NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, March 13, 2008
40 Rector Street
5th Floor
New York, New York
Public Meeting convened at 9:50 a.m:

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
HARRY GIANNOULIS, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL
CHAIRMAN DAUS: Good morning everyone. Sorry to keep everybody waiting, I think we are ready to get started.

First of all, there is a revised agenda, it was updated yesterday, which has been distributed. It's on the website as well. The first item is the Chairman's report.

First item is clean black cars. If you haven't heard already, black is the new green in the black car industry. The Mayor held an announcement on February 27th, had a press conference where he proposed to our Commission that we consider a plan where we would initiate vehicle retirement of six years for black cars, and also doing what we did for taxis for black cars, making them more fuel efficient, passing regulations that he is recommending.

To have by January 1, 2009, all new black cars that are retired in a phased-in cycle to be 25 miles per gallon or better, and January 1, 2010, 30 miles per gallon or better. Very similar to the rules that were passed for yellow cabs.
This is a tremendous opportunity for the black car industry, and I want to thank the leaders of the black car industry, especially John Asserno, Victor Dizengoff, Burge Artunian, and all the people that are standing in support, as well as the users group, Deutsche Bank was there, the president, as well as Cathy Wilde, the president of the Partnership for New York City. So there is broad support for this initiative.

I look forward to debating and working with the Commissioners on it. We are planning to have a public hearing on it next month at the next scheduled Commission meeting. Drivers will save a tremendous amount of money on hybrid vehicles in the black car industry, as they have in the yellow industry, up to $5,000 per year on gas costs.

This is a tremendous proposal, I think there are some issues that need to be fleshed out, including some new items such as a definition of line work, which will be in the rules. The rules are actually already posted and published in the City Record and in the back of the room as well. So I look
forward to that hearing and looking forward to making black the new green.

Item two, Driver Recognition Ceremony. If you have been reading the papers there is lots of talk about drivers doing good things day-in and day-out, but March every year the Mayor has proclaimed March 27th Driver Recognition Day and that's when we honor all the drivers who have done big things, small things, and made life better for all of our customers in all of our industries. We are going to have honorees from practically every industry, not just the yellow cab industry.

So we are looking forward to that. It is going to be, as it was, with the generosity of Top of the Rock and Tishman Speyer, at the Top of the Rock this year as it has been the last few years. There will be a catered affair. All of our Commissioners have been invited, we will be giving out awards to some of the top drivers, and also, all of the industry leader have been invited. So we are very much looking forward to that.

I am please to announce that Ben
Bailey from Cash Cab fame will be joining us as a speaker, as he did last year. And we've also managed to land Tom Wolpak from the Dukes of Hazard who is going to be there as well so it should be a lot of fun.

I just want to update everybody on Operation Secret Rider as well. The compliance rate does remain over the last couple of weeks at 91 percent compliance, which is very good for the industry. We have had a total 2,444 tests and a total of 330 total summonses were issued. I am not going to go through the whole breakdown but I will point out two particular items. There have been 143 cell phones summonses issued, which if you break cell phones out, it's about 94 percent compliance rate. And for refusals to accept credit cards, there have only been 17 summonses issued, which is an excellent number. That is 95 percent compliance.

Taxi of Tomorrow, just a quick update. The Request for Information was distributed. The due date for all final responses is April 21st. So far, so good. We have had 173 downloads as of March 11th from a
variety of different people including various 
automotive manufacturers. So we are very, 
very excited about that. I will keep 
everybody updated as the information comes in. 

Medallion sale update, I have some 
keys dates I would like to make sure everybody 
has. First of all, the Medallion sale website 
will be enabled and launched soon. If you 
like now, you can sign up for our list serve 
that you will get an e-mail once it is up and 
running with the link, so you can view it and 
get all the information about the sale and the 
dates. 

You can find the list serve in the 
upper left-hand side of the home page and 
there will be instructions on how to sign up. 
It is very simple, it should take no more than 
a minute or two. 

The auction will be for 86 corporate 
accessible Medallions. They will be sold in 
43 lots of two each. There will be one 
independent accessible Medallion auction as 
well as two independent alternative fuel 
Medallions. These various leftovers were from 
the last sale where the closings never
occurred. When all is all complete, we will have 230 accessible cabs on the road.

And here are the dates that we have for the various events relating to the Medallion sale: The first presentation or seminar will be at Woodside on Tuesday, April 15th. The second presentation will be at Rector Street, Tuesday, April 22nd. And then we will have technical workshop, which is usually a more hands-on type of event where those who have made the decision that they would like to bid can ask questions and get advice from our staff on the paperwork to make sure that they are filling it out correctly. That will be held at Rector Street on Friday, April 25th.

The bid collection will be from 9:00 a.m. through 12:00 p.m. starting on Monday, April 28th, continuing on Tuesday the 29th, Wednesday the 30th, and ending on Thursday, May 1st. The bid opening will take place on Friday, May 2nd. And we will have more details about locations, specific times in the near future.

The auction closing update from the
The last auction, I am pleased to report that 60 of the 63 cabs have closed out. We have one more scheduled for the 11th, and we have had a couple of dropouts, but the majority of the auction taxis are on the road at this point, which is good news.

The Taxi Technology Customer Service Enhancements, a quick update. I am pleased to announce, and I want to congratulate Ira Goldstein and his team, we have reached the 10,000 cab mark. 10,000 of the over 13,000 cabs that are on the road now have the credit card and taxi technology equipment installed. Things are going very well. The data continues to prove that the credit card tips are averaging 20 percent. It has been consistent. They are getting more tips, that is great news for the industry.

And also good news is that many, many more drivers are continuing to be less hesitant about it and are growing to accept it as a reality that will benefit them.

Just a few words accessible dispatch project, I promised we would report on that every month. Good news is that the contract
went to the Comptroller's Office, the
Comptroller has 30 days to respond. And if
not, it becomes registered so that we can
proceed on the contract and start our work.
We are in the process of researching potential
training options in terms of training the
drivers about how to use the equipment in the
cabs.

We also have up and running a section
on our website that deals exclusively with the
accessible dispatch system. It's on the
left-hand side of our home page. There is
lots of information not only for drivers and
owners, but also for passengers, how to access
the service once it is up and running.

Also we have reached an agreement on
shorties with the Port Authority and we should
be getting them soon, and more details will
follow.

I think I reported last time on the
antihustling legislation. We have a lot of
things going on in Albany, but the one thing
that we are involved in is antihustling
legislation which has been put forward by the
industry as well as us. We are all in support
of it. And that would basically stiffen the
penalties for the ongoing problem of tackling
hustling at the airports with unlicensed
operators unlawfully soliciting, and trying to
firm up those penalties and make them stiffer
so that we can stop this problem in
conjunction with the help of the Port
Authority.

Our staff went to Albany with the
Economic Development Corporation and our
Legislative Affairs rep from the Mayor's
office. We talked to legislators about the
bill. We received support not only from the
industry, as I mentioned, but airport
operators as well as the Queens District
Attorney's office was very supportive.
The Senate Transportation Committee
is expected to vote on the bill this week and
we should have some follow-up information. So
we will keep our fingers crossed and then we
will be working closely with the Assembly to
see if we can get it passed there as well.
For those of you who have forgotten
what it used to be like in March around the
TLC, I think many years ago we turned the
tables on March Madness, where people would line up at 5:00, 4:00 in the morning, hundreds and hundreds of people around the corner. And that has ended and now we call it March Mildness. There is still a peak period of new applications that come in and transfers, but we have been able to effectively handle it a lot better over the years. We have about 35 percent of our total volume of new applications, as well as 20 percent of our total volume of transfer applications for the entire year take place at this time.

We have increased the number of available appointments and we now have a staff drop box location on the floor, so we have had very few complaints and people are applauding the continued efforts of Deputy Commissioner Weiss and Licensing, doing a great job at handling the flow of people. So, so far, so good. Any questions, please call them, but pretty much I think the industry has gotten it down and knows exactly what to do and how to respond and make appointments at this point.

Quickly Auto Van, we had some discussion about Freedom Motors last time, and
there was some concern from the Commissioners about what are we doing with the Auto Van Pilot Program. The good news is that our staff has been working very closely with Auto Van and they have promised to get us crash test and other data that is essential for us to have staff review their compliance and success under their agreement pursuant to the pilot program. So we hope to have a recommendation at our April meeting about Auto Van.

The goal is to try to get the Toyota Sienna accessible retrofits with the rear entry ramps. If we can get that ready for the next auction, that's our goal. So it's our hope that Peter Schenckman will work closely with those two companies to see if we can address any concerns that we have, make sure they have all their data in. So that's a positive step in the right direction. We haven't have an auction and a sale of accessible Medallions without enough vehicles to be out there, but we want to make sure that they are safe and that they are compliant with the law and that they have been tested in
accordance with our program. So that should be it at our April meeting.

Just a couple of tentative dates. The next Commission meeting will be on Thursday, April 10th. We are expecting to have not only the Auto Van presentation but we are expecting to have the public hearing on the clean black car initiative. And the next meeting after that will be Thursday, May 8, 2008.

Also we will be having a separate public hearing on March 18th at 10:00 a.m. regarding the lease cap. That is a mandatory territory meeting that is required by our rules. We are very much looking forward to that. It is not mandatory for all Commissioners. If you would like to join us, you are more than welcome. What we plan to do is review the testimony, provide an executive summary of the findings and the testimony to the Commissioners so that we can have a staff presentation at one of our next public commission meetings. So if you can't make it, that's okay.

We are going to be limiting testimony
I believe to three minutes, but there are a number of questions on our website which we would like to have answered, and we have also put copies in the back of the room. In the past we have put out a very brief notice that kind of really just regurgitates the three factors that we are looking at that the law requires us to in our rules. But we felt it would be more important and more instructive for us if we could put out a more detailed set of questions so that various stakeholders, whether they are drivers, owners, management companies, fleets, can give us information that will be helpful to us in determining whether the lease cap is fair where it is or whether it should be changed or whether any other issues need to be addressed.

So I would encourage you to basically answer those questions. There are a lot of questions. I doubt that you will be able to answer each and every question during your verbal testimony, so we will keep the comment period open beyond the 18th to accept written comments. So I guess what I am saying is, if you are going to answer those questions,
please answer them in writing. It's easier for us. If there are some major points that you would like to make, the three minutes that you have to testify on the 18th is the best time to do that, to maybe highlight a particular issue. And, of course, that's all on our website as well.

So that concludes my report. Any questions, comments, concerns, issues?

(No response.).

CHAIRMAN DAUS: Okay, good. We will now move to Item 2, the adoption of the minutes of the February 14th Commission meeting.

Any issues, questions, concerns?

COMM. AROUT: I make a motion we approve the minutes?

CHAIRMAN DAUS: Is there a second?

COMM. GIANNOULIS: Second.

(Chorus of "ayes.")

CHAIRMAN DAUS: So approved.

CHAIRMAN DAUS: Item 3, Base Licensing Application Review. We have a rep from Licensing.
Good morning, Georgia.

MS. STEELE-RADWAY: Good morning.

Licensing would like to present before the Commission 17 bases with a recommendation for approval. As a result of questions concerning B00991, we request that this base be removed from consideration at this time, so it will be a total of 16 bases.

CHAIRMAN DAUS: Okay. The agenda was actually revised to take one base off of the calendar.

Do you remember the name of that base?

COMM. AROUT: All Town Car Service.

CHAIRMAN DAUS: Yes. For the record, All Town Car Service was taken off the list of approved bases for further consideration. Community Board 12 had voted against it and then they had made a request to my office that we give them extra time for the full board to meet. And they are planning to meet on March 18th, so we are waiting to get the full input of the complete Community Boards and then we will bring it back for consideration.
So that was removed and the name of the other base is?

MS. STEELE-RADWAY: This base is PF Management Incorporated.

CHAIRMAN DAUS: PF Management, because there were questions raised by some Commissioners and we just want to review the records.

That leaves all the other remaining bases that are on the list for approval, do we have a motion.

COMM. AROUT: Motion to accept them as read.

CHAIRMAN DAUS: Is there a second?

COMM. GIANNOULIS: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "ayes.")

CHAIRMAN DAUS: Great. I notice the owners of Go Green are here, and I want to just single them out. This is one of the new applications that we just approved. Congratulations. It is for a company called GoGreenride. Congratulations. GoGreenride is an organization that contacted our office over a year ago looking to do what other bases have
done, having a completely green car service
basically, so that all their vehicles that
they will be dispatching will be green
vehicles. We applaud you for your efforts. I
think you are the first base in the livery
industry to do so.

We have Ozo Car in the limousine
industry. We have John Asserno's group
providing in the black car industry, along
with a number of other black car companies
that have already voluntarily put clean black
cars out there. And it is interesting to note
that not only are there plenty of Pruises out
there but a lot of Toyota Camrys, some
Highlanders, some Escapes. We have over a
hundred black cars that voluntarily have
already put hybrid electric vehicles on the
road and close to a hundred in the luxury
limousine industry.

How many vehicles are we going to
have with GoGreenride?

AUDIENCE MEMBER: We are going to
start with 50.

CHAIRMAN DAUS: 50, congratulations,
and best of luck to you and thank you for
Okay, we have a couple of denials?

MS. STEELE-RADWAY: That is correct.

Licensing is recommending two bases for denial with the request that the Commission grants an additional 30 days so that they may present the outstanding items.

CHAIRMAN DAUS: Do we have a motion to deny?

COMM. AROUT: So moved to deny.

CHAIRMAN DAUS: A second?

COMM. GIANNOULIS: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "ayes.")

CHAIRMAN DAUS: That is with the stipulation that there will be 30 days for them to complete their paperwork?

MS. STEELE-RADWAY: That is correct.

CHAIRMAN DAUS: Okay, great.

MS. STEELE-RADWAY: Thank you.

CHAIRMAN DAUS: Item 4, we have a presentation regarding the Rules Revision Project. If you recall, we hired TATC Consulting to begin work on helping us to revise our rules, make them better organized,
more user friendly. Certainly our lawyers in
our legal department are more than capable of
doing this as well as the New York City Law
Department, but since we have so many other
things going on, we opted to hire consultants
that do policy and legal work. It's easier
for us to actually get this work done while we
focus on our day-to-day operations.

So we very, very pleased with the
work that you have done so far. And I would
like to invite Mark Olson as well as Trent
Killeman, and David Klahr from our staff to
give a presentation and update to the
Commissioners. I have sent the focus group of
information to the Commissioners already, but
this is a presentation that will talk about
what we have done so far, what we are doing
next and what we are doing towards the end of
the project and our time line.

So welcome and thank you.

MR. OLSON: Thank you.

I am Mark Olson, I am with TATC. My
function on the project team, I work as the
project field manager under our CEO, who is
our project director, Dr. Ken Murray. I am
joined today by Ms. Trent Killman, who is an attorney and our lead on our legal review. After a few comments on my part about what we have done to date, I will be turning over the bulk of the presentation to Ms. Killman, and then David Klahr will come up and give us an update on where things go from here.

Our purpose today is to do really three things: To present the progress on the project to date; also to review phase one guiding principles and examples, that's really going to be Ms. Killman's presentation; and then discuss steps to complete phase one.

The project phases, we really have two or three project phases and we are in phase one. Phase one really includes these two first two bullet points, the assessment and improvement. We are conducting an assessment of the current rules and develop a plan to revise them. We have completed that effort and we are now into the second bullet point, the second part of phase one, which improvement. We are trying to improve the clarity and organization of the current rules based on a test one plan that we have
developed and reviewed with TLC management team.

In the future, this will be phase two, we will be developing and implementing two things. One is a systemic or systemized approach that you can use that will lead to a more sustainable and repeatable revision of your rules. One of the reasons I think we are here in the first place is that these rules developed organically over time with different levels of detail, and as you move forward once we have cleaned up some of the rules and we have had a lot of staff and stakeholder input, we want to have system set up and help you with the system that you can maintain the rules in this holistic and consistent format as you move forward.

Also in that second phase, we will be looking at some specific policy areas where it may be deemed necessary to consider some rule revisions to support the TLC's policy.

The project progress. First we started out with research and it always starts out with talking to people and trying to understand the agency and the people that the
agency serves. So certainly the interview process was an important part of our research effort. We also conducted detailed review of the TLC rules, the City Charter, the laws of New York related to the agency's functions. And we conducted background research on taxi and limousine and other transportation rules and regulation in some of the other major metropolitan areas in the USA and Canada to get an idea about how they are doing things in a general sense but also specific to how do they organize the rules, where are the rules housed, what agencies deal with them, and how do they revise them. And this is all material that we have pulled together and we have presented to the TLC management team.

The second part was looking at reaction. How do people in this industry and in this environment, how are they reacting to the rules and reacting to the possibility of change in the rules? In order to understand that, we conducted TLC staff member interviews. Early in the process in this project we made a bit of a shift. We had interviews that we had planned to do. We also
planned to conduct some focus groups. And we decided early on that we really needed to more input one-on-one with people so we shifted the emphasis away from I think it was a proposal to do ten interviews total, both of staff and stakeholders. And to date, we have done more than 40 interviews one-on-one, as well as doing focus groups.

So we really made an effort, with the TLC's encouragement to try to get out there and solicit feedback and information from people one-on-one. So that started out with TLC staff member interviews. We also conducted stakeholder and industry representative interviews one-on-one or in small groups. We tried to meet with them when it is convenient, sometimes at their facilities, to solicit their feedback. And we are always open to receiving more feedback. This is not a static process, we are not presenting this as a task that is complete. This task continues so we hope to hear more from people, as David Klahr presents later in the presentation, we are anticipating the need to hear more from people as the project goes.
on. We need to get feedback and input on where we are and where we need to go.

We also conducted stakeholder and industry focus groups for the purpose of data collection. That was an effort to bring people in at different levels, whether it be owners or drivers in the different industries to get some direct one-on-one feedback. We like to do it in a group setting because it helps people to remember issues and they can elaborate and expand on something someone else said, and you generally have a rich discussion when you have it in a small group setting.

We pulled all that material together in a staff interview and stakeholder report, and that has been provided to the Commission already, and if you have comments or questions about that, we would be happy to take that or also hear that from you one-on-one. You can always feel free to contact me or Trent directly.

The final part of progress to date is the revision. This is the phase one component of the project. In order to get our hands on what is going on with your rules, how they are
organized, what has happened to the rules in
the past, we have developed a series of
comparative matrixes that we have used to
identify duplication, inconsistency, just as a
tool, a framework to better understand your
rules.

We've also developed some proposed
rules reorganization, some different templates
of how things might be organized, and reviewed
those with the TLC. And in those discussions
we hit on a couple of different alternatives,
and finally one in particular that seemed to
work well. As well as the overall
organization of the TLC rules and coming up
with a different approach, we also looked at
the organization of individual chapters as a
way to try to systematize this. Creating
something like a matrix structure of the rules
and almost treating the rules like a database,
not just to change them but with the purpose
to make them more accessible. That eventually
if you have a consistent structure, you will
be in a position later in this project or
process to be able to drill down into those
rules and more easily pull out packets for
different parties, whether it be owners or
drivers or different industries, so that you
can create booklets and other types of
information that you can share with them that
will improve communication.

We also performed a plain language
rewrite, and Trent will cover that a little
more in her part of the presentation. The
purpose was not to change meaning, but simply
to try to put the rules in a more
understandable format for the average person.
There is always a synergy there, a bit of a
struggle between the legal side and the public
interest side in terms of making something
that is easy to understand but also something
that isn't open to too much interpretation.
There will always be that struggle, and it
appeared that perhaps it went in one direction
and now we are trying to pull it back in the
other to try to make the rules a little more
understandable to the common person.

With that said, I will turn the
presentation over to Trent Killman. She is
going to discuss the guiding principles that
we have used to direct the project and take it
from there. Thank you.

MS. KILLMAN: Thank you, Mark.

Good morning. First, thank you all
for letting us do this. Some people may find
rules dry, I just find it tremendously
exciting to look at stuff that doesn't make
any sense at all and turn it into something
that ordinary people can understand, and I
very much enjoy that and I commend the
Commission for undertaking this project.
Perhaps you could talk to the IRS and get them
to do the same thing.

Guiding principle number one, Mark
said this and I want to reiterate it because
it's more like our prime directive, we intend
to make no changes to the meaning of the rules
intentionally or unintentionally. Staff and
the outreach people, I am sure, will help us
keep on track.

Guiding principle number two, put the
needs of the user first. I think Andy Salkin
put this really clearly when he said there are
three things the rules should do, they should
tell people how to get licensed, what they
have to do when they are licensed, and what
happens if they don't follow the rules when they are licensed, clearly and in organized fashion.

Number 3, and this is going to be the bulk of my presentation, using structure and organization to create clarity and consistency. And the next six slides will show you exactly what we are talking about.

First one, chapter reorganization. I am not sure how well you can see this from where you are sitting. I think you may have it in front of you, but on the left side are the existing rules and the line up, on the right side is the proposed rule line up. You can visually see that it is in a much more organized fashion.

The most significant change that we did make, again in concert with talking to staff, is in service chapters: Taxi service, paratransit service, for-hire service and the commuter vans. The taxicab rules were originally divided into driver rules and owners rules, so when we rewrote those, we kept that same division, driver rules and owner rules.
For the other ones, they were not, so we divided the rules for paratransit, for-hire and the commuter van rules so that you have now driver rules for each one of the services and owner rules for each one of the services. The next six rules are all taxi industry and the last two are adjudication.

The second one of our strategies was to associate the penalties with the rules. This is so important to a user and it is going to, hopefully, help people abide by the rules a little better. If you have a driver looking at this and it says if I am reckless driving, I have to pay between 350 and $1,000 and get four points, chances are he is much more likely not to drive recklessly or talk on the phone or whatever the rule is. That is going to be throughout.

The third one is to rework the definitions. We found several of the terms in the existing rules that had as many as five different definitions within that one body of rules. We have done this in two ways. We have created a chapter for all of the definitions up front, and kept a section
within each individual chapter to highlight the definitions that are specific to that chapter.

And, finally, every defined term will be printed with initial caps so that you can easily see that it is a defined term and go back and find the definition if you are using the rules.

The fourth one is chapter consistency. One of the ways we did this was to start each chapter with the same three sections. The scope of the chapter, very short, this is what it is about, this is why it is here. The second one which we call penalties is not a list of the penalties but is telling the user that the penalties are associated with the rules and there is one penalty that applies all the time and we put that up front. And there are mandatory penalties, specific things that people should know in advance are in that section.

Third one is the one I mentioned earlier, definitions specific to the chapter.

Number 5, and this is the big one, material organization and title sectioning.
Particularly for the service chapters we created a counterpart organizational structure, and I will show you in the example what I am talking about, and used a two-part section title to enhance visual comprehension and clarity. Just looking at it visually, I think you can see how the chapter is organized. The first part of the titling is licensing, or comply with laws, operations or vehicles. It's the basic topic that the rule is talking about.

The second part of the titling is going to be the more specific subject within that particular topic. The other part of that is 4-404, that is the chapter for taxi drivers. If you go to taxi 5, 6 or 7, which are rules for drivers of for-hire, paratransit and commuter vans, and say you were going to Section 5-18, you will find that it will be a rule for operations, lost property. If that particular service does not have a rule for lost property, it will say, as you can see on a couple of these "Reserved." It doesn't mean that it is going to get a rule for lost property, it simply means we are reserving
that particular section number for lost property rules. This will make it a whole lot easier, hopefully, both for the user and for TLC when you are looking to see how the different services compare. Particularly since there are great many rules that are virtually identical but not quite.

And the last one of these strategies for reorganization is subdivision headings. That's my personal favorite. A lot of time when I was reading your rules, you have huge chunks of text numbered, and this is a typical lawyer thing, and even as a lawyer I never liked it, so in breaking it up in a number of different ways, one of the things we did was include italicized short subheadings for each one of the subdivisions.

This is an example of how it would look. This is probably 7, 8, 9, 10 pages of rules, but within that if you want to find out what the requirements are, just by running your eyes down those subheadings -- age, identification, fitness for a job, speak and understand English -- all those titles help you find your way through the rules if you are
looking for something specific or just trying
to get an idea of what the rules are telling
you.

The last guiding principle, as Mark
said, we worked on simplifying and clarifying
the language, what you normally think of in a
rule rewrite. Even in that, there were three
different way we attacked that. One was to
eliminate the obsolete language, the legally
obsolete language. Second was to eliminate
language that was substantively obsolete. And
the third one was simply rewriting things that
were confusing to make them clearer. And my
last three slides will show you examples.

Example of obsolete legal language,
this is a transition provision when you were
going from one-year to two-year licenses for
taxicabs, so it's a lot of words. What we did
is we crossed out everything that is obsolete,
which leaves you with a one-sentence rule,
"All taxicabs licenses shall be renewed in two
years." That helped. That got rid of a good
chunk of things that you didn't need in your
rules.

The second one, an example of
obsolete substantive language. Pinion gears, when we talked with your experts on vehicles, pinion gears are passe. They no longer are in vehicles. You don't have to have rules about things you don't have to deal with. This is one of their suggestions to get rid of and we followed their suggestion.

This is the last one, and there are many, many different examples that we could have used. Obviously, I am not going to read you that entire slide, I am sure you are happy to know that. But I am going to read you one sentence in it because it's just kind of fun. The part in blue says, this is an example of drug testing licensed taxicab drivers, B3 says, "Failure of a license in the first year of a two-year license to be tested no sooner than 30 days prior to, and in any event, no later than the date one year prior to the expiration date of such license, shall result in suspension of the drivers license in accordance with Section 817 of this Title."

I had to draw a picture to understand what that was saying. I really did. This is what the new rule looks like. For all of that
language on the previous page, "Annual drug
testing." And what that sentence translated
into is, "For licenses in the first year of
the of two-year license, the testing must
occur within 30 days of the one-year
anniversary date of the license but before the
one year anniversary."
So it is not hard, it just needed to
be done. And then you can see again the
penalties with this.
And with that, unless you all have
any questions, that gives you an overview of
what we have done so far.
CHAIRMAN DAUS: Any questions?
COMM. GIANNOULIS: I have some
questions. The verbatims that you listed in
here, how many of these -- is there a way to
tell us how many of these things have been
either addressed or you don't think they
should be addressed?
MS. KILLMAN: Most of what is in
here under new rules are things that we have
started putting into a draft which is being
reviewed by staff at this point. Nothing is
final, but these have been addressed in a
chairman daus: but i think he is asking, any sense of how many of these examples?

comm. giannoulis: well, i guess i have a basic fundamental question because i don't know at what point in the process we are or what the end result is, but when i look at everything the drivers talked about, they talked about they don't know the rules and nobody tells them what the rules are. and, quite honestly, they are not going to get any better information by cleaning these rules because a lot of them won't understand those rules either.

so i am wondering how we address that issue in particular because that seems to be the predominant driver issue: i don't know what the rules are.

this isn't going to necessarily help them, so i am wondering where this fits in to what we are trying to do here.

chairman daus: this is something i discussed at the city council as well. that is something i promised we would do. this is
the first step to doing that. Once they get this done, we can morph these into handbooks that give the drivers what they need to know but not everything necessarily. What I am saying is we used give out these handbooks and they used to just be a copy of the rules as they exist. For practitioners and lawyers and licensees who want to read them, they will be better than what they are now. But after that is concluded, I don't know if it's part of your contract or we can do it ourselves, but the goal is once they do this, then we can take portions of that, simplify it further or just take abstracts and put them into booklets that we can give driver's when they get licensed and make it available to them in a more user friendly format. So that's part of plan but it is not necessarily part of the work that they are doing at this moment.

MS. KILLMAN: I would just add one minor thing. In the outreach we have been doing, you don't really get an opportunity to get cab drivers to come into meetings. And every time I come to New York and take a cab
from Penn Station here, I interview the driver. They know where they are taking me and I find out what it is that they like and don't like about the rules.

There was one driver who actually had read the rules. I didn't ask him much more than that, but exactly what Commissioner Daus said is exactly how we hope the drivers would have copies of them, and our goal is to make the rules that you are looking at clear enough English that I would say most of the drivers ought to be able understand them.

COMM. GIANNOLIS: Maybe this is a question for you, Mr. Chairman. I mean, I thought the point of this was that there is two constituencies out there that we are trying to help. There is let's call them the business side of the world, the fleet owners, the brokers, people who have lawyers, people who have the time and the focus to figure out what the rules are. So it is good that we are simplifying the rules for them. I think they know the rules anyway, but it is great that we are doing it for them.

The drivers, I think, have a real
issue with what the rules are. And if you just read their verbatims, it is not that complicated, they all said the same exact thing: I don't know what the rules are. It would be good if I had a rule book. It would be good if you told me when the rules changed. There should be training when you get your license, the eight hour refresher course should include conversation about the rules.

These are pretty simple ideas, but they sound pretty good. TLC should mail out a rule book on a regular basis. You can't buy the rule book, blah, blah, blah. So I am a little concerned about putting that one off to the side, kind of like the end goal of the project. It seems to me that would be a pretty front end part of the project.

CHAIRMAN DAUS: I totally agree with you, but it will be easier for us once we go through this exercise because we are going to be deleting a lot of obsolete language to put together something basically like we did for passengers. We have been able to simplify the rights to passengers in a small little box that goes in the back of every cab, the
passengers bill of rights. There is no reason we can't do that and make at least a reference in that book if the drivers want to learn more about licensing requirements or learn more about the taxi schools, that they can go to our website or they can go to the rules. But it will happen pretty quickly. The second that this project is complete, which will be by the end of the year, those books will be ready to go.

It just makes more sense for us because we may be making at some point some substantive changes, so if we are going to change maybe, for instance, the date, the age by which various folks could be licensed, it doesn't make any sense to put that book out now when we may be changing some substantive stuff towards the end of the year. That has been pointed out as an example, where, for various types of licenses, you need to 19 years of age, 18 years of age, 21 years of age to own or something like that. There are equal protection issues that we want provide consistency where it makes sense, where there is no rational basis to have differences among
the various classes of licensees.

So, in my opinion, that's the reasoning why we wanted to wait until this process was completed by the Commission. But within a month or two, hopefully, after that, we will have a process for getting those books out. If that answers your question.

COMM. GIANNOULIS: Yes. Maybe this isn't a big problem. Maybe the drivers not knowing the rules is not a big problem, I have no idea --

CHAIRMAN DAUS: I think it is.

COMM. GIANNOULIS: Maybe it is not, I have no idea. But if it is, I think we need to do something more than send them a book.

I was hoping -- I am concerned about the brokers and the fleet owners, but, quite honestly, those guys know what they are doing for the most part. If some of them don't, we should help them too.

CHAIRMAN DAUS: Are you suggesting we should do a training or refresher?

COMM. GIANNOULIS: I have no idea. But there are some ideas in here. Maybe this already happens but whoever came up with the
idea that part of the eight hour course should include that, sounds like a good idea to me. Part of the eight hour course should be what the rules are.

CHAIRMAN DAUS: Maybe when the project is complete, we can have the taxi schools do a retraining. Call everybody in and give them the books. That is something that we can talk about.

COMM. GIANNOULIS: It makes sense that it should happen as part of the initial licensing.

CHAIRMAN DAUS: Absolutely.

COMM. GIANNOULIS: But there is a bunch of stuff in here that seems like pretty good ideas. I know regular mailings cost money, so that may not be possible. But it costs less money to print this stuff and give it to the fleet guys to put in boxes out there and let people pick it up if they want.

I don't know if it's a problem. If it is, we should do something about. At the end of the day a lot of those guys are paying tickets. Maybe they know what is going on, I don't know.
CHAIRMAN DAUS: I think most drivers know the basic rights and wrongs. But there may be things, for instance, I think despite our best efforts there were a lot of drivers recently as part of Operation Secret Rider that really thought that it was okay to use hands-free devices.

COMM. GIANNOULIS: As did I, by the way.

CHAIRMAN DAUS: Yes, we forget. We all voted on it. Well, I was counsel at the time, but the Commission did vote on that and what happened, the general population, because the state law differs, allows that for private passengers and the technology developed and when we actually voted on the rules, Harry, those devices didn't exist. But there were hands-free devices where you could have a car phone and you could talk.

But the Blue Tooth technology came along and most drivers are like everybody is doing it. I think it is common knowledge that Council and the State Legislature allow us to use the Blue Tooth devices, but our rules, the way they were written do prohibit it. So I
think that is a perfect example of the rules are on the books, they change, there is a common misperception, and it compounded by not addressing it. So I think just sending the books is probably not enough. We may need to look into getting the schools to do something or doing an outreach campaign. There has to be something else because the rules don't mean anything if they don't know them and they don't follow them and look at them.

COMM. GIANNoulis: Certainly the staff who work with folks and people who know more about this than I do, could probably figure out pretty quickly what are the ten areas that people actually care about, that impact drivers on a regular basis. Probably licensing, how to re-up registration, stuff like the phone, you know, stuff that they do every day.

CHAIRMAN DAUS: This is an important project in terms of not only due process and people knowing what the grounds rules are, but in terms of further professionalizing the industry, especially the livery industry that don't have the training.
Various Council Members have had discussions with me over the years, and it was one of the key things that I have said during my reappointment confirmation hearing, having some back and forth with Council Member Rena and Council Member Martinez. This is something that is very, very important. I promised we would deliver it. Unfortunately, it took us a little longer to deliver it because we had other priorities, but that's the very reason we hired the consultants. Chuck Fraser and the Law Department would do a fantastic job of doing this if they had nothing else to do but spend their time doing this, but we keep putting these different policy initiatives and rules out there and it is a little bit more than just spring cleaning for our rules.

This is a total revamp, reorganization. We have been talking about doing it for years. As a lawyer, and we don't take offense, Chuck and I drafted many of these rules as the former general counsel, so I don't take offense at some of the verbosity that may be in them, but we try to, since I
have been counsel, to make things more consistent every time we did change rules. For instance, in 1998 when we did the reforms, when we did drug testing, we started systematically if there is not a rational reasoning for applying the drug testing rule, not only to cab drivers but also to livery drivers and other types of licensees, we basically from '98 on, we applied it across the board.

But there is a bigger issue, and that's the way you write the rules and how verbose lawyers can get. And I think the good thing about hiring a consultant here, which seems to make sense, is not just the enthusiasm that you are imparting on us, which we are happy to pay for that, but you certainly have exited at least some of the lawyers I guess. It is important to be excited about it, but it is important to be objective about it. Having worked for the Commission, even our Commissioners being here for years, reading the rules time in and time out or not reading them, you basically get stuck and you
are not able to be as objective as an outside consultant. This is, I think, a perfect example of how and why you need somebody with a fresh look at it. It looks great. I am very pleased, I don't know how anybody else feels.

COMM. AROUT: I just want to say something, over the years I myself got very confused reading these. I am not a lawyer, so I would always have to go according to the law. But after reading these, I read these I would say three times very thoroughly, and I think they did a great job and I am looking forward to the completion of it to make it more easy for the drivers to understand. I think that is the same point Harry has said the same thing. But I think it's a great idea.

CHAIRMAN DAUS: Any other questions?

COMM. POLANCO: One question that I had is, I notice that one of you were mentioning, Mr. Olson, about the benefits of the focus groups. But at the same time it's in the report that in an early stage you moved more to the one-on-one interview. And I was
noticing how in the focus group there were honestly no participants from the for-hire vehicle industry. And I just wanted know basically what happened during that process as to why going from the early point from focus group, which you mentioned the benefits of it, to the more individual one-on-one interviews?

MR. OLSON: You are referring to, I think, one of our earlier reports to you. What we had done, in the original project plan we had planned to do ten one-on-one interviews and hold 20 focus groups. And we shifted that and we have now done more than 40 individual interviews, and those participants, some of those people have been interviewed more than once. And we scheduled ten focus groups, and, unfortunately, I think there were some other factors that were going on in the short time frame that we were trying to hold those focus groups.

And I can't explain completely why we had lack of participation in that one particular industry, but I do know there were some other factors going on, some other issues that were out there. My concern was that
people may have been hesitant to come and express an opinion when there might be other issues.

CHAIRMAN DAUS: Commissioner Polanco actually recommended a list of people to be interviewed. I guess this is where it is coming from. Were they at least contacted?

COMM. POLANCO: I noticed those individuals were interviewed. I notice there names here, but I was just curious about the focus group. How would they know where to go, when, the date and so forth.

MS. SALKIN: What they did is they reached out to people who could help get us people to come to the meetings. In the livery driver case, we reach out to livery industry leaders and we said, "We are going to do this focus group, when would work?" "Here is your time slot, does that work for you?" And, "You invite people and we will invite people," and no one showed up. So one of the reasons we switched from doing focus groups is some of the industries, the people weren't showing up. So we did the individual interviews where we were capturing maybe the same people that
would have come to the focus group, but at least we were going and finding them and they were willing to talk to us one-on-one.

The way they set up the interviews, they asked people in the industry when would work and can you help us invite people, and some people showed up for it, some didn't. Within some industries it didn't work. I think the idea is you keep doing feedback until you get the same type of feedback. And what they were finding was they were getting to that point where people were starting to say similar things.

So we felt like we had done a lot of the work necessary to take some next steps. I think David will get into what the next steps are, and we will get into the very next steps we are going to take after taking the feedback that we get today, is starting to drafts of chapters and working with the industry again to see if what we are doing makes sense for them before we come back to the Commission.

The intent would be to come back to the Commission with a lot of this that has already been vetted by everybody so that it is
not like a fight in front of the Commission, but it is information that has been vetted and everyone understands it.

CHAIRMAN DAUS: Based on my experience, I think the consultants did do the right thing on this, only because our experience with passenger focus groups, it is a lot easier to get everybody in a room and get them to talk about their concerns. Even with drivers. My experience over the years here is when you get competitive business people that are competing with the person across the table in a room, not everything forthrightly comes out that is helpful.

We also did Commissioner interviews separately because we had quorum issues, we didn't want to violate the Open Meetings Law. And that was helpful too, so I think there is a certain amount of additional information that comes out from the individual interviews, and I support that decision when it comes to business owners, like livery bases and trade groups and so forth. I think it's better to give them the time separately. And if we are going to do focus groups, I think you did some
passenger focus groups or I'm sorry driver focus groups are instructive. But it is not too late, is it, if there are particular individuals that contacted you that you feel weren't interviewed that should have been, I don't think it's too late, is it, to contact them? MR. OLSON: No, it wouldn't be. That is certainly a little bit of a hold, the focus group strategy was the lack of participation. We would be willing to do that. And people may be more willing to participate now that they have something to respond to as opposed to this blue sky discussion so we may get a better participation. We would probably take the same route and try to work through the stakeholder representatives to get their help to populate the focus groups, which is what we tried to do the first time, unless someone had a different mechanism, I think that would work better. But we certainly would be open to doing that.

MR. KLAHR: No one wants to move forward without industry participation on this
project, and that is something that TATC has always stressed to us from the beginning, that it is not going to work, and this issue was raised earlier, if it's by lawyers for lawyers. That's not really the aim of the project.

The aim of the project is to make sure that everyone who participates in the industry, whether a passenger, a driver, an owner, a TLC staff, understands what the rules are, is capable of following the rules, is capable of discussing the rules. Like Commissioner Arout, I am not a lawyer. I am relatively new to the TLC. I was told you should read the rules. It's hard. It is very difficult to understand what the rules say and what they mean. So this process has been very educational for me just to see, okay, this is what is going on, this is how it is structured.

It has been enormously helpful and it seems like this is a really good time to get into what is happening now and what will happen in the near future.

CHAIRMAN DAUS: Do we have any
COMM. GIANNOLIS: I have a question for Andy.

Andy, if you can give me a sense, if a driver calls here and has a question, what happens?

MR. SALKIN: If a driver calls up --

COMM. GIANNOLIS: If anybody calls.

MR. SALKIN: It will either come to us via 311 or there is some number that licensees will call and it will go to the call center. Typically our call center can answer most every question that someone has. They typically don't call about rules. They are typically calling about their status as a driver, where is my license, what do I have to do, do I have an outstanding summons.

So that is something that gets handled in the call center. And they are also trained to answer questions. So if they have a question about a particular rule that they don't know the answer to, the call center will get them the answer and call them back and tell them the answer.

COMM. GIANNOLIS: The call center
is internal to our agency?

MR. SALKIN: If you call 311, they filter it to a TLC specialist, which is our call center.

One of the things that also happens, though, is more likely with this industry, you don't call us unless you are already a part of it. So say somebody wants to be new to the industry, typically we find people don't call. They find someone who tells them what to do. But if you come to TLC right now and you go on to our licensing facility, you will be greeted by people on the floor who speak different languages who will talk to you about what you need to do.

Typically you come with an application, your application will be incomplete and what we have spent a lot of time doing is creating these plain language forms. Here is what you need for a license, here is how much it will cost you to get a license, here is what needs to be notarized, here is how you have to make out the money order. It is all spelled out in plain planning language there, so they have done a
lot of interpretation on that side.
So I would argue that anybody that
comes to our licensing facility will leave
knowing what they need to do very clearly.
But, again, it took us a lot of time to figure
out what you needed to do. But I am not sure
I am exactly answering your question.
COMM. GIANNOULIS: So if somebody
decides -- somebody told me they a ticket for
the Blue Tooth, they may not be going to the
facility to get relicensed. Certainly nobody
is being encouraged in any shape or form to
say, "Here is an information number, call this
number if you don't know." Yes, somebody
could figure out call 311, but it doesn't
happen often I guess is my question, or it
does? I have no idea.
MR. SALKIN: We get thousands of
calls.
CHAIRMAN DAUS: As a matter of fact,
one of the first things I did when I was
appointed is we expanded our call center to
handle for the first time licensing inquiries.
It never existed and it has become a bulk of
our calls.
COMM. GIANNOULIS: That's scary.

Who is calling us?

CHAIRMAN DAUS: A lot of calls, I haven't had my application approved yet, but they do call with substantive questions about things. And we have a 24 hour hotline that will be put in place for the technology project as well. But we would like to brief our call center people when this project is done and make sure they are even better adept.

MR. SALKIN: Call center staff is actually part of this because they are the ones who know what the problems are. They will tell us, "By the way I got 50 calls on this one thing, what did you guys do?"

But your point is well taken, one of the objects of the whole program is it is hard to communicate clearly when the rules themselves are unclear. Once the rules are clear, and if you saw the work TATC is doing, we feel we will have a clear sense of what the rules are. And once we have a clear sense of what the rules are the intent is then to share that, and with that comes in this built-in communication.
So I don't envision us every three weeks a new rule happens, but I do envision every time you get renewed that you get a new packet of appropriate rules. We also envision having a much more robust website. Right now if you go on our website, you have to know what chapter is what or how to get there. Instead the intent would be you log on and you say I am a driver and I drive yellow cars. And you put that search mechanism in and all the rules that pertain to you will pop up.

COMM. GIANNOULIS: Is it scary to type in a question and answer thing or is that going to be too much?

MR. SALKIN: You can do type in a question and respond with an e-mail.

COMM. GIANNOULIS: Like Web MD.

MR. SALKIN: Well you don't have live people, but it is not a bad idea. I don't know where 311 is going. In terms of our staff, we certainly have capability during the day.

COMM. GIANNOULIS: But it would have to be tapped into 311?
MR. SALKIN: If you come to our website, it is different. The issue with the website is how you get the information sent to you. We can have it created so that an e-mail goes to "Ask TLC." That is not a bad idea.

CHAIRMAN DAUS: I am not sure if we are getting into cost overruns already but my vision for this project is once it is on the web, like many other state and city agencies have a searchable database, like the lawyers use Lexus and West Law, that you will be able to type in a term and search the rules and get what you want. But more importantly, with cross references, you know, how you get links on e-mails and screens and websites, as you are reading the rules if there is a reference to another section of the rules, that it will be highlighted in blue and automatically go to it. Those are things I would like to see come out of this eventually.

And it is going to be very much web based, but your comments are not lost, we haven't forgot about those handbooks. Many drivers don't have computers, they are never going to get on the web and there is nothing
we can do about that. We need to do outreach
and do something to reach them in a better
way, so those are good points well taken and
we haven't lost sight of that.

COMM. GIANNOULIS: By the end of
this project, I am going to keep on asking
this question. So I would like to see a very
particular plan, and I am not being critical
of the consultants, that comes out of this
project that we recognize that since we
recognize that the rules are messed up, and if
you read the verbatims, you can see the
drivers have the same exact issue time and
time again, which is: I don't know what the
rules are. We have to recognize it and we
can't forget it.

Unlike other city agencies, I am
trying to come up with an example, it's very
hard to come up with an example of random
citizens who are that regulated on a
day-to-day basis.

CHAIRMAN DAUS: Department of
Buildings has done something that kind of
inspired this. They took the Building Code,
it took them several years to do it, but
Commissioner Lancaster did a fantastic job of rewriting the rules. And that was part of the inspiration for this project.

COMM. GIANNOULIS: The difference is, though, if I am dealing with the Department of Buildings, generally speaking, I have an architect and I have a lawyer. Generally speaking, I am not building a building on my own.

MR. SALKIN: Consumer Affairs is probably closer.

COMM. GIANNOULIS: Even Consumer Affairs, if I own a fruit stand, obviously my lawyer is getting me the permit for my fruit stand.

MR. SALKIN: Not people who are vendors on the street. But your point is well taken.

COMM. GIANNOULIS: There are not a lot of people in this city like taxi drivers who are that under regulations who don't have access to lawyers, computer and accountants. That's my simple point.

I, as just a normal driver, yes, there is also a whole set of state rules that
I don't know about. Quite honestly, that doesn't impact me. Other than speeding, I know the basic rules. I just think drivers should have a lot of help telling them what the basics rules are, because then, quite honestly, in reference to some comments where we have had some of these appeals and I have heard this Appellate Court is a very liberal court. One of my issues, quite honestly, is these guys walk in there and they have no idea. We say the rule is you are not allowed to touch a passenger. I guarantee if you poll drivers, they don't know that that is the rule. They don't know that they can't lock the door.

CHAIRMAN DAUS: It is a fair point and it is well taken. I think the most analogous set of rules and regulations is the State Department of Motor Vehicles. That's every average citizen, everyone who drives a motor vehicle. There are a lot of complex rules in the Vehicle and Traffic Law. It reminds me of this a little, yet, they do have materials when you go to get your drivers
permit and you go to get educated. They explain it in a way in which you can remember it and understand. But still people have issues.

I was reading in the AAA bulletin, there was a letter from some MTA cop who said in response to somebody else, "If you have tinting on your windows, you are going to get a ticket." There are a lot of people out there that don't know, and we had this discussion earlier with our consultants, that tinting of your windows at a certain percentage is prohibited. And there are a lot of things in the VTL and even in state law, so I agree with you in terms of the city, but I think there are analogous situations, and I think the State Department of Motor Vehicles is one of them.

MR. SALKIN: That's fair. And again, the whole program here is to make better communication starting with the rules. Just to put it in perspective, even though what we might have proposed today made sense, and I saw some nods as Trent went through the presentation, if you actually put
it into actual rule making changes, just what
was presented today represents over 20,000
changes to our rules. So one of the things we
are trying to do is early on in the process,
make clear what the process is, what next
steps are going to be, because sometimes we
have three-hour debates about changing one
word in one rule and here we are discussing
major changes.

CHAIRMAN DAUS: We are not going to
heap all this on you in one night.
Let's make sure we have no more
questions. Is everybody okay?
Harry, you are okay?
COMM. GIANNELIS: Yes.
CHAIRMAN DAUS: All right, so let's
have David give the time line.
MR. SALKIN: What he is trying to
show is what we envision the process being.
Hopefully, that makes sense, but we are open
to ideas because this is kind of
unprecedented, to do such large change.
CHAIRMAN DAUS: David, time line?
MR. KLAHR: Thank you.
As Trent and Mark alluded to earlier,
we are in the middle of this process right now with phase one. They have presented us with many chapters that have already gone through the revision process as they pointed out earlier. Now TLC staff is going systematically, one chapter at a time, getting comments from as many people as possible, talking it over, we are having internal discussions.

In a couple of weeks, people in the industry should expect to hear from us and from the consultants, and as we finish chapters and do an internal review, it will go outside to them for them to make their comments about this is easy to understand, this is not easy to understand. Because, remember, the first guiding principle at this stage of the revision is: We are not changing content. We are not changing the meaning of the rules.

What we are just getting over is, okay, this is really complicated and confusing to look at and now here is the new version and we expect this to be much easier for you to understand and follow. Is that the case?
Again, they will talk to as many people as possible from as many different parts of the industry as possible. Then everything will go back to the Commission. And eventually what we are hoping, either at the late summer or early fall, August/Septemberish, to be able to present to you, the Commissioners, these revised rules for you to discuss here in this public forum. So the idea and the general time line will be late summer/fall 2008, we should have the complete body, all of the chapters of the rules will have gone through this process. This is going to be a rolling process. We are not going to look at every single chapter and then pass it onto the industry and the industry will look at every single chapter. We are going to do two or three chapters at a time, and we will do this as quickly as possible. We want to do this in an efficient way. And by the fall we will break this up into chunks. This will be over the course of three or four Commission meetings. It is too much to do the entire set at once. And then
ideally the entire new set of clean revised rules will go into effect sometime in spring 2009. The idea is to revise it over the summer and fall. You will vote on it over the fall and the winter. And we will do wide publicity on this, everyone in the industry, every participant will know the new rule set starts on this date at this time and then we will be able to express that to enforcement, express that to passengers, express that to drivers, express that to owners.

So just kind of the initial remaining steps in phase one is this review by staff, the review by the industry, the Commission will look at it, it will go to the City Law Department. And then the final proposals will go to you in these large chunks. We will divide it into thirds or quarters, if need be.

Again, the main thing to remember with this particular revision, this phase one, this ongoing now. This will end by the fall. Phase two will be the revision and the passage of the new rules. And then as alluded to earlier, phase three will be TATC will work closely with us to make sure that this isn't
something that we did this and we forget about it. This is going to be an ongoing sustainable plan for new rules.

In the future when we propose new rules for passage by the Commission, they area all going to follow the new format. They are all going to fit in very well to the current structure. This is a very large complicated project that takes a long time and involves a lot of people and we want to make sure that we don't lose all the benefits that we get from this. That your successors far in the future will be able to look back at this and say, "They did a really good job. This is easy to understand. This is plain language. This really improved how we communicated with people."

So, again, if any questions come out of that?

CHAIRMAN DAUS: If we don't have successors, we can continue to enjoy them for many decades to come.

Commissioner Gonzales has a question, but before we do that, if we could add to the time line now this whole plan for outreach,
which we need to think about how we are going
to do it but also the driver, the individual
books.

MR. KLAHR: Absolutely.

CHAIRMAN DAUS: Commissioner

Gonzales?

COMM. GONZALES: I have a question, it's in part of the package that was sent out.

On page 5 one of the bullet points states, "Better written and understood rules will
improve compliance and limit appeals."

Do you know, is that something we are stating as an objective, and do we have the
mechanism in place to start measuring things like that?

MR. KLAHR: I believe we can measure things like that. Although it's sometimes difficult to determine exactly -- I mean, it is a large, complex agency. There's lots and lots of appeals, there's lots and lots of summonses.

This was something alluded to earlier, yes, we do hear sometimes from drivers and we do hear from staff that rules are way too ambiguous, they are difficult to
follow even for people with experience dealing
with them for years. So we are hoping that
this will be a good net benefit to this
project. That if staff understands the rules,
if enforcement understands the rules, if our
ALJs understand the rules, if our drivers
understand the rules, there will be a lot less
of this really contentious, it really means
this, it really means that.

COMM. GONZALES: My point is, is
there something that we can objectively point
to and say because we put these rules and
changes in place, yes, it has been effective?

MR. KLAHR: I think that is
something we would be interested in looking at
once we get to the point with the new rules.
It would be difficult to measure before they
are implemented.

CHAIRMAN DAUS: It is definitely a
good point. I don't know if this came out in
the interviews of Joe Eckstein and
adjudication, but to the extent that stats
have been kept in the past. I know we have
kept statistic on what the basis for reversal
was for cases that were reversed on appeal and
those that are affirmed. As least in so far as that information may be used as part of focus groups to determine whether there are particular rules that are vague, unclear, that have led to those types of reversals on appeal because they needed to be clarified by an Appellate decision. I don't know if that's something -- I agree with you on the end result, but if we haven't already, it certainly would be a good idea, per Commissioner Gonzales's suggestion, touch base with the adjudication folks to see of our appeals, and they have the information, are there any particular rules that stand out that we should change to make clear. Not substantively, to make clear.

COMM. POLANCO: I have a question. Are decisions from the administrative hearings, are they published somewhere?

CHAIRMAN DAUS: Yes, it is City Law, right?

MR. FRASER: Appeals decisions are compiled on a website run by New York Law School that compiles a lot of the administrative materials from all of the city
agencies. The center for New York City Law,
which Professor Sandler, a former
Commissioner, created.

CHAIRMAN DAUS: A former TLC Chairman
actually.

COMM. POLANCO: What about normal
decisions?

MR. FRASER: No, they are not. Most
agencies are selective about what they put on
the website and our selection was to put the
Appeals decisions because they are sort of the
precedential and legally significant
decisions.

CHAIRMAN DAUS: A lot of decisions
are just a sentence or two sentences saying it
has been affirmed. So it would just be a lot
of useless information up there.

COMM. AROUT: I just want to thank
David. He knows I called him up on many
different things that come up on Staten Island
and I want to thank you for enlightening me on
some of the rules. Thank you very much for
all of your help.

MR. KLAHR: Thank you,
Commissioners. If there are no further
questions, thank you very much.
CHAIRMAN DAUS: Is everybody okay with this?
(No response.).
CHAIRMAN DAUS: Very good.
Do we have a motion to close the meeting?
COMM. AROUT: I make a motion to close the meeting.
CHAIRMAN DAUS: All in favor?
(Chorus of "ayes.")
CHAIRMAN DAUS: We are adjourned.
Have a good one.
(Time Noted: 11:05 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