NYC TAXI & LIMOUSINE COMMISSION
Public Meeting
held on Thursday, August 7, 2008
40 Rector Street
5th Floor
New York, New York
PUBLIC MEETING CONVENE AT 9:45 a.m.

PRESENT:
MATTHEW W. DAUS, COMMISSIONER/CHAIRPERSON
EDWARD GONZALES, COMMISSIONER
HARRY GIANNOLIS, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL
CHIRPERSON DAUS: Good morning, everybody. I am going to be proceeding to item 1 on the agenda, a Chairman's Report.

First I have to open with some very, very sad news. Many of you may know by now that former TLC Commissioner Stanley Michaels passed away on August 1st. Stanley was really a fantastic, unbelievable public servant, and he really had a long two-year battle with cancer. I saw him recently, and he just lifted me up, and he was still fighting to the very end.

For those of you who want to pay their respects who haven't already gone to the funeral, if you call my office, we will be happy to pass on any information we have to pay respects to Stanley. Stanley was a big fighter and advocate for environmental causes in the council, and I think over 24 years he was reelected seven times, and he was committed to public service from beginning to end.

On this Commission he was a friend. He was very insightful, gave a lot of
good advice. He was a very strong believer in accessibility issues. If I remember in a lot of the hearings, it was one of the causes he truly believed in.

We are really going to miss him. He was a true mensch, and I want everybody to take a moment of silence to remember him, pay our respects to his memory and his life and his service.

(Pause in the proceedings.)

CHAIRPERSON DAUS: Unfortunately, I have more bad news. This morning a yellow cab driver was shot in the face in Bedford Stuyvesant. We don't have more information other than the fact the shooting occurred, and thankfully he is in good condition. He is at Woodhall Hospital right now. There is no suspect, no motive. There is no further information at this point.

We will pray for him and his family. As I get more information, I will pass it along.

We also have one less commissioner as of a week or so ago. Howard Vargas, the Bronx Commissioner, has resigned.
He is moving to Albany. He wishes everybody the best. Hopefully we will have him back here to more officially say good-bye to everybody.

He served the Commission very well over the last few years. As a lawyer he certainly gave us some very valuable input on a lot of issues, especially on livery and for-hire issues, and some technical stuff that sometimes we miss.

We are going to miss him, and we hope he will stay in touch with us.

As you all know, I publicly presented -- we will be publicly presenting the petition denial for the fuel or gas surcharge that the New York Taxi Workers Alliance had delivered a few weeks ago.

I had sent copies to the Commissioners, obtained their input, and we will have copies officially presented right now.

As you all may know, I think there has been a lot of distortion on this issue. It didn't come out right in the press.

I think I want to first and foremost say that I think I speak for all the
commissioners that we truly understand what the
drivers are going through, that we understand
that this is a challenge. We understand that
the fuel costs have gone up so I think we can't
not acknowledge the fact that drivers are
losing a little bit of money. There is no
question about it.

We did look at the issue
carefully, and I will be happy to share a copy
of the denial letter with everybody. It is a
public document.

We looked at a lot of different
issues, a lot of different variables that I
think are important that we had to balance,
including the industry's overall health, not
only earnings but also the potential negative
impact that a surcharge could have upon
passengers and ridership and, in turn, upon the
drivers.

I believe firmly a surcharge is
not warranted at this time, I have denied it at
this time and presented it to the Board.

I have gained some of their
input. We will continue to monitor the
situation closely. It is outrageous, the price
of gas. It is just unbelievable how much it
has gone up. I think it is unfair and
unfortunate, but there are a lot of other
gthings we need to look at as commissioners, but
we need to keep our eye on it, we will continue
to look at it and talk about it. It is not the
desire of us listening or hearing what people have
to say about it.

The same goes for the taxi
availability issue for the hybrids. That is a
situation that we are continuing to watch very,
very carefully. I don't want to negate any of
the concerns that were raised by the fleet
owners in the industry as well as the other
owner drivers that have brought this to our
attention.

I think there were some
legitimate concerns, quote unquote, about
whether these cars would be available given the
price of gas going up so dramatically, and at
the same time consumer demands for hybrids
increasing. I think that that was a valid
point. We looked at it.

Right now we have a pretty good
comfort level based upon our research and based
upon the commitments, which I am thankful that we have as of now, from Ford, Nissan and GM to produce on average 300 vehicles per month and have them dedicated for the yellow cab industry.

Now, we want to make sure that that happens, and I believe that we still have -- when you look at the overall number of vehicles we have available to the industry, that there is still plenty of them to meet the needs of the retirement schedule that we have set.

Again, we don't necessarily know at this time what steps are being taken by the industry. We did send out a directive asking all owners that are due to retire in October, November and December by a date certain to let us know what their plans are. The good news is so far we received about 10 percent of the responses indicating that they have already purchased the vehicle. The others haven't responded yet, but, then again, we only have a few more
weeks left on the directive so the deadline is not near. We will monitor the situation closely. I promise you that we will update not only the commissioners but the industry on what is going on.

As of now, I think we need to get that data, make sure the manufacturers deliver what they promised, monitor it closely and in September have a more full report on it.

In terms of the voluntary purchase of hybrids, the good news is we have reached the 10 percent mark.

There are now 1,326 hybrids on the road, and the number continues to rise every day. I think that is a true testament to the fact that this does make sense when it comes to the economics of trying to beat the rising price of fuel, that you are basically cutting it in half.

So I want to thank the industry for their cooperation. I want to thank them for bringing this issue to our attention, and we will continue to look at it.

There was a bill that passed and
was signed by the Governor on July 25th regarding Workers Compensation. Somewhat similar to the black car fund, this bill and this law create a livery fund, which will provide Workers Compensation or some type of version of it to livery drivers who qualify.

We are in the process of looking at the details of the bill and trying to figure out how we need to implement it.

I have met with the chairman of the Workers Comp Board, I have met with the executive director. My staff have as well, and we are in the process of doing everything that we can to assist the governor, the Workers Comp Board and the intent of the law to make sure that it is implemented.

I don't have any details as yet, but in the coming month or two we will have probably some rules that we will need to implement. We may also need to tweak and fine tune while we are at it the black car rules to put some teeth into those as well to make sure any loopholes that were there are closed, per the suggestion of the Black Car Assistance Corp. and the fund.
Those are things we will be doing in the next couple of months. I had another petition that was delivered, which I am actually granting, from the League Of Mutual Taxi Owners and forwarding to the commissioners in the form of rule making.

LOMTO recently came to us asking us to dispense with and get rid of the Owner Must Drive Rule. I believe the Owner Must Drive Rule was put into place at a time in the industry when it was acknowledged, and I think it is still true, that individual owner operators take very good care and sometimes better care of their cars than people who lease.

Whether that is valid or not, it is something that I am not willing to recommend to my colleagues that we change at this time. I think it has been something that has been in law and in place for many, many years. I think it gives us a certain comfort level.

However, you know, we have to be human. We have to understand that we are
dealing with people, we are not widgets, and that when things arise and problems happen in people's lives and you are dealing with an individual that is required to drive a certain number of years, that we have to be a little flexible, humane and compassionate.

I think that the intent of the law also, and I think the intent of this Commission should be that we retain experienced drivers whenever and wherever we can. Owner drivers that are on the road for 15, 20, 25 years are experienced drivers. They are probably more safe, definitely more safe, and certainly more experienced and know their way around the City. From that standpoint, I think it should be a policy endeavor of ours to keep experienced drivers on the road.

That being said, I think everybody is entitled to a retirement. People shouldn't when they get to the age of being 60, 70, have to, when they have devoted their entire careers and lives to this industry, driving day in and day out, have to put in over 200 hours a year without leasing out to a
second driver.

I think it is important that we consider maybe some type of, quote unquote, retirement plan where we start off at a certain year, and we say "Even though you are required to drive 210 shifts per year, at a certain cut-off point, we will require that you drive less if you wish."

That is something, I think, we are open to exploring. Obviously the devil is in the details on that one.

Also, the other thing we want to make sure is that the laws and regs that are in place now are sufficient and capable of making sure that if someone experiences a personal hardship or calamity, that we don't have unduly harsh rules that penalize people that are human beings.

I will give you a perfect example. If for some reason an individual owner operator comes down with cancer and needs to go on chemo treatment for a year, to say that we have to force you to sell your life-long investment and give it up is just wrong. I just don't understand that.
We will do whatever we need to do, and I will recommend to my Board that we do what we need to do to make sure that those laws are firm, that you can have an opportunity to take your car off the road and have a second driver on your car if you are undergoing chemo treatment or some type of personal calamity, and then when you thankfully get better, you come back on.

I think it is the right thing to do. This is an issue that has been kicking around and discussed in the industry for many, many years. I can't tell you how many meetings where people suggested it.

I think it is finally time that we take some action so I am going to recommend the Board consider this at a public hearing in December. I am going to be working with LOMTO and any other groups.

If you are interested in weighing in on this, please contact Assistant Commissioner Epstein to give us your thoughts. We would like to get them before we actually propose the rules.

I hope to have working with
Chuck a draft of rules for everyone to see an
publish in November, and hopefully before the
end of the year we will have a public hearing
on this.

I want to thank LOMTO, and your
petition is partially granted, and we will be
commencing rule making shortly.

On the medallion auction, I am
pleased to report that all of the medallion
closings have been held. All the money has
been collected. They are not all on the road
yet, but they should all be on the road soon.
That is our final and last auction; no plans
for anymore.

That complements very well the
accessible dispatch system, which is up and
running, which we will get a more detailed
report today from Assistant Commissioner
Epstein.

TPEP update. We have now 12,051
of the 13,237 yellow cabs equipped with the
taxi technology systems. That is about
91 percent.

Our data still continues to show
at this time that credit card tips average at
or near 20 percent.

We are estimating that before September is over for sure, every cab will be equipped.

For those who haven't done anything, including not signing contracts yet, summonses have been issued, and it is about time. Everybody needs to get on board with this program and make it work.

I actually ran into a driver on the street the other day who was complaining to me he couldn't get it in soon enough. He had to turn away many, many customers so I think there is a whole 'nother side to this story.

Could we please try to contain ourselves? Have a little respect, please.

Zero Tolerance, this is something that we spoke about the last couple of meetings. The illegal street hail operation has been going on. It is still yielding tremendous results, which I guess is unfortunate in many ways, because it still indicates there is a high degree of unlawful activity going on in the central business district.
As of August 2nd, a total of 1,356 summonses were issued pursuant to the Zero Tolerance operation street hail that we have been conducting.

I believe we are going to have to dedicate even more resources to this. I think it is something that unless we really continue this effort and make it very, very difficult to pick up illegal street hails and do other shenanigans in the central business district, we are going to -- unless we really, really stay hard on this thing, it will just keep coming back, this problem.

What we need to do is keep it up. I have no plans to discontinue it at this point, and we may be putting additional resources into it.

I want to thank a couple of people. Avi Kabassa, Mike woloz, Dave Pollack and all the people that worked on the Anti-Hustling legislation.

Unfortunately, despite all of our best efforts, trips to Albany and all the work that our Constituents Affairs Office did, the bill did not pass in the form that we
wanted it to. It did pass in the form that we wanted it to in the Senate. The State Senate did pass a bill that would make it a printable offense and a misdemeanor to engage in unlawful solicitation at the area airports.

The Assembly was against it, at least some people in the Assembly, and ultimately they did pass a bill, from what I understand, but it was much watered down. I think it just tinkered with the fines a little bit.

It is our full intent to go back next year full force and try to reason with the folks in the Assembly and try to get this bill or some type of compromise passed to start dealing with this problem.

I can't tell you how many people I talk to who complain about the issue at the airports. There is not a person that I don't run into at least once a week who hasn't said, "I got into LaGuardia or JFK for a business trip," or whatever, or on vacation, returning, "and there are all these people hawking with no licenses, hanging out in the terminals, posing
a security risk."

I think that this is a problem that really we need to keep on it and make it happen.

I want to thank everybody but also ask that they consider regrouping next year.

If there are any other groups out there that have not participated in this effort, I would appreciate it if you could help us.

I think this industry and this Commission are all united on this cause. I haven't seen anybody who is really against it in this industry. This is something that hurts the yellow cab industry, it hurts the legitimate black car and licensed livery industry, the people that are doing things the right way, getting the licenses, paying the fees, going through all the paperwork, getting vetted.

Allowing people with no licenses who are potentially dangerous to walk around at the area airports and prey on unsuspecting tourists is just outrageous.
We will partner again with the Port Authority and The Economic Development Corporation and the Mayor's Office to try to get this done, hopefully, to our satisfaction. Last, I want to welcome some new personnel -- one person. Dominick Collucio, are you here Dominick?

Dom is my new Special Assistant. He is the Special Assistant to the Commissioner. If you haven't introduced yourself to him -- I don't know if he is going to run away now -- but if you have any problems or issues, he is always there to help and assist. He is going to be working on a variety of responsibilities in my office so he will be around and about, so welcome, Dominick.

Dominick comes to us from the not-for-profit sector. He worked at the Girl Scouts of America and also Memorial Sloan-Kettering was his most recent position, and he has a business degree so welcome, Dom.

Also, I thank our interns. Our summer intern program is nearing its end, believe it or not.

Are any interns here today?
We have Marco, Beth Glick, and -- how are you? Nicole is not here? There you are. We had a few more. Some had left. They really did outstanding work. Our summer intern program every year is fantastic. We get so much work done in the span of a month-and-a-half, I just wish it would be a little bit longer. A lot of folks have to go back to school in August.

I want to thank everybody. I was in my office the other day with one project. I just couldn't believe where -- one of our interns and a couple of other interns worked together on this project to basically have this whole computer system organized for us where we can get better front-end information from our database. The talent is tremendous. I hope you consider a career in government. I want to thank you for joining us this year.

We do not have a date for the next Commission meeting yet. We are juggling some schedules, but there will be a September Commission meeting.
Unfortunately, today, as you can see, we do not have a quorum; however, we will conduct as much business as we can.

We had one of our commissioners had a medical emergency at the last minute, and we had another cancellation, and of course Commissioner Vargas left us so we are down a few, but we will try to get through as much as we can.

We will have to table items 2 and 3, unfortunately, especially for those bases who have been waiting approval since June.

September meeting, we will need to make sure we have enough commissioners, because we have some new bases that are waiting to start business so we will have to make an extra effort to make sure everybody comes.

We will also have to table until the September meeting item 5 on the agenda, the medallion transfer rules, so we will table that and bring that on for a discussion and vote in September.

We will proceed, though, not with a vote but with the public hearing on item
4, the adjudications rules, and the staff presentations.

We will also need to adjourn again, unfortunately, the two cases that are on for executive session on item 7.

We hope to be back on our feet in September and getting a little more business done.

Any questions?

Okay. Let's proceed to item 4 on the agenda. I will turn it over to our general counsel, Chuck Fraser.

MR. FRASER: These proposed rules are intended to implement a Local Law that was passed last spring, Local Law 16 of 2008, by making several changes to the Taxi and Limousine adjudications procedures.

The six changes that the proposed rules would make are itemized in the statement of basis and purpose of the proposed rule. They, as I said, pertain all to adjudication procedure. All track the statute itself. The proposed rules do not go beyond the mandate of the statute.

We published the rules for
public comment on July 3rd. We received one
comment, and copies of that comment have been
distributed to the commissioners.

CHAIRPERSON DAUS: Okay. I
would like to proceed to the public hearing.

Again, I would appreciate it if
you could limit your comments to the rules at
hand, and you each have three minutes.

The first speaker is
Mr. Bersford Simmons.

MR. SIMMONS: I want to say good
morning to the Commissioner and all the
Commissioners that are there.

I want to thank you for denying
us a surcharge. That shows us how much you
guys are for the cab drivers out there who are
very much suffering an economic disaster.

Mr. Chairman, I am telling you
right now, I have broken up many a fight in the
street with cabdrivers and passengers fighting
over money, and I am asking you please to look
into these situations.

The cabdrivers out there are
crying and suffering, believe it or not. Many
a guy can't put food in their refrigerators
because of the economic disaster.
It seems like the Commission is just for the brokers and the major free owners.
We are asking you to pay some attention to us as cabdrivers. We are doing the best we can in the streets, and we could ask you to pay a little bit more attention to the drivers than to the major brokers out there.

CHAIRPERSON DAUS: Nobody doubts that, Mr. Simmons.
I would just ask, and I notice there are other speakers here, if we could get through this public hearing, if you could just give your comments on the adjudications rules.
If we have time at the end, I am not going to do an open mike, but if you want to have one or two members of your group talk to us, I want to get through the hearing first.

MR. SIMMONS: Just one more comment. On the wheelchair accessible cars, on the training, why do I have to pay for the training? Why not the people who want --

CHAIRPERSON DAUS: Why don't we talk about that after. If you could address,
sum up on any comments you have about the adjudications rules. If we have time at the end of the meeting we will come back, and I promise you we will talk on the other issues.

MR. SIMMONS: I will let Ms. Desai do that, because she is my leader.

CHAIRPERSON DAUS: That's fine.

Ms. Desai, is that fine with you?

I will just call the names. If you want to speak at the end, that's fine, but let's get through this hearing.

If I call you, if you have adjudications-related comments, we will be happy to hear you. If not, we will just wait to the end.

Tarique Wain?

MR. WAIN: Since we have a short time, I would like to touch two topics.

I was looking at this document I just found out, attendance at the hearing, and this paragraph says -- I am not an attorney or anything like that, but this paragraph says that the complainant can testify by telephone or teleconference, right?
This is a very, very extraordinary type of a hearing. In other code, the normal American code, not the Chinese or Communist Russian code, in the normal American code, you have to be the president of America, or something like that, to be exempt from the presence in the court.

They are the ones who will testify by telephone or teleconference, and you are giving that right to anybody? That means you are making sure that the driver is found guilty. That is your plan, sir. I know that.

Second thing, about these hybrids, your own TLC fleet is not hybrid, but why are you forcing that on the drivers? I know some people own these hybrids. This one guy has a new hybrid, 2007. He lost two weeks in a month because they have to find the part from Japan for that hybrid, and you have to go to the dealer for anything, any repair, which is so expensive, right? Think about that.

Thanks.

CHAIRPERSON DAUS: Thank you.

MR. GIANNOULIS: Is that
mirrored in the City Council legislation?

MR. FRASER: Straight out almost word for word. We are required -- if the witness is unavailable to testify, we are required to attempt to get testimony by telephone or video, and if then that is not possible, an affidavit may be admitted, and we must, the Commission must produce proof of reasonable efforts to obtain those alternatives.

I think when you think about the obvious, New York being a tourist center, the notion that the tourist who was overcharged will fly back from Athens on a $12 overcharge case to testify in person is not very realistic.

MR. GIANNOULIS: You don't know Greeks very well.

MR. FRASER: It must have been subconscious in my mind. I don't know why I picked Athens.

MR. GIANNOULIS: This would be strictly for vacations?

THE WITNESS: This is all cases.

This is word for word out of the statute.
MR. GIANNOULIS: Was there any conversation at the council that it would make any sense to have the same exact standard for the driver?

MR. FRASER: Well, actually, we are talking about it. There are some legal problems with that, and we would have to do rule making. We are talking about it, and we were considering doing a pilot project in Staten Island so that the driver who, for instance, is in Staten Island would not have to come to Long Island City to testify.

The problem is, unless and until we have video set up, there is no way for the complainant to say "That's the guy."

If the driver is denying that he is the person, he or she is the person, then obviously that becomes a problem so we would need to have a waiver of identity issue, basically, some legal speak there, and that would require rule making.

MR. GIANNOULIS: Once again, all the new matters that are in here were passed by the City Council, therefore we are just codifying the laws they already voted for?
MR. FRASER: To draw it as harshly as it really is, the reality is we are going to be doing it on September 3rd. The point of this exercise is someone who looks at our rules gets a correct and accurate understanding of what will be happening, because the law requires we will be doing it when the law becomes effective on September 3rd.

CHAIRPERSON DAUS: This all will become law regardless of anything. I think it is a housekeeping thing. The unfortunate thing is if we don't pass the rules to conform to the Local Law, you are going to have people reading our rules getting the wrong information unless they know to consult the Administrative Code. The good reason for having a Public Hearing, if the industry thinks we are missing something or not wording something correctly, this is the time to bring it up. Also, Commissioner, you should know that for many, many years we have been doing or had been doing video conferencing with the Police Department in our adjudications
facility going back to the mid-90s where they would testify from their office in midtown on a closed circuit television.

There are some legal hurdles, obviously, and we want to defer to due process, but the Staten Island project that we are working on, if we are going to get a driver or the owner to proceed on those cases, it would be consensual so if they wanted a hearing with the live witnesses, I think what we contemplate is that you will have it.

But if you live in Staten Island and do business in Staten Island and get a summons and you want to go our Staten Island facility to have it heard, then you have the option of going there and go in front of the video as opposed to going to Long Island City.

So we are trying to do things to make it a little easier for the folks out there.

MR. GIANNOULIS: One final point. Currently, a letter from a complainant is included -- like a judge will look at a letter.

MR. FRASER: A letter would be
legally admissible, that is true, but as a matter of practice, we require a sworn affidavit for a witness who cannot be present personally.

MR. GIANNOLIS: Just in reference to the gentleman who says it is a setup to go after drivers, at the end of the day, it seems somebody is going to do a lot more work into somehow figuring out in Greece where to set up a teleconference than to like write a letter, which you could do now, get somebody to notarize it.

MR. FRASER: The teleconference or video conference is actually better for the respondent than what exists now. In other words, the right to confront an affidavit is obviously very limited. The right to confront someone even by telephone is better than that.

MR. GIANNOLIS: That is my point.

CHAIRPERSON DAUS: These are administrative hearings. Technically you are allowed to bring hearsay evidence like an affidavit in, but it all goes to the weight of
the evidence, whether it is believable.

The problem we are having on the affidavit summons with the tourists is that if an issue comes up that is not addressed by the affidavit, all the judge has before him or her is the affidavit so it could lead to, in some situations, a dismissal where the driver really did do something wrong, and also by the same token there isn't that live opportunity for the driver or the respondent to confront and ask questions and cross-examine an affidavit. I think this could lead to more due process. It is done in a lot of capacities, and we have looked at the laws. There is Supreme Court precedent on this. Of course, when we draft and come up with the final pilot, we are of course going to defer and err on the side of more due process as opposed to less. Ms. Desai?

MS. DESAI: Good morning. Actually picking up on the last point of your exchange, I am sure that having teleconferencing or video conferencing may be
the lesser of two evils, you know, as opposed to having a hearing only by affidavit, but we still don't think it is sufficient.

We would still maintain our position that the complainant should really be required to appear in person, but as long as this particular regulation will certainly go into effect given the City Council law, we would really demand that added to it be a provision that the complainant who is going to appear on the video conference or teleconference, particularly video conference, should be required to submit a notarized affidavit with a photograph to verify who they are, and so when they appear on screen, at least the ALJ is able to verify that this, indeed, is the person that has filed the complaint.

Secondly, you know, while this is not reflected in the current proposals, I do think that having a timely prosecution is a serious issue within the TLC courts.

For example, I was talking to a member last night. You know, he had a complaint was made, and he has gotten a summons
now in August for a hearing that is going to be
taking place in a few months for an incident
that actually happened back in November.
Now, you can imagine since
November to the end of August, by the time he
has the hearing, he has served hundreds and
hundreds of passengers.
Now, we don't know when the
complaint was filed, but we know that he has
only gotten notice of it in August so we are
safely assuming that the TLC notified the
driver at the time that the complainant
actually filed the complaint and so it means
that it is the complainant that was late, not
necessarily the TLC.
You know, it is really unfair
for the driver, you know, to have this
expectation that they can go into a hearing and
defend themselves for an incident that has been
alleged for months and months ago, sometimes
even close to a year ago, when they have only
been notified of it in that much time.
Third, in terms of that, you
have a paragraph in there with regards to
motions to vacate.
Again, I have brought this up before. I really think that particularly in TLC where so many matters are handled pro se by drivers, for motions to vacate, the standard should be either to demonstrate, you know, excusable neglect as to why you missed the hearing, or to demonstrate a meritorious defense as to why you will ultimately be vindicated of the charges.

Because oftentimes, I have seen it myself, I am sure your staff has seen it in much greater numbers, where drivers will file the motion on their own, and the assumption is if they were out of the country, to them they have a clear case evidence.

CHAIRPERSON DAUS: You are recommending that we change the "and" to an "or"?

MS. DESAI: Exactly.

CHAIRPERSON DAUS: Because that is the standard, right?

MS. DESAI: Right now it is both, both are required, but I think it should be either/or.
I know I am out of time, but I have a couple more specific points.

CHAIRPERSON DAUS: You can sum up.

MS. DESAI: Thank you. In cases -- we have seen in cases where a driver has filed a complaint against a garage or a broker, you know, the TLC may rule on the side of the driver that there is enough evidence against the claim, but they will not order restitution as opposed to, let's say, if a customer has filed a complaint against a driver for overcharge, of course not only will the driver face a penalty from the TLC, but they will also be required to pay restitution to the passenger.

We think there should be a similar requirement that if the TLC has found that someone in the industry, a garage or a broker, has violated the rights of the driver and owes money to the driver, the driver shouldn't then have the extra burden of taking that decision to go all the way to Civil Court. Again, people cannot always afford that, but since these are all licensees
under the TLC, we think restitution is appropriate. There should be a fair policy for restitution across the board.

Next, we think that the final decision should come actually from the Board of Commissioners as it used to several years ago, and not from the Office of the Chairperson.

First of all, when you add that extra layer, it means before you can go and file your Article 78, once the Chair has denied you, you then have to wait for the Board of Commissioners to hear your appeal before you can go to the State Court.

Again, that is an added burden, and it delays access to justice so we think that is an unnecessary step, and the final decision should really lie with the Board.

Next, we would say that, you know, in terms of the fines --

MR. GIANNOULIS: Can you repeat what you just said? You confused me.

MS. DESAI: Right now, for the relocations, the final decision is made by the Chairperson, right?

CHAIRPERSON DAUS: On revocation
MR. GIANNOULIS: The commissioners make the final -- we vote appeals, on appeals.

MS. DESAI: When I say final --

MR. GIANNOULIS: Believe me, you don't want to change that.

MS. DESAI: I have no problem --

MR. GIANNOULIS: Drivers win.

Maybe you should go find out the data. Drivers on appeals tell everybody to appeal because drivers do very well on appeals in this Commission.

MS. DESAI: That is actually what I am saying.

MR. GIANNOULIS: So you don't want it changed.

MS. DESAI: My understanding -- correct me if I am wrong -- my understanding is it used to be that the Commission at the public hearing sessions, that it didn't even go to the Chairperson first.

The Commission didn't look at the appeal; they made the final determination.

CHAIRPERSON DAUS: There was no
appeal, there was no appeal.

MS. DESAI: Right. So it was
the commissioners. There was a Board of
Commissioners who had made that decision, and
then you would go from Article 78, right?

So I am saying -- I agree. I
think the decision should definitely rest in
the hands of the entire Board and not just the
Chairperson.

Nothing personal.

CHAIRPERSON DAUS: I figured it
wasn't.

MS. DESAI: I would have said
that to your predecessor as well.

CHAIRPERSON DAUS: I am sure you
would have.

MS. DESAI: And probably to
hers.

The point that I was making was
that in terms of the fines that are within the
TLC rules, for example, let's say you are fined
$1,000, plus there is a 30-day suspension.

Under the realities of leasing,
what a 30-day suspension means, not only a loss
of income, which is the point of the penalty,
but in addition to that, if you are an operator, an owner driver, you are still obligated to make your leasing payments.

I just think that that is a reality of the structure of the industry that has to be considered in terms of the fine levels of the TLC; that when you are suspending somebody, it is not just loss of income which is a sufficient penalty, but in addition to the money you lose up front.

CHAIRPERSON DAUS: I know you are addressing adjudications in general, but we are way off topic in terms of the specific rules. How much more do you have to go? Because you are way over the time limit.

MS. DESAI: I just have one more.

CHAIRPERSON DAUS: Some of the points you are making are interesting points and something that as part of the Rules Project, Phase 3 of the Rules Project, it is something we will look at some of these issues. Not all of them I agree with, but some of them, I think, have caused us to think.

This hearing is just about these
ministerial changes to conform to the Local Law.

If you don't agree with what the Council did, you can say that too, but you are twice your time at this point.

MS. DESAI: I appreciate your giving me the time.

I understand that, but it is hard for us to look at this in a vacuum.

CHAIRPERSON DAUS: I guess I am asking you politely to try to sum up, if you could.

MS. DESAI: As I said to you, I have one more specific point. You are going to say it is irrelevant, but it is okay. I am going to make it.

In terms of the reapplications, I said this many times before. When somebody reapplies, what the ALJ will do, or I guess the Chairperson's office will do, is look at their entire driving history.

If they have been a driver for 30 years, they will pull out all the violations that they have in those 30 years span.

In the reality, if the TLC were
to use its existing standard of measurement, which is the Critical Driver Program or the Persistent Violator Program, that individual may actually not -- their record may not fall into a relocation.

I think it is important that when people are reapplying, during the fitness hearings, first of all, there should be clear standards for how you are evaluating a reapplication, because it appears to be very arbitrary to us.

Secondly, that when specifically evaluating a driver's history, it should not go back so far in time, which is inconsistent with your own standard of measure, which is a 15-month period, and as per the Critical Driver Program and the Persistent Violator Program.

That was it. Thank you.

Chairperson Daus: Thank you.

Mr. Giannoulis: I want to make comments on two things, because statements were made which I think is wrong.

On the notion of -- on the notion that somebody who gets their license suspended should be out of a lease, that is
certainly never going to be voted on while I am on the Commission, because the analogy would be if I get arrested for drunk driving and my license is suspended, I could go to my car dealer and say "Let me out of my lease."

They are going to tell me "You shouldn't have been drinking" so that just doesn't make a lot of sense to me.

In terms of having like a court for disputes between fleet owners and drivers, it also certainly doesn't make any sense; that we would be -- just because we regulate both people, that we would have some authority to interfere in their contractual disputes.

Maybe I am wrong. It doesn't seem like that is any of our business either.

CHAIRPERSON DAUS: I thought there was a restitution on the books for leases, if I am not mistaken, for lease overcharges. I thought there was.

I mean, it goes to the point where do you draw the line between -- and actually maybe I am thinking of the E-ZPass rule with the disputes about whether owners have reimbursed drivers and so forth.
There comes a point where where does the TLC's work end and the civil courts begin?

I don't think we were set up to be a civil court to decide disputes between parties, but where we draw that line is something where as we go into the last phases of the Rules Revisions Project, it is something we might want to look at.

Maybe there are things we want to add, things we should be deleting.

MS. DESAI: I just want to clarify --

CHAIRPERSON DAUS: This is a topic for another day. It is not on the agenda.

MR. GIANNOULIS: You can talk to me after the meeting.

CHAIRPERSON DAUS: After the meeting we will be happy to talk to you for as long as you want.

Bill Lindauer?

MR. LINDAUER: I hope we have an opportunity later to discuss the urgent, urgent, urgent issue, and I have never seen
somebody more reality challenged than the Chairman, because he doesn't face the true facts, and he only speaks to businessmen about hucksters. I do outreach at the airport. I see them all the time. The drivers know they are there. I never see them get a ticket from the Port Authority or anything.

CHAIRPERSON DAUS: Are you for or against adjudications?

MR. LINDAUER: Well, I am for court reform, of course. You know, this is an urgent challenge too. We need complete overhaul of the TLC's notorious cash cow kangaroo courts. It is anathema to the American way. It is an abomination.

To have Mr. Daus make final decisions about in some cases -- I mean, I have seen your decisions, I have seen the writing. He has demonstrated unmitigated maliciousness, makes a mockery of the so-called justice, and it makes him totally unfit to overrule reasonable judicial decisions.

If you had a panel of three judges or three commissioners to make that
decision, okay, but this invites abuse of power, and you have demonstrated that repeatedly and repeatedly.

Most of all, we must talk about the crisis. We are suffering a terrible financial crunch.

What would happen if the oil fields were blown up, for argument's sake? Overnight, virtually, gasoline would spurt to maybe eight dollars, ten dollars a gallon. How many cabs --

CHAIRPERSON DAUS: Mr. Lindauer, you are welcome to come back at the end of the meeting to talk about it.

MR. LINDAUER: You bet I will.

CHAIRPERSON DAUS: Do you have any comments on the Adjudications Local Law?

MR. LINDAUER: Of course I agree with what Ms. Desai said.

CHAIRPERSON DAUS: Manmumul Haq?

MR. HAQ: Good morning,

Mr. Chairman, Commissioners. I just want to make a little comment.

I am the organizer of New York Taxi Workers Alliance, and I am a full time cab
I spoke to a lot of drivers, though I don't have any -- I have never been -- I came twice to the TLC, to the court, and I did not face any court system.

I heard from lots of drivers they complain all the time the TLC court is not fair. We need to change the whole court system, because it should be more open like DMV court, which is not drivers are nervous and not find the system here in the TLC.

The adjournment, this policy should be equal for a driver and complainant, because the driver gets noticed by six days, six business days. If he wants to change his schedule, he has to come back here and reschedule for the hearing.

Why not the passenger? The passenger calls like overnight, and the driver, TLC changes the schedule, and the driver comes to the hearing and lost his time.

Especially for the night drivers it is a big disaster, the person who worked for the whole night.
They come 8:00 o'clock in the morning, he is sitting down, wasting his whole day and not able to come back to work at night. This should be changed. This should be equal opportunity for the driver and the complainant. Non-appearance by complainant, if any officer, dispatcher and complainant don't show up for hearing time, and of course like driver is there, it should be dismissed if the complainant don't show up within 30 minutes.

So I think it is very -- the DMV court is happening. Why not in TLC? Any issuing officer or dispatcher who issued the ticket or summons to the driver, if he retires or not working with the TLC, and don't show up to the TLC court, the summons should be dismissed. That is the way it should be.

The settlement, which is one of the important things, I believe, when the passenger and the complainant in the court, sometimes they can settle the case. Sometimes they can go outside and talk and settle the
Because I know that from our lawyers, they say to us, a lot of times, the judge is not allowed to do so so it should be an option they can get it, like, you know, go outside the room and do the settlement. Why not?

I think that is the way, you know, to change the whole system.

The court, absolutely it should be a very open like DMV court.

TLC court is not open. It is absolutely true. It is really not an equal system here. It should be changed.

Thank you.

Mr. Dave Pollack?

MR. POLLACK: Comments from the Committee for Taxi Safety were submitted prior to the TLC, and I urge all the commissioners to please read our comments. I think you will actually find some common ground --

CHAIRPERSON DAUS: You mean Mr. Byer's letter?

MR. POLLACK: Yes.
CHAIRPERSON DAUS: We did distribute that.

MR. POLLACK: I think you will find some common ground between what you heard here today and our comments.

I was prepared to testify on another issue which isn't being brought up today, and I thank you for your time.

CHAIRPERSON DAUS: The last speaker is Mr. Vincent Sapone.

MR. SAPONE: I represent the League Of Mutual Taxi Owners, known as LOMTO. Anyway, I got a lot of things to say, but I am not going to say it today because I know you are short-handed, and I don't want to upset you, because I guess you are already upset. We will leave it for closed door meetings.

There is a few things I have to say because of my title and who I represent. I absolutely firmly believe cabdrivers need an increase for this gas, okay? I am willing to discuss it with you guys, but not today, but closed meetings.

The whole world is getting
increases for fuel. I see no reason why -- it
should be a moderate, modest increase of some
sort to help them along.

Surcharge, I am sorry I have to
disagree, because that could go up and down,
down and up, inside out. I think it should be
a drop on the meter as soon as you get in.

As far as on the adjudications,
as far as people living in Greece or Italy or
Africa, you know, I could understand them
sending a letter or doing whatever they have to
do, but why should a New Yorker, who probably
makes double the money of a cab driver, be able
to send in a letter for a complaint?

You know, you have to drive a
cab to know the abuse these cabdrivers get.
Not from everybody, but from certain people who
think they are god almighty. It is not fair,
you know, that they must lose a day's pay or
half day's pay to go down there, where a guy
who is working for, I don't know, some great
Fortune 500 company don't have the time to come
down, but he could complain.

I think that is baloney, okay?

And I am not going to upset you, and just keep
it in mind what I am saying.

CHAIRPERSON DAUS: I am not upset, and you are not upsetting me.

MR. SAPONE: Just keep in mind what I am saying, because you know what? Driving a cab is not easy by no means, and you mentioned something about this letter going out about the hybrid.

Let me tell you something. I have a member who is in South America on business or health reasons -- I don't know why -- and he won't be back until October. We were told by one of your commissioners that he has to pick out a car, come in or put his medallion -- he has a driver on his medallion -- put his medallion in storage, lose the money, because he has to make a decision what car he is buying. They cannot wait until he comes back in October, which is crazy.

You also mentioned calling a certain commissioner if you have any problems. This commissioner -- I won't mention names. He is a very nice guy -- I don't call him anymore, because every time I
call him he never returns a call.
I have mentioned that to you or
somebody that is close to you that works under
you two years ago, okay? And the guy never --
I don't call him anymore.

CHAIRPERSON DAUS: It sounds
like a personnel issue. We will talk about it
later.

MR. SAPONE: I don't call him
anymore.

CHAIRPERSON DAUS: Are you for
or against the City Council's law, Vinnie?

MR. SAPONE: I am for it.

Listen to me. I got to make a comment here.
I just want to remind everybody,
the TLC's rules would now reflect that the TLC
must respect the constitution on rights of
drivers and owners.

Just in case future
administrations forget these rules, we will
remind them that the former administration
forgot, and the results was lawsuits that cost
the taxpayers of this city millions of dollars,
and I will leave it to rest at that.

Have a nice day. Thank you for
CHAIRPERSON DAUS: Same to you. That concludes the public hearing. We will defer any Commission action until our September meeting. Any discussion, comments, questions from the Commissioners? We will get a transcript of the comments to the Commissioners who weren't here. I would like to now proceed to item 6, which would be the last agenda item for the meeting: Staff presentations, TATC Rule Revision Project Updates. I would like to welcome Ken Murray, our consultant, and Kirstin Eiler, who will be leaving us shortly, our urban fellow. She is going to the Leonard School of Economics, and she will be delivering half of the presentation. She worked very closely with our Chief of Staff for the First Deputy, David Klar, and the rules consultant on this project, and we wish you well, Kirstin. Welcome, Ken.

DR. MURRAY: Mr. Chairman, members of the Commission, I certainly
appreciate the opportunity to be here with you
today to give you a brief update on where we
are with the rules rewrite project.

Kirstin gave me a briefing on
the technology earlier.

I am good for the first two
button pushes, and after that, I am sorry. My
daughter still does the VCR for me.

I want to give you an update on
the progress we are doing, talk a little bit
about the guiding principles and talk about how
we are moving forward with the completion of
the second phase of the project.

Essentially, if you recall, the
project is divided into three phases. The
first was essentially a research and assessment
phase where we did a review of the rules that
you have, sort of develop a game plan for how
to proceed with the plain language rewrite, and
we gave you a briefing at that time upon the
completion of that phase.

We are now in the second phase,
which is the revision and the improvements of
the current rules, and I keep wanting to
emphasize the word here "current rules."
We are not in the process at this stage of time of doing rule rewrite for new rules, but only taking what you have now, reorganizing and writing them in plain language.

Then the third phase, which will come later on in actually 2009, there will be a framework for the development of new rules that come from the discussions impaneling this whole project. As I told you, I can do two buttons. There you go.

Talk a little bit about the guiding principles under which this project is running at this point in time. Very important. The first thing in the first direction is to make no changes to the meaning of existing rules, but to use structure and organization to create clarity and consistency of the rules that exist, and to simplify the language consistent with your plain language guidelines and the guidelines of the city so that you don't have to have multiple law degrees to understand and be conversant with the rules and regulations of the Commission,
putting the needs of the user first so we
really try to structure a document that the
user and the stakeholders of the Commission can
understand and can work with.
   In terms of the project, at this
point we have done the analysis of the rules to
identify inconsistencies, there are
redundancies in some of the rules, flipped
things out of order.
   We have worked with the staff to
design a new reorganization and outline
structure, a consistent chapter structure, and
have drafted and redrafted proposed rules that
would clarify the existing language.
   Again, clarifying existing
language; not actually new rules.
   Then we have done a plain
language rewrite of the rules, and we are still
in the process of doing a plain language
rewrite, trying to take all the wherefores and
whereas'es out and put it in plain, common
language that everybody can understand.
   Progress right now, the reviews
of those rules by the TLC staff, they have the
main body of the rule changes at this point,
and they are reviewing them, and then they are getting ready to put the rules out on a website for comprehensive review by stakeholders, and Kirstin will be talking to you about that briefly.

Basically, taking a subscription enrollment, we have already sent out to interested parties, and then inviting other parties to come in to come onto the website to look at the draft rewrites as they are posted, and then to post through an e-mail mechanism comments and suggestions.

Pending activity after that will be the incorporation of those comments and suggestions, and then preparation of the formal legal review process that the Commission has to go through; that is, preparing for Law Department review, the formal publication, preparation of materials for the Commission review, and then the submission of the rules themselves to the Commission.

In terms of the process itself, we have reorganized and drafted rewrites. TLC staff is now reviewing them, stakeholders will review them for processes, and then we will
move forward into the formal and legal hearings with the expectation that the reviews will run through the rest of 2008 moving into the first part of 2009. Essentially, what will happen is within the review process, we are going to be seeking comments really from four bodies: The industry representatives, the general public, licensees, and the TLC staff; effectively the entire body of stakeholders for the rules and regulations. The comments will come in. The TLC staff will review the comments as they come in, provide guidance to our staff in terms of the comments, which one should be considered as part of the Phase 2 rule rewrite, which are comments that are really relevant more to the third phase of the changes, and then give us direction in terms of how to incorporate those suggestions into the documents. Once we receive those, then we will make those modifications, resubmit the language to TLC staff, who will do a final review, and then that will move forward to the City's formal legal review process in terms of
the Law Department.

After the Law Department has done their review on that, then they will be published for formal rule making, and then they will come to this body for your consideration, and that will be beginning to occur the latter part of this year and the first part of 2009.

Even though we have this process laid out specifically, we are trying to run it in a fashion that expedites the process consistent with your workload and your demands so that we are already talking in terms of the City's legal staff about what to expect from them, giving them a heads up what to expect so they are prepared for it.

Then we are breaking the rules into four groupings going from the easy to the more difficult so that there is a rhythm developed. In terms of taking the chapters, bringing them through Legal review, and then bringing them through Commission review.

The plan is to cycle that really over a four or five month period so you are taking it in pieces as it moves along so there is a consistent flow so you are not hit with
just a monumental document on time, but you see
the basic context.

As I said, our timeline then, we
have completed the first phase. We expect to
have phase 2 by early 2009, and then move from
that into the phase 3, which would basically be
taking all of the rules that are not part of
the current body that our people are
suggesting, the discussions you are having, and
begin to consider those in working with your
staff to say "Okay, now what are new rules that
the Commission should be considering as this
body or project has gone forward?"

That in a sense is the project.
I have recognized your time so I have tried to
go through this very fast.

If there are any questions, I
will be glad to answer them.

Kirstin has a presentation for
you in terms of the website that we are using.

CHAIRPERSON DAUS: By the way,
Ken, the Commissioners and I, or most of the
Commissioners, have had some preliminary
discussions on procedure to make this thing run
smoothly, and I think we probably will be
opting for public hearings that our general
counsel holds with monthly reports to the
Commissioners, and that might expedite things,
at least for the phase 2 part of the project.
It is something we will get back to you on.

DR. MURRAY:  Certainly we will
be more than happy to work with you on that.
We are here at your convenience and want to
work with you.

CHAIRPERSON DAUS:  We obviously
need you at those hearings, and you can give us
the bill.

DR. MURRAY:  Absolutely.

CHAIRPERSON DAUS:  Kirstin?

MS. EILER:  Good morning,
Commissioners. So now that Ken has explained
the overall process of reorganizing and
renumbering and putting the rules into plain
language, I am going to talk about the website
that we are using to facilitate outreach and
the work that we are doing to get feedback from
stakeholders about the work that has been done.
As you can see, we have several
goals for this project, including communicating
with stakeholders and allowing them to review
the rules and to provide us their feedback. We have created a dynamic website that will help us achieve these goals, and I am going to show you some of that website briefly a little bit later.

So how does work? The pages are on the TLC website, and they are located on the TLC Rules and Local Laws section so they are available for stakeholders and the public, and anyone who wants to view these chapters can do so.

Once the chapters have been put on the website, we send out an e-mail notification to a stakeholder distribution list. This list was created using one that TATC used in the initial research and outreach that they did during phase 1 of this project.

Any time anyone expresses interest in this project, or they register on the website, we add them to this distribution list. Once the chapters have been posted and the notification sent out, then we
post the chapters and people are free to go to
the website to review them.
If they have any questions or
comments, they are then free to send those to
us as well.
This is the introduction page.
Basically we explain the project, its goals and
the different phases and what happens in each
of those phases.
We have a registration page, and
we ask users for some basic contact
information, and this allows you to see that
people are going to the website and reviewing
the rules, and it also allows us to follow up
with people if we have any questions or we need
clarification on any feedback that we have
received.
On the revised chapter page,
people can review the chapters. As you can
see, there are two ways to do this: There is a
text version, which is a document of the
revised content and the revised structure.
There is also a chart which
looks something like this, and it looks a
little complicated at first but is actually a
very simple way of looking at the revised content and the revised structure, and comparing it to the old rule and where that rule came from.

This allows for a very quick comparison between the new revised version and the old version.

Then we have a comment page where we tell people how to send us comments, and we also remind people about the types of comments we are looking for in phase 2.

Remember in phase 2 we are not changing any policy content or procedure; we are simply reordering and renumbering and putting rules into clear, simpler language.

So at this phase we are really looking for comments that speak to the work we are doing.

If people do have comments on procedural changes or policy changes, we are asking that they hold those until we get into Phase 3.

If we do receive comments that are more towards Phase 3 in nature, we are collecting those and we are going to revisit
them when we get to Phase 3 in this project.
A brief update on where we are today: We launched the website on July 23rd. Since then we have posted two chapters. We have gotten 43 stakeholders who have expressed interest in this project, and 13 of those stakeholders have registered on the website to view the chapters.
Some of those stakeholders are in this room and have offered us their comments.
We are working very hard on outreach for this project. We are working with the Office of Constituent Affairs on this. It is an important part of what we are doing. We have created this website to create a dynamic outreach process to incorporate our stakeholders into it.
I am now happy to answer any questions you might have.

CHAIRPERSON DAUS: Any questions?
Excellent presentation. Great work. Thank you.
We wish you well as you leave us
for London, and I am sure you will be checking
the website too.
It is live now, correct?
MS. EILER: It is.
CHAIRPERSON DAUS: Fantastic.
Excellent work, well above and beyond.
I think maybe we could also add
some of the comments, we had some interesting
comments today on adjudications. You might
want to add those to the Phase 3 discussions.
Congratulations. Good luck.
That concludes item 6.
As promised, this is not an open
mike -- oh, Dispatch, Accessible Dispatch.
I almost forgot. How could I
forget? Samira Epstein.
As promised at the last meeting,
I believe I indicated that it would be a good
time in August once we had started testing the
accessible dispatch system to have a report on
it. I have been reporting on this monthly, and
we have some interesting results that Assistant
Commissioner Epstein will share with you.
MS. EPSTEIN: Good morning.
First, I just want to review very quickly what
the goal of this program was since it has been
a little while since I talked to you about.

Basically, the idea is to match
accessible taxis with wheelchair users,
determine the demand for non-subsidized
wheelchair service, because this is real taxi
fare, the passengers are paying, and determine
best practices for for-hire wheelchair service
in general to see how this is going to work
out.

This is a two-year project.
During the two years we are measuring all kinds
of things so just to remind you it is kind of
like a pilot program we are running.

How it works. I am sure you
will remember that passengers who used
wheelchairs can call 311 to request the
service. This service is primarily and is
really only for people that use wheelchairs
that need to use these vehicles that have ramps
in them.

And they can do it -- either
call right now and say "I want a cab as quickly
as you can get it for me," or they can reserve
it for later on in the day. They can reserve
up to six months in the advance.
Then 311 connects the passenger
with the dispatcher, and the dispatcher links
the passenger with the vehicle.
Now, in order for any of this to
happen, drivers need to be trained so that they
know how the system works and how to help
people who use wheelchairs so they are trained
in two different training sessions.
One is on the technology itself,
and that is done by the dispatcher, and then
the other training is passenger assistance and
sensitivity training.
Easter Seals and United Spinal,
both very well known nonprofits that work with
people that have disabilities, are doing those
trainings.
I have sat through both of them,
all the trainings, actually, and they are
really good. Executive Dispatch is doing the
dispatch training.
To date, 141 drivers have
received the training.
We sent out letters last month
to all owners that their drivers who are going
to be driving these vehicles need to be trained by the middle of August.

The trainings will be ongoing. As new drivers come and start driving these vehicles, the training will be available to them.

All of the trainers are up on our website and they can be called, and they can schedule the trainings. It doesn't have to go through us. It is much smoother that way.

We also had mentioned to you that before we did a full roll-out of the program, we were going to do some testing. The testing started on July 14 and ended last week. The system is continuing, but we did have 20 passengers that used wheelchairs sign an agreement with us that they would be testers.

They would take a minimum of two rides throughout the two-week period, and that we would be able to reimburse them for those two weeks.

They also promised to provide us with feedback, which they have been doing. We have a survey up on our website, and I will
talk a little bit more about that on the next slide.

So we have gotten a bunch of different feedback. Carolyn Castro in my office has spent a ton of time talking to both testers and drivers, and I just put something up here that I was really happy to see from a tester, which was "My experience was excellent. I could not have been happier with the service provided."

Not everyone is 100 percent happy. I am not going to try and sugarcoat it, but, in general, people are getting the service they are asking for.

Some of the dissatisfaction has been with the vehicles. There are two kinds of vehicles. There is the side entry ramp and the rear entry ramp. Different users have different opinions about which ones they like better.

In my work here in the last three years working with people with disabilities, there is no sort of best practices, one is better than the other. It really depends on the person and what their
preferences are.
People with the larger chairs and scooters tend to like the rear entry better. They can't always turn around to face front from the side entry vehicles so that is something that some of them have complained to us about.

Users that have made reservations have had much shorter waiting times. Some of the users have complained the waiting times are longer.

Also, something that was really interesting during the testing period was a lot of people who hadn't signed up with us were still using the system, called 311 to get a ride, so we did have a lot of other users using the system.

This survey is available to them as well, but I think it will be a little bit longer until we start getting all of their feedback.

I will tell you a little bit about the activity during the testing period. Although it is continued so these numbers are as of yesterday, there were 91 dispatchers
total. Five of those were canceled. Why they were canceled, I can't tell you. It depends. Sometimes a passenger changes their mind or they decide they are not going to go where they were going to go. There are a lot of reasons, but five cancellations is really very few. Most of these people are getting rides. Most passengers have received rides in less than 30 minutes, some far below 30 minutes.

The longest wait times were during evening rush hours. The rides that you see that are more than 30 minutes are usually during evening rush hours, from four to 7:00 p.m., which is sort of what I had expected based on what people wait when they are hailing a cab on the street during those times. Again, reserved rides had shorter wait times.

Something we have seen which is interesting is to date the rides have been mostly from Manhattan, but they have been to all boroughs apart from Staten Island. Although more of them are going from Manhattan to Manhattan, they are still going to all the
other boroughs except for Staten Island. Something we have definitely seen is that there is a learning curve to using this system. The technology that is used for the dispatch is a BlackBerry. It is used throughout the black car industry right now, and a lot of the drivers have never used a BlackBerry before so there is sort of a natural learning curve in getting familiar with them.

In order to communicate with the dispatcher, they basically use the scroll wheel on the side of the BlackBerry, and then they make a selection. They never at any point enter in any text, which is something I have gotten a lot of questions about.

So drivers do call our office. Carolyn in my office is on the phone with drivers constantly about this program.

We want to make sure that we are doing what we can so that it runs smoothly and that they feel if there are questions or something is not working, that we really are going to work with them and make changes as needed if something isn't working so they need to log on, which is, again, scrolling the
button and hitting it in.
A small number of drivers have taken most of the rides right now, and I think part of that is because some of the drivers aren't logging on or they don't know how to log off the driver before them. That is all stuff we are working through, and it is getting better and continues to improve.

Again, it is going to take some time for them to get more familiar with the technology, but they are, and it is getting much better. We have seen black car drivers that use the same technology. It just takes a little while for them to pick it up.

We also have been in frequent contact with our dispatcher Executive Charge 311 to see what is going on, make sure the dispatchers are working, make sure the transfers are going through properly.

There were one or two problems that we needed to iron out.

I am very pleased with the way the testing period went, because it is not perfect, but it is working, and we have gotten great feedback to make sure it continues to
work better.

We are always updating our website to make sure that drivers, owners and passengers can all get the most up-to-date information on what is going on.

So we have a bunch of next steps. As I mentioned, we are going to continue with all the driver training, and we want to do a targeted publicity and marketing campaign for potential users, passengers that use wheelchairs.

I am working with a number of different organizations that advocate on behalf of people with disabilities, as well as the Mayor's Office for People with Disabilities, New York City & Company, and some tourism groups to make sure the word gets out there that this is available to people and they should use it if they want to.

We have an ongoing passenger and driver survey. That passenger survey is up on the website.

The driver survey, right now we are still trying to figure out the best way to do it. Right now it has really just been us
calling them and seeing how it is going.
            I would like to have something
more formal so we can continue to get that as
we move further down the road with this.
            We monitor dispatch activity. I
usually check it myself every day. Someone in
my office is always looking at it. We look to
see what is going on with that.
            I will continue to report on
that to you at meetings.
There are just two other issues
I wanted to bring up that are sort of related
to the dispatch.
            One is that so far, and I think
this was mentioned at the last meeting in June,
no wheelchair accessible for-hire vehicles are
participating in the program. Because of that,
the meter requirement, which we had put in for
FHVs, so if a passenger called they knew they
were going to get a meter no matter what, the
staff is recommending that we might want to
eliminate that part of the rule about the
meters, because there are no FHVs in the
program.
            If Easter Seals, who is trying
to purchase some vehicles through a federal grant, is able to get those for-hire vehicles, we will figure out another way to sort of equate what you would normally pay on a meter so the meters don't have to go in those vehicles.

That is something we will be talking to you more about, but I just wanted to let you know that.

Lastly, as you have seen through the whole process, we have this little blue guy logo at the top of each screen. Something we have gotten a lot of feedback from, people that use wheelchairs that use our taxis, is they are having a really hard time seeing which are the accessible vehicles.

Right now, I will just remind you, the rules say that there has to be a little wheelchair accessible logo. It is black, and it is on the rear side of the vehicle on both sides on the C or D pillar depending on the vehicle.

After talking to them, something that we are recommending and you can see in
this picture here is a much larger logo in blue on the front hood so that from the front of the vehicle they will be able to see it is a wheelchair accessible vehicle and maybe have some more luck hailing them on the street.

That will require a vote. We are drafting rules that should be up on the website soon, and hopefully in September we can vote on that, because that is what we have heard from users that would really help them out.

I am happy to take any questions you might have.

MR. GONZALES: First, I would like to say great presentation, and I am glad things are progressing nicely, it seems.

I do have one question on the training update. Can you elaborate a little bit more on say the criteria with respect to training beyond just the operating ramp and assisting passengers? What else is covered in training?

MS. EPSTEIN: There are two trainings. The technology training is really just a guy from the dispatcher who stands up
there and goes through all the different buttons and what you are going to need to do, how you log on, how you log off.

If you declare being in a zone, and then if the driver is at the head of the queue, then he is supposed to take that ride, because he had it the longest time ago so it is just them figuring out what does it mean.

In the rules they are only allowed to refuse two rides so how do they do that. That is the technology training is all that side.

The passenger assistance and sensitivity, they do help show the drivers how to help someone in a wheelchair in and out, how to strap them down properly.

They talk a lot about what it means to help somebody so that there are a lot of different kinds of reasons that somebody might use a wheelchair and not to assume anything; to ask a passenger if they need help, to understand that the wheelchair to somebody that uses it, it is sort of part of their body so they shouldn't just push them into the car.

A lot of people can get there on their own.
They should really ask to see. Both of the trainings do involve someone who uses a wheelchair who talks through personal experience about what their needs are and what they prefer.

MS. POLANCO: In terms of the training, how much is it and who pays for it? Because I think somebody mentioned that the drivers themselves have to pay for the training.

MS. EPSTEIN: In the rules, the way it is laid out, TLC pays for all the dispatch training and all the dispatch technology, although if that BlackBerry gets lost we don't pay for replacements. That is the owner's responsibility.

The sensitivity training and passenger assistance, that is one training. It is a 3-hour training. That is United Spinal and Easter Seals. They charge what they charge. I believe it is -- I know one of them charges about $50 a person, and the other one I am not sure how much they charge. It is probably in the same range, and the owners do pay for that. That was just as the agency was
trying to balance what we could pay for or pay
a million dollars for this contract so it is a
pretty small amount compared to what we are
giving out to ask them to train our drivers.

CHAIRPERSON DAUS: Any other
questions?

MR. GIANNOULIS: How many cars
are participating in the program at this point?

MS. EPSTEIN: There will be 231,
but we have given out 62 BlackBerrys at this
point, because we are not giving BlackBerrys to
medallions that haven't had drivers trained on
that medallion. We want to make sure the
passenger has a trained driver.

MR. GIANNOULIS: The 191 is for
what time period?

MS. EPSTEIN: The 231?

MR. GIANNOULIS: Yes.

MS. EPSTEIN: Some of those are
the new ones --

MR. GIANNOULIS: I am sorry.

The folks who used the actual --

MS. EPSTEIN: The 91 passengers?

MR. GIANNOULIS: Yes.

MS. EPSTEIN: 91 trips. Out of
those trips, 53 different users used the
system, and we are seeing that a lot of people
are going back and using it a number of times,
which is good, because that means to us that it
is working for them.

MR. GIANNOULIS: I am asking
what the time period of those uses were? Does
it last five months, one month?

MS. EPSTEIN: We started on
July 14th so it is one month.

CHAIRPERSON DAUS: Any other
questions?

MS. POLANCO: Just to clarify,
so the money for the training, $50, goes to the
not-for-profit organization?

MS. EPSTEIN: Yes. That is how
much they need to do the training. There is a
lot of materials they bring, their time and
staff and that sort of thing.

CHAIRPERSON DAUS: This is
certainly a good start.

Certainly if any drivers have
calls about their BlackBerrys, you can call
me or my staff. I think we spend more time
doing BlackBerrys than we talk and walk.
The other thing I would like to point out is we have a tremendous amount of cooperation from the disability community on trying to make this work.

In addition to thanking Samira and her staff for doing a great job on trying to get this off the ground, I also want to thank the 20 or so volunteers who had signed Memoranda of Understanding with us and agreed to take time, their valuable time, to help us test the system.

We are, of course, reimbursing them for their rides for the test period.

A lot of people in the disability community are people who use wheelchairs, have devoted their time to making this work so I want to thank them publicly.

Last but not least, in addition to bringing the accessible logo rules to a vote, I also just want to make a comment about how I think all the boroughs in the last few weeks were served, except for Staten Island so far, but I think one of the important things to not forget about is that the livery industry does need to play a part in this at some point,
because I do believe it is unrealistic for the yellow cabs to travel to Staten Island to pick up somebody who wants to go point to point in Staten Island, and people in Staten Island should get service. They should not be isolated, as well as other parts of the City that are in the more remote areas, whether it is the Rockaways or Breezy Point.

We need to utilize in a strategic way the livery companies. As a sign of good faith, and I know it is a touchy subject between FHVs and yellows, as I think Samira alluded to in her presentation, I don't know if the meters are the right way to go with this, but in no way shape or form, I have asked staff to draft rules in the next month or so to get rid of that meter requirement, but that doesn't mean the livery industry is off the hook. We need to get them to participate in the system as well. I don't believe there is any way we can serve people who use wheelchairs in areas in the boroughs that are not contiguous to a CBD or to other places where yellow cabs
usually go are going to get the service.
I think that that is a challenge
that we face as we try to get as close as we
can to equivalent service.
   It is clearly not there now, to
have to wait that length of time to get a cab,
but I think that it is better than we expected
as part of the soft launch.
   We will continue the monthly
reports on this to the Commissioners, and most
of the Commissioners have indicated a very
strong interest in making this work and making
this happen so I want to thank them for their
input as well.
   Now the last item, and this is
not an open mike, this is not required by the
rules and this is not an ordinary practice, but
given some of the concerns that were expressed
and some of the things that we would like to --
in the interest of open government, we would
like to hear from the petitioner, the New York
Taxi Workers Alliance on the petition denial.
   I had already given the
petitioner to the Commissioners prior to the
meeting. I am presenting a copy again today of
NYTWA's petition and my denial letter, and we
do want to hear your thoughts and what you have
to say.

MS. DESAI: Good morning again.
I mean, I think as you yourself,
Mr. Chairman, had said at the start of the
meeting, prices have been outrageous and
unbelievable. I mean, in 2004 at the time of
the last overall fare raise, gas was $1.80 per
gallon, regular. In 2006, December, at the
time of the rate and time adjustment, it was
$2.30.

Since then there are been so
many cumulative losses that drivers are facing.
It is the one cost of operations that is paid
for entirely and directly, solely, by the taxi
drivers so every time that price goes up,
drivers take a major hit.

You know, people have been
paying, you know -- they have been losing on
average of $1,000 per month because of how much
they are paying over to gas up today compared
to just about 18 months ago.

You know, even as the Daily News
had editorialized, I don't think anybody could
have imagined that the TLC could have foreseen in 2004 that we would be talking about gas prices that are above 4.20, 4.30, 4.40. Clearly that room was not built into the last raise.

What we are asking for is a stopgap measure so that the incomes do not continue to fall, and that the fares that drivers earn will go toward a good quality standard of living.

You know, it is not an exaggeration to tell you that there are people out there who are literally having to choose between having enough savings to pay for rent, or going to gas up.

I know so many drivers that are now working longer shifts or working more shifts who have cut back on different basic expenses.

Now, all of these sacrifices are being made at a time where other industries that are not beholden to the same regulatory process have been able to enact their own surcharges.

You know, forget the fact of the
big airlines or retail stores or trucking and	hese non-taxi industries.

Even if we look at just taxi
alone, there have been surcharges for taxis
throughout the country.

I know the Times had reported on
over 13 different cities throughout the
country.

In New York City itself, where
black cars and car services are regulated by
the TLC, but where their fares are not, they
have passed surcharges as well.

It seems to us that the only
ones who are always left out are taxi drivers.

You know we supported the call
for fuel efficient vehicles. There are issues
with the particular cars that are on the road
in terms of durability, but the cause of fuel
efficiency is something that we supported, if
it a good long-term goal, but as you cited at
the beginning of the hearing, only currently,
only recently, 10 percent of the current cabs
became hybrids.

You are talking about the
overwhelming 90 percent that first of all are
not fuel efficient.
I am not even going to go into hybrid drivers, what leases they are paying, because I want to keep this focused on just the gas prices and the need for surcharge. The bottom line is that we can't wait for another three, four, five, six, seven years for all the cars to go fuel efficient when drivers are continuing to suffer as we speak.

It just strikes to us as such a fundamentally unfair position of the TLC where you roam the streets and you see every other commercial motorist that is able to pass on that cost and preserve their incomes, or in some cases the profits are major companies, and yet yellow cab drivers working 60 to 70 hour weeks, 12 hour shifts, are not being given that same right to a decent livelihood and protection.

You know, we really ask you to reconsider this denial. You cite it in your denial letter, that fares at the airports have gone up by 2 percent.

With all due respect, you never
even specified in the letter that, you know, even where you cited the boost in tourism and the airport passengers, that it has been a direct impact on taxi drivers themselves having more fares.

Now, the bottom, bottom, bottom line is you cannot deny the fact that prices have gone up, drivers are paying that cost, there is nobody else sharing it, and if that sacrifice is reaching an average of $1,000 a month for a working population that doesn't even have health insurance and other basic protections, this is a crisis, and it is a matter of morality and just policy for you to enact a surcharge immediately.

Thank you.

CHAIRPERSON DAUS: Thank you.

We will take that under advisement.

Any questions?

We are going to close the meeting now. We will see you in September, and we will be in touch.

(Time noted: 11:21 a.m.)
CERTIFICATION

I, HELENE GRUBER, a Notary Public within and for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of __________, 2008.

__________________________
Helene Gruber, CSR