NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, January 8, 2009
40 Rector Street
5th Floor
New York, New York

Public Meeting convened at 9:50 a.m.

PRESENT:
MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL

CHAIRMAN DAUS:  Good morning,
everyone.  Happy New Year.  If everybody could
try to find their seats, this should be a
brief Commission meeting. We want to note who is in attendance today for the record, Commissioners Polanco, Gonzales, Matthew Daus and Elias Arout, along with our General Counsel, Chuck Fraser.

I would like to go right to Item 1 on the agenda which is my report. First, some of you may have read in the Daily News and have seen on TV that the Mayor had started, along with the Department of Consumer Affairs, a volunteer financial hotline or help line. It was very well publicized.

It was an issue that the Daily News undertook in which the City University, DCA, and also the Office of Financial Empowerment at DCA in particular, used a help line between December 15th and 19th called Your Money Help Line to basically give New Yorkers advice on their finances, to see if they could lend a helping hand.

I am pleased to report that we had trained and sent about 11 TLC volunteers over to work the hotline and to help people, New Yorkers in need. And my understanding is that over 8,000 New Yorkers have been recipients of the advice from our staff and other staff over there.

Also, just a quick couple of numbers on the Accessible Dispatch Program as I promised every month. We have 237 accessible vehicles. As of today we have had 801 dispatches. There are 308 drivers that have been trained so that number has gone up significantly thanks to the work of the industry and Samara Epstein and Caroline Castro. 201 vehicles and drivers have been equipped with Blackberries and an average of 20 to 30 vehicles are logged on at any given time.

Over the next -- as we go into '09, since we are there now, over the next couple of weeks we are going to be trying to do a little outreach as we open up the 311 hotline to receive dispatch calls on a wider scale. We first started with testers and a limited number of people to make sure everything was working, but our intention is to go a bit further now and possibly do some public service announcements and outreach to the disability community, working closely with the Mayor's Office for People with Disabilities. So you may see an advertisement here or there or hear more about it in the coming weeks. That's the whole point. We want to now see if the system could handle and whether there is a
demand for this service greater than what we have seen so far.

Also you may have read in the papers earlier this week or seen on TV that the pilot program that we approved for cameras back in December has apparently gotten more attention than we anticipated. We are thankful for that. I would like to thank -- this is a rare moment -- I would like to thank the press for getting the word out actually.

Usually when we put Requests For Information out, we want to do our best to get the word out and sometimes topics are a little bit more mundane and we have to send out mailing lists. I don't think there is anyone who could doubt that we have reached the widest possible audience. In fact, we are getting calls, the phones are ringing off the hook, even some companies that we did not even know about that have products like this. It is apparently more widespread than I thought, these forward facing cameras that record accident data.

Very well received by many passengers. Some mixed results with the drivers, but many passengers like it, the insurance companies love it, and I actually had a fleet owner the other day who approached me and said that they want to basically install it in their cabs, Mr. Guy Roberts. And any others who are interested, we would love to get you to try these devices.

Also copies of RFI were published, are in the back. They are on our website, I believe, and they were published in the City Record on December 30th. So it's out there. I think there is a deadline, I don't recall what it is, but, obviously, if people come in over the next month or two, we are not going to deny you access to possibly test your products in taxicabs.

T-PEP update. I want to talk a little about this, this is important. It's hard to believe that we started T-PEP over four years ago with a lot of the initial ground work that we had laid, including the Request For Information, the technology summit, the RFP. All of that had never existed and we never really saw anything like it before. It is really kind of a custom made product.

And I am very, very pleased that it is working well. There is no question about it, it has now become a fact of life in the city, the drivers are now accepting of it. It
has become a way of life. I have seen some of
the content on the some of the systems improve
and we have been very fortunate to have
vendors who have been responsive to a lot of
the issues that came up with this new product,
so if there is an issue or a problem, they are
very quick to address it or deal with it.
Because with any new products, any new
software, you always have issues.
So I want to thank the vendors for
all of their hard work in putting this
together. But now that it has become part of
the fabric of New York City, and also other
cities like Chicago, I think we are poised at
this time to emulate that we have done with
this successful project in many other cities.
So I think it is important that we constantly
look at what we have done and try to improve
it if we can as we go into the second big
phase of this project in my mind.
I think there is still some
considerable time left on the contracts that
we have with the three remaining vendors, but
at this point we would like to be a little bit
ahead of the curve, and I think the point is
we need to take T-PEP to the next level. It
is great, it is doing well. I think what we
would like to do in the coming year is explore
opportunities for us to go further than we
have before, including looking at content, are
there other applications that we haven't
thought of that we can use the technology for.
Again, I will give you basically an
example of what I am thinking about. We
started the process with an RFI, so my
thinking is let's start another RFI and issue
that RFI soon to determine what we are going
to do next. Obviously, we have existing
contracts. We seek at this time to honor
those contracts, but we need to decide at some
point when those contracts end what we are
going to do. Whether we are going to renew
them or whether we are going to do a new RFP.
So the RFI will probably cover the
following topics: Soliciting input obviously
from the industry, the technology community,
the riding public and the general public,
contents providers. Really anybody who has
good T-PEP experience so we can develop the
new, the 2.0 for T-PEP.
Let me just say this: We want to
look at new ideas, new applications, and we
are open to exploring any alternatives that
might be to the existing paradigm as well. We
set off I think on a very successful paradigm
where we have competition between numerous vendors that you drove the cost down for taxi drivers, for medallion owners, and created competition. I think that's good. But I don't think we want to close the door to the possibility that maybe there could be an exclusivity that could be granted for the next contract. Maybe there could be strategic partnerships that could be developed with the existing vendors or possibly new people and other companies that may come in and have other ideas.

And I know some of the vendors are here, and I want to thank them for doing fantastic job. But as we get closer, I think we kind of need to put our thinking caps on and see what we can do better, what we can do to bring it to the next level, and we are open to any and all new ideas. So this is a very informal part of the process. An RFI is not an RFP.

There may be an RFP that comes out of this, but right now we want to get as much information, because technology is always changing, there are always new things going on out there, let's get as much information as we possibly can so that I can make recommendations to the Board and the staff can make recommendations to the Board on what we should do in terms of our next steps. It may include an RFP; it may not. I don't want anyone to jump to any conclusions or get nervous or weird.

Let's just do what we can to come up with new ideas for how we can better this technology. But I applaud the vendors, I applaud the staff. We received an award the other day, Alan, what was it from, Sam Schwartz gave us an award --

MR. SALKIN: One of their Gridlock Busters awards.

CHAIRMAN DAUS: So we are Gridlock Busters now.

Ira Goldstein got the citywide award on behalf of the project and the staff for excellence in technology. So this is really something that whenever I deal with regulators from other cities, they are always asking questions about this and they are starting to implement plans. And when we first presented it to them years ago, they would look at us and say, "It's great, but it is never going to happen."

And now it has happened and it is being done well and New Yorkers are used to it
now, and I am proud that we stuck in there
despite all the opposition and issues that we
had at the very beginning from some of the
drivers. At the end of the day it ended up
being a good thing for New York and for the
industry. So I want to thank the vendors, I
know some are here. Ron is here. I don't
know if Amos is here, but thank you.

We will keep you posted. Ira
Goldstein will be in touch with the vendors.
This is not going to happen overnight, but
certainly within the next couple of months we
would like to get an RFI out there so we can
start collecting information and decide what
we want to do.

Also, just a little update on some
numbers with respect to the economy and our
regulated industries. We are still hearing
reports that the black car industry continues
to suffer negative revenue impact on its
business. You know, people are losing jobs,
some of the business is also going to the
yellow cab industry because of the credit
card/debit card possibilities. That's clear.

In terms of the yellow industry, the
news is pretty good actually. As you probably
read in the paper, we set a record high for
the number of licensed taxi drivers that we
have ever had in the yellow cab industry. We
had a total of 46,409 licensed hack drivers at
the end of the year. That's basically a
record high.

Gas prices have fallen to about $1.89
or less, which is a fantastic coup for this
industry. And believe it or not, with home
prices spiraling downward, the economy being
in shambles, the price of a medallion has
reached an all-time high. A record sale was
reached for a mini fleet at the end of
December $747,000. And an independent
medallion sold for another record of $550,000.
So someone is looking down at this industry
and let's try to keep it together.

I don't think that we should get full
of ourselves and think that there is not going
to be an impact a ridership that is severe at
some point. It could happen. But I think we
are pretty well situated, probably better than
other industries are, considering all the work
that we did. And I think one of the main
reasons for that is we gave drivers a living
wage and gave them a significant increase at a
time when we didn't have to, which has created
a higher wage so that when the economy was
good, drivers never over the years prior to this, never left the industry. They stayed in. So now everyone else is losing their job in other industries and they are coming in, and that is why I think we have the record number. But that's obviously in some ways good for our industry. But let's keep it up. Let's keep our eye on it, but I think it is noteworthy to share that, that we are still breaking records on medallion sales.

The rules review project proceeds. We have a second public hearing scheduled for Friday, January 23rd at 2:30 p.m. in the Map Room, in this room. We will be covering Chapter 14, taxi meter rules. Chuck Fraser will be presiding. That is going to be similar to the prior hearings that we had, no substantive changes are being proposed. It is mostly reorganization. Can we be more precise and clear, can the lawyers use more plain English. That type of thing.

But as I mentioned to the Commissioners, as we are looking through this non-substantive exercise, if ideas come up of a substantive nature that we will take note of them as we go into the second phase of this project. That's obviously something that, since we are reading the rules anyway. Commissioner Gonzales and I were talking about this, we will keep a running list of issues that we want to look at when we get to the next phase when we deal with the consultants. And I would ask all the Commissioners when they read the rules to do that, as well as the industry to keep that in mind.

Our upcoming Commission meetings are February 12th of '09. At that time I will propose rules to codify the extension that I have granted to the black car industry on the 25 MPG rules to January 1, 2010. So we will need to have a public hearing on that and vote those in, which I would like to do. That would make it official.

On March 12, 2009, we tentatively will be holding our public hearing on the lease cap revisions and modifications, including not just a whole rewrite of the rules but incentives and disincentives that go along with the Mayor's announcement that we did at the end of '08. And good news, we are now at 210 hybrids as of yesterday, so the number keeps going up.

Now I have a personnel announcement I
would like to make. I think I may have
alluded to this at the last meeting, but we
now have a new Deputy Commissioner for
Adjudications who is here. Do you want to
stand up, Ray?

This is Ray Scanlon. Welcome. Ray
takes Joseph Eckstein's position. He is the
Deputy Commissioner of Adjudications newly
appointed. He started Monday. Ray comes to
us from the Department of Environment
Protection, where he was counsel for there as
well as the ECB, the Environmental Control
Board, for a period of about 12 years.
He also managed the Environmental
Control Board's tribunal for over seven years,
where they have many administrative law
judges, some of which came to our tribunal as
well, and always spoke very highly of him over
the years. He also has five years of
experience presiding as an ALJ himself at the
Parking Violations Bureau.
So first I would like to welcome you
and thank you for joining our team, Ray. I
would also like to thank the other members of
our team that here today. I don't know if
Shari is here but I want to thank Assistant
Commissioner Pita Minelli, our Chief Judge
Carmena Schweke, and also our Deputy Chief
Judge Sherry Cohen for keeping the shop
together, working directly with Andy Salkin,
who the shop reports to, to make sure that
things were running smoothly.
I also actually have your badge, so I
would like to pin you, if that's okay.
Also is Sara Meyers here?
Sara, I have your badge. I know we
announced you a long time ago, but in the
city, you know, these procurements take some
time.

(Badge presented to Mr. Scanlon.)

MR. SCANLON: I just want to say
thank you to the Chair for this opportunity to
come to work for TLC. I came here knowing of
the fine reputation TLC adjudication system
has. As Matt alluded to before, many of the
judges also worked for ECB, so I am conscious
of that. I am looking forward to moving ahead
and working with the Judge and with this fine
group.

(Appause)

CHAIRMAN DAUS: And, Sara, a much
belated holiday gift for you. Sara, we
announced a while ago, the Assistant
Commissioner for Licensing and she is doing a
great job, so congratulations.
MS. MEYERS: Thank you.
(Applause.)
CHAIRMAN DAUS: Any questions from the Commissioners on any items, on the report?
COMM. POLANCO: Just one question:
With the accessible vehicles, the 800 dispatched, do you know where, the locations as to where they were dispatched?
CHAIRMAN DAUS: Samara, do you have some details? I know that two were in Staten Island. That's about all I know.
MS. EPSTEIN: Most of them were from Manhattan but they went to all the other boroughs. I can send you the actual breakdown. I have that number exactly. I would say like 85, 90 percent go to Manhattan, and then they are kind of spread throughout the boroughs and the airport.
COMM. POLANCO: Okay, if you could send that to me. Thank you.
CHAIRMAN DAUS: If we could actually, Samara, send that to all the Commissioners too.
MS. EPSTEIN: Okay.
CHAIRMAN DAUS: Any other questions or comments?
(No response.)
CHAIRMAN DAUS: All right. And we haven't forgotten about some of the livery reforms and issues. That is something that we are talking to the Commissioners about and in the new year that is something that we expect to be happening. So we will talk about some of those details. We have a lot to handle. Now I want to say few words about Stanley Michaels. We have the Michaels family with us today. Many in this room have learned that, unfortunately, he passed away recently, in August, actually, on August 1st.
Our former Commissioner. We lost him first when he left and now we lost him from this world after a two-year battle with cancer. And he was certainly valiant and he certainly was fighting to the last minute. I remember I ran into Mrs. Michaels and Stanley about a month or so before he passed away, and I had no idea he had cancer. He never really discussed it with us even though we would chat from time to time.
But he just looked like he was fighting to the very end and he was so very optimistic and upbeat about it, I was actually very shocked when he had passed away, because I just thought that he was going to beat it. But certainly Stanley was, forget
about being a distinguished member of this Commission, he was a fantastic public servant. Someone who devoted his life, especially at the City Council, to selflessly, not opting to go into the private sector and make money, but to basically serve the people with all his skills and talents.

And he served a total of 24 years in the City Council. Some people have described him as an activist's activist or an advocate's advocate. And certainly we saw that here. During his brief time on the Commission he really fought hard for disability rights and he always was one to remind us of what our real obligations were. And he was really a mentor. He was a mentor to a lot of people, but certainly to me.

I felt like when I spoke to him, every conversation would not only make me laugh but he would certainly help us see a fine point and we would learn from him. Practically every time he opened his mouth, he always imparted some wisdom or some advice from his breadth of experience.

Just a little bit about his history and some of his legacy. Aside from his leadership on the Council as the Council's Leader of the Manhattan Delegation and many other things that he will be remembered for, he had secured tens of millions of dollars in restoration funds for parks in a northern Manhattan.

So aside from his considerable intellectual legacy and ability, I remember seeing him many, many years ago when I was first getting involved in politics and admiring his thoughtful questions and the way he handled Council hearings. I think it is very safe to say that Stanley very truly and literally changed the face of our city in many ways forever.

And it is important that we remember him because there are people that serve well and they serve in a distinguished way, and too often in politics and in government, people forget you the second you are gone. But we want to make sure that we continue to remember Stanley and he has had a profound impact on our city. And it is people like him that we should be looking up to and emulating.

Indeed, if you walk along the main walkway in Fort Tyrone park, leading north from the Margaret Corbin Circle and overlooking Heather garden, you will now be enjoying the Stan Michael's promenade. And I
believe, if I am not mistaken, that was
something that thankfully was announced I
think the year or the year before he passed
away. So he was able to enjoy that moment
when they were able to recognize his
accomplishments and name a park after him
before he passed away.

And while he was only with us for a
short period of time, I think most of the
Commissioners here knew him and worked with
him, and we were so saddened. And some of the
Commissioners that couldn't be here today are
saddened, especially Commissioner Weinshall,
who was very close to Stanley as well. So I
am sure we will be paying respects in other
ways.

We are joined here today by Mrs.
Molly Michaels, also two of his children,
Judge Shari Michaels. He was so proud of
Shari, I will never forget him saying, "Are
you coming? My daughter is becoming a judge,
you have to come." And everybody was coming
down -- the place, I couldn't even get into
it, by the way. They stopped me at the door.
But he was so proud when Shari became a judge.

And Karen Michaels is with us also.
Both are very distinguished individuals in
their own right. And also his son couldn't be
here today, but we had met him and he is a
lawyer. He looks just like Stanley.

Also we have the honor of having
Steve Simon with us, his former chief of staff
who had been with him for many, many years and
was his -- wind beneath his wings from what I
understand. He was really always there for
him. So I thank everybody for coming today.
And I would like to let you know that we do
have a plaque. It is one small token and
gesture that we can give you at least to
somehow make sure that you know we are
remembering Stanley and always will remember
him and stay in touch with you.

But also we have an identical plaque,
as is our tradition when Commissioners leave
us and they pass away and they have been
distinguished, we basically put them on a wall
outside in our waiting room. So he will join
us there as well so that everybody who comes
to our agency will be reminded of Stanley's
contribution.

So I would like to now present this
to the family and I think they want to say a
few words.

"In memoriam of Commissioner Stanley
Michaels, 1933 to 2008, for your unifying presence, for your humility, for your love of or city which you served so long and so well, you have earned our ever lasting respect and gratitude. While the two years you spent at the Taxi and Limousine Commissioner were just a distinguished fraction of your long and illustrious public service career, you left an indelible mark on those of us who were privileged to work with you. Your intelligence and passion inspired us to be better and we are proud that a small part of your legacy and leadership rests here with us. 

Presented by the New York City Taxi and Limousine Commission, October 2008.”

(Applause.)

MRS. MICHAELS: Thank you very much Commissioner Daus and Commissioners that are here. Thank you. Shari, my middle child; Karen, my youngest. My oldest Jeffrey is here in spirit. He lives in Jerusalem along with his wife and two sons. He does come back and forth because, like his father, he is an activist. He does practice out of New York City, so I am very fortunate, I get to see him often.

Stanley truly loved his time at the Taxi Commission agency. He was the kind of person who always liked to make a difference, and being the Chair of the Environmental Committee and the City Council, he brought that part of him here, and he was always interested in getting more hybrid cars in circulation. And I was so happy to hear that number has gone up, which the Commissioner just told us.

Additionally, Stanley also dedicated himself to getting cars that were handicapped accessible at the time when he wasn't handicapped. And whenever we would travel to a city, he would interview the taxi driver: How many cars do you have that are handicap accessible, and what are you doing about this, and what are you doing about that?

So he always comparing and contrasting. And in New York, he would say, we are doing just fine, we are moving ahead and working so hard. So this was a very important part, after the Council, in Stanley's life, serving and working together with the Commissioners.

And I want to thank everybody for being here and sharing this tribute that was arranged by Commissioner Daus to honor Stan today. Thank you.
MR. SIMON: I just want to thank you, and I know how pleased Stanley was to be able to continue his public service by serving here on the Commission and continuing some of the work that he had started on the Council. I worked for him for 23 years and 11 months. I would like to say that I served for 24 years but it took him a month to decide whether to hire me. I was particularly pleased that we were able to name the Fort Tyrone Promenade for him. It was actually just one week before he died. He had just come out of the hospital, we weren't even sure he would be able to make it to the ceremony. We weren't sure he would have enough strength to get up and speak.

I brought the microphone over to him as he was sitting in a chair, but, no, he insisted on getting up and taking the walker and walking over to the podium, and he gathered enough strength and he gave a speech, just like the old Stan Michaels. I now work at the Parks Department, so it is particularly comforting to me to know that we were able to do this for him and that we now have a permanent sign up in the park honoring him.

But if you would just indulge me for another moment, I want to be able to call my 94 year old father in Florida tonight and tell him that I spoke at a TLC meeting. He was a taxicab driver for over 25 years. He was a member of LAMTO, of Bronx Two-way, of Queens Two-way, I don't know if they exist anymore. I grew up reading the LAMTO News, and I certainly remember that there were a number of articles that weren't very complimentary towards the TLC. But he had one of those old, great, big checkered cab with the two jump seats. And I would get my allowance every week by pulling out the back seat and finding all the change that people had dropped behind there. That was my allowance.

And I tell you, I don't know whether to tell him, Commissioner, that the medallion sales have now gone up to $550,000. I know when he cashed out it was probably less than half of that. But he is still kicking down in Florida, still trying to play golf, still trying to take care of my mother. So I can't wait to tell him tonight that I spoke to the TLC.

And I thank you again on behalf of Stanley. It is gratifying to know that the work we did in the Council for 24 years, or in
my case 23 years and 11 months, is remembered, and that there are lasting contributions that he made to the City of New York and that people remember them.

Thank you.

(Applause.)

CHAIRMAN DAUS: Thank you for those kind words, Steve. We are so flattered and thankful to have the Michaels family with us here today. Thank you for coming.

The one thing as you were speaking about his accomplishments, I think it is important to point out, too, a lot of people don't recognize this and talk about it today, he was the primary sponsor and very much involved in a lot of the laws the city has passed over the years to deal with preventing and stopping lead paint poisoning in children. And he has, there is no question, saved the lives and insured the health of many, many young children in his district and well beyond. So his contributions remain.

We will miss him greatly, but we will always remember him. And thank you so much for coming.

MRS. MICHAELS: Thank you, Commissioner.

CHAIRMAN DAUS: Now I have to end, I don't know if this is a record Commission meeting. It is not. But I want to apologize to everyone here and also to my colleagues. Unfortunately, we did have much more than a quorum two days ago, and due to various illnesses and last minute things that couldn't be averted, we lost our quorum. So I apologize for not having had the opportunity to cancel this because I just learned as early as 8:30 this morning that I wasn't going to have a quorum.

So I apologize. We will try to get it right next time. It was kind of a light agenda anyway, nothing that is earth shattering, but we will be getting the base licenses adjourned and heard at the February meeting.

I take it that in addition in addition to Chapters 15 and 19, we may actually have Chapter 14 as well, so we will vote on three rule chapters. And we will be having the public hearing in February on the black car extension hopefully, if we are able to publish that in time.

So, again, I apologize to everyone for having to spend the time, but it was probably a good idea to get together and share
some information. And thank you to the
Michaels family for joining us today.
Any questions?
(No response.)
CHAIRMAN DAUS: I would like to make
a motion to close the hearing but I don't have
a quorum, so I will act on my own volition and
it is hereby closed.
(Time Noted: 10:30 a.m.)

CERTIFICATION

I, MARGARET EUSTACE, a Shorthand
Reporter and a Notary Public, do hereby
certify that the foregoing is a true and
accurate transcription of my stenographic
notes.
I further certify that I am not
employed by nor related to any party to this
action.

MARGARET EUSTACE,
Shorthand Reporter