



May 18, 2015

New York City Taxi and Limousine Commission
Office of Legal Affairs
33 Beaver Street
22nd Floor
New York, New York 10004

Re: Proposal to amend the rules to enhance existing requirements for FHV bases that use their own smartphone application to dispatch vehicles.

Commissioners:

The proposed rules that would require FHV bases to submit software updates to the Commission for pre-clearance would set a troubling precedent.

While local authorities have a valid interest in regulating transportation services that operate within their jurisdictions, reviewing specific software builds is the wrong way to go about it.

Transportation services themselves operate locally, but their associated apps are national, even international. The Commission's action could set a precedent that spreads to other app categories, and other jurisdictions. If local authorities begin to assert jurisdiction over app updates, this could fragment the software market, eliminating economies of scale, or slow down updates nationwide due to a delay in one jurisdiction.

Additionally, as software, no less than books or movies, is protected expression, local review of software updates could, in some circumstances, raise First Amendment concerns.

We appreciate the Commission's desire to protect the safety of New York City residents and visitors, but do not think that reviewing app updates is necessary to protect the public interest.

Respectfully submitted,

/s/ John Bergmayer
Senior Staff Attorney
PUBLIC KNOWLEDGE