

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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September 10, 2019

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HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Ydanis Rodriguez  
Chairperson

COUNCIL MEMBERS: Fernando Cabrera  
Ruben Diaz, Sr.  
Donovan J. Richards  
Peter Koo  
Deborah Rose  
Carlos Menchaca  
Antonio Reynoso  
Brad Lander  
Chaim M. Deutsch  
I. Daneek Miller  
Rafael L. Espinal, Jr.  
Mark Levine  
Stephen T. Levin

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

Bill Heinzen  
Acting Commissioner  
New York City Taxi and Limousine  
Commission

Rodney Stiles  
Acting Deputy Commissioner for Policy  
& External Affairs  
New York City Taxi and Limousine  
Commission

Brendan Sexton  
Executive Director  
Independent Drivers Guild

Aziz Bah  
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Paul Climus  
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Tina Raveno  
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Raymond Wayne

National Federation of the Blind  
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Betari Desai

Executive Director  
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Seri Angelis

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Peter Maser

General Counsel  
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of Trade

Joseph Collela

New York Building Congress

Scott Rutter

Vice President  
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Brian Lozano

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Roseny F. Celestine

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Uber Driver

Henry Chin  
App Based Driver  
Steward of Independent Drivers Guild

Shohan Naman

Charles Mitchell

Steven Pollack

Sabu Sadivi

Mohammed Tepisultan

Richard Chow

Wayne Chin

Sloan Wells

Anne Bernice Roseron

Raul Rivera

eee



1  
2           PEDRO LUGO: Mic check, mic check. This  
3 is the Committee on Transportation. Today's date is  
4 September 10, 2019, recording done by Pedro Lugo,  
5 located in the Council Chambers. [pause]

6           CHAIRPERSON : [gavel] Good afternoon and  
7 welcome to today's hearing on the Council Committee  
8 on Transportation. I'm Ydanis Rodriguez, former taxi  
9 driver at [inaudible] service and Bell Car Service,  
10 when I was the number 112. But at a time where it  
11 only took for my brother-in-law and I to get \$2000,  
12 go to Jersey, buy a Chevrolet Impala, get like a few  
13 hundred dollars permit from the TLC and let's get  
14 ready to work, especially in the South Bronx and  
15 Washington Heights. Today in 2019 we are dealing  
16 with a different story, a story where we need to  
17 stand for the drivers, a story where we need to bring  
18 together all the sectors of the industry to be sure  
19 that we address a crisis that didn't happen  
20 overnight, but a crisis that we have the capacity and  
21 we should have the will to address it in our city.  
22 Today we will be conducting an oversight hearing  
23 focusing on the Taxi and Limousine Commission and  
24 their implementation of several Local Laws the  
25 council has passed over the past year and it

1 [inaudible] strengthen the taxi and for-hire vehicle  
2 industry. But first let me recognize my colleagues  
3 who are here with us today. Council Member Cabrera,  
4 Diaz, Richards, Koo, Rose, and Menchaca. And thank  
5 you, Menchaca, also for leading the press conference  
6 today together with the speaker standing for the  
7 immigrants of our great city of New York. We all  
8 know that the industry has been in a state of turmoil  
9 over the last several years. We have seen taxi  
10 medallions skyrocket in value and then come crashing  
11 down, wiping down the entire investment and leading  
12 many drivers to file for bankruptcy. We have seen  
13 the rapid growth in the for-hire vehicle sector and  
14 how we have a negative economic impact on all drivers  
15 as their incomes have fallen due to the increased  
16 competition for passengers. We have seen how the  
17 number of cars saturating our roads have led to  
18 environmental concerns for our city, especially  
19 around congestion, and sadly we have seen number  
20 drivers take their own lives because they had lost  
21 hope for a better tomorrow. In response, the City  
22 Council has taken several steps during this  
23 legislative session to try to alleviate some of these  
24 concerns. Among the many important steps that the  
25

1 council has taken there are a few that I would like  
2 to highlight. Local Law 147 of 2018 requested TOC to  
3 conduct a study on the impact of the for-hire  
4 vehicles, that the for-hire vehicles bill could have  
5 on the city and authorize a commission to establish  
6 and revise vehicle utilization, standards for higher  
7 volume for hire services. It also put a pause on the  
8 insurance of a new for-hire vehicle license while TLC  
9 ~~erformed~~performed the study. This [inaudible]  
10 moratorium was recently extended by TLC and I want to  
11 be clear that from the beginning I've been asking for  
12 TLC also to work, we are another sector that we  
13 cannot leave left behind, which is the livery taxi  
14 sector that many also has been impacted by this  
15 crisis after 2014. Many of them have been closing,  
16 many of them have 500 drivers affiliated with them,  
17 700, and the number been going to 300, and I hope  
18 again that working with TLC we can find a way of how  
19 to be helpful. So I say I will always be there for  
20 the yellow taxi drivers, even though I represent an  
21 area that is mainly Uber, Lift, and livery drivers,  
22 but I will always be standing for all drivers,  
23 yellow, but also the for-hire, not only drivers but  
24 also those ~~s~~ bases that we have in many areas in the  
25



1 city, especially in Washington Heights and South  
2 Bronx. The council also passed Local 150 of 2018,  
3 which required TLC to establish minimum payments to  
4 for-hire vehicles drivers and authorize establishment  
5 of minimal rates of a fare. As a result of this law  
6 TLC promulgates driver pay rules in December 2018  
7 that went into effect early this year. Many of you  
8 also saw the article in the Times today about the  
9 drivers affiliated with Uber and Lift and the need  
10 that we have as a society to treat those drivers not  
11 as independence but drivers that they should get all  
12 the benefit provided by those institution that hire  
13 them. The council also passed Local 149 of 2018,  
14 which create a new license category, category of high  
15 volume for-hire vehicles that dispatch more than  
16 10,000 trips on a daily basis. Local Law 2019 of  
17 2018 created an Office of Inclusion within TLC to  
18 promote diversity, inclusion, and cultural  
19 sensibility in the taxi and for-hire vehicle  
20 industry. The council also passed Local 2020 of 2018  
21 which required TLC to provide the licenses drivers,  
22 the licensed drivers, with financial and mental  
23 health counseling and referrals to nonprofit  
24 organizations for additional assistance and services.  
25

1  
2 Last year the council also passed Local 212 of 2018,  
3 a bill that I sponsored which created a task force to  
4 study the sale prices of taxi medallions and  
5 recommend changes to the law, rules, regulation, and  
6 policies relating to medallions. This task force has  
7 already been assembling and its members are currently  
8 meeting ~~peroidically~~periodically to perform its work.

9 I also want to share with everyone that I also  
10 introduced a language for the law to create also a  
11 livery taxi, a task force including the corporate car  
12 and black car that we should also dedicate same time,  
13 same energy to bring a group of experts to also  
14 discuss how those livery bases have been impacted and  
15 how we as a city also has responsibility to stand for  
16 them. Council Member Steve Levin and I have been  
17 appointed by the Speaker Johnson to serve as co-  
18 chairs, that TLC also has a representative and also  
19 there is a voice of the drivers in different sectors  
20 who has expertise addressing this crisis. Earlier  
21 this year the council passed Local 10 of 2019 which  
22 required the TLC or another agency or office  
23 designated by the mayor to study the problem of  
24 medallion owner and determine what appropriate  
25 actions need to be taken to address the problem. We

1 know that there are many medallion owners that have  
2 loans with terms and condition that are unaffordable  
3 and payments that are unsustainable. Hopefully this  
4 law will bring some relief to these medallion owners  
5 that are drowning in debt. While much has been done  
6 since the beginning of the, since the last couple of  
7 years to address some of the problems facing the taxi  
8 and for-hire industry, we know that there's a lot  
9 more that needed to be done. Yes, remember 2014 when  
10 we had the package of bill ready to be voted at the  
11 council and unfortunately that was the moment where  
12 Uber and Lift has many meetings and was able to bring  
13 a coalition that throw their support against the cap  
14 that we were trying to vote it in 2014 and many other  
15 legislation. But we cannot go back to 2014. We have  
16 to address where we are today and where are we going  
17 to the future. And we need to stand for the yellow  
18 taxi drivers, for the livery taxi drivers, for all  
19 the stakeholders that we have in this industry  
20 because we need to rescue the taxi industry  
21 limousine, and again as I said this morning I also  
22 feel that we need to have conversation about  
23 ~~reorganizing~~reorganizing this agency. This committee  
24 is committed to finding practical solutions to help  
25

1  
2 all drivers earn a decent living and to improve the  
3 performance and standards across the taxi and for-  
4 hire vehicles sectors in our city. It is my hope  
5 that working together we can continue to explore  
6 options and actions that will help us achieve that.  
7 I would like to welcome the representative of the  
8 administration who are here with us today. Thank you  
9 for being here. And I now ask the committee counsel  
10 to administer their information and then invite you  
11 to deliver your statements.

12 COMMITTEE COUNSEL: Please raise your  
13 right hand. Do you affirm to tell the truth, the  
14 whole truth, and nothing but the truth in your  
15 testimony before this committee?

16 ACTING COMMISSIONER HEINZEN: I do.

17 COMMITTEE COUNSEL: And to respond  
18 honestly to council member questions?

19 ACTING COMMISSIONER HEINZEN: I do.

20 OK, good afternoon, Chair Rodriguez and  
21 members of the Committee on Transportation. With me  
22 today is Rodney Stiles, the head of TLC's policy and  
23 external affairs division. Rodney, ah, was  
24 personally involved in overseeing working with DOT  
25 and the study that was mandated by City Council to

1 study the impacts of the for-hire vehicle industry.

2 I'd like to provide an overview today of TLC's

3 implementation of several recent pieces of

4 legislation regulating the for-hire vehicle industry,

5 including the creation of a special license for high-

6 volume for-hire vehicle companies, combatting

7 congestion from the FHV industry, protecting FHV

8 driver income, and creating a new Driver Assistance

9 Center. New York City serves a model for other

10 cities in the US and around the world struggling to

11 respond to the seismic shifts in for-hire

12 transportation over the last several years. New York

13 City continues to lead the way in developing and

14 implementing smart data-driven policies that benefit

15 our city, the riding public, and the drivers who

16 transport them. About a year in August of 2018 the

17 City Council passed Local Law 149, authorizing the

18 TLC to issue a high-volume for-hire service license

19 to companies that dispatch at least 10,000 trips per

20 day. The companies that fall within this definition

21 are currently the four major app-based for-hire

22 service providers, Juno, Lift, Uber, and Via. Local

23 Law 149 established the term of the licenses, two

24 years, and authorized TLC to set a fee for the

1 license, which we set at \$380,000. Since then TLC  
2 has undertaken the rule-making necessary to implement  
3 the legislation and to create this new license type.  
4 The applications were due earlier this year. TLC is  
5 completing a review of the applicants' business  
6 plans, impact analyses, and also revealing each  
7 company's compliance with TLC rules and Local Laws,  
8 including our accessibility mandates. Later this  
9 fall we will make a final determination regarding the  
10 issuance of licenses based on a combination of these  
11 factors. This new license category has already a  
12 very useful tool, allowing TLC to create more fine-  
13 tuned regulations that account for the different  
14 impacts of for-hire businesses of different sizes  
15 have on our city. And in response to widespread  
16 concerns the drivers were not earning a fair living,  
17 TLC released a report in July 2018 on the economics  
18 of the app dispatching companies. The report found  
19 that more than 96% of New York City's 85,000 app  
20 drivers were earning less than the equivalent of the  
21 minimum wage, driven by a combination of low earnings  
22 and high expenses. Drivers, as you know, take on  
23 most of the business costs and risks, particularly  
24 the purchase of, the cost of purchasing or leasing a  
25

1 vehicle, maintaining it, and insuring it. Drivers  
2 had no guarantee of their pay levels or that there  
3 would be enough work to cover these high expenses.  
4 The companies they worked for were adding more and  
5 more drivers to the streets, diluting each driver's  
6 opportunity to earn. The council shared our concern  
7 and passed Local Law 150, sponsored by Council Member  
8 Lander, which empowered TLC to pass landmark driver  
9 pay protection rules, the first of their kind in the  
10 world. After proposing rules and holding a public  
11 hearing, these new protections went into effect in  
12 February of 2019. So today the high-volume for-hire  
13 service companies, the apps, must pay drivers enough  
14 that they gross at least \$27.86 per hour, which  
15 translates into taking home on average \$17.22 an hour  
16 after covering their average expenses. These rules  
17 also for the first time create an incentive for the  
18 app companies to stop recruiting more drivers than  
19 they need because their rates will automatically  
20 increase if they do not keep their existing drivers  
21 busy. These rules are working. Average driver gross  
22 earnings per hour are \$28, which is slightly higher  
23 than the rules require. In the first five months of  
24 the program drivers were taking home an average of  
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1 more than \$750 per money than they would have without  
2 the policy. TLC projected that the rules would  
3 increase a typical driver's earnings by \$9600 per  
4 year. Although we will not know the price, precise  
5 annual impact until the program has been in place for  
6 a year, a review of earnings data thus far puts the  
7 typical driver on track to receive this nearly  
8 \$10,000 a year annual raise. Also passed in 2018,  
9 Local Law 147 required TLC and the Department of  
10 Transportation to evaluate the impacts of the rapid  
11 growth of for-hire vehicles in New York City and to  
12 consider various policy options to address the issues  
13 caused by their uncontrolled growth. The council  
14 paused the issuance of new for-hire vehicles licenses  
15 for one year, and for the first time TLC was given  
16 the authority to limit the number of for-hire vehicle  
17 licenses. Before exercising that power, TLC required  
18 us to propose permanent growth control policies and  
19 to ensure that these policies were in place by August  
20 13, when the prior cap would expire. TLC and DOT  
21 oversaw a groundbreaking study of how various policy  
22 interventions would impact congestion, vehicle  
23 utilization, and driver income. The study found that  
24 vehicles working for high-volume for-hire services  
25



1 were typically cruising empty 41% of the time. It  
2 also found that in the Manhattan core, which is  
3 Manhattan below 96th Street, for-hire vehicles make  
4 up approximately 30% of all traffic. Based on the  
5 data obtained in compliance with Local Laws 147, ah,  
6 mandated quarterly studies on the impact of the  
7 vehicle license cap on ridership, TLC's analysis  
8 showed that after a year of the license cap service  
9 levels did not decline. Trips across the city  
10 continued to increase, particularly in the outer  
11 boroughs while passenger wait times remained  
12 consistent. We have seen no indication that the  
13 license cap had any of the negative impacts predicted  
14 by the app companies ahead of council's vote last  
15 summer. Following the study, TLC extended the cap on  
16 for-hire vehicle licenses for one year. TLC also  
17 created a second cap, which limits how long the high-  
18 volume for-hire vehicle companies can let their  
19 vehicles cruise empty without passengers in the  
20 Manhattan core during peak hours. Taken together,  
21 these caps should meaningfully impact congestion,  
22 increasing speeds in the evening rush hour by up to  
23 10%. To provide a degree of flexibility consistent  
24 with the city's ambitious goals on accessibility and  
25

1 greenhouse gas reduction, the new rules exempt  
2 wheelchair-accessible vehicles from both the license  
3 cap and the cap on cruising and they exempt battery  
4 electric vehicles from the license cap. Further, we  
5 extended the exemption for TLC licensed drivers who  
6 entered long-term lease to own agreements for a  
7 vehicle before the affected date of Local Law 147.  
8 After the first year of the extended license cap we  
9 will evaluate several factors every six months,  
10 including, but not limited to, congestion levels,  
11 driver pay, license attrition rates, and service  
12 across the city. Through that evaluation TLC will  
13 determine whether and how many additional FHV  
14 licenses to issue and whether the cap on cruising is  
15 set at the correct level. TLC has also been hard at  
16 work this year making sure that this city for-hire  
17 fleets are accessible to all New Yorkers. No one  
18 should ever be denied for-hire transportation based  
19 on illegitimate factors such as race, religion, or  
20 disability. In July 2018 Mayor de Blasio and Speaker  
21 Johnson announced support for a new Office of  
22 Inclusion within the TLC, whose mission is to ensure  
23 that all passengers receive the service to which they  
24 are legally entitled. The council then enacted Local  
25

1 Law 2019, sponsored by Councilman Richards, which  
2 empowered the office to develop antidiscrimination  
3 training for drivers, reinforce the zero tolerance  
4 discrimination policy, raise awareness about service  
5 refusals, and streamlined the complaint process. Our  
6 office has met with civil rights, disability, and  
7 driver stakeholder groups, including the NAACP,  
8 Hispanic Federation, National Action Network and  
9 Taxis For All to discuss how we can collaborate and  
10 effectively spread awareness of the issue of service  
11 refusals and discrimination. TLC has conducted focus  
12 groups with drivers from each sector of the  
13 ~~industry~~industry to discuss the issue of service  
14 refusals, discrimination, and license  
15 ~~penalties~~penalties for those who illegally refuse to  
16 take a passenger. Staff members have attended  
17 outreach events geared towards both the riding public  
18 and our drivers. Currently public service  
19 announcements on how to file service refusals  
20 complaints are circulating on all Link NYC kiosks.  
21 In addition to our print campaign, we've created a  
22 video that shares stories from two passengers about  
23 their experiences with discrimination in the taxi and  
24 for-hire vehicle sectors. It also spotlights two  
25

1 drivers with exemplary service records to tell their  
2 stories of how and why they provide service to  
3 everyone. This video plays at TLC facilities and is  
4 used at stakeholder and community meetings with  
5 drivers and the riding public. We are also engaging  
6 marketing experts to design and deploy a passenger  
7 awareness campaign, ensuring that New York City  
8 residents and visitors are aware of their right to  
9 for-hire service. We look forward to reporting more  
10 progress on our work with the office, um, on our work  
11 with the Office of Inclusion and our one-year report  
12 to council that is required by Local 219. Um, last  
13 year council enacted Local Law 148, which waived the  
14 vehicle license fee of \$275 for any taxi or for-hire  
15 vehicle that is used as a wheelchair-accessible  
16 vehicle. By reducing the financial obstacle to  
17 vehicle owners who want to provide accessible service  
18 to passengers the law furthers the city's overarching  
19 for-hire vehicle accessibility policy. For many  
20 years people who use wheelchairs were not able to  
21 access for-hire service. The inequity of that  
22 situation became even more dramatic with the  
23 introduction of dispatching apps, which are offering  
24 passengers to who do not use wheelchair service  
25

1 across the city at the touch of a button. Obviously  
2 at the same time the number of accessible yellow cabs  
3 was greatly increasing with a corresponding lack of  
4 new for-hire vehicle, new accessible for-hire  
5 vehicles. After extensive consultation with  
6 disability advocates and induce stakeholders in 2017  
7 TLC approved rules that made New York City the first  
8 in the nation to require the for-hire vehicles,  
9 including the app-based services, to provide  
10 meaningful wheelchair-accessible service.  
11

12 Implementation was delayed because several members of  
13 the for-hire vehicle industry brought litigation  
14 against our accessibility rules. After that ligation  
15 was resolved the right to accessible for-hire service  
16 became a reality on January 14. Bases must also  
17 provide TLC with data on passenger wait times for  
18 both accessible and nonaccessible trips, complaints,  
19 and trip costs, as well as fulfillment and  
20 cancellation rates. This data enables TLC to measure  
21 compliance and learn whether the policy is making the  
22 impact that we projected. Nine months later we are  
23 seeing that the policy is already making a  
24 difference. Whereas at the beginning of this  
25 administration there were approximately 50

1 wheelchair-accessible for-hire vehicles and people  
2 requesting accessible service usually found  
3 themselves without a ride, there are now over 900  
4 wheelchair-accessible vehicles. Before TLC's rules  
5 many companies, including the largest services,  
6 explicitly restricted their accessible service to  
7 individuals who could climb into and out of foldable  
8 wheelchairs that would fit in the trunk of a for-hire  
9 vehicle. Today they now provide fully wheelchair-  
10 accessible services and are providing them, serving a  
11 majority of requests in under 15 minutes. Much work  
12 remains to be done on this program. It is in the  
13 early days. We believe there is much more demand for  
14 this service and the companies are going to have to  
15 adjust to meet that demand. Companies are going to  
16 have to continue to improve their wait times and  
17 they're going to have to make sure that members of  
18 the public know about their right to this service,  
19 but we are proud of the significant progress made to  
20 date and we are optimistic that continued monitoring,  
21 enforcement, and outreach will further improve  
22 service to where it needs to be. In addition to  
23 addressing driver income, congestion, and  
24 accessibility, council also in the last year called  
25

1 on TLC to increase the services available for drivers  
2 struggling in the changing for-hire industries.

3 Enacted in December 2018, Local Laws 218 and 220

4 required that TLC in consultation with the Department

5 of Consumer Affairs and Worker Protection and the

6 Department of Small Business Services to provide

7 services and information to assist TLC-licensed

8 drivers and vehicles as well as individuals looking

9 to enter the industry. The legislation requires

10 services including, but not limited to, financial

11 counseling, mental health services, and referrals to

12 nonprofit organizations or other entities that may

13 provide additional assistance to drivers and owners.

14 TLC and our sister agencies brought several services

15 to the drivers directly at dozens of events citywide,

16 but through this outreach we identified the need to

17 expand beyond the requirements of the legislation and

18 to meet the needs of drivers and fulfill council's

19 goal. As announced in June of this year, the city is

20 creating a new Driver Assistance Center that will

21 have onsite staff offering financial counseling and

22 debt restructuring assistance, financial advocacy,

23 referrals to health services, and screening for

24 public benefits. This center will be located at our  
25

1 Long Island City facility and will be open to all of  
2 our drivers. We are also in the process of creating  
3 a new business practices accountability unit. The  
4 unit's mission will be to protect medallion owners  
5 and TLC drivers from unfair practices by businesses  
6 that fall under TLC regulation. The unit will be  
7 tasked with increasing accessibility and transparency  
8 of business practices in the for-hire transportation  
9 sector. To promote sound business practices, the  
10 unit will investigate violations of TLC rules and  
11 relevant local, state or federal regulations. It  
12 will be fully incorporated into TLC operations,  
13 working with other divisions, including licensing and  
14 prosecution on any necessary revisions to the  
15 licensure and renewal process and insisting,  
16 assisting in the investigation of right upper  
17 extremity violations by TLC licensed businesses, and  
18 also educating drivers of their rights when working  
19 with a TLC licensed business. We are currently  
20 staffing up this unit and we plan to have it fully  
21 operational in the coming months. Finally, in  
22 February of 2019 the council directed TLC to  
23 promulgate driver protection and disclosure rules  
24 regarding leasing, rentals, lease-to-own, and  
25



1 conditional purchase agreements to obtain an FHV for  
2 use with a license issued by the commission. TLC  
3 rules have long included transparency requirements  
4 for financial transactions between drivers and yellow  
5 taxi owners. These requirements provide yellow taxi  
6 owners the information to understand all charges the  
7 fleet may impose and allow TLC to effectively  
8 investigate allegations of fleet overcharge.  
9

10 Previously the FHV sector did not have these same  
11 requirements and TLC, TLC's driver protection unit  
12 was not always able to have the tools addressed valid  
13 concerns brought to us by for-hire vehicle drivers.

14 Since December of last year TLC's transparency rules  
15 now apply to all for-hire vehicle bases regardless of  
16 size. As a result of driver complaints received, our  
17 driver protection unit has to date helped taxi and  
18 for-hire vehicle drivers recover more than 3.2  
19 million dollar. But even with the added protection  
20 provided by the transparency rules, drivers remain  
21 concerned about high leasing costs. We have heard  
22 these concerns at hearings and in meetings and we are  
23 actively investigating this matter. We are directing  
24 FHV leasing companies to provide us with information  
25 and data to better understand the practices of

1 leasing companies, including the costs and types of  
2 the arrangements offered. We are particularly  
3 interested in finding out whether lease costs have  
4 increased recently and whether the leasing terms that  
5 are being offered to drivers are unclear, misleading,  
6 or unfair. Our initial research indicates weekly  
7 leasing prices have not increased in the last year,  
8 but we are gathering more information and will  
9 propose regulation if necessary. It should also be  
10 remembered that our driver pay policy is designed to  
11 account and adjust for increasing driver expenses.  
12 We look forward to sharing our findings with you and  
13 with other stakeholders. Working together, I think  
14 the council and TLC have achieved real benefits for  
15 drivers and passengers. Obviously, important work  
16 remains, but we look forward to our ongoing  
17 partnership, which I consider a true partnership as  
18 we take concrete measures to limit  
19 ~~unpresident~~unprecedented growth in the for-hire  
20 vehicle sector and as we continue developing long-  
21 term solutions for issues resulting from that growth.  
22 Thank you for the opportunity to testify today.

23  
24 CHAIRPERSON RODRIGUEZ: Thank you. I  
25 would like to acknowledge also that we have been

1  
2 joined by Council Member Reynoso, Lander, Deutsch,  
3 Miller, and Espinal. I have a few questions, then we  
4 will have Cabrera being the first one to ask  
5 questions. When it comes to the leasing company told  
6 recently implemented the lease transparency  
7 requirements. How have these rules been working and  
8 is TLC monitoring for compliance?

9           ACTING COMMISSIONER HEINZEN: We monitor  
10 for compliance. One of the best ways to monitor is  
11 when the drivers bring us complaints, and the drivers  
12 have brought us complaints and have sent us leases.  
13 So our driver protection unit receive leases and they  
14 evaluate them. Um, as I said, we are stepping up our  
15 efforts on leases and getting more information, um,  
16 we learn a lot through our complaint-driven process,  
17 but by issuing directives to the companies to get  
18 copies of the leases and to get more information we  
19 hope to learn a lot more and to be able to evaluate  
20 the situation with for-hire vehicle leasing in a more  
21 systematic way.

22           CHAIRPERSON RODRIGUEZ: Would TLC support  
23 a cap on the for-hire vehicle lease amounts, and are  
24 other~~other~~ mechanisms by which TLC could regulate  
25 the lease amounts?

1  
2           ACTING COMMISSIONER HEINZEN: Right now,  
3 really, we're trying to learn more information about  
4 what those, what those lease costs are, and so we're  
5 going to look into that. We have other ways of  
6 accounting for expenses for-hire vehicle drivers,  
7 including if we saw an increase in lease prices we  
8 could increase the amount that the for-hire vehicle  
9 companies need to pay their drivers under our minimum  
10 income policy.

11           CHAIRPERSON RODRIGUEZ: Has TLC like, how  
12 many staff who from the agency is dedicating to be  
13 monitoring any changes in for-hire vehicle lease  
14 prices, and what has TLC learned about those changes?

15           ACTING COMMISSIONER HEINZEN: So in terms  
16 of staff, um, that's a good question. We have, we  
17 have attorneys in our driver protection unit which is  
18 a part of prosecution, um, who are monitoring. We  
19 have people in policy, we have people in external  
20 affairs. I can get you the number of people who are,  
21 who are on this project, but it's not one person or  
22 three people. There are several of us, including  
23 myself, who are looking into this.

24           CHAIRPERSON RODRIGUEZ: OK. How do you  
25 think that, and of course this is a conversation that

1  
2 I, first of all, I appreciate how accessible you have  
3 been, and being open to understanding and having your  
4 knowledge about the livery taxi basis, how can you  
5 describe the situation based on your own knowledge  
6 about the number, their number being going down and  
7 how open have TLC been to sit down with that sector  
8 also to address that situation and to think about on  
9 alternative solution?

10           ACTING COMMISSIONER HEINZEN: So for  
11 several, for several years, um, dating back probably  
12 to the onset of the apps, there has been a decrease  
13 in the number of vehicles and drivers who have been  
14 affiliated with the bases. Um, we did, at our,  
15 before our most recent vote on the extending the  
16 vehicle license cap I did speak with representatives  
17 of the livery industry and said that we were  
18 absolutely willing to meet with them to talk about  
19 whether there might be any unintended consequences of  
20 the vehicle license cap that would fall unfairly on a  
21 livery basis. Um, one of our commissioners made that  
22 point very clearly and committed the TLC to ask the  
23 staff to be sure to look into it. I have met  
24 recently with representatives, several  
25 representatives of the livery community, um, and to

1  
2 understand their concerns. Any, any proposal that  
3 we're able to develop has to be something that keeps  
4 in mind the larger city policies of ensuring lower  
5 congestion, not adding too many vehicles to the road,  
6 accessible service, and coming up with, if, if there  
7 is an approach that has to be an approach that works  
8 for the bases, but that also works for the drivers  
9 and is attractive to the drivers.

10 CHAIRPERSON RODRIGUEZ: Yeah. What was  
11 the number of the drivers that we had registered at  
12 TLC before the app company were allowed to use tech  
13 to do prearrangement and how that number has changed?

14 ACTING COMMISSIONER HEINZEN: So the  
15 number of for-hire vehicle drivers, how has that gone  
16 up?

17 CHAIRPERSON RODRIGUEZ: Yeah.

18 ACTING COMMISSIONER HEINZEN: I'm going to  
19 ask Rodney if you have that.

20 RODNEY STILES: Yeah, it's only, I think,  
21 if we're thinking back to 2012, 2013, ah, we had  
22 roughly 105,000 to 110,000 combined. Back then,  
23 remember taxi and for-hire vehicle drivers, those are  
24 two separate licenses, which I think you were  
25 instrumental in making sure there was just one

1 license, and now it's over 200,000. So it's been an  
2 increase of about 100,000 licensed drivers.  
3

4 CHAIRPERSON RODRIGUEZ: But the livery  
5 was, I know that we have leaders here from the  
6 industry, their numbers of livery bases drivers was  
7 around 40,000, right?

8 RODNEY STILES: Yeah, if you look at the  
9 number of vehicles, the number of for-hire vehicles,  
10 was about 40,000.

11 CHAIRPERSON RODRIGUEZ: 40,000, numbered  
12 38,000, 40,000. So, and as I said before, look, I've  
13 been trying to develop our community around  
14 technology [health] as a top issue. So I'm for  
15 technology. I'm for innovation. I believe that in  
16 the City of New York where we have [cc] family and  
17 tourists, a city where we have 8.7 million New  
18 Yorkers, it's a city of opportunity for everyone.  
19 While we, I've, we've been advocating for years and  
20 years it's also for not only Uber and Lift, but the  
21 other [inaudible] and Juno and the other 73 app  
22 company to also be part of the solution. There is a  
23 problem here and everyone has to do their part, and I  
24 feel again that, as I said before, we need to stand  
25 for the brothers and sisters in the yellow taxi

1 industry, we also need to stand for the drivers who  
2 are behind the wheel driving in those tech company.  
3 And also, as I said before, someone that, as I was  
4 taking classes at City College in the '80s I was  
5 driving a taxi, a livery taxi, in the 1980s. I feel  
6 that today we need to also to look at that situation.  
7 That situation also that probably not intentionally  
8 but also had an impact in the sector related to the  
9 livery taxi and that's something that for me is  
10 something I need help from the, and I will be  
11 advocating together and in that direction will TLC  
12 support the creation of the livery taxi task force as  
13 also we had the one studying the devaluation of  
14 medallion?  
15

16 ACTING COMMISSIONER HEINZEN: We, you  
17 know, we are working with you together on the  
18 medallion task force. We try to be, we try to  
19 provide the information that we have and the  
20 expertise that we have to the extent that we can, so  
21 I don't see any reason why we wouldn't continue to  
22 work with you specifically on every task force. I do  
23 want to see, I would want to see the proposal,  
24 obviously, but the idea, yes.  
25



1  
2 CHAIRPERSON RODRIGUEZ: OK, and it's  
3 something similar. I put the language already to  
4 create a livery taxi and corporate account, a  
5 limousine task force who also dedicate the same  
6 energy and amount of time and study and also how  
7 those two sector also been affected and how we can  
8 work together to be helpful to their situation. What  
9 about the TLC, at the TLC public hearing on its  
10 rules, drivers and representatives from the IDG  
11 mentioned that Lift is prohibiting a driver from  
12 logging into the apps until the driver drives to an  
13 area where demand is higher. How is TLC looking at  
14 that situation? Should we ask all app company, not  
15 only Lift, but Uber or whoever, not to use that  
16 practice so that drivers are not allowed to logged  
17 in, in any particular area?

18 ACTING COMMISSIONER HEINZEN: So we, we  
19 definitely have heard of deactivations. We have  
20 drivers come in and they've shown us on their driver  
21 apps how that works at times, that they're literally  
22 not available for a ride because of the most recent  
23 trip they've done or the part of the city that  
24 they're in. Definitely the, the apps, as we've  
25 always said, the apps have a lot of control in this

1 situation, they have a lot of control over the  
2 drivers and control where the drivers can get trips.  
3 So it doesn't surprise me that they would be able to  
4 do that and that they would do it. We did recently  
5 just start collecting information on the number of  
6 times a driver is deactivated and whether that was a  
7 driver-initiated deactivation or whether it was a  
8 company-initiated deactivation so that's something  
9 where we're getting more data and we're looking at  
10 it.  
11

12 CHAIRPERSON RODRIGUEZ: But we are the  
13 regulatory entity.

14 ACTING COMMISSIONER HEINZEN: Um-hmm.

15 CHAIRPERSON RODRIGUEZ: And I would like  
16 to invite TLC to speak to your, you know, the rest of  
17 your team and to City Hall and as a regulatory entity  
18 I would like to see how we can establish a new rule  
19 that will not allow any app company to deactivate the  
20 app for their own particular interest because at the  
21 end of the day they are thinking about their  
22 investors and we are thinking about the drivers  
23 [applause].

24 ACTING COMMISSIONER HEINZEN: Well said.  
25 And I understand the concern, and we always have to

1  
2 make sure that we don't have the unintended  
3 ~~consequence~~consequence that a reaction by the  
4 companies would simply be to put fewer drivers, to  
5 allow fewer drivers on the platform at one time.

6 CHAIRPERSON RODRIGUEZ: But can we agree  
7 to work on rule or legislation to look at that  
8 situation and address?

9 ACTING COMMISSIONER HEINZEN: I absolutely  
10 agree to work with you.

11 CHAIRPERSON RODRIGUEZ: OK.

12 ACTING COMMISSIONER HEINZEN: We agree.

13 CHAIRPERSON RODRIGUEZ: Thank you.  
14 Council Member Cabrera?

15 COUNCIL MEMBER CABRERA: Thank you so  
16 much to the Chair. Commissioner, welcome, it's good  
17 to see you. Thank you for your leadership as the  
18 acting commissioner. I have some random but  
19 important questions here, ah, and they're not  
20 necessarily in order of importance. Ah, but I'm just  
21 curious. I know there's a new policy that does not  
22 allow for rooftop advertisement. Is there a  
23 particular reason? I mean that's like a staple of  
24 New York City, I mean, you can't see a movie where  
25 you don't see, ah, a cab driver without their rooftop

1 advertisement. I don't think there was a problem  
2 previous to that and it's a good source of income  
3 that will help our taxi drivers.  
4

5 ACTING COMMISSIONER HEINZEN: So thank  
6 you for that. Ah, it's not a new policy, we, the TLC  
7 for 20 or 25 years has prohibited exterior advertising  
8 on for-hire vehicles and we were sued, the city was  
9 sued a few years ago. As a result of that lawsuit a  
10 trial court judge enjoined us from enforcing our  
11 rule. The city then appealed. The city won on  
12 appeal. Now there's been a petition for rehearing by  
13 the other party. So it's sort of caught up in the  
14 litigation maze, but it's, we have been, we have been  
15 told by the court of appeals that our original policy  
16 is constitutional. Um, I've heard a lot of people,  
17 people have talked about advertising. I would just  
18 say, and I think you'll appreciate this, that we've  
19 got 85,000 app cars, we've got more, we've got  
20 120,000 for-hire vehicles on the road. We've got,  
21 um, before we, the city puts that much advertising on  
22 the street you would want to know what you're getting  
23 and how you're getting it and who's getting it. I've  
24 seen assertions in the media that drivers can make  
25 this much or this much. What I know right know is

1  
2 ~~that~~ there were 70 different vehicles licensed  
3 under this. So there's not a huge universe of  
4 people. I don't know how much the drivers actually  
5 get from that. What I've seen, what we've all seen  
6 in the yellow sector is we put the ads on the car,  
7 the money maybe it goes to the fleets. The drivers  
8 don't benefit from it. So I would, so I would think  
9 so many times TLC licensed drivers have had people  
10 come along, have had companies come along and say,  
11 you know, this is promised land, I'm going to bring  
12 you there. And then they don't quite get there and  
13 the details aren't very clear, but at that point, you  
14 know, so, we don't want to buy a pig in a poke is  
15 what I'm saying. You'd need to know exactly what  
16 drivers were actually able to get out of this. You'd  
17 need know, you'd need to be, you'd want to see  
18 guarantees, etc. I haven't seen that. What I've are  
19 media reports.

20 COUNCIL MEMBER CABRERA: Can you  
21 institute a policy that would force the companies and  
22 the fleet owners, ah, 'cause they're not all fleet  
23 owners, but in that circumstance you're talking about  
24 it will directly benefit the driver?  
25

1                   ACTING COMMISSIONER HEINZEN: Ah, we  
2  
3 might be able to do that. I'm not sure. I'm not  
4 sure if they're offering to do that at this point.  
5 Because you would want to, you would want that to be  
6 locked in. We're, we're meeting on this issue, so  
7 this is not, um, I'm looking, I haven't seen the  
8 evidence, I haven't seen the proof. You know, I want  
9 to see it in writing. We haven't seen that. I'm  
10 confident that...

11                   COUNCIL MEMBER CABRERA: OK, we'd love  
12 to...

13                   ACTING COMMISSIONER HEINZEN: I'm  
14 confident, especially after saying this out loud, I'm  
15 pretty confident that I'm going to start getting some  
16 written proposals.

17                   COUNCIL MEMBER CABRERA: We'd love to  
18 follow up on that. Can you explain to us the  
19 difficulty, ah, if any, of putting a cap on drivers  
20 with licenses? [applause] So, normally we'd just go  
21 like this, all right? So, ah, is there a particular  
22 reason why?

23                   ACTING COMMISSIONER HEINZEN: Well TLC,  
24 we just got the power to cap vehicle licenses last  
25 year. We got it from you, and you have the power to

1 cap vehicle licenses and the state does. In terms of  
2 capping driver licenses, that's not a power that TLC  
3 has and, you know, my understanding from lawyers is  
4 that's not a power that City Council has, that that's  
5 something that would have to be done by state  
6 legislation.

8 COUNCIL MEMBER CABRERA: So you're saying  
9 it's only the state can make that policy law?

10 ACTING COMMISSIONER HEINZEN: That's my  
11 understanding.

12 COUNCIL MEMBER CABRERA: So, you know,  
13 we'll talk to our lawyers here, talk to the  
14 administration council, ah, 'cause that's something  
15 that I'm really very interested, if it is possible  
16 would that be something that you see that it will be  
17 profitable?

18 ACTING COMMISSIONER HEINZEN: I think,  
19 we're, I'm always willing to discuss issues with you  
20 and with any of the council members. I'm not  
21 convinced that that's, that is something that is  
22 going to directly help the drivers.

23 COUNCIL MEMBER CABRERA: I'm just looking  
24 at the correlation that if it is, we saw a benefit  
25 with putting a cap on the cars that it would seem

1  
2 logical and reasonable a correlation with, ah, with  
3 the driver's license, those with a driver's license.  
4 So it would be on parent.

5           ACTING COMMISSIONER HEINZEN: I would  
6 also point out that we don't have a large rush of  
7 drivers entering the situation anymore. It's not,  
8 things have changed ~~drastieially~~drastically since a  
9 year ago and we now, as you know, Uber and Lift and  
10 some of the other larger companies have stopped  
11 accepting new driver applications. So drivers are  
12 still coming through the system and seeking licenses,  
13 but nothing like the numbers that we saw before.

14           COUNCIL MEMBER CABRERA: But what about  
15 car services? They're hiring? Is there an increase,  
16 decrease?

17           ACTING COMMISSIONER HEINZEN: Ah, we get,  
18 as I said, we still are getting, we're still  
19 getting...

20           COUNCIL MEMBER CABRERA: Data?

21           ACTING COMMISSIONER HEINZEN:  
22 Applications for driver licenses every month. The  
23 non-high-volume sectors like the car services,  
24 they're, you know, they're smaller organizations so  
25 they're responsible for hiring fewer drivers.



1  
2           COUNCIL MEMBER CABRERA: I would love to  
3 see some kind of empirical study that would show  
4 what, what correlation and what numbers will make  
5 sense between, ah, between cars and drivers. There  
6 has to be like a magic number, it doesn't have so  
7 magical, that makes sense, that will, ah, will give  
8 us the greatest potential, will meet the need, ah,  
9 and at the same time we don't have so many that puts  
10 either companies at advantage and drivers at  
11 disadvantage.

12           ACTING COMMISSIONER HEINZEN: And I would  
13 just say I don't have that magic number. But I do  
14 know that one of the, one of the great functions of  
15 the license cap that we put in place after being  
16 authorized by you to do it is it's not permanent,  
17 it's something where we collect a lot of data on an  
18 ongoing basis and we're going to review that for, um,  
19 is there an impact on driver income, is there an  
20 impact on congestion, are there impacts on citywide  
21 service and with that, that helps us make the  
22 determination about whether there should be more or  
23 fewer driver licenses.

24           COUNCIL MEMBER CABRERA: That might be  
25 something that, ah, the chair mentioned earlier, ah,

1  
2 with the new task force maybe something to, you know,  
3 it could be a part of the agenda and the task force  
4 to look at so we could have all the data. But it  
5 seems from the driver's point of view, ah, almost  
6 every driver that I'm talking to, that this is  
7 paramount, that it's a necessity for that to take  
8 place. You know, they get the sense that there's  
9 just too many drivers. So, um, one more, ah,  
10 question...

11                   ACTING COMMISSIONER HEINZEN: I don't,  
12 and I don't think anyone disagrees that we are in a  
13 situation where there are too many drivers and too  
14 many vehicles.

15                   COUNCIL MEMBER CABRERA: OK, thank you  
16 for that. Um, can you talk to us about companies  
17 that are buying all these medallions? What's your  
18 sense what impact that would have, ah, on the  
19 industry?

20                   ACTING COMMISSIONER HEINZEN: I know that  
21 it's been reported that there are, you know,  
22 companies that have purchased hundreds of medallions.  
23 I'm not aware of what they're, I can't really predict  
24 the impacts would be.

2 COUNCIL MEMBER CABRERA: Do you, do you  
3 have data as to how many? Do you track that?

4 ACTING COMMISSIONER HEINZEN: So we have,  
5 we have, ah, data, we have the transaction data for  
6 medallion transfers, um, so we could probably get,  
7 ah, I can't guarantee how precise it's going to be  
8 off the top of my head, but we could get a sense of  
9 that.

10 COUNCIL MEMBER CABRERA: I think any data  
11 would help us to see...

12 ACTING COMMISSIONER HEINZEN: OK.

13 COUNCIL MEMBER CABRERA: ...if there's a  
14 trend, if you could please follow up with that.

15 ACTING COMMISSIONER HEINZEN: Um-hmm.

16 COUNCIL MEMBER CABRERA: I think that is  
17 a crucial number for us to understand. You know, I'm  
18 just curious as to the intentionality of it. Is it  
19 because they're so affordable, quote unquote, I'm  
20 putting big quotes there, ah, compared to what it was  
21 years ago, where they see the direction is going in  
22 terms of, I'm afraid that it could get monopolized,  
23 ah, and that's my bigger fear. I have more  
24 questions, but, ah, for the sake of time here, Mr.  
25 Chair I appreciate the time that you allowed me to

2 ask these questions, and Commissioner, thank you, I  
3 appreciate, ah, your demeanor, your tone,  
4 accessibilities, as I mentioned before, and you're  
5 doing a good job. Thank you.

6 ACTING COMMISSIONER HEINZEN: Thank you,  
7 Council Member.

8 COUNCIL MEMBER CABRERA: Thank you.

9 CHAIRPERSON RODRIGUEZ: Council Member  
10 Diaz, followed by Council Member Lander.

11 COUNCIL MEMBER DIAZ: Thank you, Mr.  
12 Chairman [clears throat]. I missed that, let me try  
13 it again. Thank you, Mr. Chairman. Commissioner,  
14 good afternoon.

15 ACTING COMMISSIONER HEINZEN: Good  
16 afternoon.

17 COUNCIL MEMBER DIAZ: How are you doing?

18 ACTING COMMISSIONER HEINZEN: I'm doing  
19 well, thank you very much.

20 COUNCIL MEMBER DIAZ: Is everything going  
21 well?

22 ACTING COMMISSIONER HEINZEN: You know, I  
23 have my ups and downs, like many of us. But I'm  
24 here, right?

25 COUNCIL MEMBER DIAZ: Surviving.

1                   ACTING COMMISSIONER HEINZEN: To quote  
2  
3 Stephen Sondheim, I'm still here.

4                   COUNCIL MEMBER DIAZ: I want to be sure.

5 Let me ask you a question that I, as of today, cannot  
6 understand. Every taxi in the city has a mandated  
7 computer monitoring system that connects them  
8 directly with the central TLC computer. So that  
9 every taxi in the city, so like that you, all data  
10 goes directly to TLC. Could you explain to me why is  
11 it that Uber, Lift, and all other companies are not  
12 mandated as the same way that the taxis are mandated  
13 to carry and to install that system that they report  
14 data directly to you?

15                   ACTING COMMISSIONER HEINZEN: Certainly.

16 So traditionally the meters that we have now, which  
17 are called TPEPs, were put in the yellow taxis to  
18 achieve a few different functions, one of which was  
19 to enable credit card purchases, and we do get trip  
20 data from, we do get trip data from those. Ah, we  
21 also receive trip data from the for-hire vehicle  
22 sector and that goes from neighborhood bases, which  
23 provide us the information, to the, the high-volume  
24 for-hire vehicle service, which is a sector you  
25 created through your legislation where they have to

1  
2 give us a lot more data. Um, again, we receive that  
3 data on a regular basis. When there are issue or  
4 problems with the data we contact the company and we  
5 work those through. I have found, we have found that  
6 we have a lot of tools at our disposal to make sure  
7 that those companies are providing us with accurate  
8 data, including we can send them directives, we can  
9 summons them, I can suspend their license, I can  
10 revoke their license, or I could deny them the high-  
11 volume for-hire services license, again that you  
12 created. Additionally, all of those companies are on  
13 the hook for other charges separate from the city and  
14 separate from TLC but they have to be responsible to  
15 the state for payment of sales tax and they have to  
16 be responsible to the state for payment of the new  
17 congestion ~~surcharge~~surcharge. So there's a lot of  
18 eye son them and on their money and there's a lot of  
19 people with a direct financial stake in making sure  
20 those numbers are right. Also, as these companies go  
21 public they need to, ah, they have more people  
22 looking at them and looking at the numbers and they  
23 have a legal responsibility to their shareholders not  
24 to publish misleading information. I understand the  
25

2 skepticism in your question and among the audience,  
3 but...

4 COUNCIL MEMBER DIAZ: No, Commissioner,  
5 Commissioner, with all due respect, I just want to  
6 find out what it is that the taxis are mandated to  
7 report that daily to you and Uber and Lift and all  
8 those companies are not. I just ask why.

9 ACTING COMMISSIONER HEINZEN: So they're  
10 all mandated...

11 COUNCIL MEMBER DIAZ: Or maybe, or it is  
12 that you don't trust the taxi?

13 ACTING COMMISSIONER HEINZEN: No, that's  
14 not the, that's not the situation. All the companies  
15 are mandated to give us information. In fact, the  
16 app companies are mandated to give us more  
17 information than any other sector.

18 COUNCIL MEMBER DIAZ: So, so, you trust  
19 Uber and Lift to report an accurate and to give you  
20 accurate information?

21 ACTING COMMISSIONER HEINZEN: I'm not  
22 sure if I trust anyone anymore, besides my brother  
23 perhaps, but I would say that I have a lot of systems  
24 in place that help me and help us and also help the  
25 state to verify that information.

2 COUNCIL MEMBER DIAZ: My last, my last  
3 question.

4 ACTING COMMISSIONER HEINZEN: Yes.

5 COUNCIL MEMBER DIAZ: Would you be in  
6 favor see knowing, no, let me ask you one before  
7 that. Would you agree with me that it's unfair for  
8 the drivers to be mandated to report their data to  
9 you and giving Uber and Lift that break?

10 ACTING COMMISSIONER HEINZEN: Well, it's,  
11 when the, when the yellow, I don't think it's that  
12 simple with yellow taxi drivers. Some of the drivers  
13 are owners. Some of them aren't. The obligation is  
14 on either the medallion owner or the agent to be  
15 providing that information. So they're all, everyone  
16 is under an obligation to provide the data.

17 COUNCIL MEMBER DIAZ: OK. Last question.  
18 There are people that are gentlemen here in this  
19 group and many people are, even Congress ~~Member~~  
20 [Paya] one time when I was the president of the  
21 committee, he came in and he asked for the, this  
22 monitor of TLC.

23 ACTING COMMISSIONER HEINZEN: Um-hmm.

24 COUNCIL MEMBER DIAZ: And there are  
25 groups, ah, collecting petition to reform TLC.



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ACTING COMMISSIONER HEINZEN: Um-hmm.

COUNCIL MEMBER DIAZ: Because issues like the one I'm talking to you about, ah, people are treated differently. Liveries in the street are being killed, I mean, killed, not literally, killed with someone with persecution, with, with entrapment, with all kind of tactics, and not [inaudible] to all this. When you say when you agree that, or would you be in favor of having Uber and Lift be forced to install the same computer [in their system] so they could report that daily to you as the taxi drivers are?

ACTING COMMISSIONER HEINZEN: So I, and again that information that we get in taxis is brought to us by the TPEP companies, so there is, there is this sort of intermediary that's collecting the information. If, if, if there were demonstrated a serious problem with the information we're getting from the apps, that isn't happening right now. So before there's another mandate for equipment, which would probably have to be borne by someone and would probably get passed on to the drivers, I don't think there's, I don't think there's a demonstrated need for it.

2 COUNCIL MEMBER DIAZ: All right.

3 ACTING COMMISSIONER HEINZEN: So right  
4 now I would not support it.

5 COUNCIL MEMBER DIAZ: To be, to be fair  
6 and honest and...

7 ACTING COMMISSIONER HEINZEN: Please.

8 COUNCIL MEMBER DIAZ: I want to thank  
9 you. I have a [inaudible] in my office, ah, a person  
10 name Jenny [Mejia], who is responsible to work with  
11 any problem with taxis, and I would like to thank you  
12 for the response and the treatment that you are  
13 giving Jenny and my office to solve taxi problem when  
14 we contact you. Thank you very much.

15 ACTING COMMISSIONER HEINZEN: Thank you.

16 COUNCIL MEMBER DIAZ: Thank you, Mr.  
17 Chairman.

18 COUNCIL MEMBER REYNOSO: Thank you,  
19 Chair. Welcome, Commissioner, and thank you for  
20 being here. Ah, I just want to ask questions  
21 relating to the cruising cap.

22 ACTING COMMISSIONER HEINZEN: Yes.

23 COUNCIL MEMBER REYNOSO: Currently it  
24 says that there's an interest to cap the cruising at  
25 36%?

2 ACTING COMMISSIONER HEINZEN: Ah,  
3 ultimately at 31%.

4 COUNCIL MEMBER REYNOSO: Excuse me?

5 ACTING COMMISSIONER HEINZEN: Ultimately  
6 at 31%, but I'm...

7 COUNCIL MEMBER REYNOSO: Right, but first  
8 36, then 31%.

9 ACTING COMMISSIONER HEINZEN: Correct.

10 COUNCIL MEMBER REYNOSO: So there's not,  
11 ah, the foundational premise that the City of New  
12 York claims it's in a climate crisis.

13 ACTING COMMISSIONER HEINZEN: Um-hmm.

14 COUNCIL MEMBER REYNOSO: Um, and an  
15 emergency. Yet we look to reduce cruising from  
16 around what is 41% right now to by 2020 to 31%, um,  
17 and only during certain times. So the first question  
18 I would ask is do you think that the cruising cap is  
19 a reflection in any way of a city that considers  
20 there is a climate crisis?

21 ACTING COMMISSIONER HEINZEN: I, yes,  
22 absolutely, I understand your question and I can  
23 under, it may or may not sound impressive but in fact  
24 two things that we've done, ah, limiting the number  
25 of vehicle licenses and then actually limiting the

1  
2 ability of the for-hire vehicle companies, the apps,  
3 to operate in Manhattan below 96, which is the most  
4 congested part of New York City, probably in the  
5 country. I think those are absolutely major steps  
6 and those are going to have real impacts on  
7 congestion. Um, we've, we bring it in stages from  
8 41% to 36% and then to 31%. We evaluate this  
9 throughout. I should defer Rodney, who actually is  
10 responsible for this policy and I should let him take  
11 you through it and explain to you the actual benefits  
12 that this will yield. But these are real and, this  
13 is a real and significant policy that is going to  
14 yield amazing results and I believe, you know, we  
15 were empowered to do this by you, by City Council,  
16 and you've heard me say this before...

17 COUNCIL MEMBER REYNOSO: [inaudible]  
18 because I'm...

19 ACTING COMMISSIONER HEINZEN: ...because  
20 this is something that we should be...

21 COUNCIL MEMBER REYNOSO: Commissioner...

22 ACTING COMMISSIONER HEINZEN: I think  
23 that this is something we should be proud of.

24 COUNCIL MEMBER REYNOSO: I'm extremely  
25 limited on time, so I just want to make sure that I

1  
2 can ask my questions, 'cause this is the only thing I  
3 want to address...

4 ACTING COMMISSIONER HEINZEN: Sure.

5 COUNCIL MEMBER REYNOSO: ...at this time  
6 and I'm hoping that the, ah, the chair would, would  
7 give me some time. Ah, we empowered you so that you  
8 can do something that is bold and significant, um, I  
9 personally believe that this cruising cap is  
10 insignificant and, um, would have probably been  
11 something that we could have trended down, ah trended  
12 down with limited, with limited assistance. Um, can  
13 I ask...

14 ACTING COMMISSIONER HEINZEN: I just have  
15 to disagree with you. I think this is bold and  
16 significant and I think we're the first city in the  
17 world to do it.

18 COUNCIL MEMBER REYNOSO: Yeah, that's why  
19 I said to you, that's my personal opinion. So I  
20 agree we disagree.

21 ACTING COMMISSIONER HEINZEN: I  
22 understand, we're very happy to meet with you and  
23 take you through it. I'll set it up this week.

24 COUNCIL MEMBER REYNOSO: So, let's go,  
25 but let's go through a data, data, through data

1 points. Um, I'm going to ask about Uber, Lift, Via,  
2 and Juno. And I hope you have this information  
3 considering this is what we're talking about today,  
4 is what is the current, ah, ah, cruising rates of  
5 Uber independent of the rest of the companies.  
6

7 ACTING COMMISSIONER HEINZEN: Rodney?

8 RODNEY STILES: Uber's cruising rate is  
9 50, or, sorry, the opposite of that, 42%.

10 COUNCIL MEMBER REYNOSO: 43?

11 RODNEY STILES: 42% citywide and...

12 COUNCIL MEMBER REYNOSO: That's 43? You  
13 said?

14 RODNEY STILES: 42, 42.

15 COUNCIL MEMBER REYNOSO: 2, OK.

16 RODNEY STILES: Yeah.

17 COUNCIL MEMBER REYNOSO: And then, ah,  
18 citywide, CBD is the numbers we're using, right? So  
19 we're using the Central Business District numbers?

20 RODNEY STILES: Yeah.

21 COUNCIL MEMBER REYNOSO: So we're saying  
22 41% is average.

23 RODNEY STILES: Yeah.

24 COUNCIL MEMBER REYNOSO: So do you have  
25 the CBD numbers?

2           RODNEY STILES: It's the, I think, I  
3 believe it's 41%.

4           COUNCIL MEMBER REYNOSO: 41%.

5           RODNEY STILES: The largest companies,  
6 they'll often, their number is the industry-wide  
7 number.

8           COUNCIL MEMBER REYNOSO: Ah, OK, so 41%.  
9 So let's say 41. Lift's cruising rate in the CBD?

10          RODNEY STILES: Lift's, I don't, it's  
11 very close to Uber's. I'm sorry, I don't have the  
12 exact number on me.

13          COUNCIL MEMBER REYNOSO: Can I try to  
14 make an assumption to say high 30s, low 40s?

15          RODNEY STILES: Yeah, it's very similar  
16 to the industry.

17          COUNCIL MEMBER REYNOSO: 35 to 45  
18 percent? OK. And then Juno?

19          RODNEY STILES: Juno's is higher, um, I  
20 believe Juno's is, um, 45 or 47 percent, somewhere  
21 around there.

22          COUNCIL MEMBER REYNOSO: All right, we'll  
23 give them a low number at 45. And then Via?

24          RODNEY STILES: Via is at, ah, 13%.

25          COUNCIL MEMBER REYNOSO: Excuse me?

2 RODNEY STILES: 13, one-three.

3 COUNCIL MEMBER REYNOSO: So 13%. OK. So  
4 it looks like, you know, considering 41% I think is  
5 extremely high, if not for Via in this case that  
6 number would be even higher. So Via is assisting in,  
7 in, ah, making it seem...

8 RODNEY STILES: It would be somewhat  
9 higher, but remember having more vehicles Uber has on  
10 the street than Via does.

11 COUNCIL MEMBER REYNOSO: Right, so, so  
12 let's talk about that, um, I think what, the problem  
13 that, that I, I have with this cruising cap and the  
14 approach that the policy you took is more of a just  
15 trying to get this number down and mandating it, um,  
16 for these companies as opposed to incentivizing good  
17 behavior. Instead of giving more opportunities for  
18 companies like Via, or rewarding Via for being at  
19 13%, which shows that there is an opportunity here to  
20 do better and not encouraging or supporting companies  
21 like Juno and Lift and Uber in this case, um, that  
22 have above 40% in the cruising rates, how is it that  
23 we incentivize companies, for example, allowing maybe  
24 Via to get more licenses as opposed to expanding the  
25 licenses on Uber and Lift drivers, for example?



1                   ACTING COMMISSIONER HEINZEN: So I think,  
2  
3 I think one way to answer the question is how do we  
4 disincentivize the apps from their practices and try  
5 to get them to reduce, especially Uber and Lift,  
6 which, you know, are the major players here. And  
7 that is through a series of fines and  
8 ~~penalties~~penalties until they comply with this rule.

9 In terms of, I'm aware that Via has asked to have  
10 more high-occupancy vehicles so it can do more shared  
11 rides. I would just point out that those rides would  
12 overwhelmingly occur in the most congested parts of  
13 Manhattan and currently there are between 22,000 and  
14 23,000, you know, SUVs, FHV, SUVs that are licensed  
15 and available for service, so there's no shortage of  
16 vehicles that are available to Via to dispatch, so  
17 there's no shortage of high-occupancy vehicles.

18                   COUNCIL MEMBER REYNOSO: All right, I  
19 just don't, I just don't understand how we're  
20 treating Via, Uber, and Lift the exact same way even  
21 though they have different practices. Ones, ones  
22 that I wish we could encourage on one side and  
23 discourage on another and that we're just having a  
24 blanket policy to reduce, um, when, you know, if I  
25 was Juno I would just start letting it, you know,

1  
2 doing, they can go up to 40% or up to 31% and suffer  
3 no repercussions for moving from 13% to 31% by 2020.  
4 So what's the incentive for them to continue to do  
5 the good work that they're doing?

6           ACTING COMMISSIONER HEINZEN: So, again,  
7 I would appreciate and offer the invitation, we'll  
8 come to your office any day. I would love to sit, I  
9 appreciate your interest in this, I would love to sit  
10 and talk with you and go through the policy and why  
11 we think this is a great and innovative policy, and I  
12 would also just say that in fact our policies do  
13 treat the app companies different, whether it's  
14 driver income or whether it's this policy, the worse  
15 you do the more you have to pay or the more  
16 disadvantaged you are. So I think, I think we have  
17 built in incentives for all the companies.

18           COUNCIL MEMBER REYNOSO: So I would love  
19 to have an appendectomy to sit with you and have this  
20 discussion, but right now it's not something that I  
21 would support. Ah, I think that we can do better and  
22 I want to just be bold. I don't want a half-step  
23 measures, which I think is kind of how we get  
24 ourselves in trouble. When it comes to the work that  
25 the TLC has historically done it's just do what you

1  
2 want, ah, build behavior through policy changes that  
3 you want instead of just trying to slowly manipulate,  
4 you know, how, how things are moving in a very, in a  
5 very slow. I just think we need to just be bold and  
6 this is one of those places where we could really,  
7 really do something and I don't know if we're going  
8 all the way. But, I have...

9           ACTING COMMISSIONER HEINZEN: I  
10 definitely appreciate your enthusiasm. I'll tell you  
11 that the companies have a very different view and  
12 they think that we're like...

13           COUNCIL MEMBER REYNOSO: [inaudible]

14           ACTING COMMISSIONER HEINZEN: ...just  
15 crucifying them.

16           COUNCIL MEMBER REYNOSO: I work, I work  
17 for the people of the City of New York...

18           ACTING COMMISSIONER HEINZEN: So do I, so  
19 do I.

20           COUNCIL MEMBER REYNOSO: Not for the  
21 companies. So I could care less about what the  
22 companies think. My thing is I appreciate good  
23 behavior.

24           ACTING COMMISSIONER HEINZEN: I am  
25 [inaudible], my point is simply that there are people

1 who think we're being too bold. I think we're being  
2 very bold and I think this is, again, this is a  
3 first-in-the-world policy. I'm incredibly proud of  
4 my team for coming up with this and grateful for the  
5 support of City Council on this, and the mayor.

6  
7 COUNCIL MEMBER REYNOSO: Thank you.

8 ACTING COMMISSIONER HEINZEN: Thank you.

9 COUNCIL MEMBER LANDER: Thank you, Mr.  
10 Chair, and thank you, Commissioner. I want to  
11 appreciate your service and your joke earlier with  
12 Council Member Diaz. You know, this has been a time  
13 of, of, transition and I really appreciate the  
14 leadership that you have been showing to continue to  
15 push forward. We gave you a lot of laws to  
16 implement, a lot of new rules to put in place, a lot  
17 of data to collect, a lot of change to make, um, and,  
18 you know, there's a lot of work still to do, but I  
19 appreciate the leadership that you have been showing.  
20 I want to come to what I think was the, you know,  
21 most significant number in the document and ask just  
22 a little more about it.

23 ACTING COMMISSIONER HEINZEN: Sure.

24 COUNCIL MEMBER LANDER: This testimony  
25 says that, ah, as a result of the implementation of

1  
2 the driver pay law the average driver is on path to  
3 earn \$10,000 a year approximately more than before  
4 the law. Um, earlier data that you had put out was  
5 somewhat less than that, something like \$6000. Our  
6 friends at IDG have asked a question about that and  
7 they're going to testify to it later.

8 ACTING COMMISSIONER HEINZEN: Sure.

9 COUNCIL MEMBER LANDER: So I just wonder  
10 if you could speak to, you know, how you got there,  
11 obviously we'll have an annual report when the year  
12 is done, but just give us a sense of kind of what you  
13 think is shifting as that's moving forward so we can  
14 understand the numbers.

15 ACTING COMMISSIONER HEINZEN: Absolutely.  
16 I'm just going to say something briefly and let  
17 Rodney take you through it, but, you know, our point  
18 is this, this policy is working. Drivers are getting  
19 paid what they're supposed to be getting paid on a  
20 pay-trip basis, on a per-trip basis, and they're  
21 also, the companies are paying it. There were  
22 glitches in the beginning. We monitor on a regular  
23 basis. But the companies are paying what they're  
24 supposed to be paying. The drivers are receiving per  
25 trip what they're supposed to and this is in fact

1  
2 living up to the projections that were contained in  
3 the report that we based our policy and your Local  
4 Law on, um, and Rodney, if you can explain how we get  
5 to the 9400, 9600.

6           RODNEY STILES: Sure, I'm happy to, to  
7 walk you and others here, too. I think that's  
8 something a lot of people are interested in, right,  
9 because it's at heart of people's livelihoods and I  
10 appreciate the vigilance of drivers to like call on  
11 us to, frankly we take a second look at the numbers  
12 and can, you know, explain things a little bit  
13 better. So I think, you know, we have a goal, we're  
14 going to look at the first six months and, so even  
15 before a year we're going to have a look at how the  
16 policy is working more in depth. But in doing more  
17 back of the envelope what we have looked at was the  
18 marginal driver pay per trip, because the policy went  
19 into effect. So basically before the trip each trip,  
20 ah, before the policy each trip was earning a certain  
21 amount and afterwards that amount is higher. I think  
22 what we failed to account for is that actually on  
23 average drivers are doing, are getting more trips per  
24 month. So it's not only that marginal per trip  
25 amount that they're earning, um, above what they were

1  
2 earning before, but there's actually more trips out  
3 there per driver, and so that actually accounts for  
4 the difference between 500 and now, um, as Bill, the  
5 commissioner, mentioned, over 750 per money per  
6 driver which gets us closer, it gets above 9000,  
7 we're going to be monitoring this a lot more closely.  
8 I thank everyone for pointing us to it and,  
9 obviously, as I said, we'll do a six-month check-in  
10 every six months and have a lot more to say. But,  
11 um, [glad] to have taken a second look and understand  
12 actually that it's, it's even better than we were  
13 saying before.

14 COUNCIL MEMBER LANDER: OK. I want to  
15 say thank you for that. Obviously there'll be  
16 additional testimony. We'll keep looking at the  
17 numbers. Look, whether it's \$6000 or \$9000 or  
18 \$10,000 it's a lot more money in drivers' pockets,  
19 ah, and I think we should together, the advocates  
20 from NYTWA, IDG, you guys, and us have made a big  
21 impact here and that's something we should feel good  
22 about. I do want to like expose the dark side of it,  
23 I mean, that's hundreds of millions of dollars that  
24 it suggested that this whole model is based on like  
25 paying people hundreds of millions of dollars less

1  
2 than living wage rate of pay. That was the business  
3 model. We made a good law to correct it to some  
4 extent, but in the vast ~~majo~~ir~~ty~~majority of cities  
5 all around the world, that's what we're talking  
6 about, and I think it is worth just noting that this  
7 data makes it pretty clear. So I'm glad we've got  
8 the right law here, that you're implementing it, that  
9 we'll follow up on it. But, um, you know, but that's  
10 just, that's pretty clear. The chair asked about  
11 this issue that I mostly heard about Lift doing.  
12 Maybe other, ah, platforms are doing it as well, of  
13 kicking drivers off their, ah, their app when they  
14 make a trip out to sort of a far-flung neighborhood  
15 in order to try to keep their utilization rate higher  
16 artificially. That, you know, is a clear violation  
17 of the spirit of the law and the rule, um, and I hope  
18 you're really looking at it aggressively, and I just  
19 want to make clear, I mean, Lift can't have it both  
20 ways. They can't say the whole business model is  
21 based on people being independent contractors because  
22 they don't control the hours the work or the trips  
23 the take and then kick them off the app when it's  
24 inconvenient for them to treat them like independent  
25 contractors, and so, I mean, I guess my question is



1 [applause], my question for you guys on this is, I  
2 mean, I appreciate that you guys are looking at this  
3 issue, asking about it, investigating it. You don't  
4 control the question of how people, whether folks are  
5 employees or independent contractors, but, but do  
6 you, might it be the case that if they are exercising  
7 more control over what people, what trips people  
8 take, separate from the question of looking at our  
9 law, it would raise the issue of whether they push,  
10 are pushing people from being independent contractors  
11 into them exercising the kind of the control that  
12 makes them employees.

14 ACTING COMMISSIONER HEINZEN: So thank  
15 you...

16 COUNCIL MEMBER LANDER: Which I recognize  
17 is not your call to make, but it, it is...

18 ACTING COMMISSIONER HEINZEN: It's not  
19 our....

20 COUNCIL MEMBER LANDER: It's a real  
21 question.

22 ACTING COMMISSIONER HEINZEN: It's not  
23 our call to make. I am an attorney, but, as you  
24 know, the dividing line between independent  
25 contractor and employee is notoriously hard. But as

1  
2 a general rule I think the companies exert an  
3 enormous amount of control over the drivers and I  
4 think that's, that's pretty obvious.

5 COUNCIL MEMBER LANDER: And this would be  
6 an even higher level of control, if they were  
7 increasing the number of trips that, you know, their  
8 ability to determine what trips you took [inaudible].

9 ACTING COMMISSIONER HEINZEN: I agree.

10 COUNCIL MEMBER LANDER: OK. I have a  
11 couple more questions, but I'm glad to, OK, all  
12 right, thank you. Um, ah, this issue that you're  
13 looking at of where people are not being able to  
14 access the apps, I'm hearing more stories also from,  
15 ah, NYTWA about drivers being decommissioned by the  
16 apps for a broader range of ranges, being sort of  
17 booted off without, without cause or explanation. Is  
18 that something that you guys are, are looking at?

19 ACTING COMMISSIONER HEINZEN: That's  
20 something that we have heard, ah, sort of loud and  
21 clear at our hearings. The question that we're  
22 grappling is how, you know, what's the right role for  
23 TLC to be involved in that. Is that something that  
24 driver groups want TLC to take a role in or would  
25

1  
2 they prefer to serve a more union-like function and  
3 be the point of contact with the companies.

4 COUNCIL MEMBER LANDER: OK. And we're  
5 going to be looking at that as well. As you may  
6 know, for fast food workers we're taking up this  
7 question of good cause termination, and I think, Mr.  
8 Chair, we should look at it for the issue of TLC  
9 drivers as well. And then my final question has to  
10 do with leases. Um, you said that you're looking  
11 more deeply at them and at their cost. I shared this  
12 one heartbreaking story with you personally, and this  
13 may be only one person, ah, but it might be a bigger  
14 problem. I got in an FHV, an app-based FHV, I won't  
15 say which, which company, ah, to the airport over the  
16 summer and my driver, um, told me this story, not  
17 knowing that we would be here talking about it or  
18 that I was a council member. He moved here a couple  
19 years ago, I think two, two-and-a-half years ago, did  
20 not at the time have money to buy a car, immigrated  
21 to this country, um, started therefore, got, signed a  
22 lease, signed a long-term lease, got his license, um,  
23 he's been successful, I think partly thanks to our,  
24 our law he was able to save up enough money to buy a  
25 car not knowing that we were going to put a cap on

1  
2 vehicles, a cap that I supported, so, and now he has  
3 to make his lease payments because he's both locked  
4 in a long-term lease but also because that's the only  
5 car that he has available to drive to earn money and  
6 now he has to make his car payments because he bought  
7 a car hoping he was going to be able to start driving  
8 it, but he can't because, and so you know, obviously  
9 whether it's a question of capping the drivers or  
10 whether ~~is~~ it is a question of enabling a pathway for  
11 existing drivers who are driving under leases  
12 [applause] to be able to move into ownership without,  
13 I don't want to increase the number of cars, I really  
14 appreciate we need to be sensitive.

15 ACTING COMMISSIONER HEINZEN: Right.

16 COUNCIL MEMBER LANDER: But nor do I want  
17 to lock people into a kind of lease servitude or as a  
18 result of what we've done drive up leasing costs  
19 because we've made the vehicle licenses scarce, um,  
20 it sounds like that's something you're looking at,  
21 but I really just wanted to tell you that, that story  
22 and make sure we're going to try to figure out  
23 together how we can do something about it.

24 ACTING COMMISSIONER HEINZEN: Thank you.

2 COUNCIL MEMBER LANDER: Thank you, Mr.  
3 Chair.

4 CHAIRPERSON RODRIGUEZ: I have a question  
5 before, thank you, Council Member. I had question  
6 before passing to my colleagues here. What on the  
7 leasing part, how many for-hire vehicle licenses are  
8 held by the leasing companies?

9 ACTING COMMISSIONER HEINZEN: Excuse me,  
10 let me see. We think, ah, that's around 30,000.

11 CHAIRPERSON RODRIGUEZ: 30,000. So how  
12 many companies hold those licenses?

13 ACTING COMMISSIONER HEINZEN: I'm not  
14 sure how many hold them, but I do know that the top  
15 six leasing companies control about half of those,  
16 about 15,000.

17 CHAIRPERSON RODRIGUEZ: And how many for-  
18 hire vehicle licenses are held by drivers and other  
19 entities of individuals?

20 ACTING COMMISSIONER HEINZEN: Ah, that  
21 would be, so we believe that about 20% of for-hire  
22 vehicle drivers lease and that would, and we think  
23 there are about, um, I'm sorry, what your question,  
24 was your question the number of for-hire vehicle  
25 drivers who lease...

2 CHAIRPERSON RODRIGUEZ: Yeah, Um-hmm.

3 ACTING COMMISSIONER HEINZEN: Or who?

4 CHAIRPERSON RODRIGUEZ: Ah, how many for-  
5 hire vehicle licenses are held by drivers or another  
6 entity or individuals?

7 ACTING COMMISSIONER HEINZEN: I just want  
8 to, we just, I just want to check to make sure we  
9 have the number right. [speaking in a low voice] So  
10 we've got 60,000 who own their own vehicle, we know  
11 for sure, so it's an approximate, no, that's 30,000  
12 [inaudible]. Again, about 30,000.

13 CHAIRPERSON RODRIGUEZ: So definitely, as  
14 a follow up from this hearing, I will be working with  
15 my staff and the speaker to have another hearing just  
16 on leasing. We need to go deep understanding all  
17 aspects related to leasing, how is that happening,  
18 what those brokers, how much has TLC regulating that  
19 sector and what more, what more can we do to address  
20 the whole cultural dynamic on how that sector the  
21 taxi and limousine is operating, so, let's follow the  
22 conversation after this hearing to see how we can  
23 look to probably in the next money to follow a  
24 conversational hearing on this, on this issue. Do  
25 you know how many drivers, like, no, let me put it

1  
2 this way. What percent, what is the percentage of  
3 that go to the drivers, what percentage go to the,  
4 from the fare that the consumers pay through the app,  
5 what is the percentage that go through drivers and  
6 what percentage go to the companies?

7           ACTING COMMISSIONER HEINZEN: For the  
8 four, for the four big app companies? Or really maybe  
9 just focus...

10           CHAIRPERSON RODRIGUEZ: Well, Uber and  
11 Lift.

12           ACTING COMMISSIONER HEINZEN: On the top  
13 two. Rodney has the latest on this.

14           RODNEY STILES: Yeah, so last year before  
15 the driver pay policy was in effect in aggregate I  
16 think it was about 16% was the commission, effective  
17 commission out of all the fares collected. Now that  
18 means, that doesn't mean that on some trips the  
19 commission is higher or lower but in the aggregate of  
20 all the fares collected, 16%. Um, as the driver pay  
21 policy has gone into effect that number has gone  
22 down, I think because companies were slowly raising  
23 the fares for consumers. So that's actually a number  
24 that has changed, it is currently changing, but as of  
25

1 last year in aggregate, um, 16% was the, the  
2 effective commission out of all the fares paid.

3  
4 CHAIRPERSON RODRIGUEZ: OK. So, again,  
5 this is something that we need to look at and sit  
6 down, and of course we will also sit with the  
7 leaders, sit with the drivers, and the drivers by  
8 themselves, and see how, you know, what is their own  
9 experience and how we can compare information, and as  
10 far to know, as far as we know those companies, they  
11 don't provide any insurance to the drivers, right?

12 RODNEY STILES: Any insurance?

13 CHAIRPERSON RODRIGUEZ: Insurance.

14 RODNEY STILES: I don't believe so.

15 CHAIRPERSON RODRIGUEZ: Health insurance,  
16 that's...

17 RODNEY STILES: No, I don't think so.

18 CHAIRPERSON RODRIGUEZ: No, OK. So  
19 Council Member Levine.

20 COUNCIL MEMBER LEVINE: Thank you, Mr.  
21 Chair and good to see you, Commissioner.

22 ACTING COMMISSIONER HEINZEN: Good  
23 afternoon.

24

25



1 COMMITTEE ON TRANSPORTATION 73  
2 COUNCIL MEMBER LEVINE: Today's focus is  
3 not on yellow taxies, but I do want to ask you a few  
4 questions about pending items on that front.

5 ACTING COMMISSIONER HEINZEN: Um-hmm.

6 COUNCIL MEMBER LEVINE: I want to thank  
7 you for supporting, ah, our legislation to, ah,  
8 exempt yellows from the annual fee, ah, that is yet  
9 another burden on a struggling industry. We know  
10 that legislation is needed to codify that and we know  
11 it's time-sensitive and we're moving quickly on the  
12 legislative process. Ah, but I do want to thank you  
13 for your support of that. Um, as we've sought to  
14 tackle the problem of crushing debt faced by so many  
15 of the yellow taxi owner-drivers. We have often by  
16 faced by the lack of information that the TLC and the  
17 administration has on just who owns what and how much  
18 and under what terms. And so we passed a bill last  
19 December, ah, it became law in January. It was Intro  
20 1069 that, ah, that, ah, as you well know requires  
21 TLC to begin to collect that kind of data for the  
22 first time in the city's history, to understand  
23 exactly what is the debt burden, um, held by the  
24 owner-drivers. And that report is due soon and I  
25 wanted to ask you...

1                   ACTING COMMISSIONER HEINZEN:   December  
2  
3   1st.

4                   COUNCIL MEMBER LEVINE:   ...about how the  
5   data collection is going, if you can share anything  
6   about, um, whether you are succeeding in accessing  
7   the data that you need, um, and all that we can  
8   expect and when we can expect from the final report.

9                   ACTING COMMISSIONER HEINZEN:   Thank you,  
10   and I think, yeah, I believe that report is due in  
11   December and, um, we have been working on that,  
12   obviously.   We've also been participating in the  
13   medallion task force and collecting information, ah,  
14   in connection with that.   There is a lot of, there is  
15   information we collect.   We don't have insight into  
16   everything, as I've said the last time I was here.  
17   We often don't have information about transactions  
18   that occur on the secondary market.   We know that  
19   they occur, but we don't have the same level of  
20   insight.   Right now we're in the process of  
21   collecting as much information as we have, ah, to  
22   make available to the task force and a lot of that is  
23   going to also inform the information that we're going  
24   to have.   I don't, I would just to manage  
25   expectations I would say it's not going to give us

1 the level of insight that I think you want and I  
2 think that we want and New Yorkers want, and some of  
3 that will be probably better tackled through the four  
4 medallion intros that were introduced in June, some  
5 of which require a stick like additional information.

6  
7 COUNCIL MEMBER LEVINE: We understand the  
8 limitations.

9 ACTING COMMISSIONER HEINZEN: Right.

10 COUNCIL MEMBER LEVINE: It will still be  
11 a huge step forward and the information that we've  
12 been wanting, the public has been wanting, that we  
13 know you need. There's a second part to that bill,  
14 which is a requirement to develop a plan for helping  
15 those drivers who are struggling. The focus as the  
16 legislation lays it out is really more on technical  
17 assistance, that might be in the form of legal  
18 assistance or financial advising, which is extremely  
19 important. Um, can you say anything about where  
20 you're headed on that piece of this bill?

21 ACTING COMMISSIONER HEINZEN: I think the  
22 biggest piece of that is the Driver Assistance  
23 Center, as I said. There was legislation passed by  
24 you that required us to offer a driver assistance  
25 services and financial education. Um, and what, as we

1  
2 have done many, dozens and dozens of meetings and  
3 outreach with drivers, what we realized was we  
4 actually need a brick-and-mortar place, so we've  
5 committed a space at our LIC facility. We're going  
6 to have, it's going to be staffed, it's not, it's  
7 going to be staffed by people with actual financial  
8 counseling experience who can, you know, bring people  
9 in, look at their medallion documents, look at their  
10 loan documents, and give them not just the advice,  
11 but the support to go and to reach out to the lenders  
12 and to try to, to try to right size those loans. And  
13 I think that's one of the most significant pieces  
14 that has come out of, really was inspired by the 1069  
15 and also by the driver assistance and financial  
16 education bills.

17 COUNCIL MEMBER LEVINE: Right. I  
18 appreciate that. I'll just close by reiterating what  
19 I said before, that this crisis, ah, this scandal,  
20 the New York City's taxi medallion mortgage bubble,  
21 and its bursting, which really ruined the lives of so  
22 many working-class New Yorkers, ah, was partly  
23 created by the actions of the city, ah, we helped  
24 pump up the bubble. We reaped windfall from it, and  
25 so I think we have a moral responsibility to help fix

1  
2 this. I think we can do it. I think we can do it  
3 without an ~~exorbitant~~exorbitant cost. It's going to  
4 take some creative solutions. Ah, getting the data  
5 is a huge step forward. Um, I'm excited about this  
6 task force and what it comes up with. In the  
7 meantime, I'm going to continue to beat the drum on  
8 this because I believe our moral debt is as yet  
9 unfilled to these hard-working families. Thank you,  
10 Commissioner. [applause]

11 ACTING COMMISSIONER HEINZEN: Appreciate  
12 it, thank you.

13 COUNCIL MEMBER LEVINE: And thank you,  
14 Mr. Chair.

15 CHAIRPERSON RODRIGUEZ: Thank you. And  
16 before, and I don't know if my colleague Cabrera has  
17 any questions, if not even though of course most of  
18 those questions have been related on the for-hire  
19 vehicle, but I don't want to lose the opportunity to  
20 [inaudible] question what are the newest steps that  
21 we've been talking also to address the crisis that is  
22 affecting the yellow taxi drivers and that sector?

23 ACTING COMMISSIONER HEINZEN: Well, one  
24 thing that we've done, and Councilman Levine  
25 introduced the legislation to waive the renewal fees

1 and we, we had supported that legislation and said  
2 pending, as that kind of winds its way through, ah,  
3 that we would defer collection, so we have deferred  
4 collection of those fees. We're establishing, as I  
5 said, the Driver Assistance Center, which should go  
6 live around the beginning of next year. We've also  
7 created what we're calling the Business Practices  
8 Accountability Unit, um, which is something that's  
9 going to help us. Um, it will inform kind of our  
10 outreach to constituents and to our licensees, but  
11 will also serve an internal audit function. It will  
12 collect and be able to review the different pieces of  
13 information that we're getting from the different  
14 licensees and be able to look more systematically and  
15 try to determine where there are issues and problems  
16 with different players in medallion transactions.  
17 We're also going to be passing, ah, regulations, ah,  
18 next month, or I think we're looking to have a  
19 hearing next month on new rules that affect brokers  
20 and it also affect agents and much of that flows from  
21 the 45-day review that the mayor ordered, that we do  
22 along with consumer and worker protection and DOF to  
23 look into, ah, broker practices.

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2 CHAIRPERSON RODRIGUEZ: I know Council  
3 Member Levine has a question, and as I said before we  
4 both co-chair the yellow taxi medallion task force,  
5 with all the members here. So, Council Member Levin.

6 COUNCIL MEMBER LEVIN: Thank you, Chair.  
7 Um, thank you, Commissioner, appreciate you being  
8 here. I just have a couple questions that, I'm sorry  
9 that I missed your testimony, so if we've covered any  
10 of these topics already feel free to just, ah, cut me  
11 off. Ah, let's see, the first question around kind  
12 of utilization of FHV's. So we collect the data on  
13 meters, on yellow meters through the, um, TPEP  
14 system, is that right? Is there an, um, an  
15 analgousanalogous system within the FHV's, to be able  
16 to collect similar data so that we're getting a sense  
17 of where they're going, where the trips are, what the  
18 utilization is, um, how are we measuring all of that?  
19 I mean, is there a way to do that that's kind of  
20 through an independent mechanism, or is it entirely  
21 dependent upon, um, the, the data from the companies?

22 ACTING COMMISSIONER HEINZEN: So I did  
23 have a discussion with Councilman Diaz about this,  
24 um, but, the answer is we do collect several streams  
25 of data, many of them enabled the legislation that

1  
2 you all have passed, from the app companies. They  
3 provide us a tremendous amount of it. When there are  
4 problems, when we see problems with that data, either  
5 because something doesn't look right or through  
6 auditing, we go back to them, we have several tools  
7 at our disposal, including directing them to produce  
8 it, summoning them. Ultimately we could suspend or  
9 revoke the base license of any app company, license  
10 or licenses, any app company that falsified or  
11 omitted providing us with data. We also through the  
12 new high-volume for-hire service license that you all  
13 created through legislation last year, um, compliance  
14 with those requirements is a factor that we're  
15 considering as we evaluate those applications so we  
16 could deny that to them. That would, you know,  
17 either way would mean that they simply, they could  
18 not do business in New York City. Um, additionally  
19 there are, ah, other requirements on them because the  
20 state, because they have to collect the sales tax for  
21 the state and they also now have to collect a  
22 congestion surcharge, so there are two different  
23 revenue streams that they provide to the state, and  
24 so the state has that additional extra financial  
25



1  
2 incentive, ah, to ensure that those records are  
3 accurate.

4 COUNCIL MEMBER LEVIN: OK. Is it, is it,  
5 is it apples to apples with what we're collecting on,  
6 on metered, um, yellows?

7 ACTING COMMISSIONER HEINZEN: It's not  
8 apple, with the, the data requirements are, are  
9 greater for the, especially for the app companies.

10 COUNCIL MEMBER LEVIN: OK. Um, I mean,  
11 let's keep talking about it. Because we want to make  
12 sure we're getting as comprehensive a picture as  
13 possible and in an as, obviously, an objective a way  
14 as possible, you know, and if we don't have to go to  
15 the companies themselves that might be, there might  
16 be some benefit to that. In terms of, um, the  
17 overall picture of the effectiveness of the FHV  
18 license cap from last year, um, how are we, how are  
19 we measuring the impact and where are we seeing, in  
20 terms of license numbers and, and, um, attrition and  
21 things like that.

22 ACTING COMMISSIONER HEINZEN: So we, what  
23 we have done throughout the year, and we continue  
24 doing, is measuring the impacts on areas like, um,



1  
2 among, ah, the app companies trip numbers in the  
3 outer boroughs and that is, that is not, I'm not just  
4 talking, I mean, I know you have, ah, wide-range,  
5 wide-ranging district. It's not just like Brooklyn  
6 Heights.

7 COUNCIL MEMBER LEVIN: Right.

8 ACTING COMMISSIONER HEINZEN: I mean,  
9 this is throughout Brooklyn, throughout Queens,  
10 throughout Staten Island and the Bronx, and northern  
11 Manhattan, those trip numbers have gone up. So we  
12 did not see any of the negative impacts which, um,  
13 suggested to us what I think we already knew, which  
14 was the market was greatly oversaturated, the app  
15 companies had far too many vehicles on the road.

16 COUNCIL MEMBER LEVIN: Um, OK, then just  
17 one more quick question, separate topic. So I don't  
18 know if this came up with the, the issue around  
19 advertising on, um, on the FHV's. Um, why not? You  
20 know, we're talking about, ah, and obviously with  
21 drivers every penny counts, um, and so, um, you know,  
22 it frankly doesn't bother me that much to have an ad  
23 on a, I mean, there, you know, there are ads on, on  
24 other types of vehicles.

1                    ACTING COMMISSIONER HEINZEN: So I, ah, I  
2                    did have this question before but I want to talk  
3                    through it again, um, and obviously I'm always  
4                    available to speak with you on these issues. Um,  
5                    before, this was not a shift in policies. This was a  
6                    long-standing policy going back to the '90s to  
7                    prohibit that exterior advertising. The city was  
8                    sued on that. We lost in the trial course. The  
9                    judge enjoined us from enforcing it. We then  
10                   appealed and the city won and so, um, there were a  
11                   few questions about when we can enforce but we are  
12                   not changing the policy, we are going back to our old  
13                   policy, and our view is before we do allow  
14                   advertising, which would be on tens of thousands of  
15                   cars, so it would have an extreme impact, we would  
16                   want to know what is in it for the drivers. Because  
17                   too often the drivers have been promised different  
18                   things by different companies and this is going to be  
19                   the thing that is going to get you the extra money,  
20                   and it often doesn't get to them one way or the  
21                   other. So I would have a lot of questions about how  
22                   do the drivers actually benefit. Another issue is  
23                   this has been framed as the city's driver income  
24                   policy isn't working or it's underperforming and  
25

1  
2 therefore we sort of need, we need this additional  
3 money. Um, we went through this before and, again,  
4 I'm happy to meet with you and take you through it.  
5 The city's driver income policy is performing and  
6 it's yielding real results, so I think kind of the,  
7 one of the factual predicates for that isn't actually  
8 accurate.

9 COUNCIL MEMBER LEVIN: And then last  
10 question here. The, on the driver income policy, are  
11 we seeing, I know that, ah, you know, an hourly wage  
12 per trip is, is, that's effective.

13 ACTING COMMISSIONER HEINZEN: Yes.

14 COUNCIL MEMBER LEVIN: Are we measuring  
15 this, um, you know, on a monthly income and on a  
16 yearly income and seeing the kind of impact over a  
17 larger span of time?

18 ACTING COMMISSIONER HEINZEN: Yes, yes,  
19 yes, and yes.

20 COUNCIL MEMBER LEVIN: OK.

21 ACTING COMMISSIONER HEINZEN: Um, we see  
22 on per trip drivers are getting paid what they're  
23 supposed to be getting paid. We see that, ah, on a  
24 monthly basis they're getting paid significantly  
25 more. I think it's \$750 a month, and although, you

1  
2 know, we need to look at this end of the year to see  
3 how that, how it all really nets out at the end of  
4 the year we think that we are on track for what our  
5 economists had projected, which was a benefit of  
6 \$9600 and we think we're on track for that, or  
7 certainly in the neighborhood.

8 COUNCIL MEMBER LEVIN: OK, great, thank  
9 you.

10 ACTING COMMISSIONER HEINZEN: Thank you.

11 CHAIRPERSON RODRIGUEZ: Thank you. Thank  
12 you, Commissioner, and you know a lot of work has to  
13 be done. As I said before, this crisis that cannot  
14 hold anymore and we know that yourself and many other  
15 [inaudible] entity you've been trying to do the best  
16 you can, but we need to come together again from City  
17 Hall to the council, all the stakeholders, address  
18 this situation and see how we can put some light to  
19 this situation that is affecting the industry. So  
20 thank you very much for your leadership.

21 ACTING COMMISSIONER HEINZEN: Thank you.

22 CHAIRPERSON RODRIGUEZ: Thank you.

23 ACTING COMMISSIONER HEINZEN: Thank you.

24 CHAIRPERSON RODRIGUEZ: Now let's call  
25 the members of the public. First we have Brendan

1  
2 Sexton from IDG, Independent Drivers Guild, Tina  
3 Robinal, Azi Bhat, Paul Flegance.

4 Good afternoon, Chairman Rodriguez,  
5 member of the transportation committee. My name is  
6 Brendan Sexton and I'm the executive director of the  
7 Independent Drivers Guild. Joining me today are IDG  
8 stewards and drivers who help tell me, help tell us  
9 the story. The story of app drivers who continue to  
10 struggle to make a fair and liveable wage,  
11 continue to be exploited by app and predatory leasing  
12 companies, while the agency with the responsibility  
13 and power to help fails to act and takes bizarre,  
14 insensitive, and arbitrary actions to further worsen  
15 driver opportunities. As you know, IDG is a  
16 nonprofit affiliate of the machinists and our  
17 organization represents over 80,000 drivers working  
18 through the for-hire vehicle industry. The  
19 machinists are the only union to successfully  
20 organize black car workers in New York City, and they  
21 have been for over 20 years. I want to thank the  
22 committee for all the work you have done and all we  
23 have accomplished together over the last few years in  
24 providing real relief to the 80,000 working families,  
25 specifically the landmark Driver Income Transparency

1  
2 legislation. This has provided some needed relief,  
3 but the TLC's resulting regulations and their lack of  
4 enforcement has caused some real problems, whereby  
5 the full intent of this legislation has not been  
6 seen. To put it simply, the TLC is failing to do its  
7 job and our city's hard-working drivers are paying  
8 the price. We are in severe and immediate danger of  
9 history repeating itself. We all have heard how  
10 TLC's neglect destroyed the medallion sector of our  
11 industry and now their inaction on numerous issues is  
12 turning the app-based sector into another failed  
13 medallion system. Over the last year, most recently  
14 this past summer, we have repeatedly outlined serious  
15 concerns to TLC and they had every opportunity to  
16 address some, if not all, of our concerns this  
17 summer. We have yet to hear from the TLC on any of  
18 our concerns. Not only were we ignored, but the TLC  
19 has acted like a deer in the headlights on many  
20 fronts. They are overwhelmed. Failing to enforce  
21 their own regulations have implemented rule changes,  
22 which have adversely impacted drivers and turn a  
23 blind eye on the app and leasing companies. Mr.  
24 Chairman, council members, the more than 100,000  
25 hard-working men and women of the city who serve as



1  
2 for-hire vehicle drivers deserve better. It's time  
3 for reform. To tear it down and start over. The TLC  
4 is a failed 20th century model and we need an agency  
5 that can meet the needs of the 21st century driver  
6 and gig workers. Create a mayoral agency that at  
7 least the City Council will have meaningful  
8 oversight, because clearly the TLC is lost and  
9 accountable to no one. Drivers are dying, families  
10 are going bankrupt. How many lives must be  
11 destroyeddestroyed? How many drivers must we lose to  
12 suicide before the city takes meaningful action? As  
13 you will hear from the IDG stewards and drivers  
14 today, the minimum pay rules are failing to meet  
15 their mark, leaving more than 80,000 drivers and  
16 their families \$4000 short. Lift is blatantly  
17 defying the TLC's rules with no consequence.  
18 Predatory leasing companies continue~~not~~ to exploit  
19 drivers. The cap on vehicles rather than drivers is  
20 further exacerbating the exploitation of drivers by  
21 the app companies. In response to TLC regulations on  
22 utilization targets, Uber removed their destination  
23 filter, which allowed drivers to get back to their  
24 homes and to their families. And add insult to  
25 injury, TLC recently decided to prohibit app-based

1 drivers from having rooftop advertising, a meaningful  
2 opportunity to earn extra income. And while we  
3 understand some of these issues are complicated, we  
4 believe certain things, like rooftop advertising and  
5 destination filers are no-brainers and the TLC or the  
6 council should act on them right away to provide  
7 immediate relief. We've had an issue with predatory  
8 leasing and before Local Law 147 went into effect  
9 and, as we've seen, it's only grown. Drivers are  
10 paying thousands more to lease than the cost to own  
11 and have no vehicle at the end to show for it. Plain  
12 and simple, what the cap has done is establish  
13 another failed medallion system, enabling predatory  
14 leasing companies and app companies to exploit and  
15 worsen the plight of working class, mostly immigrant,  
16 for-hire vehicle drivers. We need to learn from the  
17 mistakes of the past and that have given undue power  
18 and influence to companies and folks on [polys] that  
19 uplift drivers, providing them the power to control  
20 their own destinies. To make matters worse, the cap  
21 on licenses has also allowed app-based companies to  
22 take advantage of drivers and continue their  
23 exploitive practices. Since vehicle cap went into  
24 effect last year, the commissioner has continued to  
25

1  
2 issue thousands of TLC drivers license. This dynamic  
3 has again shifted the power to app-based companies  
4 who view the drivers as expendable. As a result,  
5 hundreds of drivers are deactivated every day without  
6 cause and without any due process. This leaves  
7 drivers no way to pay off their investments, let  
8 alone support their families. And as the only union  
9 that represents deactivated drivers we get hundreds  
10 of drivers coming into our office weekly. There is a  
11 simple way to flip this dynamic and empower workers  
12 instead of empowering app companies. Fleet owners  
13 and predatory leasing companies, while a cap on the  
14 vehicles provides more power to leasing, a cap on  
15 drivers helps make sure that the drivers are in  
16 power. And just a few weeks ago the TLC has  
17 shockingly decided to deprive the app-based drivers  
18 an opportunity to earn additional income and make a  
19 living wage. Reversing its own rules, which would  
20 have helped alleviate some of the pain and allow  
21 drivers to earn an additional \$3600 a year, the TLC  
22 arbitrarily made the decision to ban rooftop  
23 advertisements without consulting app-based drivers  
24 and with absolutely no reasonable policy  
25 justification that could outweigh the needs of the

1  
2 drivers. The TLC has once again demonstrated their  
3 incompetence by reversing this rule while  
4 simultaneously allowing medallion owners to reap the  
5 economic benefits of rooftop advertisements. Mr.  
6 Chairman, a simple policy change in allowing for-hire  
7 vehicle drivers to engage in rooftop advertising  
8 would provide immediate relief and would surely  
9 demonstrate that the TLC and the City Council are not  
10 only listening to drivers' concerns, but are also  
11 sincere in their efforts to address the struggles  
12 which drivers continue to face. We hereby call upon  
13 the council and the TLC to establish an app-based  
14 drivers' bill of rights. One - the right to fair and  
15 minimum compensation without any loopholes that the  
16 apps can exploit. Cap company commissions to stop  
17 practices of overcharging riders and underpaying  
18 drivers. Require dead head pay for all classes of  
19 vehicles. Enact higher minimum rates for classes of  
20 vehicles with higher expenses. The right to due  
21 process and job security. Prevent apps from  
22 deactivating drivers without a stated cause.  
23 Require apps to have a due process structure, which  
24 includes a fair hearing with the union and guild.  
25 The right to equal protection and enforcement of

1 laws. We must have a driver cap that provides power  
2 to the drivers to control their own destinies. We  
3 must have active enforcement of existing laws and TLC  
4 regulations and new laws and regs that promotes  
5 fairness and parity. The right to a secure, safe,  
6 and humane work environment. Rear-facing cameras  
7 paid for by the apps. Active and aggressive NYPD TLC  
8 investigations into assaults on drivers and  
9 cooperation with victims' families. Adequate parking  
10 spaces for the city's 80,000 for-hire vehicle drivers  
11 to legally make brief stops and access running water  
12 and restroom facilities. Request apps to charge a  
13 rider fee for safety violations to be paid in full to  
14 the driver. The right to pursue reasonable  
15 opportunities. Adopt policies that promote driver  
16 ownership over leasing. Limit new TLC driver license  
17 rather than vehicle license. Allow all TLC drivers  
18 the same opportunity to increase their earnings  
19 without increasing congestion through rooftop  
20 advertising. As I mentioned, there exist  
21 opportunities to provide immediate relief to drivers.  
22 Rooftop ads and destination filters. Let's do it  
23 now. Let's start working on it, and we'll start  
24 working on the rest immediately. We repeatedly  
25

1  
2 brought these issues to the attention of the TLC and  
3 our past pleas continue to fall on deaf ears and our  
4 members were crushed when the TLC passed these new  
5 rules this summer and failed to address any of our  
6 concerns. IDG hears from hundreds of drivers every  
7 day who truly feel as though the TLC, the mayor, and  
8 the City Council do not appreciate the real life  
9 personal effects their inaction has on drivers. This  
10 is not just about public policy. This is about  
11 economic security. This is about livelihoods. This  
12 is about putting food on the table for struggling  
13 families. This is about the unfair treatment of  
14 hardworking New Yorkers, immigrants who keep our city  
15 running, without who much of the city would grind to  
16 a halt. To be blunt, this is about life and death.  
17 Make no mistake. This is an emergency and the TLC  
18 has failed to act in a timely manner on the taxi  
19 medallion crisis and now they're failing to act with  
20 regard to our sector, an app-based industry. Because  
21 the TLC's failure to act over the summer and take  
22 app-based drivers and IDG's concerns over failed  
23 policies and economic security seriously and they  
24 failed to heed both your call and the speaker's call  
25 not to pass more ill-conceived rules and without

1  
2 addressing our issues. Um, the committee and the  
3 council must step in and act, and we hope this  
4 hearing is the first step in that direction. Thank  
5 you very much for the time and I'm here for any  
6 questions. [applause]

7 CHAIRPERSON RODRIGUEZ: Thank you. To  
8 the rest of the panels, we are limiting it to two  
9 minutes and then we can, so that we can [inaudible]  
10 other members of the public.

11 Good afternoon, Chair Rodriguez, members  
12 of the committee. My name is Aziz Bah. I'm a steward  
13 with the Independent Driving Guild, and I'm an app-  
14 based driver. I've been driving for five years. I  
15 want to note that as steward my colleagues and I file  
16 hundreds of calls and complaints from drivers every  
17 week. We do our best to help, but we are all beyond  
18 frustrated by the inaction and inability of TLC to  
19 help us. As Brendan as explained, one of the biggest  
20 problems we face is the issue of predatory leasing.  
21 I am a driver that has been leasing and unable to get  
22 my TLC FHV plates, coming before you to share my  
23 story and the story of thousands of drivers like me.  
24 This is not a request for mercy, but a cry for  
25 fairness and common sense. Drivers are often scared

1 to come forward due to many factors - language  
2 barriers, fear of losing their vehicle, and even  
3 retaliations, even though they clearly know they're  
4 being taken advantage of and what they, you know, and  
5 when they hit the brinks, suicide can feel like the  
6 only option left. Let's be clear. The vehicle cap  
7 did not work. It did not stop the flood of excess  
8 FHV drivers and vehicles. The TLC kept licensing  
9 thousands of new TLC drivers since the cap. It did  
10 not help existing drivers make a better living. The  
11 TLC has not only allowed predatory leasing companies  
12 to acquire and control thousands of new FHV licenses,  
13 but these greedy companies have taken advantage of  
14 this position of power by exploiting drivers to  
15 onerous and unfair leasing terms that keep drivers  
16 under their control and in unbearable debt,  
17 preventing them from making a ~~liveable~~livable wage  
18 and making their own career decisions. The  
19 continuation of a permanent vehicle cap will only  
20 force more low-income drivers into leasing rather  
21 than owning, and, um, I just want to say I do not  
22 want to spend 14 to 18 hours on the road because  
23 American Lease need to get paid. I shouldn't sleep  
24 in my car because Buggy might tow my vehicle when I'm  
25



1  
2 a few dollars short of my weekly payment. And I will  
3 not miss my kids' soccer game because Tower Auto Mall  
4 decide to overdrawn my account due to some EZ-Pass or  
5 some violation that I didn't know I have or they  
6 never explained to me. So it's time to end the  
7 predatory leasing and give drivers ownership of their  
8 vehicle and their lives. Thank you. [applause]

9 CHAIRPERSON RODRIGUEZ: Thank you.

10 Thank you, Mr. Chairman and members of  
11 the committee. My name is Paul Climus and I'm proud  
12 to be a full-time ride share driver. I'm a native  
13 New Yorker who was born and bred in Queens. I know  
14 that it's drivers like myself and my colleagues at  
15 this table who service the transportation needs of  
16 New Yorkers 24 hours a day, seven days a week. I  
17 love to drive and that's why I made this my career.  
18 I love meeting new people every day and I love making  
19 sure my riders get their destinations quickly and  
20 comfortably. Most importantly, this is my livelihood  
21 and I love paying my bills. Unfortunately, it's  
22 getting harder and harder to survive in this business  
23 with rate cuts, gas prices, tolls, increased  
24 competition, and all the costly insurance and other  
25 requirements just to get on the road. That's why

1  
2 it's so frustrating and disappointing that the TLC is  
3 not helping and in fact has gone out of its way to  
4 make it harder for me. I work more hours, and I  
5 often don't even make minimum wage, a benchmark we  
6 were promised and one that we deserve. The latest  
7 slap in the face over Labor Day when the TLC decided  
8 to abruptly ban digital rooftop advertising on FHV's  
9 and forced me to take the sign off my car, which lost  
10 me an afternoon of income and stopped me from making  
11 extra money every month. That rooftop advertising  
12 opportunity helped me and other drivers earn  
13 additional income while spending less time on the  
14 road. I was earning at least \$300 a month by just  
15 having a digital rooftop ad on my car. That equals  
16 approximately 10% of my salary. I had plans for that  
17 money. With the additional income from the digital  
18 roof ads I was planning to pay for my mandated TLC  
19 insurance. I even started to look for health  
20 insurance because I was finally able to afford it.  
21 What has been most insulting is that the TLC is going  
22 around the media saying that they haven't seen  
23 evidence of the drivers who have benefitted from the  
24 money from rooftop ads. Well, here I am. Have you  
25 seen any evidence yet or do you just not care?

1  
2 Drivers are struggling to make ends meet. We are  
3 working longer and longer hours, spending more time  
4 on the road, and our paychecks are getting smaller  
5 and smaller. I had multiple drivers ask me how they  
6 can also sign up because they, too, need the  
7 additional income. Now that the program is over  
8 drivers will have to spend more hours on the road to  
9 support themselves and their families and for all  
10 TLC's talk about cracking down on congestion this ban  
11 on ads will have the exact opposite effect. I  
12 strongly urge the committee and the City Council to  
13 pass legislation that overrules the awful and harmful  
14 decision by the TLC to ban us from making money with  
15 rooftop ads. Thank you for listening. [applause]

16 TINA RAVENO: My name is Tina Raveno and  
17 I am a member of the Independent Drivers Guild. I  
18 live in Brooklyn and I have been a TLC driver for  
19 two-and-a-half years. Today I speak from my own  
20 experience and on the behalf of other drivers in this  
21 industry. My first issue is to address is the app-  
22 based company Lift. In the recent month Lift has  
23 made me, has put me on schedule shift, allowing me to  
24 only work from 5:00 a.m. to 9:00 a.m. Monday through  
25 Thursday. I also drive for Uber, who also forces me

1 to drive without control of my time. I entered this  
2 industry because of its flexibility and destination  
3 filter option, a feature which allows me to pick up  
4 my son from school on time. The removal of this  
5 feature also affect my take-home pay. My son is 10  
6 years old and so this controls my schedule, but Lift  
7 does not allow me to take home a liveablelivable  
8 wage. I urge you to give, I urge you to give this  
9 critical problem your undivided attention, as many  
10 drivers like me are failing, are falling into the  
11 poverty lines. Making matters worse, the TLC just  
12 extended, the TLC just extended the so-called vehicle  
13 cap. Instead of limiting new drivers as IGD called  
14 for, the cap limits new vehicles, which does not  
15 reduce congestion. I just, I just blocked thousands  
16 of drivers like me from owning their own vehicle and  
17 costing us thousands of dollars per year in  
18 additional to expense of renting vehicles from  
19 leasing companies. Last August, last August when  
20 this rule passed I had already been driving full time  
21 for well over a year, renting a TLC vehicle while I  
22 saved up to purchase my own. By blocking from owning  
23 ownership you are not reducing congestion. You are  
24 making me a slave to a big fleet ownership and app  
25

1  
2 companies. I am also extremely concerned that my  
3 payrolls are not meeting the wage increase we were  
4 promise. As a steward of IDG I spend months and  
5 months organizing with my fellow drivers to fight for  
6 a liveablelivable wage. We made a count, we have  
7 made countless phone calls and lobby visits.  
8 Hundreds of IDG members rely right here at City Hall  
9 and spoke on hearings like this one to win the  
10 nation's first law requiring app increases. The TLC  
11 told us that we will make \$10,000 more per month.  
12 But so far the data shows that the pay raise is  
13 barely half that. That's missing \$4000 more, a huge  
14 difference for more than 80,000 New Yorkers who are  
15 struggling to get by. That's \$4000 which could have  
16 been a down payment on my new vehicle that I wanted.  
17 I, I have, I have brought my concerns to the TLC many  
18 times again and they have continued to ignore me. I  
19 am coming to you as my last resort for help, and as  
20 a, and as a struggling single mother in hopes that  
21 you help put an end to this inhumane behavior by app  
22 companies and the TLC. All we drivers ask is for you  
23 to be able to provide for our family. Thank you.  
24 [applause]

1  
2 CHAIRPERSON RODRIGUEZ: Thank you. We're  
3 not going to be getting into question to, you know,  
4 not only this panel but the rest so everyone because  
5 we had to continue conversation by working with you,  
6 with [inaudible] we see that Jose, all the sectors  
7 are represented, you know, the Uber drivers, the  
8 Lift, the for-hire livery, the yellow, is something  
9 that we have to continue having conversations. So  
10 because of the numbers of the members that we have in  
11 the panel, so I'd like to thank you and let's, we  
12 just have to continue working together. Thank you.

13 TINA RAVENO: Thank you.

14 CHAIRPERSON RODRIGUEZ: So the next panel  
15 we have Raymond Wayne, and thank you for being  
16 waiting, I know they had to schedule his Access-A-  
17 Ride, so, Ceda Anhelis, Ruben Solimani, and Baraby  
18 Desay. And Peter Maser. Raymond, you can go first,  
19 and I know that you had to schedule your  
20 transportation so as soon as you're finished you can  
21 leave us.

22 RAYMOND WAYNE: Thank you. Good  
23 afternoon, I'm Raymond Wayne. I represent the  
24 National Federation of the Blind, New York City  
25 chapter. Many blind and visually impaired New

1  
2 Yorkers rely on for-hire vehicles, including taxis  
3 and everything that's been mentioned here today. Um,  
4 we are concerned that any restrictions placed on how  
5 many vehicles can travel or how they can, how much  
6 they can travel to the outer boroughs are going to  
7 create problems for our membership, many of whom  
8 cannot, cannot make a complaint. If someone calls  
9 for a ride and they don't get a ride they may not  
10 have a computer or typewriter, they may not have a  
11 way of calling TLC and saying hey, I'm blind, I'm in  
12 the outer boroughs, and I can't get a ride for  
13 anything. Another issue the their want to mention, I  
14 thought of it today while I was listening to the  
15 Commissioner. He mentioned, ah, training, as far as  
16 nondiscrimination. We have those who use guide dogs,  
17 and I've had, back in the day when I did, I've had  
18 this experience, and it continues to happen, have  
19 drivers refuse to take us because, you know, various  
20 excuses, the dog, they have allergies, or it's  
21 something, whatever, they don't want the dog hair all  
22 over their car or whatever, um, and we hope that TLC,  
23 the training that they provide includes the message  
24 that you cannot refuse to take someone accompanied by  
25 a guide dog or other service animal. You have my

1  
2 written testimony, my contact information is there,  
3 and thank you, Chair Rodriguez, for letting me to  
4 come up first. Thank you.

5 CHAIRPERSON RODRIGUEZ: Thank you.

6 BETARI DESAI: Good afternoon. I'm the  
7 executive director of the New York Taxi Workers  
8 Alliance. Um, I kind of trying to figure why you  
9 schedule the hearing, to be really honest with you.  
10 Um, but I do want to say for the record that around  
11 July 17 the Taxi Workers Alliance already submitted a  
12 petition to ~~initate~~initiate rule making to the TLC to  
13 address most of these issues, and as you know the  
14 process of, of petition to initiate rule making, it  
15 is a legal one under the City Charter, which means  
16 the clock is ticking and the TLC is going to be  
17 required to give us answers and to follow up. Our  
18 petition is already calling for a cap on FHV vehicle  
19 financing and leasing. Back in 2012 it was the Taxi  
20 Workers Alliance that won a similar lease cap for the  
21 yellow cab sector. We have a proposal that we've  
22 been talking with the TLC about. It's already in the  
23 rule making petition. Simultaneously, we've been  
24 working with Councilman Moya on legislation where the  
25 council would authorize the TLC to engage in that



1  
2 rule making. So first and foremost, we want to say  
3 to the FHV drivers of this city, whether they work  
4 for Uber, Lift, Via, or Juno, or a neighborhood  
5 livery or a corporate black car, that their rights  
6 against predatory leasing are going to be protected.  
7 We are going to win that petition. It's already in  
8 the works. The legislation is moving, yes, the rule  
9 making is going to be moving. We know that that  
10 victory will soon be coming, especially the more that  
11 drivers organize. In our petition we also have a  
12 proposal that app drivers should be paid whichever is  
13 higher, either 85% of the passenger fare or 100% of  
14 the driver payment rates. That's right, because last  
15 year we submitted a thousand trips, Uber X trips to  
16 the TLC, which by the way, you know, a federal court,  
17 note, a state court judge noted was the reason that  
18 the TLC even increased their driver payment rates in  
19 the first place. The judge noted that it was due to  
20 the data submitted by the Taxi Workers Alliance, both  
21 on the Uber X trips, which showed that the average  
22 commission the companies were taking, the average,  
23 was 31%. However, on some trips their commission was  
24 as high as 50% to 60%. They are taking that much of  
25 the fare. That's why in 2017 Uber and Lift moved in

1  
2 the first place to separate out. It used to be that  
3 drivers would earn a percentage of the fair. Then in  
4 April 2017 the Uber said we're now going to paid the  
5 drivers on a static rate on distance and time per  
6 trip and we're going to charge the passenger an up-  
7 front pricing rate. It doesn't, they said, they  
8 claimed don't worry, if the passenger pays less you  
9 won't be affected 'cause we're still going to pay you  
10 by these rates. We all knew at the Taxi Workers  
11 Alliance and a number of our members sued in federal  
12 court to stop Uber from doing this because we knew  
13 the minute they separated driver earnings from  
14 passenger fares was the beginning of when they were  
15 going to start to charge the passengers more and  
16 that's exactly what they have been doing. And in  
17 that process, you know, they look to take more of  
18 that fare. Our petition is calling for a hybrid  
19 solution. Keep the driver payment rates as a real  
20 floor. Make it a real minimum, minimum meaning you  
21 cannot earn less. But it cannot be the ceiling, the  
22 maximum. The maximum should be at least 85% of  
23 whatever fare is charged to the passenger. We have  
24 that petition for council members that want to  
25 support the drivers, call on the TLC to pass our

1 rule-making petition. Our petition is also calling  
2 for the TLC to regulate the minimum passenger fares.  
3 This way the companies cannot drop the passenger fare  
4 rate on the app drivers and, equally important, so  
5 that yellow cab, livery, green cab, and corporate  
6 black car drivers don't have to be afraid to call for  
7 a raise. Right now all of their raises, their  
8 earnings, are being hijacked. They're kidnapped by  
9 these companies. No sector of driver feels  
10 comfortable to call for a raise knowing these  
11 companies are not regulated for what is the  
12 minimum that they have to charge the passengers.  
13 Everybody knows because of Wall Street's orders these  
14 companies are already starting to charge the  
15 passengers more. But without regulation they can get  
16 away with deceiving publicity and secondly they can  
17 continue to get away with cheating the app drivers by  
18 not allowing those higher passenger fares to go to  
19 the very drivers whose labor is the one that's  
20 earning those higher fares to begin with. That's  
21 what we need this City Council to support along with  
22 a debt forgiveness program, which is not about  
23 counseling but it's about putting money on the table,  
24 put together a fund of 900 million dollars to buy  
25

1  
2 back the existing loans, refinance them to the owner-  
3 drivers at the current market value, cap their  
4 mortagesmortgages at \$900 a month, so every single  
5 sector of driver can survive and they can live and  
6 they can breathe and they can earn the benefits of  
7 their labor which has made this industry all of its  
8 riches. Thank you.

9 CHAIRPERSON RODRIGUEZ: Great. Thank  
10 you. [applause]

11 ZUBIN SALIMANI: Good morning, Chair  
12 Rodriguez, council members. My name is Zubin  
13 Salimani, also with the New York Taxi Workers  
14 Alliance. I just want to reiterate that the work  
15 that the council started last year, um, is only  
16 beginning, right. This is a floor from which we need  
17 to expand upon. So I'm shocked to hear driver  
18 advocates calling for the dissolution of the TLC.  
19 The TLC is an agency that is charged with the welfare  
20 of the drivers to ensure that they earn a living  
21 wage. They take their orders from the council. If  
22 the TLC isn't doing its job it's own us as drivers,  
23 as advocates, residents of New York, to make the  
24 council have them do the right thing. And that's why  
25 we're pushing two, two initiatives here at, ah, at

1  
2 the council where the TLC did not pick up the ball,  
3 and they dropped the ball, and those are predatory  
4 leasing and driver deactivation. It has been the  
5 rule in New York for a decade that no yellow cab  
6 owner may charge a driver more than \$275 a week for  
7 the vehicle portion of the lease. This is a no-  
8 brainer. There is no reason that a black Toyota  
9 Camry should cost twice as much as a yellow Toyota  
10 Camry. This, this chamber had a bill that would have  
11 authorized, actually required the TLC to pass those  
12 regulations and you dropped the ball last year.  
13 Council Member Moya is reintroducing it. It will be  
14 introduced, as stated, later this month and I urge  
15 you to support. It is crucial to have that parity  
16 for drivers across the industries and to protect them  
17 from predatory leasing. The other issue is unjust  
18 deactivations, right? We have called on, we have  
19 drafted a bill, we're talking to Council Member  
20 Lander about it, to, to introduce, ah, to introduce  
21 legislation that would, that would prohibit the app  
22 companies, the for, the high-volume companies from  
23 deactivating drivers without just cause. When you're  
24 talking about companies that are telling people to  
25 log out here and there on a moment's notice every day

1           that's because there isn't enough work. That's  
2           called a lay-off, right, and that is not a just cause  
3           deactivation. Um, this, this needs, this needs to be  
4           addressed by the council. We're looking forward, ah,  
5           we're looking forward to working with you on it and  
6           we hope that you will support those initiatives and  
7           the TLC rules that implement them. [applause]

9                     SERI ANGELIS: Good afternoon, Honorable  
10           Chairman Rodriguez.

11                    UNIDENTIFIED: Please turn on the  
12           microphone, you have to have the red light on.

13                    SERI ANGELIS: Oh, good afternoon, my  
14           name is Seri Angelis, Honorable Chairmen Rodriguez  
15           and members of the transportation committee. I  
16           represent the livery base owners, which actually  
17           affiliates affiliates about 250 livery bases in New  
18           York City with approximately 150,000 rides New  
19           Yorkers that use our services every day. Our  
20           passengers are residents of the outer boroughs and  
21           upper Manhattan who may or may not speak engage as  
22           their first language. Our bases are equipped to  
23           serve these passengers because most of our  
24           memberships are immigrants as well. We come from the  
25           same communities as our passengers. We thank the

1 City Council and the TLC for the work that you have  
2 done throughout to address the concerns of our  
3 drivers. You stepped up to help them when they were  
4 in crisis and we continue to support anything that  
5 goes towards bettering the conditions of work, labor,  
6 and, um, increase the pay. We also believe it's time  
7 to step up and help the struggling small bases. As  
8 the TLC pointed out today in 2012 we were 40,000  
9 vehicles. Today in 2014 when the majority of the,  
10 um, the app company came into the sector over 25,000  
11 affiliated vehicles were with our bases. However,  
12 that year marked the entrance of the high-volume  
13 vehicle bases who gobbled up the market share and  
14 provided financial incentives to our affiliated  
15 drivers and they went with them. The high-volume  
16 base services operated at a loss because their goal  
17 was to eliminate the competition here in the city.  
18 As a result, after five years the number of  
19 affiliated vehicles in our sector has dropped to only  
20 10,900 vehicles. We are calling on this committee to  
21 re-examine the cap of for-hire licenses. We  
22 understand that the cap was established to stem the  
23 unprecedentedunprecedented growth of the high-volume  
24 for-hire vehicles. TLC data indicates that the  
25

1 congestion in Manhattan business district due to  
2 those high-volume bases flooding the street with  
3 vehicles and encouraging those vehicles to cruise  
4 without passengers. In the effort to regulate that  
5 congestion our small bases have been harmed in the  
6 process. In practice, the cap is choking the  
7 remaining life of our small bases and our drivers  
8 that we represent because we cannot replace the  
9 vehicle loss to high-volume bases. TLC also reports  
10 that 26% of active licenses do not renewed for a  
11 variety of reasons, which represents a service gap  
12 that threatens that community that we serve.  
13 Actually that represents 30,000 vehicles less on the  
14 road. So far when the cap started on August 12 we  
15 had 135,000 vehicle license on the road. Today on  
16 the second year as of August we had 120,000 vehicles.  
17 By the end of this third year I believe that 30 more  
18 thousand vehicles, according to TLC data, will be  
19 out. That will not allow us to service, um, our  
20 communities. At TLC the livery-base owners, I'm  
21 sorry, supports the creation of a new class of  
22 licenses as restricted vehicle license, ah, that will  
23 only be allowed to operate in our communities for  
24 hire when affiliated at a community car service,  
25



1 traditional black car or luxury limousine. This is  
2 not a new concept. The council has created  
3 restricted licenses in the past. For example, the  
4 council created the WAV license, which is a  
5 wheelchair-accessible accessible vehicle license, which  
6 has the limitation to only affiliate that kind of  
7 vehicle. All the electric vehicle, for that matter.  
8 The ability for, there's no mechanism today to have  
9 our drivers, when they lose their license on their  
10 vehicles that they already paid for or are in the  
11 process of paying for it to reinsert themselves in  
12 case of anything that happens to them. Our small  
13 bases are in crisis. In only five years we lost more  
14 than half of our vehicles and the trend of loss is  
15 not reversing. While everybody is focusing right now  
16 and the conversation is around high-volume bases,  
17 Uber, Lift, and the likes, and the yellow medallion  
18 crisis, our small livery sector is quickly  
19 disappearing. We're calling on you for your help.  
20 Thank you. [applause]

21 PETER MASER: Good afternoon, Chairman  
22 Rodriguez and members of the committee. My name is  
23 Peter Maser and I'm general counsel to the  
24 Metropolitan Taxicab Board of Trade, a 68-year-old  
25

1  
2 association representing the owners and operators of  
3 approximately 5000 licensed medallion taxicabs. For  
4 the past four years we've also operated the Drivers'  
5 Resource Center that provides a variety of services  
6 to licensed taxicab drivers from assistance in  
7 obtaining and retaining licenses, to training and  
8 safe driving practices, to free legal representation  
9 before oath, traffic violations bureau, and criminal  
10 court. We have represented drivers in over 10,000  
11 matters and provided more than a million dollars  
12 worth of free services to our drivers. This  
13 afternoon you are reviewing the effect of recent  
14 changes in local laws regarding high-volume for-hire  
15 services. In particular, legislation has imposed a  
16 vehicle cap to limit the proliferation of these  
17 vehicles and it's created a compensation formulated  
18 in an attempt to ensure drivers of these vehicles  
19 earn a living wage. Furthermore, the TLC has  
20 recently supplemented these laws with a set of  
21 regulations designed to limit the amount of time  
22 these vehicles can cruise without fares in the  
23 central business district with the intent of reducing  
24 traffic construction. First, let us consider the  
25 effect of the vehicle cap. As of today, Uber has

1           82,778 affiliated vehicles, Lift has 4594, Juno 217,  
2  
3           Via 1964. The black car bases have an additional  
4           15,887 affiliated vehicles. So there's a total of  
5           105,440 black cars licensed by the by the TLC. This  
6           is 10,000 more vehicles than were licensed when the  
7           temporary vehicle cap was first introduced a little  
8           more than a year ago. The number of licensed black  
9           car and high-volume for-hire vehicles has never been  
10           greater. Contrary to the statements made by the  
11           owners and operators of these businesses, they, that  
12           they are going to lose a significant number of  
13           drivers each month, there appears to be little or no  
14           attrition in the number of vehicles. These 105,000  
15           vehicles perform about 700,000 recorded trips per day  
16           or an average of about seven trips per licensed  
17           vehicle. At the same time, licensed medallion  
18           taxicabs average more than 20 trips a day. Yellow  
19           cabs are simply more efficient at moving large  
20           numbers of passengers with fewer vehicles. There are  
21           eight times as many black cars as yellow cabs, yet  
22           they move only about three times as many passengers.  
23           This is because the high-volume industry works on a  
24           different business model, one which by necessity  
25           floods the street with as many vehicles as possible

1           so that whenever a passenger needs a car there's an  
2           empty one waiting just seconds away. This is  
3           something their customers have come to expect, but  
4           this business model is not without serious  
5           consequences. This business model adds to  
6           congestion, since far more vehicles than necessary  
7           occupy scarce street space. It is also by its very  
8           nature ensures that drivers cannot earn a sustainable  
9           income because that requires that drivers spend a  
10          large portion of their time without passengers, so  
11          they are available for the prospective customer who  
12          demands instantaneous service. The city has  
13          attempted to ensure that drivers earn a sufficient  
14          income while working, but since the city cannot  
15          ~~compell~~compel passengers to use their services or pay  
16          the fares as required to support an adequate driver's  
17          income, the only way high-volume vehicle services can  
18          meet these mandatory earning requirements is to limit  
19          the number of hours drivers are allowed to work.  
20          We've already experienced these changes. Some  
21          services are not accepting new drivers. Others are  
22          requiring drivers to log off so they will not be  
23          required to compensate them during periods with less  
24          demand. These drivers want to work, but are not  
25

1  
2 allowed to. As drivers are unable to work the hours  
3 they want and earn the income they need, they resort  
4 to accepting unlawful street hails, further adding to  
5 congestion and depriving licensed drivers of these  
6 fares. This creates a breakdown in the regulatory  
7 system and undermines confidence in the TLC's ability  
8 to regulate its licensees and protect the public. At  
9 the same time, limiting cruising time in the central  
10 business district may have a slight effect on  
11 congestion as the TLC and DOT report indicated,  
12 however, it will create other problems, such as  
13 increasing congestion in other areas of the city,  
14 particularly areas where congestion, near the  
15 congestion zone as vehicles tend to hover just out  
16 outside the congestion zone as they wait for fares.  
17 Furthermore, drivers may very well log off in a  
18 congestion zone and engage in unlawful street hails  
19 without the TLC having any record of their  
20 activities. Congestion will not be mitigated and the  
21 TLC will not have accurate data regarding fares,  
22 trips, or driver incomes. We do have a model that  
23 works, the medallion taxicab model. Its numbers have  
24 been limited since the 1930s when the city learned  
25 that oversaturation of the market is not good for

1  
2 drivers, customers, or the overall health of the  
3 industry. While other transportation services are  
4 needed in some areas of the city...

5 CHAIRPERSON RODRIGUEZ: Sir.

6 PETER MASER: ...the hail system has  
7 worked...

8 CHAIRPERSON RODRIGUEZ: Sir.

9 PETER MASER: I'm sorry.

10 CHAIRPERSON RODRIGUEZ: Please summarize.

11 PETER MASER: OK. But is there, OK, I  
12 will, and you have my written comments. I will just  
13 say in conclusion despite competition from Uber,  
14 Lift, and other for-hire services and despite a  
15 decline in ridership, average hourly income for  
16 taxicab drivers has remained relatively constant  
17 before expenses. As lease fees have dropped, gas  
18 prices have lowered, the taxicab drivers' income has  
19 in fact increased. We think that it's time for the  
20 city to seriously look at the transportation needs of  
21 all the residents and think creatively about the  
22 provision of services in every segment of the  
23 industry, and we need a complete review of how we  
24 regulate...

2 CHAIRPERSON RODRIGUEZ: I'm sorry, I  
3 will, we will take, you know, your written testimony  
4 so [inaudible].

5 PETER MASER: Yes, I am.

6 CHAIRPERSON RODRIGUEZ: Thank you.

7 PETER MASER: Thank you.

8 CHAIRPERSON RODRIGUEZ: Council Member  
9 Levin.

10 COUNCIL MEMBER LEVIN: Thank you, Chair.  
11 Betari, I just wanted to ask a quick question about  
12 the mechanism for implementing the, um, the driver  
13 pay formula that you made reference to. So that,  
14 that would be exclusively, that could be exclusively  
15 through a rule or, um, or what other mechanism is  
16 there?

17 BETARI DESAI: Yeah, so, you know, last  
18 year, ah, Councilman Lander's bill, I don't remember  
19 the intro number, already authorized the TLC, right,  
20 to engage in rule making around, um, app driver  
21 earnings and that's how the TLC passed the rule  
22 that's already in effect since February, which is  
23 that TLC regulates the minimum, um, payments that the  
24 companies have to pay, the minimum rates the  
25 companies have to pay the driver on distance and

1 time, mileage and minutes per trip. And then they  
2 use the utilization rate. Right now there's an  
3 industry-wide utilization rate. They use that as a  
4 multiplier, which is really interesting, by the way,  
5 because that means that New York City ends up having,  
6 um, the only way to make sure that app drivers are  
7 paid, even on empty time. So even if they're covered  
8 under minimum wage laws, for example, like what we  
9 hope AB5 passes in California today, minimum wage  
10 laws would only be covering you on your, um, on app  
11 time. But your empty time, the companies refuse to  
12 have you covered. So it's actually a really ground-  
13 breaking method that the TLC uses here. What we have  
14 been saying, though, is that that method is not  
15 enough. You know, it was necessary to establish a  
16 floor...

17  
18 COUNCIL MEMBER LEVIN: The floor but not  
19 the ceiling.

20 BETARI DESAI: Exactly. Because before  
21 it app drivers 86% were earning below minimum wage.  
22 This at least brings people closer to a minimum wage.

23 COUNCIL MEMBER LEVIN: Right.

24 BETARI DESAI: But as these companies  
25 continue to charge each higher rate of fare to



1  
2 the passengers we wanted to see it trickle back down  
3 to the drivers and not have drivers just be stuck at  
4 minimum wages.

5 COUNCIL MEMBER LEVIN: Yes. Um, OK, but  
6 so TLC could do this through a rule?

7 BETARI DESAI: Absolutely. We've  
8 submitted a petition to initiate rule making, calling  
9 them to do exactly that.

10 COUNCIL MEMBER LEVIN: OK, great. OK,  
11 thank you so much.

12 BETARI DESAI: Sure.

13 CHAIRPERSON RODRIGUEZ: Thank you.  
14 [inaudible] with a question of what is intention of  
15 the hearing, the purpose of this hearing was to go  
16 over on how TLC has been implementing those laws that  
17 we passed in 2018 or 2019. And of course, like with  
18 you and we've been working for years. And because  
19 you are like one of the most probably, not probably,  
20 important voices, you know, together with the  
21 drivers, I already said that for me this is a matter  
22 of social justice. So when it comes to how do, can  
23 we the council oversight the TLC, how much hard work  
24 we're trying to do, 24/7. That's, you know, that's  
25

1                   COMMITTEE ON TRANSPORTATION  
2                   limitation. We were ready to vote a package of bill.  
3                   You remember 2014?

4                   BETARI DESAI: Right.

5                   CHAIRPERSON RODRIGUEZ: And what  
6                   happened? The big one, they spent all those money,  
7                   and fortunately, you heard members here, and we were  
8                   not able to move those vote that we have. So when it  
9                   comes to, you know, everything that we're trying to  
10                  do for the last, at least in my case in 2009 after  
11                  being elected, being a member of the transportation  
12                  committee, even under John Liu, and then working  
13                  together with the other chairmen, Chairman Bach and  
14                  myself being chairing this committee, I can tell  
15                  you in a way that probably I've been going, even  
16                  getting a lot of heat and criticism in my own  
17                  community because in the district that I represent,  
18                  as I said before, [inaudible] mainly composed by  
19                  livery taxi drivers. I don't have this, the large  
20                  numbers, or yellow taxi drivers, but for me I've been  
21                  fighting for the yellow taxi drivers [inaudible] for  
22                  the livery bases, that when the city only have 40,000  
23                  livery drivers, as I say, I used to be 140, or  
24                  [inaudible] Car or Bailey Car Service. I understand  
25                  at that time the situation with that particular

1 sector was not as the same as the one before. And,  
2 yes, I want to make, you know, the big one  
3 accountable, the Uber, the Lift, all the 73 app  
4 companies that we have, but I feel that as we need to  
5 address how to bring the dignity and respect, and I  
6 go for the bailout, like seven years ago. So for me  
7 how will that happen? That's a conversation that we  
8 need, also support from everyone. We need all the  
9 groups to come together. But one thing that in my  
10 case as the chairman of this committee, I have never  
11 been afraid of pushing the conversation or doing  
12 whatever we can to be sure that we make all sectors  
13 accountable, that we level the playing field, that we  
14 make everyone accountable. It is unfair, as I said  
15 before, that a yellow taxi that they had to do the  
16 environmental study, that we need to get some  
17 preapproval and when it come to their company they  
18 been adding, thousand, thousand more vehicles without  
19 being mandated to doing environmental report, without  
20 being accountable to follow all the rules and  
21 regulations. So, again, like for me it has been an  
22 honor to be working with you and I mean all of you,  
23 all the sector that you represent.

24  
25 PETER MASER: Thank you.

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2 BETARI DESAI: We would support your call

3 for the livery task force. We think there has,

4 everyone in this industry needs to find a way to work

5 together to stop the race to the bottom. There were

6 nine driver suicides. We can only move forward if

7 all the drivers are united together and that each

8 policy supports the other, and we do need to reorient

9 the TLC exactly as [inaudible] said, but the, the

10 reason I made my comment, if I could be frank with

11 you, I remember a year ago when the suicides started

12 and we were out on the streets campaigning, call for

13 immediate action. What we heard Uber and its

14 lobbyists say was kill the bill. And the same time

15 when the vehicle cap passed again a month ago we

16 again heard Uber and their lobbyists say they were

17 going to use the City Council to undermine what for

18 us was a lifesaving policy. That's where our concern

19 really comes from. These companies have spent more

20 money than Microsoft, Amazon, Walmart combined in the

21 year 2016 and oftentimes they do it, it's claiming to

22 stand for the drivers, when in reality all they're

23 doing is standing up for their own profits at the

24 expense of drivers, and so we hope that this City

25 Council remains committed to the drivers and does not

1  
2 work with not just corporations but any of their paid  
3 lobbyists whoever they claim to be. Thank you.

4 [applause]

5 CHAIRPERSON RODRIGUEZ: OK, thank you.

6 UNIDENTIFIED: Just to conclude, we also  
7 agree that the creation of a task force to address  
8 the concerns of our industry segment. It is  
9 important, because unfortunately we waste too much  
10 time talking about everybody else, and it seems like  
11 some people do not exist in the room, and it is  
12 important that, ah, we voice our concerns, but at the  
13 same time the misconceptions that one segment has  
14 over the other. I think it is important that we  
15 bring it together and we would put some sort of  
16 report out there that actually identifies the needs  
17 of each segment, not one over the other. I think  
18 that would be very important.

19 CHAIRPERSON RODRIGUEZ: Thank you. So  
20 now the next panel are Scott Reuter, Joseph Collela,  
21 Jatin Liu, Brian Lozano, Alizin Nickerson. I'm going  
22 to take two minutes to step out and come back.

23 [pause] Sorry, you may begin.

24 JOSEPH COLLELA: Good afternoon, Chair  
25 Rodriguez and members of the Committee on

1           Transportation. Thank you for the opportunity to  
2           testify here today and thank you for the stamina to  
3           get through a long day. My name is Joseph Collela.  
4           I'm here on behalf of the New York Building Congress.  
5           The New York Building Congress is a nonpartisan  
6           coalition of businesses, labor, professional, and  
7           governmental organizations serving the design,  
8           construction, and real estate industry. Our  
9           association is made up of nearly 550 organizations,  
10          comprised of more than 250,000 professionals. We're  
11          concerned that the proposed rules for on-hire, ah,  
12          for-hire vehicles will hurt New York City's economy  
13          and its residents. The new regulations could hurt  
14          growth and economic development in areas poorly  
15          served by mass transit. Our research shows that 38%  
16          of all active building permits for major construction  
17          in New York City are within transit deserts, or areas  
18          that are more than a 10-minute walk from a subway  
19          station. That translates into hundreds of thousands  
20          of new square feet of office, retail, manufacturing,  
21          and residential space in the service areas for-hire  
22          vehicles. Given the adoption and high use of for-  
23          hire vehicles in these parasthesia, particularly  
24          outside the borough of Manhattan, many businesses and  
25

1  
2 residents are choosing to continue investigate in  
3 these neighborhoods. Under these new rules, it is  
4 likely that many drivers will decide to idle in  
5 communities close to Manhattan in order to get fares  
6 into the central business district, which could lead  
7 to less reliable service in areas that have a  
8 shortage of transportation options. We support the  
9 TLC's efforts to reduce congestion, which is why we  
10 advocated strongly for congestion pricing. However,  
11 creating regulations that punish hard-working New  
12 Yorkers and people without access to mass transit  
13 is too high a cost. We urge you to  
14 reconsider the proposed regulations and find a more  
15 equitable solution. Thank you.

16 SCOTT RUTTER: Good afternoon. My name  
17 is Scott Rutter. I'm the vice president of the Limo  
18 Association of New York. We represent operators  
19 within the luxury limousine base classification, a  
20 group of operators that you've heard nothing about  
21 today whatsoever. Ah, and we very much appreciate  
22 the opportunity to come speak with you. So let me  
23 begin by saying that we fully support the city's  
24 efforts to ensure a viable and sensibly regulated FHV  
25 industry. We want to work with the city in any way

1           that we can to help advance that cause. However,  
2           we're very concerned over the fact that literally all  
3           initiatives that have been adopted or proposed do not  
4           take into consideration any of the significant  
5           differences that exist between the various different  
6           base license classifications. So I'm here today to  
7           ask that some of these significant differences are  
8           taken into consideration, not only for some of the  
9           existing regulations, but for any new or proposed  
10           that are brought up. Let me outline what some of  
11           these differences are that I'm referring to. First  
12           off, luxury limousine base drivers are employees of  
13           our company. They are not independent operators, or  
14           IOs, as are typically referred to, that are  
15           associated with most of the other base license types  
16           here in the city. Just yesterday Governor Cuomo and  
17           again I think even today announced that more workers  
18           should be classified as employees of their company  
19           and we couldn't agree more with that. As our  
20           employees, unlike IOs, they have absolutely no  
21           expenses that they have to incur. The base pays them  
22           all. This includes the cost of the car that they  
23           drive, it includes fuel, the insurance on that car,  
24           any maintenance, even any damage that might occur  
25



1  
2 throughout the course of their activities. It even  
3 includes parking tickets. Sorry, I'll hurry. As  
4 employees, unlike IOs, our employees are protected by  
5 the Federal Fair Labor Standard Act, minimum wage,  
6 overtime, paid sick leave, and they receive other  
7 benefits, such as unemployment disability and even in  
8 many cases health insurance. Our employees, unlike  
9 IOs, our drivers can earn \$50,000, \$70,000, even  
10 \$100,000 in some cases and I want to stress again,  
11 without any expenses other than the normal payroll  
12 taxes that would be due on these W2 wage earnings and  
13 a nice suit to wear when driving. So the regulations  
14 that have been put in place to ensure minimum  
15 earnings clearly were not needed within the luxury  
16 limousine segment. Another significant difference  
17 with us is that we do not contribute to congestion  
18 problems in the city at all, right. First, while the  
19 livery and black car segments have grown to over  
20 100,000 vehicles the luxury segment has actually  
21 shrunk to about 4000 vehicles. Even more important,  
22 though, we do not offer on-demand service, which is  
23 the issue that results in the state of affairs that  
24 we face in the city today. The high majority of all  
25 of our businesses with established customer accounts,

1  
2 the work which is prearranged usually hours, days,  
3 and sometimes even weeks in advance, we simply do not  
4 cruise the streets looking for passengers. We build  
5 our business by selling new accounts that use our  
6 services on an ongoing basis. We don't cruise. If I  
7 go out and sell a new account, under the current  
8 regulations I cannot add any more vehicles to service  
9 those accounts. So therefore the moratorium on  
10 luxury limousine bases is significantly limiting our  
11 ability to survive in the one FHV industry that truly  
12 provides real middle class jobs. We'd love to,  
13 genuinely hope that you will take a look at these  
14 unintended consequences and we would love to work  
15 with you in coming up with some better solutions.

16 CHAIRPERSON RODRIGUEZ: Thank you.

17 BRIAN LOZANO: Good afternoon. My name  
18 is Brian Lozano. I'm the director of external  
19 affairs for Tech NYC, and I want to thank you for  
20 this opportunity to testify today. Tech NYC is a  
21 nonprofit coalition with the mission of supporting  
22 the tech industry in New York, to increase engagement  
23 between our more than 750 member companies, New York  
24 government, and the community at large. One  
25 innovation that undoubtedly improved New Yorkers'

1 lives over the past several years is ride sharing.  
2 Ride sharing provides New Yorkers with an affordable  
3 community transportation option. It has provided  
4 many with an important source of income. However,  
5 over the past year and a half New York City has  
6 instituted a number of regulations which is  
7 negatively impacting the services offered by ride  
8 sharing companies and are doing more harm than good.  
9 We share the goals of many of the recent regulations,  
10 like increased driver pay and decreased congestion,  
11 and unfortunately several of the regulations are too  
12 rigid and don't allow for the ride share companies to  
13 implement innovative solutions. Moreover, by  
14 instituting so many new rules in such a short period  
15 of time there are bound to be negative consequences.  
16 In particular the blunt cap on for-hire vehicle  
17 licenses, which was recently extended, has failed to  
18 produce any discernible benefits and it is likely to  
19 have negative long-term effects. While congestion is  
20 a serious issue that needs to be addressed, the cap  
21 on for-hire vehicle licenses is misdirected,  
22 incorrectly singles out FHV's. Further, as currently  
23 constructed, the license cap fails to account for the  
24 difference between single passenger and pooled rides.  
25

1           COMMITTEE ON TRANSPORTATION

2           The cap would prevent more high-occupancy vehicles  
3           from coming on line and limit the share of pooled  
4           rides. Pooled rides are more efficient than single-  
5           occupancy rides and have been shown to reduce  
6           congestion. Pooled rides are also one of the more  
7           equitable forms of travel and are requested at a  
8           higher rate in low- and middle-income neighborhoods.  
9           Any FHV license cap should exempt high-occupancy  
10           vehicles utilized for pooled rides. The cap will  
11           also hurt New Yorkers who rely on ride sharing as a  
12           source of income. In the long term this cap will  
13           create a system akin to the taxi medallion system.  
14           Recent reporting investigation by this City Council  
15           have demonstrated the folly of that system and how it  
16           impairs drivers. FHV licenses are for particular  
17           cars and many of these cars are owned by fleet  
18           companies which rent vehicles out to individuals who  
19           want to drive. The license cap incentives fleet  
20           owners to increase prices, taking advantage of people  
21           who would otherwise get a license for a car they own.  
22           Another recently enacted rule that will only hurt  
23           drivers is the TLC's ban of advertising in or on  
24           FHVs. Interior and exterior advertising are an  
25           important source of income for drivers, with many

1 drivers earning an extra \$300 a month in income,  
2 which amounts to 10% of some drivers' salaries. And  
3 we believe that this decision should be reversed. In  
4 order to benefit drivers and combat congestion, New  
5 Yorkers need to enact smart equitable policies. At  
6 the same time we must be careful to avoid using old-  
7 fashioned methods to regulate new models and repeat  
8 [inaudible] of the past. We hope the City Council  
9 continues to look into these issues and we look  
10 forward to working together to find a more creative  
11 way to regulate while ensuring New Yorkers have  
12 access to affordable, convenient transportation  
13 options. Thank you.

14 CHAIRPERSON RODRIGUEZ: Thank you.

15 Before, before hear from Via, I would like to, can we  
16 have like the numbers of members of the public ready  
17 to testify, I would like to, I know that there's  
18 people sitting who represent Uber or Lift. They  
19 should be here ready to testify too. One thing that  
20 I've been doing as my years of chairman of this  
21 committee I've been fair to everyone. But when we  
22 had a conversation of something that involve all the  
23 sector it's more than the lack of respect that  
24 institution that had a lot to do with the impact of  
25

1  
2 this policies and not ready to testify. So I hope  
3 that before the end of the hearing, this hearing,  
4 those of you who work with in some capacity with  
5 those institution, especially the main one, Uber and  
6 Lift, you should have your people here and be ready  
7 to testify in front of this committee.

8 YA TING LIU: Good afternoon, Chairman  
9 Rodriguez. My name is Ya Ting Liu. I am the  
10 director of government affairs and policy at Via.  
11 Thank you so much for this opportunity to, um, offer  
12 some feedback and comments and recommendations to  
13 this body and how we can all sort of achieve the  
14 shared goals that we, we share with this council,  
15 which is greater efficiency, reducing traffic and  
16 congestion, and equitable driver earnings. Via is a  
17 New York City, you have my testimony, I'm not going  
18 to read it verbatim, so I'll just try to be quick  
19 with my remarks. So Via is a New York City  
20 headquarter company, you know, we are the industry  
21 leader when it comes to driver pay and providing  
22 efficient and pooled rides in New York City. We're  
23 really proud to be the only company that supported  
24 this council's minimum driver pay rule because a lot  
25 of the, the drivers on our platform were already

1           making well above the minimum pay rule. We are also  
2           the only company that supported the cruising standard  
3           because we think that that's a really efficient way  
4           at getting rid of the empty cruising around for  
5           passengers. And as you heard from Council Member,  
6           other council members earlier, they pointed out that  
7           Via's cruising rate is only 13%, compared to the  
8           current industry-wide standard that is 42%. Now, we,  
9           um, one of the reasons why we're so efficient at  
10           providing really efficient rides, low cruising rates,  
11           high driver pay, is our use of the high-occupancy  
12           vehicles. They're sort of vans. That's very  
13           different from SUVs. They fit about five to eight  
14           passengers and that's a key part to how we achieve  
15           this efficiency. Now unfortunately this blunt  
16           vehicle cap is really preventing us from  
17           transitioning this fleet of sedans over to these more  
18           high-occupancy vehicles and in fact we have to turn  
19           away drivers, about 150 drivers every week, who want  
20           to drive in our high-occupancy vehicles and our vans  
21           but can't because of the license cap. So one way to,  
22           um, we think that we can solve this issue is perhaps  
23           a policy that sort of issues new licenses for high-  
24           occupancy vehicles used exclusively for pooling or  
25

1                   COMMITTEE ON TRANSPORTATION  
2                   based on some performance metric like cruising  
3                   standard is one way to get around that. And then  
4                   lastly, just real quickly, on the subject of driver  
5                   earnings, like so many other folks that have  
6                   testified here today, we really do think that TLC  
7                   can, should reconsider the advertising ban. I mean,  
8                   we think that that's an importantly strong source of  
9                   revenue for driver earnings and, you know, if they  
10                   can advertise on vehicles the way that yellow taxis  
11                   and city buses already do, drivers could earn even  
12                   more money, and it's a very easy thing for the TLC to  
13                   just set a rule to ensure that drivers are earning a  
14                   minimum revenue from that advertising funding. These  
15                   are the policies that we would love to continue to  
16                   work with you on and work with the TLC on. Thank you  
17                   for your time.

18                   CHAIRPERSON RODRIGUEZ: [inaudible] you  
19                   mentioning you talk about how on the luxury limousine  
20                   there's some level of health insurance provided.  
21                   Have you looked on the possibility of providing  
22                   health insurance to all drivers that work for you  
23                   guys?

24                   SCOTT RUTTER: Yes, indeed. Many of our  
25                   companies already do provide that. I don't know the



1  
2 exact number, but a high majority of the luxury bases  
3 provide some level of health insurance for the  
4 employees, yes.

5 CHAIRPERSON RODRIGUEZ: What about with  
6 Via? Is that something that you have looked at  
7 numbers to see the feasibility to [inaudible] health  
8 insurance program to the drivers?

9 YA TING LIU: We're definitely open to  
10 explore, um, options with drivers and with this  
11 council. We've looked at portable benefits before  
12 and definitely open to continuing that conversation.

13 CHAIRPERSON RODRIGUEZ: OK, thank you.

14 SCOTT RUTTER: If I could also add, some  
15 of us provide 401(k) programs to employees as well.

16 CHAIRPERSON RODRIGUEZ: OK, thank you.  
17 Next panel. Paul Notch, Dorothy Leconte, James Mary,  
18 Osama Tawi, Picharo, I'm sorry, Richard Lisky, Rosy  
19 Celestine, Michel Doltin, Nichman Joanne. Miss, you  
20 may begin.

21 UNIDENTIFIED: Good afternoon, Chairman.  
22 Good afternoon. This is not my first time coming  
23 here and I been working with Taxi Alliance for the  
24 beginning. We are fighting for this, ah, war. I  
25 been a taxi driver for the past 32 years. And when I

1  
2 came to this city I know I signed a paper for the, by  
3 the immigration, that I came here not to be a burden  
4 for the government, but I come here to work and fill  
5 my dreams. As a taxi owner since 1989, a medallion  
6 owner, I work and I know I will be retired with my  
7 dignity. And I find out [inaudible] then I wish the  
8 commissioner should be here. For my help I receive a  
9 lot of email offering me help to get food stamps, to  
10 get help from the government, Washington is fighting  
11 to take food stamp from people, and I work hard not  
12 to be in that system. And I find out my, my  
13 medallion is going down, the value is going down, and  
14 I work for the past 32 years and I have no future  
15 right now, 32 years, 62 years old. And I don't know,  
16 I'm worried. I used to work three, four days a week  
17 and have a driver fill in my spot. Right now there's  
18 no driver, they're tired, they don't to want work  
19 hard, and I'm right up working seven days a week.  
20 And this is really unfair. This is really unfair.  
21 I'm looking for help. They're lying to us. They're  
22 doing other thing. If you have a property in the  
23 middle of the road, the government need the road to  
24 extend the route, what the government do, they pay  
25 you off and they [inaudible]. But the medallion, I

1  
2 figured out, the city should pay that off and bring  
3 those app because they feel like they need them more  
4 than us. For the airport they kick us out of  
5 LaguardiaLaguardia, they bringing customer in the  
6 buses. In JFK at Terminal 5, customer have to walk  
7 miles away with their suitcases coming to  
8 [inaudible]. That's the Uber right in front of the  
9 terminal, those app cars, and we are the one who have  
10 all the rules at the airport, they kick us away. I  
11 don't know what they want. Lawn Bank is taking  
12 medallion away from people and then they sell it out  
13 for a hundred twenty and they come back, even your  
14 little house, they want you to be homeless, sitting  
15 in the street. That's what I work for, I didn't want  
16 to be in that situation. So please I want you guys  
17 to work hard for us. Save the industry. Thank you.  
18 [applause]

19 CHAIRPERSON RODRIGUEZ: Thank you for  
20 that. So we really [inaudible] and we're really  
21 sorry for that situation that, you know, the  
22 medallion owners and the drivers have been going  
23 through and [inaudible] representatives of the TLC  
24 also here, that they are also taking notes and they  
25 also can follow with you, but they are, even though

1  
2 the commissioner isn't here [inaudible] to be sure  
3 that, you know, they take the information from all  
4 the panelists here. And if there is any need to  
5 follow with you then they should talk to you after  
6 you finish.

7 UNIDENTIFIED: OK.

8 CHAIRPERSON RODRIGUEZ: Thank you.

9 ROSENY F. CELESTINE: Yes, good afternoon.

10 [inaudible] two thing. The first thing is the loan  
11 they give us. [inaudible] because I've been a taxi  
12 driver in honor since 1983. That mean about 37,  
13 going on 38 years. I been a taxi driver and  
14 [inaudible] I been working. Before, when I started,  
15 I'm always had the loan, the regular loan. After  
16 1989 they started to give us loan [inaudible] this  
17 loan is for 10 years, or is for 15 years. But there  
18 is a balloon every three years. I do believe the  
19 balloon is illegal in financial loan, I do believe  
20 that, because I never heard, I never heard it. It's  
21 only, because they tell you balloon every three years  
22 because every time they refinance you, you get more  
23 interest. But that I can fight it, it's only me, I  
24 have to get the loan, I need money, and I'm always  
25 taking it. The first thing I gotta say is I have a

1  
2 medallion a long time now. I'm 67 years old. I'm a  
3 sick man, but I need to work, I love to work, and I  
4 love New York City. Now the medallion sit on storage  
5 since three years, since 2016. Because they took my  
6 medallion [inaudible] on wheelchair. Which is I'm  
7 not able to drive the wheelchair to push people. I  
8 cannot do it. I would like to do it. I cannot do  
9 it. I come here many times, said I cannot do it. I  
10 go everywhere, I went to Albany, everyone said I  
11 cannot do it. Now even I pay the interest on my  
12 medallion every month. Last money I didn't pay the  
13 medallion, the August. I went down to the TLC, they  
14 told me my medallion is changed, the name is not for  
15 me anymore. When I ask them who has taken the  
16 medallion, they said I don't know. They tell me they  
17 don't know, talk to my bank. I went to the 47, ask  
18 that, they told me same thing. I went to the broker  
19 who give me the loan. He told me no the medallion  
20 [inaudible] finally they took, they sold the  
21 medallion since April. They took the medallion since  
22 April. I mean, I'm still from April to August, I'm  
23 always pay my loan. Now I don't know what to do.  
24 [inaudible] myself a [inaudible] to get a job or get  
25 a job here but I choose one. I prefer to get a job,

1  
2 not kill myself, because I'm not a [inaudible], just  
3 I need to work. If you can give me a job here,  
4 believe me, I will take it. This is my problem. I  
5 cannot be on the street. They took my medallion away  
6 from me and then I'm always paid, always paid every  
7 month. This is not justice. I come here looking for  
8 justice. Thank you very much.

9 CHAIRPERSON RODRIGUEZ: Thank you. And  
10 we want to be sure that TLC will follow with you,  
11 too, and also, and also some member from our team  
12 after we finish, so we want to follow. We have your  
13 contact here. One thing that we are trying to do  
14 right now is to address the devaluation of the  
15 medallion, all the situation that you the medallion,  
16 the independence medallion owners, are going through.  
17 So after you finish your testimony someone from our  
18 team also will approach you, OK?

19 ROSNEY F. CELESTINE UNIDENTIFIED: OK,  
20 thank you.

21 CHAIRPERSON RODRIGUEZ: Thank you, and  
22 sorry, can you say your name too?

23 ROSNEY F. CELESTINE: My name is Roseny  
24 F. Celestine.

25 CHAIRPERSON RODRIGUEZ: OK, thank you.

2 ROSNEY F. CELESTINE: Thank you.

3 CHAIRPERSON RODRIGUEZ: And we're sorry  
4 for that situation.

5 ROSNEY F. CELESTINE: If you want to give  
6 me down your number I can give it to you. It's 6-B-  
7 86.

8 CHAIRPERSON RODRIGUEZ: Yeah, so we will  
9 follow after you finish, the panel is done already.

10 ROSNEY F. CELESTINE: Thank you very  
11 much, thank you.

12 CHAIRPERSON RODRIGUEZ: Thank you.

13 MICHELLE DAUTON: Good afternoon,  
14 Councilman Rodriguez. My name is Michelle Dauton. I  
15 am a member of IDG and also a steward. I'm a little  
16 disheartened right now because I'm looking at all our  
17 drivers who took their day to come here and testify,  
18 to see them sitting here leaving, not getting heard,  
19 because they're now losing a full day's pay, to ask  
20 them to come and speak to let you know what's really  
21 happening with them. It's bad. Everybody is more  
22 important than the drivers right now. The drivers  
23 should have been heard earlier today so that they can  
24 go out there and move the city and make the money  
25 that they're not been making. So I ask you guys,

1  
2 when you ask them to testify please don't put them  
3 last, because now we had [inaudible] we don't have  
4 drivers who, our issues were being able to be told to  
5 you. So I'm here because our drivers are suffering.

6 CHAIRPERSON RODRIGUEZ: OK, so just for  
7 your information, for the record, drivers were the  
8 first panel. The way we have, we organized it with  
9 IDG. That's why their sector director had five  
10 minutes additional time and then they grouped all the  
11 drivers that were there together. They became the  
12 first panel. That's how, it was as by the IDG,  
13 that's how they wanted to structure it. So if you  
14 don't mind, I would like to hear from you your  
15 experience so that we can keep moving for the rest.

16 MICHELLE DAUTON: Yeah, sure, so I  
17 actually represent the drivers. I sit and talk with  
18 drivers every day regarding being deactivated from  
19 the app-based companies. Based on customer  
20 complaint, they get deactivated, not on the truth,  
21 because there's no true investigation. They don't  
22 ask the drivers what actually happened. They keep  
23 the facts from the customer and then determine  
24 whether or not the driver did that charge that they  
25 did, partly because it's a good way to level the



1                   COMMITTEE ON TRANSPORTATION  
2                   playing field and let go of drivers without any  
3                   consideration. These drivers spend their hard-earned  
4                   money to purchase, rent, lease vehicles and they're  
5                   promised something that they're not delivered. When  
6                   they purchase from the leasing companies, let's say  
7                   they come and they pay three, four, five hundred  
8                   dollars a week to have these vehicles on the road,  
9                   only to be deactivated on a claim that a customer  
10                  made, oh they're driving under the influence, they're  
11                  sleeping, but none of these charges are actually  
12                  identified or actually put in front of the driver.  
13                  They're guessing what happened, why they lost the  
14                  ability to ride and we have to search through their  
15                  phones to find out, oh, is this charge true? But a  
16                  due process for the drivers are due, it's been due.  
17                  We need you all to step in and actually ask that the  
18                  process, if you're going to deactivate a driver then  
19                  you need to have the driver like you do with the  
20                  yellow's sit and have a fair hearing from a panel of  
21                  drivers that can hear the case that was brought up  
22                  against them.

23                                   CHAIRPERSON RODRIGUEZ: Thank you. And  
24                   they were the first panel of this hearing.

1  
2 OSAMA TAWI: Good afternoon, Chair  
3 Rodriguez and committee members. My name is Osama  
4 Tawi and I driver for Uber using a vehicle that I  
5 rent. I am here today to talk about why for-hire  
6 vehicle rentals are the solution, not the problem.  
7 For me, renting is my only option. The TLC hasn't  
8 issued new for-hire vehicles licenses for more than  
9 one year and now they say they'll only issue new  
10 licenses for electric vehicles or waves. I'm an Uber  
11 driver. I cannot afford to buy a Tesla. Without the  
12 rental companies I would be out of a job. Renting is  
13 also the best option for me. I don't drive full time  
14 every week, so even if I could buy a car and get a  
15 TLC license, I wouldn't want to. Renting gives me  
16 the flexibility to work when I want, for as long as I  
17 want. If I want to take a few days off or some weeks  
18 off I can, and I don't have to worry about making car  
19 payments or paying for the insurance even when I'm  
20 not driving. I can also change cars if I like. I  
21 can rent a used car this week or I can pay a little  
22 more and get a new car or a larger care, based on  
23 what I choose. Without a lease I am, with a lease I  
24 am stuck with the same car for a very long time. I  
25 also didn't have to worry about, that the TLC would

1  
2 revoke my diamond when I needed to take a month off  
3 to visit family or go to school for classes. If I  
4 lease a vehicle I am stuck making expensive payments  
5 and paying interest on a vehicle when I am not  
6 driving. When I choose to rent my car I just reserve  
7 a vehicle for how long I need it and return it when  
8 I'm done. It is the best option and for me it is  
9 really the only option. Thank you.

10 CHAIRPERSON RODRIGUEZ: Thank you. And I  
11 do believe that it is important to have choices, to  
12 have options. So in your case, it's interesting to  
13 learn more about. So who do you rent your care from?

14 OSAMA TAWI: I rent it from Buggy.

15 CHAIRPERSON RODRIGUEZ: Who are they?  
16 Are they part of Uber, or they are different from it?

17 OSAMA TAWI: They're a partner of Uber,  
18 yes.

19 CHAIRPERSON RODRIGUEZ: What's that?

20 OSAMA TAWI: An Uber partner.

21 CHAIRPERSON RODRIGUEZ: So it's an Uber  
22 partner. So then do you know how many vehicles do  
23 they have that they rent?

24 OSAMA TAWI: I don't have an idea.

25 CHAIRPERSON RODRIGUEZ: OK. Thank you.

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OSAMA TAWI: Thank you.

CHAIRPERSON RODRIGUEZ: Next panel.

Steven Valenzuela, Pedro Costa, Haley Chang, Chalise Met, Hozman Cho Curry.

UNIDENTIFIED: Um, yes, hello. So I am an independent driver. As stated, um, once you do get your TLC license you are independent to drive for whatever company you decide to drive. I been driving only with Uber and another company, Lift, so far and I been involved in an incident very badly with the TLC police, um, where I was, so I want to bring this to your attention because this is very important and I know this is going to help every single other driver outside who is driving and doing their work. I never been involved in this type of situations in my life. I'm not a person that has a criminal record. And I believe that what happened to me is very unfair and what the TLC commission, commissioner, here today discussed I think there's a lot of false statement on that because I don't think there's, there's been somebody really regulating, what they're doing, watching what they're doing, seeing what they're doing outside with the drivers. So I'm here today to speak on behalf of that. I had

1 COMMITTEE ON TRANSPORTATION

2 a ride with Uber at LaguardiaLaguardia AirpotAirport.

3 That was about two weeks ago now, and I drop, I

4 dropped off my client, I left my client at Terminal

5 B. Right after I dropped off this client so Uber has

6 a system now where you have to be on a queue. They

7 automatically sign you out if the queue is full or

8 you can sign out yourself. I signed out of the

9 application by myself because I felt that I needed to

10 end my shift. I'm pulling out of the airport going

11 on my way home. I put my location to the my address,

12 my home. So I'm driving towards my house and there's

13 a TLC police that stopped me because the girl saws

14 me, I pull out a cigarette inside of my car and I was

15 smoking a cigarette inside of my car with a clients

16 in my car. Um, I did not. She was wearing regular

17 clothes, didn't have any badge on her. She stopped

18 me and told me to give her my credentials, license

19 and registration. I asked the reason why did you

20 want my license and registration. At the very moment

21 I'm not understanding why she is stopping me and what

22 is going on. Um, she asked me again and I also asked

23 the question again, why do you want my license and

24 registration. I'm not aware of what's going on. She

25 tells me put the car in park. I park my car and she

1 tells me, oh, I'm a TLC police, the reason why I'm  
2 stopping you is because you're smoking a cigarette  
3 inside your car, you can't. And I told her, I  
4 apologized to her the moment she told, excuse me, she  
5 told me that. I turned off the cigarette with my  
6 hand. I literally just pulled it out, it's the  
7 cigarette [inaudible] I have a proof, it's something  
8 totally legit what they sell at the grocery store,  
9 it's a black [inaudible] cigarette, and, you know,  
10 it's not a drug or anything bad. Anyway, she told me  
11 it's prohibited to smoke inside of a TLC car and I  
12 apologized to her, I'm turning off the cigarette.  
13 The moment that this happened, um, another person  
14 opened the door of my car and he's telling me if I'm  
15 not listening to what she's telling me, she's asking  
16 me for my credentials and I'm supposed to comply  
17 right away. I told this person, sir, I have all the  
18 rights, I have all the rights to ask a question. I  
19 believe this is not a dictator country. This is a  
20 free country where you can ask a question, you know,  
21 we're not living under Adolf Hitler or any other  
22 dictator president or anybody, you know, this is a  
23 free country, you can ask a simple question, you can  
24 ask a question of why you're being stopped and why  
25

1                   COMMITTEE ON TRANSPORTATION  
2                   you have to give your credential. I wasn't  
3                   identifying that she was a TLC police. I have a  
4                   video where it shows that she didn't have any badges  
5                   and it took me about three times to ask the question  
6                   who she was and why she wanted my credentials and  
7                   then she, um, identified herself. She says she was a  
8                   TLC police. When this guy opened the door of my  
9                   car...

10                   CHAIRPERSON RODRIGUEZ: So let's do  
11                   something. Let's address with, later, let's be sure  
12                   that we follow, let's talk to TLC and see what is  
13                   [inaudible] what is that situation, get into more  
14                   detail...

15                   UNIDENTIFIED: This situation?

16                   CHAIRPERSON RODRIGUEZ: And see if there  
17                   is anything that we can do.

18                   UNIDENTIFIED: The situation, that day I  
19                   got arrested by TLC because I was smoking inside of  
20                   my car.

21                   CHAIRPERSON RODRIGUEZ: So you were  
22                   arrested?

23                   UNIDENTIFIED: I was arrested. I have a  
24                   case in court. They took my fingerprint, they took  
25                   me to booking, that day the officer that sent me

1  
2 under arrest I asked him the question why was I taken  
3 under arrest and he said, this is what he said and I  
4 have it on a tape, I have it right now to my phone, I  
5 can play it in front of everybody so you can see it  
6 if you would like to. This is what he said, you are  
7 being under arrest because I say so. That's what he  
8 told me, because I say so. He did not have any  
9 legit, if I was doing something incorrect or breaking  
10 any rule he was supposed to just give me a ticket.

11 CHAIRPERSON RODRIGUEZ: So let's do  
12 something. Let's be sure that one of my staff  
13 [inaudible] we'll follow up with you...

14 UNIDENTIFIED: Please, thank you.

15 CHAIRPERSON RODRIGUEZ: And then let's  
16 follow, [inaudible] let's follow.

17 UNIDENTIFIED: Si, gracias.

18 CHAIRPERSON RODRIGUEZ: Have a good day.

19 UNIDENTIFIED: Thank you.

20 CHAIRPERSON RODRIGUEZ: Of course.

21 UNIDENTIFIED: Hi. So I think that there  
22 are two goals that the city is trying the accomplish  
23 with a lot of the recent legislation with minimum pay  
24 and with a cap and with the new thing with driving in  
25 Manhattan. And I think one of the things the city is



1  
2 trying to do is, um, make sure that drivers are  
3 earning a living wage and another thing is they're  
4 trying to minimize congestion. And I think that as  
5 long as the issue of Lift, um, locking people out of  
6 the app isn't addressed neither of those ideals will  
7 be accomplished. Um, as someone earlier mentioned, I  
8 think Councilman Lander was the first to mention it,  
9 um, when Lift signs drivers out or doesn't allow them  
10 to log in they are, um, they're, they're, um, they're  
11 messing with the utilization rate. So utilization  
12 rate is supposed to be, um, a measure of how, ah, of  
13 driver availability, but if Lift is forcing drivers  
14 offline so the utilization rate is going to go up and  
15 driver pay is going to go down, so we're not going to  
16 accomplish accomplish that goal. And I also think that  
17 as long as we don't address that issue of Lift  
18 signing people out we're not going to see congestion  
19 addressed because we have a cap on driving in  
20 Manhattan and if Lift can just sign people out to  
21 address that cap then you're going to have a lot of  
22 cars driving around in Manhattan offline and they're  
23 going to be causing the same congestion that they  
24 would otherwise. So it's very important to, um, make  
25 sure that Lift is held accountable for signing people

1  
2 off that that affects the utilization rate. And I  
3 think that in order to do that we need to, um, we  
4 need to have a way of tracking, um, when that button,  
5 the online button is online or off, we need a  
6 reliable way of doing that, and I think the best way  
7 to do that is to have Lift submit to TLC, um, data on  
8 online and offline and whether the drivers, the  
9 driver went offline or they went offline and they  
10 need to have, they need to have three pieces of data,  
11 um, on a trip, four pieces, on a trip, online,  
12 offline, and locked out, 'cause locking out, when the  
13 driver is locked out the TLC doesn't get any data on  
14 that. TLC only gets data on when Lift logs a driver  
15 out, not when Lift, when the driver is offline and  
16 Lift doesn't let them log in. So the TLC needs to  
17 get data on that, and all of this data needs to be  
18 publicly available to each driver so that each driver  
19 can look at that data and confirm whether it's  
20 correct and if it's not correct they can submit a  
21 complaint to the TLC with proof with a screenshot  
22 that at that time that Lift says that they were  
23 online or Lift says that they weren't locked it that  
24 they were locked out, so that there's going to be a  
25 way of verifying, um, by the drivers, the driver

1  
2 complaining, there'll be a way of verifying when,  
3 when this happens. And I also think we need to get  
4 clarification from the TLC, and I have not been able  
5 to get it so far. We need clarification how the TLC  
6 calculates the utilization rate. Because the TLC  
7 gets a lot of data from the apps. They get online  
8 data, off, they get, when we press that button,  
9 online, offline, and they get the trips, when we're  
10 on a trip, when we're not on a trip, and the TLC has  
11 not clarified to me and even though I reached out to  
12 them, they never got back to me, they have not  
13 clarified to me what the definition of utilization  
14 rate is. Is it only based on when we press that  
15 button? Are we relying on the apps', you know, honor  
16 and, and honesty or is there some other method of  
17 calculating it? We need specific information on how  
18 they do that.

19 CHAIRPERSON RODRIGUEZ: OK, sorry, sorry,  
20 let's summarize today, we move to next one. Next one  
21 please.

22 HENRY CHIN: Hi, my name is Henry Chin.  
23 I am app base driver and the steward of Independent?  
24 Driver Guild. I have been driving for two years.  
25 I'm driving for Uber and Lift. As is true with the

1  
2 guilds, I work hard to fight for the nation's first  
3 minimum pays raise through for the driver. I spent  
4 countless hour gathering signature and, um,  
5 organizing driver to show up to the lobby day,  
6 rallies, and everything like this. So it is  
7 extremely concerning that the raise drivers are  
8 getting is falling short of \$10,000 raise we were  
9 promised. Our pay is coming out short of \$4000 and  
10 TLC is doing nothing to help, nothing to help. That  
11 \$4000 could cover most of the yearly cost of the TLC  
12 vehicle insurance that we are required to purchase in  
13 New York City. It could help the many uninsured  
14 driver finally get covered. It could help drivers  
15 reduce their car payment. That is \$4000 that could  
16 make a huge difference in the lives of 80,000,  
17 80,000 of your poorest and hardest-working  
18 constituents. We urge you to force emergency action  
19 on this issue. As a IDG steward I also heard, hear,  
20 heard horrible story about my fellow drivers about  
21 getting deactivated or fired from the app. There is  
22 absolutely no due process for the driver. Some of  
23 the driver have [inaudible] 10,000 trips, just like a  
24 few sitting right there, they were deactivated for no  
25 reason. There is no process for them, right? If you

1  
2 accuse someone of any wrongdoing, at least you prove  
3 it. If you prove it, it's fair for everyone. It's  
4 fair for the government, it's fair for the people,  
5 it's fair for the driver. But driver do not have  
6 those process right which is promised under the law.  
7 So we are not just very concerned, we are [inaudible]  
8 of TLC and we think we have to put that into place  
9 with the drivers' right is getting protected. And  
10 that is so important and we urge you to take  
11 emergency action on it. So many drivers spend  
12 \$50,000 or \$60,000 on the car. They bought a new,  
13 brand-new car and all of a sudden they are  
14 disqualified from driving for black and SUV service.  
15 If it's leased in their qualified vehicle lease on  
16 Uber, Uber should give people opportunity to drive  
17 for the black and SUV. People [inaudible] how there  
18 is not to provide a service for the hotel. So I  
19 think that is critical, many of their lives is being  
20 affected. We do not want to see any more suicidal  
21 wave and that is not right, especially in the what we  
22 claim as the fairest city in the United States of  
23 America. Thank you so much, Chairman.

24 CHAIRPERSON RODRIGUEZ: Thank you.



1  
2 passenger. But there must be a time when we have to,  
3 I urge you to go on YouTube and see how much abuse  
4 drivers are going through daily because of all the  
5 rights that they give riders and nothing to the  
6 drivers. So TLC must find a way to start protecting  
7 the drivers that are moving this city. Second, I do  
8 believe that the app-based companies cannot use a TLC  
9 regulated car to pick up someone from Croton on the  
10 Hudson for \$40 to JFK. They have the right to  
11 manipulate your system and, for instance, if I can  
12 talk about myself I will put my system on black and  
13 SUV, but they could manipulate me and put X without  
14 me knowing that. So I will get a ping and I will  
15 think somebody maybe 30, 40 miles away from the  
16 suburb into JFK for \$40, and that is something that  
17 the TLC can regulate, the way they abusing drivers,  
18 the way they abusing the system. Second...

19 CHAIRPERSON RODRIGUEZ: Sorry, summarize  
20 please.

21 SHOHAN NAMAN: Yes, um, if you allow me  
22 just one more, one more minute, Chairman. Second,  
23 um, a black or SUV driver has to pay about \$7000 in  
24 insurance per year. Now there is not so much work so  
25 TLC must find a way to lower that cost for each

1  
2 driver, you know, not only for [inaudible] but in  
3 general. It is imperative that TLC start protecting  
4 the driver. I cannot stressed that enough. Because  
5 it's hurting to see how people are treating the  
6 driver each and every day. I thank you, Mr.  
7 Chairman.

8 CHAIRPERSON RODRIGUEZ: Thank you, sir.

9 CHARLES MITCHELL: Good afternoon, Mr.  
10 Chairman. Before I start, I just want to say to you  
11 it's good to see you. You may not remember me, but  
12 at City College we worked together as students to  
13 fight for students' rights, so it's good to see that  
14 you're still on the case. My name is Charles  
15 Mitchell and I'm born in raised in Brooklyn, New  
16 York, and I'm here today because I'm upset with  
17 what's going on with the TLC, ah, with the apps, and  
18 how it's impeding my ability to not just make a  
19 living, just to have a quality of life that everybody  
20 should have, right? I have come from a background  
21 where I worked in a lot of offices. I worked for  
22 temp agencies and stuff and I got tired of working  
23 for other people, having them set my hours and impede  
24 me from helping my family, my community, and doing  
25 the work that I was doing. So I decided to use these



1  
2 apps to make, to be an entrepreneur, to start myself  
3 out as an entrepreneur as thousands and millions of  
4 people that have come to New York City and started  
5 with nothing and built themselves up there. This is  
6 a time now that we need to be concerned because the  
7 people are not able to life a quality of life in  
8 whatever aspect, whether they're yellow car, yellow  
9 cab drivers, Uber drivers, or clerks in offices. The  
10 people in New York are being priced out of New York  
11 and we need to address that above all things. That  
12 being said, I found some pitfalls in doing this,  
13 right. The rentals, I'm paying an  
14 exorbitantexorbitant rental fee of \$439 every week.  
15 That's breaking down to \$756 to almost \$2200 a month,  
16 depending on whether is a four-week or five-week  
17 month, right, and that's plus tolls, plus gas, and  
18 plus my phone bill that I have a dedicated phone line  
19 for Uber and Lift. I'm plagued by this arbitrary  
20 pricing and this lack of disclosure. What the riders  
21 pay is often not what I see on my app. And I was  
22 hearing that before I started and I'm still hearing  
23 it and I'm still seeing it. And if the apps are  
24 really third parties as opposed to connect riders and  
25 drivers with each other, why do they have the

1  
2 discretion to set prices unilaterally, to turn off  
3 people's accounts, to hold people's money hostage?  
4 Last week I missed a TLC ticket, parking ticket  
5 hearing and they have suspended my driver's license  
6 and so in order to pay the driver's license I would  
7 have needed the money in my Uber account, but Uber  
8 put my account on hold and I couldn't access my  
9 money, so I wound up missing four or five days of  
10 work over the Labor Day weekend because I couldn't  
11 get the money to pay before the Labor Day weekend  
12 occurred. And they should not have that type of  
13 power over my money. Yes, I may not be able to use  
14 the app, but I should still be able to access my  
15 money, right, and why don't drivers have, and  
16 passengers have, more a say in what we talked about  
17 the due process and impartial hearings for options  
18 and issues that arise, because drivers, or passengers  
19 also, get cut off arbitrarily and they don't know  
20 why, right? Speaker Johnson's mandate to make the  
21 city environmentally and pedestrian friendly is at  
22 the expense of people that need to earn a living  
23 driving. He seems to forget that the drivers are  
24 citizens and tax payers of the city, too, right?  
25 Congestion and environment are very important, right,

1  
2 but the changes that you've implemented have impacted  
3 my ability to earn my living, and I was already  
4 struggling. I have not paid my rent now, my  
5 apartment rent, for four months now because all my  
6 money is going primarily to paying for this car, and  
7 I had plans before, ah, de Blasio put his mandate  
8 last August into effect that froze the release of new  
9 TLC plates, and he messed my whole thing up and I've  
10 had to rent. Ah, so since the changes that were  
11 implemented recently Uber kicks me out of the app  
12 sometimes, even up to a half a mile away from the  
13 airport and it says, like this morning I was at  
14 Laguardia, there were maybe 20 cars, and it  
15 was saying the queue was full and it kept kicking me  
16 out. And it clearly was not full, and I have video  
17 that I even posted on my Facebook this morning, and  
18 I've only be able to log onto Lift three times and  
19 since those new rules were implemented, two to three  
20 times, I don't even think it's three times, in the  
21 last three to four weeks. Lift was at least a third  
22 of my income. I made like two-thirds of my income  
23 primarily from Uber and another third from Lift. But  
24 since then I haven't been able to make any money off  
25 of Lift. How am I supposed to pay my bills? The

1  
2 council and related agencies need to rethink how it  
3 deals with congestion. Especially the idea of  
4 informally, illegally taxing drivers that work and  
5 the passengers to pay for services, meaning MTA  
6 services that they're not using, especially since it  
7 would take years to amass the kind of money needed to  
8 repair, replace, and rebuild the city's transit  
9 system. The MTA needed something done now and when  
10 it is done the congestion will decrease because  
11 people driving into the city because they can't  
12 afford to be late to work, they can't afford to spend  
13 two to four hours every day going back and forth from  
14 home. Right.

15 CHAIRPERSON RODRIGUEZ: Sorry, it's  
16 [inaudible], if you don't mind. [inaudible], I'm  
17 sorry, I need to call the rest so they [inaudible].

18 CHARLES MITCHELL: All right, let me say  
19 just one more thing.

20 CHAIRPERSON RODRIGUEZ: Ten seconds.

21 CHARLES MITCHELL: Your colleague was  
22 here earlier, he was talking about being bolder,  
23 right. The city, if it wants to deal with congestion  
24 and the environmental crisis that we have, and we  
25 definitely have one, because I've never seen flooding

1  
2 like I've seen in the last few years here in New York  
3 City and like I said, I spent my whole life here, the  
4 city needs to be more aggressive in implementing  
5 things like the city can work in conjunction with New  
6 York State and mandate that car manufacturers that  
7 want to sell cars in New York City come up with  
8 better engines and come up with better generator  
9 systems, right, and the city also needs, if you want  
10 the people to use E, ah, electric cars, where are the  
11 docks for these cars to charge up at? The city needs  
12 to implement docks around the city...

13 CHAIRPERSON RODRIGUEZ: Sir, thanks.

14 CHARLES MITCHELL: Just like they  
15 implemented these crappy city bikes that has all over  
16 the place. You need docks for people to charge their  
17 car.

18 CHAIRPERSON RODRIGUEZ: Thank you.

19 CHARLES MITCHELL: If you want to be  
20 forward thinking you have to be forward thinking.

21 CHAIRPERSON RODRIGUEZ: Sir, so first of  
22 all it's a honor to have the voices of the drivers,  
23 not only from the first panel that we had from IDG,  
24 but also by you that, you know, share with us  
25 different perspective, different story. And it is

1  
2 also nice to be able to see someone who know who we  
3 are, in the case of [inaudible] selected to serve our  
4 community. We were there in the '80s and the '90s  
5 organizing at City College, organizing against police  
6 brutality. So nice to see you, thank you everyone,  
7 and my study [inaudible] if you don't mind that we  
8 have your cell phone so that we can follow with you.

9 CHARLES MITCHELL: Thank you.

10 CHAIRPERSON RODRIGUEZ: Next panel,  
11 sorry, sorry, we need to leave it there, sorry. Next  
12 panel, Steven Pollack, Steven Valenzuela, Sy Wood,  
13 CDV, Sam Pierre, Geev Sefan, Ben Pierre, Monep  
14 Rebman, Sulma Arsubrown, Mohammed Tepal Sultan. You  
15 may begin, sir.

16 STEVEN POLLACK: Hello, my name is Steven  
17 Pollack. I've been a driver with a TLC license.  
18 Hello, my name is Steven Pollack.

19 CHAIRPERSON RODRIGUEZ: Yes.

20 STEVEN POLLACK: Hello, my name is Steven  
21 Pollack. All right. So my name is Steven Pollack.  
22 I've been a TLC driver for about 30 years now. I've  
23 seen the industry change dramatically. When you guys  
24 and TLC instituted that supposed pay rise, I got news  
25 for you. It was more of a loss than it was a raise,

1  
2 'cause let me just point out that we lost our base  
3 fee, which was \$1.83 per trip, right? If you do 20  
4 trips, that's \$36.60 that you lose a day, right? And  
5 then they took the minimum ride, which we have much  
6 more of than any other ride, we lost 36 cents per  
7 ride. They're paying \$5.39 now. Before they were  
8 paying \$5.75, OK? And then the per mile dropped 16  
9 cents, from \$1.25 to \$1.09, right? Just to get a 24  
10 cent per minute raise doesn't anybody see where that  
11 doesn't make any sense? And this utilization rate?  
12 That needs to be abolished. The TLC, they're a joke.  
13 OK, also what I wanted to say is they were talking  
14 about a per trip basis, right? So we're supposed to  
15 pay a per trip basis, then how is it that the minimum  
16 rate that we're supposed to be paid on a per trip is  
17 supposed to be \$5.39, 'cause that's what the local  
18 call is, right? So Uber, Lift, Juno, all these  
19 companies, well, I can't say Juno, but Uber and Lift,  
20 they don't pay a per trip, because when you go on a  
21 pool call if you have one call going farther and then  
22 you pick two shorter calls you're getting paid like  
23 \$1.33 to pick up the second and third passenger, each  
24 person? That's ridiculous.

25 CHAIRPERSON RODRIGUEZ: OK.

1 COMMITTEE ON TRANSPORTATION 168  
2 STEVEN POLLACK: I mean, you can't even  
3 take a bus for that price.

4 CHAIRPERSON RODRIGUEZ: OK, thank you.

5 STEVEN POLLACK: OK.

6 SABU SADIVI: Hi, my name is Sabu Sadivi  
7 and I'm an Uber driver. I've been driving since 2000  
8 and I switched to Uber in 2016. And now I'm an  
9 organizer also with New York Taxi Worker Alliance.  
10 The issue I want to bring up here, one of my  
11 [inaudible] just brought it back, is about a  
12 disactivation situation. I think the City Council  
13 look, needs to look into this situation, because  
14 there's a lot of unfair, you know, disactivation. I  
15 know people who have been deactivated just because  
16 they are getting in a brawl with like passenger and  
17 [inaudible] have the passenger call just the company,  
18 said that OK, these guys were sleeping or smoking.  
19 They even lie to some people saying we were drunk.  
20 So just because there's no regulation to give a  
21 chance a to the driver to defend himself. We know in  
22 the yellow cab issue when a driver file a complaint  
23 they go to TLC and then the drivers have a chance to  
24 defend himself. But with this deactivation case,  
25 nothing. The company is the rule maker. It can fire



1  
2 the driver anytime they want. And a lot of people  
3 right now they are out of a job. You know, they've  
4 been disactivated by Uber, by Lift, even by Juno, and  
5 we have a car now, we don't know what to do. So this  
6 is very serious. We need to do something for us,  
7 because right now I was driving with Lift and Uber,  
8 now I'm just driving with Uber. I don't know if I'll  
9 be the next, because right now there's no way you can  
10 defend for yourself when you're accused by a  
11 customer, saying OK, you did this. Because we don't  
12 even listen to you, and the next day we just say, OK,  
13 you call them, we say we're going to investigate. So  
14 it depends. We make the choice. If they want we'll  
15 tell you, OK, we take you back or you just, you're  
16 just fired. So please look into it. It's a very  
17 important issue. Thank you.

18 CHAIRPERSON RODRIGUEZ: Thank you.

19 UNIDENTIFIED: Hi, good afternoon  
20 everybody. Thank you, Mr. Ydanis Rodriguez for  
21 having this panel. I'm a New York City driver since  
22 2012. I've been an Uber driver since 2012. And I  
23 have seen how Uber has been manipulating the drivers.  
24 They're taking advantage of 89% immigrants who are  
25 into this industry. These drivers are not only hard

1  
2 working, but they also have families. I am one of  
3 the biggest victims of Uber and other app-based  
4 companies who are making billions off of our backs  
5 and driving us into poverty. It is an unsustainable  
6 business model. You've seen the IPO release.  
7 They've made billions of dollars and squeezing their  
8 losses from the drivers as much as they can. Uber  
9 had in the past the wage theft and still doing it.  
10 They're stealing money from the drivers in every way  
11 and form they can. There was a lawsuit back in the  
12 days with the help of NYTWA with which drivers got  
13 some money back. After the drivers, after nine  
14 drivers have committed suicide there was a cap being  
15 placed in this industry. There's already, the  
16 industry is already oversaturated. There's over  
17 200,000 drivers in New York City. If we open the  
18 cap, how many more drivers we want to put on the  
19 streets, 'cause Uber, Lift, Via, Juno, all these  
20 companies, they came in, they want to have access to  
21 as much as drivers they can, but they are not  
22 supporting enough work for them. They're doing, like  
23 the price war is between them, but we are the one who  
24 are getting, ah, squeezed by it. And history is  
25 repeating itself, the way they have kicked out and

1  
2 have destroyed the yellow cab industry, that's what  
3 they have done to the black car industry. Recently  
4 when they post, recently when they proposed the  
5 minimum wage rate, that's only for Uber X drivers.  
6 What about the black car drivers who have spent  
7 thousands and thousands of dollars, \$80,000, \$90,000  
8 worth of cars and we are forced by Uber to pick up  
9 the cheaper rides, which is Uber X. Recently they  
10 have kicked out black cars, SUVs, from a black car  
11 fleet and forced them to do pool and X rides to help  
12 the utilization rate or whatever, but that's they're  
13 problem, that's not our problem. First they tell the  
14 drivers go buy the cars, the drivers they go out,  
15 they buy the cars, which is \$50,000, \$60,000, a year  
16 later they kick them out. We need TLC and the city  
17 to do an investigation on it. There's nothing being  
18 done in the past which will help the drivers. And  
19 this is our chance, and we support the TLC over here.  
20 I would also like council to look into it along with  
21 TLC to create a driver advisory board so whenever  
22 Uber, Lift, Juno, Via, whenever they are putting out  
23 their policies, which they change overnight without  
24 even thinking of the drivers, without even getting

1  
2 their, 'cause we are the people who are driving all  
3 these passengers.

4 CHAIRPERSON RODRIGUEZ: OK. Thank you.  
5 Thanks a lot.

6 UNIDENTIFIED: Thank you.

7 UNIDENTIFIED: Hi, good afternoon  
8 everyone. That was my phone that went off. I am a  
9 working mom, an entrepreneur, a businesswoman, so I'm  
10 literally multitasking as I am here. But I knew that  
11 this hearing was extremely important. I am here on  
12 behalf of the New York City Hispanic Chamber of  
13 Commerce. I am writing to express our support for  
14 ride sharing in New York City and our growing concern  
15 over regulations that will stifle the immense benefit  
16 this vital service provides to New Yorkers. I  
17 actually took a Lift on my way over here. While I  
18 understand the need to reduce congestion, especially  
19 in the central business district, the taxi and  
20 limousine commission, TLC is fast tracking the  
21 implementation of these regulations, which have not  
22 received a true vetting at the expense of vulnerable  
23 communities. I am deeply concerned that the absence  
24 of a chair is causing the commission to veer towards  
25 a troubling direction that would have an adverse

1 effect on the outer boroughs and communities of  
2 color. Traditionally, communities of color and those  
3 looking to travel to outer boroughs have faced  
4 difficulty in hailing a yellow cab. When ride  
5 sharing was introduced companies like Uber and Lift  
6 imposed strict antidiscrimination policies and now  
7 almost 60% of for-hire rides begin or end outside of  
8 Manhattan. Ride sharing has become a vital lifeline  
9 for these communities, for our communities, who  
10 increasingly use it to run errands like grocery  
11 shopping, to go to the doctor appointments, and for  
12 transit connections. It filled a crucial gap in  
13 these communities that far too long have been ignored  
14 by the TLC. Considering the TLC's track record,  
15 there should be more of a conscious effort to create  
16 a collaborative climate that ensures all stakeholders  
17 and experts have adequate time to consider the  
18 unintended consequence its proposed regulations may  
19 have on current plans. We hope to count on your  
20 support and we urge the TLC to stop creating new  
21 rules so our communities can continue to benefit from  
22 ride sharing. Thank you.

24 MOHAMMED TEPISULTAN: Hi, my name is

25 Mohammed Tepisultan, being with the New York Taxi

1  
2 Workers Alliance since 2005, actually, and driving a  
3 yellow cab for a while and still I'm driving a yellow  
4 cab. As brother [inaudible] I remember 2012 what is  
5 the Uber practice and business model. That's why he  
6 started with the Uber black and this the very, very  
7 sad news when we have the same platform as  
8 discrimination, Uber X, this is their goal actually,  
9 lower all the way to the bottom, race to the bottom,  
10 let the driver to be under poverty, do not raise  
11 them. So what is the Taxi Workers Alliance did last  
12 years and years, we are fighting to keep the cab that  
13 can be, we did it implement 2018 and we did again,  
14 that is one more years, and now we have it, New York  
15 Taxi Workers Alliance already filed for the rules  
16 making petition. What is a rule making petition? It  
17 is the 85% for the driver [inaudible]. This is the  
18 all driver, 85% income should be the driver, and  
19 that's no more deactivation. If this is it, it  
20 should be the legal, legal, legal, ah, for the system  
21 follow-up, so this is all in there, my brother and  
22 sister, and also we want that one meter, one rate.  
23 There will be no more, should be [inaudible] price.  
24 So this is all TLC already filed in the petition. It  
25 is all is working, all the drivers should be standing

1  
2 a platform instead of Uber paid lobbyist group. My  
3 brother and sister, it is very important, and also  
4 the City Council that you already working on this to  
5 improve this taxi driver. This is all driver need to  
6 be improvement. Same time we already fighting for  
7 the yellow sector, the loan forgiveness program. It  
8 is very important, so loan forgiveness is there, rule  
9 making petition is there, 85% income is there, the  
10 deactivation should be a legal process. This is all  
11 in the TLC and the City Hall, and the City Council  
12 and the TLC more focused to be work on those bill and  
13 implement and pass the bill as soon as possible, so  
14 driver can be benefitted for that. But, again, there  
15 is, Uber is spending millions of dollar to be derail  
16 our movement, destructs our movement, destruct the  
17 driver to be profited with the livable income. So we  
18 have to be careful and the City Council also should  
19 be focused on that. Thank you so much.

20 CHAIRPERSON RODRIGUEZ: Thank you. So  
21 the next and last panel, Richard Chow, Wayne Chin,  
22 Ara Rise, Magdar Sayu, Charles Mitchell, and Raul  
23 Rivera.

24 CHAIRPERSON RODRIGUEZ: [speaking away  
25 from mic].

1  
2 RICHARD CHOW: So hello, Mr. Chairman,  
3 council members, good evening. My name is Richard  
4 Chow. I'm an owner-driver. I'm driving a yellow cab  
5 for 14 years. I'm also Taxi Workers Alliance member.

6 CHAIRPERSON RODRIGUEZ: Sorry, sorry, if  
7 you don't mind. In your case, do you coordinate with  
8 the leadership of the IDG so that they will have  
9 additional time and they will speak? Is there any  
10 driver here that you have not speak that you would  
11 like to take? Miss, excuse me, miss, sorry. Let me  
12 ask a question. Is there any driver that would like  
13 to testify that we have not called, raise your hand.  
14 [inaudible] you can come to the table. We will add  
15 another chair, there, you can sit in the chair there,  
16 and after we finish testifying then we do  
17 [inaudible]. I'm sorry for [inaudible]. Please  
18 start over.

19 RICHARD CHOW: Hello, good evening,  
20 Chairman, good evening council members. My name is  
21 Richard Chow. I'm a taxi medallion owner. I've been  
22 driving for 14 years. I'm also a Taxi Workers  
23 Alliance member. I will just tell you the story  
24 again, the old stories, one of my brother, Kenny  
25 Chow, last year he committed suicide. Now we have,



1  
2 because he cannot pay, make enough money [inaudible]  
3 pay back the medallion loan. That's why he committed  
4 suicide, because too many Uber and Lift flooding the  
5 street, so nobody making money. That's why he  
6 committed suicide. So we have over 4000 medallion  
7 owner struggling alone, so about thousands are  
8 already filing bankruptcy. So because of basically  
9 the TLC and the [inaudible] Lift, the Uber and Lift  
10 running our business, took our business, that's why  
11 we lose the business, we cannot pay back the money  
12 back to the loan. So now the more cabs cruising in  
13 the central business, worse in the last year. Nobody  
14 making money and the streets are, even emergency  
15 vehicles cannot go faster. So the more cabs on the  
16 street, the more drivers not making money. The more  
17 driver not make money, the driver is going to be  
18 suicide, like my, I don't want to see any driver  
19 depression like my brother did. So and also I want a  
20 task force investigate the credit union. They  
21 transfer my loan to another bank and they charge me  
22 like over the interest rate of 5.5% and we lost the  
23 retirement. We need to have [inaudible] we need a  
24 debt relief fund right away. We don't, we don't  
25 have, running out of time. We don't have time. We

1  
2 are struggling, the loan, we cannot pay back to the  
3 bank. So please change as soon as possible. Thank  
4 you so much.

5 CHAIRPERSON RODRIGUEZ: Thank you.

6 Thank you, Mr. Chairman, for allowing my  
7 testimony. I know it's been a long day so I'll keep  
8 it brief. I'm looking at the clock here. I just  
9 wanted to talk about two things, and they've been  
10 covered to some extent, but I just wanted to put a  
11 fine point on each of them. The first is the  
12 advertising on top of the vehicles. What I've read  
13 is that the TLC reversed course because of what they  
14 claim is visual clutter, which to me, I mean, we live  
15 in New York City, if we, each of us go to Times  
16 Square right now there's a heck of a lot of visual  
17 clutter, and I think that benefits, that visual  
18 clutter is advertisers, you know, national  
19 advertisers, giant corporations. We're talking about  
20 people like me who own their vehicles and, you know,  
21 to claim that visual clutter is an impediment and a  
22 reason to deprive us of that \$3000 of income seems a  
23 bit of a weak argument to me, and I hope the council  
24 and the TLC will reconsider. That's my first point.  
25 My second point is I wanted to also talk a little bit

1  
2 about destination filters. I know that term isn't  
3 brought up a lot, but I want to use a real life  
4 example to help you understand, or better understand  
5 the actual issue. A destination filter is such that  
6 we can set a place where we want to go. Let's say I  
7 have an appointment tonight at 7 o'clock. Here's an  
8 example. If it's 5 o'clock and I'm down here and I  
9 have a ride, if I'm down here at 5 o'clock I have to  
10 shut off my app because I can't risk getting a trip  
11 to Brooklyn, because if I'm going to Sheepshead Bay  
12 that means I can't get home by 7 o'clock and I miss  
13 my appointment. With the destination filter I can  
14 then drive, if I'm in this area, up until about 6  
15 o'clock. So that's an hour of lost revenue. You  
16 multiply that by, let's say you have three or four  
17 commitments a week. I have a family, like most  
18 people do, and that's, you're out about, you know, a  
19 lost hour, about \$80 dollars a week. That adds up to  
20 about, you know, several thousand dollars a year.  
21 It's real money and that's, I just wanted to put a  
22 point on what that dollar value is and that  
23 destination filter. Thank you for taking my  
24 testimony.  
25

1  
2                   WAYNE CHIN: Good evening council members  
3 and chairman. My name is Wayne Chin. I'm a taxi  
4 owner-driver for more than 20 years. You know, since  
5 the [inaudible] driver, whether you're driving yellow  
6 or green or [inaudible] because the city failed to  
7 regulate from the beginning, you know, now it's all  
8 come to a mess and [inaudible] no driver, either  
9 yellow, black, or app car make enough money to  
10 survive, plus we have a loan to pay the medallion and  
11 now, you know, we're stuck with the loan, whether you  
12 file bankruptcy or city help with restructure the  
13 loan, I don't know what the city is going to do, you  
14 know, we need help with the loan medallion, you know,  
15 either like a collective bargaining with the bank,  
16 you know, to reflect the current value or the current  
17 account level, the payment, the payment is higher  
18 than, you know, your actual income. You know, you  
19 just barely survive. So we want the city to, you  
20 know, help with the debt relief program, like  
21 negotiate with the bank to actually lower the payment  
22 or the further current value of the medallion because  
23 your income is not increasing. Your income is  
24 decreasing. So you cannot survive paying the loan.  
25 You know, also, you know, like all the driver here,

1  
2 we hear they're not making the money because the app  
3 company are manipulating the system. So the city has  
4 to regulate them, so they cannot manipulate. For  
5 example, my friend drive a yellow, now they're  
6 driving Uber, you know, they get to JFK, they get  
7 locked out. Why do they do this? The city has to  
8 regulate them, preventing them from locking out or  
9 they have to make it equally, like base fare for all  
10 [inaudible] in the street, yellow, green, or app  
11 company, same base fare, so everybody can have an  
12 equal opportunity and can survive. That's my  
13 suggestion and also, you know, we need to have all  
14 the medallion owner, thousands of medallion owner,  
15 they file for bankruptcy already, and we, we don't  
16 file bankruptcy yet, but we are just barely  
17 surviving. So we need the help immediately. So I  
18 want the council member to [inaudible] for this, I'm  
19 praying for that. Thank you.

20 CHAIRPERSON RODRIGUEZ: I got to say that  
21 [inaudible] in this side listening to that reality  
22 which is not fake news, but is a true story...

23 WAYNE CHIN: Yes.

24 CHAIRPERSON RODRIGUEZ: That is happening  
25 to your case, to your family, to the city, to 6000

1  
2 individual medallion owner like yourself, and others  
3 that they probably told that by buying one, two,  
4 three medallion they will guarantee the retirement  
5 for themselves, something we value to get a mortgage,  
6 to buy a house, to send their kids to college. And I  
7 can tell that you we being, in our case, in my case,  
8 I've been working so hard and for me, you know, I can  
9 I'm sorry for the loss of your brother, but only you  
10 know how, you wake up every day and go to sleep every  
11 day knowing that your brother is not there anymore.  
12 So I definitely, you know, I am committed to do  
13 whatever I can, and as I called before, we need to  
14 put out enough, if the [inaudible] bail out, if the  
15 [inaudible] assistance, but the city has to act as  
16 just today, every day that pass we putting the lives  
17 of hard-working people, people that started with,  
18 coming with nothing, that they told that they had a  
19 dream by being part of the middle class, getting into  
20 medallion and now you had show yourself and your  
21 family that you aren't strong enough just to survive.  
22 So I definitely, you know, understand and if it would  
23 be up to me I would like yesterday, today, tonight,  
24 because every day counts. So hopefully, you know,  
25 with the medallion task force that we have together



1  
2 that I had and I still had a car note and insurance  
3 to pay off. Well, one thing had to give and that car  
4 that I had was repossessed. Now I'm responsible not  
5 only for \$425 a week, about \$2200 a month, plus I'm  
6 still responsible for the rest of that loan that I  
7 had on the car that I wanted to use for my  
8 independent contracting work. So what I'm saying is  
9 that cap was a real hardship on a lot of drivers, not  
10 just myself, of course. Now I feel that if we are  
11 paying \$300, \$400, \$500 dollars a week renting a car  
12 to do our jobs we should be able to make that  
13 realistically in a 10 to 12 hour shift, and we're  
14 not. We should be able to make that in one day.  
15 That's putting a lot of people in financial hardship.  
16 I also almost was evicted from my home because of  
17 that. And I am in, and I just want to say that 85%  
18 that all drivers should be getting, let's implement  
19 that as soon as we can. Let's get that rolling, so  
20 that way more drivers won't have to go through this.  
21 So now I'm really, like my credit score is low, I'm  
22 out there six days a week. I force myself to take a  
23 day off, but, hey, that's the way the business is, I  
24 guess. But that's not what I signed up for. When I  
25 heard about this Uber, oh, great, be an independent



1  
2 contractor, work when you want, when you want, and at  
3 that time they say guarantee \$600, ah, \$6000 a month,  
4 that all went out the window, that's gone, that's  
5 over.

6 ANNE BERNICE ROSEON: Hi, my name is  
7 Anne Bernice Roseron and I've been doing Uber for a  
8 little bit over three years now. Um, all these  
9 issues that the other drivers mentioned are very real  
10 and should be taken into consideration as soon as  
11 possible. However, I have a little different issue  
12 that I would like to bring to the table today.  
13 August 7 my car was hit by a city garbage truck and  
14 ever since that day I haven't been able to really  
15 work. My car does not look good and when I went to  
16 the city the garbage truck driver, I was hit right in  
17 front of the sanitation department, so the supervisor  
18 was there and he advised me to go, um, down right  
19 around here to file a claim, which I did. They told  
20 me to give them a week to contact me back with  
21 information of who I should be speaking to about my  
22 car getting fixed. I contacted them and they told me  
23 that there's 50,000 plus cases before me and that  
24 they would not be able to fix my car for at least  
25 five to six months, if I was going to get something,

1  
2 and the problem with that is Uber is my full-time  
3 job. I live on my own, I'm single, and I pay my  
4 bills. I do, I take care of family back home and I  
5 do what needs to get done. So what am I supposed to  
6 do? Five, six months without work. This happened  
7 August 7th and today's September 10th. Five, six  
8 months is a long time. Like she said, my car, yes, I  
9 was able to purchase a car, but I'm facing  
10 repossession, eviction, homeless, it's a lot of  
11 things, like what am I supposed to do? I feel like  
12 it should be some type of way to like, especially  
13 drivers like us, and it wasn't my fault, that we can  
14 be pushed up and that the issue can be dealt with as  
15 quicker than what the other people say who do not use  
16 their car for work.

17 CHAIRPERSON RODRIGUEZ: [inaudible] we  
18 can respond to that, we will talk to TLC and  
19 [inaudible] yeah, but then we should, the agency,  
20 should speak to the agency and if we also have to,  
21 you know, follow up, so let's be sure with respect to  
22 Sanitation. Again, it's not TLC's responsibility but  
23 let's be sure that with the commissioner and his team  
24 and our office we will talk to Sanitation to see how  
25 we can be helpful.

1                   ANNE BERNICE ROSEON: OK, thank you.

2                   RAUL RIVERA: Good afternoon, my name is  
3 Raul Rivera. I'm a New York City TLC driver. I'm  
4 also a driver advocate, not by choice. In New York  
5 City we have a agency that is abusing of the New  
6 Yorker. That agency is the Taxi and Limousine  
7 Commission. You know I have a petition to reform the  
8 TLC. It's simple. It's a basic petition. Basically  
9 it's the key to open the door of reform. You signed  
10 the petition. You agree with me that we need to  
11 reform the TLC. Ritchie Torres also signed the  
12 petition, Carlina Rivera, Jumaane Williams, people  
13 are signing. City Council members are signing the  
14 petition to reform the TLC. There's a lot of abuse  
15 that's happening. Everybody wants to blame the apps.  
16 You hear all the complaints about all different, ah,  
17 issues that are happening with the apps. But the  
18 blame goes to the City Council. The blame goes to  
19 the TLC. The reform of the TLC is going to come from  
20 the drivers. I've been asking you for weeks and  
21 months let's have a driver sit-down. You said, you  
22 promised me that we was gonna sit down and talk, the  
23 drivers and myself. We're not imbeciles, we're not  
24 morons. We have solid ideas. We have solid ideas.  
25

1  
2 This petition is simple, but it's for you to listen,  
3 it's for you to give us the opportunity. I'm not  
4 talking about just here. You have to listen to the  
5 driver. The reform is going to come from the driver.  
6 In June 24th you admitted, Ritchie Torres admitted,  
7 the City Council admitted that the city failed the  
8 drivers. It was not the city. It was the City  
9 Council. You know, in June you also tried to throw  
10 the chairman from the TLC under the bus, you know,  
11 you blame, everybody's blaming everybody. They want  
12 to blame Uber, but the reform has to come from the  
13 drivers. I'll say something else about the apps.  
14 Uber, if a company has an unlimited supply of workers  
15 they don't have to respect them. They can just toss  
16 them to the side. That's it. It's like a 5-year-old  
17 boy, you let him walk into the candy store he's gonna  
18 eat up all the candy, because nobody's doing their  
19 job. Hence City Council and TLC, that's 51  
20 gatekeepers, 51 gatekeepers, and they left the doors  
21 unguarded. You guys are the gatekeepers. Protect  
22 the New Yorker. Not just the taxi driver, the New  
23 Yorker, and [speaking in Spanish]. They have a  
24 language barrier and they're being abused. Reform  
25 the TLC. Reform the TLC, that's all we want. We

1  
2 don't want to abolish the TLC, we need the TLC. But  
3 we need a real reform that's gonna come from the  
4 drivers. We don't want no city official or elected  
5 official try to profit from the reform. If anybody's  
6 gonna profit from the reform it's gonna be the  
7 drivers, IDG, TWA, the drivers, it's the drivers.  
8 Focus on the drivers. That's it. That's enough  
9 time. I started speaking with you in the beginning  
10 of the year. How much time do we need? Now you're  
11 having an emergency hearing, right? This is an  
12 emergency hearing. But I spoke to you in February.  
13 We had, in this room, this room was full of City  
14 Council members. I know they're busy. They have a  
15 lot to do. But they all left. So you can, that's  
16 actual proof that the city is not listening. They're  
17 not listening. Brad Lander was here. I've been to  
18 his office several times. No answer. It's almost  
19 like I'm pestering him. I've been to his office  
20 three times, Menchaca, I talked to him, Menchaca is  
21 the, he's the chair to immigration, and 90% of the  
22 drivers are immigrants. It's common sense that he  
23 should sign the petition.

24 CHAIRPERSON RODRIGUEZ: Thank you.

1  
2 RAUL RODRIGUEZ: Just one more thing, one  
3 more thing.

4 CHAIRPERSON RODRIGUEZ: Sorry.

5 RAUL RODRIGUEZ: This is the petition.  
6 This is the petition. And this is the City Council  
7 checklist. The City Council members that don't  
8 support the petition, we're going to get [inaudible]  
9 down here. Unfortunately it's harsh, but that's the  
10 way it has to be.

11 CHAIRPERSON RODRIGUEZ: OK. Thanks a  
12 lot. So with that I would like to thank the staff  
13 committee, Jim Digiovanni, Elliott Lynch, Emily  
14 Rooney, Riga Bello, Chima Abercheri, John Basile.  
15 They did a great job. They worked, you know, so with  
16 the yellow taxi medallion task force, we've been  
17 meeting with all the sector, the taxi industry, the  
18 livery bases, everyone, we're hoping to continue  
19 having conversation to be sure that as we've been  
20 able to address this crisis so far we have a big  
21 responsibility to bring the dignity and justice that  
22 you deserve. With that, this hearing is adjourned.  
23 [gavel]

24

25

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 September 29, 2019