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

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
NOACH DEAR, COMMISSIONER
HARRY GIANNOLIS, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
HOWARD R. VARGAS, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL

CHAIRMAN DAUS: Good morning. Sorry to keep everybody waiting. We are going to be working from the revised agenda that was
revised on February 5th for today's meeting.

The first item is the Chair's report, and it starts off with some good news. First of all, a round of congratulations to a few people on our Board.

First and foremost, Iris Weinshall, our Commissioner of DOT, is being appointed the Vice Chancellor for the City University of New York. Congratulations, Iris

COMM. WEINSHALL: Thank you.

(Applause.)

CHAIRMAN DAUS: The bad news is that she is leaving the DOT and the administration where she has done a fantastic job. The good news is, especially for CUNY alumni, I think we have a majority on this Board of CUNY alumni, Lauvie and I think Howard are John Jay graduates; myself, Iris and Noach are Brooklyn College graduates. So even though I think we all collectively believe CUNY is in great shape, it is going to be in even better shape as Iris goes to manage an over $3 billion construction budget. And certainly it is going to enhance the value of our degrees, so, thank you, in advance, Iris, and congratulations.

And the good news is that Iris will be staying with us on the Commission. I believe her departure date is in April from DOT, but she will be staying with us on the Commission as a Commissioner Member, and we are thankful for your continuing expertise. You have been a tremendous support for us at the TLC. I don't think we could have done 95 percent of what we have done over the last couple of years with you, and so, I thank you for your counsel and your guidance and your supervision and all the support you have given us.

COMM. WEINSHALL: Thank you, Matt.

CHAIRMAN DAUS: You are very welcome.

And also we have a new Commissioner that is recently inked. The Mayor just signed her letter the other day, and the Council approved her last week. Lauvie or Lauvienska Polanco, she likes to be called Lauvie.

Commissioner Polanco, congratulations and welcome.

Commissioner Polanco is taking Stanley Michael's seat. Remember Stanley was representing Manhattan. She is the Manhattan representative, a Council appointee. She is also a lawyer. It is nice to have another lawyer on the Commission.
COMM. WEINSHALL: I am not too sure about that.

CHAIRMAN DAUS: Well, speaking as a lawyer, I guess I am a little biased in that, but also it is nice to have another woman on the Commission.

COMM. WEINSHALL: Exactly.

CHAIRMAN DAUS: And somebody who knows the neighborhoods. Lauvie, in addition to her work with the Supreme Court where she works full time as a principal court clerk, also has worked in a law firm and at the civil court, so she brings a breadth of judicial experience to us. But also, in terms of her role as a Manhattan representative, is very, very involved in the community, whether it be Bar Associations or neighborhood groups, including a neighborhood advisory board, something that we both know with our background at the Community Development Agency, where he understands the needs of the people, not just in Washington Heights but in all of Manhattan for some of her work that she has been doing.

So that will, I think, be a tremendous value, and I would like to welcome you. We were able to get you, on short notice, your badge done, thanks to Lou Tazzi. Congratulations and welcome.

COMM. POLANCO: Thanks.

(Applause.)

CHAIRMAN DAUS: More good news, the technology enhancement testing program is going very well so far. We have live beta testing continuing which started on December 18th. Of the four vendors that have been authorized, they have collectively put 110 systems on the road. We also have proposed rules and regulations that will be considered at our March meeting, which the Commissioners have already received copies of and will be briefly thoroughly on.

We put an extra long comment period by publishing it well in advance of the date of the hearing so that people can digest them. They are voluminous and they are mostly technical, and it basically implements a lot of things that are required in accordance with our contract and a lot of technical aspects of the program.

So we would also welcome your comments in advance, so if you can get them to us even before the due date, we would appreciate that. We will be having the public hearing on March 8th.
The rule review and update project, we have a revised RFP that will be released soon; hopefully, before the end of February. So we will keep you posted on that.

Another reminder, just really to mark your calendars and we will be providing you with more details over the next month, but just to remind everybody this is the 100th anniversary of the motorized metered taxicab in New York City, and we will celebrating that with what we call Taxi '07 and Taxi Week. We will be focusing events around the New York International Auto Show and there will be a lot of things going on in the city which we will talk about, but if you could just mark your calendars, it will start on Friday, April 6th through Sunday April 15th, we will be celebrating Taxi Week. The first time ever in the City of New York.

Part of that celebration will include unveiling the cab that will be consistent with the Garden in Transit project. I spoke about the flower of murals that will be painted on the cabs by children across the city. To that end, there is another event coming up if anybody is interested in throwing some jeans on and doing some painting over the next couple of weekends, there is going to be a 24-hour Garden in Transit paint-a-thon beginning Saturday, February 24th at 10:00 a.m., and it will end at 10:00 a.m. on Sunday, the next day, February 25th. So if you want more details, you want to volunteer or suggest someone to volunteer, call 311.

There will be opening ceremonies at 9:30 a.m. on Saturday the 24th, and a closing ceremony at 9:30 a.m. on Sunday, the next day when we end.

Also, two of our staff members are missing, they are down in Florida at a National Mobility Equipment Dealers Association Conference learning more about wheelchair accessibility. This is the trade organization that basically provides dealers with information about new products. As we all know, we have a medallion sale coming up with 150 more accessible medallions to be sold. We want to make sure that in accordance with the specifications the Commissioners passed over the last month or two, that we get every opportunity to get every manufacturer who might be interested in getting us good quality products as New York City taxicabs interested in what we are doing. So not only are they down there to spread the word about
what we are doing and what our needs are, but also to gather important information about these vehicles that are being manufactured so that we can understand what will work best in New York City as a taxicab.

Also, for those who haven't used it yet, we have, thanks to our Constituent Management Office, Public Affairs Office and our MIS Department, we have on our website now a TLC e-mail subscription center. A lot of people used to get mailings from us about when we are having Commission meetings and industry notices in the mail, and it was time consuming for us to get it out and sometimes things didn't get where they were supposed to in time.

Well, most people have computers now, and the best way, I think, to get apprised of what is going on at the TLC, including Commission meeting agendas, updates, industry notices, is to sign up for our subscription center e-mail list.

If you go on our website, which is www.nyc.gov/taxi, go to the left-hand side of the home page, and if you click on the e-mail subscription center, you will enter some basic information and you will be able to get any information that you want. You will be able to choose from a variety of different types of information. And what will happen is you will automatically get an e-mail when we are having a Commission meeting and we send our agenda out and you will have the information at your fingertips. So, anyone who is interested in signing up, please take advantage of the opportunity.

In terms of upcoming meetings, our next meeting will be on Thursday, March 8th. We will have three rule makings that will be put forward for a public hearing, and potentially Commission action. Like I said earlier, we will have the taxicab technology customer service project rules. We will also have a clean-air and an accessible vehicle retirement incentives that are enacted in accordance with some local laws that were signed by the Mayor and passed by the City Council before the end of last year. And that's something that we actually need to move on because I think we have to get that out there and comply with the law.

And, also, at the last Commission meeting we had a presentation about for-hire vehicle markings, inspections and posting of credentials. And that's something that we
actually were able to pull our rules together, thanks to the hard work of Chuck Fraser and his staff. And they have been published. So we will be having a public hearing on the items that were discussed during the presentation last month. Also, another save the date item, there is going to be our Annual Driver Recognition Ceremony that will be held on Thursday, March 29th at the Rooftop Gardens at 620 Fifth Avenue. That is a facility operated by Tishman-Speyer and Top of the Rock, where we had last year's ceremony. And we will be taking time out of our busy schedules, all the Commissioners are invited, and we are basically going to be honoring those cab drivers that go above and beyond. Every single day we have cab drivers that go above and beyond the call of duty, doing the right thing. We don't hear of every single story, and sometimes in the news we will hear of some stories, but there are so many of them, we are choosing just a few of the many, many good hard-working people that do the right thing day-in and day-out.

Each year we are honoring them and giving them their due, giving them some nice prizes and some gifts, but also having some great food at a great location. So many thanks to all of you. And on that note, many of you may have read in the papers or seen on TV over the last day or two that we have another cabby who did a heroic deed and act of integrity, Mr. Osman Chaudry. I was informed that he is here today. He is here today. (Applause).

CHAIRMAN DAUS: Osman, congratulations. For those of you who haven't been reading the papers over the last day or two, Osman actually found $300,000 worth of diamond rings in the back of his cab, spent a tremendous amount of time basically tracking down the owners and doing the right thing. And we thank you for that. And we, actually, when we found out that you were going to be here, Alan was able to throw together just a quick award which I would like to give you right now:

Congratulations.

MR. CHAUDRY: Thank you.

CHAIRMAN DAUS: The best tip that you can ever get is just basically doing the
right thing. That's all anyone ever expects of you, and you did it. Congratulations.

MR. CHAUDRY: Thank you, everyone.

( Applause.)

CHAIRMAN DAUS: Thanks for joining us. And, Osman, we would ask that you mark the date on your calendar for March 29th. We would love to have you join us at our ceremony again. Thank you.

That concludes my report. Any questions, comments, concerns, issues?

COMM. DEAR: Two things. One, I just would appreciate it, I know that they e-mailed this. I didn't have a chance even to download it. I wasn't near a computer for over 24 hours already. Just in the future, when stuff comes on at the Commission, I would just like to get it a little earlier so we can know what is going on and just to review it, so we have a chance to discuss it intelligently. So in the future, please, if you have it sent to us rather than last minute to e-mail it.

And the other thing is, just as a comment, I am not going to talk about it, I just notice more and more people are rumbling about it, this report that is our there supposedly by the Design and Trust. I call it the Communist Manifesto or the Cuban Plan. But this is something that I would like that this stuff should be shared with us before the public gets, so I know what is going on and not to be confronted with it. And also I am concerned that the report that is put out by that group, if they somehow represent us, I have some big questions about them because it is not the way we think here in the United States of America.

And I think I have some grave concern about that report. Even though it is a preliminary report, I have some very serious problems with it. The fact that we are associated with it, because our name is all over it, I want to really disassociate ourselves with that report.

COMM. AROUT: Excuse me for interrupting, I haven't seen anything like that. Can I get a report on that?

COMM. DEAR: The Chairman will get it to you. That's how I got it.

COMM. AROUT: I would like to read it, that's all.

CHAIRMAN DAUS: Sure. We can get it to you. Basically what happened is the Design Trust put a report out, which is very
preliminary that we hadn't even seen yet. As part of their process, I think they shared it with some industry members, and we didn't feel that it was in a final form and we didn't actually comment or do anything on the report. It was basically just their ideas and, actually, I think you knew about it before I even did at some point.

So if you are interested, we will get it to all the Commissioners.

COMM. DEAR: I said you gave me a copy. And I read it.

CHAIRMAN DAUS: But what I am saying is a lot of the members of the industry, because this is an independent organization, I mean, they have a committee of people that are in the industry that they are working with. So even before things get to my doorstep and our doorstep, they are getting preliminary comments from the industry.

Which, with all due respect to them, quite frankly, you are damned if you, you are do damned if you don't. If they didn't basically go out to the industry beforehand and gave us a report of their thoughts without getting their feedback and before delivering it to us, we would be criticizing them for not listening to the industry.

COMM. DEAR: But the fact --

CHAIRMAN DAUS: I know you may disagree with some of the concepts that are in there, Commissioner, and I am not saying that anybody here agrees with them. They are preliminary, we hadn't seen it, and I think what they did basically is they gave it to the industry before to get their input before they presented it to us, which is the right thing to do.

COMM. DEAR: My comment is when they to us and we wanted to work with them to design a car, that was the idea. I have no problem with that.

But once they went off on a tangent, they had a political motive. This is a horrible political statement on our behalf, because they are using our imprimatur, they are using our name, and we are giving them credence to it. And I want to tell you, I myself want to distance myself from that. This is the worst form of any time of report anyone can do. I think it is the Communist Manifesto. I call this Karl Marx written by some children, people who believe in Karl Marx because it should not even be seen.

Our name should be removed
immediately from it and they should be told if you want to stick to what you are supposed to do, don't start becoming a political someone for somebody, a political person to act for somebody. Someone put them up to this and I am fuming about it.

CHAIRMAN DAUS: All right, if the Commissioners want to see the preliminary draft, which we haven't even commented on, I am happy to give it to you if you want to see it. But just so you understand our motivations, I don't want to waste the Commissioners' time with a first of probably ten different drafts before we even would put our name on it. That's why it was not sent to you folks.

And, quite frankly, I do believe that they did the right thing. Whether you agree or disagree with their ideas, by the Design Trust actually going out to the industry first, that's what they agreed to. There are industry members on their Board, so by the industry calling us and letting us know that this was happening first, I don't really have a problem with that.

And, again, our name is not on it now. We have not seen is, we have not agreed with anything that is in it. In fact, Andy has been having meetings since the report came out to express our issues and our thoughts, and it is by no means final.

COMM. DEAR: Who from the industry is on the Board?
CHAIRMAN DAUS: I believe Michael Levine is, there's several drivers.
COMM. DEAR: Everybody is shaking their heads no.

CHAIRMAN DAUS: He was a participant in the panel discussions.

AUDIENCE MEMBER: He is not on the Board.

CHAIRMAN DAUS: No, but he is a participant in the Design Trust activities.

AUDIENCE MEMBER: But he is not on the Board.

CHAIRMAN DAUS: Well, there are industry people that are being obviously put in touch with them; is that correct?

Obviously this went to the industry, that's how Commissioner Dear first heard about it. The industry contacted him to let him know that they are upset about it.

So they are doing their job. You know, with all due respect, Commissioner Dear, I understand your concerns about the subject
matter, but the process is transparent, it is
good. I can't tell you, of the ten years I
have been involved with this agency, the
biggest complaint I get from the industry is:
You don't listen to us. You don't consult
with us.

Now we have this outside group that
is actually consulting with them, and then,
oh, we don't like what they said. This is
crazy. What are they doing?

COMM. DEAR: They are going beyond
their scope. They were supposed to talk about
a car. They are not supposed to talk about
the industry. That's starting to redefine
this industry, again, to use those words, the
vernacular, in the Communist system is not
what we are here about. This is the United
States of America.

COMM. AROUT: Mr. Chairman, I
apologize if I interrupted like that, but I
think he made a point, send us a copy of it
and let it go from there. We will discuss it
at a further date. Thank you.

CHAIRMAN DAUS: Okay, very good.

Item three on the agenda --
COMM. VARGAS: Mr. Chairman, may I
ask you a question?

CHAIRMAN DAUS: Sure.

COMM. VARGAS: As it relates to
the revised RFP for the rule change, is that
possibly something you can share with me and
possibly the rest of the Commission that might
be of interest, because I certainly would like
to have a little input as it relates to when
we do decide to change some of the rules and
how we end up implementing that process,
whether we go with an outside firm or
something like that. I would like to see
that.

CHAIRMAN DAUS: Okay, if we can
share it with you, we will. Chuck is going to
make sure it is consistent with the
Procurement Policy Board Rules.

MR. SALKIN: I think you are asking
two different questions. One is, do you want
to see the RFP before it goes out? And, two,
as part of the process of redoing the rules,
you want to make sure you are consulted and
involved. Those are the two things I heard
you say.

COMM. VARGAS: Correct, those two
items.

CHAIRMAN DAUS: We will check on
that.

MR. SALKIN: The RFP piece, we will
check and make sure, but certainly on the
piece of rewriting the rules, all of the
Commissioners are going to have to be involved
and instrumental in making sure that happens.

COMM. VARGAS: But the RFP is a
public document that gets sent to everyone, so
why wouldn't that be shared with us?
MR. SALKIN: If you are asking to see
it before it goes out or not. That is what
they have to make sure of.
COMM. VARGAS: So it hasn't gone out
yet?
CHAIRMAN DAUS: No.
COMM. VARGAS: Okay.
CHAIRMAN DAUS: Well, there was one
that went out. We revised it and we are
issuing a second one to clarify some issues.
COMM. WEINSHALL: I think the issue
is, Commissioner Vargas, there are certain
rules regarding the PPB and who can see an RFP
before it goes out, and I think counsel is
just going to check. I think we are
considered like staff and we can see it, but I
think that we should just have -- because we
don't want to jeopardize the RFP.
COMM. VARGAS: Certainly, okay.
COMM. DEAR: On the issue of the
rules, rule changes, I concur with my
colleague Commissioner Vargas. It is about
time we have rule changes, it comes to us in
its final version after the discussion. I
think we should be part of that discussion.
Maybe part of the preliminary. Not the RFP, I
am talking about rule changes.
COMM. WEINSHALL: I understand that,
but let's understand what is going on here.
The TLC has something like 3,300 rules, okay.
3,300 rules, I would dare say that probably
there is no one alive who even knows the
significance of all 3,300 rules.
The purpose of this is to streamline
those rules and make them more understandable,
more relevant so the public can understand it,
the drivers can understand it, and we, as
Commissioners, can understand it without
having a team of lawyers to explain it to us.
So I think that you are way ahead
already. I think we need to identify the firm
that is going to be able to develop these new
rules for us, and, clearly, there will be
discussions, not only with the Commissioners
but with the industry and with the riding
public and the drivers to really figure out
what rules make sense here. So this is not
going to be done in a vacuum.

COMM. DEAR: No problem, thank you.
CHAIRMAN DAUS: Thank you.

Any other questions?
(No response.)
CHAIRMAN DAUS: Okay, item two on the agenda is the adoption of the minutes from the January 11, 2007 Commission meeting. Do we have any questions, comments, changes?
(No response.)
CHAIRMAN DAUS: Okay, do I have a motion to adopt?
COMM. WEINSHALL: So moved.
CHAIRMAN DAUS: Okay, a second?
COMM. VARGAS: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: It's unanimous, thank you.

Item three, we have a staff presentation today. It is going to be about advertising on TLC licensed vehicles. It is going to be delivered by Eric Kim. We are going to be reviewing, just to give you a little bit of background on this, you know, I have been on the Commission now since I think 2001, and we kind of looked at the make-up of the Commission now compared to when the last time we, as a policy matter and as a Board, looked at advertising. And there are only two of the sitting Commissioners, not including myself, I was counsel at the time, who actually dealt with the issue of advertising and made any type significant policy statement.

So we basically have had a major change in personnel, which I think is important to maybe take a fresh look, an objective look at the whole concept of advertising. And I just want to reiterate that this is not, if some people are confused, a public hearing. This is not any official consideration of any pilot program requests. This is simply an educational session for the Commissioners to bring them up to speed on the history of the advertising issue, the rules and regulations and laws that led up to it, as well as to just give them a sampling, an overview of some of the pilot programs which have not even been considered by me at this point. They are still at a staff level.

So with respect to the information that was sent the other night, we didn't wait...
and sit back and send it at the last second because we felt that that was what we wanted to do. We had made the decision, because of the light agenda in February and the heavy agenda in March, that this would be a good time to consider this issue since it has been kicking around for a while.

So I apologize for the late notice, but we only decided last week, pretty much, to add this to the agenda. And I was thinking Commissioner Giannoulis might want to have a copy, as he usually does, in advance of some of the proposals, so I said let me send it out to you in advance. I know you probably didn't have the time to read it because you only got the e-mails yesterday. But, again, you are not considering them today, you are not voting on them. You may not be considering them for several months.

We are basically at the stage now where we are doing fact-finding, and before I make my decision on whether to recommend approval or denial of all the five advertising related petitions, I wanted to get your input on the policy of advertising in general so that I could be more in lockstep with what you would like to do, but, even more importantly, if you have any good suggestions of follow-up issues that you would like the staff to research before I make my final decision and recommendation to you, that's the purpose of this.

So I would just recommend that if you haven't had the chance to read some of the pilot programs, they will be summarized in addition to a lot of the materials that Eric is going to present. I would encourage you to ask any questions and if you like us to do any follow-up on any particular matters, just let us know now or after the meeting, okay.

Eric?

MR. KIM: Thank you, Mr. Chairman.

Good morning, Commissioners. As the Chairman mentioned, I have been asked to do a presentation regarding advertising on TLC licensed vehicles. I will be talking about a brief overview of some of the proposals that we have received recently, and I will also be doing some more detailed on the advertising that is currently in use on TLC licensed vehicles, which is only on medallion rooftops.

First, let me just say that the proposals that we have received so far for advertising have all been in the form of pilot programs, and pilot programs are something
that the Commission adopted rules for last
March. They are Chapter 14 of our rules. The
rules set forth a very straightforward
evaluation and criteria and time line for
reviewing pilot programs that differ from what
is already approved in our rules.

We have received several proposals so
far. Some of them relate to equipment, some
of them have been brought before the
Commission already, lithium ion batteries,
cell phone testing, cellular networks, things
like that. We have also received requests to
do different types of advertising on TLC
licensed vehicles. I will give you an
overview of some of those proposals, and,
again, as the Chair mentioned, this is just
going to be an overview. We are not asking
the Commission to take formal action at this
time, that will happen at a future Commission
meeting and we will be presenting these again
for that formal action.

So first I will describe the
proposals we received for interior advertising
on vehicles. There are several types. The
picture you have in front of you now is from
Clear Channel Taxi Media. They propose
publication pockets in the rear seat of
taxicabs. This is I think a picture of what
they have in Boston, pockets along the
partition with information that can be
distributed to passengers.

Second, this is a proposal that we
have received from Taylor Media to place
decals on the interior of commuter vans,
specifically on the seat backs and pillars.
None of the stickers in this proposal would be
on windows or anything like that.

I will talk now about some of the
proposals we have received for the exterior of
vehicles. We have a proposal from Athlete to
put advertising on the hubcaps of taxicabs.
We have also received another proposal from
Taylor Media to do additional commuter van
advertising on the exterior, wraps, either
full vehicle wraps or partial wraps, as you
see in the picture in front of you now, just
along parts of the vehicle, certain panels.

Finally, we have received multiple
proposals to do advertising on the rear
windows of vehicles, putting decals on the
rear windows. I should not that there is an
apparent conflict with the New York State
Vehicle Traffic Law for these proposals. That
law requires that anything that is placed on
the front windshield or rear windshield of a
motor vehicle be approved by the Commissioner of New York State DMV. And as far as we know at this time, these proposals do not have such approval.

So that's an overview of some of the proposals we have received so far via pilot program request.

I will talk a little bit now about the advertising that is currently in use on TLC licensed vehicles, which is just on medallion rooftops. We have about 5,200 permits issued to medallion owners for rooftop advertising. The vast majority are issued to Clear Channel Taxi Media, they have about 5,000 of those permits. There are two other companies that currently have advertising, Astro Media and Adapt Media.

The advertising you see in front of you now is just one type. It is the sort of billboard, the most common type of advertising I think that you will see out there. The pictures you have, first on the left is a picture of the front view of the advertising unit, and on the right is more of a three-quarters view, but it is a very standard billboards type advertising, tent shape.

Next is another type of billboard type advertising, also static. This is a more rectangular unit. You will see this out there now as well.

The next picture we get into the digital advertising unit. These are a more recent development. This example is from Adapt Media, this is a full digital unit which is basically all digital information.

And, finally, we have units that combine digital and static information as we have here in this picture.

Advertising on TLC licensed vehicles, the approval for it comes from several mechanisms. First, in the Administrative Code of the City of New York there are explicit provisions that allow for advertising on TLC licensed vehicles. They require that there be permits from the TLC for any exterior advertising. It sets a very clear fee of $50 for the permit. It authorizes the Commission to establish rules about the content or size of the advertising, and also authorizes the Commission to revoke any advertising permits for content, and I am going to quote from the Administrative Code here, "that is offensive to public morals."

We also have rules on advertising that come from the Administrative Code based
Taxicab Owners Rules, Section 135 requires that any interior or exterior advertising be approved by the Commission. Requires that the advertising be maintained in good condition. And I should not that there are no specifications in the rules for the unit size or standards. That's traditionally been done through separate legal agreements or memorandums of understanding. And I will talk a little bit about what those are and where we are with those.

We have FHV rules on advertising as well. They also require that any interior or exterior advertising on FHVs be approved by the Commission. They explicitly prohibit rooftop advertising on FHVs. Again, there are no rules on the standards or the size of the units.

Finally, we actually have rules for paratransit advertising that say very similar things, require that any interior or exterior advertising be approved by the Commission. And, again, there are no rules for the standards or the size of those units.

I mentioned that we have legal agreements or MOUs regarding advertising. And this is basically where the specifications for standards and size have been set forth. We have approval letters issued by the TLC to various advertising companies indicating that a certain type of unit is approved for use. We have MOUs with advertising companies and the TLC authorizing generally limited pilot programs for different types of advertising units. And, again, specifying what type of unit is to be used, the different standards for it. And for some of these units, we actually have documentation of engineering review that was done by the City's Department of General Services, which is now the Department of Citywide Administrative Services.

In terms of the value added and the benefits from the advertising that is currently in use on medallion taxicabs, it comes in several different ways. First, for licensees, it is pretty straightforward and pretty direct. They get a benefit, they get a monthly revenue stream which varies. The revenue generally goes to medallion owners, agents, fleets. As far we know, there are no direct benefits that accrue to drivers for advertising right now.

For the City there is a permit fee.
That is, again, outlined in the Administrative Code, of $50. That is meant to cover administrative expenses. And for the public there is the general cost or benefit that is associated with any form of outdoor advertising. There are, of course, other ways -- I'm sorry?

COMM. GIANNIOULIS: The more typical one, the rooftop advertising, what are the fees generally received by the owners?

MR. KIM: We don't have good information on that. What we anticipate is that in the future Commission meetings we may have an opportunity for some of the advertising companies that participate testify, and we hope that they will be able to answer those questions in more detail then.

As I was mentioning, this isn't the only model. There are other ways to do advertising. The City of Chicago presents an interesting model, they just adopted rules and specifications for advertising this past year, 2006. And they did several things when they made that approval.

First, they tied approval of advertising on taxicabs to increased requirements for accessible and clean-air taxicabs. Second, they established a revenue sharing model where they insured that drivers got very explicit benefits for advertising, and those come in the form of lower lease caps for vehicles with advertising on them. Finally, they set forth very clear standards on the size of the advertising units, the materials that can be used, and where advertising can be placed on taxicabs.

I will talk a little bit about some sort of emerging trends that we have seen on taxicab rooftops. What I have here is a picture of taxi top extensions. This is a picture from Clear Channel Taxi Media's website. The advertising extends a few inches above the actual unit itself.

And we have a picture here of what we call four-sided advertising. In the past, advertising had generally been limited on rooftops to the sides of the advertising unit. More and more now we are seeing it on both the front and the back as well of the advertising unit.

The Commission has obviously talked about advertising on TLC licensed vehicles before. I know we have many new Commissioners so I will try to give a brief context for some of those discussions. Some of the
Commissioners that are sitting now were part of those discussions. Hopefully, they can offer some input as well.

First, on aesthetics and public value of advertising, concern had been raised in prior Commission discussions about the visual clutter that could be associated with advertising and that might come from it. The idea of TLC licensed vehicles being moving billboards and whether that was appropriate and to what level that was appropriate.

A related point, the use of the public domain, taxicabs, for private purposes. Taxicabs are licensed by the city and regulated by the city. Allowing them to be used for private purposes is a regulatory question, and is one the Commission was concerned about and wanted to think about.

One of the Commissioners, in fact, suggested that we seek the input of the city's Municipal Art Society to get some guidance about what their thoughts are on what the appropriate use of the public domain would be for advertising.

There was also extensive discussion about advertising on other TLC licensed vehicles. For a long time, medallion rooftops were the only form of advertising that were permitted at all, and referenced in our rules. So there were concerns, obviously, about whether other types TLC licensed vehicles should be permitted to have advertising, whether it was unfair if only medallions had rooftop advertising.

There were also concerns raised about whether allowing rooftop advertising specifically would blur the distinction between FHVs and medallion taxicabs. And, finally, there were concerns raised about the industry economics of advertising on TLC licensed vehicles. Was there a way to ensure that different segments of the industry -- owners and drivers -- were able to share in the benefits and revenue streams that came from advertising.

What we hope to have now is a discussion amongst the Commissioners. I have outlined some sort of general discussion points and things to keep in mind. I am happy to answer any questions, but let me just go through some of the key things we would like the Commission to keep in mind and consider as you are talking about this issue today.

First, for medallion rooftop advertising, the safety issues associated with it, what kind of standards should be in place,
should they be done via rules, should they
continue to be done through legal agreements
or MOUs.

The aesthetics of advertising. What
is the balance that the Commission should
strike on that question. Content, what level
of regulation should we have in terms of
content.

The public value offered by
advertising. What is that? Is it
appropriate?

And the industry economics, are the
different segments of the industry benefiting
the way that we think they should be
benefiting from advertising?

And, specifically, on the other types
of advertising proposals that we have
received, questions about what types of
vehicles should be permitted and allowed to
have advertising on them. Whether the review
for advertising proposals should be done
through the pilot program process, as has been
proposed so far, or through separate
rule-making action entirely, which can be done
as well.

And, again, the questions of safety,
aesthetics, content, public value and industry
economics for advertising.

That concludes the presentation for
today. We hope the Commission will have an
active discussion. I would be happy to answer
any questions that Commissioners may have.

COMM. GIANNOULIS: I just have a
quick question because I am missing a page
here. The taxi technology, the new equipment,
are some of the cars on the street
already?

CHAIRMAN DAUS: Yes. There are 110
cars on the street already.

COMM. GIANNOULIS: They have
advertising?

CHAIRMAN DAUS: Yes.

COMM. GIANNOULIS: But it is not in
this presentation?

MR. KIM: It is not covered in this
presentation. This was discussion advertising
that's currently in use and permitted. Those
are still in testing stages, and those related
mainly to the interiors. I focused on the
exterior advertising for this presentation.

CHAIRMAN DAUS: I believe the
Commission, when we voted on the last set of
rules, had specifically authorized advertising
as a method to offset cost of these systems.

So that is specifically authorized currently
under the rules.
COMM. GIANNOULIS: Yes, I just find it strange that it is not in this presentation.
COMM. WEINSHALL: Because it's a whole different form of advertising and it is still in the testing stage, right, Andy?
MR. SALKIN: It is still in the testing stage.
COMM. GIANNOULIS: It's approved, though?
MR. SALKIN: The idea here is, we got all these pilot proposals and we really didn't know what to do with the pilot proposals and we wanted to get some direction from the Commission.
On the passenger information monitors, the Commission has already provided clear direction, which was as far as media can be used to offset the expenses, that that is something the Commission thought was good --
COMM. GIANNOULIS: I just think if we are talking about educating Commissioners who weren't necessarily here, the fact that we talk about rooftop advertising and the fact that we don't talk about that there is going to be a huge screen in the back of a seat that is going to be all about advertising is disingenuous.
CHAIRMAN DAUS: I think it is a fair point. I think it was just an unintentional omission because it was something --
COMM. GIANNOULIS: That's the biggest new advertising thing that we are doing in yellow cabs and it doesn't make it into the report. I just find that strange.
MR. SALKIN: One of the things we can certainty add to future conversations, and there is going to be another conversation to talk about the PIMS and give an update on how the PIMS are going to work.
COMM. GIANNOULIS: Part of my question is, I guess, we have never received any report as to what that advertising is. I have been asking this question for like two years at this point, but I still have no idea what that advertising is. I have no idea what is being advertised. I have no idea of the form it is being advertised in.
CHAIRMAN DAUS: We did show you, all the Commissioners, the units. But we can provide some more detailed information and have a report on what exactly -- how much advertising they are using and get some more information for you.
I don't think the staff, in their defense, are being disingenuous. With all due respect, this may have been something that they should have put in there, but I think, like myself, I just automatically assumed that we all remember that we did this just last year.

COMM. GIANNOULIS: I know that there is rooftop advertising, I see it every day on the street, but it's in the report. I just find that a little weird.

COMM. WEINSHALL: I think also, Harry, the Commission staff is being barraged by different consultants who are coming in and, beyond what we approved with the pilot program, what is in the cabs, they are being deluged every day by these consultants who have different advertising ideas. And I think intent of this presentation is to sort of put it in some context.

Am I right, Andy?

COMM. GIANNOULIS: My simple point is, and I think it is a good one, which is, if we are talking about taking a look at these proposals and taking a look at impact that advertising is going to have and how much advertising we are going to have in a vehicle, we just put a big TV screen in the car, and it is not in the report. I just find that to be weird.

CHAIRMAN DAUS: You are right. I think it was an unintentional omission.

COMM. GIANNOULIS: Because, quite honestly, that puts into question how much advertising we want in a vehicle. We just put a screen in --

CHAIRMAN DAUS: Clearly, one of these proposals, the one by Clear Channel, clearly interferes with what we authorized last year, because they are looking to put publication pockets in the back seat, which, if you look at this photo, would basically go on top of the screens. So, certainly, it's a relevant point.

COMM. WEINSHALL: Quite frankly, if I had my way, I think we should let the experiment that is going on in the cabs sort of have their time. Andy is beginning to collect all this data and information, and we should sort of wait and see and move from there.

But, as I said, the staff here is being overwhelmed by all these requests, and I think that was the purpose.

Andy, maybe you want to talk about
the testing period?

MR. SALKIN: Sure. There is the testing period that we are doing with the passenger information monitors. There is a roll-out process, and the thing there is the Commission spoke very clearly about using media to offset cost. And one of the things the Commission did by saying --

COMM. GIANNOUNIS: Actually, we didn't, but I am not going to get into a fight with you about that, Andy.

COMM. WEINSHALL: Yes, we did, Harry.

COMM. GIANNOUNIS: Okay, great.

MR. SALKIN: The concern, again, with what we have here with the pilots is exactly what is the Commission interested in testing, what is the Commission interested in trying on the rooftops as well --

A lot of the rooftops have been done through previous MOUs and agreements that spoke to a very specific time, some over ten years ago. Is the Commission interested in thinking up a policy that kind of sets a standard and then allows standards to go forward? What is that standard going to be?

If someone want to do a new rooftop, even though 5,200 vehicles have it, what's the way that it gets approved? Does each proposal have to get approved? If someone changes their technology a little bit, do they have to come and get that approved or is it just a standard that the Commission says as long as it meets the safety standard, then it can be up there?

There is a lot of things that we could use some guidance on and I think there are a lot of things that we don't know all the answers to, that perhaps we could have some people come and share some of their expertise exactly about how this works. And what we are trying to get today is a sense from the Commission, here is an example of some of the pilots that we have gotten. You are all familiar with the rooftops, what are your thoughts about this? How much time should we spend on this? Where should we go next? What are some of the steps that you are thinking about that we should be thinking about so that we can make sure the education process is appropriate so that as decisions get made, that they reflect not only the needs of the Commission but that of the public and the industry.
CHAIRMAN DAUS: Commissioner Gonzalez?

COMM. GONZALEZ: Two things. One, as far as advertising in the back seat, I think I share some of the sentiments of Commissioner Giannoulis. I think the screen is probably adequate enough, given that we also have maps and other information that is TLC related. Anything else that you throw in the back seat is probably overkill. And, two, just so everyone is on the same page, the only beneficiary currently of advertising are the medallion owners?

MR. KIM: As far as we know currently. That may not actually be the exact case. We haven't seen copies of contracts, things to that effect. So I would expect that different members of the advertising industry or taxicab industry would be able to share additional information, possibly at future Commission meetings. But as far as we know currently, the benefits accrue primarily to medallion owners, fleets and agents.

CHAIRMAN DAUS: Right. Historically, as Eric touched upon in his presentation, former Commissioner McKeeckney (ph) had proposed to the Commission changes to the rules that allowed taxi top advertising on liveries and for-hire vehicles. The Commission at the time rejected that, based primarily on the fact that it might start looking more like a yellow cab and people might start hailing them. And the only thing that was retained, from what I recall, is there is an exemption for Staten Island because there are not a lot of yellow cabs in Staten Island. So basically there are rooftop advertisements on the top of liveries on Staten Island, but nowhere else in the city. And the Commission had specifically at that time rejected that plan, but left the door open for other forms of advertising on other parts of the car to be specified by the Chair.

Since that time there has been very little, if any other, interest for people that are serious coming forward with proposals until we passed these pilot program rules. Now we have a lot of people coming forward. So I think that's why we are here today. Just a little bit of historical context. I think you were there at the time, Commissioner Giannoulis and Commissioner Arout.

COMM. GIANNOULIS: I just have a quick question. Iris, you probably know a lot
or a decent amount about the whole issue of
billboards and highways and the arterial
thing, 400 feet and all that jazz?
   COMM. WEINSHALL: Right.
   COMM. GIANNOLIS: It's about
safety, right? Is it supposed to be about
safety?
   COMM. WEINSHALL: The answer is yes.
The DOT's position, both federal DOT, state
DOT and city DOT's position is there is so
much coming at people, you don't really want
them to be distracted when they are driving.
And that's why there are certain federal
guidelines about what type of advertising you
can put on highways and roads. Particularly
in New York City with all the billboards and
all of the advertising coming at people. We
don't want them to be distracted. We want
them to focus on how they are getting from
their destination.
   We don't want motor vehicles to be
distracted, the drivers of motor vehicles to
be distracted. So, yeah, from my perspective,
where I sit, I think there is more than enough
advertising out there. There is so much
coming at people, and now, on top of that, the
city is going to be putting an enormous amount
of advertising on bus stop shelters and public
toilets and news stands, not to mention all of
the other stuff that goes up on pay phones and
all the billboards that go up, the legal ones
and the illegal ones.
   From my perspective, we have enough
already out there. We don't need more. Now,
of course, the advertising industry would
probably say what I am saying is blasphemy,
but...
   COMM. GIANNOLIS: I was just
interested in that because I know that's an
issue I dealt with.
   CHAIRMAN DAUS: Are those standards
in DOT regs or contracts?
   COMM. WEINSHALL: No. What happens
is --
   COMM. GIANNOLIS: They cut funding.
   COMM. WEINSHALL: -- exactly. You
get federal funding. And the federal FHWA
determines everything. They even determine
what your signs have to be, what size they
have to be, what color they have to be. And
they determine what type of advertising can go
on the highways.
   And as a matter of fact, on some of
the streets, some of the larger streets in the
city where we use a lot of federal money. So
it all disseminates from the FHWA, the federal
government.

COMM. GIANNOLIS: Matt, addressing
your question earlier, for me, I don't
particularly have a position. I am not
against pamphlets but I think we have to be
careful because I just think that there is
going to be a lot of advertising in the
vehicle. And one of my concerns would be,
there is this -- I don't know where owners,
you know, owners always talk about the
sanctity of the kind of yellow cab, which I
actually think is probably true, especially
when it comes to tourists and stuff like that.
But I have been in other cities, where a car
pulls up and you don't know if it is your cab
or you're getting pizza delivered. You really
don't know.

CHAIRMAN DAUS: Some actually do
both.

COMM. GIANNOLIS: I have been in
Albany where I just stare at the car, and it
is like, is this a cab or is this a pizza
delivery.

CHAIRMAN DAUS: In Hunter, the last
time I went skiing up there, many years ago,
they had a pizza place that was a taxi that
delivered pizza.

COMM. GIANNOLIS: So I don't know
if that's an issue for us. A lot of tourist
in this city, they get into cabs, I assume
they are pretty comfortable knowing what a cab
is and it is pretty distinctive on the street,
the yellow cab.

MR. SALKIN: You raise really
excellent points. And I think the question
becomes: When does a cab no longer look like
a cab? Or when do you cross that line?
You also talked about the sanctity of
the cab. And I think there is the passenger's
view of what that is. I also think there is
the driver's view. Perhaps what we can do for
future Commission meetings is get some people
to offer an opinion from the public's point of
view, here is what we feel cabs are and here
is their place in the public realm, as well as
drivers who are both individual owners or
perhaps drivers who drive vehicles and get
some feedback.

COMM. GIANNOLIS: Are information
monitors prohibited in FHV's?

MR. SALKIN: Passenger information
monitors are regulated on the yellow vehicles,
I think, as far as if you go into the other
vehicles --
MR. KIM: The rules on FHVs require that any interior or exterior advertising on FHVs be approved by the Commission. It hasn't been approved.

COMM. GIANNOULIS: There basically is none?

MR. KIM: There is none approved at this time.

MR. SALKIN: And approval would be based on the Commission standards, so then the question is: Does the Commission want to follow the same standards that were followed in the taxi industry, which are pretty stringent, the adoption of very stringent credit card standards and information standards, and requiring other information be shared like the map and taxi information.

So there is a lot of different ways to do this. I think one of Eric's points that he was trying to make is what Chicago did is they kind of said, "Yes, there is some benefits to advertisement and it is not a bad thing to do because it does add, but we should get very specific goals tied to advertising."

And they chose to regulate it in a different way than New York City does.

And perhaps that's something we can also think about, if there were benefits that you felt that were not being met or ways that, perhaps, the advertising could offset that, that's an interesting conversation as well.

COMM. GIANNOULIS: The other thing is, if we are in a situation where people were having economic issues, you know, the passenger monitor part of it was to offset some of the fare hikes that we did and make sure that we kind of even things out. My view is that the industry is not in crisis where we have to make sure people are getting more income coming in.

COMM. WEINSHALL: They would say they are in a crisis, but recognizing at the time -- we had a discussion here, recognizing at the time that this was a costly lift for them, we wanted to help the industry out. But I think beyond that, I don't know if we have to. The one that I am concerned about the most, Eric showed it on the screen, is the company that wants to put advertising on hubcaps. From a transportation/traffic viewpoint and pedestrian viewpoint, the last thing you want a pedestrian to be doing is looking down and not looking up. That's why DOT doesn't allow advertising on the street, we don't want people to be looking down. We
want them to be looking up.

COMM. GIANNOULIS: And the city, putting aside the issue of like the street furniture and whether the city wants to give its seal of approval to a particular commercial enterprise, they've never put advertising on their vehicles; right?

COMM. WEINSHALL: No, we don't put advertising on our vehicles.

MR. SALKIN: I think one thing that is interesting about the contract that the city DOT has for the street furniture is that there is a tremendous benefit that the city gets from that contract, which is very interesting to think about. But to me, having bus stop shelters that are maintained and clean and graffiti-free, especially in the cold winter, is tremendous. And I always thought that was a great benefit. So there is a cost benefit there that is directly linked to that is interesting.

Where in the yellow industry, I think some could argue that ads for ads' sake, one of the things the Commission could think about is: Is there a different reason for having ads or is it just good for the economics of the industry, which the Commissioner was just talking about.

CHAIRMAN DAUS: Commissioner Dear?

COMM. DEAR: I have a few issues. First of all, the concern that I have is that we have regulations concerning rooftop advertising, and now we are like rewriting the rules. When this Commission -- I wasn't here, it was prior to my coming here -- so we are starting to have discussions about what we are doing with something that we approved. And my concern is, because I hear the words and I hear what is being written and how people are talking, that we are talking about concern of how much money, who is making money, is the driver making money, this guy is making money? Who are we to determine? This is a free country, a country where you try to make the best --

COMM. WEINSHALL: No, but they are in a regulated industry.

COMM. DEAR: Regulated in what way?

How we control their money and how much money they are going to make?

COMM. WEINSHALL: No, but we regulate what goes on the car, what the car looks like. We regulate everything about this car.
COMM. DEAR: You are right, but now I am hearing from staff telling me that I don't know who is making the money, who is paying what, and everything else. I am not the IRS. I don't want to know what they are making. If they can figure out a way to make more money, good for them, they are smart business people.

CHAIRMAN DAUS: But that is part of the reason that we authorized it.

COMM. DEAR: But wait -- we are benefitting. We are going to be selling 900 vehicles medallions and we are making a lot of money from that.

COMM. WEINSHALL: No, 150. We sold the 900.

COMM. DEAR: A total of 900 we sold.
MR. KIM: And we have 150 more.
COMM. DEAR: Right. And how much did the city get from that?
COMM. WEINSHALL: A lot of money.
COMM. DEAR: A lot of money. Why did we get that money?

Come on, it is obviously because when someone buys a medallion, he is thinking how I can make my money back. So let's not start nickel and diming these people, how much they make, who makes what. And you are talking about making drivers -- there is no one on this Commission who has been advocating for the drivers more than someone like myself. And I am proud of it. But one second, the drivers out there are doing well now, and, obviously, they are doing well because the Commission cared and tried to do things about it.

And then also to remember, there are still 13,000 vehicles that are still owned by individuals. So any advertisement, anything else, it is still coming into his pocket.

MR. KIM: If I can just address two points that the Commissioner raised.
COMM. DEAR: Yes.
MR. KIM: First, you mentioned that we have rules on rooftop advertising. We have very broad rules. We do not have rules that specify standards or size of units, things like that. So the rules simply allow for it, says that the Commission will issue permits and that the Ad Code requires that the fee be $50.

Second, the point that you made about why would we regulate revenue? I was merely presenting an alternative model that Chicago uses. Chicago actually does obtain fairly
substantial and extensive information about
the revenue and the contracts that are
involved in advertising. They require, I
believe, that the city get copies of the
contracts between the advertiser and the
medallion owner. And I am sure that there is
a very specific revenue split. I was merely
indicating that that is one particular model.

CHAIRMAN DAUS: I think Eric and
staff were providing, not recommendations, but
merely just giving you information about how
other cities, and this Commission have made
policy decisions that if we are going to allow
advertising, like we did with the in-vehicle
passenger information monitors, we allowed
advertising, not because we thought it was the
first and foremost priority, but because we
thought it could offset the costs that the
medallion owners would have to pay.

And I think that the prior rules that
this Commission and other cities have passed
had as a policy consideration, maybe not the
foremost, but certainly one of them, that the
drivers and/or the owners are going to be able
to make some money off of this if we are going
to allow it. Whether we are for or against
advertising, you know, I think it's hard to
overlook the fact that this isn't like any
other business. The New York City taxicab,
like Commissioner Weinshall mentioned, is
highly regulated. It is part of the city's
landscape. It is known worldwide as an icon
of what New York City stands for and the way
it looks like ends up as trinkets in stores
around the world and in the city.

I have on my desk all these little
matchbox cars of taxicabs and some of them
have rooftop advertisements on them.

COMM. DEAR: We didn't get any money
from that.

COMM. WEINSHALL: That is going to
deal now with the New York City Marketing
Office, and I think that is the whole point.

I have to agree with Matt and with
Harry, there is a visual aspect to this. And
he is right, is it a pizza company that is
coming to pick you up or is it a New York City
yellow cab that is coming to pick you up? And
that's a standard that we have to --

COMM. GIANNOULIS: And we should be
careful saying whether we are going to allow
advertising. First, I am not
anti-advertising. I work with companies that
do advertising. None of us are
anti-advertising. From what I can see, we are
pretty pro advertising, because at this point, other than for FHBVs, there are rooftop units that are only there for advertising, and there is a passenger monitor, which according to Harry Giannoulis, is only there for advertising. That's pretty good.

We also approved two Commission meetings ago, the little tracking device for the cell phones. So these cars, Noach, are going around and generating -- I mean, I would like to get back to the passengers and all that stuff one day, but all we are talking about at this point is how much these folks are going to generate. A pretty nice pocket of extra income. I just think we need to be careful that these vehicles don't become everything but cabs.

MR. SALKIN: If I can offer some comments that I think I've heard the Commission share which is perhaps something we should further explore, is the issue of: If there is advertising, how does the advertising relative to the overall public purpose of the taxicab, and what's the best way to make sure that works and perhaps setting standards within those guidelines. And I think that's something that needs to be explored.

Right now, for rooftop ads, just to give an example, if someone wants to do a rooftop, because there aren't clear regulations, they have to apply, in this case going forward there might have to be a pilot project or it might have to be something that they apply for, to get an MOU with the agency. It is not clear how we proceed. But who is to say that one rooftop isn't different from another. If you saw, even rooftops that look the same, aren't really the same. You know, if it is four-sided advertising, two-sided advertising, advertising contained within the space.

COMM. GIANNOLIS: And I am certainly not anti -- I think the people who do the rooftop stuff do a pretty good job. You see them, they are clean, they are not dirty, they are all affixed steadily. I don't have a problem with that.

MR. SALKIN: The point I am raising is if there was a standard, and the standard had some thought about complementing the overall mission of the cab and making sure that the public piece is getting communicated clearly, but not compromising the advertising piece, perhaps that is something that also can be explored.
And, again, there is a lot of different models. I know some of the rooftop manufacturers said: We have this great rooftop but we know we are never going to get it approved for New York even though it is safer and better.

And the question is: Why is that?

If it's better, then why don't we have it?

COMM. GIANNOULIS: Some of the stuff is great. The digital unit, it looks great. I just have a hard time not thinking that there is not going to be a lot of people who will get into car accidents staring at that thing. We are talking about a lot of cars on the street that we are going to be doing that for.

CHAIRMAN DAUS: Any other Commissioners have comments?

COMM. POLANCO: This is just preliminary? I mean, this is not the only pilot programs that we are going to see?

MR. KIM: Absolutely.

COMM. POLANCO: So we are going to continue seeing this and we are going to continue discussing this?

MR. KIM: Right. What we are hoping for at this point is for the Commissioners to continue this discussion and provide us with guidance, and also provide the public, this is a public meeting, with some guidance about what the Commissioners thoughts are about advertising on TLC licensed vehicles.

Considering some of the questions that we have outlined here and some of the proposals we have received and some of the things other places do regarding advertising.

CHAIRMAN DAUS: That's a good point.

COMM. DEAR: Talk about direction, I know that we have had some discussions already, we did have before us once before, the wheel advertisement, which I don't think any of us were so keen about. If I am not mistaken either it was withdrawn or we turned it down. I don't know what we did, but it didn't go anywhere.

And I have no problems as they come before us, as the requests come in, that's because Harry Giannoulis and others had concern of how we are doing pilot projects and come before the Commission. I have no problem, we should regulate, and that is one of the concerns that was raised by staff, that you are going to be inundated with all kinds of proposals.

I said, "All right, that's fine." We
have already sort of made a policy because we
did allow for rooftop, we did allow for the
inside TV with the new changes with the GPS
and everything else. So it is obviously we
have a direction. As you hear, we don't want
to make this a pizzeria car, we don't want to
make this an advertising car. So I think the
direction is where it is and the only thing I
think that we have to, just to make sure where
we are going is in the sense of there is some
policy issues which I raised, and I must say
to the credit of the company that has now the
rooftops, Clear Channel, when there is concern
about some of the advertising, I am not the
only other one, but when they had all these
clubs which are not appropriate, that we
thought were not really a public value, they
didn't have to, but they automatically, when
they took over control of the company, they
took off those advertisements.

And I am sure they lost some revenue
on that. So obviously some of these companies
are listening to us because on their own they
are self-regulating. So right now, all the
concerns we had, we haven't heard of more
accidents and haven't had any public safety
concerns, because as things are going on now,

things are going fine. So keep that in mind
when you start to put in regulations that from
the past and where we are right now as a
Commission.

CHAIRMAN DAUS: Okay. Any other
comments from Commissioners?
(No response.)

CHAIRMAN DAUS: Okay, just to give
staff -- let me sum it up, and anyone just
jump in and let me know if you think that I am
missing something in terms of giving very
specific clear guidance to the staff in terms
of what the next steps are.

On one of the slides, I think Eric,
describing the current and future, identified
basically five policy goals: Safety,
aesthetics, content, public value and industry
economics. I think, from what I've heard, and
I would certainly agree, first and foremost is
safety. That is the number one policy
consideration I think. We have had these
rooftops tested by the Department of Citywide
Administration Services engineers. We have
also received private studies. There are
people and standards in place in private legal
So not only is there a safety standard there, but if we can get even better and more safety standards, I think you can never be too safe. If there are ways to incorporate those into our rules. And whether that be doing some of the research with the FHWA or some other sources to specifically include, identify the safety issues, safety standards, and put them in our rules to make it clear to everyone. I think that would be helpful.

In terms of the aesthetics and also the public valuable component, I believe from what I've heard, it is not just a private company that has opened up. It is a New York City taxicab. It has an iconic status. It is known the world over. Commissioner Weinshall brought up a very good point about we have the chief marketing officer and the tourism bureau and this new merged entity that is looking at marketing the City of New York including yellow cabs. So to the extent that advertising is something that could appear and does appear on a cab, how does that affect the ability for the city to market these cabs?

And that is something that is on their radar screen. I think we should seek guidance from them. There is a whole movement over the past couple of years to look at public space. As much as we may disagree with the Design Trust preliminary report, the whole exercise is a good one. A New York cab is part of New York City space. It is like a park bench, a park, wherever you go it is something that everybody sees and it has a quality of life component to it. So I think we should work with those partners and make sure that whatever comes out of this is tasteful and done the right way.

In terms of content, I would agree with Commissioner Dear that the companies have been very, very good, whether it was Medallion Taxi Media or Clear Channel, they kind of police themselves. The offensive to public moral standard is a very broad standard, it is in the Administrative Code. I guess I would just ask and recommend that counsel take a look at that. Are there ways that we can make that even more specific in our rules, or do we have to change to law or is it fine the way it is?

MR. KIM: Just on that point, Chicago does have very specific guidelines in their rules about what they consider appropriate and inappropriate for advertising
content in general.

CHAIRMAN DAUS: I think that's a great point, Eric. Only because advertisers, in fairness to the industry and to them, they want to make sure that they understand what the standards are so that they don't break the standards. When you have a broad standard, it always leaves that question mark out there and it is very confusing for them and it is confusing for us. And the law of prior restraint prohibits us from viewing any advertisements, in accordance with supreme court case law, before they are issued. But then that leaves the advertiser and the medallion owner to the risk of, if I post this, then there are going to be penalties and I am going to have all sorts of problems if the TLC exercises its right to take it off.

I can only think of one instance where we actually removed one, and two instances where we placed a phone call after there was an advertisement that was potentially offensive. And the companies were great about removing them. But I think, in fairness, Commissioner Dear, you have a very, very good point, and I think we should look into the legalities of that and just clarify it.

COMM. DEAR: I think we should make exclusive flower shops only advertising.

CHAIRMAN DAUS: Okay, last but not least, industry economics. Like was discussed here today, I think we should continue to look at some of the models that are out there, including Chicago.

If we do decide to do some type of authorization of advertising, it should be done in a way where we understand the economics. If that means going to medallion owners drivers and companies and asking to understand the economics, I think that's helpful because I think there is a component of that that's important.

And certainly last but not least, I think the pilot program rules are very good in terms of showing us that there is an interest in advertising in all of our industries. I personally would prefer not having to deal with 20 pilot program proposals. I think it is clear and in the best interest of the TLC, the industry, and also the advertising industry, to have clear specifications and rules, as opposed to having to enter into legal agreements each time somebody wants to put something on a cab. So I think the safety
standards, the aesthetics, how big, when and where you can put it on, all should be specified in our rules with clarity, instead of MOUs. And for administrative convenience purposes as well.

I think we should, as Commissioner Weinshall suggested, take a look at what we are doing with the passenger information monitors and whatever preliminary feedback we are getting from the in-vehicle advertising as part of the technology program.

And the last thing also is equality. Whatever we decide to do, I think it's important that we don't just favor one industry over another. That whatever we do for one industry, there has to be a very, very good public policy reason for not doing it for all of our regulated industries.

That's basically what I heard. Does anybody disagree with that direction?

COMM. DEAR: Two things. When you say industry economics, again, I want to make it clear, I am not here to regulate and to control how much each person makes and how they make it and everything else. I don't mind that we have a broad perspective of things, but, again, I don't want to go down that slippery slope.

What is scaring me is that report, I guess. That is what has me crazed, which some of you have, some don't have. But I don't want to go in that direction and I don't want to start touching money, economics. There are countries that do those things when they don't like something, all of a sudden, they nationalize the industry.

CHAIRMAN DAUS: Well, information is power. You don't mind having the information, do you?

I would personally like know how much of the share is going to the owner, the driver and the company.

COMM. DEAR: No.

CHAIRMAN DAUS: You don't care about that?

COMM. DEAR: No, it is not my business. They have a deal. We are going to start checking maybe how much they pay for their tires, how much they pay for their gasoline and why they do that? No, no, no.

CHAIRMAN DAUS: No, they ask us to do that when they want a fare increase.

COMM. DEAR: I am talking about how they do their business. That's between them. We are in a country, it is a capitalist
country. I don't think we changed our
economic views yet. There are people that
would like to.
And the public value about going into
other cars, I have very strong feelings about
going into livery cars and all that stuff.
More and more they are trying to look like
yellow cabs. I want to protect that yellow
cab.

CHAIRMAN DAUS: Okay, that is duly
noted.

Andrew?

MR. SALKIN: Based on the feedback
that I've gotten and direction from the Chair,
what we will try to do is on another
Commission meeting in the near future, we will
invite people who are experts in these topics
to share some opinions --

COMM. AROUT: Can I say something?
CHAIRMAN DAUS: Yes, Commissioner
AROUT.

COMM. AROUT: I want to thank
everyone here for putting this together, it
wasn't easy. I have my feelings about
everything, but I am listening to everything
and my opinion will come up when the time
comes. But I think it was very well done, and
let's just take it from there.
CHAIRMAN DAUS: I agree, excellent
job, Andy, Eric. It is a good start.
Okay, any other issues?
(No response.)

MR. KIM: Thank you.

CHAIRMAN DAUS: Thank you, that was
very enlightening.
Item four on the agenda is base
licensing application review.
Sara, good morning.

MS. MEYERS: Good morning.
CHAIRMAN DAUS: I know there are
issues with Adams, so let's put that to the
side and deal with the others first.
MS. MEYERS: With the exception of
Adams, we have 18 base applications for your
vote. Two new, 11 renewal. Two that are a
renewal and an ownership change. One that is
just an ownership change. And two that are
relocations only.

Does anyone have any questions?

COMM. AROUT: Yes. Dependable Car
Service and the North Shore Car and Limo.

MS. MEYERS: Okay, do you have
specific questions?

COMM. AROUT: Yes. On Dependable
Car Service, they were issued violations in
'06, unlicensed dispatching unlicensed driver. Then our great enforcement people on Staten Island only in January gave out two more summonses, operating while in suspension. What are we doing about these people? MS. MEYERS: What we have been doing is we have been going through this process for about a year and a half. We are coming to the conclusion, but we have, in terms of the business plan, having all the bases address these violations specifically in their business plans and how they are going to -- COMM. AROUT: Do we usually get a report after you make your inspections? MS. MEYERS: After enforcement makes inspections? COMM. AROUT: Yes. MS. MEYERS: Enforcement makes inspections back to licensing. COMM. AROUT: And you notify the bases about this? MS. MEYERS: Yes. COMM. AROUT: Is there a conclusion after your letters go out, come back to you and come back to us that it has been taken care of. MS. MEYERS: Sometimes what we ask them to do is write an amendment to their business plan to specifically address these issues. COMM. AROUT: Okay. CHAIRMAN DAUS: And Deputy Commissioner Mullin has been visiting every single base in the City of New York. In addition, Commissioner Arout, you get a monthly report on the enforcement that she has been doing. COMM. AROUT: Commissioner Mullin has been very good. She gives a report every month which I ask for. This way if any car service on Staten Island comes to me or calls my house to say what are we doing about it, I can show them what they do. Just in January 2007, Dependable Brothers, with two summonses, operating while on suspension. Golden Aztec, 17 summonses, one vehicle seized. Fox Hill Services got four summonses and a total of 27 summonses were issues and one seized vehicle, which is very good. So I hope the other Boroughs get the same thing. COMM. DEAR: I want to add something. You just raised something, Commissioner, about some people who are absolutely, flaunting the
law, they don't care and they are thumbing
their nose at us.

Why do we have to approve them for?

COMM. AROUT: That's my opinion.

COMM. DEAR: That's right. You have
a right to say no. I would agree with you.
If we get the other Commissioners to say no,
we will turn them down. I don't understand.
Why can't we turn them down? Why is it people
just flaunt themselves?

COMM. AROUT: These particular bases
mostly are owned by one particular company.
COMM. DEAR: I don't care.
COMM. AROUT: This particular one,
Dependable, just received their bases lately.
But they are just flaunting. What do we do?
COMM. DEAR: I am going to suggest
that we vote no on this one. If you want to
join me -- after you tell me what it's all
about, I am not going to vote for something
like that.

MS. MEYERS: I think, though, that
we have said in the past that we have asked
for the Commissioners to give recommendations
on how we could possibly make rule changes.

COMM. DEAR: Why do we need rule
changes when someone flaunts the law and
continuously violates the law? Who says we
have to approve it? Why are you coming to us?
Are we just a rubber stamp?

CHAIRMAN DAUS: Commissioner Dear, I
think nobody feels as strongly about this as
all of us.

COMM. DEAR: So let's vote no.
CHAIRMAN DAUS: Our hands are tied
legally.

COMM. DEAR: Who told you? Who
said it?

CHAIRMAN DAUS: We have had
discussions with counsel --
COMM. DEAR: We have four attorneys
on the Commission now, right.

CHAIRMAN DAUS: How do they feel? I
would love to hear how they feel.
COMM. DEAR: I don't know. I want to
hear. We have to approve it?

CHAIRMAN DAUS: Especially since you
are the individual who has been quoted in the
Gene Freedman case as basically saying: We

got sued, we get egg on our face.

If we were to deny these bases, and
weeks ago and months ago, we approved bases
that have worse records, that's what is called
an instant Article 78. It is just like
pouring the cocoa into the water.
COMM. DEAR: You are mixing apples and oranges.

CHAIRMAN DAUS: We are really not. This is a Commission of laws. And I think we set a bad example by violating our laws.


CHAIRMAN DAUS: Consistency. We don't want to be arbitrary and capricious. When you treat one base one way and do something different for one --

COMM. DEAR: You mean to say that we have to approve somebody who consistently says they want to violate the law. I don't understand what's going on.

CHAIRMAN DAUS: Chuck, do you want to address this issue?

COMM. DEAR: Give it to me, the book.

CHAIRMAN DAUS: With all due respect, Commissioner Dear --

COMM. DEAR: I had a professor who told me: If you don't know the law, make it up. But I don't want to make it up. I want to know where it says chapter and verse.

AMI correct, Commissioner Vargas?

CHAIRMAN DAUS: Commissioner Dear, Chuck will address it. And I just want to note for the record that we have had this discussion at least several times on the record, and we will do it again.

MR. FRASER: Obviously, Commissioner Dear is correct that the grant or denial of a base license is discretionary. That's the whole reason that the Commission votes on it. However, the discretion should be exercised in a way that is consistent from case to case.

As I said in our last meeting, my concern would be if we were to deny a base that has had some of these violations that are similar to another base that we did not deny, this would be subject to suit. The point being that when we began this enterprise, shortly before I started, January of '05, I understand a strategy was stated that for one renewal cycle, two years, we would do this process requiring business plans. And that when that cycle was finished, we would then review their compliance with their business plans, and then, at that stage, would then begin denying the bases who had not complied with their business plans. Sort of a one-time grace period kind of thing I guess.

I am not suggesting that Commissioner Dear's idea is wrong in the abstract. I am
only suggesting that since we have approached
it in a particular fashion for the last almost
two years now, that to change that sort of
almost at the end of that two-year renewal
cycle would be subject to challenge. That is
all that I am saying.

COMM. DEAR: You know, I am laughing
because I am just thinking of the rigorous
rules that you claim to have when someone
comes in and they missed one day, we have to
deny it, too bad, we can't flex the rules.
Even though for a hundred years, this agency
flexed its rules.

And then, of course, just a few weeks
ago, Judge Rucklesman (ph) makes a decision
and says: Guys, you didn't have any
compassion here and you gotta give the guy his
license back as long as he passes the test and
all that stuff. Certain circumstances.

So I spoke to Commissioner Salkin, he
told me, "You only looked at one decision.
There were three other decisions the other
way." You know what, we are a Commission, as
you said, and I am going to take it by face
value what you just said, and if someone wants
to sue, so be it. Let's find out, let it go
ahead. We did everything it with everything
else. All of a sudden because you want it
your way, so you don't want a suit. But
everything else, you are allowed to be sued.

How many people have been suing this agency?

So I want to make a proposal on the
ones that Commissioner Arout raises a flag on
items, I make a motion to vote no on them.

CHAIRMAN DAUS: Okay. Do we have a
second to the motion?

COMM. AROUT: Second.

MR. FRASER: You want to be
specific.

CHAIRMAN DAUS: Yes, which ones are
you talking about?

COMM. DEAR: Commissioner Arout, do
you want to say them again.

COMM. AROUT: Dependable and Adams.

COMM. DEAR: Dependable and Adams, I
vote no and Commissioner Arout has seconded
it.

CHAIRMAN DAUS: For Dependable and
Adams only?

MS. MEYERS: Commissioner Arout
mentioned another base, I didn't mention.

CHAIRMAN DAUS: Are you coupling the
motion together?

COMM. AROUT: No, Dependable only.

COMM. DEAR: Then we do the vote on
the first one.

CHAIRMAN DAUS: On Dependable?

COMM. DEAR: Yes.

CHAIRMAN DAUS: Are you making a motion?

COMM. DEAR: I am making a motion.

CHAIRMAN DAUS: Do we have a second?

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

(Indicating.)

CHAIRMAN DAUS: Opposed?

(Indicating.)

CHAIRMAN DAUS: It doesn't carry.

COMM. GIANNOUNIS: I wasn't here for the discussion, so I am abstaining.

CHAIRMAN DAUS: Okay, Commissioner Giannoulis is abstaining from the vote.

Let me just say this, instead of going back and forth over and over, I think we have had this discussion many, many times. I think it is unfair, with all due respect to you, Commissioner Dear, because you are very passionate about this, I think it is unfair --

COMM. DEAR: You should be passionate too.

CHAIRMAN DAUS: Can I please finish?

I think it is very, very unfair to characterize the staff coming forward with recommendations to deny bases because they missed a deadline as saying we are being too rigid. Every single one of those bases has missed multiple deadlines, 13, 14, 15 deadlines. So I think that that's something that is misplaced.

Number two, while I feel very strongly, as you do, that we need to do something about these bases, I feel also very strongly that we want to do something that is consistent with what we have done in the past. We laid out a game plan in which the Commission, everybody with the exception of Lauvie, who wasn't here, has voted for consistently over the last year and a half. I renew our call. I think staff needs to speed up the process of getting some standards in place for these bases.

Commissioner Dear, I remember you were part of the process at the Council when we first started regulating the bases. There has been a lot of attention paid to off-street parking and a lot of he requirements to get a license. But one area that I think we need to look at, which you looked at in the yellow cab industry when you passed laws in the '90s about putting a point system in place for the
drivers that was a little bit watered down from what we had passed here, was in some people's viewpoint, a little bit more fair. But there is a point system that was in the local law that you passed that we don't have in the local law now that we may have the opportunity to do in our rules now, which has been discussed in the past, so that bases have the opportunity to know in advance if I got more than X number of violations, that I will be revoked. And I think the most appropriate exercise of our discretion is to be consistent. So while as much as I agree with you, and I am equally frustrated, disturbed aggravated, annoyed by the continued violation of the law, I also believe that we should do the smart thing and not open ourselves up to lawsuits, and to bring this process to a conclusion, get the staff to get those recommendations as soon as possible.

So I would like to make a motion for all of the bases.

COMM. DEAR: Point of order. We just had a vote that was 3, 3 and one abstention. How does that --

CHAIRMAN DAUS: It doesn't carry. Right, Chuck?

MR. FRASER: You need a majority.

COMM. DEAR: So it doesn't carry either way?

MR. FRASER: The motion to deny did not carry. Nor is that an approval. Rejection of a motion to deny is not an approval.

COMM. GIANNOULIS: There was not an actual motion to approve.

MR. FRASER: Not yet.

CHAIRMAN DAUS: I would like to, with all due respect, make a motion.

I would like to make a motion that all of the items on item four be approved, with the caveat that the following bases, which include bases that Commissioner Arout had referenced, submit their business plan and that we send enforcement to visit each of those bases immediately:

Dependable Brothers, Ivoire Car Service, La Nueva, New Enricos, North Shore, Skyway and Alpha. Of those bases, I recommend all of them and the rest of the list be approved, but the ones that I just singled out, that we immediately send enforcement to them, we immediately require that they have a
business plan.
And those are bases, for clarity, that all have one or more convictions for dispatching unlicensed vehicles, which is a danger to the public and we need to do something about it. I also couple that motion to say that the staff should work to come up with a plan and a time line to come forward with base licensing recommendations that Commissioners, and all of us, have deemed a priority.
I would like to make that motion.
COMM. AROUT: Before you make it, Mr. Chairman?
CHAIRMAN DAUS: Yes.
COMM. AROUT: I would appreciate if you put in Fox Hill Car Service to that, please.
CHAIRMAN DAUS: Where are they? I don't think they are on this agenda.
COMM. AROUT: I thought I had them in here.
COMM. POLANCO: Can you repeat again the bases, Commissioner?
CHAIRMAN DAUS: Yes.
Dependable Brothers, Ivoire Car Service --
COMM. AROUT: I apologize. It is North Shore Car Service.
CHAIRMAN DAUS: Yes, I had mentioned that one.
-- La Nueva, New Enricos, North Shore, Skyway and Alpha.
Now I am recommending that those bases be visited by enforcement, that they immediately submit business plans as to how they are going to stop the one or more -- with all due respect, some have a couple, and others have a lot of convictions for unlicensed activity. And we bring this practice to an end once and for all.
But I do, consistent with our prior actions on the Commission, recommend that we approve these bases, but that we immediately have enforcement and licensing do their due diligence to get things done.
Do I have a second?
COMM. AROUT: Second.
CHAIRMAN DAUS: All in favor?
COMM. DEAR: So we are approving? I don't understand the motion.
CHAIRMAN DAUS: The motion is to approve all the bases that listed under item four. And as part of that motion, in addition, enforcement will visit the seven
bases that I mentioned by name, which all have one or more convictions for unlicensed activity. And we are immediately going to make sure that each and every one of them submit a business plan.

And also that staff comes up with a time line for bringing a concrete recommendation to change our rules and specifications to accomplish the goals of all of us, which is to have clear standards for bases to meet, that if they do get a certain amount of convictions and do do things wrong, that over a period of time they will have their licenses suspended and/or revoked.

COMM. GONZALEZ: Did we read into the public record the names of all the bases here? Because I don't think we did.

CHAIRMAN DAUS: I can read all of the bases, if you want.

COMM. GONZALEZ: Because I don't think we did.

These are the bases recommended for approval: ABC International, Big R, Bay Express, Cooperativa, Dependable, Ivoire, La Nueva, Mex Express, New Enricos, North Shore, Plaza Executive, Skyway, Unicar, Allen Car, Alpha Trans, All American, DMD, St. Albans and Adams Car Service.

And the ones that I believe enforcement should visit and that they should have a business plan all have one or more convictions for unlicensed activity. That includes: Dependable Brothers, Ivoire Car Service, La Nueva Car Service, New Enricos Car Service, North Shore Car and Limo Corp., Skyway Car Service and Alpha Trans.

And there was a motion and there was a second. Any other discussion on the motion or can we take a poll?

COMM. DEAR: Yes. Are we going to come back -- how fast are we coming back with some sort of regulation.

CHAIRMAN DAUS: By the next meeting, I am going to ask staff to come up with at least a time line, or before the next meeting I will try to get --

COMM. DEAR: And when does the time period for the first round of cars that we are going through end?

MS. MEYERS: As Chuck mentioned, we did start this process in January '05, but the business plan process --

COMM. DEAR: No. I am talking about the first waive of approval so that we can go
through the second one.

   MS. MEYERS: That's what I am
   referencing.

   CHAIRMAN DAUS: You know what I
   think will be a good idea, that that motion
   include a report from staff to the
   Commissioners on what he is requesting and
   what we intend to do.

   COMM. DEAR: Just tell me, could you
   answer?

   MR. SALKIN: The question is a
   little hard, it doesn't make sense. Because
   what happened is the first time we started
   doing this with the Commission, there was a
   lot of back and forth with staff, there was a
   lot of "Give these bases a second chance." So
   by the time we came up with a solid policy, it
   was more into the spring, April, May.

   So what we will do is we will look to
   see when we have those business plans that we
   can begin to hold people accountable to. And
   the good news is we are caught up now so we
   are not six months behind, eight months
   behind. As the May bases come up, we are
   reviewing May bases. So we will be doing this
   very quickly and on time.

   COMM. DEAR: For example, when
   Dependable comes up again, whenever it has to
   renew, it is two years now, and it's still
   doing the same thing, what happens then?

   MR. SALKIN: The idea is we will have
   rules in place so that the by the time
   Dependable comes up for renewal, they will
   basically know that they have been following
   the rules or they will know that they have not
   been following the rules. And they will know
   that if they have not been following the
   rules, they know the penalties associated with
   that, which if they are egregious enough and
   clear, it will probably be revocation-- or
   actually, in this case, not renewal.

   COMM. DEAR: And I just want to add,
   when you do something, we should also look
   into regulations as to how a car service
   operates, like the questions I raised with
   Adams. We shouldn't be approving car services
   that are a front for something else. Just,
   remember, every time you go on the Brooklyn
   Bridge, you see Ari Havelstat (ph). That kid
   was killed by a licensed base station by the
   TLC. That's what I want you to know.

   CHAIRMAN DAUS: I think,
   Commissioner Arout, if it is okay with you, I
   would like to add to that motion that you
   seconded what Commissioner Dear has brought
up. I think some of the concerns that he raised about Adams is something we should look at. Whether we have the ability even legally to change some of those things.

And that's the question of: Do we allow part-time bases that are travel agencies during the day and at nighttime run a couple of cars.

COMM. DEAR: No matter what they are.

CHAIRMAN DAUS: Signage issues. Should bases be required to have signage on the street, to kind of address all --

MR. SALKIN: Can I request that maybe the motion be restated? Because I would say the requests that you are making to the staff is getting a little convoluted.

CHAIRMAN DAUS: I think it's pretty clear, Andy. We want a report --

MR. SALKIN: You want a time line at the next Commission meeting and you want us to address these things that have been brought up at the Commission meetings.

CHAIRMAN DAUS: We want a report about what we think we can do and a time line.

MR. SALKIN: Okay.

CHAIRMAN DAUS: And, really, I leave that to you guys to come up with.

But some of the concerns that have been raised is the issue with Adams Car Service and the signage, the issue of how do we hold bases accountable, consistent with having clear and fair standards. And we kind of leave it to the staff to come up with those recommendations, whether it is a consistent violator program, other type of -- we don't want to interfere with the free flow of thought and your good sound recommendations. But I think it's important that at this point in time we are kind of reaching critical mass with these things.

And I think it is important, because I don't even know if we have the support to get this motion across, quite frankly, because everybody is a little bit angry, including myself, without actually appending this to the motion as well. I think we need to come up with a plan.

MR. SALKIN: Can I ask a question to general counsel?

Would these bases approval be contingent on these other motions attached?

MR. FRASER: Well, only if that's the way the motion is stated. I didn't understand it to be stated that way, that the
approval of the bases, I wouldn't think, would
be contingent.

CHAIRMAN DAUS: For the sake of --
instead of making four or five different
motions, I would like to, if I think I have a
consensus, make all the motions at once.

To approve the bases, number one.
The bases that I stated I think three times in
the record right now, maybe four times, that
have one or more convictions for unlicensed
activity, be given the immediate directive to
file a business plan. That Pansy and her
troops visit those bases immediately for
appropriate enforcement to make sure that they
are not endangering people's lives --

MS. MEYERS: Just to be clear, they
already have submitted a business plan and
enforcement has visited them all within the
past two or three weeks.

CHAIRMAN DAUS: I would like it to
be done again.

MS. MEYERS: Okay.
CHAIRMAN DAUS: And also that we
approve all those bases, and that we also come
up with a report or some type of time line or
indication of what the staff believes that it
is recommending that we do with the base
process, or when it will be able to come up
with some concrete plans.

Do I have a second?

COMM. AROUT: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: It's unanimous.
Okay, thank you.
Item five, a motion to close the
meeting.

COMM. DEAR: Just for the record,
can I ask regarding car services, I don't know
what you need. I know that Commissioner Arout
gets some good attention. I love Pansy, she
is doing a great job. I would like some
attention in Brooklyn, the neighborhoods we
are getting complaints where the illegals --
straight plates I am talking about -- are
picking up on a regular basis. When you call
the car service, they send you straight
plates.

So I would like to see some real
tough enforcement on that.

CHAIRMAN DAUS: Okay, thank you.

Andy, do you want to add anything?
MR. SALKIN: No.
CHAIRMAN DAUS: Okay, do I have a
motion to close the meeting?
COMM. AROUT: I make a motion to close the meeting.
CHAIRMAN DAUS: Okay, a second?
COMM. POLANCO: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes."
CHAIRMAN DAUS: Okay, thank you.
See you on March 8th.
(Time noted: 11:30 a.m.)

CERTIFICATION

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

MARGARET EUSTACE,
Shorthand Reporter