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NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, June 12, 2008
40 Rector Street
5th Floor
New York, New York

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1 Public Meeting convened at 9:35 a.m:

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P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 IRIS WEINSHALL, COMMISSIONER

7 EDWARD GONZALES, COMMISSIONER

8 HOWARD VARGAS, COMMISSIONER

9 JEFFREY KAY, COMMISSIONER

10 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: If all could sit,
2 please. Okay, we don't have a quorum just yet
3 but we are hoping that we will have one
4 shortly, so we may have to jump a little bit
5 out of order on the agenda.

6 A couple of things. First of all,
7 the first item on the agenda is my report. I
8 am happy to report that we are proceeding much
9 more quickly than last time on the Medallion
10 auction closings. We have already closed on
11 24 of the 65 Medallions so within just a few
12 weeks we are making a tremendous amount of
13 progress.

14 I want to congratulate and thank
15 David Klahr, Chuck Fraser and his staff, Stan
16 Shames, who have been pushing these closings
17 through in a quick way to get these accessible
18 cabs on the road in time to serve the public
19 accessible dispatch launch this year.

20 On T-PEP, the technology project, we
21 are continuing to sign up customers and
22 install them in cabs. As of now 11,391
23 taxicabs, which is about 86 percent of all
24 yellow cabs, are now equipped with the new
25 technology. We continue to show, based upon

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1 the latest data for May, still tips averaging
2 between 19.8 and 20 percent. So that's been a
3 pretty steady number.

4 Last meeting we discussed a zero
5 tolerance operation that we were starting in
6 the central business district based upon
7 complaints and concerns, and I am pleased to
8 report, but somewhat dismayed at the same
9 time, that this is, I think, a little bit of a
10 larger problem than even we anticipated.

11 We have already issued over 1,000
12 summonses for a variety of infractions and we
13 are going to continue our zero tolerance and
14 we are going to be out there day-in and
15 day-out making sure that our undercover
16 inspectors are stopping unlicensed and illegal
17 liveries and drivers from picking up and
18 endangering the welfare of our other citizens.

19 We knew it was an issue. We received
20 a lot of reports, but it is a little bit worse
21 than I thought. So we are going to be
22 continuing to dedicate more resources to this
23 and see if we can post some more of those
24 detailed statistics for you to get the
25 breakdown of the types of summonses. But they

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1 run the gamut. We are talking about not just
2 overdue inspections and failure to comply
3 summonses, but also invalid inspections,
4 unlicensed drivers, unlicensed vehicles,
5 uninsured vehicles.

6 And I want to thank and Congratulate
7 Deputy Commissioner Mullins and her team.
8 They have done a great job, and also the NYPD,
9 the STED unit has been out there assisting us.
10 So those 1,000-plus summonses are a
11 combination of NYPD and TLC.

12 The Accessible Dispatch Program. I
13 promised to report on this every month. We
14 are making a lot of progress. I want to
15 congratulate and thank Samara Epstein, who has
16 been doing a stellar job on this. We are now
17 in the process of finalizing our trainers.
18 One trainer has been certified and added to
19 our website, another one will be shortly
20 coming as well.

21 We are going to be training and
22 testing starting in July, and our launch for
23 soft roll out is scheduled for August for
24 folks to call 311 and get accessible dispatch
25 service. We do have, as part of our website,

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1 an accessible dispatch section which has
2 everything you need to know, so for those who
3 are involved and also for members of the
4 public in the disability community, I strongly
5 urge you to basically contact that part of the
6 site and get the information that you need.

7 Also Commissioner Kay and I had a
8 conversation at the last meeting and
9 thereafter that at some point I think we do
10 need to have the Commissioners to be brought
11 up to speed on some of these efforts in a more
12 detailed way. So at one of our next upcoming
13 meetings, staff will be putting on a
14 presentation.

15 One of the things I think we would
16 like to include as part of that presentation
17 is whether it is necessary and essential for
18 us to be having meters in liveries, and also I
19 think we need to look at the livery industry's
20 commitment to the program. I think there was
21 some voluntary efforts that were supposed to
22 take place, but we want to make sure that
23 there are efforts.

24 The number one concern is that we
25 basically realistically be able to serve

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1 disabled people from around the city. I don't
2 know how realistic it truly is to have someone
3 call 311 and to have a yellow cab that is off
4 duty, the closest one maybe being in downtown
5 Manhattan, have to travel through Brooklyn
6 into Staten Island to pick up a Staten
7 Islander.

8 I think Staten Island needs service,
9 so I think we need to do something with the
10 livery industry. They have to step up to the
11 plate and participate in this program in some
12 way. Otherwise, everybody will not be served
13 in the same way.

14 I would also like to just notify the
15 Commissioners that the hearing loop technology
16 pilot program that we approved is finally
17 getting off the ground. We had our first
18 installation on May 7th. We have six vehicles
19 currently equipped and on the road and two
20 more to follow.

21 The pilot is going to continue for
22 one year and each of the participating vendors
23 is allowed to equip their vehicles with --
24 equip the technology in up to 15 vehicles
25 each.

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1 I want thank a few people who really
2 contributed and made this happen. First of,
3 it all never would have happened without
4 advocate Janice Schacter, who made a real hard
5 press in making us aware of the technology and
6 how it works and also facilitating getting
7 this off the ground. I would also like to
8 thank Commissioner Matt Sapolin from the
9 Mayor's Office of People with Disabilities for
10 his leadership and involvement.

11 Fred Palm, the president of Assistive
12 Audio, which is the first company to take part
13 in the pilot, as well as our staff and Samara
14 and her staff who participated in getting this
15 off the ground.

16 I also would like to thank the
17 individual drivers that are involved. The
18 folks who are actually piloting and agreed to
19 put these vehicles on the road with the new
20 technology are mostly individual owner
21 operators. So we are very pleased that the
22 folks that drive and own these cabs are
23 actually the ones looking to help others and
24 try out this new technology.

25 So we thank them: Charles Barclay,

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1 Boge Kaleen, Pedro Plaza, Martin Fogel, Melvin
2 Perlman, Doreen Express Cap Corp. that is
3 owned by Maier Yalez, Tu Trin and Thomas
4 Salguedo. So thanks to all of them.

5 I was in Albany with my staff last
6 week. The first thing that we did is we
7 visited the Department of Motor Vehicles. I
8 met with Commissioner David Schwartz, and we
9 discussed a variety of issues. We have always
10 had a great working relationship with the
11 prior Commissioner and DMV and we want to
12 continue that.

13 I am pleased to report that the
14 meeting went very well. We trade a lot of
15 data with them, we need to work with them on a
16 variety of fronts. Two issues that I just
17 want to make the Commissioners and the public
18 aware of that we spoke about. We are looking
19 to see if we can open a satellite DMV office
20 at Woodside or at some location at the TLC so
21 that folks who come to visit us that need to
22 go to us first and then go to DMV and come
23 back, actually could just do one-stop
24 shopping. We would be acting as an agent of
25 DMV and you could do everything at a facility.

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1 It is not set in stone. We are
2 looking at the possibilities. We may be
3 looking at various locations, possibly Staten
4 Island or the Bronx. We will see what we can
5 do, but I think certainly right now it is just
6 another one of the things that we are looking
7 to could from a customer service standpoint to
8 make things better. So that was a very
9 positive development.

10 We also discussed the issue of
11 illegal stretch limousines. A lot of people
12 don't know this but DMV actually has three or
13 four or more inspectors, who basically their
14 job is to deal with limousines and inspecting
15 them.

16 (Whereupon, at this time, Comm.
17 Weinshall joined the meeting.)

18 CHAIRMAN DAUS: And Pansy and the
19 USB have basically been partnering with these
20 folks to make sure that illegal stretch
21 limousines are taken off the road. There is
22 more work to be done in that regard and there
23 are some jurisdictional issues with us because
24 we only go up to a certain seating capacity,
25 so the long and the short of it is basically

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1 that was one of the issues that we discussed.
2 So we are going to be working on that and we
3 will have more to report on that.

4 On anti-hustling bill, we were doing
5 some lobbying with the Mayor's office up in
6 Albany to try to get this bill passed. For
7 those of you who are not aware of it,
8 anti-hustling bill essentially provides that
9 right now the three strikes you are out
10 provisions of the law aren't working that
11 well, so we are looking to make illegal
12 solicitation at the airports in our city a
13 Class A misdemeanor and make it a printable
14 offense.

15 Right now it is a revolving door.
16 There are hundreds of folks that are
17 convicted. Many of these people have no
18 licenses. Some of these people are dangerous,
19 they can't get a license with us. Some of
20 them have criminal convictions, may be using
21 drugs. It is also a security risk to the
22 airport I believe.

23 And we have partnered with the
24 district attorney's office, Judge Brown, as
25 well as the Port Authority, to try to get this

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1 bill passed. And the Mayors's office has been
2 fantastic. We have managed to get it out of
3 the Senate. It passed the Senate, it passed
4 the Assembly Transportation Committee, and now
5 it is in the Codes Committee before
6 Assemblyman Joe Lental.

7 And we are hopeful before the session
8 is over, we will pass it. I want to thank a
9 few people -- and, by the way, if anyone is
10 interested and feels that this is something
11 that they care about and would like to make a
12 special effort to assist us, we can use all
13 the help that we can get, especially in the
14 Assembly right now.

15 The Assembly Bill Number is A-8868.
16 And if you haven't already helped us, we would
17 appreciate the help. We need phone calls,
18 letters, lobbying to be done. So if you can
19 contact either Jessica Tevabel or Samara
20 Epstein, we will make sure that we get you the
21 information that you need to lobby.

22 But I want to thank a couple of
23 people who really went above and beyond. I
24 was very impressed when I got up there. I
25 want to thank Dave Pollack and the Committee

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1 for Taxi Safety. They have done an
2 extraordinary effort. Mike Wolloos and MTOBT.
3 I see Ron is here. I want thank all you as
4 well as Alan Kaplan who has been doing his own
5 thing but he has been doing a lot of work on
6 it and has been very effective. And also Avi
7 Kabassa from Carmel.

8 And, again, I would like to thank
9 Judge Brown, the Port Authority, the Queens
10 Borough President Helen Marshal, George
11 Fetieter, the CEO of New York City & Company,
12 and the Economic Development Corporation, and
13 of course, our very own Chris Gonzalez from
14 the Mayor's office.

15 So we will keep you posted. Let's
16 keep our fingers crossed. I think we have
17 until July 23rd. I don't know if they are
18 going to extend the session -- I'm sorry, June
19 23rd. We have until June 23rd and we will see
20 if they extend the session. So there is still
21 some time but time is running out.

22 (Whereupon, at this time, Comm.
23 Vargas joined the meeting.)

24 CHAIRMAN DAUS: On taxi
25 availability, just a few words on this because

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1 there is not much more to report officially.

2 We had a very interesting public
3 hearing last time and the City Council has
4 always had a public hearing on this issue. I
5 know some people in the audience are very
6 concerned about this issue and we listened to
7 the testimony here and at the Council, and I
8 want to let everybody know that we are
9 continuing to work on the issue.

10 Commissioner Kay and his staff and my
11 staff are involved in analyzing all of the
12 data and the information that we have
13 received. There are some active discussions
14 going on with automobile dealers and
15 manufacturers to ensure that there is going to
16 be an available number of hybrid cabs. And we
17 will keep you posted and we will brief the
18 Commissioners when we have more details on our
19 analysis.

20 But it is something that every day we
21 are dealing with, so for those in the audience
22 affected by this issue, we will keep you
23 apprised and keep in touch with you.

24 We will probably take off one of the
25 months in the summer, and we are going to be

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1 looking at the availability of the
2 Commissioners' schedules. The Commissioners
3 have been working very, very hard. I think we
4 have held religiously a meeting every month
5 for several years now, if I am not mistaken.
6 So we are going to try to give the
7 Commissioners a break because I am looking at
8 the schedules with the Commissioners and I am
9 not sure if we are going to be able to get a
10 quorum for these months.

11 I don't know whether we are taking
12 off in July or August, but we will let you
13 know. I would encourage you to check our
14 website or sign up for our list serve and this
15 way you can rest assured that you will get an
16 e-mail about it.

17 And also I have some good news to
18 report, actually, a personnel announcement.
19 After much debate and much consideration, we
20 are making some operational changes at the
21 agency to further enhance our ability to deal
22 with the public and to create more efficiency
23 in our agency.

24 And what we have decided to do
25 basically is to merge some of the essential

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1 functions under one roof of the call center,
2 which is our center that deals with 311 and
3 members of the public, which is located on the
4 8th 8 floor in this building. We are going to
5 be having that section, as well as
6 correspondence unit which handles most of the
7 correspondence for the agency, come under one
8 roof of the constituent affairs office.

9 For those of you who haven't heard of
10 constituent affairs, probably most of the
11 people have dealt with it, it is a new office
12 that we have created to basically carry out
13 the mission and the promise that we made, and
14 certainly something I had made when I was
15 appointed and reappointed, that we wanted to
16 treat our licensees like our customers, not
17 just passengers. But also to give passengers
18 their day and make sure there is consistent
19 communication, that agency shopping doesn't
20 occur where one person gets an answer from one
21 Deputy Commissioner or staffer and doesn't
22 like it so calls somebody else.

23 So one of the things that has been
24 very effective is to have one point of
25 contact, one office that manages a lot of the

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1 different external affairs. I know other
2 agencies have had external affairs
3 departments. This kind of works in that way,
4 they handle the legislative affairs, they
5 handle the issues and complaints from
6 community boards, they handle all of our
7 stakeholders and advisory boards. A lot of
8 people in this room who have issues can get a
9 direct answer on what is going on or can state
10 their opinion and it gets funneled and we have
11 consistent information. It has worked very
12 well.

13 I want to make sure that all of the
14 information we are getting is communicated
15 both to me and to my senior staff in a better
16 format, and the way we can do that is to make
17 sure it is all under one roof. So all of the
18 complaints, all of the issues that come in
19 through 311, and all the correspondence will
20 now be coordinated so that we can make sure
21 that every nook and cranny is basically
22 filled.

23 And the one person who has done I
24 think an outstanding job of delivering on this
25 office is Samara Epstein, who I am pleased to

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1 promote to Assistant Commissioner for
2 Constituent Affairs today. Samara has done a
3 great job. She will be taking the reigns of
4 that consolidated office. And I also want to
5 thank and acknowledge Dawn Sherman.

6 Are you here, Dawn? Could you just
7 stand up for a minute.

8 Dawn is our executive director. I
9 want to acknowledge and congratulate you for
10 all of your hard work, especially when we were
11 short-staffed in the call center. And she
12 will continue to work with Samara. She just
13 received a promotion as well for taking on
14 additional responsibilities. And I want to
15 thank you because you basically took an
16 operation that was in the mud and turned it
17 into something that is fantastic.

18 We knocked the walls down, we created
19 a bullpen environment, and when we get
20 visitors from around the country from other
21 TLCs, we often bring them up there and they
22 are very impressed with the operation. So
23 congratulations to you as well.

24 Of course with all offices at the
25 TLC, as our Commissioners get badges, we have

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1 a new badge for Samara. So I would like to
2 official present you with your Assistant
3 Commissioner badge.
4 Congratulations.
5 MS. EPSTEIN: Thank you. I look
6 forward to working with you all.
7 CHAIRMAN DAUS: Any questions?
8 There being no questions, I will move
9 to item 2, adoption of the minutes of the May
10 8th meeting.
11 Any comments, questions?
12 COMM. AROUT: I move to adopt the
13 minutes.
14 COMM. KAY: Second.
15 CHAIRMAN DAUS: All in favor?
16 (Chorus of "Ayes.")
17 CHAIRMAN DAUS: It is unanimous.
18 Item 3, base licensing application
19 review.
20 MS. STEELE-RADWAY: Good morning.
21 Licensing would like to present before the
22 Commission 22 bases with a recommendation for
23 approval.
24 CHAIRMAN DAUS: Anybody have any
25 issues with the bases?

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1 (No response.)

2 CHAIRMAN DAUS: No, okay. Motion to
3 approve.

4 COMM. WEINSHALL: So moved.

5 CHAIRMAN DAUS: A second?

6 COMM. AROUT: Second.

7 CHAIRMAN DAUS: All in favor?

8 (Chorus of "Ayes.")

9 CHAIRMAN DAUS: You also have two
10 denials?

11 MS. STEELE-RADWAY: That's correct.
12 They are being recommend for denial with the
13 request that they are granted an additional 30
14 days to submit their outstanding items.

15 CHAIRMAN DAUS: Do we have a motion
16 to deny?

17 COMM. AROUT: Move to deny.

18 CHAIRMAN DAUS: A second?

19 COMM. KAY: Second.

20 CHAIRMAN DAUS: All in favor?

21 (Chorus of "Ayes.")

22 CHAIRMAN DAUS: Okay, thank you.

23 Item 4 on the agenda, proposed rules
24 for public hearing and Commission action
25 rear-entry accessible taxicabs specifications.

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1 Before I turn it over to Chuck, I just want to
2 briefly remind everyone that the Commission
3 had, at a prior meeting I think a month or two
4 ago, decided to extend the pilot based upon
5 Assistant Commissioner Schenkman's
6 recommendations, the request of the industry
7 and the disability community, to allow for
8 rear-entry wheelchair access into Toyota
9 Siennas.

10 We extended that pilot so that we
11 could have enough cabs that could go on the
12 road for the Accessible Medallion Sale which
13 took place. And also we didn't have the time,
14 of course, without going through the
15 rule-making process to make sure that we can
16 pass rules to make it permanent not just for
17 the Sienna, obviously, but for any other
18 rear-entry vehicles as long as they meet our
19 safety specs.

20 Commissioner Schenkman has made it
21 very clear that he believe that, based on his
22 review, that the vehicles are safe and that
23 they are sound and that the disability
24 community really does prefer these vehicles.

25 I want to thank Assembly Member Mika

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1 Kelner, who I spoke to the other day. He is
2 in Albany today, but he was instrumental in
3 advocating for this, as well as several other
4 members of the disability community, along
5 with Commissioner Sapolin.

6 So with that being said, I would like
7 to turn it over to Chuck, who I think has some
8 proposed changes based on comments.

9 MR. FRASER: This proposed rule
10 would amend the specifications for accessible
11 taxicabs to allow the use of rear-entry
12 vehicles that have been successfully tested in
13 two pilot programs in the last year.
14 Specifically the proposed rule would permit
15 the use of accessible taxicabs that have been
16 modified by the cutting of the rear bumper to
17 allow the installation of rear-entry
18 wheelchair ramps.

19 At present, Commission staff is aware
20 of two post-manufacture modifications in the
21 Toyota Sienna minivan that would meet the
22 specifications in the proposed rule. In
23 addition, Commission staff is aware that a
24 post-manufacture modification of the Dodge
25 Caravan is under consideration.

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1 At the April 2008 Commission meeting,
2 the Commission voted to expand the two pilot
3 Toyota Sienna programs to cover accessible
4 Medallions auctioned at the Commission's May
5 2nd auction. And, in fact, the modified
6 Siennas have proved to be the most popular
7 model of accessible vehicle among winning
8 bidders at that auction.

9 Approval of this proposed rule would,
10 therefore, constitute the final approval of
11 the results of the two Sienna pilot programs.
12 This marks the first instance under the
13 Commission's pilot program rules adopted two
14 years ago where a pilot program was
15 successfully concluded and the results
16 incorporated into the Commission's permanent
17 rules.

18 The proposed rule was published for
19 comment May 9th, and no written commitments
20 were submitted. Following further internal
21 discussion of the proposed rule, the staff is
22 recommending two minor revisions.

23 First, the staff recommends a change
24 in the wording in Section 303.2(E)2 and 3, in
25 the two places where the proposed rule

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1 requires modification to, quote, "comply
2 with," unquote, federal motor vehicle safety
3 standards, the staff recommends clarifying
4 that the modifications, quote, "meet or
5 exceed," unquote, federal standards.

6 Second, in Section 303.2(F), the
7 proposed rule requires that where the post-
8 manufacture modifier is operating without OEM
9 support, the modifier must obtain
10 certification from a licensed professional
11 engineer that each individual vehicle is
12 modified in the same fashion as was the
13 vehicle that passed crash testing.

14 Based on further review of the
15 various engineering specialties and further
16 consultation with vehicle modifiers, the staff
17 recommends that the rule be revised to require
18 that the certifying engineer be either an
19 electrical engineer with experience in auto
20 manufacturing or a mechanical engineer.

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

25 CHAIRMAN DAUS: Before we get

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1 started, I just want to remind everybody that
2 there is one topic and one topic only here,
3 and that is these proposed rules. No other
4 issues are being discussed when you testify.
5 So basically you are going to get three
6 minutes and, please, do not go off topic.
7 There are other forums within which you can
8 raise other issues.

9 And that's why we promoted Samara
10 Epstein so she and her staff can listen to
11 your issues. So she is here if you have other
12 things on your mind, which, from the signs, it
13 looks like there are.

14 The first speaker is Dan O'Brien.

15 MR. O'BRIEN: Good morning, Mr.
16 Chairman, members of the Commission. This may
17 be off topic already, because basically I am
18 representing the Mobility Alliance, which is a
19 consortium of manufacturers of adaptive
20 vehicles, so you may want me to talk with
21 Samara.

22 CHAIRMAN DAUS: You are from the
23 Mobility Alliance. What is your issue? It
24 sounds a little bit on topic.

25 MR. O'BRIEN: Okay. Basically we

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1 are a group of companies that spread across
2 North America that specializes in rapid design
3 and deployment of vehicles for the
4 accessibility market. And we have partnered
5 with Ford Motor Company on one of their new
6 Ford platforms and engaged in phase one
7 concept testing on a vehicle with a rear-entry
8 that meets all your requirements. And when we
9 go into phase two, it will be completely
10 tested for fuel system integrity and all of
11 the safety factors as well.

12 CHAIRMAN DAUS: So I assume you are
13 in support of these particular specifications,
14 since the vehicle you are proposing meets
15 them?

16 MR. O'BRIEN: Absolutely, if you
17 just pen in the word "Ford" along with the
18 Sienna and the other brand. It just seems
19 when reading that, when it was just read, it
20 limited the field to the Sienna and to the
21 Dodge Caravan.

22 MR. FRASER: No. The reason I refer
23 to the Sienna and the Caravan is those are the
24 vehicles that we are aware of, the two
25 modifications of the Sienna are the vehicle

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1 that we are aware of that exist already that
2 meet the specs. The specs are not model
3 specific. The specifications state what the
4 vehicle has to look like, and any vehicle that
5 meets those specs.

6 What I would suggest is maybe you
7 want to talk to Assistant Commissioner
8 Schenkman and he can verify that your vehicle
9 does or does meet the specs.

10 CHAIRMAN DAUS: Yes, I think that
11 our general counsel had put that in the
12 statement of basis and purposes as some
13 supportive facts to show that there are
14 companies out there. It wasn't intended to
15 say that those companies are better or that
16 there not others.

17 So we can either do two things. We
18 could possibly when we finally publish the
19 rule, take both of the names out, or we can
20 insert the name of your company in there, if
21 after advice of Pete Schenkman, it meet the
22 specs. But we actually would rather get away
23 from naming specific companies, so maybe what
24 we can do is try to delete that reference if
25 that makes you more comfortable.

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1 MR. O'BRIEN: I would be much more
2 comfortable if you did delete that reference.

3 CHAIRMAN DAUS: Fine, okay.

4 MR. O'BRIEN: Just in closing, all
5 of our companies have met with Ford Motor
6 Company and demonstrate our engineering
7 expertise. Even though we are spread across
8 North America, all of our designs are deployed
9 throughout the individual companies with our
10 drawings, our control plans, our parts list
11 and so on and so forth. All are consistent
12 among all our companies.

13 So we are looking at only the
14 structural modifications for the vehicle and
15 we didn't look at lights and communication
16 systems, figuring you would get better service
17 by letting your local people deal with that.

18 That's pretty much it, other than the
19 fact that we are all National Mobility
20 Equipment Dealer Association members.

21 CHAIRMAN DAUS: Commissioner Kay has a
22 question for you.

23 COMM. KAY: Looking at what you did
24 here, I was just curious as to the cost
25 involved in adapting the Ford vehicle like

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1 this for ADA compliance.

2 MR. O'BRIEN: We are still on the
3 page adding things up. We are not exactly
4 sure what it is going to be yet.

5 On phase one we only got into the
6 concept, whether or not (a) the wheelchair
7 space would allow us to do that, whether we
8 could lower the floor and get the ramp and not
9 restrict view out the back window. And when
10 we looked at the restraint systems, we want to
11 make them user friendly, because I think
12 everybody knows is they are not user friendly,
13 they are not going to be used.

14 And we have adapted all that with
15 electronically releasing systems to allow the
16 driver to quickly hit a panel handle and he
17 has a few seconds to get to the back to
18 disengage the wheelchair. We have testing
19 that we have to deal with and all the testing
20 costs will be in the project before the prices
21 are established, obviously.

22 But we have to change the fuel system
23 as well as perform the structural mods. We
24 put a huge use vista roof in this vehicle to
25 allow probably an unparalleled view for the

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1 customer of the skyline.

2 COMM. KAY: Did you say that you did
3 that by contract with Ford?

4 MR. O'BRIEN: Not by contract, just
5 by mutual agreement. It is a loose
6 partnership between ourselves and Ford where
7 they provided us with a bare platform and we
8 provide all the engineering expertise to do
9 the conversions.

10 So the platform is theirs. We follow
11 the Ford guidelines with respect to the
12 structural integrity, fuel system compliance
13 and safety features.

14 CHAIRMAN DAUS: That is transit
15 connect, right?

16 MR. O'BRIEN: It is, sir.

17 CHAIRMAN DAUS: Okay, thank you for
18 I guess your support of this rule.

19 MR. O'BRIEN: Absolutely. It's a
20 great thing and nothing more than I would like
21 to do than to demonstrate to the rest of North
22 America that concept throughout.

23 CHAIRMAN DAUS: Great. Thank you,
24 sir.

25 The next speaker is Mr. Beausford

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1 Simmons.

2 MR. SIMMONS: Good morning,
3 Commissioners, ladies and gentlemen. My name
4 is Beausford Simmons, and, as you say to
5 please stay on topic, I will try my best but I
6 hope that you can see my sign. That is what
7 some of our complaints are in the street.

8 Mr. Chairman and Commissioners, as
9 you know, I am one of the first guys who have
10 been driving a wheelchair accessible cab. The
11 Fords Freestar, I'm sorry to say about your
12 Ford, is not too good a car. Anyway, right
13 now I am invested in a Dodge Caravan, which
14 most of my customers seem to love the Caravan.

15 The problem with the Caravan, as I
16 mentioned to you before, it was a little bit
17 too low and there is a back piece that keep
18 falling off where we continuously have to keep
19 going back to the body shop to get it fixed.
20 It is easier for the elderly customers who
21 don't have to step up, and I was looking at
22 the Sienna the other day and I think they are
23 going to have the same problems with that car
24 and for elderly customers to be stepping up.
25 The best problem for that would be a hydraulic

00032

1 system like the kneeling bus.

2 A safe driver is a comfortable
3 driver. And what happened to me here now,
4 when I first got the Dodge Caravan, I had a
5 telephone and a camera in the car, and I guess
6 the new rules and regulations now is that we
7 have to have the partition. I am a very tall
8 guy and the GPS system has taken away at least
9 12 inches, which is very necessary for me to
10 be comfortable, and my driver, who is my son
11 who is just as tall as I am. And it is not a
12 safe situation for me. I am cramped up on the
13 steering wheel.

14 And I would ask you fellows,
15 Commissioners, please, to see what you can do
16 as far as making the drivers a little bit more
17 comfortable to be moving the people around in
18 the city, because, like I said, a comfortable
19 driver is a safe driver and would also be
20 beneficial to the passengers and the
21 Commission.

22 And, again, like I said, please pay
23 attention to the cab drivers. We have no cash
24 in our pockets and a surcharge would be very
25 good. Thank you very much.

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1 COMM. KAY: I just want to ask one
2 question before you go.

3 MR. SIMMONS: Yes.

4 COMM. KAY: You were referencing the
5 partition. So you would prefer not to have
6 the partition?

7 MR. SIMMONS: Yes, because the Dodge
8 Caravan the way it is designed, the seat is a
9 little bit close to the steering wheel, and
10 with the partition now and the GPS is sitting
11 right behind because it cannot do like the
12 regular cars where the GPS is in the middle.
13 It is right in the back of the seat, so it
14 takes away 10 to 12 inches away from the
15 driver.

16 COMM. KAY: With the camera and the
17 phone, you would still feel safe?

18 MR. SIMMONS: Yes, I do.

19 I have been driving for 35 years. As
20 you can see, I am a big guy, so I have no
21 problem with dealing with the people in the
22 street. And my son is just as big as I am
23 also.

24 I don't know about the other little
25 guys, but I am all right.

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1 CHAIRMAN DAUS: Thanks.

2 You don't have an L shaped partition,
3 do you?

4 MR. SIMMONS: No, I have the one that
5 goes straight across. I tried the L shape too
6 and it is the same problem.

7 CHAIRMAN DAUS: And you have a side
8 entry?

9 MR. SIMMONS: Yes, the side entry is
10 very good. Like I said, it easier for the
11 elderly people. Usually when I had the Ford
12 Freestar, I had to pass up elderly people.

13 CHAIRMAN DAUS: Do you support the
14 rear-entry?

15 MR. SIMMONS: Most of the wheelchair
16 accessible people that use the rear-entry
17 feels a little bit isolated in the back. And,
18 again, not a major problem. I do a lot of
19 jobs out of Kennedy Airport, when you have a
20 wheelchair accessible car that is loaded from
21 the back, you have no place to put the
22 luggage.

23 You know, if you have four people and
24 a wheelchair, you have the luggage all around
25 that individual and sometimes it may even fall

00035

1 on their head if you know the streets of New
2 York City. It's terrible with the
3 construction and all of that situation going
4 on.

5 CHAIRMAN DAUS: Thank you for your
6 testimony.

7 MR. SIMMONS: I thank you.

8 CHAIRMAN DAUS: Next speaker is Mr.
9 Osmond Chaudry.

10 AUDIENCE MEMBER: He is not here.

11 CHAIRMAN DAUS: Mr. Bill Lindauer. I
12 see he is here.

13 MR. LINDAUER: I support whatever
14 Beausford says because he is an expert on
15 this. He has the experience.

16 And talking about experience,
17 experience has taught me that in 30 of years
18 of driving, considering people give 20
19 percent, people give less or no tip, the
20 average tip is 12 percent. And I remind
21 everybody that 20 percent on a credit card
22 equals 15 percent in real life, but they don't
23 even get any tips on credit cards. So this is
24 total nonsense.

25 I call on Mr. Kay to tell the Mayor,

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1 we demand a gas charge now. It was \$1.80 back
2 in 2004. To not do anything, to use Mayor's
3 favorite word, is unconscionable.

4 CHAIRMAN DAUS: Thank you.

5 Ms. Bharabi Desai.

6 MR. LINDAUER: Incidentally, I call
7 on garages and brokers to support us in this
8 effort to get a gas surcharge.

9 Thank you.

10 CHAIRMAN DAUS: Bharabi Desai. And
11 the last speaker is Steve Seltzer.

12 MS. DESAI: Good morning. In terms
13 of the proposed rule, I wanted to add
14 something that is not currently reflected in
15 the rule-making, which would be an issue
16 around when there is a problem with the
17 vehicle, you know, some sort of a mechanical
18 problem with the vehicle.

19 I know from talking to Beausford and
20 some of our other members who have driven
21 wheelchair accessible cabs, that early on they
22 are found to have a lot of mechanical
23 problems, but because the drivers don't hold
24 the title of the car and they are not given
25 enough information as to where they can go to

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1 repair it, whether or not there is still a
2 warranty, how much they are able to reduce in
3 terms of the repair bill, that it creates an
4 economic burden. And just from talking to
5 members, it does seem that these vehicles are
6 much more prone to have mechanical problems
7 then, let's say, the Ford Crown Vics.

8 And so, I think that's an issue even
9 if it is something with regards to like an
10 industry notice that the Commission could put
11 out in lieu of actual rule making that would
12 call upon agents to provide drivers with this
13 information as to when there are mechanical
14 problems exactly what course of action drivers
15 can take.

16 Particularly because there are
17 warranties, but drivers are not able to access
18 any of that. And what drivers can do when
19 they have spent the money and they have turned
20 it in for reimbursement from the insurance
21 company but they are not able to get that
22 money back because they are beholden to the
23 broker, and in some cases even to the garage.
24 I think it is a larger problem in terms of
25 mandating these vehicles, so I feel that that

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1 should also be very clearly addressed by the
2 Commission. And, again, if it is not through
3 this rule-making, then at least through an
4 industry notice that could be put out more
5 immediately. And I think that will give
6 drivers a lot more economic protection.

7 And speaking of economic
8 protection --

9 CHAIRMAN DAUS: That's actually not
10 a bad idea. We do have a lot of information
11 on the website and we do feel that there is
12 adequate information, but more information is
13 always good, so maybe we will look into an
14 industry notice or a letter. I think it is a
15 good thing. Maybe put everything all in one
16 place, give the links on the website. That is
17 not a problem. And it is voluntary, by the
18 way.

19 MS. DESAI: Well, in addition to the
20 website, I think it would also be good to have
21 these notices up at the physical locations of
22 the garages and the brokers so that drivers
23 themselves are aware of what their rights
24 would be. And also at Queens Boulevard,
25 particularly in the licensing division where

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1 most drivers will frequent.

2 As I was saying, speaking of --

3 CHAIRMAN DAUS: Are you supporting
4 the rules or are you against them?

5 MS. DESAI: We do support the rule.
6 I would just say that this is something else
7 that needs to be reflected within the
8 rulemaking.

9 CHAIRMAN DAUS: Okay, your time has
10 expired.

11 MS. DESAI: You took up so much of
12 my time by asking me questions.

13 CHAIRMAN DAUS: Do you have anything
14 else to add?

15 MS. DESAI: Gee, what do you think?

16 I am glad that the sign says it all.
17 I am concerned that if there is going to be a
18 break in the summertime and gas prices are not
19 expected to go any lower. If anything, they
20 are expected to go higher. And at this point
21 in time, drivers are paying out of pocket over
22 \$200 minimum more today than they did at the
23 time of the last increase.

24 This is on top of the five percent
25 that they are losing, on top of the higher

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1 leases from the vehicle expenses because of
2 the technology. I think this is a major
3 economic issue that the Commission really
4 needs to address.

5 Last time it took over two-and-a-half
6 years before there was any action taken. We
7 don't want to be the last ones left out again.
8 So, please, we would compel you to have a
9 serious discussion on the necessity of a fuel
10 surcharge and to really take some action
11 before the prices get even higher and drivers
12 income become lower.

13 Thank you.

14 CHAIRMAN DAUS: Thank you.

15 Last speaker is Steven Seltzer.

16 Welcome back, I haven't seen you in while.

17 MR. SELTZER: I haven't been away
18 but I may be away for a while now.

19 Would there be a penalty imposed for
20 directing profanity against the Chairman at a
21 Commission meeting, even if that profanity
22 were well deserved?

23 CHAIRMAN DAUS: Is that a rhetorical
24 question?

25 I don't know where you stand on the

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1 rules, but it is good to see you again.

2 That concludes the public hearing.

3 Do we have any questions or concerns
4 from the Commissioners on any of this?

5 (No response.)

6 CHAIRMAN DAUS: Okay, do we have a
7 motion on these rules.

8 COMM. WEINSHALL: So moved.

9 CHAIRMAN DAUS: Do we have a second?

10 COMM. AROUT: Second.

11 CHAIRMAN DAUS: All in favor?

12 (Chorus of "Ayes.")

13 CHAIRMAN DAUS: Thank you. They
14 pass unanimously,.

15 And item 5, I think we have
16 adjournments, right, Chuck?

17 MR. FRASER: Yes.

18 CHAIRMAN DAUS: So the two that are
19 item 5 on the agenda to consider Commission
20 appeals will be adjourned at the request of
21 the respondent to a future meeting.

22 So that concludes our hearing.

23 Everybody stay cool and thanks for coming. We
24 will be in touch.

25 Do I have a motion to close the

00042

1 meeting?

2 COMM. AROUT: So moved.

3 CHAIRMAN DAUS: A second?

4 COMM. WEINSHALL: Second.

5 CHAIRMAN DAUS: All in favor?

6 (Chorus of "Ayes.")

7 CHAIRMAN DAUS: We are adjourned.

8 (Time noted: 10:15 a.m.)

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

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

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

MARGARET EUSTACE,
Shorthand Reporter

