NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, November 20, 2008
40 Rector Street
5th Floor
New York, New York

Public Meeting convened at 9:50 a.m:

PRESENT:

MATTHEW W. DAUS, COMMISSIONER/CHAIR
ELIAS AROUT, COMMISSIONER
HARRY GIANNOULIS, COMMISSIONER
IRIS WEINSHALL, COMMISSIONER
LAUVIENSKA POLANCO, COMMISSIONER
EDWARD GONZALEZ, COMMISSIONER
JEFFREY KAY, COMMISSIONER
CHARLES FRASER, GENERAL COUNSEL

CHAIRMAN DAUS: Sorry for the delay, folks. Good morning, everyone.
I would like to proceed to item 1 on
the agenda, the Chair's report. First, as all
of you know, I am going to talk a little about
the Mayor's green leasing initiative
incentive. As everyone in the yellow cab
industry probably knows by now a federal judge
issued a preliminary injunction in favor of
MTBOT, who is here today, which basically
halts the implementation of the 25 mpg rules.
Immediately, the TLC sent had out
industry notices apprising the industry of the
next steps and how it affects them. We should
have them in the back. If not, they are up on
our website. Last Friday Mayor Bloomberg and
I, as well as some legislators, met and had a
press conference.

The Mayor had announced at that press
conference his intention to see certain
reforms and changes made to the lease rules
that the TLC has. So he has asked our Board
to consider various lease cap changes. I
believe we have copied the press release. If
you like to take a look at it, it has most of
the details.

Congressman Nadler was thankfully
there as well. Congressman Nadler is going
to be working with us on the House
Transportation Committee to introduce
legislation which is intended to basically do
away with the arcane interpretation of our
clean air laws that would prohibit us, and
states for that matters and cities, from going
further than the Clean Area Act would require.
So Congressman Nadler is on board.

We are going to work on forwarding
the details of the Mayor's proposal to our
Board of Commissioners for consideration. I
do not anticipate that we will be ready to do
that until at least January, early January.
So staff will be working hard on the proposal.
We will be talking to the Commissioners and
getting their input, as well as the industry's
input. We are open to listening to what they
have to say, as always of course.

While it is a proposal, there will be
a public hearing and a vote would have to be
taken, obviously. So that's really the
two-part plan that the Mayor has. It's
seeking federal legislation that would correct
the situation that led to the judge's ruling.
And, number two, asking us to consider these
green lease initiatives where we would
equalize the pay of drivers, give a little bit
more money to hybrid owners to compensate them
for the additional expenses. And the other
part of the proposal is more of a
disincentive, a little bit less money to the non-hybrid owners.

It is still okay and legal and permissible, and we are encouraging people in the industry, since my understanding is that there are very few, if any at all on lots now. If you are up for inspection we encourage you to use your common sense and to buy a hybrid. There is nothing stopping you from doing it. If anyone thinks that this decision stops you from buying a hybrid, that's just wrong. You can buy a hybrid, and, in fact, since the decision was issued, we have seen a surge in hybrid cabs on the road. We are now up to 1,580 and that's about 12 percent of the fleet, which now totals 13,237 cabs. The breakdown in terms of types of vehicles, it's still mostly Ford Escapes that we are seeing out there. That seems to be the vehicle of choice, but there are a lot of other vehicles on the road including the Altima, the Mariner the Malibu, the Prius. There is a lot to choose from. But we are still seeing mostly Ford Escapes.

The Altimas are popping up. There is still a lot of choice out there. I just want to make sure, I mean, I understand MTOB's position and I understand how they feel about it, but there are people out there looking to make a decision and I want to make sure they have the correct, accurate information on what their options are.

Item 2, the economy. Everyone is hurting. These are really unprecedented times, but I wanted to say a few words about our regulated industries and how they are doing. First, the black car and luxury limousine industry, we don't have detailed statistics but we have been in touch with industry leaders and business is clearly down. It's obvious. Many of the clients, including some of the Wall Street firms, have just gone under. And those who have not gone out of business are actually cutting their costs and one of the first things that they, unfortunately, for the black car industry are the corporate sedan contracts. So that's unfortunate.

Of course, I was very pleased to hear that a lot of the industry leaders are yet not just cautiously optimistic about riding this through like they have in the past, but they seem to be looking at creative ways to change their business practices to stay afloat. So it is not all gloom and doom for them. I was
really surprised to Vic Disengoff and a lot of the other big operators in the black car industry embracing this and looking at this as an opportunity to stay alive and maybe reinvent themselves. So that's good news.

We have a little bit better news in the yellow cab industry, and I say this with the most cautious of optimism, that things are doing well in terms of them being consistent with the last couple of months. The impact on yellow cab industry, as it has been on the rest of the economy, has not been as significant. In fact, our September earnings data shows that taxi drivers continue across the board in all categories continue to still earn a living wage. Our estimates, which are probably the best estimates that we have come up with since they are based upon averages of all data that we are getting, not just statistical samples, is anywhere between $19 and $21.50 per hour, depending on whether you are fleet driver or an individual owner.

As often happens in rough economies, people, unfortunately, lose their jobs and they end up going to the taxi and FHV industry for employment. Something where we kind of go against the trend a little bit. Our license applications are up considerably, both new license applications and renewals are up 16 percent when you compare the August to October period of '08 to '07. And for the last couple of years we have been averaging a total of around 43,000 and change, 44,000 drivers. Now we are up to 44,805 yellow taxicab drivers. A good sign for our yellow industry having that labor pool available.

Third, gas prices are down thankfully. This is all good news for us. We are a little hesitant to say that we are declaring victory on it. It is good news, let's enjoy it while it lasts. It is now close to 2.50 in the boroughs for gassing up, 2.50 per gallon. That's great considering where we were during the summer.

Also ridership continues to be normal, in the same range that it has been. We have not seen a dip.

And last but not least, you know, as markets and property decline in values around the country, one constant is that our Medallion prices have not dipped. In fact, this month we broke records again. We have an all-time record high for a mini fleet that sold at $715,000. And an independent Medallion that sold for 539. So things are
tough but we are casually optimistic that right now in the yellow cab industry at least things are holding firm.

There is a new interesting program that we are going to be starting in the first week of December. A lot of you may remember that Councilmember Martinez and the Council passed a bill that the Mayor signed that we ended up supporting that would allow us to try new innovative things and adjudications.

One of those things is going to happen very soon. Number one, it has always been a problem for visitors who have complaints against cab drivers who leave the country after visiting New York City, we used to have them file affidavits. It is a system which is okay but an imperfect system. Of course, live testimony is the best, the preferred evidence that you want to have. So we are going a little bit better, one step better than affidavits.

We are going to actually start a pilot program with accepting testimony by phone, by telephone. That's something that obviously has some legal issues attached to it. If identity is an issue in the case, we can't do it. It may also involve a waiver of your rights if you are a respondent. But some people are actually willing to do that, especially if it involves summonses issued by enforcement and so on.

In particular, I want to thank Commissioner Elias Arout who was asking and searching for ways to make it easier for the folks out in Staten Island. Instead of having to come and testify in Long Island City --

COMM. AROUT: Thank you very much.

CHAIRMAN DAUS: -- we are going to try a pilot program in Staten Island. So respondents can show up. In early December we will be putting the industry notices out, I assume, Andy, that will explain in more detail. But you will, as a respondent who has been issued a summons on Staten Island, have the option to sign a waiver and we would do a telephone testimony. You can offer your testimony by telephone, the judge will be sitting in Long Island City.

Of course this is just a first step into a better method, in my view and in Chuck's, which would be something akin to video conferencing. Something we have been using for years with close caption television, with the police department adjudications.

But, ultimately, I would like to see the
ability, and DoITT is working on that now, to
see if we can actually have teleconference or
webcam testimony so that complainants and
respondents as well from the fleets, from
garages, or from somebody's home, a passenger
can testify. So we will get more details out
on that.

Next item, the rules project. I hope
people haven't forgotten about that. That's
in full swing as we speak. It is still in the
early phases. Everything is on our website.
There is a section, if you click on rules and
local laws and then on the rules project, you
will find it. We are encouraging as much
public comment as possible, and we welcome it
from the industry and from others.

The latest chapter that we just
posted concerns Chapter 19, the rules for
industry representatives. Our first public
hearing, which will be held and chaired by
Chuck Fraser, our general counsel --
Commissioners are not required but they are
welcome to come. This is something we had
discussed previously. The first public
hearing will be held on December 5th at 2:30
in this room.

And the chapters that will be covered
are Chapter 19, the industry representatives,
as well as Chapter 15 sale of taxi Medallions.
So, ultimately, Commissioners will be getting
a report from Mr. Fraser on what the testimony
was so that they can be briefed fully. But we
are anticipating it will take quite a lot of
time on a lot of mundane but important issues
in terms of ordering of the rules and the
actual language. But nothing will change in
terms of substance.

My understanding is that this is just
going to be a reordering, reorganization,
making things be plain English, if you will.
We will try at least.

The accessible dispatch program, we
announced recently that we are trying
something new to encourage drivers to drive
some of these accessible taxicabs that we have
on the road. We did that by working with the
Port Authority. At JFK at least, there is a
line where if you are an accessible taxicab
and you have the sticker on the front, they
will put you in a separate line and try to
expedite you and get you through the line more
quickly. That is something we believe is an
important thing to try as an incentive, to
ensure that we have enough drivers to drive
these vehicles since the fleet owners had reported that there was an issue.

We started the program on November 3rd. We are monitoring it very closely. We have at this time 236 accessible vehicles on the road, accessible yellow cabs. We have dispatched approximately 600 calls. There were only 55 cancellations and 150 pickups per month on average. And the average time for pickup is about 30 minutes from the time of the call. So we need to work on that obviously. We have an average of 20 to 30 vehicles logged on to receive calls at any given time, all around the city, and we can figure out where they are. So far so good.

A couple of personnel announcements. First, we have a new chief information officer. In fact, this is the first time we have a chief information officer at our agency. His name is Jeff Grunfeld.

Are you here, Jeff?

Welcome, Jeff. Congratulations.

(Applause.)

CHAIRMAN DAUS: For those of you who don't know Jeff, he was the CIO for the New York State Comptroller's Office. He also has some transportation experience, he was the director of systems development at the TBTA for several years. He also has private sector and nonprofit experience as well, having worked for Cannon as well as the Jewish National Fund.

He has a BA in communications from Queens College, an MBA and MIS from Pace. He is well published and he is hitting the ground running. We have a lot of computer issues at the TLC, so he has been very, very busy.

Welcome aboard, Jeff.

We also have a new Urban Fellow. His name is Adrian Gonzalez. Welcome, Adrian.

(Applause.)

CHAIRMAN DAUS: He comes to us from the University of Gainesville. He is working very, very closely with Andy Salkin, First Deputy. And I want to thank publicly Commissioner Martha Hirst at DCAS. This is a great program. It is interesting because we usually interview people who work for us, but they kind of interview us from what I understand.

Commissioner Weinshall, having been at DCAS for so many years, knows what the deal is and it is a great way for getting bright, articulate people that could go and have many different options, but get them entiticed into
government. So welcome, Adrian.

A few weeks ago the Bloomberg Administration, every single agency had declared for the first time Customer Service Week. Something everybody celebrated in their own way. We, of course, celebrated with luncheons, honoring our employees in all of our different departments. Something that we are very proud of, and I can't even go through all the details, this meeting will go on forever. We have seen dramatic improvements in all departments. I probably don't touch upon it enough but at future meetings when I have time, I will. Everyone is doing a great job.

But in particular if you look at the MMR numbers, I think anyone in the industry can't look you in the eye and say things aren't better at S&E, the wait times, if you look at it from years ago, Peter Schenkman and Pansy have done a great job on reducing the wait time for people going in for inspections. Gary Weiss, Deputy Commissioner for Licensing, has done a fantastic job of, despite the surge in applications, actually reducing the waiting time beyond what I can imagine it to be. It is now, on average, this fiscal year to date, 18 minutes. We used to have lines around the corner, if you remember, starting at 5:00 in the morning. And it keeps getting better every year.

With less staff, because every time we try to hire people, we don't them hired in time because it is a long process, Gary and his staff have done a fantastic job, and customer service in the call center is fantastic too.

We couldn't necessarily single out everybody, but the Mayor's office asked us and the managers to get together and pick at least one employee that would represent the whole agency at an award ceremony that the Mayor held. And I am proud to announce and introduce to you, the person who is really the epitome of service to this agency and well received by everybody. Her name is Frances Studen.

Frances, could you join us? Frances has been working with us for over 30 years. She has been in the call center for every one of those 30 years and she is the must humble, but most efficient person. I can't tell you how many letters I get from the public. And I would like to present to her a proclamation that the Mayor sent on
behalf of everybody.

CHAIRMAN DAUS: And Dawn is in charge of the call center. Samara is here also. Samara, do you want to join us?

During the first ever Customer Service Week, we celebrate all of our city employees in every agency and every borough. These hard working civil servants understand and exemplify great customer service. And this month is an opportunity to congratulate them on a job well done, while recommitting ourselves to serving all New Yorkers, our customers, which include the industry, are a diverse group of different interests and speak different languages, but they all depend on the same government for excellent customer service.

Together we will make sure they get it. Therefore, Mayor Michael Bloomberg, in recollection of this important event, do hereby proclaim this week in the City of New York as Customer Service Week.

So a belated congratulations. And this is for you on behalf all our employees. (Applause.)

CHAIRMAN DAUS: Before I turn it over to the Chief Judge, we have some ALJs joining us here today. We have a total of eleven new Administrative Law Judges joining us. They have been through their training, they are ready to be sworn in today. I am proud to announce that their experience continues to be diverse, not just private sector practices, which had been the norm for many years, people who had their own practices coming here and serving as per diem judges. But we have a host of government agency experience represented here today as well as private and not-for-profit.

I will just read a couple of the agencies where some of these attorneys and judges have worked either as hearing officers, judges or staff attorneys. It includes the Department of Consumer Affairs, the Equal Employment Practices Commission, the Administration for Children Services, the New York City Police Department, the Department of Environmental Protection, the Department of Finance, the District Attorney's Office, the New York City Health and Hospital Corporation, the City Council, and we even have a former State Assembly Member here Adelle Cohen, who has joined our staff. Thank you.

We have people who have worked in the not-for-profit sector, the Gay Mens Health
Crisis, CUNY Urban Task Force, as well as New York Jobs for Justice. We also have people who have worked for DC 37 with labor backgrounds, professors, and several with arbitration experience.

So without further adieu, I would like to turn it over to Chief Judge Carmina Schweke to do the honors and introduce our new class of judges and swear them in.

JUDGE SCHWEKE: Good morning, Commissioners. I am pleased to present eleven new ALJs to be sworn in.

As I call your name, please stand up:
Brenda Taylor, Anthony Bailey, Amy Baranoff, Thomas Bello, Elizabeth Connidle, Adelle Cohen, Garret Rubin, Suzanne Zaluski, Mark Deutschman, Bica Crovelier, and Lisa Bagga.

I ask that you each raise your right hand and repeat after me.

(Whereupon, the Administrative Law Judges were sworn in.)

JUDGE SCHWEKE: Congratulations.

(Applause.)

CHAIRMAN DAUS: Thank you, Judge, and welcome to the TLC.

Last but not least, I just want people to note on their calendars December 18th, that looks like it is shaping up to be the next meeting. We will see. Also, I really would really like to get back on a regular schedule, the second Thursday of every month. Hopefully, it won't conflict with the MTA meetings.

Alan, we should probably take a look at that. January 8, 2009 will be the next one.

That concludes my report. Any questions, comments, concerns, issues?

(No response.)

CHAIRMAN DAUS: Okay.

Item 2, adoption of the minutes from the September 10, 2008 Commission meeting. Any comments, questions, concerns about the minutes?

COMM. AROUT: Motion to accept.

CHAIRMAN DAUS: We have a motion on the floor. Is there a second?

COMM. GONZALES: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Item 3, licensing, bases.

MS. STEELE-RADWAY: Good morning. Licensing would like to present before the Commission 40 bases with a
CHAIRMAN DAUS: Okay, do we have any questions about the bases?
(No response.)
CHAIRMAN DAUS: Do we have a motion to adopt?
COMM. AROUT: Motion to adopt.
CHAIRMAN DAUS: Okay, a second?
COMM. WEINSHALL: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
MS. STEELE-RADWAY: In addition, there are two bases that licensing is recommending a denial with a request that the Commission grant an additional 30 days so that they may present the outstanding items.
CHAIRMAN DAUS: Does anybody have any issues with the denials?
(No response.)
CHAIRMAN DAUS: Okay.
COMM. AROUT: Motion to accept.
CHAIRMAN DAUS: We have a motion from Commissioner Arout. Do we have a second?
COMM. POLANCO: Second.
CHAIRMAN DAUS: All in favor?
(Chorus of "Ayes.")
CHAIRMAN DAUS: Okay, and what's the caveat on that one, they have 30 days?

MS. STEELE-RADWAY: That's correct.
CHAIRMAN DAUS: So if they get all their paperwork done, they still have the 30-day grace period. Otherwise, they will be denied.

MS. STEELE-RADWAY: That is correct. Thank you very much.
CHAIRMAN DAUS: Thank you.

Item 4 is staff presentations. The first one is the Bruno Turnout Seat Pilot Program. And I would like to introduce Chief of Staff to First Deputy David Klahr, who is going to walk us through that.

MR. KLAHR: Good morning. I have two presentations for you today. We will try to get through them quickly. The first is the Bruno Pilot which is concluding. Just a reminder as to why we have this pilot is that there are 54 million Americans with disability and 84 percent of them are capable of using the turnout seat. Additionally, the senior population is growing, this is nationwide, not just in New York City, and within the next 12 years it should be about a third of the population.

The pilot consisted of turnout seats
and platform lifts, and these devices can be used independently of each other, that were installed in three Toyota Siennas. These are the standard Siennas, not the modified wheelchair accessible Siennas.

There were 125 uses of the seat from January to September of this year. The seat worked every single time. There was a zero percent failure rate. There was no down time and no technical malfunctions. There were no complaints about comfort, ease of use from either the drivers or the passengers.

We had similar results from the platform lift. There were 93 uses in the same period. Again, no technical malfunctions. Worked every time on demand. No complaints from passengers. No complaints from drivers. The feedback was somewhat positive.

Now, we have a video that Bruno was kind enough to put together for us. Hopefully, it will work. It doesn't look like it is working. We will see if we can return to that later.

We received a large number of surveys and comments from Bruno. Again, I want to thank Bruno for taking the time to work really hard to put together information for us. "Brilliant, thoughtful," that's a good response. "Convenient and easy to use," not an atypical response. "Excellent ride, safe and secure. The special seat made getting in and out easier," and that is a very typical comment from a large stack that we received, over 100 surveys.

Drivers liked it, 70 percent of the users gave a better tip. $8 to $10 for a tip, versus an average tip of $3 to $4. So I am sure that was a large factor in making the drivers happy. A lot of drivers reported they just liked using the seat. They felt good about using it. They felt like it was helpful and they could accommodate more passengers.

Bruno seats are able to be moved from vehicle to vehicle so if an owner chooses to invest in one they can put it into their current vehicle and then transfer it when they buy a new vehicle when their old vehicle retires. There doesn't seem to be any problem with moving it from vehicle to vehicle. And that is good, they are not disposable devices.

So what we found was that for the passengers, almost everyone can use this seat. If you don't have a disability and you don't have any difficulties getting into a conventional seat, you don't really notice the
difference. For people who have traditional
disabilities, who use a wheelchair, most of
them are able to transfer into this seat
without a lot of additional assistance, so it
is a supplement to the traditional way that we
solve this problem with the roll-on/roll-off
ramp accessible vehicles.

But what the seat does is serve a lot
of people who fall in the middle category, and
there are a lot of people who meet this
description. These are people, they have some
mobility, they can mostly walk or they can
walk with some difficulty, but they have a lot
of trouble getting into a conventional seat in
one of the cabs. This includes people who are
elderly; people who may have multiple
sclerosis, for instance; people recovering
from surgical procedures who are coming out of
hospitals. In fact, that's where Bruno and
the drivers took a lot of time to kind of
cruise the hospitals in Manhattan to
demonstrate for people that you are coming
out, you may use a walker or cane temporarily,
you can get in a turnout seat a lot more
easily than you can a conventional seat. So
it helps a lot in terms of improving equal
access to taxicabs.

For owners it broadens their customer
base. There are bigger tips which may not
accrue to the owner but certainly helps with
driver retention. It is easy to use, it
installs in your standard vehicle. You don't
need to convert your vehicle, you don't need
to rip anything out other than a seat. It is
cheaper than going to a fully accessible van.
The taxi works exactly the same as before, and
as we mentioned earlier, you can put it in
your next vehicle when it's time to update.
Bruno has informed us that they are
willing to provide additional support beyond
the pilot. They have worked with a lot of
manufacturers to get funding programs to
provide a discount for the seat. They are
going to work with a local vendor so you will
be able to go to a local dealer affiliated
here in the city. They give a warranty, one
year parts and labor, and also work with
owners and drivers to come up with monthly
payment plans to try to defer some of the cost
of the seat.

So we found that this pilot was
successful. We found that people enjoyed
using the seat, it was easy for passengers to
use. It was easy to install and use. It was
helpful and it performed as advertised.
Therefore, our staff recommendation is that this device be allowed to be used, as tested in the rear seat of vehicles on a voluntary basis. And if you have any questions, we do have a representative today here from Bruno, Luke Debo is here from Bruno -- can you just raise your hand -- in case you have any technical questions or questions about the pilot.

Thank you.

CHAIRMAN DAUS: Thank you, David. Does anybody have questions?

COMM. GIANNOULIS: Yes.

David, on the tips question, where does that number come from?

MR. KLAHR: The drivers have reported that. Bruno was in consultation with the drivers as they went through the pilot. It was a small number of drivers, we only had three vehicles so it was between three and six drivers.

COMM. GIANNOULIS: That seems like a really big number.

MR. KLAHR: Yes.

COMM. GIANNOULIS: Is there any reason for that? I seems strange for somebody to tip somebody $10.

MR. KLAHR: They were very happy. I think a factor in that was where they went. The drivers were pretty smart about testing this out and rather than just cruising up and down the street hoping they will find someone to use it, they deliberately went to senior centers, hospitals, where they felt they would find good matches for the seat. That is partially why they got so many good responses. They really put a lot of effort into trying to figure out who would use the seat.

And to me it's not that surprising.

If I was coming out of a hospital and I needed a little extra assistance, I might tip extra. Is that typical and will we see that in the future? Hard to say.

COMM. GIANNOULIS: It just seems really high. I just wanted to make sure. It seems like a strangely high number.

CHAIRMAN DAUS: I think it is human tendency. I did it myself last night. I was on Fifth Avenue trying to get a cab and it was freezing and took me about at least 20 minutes to get one. When I got in I was so happy I found one, and when I got back to Brooklyn I gave him a huge tip. It is just emotions. Any other questions?

COMM. GONZALES: Quick question. Was
there any downside risk or anything negative with respect to the responses at all?

MR. DEBO: The only negative response we got is initially when we started our application for the seat was little bit forward for what people were hoping for. And once we received that comment, we went back and redid our application to move the seat back a little bit. And after that point there were no complaints about knee room. And we have that documented on our surveys.

COMM. GONZALES: How much is little bit back?

MR. DEBO: We moved it back approximately three inches, which is a lot in that application.

MR. KLAHR: One more follow-up.

COMM. GONZALES: Go ahead.

MR. KLAHR: One more question from staff is that the pilot be extended so that people who already have the seat installed do not have to remove it at their next inspection.

COMM. GONZALES: I don't recall from when we first had the discussion, is this applicable only to the Sienna or to other vehicles as well?

MR. SCHENKMAN: It was tested in the Sienna. Bruno does make other applications that we are looking at, but this was tested for the rear seat of a Sienna. And as technology changes and they are able to put it in more of our licensed vehicles, then we will come back and let the Commission know.

COMM. GONZALES: Will it be the same seat?

MR. SCHENKMAN: It would be similar. In the minivan you have a wide door so it is able to fully turn and drop. In their front applications, it just turns and tilts.

COMM. GONZALES: I guess the point I want to make is that if for some reason in the future, the Sienna is not either manufactured or used as a vehicle, would this seat still be able to apply to the next vehicle or is there a different -- is it a one size fits all?

MR. SCHENKMAN: Within reason, yes. I think they make 80 applications for 80 different vehicles.

MR. DEBO: We actually have over 300 applications.

MR. SCHENKMAN: Sorry.

COMM. GONZALES: I am just concerned if we are going to say that the seat can be used in another vehicle, like if I make an
investment in this seat and then for some reason when I had to retire the vehicle and this particular vehicle is not available, that I am still able to use it.

MR. DEBO: Really, the biggest thing is that we have seats for high vehicles and we have seats for low vehicles. If you start out with a vehicle that is high, you can move that seat into another high vehicle. If you start out with a seat in a vehicle that is low, you can move that to another low vehicle, because there is two different functions with the two seats, so you can't go from a low vehicle to a high vehicle and you can't go from a high vehicle to a low vehicle.

COMM. GONZALES: Thank you.

MR. DEBO: But I think it might be helpful for everyone if we are able to run the video that we have.

COMM. GIANNOUNIS: Can I ask a quick question based on what you said? This looks like it worked out well, congratulations. But for how many approved TLC vehicles do you have this seat adaptable for?

MR. DEBO: Currently, just about all of them.

CHAIRMAN DAUS: You mean actually installed is what you are asking?

COMM. GIANNOUNIS: Well, the gentleman said he has 300 vehicles, but we don't have 300 vehicles, none of which are approved TLC vehicles. That's my question.

MR. FRASER: And also, as I understand it, we are limiting this pilot extension and expansion to rear seats, right. We are not going to use the turnout seat in the front seat?

My understanding is that some vehicles, in fact, I think it includes the Crown Vic, you cannot use this in the back seat; is that right?

MR. DEBO: That's correct. It's application specific and if we choose to explore some of those other applications beyond the Sienna, we are happy to work with the TLC to understand that.

CHAIRMAN DAUS: We have 16 other models so we can give you the list and you can take a look at it. Other than the Crown Vic, of course.

COMM. GIANNOUNIS: So what's the answer to my question?
MR. KLAHR: The answer to your question is, it depends on which vehicle they buy. Most of the vehicles that we allow are supported, but if they go from, say, an SUV to an SUV, it should transfer. If they go from an SUV to a low sedan, it would be difficult to transfer. But Bruno will work with them in terms of financial considerations.

COMM. GIANNOULIS: So it just happens to be the Siennas right now.

MR. KLAHR: Right, Sienna is probably the best for it because the minivan has the widest door to kind of tilt and pivot out in.

CHAIRMAN DAUS: It sounds like we don't have an answer to the question right now, maybe we could give you a list of the vehicles we have approved, there is about 16 of them, and we will send them out to the Commissioners, letting them which of the seats would work in which vehicles and which won't.

MR. DEBO: We are happy to do that.

COMM. GIANNOULIS: We should know this, but maybe we can expand that. Can we get like a memo with the 16 vehicles, details on each vehicle, so we can have a thumbnail sketch of vehicles that we approved over time. I just think it would be helpful?

CHAIRMAN DAUS: Sure. You want specifications, like leg room and stuff like that?

COMM. GIANNOULIS: Sure.

CHAIRMAN DAUS: We will add that to the pile. Peter, it should be at the tip of your tongue, so it should be easy to put together. He probably has it memorized. We will put that all in one memo.

MR. KLAHR: Do we have time for the video?

CHAIRMAN DAUS: Yes.

(Whereupon, at this time, a video was shown.)

CHAIRMAN DAUS: All right, thank you.

COMM. POLANCO: What is the cost involved here?

MR. DEBO: The seat for a high vehicle is approximately $7,000, and the platform lift is approximately $3,000. So to have a seat and the lift together is approximately half the cost of a lowered floor van conversion.

The seats for lower vehicles are approximately $3,000.

CHAIRMAN DAUS: We have owners who
have actually purchased this, or did you install it free of charge?

MR. DEBO: We installed them at no charge for the pilot.

COMM. GONZALES: Is there any routine maintenance and what is the cost of that on an annual basis?

MR. DEBO: They are pretty much maintenance free, but we recommend they bring them in once a year for a checkup to one of our dealers.

COMM. POLANCO: And how much is installation? How much would it be?

MR. DEBO: Generally our dealers charge about $75 an hour and the installation on the seat might take two to three hours, on the lift the installation might take about two hours.

CHAIRMAN DAUS: Any other questions? Chuck, do you want to make a comment?

MR. FRASER: I need to clarify what the staff is asking. You are asking for a continuation of the existing three vehicle pilot for what, an additional year?

MR. KLAHR: That sounds reasonable.

MR. FRASER: So that they don't have to remove it. And expansion to what, just other Siennas or other vehicles as well?

MR. KLAHR: Other vehicles where it is capable of being installed in the rear seat.

MR. FRASER: Okay. And is it the seat only or the seat and the lift?

MR. KLAHR: The seat and the lift. But, again, you don't have to put both in. Obviously, if you want to serve the largest number of people, you would want to put both in.

MR. FRASER: And, of course, this is completely voluntary on account of the cost issue?

MR. KLAHR: Yes, this is a voluntary piece of equipment, where there might be interest in this, but given the consideration of cost, we are not asking to make this mandatory.

MR. FRASER: I guess one way we could look at this is we have done a pilot to test the technical aspects of this and I guess we could regard this as a pilot to test the marketability of it, whether Bruno can persuade vehicle owners?

MR. KLAHR: That is right.

What Bruno has told us is that it is difficult for them to go out to the industry
if this is not an approved device by the TLC.
The feedback is it seems very interesting and I can see the potential, but I don't want to spend all this money and then be told I have to take it out.

MR. DEBO: Yes, we feel there are opportunities for yellow cabs and other TLC licensed vehicles, so we are hopeful to start doing that.

MR. FRASER: One other point that raises, then, is this request simply for taxicabs or also for other vehicles?

MR. KLAHR: It seems reasonable that we might want to put this in commuter vans in our paratransit industry.

MR. FRASER: FHVs as well?

MR. KLAHR: If they are interested in it and if there are appropriate vehicles available.

CHAIRMAN DAUS: Can't they do that without changing the rules or without us voting on it?

MR. FRASER: It's still a pilot. Now we are just lifting the cap, I take it, on the number of participants because we have tested its technical sufficiency and now we are going to see whether it is economically viable.

MR. KLAHR: Right, there doesn't seem to be any question about the technical aspect. We feel comfortable with it, but there is a question about how many people would legitimately be interested in it, and by expanding it, we should be able to assess how many people really would want to purchase these.

COMM. GIANNOULIS: So when you are saying it would be cheaper, at least your opinion is it is cheaper to retrofit a vehicle with these devices as opposed to other lifts, right, that's what he is saying, correct?

CHAIRMAN DAUS: I don't know how much cheaper it really is.

COMM. GIANNOULIS: That's fine, it's his opinion. Are those lifts what qualify a vehicle to be a handicap accessible vehicle?

MR. FRASER: No. To be an accessible Medallion as that term is defined, the specialized Medallions, you must be wheelchair accessible. And you notice, this only works for someone with sufficient mobility to get out of their wheelchair.

COMM. GIANNOULIS: Correct.

MR. FRASER: You cannot wheel the
wheelchair into this, so, therefore, it is not
an accessible vehicle under the law and rules.
COMM. GIANNOULIS: Correct. So this
is not an accessible vehicle under the rules
and it would not serve as replacement of that.
MR. FRASER: That's correct.
CHAIRMAN DAUS: The way it is
currently defined.
COMM. GIANNOULIS: The way it is
currently defined. So the Medallions have
very specific guidelines as to what mechanical
equipment have to be in the vehicle to fulfill
that Medallion's requirement to be an
accessible vehicle, and this does not fulfill
that.
MR. FRASER: That's correct.
MR. KLAHR: This is not a
replacement. It is a potential enhancement to
the rest of the fleet to again try and fit
those kind of gray area customers where they
don't use a wheelchair all the time or they
not restricted to the wheelchair all the time,
but need a little extra help to get into the
taxi.
CHAIRMAN DAUS: It's a hefty price
tag for a voluntary project. I am sure there
are people who want to do good. I think it is
important for us to assess the marketability,
as Chuck put it. And, of course, we don't
want to hurt the owners and have them go
through additional expense who volunteered to
put the equipment in, by having them take it
out and spend money to do that.
So I don't have a problem, unless you
do, extending it.
COMM. GONZALES: One more question.
In particular with the Sienna, after watching
the video, in addition to say the passenger
seat being removed and this installed, the
rear seat is the rear seat removed as well?
MR. DEBO: It's folded into the
floor.
COMM. GONZALES: Okay.
COMM. GIANNOULIS: Does the vehicle
get any special markings?
MR. KLAHR: It will have a decal
indicating that it has a turnout seat.
CHAIRMAN DAUS: But not the one we
approved for the wheelchair accessible?
MR. KLAHR: Right, because it does
not qualify as a wheelchair accessible
vehicle.
COMM. GIANNOULIS: I just wonder if
we are going down the road of faux handicap
vehicle here.
CHAIRMAN DAUS: I don't think we are there yet. This is an option where people who fit into a special category, it is not full accessibility, it is people can have the ability, as the woman did on the video, of physically getting out of the wheelchair. And right now, some of those people can get into cabs but they don't have a place, in the Crown Vic, for instance, to put a wheelchair of that size. So there may be a certain number of people who can use a cab now who couldn't before. So it's not a solution to the problem but it certainly would get us better than where we were before.

MR. SCHENKMAN: It providing better mobility and it is the choice of taxis around the world, added mobility. Every country, and this is predominant in Japan and Sweden, they still have the full blown ramp vehicles like we have approved, but Toyota, this is the Toyota mobility solution from the factory. CHAIRMAN DAUS: It is factory approved and tested, correct, by the manufacturer?

MR. SCHENKMAN: By Toyota.
CHAIRMAN DAUS: Which certainly gives me an additional comfort level.

MR. SCHENKMAN: Added mobility.
MR. DEBO: A big point to this is the safety, because we are having the passenger ride in an automotive seat with the original automotive seat belt. So we really want to focus on the safety for those passengers who can get out and onto the seat.

COMM. GIANNOU LIS: Is there a rule, because I don't have one? So if we are talking about stickers, is this part of the original pilot program? It sounds like, as my mom says, that there is a little extra sauce on this thing.

MR. FRASER: It's a pilot, so no, it doesn't involve rule making. Your question as to whether the original pilot involved stickers, David?

MR. KLAHR: If I can, yes, we are putting a little extra gravy on this. We are just saying if you have it already, the pilot is expanded so you don't have to take it out, the pilot hasn't expired yet. And if you are interested in joining in, there is a cap on the number vehicles but what you can do is vote to eliminate that cap expand that cap to 11,000 vehicles or what have you, so anyone who wants to can try it and then we can revisit it at a later date and see how it
works. And at that point a final decision and
rules can be drafted.

CHAIRMAN DAUS: It sounds like more
than sauce. Sounds like sauce and some Romano
cheese and some cracked pepper, which makes
for a better dish.

MR. KLAHR: However you enjoy it.

CHAIRMAN DAUS: First of all, any
further questions for staff or Bruno?

(No response.)

CHAIRMAN DAUS: Okay, thank you.

MR. KLAHR: Thank you.

CHAIRMAN DAUS: So this is, I take
it, Chuck, a resolution based upon what David
just mentioned?

MR. FRASER: This would be continuing
the pilot for a year, expanding it to those
vehicles that can handle the rear seat use of
this device, and I guess we are adding
stickers.

CHAIRMAN DAUS: Any concerns,
questions?

COMM. GIANNOULIS: Let's just walk
through this for a second here, only because I
worked on the sticker issue and I will be
getting a call from Assemblyman Kelner before
I am out of here probably.

What type of stickers are we talking
about? Again, I don't want people who are in
a wheelchair to now think a vehicle is
accessible and then there is commotion and
there is a whole kind of strained situation.

CHAIRMAN DAUS: Right.

MR. KLAHR: There was a sample of the
sticker they have been using in the video, it
had kind of a logo of a seat with an arrow.

COMM. GIANNOULIS: I saw that.

MR. KLAHR: That's the only sticker
we are talking about. We are not suggesting
or requesting that the wheelchair logo be put
on, the large blue sticker. These vehicles do
not qualify for that.

CHAIRMAN DAUS: Do you want to try
to get that back on the screen?

COMM. GIANNOULIS: No.

Do we need to prescribe exactly where
we put that as part of our motion?

MR. FRASER: We can if we want to
limit it, but we don't have to. Since it is a
pilot I think it is something that they can
work out.

MR. KLAHR: Nothing in the original
pilot resolution allows them to put accessible
stickers. So by extending the pilot --
CHAIRMAN DAUS: Did we allow them to put the stickers they are using on somewhere?

MR. KLAHR: Yes. It is on the window on the sliding door of the Sienna indicating that the seat is there.

CHAIRMAN DAUS: Okay. Commissioner Giannoulis, you have a good point. We don't want to create false expectations.

COMM. GIANNOULIS: And the cap is going to open to all vehicles that could use this equipment, but we don't know which vehicles those are; am I correct?

CHAIRMAN DAUS: Peter?

MR. SCHENKMAN: Right now it would be allowed in the Honda Odyssey, of which there are I believe 105, and 1,500 Siennas. And then eventually they would develop new technology that -- they actually have a seat that will fit everything except 2009 Crown Vic, which is a front seat.

CHAIRMAN DAUS: Does that include the hybrids too?

MR. SCHENKMAN: They have some solutions for the hybrids. They make one for the Prius. We are working out so much issues with Toyota on the seats because there are some extra modifications made in the front seats that don't have to be made in the rear.

CHAIRMAN DAUS: So your talking about the Sienna, the Odyssey --

MR. SCHENKMAN: And everything except the 2009 Crown Victoria in the front seat.

CHAIRMAN DAUS: And everything out the hybrids?

MR. SCHENKMAN: Right.

CHAIRMAN DAUS: So we are talking about the Free Star?

MR. SCHENKMAN: There are four left.

CHAIRMAN DAUS: Does this technically qualify?

MR. SCHENKMAN: Technically, yes.

CHAIRMAN DAUS: I think what the Commissioner is getting at is we want to get a little clarity to this thing.

COMM. GIANNOULIS: And the feedback from the disability advocates in terms of this expansion, have we gotten any?

MR. KLAHR: They are in favor of the increased mobility. They acknowledge this is not a full wheelchair accessible solution. Again, it is for kind of the gray area customer but we have heard supportive things about it.

CHAIRMAN DAUS: I am going through
the list: The Free Stars, Sienna, Caravan, Odyssey, and really, that's it, because if you take the hybrids out, the Highlander, the Escape, the Altima, the Mariner, the Malibu, the Prius, obviously, that's not going to work. The Crown Victoria, the Lexus, the Civic, the Camry, the Ford Explorer and the Jetta it wouldn't work, so there is only four or five vehicles then.

MR. FRASER: We are not approving front seats because of the air bag problem, so that is off the table.

MR. SCHENKMAN: Well, the 2009 Crown Vics didn't have the side air bags.

CHAIRMAN DAUS: Is that an accurate description of what it could be used for, five vehicles, the Free Star, Sienna, caravan, Odyssey -- four vehicles, okay.

MR. SCHENKMAN: Yes.

CHAIRMAN DAUS: Do we have a motion to extend the pilot?

COMM. GONZALES: So moved.

CHAIRMAN DAUS: Do we have a second?

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Okay, you convinced them.

COMM. GIANNOULIS: No, but that's okay, I will be back on this one.

CHAIRMAN DAUS: Thank you, good work.

Next case?

MR. KLAHR: Next case we have up, this is a pilot request for data collection devices. Recently we have been approached by several manufacturers and owners who are interested in testing data collection devices. And these mean a couple of different models. There is kind of your standard camera which records what is going on, either in the cabin or outside as people drive. Also black box recorders, you are familiar with the term from the airline industry that records data about what is going on with the engine, the drive tran and so own within the vehicle.

This is something we have seen a lot of lately and we are interested in testing how these work in our industries. The proposal we have on the table is from Drive Quest Technology with their MacBox device. We have some representatives.

The MacBox camera is windshield mounted camera system and it is triggered in the case of a high G event or excess speed.
So essentially if someone is involved in an accident or other road incident, they can record a short realtime video clip of what happened.

They also have other devices that they are capable of installing in conjunction with this including an internal camera, and this is not that different from the camera that you see in owner driver vehicles or FHVs. But also many other manufacturers have approached us about similar technology in the last year. So we are interested in testing this, getting some driver surveys, owner surveys, hearing from the insurance industry. So we are thinking maybe a pilot of six to 12 months to investigate this.

Why would we want to test data recorders? There are a couple of potential benefits that we would like to find out more about. One is a safety benefit. We would like to see if this encourages safer driving or if it is a deterrent to reckless driving. We have heard interest from the insurance company and from owners and drivers about potential to decrease insurance costs, that if there is a more accurate recording of what is happening in the vehicle, it is easier to assess risk, so potentially people might be able to lower insurance rates.

We already see this in use in the black car and lux limo industry, so it is not totally new to the industries we regulate. And they have reported lower insurance rates. Medallion taxicab owner drivers and FHV owners are already allowed to use cabin cameras so it doesn't seem like a huge stretch to go and see about street recording cameras.

We also learned in our experience with T-PEP better data leads to better decisions from a staff policy point of view. As the Chairman mentioned earlier, when we are assessing, for example, average driver income, we are now taking a large sample of actual meter data rather than a random sample. And that provides us much better information to make decisions.

We expect owners have the same benefit from the data they are capable of getting from those systems as well. Therefore, the proposal you have in front of you is for a 13-month pilot, up to 10 cabs allowed per manufacturer and unlimited number of manufacturers allowed. Full Woodside inspection for anything that is installed, and any taxicab or other vehicle where there is a
data recording devices that records the cabin, that records what the driver and passenger is doing either by video or audio means, will include a decal saying "You may be recorded." Just like we have for camera equipped vehicles.

Now, we will test owner satisfaction, driver satisfaction, passenger satisfaction, test it out with some focus groups and also get feedback from owners and especially the insurance industry to see if this really will lead to lower cost. The proposal is also not limited necessarily to cameras. There are a variety of other data recording devices available on the market. We are interested in seeing as many of them tested as possible to see which one is the right one that fits.

So staff intends to speak to a diverse range of manufacturers to see what is available and to help find some owners that are interested in testing these out and to see if we can kind of get them shake hands. And if there are any questions, I am happy to answer them. Also the folks from MacBox are available if you have any technical questions about their proposal.

CHAIRMAN DAUS: Commissioner Gonzales and then Commissioner Giannoulis I think has a question.

COMM. GONZALES: You said some similar devices are used in the black car industry. Are they other companies or --

CHAIRMAN DAUS: I can speak to that. I've actually seen, not this particular product but other products in use, and the owners swear by them. I think there is a company that manufacturers something called a Drive Cam. I have actually in my travels visiting bases, Valero, which used to be known as Computer Car, a black car base. My experience and from what I have heard, in order for this really to work, it is not just about collecting data for insurance companies, it is also about being responsible, diligent owners and devoting time and resources to policing your drivers.

So they would have the forward facing camera that would record the events, the G force event, which could be something short of an accident, a quick jarring turn triggers the camera. The camera records a visual on some type of disk. When they come from back from their shift at the company, they give the disk to staff. And there are a couple of staff members that are assigned to look at it on the
computer, monitor it, and sit down and see exactly what happened.

They would quite diligently document the files, speak to the drivers and conceivably if the diver continues on the road of bad driving behavior, the driver's services would be terminated and they would be let go. So unless you have that component to it, it is not going to work, in my view.

I have seen it there. I know that there are other products in use by some of the larger and most successful limo companies including Empire CLS, which is one of the big three limo and black car companies, as well as Fight Time has it as well. And there may be others out there. But these people that I have seen swear by it. In fact, they have told me that they have had a reduction in accidents and insurance claims up to 60 percent.

The thing that I like about this whole concept is that we could be potentially saving people's lives. So anything that we can do to encourage people to reduce accidents, even if it has the ancillary benefit of giving data to insurance companies and to litigants to use in court, that's justice, I could care less about that as compared to actually preventing the accident in the first place, which, I think, is our primary goal as opposed to who wins or loses a lawsuit.

MR. KLAHR: Just to build off that a little bit, outside the industries that are regulated here, large companies like UPS and FedEx that have a large fleet of drivers, this is standard in their vehicles and that is how they assess driver quality. You get points assigned for certain behaviors and if you get too many points, your job may be in jeopardy. They have found it to be a tremendous deterrent to bad behavior on the road.

And also it is good for the higher quality drivers, oftentimes their raises and bonuses might be based on having that clean driving record. It is not just they have to take their word for it. There is actual documentation that there aren't any incidents on their record.

COMM. GONZALES: Two other quick questions: One, you mentioned if there is a camera in the cabin, that's there a decal to inform whoever is in the cabin that you can recorded.
MR. KLAHR: Right.

COMM. GONZALEZ: Is it necessary to also put a decal to say there is camera for the driver to know that his driving is being monitored?

MR. KLAHR: Our standard now is that any interior cameras in the cabin are accompanied by that decal, and that is why the proposal includes that. As far as if it is shooting outside the window, unless Chuck can tell me I am wrong, I don't believe that's necessary.

CHAIRMAN DAUS: Whether it is legal or not, David, I don't think there is any harm in necessarily recommending to the pilot proposers that this thing is only as good as the drivers understand what it is and the owners explain it to them.

MR. KLAHR: Right. There is no deterrent value if people don't know about that. But it is includes in terms of just cameras because there are other types of recording devices, for instance, like a black box device, which many vehicles have already, so that may require different disclosure.

One of the concern staff made was that passengers getting into a vehicle knew and had been informed as with the other cameras that we allow.

COMM. GONZALEZ: Okay.

And the cost for this pilot program is going to be borne by the driver, or is there some other --

MR. KLAHR: Well, as with our other pilots, the manufacturer usually works out a deal with the owners that they are given this free of charge for testing purposes. If they decide to purchase it later on, there is a wide range of devices out there, MacBox is
about 700, 750 a piece. We will see what devices may come in under this pilot, and I can certainly provide you with information as it comes in from other manufacturers.

COMM. GONZALES: Thank you.

COMM. GIANNOUNIS: Can we go back a screen or two, because there is some mention of other -- yes, that one.

So what does this exactly say?

MR. KLAHR: It says that we are testing data recording devices, which may not be limited to cameras. Cameras are the most common, but again the black box device is also very common. That is something that does not record video or audio. It would record vehicle activity, for instance, engine stressors, RPMs, drive train action, how many times the brakes were tapped. There is almost an infinite number of types of data that can be collected.

COMM. GIANNOUNIS: I am not voting on this resolution. First of all, there is no resolution in front of us.

MR. KLAHR: It should be in the book.

COMM. GIANNOUNIS: I don't have it in my book.

MR. FRASER: It is headed, "Statement of Outline." This is items in the resolution required by the pilot program rules.

COMM. GIANNOUNIS: Here is my book. It is not in here.

MR. FRASER: Look at the last tab, "Pilot Program Proposal MacBox," second and third pages. If it is missing, obviously, we will get you a copy.

COMM. GIANNOUNIS: No, and I didn't have the resolution on the earlier matter. So we are supporting a pilot program to do anything in the world that involves the vehicle moving? That's what I just heard, anything that involves data collection. So it could be anything in the world involving data collection.

CHAIRMAN DAUS: Not necessarily. Limited to the specific technology, the specific G force events.

MR. SCHENKMAN: It's acceleration, braking and excessive motion of the vehicle, meaning G force.

And I just wanted point out that the federal government, DOT NTSAs has regulations that beginning in model year 2009 all vehicles will start phasing in accident recording devices or black boxes in every car.
COMM. GIANNOULIS: So is there a resolution or something? I am just not sure what it is we are voting on.

CHAIRMAN DAUS: I apologize if it wasn't made more clear to you. It is pages 2 and 3 of the last tab. And that was summarized on the screen but we could read it if you want.

COMM. GIANNOULIS: I want to see what we are voting on. I don't have it. If somebody can just rip it out of their thing and give it to me, that is all I am asking for. I just don't know what we are voting on.

CHAIRMAN DAUS: You don't have it.

COMM. GIANNOULIS: Did you think I was making it up?

CHAIRMAN DAUS: Sorry about that. I will talk to the photocopying room. I will go back there and check it out myself.

COMM. GIANNOULIS: If I could just take a half a second to read this?

CHAIRMAN DAUS: Sure.

COMM. POLANCO: Peter, what was it you just mentioned, that some federal agency is going to require these type of devices?

MR. SCHENKMAN: Yes. Over the road trucks have been required to have accident collection devices for approximately the last two years, and it is being phased in by the National Highway Transportation Safety Administration beginning in model year 2009 cars.

And it is just black box that no one knows about, and if the vehicle is in an accident then the data can be collected for about the last 30 seconds prior to the accident.

CHAIRMAN DAUS: I am going to take the liberty of just reading the resolution so that everyone in the audience also understands, because I think it was just summarized on your screen, David. And it is good practice anyway.

Number one, the duration of the program would be a maximum of 13 months that is being proposed.

Item two, implementation and evaluation. Sub one, report to the Chairperson and Commission by pilot program participants pursuant to Subsections 8 and 9 below. Sub two, pending Chairperson and commission evaluation of pilot performance rule making could begin with publication of proposed rules nine months after start of the pilot program.
Item three, number of participants.

Unlimited number of participants.

Four, means of public notice. A notice of opportunity to participate in a pilot program will be published in City Record and on the TLC website.

Five, process for selection of participants. Sub one, approved as a participant pending execution of an MOU, Memorandum of Understanding, pursuant to Section 7 below.

Five, sub two, solicit applications from additional potential participants based on notice in the City Record and on the TLC website.

Sub three, review applications based on standards set forth in the notice.

And sub four, including but not limited to review of proposed technology and safe and effective deployment elsewhere.

Six, the topic, safety and visual evaluation. Sub one, it will be required for all participants before the start of the pilot program.

And, two, it will be conducted by the Assistant Commissioner for Safety and Emissions.

Item seven, memorandum of understandings or other binding agreements required. And there is a list of them. Sub one, stipulations shall include but will not be limited to the following provisions:

One, a participant is required to place equipment in at least one Medallion taxicab within two months of signing an MOU or binding agreement with the Chairperson. If no participants have signed an MOU or binding agreement with the Chairperson within six months of the Commission's approval of the pilot program, the program will be considered to have expired automatically.

Number two, second stipulation, no less than three or no more than 10 Medallion taxicabs per participant can take part in this pilot program.

Third stipulation, no more than 500 Medallion taxicabs in total can take part in this pilot payment program.

Stipulation four, equipment must be removed from taxicabs and service following completion of pilot program or cancellation of MOU unless rule making action is taken by the Commission.

Stip five, vehicles used in this pilot must have a currently licensed Medallion
affixed.

Stipulation six, vehicles used in this pilot that include devices that record either audio or video of the interior cabin must affix decals to the rear passenger windows or the partition or display on the vehicle's passenger information monitor, informing passengers of the presence of a recording devices and that they will be photographed. Such decals must be removed following the completion of the pilot program or cancellation of the MOU unless rule making action is taken by the Commission.

And the last stipulation, vehicles used in this pilot that include devices that record video and/or audio of the interior cabin may temporarily uninstall and require partition for the duration of the pilot provided that the vehicle is inspected by the Assistant Commissioner for Safety and Emissions and the rate card is appropriately marked. Such partitions must be reinstalled following completion of the pilot program or cancellation of the MOU unless rule making action is taken by the Commission.

Done with the stipulations. The eighth point, evaluation criteria for the pilot. The following specific criteria will be finalized in the MOU, binding agreements and may include the following: One, owner satisfaction. The impact on taxicab operation as well as any additional accrued benefits.

Two, driver satisfaction. The impact on taxicab operation and any additional accrued benefits.

Three, passenger satisfaction.

General passenger satisfaction with the equipment.

Criteria four, technology efficiency. Ease of use by the driver, value added to the owner, quality and quantity of data recorded.

Five, TLC S&E inspection results. Regularly scheduled inspections will monitor the data.

And last, focus group and real life road testing.

Last point, reporting requirements. Each pilot program participant should submit to the Chair a report on the first six months of performance based on evaluation criteria called for in the MOU binding agreements, which shall be submitted no later than seven months after the first vehicle is put into service on the road, and complete reports to
be forwarded to the Commission one month
later.

Item two under reporting
requirements, each pilot program participant
will share collected data from installed
deVICES with TLC at the request of TLC.

Sub three of reporting requirements,
the last reporting requirement is that
participants and TLC licensees should also
provide additional information as requested by
the Chair during the duration of the pilot.

COMM. GIANNOULIS: With all due
respect, there is nothing in here about what
we are voting on. This is not acceptable to
me. End of the story. There is nothing in
this piece paper that actually mentions what
we are voting on. This is all process.

It does not say what we are voting
on, and there is a proposal here on the screen
that says, well, it's not limited to driver
cabin interior cameras, we are going to speak
to any manufacturer, it is going to include
any data recording device. I mean, that's not
what we have defined as pilot programs.

Pilot programs have very specific,
and this is --

MR. KLAHR: You are absolutely
correct on that. I don't know what is in your
packet, but there should be an attached
proposal and letter for the MacBox device.

CHAIRMAN DAUS: This is approving
the MacBox, this product.

MR. KLAHR: Correct, but what --
COMM. GIANNOULIS: This doesn't say
I am approving the MacBox, what is on the
screen now. So it is at the point where like
something else is approved and allowed in, I
assume that this proposal will be waved in my
face and say "You voted for this."

CHAIRMAN DAUS: No. It will be
similar equipment.
COMM. GIANNOULIS: Or not.
CHAIRMAN DAUS: MacBox has
competitors.

Yes, Andy?

MR. SALKIN: I just want to clarify.

The intent here is there is equipment that
goes into vehicles that records different
material and different information, but the
main purpose of the equipment is to make the
vehicle safer by encouraging drivers to drive
more safely. That is what we are trying to
propose. If that's not clear, then we
apologize on language.

The idea is that MacBox is one type
of equipment that can do this. Part of the
pilot program and the reason we bring it to
the Commission is we don't want to approve one
type of equipment, one type of technology to
go into a car. We want to see what the right
type of technology is and make sure that if
there is more than one type of technology that
can go into a car, that's great, let it
happen.

Similar to what type of tires do
people put on. We are not approving a tire,
we are approving the concept of tires. So in
this, we are asking the Commission to approve
the concept of a data recorder device that is
used to prevent accidents and make vehicle
drivers perform more safely.

COMM. GIANNOULIS: When we approve a
pilot program, anybody that fits into -- any
item that fits into that criteria, this isn't
a deal for MacBox, right.
The problem I have here is I don't
have a single piece of paper in front of me
that exactly explains what we are voting for.
I have a proposal on the screen that is
completely vague. You just told me I am
voting for MacBox. He just told me I am not.
There is a third thing that is on the
screen that says I am voting for anything that
involves data recording, of which I don't know
what data recording could be because I don't
have a piece of paper that tells me exactly
what guys are saying is data recording. Peter
said something and then David said something
and then somebody else said somebody. Well,
it is about G force, it's about brakes, it's
about this. So I guess if somebody shows up
tomorrow with the advertising hubcap, that
that's his mechanism for figuring out the
brake speed, et cetera, that's a legitimate
piece of equipment?

What are we approving here?

MR. SALKIN: Do you disapprove of
the concept of having data recording devices
that are used to make vehicles safer by making
drivers drive more safely?

COMM. GIANNOULIS: I don't see a
reason that I would, but I don't have anything
in front of me that is telling me that is what
we are voting on.

CHAIRMAN DAUS: With all due respect,
Commissioner Giannoulis, I believe that, and
maybe there is a better process here, I take
that point.

It is true that if you look at this
the devil is in the details. All the details
are here and there is not a paragraph at the
top that kind of makes it narrowly tailored.
Maybe we can work on that for next month. We
have in past Commission meetings just
explained it as part of PowerPoints. In
addition to that, I have no problem with
clarifying exactly what it is in the
resolution itself. We will do that and bring
it back next month.

But with all due respect, I
understand it. I have seen it, maybe it is
because I have visually seen it that I
understand it, but it is very clear to me, it
is measuring G force events, it goes into a
black box, it tells you when there has been an
accident and when there has been a movement of
the vehicle that will trigger a recording
potentially of a camera. And that's the data
that is being recorded. Nothing more, nothing
less.

We are not contradicting each other.
We are approving the MacBox today and putting
an RFI out there to see what other similar
equipment --

COMM. GIANNOULIS: So is it accident
specific or does it record driving times at
all times?
CHAIRMAN DAUS: It is supposed
record, as far as I understand it, accidents
and G force movements only. But it could --
MR. SALKIN: Most of them are
designed to records the events that lead up
the accident and the actual accident itself.
And so the way they do that, since you don't
know when there is going to be an accident,
typically they have a rolling recording device
that does 15 seconds worth of recording. So
when there is an accident it stops writing

It is not -- if we are getting into a
situation and we can make this clear, the
intent of this is not to have a hard drive
with every movement that every cab made at
every location that it was.
COMM. GIANNOULIS: I don't
particularly care if you do, quite honestly.
That is not my problem.
CHAIRMAN DAUS: He has a fair point
about the process. I think what happened here
is staff took for granted it is not
necessarily as part of a proposal -- it's a
better practice to have a resolution that we
vote on that doesn't assume that you know
anything.

And if you look at this, it is
assuming that you know what you are voting on
and here are the details of the MOU.

COMM. GIANNOUTSIS: If I don't have a
resolution, what am I actually voting on?

CHAIRMAN DAUS: This is a
resolution. And this is what we have been
doing under this pilot program for every
single one that we have approved. It is the
same process. If you want to see an actual
resolution, we can dump this into a resolution
and work on some language, introductory
languages clarifying exactly what data is
being recorded so that it is clear so that we
don't have people coming in claiming to use
hubcap advertisements as data recording
devices.

COMM. GIANNOUTSIS: For example, the
earlier pilot program we voted on, there is a
specific manufacturer who provided a specific
product which had been approved, which we
voted on and passed, which was simply a seat
extension that comes out, that goes up, that
offers a person with a disability easier
access to sit in the vehicle.

We did not say we are voting on all
types of ways that seats could move for
various reasons.

CHAIRMAN DAUS: You are absolutely
wrong on that.

COMM. GIANNOUTSIS: We did?

CHAIRMAN DAUS: Yes, every single
pilot program that we have done, including the
Bruno seat, and it works well because we don't
want to look as if we are favoring one
company. We want to make sure that if one
company has the wherewithal to start the
process, like MacBox and Bruno, that if there
are similarly situated competitors who just
didn't know that we existed, that we go out to
the world and find them and track them down
and put out an RFI, request for information
out there, giving them the same competitive
opportunity here as well. We did that with
Bruno.

COMM. GIANNOUTSIS: For a moveable
seat for people with disabilities.

CHAIRMAN DAUS: Correct.

COMM. GIANNOUTSIS: Not for go out
and come up with new ideas to do anything you
would like to do with seats, correct, it was
very specific.

CHAIRMAN DAUS: Right. And with all
due respect, I think this is very specific --
COMM. GIANNOUTSIS: I want to see it
in a resolution, that's all.
CHAIRMAN DAUS: I have no problem doing that and coming back next month. It is your call. I think you are bringing up a very valid point that maybe we are getting ahead of ourselves and assuming that the PowerPoint presentation is enough. I prefer a better practice of having a resolution.

MR. SALKIN: It sounds like you are looking for something that is a little more specific towards devices dedicated and created solely --

COMM. GIANNOULIS: If it can be said verbally, I am fine with that. I just have a problem with when I see something on the screen that says we are going to talk manufacturers of a diverse range of data recorders. We have had people come in here in the past who have tried to collect data. We have had people come in the past --

CHAIRMAN DAUS: It is up to you. Do you want to take a stab at making a statement verbally or we can come back next month with a resolution. It is up to you. I want to make sure you are comfortable.

COMM. GIANNOULIS: If everybody is moving ahead with the program, I don't want to interfere with it. I just want to know what the specific -- we have had people come in here who collect data, we approved it. People collect data on cell phone coverage. That was a very specific thing which we approved for cell phone coverage.

If somebody comes in and says I have a different device to approve cell phone coverage, it is also data. You may say no, that's not what it is, and that's fine. I just want to be clear what I am voting on.

MR. SALKIN: In listening to the debate that is going on, I don't think anybody is disagreeing. And I think your resolution on how to move forward is well taken. So I will ask David to take a crack at it.

CHAIRMAN DAUS: We are all ears.

MR. KLAHR: What we are proposing here is -- I understand what your objection is, and I feel the same way.

What we want to do is test recording devices for the purposes of either safety, usefulness to owner, or increases driver skills, that record by either audio, video, or another means, that can just be used by either TLC will look at the data or the owner will look at the data, or the driver will look at
the data for the purpose I mentioned earlier.

And I agree that if someone came in
with a hubcap proposal and says I measure the
revolutions of the hubcap, that's how far yo
go, I agree with you, that's ridiculous.
The ultimate goal of this is safety,
safety for passengers, safety for drivers,
safety for the people that they interact with
on the street.

COMM. GIANNOULIS: I would propose
let's move forward with this since everybody
put so much work into it. I don't want to
interfere with that. But, counsel, I would
like, I don't know if I could see some kind of
follow-up either resolution or memo with some
specificity.

MR. FRASER: What the next steps
would be is first we would begin negotiation
of the MOU with MacBox, because they obviously
have a specific device that triggers the
pilot. We would also begin preparation of a
Request For Information that would be
published to invite other people who have a
device that they believe does the same
function, they would submit that. So we can
certainty give you the RFI. We would
distribute the RFI which would describe
obviously the devices we are asking people to
come in and propose.
And then as each one comes in and we
determine that it meets the criteria of the
pilot, we enter into MOUs with each one of
them as well up until the maximum. This one
doesn't have a maximum number of participants
until you hit the 500 cabs. And we could
obviously give you those individual MOUs as
well.

COMM. POLANCO: Why don't we just
table this for next month and we will have it
in writing?

CHAIRMAN DAUS: I am fine with that.
It is up to you.

COMM. POLANCO: I would feel more
comfortable if we table it for next month. I
mean, there is some information here, it says
data log ins, speed is recorded every second,
video location is recorded every ten seconds
for 12 hours. Taxicab function, record for
present time each time door is opened or
closed. Taxi meter, manual panic button.
I honestly want to understand more
about this. I only have four pages, so it is
not much information to me.

COMM. GIANNOULIS: I don't know if
there is more information that we just didn't
happen to get. Because I have the same.

COMM. POLANCO: So let's table it for next month.

COMM. GIANNOULIS: I have a two-page letter from the manufacturer, which is nice. And then I have like a handy-dandy one-page thing. And then I really don't know what I am talking about.

MR. SALKIN: Chair, I think probably perhaps we can arrange for the Commissioners to see an example of the products.

CHAIRMAN DAUS: Staff, I think from now, on every time we do this, I think we should have a resolution, because I agree.

COMM. GIANNOULIS: I don't want to be pompous. I one of these in my car, I know exactly what it is. I have an SOS emergency button that if my car gets into an accident, they call me up. If I get a flat, I push a button, they call me up. If know very well what these things are.

You are asking me to vote on a very -- I don't know what I am voting on. There is a letter from a manufacturer, there is this thing.

MR. SALKIN: You have made it clear. We want to make it more clear.

COMM. GIANNOULIS: I want to know what I am voting on.

MR. SALKIN: I think I heard Commissioner Polanco say that she actually doesn't know what she is voting on and she wants more information.

COMM. POLANCO: I think we should table this for next month.

MR. SALKIN: I don't want to table it without understanding what we are tabling it for, so if you could, are you interested in seeing what the product is so that you can get a better sense of what it is?

Clearly, Commissioner Giannoulis has a similar product, knows what it is.

COMM. POLANCO: Yes. And also basically in writing, a resolution.

MR. SALKIN: But, again, I don't think the resolution, quite frankly, will help you understand what it is. I want to make sure you feel comfortable with the technology, perhaps we can arrange for a demonstration, either outside or just show you in a demonstration what the product looks like and the data it collects and how it works.

CHAIRMAN DAUS: I think the concern also is, Andy, it is the products that are unknown that out there potentially that they
have concern with. And I do believe the
process provides the opportunity to make sure
that we keep people in the loop, but from a
d point of procedures, I agree. There should
be a very specific resolution.

I think we did this in the past.

Just the last year or so we have been doing
pilot program presentations to try to
summarize it. I think we want clarity to
insure that there are not going to be new
devices that come in that are not what you
anticipated what they are.

So I suggest that we turn this
specific page 2 and 3 of the booklet, which I
read aloud, into a resolution, but at the
beginning of the resolution, explain as best
we can after talking to some manufacturers and
doing some research, exactly what data and how
it is going to be recorded and kind of narrow
it down a little bit.

COMM. GIANNOULIS: I simply either
want to approve a piece of equipment, or if
you are asking me to approve a concept, then
tell me that. Don't tell me you are asking me
to approve a concept plus a piece of
equipment.

CHAIRMAN DAUS: Well, that's what we
are.

COMM. GIANNOULIS: That's right.
That is why I am not doing it. Because right
now the notion that any piece of equipment
that helps the insurance industry to figure
out accident rates, that's a wonderful thing,
but that is very vague. And I don't know what
that means.

CHAIRMAN DAUS: You are correct. I
agree with you on the vagueness issue. I
agree with you and I think it should be in a
resolution as a matter of form. However, I
think we have an obligation, both legally and
morally, to do both.

And we have done that in every
project. You know, we could try to explain
what these products do but some of them have
different variations on the theme and they
have proprietary rights. I am sure each one
of these products has been patented. And
there is probably a way to describe, but if we
have to, if we are going to approve a piece of
equipment, we cannot close the door to similar
patented equipment by another competitor
because that would shilling for one competitor
and not another. So we have to do both, both
the concept and the product.

COMM. GIANNOULIS: If this
particular piece of equipment, I guess in theory does these 25 things that is on this list, right. One of them is recorded image. Does that mean that we have now approved any piece of equipment that take a recorded image? And is it up to, then, your interpretation whether that helps the insurance rates?

MR. SALKIN: The idea is products. And your point is well taken, we will go back and write something. But to answer your question, there is a product. If I have a product, and my product is used, similar to a black box, to record information that would help me to understand how an accident took place, happened. To say to someone I am going to put a device on the top of the car that has a loudspeaker and spinning out advertisements and a device that has a camera and that will help insurance for some reason, the intent would be no.

The idea is we are not looking for people to make up a product. We are more looking to take the products already being widely used in the automotive industries throughout the world and throughout the country and utilize those as they see fit.

COMM. GIANNOULIS: I don't know what any of them are. It would have been good for somebody to tell me what they are.

CHAIRMAN DAUS: You made a very, very good point. And with all due respect to the staff, this is a hard topic to digest. It is very technical, I didn't understand it when I read through it the first time, too.

You have done a great job putting it in this format. We didn't tell you we wanted a resolution. I think it is a good practice, let's table it, let's bring it back in resolution form, and let's see if we can put together a memo from Peter and yourself, after looking at all the different equipment out there, so we can explain to our Commissioners in a bullet point format --

MR. SALKIN: And we will try to get some equipment other than the MacBox.

COMM. GIANNOULIS: And this isn't in any vehicles so we don't have to do any extensions?

MR. SALKIN: No.

COMM. GIANNOULIS: This is a proposal?

MR. SALKIN: Correct.

COMM. GIANNOULIS: So they are not getting delayed, they are not getting hurt in
any significant way at least.

CHAIRMAN DAUS: So in light of the
cconcerns of at least two of our Commissioners,
also Commissioner Arout, good work but we want
to be really clear.

COMM. GIANNELIS: And I have Iris's proxy.

CHAIRMAN DAUS: She did. I didn't
know we had proxies.

MR. SALKIN: Commissioner Polanco, is
that something that will get us to the point
where everybody would feel more comfortable?

COMM. POLANCO: Yes.

CHAIRMAN DAUS: All right, good work
but we have more good work to do. We will
redefine -- the G in Giannoulis is for G
force. Thank you.

Any other questions?

CHAIRMAN DAUS: All right, have a
happy Thanksgiving everybody.

Do we have a motion to adjourn?

COMM. AROUT: Motion to adjourn.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes."

CHAIRMAN DAUS: Thank you.

(Time noted: 11:30 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