NYC TAXI AND LIMOUSINE COMMISSION
Public Meeting
held on Thursday, April 16, 2009
40 Rector Street
5th Floor
New York, New York

PRESENT:
MATTHEW W. DAUS, CHAIRPERSON/COMMISSIONER
ELIAS AROUT, COMMISSIONER
HARRY GIANNOULIS, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
LUVIENSKA POLANCO, COMMISSIONER
JEFFREY KAY, COMMISSIONER (Present 1:00 p.m.)
CHARLES FRASER, GENERAL COUNSEL

PROCEEDINGS
(Time noted: 10:00 a.m.)

CHAIRMAN DAUS: Good morning, everyone. I am sorry that we kept you waiting. We have obviously a very large crowd here.

We are going to work from the revised agenda, which I think was revised on the 14th. The first item is the Chair's report.

First, I am pleased to report that we are getting a little bit of a pickup in the Taxicab Wheelchair Accessible Dispatch System. To date we have had a total of 668 dispatches.

We were averaging until last month or so about six dispatches per day. Now we are averaging about 10 per day.

On a monthly average it has gone from about 30 trips per month to about 35 trips per month.

With the new T-PEP Integration System with Creative Mobile Technologies in addition to the BlackBerrys, we have actually taken a total of 237 accessible cabs, and 129 of them are now being used with the T-PEP system to dispatch the calls when they come in from 311.

The remaining 108 of the 237 are using the BlackBerry system so it is about what we expected, almost half.

We will see if the uptick continues. We have done some outreach.

In addition to being covered in the media about the system, and getting out to the broader community to make sure they are aware of the services that we are have, we are going to have public service announcements airing on 1010 WINS, WFLJ, WNYE, WOR and WABC.

If you call 311 and you are put on hold, you will hear the PSA as well so hopefully that will help.

The more outreach we do, the more people are aware of it, and hopefully ridership will go up so we can access the demonstration project.

Also, the long-awaited Taxi Technology Request for Information was released this week. There are copies in the back along with the press release summarizing it.

The media seems to have zeroed in on just a few of the concepts or ideas which are by no mean concrete or specific proposals, but just ideas. That is all that
it is. I would encourage everyone who is interested in commenting, media, industry, passengers -- we have already received many comments over the last couple of days -- to pick up a copy and send your copies to policymail@TLC.NYC.gov, or you can access this specified e-mail address through our website, which is NYC.gov/taxi.

You can also fax your responses to (212) 676-1002. The RFI period is now open and will end on June 15, 2009. Also, on March 31, we finally announced reciprocity with Nassau County, a long-awaited announcement that was as a result of a law that was passed and sponsored by Senator Marty Golden a few years ago.

We did the announcement with Westchester as well as Nassau County, because we all mutually recognized each other's permits.

What that means, basically, is now if you have a Nassau County or Westchester permit, we are recognizing those permits for purposes of them picking up in New York City for destinations outside.

I think it is something that is certainly pro business. Who needs extra permits and needs to be paying government extra permits and going through extra bureaucracy? Now that these two counties have raised their standards and have standards that are similar to the TLC's, in particular it is a big step I think for public safety as well.

Now we know that these cars that are coming from our two neighboring counties also have some of the high standards that we have for our licensees, including drug testing, criminal background checks, higher levels of insurance, et cetera.

That was finally announced, and it is in effect.

I want to thank County Executive Tom Suozzi from Nassau, and Commissioner Roger Bogsted, the TLC Commissioner from Nassau, and also Westchester County Executive Andy Spanno, and Commissioner Barbara Monaghan, who is the TLC Commissioner from Westchester.

The Rules Revision Project, as you may have heard, is continuing. We are still in the second phase, which is the reorganization, and a plain language
exercise, not mostly substantive.
The next hearing will be at 40 Rector Street in this room on May 8 at 2:30 p.m., and the topic will be Chapter 6, paratransit rules.
Just a couple of quick facts on the medallion industry. We hit another record for yellow cab drivers. As of April 15th, yesterday, we have a record 47,283 drivers on the road.
The latest number for hybrids is 2,125, which is just over 16 percent of the fleet, as well as 18 diesels and six C and G.

That concludes my report.
Any questions?
COMM. WEINSHALL: Do you have a breakdown of the hybrids, what type of cars?
CHAIRMAN DAUS: Peter, could you give us a quick update on the types of hybrids we are seeing mostly?
MR. SCHENKMAN: Good morning. The majority of them still remain the Ford Escape hybrid followed by the Toyota Highlander hybrid, the Camry hybrid, the Ultima, the Prius, and there are two Civic hybrids and three Lexus.
CHAIRMAN DAUS: Any other questions?
We are going to the adoption of the minutes, the March 26 Commission meeting. Any comments, questions or changes?
COMM. AROUT: I move to accept them.
CHAIRMAN DAUS: Second?
COMM. POLANCO: Second.
(CHorus of "ayes.")
CHAIRMAN DAUS: All in favor?
Adopted unanimously. Thank you.
Second, base applications.
MS. STEELE-RADWAY: Good morning.
CHAIRMAN DAUS: Good morning.
MS. STEELE-RADWAY: Licensing would like to present before the Commission 20 bases with a recommendation for approval.
CHAIRMAN DAUS: Any questions about the bases for approval?
Do we have a motion to adopt?
COMM. AROUT: Motion to adopt.
CHAIRMAN DAUS: Second?
COMM. POLANCO: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "ayes.")
CHAIRMAN DAUS: Approved.
On the denials, I would like
to remove 440 Car Service from the denial
list. They submitted a late request for a
waiver from off street parking so we will
consider that and mark it off the agenda.

MS. STEELE-RADWAY: With that
in mind, there are two bases Licensing is
recommending for denial with a request the
Commission grants them an additional 30 days
so they may present the outstanding items.
CHAIRMAN DAUS: Motion to
deny?
Second?
All in favor?
(Chorus of "ayes.")
CHAIRMAN DAUS: Item 4 for
Commission action, the Rules Revision
Project, Chapter 12, the Taxicab Brokers
Rules.

This is part of the TATC Rules
Revision Project. I am going to turn it over
to Chuck.

MR. FRASER: These proposed
rules would recodify the existing rules
chapter governing taxicab brokers.
The chapter was published for
the required 30-day comment period, followed
by a public hearing at which I presided.
Copies of the written comments
and copies of the hearing transcripts have
been supplied to the Commissioners.
Staff recommends that one
change be made to proposed Chapter 12,
specifically in Section 1206 (C). This
change is necessary to conform the rules to a
Local Law that was passed last year providing
a 30-day period for payment of a fine
assessed by our Adjudications Tribunal, and
staying payment further if a timely appeal
was filed.
Copies of the proposed rules,
including the recommended revisions, have
been provided to the Commissioners and are
available to the public in the back of the
room.

The staff recommends that the
Commission approve this chapter subject to a
further vote giving final approval to the
entire rule book, and repeal of the existing
rules at the completion of this phase of the
CHAIRMAN DAUS: Any questions about the brokers rules?

COMM. POLANCO: Were there any objections when they were holding the hearings as to the rules themselves or comments?

MR. FRASER: There were comments, which you have. Many of the comments were directed to substantive changes. We have been looking at the phase 3. We have been inviting people to suggest substantive changes, and there was one comment which caught a mistake in the rules, which is the source of the recommendation that the staff is making to change the proposed rules.

CHAIRMAN DAUS: Basically, they are reorganized?

MR. FRASER: Correct.

CHAIRMAN DAUS: Are you okay with them?

COMM. POLANCO: There is no substantive changes to it?

MR. FRASER: That is right. We are not recommending any substantive changes at this point.

CHAIRMAN DAUS: Any other questions?

Anybody want to make a motion to adopt?

COMM. AROUT: Make a motion to adopt.

CHAIRMAN DAUS: Second? Commissioner Weinshall. In favor? (Chorus of "ayes.")

CHAIRMAN DAUS: We are going to item 5, Pilot Program Proposals for Commission action.

I removed 5(b) from the agenda, Metro King. I have recommended that pilot program for denial; however, at the last minute they requested one last chance to comply so we are going to put them onto the May agenda and see if they can meet Commissioner Schenkman's objections and safety concerns about the vehicle.

That leaves us with the RiGidisc Media USA Pilot.

David, an overview of what this is all about?

MR. KLAHR: Good morning, Commissioners.
The RiGidisc Pilot is an advertising suggestion we received from a firm based on the Gulf Coast of Florida. They provide advertising. It is taxicabs in Tampa as well as Las Vegas.

It is basically something the Commission has actually seen and rejected before; that is advertisements affixed to hubcap devices that sit on top of the hubcap and provide a steady platform so the advertisement stays steady as the vehicle moves through the city.

Staff recommendation for this particular device is to decline it for two reasons: One is that Commission policy has been for advertising that -- types of advertisements that might be distracting to other motorists such as wrap advertisements, trunk advertisements, hubcap advertisements, have, as a matter of policy, not been recommended, and also because the advertising market in New York has been somewhat weak due to the nature of the current economy so there has been a lot of difficulties with the kind of advertisements we have already in terms of interest, both from owners and from passengers; never heard a passenger say they wanted more advertising, and there has just been a lot of issues with the contracts for the cap advertisements.

Staff recommendation for this particular new type of advertisement is to decline with the understanding that at some future point the Commission may want to entertain an assessment of advertising in general, and then think about what type of advertising to put on, and then this may be part of that package at a later time.

CHAIRMAN DAUS: Any questions, concerns?

Based upon David's recommendation, I would move to deny the pilot program.

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor. (Chorus of "ayes.")

CHAIRMAN DAUS: Thank you, David.

Item 6 for Commission action, the Voluntary Taxicab Bumper Sticker.

Do we have someone from the Mayor's Office of operations?

MS. GUZMAN: Good morning, Commissioners.

My name is Kizzy
Charles-Guzman from the Mayor's Office of Operations, Long Term Planning and Sustainability.

Joining me is Roya Kazemi.

We are here this morning to present to you a PlaNYC initiative, the Mayor's sustainability plan, which we are very excited about because we just launched this month.

I put together a few slides for you for your convenience. We are going to breeze through them. If you have any questions, please feel free to stop and ask any questions.

As we know, idling vehicles in New York City is a big problem. We have a lot of traffic and congestion that encourages idling behavior.

The vehicles themselves, the drivers need to have access to heating and cooling, and therefore it is an issue in New York City.

As part of PlaNYC we have a commitment to address this quality of life issue.

Obviously, our office gets a lot of phone calls about idling vehicles. We have a lot of emergency vehicles and trucks that are exempt from current environmental regulations at the state and city level so we promised to launch a public education campaign in order to bring about more compliance with the existing laws.

Our office has been working for the past year on a 3-prong approach dealing with idling congestion.

One is to increase city-wide enforcement for the idling laws. We will touch on that a little later.

The second is to increase public awareness of the environmental, economic and public health impacts of the issue.

Third is to minimize idling impact from city-owned vehicles by deploying anti-idling technologies.

In terms of enforcement for the past year -- and I am giving you this background so you realize this is part of a much larger strategy and we are asking for your support on something very specific -- since last year we launched in partnership with the Department of Environmental Protection and the State Department of Environmental Conservation an anti-idling
enforcement measure so we go to targeted hot spots around the city that have pervasive idling behavior.

So far we have covered nine neighborhoods across New York City. We have pulled over over 800 smoking trucks.

We have issued over 265 tickets for violations of City and State anti pollution law.

Also, the Department of Finance just underwent a rule making process in order to allow all 2300 traffic enforcement agents from the NYPD to issue summonses for idling violations.

Finally, Mayor Bloomberg also signed into law two particular measures of bills; one that reduced idling limit time in school zones from three minutes, which is the regular, to one minute in school zones, and second one was to give authority to the Department of Sanitation, Department of Parks and Recreation to be able to issue summonses for these violations as well.

In terms of technology deployment, we have been working with a consultant, Bluzow & Hamilton, who created a fleet sustainability study for the Mayoral fleet, and one of the consultant proposals was that we consider anti-idling regulations where feasible so we are working on developing that pilot now.

The second aspect of it is the Department of Transportation that continues to fund and do outreach to private truck companies and private sectors so that they themselves can either retrofit their trucks with diesel particulate filters or clean anti-idling technologies.

We are here to ask for your support about a component of our anti-idling public education campaign. It is a multi-faceted campaign that is targeting drivers, specifically fleet owners and truck drivers. We launched just last week.

We are having radio advertisement -- public service announcements, rather, in a variety of New York City radio stations. We have print, PSAs and also an on-line presence via our GreeNYC website and also via other concerned organization's websites.

Out of home, what you guys probably have seen since last week, we have bus tails in the New York City Transit MTA busses across the five boroughs.
We also nine billboards across the city in highly trafficked locations. Those are going to be up for the next month or so. At the grass roots level, we have created an e-mail measure for the city fleets and the city employees in general; also for the schools. We are also going to be distributing this e-mail to the New York City DOT's contact database. We are distributing bumper magnets, which you will see an image of pretty soon for the New York City fleets, fleet vehicles. What we are here to ask you for is bumper stickers to be distributed to the TLC yellow taxis. I am going to call up Roya now so she can give us a brief overview, just walk us through the images. MS. KAZEMI: Good morning, Commissioners. We have GreeNYC which you are familiar with, with the stickers on the vehicles so we have our birdie for all our public outreach campaigns. This is our visibility. When any issues borne out of PlaNYC has a public education component, we have our GreeNYC birdie communicating an action. It is very action-oriented and education-oriented. So we have four images for this campaign around health, global warming, the illegal matter so let's just scroll through. These are images. These are on the billboards, on the bus tails giving messages, and as Kizzy mentioned, we are on -- we are working with the city fleet vehicles. As the yellow taxis now are becoming such -- have such a strong green association with moving forward with the hybrid taxis and presence in New York, we would like to ask for the -- this is the art work, and can we make these available on a voluntary basis to your drivers? CHAIRMAN DAUS: Thank you. Very well done. Is that proprietary art work? MS. KAZEMI: Yes. That is our GreeNYC brand lookout for the birdie on many
campaigns moving forward.

CHAIRMAN DAUS: Certainly our cabs are green as can be.

I have no problem with this.

The motion is and the request is for this being allowed on a voluntary basis so if cab drivers want to put it on. They don't have to. I have no problem with that. I think that is fine with me to distribute those.

Does anybody have an issue with that?

I would like to make a motion to approve the sticker.

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "ayes.")

CHAIRMAN DAUS: We will figure out a way to roll those out. We will do an industry notice and make sure they are available at all of our locations and the airport as well.

COMM. GIANNIOULIS: So new laws were passed relevant to our industry. Who gets a fine?

CHAIRMAN DAUS: On this?

COMM. GIANNIOULIS: On idling.

MR. FRASER: I am not positive, but I would imagine it is the driver. The current rule or passed rule was 3-minute maximum idling, and I would assume it is the driver who gets the fine. This legislation changed it only in school zones to one minute.

CHAIRMAN DAUS: Is that a DOT traffic reg?

MR. FRASER: It is a statute.

CHAIRMAN DAUS: It is Local Law.

COMM. GIANNIOULIS: So the reg only changed relative to school zones so it went from three minutes to one minute?

MS. GUZMAN: Correct.

COMM. GIANNIOULIS: And the fine increased as well?

MS. GUZMAN: The fine remained the same.

COMM. GIANNIOULIS: The fine remained the same; just the time period changed?

MS. GUZMAN: Yes.

CHAIRMAN DAUS: The next item on the agenda is item 7, Proposed Rules for Public Hearing and Commission Action, the FHV Accountability Rules.

Before I turn it over to
Chuck, I want to say a few words.

First of all, I want to thank
the crowd that we have here. It is great to
see people who are concerned and want to give
input at our public hearings, but I also want
to thank a couple of other people and talk a
little bit about why we are here and how we
got here.

First of all, I have been
working for the TLC for 13 years now as its
general counsel as well as its chairman, and
this has to be -- this is very unique rule
making, because I think, first of all, this
is the longest rule making in probably --
certainly the history since I have been here,
possibly in the history of this agency's
existence in terms of public input, the time
that has been put into this by staff and the
industry members who have participated.

If you remember, this exercise
started in terms of the Commission's desire
to create accountability. We started looking
at these base applications and being
concerned about the records of the bases when
the Commission started analyzing them, and
that led to concerns by various
Commissioners.

In particular, Commissioners
Gonzales and Arout have spearheaded a project
which is now reaching fruition, where they
spent a lot of extra and spare time outside
of these meetings helping and working with
the staff to develop a lot of these proposals
that are being considered today.

The start of that happened
about two years ago when we had a public
hearing on many of these proposals that are
in here today.

We are having a second public
hearing with some new proposals, including
the point system, and a lot of measures to
ensure that not only our vehicles are safe
and we raise the professional standards in
the industry to protect the legitimate
business owners that are doing the right
thing from those who are not, but also, more
importantly, to protect the public; to make
sure they have a safe ride, comfortable ride,
have enhanced service; but most importantly
that they are ensured that when they get into
a vehicle that it is safe, it has insurance,
the driver is licensed and has met all our
standards.

We had numerous drafts of
these rules submitted well -- many, many, many months before they started making their way towards being published in March.

I want to commend and thank in particular Assistant Commissioner Samara Epstein and First Deputy Andy Salkin and all of the staff in the Constituent Affairs Department, which is a newly created department.

Its mission was to do exactly what it did here today, which is reach out to every segment of the industry, go to community board meetings, meet with livery and for-hire base groups and people who have a stake. All the stakeholders provided input along every step of the way.

This is a very big industry we have, and we did our utmost to try to get to everyone, and I think there are many people we have gotten to many more times than once.

I can tell you this has been an exhaustive process and probably the most transparent and detailed and involved process that we have ever seen, but it has been a very productive one for us where we actually put a lot of time into responding and hearing the concerns and making many, many changes.

It has been a little overwhelming for our Commissioners getting all of these changes one after the other, but I think as much as we get all these different letters and all these different changes to the rules, at the end of the day we are getting rules that are better, that address issues, and we have learned a lot from it and made a lot of good changes as a result.

Before I turn it over to Chuck and go to the public hearing, I want to thank groups that went above and beyond and spending a lot of their extra time in working with our staff here.

In particular, yesterday we had a press conference with the New York State Federation of Taxi Drivers, Fernando Mateo, Franchie and Viloria.

They spent countless hours with all their members which include, of course, other folks who were with us yesterday, including Carmel and Dial 7 who were on the board, and some other bases.

I can't tell you how much time they spent on trying to make sure all their constituents were served.

I want to thank the black car and limousine industry. Every major
A limousine organization is now supporting these rules including the Luxury Base Operators Association, known as LBOA. We worked very closely with the Black Car Assistance Corporation, the Limousine Association of New York, the Limousine Association of the New Jersey, and in the livery industry, in addition to the Federation, we also got support letters from United As One, TLC Base Owners Association, the New York City Fleet Livery Owners Association, which is primarily based in Staten Island.

I mean, there is a lot of support, not necessarily for the first set of rules that we put out, but certainly for the changes that we made in response. I am sure we are going to hear more from people here today in terms of things that they basically like or don't like, but if we could, for purposes of this hearing, make sure we work from the drafts that we distributed, both on our website and that are out there, because a lot of changes have been made so I want to make sure we are not commenting on rules as they were months ago.

I want to thank everybody. If I missed anybody who worked with us and had countless meetings with us, I apologize, but I am sure we will get to you. I am going to turn it over to Chuck, and then we will start the public hearing.

MR. FRASER: These proposed rules would amend existing rules governing the three for-hire vehicle industries: Liveries, black cars and luxury limousines. The proposed rules would enhance the communication of license and inspection information to the riding public and would increase the accountability of FHV drivers and vehicle owners to FHV bases. These measures would deter illegal for-hire activity and would therefore tip the competitive scales in favor of FHV bases, vehicles and drivers who comply with the law, and against those who conduct illegal for-hire activity.

By increasing the competitive advantage of responsible members of the FHV industry, and by increasing the base license term from two to three years, the proposed rules would afford greater accountability by enhancing the value of the base license.
The proposed rules have a long history. Parts of the proposed rules that deal with vehicle markings and inspections were originally published for comment in January, 2007, and were the subject of a public hearing before the Commission on March 8, 2007.

Discussions with industry representatives and interested members of the public continued for the next two years, leading to publication of the current rules proposal on March 11, 2009.

We received a large number of written comments on the proposed rules, and the staff has been involved in almost non-stop meetings and conference calls with the industry and other members of the public for the last month.

Based on all of those discussions, we made a number of revisions in the proposed rules and circulated them for further discussion, including posting the revised rules on our website.

We made a small number of additional revisions over the last few days.

The discussions with the industry representatives were extremely productive, and I would like to thank everyone who participated so constructively in that process.

I am pleased to be able to say that, without exception, industry representatives we spoke with shared the concerns that motivated our Rules Proposal, improved customer service and public safety, increased industry accountability, and enhanced deterrents and punishment of illegal for-hire activity.

Industry representatives worked hard in partnership with us to make sure the final version of the rules serves those purposes, while still accommodating the day-to-day realities of for-hire industries.

It is not the case that everyone is 100 percent happy with the final result, but we have received many statements of support of the final version of the proposed rules from people who had opposed certain aspects of the rules as originally proposed.

I am not going to read all of the changes that the staff is recommending, but a bullet point listing of the changes and a copy of the revised rules with the changes highlighted, have been provided to the
Commissioners and are available to the public in the back of the room.

CHAIRMAN DAUS: Thank you, Chuck. Is Councilmember Martinez here?

Could you join us?

As a matter of professional courtesy, as we customarily do, I would like to ask the Councilmember who represents Manhattan District 10 to testify first ahead of the pack.

Do we have other council members here today?

In the interest of you having to do other work for the City, we are going to ask both of you to speak first.

I am going to read the speaker and the next two up so if we have people in the overflow room, if they could come over so we can have an orderly flow. Everyone will be given three minutes.

After the council members, we will have Assistant Commissioner Sue Petito from the NYPD, and then I'll announce every three names as we go forward.

Good morning, Councilmember. Welcome. Thanks for coming here. We usually go to see you. Thank you for coming here.

COUNCILMAN MARTINEZ: Today you hit me.

Thank you Commissioners and members of the Commission for allowing me the opportunity to speak.

I want to start off by first of all thanking you, Commissioner, particularly, for addressing many of the concerns of members of the industry.

As you highlighted, from all aspects of the industry, whether they were the luxury limousines, livery and black cars, there were many concerns that were raised and brought to our attention at the council, and I was one of the members that was concerned particularly.

I also want to thank you for looking into the matter of whether it was prudent or not to hold a hearing today as today is the last day of Passover.

You did address the issue and you did point out to me that after researching and looking whether it was prudent or not, the hearing could, in fact, proceed.

I want to thank you for
addressing that concern on behalf of some of the other members of the council who signed onto the letter.

I want to particularly address the exercise that took place in addressing the points and the changes to the rules, whether it was the issue of the point system and the issues that I think are still somewhat concerned, which is that rather than penalizing the actual -- by the way, I want to stress that everybody is in agreement, the industry and members of the council, that we do want to see an industry where there are no violators and people are complying with the rules.

I think everyone shares that and agrees with that from drivers to base owners to the luxury vehicle owners.

However, one of the concerns that was brought to my attention, and I would ask the Commission to look further into it, there are many drivers, both in the luxury and in the for-hire industry, that lease vehicles, and with the point system as it is currently, the vehicle will be the one that will be penalized in the event of the vehicle, the event number, rather than the driver committing the violation.

If a vehicle is taken out of circulation after meeting certain points of violation, that vehicle will then be subject for having to be taken back by the financing company.

That industry particularly brought that to my attention, that that can pose a particular problem in the industry when a vehicle is taken out of circulation and not the actual perpetrator, which is the driver.

I would ask you to look into that.

In addition, I would also ask the Commission to also keep an open dialogue to some of the issues that will be coming up. I understand that you are voting today. I still believe that we should postpone the vote today and have more dialogue into the rules.

CHAIRMAN DAUS: We haven't decided we are voting today.

COUNCILMAN MARTINEZ: That is good, then.

CHAIRMAN DAUS: We could, but
we are going to listen to everybody first.

COUNCILMAN MARTINEZ: So I will ask you then -- let me change that -- I will ask you then to consider not voting today to allow the opportunity for more dialogue into the changes that you have made already to the proposed rules.

As you know, you have been working, as you mentioned earlier, very hard to address many of the issues that have come forward, and I think it will give the public a greater opportunity to engage in a dialogue that will preserve the industry and that will make sure that those who are a part of the industry are complying with the rules, that we have no violators, and that the public in general is served with an industry that is customer friendly, an industry that is secure by providing the transportation to the public.

So I would then just say, I would really ask you to consider not voting today so we can have further dialogue and really address some of the points that have not been addressed yet.

Commissioner, thank you for the opportunity. I look forward to continue working with you, and I want to thank you also for adopting the Council rule on the Passenger's Bill of Rights.

CHAIRMAN DAUS: Thank you for that wonderful piece of legislation. It is actually part of the rules as well. Thank you for sponsoring it and making sure it got passed. Thank you.

Good morning, Councilmember.

COUNCILMEMBER FERRERAS: I am Councilmember Julissa Ferreras. I am one of the newly elected council members.

This is one of the things that came across my desk pretty early, and it has been very important to my community. I represent the 21st District, which is in the outer boroughs, in Queens.

When we were faced with the situation and seeing the many issues that had arisen in the change of some of the regulations, we understood that we had to have this open dialogue, and with the leadership of Councilmember Martinez, we were able to have very good conversations in the communities and understanding that you have now reflected some of those changes in your update.

One of the things that I am
asking you, along with Councilmember Martinez, is that if we can postpone the vote today, it would really mean a great deal for the industry and also the residents of Queens, because they are the ones that use this service, and it is very much a part of how we get around.

It is important we do this in a way that includes not just the owners but the drivers, in a way that we can address these issues so we don't have to revise it again in the very near future. I ask, just like we were allowed the opportunity to review the rules, now these new rules that have come about a few days ago, if we have the opportunity to redigest them and see how we can make this better than where it is and make it more fair for the drivers and owners in this industry.

Thank you.

CHAIRMAN DAUS: Welcome to the council, and thank you so much for taking time to join us today.

Next speaker, Assistant Commissioner Sue Petito from the New York City Police Department, then Franchie Muniz from the Federation and Mike Rose from the Luxury Base Operators Association.

Good morning, Commissioner.

MS. PETITO: Good morning, Mr. Chair, Commissioners.

I have copies of my statement if you would like to have those.

CHAIRMAN DAUS: We will take them now.

MS. PETITO: I am Susan Petito, Assistant Commissioner, Intragovernmental Affairs of the New York City Police Department.

I am pleased to reiterate the strong support of the police department for proposed amendments to the rules of the Taxi and Limousine Commission enhancing the visibility of for-hire vehicles and making them more identifiable to the riding public.

As Deputy Inspector Ann Marie Connell, then commanding officer of the NYPD Special Victims Division, testified in March of 2007, detectives are at times called upon to investigate crimes with possible links to for-hire vehicles.

Increasing the ability to identify the dispatch company will speed investigations of serious crimes, thereby increasing safety and boosting confidence,
not only on the part of the riding public, but also for the drivers themselves.

Deputy Inspector Connell recounted the incident which sparked the police department's proposal to include signage inside and outside the vehicle, indicating the dispatch company and its phone number.

A Brooklyn case in which a young mother, late for work, with her toddler in tow, hailed a livery cab to take her to the subway station and was raped in the back seat by the driver.

The lack of adequate identification information required the assigned detective to canvas numerous dispatch companies for any leads; a time consuming and frustrating process.

In another example provided by Deputy Inspector Connell, a woman responsible for a fatal shooting in an apartment on the Grand Concourse in the Bronx hailed a for-hire vehicle as she fled the scene. Witnesses observing similar incidents could save considerable investigative time and prevent possible harm befalling the driver if they could immediately observe and report to police the name and phone number of the dispatch company.

Finally, there are frequent instances of good samaritan drivers who, encountering victims of sexual assaults or other crimes, rush disoriented or injured victims to the hospital but depart without identifying themselves.

Not only would the ability to identify the driver or dispatch company assist in the investigation, but it would also give the victim and his or her family the opportunity to thank the compassionate individual who may have saved a life.

We believe that it is clear that enhanced identification of for-hire vehicles will aid victims, witnesses and drivers involved in criminal and other types of incidents, and, accordingly, strongly urge the amendment of the rules in the Taxi and Limousine Commission to strengthen the requirements regarding signage and visibility.

Thank you for the opportunity to speak with you today.

CHAIRMAN DAUS: Thank you,
Any questions?
Thanks for coming.
Mr. Muniz, Mr. Rose and then
the next speaker after that will be Jean Ryan
from the Taxis for All Campaign.
MR. MUNIZ:  Good morning,
Commissioner and everyone present here today.

My name is Franchie Muniz, the
executive director for the New York State
Federation of Taxi Drivers.
I am going to make a short
statement, because I know there are a lot of
people that want to talk today.
On behalf of the New York
State Federation of Taxi Drivers, I would
like to thank the Taxi and Limousine
Commission for allowing us the opportunity to
speak on the proposed new rules for for-hire
vehicles.
We would like to commend the
Taxi and Limousine Commission for all the
work they accomplished in developing a set of
new rules to enhance the livery and the rest
of the for-hire vehicle industry.
Not only will these rules
enhance, but will also bring the value of the
base stations and vehicle owners that do
follow the rules.
We commend the Taxi and
Limousine Commission for allowing us and
other industry organizations to take part in
the shaping and implementations of these new
rules, for listening to our concerns, and for
taking the majority of our suggestions and
integrating them in the rules.
The Federation and its members
are happy with the changes that were made,
and we hope to continue working with TLC in
an effort to enhance the whole industry.
Thank you.
CHAIRMAN DAUS: Thank you,
sir. Thanks to the Federation for all their
help.
Mike Rose, are you here?
No.
Jean Ryan?
After Ms. Ryan we have Andreas
Cortes from New York Mexicana Limousine
Service, and Pedro Heredia, chairman of the
Livery Base Owners Coalition.
MS. RYAN:  Good morning. I am
Jean Ryan, vice president of public relations
for Disabled in Action and, vice chair of
Taxis for All Campaign of which DIA is a
member.
I read all the proposed for-hire base rules, and there are two rules missing in them to enhance the accountability of licensed for-hire vehicle bases and vehicle owners.

The missing two items are the following: One: Every base needs to have at least one of its own accessible vehicles in operation at all times, that it is open, and not contract out accessibility.

This is the only way you could even begin to provide halfway meaningful equivalent service instead of lip service for people with disabilities.

As it is now, with the contract system where a base has to call, then fax a request, we have to wait an hour-and-a-half at least and pay $45 at least for a five dollar call, we can't get to funerals, funeral homes, hospitals, the airport, anywhere in a timely manner.

If we do manage to get there, we have to pay exorbitant rates and wait a very long time or book way in advance. That is not equivalent service. It is discrimination.

You are doing this to us, to your grandmothers, your sisters, your aunts, your dads, your neighbors, your cousins, your friends; you know it.

You all know people who are prevented from getting around because there aren't accessible car services to speak of.

There is a human price on lack of accessibility, on lack of a way to get around in our city, and you need to be part of the solution.

Number two. There is no proposed system for customers to easily make complaints about car services like there is for taxi customers to make complaints.

I suggest that since the TLC is regulating the car service industry more stringently, customers should be able to call 311 and complain.

For example, when they get a car that doesn't have correct TLC stickers, license plates, when we can't get an accessible car service, instead of having to write a letter, something like that. It gets complicated.

I have had problems like that.

I have gotten cars -- I have seen cars -- I have gotten cars without a license plate in
front, I have gotten a personal car that
somebody sent, and when I called the TLC, you
told me to write a letter.
   It is too complicated.
The last suggestion I have is
about the regulation about placement of base
name, license number and telephone number
stickers on the outside of the car,
regulation number 612F11.
   Many women and young people
like to see the name of the car service when
it arrives and want to see the name of it on
the side of the car, but, you know, when it
is somebody who is driving their own car, it
doesn't have it on the side of the car.
   If it is allowed to be on the
back of the car, then most likely they would
not see it when it pulls up to pick them up.
   It is dangerous and scary
being picked up at night by an unmarked car.
   We all know that some car
services poach rides from other car services,
and you are not getting the car service you
thought you were getting into, even when we
ask which car service it is.
   If the sticker is on the back,
this could be more of a problem than if the
sticker is on the side so that was my
suggestion; to have the sticker on the sides.
CHAIRMAN DAUS: By the way,
there is no need for you to send a letter.
We changed our procedures and you can call
311 to complain. We actually have a new
procedure now you can take advantage of where
you don't even have to come in to testify;
you can testify over the phone.
   MS. RYAN: For car services
   too?
CHAIRMAN DAUS: Yes.
   MS. RYAN: I couldn't find
that on the website, and I really looked.
CHAIRMAN DAUS: Just call 311
and we will take care of it.
   MS. RYAN: For making a
complaint, maybe you should change your
website?
   CHAIRMAN DAUS: We will take a
look at it, but I believe that it is on
there, but we will look at it and double
check it.
   MS. RYAN: For making a
complaint, I looked under that, and it didn't
say anything about car services.
   CHAIRMAN DAUS: You can
complain about anybody and any thing. You
can complain about us, you can complain about
the car services; all sorts of complaints.

That is technically a legal
complaint we would file. You are not
required to put anything in writing.

We will take a look at it. It
is a good suggestion.

This rule making is not about
accessibility today, but at some point as we
get to the end of the demonstration project
for the yellow cabs, I agree with you that
the livery industry needs to be involved as
part of the solution to accessibility, and
that will be something that will be probably
part of future dialogue with the Commission
so we will be taking that up at some point.

MS. RYAN: Well, this is --
It is not a debate. I am just
0052

letting you know.

MS. RYAN: I am just
commenting about what you commented. This is
about car services today, and I thought that
was missing.

CHAIRMAN DAUS: I understand,
and we will consider this comment as we go
forward in that other rule making as well.

The next speaker is Andreas
Cortes.

Pedro Heredia, then Jeff Rose
and Bruce Raheb from Transit Private Car
Service.

MR. HEREDIA: Good morning,
folks. I have copies of my testimony for the
Commissioners.

Good morning, Chairman Daus
and members of the Board of Commissioners. I
am Pedro Heredia, chairman of the Livery Base
Owners Coalition.

First, I would like to thank
you, Commissioner Daus, for working with the
various groups that comprise the for-hire
industry, and for considering the most recent
changes to the proposed rules, and for

committing yourself to remain open to
additional changes.

The proposed rules are still a
working document, and, as such, we must pause
to readjust and analyze the proposed changes.

On April 6, 2009, our
coalition called for a meeting, and over 150
base owners, industry leaders from all five
boroughs, participated.

110 signed petitions -- 110
signed petitions in support to postpone
voting today were collected.
I personally faxed the Legal Department of the TLC 90 signed petitions. The Coalition is in full support with various regulatory measures outlined in the proposed rules, because we are part of the problem, and we want to be part of the solution.

The initiative and the best intentions to create a more regulated, effective and dynamic for-hire industry is precedent, but the relentless pursuit to execute today is creating a lot of hatred, anger, frustration and hostility among owners, drivers, the industry leaders, caused by the TLC's precipitation to vote today.

At the risk of sounding as if we are protecting bases, owners and drivers that are repeat offenders, which we are not, the point system poorly executed has the potential to cripple an already fragile transportation system.

The doubling of the existing excessive fines and the added unnecessary liabilities still need to be addressed.

The proposed rules have great potential to transform the for-hire industry for the better good, but the ramifications of voting prematurely as they stand today before making some critical adjustments will lead to destabilize the industry.

Ignorance is an enemy we all share, and that enemy should not be the reason for why we are voting today.

Please take a step back. Let's all take an additional 30 days, give us the time to digest this buffet of new information to prepare the industry for what is ahead. Let's bring everybody back in, and let's get it right collectively.

We cannot anticipate the command of execution. Do not pull the trigger.

Thank you.

CHAIRMAN DAUS: Mr. Jeff Rose from the Limousine Association of New York?

MR. CARTER: Jeff Rose is absent. He had an emergency, and I am going to be giving his statement.

My name is William Carter, and I am the representative for the Limousine Association of New York. Jeff Rose had an emergency and could not be present today.

First, as a representative of the Limousine Association of New York, I would like to thank the Commission for the
I would also like to thank the Commission and the staff of the TLC for all their efforts in the last several weeks to work with the industry to generate the best possible update of the rules and regulations that govern our industry.

I truly believe that the majority of the companies providing ground transportation in the New York City market have the same goals as the Commission and as the public at large; that is, to provide safe, reliable service to the riding public.

We do feel the task at hand is to provide a regulatory climate that diminishes to the greatest extent possible those who diminish the industry by providing shoddy service, and risking the health and safety of riders in the public at large.

These are very difficult economic times, and this industry has been hit very hard with grim prospects for the future.

Many studies have shown that the travel industry is the second largest industry and job provider in the New York City market behind the financial service. Restaurants, hotels, entertainment and transportation work hand in hand with their individual success, often mirroring and impacting one another. Their individual fortunes rise and fall as one.

Tens of thousands of New Yorkers earn a legitimate living working in ground transportation. Many may not have a college education or even a high school diploma. Many speak English as a second language.

Good regulation does not hamper these people from working for good companies. Good regulation makes their jobs easy.

The difficulty is to do something imposing too great a burden on the bulk of the industry that takes very seriously the responsibility of regulatory compliance.

One of the major concerns of this industry has been that some well-intended attempts at these new rules might have unintended consequences. Our efforts have been to see that the accountability falls in the right places, that consequences are meted out justly, and to allow fair and vigorous
last several weeks demonstrate that with good
faith efforts on the part of both regulators
and operators, that we can work together to
advance sensible regulations and enforcement.
We hope and desire to get this
right, and that that desire will supersede
the desire to get it right away.
We also hope that we can
create an ongoing atmosphere with the TLC,
and our industry can work together to rid
this industry of those who would besmirch its
reputation.

Thank you.
CHAIRMAN DAUS: Thank you.
Next speaker is Bruce Raheb
from the Transit Private Car Service, and
next will be Berj Haroutunian, president of
BCAC, and Roberta Pike from Pike & Pike.
Bruce is not here.
Berj, I see you are here, and
then Roberta Pike, and after Ms. Pike, David
Eckstein from Valera Global.
MR. HAROUTUNIAN: Good
morning, Chairman Daus and Commissioners.
Actually, I took Vic's name
off the list. He couldn't be here because of
the Passover holiday, but he did write a
testimony here which reflects the rest of the
black car members.
The BCAC represents in excess
of 40 companies which have approximately
10,000 affiliated vehicles. While we
represent our member companies, we are also
very concerned with driver issues.
One of the black car
industry's primary concerns has always been
and continues to be the safety and safety of
our passengers and our drivers.
We would like to take this
opportunity to thank Commissioner Chair Daus,
his staff, and the Taxi and Limousine
Commission for working with us and others to
reach an understanding regarding the
complexity of the ground transportation
industry in New York, and to consider and
implement critical changes to the proposed
rules that has to be made.
While the Board of Directors
of the BCAC does speak for its members, it
does also recognize the right of each of its
members to express its own opinion on each of
the issues.

Today you may hear from some
of those members that may convey their
concerns regarding the proposed rules.

In closing, let me add that
the black car industry has always, will be,
an advocate for regulation and enhance our
industry and improve the quality of the
service provided by base owners and their
affiliate drivers and their clients.

The only thing I would like to
comment on this, thank you, Commissioner. We
worked very hard on this.

I know you made a lot of
changes. You listened to our concerns, and
myself and Vic spent here god knows how many
hours the last two weeks.

I haven't been so much here as
in the last two years, actually.

A lot of our members do have
careers.

If I may suggest, whether the
care leaders, perhaps sit down with the TLC or
representatives -- maybe the Commissioner
himself -- at least for the black car
industry, because a lot of our members are
very concerned especially on the point
system.

After all, the black car
industry is a unique industry. We sell
franchises. We have members that buy in at
50,000, 70,000, $80,000. We don't know how
this is going to work. Whether we throw a
member out, we throw him out when has two
points, three points. We are not sure if
this could be legal ramifications so we are
not very certain.

A lot of our members are very
concerned, and I know we expressed this to
you, Mr. Chairman, so we would like the
opportunity to sit down, perhaps have a
meeting in the next few weeks, invite all
black car industry members, and I believe we
expressed that to you.

Thank you very much.

CHAIRMAN DAUS: All the black
car industry members?

MR. HEREDIA: Well, the
leaders.

I assure you, it will be very
peaceful.

Thank you.

CHAIRMAN DAUS: No problem.
Ms. Roberta Pike, then David Eckstein, then Tarek Mallah from Dial 7.

MS. PIKE: Good morning, Chairman, Commissioners. Thank you for the opportunity to be here today, ladies and gentlemen.

Roberta Pike, Pike & Pike PC. I am an attorney, and my specialty is in the ground transportation industry. I represent numerous black car, luxury limo and the free bases.

I proudly can say my clients work extremely hard at being compliant so they are fully in support of the greater accountability of the for-hire vehicle industry. There is no doubt about that.

Commissioner, Chairman, your staff, we greatly are appreciative of all the efforts you have given over the past several weeks of working with all of the different associations throughout the for-hire vehicle industry.

I am aware that tremendous efforts have gone in, cooperation, and that there were newly revised rules as recently as Monday.

We would like an opportunity -- I speak on behalf of all of my clients, because whether directly or indirectly, they are tremendously concerned. They want to be able to carry through, to be able to be compliant, to be able to support, but they also want the opportunity to review these rules.

I know that on a cursory review, I noticed that certain rules are questionable whether or not how well they would actually be able to be effectuated.

What I am asking for you is please hold off on the vote for today so everybody can have the opportunity to review them, as Berj just said, so we can confer, to continue the efforts that have been made so far.

Even if it is a 30-day, so that the efforts can continue.

In addition, I have been asked to extend on behalf of certain clients that they would have liked to have been here today, but they were not able to be here due to the Jewish holiday so they would like an opportunity to be heard and participate.

For all those reasons, I ask you please refrain from voting today and let us continue the efforts.
Thank you.

CHAIRMAN DAUS: Next speaker is David Eckstein, followed by Tarek Mallah and Lloyd Taylor from the Board of Livery Transportation Industry Trades.

MR. ECKSTEIN: Good morning, everybody. I want to thank you for the opportunity.

I just want to relay a message. I am not sure how much has been changed or discussed recently. I have been traveling and haven't been able to update myself.

Certain main concerns that I have been talking to people about, as well as aware of for my own company, in 23 years since we started Valera-Global, we haven't had any violations whatsoever, and we intend to remain under that basis.

But I have a serious concern any time any of the independent franchise owners, drivers, do get a violation perhaps sometime in the future, that will affect my base standing.

My basic concern, after many years of being in this business and knowing a lot of the people in the business, there are people that are not as reputable as perhaps we have been over the years.

It seems to be a way to utilize some of these violations to their advantage, and essentially, quite frankly, put somebody like me or somebody that is similar to my type of operation out of business in not too long of a period of time.

That to me seems unduly, unduly, egregious.

Second issue is one of the items that have been discussed is the non-ability for somebody to work for multiple bases.

Unfortunately, especially in these economic times, that does present a problem to many people; being tied to only one base.

These gentlemen and ladies are independent operators. They can go to work when they want, they can stop work when they want.

If you restrict them from operating legally -- they are licensed, the bases are licensed -- when you restrict them from operating legally, you are creating issues with their families besides themselves.
After all, we are all citizens of this country and citizens of this city, and we need to protect as many people's ability and rights to operate as fairly and equitably as possible.

Thank you very much.

CHAIRMAN DAUS: Tarek Mallah?

MR. MALLAH: Chairman Daus, thank you very much. Commissioners, city Councilmen that are not with us, my colleagues and competitors, who some of them are here and some are unable to attend due to the holidays. I represent Dial 7. The owners of the company were also unable to attend today.

However, we have expressed a lot of support for the changes as proud members of the New York State Federation of Taxi Drivers as well as the Coalition of Black Car Base Owners and many other organizations that we were able to work very closely with.

To my surprise and to a lot of other people's surprises, for an industry that seems or has the reputation of not being the most organized or more legitimate business, I found it to be an extremely so legitimate and getting to the steps to become even more.

Our concerns about the rules and regulations and the changes have been made very clear. Just about everybody involved knows what we are concerned about and how we would like to fix it and how we would like to grow it to improve the business.

More than ever, I would like to actually appeal not just to the Commission, but also to my colleagues and competitors that we have to take the initiative to self-police, reducing the need for you to police us.

The more our business is regulated, the more I can stand here next time and tell you these rules are not necessary. Although we take pride of doing that, and I know a lot of my colleagues do the same pride, I still urge to reduce the amount of regulations, allow the perfect American dream that we are all here for.

I am an immigrant. The owner of my company was an immigrant, and this industry is built on it, that we allow these
regulations not to close it and hinder it.

The basic concepts, as I understand it, it is competition, self-improvement, customer satisfaction and quality of service.

If we allow those, not just regulations, to improve our business, I think we will be there.

Again, thank you very much for the time and the effort, and I think we are almost there. I think we need to push it a little further.

Please help us get it there.

The last but not least, we keep -- a lot of times spending a lot of time and energy looking at us, the industry, the people who are trying to comply. Maybe not to the best, but we are still trying to comply, and we do not spend a lot of time and energy in support against the non-regulated industry, the illegal bases that do not have a TLC permit, the illegal drivers that do not have a TLC driver's license under the new rules.

If we can help in any way, if we can help push any other agencies, and if you can help, this will eliminate the problem, the pressure that is being levied upon you as a commission and on us to solve the problem that we are not 100 percent responsible for.

Thank you for the extended time.

CHAIRMAN DAUS: Thank you.

Next speaker is Mr. Lloyd Taylor, and next two speakers are Yokewei Wong and Yap Koonmeng.

MR. TAYLOR: Good morning Commissioners of the Taxi and Limousine Commission. My name is Lloyd Taylor. I represent the Board of Livery Transportation Industry Trades, and I speak for many bases, many located in central Brooklyn.

I have not been here for a long time for several reasons, but many of us have returned because this proposed set of rules has had a Lazarus effect on many of us. It has awakened all of us.

I am not here to rig a consensus with any industry organization on whether or not we agree with these rules. I think the rules are fundamentally flawed, and it is my duty to say that here on the basis of the groups that I represent.
The fundamental flaw in the rules I think is important to state, is that there are no guidant principles that decides or helps us to decide what we should accept, why we should accept it, what we should reject, and why we should reject it.

We are committing in my view the same errors we made in the period 1997, 1998 when we introduced or when we had a massive overhaul of the rules at that point in time, and we ended up by throwing out the baby with the bath water.

At that time, and my recollection, we had about 700 livery cab bases. That has been whittled down to 500.

Today when the chairman claims before the New York City Transportation Committee that there are 700 FHV bases, he is really talking about a combination of the liveries, the black cars and the luxury limos.

The areas I think we need to look at, Commissioners, are the areas that have to do with relocation, a regime of penalty points, the issue of the application of off-street parking, the issue related to shared rights, and the issue related to multiple affiliation of owner drivers or simply operators.

I think this is very important in order to go forward in this issue. We have a very clear statement from the Commission on the guiding principles that help to make sense of these rules.

The statement on basis and purpose makes no sense to me. As far as I am concerned, that is a shopping list, and there is no way I could figure why I should accept one in favor of the other.

Unless the Commission and the Commissioners clear that fundamental deficiency, it will be impossible for me to decide that I am going to support these rules.

I want to tell our colleagues here it is not about -- the issue is not about whether we are for this rule or against that rule. The issue is whether the rules support the growth, the innovation and the expansion of the FHV industry.

Thank you very much.

CHAIRMAN DAUS: Thank you.

Yokewei Wong?

Yap Koonmeng?

Avik Kabessa from Carmel, John
MR. ROBERTS: Good morning. I am John Roberts. I am here with Mr. Kabessa's statement. He is observing the holiday.

I am John Roberts, head of administration for Carmel Car & Limo Service.

"Honorable Commissioners, I would like to start by saying that I am sorry I could not be present at this hearing due to the Jewish holiday. At the same token, I would like to thank Commissioner Daus for the changes made to the original drafted rules. Without these changes, I would have been forced to sacrifice my holiday and be here instead of with my family.

"We are very pleased with the many revisions the Commission has made to the original proposals, and we are also pleased that the Commission is willing to work with the industry to find agreeable solutions where there are still grave differences of opinion.

"The long process of reaching some common ground has taught me a few things that I would like to share with you.

"I have learned that we really need a for-hire advisory team to work with the Taxi and Limousine Commission before new rules are published and not after.

"This results in unnecessary and undesired friction between members of the industry and the Taxi and Limousine Commission.

"I urge the Commissioners to form such an advisory team in the near future.

"I was also very sorry to learn that we, the livery section, are considered the black sheep of the industry. "On that topic, I would like to say a few things.

"I do acknowledge the fact that there are livery bases and livery drivers who do not comply.

"I also acknowledge the fact that the livery section must improve its image in the eyes of the regulators, but the regulators should also consider the following facts: The livery section is three times the size the black car section and six times the size of the luxury limousine section.

"By virtue of these sheer numbers, it means that there will always be more issues with the livery section than with
the other parts of the industry.

"The livery section answers
the needs and plays a vital role in the
well-being of many communities where no
taxi, black cars or luxury limousines will

"Making it difficult for a
base or a driver to stay illegal will only
make it so so that those needs in those
communities will be answered by more illegal
operators.

"Many of the bases that break
the law do so either because they do not
understand the law or they do not have the
tools to comply with the law.

"Of course, there are those
few rotten apples that simply break the law.
"Carmel and Dial 7 in
partnership with the New York State
Federation of Taxi Drivers and the New York
Coalition of Base Owners, together
representing about 250 bases, promise to take
the following proactive steps: Number one,
training, assisting and supplying

"Number two: Policing our
own, but also cooperating with the Taxi and
Limousine Commission in weeding out bases and
drivers that break the law.

"Work with the City Council to
expand the jurisdiction of the TLC over
illegal unlicensed operators, and work with
the communities, the City and the TLC to
improve the image of the livery section of
our industry.

"All we ask of the TLC is to
keep an open heart and open mind to the
changes, and not to judge all of the members
of the livery industry based upon a few
rotten apples.

"Thank you, Avik Kabessa."

MR. FRASER: Thank you very
much.

David Diaz?

MR. DIAZ: Commissioners, good
morning, and to anyone who does not speak
English, buenos dias. I just thought I would
say that, because we know we have a language
barrier.

I would like to start out by
saying that I would urge you to please
postpone voting for at least 30 days. It
would really help us understand the rules.

This is a document that has
been a work in progress for many, many
months, as the Chairman has said, but for us
on the other side, it has not been many
months; it has only been a couple of days.
I ask you to have a public
hearing with language assistance, especially
Spanish speaking and any other language you
would like to consider, so that we can
address each concern that our owners have.
Many here would love to speak,
but obviously that is why I just said buenos
dias. That way you know we exist.
The point system that is being
recommended really poses a constitutional
threat to our individual rights. Please
reconsider. If we are to be charged for a
crime, we would not like someone else to be
added to the same crime. I think that is
part of the Constitution, as well as bias to
those who have more drivers.
Some of the companies have 600
drivers, at Carmel, at Dial 7, but there are
some companies that only have 10 drivers.
Can you imagine one driver being taken out of
a company? That would really threaten a
company.
I think at this time, our
financial crisis right now, we cannot afford
to have these rules applied right now.
I ask you to please postpone
these rules at least for 30 days and have a
public hearing where we can address these
issues.
Thank you.
MR. FRASER: Thank you.

Next will be Courtney Hogan,
and following that will be Richard Thaler and
Marvin Wasserman.
MR. HOGAN: My name is
Courtney Hogan from Parkchester in the Bronx,
and I just wanted to say that I am hearing a
lot of language, a lot of tone, about rules
and regulations.
The rules and the regulations
are for everyone, not for just yourselves,
but for the communities that are subjected to
unnecessary noise, to the traffic being
impeded, to idling engines.
Some of us have children.
They don't like rules and regulations, but
the rules and regulations are for them as
well as us, for society at large.
Remember, a lot of rules and
regulations exist. They are not just for the
industry; they are for the City of New York,
for the people who live here in addition to
yourself.

Our community has been
overwhelmed with illegal street hails. That
is what brings me here, Community Board 9,
43rd Precinct in the Bronx.

Outside my window, any given
day, 20 some odd vehicles sit there idling,
honking their horns, making unnecessary noise
to solicit passengers.

Is that fair to the people in
the community? I don't think so.

Do you complain to the New
York State Department of Motor Vehicles when
they have laws and rules regarding speeding,
illegal turns, so on and so forth? Nobody is
complaining to New York State so why are you
complaining to the New York City Taxi and
Limousine Commission? They are not
necessarily here for you; they are here for
everyone.

I want to thank the Commission
and the Commissioner for being patient with
me in particular. I bring a lot of cases to
the Taxi and Limousine Commission, and thank
the staff for being patient with me. Your
staff is very great.

People sometimes forget their
purpose in life. Their purpose is not to
complain about the rules and regulations; it
is ask yourself why there are rules and
regulations in the first place. They
wouldn't exist if there weren't people
violating them.

Thank you.

CHAIRMAN DAUS: Mr. Hogan,
first of all, I want to thank you for coming
down. You are a rare type of person that we
see here, someone representing the actual
passengers and residents.

The entire room, as you can
see, is filled with industry people, and it
is unfortunate we don't have residents or
passengers coming down to share their point
of view on things.

If there is a way that you
think we can get the word out in the
future -- there is no straphangers group for
livery passengers or for-hire limo passengers
other than the users group that the black car
industry has.

If there is a way that you can
work with us to at least let their points of
view be heard, because we are only hearing
the points of view of one side. It is so,
you know, slanted.

MR. HOGAN:  It is very unfair.

CHAIRMAN DAUS:  In addition to

Ms. Ryan, of course.

But we definitely need to have
more of a dialogue.  If you have any ideas on
that, we would love to work with you on that.

Thank you for coming.

If we can go through the
speakers and then we will call you back up.

MS. RYAN:  I have taken car

services --

HEARING OFFICER:  Ms. Ryan, we
will be happy to hear from you again if you
like, but I want to go through the speakers.

It is not fair to them.  They have been
waiting and you have had a chance to speak.

Mr. Thaler?

MR. THALER:  Chair Daus,
Commissioners, I would like to share some
very specific technical observations of the
proposed rules.

First, the definition of base
at the very beginning has explicit definition
for a black car base and for a luxury

limousine base, but the only other reference
is to a base station, and I don't see any
explicit reference to a community car service
base or a livery base.  I don't know if that
was an oversight or was intentionally done.

Second, I think that if there
was a pure decimal notation for the structure
of all these rules, it would be a lot less
confusing to read.

If you look at Section 13(a),
I think the last modification to these rules
recently recognized that a passenger might
change the destination of the dispatch.

If that is so, there is a
technical violation of the Passenger Bill of
Rights, because it doesn't say in the rules
that if the destination is modified, that the
price of the fare has to be confirmed by the
base at the new location if the location
changed.

Also, in Section 17, there is
reference to filing credit card surcharges.

Of course, credit card surcharges are
generally in violation of card issuer rules.

In very rare circumstances,
Then there is a detailed requirement that an affiliated vehicle and its driver must be in compliance. Responsibility for that would be on the base and the car owner, but there is no operational procedure shown to validate that as you would have, for instance, in a security association.

A triple A security association would provide authentication, authorization and accounting to be sure that compliance was validated.

I think that should be looked at.

And then I would like to mention 6-12. I think it was about six years ago that there was a vote taken on rooftop advertising for liveries, and it appeared that the approval was going to pass.

Then Commissioner Sander raised a final objection that a person hailing a vehicle in the street would confuse the rooftop on a livery with a yellow cab.

On the face, to me, that is absurd, because the rules require that yellow cabs are painted yellow, and liveries are painted not yellow.

What I am suggesting is it is discriminatory to prevent the livery bases and the drivers and owners of the vehicles to avail themselves of this rooftop opportunity, because they do service the five boroughs all throughout the city, and it would be nice to give them the opportunity to do that.

I think the unconditional denial of rooftop advertising should be reconsidered in that section.

Thank you.

Mr. Thaler.

By the way, FYI, this obviously was not picked up in the press as well, but the request for information for the T-PEP, the taxi technology, includes ideas on exploring technology in other industries as well as the yellow cab industries, including the for-hire industry, black cars, limos, liveries, paratransit and commuter vans, since you brought up payment cards.

Mr. Marvin Wasserman, and next speaker is Jose Mejia.

Before we do that, I think there are a couple of letters from Council members with respect to the Council that I
First of all, there is a letter from Diana Reyna. She couldn't be here today.

"Dear Chairman Daus" -- and this was sent beyond the comment date, but I will read it anyway -- "I would like to voice my concern for the proposed rule changes to be implemented by the Taxi and Limousine Commission. I have received countless requests to review these changes, as several taxi and livery businesses in my district feel the original intent of the rules for for-hire vehicles are not being considered.

"In the best interest of the businesses I represent in the 34th Council District, I am respectfully requesting the postponement of the hearing that is to take place Thursday, April 16, 2009.

"This postponement will allow for a more thorough review of the proposed changes and ensure all parties are satisfactorily and properly informed.

"Our transportation mobility, aside mass transit, as a borough outside of Manhattan heavily relies on the small independent drivers and its affiliate livery bases.

"Without adequate input and dialogue from the industry and I, your attempt to finally review and amend the rules that govern these transportation services will be in vain.

"Should you have any questions or concerns, please feel free to contact Antonio Reynoso." That is her Chief of Staff, I guess, and I think we were in touch with her and explained the changes as well. I think there is one more letter that was sent to the Commissioners, a brief letter from Council members which I would like to have read into the record, if we could find that letter, Staff, and bring it here, requesting a postponement of the vote so I can read that into the record. I want to make sure we have covered all of these late comments and requests that came in out of respect for the Council.

Mr. Wasserman, sorry to delay you.

MR. WASSERMAN: As we go forward as we go forward by the way, I have copies of testimony.

Thank you. Good morning,
Commissioners. I am Marvin Wasserman, Executive Director of the Brooklyn Center For Independence for the Disabled, and today I am also representing the Taxis for All Campaign.

Among the proposed rules for for-hire bases include the requirement of posting a Passenger's Bill of Rights in livery vehicles; however, one is forced to ask what are the rights of persons who use wheelchairs, scooters and other mobility devices, and are they enforceable and enforced?

There are now about 280 wheelchair accessible taxis in the fleet, and a pilot 311 accessible dispatch system. All the vehicles in the accessible dispatch system are medallion taxis.

Fleet owners of car service vehicles were invited to participate but had to agree to charge the same rates as metered taxis. Not surprisingly, none did.

As one TLC staff member acknowledged in several forums in which I participated, the 311 system hasn't been working very well outside of Manhattan where taxis rarely venture in most neighborhoods.

TLC rules also mandate the non-medallion fleets of ten or more vehicles be required to maintain at least one wheelchair accessible vehicle or service -- for service or contract out to service. Few livery fleets maintain an accessible vehicle. The overwhelming majority contract out the service.

One vendor, A Ride For All, has contracts with more than a hundred fleets and maintains just four vehicles, and Avik Kabessa from A Ride For All acknowledges that they can't possibly meet the demand.

I discourage my friends who require a ride from accessible car service from calling A Ride For All directly, because it charges a higher fare than most livery bases, and instead to call their local car service which is supposed to arrange service at the fleet's regular rate.

However, when they do, they are likely to be told by the dispatcher that the car service doesn't have accessible vehicles, and when pressed further, the passenger is told to call A Ride For All directly.

Apparently when a consumer is denied service, there is no penalty imposed
by the TLC on either A Ride For All nor the local base with whom A Ride For All has contracted.

For some time, I have advocated that Access-A-Ride consumers be issued a voucher, a smart card, for use in taxis and livers. This would be a win-win situation for all the parties.

The Access-A-Ride system would reduce real life substantial savings because taxi and livery rides are substantially less costly than the typical paratransit ride.

Fleet owners would be happy because they could gain a substantial new market and have incentives to obtain accessible vehicles.

Access-A-Ride consumers would benefit by getting better service and reduce demand on the system.

I understand that Access-A-Ride recently announced they will establish another pilot project with medallion cabs below 96th Street in Manhattan, and I applaud this; however, once again, I note that this is just another pilot project which will have limited impact on the transportation needs of wheelchair excluded users in the outer boroughs.

I call upon you and non-medallion fleet owners to step up to the plate and begin to provide better service for wheelchair and scooter users outside of Manhattan.

COMM. GONZALES: I have a question. With respect to A Ride For All, you mentioned they charge a higher fare than most livery bases. On average, how much is that additional fare?

MR. WASSERMAN: I am told that the average cost of an Access-A-Ride trip is over $50, and certainly the cost of medallion taxi service and fleet services often half, half or less for the same ride.

COMM. GONZALES: With respect to calling the local car service, with respect to the actual delivery of service, do you find that the Ride for All delivery service -- assume for a second they would both be charged the same amount. Is the livery service the same or different than when calling a local car service?

MR. WASSERMAN: Well, it is different, because when you call a local car service, you can expect service almost immediately, but when you call -- if you call
your local car service, it generally has to be prearranged so that is a difference.

Avik Kabessa from A Ride For All wants all service prearranged which, you know, sort of, you know, is unequal service for people who use wheelchairs, because they oftentimes have need -- they are often stranded, they often have medical trips that they can't legitimately schedule in advance. There are various reasons why they can't schedule a trip three or four days in advance.

Certainly the people with wheelchairs should have the same rights as anyone else, any other consumer of livery service.

COMM. GONZALES: One last question. You mentioned it seems that the service is -- correct me if I am wrong -- you said the service tends to be a little better in Manhattan versus outside of Manhattan?

MR. WASSERMAN: What I am saying is there are 280 or so accessible taxis, and they are largely in Manhattan. There are very few livery car service accessible vehicles, and most of them are in the contractors, like A Ride For All which has four vehicles, which is supposed to handle the entire city, and they acknowledge that there is no way that they can do it.

The 311 system has all medallion cabs, and reports that we get from the community, and I know that it has been acknowledged by staff members of the TLC, that getting service if you live in one of the outer boroughs is very difficult and has not been -- there have not been very good results under 311.

As a representative of people with disabilities who live in Brooklyn, you know, I am particularly concerned that my consumers have equal right to assistance not only as consumers in Manhattan, but as able-bodied consumers throughout the city.

COMM. GONZALES: Thank you very much.

CHAIRMAN DAUS: Thanks.

Charles, could you just clarify this issue of what our rules say about accessible services compared to -- I think there is some confusion.

MR. FRASER: There is two provisions. One is 6 or 7(f), the long-standing provision that requires each
base to have its own or contract with a
provider of accessible service, and then the
second thing is -- and that has to be
obviously provided on equivalent terms to its
regular service.

In addition, there is the
Accessible Dispatch Program, which livery
may participate in but are not obligated to.

Any taxicab that is on an
accessible -- any wheelchair accessible
taxicab must participate in it, and they must
take calls citywide, and refusals are
penalized.

I don't know the specifics,
obviously, of what Mr. Wasserman is referring
to. Hopefully you have made that information
available to Samara Epstein, who is
monitoring the program.

MR. WASSERMAN: She has been
made aware, but as I said, there is no
penalty, as far as I know, for the denial of
rides by wheelchair users, and a large part
of the question is who is ultimately
accountable? Is it the contractor, the local
car service base?

No one is being held
accountable at this point that I am aware of
for denial of service of wheelchair users.

CHAIRMAN DAUS: I can assure
you, and we will call Ms. Ryan back at the
end, that we will be looking into this.

COMM. POLANCO: A point of
information, Mr. Chairman.

CHAIRMAN DAUS: Yes?

COMM. POLANCO: How many
people do you have left on the list that have
signed up to speak?

CHAIRMAN DAUS: Six, and I
think there is another list outside so we
have nine, but I also have a letter I would
like to read into the record at the request
of Commissioner Giannoulis. It really wasn't
a comment on the public hearing, about the
substance, but really about the date, similar
to the other Council members.

"Dear Chairman Daus, it has
come to our attention that the Taxi and
Limousine Commission has scheduled a hearing
on the proposed rules, the proposed rules
changes for the for-hire vehicles.

"The hearing is set to take
place on Thursday, April 16, 2009, which is
also the last day of Passover. The hearing
day presents a hardship to members of the
for-hire industry that will not be able to
attend due to their religious observation.

"In addition, we understand that your office will be making changes to the proposed rules. Therefore, we request that the hearing is postponed for a period of two weeks from the time you make available the new changes. This will allow time to review your changes to the proposed rules, and for further dialogue.

"Thank you in advance for your consideration on this matter.

"Sincerely, Miguel Martínez, Councilmember, 10th District; John C. Liu, Chair, Transportation Committee; Diana Reyna, Councilmember; Lewis A. Fidler, Councilmember 46 District; Larry B. Seabrook, Councilmember; Simcha Felder, Councilmember; Julissa Ferreras, Councilmember." Copy to the Mayor as well as the Speaker's Office.

Jose Mejía, welcome, and the next two speakers are Cleofis Sarete and James Grosso, Jr.

MR. MEJIA: Good morning, Commissioner. My name is Jose Mejia. I represent the Association of Taxi Drivers Independents of New York City.

The association is represented by borough. In Queens, Fernando Vargas. Juan Sosa Rafael García represents New York City. Felix Valerio represents Brooklyn. Rafael Seharte represents Bronx.

We believe the new rules is not only for the drivers, for the base only, for the car owners. It is also for the community. We need education, information.

As drivers, I think we don't have that.

I think we have to tell the driver, we have to tell the community really what you want for the industry.

I think we need time to introduce that information for everybody.

Please, give the opportunity for we work together, and give a chance really what you want.

The new regulations I think is not for now. Maybe next year is the time, because this is a big job we have to do.

Thank you very much.

CHAIRMAN DAUS: Cleofis Sarete.

MS. SARETE: Good morning, Commissioner, and everyone here present.

I would like to take this opportunity to give thanks for listening to
everyone's concern here.
I am here today as a community
activist who has always been involved in the
well-being of this great city.
First and foremost, I am
cconcerned with the fact that some here who
are members of the public do not really
understand our point of discussion, because
most of them speak another language,
primarily Spanish.
I am also here, I want to
commend everyone here, the Commissioner and
the Board, you have taken this opportunity to
address and make an effort of addressing
pivotal points that will address the City of
New York in maintaining rules for safety
purposes.
What everyone is here in
disagreement is the point system. I believe
there should be some sort of dialogue where
delegates from every base involved should
attend and after, turnkey to their drivers.
In short, the point system is
an unfair system.
Yes, we need to enforce the
process of enforcing laws that will benefit
the citizens of this great state, but to
close down the base for infractions that some
of the taxi drivers have made is not
conducive to good practice.
Cab drivers should attend some
sort of workshops or training to make them
aware of what could happen if this allows to
continue or they continue to accrue points
for further -- so that they can be careful in
the future, alerting them of final measures
that will be taken if this continues to
happen.
I really thank you for
allowing me to speak, but I urge you to
consider a further dialogue to really have
points of discussion where these drivers are
more careful and they can be aware in their
native language of what the consequences may
be.
Some of them are not really
aware. They really don't understand this and
so that this can occur and we can have a
better system here, that we can all benefit.
After all, this is their
source of income so let's try to consider
this.
Thank you.
CHAIRMAN DAUS: Thank you.
James Grosso Jr., and then the
next two speakers are Francisco Sanchez and Victor -- I apologize if I mispronounce your names -- Victor Deschamps.

MR. GROSSO: Good morning, Chairman, Commissioners.
My name is James Grosso, and I represent the New York City Fleet Livery Owners Association, which is comprised of base-owned fleets within the five boroughs. We fully support the Commission's for-hire rules reform package. We appreciate the opportunity given to us by the Commission to be involved in the revision process, and that our input was taken into consideration.

It is our belief that these rules will help to improve the service provided to the riding public, and we also believe that will be of great benefit to the public safety. To increase the accountability of the livery industry is long-overdue.

Thank you.

CHAIRMAN DAUS: Francisco Sanchez?

MR. SANCHEZ: My name is Francisco Sanchez. I didn't know how to --

English.

CHAIRMAN DAUS: We can translate if you like.

Let's get Samara in here or Carolyn Castro.

We need some translation services. Thank you.

MR. FRASER: If I may suggest, Samara, you should stand at the microphone and he should talk so you can hear him.

MR. SANCHEZ (translated through Ms. Epstein): Hello. My name is Francisco Sanchez.

I agree with some of the rules from the Taxi and Limousine Commission, but in general I don't agree with them. I am sure that the Taxi and Limousine Commission wants the best for us, and we also want the best for the Taxi and Limousine Commission.

I have been a driver for 21 years, and I have never had a problem right now because I respected the rules.

But the rules that they are suggesting right now would be a disaster for all of us in this country, for all drivers in this country.

My clients are based in
Queens, and most of them are Hispanic and don't have a lot of money.

I told them that we have to come if these rules are going to be suggested, because we can't comply with them. I am sure I can comply with some of the rules, but I am sure I cannot comply with the rules that say they cannot park in the street because we don't have private parking.

We are honest people, and TLC is asking us for things that we haven't complied with until today. For 21 years, I haven't had any summons. I must be a good driver.

He is saying he is sure there are drivers that aren't good and we shouldn't force against them, but for the good drivers that are trying to follow the rules, we should allow them to do so, especially with the economic crisis being what it is; we should allow them.

"Thank you very much."

CHAIRMAN DAUS: Victor Deschamps?

MR. DESCHAMPS (translated through Ms. Epstein): Buenos dias. Good day to the Commissioners and to all the institutions that are represented here today that move the transportation in our city.

Basically, I am here today to ask you, to our representatives that represent each base, these Commissioners around the five boroughs that make up our city, it is worrisome to us that we come here today to deal with some rules that aren't well-known by the drivers, the base owners and the vehicle owners.

It worries us because it regulates our work, our means of work and how we drive in the street, but some of these rules have consequences that go further than transportation can be organized for the livery industry in New York, because they could make us disappear, not just the bases, but also the corporations and the drivers with a series of rules that give them fines and can get rid of their licenses if they accumulate too many points.

We ask that the Commissioners at TLC, that you please change the date for getting to know these rules and give us the opportunity for our drivers and our workers, the base owners, the corporation owners, that
we can get to know the rules fully, all of
the new regulations that they are
introducing.

Because of that, we ask that
you change it to another 30 days so we can
get to know the rules better.

Thank you.

CHAIRMAN DAUS: Ms. Jean Ryan?

MS. RYAN: You had asked the
question earlier about the cost of getting an
accessible trip --

MR. FRASER: Mr. Chairman,
didn't this speaker speak already?

CHAIRMAN DAUS: She requested
to come back at the end.

COMM. POLANCO: We should go
by the names of the order on the sign-up
list.

CHAIRMAN DAUS: We did.

COMM. POLANCO: Everyone on
the list has basically spoken?

COMM. GIANNELIS: If you want
to delay it, call a break and I can go out
and have a smoke.

CHAIRMAN DAUS: There are
three people that signed up after the sign-up
period after Ms. Ryan made a request.

One way or another she
requested to speak, and I don't have a
problem with letting the public speak.

COMM. GIANNELIS: You really
don't want to go down that road with me.

MS. RYAN: You had asked how
much it cost for an accessible car service
versus a regular car service.

A regular car service, a local
car service costs five dollars; an accessible
one costs $45, a minimum of $45, and you have
to wait about an hour-and-a-half or more.

I had an experience like that,
and I only needed to go nine blocks, and it
just couldn't wait that long.

Now, the other thing is that I
do use car services sometimes when I use my
manual chair. I can't get this in a regular
car service, but I can use my manual one so I
do use car services sometimes, regular car
services, but I have been in car services
that have been poached by other car services
so I am a car service user sometimes, and I
call a car service and another car service
comes that isn't the one that I call so I am
really glad that you are issuing these rules,
like the other customer spoke, because we
need regulation.
It is scary when another car service comes and you know it is not the one that you called. It is just plain scary.

It is also kind of scary when an unmarked car comes and you don’t know which car service it is, especially scary when you are a woman and you have no way of verifying what car service it is.

There are just so many -- I have been in car services when I have gotten near the airport and the driver says, "Pay me now before you get out," and I said, "Why?"

He said, "Because I am not licensed."

COMM. POLANCO: Ms. Ryan, I commend you for coming forward and basically giving your opinion to us. We have taken into consideration all your comments and suggestions, and thank --

MS. RYAN: It is not an opinion.

COMM. POLANCO: Basically your observations in the industry and your experiences so thank you so much.

CHAIRMAN DAUS: As promised -- the court reporter is in pain -- we are going to take a lunch break, but we are going to take an abbreviated lunch break. We will reconvene at 12:30 promptly.

(A luncheon recess was taken.)

CHAIRMAN DAUS: Sorry to keep you waiting the last ten minutes or so. We had a couple more speakers. My understanding is one has left, Carmine Guiga, and we have -- I can't read the handwriting -- Ubaldo Santos, and then the last speaker is Chand Dham from Elite Limousine, unless there are any other lists floating around out there.

MR. SANTOS: Mr. Chairman Daus, I appreciate very much the opportunity, as well as the Commissioners.

I will not ask you to postpone the voting today, because it has been asked many times, but I think we should. Taking note, I listened to you to say that you are going through the community boards, which I think we should, because they are the most effective, especially in the different communities. I am a broker for 25 years in the area of the Bronx. I really have my concern about the drivers to be able to pick up passengers.
on the street, because being a business
person, I have to go to a meeting at
Washington Heights, or whenever I have to go,
I just go out, and I think most of the
business people, especially on Broadway or
any other places, that when you see a mother
running late to school, when you see a mother
that she had to go to the hospital, she had
to go to the packet, you know, the purse, and
call a taxi, 99 percent of the phones on the
street, they don't work.
On the renewal times, we had
to work late, very late, and my concern about
my people, are they going to be waiting for a
taxi to come, or are they going to go hail a
taxi?
I think going to the different
community boards I think is in order.
The second issue that I had is
with the agency, TLC.
I have been in the business
for so many years. I had the opportunity to
work with Motor Vehicle as well as the New
York Auto Plan.
Those two agencies, you can
work with them.
TLC, it is impossible to work
with.
To renew a license these days
is a nightmare. We have drivers that they
couldn't work for two weeks.
You take the papers, and
according to them, depending on who takes
those papers, today it is because of what is
written in red ink, tomorrow it is because of
the handwriting I couldn't read.
We have to work on that,
Mr. Chairman.

I think you and as the
brokers, we have to work together on that.
The agency, you have to
automate that agency. There is no reason why
people have to wait weeks to renew their
license.
Thank you, sir.

CHAIRMAN DAUS: There are two
other speakers in addition to Mr. Chand Dham.
Is Mr. Chand Dham here?
We have Randy Ramos, and
Fernando Garcia.

MR. CHAND DHAM: Good
afternoon, Mr. Chairman and Commissioners. I
am Chand Dham, Elite Limousine.
I have been training drivers
of Elite for almost 50 years. I drove myself
a yellow cab for ten years and black cars for like ten years. I have been in the industry since 1975.

I have been listening to whatever is going on here, and I just could not resist but to say something, because one presentation I don't see here that much, or maybe none of the drivers have shown up --

some of their reps have shown up to see what their concerns are -- just like the Commissioner has a meeting with black car bases, livery car bases, they should maybe tell the black car, luxury, livery people to send one or two drivers from their groups to present other drivers, have a meeting with the Commissioners what are their problems?

You would be surprised to know that a driver today working, whether a livery group, black car or luxury group, pays more money to New York City, the Traffic Violations and to the Parking Violations than he pays to a base. Those are facts.

This is what I see and hear from my drivers.

Although TLC does not go under those rules, but TLC can do something. Drivers, there is no standing. What is no standing? 30 seconds, 80 seconds, 90 seconds?

It is not defined in the Traffic -- Parking Violations rules so a driver can stand for 30 seconds, 40 second, 90 second.

A customer should call when he is on the way down, that is what we try to do right now so a driver does not get penalized for those things.

This is the one biggest issue of a driver working on the street besides worrying about his decals, his signs and following all the TLC regulations, which are basically we are all in the customer service business and care.

Customers are really everything, which is for TLC, for livery, for black car, for luxury and all of us; it is the same: To give the public the safe transportation and legal transportation and do whatever possible, have the proper rules to regulate that, which I respect it.

But at the same time, I mean, any of you ever come out of JFK Airport 4:00 o'clock, 3:00 o'clock, early flights, how many illegal people are there trying to get the customers in their cars? You must
have all seen that.

All the TLC has no regulations over Port Authority Police, but somehow this is where the drivers, livery drivers, everybody should be protected by TLC also. Rules should be separated. This is the rules for luxury bases, this is the rules for black car, this is for livery. I mean, reading Section 5, 8.1, I don't think anybody understands it. You have to make it more simple and separate that so it is easier for drivers to understand, because he is the one who is going to deal with your public, who is going to pay the fines, and at the same time you should make either -- just like BCAC has done a very good program where they bring drivers in, give them some money to have a safety driving program, TLC, all the fines they collect, they should have some kind of classes where drivers, rather than giving them points, give them training.

Believe me, FedEx and UPS, they don't fire employees. They go for training again until you get them corrected, get them right.

CHAIRMAN DAUS: We are looking at that, and you do have a fine training program. I visited it once or twice. Randy Ramos, and then Fernando Garcia.

MR. RAMOS: Good afternoon, Commissioner.

First of all, I want to actually thank you all for giving us the opportunity to speak. I wasn't on the list, but I decided that I have to put in some comment. I have been a broker for around 12 years with a business in uptown, and one of the things that drivers do is that they use a broker as a counselor.

You know, when they have a problem, they come to us. Many times we go into your website, but many times we give them advice.

Two weeks ago I learned about this new ruling that you are trying to implement. You know, just looking over all these rules, I believe that this is going to create a ripple effect in the industry. It is going to affect the bases, it is going to affect
the brokers, it is going to affect the
restaurants that feed most of this industry,
it is going to affect the mechanics, it is
going to affect the gas stations and many
others.

What I am asking this council
is to at least give us a chance, other
individuals affiliated with this industry, to
actually take a look at this.
We found out about this two
weeks ago, and I am asking for this vote, for
this voting not to take effect today.
I think that this is going to
give us an opportunity for people that
probably you don't hear from most of the time
to come in and speak to you and give you
suggestions and tell you the truth, because I
know some of the things make sense.
At least the broker industry,
which is many of us that are treated as
counselors to many of the insureds, at least
you have an opportunity to tell them "This is
what is going on."

Yesterday I spoke to a driver.
"There is going to be a meeting April 16."
He told me, "That is a problem
for the bases."
If we don't get the bases, we
work for ourselves, and that is not the case.
Overall, if you can postpone
this voting, it will give us at least the
opportunity to come back to you.
I just wanted in Spanish a
short version of what I said, because there
are many people here that don't understand
the language.

(Translating in Spanish.)
MR. RAMOS: In this moment of
crisis, Mr. Daus, it is adding to another
crisis. I don't know if you see it this way,
but it is adding to another crisis.
Believe me, I am a little
nervous.
If half of the industry goes
out, half of our industry is going to go out.
Thank you very much.
CHAIRMAN DAUS: Thank you.
Fernando Garcia, and there is
one more speaker, Mr. Jose Valoria, and if
anybody else wishes to be heard, please raise
your hand. This is the final call for
testimony. Raise your hand and see Alan
Fromberg over here. We will write you up and
put you on the list.
MR. GARCIA (translated through
Ms. Epstein): Good afternoon, Commissioners. Good afternoon to all the presidents that are here to represent our people.

I come to represent the Association of Independent Taxi Drivers of New York. We found out about this situation ten days ago because we weren't in the country.

I have been surprised by my companions' companies who told me they haven't had time to really analyze the rules. It is not that we are against all of them, but there are some of them that work against us as independent taxi drivers. We think they are going to send many parents home without work.

In light of the terrible economic situation in the country and the state, we don't think that this solution should be fines and persecution against the people in the industry. I ask in the name of the organization that I represent and all the taxi drivers that you hold off on these as long as possible in light of the current economic situation.

I hope that you understand that this situation is truly difficult. The majority of our cars are on loan through credit.

I have worked with you for a long time, Matthew Daus, have seen you at meetings with Assemblymember Espiat, and I ask you on behalf of everyone today listen to what I am saying.

CHAIRMAN DAUS: De nada.

Jose Valoria.

Does anybody wish to be heard? Speak now, please.

That is it. The meeting will be closed after Mr. Valoria.

MR. VALORIA: We would like to commend the Commission of TLC for organizing the livery industry and put together the black cars, the limousines and the livery.

I also would like to commend the job Samara Epstein doing for the last not two months, not three months; three years working with the Association of Taxi Drivers. For the last few years, we make a couple of meetings with the bases. We tried to fix the bases, members of the Federation. I don't know if Samara makes meetings with all the organizations in the
past, but I can say she met the Federation.

We make meetings with bases, members of the Federation, with everybody. If you want to come, you are free to come and see what TLC is planning to do in the future.

When a few months ago, say month, month-and-a-half ago, Samara sent the proposal to the Federation, I told Samara, "This can't go. We have to work together on those changes, because I don't think -- if you pass this resolution, the industry is going to finish."

We called other leaders, and we shared the information, and we agreed on a few points.

We meet the Commissioner, we go over to Samara, and we meet the Commissioner, and we express to the Commissioner, the staff, which was the point is the majority leaders, including the black cars, are effected.

We give a list of the points, and 95 percent of those points, the Commissioner changed it.

In the end, we make a deal with the Commission, and we tell the Commission if you approve those things, we don't have no reason to object.

Right now today -- I don't mind if the Commissioners vote to postpone, we don't mind for the reason the members are ready for the change.

Sometimes people don't like change, but we have to move it. You can't do the same thing when you are a child that you can do when you are an adult so you have to change.

Everybody knows what the private car is doing. Everybody knows what bases is doing, hiding illegal cars. Everybody knows what a car's owner is doing; hiding drivers, illegal drivers, so we have to do it.

Like I say, I don't mind. If you want to vote today, fine. If you want to postpone for to 30 days, fine, but my question is to my colleagues, we think in 30 days we are going to teach the drivers on the bases when we have over 30 years working with the same issue, we think in 30 days we are going to learn how we handle those things?

That is all. Thanks.

CHAIRMAN DAUS: Thank you.

COMM. POLANCO: I have a question for Mr. Valoria.
You mentioned that you have been working with the TLC, and that 90 percent -- 95 percent of the concerns that you have the TLC made changes. When did that occur, that 90 percent, 95 percent that you mentioned?

MR. VALORIA: Last week.

CHAIRMAN DAUS: Thank you.

That concludes our public hearing.

Any other questions, comments, concerns?

Commissioner Gonzales?

COMM. GONZALES: Just in general terms, first I would like to thank the TLC staff and the industry as well with respect to exceeding my expectations on the level of thoroughness and detail put into the current rules here.

The rules as I see it strike the proper balance between public safety awareness and also meeting the industry needs.

As always, as I stated prior to prior meetings, I look forward to additional comments and feedback from the public and the industry on implementation of these rules should they pass.

I guess as the testimony came through today, a couple of things just in general I would like to put out there, possibly.

I guess in light of today being the last day of Passover, and maybe there are some members of the industry and public that may have been unable to make comments, I propose that we vote today but possibly delay publishing the rules for a certain period of time, just to allow for public comment to be, you know, reached that could not have been reached by now for let's say maybe a two-week period, and then should there be material changes via those comments, that we would address it as a commission.

Also, based on the testimony today, with respect to the point system -- again, I am going to throw it out and see if we can talk and debate about it -- there are going to be some issues as far as implementation, and driver's bases, vehicle owners needing more time to implement the rules as stated should they pass.

The rules state, at least on the points aspect of it, that implementation would occur on July 1st.
I think by possibly putting a hard effective date roughly around -- a hard effective date 30 days later at August 1st I think should address some of those concerns as base vehicle owners digest those rules and translate it into an implementation plan within their individual operations.

COMM. KAY: Just to clarify, if we wait the two weeks and then we publish the rules, then it is another 30 days so it doesn't actually go into effect until when?

MR. FRASER: On that scenario, if we waited two weeks to publish, that would take us to the end of April. They would take effect the end of May.

COMM. KAY: By doing that, it is not just waiting two weeks, it is a full six weeks from now, correct? So it wouldn't go into effect until then, and we can have the public hearing open during that time period during which they can submit public comments?

CHAIRMAN DAUS: We can do that.

Ms. Weinshall?

COMM. WEINSHALL: Mr. Chairman, I am also a little troubled by the Jewish holiday, and I would agree with my fellow Commissioner here that the record should be kept open for those who couldn't come here today.

If there are, I guess, issues which the Commission would then have to reconsider, am I right to say that we would have to take another vote after that?

CHAIRMAN DAUS: We could do that, right?

MR. FRASER: Yes.

COMM. WEINSHALL: But only if it is of a nature that would require another vote.

MR. FRASER: We would hold publication of the rules, and if based on further discussions with additional commenters we wanted to make any changes to the rules, obviously the Commission has to vote on any changes.

COMM. WEINSHALL: I feel holding the record open would address some of the concerns that we heard here today from the people who testified, and I would also like to thank everybody for coming down and giving their time and effort to this.

In addition, I just feel that
in light of the fact that this is a Jewish holiday, it would be fair to keep the record open.

CHAIRMAN DAUS: It is a good suggestion.

Any other comments?

COMM. POLANCO: To understand the motion, basically, the motion is to vote today on the rules, but then delay implementation or the effective date of implementation an additional six weeks?

MR. FRASER: I think specifically to direct the staff to continue to accept comments and conduct discussions for two weeks, and if that results in no further changes, then to publish the rules. If it results in further changes, to bring it back to the next Commission meeting.

CHAIRMAN DAUS: Didn't you also say if there are no further changes to be made, the effective date for July 1st for many of the changes would then be changed to August 1st?

MR. FRASER: I think that was actually a separate point Commissioner Gonzales made, which is he would like to defer the point system from taking effect when the rules become effective, for the point system to become effective August 1st.

COMM. GONZALES: The point system portion of the rules.

CHAIRMAN DAUS: The council which voted to mandate a Livery Bill of Rights has to legally go into effect on June 26; that we make that clear that that date would still be -- we want to comply with the Council's mandate.

MR. FRASER: The point system is completely separate. The Bill of Rights would take effect as the Council mandated as the rules provide on June 26. The point system obviously works separately from that.

CHAIRMAN DAUS: What about the license posting and the markings?

MR. FRASER: I don't remember the exact dates. July 1st for some of them, and September 1st for some of them.

The inspections also begin for new initial licences September 1st, and renewals begin February 1st, 2010.

CHAIRMAN DAUS: Really, the only change he is suggesting is in addition to the comment Commissioner Weinshall made.
about keeping that two-week period open, the
point system which is now under the latest
draft of the rules going into effect July 1st
would now be pushed back to August 1st.

COMM. POLANCO: Normally --
correct me if I am wrong -- when we as a
commission vote on a rule, and basically that
is a final vote, even after, if there are
additional comments on the rule, we could
revisit it at any time?

MR. FRASER: We could always
do rule making. This would avoid the need to
do a complete restart of the process; it
would just enable us to come back and take
another vote at a future meeting.

COMM. POLANCO: Which in a
way, any additional comments that have not
been made today or concerns people have
expressed today would not really be revisited
as they have been already pointed out at this
hearing?

MR. FRASER: I think we heard
the comments today, and I think we will
consider them, yes.

I mean, there were some
specific comments and there were some general
comments, and our Constituent Management
Office will conduct discussions if we didn't
understand all the comments.

COMM. POLANCO: Can I make an
amendment to Mr. Gonzales' motion?

CHAIRMAN DAUS: There is a
motion on the floor if you would like to
entertain the amendment. It is up to him.

COMM. GIANNOULIS: The
proposal Commissioner Gonzales has -- let's
forget about the commentary component for
half a second, even though it is a wonderful
thing. Let's put it aside. It would extend
the point system until August 1st?

MR. FRASER: Would not begin
until August 1st.

COMM. GIANNOULIS: And then
you have a legal issue that you want to
require -- the City Council passed --

MR. FRASER: Livery Passenger
Bill of Rights.

COMM. GIANNOULIS: That would
have to be posted by --

MR. FRASER: June 26.

COMM. GIANNOULIS: That would
have to be effective by June 26, and then it
sounds there are four so-more other random
dates?

MR. FRASER: I wouldn't call
it random. There is a phase-in of the rules built into the rules. Some of the rules become effective when the rules are posted for 30 days, as a rule ordinarily does. The Livery Bill of Rights becomes effective June 26. I forget which -- marking and licensure rules come into effect on July 1. The inspection rules start on September 1. As to renewals, they start on February 1.

It was intended, it was closely negotiated with the industry, both so they could accommodate the changes and we could accommodate the changes in a time that wouldn't result in delays and problems.

COMM. GIANNOLIS: So people actually wanted each of these rules getting implemented? Because according to my count, it is literally once a month: June -- May, June, July, August, September, and next February various parts of these rules are going to be implemented in.

MR. FRASER: That is right.

COMM. GIANNOLIS: And they wanted that?

MR. FRASER: These are part of the discussions that we had. They asked certain ones to be put off --

CHAIRMAN DAUS: Which is the May date?

COMM. GIANNOLIS: The May date would be --

MR. FRASER: Any rule that doesn't have a specific implementation date in the rule becomes effective 30 days after the rules are published. As of now that includes the point system, some penalty changes.

CHAIRMAN DAUS: We are talking about Commissioner Gonzales' motion, are you suggesting --

COMM. GIANNOLIS: Commissioner Gonzales may not be aware of it, but just to realize there are six different months that this stuff gets kicked in. It just seems rather complicated, but you are telling me everybody thinks that is a good idea. I can't keep track of this. I don't know how somebody else is.

CHAIRMAN DAUS: I think the staff wanted that too. We can't do everything at once.

COMM. GIANNOLIS: Whatever is
in May, June and July, can't it just all be
in July or something? I guess that is my
point.

MR. SALKIN: The first part is
on inspections starting with new vehicles
getting inspected starting September.
The agency has to make
modifications to the inspection facility to
be able to handle the new vehicles, which is
updating the computer system, and we can't do
that until --

COMM. GIANNOULIS: The
specificity of those rules are -- what are
those rules?

MR. SALKIN: The vehicles
going inspected.

That is starting with new
vehicles. The idea was to start with new
vehicles, giving the agency and industry some
time to figure out how to do it.
The bigger group of vehicles
that we have, a much larger group we have is
renewals; is to have renewals start after
everyone kind of has it under their belt and
how it works. That is the February date.

Now, in terms of the markings,
the idea was the rules -- typically with the
Commission, the rules all start 30 days after
they are published in the City Record.
The concern with the markings
was there wouldn't be an opportunity for
people to do the markings quick enough so we
are going to delay that to give people an
opportunity to do it.

From the Commission's level,

we wanted to make sure there was a lot of
opportunity over the summer for people to do
implementation and try things out before the
busy season starts again in the fall.
The idea of the stickers and
going the stickers out is to give our
agency a chance to go visit every base and
put the stickers on the cars. Visits won't
happen over the summer so that is why the
sticker requirement happens in September, and
then the idea is to do public outreach so the
public knows the new standards.
The markings, stickers,
everything, the new package is fully
implemented at the end of the summer so there
can be public outreach at the end of the
summer.

COMM. GIANNOULIS: You took
into consideration my point and you think it
is okay?
MR. SALKIN: With these changes?

COMM. GIANNOULIS: The different dates.

MR. SALKIN: The longest lead time for us is getting the inspections up and running at the Woodside facility. The longest lead time for the industry is probably getting the markings up on the vehicles and having them do that.

COMM. GIANNOULIS: Back to Mr. Gonzales' motion.

CHAIRMAN DAUS: Commissioner Polanco?

COMM. POLANCO: Basically, it is an amendment to Commissioner Gonzales' motion, and basically, the amendment is to, instead of voting on the rules today and delaying implementation of the effective date of implementation, my amendment would be to postpone the vote onto the next Commission meeting in May, the second Thursday in May, so we could take into concern.

We just heard from Mr. Valoria, who has been basically working with the TLC for a number of years, and 90 percent of the changes, at least the ones they suggested, were made last week.

We have also heard testimony from a number of industry members that they became aware of these rules, and although TLC -- and I commend the TLC staff for working on this rule, and I commend also the industry for working in conjunction with the TLC -- that finally, as I put it before, the sleeping giant basically is awake, which is the industry representatives that are here, and all they request is basically time to digest all these rules, where a lot of the changes have been made just in the last week.

Basically, that is my amendment to Mr. Gonzales; to postpone the vote until the next Commission meeting.

COMM. GONZALES: I tend to think that making the effective date to August 1st I think achieves that objective, in the sense that the issues with respect to what the industry would have to go through as far as digesting, to me would tend to be more of an implementation phase, or implementation issue.

If we give the industry an additional 30 days to implement what the rules are as they currently are stated with respect to the particular points, I think
that gives them the leeway to achieve that implementation objective.

CHAIRMAN DAUS: Commissioner Arout wanted to make a comment.

COMM. AROUT: Thank you, Mr. Chairman.

I just wanted to say that I am extremely impressed with the whole process we have undertaken with regard to the way we formulated these rules and how close we have been able to work with the for-hire vehicle industry to ensure that these regulations benefit everyone from the passengers to the business operators.

Being the Board's Staten Island representative, I am particularly pleased with the way it all has come out. As you know, Staten Island relies on the livery bases, perhaps more than any other borough in the city, and the way these rules are addressed, passenger safety and customer service really hit me and sent me home -- took me home. Excuse me.

I want to thank Commissioner Daus and his team for doing a great job, and just work out something in the near future. I am sure we will be all right.

Thank you very much.

CHAIRMAN DAUS: Any other requests or comments to Commissioner Gonzales' motion?

COMM. POLANCO: I have a comment.

Basically, one of the comments that I have is that I know the TLC has been working for two years. Since the rules were made public in March of this year, numerous changes have been made, as I mentioned before, and I have some questions regarding the rules.

Basically, one of them I have is in the rule itself, in Section 30, Section 6-29, subdivision G, it says that the Chairperson shall develop a point reduction program applicable to vehicles and bases. We mentioned effective dates of implementation of the rules where we are going to be imposing points on vehicles, on drivers and bases, and a point reduction program, there is not even a date set as to when this program is going to be developed, and I would like to have some information regarding that.
Effective date will come into play, and we don't know yet when the point reduction program is going to be developed, and what the reduction program is all about.

CHAIRMAN DAUS: That is a fair question.

I think some concerns can be alleviated by Commissioner Gonzales' proposal that we extend the points going into August.

We are anticipating putting out a request for information within the next week for an education RFI, and that request for information has specific provisions in it asking people to comment on any point reduction courses that they can propose and how they would do it and who would do it.

As you know, we have various taxis schools that are in the business of teaching yellow cab drivers but not livery drivers so we would need some time to implement that, and we could always consider that we look at that timing of that implementation with the ultimate implementation of the rules.

We have to get that out first so we can see who is interested in doing it, what our process is and trying and getting that done over the summer.

COMM. GONZALES: With respect to the RFI, is that something we intend to get out --

COMM. DAUS: Tomorrow, Monday or Tuesday of next week. It is done.

You have the T-PEP file. You don't have the education file. I will give it to you tomorrow so you can look at it before we put it out -- there are specific provisions in there about this -- in addition to looking at our yellow cab programs as well.

Do you remember what the time frame was, Andy, for us to close that RFI?

MR. SALKIN: I can't remember.

I think 60 days. The idea is to get feedback.

CHAIRMAN DAUS: Maybe we could have a shorter time frame for this particular issue and separate from the other issue in the RFI. That might be a way to make sure we implement.

If we can't implement it in time, we will come back and revisit us.

COMM. POLANCO: On that issue, basically, implementing or enforcing the
rules and the consequences of it is for these entities or individuals to get points, and then have already in place a system where they could basically apply for the program before these points are -- these rules are effective so why not have that in place before the rules take effect?

Once somebody gets a point, they want to take care of it right away, especially when points are imposed on vehicles, and after two points, basically a vehicle would probably be disaffiliated from a base.

CHAIRMAN DAUS: That is a fair point, and I agree with you, and that is our intent to try to do that. If not, we will --

Yes?

MR. SALKIN: I also wanted to comment, one of the reasons, one of the changes we made over the last several days was changing the points from five for bases and three for vehicles, was to address the fact that -- five for bases, three for -- one of the reasons we changed it from five and three to six and four, giving people the extra point, was recognizing there is not a way of bringing the points down, and people have to get used to this.

As you just stated, if you get two points, the likelihood of you getting kicked out of your base with the fact that there is now four points probably won't happen.

One of the things the Commission did was to relax that rule to give everyone a greater opportunity to adjust to this.

One of the things I hope is, potentially as we get a point reduction system eventually down the road, maybe lower the points and review that as well so that there is a higher standard as well as a point reduction.

CHAIRMAN DAUS: We did make that change, and that was part of conversations we had with the industry, as well as I think you and I may have discussed it a while back.

COMM. POLANCO: On my amendment to Commissioner Gonzales' motion to postpone the vote today, where do we stand?

CHAIRMAN DAUS: I think he said he was not going to amend his motion.

COMM. GONZALES: I wasn't
going to amend it.

COMM. KAY: As a point of order, it sounds like the Commissioner is suggesting she would like to vote no on the amendment rather than ask Commissioner Gonzales whether to amend his proposal. I think it is actually a vote.

It sounds like you are recommending that we vote no and not do this now rather than the amendment; is that correct?

It sounds like your request is we not take the vote now.

COMM. POLANCO: All right.

COMM. KAY: I believe that is your request so as a point of order, that means if we choose to take the vote now, every person has the right to vote no so rather than ask Commissioner Gonzales to amend his amendment, I think the point on the floor is do we want to vote on Commissioner Gonzales' amendment to the rules, and then we vote on the rules itself, for which I believe Commissioner Polanco is requesting people vote no.

CHAIRMAN DAUS: If you want to after that make any of your own motions, you are free to do so instead of trying to amend a motion.

Anything else from you?

So we have a motion on the floor.

Do we have a second?

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

All opposed?

COMM. GIANNOULIS: Opposed.

CHAIRMAN DAUS: Thank you. So passes.

Do you have anything else to say or any motions to make?

COMM. POLANCO: Basically, the vote now was to basically vote yes on the rules, and then the effective date --

COMM. KAY: The vote we just took was to amend the rules to change the effective date on the point system. The next question is, is there also a motion on the floor --

CHAIRMAN DAUS: No other motions.

Could we make sure we are perfectly clear and just reiterate what we voted on so the whole public understands, Chuck?
MR. FRASER: First let me read what I have written, because the actual text has to be before the Commissioners when they vote on the rule.

What I have written to incorporate Commissioner Gonzales' date changes would be on page 30 in the last section, Section 30, which is Section 6-29 of the rules, a new paragraph (h) that would read as follows: This section shall take effect on August 1st, 2009 and no penalty points shall be imposed for violations occurring before that date.

So my understanding is that the Commission just authorized me to write that. I just wrote it, and now you can have a vote on the rules as amended, with the qualification that we will hold publication for two weeks to conduct further discussions with any further commenters and determine whether we want to recommend further changes at another Commission meeting.

CHAIRMAN DAUS: And in that event, we would call the Commissioners back for another meeting.

COMM. POLANCO: I would like to propose a motion to postpone vote on the amendment of Commissioner Gonzales until the next Commission meeting.

CHAIRMAN DAUS: Before we do that, Chuck is saying that we needed to --

MR. FRASER: No.

CHAIRMAN DAUS: You just told me that we needed to now vote on the rules. I thought we did that.

MR. FRASER: You don't need to do it now. She needs to move to table, and if that fails, then vote.

CHAIRMAN DAUS: Fine. Go ahead.

COMM. POLANCO: I move to table the vote on the implementation of the rules until the next Commission meeting.

CHAIRMAN DAUS: A second?

COMM. GIANNOULIS: I second that.

CHAIRMAN DAUS: All in favor?

Two in favor. Anybody against that vote? It fails.

MR. FRASER: Now you vote on the rules.

CHAIRMAN DAUS: Do we have a motion on the rules to pass the rules as amended?
COMM. GONZALES: Motion on the rules.

CHAIRMAN DAUS: Second?

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

Any opposed?

Two opposed.

I think we all understand the point of order.

I would like to make a motion to adjourn the meeting, but before we do that, this two-week period -- I am taking very seriously -- I will ask the staff and direct them to give the widest possible distribution to people.

If there are specific changes that need to be made within that two-week period, I will call the Commissioners back, and we will have another meeting, and we will hear what you have to say. We will put it out in English and Spanish.

Anybody else has any other languages they would request translations for, we will do that, and this, I think, will help hopefully accommodate those people who are also celebrating the last day of Passover.

Motion to adjourn the meeting?

COMM. WEINSHALL: So moved.

CHAIRMAN DAUS: Second?

All in favor?

(Chorus of "ayes.")

(Time noted: 1:41 p.m.)

CERTIFICATION
I, HELENE GRUBER, a Notary Public within and for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of __________, 20 .

__________________________________________
Helene Gruber, CSR