NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, January 11, 2007
40 Rector Street
5th Floor
New York, New York
Public Meeting convened at 9:50 a.m: 

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
NOACH DEAR, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
HOWARD R. VARGAS, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL
CHAIRMAN DAUS: Okay, we are going to get started. Good morning everyone, first I want to wish everyone a happy and healthy new year. The weather seems to be holding up quite nicely. We are working off a revised agenda that was revised on January 10th, and I would like to go right to the Chairman's Report.

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

The second item is just an update for those of you who may have been following some of the media on this. We did announce Phase
Two of our technology project rollout which involves a second phase of testing. And we actually showed some prototypes to the media, got them out there and the gave green light to three of the four vendors on the tech project to proceed and start putting out up to 50 vehicles per vendor. Potentially if all four vendors are approved it could be up to 200 vehicles on the road. As of now, we have 55 systems on the road. So far the testing has been very positive. It has been well received so far by most members of the public and most members of the industry.

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

After that, we will be considering rules, I believe sometime in March, hopefully,
which the Commission will be looking at which entails a lot technical requirements in order for these systems to be put into the cabs, how you do it and standards, many of which are in the contract already. So that's something that Ira gave a brief presentation last meeting and we will give you plenty of time to review those rules because they are very thick and long.

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

First, for the industry, it saves them money. This is basically going to save every medallion owner $37 per vehicle in inspection fees, it makes it more convenient for them. They don't have to go to two places, they can just go to one. I think this not only helps maintain the high statewide
standards that DMV has in addition to the TLC standards, but also we are starting to see some operational benefits to this even already. Pete Schenckman has reported that the vehicles are returning for reinspection a lot more quickly than they used to, and they are getting their failures corrected very quickly and getting on the road to serve the public. So that is a positive for us and we are very excited about that.

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

We also have clean air and accessible vehicle retirement incentives that we need to
get passed pursuant to the local law that the
council passed in December that I spoke about
at the last meeting. We also have to approve
markings for clean air and accessible
vehicles. The commission has to look at some
designs and decide where to put them. I don't
know if we will have those ready for March,
but that is another thing we need to do.

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

And that's pretty much the agenda,
but the big news which I would like to go to
now, I am sure everyone has already heard
this, that one of our esteemed longest serving
colleagues, one of the longest serving
colleagues ever on the commission, Lee Sander,
has been appointed by Governor Spitzer as the
CEO, Chief Executive Officer of the MTA. And
it's been a long road, Lee, but what I would
like to do is we have a little something for
you. I would like to call you up to the front
and give it to you. And all of us, I believe,
want to say a couple of words to you in light
of your appointment and your years of service.

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

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

But just in terms of what we have
been through on the Commission, I would like
to take a second to talk about our years
together. You know, I think that the biggest
contribution that you made to the Commission
has been your professionalism.
Professionalism both in your substance and in
your demeanor.

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

And Lee never gets upset. It is very
rare that he loses his temper. I don't think I have ever seen him lose his temper, but he is the type of guy that also brought substance to the Commission. From day one, you have always spoken about how you would like to have more professionalism in our presentations, something that I think we have improved with the hiring of a lot of our excellent staff, brought a level of analysis which wasn't there before. And we thank you for that because that professionalism has now brought us to this Commission where we are today, where I believe that we are more professional than we have ever been before. We are looking at facts and statistics by making decisions and we have really achieved that proper balance. And that is really thanks to you and kudos to you. Just to put things in your terms, we are very sad that you are leaving us, but Lee is known for talking in language such as cause benefit analysis, and I guess when you come out in that analysis it's very clear that the billions of people take mass transit in the entire state and the metro area need you more than we need you right now. We
have a couple of people in industry, but when
you do the cost and the benefits, the cost of
you leaving us and the benefits that the
public is going to share from your expertise
and your dedication, they win, and there you
go.

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

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

In recognition of your nine years of
distinguished public service to the New York
City TLC, on behalf of myself, the Board and
Mayor Bloomberg, congratulations in your new
job, and we are looking forward, dare I say, to taking the subway even more and more efficiently, even if we do love yellow cabs and liveries. Congratulations.

(Appause.)

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

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

I have learned a lot about what we do. It is incredibly meaningful to me. I certainly did not appreciate the contribution that our industry makes to the day-to-day functioning of the city, and I am just so proud of some of the things we have accomplished. I am very proud of where the
TLC is now. When I look back on the reform package that we accomplished early on, when I look forward, when I look at what we have done in terms of hybrid vehicles and when I look forward in terms of the progress that we have made.

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

(Applause.)

CHAIRMAN DAUS: Thank you, Lee, we are going to miss you. And there he goes. I think that basically concludes the presentations, the Chair's report, unless anybody has any questions?

COMM. DEAR: I just want to remark an update on our saga of some lost luggage in
a taxicab, and I want to thank the staff
because it finally was retrieved. As I told
you, this was three religion articles worth up
$15,000 that totally disappeared, and a month
later reappeared with the great help of staff
and the NYPD.

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

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

CHAIRMAN DAUS: Actually I think we
should thank you because you put in a
tremendous amount of work on your own in
helping retrieve that property. And certainly
there was a lot of extracurricular activity,
and I don't think, despite our help, it could
have been retrieved if you weren't so gung-ho
about making it happen. So I am thankful that
we had a happy ending to that situation.
Any other questions?
(No response.)
CHAIRMAN DAUS: All right, let's
proceed to item 2, adoption of the minutes
from the December 14, 2006 meeting.
Any questions, comments or discussion
of the minutes, changes?
(No response.)
CHAIRMAN DAUS: Okay, do I have a
motion to approve?
COMM. WEINSHALL: So moved.
CHAIRMAN DAUS: A second?
COMM. DEAR: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: Thank you.
Now I would like to proceed to item
3, staff presentations. First, I believe,
Peter, are you presenting this?
MR. SCHENKMAN: Yes.
CHAIRMAN DAUS: Item 3a is the camera
and partition specifications. We are going to
talk about that, and, like I said, this is
MR. SCHENKMAN: Good morning, happy new year to everyone. A lot of what I am going to discuss, you have seen before, so I will make it as quick as possible.

The discussion is of partitions and cameras, there are rules that we expect will be presented to the Commission in March. And we have spent a lot of time working on partitions and the camera specifications. And the first slide just indicates how many vehicles have partitions as opposed to cameras. And the camera is, in the yellow industry, a very small number, but in the community car, or the livery FHVs, it accounts for just short of half of the vehicles.

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

We have proposed partition rules, some of them the Commissioners have already voted on. And we wanted to enhance the technical standards, most importantly, improve passengers visibility, and even driver
visibility as they look out the back window.

We have opened up to the industry to actually coming up with innovative designs. We have all seen the L shaped partition that has become a favorite in the hybrids and curtain air bag partition which is a necessity in the Siennas, and going forward will be a necessity in many other vehicles come 2008. And we hope to formalize these standards in rule making for the vehicles with curtain air bags, even though the Commissioners have already initially voted on that.

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

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

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

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

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

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

The curtain air bag partition we have
seen. I put arrows to indicate where the
modification has been made. And it's a small
gap on either side with a flap of
polycarbonate to prevent a reach around with a
weapon or a hand. These are just starting to
be installed in the Siennas this week,
according to the manufacturer and local meter
The next thing we wanted to discuss is the camera rules. Again, we wanted to, in this case, establish clear technical standards, and we wanted to establish service standards to ensure that the cameras are fully functional. And that includes changing the trigger points of what actually triggers the camera to start taking images and how the camera actually takes images. The proposed specs now, the camera will constantly be taking photos at approximately two per second, to images per second. And should an event occur, the driver will hit the panic button and it automatically lock out two and a half minutes prior to him hitting the panic button and two and a half minutes after. And that will lock it out so it cannot be erased until it is retrieved. That will hold up it 72 hours.

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

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

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

This one is kind of hard to see because it's actually blank on my paper, but this is the current cameras that are out there. The VerifEye TaxiCam Mark 3 and 4 is
most prevalent in the medallion industry. And that at this point is approximately $625.00. The Raywood is the most popular camera in the for-hire vehicle industry, and to replace that camera today would be $775.

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

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

Then we go back to the partitions and the new rules, also we don't want to mandate
that everyone puts a new partition in just because we have changed the rules, so if a vehicle is inspected at the Woodside facility and it is deemed that it needs to be repaired or replaced, that would be a trigger point to install the new partition. Most of these partitions, you are able to just replace the polycarbonate which would cost the approximately in half. The steel ballistic bottom part of the partition could still be used, we didn't change the specifications on that.

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

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

MR. SCHENKMAN: And a sense of confinement. And we did have an issue, some of the Commissioners had issues with an escape route through the side. And what we instructed the manufacturer was to increase it, and I believe he increased it almost two
and a half to three inches. If I recall, the
opening now is 17 inches by 22 inches. I was
able to crawl through it with minimal
difficulty.

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

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

MR. SCHENKMAN: Correct.

And this was in answer to one of the
Commissioners had asked that prior to the
actual voting on a rule that we give you a presentation and explain it.

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

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

CHAIRMAN DAUS: All right, great.

(No response.)

CHAIRMAN DAUS: Thanks, Peter, good work.

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

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

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

There are some regulatory concerns
that we have. As I am sure you know, we do
have rules that specify some markings already
on the vehicles. But we think that there is
not quite enough information for the
passengers the way it is being shown now. So
that ultimately we have heard from passengers,
and experienced some of us ourselves, that
when you call a car, it is sometimes hard to
tell where that car is coming from. Is it the
car that you called? Is it coming from the
base? Is the vehicle licensed? Is the driver
licensed? Is the base licensed? Are those
licenses current?

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

But it is not really clear across the
board that that's what is happening. So we
want to have some sort of flexibility in there
for vehicles and bases that already are very
well marked, that they are compliant with what
our new specifications would be.

And some of the rules we have now,
there is the decal, the TLC decal on the front
right windshield. There is also the tax stamp
on the front right, and the front left is the
registration, the inspection information, and
also the base name and base vehicle number.

It is specified in our rules that that should
be on the vehicle. And Ad Code just talks
pretty much just talks about it can be a
yellow, it can be yellow in color and a few
other things like that.

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

What I have here is a picture of a
livery and some proposed vehicle markings.

These are external base markings that I am
talking about, so this would increase vehicle
driver accountability. People on the street
would be able to see where the car is from and
people taking a cab would also be able to see
where it was from. We have specified
parameters to make sure that the lettering is
visible, legible, and just streamlining these
markings, again, so that it's clear to
passengers where to look for the markings and
what they should be looking for. So what I
specified here is the base number, the base
name and the telephone number.

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

And then in the interior of the
vehicle, we want to propose some things too,
to make sure that the passenger can see the
driver's license, the vehicle's license and
the base's license and that all of these licenses are valid. We are no sure exactly where they would go. We are thinking they need to visible to all passengers in the back seat. So Peter brought an example of a credential holder that snaps onto the front seat without a partition. And there are some other ones that he has seen as well, so there are a lot of different designs and you can talk about how you think it's best shown. But that's just one idea for you here.

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

Now I will turn it over to Peter.

MR. SCHENKMAN: The regulatory concern is the prevalence of older and high mileage for-hire vehicles and liveries. The total number of for-hire vehicles right now is 37,844 and the average age of these vehicles is eight years. And the average age of black
cars is five years. And the average mileage on these vehicles is over 200,000 miles. Many of the FHVs are recycled, high-mileage taxicab or black cars and we know they require additional maintenance to ensure their safety and reliability.

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

Currently for For-Hire Vehicles, they must pass an inspection at any DMV certified inspection facility once every four months. And they do the standard approximately 20 point DMV safety and emissions inspection and they require no TLC inspection at this time. What we are proposing is that we inspect all FHVs at the safety and emissions facility in Woodside upon changes to the
licensing and no less than once every two
years. And we would conduct a safety and a
visual inspection, and upon passing that
safety and visual inspection, the safety and
emissions personnel would attach the license
which is currently issued out of Long Island
City.

And that is a brief discussion of the
inspection.

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

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

COMM. WEINSHALL: Do you fear that
if you add the FHVs, the time will go back up
MR. SCHENKMAN: No. We would do them at two distinct times of the day. The mornings would remain for the medallions, and then we would start the for-hire vehicles, at approximately 1:00 we are essentially done with the medallions, so we would do that in the afternoon.

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

CHAIRMAN DAUS: Do you have a question, Noach?

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

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

MR. SCHENKMAN: As of now, we are not planning on doing a DMV inspection on the for-hire vehicles. It is essentially you bring your vehicle to Woodside for your sticker, we would do a walk-around, we would
check the lights and basic safety items, tires. And if the tires were bald or didn't meet specifications or the lights were out, then we could bring it in and do a further inspection on the vehicle.

COMM. DEAR: What about the emissions?

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

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

MR. SCHENKMAN: Yes, emission specific stuff.

COMM. DEAR: So you will look at the
interior as well, everything?

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

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

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

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

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

But also to look at a higher standard of what DMV is doing. If you are able to actually get them on a lift and double-check and make sure everything is right I would be
in favor of that. I don't know if it is logistically possible.

MR. SCHENKMAN: I would be favor of that, too. As of now, when a yellow medallion cab passes its TLC inspection, I consider it one of the safest vehicles on the road in New York City, just by way of how many points we check and how thorough our inspection is. We have all seen some of the conditions of for-hire vehicles out there, and I would love to feel confident and say: I can get into any car and not have it go down the road sideways.

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

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

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

MR. SALKIN: There are two things that Peter is going to be doing that I think is important to note. One is we are proposing just actually seeing the physical vehicle, we think that will go a long way to sending a message to the livery industry that we do
actually care about the quality of the vehicles.

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

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

COMM. DEAR: What is interesting is, as I have been reviewing some of these base licenses, I realize how little we did as an agency in seeing what the operation is all about and what they do. I have always been complaining that you have some cars that look like they came out of Baghdad, that were
recycled Baghdad taxis that came here. And we were going into these cars. Forget about the straight plates and the illegal plates and all that stuff, everything that is going on. I am talking about cars that are supposedly licensed by us, so technically we have a liability, because if, God forbid, someone gets hurt in one of these cars, they could technically come back to us and add us into a lawsuit because we gave them an imprimatur that they are allowed to go out, we gave them a license to go out and do what they have to do. I am surprised we give them a sticker, we don't put the sticker on so we don't even know what the car looks like.

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

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

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

And the settlement in federal court resulted in a consent decree which we are still bound to today, which made it clear that the yellow cabs have to be inspected three
times per year today at our central inspection
clear that the FHVs must be inspected three
times a year but at a facility outside any DMV
inspection facility.
I think this is the first step in
terms of starting to deliver on some of the
promises that we made to the public and the
industry to clean up this industry, make it
better. When you look at the horrendous
records of some of the bases that we have been
seeing, it's our hope that the improvements
will not only be in the management of the
bases that we have been trying so hard to do,
but actually the quality of service. Not just
the safety but the aesthetics.
I think it is almost the broken
windows theory of government. The broken
windows theory is that when you see broken
windows, graffiti, it speaks volumes to a
city. Well, if you look at the livery
industry, there are many, many bases out
there that, unfortunately, look like they have
cars that are falling apart, they are dirty,
they are messy. Yes, you are paying less and
it is economical, but is that really the
baseline that we want as a regulatory agency
is the question.
And this is a first step, I think,
for us to try to raise that bar. And I agree
with Iris, there is no way that we could have
gotten to this point where we could actually
bring these large number of cars into our
facility with not only the man and women power
that are working on the lanes, but also in
terms of the infrastructure, if we didn't have
a lot of the administrative reforms that we
have had over the last few years.
So I want to thank Peter, and I hope
this is something that the Commissioners
receive well in light of our many
conversations that we have had about this
topic over the last year and a half.
COMM. DEAR: I would like to add few
things. First of all, I am glad finally that
we are moving in this direction. I have been
screaming about this since I am in this
Commission, about we have done so much for the
yellow, but we pay no attention at all to
liveries and we just let them operate, for
whatever reasons.

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

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

In addition to that, the markings. This is identification. This is very important. It should be in the car, who they are. And also I would add, like we have in yellow taxis, if you have any complaints against the driver or the base, call 311. I want people to know that these are not just
any car, it's regulated. Because it is interesting, now if
call a livery car and someone shows up, he
just puts a thing in the window like a
temporary plates, anyone can have that plate.
They don't know to look for the diamond, but
if the marking is on outside, it's there,
inside he sees three licenses. I would
display everything. And there is 311 that he
has to call. An official something saying
this is an official car, that we know we can
bring us closer to a better --
MR. SCHENKMAN: That also provides
for safety for the passengers getting into a
licensed vehicle.
COMM. DEAR: Absolutely, because
right now, as I was visiting some of these
base stations, a guy came to me, and I know he
will reach out to you, because I told him to
do that, to all of you. He was crying to me.
He is a legitimate guy, ten cars, he is
working hard. He says, come here between 4:00
and 6:00 and you will see what goes on in the
streets. Forget about straight plates, they
are coming from Florida, from Carolina. They
are coming from all over. And it is getting out of hand and we have to do something about it. He said, "I can't compete." And it's interesting, we talk about insurance, he dealt with all the issues because he is a good, good base station. We have to encourage people like that.

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

And if there is a complaint against them, and also it will stop us, I wouldn't be surprised if somehow they play shenanigans, that when a base needs 10 vehicles, they play each other off, one week it is this place, one
week it is another place, and how do we know?
   But with this, it's in there. You
can't switch around every day.
MR. SCHENKMAN: We have gotten
nothing from praise from PD on this also
because the markings help them also.
COMM. DEAR: Right.
Now, one other thing I want to make
sure, and this is something I know you didn't
talk about, but you are obviously telling us
the age of the vehicles and how many miles
they have. I would like to talk about
implementing an age on vehicles, retirement of
vehicles. I would love to do that.
Then what happens is only serious
people will go into the livery business. What
I am trying to do is, if this is a form of
public transportation in the other boroughs
where taxis don't go, taxis go all over, if
it's another way of getting vehicles on the
street, good. But they have to be someone
that's committed to it. Then if you get that,
if you start putting in these regulations,
then you will see people who will be committed
solely to do this, and not to have any other
ulterior motives of why they have a livery service.

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

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

COMM. DEAR: I think we should also talk about cars, which ones we would recommend. Start encouraging hybrid cars.
CHAIRMAN DAUS: Maybe we can take a look at that as part of the analysis.

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

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

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

COMM. DEAR: I am sorry that
Commissioner Arout is not here today because this is also a pet peeve of his.

    CHAIRMAN DAUS: Absolutely, he is going to like this.
    MR. SALKIN: Is this a fair --
    COMM. DEAR: I want you to go further.
    CHAIRMAN DAUS: We are going to look at vehicle retirement as well.
    COMM. DEAR: I want to bring the standards as high as we can, almost in par to the yellow medallions, without color.
    MR. SALKIN: What we will do is we will start with what we proposed today and we will keep going.
    COMM. DEAR: Just one last thing, I wouldn't mind also somewhere also the sign: This vehicle is not allowed to pick up people off the street. I would love that to be somewhere, in the license, inside, outside, so everybody knows it is not a --
    MR. SALKIN: That's is certainly some of the feedback we have gotten from especially the yellow industry, and we have some good ideas on that as well.
COMM. GONZALES: The only other thing I would like to add is just to get some feedback also as well from the industry itself, just so we have a better chance getting a buy-in.

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

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

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

MR. SALKIN: Yes.

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

MR. SALKIN: More feedback always makes better rule making, so that's great.
CHAIRMAN DAUS: Great, I would like to move on to the next item because we may be losing our quorum if we don't very quickly look at this.

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

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

COMM. DEAR: I do.

CHAIRMAN DAUS: What are your issues?

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

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

He says, "one second."
Then I said, "could I have a car?"
"The person in charge is not here.
My boss is not here. So have a nice day." So
I don't know what the intention here is. I
would like to lay it over one more time.
COMM. WEINSHALL: I don't know if
Andy is still here. Can we get Andy back in
here. I don't know where he went.
Andrew, we are talking about
Commissioner Dear's favorite car service.
Would you please fill the Commissioner in on
what you found out so that we can put this
issue to rest?
MS. MEYERS: Enforcement did visit
on a couple of occasions. They did call once
and had the same situation where there were no
cars driving at that time. But when they did
get a car dispatched to them, it was current
and it was affiliated with the base.
We do also know that not all base
stations function the same way. Not all of
them function 24/7. Some of them do limited
business.
MR. SALKIN: In this case what we
found, just so the Commissioners know what was
found, the base itself occupies a desk inside another business, it's a brokerage. And there is a gentleman who does dispatching. And when he is there, he dispatches, and when he is not there, he doesn't dispatch.

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

But as far as the rules are concerned, this base meets all the rules, and, again, staff is bringing it up for recommendation. It may not be the most publicized, the most popular base and always open, but the rules don't say you have to be the best. It just says you have to follow the rules.
CHAIRMAN DAUS: With all due respect, Commissioner Dear, I think we all, and I am sympathetic to some of the concerns that you are raising, but to the staff did a great job. They went above and beyond to make sure that this base applicant complies with the rules.

COMM. WEINSHALL: It complies with the rules.

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

I think those are valid issues that we should look at, but I am very comfortable voting on this base based upon the existing laws and rules. And I think the staff really spent a lot of time looking into this, and we are glad you are out there looking at these things and pointing them out. That was a good exercise, but at the end of the day, I don't
COMM. WEINSHALL: Andy, as part of looking at all the TLC's rules and regulations, will you also be looking at the rules governing the FH bases as well? Will that be part of this process?

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

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

The other thought has always been kind of a hands-off approach by the
Commission, let the best base survive, let the bases establish a brand, let the bases do their own advertising, let the bases do their own outreach in their neighborhoods and the basis that get the best outreach and so, they are the ones that get the best business and they are the ones that stay in business and get the best drivers.

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

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

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

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

And let me just state one example. I raise another issue. I went into another base station and I see the cars are parked all over
the place in front of the base station. I said, "What's that all about?"
   "We are allowed to."
I said, "Where is your garage?"
Well, it is a mile down.
"Okay, why aren't you waiting over there?"
They said, "We don't have to."
And I went back to Matt about this, and Matt said they may be right.
I said, "What are you talking about? That's my law. That's why we passed that law.
My law says that that's why we have the garages." The whole reason was people were complaining, because at that time the TLC was doing nothing, during the time I was in the Council, and people were just parking their cars in valuable, good spaces where people were trying to shop. I will tell you where they are right now. And they are not supposed to park away from the base station.
MR. SALKIN: I think you raise some really interesting points, and I think there has been a long-standing community feedback that we have been getting about how cars are
stationed in commercial districts throughout the city.

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

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

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

There is a provision that you cannot double-park. The base is accountable for double-parking, illegal parking on the block that the base is located. But if they are
legally parked on the block --
COMM. DEAR: Taking meter spaces
away?
MR. FRASER: That may well be.
COMM. WEINSHALL: Whatever the meter
space regulation is, they can use it for that
period of time. They can't feed the meter,
that's illegal. That's a different issue.
But if it's an hour parking, they can park
there for an hour.
COMM. DEAR: They were complaining
to me and the Council at that time --
COMM. WEINSHALL: Noach, with all
due respect, and your former counsel is here,
it seems to me that the law you passed has a
hole in it.
COMM. DEAR: You are reading it with
a hole. The law was not written with a hole.
COMM. WEINSHALL: I am not a lawyer,
so I am not interpreting it. You passed the
law, he is interpreting it.
COMM. DEAR: Let's not talk about
interpretation.
CHAIRMAN DAUS: Noach, with all due
respect, we may be losing our quorum, so
unless we have issues with other bases, could
we vote on the other bases at least?
COMM. DEAR: Yes, I have no problem.
What I want from here is I want a
commitment here. I want to talk about it.
Because in reevaluating all the other things
you are doing on the base stations and the
livery cars, I want to reevaluate these issues
as well. What kind of car service can you be?
I want it to be a real car service, not some
phony type of thing.
COMM. WEINSHALL: May I make a
suggestion, Mr. Chairman. I think the
Commissioner has a lot of concerns. I think
that, clearly, the staff needs to start
looking at this, and I think we have to come
up with the frame work on what you are going
to look at and how you are going to look at
it. Because this is a huge undertaking and
the staff is working on a lot of other things.
So why don't they get back to you in
a few weeks and we will come up with a frame
work on how we are going to look at this? Is
that fair enough?
COMM. DEAR: Yes.
CHAIRMAN DAUS: That is a good suggestion.

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

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

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

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

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

MR. SALKIN: We absolutely do that.

MS. MEYERS: We absolutely do do
that and we have always done that.
CHAIRMAN DAUS: I don't think there is any question that there is a lot of work to be done in this area. Like Commissioner Weinshall has stated, there is a lot that we have been talking about. We need to now prioritize. So the staff will do that, along with standards for base license approval, which we have been talking about for a while. The presentation that we just had today about inspections.
I think we need to lump this together and come up with a strategic plan on when we can all of this done because it is a lot. If we just put Adams aside for a second, because that was the big issue, are there any other issues on any of the other bases that are being proposed today for approval?
(No response.)
CHAIRMAN DAUS: Okay, if there aren't any, could I have a motion to approve those bases.
COMM. WEINSHALL: So moved.
CHAIRMAN DAUS: A second?
COMM. GONZALES: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Now on Adams, do we have a motion to approve Adams?

COMM. WEINSHALL: So moved.

CHAIRMAN DAUS: Do I have a second?

COMM. GONZALES: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Any opposed?

COMM. DEAR: Yes, I am.

CHAIRMAN DAUS: All right, so we have four to one. I have spoken to counsel, Chuck Fraser, and right now it doesn't carry and it is not an application that is approved. But I would like to bring this back on the agenda and talk about it at the next meeting because Chuck needs to get in touch with the Law Department, since we do have a quorum, there is a question as to whether four of five votes carries this application. And he is going to double-check that and get back to us. So I would like to bring Adams back up for discussion at the next meeting, okay?
MS. MEYERS: Okay.

CHAIRMAN DAUS: All right, do I have a motion to close the meeting?

COMM. DEAR: So moved.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: So closed. Thank you.

(Time noted: 10:55 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