying thank you, Mr. Deloria, but the -I think
10 that the Mayor goes to the group of the 25 that would
11 meet, and I would like to honor them, and I told them
12 that I will work together and you are part of that
13 committee, Mr. Cabrera and Yandis (sic) and others.
14 So thank you very much. Next one. Patricia Gatland,
15 John Madonna, Madonna? [background comments] Gustavo
16 Francisco, Vital Assisi. [background comments] Vital
17 Assisi, the City Link, and Jose Luiz Devora.
18 [background comments, pause] Okay. We're going on
19 with everyone and let me call more, and I know these
20 are the rest.

21 SERGEANT-AT-ARMS: If your name was
22 called, please come up.

23 CHAIRPERSON DIAZ: Okay, we'll go to
24 another one. Let me call more. Let me-no, here are
25 the rest, and Mr. Cologne. [Speaking Spanish]

2 Shirley Santiago-Santiago, the front, Winston
3 Williams, the front. Jose. No, I think it's Aquilino
4 (sp?) Motts. No? Lydia Pahella (sp?) up front.
5 Jose Casita Lapino (sp?), up front. Gustavo Palazzio
6 to the front. Nicolai Hent (sp?), Nicolai Hent?

7 NICOLA HENT: Yes

8 CHAIRPERSON DIAZ: Okay. Shakti Catde
9 (sp?) Okay. [background comments, pause]

10 PATRICIA GATLAND: Good afternoon,
11 Reverend Chairman Diaz. My name is Patricia Gatland
12 and I'm Counsel at Windels, Marx & Mittendorf. Prior
13 to joining Windels Marx, I served as the Commissioner
14 for the New York City Human Rights Commission, New
15 York State Deputy Secretary for Civil Rights, but
16 today I am here representing the civil rights and the
17 human rights of the Commuter Van Association. New
18 York City's commuter van industry has a long and
19 commendable history of serving the citizens of this
20 great city. We were here in 1980 when there was
21 transit strike. We were here in 2002 when there was
22 a private bus strike in Queens, and I can remember
23 taking the commuter van. In 2005, we were here when
24 there was another transit strike, and we will be here
25 when the L-Train shutdown begins. Now, more than

2 ever, Chairman, the commuter van industry is being
3 threatened by unlicensed van operators. Unlicensed
4 operators do not have the proper insurance, and
5 vehicle inspections, and their drivers do not have
6 proper training for licensing. Many of these
7 operators that operate in Brooklyn and Queens, as you
8 are well aware, have created any number of accidents,
9 and are wreaking havoc in our communities. You know,
10 what they're doing now is as my-my client testified
11 to, you know, they're operating buses so that the TLC
12 cannot even stop them, and we've got to do something
13 to deter this behavior. You know, he spoke about,
14 LeRoy spoke about the insurance cost. Who in here
15 would pay \$21,000 per vehicle to insure a vehicle,
16 and what I call it as a former prosecutor is
17 extortion by the New York Auto Plan who at one point
18 says, you'll have \$7,000 worth of insurance. You buy
19 into that, and then when you go to get your
20 insurance, it becomes \$21,000 insurance, and so,
21 we're asking that the New York City Council look into
22 this New York Auto Plan and do something about
23 extortion. Some people call it bait and switch, but
24 it's extortion. [background comments] There have

2 been some positive legislative developments for the
3 commuter industry.

4 CHAIRPERSON DIAZ: [interposing] My
5 counsel is telling—my counsel is telling me that that
6 is—that's on the state issue, not the city.

7 PATRICIA GATLAND: It is a state issue,
8 but, you know, it's like anything else. When I
9 worked for the state, the city influenced, and when I
10 worked for the city, the state influenced, and I
11 think that if we could get our legislators to back us
12 in going to the state and talking about this need for
13 and auto plan--

14 CHAIRPERSON DIAZ: [interposing] Who
15 would—who would you send up there?

16 PATRICIA GATLAND: It would be Jumaane
17 Williams, it would be you and then we would---

18 CHAIRPERSON DIAZ: [interposing] No,
19 you're never going to--

20 PATRICIA GATLAND: You have Matt Terry on
21 the State.

22 CHAIRPERSON DIAZ: State senator, who is
23 your state senator?

24 PATRICIA GATLAND: My state senator? I
25 don't live in New York State, sir. [laughs]

2 CHAIRPERSON DIAZ: Alright. Yes, go on.

3 PATRICIA GATLAND: But no, but my—but my
4 clients will go to the—will go to their New York
5 State senators, and we will certainly work with them
6 like we did when we worked with you on many issues
7 when you were in the—were in the Senate. And so,
8 we're going to need support from our City Council
9 legislators in this regard. But, more importantly,
10 we're going to need you to get behind the TLC and
11 strongly encourage them like all the other people
12 that I've listened to all day today talk about having
13 the TLC do your job, do your job in a temperate way,
14 and do it the right so that we service all
15 communities. Because right now our industry, the
16 commuter van industry may not be able to survive this
17 latest onslaught [bell], and so the city must provide
18 enforcement against these unlicensed operators. We
19 would ask you to join us in fighting this New York
20 auto plan so that the insurance extortion can stop,
21 and we'd ask that you would support us in our vehicle
22 markings and the legislation that the City Council
23 has proposed for us. We need you now, sir. We've
24 been there for you. Thank you.

25 CHAIRPERSON DIAZ: Thank you.

2 NICOLAI HENT: `Hello. My name is
3 Nicolai Hent. I am an immigrant-immigrant. I'm
4 coming from Romania in 1985. I am a Yellow Cab
5 driver and the owner since 1990. Thank you for-
6 Chairman for the opportunity to speak. Thank you
7 Mr.-former chairman- TLC Commissioner Christopher
8 Lynn. I saw you in JFK when you come with the rules
9 of five free (sic) for each taxi. I remember you
10 very well. In 1990, I invest in New York City buying
11 a medallion. All the-the savings what I got, I
12 invest in New York City. After 38 years, now I am on
13 the brink of losing everything. Not only I lose the
14 income, but I lose all the money, which I had and put
15 in New York City. Thank you for the opportunity to
16 speak. Now, I am 61 years of age, I count on my taxi
17 medallion to have a retirement after 30 years of
18 driving a Yellow taxi. What I have left now?
19 Nothing. We the Social Security, which I'm going to
20 get at 66-1/2 probably I could-I could pay my-my
21 utilities like the water, telephone and maybe-maybe
22 not much more. [background comments] I have there
23 issues, which is I am proposing, you know, for the-
24 for the commission. We used to have in a taxi a red
25 car like this. Here it used to say `Maximum Capacity

2 four passengers one child under the age of 7 on the
3 lap of his mother in the back. Now, app cars at
4 taking five, six, seven. Do they pay insurance for
5 seven people or for five or for ten like SUV? [bell]
6 I doubt it. Second, on 20 42nd Street and 48th Avenue
7 there is a sign: Uber Partnership Dealers. When the
8 drivers goes to pick up a car from them, do they pay
9 working compensation? Do the people which has 10 or
10 20 TLC licenses and leases to people, do they working
11 compensation like the taxi garages or like me if I
12 want to have another driver? I doubt it. Who is
13 responsible for this? Governor Cuomo he is the
14 biggest supported of app cars. Attorney General
15 Schneiderman send an awful letter to the TLC not to
16 limit and regulate the app cars. He's got business
17 or his business is supposed to-to investigate them.
18 Shielded Senator Skelos, which was convicted. Now
19 the long-time advisor of Mr. Cuomo is on trial. Who
20 is supposed to watch this? Is Schneiderman supposed
21 to watch the TLC? Other problem what we face. It is
22 everyday when-when we go to work, we go work hard and
23 to make a living. There's no way I-we can do it. It
24 has to be a limit for the app cars. It has to be a-a
25 capacity how many cars this city can fit. It's an

2 island. We cannot fit unlimited cars. Now, they
3 want to come with the—with the congestion price.
4 Congestion what they created, not we, they, Governor
5 Cuomo, he lives in Albany. Doesn't live in New York
6 City. Why the legislators from Albany has to
7 legislate in New York City. We have our legislators
8 here, which live in the city.

9 CHAIRPERSON DIAZ: Thank you

10 NICOLAI HENT: Thank you very much.

11 [cheers/applause]

12 SERGEANT-AT-ARMS: Quite down, please.

13 NICOLAI HENT: Truly I'm not, but I'm not
14 the criminal. [laughter]

15 CHAIRPERSON DIAZ: Thank you. Bachelor's
16 Degree

17 SHAKTI KATAJ: [off mic] Good afternoon.

18 [on mic] Good afternoon, Chairman and Committee
19 members. My name Shakti Kataj (sp?) and I have been
20 a medallion owner for the past 25 years.

21 SERGEANT-AT-ARMS: [interposing] Quiet,
22 please.

23 CHAIRPERSON DIAZ: [shushing for quiet]

24 Start over.

25

2 SHAKTI KATAJ: You only gave me two
3 minutes.

4 CHAIRPERSON DIAZ: Si, but your name and
5 we got to get it.

6 SHAKTI KATAJ: Okay, thanks. Good
7 afternoon Chairman and committee members. My name is
8 Shakti Kataj (sp?), and I have been a medallion owner
9 for the past 25 years, and like almost all of my
10 colleagues, I'm an immigrant who came from India in
11 pursuit of an American dream. The taxi medallion was
12 my ticket, and four years ago it had enabled me and
13 my family to reach financial stability and middle-
14 class status. I was able to reach my American dream
15 because NYC offered me a great deal, work hard,
16 invest in the Medallion and the city will honor your
17 commitment. And it didn't four years ago when Uber
18 and Lyft hit New York and caught elected officials
19 and legislators off guard. Let me say that Mayor de
20 Blasio tried to do the right thing, but was
21 blindsided with the deep pocket hedge fund draining,
22 tech start-ups that deployed millions of dollars
23 demonizing as a public of what is described as a taxi
24 cartel. Imagine that one of the more successful we
25 grows with immediate empowerment the taxi medallion

2 was even viewed as some kind of evil group of
3 manipulators. Over 6,000 of our fellow medallion
4 owners own one or two medallions and 90% of them are
5 in millions just like I am. If Mayor de Blasio had
6 called us, we would have come to City Hall and stood
7 with him so that unless he could see the real face of
8 this so-called half a million people who all over the
9 world who came here to build a better life and
10 succeeded until the tech van came in, created its own
11 set of rules and in the process choked city streets
12 with vehicles when not contributing a penny to
13 maintain NYC's transit infrastructure. Let me be
14 clear, Uber is the ultimate free rider while taxis
15 have contributed billions to help balance the city
16 budget and enable our elected officers to maintain
17 the social safety net. The Ubers have caused
18 hundreds of millions of damages of New York business
19 to the tune of \$20 billion a year. [bell] It is
20 time for Uber to pay the piper and in the process add
21 as a condition nightmare as well. To go on living to
22 make for-hire vehicles pay a congestion fee in order
23 to fund the MTA, and at the same time he's looking to
24 charge taxis and Ubers the same fees ignoring how
25 Uber has flooded city rules and clogged our streets.

2 This makes no sense. Every traffic expert rightfully
3 points the finger at Uber, not taxis as the cause of
4 congestion. They are right. In fact, Taxi NYC are
5 in the same boat, the boat of the weakness of
6 unrestrained expansion of this free-riding tech
7 giant. [bell]

8 CHAIRPERSON DIAZ: Thank you, thank you.

9 JOHN MCDONOUGH: Thank you for allowing
10 the working class of New York to come to the City
11 Council and have a voice because certainly-- I'm
12 John McDonough and I'm a yellow cab driver from
13 Queens. I've been driving 40 years, and thanks for
14 giving us a chance to have a voice here. And I only
15 wish that on the Taxi and Limousine Commission that
16 someone would be appointed that's an actual driver,
17 and not professional politicians or [applause] failed
18 political hacks to get appointed there when they lose
19 and election. Now, I know you're covering the bigger
20 picture here in what's going on in New York, but I
21 want to break it down into just one little item.
22 You—you have a lot on your plate, but there's another
23 problem that's coming down the road and that is
24 congestion pricing or congestion taxing. It's being
25 reported now that when and if it does come to New

2 York City on the Yellow Cab meter they're going to
3 have it as an add-on. So, we go below 60th Street
4 that \$5.00 will pop up. Right now, we have the drop,
5 we have the 50 cent MTA, we have the 30 cent for the
6 wheelchair, and if it's during rush hour, we have
7 that. Passengers get into the cab, they don't know
8 what's going on with the meter. It looks like a
9 computer. I would try and if you could recommend,
10 put it on the initial drop. It's on the initial drop
11 for all the apps. People don't want to know that
12 each individual price is going to a certain thing.
13 They can get it on the receipt afterwards because it
14 affects everyone psychologically. When they get in,
15 they get less of tip because they see, oh, you know,
16 what, I'm giving you a dollar for this, I'm giving
17 this and that, and it affects everything. If it goes
18 on the initial drop, then they'll tip based on the
19 initial drop. So, with congestion pricing coming in,
20 please do not put onto the meter. The meter is just
21 not big enough any more with all the added add-ons.
22 So, we can have it through the TLC and through the
23 Commission here that the initial for the Yellow Cab
24 should include all the things, and if the passengers
25 are that interested on how it's broken up through the

2 taxes, ask for a receipt, and when the receipt comes
3 out it will say 50 cents MTA, 30 cents wheelchair and
4 I'm out of here. [bell]

5 CHAIRPERSON DIAZ: Thank you, thank you.
6 [applause]

7 BUSTEL PELAZZIO: Good afternoon. Thank
8 you for the privilege to speak on behalf of many
9 drivers. So, my name is Bustle Pelazzio. I'm from a
10 big network of hundreds of black car driver, and I
11 have a quote from Martin Luther King: We know
12 through painful experience that freedom is never
13 voluntarily given by the oppressor. It must be
14 demanded by the oppressed. So, today I speak on
15 behalf of many drivers, and I ask of you to please
16 consider the unfairness and the injustice we
17 experience at this present moment due to the lack of
18 awareness from our leaders and it's this:

19 1. The prices we see on the TLC
20 Commission website are totally low and contrary to
21 the ones that we see on every single app, the system
22 like Uber, Lyft and Via, and others. Take a look.
23 How then can we work and compete with this
24 unfairness? That's why many drivers are forced to
25 have an agony in their hearts, and we are forced to

2 do the hotel pickups and others as well because we
3 get pennies now. Why do you think these apps are
4 banned from other countries? Because it's simple:
5 They corrupt the transportation industry. Can you
6 guys regulate its prices? It is obvious that like
7 that lady said when she was here, nobody is perfect,
8 of course. Right? That's what she said.

9 2. Point number 2, why does the TLC
10 treat drivers like casting feces. Are—are we not
11 human beings to try to work and support families?
12 Who can—who can pay for these fines and be able—of
13 our days? Nobody can. Look at the lives we just
14 lost. Who's listening to us at the end of the day?
15 My final point is so because of these atrocities, we
16 are obligated to work from 15 hours 18 hours a day.
17 Our families don't see us present any more. So, we
18 want a fair competition and justice for us. We need
19 it now. Another giant is the E-ZPass who is killing
20 us. So, God help us. Thank you.

21 CHAIRPERSON DIAZ: Thank you, thank you.
22 [applause] Thank you. Thank you. We're calling now
23 Michael Wong, Hope Car Theme (sic).

24 MALE SPEAKER: [Speaking Spanish]

2 CHAIRPERSON DIAZ: Leon Jarvias, Carolyn
3 Pratt, Carolyn Pratt. [background comments] Sergio
4 Cabrera, and Sergio Cerrera. [background comments]
5 Okay, Richard Limpsy. [background comments, pause]
6 There is one group. Hold on. Wait. (sic)
7 [background comments, pause] What's your name?

8 JOSE RIVERA: Jose Rivera.

9 CHAIRPERSON DIAZ: What--? Hold one
10 minute. All of you are from group? Ritchie,
11 Richard, all of them from the same group?

12 RICHARD: Yes, that's correct.

13 CHAIRPERSON DIAZ: But then only one
14 talk. Alright, I cannot know. The same group, only
15 one speak for-for everyone.

16 MALE SPEAKER: I'm not in the same group.
17 I'm independent. [background comments]

18 CHAIRPERSON DIAZ: Oh, come on, don't
19 give me that.

20 MALE SPEAKER: I'm not in the same group.
21 I'm independent.

22 CHAIRPERSON DIAZ: Don't do this now. God
23 is watching you.

24 MALE SPEAKER: We've-we've-we've been
25 patient. Thank you--

2 CHAIRPERSON DIAZ: Yeah, but-but it's one
3 group, it's one group.

4 MALE SPEAKER: We've been patient. [off
5 mic] We are all independents anyway because we all
6 have separate opinions and we all have separate
7 meeting spots, and we also have separate things that
8 we can say. We've been patient.

9 CHAIRPERSON DIAZ: Okay.

10 LEGAL COUNSEL: Try not to repeat what
11 other people are saying.

12 SERGEANT-AT-ARMS: [interposing] Quiet
13 down, please.

14 CHAIRPERSON DIAZ: Okay, okay, let's not
15 repeat what everybody else has been saying, okay.
16 Lady, okay, go ahead.

17 JOSE LUIS DEBORA: [Speaking Spanish]

18 TRANSLATOR: My name--

19 CHAIRPERSON DIAZ: [Speaking Spanish]

20 JOSE LUIS DEBORA: Debora.

21 TRANSLATOR: My name is Jose Luiz Debora.

22 CHAIRPERSON DIAZ: Debora, okay.

23 JOSE LUIS DEBORA: [Speaking Spanish]

24 TRANSLATOR: I represent the
25 Confederation of Taxi Drivers of New York.

2 JOSE LUIS DEBORA: [Speaking Spanish]

3 TRANSLATOR: It's composed of drivers--

4 JOSE LUIS DEBORA: [Speaking Spanish]

5 TRANSLATOR: --Downey (sic)

6 JOSE LUIS DEBORA: [Speaking Spanish]

7 TRANSLATOR: --and other organizations as
8 the Cooperative of Taxi Drivers.

9 JOSE LUIS DEBORA: [Speaking Spanish]

10 TRANSLATOR: The reason of me being here
11 at this moment--

12 JOSE LUIS DEBORA: [Speaking Spanish]

13 TRANSLATOR: --it's--the reason why I'm
14 here is to give suggestion to the Reverend.

15 JOSE LUIS DEBORA: [Speaking Spanish]

16 TRANSLATOR: I don't understand his
17 question.

18 JOSE LUIS DEBORA: [Speaking Spanish]

19 TRANSLATOR: He's saying that the Taxi
20 and Limousine Commission needs to prepare the taxi
21 drivers.

22 JOSE LUIS DEBORA: [Speaking Spanish]

23 TRANSLATOR: Because there's an abuse
24 from they're charges far too many charges.

2 JOSE LUIS DEBORA: [interposing]

3 [Speaking Spanish]

4 TRANSLATOR: To make a course of 24
5 hours, which is the first time that a taxi driver has
6 to do it.

7 JOSE LUIS DEBORA: [Speaking Spanish]

8 TRANSLATOR: There's taxi drivers that
9 have to go 10 times to take the exam and they charge
10 them \$70 every time they go take the test.

11 JOSE LUIS DEBORA: [Speaking Spanish]

12 TRANSLATOR: He suggests if there's
13 something that could be done so they could [bell]
14 prepare the taxi drivers when they're going to—when
15 they're going to take the exam.

16 JOSE LUIS DEBORA: [Speaking Spanish]

17 CHAIRPERSON DIAZ: What's that?

18 TRANSLATOR: And that's a suggestion that
19 I'm giving the Council.

20 JOSE LUIS DEBORA: [Speaking Spanish]

21 CHAIRPERSON DIAZ: Sir.

22 SERGIO CABRERA: Good afternoon. My name
23 is Sergio Cabrera, and I'm an individual Medallion
24 owner. Sometimes when I tell my passengers that I
25 own a cab they congratulate me. Many of my

2 passengers relate to this story because it is their
3 story. Success, many of our family members also
4 drove a cab. Success in-in the country and the
5 country and the city of opportunity. Work hard, play
6 right. Isn't that what our leaders say? What many
7 of our passengers don't know is the betrayal that
8 medallion owners are subject to from many of the
9 elected officials empowered by their official
10 positions to work for the people of the city of New
11 York with an attitude that at best can be described
12 as careless and at worse corruptible. An attitude
13 that has festered for many decades, which has finally
14 shown its face in the bankruptcy of a vibrant
15 industry, which carried on its back the privilege of
16 being an example of opportunity, an industry that
17 followed all the rules imposed on it by the creators
18 the city of New York itself bringing billions to the
19 tax coffers of this city. What's even better is that
20 the city didn't have to invest anything, no land, no
21 buildings. Actually, it created jobs. I just can't
22 understand it. Why? Any city in America would kill
23 to have such a revenue stream with minimal
24 investment. No one is talking about this. No one is
25 talking about this. In a city that is crying out

2 because the homeless abound and the subways are in
3 disrepair, government looking—governments looking for
4 new forms of revenue when it's—when it's right under
5 your noses. Stop the madness. Get a hold of
6 yourselves. Grow a backbone. You've been taking our
7 investments, our hard work and our dreams. Please
8 don't take our lives. Let this new committee take
9 the necessary steps to bring our industry back.
10 1,600 medallions sitting at the TLC—sitting at the
11 TLC. Take them away from the TLC. They don't know
12 what they're doing. \$1.5 billion sitting there.
13 With a little backbone this money could once again be
14 available. Enforcement: The cap, price surging.
15 [bell] Price gouging is against the law. In closing,
16 don't drive a stake through the heart of the Yellow
17 industry with schemes like congestion pricing. The
18 revenue is there. Face the 800-pound gorilla in the
19 room. Stop looking for new regulations. Everything
20 is about a cap. My fellow livery drivers. My green
21 taxi drivers we're all grown adults. You decided to
22 drive a livery cab. The law says you can't pick up
23 on the street. We created green cabs to allow you to
24 do that. [bell] What is the crying about? The laws
25 are already there. Follow the law. There is nobody

2 above the law. We have millions of dollars invested.
3 Don't talk to me about a \$3,000 fine or \$500 fine.
4 I have my who life, 20 years bankrupt, down the
5 drain.

6 CHAIRPERSON DIAZ: Thank you.

7 SERGIO CABRERA: Thank you, Committee.
8 African-American

9 SERGEANT-AT-ARMS: You all keep it down
10 please.

11 NINO KERBEUS: Chair Diaz. I want to
12 thank you for all this opportunity you have given us,
13 and I wish you with some, and for the sake of New
14 York City to solve all these problems. My name is
15 Nino Kerbeus and I have been driving a taxi for
16 nearly-nearly 34 years. We are here today because
17 have a common cause, public safety and regulatory
18 fairness. We have more than 100 cars for hire in New
19 York City streets, and not one is making a decent
20 living. Instead, we are on the path to modern
21 slavery, racing to the bottom. The despair of
22 regulations has allowed the transfer of wealth from
23 the 99% to the on tenth of 1%. We are facing
24 terrible unfair competition, unjust that is causing
25 so much distress are the results are horrible. Our

2 business is among the most stressful job, adding
3 anxiety, uncertainty is putting more pressure in our
4 daily life. Let's remember last week with Douglas
5 Shifter suicide to be a wake-up call for us all. The
6 response—the responsible--New York City is
7 responsible for the terrible situation we all find
8 ourselves. We are not looking to blame anyone, but
9 we're looking for justice. Since most of my—one
10 thing that we have to keep in mind everything that is
11 going on right now, it's not because of technology.
12 Let me repeat. Technology has nothing to do when the
13 city allows recklessness for the information of Uber
14 cars like and other city hailers to be on the road
15 for \$275 a year when Yellow Taxis have to pay
16 hundreds of thousands of dollars for the same right.
17 Let—let me cut it short. One, what should be done?
18 The Ubers need to be made to comply with the same
19 rules and mandates a taxi must follow. [bell] One
20 important mandate is the installation that the TPEP
21 money current system, and the purpose of this
22 technology is increase passenger safety and promote
23 the efficiency and regulation of the industry. It
24 was introduced back in 2014 to address the many
25 obstacles that New York City Taxi and Limousine

2 Commission found when trying to gather information
3 from licenses for enforcement in monetary purposes.
4 Previously, the TLC had to reach to the car for-hire
5 wages and realizing the wages review of their own
6 records, which is not efficient and needs to be
7 changed. [bell] In the past two years there has
8 been several incidents where female Uber and Lyft
9 passenger Cardino Sultan in Uber's face. The company
10 refused to cooperate with the NYPD with a court
11 order. We think that the city will have been able to
12 immediately identify the drivers and meet our proper-
13 proper punishment. Needless to say, the drivers
14 wouldn't have been able to drive a car ever again if
15 that overcomes these difficulties and includes
16 community between the TLC and its licenses.

17 CHAIRPERSON DIAZ: What are you doing in
18 support with a penalty for a driver that violates the
19 law?

20 NINO KERBEUS: Say that again please.

21 CHAIRPERSON DIAZ: A driver that-for a
22 driver that have-that committed a street hail,
23 they're not supposed to. What do you think would be
24 the-the fair punishment?

2 NINO KERBEUS: Well, it-the-the fair
3 punishment is whatever is your-is in the rules. I
4 mean I-I-I believe-honestly I believe it should be
5 according to the money that we make.

6 CHAIRPERSON DIAZ: [interposing] Do you -
7 -do you think-do you think-do you think that \$3,000
8 is okay?

9 SERGIO CABRERA: [interposing] Of course
10 it is.

11 CHAIRPERSON DIAZ: I'm not-I'm not
12 talking to you.

13 SERGIO CABRERA: Oh, I thought you were
14 talking to me.

15 CHAIRPERSON DIAZ: No, I'm talking to the
16 one who has the microphone.

17 NINO KERBEUS: Well, \$3,000 honestly very
18 harsh.

19 CHAIRPERSON DIAZ: Very what?

20 NINO KERBEUS: It's-it's-it's too much.

21 CHAIRPERSON DIAZ: Thank you.

22 NINO KERBEUS: It should be based--

23 CHAIRPERSON DIAZ: [interposing] Thank
24 you, thank you.

2 NINO KERBEUS: --it should be based on
3 the money that we are making.

4 CHAIRPERSON DIAZ: Thank you.

5 NINO KERBEUS: But--

6 CHAIRPERSON DIAZ: No, no, no, no, no.
7 Next. Thank you.

8 ART COUSIN: Alright. Good afternoon,
9 Chairman Diaz and members of the new FH-FHV
10 Committee. My name is Art Cousin, and I've been a
11 medallion owner for the last 11 years. I came to
12 this country 27 years, and I got my start driving for
13 car services. It was my--it was through my--this hard
14 work for long hours that I was able to save enough
15 money to purchase my taxi medallion. Give its
16 history, I felt that I was on my way to a real
17 economic state in my adopted country, which I
18 couldn't have foreseen was what happened four years
19 when the tsunami swept through New York City and
20 undermined the medallion system that had been in
21 place for over 80 years. The system wasn't
22 undermined by Uber. However, but by the regulators
23 who are supposed to protect the medallion franchise
24 in exchange for the billions of dollars owners had
25 ponied up to the city treasury. It says right in the

2 city rules that it is the TLC's mandated duty to
3 protect the economic stability of the taxi
4 medallions. This clearly has happened, which is
5 self-evident from the decimation of the value of the
6 medallions over the past few years. This failure has
7 a number of different faces. Its first phase is the
8 enforcement of rules for taxis while failing to apply
9 these same rules for the Ubers. This is crucial
10 because by allowing e-hail companies to proliferate
11 throughout the city, the TLC essentially abrogated
12 taxis' exclusive right to street hails. When you
13 have 100,000 of these cars prowling the streets, an
14 e-hail is no different than street hail. Yet, the
15 TLC time and time again doesn't apply the rules
16 equally. Put simply, there is no regulatory parity
17 and when you view this in the context of the amount
18 of money we paid for our medallions [bell] this
19 disparity heightens the unfairness of the regulatory
20 regime. The second phase then is the city's allowing
21 Uber into the car for-hire system with no comparable
22 buy-in even though the Ubers were infringing upon the
23 exclusive role of taxis. In essence, taxis are the
24 New York City approved license, public conveyance and
25 as assortment of other fees all of which Uber doesn't

2 pay a tax onto taxi bill [bell] because the city had
3 grounded these mostly immigrant entrepreneurs the
4 exclusive right to e-hail. It is precisely the New
5 York City regulators' failure to protect this well
6 paid for right that has gotten the city into the
7 current congestion mess. The failure has allowed the
8 un-kept and under-regulated Ubers to proliferate with
9 little or no regard to sound public policy, and at
10 the expense of public health and safety, the
11 following information underscores how the under-
12 regulation of Uber has cost the city tens of millions
13 of dollars, which at the same time establishing an
14 indefensible double standard that has victimized hard
15 working medallion owners for-

16 CHAIRPERSON DIAZ: [interposing] Thank
17 you. Thank you. Next. [coughing]

18 CAROLYN PRATT: Good afternoon, Chairman
19 Diaz, Mr. Lynn. (sic) My ex-husband Barry says hi.
20 You were in his cab, Mr. Lynn about 20 years ago.
21 Everyone who drives in the city for a living is on
22 death row. I thank Doug Shifter for bringing this to
23 light. That could have been any one of us whether
24 it's because of long hours, constant sitting,
25 breathing in the filthy air or the never-ending

2 frustration and uncertainty everyone in this
3 industry, black, yellow, green, livery. It doesn't
4 matter, that we all live with. We're all on death
5 row. In the face of all the evidence and without a
6 degree from the Wharton School, I think we would all
7 agree that the laws of supply and demand cannot be
8 denied no matter how magical one's thinking, and that
9 is the root of many of the enforcement issues that we
10 are here today discussing. 125,000 for-hire vehicles
11 are simply too many vehicles on the road for anyone
12 to make a living, and I can promise you that it's
13 going to get worse, a lot worse. I'm sorry that all
14 the livery guys left because there's a couple of
15 things they don't know. The TLC has issued an RFP
16 for a vendor to administer exams to new drivers. How
17 many? Six thousand drivers a month. That's 72,000
18 in a year. Okay. The TLC is planning for an
19 additional \$1.1 million in revenue from more for-hire
20 enforcement. It doesn't have to be this way. By
21 allowing ever more vehicles on the road, you're
22 creating the conditions that cause the violations.
23 These conditions are exactly what Doug Shifter was so
24 devastated by. These—these additional unnecessary
25 vehicles didn't just drop down from the sky. Whether

2 by design or default the entire industry, black,
3 yellow, green, livery has been taken apart piece by
4 piece. I have pages of rules that were put in place
5 for a very good reason, and then bent, broken,
6 ignored and changed to suit a bully, and I think we
7 know what happens when one gives into a bully. It
8 only gets worse. We spent a lot of time discussing
9 fines and various infringements. I can tell you that
10 the harshest one, which is 80-19(c)(2), that's
11 \$2,000, \$4,000, \$10,000 dollars for illegal hails.
12 There have been some issued, but in the last four
13 months there haven't been any issued in that
14 category, and they've actually been going down every
15 month. So, that's good news for the livery guys I
16 think. At the same time, medallion patrol summonses
17 have doubled between 2014 and '16 which is ridiculous
18 because the number of Yellow trips has declined by
19 27% in that period. [bell] It makes no sense.
20 Summonses for black and liveries for illegal hail and
21 illegal activity have declined from \$25,000 in 2014
22 to \$21,000 in 2017. It all depends on how you
23 massage the numbers and parse the numbers and it's a-
24 five hours is too much to go into this. There's just
25 too many vehicles out there, but I think long-time,

2 full-time professional drivers who take pride in
3 their work like Doug Shifter should be applauded and
4 encourage to stay in the business, and this isn't a
5 static problem. As we're sitting here today, another
6 100 cars are being put on the road. There will be
7 another 100 tomorrow, and another 100 the day after
8 that. I think you get the idea.

9 SERGEANT-AT-ARMS: [interposing] Keep it
10 down.

11 CAROLYN PRATT: Consumers have benefitted
12 yes from rides--

13 CHAIRPERSON DIAZ: [interposing] Thank
14 you.

15 CAROLYN PRATT: --priced below cost, but
16 in some--in some places that would be called--

17 CHAIRPERSON DIAZ: [interposing] Thank
18 you.

19 CAROLYN PRATT: --indentured servitude or
20 slavery.

21 CHAIRPERSON DIAZ: Keep talking--keep
22 talking to Mr. Lynn.

23 CAROLYN PRATT: Will do. Thank you.

24 CHAIRPERSON DIAZ: Thank you.

25 CAROLYN PRATT: Barry says hi.

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2 CHAIRPERSON DIAZ: Okay, thank you.

3 Lorraine Keller—Lorraine Keller. Not here?

4 [background comments] Monseur Susudan (sp?), Maria

5 Rodriguez Santiago. [Speaking Spanish] Juan Salsa

6 [Speaking Spanish] Victor Fontana [Speaking Spanish].

7 Bill Linderberg—Bill Linderberg [Speaking Spanish]

8 Baharri Rosal (sp?) [Speaking Spanish]. Okay,

9 Suzanne Fiori, Suzanne Fiori. I know that name.

10 They're calling me. Ramon Harkness. [Speaking

11 Spanish] Jose Jimenez. [Speaking Spanish] Andres

12 Gonzalez, [Speaking Spanish] Andres Gonzalez, Salle

13 Manhat—Salle Manhat, Israel Raymond, Israel Raymond.

14 [background comments] Okay. No, no, wait, wait,

15 wait.

16 FEMALE SPEAKER: There's a Solomon and

17 then there's Suliman.

18 CHAIRPERSON DIAZ: Solomon.

19 FEMALE SPEAKER: No, Suliman.

20 CHAIRPERSON DIAZ: Okay, Suliman, and you

21 are Solomon?

22 MALE SPEAKER: Yes.

23 FEMALE SPEAKER: Yes.

24 CHAIRPERSON DIAZ: Solomon. Okay,

25 Solomon. Thank you.

2 FEMALE SPEAKER: That's right. That's
3 fine.

4 CHAIRPERSON DIAZ: That's right. Okay.
5 [background comments] Sorry.

6 MALE SPEAKER: [off mic] Good afternoon—
7 [pause] [on mic] Good afternoon. Thank you,
8 Chairman for initiating this session. The
9 chairperson next to you as well the members of the
10 commuter van industry as well as the taxi industry
11 and all those concern with this or issues that we
12 have to come to talk to the City Council today.
13 There's a number of issues that were discussed
14 already as it relate to the commuter van industry.
15 I'm a member of the commuter van industry. I'm also
16 a driver. Some of my colleagues came and talked
17 about it, and just now. The—the major issues here
18 are two. One of those—the first issue is a lack of
19 enforcement, and as a result of not having that
20 enforcement, quality enforcement that there is down
21 upon the illegal operators and the unauthorized
22 vehicles that playing the streets of Brooklyn as well
23 as Queens, but in particular in Brooklyn because I'm
24 from Brooklyn. We have approximately 150 commuter
25 vans operating in Brooklyn along Flatbush and Utica

2 Avenue and Utica Avenue daily and there's no
3 enforcement. Ninety percent of these vehicles that
4 prow along the streets picking up passengers 90% are
5 unauthorized vehicles. They have Pennsylvania plates
6 and you name it, and enforcement comes like once a
7 month, there's a whole lot of problems that they're
8 creating, congestion, blocking the buses. [bell]
9 Sometimes run over passengers, and the 10% that are
10 trying to do the—the-do it the right way, trying to
11 operate according to the laws and the rules and regs
12 of the Taxi and immigration—Tax and Limousine rules
13 and regulations as well as DOT's rules and
14 regulations we try our best to [bell] uphold these
15 rules and regulations, but we're not getting any help
16 from the city. We're not getting any help from Taxi
17 and Limousine Commission, and we've been talking for
18 the last 25 years. We've been trying to address
19 these issues, and it never—we—we only get promised.
20 Promises after promises that they are going to
21 resolve this issue. The other issue is insurance.
22 The insurance costs have skyrocketed by 100% for—for
23 the last—over the last 10 years. \$10,000, \$8,000 was
24 the premium [bell] about 10 years ago. Now, it's
25 \$20,000, 8, 10 years later. That is not sustainable.

2 It's very unsustainable for people who ware
3 struggling to feed a family and keep a roof over
4 their heads like all of us are, and most of us are
5 immigrants in the taxi industry as well as the
6 commuter van industry, and—and we—we—we're trying to
7 do—feed our families and take care of business, but
8 we cannot be driven into poverty. We're driven off a
9 cliff, so to speak.

10 CHAIRPERSON DIAZ: Thank you, sir. Thank
11 you.

12 MARIA RODRIGUEZ: [Speaking Spanish] It's
13 Maria Rodriguez.

14 CHAIRPERSON DIAZ: Jenny.

15 MARIA RODRIGUEZ: In talking, I want to
16 address three points.

17 CHAIRPERSON DIAZ: Okay.

18 MARIA RODRIGUEZ: One is that we really
19 need that the person from the threat—from the
20 enforcement in TLC have customer service training.
21 They do not show to be trained. The way—why I say so
22 because the way they bully people. That is one
23 point. The other point is how our community—I come
24 from the Bronx—how our community badly needs the
25 deliver—liberty service, and the third point is how

2 difficult it is to follow in just the law. If you
3 allow me, I will tell you something about myself. It
4 will explain my three points. I am a substitute
5 teacher of this city. On summer I do not have a job.
6 I realized that I could pay rent through becoming a
7 taxi driver. I became Uber driver. Very good.
8 Okay. One day I come from some place in--in downtown
9 in Amsterdam. I saw a lady that in my view was a
10 teacher. Why? Because it was a person with a lot of
11 bags on her, and looked tired, lonely by Amsterdam
12 and 102 Street. I said then I really do not need to
13 have that extra \$10 or whatever I charge for it, but
14 I put myself and see her as her one teacher at 6:00
15 around 6:00 in the afternoon. I stop not just
16 thinking I was addressing my how, not just thinking
17 about how much I will charge-charge to her, but about
18 how tired she was in my mind. Suddenly, I find out
19 that when she sat in my car, two people come from the
20 sidewalk [bell] with little flashlight and I have
21 another person coming behind, and asking me to wait
22 for someone in a car behind me. I said, uh-oh, this
23 is TLC. Right after I give my license, I put it in
24 the top and I put my hand in--in front of my car. I
25 said okay. They came and they treat me in a way that

2 believe me--I'm sorry I'm being--being emotional, but
3 I felt like being criminal. They do not use
4 courteous language maybe, but the way they said--the
5 words that they say made me feel like I was doing--
6 committing a crime, [bell and it is the reason why I
7 came here early today. I come from my job at a
8 school in order to be here today because in my case I
9 have a Bachelor's Degree. I do not pass the--the
10 basis for becoming a permanent teacher because the
11 matter of the language, but I do a living. I am
12 thinking about all those women and men who have
13 depend just on the taxi job. They gave me two fines
14 and they give a chance for a third fine. On was
15 \$10,000--\$10,000. The other was \$150--\$1,500, and
16 the--the person who--

17 CHAIRPERSON DIAZ: When was that?

18 MARIA RODRIGUEZ: Huh?

19 CHAIRPERSON DIAZ: When was that?

20 MARIA RODRIGUEZ: It was on June--I'm
21 sorry. I don't have my glasses, but it was the--in
22 the summer, early summer. June 23, 2015.

23 CHAIRPERSON DIAZ: And what happened the
24 summons? Are you still fighting?

25

2 MARIA RODRIGUEZ: I-I have to pay them,
3 but let me-let me-let me go by--

4 CHAIRPERSON DIAZ: [interposing] Well,
5 we-we got to-See Jenny. Okay. No, no.

6 MARIA RODRIGUEZ: The \$10,000?

7 CHAIRPERSON DIAZ: Yes. Listen. See
8 Jenny, okay. Let's see what we could do. Sir.

9 ANDRES GONZALEZ: Thank you very much for
10 allowing me to speak Committee of the Council. A lot
11 of this is just for the TLC as well. I will be
12 brief. So, Dear Commissioner, I am here at a loss of
13 words and a whole lot of resentment. This industry
14 was once the path to financial security to all of us.
15 During the last few years, the amount of licensees
16 and cars has increased drastically to the point where
17 it is not safe for the public and drivers' welfare.
18 Before the TLC was established, the New York Hag
19 (sic) Bureau established a medallion system due to
20 the following: During the Great Depression New York
21 had as many 30,000 cab drivers. With more drivers
22 than passengers, cab drivers were working longer
23 hours, which led to growing public concern over the
24 maintenance and mechanical integrity of taxi
25 vehicles. Sounds familiar? History repeats itself.

2 We as drivers are forced to work longer hours due to
3 revenue decline. If you care about our safety as
4 drivers and the public safety you would changes
5 things so we don't have to be driving long hours just
6 to eat and pay our gas. We can't even feed our
7 families or ourselves. Like many of us, I drive
8 seven days week to keep afloat, and my best case
9 scenario, which I'll own my car, paid in full and I'm
10 single young male. You talk about illegal street
11 hails, summonses, enforcement, et cetera, you're just
12 masking what the real issue is: There's too many
13 cars out there. Everybody and their mother has a TLC
14 plated car. You have to cap the amount of TLC
15 vehicle permits given out. There is more than an
16 oversaturation of the market. Supply far exceeds
17 demand. Fares are too low for any of us to make a
18 living. Because of operating a taxi of FHV far
19 outweighs the slaveries that Uber and Lyft have
20 imposed on us or the amount of fares they have taken
21 from the yellow and green taxis. If Uber wants to
22 pay us through an electronic meter, then TLC should
23 regulate a minimum permit-per-mile rate the same way
24 it is done for yellow and green, meaning the same
25 rate that the city set for them. If they want to via

2 flat fare like for-hire vehicles, the commission
3 should not exceed 20% or else we cannot make profit
4 ourselves. If the passenger pays \$70 for an Uber
5 ride to JFK, the driver will most likely get \$30, and
6 most of that is despicable. In other words, raise
7 the rates, and then we take all the rest of drivers
8 and operators. Medallions are worthless at this
9 point. Drivers are killing themselves over earnings.
10 Why do you think we're all here? Why else do you
11 need to take action? We're in financial crisis. We
12 supported this industry for the last 70 years paying
13 all the fees that support the salary of the TLC .
14 So, please take action now. There does not need to
15 be a study. Look at us. We're pleading because
16 we're out there day in and day out. The city and the
17 TLC makes revenue off our backs, and it's time for
18 you to honor your side of the contract. As a
19 personal suggestion, I say anybody who wants to be
20 part of the TLC Committee of any kind whether it is
21 an inspector, enforcement agent or commissioner, they
22 should be required to get a TLC license and drive a
23 minimum of a year so they know what we all go
24 through.

25 CHAIRPERSON DIAZ: Okay.

2 ANDRES GONZALEZ With that, I say wake up
3 New York City. We drivers have had enough. Thank
4 you.

5 CHAIRPERSON DIAZ: Your name?

6 ANDRES GONZALEZ: Andres Gonzalez.

7 SOLOMON NUSHATS: Thank you, Mr.
8 Chairman. My name is Solomon Nushats. I'm a driver
9 of a New York City Yellow Taxi now for 17 years. My
10 father—my parents who came from Romania have had the
11 medallion for over 40 years until they passed away.
12 We have a problem in this Yellow Taxi industry, a
13 very serious problem. It was once an iconic industry
14 as Time Square and as Rockefeller is now dissipating.
15 Black cars for all intents and purposes I'll say e-
16 hail app companies, which is for Uber and all these
17 companies, have just invaded New York City by just
18 basically doing whatever they want. They're picking
19 up this off-of the streets, anyway or fashion,
20 charging whatever price they want. I've seen
21 vehicles with Pennsylvania plates, Florida plates
22 coming over here picking up little girls that are 16
23 years old. The city thrives on being safe. You
24 know, you hear all the time stories about all these
25 different things of all the bad things that happens.

2 Yet, they're allowing this to go on. What I'm
3 recommending is for the City to implement laws,
4 regulations on these e-hail app companies meaning
5 caps. If Yellow taxis only have 13,000 so should
6 the. So, should Uber. Why should they be different?
7 If the Yellow Taxis pay MTA tax, if they pay—if they
8 have to—if we have to have wheelchair taxis then so
9 should they. Why are they any different? Yet, the
10 city is allowing this to go on time and time again,
11 and before you know it, I'm not going to be able to
12 make any more money. I'm not going to be able to
13 have a pension. I'm not going to be able to survive.
14 There are people in this industry right now who are,
15 you know, retired. They cannot work, they cannot get
16 a driver, they cannot lease. The city is supposed to
17 protection us. Okay, they should be the ones to be
18 here. If they want to allow-- Yes?

19 CHAIRPERSON DIAZ: You're telling me that
20 Uber and the Lyft and all those car business have the
21 same regulation?

22 SOLOMON NUSHATS: Not as us. Definitely
23 not sir.

24 CHAIRPERSON DIAZ: So, they don't have to
25 have a wheelchair?

2 SOLOMON NUSHATS: No, they do not, sir.

3 CHAIRPERSON DIAZ: They don't.

4 SOLOMON NUSHATS: They do not. They do
5 not. They don't pay the 50 cent MTA tax. They don't
6 pay the 30 cent. Furthermore, further more, there
7 are no markings on these vehicles. With the Yellow
8 Taxi you see New York City Taxi.

9 CHAIRPERSON DIAZ: We're—we're—we're
10 going to work on that, okay. This committee is going
11 to work on that. .

12 SOLOMON NUSHATS: I'm begging you please
13 because something needs to be done about before, you
14 know--

15 CHAIRPERSON DIAZ: [interposing] No, we
16 will—we will--

17 SOLOMON NUSHATS: --somebody gets hurt.

18 CHAIRPERSON DIAZ: I promise you we will
19 work on that.

20 SOLOMON NUSHATS: Thank you, Mr. Chair.

21 CHAIRPERSON DIAZ: And the lady.

22 LORRAINE CLAIRE: Yes, thank you, Mr.

23 Chairman. I'm from the commuter van industry. I had
24 a link here, but it deleted out of my phone. My co-
25 worker over there Mr. Hack talk about Brooklyn. I'm

2 going to talk about Queens and what's happening in
3 the Queens industry. We have a lot of rogues in
4 Queens that comes up mainly in the afternoon. They
5 block the buses, they're unsafe, they threaten the
6 people who they carry if the people don't like how
7 they're driving them, and we need some enforcement in
8 Queens. They are enforcing the airports, but we need
9 it in Southeast Queens just for the safety of our
10 passengers, and our commuters, and we also would need
11 some help with the insurance also. The insurance is
12 killing us, and it's driving us to the wall. Thank
13 you.

14 CHAIRPERSON DIAZ: Thank you. Thank you,
15 all of you. Thank you. What is your name?

16 LORRAINE CLAIRE: Lorraine Claire.

17 CHAIRPERSON DIAZ: Lorraine?

18 LORRAINE CLAIRE: Lorraine Claire.

19 CHAIRPERSON DIAZ: Okay, thank you, thank
20 you. Now, we have Julie Lewis Averill, Safeway;
21 Jose Rodriguez, Safeway. [Speaking Spanish]
22 [laughter] Allen, why don't you come in on your own.
23 [laughter] Allen Suppo--Supposiner (sp?), Allen of
24 Way.(sic) Thelma Williams of Way. Carlos Aramas of
25 Way, Suma Lama. Okay. That is the last. [Speaking

2 Spanish] We have Vera Mana Rue.(sic) No, she's gone.

3 [laughs] What is your name, lady?

4 THELMA WILLIAMS: [off mic] Thelma
5 Williams.

6 CHAIRPERSON DIAZ: Did I call you?

7 THELMA WILLIAMS: Yes.

8 CHAIRPERSON DIAZ: Okay, Williams. Yeah,
9 okay, Thelma Williams. Okay, Thelma, let's start
10 with you.

11 THELMA WILLIAMS: [off mic] My name is-
12 [on mic] My name is Thelma Williams. I'm from
13 Jamaica, Queens. I am a livery driver. I'm the
14 owner. I am here on the behalf of many that were
15 here and left. We are having crisis in insurance. I
16 would like some help from the City Council to get
17 through to the state and to the Governor that we can
18 get some proper insurance. It's too high. We can't
19 afford it.

20 CHAIRPERSON DIAZ: You're a taxi driver?

21 THELMA WILLIAMS: Yes, I am a commuter
22 van driver and the owner, but I have to provide the
23 insurance. They insurance is too high. We need the
24 City Council to help us get through to the state and
25 also to the Governor. For our next month is March

2 where we have to come with the insurance. If we
3 don't have the insurance, we will have to illegal.
4 When we go illegal, we're not getting nowhere. We
5 need to feed our family. We have a mortgage to pay.
6 We are here at all times for the city World Trade
7 Center, the bus strike, the taxi strike, and when now
8 is our time to get help from the city. We need it to
9 stay in business. We are going bankrupt. We don't
10 have no other livelihood. This is what we know from
11 1981 until now, and I am an old lady and I still have
12 to work out here. I am not on welfare. I don't get
13 food stamps. I vote, I pay my tax, I give charity to
14 every year, [coughing] the Air Force, the Army and
15 everywhere I give charity. So, we need—I need help
16 from you, MR. Chairman.

17 CHAIRPERSON DIAZ: Thank you, Ms.
18 Williams.

19 SUMA LAMA: Thank you the committee and
20 the chairman for letting us speak. My name is Suma
21 Lama. I'm an app based driver. I drive for all the
22 apps, and I'm here to also come in support of all the
23 other drivers to say being an app based drive we are
24 not against the cab. You might be presented by
25 information by Uber or other companies saying that

2 because our revenues—everybody's revenue is being
3 hurt. It's—we all want a sustainable revenue, and I
4 wanted to point out one fact to you that was in 2014
5 when I started, I started with Yellow Cab. There was
6 13,000 medallions then, but there were 40,000 drivers
7 circulating with those, driving those 1,300 cabs. If
8 you cap the number of cars it will not affect the
9 drivers. They will say—you will have limited access
10 to drivers, but when you have 13,000 cars accessible
11 and 40,000 people making a living off that 13,000
12 caps, if you cap the number to 60,000, 80,000, that
13 means there's still 240 drives they could add and
14 still make a living. Capping the number doesn't cut
15 a driver's living. I just wanted to point out that
16 fact, and I also wanted to point out the omissions
17 that they Commissioner made when pointing out the
18 fact about the revenue. Okay, in 2016, it was when
19 they switched from a data issue, when they switched
20 from the—when the summons were issued from the date
21 of issued to the date of conviction. That pushed
22 back all the summons for up to two years. So, that
23 revenue decline does not actually truly represent the
24 amount of summons that will be issued in the future.
25 Another number you were arguing with the Commission—

2 Commissioner for was about how many summonses was
3 issued for livery drivers in Bronx and in Manhattan.
4 I just wanted to point that most of those issues for
5 Bronx drivers were issued in Upper Manhattan, which
6 would fall under the Manhattan jurisdiction, which
7 skews the number of how unfairly they have been
8 targeted, and last they will always say Uber is
9 cheaper, which is a complete fallacy. How much does
10 Yellow Cab cost to go to JFK? \$65.00. With a tip
11 \$70.00. This is the price right now from Downtown
12 Manhattan to JFK, \$79.00, which is more than a Yellow
13 Cab. Now, Commissioner Joshi sat here and said: It
14 is cheaper than a Yellow Cab. How is \$79.00 cheaper
15 than a Yellow Cab? How much does the driver get?
16 \$43.00 because [bell] because there's no toll. Thank
17 you.

18 JOSE RODRIGUEZ: [Speaking Spanish]

19 [pause]

20 CHAIRPERSON DIAZ: [off mic] Where's
21 Jenny? [background comments, pause]

22 JOSE RODRIGUEZ: [Speaking Spanish]

23 TRANSLATOR: Good afternoon. My name is
24 Jose Rodriguez. I'm the President of--

25 JOSE RODRIGUEZ: [Speaking Spanish]

2 TRANSLATOR: --I want to--I want to thank
3 you for the opportunity to thank Ruben Diaz.

4 JOSE RODRIGUEZ: [Speaking Spanish]

5 TRANSLATOR: President of the Committee
6 and the members of the Committee--

7 JOSE RODRIGUEZ: [Speaking Spanish]

8 TRANSLATOR: --to allow me today to
9 express myself and give us the opportunity.

10 JOSE RODRIGUEZ: [Speaking Spanish]

11 TRANSLATOR: --to explain to everyone here
12 and explain the problems that we are encountering.

13 JOSE RODRIGUEZ: [Speaking Spanish]

14 TRANSLATOR: I agree with the proposition
15 that our councilmen Adriano Espaillat on dismantling
16 TLC.

17 JOSE RODRIGUEZ: [Speaking Spanish]

18 TRANSLATOR: Because it's an agency that
19 is not state or federal.

20 JOSE RODRIGUEZ: [Speaking Spanish]

21 TRANSLATOR: For them to do what they're
22 doing on more than 100,000-150,000 drivers.

23 JOSE RODRIGUEZ: [Speaking Spanish]

24

25

2 TRANSLATOR: To remove a driver from its
3 vehicle handcuffed in front of everyone, they are not
4 New York Police Department.

5 JOSE RODRIGUEZ: [Speaking Spanish]

6 TRANSLATOR: I would like also for the
7 Council and the Committee to annul the double fines--

8 JOSE RODRIGUEZ: [Speaking Spanish]

9 TRANSLATOR: --because one person cannot
10 be found guilty twice.

11 JOSE RODRIGUEZ: [Speaking Spanish]

12 TRANSLATOR: We would also like for the
13 Committee to do a revision on the laws picking up in
14 the street.

15 JOSE RODRIGUEZ: [Speaking Spanish]

16 TRANSLATOR: So, they would allow us to
17 pick from 125th and up from Manhattan to the Bronx.

18 JOSE RODRIGUEZ: [Speaking Spanish]

19 TRANSLATOR: To do a cap on the remaining
20 license plates and driver license. [bell]

21 JOSE RODRIGUEZ: [Speaking Spanish]

22 TRANSLATOR: To authorize that
23 responsibility to the Department of DMV--

24 JOSE RODRIGUEZ: [Speaking Spanish]

2 TRANSLATOR: --to regulate the campaign
3 for Uber, Lyft, et cetera, et cetera--

4 JOSE RODRIGUEZ: [Speaking Spanish]

5 TRANSLATOR: --on pricing of over more
6 than 150,000 drivers--

7 JOSE RODRIGUEZ: [Speaking Spanish]

8 TRANSLATOR: --because for them it
9 doesn't exist. No type of regulations as it exists
10 on us taxi drivers.

11 JOSE RODRIGUEZ: [Speaking Spanish]

12 TRANSLATOR: An example.

13 JOSE RODRIGUEZ: [Speaking Spanish]

14 TRANSLATOR: When a new taxi driver is
15 going to take out his license--

16 JOSE RODRIGUEZ: [Speaking Spanish]

17 TRANSLATOR:

18 JOSE RODRIGUEZ: [Speaking Spanish]

19 TRANSLATOR: --he doesn't go recommended
20 by Uber.

21 JOSE RODRIGUEZ: [Speaking Spanish]

22 TRANSLATOR: The driver has to wait 30
23 days for an approval on his license--

24 JOSE RODRIGUEZ: [Speaking Spanish]

25

2 TRANSLATOR: --but when a new licensee
3 goes recommended by Uber--

4 JOSE RODRIGUEZ: [Speaking Spanish]

5 TRANSLATOR: --they get an immediate
6 approval.

7 JOSE RODRIGUEZ: [Speaking Spanish]

8 TRANSLATOR: We have to make a cause-we
9 have to comply with a cause for wheelchair accessible
10 and which we have to pay \$75.00.

11 JOSE RODRIGUEZ: [Speaking Spanish]

12 TRANSLATOR: They do not have to comply.

13 JOSE RODRIGUEZ: [Speaking Spanish]

14 TRANSLATOR: I think these are some of
15 the reasons.

16 JOSE RODRIGUEZ: [Speaking Spanish]

17 TRANSLATOR: Here in the city of New York
18 we have to regulate them.

19 JOSE RODRIGUEZ: [Speaking Spanish]

20 TRANSLATOR: With the agency of Taxi and
21 Limousine--

22 JOSE RODRIGUEZ: [Speaking Spanish]

23 TRANSLATOR: --only within the state of
24 New York TLC exists.

25 JOSE RODRIGUEZ: [Speaking Spanish]

2 CHAIRPERSON DIAZ: [Speaking Spanish].

3 Ladies and gentlemen, this first hearing of the For-

4 Hire Vehicle started at 10:00 a.m. It is now 15

5 minutes after 3:00. We have done the first meeting.

6 I thank the Commissioner, I thank Congressman

7 Espailat and all of the assistants and the people in

8 attendance, and all thank all the ones that took

9 their time to participate. So, as the Chairman of

10 this committee, I call this hearing closed. [gavel]

11 Thank you. [applause]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 25, 2018