

Taxi and Limousine Commission Meeting
June 23, 2016

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
PUBLIC HEARING

June 23, 2016
10:10 a.m.

33 Beaver Street
New York, New York

B E F O R E:

MEERA JOSHI, Chair and Chief Executive Officer
CHARLES WILSON, General Counsel

Board of Commissioners:

BILL AGUADO
EDWARD GONZALES
LAUVIENSKA POLANCO
NORA C. MARINO
FRANK V. CARONE
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Taxi and Limousine Commission Meeting
June 23, 2016

3

1 SPEAKERS: (Continued)

2 James Rahming, Driver

3 Frank Osei-Bonsu, Driver

4 Peter M. Mazer, MTBOT

5 Mohamed Boukerche

6 Osman Chowdhury, United Taxi Drivers Association

7 Fernando Garcia Asotiny

8 Jose R. Jaen, NYS Federation of Taxi Drivers

9 Pedro Aguiar, Coalicion de Taxistas NY

10 Erin Abrams, Via

11 Hector L. German

12 Asim Aktar, NYTWA

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**Taxi and Limousine Commission Meeting
June 23, 2016**

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24
25

Proceedings

CHAIR JOSHI: Good morning, everyone. We're going to start our public meeting. The time now is 10:10, and I'll open with a few remarks and then we'll go to adoption of the minutes.

The first announcement is on June 13th, the Green Hail Taxi permits became available for anyone to buy under the Hail Law that was passed and went into effect in 2013. For the first three years, only people who had driven -- have an FHV driver's license or an FHV vehicle license could purchase a Street Hail Livery permit. And that period is over now, it ended on June 13th. Anyone is free to buy a Street Hail Livery permit and they can do -- make an appointment online. The cost for the three-year period, which includes inspections, is \$3,540. So if anyone is interested, please see a member of the staff in the back and they'll direct you on how to make an appointment for purchase.

I have a few personnel changes that I

Taxi and Limousine Commission Meeting
June 23, 2016

5

1
2
3
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7
8
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10
11
12
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16
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24
25

Proceedings

just want to announce. Deputy Commissioner Jeff Roth, who was our Deputy Commissioner of policy here at the TLC, was sought out to become the number two at the newly formed Agency for Veterans Affairs. And it's the first standalone agency in the country. And he was likely the highest qualified person in the city to fill that position. He has a stellar military and data analytics background and a proven track record of management and a deep commitment to public service. So he was hard to beat and that's why they snapped him up. So we'll miss him, but as always, we're proud that we we're part of his journey.

Also very pleased to announce that Nora Marino, who I think will be joining us later, was confirmed for another seven years as the Queens representative of the TLC Commission. Nora never shies away from voicing her opinion and her input injects additional perspective to all our discussions.

Taxi and Limousine Commission Meeting
June 23, 2016

6

1
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6
7
8
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10
11
12
13
14
15
16
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24
25

Proceedings

Also, retiring, Deborah Murphy. Many people in this room may not be familiar with her, but she has been a pillar of advice and honesty within the TLC for 19 years. She retired on May 31st, she served as the TLC's Director of Finance and she served the City for 29 years. Deborah Murphy is simply the closest thing I've seen to the ideal public servant. No penny was ever unaccounted for under her watch and every document for every reimbursement was subject to the same level of scrutiny, no matter how seemingly small. So we'll miss her, and I think New Yorkers should miss her, too, because she stands for integrity and good public service. She'll be hard to replace, but we have found another woman with the last name Murphy, so I think we're well on our way.

And I'd like to welcome Vincent Chin, he's our new Assistant Commissioner for Finance and Operations. He joins us from the New York City Department of Education

Taxi and Limousine Commission Meeting
June 23, 2016

7

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15
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Proceedings

where he most recently served as the Director of Finance and Administration for the Deputy Chancellor of Operations. And before joining the Department of Education, Vincent was an economic officer for the United States Embassy in Beijing. So we welcome Vincent and I'm sure he'll have lots of challenges and fun while he's here.

Next I have a quick announcement on a new development on our website, which I hope will cut down the time applicants need to spend calling our call center and waiting in line at our licensing facility. We've put online a spreadsheet that is searchable, so anyone applying for a driver's license can enter in their application number, and what will pop up is the status of their application. Whether they still need to take a drug test, whether they still need to pass school, whether they're missing any documents. And hopefully that is a much easier way and much faster way for

**Taxi and Limousine Commission Meeting
June 23, 2016**

8

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Proceedings

applicants to figure out what they're missing. And we've already had over 9,000 hits on the website so it seems to be working. And when we're saving you time, hopefully that's helping you earn money.

So today's hearing. I have two brief recaps on the rules, but I think we'll first move to the adoption of minutes.

All in favor of adopting the minutes from the April 21st meeting?

(Chorus of ayes.)

CHAIR JOSHI: The minutes are unanimously adopted. And we'll move on to base applications for determination.

MS. MIOLA: Good morning, Commissioners. My name is Angelique Miola, Acting Director of the Business Unit. Today we have 28 bases for your approval; 2 new bases, 21 base renewals, and 5 bases with various changes.

Thank you.

MR. WILSON: All in favor?

(Chorus of ayes.)

MS. MIOLA: Thank you.

Taxi and Limousine Commission Meeting
June 23, 2016

9

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Proceedings

MR. WILSON: Thank you.

CHAIR JOSHI: Okay. The next thing on the agenda is last -- in April we had a hearing on a clean up package. Based on the comments from that hearing, before us today is a revised rule package for vote. It clarifies that the Street Hail Liveries can be in the hail zone, they just cannot pick up by prearrangement or hail in the hail zone.

We clarified the dispatch equipment for green taxis is excluded from the ban on using an electronic dispatch device, so long as it is voice or one touch, and that's for safety.

And for the record, it's now 10:20 and Commissioner Marino has now joined us. And she'll be with us for another seven years.

And we reinforce that the goal of the sexual harassment and sexual contact rules and penalties is to reinforce correct conduct and to clarify for judges the exact nature of the violation. We also

Taxi and Limousine Commission Meeting
June 23, 2016

10

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Proceedings

simplified the definitions for both, and we will not proceed with any prosecution until we feel there's credible witnesses that are making the allegations. And we remind all drivers and respondents that they're entitled to have the witness present at the hearing, and under our rules and under rules that are currently being drafted and will be implemented by the Office of Administrative Trials and Hearings. And I know that's an important issue for most drivers, so to the extent you want to voice your opinion with Oath, I think it will be well received. Voice your opinion you're in favor of that rule.

Okay. With that, we'll move to a vote.

MR. WILSON: Let me just first say, as Local Law requires the final rule for Commission action with the changes as outlined by the Commissioner was posted on the TLC website on June 20th and sent to the Commissioners on that date.

All in favor.

Taxi and Limousine Commission Meeting
June 23, 2016

11

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24
25

Proceedings

(Chorus of ayes.)

MR. WILSON: That's unanimous.

And next on the agenda are some rules implementing certain local legislations, specifically Local Laws 43, 49, 50, and 52 of 2016, that were signed into law by Mayor De Blasio April 21, 2016.

These rules will eliminate vehicle retirement requirements for black cars, they would increase the penalties for illegal pick-ups made by for-hire vehicles within the hail exclusionary zone, they would require all black car and luxury limousine bases provide fare estimate to passengers upon request, they would prohibit black car and luxury limousine bases from charging more than 120 percent of any fare estimate they give. And lastly they would require all TLC licensees, including authorized equipment vendors, bases, and apps, to collect a passengers personal information or geo-location information to file with the TLC and Information Security and Use of

**Taxi and Limousine Commission Meeting
June 23, 2016**

12

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2
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Proceedings

Personal Information Policy and to comply with that policy.

These rules were published in the City Record on May 24, 2016, commented on June 23rd. We received two written comments. We have a number of speakers, although I have a feeling some of these speakers may want to speak on the next package, but I'll call them anyway.

Jose Jaen, do you want the next package, the Driver Fatigue Rules?

MR. JAEN: Yes.

CHAIR JOSHI: And I just want to comment before this hearing begins on this package. These are all rules that implement Local Laws that were signed into law by the Mayor a few months ago. So to a large extent they mirror the language that is in the Local Law.

MR. WILSON: The next signed up speaker was Pedro Aguiar. Did you want to be heard on this package or was it the Driver Fatigue Rules?

MR. AGUIAR: The Fatigue Rules.

**Taxi and Limousine Commission Meeting
June 23, 2016**

13

1
2
3
4
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6
7
8
9
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11
12
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14
15
16
17
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21
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24
25

Proceedings

CHAIR JOSHI: So let me do it this way since we have 15 people on this list. Can anyone raise their hand if they're interested in speaking on the package that implements the Local Laws that were passed a few months ago, doing the things that Chris just described?

(No response.)

CHAIR JOSHI: Okay. So I'll take that as a no, and we can move on to the next -- we could move on to vote.

MR. WILSON: And we'll hold these speakers for the next package.

So any recession among the Commissioners on the Council Legislation Package?

MS. MARINO: Have we received any comments?

CHAIR JOSHI: We have received two comments, but apparently we have nobody who's interested in speaking at the hearing. The rule package basically mirrors the Local Law. So I think we're ready for the vote, and let's do that now.

Taxi and Limousine Commission Meeting
June 23, 2016

14

1
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7
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24
25

Proceedings

All in favor of approving the package
that implements the local laws?

(Chorus of ayes.)

MR. WILSON: And that passes
unanimously.

CHAIR JOSHI: So I think the hearing
that is drawing the most attention today
is the proposed rules on fatigue driving,
and I anticipate a robust hearing.

The proposals are based on research,
best practices, and analysis of our actual
data. We spoke to more than 20 industry
stakeholders, passengers, and community
advocates prior to proposing the rules.
We spoke to them multiple times and
followed up with ideas and questions and
concerns that they had. And we spoke to
safety advocates and sleep experts on the
effects of fatigue with driving.

Some of the changes that we already
made based on this feedback are: We're
seriously considering codifying warning
provision within the rule, so that
drivers, as they -- the few drivers,

**Taxi and Limousine Commission Meeting
June 23, 2016**

15

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Proceedings

because 97 percent of the drivers today would not be in violation of the proposed rules. So that few three percent of drivers that will have to alter their schedule, should these rules pass, would get a warning first before they were summoned in order for them to adequately make the adjustment.

We also included an eight-hour reset provision. That's not a mandatory eight-hour rest period, that is an option. If you take eight hours off you automatically reset the 12-hour clock, so you can start again counting 12 hours for working. And we did that mindful of the fact that many drivers want to get a morning rush and an evening rush, and this way they can -- after working an evening, can again start working in the morning as long as they get eight hours break consecutively in between.

Another thing that we're considering that has been raised is using 30 minutes instead of an hour. That would give sort

Taxi and Limousine Commission Meeting
June 23, 2016

16

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25

Proceedings

of a more exact barrier or more exact deadlines for when drivers can drive and when they can't. And one comment that we got from almost everybody, and this is the reason why this process is an excellent one, our way of saying something is not very clear.

So where we said that the driver is not allowed to drive for-hire in more than 12 hours or in no more than 72 hours. Many people took the 12 hours, especially, to mean that this was a consecutive 12 hours. It is not a consecutive 12 hours. That's any 12 hours within a 24-hour period. So the example that was brought to our attention several times is what happens if I'm waiting in the airport holding lot for two hours, is that going to be counted against my 12 hours? No, it will not. It's any 12 hours. So those two hours would not be counted against your 12 hours.

And based on the confusion that the current wording has generated, we'll

Taxi and Limousine Commission Meeting
June 23, 2016

17

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Proceedings

absolutely clarify that going forward to make sure that all drivers and bases know that it is not 12 consecutive hours.

So another -- a few other notes.

This is a forward-looking rule, we're not looking to review past data for violations. That was another concern that was raised. Some people raised a concern and question that there's a link between long driving hours and crashes among TLC-licensed drivers, and we did additional data dives to determine that. And based on the crash data that we get from DMV determined that after 12 hours the likelihood of crashing increases by 29 percent, and 9 percent after 72 hours.

Several bases are worried they would be found liable for dispatching beyond 12 hours when their drivers were actually being dispatched by another base. And no, they will not. You're only responsible for your dispatches. We have the bird's eye view because we have trip records from yellow taxis, green taxis, livery bases,

Taxi and Limousine Commission Meeting
June 23, 2016

18

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24
25

Proceedings

and black car bases. And as you know we're in the era of the universal license, drivers can work in any one of those sectors and they can work in all of them within a week. We're the only ones going to know how many hours cumulatively they've worked, and we're not holding those individual sectors responsible. You're only responsible if you individually dispatch for more than 12 hours or more than 72 hours.

Another concern raised, how will you enforce this, you have varying levels of trip records? Yes, that's true. In green and yellow taxis we have TPEP and LPEP, so we have very detailed trip information. We have reports that are submitted to us by livery and black car bases that provide us with pick-up information. We have identified the one common denominator across all records, and that is the pick-up time. So for consistency among sectors, that is the determining factor. We'll be working off passenger pick-up

Taxi and Limousine Commission Meeting
June 23, 2016

19

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24
25

Proceedings

time to determine the hours.

The goal is that we're not issuing summons. It's because our goal is that drivers are adhering to safe limits. This means that after the rules are finalized, and I'm sure that feedback from today's hearing will effect that, and voted on by the Commission, and before we begin any enforcement, we'll happily meet with any base that's interested in proactively programming a method to ensure that it does not dispatch beyond the limits. We don't want to hide the ball.

So I know a lot of bases use computerized dispatch systems and they want to be able to figure out how they can stay in compliance. We're absolutely open to meeting with you once the rule is finalized and we know what the parameters are so you can program your system to ensure compliance. There is in no way that this is at got you.

We're also seriously considering building into the rule the warning

**Taxi and Limousine Commission Meeting
June 23, 2016**

20

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22
23
24
25

Proceedings

provision, which I mentioned before. And the other issue on enforcement is, how will you enforce -- will this be arbitrary? Will this be an audit? This will be like most of our other administrative enforcement, it will probably be a monthly data run that we do to identify violators.

So I know I've hit on some of the points, but certainly not all the points that have been raised and more that will be raised today, and many of them will touch on economics. And throughout this process, our jobs as Commissioners is to evaluate all the points that are made, before today and today, but without ever losing sight of our overarching goal, which is to improve street safety. Service without safety standards is actually a disservice to drivers, passengers, and the public.

So I look forward to hearing your thoughts and suggestions on how we make our city safer.

**Taxi and Limousine Commission Meeting
June 23, 2016**

21

1
2
3
4
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6
7
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11
12
13
14
15
16
17
18
19
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21
22
23
24
25

Proceedings

MS. MARINO: I have a question. The fine goes to the base or the drivers?

CHAIR JOSHI: There's two sets of rules. One to the driver for violating the 12 hours and one to the base for dispatching beyond 12 hours.

MS. MARINO: So it's also incumbent upon the driver to know his or her own hours as well.

And my second question was, do you know how the DMV arrived at these numbers of 29 percent?

CHAIR JOSHI: Those are numbers that we did after analyzing DMV data about the number of crashes and times of crashes that TLC-licensed vehicles and drivers are involved in, and compared them to the trip records of when people are on duty and picking up passengers.

So we mapped them out, put them all together, and then determined what the crash level incidents is based on the hour of work.

MS. MARINO: Thank you.

**Taxi and Limousine Commission Meeting
June 23, 2016**

22

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11
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24
25

Proceedings

CHAIR JOSHI: And so now we're going to have a brief presentation on the rules, led by Maddie. And she'll be available to answer any questions afterwards that the Commissioners might have.

MS. LABADIE: Good morning, Chair Joshi and Commissioners. My name is Madeline Labadie and I'm a senior analyst in the Commissioner's Office at the Taxi & Limousine Commission. Today I'll be discussing the proposed rules to prevent fatigue driving by TLC-licensed drivers.

A tragic fatal crash involving a TLC driver licensee last fall caused TLC to review our existing rules regarding work hour guidelines, and found it insufficient to allow the agencies to gage compliance and safety. The only rule addressing work hours prescribed a 12 consecutive hour limit. However, this rule was limited to just yellow taxi drivers, allowed any breaks to reset the 12-hour clock, and did not adequately address the diversity of driving schedules that we know exist

**Taxi and Limousine Commission Meeting
June 23, 2016**

23

1
2
3
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5
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7
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13
14
15
16
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18
19
20
21
22
23
24
25

Proceedings

throughout the diverse industry sectors.

We determined that finding an improved strategy to prevent fatigued driving across all licensees would be part of TLC's slate of projects for year three of Mayor de Blasio's Vision Zero initiative to eliminate fatalities in New York City.

To begin this Vision Zero project, TLC staff performed research looking into studies on the effects of fatigue on driving and other detail-oriented work. We found there are two types of fatigue that must be addressed; acute fatigue and chronic fatigue. Acute fatigue, or short-term fatigue, over a course of a day or so, is linked to increased risk of being in a traffic crash and slower reaction time to stimuli, like pedestrians at the crosswalk or traffic lights changing to red. Although there's no breathalyzer for it, acute fatigue can produce effects similar to alcohol, a threat we take very seriously when it

Taxi and Limousine Commission Meeting
June 23, 2016

24

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7
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12
13
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22
23
24
25

Proceedings

comes to driving.

However, it's not just acute fatigue that impairs driving ability. Over the longer term, acute fatigue that isn't eliminated with adequate rest can build up into a sleep debt. That sustained, chronic fatigue also makes it difficult to drive safely.

Studies in sleep labs and out in the real world have both shown that chronic fatigue decreases the brain's ability to process information and pay attention for tasks like driving.

TLC-licensed drivers have the same human limitations that the drivers studied here have exhibited.

TLC staff also found comparable work hour regulations for other transportation industries and for for-hire transportation in other cities.

The Institute of Medicine classifies transportation as a safety-sensitive industry, and work hours for professional operators, such as truck drivers and

**Taxi and Limousine Commission Meeting
June 23, 2016**

25

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14
15
16
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21
22
23
24
25

Proceedings

pilots, have been regulated by the U.S. Department of Transportation since the 1930s, and rail workers since 1907.

These regulations all shared the structure of addressing both acute and chronic fatigue. Daily driving limits range from 10 to 14 hours and weekly driving limits ranged from 60 to 84 hours.

TLC also analyzed some of the data on our own driver licensees. Our findings follow the same conclusions as the scientific research.

We found from 2014 to 2015 taxi drivers were at a 24 percent higher risk of being involved in a crash resulting in an injury when working more than 12 hours per day, not necessarily consecutive, and a 9 percent greater risk of working over 72 hours per week.

We also found that passengers have logged complaints, more than 100 since January 2015, about drivers falling asleep at the wheel and driving erratically and dangerously due to fatigue.

Taxi and Limousine Commission Meeting
June 23, 2016

26

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14
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22
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24
25

Proceedings

While most of our licensees are safe and conscientious drivers, there's a select population of drivers who are putting themselves and the public at risk. This is the group we're trying to reach with this proposed rule.

Following extensive research and analysis, we came to the following rule proposal: A daily limit of 12 hours of pick ups for-hire and a weekly limit of 72 hours of pick ups for-hire.

These proposals address the twin concerns of acute and chronic fatigue and apply to both drivers and bases, since bases are a crucial partner in setting the tone when it comes to safety.

On a given day, 97 percent of drivers already drive under the 12-hour proposed limit and in a given week, 93 percent of drivers already drive under the 72-hour proposed limit. Only a small proportion of drivers would need to modify their schedules to comply with the proposed rule.

Taxi and Limousine Commission Meeting
June 23, 2016

27

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16
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18
19
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21
22
23
24
25

Proceedings

In response to early conversations with industry members about this proposal, we also included an exception to the daily hour limit.

Drivers can reset their 24-hour clock after eight consecutive hours with no trips. This provision allows for more flexibility when drivers want to change their daily start times or condense their work over a shorter period when more work is available while making sure the driver still has opportunity to get a good day or night's rest.

The proposed rules do not count hours consecutively. Based on the diversity of driving schedules across the different industry sectors, we found it was crucial to focus on total rather than consecutive work hours, the hours in which a driver picks up a passenger to account for the kinds of breaks that many drivers take throughout the day and some drivers preferences to split their shifts into, for example, morning and evening rush

Taxi and Limousine Commission Meeting
June 23, 2016

28

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14
15
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20
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24
25

Proceedings

hours.

Those breaks can allow drivers to achieve much needed rest. Hours in which a driver does not pick up passengers do not count towards the 12 hours per day or 72 hours per week limits. To differentiate between working and non-working hours, TLC will monitor trip records. Furthermore, a base is only responsible for their own dispatches under this rule. Bases can't know if a driver is over their daily or weekly limit due to performing trips for multiple bases, only TLC can determine that by aggregating each driver's trip records across all bases and all industry sectors. However, under the proposal, bases will be responsible for making sure they are not asking a single driver to make pick-ups in more hours than is safe.

Finally, the proposal does not require breaks for any particular length of time. The provision allowing a daily limit reset after eight consecutive

**Taxi and Limousine Commission Meeting
June 23, 2016**

29

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13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

non-working hours is an option of flexibility for drivers who want to exceed 12 hours can use on occasion. It is not required.

MS. MARINO: I'm sorry, the drivers who want to exceed 12 hours?

MS. LABADIE: 12 hours in a 24-hour period, by starting at an earlier point the next day.

To help explain how this proposed rule would work in practice, we've developed some examples of daily and weekly schedules. Here are three of drivers who would be in compliance with the daily 12-hour limit. Working hours, the hours in which the driver picks up passengers, are in green and nonworking hours are in gray.

Driver 1 does a daily 12-hour shift starting at the same time each day, 7 a.m. Driver 2 splits her work hours to match up with the rush hours; working 7 to 10 a.m., taking a break during slow hours; working 3 to 9 p.m., taking an hour off for

Taxi and Limousine Commission Meeting
June 23, 2016

30

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Proceedings

dinner; and then working a late night period, 10 p.m. to 1 a.m. She does the same schedule the next day and never goes over 12 hours in a 24-hour period due to her breaks.

Driver 3's schedule provides an example of how a driver could use the eight-hour break reset. Driver 3 works 7 a.m. to 7 p.m. on day one, but then wants to start another long work day the next day at 3 a.m. By taking an eight-hour break, he can start the next day at an earlier hour than on day one without going over the 12-in-24-hour limit.

Here are two examples of driver schedules that would not be in compliance with the proposed daily limit:

As you can see, Driver 1 works two 15-hour shifts with only a six-hour break in between. Driver 2 takes a few shorter breaks throughout the day but still ends up working 16 hours in a 24 hour period, far over the proposed daily limit.

**Taxi and Limousine Commission Meeting
June 23, 2016**

31

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Proceedings

These schedules do not provide enough break time and may result in unsafe driving due to fatigue.

This slide shows three examples of weekly driver schedules that would be in compliance with the 72-hour weekly limit. Again, green shows working hours and gray shows nonworking hours:

Driver 1 spreads 72 hours across seven days, working 10 to 11 hours each day. Driver 2 decides to work 12-hour shifts for six days with a full day off at the end of his week. Driver 3 generally works fewer hours at a time but puts a long shift in the over the busy weekend. He stays in the daily limit or uses an eight-hour restart each day of the week and spreads 72 hours across all seven days.

All of these drivers stay within the proposed weekly limit.

Here are two examples of drivers who are not in compliance with the proposed weekly limit of 72 hours:

**Taxi and Limousine Commission Meeting
June 23, 2016**

32

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25

Proceedings

Driver 1 works eight 10-to-11-hour shifts in seven days, while Driver 2 works seven 12-hour shifts in seven days.

These two drivers work 84 hours in one week, increasing their risk of chronic fatigue due to consistently long daily work hours.

The rule proposal is not the only component of TLC's strategy to prevent fatigued driving. TLC staff will provide updated education materials for taxi and FHV school, TLC staff-led Vision Zero meetings with drivers, and outreach via e-mails and text messages to make sure all drivers understand the new rules and risks of fatigue driving. TLC will also work with industry members to spread that information.

TLC will also begin with warnings rather than going straight to violations, because the goal of this proposed rule is compliance and safety through changed behavior and schedules.

The enforcement plan for drivers in

**Taxi and Limousine Commission Meeting
June 23, 2016**

33

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Proceedings

the current proposal is scaled to the severity of the violation, meaning driving five or more hours over the daily or weekly limit would lead to a greater penalty than going one to two hours over the limit.

Bases would face a flat penalty per violation. Violations will be determined by TPEP, LPEP, and FHV records.

We will provide bases and industry members with the same time to learn these rules and, if they choose, program software to aid compliance. TLC staff is happy to help with compliance guidance should the Commission pass rules on this matter.

This rule proposal is the result of a lengthy period of consideration that included significant research, analysis, and outreach.

The proposed daily and weekly hour limits will improve safety for both TLC-licensed drivers and the general public by decreasing the number of

Taxi and Limousine Commission Meeting
June 23, 2016

34

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Proceedings

fatigued drivers on the roads.

The proposed rules are targeted to the small percentage of drivers with unsafe schedules and apply to drivers across all TLC industry sectors, an oversight of the current rule.

By using working hours rather than consecutive hours, the rule provides much needed flexibility for the diversity of driver schedules among our 140,000 driver licensees.

And finally, this rule is paired with a broad-based outreach and education plan to ensure compliance and inform drivers and bases of the risks of fatigue driving.

Thank you for your time and I'm happy to take questions now.

CHAIR JOSHI: Thank you very much. Do any of the Commissioners have questions?

MR. AGUADO: Thank you. I just want to add to the issue here, the importance of our concern about the drivers.

I'm a senior citizen and 12 percent

**Taxi and Limousine Commission Meeting
June 23, 2016**

35

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Proceedings

of the population of New York City are senior citizens. Of those -- of the individuals who have been hit by cars or every car, 34 percent of our population are senior citizens.

So I think extra care on the part of the drivers, and respect to the policy and importance of this law, is very important. It's not just you as a driver in a taxi, but you as a driver, to respect and be aware of issues of older people. Thank you.

MR. WILSON: Thank you. Any other questions?

MS. MARINO: If the driver works 12 hours seven days a week that comes to 84 hours a week. And six days a week is 72, so there's a mandatory day off there.

What data supports that that mandatory day off has a significant effect as opposed to working 12 hours a day with that mandatory eight-hour break.

MS. LABADIE: So we looked at a variety of research that indicates that

Taxi and Limousine Commission Meeting
June 23, 2016

36

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Proceedings

declined sleep -- that built up sleep debt has an effect on your ability to drive safely.

MS. MARINO: But doesn't the 12-hour per day rule remedy that?

MS. LABADIE: We wanted to address both acute fatigue, if you work a long single day, and the chronic fatigue of long hours every day of the week. We also think that the way we structured the rule when it comes to the flexibility provided by counting all the work hours and a lot of those break hours not to create a consecutive hour rule allows drivers to move their hours around the week, if they desire. If they desire to be split shifts, working rush hours to work a little bit less each day, or to really use that eight-hour reset to push some of their hours into the weekend hours.

MS. MARINO: My concern is that sometimes people don't have that luxury of being able to plan so meticulously. And I know for me sometimes I'll work a five-day

Taxi and Limousine Commission Meeting
June 23, 2016

37

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Proceedings

work week, and I'll go in four hours on Saturday and Sunday. It's not necessarily saying someone is going to work a 12-hour shift on that day off. I don't know if that's going -- being overly restrictive. You're not giving someone an opportunity to work that seventh day the week.

CHAIR JOSHI: I think part of what's helpful in this is when we look at -- and a lot of -- especially in the taxi world, there's traditionally 12-hour shifts. But when you look at the actual data and I think even journalist have looked at our taxi data as well and reiterated what we found, though they have a 12-hour shift actually picking up passengers is between ten and seven hours. So people may work -- they may shift out 12 hours for seven days, but if they're only actually picking up passengers between seven and ten hours each day, they're not going to be in violation of our rules.

MS. MARINO: And this goes back to sitting in the airport for two hours?

Taxi and Limousine Commission Meeting
June 23, 2016

38

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Proceedings

CHAIR JOSHI: Exactly. If you're not working, that's not going to be counted against you. And working they mean transporting passengers, not sitting in your car.

MS. MARINO: Thank you.

MR. JIHA: Can you explain to us how you intend to monitor this rule?

MS. LABADIE: So the plan is to do data audits of TPEP, LPEP and FHV trip records we receive. So it's to look at the pick-up times across each individual driver. So each driver, whether they work for one base or five bases across the period, whether they work for yellow a few days a week, and they drive an FHV several days a week, we're going to look at each individual drivers record after the fact.

MR. JIHA: But that won't include an accident. If you're looking at it; in other words, so what kind of mechanism do you have in place so you can prevent something from happening instead of looking backward?

Taxi and Limousine Commission Meeting
June 23, 2016

39

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Proceedings

MS. LABADIE: Unfortunately we can't predict who's going to get into a crash. We use the tools we have available in terms of coming up with these driving hour limits. We think these are good guidelines for being alert behind the wheel, which will make drivers safer and less likely to be in crashes involving injuries or fatalities. We think that if people don't, you know, they modify their behavior, they'll be more alert behind the wheel. But if they don't modify their behavior they'll be getting those warnings and those violations and hopefully be compelled to change their behavior to drive safely.

So going down the line, we think while the bulk of the drivers, 93 percent at the weekly limit and 97 percent at the daily limit, are working within these safe limits. The few that aren't we hope will be nudged into a safer schedule for this policy.

MR. JIHA: I'm just trying -- I

Taxi and Limousine Commission Meeting
June 23, 2016

40

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Proceedings

understand you cannot prevent accidents but what I'm trying to make is, if you know someone who is going above the limit of 12 hours a day, there should be a mechanism that we would have in place that -- a trigger that says you are about to approach the 12-hour limit, so you should be off work.

MS. MARINO: Like a warning?

MR. JIHA: Like a warning.

CHAIR JOSHI: Do you mean real time?

MR. JIHA: Yes. Once you have the base, automatically people assume that you have a way of monitoring so that you don't have people with more than 12 hours.

CHAIR JOSHI: And we're always limited by the amount of data that we get and the speed with which we get it. And until we get real time data from the entire industry, we wouldn't be able to do what is obviously the ideal situation is catching people before they go over the limit.

The bases can do that, though. Bases

**Taxi and Limousine Commission Meeting
June 23, 2016**

41

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Proceedings

can modify their systems to give out warnings to drivers that are reaching the 12-hour limit. And they're sort of our partners in this to the extent that they can get that message and directive out to the drivers much better than we can.

MS. MARINO: But the problem with that is that a lot of drivers drive for multiple bases.

CHAIR JOSHI: And drivers will -- that's where we'll catch them on our data runs. But if we were to get real time data from everybody we could do that kind of query on a much faster basis than we can with the lag we have now.

MR. GONZALES: I share both the Chairwoman's and Commissioner Jiha's opinion with the need to get potentially more real time data so that there's -- it could be more preventive versus reactive. I do applaud that looking at this as objectively as possible given the limitations that we do have but to the point that we could encourage both the

**Taxi and Limousine Commission Meeting
June 23, 2016**

42

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Proceedings

industry and the drivers to have the tools to be able to self-monitor it would be greatly appreciated.

CHAIR JOSHI: We're going to move on to the hearing, but we have a very long list so we're going to adhere to the three-minute limit for everybody.

So when Chris Wilson politely tries to interrupt you, please listen.

MR. WILSON: And secondly, as I call speakers if you're here on behalf of an organization, I'd ask you to state for the record the organization you represent.

I would also ask if an organization is here with a number of people, if that organization could limit its comments to one speaker, because Commissioners are here and they will hear you.

The first speaker is Keith Kerman from DCAS.

MR. KERMAN: Thank you. Good morning, Commissioner. I thank you for allowing New York City Fleet, Department of Citywide Administrative Services, DCAS,

Taxi and Limousine Commission Meeting
June 23, 2016

43

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Proceedings

to testify at this public hearing regarding TLC's proposed rules governing driver fatigue.

My name is Keith Kerman, I'm a deputy commissioner at DCAS and the chief lead fleet officer of the City of New York.

New York City operates the largest single fleet in the five boroughs, with over 29,000 vehicles and 80,000 vehicle operators. Along with TLC, DCAS is pursuing all viable avenues to improve fleet safety as part of Mayor de Blasio's Vision Zero initiative.

Among many steps we have taken include safety training for all fleet operators, speed tracking for all City vehicles, implementation of a new citywide crash tracking program, a safety survey for fleet operators, and a review of the specifications of all City vehicles.

As part of this review, we are now mandating safety guards for the size of trucks among other steps. This may -- the fleet also barred the use of hands-free

Taxi and Limousine Commission Meeting
June 23, 2016

44

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Proceedings

devices by city fleet operators,
recognizing that using these devices is as
distracting and dangerous for drivers as
hand-held phones and texting.

These steps that are helping to make
our fleet safer, and we're looking to do
more. Like our focus on driver
distraction, TLC's focus on driver fatigue
represents a common sense and critical
next step to making the road safer for
drivers, bicyclists, pedestrians, for all
of us.

In City agencies the standard shift
for fleet operators is seven or eight
hours. Over 95 percent of all shifts take
place within that range. For City
agencies the issues of long shifts for
operators will come up mostly during
emergency events, like snow storms or
costal storm response. Even in these
emergency cases, agencies like Sanitation,
Parks, and other agencies enforce time and
rest limitations for City fleet operators,
in most cases 12 hours as is being

**Taxi and Limousine Commission Meeting
June 23, 2016**

45

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Proceedings

discussed here.

While each operation is different, none of us can maintain the same level of safe focus and attentive driving without needed rest. With over 140,000 regulated vehicles, TLC's new regulations will help take the edge off of for-hire vehicle operators citywide and for all of us who share the roads with them.

DCAS thanks TLC for raising this critical aspect of safety, and supports these steps as part of our common focus to keep drivers and pedestrians safe in New York City. Thank you.

MR. WILSON: Thank you.

Next speaker is Anna Caffarelli of the Department of Health and Mental Hygiene.

MS. CAFFARELLI: Good morning, Chair Joshi and members of the Commission. My name is Anna Caffarelli, and I'm Special Projects Coordinator for the Injury and Violence Prevention program at the New York City Department of Health and Mental

**Taxi and Limousine Commission Meeting
June 23, 2016**

46

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Proceedings

Hygiene.

Thank you for the opportunity to speak in support of the efforts of the Taxi & Limousine Commission to protect the health and well-being of New Yorkers.

Traffic crashes caused approximately 340 deaths each year between 2000 and 2013. Each year there are more than 2,000 hospitalizations for pedestrian injuries alone. Traffic safety has long been a priority public health issue and there have been significant advances made for prevention by improving occupant protection, curbing impaired driving, and improving the safety standards for vehicles and roadway design. Together, these improvements and others have saved hundreds of thousands of lives. In that tradition, the Health Department is proud to be an active partner and participant in Mayor de Blasio's Vision Zero initiative.

Motor vehicle crashes are the leading cause of work-related deaths in the United States. They account for approximately

**Taxi and Limousine Commission Meeting
June 23, 2016**

47

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Proceedings

30 percent of all work-related fatalities. There is strong evidence that sleep deprivation and long driving shifts result in decreased driving performance, both for professional and nonprofessional drivers, and increased risk of motor vehicle crashes and injuries. Studies have shown that risk factors for crashes increase as uninterrupted driving time increases. Sleep deprivation causes slower reaction times, lessens the ability to maintain attention and increases error rates. Lack of sleep has been shown to cause the same degree of impairment as having a blood alcohol level of .05 percent. Moreover, chronic sleep deprivation from atypical work schedules can lead to circadian rhythm disruptions which increase the risk for injuries, not to mention obesity, chronic disease, and cancer. In 2015 the American Academy of Sleep Medicine issued its formal position that drowsiness compromises driving ability by reducing alertness, delaying reaction times, and

Taxi and Limousine Commission Meeting
June 23, 2016

48

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Proceedings

hindering decision-making skills.

The Taxi & Limousine Commission's proposal to limit total driving hours to no more than 72 hours per week and 12 hours each day directly addresses these risks and would likely prevent for-hire drivers from being excessively impaired by overwork and lack of sleep.

This proposal not only advances Vision Zero's goal of reducing traffic deaths and injuries, it protects the health of New York City motorists, pedestrians, visitors, and professional drivers themselves by limiting the presence of impaired for-hire drivers on the road. Thank you.

MS. MARINO: Quick clarification. You're statistics, 340 deaths each year, that's not just taxi and limousine related, that's overall?

MS. CAFFARELLI: Yes, that's overall.

MS. MARINO: Do you have statistics for our industry or do we have those?

CHAIR JOSHI: We have those. They're

**Taxi and Limousine Commission Meeting
June 23, 2016**

49

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Proceedings

on our website as well.

MR. WILSON: Thank you.

The next speaker is Inspector Scott Hanover from the New York Police Department.

INSPECTOR HANOVER: Good morning. Thank you for allowing the New York City Police Department to testify at this public hearing regarding TLC's proposed rules governing driver fatigue.

My name is Inspector Scott Hanover, and I'm a Commanding Officer of the Traffic Operations District.

As part of the Vision Zero interagency collaboration, based on crash statistics, the NYPD has identified six hazardous driving violations, which are the focus of Vision Zero enforcements. These six violations include: Speeding, failure to yield to pedestrians, traffic signal violations, improper turns, disobeying signage, and phoning and texting while driving.

Focusing on these dangerous driving

**Taxi and Limousine Commission Meeting
June 23, 2016**

50

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Proceedings

violations has helped us save lives and reduce injuries since the beginning of Vision Zero in 2014. The NYPD, as part of the Vision Zero interagency collaboration, supports the proposed TLC rule change in regard to fatigued driving. The proposed change, intended to reduce traffic-related injuries and fatalities, strengthens the Vision Zero goal of improving traffic safety.

I would be happy to answer any questions that you may have related to the NYPD's traffic enforcement. Thank you very much.

MS. POLANCO: I'm sorry, could you repeat again the six violations.

INSPECTOR HANOVER: Speeding, failure to yield to pedestrians, traffic signal violations; red lights, improper turns, disobeying signage, and phoning or texting while driving. Thank you very much.

MR. WILSON: Thank you.

The next speaker is Juan Martinez from Department of Transportation.

Taxi and Limousine Commission Meeting
June 23, 2016

51

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Proceedings

MR. MARTINEZ: Good morning, Commissioner Joshi and members of the Taxi & Limousine Commission. I'm Juan Martinez and I'm the Director of Strategic Initiative at the New York City Department of Transportation where I focus on Vision Zero policy.

I'm here today to speak in favor of the proposal to prevent serious crashes caused by fatigue. Driving is a complex activity involving a constant interplay of visual, cognitive, and manual tasks. A driver must choose their route and adjust according to conditions; observe, anticipate, and react to the actions of other vehicles, pedestrians, and bicyclists; monitor and react to feedback from their own vehicle in order to maintain their trajectory speed and safe distance from other objects; and control their vehicle by manipulating the steering wheel, accelerator, and brakes.

In addition, driving within New York City requires extraordinary levels of

**Taxi and Limousine Commission Meeting
June 23, 2016**

52

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Proceedings

vigilance and patience, because in our city the unexpected is always about to occur. A moment of inattention can lead to a serious crash, especially while completing high-risk, yet mundane tasks, such as making a turn through a crosswalk.

Although New York's for-hire vehicle operators experience leads to a level of skill which distinguishes them from the typical driver, the fact is that fatigue degrades those skills in everybody.

According to a National Traffic Highway Safety Administration compilation of Collision Reports, approximately 2.2 percent of collisions result in injuries and 2.5 percent of all fatal crashes involve drowsy driving.

However, this is widely regarded to be a substantial underestimate, because unlike impairment by alcohol, impairment by sleepiness does not leave behind physical evidence and it's impossible for the police to ascertain whether fatigue was involved without a driver admission.

**Taxi and Limousine Commission Meeting
June 23, 2016**

53

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25

Proceedings

In order to correct for this phenomenon, Triple A Foundation for Traffic Safety performed a statistical analysis of a broader collision data set which relies on post-collision injuries. The data derived from this program is less prone to the counting problem, of which prevails the conventional collision report and the researches in this study estimate that 13 percent of collisions end in hospitalization and 21 percent of fatal collisions involve fatigue.

An additional study which was brought to consideration was conducted by the Virginia Tech Transportation Institute, where they reviewed approximately 12 months of footage of 100 cars equipped with driver-facing cameras and collision sensors. Researchers consider eyelid closure, head bobbing, and severe loss of facial musculature as evidence of fatigue. This study found fatigue to be a factor in 16 percent of New York crashes and 20 percent of collisions. Researchers

**Taxi and Limousine Commission Meeting
June 23, 2016**

54

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Proceedings

also determined that drivers who drove while fatigued were four times as likely as non-fatigued drivers to be involved in a crash or near crash.

An analysis conducted by the staff of Taxi & Limousine Commission revealed the dangers caused by drivers who are fatigued. In 2014 and 2015 taxi drivers working more than 12 hours in a day got into injury crashes at a rate of 24 percent higher than those who worked 12 or fewer hours in a day.

The link between fatigue and collisions is clear. The adoption of the rule, which will combat fatigue, will improve safety for for-hire vehicle operators and their passengers, as well as the residents in New York City who share the streets with them.

Accordingly, the Department of Transportation urges the members of the Commission to support this measure.

MR. WILSON: Thank you.

The next speaker is Uppkar Thind.

Taxi and Limousine Commission Meeting
June 23, 2016

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Proceedings

(No response.)

Okay. The next speaker is William Paholak.

MR. PAHOLAK: Hello Commissioner and Commission. My name is William Paholak and I consider myself one of the three percent of the drivers that don't work a 72-hour work week. I actually think I perform a service for the Taxi & Limousine Commission and for the drivers out here, because what happens, some of these drivers that do drive 72 hours a week, a lot of these guys are working on a weekly payment schedule. So that seventh day comes for free. And what I do is I take that free day and I pay for it and I work a 24-hour day, but I don't actually work a 24-hour day.

I'm a little nervous here, but what you guys have mentioned about the breaks, I think is very important. Because what I do, a typical shift for me would be waking up Sunday when I wake up, not at three, four o'clock in the morning for 4 and

Taxi and Limousine Commission Meeting
June 23, 2016

56

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Proceedings

5 a.m. shifts, which kind of adds to driver fatigue, in my opinion.

So I wake up later in the day. I get the busy part of the day on Sundays, but if it's not busy, it's okay because I can relax and drive around and not have to worry about getting -- making all my money in a 12-hour period. My concern was, and I think it's obviously been addressed here, is allowing me to continue to drive this way. In the afternoon I'll take a dinner break at six, seven o'clock. I've even gone to a New York Islander/Detroit Redwing game and came back out and drove a couple more hours. It gives you a break so that you're constantly fresh throughout the day and you're not working these 12-hour shifts.

These guys working 70 hours a week, I did that for a while, that's a very, very difficult thing to do. And I think that little niche market that's out here, the three percent of us are actually helping the Taxi & Limousine Commission in this

Taxi and Limousine Commission Meeting
June 23, 2016

57

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Proceedings

Vision Zero goal by giving these guys that much-needed day off, because if they do want to work -- most people want a day off, nobody wants to work 72 hours a week or maybe they do, but they don't want to work seven days a week.

And I think it's been addressed is that I can still go ahead and do this and drive as long as I take my breaks. And I don't know who can answer this question: Do I have to log my machine off for a couple hours and come back on or is it automatic? Did you say that it's just driving time itself?

CHAIR JOSHI: It's pick-up time. So we'll know through TPEP records. And at any time there's staff available in the back we're happy to review your driving record to see whether it's compliant. But it sounds, and I don't know you're driving record, but you described taking significant breaks between driving periods, so you may very well not be part of the three percent and part of the 97

**Taxi and Limousine Commission Meeting
June 23, 2016**

58

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Proceedings

percent.

MS. MARINO: Do you have any idea how many hours a week you work?

MR. PAHOLAK: I probably work between 25 and 30 hours a week. Not work it. I take a lot of breaks. I'll go to museums. I'll work four, five hours and then I'll park, you can park in the streets on Sundays. So if you can get out and go to the museum and come back out and drive and you're fresh all day, you know what I mean?

And I think that's really important to encourage breaks and not cram this thing into a 12-hour period because it creates a frenzy amongst drivers to make that money in a 12-hour period, and that's not conducive to Vision Zero either.

CHAIR JOSHI: Right. And that's why, as you noted, the rule doesn't say it has to be 12 consecutive hours. We're not counting times that you take that break for the very reasons you stated. So thank you very much.

**Taxi and Limousine Commission Meeting
June 23, 2016**

59

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Proceedings

MR. PAHOLAK: Thank you. I appreciate it.

MR. WILSON: Thank you.

The next speaker is Steve Shanker from the Livery Roundtable.

MR. SHANKER: Good morning, ladies and gentlemen. Madame Chair, may it please the Commission.

My name is Steven Shanker, I'm here today on behalf of the Livery Roundtable.

I'd first like to say that by the Commission's own admission that licensed drivers are not driving an excessive number of hours. Which then it begs the question, why an industry-wide limitation across all sectors of the industry, when only three percent are the problem?

Also, if it's three percent, what portion of that three percent is taxi? What portion is livery? We don't know because the data doesn't define black car, luxury limousine, and livery. We don't know if livery driving is a problem here.

Additionally, by the TLC's own

**Taxi and Limousine Commission Meeting
June 23, 2016**

60

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Proceedings

admission, driver fatigue is a complex challenge. That also begs the question, if it's such a complex challenge, then how come a study wasn't performed? I understand that studies were reviewed and that data was analyzed, I'm sure it was. But we all know New York City is different than any other city in the world, and before moving forward with limiting a driver's ability to earn a living, I would think it would be incumbent upon the Commission to conduct its own study as it pertains to the drivers in New York City.

While I understand the need to have clear and consistent rules is important and is a goal, it doesn't take into consideration one of the most important factors, which is that there's a vast difference in the means and manner in which a taxi driver performs their job and a livery driver performs their job. Obviously they both provide transportation to the public for-hire, but the means and manner in which they provide it is

**Taxi and Limousine Commission Meeting
June 23, 2016**

61

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Proceedings

completely different, and it's something that needs to be considered in order to further define the rules as it applies to the industry.

My concern is that when you place a limitation across the board on driving, especially on livery drivers, that we all know people aren't driving extra time because they want to, they're doing it because they need to make money to put food on the table. And while, of course, I'm not here to rally against safety, I'm trying to prevent a situation or oppose a situation where the industry becomes over-regulated in a manner in which the driver becomes gun shy in providing their services. And they become gun shy in providing their services, that means they're not going to make enough money in order to make a decent living, and what that's going to do is create a mass exodus of experienced drivers providing their services. And in their place is going to become inexperienced drivers.

**Taxi and Limousine Commission Meeting
June 23, 2016**

62

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Proceedings

Now the biggest problem with that is which would you prefer, which would the public prefer: To have an experienced for-hire vehicle driver who knows how to manage their time and fatigue or an inexperienced driver who doesn't know how to manage either? I would contend that the public would rather have the experienced driver.

And in conclusion, I'd like to hope that we'll be able to provide more comments to the Commission in order to further define these regulations, as it is something that we obviously have a great stake in. The most important thing I'd like to consider, which I believe the Commissioner had mentioned, this is not going to prevent accidents. And I want to make sure, on behalf of the Livery Roundtable, that the Commission is going to come up with the means and manner in which it's the absolute best means to prevent accidents and to maintain the safety of the public, as opposed to --

Taxi and Limousine Commission Meeting
June 23, 2016

63

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Proceedings

with all due respect, something that may be window dressing for Vision Zero.

I have to --

CHAIR JOSHI: We have to hold you to the three-minute limit, we've got a packed house. So with that, I'm going to see if anybody has questions.

MR. GONZALES: First I acknowledge and respect your opinion on this matter. You mention about the TLC specific study. Have you received, you know, formal or informal impact that there would be high driver turnover should these rules pass?

MR. SHANKER: No, I have not but unfortunately, with all due respect, it's not our obligation to look into the study, it would be the Commission's obligation or the City's obligation to perform a study to see how it applies to New York City before regulations are imposed. Meaning let's not put the cart before the horse, have a study proposed. I'm not talking about the study that was done with base limitations that was done by McKinsey.

**Taxi and Limousine Commission Meeting
June 23, 2016**

64

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Proceedings

But some kind of a bare bones minimum study that would be done before saying let's regulate and see how it works out. Why don't we see what needs to be done within each sector then regulate.

CHAIR JOSHI: Can I just comment 'cause a lot of people throw around the word study and sometimes I wonder whether it's 'cause they really want to know more about a subject or they want to use it as a technique for delay. And in this case, I think if you paid attention to the statement of bases and purpose that we provided, you'll see that there's been a tremendous amount of study that has already taken place, because we have all the data about the pick-ups and drop-offs and pick-ups in the FHV industry. And we've done a lot of research along with our partner agencies, that our experts, especially Department of Transportation, in the field of safe conduct and fatigue driving.

So we not only looked at best

Taxi and Limousine Commission Meeting
June 23, 2016

65

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Proceedings

practices, we looked at the best research, we looked at data from across the United States, but more specifically we looked at data in New York City, that's New York City drivers, over several periods and over several years. So there has been significant study.

If study is used as a means for delay, then I don't think that's in the best interest of New York. And right now what you said to me sounds a lot more like delay than it sounds like actual intellectual interest.

MR. STANKER: I have to beg to differ. I have no interest in delay whatsoever, it is solely a means to come up with a proper solution for each sector rather than doing what may be more convenient and just applying it across the board. And I certainly did not mean to imply that a certain amount of due diligence was not done by the Commission 'cause I'm sure it was. All I'm saying is I think there needs to be more of a search

Taxi and Limousine Commission Meeting
June 23, 2016

66

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Proceedings

and more of a look into each individual sector of the industries because --

CHAIR JOSHI: Are you aware of universal driver license? So drivers are going to drive in every sector, and they already are. So drivers shouldn't be forced to pick and choose what the limitations are and figure that out depending on whether they drive yellow, livery or black. They should drive yellow, livery and black and have the same set of rules so it's easy for them to understand. These cannot be overly complex rules the drivers can't use functionally to earn a living.

MR. STANKER: I understand that, and with all due respect, Madame Chair, the rules as they're currently constituted, I'm trying to understand them and I've been practicing law for 20 years.

CHAIR JOSHI: You suggested something that's even more complex. Separate limits for every single sector. So you said you'd give us additional feedback, we look

Taxi and Limousine Commission Meeting
June 23, 2016

68

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Proceedings

another view I want to give you to,
let's -- we talk about a shift. I could
understand a shift would be 12 hours, 13
hours, 16 hours, but it can't be enforced
immediately. Once you do your shift, 12
hours a day, you have another 12 hours to
go to sleep, rest, come back to work. You
got to think about it, the 12-hour shift
or 13-hour shift, people living in the
America country, you cannot take that
right from them.

Look at the other department and
truck drivers. Truck drivers drive eight
hours tired, and then a break, then they
go another eight hours. Look at the
people who work in the restaurant. People
work in the restaurant, lunch and dinner.
The restaurant open at 11 o'clock and they
turn that around. So these people have to
come in the restaurant prior to opening,
prep the food. When these people come out
after 14 hours and they exercise in the
public to driving, what are you going to
do about them?

Taxi and Limousine Commission Meeting
June 23, 2016

69

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Proceedings

My third thing is the people, the limousine, the yellow, the black, the green, the vans. If limousine driver not work less than 16 hours, he got to work 16 hours to take \$100 home. These people are a hundred -- a thousand, there are 100,000 cabs, liveries, and stuff, and we are 13,000 yellow cab. Why you look at different point of view? We are the bad driver, we are the criminal because we don't sleep, we work 12 hours.

But let me tell you something, what we looking, we enforcing these drivers what to do, go to the welfare.

CHAIR JOSHI: Can I just, we're at our three-minute limit.

I just want to make sure you understand two things. One, the rule is for everybody. So it's yellow, green, FHV, that's black, livery, and limousine. And the 12 hours is not the entire 12 hours you're driving, it's the 12 hours that you're picking up passengers, and so downtime is not counted. So often people

Taxi and Limousine Commission Meeting
June 23, 2016

70

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Proceedings

do a 12-hour shift, but if they're not picking up passengers for that entire 12 hours, it will not be counted as 12 hours. That's why 97 percent of the drivers today fall within the proposed limits.

But as I offered to the driver who spoke before, if you run a garage and you're curious whether or not you would run afoul of the rules, we're happy to review the records with you for your drivers and your garage to tell you whether or not --

MR. SINGH: I want to say one more thing before I finish my story.

I understand. We doing very bad right now in the industries. And there's only -- you can set up. If you keep enforcing these laws, these people going to get out from the industry and probably -- I don't say that -- probably you guys don't have jobs also. You over there because of us.

So you got to think about it as a business. When the business is bad, don't

**Taxi and Limousine Commission Meeting
June 23, 2016**

71

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Proceedings

enforce this law. When the business bad, people do some advertisement to do some better, but don't do it bad. Don't go against the taxi industry.

CHAIR JOSHI: I would urge you to take advantage of my offer and figure out whether or not the way you operate now actually violates the rule we're proposing. You may find that it doesn't change a thing, and, in fact, you may find that you're well under it, in which case it won't make a difference to your operations.

MR. SINGH: Well, I just say what I think, what I know, and you're the owner, you can do whatever you think. But the industry is already doing very bad.

CHAIR JOSHI: We appreciate your feedback. Thank you.

MR. WILSON: Next speaker is Nat Goldbetter from LOMTO.

MR. GOLDBETTER: Thank you. I'm the new Chief Operating Officer of LOMTO, the League of Mutual Taxi Owners.

Taxi and Limousine Commission Meeting
June 23, 2016

72

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Proceedings

I'm glad that -- very happy that that 12-hour rule on the daily shift was clarified, because a lot of the members of my association were very concerned about that because many of them fall into that category of working four hours, going home four hours, and so on and so forth. So that's the good news.

The bad news is the 72-hour cap, I believe, is very detrimental especially to the pure owner drivers. This is -- our organization is comprised mostly of actual owner drivers of these medallions.

Everybody here in this building in this area probably has paid vacations, paid sick days, paid personal days, paid these days, paid that days. The taxi owner driver does not have that benefit. And there are times, and I can tell you from my own personal experience, where you have notes to pay, you have a family to take care of, and all kinds of other complications, but it's sometimes necessary to work seven days a week, 12

Taxi and Limousine Commission Meeting
June 23, 2016

73

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Proceedings

hours a day. It's just not right that this Commission is going to try and change that because nobody's making -- there is no other way for any owner driver to make up that time. It's just plain and simple.

Realistically, nobody wants to work 12 hours a day, seven days a week. Even your own statistics at three percent show that nobody's that crazy to drive that many hours unless they really have to. People have lives. People go to church, people go to do whatever they want to do. But sometimes we have to get out there and do this.

I used to go on vacation. Before I would go on vacation I would work seven days a week for three to four weeks just to build up enough money to cover what I don't make in not getting vacation pay. So this is where this comes into a problem for us. And I believe that the 84-hour cap would work just as effectively as the 72 hours. It's -- these people have to work harder these days because of all the

Taxi and Limousine Commission Meeting
June 23, 2016

74

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Proceedings

complications that have come about in the industry. The banks, the credit card companies, the doctors, the healthcare companies, they don't want to know that you don't have sick pay or vacation pay, they want to be paid.

And, you know, in this case, I think that we're taking Vision Zero to maybe zero vision, as far as this particular portion of what you're trying to bring to the people. Questions?

CHAIR JOSHI: No.

MR. GOLDBETTER: Thank you.

MR. WILSON: Okay. Next speaker is Placida Robinson from Independent Medallion Drivers.

MS. ROBINSON: Hi. Good morning, Commissioners. I'm Placida Robinson, independent medallion owner since 2006. I'm not in favor of this proposal, and I would appreciate you allowing me to finish my three-minute speaking time before you have comments.

It's called the Driver Fatigue

**Taxi and Limousine Commission Meeting
June 23, 2016**

75

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Proceedings

Prevention Rules, but I think it's the owner income reduction rules, and Vision Zero is the subterfuge in the name of safety to get it passed and protected against any legal challenges against it. For the first time in history you're proposing an income cap of medallion owner drivers. Your own data tracks that rates times hours equals the income that owners desperately depend on to repay those catastrophic and highly leveraged loans on the medallions this Commission sold us between 2004 and 2014, from which the City makes billions and furthermore --

(Applause.)

Remember, as independent medallion owner drivers we already have a lease cap and are leasing well below due to Uber. Now that we have the medallion loan contracts, the vehicle loan contracts, the mandatory insurances, mandatory taxes and other operating expenses, why would the Commission want to interfere with our ability to break even or worse, force our

Taxi and Limousine Commission Meeting
June 23, 2016

76

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Proceedings

medallions into foreclosure or further
disrupt the industry lenders into state
seizures of their accounts with tax payer
rate downs?

Simply put, this reduced hour
initiative or code phrase for reduced
income, coupled with increased fines, fees
and costs, means certain foreclosure.
Even the four hour difference per day
between your 12-hour cap and, let's say,
16 hours with breaks that I control, could
mean the difference between my ability to
break even with the previously cited
expenses.

When you fix our incomes and increase
our costs, you are cooking my books,
declaring my bankruptcy, and telling me to
stay home and sip a little tea on Sunday
while I have a nervous breakdown in
litigating the foreclosures this
Commission instigated. To coin a Vision
Zero term, your choices matter.

Just this month, (inaudible) narrowly
averted raising interest rates this

**Taxi and Limousine Commission Meeting
June 23, 2016**

77

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Proceedings

quarter. We're only one interest rate hike away from industry collapse, and this Commission continues to dis-empower me and my fellow medallion owners of our constitutional rights to control our businesses and freely manage to save the businesses you sold us.

When this Commission presented this medallion asset sale for ownership to me, it mentioned nothing about such hourly or personal income cap limitations to operate it. In fact, you explicitly represented leasing operations to the contrary.

My message is clear. If you want to continue to force foreclosures on these medallions without any due respect or consideration for the legal, economic, and even social hardships you're imposing, then I submit a public demand for the refund of my purchase price with interest and for such other and further relief that (inaudible).

CHAIR JOSHI: Can I just ask you one question. So you're worried that the

**Taxi and Limousine Commission Meeting
June 23, 2016**

78

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Proceedings

proposed limits would inhibit your ability to earn money. And on that front, can you give us a sense of what you're driving now? Or if you'd like to, you can avail yourself of the offer that I made to others, where we'll review your driving record with you, as well as the total driving of other drivers that may be driving for you to determine whether these rules would actually have any effect on your business.

MS. ROBINSON: Well, I tell you what I need to do. I need to, and as Nat said, I need to drive at least -- avail myself of my ability to drive, at least anywhere from 12 to 14, maybe 15 --

CHAIR JOSHI: Do you do that regularly? We have TPEP records so we know these things and can take a look it. But do you regularly drive that often?

MS. ROBINSON: I attempt to drive that often.

CHAIR JOSHI: So how often do you drive in a month?

Taxi and Limousine Commission Meeting
June 23, 2016

79

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Proceedings

MS. ROBINSON: It varies. I'm not at liberty to disclose my driving record at this time.

CHAIR JOSHI: My point being is that we've put a lot of thought into the rules, and for 97 percent of drivers it won't mean a change in their schedule today at all. And there's some small percentage that it will mean a slight change, but if you're driving not overly over the limits that we've proposed, then there's nothing that will change about your economics.

MS. ROBINSON: Well, you know --

CHAIR JOSHI: So I urge you, because we have a packed house, please -- we can go through your TPEP records with you, go through how many hours you drive every month, and determine whether you're anywhere near reaching the limits we've proposed.

MS. ROBINSON: An income cap is an income cap. It's my business, it's my license. It is free for me to choose --

CHAIR JOSHI: There are several

Taxi and Limousine Commission Meeting
June 23, 2016

80

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Proceedings

things in competition with earning money and that's safety, and that's the balance that we're doing here.

MS. ROBINSON: That's not what I purchased. It's my constitutional right to control the 24 hours a day for the license that I purchased. As I indicated before we are only one interest rate hike away from my expenses and my mortgage increasing.

So you haven't met with us to take a look at what our expenses are, and you are steadily increasing expenses due to Vision Zero, and all of these fines and initiatives through Vision Zero. So you are increasing our expenses on one hand, and then capping our ability to go out and make money on the other.

CHAIR JOSHI: We've suggested 12 hours and I've heard several people here that say 12 hours is a long day. And that's not 12 hours block, that's 12 hours of driving. That's a reasonable amount of time for people to be picking up

Taxi and Limousine Commission Meeting
June 23, 2016

81

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Proceedings

passengers. If, in fact, bases or garages are not compensating drivers in a manner where 12 hours is enough driving to earn a decent living, then that's a market thing that needs to be adjusted.

MS. ROBINSON: How I choose to control my income and to provide labor for my income throughout my day is up to me. Perhaps you should meet with me, because you have not. You indicated in your study that you've met with stakeholders in this industry. You haven't met with my organization.

CHAIR JOSHI: Did you reach out to us?

MS. ROBINSON: Did you reach out to me?

CHAIR JOSHI: It works both ways.

MS. ROBINSON: I would love to do this.

CHAIR JOSHI: Let's continue this debate outside out of respect for all the other people that are waiting to speak. Thank you.

Taxi and Limousine Commission Meeting
June 23, 2016

82

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Proceedings

MS. ROBINSON: Please do it because there are certain economic factors that you have not considered.

MR. WILSON: The next speaker is Gloria Guerra.

(No response.)

The next speaker is Nino Herbids.

MR. HERBIDS: Good morning, Madame Chair, Commissioners. My name is Nino Herbids, I'm a medallion owner.

And I was just listening to the questions you just said, looking into my records for how many hours I'm working right now. And I found that this questions actually doesn't address the whole region, because it's not what I'm driving right now, but you got to be able to look in the future. Like two, three, four years with always these confusion and fare competition that we're facing.

We're going to -- I mean, if one day I want to work seven days a week, why shouldn't I? Why should we cap my hours, 72 hours? It's going to be a time that it

**Taxi and Limousine Commission Meeting
June 23, 2016**

83

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Proceedings

ain't going to be enough.

My other point is when you say -- I just want to understand 'cause there's, I think, so much confusion. When you say about 12 hours, what is it that you mean? As a yellow taxi driver, 12 hours counting when my passenger is in my cab or 12 hours from the point that I put on-duty up to 12 hours later when I want to place off-duty?

CHAIR JOSHI: When the passenger is in your cab.

MR. HERBIDS: So it could stand up to 14, 15, 16 hours?

CHAIR JOSHI: Your on-duty could be 14 hours, but your passenger pick-up hours are 12 hours.

MR. HERBID: So you're capping the on-duty up to 14 hours?

CHAIR JOSHI: No, that's an example. There's no cap on on-duty, we're interested in capping the amount of hours that you're transporting passengers.

MR. HERBIDS: The other point is, we're talking about safety. But the

Taxi and Limousine Commission Meeting
June 23, 2016

84

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Proceedings

biggest factor that's missing, we really looking for safety of New Yorkers. The millions of pedestrians -- irresponsible pedestrians. Bikers, we got bus lane, bike lane, I mean, no respect for any yellow cabs lately. We got thousands and thousands of new black cars concentrated in smaller space, which is Midtown. I'm really concern what the Taxi & Limousine Commission is doing about it?

CHAIR JOSHI: I think you raised a good point, the streets are getting much more complex to navigate.

MR. HERBIDS: Let me tell you something. I have 33 years in this business, and I have done the right thing, the right way, as thousands of others have done. We have been working like 60, 70, 80 hours a week for years, paying hundreds of thousands of dollars. And because all these confusions, all these uncertainties, it's creating a wave of friends losing their medallions, their homes, to purchase their medallions. There's a huge concern.

Taxi and Limousine Commission Meeting
June 23, 2016

85

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Proceedings

So if you're concerned about a small percentage of fatalities, what about these problems that we have in our industry. Should it be the first concern of the Taxi & Limousine Commission?

CHAIR JOSHI: So I think you're asking whether we should be more concerned -- again, it's that balance between economics and safety. And I'm not saying it's an easy one to balance, it's a very difficult one, which is why this room is packed and we're taking this testimony.

MR. HERBIDS: I want to make it easy for you and everyone. E-hails belong to yellow cabs and green cabs. E-hail is not a prearrange. Meters belong to yellow cabs and green cabs. Meters doesn't belong to FHV or black cars.

CHAIR JOSHI: And that's the subject of litigation that's pending right now.

MR. HERBIDS: That is the fundamental principle of yellow cab industry, where administrations have stated and restated --

**Taxi and Limousine Commission Meeting
June 23, 2016**

86

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Proceedings

CHAIR JOSHI: So in the interest of all the people behind you, today's hearing is about fatigue driving. But the points you've raised are --

MR. HERBIDS: But this whole thing --

CHAIR JOSHI: -- part of litigation and we'll move on to the next speaker.

MR. HERBIDS: I understand that but this whole thing comes to safety also, because if you create so much of uncertainty, do you know how is it thousands of others will sleep with the stress. Waking up in the morning with anguish not knowing what the future is going to be? Because we can say right now, you making you're money right now. My biggest concern --

CHAIR JOSHI: I appreciate your concern, but we have to move on to the next speaker. But thank you for coming and sharing.

MR. HERBIDS: Thank you very much.

MR. WILSON: The next speaker is Gladys Barrera.

Taxi and Limousine Commission Meeting
June 23, 2016

87

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Proceedings

MS. BARRERA: Good morning. My name is Gladys Barrera and I been driving a cab for 20 years, and I own a medallion for the last 17 years.

I'm just amazed of what more new rules or new revenues is going to be created for the Taxi & Limousine Commission on behalf of three percent of people that are not doing the right thing. It just seems to me that it's just another way of creating more fines, more burden on the driver, and more -- a harder way for me to run my business. You know what I mean?

You looking at me like if I'm -- if you don't understand what I'm saying, can I get an interpreter?

CHAIR JOSHI: You're saying there's a rule out there that we're proposing --

MS. BARRERA: You're creating so many rules for three percent of people that are doing bad. I don't understand. That just goes against --

CHAIR JOSHI: One percent is one

Taxi and Limousine Commission Meeting
June 23, 2016

88

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Proceedings

percent too many. And for 97 percent of professional drivers who drive very carefully, it will not change --

MS. BARRERA: Let me tell you something. I stay 12 hours on the road, but 12 hours on the road, maybe I'm picking up passengers six hours with all the competition you've created.

CHAIR JOSHI: Exactly. Then you are --

MS. BARRERA: You know how many -- when I started in this business there was only maybe 30, 40,000 cars, now you got 80,000 cars. Don't you think that's what's creating the accidents, because people don't drive normally anymore. I've been driving 20 years and the (inaudible) is what's making all those accidents happen, not the hours that the drivers are staying on the road.

Out of the 12 hours I stay on the road, maybe I pick up passengers six hours, because there is no more -- there's not enough passengers for everyone

**Taxi and Limousine Commission Meeting
June 23, 2016**

89

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Proceedings

any more. I don't know if you guys don't understand -- it's very hard for you to understand that because you're sitting over there, maybe collecting the salaries that you do not deserve to be collecting. For me to make \$50-to-\$60,000 a year I do have to work seven days and more than the 72 hours.

MR. WILSON: Our next speaker is Sergio Cabrera.

MR. CABRERA: Good morning. Thank you for the opportunity to address this body today on such an important subject.

My name is Sergio Cabrera. I have been an owner driver for 17 years now. I am also part of the small percentage that drive longer than 12 hours. I usually drive one day on, one day off.

The following are my particular reasons, but not the only ones, for being against this proposal. These rule changes do not take into consideration that the yellow taxi industry is not based on fixed hourly wage earnings. It is an

**Taxi and Limousine Commission Meeting
June 23, 2016**

90

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Proceedings

independent contractor base job without any guarantees to the wages we earn in any period of time. By inflicting these limitations of time, our ability to meet our financial obligations are directly impacted.

Number two, these rules do not allow for independent contractors to remain flexible with regard to the way yellow taxi drivers decide their work schedules. Yellow drivers develop different routines according to the necessities that their personal lives demand.

Number three, these new rules being enacted with the present environment in the yellow industry of limited and diminished manpower, which has forced many owners into having to drive those few extra daily hours in order to comply with financial obligations, will drive them to bankruptcy.

Individual medallion owners have traditionally worked the extra hours usually through the afternoon shift

Taxi and Limousine Commission Meeting
June 23, 2016

91

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Proceedings

change. Imposing these limitations will create a larger void in rush hour yellow taxi service by forcing these owners to stop driving, thus creating an opportunity for the at-base companies to price gouge the drivers during this period.

There have been many tragic accidents in the years that I've driven a yellow taxi. The talk of the moment is fatigue driving. Many studies are mentioned and available about this subject. One interesting fact is that when reading on this subject, the organizations that explain fatigue driving also say that quantifying the number of people killed because of this condition is difficult to assess because there isn't an instantaneous test to be conducted when a driver is suspected of, or showing signs of, fatigue driving. The data isn't there. Even the tragic accident of last fall cannot be linked to fatigued driving.

So much of the information that the TLC provides in this proposal about driver

Taxi and Limousine Commission Meeting
June 23, 2016

92

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Proceedings

fatigue, when described by the NHTSA for instance, concerns commercial driving for long-haul truckers and large bus operations. This information theorizes many conclusions that aren't supported by any long-term studies about taxi driving, which is very stimulating and constant engaged activity without the repetitive scenarios associated with long-haul trucking and even aviation.

It can even be argued that driving in New York City -- and supported by some statements of previous speakers -- maintains the driver in almost a state of constant awareness. Also by inaccurately concluding that an eight-hour break in taxi activity will lead to drivers going to bed and getting supposed rest, is an assumption that isn't backed by any evidence. Professional drivers, like yellow cabbies, are capable of determining when we are impaired by any factors that cause us to drive at any level that is not one hundred percent.

Taxi and Limousine Commission Meeting
June 23, 2016

93

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Proceedings

The low percentage of drivers stated in this report that actually engage in this driving, more than 12 hours daily or more than 72 hours, does not merit, in my humble opinion, this rule change. It does need a closing of loopholes that allow some drivers to simply log out and resume taxi activities after a few minutes. Efforts made to provide for safety measures in the general population are welcomed in the yellow taxi industry, but before these disruptive and inconclusive safety measures are initiated, let's us all gather the yellow and green taxis and for-hire data that actually points to fatigued driving as responsible for lapses in taxi safety.

Taxis have been scapegoated for all types of New York City ills. But we are not responsible for the marginal success of Vision Zero. Vision Zero should now focus on the other players in pedestrian fatalities and injuries; the irresponsible behavior that pedestrians display on a

Taxi and Limousine Commission Meeting
June 23, 2016

94

1 Proceedings

2 daily basis. Thank you.

3 MR. WILSON: Thank you. The next
4 speaker is Gladys Tahada.

5 INTERPRETER: Mr. Tahada we'll share
6 his testimony in Spanish and we can
7 provide interpretation for him.

8 MR. TAHADA (through interpreter):

9 Hello Taxi & Limousine Commission.
10 I'm here to testify on behalf of Luisa
11 Rosario who was run over and killed by a
12 driver who was working 16 hours on the
13 road. She was 88 years old.

14 Luisa Rosario was an exemplary woman.
15 She worked for her family and for the
16 community. That is why we're here
17 supporting the rules of the Taxi &
18 Limousine Commission.

19 We understand that the drivers are
20 working to support their families, but
21 meanwhile we're also here and we no longer
22 have our family. That is why we're here
23 to help approve these rules, because it's
24 not fair that someone 73 years old was
25 driving at one o'clock in the morning and

Taxi and Limousine Commission Meeting
June 23, 2016

95

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Proceedings

the passenger that was in that vehicle even said that they were falling asleep at the wheel.

That is why we hope this will pass because while we're suffering, there are many families in New York City that are also suffering. Thank you.

MR. WILSON: Thank you. The next speaker is Carolyn Protz.

MS. PROTZ: Good morning, Commissioners. My name is Carolyn Protz. Thank you for allowing me to come and speak to you today.

Before I start, I'd just like to throw out a few figures.

MS. MARINO: Could you just identify yourself.

MS. PROTZ: I'm an individual medallion owner since 1989. The medallion has been in my family for 60 years.

I'd just like to throw out a few figures you could keep in mind while I'm speaking.

From the TLC website comparing July

Taxi and Limousine Commission Meeting
June 23, 2016

96

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Proceedings

2014 of March of 2016: Black cars involved in crashes, an increase of 270 percent. Yellow cabs involved in crashes, a decrease of 11 percent. All TLC vehicles in crashes, up 26 percent -- I'm almost done with the numbers -- black cars caused 40 percent more crashes than yellow cabs. Just something to keep in mind.

I want to speak on two points to do with the proposed rule changes. First, the possibility of unequal application of the proposed rule changes. According to the New York City January 2016 Congestion Study, quote, "Data collection is inconsistent across for higher vehicle classes. Yellow and green taxis have far more stringent data requirements than non-taxi for-hire vehicles. According to the Wall Street Journal March 2016, the Taxi & Limousine Commission has declined request for recent trip data would allow independent analysis of industry work practices."

Taxi and Limousine Commission Meeting
June 23, 2016

97

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Proceedings

And it should be noted that the TLC does not guarantee the accuracy of its FHV data on its own website.

It will be difficult to enforce these rules because of the very nature of the job of an app -- FHV driver. Most black car drivers are working within several segments of the industry. In the past that was not allowed by the TLC. Now they may be working for a traditional base that has corporate clients, while at the same time several app companies, and let's face it, doing demand street hails for cash, all on the same day. And they have to, because while passenger demand is static, the number of for-hire vehicles unleashed on our streets increases every day, I think we all know that.

Some drivers may even have another job outside of the transportation industry just to make ends meet. It will be difficult to correlate all this data from so many different sources to accurately pinpoint the exact number of hours a black

Taxi and Limousine Commission Meeting
June 23, 2016

98

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Proceedings

car driver is on the road. He may also be driving around for many hours with the app turned off doing other things, such as transporting Medicaid patients.

And that brings me to my second point. You are concerned, as we all are, with public safety and driver fatigue potentially causing accidents. You should be equally concerned with driver distraction while driving. Researchers have found that people who are regularly bombarded with several forms of electronic information cannot pay attention, recall information, or switch from one job to another, as well as those who complete one task at a time.

A study at the University of London found that participants who multitask experienced IQ score declines that were similar to what they'd expect if they smoked marijuana or stayed up all night. IQ's dropped 16 points for multitasking men, lowered their scores to an average range of an eight-year-old child.

Taxi and Limousine Commission Meeting
June 23, 2016

99

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Proceedings

How can we account for this, these differences? A yellow or green driver spends most of his day looking at the road, under severe threat of penalties, as he should be. He is required to pull off to the side of the road to talk on a cell phone. In contrast, the app driver is forced to multitask. Constantly shifting his attention between two to three cell phones, calls or texts to and from the customers, which they must respond to, all the while checking their GPS. Is it any wonder they're causing far more crashes than yellow or green cabs?

Thank you for your time and I hope that you will not pass these rule changes.

MR. WILSON: Thank you. The next speaker is Jean Pierra Nixon.

MR. NIXON: Commissioners, thank you very much for the hearing.

And what I want to --

MS. MARINO: Could you just identify yourself.

MR. NIXON: I'm Jean Pierra Nixon,

**Taxi and Limousine Commission Meeting
June 23, 2016**

100

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Proceedings

I'm from Limo Independent Driver Owners,
and I'm also a medallion owner.

I thank the Board for advocating
since 2011 for the removal of the bus
driver, and also I thank you -- them for
doing that. And I'm asking them to please
not to vote for this rule, because if you
do vote for this rule, that will be a big
blow and it will be detrimental to the
industry. Based on the fact that,
Commissioners, we have to eat.

If this rule had come into effect ten
years ago, it would have been more
understandable for us to address to it.
But right now, that would be a killer.
Especially for medallion owners, because
you're saying that the rules is for
everybody, but the reality is different
for everyone. The reality for medallion
owner is different for green cab owner,
it's different for Uber driver or black
cars, because we have a mortgage and a
bunch of overhead. So that would be
detrimental to the industry.

Taxi and Limousine Commission Meeting
June 23, 2016

101

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Proceedings

And I'm very sorry for any loss of life. But if you look at it, by making these rules you're going to create a big gap on the street because everybody will have to change shift. And there would be a lot of people standing on the street waiting for cabs, especially at the airports. There's always long lines in the afternoon, Monday through Friday, three to five, sometimes two to seven, on all the terminals. That would be a very -- that would be very problematic for the industry.

And also, I'm for safety, but we cannot play politics in safety. Because what we're doing here is we're playing politics with safety and this is wrong. We have rules and laws that are in the (inaudible) that can be very effective. If the NYPD just enforce the jay-walk law, that would be awesome. There is a city in New Jersey right now, that's working to pass a bill to give penalties from texting while walking in the street. So we have a

Taxi and Limousine Commission Meeting
June 23, 2016

102

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Proceedings

bunch of issues that we can -- this is one -- this is one we -- I'm all for safety, but the way you're putting it, that would be detrimental for the industry, because the medallion owners, they work differently from drivers that are working in the garage.

Drivers that are working in the garage, the guys do 24 hours in two shift, 12 hours. But we medallion owners and cab owners, we don't drive like that. We have difference of schedule, so we work according to our private life, you know, there are people who have kids, two jobs. Our schedule varies.

So these set of rules is wrong for the industry and it's wrong, and I'm asking to not vote for it, because it will be detrimental to us. And a lot of medallion owners are in bankruptcy right now. They are behind on their mortgage. And if you want to talk about data, you can contact Melrose, they will tell you, most medallion owners are at least 60 days

Taxi and Limousine Commission Meeting
June 23, 2016

103

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Proceedings

behind on their mortgage, based on the competition they're facing.

So please, I'm asking not to vote for this rule if it ever come before you.
Thank you.

MR. WILSON: Thank you. The next speaker is Sergio Singh Gill.

MR. GILL: Good morning, and thank you for giving us the opportunity to speak here today.

My name is Sergio Singh Gill and I'm a member of Taxi Medallion Owner Driver Association.

Leveling the playing field for taxi medallion drivers has always been our agenda. The TLC's proposing new regulations effecting total number of work hours per week by a driver. These regulations can be easily monitored for yellow cab drivers by the new essential reports all work hours.

However, in the case of FHV drivers, the cabs are not as straightforward. FHV drivers are not obligated to work

**Taxi and Limousine Commission Meeting
June 23, 2016**

104

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Proceedings

exclusively for one base and often work for two to three companies. Under the new regulations, the base would be responsible for reporting to the TLC number of hours worked by the driver. If that driver is working for multiple bases, each base has to post the driver's activity.

However, there is no system in place to assess total number of worked hours by the FHV drivers. The driver can easily work over the allowable hours without being flagged by the TLC.

This is completely unfair and puts the yellow taxi drivers at a major disadvantage. If the number of total allowable work hours is mandated, it should be applied to all drivers, whether yellow or FHV.

For example, if the driver -- if yellow cab drivers have only six days to work with 72 hours, what will they do? They're going to pick the busiest day of the week. That will give them Monday through Saturday. That means there will

**Taxi and Limousine Commission Meeting
June 23, 2016**

105

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Proceedings

be less cars on the streets on Sunday. That give another advantage to app companies who have over 60,000 cars to stand out and start picking up those fares. We would like drivers to have that seventh day. At least have minimum hours, seven, eight hours to work that seventh days, that actually gives them another reason to go out and work. If we just say they're going to have six hours, they're going to pick the busiest days of the week. There's already less yellow cabs on the street as of now.

And secondly, what I want to know is: How will the TLC collect data from drivers who are working for different companies? They work with Uber, Lyft, new company just joined, Uno, how will they collect the data from all three companies? If a driver is working eight hours with one company, and eight with another one, and couple hours with another one, will the TLC actually flag them or will they only be for one company?

Taxi and Limousine Commission Meeting
June 23, 2016

106

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Proceedings

CHAIR JOSHI: To answer your question, yes, we'll flag them because we're going to do a data run based on the driver's license, and it doesn't matter whether they're driving yellow, green, livery, black car, or for multiple bases, we'll capture all those hours and total them together.

And you mentioned also the inability to work seven days a week. Under the proposed rules, you could work and your passenger pick-up hours would be eight hours for seven days a week or nine hours for seven days a week. And like we said before, that's not on-duty or off-duty, that's actual hours where you have a passenger in your car. So you could still work seven days a week picking up passengers for nine hours each and every day -- even ten hours, my math is not so good -- you could work ten hours picking up passengers seven days a week.

I think some of the confusion, especially in the medallion industry, was

**Taxi and Limousine Commission Meeting
June 23, 2016**

107

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Proceedings

that the 12 hours was on-duty, off-duty, and it's not. It's actually passenger pick-up. The rule we have today for medallion drivers on 12 hours is actually stricter than what we're proposing 'cause it is a shift, and that's on-duty, off-duty.

So this allows you to take breaks and they're not going to be counted towards the 12 hours, and it only counts the time the passenger is in your car.

MR. GILL: My question is: How will the driver know how many hours he's actually put in?

CHAIR JOSHI: That's something the drivers -- 97 percent of drivers will not change a thing and they'll be in compliance with the rule. But drivers will definitely have to be aware of that, and that's why we're not proposing to implement any rules from the get-go.

We want to work with drivers and with bases to have people understand if they would have to change their schedule or

Taxi and Limousine Commission Meeting
June 23, 2016

108

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Proceedings

not, and the vast majority would not, but for the few that would have to change their schedule, help them understand ways that they could change. And the bottom line is, education so that people understand what becomes a danger to them or to the public after extended hours in passenger pick-up.

MR. GILL: I still believe there should be the seventh day in there for drivers to work if they want to work a couple hours.

CHAIR JOSHI: They could do the seventh day, it's in there. And we're happy to go over the presentation with you to show how that works out, but you could pick up passengers for ten hours for every day of the week, and you would not be out of compliance with the proposed rule.

MR. GILL: So let's say the driver stops at seven o'clock. Will they only calculate when the meter is actually running?

CHAIR JOSHI: It's not when you log

Taxi and Limousine Commission Meeting
June 23, 2016

109

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Proceedings

on to TPEP, it's when the meter is running
and there's a passenger in your car.

MR. GILL: Is TLC actually going to
set up a system within Verifone or CMLT
where it will show how many hours you've
worked?

CHAIR JOSHI: That's good feedback
and I think that's an excellent
information source for drivers so that
they can be sort of in charge of it
themselves a lot more than today. And,
you know, we are happy to talk to the
vendors about that and see if there's a
way that that can be more easily
accessible for drivers. For people who
have access to the portal already, it's
easier, but for individual drivers that's
not the case.

But I appreciate you coming today and
testifying.

MR. GILL: Thank you.

MR. WILSON: Thank you.

The next speaker is Michael
O'Laughlin.

Taxi and Limousine Commission Meeting
June 23, 2016

110

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Proceedings

MR. O'LAUGHLIN: Hi. Good morning. Michael O'Laughlin for Cab Riders United, a voice for the million-plus passengers who actually pay every dollar that circulates through this industry.

Among our issue priorities are safety and improving the quality of service for the taxi and for-hire vehicle industry.

Unsurprisingly we support the proposed regulation. We support the goal of making taxis and other for-hire vehicles safer for everyone involved; passengers, drivers, and those outside the vehicle. We think the proposed rule is actually rather modest. We admire the fact that it is, in fact, evidence-based, and that it will reduce drivers both acute and chronic fatigue and the impacts of that.

The science is clear, as we've heard again and again today, numerous studies by government agencies and academic experts have found that fatigue impairs drivers in ways similar to alcohol or drugs. The

**Taxi and Limousine Commission Meeting
June 23, 2016**

111

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25

Proceedings

data are compelling. The TLC's own statistics show more crashes for drivers who work more than 12 hours a shift or more than 72 hours in a week. The proposed rules are fair and align with national standards. Importantly, they would apply to both traditional yellow taxi sectors and other sectors, many of which are growing very rapidly.

Additionally, the proposed rules are in line with the standards of other American cities and federal regulations. We understand that some drivers feel compelled by economic necessity to work excessive hours, but no one should have to work excessive hours in order -- or in inhumane conditions in order to make ends meet.

Cab Riders United would generally support drivers keeping a greater share of the money that passengers pay. Indeed, just as research showed that rested drivers are safer, research also showed that better pay and working conditions are

Taxi and Limousine Commission Meeting
June 23, 2016

112

1
2
3
4
5
6
7
8
9
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11
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15
16
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19
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21
22
23
24
25

Proceedings

also associated with safety.

Finally, the stakes are too high not to act. Cab Riders United supporters have shared stories with us of drivers nodding off at the wheel or showing visible signs of fatigue-related impairment and no doubt the TLC has heard complaints too. While these incidents are the exception and not the norm, it only takes one exhausted driver to end the life of another fragile and beloved human, as was the case when the 88-year-old grandmother, Luisa Rosario, was struck by 1,000 pounds of steel piled through a dense urban environment by a driver who had reportedly already worked 16 hours.

Therefore, Cab Riders United supports the proposed rules, first as a step towards Vision Zero's goal of eliminating tragic deaths and serious injuries, and also as a step toward improving the taxi and for-hire vehicle transportation that millions of us rely on. And also with the understanding that the currently proposed

**Taxi and Limousine Commission Meeting
June 23, 2016**

113

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7
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14
15
16
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23
24
25

Proceedings

rules may, in fact, be a temporary stop on the route to further modified policies if the evidence supports making additional changes. Perhaps to further limit hours if the evidence supports it, or to more efficiently collect data in order to better enforce the current rule.

Finally, one thing that struck me when listening to the testimony a few minutes ago, it would also be of interest to the riders if the receipt could include information on how long the driver has been behind the wheel. I just throw that out there as a possibility.

Thank you for the opportunity to speak today.

MR. WILSON: Thank you.

And the next speaker is Avik Kabessa from Carmel.

CHAIR JOSHI: Quickly before you start. I just want to note for the record Commissioners Gonzales and Carone left at 11:55.

MR. KABESSA: Good morning. My name

Taxi and Limousine Commission Meeting
June 23, 2016

114

1
2
3
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5
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7
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11
12
13
14
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16
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19
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21
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23
24
25

Proceedings

is Avik Kabessa, I'm the CEO of Carmel and Livery Roundtable Board member.

I object to the proposed rules. These rules are an illustration of when government runs angles by imposing regulation that is not supported by everyone. To justify the action, TLC and everyone here says only three percent of drivers will be affected. But these are not the same three percent. I think you're being -- presenting it as if it's, if we get rid of those three percent violators, we are done. No. Those three percent are different drivers, taking their drive -- driving extra time at different times of day. So we should understand that this is not a three percent -- that the other 97 doesn't need overtime, it's three percent in the collective.

There are times when every one of us has to work overtime. In fact, in public system, if you work overtime you get rewarded time and a half. Which one of

**Taxi and Limousine Commission Meeting
June 23, 2016**

115

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24
25

Proceedings

you; police officer, firefighter, doctors, lawyers or even the regulators, did not have to work a little extra?

Why take a very responsible industry, which you admit is responsible, 97 percent do not abuse this right of working overtime, and deny them the time to work overtime when they absolutely need it to make ends meet?

Another thing is the TLC should be evidence-based and not a one-size-fits-all. And with all due respect, Commissioner, for attacking Steven Shanker for saying that the study is a stalling tactic, the study you provided addresses taxi crash rates, not for-hire. But here's a study that you did not conduct (inaudible) of the TLC.

We asked: How many trips per 12 hours on average are being performed by sector? And through answers from the TLC, and you have it on the table of my testimony, taxi drivers perform 40 percent more trips than green, and 50 percent more

Taxi and Limousine Commission Meeting
June 23, 2016

116

1
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25

Proceedings

trips than the for-hire. So how can we be treated the same with those differences? Why just respect our difference, why not address our differences?

Also about the universal license that you mentioned. Universal license is to allow a driver to work for all the sectors with one license. You make it sound like it's in the same day. Do you have any data how many people actually drive different sectors in the same day? So you you're going to deny all of those that are using only one sector, driving for one sector, their right to do overtime when they need, simply for those who do, maybe, remotely, for-hire vehicle drivers own the cars. That's going to happen to a taxi after driving 12 hours. But if God forbid the car is a total loss, now they can go and drive a taxi. So it's not on the same day.

Furthermore, unlike yellow taxi and green, the for-hire vehicle does not cruise the street. We work on

Taxi and Limousine Commission Meeting
June 23, 2016

117

1
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7
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16
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19
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21
22
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24
25

Proceedings

prearrangement. So if we have a need to work overtime, the for-hire is enough time to accumulate rest.

In summary, the for-hire -- the New York City for-hire industry is a responsible industry that does not abuse the right to work long hours. For the rare occasions where the driver may need to drive extra hours, they know how to manage it and get enough rest.

Lastly, the industries safe and should not be subjected to rules seeking to address a non-existing problem. Now I do acknowledge your opening comment and clarification. We're looking forward for the new language and provide further feedback. Any questions?

MS. MARINO: I do, because you bring up an interesting point about the three percent being collective, as opposed to a specific and actual piece of pie cut out, these are the same people, and this testimony -- I mean is that three percent collectively spread out over the entire

Taxi and Limousine Commission Meeting
June 23, 2016

118

1
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16
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19
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21
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23
24
25

Proceedings

industry?

CHAIR JOSHI: It's based on an audit looking at different days. So if you look at several different days and different -- primarily in the high season, which is September, that's when the most cars are on the street -- then, if you look at all those different days, almost every day ends up at three percent.

MS. MARINO: But it's a different three percent every day. If the world was this bench right here. One day I'm going over, the next day Lau is going over, the next day -- and collectively it's three percent.

CHAIR JOSHI: And that's where the 72 hours is important 'cause that is a collective. And that seven percent of drivers are over 72 hours, and that gives you the figure you're talking about, what happens over time.

MR. KABESSA: Yeah, but there percent are not one group you could get rid of. This is a responsible industry that only

Taxi and Limousine Commission Meeting
June 23, 2016

119

1
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15
16
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25

Proceedings

uses it when needed. Three percent urgent of paying a bill or needing extra income.

MS. MARINO: The way I'm understanding it is the three percent is -- it's not frequent for any one driver, it's spread out collectively over the entire industry.

CHAIR JOSHI: Which is why it's three percent.

MR. KABESSA: Which is why it's beautiful, and should not be denied. People should have the right to work overtime if they're doing it responsibly, as this industry does.

CHAIR JOSHI: Thank you for your testimony.

MR. WILSON: Thank you.

The next speaker is Adalgiesa Sanchez.

MR. SANCHEZ: Good afternoon, everyone. My name is Adalgiesa Sanchez. Thank you for having me here today to voice my concern with the TLC proposal for the number of (inaudible).

Taxi and Limousine Commission Meeting
June 23, 2016

120

1
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16
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19
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24
25

Proceedings

I have been a driver with Uber for a year, and it has been important source of income for me. I am not only a for-hire vehicle driver, I also am a full-time accountant with my own business. The flexibility that apps like Uber offers is critical to allow me to pursue my dreams in being an accountant. It also allows me to stop and start work whenever I need to.

If business is slow I know I can rely on Uber to make up the difference. I sleep well at night knowing I can always pay my bills and support my family. Sometimes when my accounting work is slow I work longer hours in weekends, I always know that it's there.

I care deeply about my passengers, I'm providing a safe ride, and I will never put them or myself at risk. If I get tired, I simply turn the app off and I go home. And if I feel I have energy, I keep working. When I taxi, I don't have to guess for rides. I can rest in between and wait for a request to come in.

Taxi and Limousine Commission Meeting
June 23, 2016

121

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19
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24
25

Proceedings

I hope that TLC will understand how flexible it is to work when we need to compete with thousands of drivers in the industry. I hope you will consider this limit on our ability to earn demand that we need.

CHAIR JOSHI: So I think the rule that we propose allows for flexibility 'cause it's not 12 consecutive hours, it's any 12 hours. But I'm curious to ask you this one question. We were notified in early February that Uber contacts its drivers whenever they're online for more than 12 hours. They notified us in a letter because they said, "We notify all driver partners that it's unsafe to use the Uber app for more than 12 hours at a time."

So does that happen when you work extra hours?

MR. SANCHEZ: I'm not working extra hour. For me, myself, I feel like 24 hours is good for me, but I don't work 24 hours. Sometimes 35 sometimes 45 because

Taxi and Limousine Commission Meeting
June 23, 2016

122

1
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7
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12
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16
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19
20
21
22
23
24
25

Proceedings

I'm driving because of my daughter (inaudible). Then sometimes I can work three days in a row. But if I need to work more time then I have to because I paying on her situation.

Like this kind of system, like Uber, of course is easy to control the driver to know how many hours everyone is working. Like I think we have to sit at the table, put all the things together, because there's too many things to work. Like I hear another person working about different days. Like different people have time waiting for people. Like some minivan, they online working for three hours, they have nobody, then they pick up some people. That means they work for four hours, but instead they only have one passenger at a time.

Like I think, like, open to continue talking to see which one is the best for everyone.

CHAIR JOSHI: And I appreciate your coming and there's staff in the back also

**Taxi and Limousine Commission Meeting
June 23, 2016**

123

1
2
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5
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15
16
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19
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21
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Proceedings

if you like to share some of your ideas on that. Thank you.

MR. WILSON: Thank you.

Next speaker is Julia Kite from Transportation Alternatives.

MS. KITE: Hello. Thank you, Commissioner.

Transportation Alternatives would like to commend the Taxi & Limousine Commission for taking proactive steps in the spirit of Vision Zero to tackle fatigue driving. We saw firsthand the devastating effects of fatigue driving last November when 88-year-old Manhattan grandmother, Luisa Rosario, was hit and killed by a driver reported to have been behind the wheel for 16 hours that day.

Fatigue driving worsens judgement in ways similar to being intoxicated, creating patently unsafe situations on the roads. While there may not be a breathalyzer for fatigue and while it's impossible to control the amount of sleep drivers get, the regulations the TLC plans

**Taxi and Limousine Commission Meeting
June 23, 2016**

124

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7
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11
12
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14
15
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24
25

Proceedings

to implement are a wise move that separates New York City with other American cities, without placing undo burden on to drivers. We're confident that the new regulations, if properly enforced, will improve safety for drivers, passengers, bicyclists, and pedestrians.

We are pleased that the new rules address both acute and chronic fatigue to regulation of both hours in a day and hours in a week worked, while maintaining the provision of flexibility in shift types so that drivers will not be unduly burdened. The status quo, which limits taxi drivers to working for 12 consecutive hours with no restriction on total hours is dangerously flawed and that a short break on that resets the clock, leading to situations such as that of the driver who killed Louisa Rosario. These new regulations also cover the for-hire industry not just yellow cabs.

While relatively few drivers are currently working more than the proposed

Taxi and Limousine Commission Meeting
June 23, 2016

125

1
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3
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7
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15
16
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19
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21
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24
25

Proceedings

limit of 12 hours a day, it is crucial that all drivers have clear, consistent rules.

Crucially, these regulations are evidence-based, having been written after consulting scientific research and taking into consideration stakeholders including ourselves. They are not arbitrary, but rather they follow the industry's best practices. Once the regulations are implemented, New York City will have time limits that are generally in line with other American cities.

However, we are concerned that the 12-hour limit is tied to pick-ups and not total time spent driving. After all, driving is driving, regardless of whether there's a passenger in the back seat. And we urge the refining of these rules to reflect the fact that driving is driving, regardless of whether someone is there.

Also regulations are only as useful as they are enforced. We're interested in learning more about the methods and

**Taxi and Limousine Commission Meeting
June 23, 2016**

126

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24
25

Proceedings

technologies that will be used under compliance with the new rules, such as how non-Uber black car bases can implement, quote-on-quote, block outs, the way yellow, green and Uber cabs already do.

We also encourage the TLC to develop the technology to allow bases to monitor the hours of drivers who work for more than one base, so that they do not unknowingly dispatch fatigued drivers. Bases need to have the capacity to know whether their drivers are approaching or over their driving time limit for the day or week.

We applaud the TLC's efforts to combat fatigue driving, and we look forward very much to working with you further on Vision Zero initiatives and greatly appreciate this.

In addition, I'm also representing Families For Safe Streets today. And if time would permit, I'd like to read a letter that a relative of Luisa Rosario has written with regard to this. Is that

**Taxi and Limousine Commission Meeting
June 23, 2016**

127

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11
12
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14
15
16
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19
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24
25

Proceedings

okay?

CHAIR JOSHI: Yes. And after that, talking about work hours, we need to give our Court Reporters a break, and we will, at 12:30, stop for a 15-minute break.

MS. KITE: This letter comes from Walize Maria (phonetic), a relative of Luisa Rosario:

"To whom it may concern: I am writing this letter in regard to my beloved grandmother, Luisa Rosario, who was killed by a yellow cab on October 8, 2015. It is so hard to even start to write this letter. Luisa Rosario was like my mother, she raised me and my other siblings. She was everything to me and my whole family. I know this is the right thing to do, so that this nightmare doesn't happen to anyone else. It has been the longest six months of my life. There are many nights of nightmares, sorrow, depression, and unanswered questions.

I'm writing in support of the law to

**Taxi and Limousine Commission Meeting
June 23, 2016**

128

1
2
3
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5
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7
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14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

be passed to not let drivers work so many hours at a time without any breaks. I don't wish what happened to my family and I to happen to anyone else. If this law is passed I know it will make a huge difference in many people's lives.

I just wish that something would have been done before my grandmother had suffered this awful death. Sincerely Walize Maria."

Thank you very much.

CHAIR JOSHI: Thank you.

And actually we'll take our break now, since we're in between speakers, and we'll come back at 20 to one. Thank you.

(Whereupon, a short recess was taken at this time.)

CHAIR JOSHI: We're going to continue our public meeting. It is 12:55.

MR. WILSON: Just let the record show that Commissioners Gonzales and Corone left at 11:55. Commissioner Jiha left at 20 after 12.

And the next speaker is David Beier.

**Taxi and Limousine Commission Meeting
June 23, 2016**

129

1
2
3
4
5
6
7
8
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11
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13
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15
16
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18
19
20
21
22
23
24
25

Proceedings

MR. BEIER: Good afternoon. I am both Counsel to and President of the Committee For Taxi Safety. Our members consist of licensed agents which manage approximately 2,500 medallion owners.

We thank the Commission for this opportunity to discuss, although very briefly, some of our concerns regarding the proposed regulations concerning the safety risks of fatigued drivers.

It is easy to lose sight of the result here when dealing with cold statistics. But the Commission is dealing with families who need the income earned by drivers who have to pay for rent, food, clothing, et cetera, for themselves and their families.

We're not suggesting that safety should be secondary, but many yellow taxi drivers drive seven days a week because they need to do so. As long as there's a sufficient off-duty time between shifts, which the proposed regulation provides, the drivers should be allowed to drive

Taxi and Limousine Commission Meeting
June 23, 2016

130

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7
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11
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14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

seven days if that is what they prefer. However, we do suggest a cap. A driver should be allowed to drive a maximum of 84 hours a week, which is an average of 12 hours per day, being that during a week the driver is driving the same amount of time, 84 hours, which he is not driving, which should provide more than sufficient downtime to prevent fatigue.

In connection with driving time, I question one of the things that was said earlier, which is if you're going to measure driving time by when passengers are in the car -- and surprisingly, I actually agree with a comment from the previous speaker -- which is that cruising time is driving time. If you're in Manhattan cruising in a car, that should be part of your driving time because if you don't make that driving time, you're going to cause drivers to drive well in excess of 72 hours, or whatever the regulation will end up providing, because even if a driver drives three quarters of

Taxi and Limousine Commission Meeting
June 23, 2016

131

1
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7
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19
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21
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24
25

Proceedings

his time with a passenger in the car, that other quarter doesn't count. And so now you're extending the number of hours he's on the road, which seems to me to be the antithesis of what you're trying to accomplish here.

I also think that rule would more than -- favors Uber even more than the taxi industry because Uber has less number of rides per hour than the taxi industry does. So if you're only counting the time they have passengers in the car, you're going to see Uber drivers on the road for 16, 17, 18 hours, which is why these regulations came about to begin with. It was to regulate Uber drivers who didn't have regulations to stop them from driving 16 and 17 hours.

So I'm concerned about the definition of when a driver is driving. If you're cruising in Manhattan, that's driving. I mean, that's -- it should count towards the requirement or the number of hours that count, as opposed to being, say,

Taxi and Limousine Commission Meeting
June 23, 2016

132

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19
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21
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24
25

Proceedings

that's not driving anymore --

CHAIR JOSHI: So just to clarify,
it's the hour where there's a pick up.

MR. BEIER: So if you have one pick
up during the hour?

CHAIR JOSHI: Right. Or if you have
multiple pick-ups it's still an hour.

MR. BEIER: So let's say I have one
passenger for five minutes, that whole
hour counts against me?

CHAIR JOSHI: That's parts of what I
said in the beginning. Some people
brought up in feedback to the proposal
that it could be difficult in the scenario
you just laid out. You pick up someone in
the last five minutes of an hour.

So we said that's something we're
open to think about in how we enforce it
to make sure we match it more closely to
somebody's actual driving.

MS. MARINO: Is that where you
mentioned reducing to a half hour?

CHAIR JOSHI: Exactly.

MR. BEIER: Because I thought the

**Taxi and Limousine Commission Meeting
June 23, 2016**

133

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3
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7
8
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10
11
12
13
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15
16
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19
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21
22
23
24
25

Proceedings

rules for the yellow industry worked well when we had 12-hour limits per day. I didn't think there were a great number of accidents occurring from that. I thought that was a good rule, and the fact that you need to regulate for the other part, the for-hire industry, doesn't necessarily mean that that should change. I thought that rule worked well, that a 12-hour segment, that's how leases are done. Leases are time and cost, that's obviously what's involved.

So when you show the statistics about well you could drive four hours, take a break three hours, and go back on the road. The drivers are paying for those breaks that you're showing on your screens as an example. And for a driver to take a 12-hour shift, and say I can take off three, four hours. He's not going to earn enough money to pay for the lease and to take home money for his family. So the examples you're showing would be great if it was on a blank slate but that's not how

Taxi and Limousine Commission Meeting
June 23, 2016

134

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7
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24
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Proceedings

it works.

CHAIR JOSHI: So we've relaxed the hours within which you lease. So you don't need to lease to a driver for 12-hour blocks.

MR. BEIER: But the industry is -- and I understand that -- but you know the way the industry operates it's still mostly 12-hour blocks, for lots of different reasons, and that also involves the owners receiving enough money from the agents or themselves to pay the loans. So you can't sit a driver for three or four hours 'cause he needs to earn the money, he has to pay the owner or agent so they could pay the bank. It's an evolved process and it's just not -- the examples you gave are nice, but they don't work in practicality.

And for the yellow medallion industry, curtailing hours for drivers right now, when we're under so much other pressures, when we're having drive retention problems is only going to make

Taxi and Limousine Commission Meeting
June 23, 2016

135

1
2
3
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5
6
7
8
9
10
11
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16
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22
23
24
25

Proceedings

the situation worse for us.

And so again, I urge that the current rule be kept in place for yellow taxi industry. And finally, I'd also like to mention that in terms of enforcement, the only way this is really going to work is if you have a TPEP system in black cars as well. And I know I've heard all the objections that passengers don't want them, et cetera. But you don't have to have it in the back of the car. It could be a limited TPEP in the front of the car which provides you the data that you need, the same way the yellow cars and the street-hail liveries provide that data to you as well.

There's no reason not to have the TPEP system in black cars so that you can get the data you need and make sure it's not being scrubbed, so you're not getting data that's real.

CHAIR JOSHI: Thank you.

MS. MARINO: Can I just ask a question 'cause I know it's a long day.

Taxi and Limousine Commission Meeting
June 23, 2016

136

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16
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18
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24
25

Proceedings

How is it that you see this rule puts yellows at more of a disadvantage than any other sector? The rule is quite evenly --

MR. BEIER: That was based on the fact that, I thought the rule was going to be, based on the comments, that when you had a passenger in the car that's what counted, only that time. But even if it's in half-hour segments, yellow drivers take more pick-ups than Uber drivers or black car drivers so for those half hour --

MS. MARINO: How do you know that?

MR. BEIER: Statistics. We just have more fares.

MS. MARINO: Do we know that?

CHAIR JOSHI: Yeah, we know that from trip data.

MR. BEIER: So if you're only counting when the passenger was in the car, yellow drivers would use up their 12-hour allotment much faster than Uber drivers because they would have --

MS. MARINO: 'Cause they're shorter rides.

Taxi and Limousine Commission Meeting
June 23, 2016

137

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3
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6
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11
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14
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16
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19
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22
23
24
25

Proceedings

MR. BEIER: Exactly. Okay, thank you very much.

MR. WILSON: Thank you.

Next speaker is James Rahming.

MR. RAHMING: Hi. Good afternoon, Chair and Commissioners. My name is James Rahming, I'm a New York City taxi cab driver for the past 30 years.

I somewhat understand all of the rules. What I'm against is really the 72-hour limit, as opposed to the 84 hours. Because if you're driving, and it's okay for me, for example, to drive Monday through Saturday with the 12-hour rest, why can't I go on Sunday for the 12 hours and drive then if I need the money? Because at certain times I might be down, you know, here or there, like he said, vacation, whatever. I might need the money for repairs or whatever I have to do to my car. So what difference does it make from the 72 to 84? Why should I be off on Sunday or whatever day you want to use that 72 to 84, if I'm taking the

**Taxi and Limousine Commission Meeting
June 23, 2016**

138

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25

Proceedings

required rest that you said I need, the eight hours in between?

CHAIR JOSHI: Okay, thank you. And that's the purpose of this hearing is to get feedback like yours. So thank you.

MR. WILSON: Thank you.

The next speaker is Frank Osei-Bonsu.

MR. OSEI-BONSU: Good afternoon, ladies and gentlemen. Thank you for giving me the opportunity to talk to TLC at the podium today. I'm glad I came a little late to talk to you guys.

My main focus and point is if you can tell me what I understand in terms of the 12-hour period, the seven -- six days, is it, in fact, the gentleman, I think the lawyer who came before me was asking if, for example, if you take a rider at six o'clock in the morning and then drop him off or her off 15 minutes and then the rest until maybe 8 a.m., so between the 6:15 and 8 a.m. if those hours count in terms of your driving, then I think most of the things they've been saying here is

Taxi and Limousine Commission Meeting
June 23, 2016

139

1
2
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14
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Proceedings

not relevant. And the reason being that if I drive 15 minutes for two-hour period, then there's no need bringing us here for the other hours.

And so my issue is, I think TLC have to take into account the whole premise of the 12 hours, six days, which is the 72 hours, versus the real time we drive as cab drivers. I also believe that maybe the database that you guys are using is based on the fact that as a truck driver, if you stop driving from New York to, say, Florida which is probably more than 14 hours, the industry will cap it at 12. So it can't go above 12 hours, that's what you guys are using, then you're doing us a disservice because that's a different industry. That's a truck industry and that's been there for many years. A 12-hour period has been there for many years.

As a cab driver if I have to pick up a rider from downtown Manhattan to JFK, which varies from 30 minutes to two hours

Taxi and Limousine Commission Meeting
June 23, 2016

140

1
2
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19
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25

Proceedings

depending on the time of day, and then you get there you have to sit for probably between an hour to three hours, and if it doesn't count with what TLC is proposing, then again, I'm saying that it's not relevant.

The next thing I want to say is listening to everybody here saying that it's only three percent, which is going bad. I think in all society, if it's 100 percent good, then it's not a good society. I think that 97 percent good and three percent bad, then I think it's a healthy society. It's not like where I used to come from where during election time, candidate has 100 percent, then I say to myself, is it real? Versus where, you know, at least some candidates are 90 or 80 percent good and 20 percent bad. That, I think, is a good society.

So I think TLC should really visit the whole issue and allow drivers to drive the so-called 12 hours, seven days versus pinning us down for 12 hours, six days.

**Taxi and Limousine Commission Meeting
June 23, 2016**

141

1
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19
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21
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25

Proceedings

CHAIR JOSHI: Thank you. I just want to answer the question that you raised in the beginning, if you picked up somebody at 6:15 and then you didn't pick up somebody again until eight o'clock, how that would be counted. The six o'clock hour would be counted, the eight o'clock hour would be counted, the seven o'clock hour wouldn't be counted, so that would count as two, not three.

MR. OSEI-BONSU: So in other words, if I pick somebody up at six o'clock and then drop them off at 6:15, I work for 15 minutes until eight o'clock. I just work 15 minutes. In other words, I picked up somebody at six in the morning, drop the person at 6:15, until eight o'clock when I pick up another person up, I only work 15 minutes?

CHAIR JOSHI: You've worked -- under the rule as proposed, it's as though you've worked the six o'clock hour and the eight o'clock hour, and the seven o'clock hour would not be counted toward the

**Taxi and Limousine Commission Meeting
June 23, 2016**

142

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Proceedings

12-hour total.

One of the modifications that people raised as we went through this is that that should only be counted as a half an hour instead of a full one hour. And if that was the formulation, than you would only have been counted as working half an hour.

MR. OSEI-BONSU: So for me as a driver how do I do my calculation?

CHAIR JOSHI: That's a good question.

MR. OSEI-BONSU: (Inaudible) put it aside, and then next two hours when I pick somebody for 20 minutes --

CHAIR JOSHI: No. I think someone had a good suggestion that we work with the TPEP vendors to see if there's a way that drivers can get a better vision into how many hours they are working and how it works against the proposed rules, should they pass.

MR. OSEI-BONSU: Well again, I want to revisit this situation where according to TLC, 97 percent of the drivers are

**Taxi and Limousine Commission Meeting
June 23, 2016**

143

1
2
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14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

okay, three percent are bad. That's okay, because you don't want to have 100 percent, then you don't have a job here. You're job is out, there's nothing to consider anymore. So basically 97 percent good and three percent bad is a healthy sign that the industry is good, you guys are doing a good job. So don't push it to 100.

CHAIR JOSHI: Thank you.

MR. WILSON: The next speaker is Peter Mazer from MTDOT.

MR. MAZER: Good afternoon. My name is Peter Mazer, and I'm General Counsel to the Metropolitan Taxicab Board of Trade.

MTBOT was an early and enthusiastic supporter of the Mayor's Vision Zero initiative. We remain firmly committed to passenger and driver safety, but we cannot support these rules as written or as they are likely to be enforced. Indeed the proposed rules will simply perpetuate the over enforcement against drivers in certain segments of this industry, while

**Taxi and Limousine Commission Meeting
June 23, 2016**

144

1
2
3
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7
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15
16
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25

Proceedings

drivers in other segments will continue to violate the law.

Today MTBOT has submitted written -- supplemental comments which raise technical concerns regarding the proposed fatigue driver rules. This morning my testimony will focus solely on enforcement as it pertains to these rules.

The medallion and street-hail livery segments of the for-hire transportation industry enforcement would be easy. TPEP and LPEP systems already track every aspect of each driver, SHL driver, activities. When he logs on, fares are accepted, passengers are discharged, when a driver is cruising for fares, when a driver is off-duty. In the car service, luxury limousine and black car industries, the only data that is tracked is time and place of passenger pick-up, and that is only if the passenger is lawfully dispatched through a base call or an app.

Accordingly it will not be possible to determine from the data available how

**Taxi and Limousine Commission Meeting
June 23, 2016**

145

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24
25

Proceedings

long any driver in these industries is behind the wheel of a licensed vehicle. Since all the TLC has is a single data point reflecting some of the driver's trips, TLC will not know if a trip takes ten minutes or four hours or when the driver's initial pick up was made. TLC will not know and continue to be unable to enforce against drivers engaging in illegal street-hail activities for an unlimited number of hours.

But in the medallion and SHL industries, TLC knows everything about a driver's activities behind the wheel.

More troubling, however, is the potential abuse to the medallion and SHL industries when TPEP records and LPEP records are used for enforcement. TLC could, and today said, they will comb its data and issue summonses to taxi and SHL drivers based on conduct that occurred months, maybe even years ago. It already does so routinely for other rule violations.

**Taxi and Limousine Commission Meeting
June 23, 2016**

146

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16
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19
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24
25

Proceedings

Since this rule carries a possible penalty like license suspension, a driver could be notified that he or she violated this rule several times many months or years ago, and the TLC could issue multiple summonses each carrying a 15-day license suspension. TLC then could offer the driver an opportunity to settle this case for a very large fine, as is routinely done now in similar situations. A driver could be suspended for months though for alleged misconduct unknowingly committed ages ago.

On the other hand --

CHAIR JOSHI: I just want to -- I said at the beginning that this is a forward-looking rule, we wouldn't be looking backward. So I just want to make sure you understand that.

MR. MAZER: Of course. I understand that.

So on October 1st, the rule goes into effect, let's say, hypothetically. Next August the TLC could comb its data and

Taxi and Limousine Commission Meeting
June 23, 2016

147

1
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21
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Proceedings

issue to a driver -- and go to a diver and say between October 1st and August 1st you violated this rule seven times. Each of those violations -- first one carries a fine, the next six carry 15-day license suspensions. So the TLC will issue the driver a letter saying, you have a 90-day license suspension if you go to a hearing or you could take a settlement and fill in a dollar amount as to what the settlement will be.

CHAIR JOSHI: That goes to something Commissioner Jiha mentioned, which it's actually better for Vision Zero if we have more timely notification and timely enforcement.

So what we're planning on doing is something that's a monthly run -- and administrative monthly run. So it would go back -- we would do it once a month, but we have no intention of doing something as you described, which is a six-month look-back, because the idea is to make sure people know early if their

**Taxi and Limousine Commission Meeting
June 23, 2016**

148

1
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Proceedings

schedules are comprised by the rule, so they can make that.

But thank you for raising that 'cause obviously that is a concern that people would have, if there's nothing definitive in the rule about how far --

MR. MAZER: It's a big concern to me because we routinely see that. And what the Commissioner's say and do, and what happens at TLC enforcement, and what happens at the Oath Tribunal, don't always match. And we have many, many situations where drivers -- I have drivers that almost on a daily basis face suspension, revocations, and high fines for activities that were committed months, sometimes years ago.

CHAIR JOSHI: Just so I'm clear, you're looking at an internal statute of limitations within the rule?

MR. MAZER: I would like to see -- we've had the situation with the AV summonses, double-shifting summonses, owner must drive summonses.

Taxi and Limousine Commission Meeting
June 23, 2016

149

1
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14
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16
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19
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21
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24
25

Proceedings

CHAIR JOSHI: We just got rid of those rules.

MR. MAZER: And that's why I'm here, maybe we'll get rid of this one before we have the problem. But what we've seen in the past is the TLC calling data for very long periods of time and then issuing drivers multiple summonses. I have a driver right now that I'm dealing with that was revoked because he didn't pay a fine a year ago, and worked for three days. And his license was suspended and he didn't know, and he got three summonses for working day one, day two, day three, he's now revoked. And there's not much I can do for him except plead at some point to the mercy of the TLC. And I don't want that situation to happen, especially with the 15-day suspension.

CHAIR JOSHI: Thank you.

MR. MAZER: Take the 15-day suspension out of the rule, that will alleviate some of my concerns. I think the fine is still a problem. I just have a

Taxi and Limousine Commission Meeting
June 23, 2016

150

1
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Proceedings

couple more comments if I may.

And that's just in summary to say that on the other hand, enforcement in the black card, car service, and luxury limousine services will be based on base data which has not been verified, it's not connected to the taxi meter or any other device.

App companies will not provide the TLC with data showing when a driver logs on and logs off, how can their driver's hours be monitored? The rule will not make streets safer if it's adopted. Drivers will be limited by the number of hours they can work in yellow cabs and SHLs. Those who want to drive more will simply work additional hours for those bases that don't keep accurate hours or look the other way when drivers engage in street hails. Or drivers may choose to leave the yellow and SHL industries entirely and switch to a segment in the industry where they're not monitored in the same way.

Taxi and Limousine Commission Meeting
June 23, 2016

151

1
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16
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19
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24
25

Proceedings

We urge the Commission to consider tabling these rules, which I know you're not going to take a vote on today, and look at all of the technical comments.

Just one final point, we've talked about this looking at the fixed hours, and so a pick up that occurs -- a driver could start working at 6 a.m. and work until -- pick up fares every hour until the 5 p.m. hour, and at 5:59 a driver could take a fare to Atlantic City and drive for another three hours and then come back for another three hours, and that driver would be on the road 18 hours.

And then the question is: How much time does that driver have to take a break before he can reset the clock? If the last pick up was at 5:59 and you're looking at an eight-hour break, go back to work at 2 a.m.? A driver in that situation -- and I did some calculations, and you'll see it in the written comments -- a driver could work something like 28 out of 32 hours having passengers

**Taxi and Limousine Commission Meeting
June 23, 2016**

152

1
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24
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Proceedings

behind the wheel while he's driving and not be running afoul of this rule, while another driver could drive just a couple trips and could run afoul of the rule if they pick up a passenger every hour for 13 hours.

And finally the whole concept that you've heard from many of the speakers over the seven day provision and the 72 hours seems to militate towards a 12-hour, seven day a week, 84 hour max, which would make a lot more sense. Thank you.

CHAIR JOSHI: Thank you.

MR. WILSON: Thank you.

Next speaker is Mohamed Boukerche.

MR. BOUKERCHE: Thank you for letting me speak today. I'm the owner and driver of yellow cab.

I'm one of the top driver highest number of hours per week, per year. And according to what you're saying now, if you counted only when the meter is on, even though I drive long hours, I will not be breaking the 12-hour rule?

Taxi and Limousine Commission Meeting
June 23, 2016

153

1
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24
25

Proceedings

CHAIR JOSHI: We're counting hours that you have a pick up in it, that's the proposal. So if you pick up passengers at six o'clock, that hour will be counted. If you don't pick up passengers at seven o'clock, that hour won't be counted.

MR. BOUKERCHE: When I started driving, I looked at the rule of the TLC, and see if this is good for me or not. And it says, you're not allowed to drive more than 12 consecutive hours. I didn't understand it very well. I ask my lawyer, he said to me if you stop for ten minutes, technically you're not consecutive. So I was not -- even though I'm one of the top three percent, I'm not breaking the law. Why good 97 percent and bad three percent? It's your rule we're following.

Secondly, TLC has tradition of applying something like retroactive. For example, we used to have a law, a rule. If you get six points within a 15-day time period, you lose your license. If you get ten or more, you're revoked. I took two

**Taxi and Limousine Commission Meeting
June 23, 2016**

154

1
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3
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16
17
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19
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21
22
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24
25

Proceedings

tickets before even Mayor de Blasio was mayor; One, two point; one, two point. And I was found guilty by a judge before he was mayor. And then I had a third one, two points when he was Mayor, and had Vision Zero. I plead guilty in order to use the other rule to take myself out of the trouble. You know what they fined me, \$1,000. They apply the rule retroactive.

When I took it to a lawyer he said to me, they think taxi driver are stupid and TLC is doing it.

CHAIR JOSHI: That's a --

MR. BOUKERCHE: Your retroactive (inaudible). There's something else.

When I was driving for garage, I had a piece of mind more than now. TLC kept sending us letters saying it would be very good buy a medallion, look it's goes up, you will have American dream, and so on. And they gave me rule. My friend -- when I bought a medallion, this the rule, why you change them? If you want to change them, change them for people who are

Taxi and Limousine Commission Meeting
June 23, 2016

155

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3
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7
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11
12
13
14
15
16
17
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19
20
21
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24
25

Proceedings

coming new one, not for us. I have to pay medallion, I have lease, I have family, costs are rising, competition is very high with the app taxis, and now asking drivers to drive less.

If I were you, what I will do is I will look 12 hours, seven days. If you make accident, it is your fault, we make good rule for that, if you are guy who make accident, because we're different. Some people they see very well, high energy people. Some people don't see very well, low energy, you know, genetically you're different. So if you want to look at 12 hours, seven days, that's good, we can do that, that's perfect. But if you have an accident, it's your fault, we record it. First one, punishment; second one, should be working regular, should not be like you work one minute it's hour count, it's too confusion. Supercomputer keep record of that.

CHAIR JOSHI: Thank you very much.

MR. WILSON: Thank you.

Taxi and Limousine Commission Meeting
June 23, 2016

156

1
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3
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12
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14
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16
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18
19
20
21
22
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24
25

Proceedings

Next speaker is Osman Chowdhury.

MR. CHOWDHURY: Good afternoon,
everybody my name is Osman Chowdhury. I'm
a member of United Taxi Drivers
Association.

First of all, this law, I think,
needs -- the change of system is industry.
The job driver, lease the medallion and
the car to drivers, the working with some
data versus (inaudible) to two days. How
can one happen sometimes night driver to
make money? If they stop 12 hour, how can
they pay their lease? That is why you
need to change the system. If you want
12-hour shift, then that's not going to
work for him to drive in the system.

Also this thing that -- okay, I'm
sorry, I apologize. If this law -- before
I like you can stop up to 12-hour shift
more than work. If I need money, what can
I do? I can apply job, work four, five
hours, then I come back to driving yellow.
What's going to help this law? I need
money. If you pass this law we have to

Taxi and Limousine Commission Meeting
June 23, 2016

157

1
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19
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21
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23
24
25

Proceedings

think about that way.

And also recently some other changes in the medallion. Somebody is coming from Queens, they stay in the subway some family problem, coming two hour later and coming late. Because they give you opportunity to get the work and money. This is not my things. And also this industry we're running, suddenly those driver mark medallion (inaudible). They spend a \$100,000 down premium and buy the cab (inaudible) individually. Now they are crying, they're not going to looking how they're going to go bankrupt because the department are no longer (inaudible). If you stop 12 hours, it's going to die. This is things to look. Thank you.

CHAIR JOSHI: Thank you.

MR. WILSON: Thank you.

The next speaker is Emad Cindy.

(No response.)

Mobarak Mamdouh.

(No response.)

Fernando Garcia Asotiny.

Taxi and Limousine Commission Meeting
June 23, 2016

158

1
2
3
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14
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16
17
18
19
20
21
22
23
24
25

Proceedings

MR. ASOTINY (through interpreter):

Good afternoon, Commissioners and
Commissioner Joshi. My name is Fernando
Garcia Asotiny, I'm President of the
Association of Taxi.

My concern about three years ago is
because today this is happening history
today.

When I claimed that long ago, three
years ago, that you guys were providing
licenses to everybody, it's because that
really it's happening right now, it's
today.

We are not opposite to the relations,
but we do understand today that before we
used to work for ten hours, today we need
to work for more than ten. Because
this -- today's a crowd very busy in the
industry, many cars, many licenses, that
forces the drivers, livery drivers, to
work hard, more time.

My organization was started making
comment about the new regulations and we
were founded that in other states, and in

Taxi and Limousine Commission Meeting
June 23, 2016

159

1
2
3
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7
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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

Philadelphia, the livery drivers, they're allowed to work 14 hours. You have to be consideration.

There is a moment in the rush hours in the city that we go to the airport to drop the passengers at the airport, and it takes long time, many times, three hours. And if you go twice a day at the rush hour, this day would have been a complete our incomes daily that we need for our families.

Now in this matter we know that you probably take advice of the insurance companies. Long ago the policies of insurance, they raise up because the drivers work a lot of hours and that provoke many accidents.

Me and my organization waits until you call the insurance companies and lower the prices of the policy. We are very concerned about the accident that the senior citizen Rosario that passed away. But I, too, understand that you were doing something very, very directly and right

**Taxi and Limousine Commission Meeting
June 23, 2016**

160

1
2
3
4
5
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7
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15
16
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19
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21
22
23
24
25

Proceedings

for the medallion.

And the age of the driver has to be regulated, must be regulated. We're talking about 72 years old happened with this accident. We do understand that this is not justified for the mayor to provide summonses on the charge of this goes to the people that really works in the industry.

We do understand that if you approve the 12 hours it could be a little bit more; 72 hours a week is better to go than 84 hours a week, because before going out to work, we need to go to the car wash and we need to gas the car, we need to do many things a day and 72 hours we think is enough. Thank you very much.

CHAIR JOSHI: Thank you.

MS. MARINO: Just to clarify, washing the car is not included in the 12 hours, correct?

THE INTERPRETER: He says if you start at six o'clock, they need to wake up at 4:30 a.m.

Taxi and Limousine Commission Meeting
June 23, 2016

161

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14
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16
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18
19
20
21
22
23
24
25

Proceedings

MS. MARINO: If you wash your car in the middle of a shift, that's not counted.

MS. POLANCO: But one thing that was pointed out is that you basically say that the proposed regulation should be a part, since we made a comparison with other cities, like Philadelphia. Philadelphia, you say is more compatible to New York City than, for example, LA, in terms of congestion and so forth, and there they have a -- not a 12-hour shift, they just have 14 hours, and not 72, it's 84.

INTERPRETER: Yes, he says about Philadelphia drivers, they're approved to work 14 hours a day.

MR. ASOTINY (through interpreter): We talk about the documents that you guys sent us.

MS. POLANCO: You're for the regulation, but you just want basically more time?

INTERPRETER: Yes, there's basically about two more hours between 12 and 14.
Not 12 --

**Taxi and Limousine Commission Meeting
June 23, 2016**

162

1
2
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14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

MS. MARINO: 14 hours a day and 84 a week.

MR. ASOTINY (through interpreter):
In one shift, like in my case, it is very convenient for me to work 14 hours. And then we go to the restaurant, buy a cup of coffee, we go rest for a while, especially in a rush hours, we get up and get something for eat. Thank you very much.

MR. WILSON: Thank you.

The next speaker is Jose Jaen from New York State Federation of Taxi Drivers.

MR. JAEN: Good afternoon, everyone. My name is Jose Jaen, I'm Communications Director for the New York State Federation of Taxi Drivers. And before I read officially our position in regard to the fatigue rule, I would like to say that sometimes we would like to please everyone. I'm pretty sure that everyone in this room if Commissioner Joshi presented a proposal to get rid of the IRS, we would have banners here saying "Meera For President 2016," but that's a

**Taxi and Limousine Commission Meeting
June 23, 2016**

163

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16
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23
24
25

Proceedings

discussion for another day.

Chair Commissioner and dear members of the Board, other Commissioners, I write this letter to express the opinion of the New York State Federation of Taxi Drivers in regard to the proposed rules of safety risks of fatigue driving. We're going to refer to four organizations of federal agencies or guidelines that we use as a guideline for our opinion.

The research conducted by the Center For Disease Control in Atlanta, Georgia; National Highway Traffic Safety Administration; the National Fleet Foundation; and the U.S. Federal Highway Administration concludes that long work hours leads to acute fatigue and complied over a period of days and weeks may lead to chronic fatigue. For drivers, this means slow reaction times and a reduced ability to assess situations quickly, potentially leading to driver errors and higher risk of crashing.

The other paragraph really goes into

**Taxi and Limousine Commission Meeting
June 23, 2016**

164

1
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14
15
16
17
18
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Proceedings

the fact of BAC, the blood alcohol concentration, which we all know is associated with 18 hours or more of lack of sleep, is considered driving while under the influence of alcohol in the State of New York is 0.05. And being awake for 24 hours results in impairment equal to alcohol levels of .010, which is 1.25 times over a threshold for driving while intoxicated.

Although the vast majority of TLC-licensed drivers are not driving in excessive numbers of hours, there's a small segment of the drivers who do. It's our understanding that proposed daily and weekly limits forward in the range of limits in place of professional drivers in other jurisdictions. And some of my colleagues mentioned a few cities.

For example, in a 24-hour period a day, Chicago and Nevada taxi drivers may drive no more than 12 hours. Philadelphia taxi and limousine drivers drive no more than 14 hours. LA, Los Angeles, for-hire

**Taxi and Limousine Commission Meeting
June 23, 2016**

165

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Proceedings

drivers, do not drive more than ten hours a day, and the rule is already in place in LA.

In a seven-day period, Los Angeles drivers may drive no more than 70 hours. Now for the livery, for-hire industry, Philly made a distinction, because I believe in Philadelphia and Chicago, for-hire they can go up to 84 hours in a week.

MS. MARINO: In Philadelphia?

MR. JAEN: And Chicago, the for-hire industry.

Some Federation concerns in regard to the 12-hour shift, as being clarified by Commissioner Joshi in several meetings in conversation. Also she has publicly stated in our weekly (inaudible) that the 12-hour rule is not communicative.

It is important for the drivers to understand that the clock starts when he or she picks up the first passenger -- because we always talk about he, but we forget there's a percentage of lady

Taxi and Limousine Commission Meeting
June 23, 2016

166

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Proceedings

drivers out there, too. We also strongly believe that an educational and promotional component has to be part of the fatigue rule.

In conclusion, the New York State Federation of Taxi Drivers will support, at this time, I repeat, at this time, the proposed rules that will be reviewed by the Commissioners during the next few days.

I'd like to shortly say something. Always look for a motivation to come and speak, everyone has a stake in this situation. Medallion owners, the garage owners, my fellow friends in the livery industry, green industry. But as I -- one o'clock in the morning I was thinking, what would be my motivation. Well you see, I saw a video of a young lady names Calista Deveer (phonetic), might not mean anything to us. But she's a 16-year-old young lady, which she's a survivor of Stage III ovarian cancer. And before she went into this concert she say something

**Taxi and Limousine Commission Meeting
June 23, 2016**

167

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Proceedings

that is my motivation to be here. "No matter what you have gone through in life, to keep chasing your dreams."

And I believe all my fellow drivers; yellow, green, I don't care the color of the car or industry, they should pursue their dreams.

Commissioner, will you allow me a minute for -- out of respect and courtesy to my Spanish speaking?

CHAIR JOSHI: Yes.

(Whereupon, testimony was given in Spanish.)

MR. WILSON: Thank you.

The next speaker is Pedro Aguiar, Coalicion de Taxistas.

MR. AGUIAR (through interpreter): Good afternoon, Meera Joshi, Commissioner of New York City in charge of the Agency of the Taxi & Limousine Commission, and other Commissioners.

My name is Mr. Pedro Joaquin Aguiar, President of the Coalition of Taxi of the City of New York. And in the name of all

Taxi and Limousine Commission Meeting
June 23, 2016

168

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Proceedings

members of this working class, I want to express our opinion regarding the intention to include a new regulation for licensed members of the taxi industry. With the new regulations, the taxi livery drivers will not be able to work more than 12 hours.

First of all, we are not opposing such a regulation as long as the TLC establishes a control to the different taxi bases in this New York urban zone, by which the TLC, Taxi & Limousine Commission, is committed to provide the affiliated taxi companies the quantity of calls and by those means, the driver could make their daily quota in the 12-hour work shift. The supervision should also be integrated by a Commission composed by the different driving organizations.

For example, for a base that receives 30,000 calls a week and has an average of 500 drivers, will give each taxi or limousine driver an average of 60 calls a week. Divided by seven days, that will

**Taxi and Limousine Commission Meeting
June 23, 2016**

169

1
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3
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7
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12
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14
15
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24
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Proceedings

actually be nine calls a day. If we multiply that by \$10 we end up with \$90 a day, and if we deduct the expenses of operation; gas expense, base fee, car wash, et cetera, the taxi or limousine driver, within the 12-hour work limitation, will end up with a loss of \$30 daily. It is for this reason that the taxi and limousine drivers are forced to work a shift of over 12 hours so they can bring home the financial support for their families.

So before at the beginning we know this \$200 for fine to the base for sending an extra hour driver work, and this is going to be in the possible conflict between the bases and the livery drivers.

Thank you for your attention.
Sincerely, Pedro Joaquin Aguiar, President of the Coalition of Taxis.

MS. POLANCO: The calculation that you made, is that with respect to what drivers take a day or is that what the base receives a day from a driver?

**Taxi and Limousine Commission Meeting
June 23, 2016**

170

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Proceedings

INTERPRETER: Your question is about expenses?

MS. POLANCO: The calculation of \$30 daily.

INTERPRETER: He says, like, okay this is for example. We just making an example, it's not really like that. It's just an example, 30,000 calls a week between 500 cars subscribed to the base, it means like --

MS. MARINO: I think the question my colleague has is, is that \$30 loss for a base or the driver?

INTERPRETER: For driver. Because after \$90 a day what the driver makes for his own --

MS. POLANCO: You're making an example if a driver makes \$90 a day, not that drivers actually make \$90 a day. It could be more, you're making an example. If he makes \$90 a day there would be a loss --

INTERPRETER: -- of \$30 a day, because there's so many expenses of a

**Taxi and Limousine Commission Meeting
June 23, 2016**

171

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7
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19
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25

Proceedings

driver. The first one is --

MS. MARINO: We understand the expense. So out of the \$90, they'd get \$60, that's what you're saying?

INTERPRETER: Yes, ma'am.

MR. WILSON: The next speaker is Erin Abrams from Via.

MS. ABRAMS: Good afternoon, Chair and Commissioners. My name is Erin Abrams and I appreciate the opportunity to address you today on behalf of Via.

MS. MARINO: Who?

MS. ABRAMS: Via Transportation.

MS. MARINO: What's that?

MS. ABRAMS: Via is a rider sharing service that groups multiple passengers together into a single vehicle along a dynamically updating route. We provide affordable transit for tens of thousands of New Yorkers on a daily basis.

MS. MARINO: Sorry, I'm going to interrupt you. Is this an app?

MS. ABRAMS: Yes, we do have an app. And our flat rates are as low as \$5.

**Taxi and Limousine Commission Meeting
June 23, 2016**

172

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23
24
25

Proceedings

As we grow and expand our service area and hours of operation in New York, we share the Commission's goal of ensuring that the thousands of drivers who are eligible to be dispatched from the Via platform are well rested and alert while driving for Via. Reducing or eliminating driver fatigue due to long work hours is an important component to keeping drivers, passengers, and pedestrians safe and reducing the risk of injuries and accidents.

Via supports the Commission's proposal and applauds its initiative in addressing this important issue in the for-hire vehicle industry. At Via we have strong internal policies and controls to address reports of fatigued driving and we immediately remove drivers from the road if we think they're showing signs of fatigue. We think that our fair system of compensating drivers is a powerful factor in reducing their incentive to drive for an excessive number of hours to make ends

Taxi and Limousine Commission Meeting
June 23, 2016

173

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Proceedings

meet and to cover the fixed costs of operating and maintaining their vehicles.

Overall, we support the TLC's proposal of imposing both a daily and weekly cap on the number of hours a driver can be on the road. We think such a regulation will go a long way to reducing both acute and chronic fatigue that's been described. We also appreciate the concept of resetting the clock that's incorporated into the proposed rules. We find this concept is important to protecting drivers access to peak earning times, while also providing for adequate rest periods.

For example, if a driver wanted to work 10 a.m. to 10 p.m. one day, then go home and get a full night's sleep and reset his clock, he would be able to resume driving at 7 a.m. in order to catch the morning rush hour and end his work day the following day at 4 p.m. This kind of flexibility and schedule control is one of the main reasons why our independent contractor driver partners choose to work

**Taxi and Limousine Commission Meeting
June 23, 2016**

174

Proceedings

in the on-demand economy.

To this end, while we support the rules in their current form, we would suggest one minor modification. We believe the driver should have the option to work for a maximum of 14 consecutive hours in a 24-hour period, if and only if, they take at least a one-hour break during the first seven hours of their shift. We find that many drivers like to focus their work time on the morning and evening commute rush hours, as well as the increasingly busy late hours from 9 to 11 p.m., while taking a long break in the middle of the day when demand for their services are lower. Extending the day slightly but adding a break requirement would preserve drivers ability to maximize their earning power and control their schedules while still reducing or preventing driver fatigue.

Finally, we remain interested in working with the Commission to develop new and novel ways to utilize trip record data

**Taxi and Limousine Commission Meeting
June 23, 2016**

175

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25

Proceedings

to ensure that the Driver Fatigue Rules are enforceable across platforms so that a driver cannot drive two, ten-hour shifts back to back, as we've heard testimony today.

We look forward to collaborating with TLC to ensure that drivers hours are accurately recorded, measured, and reported. Thank you for your time today and consideration of our remarks.

MR. WILSON: Thank you.

The next speaker is Adalgis Payero.

(No response.)

Pedro Duarte.

(No response.)

Jose Basora.

(No response.)

Hector German.

MR. GERMAN (through interpreter):

Good afternoon, Commissioners. Good afternoon, audience in the room.

First of all, we got to say thanks for the opportunity for all the services, taxis, drivers, and limousine, and green,

Taxi and Limousine Commission Meeting
June 23, 2016

176

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24
25

Proceedings

everybody in the industry.

My name is Hector German. First of all, we want to support all these people who is standing up here and saying something about the situations, but I want to say something. Something that Jose Jaen says here before. What we're discussing today is one of the most principle important law in the table.

Studies say that drivers with 8, 10, or 12 hours working, factored with the qualities, and reflex, energy, and conditions behind the wheel.

At this month last year the Commission, the Taxi & Limousine Commission bases -- TLC send a message to the bases that TLC needs data from the bases from the drivers. And today about the situation of the schedule for work, in the name of our families and our drivers, we do warn that this is a very, very strong responsibility from Taxi & Limousine Commission, the City, the bases, and all the drivers. It has to be

Taxi and Limousine Commission Meeting
June 23, 2016

177

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6
7
8
9
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11
12
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25

Proceedings

everybody together, work together.

First of all, if you are receiving registered special to the liveries industry, you will do understand that this of calls related to their drivers describe to the base. An example of Pedro Joaquin Aguiar, is the same that we face every day, every day.

We want the Taxi & Limousine Commission with the data that you have registered a week that they are provided data from all drivers. We want to regulate. We do agree with the regulation of 12 hours. You asked for sometimes why a driver -- New York City driver -- did you make this questions for you that why is the reason that taxi drivers have to go over 12 hours work a day? If you raise the hands of that you were asked -- questioning yourself.

In the name of the drivers, we will answer you. We don't have any quantity of calls in our bases that give us enough for this -- enough calls for this regulations.

Taxi and Limousine Commission Meeting
June 23, 2016

178

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24
25

Proceedings

That we understand that citizens in the city is very, very responsibility for us.

Finally, when we have to pay summonses from the Taxi & Limousine Commission our rent, payment for car, over \$400 a week, we will talk about that situation in the future eventually. This is our work, our living in the city. These difficult times when the leasing turning off the car by satellite because the payment is not ready on time. We have to because we need to bring the money to the landlord. This is the time and Commissioners and everybody here that a necessity. We are totally and have this regulations because we understand that 12, 13, 14 hours is enough for humans.

Thank you so much, Commission -- Taxi & Limousine Commission with the City, the agency, the base, drivers, calls to be in good conditions when we start working there. Thank you. Provide us the service to the community because the car is a daily powerful when we are not allowed to

Taxi and Limousine Commission Meeting
June 23, 2016

179

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24
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Proceedings

drive it.

CHAIR JOSHI: Thank you very much.

MR. WILSON: The next speaker is Asim Aktar.

MR. AKTAR: Good afternoon, Commissioners. My name is Asim Aktar, I'm with the New York Taxi Workers Alliance.

I think nobody should work more than 12 hours. Telling workers that they shouldn't be working more than 12 hours is not addressing the issue, I think it's scapegoating. We know the way the industry is right now, there's unfair economics, there's over saturation of vehicles out there.

Also, I mean, green taxi and yellow cab should get a turn right. We should get traffic rights, we should have the same right as a bus, MTA buses. For at base companies, they should have a minimum fare requirement from the TLC that -- 'cause right now -- 'cause they keep cutting their fares that force drivers to work longer hours. And for the yellow

Taxi and Limousine Commission Meeting
June 23, 2016

180

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16
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21
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23
24
25

Proceedings

industry, trust me, nobody wants to work more than 12 hours. But now because of the more traffic, where it used to take you 15 minutes, 30 minutes to drop someone, is takes you longer time.

Just for example, if someone -- if I'm going westbound on 42nd Street and I pick somebody up from Grand Central, and that person is going Upper East Side, I have to go all the way down to Sixth Avenue to turn to take the person to Upper East Side 'cause I cannot make a turn on Madison Avenue. You know, so it's just -- if it gets -- I'm not saying every single cross street we should get a turn right, 'cause we have TPEP, we should do a study and, you know, make us understand why we should not, as a private public transportation, why we shouldn't be allowed to have transportation -- turns right. Thank you.

CHAIR JOSHI: I think that was the end of our speaker list.

So thank you everybody for sticking

Taxi and Limousine Commission Meeting
June 23, 2016

181

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Proceedings

it out to the very end of our hearing. I appreciate the feedback we got and I'm sure we'll take it all into consideration as we move forward on this rule.

And the time now is two o'clock and we'll ends our public meeting. Thank you.

(Time noted: 2:00 p.m.)

Taxi and Limousine Commission Meeting
June 23, 2016

182

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

I, NICOLE ELLIS, a Notary Public for and within
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.

I further certify that I am not related to any of
the parties to this action by blood or by 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 27th day of June 2016.

NICOLE ELLIS

**Taxi and Limousine Commission Meeting
June 23, 2016**

A		
a.m (14) 1:5 29:21,23 30:3,10,12 56:2 138:22,23 151:9,21 160:25 173:17,20	Additionally (2) 59:25 111:11	ahead (1) 57:9
ability (15) 24:4,12 36:3 47:12,24 60:11 75:25 76:13 78:2,16 80:18 90:5 121:6 163:22 174:19	address (11) 22:24 26:13 36:7 82:16 89:13 100:15 116:5 117:14 124:10 171:12 172:19	aid (1) 33:14
able (8) 19:17 36:24 40:21 42:3 62:12 82:18 168:7 173:19	addressed (3) 23:15 56:10 57:8	ain't (1) 83:2
Abrams (7) 3:10 171:8,9,10,14,16 171:24	addresses (2) 48:6 115:17	airport (4) 16:18 37:25 159:6,7
absolute (1) 62:23	addressing (4) 22:19 25:6 172:16 179:12	airports (1) 101:9
absolutely (3) 17:2 19:18 115:9	adds (1) 56:2	Aktar (4) 3:12 179:5,6,7
abuse (3) 115:7 117:7 145:17	adequate (2) 24:6 173:15	alcohol (7) 23:24 47:16 52:21 110:25 164:2,6,9
academic (1) 110:23	adequately (2) 15:8 22:24	alert (3) 39:7,12 172:7
Academy (1) 47:22	adhere (1) 42:7	alertness (1) 47:25
accelerator (1) 51:23	adhering (1) 19:5	align (1) 111:6
accepted (1) 144:16	adjust (1) 51:14	allegations (1) 10:5
access (2) 109:17 173:14	adjusted (1) 81:6	alleged (1) 146:13
accessible (1) 109:16	adjustment (1) 15:9	alleviate (1) 149:24
accident (7) 38:21 91:22 155:9,11 155:18 159:22 160:6	Administration (4) 7:3 52:14 163:15,17	Alliance (1) 179:8
accidents (10) 40:2 62:19,24 88:16 88:19 91:8 98:9 133:5 159:18 172:13	administrations (1) 85:24	allotment (1) 136:22
accomplish (1) 131:7	administrative (4) 10:11 20:7 42:25 147:20	allow (10) 22:18 28:3 90:8 93:7 96:23 116:8 120:8 126:8 140:23 167:9
account (4) 27:21 46:25 99:2 139:7	admire (1) 110:16	allowable (2) 104:12,17
accountant (2) 120:6,9	admission (3) 52:25 59:13 60:2	allowed (9) 16:10 22:22 97:10 129:25 130:4 153:11 159:3 178:25 180:21
accounting (1) 120:15	admit (1) 115:6	allowing (6) 28:24 42:24 49:8 56:11 74:22 95:13
accounts (1) 76:4	adopted (2) 8:14 150:14	allows (5) 27:8 36:15 107:9 120:9 121:9
accumulate (1) 117:4	adopting (1) 8:10	alter (1) 15:5
accuracy (1) 97:3	adoption (3) 4:6 8:9 54:15	Alternatives (3) 2:22 123:6,9
accurate (1) 150:19	advances (2) 46:13 48:10	amazed (1) 87:6
accurately (2) 97:24 175:9	advantage (2) 71:7 105:3	America (1) 68:11
achieve (1) 28:4	advertisement (1) 71:3	American (5) 47:22 111:13 124:4 125:14 154:21
acknowledge (2) 63:9 117:15	advice (2) 6:5 159:14	amount (8) 40:18 64:16 65:22 80:24 83:22 123:24 130:7 147:11
act (1) 112:4	advocates (2) 14:15,19	analysis (6) 14:12 26:9 33:20 53:5 54:6 96:24
Acting (1) 8:18	advocating (1) 100:4	analyst (1) 22:9
action (3) 10:21 114:8 182:12	Affairs (1) 5:7	analytics (1) 5:11
actions (1) 51:16	affiliated (1) 168:15	analyzed (2) 25:10 60:7
active (1) 46:21	affordable (1) 171:20	analyzing (1) 21:15
activities (5) 93:9 144:15 145:11 145:15 148:16	afoul (3) 70:10 152:3,5	Angeles (1) 164:25
activity (4) 51:12 92:9,18 104:8	afternoon (16) 56:12 90:25 101:10 119:21 129:2 137:6 138:9 143:14 156:3 158:3 162:14 167:19 171:9 175:21,22 179:6	Angelique (1) 8:17
actual (7) 14:12 37:13 65:13 72:13 106:17 117:22 132:21	age (1) 160:3	angles (2) 114:6 165:5
acute (12) 23:15,16,23 24:3,5 25:6 26:14 36:8 110:18 124:10 163:18 173:9	agencies (8) 22:18 44:14,18,22,23 64:21 110:23 163:10	anguish (1) 86:15
Adalgiesa (3) 2:21 119:19,22	agency (4) 5:6,8 167:20 178:21	Anna (3) 2:3 45:17,22
Adalgis (1) 175:13	agenda (3) 9:4 11:4 103:17	announce (2) 5:2,18
add (1) 34:23	agent (1) 134:16	announcement (2) 4:7 7:11
adding (1) 174:18	agents (2) 129:5 134:13	answer (6) 22:5 50:12 57:11 106:2 141:3 177:23
addition (2) 51:24 126:21	ages (1) 146:14	answers (1) 115:22
additional (6) 5:24 17:13 53:14 66:25 113:4 150:18	aggregating (1) 28:15	anticipate (2) 14:10 51:16
	ago (13) 12:18 13:7 100:14 113:11 145:23 146:6,14 148:18 149:12 158:7,10,11 159:15	antithesis (1) 131:6
	agree (2) 130:16 177:14	anybody (1) 63:8
	AGUADO (2) 1:14 34:22	anymore (4) 88:17 89:2 132:2 143:6
	Aguiar (8) 3:9 12:22,25 167:16,18 167:23 169:20 177:8	anyway (1) 12:10

**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>apologize (1) 156:19 app (12) 97:7,13 98:3 99:8 105:3 120:21 121:18 144:23 150:10 155:5 171:23,24 apparently (1) 13:21 applaud (2) 41:22 126:16 applauds (1) 172:15 Applause (1) 75:16 applicants (2) 7:13 8:2 application (3) 7:19,20 96:13 applications (1) 8:15 applied (1) 104:18 applies (2) 61:4 63:20 apply (5) 26:15 34:5 111:8 154:10 156:22 applying (3) 7:17 65:20 153:21 appointment (2) 4:18,24 appreciate (10) 59:3 71:19 74:22 86:19 109:20 122:24 126:20 171:11 173:10 181:3 appreciated (1) 42:4 approach (1) 40:8 approaching (1) 126:13 approval (1) 8:20 approve (2) 94:23 160:11 approved (1) 161:15 approving (1) 14:2 approximately (5) 46:7,25 52:15 53:17 129:6 apps (2) 11:22 120:7 April (3) 8:11 9:4 11:8 arbitrary (2) 20:5 125:9 area (2) 72:16 172:3 argued (1) 92:12 arrived (1) 21:12 ascertain (1) 52:24 aside (1) 142:14 Asim (3) 3:12 179:4,7 asked (3) 115:20 177:15,20 asking (7) 28:19 85:8 100:7 102:19 103:4 138:18 155:5 asleep (2) 25:23 95:3 Asotiny (6) 3:7 157:25 158:2,5 161:17 162:4 aspect (2) 45:12 144:14 assess (3) 91:18 104:10 163:22 asset (1) 77:10 Assistant (1) 6:23 associated (3) 92:10 112:2 164:4 association (6) 2:10 3:6 72:5 103:14 156:6 158:6 assume (1) 40:14 assumption (1) 92:20 at-base (1) 91:6 Atlanta (1) 163:13 Atlantic (1) 151:12 attacking (1) 115:14</p>	<p>attempt (1) 78:22 attention (8) 14:8 16:17 24:13 47:13 64:13 98:14 99:10 169:19 attentive (1) 45:5 atypical (1) 47:17 audience (1) 175:22 audit (2) 20:5 118:3 audits (1) 38:11 August (2) 146:25 147:3 authorized (1) 11:21 automatic (1) 57:14 automatically (2) 15:14 40:14 AV (1) 148:23 avail (2) 78:5,15 available (7) 4:9 22:4 27:12 39:4 57:18 91:12 144:25 Avenue (3) 1:23 180:12,14 avenues (1) 43:12 average (5) 98:24 115:21 130:5 168:22,24 averted (1) 76:25 aviation (1) 92:11 Avik (3) 2:20 113:19 114:2 awake (1) 164:8 aware (3) 35:12 66:4 107:20 awareness (1) 92:16 awesome (1) 101:22 awful (1) 128:10 eyes (4) 8:12,24 11:2 14:4</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B (1) 1:9 BAC (1) 164:2 back (18) 4:23 37:24 56:15 57:13 57:19 58:11 68:8 122:25 125:19 128:16 133:16 135:12 147:21 151:13,20 156:23 175:5,5 backed (1) 92:20 background (1) 5:11 backward (2) 38:25 146:19 bad (14) 69:10 70:16,25 71:2,4,18 72:10 87:23 140:11,14,20 143:2 143:7 153:18 balance (3) 80:3 85:9,11 ball (1) 19:14 ban (1) 9:13 bank (1) 134:17 bankrupt (1) 157:15 bankruptcy (3) 76:18 90:22 102:21 banks (1) 74:3 banners (1) 162:24 bare (1) 64:2 barred (1) 43:25 Barrera (7) 2:13 86:25 87:2,3,21 88:5,12 barrier (1) 16:2 base (27) 8:15,20 17:21 19:11 21:3</p>	<p>21:6 28:10 38:15 40:14 63:24 90:2 97:11 104:2,4,7 126:10 144:23 150:6 168:21 169:5,15,25 170:10,14 177:7 178:21 179:21 based (18) 9:5 14:11,22 16:24 17:14 21:23 27:16 49:16 89:24 100:11 103:2 106:4 118:3 136:5 136:7 139:12 145:22 150:6 bases (41) 8:19,20,21 11:15,18,22 17:3,18,25 18:2,19 19:15 26:15 26:16 28:12,14,16,18 33:8,11 34:16 38:15 40:25,25 41:10 64:14 81:2 104:7 106:7 107:24 126:4,8,12 150:19 168:12 169:18 176:17,18,19,24 177:24 basically (5) 13:23 143:6 161:5,21 161:23 basis (4) 41:15 94:2 148:15 171:21 Basora (1) 175:17 beat (1) 5:14 beautiful (1) 119:12 Beaver (1) 1:7 bed (1) 92:19 beg (1) 65:15 beginning (5) 50:3 132:13 141:4 146:17 169:14 begins (1) 12:15 begs (2) 59:15 60:3 behalf (6) 42:12 59:11 62:20 87:9 94:10 171:12 behavior (5) 32:24 39:12,14,16 93:25 Beier (11) 2:23 128:25 129:2 132:5 132:9,25 134:7 136:5,14,19 137:2 Beijing (1) 7:7 believe (9) 62:17 72:11 73:22 108:10 139:10 165:9 166:3 167:5 174:6 belong (3) 85:15,17,19 beloved (2) 112:12 127:12 bench (1) 118:13 benefit (1) 72:19 best (7) 14:12 62:23 64:25 65:2,11 122:22 125:10 better (7) 41:7 71:4 111:25 113:8 142:19 147:15 160:13 beyond (3) 17:19 19:13 21:7 bicyclists (3) 44:12 51:18 124:8 bid (1) 116:20 big (3) 100:9 101:4 148:8 biggest (3) 62:2 84:2 86:18 bike (1) 84:6 Bikers (1) 84:5 bill (3) 1:14 101:24 119:3 billions (1) 75:15 bills (1) 120:14</p>
--	---	---

**Taxi and Limousine Commission Meeting
June 23, 2016**

bird's (1) 17:23
bit (2) 36:19 160:12
black (24) 11:10,14,17 18:2,19
 59:22 66:11,12 69:3,21 84:8
 85:19 96:2,7 97:7,25 100:22
 106:7 126:4 135:8,19 136:11
 144:19 150:5
blank (1) 133:25
Blasio (2) 11:8 154:2
Blasio's (3) 23:7 43:13 46:22
block (2) 80:23 126:5
blocks (2) 134:6,10
blood (3) 47:15 164:2 182:12
blow (1) 100:10
board (7) 1:13 61:7 65:21 100:4
 114:3 143:16 163:4
bobbing (1) 53:21
body (1) 89:14
bombarded (1) 98:13
Bombay (1) 67:18
bones (1) 64:2
books (1) 76:17
boroughs (1) 43:9
bottom (1) 108:5
bought (1) 154:23
Boukerche (5) 3:5 152:16,17
 153:8 154:15
brain's (1) 24:12
brakes (1) 51:23
break (25) 15:21 29:24 30:9,13,21
 31:3 35:23 36:14 56:13,16 58:23
 68:15 75:25 76:14 92:17 124:19
 127:5,6 128:14 133:16 151:17,20
 174:9,15,18
breakdown (1) 76:20
breaking (2) 152:25 153:17
breaks (15) 22:23 27:22 28:3,23
 30:6,23 55:21 57:10,23 58:7,15
 76:12 107:9 128:3 133:18
breathalyzer (2) 23:23 123:23
brief (2) 8:7 22:3
briefly (1) 129:9
bring (4) 74:11 117:19 169:12
 178:13
bringing (1) 139:4
brings (1) 98:6
broad-based (1) 34:14
broader (1) 53:5
brought (3) 16:16 53:14 132:14
build (2) 24:6 73:19
building (2) 19:25 72:15
built (1) 36:2
bulk (1) 39:19
bunch (2) 100:24 102:2
burden (2) 87:12 124:5
burdened (1) 124:15
bus (4) 84:5 92:4 100:5 179:20

buses (1) 179:20
busiest (2) 104:23 105:12
business (12) 8:18 67:21 70:25,25
 71:2 78:12 79:23 84:17 87:14
 88:13 120:6,11
businesses (2) 77:7,8
busy (5) 31:16 56:5,6 158:19
 174:14
buy (5) 4:9,17 154:20 157:12 162:7

C

C (3) 1:15 182:1,1
cab (21) 2:19 69:9 83:8,12 85:23
 87:3 100:21 102:11 103:21
 104:21 110:3 111:20 112:4,18
 127:13 137:8 139:10,23 152:19
 157:13 179:18
cabbies (1) 92:22
Cabrera (4) 2:14 89:11,12,15
cabs (15) 69:8 84:7 85:16,16,18,18
 96:4,9 99:15 101:8 103:24
 105:13 124:23 126:6 150:16
Caffarelli (5) 2:3 45:17,20,22 48:22
calculate (1) 108:23
calculation (3) 142:11 169:22
 170:4
calculations (1) 151:22
Calista (1) 166:21
call (5) 7:14 12:10 42:11 144:23
 159:20
called (1) 74:25
calling (2) 7:14 149:7
calls (10) 99:11 168:16,22,24
 169:2 170:9 177:6,24,25 178:21
cameras (1) 53:19
cancer (2) 47:21 166:24
candidate (1) 140:17
candidates (1) 140:19
cap (13) 72:10 73:23 75:8,18 76:11
 77:12 79:22,23 82:24 83:21
 130:3 139:15 173:6
capable (1) 92:22
capacity (1) 126:12
capping (3) 80:18 83:18,22
captain (1) 67:21
capture (1) 106:8
car (38) 11:14,17 18:2,19 35:5 38:6
 59:22 97:8 98:2 106:7,18 107:12
 109:3 116:20 126:4 130:15,19
 131:2,13 135:12,13 136:8,12,21
 137:22 144:18,19 150:5 156:10
 160:15,16,21 161:2 167:7 169:5
 178:6,11,24
card (2) 74:3 150:5
care (4) 35:7 72:23 120:18 167:6
carefully (1) 88:4
Carmel (3) 2:20 113:20 114:2

Carolyn (3) 2:16 95:10,12
Carone (2) 1:16 113:23
carries (2) 146:2 147:5
carry (1) 147:6
carrying (1) 146:7
cars (19) 11:10 35:4 53:18 84:8
 85:19 88:14,15 96:2,8 100:23
 105:2,4 116:18 118:7 135:8,15
 135:19 158:20 170:10
cart (1) 63:22
case (8) 64:12 71:12 74:8 103:23
 109:19 112:12 146:10 162:5
cases (2) 44:22,25
cash (1) 97:14
catastrophic (1) 75:12
catch (2) 41:12 173:20
catching (1) 40:23
category (1) 72:7
cause (19) 46:24 47:14 64:8,10
 65:24 83:4 92:24 107:6 118:18
 121:10 130:22 134:15 135:25
 136:24 148:4 179:23,23 180:13
 180:17
caused (5) 22:15 46:7 51:11 54:8
 96:8
causes (1) 47:11
causing (2) 98:9 99:14
cell (2) 99:7,10
center (2) 7:14 163:12
Central (1) 180:9
CEO (1) 114:2
certain (6) 11:5 65:22 76:9 82:3
 137:18 143:25
certainly (2) 20:11 65:21
certify (2) 182:7,11
cetera (3) 129:17 135:11 169:6
Chairwoman's (1) 41:18
challenge (2) 60:3,4
challenges (2) 7:9 75:6
Chancellor (1) 7:4
change (23) 27:9 39:16 50:6,8
 71:11 73:3 79:8,10,13 88:4 91:2
 93:6 101:6 107:18,25 108:3,5
 133:9 154:24,24,25 156:8,15
changed (1) 32:23
changes (10) 4:25 8:21 10:21
 14:21 89:22 96:12,14 99:17
 113:5 157:3
changing (1) 23:22
charge (3) 109:11 160:8 167:20
charging (1) 11:18
CHARLES (1) 1:11
chasing (1) 167:4
checking (1) 99:13
Chicago (3) 164:22 165:9,13
chief (3) 1:10 43:6 71:24
child (1) 98:25

**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>Chin (1) 6:22 China (1) 67:19 choices (1) 76:23 choose (7) 33:13 51:14 66:8 79:24 81:7 150:21 173:25 Chorus (4) 8:12,24 11:2 14:4 Chowdhury (4) 3:6 156:2,3,4 Chris (2) 13:8 42:9 chronic (13) 23:16 24:8,11 25:7 26:14 32:6 36:9 47:17,21 110:19 124:10 163:20 173:9 church (1) 73:12 Cindy (1) 157:21 circadian (1) 47:18 circulates (1) 110:6 cited (1) 76:14 cities (6) 24:21 111:13 124:4 125:14 161:8 164:20 citizen (2) 34:25 159:23 citizens (3) 35:3,6 178:2 city (51) 1:1 5:9 6:8,25 12:5 20:25 23:9 35:2 42:24 43:7,8,17,21 44:2,14,17,24 45:15,25 48:13 49:8 51:6,25 52:3 54:19 60:8,9 60:14 63:20 65:5,6 75:14 92:13 93:20 95:7 96:15 101:22 117:6 124:3 125:12 137:8 151:12 159:6 161:10 167:20,25 176:24 177:16 178:3,9,20 City's (1) 63:19 citywide (3) 42:25 43:18 45:9 claimed (1) 158:10 clarification (2) 48:18 117:16 clarified (3) 9:12 72:4 165:16 clarifies (1) 9:8 clarify (4) 9:24 17:2 132:3 160:20 class (1) 168:2 classes (1) 96:18 classifies (1) 24:22 clean (1) 9:5 clear (7) 16:8 54:15 60:16 77:15 110:21 125:3 148:19 clients (1) 97:12 clock (8) 15:14 22:23 27:6 124:19 151:18 165:22 173:11,19 closely (1) 132:20 closest (1) 6:9 closing (1) 93:7 closure (1) 53:21 clothing (1) 129:17 CMLT (1) 109:5 Coalicion (2) 3:9 167:17 Coalition (2) 167:24 169:21 code (1) 76:7 codifying (1) 14:23 coffee (1) 162:8 cognitive (1) 51:13</p>	<p>coin (1) 76:22 cold (1) 129:13 collaborating (1) 175:7 collaboration (2) 49:16 50:5 collapse (1) 77:3 colleague (1) 170:13 colleagues (1) 164:20 collect (4) 11:22 105:16,19 113:7 collecting (2) 89:5,6 collection (1) 96:16 collective (3) 114:21 117:21 118:19 collectively (3) 117:25 118:15 119:7 collision (4) 52:15 53:5,9,19 collisions (5) 52:16 53:11,13,25 54:15 color (1) 167:6 comb (2) 145:20 146:25 combat (2) 54:16 126:17 come (19) 44:19 57:13 58:11 60:5 62:22 65:17 68:8,21,22 74:2 95:13 100:13 103:5 120:25 128:16 140:16 151:13 156:23 166:13 comes (8) 24:2 26:17 35:17 36:12 55:16 73:21 86:10 127:7 coming (8) 39:5 86:21 109:20 122:25 155:2 157:4,6,7 Commanding (1) 49:13 commend (1) 123:10 comment (6) 12:15 16:4 64:7 117:15 130:16 158:24 commented (1) 12:5 comments (12) 9:6 12:7 13:19,21 42:17 62:13 74:24 136:7 144:5 150:2 151:5,24 commercial (1) 92:3 Commission (46) 1:2 5:22 10:21 19:9 22:11 33:16 45:21 46:5 51:4 54:7,23 55:6,11 56:25 59:9 60:13 62:13,21 65:23 73:3 75:13,24 76:22 77:4,9 84:11 85:6 87:9 94:9,18 96:22 123:11 129:7,14 151:2 167:21 168:14,19 174:24 176:16,17,24 177:11 178:6,19,20 Commission's (5) 48:3 59:13 63:18 172:4,14 commissioner (21) 5:3,4 6:23 9:18 10:22 41:18 42:23 43:6 51:3 55:5 62:18 115:14 123:8 128:23 147:14 158:4 162:22 163:3 165:17 167:9,19 Commissioner's (2) 22:10 148:10 Commissioners (25) 1:13 8:17 10:24 13:16 20:15 22:6,8 34:20 42:18 74:19 82:10 95:12 99:20</p>	<p>100:12 113:23 128:22 137:7 158:3 163:4 166:10 167:22 171:10 175:21 178:15 179:7 commitment (1) 5:13 committed (4) 143:19 146:14 148:17 168:14 Committee (2) 2:23 129:4 common (3) 18:21 44:10 45:13 Communications (1) 162:15 communicative (1) 165:20 community (3) 14:14 94:16 178:24 commute (1) 174:13 companies (13) 74:4,5 91:6 97:13 104:3 105:4,17,20 150:10 159:15 159:20 168:15 179:21 company (3) 105:18,22,25 comparable (1) 24:18 compare (1) 67:16 compared (1) 21:18 comparing (1) 95:25 comparison (1) 161:7 compatible (1) 161:9 compelled (2) 39:16 111:15 compelling (1) 111:2 compensating (2) 81:3 172:23 compete (1) 121:4 competition (5) 80:2 82:21 88:9 103:3 155:4 compilation (1) 52:14 complaints (2) 25:22 112:8 complete (2) 98:16 159:10 completely (2) 61:2 104:14 completing (1) 52:6 complex (6) 51:11 60:2,4 66:15,23 84:14 compliance (14) 19:18,22 22:18 29:15 30:18 31:7,24 32:23 33:14 33:15 34:15 107:19 108:20 126:3 compliant (1) 57:20 complications (2) 72:24 74:2 complied (1) 163:18 comply (3) 12:2 26:24 90:20 component (3) 32:10 166:4 172:10 composed (1) 168:19 comprised (2) 72:13 148:2 compromises (1) 47:24 computerized (1) 19:16 concentrated (1) 84:8 concentration (1) 164:3 concept (3) 152:8 173:10,13 concern (17) 17:8,9 18:13 34:24 36:22 56:9 61:6 84:10,25 85:5 86:18,20 119:24 127:10 148:5,8 158:7 concerned (8) 72:5 85:2,9 98:7,10 125:15 131:20 159:22 concerning (1) 129:10</p>
---	---	---

**Taxi and Limousine Commission Meeting
June 23, 2016**

5

concerns (7) 14:18 26:14 92:3
129:9 144:6 149:24 165:15
concert (1) 166:25
concludes (1) 163:17
concluding (1) 92:17
conclusion (2) 62:11 166:6
conclusions (2) 25:12 92:6
condense (1) 27:10
condition (1) 91:17
conditions (5) 51:15 111:18,25
176:14 178:22
conducive (1) 58:19
conduct (5) 9:24 60:13 64:23
115:19 145:22
conducted (4) 53:15 54:6 91:19
163:12
confident (1) 124:5
confirmed (1) 5:20
conflict (1) 169:17
confusion (5) 16:24 82:20 83:5
106:24 155:22
confusions (1) 84:22
congestion (2) 96:15 161:11
connected (1) 150:8
connection (1) 130:11
conscientious (1) 26:3
consecutive (16) 16:13,14 17:4
22:20 25:18 27:7,19 28:25 34:9
36:15 58:22 121:10 124:16
153:12,15 174:7
consecutively (2) 15:22 27:16
consider (6) 53:20 55:7 62:17
121:5 143:6 151:2
consideration (9) 33:19 53:15
60:18 77:18 89:23 125:8 159:4
175:11 181:4
considered (3) 61:3 82:4 164:5
considering (3) 14:23 15:23 19:24
consist (1) 129:5
consistency (1) 18:23
consistent (2) 60:16 125:3
consistently (1) 32:7
constant (3) 51:12 92:8,16
constantly (2) 56:17 99:9
constituted (1) 66:19
constitutional (2) 77:6 80:6
consulting (1) 125:7
contact (2) 9:22 102:24
contacts (1) 121:13
contend (1) 62:8
continue (7) 56:11 77:16 81:22
122:21 128:19 144:2 145:9
continued (2) 2:25 3:1
continues (1) 77:4
contractor (2) 90:2 173:25
contractors (1) 90:9
contracts (2) 75:21,21

contrary (1) 77:14
contrast (1) 99:8
control (11) 51:21 76:12 77:6 80:7
81:8 122:8 123:24 163:13 168:11
173:23 174:20
controls (1) 172:18
convenient (2) 65:20 162:6
conventional (1) 53:9
conversation (1) 165:18
conversations (1) 27:2
cooking (1) 76:17
Coordinator (1) 45:23
Corone (1) 128:22
corporate (1) 97:12
correct (3) 9:23 53:2 160:22
correlate (1) 97:23
cost (2) 4:19 133:12
costal (1) 44:21
costs (4) 76:9,17 155:4 173:2
Council (1) 13:16
Counsel (4) 1:11 2:23 129:3
143:15
count (9) 27:15 28:6 131:3,23,25
138:23 140:5 141:11 155:22
counted (18) 16:20,22 38:3 69:25
70:4 107:10 136:9 141:7,8,9,10
141:25 142:5,8 152:23 153:5,7
161:3
counting (8) 15:15 36:13 53:8
58:23 83:7 131:12 136:20 153:2
country (2) 5:8 68:11
counts (2) 107:11 132:11
COUNTY (1) 182:4
couple (6) 56:16 57:13 105:23
108:13 150:2 152:4
coupled (1) 76:8
course (4) 23:17 61:12 122:8
146:21
Court (1) 127:5
courtesy (1) 167:10
cover (3) 73:19 124:22 173:2
cram (1) 58:15
crash (12) 17:14 21:23 22:14
23:19 25:16 39:3 43:19 49:16
52:5 54:5,5 115:17
crashes (18) 17:11 21:16,16 39:9
46:7,23 47:8,9 51:10 52:18 53:24
54:11 96:3,5,6,8 99:14 111:3
crashing (2) 17:16 163:24
crazy (1) 73:10
create (5) 36:14 61:22 86:11 91:3
101:4
created (2) 87:8 88:9
creates (1) 58:17
creating (6) 84:23 87:12,21 88:16
91:5 123:21
credible (1) 10:4

credit (1) 74:3
criminal (1) 69:11
critical (3) 44:10 45:12 120:8
cross (1) 180:16
crosswalk (2) 23:21 52:7
crowd (1) 158:19
crucial (3) 26:16 27:18 125:2
Crucially (1) 125:5
cruise (1) 116:25
cruising (4) 130:17,19 131:22
144:17
crying (1) 157:14
cumulatively (1) 18:7
cup (1) 162:7
curbing (1) 46:15
curious (2) 70:9 121:11
current (6) 16:25 33:2 34:7 113:8
135:3 174:4
currently (4) 10:9 66:19 112:25
124:25
curtailing (1) 134:22
customers (1) 99:12
cut (3) 7:13 67:25 117:22
cutting (1) 179:24

D

daily (29) 25:7 26:10 27:4,10 28:13
28:24 29:13,16,20 30:19,25
31:17 32:7 33:4,22 39:21 72:3
90:20 93:4 94:2 148:15 159:11
164:16 168:17 169:9 170:5
171:21 173:5 178:25
danger (1) 108:7
dangerous (2) 44:4 49:25
dangerously (2) 25:25 124:18
dangers (1) 54:8
data (57) 5:11 14:13 17:7,13,14
20:8 21:15 25:10 35:20 37:13,15
38:11 40:18,20 41:12,14,20 53:5
53:7 59:22 60:7 64:18 65:3,5
75:9 91:21 93:16 96:16,19,23
97:4,23 102:23 105:16,20 106:4
111:2 113:7 116:11 135:14,16,20
135:22 136:18 144:20,25 145:4
145:21 146:25 149:7 150:7,11
156:11 174:25 176:18 177:11,13
database (1) 139:11
date (1) 10:24
daughter (1) 122:2
David (2) 2:23 128:25
days (48) 31:11,13,20 32:3,4 35:17
35:18 37:20 38:17,18 57:7 72:17
72:17,18,18,25 73:8,18,25 82:23
89:8 102:25 104:21 105:9,12
106:11,14,15,19,23 118:4,5,9
122:4,14 129:21 130:2 138:16
139:8 140:24,25 149:13 155:8,16

**Taxi and Limousine Commission Meeting
June 23, 2016**

6

156:11 163:19 166:11 168:25
DCAS (6) 2:2 42:21,25 43:6,11
45:11
de (7) 3:9 11:8 23:7 43:13 46:22
154:2 167:17
deadlines (1) 16:3
dealing (3) 129:13,14 149:10
dear (1) 163:3
death (1) 128:10
deaths (5) 46:8,24 48:12,19 112:21
debate (1) 81:23
Deborah (2) 6:2,9
debt (2) 24:7 36:2
decent (2) 61:21 81:5
decide (1) 90:11
decides (1) 31:12
decision-making (1) 48:2
declaring (1) 76:18
declined (2) 36:2 96:22
declines (1) 98:20
decrease (1) 96:5
decreased (1) 47:5
decreases (1) 24:12
decreasing (1) 33:25
deduct (1) 169:4
deep (1) 5:13
deeply (1) 120:18
define (3) 59:22 61:4 62:14
definitely (1) 107:20
definition (1) 131:20
definitions (1) 10:2
definitive (1) 148:6
degrades (1) 52:12
degree (1) 47:15
delay (4) 64:12 65:10,13,16
delaying (1) 47:25
Delhi (1) 67:18
demand (6) 77:20 90:14 97:14,16
121:6 174:16
denied (1) 119:12
denominator (1) 18:21
dense (1) 112:15
deny (2) 115:8 116:13
department (15) 6:25 7:5 25:3
42:24 45:18,25 46:20 49:6,9
50:25 51:6 54:21 64:22 68:13
157:16
depend (1) 75:11
depending (2) 66:10 140:2
depravation (3) 47:4,11,17
depression (1) 127:23
deputy (4) 5:2,3 7:4 43:5
derived (1) 53:7
describe (1) 177:6
described (5) 13:8 57:22 92:2
147:23 173:10
deserve (1) 89:6

design (1) 46:17
desire (2) 36:17,17
desperately (1) 75:11
detail-oriented (1) 23:13
detailed (1) 18:17
determination (1) 8:15
determine (6) 17:13 19:2 28:15
78:10 79:19 144:25
determined (5) 17:15 21:22 23:3
33:9 54:2
determining (2) 18:24 92:22
detrimental (5) 72:11 100:10,25
102:5,20
devastating (1) 123:14
Deveer (1) 166:21
develop (3) 90:12 126:7 174:24
developed (1) 29:13
development (1) 7:12
device (2) 9:14 150:9
devices (2) 44:2,3
die (1) 157:17
differ (1) 65:16
difference (9) 60:20 71:13 76:10
76:13 102:13 116:4 120:12 128:7
137:22
differences (3) 99:3 116:3,5
different (27) 27:17 45:3 60:8 61:2
69:10 90:12 97:24 100:19,21,22
105:17 114:15,17 116:12 118:4,5
118:5,9,11 122:14,14 134:11
139:18 155:11,15 168:11,20
differentiate (1) 28:8
differently (1) 102:7
difficult (8) 24:8 56:22 85:12 91:17
97:5,23 132:15 178:10
diligence (1) 65:23
diminished (1) 90:18
dinner (3) 30:2 56:13 68:18
direct (1) 4:23
directive (1) 41:6
directly (3) 48:6 90:6 159:25
Director (5) 6:7 7:3 8:18 51:5
162:16
dis-empower (1) 77:4
disadvantage (2) 104:16 136:3
discharged (1) 144:16
disclose (1) 79:3
discuss (1) 129:8
discussed (1) 45:2
discussing (2) 22:12 176:9
discussion (1) 163:2
discussions (1) 5:25
disease (2) 47:21 163:13
disobeying (2) 49:23 50:21
dispatch (6) 9:12,14 18:11 19:13
19:16 126:11
dispatched (3) 17:21 144:23 172:6

dispatches (2) 17:23 28:11
dispatching (2) 17:19 21:7
display (1) 93:25
disrupt (1) 76:3
disruptions (1) 47:19
disruptive (1) 93:13
disservice (2) 20:21 139:18
distance (1) 51:21
distinction (1) 165:8
distinguishes (1) 52:10
distracting (1) 44:4
distraction (2) 44:9 98:11
District (1) 49:14
diver (1) 147:2
diverse (1) 23:2
diversity (3) 22:24 27:16 34:10
dives (1) 17:13
Divided (1) 168:25
DMV (3) 17:15 21:12,15
doctors (2) 74:4 115:2
document (1) 6:12
documents (2) 7:24 161:18
DOHMH (1) 2:3
doing (20) 13:7 61:10 65:19 70:16
71:18 80:4 84:11 87:10,23 97:14
98:4 100:7 101:17 119:14 139:17
143:9 147:18,22 154:13 159:24
dollar (2) 110:5 147:11
dollars (1) 84:21
DOT (1) 2:5
double-shifting (1) 148:24
doubt (1) 112:7
downs (1) 76:5
downtime (2) 69:25 130:10
downtown (1) 139:24
drafted (1) 10:10
drawing (1) 14:8
dream (1) 154:21
dreams (3) 120:8 167:4,8
dress (1) 63:3
drive (63) 16:3,10 24:9 26:19,21
36:3 38:17 39:17 41:9 55:13 56:7
56:11 57:10 58:11 66:6,10,11
68:14 73:10 78:15,16,21,22,25
79:18 88:3,17 89:18,19 90:19,21
92:24 102:12 114:16 116:11,21
117:10 129:21,25 130:4,22
133:15 134:24 137:14,17 139:3,9
140:23 148:25 150:17 151:12
152:4,24 153:11 155:6 156:17
164:23,24 165:2,6 172:24 175:4
179:2
driven (2) 4:12 91:9
driver's (10) 4:13 7:18 28:16 60:11
104:8 106:5 145:5,8,15 150:12
driver-facing (1) 53:19
drives (1) 130:25

**Taxi and Limousine Commission Meeting
June 23, 2016**

drop (5) 138:20 141:14,17 159:7
180:5
drop-offs (1) 64:18
dropped (1) 98:23
drove (2) 54:2 56:15
drowsiness (1) 47:23
drowsy (1) 52:18
drug (1) 7:21
drugs (1) 110:25
Duarte (1) 175:15
due (14) 25:25 28:13 30:5 31:4
32:7 63:2,16 65:22 66:18 75:19
77:17 80:14 115:13 172:9
duty (1) 21:19
dynamically (1) 171:19

E

E (4) 1:9,9 182:1,1
E-hail (1) 85:16
E-hails (1) 85:15
e-mails (1) 32:15
earlier (3) 29:9 30:14 130:13
early (4) 27:2 121:13 143:17
147:25
earn (9) 8:6 60:11 66:16 78:3 81:4
90:3 121:6 133:21 134:15
earned (1) 129:15
earning (3) 80:2 173:14 174:20
earnings (1) 89:25
easier (2) 7:25 109:18
easily (3) 103:20 104:11 109:15
East (2) 180:10,13
easy (6) 66:13 85:11,14 122:8
129:12 144:12
eat (2) 100:12 162:10
economic (4) 7:6 77:18 82:3
111:15
economics (4) 20:14 79:13 85:10
179:15
economy (1) 174:2
edge (1) 45:8
education (5) 6:25 7:6 32:12 34:14
108:6
educational (1) 166:3
EDWARD (1) 1:14
effect (7) 4:11 19:8 35:21 36:3
78:11 100:13 146:24
effecting (1) 103:18
effective (1) 101:20
effectively (1) 73:23
effects (4) 14:20 23:12,24 123:14
efficiently (1) 113:7
efforts (3) 46:4 93:10 126:16
eight (18) 15:13,21 27:7 28:25 32:2
44:15 68:14,16 105:8,21,22
106:13 138:3 141:6,8,15,18,24
eight-hour (9) 15:10,12 30:9,13

31:18 35:23 36:20 92:17 151:20
eight-year-old (1) 98:25
either (2) 58:19 62:8
election (1) 140:16
electronic (2) 9:14 98:13
eligible (1) 172:6
eliminate (2) 11:9 23:8
eliminated (1) 24:6
eliminating (2) 112:20 172:8
Ellis (3) 1:19 182:6,19
Emad (1) 157:21
Email (1) 1:25
Embassy (1) 7:7
emergency (2) 44:20,22
enacted (1) 90:16
encourage (3) 41:25 58:15 126:7
ended (1) 4:16
ends (7) 30:23 97:22 111:18
115:10 118:10 172:25 181:7
energy (4) 120:22 155:13,14
176:13
enforce (9) 18:14 20:4 44:23 71:2
97:5 101:21 113:8 132:19 145:10
enforceable (1) 175:3
enforced (4) 68:5 124:7 125:24
143:22
enforcement (13) 19:10 20:3,7
32:25 50:14 135:6 143:24 144:8
144:12 145:19 147:17 148:11
150:4
enforcements (1) 49:19
enforcing (2) 69:14 70:19
engage (2) 93:3 150:20
engaged (1) 92:9
engaging (1) 145:10
ensure (5) 19:12,22 34:15 175:2,8
ensuring (1) 172:4
enter (1) 7:18
enthusiastic (1) 143:17
entire (5) 40:21 69:22 70:3 117:25
119:8
entirely (1) 150:23
entitled (1) 10:7
environment (2) 90:16 112:16
equal (1) 164:9
equally (1) 98:10
equals (1) 75:10
equipment (2) 9:12 11:21
equipped (1) 53:18
era (1) 18:3
Erin (3) 3:10 171:7,10
erratically (1) 25:24
error (1) 47:13
errors (1) 163:23
especially (11) 16:12 37:11 52:5
61:8 64:22 72:11 100:17 101:8
106:25 149:19 162:8

essential (1) 103:21
establishes (1) 168:11
estimate (3) 11:15,19 53:10
et (3) 129:17 135:11 169:6
evaluate (1) 20:16
evening (4) 15:18,19 27:25 174:12
evenly (1) 136:4
events (1) 44:20
eventually (1) 178:8
everybody (16) 16:5 41:14 42:8
52:12 67:6 69:20 72:15 100:19
101:5 140:9 156:4 158:12 176:2
177:2 178:15 180:25
evidence (6) 47:3 52:23 53:22
92:21 113:4,6
evidence-based (3) 110:17 115:12
125:6
evolved (1) 134:17
exact (4) 9:25 16:2,2 97:25
Exactly (4) 38:2 88:10 132:24
137:2
example (20) 16:16 27:25 30:8
83:20 104:20 133:19 137:14
138:19 153:22 161:10 164:21
168:21 170:7,8,9,19,21 173:16
177:7 180:7
examples (6) 29:13 30:17 31:5,23
133:24 134:18
exceed (2) 29:3,7
excellent (2) 16:6 109:9
exception (2) 27:4 112:9
excess (1) 130:23
excessive (5) 59:14 111:16,17
164:14 172:25
excessively (1) 48:8
excluded (1) 9:13
exclusionary (1) 11:13
exclusively (1) 104:2
Executive (1) 1:10
exemplary (1) 94:14
exercise (1) 68:23
exhausted (1) 112:10
exhibited (1) 24:17
exist (1) 22:25
existing (1) 22:16
exodus (1) 61:22
expand (1) 172:2
expect (1) 98:21
expense (2) 169:5 171:4
expenses (9) 75:23 76:15 80:10,13
80:14,17 169:4 170:3,25
experience (2) 52:9 72:21
experienced (4) 61:23 62:4,10
98:20
experts (3) 14:19 64:21 110:23
explain (3) 29:11 38:8 91:15
explicitly (1) 77:13

**Taxi and Limousine Commission Meeting
June 23, 2016**

express (2) 163:5 168:3
extended (1) 108:8
extending (2) 131:4 174:17
extensive (1) 26:8
extent (3) 10:13 12:19 41:5
extra (11) 35:7 61:9 90:20,24
 114:16 115:4 117:10 119:3
 121:21,22 169:16
extraordinary (1) 51:25
eye (1) 17:24
eyelid (1) 53:20

F

F (2) 1:9 182:1
face (4) 33:8 97:13 148:15 177:8
facial (1) 53:22
facility (1) 7:15
facing (2) 82:21 103:3
FACSIMILE (1) 1:24
fact (18) 15:17 38:19 52:11 71:11
 77:13 81:2 91:13 100:11 110:17
 110:17 113:2 114:23 125:21
 133:6 136:6 138:17 139:12 164:2
factor (4) 18:24 53:23 84:2 172:23
factored (1) 176:12
factors (4) 47:9 60:19 82:3 92:23
failure (2) 49:21 50:18
fair (3) 94:24 111:6 172:22
fall (4) 22:15 70:6 72:6 91:23
falling (2) 25:23 95:3
familiar (1) 6:3
families (8) 94:20 95:7 126:22
 129:15,18 159:12 169:13 176:21
family (10) 72:22 94:15,22 95:21
 120:14 127:18 128:4 133:23
 155:3 157:6
far (5) 30:25 74:10 96:18 99:14
 148:7
fare (5) 11:15,19 82:21 151:12
 179:22
fares (6) 105:6 136:15 144:15,17
 151:10 179:24
faster (3) 7:25 41:15 136:22
fatal (3) 22:14 52:17 53:12
fatalities (6) 23:8 39:10 47:2 50:9
 85:3 93:24
fatigue (68) 12:12,24,25 14:9,20
 22:13 23:12,14,15,16,17,23
 24:3,5,8,12 25:7,25 26:14 31:4
 32:7,17 34:16 36:8,9 43:4 44:9
 49:11 51:11 52:11,24 53:13,22
 53:23 54:14,16 56:3 60:2 62:6
 64:23 74:25 86:4 91:10,15,21
 92:2 98:8 110:19,24 123:13,14
 123:19,23 124:10 126:17 130:10
 144:7 162:19 163:8,18,20 166:5
 172:9,22 173:9 174:22 175:2

fatigue-related (1) 112:7
fatigued (11) 23:4 32:11 34:2 50:7
 54:3,9 91:23 93:17 126:11
 129:11 172:19
fault (2) 155:9,18
favor (7) 8:10,23 10:16,25 14:2
 51:9 74:21
favours (1) 131:9
February (1) 121:13
federal (3) 111:13 163:9,16
Federation (6) 3:8 162:13,16 163:6
 165:15 166:7
fee (1) 169:5
feedback (10) 14:22 19:7 51:18
 66:25 71:20 109:8 117:18 132:14
 138:6 181:3
feel (4) 10:4 111:14 120:22 121:23
feeling (1) 12:8
fees (1) 76:8
fellow (3) 77:5 166:16 167:5
Fernando (3) 3:7 157:25 158:4
fewer (2) 31:15 54:13
FHV (15) 4:13,13 32:13 33:10
 38:11,17 64:19 69:21 85:19 97:3
 97:7 103:23,24 104:11,19
field (2) 64:23 103:15
figure (5) 8:2 19:17 66:9 71:7
 118:21
figures (2) 95:16,23
file (1) 11:24
fill (2) 5:10 147:10
final (2) 10:20 151:6
finalized (2) 19:6,20
finally (8) 28:22 34:13 112:3 113:9
 135:5 152:8 174:23 178:4
Finance (3) 6:7,24 7:3
financial (3) 90:6,21 169:12
find (4) 71:10,11 173:12 174:11
finding (1) 23:3
findings (1) 25:11
fine (6) 21:3 146:10 147:6 149:12
 149:25 169:15
fined (1) 154:9
fines (4) 76:8 80:15 87:12 148:16
finish (2) 70:15 74:22
firefighter (1) 115:2
firmly (1) 143:19
first (23) 4:7,11 5:7 8:9 10:19 15:7
 42:20 59:12 63:9 75:7 85:5 96:12
 112:19 147:5 155:19 156:7
 165:23 168:9 171:2 174:10
 175:23 176:3 177:3
firsthand (1) 123:13
five (8) 33:4 38:15 43:9 58:8
 101:11 132:10,17 156:22
five-day (1) 36:25
fix (1) 76:16

fixed (3) 89:24 151:7 173:2
flag (2) 105:24 106:3
flagged (1) 104:13
flat (2) 33:8 171:25
flawed (1) 124:18
fleet (14) 42:24 43:7,9,13,16,20,25
 44:2,7,15,24 67:13,13 163:15
flexibility (8) 27:9 29:3 34:10 36:12
 120:7 121:9 124:13 173:23
flexible (2) 90:10 121:3
flight (2) 67:17,22
Florida (1) 139:14
Fly (1) 67:22
focus (11) 27:19 44:8,9 45:5,13
 49:19 51:7 93:23 138:14 144:8
 174:11
Focusing (1) 49:25
follow (2) 25:12 125:10
followed (1) 14:17
following (6) 2:25 26:8,9 89:20
 153:19 173:22
food (3) 61:12 68:22 129:16
footage (1) 53:18
for-hire (34) 11:12 16:10 24:20
 26:11,12 45:8 48:7,16 52:8 54:17
 60:24 62:5 93:16 96:20 97:17
 110:9,12 112:23 115:18 116:2,17
 116:24 117:3,5,6 120:4 124:22
 133:8 144:11 164:25 165:7,10,13
 172:17
force (3) 75:25 77:16 179:24
forced (4) 66:8 90:18 99:9 169:10
forces (1) 158:21
forcing (1) 91:4
foreclosure (2) 76:2,9
foreclosures (2) 76:21 77:16
forget (1) 165:25
form (1) 174:4
formal (2) 47:23 63:12
formed (1) 5:6
forms (1) 98:13
formulation (1) 142:7
forth (2) 72:8 161:11
forward (9) 17:2 20:23 60:10 67:2
 117:16 126:18 164:17 175:7
 181:5
forward-looking (2) 17:6 146:18
found (15) 6:19 17:19 22:17 23:14
 24:18 25:14,21 27:18 37:16
 53:23 82:15 98:12,19 110:24
 154:4
Foundation (2) 53:3 163:16
founded (1) 158:25
four (16) 37:2 54:3 55:25 58:8 72:7
 72:8 73:18 76:10 82:20 122:19
 133:15,21 134:14 145:7 156:22
 163:9

**Taxi and Limousine Commission Meeting
June 23, 2016**

fragile (1) 112:11
Frank (3) 1:16 3:3 138:8
free (4) 4:17 55:16,17 79:24
freely (1) 77:7
frenzy (1) 58:17
frequent (1) 119:6
fresh (2) 56:17 58:12
Friday (1) 101:10
friend (1) 154:22
friends (2) 84:23 166:16
front (2) 78:3 135:13
full (3) 31:13 142:6 173:18
full-time (1) 120:5
fun (1) 7:9
functionally (1) 66:16
fundamental (1) 85:22
further (9) 61:4 62:14 76:2 77:22
 113:3,5 117:17 126:19 182:11
furthermore (3) 28:10 75:15
 116:23
future (3) 82:19 86:15 178:8

G

gage (1) 22:18
game (1) 56:15
gap (1) 101:5
garage (6) 70:8,12 102:8,10
 154:17 166:15
garages (1) 81:2
Garcia (3) 3:7 157:25 158:5
gas (2) 160:16 169:5
gather (1) 93:15
general (4) 1:11 33:24 93:11
 143:15
generally (3) 31:14 111:20 125:13
generated (1) 16:25
genetically (1) 155:14
gentleman (1) 138:17
gentlemen (2) 59:8 138:10
geo-location (1) 11:24
Georgia (1) 163:13
German (4) 3:11 175:19,20 176:3
get-go (1) 107:22
getting (6) 39:14 56:8 73:20 84:13
 92:19 135:21
Gill (9) 2:18 103:8,9,12 107:13
 108:10,21 109:4,22
give (13) 11:19 15:25 41:2 66:25
 68:2 78:4 101:24 104:24 105:3
 127:4 157:7 168:23 177:24
given (4) 26:18,20 41:23 167:13
gives (3) 56:16 105:9 118:20
giving (5) 37:7 57:2 67:7 103:10
 138:11
glad (2) 72:2 138:12
Gladys (5) 2:13,15 86:25 87:3 94:4
Gloria (1) 82:6

go (41) 4:5 37:2 40:23 57:9 58:7,10
 67:20 68:8,16 69:15 71:4 73:12
 73:13,16,17 79:17,17 80:18
 105:10 108:16 116:21 120:22
 133:16 137:16 139:16 147:2,9,21
 151:20 157:15 159:6,9 160:13,15
 162:7,8 165:10 173:8,17 177:18
 180:11
goal (12) 9:21 19:3,4 20:18 32:22
 48:11 50:10 57:2 60:17 110:11
 112:20 172:4
God (1) 116:19
goes (9) 21:3 30:4 37:24 87:24
 146:23 147:13 154:20 160:8
 163:25
going (67) 4:3 16:19 17:2 18:6
 22:2 30:15 32:21 33:6 37:4,6,22
 38:3,18 39:3,18 40:4 42:5,7
 61:20,22,24 62:19,21 63:7 66:6
 68:24 70:19 72:7 73:3 82:22,25
 83:2 86:16 87:7 92:18 101:4
 104:23 105:11,12 106:4 107:10
 109:4 116:13,18 118:13,14
 128:19 130:13,22 131:14 133:21
 134:25 135:7 136:6 140:10 151:4
 156:16,24 157:14,15,17 160:14
 163:8 169:17 171:22 180:8,10
Goldbetter (4) 2:9 71:22,23 74:14
Gonzales (5) 1:14 41:17 63:9
 113:23 128:22
good (55) 4:2 6:17 8:16 22:7 27:13
 39:6 42:22 45:20 49:7 51:2 59:7
 67:6 72:9 74:18 82:9 84:13 87:2
 89:12 95:11 103:9 106:22 109:8
 110:2 113:25 119:21 121:24
 129:2 133:6 137:6 138:9 140:12
 140:12,13,20,21 142:12,17 143:7
 143:8,9,14 153:10,18 154:20
 155:10,16 156:3 158:3 162:14
 167:19 171:9 175:21,21 178:22
 179:6
gouge (1) 91:6
governing (2) 43:3 49:11
government (2) 110:23 114:6
GPS (1) 99:13
Grand (1) 180:9
grandmother (4) 112:13 123:16
 127:12 128:9
gray (2) 29:19 31:8
great (3) 62:15 133:4,24
greater (3) 25:19 33:5 111:21
greatly (2) 42:4 126:20
green (23) 4:8 9:13 17:25 18:15
 29:18 31:8 69:4,20 85:16,18
 93:15 96:18 99:3,15 100:21
 106:6 115:25 116:24 126:6
 166:17 167:6 175:25 179:17

group (2) 26:6 118:24
groups (1) 171:17
grow (1) 172:2
growing (1) 111:10
guarantee (1) 97:3
guarantees (1) 90:3
guards (1) 43:23
Guerra (1) 82:6
guess (1) 120:24
guidance (1) 33:15
guideline (1) 163:11
guidelines (3) 22:17 39:7 163:10
guilty (2) 154:4,7
gun (2) 61:17,18
guy (1) 155:10
guys (13) 55:14,21 56:20 57:2
 70:22 89:2 102:10 138:13 139:11
 139:17 143:8 158:11 161:18

H

hail (9) 4:8,10,14,17 9:8,9,10,11
 11:13
hails (2) 97:14 150:21
half (5) 114:25 132:23 136:12
 142:5,8
half-hour (1) 136:10
hand (5) 13:4 80:17 146:15 150:4
 182:15
hand-held (1) 44:5
hands (1) 177:20
hands-free (1) 43:25
Hanover (5) 2:4 49:5,7,12 50:18
happen (7) 88:20 116:18 121:20
 127:20 128:5 149:19 156:12
happened (2) 128:4 160:5
happening (3) 38:24 158:8,13
happens (5) 16:18 55:12 118:22
 148:11,12
happily (1) 19:10
happy (8) 33:15 34:17 50:12 57:19
 70:10 72:2 108:16 109:13
harassment (1) 9:22
hard (5) 5:14 6:18 89:3 127:14
 158:22
harder (2) 73:25 87:13
hardships (1) 77:19
hazardous (1) 49:18
he'll (1) 7:8
head (1) 53:21
health (6) 45:18,25 46:6,12,20
 48:13
healthcare (1) 74:4
healthy (2) 140:15 143:7
hear (2) 42:19 122:13
heard (7) 12:23 80:21 110:21
 112:8 135:9 152:9 175:5
hearing (19) 1:3 8:7 9:5,6 10:8

**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>12:15 13:23 14:7,10 19:8 20:23 42:6 43:2 49:10 86:3 99:21 138:5 147:9 181:2</p> <p>Hearings (1) 10:12</p> <p>Hector (3) 3:11 175:19 176:3</p> <p>Hello (3) 55:5 94:9 123:7</p> <p>help (6) 29:11 33:15 45:7 94:23 108:4 156:24</p> <p>helped (1) 50:2</p> <p>helpful (1) 37:10</p> <p>helping (3) 8:6 44:6 56:24</p> <p>HERBID (1) 83:18</p> <p>Herbids (12) 2:12 82:8,9,11 83:13 83:24 84:15 85:14,22 86:6,9,23</p> <p>hereunto (1) 182:15</p> <p>Hi (3) 74:18 110:2 137:6</p> <p>hide (1) 19:14</p> <p>high (6) 63:13 112:3 118:6 148:16 155:4,12</p> <p>high-risk (1) 52:6</p> <p>higher (4) 25:15 54:12 96:17 163:24</p> <p>highest (2) 5:9 152:20</p> <p>highly (1) 75:12</p> <p>Highway (3) 52:13 163:14,16</p> <p>hike (2) 77:3 80:9</p> <p>hindering (1) 48:2</p> <p>history (2) 75:7 158:8</p> <p>hit (3) 20:10 35:4 123:16</p> <p>hits (1) 8:4</p> <p>hold (2) 13:13 63:5</p> <p>holding (2) 16:19 18:8</p> <p>home (7) 69:6 72:7 76:19 120:22 133:23 169:12 173:18</p> <p>homes (1) 84:24</p> <p>honesty (1) 6:5</p> <p>hope (7) 7:13 39:22 62:11 95:5 99:16 121:2,5</p> <p>hopefully (3) 7:24 8:6 39:15</p> <p>horse (1) 63:22</p> <p>hospitalization (1) 53:12</p> <p>hospitalizations (1) 46:10</p> <p>hour (46) 15:25 21:23 22:17,20 24:19 27:5 29:25 30:14,24 33:22 36:15 39:5 76:6,10 91:3 121:23 131:11 132:4,6,8,11,17,23 136:12 140:4 141:8,9,10,23,24 141:25 142:6,6,9 151:10,11 152:6,12 153:5,7 155:21 156:13 157:6 159:10 169:16 173:21</p> <p>hourly (2) 77:11 89:25</p> <p>house (2) 63:7 79:16</p> <p>huge (2) 84:25 128:6</p> <p>human (2) 24:16 112:12</p> <p>humans (1) 178:18</p> <p>humble (1) 93:6</p> <p>hundred (2) 69:7 92:25</p>	<p>hundreds (2) 46:19 84:20</p> <p>Hygiene (2) 45:19 46:2</p> <p>hypothetically (1) 146:24</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea (2) 58:3 147:24</p> <p>ideal (2) 6:10 40:22</p> <p>ideas (2) 14:17 123:2</p> <p>identified (2) 18:21 49:17</p> <p>identify (4) 20:9 67:11 95:17 99:23</p> <p>ill (1) 166:24</p> <p>illegal (2) 11:12 145:11</p> <p>ills (1) 93:20</p> <p>illustration (1) 114:5</p> <p>immediately (2) 68:6 172:20</p> <p>impact (1) 63:13</p> <p>impacted (1) 90:7</p> <p>impacts (1) 110:19</p> <p>impaired (4) 46:15 48:8,16 92:23</p> <p>impairment (5) 47:15 52:21,21 112:7 164:8</p> <p>impairs (2) 24:4 110:24</p> <p>implement (4) 12:17 107:22 124:2 126:4</p> <p>implementation (1) 43:18</p> <p>implemented (2) 10:10 125:12</p> <p>implementing (1) 11:5</p> <p>implements (2) 13:6 14:3</p> <p>imply (1) 65:22</p> <p>importance (2) 34:23 35:9</p> <p>important (15) 10:12 35:9 55:22 58:14 60:16,18 62:16 89:14 118:18 120:3 165:21 172:10,16 173:13 176:10</p> <p>Importantly (1) 111:7</p> <p>imposed (1) 63:21</p> <p>imposing (4) 77:19 91:2 114:6 173:5</p> <p>impossible (2) 52:23 123:24</p> <p>improper (2) 49:22 50:20</p> <p>improve (5) 20:19 33:23 43:12 54:17 124:7</p> <p>improved (1) 23:4</p> <p>improvements (1) 46:18</p> <p>improving (5) 46:14,16 50:10 110:8 112:22</p> <p>inability (1) 106:10</p> <p>inaccurately (1) 92:16</p> <p>inattention (1) 52:4</p> <p>inaudible (14) 76:24 77:23 88:18 101:20 115:19 119:25 122:3 142:13 154:16 156:11 157:11,13 157:16 165:19</p> <p>incentive (1) 172:24</p> <p>incidents (2) 21:23 112:9</p> <p>include (5) 38:20 43:16 49:20 113:12 168:4</p>	<p>included (4) 15:10 27:4 33:20 160:21</p> <p>includes (1) 4:20</p> <p>including (2) 11:21 125:8</p> <p>income (12) 75:3,8,10 76:8 77:12 79:22,23 81:8,9 119:3 120:4 129:15</p> <p>incomes (2) 76:16 159:11</p> <p>inconclusive (1) 93:13</p> <p>inconsistent (1) 96:17</p> <p>incorporated (1) 173:11</p> <p>increase (5) 11:11 47:9,19 76:16 96:3</p> <p>increased (3) 23:18 47:7 76:8</p> <p>increases (4) 17:16 47:10,13 97:18</p> <p>increasing (4) 32:6 80:11,14,17</p> <p>increasingly (1) 174:14</p> <p>incumbent (2) 21:8 60:12</p> <p>independent (9) 2:10 74:16,20 75:17 90:2,9 96:24 100:2 173:24</p> <p>indicated (2) 80:8 81:11</p> <p>indicates (1) 35:25</p> <p>individual (7) 18:9 38:13,19 66:2 90:23 95:19 109:18</p> <p>individually (2) 18:11 157:13</p> <p>individuals (1) 35:4</p> <p>industries (9) 24:20 66:3 70:17 117:12 144:19 145:2,14,18 150:22</p> <p>industry (79) 14:13 23:2 24:24 27:3,18 28:17 32:18 33:11 34:6 40:21 42:2 48:24 59:17 61:5,15 64:19 67:15 70:20 71:5,18 74:3 76:3 77:3 81:13 85:4,23 89:24 90:17 93:12 96:24 97:9,21 100:11,25 101:14 102:6,18 106:25 110:6,9 115:5 117:6,7 118:2,25 119:8,15 121:5 124:23 131:10,11 133:2,8 134:7,9,22 135:5 139:15,19,19 143:8,25 144:12 150:24 156:8 157:10 158:20 160:10 165:7,14 166:17 166:17 167:7 168:5 172:17 176:2 177:5 179:14 180:2</p> <p>industry's (1) 125:10</p> <p>industry-wide (1) 59:16</p> <p>inexperienced (2) 61:25 62:7</p> <p>inflicting (1) 90:4</p> <p>influence (1) 164:6</p> <p>inform (1) 34:15</p> <p>informal (1) 63:13</p> <p>information (14) 11:23,24,25 12:2 18:17,20 24:13 32:19 91:24 92:5 98:14,15 109:10 113:13</p> <p>inhibit (1) 78:2</p> <p>inhumane (1) 111:18</p>
---	--	---

**Taxi and Limousine Commission Meeting
June 23, 2016**

initial (1) 145:8
initiated (1) 93:14
initiative (7) 23:8 43:14 46:22 51:6
 76:7 143:19 172:15
initiatives (2) 80:16 126:19
injects (1) 5:24
injuries (12) 39:10 46:10 47:8,20
 48:12 50:3,9 52:17 53:6 93:24
 112:21 172:12
injury (3) 25:17 45:23 54:11
input (1) 5:23
inspections (1) 4:20
Inspector (5) 2:4 49:4,7,12 50:18
instance (1) 92:3
instantaneous (1) 91:19
instigated (1) 76:22
Institute (2) 24:22 53:16
insufficient (1) 22:17
insurance (3) 159:14,16,20
insurances (1) 75:22
integrated (1) 168:19
integrity (1) 6:17
intellectual (1) 65:14
intend (1) 38:9
intended (1) 50:8
intention (2) 147:22 168:4
interagency (2) 49:16 50:5
interest (9) 65:11,14,16 76:25 77:2
 77:21 80:9 86:2 113:11
interested (9) 4:21 13:5,22 19:11
 67:14 83:22 125:24 174:23
 182:13
interesting (2) 91:13 117:20
interfere (1) 75:24
internal (2) 148:20 172:18
interplay (1) 51:12
interpretation (1) 94:7
interpreter (16) 87:18 94:5,8 158:2
 160:23 161:14,17,23 162:4
 167:18 170:2,6,15,24 171:6
 175:20
interrupt (2) 42:10 171:23
intoxicated (2) 123:20 164:11
involve (2) 52:18 53:13
involved (8) 21:18 25:16 52:25
 54:4 96:3,4 110:13 133:13
involves (1) 134:11
involving (3) 22:14 39:9 51:12
IQ (1) 98:20
IQ's (1) 98:23
irresponsible (2) 84:4 93:24
IRS (1) 162:24
Islander/Detroit (1) 56:14
issue (13) 10:13 20:3 34:23 46:12
 110:7 139:6 140:23 145:21 146:6
 147:2,7 172:16 179:12
issued (1) 47:22

issues (3) 35:12 44:18 102:2
issuing (2) 19:3 149:8

J

JACQUES (1) 1:16
Jaen (8) 3:8 12:11,13 162:12,14,15
 165:13 176:8
James (3) 3:2 137:5,7
January (2) 25:23 96:15
jay-walk (1) 101:21
Jean (3) 2:17 99:19,25
Jeff (1) 5:3
Jersey (1) 101:23
JFK (4) 67:17,18,19 139:24
Jiha (8) 1:16 38:8,20 39:25 40:11
 40:13 128:23 147:14
Jiha's (1) 41:18
Joaquin (3) 167:23 169:20 177:7
job (11) 60:21,22 90:2 97:7,21
 98:15 143:4,5,9 156:9,22
jobs (3) 20:15 70:22 102:15
joined (2) 9:18 105:19
joining (2) 5:19 7:5
joins (1) 6:24
Jose (6) 3:8 12:11 162:12,15
 175:17 176:7
Journal (1) 96:21
journalist (1) 37:14
journey (1) 5:17
Juan (3) 2:5 50:24 51:4
judge (1) 154:4
judgement (1) 123:19
judges (1) 9:24
Julia (2) 2:22 123:5
July (1) 95:25
June (6) 1:5 4:8,16 10:23 12:6
 182:16
jurisdictions (1) 164:19
justified (1) 160:7
justify (1) 114:8

K

Kabessa (6) 2:20 113:19,25 114:2
 118:23 119:11
keep (9) 45:14 70:18 95:23 96:9
 120:23 150:19 155:23 167:4
 179:23
keeping (2) 111:21 172:10
Keith (3) 2:2 42:20 43:5
kept (2) 135:4 154:18
Kerman (4) 2:2 42:20,22 43:5
kids (1) 102:15
killed (5) 91:16 94:11 123:17
 124:21 127:13
killer (1) 100:16
kind (6) 38:22 41:14 56:2 64:2
 122:7 173:22

kinds (2) 27:22 72:23
Kite (4) 2:22 123:5,7 127:7
know (68) 10:12 17:3 18:2,7 19:15
 19:20 20:10 21:9,12 22:25 28:12
 36:25 37:5 39:11 40:4 57:11,17
 57:21 58:12 59:21,24 60:8 61:9
 62:7 63:12 64:10 71:16 74:5,8
 78:20 79:14 86:12 87:14 88:12
 89:2 97:19 102:14 105:15 107:14
 109:13 117:10 120:11,17 122:9
 126:12 127:18 128:6 134:8 135:9
 135:25 136:13,16,17 137:19
 140:19 145:6,9 147:25 149:14
 151:3 154:9 155:14 159:13 164:3
 169:14 179:13 180:14,18
knowing (2) 86:15 120:13
knows (2) 62:5 145:14

L

L (1) 3:11
LA (3) 161:10 164:25 165:4
Labadie (7) 22:7,9 29:8 35:24 36:7
 38:10 39:2
labor (1) 81:8
labs (1) 24:10
lack (3) 47:13 48:9 164:4
ladies (2) 59:7 138:10
lady (3) 165:25 166:20,23
lag (1) 41:16
laid (1) 132:16
landlord (1) 178:14
lane (2) 84:5,6
language (2) 12:19 117:17
lapses (1) 93:17
large (3) 12:19 92:4 146:10
larger (1) 91:3
largest (1) 43:8
lastly (2) 11:20 117:12
late (4) 30:2 138:13 157:7 174:14
lately (1) 84:7
Lau (1) 118:14
LAUVIENSKA (1) 1:15
law (20) 4:10 10:20 11:7 12:18,20
 13:24 35:9 66:21 71:2 101:21
 127:25 128:5 144:3 153:17,22
 156:7,19,24,25 176:10
lawfully (1) 144:22
laws (6) 11:6 12:17 13:6 14:3
 70:19 101:19
lawyer (3) 138:18 153:13 154:11
lawyers (1) 115:3
lead (6) 33:5 43:6 47:18 52:4 92:18
 163:19
leading (3) 46:23 124:19 163:23
leads (2) 52:9 163:18
League (1) 71:25
learn (1) 33:12

**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>learning (1) 125:25 lease (7) 75:18 133:22 134:4,5 155:3 156:9,14 leases (2) 133:11,12 leasing (3) 75:19 77:14 178:10 leave (2) 52:22 150:22 led (1) 22:4 left (3) 113:23 128:23,23 legal (2) 75:6 77:18 Legislation (1) 13:16 legislations (1) 11:5 lenders (1) 76:3 length (1) 28:23 lengthy (1) 33:19 lessens (1) 47:12 let's (12) 13:25 63:22 64:4 67:17 68:3 76:11 81:22 93:14 97:13 108:21 132:9 146:24 letter (7) 121:16 126:24 127:7,11 127:15 147:8 163:5 letters (1) 154:19 letting (1) 152:17 level (6) 6:14 21:23 45:4 47:16 52:9 92:24 Leveling (1) 103:15 levels (3) 18:14 51:25 164:9 leveraged (1) 75:12 liable (1) 17:19 liberty (1) 79:3 license (17) 4:13,14 7:18 18:3 66:5 79:24 80:8 106:5 116:6,7,9 146:3 146:8 147:6,9 149:13 153:24 licensed (4) 59:13 129:5 145:3 168:5 licensee (1) 22:15 licensees (5) 11:21 23:5 25:11 26:2 34:12 licenses (2) 158:12,20 licensing (1) 7:15 life (5) 101:3 102:14 112:11 127:21 167:3 lights (2) 23:21 50:20 likelihood (1) 17:16 limit (35) 22:21 26:10,11,20,22 27:5 28:13,25 29:16 30:16,19,25 31:7,17,22,25 33:5,7 39:20,21 40:4,8,24 41:4 42:8,17 48:4 63:6 69:17 113:5 121:6 125:2,16 126:14 137:12 limitation (3) 59:16 61:7 169:8 limitations (9) 24:16 41:24 44:24 63:25 66:9 77:12 90:5 91:2 148:21 limited (5) 22:21 40:18 90:17 135:13 150:15 limiting (2) 48:15 60:10 limits (18) 19:5,13 25:7,9 28:7</p>	<p>33:23 39:6,22 66:23 70:6 78:2 79:11,20 124:15 125:13 133:3 164:17,18 Limo (1) 100:2 limousine (36) 1:2 11:15,17 22:11 46:5 48:3,20 51:4 54:7 55:10 56:25 59:23 69:3,4,21 84:10 85:6 87:8 94:9,18 96:22 123:10 144:19 150:6 164:24 167:21 168:13,24 169:6,10 175:25 176:16,24 177:10 178:5,20 line (5) 7:15 39:18 108:6 111:12 125:13 lines (1) 101:9 link (2) 17:10 54:14 linked (2) 23:18 91:23 list (3) 13:3 42:7 180:24 listen (1) 42:10 listening (3) 82:12 113:10 140:9 litigating (1) 76:21 litigation (2) 85:21 86:7 little (7) 36:19 55:20 56:23 76:19 115:4 138:13 160:12 liveries (4) 9:8 69:8 135:16 177:4 livery (25) 2:7 4:15,17 17:25 18:19 59:6,11,21,23,24 60:22 61:8 62:20 66:11,12 69:21 106:7 114:3 144:10 158:21 159:2 165:7 166:16 168:6 169:18 lives (5) 46:19 50:2 73:12 90:14 128:7 living (6) 60:11 61:21 66:16 68:10 81:5 178:9 loan (2) 75:20,21 loans (2) 75:12 134:13 local (8) 10:20 11:5,6 12:17,20 13:6,24 14:3 log (3) 57:12 93:8 108:25 logged (1) 25:22 logs (3) 144:15 150:11,12 LOMTO (3) 2:9 71:22,24 London (1) 98:18 long (30) 9:15 15:21 17:11 30:11 31:16 32:7 36:8,10 42:6 44:18 46:11 47:4 57:10 80:22 101:9 113:13 117:8 129:22 135:25 145:2 149:8 152:24 158:10 159:8 159:15 163:17 168:10 172:9 173:8 174:15 long-haul (3) 67:22 92:4,10 long-term (1) 92:7 longer (7) 24:5 89:18 94:21 120:16 157:16 179:25 180:6 longest (1) 127:21 look (26) 20:23 37:10,13 38:12,18 63:17 66:2,25 68:13,16 69:9 78:20 80:13 82:19 101:3 118:4,8</p>	<p>126:17 150:20 151:5 154:20 155:8,15 157:18 166:13 175:7 look-back (1) 147:24 looked (7) 35:24 37:14 64:25 65:2 65:3,4 153:9 looking (19) 17:7 23:11 38:21,25 41:22 44:7 67:9 69:14 82:13 84:3 87:16 99:4 117:16 118:4 146:19 148:20 151:7,20 157:14 loopholes (1) 93:7 Los (2) 164:25 165:5 lose (2) 129:12 153:24 losing (2) 20:18 84:23 loss (6) 53:21 101:2 116:20 169:8 170:13,23 lot (17) 16:19 19:15 36:13 37:11 41:9 55:14 58:7 64:8,20 65:12 72:4 79:6 101:7 102:20 109:12 152:13 159:17 lots (2) 7:9 134:10 Louisa (1) 124:21 love (1) 81:20 low (3) 93:2 155:14 171:25 lower (2) 159:20 174:17 lowered (1) 98:24 LPEP (5) 18:16 33:10 38:11 144:13 145:18 Luisa (8) 94:10,14 112:13 123:16 126:24 127:9,12,15 lunch (1) 68:18 luxury (6) 11:14,17 36:23 59:23 144:19 150:5 Lyft (1) 105:18</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M (1) 3:4 ma'am (1) 171:6 machine (1) 57:12 Madame (3) 59:8 66:18 82:9 Maddie (1) 22:4 Madeline (1) 22:9 Madison (1) 180:14 main (2) 138:14 173:24 maintain (4) 45:4 47:12 51:20 62:24 maintaining (2) 124:12 173:3 maintains (1) 92:15 major (1) 104:15 majority (2) 108:2 164:12 making (16) 10:5 27:12 28:19 44:11 52:7 56:8 73:4 86:17 88:19 101:3 110:12 113:4 158:23 170:7 170:18,21 MAMARONECK (2) 1:23,23 Mamdouh (1) 157:23 manage (5) 62:6,8 77:7 117:11 129:5</p>
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**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>management (1) 5:12 mandated (1) 104:17 mandating (1) 43:23 mandatory (6) 15:11 35:19,21,23 75:22,22 Manhattan (4) 123:15 130:19 131:22 139:24 manipulating (1) 51:22 manner (5) 60:20,25 61:16 62:22 81:3 manpower (1) 90:18 manual (1) 51:13 mapped (1) 21:21 March (2) 96:2,21 marginal (1) 93:21 Maria (2) 127:8 128:11 marijuana (1) 98:22 Marino (38) 1:15 5:19 9:18 13:18 21:2,8,25 29:6 35:16 36:5,22 37:24 38:7 40:10 41:8 48:18,23 58:3 67:10 95:17 99:23 117:19 118:11 119:4 132:22 135:24 136:13,16,24 160:20 161:2 162:2 165:12 170:12 171:3,13,15,22 mark (1) 157:11 market (2) 56:23 81:5 marriage (1) 182:12 Martinez (4) 2:5 50:24 51:2,4 mass (1) 61:22 match (3) 29:22 132:20 148:13 materials (1) 32:12 math (1) 106:21 matter (9) 6:14 33:17 63:10 76:23 106:5 159:13 167:3 182:9,14 max (1) 152:12 maximize (1) 174:19 maximum (2) 130:4 174:7 mayor (10) 11:8 12:18 23:7 43:13 46:22 154:2,3,5,6 160:7 Mayor's (1) 143:18 Mazer (9) 3:4 143:13,14,15 146:21 148:8,22 149:4,22 McKinsey (1) 63:25 mean (17) 16:13 38:4 40:12 58:13 65:21 76:13 79:8,10 82:22 83:6 84:6 87:15 117:24 131:23 133:9 166:21 179:17 meaning (2) 33:3 63:21 means (14) 19:6 60:20,24 61:19 62:22,23 65:9,17 76:9 104:25 122:18 163:21 168:16 170:11 measure (2) 54:23 130:14 measured (1) 175:9 measures (2) 93:11,14 mechanism (2) 38:22 40:6 medallion (37) 2:10 74:17,20 75:8 75:17,20 77:5,10 82:11 87:4</p>	<p>90:23 95:20,20 100:3,17,20 102:6,11,21,25 103:13,16 106:25 107:5 129:6 134:21 144:10 145:13,17 154:20,23 155:3 156:9 157:4,11 160:2 166:15 medallions (6) 72:14 75:13 76:2 77:17 84:24,25 Medicaid (1) 98:5 Medicine (2) 24:22 47:22 Meera (3) 1:10 162:25 167:19 meet (7) 19:10 81:10 90:5 97:22 111:19 115:10 173:2 meeting (5) 4:3 8:11 19:19 128:20 181:7 meetings (2) 32:14 165:17 Melrose (1) 102:24 member (4) 4:22 103:13 114:3 156:5 members (11) 27:3 32:18 33:12 45:21 51:3 54:22 72:4 129:4 163:3 168:2,5 men (1) 98:24 Mental (2) 45:18,25 mention (3) 47:20 63:11 135:6 mentioned (10) 20:2 55:21 62:18 77:11 91:11 106:10 116:7 132:23 147:14 164:20 mercy (1) 149:18 merit (1) 93:5 message (3) 41:6 77:15 176:17 messages (1) 32:15 met (3) 80:12 81:12,13 meter (4) 108:23 109:2 150:8 152:23 Meters (2) 85:17,18 method (1) 19:12 methods (1) 125:25 meticulously (1) 36:24 Metropolitan (1) 143:16 Michael (3) 2:19 109:24 110:3 middle (2) 161:3 174:16 Midtown (1) 84:9 military (1) 5:11 militate (1) 152:11 million-plus (1) 110:4 millions (2) 84:4 112:24 mind (4) 67:8 95:23 96:10 154:18 mindful (1) 15:16 minimum (3) 64:2 105:7 179:21 minivan (1) 122:16 minor (1) 174:5 minute (2) 155:21 167:10 minutes (20) 4:6 8:9,10,13 15:24 93:9 113:11 132:10,17 138:21 139:3,25 141:15,16,20 142:15 145:7 153:14 180:5,5 Miola (3) 8:16,18,25</p>	<p>mirror (1) 12:19 mirrors (1) 13:24 misconduct (1) 146:13 missing (3) 7:23 8:3 84:2 Mobarak (1) 157:23 modest (1) 110:16 modification (1) 174:5 modifications (1) 142:3 modified (1) 113:3 modify (4) 26:23 39:11,13 41:2 Mohamed (2) 3:5 152:16 moment (3) 52:4 91:10 159:5 Monday (3) 101:10 104:24 137:14 money (22) 8:6 56:8 58:18 61:11 61:20 73:19 78:3 80:2,19 86:17 111:22 133:22,23 134:12,15 137:17,21 156:13,21,25 157:8 178:13 monitor (4) 28:9 38:9 51:18 126:8 monitored (3) 103:20 150:13,24 monitoring (1) 40:15 month (5) 76:24 78:25 79:19 147:21 176:15 monthly (3) 20:8 147:19,20 months (8) 12:18 13:7 53:18 127:21 145:23 146:5,12 148:17 morning (29) 4:2 8:16 15:18,20 22:7 27:25 42:23 45:20 49:7 51:2 55:25 59:7 67:6 74:18 82:9 86:14 87:2 89:12 94:25 95:11 103:9 110:2 113:25 138:20 141:17 144:7 166:18 173:21 174:12 mortgage (4) 80:10 100:23 102:22 103:2 mother (1) 127:16 motivation (3) 166:13,19 167:2 motor (2) 46:23 47:7 motorists (1) 48:13 move (12) 8:9,14 10:17 13:11,12 36:16 42:5 67:2 86:8,20 124:2 181:5 moving (1) 60:10 MTA (1) 179:20 MTBOT (3) 3:4 143:17 144:4 MTDOT (1) 143:13 much-needed (1) 57:3 multiple (9) 14:16 28:14 41:10 104:7 106:7 132:8 146:7 149:9 171:17 multiply (1) 169:3 multitask (2) 98:19 99:9 multitasking (1) 98:23 mundane (1) 52:6 Murphy (3) 6:2,9,20 musculature (1) 53:22 museum (1) 58:11 museums (1) 58:7</p>
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**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>Mutual (1) 71:25</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name (29) 6:20 8:17 22:8 43:5 45:22 49:12 55:6 59:10 67:12 75:4 82:10 87:2 89:15 95:12 103:12 113:25 119:22 137:7 143:14 156:4 158:4 162:15 167:23,25 171:10 176:3,21 177:22 179:7</p> <p>names (1) 166:20</p> <p>narrowly (1) 76:24</p> <p>Nat (3) 2:9 71:21 78:14</p> <p>national (4) 52:13 111:7 163:14,15</p> <p>nature (2) 9:25 97:6</p> <p>navigate (1) 84:14</p> <p>near (2) 54:5 79:20</p> <p>necessarily (3) 25:18 37:3 133:8</p> <p>necessary (1) 72:25</p> <p>necessities (1) 90:13</p> <p>necessity (2) 111:15 178:16</p> <p>need (42) 7:14,21,22 26:23 41:19 60:15 61:11 78:14,14,15 93:7 114:19 115:9 116:16 117:2,9 120:10 121:3,7 122:4 126:12 127:4 129:15,22 133:7 134:5 135:14,20 137:17,20 138:2 139:4 156:15,21,24 158:17 159:11 160:15,16,16,24 178:13</p> <p>needed (4) 28:4 34:10 45:6 119:2</p> <p>needing (1) 119:3</p> <p>needs (7) 61:3 64:5 65:25 81:6 134:15 156:8 176:18</p> <p>nervous (2) 55:20 76:20</p> <p>Nevada (1) 164:22</p> <p>never (3) 5:22 30:4 120:20</p> <p>new (81) 1:1,7,7,23 6:15,23,25 7:12 8:20 23:8 32:16 35:2 42:24 43:7,8,18 45:7,14,24 46:6 48:13 49:5,8 51:6,24 52:8 53:24 54:19 56:14 60:8,14 63:20 65:5,5,11 67:17 71:24 84:3,8 87:6,7 90:15 92:13 93:20 95:7 96:15 101:23 103:17,21 104:3 105:18 117:5,17 124:3,6,9,21 125:12 126:3 137:8 139:13 155:2 158:24 161:9 162:13,16 163:6 164:7 166:6 167:20,25 168:4,6,12 171:21 172:3 174:24 177:16 179:8 182:3 182:7</p> <p>newly (1) 5:6</p> <p>news (2) 72:9,10</p> <p>NHTSA (1) 92:2</p> <p>nice (1) 134:19</p> <p>niche (1) 56:23</p> <p>Nicole (3) 1:19 182:6,19</p> <p>night (4) 30:2 98:22 120:13 156:12</p>	<p>night's (2) 27:14 173:18</p> <p>nightmare (1) 127:19</p> <p>nightmares (1) 127:22</p> <p>nights (1) 127:22</p> <p>nine (3) 106:14,20 169:2</p> <p>Nino (3) 2:12 82:8,10</p> <p>Nixon (5) 2:17 99:19,20,25,25</p> <p>nobody's (2) 73:4,10</p> <p>nodding (1) 112:5</p> <p>non-existing (1) 117:14</p> <p>non-fatigued (1) 54:4</p> <p>non-taxi (1) 96:20</p> <p>non-Uber (1) 126:4</p> <p>non-working (2) 28:9 29:2</p> <p>nonprofessional (1) 47:6</p> <p>nonworking (2) 29:18 31:9</p> <p>Nora (3) 1:15 5:19,22</p> <p>norm (1) 112:10</p> <p>normally (1) 88:17</p> <p>Notary (1) 182:6</p> <p>note (1) 113:22</p> <p>noted (3) 58:21 97:2 181:8</p> <p>notes (2) 17:5 72:22</p> <p>notification (1) 147:16</p> <p>notified (3) 121:12,15 146:4</p> <p>notify (1) 121:16</p> <p>novel (1) 174:25</p> <p>November (1) 123:15</p> <p>nudged (1) 39:23</p> <p>number (26) 5:5 7:19 12:7 21:16 33:25 42:16 59:15 90:8,15 91:16 97:17,25 103:18 104:5,10,16 119:25 131:4,10,24 133:4 145:12 150:15 152:21 172:25 173:6</p> <p>numbers (4) 21:12,14 96:7 164:14</p> <p>numerous (1) 110:22</p> <p>NY (1) 3:9</p> <p>NYPD (4) 2:4 49:17 50:4 101:21</p> <p>NYPD's (1) 50:14</p> <p>NYS (1) 3:8</p> <p>NYTWA (1) 3:12</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O (1) 1:9</p> <p>o'clock (21) 55:25 56:13 68:19 94:25 108:22 138:20 141:6,7,8,9 141:13,15,18,23,24,24 153:5,7 160:24 166:18 181:6</p> <p>O'Laughlin (4) 2:19 109:25 110:2 110:3</p> <p>Oath (2) 10:14 148:12</p> <p>obesity (1) 47:20</p> <p>object (1) 114:4</p> <p>objections (1) 135:10</p> <p>objectively (1) 41:23</p> <p>objects (1) 51:21</p> <p>obligated (1) 103:25</p>	<p>obligation (3) 63:17,18,19</p> <p>obligations (2) 90:6,21</p> <p>observe (1) 51:15</p> <p>obviously (6) 40:22 56:10 60:23 62:15 133:12 148:5</p> <p>occasion (1) 29:4</p> <p>occasions (1) 117:9</p> <p>occupant (1) 46:14</p> <p>occur (1) 52:4</p> <p>occurred (1) 145:22</p> <p>occurring (1) 133:5</p> <p>occurs (1) 151:8</p> <p>October (3) 127:13 146:23 147:3</p> <p>off-duty (6) 83:10 106:16 107:2,8 129:23 144:18</p> <p>offer (3) 71:7 78:6 146:8</p> <p>offered (1) 70:7</p> <p>offers (1) 120:7</p> <p>Office (2) 10:11 22:10</p> <p>officer (6) 1:10 7:6 43:7 49:13 71:24 115:2</p> <p>officially (1) 162:18</p> <p>okay (15) 9:3 10:17 13:10 55:3 56:6 67:4 74:15 127:2 137:2,13 138:4 143:2,2 156:18 170:6</p> <p>old (3) 94:13,24 160:5</p> <p>older (1) 35:12</p> <p>on-demand (1) 174:2</p> <p>on-duty (7) 83:9,15,19,21 106:16 107:2,7</p> <p>once (5) 19:19 40:13 68:6 125:11 147:21</p> <p>one-hour (1) 174:9</p> <p>one-size-fits-all (1) 115:13</p> <p>ones (2) 18:6 89:21</p> <p>online (4) 4:19 7:16 121:14 122:16</p> <p>open (5) 4:4 19:18 68:19 122:21 132:19</p> <p>opening (2) 68:21 117:15</p> <p>operate (2) 71:8 77:12</p> <p>operates (2) 43:8 134:9</p> <p>operating (3) 71:24 75:23 173:3</p> <p>operation (3) 45:3 169:5 172:3</p> <p>operations (6) 6:24 7:4 49:14 71:14 77:14 92:5</p> <p>operator (1) 67:13</p> <p>operators (11) 24:25 43:11,17,20 44:2,15,19,24 45:9 52:9 54:18</p> <p>opinion (10) 5:23 10:14,16 41:19 56:3 63:10 93:6 163:5,11 168:3</p> <p>opportunity (13) 27:13 37:7 46:3 89:13 91:5 103:10 113:16 129:8 138:11 146:9 157:8 171:11 175:24</p> <p>oppose (1) 61:14</p> <p>opposed (5) 35:22 62:25 117:21 131:25 137:12</p>
---	---	---

**Taxi and Limousine Commission Meeting
June 23, 2016**

opposing (1) 168:9
opposite (1) 158:15
option (3) 15:12 29:2 174:6
order (12) 15:8 51:19 53:2 61:3,21
 62:13 90:20 111:17,18 113:7
 154:7 173:20
organization (8) 42:13,14,15,17
 72:13 81:14 158:23 159:19
organizations (3) 91:14 163:9
 168:20
Osei-Bonsu (7) 3:3 138:8,9 141:12
 142:10,13,23
Osman (3) 3:6 156:2,4
outcome (1) 182:13
outlined (1) 10:22
outreach (3) 32:14 33:21 34:14
outs (1) 126:5
outside (3) 81:23 97:21 110:14
ovarian (1) 166:24
over-regulated (1) 61:16
overall (3) 48:21,22 173:4
overarching (1) 20:18
overhead (1) 100:24
overly (3) 37:6 66:14 79:11
oversight (1) 34:7
overtime (8) 114:20,23,24 115:8,9
 116:15 117:3 119:14
overwork (1) 48:9
owner (19) 71:16 72:12,14,19 73:5
 74:20 75:3,8,18 82:11 89:16
 95:20 100:3,21,21 103:13 134:16
 148:25 152:18
owners (17) 71:25 75:10 77:5
 90:19,23 91:4 100:2,17 102:6,11
 102:12,21,25 129:6 134:12
 166:15,16
ownership (1) 77:10

P

p.m (8) 29:25 30:3,10 151:10
 173:17,22 174:15 181:8
package (11) 9:5,7 12:10,12,16,23
 13:5,14,17,23 14:2
packed (3) 63:6 79:16 85:13
page (1) 2:25
Paholak (6) 2:6 55:4,5,6 58:5 59:2
paid (7) 64:13 72:16,17,17,18
 74:7
paired (1) 34:13
paragraph (1) 163:25
parameters (1) 19:20
park (2) 58:9,9
Parks (1) 44:23
part (18) 5:16 23:5 35:7 37:9 43:13
 43:22 45:13 49:15 50:4 56:5
 57:24,25 86:7 89:17 130:20
 133:7 161:6 166:4

participant (1) 46:21
participants (1) 98:19
particular (3) 28:23 74:10 89:20
parties (1) 182:12
partner (3) 26:16 46:21 64:21
partners (3) 41:5 121:17 173:25
parts (1) 132:12
pass (9) 7:22 15:6 33:16 63:14
 95:5 99:17 101:24 142:22 156:25
passed (6) 4:10 13:6 75:5 128:2,6
 159:23
passenger (24) 18:25 27:21 83:8
 83:11,16 95:2 97:16 106:13,18
 107:3,12 108:9 109:3 122:20
 125:19 131:2 132:10 136:8,20
 143:20 144:21,22 152:6 165:23
passengers (37) 11:16,23 14:14
 20:22 21:20 25:21 28:5 29:18
 37:17,21 38:5 54:18 69:24 70:3
 81:2 83:23 88:8,23,25 106:20,23
 108:18 110:4,14 111:22 120:18
 124:8 130:14 131:13 135:10
 144:16 151:25 153:4,6 159:7
 171:17 172:11
passes (1) 14:5
patently (1) 123:21
patience (1) 52:2
patients (1) 98:5
pay (20) 24:13 55:17 72:22 73:20
 74:6,6 98:14 110:5 111:22,25
 120:14 129:16 133:22 134:13,16
 134:17 149:11 155:2 156:14
 178:4
payer (1) 76:4
Payero (1) 175:13
paying (4) 84:20 119:3 122:6
 133:17
payment (3) 55:15 178:6,12
peak (1) 173:14
pedestrian (2) 46:10 93:23
pedestrians (12) 23:20 44:12
 45:14 48:14 49:21 50:19 51:17
 84:4,5 93:25 124:8 172:11
Pedro (7) 3:9 12:22 167:16,23
 169:20 175:15 177:7
penalties (4) 9:23 11:11 99:5
 101:24
penalty (3) 33:6,8 146:3
pending (1) 85:21
penny (1) 6:11
people (62) 4:12 6:3 13:3 16:12
 17:9 21:19 35:12 36:23 37:18
 39:11 40:14,16,23 42:16 57:4
 61:9 64:8 68:10,17,17,20,22 69:2
 69:6,25 70:19 71:3 73:12,12,13
 73:24 74:12 80:21,25 81:24 86:3
 87:10,22 88:17 91:16 98:12

101:7 102:15 107:24 108:6
 109:16 116:11 117:23 119:13
 122:14,15,18 132:13 142:3
 147:25 148:5 154:25 155:12,13
 155:13 160:9 176:4
people's (1) 128:7
percent (79) 11:18 15:2,4 17:17,17
 21:13 25:15,19 26:18,20 34:25
 35:5 39:19,20 44:16 47:2,16
 52:16,17 53:11,12,24,25 54:12
 55:8 56:24 57:25 58:2 59:18,19
 59:20 70:5 73:9 79:7 87:9,22,25
 88:2,2 92:25 96:4,5,6,8 107:17
 114:9,11,13,15,19,20 115:6,24
 115:25 117:21,24 118:10,12,16
 118:19,23 119:2,5,10 140:10,12
 140:13,14,17,20,20 142:25 143:2
 143:4,6,7 153:17,18,18
percentage (6) 34:4 79:9 85:3
 89:17 93:2 165:25
perfect (1) 155:17
perform (3) 55:10 63:19 115:24
performance (1) 47:5
performed (4) 23:11 53:4 60:5
 115:21
performing (1) 28:14
performs (2) 60:21,22
period (24) 4:15,20 15:12 16:16
 27:11 29:9 30:3,5,24 33:19 38:16
 56:9 58:16,18 90:4 91:7 138:16
 139:3,21 153:24 163:19 164:21
 165:5 174:8
periods (4) 57:24 65:6 149:8
 173:15
permit (3) 4:15,17 126:23
permits (1) 4:8
perpetuate (1) 143:23
person (7) 5:9 67:3 122:13 141:18
 141:19 180:10,12
personal (6) 11:23 12:2 72:17,21
 77:12 90:14
personnel (1) 4:25
perspective (1) 5:24
pertains (2) 60:14 144:9
Peter (3) 3:4 143:13,15
phenomenon (1) 53:3
Philadelphia (7) 159:2 161:8,8,15
 164:23 165:9,12
Philly (1) 165:8
phone (1) 99:8
phones (2) 44:5 99:11
phonetic (2) 127:8 166:21
phoning (2) 49:23 50:21
phrase (1) 76:7
physical (1) 52:23
pick (27) 9:10 26:11,12 28:5 66:8
 88:23 104:23 105:12 108:18

**Taxi and Limousine Commission Meeting
June 23, 2016**

122:17 132:4,5,16 139:23 141:5
141:13,19 142:14 145:8 151:8,10
151:19 152:6 153:3,4,6 180:9
pick-up (10) 18:20,23,25 38:13
57:16 83:16 106:13 107:4 108:9
144:21
pick-ups (7) 11:12 28:20 64:18,19
125:16 132:8 136:11
picked (2) 141:4,16
picking (10) 21:20 37:17,21 69:24
70:3 80:25 88:8 105:5 106:19,22
picks (3) 27:21 29:17 165:23
pie (1) 117:22
piece (2) 117:22 154:18
Pierra (3) 2:17 99:19,25
piled (1) 112:15
pillar (1) 6:4
pilots (1) 25:2
pinning (1) 140:25
pinpoint (1) 97:25
place (13) 38:23 40:6 44:17 61:6
61:24 64:17 67:22 83:10 104:9
135:4 144:21 164:18 165:3
Placida (3) 2:10 74:16,19
placing (1) 124:4
plain (1) 73:6
plan (4) 32:25 34:14 36:24 38:10
planning (1) 147:18
plans (1) 123:25
platform (1) 172:7
platforms (1) 175:3
play (1) 101:16
players (1) 93:23
playing (2) 101:17 103:15
plead (2) 149:17 154:7
please (9) 4:22 42:10 59:9 67:10
79:16 82:2 100:7 103:4 162:20
pleased (2) 5:18 124:9
podium (1) 138:12
point (16) 29:9 41:25 69:10 79:5
83:3,9,24 84:13 98:7 117:20
138:14 145:5 149:17 151:6 154:3
154:3
pointed (1) 161:5
points (9) 20:11,11,16 86:4 93:16
96:11 98:23 153:23 154:6
POLANCO (7) 1:15 50:16 161:4,20
169:22 170:4,18
police (4) 49:5,9 52:24 115:2
policies (3) 113:3 159:15 172:18
policy (7) 5:4 12:2,3 35:8 39:24
51:8 159:21
politely (1) 42:9
politics (2) 101:16,18
pop (1) 7:19
population (4) 26:4 35:2,5 93:11
portal (1) 109:17

portion (3) 59:20,21 74:11
position (3) 5:10 47:23 162:18
possibility (2) 96:13 113:15
possible (4) 41:23 144:24 146:2
169:17
post (1) 104:8
post-collision (1) 53:6
posted (1) 10:22
potential (1) 145:17
potentially (3) 41:19 98:9 163:23
pounds (1) 112:14
power (1) 174:20
powerful (2) 172:23 178:25
practicality (1) 134:20
practice (1) 29:12
practices (4) 14:12 65:2 96:25
125:11
practicing (1) 66:21
prearrange (1) 85:17
prearrangement (2) 9:10 117:2
predict (1) 39:3
prefer (3) 62:3,4 130:2
preferences (1) 27:24
premise (1) 139:7
premium (1) 157:12
prep (1) 68:22
prescribed (1) 22:20
presence (1) 48:16
present (2) 10:8 90:16
presentation (2) 22:3 108:16
presented (2) 77:9 162:23
presenting (1) 114:12
preserve (1) 174:19
President (6) 2:23 129:3 158:5
162:25 167:24 169:20
pressures (1) 134:24
pretty (1) 162:21
prevails (1) 53:9
prevent (11) 22:12 23:4 32:10
38:23 40:2 48:7 51:10 61:14
62:19,24 130:10
preventing (1) 174:22
prevention (3) 45:24 46:14 75:2
preventive (1) 41:21
previous (2) 92:14 130:17
previously (1) 76:14
price (2) 77:21 91:6
prices (1) 159:21
primarily (1) 118:6
principle (2) 85:23 176:10
prior (2) 14:15 68:21
priorities (1) 110:7
priority (1) 46:12
private (2) 102:14 180:19
proactive (1) 123:11
proactively (1) 19:11
probably (8) 20:8 58:5 70:21,21

72:16 139:14 140:3 159:14
problem (10) 41:8 53:8 59:18,24
62:2 73:21 117:14 149:6,25
157:6
problematic (1) 101:13
problems (2) 85:4 134:25
proceed (1) 10:3
process (4) 16:6 20:15 24:13
134:18
produce (1) 23:24
professional (6) 24:24 47:6 48:14
88:3 92:21 164:18
program (5) 19:21 33:13 43:19
45:24 53:7
programming (1) 19:12
prohibit (1) 11:17
project (1) 23:10
projects (2) 23:6 45:23
promotional (1) 166:4
prone (1) 53:8
proper (1) 65:18
properly (1) 124:6
proportion (1) 26:22
proposal (19) 26:10 27:3 28:18,22
32:9 33:2,18 48:4,10 51:10 74:21
89:22 91:25 119:24 132:14 153:4
162:23 172:15 173:5
proposals (2) 14:11 26:13
propose (1) 121:9
proposed (48) 14:9 15:3 22:12
26:7,19,22,24 27:15 29:11 30:19
30:25 31:22,24 32:22 33:22 34:3
43:3 49:10 50:6,7 63:23 70:6
78:2 79:12,21 96:12,14 106:12
108:20 110:11,15 111:6,11
112:19,25 114:4 124:25 129:10
129:24 141:22 142:21 143:23
144:6 161:6 163:7 164:16 166:9
173:12
proposing (8) 14:15 71:10 75:8
87:20 103:17 107:6,21 140:5
prosecution (1) 10:3
protect (1) 46:5
protected (1) 75:5
protecting (1) 173:13
protection (1) 46:15
protects (1) 48:12
Protz (5) 2:16 95:10,11,12,19
proud (2) 5:16 46:20
proven (1) 5:12
provide (19) 11:15 18:19 31:2
32:11 33:11 60:23,25 62:12 81:8
93:10 94:7 117:17 130:9 135:16
150:10 160:7 168:14 171:19
178:23
provided (4) 36:12 64:15 115:17
177:12

**Taxi and Limousine Commission Meeting
June 23, 2016**

provides (5) 30:7 34:9 91:25
129:24 135:14
providing (7) 61:17,19,23 120:19
130:24 158:11 173:15
provision (7) 14:24 15:11 20:2
27:8 28:24 124:13 152:10
provoke (1) 159:18
public (25) 1:3 4:3 5:13 6:10,17
20:22 26:5 33:25 43:2 46:12
49:10 60:24 62:4,9,25 67:9 68:24
77:20 98:8 108:8 114:23 128:20
180:19 181:7 182:6
publicly (1) 165:18
published (1) 12:4
pull (1) 99:6
punishment (1) 155:19
purchase (4) 4:14,24 77:21 84:24
purchased (2) 80:6,8
pure (1) 72:12
purpose (2) 64:14 138:5
pursue (2) 120:8 167:7
pursuing (1) 43:12
push (2) 36:20 143:9
put (11) 7:16 21:21 61:11 63:22
76:6 79:6 83:9 107:15 120:20
122:11 142:13
puts (3) 31:15 104:14 136:2
putting (2) 26:5 102:4

Q

qualified (1) 5:9
qualities (1) 176:13
quality (1) 110:8
quantifying (1) 91:16
quantity (2) 168:15 177:23
quarter (2) 77:2 131:3
quarters (1) 130:25
Queens (3) 5:21 157:5 182:4
query (1) 41:15
question (17) 17:10 21:2,11 57:11
59:16 60:3 77:25 106:3 107:13
121:12 130:12 135:25 141:3
142:12 151:16 170:2,12
questioning (1) 177:21
questions (13) 14:17 22:5 34:18
34:21 35:15 50:13 63:8 74:12
82:13,16 117:18 127:24 177:17
quick (2) 7:11 48:18
quickly (2) 113:21 163:22
quite (1) 136:4
quo (1) 124:15
quota (1) 168:17
quote (1) 96:16
quote-on-quote (1) 126:5

R

R (3) 1:9 3:8 182:1

Rahming (4) 3:2 137:5,6,8
rail (1) 25:4
raise (4) 13:4 144:5 159:16 177:19
raised (11) 15:24 17:9,9 18:13
20:12,13 84:12 86:5 127:16
141:3 142:4
raising (3) 45:11 76:25 148:4
rally (1) 61:13
range (4) 25:8 44:17 98:25 164:17
ranged (1) 25:9
rapidly (1) 111:10
rare (1) 117:9
rate (4) 54:11 76:5 77:2 80:9
rates (5) 47:13 75:9 76:25 115:17
171:25
reach (3) 26:6 81:15,17
reaching (2) 41:3 79:20
react (2) 51:16,18
reaction (4) 23:20 47:11,25 163:21
reactive (1) 41:21
read (2) 126:23 162:17
reading (1) 91:13
ready (2) 13:25 178:12
real (8) 24:11 40:12,20 41:13,20
135:22 139:9 140:18
Realistically (1) 73:7
reality (2) 100:19,20
really (13) 36:19 58:14 64:10 73:11
84:2,10 135:7 137:11 140:22
158:13 160:9 163:25 170:8
reason (7) 16:6 67:24 105:10
135:18 139:2 169:9 177:18
reasonable (1) 80:24
reasons (4) 58:24 89:21 134:11
173:24
recall (1) 98:14
recaps (1) 8:8
receipt (1) 113:12
receive (1) 38:12
received (5) 10:15 12:6 13:18,20
63:12
receives (2) 168:21 169:25
receiving (2) 134:12 177:3
recess (1) 128:17
recession (1) 13:15
recognizing (1) 44:3
record (15) 5:12 9:17 12:5 38:19
42:14 57:20,22 78:8 79:3 113:22
128:21 155:19,23 174:25 182:10
recorded (1) 175:9
records (15) 17:24 18:15,22 21:19
28:10,16 33:10 38:12 57:17
70:11 78:19 79:17 82:14 145:18
145:19
red (2) 23:22 50:20
reduce (3) 50:3,8 110:18
reduced (3) 76:6,7 163:21

reducing (8) 47:24 48:11 132:23
172:8,12,24 173:8 174:21
reduction (1) 75:3
Redwing (1) 56:15
refer (1) 163:9
refining (1) 125:20
reflect (1) 125:21
reflecting (1) 145:5
reflex (1) 176:13
refund (1) 77:21
regard (7) 50:7 90:10 126:25
127:11 162:18 163:7 165:15
regarded (1) 52:19
regarding (6) 22:16 43:3 49:10
129:9 144:6 168:3
regardless (2) 125:18,22
region (1) 82:17
registered (2) 177:4,12
regular (1) 155:20
regularly (3) 78:19,21 98:12
regulate (5) 64:4,6 131:17 133:7
177:14
regulated (4) 25:2 45:6 160:4,4
regulation (11) 110:11 114:7
124:11 129:24 130:24 161:6,21
168:4,10 173:8 177:14
regulations (22) 24:19 25:5 45:7
62:14 63:21 103:18,20 104:4
111:13 123:25 124:6,22 125:5,11
125:23 129:10 131:16,18 158:24
168:6 177:25 178:17
regulators (1) 115:3
reimbursement (1) 6:13
reinforce (2) 9:21,23
reiterated (1) 37:15
related (4) 48:21 50:13 177:6
182:11
relations (1) 158:15
relative (2) 126:24 127:8
relatively (1) 124:24
relax (1) 56:7
relaxed (1) 134:3
relevant (2) 139:2 140:7
relief (1) 77:22
relies (1) 53:6
rely (2) 112:24 120:11
remain (3) 90:9 143:19 174:23
remarks (2) 4:5 175:11
remedy (1) 36:6
Remember (1) 75:17
remind (1) 10:6
remotely (1) 116:17
removal (1) 100:5
remove (1) 172:20
renewals (1) 8:20
rent (2) 129:16 178:6
repairs (1) 137:21

**Taxi and Limousine Commission Meeting
June 23, 2016**

repay (1) 75:11
repeat (2) 50:17 166:8
repetitive (1) 92:9
replace (1) 6:18
report (2) 53:9 93:3
reported (4) 1:19 123:17 175:10 182:8
reportedly (1) 112:16
Reporters (1) 127:5
reporting (2) 1:22 104:5
reports (4) 18:18 52:15 103:22 172:19
represent (1) 42:14
representative (1) 5:21
represented (1) 77:13
representing (1) 126:21
represents (1) 44:10
request (3) 11:16 96:23 120:25
require (3) 11:14,20 28:23
required (3) 29:5 99:6 138:2
requirement (3) 131:24 174:18 179:22
requirements (2) 11:10 96:19
requires (2) 10:20 51:25
research (12) 14:11 23:11 25:13 26:8 33:20 35:25 64:20 65:2 111:23,24 125:7 163:12
Researchers (3) 53:20,25 98:11
researches (1) 53:10
reset (9) 15:10,14 22:23 27:6 28:25 30:9 36:20 151:18 173:19
resets (1) 124:19
resetting (1) 173:11
residents (1) 54:19
respect (13) 35:8,11 63:2,10,16 66:18 77:17 81:23 84:6 115:14 116:4 167:10 169:23
respond (1) 99:12
respondents (1) 10:6
response (10) 13:9 27:2 44:21 55:2 82:7 157:22,24 175:14,16 175:18
responsibility (2) 176:23 178:3
responsible (12) 17:22 18:9,10 28:11,18 93:17,21 104:4 115:5,6 117:7 118:25
responsibly (1) 119:14
rest (16) 15:12 24:6 27:14 28:4 44:24 45:6 68:8 92:19 117:4,11 120:24 137:15 138:2,22 162:8 173:15
restart (1) 31:18
restated (1) 85:25
restaurant (5) 68:17,18,19,21 162:7
rested (2) 111:23 172:7
restriction (1) 124:17

restrictive (1) 37:6
result (5) 31:3 33:18 47:4 52:16 129:13
resulting (1) 25:16
results (1) 164:8
resume (2) 93:8 173:20
retention (1) 134:25
retired (1) 6:6
retirement (1) 11:10
retiring (1) 6:2
retroactive (3) 153:21 154:10,15
revealed (1) 54:7
revenues (1) 87:7
review (7) 17:7 22:16 43:20,22 57:19 70:11 78:7
reviewed (3) 53:17 60:6 166:9
revised (1) 9:7
revisit (1) 142:24
revocations (1) 148:16
revoked (3) 149:11,16 153:25
rewarded (1) 114:25
rhythm (1) 47:19
rid (5) 114:13 118:24 149:2,5 162:23
ride (1) 120:19
rider (3) 138:19 139:24 171:16
riders (6) 2:19 110:3 111:20 112:4 112:18 113:12
rides (3) 120:24 131:11 136:25
right (34) 58:20 65:11 68:12 70:17 73:2 80:6 82:15,18 84:17,18 85:21 86:16,17 87:10 100:16 101:23 102:21 115:7 116:15 117:8 118:13 119:13 127:18 132:7 134:23 149:10 158:13 159:25 179:14,18,20,23 180:16 180:22
rights (2) 77:6 179:19
rising (1) 155:4
risk (11) 23:18 25:15,19 26:5 32:6 47:7,9,19 120:20 163:24 172:12
risks (5) 32:16 34:16 48:7 129:11 163:8
road (16) 44:11 48:17 88:6,7,21,23 94:13 98:2 99:5,7 131:5,14 133:17 151:15 172:20 173:7
roads (3) 34:2 45:10 123:22
roadway (1) 46:17
Robinson (14) 2:10 74:16,18,19 78:13,22 79:2,14,22 80:5 81:7,17 81:20 82:2
robust (1) 14:10
room (4) 6:3 85:12 162:22 175:22
Rosario (10) 94:11,14 112:14 123:16 124:21 126:24 127:9,12 127:15 159:23
Roth (1) 5:3

Roundtable (5) 2:7 59:6,11 62:21 114:3
route (3) 51:14 113:3 171:19
routinely (3) 145:24 146:11 148:9
routines (1) 90:12
row (1) 122:4
rule (82) 9:7 10:16,20 13:23 14:24 17:6 19:19,25 22:19,21 26:7,9,25 28:12 29:12 32:9,22 33:18 34:7,9 34:13 36:6,11,15 38:9 50:6 54:16 58:21 69:19 71:9 72:3 87:20 89:22 93:6 96:12,14 99:17 100:8 100:9,13 103:5 107:4,19 108:20 110:15 113:8 121:8 131:8 133:6 133:10 135:4 136:2,4,6 141:22 145:24 146:2,5,18,23 147:4 148:2,7,21 149:23 150:13 152:3 152:5,25 153:9,19,22 154:8,10 154:22,23 155:10 162:19 165:3 165:20 166:5 181:5
rules (77) 8:8 9:22 10:9,9 11:4,9 12:4,12,16,24,25 14:9,15 15:4,6 19:6 21:5 22:3,12,16 27:15 32:16 33:13,16 34:3 37:23 43:3 49:11 60:16 61:4 63:14 66:13,15,19 70:10 75:2,3 78:11 79:6 87:7,22 90:8,15 94:17,23 97:6 100:18 101:4,19 102:17 106:12 107:22 111:6,11 112:19 113:2 114:4,5 117:13 124:9 125:4,20 126:3 133:2 137:11 142:21 143:21,23 144:7,9 149:3 151:3 163:7 166:9 173:12 174:4 175:2
run (10) 20:8 67:13 70:8,10 87:14 94:11 106:4 147:19,20 152:5
running (4) 108:24 109:2 152:3 157:10
runs (2) 41:13 114:6
rush (11) 15:18,18 27:25 29:23 36:18 91:3 159:5,9 162:9 173:21 174:13

S

safe (12) 19:5 26:2 28:21 39:21 45:5,14 51:20 64:23 117:12 120:19 126:22 172:11
safely (3) 24:9 36:4 39:17
safer (8) 20:25 39:8,23 44:7,11 110:13 111:24 150:14
safety (46) 2:23 9:16 14:19 20:19 20:20 22:19 26:17 32:23 33:23 43:13,16,19,23 45:12 46:11,16 50:11 52:14 53:4 54:17 61:13 62:25 67:9 75:5 80:3 83:25 84:3 85:10 86:10 93:10,14,18 98:8 101:15,16,18 102:4 110:7 112:2 124:7 129:4,11,19 143:20 163:7

**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>163:14 safety-sensitive (1) 24:23 salaries (1) 89:5 sale (1) 77:10 Sanchez (5) 2:21 119:20,21,22 121:22 Sanitation (1) 44:22 satellite (1) 178:11 saturation (1) 179:15 Saturday (3) 37:3 104:25 137:15 save (2) 50:2 77:7 saved (1) 46:18 saving (1) 8:5 saw (2) 123:13 166:20 saying (19) 16:7 37:4 64:3 65:24 85:11 87:17,19 100:18 115:15 138:25 140:6,9 147:8 152:22 154:19 162:24 171:5 176:5 180:15 says (7) 40:7 114:9 153:11 160:23 161:14 170:6 176:8 scaled (1) 33:2 scapegoated (1) 93:19 scapegoating (1) 179:13 scenario (1) 132:15 scenarios (1) 92:10 schedule (12) 15:6 30:4,7 39:23 55:15 79:8 102:13,16 107:25 108:4 173:23 176:20 schedules (14) 22:25 26:24 27:17 29:14 30:18 31:2,6 32:24 34:5,11 47:18 90:11 148:2 174:21 school (2) 7:23 32:13 science (1) 110:21 scientific (2) 25:13 125:7 score (1) 98:20 scores (1) 98:24 Scott (3) 2:4 49:4,12 screens (1) 133:18 scrubbed (1) 135:21 scrutiny (1) 6:14 search (1) 65:25 searchable (1) 7:17 season (1) 118:6 seat (1) 125:19 second (3) 21:11 98:6 155:19 secondary (1) 129:20 secondly (3) 42:11 105:15 153:20 sector (10) 64:6 65:18 66:3,6,24 67:15 115:22 116:14,15 136:4 sectors (12) 18:5,9,24 23:2 27:18 28:17 34:6 59:17 111:9,9 116:8 116:12 Security (1) 11:25 see (21) 4:22 30:20 57:20 63:7,20 64:4,5,15 67:14 109:14 122:22 131:14 136:2 142:18 148:9,22</p>	<p>151:23 153:10 155:12,13 166:20 seeking (1) 117:13 seemly (1) 6:14 seen (2) 6:10 149:6 segment (3) 133:11 150:23 164:15 segments (5) 97:9 136:10 143:25 144:2,11 seizures (1) 76:4 select (1) 26:4 self-monitor (1) 42:3 send (1) 176:17 sending (2) 154:19 169:15 senior (5) 22:9 34:25 35:3,6 159:23 sense (3) 44:10 78:4 152:13 sensors (1) 53:20 sent (2) 10:23 161:19 Separate (1) 66:23 separates (1) 124:3 September (1) 118:7 Sergio (5) 2:14 89:11,15 103:8,12 serious (3) 51:10 52:5 112:21 seriously (3) 14:23 19:24 23:25 servant (1) 6:10 served (3) 6:7,8 7:2 service (11) 5:13 6:18 20:20 55:10 91:4 110:8 144:18 150:5 171:17 172:2 178:23 services (8) 1:22 42:25 61:18,19 61:24 150:6 174:17 175:24 set (6) 53:5 66:13 70:18 102:17 109:5 182:15 sets (1) 21:4 setting (1) 26:16 settle (1) 146:9 settlement (2) 147:10,11 seven (42) 5:20 9:19 31:11,19 32:3 32:4,4 35:17 37:18,20,21 44:15 56:13 57:7 72:25 73:8,17 82:23 89:8 101:11 105:8 106:11,14,15 106:19,23 108:22 118:19 129:21 130:2 138:16 140:24 141:9,24 147:4 152:10,12 153:6 155:8,16 168:25 174:10 seven-day (1) 165:5 seventh (6) 37:8 55:15 105:7,8 108:11,15 severe (2) 53:21 99:5 severity (1) 33:3 sexual (2) 9:22,22 Shanghai (1) 67:20 Shanker (6) 2:7 59:5,7,10 63:15 115:15 share (7) 41:17 45:10 54:19 94:5 111:21 123:2 172:4 shared (2) 25:5 112:5 sharing (2) 86:22 171:16</p>	<p>she'll (3) 6:18 9:19 22:4 shies (1) 5:22 shift (30) 29:20 31:16 37:5,16,19 44:14 55:23 68:3,4,6,9,10 70:2 72:3 90:25 101:6 102:10 107:7 111:4 124:13 133:20 156:16,20 161:3,12 162:5 165:16 168:18 169:11 174:10 shifting (1) 99:9 shifts (14) 27:24 30:21 31:13 32:3 32:4 36:18 37:12 44:16,18 47:4 56:2,19 129:23 175:4 SHL (5) 144:14 145:13,17,21 150:22 SHLs (1) 150:17 short (2) 124:18 128:17 short-term (1) 23:17 shorter (3) 27:11 30:22 136:24 shortly (1) 166:12 show (6) 73:9 108:17 109:6 111:3 128:21 133:14 showed (2) 111:23,24 showing (6) 91:20 112:6 133:18 133:24 150:11 172:21 shown (3) 24:11 47:8,14 shows (3) 31:5,8,9 shy (2) 61:17,18 siblings (1) 127:17 sick (2) 72:17 74:6 side (3) 99:7 180:10,13 sight (2) 20:18 129:12 sign (1) 143:8 signage (2) 49:23 50:21 signal (2) 49:22 50:19 signed (3) 11:7 12:17,21 significant (5) 33:20 35:21 46:13 57:23 65:8 signs (3) 91:20 112:6 172:21 similar (5) 23:24 98:21 110:25 123:20 146:11 simple (1) 73:6 simplified (1) 10:2 simply (7) 6:9 76:6 93:8 116:16 120:21 143:23 150:18 Sincerely (2) 128:10 169:20 Singh (10) 2:8,18 67:5,6,12,12 70:14 71:15 103:8,12 single (7) 28:19 36:9 43:9 66:24 145:4 171:18 180:15 sip (1) 76:19 sit (3) 122:10 134:14 140:3 sitting (3) 37:25 38:5 89:4 situation (12) 40:22 61:14,15 122:6 135:2 142:24 148:23 149:19 151:22 166:15 176:20 178:8 situations (6) 123:21 124:20</p>
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**Taxi and Limousine Commission Meeting
June 23, 2016**

146:11 148:13 163:22 176:6
six (23) 31:13 35:18 49:17,20
50:17 56:13 88:8,23 104:21
105:11 127:21 138:16,19 139:8
140:25 141:7,13,17,23 147:6
153:5,23 160:24
six-hour (1) 30:21
six-month (1) 147:24
Sixth (1) 180:11
size (1) 43:23
skill (1) 52:10
skills (2) 48:2 52:12
slate (2) 23:6 133:25
sleep (18) 14:19 24:7,10 36:2,2
47:3,11,14,17,22 48:9 68:8 69:12
86:13 120:13 123:24 164:5
173:18
sleepiness (1) 52:22
slide (1) 31:5
slight (1) 79:10
slightly (1) 174:18
slow (4) 29:24 120:11,15 163:21
slower (2) 23:19 47:11
small (7) 6:15 26:22 34:4 79:9 85:2
89:17 164:15
smaller (1) 84:9
smoked (1) 98:22
snapped (1) 5:15
snow (1) 44:20
so-called (1) 140:24
social (1) 77:19
society (4) 140:11,13,15,21
software (1) 33:14
sold (2) 75:13 77:8
solely (2) 65:17 144:8
solution (1) 65:18
somebody (7) 141:4,6,13,17
142:15 157:4 180:9
somebody's (1) 132:21
somewhat (1) 137:10
sorrow (1) 127:23
sorry (5) 29:6 50:16 101:2 156:19
171:22
sort (3) 15:25 41:4 109:11
sought (1) 5:5
sound (1) 116:9
sounds (3) 57:21 65:12,13
source (2) 109:10 120:3
sources (1) 97:24
space (1) 84:9
Spanish (3) 94:6 167:11,14
speak (10) 12:9 46:4 51:9 81:24
95:14 96:11 103:10 113:17
152:18 166:14
speaker (40) 12:22 42:18,20 45:17
49:4 50:24 54:25 55:3 59:5 67:4
71:21 74:15 82:5,8 86:8,21,24

89:10 94:4 95:10 99:19 103:8
109:24 113:19 119:19 123:5
128:25 130:17 137:5 138:8
143:12 152:16 156:2 157:21
162:12 167:16 171:7 175:13
179:4 180:24
speakers (10) 2:1,25 3:1 12:7,9
13:14 42:12 92:14 128:15 152:9
speaking (5) 13:5,22 74:23 95:24
167:11
special (2) 45:22 177:4
specific (2) 63:11 117:22
specifically (2) 11:6 65:4
specifications (1) 43:21
speed (3) 40:19 43:17 51:20
Speeding (2) 49:20 50:18
spend (2) 7:14 157:12
spends (1) 99:4
spent (1) 125:17
spirit (1) 123:12
split (2) 27:24 36:17
splits (1) 29:22
spoke (4) 14:13,16,18 70:8
spread (3) 32:18 117:25 119:7
spreads (2) 31:10,19
spreadsheet (1) 7:16
ss (1) 182:3
staff (8) 4:22 23:11 24:18 32:11
33:14 54:6 57:18 122:25
staff-led (1) 32:13
Stage (1) 166:24
stake (2) 62:16 166:14
stakeholders (3) 14:14 81:12
125:8
stakes (1) 112:3
stalling (1) 115:16
stand (2) 83:13 105:5
standalone (1) 5:7
standard (1) 44:14
standards (4) 20:20 46:16 111:7
111:12
standing (2) 101:7 176:5
stands (1) 6:17
STANKER (2) 65:15 66:17
start (14) 4:3 15:15,20 27:10 30:11
30:13 95:15 105:5 113:22 120:10
127:14 151:9 160:24 178:22
started (3) 88:13 153:8 158:23
starting (2) 29:9,21
starts (1) 165:22
state (10) 42:13 76:3 92:15 162:13
162:16 163:6 164:7 166:6 182:3
182:7
stated (4) 58:24 85:24 93:2 165:19
statement (1) 64:14
statements (1) 92:14
states (4) 7:7 46:25 65:4 158:25

static (1) 97:16
statistical (1) 53:4
statistics (8) 48:19,23 49:17 73:9
111:3 129:14 133:14 136:14
status (2) 7:20 124:15
statute (1) 148:20
stay (6) 19:18 31:21 76:19 88:6,22
157:5
stayed (1) 98:22
staying (1) 88:21
stays (1) 31:17
steadily (1) 80:14
steel (1) 112:15
steering (1) 51:22
stellar (1) 5:10
STENO-KATH (1) 1:22
stenokath@verizon.net (1) 1:25
step (3) 44:11 112:19,22
steps (5) 43:15,24 44:6 45:13
123:11
Steve (1) 59:5
Steven (3) 2:7 59:10 115:15
sticking (1) 180:25
stimulating (1) 92:8
stimuli (1) 23:20
stop (10) 91:5 113:2 120:10 127:6
131:18 139:13 153:14 156:13,20
157:17
stops (1) 108:22
stories (1) 112:5
storm (1) 44:21
storms (1) 44:20
story (1) 70:15
straight (1) 32:21
straightforward (1) 103:24
Strategic (1) 51:5
strategy (2) 23:4 32:10
street (16) 1:7 4:14,17 9:8 20:19
96:21 97:14 101:5,7,25 105:14
116:25 118:8 150:21 180:8,16
street-hail (3) 135:16 144:10
145:11
streets (7) 54:20 58:9 84:13 97:18
105:2 126:22 150:14
strengthens (1) 50:9
stress (1) 86:14
stricter (1) 107:6
stringent (1) 96:19
strong (3) 47:3 172:18 176:23
strongly (1) 166:2
struck (2) 112:14 113:9
structure (1) 25:6
structured (1) 36:11
studied (1) 24:16
studies (8) 23:12 24:10 47:8 60:6
91:11 92:7 110:22 176:11
study (22) 53:10,14,23 60:5,13

**Taxi and Limousine Commission Meeting
June 23, 2016**

21

63:11,17,19,23,24 64:3,9,16 65:8
65:9 81:11 96:16 98:18 115:15
115:16,18 180:17
stuff (1) 69:8
stupid (1) 154:12
subject (6) 6:13 64:11 85:20 89:14
91:12,14
subjected (1) 117:13
submit (1) 77:20
submitted (2) 18:18 144:4
subscribed (1) 170:10
substantial (1) 52:20
subterfuge (1) 75:4
subway (1) 157:5
success (1) 93:21
suddenly (1) 157:10
suffered (1) 128:10
suffering (2) 95:6,8
sufficient (2) 129:23 130:9
suggest (2) 130:3 174:5
suggested (2) 66:22 80:20
suggesting (1) 129:19
suggestion (1) 142:17
suggestions (1) 20:24
summary (2) 117:5 150:3
summoned (1) 15:8
summons (1) 19:4
summonses (9) 145:21 146:7
148:24,24,25 149:9,14 160:8
178:5
Sunday (6) 37:3 55:24 76:19 105:2
137:16,24
Sundays (2) 56:5 58:10
Supercomputer (1) 155:22
supervision (1) 168:18
supplemental (1) 144:5
support (14) 46:4 54:23 94:20
110:10,11 111:21 120:14 127:25
143:21 166:7 169:12 173:4 174:3
176:4
supported (3) 92:6,13 114:7
supporter (1) 143:18
supporters (1) 112:4
supporting (1) 94:17
supports (7) 35:20 45:12 50:6
112:18 113:4,6 172:14
supposed (1) 92:19
sure (16) 7:8 17:3 19:7 27:12
28:19 32:15 60:7 62:20 65:24
69:18 132:20 135:20 146:20
147:25 162:21 181:4
Surjit (1) 2:18
surprisingly (1) 130:15
survey (1) 43:19
survivor (1) 166:23
suspected (1) 91:20
suspended (2) 146:12 149:13

suspension (6) 146:3,8 147:9
148:15 149:20,23
suspensions (1) 147:7
sustained (1) 24:7
switch (2) 98:15 150:23
system (11) 19:21 104:9 109:5
114:24 122:7 135:8,19 156:8,15
156:17 172:22
systems (3) 19:16 41:2 144:13

T

T (2) 182:1,1
table (4) 61:12 115:23 122:10
176:10
tabling (1) 151:3
tackle (1) 123:12
tactic (1) 115:16
Tahada (4) 2:15 94:4,5,8
take (43) 7:21 13:10 15:13 23:25
27:22 34:18 44:16 45:8 55:16
56:12 57:10 58:7,23 60:17 68:11
69:6 71:7 72:23 78:20 80:12
89:23 107:9 115:5 128:14 133:15
133:19,20,23 136:10 138:19
139:7 147:10 149:22 151:4,11,17
154:8 159:14 169:24 174:9 180:4
180:12 181:4
taken (3) 43:15 64:17 128:17
takes (5) 30:22 112:10 145:6 159:8
180:6
talk (10) 68:3 91:10 99:7 102:23
109:13 138:11,13 161:18 165:24
178:7
talked (1) 151:6
talking (6) 63:23 83:25 118:21
122:22 127:4 160:5
targeted (1) 34:3
task (1) 98:17
tasks (3) 24:14 51:13 52:6
tax (1) 76:4
taxes (1) 75:22
taxi (91) 1:2 2:23 3:6,8 4:8 22:10
22:22 25:14 32:12 35:10 37:11
37:15 46:5 48:3,20 51:3 54:7,9
55:10 56:25 59:20 60:21 67:14
71:5,25 72:18 83:7 84:10 85:5
87:8 89:24 90:11 91:4,10 92:7,18
93:9,12,18 94:9,17 96:22 103:13
103:15 104:15 110:9 111:9
112:22 115:17,24 116:18,21,23
120:23 123:10 124:16 129:4,20
131:10,11 135:4 137:8 145:21
150:8 154:12 156:5 158:6 162:13
162:17 163:6 164:22,24 166:7
167:21,24 168:5,6,12,13,15,23
169:6,10 176:16,23 177:10,18
178:5,19 179:8,17

Taxicab (1) 143:16
taxis (11) 9:13 17:25,25 18:16
93:15,19 96:18 110:12 155:5
169:21 175:25
Taxistas (2) 3:9 167:17
tea (1) 76:19
Tech (1) 53:16
technical (2) 144:6 151:5
technically (1) 153:15
technique (1) 64:12
technologies (1) 126:2
technology (1) 126:8
Tejinder (3) 2:8 67:5,12
tell (8) 69:13 70:12 72:20 78:13
84:15 88:5 102:24 138:15
telling (2) 76:18 179:10
temporary (1) 113:2
ten (12) 37:18,22 100:13 106:21,22
108:18 145:7 153:14,25 158:17
158:18 165:2
ten-hour (1) 175:4
tens (1) 171:20
term (2) 24:5 76:23
terminals (1) 101:12
terms (5) 39:5 135:6 138:15,24
161:10
test (2) 7:22 91:19
testify (3) 43:2 49:9 94:10
testifying (1) 109:21
testimony (9) 85:13 94:6 113:10
115:24 117:24 119:17 144:8
167:13 175:5
text (1) 32:15
texting (4) 44:5 49:24 50:21
101:24
texts (1) 99:11
thank (95) 8:22,25 9:2 21:25 34:17
34:19,22 35:12,14 38:7 42:22,23
45:15,16 46:3 48:17 49:3,8 50:14
50:22,23 54:24 58:24 59:2,4 67:3
67:7 71:20,23 74:14 81:25 86:21
86:23 89:12 94:2,3 95:8,9,13
99:16,18,20 100:4,6 103:6,7,9
109:22,23 113:16,18 119:16,18
119:23 123:3,4,7 128:12,13,16
129:7 135:23 137:2,4 138:4,6,7
138:10 141:2 143:11 148:4
149:21 152:13,14,15,17 155:24
155:25 157:18,19,20 160:18,19
162:10,11 167:15 169:19 175:10
175:12 178:19,23 179:3 180:22
180:25 181:7
thanks (2) 45:11 175:23
theorizes (1) 92:5
they'd (2) 98:21 171:4
Thind (1) 54:25
thing (21) 6:9 9:3 15:23 56:22

**Taxi and Limousine Commission Meeting
June 23, 2016**

58:16 62:16 69:2 70:15 71:11
81:5 84:17 86:6,10 87:10 107:18
113:9 115:11 127:19 140:8
156:18 161:4
things (13) 13:7 67:16 69:19 78:20
80:2 98:4 122:11,12 130:12
138:25 157:9,18 160:17
think (66) 5:19 6:15,20 8:8 10:15
13:24 14:7 35:7 36:11 37:9,14
39:6,10,18 55:9,22 56:10,22 57:8
58:14 60:12 64:13 65:10,25 68:9
70:24 71:16,17 74:8 75:2 83:5
84:12 85:7 88:15 97:19 106:24
109:9 110:15 114:11 121:8
122:10,21 131:8 132:19 133:4
138:17,24 139:6 140:11,13,14,21
140:22 142:16 149:24 154:12
156:7 157:2 160:17 170:12
172:21,22 173:7 179:9,12 180:23
thinking (1) 166:18
third (2) 69:2 154:5
thought (5) 79:6 132:25 133:5,9
136:6
thoughts (1) 20:24
thousand (1) 69:7
thousands (9) 46:19 84:7,8,18,21
86:13 121:4 171:20 172:5
threat (2) 23:25 99:5
three (58) 4:11 15:4 23:6 29:14
31:5 55:7,24 56:24 57:25 59:18
59:19,20 73:9,18 82:19 87:9,22
90:15 99:10 101:11 104:3 105:20
114:9,11,13,14,18,20 117:20,24
118:10,12,15 119:2,5,9 122:4,16
130:25 133:16,21 134:14 140:4
140:10,14 141:11 143:2,7 149:12
149:14,15 151:13,14 153:17,18
158:7,10 159:8
three-minute (4) 42:8 63:6 69:17
74:23
three-year (1) 4:19
threshold (1) 164:10
throw (4) 64:8 95:16,22 113:14
tickets (1) 154:2
tied (1) 125:16
till (1) 149:25
time (82) 4:4 7:13 8:5 18:23 19:2
23:20 28:24 29:21 31:3,15 33:12
34:17 40:12,20 41:13,20 44:23
47:10 57:15,16,18 61:9 62:6 67:7
73:6 74:23 75:7 79:4 80:25 82:25
90:4,5 97:13 98:17 99:16 107:11
114:16,25 115:8 117:3 118:22
121:19 122:5,15,20 125:12,17
126:14,23 128:3,18 129:23 130:8
130:11,14,18,18,20,21 131:2,12
133:12 136:9 139:9 140:2,17

144:20 149:8 151:17 153:23
158:22 159:8 161:22 166:8,8
174:12 175:10 178:12,14 180:6
181:6,8
timely (2) 147:16,16
times (21) 14:16 16:17 21:16 27:10
38:13 47:12,25 54:3 58:23 72:20
75:10 114:17,22 137:18 146:5
147:4 159:8 163:21 164:10
173:14 178:10
tired (2) 68:15 120:21
TLC (70) 5:4,22 6:5 10:23 11:20,25
22:14,15 23:11 24:18 25:10 28:9
28:15 32:11,13,17,20 33:14 34:6
43:11 45:11 50:6 63:11 91:25
95:25 96:6 97:2,10 104:5,13
105:16,24 109:4 112:8 114:8
115:11,19,22 119:24 121:2
123:25 126:7 138:11 139:6 140:5
140:22 142:25 145:4,6,8,14,19
146:6,8,25 147:7 148:11 149:7
149:18 150:11 153:9,20 154:13
154:18 168:10,13 175:8 176:17
176:18 179:22
TLC's (12) 6:7 23:6 32:10 43:3
44:9 45:7 49:10 59:25 103:17
111:2 126:16 173:4
TLC-licensed (6) 17:12 21:17
22:13 24:15 33:24 164:13
today (37) 8:19 9:7 14:8 15:2 20:13
20:17,17 22:11 51:9 59:11 70:5
79:8 89:14 95:14 103:11 107:4
109:12,20 110:22 113:17 119:23
126:22 138:12 144:4 145:20
151:4 152:18 158:8,9,14,16,17
171:12 175:6,10 176:9,19
today's (4) 8:7 19:7 86:3 158:19
tone (1) 26:17
tools (2) 39:4 42:2
top (2) 152:20 153:16
total (11) 27:19 48:4 78:8 103:18
104:10,16 106:8 116:20 124:17
125:17 142:2
totally (1) 178:16
touch (2) 9:15 20:14
TPEP (14) 18:16 33:10 38:11 57:17
78:19 79:17 109:2 135:8,13,19
142:18 144:12 145:18 180:17
track (2) 5:12 144:13
tracked (1) 144:20
tracking (2) 43:17,19
tracks (1) 75:9
Trade (1) 143:16
tradition (2) 46:20 153:20
traditional (2) 97:11 111:8
traditionally (2) 37:12 90:24
traffic (15) 23:19,21 46:7,11 48:11

49:14,21 50:10,14,19 52:13 53:4
163:14 179:19 180:4
traffic-related (1) 50:8
tragic (4) 22:14 91:8,22 112:21
training (1) 43:16
trajectory (1) 51:20
transcript (1) 182:9
transit (1) 171:20
transportation (19) 2:22 24:19,20
24:23 25:3 50:25 51:7 53:16
54:22 60:23 64:22 97:21 112:23
123:6,9 144:11 171:14 180:20,21
transporting (3) 38:5 83:23 98:5
treated (1) 116:3
tremendous (1) 64:16
Trials (1) 10:11
Tribunal (1) 148:12
tries (1) 42:9
trigger (1) 40:7
trip (11) 17:24 18:15,17 21:18 28:9
28:16 38:11 96:23 136:18 145:6
174:25
Triple (1) 53:3
trips (7) 27:8 28:14 115:20,25
116:2 145:6 152:5
trouble (1) 154:9
troubling (1) 145:16
truck (5) 24:25 68:14,14 139:12,19
truckers (1) 92:4
trucking (1) 92:11
trucks (1) 43:24
true (2) 18:15 182:9
trust (1) 180:2
try (1) 73:3
trying (7) 26:6 39:25 40:3 61:14
66:20 74:11 131:6
turn (7) 52:7 68:20 120:21 179:18
180:12,13,16
turned (1) 98:4
turning (1) 178:11
turnover (1) 63:14
turns (3) 49:22 50:20 180:21
twice (1) 159:9
twin (1) 26:13
two (36) 5:5 8:7 12:6 13:20 16:19
16:22 21:4 23:14 30:17,20 31:23
32:5 33:6 37:25 69:19 82:19 90:8
96:11 99:10 101:11 102:10,15
104:3 139:25 141:11 142:14
149:15 153:25 154:3,3,6 156:11
157:6 161:24 175:4 181:6
two-hour (1) 139:3
types (3) 23:14 93:20 124:14
typical (2) 52:11 55:23

U

U.S (2) 25:2 163:16

**Taxi and Limousine Commission Meeting
June 23, 2016**

Uber (16) 75:19 100:22 105:18
120:2,7,12 121:13,18 122:7
126:6 131:9,10,14,17 136:11,22

Uganda (1) 67:20

unable (1) 145:9

unaccounted (1) 6:11

unanimous (1) 11:3

unanimously (2) 8:14 14:6

unanswered (1) 127:23

uncertainties (1) 84:22

uncertainty (1) 86:12

underestimate (1) 52:20

understand (40) 32:16 40:2 60:6
60:15 66:14,17,20 67:25 68:4
69:19 70:16 83:4 86:9 87:17,23
89:3,4 94:19 107:24 108:4,7
111:14 114:18 121:2 134:8
137:10 138:15 146:20,21 153:13
158:16 159:24 160:6,11 165:22
171:3 177:5 178:2,17 180:18

understandable (1) 100:15

understanding (3) 112:25 119:5
164:16

undo (1) 124:4

unduly (1) 124:14

unequal (1) 96:13

unexpected (1) 52:3

unfair (2) 104:14 179:14

unfortunately (2) 39:2 63:16

uninterrupted (1) 47:10

Unit (1) 8:19

United (10) 2:19 3:6 7:7 46:24 65:3
110:3 111:20 112:4,18 156:5

universal (4) 18:3 66:5 116:6,7

University (1) 98:18

unknowingly (2) 126:11 146:13

unleashed (1) 97:17

unlimited (1) 145:12

Uno (1) 105:19

unsafe (4) 31:3 34:5 121:17 123:21

Unsurprisingly (1) 110:10

updated (1) 32:12

updating (1) 171:19

Upper (2) 180:10,12

Uppkar (1) 54:25

ups (2) 26:11,12

urban (2) 112:15 168:12

urge (5) 71:6 79:15 125:20 135:3
151:2

urgent (1) 119:2

urges (1) 54:22

use (14) 11:25 19:15 29:4 30:8
36:19 39:4 43:25 64:11 66:15
121:17 136:21 137:25 154:8
163:10

useful (1) 125:23

uses (2) 31:17 119:2

usually (2) 89:18 90:25

utilize (1) 174:25

V

V (1) 1:16

vacation (5) 73:16,17,20 74:6
137:20

vacations (1) 72:16

vans (1) 69:4

varies (3) 79:2 102:16 139:25

variety (1) 35:25

various (1) 8:21

varying (1) 18:14

vast (3) 60:19 108:2 164:12

vehicle (23) 4:13 11:9 43:10 45:8
46:23 47:7 51:19,22 52:8 54:17
62:5 75:21 95:2 96:17 110:9,15
112:23 116:17,24 120:5 145:3
171:18 172:17

vehicles (14) 11:12 21:17 43:10,18
43:21 45:7 46:17 51:17 96:6,20
97:17 110:13 173:3 179:16

vendors (3) 11:22 109:14 142:18

verified (1) 150:7

Verifone (1) 109:5

versus (5) 41:21 139:9 140:18,24
156:11

Veterans (1) 5:6

viable (1) 43:12

video (1) 166:20

view (3) 17:24 68:2 69:10

vigilance (1) 52:2

Vincent (3) 6:22 7:6,8

violate (1) 144:3

violated (2) 146:4 147:4

violates (1) 71:9

violating (1) 21:5

violation (5) 9:25 15:3 33:3,9
37:23

violations (12) 17:8 32:21 33:9
39:15 49:18,20,22 50:2,17,20
145:25 147:5

violators (2) 20:9 114:14

Violence (1) 45:24

Virginia (1) 53:16

visible (1) 112:6

vision (30) 23:7,10 32:13 43:14
46:22 48:11 49:15,19 50:4,5,10
51:7 57:2 58:19 63:3 74:9,10
75:3 76:22 80:14,16 93:22,22
112:20 123:12 126:19 142:19
143:18 147:15 154:7

visit (1) 140:22

visitors (1) 48:14

visual (1) 51:13

voice (5) 9:15 10:14,15 110:4
119:24

voicing (1) 5:23

void (1) 91:3

vote (9) 9:7 10:18 13:12,25 100:8,9
102:19 103:4 151:4

voted (1) 19:8

W

wage (1) 89:25

wages (1) 90:3

wait (1) 120:25

waiting (5) 7:15 16:18 81:24 101:8
122:15

waits (1) 159:19

wake (3) 55:24 56:4 160:24

waking (2) 55:23 86:14

Walize (2) 127:8 128:11

walking (1) 101:25

Wall (1) 96:21

want (60) 5:2 10:14 12:9,11,14,22
15:17 19:14,17 27:9 29:3,7 34:22
57:4,4,6 61:10 62:19 64:10,11
67:16,24 68:2 69:18 70:14 73:13
74:5,7 75:24 77:15 82:23 83:4,10
85:14 96:11 99:22 102:23 105:15
107:23 108:12 113:22 135:10
137:24 140:8 141:2 142:23 143:3
146:16,19 149:18 150:17 154:24
155:15 156:15 161:21 168:2
176:4,6 177:10,13

wanted (2) 36:7 173:16

wants (4) 30:11 57:5 73:7 180:2

warn (1) 176:22

warning (5) 14:23 15:7 19:25
40:10,11

warnings (3) 32:20 39:14 41:3

wash (3) 160:15 161:2 169:6

washing (1) 160:20

wasn't (1) 60:5

watch (1) 6:12

wave (1) 84:23

way (31) 6:21 7:25,25 13:3 15:19
16:7 19:22 36:11 40:15 56:12
71:8 73:5 84:18 87:12,13 90:10
102:4 109:15 119:4 126:5 134:9
135:7,15 142:18 150:20,25 157:2
173:8 179:13 180:11 182:13

ways (5) 81:19 108:4 110:25
123:20 174:25

we'll (24) 4:5 5:15 6:15 8:8,14
10:17 13:13 16:25 18:25 19:10
41:12 57:17 62:12 67:2 78:7 86:8
94:5 106:3,8 128:14,16 149:5
181:4,7

we're (64) 4:3 5:16,16 6:20 8:5
13:24 14:22 15:23 17:6 18:3,6,8
19:3,18,24 22:2 26:6 38:18 40:17
42:5,7 44:7 57:19 58:22 67:9

**Taxi and Limousine Commission Meeting
June 23, 2016**

69:16 70:10 71:9 74:9 77:2 80:4
82:21,22 83:21,25 85:13 87:20
94:16,21,22 95:6 101:17,17
106:4 107:6,21 108:15 117:16
124:5 125:24 128:15,19 129:19
132:18 134:23,24 147:18 153:2
153:19 155:11 157:10 160:4
163:8 176:8
we've (15) 7:16 8:3 29:12 63:6
64:20 79:6,12,20 80:20 110:21
134:3 148:23 149:6 151:6 175:5
website (6) 7:12 8:4 10:23 49:2
95:25 97:4
week (55) 18:6 25:20 26:20 28:7
31:14,18 32:6 35:17,18,18 36:10
36:16 37:2,8 38:17,18 48:5 55:9
55:13 56:20 57:5,7 58:4,6 72:25
73:8,18 82:23 84:20 103:19
104:24 105:13 106:11,14,15,19
106:23 108:19 111:5 124:12
126:15 129:21 130:5,6 152:12,21
160:13,14 162:3 165:11 168:22
168:25 170:9 177:12 178:7
weekend (2) 31:16 36:21
weekends (1) 120:16
weekly (15) 25:8 26:11 28:13
29:14 31:6,7,22,25 33:5,22 39:20
55:14 164:17 165:19 173:6
weeks (2) 73:18 163:19
welcome (2) 6:22 7:8
welcomed (1) 93:12
welfare (1) 69:15
well-being (1) 46:6
went (3) 4:10 142:4 166:25
westbound (1) 180:8
whatsoever (1) 65:17
wheel (12) 25:24 39:8,13 51:23
95:4 112:6 113:14 123:18 145:3
145:15 152:2 176:14
WHEREOF (1) 182:15
widely (1) 52:19
William (3) 2:6 55:3,6
Wilson (42) 1:11 8:23 9:2 10:19
11:3 12:21 13:13 14:5 35:14 42:9
42:11 45:16 49:3 50:23 54:24
59:4 67:4 71:21 74:15 82:5 86:24
89:10 94:3 95:9 99:18 103:7
109:23 113:18 119:18 123:4
128:21 137:4 138:7 143:12
152:15 155:25 157:20 162:11
167:15 171:7 175:12 179:4
window (1) 63:3
wise (1) 124:2
wish (2) 128:4,8
within-entitled (1) 182:8
witness (2) 10:7 182:15
witnesses (1) 10:4

woman (2) 6:19 94:14
wonder (2) 64:9 99:14
word (1) 64:9
wording (1) 16:25
words (3) 38:22 141:12,16
work-related (2) 46:24 47:2
worked (14) 18:8 54:12 90:24
94:15 104:6,10 109:7 112:17
124:12 133:2,10 141:21,23
149:12
workers (3) 25:4 179:8,10
working (59) 8:5 15:16,19,20
18:25 25:17,19 28:8 29:16,23,24
30:2,24 31:8,11 34:8 35:22 36:18
38:3,4 39:21 54:10 55:14 56:18
56:20 72:7 82:14 84:19 94:12,20
97:8,11 101:23 102:8,9 104:7
105:17,21 111:25 115:7 120:23
121:22 122:9,13,16 124:16,25
126:18 142:8,20 149:15 151:9
155:20 156:10 168:2 174:24
176:12 178:22 179:11
works (12) 30:9,20 31:15 32:2,3
35:16 64:4 81:19 108:17 134:2
142:21 160:9
world (4) 24:11 37:11 60:9 118:12
worried (2) 17:18 77:25
worry (1) 56:8
worse (2) 75:25 135:2
worsens (1) 123:19
wouldn't (3) 40:21 141:10 146:18
write (2) 127:15 163:4
writing (2) 127:11,25
written (6) 12:6 125:6 126:25
143:21 144:4 151:23
wrong (3) 101:18 102:17,18

X

Y

Yeah (2) 118:23 136:17
year (9) 23:6 46:8,9 48:19 89:7
120:3 149:12 152:21 176:15
years (28) 4:12 5:21 6:6,8 9:20
65:7 66:21 82:20 84:16,20 87:4,5
88:18 89:16 91:9 94:13,24 95:21
100:14 137:9 139:20,22 145:23
146:6 148:18 158:7,11 160:5
yellow (53) 17:25 18:16 22:22
38:16 66:10,12 69:3,9,20 83:7
84:7 85:16,17,23 89:24 90:10,12
90:17 91:3,9 92:22 93:12,15 96:4
96:9,18 99:3,15 103:21 104:15
104:19,21 105:13 106:6 111:8
116:23 124:23 126:6 127:13
129:20 133:2 134:21 135:4,15
136:10,21 150:16,22 152:19

156:23 167:6 179:17,25
yellow (1) 136:3
yield (2) 49:21 50:19
York (49) 1:1,7,7,23 6:25 23:9 35:2
42:24 43:7,8 45:15,25 48:13 49:5
49:8 51:6,24 53:24 54:19 56:14
60:8,14 63:20 65:5,5,11 92:13
93:20 95:7 96:15 117:6 124:3
125:12 137:8 139:13 161:9
162:13,16 163:6 164:7 166:6
167:20,25 168:12 172:3 177:16
179:8 182:3,7
York's (1) 52:8
Yorkers (4) 6:16 46:6 84:3 171:21
young (2) 166:20,23

Z

zero (27) 23:7,10 32:13 43:14
46:22 49:15,19 50:4,5,10 51:8
57:2 58:19 63:3 74:9,10 75:4
76:23 80:15,16 93:22,22 123:12
126:19 143:18 147:15 154:7
Zero's (2) 48:11 112:20
zone (4) 9:9,11 11:13 168:12

0

0.05 (1) 164:7
010 (1) 164:9
05 (1) 47:16

1

1 (5) 29:20 30:3,20 31:10 32:2
1,000 (2) 112:14 154:10
1.25 (1) 164:10
10 (8) 25:8 29:23 30:3 31:11 169:3
173:17,17 176:11
10-to-11-hour (1) 32:2
10:10 (2) 1:5 4:4
10:20 (1) 9:17
100 (7) 25:22 53:18 69:6 140:11,17
143:3,10
100,000 (2) 69:7 157:12
10543 (1) 1:23
11 (4) 31:11 68:19 96:5 174:15
11:55 (2) 113:24 128:23
12-hour (41) 15:14 22:23 26:19
29:16,20 31:12 32:4 36:5 37:4,12
37:16 40:8 41:4 56:9,19 58:16,18
68:9 70:2 72:3 76:11 125:16
133:3,10,20 134:6,10 136:22
137:15 138:16 139:21 142:2
152:11,25 156:16,20 161:12
165:16,20 168:17 169:7
12-in-24-hour (1) 30:15
12:30 (1) 127:6
12:55 (1) 128:20
120 (1) 11:18

**Taxi and Limousine Commission Meeting
June 23, 2016**

<p>13 (4) 53:11 68:4 152:6 178:18 13-hour (1) 68:10 13,000 (1) 69:9 139 (1) 1:23 13th (2) 4:8,16 14 (17) 25:8 67:18 68:23 78:17 83:14,16,19 139:14 159:3 161:13 161:16,24 162:2,6 164:25 174:7 178:18 140,000 (2) 34:11 45:6 15 (10) 13:3 67:18 78:17 83:14 138:21 139:3 141:14,16,19 180:5 15-day (5) 146:7 147:6 149:20,22 153:23 15-hour (1) 30:21 15-minute (1) 127:6 16 (17) 30:24 53:24 67:19,20,21,23 68:5 69:5,5 76:12 83:14 94:12 98:23 112:17 123:18 131:15,19 16-year-old (1) 166:22 17 (4) 87:5 89:16 131:15,19 18 (3) 131:15 151:15 164:4 19 (1) 6:5 1907 (1) 25:4 1930s (1) 25:4 1989 (1) 95:20 1st (3) 146:23 147:3,3</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 (6) 8:20 29:22 30:22 31:12 32:3 151:21 2,000 (1) 46:9 2,500 (1) 129:6 2.2 (1) 52:16 2.5 (1) 52:17 2:00 (1) 181:8 20 (9) 14:13 53:25 66:21 87:4 88:18 128:16,24 140:20 142:15 200 (1) 169:15 2000 (1) 46:8 2004 (1) 75:14 2006 (1) 74:20 2011 (1) 100:5 2013 (2) 4:11 46:9 2014 (5) 25:14 50:4 54:9 75:14 96:2 2015 (5) 25:14,23 47:21 54:9 127:14 2016 (9) 1:5 11:7,8 12:5 96:2,15,21 162:25 182:16 20th (1) 10:23 21 (3) 8:20 11:8 53:12 212 (1) 1:24 21st (1) 8:11 23 (1) 1:5 23rd (1) 12:6 24 (9) 12:5 25:15 30:24 54:12 80:7</p>	<p>102:10 121:23,24 164:8 24-hour (8) 16:15 27:6 29:8 30:5 55:18,19 164:21 174:8 25 (1) 58:6 26 (1) 96:6 270 (1) 96:4 27th (1) 182:16 28 (2) 8:19 151:25 29 (3) 6:8 17:17 21:13 29,000 (1) 43:10</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 (4) 29:25 30:9,12 31:14 3's (1) 30:7 3,540 (1) 4:21 30 (11) 15:24 47:2 58:6 88:14 137:9 139:25 169:8 170:4,13,24 180:5 30,000 (2) 168:22 170:9 31st (1) 6:6 32 (1) 151:25 33 (2) 1:7 84:16 34 (1) 35:5 340 (2) 46:8 48:19 35 (1) 121:25 381-2061 (1) 1:24</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 (2) 55:25 173:22 4:30 (1) 160:25 40 (2) 96:8 115:24 40,000 (1) 88:14 400 (1) 178:7 42nd (1) 180:8 43 (1) 11:6 45 (1) 121:25 49 (1) 11:6</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 (4) 8:21 56:2 151:10 171:25 5:59 (2) 151:11,19 50 (2) 11:6 115:25 50-to-\$60,000 (1) 89:7 500 (2) 168:23 170:10 52 (1) 11:6</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 (1) 151:9 6:15 (4) 138:23 141:5,14,18 60 (6) 25:9 84:19 95:21 102:25 168:24 171:5 60,000 (1) 105:4</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 (5) 29:21,23 30:10,10 173:20 70 (3) 56:20 84:19 165:6 72 (30) 16:11 17:17 18:12 25:20</p>	<p>26:11 28:7 31:10,19,25 35:18 48:5 55:13 57:5 73:24 82:25 89:9 93:5 104:22 111:5 118:17,20 130:23 137:23,25 139:8 152:10 160:5,13,17 161:13 72-hour (5) 26:21 31:7 55:9 72:10 137:12 722-0816 (1) 1:24 73 (1) 94:24</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 (4) 127:13 138:22,23 176:11 80 (2) 84:20 140:20 80,000 (2) 43:10 88:15 84 (13) 25:9 32:5 35:17 130:4,8 137:12,23,25 152:12 160:14 161:13 162:2 165:10 84-hour (1) 73:22 88 (1) 94:13 88-year-old (2) 112:13 123:15</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 (4) 17:17 25:19 29:25 174:14 9,000 (1) 8:3 90 (7) 140:19 169:3 170:16,19,20 170:22 171:4 90-day (1) 147:8 914 (2) 1:24,24 93 (2) 26:20 39:19 95 (1) 44:16 95-DEPOS (1) 1:24 953-3767 (1) 1:24 97 (14) 15:2 26:18 39:20 57:25 70:5 79:7 88:2 107:17 114:19 115:6 140:13 142:25 143:6 153:18</p>
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