Transcript of the Meeting of the
NYC TAXI AND LIMOUSINE COMMISSION
Held on Thursday, November 17, 2005
40 Rector Street - 5th Floor
Borough of Manhattan
Meeting convened at 10:00 a.m.

PRESENT

MATTHEW W. DAUS,
Chairman

HARRY GIANNELI
Commissioner

ELLIO S. SANCER
Commissioner

NOACH DEAR
Commissioner

IRIS WEINSHALL
Commissioner

ELIAS AROUT
Commissioner

ED GONZALES
Commissioner

HOWARD R. VARGAS
Commissioner

CHARLES FRASER
General Counsel
CHAIRMAN DAUS: Good morning, everybody.
Sorry to keep you waiting. We're going to get started in a second.
Good morning, everyone. We have a very hefty agenda here today, we have a lot of people, we've opened up an overflow room from what I understand, so I'm going to get right to the meat and potatoes.
The first item on the agenda is the Chairman's report. I'd like to go to that right now.
First I'd like to welcome two new Commissioners who have joined us, who have been duly appointed by the Council and the Mayor. First I'd like to congratulate, as we all should, Ed Gonzales, who is a Mayoral appointee.
(Applause.)
CHAIRMAN DAUS: Welcome, Ed. He has a finance and securities background, he is a mortgage
trade specialist for Citigroup and we appreciate you coming on board and joining our team of public servants.

MR. GONZALES: Thank you, Chairman.

CHAIRMAN DAUS: Also we have from the Bronx, Commissioner Howard Vargas. Howard, welcome.

(Applause.)

CHAIRMAN DAUS: Howard is an attorney -- we could use some more on the Board -- who specializes in Workers' Comp and Social Security benefits. Would you gentlemen like to say a few words?

COMM. GONZALES: I'd just like to say I'm very grateful to be able to serve on the Commission and hopefully do some good things here.

CHAIRMAN DAUS: Howard?

COMM. VARGAS: I look forward to filling the good shoes of my predecessors, and doing good works for the TLC.

CHAIRMAN DAUS: Those were very lively shoes, by the way, Commissioner Torres.

We also have a Commissioner member who has left us, Harry Rubinstein, and I'd like to thank him publicly as we all should for his service. He's been a
tremendous asset to this Commission, he did a great job. He can't be here today, but at a future Commission meeting we're going to bring him back and congratulate him for all his years of service. So we wish him well.

I'd like to move on to hybrid electric cabs, to give everybody an update. We have six cabs on the road now, they are Ford Escapes. We have an expectation that a total of 20 will be on the road in the next few weeks, according to the reports we've been getting from our safety and emissions division. The breakdown would be as follows: 18 Ford Escapes, actually, two Priuses, I believe, and one Toyota Highlander, if I'm not mistaken. Two of these -- most of these people are from the medallion sale, but two are our first two voluntary medallion owners who turned in their Crown Vics to get some hybrids. That's good for the hybrid movement.

As you know, our next sale will include more alternative fuel medallions for sale in accordance with the local law.

Also, I don't have time to go into it now, if you'd like you can check our website. I testified on
Monday at the request of the City Council on two Intros, I believe 734 and 735 introduced by Councilmember Yasky who is looking to explore other additional incentives for the purchase of hybrid electrics. I did oppose the bill in terms of how those incentives were being utilized, I thought they were premature, but overall I think we all committed that we're on the same page in terms of the commitment to try to get to the next level and look for incentives. Right now our job is to sit down with Councilmember Yasky and the Council and explore some additional ideas and we committed to do that and if you'd like to view the testimony, it's on our website. We'll keep you apprised of progress in this area, but so far, so good.

Also, I attended an event last week with Bill Ford, who flew in. He invited the TLC and some other individuals to announce the fact they're going to be ramping up their production of Ford hybrid Escapes. I think we as a Commission should be pleased. If you remember the debate we had when we passed the rules, we talked about sending a message to the manufacturers, this is the wave of the future, we should look into
this, the competitive forces and the statement that we
sent is now resonating. I think over 200,000 vehicles
are going to be manufactured by Ford in the coming years
and we know Toyota's commitment and Honda's commitment
to the hybrids. This is all good news for the
environment and the City and good news for our efforts
working with the Council.

Also, if you haven't been following it and
didn't learn about it, there is something very
innovative going on. When I took this job I never
thought we would be dealing with architects and
designers, but thanks to Andy Salkin our First Deputy
and the New School and an entity called the Design
Trust, we're actually thinking outside the box as to
what we'd like to see a cab look like, and this is
something that resulted in an exhibit which is still on
display at the Parsons School, the Parsons Manhattan

Gallery, which is located at 2 West 13th Street in
Manhattan. It opened a week or two ago and it will run
until January 15th of next year. The hours are 9 a.m.
to 9 p.m., admission is open to the general public.
would encourage you to check it out. They also have a website, www.DesignTrust.org, I've given a copy to the Commissioners. Some impressive ideas, some impressive designs, some workable, some pie in the sky, but the bottom line is they are ideas and having ideas are better than no ideas. So I've asked them to do what they can to make the manufacturers aware of it. I think we've handed a copy to Bill Ford when I saw him, and, you know, also, one of the things, just jumping back to the hybrids real quickly. I asked Bill Ford, would he look into making a hybrid electric vehicle that is taxi package or taxi ready and he said he'd look into it, which I think is significant. We're talking about what they did with the Crown Victoria that companies in the future may be looking to do with hybrids.

There are a lot of ideas, we'll digest them, we're going to ask the Design Trust to make a presentation for us at a future meeting, but for now you have the book to chew on.

There's been a lot of rulemaking petition work since the last meeting that we had publicly. Since then I received four petitions. I have denied all of
them and I have presented a copy here as required by the
City Charter and also our rules to the Commissioners.

Let me talking about the insurance petition
first. There was a petition that came in from the
Livery Owners Coalition asking the Commission to lower
the insurance that we put into effect in 1998. If you
remember, we held a public hearing in October 2004 and
the basis for my denial was that a lot of the questions
that the Commissioners had at that meeting, including
ourselves, has not yet been answered by the petitioner
and it has not yet been answered by the State Insurance
Department, so hopefully we can look at this petition
further as we get those answers and now really the
burden is on the petitioner to come back and give us a
good reason, a real good reason why he believes we
should be lowering insurance rates, so that's something
that that the Commissioners have and we can engage in a
further dialogue on that.

We also had three simultaneous fuel
surcharge and other related items that were on those
petitions that came in about two months ago, and I
denied them less on the substance, more on the fact that
there were so many different fuel surcharge proposals,
and many different ways to look at it, plus I didn't
feel that the petitioners had all the facts and research
that we needed. So rather than making a decision on my
own, I felt it would be more appropriate to have our
Commissioners weigh in.
So I denied it for the purposes of bringing
it here for discussion and that's what we're going to do
today. Staff has been doing a lot of research. I've
personally spoken with and met with most of the TLC
Commissioners from the major cities, we've gathered
research about what they've been doing, we also gathered
research about the price of fuel, we've been monitoring
it and tracking it and looking into the way other cities
are doing business. So we're going to have a formal
presentation by our First Deputy Commissioner and his
staff about these matters in a short while.
Last but not least, there's a Nassau County
ordinance that was recently passed -- this is for the
industry's information. A law was passed on
October 17th of this year which does a couple of things
which may have an impact on our licensees. Number one,
it prohibits dropoffs by licensed New York City vehicles
in Nassau County. As many of you may or may not know,
State law prohibits the TLC from stopping someone from
another county or another state from dropping off inside
New York City. Our jurisdiction is based upon the
pickup, not the dropoff. Apparently, Nassau County has a different view of this. They passed a law that prohibits people who we license from dropping off passengers in Nassau County, unless they have a permit with Nassau County.

Number two, they've required that if you want to do what's called, what we call Tier 2 activity, you have to purchase a permit from them. So you will be, if you're a New York City licensed entity, be able to pick up passengers inside Nassau County for a dropoff inside New York City, if you purchase a permit from them. They have a prohibition on licensing outside of Nassau County bases, so if you want to do point-to-point work, meaning you're picking up in Nassau County or dropping off in Nassau County and this applies to maybe bases that are on the board in Queens, you have to actually move and open a base in Nassau, otherwise they won't allow you to get licensed and you'll be enforced against. Also there's a fee structure they put in place that out-of-towners basically have to pay a $300 fee and Nassau County people will pay $5.
I don't know much about the lawsuit other than the fact that people have told me about it from the Black Car Assistance Corporation, but the trade group that represents the black cars and some of the limousine industry has filed a lawsuit, they did it on November 4th, it's returnable on November 21, 2005. They're seeking a preliminary injunction to bar enforcement of that law. They're raising Constitutional and other claims, which is mostly centered on the variation in the fees. I don't have a copy of the lawsuit papers. We're going to get a copy of it and our counsel will analyze it and we'll brief the industry.

But there's no stay in effect right now. I would encourage you to visit their website or whatever way you can get in touch with them to learn more about what the obligations are if you do Nassau County work.

That concludes my report. Does anybody have any questions or issues?

COMM. AROUT: Mr. Chairman, would you tell me what the amount is for a Tier 2, what is the extra money for Tier 2?

CHAIRMAN DAUS: For us? Is it $250, Bill?
MR. CARTER: It's $500 for a two-year license.

CHAIRMAN DAUS: So it's 250 per year. Thank you.

COMM. DEAR: Mr. Chairman, first of all, I'd like to welcome our new colleagues, Howard and Ed, wish you a lot of luck. Also, I did have this opportunity,

you know I've spoken about this personally to you and to others, I'd like to welcome our new Enforcement Deputy Commissioner Pansy Mullins. I have tremendous respect for her, and I urge our colleagues to work with her closely, because I think she's a gem.

COMM. AROUT: Would you stand up?

(Applause.)

COMM. DEAR: A few things. One, on the insurance, I know that you denied it and I know that we've had hearings on it, and I think it's something if we're going to kick it back to the industry. It's not going to go anywhere. I've been telling you this, we know there's an issue. The reasons that I believe, and I've done my research from my end, of unlicensed and a
lot of LA plates that are all over the place, is because of the insurance problem. We have to take a hard look.

There are very good car services out there, liveries that are doing a tremendous job. We had the Deputy Commissioner or Deputy Director of Insurance telling us he had no problem if we lowered it.

I'd like you to take a serious look at some other things. Let's take a serious look at this and do something, even if only on a test pilot basis, because this seems to lead to very serious problems we have out there of uninsured cars, unlicensed cars that are out there rampant and we just can't stop them, can't control them and also a new way of LA plates.

COMM. WEINSHALL: Could I -- I was here for that hearing with the State Insurance Department and quite frankly, Noach, unless they're going to be honest with us, and I don't think they were completely honest at the hearing, we don't regulate the insurance industry, and I think that if we're going to really tackle this issue, I would urge you to get Superintendent Mills in here. I know you've met with him and talked with him.
COMM. DEAR: Let's bring him here.

COMM. WEINSHALL: We don't regulate the industry, they do, and I don't think they were completely honest at the hearing the last time they were here.

COMM. DEAR: I agree, I have no problem. I'm not looking to do anything that would jeopardize public safety, but there is a very serious problem and I know that, and this is a very important part of our industry, of our agency, and I want to address it. I know, talking to --

CHAIRMAN DAUS: I don't disagree that we should look into the issue further, I don't. I have concerns about safety, I have concerns about --

COMM. WEINSHALL: But you agree about that the industry has to be honest with us.

CHAIRMAN DAUS: I think everybody's got to be -- I heard so many different things in my review of this process that I don't know who to believe.

COMM. DEAR: I understand that. I think the Superintendent, we have a Livery Owners Coalition, I
mean the advisory board, everybody together and let's
rack our brains --

CHAIRMAN DAUS: Let's call them in.

COMM. DEAR: I don't want to hear stories

that this one is going out of business and I want to

keep the legitimate guys, a lot of legitimate guys --

I'm looking to Commissioner Arout, because I know he has

a problem in Staten Island.

CHAIRMAN DAUS: I think there are two

separate issues to a certain extent. I think people

because of the high price of insurance may be looking to

commit fraud and what we've been doing since we last

spoke about this, and Commissioner Arout is aware of

this as well, is we've been cracking down on the LA

plates. There have been summonses, people were hauled

into court, licenses have been revoked. This is a

serious issue. I still don't think it's a reason to

reduce insurance because people are looking for a way to

get around it and commit fraud. But we're looking for a

way to do something. We'll call Superintendent Mills

in, hopefully he'll come.

COMM. DEAR: But the fuel surcharge, I had
strong feelings about this, I saw your report, I had
discussions with Commissioner Salkin about this --
CHAIRMAN DAUS: We're going to have
presentations from our staff, so we're going to talk
about this shortly.
COMM. DEAR: There's also something that I
had questions with Commissioner Salkin, it's something
that's going to come up very shortly, that's the issue
with the Port Authority. The Port Authority, instead of
working very closely with us, they want to take matters
into their own hands. There's an RFP out right now
which will allow for a single contractor to come in to
regulate the livery industry in the airports. This
happened in Los Angeles, and as a result twelve or
fourteen companies went out of business because one won
over the other. Not that you can't go in and out, but
when a tourist comes and requests a car service, instead
of saying we'll give you one -- now they can go to the
table, call anybody they want, everybody's brochure is
there.
They're talking now about having somebody
that's a traffic manager that's going to control, that
could be a company -- there is a famous company I forgot
the name of it in Los Angeles that wants to do it
here -- they'll be a car service and all the other
livery services that come in and pick up tourists,
they're going to lose a lot of money.
I appreciate you taking a look at it
quickly, please.

CHAIRMAN DAUS: I appreciate you bringing it
to my attention. We have a copy of the RFP, we're going
to look at it and report at our next meeting.

COMM. DEAR: It's one thing to stop an
RFP --
CHAIRMAN DAUS: I think it may be out
already.
COMM. DEAR: But you can stop it, see what
it says.
CHAIRMAN DAUS: Well let's look at it. It
may not be what we think.
COMM. WEINSHALL: There's now an Airport
Advisory Board that Dan Doctoroff and I'm a member of, I
believe we have a meeting in December -- we have a
meeting in December and if the staff will provide me
with information, I can bring it up at that airport
advisory.
COMM. DEAR: Like Commissioner Salkin said to me, they shouldn't be mixing into our business of regulation of taxi industry, that's something we're supposed to do. When other governmental agencies come in and start controlling things, it starts becoming a little bit of a conflict.

One last thing, the Nassau County thing. I think again, you know my feelings, this is very serious, something we should fight. If it takes, again, we should use, we have Commissioners here that have the clout, wherewithal with yourself as Chairman, to go to the Nassau County people, talk to Tom Suozzi, say, "What are you doing? Let's stop fighting," because we could start doing things on the other end, the flip side. I think we should take this very seriously.

COMM. SANDER: Just to respond to Commissioner Dear, the comment on it, I think the Commissioner's point is correct that this should be done in partnership with the Port Authority. At the same time, contracts get won and lost all the time and the issue is from a public policy standpoint, how do you balance what's appropriate. It may well be from policy perspective in terms of outcomes that this is a better way to go.
I agree with you that they should be talking to us at the same time. I wouldn't necessarily jump to the conclusion that having one vendor as opposed to several, even if it does have an inimicable effect on some companies, shouldn't necessarily be ruled out as something for us to do. I think we should talk to them as they proceed.

CHAIRMAN DAUS: I appreciate that, I appreciate you bringing it up.

Okay, adoption from the minutes of the September 8, 2005 Commission meeting. Any questions or issues with the minutes or corrections?

MR. GONZALES: Make a move we accept them.

COMM. WEINSHALL: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Any opposed?

Okay, they pass unanimously. Thank you.

Item 3, presentations. We'd like to now conduct a staff presentation on the fuel surcharge proposal and ask our petitioners to share a few words with us. Good morning, Andy.
COMM. SALKIN: Good morning, Chair, good morning, Commissioners. We put together a presentation today that's going to focus on information we found useful and helpful in our efforts to analyze the fuel surcharge petitions as well as kind of understand where the industry is and where it's going.

To do this, it's important I think to take a look at where the industry is from kind of an economic perspective, looking at where the impacts of the fare increase and where we've come since the fare increase has taken effect, and to do this part of the presentation --

COMM. GIANNOULIS: Could I talk to you for a second? Since we have two new Commissioners, could you just take a few minutes and explain what the fuel surcharge is.

COMM. SALKIN: It's not in the presentation, but I'll take a second to talk about that. The surcharge petitions -- and I think you probably all got to read them -- one of the things I will do later on in the presentation is talk about what
the different petitions suggest that we do, but the way I think we can look at it is there are surcharges placed on the meter right now. There's an evening surcharge, a rush hour surcharge, the idea is as fuel prices go up, perhaps having an additional surcharge that specifically addresses the additional cost of the fuel so that the drivers who are losing money based on fuel can pay.

I'm going to as I go through this outline that, because I wanted to catch it all, but thanks for pointing that out. If you do have questions, please, on clarity, let me know. I want to go into the economics of where the industry is. As I do, I'm going to pull information that Bruce Schaller did for the TLC that really looks at the impacts of the fare increase starting from May '04 to May '05 and then the staff is going to look at where it is today. In addition, we've done a lot of work looking at trends and fuel prices, understanding why prices of gasoline are changing, going up, coming down; talking to other municipalities not only in this country
but around the world, understanding how they've responded to changes in fuel prices.

Finally, I'll give a brief introduction to the petitions we've received and kind of show you what we think would happen or what the impacts would be on the industry, focusing mainly on the passengers and drivers of a fuel surcharge.

Getting into the economic review, I think it's important to start with what exactly was the fare increase, because that's kind of where the story starts. For the new Commissioners and for those of you who are here, to remind you, in May of '04 a new fare went into effect. The fare was basically a 26 percent increase.

Highlights of it were the initial drop went from 2 to 2.50; the mileage charge went from $1.50 to $2 a mile and we saw the addition of the rush hour surcharge. A lot of the others stayed the same. And that represents a 26 percent increase. It's a 26 percent increase to the passengers.

What we see is the passenger average fare, this includes tips, went from our estimate of $7 to...
$9.84. That additional 9.84 they're paying represented
to the industry an influx of between three, three-fifty,
$400 million of new money. The money gets split
basically between those that own the medallions and
those that lease the medallions and the drivers.

Turning to the owners, taking into effect
the change in the lease cap that the Commission also
allowed, the owners were seeing more money. That comes
to about $5,000 to $8,000 per cab, that's basically the
equivalent of about $100 million per year for the
owners. That means there's a significant amount of
money left for the drivers.

If we look at the drivers, this is how our
numbers run up. This is based on the report that
Schaller did, we drew upon meter runs that we get out of

our inspections, so basically this is what the meter
said the cab did over the year.

What that said is really we saw the drivers
earn about $125 a day before the increase, or the
equivalent of $11 an hour -- this is again May of '04 up
to $167 with an average of about $15 an hour. This is
representative of the DOV drivers. We saw the fleet
drivers earning a little less and the DOV drivers earn about 30 percent more. This is an increase to the drivers as well, this represents an increase of about $250 million to that industry.

COMM. SANDER: Andy, what does that translate to in terms of an average annual income for the average taxi driver? I realize there are some drivers who work five days a week, some work six days a week, but just as a general standard, I'm interested in how that translates annually.

COMM. SALKIN: It's a question that obviously is difficult to answer, because we don't know exactly how much drivers are driving, but if you take the assumption that a DOV vehicle, kind of the name vehicles and drivers are consistent, we found on average the average vehicle was pulling in $140,000 a year overall.

You figured how much they have to pay. The amount of money that's left for the drivers can be in the 60s, the $70,000 range, so that's what the vehicle kind of earns. It's a matter of how that gets split up.
If a driver is a full time driver, they drive half that time, we're looking at 35 to $45,000 on average.

Obviously, this is something we don't know a lot about, because we don't have specific trip sheet data and can't estimate that.

COMM. SANDER: It sounds like previously, from some of the work that Schaller has done, the numbers, and correct me if I'm wrong, were in the 29, 30, $31,000 range and it sounds like that has gone up by about three, four, $5,000 a year.

COMM. SALKIN: Potentially even more. See, drivers -- people drive for many different reasons. Some people drive until they meet a certain dollar value, then they come off the road. Some people drive because they always drive ten hours, they try to make as much money as they can, so it's unclear exactly what's going on. We do believe based on the numbers that the cabs are doing, cabs are making a lot more money and assuming the cabs can only make money when they have a driver, we believe that represents about 34 percent.

But overall the numbers that we're talking about, and Schaller's estimates are that the drivers are
earning between 65 and 75 percent of the income that was
put into the industry, and that's something that the
Commission talked long and hard about, and I think it
was something you desired was that most of the fare
increase go to the drivers as opposed to this
fifty-fifty split that was discussed in the past and
these numbers do bear that out.

One thing, this gets us a little bit away
from the overall industry, but to look at what the
impacts are to drivers, fuel and how fuel impacts the
driver's income. This chart shows as fuel prices
change -- this is the way the market is set up. The
drivers in the medallion industry pay for the fuel. So
if fuel prices change, the drivers have to pay more
money or less money, in theory they would make less or
earn more, depending on where gas prices are going.

What we see is the post fare increase, the
$2.05 is a representative average for the last year,
from the year May of '04 to '05 to where they're
earning. If you use that as a baseline, they're earning
about 34 percent over where they were pre-fare increase.

Then we see gas start to rise and we see a
peak happen in early September. What you see for that
peak price is the driver's income coming in at about
$150 a shift, which is still 21 percent increase from
where they were, but it's less than what it is.

Obviously -- I hear some hisses in the background. I want to point out there's a lot of different ways you can look at the numbers and do different things. These numbers are based on annual data that we got out of the cabs. I'm not sure what the individual drivers are doing, we matched this against trip sheets and we think these numbers are representative. It's also representative of the numbers we used going forward to do the fare increase, which everyone agreed upon going forward.

If there's different models we should use, we're open to that, but nobody has come forward and offered us a different way of doing it, so I would ask for that respect from the background.

Today we see gas prices at around 2.34. Now, that's what the reports are saying on line. We see a lot of prices around 2.40, 2.45, all over the city. If you take that number, we're seeing drivers are earning about 29 percent more, $160 a day. It represents 35 to $40 a day additional for the drivers. If you slide in and say what exactly has been happening with fuel, we've been tracking the fuel and to try to understand exactly where fuel has been.
If you take a look at the fuel, this chart is information from the Energy Information Administration. There's tons of websites, we've been following them all. All different websites, the prices range up to 40¢ just for the New York metro area. We chose this because it has good historical data. What it does show is when the fare increase went into effect, May of '04 you see the price relatively stable, going up a little, coming down a little, going back up all the way through March of '05. Then something happens in March of '05, prices start to grow and really go up. Then in July, the slope of the rise starts to gain and we really see the impacts of, effects of the tragedy of the hurricane when we see the supply of gas and the ability of the refineries, really spikes the prices of gas and we see the peak happen September 5th of '05. Now, since that point, the infrastructure that's used to supply fuel has come back on line, we see the prices of gas going down. In fact, on November 7th we actually reached the point where we were pre-Katrina and we've seen the gas prices continue to go down. This
is just used to show you what the trend is, but it's clear that the way we currently have the structure of our industry and the market that we've set up, that the drivers have to pay all the fuel. And one of the things we want to talk about, I want to share with you is important in terms of being the regulators and exactly who can bear the burden of increased costs of fuel. The way it's currently structured is as fuel prices go up or go down, the driver is the one that has to pay them. That's what this first box represents. The driver pays the cost of fuel solely, and what we've seen is, there's been some suggestions that maybe the driver shouldn't have to pay that, because that cost has been significant enough that maybe they should be relieved of that burden. I'd like to point out there's a couple of ways the Commission could ease that burden. One way is to change the metered fare or in this case through a surcharge as has been suggested. If you make the surcharge large enough, you can actually shift the burden away from the driver and shift it to the passenger, or you can do it somewhere in the middle,
where it splits the burden between the drivers and passengers.

In addition, you could also change the lease caps and changing the lease caps, making it lower, would also shift the burden away from the driver and to those that lease the medallions. This doesn't impact the entire industry, because some of the industry are owner drivers, but it would affect a significant part of the industry.

Now, again, if you do it enough, the burden shifts from the driver to the leasing agents and the people that lease, or you could do something in the middle that shares the burden or the Commission could choose to do something that's a combination of all, both choices, a surcharge with a lease cap reduction that would spread the burden among all three parties. That's if you decide that the burden is excessive and something you'd like to do.

These are all different methodologies, methods, and we've seen them in the petitions as well as kind of in other cities and what other cities have done.
COMM. GIANNOULIS: Andy, how much is a driver paying on an average shift for gas?

COMM. SALKIN: What we're using is about 12 gallons a shift. There's different arguments to that. Based on the numbers we got for the annual, we believe the drivers are really driving about 120, 130 miles. Some people argue it's much more, some people argue it's less, but if you use that number, you see the amount vary from basically pre-fare increase $2 a gallon to about $24; then you see it go up to $45, and that's even more.

COMM. GIANNOULIS: So at the pre-fare increase, they're paying $1.70 a gallon; if for some reason at the height of 3.40 it stayed there, every dollar they gained in the increase would be gone.

COMM. SALKIN: If you go back to the chart before, this chart shows if you look at the highest price of 3.40 a gallon, the peak price, it shows that the drivers would be earning about $151 a day.

COMM. GIANNOULIS: The number on the bottom says "Difference in takehome from pre-fare increase to today."
COMM. SALKIN: That's at the 2.34 a gallon.

COMM. WEINSHALL: Look at the top one.

COMM. SALKIN: It's $125 was where they were before the fare increase went into effect, so we're using that as kind of a comparison. Then if you look at the peak, even at $3.40 we see that the drivers are earning about 21 percent more than they did.

I think the break-even point for gas, if you want to knock them all the way back to $125, is somewhere closer to $4 a gallon, 4.89.

COMM. GIANNOULIS: Break-even point, saying any gains would be lost.

COMM. SALKIN: At 4.89 we're back where we were pre-fare increase, the entire fare increase is eaten up with fuel costs.

One of the things I was curious about is how much does gas cost the driver. The basic formula rule of thumb that we came up with is for every 50¢ that gas costs, it costs the driver 20¢ of a fare. If gas is $2.00, 80 cents of the fare goes for paying for gas. If gas is $3 that means $1.20 goes for paying for gas. We
have a sort of rule that we use, and I'll show you that as we go through the presentation.

One of the things that's important, besides monitoring fuel trends and trying to figure out about oil refineries and how the whole Gulf states work in feeding New York City, was talking to a lot of other cities, and a lot of that work was done by Samara Epstein and Jen Palmer on my staff, and I'd like them to talk about what's going on around the country.

MS. EPSTEIN: I'm going to discuss the other cities that you see up on the screen. This isn't all the cities that do and don't have a surcharge, but it's a sampling of the cities we've spoken with and there are a few I just wanted to highlight.

Los Angeles stands out, because their surcharge is based on the consumer price index, the CPI. They're one of the only cities that does that. And they just passed a fare increase recently, but they're still maintaining a fuel surcharge, but their lowering the surcharge.

Philadelphia passed a rate increase last summer and that went into effect last July. Around that
time gas prices started to go up, so Philadelphia also
chose to also do a fuel surcharge of 40 cents per ride.
Seattle passed a fare increase, recently but
they've had a fluctuating fuel surcharge for a while and
they've kept that in effect, but they're starting to
talk about changing the baseline they use as gas prices
go up for that.
St. Louis is interesting, because they just
have a straight surcharge. It doesn't fluctuate, it's
just indicated by a sticker they have in there.
Washington, D.C. is a case of someone that's
chosen to do a surcharge rather than a fare increase,
because I think they found it's easier to implement for
them.
Chicago has not done a fuel surcharge. They
did a fare increase earlier this year. In their rules
it allows for a fuel surcharge, but they've chosen not
to do so.
Miami had a fuel surcharge in place that was
30 cents until October, so just last month a fare
increase went into effect and they've taken off the fuel
surcharge.
Some of these cities, too, are interesting, like Miami. The person there I spoke to said the drivers didn't even use the 30 cent surcharge in general, because they felt it would affect their tips.

So in the next slide I'm going to talk a little bit more about the reasoning that go into creating a surcharge. As we spoke to different cities, we found there are really two ways to raise rates to address a surcharge. You could do a fuel surcharge or a fare increase.

This slide shows the general framework regulators use to decide how a surcharge should be constructed. Cities like D.C. use a surcharge instead of a fare increase, as I mentioned and then others like L.A., Philadelphia and Seattle decided to do both.

As you go down you can see there's a threshold based on gas prices. Some of them rely more heavily on various sources like triple A or the EIA or the CPI and some take an arbitrary number. It depends.

The surcharge rates have to be determined. Some do a detailed analysis to determine what those rates should be, using one of these other sources that we've discussed and some pick an arbitrary number and tack that on.

Surcharges can expire. There could be a
sunset after a particular date or a mandatory review
date after a particular period of time. Some don't have
an expiration date at all.
I'm going to hold on just a minute here
while we were figure out what's going on.
CHAIRMAN DAUS: I'd like everybody to remain
calm.
(Pause.)
MS. EPSTEIN: So expiration dates,
surcharges could have a sunset date, a review date or
some have no expiration date at all, which basically
means they're a fare increase.
The last is implementation, they could be
programmed into the meter. Drivers generally prefer
this, having spoken with cities and to some of our
groups here, because when the surcharge is programmed
in, then the passenger isn't going to question that, and
it costs the driver money to do that. Here it's about
$40, so if a surcharge were to be put in and taken off,
that's $80 per driver.
The surcharge could be added apart from the
meter rate, but as I mentioned a lot of drivers don't
necessarily like that, because it decreases their tips
and passengers may question the validity of that charge.

I'm going to turn it back to Andrew now to

cover more of the petition information. Thank you.

COMM. SALKIN: I think the thing we did that was interesting with respect to the other cities is that there's no real best practice out there, there's no formula. Some of them, like L.A., following the CPI, having meetings every two weeks based on thresholds is a very onerous and challenging task for them to do.

COMM. GIANNOULIS: Do any of the cities have what's called a cost of living annual increase, something like that? Do any cities avoid the fare charge and the rate increase issue?

MS. EPSTEIN: There are some cities, they have to do, in their rules they have to review annually whether there's been enough of an increase in the fuel prices and a number of other indexes they use. We saw that in some of the Canadian cities when we looked at them.

It really varies by cities what's in their rules whether they have to review or not.

COMM. SALKIN: Seattle is interesting,
because what they seem to do is set the rate, and they
choose a threshold. They say this is our rate, this is
what gas costs the day we set this rate. They kind of
monitor if gas gets too out of line with what their
assumptions were, then different things kick in.

I think that's an interesting thing to think
about. It's when you pass the rate, you kind of protect
the entities involved with sharing the burden as things
change.

It's interesting and it's complex. I think
depending on what the Commissioners' course of action
is, I think there's a lot of conversation about what the
right way to do some of this is.

I'd like to highlight what some of the
petitions were. I imagine some of the petitioners will
get into more detail. We did get three. One is from
the New York Federation of Taxi Drivers. Their petition
basically says if gas is between 2 and 4 dollars, there
should be a dollar fifty surcharge added. It doesn't
have an expiration date, which means this is something
that's in place as long as gas is in that range. If gas
is over $4 they requested an additional 50 cents be added.

League of Mutual Taxi Owners, something similar, they say if gas is between $1.90 and $3 there should be a dollar added as a surcharge and that if gas goes above, for every fifty cents there also be a fifty cent increase in the surcharge. Again, there's no expiration date. It's set based on the price of gas.

The New York Taxi Workers Alliance submitted a slightly more tiered proposal that really looked at gas between two and three, three and four, four and five. And they suggest that basically for every dollar that gas goes up, they be afforded a fifty cent surcharge.

They also requested a couple of other things. They requested that the Commission look at other things that put a -- I guess you could say a price burden on to the drivers. They suggested rolling back the customer service improvements that were also approved as part of this fare increase. Later on they talked about as gas prices go higher to looking at the lease cap and moving the lease cap back so the people...
who lease also share the burden. They showed a lot of
different ways of doing this. Each one is a little
different, but they do also kind of imply there should
be a surcharge, which implies the burden should be
passed on to the passenger by some method.

I think we should look at what a surcharge
would do today, how it would impact the passenger. This
chart shows what it would look like to a passenger
riding in a cab. Going from the pre-fare increase, if
you added a 50¢ surcharge, the passenger would feel like
you're paying an additional 36 percent. If it's a
dollar, they would feel like they're paying an

This money would go to the drivers and the
driver would also feel the impact of that additional
money. This chart shows the impact on the driver. We
saw right after the first fare increase, we saw a
34 percent increase to the driver. We saw that dipping
down to about 29 percent today. If we add a 50¢
surcharge today, the driver's income would go back up to
41 percent, which is higher than the initial 34 percent,
but it does go up. Which kind of lends itself, Commissioner, to the question you asked about where is that break even point.

The next chart shows, if you take a look at where the drivers were after the fare increase and where they are today because of the cost of the fuel, we see they're losing about $6 a day, or the equivalent of 3.5 percent of their income and to make that up you'd need to add about 20¢ per ride to make them whole. That's this break-even point. That's where gas is today. If it goes up much higher, that would change. If it goes lower, that number would change.

Real quick, this is the data source, this would be available. I believe we'll put this presentation up on the web, if anybody wants to know where we got the information.

In summary, I want to highlight, obviously, the fare increase and changes in the fare did lead to more money going to the industry, we see that the drivers are certainly earning more money than they did before, even with gas prices changing and going up, they still appear to be earning more money.
If the Commission feels that the burden is too great on the drivers and it's something you'd like us to pursue, we can discuss shifting the burden in different ways, different methods to do that. Obviously, it's been complicated for cities to do, not all cities have chosen to do this. Whether they have a fare increase or just the complexity of it, I think there's discussion we should have about if this is the thing to do, what's the right way to do it. So this concludes the presentation on my behalf.

COMM. DEAR: One comment?

CHAIRMAN DAUS: Just a quick question.

Thank you Andy, I think you guys worked hard on this and did an excellent job. Just in the presentation, were we able to break it down into an hourly average wage for drivers, what they're making now, what they're making at the height of Katrina and what they're making at the time we gave them the fare increase?

COMM. SALKIN: If we go to the chart, the
one before the fuel, I think the average, we're using
the $11 an hour, so this chart shows up, basically, we
figured before the fare increase the drivers earned
about $11.30. Right after the fare increase, it was
about $15.25, then you see it go down to about $14.50.
Then we figure that around today they're at about
$15.75-ish.

This is really highlighting the DOV driver.

The fleet drivers earn a little bit less. Our estimates
are they're earning between approximately 12.50 and $14
an hour, but the DOV drivers can earn between 14 to $16
an hour, and you see individual owners with the ability
to lease second shift earning significantly more,
potentially.

COMM. DEAR: Throwing around some numbers.

Not to minimize it, sometimes I feel we have to put
ourselves in the shoes of the driver. If you figure out
the difference now from post-fare increase into now, the
fuel costs extra between, about 12 to $15 per day it
looks like, per shift, whatever they're working, so you
times that times five. I had $16 for some reason, so 16
times 5 is $80. $80 to a driver is a lot of money. It
may not seem like a lot to us.
COMM. SALKIN: I think what came across is
without a doubt the change in fuel cost impacts the
driver and they have to pay that money. That is without
a doubt case. As the prices rise, the drivers pay more
money.
We're sensitive, we really want to look at
that, but even with paying more money, it still appears
they're earning more money than they were before the
fare increase.
COMM. DEAR: Again, you talk about more
money. Not talking about from 50,000 to 100,000.
You're talking about every dollar to them, you're
talking about people who are making -- again I don't
want to belittle it, it's minimum wage to an extent,
they're making money, they're making money. Let's look
at it, they were going to make more and the intent to
make more. For them, 80 bucks a week, whatever it may
be, is a lot of money. I think we have to be sensitive
to that.
COMM. SALKIN: Absolutely.
COMM. DEAR: I don't know how. I know your
argument is if you give a fuel surcharge it may hurt
them in another way, less of a tip.
COMM. SALKIN: I'd like to say I'm not
trying to make an argument one way or the other. I'm
trying to present the facts.

COMM. DEAR: I hear what you're saying.

Sometimes we're sitting on this side of the fence, we say, okay, it's only $10 a day, $15 a day, they're making more money anyhow.

COMM. SALKIN: Without a doubt, the size of the industry, a couple of dollars changes the industry tremendously both ways.

COMM. DEAR: I understand. That's why I think we should be sensitive. Would you think of maybe a sign inside the car that we allowed them, authorized them to do, you know, when you're tipping, something like that, something that says, "Fuel costs have gone up," or something like that, so maybe they'll give voluntarily the extra 50 cents, the extra dollar? I want to do something where I want to help the driver.

(Applause.)

CHAIRMAN DAUS: Any other questions, comments?

COMM. SANDER: Just quickly, I want to thank the staff for an excellent presentation, one of the best presentations we've seen. Just great to see us develop the capability to do this kind of work.
COMM. SALKIN: Thank you.

COMM. SANDER: Chair, any direction you would like us to consider?

CHAIRMAN DAUS: I think we saw some of the facts, some of the research. I'd like to ask the petitioners to speak then we'll get all sides of the story.

I agree, Commissioner Dear, it's all about the drivers. That's the end result here, we want to be sure they're earning a living wage and they're compensated for their hard works. I think this is one of the hardest jobs, anyway.

COMM. GIANNOULIS: Could I ask Andy a quick question? Was there any clear increase in the lease prices when the gas prices went up dramatically?

COMM. SALKIN: Well -- no -- the lease prices changed dramatically, that depends -- with the fare increase, and a lot of them went to maximum for the maximum shifts, so we saw the prices kind of go up on average. We don't have the best data on where exactly the lease prices are, but if you want to go --
COMM. GIANNOUNIS: I saw, obviously they went up after the fare increase, but you don't know yes or no, whether they --

COMM. SALKIN: What you would argue is, if economic factors were in play and the drivers were not earning enough money, some would leave the industry and you would see demand for vehicles go down, which maybe would force people to drop down, lower their lease rates. The nature of the industry is there are the daily drivers that rely on their work, and there are long term leases, and people tied up in their leases in theory more than a month at a time. The drivers don't have a lot of flexibility to leave the industry if they own the car, just because gas prices went up in the summer. Once you're locked in, you're locked in and I think they hold you to those factors.

CHAIRMAN DAUS: Thank you, Andrew. Great job. I want to thank the petitioners for putting a lot of time into this. I know the people you represent, the drivers, basically appreciate all the work you're doing. Since the petitions were filed, in addition to my looking at the paperwork and making decisions, Andy and
the staff met with all the organizations.

COMM. SANDER: Just one comment before the petitioners come up. The other thing I want to keep in mind before we have this conversation is the issue of the fare increase next May, because there is the issue of us reviewing, we talked about in two years reviewing what we had done, so part of the conversation should also be how often do we want to go to the public and so forth.

CHAIRMAN DAUS: Well, we do have a legal obligation to analyze and hold the public hearing on the lease rates that are being charged by owners to the drivers every two years. So I believe that May, I don't remember what month it is, but I believe we're due for one.

COMM. SANDER: I thought it comes up --

CHAIRMAN DAUS: They're all related, the issues.

COMM. SANDER: I want people to be mindful there's also an aggregate point in terms of when you want to go to the public.
And without any further ado, I'd like to invite the petitioners, we have two of the three petitioners that have accepted our invitation to speak. I'd like to call up the League of Mutual Taxi Owners, anyone here from LOMTO? We have Vinnie, then we'll get to the Taxi Workers Alliance.

MR. SAPONE: Could someone hand these out to the Commissioners for me? Why am I always first, Matthew?

CHAIRMAN DAUS: We went in alphabetical order.

MR. SAPONE: Normally I don't write anything down but today I wrote something down.

Anyway, I want to set the record straight. I am here on behalf of the small businessman, the owner-driver who owns one medallion, drives himself, but I am here also to support any cab driver out there, whether they're leasing or whether they're DOVs, no matter what they have. You know, Andrew was excellent, he's a great man, and so are the Commissioners, you know what, I salute you. You must have worked with my father on the
piers, on the docks down there.

Anyway, I can't understand for the life of me, if anyone in this room besides the cab driver had to wait eight years for any kind of salary increase. I really don't know your business, but if I was to bet, and I'm not a betting man, I would bet that most people get a raise every year, two, maximum three. Why is cab drivers -- you know, we talk about the price of gas going up, going down, other cities, other this. Do you know what it is to wait eight years for an increase? To put more food on the table, to buy a car, to do this, to do that, to go to a movie? Eight years. No one discusses what we lost during the eight years. It's only discussed --

MR. SAPONE: What we got in the last raise.

Now, either I come from another planet or there's something wrong with me. You know, eight years -- listen, I don't mean to yell, I love everybody here. But everyone's talking about, oh, you got a 26 percent increase, that's great. Meanwhile, in those eight
years, my guys spent thousands of dollars or more to buy
a car every five years. My guys spend a thousand
dollars more for insurance, more money for repairs. I
don't understand it. What has that got to do with the
cost of tea in China? It's got nothing to do with it.
Okay, I wrote a little something, so I'll
calm down.
Good morning Commissioners, Mr. Chairman --
why is everybody laughing -- at the Taxi and Limousine
Commission my name is Vincent Sapone, Managing Director
of the League of Mutual Taxi Owners, commonly known as
LOMTO. I want to address our petition for a fuel
surcharge. By the way, we got one in September, most
cities got it in September, I think we sort of missed
the boat, but maybe something still can happen if you
guys want to be nice and boost up our rating time, as
far as I'm concerned you can forget about a fuel
surcharge. I don't think that will happen, but that
would be nice. From $12 an hour, bring it to 18 or 20
and then everybody will be happy.
time the price of regular gas increased from the date of
the fare increase by 84 percent, although gas prices
have somewhat, have come down, the cost of a gallon of
gas is still about 37 percent higher than at the time of
the fare increase. Other U.S. cities have given taxi
drivers a gas surcharge, and we are the best city in the
world, we have the best taxi service in the world, but
other cities have given surcharges, that's nice, real
cute, all right?

In St. Louis, they gave cab dryers a dollar
surcharge when the price per gallon hit $2. In
September 2005 they added an additional dollar until gas
prices were below $3 a gallon. I don't want to go on
and on who done it. You got it in front of you. A cab
driver's gross income after expenses has nothing to do
with a gas surcharge request. The Commission can easily
get what a driver is grossing today and we all know a
cab driver's operating cost goes up every year. From
1996 to 2004 the cost of the Crown Victoria went from
$22,000 to $26,000. Doesn't that count? As per
invoices from leading taxi dealerships that I got this
information from. A difference of 16 percent.

Liability insurance went up. Repairs went up. American
Transit difference of $1,144 since then.

During the time the cost of living,

according to the U.S. Department of Labor Statistics

increased 20.33 percent during those eight years. The

cost of living. The 2004 fare increase was generous,

when compared to the previous rate fare. However, after

eight years of waiting, with the price of everything

going up constantly, the average New York City cab

driver is not much better off financially. The gas

surcharge petition that LOMTO submitted was not

excessive or unreasonable. But the long delay in

addressing this issue is hurting all New York City cab

drivers.

I respectfully request the Commission to do

something and do something immediately. You know, I

shouldn't say this, it looks like maybe the dollar is

out the window, but 75 cents would be nice and it's not

$6 a day, I think from what my people tell me, it's

between eight to $10 a day easy, okay?

It doesn't matter if a person works six

days, seven days or five days, that's his business. If

he wants to buy some Hanukkah gifts or Christmas gifts

or other gifts from his kids or do whatever he wants and

he wants to put in an extra day, doesn't got nothing to

do with it. What's it got to do with gas? With all
these City rules, okay, something should have been done
to cut the red tape like when we bring someone in from
somewhere to take their child, some way we would have
got their surcharge, maybe by now it would have gone
down 20¢ or a quarter, but by the time we get on our
foot here, either gas is going to be up to $4 again or
back down to 1.90. We don't know. Give us another fare
increase in six months, that we'll probably accept.
Give us something.
The people who ride cabs today are people
like you guys and like me. And don't tell me if it's $7
two years ago that neither one of us can afford $9 for
that fare. I don't want to hear that, because that's
ludicrous. The dishwasher doesn't take a taxi. What
about when they call the corporate cars? Do you know
what that costs compared to taxis?
Anyway, I'm sorry for getting upset. I
apologize. You know something, my father drove a cab, I
drove a cab. It's in my blood. Why are all cab drivers
picked on? You guys are supposed to be supporting us as
much as you're supporting the public. They can't have
it all their way. You got to give some to us.
Thank you.

CHAIRMAN DAUS: Thank you, Mr. Sapone. I'd like to ask the Taxi Workers Alliance representatives to talk to us now. Taxi Workers Alliance.

MS. DESAI: Good morning.

CHAIRMAN DAUS: Could you identify yourself for the record, please?

MS. DESAI: I'm Bhairavi Desai from the New York Taxi Workers Alliance.

MR. ULHAQ: Mannun Ulhaq from the Taxi Workers Alliance.

MS. DESAI: Before we begin this, I would like to make an announcement that everyone in the Commission should be aware of. On October 2nd, there was a yellow cab driver, Shazadur Ramman who was assaulted while he was on duty by two strangers who had walked up to him and since then Mr. Ramman has been in a coma. He remains in New York Hospital till this day. We ask everybody to please remember him in your prayers as he's struggling for his life and for those of you who have been able to, please visit the family. They've been holding a vigil at the hospital and his wife has
not left that room since October 2nd. He has three young children, he's only 35 years of age. So with that said, the Shazadur case is a great example of all the different issues that taxi drivers have to face in this industry. Regardless of the fact that the number of deaths while on duty may have gone down, assault is still a major issue and on top of that, you're stuck with all of these horrendous economic conditions. I mean, we commend the staff on the presentation, but we shouldn't get lost in the package, we should concentrate on the content and the content, a lot of these numbers are highly exaggerated. For drivers to be earning this much money, they need to be booking approximately $300 per shift. Per shift. Everybody knows that in this industry the only thing that is guaranteed are your operating costs and even those costs fluctuate like the price of gas. Drivers begin at a negative every single day. That is the only thing that they are guaranteed, the level of debt and the price of gas, which is the only expense that only taxi drivers pay for in this entire industry.
is the one factor that fluctuates the most.

The TLC needs a policy to deal specifically with the cost of the fuel. Of course we have to wonder that if the garages and the brokers had to pay for the cost of gas, would we have had a fuel surcharge by now already, because this is in a completely unfair situation where you only have the workers that are suffering in this industry, and let's not only look at the taxi industry throughout the country. Let's look at other businesses. Businesses like Wal-Mart, the biggest retailer in the world, businesses like American Airlines, the biggest airline in the country, have passed surcharges. Waterway in New York has passed surcharges. Domino's Pizza, every retailer out there that is affected by the cost of fuel has passed a surcharge. Why is this industry, why are taxi workers' income not valued by this Commission?

You passed a raise in May of 2004, you passed it in March and it went into effect in May of 2004. Don't you have a responsibility to make sure that the incomes that drivers were earning after that raise stays intact? Isn't that, doesn't that even just
add value to your own policy making? Because at this point every day drivers are at a loss.

The handout that we've given you is a similar chart taken from the NewYorkGasPrices.com and if you look at the first sheet, which is a chart looking at the date the price per gallon and the average daily gas-up cost, it's not 12 gallons to gas up, it's on average at least $16 to gas up.

CHAIRMAN DAUS: Do you know how they get this information, how do they compile their data, where they get it from?

MS. DESAI: They take samples from the various stations.

CHAIRMAN DAUS: How do they get that? Where do they get it from?

MS. DESAI: They have inspectors that they can take it from.

CHAIRMAN DAUS: Is it possible someone calls and says, "Hey, I was on the corner of this street and that street and the price is this?" Is that how they do things?
MS. DESAI: No, they follow up.

CHAIRMAN DAUS: They'll actually go down to the site?

MS. DESAI: It's a legitimate website. It's been cited throughout the media, actually.

CHAIRMAN DAUS: Have other states relied on this particular --

MS. DESAI: It's a New York-specific website.

CHAIRMAN DAUS: Got you.

MS. DESAI: One of those, even though some of their numbers are actually lower than what certain gas stations were charging, because again, it's an average. I think it's much more accurate of a citation than some of the other sites that you've seen, because those other sites they tend to take the lower average and they look at New York State as a whole, but we know of course that within New York State, New York City has higher cost of fuel than other parts of the state.

And so, going back to the chart, when you're looking, basically since March of 2004 at the time that the TLC voted on the raise, up until now, at the very
low end drivers have lost at least close to $2,700, and
as Commissioner Dear said, you're talking $2,700 for
working people is not a small thing. There are drivers
who have to choose between going to work that day,
gassing up for the day or saving that money to pay rent
for the end of that month.
Throughout the summer, there were many
drivers, we had many members come in with eviction
notices.
CHAIRMAN DAUS: I'm sorry, the $2,700,
you're arriving at that number based upon --
MS. DESAI: That's the total loss at the
bottom, 2681.12.
CHAIRMAN DAUS: That's the difference in
terms of the rising price of fuel, according to the
NewYorkGasPrices.com info.
MS. DESAI: That's right. When you say
difference, really, we're talking about a lot. That's
the key word that seems to be missing throughout this
discussion. We're talking about losses. We're talking
about people that are choosing between gassing up so
they can go to work every day or saving that money to pay rent. That is a significant issue, and, you know, as we know from many of the Senate reports, the prices of heating bills this winter are expected to go up anywhere from 30 to 60 percent. That's going to have an astronomical effect on people's cost of living. You're talking about working people that are struggling to make ends meet on a daily basis.

Again, I want to say, whether drivers earn $10 an hour, $14 an hour or $15 an hour, this is incredibly hard-earned money. We should respect every penny that is earned. People work back-breaking twelve-hour shifts. Taxi drivers have enormous health issues from just the fatigue of the job, people end up working longer to make up that money. So not only is this money valuable in terms of compensating them for their cost of living on a day-to-day basis, but we should value the amount of difficulty and hard work that people put in to earn that income, and so when the TLC does not take any action and sits back and allows the losses to accumulate, what you're saying to 40,000 licensed workers, that you have authorized to operate in these streets, is that you don't care about their working conditions. You don't care whether or not they're able
to pay the rent for that month.

This is a significant message. As Vinnie
said, the role of the TLC is also to be advocates for
the industry. You cannot have an industry without the
work force. And you know, it's just unbelievable to us
that at a time when throughout the country everybody was
taking action, this Commission refused to act.

(Applause.)

MS. DESAI: There's one thing, everything in
life is complex, but not everything is complicated.
This is a simple matter. We should not complicate it
further.

CHAIRMAN DAUS: Anything else?

MS. DESAI: What I'd like to end by saying,
I think all of us at this point have a lot of questions
at this point than we do statements. We really need to
hear beyond the answer of, you want it to be thoughtful,
you want to look out for the public, you wanted to take
your time to see what would happen with the gas prices.
We need to hear an answer to the question of how can you
sit back as the Chairperson, as the Commission and say
to 40,000 licensed workers, "We don't care if you're
losing up to thousands of dollars per month." We need
an answer to that question.

CHAIRMAN DAUS: Okay, what I'd like to --
because you raised some questions --

(Appplause.)

VOICE: Yay. Yay. The truth, the truth.

CHAIRMAN DAUS: Thank you, Ms. Desai. I'd like to call Andy back up briefly to ask him a few questions based on the data you submitted. Thank you for coming.

We do care. I also it's normal to advocate for one group, but I think it's our role to balance the interests.

Andy, some of our Commissioners here have some questions about the conflicting data. Could you help us out with this, NewYorkGasPrices.com in particular.

COMM. SALKIN: One of the things we did do was reach out to other people that submitted petitions and ask them some questions, and we did work with New York Taxi Workers Alliance specifically and we agreed, they indicated that they didn't think our numbers were necessarily good numbers. We're using we think the best numbers we could have used, not only necessarily on the gas prices, but just on the amount that a driver drives
a day, which will impact gas prices, so the numbers they
were using on the chart I just got, 16 gallons a day
which will significantly impact, if you use 16 gallons a
day versus 13 gallons a day, your price changes
significantly. It's six, ten, $12.

We've monitored a lot of the websites. I
think the best person, I'm going to ask, Jen, could you
talk about what you found in different websites? We
looked at them all. They basically all go up the same,
but it's a matter of choosing what you think is real.
Is that what you're asking about; the gas
prices?

CHAIRMAN DAUS: Yes, yes. Thank you, Jen?

MS. PALMER: Good morning. We've been
monitoring four different gas price sites: Gas Buddy or
NewYorkGasPrices.com, which you discussed. That
methodology is basically a website where you can
telephone in, consumers from the area can phone in and
report low gas prices they find. Their methodology is
indicated on the website. There's no indicator that
there's followup done in the field.
The other websites that we've been following is AAA, fuel gauge report and that's collected on a daily basis, over 8500 sites are reached out to, they're divided into city-specific areas, and then the average is given for the city-specific area.

The CPI, the consumer price index we've been watching as well. That is collected on a monthly basis, and they reach out and it's basically the basket of goods and an analysis done for that and they publish that for the nation.

We've been also watching EIA, as in our report, they publish on a weekly basis, they reach out to gas retail outlets in the area and it's based on a daily average, then a weekly average. Those averages are combined and then published on the following Monday.

COMM. SALKIN: Talk about what the difference prices are that you find.

MS. PALMER: We're finding that GasBuddy.Com is right in the middle. The highest is consumer price index, the EIA tends to follow a little bit lower because they're done on a weekly average and the AAA is sort of a mid-price range as well.
CHAIRMAN DAUS: Any questions on that? I know how you all feel. I've heard a lot about this, studied it closely with my staff. I thanked them for their hard work they did.

I listened to Bhairavi, I've listened to Vinnie, I've listened to the Federation. I think there's another perspective here, that's the perspective of the regulator, the passenger, trying to balance the interests.

This data, which I believe is accurate, a lot of thought went into it, indicates that when we passed a fare increase, just last year, I mean, this wasn't light years ago, and it was a pretty hefty increase, the biggest one in the City of New York. Let's not forget that. That the Commission for the first time, helping drivers earn for the first time a living wage comparable to what city contractors get.

If you look at page 3 or page 4 of the average hourly increase, before the fare increase they're making close to $11 and now they're making, even with, correct me if I'm wrong Andy, even with the price
of Katrina, the prices have come down, they're making still close to 15.75, $16 an hour. Is that accurate?

VOICE: Hell, no, it's lies. Widely

inflated.

CHAIRMAN DAUS: Could we have order, sir? I didn't ask you, sir.

VOICE: I know, but you want to know truth, I'm telling you.

CHAIRMAN DAUS: Please, have some respect for the members of the audience.

VOICE: I have respect for the truth. You have none.

CHAIRMAN DAUS: Andy?

COMM. SALKIN: We used the numbers we put together as part of the fare increase exercise. We built the whole model based on assumptions using that model. Then we pushed that model forward and used it to do the analysis for the year.

That number is based on the reports that we're getting from the meters, and they don't lie. The meters show how far a cab drives, the meter shows how many trips a cab does, it shows how many clicks of 40¢
so you can use it to ascertain how many miles the whole fleet is doing, how many are paid, how many are unpaid. You take that information, you look at your assumptions and build up from there.

That got us up to May of ’05 and going forward we basically used the same assumptions and changed some numbers. The number that's been changing is really the fuel price. I talked to the New York Taxi Workers Alliance and told them what my numbers were. They didn't think my numbers were right. I asked them to work with me and show you data to show why our numbers or models are wrong. They did not give us anything different.

Today I think see they’re using 16 gallons per shift, which is pretty high. I think it represents up to 190 miles of driving a shift, which is much more than we thought the cabs did, much more than they do based on the meters. It's possible, something we would be willing to digest. We think the cabs are doing between 120 and 135 miles per shift.

So, again, if you use different numbers your
analysis could go different ways.

CHAIRMAN DAUS: Based upon a worst case scenario, are they still not earning a living wage?

COMM. SALKIN: Worst case scenario, using the model we're using is 120 to 135 miles a shift,
they're doing 30 rides a shift, for the fare increase we used 28 rides a shift, and then we're using the leased caps, we're using the average, we're coming out with what we show in our report, which would be in between, depending on the price of gas between 13 and $15 an hour for the fleet drivers and $14 to $16 an hour for a DOV driver. That's what our analysis shows.

CHAIRMAN DAUS: At this point, I would suggest to the Commissioners that we actually ask TWA and the other groups, because there seems to be some different assumptions, to provide any data that they would like to provide to us to help us come to a better understanding of this, but based upon everything I've seen, they're still earning a living wage.

It was a very recent, very large fare increase. Thankfully, we didn't act imprudently. Okay,
going on out there and the prices went very, very, very high. They've come down, they've stabilized somewhat, I think we should keep our eye on it and there are some interesting ideas about surcharges. The next time we do a fare increase, I would urge the Commissioners to say we should have a discussion about dealing with the contingencies at that time.

Commissioner Sander.

COMM. SANDER: Yes, I want to express my support for what the Chairman has just said. I know when we passed the increase in May of '04 and appreciate being reminded that the process began in March, so we're getting close to that two-year period, we talked about looking at this issue two years from now. We are getting in the range of that time, certainly early next year, the middle of next year, and if we're going to go back, if we decide to go back to the public for an increase in that time frame, I do not think it would be well received to first have given the numbers that we have seen. I agree that they should be, the dialogue should occur between Commissioner Salkin and TWA, but barring some major disconnect from that conversation, it would seem to be would be better off to look at this issue several months from now in the context of
reviewing where we want to be in terms of the overall fare structure and the other point -- there was another point I'll make, but I'll come back to that.

CHAIRMAN DAUS: Okay, thank you. Any other comments from Commissioners?

COMM. SANDER: The other small point I was going to make is that while it may not be completely comparable in terms of the issue of fuel and what that represents in the driver's wage, if you just look at governmental employees, in their expenses, they have expenses over a two, three-year period, but in terms of their salary increases, most commonly the municipal contracts, the State contracts offer two, three years and what is lost during that intervening period is made when you have an increase after two or three years.

So while it's not an exact analogy, there certainly are examples where you have differences in people's income or the expenses that they have, and then having it made up in two or three years when they have a new contract.

VOICE: We don't have the benefits they have.

CHAIRMAN DAUS: Commissioner Dear?

COMM. DEAR: Again, I expressed myself in the sense that I think we should do something for the
drivers.

(Applause.)

COMM. DEAR: On the other hand, you raise an issue about, that if we're going to look at the issue of a fare increase at some time in the near future, then going to the public, like Commissioner Sander raised, twice in a short period of time would not be a good thing.

CHAIRMAN DAUS: Right.

COMM. DEAR: What I'd like to do, I'd really like to do is see if I could recommend, I'd like we should move if we could soon start the process and from looking at these things, start to examine these issues and to put in something where we have a built-in type of number where if gas goes up to a certain price and everything else, then automatically something kicks in.

But I think we really should take a look, and again, not to minimize the $20, $50 or $80, whatever it may be, it's still drivers' money and every dollar they make is something they need.

CHAIRMAN DAUS: I think you make a valid
point, Commissioner, about having not to revisit things so soon. Whenever the next fare increase might be, I think some of the fruits of our research have shown that other cities can and you can put a rule in place saying these are our assumptions, this is what we think drivers should be earning, there's a range, and if fuel prices cut into the income there's a trigger, that it doesn't prompt the Commissioners coming back to keep raising the issue. What if prices come down? Is everybody here going to have a movement to come back to the Commission and ask that we lower the fare? I don't think so, ladies and gentlemen. You know that's not going to happen. VOICE: Just take the surcharge off.
CHAIRMAN DAUS: Okay, could we please have some respect for the Commission and for the audience, please?
COMM. SANDER: In a nutshell, I don't think it's a matter of if, I think it's a matter of when and timing.
CHAIRMAN DAUS: But there are some interesting ideas that came from this. I think this was
a very, very good exercise. I feel that it was very, very prudent for us not to act so quickly and have a kneejerk reaction and I am happy we did what we did and we will continue this dialogue.

COMM. SANDER: One last point, if I may. If we go back, if we decide as a group to go back to the public next year, some time frame, not eight years, but two, three years -- and we do want to get public acceptance for this, and we did pretty well with public acceptance of a pretty breathtaking increase we did, which was terrific. If we want that same public acceptance if we do something in the foreseeable future, that's really important.

As Commissioner Dear echoed as well, if we want the public to feel good about this industry to tip, which is part of the income as well, we need to be mindful of how we have that interaction and it will certainly strengthen our case if we don't do it now, but we do it at some point in the future to say, hey, we did not do this now, we're doing it in a logical and timely way.
CHAIRMAN DAUS: Thank you.

COMM. DEAR: Whenever they install the new systems in the car, the public service announcement could be, "Remember the driver as gas prices go up."

CHAIRMAN DAUS: That would be better than stickers. We're trying to get rid of stickers.

Well, thank you, everybody. The next agenda item is base licensing application review. Who is going to be making the presentation? Welcome, Bill Carter, to the podium.

The first new application is Discovery Transportation Corp.

MR. CARTER: Commissioner, I would like to take a moment before we start to review the process as it's gone along so far. As you know, back in the beginning of the year we revised the application process for bases, so what we did was, because we realized the new application process was a lot more difficult than the previous one; we set up seminars for the bases coming up for renewals, we sent out numerous mailings explaining the renewal process as well as having meetings with people from the bases and the owners.
meeting with our staff. So we've gotten the information out to them to let them know this is a new process and helping them out with the paperwork that was necessary. To that end, on today's agenda as you will notice, there are seven bases which we're recommending for disapproval. This is the first time we've done this before the Commission. Prior to this, most of the bases that we brought before you met the requirements or were just about to meet the requirements, so we asked that they be approved. What we've gotten in the situation now is we've got seven bases that did not meet the requirements over a very long period of time. All these bases are January and February renewals and from January to February until now they have failed to produce the documents that were necessary for review.

COMM. DEAR: I'd like to --
CHAIRMAN DAUS: Could we --
COMM. DEAR: -- make a comment about that. This is something we've had discussion with you and Commissioner Salkin and I want the others to hear as well. Is what's happening because we're toughening up
finally, thank God; the Commission has spoken and is
going in the right direction? There might be some
bases, in particular this one, I hear the Webster Avenue
one, which has 300 cars --

MR. CARTER: Yes.

COMM. DEAR: It could be because of a
language difficulty, cultural difficulty. You know
sometimes, when I say "culture," doesn't necessarily
mean culture of where they come from. We had a culture
here of you do what you want, car services do what they
want, and this is changing now. Maybe there's a
language barrier they don't know we're taking this
seriously. Maybe we should reach out and bring somebody
that understands. If it's the Latino community, bring
somebody from the Latino community. To say we're
working for you, instead of banging them with a hammer;
having discussions, you need a lawyer, we can't
recommend a lawyer, but we can tell you these are people

that do this type of work. Just to make it more
helpful, more user friendly for them, and that's why
I'm -- I can't tell you, I know we were screaming in the
past on the issues --
CHAIRMAN DAUS: Commissioner, we're jumping out of order here. Could we go through the order of the agenda? I appreciate you going there, Bill, but we'll revisit your thoughts, because it's at the bottom of the agenda.

The first new application is Discovery Transportation. Can we talk about that base?

MR. CARTER: Yes, Discovery Transportation has applied for a new base license. In our review process they provided all the documents that were necessary, as well as an environmental assessment statement which is required of all new bases. The environment assessment statement speaks to the impact of that base on the neighborhood that they're going to be in.

The environmental assessment statement, we determined in that statement that this base would not have a negative impact on the community as far as traffic flow, et cetera, was concerned. We received opposition letters as well as support letters from elected officials. What we did with this base, we put
it through the normal process that we normally would
with the base, which is measuring the documents that
we're required to look at and see if these documents met
the requirements that we hold as the requirements.

CHAIRMAN DAUS: Okay.

MR. CARTER: In our review of it, we felt as
though this base, we had no negative statement that we
could put against this base that we should deny the base
from having a license.

CHAIRMAN DAUS: So your recommendation is
for approval.

MR. CARTER: Our recommendation is for
approval.

CHAIRMAN DAUS: I know there's been a lot of
conversation about this; calls, letters, faxes. Does
anybody have any comments on this?

COMM. GIANNOULIS: My first comment is we
have letters of support from elected officials?

MR. CARTER: We have an additional package
to hand to you right now. These are all items that came
out after the base's package had gone down to the
Commissioners. There are additional letters that came
in. Some are in support, some are against.

What you will see in the package that we
gave you is the off-street parking was checked and
confirmed by our inspector on September 9th; New York
City Police Department 34th Precinct submitted a letter
of support on November 7th. New York State Assembly
Member Adriano Espaillat sent a letter of support dated
September 1st and Community Board 12 sent a letter of
opposition dated November 1st, but it was postmarked
November 14th, after we made numerous calls to them.
In their letter of non-support, there's a
notation that their Traffic and Transportation Committee
objected to the base; however, their Economic and
Development Committee had favored the application. So
we weighed these things, as well as the EAS that had
been submitted and we felt there was not enough evidence
to deny the base the right to operate.
CHAIRMAN DAUS: Okay.
COMM. GIANNOULIS: Just from looking at the
letters, we've had a tradition here that in the short
amount of time that we've been looking at these base
stations, that when there's opposition in the community,
we take that into account. The obvious example was a
similar project the elected officials complained about
and we rejected the application. There wasn't a lot of
debate about it, there wasn't a lot of discussion about
it, there wasn't a lot of negotiations, there wasn't a
big report, it was opposed by the Commission pretty

clearly and pretty quickly.

So I think the idea behind that was that the
people who represent the community have some sense of
issues that we don't necessarily have. So I know that
on this project, and this proposal, the Community Board
voted against it, 20 votes against, 5 for, and then
abstentions. So the Community Board voted against it.
The local Councilman is against it. The Borough
President of Manhattan is against it. So it seems to me
to be there's opposition to it, it's pretty significant
opposition, it sounds like and there are some people
that support it.

So I'm wondering if there's somehow some way
that we could have the people who are putting in the
proposal try to take a look at maybe another site, a
site that's acceptable to the community, the Community
Board --

CHAIRMAN DAUS: Your first question, Harry,
I think is this tradition -- is that something -- what
does the law say on this, Chuck? How does that all
work?
MR. FRASER: Well, it is appropriate to take account of the substance of the community's statements. I don't think -- I cannot see a legal basis for rejecting an application because people have taken a position against it. As to the reference to VNR, the prior base to which there was opposition, it's my understanding from the lawsuit that ensued that our rejection of that base was based on their violation history and that the opposition of the elected officials was not the basis for this body's rejection. We were, by the way, sued in that case and we did settle that lawsuit.

COMM. GIANNOULIS: The opposition -- well, two things. First place, obviously there's nothing in the law that would say that if an elected official asks us to do something, we have to. That's absurd. That's actually not what we're claiming. We're claiming that elected officials, numerous ones, including the Borough President, the Councilmember, the Community Board have all stated substantive reasons. Now, they could be substantively wrong, but they've
claimed substantive reasons, but they very well may be substantively wrong, we don't know. In fact, in the project that we talked about, we rejected it very much for the same exact reasons.

The questions were surrounding traffic in the shopping center and the elected official who called me about it said one of the things that we're very concerned about is traffic at this particular location, and there wasn't an ounce of debate. We rejected that proposal without even a discussion. And there's a reason for that. That's because we assume that the elected official who spoke to various members said we're open to -- we're not against these people as people, we're against this site, and I think Matt and I spoke, they went off, I don't know if they resolved their issues. I would hope that they did.

CHAIRMAN DAUS: There's also a lawsuit.

MR. CARTER: Commissioner might I cite one difference in the two situations. That's in the VNR situation an environmental impact study was not required. In this instance it was required.

COMM. GIANNOLIS: Why was that?
MR. CARTER: It's a new base.

COMM. GIANNOULIS: Do all of them have that?

MR. CARTER: Going forward.

COMM. WEINSHALL: Going forward they'll all have EIS's. I guess what I look to is the fact that there was an EIS done and in terms of traffic implications, you know, an EIS pretty much talks to those issues and it found that there was no traffic implications.

The other thing is that I know Ray Diaz, who is the assistant chief for Manhattan North, and he wrote a letter in support and basically, he's there on the spot day in and day out, sort of dealing with the traffic issues, and Ray is saying in addition to the EIS that he doesn't see a traffic problem.

The other thing is that I'm sort of confused that you cite the elected officials in opposition. There are some elected officials in support as well as there seems to be a split on the Community Planning Board, you know, the Traffic Committee said one thing and I don't know if they had the EIS in front of them,
and the Economic Development group came out in support.

So there is that sort of difference here and I think really to compare it with the base in Brooklyn is really, in my mind, comparing it to apples and oranges, and because it's a new base and there was more done here than we had done in Brooklyn, so, you know, I just don't see comparing the two.

COMM. GIANNOLIS: I mean, I guess the issue is, if, I mean, you know, staff is making a recommendation but the amount of opposition to the project isn't minor. I don't often get calls from Borough Presidents about base stations.

CHAIRMAN DAUS: I know that, Commissioner.

COMM. GIANNOLIS: Unless there's a grand conspiracy going on that I'm unaware of, it seems there's a certain level of concern about the project.

CHAIRMAN DAUS: But we need to go to the merits of it, though. Just because a thousand people sign a petition saying the sky is falling, doesn't mean it's going to fall.

COMM. GIANNOLIS: If a thousand people --

CHAIRMAN DAUS: Can I finish? You have a
lot to say, I have a lot to say here. Because I've
looked at this very, very carefully. I've looked at
every letter I've received up until late yesterday,
consulted with the staff, consulted with the lawyers,
and the law makes it very clear what the standards are.
Our rules and the Administrative Code, in particular
Rule 6-04, I think it's (d)2, it says, in the
Commission's review of an application for a license to
operate a new base station, the Commission shall
consider the possible adverse effects -- possible
adverse effects of such base station on the quality of
life in the vicinity of the base station, including, but
not limited to, traffic congestion, sidewalk congestion
and noise. That is the only issue.
It's not a popularity contest, in my view,
because you get ten politicians, three elected
officials, and the Community Board to say, and there are
arguments on both sides. Objectively, the way the
Commission has set out to analyze what the law requires
us to do is the EAS, which is an objective analysis
based on State Law and City Law and includes looking at
the condition of the streets, the number of vehicles,
which is an actual objective standard, not subjective, I
like this person, I like that person.
While it seems to me the Community Board is
doing its job, the Community Board is seeing its
residents are upset, but there was a major split in the
Community board. It seems that -- this happens all the
time in communities. People have a fear of the unknown.
It's Government's job to do the right thing, to remove
politics from the equation. In my personal opinion I'm
looking at the law, looking at the standards. You have
four against in the community, you have a scientific
analysis performed by Government in accordance with
State and City standards to follow the law, I don't see
there's any way we could not approve this base.
Some of the concerns cited by the community
and the Community Board are based on the fact there's
going to be a competition for existing bases.
(Applause.)
CHAIRMAN DAUS: Well, I would encourage the
Commissioners on this Board to go to the bases that each
and every one of you approved, including myself -- let
me finish. With reservations, we approved for renewal
bases in the same community where I think you would be
abhored if you passed by those base stations and looked
at the traffic conditions in front of those base
stations.
So to say that -- this is America. Who are
we to say --
(APplause.)
CHAIRMAN DAUS: Who are we to tell them they
can't open a business, because they're afraid of
competition? This base is providing life insurance,
it's owned by drivers. You're telling drivers that are
sitting on this side of the room, basically, they're
unable to make a better life for themselves and open up
their business because of some political dispute in this
community. And we all know that's what this is about.
(APplause.)
CHAIRMAN DAUS: Let me tell you something --
Can I have some order, please? Let me be heard on this.
Let me finish.
COMM. GIANNOLIS: In the first place, lower
your voice, Matt, when you're speaking to me.
CHAIRMAN DAUS: It's hard to hear over the
cheering.
COMM. GIANNOLIS: Let's start there,
because whatever this thing is, you need to calm down, okay?

CHAIRMAN DAUS: It's hard to be heard over the crowd. I wish the crowd would calm down.

COMM. GIANNOTIS: Well, calm down, and you'll be able to speak. Now --

CHAIRMAN DAUS: Commissioner Giannoulis, I had the floor.

COMM. GIANNOTIS: If you want to go down this --

CHAIRMAN DAUS: Commissioner Giannoulis, let me finish my statement.

COMM. GIANNOTIS: I thought you finished.

CHAIRMAN DAUS: I allowed you talk as much as you'd like to talk. You have the ability to address me. I'm asking for the respect, so let me finish my statement.

COMM. GIANNOTIS: I thought you were done.

CHAIRMAN DAUS: I am disgusted by the politics that I've seen. I've never seen in my years at the Commission nonsense like this, okay, over a base. We had more opposition, quite frankly, and more calls and craziness in 1998 when we passed sweeping reforms that transformed this industry. I've never seen
I joined Government as a public service to do the right thing, to apply the law and make decisions in the best interests of the people. Going down the other road and just saying because a couple of people have concerns which are not founded in fact or law, after we've done the right thing, an objective analysis, it disturbs me greatly as a public servant. You know, politicians can make their phone calls and do what they got to do, but we have a higher obligation than politics. And I would like you to consider voting to approve this base.

COMM. GIANNOULIS: You should be very careful with these accusations, because you are now completely out of order, and once I leave this meeting, I'm going to speak to people at City Hall, because I think your behavior today was outrageous.

CHAIRMAN DAUS: Go ahead, be my guest.

COMM. GIANNOULIS: The reality is, just so all the Commission members know, they know what they're voting on, the Community Board voted against this
proposal November 1. None of you received that in here.

Matt had this in front of him, but he didn't give it to you. He didn't give it to --

VOICE: Our association also sent a letter and none of you have seen it either.

CHAIRMAN DAUS: If you continue, you will be removed, okay?

COMM. GIANNOULIS: None of us received this resolution.

MR. FRASER: It's in the packet.

COMM. GIANNOULIS: No, it's not.

MR. FRASER: It's in the front.

COMM. GIANNOULIS: When I was asked for it to be sent to the Commission members three days ago, it wasn't sent to the Commission members.

COMM. AROUT: That's wrong. You're absolutely wrong. I received a package with that in there.

COMM. GIANNOULIS: You did? I didn't. What package?

CHAIRMAN DAUS: I think we're misunderstanding each other. You're talking about the
November 1st letter, Harry?

COMM. GIANNoulis: The resolution of the Community Board disapproving this project.

CHAIRMAN DAUS: Now that you're going down this road, and you want bring this up, I have to say this for the record. This was a very sneaky move on behalf of the Community Board, unfortunately. A letter that was written to me was sent and faxed to every Commissioner but me, and my secretary, as my staff knows, very good at opening the mail, my assistant, and clocking out. This was time stamped. I'll show it to you.

COMM. GIANNoulis: But I never got it. I don't know who it was faxed to.

CHAIRMAN DAUS: It was postmarked -- you called me yesterday and as soon as you told me this was out there, and I had to find out from other Commissioners, I made sure every Commissioner had it. So I think if you're looking to point concerns at somebody not giving us the appropriate time frame, it's not right. The Community Board had
concerns, some of it was public --

COMM. GIANNOULIS: I don't want to get into conspiracy, but when you fax something to my office, you should always be careful to take out the fax dates. It has a fax date on November 13th.

CHAIRMAN DAUS: But the truth of the matter is the Community Board and my staff did not receive this letter until yesterday. Look, if this is such an important issue, why did the Community Board chair wait until yesterday to call me and why did other Commissioners receive this before I received it?

COMM. GIANNOULIS: Look, at the end of the day, the amount of opposition in terms of this project would have in any case, any case made us take a step back and ask for the applicant to go do something, to go speak to the Community Board again, to go speak to elected officials, maybe we would have a meeting and we would bring everybody in the room to talk to them. That would to me be pretty normal, a normal, you know, you have this much --

COMM. WEINSHALL: I think the staff has done that.
COMM. GIANNOULIS: So the staff has met with --

CHAIRMAN DAUS: It's part of the process.

VOICE: I would second that motion.

COMM. GIANNOULIS: The staff met with the Borough President and the Community Board and the elected officials?

COMM. WEINSHALL: No, no.

MR. CARTER: No, what we do is we meet with the base owner, when he comes in or cannot provide us with a letter of no objection. Then we ask him to go back to the Community Board or back to the Councilman's office and find out whether they can ameliorate the situation.

In this situation what occurred was we got a letter from the Community Board saying that, okay, we'll address those issues at a meeting, and they gave us a meeting date. That's all they gave us. They never gave us back results of the meeting. We got that letter yesterday at my office.

COMM. GIANNOULIS: Wouldn't it make sense we
would want some kind of better dialogue between the
parties to see if there's some resolution we can
support, since there's a large amount of opposition?

CHAIRMAN DAUS: I never seen an issue
studied or debated more since I've been here.

COMM. WEINSHALL: Mr. Chairman, could I make
a suggestion? Do any other Commissioners have anything
else they want to say on this item? Howard, if you want
to talk.

COMM. VARGAS: Mr. Carter, may I ask you a
question? Item number 8 on the briefing material
provided, with the fingerprints from DCJS, it says it's
pending. Is it still pending?

MR. CARTER: No it's not. We found there
were no results. It came back after we submitted the
package, but the fingerprints came back clear.

COMM. WEINSHALL: They came back clean,
right?

MR. CARTER: Yes.

COMM. GIANNOULIS: I don't know if
anybody -- I'm sorry, Howard --

CHAIRMAN DAUS: Commissioner, I understand
your point. Give the opportunity to be heard to other
Commissioners. Anybody else? Commissioner Dear.

COMM. DEAR: The current concern which we
talked about, that we had some discussion about, that I
hear everybody say, is, the words, you don't want to
call it "precedent," we had sometime before and as a
former elected official, you know, there is respect that
I have when elected officials call you, and I was
surprised when the Councilmember, the Borough
President -- I haven't spoken to Virginia Fields in a
long time, to call me personally on this, it means
something.
I don't want to just now say to them, we did
not listen to you --

COMM. GIANNOULIS: I don't have any
different sense.

COMM. DEAR: I don't -- I'm concerned about
this, if there is opposition -- now, of course,
everything is politics and you said it, and everybody
says everything we do is politics, but there was one
issue that's interesting that the Councilmember said to
me. He said, "Listen, I don't care if it's anywhere
else, that particular area, because of the traffic."

That's what he told me. Is it true about it or not, I
got to trust the person at his word. That's what he
told me.

The issue is, and I think Harry brings it
up, Commissioner Giannoulis brings it up, we shouldn't
look like we're taking sides. Is there some way we can
resolve this?

COMM. WEINSHALL: We take a vote. If we
take a vote, we're not taking sides, that's our job. I
work with the Councilman quite a bit up in that area,
and I said that's why we did the environmental impact,
that's why we looked at that. With all due respect to
the Councilman, I think he's wrong on this particular
item.

VOICE: The area is under reconstruction for
the next week and a half.

CHAIRMAN DAUS: Mr. Herrera, you're out of
order. This is not a public hearing.

I'd like to make a motion -- I'd like to
make a motion to approve the base. There's a motion on
the floor to approve the base --

VOICE: Yes, but the truth is not coming
out.

CHAIRMAN DAUS: Could you please sit down?
COMM. WEINSHALL: Second.

CHAIRMAN DAUS: We have a second. All in favor, signify by saying "aye."

(Chorus of "Ayes.")

CHAIRMAN DAUS: Any opposed? It passes unanimously.

COMM. GIANNOUNIS: It doesn't pass unanimously.

VOICE: Read the letter from the Borough President.

CHAIRMAN DAUS: It doesn't pass unanimously.

Do a poll. All in favor, raise your hand of approving the base.

(Show of hands.)

Commissioner Sander, Dear, Weinshall, Daus, Arout and Gonzales.

COMM. AROUT: May I say something?

CHAIRMAN DAUS: You want to explain your vote?

COMM. AROUT: Yes. I would just like to mention to everyone out there, I have received many, many requests on the phone call, pro and con. I have reservations about this base, Discovery, due to some of
the community opposition letters that I have read. I believe the TLC should take a look at the increasing number of bases in our community and consider limiting the number in some way to reduce overall congestion and enhance the environment.

I also realize, though, that the law does not currently allow us to do that at this time. I have been advised by the TLC counsel that the agency could be successfully sued if we base our decision on politics only and not the facts.

COMM. GIANNOULIS: That's outrageous.

COMM. AROUT: TLC assured me the environmental assessment has been completed and based upon their objective expert opinion, traffic congestion and safety are not an issue. I have also been reassured that if this base was approved, that regular inspections would be performed and the congestion and traffic issues would be monitored carefully.

Based solely upon the advice of counsel, the strong advice from the staff, the current limitations of our laws and the fact that the Police Department has no objection, I must reluctantly and cautiously approve the
Discovery base. I do so with the condition that within one month of the operation, the Commission receive a full report on any community impact and that we take quick and decisive action if there are any problems.

CHAIRMAN DAUS: I actually would agree with that, and I'd like to amend my motion to say that within a month that we'll be out there and we'll take a look and make sure that the community is satisfied that there's not a congestion problem.

Do I have a second to that motion to approve? Let's finish the motion. You voted for it.

COMM. DEAR: I want to explain my vote.

CHAIRMAN DAUS: I amended the motion now, in response to Commissioner Arout, that the Community Board has concerns. I don't want the Community Board to think that we haven't listened to them. I think a lot of it is fear of the unknown and I think it's fair to approve them, give them a chance and in a month or two to go out there and monitor conditions and we come back to the table and discuss it if there are traffic and congestion problems.
I would like to repoll and move on that motion and give anyone the opportunity to explain their votes. Okay, let's repoll.

All in favor of that amended motion?

(Show of hands.)

CHAIRMAN DAUS: Commissioner Sander, Dear, Weinshall, Daus, Gonzales and Arout.

Anybody who is opposed to the motion?

(Show of hands.)

CHAIRMAN DAUS: Okay, Commissioners Vargas and Giannoulis. It does pass, but I think some Commissioners want to make some statements.

Commissioner Dear.

COMM. DEAR: I have some difficulty in some of what was said today, in particularly the way it was stated to elected officials and the Community Board, coming from both, being a former district manager and Councilmember. So I have issues with that.

We have to understand, and that's, we have to be truthful to ourselves. We did, I remember this, without any discussion, without any fanfare, we did deny a base. We went back to the community and that base
station, by the way, came back to us and we expedited it
for them, and they found a new place.

What I'd like to ask --

COMM. WEINSHALL: Apples and oranges.

COMM. DEAR: It's not apples and oranges.

That's not fair. Commissioner, I don't have to read
into why people oppose things. I have to look at it and
then I can make a decision. Then if there is
opposition, then we have to find out if it's true
opposition or its politics or it's one guy doesn't like
the other person. That's something we have to
eventually look at.

CHAIRMAN DAUS: That was the point I was
making. Maybe it came out a little bit overpassionate,
but it's very frustrating.

COMM. GIANNOULIS: That's not the point you
were making.

COMM. DEAR: The community -- and I'm not
going into if the Community Board split their vote --
the Community Board came back here. We don't split
hairs over how they voted, what they didn't vote. I
want to respect those elected officials, I want to respect the community as well.

What I'm asking here also, you know, from now on, if we're going to really, if there is controversial ones like this, I don't want last minute things to us, I don't want to be contacted. That's why we're here, we're serving the public, but I think in all fairness we have to really be a part of it; when it's a serious one, we shouldn't now start twisting arms. We should do it as a Commission together, where we all could finally agree to something like this.

We all want more base stations, we all want better base stations, we all want better service. This Commission has come a long way from what it was years ago. I think in all fairness, we must work much better together, not in the dark. We should be told about things.

I know we had a discussion about certain other things, like last week they announced the new hybrid cars, we should have been part of that. And I want now a commitment from you, Mr. Chairman, that you're going to be more open with us, let us know what's
going on.

CHAIRMAN DAUS: I have to deal with the press every day. If you want to come to every press conference that I have to go to, you're more than welcome, but you'll be getting calls from me every day, Noach.

COMM. DEAR: It's not a press conference. Hybrid issues was something we were struggling with back and forth and everything else. The next thing we read about --

CHAIRMAN DAUS: Where is the lack of openness?

COMM. DEAR: You're missing the point.

CHAIRMAN DAUS: I invite to Commissioners to events designed for us and they don't come. We're going back and forth here. With all due respect, Noach, this is the most open Commission we've ever had in the history of the Commission. Are you really going to sit here and tell me that I am secretive?

COMM. DEAR: Mr. Chairman, this process now
for this base station for today could have been more open and could have been less fighting --

COMM. GIANNOULIS: Legal?

COMM. DEAR: That's all I'm asking for. I view this process, and that's why I started the statement, because when it gets to, and I hope it gets to it, when there's a station we want to deny -- I'm not -- let's get there when we get there.

COMM. SALKIN: If I could comment. I'd like to point out to the Commissioners that this is a new process and something we've been doing and playing with and tinkering with. I think Commissioner Dar raises an interesting point, I'll deal with staff based on that statement to discuss ways in which, if we have situations like this, before going forward to have the process be a little bit more appropriate.

We're trying to make it as best we can.

If there's flaws it's because it's new. I think there's a lot of review and a lot of opportunity. Obviously, you're suggesting there be more, and we'll look at that and come back with suggestions.

MR. GONZALES: I would also say as a process, this process appears to be very objective and
thorough and I'm actually -- it helped me make a more
objective assessment, and I do agree that I think at
this point whatever is represented as far as this
particular application, if there are issues going
forward, and the Chairman mentioned, a month from now,
we will have the other processes in place to make sure
that the community is well served.

CHAIRMAN DAUS: Okay, thank you. Any other
comments? Okay, thanks.

I know we are going to start to lose
Commissioners soon, so let's go through the other bases,
now.

MR. CARTER: The other application was Emery
Vasquez, doing business as Wall Street Executive Car
Service.

CHAIRMAN DAUS: Why don't we do a quick roll
call. If anyone has any issues with the other bases, as
Bill reads them, I just ask that you point it out and
we'll put it to the side.

You said Emery?

MR. CARTER: Yes.

CHAIRMAN DAUS: Any issues with Emery?

MR. CARTER: Next group of bases are renewal
applications.

Acapulco Car Service; Amadi U. Kate, doing
business as Kexpress Car Service; Blu-White Associated Transportation Service; Broad Dykman Car Service;
Century Car Service; Community Quisqueya Car Service;
Concord Express of New York; Delancey Car Service;
Family San Juan Radio Dispatch; Fernando Nuesi, doing business as Atlantic Car Service; FJA, doing business as Village Car Service; Joe M Leasing Corp., doing business as Four Twos Private Car Service; Lil D's Dispatch Inc.; Mauser Service Inc., doing business as Nu Nu Car Service; Mobil Car Service, Inc.; NY Saeta, doing business as New Commando Car Service; Park-Eagle Inc., doing business as Jewel Car Service; Prestij Transportation, Inc.; Queens Lincoln Car and Limousine Service; Santo Domingo Car Service Inc.; TJQ Car Service Inc., doing business as Quality Car Service.

Those are the renewals.

CHAIRMAN DAUS: What about Victory and Yours.

MR. CARTER: Victory Limo Service and Yours Limo Inc.

CHAIRMAN DAUS: Do any of the Commissioners have any issues with these? Just to be consistent, as we have in the past, there are several bases in this
package that have one or more convictions of dispatching unlicensed or suspended drivers. That would include

Acapulco, Century, Delancey, Family San Juan, Fernando Nuesi, Joe M. Leasing, Li'l Dispatch, NY Saeta, Pak-Eagle and Yours Car Service and I'd like to make a motion that those bases be conditionally approved with the understanding, as we did with other bases, that they have a business plan submitted in accordance with your SOP.

MR. CARTER: We'll get back to those bases and ask them to submit a revised business plan, because they have provided business plans. So we'll review the business plan to see if it's addressed in there and if not, we'll ask them to provide a revised business plan.

CHAIRMAN DAUS: Second to the motion?

COMM. SANDER: Second.

CHAIRMAN DAUS: All in favor.

(Chorus of "Ayes.")

CHAIRMAN DAUS: It's unanimous.

Could I have a motion for the bases that we left out?
COMM. AROUT: Make a motion.

COMM. DEAR: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: It's approved. Relocations?

MR. CARTER: Relocations, Lil'd. That's the

only relocation. That's it, that's the only one this
month.

CHAIRMAN DAUS: Okay. Any issues with them?

Are you recommending approval?

COMM. AROUT: Make a motion we accept it.

MR. CARTER: Change of ownership. We have
four items here. 7 Ocean Express, Inc.; Early Bird Car
Service Inc.; Tremont Dispatching Corp., they have two
licenses and both of them are changing ownership.

CHAIRMAN DAUS: What about Parsons; what's
their deal?

MR. CARTER: This is a combination. This is
a renewal and ownership change.

CHAIRMAN DAUS: Are there any issues with
any of those bases that were just read?

Do I have a motion to approve the

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relocations, change of ownerships and combinations.

COMM. AROUT: Motion to approve.

CHAIRMAN DAUS: I'll second it.

All in favor.

(Chorus of "Ayes."

CHAIRMAN DAUS: Any opposed? It passes.

MR. CARTER: The group of applications that we are recommending disapproval, these bases are January and February renewals which have not supplied us with the proper documentation. I might add, though, that on three of the bases, I believe, they have come in to supply documentation after the deadline in which we submitted the packages to the Commission.

COMM. DEAR: Which three are they?

MR. CARTER: I might add also, we don't know if the packages are complete.

CHAIRMAN DAUS: Which one?

MR. CARTER: 3210 Webster Avenue, Prestij Car Service.

CHAIRMAN DAUS: What are the other two?

MR. CARTER: MOF Transportation and GDR
CAR & LIMO. Webster Avenue, GDR and MOF.

CHAIRMAN DAUS: Okay, I'm sorry.

MR. CARTER: Those are the three. Webster Avenue, MOF and GDR. The three of them, either supplied us with the documents or came in and asked us to accept the documents after our deadline, but we have not reviewed them yet.

CHAIRMAN DAUS: Well, it's better late than never. Maybe it makes sense we consider that at the next monthly meeting. Could we do that?

MR. CARTER: On all seven?

CHAIRMAN DAUS: On the three that came in.

I think that's fair.

COMM. DEAR: Just in general. What happens, when they send out and they don't send back, do any of these guys have to go for renewal before or is this the first time?

MR. CARTER: Their renewals were in January and February. Four of these bases have attended our seminars. We've spoken with the owners individually, we've had them come in. Also if you noticed, we supplied you with telephone logs where our staff has
called the bases to attempt to get them to bring the
documents in and what has happened, they just failed to
bring them in.

COMM. DEAR: I'm just curious, any of these
mentioned, if you don't mind, are any of these
applicants here? 3210 Webster?
VOICE: Here I am.
COMM. DEAR: I don't want him to come up, I
just want to know. GDR is the other one?
MR. CARTER: Yes.
COMM. DEAR: And MOF. Any of them here?
All right, they heard, this says something, 32 is here.
Obviously, I could address them, is that you hear what
we're saying to you, that you have to get your documents
and everything in in order for us to process it. It
just doesn't happen, you just can't open up a business.

I don't know if they understand. Could we
have a Commissioner explain to them in Spanish?
MR. CARTER: Commissioner, we can set them
up with an appointment and reexplain to them, have them
come by the office to reexplain. If you want to give
them an extension, we can do that.

COMM. WEINSHALL: The staff is translating for them right now.

COMM. VARGAS: Mr. Chairman, may I ask you a question on these? On the packet of disapprovals, recommended items for disapproval, what does it mean when we are going to vote for disapproval? These bases are currently in existence, so it means as of our vote today they no longer exist?

CHAIRMAN DAUS: That they would be out of business, basically.

COMM. VARGAS: As of today.

CHAIRMAN DAUS: Yes, if we voted to disapprove them today, yes.

COMM. VARGAS: What about the possibility of -- I think I had this conversation with you and the General Counsel, some sort of possibility for like a drop dead notice to let them know the Commission has voted on this for you not submitting your documents and you have X number of days to submit these documents and

if you do not, pursuant to our rules and regulations you are no longer in business.
CHAIRMAN DAUS: It's a fair point. We had a good decision about that. We very reluctantly want to put people out of business, unless there's a good reason. Three of these companies, including MOF and GDR, since this came on for hearing tried to get their act together, so I don't have a problem to accede to your request and I don't have a problem giving them another month at the next Commission meeting for them to get their act together.

COMM. VARGAS: Mr. Carter, is this something that has happened before where you send out drop dead notices or something to that effect?

MR. CARTER: Yes. If you look at the packet we sent to the Commissioner, in them are letters that we sent to the bases that go back months and they have not replied.

CHAIRMAN DAUS: I would like in the interests of fairness, and of getting one last bite at the apple, I'd like to make a motion that all of the renewal apps that you mentioned, not just the three, all of them get thirty days to complete their application, and at that time I would like to make a motion that the Commission bring it to the agenda and disapprove those
bases. I mean, how many bites at the apple are you going to get? This is the final drop dead date.

COMM. SALKIN: In terms of staff, I think it would be more appropriate to have that letter to come from the Commission rather than from staff.

CHAIRMAN DAUS: You got it. I'll sign the letter.

I have a motion on the floor.

COMM. WEINSHALL: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Opposed? Okay. It's been a long one.

The last item on the agenda is expedited rule making or temporary rule making for the new annual drug testing procedures which Commissioners have copies of. Chuck, do you want to explain what this is all about, for the record?

MR. FRASER: The proposed rule creates a new procedure for licensee suspensions with regard to annual drug testing of taxicab and FHV drivers.

Ordinarily, a license may be suspended only after notice and an opportunity to contest the basis for the suspension. Our existing rules also provide for immediate suspension in case of imminent threat to
public health and safety, but only where we intend to seek revocation of the suspended license. The rules do not provide for immediate suspension with regard to annual drug testing other than in the context of license revocation.

The proposed rule would enable us to suspend the license for failure to submit to the annual drug testing, pending compliance with those rules, it would not require us to commence license revocation proceedings. In other words, where a driver has failed to take a required annual drug test, we want to be able to suspend the driver's TLC license, not pending revocation, but pending compliance with the drug testing requirement.

Existing rules allow a taxicab driver or an FHV driver a thirty-day period within which to submit to drug testing, which may be done at any of twelve facilities around the city and fourteen more facilities in the surrounding metropolitan area.

In addition to our rules, drivers are given notice by mail that their drug testing deadline is approaching. Pursuant to the proposed rule, upon
failure to submit to drug testing by the end of the
30-day period, the driver will be suspended. The
proposed rule provides then that upon the driver's
failure to submit to annual required drug testing, the
driver's license will be suspended and the driver will
be notified that he or she has fifteen days to contest
the suspension by submitting written proof that he or
she did in fact submit to drug testing or by submitting
a written explanation for his or her failure to submit
to testing.

The written submission will be reviewed by
one of the Commission's Administrative Law Judges who
will decide whether to lift the suspension or to
continue the suspension pending compliance with the
driver's drug testing obligation. The judge's decision
will be subject to administrative appeal, according to
the Commission's existing rules governing appeals.

The proposed rule further provides that the
suspended driver may be reinstated in either of two
ways: First, the driver may contest the suspension and
prevail and, second, the driver may submit to drug
testing and come into compliance with the drug testing
rule. As an additional incentive for drivers to come into compliance quickly, those who do so within thirty days of their suspension will not be fined, whereas those who only come into compliance later will have to pay a $200 fine for violation of the drug testing rule. The proposed rule is presented as an expedited rule making pursuant to Section 1043(h) of the Charter, and therefore will be effective immediately upon approval, but temporarily pending permanent rule making by the Commission. Expedited rule making is necessary in this case because of the importance to public safety of strict enforcement of the Commission's drug testing requirements for licensed taxicab and FHV drivers.

CHAIRMAN DAUS: Okay, any questions, comments?
COMM. VARGAS: If I may, Mr. Chairman. Mr. Fraser, the new language, the new rule that you're asking us to adopt, specifically 817(a)1, it says that a driver's license may be suspended pending an opportunity to be heard. But I also heard you just say that it
shall be suspended.

MR. FRASER: Well, good point. I think the answer to that is it will be done. This is something that would be done by -- in other words, the person would be identified by computer run and so therefore no one is going to be looking at these and exercising discretion. As to the word "may" I actually don't know why we said "may" instead of "shall."

COMM. VARGAS: But it says "may be pending an opportunity to be heard." So you're saying if an individual for whatever reason doesn't get the notice, fails to go under these rules and their license is suspended, then they have to come in and say, "I didn't get the opportunity --"

CHAIRMAN DAUS: I'm glad we have more attorneys on the Commission. That's a very good catch. I think we make the motion to approve this with the word "shall" being substituted for "may" in Section 817(a)1. I think we said "shall."

COMM. VARGAS: It says "shall be pending an opportunity to be heard." So you're going to do it pending an opportunity.
CHAIRMAN DAUS: I'm glad you caught that.
We're going to lose a Commissioner, so could we take a vote on the rules?
All in favor, signify by saying "aye."
(Chorus of "Ayes.")
CHAIRMAN DAUS: All opposed?
We'll make that change so the Law Department is here, they're okay with it. Carlos is here and we'll have a public hearing about this in another month or so and we'll finalize it and see how the process works.
COMM. DEAR: Two comments. First, thank you, Commissioner Vargas, you did very well replacing the shoes, Alberto, and keep on doing that. We're all attorneys and we didn't pick it up. Thank you.
The other thing, we raised before about the LA cars. Could I -- just a thought came up and it's very serious. Could we have, I know, back to Pansy Mullins, could we have some sort of task force that she's in charge, talking about even going out and make arrests? You have the power to do that, working with the Police Department, DA's, do a test pilot, start in
Staten Island, anywhere you choose.

COMM. SALKIN: We've been looking at the LA issue for several months now, perhaps at the next meeting we can give you an update.

COMM. DEAR: But not letters. I'm talking about going out --

COMM. SALKIN: We have a whole process for that. People are going to be coming up for hearings, and if they don't come to the hearings, to suspend the vehicles.

COMM. DEAR: Better yet, do an update of what we're doing to go after the LA's and all the unlicensed, the dispatchers.

COMM. SALKIN: We have a whole LA program in place. The problem with the LA plates, you can operate as a legal livery with LA plates just like if you had a TLC plate. The question is are you.

COMM. DEAR: It's very narrow.

COMM. SALKIN: It's a little bit greater than we thought.

COMM. DEAR: Also combined with the illegal, I see the out of town plates. I got people from
Carolina picking up people and being dispatched. Could we have a report for the next Commission meeting?

CHAIRMAN DAUS: Yes, and we're very proud of what we're doing in this area.

COMM. DEAR: Like they do at COMSTAT. Do the same thing for us at the Commission here.

CHAIRMAN DAUS: Thank you. Do I have a motion to close the meeting?

COMM. DEAR: Make a motion.

CHAIRMAN DAUS: All in favor.

(Chorus of "Ayes.")

CHAIRMAN DAUS: Have a happy Thanksgiving everyone. We'll see you in December.

(Time noted: 12:15 p.m.)
CERTIFICATE

I, LINDA FISHER, a Certified Shorthand Reporter and notary public within and for the State of New York, do hereby certify that I reported the proceedings of the NEW YORK CITY TAXI AND LIMOUSINE COMMISSION on November 17, 2005, and that this is an accurate transcription of what transpired at that time and place.

Linda Fisher,
Certified Shorthand Reporter