NEW YORK CITY TAXI & LIMOUSINE COMMISSION
PUBLIC HEARING

Held on Thursday, January 20, 2011
40 Rector Street
New York, New York
Time: 10:00 a.m.

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APPEARANCES:

COMMISSIONERS:

DAVID YASSKY, Chairman
HARRY GIANNOULIS
ED GONZALES
MARK GJONAJ
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CHARLES FRASER, General Counsel

SPEAKERS:

GEORGIA STEELE-RADWAY, Licensing Division
RICHARD THALER
DEPUTY COMMISSIONER PANSY MULLINGS
GARY ROTH
MR. YASSKY: Good morning. I was just telling somebody I had to go to the dentist this morning and it turns out I'm going to have to have a root canal, which I figured I would share with everybody just to cheer you up.

(Laughter)

MR. YASSKY: So, we have some policy issues including obviously the Mayor's announcement yesterday, which is of great interest in this room and beyond, that I want to address. But first, well, a couple of housekeeping things. But even before the housekeeping I want to just start out with reporting the sad news that many in the industry know already that Alan B. Decker passed away earlier this month. Of course, as all of the industry folks here know, Alan was a well-respected, long time industry attorney, publisher of the Mini Press, which, in kind of keeping with the fundamental ethic of the industry, I think he, you know, continued to do in the classic way, printing out much of it himself, and it certainly
carried his voice clearly and powerfully.

It says here, and it's true, Alan often was described as a curmudgeon, but certainly in my experience he was a person of a good heart who cared very deeply about this industry, as deeply as anyone. So, I just note his passing to the group.

I also want to, as I say, some housekeeping items, most of you know I think already, but the TLC office here at 40 Rector Street -- we have three locations as you know, Long Island City, Woodside, Queens and here at 40 Rector Street. The staff who are currently located here will be relocating to 33 Beaver Street at the corner of Broad Street on Monday, March 21st. If I could do three route canals instead, I would do that, but we have no choice. It's a good thing because I think our new space will be perfectly suited for us. But a move is such a disruptive project.

But the staff is already -- for people who want to make sure that we will continue to function smoothly, I'll tell you we have
been preparing. We have been purging, we've been going through files to make sure they can be transferred easily. The staff has been just tremendous about it. But I'm telling folks here so you'll know that these offices here -- this does not apply to Long Island City and Woodside -- but these offices here will be closed to the public on Friday, March 18th in preparation for the move. And the entire week of March 15th leading up to the move, you know, you may find that the staff here is not running at full capacity in terms of our ordinary business because preparations for that move will be taking much of people's time. So, if you have business at 40 Rector Street that has a deadline during the week of March 15th, I would ask you to think about taking care of it ahead of time. And for Commissioners, in order to work around the move -- we have a, as yet unfinished but will be quite gorgeous, new space for the Commission meetings at Broad Street. In order to work around the move
schedule, the March meeting, rather than the third Thursday of March as is typical, we will schedule for the second Thursday, March 10th. We will send around an email of course. Why don't we do it today, Brian, and, you know, a few times between now and then, just to remind people. And I would ask you to hold March 10th, Thursday, available.

By the way, speaking of which, in light of that, in looking at our agenda, it's my expectation, I would say this is 98 percent -- we will confirm this within the week -- but I'm '98 percent certain that we will not have a February meeting. There's nothing that I think is sufficiently urgent that we need to do in February. We have a fair bit of business we will do in March, but giving that we are moving it earlier, it's my plan not to do a February meeting. So, our next meeting would be Thursday, March 10th, that's my expectation. Leaving a little bit of out room, let's commit that within a week, we will confirm that with the Commissioners.

After we move, although we are planning
on being open for business on Monday, March 21st, again, even not just the week before but the week after I would ask in advance for your forgiveness if a phone call is not returned as quickly as it ordinarily would be, because both the week before and the week after we expect to be preoccupied.

Couple of things: First of all, for the livery industry, fares, as you well know, fares in the livery industry are not established by the Commission, they are established by the marketplace. However, there is a requirement that you must file fare schedules with the Commission. And this came up, it comes up routinely, but it came up with particular frequency during the snowstorm at the end of December, because we had a number of reports of price gouging. We had some reports of price gouging in the yellow taxis, which of course that is actionable by the Commission. The metered rate applies at all times. I'll get to that in a moment.

But the livery industry, price gouging
is a more complicated concept because there is no fixed price that's set by the Commission, as you know. However, fares charged must conform to the file tariff. So, if bases have special snow rates or any deviations from the rates that they file, that must be part of the filing too. In other words, if you ordinarily charge $10 for a ride within the neighborhood as you have defined it in your fare schedule, if it is different during the snow and you don't say that on what you filed with us, then that would be actionable. So, what I would just ask you is include that in your filings.

LISTSERV, some of you know that we have an electronic notification system available through our website where you can register to receive email notices of TLC news. I'm just reminding you of that, and I encourage you to sign up for our LISTSERV to receive industry notices and other TLC news that way. We have seen pretty steady increase in that and I think it's a handy way to get information out there. I will give an example: When we
canceled during the heavy snow, when we
cancelled inspections, our inspection
schedule, we put that out over our LISTSERV.
For people who were signed up, then they will
get that right away. If you're not, you
know, you may not get it so quickly.

So, for people who need to know when the
TLC has an industry notice, a notice of
change of our practice, if it is something
that you think will be useful for you to know
immediately, please do sign up for the
LISTSERV. That, I think takes care of the
housekeeping.

Before we move to Commission business
for today, I do want to note, as everyone in
this room knows, yesterday, the Mayor
announced in his State of the City Speech a
proposal that I think will be of great value
to the City of New York, but I do not
underestimate in any way the complexity of
implementing it and crafting it so that it
can be done well and most effectively both
for the public and for the various segments
of the industry we regulate here. The core
of the proposal is to allow cars that are not yellow medallion taxis to accept street hails outside Manhattan. And I will describe, but I thought it might be best -- there was a news report, many news reports covering it, I only caught a couple, but I want to show the Channel 5 one just because I thought it summarized it quite nicely. Can we do that?

(Whereupon, a televised news report was presented.)

MR. YASSKY: So, I thought I could summarize it, but rather than having it in our words, there are really two key facts that I think underlie the administration's desire to move forward with this: The first is what they report in that story, the fact that 97 1/2 percent of all yellow taxi trips either originate in Manhattan or at the airports. Now we have the GPS data, so we have numbered, but this is not news to anybody, and we all know that yellow taxis aren't cruising for passengers in the boroughs outside of Manhattan. I'm not saying never, there are a handful of places
where it is, you know, not uncommon. But for
the most part, you wouldn't find yellow taxis
cruising for passengers outside of Manhattan,
and nor should we expect them to, because the
density of demand in midtown is so much
greater than it is going to be outside
Manhattan. That's fact one.

Fact two is that there is substantial
demand for street hail service outside
Manhattan -- and I don't know what slides are
up. Okay, here we go. Again, this is
something that every New Yorker knows without
needing to be told, but if we won't, we can
generate the data to prove it, and we have
done that. These are just some of the
observations of TLC folks of illegal street
hails except for Staten Island where it is
not illegal anymore at the ferry terminal.
But, you know, up to 65 an hour, that would
be one a minute at Coney Island at the end of
the subway line. Again, no surprise to
anybody. People who live in Brooklyn,
Queens, Bronx, Staten Island, will often want
a cab just like people in Manhattan. And if
you put those two facts together, I think at least to me, the policy implication is clear. We need to do something to enable people outside Manhattan to have access to the same kind of service that people in Manhattan have. And I will say, it is kind of telling to me that in talking to folks in the industry, I really have not heard anybody tell me, argue against either of these two facts. Nobody thinks that the yellows are outside Manhattan in significant numbers. Nobody thinks that there isn't a significant amount of demand. So, then the only question is how do you go about meeting that demand. And the reality is, as they say in the report, that today it is met largely through illicit activity, vehicles either licensed livery or black car vehicles or wholly unlicensed that do pick up people. I will tell you, it was an interesting kind of disconnect for me, within the industry, as I know this is regarded as a giant step and it should be and I understand why. And here at the TLC we appreciate the significance of the
At the State of the City Speech yesterday, after the Mayor's speech I probably talked to three, four dozen council members, neighborhood-type, community board-types who would be at a speech like that, and what struck me was that how they didn't regard this as a big deal. The reaction was either, "Well of course, it is common sense. In my neighborhood, I never see a yellow, it would be great to be able to hail a cab, or, "What's the big deal?" As one reporter who lives in Carol Gardens said to me, "Isn't this legal already? I flag down black cars all the time in my neighborhood."

And, you know, I suppose, one could take positions, "Well, that's fine. Status quo is just fine," but I don't think -- I mean, I don't think we ever want to be in the position to say it's okay to turn a blind eye to what's on the books as illegal, and the reality is it would be a better service for people if it was regulated, if it was metered, that's a big part of what makes the
yellow taxis so attractive to people, that
they don't have to haggle and negotiate the
fare every time they flag down a car, if
people could easily identify a legitimate car
and distinguish it from illegitimate. So, I
think there are substantial gains for people
outside Manhattan to be made by turning this
illicit market and underdeveloped market into
a robust, healthy and legitimate market.

Now, I mean, one reason I like that
report is the driver at the end. I want to
fully recognize the concern among people in
the yellow industry, drivers, owners, both,
about the impact on the industry. At 2 1/2
percent of trips, the reason that we felt
comfortable putting this proposal forward
when one of our primary fundamental goals is
to protect the health of an industry that is
indispensable to New York City, the yellow
taxi industry, that 2 1/2 percent number is
the fundamental reason we feel comfortable
putting it forward. It is not a significant
part of the business of yellow taxis today.
And you know, even if you thought that every
one of those 2 1/2 percent of trips would be lost, which I do not think that would be, you know, swamped by the ordinary fluctuation in the marketplace.

We have one more slide. The medallion sale prices from 2001 to the present, those are real dollars, I don't know if it says it there, those are $2,010. You know, even in the midst of the recession medallion values have continued to increase. I understand the point made by the driver in the end of that report, and we are greatly focused both on the health of the industry from the owner perspective and the viability of the driver profession and the ability of drivers to earn a living, and so we want to make sure that this is crafted as carefully as possible.

The facts just don't bear out the claim that this will have a material impact on the yellow industry. That's why we felt comfortable going forward. I just want to kind of get some of that out there.

Last couple points to make clear: This proposal would change not at all the rules
for dial-a-car service, and we fully expect, I certainly expect and I think people think about it, that the vast bulk of the trips outside Manhattan will continue to be dial-a-car trips. Much of Brooklyn, Queens, much the boroughs outside Manhattan simply aren't really suitable for cruising for passengers. People are not going to be driving the residential neighborhoods of Mill Basin and Sheepshead Bay looking for trips. People in those neighborhoods will still rely on dial-a-car service to be sure and will cause zero change. Any base that wants to continue doing business just the way its doing today, absolutely has it. No base would have to participate and no livery car would have to participate in street hail if they don't wish to. Entirely voluntary. That's part one, and that's important.

And the last point I'll make -- I know I went on for some time -- is about enforcement. The one thing that we have heard consistently from prior to this and certainly over the last couple of days from
people in the industry is the need for more enforcement and more aggressive enforcement. And when we do, when this goes into effect, absolutely the enforcement responsibilities will increase by orders of magnitude. One industry person said, "You are going to need four times the people you have now," I agree with that absolutely. And we have not just every intention, but I don't think we can move forward without increasing our enforcement capacity quite substantially. We are already starting to do that. We have hired 16 new inspectors. They have to go through the process and whatnot until the Mayor changes the civil service rules, and it takes two months longer than it should take, but you know, they should be out there in the next month or so. When they are absorbed, and we can prove to OMB that there's still more work to do, then we'll go for the next round. And that's why we're investing in the handheld devices. That's why we're spending a substantial sum of money for handheld devices so our enforcement officers can be
more productive in the field and issue more illegal street hail summonses. So, I do want you to know that we fully agree with you on the need for enforcement that this proposal creates.

I don't want to delay our business further, you know, Commissioners, presently my remarks here were for your benefit as well as for the public's. If people wish to -- I don't want to have taken all that time and then, you know, kind of stifle comments if there are, but there will be plenty of opportunity for debate as we move forward.

This proposal, to be clear for people, needs to be approved by the City Council. So, there will be an entire legislative process, and I fully expect -- I mean, let me tell you the last thing about, I guess, the timing of it, is what I articulated as the core principle that people outside Manhattan have got to have access to service as people in Manhattan do, that's the core principle. How to get there? I think that on many of the important details here, and I say details but
they are important; liveries pickup at the airports, should they be required to affiliate with a base; do they have the same inspection schedule as taxis or as liveries; there are dozens of important details. And while the administration's proposal of course will be complete on these details, I want to engage fully with all stakeholders in discussion about them, and I regard the administration's position as understanding full well that stakeholders may think that some of those questions should be answered differently than in the administration proposal, and may well be right and probably are right on at least some of them. So, what I'm saying is even with the people who I know will never support this proposal and I know that many in the yellow industry simply will never agree that this is a good idea, I intend to and will fully engage with you on the full specifics of the proposal, the administration will hear what you have to say and we want to work with you because that will make it a better product irrespective of
whether you support it in the end or not.

So, Commissioners, if anyone else wants to say something, feel free, otherwise we'll move on. I see that you have your hand up. 

As I say, there will be a lengthy process here, and I wanted to make sure that you in the industry are fully informed, and, so, we're not going to have public discussion of this at this point.

So, we'll move on with the agenda. The first item is adoption of minutes from the weighty to the mundane. We have two Commission meetings, the meeting of December 16th and November 18th, the minutes of which have been distributed. Is there a motion to approve those minutes?

MR. GONZALES: Motion to approve.

MR. YASSKY: All in favor say aye.

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Opposed, no?

(No response)

MR. YASSKY: There are none. The minutes are adopted.

We have a list of base applications for
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approval. Georgia, you are here. You are still performing double-duty.

MS. STEELE-RADWAY: Good morning. Licensing would like to present before the Commission 38 bases with a recommendation for approval.

MR. YASSKY: I'm sorry, for the new and renewals, I'm sorry, is there one removal for that?

MS. STEELE-RADWAY: There are three bases that are not listed on the agenda, but those are actually for denial.

MR. YASSKY: Okay. Is there a motion to approve the new and renewals?

MR. AROUT: Make a motion to approve.

MR. YASSKY: In favor, say aye.

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Any opposed?

(No response)

MR. YASSKY: The motion to approve the new and renewal applications is adopted.

And Georgia, on the denials?

MS. STEELE-RADWAY: There are three bases that Licensing is recommending for
denials: That is B02332, B01716 and B00652 they are not listed on today's agenda, but they are before the Commission's review, they have been notified by mail that they are being recommended today. With that in mind, I would like to request that they be granted an additional 30 days to submit the outstanding items.

MR. YASSKY: I move that we adopt your recommendation.

All in favor?

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Any opposed?

(No response)

MR. YASSKY: So, again, that motion is adopted. Thank you, Georgia MS. STEELE-RADWAY: Thank you very much.

MR. YASSKY: We have two public hearings. There are two action items that require public hearings today. General Counsel will present each in turn.

MR. FRASER: The first one on for public hearing is called License Process. This pertains to a number of aspects of our
processing of license applications including renewals, the changes and points in the proposed rule are summarized in the statement of basis and purpose. I won't go through them, there's a number of them. I will say this: that in reviewing the rule and the comments -- well, the discussion, not comments, because we received no formal comments -- we discovered an issue that we need to think further about, and that is the deadline we set for completing a renewal application. So, in light of that, we have decided to present this rule and conduct a public hearing but not to vote on it while the staff thinks about the possibility of further change to that particular provision.

We've published for comment, we've received no written comments and nobody has signed up to testify.

MR. YASSKY: That is unsurprising to me in that these are, I'm not going to say administerial, but these are fairly technical items. So, then, the second item.

MR. FRASER: The second rule for public
hearing is a rule that would require all licensees to maintain their mailing address on file with us and business licensees to maintain an email address on file with us. We published this for comment and we received one written comment and that commentor has signed up to testify today.

MR. YASSKY: That commentor is Richard Thaler, so, please do come up. While you're coming up, I wanted to say this to the Commissioners: I hope to get to the point where we can do much of our work by email. We spend more than we need to on paper, printing and postage. And, you know, in 2011 we can be more efficient by communicating by email. We recognize that certainly among the driver population there are many who do not have regular email access, so, we will never do something that means that somebody without email access is prejudiced obviously.

We also have our own capacity issues. So, accepting and using the email address for communication requires IT work. Our understaffed and overworked IT department can
only do so much at one time. My original hope was to require all licensees to submit email addresses to us. We realize that, in truth, we are not going to use them for the drivers, at least in the near term. So, rather than require it, this proposal simply requires business licensees to give us their email addresses and then we can begin to shift over to have some communication by email rather than by mail.

With that introduction, yes, Mr. Thaler?

MR. THALER: Should I ask you, the Commissioners, that consistent with your remarks about the email address for drivers that do not own a car, if you look at the license application for the various driver types, Section 3 clearly states that the email address is optional. What I was going to suggest for the benefit of drivers, all drivers, and for the benefit of the Taxi Commission, it would be very convenient for drivers to have an email address. So, what I suggested, because this is kind of the thing
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we host, that a standard format be optionally suggested for drivers that could sign up for it. The standard format would be the drivernamethelicensenumberetaxinewyork for medallion taxi drivers, and the same @FHV for livery drivers. It would just make it easy for any information management for searching and retrieval. It would just make it easy.

And if the driver has a personal email address, the system can send an alert that this formal taxi relevant email address was sent so they would have an alert to take a look at it.

In a related matter, we have been using a text messaging application. Many times of course drivers are not on duty and they don't have access to the TPEP system. So, we have a simple application that's been used for several years at various industry segments where it's a web application, you come to the application, if you are an authorized originator you put in the subject and the message body, and it would be based on the database of members that signed up for this,
and they would have to register their cell phone number and their carrier, and it would being like an instant message to their phones. And I think it would be a very convenient benefit for this purpose.

MR. YASSKY: Thank you, Mr. Thaler. On one hand, of course, we don't want to require participation with any particular business, you know, unless it is Microsoft or whatever I guess.

MR. THALER: Why Microsoft?

MR. YASSKY: No, we don't want to do that at all. But on the other hand, we certainly want to --

MR. THALER: By the way, there's no charge for this.

MR. YASSKY: Any way to facilitate our communication with our licensees we would like to explore. So, what I'll ask, if you haven't already, I'll ask Gary Weiss, our director of licensing, to take a look at your suggestion to see if there's something there that we can pursue without, you know, not by requirement but by making something
available.

MR. THALER: Thank you.

MR. YASSKY: No, thank you, for bringing it forward.

Right. So, General Counsel points out that he was expecting that we would have voted on the license process rule after the public hearing, and of course -- we're not doing that, right? Just as Chuck said, we're not going to vote today on the license process rule to take a look at the deadline question, but on the email address rule we are voting on. Do I hear a motion of favor?

MR. AROUT: Make a notion.

MR. YASSKY: Thank you.

All in favor of the rule to require business licensees to provide email addresses, say aye.

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Any opposed?

(No response)

MR. YASSKY: That rule is adopted.

Now we have six items on which there were public hearings at the last Commission
meeting but no vote was taken. Mr. Fraser, do we vote on these as a package or do you want to vote individually?

MR. FRASER: Certainly if there is no questions or issues about them, they can vote as a whole, sure.

MR. YASSKY: Okay, then let's vote on items 5-A through F in the agenda: The Commuter Van Passenger Bill of Rights; the license transfer fees; vehicle inspection fees; forms of payment and bad check fees; the Livery Workers' Compensation rules; and address requirements.

Before we vote, I'm just going to -- at the risk of repetition, because this has got so much attention and I see there are some reporters here, you know, I just want to be clear again about the dress code. Turbans absolutely are professional in dress. Any religious garb, absolutely professional. There will be no fashion police to see if drivers are, you know, appropriately fashionable, or even, you know -- the only purpose here is to, in a I think
appropriately gentle way remind drivers that
for visitors to New York City, the taxi cab
is part of the face that we put forward to
the world for business people and tourists
who come in, and for that matter, for the
driver's own business, passengers will tip
better the more congenial the atmosphere is
in the taxi. And so, to remind drivers that
appearance is part of the professionalism of
the taxi cab, and I say that knowing that
drivers take their jobs extremely seriously,
work extremely hard, and really don't need
much of a reminder at all.

So, with that, do I here a motion on
that package of rules?

MR. AROUT: Make a motion for package of
rules.

MR. YASSKY: All in favor, say aye.

THE COMMISSION: (In unison) Aye.

MR. YASSKY: All opposed?

(No response)

MR. YASSKY: Those items are adopted.

Commissioners, we are now -- well, it's
not so late. We have two staff
presentations. The first is Deputy Commissioner Pansy Mullings will present a project that has been underway here at the Commission for a bit. She will explain it, so I wouldn't anticipate it too much, but this is an idea that we at the staff are enthusiastic about but it is significant enough that I didn't want to present it and vote on it at a meeting, it takes some digesting. So, she will have the staff presentation. We will have some time to chew on it, with the expectation that we will vote in the spring. Deputy Commissioner Mullings?

MS. MULLINGS. Good morning, Commissioners. Basically we reviewed any violation that received 50 or more summonses in the last calendar year, as we reviewed the fines, decided whether some of them needed to be decreased because its significance wasn't as important anymore; increase some because it wasn't a sufficient deterrent, there could be issues of safety, consumer protection; increase certain minimums to more reflect the
appropriate enforcement or administrative
cost; and modify some so that there be
consistency across all our licensees.

We also want to, where possible,
eliminate range fines so there would be more
consistency in the assessment of fines, and
then we wanted to look at the possibility of
creating a creep fleet fine and a post-
hearing fine. It is somewhat an incentive in
some ways to plead guilty if you were in fact
guilty, and this way it would help us to
reduce more personnel and resources costs
that are needed to do hearings. This is a
process currently done by Consumer Affairs
and also the Environmental Control Board.

MR. YASSKY: And of course prosecutors
throughout the country that plea bargain.

MS. MULLINGS: For some fines we looked
at, for example, the unauthorized entry on a
rate card the current fine is $100, and our
proposal on that one would be to reduce it
for if you you're pleading guilty before a
hearing $50, and then keep it at the $100
range if you went to a hearing and were found
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guilty.

On the operating for-hire vehicle without the permit or copy of the permit in the vehicle, the current fine is $250. We felt that fine was probably too high so we reduced it to $100 if you plead before a hearing and $150 after a hearing.

The commuter van pickup at the bus stop, that was another one we reduced.

On the failure to comply with TLC communication directives, the current fine is $200, our proposal was that the plea of guilty would be 200, 300 if found guilty after a hearing. This, and my other head who is in charge of consumer complaints, this is a particular problem when we ask information about drivers and we don't get it back and it delays our ability to process complaints. So, generally this is when we're asking for information and there's a reason we need the information which is why we wanted to raise that fine.

On the issue with E-ZPass, even though we have been issuing violations and we have
made various announcements about it, the issue has not gone away and this is the case where we felt to increase fines maybe will help people comply.

The paratransit bases, even though the electronic trip sheets has been in effect for close to a year and a half now, there are still bases who haven't supplied it, and therefore, we felt that the fines should be increased.

The for-hire vehicles not having cameras, we felt this is a rather important safety issue and that we're still finding noncompliance, and therefore, maybe an increased fee after a hearing would help.

There were some fines that were $25 that we just felt that $25 did not cover the administrative and the whole process, so there were fines that we raised to $50 and after a hearing to $75 and that included unauthorized markings or advertisements and the cab's interior or exterior not being clean, the operating of a commuter van without a manifest.
MR. YASSKY: Thank you. And Commissioners, before you ask Deputy Commissioner Mullings your questions, to summarize, this started out as a comprehensive review of the fine structure to, overtime, you know, starting when I got here really, I would get suggestions from one or another of the staff, I mean from the Deputy Commissioners or other staff saying, "This fine and this fine, same behavior, but FHV it's punished differently than taxi," or, "These are two things. This one is more serious than the other but it has a lower fine," and after collecting 10 or 12 of those, I felt we should do a comprehensive review, I asked the staff led by Pansy to review, take a look at the entire fine structure to eliminate inconsistencies or anachronisms, they did that. They came back with a full list of proposed changes, some of which were highlighted as examples here, but we will be circulating shortly the full list to you so you can take a look.

At the same time, while that was
underway, the staff, Deputy Commissioner Mullings and Deputy Commissioner Scanlon, had I think the very terrific idea that we should do what other enforcement agencies do and essentially provide a plea bargain opportunity where people can get a reduced fine if they waive the hearing. Saves them time, saves us administrative costs, allows our enforcement folks, rather than being maybe two days a week in summons hearings, to be at the full-time or as close to full-time as possible out in the field issuing summonses against the illegal street hails. So, I thought that that was a good idea.

That is a substantive change, that's a policy decision, so, you know, that is something that you will need to and want to chew on and weigh. There are arguments for and against plea bargaining, so I highlight that to you as the policy component here. I think the fine structure is also policy, but those are the two separate issues. So, please, your questions.

MR. GONZALES. Yeah, this is overall one
of the things I think would help me to understand this as well as the use of examples here, kind of give some more data on like the significance, like number of violations and things like that.

MR. YASSKY: That's an excellent idea.

What they started, and I think Deputy Commissioner Mullings mentioned this in the beginning, rather than look at all the entire rule book, they took fines for which more than X summonses had been issued in the last year. And X is?

MS. MULLINGS: 50 or more.

MR. YASSKY: So, we narrowed it down to those. What we can do is provide that chart for all proposed changes. I suppose we could do it frankly for all provisions where 50 or more summonses have been issued in the last year, the current structure. And again, some cases it's a set fine, others it's a range and not necessarily any kind of sense behind which there was a range and which there wasn't, how many violations, current fine structure, and proposed. And we will
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circulate that.

MR. GONZALES: One of the things I guess also with that data is maybe just to establish a baseline. So, can we assume for a second that these rules get presented and they are adopted; can we establish a baseline now let's say a year from now so we kind of have something we can compare it to?

MR. YASSKY: That's a great idea.

MS. MULLINGS: We actually have the charts that we can provide for you. We use it to look at it.

MR. GIANNOULIS: So, when were these particular fines last increased, do you know?

MS. MULLINGS: I think for the for-hire vehicles it was part of the last project. Some of these rules I think date back to the '70s when we looked at it.

MR. FRASER: There hasn't been a comprehensive review of fines as far as I can tell for at least 15, maybe more, years. But individual fines on individual initiatives have been changed over time and there would
MR. YASSKY: Let me ask though -- again, the legal staff like the Mayor's staff is understaffed and overworked -- can we add to that chart, for the Commissioners' benefit and the whole benefit, the date in which each fine level was last set?

MR. FRASER: To some degree we can. The problem is that the original publication of the rules was 1992, and before that it is extremely labor intensive to figure it out.

MR. YASSKY: So, Commissioners, would it be acceptably useful if it said, you know, "Current, $100" and then in parentheses either "1998," "2004" or "1992 or before"?

MR. GIANNOU LIS: Make it simple, five or ten years. I mean, I'm fundamentally interested in were any of these increased in the last like two years, three years or one year, that's my basic question.

MR. YASSKY: I understand. So, we'll include that and let's circulate it.

MS. MULLINGS: Just to answer you, there were some fines with the FHV s where we felt
they were too high so we're actually reducing them.

MR. GIANNOULIS: None of these were --

MS. MULLINGS: These are just examples, but there are some, when you see our entire proposal, there are some where we're reducing them.

MR. GIANNOULIS: So, what percentage of the total fines that you can issue are going to be changing in some format; all of them? How many? You gave us your 20 examples or so, right? How many are you proposing?

MR. FRASER: Probably -- I don't know is the flat answer. It's probably a fairly small percentage, because the search we did, as Pansy indicated, in order to make this a project we could do sort of in a feasible amount of time, we limited it to the number of violations that had been issued 50 times or more in I think it was a two-and-a-half-year period? Yeah, Gary is shaking his head back there, two-and-a-half-year period. So, there's a very large number of rules, dress code for example, that we have not written 50
of in two and a half years, so we did not look at those. And my suspicion is, without going through the rule book and counting the number of rules, the proposal is probably a relatively small percentage of the total rules. It's intended though to be a very high percentage of the number of violations.

MR. GIANNOULIS: So, how many estimated number of violations would we have issued in that time period in specific categories? So, in other words, how significant is it that something received 50 or more violations; like in one of these categories, is there 12,000 of these violations? I'm just trying to get a sense of context.

MS. MULLINGS: I mean, some of them are 5,000. I'm just looking at the numbers because I actually have the numbers. I mean, there's some that are 54. 5,000 seems to be the highest.

MR. YASSKY: To answer part of your question is the fines they looked at, and of the ones they looked at they proposed
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changing almost all either up or down, more
up than down to be sure, but some down.
Those account for the vast bulk of the
summonses that the TLC issues. So, if that
answers your question.

MR. GIANNOULIS: Okay.

MR. YASSKY: And again, the purpose of
today, to kind of get the concept,
restructuring, plea bargaining; those are the
two big things. I wouldn't expect people to
go through one by one today, or if we
provided that, so you couldn't, but we will
get in short order the full list including
the date, how long that fine level has been
in existence and how many were issued.

MR. GIANNOULIS: One final thing. I
think one of the things that's important to
pay attention to because I see it, the City,
the Department of Finance does this with
summonses that they give delivery trucks, I
have experienced this with some of my clients
where enforcement officers game the system
basically, so, you know as part of these plea
bargains, you know, the City has that program
where if you plead guilty you agree to pay X 
fine, and what ends up happening is police 
officers just give another summons for 
another category that isn't an amenable fine, 
so you end up -- you know, trucks get tickets 
for parking in a snow zone or whatever it's 
called as opposed to double-parking which is 
actually the same exact violation but one of 
them is amenable and one of them is not. I 
assume we have redundant tickets like that, 
we should just be careful.

MS. MULLINGS: What I'm saying is 
traditionally, and I can tell in the five 
years I've been here we have not tried to 
give, you know, multiple summonses, and if 
anything, we try to control that, and clearly 
once we have the handheld device, we can even 
monitor even more.

MR. GIANNOLIS: It's not so much 
multiple summonses, but, you know, you could 
have summonses that your inspectors could 
choose which violation to issue and one of 
them may be a lower amount, the other one may 
be a higher amount, one of them you may be
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able to plead down, the other one you may
not, and that becomes just a problem for
people.

MS. MULLINGS: Yeah, I don't think our
rules have that much leeway in them luckily.

MR. YASSKY: Okay. But I appreciate
that comment, and that's something we need to
be sensitive to as an operational matter.

Any further questions?

(No response)

MR. YASSKY: Okay, thanks. Thank you,
Deputy Commissioner.

MS. MULLINGS: I would just like to
thank those people who have helped us in
finding lost property, especially during the
off hours, particularly Jean Barret (ph,)
Thank you very much.

MR. YASSKY: That is worthy of
thanking.

And so, first of all on this topic, this
is worth, as I say, I think some kind of
digesting and thinking through. So,
Commissioners, I ask you in advance of the
next meeting when you get this package,
please take a look at it and think it through.

On the lost property, we get oftentimes -- I mean, I'd say the bulk of the times -- really extraordinary assistance and cooperation from the industry in helping people locate their items. At the same time, it is again a useful reminder that you are required to have a phone number, every medallion operator is required to have a phone number on file with us. So, towards the end of last week, for example, we had a sensitive -- as you know, we have a lost property protocol so that when people leave high-value or sensitive items to them that we can identify the cab and try and contact the driver. The driver's number was not the correct number, was an incorrect number, the agent number was an incorrect number. The bulk of times we get tremendous cooperation, but please do -- and I'm guessing people in this room, they are not the ones who let their phone number change and not tell us about it -- but please try and spread the
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word. You are required to keep a current
phone number on file with us.

We have one last presentation which I
believe Gary Roth is going to do. While he's
coming up, just because Commissioner
Giannoulis mentioned the word "snow" which
triggered my memory, during the big snowstorm
at the end of December we had a number of --
it was a mess all over, nobody needs to be
reminded of that. The Sanitation Department
gave us a number of reports of taxis that
were stranded in the snow. Plenty of
non-taxi vehicles were as well. What I would
ask is -- I'm sure when you -- if it's your
vehicle or you are the agent or you are
responsible in some way for a vehicle, of
course you want to get it out of the snow as
much as anybody, and I'm sure, that -- you
know, and there were not a lot of tow trucks
to be found and the ones that were, you know,
may have had a hard time getting to the
particular vehicle, so, I understand that.
At the same time, I would just say, when, you
know, if there is another heavy snowfall and
your car or a car that you are responsible
for in some way is in the snow in the middle
of the street, you know you need to make
every effort to get out there and remove it
if possible because it blocks the cleanup
process. So, I'm not -- I know people can't
do the impossible, but I just wanted to
remind you of that.

Here is our final presentation.

MR. ROTH: Good morning, Commissioners.

My name is Gary Roth and I'm a senior policy
analyst here at the TLC. I have a brief
presentation on performance review on the
group rides stands.

First of all, a little bit of background
is: Why group rides? They came out of the
2009 State of the City Address by the Mayor
to where he requested that we look into ways
to put multiple passengers into cabs. So, we
analyzed the TPEP data to look for periods of
high demands, and we focused mainly on the
morning, the a.m. rush period, 6:00 a.m. to
10:00 a.m., and the goal was to increase the
availability of taxis by greater cab
utilization and providing a reduced fare for the passengers and also increases income for the drivers.

So, this chart shows the three group rides we are discussing today. And you'll notice a couple of differences on the Laguardia group ride, it was active both in the a.m. and the p.m. rush hour periods, and also the Laguardia group ride had two fares depending on the number of passengers. It was slightly cheaper with a third passenger in the car.

So, on to the results, the first stand we will discuss is the York Avenue and East 70th Street stand. This was set up to assist passengers whose morning commute was disrupted by the MTA service reductions, in particular, the X90 express bus to Wall Street, and unfortunately this group ride did not attract many passengers. There continues to be a very successfully operating 79th Street group ride stand, and York Avenue with the photos is shown, and we think that some passengers may have tried the 70th Street
stand to see it wasn't operating well and
continued to use the 79th Street stand. We
are hoping to attract greater passengers who
might not want to walk up that far.

The other problems the stand had was the
difficulty in accessing the curbside. It's
in front of a medical building and ambulettes
paratransit vehicles are frequently utilizing
the curbside space.

MR. YASSKY: I would just on that one
recognize, Commissioner Weinshall I think
pointed out at the meeting that it was
adopted that that was a difficult location.
I think she frankly did a better job than we
did of thinking through the logistics of that
particular location, so, she was right.

MR. ROTH: So, the second stand is the
Laguardia Airport in front of the Marine Air
terminal, and this one was to transport
passengers from that location to midtown, a
midtown box which was demarcated by Eighth
Avenue, Second Avenue and 35th Street in the
south and 59th Street in the north, and this
did not attract any ridership.
Some of the reasons we think it didn't work was with all the business travelers, many of them have corporate credit cards and working on expense accounts so they weren't concerned about the savings which this ride, approximately $10, would offer. In addition, after getting off the plane, they might want to use their cell phones, catch up on work they might have missed during the travel period. And in addition, you can see there's a lot of curbside availability for parking in front of the Marine Air terminal and we think maybe that there wasn't enough of a shortage to promote the use of a group ride and people can get their own cab.

So, the third stand is the Port Authority Bus Terminal stand, and this one is the most successful stand that the TLC has launched last year. It has about 14 rides per day. We think this is partially because of the dispatchers who helped put the rides together and that the fact that there are a lot of daily commuters, people who do the same route every day, and if you haven't been
at the Port Authority Bus Terminal, at times, there are quite long lines to get a cab, and the group ride allows people to shorten their wait, bypass the lines and get in a cab faster which leads to usage.

This chart shows, the data was collected by the Port Authority dispatcher, shows usage of the cabs, this is rides per day, and as you can see in the beginning, the initial demand is quite high and it has decreased recently. We think that may be due to the lack of ongoing outreach and we find that people, we have heard that the people who use the stand continue to use it every day but we're not getting that many new riders.

So, finally to the recommendations. For the York Avenue and East 70th Street stand, we recommend that the stand be decommissioned. For the Laguardia Airport Marine Air terminal stand, we recommend that it be moved to the U.S. Airways terminal. And finally for the Port Authority bus terminal stand we recommend that it be made permanent. All these stands are one-year
pilot projects and have approximately six
more months before any action needs be to be
taken.

The floor is open to questions if there
are any.

MR. YASSKY: There's no vote necessary
here. We intend to move forward on these
recommendations but of course want to make
sure the Commissioners are informed about the
outcome of our various pilots. If there are
no questions?

MR. ROTH: Thank you very much.

MR. YASSKY: Thank you. We have no more
business items on the agenda. I know
Commissioner Arout has an issue that he wants
to bring forward to the Commissioners before
we adjourn.

MR. AROUT: Thank you, Mr. Chairman. I
want to apologize for not putting it on the
agenda.

MR. YASSKY: No apology.

MR. AROUT: I don't know if this is new
business or unfinished business, but anyway,
as you all know, I'm the pretty guy behind
the scenes up here, not very vocal when it
comes to a missed meeting, but I do a lot of
behind-the-scenes operations that the
chairman could utilize. When I see something
is going very smoothly I don't say anything.
I don't have to. No one wants to hear me
talk if everything is working smoothly.

But, as you all know, I'm pretty
involved with the for-hire vehicles, and a
very important issue has come up to me in
regards to the safety of the inspectors that
are on the streets. I don't know if you know
this or not but there is no siren in the
vehicle, the only thing they have is yellow
lights, not police lights that they should
have. Now, that's a problem.

As you all know, I can look at the
audience, I do see some police officers that
did a lot of time on the job and they can
understand how important and very important
that a car stopped is out on the street, at
least they have guns if they need them, but
these police officers don't. If they don't
have police lights and a siren, that person
that they're following will think nothing of it. They might think it is a Con Edison truck.

I looked into this very thoroughly. I spoke to many, many inspectors, and they told me, "Mr. Commissioner, it's very, very important. We do not have a siren in any of the vehicles or police lights." So, again I look into it very thoroughly and I thought I'd bring it to the attention of the Commission that we do something about it.

I spoke to most of the Commissioners, they all agreed with me, and if they would like to say something on their behalf, I would appreciate it.

At that point, I'm not going to say too much about it. You understand what I'm trying to do now. We're trying to get the lights back on the vehicles for their safety. And please, Commissioners, if you would like to say something, please do so now.

MR. YASSKY: Thank you. I notice Commissioner Gonzales has his hand on the
button there, but before I turn to you, Commissioner, I just want to thank you, Commissioner Arout, for bringing this. You know, really, we are blessed at the TLC to have the Commissioners that I have been serving with here just take the responsibility very seriously and with great diligence. And while I know you are right, Commissioner Arout, it has not been your practice to over-involve the Commission's staff, or involve yourself with the Commission's staff who did do such a good job, you've been extremely helpful in bringing forward points that need to be brought forward just overall, so I thank you for that in general, and this one in particular. I have some thoughts on it. But Commissioner Gonzales?

MR. GONZALES: Commissioner, I just wanted to let you know that I agree with you. And in addition to your specific concerns, one of the things that I think we can address at the TLC is kind of put on the table a more comprehensive review of
enforcement in general, and address, you know, these particular concerns and maybe any of the other concerns that the inspectors may have. One of the things I think, an approach, not the only approach, but one approach might be to look at a comparative review of other enforcement arms within City agencies, so we determine what's applicable to the TLC, highlight sort of what we do extremely well, and maybe look at things where we can ask for improvement with the objective being to focus on the safety of the inspectors.

MR. GIANN OULIS: You know, I'm not aware of the specific facts, but you know, some of this has received publicity in the past, you know, lights and sirens and stuff like that. I don't know if that's connected, but it certainly seems pretty ridiculous if the inspectors don't have lights and sirens, and they have some like little yellow light, I mean, people just don't pull over for that. I'm not aware of the facts, But it's not even just about inspectors which obviously it's
important, but even for the people who are
being pulled over, I mean, if they don't have
a clear understanding that they're actually
being pulled over, I mean, you know, things
could happen, they could just keep on driving
and things like that. So, I don't know how
we solve it, but we should try.

MR. YASSKY: Thank you. Like I say, I
do -- Commission staff may not agree that we
want to add new items to our agenda which is
already quite full, but I know these folks
are troopers and it requires giving a 120
percent rather than their customary 110
percent, I know they are up for it. So, I am
going to, folks, you know, ask the staff to
do -- I think Commissioner Gonzales, your
suggestion is an excellent one, that it is
time, frankly, that we -- we just did -- I'm
guessing that at your businesses, certainly
at the large companies, you know, either
annual reviews, we just did them here and
it's a very useful practice, and hasn't
necessarily kind of been in -- you know, not
every agency has that practice, I think it's
quite useful just as an ordinary course.

And I think to step back and ask about the enforcement, our practices, it is particularly timely, given, as I said earlier at the outset, I think we have to expect a substantial increase in the enforcement workload and responsibility that we are going to be shouldering, and now is a good time to prepare for that. So, what my intention is, and you had mentioned to me you thought that was a good idea, so I've had some time to think about it, is to ask New York's finest, ask the police department, Commissioner Kelly, for assistance here, to, you know, lend us a thoughtful person who can come in from the outside and just be of use, take a useful look at the safety practices. I want to make -- look, first and foremost, and Commissioner Giannoulis said not just about safety of the officers, of course that's correct, with inspectors, but, you know, first and foremost, responsibility to the safety of the TLC personnel, and I think we ought to look at the equipment issue that
Commissioner Arout has raised, and in the context of our overall practices and protocols, I am certain there is room for improvement as there is everywhere. So, that's my intention, I'm sure that Commissioner Kelly will be happy to lend a hand there, and nobody does this better than NYPD, so that is my plan here.

MR. AROUT: Mr. Chairman, how long do you think it will take?

MR. YASSKY: Yeah. I don't want to --

MR. AROUT: I'm not putting you on the spot, don't get me wrong.

MR. YASSKY: I don't want to put -- while I'm sure it will be helpful, I know they have a lot of responsibilities there as well. So, why don't we say that I will, before the next Commission meeting and as soon as I can, communicate with the Commissioners about the timetable for that, and then certainly we'll have a public mention of it at the next Commission meeting.

MR. AROUT: If you need any assistance, I'll be very happy to go with you at any
meeting that comes up on behalf of the lights and siren.

MR. YASSKY: Thank you, Commissioner, for the offer. I appreciate it.
Okay, with that, we need a move to adjourn.

MR. AROUT: Make a move to adjourn.

MR. YASSKY: All in favor, say aye.

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Opposed?

(No response)

MR. YASSKY: There are none in opposition. So, with that, the meeting is adjourned. I will see you March 10th.

(Time noted: 11:24 a.m.)
CERTIFICATION

STATE OF NEW YORK )
COUNTY OF NEW YORK )

I, CASEY MARTIN, a Stenotype Reporter and Notary Public for the State of New York, do hereby certify:

THAT this is a true and accurate transcription of the Taxi & Limousine Commission public hearing held on January 20, 2011.

I further certify that I am not related either by blood or marriage to any of the parties in this matter; and

I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of January 2011.

______________________________
CASEY MARTIN