

**Testimony of Meera Joshi
Commissioner and Chair, New York City Taxi & Limousine Commission
City Council For-Hire Vehicle Committee
February 12, 2018**

Good morning Chair Diaz, and members of the For-Hire Vehicle Committee. I am Meera Joshi, Commissioner and Chair of the New York City Taxi and Limousine Commission and with me are Dianna Pennetti, our Chief of Enforcement, Louis Molina, our First Deputy Chief of Enforcement and Mohammed Akinlolu, Assistant Commissioner for Prosecution.

Thank you for inviting me to testify today about the TLC's enforcement efforts. Chair Diaz, I look forward to continuing what has been a productive working relationship with you and working with the entire FHV Committee to strengthen all segments of the industry, including the hardworking drivers, the bases that dispatch trips to them, our thousands of yellow and green taxis, and the millions of passengers who deserve the safe, legal service our licensees provide.

The TLC community has had difficult news in recent days. As many are aware, two men who had been licensed TLC drivers recently ended their lives. For those left behind, suicide always leaves unanswered questions. What we do know is that we as a City must continue to focus strongly on expanding access to mental health services for anyone who needs support. At TLC, our focus has been and will continue to be on better understanding and attempting to lessen the stresses many of our drivers face, and I hope today we can discuss the steps that TLC has already taken.

Given today's focus on TLC enforcement, I also feel it is important to provide the committee and the public with an account of what happened just two weeks ago. On January 24, two of our officers stopped a TLC-licensed vehicle operated by an unlicensed driver in the Bronx after seeing him illegally pick up a street hail.

As our officers issued a summons to the driver, a crowd gathered, blocked the enforcement officers' vehicle with other vehicles and verbally threatened them. The officers returned to their vehicle and minutes later, a man wielding a metal baseball bat attacked their car, smashing in two of the windows while the officers remained in the vehicle. Miraculously our officers were not harmed. This is an active NYPD investigation and we are confident that the people who were involved with this violence will be prosecuted.

Unprovoked and violent attacks on our officers will not be tolerated. I thank those, including Chair Diaz, who have publicly condemned the attack. There are proven, peaceful ways to solve problems through communication and collaboration. The TLC, and especially the enforcement division, is always open to discussion and, as many of you know, incorporates driver feedback whenever possible.

To understand our enforcement division, it is important to understand the agency and its mission. The Commission has nine members, five of whom are appointed on the recommendation of the Council borough delegations. One of my fellow commissioners is with us today: Commissioner Polanco. She has strong community ties to Northern Manhattan and the Bronx and understands the value that enforcement brings to these communities.

TLC regulates the City's for-hire transportation industry, including yellow and green taxis, black cars (including traditional and app-based), livery, commuter vans, lux limousine, and ambulette vehicles, as well as their drivers and the businesses that support them. The number of our licensees has greatly increased in the past four years, and today we license almost 180,000 drivers and about 130,000 vehicles. These increased numbers have undoubtedly had an impact on the agency's finances and operations. For example, we have seen an increase in overall agency revenue due to an increase in the volume of license application and renewal fees; a natural result of a growing population of licensees. Even with this growth, our enforcement revenue has remained flat over the last four fiscal years.

TLC has 196 enforcement officers who operate citywide. They are New York State Peace Officers with the authority to stop vehicles, issue administrative and criminal summonses and make arrests. Our officers' daily work involves enforcing against cars speeding, running red lights, or picking up passengers for an illegal ride, and it often involves car stops. Temporary car stops are universally recognized as one of the most difficult actions for law enforcement officers. Given the number of vehicles and the size of the City, enforcement is a huge challenge, and we are very proud of the hard work that our officers do every day.

Of course, state and local law play a key role in shaping our enforcement initiatives. For example, state and local law:

- Limit the right to pick up a street hail to yellow and green taxis;
- Set the maximum amount a passenger has to pay for a legal street hail;

- Created two separate sectors for car service: Livery and Black Car;
- Set the penalties for accumulating too many DMV or TLC points, including suspension and revocation;
- And define an illegal street hail as both a crime and an administrative violation, and set those penalties.

The Council has long empowered the TLC to enforce against illegal street hails and has consistently recognized the unique threat they pose to the public. In fact, the Council has been particularly active in strengthening enforcement tools against illegal street hails. In 1989, when the Council authorized the TLC to penalize drivers for illegal street hails, it found that vehicles operating for hire without a TLC license are “a threat to the health, safety and well-being of their passengers and the general public.” It further noted at the time that “many of the vehicles operated in disregard of the [TLC’s] regulatory authority, lack adequate insurance coverage, are mechanically unsafe and are not driven by responsible drivers.”

In 2012, then Transportation Chair Vacca ushered through legislation that recognized the importance of curbing illegal street hails by both unlicensed and TLC licensed vehicles and drivers. This legislation increased penalties for illegal street hails in unlicensed vehicles from a maximum of \$1,500 to a maximum of \$2,000. The Council again noted that thousands of unlicensed drivers and vehicles “are not subject to the same strict regulations and oversight” as TLC licensees and that “[a]s a result, passengers who are hurt in unlicensed vehicles have no recourse to insurance or the TLC.”

Finally in 2016, the Council increased penalties for licensed for-hire drivers that do illegal street hails, specifically in the Manhattan Central Business District and at the airports. The penalties for a licensed driver that accepts a street hail anywhere in the city generally range from a \$500 fine for the first violation up to license revocation for the third violation. However, under the 2016 local law, if a licensed driver accepts a street hail in the Manhattan Central Business District or at the airports, the local law penalties range from a \$2000 fine for the first violation up to a \$10,000 fine and license revocation for the third violation.

The TLC could not agree more with the Council on the need to effectively combat illegal street hails. Transporting passengers without the proper TLC license is bad for passengers, drivers and bases.

For passengers, getting in an unlicensed vehicle means getting inside a vehicle with an individual who has not been background checked or drug tested and who is unaware of our important consumer protection and safety rules. Moreover, passengers are endangered when they ride in an unlicensed vehicle that has not been checked for road safety and doesn't have adequate insurance, leaving passengers unprotected in the event of a crash. Passengers are also without any means of recourse if something goes wrong, because unlike legal dispatches from the base, there is no record of the trip and no accountability for the driver.

And illegal street hails are also bad for our licensees. Practically speaking, illegal street hails by either licensed or unlicensed operators harm those drivers and bases that follow TLC rules as well as State and local law. For them, illegal street hails result in fewer passengers and fewer passengers obviously means less income.

Many members of this Council reaffirm this approach on a regular basis when they reach out to us, on behalf of their constituents, and request enforcement against illegal activity in their neighborhoods throughout the City. Against this backdrop of repeated and continuous support for the public safety benefits of enforcement against illegal operators, TLC officers have diligently performed their duties.

One year ago, the TLC recruited and hired a new head of enforcement, Dianna Pennetti, and I know that many of you have met with her. Enforcement in this City is an enormous task, but she has brought a new approach to the job by greatly increasing enforcement's engagement with our licensees – a change that has benefitted our officers and licensees. In the last year Chief Pennetti has held many productive meetings with base owners, drivers and elected officials so that she has a firm and real understanding of industry issues with enforcement. Chief Pennetti and Deputy Chief Molina have appeared on local radio shows to further explain enforcement processes and encourage feedback.

Further, both Enforcement and our External Affairs unit regularly engage with driver communities all over the City and have addressed topics such as ticketing and fines, enforcement, drivers' rights at OATH hearings and an overview of the consumer complaints process. And as we have discussed, Chair Diaz, you have appointed an official TLC Liaison, Jennie Mejia, and we look forward to working with her on individual driver concerns. I also visit bases and attend meetings with drivers of all sectors to ensure that all of us at TLC are well-informed, available and well-prepared to support and improve taxi and for-hire service in the City. We will continue this engagement so

that we can better understand and try to resolve the concerns of our licensees, and help them better understand TLC's role.

Chief Pennetti has also focused on officer training, which is fundamental to effective field enforcement. Above and beyond the state requirements for peace officer training, TLC requires that all of our new recruits receive enhanced car stop training, as well as training to conduct undercover operations while avoiding entrapment. Chief Pennetti has also emphasized the importance of respect for all in the field, and mandated cultural sensitivity training for all officers. In fact it was a meeting with Chair Diaz one year ago that resulted in TLC accelerating the timetable for rolling out this training.

As another means of monitoring street encounters, the majority of TLC patrol cars are now equipped with in-vehicle cameras on the front dashboard and rear deck of the car, so that street encounters are captured on video.

The City and TLC's enforcement are driven by safety, and what underlies all of our enforcement action is the desire to change dangerous and unsafe behavior. To support this mission, we have taken several significant steps to ensure that penalties match our safety goals. And we have done this without reducing the high safety and consumer protection standards that set New York City apart. For example:

- Local law requires us to suspend TLC licenses when drivers get too many DMV points. Since 2015, TLC allows many drivers to take safe driving courses that reinforce the rules of the road prior to the hearing and avoid penalties that would put them out of work for extended periods of time. This

reinforces safe conduct and allows them to continue making money, safely and legally.

- Also since 2015, following a meeting including industry stakeholders and TLC employees, TLC does not pursue TLC red light camera summonses if a driver has paid the underlying Department of Finance summons.
- In 2016, TLC commissioners adopted a penalty review rule package that resulted in the reduction of over 30 monetary penalties.
- Starting in 2017, rather than issuing summonses for minor equipment violations, officers generally issue a Notice of Violation that allows drivers to fix the problem rather than issue a summons.
- Also in 2017, we amended our rules to allow drivers whose TLC licenses expired to renew and reopen them within 6 months and get back on the road without having to apply for a new license.
- Further, we've heard concerns from drivers about receiving field summonses in the mail instead of during a stop, and I'm pleased to say that since January 2017 we have reduced the percentage of mailed summonses from 60% to 15%.

We've also enhanced our prosecution practices to further ensure that drivers understand their rights and have the time to consider their options. For the vast majority of cases, drivers get a settlement letter from us that clearly explains the driver's rights, options, and describes an offer to settle the case. Drivers are encouraged to contact us at any point to discuss their case and ask questions they may have about the OATH

process and the facts of their case, and if at that point additional information from the driver warrants, the summons is withdrawn.

These changes are each the result of open communication with drivers and community leaders, and they have required hard work from all involved. We are proud of these accomplishments, and we think they strengthen our enforcement and public safety.

TLC's enforcement efforts are proportionate, appropriate and strategic. TLC enforcement is deployed throughout the City and we are transparent about these actions. Our enforcement division strikes a balance to ensure all areas of the City receive enforcement because all New Yorkers deserve the same safety and consumer protections. Enforcement data is published in the Mayor's Management Report, the Preliminary Mayor's Management Report, the TLC annual report, and in monthly enforcement reports that list the top ten violations issued each month broken down by borough and precinct. A review of these public reports shows:

- The majority of our enforcement is for unsafe moving violations and illegal activity, both of which protect public safety.
- The highest number of enforcement summonses by borough for 18 of the last 19 months were in Manhattan. In calendar year 2017, 51% of the summonses were issued in Manhattan, 34% in Queens (with the vast majority of these at the two airports), and the remaining 15% in Brooklyn, the Bronx, and Staten Island.

- In some months there are concentrated enforcement efforts in certain precincts and boroughs, many times in response to increased complaints from residents and their elected officials.

Operating with a TLC license has always been a career in New York City that helps people support their families and their communities, and it continues to offer opportunity for drivers. We encourage people to get licensed even if they previously have operated without one. So for those who have been caught driving without a TLC license, this history should not prevent you from operating legally. I invite you to contact TLC to discuss how to become a licensed driver. And for those who wish to pick up street hails, I know firsthand from my work on the green taxi program the relief drivers experience once they get a permit to perform this work legally. We look forward to working closely with this committee to ensure that the path to operating legally is as seamless as possible.

Thank you for allowing me to testify. I strongly encourage you to continue to reach out to me and to the agency with citywide and community-specific concerns, as you have done so productively in the past. I have a stack of our External Affairs' outreach cards in front of me, and I encourage drivers and other licensees to take one and use the email address on it to let us know about their questions or concerns. Working together, I know that we can continue to improve the for hire industry.