NYC TAXI AND LIMOUSINE COMMISSION

Public Hearing

Held on Thursday, September 17th, 2009

40 Rector Street

5th Floor

New York, New York 10006

9:30 a.m.
APPEARANCES:

MATTHEW W. DAUS, Chairman/Commissioner
LAUVIENSKA POLANCO, Commissioner
ED GONZALES, Commissioner
CHARLES FRASER, General Counsel
ELIAS AROUT, Commissioner
JEFFREY KAY, Commissioner

NOT IN ATTENDANCE
HARRY GIANNOULIS, Commissioner
IRIS WEINSHALL, Commissioner
COMMISSIONER DAUS: Good morning, everyone.

I'm sorry to keep everyone waiting. It was a late night last night. We were out celebrating the ITR, the International Association of Transportation Regulator's Conference.

Basically, we had TLC regulators, government officials from TLC's all over the world but mostly from North America, the United States, visiting New York City for the first time. The organization, which is a not-for-profit, is one that basically shares knowledge and best practices between the member jurisdictions. It was held at the Brooklyn Marriott.

We had a lot of interesting events. I see a lot of the people in the audience who were there and it concluded yesterday. But it was a great experience. The conference's theme was technology, which is a prominent theme of the Bloomberg Administration and the TLC's work over the last several years. And we actually devoted an entire day to the TPEP Systems, the Taxi Technology Systems in our cabs. It was really kind of one of these things years ago when we went to ITR, we talked about what we were going
to try to do with these systems. Everybody said, yeah, that sounds like a great idea. Yeah, let's see if it ever gets done. Well, it's several years later and it is not only been done and is really the gift that keeps on giving because it's just, all sorts of good things have come out of it for the TLC, the government, as well as for the industry. Now we're starting to see them in all these other cities, Boston, Chicago. So it's really exciting.

And also, the rest of the conference was focusing on technology, new media, the way that we run our agencies, various software and applications were demonstrated to increase sufficiency in the various agencies and it's amazing to see how these other municipalities around the world do business. So that was a greet conference.

I think we have our executive director from ITR here today. Karen are you here? Karen Cameron?

MR. FROMBERG: I don't see her. She's supposed to be here.

COMMISSIONER DAUS: No? Okay. So the ITR
conference is over.

Also, we usually do an annual driver recognition ceremony. This year we merged it into the ITR ceremony. They elected me the president of the group the other day. I'm looking forward to working with them and having them involved with the things that we do. But one of things that we thought would be nice since we merged our New York City Driver Ceremony into their first held in New York City International Driver Recognition Ceremony, we had drivers that were actually flown in from various cities, including Atlanta and DC and Chicago. And we gave the driver, I guess the Driver of the World Year Award. We took a driver based on all the different cities that we honored, including New York City drivers who are up there prominently and the driver of the year's name is Tom Chappell. He's from Phoenix Arizona. We gave him the award yesterday. He was so excited to come here and I don't think we could ever top this.

Talk about becoming one with your passenger.

He basically gave a kidney, donated a kidney to
his passenger to save a life. So I don't think you could ever top that. That was really a tearjerker for all of us that were there.

And these drivers, some of the stories. This one driver who was actually supporting an African village for half of his life. And as a cab driver, he doesn't make that much money and he's been sending money to this village. He not only, he put about 150 kids through school but you know how the situation is with HIV in Africa. His village has been zero percent HIV positive. So he really saved a lot of lives. It was really traumatic to see some of these folks.

Of course, we had our own drivers, the ones that returned the various stratai, the violins and, I don't know if that's a word, the violins and violas that are left behind. And Hon Vinh gave a performance and we had a lot of music at the conference and it was a lot of fun.

So I want to thank everybody who worked on it. I want to thank all the folks, I see a lot folks in the room who attended. It was good seeing the industry and I hope you benefited and enjoyed the conference as well.
We are also having an Information Exchange Summit and Conference at 11 o'clock today. Now, if you remember when we first did the TPEP process as an innovative procurement years ago, we started with a request for information and then we did an information summit where we got all the parties in the room to see who's interested in forming connections with one another and also as an extension of the RFI process to get more information in person before we decide how we're going to proceed. We have two one-year contract amendment options. We haven't decided whether to exercise that option and obviously at some point in the future, those contracts for the system with the three vendors will come to an end. So there will be an RFP at some point to deal with that.

So as we get ready to make that determination, this is an important step of the process. Not only for the existing vendors who do a good job but also for any new folks that want to get in the mix. We have a lot of new ideas.

One of the things that happened at the ITR
Conference is we had New York Times columnist Dave Pogue had a session talking about the future of our system, something that's been on everybody's minds. That's really a big part of the RFI. Not just have we make the existing systems better in terms of their basic functionality under the contract but also what new items the passengers want and industry wants and we would want. I think he put a Twitter out to like 8 hundred to a million people and got some very interesting responses and we're looking at that information because it's nice to actually get information directly from passengers. So we had, you know, many, many passengers responding. But also now we need to hear from the industry, the technology industry, the various carriers as well as the existing and potential future vendors.

So this summit is designed to do just that. It's an extension of the RFI process. We're doing it this time because it was successful in the past and we want to replicate as much as we can from the prior process. The summit's from 11:00 a.m., it's getting close, to 2:00 p.m. and
there's also, I think, going to be a networking lunch from 1:00 to 2:00 as part of that and I believe that's in this building as well.

MR. FROMBERG: It's upstairs, 6th Floor.

COMMISSIONER DAUS: Okay, it's 40 Rector, 6th Floor, starts at 11:00 a.m.

MR. FROMBERG: And the lunch is down here.

COMMISSIONER DAUS: The lunch is down here, great.

Also a reminder, the next TATC is Friday, October 2nd. That's going to be here in this Public Hearing Room at 2:30 p.m. The topic is going to be the Taxi Drivers' Rules. Again, this is not the substantive part of the rule making. This is still the technical reorganization and rewording of the rules.

I have good news, thanks to the lobbying efforts of the industry members, many of whom I see here today, as well as the TLC and the Mayor's office. The State Senate finally passed some legislation for us.

On September 10th, the Airport Hustling Legislation passed, which is a tremendous victory for our agency and also for the various partners
that we were with. Including, not just the
Mayor's office but the Economic Development
Corporation and Port Authority of New York and
New Jersey.

The existing law provides for hustling as an
unclassified misdemeanor. Now, these are people
who go to the airports, for those of you who
don't know and it cost passengers without
licenses telling them to get in their car. It's
a real safety issue in our view. It's a real
problem for the legitimate licensed people in our
industry who go about doing things the right way.
So we needed to add some teeth to that law and I
wouldn't say we have fangs but I think we have a
couple more molars that were put into it and it
should help us a little bit. It's not ideal but
we're very, very happy that we're going to be
increasing the penalties. So instead of an
unclassified, I'm sorry, now it's going to be a B
Misdemeanor. So it went from an unclassified
Misdemeanor, which had some small fines to a B
Misdemeanor. And fines for each of the offenses
will range from $500 to $1,250 and/or up to 90
days in jail. So this could be serious for
somebody who is a persistent violator of these rules and we're going to work with the District Attorney's office, who is another, the Queens DA, Richard Brown, was a very, very big supporter of this bill and we're going to work very hard to enforce it along with the Port Authority. I believe it's up for the Governor's signature, so we hope the Governor will sign it. And we are going to, I wouldn't say the fight's over yet. I think everybody who lobbied, I would encourage you to put your letters of support into the Governor's office. I think it's going to be delivered to his desk very shortly.

The 400 vehicle rules are proceeding very, very well. Again, I want to reiterate our commitment of outreach and not to summons people. We want to work with you, so that will continue. I'm seeing a lot of the and our staff is seeing a lot of the cars with the decals on them and it looks to be like a tremendous amount of compliance so far. Thanks to a lot of the members of the industry who I see here today, the Federation, the folks that are working with the bases to try to get compliance not to have a
situation where we, you know, hand out summonses, we want to work together.

So we're reaching out also to community boards informally to explain the changes from a passengers perspective in terms of the Bill of Rights and what that means to them. And also, so that they know how to identify properly licensed cars and bases. I think these rules will help but we need to do more. Our Deputy Commissioner from Public Affairs, Allan Fromberg, is working with us on a plan. We need to do more outreach. We need to get the word out about these rules so that people understand what the decals look like, where they should be, etcetera. Both the passenger and industry brochures explaining the new rules are on our web site. And for the first time, they have been translated into numerous languages; English, Spanish, French, Russian and Arabic.

COMMISSIONER POLANCO: I'm sorry, Matt. I have a question. Where we are in terms of, since we're on the topic of the Point Relation Program?

COMMISSIONER DAUS: Well, the Point Reduction Program went into effect on August 1st,
right Chuck?

COMMISSIONER FRASER: The points went into effect on August 1st, yes.

COMMISSIONER DAUS: But not the Reduction Program?

COMMISSIONER FRASER: We don't have a course yet.

COMMISSIONER DAUS: Oh, we don't, okay. I think anyone is going to be, first of all accruing any points just yet. I think that's going to take a lot of time for that to happen.

COMMISSIONER FRASER: The first vehicle to get a point just got a point. This vehicle, no bases have received any points yet.

COMMISSIONER DAUS: Do we have an update on what's going on with the points reduction program?

MR. SALKIN: Yes.

COMMISSIONER DAUS: Wasn't the Federation working on something too?

MR. SALKIN: Based on the Commission's direction, we put out an RFI for education and training among other things but it specifically asks about a point reduction program. We didn't
get any comments very specific towards that
program, so staff went ahead and started making
some recommendations and that's just being
developed right now. So the goal is to have a
program in place before someone gets suspended
per se. So we have some time on that considering
we have one car with one point, 4,000 others to
get.

COMMISSIONER DAUS: So we'll report back.
So if there is anyone who's working on proposing
a point reduction program to us, we'd urge you to
do that as soon as you can.

So over the summer we explained the new regs
to many bases and drivers. And it appeared at
the meeting that Samara Epstein attended, our
Assistant Commissioner For Constituent Affairs,
that particular bases needed some help. We've
helped them. I think Pansy Mullings, are Deputy
Commissioner for Enforcement has actually visited
a lot of bases to give them a helping hand. I
think they're little a trepidatious when she, a
little trepidation when Pansy shows up but I
think her folks have basically gone there to
insure that they know where to put the decals and
they know how to go about complying with the law.  
So I think the outreach was well received and 
that's good.  

We have started both visual and DMV 
inspections at our facilities and the results so 
far, despite a lot of alarms that were being 
raised by the industry, are very positive.  We 
had a total of 160 inspections, 95 passed and 65 
failed, so that's roughly about a 60 percent pass 
rate.  On reinspections, they're doing very, very 
well.  For the 44 that came in 
for reinspection, the pass rate was about 85 
percent or 84 percent.  That's pretty good for a 
new industry that's never had this done before.  
Now granted, they are new cars.  But, you know, 
it's good to see that level of compliance.  I 
think that's it on the program.  

The other thing I want to mention is 
Operation Safe Cab.  As many of you know, 
Fernando Matteo, Valoria and the Federation have 
been working with the Police Department and the 
TLC to make sure that drivers are kept safe.  
There were a recent number of very high-profile 
robberies with drivers and it's very, very
unfortunate. But what we want to do is make sure any livery vehicle owner and driver that wants to participate in the Operation Safe Cab program has the stickers that are necessary to allow police officers to do safety checks of the car. And the way that works is, you put the sticker on the car and legally gives the officers the right to stop the car for any reasons just to make sure everything is okay. So thanks to the Federation and TLC and the Police Department, we've been getting out these stickers and they will actually go above the rear, corner panel window. So you should see the little, the poker chip as they call it, the little round sticker that shows your license and above or below it I believe you can have, it's a square sticker that has the NYPD logo on it. So I just want to make sure the Commission is aware of that.

The Acceptable Dispatch Program, as of September 15, we have a total to date of 3,638 dispatches, 391 cancellations and average wait time is 35 minutes.

That concludes my report. Any other questions?
COMMISSIONER DAUS:  Okay. Well, thank you.

We now have a quorum. We would like to proceed to Item 2 of the Adoption of the Minutes.

Any questions, changes or issues regarding the minutes.

(No response.)

COMMISSIONER DAUS:  Do we have a motion to approve?

COMMISSIONER AROUT:  Motion to approve.

COMMISSIONER DAUS:  Second?

COMMISSIONER GONZALES:  Second.

COMMISSIONER DAUS:  All in favor?

THE COMMISSION:  (In unison) Aye.

COMMISSIONER DAUS:  Jeff?

COMMISSIONER KAY:  Aye.

COMMISSIONER DAUS:  Item 3. Do we have a rep from Licensing? Georgia?

MS. STEELE-RADWAY:  Good morning. Licensing would like to present before the Commission 57 bases with a recommendation for approval.

COMMISSIONER DAUS:  Okay. Do we have a motion to approve?

COMMISSIONER GONZALES:  Motion to approve.
COMMISSIONER DAUS: Second?

COMMISSIONER POLANCO: Second.

COMMISSIONER DAUS: All in favor?

THE COMMISSION: (In unison) Aye.

MR. STEELE-RADWAY: We would also like to present 7 bases with a recommendation for denial with a request that the Commission grants an additional 30 days so that they may submit their outstanding items.

COMMISSIONER DAUS: Okay. Motion to deny?

COMMISSIONER AROUT: Motion to deny.

COMMISSIONER DAUS: Second?

COMMISSIONER GONZALES: Second.

COMMISSIONER DAUS: All in favor?

THE COMMISSION: (In unison) Aye.

COMMISSIONER DAUS: Thank you, Georgia. That was easy.

Item 4 for Commission action, the Rules Revision Project. I'm going to turn it over to Chuck Fraser.

COMMISSIONER FRASER: These are two TATC chapters based on one existing chapter. Commuter van rules are currently one chapter. The TATC revision divides them in two. Chapter 7 would
govern commuter van drivers. Chapter 11 would
govern commuter van services and vehicles. As
to, both were separately published for public
comment and we had public hearings on both.

As to the driver rules, we received one
written comment, which has been distributed to
the Commissioners. We had two witnesses come to
testify at the hearing and the transcript has
been distributed to the Commissioners. As to
Chapter 11, we had no written comments and no
witnesses appeared at the hearing.

The staff is recommending that these
chapters be conditionally approved with a further
vote to follow after all the TATC chapters are
completed.

COMMISSIONER DAUS: Is everybody okay with
the rules?

(No response.)

COMMISSIONER DAUS: Okay. Is there a motion
to adopt?

COMMISSIONER AROUT: Motion to adopt.

COMMISSIONER DAUS: Mr. Arout. Do we have a
second?

COMMISSIONER POLANCO: Second.
COMMISSIONER DAUS: Luvy. All in favor?

THE COMMISSION: (In unison) Aye.

COMMISSIONER DAUS: Item 5A, Proposed Rules for Public Hearing and Commission Action. This is a public hearing that we’re going to commence codifying the MTA surcharge that was mandated by state law. I just want to point out ahead of time that the TLC had nothing to do with these rules. We have to do it. If we don't do it and don't vote on it, it's going to go into effect any way. But what will happen if we did not vote on it, we basically have rules on our books, which contradict state law, which is not a good thing. Especially with all this rule making cleanup that we're doing.

A couple of other fine points, Chuck will explain it before we start the hearing.

COMMISSIONER FRASER: As the Chairman noted, the State Legislator passed this law last spring and early summer. These rules would implement the law. The rules are necessary not just to comply with the statute. The statute mandates that we adjust fares in order to comply with the new law and this rule does that. This rule also
though, is also necessary because the tax payer, the person under the existing law is obligated to pay the tax to the State is the vehicle owner under most circumstances except where a driver leases the vehicle for exclusive use 30 days or more. In which case, the driver it's the driver who is obligated to pay the tax.

What this rule does is allows, creates an additional exception to the prohibition on passing on charges from drivers to medallion owners. In the case of a fleet, the fleet is the tax payer because they own the vehicle. And therefore, this rule provides for passing on the $0.50 tax that the driver is obligated to collect to the fleet who's obligated to pay it.

Just so everyone knows, there is a technical amendment, is the legislative jargon for it, pending in the Legislature, has passed the Assembly and is pending in the Senate, which would change the law from providing that the vehicle owner or leasing driver is the tax payer to make it that the medallion owner is the tax payer. We drafted this rule in an attempt to cover us. We had the text of the technical
amendment, so we drafted the rule in a way that it would still be valid and still work if that technical amendment were to pass.

We published the rule for public comment for the 30-day period. We received one written comment, which has been distributed to the Commissioners.

COMMISSIONER DAUS: Thank you. So each speaker will have three minutes. The first preregistered speaker is Vincent Sapone from L.O.M.T.O.

MR. SAPONE: Good morning, Mr. Chairman, the Commissioners. Thank you for giving me this opportunity to speak out today. What I would like to do, one second, what did I do to my papers here. First of all, what I would like to do is congratulate Chairman Daus for being elected President of the ITR, which is well deserved. I'm sure he'll do a great job as he always does.

COMMISSIONER DAUS: Thank you.

MR. SAPONE: I would like to thank Mayor Bloomberg for speaking out and the TLC against the dollar taxi surcharge. And I'd like to thank
the Commissioner, one second, I'm sorry. I'd also like to thank the Commission and I'm sure they weren't in favor of the taxi surcharge. I'd like to thank the Commission for changing the rates on the group ride fare from 3.50 a piece to $6 from York Avenue to Wall Street. It's very good, very nice of yous. And I would also like to thank the TLC, Chairman Daus, Pansy, Samara and especially Dave Pollock for doing a good job up in Albany, you know, trying to get this bill passed and they did. And I'd like to thank too --

COMMISSIONER DAUS: While you're at.

MR. SAPONE: While I'm at it, right. I'm a little slow today but I'll catch up.

On the $0.50 fare, okay, you've got nothing to do, tax rather, you've got nothing to with the Commission, okay. I know the Mayor was against it, you guys are against it and I love you for it, for that. But the cesspool, MTA, okay, who gets a raise every year, okay. They just hired somebody for $350,000 a year, is that right?

That's what I was told.

COMMISSIONER GONZALES: That's correct.
MR. SAPONE: It's just terrible how they come to us. It's also a payroll tax for the owners, drivers, okay and also the $0.50. I am telling you my feeling, being in the business 40 odd years, this is going to hurt some sort of a way on the income of taxi drivers, lease drivers, owner drivers. What I really would like to see but I don't think it will happen is instead of putting $0.50 on the meter, put a dollar and give the cabdriver the other $0.50, you know, for a little protection. It's been three years since we got an adjustment of the fare and it's been eight years since a fare increase. I don't know if the TLC can do that but if not. When I see that they hurt a person, I'm going to put in a petition for some sort of an increase, you know, because every time a passenger has to pay more, they get less, all right. So if you can find it in your hearts to think about something, which this Commission is getting to be really very good towards cabdrivers. If you could be a little bit nicer and maybe give them half a dollar more for all this agita, I would appreciate it.
Thank you so much.

COMMISSIONER DAUS: Thank you, Vinny.

MR. SAPONE: Any questions? Mr. Kay, no questions today?

COMMISSIONER KAY: No.

MR. SAPONE: Happy New Year to everybody, happy Ramadan and all that stuff. Thank you.

COMMISSIONER DAUS: Thanks. Next speaker is Ron Sherman from M.T.B.O.T.

We have pinch hitter.

MR. WOLOZ: We have a pinch hitter. I'm not Ron Sherman, as you know but I'm delivering his testimony.

Good morning, Commissioner Daus, members of the Taxi and Limousine Commission. My name is Ron Sherman. I'm president of Metropolitan Taxicab Board of Trade, a 57-year-old organization representing owners of nearly 3,500 licensed taxicab medallions.

As a result of the action taken by the New York State Legislature, taxicab owners and agents, including M.T.B.O.T. members will soon have the responsibility of collecting and remitting the $0.50 per ride taxi tax that has
been imposed as part of the MTA bailout. The first time in New York history a portion of the fare paid by taxi riders will not go to support driver earnings or to purchase or maintain equipment or to cover operating cost incurred by cab owners. Now a portion of each ride will go to bailout a government entity that provides a competing service. So drivers and owners of one industry, a private sector industry made up of small businesses, owner/operators and hard-working drivers will provide a direct subsidy to a government entity.

In addition to the tax itself, additional administrative cost will be incurred by the industry for collection, record keeping and administration. These cost, of course, are not reimbursed. While this is not the time or the place to debate the merits of the state law, I wish to offer some suggestions regarding the rules before the Commission today, which seek to implement the provisions of this taxi tax law.

First, a minor technical correction. Proposed Rule 1-73A deals with flat rates for out-of-town trips. The reference is to
Westchester and Nassau counties. This rule should be deleted since trips to these destinations are governed by the meter, rate of fare may not be negotiated by flat-rate trips.

Second, we could recommend a change to proposed Rule 1-70D, dealing with group rides. The way this section is written, the driver would bear the cost of the taxi tax on any group ride since it is included in the overall group ride fare. The taxi tax should be in addition to any group ride fare that is authorized, so as to pass the cost to the passenger where it is mandated by state law.

Proposed Rule 2-25J states that a driver must reimburse the owner no less often than weekly. Drivers should reimburse the owner at the end of each lease period. Therefore, drivers who lease cabs by the shift should pay the taxi tax each shift. This is especially true since these owners must provide daily reimbursement of credit card fares to the drivers. A shift driver should reimburse the owner after each shift, not weekly. Weekly reimbursement of the taxi tax could be appropriate for weekly lease drivers.
Just one more suggestion. Finally, Section 1-78A sets --

COMMISSIONER DAUS: 4.

MR. WOLOZ: 4, sorry. Sets for a hierarchy for the owner collecting the taxi tax from the driver. One method provided in this section is collection from the deposit. This is not practical since deposits are normally collected by the owner once, when the driver first begins working for an agency. Deposits are not typically replenishment accounts, are not designed to be used. I suggest that Rule 1-78A4 be amended to allow the owner to establish the method of reimbursement. Whether it be through a cash adjustment to a lease price, credit card receipt or some other source. Rather than micromanaging the collections attached from the driver, a better approach would be to simple authorize the owner to collect a per trip tax from the driver as the first sentence of proposed Rule 1-78A4 allows and leave the methodology to the industry.

Rules requiring receipts and explanations of all collections already provides drivers with
adequate protection from other charges and offers
drivers an explanation of the charges incurred.
While it appears that we all have to live with
the MTA taxi tax for the foreseeable future, it
is our intention to work with the City and State
to insure a smooth administration of this
program. Thank you.

COMMISSIONER DAUS: Thank you, Mr. Woloz.
The next speaker is Richard Thaler from Omni
Media.

COMMISSIONER KAY: I have a question.
COMMISSIONER DAUS: Okay.
COMMISSIONER KAY: These are obviously
substantive comments and I think we're all
sitting here trying to move these rules as
seemingly and painless as we possibly can. These
rules were posted when?
COMMISSIONER FRASER: 30 days ago plus, I
don't know the exact date.
COMMISSIONER KAY: I appreciate this stuff.
I hope and there may be obviously further
comments on this that as soon as these things be
published, the sooner we get this, the better.
We're obviously on a time constraint here and
this has to be in effect when?

COMMISSIONER DAUS: November 1st.

COMMISSIONER KAY: Actually, I don't think we can delay these rules in order to get implemented. We may have some disagreements, I'm trying to read this quickly. But I would appreciate for everyone that has comments on proposed rules to have them published 30 days in advance so we can see them. It's really difficult for us right now, it's difficult for me right now to pass this thing knowing that we might actually have to have a discussion about this. This is a complicated process. We didn't want it but we have to do it. So I ask that as you guys bring this stuff, just please let us know as soon as possible so we can engage in a conversation with you.

We don't have all the answers. That's why we have this. That's why there are public hearings. I know sometimes you guys don't think we actually are open to consideration and comments but we do. And this is one that I think we should have and should continue having discussions with you all about. I think we have
to pass this today because we don't have time.

    COMMISSIONER DAUS: It's going to be mess if we don't.

    COMMISSIONER FRASER: If I may second that that's the general sense that I get from some members of the industry that the staff will not hear your comments and consider them. And I would just like to reemphasize what Commissioner Kay said, I cannot rewrite the rule on the fly from the dais. I need to have these comments for substantive changes in advance. When we, the Commission meets monthly, as you know and when we have a statutory deadline we have to meet, it simply isn't productive to hold your substantive comments. I understand and the answer I always get when I say this, we have a right to speak at the hearing and yes, you do. But is your purpose here to exercise your rights or is your purpose here to accomplish a change in the rules that make it effective and good? And I would urge you to try to put out of your minds the sense the staff will not consider your comments. It's simply not the case.

    COMMISSIONER DAUS: Look, I don't know what
happened here Michael but, you know, you guys are usually pretty good with this stuff. So, in fact, I usually, from Ron Sherman get a package of stuff a week before, which is sent directly to the Commissioners because I guess you don't trust that I'm not going to send it. So I don't know what happened here. Is everything okay?

MR. WOLOZ: Can I respond to that for a second. I think M.T.B.O.T. has been the only entity at all these rules hearings. I think Peter and Jean have been sitting there, you know, in front of Chuck. So I think to say that we've not been responsive to submitting rules.

COMMISSIONER FRASER: I didn't say you have not been responsive, I said it's not useful to produce these comments asking for substantive changes at the Commission meeting.

COMMISSIONER KAY: Hold on. Let me clarify. I'm sorry. I wasn't attacking anyone. I actually do think these are substantive. I would ask in the future if we could get them a little bit earlier so we can make that --

COMMISSIONER DAUS: I know that in the past you have done that.
COMMISSIONER KAY: I know you have.

COMMISSIONER DAUS: The purpose of this hearing is to do just that. It's okay but I think this rule making is unique, Jeff, because we on a deadline from the State. Otherwise, it wouldn't be as a big deal. Maybe in the future we'll try to emphasize that in our notice because usually you're pretty good at getting this stuff to Chuck.

COMMISSIONER KAY: I didn't mean to attack anyone in any way.

COMMISSIONER DAUS: We'll get through them. We'll address these before.

Why don't we move to Mr. Dick.

MR. THALER: Chair Daus, Commission and President Daus. With your forbearance, I'd like to try to quickly summarize my comments, by the way, which was submitted on the 14th, as per your request.

COMMISSIONER KAY: Thank you.

MR. THALER: So I assume all the Commissioners have read them and have drawn some collusions.

COMMISSIONER DAUS: We have.
MR. THALER: Thank you. So let me get onto the next remark. Why is the driver prohibited from optionally arranging their own tax escrow account guarantee for quarterly payment instead of being limited to making weekly payments to the tax payer? This will allow the driver to perhaps accrue some interest before the quarterly payment is due. To the previous remark, if the fleer operator is not required the make a payment until a quarter, the question is how do you guarantee an escrow, that would the issue in my opinion.

Next, the extended owner definition in Article 29A provides a clear indication that the current DOV operation is not formally recognized in TLC rules. A DOV medallion lease is not a proper legal characterization of the permitted use of a medallion. I'll explain how that ties into this.

DOV operation must be defined as a grant of a sublicense. Medallion rights and responsibilities to a DOV operator independent of the financial agreement with medallion licenses owner. Now it gets to an FCC sublicense of a frequency. Now, in this case, the responsibility
that would be extended to the DOV operator would be that of a tax payer. If, as Counsel has pointed out, it may not take place. It may be the owner who's responsible. I guess that currently has not been resolved.

Now, the total MTA tax filing and financial burden on drivers is not considered at all. Note that the first claim in the bill is that the MTA tax revenue by the State Department of Taxation and Finance in Section 1288 is for its own administrative expenses. Now, the drivers don't have that benefit. Also, on the TPEP, the drivers pay 103.75 percent to 105 percent on the tax paid on credit card fares. Drivers are already paying that on the E-ZPass tolls because the credit card cap is not limited to driver revenue only. The estimated additional annual cost to drive is over 1 million bucks. That's a nice gift, an unattended gift to the vendors and the non-driver merchants.

Two MTA reports. The controller's Access-a-Ride audit, I think that was in July of this year and the New York State Employment Relationship Board's Arbitration decision
demonstrate the extravagances of the MTA that taxi drivers are now required to support. For the first time a fare increase, as mention before, provides no value to passengers or drivers except as a subsidy to the transit workers despite of the MTA spending spree. So the average MTA wage is 64,226 bucks. And according to the arbitration decision, over the next three years, their wage increases run from 11.7 percent to 12 percent. That's about a $300 million per year increase to the transit workers.

And also now, under the controller's audit, Access-a-Ride was budgeted at $242 million, which comes out to $48 per average trip. So if the livery industry provided Access-a-Ride services, the savings for the MTA would be greater than the annual MTA taxi tax revenue. Livery Access-a-Ride program has been proposed for this purpose, I think it was proposed for this last Monday. This is an MTA taxi tax moment and it could be used to reduce driver cost whatever possible in a good faith attempt to overcome this tax burden.
Automatic electronic tax filing and payment should be used to minimize cost by using the State Department of Taxation and Finance, electronic funds transfer electronic filing banking standard format. This is enabled in the bill in Section 1286, Article 29A using state mandated driver trip record recording directly from the event sources independent of the TPEP. The state requirement also provides the some mirroring of TPEP vendor trip record recording for validation of the vendor data by the drivers. Linking the electronic tax filing and payment account with the credit card merchant account at the final institution of the driver's choice is even more cost efficient. Credit card processing should finally be separated from TPEP. Drivers must be allowed to select merchant acquired financial institution for tax filing and payment as well as for the protections of a regulated fiduciary.

Finally, the fast hail enhancement, which is mentioned in these comments, is proposed for more efficient street hail in order to reduce taxi cruising milage and increase taxi productivity.
Now that the consumers are charging debit over credit, fast hail could be linked to a new direct other payment option at a total fee of $0.25 or less. This saves the driver's out of pocket cost for the MTA taxi tax --

COMMISSIONER FRASER: Mr. Thaler, if you can sum up, I would appreciate it.

MR. THALER: Three sentences. The MTA taxi tax and E-ZPass tolls applied to credit card fares and allow the drivers to keep their entire tip. Enhancing taxi productivity using fast hail is also safer than shared ride considering the exposure of the health risks in the share ride to N1H1. Thank you.

COMMISSIONER DAUS: Thank you. The next speaker is Mr. Simmons from NYTWA.

MR. FROMBERG: He's not present.

COMMISSIONER DAUS: Osman Chowdhury.

MR. CHOWDHURY: Good morning, everybody. My name is Osman Chowdhury. I'm a member of New York Taxi Worker Alliance Organization member.

Today I came here to the MTA taxi tax $0.50 for taxi driver. He's working 12 hour, 7 days of working without making money, even sometimes he
can be wonder what can happen to $0.50. The MTA standard $0.50 like bailout program. Next year they're going to have a bailout deficient again, they're going to increase more than $0.50. They have just started, beginning.

And also, as Thaler said that we need $1 MTA tax is going help them good. That's the problem, no. The $0.50, I don't tax it because it's $0.50. If on my shift I make 20 fare. Then I make $10. $10 make it 50 person go to driver programs because they don't have any income because that was their only said income.

Sometimes gas price go high that the whole night working, they're not getting enough money. That's why I said the $0.50 charging they will have money to go to driver programs because drivers don't have any insist in the last five years. Thank you very much.

COMMISSIONER DAUS: Thank you Mr. Chowdhury.

Next speaker is Mr. Bill Lindauer. And then the last speaker after Bill is Bhairavi Desai.

Welcome.

MR. LINDAUER: I have a likely ending for the story of the Arizona driver who donated his
kidney to a passenger. Since he didn't have health insurance, he had to file for bankruptcy. And since he doesn't have workman's compensation, he couldn't make up the money that he lost by not driving, so he's probably homeless now, thank you. But let me get to the point.

Now, sometimes a person gets into a taxi and they say, oh, I forgot something at the office or I forgot my wallet and the driver has already pressed the meter. But the guy immediately gets out and doesn't pay. But then the MTA tax would be on that meter fare instead of 2.50, I mean $3. And then, you know, we have that onerous, hideous five percent surcharge we pay on all these credit card fares. Also on tolls and tips, something we really detest and now, will it be on the $0.50? Will drivers lose money on the $0.50 that goes to the MTA? I think the five percent should only be on the part that does not go to the MTA.

And another thing, I'm worried about the brokers and the garages imposing an administrative fee or service charge, whatever you might call it, on the MTA tax, so drivers will be hurt again. I would like a rule stating
that under no circumstances can garage and brokers tack on any administrative charges to the drivers. Thank you.

COMMISSIONER DAUS: Thank you, Mr. Lindauer.

Our last speaker Bhairavi Desai from New York City Taxi Workers Alliance.

MS. DESAI: Good morning.

COMMISSIONER DAUS: Good morning.

MS. DESAI: Well, guilty as charged. We did not submit comments earlier. But for the record, I would like to go over, we actually have a set of the different items. Some of them would involve rule making but not all of them. Half of them actually could be implemented really through policy. It would not require Commission action.

COMMISSIONER DAUS: Okay.

MS. DESAI: So on that note, whether the driver is the tax payer or it's the owner or the agent who's the designated tax payer, either way, we think it's critical that there be mechanism setup, which allows for the drivers to collect proper documentation of the fares. At the moment, for example, not all end-of-the-shift receipts total every item of your shift. And so
particular for example, not every system allows you to punch in Voided Fare or Incomplete Fare or Disputed Fare, which might be, for example, a fare that's been beaten by the passenger. And our concern would be that on those fares, as Bill mentioned that drivers would have to pay the $0.50 tax out of pocket even though they actually did not collect that fare from the rider. We feel it's very important that on every documentation, from the receipt at end of the shift to all other GPS records, as they clearly indicate which fares were not, in fact, collected by the driver.

COMMISSIONER DAUS: That's a fair point.

MS. DESAI: Secondly, whichever documents are provided to the owner or the agent to help them reconcile the accounting for the tax, we feel that those copies should also be provided, free of charge to the drivers. As of now, drivers are really dependent on the agent or the owner to get copies of their GPS printout. When people, for example, wanted end-of-the-year printout, they had to pay $5 to the vendor. And particularly given that this tax holds certain
legal liabilities, it's only fair that driver be provided all the necessary documentation in case he or she is even required to defend themselves at some point by this state or by the owner or agent, whoever it may be.

Also, we feel it's very important that the owner or the agent, if they're the designated tax payer, should also be required to give documentation to the driver as to exactly how much they have extracted for the tax and from where that money had been extracted. To specify, is it from the credit card, is it from the security deposit or is it from a cash payment required of the driver.

And on security deposits, we feel that the interest, since the TLC's current regulation requires it, security deposits be kept in interest baring accounts. We feel that that interest should be preserved for the driver.

Very lastily, I'll quickly summarize. We also feel very strongly that the tax should be deducted from the gross and not the net on the credit card fare. And again, that does not have to require rule making. That could require
policy since at the moment it's set to contract with the vendors. Thank you.

COMMISSIONER DAUS: Thank you.

COMMISSIONER GONZALES: I have a couple quick question.

COMMISSIONER DAUS: Sure.

COMMISSIONER GONZALES: Mr. Desai, you mentioned the issue of fare dispute. Two quick questions. One, how common is a fare dispute on an average shift and what's the materiality of it as far as dollar amounts in your opinion?

MS. DESAI: I think that the commonality of it could honestly rage anywhere from, you know, once a week to maybe every other week. We haven't done any kind of industry-wide documentation of it. But that would be my best estimate from conversations with drivers.

And the amount can very much differ, you know. It can be from a small fare, a relatively small fare of even say 10 to $15 to quite substantial fares. We had many incidents, for example, of fares where, you know, maybe the credit card reader was not functional and the passenger did not have cash and so they would
right out a check and the checks would bounce. We've had several incidents of that where we then intervene and get in touch with the passenger. And sometimes you're still not able to recover that money and no driver has the time to go to small-claims court and file that complaint. So they end up, basically just taking that hit.

And so I think that cumulatively within the course of an entire 12 months of labor, I think it is, it could a substantial amount of money for that total loss of fare. And to loose, to pay, basically to pay $0.50 tax once you've actually been robbed, it's, you know, it's just such an injustice. It would be so unfair, regardless of how often it happens. We think it's something that could be easily prevented by the TLC through some policies in terms of the records that the vendors provide to the drivers.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER DAUS: Any other questions?

(No response.)

COMMISSIONER DAUS: Okay. So, Chuck, I think you wanted to address all the comments and questions?
COMMISSIONER FRASER: I'll address some of them. I'm sure I'll miss some.

First, to the extent that the comments are either intentionally or otherwise directed to the law itself, obviously we can't change that. So while some of these may be very good policy ideas, for instance, the notion of allowing the driver to designated the tax payer, we didn't do that. The statute specifies who's the tax payer and we don't have any digression as to that.

Secondly, there were a number of comments that went more to our contracts, our TPEP contracts than to our rules. In other words, our vendors are not bound by our rules. They are not licensees of ours. Their contract is ours, so they are bound by our contracts. Again, some of them may have been very good policy ideas, we have to take them up with our contractors.

COMMISSIONER DAUS: I want to add, Chuck, that I think some of them are good ideas and we'll discuss them with the vendors in terms of their contract extensions being up for renewal, we'll ask them if it's possible.

COMMISSIONER FRASER: Within that group,
Miss Desai mentioned, she said the vendors should be required to provide free and timely copies of records to drivers. My understanding is that they do already, all though, you have to go on the internet to get them. Again, that's a contract issue. If the notion is that we should have them delivered in paper, that's something we can take up but it's a contract issue, not a rules issue.

Mr. Woloz's first point as to 173A is correct. There's a technical redundancy in the rule. It mentions Westchester and whatever the other one is, twice.

COMMISSIONER DAUS: Nassau.

COMMISSIONER FRASER: It's absolutely harmless. It's purely a redundancy. So, I would suggest that it's not a concern.

Next, the concern about group rides. The concern is one we agree with. The recommendation is not a rule-making issue, excepting that we already dealt with it. The reason we raised group ride fare on York Avenue is first because we understood that the in practice, the higher amount is already being charged. Second, because
taking the $0.50 out of that would not be fair. So we raised the York Avenue group ride.

We did not similarly treat the LaGuardia group ride because it's our understanding that no one uses that. And next month, the Commission will be hearing a staff presentation on that that will include something regarding the LaGuardia group ride.

As to the other group rides, the other group rides' fare is not fixed by rules but because they're pilot programs and the $0.50 obviously will be taken into account in fixing those group ride fares.

The concern that our rule that provides that the driver must reimburse the owner for the tax no less than weekly, precludes the collection of the tax daily, I think, is incorrect. No less than weekly, no less often than weekly would permit daily collection.

As to the concern about the hierarchy, the first item from which the $0.50 tax is to be collected is the credit card amount. I think it's our anticipation that virtually all of the time that will cover the tax. And then second,
it would come out of the security deposit. If that's not the best way to do it, then it's second in the priorities, then that's something I think we can discuss. But as I say, I don't know that I can do that kind of rules revision on the fly here. That's something I think we need to discuss and meet about.

COMMISSIONER DAUS: There's nothing precluding us from passing these rules and then taking that up subsequently.

COMMISSIONER FRASER: Absolutely. In fact, we could even do it, if we chose to do it as part of the TATC revisions. But as I said, it's our anticipation that the credit card receipts will cover the tax all or almost all of time.

COMMISSIONER KAY: Chuck, I ask that if we're going to move on this now, that by next month, within the next month that you sort of write something up in response to some of these recommendations for all the Commissioners in the industry about whether one, if it is a state concern, not anything we can do about it. Two, we may have a disagreement in policy. Or three, let's work out and see if we can fix it. But I
do think we should probably move on what we have now and come back to this next month only because if we don't move on it now, our number is going to come around and we're not going to be conforming.

I do think that all these things and you're trying to answer, I think, everyone's concerns on the fly. I think it's sort of appropriate for us to get some written answer on most of these of what purview it is, I think that would be helpful.

COMMISSIONER FRASER: A couple of the comments were directed --

COMMISSIONER DAUS: Was that a motion?

COMMISSIONER KAY: Sure.

COMMISSIONER DAUS: I'm just asking. I'm sorry, Chuck.

COMMISSIONER FRASER: A couple of the comments were directed to the payment mechanism from the driver to the tax payer. I think our assumption is and this is something I guess we're open to discussing, but our assumption was that the drivers who are not a tax payer under the statute would not really want a hassle with this.
So I think our assumption was, for instance, that the suggestion is the driver setting up an escrow, so we're really not the preferred group. If the drivers want to tell us that they would prefer to do that, I think that's something we'd be open to. But I think our strong sense was that the drivers who are not the tax payer don't have to pay the tax quarterly to the state, aren't really going to want to hassle with it. They would rather be done with it at the end of the day. If that's not correct, obviously we're open to discussing that. Finally --

COMMISSIONER DAUS: That might actually be celebrating the technical amendment, correct?

COMMISSIONER FRASER: Yes, the technical amendment --

COMMISSIONER DAUS: Right. Which could pass any day?

COMMISSIONER FRASER: Which may, it has passed the Assembly, as I recall and Senate has been doing one-day discussion sessions about once a month, so you never know. Maybe they'll pass it and make the tax payer the medallion owner, which I think our sense is would be easier all
the way around.

Mr. Lindauer's point about the credit card charge, the five percent charge, he is correct that if a customer pays the fare, which would obviously include the $0.50 surcharge by credit card, that $0.50 surcharge will be part of the five percent credit card pass law for $0.50 that comes to two and a half cents. A driver who does really well, carries 30 trips a day, that's $0.75 a day. I'm not suggesting that I think it's a wonderful idea to give away $0.75 a day but I'm going to suggest that it's not devastating. In any event, that's something we can continue to look at in the future.

And as I think everybody knows, we are looking at in TPEP Version 2, we are hoping for these vehicles having an operation of a cost-free system and that would eliminate the issue all together.

COMMISSIONER DAUS: I think it's also less of an issue given that fact that the credit card usage has really saved the yellow cab industry. Its hurt the black car industry but the usage is now up to like 36 percent. It's unbelievable how
its helped the industry. So it's not an issue
now but it is, as it was pointed out, an issue of
concern and I promise you we will address that as
part of the discussion with the contract
amendment process and TPEP 2.0.

Do you have one more, Chuck?

COMMISSIONER FRASER: A couple of minutes of
Desai's points that I didn't already hit.

Requiring the owner or agent to itemize on
receipt the amount extracted in tax. That would
already be covered by our rules. Our rules
require an itemized receipt for itemizing each
charge and that would apply here.

Explicitly add the MTA tax to the list of
items for which the owner or agent can not
overcharge. Again, I think that's already in the
rules. The rules specify what can be charged and
specify that nothing else can be charge and no
overcharges would be permitted.

Deduct the tax from the gross, not the net.
I have to confess, on the fly I don't really
understand that. I think I would say that the
tax is not deducted from either one. It's added
to gross. But it may be that I'm just not
understanding Miss Desai's point.

And that's all the comments that I have.

COMMISSIONER DAUS: All right. I think Jeff was intimating at a motion that we, I don't want to speak for you but that we approve the rules and that we come back in a month or so to see if Chuck has any recommendations after he consorts through some of these additional points and addresses them one by one. But I think we are under, we've got to move on this. Otherwise, it's going to be problematic.

Does anybody else have any questions?

(No response.)

COMMISSIONER DAUS: Okay. So I think Jeff had moved. Do we have a second?

COMMISSIONER AROUT: Second.

COMMISSIONER DAUS: All in favor?

THE COMMISSION: (In unison) Aye.

COMMISSIONER DAUS: Thank you. I think we actually have to add something to the agenda. I will create an Item 5B. We tried to make this as painless as possible but we are going to have to change the stickers. So the Commissioners have all looked at a mockup. I want to thank DOT's
print shop for working with Samara on this.

So the one thing that would change and is consistent with the rules we just passed is the initial fare on the outside sticker would go from 2.50 to 3. But under the state's waste measures division's requirement, basically everything will have to be itemized separately as an MTA tax or state surcharge, which it will be on the receipts and which it will be on the pins in the back of the car, correct?

COMMISSIONER FRASER: Yes, that's right. The state law, the whole regulatory framework that governs meters requires that the receipt itemizes extras separately from the main fare and waste measure rules for us that the MTA surcharge is an extra. That, though, does not govern the detail that goes on the outside of the cab. So we decided that simplicity was primary virtue here and so the only change we're making to the detail is that it goes from 2.50 to 3.

COMMISSIONER DAUS: So I guess what I'm getting at is that I'm advised that we have to approve a new sticker. So do we have a motion to approve?
COMMISSIONER POLANCO: Question. For a passenger, it would look like a fare increase in a way, right? But in the receipt it will say, it will show 2.50 fare and the $0.50 is the tax?

COMMISSIONER FRASER: Yes. The receipt will distinguish them and the pin will distinguish them. The decal on the outside will not. I think our sense is that people don't really decide whether or not to get in a cab based on the fine print on the decal. I think that's our sense and that that decal really serves as a branding indicator that this is an approved taxi, they are going to charge the standard fare. I don't think passengers, frankly, really study that.

COMMISSIONER DAUS: That's true. It's hard to look at.

COMMISSIONER POLANCO: I think it's basically going to, that's the impression but.

COMMISSIONER DAUS: Yes.

COMMISSIONER POLANCO: I just want to be clear.

COMMISSIONER DAUS: It is for all practical purposes but the cabs are going to start looking
ugly if we put all these surcharges and stuff. It's nice and simple.

So I think we have a motion to approve this sticker. Do we have a second?

COMMISSIONER AROUT: Second.

COMMISSIONER DAUS: All in favor?

THE COMMISSION: (In unison) Aye.

COMMISSIONER DAUS: So now I would like to go to Item 6A, Hearing Loop Technology. I also want to acknowledge, not only is Janet Shacter here but assembly member Mike Akel is here. I want to welcome you.

MR. KLAHR: Good morning, everybody.

Hopefully this is a little less controversial.

This is a report on a pilot program that actually was approved quite some time ago, originally in October 2007, to test Hearing Loop Technology, which allows people who utilize hearing aids to receive an enhanced audio component directly into their hearing aid, making it easier for them to hear the drivers.

If you remember, the driver had a microphone in the front cabin and then the hearing loop is installed unobtrusively and invisibly in the rear
cabin. And then, if you have your hearing aid
set to the correct setting, you can hear what the
driver is saying directly into your hearing aid.
The test was to see whether this technology
worked in taxi cabs and whether or not people who
were trying it out liked it or not.

So originally it passed in October of '07,
originally for 13 months but we extended it to
allow for a more complete survey response. We
didn't get a very large number of surveys
initially. And I want to thank Fred for kind of
going back to the well one more time and coming
up with a very large number of additional
surveys. We really appreciate that.

Under the terms of the original pilot, there
were 15 cabs per vendor. However, there was only
one vendor. And then survey and report
afterwards.

The company that participated was called
Assistive Audio and they're based in Toledo,
Ohio. They actually had done quite a bit of work
for private firms and government entities here in
New York, so this a market that they are somewhat
familiar with.
The survey was done via comment cards located in the cabs themselves and also via e-mail. But not that many people responded by e-mail, most of it was cards. A total of 95 passenger responses, which we considered a good number of responses. One interesting fact was for half of the people who responded, it was their first time trying out a hearing loop system. It was an interesting question we put on the survey. We want to get a sense of how often people use these hearing loops. So for quite a few people, it was their first experience with it.

We also received 11 owner or driver responses because we wanted to hear from the industry. How did it effected the functioning of the cab? Was it easy or hard to install? Did it do anything to the cab? The responses were overwhelmingly positive from owners and from drivers. You don't notice it if you're not using it and there was no impact at all on service in a negative way.

So the final survey results were that 75 out of the 95 respondees thought the loop made a
great improvement, making it easier to hear the
driver. That is the highest possible response
ey they could give is the best response they can
give. An additional 18 people thought it was
much easier. That's the second highest response.
However, there were two people who thought there
was not much improvement. They didn't elaborate
on their surveys as to why but that's still
pretty good numbers.

Additionally, 73 out of the 95 users thought
there was a great improvement in communicating
with the driver. This was much more uniform in
response. That is the highest possible response.
And overwhelming majorities thought there was a
very large improvement. I should note that there
were no negative responses in this category in
terms of communications. So even all the people
who thought there wasn't much improvement in how
they could hear the driver still thought it made
a difference in communicating with the diver.
Everybody who participated thought it made a
difference.

Therefore, the staff's recommendation is
that the hearing loops do not interfere in any
way that we can detect in normal cab operation. All the passengers that have used it have responded positively. All the drivers that have used it responded positively.

We should note that hearing loops are not a uniform standard in the United States. About half, a little more than half of people who use hearing aids have the technology incorporated in order to be able to use the hearing loops. But it is increasing in popularity, so that number is going to go up every year.

Therefore, our recommendation is to extend the current pilot until the end of this year in order to allow time for rule making so people who have it already in their cars don't have to rip it out.

We also recommend approving this particular technology for voluntary installation by any owner who wishes to do so. Not just in medallion cabs but across all TLC regulated industries. It works in cabs, there is no reason why this wouldn't work in an FHD, a power transit vehicle, commuter van seems to help, not hurt anything.

And we would also like to explore including
this technology as part of Taxi of Tomorrow. So eventually when we transition to an uniform vehicle for the industry that it incorporates improvements for people with disabilities that this is included within those improvements.

The cost is relatively low and it's easy to install and doesn't effect normal operations.

That's all unless anybody has any questions.

COMMISSIONER DAUS: Any questions?

(No response.)

COMMISSIONER DAUS: Okay. So my understanding is the staff is recommending that we continue the pilot so we can keep the equipment that's in these piloted vehicles in it while we are rule making?

MR. KLAHR: Correct. In other words, the pilot will expire and they'd have to take it out and we'd prefer they keep it in.

COMMISSIONER DAUS: Well, we do intend to do rule making if the Commissioners approve that will approve this as an ongoing voluntary installation. And I want to really thank Janet Shacter, who is here with us today, for being the advocate who made this happen and was very
persistent and it was a successful pilot. And I'm please to announce she is going to be working with us in the Mayor's office on the Taxi of Tomorrow project. She's joined subcommittee of stake holders that deals with accessibility issues, chaired by Commissioner Matt Staplan, of the Mayor's office of People With Disabilities. So thank you for all your hard work on this.

I would like to make a motion that we extend the pilot until January 2010, that we approve the annual technology for voluntary installation across all TLC regulated industries and that we also preserve a rule making before the end of the year. That's my motion.

COMMISSIONER FRASER: I move it.
COMMISSIONER AROUT: Second it.
COMMISSIONER DAUS: All in favor?
THE COMMISSION: (In unison) Aye.
COMMISSIONER DAUS: Thank you very much.

Congratulations.

The last item on the agenda is Item 6B. I thank you all for your patience. This is the Operation Safe Cab sticker. Is Pansy able to or are you able to describe where we, at least for
the record, want to put it?

MS. MULLINGS: Sure.

COMMISSIONER DAUS: Now, I mentioned earlier, Fernando Matteo, the Federation and also the Police Commissioner have partnered with us to put this program formally known as the Trip Problem or actually still known as the Trip Program, now know own as Operation Safe Cab, to allow technically in our livery rules the sticker to be placed and authorized. So have we worked out a location that we would like to describe for the motion? Because we do need to approve it as I understand it.

MS. MULLINGS: Yes, we have. So we kind of putting it right now with the poker chip sticker in the rear corner window or the opera window. If there is no opera window, then it goes in the rear window, sort of in the bottom, right corner. I think we're suggesting the Operation Safe Cab sticker go above that and that's where PD will put it. It's been put in a few different locations now but that's where we'd like to put them.

And Pansy, we're just going to get a copy of
the sticker to show you. They're square, they're about that big (demonstrating) on them and it basically says the Police Department has the, it has the Police Department logo and it says the car can be stopped at any time if they suspect that they may need some assistance.

COMMISSIONER DAUS: Those stickers have been out there for quite some time. So are they able to put it on the rear, not the rear quarter panel window but one of the rear windows if they want to because some people were requesting that as well. Are you recommending that we allow that or do we want to put it uniformly?

MS. MULLINGS: I think it's fine to suggest that if it could either be on the rear window or rear, corner window.

COMMISSIONER DAUS: The rear, side windows?

COMMISSIONER FRASER: Not the rear windshield?

MS. MULLINGS: Yes. I mean the side window. We don't want to break state law.

COMMISSIONER DAUS: Can we have a motion to approve that?

COMMISSIONER AROUT: Make a motion to
COMMISSIONER POLANCO: Why do we need an approval? It's already there now.

COMMISSIONER FRASER: The reason we need an approval, the sticker has already been approved but the Commission's approval, whatever years ago, did not specify lotions for it. The Police Department has indicated that preference as to where it goes and we want to incorporate that into the approval. That's why there's a motion.

COMMISSIONER DAUS: There was a lot of confusion and people upset where do I put my new sticker that the TLC is requiring, where do I put this. It's better because they can at least tell the police officers where to look for the sticker.

MS. MULLINGS: And so passengers will see it when they get in the car so part of it is for driver safety.

COMMISSIONER POLANCO: That's fine. I was confused. Basically that has been approved a long time ago.

COMMISSIONER DAUS: Yes. We're just approving the location.
COMMISSIONER GONZALES: Just one quick question. Who puts the sticker on? Is it TLC or the Police Department?

COMMISSIONER DAUS: Police Department.

MS. EPSTEIN: We also have it at Woodside, so we'll be putting it on and the Police Department will be putting it.

COMMISSIONER DAUS: Pansy's staff has been really helping out greatly.

So we have a motion; do we have a second?

COMMISSIONER POLANCO: Second.

COMMISSIONER DAUS: All in favor?

THE COMMISSION: (In unison) Aye.

COMMISSIONER DAUS: Thank you. Do we have a motion to close the meeting?

COMMISSIONER FRASER: Make the motion.

COMMISSIONER AROUT: Second.

COMMISSIONER DAUS: All in favor?

THE COMMISSION: (In unison) Aye.

COMMISSIONER DAUS: Happy Rosh Hashana to everybody who celebrates the holiday and we will see you in October. And a happy Ramadan, end of fast.

(Time noted: 11:18 a.m.)
CERTIFICATE

STATE OF NEW YORK    )
COUNTY OF SUFFOLK    )

I, NICOLE LIMONCELLI, a Notary Public in 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 , 2009.

NICOLE LIMONCELLI