

July 2024

Looking at Lockouts

From the moment I officially became Chair and Commissioner of the TLC, I wanted to know what drivers go through on a daily basis. That's why I got my TLC license – to be able to drive a mile in your shoes and face some of the same obstacles. But one thing I don't have to face is something that a lot of black car drivers have had to deal with recently: restricted access.

I don't drive for a living, but I understand and sympathize with the frustration drivers are feeling. There is a lot of misinformation out there about what's behind the restrictions and I want to be perfectly clear: TLC is not forcing Uber and Lyft to restrict access to their platforms. This is a calculated choice the apps are making to maximize profits and avoid paying drivers more.

Back in 2018, after determining that the rideshare companies were paying TLC drivers less than minimum wage, TLC adopted rules establishing minimum per-trip payments for drivers working for high-volume companies (currently Uber and Lyft). Lyft unsuccessfully sued to prevent the rule from going into effect, and that rule went into effect in February 2019. The rule was most recently adjusted in March 2023, after Uber unsuccessfully sued to prevent a driver pay raise.

TLC's minimum pay rule uses a formula that incorporates a per-mile rate, per-minute rate, and—crucially—a utilization rate to establish the equivalent of an hourly rate for TLC high-volume drivers. Among other benefits, the utilization rate guarantees that drivers get paid for time without passengers.

Rather than paying drivers for all of their working time, including between passengers, the rideshare apps are choosing to limit the pool of available drivers. Until recently, they have also been onboarding new drivers, only to restrict access for both them and existing drivers—a practice overall detrimental to driver earnings.

I want you to know that this is highly concerning to me and that we are looking at actions we can take within the realm of our authority to reduce or eliminate access restrictions. We are working with stakeholders, advocates, and experts to identify policy adjustments that can improve conditions for our licensees.

TLC drivers *deserve* better conditions. As we just noted at our [10th annual Vision Zero Honor Roll](#) ceremony, they make our roads safer. Per miles driven, they are the safest drivers in the city. They set the pace, and when they slow down and obey the rules it encourages others to follow as well. Ten years ago, Honor Roll was one of the first Vision Zero actions TLC took, and that and other efforts have saved lives: Per vehicle, injuries and deaths involving TLC vehicles are at all-time low. I can't underscore how proud and grateful I am to our drivers for that.

See you out there,

David Do
Commissioner, NYC Taxi and Limousine Commission