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3 NYC TAXI & LIMOUSINE COMMISSION

4 Public Meeting

5 held on Thursday, August 7, 2008

6 40 Rector Street

7 5th Floor

8 New York, New York

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1 PUBLIC MEETING CONVENED AT 9:45 a.m.

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3 PRESENT:

4 MATTHEW W. DAUS, COMMISSIONER/CHAIRPERSON

5 EDWARD GONZALES, COMMISSIONER

6 HARRY GIANNOULIS, COMMISSIONER

7 LAUVIENSKA POLANCO, COMMISSIONER

8 CHARLES FRASER, GENERAL COUNSEL

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1 P R O C E E D I N G S

2 CHAIRPERSON DAUS: Good morning,  
3 everybody. I am going to be proceeding to item  
4 1 on the agenda, a Chairman's Report.

5 First I have to open with some  
6 very, very sad news. Many of you may know by  
7 now that former TLC Commissioner Stanley  
8 Michaels passed away on August 1st.

9 Stanley was really a fantastic,  
10 unbelievable public servant, and he really had  
11 a long two-year battle with cancer. I saw him  
12 recently, and he just lifted me up, and he was  
13 still fighting to the very end.

14 For those of you who want to pay  
15 their respects who haven't already gone to the  
16 funeral, if you call my office, we will be  
17 happy to pass on any information we have to pay  
18 respects to Stanley.

19 Stanley was a big fighter and  
20 advocate for environmental causes in the  
21 council, and I think over 24 years he was  
22 reelected seven times, and he was committed to  
23 public service from beginning to end.

24 On this Commission he was a  
25 friend. He was very insightful, gave a lot of

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1 good advice. He was a very strong believer in  
2 accessibility issues. If I remember in a lot  
3 of the hearings, it was one of the causes he  
4 truly believed in.

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

10                   (Pause in the proceedings.)

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

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

23                   We also have one less  
24 commissioner as of a week or so ago. Howard  
25 Vargas, the Bronx Commissioner, has resigned.

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1 He is moving to Albany. He wishes everybody  
2 the best. Hopefully we will have him back here  
3 to more officially say good-bye to everybody.

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

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

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

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

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

24 I think I want to first and  
25 foremost say that I think I speak for all the

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1 commissioners that we truly understand what the  
2 drivers are going through, that we understand  
3 that this is a challenge. We understand that  
4 the fuel costs have gone up so I think we can't  
5 not acknowledge the fact that drivers are  
6 losing a little bit of money. There is no  
7 question about it.

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

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

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

23                   I have gained some of their  
24 input. We will continue to monitor the  
25 situation closely. It is outrageous, the price

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1 of gas. It is just unbelievable how much it  
2 has gone up. I think it is unfair and  
3 unfortunate, but there are a lot of other  
4 things we need to look at as commissioners, but  
5 we need to keep our eye on it, we will continue  
6 to look at it and talk about it. It is not the  
7 end of us listening or hearing what people have  
8 to say about it.

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

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

24           Right now we have a pretty good  
25 comfort level based upon our research and based

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1 upon the commitments, which I am thankful that  
2 we have as of now, from Ford, Nissan and GM to  
3 produce on average 300 vehicles per month and  
4 have them dedicated for the yellow cab  
5 industry.

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

13                   Again, we don't necessarily know  
14 at this time what steps are being taken by the  
15 industry.

16                   We did send out a directive  
17 asking all owners that are due to retire in  
18 October, November and December by a date  
19 certain to let us know what their plans are.

20                   The good news is so far we  
21 received about 10 percent of the responses  
22 indicating that they have already purchased the  
23 vehicle.

24                   The others haven't responded  
25 yet, but, then again, we only have a few more

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1 weeks left on the directive so the deadline is  
2 not near.

3                   We will monitor the situation  
4 closely. I promise you that we will update not  
5 only the commissioners but the industry on what  
6 is going on.

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

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

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

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

25                   There was a bill that passed and

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

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

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

17 I don't have any details as yet,  
18 but in the coming month or two we will have  
19 probably some rules that we will need to  
20 implement. We may also need to tweak and fine  
21 tune while we are at it the black car rules to  
22 put some teeth into those as well to make sure  
23 any loopholes that were there are closed, per  
24 the suggestion of the Black Car Assistance  
25 Corp. and the fund.

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1                   Those are things we will be  
2 doing in the next couple of months.

3                   I had another petition that was  
4 delivered, which I am actually granting, from  
5 the League Of Mutual Taxi Owners and forwarding  
6 to the commissioners in the form of rule  
7 making.

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

17                   Whether that is valid or not, it  
18 is something that I am not willing to recommend  
19 to my colleagues that we change at this time.

20                   I think it has been something  
21 that has been in law and in place for many,  
22 many years. I think it gives us a certain  
23 comfort level.

24                   However, you know, we have to be  
25 human. We have to understand that we are

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1 dealing with people, we are not widgets, and  
2 that when things arise and problems happen in  
3 people's lives and you are dealing with an  
4 individual that is required to drive a certain  
5 number of years, that we have to be a little  
6 flexible, humane and compassionate.

7 I think that the intent of the  
8 law also, and I think the intent of this  
9 Commission should be that we retain experienced  
10 drivers whenever and wherever we can.

11 Owner drivers that are on the  
12 road for 15, 20, 25 years are experienced  
13 drivers. They are probably more safe,  
14 definitely more safe, and certainly more  
15 experienced and know their way around the City.

16 From that standpoint, I think it  
17 should be a policy endeavor of ours to keep  
18 experienced drivers on the road.

19 That being said, I think  
20 everybody is entitled to a retirement. People  
21 shouldn't when they get to the age of being 60,  
22 70, have to, when they have devoted their  
23 entire careers and lives to this industry,  
24 driving day in and day out, have to put in over  
25 200 hours a year without leasing out to a

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1 second driver.

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

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

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

19 I will give you a perfect  
20 example. If for some reason an individual  
21 owner operator comes down with cancer and needs  
22 to go on chemo treatment for a year, to say  
23 that we have to force you to sell your  
24 life-long investment and give it up is just  
25 wrong. I just don't understand that.

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1                   We will do whatever we need to  
2 do, and I will recommend to my Board that we do  
3 what we need to do to make sure that those laws  
4 are firm, that you can have an opportunity to  
5 take your car off the road and have a second  
6 driver on your car if you are undergoing chemo  
7 treatment or some type of personal calamity,  
8 and then when you thankfully get better, you  
9 come back on.

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

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

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

25                   I hope to have working with

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1 Chuck a draft of rules for everyone to see an  
2 publish in November, and hopefully before the  
3 end of the year we will have a public hearing  
4 on this.

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

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

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

20 TPEP update. We have now 12,051  
21 of the 13,237 yellow cabs equipped with the  
22 taxi technology systems. That is about  
23 91 percent.

24 Our data still continues to show  
25 at this time that credit card tips average at

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1 or near 20 percent.

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

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

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

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

17 Zero Tolerance, this is  
18 something that we spoke about the last couple  
19 of meetings. The illegal street hail operation  
20 has been going on. It is still yielding  
21 tremendous results, which I guess is  
22 unfortunate in many ways, because it still  
23 indicates there is a high degree of unlawful  
24 activity going on in the central business  
25 district.

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1                   As of August 2nd, a total of  
2 1,356 summonses were issued pursuant to the  
3 Zero Tolerance operation street hail that we  
4 have been conducting.

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

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

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

22                   Unfortunately, despite all of  
23 our best efforts, trips to Albany and all the  
24 work that our Constituents Affairs Office did,  
25 the bill did not pass in the form that we

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1 wanted it to.

2                   It did pass in the form that we  
3 wanted it to in the Senate. The State Senate  
4 did pass a bill that would make it a printable  
5 offense and a misdemeanor to engage in unlawful  
6 solicitation at the area airports.

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

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

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

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1 a security risk."

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

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

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

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

22 Allowing people with no licenses  
23 who are potentially dangerous to walk around at  
24 the area airports and prey on unsuspecting  
25 tourists is just outrageous.

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1                   We will partner again with the  
2 Port Authority and The Economic Development  
3 Corporation and the Mayor's Office to try to  
4 get this done, hopefully, to our satisfaction.

5                   Last, I want to welcome some new  
6 personnel -- one person. Dominick Collucio,  
7 are you here Dominick?

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

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

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

25                   Are any interns here today?

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1                   We have Marco, Beth Glick,  
2 and -- how are you? Nicole is not here?

3                   There you are.

4                   We had a few more. Some had  
5 left. They really did outstanding work. Our  
6 summer intern program every year is fantastic.  
7 We get so much work done in the span of a  
8 month-and-a-half, I just wish it would be a  
9 little bit longer. A lot of folks have to go  
10 back to school in August.

11                   I want to thank everybody. I  
12 was in my office the other day with one  
13 project. I just couldn't believe where -- one  
14 of our interns and a couple of other interns  
15 worked together on this project to basically  
16 have this whole computer system organized for  
17 us where we can get better front-end  
18 information from our database.

19                   The talent is tremendous. I  
20 hope you consider a career in government. I  
21 want to thank you for joining us this year.

22                   We do not have a date for the  
23 next Commission meeting yet. We are juggling  
24 some schedules, but there will be a September  
25 Commission meeting.

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1                   Unfortunately, today, as you can  
2 see, we do not have a quorum; however, we will  
3 conduct as much business as we can.

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

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

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

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

24                   We will proceed, though, not  
25 with a vote but with the public hearing on item

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1 4, the adjudications rules, and the staff  
2 presentations.

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

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

9 Any questions?

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

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

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

25 We published the rules for

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

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

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

9 The first speaker is  
10 Mr. Bersford Simmons.

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

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

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

23 The cabdrivers out there are  
24 crying and suffering, believe it or not. Many  
25 a guy can't put food in their refrigerators

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1 because of the economic disaster.

2                   It seems like the Commission is  
3 just for the brokers and the major free owners.

4                   We are asking you to pay some  
5 attention to us as cabdrivers. We are doing  
6 the best we can in the streets, and we could  
7 ask you to pay a little bit more attention to  
8 the drivers than to the major brokers out  
9 there.

10                   CHAIRPERSON DAUS: Nobody doubts  
11 that, Mr. Simmons.

12                   I would just ask, and I notice  
13 there are other speakers here, if we could get  
14 through this public hearing, if you could just  
15 give your comments on the adjudications rules.

16                   If we have time at the end, I am  
17 not going to do an open mike, but if you want  
18 to have one or two members of your group talk  
19 to us, I want to get through the hearing first.

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

24                   CHAIRPERSON DAUS: Why don't we  
25 talk about that after. If you could address,

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1 sum up on any comments you have about the  
2 adjudications rules. If we have time at the  
3 end of the meeting we will come back, and I  
4 promise you we will talk on the other issues.

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

7 CHAIRPERSON DAUS: That's fine.  
8 Ms. Desai, is that fine with  
9 you?

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

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

17 Tarique Wain?

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

20 I was looking at this document I  
21 just found out, attendance at the hearing, and  
22 this paragraph says -- I am not an attorney or  
23 anything like that, but this paragraph says  
24 that the complainant can testify by telephone  
25 or teleconference, right?

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1                   This is a very, very  
2 extraordinary type of a hearing. In other  
3 code, the normal American code, not the Chinese  
4 or Communist Russian code, in the normal  
5 American code, you have to be the president of  
6 America, or something like that, to be exempt  
7 from the presence in the court.

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

13                   Second thing, about these  
14 hybrids, your own TLC fleet is not hybrid, but  
15 why are you forcing that on the drivers?

16                   I know some people own these  
17 hybrids. This one guy has a new hybrid, 2007.  
18 He lost two weeks in a month because they have  
19 to find the part from Japan for that hybrid,  
20 and you have to go to the dealer for anything,  
21 any repair, which is so expensive, right?  
22 Think about that.

23                   Thanks.

24                   CHAIRPERSON DAUS: Thank you.

25                   MR. GIANNOULIS: Is that

00028

1 mirrored in the City Council legislation?

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

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

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

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

22 MR. GIANNOULIS: This would be  
23 strictly for vacations?

24 THE WITNESS: This is all cases.  
25 This is word for word out of the statute.

00029

1                   MR. GIANNOULIS: Was there any  
2 conversation at the council that it would make  
3 any sense to have the same exact standard for  
4 the driver?

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

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

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

22                   MR. GIANNOULIS: Once again, all  
23 the new matters that are in here were passed by  
24 the City Council, therefore we are just  
25 codifying the laws they already voted for?

00030

1                   MR. FRASER: To draw it as  
2 harshly as it really is, the reality is we are  
3 going to be doing it on September 3rd. The  
4 point of this exercise is someone who looks at  
5 our rules gets a correct and accurate  
6 understanding of what will be happening,  
7 because the law requires we will be doing it  
8 when the law becomes effective on September  
9 3rd.

10                   CHAIRPERSON DAUS: This all will  
11 become law regardless of anything. I think it  
12 is a housekeeping thing.

13                   The unfortunate thing is if we  
14 don't pass the rules to conform to the Local  
15 Law, you are going to have people reading our  
16 rules getting the wrong information unless they  
17 know to consult the Administrative Code.

18                   The good reason for having a  
19 Public Hearing, if the industry thinks we are  
20 missing something or not wording something  
21 correctly, this is the time to bring it up.

22                   Also, Commissioner, you should  
23 know that for many, many years we have been  
24 doing or had been doing video conferencing with  
25 the Police Department in our adjudications

00031

1 facility going back to the mid-90s where they  
2 would testify from their office in midtown on a  
3 closed circuit television.

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

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

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

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

25                   MR. FRASER: A letter would be

00032

1 legally admissible, that is true, but as a  
2 matter of practice, we require a sworn  
3 affidavit for a witness who cannot be present  
4 personally.

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

13 MR. FRASER: The teleconference  
14 or video conference is actually better for the  
15 respondent than what exists now.

16 In other words, the right to  
17 confront an affidavit is obviously very  
18 limited. The right to confront someone even by  
19 telephone is better than that.

20 MR. GIANNOULIS: That is my  
21 point.

22 CHAIRPERSON DAUS: These are  
23 administrative hearings. Technically you are  
24 allowed to bring hearsay evidence like an  
25 affidavit in, but it all goes to the weight of

00033

1 the evidence, whether it is believable.

2           The problem we are having on the  
3 affidavit summons with the tourists is that if  
4 an issue comes up that is not addressed by the  
5 affidavit, all the judge has before him or her  
6 is the affidavit so it could lead to, in some  
7 situations, a dismissal where the driver really  
8 did do something wrong, and also by the same  
9 token there isn't that live opportunity for the  
10 driver or the respondent to confront and ask  
11 questions and cross-examine an affidavit.

12           I think this could lead to more  
13 due process.

14           It is done in a lot of  
15 capacities, and we have looked at the laws.  
16 There is Supreme Court precedent on this.

17           Of course, when we draft and  
18 come up with the final pilot, we are of course  
19 going to defer and err on the side of more due  
20 process as opposed to less.

21           Ms. Desai?

22           MS. DESAI: Good morning.

23           Actually picking up on the last  
24 point of your exchange, I am sure that having  
25 teleconferencing or video conferencing may be

00034

1 the lesser of two evils, you know, as opposed  
2 to having a hearing only by affidavit, but we  
3 still don't think it is sufficient.

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

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

23           For example, I was talking to a  
24 member last night. You know, he had a  
25 complaint was made, and he has gotten a summons

00035

1 now in August for a hearing that is going to be  
2 taking place in a few months for an incident  
3 that actually happened back in November.

4 Now, you can imagine since  
5 November to the end of August, by the time he  
6 has the hearing, he has served hundreds and  
7 hundreds of passengers.

8 Now, we don't know when the  
9 complaint was filed, but we know that he has  
10 only gotten notice of it in August so we are  
11 safely assuming that the TLC notified the  
12 driver at the time that the complainant  
13 actually filed the complaint and so it means  
14 that it is the complainant that was late, not  
15 necessarily the TLC.

16 You know, it is really unfair  
17 for the driver, you know, to have this  
18 expectation that they can go into a hearing and  
19 defend themselves for an incident that has been  
20 alleged for months and months ago, sometimes  
21 even close to a year ago, when they have only  
22 been notified of it in that much time.

23 Third, in terms of that, you  
24 have a paragraph in there with regards to  
25 motions to vacate.

00036

1                   Again, I have brought this up  
2 before.

3                   I really think that particularly  
4 in TLC where so many matters are handled pro se  
5 by drivers, for motions to vacate, the standard  
6 should be either to demonstrate, you know,  
7 excusable neglect as to why you missed the  
8 hearing, or to demonstrate a meritorious  
9 defense as to why you will ultimately be  
10 vindicated of the charges.

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

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

20                   MS. DESAI: Exactly.

21                   CHAIRPERSON DAUS: Because that  
22 is the standard, right?

23                   MS. DESAI: Right now it is  
24 both, both are required, but I think it should  
25 be either/or.

00037

1 I know I am out of time, but I  
2 have a couple more specific points.

3 CHAIRPERSON DAUS: You can sum  
4 up.

5 MS. DESAI: Thank you.

6 In cases -- we have seen in  
7 cases where a driver has filed a complaint  
8 against a garage or a broker, you know, the TLC  
9 may rule on the side of the driver that there  
10 is enough evidence against the claim, but they  
11 will not order restitution as opposed to, let's  
12 say, for example, if a customer has filed a  
13 complaint against a driver for overcharge, of  
14 course not only will the driver face a penalty  
15 from the TLC, but they will also be required to  
16 pay restitution to the passenger.

17 We think there should be a  
18 similar requirement that if the TLC has found  
19 that someone in the industry, a garage or a  
20 broker, has violated the rights of the driver  
21 and owes money to the driver, the driver  
22 shouldn't then have the extra burden of taking  
23 that decision to go all the way to Civil Court.

24 Again, people cannot always  
25 afford that, but since these are all licensees

00038

1 under the TLC, we think restitution is  
2 appropriate. There should be a fair policy for  
3 restitution across the board.

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

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

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

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

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

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

25 CHAIRPERSON DAUS: On revocation

00039

1 cases.

2 MR. GIANNOULIS: The  
3 commissioners make the final -- we vote  
4 appeals, on appeals.

5 MS. DESAI: When I say final --

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

8 MS. DESAI: I have no problem --

9 MR. GIANNOULIS: Drivers win.  
10 Maybe you should go find out the data. Drivers  
11 on appeals tell everybody to appeal because  
12 drivers do very well on appeals in this  
13 Commission.

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

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

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

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

25 CHAIRPERSON DAUS: There was no

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1 appeal, there was no appeal.

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

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

10 Nothing personal.

11 CHAIRPERSON DAUS: I figured it  
12 wasn't.

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

15 CHAIRPERSON DAUS: I am sure you  
16 would have.

17 MS. DESAI: And probably to  
18 hers.

19 The point that I was making was  
20 that in terms of the fines that are within the  
21 TLC rules, for example, let's say you are fined  
22 \$1,000, plus there is a 30-day suspension.

23 Under the realities of leasing,  
24 what a 30-day suspension means, not only a loss  
25 of income, which is the point of the penalty,

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1 but in addition to that, if you are an  
2 operator, an owner driver, you are still  
3 obligated to make your leasing payments.

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

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

16 MS. DESAI: I just have one  
17 more.

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

25 This hearing is just about these

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1 ministerial changes to conform to the Local  
2 Law.

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

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

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

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

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

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

22                   If they have been a driver for  
23 30 years, they will pull out all the violations  
24 that they have in those 30 years span.

25                   In the reality, if the TLC were

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1 to use its existing standard of measurement,  
2 which is the Critical Driver Program or the  
3 Persistent Violator Program, that individual  
4 may actually not -- their record may not fall  
5 into a relocation.

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

12 Secondly, that when specifically  
13 evaluating a driver's history, it should not go  
14 back so far in time, which is inconsistent with  
15 your own standard of measure, which is a  
16 15-month period, and as per the Critical Driver  
17 Program and the Persistent Violator Program.

18 That was it. Thank you.

19 CHAIRPERSON DAUS: Thank you.

20 MR. GIANNOULIS: I want to make  
21 comments on two things, because statements were  
22 made which I think is wrong.

23 On the notion of -- on the  
24 notion that somebody who gets their license  
25 suspended should be out of a lease, that is

00044

1 certainly never going to be voted on while I am  
2 on the Commission, because the analogy would be  
3 if I get arrested for drunk driving and my  
4 license is suspended, I could go to my car  
5 dealer and say "Let me out of my lease."

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

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

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

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

21           I mean, it goes to the point  
22 where do you draw the line between -- and  
23 actually maybe I am thinking of the E-ZPass  
24 rule with the disputes about whether owners  
25 have reimbursed drivers and so forth.

00045

1                   There comes a point where where  
2 does the TLC's work end and the civil courts  
3 begin?

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

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

12                   MS. DESAI: I just want to  
13 clarify --

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

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

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

22                   Bill Lindauer?

23                   MR. LINDAUER: I hope we have an  
24 opportunity later to discuss the urgent,  
25 urgent, urgent issue, and I have never seen

00046

1 somebody more reality challenged than the  
2 Chairman, because he doesn't face the true  
3 facts, and he only speaks to businessmen about  
4 hucksters. I do outreach at the airport. I  
5 see them all the time. The drivers know they  
6 are there. I never see them get a ticket from  
7 the Port Authority or anything.

8 CHAIRPERSON DAUS: Are you for  
9 or against adjudications?

10 MR. LINDAUER: Well, I am for  
11 court reform, of course.

12 You know, this is an urgent  
13 challenge too. We need complete overhaul of  
14 the TLC's notorious cash cow kangaroo courts.  
15 It is anathema to the American way. It is an  
16 abomination.

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

24 If you had a panel of three  
25 judges or three commissioners to make that

00047

1 decision, okay, but this invites abuse of  
2 power, and you have demonstrated that  
3 repeatedly and repeatedly.

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

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

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

15 MR. LINDAUER: You bet I will.

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

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

20 CHAIRPERSON DAUS: Manmumul Haq?

21 MR. HAQ: Good morning,  
22 Mr. Chairman, Commissioners. I just want to  
23 make a little comment.

24 I am the organizer of New York  
25 Taxi Workers Alliance, and I am a full time cab

00048

1 driver.

2 I spoke to a lot of drivers,  
3 though I don't have any -- I have never been --  
4 I came twice to the TLC, to the court, and I  
5 did not face any court system.

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

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

18 Why not the passenger?

19 The passenger calls like  
20 overnight, and the driver, TLC changes the  
21 schedule, and the driver comes to the hearing  
22 and lost his time.

23 Especially for the night drivers  
24 it is a big disaster, the person who worked for  
25 the whole night.

00049

1                   They come 8:00 o'clock in the  
2 morning, he is sitting down, wasting his whole  
3 day and not able to come back to work at night.

4                   This should be changed. This  
5 should be equal opportunity for the driver and  
6 the complainant.

7                   Non-appearance by complainant,  
8 if any officer, dispatcher and complainant  
9 don't show up for hearing time, and of course  
10 like driver is there, it should be dismissed if  
11 the complainant don't show up within 30  
12 minutes.

13                   So I think it is very -- the DMV  
14 court is happening. Why not in TLC?

15                   Any issuing officer or  
16 dispatcher who issued the ticket or summons to  
17 the driver, if he retires or not working with  
18 the TLC, and don't show up to the TLC court,  
19 the summons should be dismissed. That is the  
20 way it should be.

21                   The settlement, which is one of  
22 the important things, I believe, when the  
23 passenger and the complainant in the court,  
24 sometimes they can settle the case. Sometimes  
25 they can go outside and talk and settle the

00050

1 case.

2                   Because I know that from our  
3 lawyers, they say to us, a lot of times, the  
4 judge is not allowed to do so so it should be  
5 an option they can get it, like, you know, go  
6 outside the room and do the settlement. Why  
7 not?

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

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

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

15                   Thank you.

16                   CHAIRPERSON DAUS: Thank you.

17 Mr. Dave Pollack?

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

23                   CHAIRPERSON DAUS: You mean

24 Mr. Byer's letter?

25                   MR. POLLACK: Yes.

00051

1                   CHAIRPERSON DAUS: We did  
2 distribute that.

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

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

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

11                   MR. SAPONE: I represent the  
12 League Of Mutual Taxi Owners, known as LOMTO.

13                   Anyway, I got a lot of things to  
14 say, but I am not going to say it today because  
15 I know you are short-handed, and I don't want  
16 to upset you, because I guess you are already  
17 upset. We will leave it for closed door  
18 meetings.

19                   There is a few things I have to  
20 say because of my title and who I represent.

21                   I absolutely firmly believe  
22 cabdrivers need an increase for this gas, okay?  
23 I am willing to discuss it with you guys, but  
24 not today, but closed meetings.

25                   The whole world is getting

00052

1 increases for fuel. I see no reason why -- it  
2 should be a moderate, modest increase of some  
3 sort to help them along.

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

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

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

24 I think that is baloney, okay?  
25 And I am not going to upset you, and just keep

00053

1 it in mind what I am saying.

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

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

9 Let me tell you something. I  
10 have a member who is in South America on  
11 business or health reasons -- I don't know  
12 why -- and he won't be back until October.

13 We were told by one of your  
14 commissioners that he has to pick out a car,  
15 come in or put his medallion -- he has a driver  
16 on his medallion -- put his medallion in  
17 storage, lose the money, because he has to make  
18 a decision what car he is buying. They cannot  
19 wait until he comes back in October, which is  
20 crazy.

21 You also mentioned calling a  
22 certain commissioner if you have any problems.

23 This commissioner -- I won't  
24 mention names. He is a very nice guy -- I  
25 don't call him anymore, because every time I

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1 call him he never returns a call.

2 I have mentioned that to you or  
3 somebody that is close to you that works under  
4 you two years ago, okay? And the guy never --  
5 I don't call him anymore.

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

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

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

13 MR. SAPONE: I am for it.  
14 Listen to me. I got to make a comment here.

15 I just want to remind everybody,  
16 the TLC's rules would now reflect that the TLC  
17 must respect the constitution on rights of  
18 drivers and owners.

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

25 Have a nice day. Thank you for

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1 giving me this chance to talk.

2 CHAIRPERSON DAUS: Same to you.

3 That concludes the public

4 hearing. We will defer any Commission action

5 until our September meeting.

6 Any discussion, comments,

7 questions from the Commissioners?

8 We will get a transcript of the

9 comments to the Commissioners who weren't here.

10 I would like to now proceed to

11 item 6, which would be the last agenda item for

12 the meeting: Staff presentations, TATC Rule

13 Revision Project Updates.

14 I would like to welcome Ken

15 Murray, our consultant, and Kirstin Eiler, who

16 will be leaving us shortly, our urban fellow.

17 She is going to the Leonard School of

18 Economics, and she will be delivering half of

19 the presentation. She worked very closely with

20 our Chief of Staff for the First Deputy, David

21 Klar, and the rules consultant on this project,

22 and we wish you well, Kirstin.

23 Welcome, Ken.

24 DR. MURRAY: Mr. Chairman,

25 members of the Commission, I certainly

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1 appreciate the opportunity to be here with you  
2 today to give you a brief update on where we  
3 are with the rules rewrite project.

4           Kirstin gave me a briefing on  
5 the technology earlier.

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

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

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

22           We are now in the second phase,  
23 which is the revision and the improvements of  
24 the current rules, and I keep wanting to  
25 emphasize the word here "current rules."

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1                   We are not in the process at  
2 this stage of time of doing rule rewrite for  
3 new rules, but only taking what you have now,  
4 reorganizing and writing them in plain  
5 language.

6                   Then the third phase, which will  
7 come later on in actually 2009, there will be a  
8 framework for the development of new rules that  
9 come from the discussions impaneling this whole  
10 project.

11                   As I told you, I can do two  
12 buttons. There you go.

13                   Talk a little bit about the  
14 guiding principles under which this project is  
15 running at this point in time. Very important.

16                   The first thing in the first  
17 direction is to make no changes to the meaning  
18 of existing rules, but to use structure and  
19 organization to create clarity and consistency  
20 of the rules that exist, and to simplify the  
21 language consistent with your plain language  
22 guidelines and the guidelines of the city so  
23 that you don't have to have multiple law  
24 degrees to understand and be conversant with  
25 the rules and regulations of the Commission,

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1 putting the needs of the user first so we  
2 really try to structure a document that the  
3 user and the stakeholders of the Commission can  
4 understand and can work with.

5           In terms of the project, at this  
6 point we have done the analysis of the rules to  
7 identify inconsistencies, there are  
8 redundancies in some of the rules, flipped  
9 things out of order.

10           We have worked with the staff to  
11 design a new reorganization and outline  
12 structure, a consistent chapter structure, and  
13 have drafted and redrafted proposed rules that  
14 would clarify the existing language.

15           Again, clarifying existing  
16 language; not actually new rules.

17           Then we have done a plain  
18 language rewrite of the rules, and we are still  
19 in the process of doing a plain language  
20 rewrite, trying to take all the wherefores and  
21 whereas'es out and put it in plain, common  
22 language that everybody can understand.

23           Progress right now, the reviews  
24 of those rules by the TLC staff, they have the  
25 main body of the rule changes at this point,

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1 and they are reviewing them, and then they are  
2 getting ready to put the rules out on a website  
3 for comprehensive review by stakeholders, and  
4 Kirstin will be talking to you about that  
5 briefly.

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

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

22           In terms of the process itself,  
23 we have reorganized and drafted rewrites. TLC  
24 staff is now reviewing them, stakeholders will  
25 review them for processes, and then we will

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1 move forward into the formal and legal hearings  
2 with the expectation that the reviews will run  
3 through the rest of 2008 moving into the first  
4 part of 2009.

5           Essentially, what will happen is  
6 within the review process, we are going to be  
7 seeking comments really from four bodies: The  
8 industry representatives, the general public,  
9 licensees, and the TLC staff; effectively the  
10 entire body of stakeholders for the rules and  
11 regulations.

12           The comments will come in. The  
13 TLC staff will review the comments as they come  
14 in, provide guidance to our staff in terms of  
15 the comments, which one should be considered as  
16 part of the Phase 2 rule rewrite, which are  
17 comments that are really relevant more to the  
18 third phase of the changes, and then give us  
19 direction in terms of how to incorporate those  
20 suggestions into the documents.

21           Once we receive those, then we  
22 will make those modifications, resubmit the  
23 language to TLC staff, who will do a final  
24 review, and then that will move forward to the  
25 City's formal legal review process in terms of

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1 the Law Department.

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

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

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

22           The plan is to cycle that really  
23 over a four or five month period so you are  
24 taking it in pieces as it moves along so there  
25 is a consistent flow so you are not hit with

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1 just a monumental document on time, but you see  
2 the basic context.

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

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

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

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

21                   CHAIRPERSON DAUS: By the way,  
22 Ken, the Commissioners and I, or most of the  
23 Commissioners, have had some preliminary  
24 discussions on procedure to make this thing run  
25 smoothly, and I think we probably will be

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1 opting for public hearings that our general  
2 counsel holds with monthly reports to the  
3 Commissioners, and that might expedite things,  
4 at least for the phase 2 part of the project.  
5 It is something we will get back to you on.

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

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

13 DR. MURRAY: Absolutely.

14 CHAIRPERSON DAUS: Kirstin?

15 MS. EILER: Good morning,  
16 Commissioners. So now that Ken has explained  
17 the overall process of reorganizing and  
18 renumbering and putting the rules into plain  
19 language, I am going to talk about the website  
20 that we are using to facilitate outreach and  
21 the work that we are doing to get feedback from  
22 stakeholders about the work that has been done.

23 As you can see, we have several  
24 goals for this project, including communicating  
25 with stakeholders and allowing them to review

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1 the rules and to provide us their feedback.

2 We have created a dynamic  
3 website that will help us achieve these goals,  
4 and I am going to show you some of that website  
5 briefly a little bit later.

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

12 Once the chapters have been put  
13 on the website, we send out an e-mail  
14 notification to a stakeholder distribution  
15 list.

16 This list was created using one  
17 that TATC used in the initial research and  
18 outreach that they did during phase 1 of this  
19 project.

20 Any time anyone expresses  
21 interest in this project, or they register on  
22 the website, we add them to this distribution  
23 list.

24 Once the chapters have been  
25 posted and the notification sent out, then we

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1 post the chapters and people are free to go to  
2 the website to review them.

3                   If they have any questions or  
4 comments, they are then free to send those to  
5 us as well.

6                   This is the introduction page.  
7 Basically we explain the project, its goals and  
8 the different phases and what happens in each  
9 of those phases.

10                   We have a registration page, and  
11 we ask users for some basic contact  
12 information, and this allows you to see that  
13 people are going to the website and reviewing  
14 the rules, and it also allows us to follow up  
15 with people if we have any questions or we need  
16 clarification on any feedback that we have  
17 received.

18                   On the revised chapter page,  
19 people can review the chapters. As you can  
20 see, there are two ways to do this: There is a  
21 text version, which is a document of the  
22 revised content and the revised structure.

23                   There is also a chart which  
24 looks something like this, and it looks a  
25 little complicated at first but is actually a

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1 very simple way of looking at the revised  
2 content and the revised structure, and  
3 comparing it to the old rule and where that  
4 rule came from.

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

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

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

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

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

23           If we do receive comments that  
24 are more towards Phase 3 in nature, we are  
25 collecting those and we are going to revisit

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1 them when we get to Phase 3 in this project.

2           A brief update on where we are  
3 today: We launched the website on July 23rd.  
4 Since then we have posted two chapters. We  
5 have gotten 43 stakeholders who have expressed  
6 interest in this project, and 13 of those  
7 stakeholders have registered on the website to  
8 view the chapters.

9           Some of those stakeholders are  
10 in this room and have offered us their  
11 comments.

12           We are working very hard on  
13 outreach for this project. We are working with  
14 the Office of Constituent Affairs on this. It  
15 is an important part of what we are doing.

16           We have created this website to  
17 create a dynamic outreach process to  
18 incorporate our stakeholders into it.

19           I am now happy to answer any  
20 questions you might have.

21           CHAIRPERSON DAUS: Any  
22 questions?

23           Excellent presentation. Great  
24 work. Thank you.

25           We wish you well as you leave us

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1 for London, and I am sure you will be checking  
2 the website too.

3                   It is live now, correct?

4                   MS. EILER: It is.

5                   CHAIRPERSON DAUS: Fantastic.

6 Excellent work, well above and beyond.

7                   I think maybe we could also add  
8 some of the comments, we had some interesting  
9 comments today on adjudications. You might  
10 want to add those to the Phase 3 discussions.

11                   Congratulations. Good luck.

12                   That concludes item 6.

13                   As promised, this is not an open  
14 mike -- oh, Dispatch, Accessible Dispatch.

15                   I almost forgot. How could I  
16 forget? Samira Epstein.

17                   As promised at the last meeting,  
18 I believe I indicated that it would be a good  
19 time in August once we had started testing the  
20 accessible dispatch system to have a report on  
21 it. I have been reporting on this monthly, and  
22 we have some interesting results that Assistant  
23 Commissioner Epstein will share with you.

24                   MS. EPSTEIN: Good morning.

25 First, I just want to review very quickly what

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1 the goal of this program was since it has been  
2 a little while since I talked to you about.

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

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

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

22           And they can do it -- either  
23 call right now and say "I want a cab as quickly  
24 as you can get it for me," or they can reserve  
25 it for later on in the day. They can reserve

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1 up to six months in the advance.

2                   Then 311 connects the passenger  
3 with the dispatcher, and the dispatcher links  
4 the passenger with the vehicle.

5                   Now, in order for any of this to  
6 happen, drivers need to be trained so that they  
7 know how the system works and how to help  
8 people who use wheelchairs so they are trained  
9 in two different training sessions.

10                   One is on the technology itself,  
11 and that is done by the dispatcher, and then  
12 the other training is passenger assistance and  
13 sensitivity training.

14                   Easter Seals and United Spinal,  
15 both very well known nonprofits that work with  
16 people that have disabilities, are doing those  
17 trainings.

18                   I have sat through both of them,  
19 all the trainings, actually, and they are  
20 really good. Executive Dispatch is doing the  
21 dispatch training.

22                   To date, 141 drivers have  
23 received the training.

24                   We sent out letters last month  
25 to all owners that their drivers who are going

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1 to be driving these vehicles need to be trained  
2 by the middle of August.

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

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

11                   We also had mentioned to you  
12 that before we did a full roll-out of the  
13 program, we were going to do some testing. The  
14 testing started on July 14 and ended last week.

15                   The system is continuing, but we  
16 did have 20 passengers that used wheelchairs  
17 sign an agreement with us that they would be  
18 testers.

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

23                   They also promised to provide us  
24 with feedback, which they have been doing. We  
25 have a survey up on our website, and I will

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1 talk a little bit more about that on the next  
2 slide.

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

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

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

21                   In my work here in the last  
22 three years working with people with  
23 disabilities, there is no sort of best  
24 practices, one is better than the other. It  
25 really depends on the person and what their

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1 preferences are.

2                   People with the larger chairs  
3 and scooters tend to like the rear entry  
4 better. They can't always turn around to face  
5 front from the side entry vehicles so that is  
6 something that some of them have complained to  
7 us about.

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

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

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

22                   I will tell you a little bit  
23 about the activity during the testing period.  
24 Although it is continued so these numbers are  
25 as of yesterday, there were 91 dispatchers

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1 total. Five of those were canceled. Why they  
2 were canceled, I can't tell you. It depends.  
3 Sometimes a passenger changes their mind or  
4 they decide they are not going to go where they  
5 were going to go. There are a lot of reasons,  
6 but five cancellations is really very few.  
7 Most of these people are getting rides.

8           Most passengers have received  
9 rides in less than 30 minutes, some far below  
10 30 minutes.

11           The longest wait times were  
12 during evening rush hours. The rides that you  
13 see that are more than 30 minutes are usually  
14 during evening rush hours, from four to  
15 7:00 p.m., which is sort of what I had expected  
16 based on what people wait when they are hailing  
17 a cab on the street during those times.

18           Again, reserved rides had  
19 shorter wait times.

20           Something we have seen which is  
21 interesting is to date the rides have been  
22 mostly from Manhattan, but they have been to  
23 all boroughs apart from Staten Island.  
24 Although more of them are going from Manhattan  
25 to Manhattan, they are still going to all the

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1 other boroughs except for Staten Island.  
2           Something we have definitely  
3 seen is that there is a learning curve to using  
4 this system. The technology that is used for  
5 the dispatch is a BlackBerry. It is used  
6 throughout the black car industry right now,  
7 and a lot of the drivers have never used a  
8 BlackBerry before so there is sort of a natural  
9 learning curve in getting familiar with them.

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

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

19           We want to make sure that we are  
20 doing what we can so that it runs smoothly and  
21 that they feel if there are questions or  
22 something is not working, that we really are  
23 going to work with them and make changes as  
24 needed if something isn't working so they need  
25 to log on, which is, again, scrolling the

00076

1 button and hitting it in.

2                   A small number of drivers have  
3 taken most of the rides right now, and I think  
4 part of that is because some of the drivers  
5 aren't logging on or they don't know how to log  
6 off the driver before them. That is all stuff  
7 we are working through, and it is getting  
8 better and continues to improve.

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

15                   We also have been in frequent  
16 contact with our dispatcher Executive Charge  
17 311 to see what is going on, make sure the  
18 dispatchers are working, make sure the  
19 transfers are going through properly.

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

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

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1 work better.

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

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

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

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

23 The driver survey, right now we  
24 are still trying to figure out the best way to  
25 do it. Right now it has really just been us

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1 calling them and seeing how it is going.

2 I would like to have something  
3 more formal so we can continue to get that as  
4 we move further down the road with this.

5 We monitor dispatch activity. I  
6 usually check it myself every day. Someone in  
7 my office is always looking at it. We look to  
8 see what is going on with that.

9 I will continue to report on  
10 that to you at meetings.

11 There are just two other issues  
12 I wanted to bring up that are sort of related  
13 to the dispatch.

14 One is that so far, and I think  
15 this was mentioned at the last meeting in June,  
16 no wheelchair accessible for-hire vehicles are  
17 participating in the program. Because of that,  
18 the meter requirement, which we had put in for  
19 FHV's, so if a passenger called they knew they  
20 were going to get a meter no matter what, the  
21 staff is recommending that we might want to  
22 eliminate that part of the rule about the  
23 meters, because there are no FHV's in the  
24 program.

25 If Easter Seals, who is trying

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1 to purchase some vehicles through a federal  
2 grant, is able to get those for-hire vehicles,  
3 we will figure out another way to sort of  
4 equate what you would normally pay on a meter  
5 so the meters don't have to go in those  
6 vehicles.

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

10                   Lastly, as you have seen through  
11 the whole process, we have this little blue guy  
12 logo at the top of each screen.

13                   Something we have gotten a lot  
14 of feedback from, people that use wheelchairs  
15 that use our taxis, is they are having a really  
16 hard time seeing which are the accessible  
17 vehicles.

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

24                   After talking to them, something  
25 that we are recommending and you can see in

00080

1 this picture here is a much larger logo in blue  
2 on the front hood so that from the front of the  
3 vehicle they will be able to see it is a  
4 wheelchair accessible vehicle and maybe have  
5 some more luck hailing them on the street.

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

12           I am happy to take any questions  
13 you might have.

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

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

23           MS. EPSTEIN: There are two  
24 trainings. The technology training is really  
25 just a guy from the dispatcher who stands up

00081

1 there and goes through all the different  
2 buttons and what you are going to need to do,  
3 how you log on, how you log off.

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

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

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

17           They talk a lot about what it  
18 means to help somebody so that there are a lot  
19 of different kinds of reasons that somebody  
20 might use a wheelchair and not to assume  
21 anything; to ask a passenger if they need help,  
22 to understand that the wheelchair to somebody  
23 that uses it, it is sort of part of their body  
24 so they shouldn't just push them into the car.  
25 A lot of people can get there on their own.

00082

1                   They should really ask to see.  
2                   Both of the trainings do involve  
3 someone who uses a wheelchair who talks through  
4 personal experience about what their needs are  
5 and what they prefer.

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

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

17                   The sensitivity training and  
18 passenger assistance, that is one training. It  
19 is a 3-hour training. That is United Spinal  
20 and Easter Seals. They charge what they  
21 charge. I believe it is -- I know one of them  
22 charges about \$50 a person, and the other one I  
23 am not sure how much they charge. It is  
24 probably in the same range, and the owners do  
25 pay for that. That was just as the agency was

00083

1 trying to balance what we could pay for or pay  
2 a million dollars for this contract so it is a  
3 pretty small amount compared to what we are  
4 giving out to ask them to train our drivers.

5 CHAIRPERSON DAUS: Any other  
6 questions?

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

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

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

17 MS. EPSTEIN: The 231?

18 MR. GIANNOULIS: Yes.

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

21 MR. GIANNOULIS: I am sorry.

22 The folks who used the actual --

23 MS. EPSTEIN: The 91 passengers?

24 MR. GIANNOULIS: Yes.

25 MS. EPSTEIN: 91 trips. Out of

00084

1 those trips, 53 different users used the  
2 system, and we are seeing that a lot of people  
3 are going back and using it a number of times,  
4 which is good, because that means to us that it  
5 is working for them.

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

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

11 CHAIRPERSON DAUS: Any other  
12 questions?

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

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

20 CHAIRPERSON DAUS: This is  
21 certainly a good start.

22 Certainly if any drivers have  
23 concerns about their BlackBerrys, you can call  
24 me or my staff. I think we spend more time  
25 doing BlackBerrys than we talk and walk.

00085

1                   The other thing I would like to  
2 point out is we have a tremendous amount of  
3 cooperation from the disability community on  
4 trying to make this work.

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

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

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

18                   Last but not least, in addition  
19 to bringing the accessible logo rules to a  
20 vote, I also just want to make a comment about  
21 how I think all the boroughs in the last few  
22 weeks were served, except for Staten Island so  
23 far, but I think one of the important things to  
24 not forget about is that the livery industry  
25 does need to play a part in this at some point,

00086

1 because I do believe it is unrealistic for the  
2 yellow cabs to travel to Staten Island to pick  
3 up somebody who wants to go point to point in  
4 Staten Island, and people in Staten Island  
5 should get service. They should not be  
6 isolated, as well as other parts of the City  
7 that are in the more remote areas, whether it  
8 is the Rockaways or Breezy Point.

9 We need to utilize in a  
10 strategic way the livery companies.

11 As a sign of good faith, and I  
12 know it is a touchy subject between FHV's and  
13 yellows, as I think Samira alluded to in her  
14 presentation, I don't know if the meters are  
15 the right way to go with this, but in no way  
16 shape or form, I have asked staff to draft  
17 rules in the next month or so to get rid of  
18 that meter requirement, but that doesn't mean  
19 the livery industry is off the hook. We need  
20 to get them to participate in the system as  
21 well.

22 I don't believe there is any way  
23 we can serve people who use wheelchairs in  
24 areas in the boroughs that are not contiguous  
25 to a CBD or to other places where yellow cabs

00087

1 usually go are going to get the service.

2 I think that that is a challenge  
3 that we face as we try to get as close as we  
4 can to equivalent service.

5 It is clearly not there now, to  
6 have to wait that length of time to get a cab,  
7 but I think that it is better than we expected  
8 as part of the soft launch.

9 We will continue the monthly  
10 reports on this to the Commissioners, and most  
11 of the Commissioners have indicated a very  
12 strong interest in making this work and making  
13 this happen so I want to thank them for their  
14 input as well.

15 Now the last item, and this is  
16 not an open mike, this is not required by the  
17 rules and this is not an ordinary practice, but  
18 given some of the concerns that were expressed  
19 and some of the things that we would like to --  
20 in the interest of open government, we would  
21 like to hear from the petitioner, the New York  
22 Taxi Workers Alliance on the petition denial.

23 I had already given the  
24 petitioner to the Commissioners prior to the  
25 meeting. I am presenting a copy again today of

00088

1 NYTWA's petition and my denial letter, and we  
2 do want to hear your thoughts and what you have  
3 to say.

4 MS. DESAI: Good morning again.  
5 I mean, I think as you yourself,  
6 Mr. Chairman, had said at the start of the  
7 meeting, prices have been outrageous and  
8 unbelievable. I mean, in 2004 at the time of  
9 the last overall fare raise, gas was \$1.80 per  
10 gallon, regular. In 2006, December, at the  
11 time of the rate and time adjustment, it was  
12 \$2.30.

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

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

24 You know, even as the Daily News  
25 had editorialized, I don't think anybody could

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1 have imagined that the TLC could have foreseen  
2 in 2004 that we would be talking about gas  
3 prices that are above 4.20, 4.30, 4.40.  
4 Clearly that room was not built into the last  
5 raise.

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

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

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

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

25                   You know, forget the fact of the

00090

1 big airlines or retail stores or trucking and  
2 these non-taxi industries.

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

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

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

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

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

24 You are talking about the  
25 overwhelming 90 percent that first of all are

00091

1 not fuel efficient.

2 I am not even going to go into  
3 hybrid drivers, what leases they are paying,  
4 because I want to keep this focused on just the  
5 gas prices and the need for surcharge.

6 The bottom line is that we can't  
7 wait for another three, four, five, six, seven  
8 years for all the cars to go fuel efficient  
9 when drivers are continuing to suffer as we  
10 speak.

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

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

25 With all due respect, you never

00092

1 even specified in the letter that, you know,  
2 even where you cited the boost in tourism and  
3 the airport passengers, that it has been a  
4 direct impact on taxi drivers themselves having  
5 more fares.

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

16 Thank you.

17 CHAIRPERSON DAUS: Thank you.

18 We will take that under advisement.

19 Any questions?

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

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

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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.

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Helene Gruber, CSR

