NEW YORK CITY TAXI & LIMOUSINE COMMISSION

PUBLIC HEARING

Held on Thursday, December 16th, 2010
At 40 Rector Street
New York, New York
Time: 10:00 a.m.

FIVE STAR REPORTING, INC.,
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APPEARANCES:

COMMISSIONERS:

DAVID YASSKY, Chairman
HARRY GIANNOULIS, Commissioner
LAUVIENSKA POLANCO, Commissioner
ED GONZALES, Commissioner
CHARLES FRASER, General Counsel

SPEAKERS:

DARLYN SANCHEZ, United as One TLC Base Owners Assn
GUY PALUMBO, LRT
TAREK MALLAH, Dial 7 Car and Limousine Service
NYS Federation of Taxi Drivers, Inc.
RONNIE RAYMOND
AVIK KABESSA
STEVEN BUTATOWICZ, LOMTO
BHAIRAVI DESI, New York Taxi Workers Alliance
BILL LINDAUER, New York Taxi Workers Alliance
MICHAEL WOLOZ, MTBOT
ETHAN GREBER
RICHARD THALER, OMNI MEDIA NETWORK
ADRIAN GONZALES
PETER MAZER, MTBOT
OSMAN CHOWDURY
MR. YASSKY: Good morning. Thank you for joining us this morning.

Let me first inform the folks in the audience that we will not be voting on any of the items on the agenda today. I hope you will not feel that your trip to the TLC was in vain today.

We will have a public hearing that is quite important on each of items. Of course, we have a two-part agenda today. We have a number of business items that will be voted on. Not today, but, in January. I will explain shortly. And then we have a hearing on an issue that was not scheduled to vote today. But, I think it is of really top tier importance for this agency and for the industry
that we regulate and the public that those
industry service. That is the issue of
accessability for people in wheelchairs.
We'll be proceeding with that and with the
public hearing on our business items.

Unfortunately, though, due to the
unexpected absense of a couple of Commission
members, we don't have a sufficient number to

vote. I will just say all of you know the
story of the boy who cried wolf. I guess the
young person that cried wolf the child that
cried wolf. I'm saying that with vacancies on
the commission we are at risk of not
having a quorum when necessary.

Unfortunately, today we have a shortage of
one commissioner and Mark Gjonag was
unexpectedly ill. I'm sure he'll be fine.
But, he is at home with a fever a cannot attend
the meeting. That leaves us just with one
short of a quorum for voting. We do have a
quorum for doing business and taking testimony.  

So, we'll go ahead and we will go ahead  
with those items, have the hearing, the public  
hearing on business items. We will then in  
January be able to vote without having a second  
hearing at that time. Am I correct? I am  
correct?

Let me just start by wishing everyone a  
happy holiday season, a /HAR tape and /PROS  
/EFR 2011 and speaking of New Years, as the TLC  
is once again participating in you the man  
campaign with the Department of Transportation  

and Ciroc and entertaining when you leave your  
New Year's Eve party New York has those  
official designated drivers, the taxi and  
livery people who work on Christmas and New  
Year's Eve and holidays. When many people are  
taking time off and enjoying the company of  
friends and family, thousand of drivers are on  
the streets working hard to make sure New
Yorkers get where they're going, and it's particularly important on the holiday times when some people have been at celebrations and they shouldn't drive afterwards.

We have thousand of designated drivers on the street tomorrow and on December 31st, Ciroc and New York City, while distributing 2000 free prepaid cards good for $25 on taxi fares. The cards can be used on all taxis and they have and any N H have that /SEPLT /TKABL and credit card check you /ATD man on driver anticipate to find out when the next trip will be.

I'll commend Ciroc for that participating in that. Taxi of Tomorrow. A few quick updates and we'll get right to business.

Taxi of Tomorrow, as you know, we have

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/SEBLT request to the top three leading candid propositions asking too submit a final offer.
Their responses are due in June.
The E-Z Pass. This is something I
discussed at the last commission meeting and I really want to ask our industry partners to pay tension. We discovered it a short while ago that T-Pep data revealed that unfortunately too many taxi drives are charging the full fare, the cash fair, on bridges and tunnels and not using the E-Z Pass fare.

Our rules require that the E-Z Pass be used on all of the toll crossings and the passenger be charged the E-Z Pass fare and not the cash fare.

So, we sent out a hundred tickets. I think I mentioned that at the last meeting or the one before. But, we are not yet seeing a change in behavior. So, we are now in the next couple of days be issuing another two hundred tickets. And we were not looking to collect revenue. We're not looking to issue tickets. We're looking to get compliance, and, so you know, I would just ask you to pass the

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word on to your colleagues in the industry that drivers do need to pay heed to that rule, and, again, my goal is to, that is, these are the last two hundred tickets issued because we seek compliance. That would be my goal.

I'm sure at another time we come across in the T-Pep data, we do see that there are some drivers that are continuing to do something. I think this has been an industry practice for awhile which is not to engage the meter on flat fair trips from J.F.K. Airport to Manhattan.

What we see on the data are a number of trips that kind of begin and end on East 45th Street in Manhattan and there's a $45 fare charged. What we want, we assume in those cases, is that the driver is leaving the airport without the meter on, and then, when they get where they're going, they turn the meter on, put the flat fare, or put in $45 in the self-entered fare, and turn the meter off. No one is being over charged in those cases, you know, that they're charging. It's a proper fare.
But, it is an enforcement issue for us because when somebody leaves the airport without the meter on, if The TLC were to stop that person or they were to notice or the passenger were to notice that's a violation and the reason we have that is so passengers know what they're being charged. That is kind of prophylactic against not having the meter on and saying it's $80 or $90 trip. We have not issued summonses.

What I will say again, I'm asking the industry leaders here to spread the word among drivers. We don't want to issue summonses for this of this kind that are no harm, no foul, like that.

But, we do need compliance that the meters have been engaged on every trip. There is a good reason for that rule and we must insist on it. I would ask you to spread the word among drivers. Remind them of that rule, if you will.

Maybe what we'll do is we can put together a flier for you to post in your garages for
those of you for whom that is appropriate. A

couple of reminders for medallion owners. As
you know, the DDS will no longer be, shortly
will no longer be an approved T-Pep provider.
Medallion owners who do have current contracts
with T-Pep service will have to sign up with
one of the two other providers. The other two
providers, either CMT or Veriphone, by December
1st.

We issued a deadline reminding you of
that. The deadline to install the equipment
depends on your vehicle. The second date, it
will be somewhere between February 1st and May
1st. I'm reminding you again. I'm reminding
you. You have to sign up by the end of the
year December 31st to install the equipment.
Each vehicle gets a deadline sometime by
May 31st.

Second, I want to remind medallion owners
it's important that TLC staff be able reach you

out of the operation of your medallion 24/7.

We have not infrequent calls from law
enforcement not where a taxi driver, the
operator of a taxi, can provide useful
information, because the taxi driver, you know,

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is not a suspect in any way. But, it's useful
information that they want the law enforcement
in an investigation to talk to the drivers
about something that they may or may not have
seen. Sometimes we need to reach people timely.

We have lot property calls 24/7, as you
know, and, so, our rules require every
medallion owner have a phone number on file
with us that we can use to reach you 24 hours a
day. You are an agent to the operator. Your
medallion. You can rely on a phone number.

There must be a number where we can reach a
person twenty-four hours a day. Voice mail is
not sufficient. It's been true. At least
since I've been here. I guess before that.
We often call the 24/7 number and we do not reach anyone, and we don't hear from them back until the morning and it's clear that it's not really a 24/7 number. It's a message machine. I'm going to ask people to look and see if they're in compliance with that. And, if not, bring yourself into compliance.

Final reminder for that one is FHV bases, livery black car and livery limousine black.

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cars are required by our rules to include in all vehicles including website attachments that are licensed by TLC and to include base license numbers. It's for the information to be clear as opposed to who is licensed. It's important for us to avoid unlicensed violations.

Finally, I want to alert folks that we are beginning on this. We're now ready to bring these proposals to you for a feedback and we'll be bringing it to the commissioners. We will
be proposing changes in the amounts of many of your fines and I think it's equally important that we'll be proposing reduced fines for licensees who plead guilt before the hearing.

The details of the proposals are in development. But, that's the basic structure of it. We will over the next few weeks be getting the details out to you so you can begin to formulate your feedback.

Also, in January we will not be voting on these in January, Commissioners. But, I think this is a significant change. I think you're going to like it. I'm confident you're going to like it. But, it's significant. We're not going to have hearing vote at that meeting. We'll have the hearing in January with the expectation of voting at the next meeting or the one there after depending on how long it takes us to incorporate the feedback.

Also, in January we'll have a public
hearings on two proposed rules. One will require business licensees to provide the TLC with E-mail addresses and the other will revamp aspects of the licensing process with deadlines for completion of licenses application specifying that outstanding fines must be paid for a license application, making late fees uniform. Now, they vary, not in a way without having reason for the variation.

Both of these rules we will have a hearing on and we expect to vote. I think they're fairly straight forward in January. So, those proposed rules have already been published for public comment and they're available for website.

Before we proceed to the business items now I want to recognize we have Ira Goldstein with us today. He is, I won't embarrass him. There was a couple of occasions where people have incomiums and sing his praises. And even
though he deserves more, in the interest of proceeding, I'll ask Ira to come up and join me here. We have his badge, his the TLC badge, and it's traditional for us. It has been made into a permanent keepsake momento. There's a long paragraph here with Ira's history with the agency. And, otherwise, again, I will simply say he's as good friend of the agency as there is and ask him to come up and receive this.

(Whereupon, photographs were taken.) Those photos will be on our facebook page promptly.

MR. GOLDSTEIN: I just want to say congratulations, I'm sure whatever inconium means, it's a good thing. I hope when I retire You use big words like that.

MR. YASSKY: Big words with someone with a big legacy at the TLC. So, in your case, yes, indeed.

We will proceed right to the business items again. Unfortunately, we will not be
able to vote on the base applications today.

But, we will have a public hearing on five proposed rules. They're in the order A through E here in your agendas.

I'm going to skip around a little bit. First, we will have the public hearing on driver dress requirements. I understand there are some reporters here. We might as well do that first for them.

Let me say something, Commissioners. There are a couple of experience we're trying today. This is one of them.

The dress code requirement, as you know, general counsel will describe the substance of the proposal in a minute. It grew out of the rules revision process, which I think has been a terrifically successful project. And, in going through the rules, our extraordinarily able people in general counsel's office identified many rules that look like they should be cleaned up. They're obsolete or they haven't been looked at for a while and ought to be just plain cleaned up. This is one of them. The rule had
traditionally has for a few decades said that
driver dress must be neat and clean, and
further than proscribe the wearing of cut-off
shorts, swim wear, under garments as outerwear.
One other thing, tank tops and tube tops.
So, that was the way the rule read. It
seemed to the professional staff at the TLC
that was a kind of a incomplete list of items
that are inappropriate. But, rather than
having a detailed lengthy description that
tries to put a dress code into detail like
that, that it would be better and simpler to
simply to tell drivers that we expect their
dress to be neat, clean, and then we added the
word professional.
This is not, you know, unlike E-Z Pass,
this is not a rule that you expect our
enforcement to be out looking for violations
all over the place.
I think it's an appropriate topic for our
rules because drivers are ambassadors of the
City for tourists, for New Yorkers as well.
Particularly, you think of tourists who come to the City, get in the taxi cab. We want them to be greeted in an appropriate way. They're the face of the City. We want to project a professional image to the City.

At the same time I think that in the vast bulk of drivers understand this without being told. But, I think it's useful for the TLC to articulate this as a standard. Not that we're going to have the fashion Police all over the City. But, I think it's important to have it articulated as a standard.

I also think putting the word professional in here I guess has raised some concerns in the driver community. Does that mean you have to wear a tie? Does that mean? We've had questions. Does that mean ethnically identified or religiously identified garb is inappropriate?

The TLC could not have been prouder that
of the fact that the industry drivers come from all over the world. And I think that is something that is an enormous source of pride for the agency or for the industry. Anybody who thinks that a turban would not be professional is just misguided. It hasn't even occurred, frankly, to us at the TLC that that would be a concern. But, to the extent that it is, we would want to assure people that professional does not mean that ethnically appropriate garb is somehow proscribed. Of course, it is not. It is welcomed. That's the intent of the rule. But, I laid out our thinking here and we talked about maybe just discarding it altogether. But, we thing it's an appropriate thing to have in the rules. I genuinely would like to invite each of the Commissioners, we're not voting today due to the quorum, and I know that at least in
some, at least one person signed up to testify about it. I'd say sincerely, these are issue where I feel the staff has looked at it and it's a matter of expertise. I strongly recommend a vote in favor of the staff that the staff has presented.

I'd ask each of the Commissioners to evaluate and if you think that it's better left untreated, or if it doesn't feel like something that should be in the TLC code, I certainly can see that as well. So, what I mean to say is I think the will of the majority of the Commission should govern on this one.

So, with that, general counsel will briefly describe it and then we have, as I say, at least one testifier.

MR. FRASER: The primary purpose of the rule was to make dress requirements for all four driver types and be regulated the same. So, you'll see that literally they're now word
for word the same in the proposed rule. For whatever reason, historically or otherwise, the specific prohibitions that the Chairman referred to were only in the rules for taxi drivers. And so, they've been eliminated and consistent language has been proposed for all four driver types.

The second purpose to the rule which is to relieve the taxi drivers of the obligation to orally notify passengers at the beginning of trips that the passengers are liable for tolls. This is for two reasons. One is we think most passengers already know this. And, second, that notification already appears on the rate card and on the passenger information monitor.

So, the obligation on drivers to think to say that in advance we thought was redundant.

We received two written comments which have been distribute to the Commissioners, one for and one against, and we have two people
who signed up to speak today.

First, Osman Chowdhury has signed up to speak.

MR. CHOWDHURY: I signed up for two things the dress code or?

MR. FRAZER: I understood it to be the dress code. I see you signed up for both. So, this is on the dress code.

MR. CHOWDHURY: The dress code is not a hard thing. I understand no hard things. I'm here to testify. We need a dress code. Like, I work seven days a week. I know what I should wear. I know. Everybody knows. Every driver knows. Another things some drivers wear different things. But, it's hard in the winter and summer time. Just maybe regular type conform and type. The difficult. Don't make it different than what it is. Thank you.
also signed up. I'm sorry. I missed this.

Bhairavi Desai has also signed up. Perhaps you
want to testify together. If there are
speakers from the same organization I kind of
want to encourage you to consolidate.

Please identify yourself, I'm sorry, for
the court reporter, and this goes for all the
witnesses. Please identified yourself by name
before you start.

MR. LINDAUER: Bill Lindauer. I'm
with the New York Taxi Workers Alliance and I
was a driver for 30 years. I think I was
always neat and clean. And maybe my slogan
should be No Amani Domani. I was wondering if
we should have a sartorial surcharge. If we're
going to require that.

But, the main thing is that we are
professional. But, the term professional is a
vague term subject to abuse. It could open a
Pandora's box of abuse. A TLC inspector spoke
to our TLC representative, Diswan Roger, and
said professional does that mean they'll have
to wear a tie? Now, what is professional opens up a Pandora's box. The inspector I mentioned had a malicious glee in his voice. His hand was almost shaking with joyful anticipation in writing out tickets. I think this is a silly matter.

I want to say one thing that's not controversial. Happy holidays and Happy New Year.

MR. YASSKY: Thank you.

MS. DESAI: Good morning.

MR. FRASER: Please identify yourself.

MS. DESAI: I'm sorry. I'm Bahairavi Desai, executive director of the New York Taxi Workers Alliance. I know the story here is the no story. We get that language change that you are proposing is not intended to be a policy change and we do appreciate the comments you made in the beginning of this discussion, Commissioner.

I think, as Bill said, the concern would be that the idea is the term professional attire just seems open to very subjective reading and our concern would be that
inspectors might, you know, might begin to write out summonses. Especially if there is no other violation that they're able to find. It's a small fine of $25. There's no appearance required, and it's something that we think could just end up being easy money for the TLC therefore having and unintended consequence. There is real concern, I have to tell you, from different communities of drivers who expressed a lot of concern. Even if today in this administration, you know, recognizes that ethnic wear is indeed professional attire that moving forward there might be a political moment or another administration that doesn't recognize that and an open rule would leave it open for that type of interpretation. That's really been the main concern. Thank you.

MR. YASSKY: Thank you. Commissioners, that's the last person that signed up. Are there any questions? Okay. Thank you. Thank you, Ms. Desai. I'm glad. In this case I'm
Glad we had the opportunity to raise the issue to think about it. I wasn't surprised had there was some public attention paid to it.

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Because I think the issue, I know how the appearance of the cab including the drivers, is it dirty? Is it not? Is something of some public interest.

Nonetheless, I was surprised by the extent of the coverage of it because, as I said, it was not intended to be a change in the TLC approach here. It's been on the books for a long time. We thought we would just kind of clean up the language.

So, I appreciate you thinking about it over the next month and we'll vote in January.

Mr. FRAZER: I think that Commissioner Yasskey, at the end of the day, the press that it's received is beneficial just to remind people that the rule actually exists.

So, if people wanted to abuse the rule
they could have done that already. We have no reports that that's ever happened, correct?

MR. YASSKY: It's interesting. So, the rule has been around for about 25 years, I think. We've issued 40 summonses during that time largely in response to complaints. So, you know, occasionally there's been cause.

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MR. FRAZER: We certainly should monitor to make sure the passengers aren't making frivolous complaints and, you know, things like that. Everybody needs to be reminded in the workplace once in a while in a casual setting to be professional.

MR. YASSKY: Thank you for that comment. Okay. The other items. The next item on the agenda is the vehicle inspection fees rule change.

MR. FRAZER: This is one of four rules on for hearing today. What we are doing is we are proposing amendments to the rules that are
coming into effect in April that will parallel amendments to the existing rules that we've already done.

In the case of the vehicle re-inspections and inspection fees, the Commission passed these rules as an amendment to the existing rules last September. It creates a $35 fee for taxi re-inspections, for all re-inspections. Previously to that it's only for certain re-inspections. The second one only. We published this for comment and had no written comments and we have one speaker who signed up today. Again, it's Ms. Dasai.

MR. YASSKY: I appreciate Charles Fraser pointing out this and the remaining three rules are for public hearing are rules that we voted on and adopted for the set of rules that expired on March 31st. Ms. Desai.

MS. DESAI: Good morning, again. I just wanted to say for the record, I mean, we
understand that it's the City Counsel that was passing for the inspection fees and that it's legislating for the fees to go up.

That's our understanding. And we understand that it's a small amount. But, just for the record, you know, we do want to state that it concerns, it's the idea that, you know, if fees continue to go up, if fines continue to go up, at the end of the year, it can have a real cumulative damaging impact on the drivers' income.

We want to remind the Commission and we'll state for the record that the majority of the people in this industry that are responsible for the vehicle are now taxi drivers. You
proceedures they have a real impact on drivers, both monetarily with these amounts as well as with the time that drivers have to spend.

One big concern we have had about the inspections is that when there's a summons given for a failure notice it should have more clarity to really specific the nature for, you know, for why the vehicle has failed that inspection. And, so, if that notice could be made as detailed as possible. I understand that's not within, maybe, the scope of the rule. But, it certainly is a policy and we can follow up with you with kind of the specifics that we had in mind.

MR. YASSKY: Thank you for that. Thank you. Debbie Bush Emmons I know is in the room with us. I'll ask her to send you over the form that we use for the notice of failure, and if you have suggested changes, not to adopt
them. If you have away to make them more specific give them to our inspectors. We'll you that form.

MS. DESAI: Thank you.

MR. YASSKY: Thank you.

MS. POLANCO: The re-inspection fee is only with respect to the violations of Section 301 and then the other section then there no fee, correct?

MR. YASSKY: Correct. They still have to come back and get re-inspected. But, they're not charged for that second one.

MR. GONZALES: I have just a quick question on the information handy on the nature and inspection and the part about the maximum gross weight exceeding eight-five hundred pounds. How many vehicles, how many vehicles actually do exceed the eight-five thousand pounds?

MR. YASSKY: I don't have specific numbers. It isn't a huge number. But, the point is they now exist and it's a growing number.
MR. PANZEY: And it's mainly in the FHV world and it's escalating those.

MR. YASSKY: This is Deputy Commissioner Pansey.

MR. PANZEY: Right. The F plates on some of the vehicles. Some of them of FHVs. Some of them are black cars.

MR. GONZALEZ: Okay.

MS. POLANCO: I'm just curious to know in Section C8-28 vehicle condition, why is that language even necessary today. Have there been issue before with respect to this? It says that it must passion if they fail any item they have to be re-inspected. Is that today if they fail one item they get stamped or something?

MR. YASSKY: 8-28 C is really intended to more clearly spell out the inspection requirement. When we, as the Commissioner said, when we went through the rule revision project we weren't making any substantive changes.

But, we noticed places where we thought the rules weren't as clear and thorough as they ought to be and now we're coming back to some
of them. This one is we didn't think it was clear enough on what an inspection is. So, now we're saying what an inspection is for an FHV. We're saying now this is for a taxi. We're not changing anything.

MS. POLANCO: We're not changing the practicality.

MR. YASSKY: Not at all. So, if you fail to have a marking, a logo, or something like that, you do have to come back because we want to make sure you still have your logo. But, you will not be charged the re-inspection fee for that.

If you fail your emissions test, the State required emissions test, you have to come back and you will be charged a fee because that's a DMV inspection.

MS. POLANCO: All right.

MR. YASSKY: Thank you. The next item on the agenda is the rule regarding forced payment
of bad check fees. Again, please, Mr. Fraser.

MR. FRASER: This rule does two things. It provides specifically in all areas where we accept payments from the public what form of

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MR. YASSKY: And now then there's the rule on the livery workers compensation fund.

MR. FRASER: This is one of the four that was previously promulgated by the Commission as amendments to our existing rules. The commission passed these rules in July. They impliment the livery workers comp law. We published these for comment and we received one written comment. There are six speakers that signed up to speak today.

MR. YASSKY: There are. I'll ask the
speakers if they can, not ask but we'll observe
our three minute rule on speaker testimony.

    First, is Darlyn Sanchez Sanchez from
United As One TLC Base Owners Association.
Second is Guy Palumbo from Livery
Round Table. Passing. Okay. Tarek Mullah from
Dial 7 Car and Limousine Service. Passing.
Okay.

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We have a speaker on behalf of the New
York State Federation of Taxi Drivers.
Passing. Avik Kabessa. Okay. Well, we can
maybe extend him the courtesy when he comes, I
suppose.

Richard Thaler from Omni Media Network.

MR. THALER: Richard Thaler, Omni Media
Network. Chairman Yassky, Commissioners. It's
proposed that the independent livery drivers
benefit fund definition of covered services be
added to Section 1-03 and I mentioned I
provided the link to the state law.
MR. YASSKY: I'm sorry. Could you speak more clearly into the microphone?

MR. THALER: Yes. How is that? It is proposed that the independent livery driver benefit fund definition of covered services be added to Section 1-03 and I mentioned I provided the link to the state law.

The independent livery driver benefit fund Article 6V Section 160 authorizes insurance coverage limited to death and certain injuries arising out of and in the course of providing covered services.

Therefore, the covered services record for each trip, including the time and location of acceptance of the dispatched job offer and time and location of the drop off location, should be added to the independent livery base record keeping requirements in the rules for livery base operations. Thank you.

MR. YASSKY: Thank you. And the final
business item is regarding lost property.

MR. FRASER: This rule is a new rule. We actually had planned today, even if we had a quorum, not to vote on this because in the course of getting feedback on this we discovered a problem.

The intent of the rule was to make the rule, the lost property rule, identical and applicable to all four industry types.

What we found out and the problem that surfaced was that the existing rule, not the part we're proposing, but the existing rule, is not workable.

The existing rule requires taxi drivers to take lost property to the nearest Precinct and we found out that every Precinct doesn't accept lost property. And, so, we have to rethink our existing rule. What I would suggest, therefore, we got no comments on this. I think two people have signed up to speak.
What I would suggest is that if those two might address the question and then anyone who has any thoughts on this after today, because, obviously, we're not voting today on what the rule should be. We need a workable systems, obviously, by which passengers can have a descent shot at getting back the cell phone they left in the back of a cab. Apparently, the existing rule doesn't work.

We have two speakers that signed up today. Peter Mazer from MTBOT. If you have brief suggestion we would certainly welcome that. Thank you. He's going to put his suggestions in writing. And Mr. Chowdhury?

MR. CHOWDHURY: Good morning. My name is Osman Chowdhury. I've been driving for fourteen years. The loss of property, I have a lot of concerns what happened you can find out the solution easy. First thing nighttime passengers cannot see anything in the seat.
When I shut up the meter the bright light shows and they can see right away. There is one thing solution. I have a lot of things. I get passengers at 60 Lincoln Center, the woman, you know, come but I opened trunk and I take him to another destination. I drop him off. He don't want to open the trunk.

She left and I go to the airport. I go to the airport. I open the trunk and I see the luggage. I go to 85th Precinct. I go to deliver the luggage and I go to up in Queens Precinct and after that I went to 86th Street. The same person. Go to Queens. I wind up drop there. There is an easy solution.

MR. YASSKY: Thank you very much.

MR. CHOWDHREY: Then I have to that is an example 2007 I drive all the taxi. I found a suitcase. People have a lot of headaches. That's why to go to my organization. At the Precinct they have no parking there. I have to make sure people don't forget their stuff.

MR. YASSKY: Thank you. I appreciate it. This is something we need to consider over the next period of time. Sir, your comments are
helpful. I do want to move on with the hearing. I don't want to cut you short.

MR. CHOWDHREY: Another point I want to describe. I cannot bear this negative thing. The E-Z Pass I'll give you one minute on this. 2009.

MR. YASSKY: Sir, I'm sorry. I know you're quite dedicated. I appreciate your interest. I will ask you to sit down. We can get your feedback in a more informal fashion. Thank you so much.

Now, Commissioners, I appreciate your participation. I though we would try a slight variation in our process here. The next topic on the agenda is the issue of accessible transportation for people in wheelchairs, specifically.

We've been informed about Taxi of Tomorrow Process and talking with each of you about how the Taxi of Tomorrow process. Like that this is an issue that is a top tier issue for the agency. We are working on it diligently and, as you will hear, and actively,
as you will hear. But, the Commission, there

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is no imminent Commission action.

Nonetheless, I thought that it would be
useful rather than have, you know, a year of
intensive work going on at the Commission and
then bring to you something for Commission
action. That we would do, we would have this
opportunity to come at an early point for you
to vote here. What the Commission is doing
and hear some of the public perspectives on it
so you can participate in guiding the
Commission, the work of the staff of the
Commission, even though there's no need or
opportunity for formal Commission action for
quite awhile.

So, with that, first, we'll have a staff
presentation from Adrian Gonzalez who has been
doing quite extraordinary work both on the
pilot program that we will discuss and our
thoughts for the future, and then we've invited
members and stakeholders to testify.

Again, we're going to insist. 18 people have signed up to testify and I know that the Commissioners have very tight time schedules. I don't know that they will all be here for this entire period. We're going to really insist that stakeholders limit their remarks to at most three minutes and we're going to have to be firm on that. But, that way we can hear from as many as possible. Adrian, please proceed. Thank you.

MR. GONZALEZ: Thank you, Commissioner.

MR. YASSKY: Adrian Gonzalez.

MR. GONZALEZ: Good morning, Commissioners, and members of the public. My name is Adrian Gonzalez. I'm a policy analyst at the Taxi Commission. I want to let the Commissioners know that the version you have is a little bit outdated. So, not many changes have occurred. Just so you're aware of the one
in your pack is outdated from the one I'm presenting here today.

So, today I'm going to briefly discuss wheelchair accessibility in the New York City Taxicab and Vehicle for Hire industries. I'm going to do a brief overview of the accessibility and transportation system in New York City.

We'll discuss our accessible dispatch program, which is our pilot program for wheelchairs accessible taxi cabs, and also TLC Rule 607F, which is the mandate that we place on the part the vehicle industry provide wheelchair accessible service and thus recommend steps and recommendations with regard to wheelchair accessibility in these industries.

So, to begin, the New York City taxi, The New York City Transportation Workers rely on by residents and visitors alike. It's comprised
of the MTA subways, buses, commuter rails,
Access-A-Ride along with the Taxi and Limousine
Commission and For Hire Vehicles.

  Altogether, we're talking about nine
million people trips a day and taxi cabs and
for hire vehicles move about 1.2 million people
a day. It's a very large network with a lot of
people. However, most of this network is out
of reach for the approximately 60,000
wheelchair users in this City. The MTA's
Access-A-Ride is not designed to be an on
demand point to point system. You have to call
up at least a day or two in advance to reserve

your spot. Additionally, only 231 taxi cabs
are wheelchair accessible in the City. That's
about one accessible taxi cab for every 57
that's not.

So, the fact there's only 231 taxi cabs
reduces the chances of any wheelchair user
being able to street hail any taxicab. To
address that the Commission began a
demonstration project called the accessible
dispatch program in July of '08. It ran from
July '08 to June of 2010. The point of the
program was to give.

MR. YASSKY: Can I ask you one question?
MR. GONZALEZ: Sure.
MR. YASSKY: The number that you gave is
only for medallion?
MR. GONZALEZ: Yes.
MR. YASSKY: So, there's another 30,000
thousand vehicle that are not wheelchair
accessible?
MR. GONZALEZ: I'm sorry? Say that again?
MR. YASSKY: The number that you gave is
one out of 57?
MR. GONZALEZ: Yes.
help wheelchair users, to help wheelchair accessible taxicabs for wheelchair accessible service. The project was run by a third party contractor called Executive Transport. The fund had been a million dollars from the City Counsel.

The way the program basically worked, the passenger could request a cab by calling 301, or, as many passengers called for the first time, they would call 301. But, after that they would call the provider. The drivers of wheelchair accessible taxicabs were required to the trained in both helping wheelchair users in and out of a taxicab and using the dispatch systems.

Overall, the users of the program was relatively low and the program itself was not very cost effective. Based on our discussions with industry stakeholders, such as disability advocates. We had anticipated approximately 250 calls per day. But over the life of the
program it averaged about 8.1 calls per day. When you look at the one million that was spent it was spent on only 5,828 trips. These are completed trips. And the per-trip cost was approximately $172.

The majority of the trips originated or terminated in Manhattan. It reflected how taxicab generally operate today. And most passengers were repeat users. There were 5800 trips. But, there were only 2700 unique passengers throughout the two year life of the program.

MR. GONZALEZ: What was the one million dollars actually used for?

MR. GONZALEZ: It was for the operation of the program. It was paying the contractor for the calling. To take in the calls and dispatch out the jobs to the drivers.

MR. YASSKY: This dispatch service, of course, did not pay for it themselves.

MR. GONZALEZ: The passenger then paid the metered fare.

MR. GONZALEZ: So, it's for the operation of the dispatch service?
MR. GONZALEZ: The dispatch service takes the calls and contacts the drivers.

MR. YASSKY: Did we manage that money? Did the TLC manage that million dollars? How did that happen? It's a large number.

MR. GONZALEZ: It is a large number, and, like a pilot again, there are lessons learned. And I think one TLC manager, in a sense that the City budget allocated that funding to go to the TLC, the TLC then contracted with the provider for the full million dollars to operate the program over a period of two years.

I think, in retrospect, I think it was over-funding for the amount of service that was required. And you know again. In defense, maybe, I think, the TLC was at the behest of the City Counsel as was eager to get it started very quickly and get it up and running, basically, and haste makes waste.

Things cost money. The average wait time throughout the entire program was 34 minutes.

The wait time between when the passenger called
for a cab and time the cab arrived to pick the
passenger at the pick-up location. 91 percent

of all, we had a 91 percent completion rate,
which is essentially saying 91 percent of all
the call ended up completed. The passenger was
picked up and dropped off.

The other ones were no-shows or passenger
cancellations. The lesson that we take from
this is that we didn't do enough outreach.
There wasn't any money allocated for that and
we could have done more outreach.

We assumed that word would spread
throughout the wheelchair community because it
was a two-year program. And the lesson we
take from this, from the low usage, is that
more outreach could have been done to the
wheelchair community.

This graph here is basically a graph of
the usage of the program throughout the two
years. The numbers on the bottom are a months.
So, 7 is July. July going forward.

The red line is the median. It's when we hit the 50 percent point of trips. About 2900 trips had occurred by August of 2010. And May of 2019 is when we had the highest amount. It was about 460 trips. On that month we averaged 15 trips a day.

So, that shows that there is much more demand in the overall average which shows in the 8.1. And we believe the demand for Wheelchair accessible service falls somewhere between the 250 that we had been told to expect and the 8.1.

We don't think the 8.1 shows true demand for wheelchair accessible service because of the lack of outreach that was done for the program.

The main point of this graphs is to show the usage of the program throughout its life.

So, who provided the service. The majority of
wheelchairs accessible medallions are fleet owned. 72 percent are fleet owned. 22 percent are owner operated. The overwhelming majority of the services were provided by owner operators. 97 percent of it. There was a core group of owner operators that provided approximately 60 or 70 percent of all the trips. So, most of the trips were done by owner operators. What we think the reason for that is partially drivers with fleet owner

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accessible medallions did not benefit from this kind of price.

When these medallions were sold they were sold at a discount. But, fleet drivers didn't receive that benefit at a reduced cost and what we take from this is that drivers were not properly incentivized for that program.

Owner operators they're the medallion owners. So, they have that incentive to ride that service because they have a medallion
that's cheaper and they bought it for this purpose.

But, when this it comes to the fleet driver, he or she just didn't receive the economic incentive to provide this service.

MR. GIANNOLIS: Can I ask a question?

MR. YASSKY: Yes.

MR. GIANNOLIS: I'm sorry to ask questions.

MR. YASSKY: Please, that's what it's for.

MR. GIANNOLIS: But, a fleet driver was not, I mean the calling center, what do you want to call it, called somebody, right?

MR. GONZALEZ: Yes.

MR. GIANNOLIS: Did they call the fleet driver?

MR. GONZALEZ: The way the system would work, is that you, as a driver, you would have a blackberry, and then, later later on in the systems, certain caps were switched on to the
the T-Pep system. So, later on we had two
systems working.

But, the way it works is that the driver
would have to log in to tell the dispatcher
where they were with the blackberry. They
would say I'm in zone five. I'm in zone six.

But, based on that information the
dispatcher would send out a call for a cab.
So, they got a call on 66th Street in Manhattan
and Fifth Avenue. They would look and see
which cabs had logged in for that area, send
out the signal. Send out the call. They would
expand the range wider and wider until they
would sent it out to everybody until they would
get somebody that can say, yes, I'll take this.
This passenger.

MR. YASSKY: I think this bears. I'm
glad you've asked questions because these
non-compliance by drivers, both, by the way,
this system is all cumbersome in the first
place with T-Pep. We can make it much less
cumbersome by not requiring people to log.

But, by using the T-Pep equipment to know
where the cabs are and who's appropriate and
whether they're full or empty, and using that
to dispatch people.

Jumping ahead to the idea that we're going
to look to go forward an improved way. There
was quite a bit of non-compliance both in not
logging in, and then, once logged in, not
accepting the trip.

As Adrian, I think, was about to say, the
reality was that for a driver who is paying the
fee just to rent the cab, it would cost them
money to participate.

MR. GONZALEZ: One thing, too, about the
Blackberry system is it doesn't automatically
update. As a driver you would have to log in
and keep it up to date. So, the lesson that we
take from that is that the driver does is
not properly incentivized to participate in the program.

Now, I want to transition from talking about the taxicabs industry to talking about the for-hire industry. The TLC Rules 607F is a requirement that we place on the for-hire vehicle industry to provide equipment service to wheelchairs users.

What that essentially means is that for-hire vehicle bases are required to either have a wheelchair accessible vehicle as part of its fleet, or to contract with another TLC licensed base that has a wheelchair accessible vehicle.

What most, if not all, for-hire vehicle bases do is they contract with what we call a 607F provider. There are sixteen TLC approved wheelchair accessible providers and these sixteen are the ones that provide service for the 760 FHV services that exist.

Among the sixteen providers are only twenty-three wheelchair accessible vehicles. So, there are twenty-three wheelchair accessible vehicles for the approximately
30,000 for-hire vehicle in the industry. Most of these vehicles are either retrofitted Dodge Grand Caravans or Ford Econo-Line Vans.

A little note on the ford Econo-Line Vans, those are all from Para-Transit bases. We have allowed for-hire vehicles basis to contract out with Para-Transit bases as long as they're TLC licensed because there wasn't enough providers in for-hire vehicles itself.

When you look at it as a proportion, that turns out to be one accessible vehicle for every 1500 not accessible FH vehicles. These numbers kind of give you and idea that most services aren't able to comply with this requirement. There are only 23 vehicles for every 30,000 FH vehicles.

Some of the issues with compliance is there's a high cost to the bases. There's F & G service typically pays between $310 a year for a contract for a wheelchair accessible provider. The cost of per-trip charge. That is
usually more than a trip for a non-accessible vehicle.

So, you may have a wheelchair user who requests a local trip, which is typically around now $7. The base may be charged by the provider, by their wheelchair accessible provider, $30 or $50.

We think part of this is kind of an expectation game where passengers have tried to call for a wheelchair accessible vehicle, they don't receive the service, and they give up.

So, the low demand is not necessarily, it's not because there's no demand for it. It's because there's expectation based on previous experiences that the vehicle won't show up.

And we've had issues with non-compliance. Many of the wheelchair services have failed to provide wheelchair service because they quote a higher price for a trip that would cost $7 in a
non-accessible vehicle, and they'll pass on the
higher price and say it's $30, or they'll
require a longer wait time either by the
requiring the passenger to call an hour in an
advance to make a reservation or they'll
tell them that there's no vehicle available.
It's kind of putting it into context.

Since October of '09 we've issued
summonses against 202 PHV bases for not for
non-compliance. That was mostly done through
our enforcement division, calling these bases,
and asking for accessible vehicle, and then not
being able to comply with that request.

So, to address these concerns in both the
taxicab and for hire vehicle industry we are
recommending a establishing a City-wide
accessible dispatch system that works for both
the boroughs, excuse me, for all five boroughs
in New York City. And it works for both
industries.
Some of the things we envision this dispatch system as having is, first, we envision it using all existing wheelchair accessible taxicabs. Additionally, if necessary because of the demand increasing, we also envision it using wheelchair accessible FHVs or purchasing or adding wheelchair accessible FHVs. Another thing that we envision are service standards. The dispatch program that we have, the demonstration project, has no service centers placed on it.

There was no expectation on it as to when the dispatcher had to get the car there, how much wait time the passengers could have, excuse me, how much time the passenger had to wait.

So, the new system that we looked at will we're proposing will have service standard placed on the dispatcher.
Additionally, we're supposed to have a driver subsidy. Again, we believe the drivers were not properly incentivized in the previous program. So, specifically, we want to subsidize the dispatch portion of the trip.

So, the portion of the trip where the driver receives the call and has to leave to go pick up the passenger. That's what we call a deadhead time where there's no passenger in the car. We want to subsidize that portion.

In doing that, with the subsidy, we think that lack of driver participation should be non-existant, and so we want to increase enforcement.

In the previous program the drivers were allowed to conduct or rather do two refusals. They could refuse up to two trips a day. Which are two calls a day.

Under this system we wouldn't allow any refusals at all. We'll treat it as a street
hail refusal. And then, we want the system to be funded by a fee and the fee would be assessed on both the taxicab and the for-hire vehicle industries. The idea is that both industries should be providing the service and thus should be supporting the system as well.

And then, lastly, driver training. We want to require all yellow taxi drivers to receive the appropriate accessible training. In the previous program only I think it was only 300 drivers were trained. Not all drivers are required to be trained. The medallion owners were required, especially the fleet, were required to have the cars on the road. They had make to make sure that the driver was properly trained.

So, they had to go out and find drivers that want to get trained, and then make sure those drivers were driving these vehicles.
Under this system we're providing all yellow taxi drivers would be trained, would be required to receive the necessary training.

Additionally, when it comes to yellow taxi drivers, we may need additional training to overcome resistance to the dispatch model.

So, our next steps today we are releasing a request for information. This request for information is asking anybody who is interested, especially our industry stakeholders, dispatchers, members of the advocate community, passengers, members of the public, anyone, to answer some questions that we have, as to how this dispatch system is designed.

We don't want to make the same mistakes of the past. We want to improve upon the previous system.

So, the R5s being released today will be on our website. I believe it's available in the back. On the back table. We want our responses in no later than January 31st of next year.
And on the R5 form itself there will be an E-mail address where you can send your responses. That concludes our presentation.

MR. YASSKY: Thank you very much. If the Commissioners have questions they can ask at this time. But, I want to hear again from as many speakers as possible.

MR. GONZALES: Good presentation, Adrian. I appreciate it. As far as the incentives, have we come up with what the range of what the dollar amount would be that would, I guess, provide an incentive to the driver to incent driver to provide the service?

MR. GONZALEZ: Not yet. That something that we.

MR. YASSKY: I'm sorry. What we're specifically asking for is feedback on that. What the RFI has there has a specific proposal. But, we ask for feedback on it. Our initial thought is that from the time the driver gets the dispatch call they can turn the meter on. This is for the world. And then, when they get to where the passenger is, they'll turn the meter off and the system pays them for that.
amount. Use the meter. That make sense.
That's what they would be earning otherwise
from when they got the call. We certainly open
to other suggestions from the industry or
otherwise.

MS. POLANCO: Basically, that's what I
was going to ask but I'm going to ask it now.

In terms of the wheelchair accessible
vehicles that we have today, do that take in
all types of wheelchairs or is there a
limitation in terms of motorized wheelchairs?
I heard some complaint from people
regarding that.

MR. GONZALEZ: The 231 wheelchair taxis
are designed to take motorized wheelchairs or
manual?

MS. POLANCO: But not left for the FHV?

MR. GONZALEZ: The FHVs, they're Dodge
Caravans and Ford Econo-Line and they should
be, they are designed to take in motorized as
well.

MS. POLANCO: Basically, there's only 231 in the yellow industry that would take in motorized wheelchairs?

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MR. GONZALEZ: Exactly.

MR. YASSKY: I'm glad you made that point, Commissioner, because I think it's important to get that terminology right. When we talk about wheelchair accessible here we're really talking about vehicles into which a wheelchair, a motorized wheelchair or a manual, can be be rolled in with the passenger seated inside the wheelchair, locked in, and then the car transport the passenger in the wheelchair.

MS. POLANCO: Yes.

MR. YASSKY: Of course, most wheelchair users use collapsable wheelchairs, and many of those can transfer into an ordinary sedan fold up the wheelchair and transport it.

Now, I don't want to make that out as an
easy thing. First of all, many can't. Even
those who can may involve some manhandling by
the driver or somebody helping them and then,
for good and sufficient reason, may prefer not
to do that.

But, just say, of the full picture, we're
talking about wheelchair accessibility,
wheeling the person seated in the chair.

Okay. Thank you so much. And, again, I
really want to commend the staff, and Adrien in
particular, for their work on this to date. We
have many people signed up. Like I said we're
going to limit this.

MR. GONZALEZ: I just want to say one
thing. I've been kind of focusing on this
program for a few years. I really think,
without putting the blame on anybody, I think
the whole story on this is actually shameful.

The fact that the City paid a million
dollars for a program that it doesn't sound
like it was very effective. The fact that a lot of medallion owners got a medallion pretty cheap.

But, we were not able to convince their drivers to actually do the service that the reason that they got the medallions cheap and that many of my friends in the FHV industry, the fact that some people say that monitoring some of the activity that goes on in the industry has been lax over the years.

The fact they couldn't get together and figure out how to get more than 23 vehicles is shameful in my opinion. This is what I think.

MR. YASSKY: You know, I'm glad. I appreciate the comments and I hear the comments. I do want to proceed. I mean, I will say that there's a way, that's certainly a way of looking at the story in which there's a lot to feel bad about.

The industry is not left to comply on it's
own. Probably shouldn't be surprised. Businesses have to make a bottom line. That's what government regulation is for.

And, especially when you're competing with people, will you under take a cost that other people are not under taking? Only regulations can really enforce that. A million dollars is a lot to spend. And I don't think a million dollars work of value, at least, in terms of that two years of operation.

I would say there is another way of looking at the story in which we're moving forward.

The City as a whole and the industry as a whole with the city kind of pushing it from, you know, eight years ago when there was nothing on this, to the first step of issuing the medallion, to get the vehicle on the road. Not fully thought through in a sense of how are the wheelchair users going to get
the vehicles.

The next step is to try this pilot program. I do believe we will get ultimately a million dollars worth of value from it in the sense of we will have learned what we need to do to have a program that works. That's dependent on us continuing to move forward and reaching that happy day. I do believe we will.

But, you know, we're doing it step by step in the way that progress often is. It's not kind of transformative and they want everything, changes that often is a step by step incremental. I don't mean in any way to say your points are not well taken.

MS. POLANCO: So, now, the pilot program has ended. So, what is left?

MR. YASSKY: What is left is we intend to now push forward with a permanent program that will use the lessons that we've learned to operate effectively. We're not, I don't want
to rush to do it. I mean, I want to do it as quickly as we can. We want to make sure we get it right. That's why we're doing a phase here for informal feedback.

We've been talking, I mean, honestly with it. We certainly have been talking with the industry stakeholders extensively.

But, we're going to do it on a trial to give everyone an opportunity to inform us. Then we will issue an RFP.

We have an internal timetable. This is step by step along the way. At the end of that is to have the service up and running in a year. That's what I think is a achievable timetable.

By the way, as of today, you have these 231 cars. If you're in a wheelchair and you need one and no way to get it. So, that no good.

The first speaker to sign up is Darlyn Sanchez, United as One TLC Base Owners Association.

The next couple are Guy Palumbo from Liberty Round Table and Tarek Mallah from Dial
7 Car and Limousine Service. Just to be prepared.


MR. YASSKY: Okay. Guy Palumbo for Liberty Round Table.

MR. PALUMBO: Commissioners, on behalf of, we're going to deviate slightly if we may. The for-hire industry, consisting of the community car service, black car, and liberty bases, have asked one person to be our spokesperson as united front or united approach to this problem or this situation.

We've asked a well known individual by the name of Victor Dizengoff, who is retiring at the end of the year after 50 years, to be our spokesperson. May I ask?

MR. YASSKY: Please do. Please, Mr. Dizengoff, please, and while you're doing that why don't I commend you, not just for saving time at the hearing, at this hearing, it's trivial. But I appreciate working together as a group to help us address this
We want to hear what you have to say.

MR. DIZENGOFF: Good morning, Commissioners. My name is Richard Dizengoff. I'm the executive director of the black car assistance corporation and black car fund for about two more weeks. I'm here to testify before you today on behalf of the following organizations, The Luxury Base Owners Association, otherwise known as LABOA, Livery Round Table, the Limousine Association of New York, and, of course, the Black Car Assistance Corporation, BCAC, and the Black Car Fund.

Well, the aforementioned organizations applaud your, and the Mayor's office, and the City Council's efforts to expand livery and taxicab service to people who are wheelchairs user.

We cannot support the proposed new dispatch system and outline your and the
The simple fact is there are not enough details, particularly with regard to costs and how this cost will be apportioned for us to give our support. We also believe that any solution should not necessarily tie the taxicab and for-hire industries together.

Our collective experiences over the past ten years plus has proven that there is a very limited audience that both desires and is willing to pay comparable rates for comparable service.

This opinion is based on more than just a TLC's recent two year demonstration project. Our organization and member bases have lost more than a million dollars on prior initiatives over the years to bring for-hire vehicle accessible dispatch services to the
disability community.

In 14 months, and I speak from personal experience on this, there are only 127 service calls, and most of them were for one individual. This was in the black car industry when we formed Symphony Transportation. These records were previously delivered to the TLC.

However, our current concerns do not mean we believe there is no solution to this issue.

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We commend your initial step in holding this hearing today, and we look forward to partnering with you, your staff, and other stakeholders to develop a program that would meet the needs of the disability community which will use these services.

For the sake of being brief, I end my comments and I thank you for listening to me.

MR. YASSKY: Thank you. I appreciate the brevity and I appreciate the, I think, what I think I hear is a sincere desire to solve the
I don't want to put you in an uncomfortable position asking you questions with fifteen people standing behind you. So, I will say, I won't hold anybody but you to your answers. So, you wouldn't feel obligated to them. My questions is, I just want to ask the threshold question whether you believe that the TLC needs to regulate this in some way or another. If we did not have regulations I don't believe that the industry would provide wheelchair accessible service because it is not profitable. That's the truth.

MR. DIZENGOFF: I'm going to make a blanket statement on that. We've never been opposed to regulation. We've only been opposed to over-regulation.

MR. YASSKY: But, on this topic, do we
need. I've had people from your industry say to me, "Why should we be doing this at all? We're a private business of serving customers. It make sense for us. We shouldn't have to do it." But, do you believe that we, the TLC, should ensure through regulations, through, as we do purport to do today, or through setting up the service, as we talk about today, ensure a wheelchair user can get a wheelchair accessible vehicle.

MR. DIZENGOFF: We think the wheelchair community needs to be served. But, on the other hand, we would also tell you that we don't believe in unfunded mandates. We foresee this project as being something of that nature.

MR. YASSKY: Now, as you know, for 20 years. I don't know when 607F was exacted.
all know that's not being done today.

I believe, I've said that publicly, that the 607F standard of equivalent service is not the right standard. I don't believe that you could meet that standard without economic upheaval in the industry. That would be potentially ruinous.

I've said that and I'll say it again. The meaning, if you can provide a sedan in ten minutes at fifteen bucks, then you have to provide wheelchair accessible service in fifteen minutes at fifteen bucks. I don't believe that that's the correct standard. I think we should find a better way to do it.

But, I also believe that we need to have, we do need to offer service. The industry does need to offer service. Maybe not at equivalent standard. But, in some way that we would put forward this idea.

I fully understand when your statement says there aren't enough details to sign on.
Nobody is asking for somebody to sign on the bottom line today because there is not a contract with full terms that one can sign.

But, on the threshold question, I think it's important for us if we're going to move forward, I think it's important to understand if we agree on this that, do you believe that the TLC needs to, by regulation or otherwise, ensure that the industry provide service.

And I'll say this without government funding because what I heard you say is, sure we will do it as long as there is government subsidy for it.

That, I think, that is a threshold matter because I don't foresee the City providing funding for this. I do see this as something that as it is today is an industrial responsibility. Do we agree on that?

MR. DIZENGOFF: To correct you, and not to say that you said something incorrectly. But, to correct you, my comment was that we don't believe in unfunded mandates, but, we want, we do believe, I think what my comments have detailed, we are more than willing to sit
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down with you and other stakeholders across the
table to discuss the issue, to discuss a
solution to the issue, and we have in the past.

And I personally have sat with the
disabled community in the past, and we came up,
and we ourselves, the black car industry,
funded in excess of a million dollars to
provide transportation.

And we lost in excess of that million
dollars while we attempted to provide that
transportation. That did not exist. That was
not there.

So, we're willing to sit down with you and
your staff to discuss the issue to discuss a
solution to the issue, and we don't, and we
hope that you don't want to be pushed into this
so that something hurriedly is done to
accomplish a goal.

MR. YASSKY: We absolutely don't want to
rush. That's why we're doing this with all
deliberate speed. But, I don't want to be
pertinent. But, I do want to ask if you can
answer my question about whether you believe
that this needs to be government funded or not.

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That's kind of the threshold question
because I don't believe when you say unfunded
mandate, I don't know what you mean.

If unfunded means unfunded by the
government. No one in the industry wants to
spend money pointlessly.

Commissioner Giannoulis spoke seeringly
about the fact that money has been wasted. Tax
payer money. I will say, yes, industry money
has been wasted in the past year. Money in
these extreme times is too precious for us to
throw away on something that has no actual
pertinent results.

No one wants money spent not to accomplish
something. But, for the demand that is there,
which is not enormous.

But, what is there. It's my position that
we have to find a way for the industry to meet
that demand without charging the tax payers. I think that we can do that.

There's a hundred details involved in filling that in. If we agree on that basic principal I have no doubt that working together in the industry and the commission can find a

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way to meet that goal. My question is do we agree on that goal?

MR. DIZENGOFF: We are working together with you.

MR. YASSKY: I'm disappointed. But, I won't push on it because I hear you saying that the industry is going to meet this goal without discovering subsidy.

MR. DIZENGOFF: We don't know.

MR. YASSKY: You're standing there and I see people shaking their heads. If people want to come up and speak I encourage you to do it. Because we do have to settle this at the outset if we're going to work together.
But, still, you're saying the taxpayers aren't going to pay for it, I'm telling you now, we're not going to get there.

If you're saying we'll find a way to do it as inexpensively and as efficiently as possible without creating or buying a whole lot of cars that are never going to be used, I'm with you, and we're going to find a way to get there.

But, if you're going to say to me. No, we can't do it unless the tax payers write a check, then we can't get there.

MR. DIZENGOFF: I did not say that.

MR. YASSKY: Okay. I mean, I think I made myself clear. I see there are leaders there. I said we wouldn't put Victor in the position of speaking for you. I'll ask you if there is anyone who is standing up there who doesn't agree with that principal I want you to come up and say it now. Thank you. I'll yield to Mr. Carter.
MR. CARTER: My name is Bill Carter. Unfortunately, back on 6-07 was put into place I was a member of the taxi and limousine commission at the times. I was familiar with the decision.

I think what Victor is saying is not that the industry is not willing to fund it. We just don't want to rush to judgement because, what happened at that time, when 607 was put into place approximately 10 years ago, it was put into place and the organization was started immediately to meet the demands of the City, privately funded, and they lost a ton of money because it was never used.

What we're asking now is that to really proceed with this with deliberance so money is not wasted in the industry.

Now, you're asking the industry to pay for it. If the industry wants to pay for it. We don't have a problem with that. But, it has to
be done deliberately and well thought out so is it does not cost. I agree with your statement if this can be done at the cheapest cost to all parties concerned, we're fine with that.

MR. YASSKY: I hear that. Thank you.

MR. KABESSA: Avik Kabessa. On the threshold question the answer is absolutely yes. I think the industry should take part in the solution. Especially in this dire time when the government does not have money.

The first is step is something that we did not hear you say and to me is critical. It's a combination of for-hire solution with the taxi solution.

You have to understand we come from the for-hire industry and we know how to quantify this cost and how to optimize the result and for-hire solutions.

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Every trip I had we reduced the cost to the industry versus the taxi which has an open
end to it. We actually has a wrong incentive which actually, with every trip the tax payers, the industry bureau increases, you're creating a creating a conflict of interest.

So, if the statement here was clear to say that the for-hire industry would provide the solution for the for-hire sector, and for that is the financial word, I am the first one to come up with a check.

The second you combine it with the taxi the fear factor comes up and the unknown cost as to unknown bottom line how many trips would be, what will you do when the person doesn't show up? Who pays for this then? How would you assists them?

There are so many questions left unanswered. Once you combine the two sectors together to me personally who has been working with you to have a solution.

I have to stand back and say, Hold on. Before I give you this answer, to answer the question, the answer is yes. To the
combination to the two, the answer is no.

MR. YASSKY: Okay. Thank you. I think that is a really productive statement both in the commitment that I hear and in the advancement of the dialogue on that very important substantive question.

We have certainly been talking about this, and Commissioners, the TLC has been trying to think this through vigorously and in our thinking it through we came to the belief that in the end we can do it more efficiently by treating it as a single operation yellow FHV.

But, am I wedded to that? Absolutely not. And if we are wrong, and the people who know how this works better than we do, as we work through a specific model of operation, if it's clear to both and forget clear.

I mean, truly, in the spirit of good faith if the most efficient way to do it is to separate ways it's fine with me. What we had intended to do, what we intended to do, is submit a proposal for the UNI-file, or, if you want, submit a proposal for FHV only, submit a proposal for yellow only, and we'll look and
see what's the most efficient way out there.

What I would like to do is together with you, you know, not over months and months and months. But, draft an RFP that we'll work on jointly to get the real proposals because, also, it's one thing for us to kind of think, you know, back in the TLC offices, and another thing for us to talk in a conference room when people have to commit to a specific thing with dollars and cents, that kind of concentrates the mind.

So, you get the RFP you don't really know what people are prepared to do. What I'd like to do is work jointly on are RFP, that will show us the what's the most efficient way to do it.

MR. GONZALEZ: Just one general comment. Thank you for your testimony here. We appreciate the perspective and kind of reiterating what the Chairman just stated. If there is, let's say, as far as the
implementation to say that it may have to be covered to deliver service to a customer.

If I'm not quite ready to say, to abandon or deviate away from trying to find something that's uniform.

But, in a sense that if this, to use an example there's ten elements that are required to deliver a service and there's like three that are common, whether there for a for-hire vehicle or taxi, those are the ones that we should have in place.

And if there are certain things that you need to have in each industry that is something to be addressed separately.

MR. YASSKY: That's a helpful perspective. Thank you. I appreciate, Mr. Dizengoff, you know, you esteemed presence here. I think it shows us a strong commitment to the industry and I am grateful for it.

I think we can hear from other
stakeholders unless anyone wants to contribute further.

MR. DIZENGOFF: I would just like to add, if I can, I would appreciate the agency reaching out to the industry. We are reaching out to you now to sit down privately and lay out your cards and everything on the table,

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and, as they say in Washington, everything is on the table or nothing is on the table. Let's sit down and discuss it openly and go through the process.

MR. YASSKY: Indeed, we will certainly do that.

MR. DIZENGOFF: I would appreciate also, if you don't hold true to the January 31st, 2011, it's a very short period of time with the holidays and everything coming up in between that's a sort period of time to come up. So, people can come up with the RF5.

MR. YASSKY: Sure, we can. I don't
know if there's legal complication. We can
certainly accept responses to an RF5 without
it. If it's going to come back to haunt us
after that deadline and work out an appropriate
deadline and move forward.
MR. DIZENGOFF: I appreciate that.
MR. GONZALES: One last comment. I just
want to say thank you for your service to the
industry. You're leaving behind a wonderful
legacy and I wish you nothing but the best in
your retirement.

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MR. DIZENGOFF: Thank you. I appreciate
that.

(Applause)
MR. GONZALEZ: I also want to congratulate
you on your retirement. Victor is one of the
first people I met in the industry. He has
always been very professional. He's always been
a good advocate to the industry. I
congratulate you as well. You're a class act.
MR. DIZENGOFF: Thank you. I appreciate it. And I want to say something. Thank you for understanding the problem we're having right now. I want to ask first, Jose Gloria, of the taxi drivers. I ask for a moratorium right now. So, we have an agreement as soon as possible.

MR. YASSKY: You know, in the spirit of good faith, Commissioners, there has been extensive discussion back and forth with the industry. We have been actively enforcing rule 607F, and, you know, the word that some in the industry think as a way of kind of making sure that what we're going through is true. That there is no, you know, almost no real compliance.

I am prepared to say that, you know, like I say, I'm not going to say that we're going to stop and never again enforce. But I am prepared to say that the enforcement division
can, that we can put that effort aside while
we're working productively here, and, you know,
I don't mind that you put me on the spot
because I guess there's a real question. But
I'm loathe to say that there are rules that we
don't enforce. I don't think that's right for
a government agency to do that.
But, I understand what you're saying here.
This is a rule that does in some ways kind of
has an unfair impact on the industry. Even
while the purpose is fundamental. And I want
to work in good faith.
I know that it's created some difficulty
in doing that when you feel you're being
ticketed so aggressively. So, let's work
together in good faith. All right? Thank you.
The next speaker. This is Ronnie Raymond
So, while you're preparing to speak I would
just want to say the industry, I recently

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watched again on U-Tube President Obama's
comments that got so written up where spoke basically on the theme of, "Don't let the perfect be the enemy of the good."

I was kind of inspired maybe by the moderate that I am, by that sentiment. You know, government is about getting something done and we can't all agree to recognize alternative points of views sufficiently to get something done. That's as big a shame as anything.

I guess I would just urge all of the stakeholders here to take a look at those remarks and take them to heart. This is a tough problem.

I have no doubt that if we work collaboratively and in that spirit. We can figure out a way to do it. All right?

Ms. Raymond.

MS. RAYMOND: Thank you, Commissioners.

I would like to speak briefly about my own experience with transportation. I live in Manhattan. In the '80s I observed while buses were being, you know, had lifts on new buses.
In the '80s I did not have a disability, and on my way to work I was sitting there thinking why on earth is the City paying for this? I never see a person in a wheelchair on the street. I never see a person in a bus stop asking to get on a bus. So, I thought it was insane myself.

Today, I live in a wheelchair. Today, I cannot tell you the number of times that I sit in a bus stop and I have to wait for a second bus because both wheelchair positions are already taken. There are even occasionally times when I have to wait for a third bus.

This does not concern me, anger me, frustrate me, because I see that people like myself are out and about, getting out and doing things, using the available transportation, and I appreciate it, and I think it's wonderful.

Every single New York City bus is wheelchair accessible, and it's used all the time by people. There is no question about the need because it's very obvious.

When we talk about taxicabs, whether 230 taxicabs out of 13,500 yellow cabs is enough to
work for people who have disabilities. I suspect that it is not. I suspect that if the service were available on the same basis that the buses are, that they would be used. They would be used much more than can even be conceived of. I really do believe that. And I would appreciate the opportunity to have more available transportation options.

The way the central dispatch system worked when it was a pilot program worked, sometimes worked better some days than others.

But, to tell you the truth, if I have to wait for an hour to get a taxi why wouldn't I choose to take Access-A-Ride or to use a bus? If I'm going to pay for a taxi, I should get the kind of service that everybody else gets. Either that, or I shouldn't have to pay the same price that everybody else does.

So I, would put that out there as a consideration. You know, whether the service
is equivalent, is what I should be paying for
is equivalent service. If it is not equivalent
I don't think I should be expected to pay the
same amount.

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I also think that, given people with
disabilities should have reliable
transportation options. That means that it's
possible to do things, to have jobs, you know,
which really is not a possibility today for a
lot of people. Thank you.

MR. YASSKY: Thank you. Bhairavi Desai is
the next person.

MS. DESAI: We fell firmly committed to
the idea that there should be sufficient
accessible taxis. I think it's simple when we
already speak for the industry overall, and we
worked for taxis for all in the past. But, not
only do we feel there is morally imperative
that we are a service industry, we should be
there to serve the people who seek our
services, and we feel proud of the fact that there is a large percentage of people who out all the options that are available to them. What they want at the end of the day is a taxi. We're proud that we represent the men and women that provide that service. It's a very practical service. There are two issues that come up for the industry. One is the cost associated with the vehicle in terms of retrofitting as well as maintenance and repair costs. As you know, the unproven durability of the vehicle, and, therefore, over the course of time, you end up spending more money because you're having to pay to use the vehicle. And then, secondly, there is a situation of demand that there is an option out there that demands such lower fees and that why fees should be lower. I want to address both of these.
First of all, in terms of the cost issue. At the City Counsel hearings, at the Transportation Committee Hearings, there's a lot of testimony about Federal subsidizing. There are Congress members, namely Congressman Weiner. Also, there are Federal subsidies. Therefore, there should subsidies to the industry to make this happen. And the subsidy being supplemental, I don't think that the subsidy itself is what's going to, you know, should or would pay for the entire problem. We completely understand that.

Even though, again, we represent the majority of the vehicle owner in the industry since now the majority of the cars are owned by the drivers. Secondly, on the issue of demand. 20,000 people take Access-A-Ride every single day. The numbers are in the millions at the end of the year. I believe the number that taxis for
all to us is about a million to two million
riders, wheelchair users partake in the MTA bus
system on a yearly basis.

In terms of, obviously for subways it's a
much lower number. And for people who may have
a private vehicle, own a private vehicle now.
But, would take a taxi instead, that's another
unknown number.

We think that there is, that there is
a real demand. We think there a real ridership
community that actually remains untapped.
If we can tap into this community not only
would the community be served.

But, obviously, at the end of the day, the
industry will make more money. And, so, we're
committed to working on this program both with

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the community, and with the TLC, and the
industry at large to make this possible. Thank
you.

MR. YASSKY: Thank you. There are two
more speakers from New York Taxi Workers

Alliance. I'm going to skip over them and
return to them in a bit. But, in the meantime,
why don't you think about whether all three
need to testify if they representing the same
organization?

The next speaker is Ethan Gerber and then
after that Michael Woloz from MTBOT has signed
up.

MR. GERBER: Thank you. Good morning,
Commissioners. Good morning, Mr. Chairman. My
name is Ethan Gerber, executive director of

We're the owners association that
owns, corporately owns taxi medallion
accessible taxicabs. We're the ones who paid
for them. We are the ones that put them on the
street. We are the ones that service them,
and we are the only corporation owners keeping
them running.
I do want to correct two misnomers and statements that were made during the course of these proceedings.

The first was in the FHV owners that came forward. They were talking about the fallacy of these two entities being mislabeled and put together.

In support of the TLC it's important that the TLC understand that the dispatch program that was initially put in is just that. It took the FHV model and imposed it on the yellow taxi cab industry.

So, the way they were making money is exactly the same way they were making money in that particular situation. We were not operating a yellow taxicab had a lot to say at the time about that.

But, that was the model that was imposed on the yellow cabs. These were taken out of the street, out of the street hail system, and ordered to pick up accessible rides.

In order to be economically feasible the same economics applied to make it economically feasible and the same program that the FHVs are
required, wait time, etcetera, all the things
that go into the cost pricing of theirs would
have to go into the cost pricing of any
dispatch system. It did not originally.

The second statement that was made, and I
have nothing but respect for the Commissioner
Giannoulis. But, your comment about the owners
not rising to the test. I think it's very
important to point out a couple of things.

Number one, the owners, the majority of
the corporately owned medallions, were
purchased in the auction prior to the
imposition of the dispatch program.

So, that cost was not the original. The
original auction was prior to the imposition
of the dispatch program. Number one.

Number two, the vehicles were far more
expensive. At the date of the auction there
was no insurance in place at all. And, the
reason they stayed low in price, if they were
low in price, which we'll get to, was only
because there what no one else competing except
the members of our organization. And that's
The third thing was that, as far as the expenses of the program goes, as far as the cost goes, they are still, we're still significantly higher priced than the vast majority of the medallion on the road that were purchased long before those auctions. So, the economics still has to work. The economics of a car that was purchased 15 years ago at a much cheaper rate has to make a certain amount of money to be profitable than our accessible vehicles have to be profitable, too. I do want to thank you and I do need another minute.

MR. YASSKY: Go ahead.

MR. GERBER: I do need another minute or two. I do want to thank you, Mr. Chairman, and your staff, and I want to thank particularly Diswani Chabra and dTweet Stiller, who I had the pleasure working with on this program. As
opposed to the last time around there was actual input, and whether it's realized or not, I do get the sense that the TLC is really trying to understand how this operation could work. And, I do want to thank you,

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Mr. Chairman, for trying and I do believe you are actually trying to make this program work this time.

The last program was designed for two purposes. The first was to test demand on the dispatch program and the second was to see if the dispatch program would work.

As to the demand it was negligible. The TLC prediction, based on the wheelchair community prediction, that there would be a minimum of 250 riders. I would argue is itself a negligible amount. It would be an average of eight riders a day.

I do disagree with the statements made earlier by your staff with respect that one
month of fifteen months does not show potential. It's just a peek in over a two year period. I think that statistically, it doesn't really do anything. 8,000 out of 750,000 daily rides is statistically insignificant. If you have a calculator that doesn't go to six digits you won't even see the number.

Secondly, it was determined if the dispatch program would work. It didn't work and the reasons it wasn't going to work were obvious at the outset. It didn't work because it was economically not feasible for it to work.

I stood here two and a half years ago and I stated it would not work. I stated the economics why it was not working. I would not work because drivers would lose money over each and every shift.
They would not want to drive these cars. And the difference between when you saw the statistics about the owner operators having a greater success rate than the managers getting there cars out. That's obvious. The owner operators are married to those cars. They have to be in those cars. The fleet system doesn't work that way. The driver does not have to choose to drive an accessible car.

He is not going, or she is not going to drive the accessible cars, if they're going to lose money. Incentives that we can give, we try to give, it wasn't encouraging. The problem was they had to miss days off from work that other drivers do not have to miss to take courses, and then they would have to have the expectation, if not reality, that they could lose money at any time and they would be dispatched empty.
For that reason, economically, the drivers refused to take the cars. The TLC's reaction to that situation was to go into enforcement, and at the time that Ms. Epstein, who was the assistant commissioner at the time, testified at the City Counsel, which was about the halfway mark, she testified there were 3,500 rider and there were 5,000 violations issued.

When the amount of the violations exceeds the number of actual rides, you know there's a problem. What happened was for each and every violation that would occur, each and every ticket that would occur, you have one driver that says the next day I'm not going to take an accessible taxi out.

MR. YASSKY: I'm going to ask you to conclude.

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MR. GERBER: In short, the only way this program could work is if, I think the Chairman understands that only if it's economically
feasible. And only if it makes sense to the driver and the owners economically. And that the drivers want to be in the program because the drivers are going to make a fair living wage doing it.

If there's a mandate I agree with FHV industry that we are a little nervous about the unfunded mandate, and about the potential cost.

I do think that spreading out among the 50,000 is a little bit fairer than spreading out only on the 240.

By the way, we also were the only, we, at our own cost, implemented the T-Pep system.

I would suggest also that this subsidy, if there is a subsidy, which you intend to come from the entire industry, if there's going to be a subsidy to the entire industry, it should also be required that all New Yorker pay for the accessibility for all New Yorkers.

MR. YASSKY: Thank you. We want to proceed. We agree with you that for the
drivers to participate energetically it has to work. You might want to ask some questions. The one issue of principal that I do want to make clear our view on, because that's where we are now, is in our principals is that if you were suggesting that there's not a particular obligation on those medallions we do think there is.

They will purchase at a discount relative to the going rate at the time, and, while you're right to say it is before the creation of the dispatch program, I think that's inherent on the purchase of wheelchair accessible medallions was the idea that there's got to be a way to figure out a way to make it actually accessible to wheelchair users.

I agree that the economics has to work on a day in and day out basis. I think there's a special obligation on those medallions.

MR. GERBER: Mr. Chairman, I don't want to suggest otherwise. I would say the the car are far more expensive than other cars. They're less durable than other cars. The repairs are more costly.
The T-Pep system, which is now a part of the program, became part of the program, was done at great urging at us.

If some of the Commissioners remember, there's been many, many, many letters that I wrote urging to get away from the Blackberry system and the dispatch system. Informing about the current legislation.

I think we did more than our part to rise to the challenge of trying to get these cars on the road. But, again, if the economics don't work, the program doesn't work.

MR. YASSKY: Thank you. Michael Woloz.

And then Peter Mazer.

MR. MAZER: Good morning, Commissioners.

My name is Peter Mazer. I'm general counsel to Metropolitan Taxicab Board of Trade. It's a 58 year old trade association that now represents a fleet that is comprised of 3,500 yellow medallion taxicabs. Our fleets mainly operate on a double shifted basis service department that operates twenty-four hours a day, seven
24 days a week, 365 days a year.
25 There are more than 14,000 drivers that

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own these vehicles. The MTBOT has always
demonstrated a strong willingness to do their
fair part to keep the unsubsidized industry
healthy and effectively servicing the riding
public.

For example, we supported medallion sales
that yielded hundred of millions of dollars to
the City, including accessible medallions sales
and alternative sources of fuel, outerborough
taxi stands, as well as welfare to work
programs, and taxi school colleges for
underrepresented population in our driver pool.

On behalf of the MBTOB I would first like
to publically commend Chairman David Yassky,
Deputy Commissioner Ashwani Chadra, and the TLC
staff for reaching out to the MTBOT and other
stakeholding groups on the latest TLC proposal.

MTBOT believes that there should be open
dialogue. One that Chairman Yassky has fostered since arriving at the TLC is the best way forward on this important issue.

The proposal before us today which would require the TLC's regulated industry to find a new centralized dispatch program for wheelchair accessible yellow taxicabs and livery requires serious thought.

Passengers in wheelchairs have long deserved reliable prearranged service. The approach to providing accessible yellow and livery service is an attempt to build up a last centralized dispatch pilot program which recently ended.

The idea is a good one letter. Better engage livery industry on provided on time prearranged services in many neighborhoods of the City and better utilized wheelchair accessible yellow taxicabs with smarter dispatching driver outcome. Driver incentives.
However, it is important to note that the TLC has not placed a price tag on this proposal and that it is therefore difficult to thoroughly assess that a responsible industry group we are very cautious about any proposals that adds more economic burden to an industry that has seen its operating costs steeply rise. We implore the TLC to consider that it has been six and a half years since the last cap adjustment fair increase.

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As you know, we have filed a fare increase and lease cap petition pending at the TLC since April of 2010. This industry is highly regulated and we've already paid significant tax revenues to the City. In addition, traditional state sales taxes continue to rise and fleet are now unable to recoup these costs. The drivers, they have been too many years. Compounding the difficulties this industry faces in offsetting
operating costs, our passengers are now burdened with a 50 percent surcharge that is used to subsidize the MTA's competing service.

We will need many more details on the central accessible dispatch proposal. But, we are certainly open to the plan that is fair, that is efficient, that is economically subsidized.

That includes the recognition that above all the MTBOT operators are just that. Operators. And operating at 24/7 garage is not easy and not inexpensive. We are proud that the medallion is a valuable asset. It is a testament to this great industry, and we are all a part of it. But, do not confuse the value of the medallion, if I can summarize, with the cost of operating an industry. These are very different things.

These are unavoidable operating costs in any industry and ours is no exception. We can
do many things to better the industry and to
better service New Yorkers. But, we need the
economic tools to make these things a reality.

We need our regulatory partner to not
impose on or enforce on the industry. But,
to provide economic recovery. Thank you.

MR. YASSEK: Thank you, Mr. Mazer.

We'll hear from Mark Hemmingway from
Executive Transportation and Marvin Wasserman
representing Brooklyn Center for the
Independence of the Disabled.

MR. HEMMINGWAY: I'm the dispatcher on the
prior dispatch program. I'll overlap a little
bit of what he said and what Victor said.

Thank you for the opportunity. Some of
you are aware we have had some experience with
the accessible dispatch program. In addition,
about ten years ago we formed an accessible
motorized wheelchairs type of vehicle.

While by no mean experts, we do have some experiences that we hope the Commissioners will find useful and continues to define the process.

First, we think there is a real need to quantify the volume of the need in order to build a program which is useful to the ridership which is operationally feasible by the taxi and FHV operators and is economically viable.

Twice, now, we at Executive Transportation have been involved in projects to provide wheelchair accessible service, one for-profit company and one City program, and in both cases the actual number of far trips was far below projections. What that obviously does is we fill the program with tremendous overhead to take a lot of volume that doesn't materialize.

The first time caused our business simply to ultimately fail and the second caused us to spend more than anticipated.
Directionally, we think the consumer cost of the taxi or the FHV trip reduces the volume and especially when you compare it to $2.25 for the Access-A-Ride ride program or a bus. I think that we would encourage you all to try and determine what probable ridership is, if it's cost dependent.

We would also like to point out the current market demand at our level of FHVs are outlined in the Commission's Report which the FHVs contract with 607 provides in order to provide transportation that the base cannot generally provide to motorized wheelchairs.

We have thirteen bases, as outlined in the report, paying a subscription fee between $250 and $600 for each base on an annual basis.

This year to date we needed to use 607F provider for two calls that we could not accommodate out of well over a million trips so far this year. These were customers with motorized wheelchairs that can't fit in our cars.

You can do the math. But, you'll see that the TLC regulations are already part of the
black car bases. They pay more than $172 a trip.

We also provide transportation for passengers with collapsible wheelchairs in our cars. We do this on a routine basis. I mean, there's many people that you guys have known and advocates that have been in our cars that we bring to the Commission meetings here at 40 Rector Street and etcetera. We do 60 to 100 trips a year in that fashion and we do it day in and day out. We're happy to be part of the program.

The next for us to consider operational, to some degree, go hand in hand with being financial. While using a centralized dispatcher system is the right concept from an intake standpoint. It immediately adds levels of complexity.

It even spoke about adding T-Pep part way through the program. It didn't work for cabs to dispatch over Blackberrys. So, just keep
that in mind the levels of complexities that go with that.

The recommendation suggested a subsidy for drivers is a good idea. We agree. Too many times we send drivers a long long way completely dead heading to go find a customer. Obviously, this reduces amount of income the vehicle generates.

Yet, by and large, if you go back to the program and you speak to the people who rode in the cab, you'll find that they found the drivers to be helpful, courteous, and really just trying to do a good job.

So, it's not a driver, we don't want to do it, issue. As the accessible customer wants to be able to travel for an equitable rate, the driver of the vehicle wants the opportunity to make an equitable living.

MR. YASSKY: I'm sorry. I'm going to ask you to conclude.
There's no doubt that providing an accessible program is a worthy goal for TLC and right thing to do.

However, based on the outline of the reputation we think that careful analysis should be given to at least two true quantity of travelers considering that there's price dependency.

MR. YASSKY: Just on that last point I want to make sure I'm clear on this. Are you saying that we need to wait for better data than we have because I think the reality is we know the demand is low.

We don't know precisely what it is and what it will grow into and the only way we're going to really find that out is by moving forward operationally.

I just to make sure that nobody is saying, you know, do a two year study until you can
move forward.

MR. WASSERMAN: No. We're on a direction that, you're honored by what we put out that you've just read today. There are no kind of boundaries on what the demand is going to be. We saw eight to fifteen a day type of thing. We anticipated 250 a day. To get organizations to adjust to those sizes are significantly difficult.

MR. YASSKY: Yes.

MR. WASSERMAN: And, so, we need to, from a response to an RF5 perspective and what the industry could and should provide it probably would be different. It would be better to get that if possible to have a better response than the RF5.

MR. YASSKY: Okay. Thank you, Mr. Hemmingway. I will say, Commissioners, as we think about this at the TLC, our starting out approach, what feedback, is to give the
industry a response time standard and put the
risk of error in determining how much demand
there is on the operator.

In other words, the operator will charge a
premium for that risk, as any person would.
But, what we say is, you've got to commit to,
you know, we are suggesting half hour to half a
trip, an hour for all the trips response time.

And then, if you don't meet that you have
penalties. What that does is that tells
the operator, rather than us government
bureaucrats trying to come up with the demand,
you estimate the demand and you bear the risk
of being wrong on that.

Every approach on this question has
drawbacks. We think that's one of the least
number of drawbacks. But, that's, you know,
we're curious to hear the industry feedback on
this.

MS. POLANCO: Based on when the
proposition was made about the pilot problem, I thought that the outreach was basically minimal. So, there was no outreach in the community. So, of course they're going to be low on that.

MR. YASSKY: Again, I think there's a chicken and egg issue and I think Ms. Raymond was eloquent about, you know, if you build it they will come. Given the uncertainties our thought is to say, rather than us trying to determine in advance, we know there 400 customers a day. Rather than say, you've got to be able to say you've got to be able to get there within half hour for half the people and all the people and then you build a system that accomplishes that.

MS. POLANCO: I just want to add that this is something that we all know. It's something we have to take into serious consideration with this whole issue about the
Taxi of Tomorrow, because, you know, what we
know is what out of the three, I think only
one is wheelchair accessible, so.

MR. YASSKY: Mr. Wasserman was next and
then Mr. David Pollack.

MR. WASSERMAN: This as opportune time for
me to come in and speak.

Hi. I'm Marvin Wasserman. Executive
Director of the Brooklyn Center of Independence
of the Disabled. Transportation for people
with disability, as it is for others, is an
essential component for living an independent
life in the community.

There are few modes of transportation that
are user friendly for people with disabilities.
Mayor Bloomberg had stated the taxi and
community car services are a vital part of our
public education system. Yet, they are far
behind other transportation systems when it
comes to access for persons with disabilities.

While to others taxi and limousine service
may be a luxury. For many in our community, it
would be the only realistic way to get from
point A to point B, given the limitations on subway, bus and Access-A-Ride service.

I want to commend the TLC for acknowledging that the central dispatch pilot project for the for-hire vehicle rules requiring livery bases to provide accessible service have not worked well for our community and is attempting to address that issue.

However, attempting to resurrect the central dispatch may duplicate problematic aspects of the pilot project. The majority of, all of the vehicles in the program will be medallion taxies, which will be most efficient in the southern half of Manhattan. Those in Brooklyn and the other boroughs rely on livery service in their communities, and there are few accessible vehicles that are livery vehicle.

The TLC has not made public any plans for increasing the number of accessible taxis or livery vehicles. Each industry has the responsibility to provide accessible service.

The choice of the cars as the Taxi of Tomorrow would make a strong statement that New York City is committed to a public policy of
public inclusion as the iconic symbol of New
York City.

As I see it, that choice should be a
no-brainer. It is perfectly appropriate to
negotiate with each of the finalists to get the
best possible deal. But, the civil rates of a
whole class of people should not be negotiate
had away in the process.

Also, time central dispatch 311 system is
problematic. Assembly Member Michael Kelnik
did a survey of the survey project showed that
there was a significant drop-off in the number
of requests made for the services to 311 and
the number of rides actually completed.

And I know that one of my own staff
members attempted on three occasions to access
311 from our headquarters in downtown Brooklyn
to our home in Manhattan and never received any
service.

We've been in meetings with members of the
Livery Round table and I want to commend them for stepping up to the plate to provide a solution that is in entirely the livery industry's responsibility.

And I believe that their proposal comes closer to the delivery of the promise for accessible service. It will provide better response time, have vehicle based in every borough, and the number of vehicles utilized would be market driven. I urge the TLC to use the Livery Round Table proposal as the basis for the solution to this problem. Thank you.

MR. YASSKY: Thank you very much, Mr. Wasserman. I won't keep you up here. And, as I said, next is David Pollack. You can sit down.

I do believe that we really did take the Livery Round Table proposal as the starting point and only kind of added to it. If there are things that are in that proposal that you
think we left out, or, at any rate differences
that you think we should incorporate, we might
follow up with you after to hear what those
are. I think we have pretty much taken them as
a point of reference. Yes, Mr. Pollack.

MR. POLLACK: Good morning. Good
afternoon. I'm David Pollack, Executive
Director of the Committee for Taxi Safety.

I thank the Commission for inviting us to speak
on this important and difficult issue.

Although, universal access to
transportation for the disabled is a laudable
goal that we share, the practical methodology
of achieving that goal needs to be both
developed and accomplished in a manner that
involves all forms of transportation industry
in to insure that achieving such accessibility
is accomplished without mandating an
unachievable short term fix at the expense of a
long term goal.
In the words of the former TLC Chairman, Matthew Dawes, this problem cannot be solved by one segment or another of the transportation industry alone. We must allow for one or another public policy making in order to allow one or more of these services to come together to try a practical way forward, to provide universally acceptable transportation loads through the transportation network.

Accordingly, although we support the general proposition that all disabled people deserve the right to have accessible transportation available, we remain opposed to mandate at this time and our objection is based upon several reasons.

As I'm sure you're aware from various reports during the Commission's recently concluded two year pilot program for accessible dispatch, there are only approximately 5800 trips by wheelchair users. That amounts to
eight trips per day for all 13,287 taxi
vehicles.

That bears repeating. Eight trips per day
to 13,287 available taxis that took place. On
average, yellow taxis do approximately thirty
or thirty-five trips per shift. Basically,
eight trips for 700,000 available rides per
day.

Before the Commission mandates all 13,287
yellow taxi vehicle in the City to be
wheelchair accessible, we believe that there
needs to be shown that the demand for this
increased availability is present. And that
the increased availability will be utilized.

Based on the two year TLC pilot program it
appears that there is neither demand nor need.
There is a successful transportation program for disabled community. The program is Access-A-Ride and the key different between Access-A-Ride and yellow taxi service to utilize Access-A-Ride one needs to make a reservation one day in advance.

With Access-A-Ride the passengers are reimbursed for virtually the entire cost of the transportation. They only pay $2.25. In contrast, a ride in a yellow taxi costs the passenger the fare on the meter. It is this disparity in pricing that causes the disabled community to utilize Access-A-Ride and not utilize yellow cabs for their transportation needs. You can put 13,287 accessible vehicles on the road. But, that does not mean they will be utilized.

In contrast to the eight rides a day, 29,000 rides per year, utilizing the yellow taxi industry, Access-A-Ride handles 7.3 million
rides per year or 20,000 rides every day.

MR. YASSKY: Okay. I'm sorry. I'm just going to ask you to summarize because we have three minutes to conclude.

MR. POLLACK: In summary, it's not that the industry is against providing service to the disabled community. Our position is basically that we have to first establish the need and the usage prior to mandating changes to the industry, and once the need and usage are established it's only then that a plan can be established.

I want to thank you and your staff, Mr. Chairman, for reaching out and understanding our position.

MR. YASSKY: Thank you.

MR. GONZALES: That 20,000 number looks like a real number.

MR. POLLACK: Well, if you take 7.3 million and divide it by 365, that's the number.

MR. GONZALES: That's state-wide, correct?

MR. POLLACK: I believe that's City-wide.
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MR. YASSKY: Okay. Thank you.

Mr. Richard Thaler followed by Jean Ryan from Taxis all campaign. Then the remaining two speakers that signed up will be Mr. Simmons and Mr. Lindau from the Taxi Workers Alliance.

And, again, it's up to you whether, it's due Monday. I guess we'll wait for just a moment.

MR. THALER: Thank you, Commissioner.

MR. YASSKY: I want to advise actually both the public and the Commissioners, we are ending at 12:30. So, we have another eleven minutes. Three of which belong to Mr. Thaler.

MR. THALER: I'm Richard Thaler. Chairman Yassky, Council Fraser, Council members, Commissioners. I hope you've had the opportunity to read the program description. I'm not going to re-read it. It's been read on a number of occasions.

It's a comprehensive plan to provide adequate City-wide on-demand, pre-arranged, and street hail wheelchair accessible medallion taxi and livery service, including a transition to livery industry Access-A-Ride services.
The plan has been circulated and submitted to the MTA and the Commission for well over a year. And, in fact, prior to your tenure, it has been submitted.

What it does, it uses technology to pull all of the existing resources of the medallion cabs and the FHV industry, and, because of that, there is no need for any subsidy, for any increase in operating costs, and there is no need for any infrastructure.

In fact, it remedies many of the unworkable ideas that I've read this morning in the RFI. Also, it probably alleviates much of the apprehension of the FHV industry.

Just to follow up on a couple of Commissioner Giannoulis' comments regarding the previous pilot. A presentation was made for Andy Salkin and Epstein on a system to dispatch wheelchair accessible services which is really based on the plan that you see now.
And, we were told by the commission that it was a competitive presentation, and I was stunned yesterday at the City counsel to hear that it was a sole source. I thought that the presentation made about

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that would have solved many of the problem that you've experienced. So, I'm going to ask how does the Commission, if you could disclose it at some point, how would the Commission implement the current program discussed? I'd like to know that.

MR. YASSKY: Through competitive bidding and RMP. Thank you, Mr. Thaler. Ms. Ryan.

MS. RYAN: Hi, I'm Jean Ryan from the Disabled in Action and Taxis for all Campaigns, which is a coalition of disability rights organizations dedicated to having one hundred percent accessible taxis and to having accessible car services. And we are almost fifteen years old. And we will never quit
until we get what we want and need.

As to Mr. Pollack's comments, we said before the pilot program was initiated that we probably wouldn't be using it because the way it was set up was not equivalent and not usable.

We weren't going to wait for an hour for service. Many people who tried it and nerve got cars, or were told that cars were out there when they weren't, s weren't, and couldn't get a cab at all. So, we wonder. Yesterday I did see my first available accessible cab, and I really needed one to get to the doctor in Manhattan. I never could get to the doctor in Manhattan. I'm sick. Because the cab passed me by.

By the time I would tell that it was accessible it passed me by, and I ended up having to take, I would have had to take two buses.
But, by the time I would have gotten to the doctor he would have left. So, I had to just take one bus and go to a different doctor and ask him to stay and wait for me.

These are the kinds of real life problems we have in getting around. It's no joke, you know. And I sit here and I hear you discussing our lives like we're not even here. And most of the time we're not, you know, and you're talking about doing this and doing that. And, you know, and we still need to get around.

And we do have money, you know, and not all of us have to spend just $2.25 taking

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Access-A-Ride. I take Access-A-Ride. I take the buses. But, I would take cabs and I would take car services. I used to take car services a lot, and I do take car services sometimes with my manual care, and I'd like to take it with this one. But, I can't get in them with this one. It's very frustrating.
We're here to reject the TLC's plan to use the few accessible taxis. Only 1.8 percent of the entire fleet of taxis to pick up people with disabilities all over New York City.

We didn't think cabs should be used that way. There are so few of them on the street. We want to hail a cab. We want to hold out a hand and say, "Taxi," just like everybody else.

There are so few of them. We need all of the taxis to be accessible. We need somebody to have the guts to make all of this accessible. Everyone could use them then. Not just the upright people. We all could use the cabs. There's nothing wrong with accessible cabs. Like you said, only one of the cabs, only one of the taxis for all cabs, is accessible. But, you know, then all of us could use the cabs. There would be nothing wrong with that. They wouldn't have to be special. They would be universal.
We want all of them to be, we all want to hail them. Then we'd like the not-for-profit, for hire, central dispatch plan with one or more bases in every borough dedicated to accessible cars and the capability to expand with increased demand. We think that sounds workable.

MR. YASSKY: Thank you.

MS. RYAN: We think that they could get to us faster and we don't have to wait 60 minutes for something to come to us.

MR. YASSKY: Thank you, Ms. Ryan. Thank you very much. So, are the Taxi Workers Alliance witnesses necessary?

MS. RYAN: Can I say one quick thing?

About the TLC?

MR. YASSKY: Please.

MS. RYAN: I don't think you should be in the business of running the industry. I think you should be in the regulatory business.

MR. YASSKY: I couldn't agree with you.
more.

MS. RYAN: You know what? Everything you have done, that the TLC has done. Not you personally.

MR. YASSKY: That's right.

MS. RYAN: Hasn't worked out to well.

MR. YASSKY: I happen to share your thoughts.

MS. RYAN: They tend to overlook things that affect us and, you know, we really need to get places.

MR. YASSKY: Thank you. Thank you, Ms. Ryan. And, I happen to share your belief that government has an important role to play in shaping the outcomes of where business and industry land. But, when it operate them on its own it doesn't do such a great job.

Ms. Ryan, we are going to have to close the hearing.

MS. RYAN: We live in the outer boroughs.

MR. YASSKY: I live in the outer boroughs. And many people in wheelchairs do.

Let me just say this, that while you and I may not agree that 13,000 vehicles or more, if
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you count the liveries, are necessary to do
what is required. I do 100 percent share your
belief that we must do what's required.
Meaning, if somebody in a wheelchair has got to
the able to get a taxi or a livery car to take
him or her where he or she is going, and I do
want to, I guess at the close, okay, if you
have a brief statement we're about a minute
from closing time.

You can have thirty seconds or a minute
and we're going to sum up. And I know you do
drive an accessible car. I don't wish to rush
you but we are at the end.

VOICE: I will be short.

MR. YASSKY: I appreciate it.

VOICE: I'm here crying for the rich guys
who are complaining here every day about
wheelchair accessible cars. Or about not
dispatching the cars. Number one, both of
these guys got these medallions for a very
cheap price.

Mr. Chairman, I thank you for putting
forth the new program. I've been driving a
car, two cars, over five years that the program

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has been through. And the problem can work if
everybody puts their heads together and can
make it work. Short and sweet and to the
point. Thank you very much. Supurb.

MR. YASSKY: Thank you, and I want to say
the Commissioners, I hope you do feel this has
been a worthwhile use of the Commission's time.
We certainly, the issue is, I know we all got
that.

But, this idea of an informative hearing
on an issue that won't come up for a vote. No
rule will be required until there is a
contract. That's a year away maybe.

But, again, we want to make sure the
Commissioners are involved in the process here
and I thought this would be a good way to
enable that.

And I will just close by saying I do thank
Ms. Ryan. I mean, I'm glad that you were here.
I'm glad for both those last two because, even
if it's not, even if they're not a ton of trips
out there, maybe you are correct that the
thousands a day that would be are interested.
But, even if not, my belief is unwavering that

we as regulators have to insure the industry is
available to service those trips.

Again, we may not agree that every car has
got to be accessible in order to make that
happen. But, we do have to make it happen.
And that's where we're coming from with the
TLC.

So, with that, today's Commission meeting
is adjourned. Thank you.

(Whereupon, the hearing was concluded at
12:32 p.m.)