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1 NYC Taxi and Limousine Commission Meeting

2 Monday, June 20, 2005

3 9:45 a.m.

4 40 Rector Street, 5th Floor, New York, NY

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6 PRESENT:

7 Matthew W. Daus, Commissioner/Chair

8 Elias Arout, Commissioner

9 Noach Dear, Commissioner

10 Harry Rubinstein, Commissioner

11 Elliot Sander, Commissioner

12 Iris Weinshall, Commissioner

13 Harry Giannoulis, Commissioner

14 Charles Fraser, General Counsel

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1 you needed something done. He was a pioneer when it
2 came to minivans. He was one of the first people who
3 helped to put minivans on the road to test them as
4 cabs.

5 We know his family is hurting right
6 now and his drivers as well who were very close to
7 him so we would like to express our condolences to
8 him as well, to his family as well.

9 Also, we over the last few days lost a
10 trail blazer in the disability community, somebody
11 that we sometimes agreed with and sometimes disagreed
12 with, but without question was somebody who was very
13 influential in the disability rights movement.

14 Her name was Dr. Frieda Zames. Frieda
15 was somebody who was very much involved with the
16 disability in action campaign. She had contracted
17 polio at age two and was disabled for almost her
18 entire life, and she actually wrote a very, very good
19 book which I have read and many people that have
20 worked on the project have read which chronicals the
21 whole history of the disability rights movement; a
22 beautiful person.

23 She was very, very well loved by
24 everyone who had to deal with her, and we certainly,
25 certainly are going to miss her, and I know the

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1 disability community is going to miss her so for
2 those three unexpected tragedies I would like to take
3 a moment of silence to remember them.

4 (Pause in the proceedings.)

5 CHAIRMAN DAUS: Before we go on to my
6 report, first on the Service Improvements project,
7 June 6 was the deadline for bids to come in. We
8 received several bids, and they are being reviewed by
9 our proposal committee, and they are still under
10 review. We put out an industry notice describing the
11 status. There should be copies in the back.

12 Also, I would like to talk very
13 briefly about a project which has received a lot of
14 attention in the media recently called the Design
15 Trust for Public Space. I would first like to
16 commend and thank First Deputy Andy Salkin for his
17 leadership in the area in terms of convincing us to
18 participate.

19 The Design Trust approached us. The
20 Design Trust is a group of people who are working
21 with architects, designers and creative people;
22 approached us to assist them in their endeavors to
23 basically come up with a new design for the taxicab
24 of the future; actually go out to the riding public
25 and get people who aren't involved in the day-to-day

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1 industry or business of taxicabs to give their
2 thoughts on what they would like to see in a cab.
3 This is an intellectual exercise. At this point it
4 is just that, an exercise, and we are sharing ideas.

5 We had two forums so far. Andy was
6 representing us at both of them. Some very
7 interesting ideas were coming out including not only
8 functional things we would like to see in cabs or
9 people are suggesting we put in cabs, not only
10 functional things but aesthetics: What the cab
11 should look like, what the back seat should look
12 like.

13 How can you make the taxicab an even
14 better place where people spend a lot of their time?
15 Not only inside but outside which is part of the
16 public space.

17 It is a great endeavor. No idea is a
18 bad idea. We are looking at all the ideas in tandem,
19 and at the end of the year we are hoping to get a
20 report from them which I assured them we would share
21 with the Commissioners.

22 If there are any good ideas that come
23 out of them, we will take a look at them and see if
24 there is anything we can do to make the riding
25 experience even better.

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1 I want to thank Andy for taking the
2 lead on that.

3 COMMISSIONER SANDER: Yellow is not
4 negotiable?

5 CHAIRMAN DAUS: That is my opinion.

6 The partition RFI is coming out
7 today. There is a request for information that we
8 are putting out consistent with what we discussed
9 last year when we passed the rules to get information
10 about how we can redesign the partitions.

11 That will obviously bear some type of
12 relationship to what happens with the service
13 improvement project.

14 The partitions will certainly have to
15 be reconfigured to deal with the screens that will be
16 put in, and we don't know how big the screens are
17 going to be yet.

18 I believe the responses will be due
19 around July 11. It is being released today so it
20 should be on our website.

21 If any of you are interested in
22 participating, there is also the potential for us to
23 form an advisory committee. If you are interested in
24 serving on that committee, I believe there is a
25 process for you putting in your name and your

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1 credentials and what you would like to bring to the
2 table so that process is underway.

3 I testified before the City Council
4 twice since we last met, on May 19 for the executive
5 budget, and most recently on June 16 regarding intro
6 642-A, which was proposed legislation regarding
7 hybrid electric vehicles.

8 Without going into too much detail,
9 because we have a big agenda, I have made copies
10 available in the back. You should have them, and
11 also it is on our website.

12 The new inspector class will be
13 starting, or we plan to start, on July 18. We will
14 be adding more inspectors to the streets.

15 Last but not least, we have canceled
16 our public hearing that we had originally scheduled
17 today to talk about the proposal to put -- to mandate
18 a requirement that our vehicle operators licenses be
19 posted in the back of limousine, black car and livery
20 vehicles.

21 The reason we canceled that hearing
22 at the request of the petitioner. The New York State
23 Federation of Taxi Drivers, they had put in a
24 petition requesting the hearing and the rule change.
25 They have since withdrawn it and they are going to

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1 resubmit it at a later date. They need to do some
2 more work on it so we are going to give them the
3 opportunity to do that, and then we will reschedule
4 that public hearing.

5 Next I would like to talk about
6 somebody who is a friend, a colleague, somebody who
7 worked many, many years at the Commission who we are
8 going to recognize upon his retirement today,
9 actually two weeks ago, but he is back here to say
10 good-bye officially to people he has dealt with in
11 the industry and to our Board of Commissioners.

12 His name is Joseph R. Midolo, also
13 known as The General.

14 Welcome back, Joe. How many years is
15 it?

16 MR. MIDOLO: 28.6.

17 CHAIRMAN DAUS: 28.6 years at the
18 helm, at USB but at the helm for several Chairs now.
19 I want to personally thank you.

20 You always delivered when we needed
21 you to deliver something. We know it is a very, very
22 tough job at USB. It is uniform personnel. We had
23 to do more with less for many years, and I know it
24 was always a challenge.

25 Joe's career has been in law

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1 enforcement. He worked for the Department of
2 Treasury, the Sky Marshals, and then he came to City
3 government after serving briefly as a mechanic, but
4 those skills --

5 MR. MIDOLO: I was the owner of two
6 gas stations.

7 CHAIRMAN DAUS: And the owner of two
8 gas stations.

9 He certainly doesn't look like he is
10 old enough to retire, but, Joe, you are a friend.
11 You have done a tremendous amount for this agency and
12 this Commission over the years, and we are sad to see
13 you go but we hope you will come back and visit us as
14 much as possible.

15 You have a great tan, you are looking
16 good, and we wish you a successful start of a new
17 career in retirement or whatever you want to do, and
18 we wish you the best.

19 In memory of all of your
20 accomplishments so you can remember us as well, we
21 have put together a plaque for you which I would like
22 to present to you.

23 Joseph R. Midolo, The General, Honor,
24 Integrity and Distinction Personified, New York City
25 Taxi and Limousine Commission, January 2nd, 1979

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1 through June 1st, 2005, with all of your medals and
2 badges and your four star badge. Congratulations.

3 MR. MIDOLO: Commissioner, this is
4 very touching. I appreciate it, and it is very -- I
5 met some good people along the way in my career, and
6 it has been an honor to be a public servant for so
7 many years, and to leave with a good name is very
8 important to me.

9 The Commission has grown since I got
10 here. Many years ago when we didn't have a car to
11 drive and they used to just drop us in the street, we
12 didn't have a radio to call and we used to use a
13 phone so everything has evolved into a positive,
14 which is very good, and I am glad I was part of it.

15 I want to thank everybody for their
16 support in my journey and as I navigated this career
17 of mine. It was turbulent at times, but it was an
18 honorable career, and public service is what I chose
19 so thank you, and good night.

20 I also just want to mention the
21 people we regulated, although I wasn't their friend,
22 I was always very appreciative of the work they did
23 for the City, which was important, and I believe I
24 treated them with dignity and honor and fairness, and
25 that is how I leave my mark on the industry. Thank

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1 you.

2 CHAIRMAN DAUS: You certainly have,
3 Joe. Thank you.

4 That concludes the awards and
5 presentations.

6 Item 2 is the adoption of the minutes
7 from the May 4, 2005 meeting. Has everybody had a
8 chance to review the minutes?

9 COMMISSIONER AROUT: Make a motion to
10 adopt.

11 COMMISSIONER WEINSHALL: Second.

12 CHAIRMAN DAUS: We have a motion and
13 a second.

14 All in favor?

15 Any opposed?

16 (Motion carried)

17 CHAIRMAN DAUS: Passage unanimously,
18 approved.

19 We may come back to item 3 because we
20 may be joined by another person who we have an award
21 for, but we will deal with that as the person comes
22 here.

23 Next I would like to go to on item 3,
24 there has been some discussion -- I reserved my
25 comments on an intro that was put before the City

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1 Council a few weeks ago to explain that we certainly
2 as a Commission, I believe, speaking for everyone,
3 support the concept of clean air and doing whatever
4 we can to make the air cleaner and utilizing
5 technology as available and appropriate to make sure
6 that that happens.

7 One of the things we discussed with
8 Councilmember David Yassky, who is joining us today,
9 is how we can accomplish that.

10 I think that everyone in this room as
11 well as the council are all on the same page when it
12 comes to the goal.

13 We want cleaner air. Even though we
14 have, I believe, the cleanest taxicabs anywhere in
15 terms of gas fueled vehicles, we still need to do
16 more.

17 The only question is how we get there
18 and what vehicles we use, what technology is
19 available to make sure we meet the dual goals of
20 providing for cleaner air and at the same time making
21 sure we have vehicles that are large enough to carry
22 people so that we don't get the complaints that we
23 had, if you remember, my colleagues, years ago that
24 they were just too small.

25 We have these interests we would like

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1 to balance, and I think the important thing is
2 Councilmember Yassky agreed to come here today and
3 discuss with the Commission the opportunity for us to
4 pass regulations as opposed to putting a lot of
5 details in the local law. We certainly appreciate
6 his efforts.

7 I think Councilmember Yassky has done
8 a tremendous amount of research and is tremendously
9 dedicated and devoted to this cause. Certainly we
10 have learned a lot from him as well, and we want to
11 continue working with him, and that's why he is here
12 today.

13 Without further ado, I would ask
14 Councilmember Yassky to join us and talk about his
15 thoughts on the hybrid electric vehicles and
16 alternative fuel in general.

17 COUNCILMAN YASSKY: Thank you,
18 Commissioner, Commissioner Weinshall and other
19 members of this Commission. Thank you very much.

20 I just want to tell you first of all
21 I really appreciate your invitation to join with you,
22 and I hope to participate in a discussion with you
23 about how to move the fleet toward alternative fuel
24 clean burning vehicles.

25 First of all, I commend and I credit

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1 the work of the Commission, not just in ensuring
2 comfort as you have done, but on the issue of clean
3 air with the thoroughness of the inspections you do.

4 I recognize how much effort and care
5 the Commission and the agency, I guess, puts into
6 trying to make sure the taxis are running as well as
7 they can given their conventional fuel engines.

8 Nonetheless, there are enormous gains
9 to be made in moving toward an alternative fuel
10 fleet, whether it is compressed natural gas or -- I
11 won't take the Commission's time today to go into all
12 the history of your efforts here, and I know that at
13 least some of you believe that compressed engine gas
14 was an experiment that didn't pan out and really
15 therefore shouldn't go any further.

16 I believe there would still be
17 opportunities there, but certainly in looking toward
18 the use of hybrid technology there is no question, I
19 think, there are enormous gains to be made there, and
20 gains really in the millions of tons of carbon
21 dioxide, greenhouse gas, carbon dioxide in the
22 millions of tons of particulate matter that could be
23 saved by switching the fleet over to alternative
24 fuel.

25 Even under conservative assumptions

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1 if you just use hybrids and hybrids for big cars that
2 are not nearly so fuel efficient as the smaller car,
3 even if technology stays where it is today, we are
4 talking about millions of tons of both particulate
5 matter and carbon dioxide.

6 To me that's the gain -- and again,
7 the context under which we operate, as I know you
8 know, the City's Health Department, Commissioner
9 Frieden, came out about 18 months ago with his
10 findings that one out of eight New Yorkers has asthma
11 or comparable respiratory illness and so in that
12 environment I believe that we in the government, you
13 and us and the rest of the government, should be
14 really leaders in trying to do what we can for clean
15 air, and these 13,000 cabs are a terrific opportunity
16 to do that.

17 I think there are two immediate
18 questions. One is how do you get some clean air cabs
19 on the road right away so that you can begin as a
20 pilot program, as a test, however you want to think
21 of it, begin to see how they function, and I am sure
22 that just as with the existing cars, there will be
23 modifications you want to make and communication with
24 manufacturers and tell them this works, this doesn't
25 work, here is something we need; how do we get that

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1 done as soon as possible so we can begin that work.

2 And also how do we keep our eye on
3 the ball of the entire fleet? I just want to put
4 both those things before you for discussion.

5 This is a meeting, not a hearing, so
6 I appreciate your inviting me to join you at this
7 meeting, and I hope this is something we can continue
8 to discuss, whether it is in this forum or elsewhere.

9 In terms of right away, there are
10 today available for sale as you know in New York City
11 both Ford Escape hybrids and Toyota Highlander
12 hybrids, either of which in my view would be a
13 terrific vehicle to try as a clean air cab. I
14 acknowledge right up front neither of these cars
15 provides the amount of leg room for a passenger as a
16 Crown Victoria does.

17 They both fall about 3 inches short
18 of the standard Crown Victoria in terms of leg room,
19 and then shorter again when you are talking about the
20 stretch Crown Vic. Many cabs are just the standard.

21 Certainly 3 inches of leg room, I
22 think, is not a lot to sacrifice for clean air,
23 particularly when you are talking about a pilot
24 program.

25 In terms of the Highlander, which

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1 seats, you know, five not counting the front row
2 seats, not counting the driver and the passenger, I
3 think a lot of passengers actually prefer that. I
4 know when I on the rare occasions get into a taxicab
5 with my wife and two daughters and I sit in the front
6 or my wife sits in the front, I think we would much
7 rather be in the two rows in the back car so I think
8 that is at least a wash in terms of passenger appeal.

9 Even let's concede that there is a
10 sacrifice in comfort on the 3 inches. Again, I think
11 that is plainly made up for in the environmental
12 gain.

13 There is survey data now available to
14 support that just today, I guess, was released, a
15 survey conducted by Global Strategy Group, a
16 telephone survey, 500 interviews conducted between
17 June 11th and June 14, 2005, and just to share with
18 you a few of the findings: 83 percent of New Yorkers
19 would support a law to promote the use of hybrid cars
20 as taxis, 83 percent.

21 Seven in ten New Yorkers say, "it is
22 important that a majority of all cabs be hybrid cars
23 in the next five years," 70 percent.

24 New Yorkers rank pollution and air
25 qualities as our number one environmental problem.

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1 A majority of riders when asked would
2 you sacrifice a few inches of comfort in return for a
3 hybrid cab on the street, a majority of riders,
4 taxicab riders, say yes, they would.

5 This question I know was raised by
6 you, Chair, a very legitimate question, and very
7 valid question, of what do we owe the riding public.

8 I think the riding public, as my
9 boss, your bosses, say quite clearly, they would like
10 to see movement on the environmental front.

11 I would encourage you really today,
12 or as soon as you can under your own rules and
13 process, to authorize the use of the Escape and the
14 Highlander at a minimum as cars for folks to try and
15 use.

16 As you know, there are medallions out
17 there. I think frankly if you make it available you
18 may see drivers and owners really choose because of
19 the fuel savings even for the non-clean air
20 medallions to try these cars, but certainly let's get
21 those clean air medallions, some of which were
22 auctioned off, some remaining to be auctioned off,
23 let's get those in use right away so we see how they
24 go.

25 Lastly, I would ask you to think, and

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1 I hope together with us in the rest of the government
2 who are interested in this, about how we are going to
3 move toward the entire fleet, and I have no doubt,
4 having now spent -- I think we introduced this bill
5 three years ago, really, so having spent now quite a
6 bit of time talking to both folks in the industry
7 here and the manufacturers, that if manufacturers
8 know that there is a 13,000 car market out there,
9 they will respond to it so, for example, if we were
10 to pass a bill that said as soon as a hybrid car is
11 available that meets X inches -- meets all the
12 specifications, whatever you think is necessary for
13 comfort, that cab, the medallion owners have got to
14 convert to that, phase it in as they replace their
15 cars, of course, but if you were to pass something
16 like that, or if we in the government were to adopt a
17 rule like that, I have no doubt that the
18 manufacturers would respond right away.

19 I would like to work with you,
20 Mr. Chair, and with the Commission on fashioning a
21 rule like that. I think done legislatively would
22 give it the force it needs and I would like to work
23 with you.

24 It is my intention over the next
25 several months to be continuing to be pushing that

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1 idea in the City counsel.

2 I thank you so much for the
3 opportunity you have given me to join with you today.
4 I don't know if you are envisioning questions. I am
5 happy to do that.

6 CHAIRMAN DAUS: I think Commissioner
7 Dear and Commissioner Sander had questions or
8 comments.

9 COMMISSIONER DEAR: Thank you for
10 your thoughts, Councilmember, and I know this
11 Commission has dealt with this issue, not only to
12 deal with you but I think as a general statement.

13 I am frustrated because we in the
14 last auction, we did auction off alternative fuel,
15 and for whatever reasons, the Commission decided --
16 staff, not the Commission, because I don't know why
17 it did not come to the Commission, decides not to
18 accept it.

19 It is something I would like to work
20 with you if that is the vehicle. I think we should
21 do it here, but maybe you can answer -- somebody
22 should answer me -- why we did not move with those,
23 and now we have a lawsuit pending, which I frankly
24 think they are going to win so we will look like egg
25 all over our face.

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1 Why have we not moved in that
2 direction and not moved forward even more with regard
3 to those vehicles?

4 And with regard to your statement
5 that you did reach out to the manufacturers, did you
6 speak to them directly? I don't know -- you did
7 speak to them directly? They would accommodate like
8 they did with other vehicles?

9 COUNCILMAN YASSKY: Let me be clear.
10 I don't want to come here and make a claim that X
11 year, X model is going to be available. When we
12 first started talking about this, I have spoken with
13 folks from Ford, from Honda, from Toyota.

14 I think their projections for what,
15 when, a certain car was going to be on the road,
16 already is back from when -- what they were two years
17 ago so what do I know?

18 COMMISSIONER DEAR: But the cost, the
19 cost outweighed in many cases even someone who is on
20 the road 24/7, still outweighed the cost of savings
21 on the gasoline, which that is one thought for a
22 driver and for an owner, because he wants to make
23 sure he wants money. He can't lose money on this.

24 That is one of the issues I have in
25 general, that right now I don't understand why

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1 hybrid, not only do you have to force people, why
2 does anyone want to get a hybrid? I have been
3 looking at it myself but it is prohibitive. It is
4 ridiculous.

5 I am concerned about the cost. This
6 Commission has already put enough burdens on the taxi
7 owner and taxi driver we don't have to give them more
8 costs and expenses if the average citizen still has
9 not yet in their mind changed over to hybrid.

10 I don't mind alternative fuels. I
11 would be the first one to say let Saudi Arabia soak
12 in its oil and drown in its oil. I am waiting for
13 that, but the bottom line is it is not realistic yet.

14 Then I want to go back to it
15 afterward.

16 Let him finish and then I will come
17 back to your issue, and I don't want to hear about --

18 CHAIRMAN DAUS: That is the answer.

19 COMMISSIONER DEAR: Tell me -- we are
20 in litigation. Why do you want to talk?

21 CHAIRMAN DAUS: On advice of counsel,
22 he has advised we not talk about it publicly. It
23 involves litigation strategy. I would be happy to
24 talk to you --

25 COMMISSIONER DEAR: There is the

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1 typical attorney, and that is nonsense. I am an
2 attorney myself. When --

3 CHAIRMAN DAUS: I think he is
4 exemplary.

5 COMMISSIONER DEAR: It is not a
6 criminal case. No one is going to jail. In criminal
7 you don't talk, you are going to implicate yourself.
8 What is the implication if you talk publicly? Why
9 are we hiding from the public? This is a public
10 auction. Everything is going to be public when you
11 get to court. You are going to argue. Everybody is
12 going to hear.

13 CHAIRMAN DAUS: I will make a general
14 statement and turn it over to counsel. The ground
15 rules were set. Everybody knew what they were after
16 the fact. The people involved with the auction
17 sought for us to change the ground rules afterwards.

18 In fairness to the people to protect
19 the integrity of the process, we made sure we adhered
20 to the ground rules and ensured that people wouldn't
21 get a windfall and have unfair competitive bidding.
22 That is why we did it.

23 I am not going to say anything other
24 than that. The integrity of the process is the
25 overriding interest, and let's let the court decide

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1 what -- who was right and who was wrong, and we will
2 be guided by that decision.

3 Is there anything else to add?

4 MR. FRASER: Really not. Corporation
5 Counsel you saw in Friday's Times declined to comment
6 on it, and I think their choice is wise when
7 litigation is pending.

8 Notwithstanding the fact that it is
9 not a criminal case, we don't comment on pending
10 litigation.

11 COMMISSIONER DEAR: I don't want to
12 be embarrassed afterwards when they are going to win
13 this lawsuit, because that is my gut feeling from
14 what I read and what I understand, and from what I
15 understand of this issue -- I am not the judge in
16 this case -- what is going to happen then? Is this
17 going to be another blow to us because we have had
18 this in this situation where we propose things, staff
19 does one thing, Commission does another?

20 We want -- there is a way the
21 Commission wants to move. There is ideas we have.
22 Sometimes we feel that we are just --

23 CHAIRMAN DAUS: With all due respect,
24 Commissioner Dear, the Commissioners were advised at
25 every step of this process, number one.

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1 Number two --

2 COMMISSIONER DEAR: But that was
3 before the Commission --

4 CHAIRMAN DAUS: Let me finish.

5 Number two --

6 COMMISISONER GIANNOULIS: Are we all
7 involved in this lawsuit, where the Commission is
8 involved?

9 CHAIRMAN DAUS: The agency is being
10 sued.

11 COMMISISONER GIANNOULIS: I don't
12 want to be talking about the lawsuit, that is it. If
13 I am being sued I don't want to talk about it. If he
14 wants to talk about it, he could go outside and talk
15 about it, end of story.

16 CHAIRMAN DAUS: I am glad to hear
17 that.

18 COMMISSIONER SANDER: I agree.

19 CHAIRMAN DAUS: We are moving
20 forward, and this is a public matter with the sale of
21 that same lot involved in the lawsuit. It is going
22 to be resold and reoffered for sale. They are not
23 lost, along with the additional medallions for the
24 next group, so there is a total of 81 for sale.

25 We would be happy if any

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1 Commissioners like Commissioner Dear are interested
2 in learning more about our position in the lawsuit,
3 you can talk to our general counsel; would be happy
4 to share with you, and Corp. Counsel as well. They
5 are your attorneys, they are our attorneys; they
6 would be happy to share with you the legal briefs and
7 our position on it.

8 I understand your concern,
9 Commissioner Dear.

10 COMMISSIONER DEAR: We are being
11 individually sued?

12 CHAIRMAN DAUS: No, you are not being
13 individually sued.

14 COMMISSIONER DEAR: We are not being
15 sued. Let's clarify it. Is the City being sued
16 or --

17 CHAIRMAN DAUS: You are not being
18 individually sued.

19 COMMISSIONER DEAR: Are we named in
20 the lawsuit?

21 CHAIRMAN DAUS: Yes.

22 COMMISSIONER DEAR: Me personally?

23 CHAIRMAN DAUS: You are not being
24 individually sued according to counsel.

25 That's correct?

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1 MR. FRASER: That is correct.

2 COMMISSIONER DEAR: There are times
3 we get papers we are individually named in the suit.

4 CHAIRMAN DAUS: I know your heart is
5 in the right place.

6 COMMISSIONER DEAR: I would like to
7 know myself. Are we named in this lawsuit?

8 CHAIRMAN DAUS: No, you are not.

9 COMMISSIONER DEAR: So we are not
10 being individually sued. Thank you.

11 COMMISISONER GIANNOULIS: We may be
12 tomorrow.

13 CHAIRMAN DAUS: They can always amend
14 their complaint.

15 Certainly, Commissioner, I am glad.

16 COMMISSIONER DEAR: Let's not hide --

17 CHAIRMAN DAUS: I am glad you are
18 taking an interest in this and we will talk to you
19 afterwards, counsel with chat with you.

20 COUNCILMAN YASSKY: Commissioner Dear
21 did raise some questions about cost and burden, and I
22 don't know if he wanted me to address this.

23 CHAIRMAN DAUS: And then Commissioner
24 Sander has a question.

25 COUNCILMAN YASSKY: Commissioner

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1 Dear, those were issues you wanted me to address?

2 COMMISSIONER DEAR: Yes, absolutely.

3 COUNCILMAN YASSKY: I absolutely
4 share those concerns. In terms of making cabs
5 available, just altering your list of approved
6 vehicles so that owners can use them, that obviously
7 doesn't involve any burden whatsoever. That says
8 individual owner, they can calculate loss and
9 benefits both in terms of fuel savings and in terms
10 of appeal to the public for their decision, and let
11 them do it.

12 I don't think the concerns you raised
13 would argue in any way against immediately approving
14 hybrid vehicles for use as cabs if that is what the
15 owners choose to do.

16 On the long term goal, I agree with
17 you that the idea is to ensure that the fleet does
18 convert in a way that doesn't pose an unfair burden,
19 and I think there are a couple of ways to think about
20 that. One is, if I understand your rules, owners are
21 required to turn over their vehicle or replace their
22 vehicle after three years of use for the fleets, if I
23 understand that.

24 Now, I think your rules also already
25 provide that they can keep the vehicle for longer if

29

1 it is alternative fuel. That actually makes an
2 investment in alternative fuel break even and
3 probably even beneficial to the owner, because over
4 the life of the medallion or over a fifteen, twenty
5 year period, the extra cost for each vehicle is more
6 than made up by the fact they have fewer replacements
7 so that I think is one way to think about it.

8 Just in terms of the issues of
9 getting the medallions out immediately, I have no
10 idea what happened, what the facts were of this
11 auction, whether somebody is entitled to medallions
12 or not from some previous auction. Certainly I have
13 no idea about those facts.

14 I would just say to you, I urge you
15 as a policy matter, I think we have a policy interest
16 in getting the vehicles on the street as soon as
17 possible so if resolving a lawsuit that lets somebody
18 who is already interested in putting those cabs on
19 the street go to it tomorrow, I think there is a
20 policy objective there. I think there is a plus
21 there on the policy side.

22 COMMISSIONER DEAR: I have to agree
23 with you on the issue we should move. That is an
24 interesting idea, give the opportunity for the other
25 cabs, those that want to go to alternative fuel.

30

1 CHAIRMAN DAUS: Commissioner Sander?

2 COMMISSIONER SANDER: I would also
3 concur with looking at extending the life for the
4 environmental benefit.

5 First, I appreciate your taking the
6 time to be here and pursuing this issue. Hopefully
7 we can work something out both that is
8 environmentally smart as well as for the issues of
9 our customers in terms of usage.

10 Two follow up points. If you have
11 copies of the polls you referred to, that would be
12 interesting to look at, number one.

13 The second question I have for you,
14 you were referring to, and I think the Chairman has
15 referred to, a pilot. I am just curious in terms of
16 what number of vehicles you have in your mind or has
17 been discussed in terms of a pilot?

18 COUNCILMAN YASSKY: Well, as you
19 know, the Council and the Commission and the
20 administration agreed on 81 vehicles that would have
21 a clean air -- 81 medallions that could only be used
22 for clean air.

23 Certainly at least that I think is
24 what you want to start with, but, again, I see no
25 reason if you make them available to taxi owners and

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1 medallion owners why not let those who choose to try
2 the vehicle do so and see how that goes.

3 I don't know -- I don't think that
4 puts a fixed number on it. I am certain it would be
5 a minority of owners who would choose to do it within
6 the next year. First of all, it is a minority that
7 are replacing their vehicle, and within that, inertia
8 being what it is, hopefully they will continue to do
9 what they have done in the past.

10 Thank you.

11 CHAIRMAN DAUS: Commissioner
12 Giannoulis?

13 COMMISISONER GIANNOULIS: Three
14 questions. Number one, can you tell us what actually
15 your legislation is? Because nobody has explained it
16 to us. So I have no idea what anybody is talking
17 about. That would be number one, or at least the
18 latest version of it.

19 Number two, you talked about size,
20 3 inches. That was in reference to the passenger
21 side? Can you tell us what the driver's side,
22 whether there is a smaller amount of space there? I
23 don't know if you know that information.

24 COUNCILMAN YASSKY: I would invite my
25 friends from the Smart Transportation Coalition to

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1 come join me and tell me. The second one I can't
2 answer.

3 Let me tell you about the bill while
4 we are thinking about that driver question, and the
5 poll, in terms of Commissioner Sander, this poll was
6 conducted for the Smart Transportation Coalition, and
7 I will ask them if they have copies available. I
8 only have the summary right here in front of me.

9 COMMISISONER GIANNOULIS: That would
10 be great.

11 COUNCILMAN YASSKY: There are two
12 pieces of legislation I have introduced and are
13 pending before the Council. One provides that
14 starting some point after enactment, it speaks of a
15 year from a fixed date so really what it should be is
16 a year from enactment or some point in the future, it
17 says when owners will replace their vehicles under
18 existing replacement rules, they will be required to
19 do so with an alternative fuel car. I put out that
20 bill, proposed that, as I say, some three years ago.

21 I recognize that there are concerns
22 with doing that about requiring people to buy cars
23 that may not be quite right yet, about whether it is
24 more costly, and I am open -- not just open -- eager
25 to be working with you folks on crafting a bill to

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1 address those concerns while still ensuring the
2 conversion of the fleet.

3 We have had, I believe, two or three
4 hearings over the past three years on this bill on
5 the Council. The Commissioner, the Chair has
6 participated in those hearings. That is the big
7 bill.

8 The immediate bill, intro 642, simply
9 as introduced, it would have made some of the
10 existing hybrids, the Escape and the Highlander,
11 authorized taxicabs.

12 After conversations with you,
13 although, again, the administration has opposed so --
14 I am not trying to say you agree with anything we
15 have done -- after conversations with the Commission
16 staff and with other Council members who are
17 interested in this, we have amended the bill, and
18 there was a hearing on an amended version of the bill
19 on Friday to simply direct the Commission to approve
20 a hybrid vehicle for use as a taxicab.

21 That bill, there was a hearing on
22 that on Friday. It gives the Commission, I believe,
23 thirty days.

24 The Chair in his testimony noted that
25 that was really too short for you to put out a

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1 proposed rule, get comment on it and then issue a
2 final rule; that thirty days was not sufficient time
3 to do that.

4 Again, I don't think that is a legal
5 bar, because I think this bill would override the
6 administrative rules that call for that, but I think
7 that was a legitimate point that was raised.

8 I will tell you that there is
9 substantial interest in moving this very rapidly
10 among some of my colleagues in the Council and so it
11 may or may not come up for vote on Thursday at the
12 full Council.

13 There was some discussion between me
14 and my colleagues about whether it should be brought
15 up this Thursday, which there is a Council meeting
16 today but the next one is Thursday.

17 If not, I expect it will be brought
18 up quite soon, and my hope is we can address the
19 thirty day issue, but if we do it this Thursday there
20 wouldn't be time to do that.

21 COMMISISONER GIANNOULIS: I think in
22 terms of us approving any -- putting aside any
23 legislation -- in terms of approving a pilot, it
24 would be pretty helpful, even prior to approving a
25 pilot, to understand the safety of these vehicles.

35

1 I know you may not have the answer,
2 but what is the space for the driver? I think one of
3 our bigger issues is space when these folks have to
4 sit in these cars for ten hours. Passengers sit in
5 there for three minutes.

6 Are they getting shortchanged? How
7 much are they getting shortchanged? So that is an
8 issue.

9 Then the issue obviously is safety.
10 I mean, these cars are getting banged up a lot. They
11 are working 24 hours a day. Do they compare in terms
12 of crash tests and that kind of thing? I have no
13 idea about cars relative to crash test kind of
14 things.

15 I assume all automobiles are tested
16 and there is some kind of standards. How can we
17 compare the standard of that with the Crown Vic? I
18 would be interested in that.

19 I have been in one of those cars.
20 They seem like fine cars.

21 COUNCILMAN YASSKY: I join you in
22 being reluctant to trust my own sense of safety from
23 having ridden in a car.

24 CHAIRMAN DAUS: If you like,
25 actually, Commissioner, Peter Shankman, I would like

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1 to introduce him. He is our new Assistant
2 Commissioner for Safety and Omissions. He could talk
3 a little bit about some of the crash testing and some
4 of the vehicles we have looked at.

5 Peter, would you join us for a
6 second?

7 MR. SHANKMAN: All of the vehicles to
8 be put on the road have to be crash tested. The
9 current Crown Victoria is a five-star rated vehicle.
10 The Highlander is a four or a five and so is the
11 Escape so I don't really see safety being necessarily
12 an issue with this.

13 We did prepare some comparison of
14 currently approved vehicles compared with hybrid
15 vehicles that we can pass out.

16 There is a considerable difference in
17 the rear leg room for the current Crown Vic, the
18 stretch, and the standard Crown Vic and the
19 Highlander and Escape. If you compare the stretch
20 Crown Victoria, which is currently the majority of
21 vehicles, approximately 11,000 of the taxis are that,
22 you are talking almost 10 inches difference between
23 that and the Highlander, and then if you put a
24 partition in the rear you are talking probably
25 another 3 to 4 inches.

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1 The Escape is 36.3 inches as measured
2 by the Society of Automotive Engineers, and the
3 current Crown Victoria is 45.6.

4 Having ten Escapes in our parking lot
5 we have sat in the back, and if you did put a
6 partition in it unfortunately it would compromise
7 approximately another 4 to 5 inches.

8 COMMISISONER GIANNOULIS: Maybe this
9 is a simple question, maybe it is a judgemental
10 question, but at the end of the day -- when I have
11 something like a sports car, you can't get in the
12 back of my car because it is four doors, but it is
13 not really designed to be a family vehicle; it is
14 designed for what it is, which is myself driving it.

15 Are these other cars really designed
16 for energy efficiency and they really don't care
17 about the back and that is why they are so small?

18 MR. SHANKMAN: No. The Highlander is
19 a family vehicle. The Escape, one of the issues we
20 did find is it is almost 12 inches step-up into the
21 vehicle so it is a little uncomfortable, and the
22 doors are considerably narrower than a large sedan,
23 but we are talking apples and oranges, a small SUV
24 compared to a large sedan.

25 COMMISSIONER DEAR: What did it cost

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1 for those cars --

2 MR. SHANKMAN: The costs are on the
3 bottom of the comparison.

4 CHAIRMAN DAUS: What I would
5 recommend, Commissioners, that staff come up with
6 recommendations working with the councilmember and
7 his office for the possibilities of pilot vehicles
8 and what number.

9 COMMISSIONER AROUT: Mr. Chairman, is
10 there any chance of having a vehicle up here so we
11 can look at it, drive it around? I have never been
12 in one. I think it would be a good idea if the
13 Commissioners at least could sit in it, go around the
14 block.

15 COMMISSIONER WEINSHALL: The
16 Department of Citywide Administrative Services has
17 purchased a number of hybrid cars for City use. I am
18 sure if Mr. Daus here got in touch with Commissioner
19 Hirst we can get all samples. I know the City has
20 bought -- I don't know if we bought the Highlander.

21 Do you know, Andy?

22 I don't think so, but we bought all
23 the others so we bought the Civic, we bought the
24 Prius, we bought the Escape.

25 I know this agency has Escapes.

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1 CHAIRMAN DAUS: It is a great idea,
2 and we will make arrangements to do that and try to
3 work out the schedule so everybody can take a look at
4 them.

5 Unless anybody disagrees, that is how
6 I feel we should proceed at this point, and as
7 quickly as possible as the councilmember suggests.

8 COUNCILMAN YASSKY: Thank you.

9 COMMISSIONER DEAR: How are we
10 proceeding here? Are we going to move next step to
11 talk about what kind of vehicles?

12 CHAIRMAN DAUS: First we will need a
13 staff recommendation as to what to do, and then I
14 believe we need some rule making.

15 COMMISSIONER DEAR: What kind of time
16 frame are we talking about?

17 MR. FRASER: I think the idea is a
18 proposal will be made by staff at the next meeting.
19 The rule making, once we draft rules, they must be
20 proposed for thirty days followed by a public
21 hearing.

22 Once they are adopted, they must be
23 published for a further thirty day waiting period
24 before they become effective.

25 COMMISSIONER WEINSHALL: Could we

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1 adopt the rule today?

2 MR. FRASER: No, really not.

3 COMMISSIONER DEAR: We can propose,
4 not adopt.

5 COMMISSIONER RUBINSTEIN: I wanted to
6 briefly make a comment, if I may. The issue that I
7 see -- I think we are all with the councilman, I
8 think we are all in the same position when it comes
9 to wanting to better our service without going into
10 details; however, I think what the councilman said
11 was a bit misleading in that he initially said there
12 is only a 3-inch difference in terms of the leg room.

13 I am not bringing this up to really
14 hold you to fire here, Councilman, but it is just
15 that the Toyota Highlander has 34.6-inch leg room,
16 and the Ford Crown Victoria stretch has 45.6. That
17 is 11 inches.

18 The problem I have, I am not a giant.
19 I am 5-foot 10. I get in back of a cab, and the old
20 ones, I have had my knee in my mouth, and it is an
21 issue.

22 I am not saying we shouldn't
23 investigate this, but I have been on the Commission a
24 while, and some have been here before me, some after.

25 The point is when you look at the

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1 cost of a Highlander for 33,000, and you look at a
2 Crown Vic at 24, through the years we have gone
3 through this, a lot of the owners and fleet people
4 know, and, quite frankly, from my viewpoint,
5 realistically, unless the costs come down, I think we
6 are spinning wheels.

7 I don't think it is fair to burden
8 our industry with more cost here, and I understand
9 the legislation is pending and all this and all that.

10 As I said, I think it is all coming
11 from a good place, but in the end I think the
12 manufacturers is really where the issue has to be.
13 The costs have to come down.

14 My point is, leg room and cost and
15 where do we go from there?

16 COUNCILMAN YASSKY: I would like to
17 address a couple of things.

18 First of all, in terms of what I said
19 before, I said that there is a 3-inch difference
20 between the Escape and the Highlander and then the
21 regular Crown Victoria, and it is a greater
22 difference with the stretch. I tried to be clear
23 about that.

24 COMMISSIONER RUBINSTEIN: I
25 understand, but in a short time there will be no more

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1 of the old Crown Vics.

2 CHAIRMAN DAUS: I think there was a
3 miscommunication. It is about 8.5 inches less.

4 COUNCILMAN YASSKY: Compared to the
5 stretch.

6 On the Highlander there is a small
7 point, but just for your information, what this chart
8 here shows as -- under rear leg room for Highlander
9 they have 34.6 inches on this chart. That is, I am
10 told, the leg room for the middle seat. The leg room
11 for the rear seat, because this is a three-row
12 vehicle, it is a minivan like you see around a lot
13 these days -- it has three rows -- the leg room is 36
14 and something inches so it is comparable to the
15 Escape.

16 No question between these vehicles
17 and the stretch there is a material difference in leg
18 room there.

19 I would just go back to I don't want
20 to deny it is a trade-off. I think the trade-off is
21 worth making, and I would ask you to at least think
22 about that and make your own judgment as to where the
23 trade-off is.

24 On cost let me say a couple of
25 things. This chart doesn't give -- this gives the

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1 manufacturers suggested retail price, suggested
2 retail price.

3 There are currently tax credits that
4 are at the federal level. They were at the state,
5 and they may again be for alternative fuel vehicles
6 that drive the cost down. They take some work to do.
7 They are subject to legislation. I believe the state
8 one is expired and needs to be renewed.

9 If both the state and federal are in
10 place then the costs are about the same. That is an
11 if.

12 Let me say this. I think that
13 everyone that studies this industry say these costs
14 are coming down in a way that I paid four times as
15 much for a computer ten years ago as I do today.
16 Everyone says the hybrid costs are coming down. What
17 we want to do in New York is get ahead of this curve
18 and be a leader here.

19 The truth is it is not what is at
20 stake. It isn't just here. If New York takes action
21 on hybrids you can be sure San Francisco which has
22 done it already on a limited basis, Chicago, other
23 cities will follow like this.

24 I think in my mind there is no doubt
25 that this is the future of taxicabs. The question is

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1 whether we want to be ahead of it or fighting the
2 rear guard. I think we have an opportunity.

3 CHAIRMAN DAUS: Commissioner
4 Weinshall has a comment.

5 COMMISSIONER WEINSHALL: I appreciate
6 what Commissioner Rubinstein is saying about leg
7 room. I often think back to times I have gone to
8 Europe, and clearly their cabs are by no stretch of
9 the imagination as large or luxurious as the cabs we
10 have here.

11 I think the councilman makes a very
12 good point, which is at some point with gas prices
13 teetering on \$2.50 a gallon, I think that we need to
14 make room for other types of vehicles in fleets.

15 I guess my concern is sort of
16 mandating these types of vehicles on the industry as
17 a whole.

18 It is one thing if drivers or fleets
19 opt in or decide they want to take advantage of other
20 benefits or incentives that we offer. I guess my big
21 concern is mandating it, because the drivers are
22 under such tremendous strain, economic strain
23 already, that to mandate this type of vehicle I think
24 would only add to that economic strain.

25 I guess my view is that, you know, it

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1 would be great to have larger vehicles for everybody.

2 I mean, I am 5-foot 3. Quite frankly, I don't need

3 all that leg room, but on the other hand I do believe

4 this is something we need to try out.

5 I think the councilman is right. New

6 York has always been the leader, and in City

7 government we are trying it out.

8 Huge numbers of hybrid vehicles are

9 being purchased by City fleets to qualify for the

10 alternative fuel regulation which the City Council

11 passed a number of years ago.

12 So from my perspective, I think we

13 need to pass a rule and we need to pass it quickly so

14 we are able to either have a pilot or to qualify for

15 these eighty odd vehicles, to get these vehicles into

16 the fleets, and then from there I think if

17 individuals -- you know, I see many more minivans on

18 the road where individual owners have opted to

19 purchase them.

20 Likewise, I think if we have a rule

21 and allow people to purchase these hybrid vehicles, I

22 think many more drivers will purchase them as well.

23 I guess that is where I am coming out

24 on the issue.

25 CHAIRMAN DAUS: I would tend to agree

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1 with you 100 percent on this one. I think the best
2 way to do this is a pilot. Unless I hear some strong
3 opposition from people, I would like to go forward
4 with that.

5 COMMISSISONER GIANNOULIS: What is it
6 we are trying to find out in this pilot exactly?

7 CHAIRMAN DAUS: Number one, how the
8 vehicles will hold out up on the streets 24/7; number
9 two, customer and passenger response to the vehicles
10 in terms of whether they like them, don't like them,
11 are they too big, too small. Those are some of the
12 things we need to look at.

13 COMMISSIONER RUBINSTEIN: I concur
14 with Commissioner Weinshall, and that was sort of
15 what I was hinting at in terms of I would really not
16 want to mandate the drivers having to purchase any
17 sort of vehicle. Obviously I would agree with that,
18 and I don't want anyone here to misunderstand on the
19 record -- I am not against the future, I am not
20 against hybrid vehicles; however, I think the proper
21 procedure would be rather than a lot of legislation
22 to try to see if these vehicles will work, and that
23 is what I think the Chair has suggested so I would
24 defer to that.

25 CHAIRMAN DAUS: I think at this point

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1 we are pretty much all on the same page and we need
2 to move quickly, and by the next meeting we will have
3 a recommendation.

4 COMMISISONER GIANNOULIS: There is no
5 issue here affecting the legal issues we talked about
6 earlier?

7 CHAIRMAN DAUS: We have been advised
8 that that is not an issue.

9 MR. FRASER: You mean the litigation
10 pending? No.

11 COMMISSIONER DEAR: Why do I have to
12 try a pilot, or we just add it to the list and allow
13 for vehicles if they are going to become popular,
14 everybody else will get them?

15 In addition to that, it will send a
16 strong message to the manufacturers that maybe they
17 will start getting serious. If they are talking
18 about potentially 13,000 cars, that is a lot of
19 vehicles that will spur the other agencies to start
20 doing it, and before you know it New Yorkers are
21 doing it.

22 You know, we are going through a
23 whole process here with the smart vehicles and
24 putting in these television cameras and all the
25 computers and everything else. We didn't do any

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1 pilot. We are doing it, we want to be the first in
2 the City, first in the country. Why can't we do
3 this? I think it is far more important than some of
4 the other things happening.

5 This is huge on an economic side and
6 an environmental side.

7 CHAIRMAN DAUS: I agree with you, but
8 as we have with every other vehicle that is new, we
9 need to go through the same process to make sure
10 people don't start putting thousands of vehicles on
11 the road which are later recalled. Quite frankly,
12 having thousands of these vehicles which are too
13 small will have a major problem for us.

14 I think the best way to proceed is to
15 do a pilot, and that I think will make enough of a
16 dent for the manufacturers to take us seriously and
17 say there is a market here, and let's try to redesign
18 these vehicles to make them a little bit bigger as we
19 have demonstrated in the past we have done with the
20 Crown Victoria.

21 Thanks to Ron Sherman and TBOT, the
22 Commission, we went back to Ford and said "We like
23 these vehicles, passengers like them, they are good,
24 but they are too small; otherwise they are operating
25 well."

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1 We asked Ford. They spread out the
2 chassis another 7 inches giving 6 inches of
3 additional leg room for the back compartment, and it
4 made a tremendous difference, as we all know, for
5 those who were serving on the Commission when we
6 passed those rules.

7 We made a commitment to the public at
8 that time that there will never, ever be a smaller
9 vehicle on the road, and we passed rules to mandate
10 that.

11 If we can accomplish both the role of
12 having a bigger vehicle and also getting hybrid
13 electric vehicles, let's do it, and I think, in my
14 opinion, your suggestion is right on point,
15 Commissioner Dear, we want to get to approval, but in
16 terms of the technical distinctions under our rules
17 and what that means, approval means anyone can go out
18 and buy the vehicle.

19 A pilot needs to be short, it needs
20 to be now, as soon as possible, and right after the
21 pilot we should evaluate it and recommend to the
22 Commission approval or disapproval.

23 If it is approved, then it is out
24 there for the world. That is my thought on it.

25 COMMISISONER GIANNOULIS: With all

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1 due respect to Commissioner Dear and Commissioner
2 Weinshall in terms of talking about moving this
3 quickly, I think we all need to take a bit of a deep
4 breath for a second. CNG did not work out and it was
5 passed before I got here, and then it was changed
6 when we voted on changing it.

7 I am all for taking City Council's
8 lead probably more than anybody here --

9 COUNCILMAN YASSKY: Not everybody
10 here.

11 COMMISISONER GIANNOULIS: Every other
12 meeting we have ever had has always been about
13 forcing the industry to increase the size of the
14 vehicles, and all of a sudden we are all saying let's
15 rush to get this moving forward, which is
16 dramatically smaller. That just is a little strange
17 to me so I think that we need -- I think we all want
18 to do the right thing. I think we need to balance
19 that.

20 That is all I always hear about
21 whenever we have these discussions. We have the big
22 vehicles. They are great for passengers, great for
23 drivers. They should be bigger, they should be
24 bigger, they should be bigger. Apparently they
25 shouldn't be bigger.

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1 COMMISSIONER WEINSHALL: I wasn't on
2 the Commission then, and I didn't quite understand
3 this love affair with the larger vehicles.

4 COMMISISONER GIANNOULIS: It has
5 always been there, and if there is a reason for it
6 not to be there, that is fine.

7 COMMISSIONER WEINSHALL: I have
8 always had enough room in whatever car I go into.

9 COMMISISONER GIANNOULIS: I took it
10 as bible.

11 COMMISSIONER WEINSHALL: Let me just
12 say, I think the world has changed since we had this
13 bigger is better attitude, and I think the fact that
14 gas prices are what they are, and that we are
15 imposing so many new procedures and rules and
16 standards on the industry, and the fact that there is
17 this technology out there, where I believe a hybrid
18 vehicle you can get 600 miles to a tank of gas -- am
19 I correct? That's correct?

20 COUNCILMAN YASSKY: For the smaller
21 ones. It wouldn't be that much for the big one we
22 are talking about here.

23 COMMISSIONER WEINSHALL: Even
24 400 miles on a tank of gas, just do the math in terms
25 of calculating it.

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1 I just think that, you know, what was
2 good then was good then, and the world is different
3 now, and not one size fits all so I think this
4 Commission has to be a little bit more forward
5 thinking and keep in mind both maybe the public would
6 like to see it, because I think the public would like
7 to see we are being environmentally correct as well
8 as what is good for the industry.

9 COMMISSIONER RUBINSTEIN: I just
10 wanted to say something. I think there has been some
11 sort of misleading or certainly not on purpose -- I
12 don't agree with the Commissioners there has been a
13 big push to make the cabs bigger. I felt all along
14 it was to make the cabs safer, because when you got
15 in and still -- you know, in the old Crown Vics your
16 feet were literally up against you, and your face was
17 against the rear of the cab.

18 I understand that certainly there was
19 a push for larger rear seating, but the main thrust
20 in my mind had always been safety so I want to
21 address that, and I think with these hybrids, I think
22 Commissioner Giannoulis is correct that we don't want
23 to rush toward something and find out it doesn't
24 work.

25 Whatever it takes to find out before

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1 it goes on the road en masse we should go through a
2 normal testing period, and I don't think that that is
3 all that --

4 CHAIRMAN DAUS: That is a fair point,
5 and that is part of it also, there is no question. I
6 mean, those are both considerations.

7 It sounds to me the more we discuss
8 this, the more I think we agree. We don't want to
9 repeat -- the CNG program was a failure, complete and
10 utter failure because of the reasons why Commissioner
11 Giannoulis pointed out, but I still think that we can
12 and should rush toward a pilot, because the pilot
13 will show whether is going to happen and whether it
14 is going to work, and we will ensure that we don't
15 have a failure like we did with CNG.

16 Commissioner Sander?

17 COMMISSIONER SANDER: I was around,
18 and I think there was a reaction to the size of the
19 vehicle, and I think that is a legitimate point.

20 At the same time I completely concur
21 with Commissioner Weinshall's point that there is
22 another value here, which is environmentalism and
23 conservation, and we have to work both of those
24 values where before we just considered one.

25 The only additional point I would

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1 make is in that discussion we have to deal with the
2 fact we are dealing with something of a free market.
3 Let's say we move toward hybrid vehicles, and we want
4 the market, people to have a choice whether it is
5 Black cars, whether it is other alternatives they
6 have; we need to recognize that and work with that
7 dynamic, whether it will be education or what have
8 you.

9 It is very interesting to see how
10 this free market feels about it.

11 In terms of my own personal choice I
12 agree with Commissioner Weinshall which is the other
13 values we have been talking about so bottom line is
14 the pilot.

15 CHAIRMAN DAUS: Thank you.

16 I think Commissioner Weinshall has a
17 great point. I mean, the times, they are a changing.
18 There is no question about it, and we need to be
19 there.

20 Commissioner Dear?

21 COMMISSIONER DEAR: While these
22 discussions are taking place we don't have to wait
23 until we pass a pilot program where we can reach out
24 to the manufacturers again and say listen, there is
25 an opportunity for you. The Toyota company and

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1 others, the Japanese companies, have gone to second
2 generation hybrid. I think it is the way to go. It
3 is not like CNG because they are moving that way.

4 I think we should start taking an
5 aggressive look and going to the manufacturers
6 because potentially you could have a tremendous
7 market for your industry if you would like to take an
8 interest.

9 Secondly, I concur with Commissioner
10 Weinshall about the size of the vehicles. I know
11 where it came from because I was part of it on the
12 City Council side where we wanted to go to other
13 vehicles, and at that time it was the previous mayor
14 who had a determination that this is the way he
15 wanted to go, and that was his issue, but it was not
16 like the -- the Commission was not, it was not
17 written in stone that that was the way to go.

18 I think we should look at all kinds
19 of vehicles. That is the fact of life today, we have
20 to look.

21 Again, without burdening the industry
22 we have to make it available that it is cost
23 effective for everybody.

24 CHAIRMAN DAUS: That is a good
25 suggestion. In fact, prior to us coming up with the

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1 staff recommendations at the next meeting we will try
2 to reach out and have a meeting with the
3 manufacturers.

4 I want to thank you, councilman.

5 This is unprecedented with the exception of
6 Commissioner Dear who once tried to come here.

7 You know, usually we don't get
8 Council members coming to testify and to share their
9 thoughts with us.

10 I am over there quite enough as is
11 Commissioner Weinshall, and actually almost everybody
12 on this board has been there quite enough to talk
13 about this. It is great to see you come here, and we
14 thank you for your leadership on this issue.

15 COUNCILMAN YASSKY: Thank you. First
16 of all, it was a lovely walk so please invite me any
17 time.

18 One last point?

19 CHAIRMAN DAUS: Sure.

20 COUNCILMAN YASSKY: I think
21 Commissioner Dear hit on something I wish I had
22 pointed out to you that is absolutely true. Hybrids
23 are just so much more established now in the
24 marketplace than CNG was. I would discourage you
25 from taking that precedent too strongly because the

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1 fact is that was an attempt to insert something that
2 wasn't there. These cars are out there. My
3 neighbors drive them.

4 Just on the way the market operates,
5 maybe you would want to let the folks who do buy the
6 hybrids put some kind of big decal on their side and
7 see whether customers, in fact, prefer that because
8 there are enough environmentally -- people who take
9 environmental issues seriously in New York.

10 COMMISSIONER WEINSHALL: I know the
11 point you are saying they are better than the CNG
12 cars were. By the way, I am getting a hybrid car as
13 an official car, because I think that for a
14 Transportation Commissioner who spends all the time
15 riding around I should have a hybrid car.

16 I guess I would want the staff
17 here -- Andy has hired some people who are pretty
18 knowledgeable. I know there have been some --
19 actually, there are some mechanical problems with the
20 vehicles, and I think also the City fleet as a whole
21 has some data for us. That is not to say other cars
22 don't have mechanical problems. You could buy a Ford
23 Taurus and have a problem with it.

24 I think that it is at the beginning
25 of its generation, and I think it is not as all

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1 perfect as you are saying it is.

2 Having said that, I don't think we
3 should let the moment pass and not be part of
4 whatever is out there.

5 COMMISSIONER SANDER: Just following
6 on the point that the Commissioner just made, this
7 Commission did set a leadership position when we
8 banned the use of cell phones, and I think you made
9 the point, Councilman, about it would be nice for us
10 to be on the front and back end. I think we do have
11 an opportunity in general.

12 This is New York City, and where we
13 can make a positive contribution from a policy
14 standpoint, that would be a nice example for us to
15 set on more than one item.

16 COMMISISONER GIANNOULIS: If we are
17 going to try to put something on in thirty days,
18 quite honestly, we haven't had any kind of
19 presentation in terms of what these vehicles even
20 are. I mean, I actually have no basic knowledge of
21 what a hybrid vehicle is.

22 CHAIRMAN DAUS: We could educate
23 you --

24 COMMISSIONER WEINSHALL: I think it
25 would be useful to get somebody here.

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1 COMMISISONER GIANNOULIS: That is my
2 point.

3 COMMISSIONER AROUT: I have never
4 been in one. I don't even know what it looks like.
5 It probably looks like a regular vehicle so we have
6 to have one here. Put me behind the wheel, put the
7 Commissioners behind the wheel. Let's try it out. I
8 would like to see one and try one. Mechanical
9 problems, we have to have some background.

10 CHAIRMAN DAUS: That is a great
11 point. Seeing is believing. You know, we could
12 educate -- Commissioners have been involved pretty
13 quickly because the staff and Andy and people at S
14 and E have been working very hard over the last year,
15 and we have a lot of the research done. We have been
16 in touch with the manufacturers so it would be pretty
17 quick and easy for us to throw together a briefing
18 and presentation for you including some show and tell
19 with the vehicles, which I think is important.

20 Seeing is believing.

21 When I got behind some of these
22 vehicles and other types of vehicles, it really made
23 a difference. It was night and day. Your
24 perspective totally changes.

25 We will schedule that either before

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1 the next Commission meeting or at the next Commission
2 meeting so we can take a look at these vehicles.

3 The two final points, I don't want us
4 to be misunderstood on the CNG program.
5 Councilmember Yassky brought up a good point. I
6 don't believe we should necessarily say that the
7 vehicles and the technology was a failure unto
8 itself. It was the logistical issue. It was the way
9 the Commission did it that was the problem.

10 There was an expectation that was
11 adopted from the utility companies that we would come
12 up with X number of stations by X amount of time, and
13 it didn't happen, and that caused the whole program
14 to fail.

15 I don't want anyone to think that it
16 was a safety issue, it had anything to do with the
17 technology being bad. It was logistical.

18 Hybrid electrics don't pose that
19 logistical problem.

20 I think Commissioner Giannoulis's
21 point, we should take a lesson from the past. Don't
22 do it for the sake of doing it and do anything, but
23 do it right. We have a plan. The pilot is a plan.
24 We can do it quickly. We can educate the
25 Commissioners.

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1 I am very optimistic that Andy, Chuck
2 and the staff will have some final recommendations
3 for a pilot, time frame, number of vehicles, types of
4 vehicles for you to make a decision on at the next
5 meeting for discussion.

6 COMMISISONER GIANNOULIS: Councilman,
7 obviously you and your colleagues are going to have
8 to make decisions as to where you want to go with the
9 legislation. You have heard what seems like a pretty
10 positive response to your ideas on this matter so I
11 don't know what you continue to propose to do.

12 The reason I bring this up is you
13 referenced that we all agreed on the 81 vehicles.
14 That is actually not true. Counsel did. We did not.

15 I think one of the reasons --

16 COUNCILMAN YASSKY: The mayor signed
17 it. That was all I meant.

18 COMMISISONER GIANNOULIS: One of the
19 reasons that to some degree didn't work out was
20 because counsel was out front. I think that the
21 agency -- I don't know we were all on the same page
22 on that.

23 I think maybe in terms of this issue,
24 you know, working with us I think would be pretty
25 productive.

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1 COUNCILMAN YASSKY: In my very, very
2 limited experience, working with an agency always
3 gets best results so I agree with that, Commissioner.

4 CHAIRMAN DAUS: Thank you for coming
5 and for your time. We appreciate it.

6 COUNCILMAN YASSKY: Thank you, Mr.
7 Chairman. I have a special presentation I would like
8 to make on behalf of the Commissioners and the
9 Agency. We have joining us here a former
10 Commissioner, Stanley Michaels, and his wife Molly.
11 I want to thank you for coming. I am sorry you had
12 to wait, but I knew you would enjoy the discussion so
13 we kept it going a little bit longer.

14 Everybody knows Stanley. Stanley, I
15 can't tell you how much we miss you. You were only
16 on here for a short while. We are very upset you
17 left, but we wish you the best in what you are doing.

18 As you can see, I am hoping you miss
19 us as much as we miss you.

20 It is very apropos that we are
21 talking about environmental issues because Stanley
22 was truly one of the greatest leaders on
23 environmental issues in this City. Two decades on
24 the Council, even though he doesn't look a day of it.
25 He has passed tremendously helpful laws in the area

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1 that have made our lives better in the City and made
2 the air cleaner and made everything we do safe,
3 especially in housing and lead.

4 We are just really, really, really
5 pleased you are here to join us today. We know your
6 schedule is busy.

7 The Commissioners I am sure would
8 like to say a few words, but this is in honor of your
9 term of office. You had seven years, but you left
10 soon, April 30, 2003 to May 24, 2004.

11 For your distinguished service to the
12 New York City Taxi and Limousine Commission, we
13 enjoyed every moment of it and we look forward to
14 your friendship in the future.

15 MR. MICHAELS: Thank you very much.
16 As a matter of fact, I am very much appreciative of
17 being here today because I really much enjoyed this
18 conversation, and I look at my former colleagues and
19 one of them who was a colleague of mine in the City
20 Council as well, Noach, and I want to tell you how
21 much I enjoyed listening to Councilman Yassky and the
22 conversation that went back and forth, and it brought
23 me back a couple of years when I was doing this in
24 the Council and sitting here with you as colleagues.

25 I think the issue is a very good

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1 issue. We always will and always have been
2 interested in the environmental aspects. We have had
3 some of these discussions before.

4 I am really appreciative of this
5 honor. I do miss you. I wish I could have sat here
6 at the same time as what I am doing now, which is
7 running for borough president, but I really
8 appreciate it, and I appreciate some of the people
9 who are here today from the industry, which I think
10 is a magnificent industry, who really care for the
11 City of New York as well as the people they employ.

12 When I am borough president, I will
13 look upon this agency very favorably and work with
14 you, and of course work with the industry who has
15 been a fabulous industry for the City of New York so
16 I thank you.

17 My wife and I are very proud to be
18 citizens of the City of New York and work with all of
19 you.

20 Thank you very much.

21 CHAIRMAN DAUS: Thank you, Stanley.

22 Commissioner Dear?

23 COMMISSIONER DEAR: I wish you well,
24 Stanley. I am sorry that you did have to leave.

25 That is the laws of the City of New York, and I am

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1 looking forward that you should be back in office,
2 because you have always served the citizens of the
3 City of New York very well, and we will miss you.

4 I know every time I think of the
5 environment, it is always Stanley Michaels,
6 environmentalist/Stanley Michaels, before it was
7 politically popular, before it was politically
8 expedient, you were there on this issue.

9 I remember the City Council, and I
10 look forward to seeing you further in City
11 government.

12 CHAIRMAN DAUS: Thank you, Stanley.
13 Good luck and god speed.

14 We are going to proceed now to item
15 4, Base Licensing Application Review.

16 Bill, Barbara? Let's proceed to the
17 calendar call, please.

18 MR. CARTER: Bill Carter. I am the
19 Executive Director of the Licensing Division.

20 This morning we are going to
21 recommend before the Commission the 33 bases that
22 were left on the calendar from the base that we
23 called back from the City Council so that we could
24 review them. This is the last of the group.

25 We have broken these down to two

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1 groups. We have broken them down to a group of bases
2 that would be done under the normal procedure we have
3 done under the last few months, and also group of
4 bases that are missing items required for licensure,
5 but we feel those items are small items that can be
6 taken care of in the next few days so we would like
7 to conditionally approve those bases predicated on
8 their providing us with those documents.

9 We have two other bases. One is up
10 for a move, relocation, and the other base is a
11 reapplication.

12 CHAIRMAN DAUS: I would take it that
13 it might be just as efficient to proceed as we have
14 in the past. We will read the bases. If any
15 Commissioners have any questions, comments or issues
16 with any of them, just speak up and we will put it to
17 the side, and then we will vote on the others we have
18 no issues with.

19 MR. CARTER: 440 Car Service.

20 Absolute Car & Limo Service.

21 Alex II.

22 Americana Transportation, LLC.

23 CHAIRMAN DAUS: I would like to ask
24 that be put aside.

25 MR. CARTER: Amsterdam Radio

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1 Dispatcher.
2 Champion Car & Limo Service.
3 Delta Cars Incorporated.
4 Ecuadoor Corp.
5 Ex-L Car Limo Service.
6 L&Y Car & Limo Service doing business
7 as Anytime Car Service.
8 Monopoly Inc. doing business as Bnei
9 Joseph Car Service.
10 National Car Service.
11 New Bennet Radio Dispatcher doing
12 business as Bennett Express.
13 New York 7 Car Limo Inc.
14 New York Mexicana Car & Limo.
15 Pacific Express Car Service.
16 CHAIRMAN DAUS: Pacific I have an
17 issue with.
18 MR. CARTER: PD Transporter Express.
19 Princess Limo.
20 Reyno Car Service.
21 Seaman Radio Dispatchers.
22 Simcha Global Inc. doing business as
23 Simcha Car Service.
24 Tremont Dispatching Corp.
25 Watson Car Service.

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1 CHAIRMAN DAUS: Can I ask you a
2 question? You didn't read all of the bases. These
3 are the ones that have no conditional?

4 MR. CARTER: These are the bases that
5 were under the normal situation where they were
6 pulled back, we reviewed them, and their violation
7 histories were reviewed, and we bring them before the
8 Commission in case someone decides we should give
9 them a conditional.

10 The remainder of the bases are the
11 ones we have conditions we would like to have them
12 meet because they are missing some items.

13 CHAIRMAN DAUS: I only had asked on
14 two bases, they fall into the same category I think
15 as other bases that we require business plans of. It
16 is Americana Transportation and Pacific Express Car
17 Service.

18 I would recommend a move for approval
19 of all those bases that Bill just mentioned with the
20 exception of those two.

21 COMMISSIONER GIANNOULIS: Motion.

22 COMMISSIONER AROUT: Second.

23 CHAIRMAN DAUS: All in favor?

24 Approved.

25 We are going to the conditional

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1 calendar?

2 MR. CARTER: Yes. The following
3 bases have outstanding items that we have asked them
4 to provide, and they should be providing them
5 shortly, but they were not ready at the time of
6 submission to the Commission.

7 A New Day Radio Dispatch Inc.

8 Central Rockaway Car Service Corp.
9 doing business as Shore Car Service.

10 Davydoff's Transportation doing
11 business as Special Car & Limo.

12 Good Morning Car Service.

13 Har-Sinay Car & Limo Service Inc.

14 High Bridge Car Service doing
15 business as Do Max Corp.

16 N.Y. Ride Inc.

17 CHAIRMAN DAUS: I would like to just
18 put that aside for a minute for discussion, N.Y. Ride
19 Inc.

20 MR. CARTER: Preferred Car Service.

21 That ends that calendar.

22 COMMISSIONER RUBINSTEIN: Could I ask
23 a brief question?

24 CHAIRMAN DAUS: Sure.

25 COMMISSIONER RUBINSTEIN: Typically

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1 what would be one of the issues that would take a few
2 days to resolve?

3 MR. CARTER: Some of the bases had
4 bonds that expired that are required by the
5 Commission, but they expired during the time we were
6 reviewing them so they have to go back to the bonding
7 company.

8 Some of the bases had agreement with
9 off street parking locations. The agreements had
10 expired, and they need to renew their leases.

11 CHAIRMAN DAUS: Any comments or
12 questions about the process or the bases?

13 Actually, I have a pre-written motion
14 from counsel to deal with the conditional motion
15 which I would like to deal with now.

16 I would like to move that each of the
17 aforementioned base license applications that Bill
18 just read be approved subject to the condition that
19 the application must be satisfactorily completed
20 within ninety days from today, and upon failure of
21 that condition, that the application be denied.

22 In addition to that, that N.Y. Ride,
23 which I think falls into the category of having
24 problems with the record, would also be required to
25 submit a business plan in addition to the other

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1 things that are required of it.

2 I would like to make a motion.

3 COMMISISONER GIANNOULIS: Second.

4 CHAIRMAN DAUS: All in favor?

5 Any opposed?

6 (Motion carried)

7 MR. CARTER: Commissioner, we do have

8 two other items. One is a base that requested a

9 relocation, and we reviewed the entire process

10 including them submitting an EAS, which is part of

11 the CEQR proceedings.

12 They have submitted them, and that is

13 Montague Car Service so we are recommending that the

14 base be approved to relocate.

15 CHAIRMAN DAUS: Do we have a motion

16 or discussion?

17 COMMISISONER GIANNOULIS: Motion.

18 COMMISSIONER SANDER: Seconded.

19 CHAIRMAN DAUS: Seconded by

20 Commissioner Sander.

21 All in favor?

22 (Motion carried)

23 MR. CARTER: The last application is

24 a new base application, which is B&R. They were

25 required to place a new application with the

1 Commission and they have, and they have met all the
2 requirements, and we are recommending approval of
3 their new location.

4 COMMISISONER GIANNOULIS: That was
5 the one that some people raised some issues, correct?

6 CHAIRMAN DAUS: Yes. Councilmember
7 Fiddler, the community. I believe, if I am not
8 mistaken, it has been resolved and there was an
9 agreement between the Councilmember and the community
10 and the base on this new location; is that correct?

11 MR. CARTER: Yes, there has. We
12 received letters of support from all three bodies:
13 The police department, the community board and the
14 councilman's office.

15 CHAIRMAN DAUS: Good work for working
16 that out.

17 Do we have a motion on the floor?

18 COMMISSIONER AROUT: Motion to
19 adjourn.

20 COMMISSIONER RUBINSTEIN: Second.

21 CHAIRMAN DAUS: All in favor?

22 (Motion carried)

23 COMMISSIONER WEINSHALL: Do we have a
24 date for the next meeting?

25 CHAIRMAN DAUS: We don't have a date

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1 yet. I think in light of the discussions today, we
2 should try to meet in July. My office will be in
3 touch with all of you, and we will try to pick a date
4 around this time in July.

5 (Time noted: 11:10 a.m.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this ___ day of _____, 20 .

Helene Gruber, CSR

