NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, April 17, 2008
40 Rector Street
5th Floor
New York, New York
Public Meeting convened at 9:40 a.m:

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
HARRY GIANNOULIS, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
HOWARD VARGAS, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
JEFFREY KAY, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL
CHAIRMAN DAUS: If everybody could find a seat or go into the overflow room, as Alan suggested, we are also waiting for a few more Commissioners, but we are going to get started as we have a quorum.

The first item on the agenda is the Chairman's report. Could we have some quiet, please. Again, if you are standing, it's probably best if you go into the other room and have a seat. If we have your name on the list of people who are going to testify, we will give, obviously, ample time to get in here, so thank you.

First I would like start by thanking everyone. The Driver Recognition Ceremony that we held at the Top of the Rock was an outstanding success. It was held on March 27th. The Mayor declared it Taxi Recognition Day for the last several years. We had Tishman Speyer as our sponsor from Top of the Rock, and I would particularly like to thank the managing director of Rockefeller Center, Tom Madden who has been a great friend. He has done a great job supporting our industry and coordinating the event with free food for
drivers and prizes.

I would also like to thank New York City & Company CEO George Fattita. Also a member of the staff who worked very hard on the ceremony, Janine Saldo. They basically got all the sponsors and the gifts and the prizes and hotels stays and tickets to theater for drivers who basically just go the extra mile day-in and day-out, and also drivers who were heroes and did extraordinary things.

I would also like to thank TLC staff who worked very, very had. In particular, Jessica Tevabal, Dawn Sherman, Endira Strauss and Stacey Harris, as well as Alan Fromberg, who was our MC and did a great job.

We had two special guests that were there. We had Ben Bailey from Cash Cab fame, and we also had Tom Wolpak from A Catered Affairs. He is of Dukes of Hazard fame, and he actually has a show opening tonight on Broadway which is about a man who is perplexed, who is a cab driver, whether he should use his money to buy a medallion or finance his daughter's wedding. So interesting stuff. But they were very
gracious. They spent a lot of time with us
and the drivers loved them.
I would also like to thank some of
our Commissioners who found time in their busy
schedules to join us and help present awards.
Commissioner Weinshall, Commissioner Gonzales,
as well as Commissioner Elias Arout joined us,
as well as Commissioner Matt Sapolin from the
Mayor's Office of People with Disabilities.
So thank you.
There is a photo gallery for those
who were honored and anyone else who wants to
see it on our website. If you click on the
left-hand side, you should be able to get it.
Now, some sad news. There have been
two untimely deaths for people in the industry
and at the TLC that we are mourning at this
time. The first is Marvin Greenberg. Marvin
Greenberg, if you remember, is probably the
longest-serving Commissioner at the TLC. He
served under three mayors, several mayors
starting with Mayor Beam, serving three terms.
He was 89 years old when he passed way a few
weeks ago. He was just an outstanding
Commissioner.
He had a linen company. He was from Brooklyn. He was a veteran and I guess the one or two things I would like to say in his memory, and we have honored him here before when he left the Commission, but he always stood up for the passenger. And I know not everybody in the industry agreed with him all the time, but I found him to be very fair. He was always supportive of the Chairman or the Chairwoman and really was an outstanding Commissioner and spent God knows how many days and hours and minutes of his time for free serving the city.

They haven't set a memorial service yet. It was very quick, actually the funeral was on Easter Sunday. And they had Shiva but might be scheduling a memorial service, so I will keep the industry apprised. I am just looking at the faces and, obviously, some people didn't know about this.

Also we had death in our own family in terms of our TLC employees, and it is very sad because we were going to honor this particular gentleman with an achievement award at this Commission within the next month or
two. His name Judge Alex Sherman. Judge Sherman died on his 95th birthday. He had been working at the TLC for over 30 years as an Administrative Law Judge. Fantastic gentleman. There is no other way to describe him. He primarily heard consumer complaints up on the 8th floor, and he was a great judge and adds somebody who was always in a great mood and was always uplifting everybody's spirits with jokes and comedy by the day before he passed away.

So these are two very sad losses for us. And there is going to a memorial service that his family is planning, so we will apprise everybody of that. And I will just ask us to take a moment of silence to remember two fine individuals.

(Moment of silence.)

CHAIRMAN DAUS: Thank you.

As you know, the Pope is coming to town. As part of the papal visit, the Mayor's Office has been working very closely with us and other city agencies to arrange for an orderly pick up and discharge of people that are going to Yankee Stadium on Sunday.
There is an industry notice in the back and it is on our website. And if you have any questions, please call us or visit the website. It basically tells you for black cars, liveries and taxicabs where they can and cannot pick up and drop off passengers. We want it to be very smooth, and I am sure there probably will be a lot of people using your services. So, please, check out that notice.

If there are any questions, there are numbers to call as well.

Just a quick update on Operation Secret Rider. The effort continues successfully. Pansy Mullins and her troops are doing a fine job. We have about a 91 percent average daily compliance rate. That has consistent in that range. We had a total 3,037 tests and 402 summons written.

Of the various compliance rates, two I would like to point quickly. For cell phones, there has been a 94 percent compliance rate overall average. And great news is refusal to accept credit cards, there is a 99 percent compliance rate, which is great. So I want to thank the drivers and the industry for
listening and for doing the right thing.

Also Taxi of Tomorrow, just a quick update. We have distributed, as you know, the requests For Information, the RFI. The due date is the 21st of April, this coming Monday. We have had over 200 downloads as of April 15th. And we have made several trips to Detroit and also locally to visit manufacturers who were interested.

We actually were in Detroit with the Mayor's Office of Operations and New York City and Company looking at various potential models that may be submitted. The good news is that there is more interest than I think we anticipated, and we are expecting some concrete and some real submissions from various manufacturers as well as other members of the public. So that's good news and we will keep you posted on that.

There is a medallion sale, our last medallion sale, which will be taking place. Our website is up and running. All the information is on there. We have started some of our seminars and our activities. We have set minimum upset prices and there is an
industry notice that has been published on that.

The are $700,000 for 43 lots of two corporate accessibles, so that's the minimum bidding price for the corporate accessible medallions. We also have a couple of holdovers from prior auctions on sales that didn't go through. There will be one individual accessible medallion offered for sale, and individually owned and operated one. The minimum upset price or bidding price is $189,000 for that one medallion. And there are two individual alternative fuel medallions that are for sale, which will be auctioned at a minimum bidding price of $300,000.

The seminar was held on the 15th at Woodside. We have another seminar scheduled at Rector Street, Tuesday, April 27th, at both 1:00 p.m. and 7:00 p.m. at this office. We also have bid collection dates and a technical workshop. The technical workshop is designed for those people who go to the seminar, they whet their appetite and they have an interest in doing it and they have decided that they want to bid. Well, you can either hire an
attorney, go to a broker, and/or attend our
technical workshop where our staff will walk
you through how to prepare a written bid that
needs to be signed, sealed and delivered to us
in order to qualify for the auction.

The technical workshop will be held
on April 25th, next Friday, from 1:00 to 2:00
p.m., and another one in the evening from 7:00
to 8:00 p.m. at Rector Street right here.

Bid collection will start on Monday,
April 28th, from 9:00 a.m. to 12:00 p.m., and
it will continue to Friday, May 2nd at 9:00
a.m. -- I'm sorry, Thursday, May 1st at 12:00
p.m. The bid opening will take place on
Friday, May 2nd, at 9:00 a.m..

Again, any information that you need
is on our website or it can be found in the
industry notice. In total we will auctioning
89 medallions, 86 corporate accessible, one
independent accessible medallion and two
independent alternative fuel medallions.
Which will bring the total accessible
medallions, when sold, to 230.

Just an update on our T-PEP system,
the taxi technology in the yellow cabs. We
have reached the 10,000 cab mark. At least
10,000 of our yellow cabs are equipped with
the screens, the credit/debit cards, and the
text messaging for the drivers. That is about
81 percent.

As you know, there has been a
bankruptcy. TTC went bankrupt. There was a
proceeding. It has been resolved, which
basically means that the 2,000 or so
medallions that had contracted with TTC can
now approach the other three remaining
vendors, and they are free of their first
contract and now can negotiate a new contract.
We hope to that process complete with all of
those units installed with full compliance by
the end of the summer.

What you basically should do is call
our office, see our website or contact the
three vendors directly to try to negotiate the
best deal you possibly can. The good news
also is that our preliminary data continues to
show that credit card tips average 20 percent.
It is continuous.

As promised when we passed the rules,
a monthly accessible dispatch update. We have
had some major progress over the last month.

First of all, thanks to the New York City Comptroller we have approved the contract. This happened at the end of March. We issued a notice of award which is published in the City Record and the contract has been executed. So now we are in the process of issuing a notice to proceed.

I see Mr. Asserno is here with his company that is involved with this. And we are working feverishly on putting together training for the drivers so that they can be trained on how to operate and deal with these retrofitted accessible taxicabs. We have been meeting with potential trainers and we anticipate that the list of trainers will be up on our website within the next week or so. We will keep you posted on that.

We had a lease cap hearing that is mandated by law following the last public commission meeting. I have to say that it was sparsely attended. I am a little disappointed that we didn't get as much information as we has asked for. We had a very detailed list of questions that staff worked very, very hard
on. We only had a handful of people that showed up and they didn't have the answers to a lot of those questions.

Some of them have promised us that they will get us written submissions, and we extended the deadline for submissions to April 11th, but we will be happy to do it until the end of the month. We really want the information that we are looking. It is important for us in terms of us making a decision on whether we do anything or nothing. It is important to get all the facts from the folks that we have asked for it from.

So we will, at some point, since it was an optional meeting for the Commissioners, update the Commissioners at a public meeting with a staff presentation on our findings as well as a summary of the comments.

I have good news for Staten Island. Thanks to the persistent efforts of Commissioner Arout, we now have Live Scan back at our Staten Island facility. We have been experiencing some downtime as we are in the process of upgrading and buying new equipment, so there is an industry notice out there. You
can now start scheduling your appointments immediately for Staten Island. Live Scan is the system by which you can get the live fingerprints when you get licensed by us. It expedites the licensing process dramatically.

So we are back and operational.

So, thank you, Commissioner Arout.

Last but not least, the Grand Central Partnership and the TLC announced that we have a new taxi stand that is open for business near Grand Central. It is at the Northwest corner of 43rd Street and Vanderbilt. It is an industry notice that has gone out that explains exactly where it is and it has a map.

This is significant. I believe that area was closed following 9/11 and now it is open for business. And, in addition, they have dispatchers that are employed and paid for by the Partnership that are staffing that area, so that should provide some much needed help.

The next two Commission meetings, these are very tentative dates. We haven't confirmed them yet, but if you want to note them on your calendar, we will be back on our
regular schedule, Thursday, May 8th, and then Thursday, June 12th.

That completes my report. Does anybody have any questions?

(No response.)

CHAIRMAN DAUS: Okay, there being none, we will go to item 2 on the agenda, the adoption of the minutes for the March 13, 2008 Commission meeting.

Does anyone have any comments, questions, suggestions or changes to the minutes?

COMM. AROUT: I make a motion to accept the minutes?

CHAIRMAN DAUS: Do we have a second?

COMM. KAY: Second.

CHAIRMAN DAUS: Okay, all in favor?

(Chorus of "ayes.")

CHAIRMAN DAUS: It is unanimous.

Thank you.

CHAIRMAN DAUS: Item 3, base applications. Do we have a representative from Licensing here, Georgia?

MS. STEELE-RADWAY: Good morning.

CHAIRMAN DAUS: Good morning.
MS. STEELE-RADWAY: Licensing would like to present before the Commission 26 bases with a recommendation for approval.

CHAIRMAN DAUS: Any comments or questions about the bases?

(No response.)

CHAIRMAN DAUS: Do we have a motion to approve?

COMM. AROUT: I make a motion to approve.

CHAIRMAN DAUS: Is there a second?

COMM. KAY: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "ayes.")

CHAIRMAN DAUS: We have a denial also?

MS. STEELE-RADWAY: Yes, we do. Licensing is recommending that B02235, Herby's Car Service be recommended for denial with a request that the Commission grants an additional 30 days so that they may present the outstanding items.

CHAIRMAN DAUS: Okay, do we have a motion to deny?

COMM. POLANCO: So moved.
CHAIRMAN DAUS: A second.
COMM. GONZALES: Yes.
CHAIRMAN DAUS: All in favor?
(Chorus of "ayes.")
CHAIRMAN DAUS: Okay, denied.

Thank you, Georgia.

Also is Joe Scalise in the audience today? I notice that one of the bases we just approved, is FJA Livery Corp. doing business as Village Car Service. I just want to acknowledge the efforts, on the record, of Joe Scalise, who is the former owner of Village Car Service. He sold his business. He served the industry well for many, many years. And I single him out because he devoted a lot of his time to the TLC's Livery Advisory Board over the last 20 years or so, and we wish him well in his new endeavors and congratulations to him. He has done a great job for Staten Island.

Item 4 on the agenda. The thing that everybody is here for, or most of you are here for, is the proposed rules for public hearing and Commission action, the miles per gallon requirements for black cars.
I want to first just thank, there are so many people that worked on this, and I also notice Kathy Wylde is here from the Partnership, who announced this initiative with myself and the Mayor and John Asserno and some of the other environmental groups as well. But I want to, before I read a prepared statement that we worked on, I want to basically thank Vic Dizengoff and Berge Artunean and the leaders of the black car industry that worked very closely on making not only changes to these rules, but working on the proposal in the first instance. They have represented, in my view, their industry very well. They brought concerns and issues to our attention that we have been, during the written comment preceding this public hearing, been able to at least think about these things and address some of them. So there may be more issues and more questions, but I think we have basically thought about a lot of the concerns and issues and I would like to address them now so before anyone testifies, you can see what our thinking is and what our concerns are.
First of all, in December the Commission unanimously passed rules, as you remember, requiring new taxicabs to achieve a city mileage rating of 25 miles per gallon in October of 2008, except for wheelchair accessible taxicabs. In October 2009, the standard will rise 30 miles per gallon. Almost 380 hybrid taxicabs were on the road when the taxi proposal was announced last May. Now, as taxicab owners convert ahead of schedule, we have over 975. They have proven their reliability during the three annual inspections, and the first 18 hybrids in the fleet have already logged over 200,000 miles, as well as higher inspection passage rates than other vehicles. We estimate that the rules will save a taxicab owner $11,000 per year in gas costs for industrywide savings of roughly $140 million dollars per year. By 2013, virtually the entire taxicab fleet will be converted to higher mileage standards. In February, Mayor Bloomberg asked the Commission to require new black cars to meet fuel efficiency standards of 25 miles per
gallon in 2009 and 30 miles per gallon in
2010. The proposed rules considered today
will also mandate vehicle retirement for the
first time and provides protection for black
car operators against competitors who operate
less gasoline-efficient vehicles.

To help drivers, the city has worked
with the financial sector, auto dealers and
black car fleets to develop solutions that
will finance the higher down payment, and by
2013, nearly all black cars will meet the new
standards. Mayor Bloomberg indicated the
city's intention to complete the Plan NYC
for-hire transportation initiative by working
with the livery industry. Again, taking into
account the unique aspects of that industry.

There is some concern about this.

Our next course of action will be to develop a
concrete plan to introduce similar standards
for livery vehicles. So for those in the
yellow and black car industry, we are going to
treat everybody equal.

I would like address four other
questions that have come up through industry
and other comments in connection with the
First, because the proposed rules require a minimum gasoline mileage rating for black cars, the question has been raised whether the rules are intended to preclude black cars with other nongasoline fueled engines.

The answer is clearly no. The proposed rules allow for vehicles that are powered by fuels other than gasoline, provided that those vehicles achieve an EPA fuel efficiency rating equivalent to the mileage standards provided in the proposed rules. In addition, the Commission's rules provide for pilot programs to test the viability of new technologies, including innovations in vehicle technology. Therefore, as new technologies become available, we look forward to testing them in appropriate pilot programs.

As technological advances continue, we look forward to testing other vehicle technologies such as hydrogen fuel cell, clean diesel, compressed natural gas which has been a concern from some people who are probably in this room, electric battery cars, and other
alternative fuel sources technologies.

The option to conduct pilot programs
to test new vehicles and alternative fueled
technologies existed yesterday as well as
today and tomorrow, so it has always been
there and it will continue to be there for
both the taxicab and black car industry with
respect to testing these new vehicles.

Frankly, the pilot program process
for testing new vehicle technology is why we
have been able to get to where we are today
with the TLC's fuel efficiency regulations.
Remember, we tested the hybrids in the cabs a
few years ago and that's how we were able to
demonstrate that they are successful.

Second, a concern has been expressed
that black car owners may seek to avoid the
obligation to convert hybrid vehicles by
relicensing them as luxury limousines and
affiliated with; luxury limousines bases.
Vehicle owners should be aware that Commission
rules require that luxury limousines have to
have higher levels of insurance and maintain
the following: $200,000 in personal injury
protection or no-fault insurance; liability
insurance of $500,000 per person; and
liability of a million dollars per accident or
occurrence for a limousine that seats fewer
than nine passengers. And in addition, if you
have get to the higher seating capacity, it's
1.5 million per accident for limousines that
seat nine to 15 passengers; and $5 million in
insurance for a limousine that seats more than
15 passengers.

I have asked my staff to vigilantly
enforce the luxury limousine insurance
requirements as a means to prevent any attempt
by black car owners to pose as luxury
limousines and evade the law.

Third, a concern has been expressed
about the applicability of the proposed rules
to black car bases that are located outside of
New York City, but which conduct
point-to-point activity within our city. As
you know, these bases can be licensed, and if
they get the proper permit and driver's
license, they can pick up passengers and
discharge them in New York City within our
borders. Or pick them up here to transport
them to other states or other counties.
To clarify, these proposed rules apply to all black car bases that are licensed regardless of their location. Likewise, luxury limousines bases located outside of New York City with affiliated sedans that pick up and drop off passengers within New York City, will be required to comply with the higher insurance requirements for limousines that I just mentioned.

Finally, when the Commission adopted minimum miles per gallon rules for taxicabs last year, the concern has been expressed about the availability of vehicles that meet the 30 miles per gallon requirement that will come into play in January of 2010, as well as the availability of adequate vehicle financing to fund the purchase of new vehicles.

Actually, Commissioner Gonzales and I and Commissioner Kay, as well as others in the administration, have gone over very finely with fine-tooth comb the financing availability. And we are very confident, and we expect that not only will there be a number of vehicles available, but there will be affordable financing and it will not be an
issue.

My staff will closely monitor the situation, and if changes in today's rule become necessary, I will recommend appropriate amendments. To this end, a review of these and any other issues will be conducted at an upcoming public Commission meeting prior to the implementation dates set forth in these proposed rules.

And I would like to say also that we have amended the draft rules and I would like to turn it over to Chuck who will explain exactly what we did and then we will go to the public hearing and hear from all of you.

Chuck?

MR. FRASER: The proposed rules were published for public comment March 5, 2008 and six written comments were submitted, copies of which have been distributed to the Commissioners.

In response to one of the comments, the staff is recommending a technical correction to Section 6-10(d) of the proposed rules to reemphasize that black cars must be retired from black car service when they are
six model years old.

In addition, the staff recommends revision of the statement of basis and purpose to explicitly state several points that the proposed rules do not provide.

Finally, the staff recommends revision of the statement of basis and purpose to clarify that the proposed rule does not preclude vehicles operating on fuels other than gasoline, provided that those fuels achieve EPA fuel efficiency ratings equivalent to the gas mileage standards stated in the proposed rules.

Copies of the proposed rule as revised have been distributed to the Commissioners and are available to the public in the back of the room.

CHAIRMAN DAUS: Thank you, Chuck.

We are going to go to the public hearing now. We have a number of preregistered speakers and we ask that you try to be as brief as possible since it is probably going to be a very long day, and try to be succinct and on point. If you are not going to use all three minutes that are
allocated, please do so and seed to the next person. If you are representing an organization and there are several of you saying the same thing, we would very much appreciate it if one person can come up and represent similar viewpoints.

That being said, our first preregistered speaker is Kathy Wylde, President and CEO of the Partnership for New York City. Is Kathy here?

AUDIENCE MEMBER: She is on her way.

CHAIRMAN DAUS: Okay, so we will skip over her and come back to her.

The second preregistered speaker is Diana Clemente. Hello, Diana, come on up.

PUBLIC SPEAKER: Good morning. Thank you, Commissioners.

I am actually going to abandon what I planned on speaking about based on some of the things that you said. I speak for myself certainly, and I think I speak for many of my competitors when I say that we are totally in favor of having better miles per gallon and clean air and green cars, et cetera.

Our concern is that we don't think
the vehicles are readily available to fulfill those requirements. And a great concern is us being placed at a competitive disadvantage with other companies that would like to do the business that we are currently doing.

And while you say that you are going to address the livery industry, which is a great concern for us, my personal fear is when will that be and will that time lag be enough to allow them to erode our business. So we do have some concern that the cars are not available. Personally I think that a Toyota Camry is not a viable replacement vehicle. If everyone has it, then that is not a problem, but if we are compelled to have that type of vehicle, which is one of the few that do meet the requirements, and our competitors are driving bigger vehicles that enable them to take more people to the airport with luggage and the like, that's a great concern for us.

So is there any time frame that you can tell us with regard to when the livery issue will be addressed and resolved?

CHAIRMAN DAUS: We can't give you specifics, but we are working on it right now.
PUBLIC SPEAKER: And in terms of them being able to add vehicles that are a certain model year, is there something that could be expedited so that while perhaps the industry as a whole is not addressed quickly, if they are going to add, for example, a 2006 or 2007 vehicle in 2008, why should they be able to add the same vehicle that we will not able to add to our fleet in 2008 because we need 25 miles per gallon?

CHAIRMAN DAUS: That's the very purpose why I think it is important to have a review as we get closer and inch forward toward implementation. That's what we are going to be looking at. And the way rules are written, if you take a look at them, any vehicle -- it is not highly regulated like the yellow cab industry where it has to be this size and all these things have to be in. If it meets the MPG, you can choose whatever vehicles come on the market.

PUBLIC SPEAKER: Okay, thank you very much.

CHAIRMAN DAUS: You are very
welcome. Thank you.
The next speaker is Sergio Sanchez from Partners Executive Transportation.
PUBLIC SPEAKER: Good morning, Commissioner Daus, members of the Commission. Thank you for allowing me time to give my testimony in reference to the proposed back car 25-30 MPG.
My name is Sergio Sanchez, I am the vice president of Partners Executive Transportation. We are a licensed base operation and would like to express our core concerns on the rule changes you are voting on involving mileage requirements.
We recognize our corporate and personal responsibilities for the environment, especially for those of us who work and live in the New York City area. As such, we have begun our own third-party environmental sustainability program. The rules you anticipate setting are ones we support and would like you to consider some unique and necessary situations.
The rules will effect black care bases, but as a luxury base we see potential
problems you might want to consider for all TLC licensed vehicles and bases. Many of our clients use both black car and luxury bases in their daily operations. It should not be taken for granted that car manufacturers will simply build the cars to meet New York City's rule changes. Our corporate clients do express interest in reducing greenhouse gas emissions, but are all not willing to be driven in a hybrid vehicle. They want the larger Lincoln Towncars, the Mercedes, the BMWs, and the larger SUVs.

They speak about favoring green cars as long as it doesn't sacrifice their comfort. It is part of the Not In My Back Yard syndrome. Our clients require a quiet, comfortable trip where they can relax, work on their laptop, discuss private business matters. They consider the back seat of their car their living room or private office.

Keep in mind chauffeured cars often drive multiple passengers. Hybrids currently on the market are not appropriate for the multiple business executives. For this reason alone, multiple passengers, like in the
Lincoln Towncar are more environmentally sustainable than two or three hybrids needed to transport the same amount of passengers. While there is a hybrid Lexus model, the cost is too prohibitive for our chauffeurs. Our chauffeurs are independent contractors who buy their own vehicles. Cars like the Prius, Mercury Mariner are just not acceptable for them or our clients. Being the official car service of the New York Yankees, I could imagine you would get a good laugh to see Jason Giambi and Alex Rodriguez in the back of a Prius.

As I am sure everyone know, the Lincoln Towncar is the industry standard for our services. At the recent National Limousines Association when asked, representatives from Lincoln Towncar said it wouldn't be until 2020 before a hybrid fuel efficient car is available. An important factor is actually rating as a 25 MPG for city driving. The figure 25 MPG is never tested in cities over a million in population. What might be 25 MPG in Phoenix is not the same as New York, especially not Manhattan.
I am sure you will all agree on this.

Consider a gasoline powered car that is rated 25 to 30 MPG and stuck in traffic by Wall Street, it is not getting 25 MPG, but emitting greenhouse gas emissions as much as a car rated 15 MPG.

CHAIRMAN DAUS: Mr. Sanchez, we have so many people that are going to speak, could you kindly try to sum up your points?

PUBLIC SPEAKER: Good enough.

CHAIRMAN DAUS: We also have your written comments as well.

PUBLIC SPEAKER: Will those be entered into the record, my written comments?

CHAIRMAN DAUS: Yes.

PUBLIC SPEAKER: Okay, thank you.

Basically what I was saying is there are other environmental sustainability programs out there that I think that this Commission needs too address prior to going to just a blanket 25 to 30 MPG standard.

Thank for your time.

CHAIRMAN DAUS: Thank you, Mr. Sanchez.

The next speaker is Ian Lipton from
PUBLIC SPEAKER: Commissioner Daus
and TLC members, thank you for the opportunity
to speak this morning.

My name is Ian Lipton, I am the chief
operating officer for Green Ride Global. We
create and implement environmental
sustainability programs for companies in the
ground transportation industry. Our clients
include fleets located across North America
including in New York.

The programs that we implement which
are examples of what Mr. Sanchez referred to,
cause real and measurable reductions in the
greenhouse gas emissions from fleets and
facilities. We follow measurements
established by the United Nations Framework
Convention on Climate Change and ISO 14,064
Standards.

The reason we are here today is to
voice a more economical and environmentally
sustainable alternative to the proposed
minimum miles per gallon rule. While we
recognize and support the intention behind the
rule, we believe that requiring minimum mile
per gallon vehicles is not an accurate or
table way of reducing greenhouse gas
emissions. Why is that?
Because a vehicle rated at 25 or 30
miles per gallon can produce greater emissions
than one rated at 18 miles per gallon, for
example. How can that be?
The answer is simple. Greenhouse gas
emissions are a function of two things:
Vehicle operation and type of fuel that is
used in the vehicle. They are not a function
of minimum miles per gallon rating. For
example, at 50 percent city driving, a Lincoln
Towncar has an EPA rating of 18, a Lexus RX
400, which I might say is the only luxury
hybrid vehicle on the market with an MPG
rating higher than 23, is rated at 25 miles
per gallon.
According to these ratings and
assuming typical New York City black car
mileage, the Lexus would produce 25 tons of
emissions per year, and the Towncar would
produce 34. However, fuel efficiency ratings
are based on what the EPA call normal driving
behaviors. They do not take into account that
normal driving behavior can be modified to produce more efficient driving and fewer emissions.

For example, they say normal idle time is 20 percent of the total vehicle's time. Through a properly managed environmental sustainability program, idle time can be reduced to 10 percent. A Towncar that idles 12 percent less time over the course of a typical year, will save approximately one ton of greenhouse gas emissions annually. A program to ensure proper acceleration or a reduction in jack rabbit driving will save an additional eight tones annually.

The installation and use of after-market fuel efficiency devices or conversions to alternative fuels will reduce another three to nine tons annually, which leads to another question: What is the EPA MPG rating of a Towncar that has been converted to an alternative fuel hybrid?

The answer is: There is no rating. My point is this, by effectively implementing a measured and managed
environmental sustainability program that
includes behavior modification and
after-market technological enhancements, a
black car fleet could save 12 to 18 tons of
greenhouse gas emissions annually per vehicle.
And that would put the Towncar on par, or
better, from an environmental point of view,
than the Lexus 400 hybrid.

CHAIRMAN DAUS: Mr. Lipton, could
you kindly try to sum up.
PUBLIC SPEAKER: Yes.
So the key to emissions reduction is
not necessarily one that is based on MPGs.
The solution must be focused on a measured and
managed reduction program. And until such
time that vehicle manufacturers develop luxury
hybrid models, hybrid models that
significantly reduce emissions, that meet the
needs of black car operators, the focus of
emission reduction must be on the
implementation of a measured and managed
environmental sustainability program.

Thank you.

CHAIRMAN DAUS: Thank you, Mr.
Lipton.
Our first registered speaker has shown up. Kathy Wylde, President of the Partnership for New York City. Welcome.

PUBLIC SPEAKER: Thank you. Commissioner Daus, Commissioners, good morning. I am pleased to have the opportunity to testify on behalf of the Partnership which represents the city's largest employers and major users of black cars. Our members strongly support new regulations that would require the black car industry to transition to more fuel efficient vehicles.

Specifically, we encourage the TLC Board of Commissioners to pass regulations requiring licensed black car vehicles to meet the 25 miles per gallon performance standard 2009 and the 30 MPG standard by 2010. Individuals customers, no matter how large, are not in the position to dictate the use of fuel efficient vehicles by black car companies, but in surveying their employees they have found that it is their preference and request. This has got to be a matter of city regulation. Action by the TLC Board
Commissioners would reinforce customer preference for low emission vehicles and advance an important component of Mayor Bloomberg's sustainability program, which will greatly reduce the carbon footprint of our city.

We recognize that mandatory conversion of fleets may raise financial concerns for black car companies and owners, and although these more fuel-efficient vehicles will save drivers money over time, the higher initial cost in purchasing the vehicles are important to recognize. Our investment fund, which is a vehicle the Partnership is working together with some of the city's major financial institutions to develop a program that will, in fact, make the financing feasible and affordable. It will eliminate the hardship in the acquisition of fuel efficient vehicles. And we think this is a solution to one of the major concerns that has been raised.

The Partnership looks forward to working with the Board of Commissioners and the black car industry to help New York have
the first fuel-efficient black car fleet and
we thank you for the opportunity to work with
you on this project.

CHAIRMAN DAUS: Thank you. And
to working so closely with us. And
the investment fund, we met with them, and we
are very pleased with those financing options.

So if you can't get your financing at
the Toyota or Ford dealership or whatever,
then you will be able to choose on the market
from the credit union or the fund.

So thank you for offering those
resources on behalf of the employers
representing your passengers and customers as
well. Thank you.

The next speaker is Shaek Collede,
Charge and Ride. Could he be in the overflow
room?

No. Okay, we will defer that
speaker. The next speaker is Richard Castel
from the NRDC, Natural Resources Defense
Council. Mr. Castel?

PUBLIC SPEAKER: Good morning. My
name is Richard Castel, and I am senior
attorney and director for the Clean Fuel in
Vehicles Project at NRDC, the Natural Resources Defense Council.

NRDC has been a strong supporter of Plan NYC 2030 and we work closely with City Hall, of course, as it was developed. We strongly support the proposal to increase the fuel economy of the black car fleet as we did with the yellow cabs. Doing so will obviously cut fuel costs for drivers and operators, while also reducing the global warming impacts of the overall taxi industry.

From our perspective, reducing global warming impacts is the right lens to look at this program and the right lens to gauge its ultimate success. Through that lens we would like to suggest a way to make this strong program even stronger. As we have already heard, using miles per gallon as the sole performance indicator is an imperfect way to measure the actual real world global warming impacts and benefits of the program.

A more comprehensive approach would be to allow applicants to demonstrate the life cycle carbon or global warming benefits of their fleets. Because we know there are
up-stream impacts of all of these vehicles. There are carbon impacts or global warming impacts from manufacturing the vehicles, from producing, processing, refining, transporting the fuels, whether we are talking about gasoline, diesel, natural gas or others.

So for those reasons, we would like to propose that you add an alternative compliance mechanism to make this strong program even stronger. Our suggestion is this: Fleets would be able to choose to comply with the regulations either by demonstrating that they meet the MPG threshold or by demonstrating through a full life cycle analysis that they are providing global warming impacts that equivalent or better than would be provided with an MPG analysis.

With such an alternative compliance mechanism in place, a vehicle with low up-stream impacts could comply with the rule even if its MPG rating was below the 25 or 30 MPG or in the one case that was already used this morning, if there was no MPG rating at all.

Adding such a mechanism would place
New York a little bit closer towards the approach that is being used in California and which we have been suggesting for all of New York's fuel and vehicle programs. That approach is not an MPG approach or a bio fuels approach, it's low carbon approach. And it is a way to gauge whether or not these programs really work.

We don't think that adopting this alternative compliance mechanism would run afoul of federal preemption concerns that have been raised before. And that's why we suggested as an add-on rather than a replacement. It wouldn't be a requirement. It would merely be an alternative compliance mechanism that fleets could choose to use if they wish.

In sum, we strongly support your support program. We congratulate you on your vision towards cleaning up the emissions of the taxi fleets in all their colors, but we do urge you to adopt this alternative compliance mechanism to make the program stronger.

Thank you.

CHAIRMAN DAUS: Thanks for your
comments and for your support.

The next speaker is Mr. Todd Campbell
from Clean Energy.

PUBLIC SPEAKER: Good morning, Mr.
Chairman and members of the Commission. My
name is Todd Campbell. I am the director of
public policy for Clean Energy, and it is an
honor to follow Rich Castel. When I was with
NRDC about ten years ago, I was the west coast
component of the Dump Diesel campaign and it
was quite a campaign in that improved a lot of
people's lives out in California.

I am here today to ask for your
consideration of looking at an alternative
compliance mechanism. We certainly appreciate
the statements that the Chairman and the
Commission have made in terms of looking at
fuels beyond just gasoline. We also want to
applaud your efforts in terms of greening up
New York and reducing greenhouse gases in a
way that you feel comfortable.

We think that the alternative
mechanism would be actually an improvement
upon the plan or the proposal because you
mentioned gasoline inefficiency, and I think
you essentially want to have carbon efficiency as a goal, because that would also be in line with, for example, an efficient gasoline vehicle. The difference here is that when you use other alternative fuels that are lower in carbon, you essentially have vehicles, for example, that may go 20 miles per gallon, but actually are equal to a gasoline vehicle that goes 25 miles per gallon or greater. So that's why we are looking at the alternative compliance method and looking at a full life cycle when you are looking at fuels. We also think that this program is very important. As you bring in cleaner vehicles, lower carbon fuel vehicles and also greater efficient vehicles, because there will be a benefit in terms of benefit for other boroughs as well. We think there will be a transition of vehicles and this will be an improvement for the entire area. As you know, most of the black cars are frequently servicing Manhattan the most, but we think that there will be a tremendous benefit for all the boroughs.
Finally, I would like to say that with the consideration of an alternative mechanism, you are going to be providing the ability to create a low carbon fuel market, which is going to be extremely important to the future and also demonstrates, again, the leadership that New York has and the influence that New York has.

As you mentioned, you were hoping that the car industry would be able to come up to your challenge. We would also like to see energy companies come up to your challenge as the oil has hit $115 a barrel. Other kinds of fuels gas to liquids, coal to liquids, other types of high carbon fuels may enter the market, and what we are concerned about is if you don't incentivise low carbon fuels in addition to higher efficient vehicles, we may have higher carbon fuels entering into, for example, Prius or a hydroelectric platform, diminishing the ability for you to achieve the Mayor's goals and the city's goals in 2030.

With that, first of all, I want to applaud you for your leadership. Second, I want to thank you for allowing a pilot program
and also encourage you to consider an alternative mechanism to achieve your goals and ensure that they happen by the 2030 time line. Thank you.

CHAIRMAN DAUS: Thank you.

Next speaker is Mr. Mike Jackson from Tiax, Michael Jackson.

I don't see anybody so I will put a question mark here.

Ben Block from Eco nation.

PUBLIC SPEAKER: I would like to thank the Commission. Actually, it will be both of us but we will stick to the three minutes. James Caulkin and Ben Block is with me here.

CHAIRMAN DAUS: Okay.

PUBLIC SPEAKER: Did you both sign up separately?

PUBLIC SPEAKER: I think we were listed under my name, Ben Block.

CHAIRMAN DAUS: Okay, that's fine.

PUBLIC SPEAKER: Thank you. We traveled from California, and it is very interesting to hear all of the things about hybrid and the concerns.
Good morning honorable members of the Commission. My name is James Caulkin. I serve as a managing partner and Econation’s Chief Operating Officer. Econation is southern California’s premiere choice in luxury, Eco-friendly chauffeur transportation. We are quickly expanding to new domestic markets based on significant demand for luxury alternative fuels, including our executive L Towncar fueled by compressed natural gas. The Econation team is extremely proud to provide CNG hybrid and clean diesel fuel vehicles throughout its entire fleet and emphasize the continued pursuit and passion to provide the most sustainable vehicles on the road. A vehicle's fuel technology continues to be critical in the selection of Econation's fleet. And although our ultra low emission hybrid vehicles make up a significant segment of our fleet, we believe that hybrid technology is a temporary fix and share in Clean Energy’s long-term vision in moving towards a clean domestic natural gas solution. Because of this, we also ask that the Commission consider providing greater
flexibility to the livery industry and its affiliates. By adopting an emissions based approach pilot program, as you discussed before, as opposed to a miles per gallon approach, CNG technology could be incorporated into the proposed rules to meet and exceed the current city's climate change goals.

So Econation strongly recommends that the Commission consider CNG as a viable, long-term solution for the following reasons:

Utilization of CNG vehicle provides up to 30 percent reduction in harmful greenhouse gases compared to the conventional gasoline engine. Cleaner burning in CNG provides less wear and tear on vehicles, resulting in lower maintenance costs and longer vehicle lifespan.

And, finally, New York City would be a leader taking the first steps to reduce our nation's addiction and dependency for foreign oil.

I will turn it over to Ben.

PUBLIC SPEAKER: I just want to add to that a little bit. Again, thank you for your leadership here in New York. We are actually glad it hasn't been as fast paced in
California because it allows us to be more competitive.

My name is Ben Block, I am the managing partner and chief marketing officer for Econation. We work with a diverse list of customers in California, including everyone from major motion picture studios, Fortune 500 corporations and general consumers who just want a nice alternative method of getting from A to B.

As James mentioned, we use, successfully use hybrids in our fleet and will continue to do so, but we recognize definite challenges. Some of those have been mentioned a little bit here today, so I will go through them very quickly. But essentially many of those, including the ones that you are suggesting, are not generally supposed to make it to say the 300,000 mile mark, which is what many of the Towncars and long-term volume use vehicles today are supposed to do.

For this industry, even the manufacturers have told us that today even the hinges on the cars, a number of different aspects of the way they are manufactured are
not really meant for this long-term volume use. So this is just something I urge you to work with the manufacturers to make sure that they are going to last for the duration.

The other thing is, you know, as mentioned before, the likelihood of reaching $50,000 in savings from gasoline is heavily offset by having a much higher cost of having to replace vehicles earlier and more often. If that is the case that would be a huge increase in cost to the industry.

Also mentioned quickly, we have had a lot of customers who are trying to be green but really aren't willing to go and be in these hybrid vehicles, just because a lot of them aren't made for the many shapes and sizes of people, just like in the great State of New York. We have a number of clientele who have been offered a number of the same hybrids you are thinking about today, who have actually stayed away from using the service until we offered the CNG Towncars. And now they are very, very happy to go green.

COMM. GIANNOULIS: Can I ask you a quick question?
PUBLIC SPEAKER: Yes.

COMM. GIANNOULIS: Other than the Towncarts, are there other CNG vehicles that would fit into the luxury model. A gentleman earlier said there isn't any such vehicles; you keep talking about a Towncar.

Are there other ones?

PUBLIC SPEAKER: Absolutely. There are shuttle vans, shuttle buses, full size buses. There is actually available utility vehicles, and with a little bit of work, we can get the newer utility vehicles certified. So it really offers a great range of options for the livery and black car industry.

The other thing is if the infrastructure were in place today, all the current cars available out there on the road could be converted very quickly and efficiently. So it offers a very short-term way to fix the problem.

COMM. KAY: Now I am a bit confused. There is nothing in our rules that prevents anyone from using CNG to meet the MPG; is there?

CHAIRMAN DAUS: Not at all.
COMM. KAY: So we are not precluding CNG conversions at all in these rules?

PUBLIC SPEAKER: No. And you mentioned, we heard some new things today, you mentioned a pilot program. We are going to pursue that, but we would urge for others in the room who want to focus on CNG technology going forward to feel free to give us a call or check out Econation.com.

COMM. WEINSHALL: Can I just ask a question, Jeff. I think maybe we should have Peter come up and answer this.

If you remember, a number of years ago city fleet went over to CNG. Pete, do you remember what the issue was with that when the city fleet went over?

CHAIRMAN DAUS: Come up to the microphone, please.

MR. SCHENKMAN: Back in the mid '90s, New York City had almost 3,000 CNG vehicles. To date, there may be a hundred left. The maintenance was exorbitant. Vehicles were being turned in less than a year old. Trying to find a filling station in New York City, I think there are five or six.
Varying pressures results in a different fuel economy. And the taxi industry had quite a few also and there are 14 left.

CHAIRMAN DAUS: Much to the credit of the taxi fleets under former Chairman Lynn, they tried the experiment and it failed because there were not enough filling stations.

MR. SCHENKMAN: Right.

And CNG is a fossil fuel.

COMM. KAY: I understand. I just wanted to know is there still that option if -- I know a lot of people out here are interested in CNG and believe they have economic models that make sense. Whether it works or not, I hope it works. But we should allow it.

COMM. WEINSHALL: But we have been down that road before.

CHAIRMAN DAUS: And, technically, Peter, under the EPA standard there is equivalency and there is the capability now if a company makes a CNG vehicle, they can comply with our rules.

MR. SCHENKMAN: There is only one
factory manufactured CNG available in the United States and that is the Honda Civic NGV model, and that gets 24 miles, equivalent miles per gallon.

CHAIRMAN DAUS: But it is theoretically possible?

MR. SCHENKMAN: Yes.

CHAIRMAN DAUS: And I guess the other question is, and he is not the first person to raise this comment, in my preliminary statement, I tried to make it very, very clear that we have a process in our rules for pilot programs, and yesterday, today and tomorrow, you can basically put together a pilot program proposal and we will test these vehicles. That's how we get here today with the hybrids, quite frankly.

So I hope that answers questions I am sure we will have from other people who are going to testify. So let's get back on track. The next speaker is Mr. Neil Zeller from Limo Green Services.

PUBLIC SPEAKER: Good morning. I am Neil Zeller, President of Limo Green Services. I think the timing is appropriate here because
we are very focused on developing natural gas solutions for executive transportation. I think I will respond to some of the comments that were just made.

The technology has improved. The manufacturing, the servicing of these vehicles has advanced significantly since they were first on the road in the early '90s and late '80s, as just mentioned. The operation of these vehicles we have had on the road for a good part of the past year has been very successful. We have done our own pilot program with several operators and they are performing very well.

Clean Energy is here, and they are working on expanding and improving the infrastructure.

CHAIRMAN DAUS: I'm sorry, what type of vehicle was that?

PUBLIC SPEAKER: This is the Lincoln Towncar converted to run on natural gas.

In addition, a big part of our effort has been speaking with and meeting with the end user community. The corporations, law firms, media companies, transportation
businesses. This is a very attractive, very popular solution because it enables them to continue to provide the kind of vehicle, the kind of service, the image, the comfort, safety, style, et cetera, that is really in the most demand, and, yet, still meet very favorable environmental standards.

So we are very supportive of the rules being promoted. We think that this solution can be very successful. We are standing by to make this work. Our mission is to make this viable for the operators and for the end users by making the investments in the systems and service to run the vehicle.

So we would just like to say that we are pleased to hear that you are open to alternative technologies and to the pilots, and we stand by in helping to make natural gas a strong part of the environmental solution in New York.

Thank you.

CHAIRMAN DAUS: Thank you.

Ed Ragopia.

PUBLIC SPEAKER: Good morning

Commissioner Daus and the rest of the Board.
Thank you for this opportunity. For those of you who don't know me, I am a second generation supplier, financier and servicer of the livery industry, also operate our own livery fleet. We have done doing this for almost 40 years.

I was very happy to hear in your opening statements that you will be allowing for some of these pilot programs, especially compressed natural gas, which I think is a very viable opportunity to keep the Lincoln Towncar in the fleet and keep it environmentally friendly. Probably more environmentally friendly than the hybrids that are currently options.

Although we do sell and service and finance hybrids currently, they are not designed to do this. Nobody can tell me what a 400,000 mile or 500,000 mile Prius performs like or what it is worth or what market it can go into. So until we know that, an adage that my mom taught me as a child is, "Haste makes waste." I think we are going to wind up with a lot of hybrids that are going to be useless in a very short period of time with absolutely
no resale value, and independent owner operator drivers stuck with these cars and nothing to do with them.

They are used to driving Towncars that are an asset after they use them and they have the ability to use them as money down for their next vehicle. And they understand how they are going to operate and how long they can operate them for.

Hybrids, for the most part, even the Mariner that has a livery package, are not designed to run 75 to 110,000 miles a year. They are not designed for the comfort. They don't have the image that the classic car that we are used to running in that market has. And I hate to see a situation like the gentleman from Partners said earlier where you have to send three hybrids to the airport to pick somebody up and their luggage. What did you save?

You are definitely going to burn more gas. You are definitely going to have more greenhouse gas effects. You are not going to achieve what this Board is looking to achieve. I am looking to achieve it as well.
I am here to work with all of you. I am not against any of it. The concept is there, but I want to make sure we that are really going to achieve what we set out to achieve, and I don't know that these vehicles being used for livery use are really going to do that.

We did a test with a company called Green City Limousines, who also owns Red Oak. They run Towncars in Red Oak and they ran a Toyota Highlander, all hybrids. And all the hybrids got much worse gas mileage than the Towncars. They had a much worse service record. There was no place to service them at night, which is when you need them, especially when the owner operators are doing line work and what not, you can get a Towncar fixed 24/7 in the tri-state area. You can't get any kind of hybrid fixed 24/7, nor does anybody have the parts.

So those cars have a lot more down time, they are a lot more expensive. And the majority of them won't have a 36,000 mile warranty, which isn't even going to cover you for the first half of the year that they will
be operating the car. So the out-of-pocket expenses for the owner operators are going to be much higher, never mind that the vehicle is much more expensive to start with.

And so, they are financing them longer, they will be operating them less and it will be upside down with no way to get out of them. Most of the owner operators are going to be affected by this, not the big fleets. They are the owns who actually own the cars and have to worry about disposing of the vehicles and operating them on their own dime.

So I just want us all to go into this with our eyes open and talk and maybe not push for everyone to get into this so quickly before we know what the long-term effects are.

CHAIRMAN DAUS: Understood. Thank you for your testimony.

We have many, many speakers, so, again, we would greatly appreciate, if you are from the same entity, if you could consolidate your time and if you can make your points in less than three minutes. And I will ask the Commissioners if we can save our questions for
the end because we actually may start losing Commissioners if we go too long and we would like everybody to be heard.

The next two speakers -- I am also going to announce the next speaker so they can be ready -- John Sansone and James Faust, both from US Limousines Services, are you here? Are you able to combine your testimony?

PUBLIC SPEAKER: Yes.

CHAIRMAN DAUS: Great. We would appreciate that. And the next speaker after both of you will be Victor Dizengoff.

PUBLIC SPEAKER: Thank you. I am John Sansone, I am the manager of U.S. Limousines Service. We operate Towncars throughout the metropolitan area as well as sedans within the City of New York.

About two years ago we made a decision to become -- to evaluate environmental alternatives. When you start taking a look at what was available in the marketplace, and, candidly, domestically the only thing available was the Mercury Mariner or the Toyota Prius.
About six months ago we teamed with Limo Green and are operating the first two, now three CNG Towncars in the metropolitan area. The Towncars meet our clients' expectations. Our client is the corporate owner, American Express, Cablevision, Madison Square Garden, Radio City Music Hall, who are doing multiple transfers within the City of New York.

The car itself is efficient, it's clean, it produce less greenhouse emissions. It is a tremendous vehicle and has been well received by our clientele. The only hindrance we do have is the number of filling stations within the city. We are working with a company called Clean Energy. If operated efficiently, this car can operate within the city, transfer out to Laguardia, be filled up at Laguardia, come back. There is also another filling station at 14th Street.

But it does create a viable alternative that meets the clients' expectations. Dissimilar to other hybrid vehicles which are available on the road. Also I think they are considerably safer than
Jim is my driver trainee manager. Jim will attest he is the individual who trains our drivers to become familiar with these vehicles, the fueling procedures, et cetera. And Jim has been driving these vehicles for about six months now, so I will let Jim comment as well.

PUBLIC SPEAKER: I think there is no difference in the car except the car I have been driving, I am getting 22 to a gallon right now. I have no trouble with ADs. I have no trouble with luggage because of the tank storage in the trunk. I haven't had trouble since I have been driving it.

The car, people love it. I can park in their driveway, keep the garage door open. There is no smell, no exhaust fumes. It is like mist coming out of it. You can actually breathe it if you stand in back of it. I have no complaints from any of the clientele.

PUBLIC SPEAKER: So in summary, we do ask the Commission to evaluate alternate fuel vehicles outside the limits of the MPG and consider the Towncar, which is the
traditional utilized within the livery industry.

CHAIRMAN DAUS: We will.

COMM. KAY: Just one question quickly. The rules before us are for black cars. Do you run a livery service, a black car service or a luxury service?

PUBLIC SPEAKER: We are luxury livery service, however, we operate 48 Towncars TLC licensed city-to-city transfers within the city.

COMM. KAY: But this doesn't apply to your cars?

PUBLIC SPEAKER: It doesn't apply to us. However, we have been utilized as a pilot. We're the first company purchasing these vehicles and they can be easily purchased by black car services.

CHAIRMAN DAUS: We encourage you to look at our pilot program rules and submit a pilot.

PUBLIC SPEAKER: I will. Thank you, Commissioner.

CHAIRMAN DAUS: Thank you.

Next speaker Victor Dizengoff from
the New York Black Car Operators Injury Compensation Fund. And the next speaker after Victor is Berge Artunean.

PUBLIC SPEAKER: Good morning, Chairman Daus and Commissioners.

Before I begin, just let me thank you personally, Chairman Daus, and the Mayor's Office, for sitting down with us and going over the issues that the industry has had, and addressing them as you have in this document.

Let me say my name is Victor Dizengoff. I am the executive director of the Black Car Assistance Corporation, the trade association of the black car industry. BCAC represents in excess of 40 companies which have approximately 10,000 affiliated vehicles. To the extent that we represent the companies, we are also very much concerned with the driver issues.

The black car industry has since its inception, and continues to be, an industry regulated by the New York City Taxi and Limousine Commission. Our primary concern, in addition to the quality of service we provide our clients, has always been and continues to
be their safety, the safety of our drivers and
the safety of all the citizens of New York,
its visitors and commuters.

The Board of Directors of the BCAC,
having met in session, unanimously agreed that
the passage 6-099 and 6-10 would enhance the
black car industry, while at the same time,
having the industry adhere to promoting a
clean environment. BCAC continuing and
overriding concern is that the 2009
implementation of the program be feasible in
light of the very few available vehicles that
currently comply with the TLC's proposed rules
and which offer our members, customers and the
comfort, convenience and safety they are
accustomed to.

While the board of directors of the
BCAC does speak for its association members,
it does also recognize the right of each of
its member to express its own opinion on
issues. Today you will hear from some of
those members, or you already have heard from
one of our members who will convey to you
their concerns regarding the proposed
regulation.
I stand before you today as the executive director of the BCAC to thank the TLC and the Mayor's Office for listening to us regarding some critical concerns we had with respect to the proposed rules and for understanding our need to have a level playing field throughout our industry.

In closing, let me add that the black car industry has, and always will be, an advocate for regulations that enhance our industry and improve the quality of life of the drivers and its members, corporate clients.

Thank you very much for allowing me the time to testify on behalf of the BCAC. If there are any questions, I am more than glad to answer them.

CHAIRMAN DAUS: Thank you very much. We appreciate your work, Victor.

The next speaker is Berge Artunean, and the speaker after Berge will be Mr. George Potter.

PUBLIC SPEAKER: Good morning, Commissioner.

I chair two committees in our industry, the BCAC and the Black Car Fund. I
am also the president of Vital Transportation in Long Island City. We represent over ten thousand cars. We commend you for what you have done, and I was at the press conference last month when the Mayor spoke very eloquently. He is concerned about our grandchildren about the air pollution. We are all concerned too. We are working very closely with our clients. They all want us to go green and we support that.

We are all taking action, we are all taking steps to go green. There is a number of issues I am concerned about, the availability of the cars, the hybrids. There is two major dealers out there. One is Hudson. I personally contacted Hudson, they don't have the cars. I'm sorry, they don't have the cars. And you cannot -- these are cars where you cannot just go to any Toyota dealer. If you go to a regular Toyota dealer, these hybrids come with beige carpets, which, you know, it is not going to last.

So I am concerned about availability of the cars. I am also concerned some of the black car operators, because the Camrys or
Altima is small, they all took steps and pressured their drivers to get the Highlanders. Now, the Highlanders are nice, they are roomy, but the Highlanders are going to be off the road in about a year and a few months if the TLC gets its way. We are concerned about that too.

I am hoping we get more time, an extension perhaps. Maybe we could get more cars available, if possible. Some of us, I know at Vital Transportation we use Avalons. We have been using the Avalons for the last two years. They don't give you 25 miles per gallon, but they do give you 22, low emission, very roomy. I spoke to the Commissioner about this, the customers love it. I don't know if you would consider that.

And I am mostly concerned on the liveries, in fact, the Mayor said he is concerned about the air quality. Well, we have 10,000 cars in our industry; you have 40,000 liveries out there. They are constantly, just like the yellows, they pick up off the street. They do ten times more work than we do and we need a time line of
what we are doing to with them.  

   About a year and a half ago you  
passed a rule with the yellows.  About two  
years later you are going to do this with the  
black cars.  I would like to see in two years  
from now we go ahead a we do something with  
liveries, because if you are thinking that our  
cars, the hybrids, are going to get older and  
they are going to go towards the liveries, I  
am not so sure if these hybrids are going to  
last.  Are they going to make for the  
liveries?  

That's all I have to say, thank you  
very much.

CHAIRMAN DAUS:   Thank you.  Thank  
for working with us.

George F. Potter, and the next  
speaker after Mr. Potter is Susan Scattergood  
from Fried, Frank.

You are Mr. Potter?  You changed your  
name?

PUBLIC SPEAKER:   George Fasaicas  
Potter.

CHAIRMAN DAUS:   Okay, I don't know  
that.  Sorry.
Mr. Chairman, distinguished Board members. My name is George Pasaicas Potter, I am the president of Skyline Credit Ride, Inc. My fleet operates with 610 Towncars. Obviously, we are all New Yorkers, we love New York and we try to do whatever we can to clean up the city. And we are very much for the lowering of the greenhouse gas effect, and Skyline actually had a lot of meetings with people that they spoke in front of before me and offering conversions.

But my problem here, Mr. Chairman, is that when they visit me at my office and they offered conversion, these conversions would cost $15,000 and they would not guarantee the 25 miles per gallon. They were talking about probably 20, 22 miles per gallon.

CHAIRMAN DAUS: You are talking about CNG conversions?

PUBLIC SPEAKER: Yes.

The other issue, like Berge spoke before me, that we actually thought about to get the Toyota Avalon, but that's also in the best case gives us 20 to 23 miles per gallon,
so that would not comply with the Commission's requirements.

And these are issues that I am sure that all the operators, that they are doing the same business as my company does, that if we could actually have a little flexibility on that, we would be in a much better position to comply if there could be two or three miles leeway for us. That would really solve our problem, because we would love to get the Avalons and Avalons, like I said, is only probably going to give 22 miles per gallon.

And the other issue, Mr. Chairman, you mentioned that you took steps to protect us, and all the Tier 1 licensees, they are following the same guidelines as if they were New York City operators. And this is a great thing, but what about the ones that have Tier 2 licenses and they are not? Right?

CHAIRMAN DAUS: We actually have eliminated Tier 2s. They are gone.

PUBLIC SPEAKER: I see. But the operators that they have the reciprocity with us.

CHAIRMAN DAUS: They are all going
to have to comply.

PUBLIC SPEAKER: They all have to?

CHAIRMAN DAUS: Absolutely.

PUBLIC SPEAKER: My concern was that they could come in with a nice Lincoln Towncar and take the work away from us, because like Skyline operators, we have probably 20, 25 percent airport work.

CHAIRMAN DAUS: They could.

PUBLIC SPEAKER: Yes, but you know what it is, we have a lot of media. A guy comes from ABC television with two cameras and two other guys and they want to get into a car, they have to go to the airport. They are not going to be able to fit into a little Toyota Prius that is available today, Mr. Chairman. These are the concerns.

And I would just like to ask the Commission, if that would be possible, to give us at least a two-year extension before the rule would take into an effect. And that would really help us. And, like I said, as a black car operator, as a member of the BCAC, we want to comply but we would like to have a
little bit of flexibility, if possible.
You, Mr. Fasaicas. We will take that into
consideration.
Don't feel that we are not going to
be answering your questions. We need to move
the hearing, so at the end of all the
testimony we will be having a debate and if I
have to call my staff up to answer the
questions and respond, we will. I am not
going to be interrupting or encouraging
questions because we need to move it because
people have places to go.
PUBLIC SPEAKER: Thank you, Mr.
Chairman.
CHAIRMAN DAUS: You are very welcome.
Susan Scattergood from Fried, Frank,
and the next speaker after Ms. Scattergood is
Eddie Bergis from Environmental Defense.
PUBLIC SPEAKER: Good morning,
Commissioners. My name is Susan Scattergood.
I am the director of operations at Fried,
Frank law firm, which is a large downtown law
firm in this neighborhood. And as such, we
are part of a black car group. Under my
umbrella falls the ground transportation.

And we have been meeting with TLC and representatives from the Mayor's office for quite some time now and helping to discuss and develop what would be acceptable alternatives for firms and companies such as ours. We are incorporating generally throughout our green initiatives, which I think most conscientious firms are.

We wanted to just weigh in today to say that we support the green black car fleets and the development of cleaner vehicles for use within our city. We are actively preparing to incorporate the cars onto our line, which we run every evening for service throughout our firm. We look forward to seeing additional cars come into the industry that will accommodate all of the users. We do think that the Toyota Camry and Highlander and also the Lexus are acceptable vehicles for the majority of our riders.

We have been developing a program in-house to really actively gain the support of the people within our firm to continue to support and use the vehicles. And I would
like to say as well that we have been looking at ways in which we can further the clean air initiatives for our firm in many other situations.

In conclusion, I just want to say that we do support the continued programs for cars that will give us cleaner emissions, a cleaner city, but also continue to provide comfort and the kind of ride that our riders need in doing their business throughout the city. So I thank you for giving me a few moments to speak.

CHAIRMAN DAUS: Thank you very much. The next speaker Eddie Bergis from Environmental Defense. And after Mr. Bergis, John Asserno from Executive Charge.

PUBLIC SPEAKER: Good morning. My name is Eddie Bergis from Environmental Defense Fund. Thank you for the opportunity to testify today.

First, I just want to applaud the TLC for passing the standards on taxis last year. And I also want to thank you for following through with our request from the environmental community to extend the
standards to black cars. And although the
taxi standards are in place, these problems
still remain that we are trying to address,
the global warming crisis still has many cause
for New York City and health crisis has many
familiar problems. Higher asthma rates than
anywhere in the country; heart disease; lung
cancer. And in recent months, new studies
have shown that vehicle pollution is also tied
to lower IQ levels in children and prenatal
birth complications as well.

These crises exist and there are two
major ways we can tackle these issues. One
would be to drive less, but that would, of
course, put black car business out of
business, or we can switch to cleaner cars.
And the technology does exist to do this. We
have cars that can get double the mileage that
the Lincoln Towncar gets.

And history has shown, with our long
experience in the automobile industry, that
the most effective way to push the market
towards cleaner technology is to set standards
in place like the ones being proposed today.
And it make sense, not to just choose one
technology, but to set the standard and let
the market decide what the most effective way
to achieve that is. Why should we lock
ourselves in?

We also want to reminds the TLC that
the problem is not over yet. And we are still
going to have these issues, even after these
black car standards are adopted. So we want
to continue to work with the TLC to continue
to improve the other fleets, we are happy to
here that you are considering working on the
livery cars as well, and to continue to work
with the TLC to continue to update the
standards in the future to match the new
developments and technology as they come
on-line and achieve cars that are
environmentally friendly and safe sad
accessible as well.

Thank you.

CHAIRMAN DAUS: Thank you.

Mr. John Asserno, and then Mr. John
Gresham from the New York Lawyers for Public
Interest following Mr. Asserno.

PUBLIC SPEAKER: Good morning.

Thank you, Chairman Daus, Commissioners.
My name is John Asserno, I am the President of the Executive Transportation Group. We operate a number of black car companies with over 1,800 affiliate operators.

Just to comment on how dynamic the situation is, many of the comments and concerns that I had when preparing my comments have been addressed by the Commission as recently as this morning, and I think it is a testament to the continuing dialogue that the Commission has with our industry and the concern that it shows for our industry. And I appreciate that and I want to thank you.

As you probably have heard and will hear this morning, there are really three major issues that is you have, to a large extent, addressed. One is the fair playing field issue that we have, and that, really, that issue is really based on the fact that we don't have three separate, distinct industries; it is more of a continuum.

We have the livery industry which slides into the black car industry; and the black car industry slides into the limousine
industry. And there are livery companies that do black car work; there are black car companies that do limo work; there are limo companies that do black car work. And what we ask for and what we are hearing is that the Commission is concerned that those sectors, or our sector, will not competitively disadvantaged by the implementation schedule of the rules.

As far as the limousine sector is concerned, we understand the argument and we hear it. We understand also that the livery sector is more complicated. And that issue, livery versus black car, needs to be addressed. And we are confident that prior to the implementation of the rules, that they will be addressed.

I just want to comment that we are currently running 150 hybrid cars. We operate and are partners in the Ozo Car Project, which has been operating Priuses and Lexuses for two years now with great success.

Upon the Mayor's announcement several weeks ago, we decided to allow our drivers and owner operators to be able to purchase hybrid
vehicles. From the moment of announcement to current, we have 50 new drivers who are operating. Most of them comment to us that they are achieving somewhere in the range of $110 to $150 per week in savings, which I think is a great testament to the project.

So, in conclusion, I just want to say that the three main issues that are being addressed are things that really should be completed and finalized, prior to the implementation.

The one other thing that needs to be addressed is the 25 to 30 miles per gallon step up. We have plenty of time to address and deal with that issue, but there really are only one or two vehicles that can comply with the additional step up at this point and the Commission needs to be cognizant that prior to that step up there needs to be more available vehicles.

But, again, I appreciate the input and the feedback the Commission has given back to the industry, and we are whole heartedly in support of this regulation.

Thank you.
CHAIRMAN DAUS: Thank you. We appreciate all your hard work. You have been working and have been supportive of a lot of different things that we have been doing also on the Accessible Dispatch Project. So thank you and congratulations.

The next speaker is John Gresham, and then the next speaker is Dr. John E. Fink after Mr. Gresham. Good morning.

PUBLIC SPEAKER: Good morning. Thank you. John Gresham, New York Lawyers for the Public Interest. I am here to speak on behalf of Disabled in Action, which one of the groups that comprises the Taxis for All campaign.

DIA is delighted you are doing this. We are all for green taxis, green black cars. Everybody breathes, terrific idea. Our point at this morning's hearing is expressed in signs that some people have taped to their wheelchairs: We like green cabs, we would love if we could ride in them.

Now, this morning we have heard the discussion of the available vehicles. The objections being raised is that there are no vehicles suitable. Durability, cost, down
time. We have heard all of those objections raised with respect to moving to accessible taxicabs.

Mr. Daus, this morning you responded to this in anticipation of what people would say and I wrote down what you said, which was that you are confident there will be vehicles available. And I think that's exactly the right position. That's exactly what you should say as well with respect to accessible vehicles, if the city mandates it, it will happen. The industry will deliver. The auto industry will deliver.

We are pleased that the TLC has released its RFI on the iconic taxi, which is to be mandated to meet the Mayor’s mileage goals, and less definitely, says the taxi should also be accessible. We are concerned that it is less definite on that point.

We also would like to point out that there is a lot of expertise in TFAC which you could use in moving forward on the iconic taxi. And we would again like to offer it. We mailed a letter, you will get it in due course of post, but I wanted to hand it up to
you and the other Commissioners, pointing out
some things that we would have liked to have
been able to contribute so far, we would like
to be able to contribute in the future.

CHAIRMAN DAUS: Thank you.
The next speaker is Dr. John Fink,
and after Dr. Fink with be either Peggy
Shepard or Stephanie Tyree from We Act for
Environmental Justice.

CHAIRMAN DAUS: Dr. Fink, are you
here? He is gone.
Okay, either Ms. Shepard or Ms. Tyree
from We Act?
(No response.)

CHAIRMAN DAUS: Okay, Michael
Sielbak from the American Lung Association, if
I am pronouncing your name correctly. And
after Mr. Sielbak, Josh Nachowitz from the New
York League of Conservation Voters.

PUBLIC SPEAKER: Good morning. My
name is Michael Sielbak, Senior Director of
Public Policy and Advocacy for the American
Lung Association of the City of New York.
On behalf of the organization, I am
pleased to provide the following testimony in
strong support of your efforts to increase miles per gallon standards for New York's black car fleet.

As envisioned in Mayor Bloomberg's Plan NYC 2030 sustainability plan, increasing MPG standards for black cars will immediately decrease emissions which exacerbate conditions for individuals with lung disease. Increased MPG standards combined with the use of the west clean technologies will have a positive lasting impact on the air we all breathe.

For far too long it has been a common occurrence to see a line of black cars idling in front of corporate office buildings across our city. While we continue to call on the enforcement of all applicable idling laws, this proposed rule will also help to alleviate the pollutants emitted by moving New York's black car fleet towards hybrid engines, which are far less polluting when running at low speeds or sitting idle.

The more than eight million residents of New York City are exposed to some of the dirtiest air in the nation. Year after year our annual state of the air report shows that
the outdoor air quality in the five boroughs is toxic. Mobile source emissions, including the black car fleet, are a major contributor, especially to the high ozone levels that we see in all five boroughs.

Ozone has been shown to trigger asthma attacks in those who have the disease and can damage the structure and function of a child's lung which can lead to diminished lung capacity. The reality is that our lungs simply weren't made to breathe the levels of pollution New Yorkers are forced to inhale every day.

At the American Lung Association of the City of New York, we are at the front lines of its impact. The Association works on behalf of more than two million residents who struggle with diseases like emphysema, chronic obstructive pulmonary disease and asthma. Here in New York one million residents have asthma, 320,000 of them are children. That's who we are working for.

By increasing MPG standards, in conjunction with using hybrid electric vehicles, the emissions from passenger
vehicles can be greatly reduced. Greater fuel
efficiency means fewer fuel vapors, which
directly translates into less ozone and
cleaner air to breathe. Again, we are very
happy to be here and support these rules to
clean up the 10,000 vehicles in the black car
fleet so that we can all breathe easier.

Thank you.

CHAIRMAN DAUS: Thank you and thank
you for the great work that your organization
does.

Mr. Josh Nachowitz and then Mr. Jack
Hittery from the Hittery Foundation.

PUBLIC SPEAKER: Good morning,
ladies and gentlemen. My name is Josh
Nachowitz, I am the State Policy Director for
the New York League of Conservation Voters.
It is a pleasure to be here this morning to
speak in favor of TLC's proposed rule that
would make New York City's black car fleet
green over the next couple of years.
The NYLCV has long supported efforts
to improve fuel efficiency of the city's
taxicabs and we welcome the TLC's bold and
aggressive stance on this issue. New York
City has some 10,000 black cars. A large fleet of vehicles responsible for a significant amount of pollution that clogs our air and the greenhouse gasses that are causing climate change.

Black cars account for 17 percent of emissions generated by TLC vehicles. 95 percent of these vehicles are large and inefficient Lincoln Towncars. These cars have an in-city gas mileage of 15 MPG, which is comparable to many SUVs. Their poor efficiency is compounded by the reality of New York City driving.

Hybrid electric vehicles have been marketed commercially with tremendous success throughout the United States for several years. These vehicles have been operated as taxicabs successfully in New York City for the past two years. New technology advances have enabled larger vehicles to be equipped with hydro electric power systems, further enhancing the viability of this technology for taxi and FH vehicles.

The LCV strongly supports the proposed rule. We applaud the use of reduced
gas mileage as a benchmark for improved
efficiency and cleanliness of the fleet. This
provision will provide adequate flexibility
for base station owners to purchase more
efficient vehicles that will also meet the
demanding needs of this industry.

By adopting this rule, which is a
companion to similar regulations affecting
taxicabs adopted last year, the TLC is taking
a critical step toward greening New York City.
However, it is also crucial that TLC develop a
program to assist the 20,000 livery cars that
operate throughout the city convert to green
technology. This fleet, which is both larger
and older than the yellow cab and black car
fleets, is also a significant contributor
carbon emissions and is responsible for
roughly 39 percent of emissions from TLC
vehicles.

The livery industry faces unique
challenges and we strongly urge the
Commission, after hopefully adopting this
rule, to take action to develop a program to
address needs of the livery vehicles and
assist those owners in converting their fleets
to green technologies. We applaud the TLC's groundbreaking proposal and we urge you to adopt this rule.

Thank you.

CHAIRMAN DAUS: Thank you for your support.

Jack Hittery, and then Ms. Anne Davis from the Taxis For All campaign.

PUBLIC SPEAKER: Good morning, Chairman. How are you? Good to be here.

My name is Jack Hittery, I serve as chairman of Smarttransportation.org. In 2005 we had the honor and privilege of courting the efforts of many business leaders and organizations in here the city advocating the program for yellow cab hybrids. As Commissioner noted, it has been a great success and it is great to have a lot of the partners here, the Sierra Club, NRDC, LCV of New York, and the American Lung Association here on this issue today.

Rather than read my prepared remarks that you already have, I will just address a number of concerns that people have and some misconceptions that I think people have about
First, I personally met with a number of the key investment banks and law firms in the city. Every single one of them is in support of using these new cars as black cars. Every single one of them is willing to not use Towncars and use new kinds of vehicles, hybrids or otherwise, for the cleaner New York, both healthier and less greenhouse gas emissions.

Second, there are some misconceptions about hybrids. Hybrids not only about reducing greenhouse gas emissions. As we know, a lot of the black cars today idle in front of the client's headquarters, so if you in front of the headquarters of the investment banks, the law firms, you see a tremendous amount of idling. The fact is this goes way beyond the 12 percent figure that was mentioned earlier.

It might 12 percent idling in traffic, but the amount of idling hours per day is significant. One of the key advantages of hybrid vehicles is that they go into battery mode when they are idling. That is,
even if you had an efficient fuel-based vehicle, it is not going to go into a battery mode if it's not a hybrid. So there are key advantages to hybrids, particularly in the city.

Hybrids get better mileage in the city than on the highway. They do better in start and stop traffic because the recuperate the energy from the braking. So hybrids have key advantages.

Now, the beauty of the proposal from the Commission is that it does not choose technologies. It does not pick a winner. It just says that you have to meet the 25/30 MPG rule. If you want to meet that with a CNG vehicle, if you want to meet that with other kinds of air compression, antigravity vehicles, whatever you have, that is great.

But the fact is the hybrids today are acceptable to the law firms, are acceptable to the investment banks, are acceptable to the major -- and, hopefully, I hope that ETG can actually add to its fleet. Whenever I call over there, there is never a hybrid available because they are so. So, hopefully, you can
add some more there.

Second, in terms of the concerns about livery. I share that concern. It is a valid concern. I think we all have to work, and we have been meeting with a number of different parties to advance the financing portion of the livery issue, which is obviously a key issue.

In terms of the Towncars and CNG, just one other note. I met with Ford personally one several occasions in Detroit. The fact is Ford announced two years ago they were going to discontinue the Towncar. They then rescinded that indication and announced that they were going to disassemble the plant, which they did. The Towncar plant has been disassembled from Detroit, moved to Canada, and they are only producing 4,000 cars per peer. As a businessman, I would advise my fellow business persons here, that if you want to invest in fleets of cars, you may not want to invest in cars that are going to be discontinued.

In terms of CNG, we were burned here in the city a number of years ago by CNG.
Keyspan indicated they were going to invest and build over 20 filling stations. They did not do so. Again, nothing wrong with CNG. If people want to use CNG, they should. But be aware of the investment implications of CNG versus other vehicles out there.

Finally, I think this plan addresses a number of the keys concerns. I think that other concerns could be addressed in future type plans in terms of livery and others. And I support, and we support, this plan.

Thank you very much for your time.

CHAIRMAN DAUS: Thank you for those points and also for your support. You have been working with us for several years and we are greatly looking forward to piloting an antigravity vehicle. That should help with traffic in the city tremendously.

The next speaker is Ms. Anne Davis from Taxis For All. And after Ms. Davis, Ron Golmey from National Grid.

PUBLIC SPEAKER: My name is Anne Davis, I am Chair of the Taxis For All campaign, and I speak on behalf of the New York City Chapter of the National Multiple
The mission of Taxis For All is well-known to the Commission as members of our group have testified here on numerous occasions. As you are aware, our campaign is focused primarily on increasing the number of wheelchair accessible yellow cabs. As a resident of Manhattan, that would be my first priority, but it is by no means my or our sole interest.

We are as concerned about the accessibility of other for-hire vehicles, black cars and livery vehicles, and we certainly support greener, less polluting vehicles. Who wouldn't? But we wonder why the city would mandate this innovation and reject another.

Black cars are used mostly by businesses. If we wish to see more disabled people in the workforce, which we do, and at higher levels, we need to ensure that this transportation option is open to them. They deserve to be able to travel with the same facility as their more able bodied colleagues in the office, so if you are going to impose
new regulations on black cars, now is the time to enact reasonable requirements for incorporating wheelchair accessible vehicles into the fleets. The previous speakers who were talking about natural gas have certainly opened up the options that you can meet your goal and ours.

Second, as smart people, you should be able to figure out a way to enable or require livery bases to have some wheelchair accessible vehicles on call. Over 73 percent of the members of the New York City chapter of the M.S. Society live in the outer boroughs, where there transportation options are even more limited than those of Manhattan-based members.

Third, I am sure that you are probably aware of the hazards that quiet hybrid vehicles impose for those who are vision impaired or legally blind, and other pedestrians as noted in the Daily News on Monday. Some warning system should be incorporated into your regulations.

In closing, I would like to add that as a scooter user, I am very pleased that you
are going to approve the Sienna. Being able
to drive straight into a taxi is a big
advantage for someone like me. I only hope we
will soon have many, many yellow, black and
green vehicles that will provide easy access
for riders like me.

    Thank you.

    MR. FRASER: Thank you, Ms. Davis.
    Ron Golmey, and the next speaker will
    be Arkady Shaman.

    PUBLIC SPEAKER: Good morning, Mr.
    Chairman and honorable members of the
    Commission. My name is Ron Golmey and I am
    the Natural Gas Vehicle Program manager for
    National Grid, formerly Keyspan, and formerly
    the Brooklyn Union Gas Company.
    National Grid is the largest gas and
electric energy company in the northeast and
we are the leader in the in natural gas
vehicle industry. As the Brooklyn Union Gas
Company, we built the market in the fueling
infrastructure for natural gas vehicles. Our
company is committed to improving the
environment, carbon reduction, and sustaining
the utilization of clean-burning natural gas
vehicles. We applaud the efforts of the Commission to improve greenhouse gas emissions and reduce the carbon footprint in New York City and we stand ready to assist in this initiative.

Today I ask that the policy being set, the miles per gallon requirement for black cars, be done in a way that the natural gas choice remains, such as, as you have heard, the life cycle cost analysis or a wells to wheels analysis. Allowing for a diverse portfolio of choices for the city's carbon reduction goals will enhance the city's ability and chances for success.

I would like to divert a second from my prepared remarks and comment on a few things that I have heard throughout the morning. You know, I work closely with Peter in the Commission and several of the agencies in New York City, and, yes, back in the '90s we had older technology, we had open loop systems, we had conversions, and, yes, maybe we got up to 3,000. And today the technology is state of the art with all of the computer controls and the interfaces and the OBD-2 and
the work that is done by the up-fitters, as well as the manufacturers, to produce safe, reliable, effective, clean-burning systems and vehicles.

I have been working very closely with New York City Sanitation, who has an order that they will be receiving 12 new CNG garbage trucks. And once we prove that those trucks work effectively, efficiently and reliably, there will be a program of expansion.

The infrastructure comment that I just heard, all I can say to you is, I don't know where the number 20 came from. The Brooklyn Union Gas Company operates in Brooklyn, Queens and Staten Island. We have an infrastructure available. We work very closely with all the trade allies, such as Clean Energy, who has committed a lot of money -- I won't use a number -- to infrastructure as long as we have the demand. And the infrastructure issue is an issue of the past.

I would like to provide one more set of comments that has not been discussed at all yet, and perhaps the Commission is unaware of
how the EPA sets their miles per gallon requirements. The EPA requires every vehicle be tested and certified for fuel efficiency. These certifications could be used to fairly compare the relatively efficiencies of gasoline vehicles. 

MR. FRASER: Mr. Golmey, I have to ask you to sum up, if you could 

PUBLIC SPEAKER: Okay. The EPA uses endoline when they set their MPGs, and endoline has a higher BTU content than gasoline, and certainly has a higher BTU content than gasoline blended with E-10. As a result, the vehicles operating here in our territory with E-10 get four percent less miles per gallon than the rating the EPA provides. I would offer that to the Commission to look into. Thank you.  

CHAIRMAN DAUS: Thank you. Arkady Shaman from Gold Seal Car and Limo, and then Ms. Edith Prentis. 

PUBLIC SPEAKER: Thank you for allowing me to speak up. I am not quite
prepared, but I know what I will say from my feelings.

I have been a driver in New York City from 1993 and rose to the management and own the company. Something was missing during this meeting and I will explain. The black car is well-known industry in New York City. However, somebody admitted, this is unique industry nationwide. And that's all recognized.

We are working very closely with our vendors all around the New York City and outside, and outside of the United States as well. And they definitely expecting the vehicles we have. We are all in concern of that, being environmentally improved and this is a serious issue. Right now, what we are looking for, right now the vehicles which will provide comfort to our customers are not yet made, let's put it that way.

And I am more than sure, like cell phones, nobody believed the cell phones, and they come out and changed the industry. Internet, in five years turned around the world. I am more than sure in another year we
will have the vehicles of capacity of
requirement by TLC available.
I just came back from Las Vegas from
the show, and it was a very big issue all
around. A lot of agencies around the United
States, they prepare and they are moving in
the same direction, and the vehicles will be
available within a year or so, with the
comfort and everything else.

Other than that, I hope -- the
economical time is not ready right now and I
do not want to push somebody to go to the
unemployment line just because of the cost.
Let’s get realistic, it is all politically
correct, but as well, we have to be a good
businessman here because we can hurt a lot of
lives.

Thank you so much.
CHAIRMAN DAUS: Thank you for your
time.
Ms. Edith Prentis? I believe she
left.
Jack Bogart. And after Mr. Bogart,
Tarik Malla from Select Seven.
PUBLIC SPEAKER: Good morning. My
name is Jack Bogart, and I had the privilege, I guess, or the luck of taking one of your handicap cabs, and I don't know if this is the right meeting, but I would like you to look into a couple of things that I found.

First of all, it's hard getting it because the sticker saying it was handicapped was at the rear of the cab, so it had to pass me before I could track it down. I tracked it down on Sixth Avenue and 42nd Street, and to get into it through the back, I had to go into traffic, around the cab and come around. So being that you are changing black cars, I thought this might be a meeting that might look into the way your handicap cabs are built because you have to go into the street, around the cab to get to the back of it to get in, which on 42nd and Sixth Avenue is pretty crowded at the time.

So it might be, if you could use a side entrance or a side door, it might be a lot safer than it is now. And also, I think the sticker should be in the front.

CHAIRMAN DAUS: Mr. Bogart, we are going to talk about accessible vehicles after
this. Do you have any comments on the black cars themselves?

PUBLIC SPEAKER: No. The black cars I think should be accessible because when I went to England, all the cabs, everything is accessible, and it seems to work out pretty well there. So you might look into that.

Thank you.

CHAIRMAN DAUS: Thank you very much.

Tarik Malla from Select Seven and then Clara Bailer.

PUBLIC SPEAKER: Good morning.

Before I start, as everybody has said, 90 percent of the concerns have been addressed already, and as we are not unique in the industry in our needs and we are quite aware of what is happening to our market and what are clients' concerns, as well as internal clients, which is our actual drivers, we are all in the black car business as well as the livery. And I am in unique position, I guess not so unique, a lot of bases have multiple or the same owners or groups have multiple base license. We are very concerned about the livery industry for Dial Seven as
well as for the black car in which we are young, which is Select Seven.
The concerns are very simple. What is happening to our drivers. What their ability for residual value for the cars when they sell them and rid of them. What will happen to that market is it will go into the gypsy environment. What is going to happen to our 700 drivers, it concerns us a lot.

Also the percentage of business that in Dial Seven, for instance, we do is airports. And the capacity of the vehicles, the accessibility of the vehicles is quite a concern. We have started our own initiative a little earlier, about a year, a year and a half ago, in recruiting and looking into alternatives. We are happy to say that we have piloted two vehicles with Green Limo for compressed natural gas as an alternative.

We have also tested with some hybrids like the Highlander. We have, I believe, four today in our fleet and we may be increasing, which gives us the same concern that everybody has, the capacity and the fact that even the Highlander, that we thought is a good
alternative, is going to be phased out. We are more attune to think that we are not ready for this, the industry. The vehicles are not ready. The market, as a lot of the corporate clientele here said, yes, but I heard the word "majority of our riders." I didn't hear "all of our riders." And I think the need for a more comfortable, sustainable solid vehicle is needed before we can go and close it to the miles per gallon. However, we definitely are for greener. We are a very conscientious corporate citizen, and we, hopefully, will find a better and stronger way to apply these measures. If I may ask the city all together is to maybe put more emphasis on the infrastructures, being able to provide natural gas, and maybe there is effort that the city can take more than just the pressure of demand and supply, and would be more appropriate. Maybe natural gas, maybe other alternatives. If we can push more energy in that research and the pilots that you said you are willing to go into, that we would like to be part of as well.
Thank you.

CHAIRMAN DAUS: Thank you.

Clara Bailen. After Ms. Bailen, our last speaker will be Bart Chaser.

PUBLIC SPEAKER: Good morning to everybody. My name is Clara Bailen, and I would like for everyone to have a little patience with me. I will probably stuttering and trying to remember what I would like to say. The reason of that is because I sustained traumatic brain injuries because I was hit and run over by a yellow taxicab which was under the regulations of the Taxi and Limousine Commission.

My reason for being here is that today, I guess there is never a right time or right moment in life, but there was an article in the New York Daily News that was brought to my attention just two days ago, and which concerns about the safety of the electric motor hybrid cars that the Taxi and Limousine Commission and the city is trying to implement.

Like I said, my name is Clara Bailen, and today I would officially like to launch
the Right of Way Campaign, which is to bring awareness that motorists must drive in a safe manner to allow pedestrians to cross all intersections in a safe and secure manner.

Since I am the victim of that, of a yellow cab driver, and I hold the Taxi and Limousine Commission responsible for that. Unfortunately, I could not do it legally. And I am asking this is what this study by the University of California says: That it provides evidence that hybrid cars when operating in silent mode, pose a substantial risk to blind people and other pedestrians.

There is an added danger which hybrid cars, particularly at interactions and parking lots, because they are so quiet that people with vision impairment and just average people, just for average pedestrians, just due to daily mundane distractions -- when I was crossing the street, I had the right of way, and this yellow cab operator failed to follow the law. And for the rest of my life, I will have to spend the rest of my life in this wheelchair and be dependent of other people to help me and assist me.
And I find it the height of greediness that this Commission, or whatever agency this is called, Taxi and Limousine Commission, I went to the website and the minimum upset price of a medallion is $700,000. But my life, and the life of any of you sitting here, it is worth only approximately $45,000. And this is why I want to bring attention to the Taxi and Limousine Commission, to our elected officials, that it is the time to make major changes and update the outdated rules and regulations.

And one of the things that I am asking is for the liability to go higher. A life is not worth $45,000. Maybe to an insurance company, but my life, or anyone's life here, is worth much more. $45,000 barely covered the cost of this wheelchair. I am a prisoner in my home because I don't have money to make it accessible. And that's why I want to bring this to everyone's attention.

You know, it can happen to anybody. You are happily crossing the street, you think you are safe and you are not. You are not
safe from this. Any cab driver, they drive
very aggressively, without any regard for
safety, but they just want to drive. They
think our city streets are race car driveways
where you just drive and drive to beat the
other yellow car or the other car to pass
them.

CHAIRMAN DAUS: Ms. Bailen, I would
like to, first of all, thank you. You are a
very courageous person. And I would love to,
and we would love to get to know you better
and work with you, and would like to meet with
you. If you have time today to stick around,
we would love to. If not, we will have you
back and work with you on your initiative.

We care very deeply for you and for
what you have been through. I am sure if that
if there is anyway that any of us or the
Commission or the taxi fleets could have
prevented it, I am sure that they would have.
What happened is unfortunate. And we have
raised insurance limits over the years.

But we would love to learn a little
bit more about your situation to see if we can
help in any way. But in terms of you taking
on an initiative and you taking on a fight to make changes, we are happy to work with you on that. And we certainly applaud you for your courage. So if you like, we can meet with you today after the meeting. But if you don't, we would like to get to know you better and meet with you.

PUBLIC SPEAKER: I would really like to, because liability, that is the minimum required, and taxicabs, I think, due to the nature of their job, should be required to at least have a million dollars life insurance, liability insurance, whatever it is called. But not what I got, $45,000.

Thank you very much.

CHAIRMAN DAUS: Thank you. And we look forward to talking to you.

PUBLIC SPEAKER: I'm sorry.

CHAIRMAN DAUS: There is nothing to be sorry about. I am glad that you came forward.

PUBLIC SPEAKER: I don't want anyone else, able or disabled, to go through the pain that I went through, the pain that I am going through, and the pain that I will sustain for
the rest of my life, physical, emotional, financial, spiritual, everything.

Thank you.

CHAIRMAN DAUS: No, thank you. There is nothing to be sorry about. I am glad that you came and we will talk to you.

CHAIRMAN DAUS: Bart Chaser is our last speaker.

PUBLIC SPEAKER: Good morning. My name is Bart Chaser, transportation professional and Chair for the Transportation Committee for the State Chapter of the Sierra Club. I am speaking today on behalf of the New York City group in support of the proposed fuel efficiency requirements for black cars. I would like to provide a little anecdote that's not in the testimony but I promise I will skip through most of the testimony.

About five years ago, I began looking into the hybrid application for black cars. At the time I knew a lot about hybrids, but very little about the black car industry. After calling around a bit, they said, "You need to speak to this guy Victor Dizengoff if
you want to learn about the black car
industry."
I didn't know who he was. I got his
number. I called him up. He was kind enough
to meet with me. I went to his office. I
went over my ideas concerning the benefits
that hybrid cars could have. He was very
gracious with his time and explaining to me
how the black car industry worked and the
various pros and cons of what I was
considering.
But the important part of the meeting
occurred when he said, "Come over to this
window." And if you have ever been to the
conference room in his office, it is on Wall
Street overlooking the New York Stock
Exchange.
He said, "If you want this thing to
fly, you have to convince them that this makes
sense." Obviously, what he meant was the big
businesses, the industry, the core of New York
City's business, that this was a worthwhile
design.
From that point on, most of my
efforts were spent in meeting with those large
corporations. The Goldman Sachs, the
Citigroup, the Chase, Time Warner. And I
spent a lot of time doing that, and many other
people, not just myself, spent time doing
that.

Invariably, we got an excellent
reception. They all hear the same things we
all hear on why we have to change some of the
ways we are doing things today. And I am very
happy and proud and this is wonderful that we
are having this hearing today making this
decision, because this is the culmination of
the work everybody has done, both the TLC, the
environmental groups, the various black car
operators and their customers. So I thank you
all.

Just some brief statements from the
testimony. We applaud Mayor Bloomberg for his
leadership with Plan NYC and the Landmark
Transportation policy he has proposed. We
especially thank the Mayor and the TLC for
implementing the fuel economy standards for
the over 13,000 yellow taxis.

We urge the Commission to adopt the
proposed regulations because of the many
benefits they offer, including the reduction of air pollution and greenhouse emission gases, savings for black car drivers and lowering our dependence on foreign oil.

One thing we would like to do is urge the Commission to provide signage on these vehicles indicating they are green vehicles, perhaps provide information to the occupants of the car about the fuel emission reductions and the air quality emissions. Just in conclusion, I thank you for this opportunity to speak today.

Thank you.

CHAIRMAN DAUS: Thank you.

That concludes our public hearing. I would like to turn it over to my fellow Commissioners.

Do we have any follow-up questions, comments about the rules or the testimony?

(No response.)

CHAIRMAN DAUS: No, okay.

Could I have a motion to adopt the amended regulation that Chuck had explained and distributed?

COMM. AROUT: I would like to make a
motion to adopt.

CHAIRMAN DAUS: Is there a second?

COMM. WEINSHALL: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "ayes.")

CHAIRMAN DAUS: Thank you, it's unanimous.

Thank you, Commissioners. It has been a very, very long hearing. I know some Commissioners have to leave and go to other responsibilities. So thank you very much.

We do have some more agenda items. And thank you, everybody, for your testimony and for expressing your concerns. We will be in touch with you as we get closer to implementation.

COMM. KAY: Before people leave, I just want to thank those individuals and those groups, black car industry and those clients for help in drafting this. I think that there are some important issues that we still need to work on and we continue to look forward to solving those issues.

CHAIRMAN DAUS: Thank you,

Commissioner.
The next agenda item is Item 5, proposed pilot program for Commission action, the accessible Toyota Sienna. I would like to ask David Klahr from our staff to join us, along with Peter Schenkman.

No -- who is going to do it?

Peter Schenkman, could you join us and go over the pilot program, please.

MR. SCHENKMAN: David Klahr had a family emergency so I am going to do the presentation.

CHAIRMAN DAUS: Okay.

MR. SCHENKMAN: The presentation is up on the screens. The modified Toyota Sienna appears to be appropriate for taxicab use in New York. We've had a pilot, two pilot vehicles on the road for eight months. And the vehicles have performed well. Actually, beyond our expectations.

We are recommending that the additional companies that may be approved as a result of this pilot do show further evidence of quality control standards, either by original equipment manufacturer support or independent engineering verification. Both
companies do have engineers on staff, and both companies have indicated to me that they intend on adhering to ISO standards and hope to eventually secure ISO certification, which is the International Standards Organization:

What we are recommending to the Commission is that the pilot in the current memorandums of understandings be extended to allow for additional vehicles on the road. We also believe that the rear entry Sienna should be allowed as a vehicle option for the upcoming auction of 86 accessible medallions pending final rule making by the Commission.

We have gotten very positive feedback from the drivers, as a part of the requirements of the pilot, drivers passengers and vehicle owners comments are taken into account, and it has been fairly enthusiastic from all. And there is also the comment from one of the owners that the rear entry Sienna has outperformed his expectations.

We have conducted a focus group about a month ago with approximately 18 wheelchair users, and 17 of the 18 liked the Sienna, and we've gotten support on these vehicles from
the Disabled Riders Coalition.

CHAIRMAN DAUS: Okay, any questions for Peter?

COMM. KAY: I just want to ask you for the record. Clearly, we value your unbiased opinion and judgment on this particular issue. There has been questions, concerns, perhaps even allegations that one or two of these companies haven't done any crash testing.

MR. SCHENKMAN: Both of these vehicles have been crash tested to the required FNVSF standards that they modify when they upfitted the vehicle. I have seen documentation. I have seen video, and, yes, that is true.

CHAIRMAN DAUS: Commissioner Giannoulis?

COMM. GIANNOULIS: Just thank you for your work on this project, Peter.

CHAIRMAN DAUS: Thank you. Actually we did, for the record,
provide not only Peter's recommendation, which
is that the vehicles are safe and sound and is
satisfy the independent information he has
received and reviewed. Commissioners actually
did also receive copies of the crash test
data.

At this point, I would like to get a
motion, if we could, to essentially extend the
current MOUs to allow both Freedom Motors and
Autovan to continue to sell their vehicles for
the 86 medallions that are being auctioned,
and then also to ask the staff, which I would
like him to do within the next month or two,
as soon as possible, to propose rules that
will authorize these vehicles to be permanent,
based upon Peter's recommendation.

MR. SCHENKMAN: It would actually be
87 because we have one individual.

CHAIRMAN DAUS: You are right, 87.

Any questions?
(No response.)

CHAIRMAN DAUS: Do I have motion?

COMM. AROUT: I make a motion.

CHAIRMAN DAUS: A second?

COMM. KAY: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "ayes.")
CHAIRMAN DAUS: Thank you.
Thank you, Peter. Good work.

Congratulations to the companies. We are looking forward to this being a very successful medallion sale for the disability community as well.
And I want thank all the folks that worked on this from the accessibility community who support the Toyota Sienna. We listened to you and we are looking forward to continuing our efforts in the Taxi of Tomorrow project to get something that is off the assembly line that's better for everyone.

The last item on the agenda is a motion to close the public meeting and convene in executive session to consider Commission appeal in the matter of TLC versus Harold Jean-Baptiste, Hack license number 435679.
Do we have a motion?

COMM. AROUT: So moved.
CHAIRMAN DAUS: A second?
COMM. GIANNOULIS: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "ayes.")
CHAIRMAN DAUS: Thank you everybody for your patience. Have a good day.
(Time noted: 12:00 p.m.)
CERTIFICATION

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

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

MARGARET EUSTACE,
Shorthand Reporter