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3 NYC TAXI AND LIMOUSINE COMMISSION

4 PUBLIC MEETING

5 held on Tuesday, November 13, 2007

6 40 Rector Street

7 5th Floor

8 New York, New York

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1 Public Meeting convened at 9:30 a.m:

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P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 IRIS WEINSHALL, COMMISSIONER

7 HARRY GIANNOULIS, COMMISSIONER

8 HOWARD R. VARGAS, COMMISSIONER

9 EDWARD GONZALES, COMMISSIONER

10 LAUVIENSKA POLANCO, COMMISSIONER

11 JEFFREY KAY, COMMISSIONER

12 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: Good morning
2 everyone. We have a couple more Commissioners
3 joining us, but first of all, I want to
4 welcome back Commissioner Arout, who has
5 missed the last few meetings. Feeling better,
6 look good, welcome back.

7 COMM. AROUT: Thank you.

8 CHAIRMAN DAUS: The first item on my
9 report, which actually is Item 1 on the agenda
10 is the Medallion Sale. I want to give
11 everybody a quick update on the Medallion
12 sale. We had an accessible Medallion sale.
13 The bid opening was held on November 1st. We
14 sold 63 accessible independent or individual
15 Medallions. What that means is that
16 everybody who successfully bid on and
17 purchased one of these Medallions will be
18 obligated to basically operate them in
19 addition to owning them.

20 We had 151 valid bids that we had
21 received, and I just want to give everybody
22 some of the numbers, which were very
23 promising. The winning his bid was \$384,999.
24 The winning low bid, the lowest bid was
25 \$277,777. The average winning bid was

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1 \$308,977.21.

2 All in all, I think it certainly was
3 a success. It went through flawlessly and in
4 terms of the money and the amounts that were
5 saved, we saved, I think, basically on average
6 over \$130,000 per Medallion, when you factor
7 in the fact that the City waived the 5 percent
8 transfer tax, along with the \$425,000 market
9 value for the month prior, it's a significant
10 savings. So the discount worked. People who
11 did purchase these accessible Medallions got
12 every incentive to operate them in the manner
13 in which we hopefully will ask them to do.

14 And the second auction and the last
15 auction that has been authorized is going to
16 be set up in the spring of 2008. We have 87
17 accessible corporately Owned medallions
18 remaining for auction. So that will basically
19 finish the Medallion sales that were
20 authorized by state and local laws. And
21 certainly this is significant and represents
22 progress on many fronts.

23 First of all, I don't know how many
24 of you are aware of this, but now, New York
25 City is the leader. We have a total of 230

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1 accessible vehicles that will be on the road
2 by the end of next year, thanks to Mayor
3 Bloomberg and Speaker Quinn who signed the
4 legislation getting us there. We now have
5 more accessible cabs on the road than any U.S.
6 city. Now we need to put them to good use in
7 an efficient and appropriate manner.

8 There are many people to thank, but
9 most of all, I would like to thank the Law
10 Department, the Mayor's Office of Management
11 and Budget, and the Department of
12 Investigation, all of who worked very closely
13 with us on the Medallion sale procedures as
14 well as the Medallion rules, and helped to
15 marshal us through this process. There was a
16 lot of very close oversight by DOI and a lot
17 of involvement by them as well.

18 Also, I would like to thank David
19 Klahr, chief of staff to the First Deputy
20 Commissioner, who did an outstanding job of
21 not being with us for too long but managing
22 his first -- actually his manage second major
23 project. But he did a very, very good job.
24 And also I want to thank Chuck Fraser and the
25 legal time who really kept the wheels moving

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1 on the sale. And it was done flawlessly. We
2 have no issues that we are aware of.

3 I also want to welcome our new
4 Inspector General who is here with us today
5 from DOI, Michael Sarnier. Welcome. He was
6 hoping I wouldn't point him out probably, but
7 there is he is, standing in the back. Thank
8 you and please convey our best wishes and
9 thanks to Commissioner Gilhern and to Julie
10 Block. Thanks for all your help.

11 Item 2, an update for taxi
12 technology, the customer service enhancements.
13 As of the 12th of November, 40 percent of all
14 taxicabs have been equipped with the new
15 technology. The roll out is proceeding
16 smoothly at this point. Preliminary data
17 continues to show that of the credit card
18 transactions, the tips continue to average
19 around the 20 percent range, which is
20 positive.

21 One of our four vendors, as I
22 reported last time, had been given a notice to
23 cure various issues with its contractual
24 obligations. That was a 30-day time period
25 which expired as of last week. And the City

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1 and New York City TLC has opted to discontinue
2 and terminate that contract with Taxi
3 Technology Corp. There are about 2,245
4 Medallion owners that we envision are affected
5 by this. There is only a handful, in addition
6 to the 200 piloted vehicles that are actually
7 installed with units. Most of these folks
8 have contracts that have been signed but the
9 units haven't yet been installed. So out of
10 respect, deference and cooperation with the
11 industry, given this development, what we
12 would like to do is, number one, make sure
13 that they understand that we are going to
14 allow every reasonable opportunity for you to
15 have more time to contract with another vendor
16 and make the right decision, because there are
17 still three vendors authorized to sell and we
18 want to make sure that you make the right
19 decision in terms of entering into a new
20 contract. And I think it is the fair thing to
21 do.

22 So the plan that we have developed,
23 simply, is that all Taxi Technology Corp.
24 Customers have until the next inspection cycle
25 which will commence on February 1st of '08 and

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1 will end on April 30th of '08. You will have
2 until that inspection cycle to show that you
3 have a unit installed from one of the three
4 approved vendors. Also, we are going to allow
5 the remaining three vendors to send marketing
6 materials, and we are also going to ask the
7 TLC staff to host an additional vendors expo
8 later this month. As it gets cold, maybe we
9 will go indoors. But it was tremendously
10 successful and we will invite all of those
11 folks.

12 And we apologize for the
13 inconvenience. This is the way system was set
14 up so that there was competition, and when you
15 have that type of system, some people win,
16 some people lose. Just know that we bent over
17 backwards to do everything we could possible
18 do to make sure that all vendors had a
19 successful chance at making it happen. And
20 for those people that are affected, we will
21 work with you to make sure that we all get it
22 right.

23 Also on the technology project, I
24 don't know if he is here, but I want to
25 congratulate our chief of staff Ira Goldstein.

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1 Congratulations, Ira. He received a
2 significant city-wide award from the
3 Department of Information and Technology,
4 DoITT. These awards are given out every year
5 for outstanding projects that the City engages
6 in and he received an award for excellence in
7 project management, and he brought all the
8 team with him to accept the award, and I want
9 to congratulate you for all of your efforts
10 because it wouldn't have been able to happen
11 without you. Thanks for all those late nights
12 and early mornings.

13 Item 3, City Council Testimony. You
14 may not be aware because it was kind of a
15 quiet, there really wasn't much press on it,
16 but there were two bills that were introduced
17 Intros 256-A and 257. They really had a lot
18 of different things in them. I testified
19 against them on October 25th before the City
20 Council Transportation Committee.

21 One of the things that it asked that
22 we do is translate all of our TLC
23 adjudications, rules and FHV rules into many
24 different languages. While we are not adverse
25 to, as part of our rules reorganization

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1 project, translating into various languages,
2 the way the bill was basically written would
3 encompass probably hundreds and hundreds of
4 languages to translate our rules into. So
5 there are some logistical issues, so we did
6 oppose the legislation. If you want to review
7 the testimony, it is on our website and there
8 are in the back as well.

9 In terms of upcoming Commission
10 meetings, we had previously noticed Tuesday,
11 December 11th, for the next meeting. We are
12 looking at a tentative reschedule date of
13 December 18th. So that's subject to being
14 confirmed within the next day or two, but we
15 are looking at December 18th. For that
16 hearing, we will have the 25 mile per gallon
17 rules for the taxicabs. We will have a public
18 hearing, and we will also have a public
19 hearing on the proposed Medallion transfer
20 rules, which have been published way in
21 advance. There are copies on our website and
22 also copies have been published in the City
23 Record.

24 The Commission will then get back
25 upon a more regular schedule in '08 and we

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1 will resume our next tentative meeting for
2 Thursday, January 10, 2008.

3 That concludes my report.

4 Any questions, comments?

5 (No response.).

6 CHAIRMAN DAUS: Great. Let's go to
7 Item 2 on the agenda, the adoption of the
8 memberships from the October 11, 2007
9 Commission Meeting. Any comments, questions,
10 modifications to the minutes?

11 (No response.).

12 CHAIRMAN DAUS: Do I have a motion
13 to approve?

14 (So moved.)

15 CHAIRMAN DAUS: A second?

16 (Second).

17 CHAIRMAN DAUS: All in favor?

18 (Chorus of "Ayes.")

19 CHAIRMAN DAUS: Item 3, Base
20 licensing applications review, Georgia?

21 MS. STEELE-RADWAY: Good morning.

22 Licensing would like to present before the
23 Commission 34 bases with a recommendation for
24 approval.

25 CHAIRMAN DAUS: Any questions,

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1 comments on the license apps?

2 COMM. GONZALEZ: Just one general
3 comment. I would like to say thanks for
4 including the notice of summons disposition
5 and finding of facts and conclusion of laws
6 for the 1612(K)(2).

7 CHAIRMAN DAUS: Good work.

8 Any motion to approve?

9 (So moved.)

10 CHAIRMAN DAUS: A second?

11 (Second.)

12 CHAIRMAN DAUS: All in favor?

13 (Chorus of "Ayes.")

14 CHAIRMAN DAUS: So approved.

15 MS. STEELE-RADWAY: There are two
16 bases that Licensing is recommending for
17 denial with a request that the Commission
18 grants an additional 30 days so that they may
19 present the outstanding items.

20 CHAIRMAN DAUS: Any questions?

21 These are all bases that basically we
22 had several phone calls made to them. We have
23 moved heaven and earth to try to get them to
24 focus on the fact that they need to complete
25 our applications, and they have not. And the

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1 motion would be, then, to deny and giving them
2 30 days to complete and correct their
3 paperwork. And if they don't, they are just
4 denied.

5 So I will make that motion.

6 Do we have a second?

7 COMM. GONZALEZ: Second.

8 CHAIRMAN DAUS: All in favor?

9 (Chorus of "Ayes.")

10 CHAIRMAN DAUS: Okay, thank you,
11 Georgia. That was quick and easy.

12 Item 4 is proposed rules for public
13 hearing and Commission action on the agenda,
14 4A, the accessible dispatch rules.

15 Before I turn it over to Chuck, I
16 just want to say a few brief comments. This
17 is a project that has been in development and
18 discussion for I think close to two years. We
19 have had public presentations for I think
20 close to a year now. We have had three
21 separate extensive presentations by TLC to our
22 Commissioners, who posed a variety of
23 comments, questions and concerns.

24 In fact, we had changed and altered
25 the plan in some respects based upon the

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1 feedback that we got from them. We actually
2 presented the rules and the key provisions of
3 the rules themselves at a prior meeting just a
4 few months ago.

5 In addition to that, we have had
6 ongoing meetings with many members of the
7 disability community, all the stakeholders. I
8 see many of them here today, elected
9 officials, Assemblymen, and a lot of other
10 people including taxi owners, the people who
11 have the accessible Medallions. We have been
12 in touch with everybody through Samara Epstein
13 and our constituent management office. So
14 this is really a long road that we have
15 traveled, and I guess we are pleased basically
16 that when we started many years ago, there was
17 no service at all. And at least there is some
18 service now in the FHV industry, but it is
19 clearly not enough and it is not sufficient
20 for the disabled community.

21 And this is an attempt to basically
22 bridge the gap, and I've read, and many of the
23 Commissioners have read all of the written
24 comments. They were extensive. I have read
25 them and some Commissioners have read them

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1 twice. We have analyzed them very thoroughly,
2 and I want to clear a couple of things up
3 before we start.

4 First of all, this is not intended to
5 be necessarily the end result. This is a
6 bridging a gap type of program. Our overall
7 plan leads to the Taxi of Tomorrow. I think I
8 have mentioned this many times over the last
9 couple of meetings, but the Taxi of Tomorrow's
10 goal and vision is to have every yellow
11 taxicab accessible for everybody. And that is
12 something that we are striving for. And based
13 upon the leadership of the Deputy Mayor and
14 the Mayor, we are basically going to do
15 everything that we can to make sure that that
16 happens before this administration is over.

17 Number two, this accessible dispatch
18 program is intended basically as an
19 experiment, the pilot program. A lot of work
20 has gone into this. The Mayor's Office of
21 Operations has been extensively involved under
22 Commissioner Kay's leadership and Liz
23 Weinstein who is no stranger to TLC. They
24 have done a lot of work on this program. But
25 it is intended basically, once again, to be an

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1 experiment. We don't know necessarily what
2 the demand is, and it is intended primarily as
3 we experiment with this dispatch system, to
4 bridge the gap over the next two years until
5 we have the Taxi of Tomorrow program in full
6 swing and full force.

7 So I just want to make that clear up
8 front. I think the plan is very reasonable.
9 You can't make everybody happy. I think
10 that's clear from some of the comments that we
11 have seen so far. Some advocates want to go
12 further and say it is not enough; others are
13 supportive. There are some stakeholders and
14 some Medallion owners that believe that some
15 things should be changed. I think that there
16 are some reasonable points that were made and
17 we will, off the bat, go into some of those
18 and investigate some of those issues.

19 You know, the taxi driver incentive
20 issue is I think a potentially real issue.
21 Getting drivers to basically drive these
22 vehicles and not drive another vehicle. There
23 are many different incentives that I have
24 reviewed, some good ideas, we will look into
25 them. Our office is actively working on one

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1 idea, which is to work with the Port Authority
2 to see if we can get shorty tickets for
3 drivers who drive accessible vehicles. Samara
4 is looking into that.

5 And there were some interesting -- I
6 am sure we will hear more about it --
7 innovative ideas involving taxi stands. And
8 there is nothing that is in these rules that
9 will would require us -- in these comments
10 that would require us to pass rules to that
11 effect. But there are things that we will
12 actively look into and advise whether they are
13 appropriate, including taxicabs stand issues
14 and we obviously have to confer with DOT and
15 other folks outside the agency.

16 But I think that the proposed rules
17 strike a very reasonable balance, but we are
18 here today to hear what you have to say and to
19 see whether any tweaks need to be made.
20 Again, this is a pilot program, and as with
21 any other system, it is not perfect, it is
22 expected to be perfect. There will be a
23 continual review process over the life of this
24 two-year pilot, where we have the ability if
25 things go wrong to stop it and to fix it, or

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1 to tweak it in a minor way. But I have every
2 confidence, having seen this challenging issue
3 over the years, that this is the plan. And I
4 think it's important to note that we are very
5 different. This has been one of, if not the
6 most challenging issues that we have faced at
7 the TLC for three basic reasons.

8 Number one, New York City is unique.
9 We are the only city in the entire country
10 that has a split system of yellow cabs picking
11 up street hails and for-hire vehicles being
12 dispatched. Every other city that has had
13 some success serving the disabled community,
14 their cabs are allowed to pick up street hails
15 and accept radio calls. In fact, in all of
16 those cities, the predominant way by which
17 disabled folks get around is by the dispatch
18 system.

19 This system that is being proposed is
20 based in part, not entirely, but in part upon
21 the successful Chicago model, which many
22 people have realized does work. And in
23 addition to the unique challenges, there are
24 other challenges, which I am sure we will be
25 hearing about. And that includes the fact

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1 that the vehicles themselves, and the reason
2 why we are not where we would like to be and
3 why we are looking into the Taxi of Tomorrow,
4 are not made off the assembly line to be
5 accessible. We have to retrofit them, it
6 costs money, you have to buy a minivan which
7 is more expensive. These are not vehicles
8 that are designed for commercial purposes, so
9 they have wear and tear issues in terms of
10 being operated as cabs; whereas in other
11 cities and other localities they don't have
12 those same issues. They don't have the roads
13 of New York City 24/7 that we do. And that's
14 really our goal.

15 There is no easy answer to this. We
16 believe that this is the best that we and
17 staff have come up with. We are anxious to
18 hear your comments. I believe that the reason
19 why this hasn't been done before is because of
20 turf issues, and I just want to reassure
21 everybody of the intent of these rules and of
22 the TLC and of the staff. We have absolutely,
23 positively no intent to start making every FHV
24 meters. We have no intent of getting rid of
25 street hails and the yellow cabs. These are

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1 rules, and you can read them, they are only
2 for this pilot program. It is a pilot
3 project, a pilot program. So I hope that kind
4 of clears things up, so that if you are
5 testifying that you will be able to put things
6 in context have more efficient testimony.

7 With that, I would like to turn it
8 over to our general counsel, Chuck.

9 MR. FRASER: Thank you.

10 These proposed rules would implement
11 a two-year demonstration project for a
12 centralized system of dispatching accessible
13 taxicabs and participating wheelchair
14 accessible livery to passengers who use
15 wheelchairs. The program would permit
16 passengers using wheelchairs to call New York
17 City's 311 system and obtain a dispatch
18 through a service operating pursuant to a
19 contract with the TLC.

20 In developing the accessible dispatch
21 program, Commission staff engaged in extensive
22 consultations with industry members, advocacy
23 groups, elected officials and other interested
24 members of the public. Staff presentations
25 were made at Commission meetings in December

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1 2006 and May and August of this year. The
2 proposed rules were published for comment on
3 September 28, 2007 and seven written comments
4 were received. Copies of which have been
5 distributed to the Commissioners.

6 CHAIRMAN DAUS: Thank you, Chuck.
7 So I am going to announce each
8 speaker, and I will let you know who is next,
9 they way we can cue up. Each speaker will get
10 three minutes as per our usual protocol.

11 The first preregistered speaker is
12 Michael Harris from the Riders Coalition.
13 Good morning, Michael.

14 MR. HARRIS: Good morning, Chairman
15 Daus, Members of the Commission. My name is
16 Michael Harris, and I serve as the Executive
17 Director of the Disabled Riders Coalition. I
18 want to commend the Taxi and Limousine
19 Commission for moving forward with the central
20 dispatch program for accessible cabs. I think
21 this plan is a long time coming and I want to
22 commend the commission for moving forward with
23 it.

24 Certainly with 1.3 million New
25 Yorkers self-identifying in 2000 Census as

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1 having disabilities, and with more than 70,000
2 of those identifying in terms of loss of
3 mobility, and countless commuters and tourists
4 come through our City each day, it is
5 imperative that this Commission recognize the
6 needs of people with disabilities and enact a
7 program that will allow us to use taxis.

8 Right now I could stand on a street
9 corner for hours, and by TLC's own estimates,
10 about 12, without ever seeing an accessible
11 taxicab. Most people don't keep taxi
12 receipts, generally neither do I. But I do on
13 the rare occasion when I actually do hail an
14 accessible taxicab, as I did coming home last
15 week. So this receipt shows that the TLC has
16 moved forward, has put more vehicles on the
17 road. Yet, getting one is still far too
18 difficult.

19 A central dispatch program would
20 allow a pragmatic interim solution to the lack
21 of accessible vehicles. However, I have
22 serious concerns with regards to the specifics
23 of this particular program, and I just want to
24 go over a couple of them briefly. As the
25 Chairman said at the beginning, we have a

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1 two-tiered system, yellow cabs and for-hire
2 vehicles. For-hire vehicles primarily serve
3 the outer boroughs and their participation is
4 voluntary. We are deeply concerned that this
5 will lead people such as myself who live in
6 south Brooklyn, or who live in the Bronx of
7 Staten Island or Queens, to not getting the
8 same service or the same response time someone
9 in Manhattan would get. We believe that if
10 you are going to mandate this yellow cabs, the
11 mandate should also apply to FHV's.

12 I am also deeply concerned about the
13 charge permitted from the time a vehicle
14 arrives at the curb. Just today I hailed an
15 accessible cab coming down here. The driver
16 told me he didn't have a lift, tried to get
17 out of a fare, successfully did and drove off.
18 On other occasions I have spent more than
19 half-hour with a driver trying to get them to
20 get their wheelchair lift to work.

21 The fact is that it is completely
22 unfair to penalize a person with a disability
23 by charging them for the additional load time.
24 If I hail a cab on the street, the meter
25 can't be started until the driver is in the

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1 seat and ready to pull away. If you are
2 putting luggage in the trunk, that meter
3 cannot be started until the driver is back in
4 his driver's seat. Whether it is central
5 dispatch or hailing a cab on the street, it is
6 the same scenario. It still a hail, just in a
7 different fashion, and the same rules need to
8 be applied.

9 And I am also concerned regarding the
10 methodology of which these vehicles are
11 dispatched. The use of Blackberries, while
12 promising, raises some concerns. My
13 Blackberry crashes all the time. Will this
14 happen with the vehicles?

15 I would ask the Commission to
16 re-evaluate this plan. It is essential to
17 people with disabilities. It provides a
18 crucial transportation service. People will
19 use it. However, as long as two refusals are
20 permitted, as long as FHV's are excluded, and
21 as long as you can charge for the additional
22 what could be upwards of 20 minutes to load,
23 you are putting an additional burden on people
24 with disabilities.

25 The concept is great. I support it.

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1 I have been involved in the planning of this.
2 But I think that you need to seriously
3 consider perhaps revising these rules and
4 tabling them for the December meeting so that
5 these revisions can be made. At the same
6 time, I would like to see this program
7 implemented as soon as possible as it's
8 extremely frustrating sitting out on a street
9 corner for an hour, hour and a half trying to
10 hail a cab.

11 Let me just conclude with a couple of
12 brief anecdotes here. At many past meetings I
13 have arrived with various signs of protest.
14 The most notably the "We pay taxes, now we
15 want taxis." I am actually going to change
16 that sign today, "We pay taxes, now we sort of
17 get taxis." Because that's what is going to
18 happen under this program. So I would ask the
19 commission to reexamine the plan. If the
20 amendments put forth by myself or the other
21 fluent speakers can be made today, the plan
22 should be approved today. But if you cannot
23 act in the best interest of the people who
24 desperately need this service, then I believe
25 it's incumbent upon the Commission to put off

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1 a vote.

2 With 1.3 million residents with
3 disabilities, that is a large portion of the
4 population that has historically
5 disenfranchised. Central dispatch is very
6 promising. It will open up a whole new mode
7 of transportation, and I, quite frankly, think
8 people may use it more, people with
9 disabilities may use it more than people
10 without disabilities, with only 59 accessible
11 subway stations city-wide, the primary mode of
12 getting around, people are more likely to use
13 a cab to get from Point A to Point B. But as
14 long as these provisions are in effect, it is
15 going to discourage people with disabilities
16 from wanting to use the dispatch system.

17 I think you need to keep the dispatch
18 system on par with the hail fare system. It
19 should not be a separate unequal process.
20 There must be equivalent service. And I think
21 that if you remove the charge for waiting
22 time, if you remove the two refusals and if
23 you consider some incentive or other means of
24 including for-hire vehicles, you have an
25 excellent plan that will significantly

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1 increase the transportation alternatives for
2 people with disabilities. So I ask the
3 Commission to consider these minor changes
4 which I believe are reasonable, and move on.

5 One final point that I would like to
6 make. As a resident of south Brooklyn, where
7 the vehicle that is going to be dispatched to
8 me is most likely going to be a livery or
9 for-hire vehicle, not a yellow taxi, because
10 yellow taxis are almost never seen in
11 Sheepshead Bay, I would ask that in the
12 interest of standardizing things, that just as
13 the reason for putting taxi meters in the
14 vehicles that are being for used dispatch is
15 to standardize the fare rate, that credit card
16 readers be mandated in for-hire vehicles
17 participating in this project. If you want to
18 have equality, you must have equality not only
19 on the meter but on the methodology of
20 payment, because if I call, I don't know
21 whether I am going to get a vehicle where I
22 can pay by credit card or by cash. That's
23 something I should be able to know reliably
24 and that is the rationale for putting the
25 meters in the for-hire vehicles.

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1 In conclusion, I want to commend the
2 Commission for moving forward. I think we
3 have taken a giant step forward in what has
4 been a long journey today, and I ask you to
5 consider these amendments and move forward
6 with the central dispatch plan as soon as
7 possible. I thank the Commission for their
8 time. And I am happy to take any questions.

9 CHAIRMAN DAUS: Thank you, Mr.
10 Harris. I see that the next speaker who has
11 joined us is Commissioner Matt Sapolin is
12 here, the Commissioner of the Mayor's Office
13 of People with disabilities. And the next
14 speaker after that will be Assemblyman
15 Kellner.

16 CHAIRMAN DAUS: Good morning,
17 Commissioner and Compass.

18 COMM. SAPOLIN: Thank you for
19 accommodating us early in the schedule here.
20 Following up on Michael's testimony, Chairman,
21 thank you for welcoming us this morning.
22 Thank you to the Commissioners for hearing
23 this testimony and moving forward, as Michael
24 said, taking this giant step to increase
25 accessibility in the taxi fleet.

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1 I basically come today on behalf of
2 the Mayor's Office of People with
3 Disabilities, the office established in 1973 3
4 to assure that the voice of people with
5 disabilities is represented in the development
6 of our City's programs and services. And on
7 this very important conversation about
8 improving transportation services, which could
9 have a great impact on the ability of the
10 people with disabilities to participate fully
11 in our rich City's opportunities.

12 As you heard Michael talk about some
13 of the obstacles to transportation services
14 across the system, this opportunity to enhance
15 the taxi service is a great one. As Chairman
16 Daus knows, we have been partnering on this
17 effort over the past five years, so this is a
18 great step, this dispatch step. And I think
19 the opportunity to pilot this system is
20 absolutely beautiful because it provides us
21 the opportunity to find ways to improve it as
22 we go forward.

23 You heard some very specific
24 recommendations from Mr. Harris, and I am sure
25 you will from the Assemblyman and others

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1 testifying today. I think the beauty of this
2 is we can hear all of the specific
3 recommendations today, and then as we roll
4 this thing out, we can sort of test it and
5 make continuous quality improvement measures
6 going forward.

7 I have had the opportunity to meet
8 with the individual who will be running the
9 dispatch part of it. He has a strong
10 confidence that this can work and will work.
11 I think the challenge will be, as you heard,
12 finding a way to make it as easy on the driver
13 as possible, and to incentivise the driver to
14 do a good job in this process. And I am
15 deleted that the Commission has been very
16 creative in exploring ways of making the
17 system as workable as possible.

18 I think we do know that there will be
19 obstacles going forward and the beauty is
20 that there will be opportunity to examine
21 this, collect data, and really have a lot more
22 than we have today going forward. So I think
23 over the next several months, and year or 18
24 months of the pilot, we will really have an
25 opportunity to test this. Hopefully, the

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1 community will embrace this, utilize it and
2 help us grow it. I think New York has an
3 opportunity to set a benchmark for the rest of
4 the country in terms of really having a strong
5 dispatch system, a strong with relationship
6 with the industry. We want this to work for
7 both the industry, the consumer, and for all
8 of those here in our city.

9 So we look forward to embracing the
10 Commission's actions going forward, and I am
11 always available to embrace the industry in
12 any way I can to help them learn more about
13 serving people with disabilities. Chairman
14 Daus, again, thank you for your partnership in
15 making this possible, and to your whole staff
16 for their creativity and hard work that went
17 into envisioning and actually implementing
18 this process going forward.

19 So thank you for this opportunity,
20 and I am available for any questions if there
21 are any questions.

22 COMM. GIANNOULIS: Good morning,
23 Commissioner.

24 COMM. SAPOLIN: Good morning.

25 COMM. GIANNOULIS: It's nice to see

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1 Mr. Harris saying that he got a vehicle -- did
2 you say today or recently?

3 MR. HARRIS: Today was the one that
4 refused me, to pick me up. He stopped and
5 said he didn't have a ramp, even though he was
6 an accessible medallion. It was actually last
7 week, coming home from the MTA fare increase
8 at the Hotel Pennsylvania that I got one.

9 COMM. GIANNOULIS: So not in south
10 Brooklyn. I thought that would be surprising.
11 .

12 Commissioner, have you heard any
13 anecdotal kind of stuff regarding what
14 people's experiences have been with the cars
15 that we have out there, whether people are
16 seeing them, using them, problems, no
17 problems?

18 COMM. SAPOLIN: I think those who
19 have been able to access them have been
20 grateful for the service. I think the numbers
21 have made it challenging to identify and find
22 them. We think this dispatch will be a bridge
23 to that.

24 Anecdotal stories we have heard have
25 been primarily good. Folks who have found the

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1 vehicles are satisfied that they can get it.
2 We have heard some other issues actually from
3 the driver's side, and we will work to remedy
4 this, and Chairman Daus has partnered with us
5 to further this conversation. And this is
6 where drivers who are trying to disboard
7 somebody near a curb cut, sometimes leave
8 their vehicle with a wheelchair user and are
9 given a ticket. And they have contacted our
10 office for advocacy in terms of trying to
11 remedy that ticket.

12 And so, we want to do some education
13 around the meter enforcement to ensure that
14 when taxi drivers are trying to bring somebody
15 to a safe point for debarkation, that they can
16 not be ticketed for that. Obviously we
17 respect the rules of curbside parking for all
18 taxis, and so we wish to respect that, but we
19 certainly don't want people getting ticketed
20 when they are helping people safely get to the
21 curb.

22 COMM. GIANNOULIS: Seems like we
23 could have some type of light system or
24 something that prevents people from getting
25 tickets.

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1 COMM. SAPOLIN: We had a meeting
2 with the captain at the PD a couple of weeks
3 ago around handicapped parking overall, and
4 this was brought to their attention. We have
5 seen probably two or three tickets over the
6 past year or year and a half since the
7 introduction of the accessible to the fleet.
8 So if that's the worst of our anecdotes at
9 this point, we believe there is a remedy to
10 that. We are really eager for the community
11 to be able to utilize the vehicles that exist
12 and the vehicles that will be coming.

13 COMM. GIANNOULIS: Thank you.

14 CHAIRMAN DAUS: Any other questions?
15 (No response.)

16 CHAIRMAN DAUS: Commissioner, I
17 thank you once again. We wouldn't be at this
18 point if it wasn't for you and the constant
19 meetings and ideas that you throw around, so
20 thank you for your support and for helping us
21 get here.

22 COMM. SAPOLIN: Thank you. Again,
23 Commissioner, I am available to partner with
24 anybody in this room, as you know, going
25 forward.

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1 CHAIRMAN DAUS: Thank you very much.
2 The next speaker is Assemblyman
3 Kellner, and the speaker after that will be
4 Andrew Kurzwell from the TLC Disability
5 Advisory Board.

6 Welcome, Assemblyman, it was a
7 pleasure meeting with you and going over some
8 of these issues in advance.

9 ASSEMBLYMAN KELLNER: I appreciate
10 that, Commissioner Daus. I appreciate you and
11 your staff taking the time to meet with me
12 last week.

13 Goo morning, Commissioners. My name
14 is Micnah Kellner, I am a member of the of the
15 New York State Assembly representing the 65th
16 Assembly District in New York County which
17 includes parts of the upper east side, all of
18 Yorkville and Roosevelt Island. I thank you
19 for the opportunity to speak before you today
20 on an issue of great personal importance to
21 me, accessible transportation for people with
22 disabilities.

23 My entire district, which
24 approximately 160,000 New Yorkers live in, is
25 one of the City's most densely populated

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1 neighborhoods, contains only one subway
2 station, and that is on Roosevelt Island.
3 Local residents rely heavily on bus and
4 taxicabs. Those with mobility impairments
5 have not been able to use taxis as a realistic
6 travel option because of the lack of
7 accessible vehicles.

8 This morning the Taxi and Limousine
9 Commission has the opportunity to take a giant
10 leap toward rectifying this failure of our
11 City's transportation network and in
12 correcting this historic injustice. I implore
13 you to do so. I fully support the concept of
14 a central dispatch system for accessible
15 taxis. I believe that it presents an interim,
16 albeit imperfect solution to the immediate
17 lack of accessible vehicles.

18 That said, I want to stress that a
19 central dispatch system is but a temporary and
20 incremental solution. It must not constitute
21 a final terminus on the journey of what should
22 our ultimate goal, a fully accessible taxi
23 network and for-hire vehicles.

24 While I support the notion of a
25 central dispatch system, I am profoundly

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1 concerned about multiple aspects of the
2 proposed rules change presently before the
3 Commission. Specifically I have reservations
4 about the right to refusals of service for
5 dispatch fares, the lack of strict penalties
6 for such refusals, the lack of standardized
7 curriculum on operating accessible vehicles,
8 for driver training, and in charging
9 dispatched passengers for load time.

10 I am just going to briefly elaborate
11 because of the limited time. I am extremely
12 grateful to the Commission for moving forward
13 with a proposal that will require operators to
14 be trained and certified in order to operate
15 accessible taxicabs. Members of the City's
16 disabled community relayed to me instances in
17 which they actually did hail an empty
18 accessible cab only to find a driver who had
19 no clue how to operate the accessible features
20 of his vehicle.

21 In some cases the passengers
22 themselves had to teach drivers how to operate
23 a ramp or secure a wheelchair, and in others,
24 they have simply been left at the curb. Both
25 are scenarios that are unacceptable. While

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1 the Commission has mandated certification, no
2 training guidelines have been established. No
3 Requests for Proposals have been issued, nor
4 has any facilitator been selected to conduct
5 trainings.

6 Driver training is essential,
7 benefiting both passengers and drivers.
8 Riders with disabilities should be confident
9 that when an accessible vehicles pulls up,
10 they will be able to enter it as quickly and
11 easily as possible. Drivers should know,
12 through training, that additional load time
13 will be minimal. This can only be the case if
14 drivers are properly trained in a standardized
15 fashion that includes all types of accessible
16 vehicles currently on the road with additional
17 training periodically mandated as new models
18 of accessible vehicles are approved for hack
19 up.

20 With this rule set to take effect in
21 less than two months, I believe that it is
22 incumbent upon this body to act swiftly to
23 rectify this grievous oversight and present a
24 comprehensive standard curriculum.

25 Let me take a step back for a moment.

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1 I am greatly concerned about the right of
2 refusal as well as the fines. I believe that
3 the fines should go beyond just the driver. I
4 think it's incumbent upon the Medallion owner,
5 they have the right, they got to buy these
6 Medallions at a reduced price, and it is
7 incumbent upon them. I think if we see
8 continued refusals, the fine should go beyond
9 the driver should go to the Medallion owner
10 as well to make sure that they enforce the
11 rules themselves. To make sure that their
12 drivers are honoring the central dispatch
13 system.

14 Finally, and most importantly,
15 taxicab meters don't begin running on street
16 hails before they are finished loading luggage
17 or getting seated in a taxicab. Similarly a
18 rider using a wheelchair shouldn't be held to
19 a different standard by being charged for time
20 taken to stow and secure a wheelchair in
21 taxicab, or to load by a ramp. It is,
22 therefore, profoundly disturbing that the
23 proposed regulation allows an operator on a
24 dispatch call to charge for loading a
25 wheelchair-using passenger. Drivers on

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1 central dispatch calls, for all intents are
2 purposes, are accepting a hail, just in a
3 slightly different fashion, and has to be held
4 to the same standards.

5 The second the passenger is at curb
6 side, the meter should be stopped and not
7 started again until the operator is back in
8 his seat and ready to drive. Anything less
9 amounts to a discriminatory fee charged
10 against passengers using mobility aids based
11 upon the fact that they use such a device, or
12 that the driver did not know how to properly
13 operate his or her equipment causing a
14 prolonged delay in departure that can greatly
15 increase the fare. In either scenario, it is
16 unfair to place the financial burden upon the
17 passenger.

18 I would like to close by reiterating
19 my belief that central dispatch can serve as a
20 critical important link in the transportation
21 system serving more than 1.3 million New York
22 City residents with disabilities, as well as
23 the countless disabled commuters and tourists
24 who pass through our City on a daily basis.
25 We must ensure that this plan isn't doomed to

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1 fail before it begins. I ask that the
2 Commission seriously consider the concerns
3 that I have raised today, as well as those put
4 forward in my November 7th letter to Chairman
5 Daus, copies of which are in front of you.

6 I respectfully asks the distinguished
7 members of the Taxi and Limousine Commission
8 to take both action in keeping New York City
9 on the cutting edge of state and municipal
10 governments around the country. I urge the
11 Commissioners to take decisive steps in
12 meeting the transportation needs of persons
13 with disabilities in our nation's greatest
14 city. I urge you to swiftly approve a program
15 for central dispatch of accessible taxis and
16 for-hire vehicles.

17 Thank you for the opportunity to
18 testify today.

19 CHAIRMAN DAUS: Thank you, Assembly
20 Member, and thanks for spending your time and
21 coming here. It is not often that we see
22 elected officials, so thank you.

23 ASSEMBLYMAN KELLNER: I appreciate
24 the work you are doing. It is incredibly
25 important to the disability community.

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1 CHAIRMAN DAUS: Thank you.

2 The next speaker is Andrew Kurzwell
3 from the TLC Disability Advisory Board and the
4 Riders Coalition. And the next speaker after
5 Mr. Kurzwell is Anne Davis from the Taxis for
6 All campaign.

7 MR. KURZWELL: I would like to speak
8 in regards to the central dispatch. One thing
9 that must be done is plain and simple, it must
10 be put into all tourism information in regards
11 to making sure people know about this program.
12 Especially from out of the city. There are
13 tourists, there are people with disabilities
14 that come to this city a lot. Unfortunately,
15 NYC & Co, which you can't speak for, wants to
16 deny anything about it.

17 TLC needs to make sure they at least
18 do their part in trying to make sure it is
19 publicized. Otherwise, nothing is going to
20 work. And you need to get these cabs to the
21 airports and everywhere, and also have the
22 dispatchers at the particular taxi stands,
23 knowing how to do this and being able to
24 inform the public, especially tourists.

25 And the other thing is, I applaud

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1 that we have gone this far. I have been
2 involved in these negotiations to a point, and
3 would like to see more coming forward. I
4 would like to see a lot more coming forward
5 with communication between the community and
6 the TLC and other interested parties.

7 Thank you very much.

8 CHAIRMAN DAUS: Thank you.

9 Ms. Anne Davis, an then the speaker
10 is Marizen Satos.

11 MS. DAVIS: I am afraid my remarks
12 take a slightly different tone. Right after
13 the TLC announced its plan for the central
14 dispatch system, Saturday Night Live included
15 an item in its mock newscast. It was quite a
16 while ago, but as I recall, the announcement
17 went something like this: New York City has
18 announced a central dispatch system for
19 taxicabs for people with disabilities. The
20 disabled person calls 311 and asks for a taxi.
21 The operator says no and the disabled person
22 hangs up. Click, as the feminists used to
23 say.

24 It is just what we are fear will
25 probably happen. Even if I was promised a

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1 cab, how long would I have to wait? 40
2 minutes, an hour. Will someone come and pick
3 me up when I want to go home? Will I dare
4 take the chance? What if it is raining? Will
5 they pick up Sam in Harlem, Edith in
6 Washington Heights?

7 I think the system has all the
8 disadvantages of Access-A-Ride and none of the
9 advantages. I am a member of the advocacy
10 committee of the New York City chapter of the
11 National MS Society. I am also chair of the
12 Taxis for all Campaign. Taxis for All is a
13 coalition of virtually every major
14 organization that represents disabled persons
15 in New York City. This plan is uniformly
16 opposed by these groups who speak for
17 thousands of disabled New Yorkers.

18 In our April letter to Chairman Daus,
19 signed by upwards of 50 groups, indicates
20 additional widespread opposition. On behalf
21 of the campaign, I submitted comments urging a
22 broader, long-term solution to the issue, a
23 gradual conversion to a green wheelchair
24 accessible taxicab fleet. And I have extra
25 copies of those letters if anybody would like

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1 one.

2 This is an interim plan but there is
3 no plan that does a future. It is a
4 government agency that has decided to move
5 forward with a flawed program, even though the
6 vast majority of people made it clear that
7 they believe it won't work and it's unfair.
8 With so few taxis and the ability of drivers
9 to pick up street fares, we think this pilot
10 program is doomed to fail and will not be
11 indicative of the demand for taxis by
12 residents or tourists with mobility
13 impairments.

14 We lag woefully behind London which
15 has a 100 percent wheelchair accessible taxi
16 fleet. This indeed may have influenced
17 Olympic officials to award the 2012 Olympics
18 to that city over New York, particularly
19 because the Olympics are always followed by
20 the Power Olympic Games. S&L got it right,
21 the Taxi and Limousine Commission hasn't.

22 CHAIRMAN DAUS: Thank you, Ms. Davis.

23 COMM. GONZALEZ: If I can make one
24 general comment?

25 CHAIRMAN DAUS: Yes.

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1 COMM. GONZALEZ: While, Ms. Davis,
2 I am sensitive to your concerns, I do have a
3 question. I am not an expert on 311, but it
4 is my understanding that when a call goes into
5 311, there is a log, there is a whole
6 procedure as far as follow-ups.

7 Is it your understanding, Mr.
8 Chairman, that when calls come in of this
9 nature, that they will be addressed?

10 CHAIRMAN DAUS: There is going to be
11 some form of record keeping for the dispatcher
12 and after that, but the whole thing is going
13 to be monitored very closely, including
14 detailed record keeping. Since meters are
15 involved, we will be able to tell exactly where
16 these vehicles were, what they were doing,
17 what the amounts were charged. It is all
18 going to be a continual pilot program,
19 something that we will look at, analyze it
20 every step of the way. We can make changes.

21 And our contractual revisions provide
22 for that as well. So I believe it's a
23 question of do you do nothing or you do
24 something even if it is not something that
25 everybody can agree on. But we certainly will

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1 track it through 311 and through the
2 dispatcher system.

3 COMM. GONZALEZ: Sounds like we have
4 the technology in place, both at the TLC and
5 in the City to address these specific concerns
6 about refusal of service if a customer calls
7 up and does not get the adequate service.

8 CHAIRMAN DAUS: Yes. Every call
9 that comes in through 311 is tracked.

10 MS. DAVIS: As well as the time to
11 respond?.

12 CHAIRMAN DAUS: That's something
13 that is in the contract, I believe, right,
14 Chuck?

15 We can double-check that, and the
16 contract isn't final, so we can put that in.
17 I think that is a good idea.

18 COMM. GIANNOULIS: Can we talk a
19 little about the meters, if people come up and
20 speak, that way we can ask them smarter
21 questions.

22 The proposed rule is going to have
23 the same exact meters that currently exist in
24 yellow Medallions will be put in which
25 vehicles exactly, in terms of FHV's?

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1 CHAIRMAN DAUS: Andy, Samara, could
2 we just address the FHV meter issue?

3 MS. EPSTEIN: Sure. As of now, the
4 FHV's can voluntarily opt into system and we do
5 have someone from Easter Seals testifying
6 later on. His organization is purchasing some
7 vehicles with a grant and we expect that those
8 are the ones that will use meters. There will
9 be eight of those.

10 COMM. GIANNOULIS: But any FHV could
11 voluntarily join --

12 MS. EPSTEIN: A wheelchair
13 accessible FHV, yes.

14 COMM. GONZALEZ: So if I am an FHV
15 and I have a wheelchair accessible vehicle, I
16 can participate and I get a meter.

17 MS. EPSTEIN: Yes. I think, if I am
18 understanding you correctly, what you are
19 interested in is, is there enough of an
20 incentive.

21 COMM. GIANNOULIS: No. I am just
22 trying to ask a simple question. If I have
23 an FHV wheelchair accessible vehicle and I
24 want to join the program, whatever we are
25 calling it, do I get a meter?

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1 MS. EPSTEIN: Yes, but you can only
2 use it for dispatched rides.

3 COMM. GONZALEZ: I understand that.

4 CHAIRMAN DAUS: So is the contract
5 paying for it, or they have to buy it?

6 MS. EPSTEIN: If they opt into the
7 system, then TLC will provide them with the
8 technology that we provide to everybody
9 participating in this program.

10 CHAIRMAN DAUS: Commissioner, that
11 also includes -- I did mention this at the
12 beginning -- that the City is paying for all
13 of the equipment if you opt into the system,
14 so the Blackberries, the dispatch equipment
15 that will come from the dispatching contract,
16 is something that the Medallion owner does not
17 have to pay for.

18 COMM. GIANNOULIS: The FHV owner,
19 you mean?

20 CHAIRMAN DAUS: The FHV owner or the
21 Medallion, either. Anyone who is in the
22 system does not have to pay for that.

23 COMM. GIANNOULIS: That includes the
24 meters?

25 CHAIRMAN DAUS: Yes. I wasn't clear

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1 on that and they just told me it does, right?

2 MS. EPSTEIN: The meter will have to
3 be purchased by the FHV owner because
4 Medallion owners purchase their own meters.

5 COMM. GIANNOULIS: So in terms of
6 the FHV, the meter will be the same meter that
7 any other yellow Medallion would have?

8 MS. EPSTEIN: Yes, and we will be
9 able to see how often it was dispatched.

10 COMM. GIANNOULIS: Right. And then
11 what would prevent that person from using the
12 meter in a pick up of somebody who is not
13 disabled?

14 MS. EPSTEIN: Is there anything?
15 They are not allowed. It says in the rules,
16 that the meter is only to be used, so we could
17 fine them if at they do use it.

18 COMM. GIANNOULIS: How would you
19 know?

20 CHAIRMAN DAUS: We are going to
21 track it.

22 MS. EPSTEIN: We can match up the
23 meter reports with the dispatch reports and
24 make sure that they match up.

25 COMM. GIANNOULIS: No one is really

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1 going to do that, though.

2 CHAIRMAN DAUS: No. We are going to
3 do it. We are going to treat it like a pilot
4 program. Every month we are going to look
5 at --

6 MS. EPSTEIN: Depending on the
7 livery, some of them, they wouldn't want to
8 use the meter because it is actually cheaper
9 than they would charge on a zone plan. So it
10 really depends on the zone plan that they
11 have, because you know all liveries have their
12 own zone fares. So I know that Carmel is
13 going to testify later that, for them, the
14 meter is a disadvantage because they charge
15 more than a meter rate. So it really depends
16 on the company.

17 CHAIRMAN DAUS: If we could,
18 Commissioner, maybe we can start going through
19 some more testimony.

20 COMM. GONZALEZ: Okay.

21 CHAIRMAN DAUS: So the next speaker
22 is Marizen Satos, and the speaker after that
23 would be Ethan Gerber from the Greater New
24 York Taxi Association.

25 MS. SATOS: Good morning. Like the

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1 previous TLC public hearings, the members of
2 Self Advocacy Association would like to
3 reinforce once again their belief that the
4 dispatch of accessible taxicabs and
5 participating liveries should not be an
6 alternative to the fully accessible taxi
7 fleet, but rather as a back-up for the current
8 system, until all taxicabs can be one of the
9 means of transportation for people who use
10 wheelchairs and other medical equipment.

11 The service should be advertised and
12 publicly disseminated, as people with
13 disabilities outside of advocacy groups will
14 not have access to this information. It was
15 suggested that the reservations be available
16 through teletype writer, fax or e-mail so that
17 people that have speech or hearing impairments
18 can also request and use the service.

19 Self Advocacy is strongly in favor of
20 the service not being subject to restrictions
21 and enrollment requirements. A question was
22 asked as to who will oversee the maintenance
23 and accessibility of all the vehicles. How
24 can we ensure if participating drivers and
25 owners are fulfilling their commitments? Will

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1 people who use wheelchairs be involved in the
2 selection of vehicles to insure that
3 accessible cabs are actually accessible?

4 A comment was raised about accessible
5 cabs currently operating have narrow space to
6 fit bulky motorized chairs and ramps seemingly
7 flimsy to support heavy chairs. Rear entry
8 vehicles should be purchased as this will undo
9 the need to enter through traffic. It was
10 also suggested that vehicles should have stop
11 signals like the ones used on school buses to
12 ensure the safety of the passengers being
13 loaded or unloaded at the curb side or at the
14 middle of the street.

15 Self Advocates would like to
16 reinforce the people first language, instead
17 of using wheelchair passengers, use passengers
18 using wheelchairs, and instead of disabled or
19 handicapped, use people with disabilities.

20 Self Advocates stress dispatcher and
21 driver courtesy. It is a main concern with
22 current service that dispatchers and drivers
23 are persistently disrespectful of passengers.
24 The driver training approved if provided by
25 TLC should include a workshop with people with

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1 disabilities which can create a dialogue about
2 sensitivity and disability awareness.
3 Dispatchers should also attend a workshop on
4 courtesy, customer service and conflict
5 resolution. The Self Advocacy Association of
6 New York State can initiate the workshop free
7 of charge.

8 Thank you.

9 CHAIRMAN DAUS: Thank you.

10 MS. SATOS: Mr. Tony Phillips would
11 like to speak.

12 CHAIRMAN DAUS: Sure, that's fine.

13 MR. PHILLIPS: My concern in this
14 topic is that if the dispatcher is on the
15 phone and they may not really listen to the
16 public where they want to go, they might just
17 hang ups, all right. And another concern that
18 I have is another thing that I think is
19 critical is that the driver, if he is
20 assisting a passenger in a cab, the police
21 should not be ticketing him from doing his
22 job, and it is going to reflect on us, the
23 individual.

24 Because I have gotten in a cab where
25 the driver just go ahead and goes down the

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1 street, and it was a two-way street but it
2 looked like one way, and the driver told me, I
3 never forget, that, "If I get a ticket, I am
4 going to kill you," okay.

5 So we have to make sure that
6 everybody is happy with the taxi service,
7 okay. And I want to say thank you because
8 this was a long time coming. Thank you.

9 CHAIRMAN DAUS: Thank you.

10 The next speaker is Ethan Gerber, and
11 after Mr. Gerber is Avik Kabessa from Carmel
12 Car Service.

13 MR. GERBER: Good morning, Mr.
14 Chairman. Good morning, Commissioners. My
15 name is Ethan Gerber, I represent the Greater
16 New York Taxi Association, and organization
17 which is comprised of members who own
18 virtually all accessible fleet Medallions. I
19 speak to you today on behalf of the only group
20 that has taken the financial commitment to put
21 the vehicles on the roads to service the
22 disabled community.

23 We have purchased those Medallions.
24 We have found the cars for them and we have
25 put them on the streets. We have a commitment

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1 to serve people with disabilities. We have a
2 commitment to seeing that these vehicles stay
3 on the streets.

4 Make no mistake, the proposal you
5 have before you today will decrease the number
6 of accessible taxicabs on the road. Good
7 government policy encourages worthwhile
8 independence. Today's proposal discourages
9 those ends. Drivers who choose to lease
10 accessible taxis will earn less money than
11 those who do not. Drivers will be subject to
12 being dispatch wherever a 311 operator sends
13 them, empty, without fare. They have no
14 guarantee or assurance that the passenger will
15 be there when they arrive and no recourse and
16 no pay if they are not.

17 They will go off meter and pass
18 dozens, maybe many dozens of would be paying
19 passengers, to get to locations possibly
20 distant, to pick up passengers that may be
21 going a few blocks away. They cannot earn
22 more money from the system, they must earn
23 less. Talk to any driver, he or she will tell
24 you the same. They earn the privilege of
25 driving for less money, the driver must take a

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1 course. One that has been pointed out that
2 has not yet been devised. I, like all of you,
3 have taken courses to enhance my earning
4 potential. Here you ask drivers to take a
5 course to make them eligible to decrease their
6 earnings. It defies logic and it defies
7 common sense.

8 Think about it, the day these rules
9 go into effect, the only drivers who have
10 taken the course will be eligible to drive the
11 cars. What basis do you have to believe that
12 any of the drivers will have taken that
13 course? Why would they?

14 Drivers are not indentured servants.
15 Indeed, they are not even employees at all.
16 They are independent contractors, free to
17 lease or not lease from whomever they choose.
18 They will not choose to lease vehicles which
19 earn them less money. I have asked them, our
20 members, the owners who have risked so much to
21 put these vehicles on the road when no other
22 owners dare, have also asked them. The
23 drivers will not drive these cars, and why
24 should they? Where is the incentive?

25 Incentives should be in place on the

00058

1 day this program goes into effect, not some
2 hypothetical future date -- Mr. Chairman, I
3 ask that I have a couple more minutes, please?

4 CHAIRMAN DAUS: You have time left.

5 MR. GERBER: I have heard it said
6 that it is the owner's burden to offer these
7 incentives, the very people who have done
8 everything in their power to get these
9 vehicles on the road. Indeed, the very ones
10 who brought legal action to allow us to put
11 cars on the road, should be penalized for
12 their efforts by, like the drivers, receiving
13 less income. It is bad policy.

14 It is also simply erroneous to argue
15 that the owners should lower their leases,
16 that they have somehow got a bargain on
17 accessible Medallions and could, therefore,
18 afford to do so. It is untrue. In my notes
19 already circulated, I show that the average
20 bid at the last fleet auction was actually the
21 same or higher than the average sale price in
22 the months preceding the auction. They
23 received no bargain.

24 Second, they have spent far more in
25 the price of car parts and maintenance than

00059

1 those who own more typical vehicles.

2 Third, there has not been a lease cap
3 increase in years and it is past due. To tell
4 the owners, simply lower your rates, will make
5 these vehicles economically unworkable. Two
6 years is enough for financial ruin. Again, it
7 is bad public policy. It discourages the
8 investment in vehicles that the City should be
9 encouraging. It is also deceptive. It
10 changes and lowers the value of the asset sold
11 by the City at a public auction, diminishing
12 the faith that investors have with such
13 auctions. This, too, is bad public policy.

14 Therefore, we have one result leading
15 inevitably from these rules, drivers and
16 owners alike will be discouraged from getting
17 these cars on the street. The sad outcome is
18 there will be less accessible vehicles on the
19 roads. Since this plan was announced, we have
20 repeatedly brought our concerns to staff
21 members of the TLC. We have also suggested
22 many alternatives and incentives that could
23 help accomplish the worthwhile objectives of
24 the Chair and the disabled community.

25 I have circulated these letters to

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1 all the Commissioners outlining the
2 suggestions. I won't describe all of them
3 here, but to name just a couple, we propose
4 replacing the dispatch system with centralized
5 pick-up locations at key spots that would
6 encourage drivers and wheelchair users to find
7 each other. The other suggestions are
8 incentive based. They include giving priority
9 to accessible cars at airports and other taxi
10 lines. Thus, the drivers could recoup their
11 lost time in fares and may actually seek out
12 the cars. This would be good public policy.

13 Put these incentives in place before
14 you put the rules in place. The current plan,
15 if enacted, is destined to fail. It will have
16 exactly the opposite of its intended effect.
17 We are willing to meet with the Commissioners
18 or the TLC staff at any time to share our
19 proposals. We believe that if the TLC works
20 together with the owners and the drivers and
21 the disabled community, we can develop a plan
22 that would work.

23 In the room, Commissioners, I have
24 Guy Robertson here, one of the developers of
25 this program. One of the first people to put

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1 vehicles on the road at great financial risk.
2 As you know, we did everything in our power to
3 put these cars on the road. In fact, it
4 resulted in some litigation to try to get
5 vehicles on the road. This will put
6 incentives to not have those vehicles on the
7 road. I urge you, if you are going to do
8 this, have the incentives in place the day you
9 have the plan in place.

10 Thank you.

11 CHAIRMAN DAUS: Even though we
12 received your comments beyond the comment
13 period, I did actually send them to the
14 Commissioners. We had a conversation about
15 incentives. I think there are some good ideas
16 in there, and as I indicated previously, we
17 are going to follow-up on these ideas. Samara
18 is working on the Port Authority plan for the
19 shorties and the other issues that are outside
20 the scope of our agency. She is going to look
21 into them, so we will be in touch with you on
22 that.

23 MR. GERBER: I would ask that you
24 have these incentives ready, willing and able
25 to go the day you start the plan.

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1 COMM. KAY: Can I ask you a
2 question?

3 MR. GERBER: Yes.

4 COMM. KAY: You mentioned that you
5 represent an organization that purchases the
6 disabled vehicles.

7 MR. GERBER: Yes, Greater New York
8 Taxi Association.

9 COMM. KAY: We just sold some last
10 week, right. What was the average price?

11 CHAIRMAN DAUS: The average price
12 was I think 308. Those were the individual
13 owner-operators.

14 COMM. KAY: Have there been any
15 disabled Medallions that we have not sold due
16 to a drop in demand?

17 CHAIRMAN DAUS: No.

18 MR. GERBER: These were individual
19 owner-operator vehicles.

20 COMM. KAY: My question is whether
21 there was a drop in demand.

22 MR. GERBER: Well, actually that was
23 a lower price from the average Medallion, so.

24 COMM. KAY: I think that's indicative
25 of the market, but they are still being

00063

1 purchased and still being put on the road.

2 MR. GERBER: But not by the fleets.

3 We haven't seen it be the fleets and the lease
4 dispatch system.

5 CHAIRMAN DAUS: Okay. Thank you,
6 Commissioner.

7 Next speaker is Mr. Kabessa from
8 Carmel Car and Limo Service. After Mr.
9 Kabessa will be Mr. Vincent Sapone from the
10 League of Mutual Taxi Owners.

11 MR. KABESSA: Good morning, Chairman.
12 Good morning, Commissioners. My name is Avik
13 Kabessa, I am the CEO and partner of Carmel
14 Car Service and also the owner of Ride for
15 All, which is a wheelchair accessible
16 provider. I would like to thank you for
17 allowing me to speak today.

18 We object to the proposed rule in its
19 current form, as it will make a mistake with
20 repercussions that are far, far more damaging
21 than what they are trying to accomplish.
22 First I would urge the Commissioners not to
23 vote for rules that will break away our
24 long-lasting and beautiful tradition of taxis
25 not accepting prearranged reservations and

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1 for-hire not accepting street hails. This
2 beautiful arrangement made New York a success
3 story, not only by me. An article called "New
4 York Unsong Taxi Triumph," says, and I quote,
5 "Boston, Chicago, Philadelphia and San
6 Francisco, for instance, make a crucial
7 regulatory mistake that New York has managed
8 to avoid." They are talking about New York's
9 arrangement of taxis and for-hire vehicles.

10 The article goes on to say, "Taxis
11 and car services combine to provide New York
12 with by far the largest number of taxis of all
13 kind per person of any U.S. city and more per
14 person than even Hong Kong and Singapore."
15 This success story is thanks to the division
16 between taxis not doing prearranged and
17 for-hire not doing street hails, so I urge you
18 again not to break away from this tradition,
19 which will create chaos, and above all, will
20 not provide the solution here, and here is
21 why:

22 The Rule discriminates against taxis.
23 It is actually asking the taxis to go off duty
24 until they reach the prearranged reservation
25 and not be compensated for it. Taxi is not

00065

1 like for-hire system, do not have a way to
2 recover on cancellations or no shows, and the
3 taxi driver is going to lose money.

4 The rule also discriminates against
5 livery, and I think the Commissioner alluded
6 to that, by asking the livery to charge meter
7 rate, where in actuality in local trips,
8 livery rates are higher. So in reality,
9 instead of providing the wheelchair, which I
10 completely am for transportation for them. I
11 own a company that provides them
12 transportation. Instead of providing them
13 equal service for qualify price, you are
14 actually asking an impossible situation,
15 offering them preferred service for lesser and
16 lower price.

17 No taxi or livery driver will go for
18 it and hundreds of summonses will be issued
19 before we realize it is not working. Although
20 the rule does not apply to a livery, if they
21 opt to participate, we all know that at no
22 time the livery will be asked to join. Who is
23 going to service Staten Island? Who is going
24 to service Brooklyn? Can you see a taxi going
25 off duty from Manhattan to Staten Island for a

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1 no show or two-block trips?

2 Last is the proposed solution against
3 passengers that are not wheelchair users that
4 will call 311. This is so weak, that in no
5 time, guys, he is going to call -- can I have
6 an additional one?

7 CHAIRMAN DAUS: If you can sum up,
8 that would be great.

9 MR. KABESSA: In no time people will
10 call 311 when they need a taxi in rush hour or
11 in the rain. I handed the Chairman and the
12 staff my proposed solution. I think it is a
13 better one. I think it keeps the status quo,
14 livery for prearranged, taxi for hail. And I
15 think it will service the wheelchair users
16 much better.

17 Thank you.

18 COMM. GONZALEZ: Excuse me, I have a
19 question. You pretty much put a large
20 emphasis on the no shows. Can you tell us
21 what percentage -- am what experience you have
22 as far as percentage of calls coming in that
23 end up in no shows, both as part of Carmel and
24 also, more specifically, the Ride For All?

25 MR. KABESSA: Excellent question,

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1 thank you for asking. We actually have 10
2 percent no show and a 10 percent cancellation,
3 which is worse than a no show because those
4 cancellations can happen at any time.

5 I can only assume, and this is with
6 Carmel, we have 10 to 15 percent. With Ride
7 For All, it's about 5 to 10 percent on
8 cancellations, 5 to 10 percent on no shows.
9 And I think that we should address this. The
10 taxi system is not -- you see, as a livery, if
11 he has a no show, I can prearrange something
12 else. Immediately, they are compensated.

13 If I have an agreement with a client,
14 I can charge the client for cancellation.
15 There is a mechanism by which I can recover.
16 There is no such mechanism for taxis. We
17 should really maintain what has been working
18 for us, taxi for street hail, livery for
19 prearranged.

20 CHAIRMAN DAUS: Just to clarify, I
21 want to make sure I got this right, 90 percent
22 people who call, disabled passengers,
23 basically show up.

24 MR. KABESSA: 90 percent show up,
25 that is correct.

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1 COMM. GONZALEZ: And, Mr. Chairman,
2 a general question as far as what is on the
3 table here.

4 As far as delivery of service, the
5 customer still has the choice of making a
6 client for hire vehicle arrangement. The
7 dispatch service is not replacing what is
8 already in place for FHV's?

9 CHAIRMAN DAUS: That's correct.

10 I understand your concerns, but if
11 they are satisfied Carmel customers, you have
12 every right to not opt into the system and
13 continue providing your service at your rates.
14 But I understand where you are coming from.

15 MR. KABESSA: I just want to say
16 that I am for the 311 but make the 311 only
17 for prearranged at the livery price structure.

18 COMM. KAY: So there is no
19 requirement for for-hire vehicles to actually
20 do this? .

21 CHAIRMAN DAUS: That is correct.

22 COMM. KAY: So it is completely
23 voluntary. So it is the for-hire vehicle
24 company's choice to decide whether or not they
25 want to enter into this program?

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1 MR. KABESSA: Commissioner, who is
2 going to service Brooklyn? No livery of mine
3 is going to go to Brooklyn.

4 COMM. KAY: And that is your choice.

5 MR. KABESSA: I understand, but you
6 are here to provide answer to them. Mr.
7 Harris told you he lives in the Bronx.

8 CHAIRMAN DAUS: We are going to have
9 230 cars to service all of the city.

10 MR. KABESSA: But you might go empty
11 to do a three-block trip in Brooklyn.

12 CHAIRMAN DAUS: That's the challenge
13 that we are going to be dealing with, but
14 right now, there is no service on Staten
15 Island. There is no service in the Bronx.

16 MR. KABESSA: No, make 311 for
17 prearranged. I will cover those calls.

18 CHAIRMAN DAUS: You can still do
19 that.

20 MR. KABESSA: No. Advertise 311,
21 monitor in your pilot program the demand that
22 was supposedly not met by the prearrangement.
23 Everybody will do it. The fee structure of
24 prearranged livery will be kept. In the City,
25 issue more, I am for more accessible

00070

1 Medallions in the City. You have the City
2 covered.

3 This worked for us when the Bronx did
4 not have yellow taxis. Why did we allow
5 for-hire vehicles, 25, 30 years ago? The
6 Bronx did not have yellow taxis. We have to
7 do the same. Let 311 accept prearranged
8 reservations for all people who want to go and
9 track down how many are refused. You will be
10 surprised.

11 CHAIRMAN DAUS: Thanks for your
12 comments. The next speaker is Mr. Vincent
13 Sapone from the League of Mutual Taxi Owners,
14 and the following speaker is Hussein
15 Eisherbiny from LOMTO.

16 MR. SAPONE: Good morning, Mr.
17 Chairman and Commissioners. I want to
18 apologize for not being here for the last
19 hearing or two. Things haven't been going
20 right. I was honored on September 30th, they
21 had a dinner for me, the LOMTO Association,
22 and at 4:30 that day I came down with a
23 problem that I had to crawl out of the place.
24 I don't know, things happen.

25 Anyway, I want to welcome

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1 Commissioner Kay, it's a pleasure having you
2 here. You know, this is tricky subject here.
3 It is very touchy. The last gentleman said,
4 he wasn't so wrong, but I know we have to help
5 the disabled. There is no question about it.
6 But you know what, a cab driver has to make
7 money too. It's a massive problem.

8 I think you are on the right track
9 and I have to tell you, you guys made the taxi
10 industry in New York one of the best there is.
11 There is no doubt about that, because I do a
12 lot of traveling. Nothing compares to the New
13 York cab. And it is because of your judgments
14 and your input, that's where we are today.
15 But remember one thing, you are going to have,
16 no matter what you do, you are going to have
17 cab drivers not happy, you are going to
18 disabled people not happy, you are going to
19 have passengers who are not happy no matter
20 what you do.

21 I know you are going to do something,
22 and I think you are probably on the right
23 track. There could be some corrections, and
24 let's see where we go. Anyway, I got
25 something to read here. Normally I never read

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1 anything, but being I am taking medication, I
2 figured let me write it down. Here we go
3 again, let me read from here:

4 It's commendable that the TLC is
5 addressing the transportation needs for people
6 with disabilities. The recent auction of 63
7 independent accessible taxi Medallions,
8 bringing the total number of accessible taxis
9 to 144, is a great benefit to the disabled
10 community. I would like to address the
11 proposed amendment to Rule 6-12I and Chapter
12 16-06B of Title 35 of the Rules of the City of
13 New York. The amendment of Rule 6-12I would
14 allow accessible liveries to have taxi meters.

15 There are no safeguards in place to
16 prevent the accessible liveries from using
17 meters for trips other than for a person with
18 disabilities. Many years ago, TLC mandated
19 non-Medallion for-hire vehicles to operate
20 without meters for a very good reason. It
21 keeps the appearance and operation of
22 Medallion cabs different than car service or
23 liveries. Meters for Medallion cabs only are
24 as important as yellow only for Medallion cabs
25 only. It is an important difference that the

00073

1 public recognizes. Liveries accepting illegal
2 street hails is still a serious problem. If
3 liveries have meters, they can promote
4 themselves -- can I have another minute? I am
5 almost done.

6 CHAIRMAN DAUS: You can finish.

7 MR. SAPONE: If liveries have
8 meters, they can present themselves to the
9 unwary or uninformed public as legitimate
10 taxis. This will undoubtedly cause even more
11 illegal street hails by liveries. Therefore,
12 we are not in favor of any liveries having
13 meters, unless the meter is controlled by the
14 dispatchers and not under the control of the
15 driver. If the dispatcher can put it on -- I
16 am not in favor of any meter, but if it has to
17 be, let the dispatcher be able to turn it on
18 when he is picking up, and shut it off when he
19 is dropping off.

20 One more thing, regarding Chapter
21 16-06B, when an accessible for-hire vehicle
22 receives a dispatch, he will need accurate
23 time to respond. If he is engaged in a fare
24 fair or is driving, he should not be fined if
25 unable to properly respond, since cell phone

00074

1 and text message use is unsafe while driving.
2 A driver needs time to drop off the fare and
3 find a legal place to pull over and respond to
4 a dispatch. It's very hard to work a
5 Blueberry, Blackberry or a phone when you are
6 doing 50 miles an hour coming from the
7 airport. And he only has a certain amount of
8 time to respond.

9 You guys have to rethink this, okay.
10 And what the Assemblyman said before about a
11 driver who is not nice and don't want to pick
12 up or whatever, the owner should get a
13 summons. That's uncalled for. In this
14 country, Mayors, Governors, Presidents, people
15 did wrongs things and nobody threw out the
16 Mayor or the Governor. Therefore, the owner
17 of the vehicle should not get a summons.
18 Suspend the driver's license for 30 days or
19 whatever you want to do with bum. But not the
20 owner. Thank you.

21 CHAIRMAN DAUS: Next speaker is
22 Hussein Eisherbiny. And after Mr. Eisherbiny,
23 Mr. Mark Hemingway.

24 MR. EISHERBINY: Good morning, Mr.
25 Chairman and Commissioners. Thank you very

00075

1 much for giving me the opportunity to be here.
2 My name is Hussein Eisherbiny, I am a
3 Medallion owner and operator. I am concerned
4 about the liveries having taxi meters and,
5 Commissioner Giannoulis, you ask a very
6 important question with the livery cabs having
7 a meter, are they really going to operate like
8 a taxicab and pick up people from the street
9 using the opportunity to have a meter?

10 Anyway, to make the story short,
11 there is a big problem with liveries illegally
12 picking up street hails at hotels and airports
13 and local streets. It has been going on for a
14 long time and no one seems to be able to stop
15 it. If liveries have meters, people are going
16 to think they are legitimate cabs. This is
17 going to make a bad situation even worse.

18 Thank you very much for your time.

19 CHAIRMAN DAUS: Thank you, sir.

20 Mr. Mark Hemingway is the next
21 speaker. And the next speaker after Mr.
22 Hemingway is Jesse Lore from Easter Seals.

23 MR. HEMINGWAY: Good morning. I am
24 with Executive Transportation. We are the
25 dispatch group that is on the pilot program in

00076

1 the background. I just wanted to come today
2 to listen to what some of the folks have to
3 say. Basically from a background, we are
4 understanding that it is a pilot program. We
5 fully support the concept of what this wants
6 to create. We have worked with Samara and
7 Andy and some other folks about the fact that
8 we are going to have to change over the course
9 of time in order to get it done.

10 To give you some background on us, we
11 dispatch somewhere around 6,000 to 7,000 calls
12 a day in the black car business. It is done
13 through Blackberries. It is one of those
14 things that from a dependability standpoint,
15 very little amount of failure. It is an
16 automated system. It is something that we can
17 track the metrics of the program in order to
18 be able to give you some background. There
19 is very little reporting that will go on with
20 it.

21 The question that went on earlier,
22 what can you match back up? We are going to
23 have to voice, talk to the driver from the cab
24 to get the fare and to get the mileage. But
25 the rest will be recorded on the Blackberry.

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1 So from having metrics to be able to say is it
2 good or bad, we hope to be able to give you a
3 lot of information to be able put all this
4 together.

5 In closing, we are up for a pilot
6 program to as much as it makes sense. We are
7 able to make some changes. We do a number of
8 different situations right now where we
9 dispatch to people both in our companies and
10 to other companies in the black car industry
11 as well. We are a dispatching service, which
12 in not just our own company. So we would like
13 to go ahead and move forward with it and
14 adjust as needed to address as many
15 constituents as possible.

16 Any questions?

17 CHAIRMAN DAUS: I have a question.

18 With all the subsidiaries for
19 Execuctive Transportation, are you, in fact,
20 the largest black car company in the industry?

21 MR. HEMINGWAY: From a what is
22 revenue and what is share, yes, we are the
23 largest in the industry. But we also do
24 things like we are reservation centers for
25 major companies. We also dispatch out to

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1 other black car companies, not under the
2 Executive umbrella. So we are used to doing
3 many to one and one to many type of
4 dispatching.

5 CHAIRMAN DAUS: Like GT3?

6 MR. HEMINGWAY: We just took over
7 GT3's reservation center.

8 Other questions?

9 (No response.).

10 CHAIRMAN DAUS: Thank you.

11 Jessie Lore from Easter Seals is the
12 next speaker. After Mr. Lore is Ronnie
13 Raymond. Actually, this person has asked that
14 we read the testimony into the record, which
15 we are happy to do.

16 MR. LORE: Good morning,
17 Commissioner Daus and members of the New York
18 Taxi and Limousine Commission. My name is
19 Jessie Lore. I am here to read some testimony
20 on behalf of Frederick Roberge, our Vice
21 President of Transportation.

22 "Easter Seals New York is a
23 non-profit organization with 25 years of
24 experience in providing and overseeing
25 community transportation services for people

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1 with disabilities with the mission of
2 providing exceptional services to insure that
3 people with disabilities and other special
4 needs have equal opportunities to live, work
5 and play in their communities.

6 "Easter Seals New York was recently
7 the recipient of a federal earmark from
8 Congressman Anthony Wiener to purchase and
9 equip wheelchair-accessible livery vehicles in
10 New York City. It is in the context of this
11 earmark that Easter Seals New York has most
12 recently been working with the TLC to develop
13 and implement a city-wide coordinated demand
14 response transportation system to meet the
15 taxi and for-hire vehicle needs of people in
16 New York City who use wheelchairs.

17 "Easter Seals New York has engaged
18 various stakeholders, including people with
19 disabilities, the taxi and livery industry,
20 governmental agencies, in conversations about
21 accessible taxi and livery service over the
22 past two years. As Easter Seals New York
23 begins to deploy vehicles obtained through
24 this federal earmark, we will continue to
25 examine and address the challenges presented

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1 in concert with the New York City Taxi and
2 Limousine Commission as well as all
3 stakeholders involved in the project.

4 "Easter Seals New York believes that
5 the TLC demonstration project for centralized
6 accessible dispatch is an important step
7 towards providing accessible taxi and livery
8 services in New York City. The accessible
9 dispatch system strives towards the expansion
10 and the coordination of transportation options
11 for people with disabilities, and we believe
12 it will increase access to communities in this
13 City for people who use wheelchairs.

14 "Easter Seals New York supports the
15 TLC proposal for accessible dispatch as a way
16 of gathering critical data related to demand
17 for accessible taxi and livery services.
18 Easter Seals New York also supports the
19 proposal for centralized accessible dispatch
20 as a way of coordinating the relatively few
21 accessible taxi and livery vehicles into a
22 service that is an efficient use of resources
23 and innovative use of technologies and as a
24 platform for demonstrating the commercial
25 viability of demand response accessible

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1 transportation service to the taxi and livery
2 industry in New York City.

3 "We acknowledge that there are many
4 challenges involved and we are committed to
5 working with all the stakeholders. We have
6 been working with the City University of New
7 York over the last year to start to address
8 these issues. We have been providing training
9 for drivers for the last 25 years, and we
10 developed a curriculum specifically for
11 implementation in New York City. We look
12 forward to seeing all the data that this will
13 gather. We look forward to deploying our
14 vehicles in the outer boroughs in New York
15 City, and, ultimately, we look forward to
16 providing more equal access to New York City
17 communities for people with disabilities."

18 Thank you very much.

19 CHAIRMAN DAUS: Sure.

20 Commissioner Aroust?

21 COMM. AROUT: How many vehicles did
22 you say you were proposing?

23 MR. LORE: Our vehicles, the federal
24 earmark will provide between eight and ten
25 vehicles for this next year and then another

00082

1 eight to ten vehicles when the next two years
2 of the federal earmark come up in 2008.

3 COMM. AROUT: Thank you.

4 CHAIRMAN DAUS: And thank you to
5 Easter Seals --

6 COMM. GIANNOULIS: Can I ask what
7 type of vehicles will those be?

8 MR. LORE: We can't state that right
9 now. We are putting out the request for bids
10 through a procurement process with the New
11 York City Department of Transportation. They
12 will be mini vans --

13 COMM. GIANNOULIS: No, I am sorry.
14 Maybe this is a really silly question. They
15 won't be Medallions, they won't be yellow. So
16 what will they be?

17 MR. LORE: They will be for-hire
18 vehicles.

19 COMM. GIANNOULIS: Thank you.

20 CHAIRMAN DAUS: Thank you and thanks
21 for Easter Seals' commitment to helping the
22 disabled community and the TLC. We appreciate
23 it.

24 Now we will read the testimony from
25 Ronnie Raymond.

00083

1 Hello, Kirsten.

2 KIRSTEN: Good morning. This
3 testimony is being read on behalf of Ronnie
4 Alan Raymond, who could not be here today:

5 "My name is Ronnie Alan Raymond. I
6 am a resident of New York City who is a
7 wheelchair user. My reason for writing to you
8 is to voice my frustration with my current
9 transportation options.

10 "I use New York City buses all of the
11 time and I am grateful for that service. As
12 long as I am not traveling long distances, for
13 example, below 14th Street or to other
14 boroughs, bus service has been very good to
15 me. But there are many times that I wish that
16 I had other options that everyone else has in
17 New York City.

18 "I understand that it is the City's
19 intention to make key subways stations
20 accessible. I have taken several excursions
21 by subway in order to test some of the already
22 accessible stations. To my dismay, I have
23 found elevators out of service that were not
24 listed on the MTA's website or when I called
25 for information on the same day. I have found

00084

1 the gaps between the platforms and the trains
2 to be not negotiable without the assistance of
3 two strong people.

4 "As a result, it is not realistic for
5 me to ride the subway unattended, and
6 sometimes not realistic, period. I can never
7 know what is in store for me until I am in the
8 thick of it. Transportation by subway is not
9 yet a realistic option for me.

10 "Another possible mode of
11 transportation is Access-A-Ride. My
12 experience thus far AAR has been terrible,
13 unreliable and inflexible. The prospect of
14 being stranded with no alternative makes it
15 not worth the effort and stress. Living with
16 a physical disability is difficult enough,
17 self-imposed stress is simply unnecessary. I
18 would rather restrict my activities than
19 constantly deal with uncertainty and stress.

20 "This brings me to New York City's
21 taxis. I understand that New York City and
22 the TLC are committed to having wheelchair
23 accessible yellow cabs and livery cars. To
24 the best of my knowledge, none of the local
25 cars services on the upper west side of

00085

1 Manhattan have any wheelchair accessible
2 vehicles yet. And I read that there are now
3 somewhere between 50 and 100 wheelchair
4 accessible yellow cabs, with another 150
5 Medallions to be sold next year. That will
6 make about 200 out of a fleet of 13,000. In a
7 hail system like New York City, this is like a
8 drop in the ocean. I have actually seen only
9 one accessible yellow cab and it was not
10 available at that time.

11 "In terms of my life, from a
12 practical point of view, these cabs may as
13 well not exist. Unless a significant
14 percentage of the fleet are wheelchair
15 accessible, I will never be able to hail a
16 taxi in the street like every other New
17 Yorker. I am aware that the TLC is now
18 planning to test a central dispatch system for
19 the existing wheelchair accessible yellow
20 cabs. I am sure that there are many questions
21 as yet unanswered about this CDS. Regardless
22 of the structure, such a system will never be
23 my first choice of how to resolve this ongoing
24 transportation problem.

25 "I believe that the goal should be to

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1 provide comparable service to all New Yorkers,
2 allowing spontaneity, safety and comfort.
3 However, as a temporary means of providing
4 some real service to New Yorkers with mobility
5 disabilities, I applaud New York City and the
6 TLC for trying to accomplish something today
7 and not just at some unspecified time in the
8 future.

9 "I ask you to listen seriously to the
10 needs of the disability community and, at the
11 same time, to keep the larger goal of
12 universal access alive and of primary
13 importance. Please do not fix your guidelines
14 or rules in stone. Allow the CDS to be a work
15 in progress. It is my hope that with New York
16 City's and the TLC' long-term commitment to a
17 taxi fleet that is universally wheelchair
18 accessible, the disability community will hep
19 to test the waters with the proposed CDS.

20 "Most sincerely, Ronnie Alan
21 Raymond."

22 Thank you.

23 CHAIRMAN DAUS: Thank you.

24 The next speaker is John Gresham from
25 the New York Lawyers for the Public Interest.

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1 And after Mr. Gresham is Beresford Simmons
2 from the Taxi Workers Alliance.

3 MR. GRESHAM: May I hand something
4 up?

5 CHAIRMAN DAUS: Sure. Is this what
6 you previously submitted or something
7 additional?

8 MR. GRESHAM: It's an attachment to
9 my letters which I forgot the first time I
10 sent it, so I am not sure if you have it.

11 I am speaking on behalf of the
12 Disabled In Action of Metropolitan New York,
13 which opposes a central dispatch system.
14 Maybe we are seeing some change here. At the
15 beginning of today's hearing, Mr. Daus said
16 the ultimate goal is the New York City taxi
17 that will be accessible and so on. When the
18 central dispatch idea was first floated by
19 TLC, it was presented as the solution with no
20 such plan for a fully accessible fleet in
21 sight.

22 DIA believes that only a
23 fully-accessible fleet will work and that
24 there will never be meaningful livery service
25 until a very different system from this one.

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1 That being said, we have submitted some
2 technical comments because we think you are
3 probably going to do this anyway, to which I
4 refer you to the letter.

5 Now I would like to ask a couple of
6 questions, if I may. Number one, this is
7 related to the fact that liveries will not be
8 mandated to participate, and I suspect most
9 won't. At the moment there are about a dozen
10 accessible liveries in the city. Apparently,
11 none of them in the Bronx or Staten Island.
12 Mr. Roberge will bring in some more in future
13 years, but that's a very small number. But my
14 guess is that few, if any, will participate of
15 those presently there.

16 That being the case, I am asking the
17 TLC will it do what Miami Dade County did,
18 which is rather simple, they put up on their
19 municipal website a list with names, addresses
20 and phone numbers of companies that have
21 accessible cabs and just to note how many each
22 company has. I will hold this up so people in
23 the audience can see it. It is as simple as
24 that. Somebody who wants, say, in Brooklyn to
25 engage an accessible for-hire vehicle, would

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1 simply look this up and say this company is
2 near me and they have three vehicles, or that
3 company is near me and they have one, I will
4 call them.

5 This would actually create a little
6 bit of an incentive because it would allow the
7 company to tap a market it can't previously
8 reach. And if this were done, it would also
9 be a great idea to equip the 311 dispatchers
10 with the same information so that even without
11 a computer you could get that information from
12 the City's 311 system. And I am asking the
13 TLC, will you do this?

14 It's simple, it is easy, it has been
15 done elsewhere. And I don't see any downside.

16 CHAIRMAN DAUS: We will put
17 something on our website. I don't know if it
18 will be exactly what you are suggesting. We
19 have had that on our website previously before
20 the service disintegrated with A Ride For All.
21 So that is something we are working also in
22 response to another comment that was made
23 earlier. I think it was Mr. Kurzwell.

24 We are going to be working with, and
25 have had discussions with NYC & Co. about

00090

1 doing something for tourists that come to the
2 city, that they have a resource on their
3 website, a link to ours, explaining the
4 service and how you can get the services that
5 you need.

6 MR GRESHAM: That would be great for
7 people outside. Still for the dozen vehicles
8 out of a fleet 25,000 for-hire vehicles, it is
9 going to go as far as it goes.

10 CHAIRMAN DAUS: It's a good idea.

11 MR GRESHAM: My second question for
12 you is: We have heard ever since the idea of
13 central dispatch was floated, that it would be
14 used to measure demand for taxi and livery
15 service. Frankly, I think what it will
16 measure is demand for central dispatch
17 service, which is going to be a different
18 animal inevitably. And I am going to ask you
19 to collect data on three things so that that
20 demand can actually be seen in context when
21 you start talking about it, which I am sure
22 you will.

23 The three kinds of data that I am
24 asking you to collect are: Out of the calls
25 that are made, how many actually result in

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1 rides?

2 CHAIRMAN DAUS: We will look into
3 that. Actually, the beauty of this is that
4 the lawyers have intentionally not signed the
5 contract yet, because we wanted to get public
6 feedback. So a lot of the comments, including
7 yours, are things that we can actually look
8 at, potentially look at putting into the
9 contract.

10 MR. GRESHAM: Okay, that's one. Out
11 of the calls made, how many actually resulted
12 in a ride.

13 When a ride occurred, how long did it
14 take from the time that the first telephone
15 contact was made until the pick up time
16 actually occurs, and how many were late and by
17 how much?

18 CHAIRMAN DAUS: Seems reasonable.
19 We will look into that.

20 MR. GRESHAM: Thank you very much.

21 CHAIRMAN DAUS: Thank you for your
22 comments.

23 The next speaker is Beresford Simmons
24 from the Taxi Workers Alliance. After Mr.
25 Simmons is Dave Pollack from the Committee for

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1 Taxi Safety.

2 MR. SIMMONS: Good morning, ladies
3 and gentlemen, Mr. Chairperson -- he is not
4 here. I have been driving a yellow cab, a
5 Medallion cab in this city for over 35 years.
6 It so happens that for the last two years I
7 have been driving wheelchair accessible cabs,
8 and I have found many problems with the
9 wheelchair accessible cabs.

10 Number one, I work out of Kennedy
11 Airport quite a lot. Most wheelchair people
12 come in here from overseas with maybe two or
13 three more passengers. We find very little
14 luggage space. We need to do something about
15 these cars.

16 Number two, the cars are terrible,
17 especially the Ford Freestar. I am over
18 \$15,000 in mechanical debts to my mechanic and
19 my broker. And from what I heard from City
20 Council people, that we should be compensated,
21 especially the DOVs about these wheelchair
22 accessibles. I have been driving these cars.
23 I have not been compensated for anything so
24 far.

25 I am very disturbed about this

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1 wheelchair accessible thing, and I have been
2 going out of my way at times to make
3 appointment that I have quite a few customers
4 that I deal with, that I would make
5 appointments with them. They call me two or
6 three days in advance and I go and pick them
7 up. And what I found out, Kennedy Airport,
8 when you have a flight delay and you have a
9 chair individual, taking them to the hotel and
10 I have to pick them up the next day. It is
11 quite a problem. I have spoken to the Port
12 Authority about that, and I would hope that
13 you people would look into that.

14 Just a little bit of my input into
15 this situation here. Thank you very much.

16 MR. FRASER: Thank you.

17 The next speaker is Mr. David
18 Pollack, and after that will be Joe Giannetto.

19 MR. POLLACK: Thanks to the TLC
20 Commissioners sitting here today and Mayor
21 Bloomberg, the New York City taxi industry and
22 livery industry is the best in the world. Can
23 there be improvements? Yes, but not with
24 these proposed rules, no.

25 As you know, I represent the

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1 Committee for Taxi Safety, which consists of s
2 licensed agents which manage more than 2,000
3 taxi Medallions, the owners of those
4 Medallions, and approximately 5,000 drivers
5 who drive them. Before commenting on the
6 rules themselves, we believe it is important
7 to note that the Medallion tax industry has
8 acknowledged it has an obligation to be part
9 of the solution to provide transportation to
10 the disabled community.

11 The comments that follow are not
12 about the Medallion industry being against
13 providing service to the disabled community;
14 rather, these comment and our opposition to
15 the plan currently proposed by the TLC is
16 about a fashioning better plan that is a plan
17 that can and will work. We will urge the
18 Commissioners to hold off on a vote today.

19 The TLC has proposed that the
20 for-hire industry have meters and that the
21 Medallion industry accept prearrangement,
22 transferring the exclusive domination of each
23 of these services to the other in an attempt
24 to devise a plan that might work. Again, we
25 have the best industry in the world. Let's

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1 not break it.

2 When a plan to provide accessible
3 service was first discussed, a plan between
4 the TLC and the taxi industry more than two
5 years ago, the industry was told by the TLC to
6 get a working group together and have
7 meetings, maybe focus groups, to further
8 define the proposal. We believe the industry
9 could have had more input in the final
10 presentation that was made. It is our belief
11 that the plan, as proposed, will not succeed.
12 If the goal is to have a plan that will
13 provide service to the disabled community as
14 opposed to simply promulgating a plan, any
15 plan, regardless of its chance for success,
16 then this proposal needs to be modified.

17 Accordingly, the question becomes:
18 Must this be voted on today or can it be
19 discussed and voted on next month?

20 As the overwhelming majority of
21 Medallion vehicles are in Manhattan, it is up
22 to the Medallion industry to primarily service
23 the disabled community in Manhattan, and this
24 must be discussed. Safety is a top priority,
25 as you know.

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1 The proposed rules require the
2 drivers have dispatch equipment but fail to
3 disclose the details of how the dispatch
4 system will work. We believe more information
5 needs to be discussed and that information
6 needs to be had prior to any rule making. For
7 this plan to work, the drivers have to be
8 compensated fairly. If drivers will lose
9 money by accepting accessible rides, the plan
10 cannot succeed as is presently proposed, and
11 drivers will lose money, especially if
12 dispatched to Staten Island.

13 The TLC's plan must include
14 approximately 25 to 30,000 available for-hire
15 vehicles and require that accessible service
16 to be provided. Instead, the proposed rules
17 leave the liveries to opt to participate in
18 the dispatch program. The TLC should improve
19 and work with the present livery rules and see
20 why they did not work. The TLC should enforce
21 the existing regulations requiring the FHV
22 industry have accessible vehicles available.

23 Even a cursory review --

24 CHAIRMAN DAUS: If you can sum up.

25 MR. POLLACK: In summing up, we

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1 suggest that the TLC does not vote on the
2 rules today. We need to find out why the
3 livery rules are not working for the disabled
4 community as is. Meters should not be allowed
5 in for-hire vehicles, and no prearrangement of
6 yellow taxis should be allowed.

7 We do have the best taxi and livery
8 system in the world. And I thank you for
9 consideration for these comments.

10 CHAIRMAN DAUS: Thank you, Mr.
11 Pollack.

12 The next speaker is Joe Giannetto,
13 and after Mr. Giannetto is Harvey Pacht.

14 MR. GIANNETTO: Good morning, Mr.
15 Chairperson and Commissioners. My name is
16 Joseph Giannetto and I represent the
17 Metropolitan Taxicab Board of Trade.

18 My testimony is brief. MTBT is
19 concerned with these proposed rules and with
20 the provision requiring participating FHV's to
21 have taxi meters. The current TLC rules
22 prohibit taxi meters in FHV's and we see no
23 justification to abandon these long-
24 established rules regarding the structure of
25 fares. Such a measure is unnecessary and

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1 further erodes the differentiation between
2 FHV's and yellow taxis.

3 Just as these separate and distinct
4 ground transportation industries coexist
5 throughout the City's five boroughs, they can
6 coexist within the parameters of this
7 demonstration project without fiddling with
8 each one's proven and widely understood
9 methods of calculating the fare.

10 FHV customers know that they will be
11 quoted a price based on their point of pick-up
12 and their point of drop off, just as yellow
13 taxicab customers know that their fare will be
14 determined by the meter. These consumer
15 expectations would extend to participating
16 passengers in the demonstration program. And
17 we know that the TLC is only trying to
18 simplify the fare structure within the
19 parameters of the demonstration project and
20 ostensibly better manage passenger
21 expectations, but they can easily do so within
22 the currently established TLC rules.

23 So, for example, if a person calls a
24 central dispatcher and requests a ride, the
25 dispatcher will find the nearest available

00099

1 car. If it's a yellow taxi, and undoubtedly
2 it will be, the dispatch will simply inform
3 the caller that a taxi has been dispatched.
4 If the closest available car is an FHV, then
5 the dispatcher will simply have the vehicle
6 operators contact the base for a price, just
7 as they do today.

8 The dispatcher will then inform the
9 caller that the FHV is on the way and inform
10 the caller with the price of the trip. The
11 designated dispatcher, Executive
12 Transportation, is well experienced and more
13 than capable of handling these transactions.
14 That is what they all day long every day of
15 the year.

16 Even if there was a need to match
17 fares of accessible livery and taxi rides,
18 maybe a special livery standard can be
19 determined without placing taxi meters in
20 liveries, saving an expense for livery owners
21 and securing the integrity of both industries.
22 However, I am not entire sure that an
23 accessible FHV that is affiliated with a
24 particular base can charge a different price
25 than any other vehicle affiliated with that

00100

1 base for the same trip regardless of how it is
2 dispatched. That's according to an
3 interpretation of the ADA.

4 But in the end, the fact that it is
5 only a demonstration project is all the more
6 reason not to implement radical changes to
7 long-established rules and widely-held
8 practices. What is just as worrisome is the
9 language statement of basis and purpose that
10 basically says that if this project is deemed
11 successful, it could lead to permanent
12 implementation of these rules.

13 So we cannot support provisions
14 requiring taxi meters in FHV's now, nor later.
15 And we ask that the Commission eliminate the
16 taxi meter requirement for FHV's.

17 Thank very much and I would be glad
18 to answer any questions that you have.

19 CHAIRMAN DAUS: Okay, thank you.
20 Next speaker is Mr. Pacht, and then our last
21 speaker is Marvin Wasserman.

22 MR. PACT: New York City wants to
23 be known as the greatest city in the world.
24 However, do we really live up to that title in
25 every way possible? I would say no. Because

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1 we are not the greatest city in all areas.
2 Improvement is still needed in various areas.
3 For example, New York City needs to get
4 accessible cabs for its fleet. The City will
5 need to figure out a way to afford them.

6 Once New York City is known to have
7 accessible cabs, chances are more tourists
8 with disabilities are likely to come here for
9 vacations, conventions, and for various other
10 reasons. An increase in tourism can improve
11 our economy.

12 And here is another suggestion: How
13 about having a debate between speakers like us
14 and the folks like all of you. A debate like,
15 for example, on one side we are going to say
16 that we want this and we need that, and then
17 you folks I guess would have a chance to
18 respond back. Just like we do at presidential
19 campaigns. Yes, I should have suggested this
20 at one of the MTA hearings. For instance,
21 like one side we can have people, as I say,
22 people like us who speak, and the other debate
23 team would be folks like you. Because each of
24 us will give -- then when you folks speak,
25 each of us would be given a chance to respond.

00102

1 So, as I say, if New York really
2 wants to be known as the greatest city in
3 world, we really have to live up to it. We
4 have to set an example, you know. Because I
5 hear that other cities have accessible cabs.
6 Why not us? You know, after all, haven't we
7 ever heard of the ADA law, the Americans with
8 Disabilities Act?

9 After all, people with disabilities
10 have a right to be a part of our society as
11 well.

12 CHAIRMAN DAUS: Could you sum up?
13 It is kind of like a debate.

14 MR. PACHT: Yes.

15 CHAIRMAN DAUS: Thank you. I am
16 happy to see that we have this organization.
17 I think this is the first, to my memory, that
18 we have seen you here, the Self Advocacy
19 Association. So I thank you for coming and we
20 look forward to working with you. We have
21 been having a debate, at least for me, for the
22 last ten years in various forums.

23 But thank you and welcome. We look
24 forward to working with another group.

25 MR. PACHT: Thank you.

00103

1 CHAIRMAN DAUS: The last speaker is
2 Mr. Marvin Wasserman.

3 MR. WASSERMAN: Good morning, I am
4 Marvin Wasserman, Executive Director of the
5 Brooklyn Center for Independence of the
6 Disabled and a founding member of the Taxis
7 for All Campaign.

8 Once again, the TLC is adopting rules
9 regarding wheelchair accessible taxicabs and
10 liveries without the participation as
11 agreement of the people it allegedly is
12 benefiting; namely, persons who use
13 wheelchairs. TLC has gone down this path
14 before from Symphony Transportation which
15 provided inadequate, expensive and ultimately
16 poor service, to the unworkable and unenforced
17 livery rule, and, finally, to the Chevy
18 Venture, which has proved to be unusable by
19 major community advocates.

20 One of the imperatives of the
21 disability rights movement is: Nothing for us
22 without us. One is almost tempted to conclude
23 that the purpose of TLC's various regulations
24 of wheelchair accessible service is to ensure
25 its failure. Such is the case with the

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1 central dispatch system. It proposes calling
2 the already overburdened 311 system for a
3 ride. We anticipate waits of 40 minutes or
4 longer, far more than the expected wait for
5 service for non-wheelchair users.

6 The proposal is for all accessible
7 taxi and livery vehicles to participate in the
8 program with livery riders paying taxi rates
9 determined by a taxi meter. Considering the
10 fact that there are few accessible livery
11 vehicles, which largely serve areas where
12 there is little or no taxi service, such.
13 As the outer boroughs, will the wait be far
14 longer for those consumers in Brooklyn, the
15 other outer boroughs and northern Manhattan?

16 What if the fare charged for
17 non-disabled consumers from the same base
18 station, as is often the case, less than that
19 of taxis. Is this equivalent service?

20 There seems to be no provision about
21 what is to be done after the three-year pilot,
22 and it seems to be a bridge to nowhere. Will
23 you keep accurate statistics that are not
24 designed to show the program is a failure?
25 Will we then go into a full conversion of the

00105

1 taxi fleet and expansion of accessible livery
2 service?

3 The issue also comes down to
4 priorities. While we support the creation of
5 100 percent green fleet, as clean air is also
6 an environmental issue, why aren't the civil
7 rights of wheelchair users and other mobility
8 impaired individuals to full access to the
9 taxi and limousine service deemed also to be a
10 priority?

11 Why is the lack of a universally
12 designed vehicle an impediment to introduction
13 of accessible taxis in the fleet and not the
14 availability of a viable hybrid vehicle?

15 Thank you.

16 CHAIRMAN DAUS: Thank you, Mr.
17 Wasserman.

18 That concludes our public hearing. I
19 want to thank all of the participants for
20 their patience and for their thoughtful
21 comments. And I would just ask if any
22 Commissioners have any comments, questions,
23 concerns, issues?

24 COMM. POLANCO: Yes, I have a
25 question. I was reading part of our memo, and

00106

1 one of the reasons that was given as to why,
2 for example, we will have taxi meters in the
3 FHV is because we are basing it on the
4 passenger base rate structure. And I want to
5 know what that is, what is a passenger base
6 rate structure? When people who are from the
7 outer boroughs, they are being charged at the
8 FHV rate, so why, for example, are people who
9 are calling into this program, the disabled,
10 why are they being charged a different rate?

11 CHAIRMAN DAUS: Actually, I think you
12 are talking about why we are charging the
13 taxicab meters rates on the FHV's that
14 voluntarily participate.

15 COMM. POLANCO: I am talking about
16 in terms of passengers. Why are they being
17 charged a rate different from passengers from
18 other boroughs?

19 CHAIRMAN DAUS: Actually, it would be
20 the same, and some people were arguing that it
21 should be different. At least one of the
22 commenters.

23 But the reason we did that, correct
24 me if I am wrong, Chuck, is primarily, to deal
25 with the equivalent service standard issue.

00107

1 Under the ADA, whether it applies to us or not
2 is an open issue, but it requires that there
3 be equivalent service. And there is one
4 source provider here, which will be the
5 dispatcher that is dispatching the calls our
6 from Executive Transportation. And I think at
7 the end of the day, it shouldn't really matter
8 whether you are from Brooklyn, Queens, Staten
9 Island, the Bronx or upper Manhattan, that you
10 should be charged the same rate of fare as
11 someone who is taking yellow service who,
12 undoubtedly, is more likely to get that if
13 they live in Manhattan.

14 COMM. POLANCO: But that's not the
15 case today. There are different rates today,
16 and you say give equivalent service, but the
17 equivalent service will be that they will be
18 charged the same rate as people from the outer
19 boroughs or upper Manhattan get charged?

20 CHAIRMAN DAUS: Actually, the person
21 who testified today was concerned that if we
22 didn't do it this way, and we did it his way,
23 which is to keep his rates, that he could
24 charge more. So this would actually, in the
25 case of Carmel, this would be less. So they

00108

1 are actually getting a cheaper price.

2 But the important thing is that
3 someone who calls 311, if it just so happens
4 that one of these Easter Seals vehicles is
5 closer to you, that you should be charged the
6 same rate of fare. Right now, I can pretty
7 much guarantee that there is no way on Staten
8 Island, for instance, you can ever get an
9 accessible vehicle. Now, even if there is a
10 little bit of extra travel time involved, the
11 disabled passengers will be served on Staten
12 Island, point to point and to other parts of
13 the city.

14 So in terms of price differentials,
15 to answer your question, it was done for legal
16 reasons and also fairness and equity reasons.

17 COMM. POLANCO: I understand that,
18 but my question deals more in terms of people
19 that live in the upper Manhattan area, which
20 take liveries, people that live in Brooklyn,
21 the people that live in the Bronx, there is a
22 rate that they get charged for using the FHV
23 vehicles. And now, with this pilot program,
24 in terms of disabled, they are getting a
25 different price.

00109

1 CHAIRMAN DAUS: But they still have
2 the right not to participate and to charge
3 less. If there is a company that has
4 wheelchair accessible vehicles in the Bronx
5 that charges less, they can continue to
6 participate with their own clients, doing
7 their own marketing and not be part of this
8 program.

9 Is that accurate, Samara?

10 MS. EPSTEIN: Yes. If there is a
11 base in Washington Heights that you like to
12 use and you know that they can get you
13 service, you can just go with them and they
14 will charge the usual rate. But if you are
15 calling the central dispatch, we just want the
16 passengers to have a consistent fare structure
17 no matter what kind of car shows if you call
18 the central number through 311 for service.

19 COMM. POLANCO: But that is not an
20 option that other people have, non-disabled
21 people, they don't have that option of calling
22 to a base and getting a rate.

23 COMM. GIANNOULIS: I think that's the
24 Commissioner's point. I think she is saying
25 that -- if you don't mind me saying what yo

00110

1 are saying -- in fact, there are two tier
2 structures for people who don't have
3 disabilities.

4 MS. EPSTEIN: Okay, and that's a
5 fair point. We are just looking at this from
6 this is a service particularly for people that
7 use wheelchairs, not for non-wheelchairs
8 users. You know, this is a demonstration
9 project. We are testing it. If a concern of
10 yours is the different fare structure for
11 liveries versus taxis, that's something we can
12 definitely look at and talk about at a
13 different time.

14 We are just looking today
15 specifically at people with disabilities that
16 use wheelchairs, if I am understanding what
17 you are asking.

18 COMM. POLANCO: Yes. It goes more
19 to in terms of the placement of the taxi
20 meters and so forth.

21 MS. EPSTEIN: We can definitely talk
22 about that at another point if you want to.

23 CHAIRMAN DAUS: Commissioner Kay?

24 COMM. KAY: This isn't a great plan,
25 I am going to be the first one to say it. I

00111

1 don't think this is an excellent plan, I don't
2 think it is great plan. I think, clearly,
3 there are a lot of unique issues with this,
4 but I know that many people spent a very long
5 time trying to work these issues out.

6 A great plan or an excellent plan is
7 one that you think is going to have close to
8 100 percent rate of success. We are not sure.
9 I think this is a great start. I think this
10 is a great idea, to get this going. I think
11 there is a lot that the Commission can learn
12 from. I think we can get some information, we
13 can collect a lot of different data.

14 We should look at the for-hire
15 vehicle issue. We should look at if there is
16 other ways to use the dispatch service. But I
17 think this is a great start, and I think it is
18 something that we need to do. I think it is
19 something that people have been trying to do
20 for a very long time, and if we stop now and
21 say we should try to create a perfect plan, we
22 are not going to create a perfect plan. I
23 don't think we are going to create a perfect
24 plan until every yellow vehicle is accessible,
25 which we all know right now is not going to

00112

1 happen.

2 We are working towards that. We are
3 working towards the cab for the future in
4 order to be green and accessible to the extent
5 that that is possible, and I know the
6 Commission is working with every member of the
7 industry in order to do that. And I think
8 this is a great start.

9 I would also ask, given that it is a
10 demonstration project, I would ask the TLC
11 staff to provide monthly updates at our
12 Commission meetings about what is going on.
13 In fact, I would like to see responses,
14 written responses to some of the public
15 testimony that we heard today in terms of
16 particular issues. But I think we should
17 absolutely go forward with this today, because
18 if we wait for a perfect plan, we are not
19 going to have it.

20 I think it's important for the
21 Commission and for the public to see the
22 results of this demonstration project on a
23 monthly basis, so, in fact, after a year, or
24 18 months or two years, we know whether we
25 should move forward with it. At the same

00113

1 time, with the monthly updates, there is
2 nothing as far as I can tell, that prevents us
3 tinkering with this next month or the month
4 after that or the month after that. I think
5 that there is enough flexibility from the
6 dispatch service, from the contract within our
7 rules, that we should make adjustments on the
8 fly. But to stop now, after a number of years
9 of trying to do something, I think would
10 really be a disservice to trying something new
11 for people with disabilities.

12 COMM. POLANCO: One question that I
13 have is: Are these proposed rules and
14 regulations necessary and required in order
15 for the pilot program to happen in January?

16 MR. FRASER: Yes, you need rule
17 making to bind our licensees. We have a
18 contract, obviously, to bind an outside
19 vendor, but we cannot bind our licensees
20 without doing rules.

21 COMM. POLANCO: And it's effective
22 January?

23 MR. FRASER: There is an effective
24 date, it is in January, I don't remember what
25 it is.

00114

1 CHAIRMAN DAUS: You know, like
2 Commissioner Kay stated, it is not going to be
3 perfect, but there are some very good
4 suggestions that came up here, but the beauty
5 of this is actually we left the contract
6 negotiation open and we can still address some
7 of these issues . I think there are some good
8 ideas regarding incentives. It is not
9 involved in the rules whatsoever. These are
10 additional things that we can do. Telefaxes
11 for hearing impairments. You know, the people
12 who want to get the service and make sure that
13 they get in the best form of communication,
14 their reservations in advance, is something we
15 can look into.

16 So these are all good ideas, and I
17 understand the concerns of the industry, but I
18 think I can assure you that the sky is not
19 going to fall when this pilot program goes
20 into effect. It is not a slippery slope. It
21 is very clear and succinct and upfront what it
22 is going to be and we are going to vigorously
23 enforce and give monthly reports, like
24 Commissioner Kay said. That should make
25 everybody here, I think, feel a little bit

00115

1 more at ease if you have these concerns.

2 We will publicly discuss how it is
3 going. There has never been more transparency
4 that I can remember than this rule making. We
5 have had public debates on this, extensive
6 ones, which I have read each Commissioner's
7 positions and comments twice over the last
8 couple of days. There were some very
9 thoughtful suggestions that made it into these
10 rules. So I can't imagine -- I think this is
11 the most extensive transparent rule making we
12 have ever had at the TLC; one year of
13 presentations, rules, discussions.

14 Like Commissioner Kay said, I think
15 there comes a point where you really have to
16 just move forward or not move at all. And I
17 think we are at the point now where you are
18 never going to get everybody agree on
19 everything. I do not see any valid reason to
20 delay this any further.

21 I would like to make motion to pass
22 these rules. Do I have a second?

23 COMM. GIANNOULIS: Can I ask a
24 question?

25 CHAIRMAN DAUS: Yes.

00116

1 Do I have a second on the floor?

2 COMM. AROUT: Second.

3 COMM. GIANNOULIS: Just quickly, in
4 terms of the options for FHV's to enter into
5 the program, what is the expectation? Who
6 would be the type of person who would enter
7 into the program? What would be their
8 incentive?

9 CHAIRMAN DAUS: From the very
10 beginning, whoever Easter Seals partners with
11 is going to basically be getting those eight
12 to ten vehicles in the program in the first
13 year, and, hopefully, a second eight to ten
14 vehicles in the second year.

15 Anyone, including Carmel Car Service
16 that took over a Ride For All, has I think
17 either five vehicles, they had 11, they have
18 five now. They, if they choose to
19 participate, can voluntarily participate. If
20 not, they can choose to stay out of it.

21 COMM. GIANNOULIS: So it just really
22 drives me crazy when I can't figure something
23 out. I am sorry, I am missing something here.

24 CHAIRMAN DAUS: Let's try to help
25 you.

00117

1 COMM. GIANNOULIS: I appreciate that.
2 So when then again, other than the
3 FHV's which are participating for other reasons
4 in providing services for people with
5 disabilities, who theoretically would go and
6 say "I want to join. Give me a meter"?

7 I am just trying to figure that out,
8 because for all the testimony we heard, they
9 will make less money. There is going to be a
10 demand on them to go to specific locations,
11 where, unfortunately, they may not want to.
12 So I am confused about who would possibly
13 participate in it.

14 And the reason I am asking that
15 question is, if common sense tells us nobody
16 would participate, why are we then taking a
17 chance about putting meters in the other 20
18 vehicles that will participate?

19 I guess that's what I am missing.
20 Maybe it's something simple.

21 MS. EPSTEIN: We actually wrestled
22 with that a lot ourselves. It required a lot
23 of additional rule making to incorporate the
24 liveries.

25 After speaking with Easter Seals and

00118

1 a lot of other people in the disability
2 community, it was felt that any vehicles that
3 sort of generally service cityr-wide in some
4 of these outer areas, it was important to
5 include them if we could. And Easter Seals
6 stepped up and said, "We are going to buy
7 these vehicles and make and take reservations
8 all day long."

9 So because they normally are in a
10 dispatch, unlike the yellow cabs, we could
11 book them 20 rides a day, so those eight
12 vehicles could theoretically 200 rides. So we
13 do think that they could have an impact.
14 Again, we don't really know. We won't know
15 until we see it, and I don't know how many
16 other FHV's might opt in. I do know I recently
17 had a conversation with a gentleman who is in a
18 wheelchair and is purchasing some vehicles to
19 put in a base, and he definitely would want
20 those vehicles to participate in this because
21 he thinks it is a good program. So it might
22 not be that many, but the impact could be felt
23 pretty widely.

24 COMM. GIANNOULIS: Thank you.
25 And then the meter issue

00119

1 fundamentally comes because -- the reason we
2 would put meters in there is because we
3 fundamentally feel that even though there is a
4 two-tier system that exists, in this
5 particular situation we don't want a two-tier
6 system?

7 MS. EPSTEIN: Because it is a
8 demonstration project, because it is all
9 centralized and all coming through the same
10 dispatcher, we felt it important that
11 passengers know --

12 CHAIRMAN DAUS: Commissioner, it is
13 really a one-tier system, which is a concern
14 legally we have. That was some of the
15 concerns raised by, for instance, Carmel, that
16 doesn't want to lose customers to people
17 calling 311. I think it's important if you
18 look at the standards for the federal DOT
19 rules, that it's equivalent service as to
20 fares. I think we opted for, and the staff
21 opted to recommend the meters as a way of
22 making sure that when there is a dispatch from
23 a single source, which will be through 311 and
24 Executive Transportation, that it's going to
25 one fare. There are not going to be different

00120

1 fares depending on the borough that you live
2 in. Why should people be charged more in
3 Staten Island, the Bronx and Coney Island,
4 which will happen if we don't put the meters
5 in.

6 COMM. POLANCO: Because that's what
7 is happening today, right?

8 CHAIRMAN DAUS: There is no service
9 today.

10 COMM. GIANNOULIS: The Commissioner
11 is making a rather simple point, but for some
12 reason nobody is accepting her rather simple
13 point, which is, yes, I will be the first one
14 to admit, yes, that is exactly what happens
15 today every day for anybody who has the
16 ability to use current livery service.

17 CHAIRMAN DAUS: We are accepting your
18 point to a certain extent, but we are also
19 accepting Commissioner Kay's point, which is
20 basically that no system is going to be
21 perfect.

22 COMM. GIANNOULIS: I will just
23 finish and I understand that no system will be
24 perfect. I do have one final point. I
25 concerned that we keep on talking about this.

00121

1 I will abstain from this vote, because I am
2 concerned about the issue with the meters and
3 I am concerned that we are talking about it as
4 a pilot, but at the end of the pilot, now that
5 we meters in livery cars, one can assume the
6 only resolution will be to either expand that
7 or to continue it.

8 So there is this thing that is out
9 there that says don't worry about putting the
10 meters in the liveries because once the pilot
11 is over that's not actually -- but isn't that
12 the point of the pilot, to see if that works?

13 COMM. KAY: At least from what I
14 heard, enforcement of the meters is an
15 important one that I think we should look at,
16 to see if it is possible to actually enforce,
17 to see whether or not it is being used for
18 non-disabled riders. And if we can do it, we
19 can do that. And I don't think that is
20 something that we should just gloss over.

21 COMM. GIANNOULIS: Correct.

22 COMM. KAY: It is a very important
23 piece.

24 COMM. GIANNOULIS: Whether it is
25 increased penalties.

00122

1 COMM. KAY: Enforcement is a huge
2 key to this thing, so that the power is not
3 abused, if, in fact, there is a concern that
4 people are going to use meters for not just
5 the call, but go and do a meter ride. I am in
6 complete agreement with you. I don't think it
7 is something that we should just say it can be
8 expanded. Enforcement is a key piece we
9 should monitor if we can. I assume we have
10 the ability to the monitor the use of the
11 meters.

12 And as I said, I would like to
13 include that in whenever we do get monthly
14 reports, about how enforcement is going, to
15 see if, in fact, it is being abused nor not.

16 CHAIRMAN DAUS: We will do that.

17 COMM. GIANNOULIS: And then just one
18 final thing, I see my friend Phil Hom (ph),
19 who is counsel to the Transportation Committee
20 on the City Council back there, and given that
21 we have heard -- and maybe the Commission
22 could work with him -- but given that we have
23 heard a bunch of comments, anecdotally at
24 least, that vehicles that are providing
25 service to people with disabilities are

00123

1 getting tickets, maybe there needs to be
2 something done to allow taxicabs that pick up
3 people with disabilities have some kind of
4 status like trucks that get to park for 15
5 minutes when they are making a delivery. I
6 don't know if it's true, but if it is true, we
7 certainly don't want to discourage drivers who
8 actually are doing the right thing and then
9 getting tickets.

10 CHAIRMAN DAUS: Commissioner
11 Gonzalez and then Vargas -- or Commissioner
12 Vargas first.

13 COMM. VARGAS: We agreed, we are
14 going to swap. I have a couple of questions
15 as it relates to this. And I certainly agree,
16 this is a worthwhile program as a pilot and we
17 need to do it.

18 A large part of this program are the
19 drivers that are going to be providing this
20 service in these vehicles, so I think, as a
21 prerequisite to mandating this program, we
22 have to have these incentives. I have heard
23 from several different drivers that the
24 shorties that allow individuals to get to the
25 front of the line at the airports certainly

00124

1 are a very big incentive. And I think
2 although we are having discussions with the
3 Port Authority, I think that needs to be
4 confirmed somehow before this goes forward,
5 that these incentives are there.

6 MS. EPSTEIN: Yes, and the Port
7 Authority told me that they like this idea,
8 they want to help provide service for people
9 with disabilities at the airports, and they
10 think it is an incentive for them, for their
11 dispatchers to have the shorties so that these
12 cabs do come to the airports as well. But
13 they have to sort of vet it through their
14 chain, so they weren't able to get any
15 definite confirmation before this meeting.

16 COMM. VARGAS: So who has control
17 over these shorties?

18 CHAIRMAN DAUS: The Port Authority.
19 In the past, one application the
20 MTBOT sponsored a taxi stand in Flushing. And
21 I personally spent hours there talking with
22 the drivers. They go there because of the
23 shorties. The shorties is a very big deal. I
24 can't imagine why there would be a problem.

25 MS. EPSTEIN: Yes. I think it's

00125

1 going to happen, I just can't say definitely
2 until they tell me so.

3 CHAIRMAN DAUS: And we will report
4 back at the next meeting. But there are also
5 other ideas that Mr. Gerber had raised which I
6 think are valid and worthwhile to look into,
7 but we can't give you an answer because it
8 involves conferring with DOT and other
9 agencies.

10 But I agree, I think out of all of
11 the comments, that was, I think, the one, even
12 though you did purchase the Medallions and
13 that comes with reasonable regulations, in
14 furtherance of them, I do believe that there
15 is an issue that potentially could happen when
16 drivers want to drive other vehicles. There
17 are obviously things you can do. You can
18 lower lease caps, which is a possibility. You
19 can get the Port Authority to get the shorties
20 see. There are a lot of different things that
21 I think we can do.

22 But, again, this is an experiment, it
23 is a pilot program. I caution that, and with
24 monthly reports and transparency, I think we
25 call, all together, make decisions on a

00126

1 month-to-month basis as to whether it is
2 working or it is not. And if it is not, we
3 can change it. We have provisions, we have
4 out clauses in the contract, right, Chuck?

5 MR. FRASER: The contract isn't
6 final, but I expect it will have the standard
7 New York City clause for termination for
8 convenience, yes.

9 CHAIRMAN DAUS: And I am very
10 comfortable with some of these rules because
11 of the legal nature of them, the Law
12 Department was kind enough to review the rules
13 in advance of the meeting and extensively
14 counseled us as well as our general counsel.

15 We believe it is the best plan, and
16 unless there are other comments, I did have a
17 motion and a second on the floor.

18 COMM. VARGAS: I do have another
19 one.

20 Even those this is two years, do we
21 have the authority, as a Commission, to end it
22 before two years?

23 CHAIRMAN DAUS: Yes, absolutely.

24 COMM. KAY: Is it structured as a
25 two-year, or is it actually structured as a

00127

1 one-year with an extension?

2 MR. FRASER: Again, the contract
3 isn't signed so the funding is for two years
4 and so we can do it as one year with an
5 extension. It really doesn't matter in the
6 sense that a termination for convenience
7 clause comes into play whenever you decide to
8 use it.

9 On the question of how we structured
10 the rules, the rules do not have a sunset date
11 because we couldn't reliably predict when that
12 would happen, two years, one year, or any time
13 short of that. However, to the extent that
14 the rules obligate you to make a dispatch from
15 a dispatcher we contract with, if we terminate
16 the contract, there are dispatchers coming
17 from it, obviously, your obligation under our
18 rules kind of disappears.

19 CHAIRMAN DAUS: Do you have more
20 questions?

21 COMM. GONZALEZ: Yes, I have a
22 couple of comments. First of all, I share
23 everyone's sensitivity about the meters and,
24 again, encourage diligent enforcement to make
25 sure that the industry is not -- the drivers

00128

1 are not abusing the meters themselves.

2 With respect to for-hire vehicles, I
3 have just a general procedural question: With
4 respect to opting into the dispatch program,
5 if I have, say, five vehicles, is it an all or
6 none option, in that I can elect to have three
7 in the program and two not?

8 CHAIRMAN DAUS: Is it vehicle by
9 vehicle, Samara?

10 MS. EPSTEIN: Yes.

11 CHAIRMAN DAUS: So if you Carmel
12 wants to try one of their vehicles and see how
13 it goes, they can do that.

14 Commissioner Polanco?

15 COMM. POLANCO: And I also believe
16 this is a great plan and we should go ahead
17 with it, but I just have certain questions.
18 We were presented with these rules today and
19 we are hearing, and I know he have some people
20 who put in their comments and so forth, and
21 we are hearing great ideas from people from
22 the industry, and also you mentioned about
23 some incentives which we have to check with
24 the Port Authority and so forth. And also the
25 fact that I have some questions about the

00129

1 meter being placed, the two-tier system
2 between the passengers who are non-disabled
3 and persons who are disabled. Also the fact
4 that there is some training that has to do
5 with the drivers, we don't know how.

6 CHAIRMAN DAUS: We can talk about
7 the training. Samara, can you give us an
8 update on the training?

9 MS. EPSTEIN: Yes. What we are with
10 the training is laying out some basic
11 requirements, because, again, this is a
12 demonstration program, we don't have the time
13 to go out and figure out who the approved
14 trainers can be. I do know Easter Seals, as
15 Mr. Lore mentioned, is able to provide the
16 training and they are happy to talk to any of
17 the owners to see if they want to use them.
18 There are other providers in the area as well.

19 There are advocates in the disability
20 community that do know other people that
21 provide this sort of training. So we have put
22 out the basics, what we felt are important
23 based on feedback that we have gotten from
24 people in the disability community and other
25 programs that have worked well. And that's

00130

1 what we put in here.

2 To enter into a contract to find a
3 trainer can take two years, and we didn't want
4 to wait for that happen, so we built in
5 something that we think will work for now.
6 And if this is something that we decide to
7 continue to do, there will be a whole other
8 rule making process, we can ramp up the
9 training, we can decide not to use liveries.
10 If this becomes successful, it will require an
11 entire new rule making procedure. So we are
12 just looking at this for a temporary amount of
13 time.

14 COMM. POLANCO: Just quickly, based
15 on what I just said, I think my opinion is
16 that we should table this until December and
17 see where we go from there. That's just my
18 opinion.

19 CHAIRMAN DAUS: You have made that
20 very clear. I understand your position.

21 Commissioner Arout?

22 COMM. AROUT: Mr. Chairman, after
23 all is said and done, I haven't been around
24 for a few months because of some problems with
25 my disks and I will be operated on on

00131

1 Thursday, but my prime concern now for-hire
2 vehicles. How far are we going to go?

3 Say Staten island base won't provide
4 an automobile, what happens then, are they
5 going to punished for that?

6 MS. EPSTEIN: Well, the way that
7 these rules stand, 607-F is still in effect
8 for all of those bases. And if there is a
9 base in Staten Island who wants to opt into
10 the central dispatch, then when someone from
11 Staten Island calls, they are more likely to
12 get one of those cars. Otherwise, cars
13 elsewhere in the city will need to go to
14 provide that ride.

15 COMM. AROUT: Will they be punished
16 if they refuse?

17 MS. EPSTEIN: In the rules, drivers
18 that refuse more than two dispatches a day are
19 subject to penalties, yes.

20 CHAIRMAN DAUS: It is actually, I
21 think the word "refusal" I think is kind of a
22 misnomer. We had discussed this, it is really
23 if you are unable to accept the dispatch
24 because you may have another passenger --
25 correct me if I am wrong -- in the car, then

00132

1 you would decline that.

2 MS. EPSTEIN: Well we are talking
3 downright, "I won't do this ride," because the
4 way that we are looking at it, drivers are
5 available throughout the day when they are
6 working. And they can say that they can't go
7 for whatever the reason is, they need to go to
8 the bathroom, they want to take their meal.
9 There are reasons, or they can say, "I am in
10 the middle of something, I can get to that
11 ride in 20 minutes."

12 So the dispatcher will work with the
13 drivers to figure out how that is going to
14 happen. That is why we hired someone that has
15 experience doing that.

16 CHAIRMAN DAUS: I guess the beauty of
17 this is right now if you live in the outskirts
18 of Coney Island or on the south shore of
19 Staten Island, or in the upper reaches of the
20 Bronx, you do not have accessible wheelchair
21 service if you are disabled individual. When
22 this is put into effect, there will be a fleet
23 of close to 250 cars traversing the city with
24 locating devices so we can figure out where is
25 the nearest vehicle and send it there. It is

00133

1 a beautiful plan. It is based on the Chicago
2 model.

3 I think that while it is not perfect,
4 it is not intended to be perfect, and I think
5 Commissioner Kay made a good suggestion. I
6 think the monthly reports to the public should
7 really ease anyone's concerns. And,
8 Commissioner, if you feel it is not working,
9 we can always bring it back to a vote and
10 rescind it.

11 I do believe that it is going to
12 work. We have spent years doing this. I just
13 don't see, with all due respect, any reason to
14 delay and deprive the disabled passenger
15 community of the service that should
16 rightfully be theirs. We have been a leader
17 in New York City on every front but this one.

18 We are looked at in the international
19 community as leaders in everything we do with
20 the exception of this. Thanks to the Mayor
21 and the Speaker, we now have the vehicles.
22 Now it is up to the Commission, really, to put
23 the plan in place to make it work.

24 With all due respect, I had a motion
25 on the floor with a second from Commissioner

00134

1 Arout and I would like to call for a vote.

2 COMM. KAY: I am more than happy to
3 vote. Just, I want to make it clear that I
4 think we should have on the agenda at each one
5 of our meetings a section to discuss the
6 Commissioner's concerns, get some more
7 information, so if she does have additional
8 questions or concerns that are not addressed,
9 we can then take appropriate action each month
10 if necessary.

11 CHAIRMAN DAUS: Right. I would
12 assume that would start after we sign the
13 contract and get it up and running, right?

14 COMM. KAY: I think there is some
15 questions that I think we should address at
16 the next meeting as well, but I think we
17 should move forward with the vote now.

18 COMM. POLANCO: You said there are
19 certain questions, which I think, if we table
20 this for December, the questions will be
21 answered by then. And I am definitely for the
22 program, but it is just that there are certain
23 concerns here that should be addressed
24 beforehand. And I think it is prudent to wait
25 until December and then we can hear, but

00135

1 that's just my opinion.

2 CHAIRMAN DAUS: Your opinion is
3 worthwhile, and I think some of the concerns
4 that you raised actually would not be impacted
5 by the rules. There are certain things that
6 you mentioned that can be changed through the
7 contracting process. And I am not making it a
8 part of this motion, but we will put on the
9 agenda a monthly report. And if you feel that
10 we have heard enough, let's do it every three
11 months, we can do that as well.

12 So I think we have a second, so all
13 in favor?

14 COMM. VARGAS: Would it possible,
15 Mr. Chairman, to include a provision that says
16 if the shorties for the incentives for the
17 drivers are not available, then this gets
18 postponed?

19 CHAIRMAN DAUS: Counsel, can we do
20 that? I am reluctant to make that part of my
21 motion, only because we haven't heard back
22 from the Port Authority with the final. But,
23 again, we are having a monthly agenda item. I
24 think it is important for the disabled
25 community to understand that we are moving

00136

1 forward, and I think that's what this vote
2 represents. And what I would be happy to do
3 is look at that next month and get a firm
4 answer for you.

5 COMM. KAY: I am certainly happy to
6 reach out to the Port Authority to make sure
7 that they have looked at this from top to
8 bottom and get some answers.

9 CHAIRMAN DAUS: Excellent.
10 Okay, all in favor, let's just have
11 another count, please.

12 (Chorus of "Ayes.")

13 CHAIRMAN DAUS: Opposed?

14 (None opposed.)

15 CHAIRMAN DAUS: And you abstain,
16 Commissioner Giannoulis?

17 COMM. GIANNOULIS: Yes.

18 COMM. POLANCO: I am also
19 abstaining.

20 CHAIRMAN DAUS: You are both
21 abstaining, okay. Thank you.

22 I know some people in the audience
23 are angry. Some people don't agree with
24 everything that we have done. But I think
25 that this could go on forever. I think that

00137

1 if you look back at the history of the last
2 seven years, I don't think anyone can look us
3 straight in the eye and say, "They did
4 something that was outrageous. They didn't
5 take into consideration stakeholder issues and
6 concerns."

7 Everything that we have done has been
8 very reasonable. And some of the issues that
9 are being raised as problems with the rules
10 are things that we bent over backwards to try
11 to do to appease some of the stakeholders to
12 make them work.

13 So I want to thank everybody
14 involved. It has been a very, very long
15 process. We continue to work with you. We
16 understand your concerns and we will address
17 them on a monthly basis.

18 I want to thank Samara Epstein, the
19 Director of Constituent Affairs, who worked
20 very hard. And Jeff from Operations, and
21 everybody else who had participation in this
22 program, including the advocates and the
23 stakeholders. Thank you. We will keep you
24 apprised. And I'm sorry if you are not happy,
25 but I think there are a lot of disabled New

00138

1 Yorkers out there that will be jumping for
2 joy.

3 Do I have a motion to close the
4 meeting?

5 (So moved.)

6 CHAIRMAN DAUS: We are adjourned.

7 (Time Noted: 11:55 a.m.)

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C E R T I F I C A T I O N

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

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

MARGARET EUSTACE,
Shorthand Reporter

