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10 NYC TAXI AND LIMOUSINE COMMISSION
11 PUBLIC MEETING
12 held on Thursday, February 12, 2009
13 40 Rector Street
14 5th Floor
15 New York, New York
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Public Meeting convened at 9:45 a.m.

P R E S E N T:

8 MATTHEW W. DAUS, COMMISSIONER/CHAIR
9 ELIAS AROUT, COMMISSIONER
10 HARRY GIANNOULIS, COMMISSIONER
11 IRIS WEINSHALL, COMMISSIONER
12 LAUVIENSKA POLANCO, COMMISSIONER
13 EDWARD GONZALES, COMMISSIONER
14 JEFFREY KAY, COMMISSIONER
15 CHARLES FRASER, GENERAL COUNSEL
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CHAIRMAN DAUS: Good morning,
everyone.

I would like to proceed to item one
on the agenda, my report.

5 First, I would like to begin with
6 some good news. I would like to announce that
7 on January 27th of this year, Mayor Bloomberg
8 has announced the reappointment of both
9 Commissioner Arout from Staten Island as well
10 as Luvi Polanco from Manhattan, who will be
11 joining us in a minute, to a new seven-year
12 term each. You will have your terms expiring
13 on January 31, 2015.

14 COMM. AROUT: If I live that long.

15 CHAIRMAN DAUS: I am sure you will
16 outlive all of us.

17 I want to first just thank
18 Commissioners Arout and Polanco for doing a
19 fantastic job and for their commitment to the
20 Commission and certainly in your respective
21 boroughs for your dedication and all the good
22 work that you do for no salary or compensation
23 other than just being a good public servant.
24 So thank you and congratulations.

25 COMM. AROUT: Thank you very much.

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1 CHAIRMAN DAUS: We look forward to
2 working with you.

3 Two, the Mayor's state of the City.

4 On January 15th, you may have heard
5 by now that the Mayor had announced that he
6 like the TLC and the Board of Commissioners
7 here to look into group rides and the
8 possibility of outer borough livery service
9 opportunities. These are ideas that are in
10 flux that we are thinking about now and that
11 staff will at some point in the future,
12 possibly in the spring, bring before the
13 Commission some ideas on how to do something
14 similar to what was happening and very well
15 received after the transit strike in '05 where
16 people grouped to take group rides from one
17 location to another, passengers pay less,
18 drivers earn more, everybody wins. Great
19 idea.

20 Now, the devil is the details in
21 figuring out how we are going to do it. We
22 will be working very close together with ideas
23 as well as some opportunities for liveries in
24 the outer boroughs to be able to work from
25 stands.

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1 COMM. WEINSHALL: Can I ask a
2 question.

3 In the transit strike we had zones
4 that we had set up where people could go to
5 get a group ride.

6 Is that -- Jeff, do you know?

7 COMM. KAY: That's part of it.

8 COMM. WEINSHALL: Certain times of
9 the day or not yet?

10 CHAIRMAN DAUS: Zones are one of the
11 concepts but also the other concept is to get
12 the meter to work with multiple fares,
13 something we are exploring as well.

14 My hope, in addition to working with
15 the Mayor's office are staff presenting a
16 presentation in the future to the
17 commissioners so we can get multiple ideas.
18 Ultimately, in most situations this would be
19 probably to vote on a pilot program that we
20 would initiate. So that's basically what we
21 are looking at, to test it to make sure that
22 it works and see what things work before we
23 declare victory and make it a permanent part
24 of what we do.

25 Speaking of liveries, we testified

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1 before the Council. Chuck Fraser and Ira
2 Goldstein on a livery bill of rights, Intro
3 880 A yesterday. It actually passed the
4 Council and it provides for a set criteria for
5 livery drivers and owners and bases to abide
6 by that's similar so taxi riders bill of
7 rights that we have had since, I think, 1995.
8 It creates rights that will have to be
9 replicated in our laws.

10 And there's a copy of the testimony
11 as well as the bill outside, so at an upcoming
12 meeting, most likely April, when we consider
13 or planning to consider major changes to FHV
14 rules, at that time we will be putting into
15 our rules, not only the Council's bill of
16 rights, which we are required to do, but any
17 additional rights that are created that would
18 involve the posting of these rights in some
19 form in the vehicles, how and where in the
20 vehicles are some of the details we are going
21 to be working out.

22 Also, the Mayor has not signed the
23 bill yet, so we will wait to see what the
24 Mayor does, though we anticipate he will
25 favorably look upon it since the

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1 administration and the TLC has worked very
2 closely with the Council on comprising on this
3 legislation. We certainly supported the
4 concept, but we had some issues on how it was
5 worded and how it was done, but we have been
6 able to work through those.

7 Luvi, I think we also announced your
8 reappointment.

9 COMM. POLANCO: Thank you.

10 CHAIRMAN DAUS: No. Thank you.

11 I wanted to again congratulate you
12 and thank you for all your hard work you are
13 doing and your term expires on January 31,
14 2015.

15 COMM. POLANCO: Wow.
16 CHAIRMAN DAUS: The accessible
17 dispatch program monthly update.
18 We have, as you know, 237 vehicles.
19 We have 1,017 dispatches. We have reached the
20 1,000 milestone. We have 440 drivers trained.
21 218 vehicles and drivers have been equipped
22 with Blackberries. We have seen an increase
23 in monthly average drivers logged on to the
24 system, approximately 30 at any given time.
25 We are also now aggressively

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1 beginning a public outreach campaign. We have
2 been testing the system to now and we are
3 hopefully going to be doing a public service
4 announcement, getting that out there, and
5 there is also a flier and a brochure to the
6 general public that's on our website and I
7 think we have it at the back of the room. We
8 are going to be going everywhere and anywhere
9 to get attention to let people know that the
10 service is available so that we can maximize
11 the usage and see that it is working.

12 The numbers are a lot lower than we
13 ever anticipated in terms of the usage, so we
14 won't know for sure until there is some
15 outreach, so you may be hearing about things
16 in the media or on the radio. We will see
17 where it goes and report back in the coming
18 months.

19 As I promised, we will continue to
20 have monthly reports and we will see how it is
21 doing.

22 Also, on a related note, there has
23 been a lot of controversy about the system
24 that we have set up at the airport that was a
25 pilot program to have people cut the line if

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1 they are in an accessible cab. We are now
2 working on possibly taking a fresh look at
3 that to see if there is another solution to
4 give drivers an incentive to take out
5 accessible cars and also be able to reasonably
6 cut the line at the airport. So we will have
7 more details on that.

8 We are working on the issue and we
9 know that a lot of people have been
10 complaining about it, especially drivers at
11 the airports. The whole concept is that we
12 wanted to make sure that we gave an incentive
13 to the drivers to actually take out accessible
14 cars. So there will be some news forthcoming
15 on that shortly.

16 Hotels, there seems to be a surge in
17 illegal activity at hotels. It always has
18 been but it seems to be getting worse. We
19 have targeted various hotels in Manhattan. I

20 am not going to tell you which ones are on the
21 radar screen going forward but I will tell you
22 that we recently did a very effective
23 operation at the Waldorf Astoria as well as
24 the Four Seasons Hotel in midtown where Deputy
25 Commissioner Mullings sent several inspectors

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1 and we issued a total of 37 summons for
2 violations, we seized two vehicles and
3 confiscated a diamond. We will see more of
4 that.

5 I think it's egregious what's going
6 on at the hotels. In addition, we are trying
7 to work with the hotel association and other
8 folks to make sure there are people there to
9 help us police the areas. We are going to
10 continue our undercover operation and I will
11 report back on that.

12 I think in prior meetings I mentioned
13 that we are starting pretty much pursuant to a
14 law that was passed by the Council and signed
15 by the Mayor that allows us to do
16 teleconferencing for hearings. We are
17 engaging in the pilot program with the general
18 public, people who are filing complaints. But
19 we did something special out in Staten Island
20 where there has always been issues where we
21 haven't had judges in Staten Island for a
22 while and Commissioner Arout expressed some
23 concerns about that, that the folks in Staten
24 Island have to travel all the way out to
25 Queens to go to a hearing.

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1 So as a pilot program we offered in
2 December teleconferencing options to
3 respondents, vehicle and base owners, drivers
4 to Staten Island to be able to if they waive
5 any identity issues, testify over the phone
6 instead of going to other locations.
7 Unfortunately so far not one single person has
8 availed themselves to the program.
9 Commissioner Arout and Deputy Commissioner
10 Weiss, I believe, have sent a letter out to
11 every base in Staten Island to make sure that
12 they are aware of the program. And it's
13 possible we may be able to get video
14 conferencing out there as well. I want to
15 make sure that there is awareness out there,
16 but so far the pilot in Staten Island seems to
17 be a dud, and I think it is only because a lot
18 people don't know about it. I don't know if
19 everybody got the industry notice of whether
20 they check on the website regularly, but I
21 will report back on that.

22 On the rule project we are going to
23 vote on or consider a vote on Chapters 14, 15
24 and 19 today and we will have a brief staff

25 presentation about that.

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1 I would like to let everybody know
2 that there's a third public hearing on Friday,
3 February 20th at 2:30 p.m. in this public
4 hearing room on Chapters 2 and 13 of our
5 rules.

6 Chapter 2 deals with TLC generic
7 matters and Chapter 13 deals with agents.

8 Our upcoming meeting schedule will
9 include a tentative date of March 26th for our
10 next meeting, at which time we hope to have a
11 public hearing and possible commission action
12 on the disincentive proposal that the Mayor
13 had announced with us.

14 Also, we hope to have a public
15 hearing on the Clean Air Vehicle Retirement
16 Extension Inspection. I think that has
17 actually been published. Yes, if you recall,
18 some concern was expressed in the past about
19 people who have these extensions, retirement
20 extensions for clean air vehicles, that on
21 their third inspection, basically if they fail
22 inspection they have to take the car off the
23 road as opposed to a minor violation like a
24 taillight being out and just fixing it and
25 coming back. So we will correct that. So

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1 that's what that hearing is about.

2 In April, and I don't have a specific
3 date for the meeting yet, we hope to have a
4 livery reform rules as a bill of rights as I
5 mentioned. And sometime in the spring we will
6 be talking about the group rides and livery
7 stands.

8 That concludes my report.

9 Any questions?

10 Okay, there being no questions, I
11 will proceed to item two, the adoption of the
12 minutes from both the December 18, 2008 and
13 January 8, 2009 Commission meeting.

14 Any changes, questions or corrections
15 to the minutes?

16 Okay, I make a motion to accept both.

17 COMM. AROUT: I make a motion to
18 accept.

19 CHAIRMAN DAUS: Do we have a second?

20 COMM. WEINSHALL: Second.

21 CHAIRMAN DAUS: All in favor?

22 (Chorus of "Ayes.")

23 CHAIRMAN DAUS: It's unanimous.

24 Item three, base applications for
25 determination.

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1 MS. STEELE-RADWAY: Good morning.

2 CHAIRMAN DAUS: Good morning.

3 MS. STEELE-RADWAY: Licensing would

4 like to present before the Commission 37 bases
5 with recommendation for approval.

6 CHAIRMAN DAUS: Any issues?

7 (No response.)

8 CHAIRMAN DAUS: Do we have a motion
9 to adopt?

10 COMM. AROUT: Motion to adopt.

11 CHAIRMAN DAUS: Is there a second?

12 COMM. POLANCO: Second.

13 CHAIRMAN DAUS: All in favor?

14 (Chorus of "Ayes.")

15 CHAIRMAN DAUS: It's unanimous, okay.

16 MS. STEELE-RADWAY: In addition, we
17 have five bases that we are recommending for a
18 denial with a request that these bases be
19 granted an additional 30 days to submit the
20 outstanding items.

21 COMM. AROUT: Motion to deny?

22 (No response.)

23 CHAIRMAN DAUS: We have a motion.

24 Is there a second.

25 COMM. POLANCO: Second.

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1 CHAIRMAN DAUS: All in favor.

2 (Chorus of "Ayes.")

3 CHAIRMAN DAUS: It's unanimous, thank
4 you.

5 Item four, this is the TATC Rules
6 Revision Project. I would like to ask David
7 Klahr to join us, who is going to give a very
8 brief presentation, bring our Commissioners up
9 to speed on the project, where we are and what
10 we are doing today.

11 MR. KLAHR: Good morning, everyone.

12 I will try to keep this very, very
13 brief and just go over a little bit about what
14 the process is because this is going to be the
15 first set of new chapters that you are going
16 to vote on.

17 I will go over what the process is,
18 and this is also for the benefit of the people
19 in the audience today, many of who have been
20 coming to our public hearings and appreciate
21 the attention that they have spent on this and
22 their time and their comments.

23 Voting on the new rules will take
24 three steps. First there is public hearings.
25 Then there is going to be a conditional vote

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1 that is going to happen today. Finally at a
2 later date, most likely later this summer will
3 be a repeal a final vote.

4 So what will happen at public
5 hearings, and this has been ongoing, we are
6 scheduled one or two chapters at time as they
7 have been revised and as they have been
8 approved by the law department. These are

9 open hearings. Anyone can come. You don't
10 need to sign up in advance. You can just come
11 and comment, sign up on the fly like you do at
12 the Commission meetings. We also accept
13 written comments. And I am also available
14 after the meeting in case individual people
15 have questions about the process.

16 The hearing was on December 5th and
17 January 23rd. As the Chair mentioned, the
18 next one will be February 20th. I would
19 invite everyone who is interested in the
20 Chapter being discussed to come and give their
21 comments.

22 What will happen today is a
23 conditional vote. And what will happen is
24 Chapters that have already had their public
25 hearing and public comment period will be

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1 presented to be individually or as part of a
2 group for your approval. When you approve
3 them, you are going to approve them without
4 them taking effect. Normally when you are
5 approving rules, they take effect a short time
6 after. What you will do today is approve them
7 without effective date. And there is a reason
8 for that. The reason for that is that rules
9 project is so large and the rule book is so
10 large that it would be completely unwieldy to
11 have you read every single Chapter at once,
12 vote on them all on the same day, expect
13 members of the industry to deal with comments
14 all at the same time and have everything take
15 effect in 60 days or 90 days. This is a very
16 large project affecting every aspect of the
17 industries that we regulate. It affects
18 thousands and thousands of licensees. We want
19 to make sure people in the industry have time
20 to comment and let us know what their concerns
21 are. This is a request that we had when we
22 began this project.

23 I was asked specifically that one of
24 the concerns was that we kind of dump Chapters
25 on people and say here is a new rule book, you

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1 have a month to look at it, let us know what
2 you think. We do not want to do that. We
3 want to spare you from a 14-hour Commission
4 meeting where you have to read and discuss
5 every Chapter, so we are breaking it up into
6 small chunks. We are going to not have them
7 take effect because you can't approve parts of
8 the rule, have them take effect and the old
9 rule is still in effect. Everyone will be way
10 too confused and no one will know what's going
11 on if all the rules take effect at the same
12 time. But at the same time we can't read them
13 all in all one session and that's why we are

14 doing this way.

15 We are also able, if we do it this
16 way, to add additional hearings on specific
17 topics later on if there are some changes. If
18 there is a legislative action that takes
19 place, if there is an issue that comes up that
20 wasn't a concern at some time but later
21 becomes a concern, we can make final
22 corrections if we need to or make small
23 changes if we need to. And also it keeps
24 people in the industry engaged in the process
25 doing everything at once, we are dolling it

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1 out in small bits so they can move at a more
2 reasonable pace.

3 After we have done all the Chapters,
4 and that will happen later this summer, there
5 will be a full, large vote where you will
6 repeal all of the existing rule book. Then
7 immediately thereafter you will vote to
8 activate the rule new book. So it's one vote
9 to repeal and then immediately after vote to
10 activate so we don't have periods where there
11 are actually no rules. And you will be able
12 to choose the actual date when this happens,
13 you will be able to work in coordination to
14 schedule when this is the most reasonable time
15 for the industry to take on the new rule.

16 That's what we were planning to do,
17 so if you have any questions about the
18 process, I am happy to answer them. If not, I
19 will let you move on to vote.

20 COMM. WEINSHALL: Will there be a
21 training period for the industry and for the
22 lawyers and for all the people who come before
23 the TLC? Will there be informational
24 training meeting so that they can understand
25 what these new rules are?

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1 MR. KLAHR: Absolutely, will do
2 extensive outreach on this. This is a lot we
3 are asking people to do.

4 Even though the fact that we are
5 going through this particular phase of the
6 rules process, we are not making any
7 substantive policy changes. It is different
8 language and organized a different way, so I
9 know there are a a lot of people that have
10 memorized the and the text of the rules to
11 that affect that if they want to cite them at
12 the courts or communicate with us. There is
13 going to be a lot of confusion, so this will
14 be a multi-moment outreach project so you can
15 have a better sense of when the actual
16 outreach will take place. We are going to
17 actively reach out to the people and the
18 industry and let them know about this.

19 COMM. WEINSHALL: Also, will there
20 be documents that sort of have the old rule
21 and the new rule and its number?

22 MR. KLAHR: As part of the process
23 TATC has been preparing that for us.
24 Something that has been posted on the rules
25 revision web page, but we will move that over

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1 to the general web page as it becomes more
2 relevant.

3 CHAIRMAN DAUS: I thank Commissioner
4 Weinshall for all her support on that.

5 COMM. WEINSHALL: If it doesn't
6 work, it is Matt's idea.

7 CHAIRMAN DAUS: It is an idea that
8 she came up with years ago.

9 My only question why would there need
10 to be a gap, why couldn't we vote to have a
11 repeal on a date certain and that be the same
12 date that we make the new rules in effect?

13 MR. KLAHR: It could be. It's up to
14 the Commission to decide that.

15 MR. FRASER: I am anticipating a
16 single vote that the Commission would repeal
17 the existing rules and approve the new rules
18 all on the same vote.

19 MR. KLAHR: A lot more efficient.

20 MR. FRASER: Since it wouldn't make
21 any sense to repeal the rule and approve it.

22 MR. KLAHR: We want to do this at
23 the same meeting at the very least.

24 CHAIRMAN DAUS: I saw some people
25 salivating when they realized there might be a

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1 point where there will be no TLC rules.

2 Okay, does anybody have specific
3 questions?

4 Thank you, David. That was
5 excellent.

6 Any specific questions?

7 COMM. POLANCO: The only question I
8 have is that we just added a new Chapter,
9 right, on the industry representatives?

10 MR. FRASER: It is not a new
11 Chapter. We have a Chapter now, it's Chapter
12 7 on representatives. So it's not a new
13 Chapter in that sense.

14 COMM. POLANCO: So what's the
15 difference? I see new changes will be
16 underlined but the all the pages are
17 underlined. We are now requiring industry
18 representative to be lawyers; was that a rule
19 before?

20 MR. FRASER: The rule does not change
21 in substance except for that one little thing
22 pointed out in the base purpose. We are now
23 requiring industry representatives, they are

24 already required to give us their address.
25 Now they are required to give us their e-mail

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1 address. That's the change, and we committed
2 to that when we do make a change in the rule,
3 we will identify it.

4 COMM. POLANCO: It's only been the
5 rules approved by the commission?

6 CHAIRMAN DAUS: Yes. We change and
7 evolve over time, but certainly we will be
8 looking in the next phase at the substance of
9 that. Things have changed. Industry reps
10 were originally there because drivers couldn't
11 afford representation, and things have
12 changed, they have attorneys working for them
13 even though they are not attorneys. Unique
14 TLC thing.

15 But certainly we will be taking a
16 look at the scope of representatives.

17 And also one thing I want to point
18 out is I think one of the comments, I think it
19 may have been from MTOBT and Mr. Mazer about
20 the public versus private meter shops. This
21 was something that was discussed with Mr.
22 Sherman of the MTOBT going years back. I
23 think it's an interesting and good comment.
24 However, this isn't the phase of project to
25 change that but I think we should look at

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1 that.

2 The concept is if someone is a meter
3 shop and not opening themselves up to the
4 general public, however if they have certain
5 requirements in their rules regarding signage,
6 why are we having signage for members of the
7 public when members of the public are not
8 being served and only the fleet that's being
9 served. So it does seem a little ridiculous
10 and it a glitch in the rules when the rules
11 first passed. But since we are not dealing
12 with major substantive changes just now,
13 that's something that we will look at when we
14 get to that phase.

15 For now the only substantive change
16 as I understand it are the intervening changes
17 that are required because the Council has
18 passed laws in between and very minor things
19 like e-mail.

20 MR. FRASER: In fact, I would like
21 to note for the record that we, the staff has
22 made two changes to the rules in front of you
23 from what we published in the City records.
24 These are Sections 14-02(b) and 15-02(b).
25 These changes are necessary to conform our

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1 local law that was passed last year providing
2 a 30-day period for payment of a fine assessed

3 by our adjudication staying payment further,
4 if it's a timely appeal that is filed. That
5 was a change in the law that we simply
6 overlooked when we did the rules implementing
7 that law last fall.

8 And we caught it now and so it's a
9 substantive change, but it's obviously a
10 substantive change required by law.

11 CHAIRMAN DAUS: Any other questions?

12 MR. FRASER: What the staff is
13 recommending as David said is a vote to
14 conditionally approve the three rules
15 Chapters. The condition being a future vote
16 on the entire rule book and repeal of the
17 existing rule book at the same time.

18 CHAIRMAN DAUS: Okay, do we have a
19 motion to adopt as per Mr. Fraser's --

20 COMM. AROUT: Motion to adopt.

21 CHAIRMAN DAUS: Do we have a second
22 on the resolution?

23 COMM. GONZALES: Second.

24 CHAIRMAN DAUS: All in favor?

25 (Chorus of "Ayes.")

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1 CHAIRMAN DAUS: Harry?

2 COMM. GIANNOULIS: Just give me a
3 minute.

4 CHAIRMAN DAUS: Okay.

5 COMM. GIANNOULIS: There have been
6 public hearings on these particular rules?

7 MR. FRASER: Yes, I have presided
8 over them. The theory of that being since we
9 are not making substantive changes for the
10 most part, it's really more about language and
11 drafting, they are not being held by the full
12 Commission.

13 COMM. GIANNOULIS: Is there
14 participation by the industry?

15 MR. FRASER: There was limited
16 participation. There were a couple of written
17 comments submitted and a couple of people
18 testified.

19 I think the reason for that is that
20 we have done extensive prepublication
21 outreach. There is a public period of comment
22 that has been very active where people look at
23 the draft rules on the website, submit
24 comments. We then make a fair amount of
25 changes and then we submit them to the Law

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1 Department for approval.

2 COMM. GIANNOULIS: Thanks.

3 COMM. WEINSHALL: And these have
4 been approved by the Law Department?

5 MR. FRASER: You must get Law
6 Department approval under the New York City
7 Procedures Act before you can publish proposed

8 rules, so, yes, we did that.

9 CHAIRMAN DAUS: Are you okay with
10 them?

11 COMM. GIANNOULIS: Yes.

12 CHAIRMAN DAUS: All right, it's
13 unanimous. Thank you.

14 And thanks also to David and Chuck
15 and his staff have put a lot of work into
16 this. Painstaking process, thousands and
17 thousands of rules and it can really make you
18 dizzy after a while.

19 Item five is Proposed Rules for
20 Public Hearing and Commission Action. This is
21 the proposed deferral of the implementation of
22 the minimum fuel efficiency standards and
23 vehicle retirement rules for black cars due to
24 the economic situation that the black car
25 industry is facing. And this is something

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1 that I think we have stated publicly several
2 months ago. There are two main reasons why I
3 am recommending that the Commission basically
4 prolong the date for implementation to January
5 1, 2010.

6 Number one, there has been a
7 significant decline in business as a result of
8 the economic climate in the City of New York
9 for the black car industry. Significant,
10 upwards of 30 percent revenue loss based on
11 the last stats that I saw. It may have
12 worsened things since.

13 Number two, the vehicle financing
14 situation, which is affecting all Americans
15 obviously affects the black car industry, and
16 that was big a part of the whole process for
17 buying hybrids and getting them on the road.

18 I will now turn it over to Chuck.

19 MR. FRASER: Nothing bad except the
20 notes on the record that these rules were
21 published for public comment for a 30-day
22 period and no comments were received.

23 CHAIRMAN DAUS: We do have one
24 registered speaker, Mr. Berj Haroutunian from
25 the Black Car Assistance Corporation.

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1 MR. HAROUTUNIAN: Good morning,
2 Chairman Daus, Commissioners.

3 My name is Berj Haroutunian from the
4 BCAC. As you know, Vic was recently
5 hospitalized so I am here on his behalf. Vic
6 lives for these hearings but unfortunately he
7 couldn't be here.

8 The BCAC represents in excess of 40
9 companies, which have approximately 10,000
10 affiliated vehicles, it's probably less now.
11 To the extent we represent companies, we are
12 also very much concerned with driver issues.

13 The black car industry has since its
14 inception and continues to be the industry
15 regulated by the New York City Taxi and
16 Limousine Commission.

17 Our primary concerns in addition to
18 quality of service we provide clients has
19 always been and continues to be the safety of
20 our drivers and the safety of our citizens of
21 New York, its visitor and commuters.

22 I came here this morning to testify
23 in favor of the proposed amendment to 6-09 and
24 6-10. The Board of Directors of the BCAC have
25 met in session and agree to passage of 6-09

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1 and 6-10 at the present time and under the
2 current commission economics and enable our
3 industry to adjust and move forward.

4 I stand before you today as president
5 of BCAC to thank the Taxi and Limousine
6 Commission and the City of New York for
7 listening to us regarding critical concerns we
8 had before the implementation of Rules 6-09
9 and 6-10, understanding our needs to have
10 implementation of those rules extend for one
11 year as outlined and being proposed here
12 today.

13 We will continue to meet with the
14 City of New York and the Taxi and Limousine
15 Commission to evaluate ongoing economic
16 conditions as they are affecting the black car
17 industry.

18 In closing, let me say I am an
19 advocate of the black car industry and have
20 always been an advocate for regulation and
21 enhanced industry and to improve the quality
22 of life of drivers, members and corporate
23 clients.

24 Thank you very much.

25 If you have any questions, I am happy

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1 to answer.

2 CHAIRMAN DAUS: Any questions?

3 COMM. GIANNOULIS: If you do see
4 Vic, wish him well. He is a very nice guy.

5 MR. HAROUTUNIAN: I will.

6 MR. GIANNOULIS: I do have question
7 now, maybe I am confused.

8 Was the black car rule not part of
9 the lawsuit that occurred?

10 MR. FRASER: No, it was not. The
11 black car groups have been in favor of the 25
12 MGP mandate, not opposed to it.

13 COMM. GIANNOULIS: So their sector
14 was not affected by the judge's decision?

15 MR. FRASER: Yes. The legal
16 distinction, I think, is that taxicabs are
17 required to be new cars. Therefore, when we

18 put a mileage mandate the court included a
19 mileage mandate for vehicle manufacturers.
20 Black cars are not required to be new cars so
21 our position is that they are not governed by
22 that decision.

23 The decision to buy a used car is
24 remote from the manufacturer's choice of what
25 the mileage to manufacture.

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1 COMM. GIANNOULIS: So we have no
2 reason to believe this rule was in any way
3 affected by the decision?

4 CHAIRMAN DAUS: Not according to our
5 Council and the Law Department. Not to say
6 there are other people out there with
7 different opinions.

8 COMM. GIANNOULIS: So we can vote
9 today without seemingly doing the wrong things
10 because this rule will be overturned?

11 MR. FRASER: This rule was not an
12 issue in the lawsuit. That's correct.

13 CHAIRMAN DAUS: I note for the
14 record that Victor, just for those who were
15 wondering, it is not a life threatening thing,
16 so he will be okay.

17 But to the best of my knowledge, met
18 with us and the Mayor's office, and expressed
19 their commitment on behalf of the black car
20 industry to continue exploring voluntarily
21 efforts, even during this deferral period if
22 there is something they can do to get more
23 hybrids on the road. Because they know it's
24 good for business. This is really an issue
25 that them and their users have come up with,

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1 and we will continue to work with exploring
2 our options in these difficult times.

3 Any other questions?
4 (No response.)

5 CHAIRMAN DAUS: Motion to approve
6 the rules?

7 COMM. AROUT: Motion to approve.

8 COMM. WEINSHALL: Second.

9 CHAIRMAN DAUS: All in favor.

10 (Chorus of "Ayes.")

11 CHAIRMAN DAUS: It's unanimous, thank
12 you.

13 Next item six is the pilot program
14 proposal for Commission action.

15 I am recommending a denial of the
16 propane fuel taxicab.

17 David, do you want to help us out and
18 explain why we are recommending denial?

19 MR. KLAHR: Certainly.

20 The proposal that you should see in
21 the packets for hybrid taxicabs that use
22 propane as a backup fuel, sp there were some

23 legal questions about this.

24 We discovered that the fire code of
25 the City of New York would present some

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1 difficulties in implementing the pilot, namely
2 that it is legal in New York City to drive a
3 vehicle powered by propane. However, it is
4 illegal to transport propane or to dispense
5 propane. Therefore, you cannot have propane
6 fueling stations in the City. So we asked the
7 proposer how they intended to mitigate this
8 concern and they had three suggestions for us.

9 The first was to have the fire
10 department change the fire code. This seemed
11 an unlikely prospect for a taxicab pilot.

12 The second was for the Commission to
13 approve the vehicle in defiance of the fire
14 code. That also did not seem like a
15 reasonable suggestion.

16 Finally, the third suggestion was to
17 have vehicles refuel in New Jersey, which did
18 not strike staff as a good option. For
19 example, you are finishing your shift at JFK,
20 we didn't want people driving to Jersey City
21 or Elizabeth, that would vastly increase
22 vehicle miles traveled, increase pollution not
23 decrease it.

24 So because of the restrictions put in
25 by the fire code, the staff recommends to

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1 decline the pilot.

2 CHAIRMAN DAUS: Any questions?

3 We really don't have choice. I don't
4 mean to give propane a bad name. It's not
5 right for us right now. We are going on
6 various different paths towards other types of
7 alternative fuel. The only cities that have
8 it are Chicago and Las Vegas. It's a very
9 unique situation in Canada and Tokyo, very
10 different operations, different scenarios.

11 So while we don't want to close the
12 door to anything, this is not the right time
13 to be considering this, all right.

14 Any -- do we have a motion to deny
15 the pilot program?

16 COMM. AROUT: Motion to deny.

17 COMM. WEINSHALL: Second.

18 CHAIRMAN DAUS: All in favor?

19 (Chorus of "Ayes.")

20 CHAIRMAN DAUS: We are confident we
21 did the right thing by voting this down.

22 Any other questions on any other
23 topics?

24 Okay, I want to make a motion to
25 close the meeting?

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1 COMM. AROUT: Second.

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CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: We are closed.
Happy Valentine's Day everyone.
(Time noted: 10:20 a.m.)

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

I, MARGARET EUSTACE, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

MARGARET EUSTACE,
Shorthand Reporter

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