HEARING CONVENED AT 9:29 A.M.

COMMISSIONERS PRESENT:

David Yassky, Chairman
Elias Arout
Frank Carone
LaShann DeArcy
Edward Gonzales
Nora Constance Marino
Lauvienska Polanco
Iris Weinshall

ALSO PRESENT:
Meera Joshi, General Counsel
Staff
The Public
The Press

Reported by:
Kari L. Reed
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THE CHAIR: Okay, let us come to order.

Good morning. Thank you for joining us. We are beginning this meeting of the Taxi & Limousine Commission at 9:29 a.m. The first item on the agenda is the adoption of the minutes from the April 18th, 2013 Commission meeting. Commissioners, the minutes of the April 18th meeting are before you. I move that we adopt them as written.

COMM. AROUT: Second.

All in favor?

(Chorus of ayes)

THE CHAIR: Opposed?

(No response)

THE CHAIR: By unanimous vote the minutes of the April 18th meeting are adopted.

The next item is base approvals and renewals. Chris, will you present those on behalf of the licensing division?

MR. WILSON: Sure. Yes.

Licensing was proposing that a total of 54 bases were going to be approved, but we have
made four changes. We are removing from consideration this month Lex Car Service and Myrtle Avenue Car Service. And for La Poblanita Car Service and M & H Car Service approval will be conditioned upon completing all the requirements of licensure, including submitting a business plan. Otherwise, the staff recommends that the changes as proposed to the agenda be approved, the applications for the agenda be approved.

THE CHAIR: I'm sorry, let me -- I know that there were a couple of bases that are listed here. Did you --

MR. WILSON: Yes.

THE CHAIR: -- just mention those are not --

MS. JOSHI: Yes. Myrtle Avenue and Lex Car Service are not up for consideration today. But La Poblanita and M & H Car Service will be conditional approval, conditional upon paying all the fines, et cetera, complying with licensing requirements and submitting a business plan.

THE CHAIR: And submitting a
business plan. And I know Commissioner Gonzales had made that suggestion. Does that fit in with what you had in mind?

COMM. GONZALES: Yeah, as long as the business plans address the dispatching of unauthorized vehicles and unauthorized drivers.

THE CHAIR: So, you know, let's give them the deadline of a week from today to submit those business plans. Commissioner, I will personally review them along with Gary Weiss who, as you know, is head of our licensing division, to make sure that they are satisfactory. So I commit to do that.

COMM. GONZALES: Okay, thank you.

THE CHAIR: And that if you wish you can certainly, I would just assume -- if you wish to, let me know, otherwise I will review them.

(Ms. Joshi enters meeting room)

THE CHAIR: All right, the next item on our agenda is a public hearing and with a vote on two related rule packages.
Both have to do with the Taxi of Tomorrow and the taxi vehicle.

As you know, Commissioners,

several months ago we approved rules making the Taxi of Tomorrow vehicle the exclusive New York City taxicab. Due to a court judgment we have to redo those rules, and we have to address what the court identified as a flaw in the original rules that they left taxi owners without the option to purchase a hybrid vehicle for the initial period of time before the Taxi of Tomorrow vehicle itself was available as a hybrid. So what we have before us now are rules that, the first package restates the original Taxi of Tomorrow rules, the second creates that hybrid option and at the same time adjusts our hybrid specifications to ensure that the hybrids that are on the road will be reasonably spacious. And we published rules a month ago that would take our regular dimensional requirements, head room, leg room, interior volume. We've for years, as you know, a special set of hybrid
requirements that allowed much smaller cars
than ordinary taxis to be on the road as
hybrids. That I think we can all agree that
made a ton of sense years ago when those
were the only hybrids out there. Now that
the hybrid marketplace has diversified, we
can do what the TLC has done for years and
say we want to make sure also that the car
is as suitable as possible for taxi
passengers.

The rules we put out a month ago
would have left only a couple of hybrid
models available to taxi owners, and we got
a quite a bit feedback about that. And in
response to that feedback, what's before you
today, and I know Meera is planning to
explain this in her more precise and
accurate way, the rules that are before us
today have been revised from what we
published to allow in more hybrid models.
In particular, the cubic -- the interior
volume requirement, which had been published
at a 138 cubic feet, has been relaxed to 130
cubic feet. In other words, vehicles that
have between 130 and 138 cubic feet now can be used as taxis. And specifically that will allow the use of one of the more popular hybrid vehicles that's on the road stays as a taxi, the Prius. Everyone, you know, thinks of the word Prius as synonymous with hybrid. And that while it is somewhat less spacious than what the original specs would have permitted, you know, we are certainly, the professional staff and I am certainly comfortable in saying it's spacious enough to be a taxi cab and to give passengers the room they need and the luggage space in particular that they need. So we have done that in response, and I thank the industry for its feedback.

Before we begin the hearing, I'll just say the vehicle is downstairs. I took another look at it this morning before I came up here. And I felt again just how, honestly, how proud I am to have been a part of this process leading up to this. I believe that when the vehicle hits the streets in October, taxi passengers will
feel that something really meaningful has been done for them and something meaningful has been done to improve their experience. And that's what we're here for. The whole theory behind this was that if the city partnered with a major auto maker and asked them you unleash your designers and engineers on the task of custom designing a vehicle to serve as a New York City taxicab, we'll get a result that we haven't had before. And for those of us who, you know, I still think of the Checker as kind of the gold standard of taxis, that was a special experience to be in. I know that our kids and people, taxi passengers of today and for decades they will regard this as the gold standard for taxi cabs. The spaciousness, the finished feel to me, the fact that the partition is not installed after the fact and kind of just gives it a jury-rigged feel to it in the current taxis, but this not just has a finished feel but has all the safety benefits. And we are going to hear from doctors so I shouldn't belabor it. But
for the first time have a taxi vehicle that meets all federal crash test standards with the partition inside, I think that on its own makes it worthwhile. Over and above the feeling of spaciousness, the roof, which I think will be a huge hit with not just tourists but New Yorkers too. All the -- I mean I was thinking this morning of the roof -- the floor lights. We get 40,000 calls a year, that's people that call 311, to say I left something in the cab, can you help me find it. So there must be ten times that many that leave things in cabs but never call, probably 50 times that many. And, you know, this is, you know, this was, again, a Nissan idea. We never would have thought of these things ourselves. When the door opens, a floor light goes on, so a passenger sees that a hand bag or a wallet is on the floor and they can grab it before they go.

The seat belt, the thing you buckle the seat belt into, I don't know the word for it, are, in regular cars they're
blended in, you know, they're the same color
to blend in with the seat. Again, Nissan
had an idea to make them a different collar,
yellow, so that when a passenger gets in
they think to buckle up. So maybe the 60
percent of people who ride without seat
belts today will buckle up.

Anyway, Meera, do you wish to
formally describe it?

MS. JOSHI: Today we will hear
public testimony --

AUDIENCE MEMBERS: We can't hear
you.

MS. JOSHI: Today we will hear
public testimony on rules that require, with
certain exceptions, unrestricted medallion
owners to hack up with the Taxi of Tomorrow
once the Taxi of Tomorrow is launched.
Exceptions to this rule are accessible
medallions, alt fuel medallions, future
medallions, and until the Taxi of Tomorrow
is available in a hybrid version, medallion
owners who choose to hack up with a hybrid
that meets TLC specifications.
Additionally, also effective as of the launch of the Taxi of Tomorrow, the proposed rule modifies TLC specifications for hybrid vehicles to align, to the extent possible, the passenger experience in the Taxi of Tomorrow with the passenger experience in a hybrid taxicab. The process leading up to the selection of Nissan's Taxi of Tomorrow, and the significant benefits the Taxis of Tomorrow will provide to the riding public, to drivers, and to medallion owners, were presented in detail at a public meeting on an earlier version of this rule on September 6th, 2012.

So each speaker will be given three minutes, and we'll begin --

THE CHAIR: I'm sorry, before -- I just want to note that for the first time ever the TLC meeting today is streaming live today over the Internet, Commissioners. So in the future if you want to email your, you know, your friends and associates so that they can watch live the commission hearings, but also for our constituents who don't want
to or can't schlep to attend in person, this way they can watch over the Internet. I thank you, Brian Switzer and Jeff Grunfeld on our team for making that happen. I'm going to guess it's nyc.gov/taxi. Maybe somebody will tell me if that's wrong.

Okay, the first speaker is Ethan Gerber, representing the Greater New York Taxi Association. To be followed by Lee Sander.

MR. GERBER: Good morning, Commissioners. I'm Ethan Gerber, from the Greater New York Taxi Association, an organization that operates accessible and clean air vehicles.

We are here now for the second time because this Commission ignored our concerns the first time. It's not that you didn't listen to us, only one commissioner, Commissioner Marino, bothered to attend that meeting. She's the only one who heard the 14 disabled people say why they hated this vehicle, or why the industry tell you why the -- why the industry thought it violated
city law, federal law, and stated policy of this administration. Not surprisingly, she was the one who voted against it.

You are here now because the court threw out the TOT rules because they violated both the letter and the intent of the New York City law, a law designed to promote clean air vehicles. Instead, the rules you passed would virtually remove them. The court said that this administrative agency can enhance legislation to fill in the interstices of legislation, that is, the small gaps in the legislation, not to undermine or contravene the intent. The court further held that the intent was to get taxi fleet to be clean air accessible.

With that instruction from the court, you must ask yourself today will this rule support the intent of the legislation or undermine it. The answer is simple. Most of the hybrids currently running will be forced off the road. We haven't seen the new rules published about the Prius, but I
understand that it's the Prius V, which is the large Prius, not the one that's currently operating in large numbers.

Moreover, you have a duty, a fiduciary duty as Commissioners to ensure that this agency follows the law. The Americans with Disabilities Act requires taxis that are advanced to be ADA compliant.

The federal court just two months ago classified the suit in front of it as a class action. The judge in the hearing said his own eyes told him that the NV200 is a van. Nissan says it's a van. The name is NV, meaning Nissan van. The Federal Safety Administration classifies this as a van. Look at the vehicle, and you cannot call it a car just because you know the law it's illegal for a taxi van to operate without wheelchair accessibility.

GYNTA supports innovation. We pioneered the use of hybrids in accessible vehicles. We created dispatch software for the accessible program. We helped the administration achieve these goals. One of
our members, Guy Roberts, has worked closely
with Nissan in trying to improve the
vehicle, and has test vehicles in his
garage. So we come to you as a group that
has partnered in innovation, but this plan
has flaws.

It supposedly will be, as you
mentioned, will be crash tested with its
partitions. But it has not yet been crash
tested at all. If you go on the Safety
Administration Web site, you'll find that
the Nissan NV200 has not even yet been
officially crash tested as a vehicle, much
less a vehicle with partitions in it. Yet,
we are locking it into a ten year contract.

The new rules restrict New York of
most clean air taxi vehicles; almost 7,000
hybrids would have to be retired. Why push
through something that will make our air
worse and increase our carbon footprint.

The Taxi of Tomorrow, the Nissan
NV 200, is not accessible, even though it is
a van and therefore must be ADA compliant.
Why do something that we know is illegal and
must fail.

The vehicle does not serve the disabled community. Even when retrofitted the disabled hate it because it's a rear loading vehicle that only fits the wheelchair user in the back. Thus, a mom can't take her child, and a person can't ride in the back with a health care worker. Why foster a vehicle that is worse for the disabled community than ones we already have on the road.

Unlike the cars like the Ford or other cabs, this vehicle is not made in America. It does nothing to create American jobs. Why force all cabs to be foreign made?

The so-called Taxi of Tomorrow is only for Manhattan cabs and not the new borough cabs. If you believe this is an improvement, why consign Brooklyn to second class status. Why is leg room so important that it trumps wheelchair accessibility, that it trumps clean air, that it trumps consumer choice. But it is not important at
all in Brooklyn, Queens, the Bronx, Staten Island or northern Manhattan.

As I said before, the TLC asked one of our members to help Nissan. They took some suggestions, but ignored others. As he pointed out in a letter that we circulated to the Commissioner, side and rear visibility in the vehicle is substandard. A split rear door blocks the rear view mirror in the driver compartment. The driver's limited to using side view mirrors as in a truck, or van.

THE CHAIR: I'll ask you please to sum up.

MR. GERBER: I'm getting there. The passenger windows are stationary, they cannot be opened or closed. Passengers cannot get fresh air.

The van body is significantly less maneuverable in New York City traffic than a sedan style taxi.

The NV200 van gets 16 miles per gallon in the city by our tests, as opposed to 28 miles per gallon.
The glass roof can shatter and injure passengers.

There is no insulation to keep the car cool in the summer or warm in the winter. When we talk of passenger comfort, we are guessing. Will it bake in summer under a glass roof if not closed? Will customers like a van that cannot open its side windows, even when there are noxious smells in the van, or when the van is overheated? Will they enjoy the increased leg room, but not mind that the vehicle is narrower so that three mid-sized people can no longer fit?

THE CHAIR: I'm going to ask you again to sum up, Mr. Gerber.

MR. GERBER: I'm summing up.

THE CHAIR: You know, we have 20 plus people signed up.

MR. GERBER: You know, this is a ten year contract, Commissioner. You're asking for a ten year agreement on this thing. It would be better to have these conversations in this public forum than have
them in court. So I'm asking you just a few
minutes so we can understand the issues.

THE CHAIR: I know there have been
many conversations.

MR. GERBER: You don't know the
answer to any of the questions that I have
raised, Commissioners, because none of you
have actually driven in this car because the
car is not actually on the road.

THE CHAIR: Have you --

MR. GERBER: I'll ask the
Commissioners this, and I'll ask each of the
Commissioners this. Would you do this for
yourselves? Would you agree with an
administrative agency to enter a ten year
contract to buy one vehicle for yourselves
if it was your car? Would you say you know
what, Nissan makes a good presentation, an
administrative agency told me it's a good
car, this is the only car that I'm going to
drive for the next ten years. I haven't
ridden in it, I haven't driven in it, I
don't know what it's going to be like, I
don't know what the conditions are going to
be like, I don't know how it's going to handle in the streets. Nissan says it's going to be a good car and an administrative agency tells me it's a good car. So I think I'll enter a contact and I'll agree that for the next ten years, no matter what happens, whether service is sub par, whether the parts are not available, whether the car is not working out right, whether there are recalls, whether there are better cars available a year from now or two years from now or three years from now, I will lock myself into a ten year contract. If you will answer that question no honestly, if you will say no, I would not do that for myself, don't do it for other people. Thank you.

(Applause)

THE CHAIR: The next speaker is Lee Sander of HAKS, but speaking today on behalf of a group of civic leaders. Other civic leaders, I guess I should be clear.

MR. SANDER: Anyway, good morning.

Good to see you all and be back here again.
I am Lee Sander, as this chairman indicated. I am currently the president and chief executive officer of HAKS, an engineering and construction management firm that specializes in transportation, environmental service and buildings.

I am also a chairman of the Regional Plan Association. I previously served as commissioner of the New York State Department of Transportation from 1994 to 1996, as the chief executive officer of the Metropolitan Transportation Authority from 2007 to 2009, and on the Taxi & Limousine Commission from 1997 to 2006.

As a TLC commissioner I supported and encouraged the Taxi of Tomorrow project, and I want to acknowledge the design trust public space who came up with this idea originally, and I want to commend Chairman Yassky and your team, as well as the previous chairman, Matt Daus, for taking the ball and running with it.

New York City deserves a fleet of taxicabs that are designed with taxi
functionality, passenger and driver comfort, and the safety of those inside and outside the vehicle in mind.

After taking my first ride in the vehicle two weeks ago, I must say that the Taxi of Tomorrow far exceeded my expectations.

New York City taxi service is inexpensive and convenient relative to other major cities, but the passenger experience needs improvement. Today, hacking up a taxi involves purchasing a vehicle that was not designed for taxicab service, and adding aftermarket taxi equipment. As a consequence, current New York City taxis are not as safe for rear seat passengers as they should be. Many of them lack sufficient leg room, and do not provide a comfortable rear seat ride. Rear seat passengers often do not have adequate climate control. Very few taxis are accessible to wheelchair users. And entry to and exit from most taxis is unnecessarily difficult for people with other mobility impairments.
All Taxi of Tomorrow vehicles will include features that make taxi service more comfortable and accessible to riders.

A hearing loop -- and the chairman referred to some of these earlier, I'll try to be brief -- a hearing loop and intercom will allow clear communication between passenger and driver. An easy to open sliding door and automatic retractable step. High contrast markings, as the chairman referenced. And carefully placed grab handles facilitate entry and exit. And several other features that, like a completely flat cabin door to help make this the most passenger friendly taxi in our city's history. In addition, Nissan is also in the process of finalizing a wheelchair accessible version of the vehicle. The TLC has received a great deal of negative feedback from taxi operators about the durability of existing converted vehicles, but the Taxi of Tomorrow will solve that issue.

Nissan not only oversees and
endorses the accessibility conversion, but it also provides the same warranty and guarantee that comes with non converted Taxi of Tomorrow vehicles.

The future legislation -- and I understand this has been a point of contention and concern from the handicapped community -- the future legislation requires that all New York City taxis be wheelchair accessible. Nissan is ready to deliver up to a hundred percent wheelchair accessible vehicles.

The Taxi of Tomorrow was also designed with the safety of taxi passengers in mind, as I referenced. Currently, taxi owners install a partition after the taxi vehicle is crash tested by the manufacturer. This means that in current taxicabs the petition exposes passenger to an increased risk of head and face injuries, and may also interfere with proper deployment of side passenger air bags. The NV200 will include a manufacture installed partition, and will meet federal crash standards.
In addition to a crash tested partition, the Taxi of Tomorrow will include numerous other safety features. Sliding doors to prevent crashes with cyclists and other vehicles. Illuminated lights on the rear exterior to inform cyclists and other drivers that doors are opening. And, as the chairman referenced, seat belts highlighted with color to encourage seat belt use. A backup camera for drivers. And I remember the tremendous issues that we had in terms of driver safety when I was on the commission. I mean a number of these resonate from when I sat in your chairs. And a vehicle front end design to reduce severity of injuries to pedestrians.

Without the Taxi of Tomorrow project and the associated granting of exclusivity for a manufacturer, it would not be possible to achieve this level of passenger safety.

COMM. MARINO: Are we limiting all speakers to three minutes?

THE CHAIR: Yes. So, Mr. Sander,
MR. SANDER: I will.

THE CHAIR: -- sum up.

MR. SANDER: I will sum up.

Outside of safety, the Taxi of Tomorrow simply creates a more pleasant ride for passengers.

Let me just do the last paragraph, if I may.

THE CHAIR: Please.

MR. SANDER: Thank you, Commissioner.

Many transformative innovations that change the way we travel around New York now seem commonplace and are completely integrated in our day to day lives. It is hard to imagine this city without the Metro card, bike lanes, select bus service and the E-ZPass. Since the demise of the Checker Cab in the early 1980s, the city has not had a taxi vehicle designed specifically for taxi cab service. I am confident that the iconic Taxi of Tomorrow will fall into the same category and I urge that you pass this.

The reason I'm here is because I
was invited out of the blue to come and see 
this vehicle two weeks ago. I took a ride 
in it, I thought it was extraordinary, and 
that is why I am here.

THE CHAIR: Okay.

MR. SANDER: I could read the 
folks who have signed on, it's an 
extraordinary list of people who have come 
together in the last two weeks.

THE CHAIR: Please do, yes.

MR. SANDER: If the Commission is 
comfortable with that. Chair, I appreciate 
that.

And these are people who, very 
quickly, some of them, like Ms. Wild and 
others, who also took advantage of your 
offer to ride in it, and had the same 
reaction as I did.

So the individuals who have signed 
on -- and this I think is just a partial 
list of people who have been supportive of 
the vehicle -- Nancy Ploeger, President of 
the Manhattan Chamber of Commerce, also I 
believe took a ride; Kathy Wylde, President
of the New York City Partnership; Bill
Rudin, chairman of the Rudin Management
Company and the chairman of the Association
for Better New York; Jonathan Tisch,
chairman of Loews Hotels; Steve Spinola,
president of the Real Estate Board of New
York; Douglas Durst, chairman of the Durst
Organization, also with me serves as vice
chairman of the RPA; Jennifer Falk,
environmental director of Union Square
Partnership; Christine Nichols, chair of the
Broadway Association; Fred Cerullo,
president, Grand Central Partnership; Paul
Steely, executive director of Transportation
Alternatives; Joe Sitt, chairman of the
Global Gateway Alliance and also CEO of Thor
Equities; Susan Chin, executive director of
Design Trust for Public Space, and I
originally and initially acknowledged them
as well; Paul Herzog, chairman of the
Cooper-Hewitt National Design Museum;
Mitchell Moss, director of the Rudin Center
at NYU; and Wellington Chen, executive
director of the Chinatown Partnership.
I believe there are many others who, some of whom I had a partial conversation with, but I have a full time job and this just kind of came together rather spontaneously. But these people were heartfelt in their support for this initiative.

THE CHAIR: Thank you so much. I just have to say thank you, you know, for your service and at the MTA. Every time I'm on the subway I'm reminded of what a jewel that is. So thank you again for that.

But Commissioners, we did, as you know, invite all of you as well as a wide group of civic leaders and of course all of our industry stakeholders to see the first couple of production quality Taxi of Tomorrow vehicles when they were available a few weeks ago. And then I was surprised but delighted to get a call from former MTA head, former transportation department commissioner Lee Sander saying I think this is a huge win for passengers and I would like to come testify in support and see if
other civic leaders feel the same way. And I said please do. Because, as you noted, Commissioner Sander, we don't often enough hear from passengers. And I would say that that's a group of people who do speak for passengers. So thank you.

MR. SANDER: Thank you.

THE CHAIR: Thank you, Mr. Sander.

MR. SANDER: Again, good to see some of my former colleagues here as well this morning.

THE CHAIR: We'll hear from Denise Hoyt-Connolly from NYU Langone Medical Center, followed by Dr. Charles DiMaggio from Columbia University Medical Center.

DR. CONNOLLY: Good morning. I am here to read a letter on behalf of the physicians from Bellevue Hospital and NYU Langone Medical Center Medical emergency department in support of the Taxi of Tomorrow.

As emergency department physicians for two of the busiest emergency departments in New York City, Bellevue and NYU Langone
Medical Center, NYU physicians witness many injuries caused by taxi accidents. The injuries range from severe facial fractures and lacerations to traumatic brain injury and neck and spinal injuries. We are pleased to offer our support for the Nissan NV200 Taxi of Tomorrow. We are quite impressed with many of the new features designed to improve passenger safety, and hope they will prevent many of the above named injuries.

Seat belts not only save lives, but they reduce injuries for all parties involved in a collision. The highlighted seat belt connectors with color in the Taxi of Tomorrow will hopefully encourage passengers to use it more frequently.

Having the vehicle equipped with side passenger air bags intended to deploy without interference from the partition is another important safety feature, as many of the injuries we see are as a result of the partition. In this day and age, a majority of people get in the backseat of a taxi and
are immediately distracted by an electronic device. When an accident occurs, the passenger is unable to use their arms as a shield, and this is how serious injury can occur.

Another feature which promotes safety is the sliding door which will inhibit crashes with cyclists and other vehicles. This is another area in which we treat many people in the emergency department, both passengers and cyclists that, for example, may have been hit with a door as they're riding by the taxi.

Lastly, the illuminated lights on the rear exterior when a door in the taxi is opening will avert similar types of accidents. We support all of these new features that are in the Taxi of Tomorrow.

The only suggestion we have at this time is that more be done with the protrusions from the partition. We prefer a dip reader for credit cards that is flush with the partition as we feel that this will add to the safety of the passenger if there
is an accident.

We thank you for the opportunity to comment on the Nissan NV200 Taxi of Tomorrow, and look forward to continuing to work with the Taxi & Limousine Commission to promote safety for drivers and passengers.

And it's signed by Louis Gold Frank, Herbert W. Adams, professor and chairman, department of emergency medicine, Rahul Sharma, medical director and associate chief of service, emergency department at NYU Langone, and Christopher McStay, chief of service, Bellevue Hospital emergency department.

THE CHAIR: Thank you very much.

I just I want to tell you, and please tell your colleagues, we took your point about the credit card reader to heart. And we have been working with Nissan and maybe even more important with the people who make and install the current credit card processing equipment to see how we could get a -- whether it's a dip reader or a solution that doesn't have the protrusion that you're talking about, and we'll pursue that. So
thank you.

DR. HOYT-CONNOLLY: Great. Thank you very much.

THE CHAIR: Dr. DiMaggio, followed please -- or Dr. DiMaggio.

DR. DiMAGGIO: Good morning, Commissioners. My name is Charles DiMaggio. I am associate professor of epidemiology and anesthesiology at Columbia University Medical Center, and research director for the Center for Injury Epidemiology and Prevention at Columbia University. And I have spent the better part of the last 30 years of my professional career treating, preventing, studying and trying to control transportation related injuries in New York City.

I am here to voice my strong support for the rule and for the proposed Taxi of Tomorrow. The Taxi of Tomorrow brings commonsense engineering designs that are unique to the kinds of injuries that are associated with taxis. They have been outlined in some of the design features that
were promulgated already, but I'll just repeat some of them.

Partitions with protruding steel nuts and bolts, sharp edged credit card machines and change cups have all been about 16 inches from an adult passenger's face for the past 20 years or so. That's been changed now. They've been replaced with recessed features and rounded edges that are no longer at adult face level. Safety testing with partitions installed should further decrease the risk of passenger head and facial injuries by ensuring that partitions will not interfere with air bag deployment. Sliding doors with passenger indicator lights and rear indicator lights should decrease bicyclist crashes.

My particular area of study is pedestrian injuries. In New York City, as in most large metropolitan areas, pedestrian injuries outnumber occupant injuries. They have since we started counting. And the designers of the proposed Taxi of Tomorrow have taken particular attention to address
this important issue. In fact, pedestrian injuries actually involve three series of injuries. The bumper impact to the lower extremities, the leading edge impacts to hips, and the head and the body swivel onto the hood of the car. It appears that the front end and architecture of the proposed Taxi of Tomorrow is designed to address all three aspects of this injury test. The recessed bumper placement should decrease severe lower extremity injury. The sloping architecture will absorb more energy and decrease hip and pelvic injuries. Perhaps most importantly, the hood is designed to redirect the upper body and head away from and provide additional clearance between the hood and the sides of unforgiving, underlying engine components, preventing the kinds of traumatic brain injuries that account for the majority of severe and fatal pedestrian injuries in New York City.

As an academic I always have to recommend additional study.

THE CHAIR: Please do.
DR. DiMAGGIO: Thank you. So my only additional recommendation is that the city and the Taxi & Limousine Commission take advantage of this unique opportunity to demonstrate the effectiveness of this new fleet of taxis in preventing serious injuries by tracking and conducting surveillance of injuries associated with the new vehicles compared to the existing fleet as they are introduced into the system.

In summation, I would say that these are not easy decisions and there are a lot of implications. From a strictly safety and injury prevention perspective it's quite clear to me that a return on investment for this program will include fewer injuries, safer streets, and lower medical costs.

Thank you.

THE CHAIR: Doctor, thank you very much for that very compelling testimony. I would love to take you up on your research offer and I know, I'm sure I guess our staff has already been in contact with you, but Deputy Commissioner of Policy Ashwini
Chhabra will reach out to see.

In our safety data we do what we can, but even on such a basic thing as how many people use seat belts we've had to kind of do a very crude set of calculations to figure that out. Maybe you could help us figure out how to do it better.

DR. DiMAGGIO: I would support that.

THE CHAIR: And I'd be grateful for that. Thank you for the offer.

First of all, I know I am supposed to at the beginning note the presence of various commissioners. For the record, I will note that when the hearing begun Commissioner Marino, Polanco, Gonzales, Weinshall, Yassky, Arout and Carone were present. We have now been joined by Commissioner DeArcy. That will suffice no doubt.

Commissioners, I know this hearing is on Taxi of Tomorrow at the moment. Council Member Margaret Chin is here, and she would like speak to the lease gap rules.
I'm going to invite Council Member Chin to do that now, she has a pressing engagement. And just out of, you know, comity for other council members I'm going to make this exception in the order of the hearing.

COUNCIL MEMBER CHIN: Thank you, Chairman Yassky and thank you to the Commissioners. You know, this is budget time going on, and I really appreciate the time.

THE CHAIR: Commissioners, I know it is an interruption in the flow, but I hope you won't mind that and to indulge her. Thank you, Council Member.

COUNCIL MEMBER CHIN: Thank you so much. I'm here really to express my opposition to the new rules that's being under consideration today. I think those rules will increase the cost for taxidrivers and makes it more difficult for them to make a living wage. These rules include changes that will allow garages to pass increased costs to drivers for repairs and lease costs, increase the gas surcharge per shift,
and include an automatic trigger increase in the lease for drivers when a passenger pays over a certain amount per shift because their customers use credit cards. And it will also reduce protections for drivers to complain about their fleets by dramatically decreasing the fines for retaliation against drivers who file complaints about overcharge.

I know today you talk about, you know, Taxi of the Tomorrow, but I hope that in that future we also include taxidrivers who could make a decent wage to support their family. It was only last September of 2012 that taxidrivers received the first wage increase in eight years. These proposed rules will threaten to significantly cut into their hard won gains. Customers will have to pay more and taxidrivers will have to pay more.

I myself am a taxi rider, right, I don't drive. I take public transportation, but when I need to get around fast, I rely on the taxi. And I hear complaints from
drivers about how hard it is for them to
make a decent living. So they won that gain
for the taxi increase last year. Let's help
them keep that gain, and I urge that you
reconsider those rules and do not support
it.

Thank you.

(Applause)

THE CHAIR: Please.

(Applause)

THE CHAIR: Please, I'm going to
ask people, we are not going to have either
clapping or expressions of disapproval,
that's not what we do at these hearings.

Council Member, thank you very
much for your testimony and I thank you.

COUNCIL MEMBER CHIN: Thank you so
much.

THE CHAIR: Okay. The next
speaker, back on the return to our Taxi of
Tomorrow hearing, Jeffrey Frediani,
representing AAA.

MR. FREDIANI: Good morning. My
name is Jeffrey Frediani. I'm a legislative
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analyst at the AAA New York. And AAA New York serves more than 1.6 million members residing in the City of New York and the adjacent counties of New York State, and we support the adoption of the Taxi of Tomorrow.

Daily, over 600,000 people ride in one of the many taxis that traverse New York City streets. During their travels, each of these 600,000 people come within close proximity to many other users of the New York City streets, other vehicles, pedestrians, and cyclists. Not only does the Taxi of Tomorrow have many upgraded safety features that will enhance the safety and overall ride of the passengers in the taxi, these features will have benefits for all roadway users as well. Indeed, having a taxi that has already been crash tested with a partition that has been factory installed, along with the addition of side impact air bags, will be a major safety upgrade.

Currently, taxis that are on city streets are fitted with an aftermarket
partition in a body shop, not in the factory where the vehicle was manufactured, thus not allowing for the vehicle to be crash tested with the partition. Protecting taxi riders in the event of a crash is a safety benefit nobody can argue with.

Keeping with the theme of passenger safety, we are also pleased to see that the seat belt tongue and buckle are highlighted in yellow, which will encourage the use of seat belts. Although vehicles of commercial conveyance are exempt from the state's mandatory seat belt use law, this simple, commonsense step will encourage seat belt usage in the Taxi of Tomorrow, and help prevent crash related injuries.

Indeed, an April 2006 report on taxi and livery crashes noted that while injury rates are lower for taxi passengers and other vehicles, the severity of injury is greater for those passengers who are injured in taxis, and are twice as likely as to suffer head and face injuries. This is due to the fact that passengers in taxis
often do not wear safety belts, only
approximately 23 percent do, and therefore
they hit the partition.

It is not just those who ride in
taxi that will benefit from the new
features of the Taxi of Tomorrow.

Pedestrians and cyclists will benefit from
sliding passenger doors as opposed to the
traditional doors that swing out. This
improvement will help avert incidences of
"dooring" (sic), where a passenger of a
vehicle opens their door without checking
for cyclists, and the cyclist ends up
slamming into the open door.

Also beneficial to those outside
the taxi are the addition of the illuminated
lights on the rear exterior to inform others
that the doors of the taxi are opening, thus
giving other roadway users a warning before
the door opens. These added safety features
will aid in keeping other roadway users safe
when they come in close proximity to these
new taxis. We are pleased to see that many
safety improvements have been made when
developing the new taxi, which will benefit
taxi passengers, pedestrians and cyclists
alike.

Thank you.

THE CHAIR: Thank you.

The next speaker is Richard
Thaler, representing OMN Gateway.

MR. THALER: Richard Thaler, OMN
Gateway. I'll be commenting on the original
first hearing, A, Taxi of Tomorrow, then
I'll be commenting on the second hearing, B,
the alternative fuel.

Chair Yassky and Commissioners,
the 19th Century Emperor's New Clothes tale
has returned as the 21st Century Mayor's new
Taxi of Tomorrow tale about being unable to
see NYC taxi reality. While Nissan is
clearly an internationally recognized
leader, and I loved my Datsun 510, the TLC's
requiring the NV200 as an exclusive NYC taxi
prior to at least a year of in-service
evaluation may not be the Commission's
finest moment. While the development effort
should be applauded, without industry
vehicle choice, while emphasizing a wide range of simple aftermarket like frills such as mobile devices, mobile device chargers for passengers, rather than rigorous in-service evaluation of the undercarriage, running gear and driveline, and taking the opportunity to relieve serious driver lower back pain by incorporating adjustable compressed air lumbar back seat support and also an integrated shoulder belt air bag. Not in the best interests of the industry.

The few moments that taxi passengers have enjoying the luxury of private taxi transportation is provided by the traditional, adequate leg room sedan experience, which is also appreciated by drivers and should not be totally prohibited, unless taxi surveys determine that passengers overwhelmingly prefer the feeling of Boars Head meat in a delivery van or the need to recline in an EMS like van while stuck in bike lane traffic. Or even the option of tanning.

The TLC's taxi vehicle occupant
safety claims also deserve scrutiny regarding crash testing with the taxi partitions. The 24 NHTSA FMVSS crash worthiness standards 201-224, including FMVSS 208 for occupant safety, set standards for occupant restraints and intrusion, but there are no specific crash test standards for taxi partitions other than crash intrusion measurements for OEM partitions, which in any event are not subject to all possible crashes experienced in taxi service. The only passenger safety references cited by the TLC and the previous speakers concerned injuries suffered because seat and shoulder belts were not used. And, contrary to TLC claims, all eligible vans for taxi service must be in full compliance with FMVSS occupant safety standards. If the false claim suggesting that all other approved taxis may be unsafe due to the failure to perform taxi partition crash tests, likely causing unnecessary passenger fear and anxiety, the results of the NV200 crash testing should be disclosed showing
how occupant safety has been improved by meeting intrusion standards compared to aftermarket partitions in other approved taxis. The only possible crash worthiness issue would be the detachment and/or shattering of the partition and the slamming into the rear seat in a severe crash. If that's a concern --

THE CHAIR: Mr. Thaler.

MR. THALER: One more sentence, Mr. Chairman.

THE CHAIR: Sure, go right ahead.

MR. THALER: If that's a concern, the TLC should either require such an aftermarket test to require the partition to be built by the vehicle OEM as it did with the NV200, although the mounting and integrity of the partition in a crash has never been an issue.

I'd like to go to B, the alternative fuels.

THE CHAIR: Go ahead. To be clear, this is a hearing on both of those two proposed rules together.
MR. THALER: It was listed in the agenda as two separate hearings. One was alternative fuels and one was Taxi of Tomorrow. One thing had nothing to do with the other. Could I make -- I have a short paragraph.

THE CHAIR: Go right ahead.

MR. THALER: Thank you.

The TLC should now recognize the superior alternative to the New York Administrative Code, Section 19.533, Clean Air Taxis, for achieving lower exhaust emissions and lower operating costs. The highest priority should now be given to planning for a transition to natural gas fuel. The spot market cost of 1,000 cubic feet or one million BTUs of natural gas at the well head is one-tenth the cost of gasoline on an energy equivalent basis, and including transportation costs would be about a fifth the cost of gasoline. Optimizing engine design for 130 octane natural gas with the latest advances in electronic cylinder deactivation power
management, a clean burning natural gas taxi could achieve the miles per gallon of a hybrid and return to the good old taxi days of fuel cost of about five dollars a shift. And the major source of uncontrolled hybrid air pollution, usually overlooked, caused by engine restart cycles after catalyst cool down periods, would finally be avoided.

Thank you.

THE CHAIR: Thank you.

I'm sorry, now we have Erhan.

MR. TUNCEL: Yes.

THE CHAIR: Please, Meera.

MS. JOSHI: Just to clarify, today's CAPA hearing is on the TOT rules and the alt fuels. When they were originally published, it appeared as one rule package. They will be presented for the hearing, we'll take testimony on it as an entire rule package, and the vote will be on the TOT rules as one vote and the alt fuels specs as the second vote.

THE CHAIR: Next is Erhan Tuncel from LOMTO. And just by the way, Mr.
Thaler, you pointed out the lumbar, the
compressed air lumbar. That seemed like an
interesting suggestion. We will follow up
with Nissan about the feasibility of doing
that. As you know, one of the things we
focused on in this new vehicle is having the
seat be adjustable, backwards, forwards and
reclining for driver health. So if that
could be approved in that way, we will check
that out.

MR. THALER: You'll actually have
that seat built.

THE CHAIR: Thank you, thank you
for the suggestion.

Mr. Tuncel, please.

MR. TUNCEL: Good morning,
Mr. Chairman and Commissioners. My name is
Erhan Tuncel. I am the managing director of
the League of Mutual Taxi Owners. Thank you
for allowing me to testify before you today.

I'm here today to support your
rule change to make it possible for our
members to have hybrid vehicles as an option
after the Taxi of Tomorrow's launch date.
However, if you pass the proposed vehicle specs, you will effectively eliminate all the hybrid vehicles as a choice except for two, now my understanding except for three.

I purchased a Toyota Camry hybrid even though I didn't have to, because data collected over the last seven or eight years proved it to be dependable and it made sense. I'm now helping New Yorkers breathe better. My vehicle gets about 38 miles per gallon. That's almost three times better mileage than my previous vehicle.

Right now a lot of hybrids are being bought by all segments of the taxi industry. Drivers are making more money because they spend less on gas. And hybrids are excellent for our environment. The Toyota Camry hybrid is the most preferred choice, and Toyota Prius V and Ford CMax is competing for the second place. Under the proposed vehicle interior specs, all three vehicles will be eliminated. Only the Toyota Highlander, Lexus RX 450h hybrid, and third, the Prius V will be left as a hybrid
Let me talk about the Highlander a little bit. There were a lot of owner-drivers and DOVs buying the $45,000 Toyota Highlander hybrid back when hybrids first started their integration into the fleets seven or eight years ago. It proved to be a disaster. They break down quite often and repair costs were tremendous. Not a single Toyota Highlander owner I know is buying it for the second time.

If you don't take into account the space taken away by the partition, the Lexus RX 450h will be another one. It's an option that is luxurious, both in style and price. It cost more than $50,000 and maintenance is much higher than the average vehicle. There were only about five purchased since the hybrid's inception into the taxi fleet.

And the third, the Prius V, is on the road right now, and most of the people who have them are single shifted owner-drivers. And they have not really been tested for double shifting, just for
your information. And I don't know how well it's going to hold up, the car is going to hold up under the fleet circumstances.

I'm asking you to pass the rule to make it possible to buy a hybrid after the TOT launch date but to leave the vehicle interior specs free. If you mandate the vehicle interior in question today, you are essentially limiting the hybrid vehicle choices for all unrestricted medallions.

Trust me when I say this; LOMTO members and the DOV will not buy the Highlander hybrid, nor will they spend 50 to $55,000 for the Lexus hybrid.

THE CHAIR: I'm going to ask you to sum up if you can.

MR. TUNCEL: Yes. The only owners who will buy them are the owners who must buy them because their medallions are restricted to alternative fuel vehicles. And by mandating today's specs, you will be asking alternative fuel medallion owners to buy and maintain a high-end vehicle with insurmountable maintenance costs. You will
force them to go out of business.

I've heard that the Taxi of Tomorrow will be available in a hybrid version about a year after it gets launched. If so, the rule change you are considering today will be obsolete in a year, yet it stands to hurt every owner who must follow it. I strongly urge this commission to approve other hybrid vehicles that have proven to be reliable and cost effective in taxi service.

THE CHAIR: Thank you. Thank you, Mr. Tuncel.

MR. TUNCEL: You're welcome.

THE CHAIR: Paul White of Transportation Alternatives, followed by Gabriela Anani, I'm sorry, Amari, from Brooklyn Center for Independence of the Disabled.

MR. WHITE: Good morning. Thank you for the opportunity to testify. I'll be very brief. Earlier we heard from the American Association of Automobiles. And I never thought I'd say this, but we're in
full agreement with the American Association
of Automobiles.

THE CHAIR: Please note that
moment. That's a big thing. Yes.

MR. WHITE: This new vehicle will
make the experience of traveling in New York
City safer for passengers and other road
users alike. It's been said already, the
sliding doors --

COMM. POLANCO: I'm sorry, who do
you represent?

MR. WHITE: As the commissioner
said, as the chairman said, I'm Paul White,
executive director of Transportation
Alternatives.

COMM. MARINO: Thank you. I was
wondering the same thing.

MR. WHITE: Sorry. I'll be brief.

We're in full support of the
NV200, the Taxi of Tomorrow. It's a safe
vehicle, it's safe for all road users,
inside and outside the vehicle. In addition
to many of the design features that were
already mentioned by the medical
professionals and the AAA, which again, we are in full agreement with on this, unprecedented, we also are excited about the transition to the electric vehicle fleet. We all know that air quality is a big issue in New York City. Over a million New Yorkers suffer from asthma, which is exacerbated by air pollution of course from the traditional car. So we are in full support of this as a health and safety improvement for New Yorkers.

Finally, moving forward, looking ahead to the next generation of safety improvements, we have four recommendations.

One, speed governors. Technology changes to taxis to help reduce speeding can have wide reaching impacts. The taxis of New York City streets set the pace for other vehicles and for the standard of driver behavior. Limiting taxi drivers' speed has the potential to reduce the speeding of other drivers as well.

Second, speeding indicators. Drivers' speeds may be reduced by having
lights installed on the dashboard or on the outside of the car that indicate when the driver is over the 30 mile per hour speed limit that we have here in New York City.

Three, black boxes. Technology that provides information on crash data is extremely valuable to better understand crashes and can help prevent similar crashes in the future.

And finally, the goal of zero deaths and serious injuries on New York City streets. Other cities and countries are adopting Vision Zero Policies, which seek to completely eliminate traffic related injuries and deaths which are preventable, of course. So we look forward to the day when we can drive that number down to zero, as other cities and countries are doing. It's a laudable goal that the TLC can take leadership on.

THE CHAIR: Thank you.
MR. WHITE: Thank you very much.
THE CHAIR: Thank you very much,
Mr. White.
Gabriela Amari.

AUDIENCE MEMBER: She's trying to work her way forward.

THE CHAIR: And followed by Victor Andrews. It says community board, it must be --

AUDIENCE MEMBER: CB 2.

THE CHAIR: Community Board 2, thank you.

Is the mike --

COMM. MARINO: No, you need to get someone over there.

MS. AMARI: I have a pretty carrying voice anyway, so.

THE CHAIR: Very good.

MS. AMARI: Okay. Good morning.

My name is Gabriela Amari. I am from the Brooklyn Center for Independence of the Disabled.

I have been listening to a lot of testimony here this morning from a lot of people, including representatives of hospitals, doctors, a lot about safety, testing, crash testing. And I would really
love to know, especially on the former commissioner's list, how many of those people endorsing these rules are in wheelchairs. I think that's very significant.

A lot of these people who have spoken here today are also not in wheelchairs. And while they are supporting a lot of the crash test criteria that's been brought up here, when those taxis are retrofitted for the accessible taxi, all of that goes away. So we don't get that, okay, we don't get that. If it's an accessible taxi, it's retrofitted for accessibility, then we don't get that crash safety because it goes away when it's retrofitted. So I guess in that category we are second class citizens.

Speaking to the outer borough taxis, I'm hearing -- I must have been misinformed because I thought that we were going to be getting the latest and best. I guess we are second class citizens in that respect as well.
There seems to be this big invisible barrier for the largest minority of New York, which would be people with disabilities. And I'm really, really very disappointed in that, and I come out in opposition to all of this. I think it's just a travesty, I really do.

I believe that an NV200, Nissan van 200, is a van, it's been categorized as a van, as was said earlier by very many people. And it needs to abide by ADA law and be accessible, all of it, every one of them.

Thank you.

THE CHAIR: Thank you. Just --

MS. AMARI: Yes.

THE CHAIR: -- please stay if you would. A couple of things, and you can respond. I just want the record to be clear. The outfitted version of the NV200, outfitted for accessibility, will still meet federal crash standards. That's in our contract. I just want to be clear with you about that.
MS. AMARI: I'll stay here.

THE CHAIR: Also, on the issue of -- I also want to make sure that we're all clear that the holders of wheelchair accessible medallions can still purchase any car that they wish. That includes the ones already on the road and the 2,000 that are coming. So, you know, if they don't think that the NV200 is the best version of a wheelchair accessible car, they can pick another one.

I also, I don't want to kind of conflate the issue of how many should be and how many shouldn't be. You raised the issue of a van. We do have litigation before us.

MS. AMARI: I know.

THE CHAIR: That in which the plaintiffs allege that the, not just the NV200 is a van, so is the Transit Connect, which is on the street today as at the moment the most popular choice for fleet owners to purchase, and some of the other models that are on the road today. So that issue of what's a van and what isn't is, you
know, will be decided by the courts. And I wanted to set that out there.

MS. AMARI: I just wanted to put that back out there as a reminder.

THE CHAIR: Yes, it is.

MS. AMARI: Because if that is going to be the TOT, if that's going to be the Taxi of Tomorrow, then it really needs to be accessible to people with disabilities. And 2,000 of them, while an improvement on 233 of them, it's not anywhere near what would be --

THE CHAIR: Understood.

MS. AMARI: Thank you very much.

THE CHAIR: Thank you.

MS. AMARI: Thank you.

(Applause)

THE CHAIR: Next is Victor Andrews of Community Board 2, followed by Brian Dannecker of Green Volt Hybrid Solutions.

MR. ANDREWS: Good morning, Commissioner Yassky and Commissioners. I am here on behalf of Community Board 2.

The NV200 should be wheelchair
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accessible, should be on the side, not the back, only because the problem that you're going to have with that, while the wheelchair is loading from the back, the van can get hit at the same time. That's what we don't want. That's why I'm suggesting that it's from the side. Just like Access-A-Ride, they load from the back but they load from the side as well.

Also, what about the guide dog users as well, because we want to be able to ride in the car with the wheelchair as well. Did you guys also think about that? Was that also in play as well? Because you're going to have a lot of us calling you guys to take us to different spots as well. So I hope you guys take that into consideration. And I'm not even going to vote on the NV200 right now until I see accessibility. Until I see it, I won't even vote on it.

THE CHAIR: Okay.

MR. ANDREWS: So --

THE CHAIR: Thank you,

Mr. Andrews. I will say, the NV200 has a
flat floor as opposed to the current taxis
that generally have a hump in the floor in
the middle. Part of the appeal of that is
we think it makes it easier for service
animals to be in the vehicle with the
passenger. So to answer your question, can
service animals be accommodated, absolutely.
I think actually better in this vehicle than
what's on the road in most cases today.
Thank you.

Brian Dannecker, Green Volt Hybrid
Solutions, followed by David Pollack.

You're on deck, Mr. Pollack.

MR. DANNECKER: Good morning,
Commissioner Yassky and Commission staff.
My name is Brian Dannecker. I am the
president and CEO of Green Volt Hybrid
Solutions. We are a hybrid battery company
that services the New York City and
surrounding areas with a high quality, low
cost hybrid battery replacement option for
hybrid cars and taxi owners. We are one of
the largest hybrid battery companies in
North America, and we have over 50 years
combined experience in this sector. We appreciate the opportunity for the public to comment on the proposed taxi of Taxi of Tomorrow rules, which will require most New York City taxi owners to purchase the Taxi of Tomorrow.

We are here to specifically comment on the two hybrid vehicles options, now three as we understand today's change, you have selected as part of this program, as well as the under developed, yet to be determined or tested hybrid battery version of the Taxi of Tomorrow.

As you know, the first hybrid yellow taxis rolled onto the streets of New York City as part of an effort to improve fuel economy and reduce emissions. Seven years later, we have over five to 7,000 of these cleaner greener taxis in operation each day. The city's hybrid taxi program is one of the first of its kind, and it serves as a model for other cities around the country. We have worked with companies in Madison, Wisconsin, Austin, Texas,
Washington D.C., Ashland, Virginia and the Virginia sounding areas and many cities in California, all of whom have taken cues from New York City's taxi program. These cities are expanding their hybrid electric car footprint, not limiting it.

We are concerned that the new Taxi of Tomorrow hybrid vehicle options will actually hinder the expansion of hybrid vehicles in the taxi fleet. The lack of hybrid vehicle options will leave New York City reverting back to a less fuel efficient and a higher emission fee. Green Volt recognized the benefits of advancing the new taxi, and we appreciate the hard work of the TLC and other stakeholders regarding this initiative, but at 16 to 25 miles per gallon, all those vehicles approved upon previous taxi models have entered the fleet, but there current advancements that put it up to 40 to 50 miles per gallon, which is something we should look forward to.

We feel that the leap in miles per gallon is significant, but the lack of
different models would counteract any gains in reduced emissions due to the decrease in the hybrid fleet. We suggest the new fleet reflect the best possible options for New York City customers and owners. We recommend that the Taxi of Tomorrow hybrid models be expanded to include higher miles per gallon in vans and SUVs than are currently proposed.

Over the past few years taxi owners and passengers have become accustomed to using hybrid models as viable taxi vehicles. The overall cost between purchasing and maintenance has decreased. New York City has been a leader in the hybrid taxi program. We urge the commission to modify the current proposals to include more models and so we don't lose ground.

Thank you very much for your time.

THE CHAIR: Thank you.

David Pollack, now your turn,

followed by Placida Robinson.

MR. POLLACK: Good morning,
this morning from what was proposed months ago, is that what happened?

THE CHAIR: There is a change to bring in more hybrid vehicles by allowing some of the smaller models.

MR. POLLACK: Well, I have a couple of questions on that. But first what I'd like to do is read my testimony.

COMM. MARINO: Could you just put than on the table, the testimony?

MR. POLLACK: Yes.

COMM. MARINO: Do you want to pass that around, if you give it to me? Alan, could you just hand those boxes over there? It's just easier to read along sometimes.

MR. POLLACK: Thank you.

Due to the New York State Supreme Court's ruling in Committee for Taxi Safety and Taxi Management versus the City of New York, Michael Bloomberg, the TLC and David Yassky that the Taxi of Tomorrow rules mandating the use of the NV200 to the exclusion of all other vehicles violates the New York City administrative code, the
Commission has attempted a sleight of hand with these proposed rule changes. That is, circumscribing of the specifications of approved hybrids to comply with the new procedure rules -- proposed rules that there will be no serious competition to the Taxi of Tomorrow, because the only compliant hybrids are prohibitively expensive to purchase and to operate.

In the Committee for Taxi Safety litigation, the court, in striking down the Taxi of Tomorrow rules, stated "an agency cannot promulgate rules or regulations that contravene the will of the Legislature."

The TLC attempts to justify this rule making by citing passenger comfort as the underlying reason upon which these proposed rules are based. The Supreme Court set forth in the Committee for Taxi Safety litigation, Legislative history and related administrative code provisions reflect the City Council's intent to promote hybrid vehicles, and its concern is that the TLC's preoccupation with passenger comfort hinders
that goal." The decision emphasizes and states, "The intent of the City Council is clear, passenger comfort may not override city laws regarding the use and promotion of hybrid vehicles."

In this very room in 2011, a TLC handout to the commissioners and industry stakeholders stated that, "These hybrid vehicles have proved to be safe, reliable and comfortable taxicabs." Accordingly, the conclusion is inescapable that the selection of the interior volume is not related to any legitimate objective, and to be sure, it is not supported by any competent data, but serves instead to limit the competition to the Taxi of Tomorrow, and to force owners to purchase the Taxi of Tomorrow vehicle, when current statistics overwhelmingly show the taxi industry would prefer to operate a number of hybrid taxis.

Approving additional cars is obviously an attempt to skirt the judge's ruling, and there's no basis for choosing this one car. You know, at the time the law
was passed, the TLC was contemplating multiple hybrids. And that's why the TLC initially passed a rule and approved multiple hybrids. And stifling innovation into fewer and fewer choices is not the best choice to bringing modern, clean, safe technology to this industry.

In summary, the Commission is attempting to discourage the use of hybrids as taxis in furtherance of its misguided Taxi of Tomorrow project. We respectfully submit that the Commission's disingenuous attempt to fix this in a violation of the administrative code by this rule change, and should be rejected for exactly what it is, which is pretty much a sham.

But will any car with 132 cubic interior space cubic feet be approved as a taxicab, or is this only the Prius?

THE CHAIR: Well, it's any vehicle that meets our specifications. We have, as the commission has for decades, a series of specifications, head room, leg room, interior volume, front leg room, rear leg
room. So any vehicle that meets those specifications. People are often interested, what does that mean as a practical matter. That's why I brought up the Prius.

COMM. MARINO: But just to clarify, the only vehicle -- I apologize.

COMM. DeARCY: That's okay.

COMM. MARINO: The only vehicle that actually meets that specification, the new one, is the Prius V; correct?

THE CHAIR: No. The Toyota Highlander --

COMM. DeARCY: That's not true.

I'm sorry.

COMM. MARINO: No, no, please.

COMM. DeARCY: I just asked this question, and I asked the question in reverse. Is my mike on? Am I on now?

THE CHAIR: I think you were on before.

COMM. DeARCY: Normally people can hear me. How's that?

COMM. MARINO: Thank you.
COMM. DeARCY: I asked the question in reverse. And what I asked was, given the amendment to the rules this morning, how many of the existing hybrids are excluded. And the answer that I got was one model, and that was the Camry. Right? No, I guess I got that wrong.

MR. WILSON: There's about three models.

MR. POLLACK: If I may, Commissioners.

COMM. DeARCY: Yes, one is excluded.

MR. POLLACK: There are 4,100, as of May first, 4,146 Escape hybrids, 1,978 Camry hybrids, 274 Altima hybrids, 97 Highlander hybrids, 131 CMax’s.

Does the CMax fall into that 130 square cubic feet?

THE CHAIR: I do not believe so.

MR. POLLACK: There are Malibu hybrids, RX 400s, there are six of those Lexuses. There's a handful of Mariner hybrids, Sonata hybrids, Fusion hybrids and
Avalon hybrids. So there's certainly a number of hybrids out there, at least today. And here we're limiting them based on comfort and space.

THE CHAIR: So a full answer to your question, Commissioner Marino, is that there are, I don't know how many but many hybrid models available for sale, hybrid vehicle models available for sale today in New York and in the U.S. Many of those are precluded by our preexisting specs, because we have always had specifications that say that there has to be a certain amount of leg room, a certain amount of interior volume room.

When hybrids first came on the market, and the TLC had to be pushed, in all honesty, to approve the hybrids in the first place, there were none that met the specs at that time for regular, what I'll call regular taxis. So the TLC created a second set of specifications for hybrids that allowed considerably smaller vehicles. Again, as I said at the outset, good move,
smart, right thing to do. Now that there --
because there were only small ones. Now
that there is a much bigger range, we can
play our traditional role of saying this one
is big enough, this one is not. And it lets
the spec, in answer to your question, of the
ones currently approved for use, I believe
three models, the Highlander, the Lexus and
the Prius meet the specifications along
with, for what it's worth, the Escape, the
most common hybrid, except that's going out
of production. But in other words, if that
were flex and what we'd want to be in a
taxi, I think the spec does a good job of
reflecting what's out there today.

COMM. MARINO: But just to
clarify, Mr. Pollack ran off a whole bunch
of different cars. All of those except for
Prius V --

THE CHAIR: Correct.

COMM. MARINO: -- are now
unobtainable under the new rules.

THE CHAIR: Correct.

COMM. DeARCY: One of those was
the Escape, which there is a fairly large number, right?

THE CHAIR: The Escape would meet it, the Escape would meet the spec, but they're not selling them anymore.

COMM. DeARCY: They're not selling them, right.

Can I see your list of cars? It would help.

(Mr. Pollack hands up a document to the Commission)

THE CHAIR: Thank you, Mr. Pollack.

The next speaker is Placida Robinson, followed by Natalie Wengroff, for City Council Member Daniel Dromm.

Before, Ms. Robinson, Commissioners --

MS. ROBINSON: Sure.

THE CHAIR: -- we have video testimony from Dr. John Sherman, professor of surgery at Cornell University Medical College. I'm going to with your agreement not play that testimony, I will just make it
part of the record. I will stipulate that it's substantially similar to the testimony from the earlier physicians about the risk of head and face injuries that taxi passengers currently face and the reduction in that risk that will come with the Taxi of Tomorrow. If there is a ground swell for seeing the video testimony of Dr. John Sherman, please express that ground swell now, otherwise we will move forward. Okay. But that will be considered part of the record.

Go ahead, Ms. Robinson.

MS. ROBINSON: Okay, hi. So I'm back. Hi, Commissioner Yassky.

Last time I was here on May second, many of you commissioners were notably absent, so I'd like to reintroduce myself to you. I'm Placida Robinson. I am a hybrid taxi medallion owner. And I'm also the president of the Independent Medallion Owner Driver Association. I have lost $150,000 to the hybrid experience. But I'm not mad, I'm just putting together an
association to continue to forward my point that there is a significant issue with the hybrid proposals that are constantly being set forth here.

I am for green. I'm not saying that green initiatives are bad, but don't mandate them. And I think what you're doing here, even lately here, is you're giving us a false choice. Whereas before the market was open between regular medallions, and of course the restricted hybrid medallions, where you have forced hybrid medallion owners to continuously purchase hybrid vehicles that have been inferior for using as taxis. That has been the case before. Now you're telling the regular market that they must now be limited to a choice, which is the Taxi of Tomorrow, which I don't -- it's not of concern to me how many bells and whistles we are getting with the Taxi of Tomorrow, you could have gotten as many bells and whistles with any other vehicle in terms of sliding doors, which is not a 21st century technology. But what you're not
getting with the Taxi of Tomorrow is gas mileage. You're getting essentially the same gas mileage out of the Taxi of Tomorrow as you were getting with the Crown V. You're getting 12, you're getting 26, 27. I've been on fueleconomy.gov. The 26, 27 is not great. I'll even give you 28, 29. But did you know that President Obama has pushed his EPA mileage standards for 2013 to 35.5 for gas cars, and by 2025 he'll have manufacturers issuing gas cars at 50 miles per gallon. So what's happening to the mayor's green initiative? I don't know. But the Taxi of Tomorrow is not green. But if that's the choice the gas medallion owners are facing, you'll then give them the other choice to then go pick up a hybrid, okay. Well, great. Now they are going to be faced with the same issues that hybrid medallion owners have known all along. And Nora Marino was gracious enough to entertain me last time when she saw my poster board here. And what is it saying. The impact of implementing the Toyota
Highlander hybrid in the alternate fuel specs. Well, here is the impact, Commissioner Weinshall, and Commissioner Gonzales, and Commissioner Arout. I really would like you to pay attention to this and feel our pain. Here it is.

When you purchase the Toyota Highlander hybrid 2006, 2007, 2009, 2011, 2012 model year, guess what you're going to get. You're going to get the hybrid inverter, the hybrid battery, the hybrid transmission, all costing 5,000, 8,000, $10,000 a pop and you're going to replace it year one, year two, year three.

THE CHAIR: Ms. Robinson, I'm going to ask you to sum up.

MS. ROBINSON: Okay. And when you are finished replacing all of that, in year three you're going to have to trash the car fleetly. So your expenditures after paying $47,000 --

THE CHAIR: Ms. Robinson.

MS. ROBINSON: You have to let me continue, please. You know what, when you
hear something that you like, you give great
time to it.

(Applause)

THE CHAIR: Now --

MS. ROBINSON: But when you're

hearing something that really is telling you

the truth and is going to help you lead

people to better decision making, you

swiftly want to cut me off. That's why I

brought the poster board. You see here that

one medallion owner spent $89,000.

THE CHAIR: Let me ask you this

question.

MS. ROBINSON: And when --

THE CHAIR: When you were here

last, I just looked --

MS. ROBINSON: Yes, your Honor,

yes.

THE CHAIR: I know you drove a

Highlander and you had detailed last time --

MS. ROBINSON: Three, three hybrid

models.

THE CHAIR: I was going through

all the problems you had with the
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Highlander.

MS. ROBINSON: Oh, no, not just me. We're talking about --

THE CHAIR: No, I remember you detailing all the problems with it.

MS. ROBINSON: Yeah, 25 different people.

THE CHAIR: Can I just notice, then you went and got another Highlander and hacked up a similar -- hacked up a second time.

MS. ROBINSON: No, I didn't hack up a second Highlander. I have had the Saturn View by GM. I've had the Toyota Highlander. And when I wrote the Commission about those two previous hybrid experiences, I got a letter back saying too bad, Ms. Robinson, hack up a third hybrid. So I'm going on $150,000 in my personal experience. But I brought you pictures of all the other hybrid owners who are going through the same thing.

THE CHAIR: Perhaps the record is mistaken. Somehow it showed you had two
separate -- you had -- it's one after another Highlander.

MS. ROBINSON: But you're inviting other owners now to come join the same Highlander experience.

THE CHAIR: Thank you. Thank you, Ms. Robinson.

MS. ROBINSON: You're welcome.

THE CHAIR: Thank you.

Next is Natalie Wengroff, representing City Councilman Daniel Dromm, followed by Cliff Adler.

MS. WENGROFF: Hi. I am speaking today on behalf of New York City Council Member Daniel Dromm, who represents the 25th District, which includes Jackson Heights, Elmhurst, Corona LeFrak City, Woodside and Rego Park.

(Reading:) I am chair of the immigration committee and represent one of the most immigrant rich areas of the world. Many of these hard working immigrants are taxidrivers, whom these twelve new proposed rules would negatively impact. Today's
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hearing deals with an issue that I care
depth about.

THE CHAIR: Wait a second, I'm
sorry, bear with me.

MS. WENGROFF: Pardon me?

THE CHAIR: Are you testifying

about the Taxi of Tomorrow --

MS. WENGROFF: Yes.

THE CHAIR: -- rules?

MS. WENGROFF: Some of the

proposed rules that have been put into the

Taxi of Tomorrow rules that negatively

impact taxidrivers.

THE CHAIR: What are those?

MS. WENGROFF: If you would let me

continue I could --

THE CHAIR: Please do.

MS. WENGROFF: -- discuss it a bit

more.

THE CHAIR: Please do. Continue,

Ms. Wengroff.

MS. WENGROFF: Thank you.

I would first like to note that

the way these proposed rules came about is
THE CHAIR: Ms. Wengroff, before you do, though, just because I'm skeptical that you are in fact testifying about the Taxi of Tomorrow, which parts of the Taxi of Tomorrow rules are you focusing on?

MS. WENGROFF: The shift of pay that are in the -- the shift in the costs that are in leases that will be put the drivers instead of being on the agents.

THE CHAIR: I think that you're here to address the second rule package that is --

MS. WENGROFF: I actually --

THE CHAIR: -- on the agenda for today.

MS. WENGROFF: -- read both rules on my own personally after the council member was notified, and the rules that are discussed have been put into the Taxi of Tomorrow as part of the weekly shift rates that would be included and what that means.

THE CHAIR: Fair enough. I guess there are -- there is -- you're right that
there is a provision that makes it clear
that the Taxi of Tomorrow qualifies for the
higher of the two lease caps that are
currently available.

Commissioners, that's what, just
to be clear, what Ms. Wengroff is referring
to. Today taxi owners can charge a somewhat
higher lease cap for hybrid vehicles. And
what this -- today's rules do let any of the
new Taxi of Tomorrow or hybrid qualify for
that second -- for that lease cap.

That's what you're speaking about?

MS. WENGROFF: Yes.

COMM. DeARCY: Are you going to be
testifying as well on the lease cap rules or
are you only testifying on the Taxi of
Tomorrow?

MS. WENGROFF: I was only going to
testify on Taxi of Tomorrow, but I can
testify on the lease cap rules if you would
prefer.

COMM. DeARCY: No, it's just
mentally orienting ourselves. For me it
would be helpful to put those with the lease
cap rules, but you're obviously free to proceed.

MS. WENGROFF: Okay.

I would first like to note that the way that these proposed rules came about is disgraceful.

THE CHAIR: You know, Ms. Wengroff, I'm sorry, I think -- I know this is -- I think this would be better. Can I ask you -- can I hear -- can I ask you to let me hear from another witness first, because I think that there might be some confusion about what the content of the rule is.

MS. WENGROFF: That's fine.

THE CHAIR: And then we can figure it out and you'll come up in two to three minutes.

MS. WENGROFF: That's fine.

THE CHAIR: Thank you so much.

Cliff Adler, presumably to be followed by Ms. Wengroff.

MR. ADLER: Commissioner Yassky, ladies and gentlemen, my name is Cliff
Adler. I'm a member of the League of Mutual Taxi Owners.

Concerning this Taxi of Tomorrow, there's all this wonderful talk about what the Taxi of Tomorrow can do from the customer point of view. You're forgetting that -- I was invited a few months or about a year ago and a half ago to visit the new Taxi of Tomorrow when they showed it. I was one of the people that was invited to see it and sit inside it and so on. And I was assured by engineers from Toyota -- from Toyota -- from Nissan who were there then that we wouldn't have to have one of the sealed plastic environment for the passengers in the back of the vehicle, that you would could remove the top half of the partition to start with if you didn't want to have it, because all the electronics that they had was in the bottom half of the partition for their air conditioning, the heating and all the other electrical stuff that they wanted there, that you could just lift it up and you wouldn't have to deal
with that.

Now I'm hearing from the TLC when I attended a meeting that I was invited to in the conference room here a few months ago, they said first of all, they'd like me to try out the new Taxi of Tomorrow in the spring, which nobody has called me on, and I said I was willing to try it out. And secondly, one of the people attending the conference, I don't remember who, said at that time oh, no, you can't remove partitions, these are all fixed, this is all done, this is the way things are going to be. We don't get answers. You get one answer one minute, you get one answer another minute from everybody involved. And this is just confusing the issue for everyone, okay.

And at the same time we have this court case against the TLC to stop the Taxi of Tomorrow as being the only vehicle. We've always had choices of vehicles. As you have now given us, we have multiple choices of different vehicles we can put on
for a taxi on the streets today. To want to say that basically you will have one choice, this is what we have been fighting for ages, that we should have a choice of different vehicles you can get. Whether it's a hybrid, whether it's electrical, whether it's a regular gasoline powered vehicle, we should have the right to be able to pick what vehicles suits us. Not a Japanese company building a car, which is yet to be built, in a factory that is yet to be built in Mexico, shipped to America, and sold in New York. And have some of the problems which they've had with the same manufacturer in England as they have started to import them to England for their equivalent of a Taxi of Tomorrow, and they have some mechanical problems which they can't correct right now, and there's a whole bunch of taxis that are off the road for that, and I'm speaking of the London black cabs.

THE CHAIR: Just as a factual matter, there were for a long period of years there was only one vehicle that met
TLC specs, the Ford Crown Victoria, which --

MR. ADLER: No.

THE CHAIR: Well, yes. But which

I -- and I am -- and I understand why that
made sense at the time.

MR. ADLER: We had the Chevy

Caprice, we had other vehicles out there.

We've always had a few different cars on the
road. I'm driving a taxi for 38 years,

Commissioner.

THE CHAIR: There is no doubt

there was always a time when there were

holdovers from -- so there was more than one

model on the road. But there were a period

of years when it was just the Ford Crown

Victoria.

MR. ADLER: No.

THE CHAIR: But at any rate, thank

you, Mr. Adler.

Thank you, I'm sorry, thank you.

MR. ADLER: Thank you.

(Applause)

COMM. POLANCO: I'm sorry, did he

have a question whether he could remove or
THE CHAIR: Yes. Mr. Adler, as to the partition, you know, certainly under our rules, right, if you're an owner-driver you can use a camera instead of a partition. I will make sure that -- I don't know the answer to your question about how easy it is as a practical matter it is to remove the top, the plastic glass part of the NV200 partition. I commit to you we'll get a good understanding of that and communicate it to you.

MR. ADLER: Thank you, Commissioner.

THE CHAIR: Thank you.

COMM. CARONE: Mr. Chairman, just a question on a point of order. You asked the prior speaker if she was speaking on the public hearing regarding the Taxi of Tomorrow, which we're in the middle of now, or the lease cap. Now, my understanding is the lease cap is merely for Commission action.

THE CHAIR: That's correct, there
is no public hearing on that.

COMM. CARONE: Okay.

THE CHAIR: That is correct.

COMM. DeARCY: Good point.

THE CHAIR: So then let me hear --

and Ms. Wengroff, I know you're there -- let

me hear from Jean Ryan while we finish this

research.

Is Ms. Ryan here?

MS. RYAN: Yes, I am.

THE CHAIR: Yes.

MS. RYAN: Hi. Here's a copy of

my testimony.

COMM. MARINO: I'll take that.

He's going to fix the mike for you.

MS. RYAN: Hi. I'm Jean Ryan.

I'm from the Taxis For All campaign.

And once again, wheelchair users

are shut out and ignored. There are

hundreds of thousands of people with mobile

disabilities in New York City. And we are

all customers or would like to be.

The Taxi & Limousine Commission is

at it again. This time you have proposed
rules that would effectively make it impossible for taxi drivers or medallion owners to operate wheelchair accessible vehicles if they do not own an accessible medallion.

We have three points we'd like to make about your continued rejection of accessibility. One, this rule proposal is the most aggressively anti-access proposal we have seen from the TLC, and that's saying a lot. Here's what this rule says. Taxi drivers will be allowed to operate only the so-called Taxi of Tomorrow or a hybrid vehicle. The only exception is the soon to be 2,239 accessible medallions, and an additional 496 medallion holders. The vast majority of the yellow taxis fleet, 15,237 vehicles, could not be accessible under these proposed rules. In other words, if a vehicle isn't a Nissan NV200 it cannot be a New York City taxi unless it's attached to an accessible restricted medallion.

Since vans are the only type of vehicle that can be made accessible
relatively easily and cheaply, this
effectively eliminates the possibility of
additional wheelchair accessible vehicles on
the road. If the court requires that an
accessible vehicle be used, only a
retrofitted Nissan NV200, which has major
limitations as an accessible vehicle, would
be allowed.

The NV200 retrofit can accommodate
only an adult passenger, no children, along
with a wheelchair user. It requires entry
through the back of the vehicle, which means
wheelchair users will have to enter in the
street. I'd love to see those pedestrian
crash statistics.

As you know, the Taxi For All
campaign's lawsuit against the TLC was
recently amended to include a challenge to
the so-called Taxi of Tomorrow. Since the
Nissan NV200 is a van, it violates Americans
with Disability Act rules which require vans
in use as taxis to be accessible. It makes
no sense to adopt these rules when this case
is still under consideration.
Two. The official taxi vehicle is hardly the iconic vehicle you claim you desire. You state and your RFP asks for an iconic vehicle that would offer, quote, "accessibility for all users," unquote, see page three of the rule change. So why isn't the Nissan NV200 wheelchair accessible? Instead, you selected a non accessible vehicle to require its use until 2024.

You referred to the need for expanded leg space in testimony before the City Council and touted the vehicle's sky roof. Perhaps if you had included a member of the Taxis For All campaign on the Taxi of Tomorrow committee as we requested repeatedly, you wouldn't be leaving tens of thousands of people at the curb. Finally -- it's really hundreds of thousands.

Three. Finally, our group recently released a statement with the Greater New York Taxi Alliance calling for a fully accessible fleet, the first time any part of the taxi industry has supported one hundred percent accessibility. You say you
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want it, but you never do anything towards it. A hundred percent means a hundred percent, not little teeny baby steps.

See the statement on the reverse side of my testimony? We urge you to follow their example and we urge you to withdraw consideration of these rules.

Thank you.

THE CHAIR: Thank you, Ms. Ryan.

(Applause)

THE CHAIR: Ms. Wengroff, I am not going to ask you to testify because I believe you really are testifying about the lease cap rules, and, as Commissioner Carone points out, there is no public hearing scheduled today. And I want to stick to that procedure.

Just to clarify, the one kind of issue that you raised, the Taxi of Tomorrow rules before us today do not change the lease cap structure. It remains one lease cap for non hybrids, and a second three dollar per shift additional lease cap for hybrids. And that will remain even post
this today, if these rules are adopted.

MS. WENGROFF: Can I just ask that how come you let Council Member Chin speak, she spoke on the same issue?

THE CHAIR: I recognize -- once she was up at the podium I did not dismiss her. But now that I understand what it is that you're testifying about, it's just not -- there's no hearing on that today. I appreciate you're taking the time to be with us. I'm sure you have something in writing or whether you --

(Audience participation)

THE CHAIR: We will handle it.

Yes.

COMM. WEINSHALL: I think in light of the fact that you did let Council Member Chin testify --

COMM. MARINO: Yes, put the microphone on.

COMM. WEINSHALL: I don't mean to disagree, but I think since you let the council member testify, I think it's only a few minutes and you should let this young
lady speak.

COMM. MARINO: I agree. I agree.

MS. WENGROFF: Also I have copies I can hand out if that is the easiest solution to make this more amenable.

THE CHAIR: Consistent with everything I know about Council Member Dromm, your instinct for consensus and problem solving is admirable, and I see why he hired you.

Before we decide -- I'm happy to decide that by, as a group, the procedural question? Unless Meera speaks up and tells me that's causing another problem. But before you today I'll just say is what dawned on me is there are one, two, three, four, five, six, seven speakers left, all of whom are from the New York Taxi Workers Alliance. I'm guessing that they also are seeking to speak on the same topic, so --

COMM. WEINSHALL: I think we can find out.

COMM. DeARCY: But I also, to be fair, I think that this speaker specifically
articulated that her comments were with respect to the integration, she essentially integrated the two. If the following speakers are speaking exclusively to the lease cap, it's different.

    THE CHAIR: I take your point.
    COMM. MARINO: I agree.
    THE CHAIR: I take your point.

The Commissioners are grown-ups, they can decide for themselves what weight to give the testimony.

    Ms. Wengroff, please proceed.
    MS. WENGROFF: Okay. I'll just move on from the other part that I had.

    So as if an arbitrary process was not bad enough, these new rules will eliminate the first raise taxi drivers have received in eight long years. In fact, drivers suffered an estimated loss of 25 percent between 2006 and 2012 due to various factors. This pay increase is vital to both the drivers and their families, who often struggle to survive. These new rules not only eliminate this much needed raise, but
would continue to nickel and dime drivers who cannot afford to be bilked for more money.

The rule seeks to separate out of the lease various expenses that have traditionally been covered by the lease payments, and would add costs to drivers while ultimately eliminating costs to garages and agents. Ultimately, the rule would rob drivers of anywhere from 5,460 to 6,136 dollars of annual income. What's worse is that these rules do not take into account the seasonal fluctuation of taxi work. I want to stress that these drivers themselves are suffering, and the fleet owners and corporate medallion owners have continued to enjoy growing profits.

These rules not only harm drivers and the families they support, but also negatively impact general road safety. The proposed rules will force drivers to worry about covering a second shift and diverting their attention from the shift at hand. Drivers who are injured or sick will be
forced to drive their taxis anywhere to
afford to pay for any vehicle repairs or
insurance coverage instead of being at home
or in the hospital recovering.

I want to thank you for finally
letting me actually speak today. I urge you
to vote against these proposed rules.

(Applause)

THE CHAIR: The next person signed
up to speak is Bhairavi Desai from New York
Taxi Workers Alliance, followed by Dolores
Benitez, identified as a taxidriver.

Ms. Desai, I'll just ask you --

MS. DESAI: It's on the Taxi of
Tomorrow. I know the rules here. I mean
some of our friends in the industry may not
know the lease cap rules that violate them,
but I do know the procedural rules here.

So good morning, members of the
Commission. As actually Commissioner Yassky
has already pointed out with regards to the
Taxi of Tomorrow rules, I'd like to comment
on one very specific issue, which is that
even though the Taxi of Tomorrow is not a
hybrid vehicle, for driver owned vehicle
operators, DOVs, they would be charged the
higher hybrid lease rate in these rules.
And as you yourself have just said a few
minutes ago --

THE CHAIR: Just to be -- because
this is an important question -- that was
true in the original -- the rules adopted by
the Commission in last September. That's
not the case in the rules that are before us
today. I guess the logic at the time was
since there's only one vehicle, if we erred
on the side of protecting the medallion
owners against the loss of revenue by giving
them the higher of the two lease cap
options, now that there remain hybrid and
non hybrid lease caps, we have not changed
that structure here.

MS. DESAI: Okay. Well, thank you
for the clarification, because I was not --
I was not aware of that change.

THE CHAIR: I could see how it
could escape someone's notice, I understand
that.
MS. DESAI: Right. Okay, well, thank you for that, because that was our main concern with the rules that you would be voting on today. Other than that we did not have any objections.

Thank you.

THE CHAIR: Thank you.

MS. DESAI: But vote no to the lease cap rules.

(Appplause)

THE CHAIR: So I'm going to, for the remaining speakers I'm just going to -- are Dolores Benitez, Osman Chowdhury, Mohammad Tipu, Asim Akhtar, Victor Salazar and Mohan Singh, if our -- if my discussion with Ms. Desai has kind of clarified that and solved that issue, and there's no need to speak about Taxi of Tomorrow, that's just fine. Do any of you feel that there's a remaining need to speak on Taxi of Tomorrow?

MR. CHOWDHURY: Yes, there are some other points about the Taxi of Tomorrow.

THE CHAIR: Well, you can then
come up. Okay. Yes, you're right,
Mr. Chowdhury, go right ahead.

And I'll just also remind folks,
for people who have talked about it, not
seeing it, not been in the vehicle, there's
an NV200, you know, outside right now if
anybody wants to go take a look at it
sitting there. I feel like you sit in that,
you sit in the Transit Connect, which would
a passenger rather be in, I think it's hands
down. And that kind of should settle it.

AUDIENCE MEMBER: Is there an
accessible one outside?
THE CHAIR: There is not an
accessible one outside.

AUDIENCE MEMBER: Naturally.

MR. CHOWDHURY: Good afternoon.

My name is Osman Chowdhury. I'm a member of
the United Taxi Drivers Alliance NYC Inc.
First I want to thank City Council Member
Margaret Chin for supporting the
taxidrivers, I'm happy. And I want to thank
Ms. Chin for including those that live in
Chinatown. Some years are very hard.
MR. CHOWDHURY: That's right, okay.

Now I'm going to talk about the Taxi of Tomorrow program. One of the driver have a problem, goes to the outer borough, one of my friends two years ago that lives in the Bronx, and the woman dropped the wheelchair on the driver's head. So that's going to be a problem, there's going to be more problem to both, passengers and drivers.

Then another thing is the new technology, the high technology, the maintenance on it is very high. I asked, the costs are around 29,000, the maintenance and parts is very higher. It's going to cost for the drivers.

Another thing, the biggest problem in the city is when there's a traffic jam, people are not going to move the easy way, there's no place to work, very difficult. I want to comment, I'd like to have them have more things, driver income, driver benefits
and other things. And also, some of this is good things, but they don't come to the driver who is working to ask how many drivers go to hospital for diabetes, high blood pressure, heart attack, they don't do any studies on this. Going until one in the morning for drivers is very difficult.

Thank you.

THE CHAIR: Thank you,

Mr. Chowdhury.

The one thing about -- I think Mr. Salazar was going to speak -- but Mr. Chowdhury, just so you know, in terms of parking, because I can appreciate being concerned about that, you know, the NV200, despite how spacious it is on the interior, is considerably shorter than the Crown Victoria. In other words, it actually will fit into spaces the Crown Vic does not fit into. For what that's worth.

Mr. Salazar.

MR. SALAZAR: Good afternoon,

everyone.

THE CHAIR: Good afternoon.
MR. SALAZAR: My name is Victor Salazar. I'm with the Taxi Workers Alliance. I've also been a taxidriver for a few -- a couple of decades, here in New York. And I will comment about the Taxi of Tomorrow in terms of guaranteed work.

My understanding is that the Taxi of Tomorrow will not honor DOV owners if they want to do the guaranteed work with outside dealerships. So in other words, for an owner-operator to do maintenance on the car that is guaranteed for 150,000 miles, which will exceed about one year. That's going to be a lot of money to spend only on the dealer. All this exclusive guarantee will be -- Nissan wants it exclusively to be done on the dealer's side. And the dealers cost a lot of money, you know, to maintain there.

To give an example, if it takes twenty minutes to change the spark plugs, but in the book it says that it take one hour, the dealer will charge you for one hour.
And another -- I'm sorry, Commissioner.

THE CHAIR: This is more, and I know, you know, we're -- I know the Commissioners have time but I'm going to rush them, I'm going to not take undue time. But there's a -- and someone from Nissan, the issue he's raising is a real issue, Mr. Salazar. Look, on the one hand the warranty on Nissan is much longer than the warrantee available on Taxis of Today, that's a good thing, but you want to make sure you can get the service quickly and get in and out. The dealers, Nissan has committed, the dealers will have a priority service policy for taxi owners so you do get in and out. But beyond that I understand you're raising a question about warranty work outside the dealership, which generally is not available but in the past taxis have been able to work out arrangements for that. I'm just going to ask the Nissan representative that's here, just please nod if you -- I really would like for Nissan to
sit with the Taxi Workers Alliance and see,
understand their concern about work outside
dealer -- work outside of a dealership and
see if there's a way to work, to collaborate
to make sure that they'll be able to get
work done. Can you do that? Yes, thank
you.

NISSAN REP: Yeah. I just wanted
to say, Commissioners, we don't have someone
from Nissan parts and service today, but
he'll be here in a couple of days and we'll
have you come to the industry advisory
meeting.

THE CHAIR: What you're talking
about is kind of an operational thing that
maybe could be worked out, but if it could
be, would be valuable. And it's something
that we also appreciate the importance of.
So you can finish your testimony, but I just
wanted to tell you that we are committed to
working with you on that.

MR. SALAZAR: All right, I
understand. Thank you for the clarification
of that.
Commissioner, you know, the cars and taxis come and go through the years in New York City, but the fact is that the workers, the taxidrivers always remain, working 12 hours every day, the entire time. And we will be affected by, you know, by the Taxi of Tomorrow in terms of leasing primarily. Clearly it's been stated here that the Taxi of Tomorrow is not hybrid, yet we are going to have to pay as hybrid. That will cost us 42 dollars every week.

Another point about the Taxi of Tomorrow is that it doesn't come with a spare tire. And most -- through the years every company provided a spare tire for every single car that I have driven for companies and fleets. It's a full size tire that matches the four other tires on the car. And if we don't have a spare tire, that taxicab is going to be stranded for a few hours without serving the City of New York. It's going to also create traffic congestion.

COMM. MARINO: Is that true,
there's no spare?

MR. SALAZAR: We are also going to lose time and money if we don't have a spare tire.

COMM. MARINO: I'm sorry, I didn't mean to interrupt you, but I'm surprised to hear that. It doesn't have a spare?

THE CHAIR: I'm told that it apparently does not come standard. But it is available for purchase; is that correct? They're not -- that's what my staff is saying.

COMM. MARINO: So it's an additional purchase?

THE CHAIR: I will get that answer to you, Commissioners.

Okay, thank you, Mr. Salazar.

MR. SALAZAR: Okay, yes. And I thank very much the two councilmen.

THE CHAIR: Thank you, your time is up. I just want to again clarify, in terms of the lease rate, the NV200 will pay the same lease rate as a standard taxi of today, not the hybrid rate.
MR. SALAZAR: Excellent, thank you.

THE CHAIR: It's not excellent, that's the rules we published.

MR. SALAZAR: And, Commissioners, today you will vote, and I encourage you to be on the right side of history and the side of workers and the side of the people that serve the City of New York twelve hours, every single day. Vote no. And all the council members especially, and I thank the city council member for sending two council members to be on the right side.

THE CHAIR: Thank you.

MR. SULTAN: Hi, good morning, Commissioner Yassky. Thank you to give me the opportunity. I am here for the Taxi of Tomorrow, talking about the most important
THE CHAIR: Sorry, can you just give your name for the court reporter?

MR. SULTAN: My name is Mohammad Tipu Sultan. I'm a full time student, just graduated physics, and I will see the real physics through the Taxi of Tomorrow with the high technology.

But anyway, the real concern about the way the hybrid car came to the street, and there is so much struggle to get the parts and the car have to be stayed at the dealership one days, two days and the driver could not able to work. This is the very big thing is going to happen. And I am not against the Taxi of Tomorrow, but my concern is about the service, the dealer, and it will create another market that some people are going to make money in the parts for cars, for example, a hundred dollar, just 200 dollar, because we are the driver, because we have to pay the rent and everything, we will go for it. We cannot wait for the dealer, they open five to --
eight to five, so we cannot wait for the service. Ensuring there will be other garage and there will be aftermarket, there will be bad parts supply. So we want to make sure that all the supply is on before we go on the Taxi of Tomorrow.

And as I hear this is the dream, I mean this is, the Taxi of Tomorrow is a dream for the city. And also our dream as a taxidriver, our dream. We work twelve hours; we can't see the dream. We drive and we keep our eyes open. Passenger seated in the back and they can dream. And our dream is only the money and how we can survive with our family, little, with tiny money, more than a little, hundred dollars.

So today there will be a vote on new lease cab rules and it will really is going to hurt our family, our income and everything. Please say no on this bill. Please say no on this new lease cap rules.

Thank you so much.

(Applause)

THE CHAIR: Okay. You know, I am
told you're Mr. Molina.

    MR. MOLINA: Hello. God bless everybody. Good morning. I haven't sleep
since I came here.

    THE CHAIR: All right, Mr. Molina, I'm going to ask you to speak in a minute.
You signed up for the other hearing, I understand you want to speak on this.

    MR. MOLINA: Yeah. I'm really
tired today.

    THE CHAIR: Okay, so keep it to a
minute, please.

    MR. MOLINA: I need to sleep. But
I know everybody here blessed with the Holy
Ghost, that God is going to be with you to
make the right decision on behalf of New
York City cab drivers.

    I hope also you even propose a
rule that reduce our hours from twelve to
eight hours a day. I really need eight
hours a day instead of twelve. Why do I
need to make twelve hours to make a decent
salary when I can do it in eight like an MTA
bus driver. You know, as a college graduate
with a bachelors in Spanish literature that I use mostly to speak to my passengers who are Spanish speaking, it makes me very privileged to be among the people of the City of New York. I get to see all kinds of incomes in the City of New York. There's even some passengers who don't even have the fare. But sometimes I have to give them a free ride.

THE CHAIR: All right, Mr. Molina, I appreciate it.

MR. MOLINA: All right.

THE CHAIR: I'm going to ask you to just complete what you have.

MR. MOLINA: I just want to say --

I just want to say as a member of the New York Taxi Workers Alliance, as a card carrying member, if the brokers in the garages want to steal our money illegally --

THE CHAIR: All right, Mr. Molina, this is about the Taxi of Tomorrow. Mr. Molina, please.

MR. MOLINA: They have the right to be arrested immediately in this chambers.
THE CHAIR: Mr. Molina, please.

MR. MOLINA: They are committing crimes against many of the drivers. I respect you and I respect everybody, but I don't respect criminal behavior.

THE CHAIR: I'm going to ask you to sit down.

STAFF MEMBER: You need to be on topic.

THE CHAIR: Please. Okay, I am going to ask you to sit down, Mr. Molina.

MR. MOLINA: The rules that will go against drivers, okay, it's going to hurt me economically. I'm already --

THE CHAIR: Mr. Molina, you're not speaking about the issue, and I don't want to prolong it but I --

MR. MOLINA: I don't want to lose my apartment, Commissioner.

THE CHAIR: You're going to have to sit down.

MR. MOLINA: You got to do something with the criminal activity of the brokers and the garages.
THE CHAIR: Okay, so that concludes the public hearing on if there's no further -- I'm sorry, sir.

A SPEAKER: Can I just have one minute? This is very important, you should see this.

THE CHAIR: Okay. Did you sign up to speak?

I'm speaking on behalf for RC.

Okay.

THE CHAIR: Okay, I understand.

Okay, please.

A SPEAKER: Okay. My name is Milion (inaudible), I'm a taxidriver. And the Taxi of Tomorrow is a great idea. I saw it from afar.

THE CHAIR: Thank you.

A SPEAKER: And it has no full passenger power windows. What if someone feels sick and needs fresh air or has to throw up. Sometimes a customer has to stick their head outside to get fresh air or throw up. Sliding windows, drivers have no access to close windows. When it's at zero degrees
out, raining or snowing, the Ford Transit have same windows. I had to come outside to close the windows. And if the wheelchair entrance on the side doors, it's much safer. Also, if passenger is in the middle, I can't accommodate them much better, and they won't get a bumpy ride in the back. If I can slide back seat forward and back, it's much better. All Nissan Altimas didn't last on the road, all the garages had to take them out. We would just have to drive it and experience it and make changes. All garages have to maintain their wealth. From my experience, I have some pictures when I worked at the tunnel garage.

THE CHAIR: Okay.

A SPEAKER: Okay. I was working on a rainy day, tires were bald, and during the course of working I had to clean the windshield every minute with a paper towel. And hydroplanes were pouring, all the customers were scared. I was driving slow, 20 miles per hour, I was scared too. Repairs and accidents could cost garages and
drivers thousands of dollars. That's why we need full coverage insurance and this will be included, nobody had to pay for our damages.

I also want to show you some pictures. This is from the wheelchair accessible, it has bald tires. One time they gave me a car.

THE CHAIR: Thank you.

A SPEAKER: Yes.

THE CHAIR: You can give the pictures to --

A SPEAKER: Okay.

THE CHAIR: -- Mr. --

A SPEAKER: And the seats, they were all --

THE CHAIR: All right, thank you, sir.

A SPEAKER: Thanks, have a good day.

THE CHAIR: Thank you.

All right, that concludes the hearing on the Taxi of Tomorrow and the Alt Fuels Spec rules. I think we can call for
the vote but we should do it by roll.

    MS. JOSHI: Before the Commission are rules that require, with certain exceptions, unrestricted medallion owners to hack up with the Taxi of Tomorrow once the Taxi of Tomorrow is launched. The rules were published on May 20th, 2013, and we just concluded the public hearing required under CAPA. The deadline for comment submission was June 19th, 2013. All comments received were forwarded to the Commissioners for their review.

    The rules before the Commission are identical to those that were published, excluding those sections relating to the alternate fuel specifications. The proposed definition of alternate fuel medallion included in section one, section ten, and the proposed alternate fuel specifications included in section 13.

    We'll do a vote by roll call.

Commissioner Marino?

    COMM. MARINO: I'm sorry, we are going to the Taxi of Tomorrow right now?
THE CHAIR: That's correct.

MS. JOSHI: Yes, we are.

COMM. MARINO: I just want to clarify one thing because there was some testimony. This vehicle is able to be crash tested but has not been crash tested, is that what I'm getting?

THE CHAIR: If it is not crash tested and does not meet our crash test spec requirements in its taxi configuration, then it is not the official taxi vehicle as defined in the rules, and then there will be no requirement to purchase it. So I, you know, I'll take at face value what I heard about the Nissan crash testing schedule. If it is not crash tested meeting federal standards in its taxi configuration when it is sold, then it would not be the Taxi of Tomorrow.

COMM. MARINO: So it has not been, the bottom line is it has not been crash tested as we sit here today.

THE CHAIR: That's -- I'm looking at Nissan. I guess not.
PROCEEDINGS

COMM. MARINO: I voted no on these rules the first time around. I am going to vote no again.

(Applause)

COMM. MARINO: I have a lot of issues. I think one of the biggest issues I have with this car is that -- well, one of the biggest, there's many issues -- is that it's manufactured by a company in Japan, in a factory in Mexico. It doesn't create one New York job, let alone an American job, and I just think in this economy that's something that should be everyone's priority. I think dictating one choice to an industry stifles free enterprise, healthy competition. I think that's also very un-American. I think it allows a monopoly to develop by one company. And that can ultimately harm growth and progress by limiting other options. I mean there may be a better car in a year from now, and we are going to be locked into this ten year contract. I just don't see how that can be good for the city at all.
The hybrid issue, as many people spoke on that I don't think I need to repeat their testimony, but I agree with all the testimony against the TOT on the hybrid issues and the wheelchair accessibility.

As far as the hybrid options that have been amended into these rules, two out three of these cars, while they may be options on paper, they're not going to be options in practice because they're simply unaffordable. I mean why not have the Bentley hybrid on the list too. It doesn't mean anything if people can't afford it.

So the only option that is viable to me is the Toyota Prius V, which I tried to look up last night, do a little research, and from what I understand it's a fairly new vehicle. I'm not sure if it's a five or a V even. Maybe it's V for van again, I don't know. But apparently it's a fairly new vehicle that just hit the roads in 2013. So I don't know how we can assess how it will perform as a taxi being driven for 24 hours a day, if it will even be available in mass
production. I mean there's just so many
questions here. And I'm voting no.

(Applause)

MS. JOSHI: Commissioner Polanco.

COMM. POLANCO: I vote yes.

MS. JOSHI: Commissioner Gonzales.

COMM. GONZALES: I vote yes.

MS. JOSHI: Commissioner Weinshall.

COMM. WEINSHALL: Yes.

MS. JOSHI: Commissioner Yassky.

THE CHAIR: Yes.

MS. JOSHI: Commissioner DeArcy.

COMM. DeARCY: Yes.

MS. JOSHI: Commissioner Arout.

COMM. AROUT: Yes.

MS. JOSHI: Commissioner Carone.

COMM. CARONE: Yes, but a word on
accessibility.

THE CHAIR: Please.

COMM. CARONE: I don't think the
chair would disagree or anyone in the
audience or my fellow Commissioners that
I've advocated for a hundred percent
accessible to this agency, to lawmakers and
to anyone who will hear. I believe the Taxi
of Tomorrow vis-a-vis Nissan is our quickest
path to that noble goal, in all honesty. I
say that because one hundred percent of
these cars can be converted to wheelchair
accessible. I say that because the Nissan
vehicle is built, factory built, with the
specific intention of being converted to
handicapped accessible. I say that because
it comes with a hundred percent
manufacturer's warranty when it's converted
to handicap accessible. So to my mind, I
would not want to sacrifice this noble goal
in search of what's considered perfect, and
sacrifice the good in search of the perfect.
So I'm voting yes.

MS. JOSHI: With a vote of seven
in favor and one against, the TOT rules are
approved.

THE CHAIR: And now we will call a
vote on the alternate fuel specs.

MS. JOSHI: Before the Commission
are proposed rules to amend specifications
for alternative fuel taxicabs. The rules were published on May 20th, 2013, and we just concluded the public hearing required under CAPA. The deadline for comment submission was June 19th, 2013, and all comments received were forwarded to the Commissioners for their review.

Based on comments received and staff recommendations, the following changes were made to the rule requirements since publication.

The first is the interior cubic volume requirement was reduced from 138 to 130, and the requirement that temperature controls could be operated by the rear passenger was deleted.

We are going to start with a vote.

THE CHAIR: Let's have a roll call vote again.

MS. JOSHI: Okay. Commissioner Marino.

COMM. MARINO: Maybe. Forgive me, I got a little confused, I thought that was part of the TOT rules we just voted on.
THE CHAIR: As a formal matter it's two separate rules, so we are going to vote again.

COMM. MARINO: Well, it sounds like it's piggybacking off the first vote.

THE CHAIR: It is. You can consider your explanation.

COMM. MARINO: So I'm still going to vote no because I voted no on the initial rules.

THE CHAIR: Understood.

COMM. MARINO: So I'm voting no on the piggyback.

THE CHAIR: Thank you.

MS. JOSHI: Commissioner Polanco.

COMM. POLANCO: Yes.

MS. JOSHI: Commissioner Gonzales.

COMM. GONZALEZ: Yes.

MS. JOSHI: Commissioner Weinshall.

COMM. WEINSHALL: Yes.

MS. JOSHI: Commissioner Yassky.

THE CHAIR: Yes.

MS. JOSHI: Commissioner DeArcy.
COMM. DeARCY: Yes.

MS. JOSHI: Commissioner Arout.

COMM. AROUT: Yes.

MS. JOSHI: Commissioner Carone.

COMM. CARONE: Yes.

MS. JOSHI: With a vote of seven in favor and one against, the accessible specifications are approved.

THE CHAIR: Thank you.

Commissioners, I note it's now 11:34. We are going to move directly now to a vote on the proposed lease cap provisions. I guess Meera will explain, we had the public hearing on these already, there was no public hearing today. It's before us solely for Commission action.

MS. JOSHI: Before the Commission are proposed rules to amend TLC's fare and lease cap rules as they affect fleet leases, DOV leases and all leases. The amendments were published in the City Record on March 7th, 2012, and a public hearing on the amendments pursuant to CAPA was held on April 18th, 2012, I'm sorry, 2013. And my
The deadline for written comments was April 8th, 2013, and all comments received were forwarded to the Commissioners for their review.

Based on comments received and staff recommendations, the following changes were made to the rules from the version that appeared in the City Record on March 7th, 2013.

Security deposit provision for the all-in lease cap was amended to clarify that a deposit equal to one week's medallion rental can be maintained until the end of the lease. And two, section 58.31A, a thirty vehicle summonses was amended to add to the list of summonses that can be charged back to the driver.

We are going to call for a vote.

COMM. POLANCO: I'm sorry, before we go into a vote, I would like to make a statement and a motion if possible.

THE CHAIR: I'm sorry?
COMM. POLANCO: I would like to make a statement and a motion before we go into a vote.

THE CHAIR: Okay.

COMM. POLANCO: Thank you.

With all the lawsuits that have been filed against the TLC, this agency along with the City of New York made an informed decision to enter into a settlement agreement with the MTBOT to make the proposed changes to the lease cap rule. And, as a result, the MTBOT withdrew their lawsuit with prejudice, meaning that they cannot bring this lawsuit again.

Now, the Commissioners are being placed in an interesting predicament. I will speak for myself. Here the agency and the city made an agreement, that I was not a participant of, that I was not aware of until a month or two ago, and I'm hearing -- or I did not hear today, but basically from the phone calls that have been made and so forth, I'm hearing the same arguments and concerns from the drivers and owners that
were made last year when this lease cap and fare increase package rules were approved by this Commission. And then many of you -- and I basically understand your concern.

I based my decision at that time not only on the testimony of many of you, but also on the data that this agency provided to us. Last year, a very detailed presentation regarding the lease cap and fare increase was made by this agency, and I approved a fare increase, along with, for the first time, setting a health care fund for drivers and other benefits, and I voted no against the lease cap package, although it was ultimately approved by the Commission. And based on that data, the agency, with the approval of the chairman, approved the lease cap package.

Now, with these proposed changes, the city has done a 360, the TLC. They have agreed by signing this stipulation with the proposed changes of the lease cap rules. And I'm perplexed. Is it the data presented last year was wrong? Or is it that they
know that there is no hope in winning the lawsuit. I don't know, as I was not part of the negotiation.

But one thing I could tell you is that as an individual and as an attorney, I'm a true believer that if you agree to do something, especially if it is in writing, you abide by that agreement. To my knowledge, and please correct me if I'm wrong, I'm not aware of an instance where the agency entered into a stipulation agreement for the approval of rule and that rule is not passed by the commission. So when a party enters into an agreement with an agency, like the TLC, they enter in good faith and with reasonable expectations. Otherwise, what type of precedent are we setting in this agency? Why would a party enter into a stipulation if they cannot complete the task, which is in this case the approval of the changes.

So at this moment I would like to make a motion to table this item until we have an opportunity to analyze more
carefully the changes and its ramifications.

THE CHAIR: All right. I'm just going to speak to that, and Commissioners, if you would like to speak obviously you may, and then we'll vote on that.

I'm going to vote against that motion. Commissioner Polanco, I understand what you've just expressed about the obligation of the Commission or rather at least my obligation as chair, that we -- so Commissioner Polanco, you said a year ago we adopted lease fare rules and lease cap rules after extensive testimony and the presentation of extensive data by our staff. I voted for both that fare rule and the lease cap rule enthusiastically because I believed those were the right things to do.

COMM. POLANCO: Yes.

THE CHAIR: We were sued by the Metropolitan Taxi Board of Trade. And the trial judge entered a temporary restraining order, did not find against us on the merits, but did enter a TRO, which prevented implementation of part of those lease cap
rules. And at that point my judgment was we were at significant risk of getting a decision, an adverse decision on the merits.
I felt that the right thing to do was to settle with the plaintiffs in that lawsuit, which did involve -- if the settlement is, you know, finally executed today, it will absolutely involve a giveback of some of those lease cap and fare rules. In other words, you said are we changing it because the data was wrong or there's new data? No. We are changing it -- I am proposing that we change it, and I am urging the rest of you to agree, because we lost a lawsuit, we lost an initial phase decision in a lawsuit, and that has some consequences.

I think the rules we passed originally were the best rules. I said it at the time and I say it now. However, faced with a risk of losing the entire thing, or keeping in my judgment three-quarters of it, I figure that we should take three-quarters of a loaf. That's a decision that, you know, by your
votes today will either agree with or
disagree with. But I urge you to -- I think
it is the right thing for the agency to do
and I urge you to vote for the rule.
Therefore, I would urge people to vote
against the motion to table.

If there's --

COMM. AROUT: I second that.

THE CHAIR: Okay. If there's
other discussion we can have it or we can
move to a vote on the motion.

COMM. POLANCO: So my motion was
seconded, right?

THE CHAIR: Yeah, we can move
to -- we'll vote on the motion to table,
you're entitled to that.

MS. JOSHI: So before the
Commission is a motion to table. Does
anybody second that motion?

THE CHAIR: I understood --

COMM. MARINO: Let's clarify what
Commissioner Arout meant.

THE CHAIR: Commissioner Arout, I
understood you to be supporting -- but at
any rate there is a motion on the table --
there's a motion made to table the --

COMM. AROUT: To table.
THE CHAIR: -- lease cap rules.
COMM. AROUT: Right, and I seconded them.

THE CHAIR: That would mean not voting on them today.

COMM. AROUT: Absolutely.

MS. JOSHI: Absolutely what?
COMM. DeARCY: She's seconding --

he's seconding.

COMM. AROUT: Right, I'm seconding to table.

COMM. MARINO: He wants to table.
COMM. WEINSHALL: You're with her?
COMM. AROUT: Yes.

THE CHAIR: Then we will proceed to a vote on that.

COMM. AROUT: Thank you.
COMM. DeARCY: Is it indefinite?

THE CHAIR: Well, I don't know what the consequences in terms of --

listen --
COMM. MARINO: Let me ask a question.

THE CHAIR: It would be my intention, let me say, Commissioners, it would be my intention to, if we do vote to table, just so we understand, to talk with you with the goal of bringing the vote and providing the data and information that is requested and bringing the package back up for a vote again. To be clear, I'm going to vote no on the motion to table. I think we are ready to vote today.

COMM. AROUT: No.

THE CHAIR: But I want people to understand what the consequence would be.

COMM. MARINO: Can I ask you a question, Mr. Chairman? If the --

COMM. AROUT: I want to go to the vote now.

COMM. DeARCY: Oh, you want to go with a vote?

COMM. AROUT: Yes.

COMM. WEINSHALL: He's not with her.
COMM. AROUT: No. I'm sorry, no.

COMM. MARINO: I just had a question. The TRO is still in effect; correct?

THE CHAIR: No. The TRO -- the consequence of the settlement was that the TRO was dissolved.

COMM. MARINO: Okay.

COMM. CARONE: Mr. Chairman, just to comment. I wonder if Commissioner Polanco would reconsider the tabling motion for the following reason. I think the point was just made -- and I agree with everything you said regarding what led up to the negotiated settlement. In any negotiated settlement both sides are a little bit unhappy. And I think three-quarters of a loaf is pretty good.

AUDIENCE MEMBER: It's the whole loaf.

COMM. CARONE: There is no whole loaf for anyone in our lifetime. There's always a compromise.

So I'd ask you to reconsider
tabling and let's go along with the vote. All we'll have to do is come back here again and be forced to go over the same thing again and have the phone calls again and the emails again and the pressure from all sides again. We're here, I'm prepared to move forward.

COMM. POLANCO: Basically I made a motion, if it hasn't been seconded or not then it will die there. But I mean I made a motion, then let it be.

COMM. DeARCY: Can people please stop yelling in the gallery, please?

THE CHAIR: Yeah. I'm going to say no, please, this is a discussion among Commissioners. If people are disruptive or shout out, I'm going to ask that they be removed.

COMM. WEINSHALL: Do you want someone to second the motion?

THE CHAIR: I'll take it that you've seconded it.

COMM. WEINSHALL: Okay.

THE CHAIR: Okay, let's call a
vote on the motion to table.

MS. JOSHI: Okay. Before the Commissioners is a motion to table the lease cap rules. All those in favor, please raise --

THE CHAIR: Well, I think we should call a roll call vote.

MS. JOSHI: We'll call a roll call. Commissioner Marino.

COMM. MARINO: I vote no to tabling. I say we vote today.

MS. JOSHI: Commissioner Polanco.

COMM. POLANCO: I vote yes to tabling.

MS. JOSHI: Commissioner Gonzales.

COMM. GONZALES: I vote no to tabling.

MS. JOSHI: Commissioner Weinshall.

COMM. WEINSHALL: No.

MS. JOSHI: Commissioner Yassky?

THE CHAIR: No.

MS. JOSHI: Commissioner DeArcy.

COMM. DeARCY: No.
MS. JOSHI: Commissioner Arout.
COMM. AROUT: No.
MS. JOSHI: Commissioner Carone.
COMM. CARONE: No.
MS. JOSHI: With seven Commissioners against postponing and one Commissioner in favor of postponing, there will be no postponement of the vote on the lease cap rules today.
THE CHAIR: Then the rules themselves are before us. I'm ready to call for a vote on that. Meera, please do call a roll.
MS. JOSHI: Commissioner Marino.
COMM. MARINO: I vote yes.
MS. JOSHI: Commissioner Polanco.
COMM. POLANCO: This is not about the MTBOT, representing medallion owners. This is about a party, any party who enters into an agreement with this agency. And so based on what the chairman said, facing with the risk of losing everything, I'm voting yes for those rules.
MS. JOSHI: Commissioner Gonzales.
COMM. GONZALES: I'm going to vote no, but I'd like to explain my vote briefly.

Okay. First off, I agree in support of the rules, excluding two sections. 50A21C16 and 50A21C26, both sections that cover driver negligence for weekly leases. I would support it if the language is similar to 50A21C45 covering driver negligence, on 5G covering driver negligence, where there's an option to lay off the risk at the option of the driver. I do support that the driver should be responsible for damages due to negligence. But I have two reservations. First, the subjectivity and who determines the driver negligence. Also, the rules do not permit the driver who wants to take a weekly lease to purchase insurance via a collision damage waiver, similar or akin to car rental agreements.

As most of you know, I'm a trader and portfolio manager with a large bank. Risk assessment is key to my success in the industry. As an owner, I would enter into
this trade -- well, one thing I would note
is that with the weekly lease, the weekly
lease double shifted, the owner receives two
hundred dollars less per week. As an owner,
I would enter into that trade if I felt
there was a possibility, a material
reasonable possibility of me getting more
than two hundred dollars back. As a driver,
I'm two hundred dollars better off, but the
issue is I have an unknown risk. I have a
proposal out there to put out a collision
damage waiver that would enable the driver
to lay off that risk.

Should these rules pass today, for
the drivers subject to these two sections, I
just want you to know that I tried and was
unsuccessful in modifying the language to
give you the option of laying off the risk.

Thank you.

MS. JOSHI: Commissioner

Weinshall?

COMM. WEINSHALL: Before I vote I
just want to say that I have been extremely
troubled by these revisions to the lease
cap. I understand what Commissioner Polanco had to say about our chairman and his ability to enter into agreements. I would say, though, that this Commission has been sued not only on the lease caps but on a number of other items which have worked their way through the court, and I am proud to say that those initiatives are going forward, that the courts have seen the wisdom of the way of the Taxi & Limousine Commission.

So I respect the chairman's right to negotiate these type of items, but I just think that this is wrong. I know that a number of us had talked about the issues of driver negligence. I do feel that this is probably in my time on the Commission probably the harshest rules that I have seen against drivers. And I just can't vote for this. I just feel that this is wrong, that it is treating the drivers in a way that I have not seen in the years that I've been on this Commission. And so therefore I'm voting no.
MS. JOSHI: Commissioner Yassky.

THE CHAIR: I vote yes. I want to -- Commissioner Gonzales, we spoke about this extensively, as you know. And I understand the concern raised by you and Commissioner Weinshall and Commissioner DeArcy as well about in particular the negligence provisions. And while it's my belief that as a -- on paper the provisions make a fair bit of sense, you have raised the question about are they subject to abuse and in particular who determines, you know, the negligence determination creates an opportunity for abuse. And I understand that. As we have discussed, I want you to know we will be -- we will issue a directive to medallion owners to report instances in which they make a charge based on -- they charge a driver based on a negligence finding so that we can see whether that's being abused or not. I think we can all agree that there are cases where that's an appropriate provision, but if it's used
pervasively then that would be abuse and then the Commission will have to deal with that. So I just want to say publicly the comment I'm making privately that we would -- we will monitor that, and not just in a, you know, on the to-do list way but in a formal reporting, collecting of data way, so that you can see how this provision works out in practice.

COMM. GONZALES: I appreciate that.

THE CHAIR: Yes. I vote yes.

MS. JOSHI: Commissioner DeArcy.

COMM. DeARCY: I've been on this Commission I think a little bit over two years, and my math may be wrong, and we have been called to vote on a number of measures, and most of the time I sit here particularly proud to have an opportunity to participate in rule making that I think is beneficial for the various constituencies of this important industry.

Today unfortunately I am not pleased and proud to have an -- to be here
to vote on these proposed rules. I think that the presentation of these rules by themselves suggest that the good work that we were able to accomplish just some months ago was somehow in error, and I am not willing to say that. I respect immensely the concerns articulated by Commissioner Polanco with respect to this agency's ability to negotiate settlement agreements, and the credibility that is important that we carry with us as we sit down at those tables for discussion. However, I read the settlement agreement closely, and the representation that the TLC certainly was not that any of these rules would be approved. Certainly Commissioner Yassky did not have an authority to do that. Nothing in this settlement agreement takes away any commissioner's independent judgment as to the validity or the propriety of any rule. And therefore, I have to make a determination on my own as to whether or not these rules are appropriate. And I have to say that my independent determination, based
on discussions that I have had with people
in the industry on both sides of the issue,
both in connection with these proposed rules
as well as in connection with the rules that
we voted on in September, in particular I
believe that what people have referred to as
givebacks are absolutely and wholly
unacceptable. Commissioner Gonzales spoke
to the aspect of the rules concerning driver
negligence and the potential for abuse. I
will highlight my concern with the rule
related to the credit card surcharges and
the fact that potential increases would be
based on usage versus cost.

I am also concerned with the fact
that under these rules the fines for
retaliation have been lowered significantly.
I cannot fathom as a public policy matter
why we would want to lower the penalty for
retaliation against drivers. And
Commissioner, it's somewhat inconsistent --
Yassky, I'm sorry -- to me to suggest that
we will look to abuse while at the same time
saying we're lowering the fines for them.
This is a problem for me. I cannot support these rules, and for these reasons and many others that we do not have time for, I vote no.

(Applause)

MS. JOSHI: Commissioner Arout.

COMM. AROUT: I vote yes.

MS. JOSHI: Commissioner Carone.

COMM. CARONE: Yes.

MS. JOSHI: With a vote of four Commissioners in favor of the lease cap rules and three against -- I'm sorry, five in favor of the lease cap rules and three against, the lease cap revisions are approved.

THE CHAIR: Commissioners, I recognize that what a difficult vote this was on for all of you. I do recognize the position that people were in due to the settlement agreement, in other words, having to take what was before you as given, there was not really the kind of opportunity for discussion and change that we generally have with our rules. Commissioner DeArcy, you
are correct of course that the agreement
that we -- that I entered into on behalf of
the agency was carefully written and
carefully worded so as to ensure that each
Commissioner has the right -- would have the
right to ratify or not. But that doesn't
take away from I think Commissioner
Polanco's substantive point of the pressure
that -- the position that you are put in of
having to -- you know, that a no vote would
mean undoing a settlement agreement and call
into question the ability of a commissioner
to negotiate. And I think that, that -- I
mean part of I think what I want to take
forward is that while I think the
commissioner has got to have some ability to
make commitments on behalf of the agency, I
think that, that needs to be done with, you
know, consultation among the commissioners
and so people aren't in the kind of position
that they are in. So I appreciate the point
that you have made there.

COMM. MARINO: Mr. Chair, do we
have another issue on today?
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THE CHAIR: We do.

COMM. MARINO: I'd like to make a motion to adjourn that.

THE CHAIR: Oh. Well --

COMM. MARINO: It's kind of late.

THE CHAIR: It is late. But we have --

COMM. WEINSHALL: Is there a hearing?

THE CHAIR: There is a hearing.

And I have to say --

COMM. MARINO: Oh, there's a hearing.

THE CHAIR: I guess what we are going to do is we are going to go ahead and conduct the hearing. I understand Commissioners have told me that they had commitments at noon. If there's not a quorum to vote, I don't believe this is a controversial rule, this is changes to the TPEP rules that clean up a bunch of, you know, technical problems that we have realized only after the fact, they're complicated rules, but if there's not a
quorum -- yeah, so let's --

COMM. MARINO: Do we have speakers signed up?

THE CHAIR: There are seven, six people, one, two, three -- sorry, five now who signed up to speak on this, but I'm not sure if they really intend to or if they intend to speak on the others.

COMM. MARINO: I'm going to make a motion, I mean it's up to my colleagues of course, but I also, I will confess I'm not that familiar with it. I've been focusing on these other bigger issues, so I'm not really that familiar with what they are.

THE CHAIR: Is there a consequence to not voting?

Deputy Commissioner Chhabra, is there a consequence of pushing this off?

MR. CHHABRA: I would say maybe if you've got five speakers, if you want to see if any of them want to speak, because it could be really quick.

THE CHAIR: All right. The people signed up to speak are Richard Thaler, Erhan
Tuncel, Ethan Gerber, Bhariavi Desai and Adam White. Could you just, show of hands, if people intend to speak on this? I see two.

Okay, go ahead, Mr. Thaler, please.

MR. THALER: Mr. Chairman Yassky and Commissioners. Shall I wait for the chairman?

COMM. CARONE: Go ahead, he's right there.

COMM. DeARCY: I'm listening.

MS. JOSHI: You can begin.

MR. THALER: The proposed clean up package -- the proposed clean up TPEP rules package fails to ensure continuous, no loss of positive payment card authorization. According to the proposed addition, 75-25(j), over a thousand passengers at any time may not be able to use their payment cards for positive payment authorization.

An essential remedy must enable drivers to provide continuous uninterrupted TPEP backup for both payment card
transactions and a emergency messaging. This can be achieved by a driver mobile payment app, now permitted in the LPEP rules, and which could provide diversity of wireless services from any three carriers other than the TPEP vendors' carrier, which could include a signal strength enhancement in the taxi under the new FCC signal booster rules.

In the event TPEP service is unavailable for positive card fare payment transactions at the end of a trip, passengers could purchase a cash money order for fare payment using the payment backup app. Each driver card fare payment backup application, which obviously cannot be produced through the TPEP gateway failure, requires the driver to be in compliance with the MasterCard, Visa rules as a merchant approved by a MasterCard, Visa member service provider, or MSP, card payment processor of the driver's choice as a payment card money transfer merchant category code merchant for direct money
transfer to the driver for ATM access. The correct TPEP record type for the proposed realtime backup fare payment cash transfer directly to drivers is therefore cash, and lease drivers should be able to deduct five percent of the total charge from their lease payments for that transaction.

Having said that, it's time for the TLC to finally recognize the rights, responsibilities and capability of medallion owners and licensed medallion drivers and the revolutionary advances in mobile payment technology for fare payment card processing and information access. The highest priorities must now be given to apply these advances to achieve payment processing cost reduction and secure card fare payment, finally requiring encryption payment card readers. An objective examination of TPEP would require the TLC to scrap the entire system, including the annoying embarrassment of the PIM that's now permitted in the LPEP rules, putting the entire fare payment and trip recording processes back to drivers'
and passengers' mobile devices, supporting
the widest range of cloud based public
announcements, conveniences, preferences and
necessities to passengers while retaining a
rear mounted payment terminal.

Now that the TLC has overcome
passenger discrimination by introducing LPEP
to the city's overwhelming FHV passenger
population, the TLC must end taxidriver
discrimination and make LPEP rules uniform
for medallion taxi and borough taxi
licensees.

Thank you.

THE CHAIR: Thank you.

Mr. Tuncel, I believe you're the
final speaker. There's no one else speaking
on this, am I correct?

(No response)

THE CHAIR: Okay, Mr. Tuncel.

MR. TUNCHEL: Hello, Commissioners,

once again. My name is Erhan Tuncel.

THE CHAIR: I'm sorry.

MR. TUNCHEL: I understand that the
information about the medallion owners is
public record. I don't have a problem with that. But what I have a problem with is the fact that the Rule 75-25, section A, subdivision 2.5, for the TPEP technical requirements, asks for owners' name and phone numbers to be included, should the Commission decide to do so. Having such information as public record is one thing, but giving it out with every receipt is another. Including owners' names and phone numbers on the receipt opens the door for harassment of our members by the public, which might be disgruntled by one thing or another. The majority of the riding public are well-behaved in or out of cabs, but there are enough disgruntled people in New York City for this to be a legitimate concern to us. If the reason behind that is to be able to contact the driver, the safest and the most legal way of contacting the driver is through the DIM, the driver information monitor.

THE CHAIR: I just want to be clear, Mr. Tuncel, I don't believe that
that's covered in these rules, the name and
address that you're talking about.

MR. TUNCHEL: I read the rules and
it was in one of the sections of the
technical requirements. It was in the --

MR. WILSON: It's not part of this
rulemaking.

MR. TUNCHEL: Well, you have that
rule.

THE CHAIR: That was -- that was
part of the --

STAFF MEMBER: It was part of the
original.

THE CHAIR: It was part of the
original TPEP rules.

STAFF MEMBER: And we actually, we
put it in when we were able to make that
information available, so that would give us
discretion, or otherwise it was already in
the rule, that TPEP providers had to do it.
So we actually -- this is taking a step back
from that.

MR. TUNCHEL: Well, we, my members
have a great deal of concern about having
their names and numbers on receipts. So
that's why I'm here to --

THE CHAIR: All right. Just to be
clear, because I can see, Commissioners,
that's a -- I can understand the concern.

COMM. MARINO: I understand the

THE CHAIR: We do not --

MR. TUNCCEL: Currently you do not.

THE CHAIR: We do not currently do

that.

MR. TUNCCEL: Right.

THE CHAIR: I don't believe that
there is -- we have no expectation or
intention of doing that.

MR. TUNCCEL: Well, in the rules --
may I -- the rules, because it's not in
front of the Commission, though, the rule
states that if at the time when the
Commission --

THE CHAIR: It does -- I'm sorry,
it does --

MR. TUNCCEL: You have the right --

the rule says you have the right to ask the
TPEP providers to include that in the future if you feel that, that is necessary. And I have a problem with that basically.

THE CHAIR: Okay.

COMM. MARINO: I understand the concern.

THE CHAIR: I can see why you would or rather I can see the concern. Let me say two things. That is in our current rules. In other words, we today, whether we act today or whether we don't act today, the Commission has the ability to put information that is in our licensing data base onto receipts. That was in the rules we adopted last time, or some time ago. And it has not changed today. The purpose of that is to allow us to give a phone number that a driver can -- that a passenger could use to find lost property if we can figure out a way to do that without violating privacy concerns. So, for example, a fleet taxi, we can give the fleet number. Drivers are, as you know, are required to give us 24 hour numbers as part of our, you know, rules
from -- that have been around for a long time.

MR. TUNCEL: I understand that.

THE CHAIR: What we discovered when we looked into this was those 24 hour numbers are generally individual driver's cell phones, which we do not want to be distributing on the TPEPs. We have been I know talking to (inaudible) and other folks about whether there is a way we can have drivers provide a contact number that, whether it's the fleet or the agent they're associated with, so that as many drivers as possible have a 24 hour number that is not a violation of their privacy, but we are not there yet. And until we get there, we are not going to put anything on the receipt.

MR. TUNCEL: Okay.

There was just another section of my testimony that was left, which is basically the information testimony on, if I may just go ahead just for a couple of minutes.

THE CHAIR: Go ahead.
MR. TUNCEL: A few months ago all but one of you wanted to bring a single roof light system for New York City medallion taxis, perhaps believing that the simpler is better. I take this opportunity today to inform you of how it affected the drivers and the riding public.

I believed then and I believe today that bringing up a simple solution to a somewhat complex problem was not the right answer. As I expected, the drivers are now arguing more than ever with the public, especially towards the end of their shift, because of the lack of the off duty light. It's not possible to go off duty in the TPEP without system without ending the existing fare. When we end the fare, the roof light comes on, it stays on until the off duty code is entered in the TPEP. Without the off duty light, it's not possible to inform the prospective passengers that it's our intention to go off duty once the passenger in the taxi is dropped off. This is confusing the riding public, and especially
during the evening rush hour when someone is
in desperate need of a taxi and causing them
to get into arguments with the drivers.

Your vote also brought what I like
to call the single going home fare rule. We
are no longer allowed to pick up after going
off duty. That's understood. But the only
time we are allowed is just one last fare
after entering the off duty code going home,
which medallion taxis will enter during the
evening rush hour. A driver could pick up
two or three fares before returning the taxi
to the night driver, can now pick up only
one fare. This is decreasing the amount of
taxi on the road during the time of the day
when the demand for taxis increases greatly.
This is a service problem which did not
exist prior to the change in off duty light
rules.

This rule change was expected to
put an end to service refusals. I don't
know whether that was accomplished, but I
know this. It has decreased service during
the dreaded shift change hour more than
ever, and it's causing a great deal of
confusion among the riding public.

THE CHAIR: Mr. Tuncel, first of
all, thank you. That last part, as you
indicated, is not -- has nothing to do with
the rules before us today. Commissioners,
just so you understand that.

MR. TUNCEL: I know, I do
appreciate it.

THE CHAIR: But nonetheless I'm
glad you finished. I think that it's
certainly an important topic. I will say
the feedback I've gotten from the passengers
has been highly positive. They don't like
to have to -- what does off duty mean.
However, the point -- your experience is
very valuable to us. What I would like to
do is would you be willing to just sit down
with us to go over what you think, what
you're hearing from drivers --

MR. TUNCEL: Absolutely.

THE CHAIR: -- and what they're
experiencing, and see if there's an
adjustment that's necessary.
MR. TUNCYL: Absolutely.
THE CHAIR: So will you do that?
MR. TUNCYL: Absolutely.
THE CHAIR: Thank you, Mr. Tuncyl.
MR. TUNCYL: You're welcome.
THE CHAIR: That concludes the public hearing. I'm ready, unless there's comment, to call for a vote on these rules. Meera is going to read a description of the rule and then we are going to vote.

MS. JOSHI: Before the Commission are proposed revisions to TLC's TPEP rules that make technical amendments, including:

Create a new on duty unavailable code drivers must enter when accepting emails or accessible dispatches, and eliminate the off duty email accepted code.

Require TPEP providers to allow TLC to contact independent third party testers directly.

Clarify the type of accreditation independent third party testers must possess.

Require what types of proof of
insurance TLC will accept.

Clarify that all credit, debit and prepaid card data includes data generated by Epayments.

Require TPEP providers to create a critical performance failure plan.

Clarify that TPEP providers make the decision to run advertising on the TPEP, not the medallion owner.

And clarify that the TPEP provider makes decisions to run -- I'm sorry, that was the same one.

The proposed rules appeared in the City Record on April 3rd, 2013, and CAPA comment deadline was May 16th, 2013. Today we held a CAPA public hearing. All comments received were forwarded to the Commission for their review. Before the Commission are the rules for the following post publication editions based on public and staff comment.

The requirement that TLC approve, in accordance with certain standards, that in-vehicle location for freestanding credit cards was added, and the bi-directional
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swipe requirement was eliminated.

So can we vote by a show of hands?

THE CHAIR: I think so. All in favor say aye.

(Chorus of ayes)

THE CHAIR: Opposed, no.

MS. JOSHI: We have seven in favor.

THE CHAIR: And abstentions? No, wait, we want to hear.

COMM. MARINO: I'm sorry.

THE CHAIR: And abstentions?

COMM. MARINO: I honestly don't -- I mean I've been much more involved in the other issues today, so I'm not --

THE CHAIR: It's a lot of reading.

COMM. MARINO: Yeah, it's a lot of reading. I'm not well enough educated on this to cast a vote.

MS. JOSHI: Do you abstain?

COMM. MARINO: I abstain.

THE CHAIR: All right.

MS. JOSHI: So we have seven in favor, one abstention, and the rules are
THE CHAIR: It's really six, I think it's really six.

MS. JOSHI: I'm sorry, six in favor, one abstention.

THE CHAIR: I should note, let me note that Commissioner Weinshall is not here for this vote.

COMM. MARINO: As long as we are on that topic, do we have any idea when we'll be getting our Bronx Commissioner?

THE CHAIR: No is the short answer.

COMM. MARINO: The short answer, no, okay.

THE CHAIR: We have heard nothing about that.

All right, that concludes the business for today's meeting. The hearing is adjourned.

(Time noted: 12:13 p.m.)
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CERTIFICATE

STATE OF NEW YORK )
COUNTY OF ORANGE  )

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York,
do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 24th day of June,
2013.

______________________________
KARI L. REED, RPR
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