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

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P R E S E N T :
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

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P R O C E E D I N G S

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

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

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

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

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

19 On a monthly average it has
20 gone from about 30 trips per month to about
21 35 trips per month.

22 With the new T-PEP Integration
23 System with Creative Mobile Technologies in
24 addition to the BlackBerrys, we have actually
25 taken a total of 237 accessible cabs, and 129

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1 of them are now being used with the T-PEP
2 system to dispatch the calls when they come
3 in from 311.

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

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

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

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

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

23 Also, the long-awaited Taxi
24 Technology Request for Information was
25 released this week. There are copies in the

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1 back along with the press release summarizing
2 it.

3 The media seems to have zeroed
4 in on just a few of the concepts or ideas
5 which are by no mean concrete or specific
6 proposals, but just ideas. That is all that

7 it is.

8 I would encourage everyone who
9 is interested in commenting, media, industry,
10 passengers -- we have already received many
11 comments over the last couple of days -- to
12 pick up a copy and send your copies to
13 policymail@TLC.NYC.gov, or you can access
14 this specified e-mail address through our
15 website, which is NYC.gov/taxi.

16 You can also fax your
17 responses to (212) 676-1002. The RFI period
18 is now open and will end on June 15, 2009.

19 Also, on March 31, we finally
20 announced reciprocity with Nassau County, a
21 long-awaited announcement that was as a
22 result of a law that was passed and sponsored
23 by Senator Marty Golden a few years ago.

24 We did the announcement with
25 Westchester as well as Nassau County, because

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1 we all mutually recognized each other's
2 permits.

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

8 I think it is something that
9 is certainly pro business. Who needs extra
10 permits and needs to be paying government
11 extra permits and going through extra
12 bureaucracy?

13 Now that these two counties
14 have raised their standards and have
15 standards that are similar to the TLC's, in
16 particular it is a big step I think for
17 public safety as well.

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

24 That was finally announced,
25 and it is in effect.

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1 I want to thank County
2 Executive Tom Suozzi from Nassau, and
3 Commissioner Roger Bogsted, the TLC
4 Commissioner from Nassau, and also
5 Westchester County Executive Andy Spanno, and
6 Commissioner Barbara Monaghan, who is the TLC
7 Commissioner from Westchester.

8 The Rules Revision Project, as
9 you may have heard, is continuing. We are
10 still in the second phase, which is the
11 reorganization, and a plain language

12 exercise, not mostly substantive.
13 The next hearing will be at 40
14 Rector Street in this room on May 8 at 2:30
15 p.m., and the topic will be Chapter 6,
16 paratransit rules.

17 Just a couple of quick facts
18 on the medallion industry. We hit another
19 record for yellow cab drivers. As of April
20 15th, yesterday, we have a record 47,283
21 drivers on the road.

22 The latest number for hybrids
23 is 2,125, which is just over 16 percent of
24 the fleet, as well as 18 diesels and six C
25 and G.

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1 That concludes my report.

2 Any questions?

3 COMM. WEINSHALL: Do you have
4 a breakdown of the hybrids, what type of
5 cars?

6 CHAIRMAN DAUS: Peter, could
7 you give us a quick update on the types of
8 hybrids we are seeing mostly?

9 MR. SCHENKMAN: Good morning.

10 The majority of them still
11 remain the Ford Escape hybrid followed by the
12 Toyota Highlander hybrid, the Camry hybrid,
13 the Ultima, the Prius, and there are two
14 Civic hybrids and three Lexus.

15 CHAIRMAN DAUS: Any other
16 questions?

17 We are going to the adoption
18 of the minutes, the March 26 Commission
19 meeting.

20 Any comments, questions or
21 changes?

22 COMM. AROUT: I move to accept
23 them.

24 CHAIRMAN DAUS: Second?

25 COMM. POLANCO: Second.

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1 CHAIRMAN DAUS: All in favor?

2 (Chorus of "ayes.")

3 CHAIRMAN DAUS: Minutes

4 adopted unanimously. Thank you.

5 Second, base applications.

6 Georgia?

7 MS. STEELE-RADWAY: Good

8 morning.

9 CHAIRMAN DAUS: Good morning.

10 MS. STEELE-RADWAY: Licensing
11 would like to present before the Commission
12 20 bases with a recommendation for approval.

13 CHAIRMAN DAUS: Any questions
14 about the bases for approval?

15 Do we have a motion to adopt?

16 COMM. AROUT: Motion to adopt.

17 CHAIRMAN DAUS: Second?
18 COMM. POLANCO: Second.
19 CHAIRMAN DAUS: All in favor?
20 (Chorus of "ayes.")
21 CHAIRMAN DAUS: Approved.
22 On the denials, I would like
23 to remove 440 Car Service from the denial
24 list. They submitted a late request for a
25 waiver from off street parking so we will

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1 consider that and mark it off the agenda.

2 MS. STEELE-RADWAY: With that
3 in mind, there are two bases Licensing is
4 recommending for denial with a request the
5 Commission grants them an additional 30 days
6 so they may present the outstanding items.

7 CHAIRMAN DAUS: Motion to
8 deny?

9 Second?

10 All in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN DAUS: Item 4 for
13 Commission action, the Rules Revision
14 Project, Chapter 12, the Taxicab Brokers
15 Rules.

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

19 MR. FRASER: These proposed
20 rules would recodify the existing rules
21 chapter governing taxicab brokers.

22 The chapter was published for
23 the required 30-day comment period, followed
24 by a public hearing at which I presided.

25 Copies of the written comments

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1 and copies of the hearing transcripts have
2 been supplied to the Commissioners.

3 Staff recommends that one
4 change be made to proposed Chapter 12,
5 specifically in Section 1206 (C). This
6 change is necessary to conform the rules to a
7 Local Law that was passed last year providing
8 a 30-day period for payment of a fine
9 assessed by our Adjudications Tribunal, and
10 staying payment further if a timely appeal
11 was filed.

12 Copies of the proposed rules,
13 including the recommended revisions, have
14 been provided to the Commissioners and are
15 available to the public in the back of the
16 room.

17 The staff recommends that the
18 Commission approve this chapter subject to a
19 further vote giving final approval to the
20 entire rule book, and repeal of the existing
21 rules at the completion of this phase of the

22 project.

23 CHAIRMAN DAUS: Any questions
24 about the brokers rules?

25 COMM. POLANCO: Were there any

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1 objections when they were holding the
2 hearings as to the rules themselves or
3 comments?

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

14 CHAIRMAN DAUS: Basically,
15 they are reorganized?

16 MR. FRASER: Correct.

17 CHAIRMAN DAUS: Are you okay
18 with them?

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

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

24 CHAIRMAN DAUS: Any other
25 questions?

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1 Anybody want to make a motion
2 to adopt?

3 COMM. AROUT: Make a motion to
4 adopt.

5 CHAIRMAN DAUS: Second?
6 Commissioner Weinshall.
7 In favor?

8 (Chorus of "ayes.")

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

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

20 That leaves us with the
21 RiGidisc Media USA Pilot.

22 David, an overview of what
23 this is all about?

24 MR. KLAHR: Good morning,
25 Commissioners.

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1 The RiGidisc Pilot is an
2 advertising suggestion we received from a
3 firm based on the Gulf Coast of Florida.
4 They provide advertising. It is taxicabs in
5 Tampa as well as Las Vegas.

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

13 Staff recommendation for this
14 particular device is to decline it for two
15 reasons: One is that Commission policy has
16 been for advertising that -- types of
17 advertisements that might be distracting to
18 other motorists such as wrap advertisements,
19 trunk advertisements, hubcap advertisements,
20 have, as a matter of policy, not been
21 recommended, and also because the advertising
22 market in New York has been somewhat weak due
23 to the nature of the current economy so there
24 has been a lot of difficulties with the kind
25 of advertisements we have already in terms of

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1 interest, both from owners and from
2 passengers; never heard a passenger say they
3 wanted more advertising, and there has just
4 been a lot of issues with the contracts for
5 the cap advertisements.

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

14 CHAIRMAN DAUS: Any questions,
15 concerns?

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

19 COMM. AROUT: Second.

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

22 CHAIRMAN DAUS: Thank you,
23 David.

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

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

3 MS. GUZMAN: Good morning,
4 Commissioners.

5 My name is Kizzy

6 Charles-Guzman from the Mayor's Office of
7 Operations, Long Term Planning and
8 Sustainability.

9 Joining me is Roya Kazemi.

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

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

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

24 The vehicles themselves, the
25 drivers need to have access to heating and

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1 cooling, and therefore it is an issue in New
2 York City.

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

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

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

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

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

24 Third is to minimize idling
25 impact from city-owned vehicles by deploying

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1 anti-idling technologies.

2 In terms of enforcement for
3 the past year -- and I am giving you this
4 background so you realize this is part of a
5 much larger strategy and we are asking for
6 your support on something very specific --
7 since last year we launched in partnership
8 with the Department of Environmental
9 Protection and the State Department of
10 Environmental Conservation an anti-idling

11 enforcement measure so we go to targeted hot
12 spots around the city that have pervasive
13 idling behavior.

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

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

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

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

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

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

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

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

12 Out of home, what you guys
13 probably have seen since last week, we have
14 bus tails in the New York City Transit MTA
15 busses across the five boroughs.

16 We also nine billboards across
17 the city in highly trafficked locations.
18 Those are going to be up for the next month
19 or so.

20 At the grass roots level, we
21 have created an e-mail measure for the city
22 fleets and the city employees in general;
23 also for the schools. We are also going to
24 be distributing this e-mail to the New York
25 City DOT's contact database.

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1 We are distributing bumper
2 magnets, which you will see an image of
3 pretty soon for the New York City fleets,
4 fleet vehicles.

5 What we are here to ask you
6 for is bumper stickers to be distributed to
7 the TLC yellow taxis.

8 I am going to call up Roya now
9 so she can give us a brief overview, just
10 walk us through the images.

11 MS. KAZEMI: Good morning,
12 Commissioners.

13 We have GreenNYC which you are
14 familiar with, with the stickers on the
15 vehicles so we have our birdie for all our
16 public outreach campaigns. This is our
17 visibility.

18 When any issues borne out of
19 PlaNYC has a public education component, we
20 have our GreenNYC birdie communicating an
21 action.

22 It is very action-oriented and
23 education-oriented.

24 So we have four images for
25 this campaign around health, global warming,

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1 the illegal matter so let's just scroll
2 through.

3 These are images. These are
4 on the billboards, on the bus tails giving
5 messages, and as Kizzy mentioned, we are
6 on -- we are working with the city fleet
7 vehicles.

8 As the yellow taxis now are
9 becoming such -- have such a strong green
10 association with moving forward with the
11 hybrid taxis and presence in New York, we
12 would like to ask for the -- this is the art
13 work, and can we make these available on a
14 voluntary basis to your drivers?

15 CHAIRMAN DAUS: Thank you.
16 Very well done.

17 Is that proprietary art work?
18 It has been branded?

19 MS. KAZEMI: Yes. That is our
20 GreenNYC brand lookout for the birdie on many

21 campaigns moving forward.
22 CHAIRMAN DAUS: Certainly our
23 cabs are green as can be.
24 I have no problem with this.
25 The motion is and the request is for this
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1 being allowed on a voluntary basis so if cab
2 drivers want to put it on. They don't have
3 to. I have no problem with that. I think
4 that is fine with me to distribute those.
5 Does anybody have an issue
6 with that?
7 I would like to make a motion
8 to approve the sticker.
9 COMM. AROUT: Second.
10 CHAIRMAN DAUS: All in favor?
11 (Chorus of "ayes.")
12 CHAIRMAN DAUS: We will figure
13 out a way to roll those out. We will do an
14 industry notice and make sure they are
15 available at all of our locations and the
16 airport as well.
17 COMM. GIANNOULIS: So new laws
18 were passed relevant to our industry. Who
19 gets a fine?
20 CHAIRMAN DAUS: On this?
21 COMM. GIANNOULIS: On idling.
22 MR. FRASER: I am not
23 positive, but I would imagine it is the
24 driver. The current rule or passed rule was
25 3-minute maximum idling, and I would assume
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1 it is the driver who gets the fine. This
2 legislation changed it only in school zones
3 to one minute.
4 CHAIRMAN DAUS: Is that a DOT
5 traffic reg?
6 MR. FRASER: It is a statute.
7 CHAIRMAN DAUS: It is Local
8 Law.
9 COMM. GIANNOULIS: So the reg
10 only changed relative to school zones so it
11 went from three minutes to one minute?
12 MS. GUZMAN: Correct.
13 COMM. GIANNOULIS: And the
14 fine increased as well?
15 MS. GUZMAN: The fine remained
16 the same.
17 COMM. GIANNOULIS: The fine
18 remained the same; just the time period
19 changed?
20 MS. GUZMAN: Yes.
21 CHAIRMAN DAUS: The next item
22 on the agenda is item 7, Proposed Rules for
23 Public Hearing and Commission Action, the FHV
24 Accountability Rules.
25 Before I turn it over to

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1 Chuck, I want to say a few words.

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

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

20 If you remember, this exercise
21 started in terms of the Commission's desire
22 to create accountability. We started looking
23 at these base applications and being
24 concerned about the records of the bases when
25 the Commission started analyzing them, and

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1 that led to concerns by various
2 Commissioners.

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

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

14 We are having a second public
15 hearing with some new proposals, including
16 the point system, and a lot of measures to
17 ensure that not only our vehicles are safe
18 and we raise the professional standards in
19 the industry to protect the legitimate
20 business owners that are doing the right
21 thing from those who are not, but also, more
22 importantly, to protect the public; to make
23 sure they have a safe ride, comfortable ride,
24 have enhanced service; but most importantly
25 that they are ensured that when they get into

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1 a vehicle that it is safe, it has insurance,
2 the driver is licensed and has met all our
3 standards.

4 We had numerous drafts of

5 these rules submitted well -- many, many,
6 many months before they started making their
7 way towards being published in March.

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

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

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

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

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

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

21 In particular, yesterday we
22 had a press conference with the New York
23 State Federation of Taxi Drivers, Fernando
24 Mateo, Franchie and Vilorio.

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

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

8 I want to thank the black car
9 and limousine industry. Every major

10 limousine organization is now supporting
11 these rules including the Luxury Base
12 Operators Association, known as LBOA.

13 We worked very closely with
14 the Black Car Assistance Corporation, the
15 Limousine Association of New York, the
16 Limousine Association of the New Jersey, and
17 in the livery industry, in addition to the
18 Federation, we also got support letters from
19 United As One, TLC Base Owners Association,
20 the New York City Fleet Livery Owners
21 Association, which is primarily based in
22 Staten Island.

23 I mean, there is a lot of
24 support, not necessarily for the first set of
25 rules that we put out, but certainly for the
0030 changes that we made in response.

1 I am sure we are going to hear
2 more from people here today in terms of
3 things that they basically like or don't
4 like, but if we could, for purposes of this
5 hearing, make sure we work from the drafts
6 that we distributed, both on our website and
7 that are out there, because a lot of changes
8 have been made so I want to make sure we are
9 not commenting on rules as they were months
10 ago.

11 I want to thank everybody. If
12 I missed anybody who worked with us and had
13 countless meetings with us, I apologize, but
14 I am sure we will get to you.

15 I am going to turn it over to
16 Chuck, and then we will start the public
17 hearing.

18 MR. FRASER: These proposed
19 rules would amend existing rules governing
20 the three for-hire vehicle industries:
21 Liveries, black cars and luxury limousines.

22 The proposed rules would
23 enhance the communication of license and
24 inspection information to the riding public
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1 and would increase the accountability of FHV
2 drivers and vehicle owners to FHV bases.

3 These measures would deter
4 illegal for-hire activity and would therefore
5 tip the competitive scales in favor of FHV
6 bases, vehicles and drivers who comply with
7 the law, and against those who conduct
8 illegal for-hire activity.

9 By increasing the competitive
10 advantage of responsible members of the FHV
11 industry, and by increasing the base license
12 term from two to three years, the proposed
13 rules would afford greater accountability by
14 enhancing the value of the base license.

15 The proposed rules have a long
16 history. Parts of the proposed rules that
17 deal with vehicle markings and inspections
18 were originally published for comment in
19 January, 2007, and were the subject of a
20 public hearing before the Commission on
21 March 8, 2007.

22 Discussions with industry
23 representatives and interested members of the
24 public continued for the next two years,
25 leading to publication of the current rules

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1 proposal on March 11, 2009.

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

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

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

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

20 I am pleased to be able to say
21 that, without exception, industry
22 representatives we spoke with shared the
23 concerns that motivated our Rules Proposal,
24 improved customer service and public safety,
25 increased industry accountability, and

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1 enhanced deterrents and punishment of illegal
2 for-hire activity.

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

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

15 I am not going to read all of
16 the changes that the staff is recommending,
17 but a bullet point listing of the changes and
18 a copy of the revised rules with the changes
19 highlighted, have been provided to the

20 Commissioners and are available to the public
21 in the back of the room.

22 CHAIRMAN DAUS: Thank you,
23 Chuck.

24 Is Councilmember Martinez
25 here?

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1 Could you join us?

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

7 Do we have other council
8 members here today?

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

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

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

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

24 COUNCILMAN MARTINEZ: Today
25 you hit me.

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

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

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

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

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

24 I want to thank you for

25 addressing that concern on behalf of some of
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1 the other members of the council who signed
2 onto the letter.

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

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

18 However, one of the concerns
19 that was brought to my attention, and I would
20 ask the Commission to look further into it,
21 there are many drivers, both in the luxury
22 and in the for-hire industry, that lease
23 vehicles, and with the point system as it is
24 currently, the vehicle will be the one that
25 will be penalized in the vent of the vehicle,

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1 the vent number, rather than the driver
2 committing the violation.

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

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

14 I would ask you to look into
15 that.

16 In addition, I would also ask
17 the Commission to also keep an open dialogue
18 to some of the issues that will be coming up.

19 I understand that you are
20 voting today. I still believe that we should
21 postpone the vote today and have more
22 dialogue into the rules.

23 I mean --
24 CHAIRMAN DAUS: We haven't
25 decided we are voting today.

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1 COUNCILMAN MARTINEZ: That is
2 good, then.

3 CHAIRMAN DAUS: We could, but

4 we are going to listen to everybody first.

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

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

24 So I would then just say, I
25 would really ask you to consider not voting

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1 today so we can have further dialogue and
2 really address some of the points that have
3 not been addressed yet.

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

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

14 Good morning, Councilmember.

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

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

23 When we were faced with the
24 situation and seeing the many issues that had
25 arised in the change of some of the

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1 regulations, we understood that we had to
2 have this open dialogue, and with the
3 leadership of Councilmember Martinez, we were
4 able to have very good conversations in the
5 communities and understanding that you have
6 now reflected some of those changes in your
7 update.

8 One of the things that I am

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

16 It is important we do this in
17 a way that includes not just the owners but
18 the drivers, in a way that we can address
19 these issues so we don't have to revise it
20 again in the very near future.

21 I ask, just like we were
22 allowed the opportunity to review the rules,
23 now these new rules that have come about a
24 few days ago, if we have the opportunity to
25 redigest them and see how we can make this

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1 better than where it is and make it more fair
2 for the drivers and owners in this industry.

3 Thank you.

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

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

12 Good morning, Commissioner.

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

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

17 CHAIRMAN DAUS: We will take
18 them now.

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

23 I am pleased to reiterate the
24 strong support of the police department for
25 proposed amendments to the rules of the Taxi

0042

1 and Limousine Commission enhancing the
2 visibility of for-hire vehicles and making
3 them more identifiable to the riding public.

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

10 Increasing the ability to
11 identify the dispatch company will speed
12 investigations of serious crimes, thereby
13 increasing safety and boosting confidence,

14 not only on the part of the riding public,
15 but also for the drivers themselves.

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

22 A Brooklyn case in which a
23 young mother, late for work, with her toddler
24 in tow, hailed a livery cab to take her to
25 the subway station and was raped in the back

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1 seat by the driver.

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

7 In another example provided by
8 Deputy Inspector Connell, a woman responsible
9 for a fatal shooting in an apartment on the
10 Grand Concourse in the Bronx hailed a
11 for-hire vehicle as she fled the scene.

12 Witnesses observing similar
13 incidents could save considerable
14 investigative time and prevent possible harm
15 befalling the driver if they could
16 immediately observe and report to police the
17 name and phone number of the dispatch
18 company.

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

25 Not only would the ability to

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1 identify the driver or dispatch company
2 assist in the investigation, but it would
3 also give the victim and his or her family
4 the opportunity to thank the compassionate
5 individual who may have saved a life.

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

15 Thank you for the opportunity
16 to speak with you today.

17 CHAIRMAN DAUS: Thank you,
18 Sue.

19 Any questions?
20 Thanks for coming.
21 Mr. Muniz, Mr. Rose and then
22 the next speaker after that will be Jean Ryan
23 from the Taxis for All Campaign.

24 MR. MUNIZ: Good morning,
25 Commissioner and everyone present here today.

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1 My name is Franchie Muniz, the
2 executive director for the New York State
3 Federation of Taxi Drivers.

4 I am going to make a short
5 statement, because I know there are a lot of
6 people that want to talk today.

7 On behalf of the New York
8 State Federation of Taxi Drivers, I would
9 like to thank the Taxi and Limousine
10 Commission for allowing us the opportunity to
11 speak on the proposed new rules for for-hire
12 vehicles.

13 We would like to commend the
14 Taxi and Limousine Commission for all the
15 work they accomplished in developing a set of
16 new rules to enhance the livery and the rest
17 of the for-hire vehicle industry.

18 Not only will these rules
19 enhance, but will also bring the value of the
20 base stations and vehicle owners that do
21 follow the rules.

22 We commend the Taxi and
23 Limousine Commission for allowing us and
24 other industry organizations to take part in
25 the shaping and implementations of these new

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1 rules, for listening to our concerns, and for
2 taking the majority of our suggestions and
3 integrating them in the rules.

4 The Federation and its members
5 are happy with the changes that were made,
6 and we hope to continue working with TLC in
7 an effort to enhance the whole industry.

8 Thank you.

9 CHAIRMAN DAUS: Thank you,
10 sir. Thanks to the Federation for all their
11 help.

12 Mike Rose, are you here?

13 No.

14 Jean Ryan?

15 After Ms. Ryan we have Andreas
16 Cortes from New York Mexicana Limousine
17 Service, and Pedro Heredia, chairman of the
18 Livery Base Owners Coalition.

19 MS. RYAN: Good morning. I am
20 Jean Ryan, vice president of public relations
21 for Disabled in Action and, vice chair of
22 Taxis for All Campaign of which DIA is a
23 member.

24 I read all the proposed
25 for-hire base rules, and there are two rules
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1 missing in them to enhance the accountability
2 of licensed for-hire vehicle bases and
3 vehicle owners.

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

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

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

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

25 You are doing this to us, to
0048

1 your grandmothers, your sisters, your aunts,
2 your dads, your neighbors, your cousins, your
3 friends; you know it.

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

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

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

15 I suggest that since the TLC
16 is regulating the car service industry more
17 stringently, customers should be able to call
18 311 and complain.

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

25 I have had problems like that.
0049

1 I have gotten cars -- I have seen cars -- I
2 have gotten cars without a license plate in

3 front, I have gotten a personal car that
4 somebody sent, and when I called the TLC, you
5 told me to write a letter.

6 It is too complicated.

7 The last suggestion I have is
8 about the regulation about placement of base
9 name, license number and telephone number
10 stickers on the outside of the car,
11 regulation number 612F1I.

12 Many women and young people
13 like to see the name of the car service when
14 it arrives and want to see the name of it on
15 the side of the car, but, you know, when it
16 is somebody who is driving their own car, it
17 doesn't have it on the side of the car.

18 If it is allowed to be on the
19 back of the car, then most likely they would
20 not see it when it pulls up to pick them up.

21 It is dangerous and scary
22 being picked up at night by an unmarked car.

23 We all know that some car
24 services poach rides from other car services,
25 and you are not getting the car service you

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1 thought you were getting into, even when we
2 ask which car service it is.

3 If the sticker is on the back,
4 this could be more of a problem than if the
5 sticker is on the side so that was my
6 suggestion; to have the sticker on the sides.

7 CHAIRMAN DAUS: By the way,
8 there is no need for you to send a letter.
9 We changed our procedures and you can call
10 311 to complain. We actually have a new
11 procedure now you can take advantage of where
12 you don't even have to come in to testify;
13 you can testify over the phone.

14 MS. RYAN: For car services
15 too?

16 CHAIRMAN DAUS: Yes.

17 MS. RYAN: I couldn't find
18 that on the website, and I really looked.

19 CHAIRMAN DAUS: Just call 311
20 and we will take care of it.

21 MS. RYAN: For making a
22 complaint, maybe you should change your
23 website?

24 CHAIRMAN DAUS: We will take a
25 look at it, but I believe that it is on

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1 there, but we will look at it and double
2 check it.

3 MS. RYAN: For making a
4 complaint, I looked under that, and it didn't
5 say anything about car services.

6 CHAIRMAN DAUS: You can
7 complain about anybody and any thing. You

8 can complain about us, you can complain about
9 the car services; all sorts of complaints.

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

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

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

24 MS. RYAN: Well, this is --

25 It is not a debate. I am just

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1 letting you know.

2 MS. RYAN: I am just

3 commenting about what you commented. This is
4 about car services today, and I thought that
5 was missing.

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

9 The next speaker is Andreas
10 Cortes.

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

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

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

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

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1 committing yourself to remain open to
2 additional changes.

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

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

10 110 signed petitions -- 110
11 signed petitions in support to postpone
12 voting today were collected.

13 I personally faxed the Legal
14 Department of the TLC 90 signed petitions.

15 The Coalition is in full
16 support with various regulatory measures
17 outlined in the proposed rules, because we
18 are part of the problem, and we want to be
19 part of the solution.

20 The initiative and the best
21 intentions to create a more regulated,
22 effective and dynamic for-hire industry is
23 precedent, but the relentless pursuit to
24 execute today is creating a lot of hatred,
25 anger, frustration and hostility among

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1 owners, drivers, the industry leaders, caused
2 by the TLC's precipitation to vote today.

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

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

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

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

21 Please take a step back.
22 Let's all take an additional 30 days, give us
23 the time to digest this buffet of new
24 information to prepare the industry for what
25 is ahead. Let's bring everybody back in, and

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1 let's get it right collectively.

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

5 Thank you.

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

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

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

15 First, as a representative of
16 the Limousine Association of New York, I
17 would like to thank the Commission for the

18 opportunity to speak today. I would also
19 like to thank the Commission and the staff of
20 the TLC for all their efforts in the last
21 several weeks to work with the industry to
22 generate the best possible update of the
23 rules and regulations that govern our
24 industry.

25 I truly believe that the
0056

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

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

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

16 Many studies have shown that
17 the travel industry is the second largest
18 industry and job provider in the New York
19 City market behind the financial service.

20 Restaurants, hotels,
21 entertainment and transportation work hand in
22 hand with their individual success, often
23 mirroring and impacting one another. Their
24 individual fortunes rise and fall as one.

25 Tens of thousands of New
0057

1 Yorkers earn a legitimate living working in
2 ground transportation. Many may not have a
3 college education or even a high school
4 diploma. Many speak English as a second
5 language.

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

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

15 One of the major concerns of
16 this industry has been that some
17 well-intended attempts at these new rules
18 might have unintended consequences.

19 Our efforts have been to see
20 that the accountability falls in the right
21 places, that consequences are meted out
22 justly, and to allow fair and vigorous

23 competition that generates the greatest range
24 of choices and options to the riding public.
25 We feel that events of the

0058

1 last several weeks demonstrate that with good
2 faith efforts on the part of both regulators
3 and operators, that we can work together to
4 advance sensible regulations and enforcement.

5 We hope and desire to get this
6 right, and that that desire will supersede
7 the desire to get it right away.

8 We also hope that we can
9 create an ongoing atmosphere with the TLC,
10 and our industry can work together to rid
11 this industry of those who would besmirch its
12 reputation.

13 Thank you.

14 CHAIRMAN DAUS: Thank you.

15 Next speaker is Bruce Raheb
16 from the Transit Private Car Service, and
17 next will be Berj Haroutunian, president of
18 BCAC, and Roberta Pike from Pike & Pike.

19 Bruce is not here.

20 Berj, I see you are here, and
21 then Roberta Pike, and after Ms. Pike, David
22 Eckstein from Valera Global.

23 MR. HAROUTUNIAN: Good

24 morning, Chairman Daus and Commissioners.

25 Actually, I took Vic's name

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1 off the list. He couldn't be here because of
2 the Passover holiday, but he did write a
3 testimony here which reflects the rest of the
4 black car members.

5 The BCAC represents in excess
6 of 40 companies which have approximately
7 10,000 affiliated vehicles. While we
8 represent our member companies, we are also
9 very concerned with driver issues.

10 One of the black car
11 industry's primary concerns has always been
12 and continues to be the safety and safety of
13 our passengers and our drivers.

14 We would like to take this
15 opportunity to thank Commissioner Chair Daus,
16 his staff, and the Taxi and Limousine
17 Commission for working with us and others to
18 reach an understanding regarding the
19 complexity of the ground transportation
20 industry in New York, and to consider and
21 implement critical changes to the proposed
22 rules that has to be made.

23 While the Board of Directors
24 of the BCAC does speak for its members, it
25 does also recognize the right of each of its

0060

1 members to express its own opinion on each of

2 the issues.

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

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

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

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

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

21 A lot of our members do have
22 concerns.

23 If I may suggest, whether the
24 vote takes place today or not, and this could
25 be a good suggestion for the other industry

0061

1 leaders, perhaps sit down with the TLC or
2 representatives -- maybe the Commissioner
3 himself -- at least for the black car
4 industry, because a lot of our members are
5 very concerned especially on the point
6 system.

7 After all, the black car
8 industry is a unique industry. We sell
9 franchises. We have members that buy in at
10 50,000, 70,000, \$80,000. We don't know how
11 this is going to work. Whether we throw a
12 member out, we throw him out when has two
13 points, three points. We are not sure if
14 this could be legal ramifications so we are
15 not very certain.

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

23 Thank you very much.

24 CHAIRMAN DAUS: All the black
25 car industry members?

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1 MR. HEREDIA: Well, the
2 leaders.

3 I assure you, it will be very
4 peaceful.

5 Thank you.

6 CHAIRMAN DAUS: No problem.

7 Ms. Roberta Pike, then David
8 Eckstein, then Tarek Mallah from Dial 7.

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

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

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

23 Commissioner, Chairman, your
24 staff, we greatly are appreciative of all the
25 efforts you have given over the past several

0063

1 weeks of working with all of the different
2 associations throughout the for-hire vehicle
3 industry.

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

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

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

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

0064

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

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

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

12 Thank you.

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

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

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

25 Certain main concerns that I
0065

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

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

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

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

22 That to me seems unduly,
23 unduly, egregious.

24 Second issue is one of the
25 items that have been discussed is the
0066

1 non-ability for somebody to work for multiple
2 bases.

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

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

11 If you restrict them from
12 operating legally -- they are licensed, the
13 bases are licensed -- when you restrict them
14 from operating legally, you are creating
15 issues with their families besides
16 themselves.

17 After all, we are all citizens
18 of this country and citizens of this city,
19 and we need to protect as many people's
20 ability and rights to operate as fairly and
21 equitably as possible.

22 Thank you very much.

23 CHAIRMAN DAUS: Tarek Mallah?

24 MR. MALLAH: Chairman Daus,
25 thank you very much. Commissioners, city

0067

1 Councilmen that are not with us, my
2 colleagues and competitors, who some of them
3 are here and some are unable to attend due to
4 the holidays.

5 I represent Dial 7. The
6 owners of the company were also unable to
7 attend today.

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

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

22 Our concerns about the rules
23 and regulations and the changes have been
24 made very clear. Just about everybody
25 involved knows what we are concerned about

0068

1 and how we would like to fix it and how we
2 would like to grow it to improve the
3 business.

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

10 The more our business is
11 regulated, the more I can stand here next
12 time and tell you these rules are not
13 necessary.

14 Although we take pride of
15 doing that, and I know a lot of my colleagues
16 do the same pride, I still urge to reduce the
17 amount of regulations, allow the perfect
18 American dream that we are all here for.

19 I am an immigrant. The owner
20 of my company was an immigrant, and this
21 industry is built on it, that we allow these

22 regulations not to close it and hinder it.
23 The basic concepts, as I
24 understand it, it is competition,
25 self-improvement, customer satisfaction and

0069

1 quality of service.

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

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

9 Please help us get it there.

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

21 If we can help in any way, if
22 we can help push any other agencies, and if
23 you can help, this will eliminate the
24 problem, the pressure that is being levied
25 upon you as a commission and on us to solve

0070

1 the problem that we are not 100 percent
2 responsible for.

3 Thank you for the extended
4 time.

5 CHAIRMAN DAUS: Thank you.

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

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

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

20 I am not here to rig a
21 consensus with any industry organization on
22 whether or not we agree with these rules. I
23 think the rules are fundamentally flawed, and
24 it is my duty to say that here on the basis
25 of the groups that I represent.

0071

1 The fundamental flaw in the
2 rules I think is important to state, is that
3 there are no guidant principles that decides
4 or helps us to decide what we should accept,
5 why we should accept it, what we should
6 reject, and why we should reject it.

7 We are committing in my view
8 the same errors we made in the period 1997,
9 1998 when we introduced or when we had a
10 massive overhaul of the rules at that point
11 in time, and we ended up by throwing out the
12 baby with the bath water.

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

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

22 The areas I think we need to
23 look at, Commissioners, are the areas that
24 have to do with relocation, a regime of
25 penalty points, the issue of the application

0072

1 of off-street parking, the issue related to
2 shared rights, and the issue related to
3 multiple affiliation of owner drivers or
4 simply operators.

5 I think this is very important
6 in order to go forward in this issue.

7 We have a very clear statement
8 from the Commission on the guiding principles
9 that help to make sense of these rules.

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

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

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

0073

1 Thank you very much.
2 CHAIRMAN DAUS: Thank you.
3 Yokewei Wong?
4 Yap Koonmeng?
5 Avik Kabessa from Carmel, John

6 Roberts and David Diaz.

7 MR. ROBERTS: Good morning. I
8 am John Roberts. I am here with Mr.
9 Kabessa's statement. He is observing the
10 holiday.

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

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

22 "We are very pleased with the
23 many revisions the Commission has made to the
24 original proposals, and we are also pleased
25 that the Commission is willing to work with

0074

1 the industry to find agreeable solutions
2 where there are still grave differences of
3 opinion.

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

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

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

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

18 "I was also very sorry to
19 learn that we, the livery section, are
20 considered the black sheep of the industry.

21 "On that topic, I would like
22 to say a few things.

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

0075

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

8 "By virtue of these sheer
9 numbers, it means that there will always be
10 more issues with the livery section than with

11 the other parts of the industry.
12 "The livery section answers
13 the needs and plays a vital role in the
14 well-being of many communities where no
15 taxis, black cars or luxury limousines will
16 go.

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

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

0076

1 "Of course, there are those
2 few rotten apples that simply break the law.

3 "Carmel and Dial 7 in
4 partnership with the New York State
5 Federation of Taxi Drivers and the New York
6 Coalition of Base Owners, together
7 representing about 250 bases, promise to take
8 the following proactive steps: Number one,
9 training, assisting and supplying
10 technological tools to bases who want to
11 comply.

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

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

22 "All we ask of the TLC is to
23 keep an open heart and open mind to the
24 changes, and not to judge all of the members
25 of the livery industry based upon a few

0077

1 rotten apples.

2 "Thank you, Avik Kabessa."
3 MR. FRASER: Thank you very
4 much.

5 David Diaz?

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

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

15 This is a document that has

16 been a work in progress for many, many
17 months, as the Chairman has said, but for us
18 on the other side, it has not been many
19 months; it has only been a couple of days.

20 I ask you to have a public
21 hearing with language assistance, especially
22 Spanish speaking and any other language you
23 would like to consider, so that we can
24 address each concern that our owners have.

25 Many here would love to speak,
0078

1 but obviously that is why I just said buenos
2 dias. That way you know we exist.

3 The point system that is being
4 recommended really poses a constitutional
5 threat to our individual rights. Please
6 reconsider. If we are to be charged for a
7 crime, we would not like someone else to be
8 added to the same crime. I think that is
9 part of the Constitution, as well as bias to
10 those who have more drivers.

11 Some of the companies have 600
12 drivers, at Carmel, at Dial 7, but there are
13 some companies that only have 10 drivers.
14 Can you imagine one driver being taken out of
15 a company? That would really threaten a
16 company.

17 I think at this time, our
18 financial crisis right now, we cannot afford
19 to have these rules applied right now.

20 I ask you to please postpone
21 these rules at least for 30 days and have a
22 public hearing where we can address these
23 issues.

24 Thank you.

25 MR. FRASER: Thank you.

0079

1 Next will be Courtney Hogan,
2 and following that will be Richard Thaler and
3 Marvin Wasserman.

4 MR. HOGAN: My name is
5 Courtney Hogan from Parkchester in the Bronx,
6 and I just wanted to say that I am hearing a
7 lot of language, a lot of tone, about rules
8 and regulations.

9 The rules and the regulations
10 are for everyone, not for just yourselves,
11 but for the communities that are subjected to
12 unnecessary noise, to the traffic being
13 impeded, to idling engines.

14 Some of us have children.
15 They don't like rules and regulations, but
16 the rules and regulations are for them as
17 well as us, for society at large.

18 Remember, a lot of rules and
19 regulations exist. They are not just for the
20 industry; they are for the City of New York,

21 for the people who live here in addition to
22 yourself.

23 Our community has been
24 overwhelmed with illegal street hails. That
25 is what brings me here, Community Board 9,

0080
1 43rd Precinct in the Bronx.

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

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

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

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

23 People sometimes forget their
24 purpose in life. Their purpose is not to
25 complain about the rules and regulations; it

0081
1 is ask yourself why there are rules and
2 regulations in the first place. They
3 wouldn't exist if there weren't people
4 violating them.

5 Thank you.

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

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

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

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

0082

1 you know, slanted.

2 MR. HOGAN: It is very unfair.

3 CHAIRMAN DAUS: In addition to
4 Ms. Ryan, of course.

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

8 Thank you for coming.

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

11 MS. RYAN: I have taken car
12 services --

13 HEARING OFFICER: Ms. Ryan, we
14 will be happy to hear from you again if you
15 like, but I want to go through the speakers.
16 It is not fair to them. They have been
17 waiting and you have had a chance to speak.

18 Mr. Thaler?

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

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

0083

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

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

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

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

21 Also, in Section 17, there is
22 reference to filing credit card surcharges.
23 Of course, credit card surcharges are
24 generally in violation of card issuer rules.

25 In very rare circumstances,

0084

1 under the card issuer rules, you can apply a
2 convenience charge so this problem can be
3 remedied by referring to an approved
4 convenience charge approved by the card

5 issuer.

6 Then there is a detailed
7 requirement that an affiliated vehicle and
8 its driver must be in compliance.
9 Responsibility for that would be on the base
10 and the car owner, but there is no
11 operational procedure shown to validate that
12 as you would have, for instance, in a
13 security association.

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

18 I think that should be looked
19 at.

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

25 Then Commissioner Sander

0085

1 raised a final objection that a person
2 hailing a vehicle in the street would confuse
3 the rooftop on a livery with a yellow cab.

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

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

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

18 Thank you.

19 CHAIRMAN DAUS: Thank you,
20 Mr. Thaler.

21 By the way, FYI, this
22 obviously was not picked up in the press as
23 well, but the request for information for the
24 T-PEP, the taxi technology, includes ideas on
25 exploring technology in other industries as

0086

1 well as the yellow cab industries, including
2 the for-hire industry, black cars, limos,
3 liveries, paratransit and commuter vans,
4 since you brought up payment cards.

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

7 Before we do that, I think
8 there are a couple of letters from Council
9 members with respect to the Council that I

10 would like to read into the record.

11 First of all, there is a
12 letter from Diana Reyna. She couldn't be
13 here today.

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

24 "In the best interest of the
25 businesses I represent in the 34th Council

0087

1 District, I am respectfully requesting the
2 postponement of the hearing that is to take
3 place Thursday, April 16, 2009.

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

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

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

18 "Should you have any questions
19 or concerns, please feel free to contact
20 Antonio Reynoso." That is her Chief of
21 Staff, I guess, and I think we were in touch
22 with her and explained the changes as well.

23 I think there is one more
24 letter that was sent to the Commissioners, a
25 brief letter from Council members which I

0088

1 would like to have read into the record, if
2 we could find that letter, Staff, and bring
3 it here, requesting a postponement of the
4 vote so I can read that into the record.

5 I want to make sure we have
6 covered all of these late comments and
7 requests that came in out of respect for the
8 Council.

9 Mr. Wasserman, sorry to delay
10 you.

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

14 Thank you. Good morning,

15 Commissioners. I am Marvin Wasserman,
16 Executive Director of the Brooklyn Center For
17 Independence for the Disabled, and today I am
18 also representing the Taxis for All Campaign.

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

0089

1 enforced?

2 There are now about 280
3 wheelchair accessible taxis in the fleet, and
4 a pilot 311 accessible dispatch system.

5 All the vehicles in the
6 accessible dispatch system are medallion
7 taxis.

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

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

17 TLC rules also mandate the
18 non-medallion fleets of ten or more vehicles
19 be required to maintain at least one
20 wheelchair accessible vehicle or service --
21 for service or contract out to service.

22 Few livery fleets maintain an
23 accessible vehicle. The overwhelming
24 majority contract out the service.

25 One vendor, A Ride For All,

0090

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

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

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

18 Apparently when a consumer is
19 denied service, there is no penalty imposed

20 by the TLC on either A Ride For All nor the
21 local base with whom A Ride For All has
22 contracted.

23 For some time, I have
24 advocated that Access-A-Ride consumers be
25 issued a voucher, a smart card, for use in

0091
1 taxis and liveries. This would be a win-win
2 situation for all the parties.

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

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

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

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

23 I call upon you and
24 non-medallion fleet owners to step up to the
25 plate and begin to provide better service for

0092
1 wheelchair and scooter users outside of
2 Manhattan.

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

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

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

21 MR. WASSERMAN: Well, it is
22 different, because when you call a local car
23 service, you can expect service almost
24 immediately, but when you call -- if you call

25 your local car service, it generally has to
0093

1 be prearranged so that is a difference.

2 Avik Kabessa from A Ride For
3 All wants all service prearranged which, you
4 know, sort of, you know, is unequal service
5 for people who use wheelchairs, because they
6 oftentimes have need -- they are often
7 stranded, they often have medical trips that
8 they can't legitimately schedule in advance.

9 There are various reasons why
10 they can't schedule a trip three or four days
11 in advance.

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

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

21 MR. WASSERMAN: What I am
22 saying is there are 280 or so accessible
23 taxis, and they are largely in Manhattan.
24 There are very few livery car service
25 accessible vehicles, and most of them are in

0094
1 the contractors, like A Ride For All which
2 has four vehicles, which is supposed to
3 handle the entire city, and they acknowledge
4 that there is no way that they can do it.

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

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

19 COMM. GONZALES: Thank you
20 very much.

21 CHAIRMAN DAUS: Thanks.
22 Charles, could you just
23 clarify this issue of what our rules say
24 about accessible services compared to -- I
25 think there is some confusion.

0095
1 MR. FRASER: There is two
2 provisions. One is 6 or 7(f), the
3 long-standing provision that requires each

4 base to have its own or contract with a
5 provider of accessible service, and then the
6 second thing is -- and that has to be
7 obviously provided on equivalent terms to its
8 regular service.

9 In addition, there is the
10 Accessible Dispatch Program, which liveries
11 may participate in but are not obligated to.

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

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

22 MR. WASSERMAN: She has been
23 made aware, but as I said, there is no
24 penalty, as far as I know, for the denial of
25 rides by wheelchair users, and a large part

0096

1 of the question is who is ultimately
2 accountable? Is it the contractor, the local
3 car service base?

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

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

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

12 CHAIRMAN DAUS: Yes?

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

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

24 "Dear Chairman Daus, it has
25 come to our attention that the Taxi and

0097

1 Limousine Commission has scheduled a hearing
2 on the proposed rules, the proposed rules
3 changes for the for-hire vehicles.

4 "The hearing is set to take
5 place on Thursday, April 16, 2009, which is
6 also the last day of Passover. The hearing
7 day presents a hardship to members of the
8 for-hire industry that will not be able to

9 attend due to their religious observation.
10 "In addition, we understand
11 that your office will be making changes to
12 the proposed rules. Therefore, we request
13 that the hearing is postponed for a period of
14 two weeks from the time you make available
15 the new changes. This will allow time to
16 review your changes to the proposed rules,
17 and for further dialogue.

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

20 "Sincerely, Miguel Martinez,
21 Councilmember, 10th District; John C. Liu,
22 Chair, Transportation Committee; Diana Reyna,
23 Councilmember; Lewis A. Fidler, Councilmember
24 46 District; Larry B. Seabrook,
25 Councilmember; Simcha Felder, Councilmember;

0098

1 Julissa Ferreras, Councilmember." Copy to
2 the Mayor as well as the Speaker's Office.

3 Jose Mejia, welcome, and the
4 next two speakers are Cleofis Sarete and
5 James Grosso, Jr.

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

10 The association is represented
11 by borough. In Queens, Fernando Vargas.
12 Juan Sosa Rafael Garcia represents New York
13 City. Felix Valerio represents Brooklyn.
14 Rafael Seharte represents Bronx.

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

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

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

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

0099

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

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

7 Thank you very much.

8 CHAIRMAN DAUS: Cleofis
9 Sarete.

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

12 I would like to take this
13 opportunity to give thanks for listening to

14 everyone's concern here.

15 I am here today as a community
16 activist who has always been involved in the
17 well-being of this great city.

18 First and foremost, I am
19 concerned with the fact that some here who
20 are members of the public do not really
21 understand our point of discussion, because
22 most of them speak another language,
23 primarily Spanish.

24 I am also here, I want to
25 commend everyone here, the Commissioner and

0100

1 the Board, you have taken this opportunity to
2 address and make an effort of addressing
3 pivotal points that will address the City of
4 New York in maintaining rules for safety
5 purposes.

6 What everyone is here in
7 disagreement is the point system. I believe
8 there should be some sort of dialogue where
9 delegates from every base involved should
10 attend and after, turnkey to their drivers.

11 In short, the point system is
12 an unfair system.

13 Yes, we need to enforce the
14 process of enforcing laws that will benefit
15 the citizens of this great state, but to
16 close down the base for infractions that some
17 of the taxi drivers have made is not
18 conducive to good practice.

19 Cab drivers should attend some
20 sort of workshops or training to make them
21 aware of what could happen if this allows to
22 continue or they continue to accrue points
23 for further -- so that they can be careful in
24 the future, alerting them of final measures
25 that will be taken if this continues to

0101

1 happen.

2 I really thank you for
3 allowing me to speak, but I urge you to
4 consider a further dialogue to really have
5 points of discussion where these drivers are
6 more careful and they can be aware in their
7 native language of what the consequences may
8 be.

9 Some of them are not really
10 aware. They really don't understand this and
11 so that this can occur and we can have a
12 better system here, that we can all benefit.

13 After all, this is their
14 source of income so let's try to consider
15 this.

16 Thank you.

17 CHAIRMAN DAUS: Thank you.

18 James Grosso Jr., and then the

19 next two speakers are Francisco Sanchez and
20 Victor -- I apologize if I mispronounce your
21 names -- Victor Deschamps.

22 MR. GROSSO: Good morning,
23 Chairman, Commissioners.

24 My name is James Grosso, and I
25 represent the New York City Fleet Livery

0102

1 Owners Association, which is comprised of
2 base-owned fleets within the five boroughs.

3 We fully support the
4 Commission's for-hire rules reform package.
5 We appreciate the opportunity given to us by
6 the Commission to be involved in the revision
7 process, and that our input was taken into
8 consideration.

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

16 Thank you.

17 CHAIRMAN DAUS: Francisco
18 Sanchez?

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

22 CHAIRMAN DAUS: We can
23 translate if you like.

24 Let's get Samara in here or
25 Carolyn Castro.

0103

1 We need some translation
2 services. Thank you.

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

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

9 I agree with some of the rules
10 from the Taxi and Limousine Commission, but
11 in general I don't agree with them.

12 I am sure that the Taxi and
13 Limousine Commission wants the best for us,
14 and we also want the best for the Taxi and
15 Limousine Commission.

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

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

23 My clients are based in

24 Queens, and most of them are Hispanic and
25 don't have a lot of money.

0104

1 I told them that we have to
2 come if these rules are going to be
3 suggested, because we can't comply with them.

4 I am sure I can comply with
5 some of the rules, but I am sure I cannot
6 comply with the rules that say they cannot
7 park in the street because we don't have
8 private parking.

9 We are honest people, and TLC
10 is asking us for things that we haven't
11 complied with until today.

12 For 21 years, I haven't had
13 any summons. I must be a good driver.

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

21 "Thank you very much."

22 CHAIRMAN DAUS: Victor

23 Deschamps?

24 MR. DESCHAMPS (translated
25 through Ms. Epstein): Buenos dias. Good day

0105

1 to the Commissioners and to all the
2 institutions that are represented here today
3 that move the transportation in our city.

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

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

23 We ask that the Commissioners
24 at TLC, that you please change the date for
25 getting to know these rules and give us the

0106

1 opportunity for our drivers and our workers,
2 the base owners, the corporation owners, that

3 we can get to know the rules fully, all of
4 the new regulations that they are
5 introducing.

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

9 Thank you.

10 CHAIRMAN DAUS: Ms. Jean Ryan?

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

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

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

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

21 CHAIRMAN DAUS: We did.

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

24 COMM. GIANNOULIS: If you want
25 to delay it, call a break and I can go out

0107

1 and have a smoke.

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

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

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

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

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

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

20 Now, the other thing is that I
21 do use car services sometimes when I use my
22 manual chair. I can't get this in a regular
23 car service, but I can use my manual one so I
24 do use car services sometimes, regular car
25 services, but I have been in car services

0108

1 that have been poached by other car services
2 so I am a car service user sometimes, and I
3 call a car service and another car service
4 comes that isn't the one that I call so I am
5 really glad that you are issuing these rules,
6 like the other customer spoke, because we
7 need regulation.

8 It is scary when another car
9 service comes and you know it is not the one
10 that you called. It is just plain scary.

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

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

21 He said, "Because I am not
22 licensed."

23 COMM. POLANCO: Ms. Ryan, I
24 commend you for coming forward and basically
25 giving your opinion to us. We have taken

0109
1 into consideration all your comments and
2 suggestions, and thank --

3 MS. RYAN: It is not an
4 opinion.

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

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

13 (A luncheon recess was taken.)

14 CHAIRMAN DAUS: Sorry to keep
15 you waiting the last ten minutes or so.

16 We had a couple more speakers.
17 My understanding is one has left, Carmine
18 Guiga, and we have -- I can't read the
19 handwriting -- Ubaldo Santos, and then the
20 last speaker is Chand Dham from Elite
21 Limousine, unless there are any other lists
22 floating around out there.

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

0110
1 I will not ask you to postpone
2 the voting today, because it has been asked
3 many times, but I think we should.

4 Taking note, I listened to you
5 to say that you are going through the
6 community boards, which I think we should,
7 because they are the most effective,
8 especially in the different communities.

9 I am a broker for 25 years in
10 the area of the Bronx.

11 I really have my concern about
12 the drivers to be able to pick up passengers

13 on the street, because being a business
14 person, I have to go to a meeting at
15 Washington Heights, or whenever I have to go,
16 I just go out, and I think most of the
17 business people, especially on Broadway or
18 any other places, that when you see a mother
19 running late to school, when you see a mother
20 that she had to go to the hospital, she had
21 to go to the packet, you know, the purse, and
22 call a taxi, 99 percent of the phones on the
23 street, they don't work.

24 On the renewal times, we had
25 to work late, very late, and my concern about

0111

1 my people, are they going to be waiting for a
2 taxi to come, or are they going to go hail a
3 taxi?

4 I think going to the different
5 community boards I think is in order.

6 The second issue that I had is
7 with the agency, TLC.

8 I have been in the business
9 for so many years. I had the opportunity to
10 work with Motor Vehicle as well as the New
11 York Auto Plan.

12 Those two agencies, you can
13 work with them.

14 TLC, it is impossible to work
15 with.

16 To renew a license these days
17 is a nightmare. We have drivers that they
18 couldn't work for two weeks.

19 You take the papers, and
20 according to them, depending on who takes
21 those papers, today it is because of what is
22 written in red ink, tomorrow it is because of
23 the handwriting I couldn't read.

24 We have to work on that,
25 Mr. Chairman.

0112

1 I think you and as the
2 brokers, we have to work together on that.

3 The agency, you have to
4 automate that agency. There is no reason why
5 people have to wait weeks to renew their
6 license.

7 Thank you, sir.

8 CHAIRMAN DAUS: There are two
9 other speakers in addition to Mr. Chand Dham.
10 Is Mr. Chand Dham here?

11 We have Randy Ramos, and
12 Fernando Garcia.

13 MR. CHAND DHAM: Good
14 afternoon, Mr. Chairman and Commissioners. I
15 am Chand Dham, Elite Limousine.

16 I have been training drivers
17 of Elite for almost 50 years. I drove myself

18 a yellow cab for ten years and black cars for
19 like ten years. I have been in the industry
20 since 1975.

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

0113

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

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

15 This is what I see and hear
16 from my drivers.

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

22 It is not defined in the
23 Traffic -- Parking Violations rules so a
24 driver can stand for 30 seconds, 40 second,
25 90 second.

0114

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

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

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

18 But at the same time, I mean,
19 any of you ever come out of JFK Airport
20 4:00 o'clock, 3:00 o'clock, early flights,
21 how many illegal people are there trying to
22 get the customers in their cars? You must

23 have all seen that.

24 All the TLC has no regulations
25 over Port Authority Police, but somehow this

0115

1 is where the drivers, livery drivers,
2 everybody should be protected by TLC also.

3 Rules should be separated.

4 This is the rules for luxury bases, this is
5 the rules for black car, this is for livery.

6 I mean, reading Section 5,
7 8.1, I don't think anybody understands it.

8 You have to make it more
9 simple and separate that so it is easier for
10 drivers to understand, because he is the one
11 who is going to deal with your public, who is
12 going to pay the fines, and at the same time
13 you should make either -- just like BCAC has
14 done a very good program where they bring
15 drivers in, give them some money to have a
16 safety driving program, TLC, all the fines
17 they collect, they should have some kind of
18 classes where drivers, rather than giving
19 them points, give them training.

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

24 CHAIRMAN DAUS: We are looking
25 at that, and you do have a fine training

0116

1 program. I visited it once or twice.

2 Randy Ramos, and then Fernando
3 Garcia.

4 MR. RAMOS: Good afternoon,
5 Commissioner.

6 First of all, I want to
7 actually thank you all for giving us the
8 opportunity to speak.

9 I wasn't on the list, but I
10 decided that I have to put in some comment.

11 I have been a broker for
12 around 12 years with a business in uptown,
13 and one of the things that drivers do is that
14 they use a broker as a counselor.

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

19 Two weeks ago I learned about
20 this new ruling that you are trying to
21 implement.

22 You know, just looking over
23 all these rules, I believe that this is going
24 to create a ripple effect in the industry.
25 It is going to affect the bases, it is going

0117

1 to affect the drivers, it is going to affect

2 the brokers, it is going to affect the
3 restaurants that feed most of this industry,
4 it is going to affect the mechanics, it is
5 going to affect the gas stations and many
6 others.

7 What I am asking this council
8 is to at least give us a chance, other
9 individuals affiliated with this industry, to
10 actually take a look at this.

11 We found out about this two
12 weeks ago, and I am asking for this vote, for
13 this voting not to take effect today.

14 I think that this is going to
15 give us an opportunity for people that
16 probably you don't hear from most of the time
17 to come in and speak to you and give you
18 suggestions and tell you the truth, because I
19 know some of the things make sense.

20 At least the broker industry,
21 which is many of us that are treated as
22 counselors to many of the insureds, at least
23 you have an opportunity to tell them "This is
24 what is going on."

25 Yesterday I spoke to a driver.

0118

1 "There is going to be a meeting April 16."

2 He told me, "That is a problem
3 for the bases."

4 If we don't get the bases, we
5 work for ourselves, and that is not the case.

6 Overall, if you can postpone
7 this voting, it will give us at least the
8 opportunity to come back to you.

9 I just wanted in Spanish a
10 short version of what I said, because there
11 are many people here that don't understand
12 the language.

13 (Translating in Spanish.)

14 MR. RAMOS: In this moment of
15 crisis, Mr. Daus, it is adding to another
16 crisis. I don't know if you see it this way,
17 but it is adding to another crisis.

18 Believe me, I am a little
19 nervous.

20 If half of the industry goes
21 out, half of our industry is going to go out.

22 Thank you very much.

23 CHAIRMAN DAUS: Thank you.

24 Fernando Garcia, and there is
25 one more speaker, Mr. Jose Valoria, and if

0119

1 anybody else wishes to be heard, please raise
2 your hand. This is the final call for
3 testimony. Raise your hand and see Alan
4 Fromberg over here. We will write you up and
5 put you on the list.

6 MR. GARCIA (translated through

7 Ms. Epstein): Good afternoon, Commissioners.
8 Good afternoon to all the presidents that are
9 here to represent our people.

10 I come to represent the
11 Association of Independent Taxi Drivers of
12 New York.

13 We found out about this
14 situation ten days ago because we weren't in
15 the country.

16 I have been surprised by my
17 companions' companies who told me they
18 haven't had time to really analyze the rules.

19 It is not that we are against
20 all of them, but there are some of them that
21 work against us as independent taxi drivers.

22 We think they are going to
23 send many parents home without work.

24 In light of the terrible
25 economic situation in the country and the

0120

1 state, we don't think that this solution
2 should be fines and persecution against the
3 people in the industry.

4 I ask in the name of the
5 organization that I represent and all the
6 taxi drivers that you hold off on these as
7 long as possible in light of the current
8 economic situation.

9 I hope that you understand
10 that this situation is truly difficult.

11 The majority of our cars are
12 on loan through credit.

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

18 CHAIRMAN DAUS: De nada.

19 Jose Valoria.

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

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

24 MR. VALORIA: We would like to
25 commend the Commission of TLC for organizing

0121

1 the livery industry and put together the
2 black cars, the limousines and the livery.

3 I also would like to commend
4 the job Samara Epstein doing for the last not
5 two months, not three months; three years
6 working with the Association of Taxi Drivers.

7 For the last few years, we
8 make a couple of meetings with the bases. We
9 tried to fix the bases, members of the
10 Federation. I don't know if Samara makes
11 meetings with all the organizations in the

12 past, but I can say she met the Federation.
13 We make meetings with bases,
14 members of the Federation, with everybody.
15 If you want to come, you are free to come and
16 see what TLC is planning to do in the future.

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

24 We called other leaders, and
25 we shared the information, and we agreed on a
0122
1 few points.

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

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

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

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

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

24 Everybody knows what the
25 private car is doing. Everybody knows what
0123

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

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

13 That is all. Thanks.

14 CHAIRMAN DAUS: Thank you.

15 COMM. POLANCO: I have a
16 question for Mr. Valoria.

17 You mentioned that you have
18 been working with the TLC, and that
19 90 percent -- 95 percent of the concerns that
20 you have the TLC made changes. When did that
21 occur, that 90 percent, 95 percent that you
22 mentioned?

23 MR. VALORIA: Last week.

24 CHAIRMAN DAUS: Thank you.

25 That concludes our public

0124

1 hearing.

2 Any other questions, comments,
3 concerns?

4 Commissioner Gonzales?

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

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

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

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

24 I guess in light of today
25 being the last day of Passover, and maybe

0125

1 there are some members of the industry and
2 public that may have been unable to make
3 comments, I propose that we vote today but
4 possibly delay publishing the rules for a
5 certain period of time, just to allow for
6 public comment to be, you know, reached that
7 could not have been reached by now for let's
8 say maybe a two-week period, and then should
9 there be material changes via those comments,
10 that we would address it as a commission.

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

19 The rules state, at least on
20 the points aspect of it, that implementation
21 would occur on July 1st.

22 I think by possibly putting a
23 hard effective date roughly around -- a hard
24 effective date 30 days later at August 1st I
25 think should address some of those concerns

0126

1 as base vehicle owners digest those rules and
2 translate it into an implementation plan
3 within their individual operations.

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

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

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

19 CHAIRMAN DAUS: We can do
20 that.

21 Ms. Weinshall?

22 COMM. WEINSHALL: Mr. Chairman
23 , I am also a little troubled by the Jewish
24 holiday, and I would agree with my fellow
25 Commissioner here that the record should be

0127

1 kept open for those who couldn't come here
2 today.

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

7 CHAIRMAN DAUS: We could do
8 that, right?

9 MR. FRASER: Yes.

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

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

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

25 In addition, I just feel that

0128

1 in light of the fact that this is a Jewish
2 holiday, it would be fair to keep the record
3 open.

4 CHAIRMAN DAUS: It is a good
5 suggestion.

6 Any other comments?

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

12 MR. FRASER: I think
13 specifically to direct the staff to continue
14 to accept comments and conduct discussions
15 for two weeks, and if that results in no
16 further changes, then to publish the rules.

17 If it results in further
18 changes, to bring it back to the next
19 Commission meeting.

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

25 MR. FRASER: I think that was

0129

1 actually a separate point Commissioner
2 Gonzales made, which is he would like to
3 defer the point system from taking effect
4 when the rules become effective, for the
5 point system to become effective August 1st.

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

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

14 MR. FRASER: The point system
15 is completely separate. The Bill of Rights
16 would take effect as the Council mandated as
17 the rules provide on June 26.

18 The point system obviously
19 works separately from that.

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

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

25 The inspections also begin for

0130

1 new initial licensures September 1st, and
2 renewals begin February 1st, 2010.

3 CHAIRMAN DAUS: Really, the
4 only change he is suggesting is in addition
5 to the comment Commissioner Weinshall made

6 about keeping that two-week period open, the
7 point system which is now under the latest
8 draft of the rules going into effect July 1st
9 would now be pushed back to August 1st.

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

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

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

0131
1 hearing?

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

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

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

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

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

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

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

0132
1 MR. FRASER: Livery Passenger
2 Bill of Rights.

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

5 MR. FRASER: June 26.

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

10 MR. FRASER: I wouldn't call

11 it random. There is a phase-in of the rules
12 built into the rules. Some of the rules
13 become effective when the rules are posted
14 for 30 days, as a rule ordinarily does.

15 The Livery Bill of Rights
16 becomes effective June 26.

17 I forget which -- marking and
18 licensure rules come into effect on July 1.

19 The inspection rules start on
20 September 1.

21 As to renewals, they start on
22 February 1.

23 It was intended, it was
24 closely negotiated with the industry, both so
25 they could accommodate the changes and we

0133

1 could accommodate the changes in a time that
2 wouldn't result in delays and problems.

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

10 MR. FRASER: That is right.

11 COMM. GIANNOULIS: And they
12 wanted that?

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

16 CHAIRMAN DAUS: Which is the
17 May date?

18 COMM. GIANNOULIS: The May
19 date would be --

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

0134

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

4 COMM. GIANNOULIS: Commissione
5 r Gonzales may not be aware of it, but just
6 to realize there are six different months
7 that this stuff gets kicked in. It just
8 seems rather complicated, but you are telling
9 me everybody thinks that is a good idea. I
10 can't keep track of this. I don't know how
11 somebody else is.

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

15 COMM. GIANNOULIS: Whatever is

16 in May, June and July, can't it just all be
17 in July or something? I guess that is my
18 point.

19 MR. SALKIN: The first part is
20 on inspections starting with new vehicles
21 getting inspected starting September.

22 The agency has to make
23 modifications to the inspection facility to
24 be able to handle the new vehicles, which is
25 updating the computer system, and we can't do

0135
1 that until --

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

5 MR. SALKIN: The vehicles
6 getting inspected.

7 That is starting with new
8 vehicles. The idea was to start with new
9 vehicles, giving the agency and industry some
10 time to figure out how to do it.

11 The bigger group of vehicles
12 that we have, a much larger group we have is
13 renewals; is to have renewals start after
14 everyone kind of has it under their belt and
15 how it works. That is the February date.

16 Now, in terms of the markings,
17 the idea was the rules -- typically with the
18 Commission, the rules all start 30 days after
19 they are published in the City Record.

20 The concern with the markings
21 was there wouldn't be an opportunity for
22 people to do the markings quick enough so we
23 are going to delay that to give people an
24 opportunity to do it.

25 From the Commission's level,

0136
1 we wanted to make sure there was a lot of
2 opportunity over the summer for people to do
3 implementation and try things out before the
4 busy season starts again in the fall.

5 The idea of the stickers and
6 getting the stickers out is to give our
7 agency a chance to go visit every base and
8 put the stickers on the cars. Visits won't
9 happen over the summer so that is why the
10 sticker requirement happens in September, and
11 then the idea is to do public outreach so the
12 public knows the new standards.

13 The markings, stickers,
14 everything, the new package is fully
15 implemented at the end of the summer so there
16 can be public outreach at the end of the
17 summer.

18 COMM. GIANNOULIS: You took
19 into consideration my point and you think it
20 is okay?

21 MR. SALKIN: With these
22 changes?

23 COMM. GIANNOULIS: The
24 different dates.

25 MR. SALKIN: The longest lead
0137

1 time for us is getting the inspections up and
2 running at the Woodside facility.

3 The longest lead time for the
4 industry is probably getting the markings up
5 on the vehicles and having them do that.

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

8 CHAIRMAN DAUS: Commissioner
9 Polanco?

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

19 We just heard from
20 Mr. Valoria, who has been basically working
21 with the TLC for a number of years, and
22 90 percent of the changes, at least the ones
23 they suggested, were made last week.

24 We have also heard testimony
25 from a number of industry members that they

0138
1 became aware of these rules, and although
2 TLC -- and I commend the TLC staff for
3 working on this rule, and I commend also the
4 industry for working in conjunction with the
5 TLC -- that finally, as I put it before, the
6 sleeping giant basically is awake, which is
7 the industry representatives that are here,
8 and all they request is basically time to
9 digest all these rules, where a lot of the
10 changes have been made just in the last week.

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

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

22 If we give the industry an
23 additional 30 days to implement what the
24 rules are as they currently are stated with
25 respect to the particular points, I think

0139

1 that gives them the leeway to achieve that
2 implementation objective.

3 CHAIRMAN DAUS: Commissioner
4 Arount wanted to make a comment.

5 COMM. AROUT: Thank you,
6 Mr. Chairman.

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

15 Being the Board's Staten
16 Island representative, I am particularly
17 pleased with the way it all has come out.

18 As you know, Staten Island
19 relies on the livery bases, perhaps more than
20 any other borough in the city, and the way
21 these rules are addressed, passenger safety
22 and customer service really hit me and sent
23 me home -- took me home. Excuse me.

24 I want to thank Commissioner
25 Daus and his team for doing a great job, and

0140

1 just work out something in the near future.

2 I am sure we will be all
3 right.

4 Thank you very much.

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

8 COMM. POLANCO: I have a
9 comment.

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

17 Basically, one of them I have
18 is in the rule itself, in Section 30, Section
19 6-29, subdivision G, it says that the
20 Chairperson shall develop a point reduction
21 program applicable to vehicles and bases.

22 We mentioned effective dates
23 of implementation of the rules where we are
24 going to be imposing points on vehicles, on
25 drivers and bases, and a point reduction

0141

1 program, there is not even a date set as to
2 when this program is going to be developed,
3 and I would like to have some information
4 regarding that.

5 Effective date will come
6 into play, and we don't know yet when the
7 point reduction program is going to be
8 developed, and what the reduction program is
9 all about.

10 CHAIRMAN DAUS: That is a fair
11 question.

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

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

22 As you know, we have various
23 taxis schools that are in the business of
24 teaching yellow cab drivers but not livery
25 drivers so we would need some time to

0142

1 implement that, and we could always consider
2 that we look at that timing of that
3 implementation with the ultimate
4 implementation of the rules.

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

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

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

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

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

23 MR. SALKIN: I can't remember.
24 I think 60 days. The idea is to get
25 feedback.

0143

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

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

8 COMM. POLANCO: On that issue,
9 basically, implementing or enforcing the

10 rules and the consequences of it is for these
11 entities or individuals to get points, and
12 then have already in place a system where
13 they could basically apply for the program
14 before these points are -- these rules are
15 effective so why not have that in place
16 before the rules take effect?

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

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

0144

1 will --

2 Yes?

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

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

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

23 One of the things I hope is,
24 potentially as we get a point reduction
25 system eventually down the road, maybe lower

0145

1 the points and review that as well so that
2 there is a higher standard as well as a point
3 reduction.

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

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

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

14 COMM. GONZALES: I wasn't

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

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

0146

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

3 COMM. POLANCO: All right.
4 COMM. KAY: I believe that is
5 your request so as a point of order, that
6 means if we choose to take the vote now,
7 every person has the right to vote no so
8 rather than ask Commissioner Gonzales to
9 amend his amendment, I think the point on the
10 floor is do we want to vote on Commissioner
11 Gonzales' amendment to the rules, and then we
12 vote on the rules itself, for which I believe
13 Commissioner Polanco is requesting people
14 vote no.

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

19 Anything else from you?
20 So we have a motion on the
21 floor.

22 Do we have a second?

23 COMM. AROUT: Second.

24 CHAIRMAN DAUS: All in favor?

25 All opposed?

0147

1 COMM. GIANNOULIS: Opposed.

2 CHAIRMAN DAUS: Thank you. So
3 passes.

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

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

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

14 CHAIRMAN DAUS: No other
15 motions.

16 Could we make sure we are
17 perfectly clear and just reiterate what we
18 voted on so the whole public understands,
19 Chuck?

20 MR. FRASER: First let me read
21 what I have written, because the actual text
22 has to be before the Commissioners when they
23 vote on the rule.

24 What I have written to
25 incorporate Commissioner Gonzales' date

0148

1 changes would be on page 30 in the last
2 section, Section 30, which is Section 6-29
3 of the rules, a new paragraph (h) that
4 would read as follows: This section
5 shall take effect on August 1st, 2009 and
6 no penalty points shall be imposed for
7 violations occurring before that date.

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

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

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

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

0149

1 MR. FRASER: No.

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

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

8 CHAIRMAN DAUS: Fine. Go
9 ahead.

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

13 CHAIRMAN DAUS: A second?

14 COMM. GIANNOULIS: I second
15 that.

16 CHAIRMAN DAUS: All in favor?
17 Two in favor.

18 Anybody against that vote?

19 It fails.

20 MR. FRASER: Now you vote on
21 the rules.

22 CHAIRMAN DAUS: Do we have a
23 motion on the rules to pass the rules as
24 amended?

25 COMM. GONZALES: Motion on the
0150

1 rules.

2 CHAIRMAN DAUS: Second?

3 COMM. AROUT: Second.

4 CHAIRMAN DAUS: All in favor?

5 Any opposed?

6 Two opposed.

7 I think we all understand the
8 point of order.

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

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

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

0151
1 Passover.

2 Motion to adjourn the meeting?

3 COMM. WEINSHALL: So moved.

4 CHAIRMAN DAUS: Second?

5 All in favor?

6 (Chorus of "ayes.")

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

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CERTIFICATION

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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