

TRANSCRIPT OF THE
NEW YORK CITY
TAXI & LIMOUSINE COMMISSION

THURSDAY, NOVEMBER 21, 2013
33 BEAVER STREET
COMMISSION HEARING ROOM, 19TH FLOOR
BOROUGH OF MANHATTAN

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Taxi and Limousine Commission
November 21, 2013

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1
2 HEARING CONVENED: 9:55 A.M.

3
4 COMMISSIONERS PRESENT:

5 DAVID YASSKY, Chairman
6 MEERA JOSHI
7 IRIS WEINSHALL
8 EDWARD GONZALES
9 LAUVIENSKA POLANCO
10 ELIAS AROUT

11 ALSO PRESENT:

12 THE STAFF
13 THE PUBLIC
14 THE PRESS

15	SPEAKERS	PAGE
16	BILL LINDAUER	16
17	WARMANN DiPOUMBI	19
18	CISSE	20
19	SAMSON ZERAI	20
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2 CHAIRMAN YASSKY: Good morning.

3 I call this meeting to order at
4 9:55 a.m. Present are Commissioners
5 Gonzalez, Weinshall, Polanco, Joshi
6 and Arout.

7 We will just vote now to go into
8 executive session for purposes of
9 considering an appeal from a
10 discretionary revocation in litigation
11 matters. Then we will return after
12 that.

13 All in favor of breaking for an
14 executive session, say aye.

15 COMMISSIONER GONZALES: Aye.

16 COMMISSIONER WEINSHALL: Aye.

17 COMMISSIONER JOSHI: Aye.

18 COMMISSIONER AROUT: Aye.

19 COMMISSIONER POLANCO: Aye.

20 CHAIRMAN YASSKY: We will now
21 move into executive session.

22 (Whereupon, from 9:55 a.m. to
23 10:25 a.m. a recess was taken.)

24 CHAIRMAN YASSKY: Good morning.

25 We are reconvening at 10:25.

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2 Present are Commissioners Polanco,
3 Gonzales, Weinshall, Joshi and Arout.

4 First, there is a report that
5 the TLC's revocation of the license of
6 Tasheen Awan, hack license number
7 5057251, is affirmed.

8 Just a couple of updates before
9 we get to our business today. First,
10 I am pleased to report to the folks in
11 the industry that all 6,000
12 street-hail livery permits made
13 available for the first year of the
14 program have now been issued by the
15 TLC. That includes 1200 permits for
16 use on wheelchair-accessible vehicles.
17 I think we are running now over about
18 1500 or so on the road, averaging
19 about 7 trips per day per vehicle,
20 which is just about what was
21 projected. Since they all have
22 GPS-enabled trip recorders, we have
23 actually quite a bit of data on where
24 they are, and they are now providing
25 service in The Bronx, Brooklyn,

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2 Queens, Northern Manhattan, a very
3 tiny bit on Staten Island. But, you
4 know, a little bit as one might
5 expect. So I think it is fair to say
6 it is going very well, and I am
7 certainly very pleased.

8 Last week we conducted an
9 auction of 200 Medallions.
10 Commissioners, you know this, the sale
11 prices were quite strong. The 200
12 Medallions, the aggregate bid amount
13 -- I am not going to call it sale,
14 because the bidders have a couple of
15 months in which to close on these and
16 none have come in to close yet. The
17 aggregate bid amount was about a
18 little under \$227 million for 200
19 Medallions. So an average of in
20 excess of \$1,100,000 per Medallion.
21 Those, of course, are Medallions all
22 restricted for use with wheelchair-
23 accessible, restricted to use only
24 with wheelchair accessible vehicles.
25 The last time Medallions with

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2 that restriction were auctioned by the
3 City was in 2008, when they sold for
4 about \$600,000. So in 2008, \$600,000;
5 2113, \$1,100,000 on average.

6 I think that tells us many
7 things, among them that the industry
8 is strong and healthy. That investors
9 believe that Medallion ownership and
10 operation will continue to be highly
11 profitable, as it should be, because
12 it is offering the public an excellent
13 service. I think, more broadly, it is
14 a real vote of confidence in the
15 City's economy, since that
16 fundamentally is what drives the taxi
17 industry. That there will be a
18 continued stream of business people,
19 visitors, and New York residents
20 seeking to use the taxis for, not just
21 the foreseeable future, but whatever
22 future goes into an investigator's
23 calculation of the present value. So
24 that is I think an excellent result
25 for the City and for the industry.

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2 Last, I want to note that the
3 Commission is denying a petition
4 brought by Christina Wong. A rule
5 making petition seeking to require
6 each TLC for hire base station to
7 provide canine transportation service
8 upon request. That is the petition we
9 received, and in accordance with our
10 rules for petitions, I report to you,
11 Commissioners, that the staff has
12 determined that that rule is
13 unnecessary and, therefore, we are
14 denying it.

15 Before moving to our business
16 for the day, I just want to call up --
17 we have a bunch of -- well, some are
18 not so new. Some are longstanding and
19 a couple are new -- directors in the
20 Licensing Standards Division who have
21 never been formally sworn in and
22 received their badges. So Stacy,
23 Nicole, Alison, Paula, and Anna.
24 Stacy Lorenzo, Nicole Vacas, Alison
25 Hardwell, Paula Wright, and Anna

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2 Mastratta, please come forward and we
3 will swear you in and give you your
4 badges.

5 Commissioners, as folks are
6 coming here, I just want to say
7 probably how extraordinarily proud I
8 am of the work that all three really
9 of our operating divisions have done,
10 not just over the last couple of
11 months, but over the last three or
12 four years.

13 But the last couple of ones, in
14 particular, the street and livery
15 license initiative proved to be really
16 an extraordinary amount of work for
17 our staff. For months traffic in Long
18 Island City practically doubled, and
19 we added a few staff people, but not
20 all that many, and they handled it
21 just, you know, almost without missing
22 a beat. In some ways more
23 impressively, we started to get some
24 backlogs and Gary and the team
25 responded. We reallocated the staff.

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2 We actually had some people from 33
3 Beaver. A lot of people worked a lot
4 of overtime and a lot of Saturdays and
5 got the backlogs back down. So to me
6 actually I think that is even more
7 impressive. At the same time over at
8 Woodside our S and E, our safety
9 emissions inspection staff, has also
10 had a large increase in workload, and
11 it has also handled marvelously.

12 So I just want to thank Gary
13 Weiss, Ray Scanlon, Martin Grindley
14 and all of their teams for all of that
15 hard work.

16 Now directors, raise your right
17 hand, if you will. Repeat after me,
18 I, state your name, do solemnly swear
19 or affirm that I will uphold the
20 Constitution of the United States and
21 the State of New York and the Charter
22 of the City of New York. I will
23 faithfully execute all of the laws of
24 the City of New York and the rules of
25 the Taxi & Limousine Commission to the

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2 the best of my ability.

3 You are sworn in as directors in
4 the Licensing and Standards Division.
5 Your badges.

6 Thank you very much.

7 COMMISSIONER GONZALES: Let me
8 ask the Chair a quick question. On
9 the 200 Medallions that were just bid,
10 what is the date to have these
11 vehicles on the road?

12 CHAIRMAN YASSKY: The short
13 answer is we will see. There are two
14 main -- so each of these must be used
15 with a wheelchair-accessible vehicle.
16 There are two main companies. There
17 are other companies as well. There
18 are two companies that seem to have
19 the bulk of the business, virtually
20 all of it really, and are upfitting
21 vehicles for wheelchair accessibility
22 for taxi cab use. They are each
23 running at very lengthy backlogs now
24 primarily due to the street hail
25 livery effort. There are 1200

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2 licenses that have been issued for
3 street or livery permits and have been
4 issued for wheelchair-accessible
5 vehicles. There are now about 40 of
6 those 1200 actually on the road.
7 Every day we see another one, two, or
8 three of them come to Woodside. That
9 is how we know that they are hitting
10 the streets. It is running about a
11 two-month backlog from when you want
12 it to when you are getting it now. I
13 think that backlog in all honesty is
14 probably likely to increase, because
15 many of the 1200 permit holders have
16 not started or have not placed their
17 orders yet. So I can't say with any
18 certainty, but I think it will be at
19 the minimum two months, but it easily
20 could be four months until you see
21 some of those vehicles actually on the
22 road.

23 COMMISSIONER GONZALEZ: Thank
24 you.

25 CHAIRMAN YASSKY: We are in

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2 contact with them. There is some
3 interest in the upfitters about
4 increasing their staff and, therefore,
5 increasing their ability for their
6 output. But it is not something they
7 can do super easily. And, you know,
8 they are not going to hire a bunch of
9 people for a one time thing and then
10 have it go away.

11 Commissioners, we have here for
12 you the minutes of the October 17,
13 2013, Commission meeting. I move that
14 the minutes be adopted as they are
15 before you. All in favor, say aye.

16 COMMISSIONER GONZALES: Aye.

17 COMMISSIONER WEINSHALL: Aye.

18 COMMISSIONER JOSHI: Aye.

19 COMMISSIONER AROUT: Aye.

20 COMMISSIONER POLANCO: Aye.

21 CHAIRMAN YASSKY: Opposed, no.

22 (Whereupon, no response was
23 heard.)

24 CHAIRMAN YASSKY: We also have
25 the minutes from the September 12,

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2 2013, meeting before you, and I move
3 that those be adopted. All in favor
4 say aye.

5 COMMISSIONER GONZALES: Aye.

6 COMMISSIONER WEINSHALL: Aye.

7 COMMISSIONER JOSHI: Aye.

8 COMMISSIONER AROUT: Aye.

9 COMMISSIONER POLANCO: Aye.

10 CHAIRMAN YASSKY: Base

11 applications. Assistant Commissioner
12 Siegel is here to present those.

13 MS. SIEGEL: There are 14 bases
14 that licensing is putting up for
15 approval by the Commission.

16 CHAIRMAN YASSKY: I recommend
17 that we adopt the recommendation of
18 the Licensing Division and approve all
19 the bases that they have put before
20 us. All in favor, say aye.

21 COMMISSIONER GONZALES: Aye.

22 COMMISSIONER WEINSHALL: Aye.

23 COMMISSIONER JOSHI: Aye.

24 COMMISSIONER AROUT: Aye.

25 COMMISSIONER POLANCO: Aye.

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2 CHAIRMAN YASSKY: Opposed, no.

3 (Whereupon, there was no
4 response.)

5 CHAIRMAN YASSKY: A vote of 5 to
6 zero. Those base applications are
7 approved. Thank you for keeping
8 everything running smoothly.

9 The next item of business are
10 rules called in your package LPEP
11 cleanup rules. We had a public
12 hearing on those last week, or rather
13 last month. So no public hearing is
14 necessary today. I move that we vote
15 on those right away.

16 All in favor of adopting the
17 LPEP cleanup rules package, say aye.

18 COMMISSIONER GONZALES: Aye.

19 COMMISSIONER WEINSHALL: Aye.

20 COMMISSIONER JOSHI: Aye.

21 COMMISSIONER AROUT: Aye.

22 COMMISSIONER POLANCO: Aye.

23 CHAIRMAN YASSKY: Opposed, no.

24 (Whereupon, there was no
25 response.)

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2 CHAIRMAN YASSKY: By unanimous
3 vote, those are adopted.

4 Next we have rules that are in
5 your package with the title "Summary
6 Suspension Rules, Summary Suspension
7 Update." Meera will explain. This
8 really is a -- well, she'll explain it
9 is kind of a technical change to
10 conform our rules to our current
11 practice that was made necessary by
12 some changes in OATH's rules. So we
13 have to conform to them.

14 But, please, go ahead.

15 COMMISSIONER JOSHI: Today we
16 are taking public testimony on
17 proposed amendments to clarify when
18 summary suspension of a TLC license
19 can occur prior to a hearing and to
20 amend and to clarify the penalties for
21 certain violations, including when
22 suspension can be imposed by an ALJ
23 after a hearing. The amendments are
24 not intended to change and don't
25 change any of the existing TLC

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2 practices or procedures. They just
3 clarify and distinguish the instances
4 in which TLC may impose a summary
5 suspension versus instances when an
6 OATH TLT ALJ upon a finding that a
7 licensee has violated a rule imposes a
8 suspension.

9 The rules are necessary as a
10 result of the transfer of the tribunal
11 function for the TLC to OATH. The
12 rules were published in the City
13 record on October 22, 2013. The
14 comment deadline is today, and we have
15 received no written comments.

16 We will now hold the public
17 hearing on these rules.

18 CHAIRMAN YASSKY: Apparently no
19 one has signed up to speak. If there
20 is anyone here intending to speak.

21 Mr. Lindauer?

22 MR. LINDAUER: Yes. I did sign
23 up to speak.

24 CHAIRMAN YASSKY: I apologize.
25 You are absolutely correct. You did

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2 sign up to speak. Please go ahead.

3 Next is Warmann DiPoumbi.

4 Mr. Lindauer, if you would, the
5 rules before us today are on summary
6 suspension. I assume your testimony
7 deals with that topic?

8 MR. LINDAUER: Yes. But I do
9 want to comment on revocations. I
10 think the revocations policy should be
11 reviewed. It is too easy to take a
12 livelihood away from a driver and his
13 family. I think the Supreme Court
14 would call it cruel and unusual
15 punishment in many cases.

16 CHAIRMAN YASSKY: Please just
17 proceed with your comments, and please
18 keep them on topic.

19 MR. LINDAUER: Don't I always?

20 On page 2, it was 1(a): A
21 driver must have a valid taxi driver's
22 license. The driver must not operate
23 a taxi cab or street-hail livery, that
24 should not knowingly operate a taxi
25 cab or street-hail livery in the City

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2 of New York while it is revoked or
3 suspended.

4 But I do want to commend the
5 Commission for easing the rules up on
6 under suspension, but these need to be
7 adjusted like that, and certainly that
8 word knowingly. They tell me that we
9 should hold the TPEP vendors
10 responsible for updating when the
11 suspension -- when there is no
12 suspension, and the TLC's website must
13 be updated daily, if not more than
14 that, you know. Because people's
15 likelihoods are at stake.

16 CHAIRMAN YASSKY: Indeed. And
17 it is updated daily.

18 MR. LINDAUER: That is all I
19 have to say.

20 CHAIRMAN YASSKY: Thank you,
21 Mr. Lindauer.

22 I see Bhairavi Desai is also
23 here, but I assume you are speaking on
24 her behalf?

25 MR. LINDAUER: Right.

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2 CHAIRMAN YASSKY: Her name is
3 here.

4 Warmann DiPoumbi and the next is
5 a speaker just with a single name
6 Cisse.

7 MR. DiPOUMBI: Good morning,
8 sir. My name is Warmann DiPoumbi,
9 license 506979. I would like first to
10 thank you for your time and effort in
11 bringing about change. This industry
12 needs it. It has been a privilege for
13 me to be here today, informing you
14 that in 2008 I was suspended for
15 assaulting a police officer. And the
16 hearing remand was published as of
17 today.

18 I would like just for this body
19 to be more considerate and to
20 determine about those suspensions in
21 the future and be more considerate.

22 I will stop for now and I think
23 it is a very great effort this
24 morning.

25 CHAIRMAN YASSKY: Thank you for

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2 your comments. We will look into the
3 facts of your instance. I appreciate
4 your comments. Thank you.

5 Next is Mr. or Ms. Cisse?

6 MR. CISSE: Yes.

7 COMMISSIONER YASSKY: Sir.

8 Then there is one additional
9 speaker Samson Zerai, and that is all
10 on the list.

11 MR. CISSE: (Inaudible).

12 CHAIRMAN YASSKY: That is really
13 off the topic, sir. Thank you, sir.

14 MR. ZERAI: (Inaudible).

15 CHAIRMAN YASSKY: Thank you,
16 sir.

17 With that I move that we vote on
18 this again. There is no substantive
19 change here in our practice. We are
20 changing rules, our rules to make them
21 what they were before OATH took the
22 tribunal judges and amended their
23 rules and when it wasn't consistent
24 with practice. So we are now
25 restoring the rules so that they will

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2 be consistent with the practice that
3 we have had for years.

4 All in favor, say aye.

5 COMMISSIONER GONZALES: Aye.

6 COMMISSIONER WEINSHALL: Aye.

7 COMMISSIONER JOSHI: Aye.

8 COMMISSIONER AROUT: Aye.

9 COMMISSIONER POLANCO: Aye.

10 CHAIRMAN YASSKY: Opposed, no.

11 (Whereupon, no response was
12 heard.)

13 CHAIRMAN YASSKY: Those are
14 adopted.

15 We now have a resolution
16 authorizing temporary markings on taxi
17 cab vehicles related to the Super
18 Bowl. I believe someone from the
19 Super Bowl committee is here to
20 present that. Is that right?

21 MR. WOLSKE: I am a contractor
22 for the NFL for the decor for the
23 Super Bowl.

24 CHAIRMAN YASSKY: Could you
25 start over, please, sir.

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2 MR. WOLSKE: Sure.

3 CHAIRMAN YASSKY: Thank you.

4 MR. WOLSKE: My name is Adam
5 Wolske. I am with Sport Graphics. I
6 am a contractor for the NFL for the
7 decor program for the Super Bowl.

8 What we are proposing is
9 actually a temporary decor program
10 that incorporates the taxi cabs of New
11 York City as a highlight for the
12 event, posting of the event.

13 I brought a presentation, if I
14 could show that?

15 CHAIRMAN YASSKY: Go right
16 ahead.

17 MR. WOLSKE: So what we are
18 showing here is the proposed theme,
19 which is very much in line with
20 posting of the event itself. The idea
21 here is to promote the posting of the
22 game in the New York/New Jersey Super
23 Bowl.

24 CHAIRMAN YASSKY: Is the idea
25 that half of the taxis would have the

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2 Jets logo and half the Giants,
3 assuming that those are the two teams?

4 MR. WOLSKE: I can't speculate
5 on that actually.

6 COMMISSIONER WEINSHALL: Can I
7 just ask you one question?

8 MR. WOLSKE: Absolutely.

9 COMMISSIONER WEINSHALL: Could
10 you explain the purpose of this? Who
11 is going to see this? People in
12 apartment buildings or office
13 buildings that are going to look down
14 and see this?

15 MR. WOLSKE: Yes. They would
16 actually see that. The idea is, of
17 course, to have exposure from as many
18 angles as we can. The goal, of
19 course, is to have the taxi cabs
20 participate and have riders and
21 passengers as well as streets, the
22 theme on the street as well.

23 COMMISSIONER WEINSHALL: Who
24 pays for this?

25 MR. WOLSKE: This is actually

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2 paid for directly by the NFL.

3 COMMISSIONER WEINSHALL: There
4 is a time limit as to when it goes on
5 and when it goes off the cab?

6 MR. WOLSKE: Sure.

7 COMMISSIONER WEINSHALL: So five
8 months from now after the Super Bowl,
9 we are not going to see cabs still
10 carrying these logos?

11 MR. WOLSKE: No. Not at all.

12 CHAIRMAN YASSKY: It is February
13 12, 2014.

14 COMMISSIONER WEINSHALL: I am
15 sorry. I don't know when the Super
16 Bowl is. Can you tell me?

17 MR. WOLSKE: Yes. No problem.
18 February 2nd is the game day. I will
19 proceed through slides and go through
20 the timeline, if that is okay.

21 So this is actually proposed as
22 a voluntary program. Hopefully this
23 will help answer any questions and I,
24 of course, will open up the questions
25 afterwards.

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2 It is proposed as a voluntary
3 program that we would be reaching out
4 directly to fleet owners and allow
5 them to participate. Any fleet owners
6 who choose not to participate, as a
7 voluntary program, we would hopefully
8 be able to reach out to another owner
9 and allow them to participate.

10 The proposed installation dates,
11 as mentioned, are December 15th of
12 this year. We would be wrapping a
13 minimum of fifty cabs a day to meet
14 our timeline to ultimately have the
15 presence for January 11th, is when we
16 would ultimately like to be complete
17 with the program.

18 Removal would begin February
19 3rd, which is the day after the game.
20 We would be removing 100 cabs per day
21 to meet our deadline of having all
22 removal by February 12th. This is an
23 easily removable decor item. It is
24 pressure-sensitive adhesive backed
25 vinyl. Standard for what you might

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2 see on graphic wraps on cars.

3 The proposed number of taxis is
4 no less than 500. We feel like this
5 is a good amount of presence for the
6 proportionate Crown Victorias that are
7 currently on the road. Our current
8 budgetary number allows for 650. Our
9 goal is to have 1,000.

10 Going over just the material and
11 the installation. The instillation
12 process is actually just installed
13 with a squeegee. Much like any
14 vehicle wrap, it is a standard
15 operating procedure for graphic
16 vehicle wraps. In this case the hood,
17 roof, and trucks would be utilized.

18 So one very important factor
19 here that we have been discussing is
20 the assumption of liability. Sport
21 Graphics would assume all liability
22 for any damage to paint or the cabs
23 themselves during the installation
24 process. This is a very safe process,
25 and we are very comfortable with

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2 assuming liability.

3 The public service and safety
4 stickers, we are open to a proposed
5 quantity, but as we are contacting
6 fleet owners our preference is to
7 allow them to participate with the
8 public safety and fleet -- I am sorry.
9 The public service and safety
10 stickers, excuse me, whether or not
11 they participate in the overall
12 graphic wrap. And I will show an
13 example of the proposed public safety
14 service sticker.

15 So these are a couple of views
16 from both the football and the turf
17 theme. You will notice there are no
18 promotional logos for anything other
19 than the Super Bowl itself. The idea
20 is not to have a sponsored text or
21 sponsored logo or anything.

22 Everything that we have done to make
23 the program happen from a sponsorship
24 standpoint is behind the scenes and
25 won't be promoted in any way on the

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2 cabs.

3 This is an example of the public
4 service detail. Our standard, of
5 course, would be to have the taxi at
6 the curbside and watch for cyclist
7 messaging in accordance with all of
8 the existing stickers. We would
9 provide these, again, at no charge to
10 the cab owners, the cab fleet owners.
11 And we would give them an instruction
12 sheet on installation and removal.
13 Then, of course, anything that they
14 wanted to put back on in place of
15 these with their public service and
16 safety stickers would be compatible.

17 CHAIRMAN YASSKY: I will just
18 say, Commissioners, from my
19 perspective in the four or three and a
20 half years I have been here, we have
21 had 10 or 15 proposals for wrapping
22 taxi cabs like this. People who
23 approached TLC and sought my support
24 to bring something like this before
25 the Commission, and I have routinely

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2 rejected those as essentially visual
3 clutter, which is Commissioner
4 Weinshall's phrase, as advertised
5 products of one sort or another.

6 My view is each of you has to
7 form your own opinion. My view is
8 that the Super Bowl is a unique
9 event. It's a commercial enterprise
10 in some sense, the NFL is. But having
11 a Super Bowl in New York City is a big
12 deal for the City.

13 First, as you know, cold weather
14 since who knows when, and the economic
15 benefits to the City are quite
16 substantial. It seems to me that it
17 was appropriate for the taxi industry
18 to be able to participate in
19 supporting that. It is not my
20 intention for this to be a precedent.
21 I really do see the NFL and the Super
22 Bowl as different in character from
23 ordinary commercial advertisement,
24 because of the importance of the City.
25 That is for me to say and, perhaps,

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2 other people see it differently. But
3 I just wanted to set out my view of
4 it.

5 Commissioner Weinshall wants to
6 ask questions.

7 COMMISSIONER WEINSHALL: Let me
8 just say, I agree with Commissioner
9 Yassky. I think this is a great thing
10 for the City of New York. I know for
11 years we have tried to get the Super
12 Bowl here, and it is going to be great
13 for the economy of the City. Have
14 other cities done this? Have they
15 wrapped taxi cabs or buses, do you
16 know?

17 MR. WOLSKE: It is actually
18 routine for us to look for what is
19 kind of the quintessential model. So
20 in the case of New York City, the cabs
21 are very much indicative of the City
22 itself. You can speak to anyone about
23 New York, and you have highrises,
24 subways, taxis, and the Statue of
25 Liberty. I can't wrap the Statue of

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2 Liberty.

3 COMMISSIONER WEINSHALL: Are you
4 going to wrap subway cars?

5 MR. WOLSKE: The subway cars are
6 probably not going to be wrapped. It
7 is simply they are cost prohibitive
8 for us. My decor program, much like I
9 am sure you get many, many proposals
10 for these. My decor program is
11 limited by budget, because I do not do
12 corporate work. It is simply as a
13 promotional item for the game itself.

14 COMMISSIONER WEINSHALL: How
15 much is this going to cost?

16 MR. WOLSKE: The actual cost
17 associated with all of the materials
18 and the installation is upwards of
19 \$175,000. This is the cost that is
20 associated with just the decor program
21 itself, the decor budget.

22 COMMISSIONER WEINSHALL: So if
23 you can just go back to that slide.
24 Did you think about maybe putting a
25 decal on the side of the cab or on the

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2 window where you put the safety?

3 Wouldn't more people see that, as

4 opposed to this view from up above?

5 MR. WOLSKE: Sure. Many of the
6 various proposals that we went through
7 were actually vetted out through the
8 NFL creative as well. So one of the
9 things that we were concerned about as
10 far as the proposal on side graphics
11 is we don't want to fundamentally
12 change the look of the cab itself.

13 COMMISSIONER WEINSHALL: You
14 don't think you are changing it with
15 this look?

16 MR. WOLSKE: Well, I think they
17 are very identifiable from the side
18 view as a New York City yellow cab.
19 That is definitely the point. It is
20 more association with the cab itself
21 that is important to us, rather than
22 to change fundamentally the look.

23 COMMISSIONER WEINSHALL: My
24 concern is that I just want to make
25 sure that, whatever the date is, this

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2 stuff has to be removed, as I said,
3 that in August we are not seeing cabs
4 still advertising the Super Bowl,
5 which had happened five months
6 previously?

7 MR. WOLSKE: Absolutely. The
8 removal especially. Both the
9 installation and removal are highly
10 coordinated efforts and it is
11 required, simply because we need the
12 cabs to come in fairly clean. We will
13 obviously do the installation, and
14 then we document the cab itself and
15 the removal and account for removal
16 throughout the entirety of the
17 program.

18 So the idea is to focus, again,
19 on specific cabs and fleet owners, so
20 that we can coordinate that removal
21 effort to make sure that there are no
22 additional cabs on the road.

23 COMMISSIONER WEINSHALL: I just
24 have one more quick question,
25 Chairman.

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2 Is it just for fleets or do
3 individual owner/operators put this on
4 their cabs as well?

5 MR. WOLSKE: We would actually
6 welcome any voluntary operation to do
7 so. The idea for us to approach
8 fleets is simply for the efficiency of
9 installation, because the more cabs,
10 obviously, that we have access to at
11 one time the better. But we are more
12 than welcoming them.

13 CHAIRMAN YASSKY: If I
14 understand it, you don't have a
15 garage. You are going to do the
16 installation and removal at the
17 fleets' garages; right?

18 MR. WOLSKE: That is right.

19 CHAIRMAN YASSKY: I suppose an
20 owner/operator could take advantage of
21 that?

22 MR. WOLSKE: Yes. That would be
23 our preference. But again, it is a
24 voluntary program and we would not be
25 excluding any owner/operator.

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2 COMMISSIONER WEINSHALL: I just
3 want to say one last thing, and then I
4 will give you the mike.

5 As you know, Mr. Chairman, I
6 have spoken to you about this before.
7 We have tampered with these cabs so
8 much in the last five or six years.
9 It is like we are decorating the cabs
10 over and over again.

11 Having said that, if I want to
12 go home tonight, my husband is a big
13 football fan. And if I vote no, I may
14 have to go live somewhere else. So,
15 you know, I just hope this is like one
16 of the last times we stop redecorating
17 our cabs here in New York.

18 This gentleman is right. They
19 are iconic, they are yellow, now there
20 is just a big T. We should just leave
21 it alone for now.

22 COMMISSIONER YASSKY: Understood
23 and agreed. I will just reaffirm what
24 I said. My only hesitation with this
25 was if it was going to open the door

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2 to additional things like this. But I
3 at least was comfortable with feeling,
4 not just me, but that future TLC
5 bodies would recognize the Super Bowl
6 is sui generis. It is not an argument
7 for doing it for a movie rollout.

8 COMMISSIONER WEINSHALL: It is a
9 convention year. Will we let the DNC
10 and the RNC put their stuff on the
11 cab?

12 CHAIRMAN YASSKY: I am not going
13 to go near that. But it certainly,
14 that is why it bears repeating.

15 COMMISSIONER WEINSHALL: I think
16 I know what you are saying. It is a
17 one time event and it is a sports
18 event.

19 CHAIRMAN YASSKY: I hope that
20 everyone in the industry will hear
21 that and understand that. Thank you.

22 MS. POLANCO: It will be
23 extended to the street-hail livery.
24 Especially in the outer borough. I
25 feel upper Manhattan is close to New

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2 Jersey and the George Washington
3 Bridge. I think that would be a great
4 opportunity as well. So I will call
5 on that as well as send the invitation
6 to them, to that industry, street-hail
7 livery as well.

8 MR. WOLSKE: Again, any
9 voluntary participation is certainly
10 welcome. My only limitation again is
11 budget.

12 COMMISSIONER POLANCO: I
13 understand.

14 CHAIRMAN YASSKY: We have one
15 presentation. Why don't we defer
16 voting on this to hear the e-hail
17 presentation, and Meera can figure out
18 what is the appropriate wording for
19 the resolution to permit, if it turns
20 out that it is feasible for the street
21 hail liveries to participate.

22 Thank you, Commissioner. Thank
23 you for that. Thank you, Mr. Wolske.

24 Thank you again for the NFL for
25 considering New York and its

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2 neighbors.

3 We have a staff present, and the
4 final item on our agenda today. There
5 was, I know, we certainly had an
6 additional pilot resolution that was
7 brought to us by a couple of City
8 council members that turned out really
9 not to be ready for presentation
10 today, so we will not be handling
11 that.

12 But for today, we do have a
13 staff presentation on the e-hail pilot
14 program, and Taryn is doing that for
15 us.

16 MS. YAEGER: Good morning. My
17 name is Taryn Yaeger, and I am an
18 analyst with TLC's Policy and Planning
19 Department. I am here to present to
20 you the findings of our evaluation of
21 the e-hail pilot program.

22 As a reminder, on December 12,
23 2012, the Commission adopted rules to
24 permit a year-long e-hail pilot
25 program, which began in earnest in

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2 June with Halo and Taxi Magic
3 participating.

4 Throughout the pilot, TLC's
5 staff had monitored the effects of
6 e-hailing on passenger and driver
7 behavior, on the services at e-levels,
8 and on the financial health of the FHV
9 and the Medallion industries. In this
10 presentation we will share those
11 findings.

12 One of the things we looked at
13 in the evaluation was the adoption of
14 e-hail by passengers and drivers. We
15 found that e-hail apps are popular in
16 New York, and users have steadily
17 increased their membership since the
18 launch of the pilot program.

19 During the 85-day period, from
20 June 6th to August 29th, nearly 55,000
21 unique users requested a taxi using
22 e-hail apps for a total of over
23 233,000 requests, and over 4,000
24 drivers participated in the program.
25 On average a quarter of requested

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2 e-hails resulted in successful trips.

3 As you can see in the chart,
4 after spiking during the early days of
5 the pilot, the total number of e-hail
6 requests per day has been slowly
7 declining, while the e-hail's success
8 rate has increased. It is now four
9 times as high as at the beginning of
10 the study period. This is probably
11 due to the passengers' gaining
12 experience and learning the times of
13 day and the locations in which they
14 are likely to be successful at
15 e-hailing.

16 Other areas of focus we looked
17 at were when and where passengers were
18 e-hailing trips. Although e-hail has
19 been well received, it does not make
20 up a large portion of taxi trips.
21 Just one out of every 700 trips are
22 e-hails. We generally followed
23 similar geographic patterns on street
24 hail trips. That is the farther away
25 from the central business district one

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2 travels, the fewer e-hail pickups
3 occur.

4 We can look at this map. Do you
5 see the success rates, and the success
6 rates by zone? That is the
7 proportionate requests that
8 successfully yielded trips, not to the
9 absolute values. Zones marked in
10 yellow had the highest success rates,
11 while green is the middle third, and
12 blue is the lowest third of success
13 rates. The grayed-out areas had too
14 few requests to factor in.

15 Looking again at where
16 passengers are e-hailing. This chart
17 breaks down the distribution of trips
18 by e-hail and by all taxi pickups.

19 In the first column on the left,
20 you can see where all taxi pickups
21 take place. In the second column, you
22 can see where all e-hail pickups take
23 place. All in all, the non-airport
24 outer-borough locations made up about
25 36 percent of all e-hail taxi trips.

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2 That is compared to just about 8
3 percent of all taxi trips. What
4 stands out is most of the success
5 rates are in Astoria, Harlem, and
6 Brooklyn north of Prospect Park.

7 When you look at when passengers
8 are using e-hail, we found that like
9 with street hail, e-hail requests
10 follow a cyclical pattern. As you can
11 see in this chart, that from Sunday
12 through Wednesday requests generally
13 peaked at 8:00 p.m. and quickly
14 dropped off after midnight. Thursday
15 through Saturday requests peaked at
16 midnight and tapered off at 6:00 a.m.
17 This aligns with usual taxi trip
18 patterns, but it differs in that the
19 weekend overnight peak is more
20 pronounced than in the usual trip
21 patterns. This suggests that at times
22 when there are few cars on the road
23 and fewer people seeking a taxi who
24 may have otherwise had trouble finding
25 one another, e-hail apps are being

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2 used to pair up these passengers and
3 drivers more efficiently.

4 As part of our evaluation of the
5 yellow cab industry, we surveyed
6 drivers who used apps, and we found
7 that two-thirds reported that they
8 were making more money with the
9 program and TPEP data corroborates
10 this. Drivers who participated in
11 e-hailing averaged 10.6 trips per day
12 compared with only 8.8 trips per day
13 for drivers who did not.

14 We also looked at the impacts on
15 the FHV industry. As you recall,
16 there were concerns by many that
17 permitting e-hail would result in the
18 loss of revenue for the FHV sector.
19 To the contrary, we found that the FHV
20 sector is growing across the board.
21 That is bases, vehicles, and drivers.

22 We also surveyed FHV bases to
23 find out the impact on trip volumes.
24 As with taxis, in 2013 FHV saw a small
25 decline in the number of trips from

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2 the previous year, but not necessarily
3 a decrease in revenue. We believe
4 this resulted from the fare increase
5 last year.

6 It is interesting to note that
7 the decline was smaller in the months
8 that e-hail was in effect. And also
9 when comparing bases that use apps to
10 bases that do not use apps, we
11 actually saw the bases who used apps
12 saw an increase of one percent in trip
13 volumes versus a 13 percent decrease
14 in ones that did not use apps.

15 Last year when the Commission
16 considered the pilot --

17 MR. CHHABRA: Actually can we
18 just go back to that last line. This
19 was, and like a lot of our survey
20 data, we don't have the capacity to do
21 survey research the way that
22 professional survey firms do it
23 through a random sample.

24 In this one we asked the bases
25 to reply, and this is the sample that

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2 chose to reply. So we can't assume it
3 is representative. In fact, I know --
4 we know, because we looked at the
5 responses -- now the two biggest bases
6 in the City, meaning the two bases
7 with the largest number of affiliated
8 vehicles are bases that operate
9 exclusively by e-hail.

10 So I think what you are seeing
11 here is a slight but noticeable shift
12 within the FHV world from bases that
13 operate by telephone to bases that
14 operate either by e-hail or by e-hail
15 and by telephone. That is how I would
16 interpret this data. The drops in
17 trips that you are seeing. Since
18 there are more cars on the road, we
19 have every reason to assume, in fact,
20 there are more FHV trips all tolled,
21 even though this is what the bases
22 that responded reporting a decrease.

23 The Chairman is right. You saw
24 on the earlier slide there are more
25 bases, there are more drivers, there

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2 are more vehicles. Prices went up.
3 So when we raised the yellow taxi
4 fares, the FHV bases raised their
5 prices as well. The number of trips
6 is not an indication of total revenue.
7 If there are fewer trips, you are
8 going to charge them more for that.

9 CHAIRMAN YASSKY: Possibly. I
10 just wanted to give my take on even
11 this trip data, which I think is one
12 where our sample must not be
13 representative.

14 I am sorry. Please go ahead.

15 MS. YAEGER: Thank you.

16 Last year when the Commission
17 considered the pilot, there was some
18 debate about whether e-hail would
19 shift demand from one sector to the
20 other. But actually what we found is
21 that it is increasing the size of the
22 pie as evidenced by the survey data
23 that shows 37 percent of people who
24 e-hailed would have found means of
25 travel other than taxi or FHV, such as

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2 walking or public transportation, if
3 they hadn't e-hailed.

4 We also found that only 13
5 percent of respondents stated that
6 they would have called a car service
7 if e-hail had not been available to
8 them. To put this in context, given a
9 daily average of 643 e-hail trips,
10 this 13 percent of e-hail passengers
11 would have resulted in an average of
12 84 additional trips per day
13 industry-wide. And that means that
14 that is .0019 additional FHV trips per
15 vehicle per day.

16 Here are some additional
17 findings from the passenger survey
18 that you might find interesting. One
19 that I will call out is the age of
20 users. There was a question last year
21 about older passengers and whether
22 they might somehow be left out by
23 Smartphone apps. However, we found
24 that one quarter of passengers who
25 reported having e-hailed their ride

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2 were over 65 years old.

3 In summary, apps are increasing
4 the efficiency by which passengers and
5 drivers are connected. There has been
6 no noticeable financial impact on the
7 FHV industry, and drivers who use
8 e-hail are making more money.

9 In essence e-hail apps provide
10 New Yorkers and visitors to the City
11 with an additional option for
12 accessing our world class taxi system.
13 And we will continue to monitor how
14 e-hailing affects New Yorkers over the
15 duration of the pilot.

16 COMMISSIONER POLANCO: Can I
17 point something out, which I think for
18 me was something major before going
19 ahead with this pilot program? I see
20 that the refusals have been unaffected
21 as complaints have been down. Because
22 I think one of the major things for me
23 was that someone was standing in the
24 corner trying to hail a cab or someone
25 used the program and just came out of

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2 a restaurant and got into the taxi
3 cab. So they would consider that a
4 refusal by the cab driver. So
5 actually the complaints have been
6 downsized and there haven't been any
7 complaints about that?

8 MR. CHHABRA: It is worth noting
9 and Taryn make the point that the
10 number of e-hail trips out of the
11 total number of trips would lead you
12 to suggest that it shouldn't have an
13 impact on your or my ability to street
14 hail. So e-hail is one out of every
15 700 trips is through e-hail. That
16 means everyone else is still going out
17 using their hand in the air, and that
18 still works. The fear is that if you
19 don't have a Smartphone, you won't be
20 able to get a cab again, obviously we
21 are seeing that that is not the case.
22 And the stats are that people of all
23 age ranges have Smartphones and are
24 using it for e-hail. So we haven't
25 seen that come to pass.

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2 COMMISSIONER POLANCO: Or the
3 fear that the cab driver basically
4 refused to pick me up?

5 MR. CHHABRA: There has been no
6 increase in complaints about refusals,
7 so we have no reason to believe that
8 either.

9 Thank you, Chairman.

10 One thing I wanted to also point
11 out is a little lower on that slide
12 where we saw what people would have
13 done, if they had not been able to
14 e-hail the trip. It was telling for
15 me that 37 percent wouldn't have taken
16 a FHV or a taxi. They would have done
17 something else. So also a big
18 question that came up last year was
19 that you are shifting the pie from
20 this segment to that segment. You are
21 actually increasing the size of the
22 pie. So those 37 percent of the
23 people who used e-hail to get their
24 taxi would have walked or would have
25 taken a subway. So that is more money

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2 coming into the industry as a whole,
3 which was one of the primary concerns
4 when we were looking at this last
5 year.

6 COMMISSIONER POLANCO: How do we
7 get the input from the passengers?

8 MR. CHHABRA: Surveys from the
9 taxi service. I don't know the exact
10 number of how many responses, but 37
11 percent would have taken another mode
12 and some portion would have been FHV's,
13 and some people would have just stuck
14 their hand in the air.

15 Commissioner, your question on
16 the trip volume. That was only 29
17 percent of the bases that we had
18 surveyed.

19 CHAIRMAN YASSKY: Well, it could
20 be representative. But I am saying
21 there is powerful data to suggest that
22 it is not. Thank you.

23 Were there other further
24 questions for Taryn or for Ashwini?

25 Good job, Commissioner Polanco.

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2 Further, I will just say that the one
3 thing we have done, and Commissioners,
4 I am sure you have noticed, is try and
5 make sure you see the work of some of
6 our younger and newer staff, like
7 Taryn and like Jo Rausen, who is the
8 head of our team that deals with
9 e-hail, and TPEP, and all the electric
10 equipment in taxis.

11 It is really a credit to Deputy
12 Commissioner Chhabra that he has
13 assembled a really extraordinary group
14 of motivated and talented people
15 pushing our policy and innovation
16 agenda forward. And I am glad you
17 have had exposure to some of the team,
18 because one of the pleasures I have is
19 being able to work with them every
20 day.

21 My take on this, just so you
22 know, that is the report that was
23 called for in the pilot resolution.
24 There is no action before us today.
25 However, I personally am satisfied

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2 that the results are urging enough or
3 more than enough for us to declare
4 that this is worth doing on an ongoing
5 basis. We have published rules that
6 would make the pilot program
7 permanent. They will be ripe for
8 consideration by us at our December
9 meeting, Commissioners, and I intend
10 to put them before you at that time.

11 Please go right ahead.

12 COMMISSIONER WEINSHALL: The
13 young lady who gave the presentation,
14 so I assume you mean success rate
15 being somebody does a Smartphone
16 request, and then the cab comes and
17 the customer gets in and that is
18 successful; is that correct?

19 MS. YAEGER: Correct.

20 COMMISSIONER WEINSHALL: Thank
21 you. I also just want to say, it is
22 just what we thought. In terms of the
23 age group, and the area, and the time
24 of day -- I think I remember the time.
25 That when my daughters come to New

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2 York, they are out, let's say, having
3 a good time.

4 CHAIRMAN YASSKY: Until even
5 10:00 p.m.?

6 COMMISSIONER WEINSHALL: Well, I
7 am not going to say what time. But
8 they use their Smartphones if they
9 cannot find a cab to use. That is
10 what they do.

11 MR. CHHABRA: The data that has
12 come in is really exactly what we
13 thought would happen. The key points
14 are is it replacing stick -- it is not
15 remotely replacing stick your hand up
16 in the air and it won't, period.

17 COMMISSIONER WEINSHALL: Can I
18 ask you one more question?

19 MR. CHHABRA: Yes.

20 COMMISSIONER WEINSHALL: Maybe
21 it is for the young lady again. I am
22 surprised that the number of requests
23 at the airports were so low. Is it
24 because the cars can't wait anywhere
25 to pick the people up? Why is it so

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2 low?

3 MS. YAEGER: I should have
4 pointed out that it is illegal to
5 e-hail a cab at an airport.

6 COMMISSIONER WEINSHALL: That is
7 why it is so low.

8 CHAIRMAN YASSKY: So people can
9 use Smartphones to get FHV at the
10 airport, but for yellows there is the
11 yellow line there. So we do not want
12 to tamper with that. As you say,
13 Commissioner, it has worked out really
14 exactly as you expected. I remember
15 in our discussions both in public and
16 offline the expectation was that it
17 would be a supplement. It would not
18 really replace. It wouldn't remotely
19 come anywhere close to replacing stick
20 your hand up in the air. But at off
21 hours and in border area locations it
22 would supplement the existing service.
23 That is kind of exactly what we have
24 seen. And we are also, I think,
25 encouraging the trend of passengers

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2 and drivers both figuring out how to
3 use it. To me one of the key numbers
4 is the increase in success rate, which
5 tells us that passengers are figuring
6 out when it is useful and drivers are
7 figuring out when it is useful. That
8 will take time, and we will continue
9 to go on as the service is available.
10 I am enthused and, again, next month
11 we will bring forward the rules to
12 adopt it.

13 Any further stuff?

14 (Whereupon, no response was
15 heard.)

16 CHAIRMAN YASSKY: To return to
17 the Super Bowl markings, Meera has put
18 before you an amended resolution that
19 would allow markings on both yellow
20 taxis, and FHV's, and street-hail
21 liveries.

22 Is there anything further needed
23 to be said about that? If you want to
24 just draw people's attention to what
25 the changes are?

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2 COMMISSIONER JOSHI: If you look
3 at the second line in the resolution,
4 it says pursuant to section 5832(c)1
5 and 5832(f), those are authorized
6 marking sections for taxis. What we
7 added was as well as sections 8233(d)1
8 and 8233(f). Those are the corollary
9 authorized marking sections for
10 street-hailed liveries in chapter 82.

11 CHAIRMAN YASSKY: So for that, I
12 will call a vote on the resolution for
13 Super Bowl markings. All in favor,
14 say aye?

15 COMMISSIONER GONZALES: Aye.

16 COMMISSIONER WEINSHALL: Aye.

17 COMMISSIONER JOSHI: Aye.

18 COMMISSIONER AROUT: Aye.

19 COMMISSIONER POLANCO: Aye.

20 CHAIRMAN YASSKY: Opposed, no.

21 (Whereupon, there was no
22 response.)

23 CHAIRMAN YASSKY: The resolution
24 is adopted.

25 Before we break, Commissioners,

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2 could you just put up on the screens
3 when I was talking earlier about our
4 results to date in the street-hail
5 liveries?

6 Commissioners, when we voted on
7 the street-hail livery idea, we showed
8 you this map. In an average day where
9 yellow taxi pickups are, and as we all
10 understand, they are highly
11 concentrated, as they should be
12 really, in Manhattan, midtown,
13 downtown, and the central business
14 district. We now have all the pickups
15 of the borough taxis since they have
16 hit the streets. That is this slide,
17 and I think that what that shows you
18 is that we are now providing five
19 boroughs taxi service in a genuine
20 way. I think it is something that you
21 can all be proud of.

22 That is it for today. Today's
23 meeting is adjourned, and I will see
24 you in December. Thank you.

25 (Time noted: 11:20 a.m.)

**Taxi and Limousine Commission
November 21, 2013**

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