NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, June 12, 2008
40 Rector Street
5th Floor
New York, New York
Public Meeting convened at 9:35 a.m:

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
HOWARD VARGAS, COMMISSIONER
JEFFREY KAY, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL
CHAIRMAN DAUS: If all could sit, please. Okay, we don't have a quorum just yet but we are hoping that we will have one shortly, so we may have to jump a little bit out of order on the agenda.

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

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

On T-PEP, the technology project, we are continuing to sign up customers and install them in cabs. As of now 11,391 taxicabs, which is about 86 percent of all yellow cabs, are now equipped with the new technology. We continue to show, based upon
the latest data for May, still tips averaging between 19.8 and 20 percent. So that's been a pretty steady number.

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

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

We knew it was an issue. We received a lot of reports, but it is a little bit worse than I thought. So we are going to be continuing to dedicate more resources to this and see if we can post some more of those detailed statistics for you to get the breakdown of the types of summonses. But they
run the gamut. We are talking about not just overdue inspections and failure to comply summons, but also invalid inspections, unlicensed drivers, unlicensed vehicles, uninsured vehicles.

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

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

We are going to be training and testing starting in July, and our launch for soft roll out is scheduled for August for folks to call 311 and get accessible dispatch service. We do have, as part of our website,
an accessible dispatch section which has everything you need to know, so for those who are involved and also for members of the public in the disability community, I strongly urge you to basically contact that part of the site and get the information that you need.

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

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

The number one concern is that we basically realistically be able to serve
disabled people from around the city. I don't know how realistic it truly is to have someone call 311 and to have a yellow cab that is off duty, the closest one maybe being in downtown Manhattan, have to travel through Brooklyn into Staten Island to pick up a Staten Islander.

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

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

The pilot is going to continue for one year and each of the participating vendors is allowed to equip their vehicles with -- equip the technology in up to 15 vehicles each.
I want thank a few people who really contributed and made this happen. First of, it all never would have happened without advocate Janice Schacter, who made a real hard press in making us aware of the technology and how it works and also facilitating getting this off the ground. I would also like to thank Commissioner Matt Sapolin from the Mayor's Office of People with Disabilities for his leadership and involvement.

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

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

So we thank them: Charles Barclay,
Boge Kaleen, Pedro Plaza, Martin Fogel, Melvin Perlman, Doreen Express Cap Corp. that is owned by Maier Yalez, Tu Trin and Thomas Salguedo. So thanks to all of them.

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

I am pleased to report that the meeting went very well. We trade a lot of data with them, we need to work with them on a variety of fronts. Two issues that I just want to make the Commissioners and the public aware of that we spoke about. We are looking to see if we can open a satellite DMV office at Woodside or at some location at the TLC so that folks who come to visit us that need to go to us first and then go to DMV and come back, actually could just do one-stop shopping. We would be acting as an agent of DMV and you could do everything at a facility.
It is not set in stone. We are looking at the possibilities. We may be looking at various locations, possibly Staten Island or the Bronx. We will see what we can do, but I think certainly right now it is just another one of the things that we are looking to could from a customer service standpoint to make things better. So that was a very positive development.

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

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

CHAIRMAN DAUS: And Pansy and the USB have basically been partnering with these folks to make sure that illegal stretch limousines are taken off the road. There is more work to be done in that regard and there are some jurisdictional issues with us because we only go up to a certain seating capacity, so the long and the short of it is basically
that was one of the issues that we discussed. So we are going to be working on that and we will have more to report on that.

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

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

And we have partnered with the district attorney's office, Judge Brown, as well as the Port Authority, to try to get this
bill passed. And the Mayor's office has been fantastic. We have managed to get it out of the Senate. It passed the Senate, it passed the Assembly Transportation Committee, and now it is in the Codes Committee before Assemblyman Joe Lental.

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

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

But I want to thank a couple of people who really went above and beyond. I was very impressed when I got up there. I want to thank Dave Pollack and the Committee
for Taxi Safety. They have done an extraordinary effort. Mike Wollos and MTOBT. I see Ron is here. I want thank all you as well as Alan Kaplan who has been doing his own thing but he has been doing a lot of work on it and has been very effective. And also Avi Kabassa from Carmel.

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

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

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

CHAIRMAN DAUS: On taxi availability, just a few words on this because
there is not much more to report officially. We had a very interesting public hearing last time and the City Council has always had a public hearing on this issue. I know some people in the audience are very concerned about this issue and we listened to the testimony here and at the Council, and I want to let everybody know that we are continuing to work on the issue.

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

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

We will probably take off one of the months in the summer, and we are going to be
looking at the availability of the
Commissioners' schedules. The Commissioners
have been working very, very hard. I think we
have held religiously a meeting every month
for several years now, if I am not mistaken.
So we are going to try to give the
Commissioners a break because I am looking at
the schedules with the Commissioners and I am
not sure if we are going to be able to get a
quorum for these months.
I don't know whether we are taking
off in July or August, but we will let you
know. I would encourage you to check our
website or sign up for our list serve and this
way you can rest assured that you will get an
e-mail about it.
And also I have some good news to
report, actually, a personnel announcement.
After much debate and much consideration, we
are making some operational changes at the
agency to further enhance our ability to deal
with the public and to create more efficiency
in our agency.
And what we have decided to do
basically is to merge some of the essential
functions under one roof of the call center, which is our center that deals with 311 and members of the public, which is located on the 8th floor in this building. We are going to be having that section, as well as correspondence unit which handles most of the correspondence for the agency, come under one roof of the constituent affairs office.

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

So one of the things that has been very effective is to have one point of contact, one office that manages a lot of the
different external affairs. I know other agencies have had external affairs departments. This kind of works in that way, they handle the legislative affairs, they handle the issues and complaints from community boards, they handle all of our stakeholders and advisory boards. A lot of people in this room who have issues can get a direct answer on what is going on or can state their opinion and it gets funneled and we have consistent information. It has worked very well.

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

And the one person who has done I think an outstanding job of delivering on this office is Samara Epstein, who I am pleased to
promote to Assistant Commissioner for Constituent Affairs today. Samara has done a great job. She will be taking the reigns of that consolidated office. And I also want to thank and acknowledge Dawn Sherman.

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

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

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

Of course with all offices at the TLC, as our Commissioners get badges, we have
a new badge for Samara. So I would like to
official present you with your Assistant
Commissioner badge.
            Congratulations.
MS. EPSTEIN: Thank you. I look
forward to working with you all.
CHAIRMAN DAUS: Any questions?
There being no questions, I will move
to item 2, adoption of the minutes of the May
8th meeting.
Any comments, questions?
COMM. AROUT: I move to adopt the
minutes.
COMM. KAY: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: It is unanimous.
Item 3, base licensing application
review.
MS. STEELE-RADWAY: Good morning.
Licensing would like to present before the
Commission 22 bases with a recommendation for
approval.
CHAIRMAN DAUS: Anybody have any
issues with the bases?
CHAIRMAn DAUS: No, okay. Motion to approve.

COMM. WEINSHALL: So moved.

CHAIRMAn DAUS: A second?

COMM. AROUT: Second.

CHAIRMAn DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAn DAUS: You also have two denials?

MS. STEELE-RADWAY: That's correct.

They are being recommend for denial with the request that they are granted an additional 30 days to submit their outstanding items.

CHAIRMAn DAUS: Do we have a motion to deny?

COMM. AROUT: Move to deny.

CHAIRMAn DAUS: A second?

COMM. KAY: Second.

(Chorus of "Ayes.")

CHAIRMAn DAUS: Okay, thank you.

Item 4 on the agenda, proposed rules rear-entry accessible taxicabs specifications.
Before I turn it over to Chuck, I just want to briefly remind everyone that the Commission had, at a prior meeting I think a month or two ago, decided to extend the pilot based upon Assistant Commissioner Schenkman's recommendations, the request of the industry and the disability community, to allow for rear-entry wheelchair access into Toyota Siennas.

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

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

I want to thank Assembly Member Mika
Kelner, who I spoke to the other day. He is in Albany today, but he was instrumental in advocating for this, as well as several other members of the disability community, along with Commissioner Sapolin.

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

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

At present, Commission staff is aware of two post-manufacture modifications in the Toyota Sienna minivan that would meet the specifications in the proposed rule. In addition, Commission staff is aware that a post-manufacture modification of the Dodge Caravan is under consideration.
At the April 2008 Commission meeting, the Commission voted to expand the two pilot Toyota Sienna programs to cover accessible Medallions auctioned at the Commission's May 2nd auction. And, in fact, the modified Siennas have proved to be the most popular model of accessible vehicle among winning bidders at that auction.

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

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

First, the staff recommends a change in the wording in Section 303.2(E)2 and 3, in the two places where the proposed rule
requires modification to, quote, "comply with," unquote, federal mother vehicle safety standards, the staff recommends clarifying that the modifications, quote, "meet or exceed," unquote, federal standards.

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

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

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: Before we get
started, I just want to remind everybody that
there is one topic and one topic only here,
and that is these proposed rules. No other
issues are being discussed when you testify.
So basically you are going to get three
minutes and, please, do not go off topic.
There are other forums within which you can
raise other issues.
And that's why we promoted Samara
Epstein so she and her staff can listen to
your issues. So she is here if you have other
things on your mind, which, from the signs, it
looks like there are.
The first speaker is Dan O'Brien.
MR. O'BRIEN:   Good morning, Mr.
Chairman, members of the Commission. This may
be off topic already, because basically I am
representing the Mobility Alliance, which is a
consortium of manufacturers of adaptive
vehicles, so you may want me to talk with
Samara.
CHAIRMAN DAUS:   You are from the
Mobility Alliance. What is your issue? It
sounds a little bit on topic.
MR. O'BRIEN:   Okay. Basically we
are a group of companies that spread across North America that specializes in rapid design and deployment of vehicles for the accessibility market. And we have partnered with Ford Motor Company on one of their new Ford platforms and engaged in phase one concept testing on a vehicle with a rear-entry that meets all your requirements. And when we go into phase two, it will be completely tested for fuel system integrity and all of the safety factors as well.

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

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

MR. FRASER: No. The reason I refer to the Sienna and the Caravan is those are the vehicles that we are aware of, the two modifications of the Sienna are the vehicle
that we are aware of that exist already that meet the specs. The specs are not model specific. The specifications state what the vehicle has to look like, and any vehicle that meets those specs.

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

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

So we can either do two things. We could possibly when we finally publish the rule, take both of the names out, or we can insert the name of your company in there, if after advice of Pete Schenkman, it meet the specs. But we actually would rather get away from naming specific companies, so maybe what we can do is try to delete that reference if that makes you more comfortable.
MR. O’BRIEN: I would be much more comfortable if you did delete that reference.
CHAIRMAN DAUS: Fine, okay.
MR. O’BRIEN: Just in closing, all of our companies have met with Ford Motor Company and demonstrate our engineering expertise. Even though we are spread across North America, all of our designs are deployed throughout the individual companies with our drawings, our control plans, our parts list and so on and so forth. All are consistent among all our companies.

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

That's pretty much it, other than the fact that we are all National Mobility Equipment Dealer Association members.
CHAIRMAN DAUS: Commissioner Kay has a question for you.
COMM. KAY: Looking at what you did here, I was just curious as to the cost involved in adapting the Ford vehicle like
this for ADA compliance.

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

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

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

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

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

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

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

CHAIRMAN DAUS: That is transit connect, right?

MR. O'BRIEN: It is, sir.

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

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

CHAIRMAN DAUS: Great. Thank you, sir.

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

Mr. Chairman and Commissioners, as you know, I am one of the first guys who have been driving a wheelchair accessible cab. The Fords Freestar, I'm sorry to say about your Ford, is not too good a car. Anyway, right now I am invested in a Dodge Caravan, which most of my customers seem to love the Caravan. The problem with the Caravan, as I mentioned to you before, it was a little bit too low and there is a back piece that keep falling off where we continuously have to keep going back to the body shop to get it fixed. It is easier for the elderly customers who don't have to step up, and I was looking at the Sienna the other day and I think they are going to have the same problems with that car and for elderly customers to be stepping up. The best problem for that would be a hydraulic
system like the kneeling bus.
A safe driver is a comfortable driver. And what happened to me here now,
when I first got the Dodge Caravan, I had a telephone and a camera in the car, and I guess
the new rules and regulations now is that we have to have the partition. I am a very tall
guy and the GPS system has taken away at least 12 inches, which is very necessary for me to
be comfortable, and my driver, who is my son who is just as tall as I am. And it is not a safe situation for me. I am cramped up on the steering wheel.

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

And, again, like I said, please pay attention to the cab drivers. We have no cash in our pockets and a surcharge would be very good. Thank you very much.
COMM. KAY: I just want to ask one question before you go.

MR. SIMMONS: Yes.

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

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

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

MR. SIMMONS: Yes, I do. I have been driving for 35 years. As you can see, I am a big guy, so I have no problem with dealing with the people in the street. And my son is just as big as I am also. I don't know about the other little guys, but I am all right.
CHAIRMAN DAUS: Thanks.
You don't have an L shaped partition, do you?

MR. SIMMONS: No, I have the one that goes straight across. I tried the L shape too and it is the same problem.
CHAIRMAN DAUS: And you have a side entry?

MR. SIMMONS: Yes, the side entry is very good. Like I said, it easier for the elderly people. Usually when I had the Ford Freestar, I had to pass up elderly people.
CHAIRMAN DAUS: Do you support the rear-entry?

MR. SIMMONS: Most of the wheelchair accessible people that use the rear-entry feels a little bit isolated in the back. And, again, not a major problem. I do a lot of jobs out of Kennedy Airport, when you have a wheelchair accessible car that is loaded from the back, you have no place to put the luggage.
You know, if you have four people and a wheelchair, you have the luggage all around that individual and sometimes it may even fall
on their head if you know the streets of New York City. It's terrible with the construction and all of that situation going on.

CHAIRMAN DAUS: Thank you for your testimony.

MR. SIMMONS: I thank you.

CHAIRMAN DAUS: Next speaker is Mr. Osmond Chaudry.

AUDIENCE MEMBER: He is not here.

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

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

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

I call on Mr. Kay to tell the Mayor,
we demand a gas charge now. It was $1.80 back
in 2004. To not do anything, to use Mayor's
favorite word, is unconscionable.

CHAIRMAN DAUS: Thank you.

Ms. Bharabi Desai.

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

Thank you.

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

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

I know from talking to Beausford and
some of our other members who have driven
wheelchair accessible cabs, that early on they
are found to have a lot of mechanical
problems, but because the drivers don't hold
the title of the car and they are not given
enough information as to where they can go to
repair it, whether or not there is still a warranty, how much they are able to reduce in terms of the repair bill, that it creates an economic burden. And just from talking to members, it does seem that these vehicles are much more prone to have mechanical problems then, let's say, the Ford Crown Vics.

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

Particularly because there are warranties, but drivers are not able to access any of that. And what drivers can do when they have spent the money and they have turned it in for reimbursement from the insurance company but they are not able to get that money back because they are beholden to the broker, and in some cases even to the garage. I think it is a larger problem in terms of mandating these vehicles, so I feel that that
should also be very clearly addressed by the Commission. And, again, if it is not through this rule-making, then at least through an industry notice that could be put out more immediately. And I think that will give drivers a lot more economic protection.

And speaking of economic protection --

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

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

As I was saying, speaking of --

CHAIRMAN DAUS: Are you supporting

the rules or are you against them?

MS. DESAI: We do support the rule.

I would just say that this is something else

that needs to be reflected within the

rulemaking.

CHAIRMAN DAUS: Okay, your time has

expired.

MS. DESAI: You took up so much of

my time by asking me questions.

CHAIRMAN DAUS: Do you have anything

to add?

MS. DESAI: Gee, what do you think?

I am glad that the sign says it all.

I am concerned that if there is going to be a

break in the summertime and gas prices are not

expected to go any lower. If anything, they

are expected to go higher. And at this point

in time, drivers are paying out of pocket over

$200 minimum more today than they did at the

time of the last increase.

This is on top of the five percent

that they are losing, on top of the higher
leases from the vehicle expenses because of the technology. I think this is a major economic issue that the Commission really needs to address.

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

Thank you.

CHAIRMAN DAUS: Thank you.

Last speaker is Steven Seltzer.

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

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

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

CHAIRMAN DAUS: Is that a rhetorical question?

I don't know where you stand on the
rules, but it is good to see you again.
That concludes the public hearing.
Do we have any questions or concerns
from the Commissioners on any of this?
(No response.)
CHAIRMAN DAUS: Okay, do we have a
motion on these rules.
COMM. WEINSHALL: So moved.
CHAIRMAN DAUS: Do we have a second?
COMM. AROUT: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: Thank you. They
pass unanimously,
And item 5, I think we have
adjournments, right, Chuck?
MR. FRASER: Yes.
CHAIRMAN DAUS: So the two that are
item 5 on the agenda to consider Commission
appeals will be adjourned at the request of
the respondent to a future meeting.
So that concludes our hearing.
Everybody stay cool and thanks for coming. We
will be in touch.
Do I have a motion to close the
meeting?

COMM. AROUT: So moved.
CHAIRMAN DAUS: A second?
COMM. WEINSHALL: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes."
CHAIRMAN DAUS: We are adjourned.
(Time noted: 10:15 a.m.)
CERTIFICATION

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

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

MARGARET EUSTACE,
Shorthand Reporter