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4 NYC TAXI AND LIMOUSINE COMMISSION

5 PUBLIC MEETING

6 held on Thursday, January 11, 2007

7 40 Rector Street

8 5th Floor

9 New York, New York

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1 Public Meeting convened at 9:50 a.m:

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P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 NOACH DEAR, COMMISSIONER

6 IRIS WEINSHALL, COMMISSIONER

7 HOWARD R. VARGAS, COMMISSIONER

8 EDWARD GONZALES, COMMISSIONER

9 CHARLES FRASER, GENERAL COUNSEL

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1           CHAIRMAN DAUS:    Okay, we are going  
2 to get started.   Good morning everyone, first  
3 I want to wish everyone a happy and healthy  
4 new year.   The weather seems to be holding up  
5 quite nicely.   We are working off a revised  
6 agenda that was revised on January 10th, and I  
7 would like to go right to the Chairman's  
8 Report.

9           First off we have copies in the back  
10 and it's now on our website of the annual  
11 report to the City Council, which was  
12 submitted on time.   This is a requirement of  
13 the New York City Charter, and we encourage  
14 you to take a look at it.   The Commissioners  
15 all have a copy as well.   It is basically a  
16 highlight of calendar year 2006, all that the  
17 Commission has accomplished, and some  
18 interesting statistics for people to look at  
19 as well.   So, please, help yourself to it, if  
20 you have any suggestions on what we can do to  
21 make the report better next year, especially  
22 Commissioners, please, let us know.

23           The second item is just an update for  
24 those of you who may have been following some  
25 of the media on this.   We did announce Phase

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1 Two of our technology project rollout which  
2 involves a second phase of testing. And we  
3 actually showed some prototypes to the media,  
4 got them out there and the gave green light to  
5 three of the four vendors on the tech project  
6 to proceed and start putting out up to 50  
7 vehicles per vendor. Potentially if all four  
8 vendors are approved it could be up to 200  
9 vehicles on the road. As of now, we have 55  
10 systems on the road. So far the testing has  
11 been very positive. It has been well received  
12 so far by most members of the public and most  
13 members of the industry.

14 But in terms of the equipment itself,  
15 there has been no major malfunctions or issues  
16 to date. And we are going to monitor that  
17 very closely. The testing will be completed  
18 sometime in the spring of this year and we are  
19 hoping that we will get many more on the road  
20 to get up to that 200 number. But, again,  
21 three of the four companies are out there,  
22 they have been authorized to go and they have  
23 been enabled to go into the second phase.

24 After that, we will be considering  
25 rules, I believe sometime in March, hopefully,

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1 which the Commission will be looking at which  
2 entails a lot technical requirements in order  
3 for these systems to be put into the cabs, how  
4 you do it and standards, many of which are in  
5 the contract already. So that's something  
6 that Ira gave a brief presentation last  
7 meeting and we will give you plenty of time to  
8 review those rules because they are very thick  
9 and long.

10 Item 3, DMV certification. For those  
11 of you who don't know, our safety and  
12 emissions facility in Woodside, Queens has  
13 been certified to conduct Department of Motor  
14 Vehicle's inspections just like any gas  
15 station that you might go to to get your  
16 personal car inspected at. This started on  
17 January 2nd, and it has been going very well  
18 so far.

19 First, for the industry, it saves  
20 them money. This is basically going to save  
21 every medallion owner \$37 per vehicle in  
22 inspection fees, it makes it more convenient  
23 for them. They don't have to go to two  
24 places, they can just go to one. I think this  
25 not only helps maintain the high statewide

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1 standards that DMV has in addition to the TLC  
2 standards, but also we are starting to see  
3 some operational benefits to this even  
4 already. Pete Schenckman has reported that  
5 the vehicles are returning for reinspection a  
6 lot more quickly than they used to, and they  
7 are getting their failures corrected very  
8 quickly and getting on the road to serve the  
9 public. So that is a positive for us and we  
10 are very excited about that.

11 In terms of what's coming up, we  
12 don't have any rule making schedule for our  
13 next tentative meeting on Thursday, February  
14 8th, but on Thursday, March 8th -- and these  
15 are all tentative rule making items -- we are  
16 going to try to get these on the agenda. We  
17 have the taxicab technology customer service  
18 project rules that are going to be up there.  
19 We are going to hear a presentation today  
20 about partitions and in-vehicle camera  
21 specifications. The actual rules will,  
22 hopefully, be put forward for public hearing  
23 at the March meeting.

24 We also have clean air and accessible  
25 vehicle retirement incentives that we need to

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1 get passed pursuant to the local law that the  
2 Council passed in December that I spoke about  
3 at the last meeting. We also have to approve  
4 markings for clean air and accessible  
5 vehicles. The Commission has to look at some  
6 designs and decide where to put them. I don't  
7 know if we will have those ready for March,  
8 but that is another thing we need to do.

9         And last, but certainly not least, we  
10 are going to have a presentation about  
11 For-Hire Vehicle decals, inspections, markings  
12 markings, posting of credentials. Those are  
13 going to need rule making and we are going to  
14 have those rules hopefully set for public  
15 hearing in March.

16         And that's pretty much the agenda,  
17 but the big news which I would like to go to  
18 now, I am sure everyone has already heard  
19 this, that one of our esteemed longest serving  
20 colleagues, one of the longest serving  
21 colleagues ever on the Commission, Lee Sander,  
22 has been appointed by Govenor Spitzer as the  
23 CEO, Chief Executive Officer of the MTA. And  
24 it's been a long road, Lee, but what I would  
25 like to do is we have a little something for

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1 you. I would like to call you up to the front  
2 and give it to you. And all of us, I believe,  
3 want to say a couple of words to you in light  
4 of your appointment and your years of service.

5 Lee, first of all, I want to just say  
6 to you on behalf of Commission, I think I have  
7 been working with you now for almost a decade,  
8 it has been nine years on the Commission.  
9 What can I say, you have been a professional.  
10 You are a professional transportation  
11 regulator, somebody who has transportation  
12 management expertise in many areas.

13 Just some of the things that most  
14 people don't think about or know about, when  
15 he sits here every month with us, for which he  
16 did not receive a salary for all these years,  
17 working hard for us, putting in extra hours,  
18 is that he is truly a transportation  
19 professional. He is involved with the Rudin  
20 Transportation Center at NYU. He used to be  
21 the DOT Commissioner under Mayor Giuliani, and  
22 also has private sector experience, which I  
23 think has made him well suited to his new  
24 responsibilities.

25 But just in terms of what we have

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1 been through on the Commission, I would like  
2 to take a second to talk about our years  
3 together. You know, I think that the biggest  
4 contribution that you made to the Commission  
5 has been your professionalism.  
6 Professionalism both in your substance and in  
7 your demeanor.

8 Lee came to the Commission at a time  
9 when there was a lot a turbulence. The winds  
10 were swirling and he was the eye of the storm  
11 that kept us calm, he was the rock that kept  
12 us solid. There was a lot of contentiousness,  
13 there were a lot of tough reforms that the  
14 industry was fighting us on that people didn't  
15 understand, and there were basically a lot of  
16 differences of opinion, whether it was the  
17 City Council with us. And what I have to say  
18 is whether it was behind closed doors or in  
19 the open public, Lee, you have been basically  
20 the one person that all of the Chairs that  
21 have been here that have worked with you,  
22 myself and Diane, have basically turned to you  
23 for guidance and advice to help us when we  
24 needed you.

25 And Lee never gets upset. It is very

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1 rare that he loses his temper. I don't think  
2 I have ever seen him lose his temper, but he  
3 is the type of guy that also brought substance  
4 to the Commission. From day one, you have  
5 always spoken about how you would like to have  
6 more professionalism in our presentations,  
7 something that I think we have improved with  
8 the hiring of a lot of our excellent staff,  
9 brought a level of analysis which wasn't there  
10 before. And we thank you for that because  
11 that professionalism has now brought us to  
12 this Commission where we are today, where I  
13 believe that we are more professional than we  
14 have ever been before. We are looking at  
15 facts and statistics by making decisions and  
16 we have really achieved that proper balance.  
17 And that is really thanks to you and  
18 kudos to you. Just to put things in your  
19 terms, we are very sad that you are leaving  
20 us, but Lee is known for talking in language  
21 such as cause benefit analysis, and I guess  
22 when you come out in that analysis it's very  
23 clear that the billions of people take mass  
24 transit in the entire state and the metro area  
25 need you more than we need you right now. We

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1 have a couple of people in industry, but when  
2 you do the cost and the benefits, the cost of  
3 you leaving us and the benefits that the  
4 public is going to share from your expertise  
5 and your dedication, they win, and there you  
6 go.

7           So on behalf of all of us, actually,  
8 many whom have worked with professionally,  
9 including Iris and Noach for many years before  
10 they joined the Commission, we would like to  
11 present you with this plaque as a very small  
12 token for all the work that you have done for  
13 us:

14           "Presented to Elliot G. Lee Sander by  
15 the New York City Taxi and Limousine  
16 Commission Board of Commissioners: As you  
17 leave us to help move more than a billion  
18 people per year at the MTA, we pause in  
19 admiration to think of how you moved us here  
20 at the TLC with your intellect, wisdom and  
21 integrity."

22           In recognition of your nine years of  
23 distinguished public service to the New York  
24 City TLC, on behalf of myself, the Board and  
25 Mayor Bloomberg, congratulations in your new

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1 job, and we are looking forward, dare I say,  
2 to taking the subway even more and more  
3 efficiently, even if we do love yellow cabs  
4 and liveries. Congratulations.

5 (Applause.)

6 COMM. SANDER: Well, that is too  
7 kind, Matt, too kind. It has been a great,  
8 great nine years. I want first thank Mayor  
9 Giuliani for giving me the honor and  
10 opportunity to serve the city in this capacity  
11 and to serve the men and women who drive our  
12 cabs and livery vehicles and the industry.

13 It has been a pleasure to work with  
14 Matt as Chairman and my fellow Commissioners,  
15 some who I have just been working with  
16 relatively recently, but I have enjoyed very  
17 much, and some my dear old friends,  
18 Commissioner Weinshall and Councilman Dear.

19 I have learned a lot about what we  
20 do. It is incredibly meaningful to me. I  
21 certainly did not appreciate the contribution  
22 that our industry makes to the day-to-day  
23 functioning of the city, and I am just so  
24 proud of some of the things we have  
25 accomplished. I am very proud of where the

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1 TLC is now. When I look back on the reform  
2 package that we accomplished early on, when I  
3 look forward, when I look at what we have done  
4 in terms of hybrid vehicles and when I look  
5 forward in terms of the progress that we have  
6 made.

7 And as the Chairman said, in term of  
8 the professionalization of the organization  
9 and reinstituting a policy function, I think  
10 has been very helpful. I am very proud of  
11 what we have done and I just want to thank all  
12 of you for what you do. Thank my fellow  
13 Commissioners and Chairman for the honor and  
14 pleasure I have had working with you, and I  
15 just wish you all the best and Godspeed. And  
16 if you need any help at the MTA, you know  
17 where to find me. Thank you so much.

18 (Applause.)

19 CHAIRMAN DAUS: Thank you, Lee, we  
20 are going to miss you. And there he goes.

21 I think that basically concludes the  
22 presentations, the Chair's report, unless  
23 anybody has any questions?

24 COMM. DEAR: I just want to remark  
25 an update on our saga of some lost luggage in

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1 a taxicab, and I want to thank the staff  
2 because it finally was retrieved. As I told  
3 you, this was three religion articles worth up  
4 \$15,000 that totally disappeared, and a month  
5 later reappeared with the great help of staff  
6 and the NYPD.

7 We all worked together in the right  
8 direction and we made the family very, very  
9 happy. I just want to thank you, Mr. Chair,  
10 Ira Goldstein, and also your press person who  
11 came in, I remember it was on Thanksgiving he  
12 came in, that Friday of Thanksgiving, and  
13 everybody tried their best and what happened  
14 was it appeared on Hanukah, so I call it the  
15 miracle of Hanukah.

16 So I wanted to thank once again the  
17 staff and all that helped along with this  
18 major triumph. Thank you.

19 CHAIRMAN DAUS: Actually I think we  
20 should thank you because you put in a  
21 tremendous amount of work on your own in  
22 helping retrieve that property. And certainly  
23 there was a lot of extracurricular activity,  
24 and I don't think, despite our help, it could  
25 have been retrieved if you weren't so gung-ho

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1 about making it happen. So I am thankful that  
2 we had a happy ending to that situation.

3 Any other questions?

4 (No response.)

5 CHAIRMAN DAUS: All right, let's  
6 proceed to item 2, adoption of the minutes  
7 from the December 14, 2006 meeting.

8 Any questions, comments or discussion  
9 of the minutes, changes?

10 (No response.)

11 CHAIRMAN DAUS: Okay, do I have a  
12 motion to approve?

13 COMM. WEINSHALL: So moved.

14 CHAIRMAN DAUS: A second?

15 COMM. DEAR: Second.

16 CHAIRMAN DAUS: All in favor?

17 (Chorus of "Ayes.")

18 CHAIRMAN DAUS: Thank you.

19 Now I would like to proceed to item  
20 3, staff presentations. First, I believe,  
21 Peter, are you presenting this?

22 MR. SCHENKMAN: Yes.

23 CHAIRMAN DAUS: Item 3a is the camera  
24 and partition specifications. We are going to  
25 talk about that, and, like I said, this is

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1 going to be potentially for rule making in  
2 March.

3 MR. SCHENKMAN: Good morning, happy  
4 new year to everyone. A lot of what I am  
5 going to discuss, you have seen before, so I  
6 will make it as quick as possible.

7 The discussion of is of partitions  
8 and cameras, there are rules that we expect  
9 will be presented to the Commission in March.  
10 And we have spent a lot of time working on  
11 partitions and the camera specifications. And  
12 the first slide just indicates how many  
13 vehicles have partitions as opposed to  
14 cameras. And the camera is, in the yellow  
15 industry, a very small number, but in the  
16 community car, or the livery FHV's, it accounts  
17 for just short of half of the vehicles.

18 And the For-Hire Vehicles are kind of  
19 estimates since the TLC doesn't always see  
20 these vehicles:

21 We have proposed partition rules,  
22 some of them the Commissioners have already  
23 voted on. And we wanted to enhance the  
24 technical standards, most importantly, improve  
25 passengers visibility, and even driver

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1 visibility as they look out the back window.  
2 We have opened up to the industry to actually  
3 coming up with innovative designs. We have  
4 all seen the L shaped partition that has  
5 become a favorite in the hybrids and curtain  
6 air bag partition which is a necessity in the  
7 Siennas, and going forward will be a necessity  
8 in many other vehicles come 2008. And we hope  
9 to formalize these standards in rule making  
10 for the vehicles with curtain air bags, even  
11 though the Commissioners have already  
12 initially voted on that.

13 The L shaped partition, this is a  
14 picture, we have seen it. Many of the drivers  
15 like it. We have heard a couple of complaints  
16 from larger drivers that they feel boxed in.  
17 And our explanation has been that's an option,  
18 but we feel it is the safest option that the  
19 fleet owner or agent has chosen.

20 COMM. WEINSHALL: How many vehicles  
21 have the L shaped partition?

22 MR. SCHENKMAN: At this point,  
23 approximately 55. One entire fleet, based on  
24 the auction, put them in all 34 Escapes, and  
25 other owner has them in about half of his cars

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1 but expects to put them in all of them.

2           COMM. WEINSHALL: Can you go back to  
3 the picture? On the side there is also a  
4 partition?

5           MR. SCHENKMAN: Yes. It divides so  
6 that a passenger can sit in the front seat and  
7 be blocked off from the driver.

8           And we have had discussions and we  
9 have actually made modifications since then  
10 and we expect to make one more minor  
11 modification and that is to address a glare  
12 issue that was kind of hard to see when we  
13 looked at it in the garage. So we have been  
14 in contact with General Electric that makes  
15 Lexon and Bayer Plastics that makes their  
16 version of the polycarbonate for some kind of  
17 spray coating.

18           The curtain air bag partition we have  
19 seen. I put arrows to indicate where the  
20 modification has been made. And it's a small  
21 gap on either side with a flap of  
22 polycarbonate to prevent a reach around with a  
23 weapon or a hand. These are just starting to  
24 be installed in the Siennas this week,  
25 according to the manufacturer and local meter

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1 shops.

2           The next thing we wanted to discuss  
3 is the camera rules. Again, we wanted to, in  
4 this case, establish clear technical  
5 standards, and we wanted to establish service  
6 standards to ensure that the cameras are fully  
7 functional. And that includes changing the  
8 trigger points of what actually triggers the  
9 camera to start taking images and how the  
10 camera actually takes images. The proposed  
11 specs now, the camera will constantly be  
12 taking photos at approximately two per second,  
13 to images per second. And should an event  
14 occur, the driver will hit the panic button  
15 and it automatically lock out two and a half  
16 minutes prior to him hitting the panic button  
17 and two and a half minutes after. And that  
18 will lock it out so it cannot be erased until  
19 it is retrieved. That will hold up it 72  
20 hours.

21           We will include signage to ensure  
22 passengers are notified that they are being  
23 photographed, and we also will limit access of  
24 the images to law enforcement personnel.

25           Some of the camera models that we

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1 believe meet the proposed rules include a new  
2 company into our marketplace, Honeywell.  
3 VerifEye is in the marketplace right now as is  
4 Raywood. Both the current VerifEye and the  
5 Raywood would need expanded memory to comply  
6 with the proposed rules. And as always with  
7 New York City technical specs, it may lead to  
8 additional companies and models. It certainly  
9 had an effect on the taxi industry outside of  
10 New York. Los Angeles Police Department  
11 reached out to me yesterday and they would  
12 like to review our specs also for possible  
13 implementation.

14 The implementation is plan fairly  
15 simple. The new rules will apply at license  
16 renewal, license transfer, or should the  
17 camera need to be repaired or replaced, and  
18 that would be when you would have to replace  
19 your camera. And several existing models that  
20 already exist should be available with just an  
21 upgrade.

22 This one is kind of hard to see  
23 because it's actually blank on my paper, but  
24 this is the current cameras that are out  
25 there. The VerifEye TaxiCam Mark 3 and 4 is

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1 most prevalent in the medallion industry. And  
2 that at this point is approximately \$625.00.  
3 The Raywood is the most popular camera in the  
4 for-hire vehicle industry, and to replace that  
5 camera today would be \$775.

6 The proposed specifications would  
7 require on those two models, the VerifEye and  
8 the Raywood, an upgrade. VerifEye has  
9 indicated approximately an \$85 cost to upgrade  
10 the memory, and Raywood is still contemplating  
11 what it would cost, but we hope that it will  
12 be in the same ballpark.

13 The models that we know now will meet  
14 the proposed specifications include the  
15 VerifEye TaxiCam Mark 4 with expanded memory  
16 and that is \$750. The Raywood 30-10 with  
17 expanded memory should be in the same ballpark  
18 but we haven't gotten a figure back from  
19 Raywood. And the Honeywell Fairview would  
20 also be approximately \$750. So for the  
21 upgrade, it is not that much more than is  
22 being spent now. And those were estimated  
23 costs.

24 Then we go back to the partitions and  
25 the new rules, also we don't want to mandate

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1 that everyone puts a new partition in just  
2 because we have changed the rules, so if a  
3 vehicle is inspected at the Woodside facility  
4 and it is deemed that it needs to be repaired  
5 or replaced, that would be a trigger point to  
6 install the new partition. Most of these  
7 partitions, you are able to just replace the  
8 polycarbonate which would cost the  
9 approximately in half. The steel ballistic  
10 bottom part of the partition could still be  
11 used, we didn't change the specifications on  
12 that.

13 And that is the presentation and the  
14 rules will be presented to the Commissioners  
15 very shortly, and will, hopefully, be  
16 presented in March for a vote. If you have  
17 any questions?

18 COMM. WEINSHALL: The only complaint  
19 that you got was the glare issue?

20 MR. SCHENKMAN: And a sense of  
21 confinement. And we did have an issue, some  
22 of the Commissioners had issues with an escape  
23 route through the side. And what we  
24 instructed the manufacturer was to increase  
25 it, and I believe he increased it almost two

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1 and a half to three inches. If I recall, the  
2 opening now is 17 inches by 22 inches. I was  
3 able to crawl through it with minimal  
4 difficulty.

5 The partition is an interesting  
6 thing, depending how the vehicle is hit, even  
7 the current partitions, what we call the  
8 regular partitions can trap you if you get hit  
9 in the side. We have gotten a lot of  
10 compliments from the drivers, especially the  
11 fleet drivers that are now driving vehicles  
12 that didn't have partitions when they first  
13 started, and they feel much safer. And they  
14 like the fact that they can get the extra  
15 passenger in the front seat and just slide it  
16 closed.

17 CHAIRMAN DAUS: There are two new  
18 partitions which require a change to our  
19 rules. We approved them as prototypes but now  
20 it appears it's going well and there is no  
21 need for us to not make it a part of a  
22 permanent structure.

23 MR. SCHENKMAN: Correct.

24 And this was in answer to one of the  
25 Commissioners had asked that prior to the

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1 actual voting on a rule that we give you a  
2 presentation and explain it.

3 CHAIRMAN DAUS: I want to thank  
4 Commissioner Gonzalez for his comments. He  
5 has been very proactive in being involved in  
6 ensuring the safety of the driver and had some  
7 of those good suggestions that Peter helped  
8 the manufacturers to make changes to the  
9 escape route. I think most of us saw it and  
10 some had other aesthetic and other comments.

11 MR. SCHENKMAN: We can make  
12 arrangements if you want to see one live in  
13 the March meeting, we can make that happen.

14 CHAIRMAN DAUS: All right, great.  
15 Questions?

16 (No response.)

17 CHAIRMAN DAUS: Thanks, Peter, good  
18 work.

19 Item 3b on the agenda is another  
20 staff presentation. Samara Epstein is going  
21 to join us. This is on FHV markings,  
22 credential postings and inspections, which, as  
23 I indicated earlier, we hope to have rules to  
24 the Commissioners, if we get some good  
25 comments from you today, for the March

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1 meeting.

2 Good morning, Samara

3 MS. EPSTEIN: Hi. I will just start  
4 as he is pulling it up. Basically what I am  
5 going to be talking about is ways that we can  
6 improve information on for-hire vehicles. And  
7 I know this is something that has come up a  
8 number of times throughout the Commission  
9 meetings and we talk about the bases and other  
10 issues, so we thought it would good to look at  
11 some of this.

12 My office and some other staff have  
13 already spoken quite extensively with  
14 passengers who take for-hire vehicles,  
15 passenger groups, and owners and drivers and  
16 their groups as well. In general, we have  
17 gotten very positive feedback when we go out  
18 there and we say we know that there are some  
19 markings already, but we feel that we can  
20 improve that. And, in general, most people  
21 are very amenable to this.

22 There are some regulatory concerns  
23 that we have. As I am sure you know, we do  
24 have rules that specify some markings already  
25 on the vehicles. But we think that there is

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1 not quite enough information for the  
2 passengers the way it is being shown now. So  
3 that ultimately we have heard from passengers,  
4 and experienced some of us ourselves, that  
5 when you call a car, it is sometimes hard to  
6 tell where that car is coming from. Is it the  
7 car that you called? Is it coming from the  
8 base? Is the vehicle licensed? Is the driver  
9 licensed? Is the base licensed? Are those  
10 licenses current?

11 So something we would like to do is  
12 improve information on that front. And just a  
13 little review of what we have currently on the  
14 FHV markings. There are some things that are  
15 required by the City Ad Code and TLC rules.  
16 But we want to enhance that information to  
17 improve some of the concerns we have. And we  
18 think that some livery bases and vehicles are  
19 really good about marking very clearly who  
20 they are and the vehicle number and the base  
21 number and all that stuff.

22 But it is not really clear across the  
23 board that that's what is happening. So we  
24 want to have some sort of flexibility in there  
25 for vehicles and bases that already are very

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1 well marked, that they are compliant with what  
2 our new specifications would be.

3           And some of the rules we have now,  
4 there is the decal, the TLC decal on the front  
5 right windshield. There is also the tax stamp  
6 on the front right, and the front left is the  
7 registration, the inspection information, and  
8 also the base name and base vehicle number.  
9 It is specified in our rules that that should  
10 be on the vehicle. And Ad Code just talks  
11 pretty much just talks about it can be a  
12 yellow, it can be yellow in color and a few  
13 other things like that.

14           I just want to point out what some  
15 commercial vehicle markings are. These are  
16 mainly regulated, I show here some of the city  
17 DOT rules. And I just wanted to point out  
18 that there are other rules that are a little  
19 more enhanced than ours, and we can look to  
20 some of these kinds of markings for a point of  
21 reference as we are looking at how we do want  
22 to draft it.

23           What I have here is a picture of a  
24 livery and some proposed vehicle markings.  
25 These are external base markings that I am

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1 talking about, so this would increase vehicle  
2 driver accountability. People on the street  
3 would be able to see where the car is from and  
4 people taking a cab would also be able to see  
5 where it was from. We have specified  
6 parameters to make sure that the lettering is  
7 visible, legible, and just streamlining these  
8 markings, again, so that it's clear to  
9 passengers where to look for the markings and  
10 what they should be looking for. So what I  
11 specified here is the base number, the base  
12 name and the telephone number.

13 The other markings that we would like  
14 to enhance are some of the TLC license decals,  
15 which right now, again, is in the front right  
16 windshield. The idea is to put them on the  
17 rear quarter windows on both sides of the  
18 vehicle. That makes it more visible to a  
19 passenger when they getting into the car so  
20 they don't actually have to walk around to  
21 check on that.

22 And then in the interior of the  
23 vehicle, we want to propose some things too,  
24 to make sure that the passenger can see the  
25 driver's license, the vehicle's license and

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1 the base's license and that all of these  
2 licenses are valid. We are no sure exactly  
3 where they would go. We are thinking they  
4 need to visible to all passengers in the back  
5 seat. So Peter brought an example of a  
6 credential holder that snaps onto the front  
7 seat without a partition. And there are some  
8 other ones that he has seen as well, so there  
9 are a lot of different designs and you can  
10 talk about how you think it's best shown. But  
11 that's just one idea for you here.

12 And something to point out, too, is  
13 we would have to redesign some of these  
14 licenses to make sure that they would fit into  
15 something like that. Right now the driver's  
16 license is fine in terms of the shape and the  
17 format, but the base license and the vehicle  
18 license we would need to rethink that.

19 Now I will turn it over to Peter.

20 MR. SCHENKMAN: The regulatory  
21 concern is the prevalence of older and high  
22 mileage for-hire vehicles and liveries. The  
23 total number of for-hire vehicles right now is  
24 37,844 and the average age of these vehicles  
25 is eight years. And the average age of black

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1 cars is five years. And the average mileage  
2 on these vehicles is over 200,000 miles. Many  
3 of the FHV's are recycled, high-mileage taxicab  
4 or black cars and we know they require  
5 additional maintenance to ensure their safety  
6 and reliability.

7 Now, currently medallions must pass  
8 inspection at the TLC's inspection facility,  
9 which is DMV certified once every four months.  
10 Our standard DMV safety and emission  
11 inspection is 116 separate and distinct items.  
12 In addition to that, we do a TLC inspection  
13 which is more mission specific for the  
14 vehicles, and that includes meters, visual  
15 appearance, seats, grab handles, partitions  
16 and the functionality of the doors.

17 Currently for For-Hire Vehicles, they  
18 must pass an inspection at any DMV certified  
19 inspection facility once every four months.  
20 And they do the standard approximately 20  
21 point DMV safety and emissions inspection and  
22 they require no TLC inspection at this time.

23 What we are proposing is that we  
24 inspect all FHV's at the safety and emissions  
25 facility in Woodside upon changes to the

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1 licensing and no less than once every two  
2 years. And we would conduct a safety and a  
3 visual inspection, and upon passing that  
4 safety and visual inspection, the safety and  
5 emissions personnel would attach the license  
6 which is currently issued out of Long Island  
7 City.

8 And that is a brief discussion of the  
9 inspection.

10 COMM. WEINSHALL: Does the facility  
11 have the capability of inspecting the  
12 additional vehicles?

13 MR. SCHENKMAN: Absolutely. In the  
14 time that we have been there, we have gone  
15 from an average waiting time of two hours from  
16 start to finish, we are averaging about 47  
17 minutes. And what we have noticed, even  
18 though we are currently experiencing a rush of  
19 medallions coming back to quickly get their  
20 car reinspected, they can come back no sooner  
21 than ten minutes after they fail. That is a  
22 reasonable time to go up the street and change  
23 a bulb. We have the ability to do that.

24 COMM. WEINSHALL: Do you fear that  
25 if you add the FHV's, the time will go back up

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1 to two hours?

2 MR. SCHENKMAN: No. We would do them  
3 at two distinct times of the day. The  
4 mornings would remain for the medallions, and  
5 then we would start the for-hire vehicles, at  
6 approximately 1:00 we are essentially done  
7 with the medallions, so we would do that in  
8 the afternoon.

9 We think it would be a great thing to  
10 have safer vehicles, and we also expect that  
11 just by mere inspection a lot of the vehicles  
12 would get replaced.

13 CHAIRMAN DAUS: Do you have a  
14 question, Noach?

15 MR. SCHENKMAN: We are only going to  
16 inspect them once every two years, it wouldn't  
17 be the annual DMV.

18 COMM. DEAR: What would happen in  
19 the year that they inspect with us, would they  
20 have to get an inspection sticker from DMV?

21 MR. SCHENKMAN: As of now, we are  
22 not planning on doing a DMV inspection on the  
23 for-hire vehicles. It is essentially you  
24 bring your vehicle to Woodside for your  
25 sticker, we would do a walk-around, we would

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1 check the lights and basic safety items,  
2 tires. And if the tires were bald or didn't  
3 meet specifications or the lights were out,  
4 then we could bring it in and do a further  
5 inspection on the vehicle.

6 COMM. DEAR: What about the  
7 emissions?

8 MR. SCHENKMAN: We are currently not  
9 planning on doing emissions testing. A lot of  
10 these vehicle are pre '96, there ae  
11 approximately 5,000 of them that are pre '96,  
12 that the state is about to change next year  
13 the whole testing of the pre '96 vehicles, so  
14 we don't have the ability to test those  
15 vehicles right now because they are not OBD2  
16 compliant. They are the old fashioned probe  
17 in the tailpipe.

18 CHAIRMAN DAUS: So is it fair to say  
19 that in addition to the DMV inspection, we are  
20 going to be holding them to an even higher  
21 standard, but also looking at TLC specific  
22 things that DMV doesn't look at?

23 MR. SCHENKMAN: Yes, emission  
24 specific stuff.

25 COMM. DEAR: So you will look at the

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1 interior as well, everything?

2 MR. SCHENKMAN: Yes. We are going to  
3 make sure that it is not covered in mud and  
4 you can actually see out of the partition.  
5 And if the Commission votes to approve the  
6 display of licensing, we would make sure that  
7 the display is proper:

8 MR. SALKIN: One of the points of  
9 today's presentation is to get feedback from  
10 the Commissioners on what you might be  
11 interested in inspecting. What we are  
12 proposing is we can do an outside check,  
13 cursory check, it could be a more full-blown  
14 check, we could put it through the lanes, we  
15 can do interior inspections. These are things  
16 we weren't necessarily planning on doing, but  
17 certainly things that we are capable of doing.

18 The idea here today is to present the  
19 idea and get some feedback and have a  
20 discussion so that when we continue our  
21 outreach to the industry, we can take back the  
22 feedback from the Commission and say this is  
23 what the Commission is looking for. So this  
24 is a forward conversation and presentation.

25 CHAIRMAN DAUS: Certainly, I think,

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1 since we have been inspecting the yellow cabs,  
2 I don't think there is a cab around the  
3 country as clean as a New York City yellow  
4 cab, aesthetically on the outside, on the  
5 inside. Obviously when you go to a DMV  
6 inspection, they are not looking to see if you  
7 have cookie crumbs in the back seat. Yet, it  
8 is something that is important to passengers  
9 who are taking cabs and liveries, that they  
10 get into a car that is clean, that looks good  
11 on the outside and the inside.

12 So from my perspective, I think  
13 aesthetics should be a major part of what we  
14 do, as well as the TLC specific things like  
15 the partitions, the cameras, make sure that  
16 they are working, that they are properly  
17 installed, that there are no safety hazards or  
18 anything that comes from that. And also if we  
19 do pass these rules on the credentials and the  
20 markings, to make sure that those are being  
21 adhered to.

22 But also to look at a higher standard  
23 of what DMV is doing. If you are able to  
24 actually get them on a lift and double-check  
25 and make sure everything is right I would be

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1 in favor of that. I don't know if it is  
2 logistically possible.

3 MR. SCHENKMAN: I would be favor of  
4 that, too. As of now, when a yellow medallion  
5 cab passes its TLC inspection, I consider it  
6 one of the safest vehicles on the road in New  
7 York City, just by way of how many points we  
8 check and how thorough our inspection is.

9 We have all seen some of the  
10 conditions of for-hire vehicles out there, and  
11 I would love to feel confident and say: I can  
12 get into any car and not have it go down the  
13 road sideways.

14 COMM. DEAR: Up until now, we didn't  
15 do any type of inspection of cars?

16 MR. SCHENKMAN: No, we don't see the  
17 for-hire vehicles at all except in the street.

18 COMM. DEAR: We just accepted  
19 whatever they gave us and that was it?

20 MR. SALKIN: There are two things  
21 that Peter is going to be doing that I think  
22 is important to note. One is we are proposing  
23 just actually seeing the physical vehicle, we  
24 think that will go a long way to sending a  
25 message to the livery industry that we do

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1 actually care about the quality of the  
2 vehicles.

3           The second thing is his staff will  
4 actually place the stickers on the vehicle.  
5 Right now it is done by you come in, you show  
6 you have the plates, you show you have the  
7 license, we give you the information, you do  
8 it yourself. And it is only one sticker.  
9 Here we are going to do three stickers, one  
10 for really enforcement purposes, two, though,  
11 for the passengers. And that's a key thing,  
12 the passenger sticker, so the passenger can  
13 actually see that the vehicle is clearly  
14 licensed, that it has been inspected and it is  
15 good to be on the road.

16           These are things that we think are  
17 important that's very different from what we  
18 do now.

19           COMM. DEAR: What is interesting is,  
20 as I have been reviewing some of these base  
21 licenses, I realize how little we did as an  
22 agency in seeing what the operation is all  
23 about and what they do. I have always been  
24 complaining that you have some cars that look  
25 like they came out of Baghdad, that were

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1 recycled Baghdad taxis that came here. And we  
2 were going into these cars. Forget about the  
3 straight plates and the illegal plates and all  
4 that stuff, everything that is going on.

5 I am talking about cars that are  
6 supposedly licensed by us, so technically we  
7 have a liability, because if, God forbid,  
8 someone gets hurt in one of these cars, they  
9 could technically come back to us and add us  
10 into a lawsuit because we gave them an  
11 imprimatur that they are allowed to go out, we  
12 gave them a license to go out and do what they  
13 have to do.

14 I am surprised we give them a  
15 sticker, we don't put the sticker on so we  
16 don't even know what the car looks like.

17 COMM. WEINSHALL: Mr. Chairman, I  
18 want to commend the staff because when you see  
19 the numbers, they are pretty startling.  
20 37,000 FHV vehicles. And compared to the  
21 number of medallion cars, it's almost triple  
22 what's on the street. So I would like to  
23 commend staff because a big part of the public  
24 is being served by these FHV vehicles.

25 CHAIRMAN DAUS: I would like to

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1 second that. In fact, just a bit of history  
2 about it as well. If it wasn't for the hard  
3 works of folks at S&E and Peter, I do not  
4 believe that we would be able to do this  
5 Today. I remember looking at this when I was  
6 first appointed, and everybody said we  
7 couldn't get it done. The people in charge at  
8 the time said we didn't have the capacity.

9       Thanks, of course, to some tech  
10 upgrade and additional lanes, we have the  
11 facilities, that helps. But most importantly,  
12 I think a lot of the administrative changes  
13 that Peter has made there has sped things up,  
14 making more efficient use of our time, that  
15 allow us to actually do this. Because it is a  
16 lot. And while I think the intentions were  
17 pure of the federal judge, for the new  
18 Commissioners, the inspection program that we  
19 have now is the result of a lawsuit that was  
20 brought by some environmental advocates  
21 against the TLC, I believe in the '70s.

22       And the settlement in federal court  
23 resulted in a consent decree which we are  
24 still bound to today, which made it clear that  
25 the yellow cabs have to be inspected three

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1 times per year today at our central inspection  
2 facility, but the court decree made it very  
3 clear that the FHVs must be inspected three  
4 times a year but at a facility outside any DMV  
5 inspection facility.

6 I think this is the first step in  
7 terms of starting to deliver on some of the  
8 promises that we made to the public and the  
9 industry to clean up this industry, make it  
10 better. When you look at the horrendous  
11 records of some of the bases that we have been  
12 seeing, it's our hope that the improvements  
13 will not only be in the management of the  
14 bases that we have been trying so hard to do,  
15 but actually the quality of service. Not just  
16 the safety but the aesthetics.

17 I think it is almost the broken  
18 windows theory of government. The broken  
19 windows theory is that when you see broken  
20 windows, graffiti, it speaks volumes to a  
21 city. Well, if you look at the livery  
22 industry, there are many, many bases out  
23 there that, unfortunately, look like they have  
24 cars that are falling apart, they are dirty,  
25 they are messy. Yes, you are paying less and

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1 it is economical, but is that really the  
2 baseline that we want as a regulatory agency  
3 is the question.

4           And this is a first step, I think,  
5 for us to try to raise that bar. And I agree  
6 wit Iris, there is no way that we could have  
7 gotten to this point where we could actually  
8 bring these large number of cars into our  
9 facility with not only the man and women power  
10 that are working on the lanes, but also in  
11 terms of the infrastructure, if we didn't have  
12 a lot of the administrative reforms that we  
13 have had over the last few years.

14           So I want to thank Peter, and I hope  
15 this is something that the Commissioners  
16 receive well in light of our many  
17 conversations that we have had about this  
18 topic over the last year and a half.

19           COMM. DEAR: I would like to add few  
20 things. First of all, I am glad finally that  
21 we are moving in this direction. I have been  
22 screaming about this since I am in this  
23 Commission, about we have done so much for the  
24 yellow, but we pay no attention at all to  
25 liveries and we just let them operate, for

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1 whatever reasons.

2           That's one of the reasons why when I  
3 was at City Council, we passed some laws  
4 regulating liveries because it was just  
5 getting out of hand. They were a detriment to  
6 the neighborhoods and they were really a  
7 quality of life issue.

8           But I would like to see a few things.  
9 One is I would love to add the inspection,  
10 instead of once in every two years, it should  
11 be every year an inspection. Don't forget, a  
12 yellow taxicab goes every four months, I would  
13 like to do a yearly inspection. If we can at  
14 one point move to that point where the cars  
15 are going to be newer and newer and we can go  
16 and do the full inspection that we do with the  
17 yellows, I would like to do the same thing  
18 with the liveries.

19           In addition to that, the markings.  
20 This is identification. This is very  
21 important. It should be in the car, who they  
22 are. And also I would add, like we have in  
23 yellow taxis, if you have any complaints  
24 against the driver or the base, call 311. I  
25 want people to know that these are not just

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1 any car, it's regulated.

2           Because it is interesting, now if  
3 call a livery car and someone shows up, he  
4 just puts a thing in the window like a  
5 temporary plates, anyone can have that plate.  
6 They don't know to look for the diamond, but  
7 if the marking is on outside, it's there,  
8 inside he sees three licenses. I would  
9 display everything. And there is 311 that he  
10 has to call. An official something saying  
11 this is an official car, that we know we can  
12 bring us closer to a better --

13           MR. SCHENKMAN: That also provides  
14 for safety for the passengers getting into a  
15 licensed vehicle.

16           COMM. DEAR: Absolutely, because  
17 right now, as I was visiting some of these  
18 base stations, a guy came to me, and I know he  
19 will reach out to you, because I told him to  
20 do that, to all of you. He was crying to me.  
21 He is a legitimate guy, ten cars, he is  
22 working hard. He says, come here between 4:00  
23 and 6:00 and you will see what goes on in the  
24 streets. Forget about straight plates, they  
25 are coming from Florida, from Carolina. They

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1 are coming from all over. And it is getting  
2 out of hand and we have to do something about  
3 it. He said, "I can't compete." And it's  
4 interesting, we talk about insurance, he dealt  
5 with all the issues because he is a good, good  
6 base station. We have to encourage people  
7 like that.

8 The trouble is, we encourage the  
9 illegals to open up and just go ahead and do  
10 what they want. And I think this is  
11 important, that we know what is going on. We  
12 need to attach the stickers and watch what is  
13 going on. And also when the inspectors go  
14 out, they will see if these are legal cars or  
15 not, they don't have to look at the plate  
16 only. Or if they see -- well, it could be an  
17 LA plate, and even though we don't allow it,  
18 but it still could be out there. It's an easy  
19 way to identify if the car is a registered  
20 vehicle or not.

21 And if there is a complaint against  
22 them, and also it will stop us, I wouldn't be  
23 surprised if somehow they play shenanigans,  
24 that when a base needs 10 vehicles, they play  
25 each other off, one week it is this place, one

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1 week it is another place, and how do we know?  
2 But with this, it's in there. You  
3 can't switch around every day.

4 MR. SCHENKMAN: We have gotten  
5 nothing from praise from PD on this also  
6 because the markings help them also.

7 COMM. DEAR: Right.

8 Now, one other thing I want to make  
9 sure, and this is something I know you didn't  
10 talk about, but you are obviously telling us  
11 the age of the vehicles and how many miles  
12 they have. I would like to talk about  
13 implementing an age on vehicles, retirement of  
14 vehicles. I would love to do that.

15 Then what happens is only serious  
16 people will go into the livery business. What  
17 I am trying to do is, if this is a form of  
18 public transportation in the other boroughs  
19 where taxis don't go, taxis go all over, if  
20 it's another way of getting vehicles on the  
21 street, good. But they have to be someone  
22 that's committed to it. Then if you get that,  
23 if you start putting in these regulations,  
24 then you will see people who will be committed  
25 solely to do this, and not to have any other

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1 ulterior motives of why they have a livery  
2 service.

3           We hear all kinds of stories of what  
4 they are all about, but I am not here to talk  
5 about it. But I would like to talk about the  
6 retirement of vehicles. And I want to tell  
7 you something, I am not so sure I want to be  
8 away from the standards we have for yellow  
9 vehicles. What's the difference between  
10 someone goes into a yellow cab or he goes into  
11 a livery? It is the same.

12           CHAIRMAN DAUS: I think that's a  
13 great idea and I think we should look at that.  
14 People, visitors that come to the city and  
15 they take a yellow cab, we are very proud that  
16 it's the first and last thing that they see  
17 that makes a positive impression of the city.  
18 And I think that the people that live and work  
19 in the city are entitled to and should get the  
20 same standards, the same level of service in  
21 all the boroughs. And that's what the livery  
22 industry is.

23           COMM. DEAR: I think we should also  
24 talk about cars, which ones we would  
25 recommend. Start encouraging hybrid cars.

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1           CHAIRMAN DAUS:  Maybe we can take a  
2 look at that as part of the analysis.

3           MR. SALKIN:  If it is okay with the  
4 Commission, we will start looking at the  
5 markings rules, external markings, stickers,  
6 showing inspections, as well as internal  
7 licensing display.  And also work on, sounds  
8 like there are a couple of gradations of what  
9 type of inspections we could do.

10           I think at a certain point we begin  
11 to stress the staff.  We will see what we need  
12 and if we can get the appropriate resources to  
13 do more stringent examination.  We will look  
14 at this as a start, and I think the  
15 Commissioners raised some other points that  
16 are also out there, and I think we have to  
17 look at the economics of how the service is  
18 getting delivered, and if you raise standards  
19 do you chase vehicles out that are providing  
20 good service, and take page out of Matt's  
21 little speech on cost benefit so that we all  
22 understand where we are going.

23           CHAIRMAN DAUS:  I knew you would like  
24 that as well, Andy.

25           COMM. DEAR:  I am sorry that

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1 Commissioner Arout is not here today because  
2 this is also a pet peeve of his.

3 CHAIRMAN DAUS: Absolutely, he is  
4 going to like this.

5 MR. SALKIN: Is this a fair --

6 COMM. DEAR: I want you to go  
7 further.

8 CHAIRMAN DAUS: We are going to look  
9 at vehicle retirement as well.

10 COMM. DEAR: I want to bring the  
11 standards as high as we can, almost in par to  
12 the yellow medallions, without color.

13 MR. SALKIN: What we will do is we  
14 will start with what we proposed today and we  
15 will keep going.

16 COMM. DEAR: Just one last thing, I  
17 wouldn't mind also somewhere also the sign:  
18 This vehicle is not allowed to pick up people  
19 off the street. I would love that to be  
20 somewhere, in the license, inside, outside, so  
21 everybody knows it is not a --

22 MR. SALKIN: That's is certainly  
23 some of the feedback we have gotten from  
24 especially the yellow industry, and we have  
25 some good ideas on that as well.

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1           COMM. GONZALES:    The only other  
2    thing I would like to add is just to get some  
3    feedback also as well from the industry  
4    itself, just so we have a better chance  
5    getting a buy-in.

6           MR. SALKIN:       And I want to reiterate  
7    something Samara said at the very beginning.  
8    We didn't just make these up and present them  
9    to you today. We have actually had a number  
10   of conversations with livery groups, with  
11   livery bases specifically, drivers. We have  
12   talked to the yellow industry.

13           So this has kind of, it hasn't been  
14   vetted at a high level, but it has been talked  
15   about. So we will continue to do that.

16           CHAIRMAN DAUS:   And you have been  
17   meeting with the livery industry, too, and  
18   with the black car industry as well?

19           MR. SALKIN:     Yes.

20           COMM. DEAR:     I have some people that  
21   I have met that I think you should reach out  
22   to. I think you should meet some new people,  
23   not the regulars that we have.

24           MR. SALKIN:     More feedback always  
25   makes better rule making, so that's great.

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1           CHAIRMAN DAUS:   Great, I would like  
2   to move on to the next item because we may be  
3   losing our quorum if we don't very quickly  
4   look at this.

5           Base licensing application review, we  
6   have several bases. Sara, if you can join us.  
7   Also we had some follow-up that we have given  
8   Commissioner Dear on Adams Car Service since  
9   the last meeting.

10          Does anybody have issues with any of  
11   the items on the agenda?

12          COMM. DEAR:    I do.

13          CHAIRMAN DAUS:   What are your  
14   issues?

15          COMM. DEAR:    Just a general comment  
16   without going into each one. First of all, I  
17   don't believe Adams Car Service should be  
18   approved. I don't think it's a car service.  
19   I called myself and, despite that I see an  
20   e-mail that they called, I am tempted to call  
21   right now the number.

22          When I called them, I called them  
23   yesterday, the day before, and I said, "Is  
24   this a car service?"

25          He says, "one second."

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1           Then I said, "could I have a car?"  
2           "The person in charge is not here.  
3 My boss is not here. So have a nice day." So  
4 I don't know what the intention here is. I  
5 would like to lay it over one more time.  
6           COMM. WEINSHALL: I don't know if  
7 Andy is still here. Can we get Andy back in  
8 here. I don't know where he went.  
9           Andrew, we are talking about  
10 Commissioner Dear's favorite car service.  
11 Would you please fill the Commissioner in on  
12 what you found out so that we can put this  
13 issue to rest?  
14           MS. MEYERS: Enforcement did visit  
15 on a couple of occasions. They did call once  
16 and had the same situation where there were no  
17 cars driving at that time. But when they did  
18 get a car dispatched to them, it was current  
19 and it was affiliated with the base.  
20           We do also know that not all base  
21 stations function the same way. Not all of  
22 them function 24/7. Some of them do limited  
23 business.  
24           MR. SALKIN: In this case what we  
25 found, just so the Commissioners know what was

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1 found, the base itself occupies a desk inside  
2 another business, it's a brokerage. And there  
3 is a gentleman who does dispatching. And when  
4 he is there, he dispatches, and when he is not  
5 there, he doesn't dispatch.

6 If you read through the rules, this  
7 is absolutely in line with our rules, and this  
8 is what the staff is able to do and able to  
9 follow. If this is something the Commission  
10 thinks is not necessarily good base practices  
11 or appropriate service, I think that is  
12 something also we could discuss. I think the  
13 approach that I always got the sense from the  
14 Commission was that if you are providing poor  
15 service, you are not going to get any  
16 business, so eventually you will go out of  
17 business.

18 But as far as the rules are  
19 concerned, this base meets all the rules, and,  
20 again, staff is bringing it up for  
21 recommendation. It may not be the most  
22 publicized, the most popular base and always  
23 open, but the rules don't say you have to be  
24 the best. It just says you have to follow the  
25 rules.

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1           CHAIRMAN DAUS:    With all due  
2   respect, Commissioner Dear, I think we all,  
3   and I am sympathetic to some of the concerns  
4   that you are raising, but to the staff did a  
5   great job. They went above and beyond to make  
6   sure that this base applicant complies with  
7   the rules.

8           COMM. WEINSHALL:   It complies with  
9   the rules.

10          CHAIRMAN DAUS:    And I think,  
11   Commissioner Dear, if I am not mistaken, your  
12   issue is with the rules and the policies more  
13   than anything else. Should the rules be  
14   allowing a base to be part time? Should they  
15   be allowed to operate without appropriate  
16   signage from the street so that the public  
17   knows?

18          I think those are valid issues that  
19   we should look at, but I am very comfortable  
20   voting on this base based upon the existing  
21   laws and rules. And I think the staff really  
22   spent a lot of time looking into this, and we  
23   are glad you are out there looking at these  
24   things and pointing them out. That was a good  
25   exercise, but at the end of the day, I don't

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1 see any legal reason that we can or should be  
2 denying them to operate.

3           COMM. WEINSHALL: Andy, as part of  
4 looking at all the TLC's rules and  
5 regulations, will you also be looking at the  
6 rules governing the FH bases as well? Will  
7 that be part of this process?

8           MR. SALKIN: Certainly there are  
9 pieces that involve levels of service that we  
10 are going to explore. Right now the  
11 requirements focus more on items like having  
12 an actual physical location, having off street  
13 parking that is zoned, having a bond, having a  
14 phone number.

15           There is not much in there that talks  
16 about levels of service, providing service to  
17 the community. We can talk about ways to do  
18 that. That's something we have thought a lot  
19 about and how we do that here, so that really  
20 bases that are providing services are the ones  
21 that get renewed, as opposed to just people  
22 hanging out and saying this is what they are.  
23 We can certainly do that.

24           The other thought has always been  
25 kind of a hands-off approach by the

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1 Commission, let the best base survive, let the  
2 bases establish a brand, let the bases do  
3 their own advertising, let the bases do their  
4 own outreach in their neighborhoods and the  
5 basis that get the best outreach and so, they  
6 are the ones that get the best business and  
7 they are the ones that stay in business and  
8 get the best drivers.

9           So there is a couple of different  
10 ways of doing this, and we will certainly  
11 continue to look at it.

12           CHAIRMAN DAUS: Let me ask you this,  
13 are there any issues with any of the other  
14 bases?

15           COMM. DEAR: I had another base, but  
16 I am not -- just there is another issue.

17           You talk about the regulations, very  
18 quickly, it is very easy, you tell me, okay,  
19 this is what the rules and regulations are. I  
20 would like to see in black and white that it  
21 says these type of base stations we should be  
22 approving. Because I don't believe we should.

23           And let me just state one example. I  
24 raise another issue. I went into another base  
25 station and I see the cars are parked all over

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1 the place in front of the base station. I  
2 said, "What's that all about?"

3 "We are allowed to."

4 I said, "Where is your garage?"

5 Well, it is a mile down.

6 "Okay, why aren't you waiting over  
7 there?"

8 They said, "We don't have to."

9 And I went back to Matt about this,  
10 and Matt said they may be right.

11 I said, "What are you talking about?  
12 That's my law. That's why we passed that law.  
13 My law says that that's why we have the  
14 garages." The whole reason was people were  
15 complaining, because at that time the TLC was  
16 doing nothing, during the time I was in the  
17 Council, and people were just parking their  
18 cars in valuable, good spaces where people  
19 were trying to shop. I will tell you where  
20 they are right now. And they are not supposed  
21 to park away from the base station.

22 MR. SALKIN: I think you raise some  
23 really interesting points, and I think there  
24 has been a long-standing community feedback  
25 that we have been getting about how cars are

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1 stationed in commercial districts throughout  
2 the city.

3 I think it also goes to the  
4 relationship we have with City Council rules  
5 and what we need to do to work through this.  
6 In this particular case, the Chairman is  
7 correct, they are required to have parking,  
8 they are not required to use the parking. I  
9 think that's one of the things that we need to  
10 explore --

11 COMM. DEAR: Let's have Chuck look  
12 at the rules. I remember the law, I remember  
13 we passed it.

14 MR. FRASER: I have looked at it.  
15 I have the statute in front of me, and  
16 Commissioner Salkin is correct, the statute  
17 and the rules require that every base have a  
18 certain amount of off-street parking. It must  
19 be within a mile and a half of the base. But  
20 there is no requirement that the base vehicles  
21 must use that parking.

22 There is a provision that you cannot  
23 double-park. The base is accountable for  
24 double-parking, illegal parking on the block  
25 that the base is located. But if they are

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1 legally parked on the block --

2           COMM. DEAR: Taking meter spaces

3 away?

4           MR. FRASER: That may well be.

5           COMM. WEINSHALL: Whatever the meter  
6 space regulation is, they can use it for that  
7 period of time. They can't feed the meter,  
8 that's illegal. That's a different issue.  
9 But if it's an hour parking, they can park  
10 there for an hour.

11           COMM. DEAR: They were complaining  
12 to me and the Council at that time --

13           COMM. WEINSHALL: Noach, with all  
14 due respect, and your former counsel is here,  
15 it seems to me that the law you passed has a  
16 hole in it.

17           COMM. DEAR: You are reading it with  
18 a hole. The law was not written with a hole.

19           COMM. WEINSHALL: I am not a lawyer,  
20 so I am not interpreting it. You passed the  
21 law, he is interpreting it.

22           COMM. DEAR: Let's not talk about  
23 interpretation.

24           CHAIRMAN DAUS: Noach, with all due  
25 respect, we may be losing our quorum, so

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1 unless we have issues with other bases, could  
2 we vote on the other bases at least?

3 COMM. DEAR: Yes, I have no problem.

4 What I want from here is I want a  
5 commitment here. I want to talk about it.  
6 Because in reevaluating all the other things  
7 you are doing on the base stations and the  
8 livery cars, I want to reevaluate these issues  
9 as well. What kind of car service can you be?  
10 I want it to be a real car service, not some  
11 phony type of thing.

12 COMM. WEINSHALL: May I make a  
13 suggestion, Mr. Chairman. I think the  
14 Commissioner has a lot of concerns. I think  
15 that, clearly, the staff needs to start  
16 looking at this, and I think we have to come  
17 up with the frame work on what you are going  
18 to look at and how you are going to look at  
19 it. Because this is a huge undertaking and  
20 the staff is working on a lot of other things.

21 So why don't they get back to you in  
22 a few weeks and we will come up with a frame  
23 work on how we are going to look at this? Is  
24 that fair enough?

25 COMM. DEAR: Yes.

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1           CHAIRMAN DAUS:    That is a good  
2 suggestion.

3           MR. SALKIN:    And that falls nicely  
4 in line with what the Commission has been  
5 doing for the last two years, ratcheting up  
6 the standards, following the standards much  
7 more closely and voting on bases.

8           I think the standards are  
9 significantly higher than they were before,  
10 even though they haven't changed.

11          COMM. WEINSHALL:  We have monthly  
12 meetings now so you can raise it every month.

13          COMM. DEAR:    I have been doing it  
14 for the last five years.  One last comment in  
15 regard to the garages.

16          One of the places I went to, I went  
17 to supposedly where the garage was, and I  
18 noticed there was a junk yard.  There was no  
19 way you could put a car.  So I know now in an  
20 e-mail that Sara wrote to Matt saying that we  
21 are now visiting all base stations for  
22 renewals.  I would like you also to just take  
23 a look where there garage is to make sure --

24          MR. SALKIN:    We absolutely do that.

25          MS. MEYERS:    We absolutely do do

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1 that and we have always done that.

2 CHAIRMAN DAUS: I don't think there  
3 is any question that there is a lot of work to  
4 be done in this area. Like Commissioner  
5 Weinshall has stated, there is a lot that we  
6 have been talking about. We need to now  
7 prioritize. So the staff will do that, along  
8 with standards for base license approval,  
9 which we have been talking about for a while.  
10 The presentation that we just had today about  
11 inspections.

12 I think we need to lump this together  
13 and come up with a strategic plan on when we  
14 can all of this done because it is a lot.

15 If we just put Adams aside for a  
16 second, because that was the big issue, are  
17 there any other issues on any of the other  
18 bases that are being proposed today for  
19 approval?

20 (No response.)

21 CHAIRMAN DAUS: Okay, if there  
22 aren't any, could I have a motion to approve  
23 those bases.

24 COMM. WEINSHALL: So moved.

25 CHAIRMAN DAUS: A second?

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1           COMM. GONZALES:    Second.

2           CHAIRMAN DAUS:    All in favor?

3           (Chorus of "Ayes.")

4           CHAIRMAN DAUS:    Now on Adams, do we

5 have a motion to approve Adams?

6           COMM. WEINSHALL:   So moved.

7           CHAIRMAN DAUS:    Do I have a second?

8           COMM. GONZALES:    Second.

9           CHAIRMAN DAUS:    All in favor?

10          (Chorus of "Ayes.")

11          CHAIRMAN DAUS:    Any opposed?

12          COMM. DEAR:        Yes, I am.

13          CHAIRMAN DAUS:    All right, so we

14 have four to one. I have spoken to counsel,  
15 Chuck Fraser, and right now it doesn't carry  
16 and it is not an application that is approved.

17 But I would like to bring this back on the  
18 agenda and talk about it at the next meeting  
19 because Chuck needs to get in touch with the  
20 Law Department, since we do have a quorum,  
21 there is a question as to whether four of five  
22 votes carries this application. And he is  
23 going to double-check that and get back to us.

24           So I would like to bring Adams back  
25 up for discussion at the next meeting, okay?

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1 MS. MEYERS: Okay.

2 CHAIRMAN DAUS: All right, do I have

3 a motion to close the meeting?

4 COMM. DEAR: So moved.

5 CHAIRMAN DAUS: All in favor?

6 (Chorus of "Ayes.")

7 CHAIRMAN DAUS: So closed. Thank  
8 you.

9 (Time noted: 10:55 a.m.)

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C E R T I F I C A T I O N

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

