

Taxi and Limousine Commission Meeting  
July 18, 2016

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2 TRANSCRIPT OF THE  
3 NEW YORK CITY  
4 TAXI & LIMOUSINE COMMISSION  
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9 Monday, July 18, 2016

10 33 Beaver Street  
11 COMMISSION HEARING ROOM, 19TH FLOOR  
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HEARING CONVENED AT 10:21 a.m.

COMMISSIONERS PRESENT:

- Meera Joshi, Chair
- Jacques Jiha
- Edward Gonzales
- Frank Carone
- Lauvienska Polanco

ALSO PRESENT:

- Chris Wilson, General Counsel
- Staff
- The Public
- The Press

Reported by:  
Jennifer Cassella

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THE CHAIR: Good morning, everyone.  
The time now is 10:25 and we're going to  
start our public meeting.

The first thing I just want to  
notify everybody is we've had some  
difficulties because of the heat with our  
equipment at Long Island City, so the  
telephones are down and the office is  
closed for appointments and for any  
transactions and hopefully today will be  
the only day it's closed and will be up and  
running tomorrow, but if you have any  
questions or concerns, Kala Wright is in  
the back and she can help you along with  
her team if there were transactions you  
needed to get done at Long Island City,  
we'll see if we can make other  
arrangements. We sent out industry notices  
and other notices, e-mail, hopefully text  
messages, but we want to try to get the  
word out there.

Also, another change in our driver  
application process, we're now moving  
online completely. That is drivers,

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applicants can fill out everything they need online, submit documentation, make payments, and then for fingerprinting they'll go to one of 10 sites throughout New York City to do the fingerprinting. They have hours that are a little later than what our Long Island City hours are during the week and they also have Saturday hours. So hopefully that will be more convenient for applicants.

And then the scheduling of appointments ended on the 13th and today -- actually tomorrow, will be the first day that applicants can schedule fingerprint appointments. So we apologize for a few days in delay, but hopefully the end result is a smoother system that is -- ends up with faster processing, but more importantly less time away from working and in line at Long Island City.

I have a few personnel announcements. One, I want to just announce the promotion of Rodney Stiles to the position of Assistant Commissioner of



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1  
2 excellently represented the agency. He  
3 survived markets peaks and valleys and  
4 watched the industry more than once move  
5 the City in the midst of crisis, 9/11 and  
6 Hurricane Sandy and much more. Reporters  
7 appreciate his time, responsiveness and  
8 humor, and we appreciate that he always  
9 learns completely about an issue before  
10 boiling it down for public consumption, and  
11 I think everyone in this room knows how  
12 complex our issues can be and what skill it  
13 takes to simplify them.

14           So it's an accomplishment for the  
15 agency that we've been able to retain such  
16 talent for so long. We're confident that  
17 he has in 20 years of press releases in the  
18 backseat of his car so as a memoriam, and I  
19 would throw out a pun here but Alan is the  
20 master punster so I leave it to him. But  
21 thank you very much, Alan. There's not a  
22 person in this room that doesn't appreciate  
23 the hard work you do.

24           (Applause.)

25           THE CHAIR: And with that, we're

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going to move to base applications -- oh,  
I'm sorry, adoption of the minutes.

MR. WILSON: We have to wait until  
we --

THE CHAIR: Oh, we can't do any of  
that because there's only three of us. All  
right.

So we will move on to the one piece  
on our agenda that we can do without a  
quorum and that is start our public hearing  
on the universal license rules. So to  
begin that public hearing, Dan Goddin from  
our Legal Department is going to do a  
presentation on what the new rules package  
entails.

MR. GODDIN: Good morning,  
Commissioners. I'm here to present a brief  
summary on the latest TLC rule package that  
establishes the creation of a TLC driver's  
license and implement certain penalty  
revisions. We will be hearing public  
testimony following this short  
presentation, so I'll get started now and  
then take any questions you may have.

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2 Mayor de Blasio signed into law  
3 Local Law 51 on April 21st, 2016. This law  
4 will change the types of licenses that the  
5 TLC issues. We currently offer separate  
6 driver's licenses for taxicab drivers and  
7 for-hire vehicle drivers. The law requires  
8 a new single license that authorizes  
9 holders to operate both taxicabs and FHV's.  
10 The new license will be called the "TLC  
11 Driver's License."

12 Local Law 51 of 2016 requires the  
13 conversion of all existing taxicab and  
14 for-hire vehicle licenses to TLC driver's  
15 licenses. Once the law takes effect, any  
16 driver licensed to operate an FHV may also  
17 operate a taxicab and vice-versa. Existing  
18 taxicab and FHV drivers will be  
19 automatically converted and will not have  
20 to take any action to be able to operate  
21 either vehicle type.

22 The proposed rule implements  
23 legislation that will provide greater  
24 flexibility for drivers and will ensure  
25 that more drivers are available to work



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1  
2 existing penalties were reached after  
3 review by TLC staff and with feedback from  
4 industry stakeholders.

5           For example, the rule that prohibits  
6 the marketing to passengers has a current  
7 penalty of \$50 to \$350 and carries the  
8 possibility of discretionary suspension.  
9 The proposed new penalty will be revised to  
10 \$50 with no upward fine range and no  
11 possibility of suspension. The rationale  
12 of this proposed penalty revision is to  
13 reduce the severity of the penalty to match  
14 the seriousness of the underlying conduct.

15           In another example, the rule  
16 prohibits drivers for ignoring a  
17 non-functioning taximeter has a current  
18 penalty of \$50 to \$350 if the driver does  
19 not ensure taximeter repair. The proposed  
20 new penalty precludes a fine to the driver  
21 so long as that driver immediately notifies  
22 the vehicle's owner of the taximeter  
23 defect. The rationale of this proposed  
24 penalty revision is that taximeter  
25 functionality is as a vehicle owner, rather

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1  
2 than vehicle driver, responsibility.

3           And one last example before I wrap  
4 up. The rule prohibits an FHV vehicle  
5 owner from failing to correct a defect in  
6 their vehicle is a current penalty \$50 per  
7 day. The proposed new penalty carries a  
8 \$50 flat penalty, not per day, plus  
9 suspension until compliance. The rationale  
10 of the proposed penalty revision is that  
11 the set \$50 fine plus suspension until  
12 compliance is sufficient to ensure that  
13 defects are corrected.

14           Thank you. Any questions before we  
15 hear testimony and comments from others?

16           (No response.)

17           MR. WILSON: With that, we'll begin  
18 with the public speakers.

19           The first speaker is David Pollack.  
20 I would ask all speakers to state for the  
21 record whom you represent if you're here on  
22 behalf of an organization. Thanks.

23           MR. POLLACK: Alan, before you start  
24 the clock, first of all, I have some  
25 testimony here, but I'd like to thank you

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for being so approachable and for being the best media person out of all the City agencies that I have ever dealt with the last 20 years.

MR. FROMBERG: Thank you, sir. I appreciate it.

MR. POLLACK: Good morning, Commissioners, Commissioner Joshi. Thank you for the opportunity to provide comments on the proposed rules regarding universal TLC driver's license. My name is David Pollack, and I'm the Director of the Melrose Taxi Action Center at Melrose Credit Union, a leading lender in the New York City medallion taxicab industry. Melrose Credit Union supports the proposed rules implementing Local Law 51, creating universal TLC driver's licenses that will allow operators to drive both medallion taxicabs and FHV vehicles.

As I think everyone in this room now recognizes, app based FHV car services are operating in the New York City market with an unfair competitive advantage. FHV's

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2 operated by app based car services are  
3 subject to fewer, less stringent, and far  
4 less costly rules and regulations. For  
5 example, all taxicab vehicles had to be new  
6 and meet exhaustive specifications for  
7 every aspect of vehicle design, safety and  
8 passenger experience, while FHVs could use  
9 new or used with virtually limitless  
10 discretion concerning specifications;  
11 taxicabs have to be equipped with expensive  
12 T-PEP equipment, while FHVs have no such  
13 requirement; and taxicab fares are metered  
14 and highly regulated, while FHVs can charge  
15 almost anything they want as long as they  
16 file their rates with the TLC.

17 The list of unfair advantages goes  
18 on and on and it has to stop. Yellow taxis  
19 must be allowed to compete against app  
20 based car services on a level playing  
21 field. So, we are relieved to see that the  
22 TLC has begun to recognize this basic  
23 unfairness and has started working to  
24 "level the playing field" for New York City  
25 taxicabs. Some of the positive changes

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1  
2 recently implemented include: Eliminating  
3 the owner must drive rule for medallion  
4 owners; creating a pilot to test and  
5 allowing for the hack-up of used vehicles;  
6 increasing penalties for illegal street  
7 hails and operating for-hire without a TLC  
8 license; and creating a pilot program  
9 allowing more flexible lease arrangements  
10 and fare share leases.

11           These are important first steps, but  
12 much more work remains, including the rule  
13 changes before you today. The creation of  
14 a universal TLC driver's license will help  
15 continue the work of leveling the playing  
16 field in the FHV industry. Until recently,  
17 taxi operators had many more requirements  
18 to qualify for their licenses as compared  
19 to FHV operators. Implementing a universal  
20 TLC driver's license makes good sense for  
21 the riding public. All TLC drivers be  
22 subject -- should be subject to the same  
23 requirements for age, physical and mental  
24 capacity; drug testing; background checks  
25 and training requirements, including

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accessibility training, particularly since app based car services are behaving just like taxis.

We also believe a universal TLC driver's license will help bring fairness to the treatment of tens of thousands of drivers earning a living in the FHV industry. There have already been a number of stories about former drivers for app based car services who have returned to driving yellow taxis because they were not being treated as well as the app based car service and were not making as much money as they were -- they were lead to before they left. Implementing a universal TLC driver's license will give all licensed FHV drivers the freedom and flexibility to move between segments of the industry, forcing app based companies to compete fairly with taxicabs for their services.

Melrose believes that the adoption of a universal TLC driver's license will help continue the process of leveling the playing field, however, there still remains



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2 MR. WILSON: I'm sorry. Thank you.

3 MR. JEFFERSON: Hi. How are you  
4 doing? My name is Naphtali Jefferson. I'm  
5 a driver for Uber. I've been doing this  
6 now for eight months. Prior of this,  
7 before I used to work in the retail  
8 industry as a manager, and since I've been  
9 working for Uber, I have been -- I have  
10 been -- had the time to go back to school  
11 and I'm about to finish my school right now  
12 in November. The flexibility of working --

13 THE CHAIR: I'm sorry. We're having  
14 a hearing on universal license rules. Is  
15 that what you want to testify on today?

16 MR. JEFFERSON: Right, that's where  
17 I'm going to right now.

18 THE CHAIR: Okay.

19 MR. JEFFERSON: So being able to do  
20 this, being able to do this actually gives  
21 me the opportunity to work. Now, while  
22 leading to the universal license rules, and  
23 actually I think it's a great idea because  
24 like everybody say, it will give us the  
25 opportunity to choose which company to work

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for so I think that's a great idea. And  
yeah, that's it.

THE CHAIR: Thank you.

MR. WILSON: Thank you.

The next speaker is Daniel Joseph  
from Bolton-St. Johns.

MR. JOSEPH: Hi. Good morning. I  
would like to say good morning to the Chair  
and to the Commissioners. On behalf of the  
Committee for Taxi Safety and David Beier,  
my name is Daniel Joseph and I'll be  
testifying today. We've already submitted  
to you more extensive comments than what I  
will deliver so I'll briefly summarize the  
concerns the Committee has regarding the  
rules that you have before you.

First, although we applaud the  
Commission for increasing the penalties  
associated with illegal or unauthorized  
activity concerning driver fares, we renew  
our suggestion that electronic data  
collected through the T-PEP system as the  
only practical way to enforce this  
regulation.

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Next, just as yellow medallion cars and SHLs are branded by color, we believe that black cars should have an equivalent visible form of identification, such as a designated license plate color --

THE CHAIR: Just as I mentioned for the last speaker, I want to make sure you're focused on the universal license rules, so that's the ability for a driver to drive in different sectors. We haven't actually touched some of the technology and vehicle rules in this package.

MR. JOSEPH: Okay. A lot of it is about the universal driver rules. I can skip -- sorry.

Well, these are also in reference to penalties proposed forth.

THE CHAIR: Definitely part of the package so that would be great if you can give us that testimony.

MR. JOSEPH: So we believe that TLC's offers a reduced penalty to a driver who pleads guilty to a hearing is unfair. Everyone is entitled to a hearing as a

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right and should be entitled to exercise that right without being penalized for asserting it. I understand that's not the universal license but I wanted to get that out there.

In these next comments I will go through particular provisions. First, we believe that fines in three of the proposed rules should be increased significantly to help deter illegal activity. First, in 80-09(f), prohibits a driver from allowing the vehicle to be operated for-hire by a person who is not validly licensed by the TLC except in the event of an emergency. The fine here should be higher than \$250.

Next in 80-11(b)(1)(ii), which is a provision that forces a driver who has filed for workers compensation to surrender their TLC license while claiming disability. That fine should also be -- that fine should be increased and we believe should be greater than \$75.

Rule 80-17(a), which issues a fine of \$50 to a driver who solicits a passenger

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illegally. We suggest that the fine should start at \$350.

In regards to 80-12(h)(1) and (2), which relates to serious crashes, we believe that this rule is too harsh. If a driver has been driving for 15 years without incident and then is involved in a single accident that is deemed a serious crash, the driver's license may be summarily suspended, taking away a driver's livelihood. There needs to be consideration of the driver's long-term record and other factors surrounding the accident.

Proposed rules 80-20 and 80-21 list provisions that allow for two electronic devices in vehicles plus a GPS device, totaling to three separate devices in the vehicle. If an aim of Vision Zero is to prevent distracted driving, we question how the TLC can allow these innumerable devices in one vehicle.

Sorry. I just want to make sure -- yeah. Okay.

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2 Lastly, we wish to express our  
3 concern that discretionary revocation or  
4 more severe penalties can be imposed by the  
5 Chairperson or the Commission for any rule  
6 violation. At a minimum, we believe this  
7 violates due process. The Commission has  
8 comprehensively set forth penalties for  
9 rule violations, and we believe that it is  
10 only those penalties that should be  
11 enforced.

12 As stated, we addressed these  
13 concerns and other concerns in further  
14 detail in a previously submitted letter to  
15 the TLC. We thank the Commission for their  
16 time and consideration of these comments.

17 MR. WILSON: Thank you.

18 Fernando Garcia from ASOTINY.

19 MR. GARCIA: (Interpreter.)

20 Good morning, Commissioners. Good  
21 morning, everyone present. My name is  
22 Fernando Garcia. I'm in representation of  
23 ASOTINY. I just want to come and say thank  
24 you for all the measures that are being  
25 taken. That he's very concerned about



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Commission. My name is Peter Mazer and I am General Counsel to the Metropolitan Taxicab Board of Trade. Thank you for giving me the opportunity to speak on today's proposed rule package.

First of all, we commend the TLC for proposing rules that will implement the recently passed City Council legislation related to the creation of the universal taxicab license. For the first time, there will be uniform standards and rules of conduct for the holders of taxicab, street-hail livery and for-hire vehicle licensees. There are many details which must still be worked out, such as the content of the training curriculum, as well as the cost of the various mandated courses. We look forward to working with the TLC to ensure an open and transparent process for the selection of cost providers, and as well as the development of training and testing materials that will be used by all perspective licensees.

The Commission has also proposed a

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2 number of technical amendments to the  
3 taxicab owners rules and FHV rules which we  
4 support. These changes address matters  
5 which affect the day-to-day operation of  
6 licensed taxicabs but will have no impact  
7 on public safety. Rules relating to such  
8 matters as equalization of penalties  
9 between taxicabs and licensed for-hire  
10 vehicles, governing who may drive an  
11 off-duty taxicab to inspection, clarifying  
12 how an owner learns of the drivers that  
13 have had their licenses suspended, and when  
14 and how proof of correction of a vehicle  
15 defect is transmitted to the TLC would  
16 result in collaborative efforts between the  
17 TLC and various stakeholders to ensure that  
18 the rules address public safety and  
19 regulatory concerns of the TLC without  
20 placing an unreasonable or unnecessary  
21 burden on the regulated industries.

22 We're also happy that the rule  
23 defining the rules for which a  
24 discretionary revocation may be imposed by  
25 an Administrative Law Judge was clarified

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because we've had the problem at OATH with some of our judges improperly revoking licenses when they had no authority to do so.

Finally, I wish to address the proposed amendments to the TLC rules which would delete the reference of the term "accident" and replace it with the term "collision", consistent with the City's Vision Zero initiative. The term accident is used throughout state law and statutes including, but not limited to, defining obligations and standards under the Insurance Law and the Vehicle and Traffic Law, administrative agency regulations and in court interpretations. It is a standard used by insurance companies and policies in general dealings. Its meaning has been well-defined in both statutory construction and case law so that the term can be used confidently by legislators, regulators, consumers and business entities in their day-to-day dealings.

The Vehicle and Traffic Law utilizes

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1  
2 the term accident to prescribe both civil  
3 and criminal penalties for offenses such as  
4 leaving the scene of an accident. The  
5 amendment of TLC rules to use the term  
6 collision as defined by the TLC in lieu of  
7 the term accident may have some unintended  
8 consequences since these are very different  
9 terms with very different meanings. An  
10 impact between two vehicles or a vehicle  
11 and a pedestrian or an animal is a  
12 collision under the TLC rules, irrespective  
13 of fault. A motorist who hits a parked  
14 taxicab is involved in a collision as is  
15 the driver of the parked taxicab. This  
16 driver may now face consequences such as  
17 license revocation as a result of this  
18 occurrence.

19 For example, if these rules were  
20 approved, three such collisions would  
21 result in mandatory TLC license revocation.  
22 The TLC rules with respect to the duty to  
23 report a collision may differ from the VTL  
24 requirements with respect to the duty to  
25 report an accident.

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The proposed rule amendment is not merely a change in nomenclature. It is a major change in the legal responsibility of drivers as well as owners who may be involved in vehicular incidents, now a term collisions but not accidents which may not be the driver's fault.

I urge the TLC to consider tabling this portion of the rule package until a clearer definition of the terms "accident" and "collision" can be developed consistent with the intent of the Vehicle Traffic Law and Vision Zero initiatives. I want to thank you for giving me the opportunity to testify this morning and I would be happy to answer any questions you may have.

MR. WILSON: Thank you.

Let the record reflect that Commissioner Carone joined the meeting at 10:45.

And the next speaker is Osman Chowdhury.

MR. CHOWDHURY: Skip.

MR. WILSON: You're passing,

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Mr. Chowdhury?

MR. CHOWDHURY: Yes.

MR. WILSON: Okay.

The next speaker is Zubin Soleimany from NYTWA.

MR. SOLEIMANY: Good morning, Chair Joshi, Commissioners. Thank you for giving me the opportunity to speak today. I'm going to focus the bulk of my comments on the penalty review section of this rule book. I think as we're taking a comprehensive look at the driver rule books and the penalties therein, I think we need to address the ways in which this framework is far too punitive, both in the amounts of the penalties and the way in which those penalties are processed through the Taxi and Limousine Tribunal and OATH.

For starters, you know, I'd like to say that I think as we're -- as we're looking at the rules, there are some encouraging changes both to rules that have been deleted and some of the rules that -- where the penalties have been

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reduced. However, I want to note that there are still far too many penalties that -- where the prices are way too high. One example on its face would be, for example, 54-13(a)(2) parking violation that sites a traffic rule of a \$65 fine comes at a \$200 premium when a TLC driver gets that ticket.

I do also want to note that there were some penalties that were increased in this round of rulemaking which seems a little curious. One example would be the penalty not when a driver has overcharged a passenger, but simply told the -- not told the passenger going to Newark airport that they'll be using an additional \$15 on the drop. That fine was increased from 25 to \$100. We don't believe that's appropriate.

What we do propose is a system of review of the driver penalties in more in line with what the City of Chicago has done recently. Considering that drivers are -- drivers' earnings are constantly being reduced by the influx of vehicles,

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drivers having to work longer hours for less pay, we propose following in Chicago's footsteps which impose a \$400 maximum for any penalty imposed in their system. I know that there are some exceptions to this that would be barred by the Ad Code but were not bared by the Ad Code. We believe that's appropriate in line also with a rule that would cap the amount of fines that could be imposed altogether, right.

Currently --

THE CHAIR: I'm sorry. Is that per incident?

MR. SOLEIMANY: It's \$400 per fine and I believe -- and so then what we -- they also have an amount per incident, right, so that there would be an 800 or \$1,000 cap per incident as opposed to right now where we're seeing drivers with five or six charges on one summons, \$4,000 in fines, plus a 30-day suspension, which for a DOV driver is equivalent to about a \$6,500 economic loss.

We'd also propose a rule that would

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require the OATH judge to make a choice between either suspension or a monetary fine, not to take away a driver's ability to pay the fine after imposing it.

More broadly, we'd also like to just look at just the ways in which licenses are taken away from drivers. Right now, fines are not due immediately upon a finding of guilt at the tribunal, but suspensions are imposed immediately. This means that a driver who has defaulted, when they don't receive a notice in the mail, or a driver who has lost but later was successful on appeal has no way of challenging that suspension until it's imposed. We recently had a member of ours who went through three appeals processes and a petition to the Chair and along the way was suspended twice, ultimately to be found not guilty, lost ten days of work.

When it comes to -- when it comes to the imposition of these suspensions, also there needs to be clearer rulemaking that TLC will reinstate licenses on the actual

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day by calendar day. We're seeing drivers not get reinstated by TLC until over the weekend and losing that time.

There also needs to be clearer rules about the obligations of T-PEP vendors to reinstate licenses. Drivers are facing five-day suspensions which turn into eight-day suspensions when Verifone or CMT doesn't reinstate immediately. They're being told that they can't process those over the weekend. That needs to change.

In terms of licensing, we strongly recommend probably the most punitive change that's happened to the TLC rules over the years, not about penalties but about renewals of licenses. There used to be a grace period. I believe it was 90 days for drivers to renew their licenses. Right now, when you have a driver who if they miss their payment by one day, they're out for -- they can be out for up to three months. If you can tell me, I'd be happy to talk about this, but it doesn't seem like this serves any legitimate agency

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2 purpose when the driver has all -- when the  
3 TLC has all the information about the  
4 driver, their fingerprints, their record,  
5 their social security, to make them  
6 reapply, pay \$500. Again, a suspension  
7 into compliance would do the same thing.

8 So those are -- I mean, I think as  
9 far of a broader review, there are a lot of  
10 licensing and penalty issues that can look  
11 towards eliminating the unnecessary need  
12 for drivers to lose time away from work.

13 So thank you for allowing me to  
14 testify. I'm happy to answer any  
15 questions.

16 MR. WILSON: Thank you.

17 The next listed speaker is  
18 Asim Akhtar.

19 MR. SOLEIMANY: I don't think  
20 they're here.

21 MR. WILSON: Okay. And then the  
22 other -- the last speaker I had on this was  
23 Bhairavi Desai. She's not around -- she's  
24 not here either?

25 MR. SOLEIMANY: No.



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customer relations and counter issues.

MS. NORFLETT: Thank you. Thank you so much for the introduction.

Good morning, Commissioners. Today I have a total of five base applications for your approval, five base renewals, two of which either have a change of ownership or a change of officers. Thank you.

THE CHAIR: All in favor of adopting the recommendation?

(Chorus of Ayes.)

THE CHAIR: Next on the agenda for Commission action was the rules that we had a hearing on last -- a couple of weeks ago on fatigue driving, and I move that we vote on the rules today as is but defer the effective date of the rules until a little over three months, like November 1st, in order for us to fully explore whether we can with additional data points, develop a methodology to measure driver fatigue even more effectively. At the last meeting, much of the testimony focused on earnings and the interplay with safety standards,

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and we were clear then and remain clear that safety considerations must guide our approach.

Since the hearing, the discussion has shifted to what is the best way to calculate fatigue and the difficulty in doing so in a world with differing levels of data. In an effort to always have the most precise rule possible, we will use the time between now and November 1st to see if we can, with expanded trip data on the FHV side, arrive at a more exact method, and I want to thank everyone who has participated in this discussion for their underlying and unwavering support of the goal of safety in our streets.

Anyone second the motion?

COMM. GONZALES: Second.

COMM. CARONE: Madam Chair, I support your approach completely. I'm just curious, when the new data comes in, is that something that's going to be shared with the Commission or is that going to be a staff analysis or both?

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THE CHAIR: We would share -- you probably wouldn't want the data because it's voluminous, but it would -- the analysis most definitely would be.

So I think the motion was seconded. So now we can vote on the fatigue driving rules, which if passed today, would not take effect. They would not take effect until November 1st, and in between now and November 1st we will work with the industry to see if with more data we can fashion a more exact rule that reflects the actual realities that many people shared with us in discussions in testimony here and in discussions in our office after the hearing.

All in favor?

MR. WILSON: Let me just do a couple of housekeeping things.

A Public Hearing was held on these rules on June 23rd, 2016. Following the Public Hearing and based on staff comment, including as a result of public feedback from the hearing and meeting held with

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numerous groups following the public hearing, and in addition to the motion that Commissioner Joshi carried this morning, the following changes were made to the proposed -- the rule as originally noticed:

First, providing a statement of basis and purpose that our -- the TLC's intention is to give warnings during the phasing period following any rules being enacted. Secondly, clarifying how the rules work including specifically pointing out that the hours in which no passenger pickups occur do not count towards the hour limits; provide that in any week, no driver will be penalized for exceeding the 12-hour per day limit by one hour for the first two times that that limit is exceeded so only the third violation would incur a penalty; reduce the lookback period for prior violations from one year to one month which will effectively limit the number of suspensions; generally decrease monetary penalties so that they're not overly punitive but still serve as a detriment; and

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finally provide that a violation of the daily limit can also not -- cannot also serve as the basis for a violation of the weekly limit.

As Local Law requires, the final rule with those changes for Commission action was posted on the TLC's website on July 14th and sent to the Commissioners on that date.

And I think I misstated when Commissioner Polanco joined. She joined at 10:55.

All in favor of the rule?

(Chorus of Ayes.)

MR. WILSON: It passes unanimously.

THE CHAIR: And I just want to make clear for the record for people that are here and the information that you take with you when you leave, the rule that we voted on today will not take effect until November 1st, and it will take effect on November 1st if by the time between now and then we have not formulated a different proposal using additional trip data from

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the FHV industry. So the simple message is if drivers want to know are there fatigue driving rules in effect right now, no, there are not, and we look forward to the next couple of months of continuing the discussions we've had and the benefit of additional data about the trips, the beginning time and the end time of trips on the FHV side.

And with that, that is the end of our public meeting and the time now is 11:00.

(Time noted: 11:00 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )  
COUNTY OF RICHMOND ) ss:

I, JENNIFER CASSELLA, a Notary Public  
within and for the State of New York, do hereby  
certify:

I reported the proceedings in the  
within-entitled matter, and that the within  
transcript is a true record of such proceedings  
to the best of my ability.

I further certify that I am not related  
to any of the parties to this action by blood  
or marriage; and that I am in no way interested  
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 26th day of July, 2016.

\_\_\_\_\_  
JENNIFER CASSELLA

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**Taxi and Limousine Commission Meeting  
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<p><b>weekly (1)</b> 41:5  <b>weeks (1)</b> 37:15  <b>well-defined (1)</b> 27:20  <b>went (1)</b> 33:17  <b>wheelchair-accessible (2)</b> 10:17              17:4  <b>WHEREOF (1)</b> 43:18  <b>Wilson (16)</b> 2:13 8:4 12:17 17:21              18:2 19:5 23:17 24:22 29:18,25              30:4 35:16,21 36:2 39:19 41:16  <b>wish (2)</b> 23:2 27:6  <b>within-entitled (1)</b> 43:11  <b>WITNESS (1)</b> 43:18  <b>wonks (1)</b> 6:11  <b>word (2)</b> 4:22 24:20  <b>work (13)</b> 7:23 9:25 15:12,15 18:7              18:21,25 24:10 32:2 33:21 35:12              39:11 40:12  <b>worked (1)</b> 25:16  <b>workers (1)</b> 21:19  <b>working (6)</b> 5:21 14:23 18:9,12              25:19 36:25  <b>world (1)</b> 38:8  <b>worried (1)</b> 24:5  <b>wouldn't (1)</b> 39:3  <b>wrap (1)</b> 12:3  <b>Wright (1)</b> 4:14  <b>wrong (1)</b> 17:14</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>yeah (2)</b> 19:3 22:25  <b>year (1)</b> 40:21  <b>years (6)</b> 6:17,19 7:17 13:5 22:7              34:16  <b>yellow (3)</b> 14:18 16:12 20:2  <b>York (9)</b> 1:3,22 5:6 13:16,24 14:24              17:13 43:4,8</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>Zero (3)</b> 22:20 27:11 29:14  <b>Zubin (2)</b> 3:12 30:5</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1,000 (1)</b> 32:19  <b>1,800 (1)</b> 6:22  <b>10 (2)</b> 5:5 36:6  <b>10:00 (1)</b> 36:7  <b>10:21 (1)</b> 2:2  <b>10:25 (1)</b> 4:3  <b>10:45 (1)</b> 29:21  <b>10:55 (1)</b> 41:13  <b>100 (1)</b> 31:19  <b>10543 (1)</b> 1:22</p>	<p><b>11:00 (2)</b> 42:13,14  <b>12 (1)</b> 3:6  <b>12-hour (1)</b> 40:16  <b>139 (1)</b> 1:22  <b>13th (1)</b> 5:13  <b>14th (1)</b> 41:9  <b>15 (2)</b> 22:7 31:17  <b>17 (1)</b> 3:7  <b>18 (1)</b> 1:9  <b>19 (1)</b> 3:8  <b>19TH (1)</b> 1:11  <b>1st (6)</b> 37:19 38:11 39:10,11 41:22              41:23</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2 (1)</b> 22:4  <b>20 (5)</b> 6:17,18,22 7:17 13:5  <b>200 (1)</b> 31:8  <b>2012 (1)</b> 6:7  <b>2016 (5)</b> 1:9 9:3,12 39:22 43:19  <b>212.95.DEPOS (1)</b> 1:23  <b>21st (1)</b> 9:3  <b>23 (1)</b> 3:9  <b>23rd (2)</b> 36:12 39:22  <b>24 (1)</b> 3:11  <b>25 (1)</b> 31:18  <b>250 (1)</b> 21:16  <b>26 (1)</b> 6:23  <b>26th (1)</b> 43:19</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3 (1)</b> 6:21  <b>30 (1)</b> 3:12  <b>30-day (1)</b> 32:22  <b>33 (1)</b> 1:10  <b>350 (3)</b> 11:7,18 22:3</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4,000 (1)</b> 32:22  <b>400 (2)</b> 32:4,15</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5 (2)</b> 6:21 36:6  <b>50 (7)</b> 11:7,10,18 12:6,8,11 21:25  <b>500 (1)</b> 35:6  <b>51 (3)</b> 9:3,12 13:18  <b>54-13(a)(2) (1)</b> 31:6</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6,500 (1)</b> 32:24  <b>65 (1)</b> 31:7</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>75 (1)</b> 21:23</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8 (1)</b> 3:3</p>	<p><b>80-09(f) (1)</b> 21:12  <b>80-11(b)(1)(ii) (1)</b> 21:17  <b>80-12(h)(1) (1)</b> 22:4  <b>80-17(a) (1)</b> 21:24  <b>80-20 (1)</b> 22:16  <b>80-21 (1)</b> 22:16  <b>800 (1)</b> 32:19</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9/11 (1)</b> 7:5  <b>90 (1)</b> 34:18  <b>914.381.2061 (1)</b> 1:23  <b>914.722.0816 (1)</b> 1:23  <b>953.3767 (1)</b> 1:23</p>
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