NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Tuesday, November 13, 2007
40 Rector Street
5th Floor
New York, New York
Public Meeting convened at 9:30 a.m:

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
HARRY GIANNOULIS, COMMISSIONER
HOWARD R. VARGAS, COMMISSIONER
EDWARD GONZALES, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
JEFFREY KAY, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL
CHAIRMAN DAUS: Good morning everyone. We have a couple more Commissioners joining us, but first of all, I want to welcome back Commissioner Arout, who has missed the last few meetings. Feeling better, look good, welcome back.

COMM. AROUT: Thank you.

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

We had 151 valid bids that we had received, and I just want to give everybody some of the numbers, which were very promising. The winning his bid was $384,999. The winning low bid, the lowest bid was $277,777. The average winning bid was
$308,977.21.

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

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

First of all, I don't know how many of you are aware of this, but now, New York City is the leader. We have a total of 230
accessible vehicles that will be on the road by the end of next year, thanks to Mayor Bloomberg and Speaker Quinn who signed the legislation getting us there. We now have more accessible cabs on the road than any U.S. city. Now we need to put them to good use in an efficient and appropriate manner.

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

Also, I would like to thank David Klahr, chief of staff to the First Deputy Commissioner, who did an outstanding job of not being with us for too long but managing his first -- actually his manage second major project. But he did a very, very good job. And also I want to thank Chuck Fraser and the legal time who really kept the wheels moving
on the sale. And it was done flawlessly. We have no issues that we are aware of.

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

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

One of our four vendors, as I reported last time, had been given a notice to cure various issues with its contractual obligations. That was a 30-day time period which expired as of last week. And the City
and New York City TLC has opted to discontinue and terminate that contract with Taxi Technology Corp. There are about 2,245 Medallion owners that we envision are affected by this. There is only a handful, in addition to the 200 piloted vehicles that are actually installed with units. Most of these folks have contracts that have been signed but the units haven't yet been installed. So out of respect, deference and cooperation with the industry, given this development, what we would like to do is, number one, make sure that they understand that we are going to allow every reasonable opportunity for you to have more time to contract with another vendor and make the right decision, because there are still three vendors authorized to sell and we want to make sure that you make the right decision in terms of entering into a new contract. And I think it is the fair thing to do.

So the plan that we have developed, simply, is that all Taxi Technology Corp. Customers have until the next inspection cycle which will commence on February 1st of '08 and
will end on April 30th of '08. You will have
until that inspection cycle to show that you
have a unit installed from one of the three
approved vendors. Also, we are going to allow
the remaining three vendors to send marketing
materials, and we are also going to ask the
TLC staff to host an additional vendors expo
later this month. As it gets cold, maybe we
will go indoors. But it was tremendously
successful and we will invite all of those
folks.

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

Also on the technology project, I
don't know if he is here, but I want to
congratulate our chief of staff Ira Goldstein.
Congratulations, Ira. He received a significant city-wide award from the Department of Information and Technology, DoITT. These awards are given out every year for outstanding projects that the City engages in and he received an award for excellence in project management, and he brought all the team with him to accept the award, and I want to congratulate you for all of your efforts because it wouldn't have been able to happen without you. Thanks for all those late nights and early mornings.

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

One of the things that it asked that we do is translate all of our TLC adjudications, rules and FHV rules into many different languages. While we are not adverse to, as part of our rules reorganization
project, translating into various languages, the way the bill was basically written would encompass probably hundreds and hundreds of languages to translate our rules into. So there are some logistical issues, so we did oppose the legislation. If you want to review the testimony, it is on our website and there are in the back as well.

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

The Commission will then get back upon a more regular schedule in '08 and we
will resume our next tentative meeting for Thursday, January 10, 2008.

That concludes my report.

Any questions, comments?

No response.

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

No response.

CHAIRMAN DAUS: Do I have a motion to approve?

So moved.

CHAIRMAN DAUS: A second?

Second.

CHAIRMAN DAUS: All in favor?

Chorus of "Ayes."

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

MS. STEELE-RADWAY: Good morning. Licensing would like to present before the Commission 34 bases with a recommendation for approval.

CHAIRMAN DAUS: Any questions,
comments on the license apps?

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

CHAIRMAN DAUS: Good work. Any motion to approve?

(So moved.)

CHAIRMAN DAUS: A second?

(Second.)

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: So approved.

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

CHAIRMAN DAUS: Any questions?

These are all bases that basically we had several phone calls made to them. We have moved heaven and earth to try to get them to focus on the fact that they need to complete our applications, and they have not. And the
motion would be, then, to deny and giving them
30 days to complete and correct their
paperwork. And if they don't, they are just
denied.

So I will make that motion.
Do we have a second?

COMM. GONZALEZ: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

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

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

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

In fact, we had changed and altered
the plan in some respects based upon the
feedback that we got from them. We actually presented the rules and the key provisions of the rules themselves at a prior meeting just a few months ago.

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

And this is an attempt to basically bridge the gap, and I've read, and many of the Commissioners have read all of the written comments. They were extensive. I have read them and some Commissioners have read them.
twice. We have analyzed them very thoroughly, and I want to clear a couple of things up before we start.

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

Number two, this accessible dispatch program is intended basically as an experiment, the pilot program. A lot of work has gone into this. The Mayor's Office of Operations has been extensively involved under Commissioner Kay’s leadership and Liz Weinstein who is no stranger to TLC. They have done a lot of work on this program. But it is intended basically, once again, to be an
experiment. We don't know necessarily what the demand is, and it is intended primarily as we experiment with this dispatch system, to bridge the gap over the next two years until we have the Taxi of Tomorrow program in full swing and full force.

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

You know, the taxi driver incentive issue is I think a potentially real issue. Getting drivers to basically drive these vehicles and not drive another vehicle. There are many different incentives that I have reviewed, some good ideas, we will look into them. Our office is actively working on one
idea, which is to work with the Port Authority to see if we can get shorty tickets for drivers who drive accessible vehicles. Samara is looking into that. And there were some interesting -- I am sure we will hear more about it -- innovative ideas involving taxi stands. And there is nothing that is in these rules that will would require us -- in these comments that would require us to pass rules to that effect. But there are things that we will actively look into and advise whether they are appropriate, including taxicabs stand issues and we obviously have to confer with DOT and other folks outside the agency. But I think that the proposed rules strike a very reasonable balance, but we are here today to hear what you have to say and to see whether any tweaks need to be made. Again, this is a pilot program, and as with any other system, it is not perfect, it is expected to be perfect. There will be a continual review process over the life of this two-year pilot, where we have the ability if things go wrong to stop it and to fix it, or
to tweak it in a minor way. But I have every
confidence, having seen this challenging issue
over the years, that this is the plan. And I
think it's important to note that we are very
different. This has been one of, if not the
most challenging issues that we have faced at
the TLC for three basic reasons.

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

    This system that is being proposed is
based in part, not entirely, but in part upon
the successful Chicago model, which many
people have realized does work. And in
addition to the unique challenges, there are
other challenges, which I am sure we will be
hearing about. And that includes the fact
that the vehicles themselves, and the reason why we are not where we would like to be and why we are looking into the Taxi of Tomorrow, are not made off the assembly line to be accessible. We have to retrofit them, it costs money, you have to buy a minivan which is more expensive. These are not vehicles that are designed for commercial purposes, so they have wear and tear issues in terms of being operated as cabs; whereas in other cities and other localities they don't have those same issues. They don't have the roads of New York City 24/7 that we do. And that's really our goal.

There is no easy answer to this. We believe that this is the best that we and staff have come up with. We are anxious to hear your comments. I believe that the reason why this hasn't been done before is because of turf issues, and I just want to reassure everybody of the intent of these rules and of the TLC and of the staff. We have absolutely, positively no intent to start making every FHV meters. We have no intent of getting rid of street hails and the yellow cabs. These are
rules, and you can read them, they are only
for this pilot program. It is a pilot
project, a pilot program. So I hope that kind
of clears things up, so that if you are
testifying that you will be able to put things
in context have more efficient testimony.
With that, I would like to turn it
over to our general counsel, Chuck.
MR. FRASER: Thank you.
These proposed rules would implement
a two-year demonstration project for a
centralized system of dispatching accessible
taxicabs and participating wheelchair
accessible livery to passengers who use
wheelchairs. The program would permit
passengers using wheelchairs to call New York
City's 311 system and obtain a dispatch
through a service operating pursuant to a
contract with the TLC.
In developing the accessible dispatch
program, Commission staff engaged in extensive
consultations with industry members, advocacy
groups, elected officials and other interested
members of the public. Staff presentations
were made at Commission meetings in December
2006 and May and August of this year. The proposed rules were published for comment on September 28, 2007 and seven written comments were received. Copies of which have been distributed to the Commissioners.

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

The first preregistered speaker is Michael Harris from the Riders Coalition.

Good morning, Michael.

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

Certainly with 1.3 million New Yorkers self-identifying in 2000 Census as
having disabilities, and with more than 70,000
of those identifying in terms of loss of
mobility, and countless commuters and tourists
come through our City each day, it is
imperative that this Commission recognize the
needs of people with disabilities and enact a
program that will allows us to use taxis.

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

A central dispatch program would
allow a pragmatic interim solution to the lack
of accessible vehicles. However, I have
serious concerns with regards to the specifics
of this particular program, And I just want to
go over a couple of them briefly. As the
Chairman said at the beginning, we have a
two-tiered system, yellow cabs and for-hire vehicles. For-hire vehicles primarily serve the outer boroughs and their participation is voluntary. We are deeply concerned that this will lead people such as myself who live in south Brooklyn, or who live in the Bronx of Staten Island or Queens, to not getting the same service or the same response time someone in Manhattan would get. We believe that if you are going to mandate this yellow cabs, the mandate should also apply to FHVs.

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

The fact is that it is completely unfair to penalize a person with a disability by charging them for the additional load time. If I hail a cab on the street, the meter can't be started until the driver is in the
seat and ready to pull away. If you are putting luggage in the trunk, that meter cannot be started until the driver is back in his driver's seat. Whether it is central dispatch or hailing a cab on the street, it is the same scenario. It still a hail, just in a different fashion, and the same rules need to be applied.

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

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

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

Let me just conclude with a couple of brief anecdotes here. At many past meetings I have arrived with various signs of protest. The most notably the "We pay taxes, now we want taxis." I am actually going to change that sign today, "We pay taxes, now we sort of get taxis." Because that's what is going to happen under this program. So I would ask the commission to reexamine the plan. If the amendments put forth by myself or the other fluent speakers can be made today, the plan should be approved today. But if you cannot act in the best interest of the people who desperately need this service, then I believe it's incumbent upon the Commission to put off
With 1.3 million residents with disabilities, that is a large portion of the population that has historically been disenfranchised. Central dispatch is very promising. It will open up a whole new mode of transportation, and I, quite frankly, think people may use it more, people with disabilities may use it more than people without disabilities, with only 59 accessible subway stations city-wide, the primary mode of getting around, people are more likely to use a cab to get from Point A to Point B. But as long as these provisions are in effect, it is going to discourage people with disabilities from wanting to use the dispatch system.

I think you need to keep the dispatch system on par with the hail fare system. It should not be a separate unequal process. There must be equivalent service. And I think that if you remove the charge for waiting time, if you remove the two refusals and if you consider some incentive or other means of including for-hire vehicles, you have an excellent plan that will significantly improve access for people with disabilities.
increase the transportation alternatives for people with disabilities. So I ask the Commission to consider these minor changes which I believe are reasonable, and move on. One final point that I would like to make. As a resident of south Brooklyn, where the vehicle that is going to be dispatched to me is most likely going to be a livery or for-hire vehicle, not a yellow taxi, because yellow taxis are almost never seen in Sheepshead Bay, I would ask that in the interest of standardizing things, that just as the reason for putting taxi meters in the vehicles that are being for used dispatch is to standardize the fare rate, that credit card readers be mandated in for-hire vehicles participating in this project. If you want to have equality, you must have equality not only on the meter but on the methodology of payment, because if I call, I don't know whether I am going to get a vehicle where I can pay by credit card or by cash. That's something I should be able to know reliably and that is the rationale for putting the meters in the for-hire vehicles.
In conclusion, I want to commend the Commission for moving forward. I think we have taken a giant step forward in what has been a long journey today, and I ask you to consider these amendments and move forward with the central dispatch plan as soon as possible. I thank the Commission for their time. And I am happy to take any questions.

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

CHAIRMAN DAUS: Good morning, Commissioner and Compass.

COMM. SAPOLIN: Thank you for accommodating us early in the schedule here. Following up on Michael's testimony, Chairman, thank you for welcoming us this morning. Thank you to the Commissioners for hearing this testimony and moving forward, as Michael said, taking this giant step to increase accessibility in the taxi fleet.
I basically come today on behalf of the Mayor's Office of People with Disabilities, the office established in 1973 to assure that the voice of people with disabilities is represented in the development of our City's programs and services. And on this very important conversation about improving transportation services, which could have a great impact on the ability of the people with disabilities to participate fully in our rich City's opportunities.

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

You heard some very specific recommendations from Mr. Harris, and I am sure you will from the Assemblyman and others.
testifying today. I think the beauty of this
is we can hear all of the specific
recommendations today, and then as we roll
this thing out, we can sort of test it and
make continuous quality improvement measures
going forward.

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

I think we do know that there will be
obstacles going forward and the beauty is
that there will be opportunity to examine
this, collect data, and really have a lot more
than we have today going forward. So I think
over the next several months, and year or 18
months of the pilot, we will really have an
opportunity to test this. Hopefully, the
community will embrace this, utilize it and help us grow it. I think New York has an opportunity to set a benchmark for the rest of the country in terms of really having a strong dispatch system, a strong with relationship with the industry. We want this to work for both the industry, the consumer, and for all of those here in our city.

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

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

COMM. GIANNOULIS: Good morning,

Commissioner.

COMM. SAPOLIN: Good morning.

COMM. GIANNOULIS: It's nice to see
Mr. Harris saying that he got a vehicle -- did you say today or recently?

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

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

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

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

Anecdotal stories we have heard have been primarily good. Folks who have found the
vehicles are satisfied that they can get it.
We have heard some other issues actually from
the driver's side, and we will work to remedy
this, and Chairman Daus has partnered with us
to further this conversation. And this is
where drivers who are trying to disboard
somebody near a curb cut, sometimes leave
their vehicle with a wheelchair user and are
given a ticket. And they have contacted our
office for advocacy in terms of trying to
remedy that ticket.

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

COMM. GIANNOULIS: Seems like we
could have some type of light system or
something that prevents people from getting
tickets.
COMM. SAPOLIN: We had a meeting with the captain at the PD a couple of weeks ago around handicapped parking overall, and this was brought to their attention. We have seen probably two or three tickets over the past year or year and a half since the introduction of the accessible to the fleet. So if that's the worst of our anecdotes at this point, we believe there is a remedy to that. We are really eager for the community to be able to utilize the vehicles that exist and the vehicles that will be coming.

COMM. GIANNOLIS: Thank you.

CHAIRMAN DAUS: Any other questions?

(No response.).

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

COMM. SAPOLIN: Thank you. Again, Commissioner, I am available to partner with anybody in this room, as you know, going forward.
CHAIRMAN DAUS: Thank you very much.
The next speaker is Assemblyman Kellner, and the speaker after that will be Andrew Kurzwell from the TLC Disability Advisory Board.
Welcome, Assemblyman, it was a pleasure meeting with you and going over some of these issues in advance.
ASSEMBLYMAN KELLNER: I appreciate that, Commissioner Daus. I appreciate you and your staff taking the time to meet with me last week.
Good morning, Commissioners. My name is Micnah Kellner, I am a member of the New York State Assembly representing the 65th Assembly District in New York County which includes parts of the upper east side, all of Yorkville and Roosevelt Island. I thank you for the opportunity to speak before you today on an issue of great personal importance to me, accessible transportation for people with disabilities.
My entire district, which approximately 160,000 New Yorkers live in, is one of the City’s most densely populated
neighborhoods, contains only one subway station, and that is on Roosevelt Island. Local residents rely heavily on bus and taxicabs. Those with mobility impairments have not been able to use taxis as a realistic travel option because of the lack of accessible vehicles.

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

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

While I support the notion of a central dispatch system, I am profoundly
concerned about multiple aspects of the proposed rules change presently before the Commission. Specifically I have reservations about the right to refusals of service for dispatch fares, the lack of strict penalties for such refusals, the lack of standardized curriculum on operating accessible vehicles, for driver training, and in charging dispatched passengers for load time.

I am just going to briefly elaborate because of the limited time. I am extremely grateful to the Commission for moving forward with a proposal that will require operators to be trained and certified in order to operate accessible taxicabs. Members of the City's disabled community relayed to me instances in which they actually did hail an empty accessible cab only to find a driver who had no clue how to operate the accessible features of his vehicle. In some cases the passengers themselves had to teach drivers how to operate a ramp or secure a wheelchair, and in others, they have simply been left at the curb. Both are scenarios that are unacceptable. While
the Commission has mandated certification, no training guidelines have been established. No Requests for Proposals have been issued, nor has any facilitator been selected to conduct trainings.

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

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

Let me take a step back for a moment.
I am greatly concerned about the right of refusal as well as the fines. I believe that the fines should go beyond just the driver. I think it's incumbent upon the Medallion owner, they have the right, they got to buy these Medallions at a reduced price, and it is incumbent upon them. I think if we see continued refusals, the fine should go beyond the driver should go to the Medallion owner as well to make sure that they enforce the rules themselves. To make sure that their drivers are honoring the central dispatch system.

Finally, and most importantly, taxicab meters don't begin running on street hails before they are finished loading luggage or getting seated in a taxicab. Similarly a rider using a wheelchair shouldn't be held to a different standard by being charged for time taken to stow and secure a wheelchair in taxicab, or to load by a ramp. It is, therefore, profoundly disturbing that the proposed regulation allows an operator on a dispatch call to charge for loading a wheelchair-using passenger. Drivers on
central dispatch calls, for all intents are purposes, are accepting a hail, just in a slightly different fashion, and has to be held to the same standards.

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

I would like to close by reiterating my belief that central dispatch can serve as a critical important link in the transportation system serving more than 1.3 million New York City residents with disabilities, as well as the countless disabled commuters and tourists who pass through our City on a daily basis. We must ensure that this plan isn't doomed to
fail before it begins. I ask that the Commission seriously consider the concerns that I have raised today, as well as those put forward in my November 7th letter to Chairman Daus, copies of which are in front of you. I respectfully asks the distinguished members of the Taxi and Limousine Commission to take both action in keeping New York City on the cutting edge of state and municipal governments around the country. I urge the Commissioners to take decisive steps in meeting the transportation needs of persons with disabilities in our nation's greatest city. I urge you to swiftly approve a program for central dispatch of accessible taxis and for-hire vehicles.

Thank you for the opportunity to testify today.

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

ASSEMBLYMAN KELLNER: I appreciate the work you are doing. It is incredibly important to the disability community.
CHAIRMAN DAUS: Thank you.

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

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

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

And the other thing is, I applaud
that we have gone this far. I have been involved in these negotiations to a point, and would like to see more coming forward. I would like to see a lot more coming forward with communication between the community and the TLC and other interested parties.

Thank you very much.

CHAIRMAN DAUS: Thank you.

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

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

It is just what we are fear will probably happen. Even if I was promised a
cab, how long would I have to wait? 40
minutes, an hour. Will someone come and pick
me up when I want to go home? Will I dare
take the chance? What if it is raining? Will
they pick up Sam in Harlem, Edith in
Washington Heights?

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

In our April letter to Chairman Daus,
signed by upwards of 50 groups, indicates
additional widespread opposition. On behalf
of the campaign, I submitted comments urging a
broader, long-term solution to the issue, a
gradual conversion to a green wheelchair
accessible taxicab fleet. And I have extra
copies of those letters if anybody would like
This is an interim plan but there is no plan that does a future. It is a government agency that has decided to move forward with a flawed program, even though the vast majority of people made it clear that they believe it won't work and it's unfair. With so few taxis and the ability of drivers to pick up street fares, we think this pilot program is doomed to fail and will not be indicative of the demand for taxis by residents or tourists with mobility impairments.

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

CHAIRMAN DAUS: Thank you, Ms. Davis.

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

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

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

CHAIRMAN DAUS: There is going to be some form of record keeping for the dispatcher and after that, but the whole thing is going to be monitored very closely, including detailed record keeping. Since meters are involved, we will able to tell exactly where these vehicles were, what they were doing, what the amounts were charged. It is all going to be a continual pilot program, something that we will look at, analyze it every step of the way. We can make changes. And our contractual revisions provide for that as well. So I believe it's a question of do you do nothing or you do something even if it is not something that everybody can agree on. But we certainly will
track it through 311 and through the
dispatcher system.

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

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

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

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

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

COMM. GIANNOU LIS: Can we talk a
little about the meters, if people come up and
speak, that way we can ask them smarter
questions.

The proposed rule is going to have
the same exact meters that currently exist in
yellow Medallions will be put in which
vehicles exactly, in terms of FHV s?
CHAIRMAN DAUS: Andy, Samara, could we just address the FHV meter issue?

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

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

MS. EPSTEIN: A wheelchair accessible FHV, yes.

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

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

COMM. GIANNOULIS: No. I am just trying to ask a simple question. If I have an FHV wheelchair accessible vehicle and I want to join the program, whatever we are calling it, do I get a meter?
MS. EPSTEIN: Yes, but you can only use it for dispatched rides.
COMM. GONZALEZ: I understand that.
CHAIRMAN DAUS: So is the contract paying for it, or they have to buy it?
MS. EPSTEIN: If they opt into the system, then TLC will provide them with the technology that we provide to everybody participating in this program.
CHAIRMAN DAUS: Commissioner, that also includes -- I did mention this at the beginning -- that the City is paying for all of the equipment if you opt into the system, so the Blackberries, the dispatch equipment that will come from the dispatching contract, is something that the Medallion owner does not have to pay for.
COMM. GIANNOULIS: The FHV owner, you mean?
CHAIRMAN DAUS: The FHV owner or the Medallion, either. Anyone who is in the system does not have to pay for that.
COMM. GIANNOULIS: That includes the meters?
CHAIRMAN DAUS: Yes. I wasn't clear
on that and they just told me it does, right?
MS. EPSTEIN: The meter will have to be purchased by the FHV owner because Medallion owners purchase their own meters.
COMM. GIANNOUNIS: So in terms of the FHV, the meter will be the same meter that any other yellow Medallion would have?
MS. EPSTEIN: Yes, and we will be able to see how often it was dispatched.
COMM. GIANNOUNIS: Right. And then what would prevent that person from using the meter in a pick up of somebody who is not disabled?
MS. EPSTEIN: Is there anything?
They are not allowed. It says in the rules, that the meter is only to be used, so we could fine them if at they do use it.
COMM. GIANNOUNIS: How would you know?
CHAIRMAN DAUS: We are going to track it.
MS. EPSTEIN: We can match up the meter reports with the dispatch reports and make sure that they match up.
COMM. GIANNOUNIS: No one is really
going to do that, though.

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

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

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

COMM. GONZALEZ: Okay.

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

MS. SATOS: Good morning. Like the
previous TLC public hearings, the members of
Self Advocacy Association would like to
reinforce once again their belief that the
dispatch of accessible taxicabs and
participating liveries should not be an
alternative to the fully accessible taxi
fleet, but rather as a back-up for the current
system, until all taxicabs can be one of the
means of transportation for people who use
wheelchairs and other medical equipment.

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

Self Advocacy is strongly in favor of
the service not being subject to restrictions
and enrollment requirements. A question was
asked as to who will oversee the maintenance
and accessibility of all the vehicles. How
can we ensure if participating divers and
owners are fulfilling their commitments? Will
people who use wheelchairs be involved in the
selection of vehicles to insure that
accessible cabs are actually accessible?

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

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

Self Advocates stress dispatcher and
driver courtesy. It is a main concern with
current service that dispatchers and drivers
are persistently disrespectful of passengers.
The driver training approved if provided by
TLC should include a workshop with people with
disabilities which can create a dialogue about sensitivity and disability awareness. Dispatchers should also attend a workshop on courtesy, customer service and conflict resolution. The Self Advocacy Association of New York State can initiate the workshop free of charge.

    Thank you.

    CHAIRMAN DAUS: Thank you.

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

    CHAIRMAN DAUS: Sure, that's fine.

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

    Because I have gotten in a cab where the driver just go ahead and goes down the
street, and it was a two-way street but it looked like one way, and the driver told me, I never forget, that, "If I get a ticket, I am going to kill you," okay. So we have to make sure that everybody is happy with the taxi service, okay. And I want to say thank you because this was a long time coming. Thank you.

CHAIRMAN DAUS: Thank you.

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

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

We have purchased those Medallions. We have found the cars for them and we have put them on the streets. We have a commitment
to serve people with disabilities. We have a
commitment to seeing that these vehicles stay
on the streets.

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

They will go off meter and pass
dozens, maybe many dozens of would be paying
passengers, to get to locations possibly
distant, to pick up passengers that may be
going a few blocks away. They cannot earn
more money from the system, they must earn
less. Talk to any driver, he or she will tell
you the same. The earn the privilege of
driving for less money, the driver must take a
course. One that has been pointed out that has not yet been devised. I, like all of you, have taken courses to enhance my earning potential. Here you ask drivers to take a course to make them eligible to decrease their earnings. It defies logic and it defies common sense.

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

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

Incentives should be in place on the
day this program goes into effect, not some hypothetical future date -- Mr. Chairman, I ask that I have a couple more minutes, please? 

CHAIRMAN DAUS: You have time left.

MR. GERBER: I have heard it said that it is the owner's burden to offer these incentives, the very people who have done everything in their power to get these vehicles on the road. Indeed, the very ones who brought legal action to allow us to put cars on the road, should be penalized for their efforts by, like the drivers, receiving less income. It is bad policy. It is also simply erroneous to argue that the owners should lower their leases, that they have somehow got a bargain on accessible Medallions and could, therefore, afford to do so. It is untrue. In my notes already circulated, I show that the average bid at the last fleet auction was actually the same or higher than the average sale price in the months preceding the auction. They received no bargain.

Second, they have spent far more in the price of car parts and maintenance than
those who own more typical vehicles.

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

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

I have circulated these letters to
all the Commissioners outlining the
suggestions. I won't describe all of them
here, but to name just a couple, we propose
replacing the dispatch system with centralized
pick-up locations at key spots that would
encourage drivers and wheelchair users to find
each other. The other suggestions are
incentive based. They include giving priority
to accessible cars at airports and other taxi
lines. Thus, the drivers could recoup their
lost time in fares and may actually seek out
the cars. This would be good public policy.
Put these incentives in place before
you put the rules in place. The current plan,
if enacted, is destined to fail. It will have
exactly the opposite of its intended effect.
We are willing to meet with the Commissioners
or the TLC staff at any time to share our
proposals. We believe that if the TLC works
together with the owners and the drivers and
the disabled community, we can develop a plan
that would work.
In the room, Commissioners, I have
Guy Robertson here, one of the developers of
this program. One of the first people to put
vehicles on the road at great financial risk.
As you know, we did everything in our power to put these cars on the road. In fact, it resulted in some litigation to try to get vehicles on the road. This will put incentives to not have those vehicles on the road. I urge you, if you are going to do this, have the incentives in place the day you have the plan in place.

Thank you.

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

MR. GERBER: I would ask that you have these incentives ready, willing and able to go the day you start the plan.
COMM. KAY: Can I ask you a question?
MR. GERBER: Yes.
COMM. KAY: You mentioned that you represent an organization that purchases the disabled vehicles.
COMM. KAY: We just sold some last week, right. What was the average price?
CHAIRMAN DAUS: The average price was I think 308. Those were the individual owner-operators.
COMM. KAY: Have there been any disabled Medallions that we have not sold due to a drop in demand?
CHAIRMAN DAUS: No.
MR. GERBER: These were individual owner-operator vehicles.
COMM. KAY: My question is whether there was a drop in demand.
MR. GERBER: Well, actually that was a lower price from the average Medallion, so.
COMM. KAY: I think that's indicative of the market, but they are still being
purchased and still being put on the road.

MR. GERBER: But not by the fleets.

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

CHAIRMAN DAUS: Okay. Thank you, Commissioner.

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

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

We object to the proposed rule in its current form, as it will make a mistake with repercussions that are far, far more damaging than what they are trying to accomplish. First I would urge the Commissioners not to vote for rules that will break away our long-lasting and beautiful tradition of taxis not accepting prearranged reservations and
for-hire not accepting street hails. This beautiful arrangement made New York a success story, not only by me. An article called "New York Unsong Taxi Triumph," says, and I quote, "Boston, Chicago, Philadelphia and San Francisco, for instance, make a crucial regulatory mistake that New York has managed to avoid." They are talking about New York's arrangement of taxis and for-hire vehicles.

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

The Rule discriminates against taxis. It is actually asking the taxis to go off duty until they reach the prearranged reservation and not be compensated for it. Taxi is not
like for-hire system, do not have a way to recover on cancellations or no shows, and the taxi driver is going to lose money.

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

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

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

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

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

Thank you.

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

MR. KABESSA: Excellent question,
thank you for asking. We actually have 10
percent no show and a 10 percent cancellation,
which is worse than a no show because those
cancellations can happen at any time.
I can only assume, and this is with
Carmel, we have 10 to 15 percent. With Ride
For All, it's about 5 to 10 percent on
cancellations, 5 to 10 percent on no shows.
And I think that we should address this. The
taxi system is not -- you see, as a livery, if
he has a no show, I can prearrange something
else. Immediately, they are compensated.
If I have an agreement with a client,
I can charge the client for cancellation.
There is a mechanism by which I can recover.
There is no such mechanism for taxis. We
should really maintain what has been working
for us, taxi for street hail, livery for
prearranged.
CHAIRMAN DAUS: Just to clarify, I
want to make sure I got this right, 90 percent
people who call, disabled passengers,
basiclly show up.
MR. KABESSA: 90 percent show up,
that is correct.
COMM. GONZALEZ: And, Mr. Chairman, a general question as far as what is on the table here. As far as delivery of service, the customer still has the choice of making a client for hire vehicle arrangement. The dispatch service is not replacing what is already in place for FHVs?

CHAIRMAN DAUS: That's correct.

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

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

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

CHAIRMAN DAUS: That is correct.

COMM. KAY: So it is completely voluntary. So it is the for-hire vehicle company's choice to decide whether or not they want to enter into this program?
MR. KABESSA: Commissioner, who is
going to service Brooklyn? No livery of mine
is going to go to Brooklyn.

COMM. KAY: And that is your choice.

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

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

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

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

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

CHAIRMAN DAUS: You can still do
that.

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

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

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

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

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

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

I know you are going to do something, and I think you are probably on the right track. There could be some corrections, and let's see where we go. Anyway, I got something to read here. Normally I never read
anything, but being I am taking medication, I figured let me write it down. Here we go again, let me read from here: It's commendable that the TLC is addressing the transportation needs for people with disabilities. The recent auction of 63 independent accessible taxi Medallions, bringing the total number of accessible taxis to 144, is a great benefit to the disabled community. I would like to address the proposed amendment to Rule 6-12I and Chapter 16-06B of Title 35 of the Rules of the City of New York. The amendment of Rule 6-12I would allow accessible liveries to have taxi meters. There are no safeguards in place to prevent the accessible liveries from using meters for trips other than for a person with disabilities. Many years ago, TLC mandated non-Medallion for-hire vehicles to operate without meters for a very good reason. It keeps the appearance and operation of Medallion cabs different than car service or liveries. Meters for Medallion cabs only are as important as yellow only for Medallion cabs only. It is an important difference that the
Liveries accepting illegal street hails is still a serious problem. If liveries have meters, they can promote themselves -- can I have another minute? I am almost done.

CHAIRMAN DAUS: You can finish.

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

One more thing, regarding Chapter 16-06B, when an accessible for-hire vehicle receives a dispatch, he will need accurate time to respond. If he is engaged in a fare fair or is driving, he should not be fined if unable to properly respond, since cell phone
and text message use is unsafe while driving. A driver needs time to drop off the fare and find a legal place to pull over and respond to a dispatch. It's very hard to work a Blueberry, Blackberry or a phone when you are doing 50 miles an hour coming from the airport. And he only has a certain amount of time to respond.

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

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

MR. EISHERBINY: Good morning, Mr. Chairman and Commissioners. Thank you very
much for giving me the opportunity to be here.
My name is Hussein Eisherbiny, I am a Medallion owner and operator. I am concerned about the liveries having taxi meters and, Commissioner Giannoulis, you ask a very important question with the livery cabs having a meter, are they really going to operate like a taxicab and pick up people from the street using the opportunity to have a meter?
Anyway, to make the story short, there is a big problem with liveries illegally picking up street hails at hotels and airports and local streets. It has been going on for a long time and no one seems to be able to stop it. If liveries have meters, people are going to think they are legitimate cabs. This is going to make a bad situation even worse.
Thank you very much for your time.
CHAIRMAN DAUS: Thank you, sir.
Mr. Mark Hemingway is the next speaker. And the next speaker after Mr. Hemingway is Jesse Lore from Easter Seals.
MR. HEMINGWAY: Good morning. I am with Executive Transportation. We are the dispatch group that is on the pilot program in
the background. I just wanted to come today to listen to what some of the folks have to say. Basically from a background, we are understanding that it is a pilot program. We fully support the concept of what this wants to create. We have worked with Samara and Andy and some other folks about the fact that we are going to have to change over the course of time in order to get it done.

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

The question that went on earlier, what can you match back up? We are going to have to voice, talk to the driver from the cab to get the fare and to get the mileage. But the rest will be recorded on the Blackberry.
So from having metrics to be able to say is it good or bad, we hope to be able to give you a lot of information to be able put all this together.

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

Any questions?

CHAIRMAN DAUS: I have a question.

With all the subsidiaries for Executive Transportation, are you, in fact, the largest black car company in the industry?

MR. HEMINGWAY: From a what is revenue and what is share, yes, we are the largest in the industry. But we also do things like we are reservation centers for major companies. We also dispatch out to
other black car companies, not under the Executive umbrella. So we are used to doing many to one and one to many type of dispatching.

CHAIRMAN DAUS: Like GT3?
MR. HEMINGWAY: We just took over GT3's reservation center.

Other questions?
(No response.).

CHAIRMAN DAUS: Thank you.

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

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

"Easter Seals New York is a non-profit organization with 25 years of experience in providing and overseeing community transportation services for people
with disabilities with the mission of providing exceptional services to insure that people with disabilities and other special needs have equal opportunities to live, work and play in their communities.

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

"Easter Seals New York has engaged various stakeholders, including people with disabilities, the taxi and livery industry, governmental agencies, in conversations about accessible taxi and livery service over the past two years. As Easter Seals New York begins to deploy vehicles obtained through this federal earmark, we will continue to examine and address the challenges presented
in concert with the New York City Taxi and Limousine Commission as well as all stakeholders involved in the project.

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

"Easter Seals New York supports the TLC proposal for accessible dispatch as a way of gathering critical data related to demand for accessible taxi and livery services. Easter Seals New York also supports the proposal for centralized accessible dispatch as a way of coordinating the relatively few accessible taxi and livery vehicles into a service that is an efficient use of resources and innovative use of technologies and as a platform for demonstrating the commercial viability of demand response accessible
transportation service to the taxi and livery industry in New York City.

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

Thank you very much.

CHAIRMAN DAUS: Sure.

Commissioner Arout?

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

MR. LORE: Our vehicles, the federal earmark will provide between eight and ten vehicles for this next year and then another
eight to ten vehicles when the next two years
of the federal earmark come up in 2008.

COMM. AROUT: Thank you.
CHAIRMAN DAUS: And thank you to
Easter Seals --

COMM. GIANNΟULIS: Can I ask what
type of vehicles will those be?

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

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

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

COMM. GIANNΟULIS: Thank you.
CHAIRMAN DAUS: Thank you and thanks
for Easter Seals' commitment to helping the
disabled community and the TLC. We appreciate
it.

Now we will read the testimony from
Ronnie Raymond.
Hello, Kirsten.

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

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

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

"I understand that it is the City's intention to make key subways stations accessible. I have taken several excursions by subway in order to test some of the already accessible stations. To my dismay, I have found elevators out of service that were not listed on the MTA's website or when I called for information on the same day. I have found
the gaps between the platforms and the trains
to be not negotiable without the assistance of
two strong people.

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

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

"This brings me to New York City's
taxis. I understand that New York City and
the TLC are committed to having wheelchair
accessible yellow cabs and livery cars. To
the best of my knowledge, none of the local
cars services on the upper west side of
Manhattan have any wheelchair accessible vehicles yet. And I read that there are now somewhere between 50 and 100 wheelchair accessible yellow cabs, with another 150 Medallions to be sold next year. That will make about 200 out of a fleet of 13,000. In a hail system like New York City, this is like a drop in the ocean. I have actually seen only one accessible yellow cab and it was not available at that time.

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

"I believe that the goal should be to
provide comparable service to all New Yorkers, allowing spontaneity, safety and comfort. However, as a temporary means of providing some real service to New Yorkers with mobility disabilities, I applaud New York City and the TLC for trying to accomplish something today and not just at some unspecified time in the future.

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

"Most sincerely, Ronnie Alan Raymond."

Thank you.

CHAIRMAN DAUS: Thank you. The next speaker is John Gresham from the New York Lawyers for the Public Interest.
And after Mr. Gresham is Beresford Simmons from the Taxi Workers Alliance.

MR. GRESHAM: May I hand something up?

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

MR. GRESHAM: It's an attachment to my letters which I forgot the first time I sent it, so I am not sure if you have it. I am speaking on behalf of the Disabled In Action of Metropolitan New York, which opposes a central dispatch system. Maybe we are seeing some change here. At the beginning of today's hearing, Mr. Daus said the ultimate goal is the New York City taxi that will be accessible and so on. When the central dispatch idea was first floated by TLC, it was presented as the solution with no such plan for a fully accessible fleet in sight.

DIA believes that only a fully-accessible fleet will work and that there will never be meaningful livery service until a very different system from this one.
That being said, we have submitted some technical comments because we think you are probably going to do this anyway, to which I refer you to the letter.

Now I would like to ask a couple of questions, if I may. Number one, this is related to the fact that liveries will not be mandated to participate, and I suspect most won't. At the moment there are about a dozen accessible liveries in the city. Apparently, none of them in the Bronx or Staten Island.

Mr. Roberge will bring in some more in future years, but that's a very small number. But my guess is that few, if any, will participate of those presently there.

That being the case, I am asking the TLC will it do what Miami Dade County did, which is rather simple, they put up on their municipal website a list with names, addresses and phone numbers of companies that have accessible cabs and just to note how many each company has. I will hold this up so people in the audience can see it. It is as simple as that. Somebody who wants, say, in Brooklyn to engage an accessible for-hire vehicle, would
simply look this up and say this company is
near me and they have three vehicles, or that
class company is near me and they have one, I will
call them.

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

It's simple, it is easy, it has been
done elsewhere. And I don't see any downside.
CHAIRMAN DAUS: We will put
something on our website. I don't know if it
will be exactly what you are suggesting. We
have had that on our website previously before
the service disintegrated with A Ride For All.
So that is something we are working also in
response to another comment that was made
earlier. I think it was Mr. Kurzwell.
We are going to be working with, and
have had discussions with NYC & Co. about
doing something for tourists that come to the city, that they have a resource on their website, a link to ours, explaining the service and how you can get the services that you need.

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

CHAIRMAN DAUS: It's a good idea.

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

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

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

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

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

CHAIRMAN DAUS: Seems reasonable.

We will look into that.

MR. GRESHAM: Thank you very much.

CHAIRMAN DAUS: Thank you for your comments.

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

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

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

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

I am very disturbed about this
wheelchair accessible thing, and I have been going out of my way at times to make appointment that I have quite a few customers that I deal with, that I would make appointments with them. They call me two or three days in advance and I go and pick them up. And what I found out, Kennedy Airport, when you have a flight delay and you have a chair individual, taking them to the hotel and I have to pick them up the next day. It is quite a problem. I have spoken to the Port Authority about that, and I would hope that you people would look into that. Just a little bit of my input into this situation here. Thank you very much.

MR. FRASER: Thank you.

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

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

As you know, I represent the
Committee for Taxi Safety, which consists of licensed agents which manage more than 2,000 taxi Medallions, the owners of those Medallions, and approximately 5,000 drivers who drive them. Before commenting on the rules themselves, we believe it is important to note that the Medallion tax industry has acknowledged it has an obligation to be part of the solution to provide transportation to the disabled community.

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

The TLC has proposed that the for-hire industry have meters and that the Medallion industry accept prearrangement, transferring the exclusive domination of each of these services to the other in an attempt to devise a plan that might work. Again, we have the best industry in the world. Let's
When a plan to provide accessible service was first discussed, a plan between the TLC and the taxi industry more than two years ago, the industry was told by the TLC to get a working group together and have meetings, maybe focus groups, to further define the proposal. We believe the industry could have had more input in the final presentation that was made. It is our belief that the plan, as proposed, will not succeed. If the goal is to have a plan that will provide service to the disabled community as opposed to simply promulgating a plan, any plan, regardless of its chance for success, then this proposal needs to be modified.

Accordingly, the question becomes: Must this be voted on today or can it be discussed and voted on next month? As the overwhelming majority of Medallion vehicles are in Manhattan, it is up to the Medallion industry to primarily service the disabled community in Manhattan, and this must be discussed. Safety is a top priority, as you know.
The proposed rules require the drivers to have dispatch equipment but fail to disclose the details of how the dispatch system will work. We believe more information needs to be discussed and that information needs to be had prior to any rule making. For this plan to work, the drivers have to be compensated fairly. If drivers will lose money by accepting accessible rides, the plan cannot succeed as is presently proposed, and drivers will lose money, especially if dispatched to Staten Island.

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

Even a cursory review --

CHAIRMAN DAUS: If you can sum up.

MR. POLLACK: In summing up, we
suggest that the TLC does not vote on the
drules today. We need to find out why the
livery rules are not working for the disabled
community as is. Meters should not be allowed
in for-hire vehicles, and no prearrangement of
yellow taxis should be allowed.
We do have the best taxi and livery
system in the world. And I thank you for
consideration for these comments.
CHAIRMAN DAUS: Thank you, Mr.
Pollack.
The next speaker is Joe Giannetto,
and after Mr. Giannetto is Harvey Pacht.
MR. GIANNETTO: Good morning, Mr.
Chairperson and Commissioners. My name is
Joseph Giannetto and I represent the
Metropolitan Taxicab Board of Trade.
My testimony is brief. MTBT is
concerned with these proposed rules and with
the provision requiring participating FHVs to
have taxi meters. The current TLC rules
prohibit taxi meters in FHVs and we see no
justification to abandon these long-
established rules regarding the structure of
fares. Such a measure is unnecessary and
further erodes the differentiation between
FHVs and yellow taxis.

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

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

So, for example, if a person calls a
central dispatcher and requests a ride, the
dispatcher will find the nearest available
car. If it's a yellow taxi, and undoubtedly it will be, the dispatch will simply inform the caller that a taxi has been dispatched. If the closest available car is an FHV, then the dispatcher will simply have the vehicle operators contact the base for a price, just as they do today. The dispatcher will then inform the caller that the FHV is on the way and inform the caller with the price of the trip. The designated dispatcher, Executive Transportation, is well experienced and more than capable of handling these transactions. That is what they all day long every day of the year.

Even if there was a need to match fares of accessible livery and taxi rides, maybe a special livery standard can be determined without placing taxi meters in liveries, saving an expense for livery owners and securing the integrity of both industries. However, I am not entirely sure that an accessible FHV that is affiliated with a particular base can charge a different price than any other vehicle affiliated with that
base for the same trip regardless of how it is dispatched. That's according to an interpretation of the ADA.

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

So we cannot support provisions requiring taxi meters in FHVs now, nor later. And we ask that the Commission eliminate the taxi meter requirement for FHVs.

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

CHAIRMAN DAUS: Okay, thank you.

Next speaker is Mr. Pacht, and then our last speaker is Marvin Wasserman.

MR. PACTH: New York City wants to be known as the greatest city in the world. However, do we really live up to that title in every way possible? I would say no. Because
we are not the greatest city in all areas. Improvement is still needed in various areas. For example, New York City needs to get accessible cabs for its fleet. The City will need to figure out a way to afford them. Once New York City is known to have accessible cabs, chances are more tourists with disabilities are likely to come here for vacations, conventions, and for various other reasons. An increase in tourism can improve our economy. And here is another suggestion: How about having a debate between speakers like us and the folks like all of you. A debate like, for example, on one side we are going to say that we want this and we need that, and then you folks I guess would have a chance to respond back. Just like we do at presidential campaigns. Yes, I should have suggested this at one of the MTA hearings. For instance, like one side we can have people, as I say, people like us who speak, and the other debate team would be folks like you. Because each of us will give -- then when you folks speak, each of us would be given a chance to respond.
So, as I say, if New York really
wants to be known as the greatest city in
world, we really have to live up to it. We
have to set an example, you know. Because I
hear that other cities have accessible cabs.
Why not us? You know, after all, haven't we
ever heard of the ADA law, the Americans with
Disabilities Act?
After all, people with disabilities
have a right to be a part of our society as
well.

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

MR. PACHT: Yes.

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

MR. PACHT: Thank you.
CHAIRMAN DAUS: The last speaker is Mr. Marvin Wasserman.

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

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

One of the imperatives of the disability rights movement is: Nothing for us without us. One is almost tempted to conclude that the purpose of TLC’s various regulations of wheelchair accessible service is to ensure its failure. Such is the case with the
central dispatch system. It proposes calling
the already overburdened 311 system for a
ride. We anticipate waits of 40 minutes or
longer, far more than the expected wait for
service for non-wheelchair users.

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

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

There seems to be no provision about
what is to be done after the three-year pilot,
and it seems to be a bridge to nowhere. Will
you keep accurate statistics that are not
designed to show the program is a failure?
Will we then go into a full conversion of the
taxi fleet and expansion of accessible livery service?

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

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

Thank you.

CHAIRMAN DAUS: Thank you, Mr. Wasserman.

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

COMM. POLANCO: Yes, I have a question. I was reading part of our memo, and
one of the reasons that was given as to why, for example, we will have taxi meters in the FHV is because we are basing it on the passenger base rate structure. And I want to know what that is, what is a passenger base rate structure? When people who are from the outer boroughs, they are being charged at the FHV rate, so why, for example, are people who are calling into this program, the disabled, why are they being charged a different rate?

CHAIRMAN DAUS: Actually, I think you are talking about why we are charging the taxicab meters rates on the FHVs that voluntarily participate.

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

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

But the reason we did that, correct me if I am wrong, Chuck, is primarily, to deal with the equivalent service standard issue.
Under the ADA, whether it applies to us or not is an open issue, but it requires that there be equivalent service. And there is one source provider here, which will be the dispatcher that is dispatching the calls our from Executive Transportation. And I think at the end of the day, it shouldn't really matter whether you are from Brooklyn, Queens, Staten Island, the Bronx or upper Manhattan, that you should be charged the same rate of fare as someone who is taking yellow service who, undoubtedly, is more likely to get that if they live in Manhattan.

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

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

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

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

COMM. POLANCO: I understand that,
but my question deals more in terms of people
that live in the upper Manhattan area, which
take liveries, people that live in Brooklyn,
the people that live in the Bronx, there is a
rate that they get charged for using the FHV
vehicles. And now, with this pilot program,
in terms of disabled, they are getting a
different price.
CHAIRMAN DAUS: But they still have the right not to participate and to charge less. If there is a company that has wheelchair accessible vehicles in the Bronx that charges less, they can continue to participate with their own clients, doing their own marketing and not be part of this program.

Is that accurate, Samara?

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

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

COMM. GIANNOLIS: I think that's the Commissioner's point. I think she is saying that -- if you don't mind me saying what yo
are saying -- in fact, there are two tier structures for people who don't have disabilities.

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

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

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

CHAIRMAN DAUS: Commissioner Kay?

COMM. KAY: This isn't a great plan, I am going to be the first one to say it. I
don't think this is an excellent plan, I don't think it is great plan. I think, clearly, there are a lot of unique issues with this, but I know that many people spent a very long time trying to work these issues out.

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

We should look at the for-hire vehicle issue. We should look at if there is other ways to use the dispatch service. But I think this is a great start, and I think it is something that we need to do. I think it is something that people have been trying to do for a very long time, and if we stop now and say we should try to create a perfect plan, we are not going to create a perfect plan. I don't think we are going to create a perfect plan until every yellow vehicle is accessible, which we all know right now is not going to
We are working towards that. We are working towards the cab for the future in order to be green and accessible to the extent that that is possible, and I know the Commission is working with every member of the industry in order to do that. And I think this is a great start.

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

I think it's important for the Commission and for the public to see the results of this demonstration project on a monthly basis, so, in fact, after a year, or 18 months or two years, we know whether we should move forward with it. At the same
time, with the monthly updates, there is
nothing as far as I can tell, that prevents us
tinkering with this next month or the month
after that or the month after that. I think
that there is enough flexibility from the
dispatch service, from the contract within our
rules, that we should make adjustments on the
fly. But to stop now, after a number of years
of trying to do something, I think would
really be a disservice to trying something new
for people with disabilities.

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

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

COMM. POLANCO: And it's effective
January?

MR. FRASER: There is an effective
date, it is in January, I don't remember what
it is.
CHAIRMAN DAUS: You know, like Commissioner Kay stated, it is not going to be perfect, but there are some very good suggestions that came up here, but the beauty of this is actually we left the contract negotiation open and we can still address some of these issues. I think there are some good ideas regarding incentives. It is not involved in the rules whatsoever. These are additional things that we can do. Telefaxes for hearing impairments. You know, the people who want to get the service and make sure that they get in the best form of communication, their reservations in advance, is something we can look into.

So these are all good ideas, and I understand the concerns of the industry, but I think I can assure you that the sky is not going to fall when this pilot program goes into effect. It is not a slippery slope. It is very clear and succinct and upfront what it is going to be and we are going to vigorously enforce and give monthly reports, like Commissioner Kay said. That should make everybody here, I think, feel a little bit
more at ease if you have these concerns. We will publicly discuss how it is going. There has never been more transparency that I can remember than this rule making. We have had public debates on this, extensive ones, which I have read each Commissioner's positions and comments twice over the last couple of days. There were some very thoughtful suggestions that made it into these rules. So I can't imagine -- I think this is the most extensive transparent rule making we have ever had at the TLC; one year of presentations, rules, discussions.

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

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

COMM. GIANNOUlis: Can I ask a question?

CHAIRMAN DAUS: Yes.
Do I have a second on the floor?

COMM. AROUT: Second.

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

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

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

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

CHAIRMAN DAUS: Let's try to help you.
COMM. GIANNOULIS: I appreciate that.

So when then again, other than the FHV which are participating for other reasons in providing services for people with disabilities, who theoretically would go and say "I want to join. Give me a meter"?

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

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

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

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

After speaking with Easter Seals and
a lot of other people in the disability community, it was felt that any vehicles that sort of generally service city-wide in some of these outer areas, it was important to include them if we could. And Easter Seals stepped up and said, "We are going to buy these vehicles and make and take reservations all day long."

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

COMM. GIANNoulis: Thank you.

And then the meter issue
fundamentally comes because -- the reason we
would put meters in there is because we
fundamentally feel that even though there is a
two-tier system that exists, in this
particular situation we don't want a two-tier
system?

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

CHAIRMAN DAUS: Commissioner, it is
really a one-tier system, which is a concern
legally we have. That was some of the
concerns raised by, for instance, Carmel, that
doesn't want to lose customers to people
calling 311. I think it's important if you
look at the standards for the federal DOT
rules, that it's equivalent service as to
fares. I think we opted for, and the staff
opted to recommend the meters as a way of
making sure that when there is a dispatch from
a single source, which will be through 311 and
Executive Transportation, that it's going to
one fare. There are not going to be different
fares depending on the borough that you live in. Why should people be charged more in Staten Island, the Bronx and Coney Island, which will happen if we don't put the meters in.

COMM. POLANCO: Because that's what is happening today, right?
CHAIRMAN DAUS: There is no service today.

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

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

COMM. GIANNOULIS: I will just finish and I understand that no system will be perfect. I do have one final point. I concerned that we keep on talking about this.
I will abstain from this vote, because I am concerned about the issue with the meters and I am concerned that we are talking about it as a pilot, but at the end of the pilot, now that we meters in livery cars, one can assume the only resolution will be to either expand that or to continue it.

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

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

COMM. GIANNOULIS: Correct.

COMM. KAY: It is a very important piece.

COMM. GIANNOULIS: Whether it is increased penalties.
COMM. KAY: Enforcement is a huge key to this thing, so that the power is not abused, if, in fact, there is a concern that people are going to use meters for not just the call, but go and do a meter ride. I am in complete agreement with you. I don't think it is something that we should just say it can be expanded. Enforcement is a key piece we should monitor if we can. I assume we have the ability to monitor the use of the meters. And as I said, I would like to include that in whenever we do get monthly reports, about how enforcement is going, to see if, in fact, it is being abused or not.

CHAIRMAN DAUS: We will do that.

COMM. GIANNOLIS: And then just one final thing, I see my friend Phil Hom (ph), who is counsel to the Transportation Committee on the City Council back there, and given that we have heard -- and maybe the Commission could work with him -- but given that we have heard a bunch of comments, anecdotally at least, that vehicles that are providing service to people with disabilities are...
getting tickets, maybe there needs to be something done to allow taxicabs that pick up people with disabilities have some kind of status like trucks that get to park for 15 minutes when they are making a delivery. I don't know if it's true, but if it is true, we certainly don't want to discourage drivers who actually are doing the right thing and then getting tickets.

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

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

A large part of this program are the drivers that are going to be providing this service in these vehicles, so I think, as a prerequisite to mandating this program, we have to have these incentives. I have heard from several different drivers that the shorties that allow individuals to get to the front of the line at the airports certainly
are a very big incentive. And I think although we are having discussions with the Port Authority, I think that needs to be confirmed somehow before this goes forward, that these incentives are there.

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

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

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

MS. EPSTEIN: Yes. I think it's
going to happen, I just can't say definitely until they tell me so.

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

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

But, again, this is an experiment, it is a pilot program. I caution that, and with monthly reports and transparency, I think we call, all together, make decisions on a
month-to-month basis as to whether it is working or it is not. And if it is not, we can change it. We have provisions, we have out clauses in the contract, right, Chuck?

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

CHAIRMAN DAUS: And I am very comfortable with some of these rules because of the legal nature of them, the Law Department was kind enough to review the rules in advance of the meeting and extensively counseled us as well as our general counsel. We believe it is the best plan, and unless there are other comments, I did have a motion and a second on the floor.

COMM. VARGAS: I do have another one.

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

CHAIRMAN DAUS: Yes, absolutely.

COMM. KAY: Is it structured as a two-year, or is it actually structured as a
one-year with an extension?

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

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

CHAIRMAN DAUS: Do you have more questions?

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

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

CHAIRMAN DAUS: Is it vehicle by vehicle, Samara?

MS. EPSTEIN: Yes.

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

Commissioner Polanco?

COMM. POLANCO: And I also believe this is a great plan and we should go ahead with it, but I just have certain questions. We were presented with these rules today and we are hearing, and I know he have some people who put in their comments and so forth, and we are hearing great ideas from people from the industry, and also you mentioned about some incentives which we have to check with the Port Authority and so forth. And also the fact that I have some questions about the
meter being placed, the two-tier system
between the passengers who are non-disabled
and persons who are disabled. Also the fact
that there is some training that has to do
with the drivers, we don't know how.

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

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

There are advocates in the disability
community that do know other people that
provide this sort of training. So we have put
out the basics, what we felt are important
based on feedback that we have gotten from
people in the disability community and other
programs that have worked well. And that's
what we put in here.
To enter into a contract to find a
trainer can take two years, and we didn't want
to wait for that happen, so we built in
something that we think will work for now.
And if this is something that we decide to
continue to do, there will be a whole other
rule making process, we can ramp up the
training, we can decide not to use liveries.
If this becomes successful, it will require an
entire new rule making procedure. So we are
just looking at this for a temporary amount of
time.

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

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

Commissioner Arout?

COMM. AROUT: Mr. Chairman, after
all is said and done, I haven't been around
for a few months because of some problems with
my disks and I will be operated on on
Thursday, but my prime concern now for-hire vehicles. How far are we going to go?

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

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

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

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

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

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

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

  CHAIRMAN DAUS:  I guess the beauty of
this is right now if you live in the outskirts
of Coney Island or on the south shore of
Staten Island, or in the upper reaches of the
Bronx, you do not have accessible wheelchair
service if you are disabled individual. When
this is put into effect, there will be a fleet
of close to 250 cars traversing the city with
locating devices so we can figure out where is
the nearest vehicle and send it there. It is
a beautiful plan. It is based on the Chicago model.
I think that while it is not perfect, it is not intended to be perfect, and I think Commissioner Kay made a good suggestion. I think the monthly reports to the public should really ease anyone's concerns. And, Commissioner, if you feel it is not working, we can always bring it back to a vote and rescind it.
I do believe that it is going to work. We have spent years doing this. I just don't see, with all due respect, any reason to delay and deprive the disabled passenger community of the service that should rightfully be theirs. We have been a leader in New York City on every front but this one.
We are looked at in the international community as leaders in everything we do with the exception of this. Thanks to the Mayor and the Speaker, we now have the vehicles. Now it is up to the Commission, really, to put the plan in place to make it work.
With all due respect, I had a motion on the floor with a second from Commissioner
Arout and I would like to call for a vote.

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

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

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

COMM. POLANCO: You said there are certain questions, which I think, if we table this for December, the questions will be answered by then. And I am definitely for the program, but it is just that there are certain concerns here that should be addressed beforehand. And I think it is prudent to wait until December and then we can hear, but
that's just my opinion.

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

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

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

CHAIRMAN DAUS: Counsel, can we do that? I am reluctant to make that part of my motion, only because we haven't heard back from the Port Authority with the final. But, again, we are having a monthly agenda item. I think it is important for the disabled community to understand that we are moving
forward, and I think that's what this vote represents. And what I would be happy to do is look at that next month and get a firm answer for you.

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

CHAIRMAN DAUS: Excellent.

Okay, all in favor, let's just have another count, please.

(Chorus of "Ayes.")

CHAIRMAN DAUS: Opposed?

(None opposed.)

CHAIRMAN DAUS: And you abstain, Commissioner Giannoulis?

COMM. GIANNOULIS: Yes.

COMM. POLANCO: I am also abstaining.

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

I know some people in the audience are angry. Some people don't agree with everything that we have done. But I think that this could go on forever. I think that
if you look back at the history of the last seven years, I don't think anyone can look us straight in the eye and say, "They did something that was outrageous. They didn't take into consideration stakeholder issues and concerns."

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

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

I want to thank Samara Epstein, the Director of Constituent Affairs, who worked very hard. And Jeff from Operations, and everybody else who had participation in this program, including the advocates and the stakeholders. Thank you. We will keep you apprised. And I'm sorry if you are not happy, but I think there are a lot of disabled New
Yorkers out there that will be jumping for joy.

Do I have a motion to close the meeting?

(So moved.)

CHAIRMAN DAUS: We are adjourned.

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

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