

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEW YORK CITY TAXI & LIMOUSINE
COMMISSION PUBLIC HEARING

Held on Thursday, March 10, 2011
40 Rector Street
New York, New York
10:00 a.m.

REPORTED BY: Danielle Pierre

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S :

COMMISSIONERS:

DAVID YASSKY, Chairman

ED GONZALES, Commissioner

MARK GJONAJ, Commissioner

LAUVIENSKA POLANCO, Commissioner

NORA MARINO, Commissioner

FRANK CARONE, Commissioner

IRIS WEINSHALL, Commissioner

CHARLES FRASER, General Counsel

1 TLC PUBLIC HEARING 3/10/11

2 CHAIRMAN: --rules to their home

3 boroughs, both are currently in private

4 practice and interestingly, so served in the

5 military, so - - the experience represented

6 on the commission. First, Nora Marino is an

7 attorney in Queens. She's a graduate of

8 CUNY law school at Queens College. She is

9 an active member in numerous New York State

10 and Queens County professional associations.

11 She served as a first lieutenant in the Army

12 Reserve Jag Core. She now occupies the seat

13 of the Commission that was occupied so long

14 and so capably by former Commissioner Harry

15 Giannoulis. Nora's term runs through

16 January 2015, so we are really thrilled to

17 have Nora Marino join us. Speaking of Harry,

18 I just should mention, I want to call to

19 congratulate him on his new status. As a

20 former TLC Commissioner, he asked to be

21 excused from today because he had another

22 commitment, but he promised me that he would

23 join us for the April meetings so that we

24 can all meet in person and say our thank

25 you's for his long and extremely

1 extinguished service. So, fear not, we will
2 see Harry in April. Frank Carone is an
3 attorney in private practice in Brooklyn.
4 He's a graduate of Brooklyn Law School. He
5 has a background in mortgage banking as well
6 as in law. Early in his career he was a
7 second lieutenant in the Marine Corp. He is
8 active in numerous civil, charitable and
9 professional organizations. Frank's term
10 also runs through January 2015. I met Nora,
11 really just at this process here. I've
12 known Frank for several years and I couldn't
13 be more delighted that he's joining us on
14 the commission. I think that we are at full
15 stretch. So that's kind of fun and exciting.
16 So, we now have as strong of a commission as
17 the legal New York City - - in this business.
18 The office moved. So, don't get too
19 sentimental but this will be the last
20 commission meeting here at 40 Rector Street.
21 You know, never say never. But, I have
22 every expectation that this is the last
23 commission meeting here at 40 Rector Street.
24 We are relocating this office. Long Island
25 City in Woodside will stay where they are

1 but this part of our operation will be
2 relocating to 33 Beaver Street at the corner
3 of Broad Street. As of today, as of 10:30
4 today, I still expect that the move will
5 take place a week from tomorrow. We will
6 move in the afternoon and effective Monday,
7 March 21st, we will be located at 33 Broad
8 Street. I will tell you that there are—we
9 did this on an aggressive schedule, and I
10 want to just publicly commend and thank
11 every Commissioner coming forward for
12 supervising and managing this type of move
13 and this pending move. As of last night,
14 there were still some items on the punch
15 list, including a couple of items necessary
16 for the expectance for the - - department to
17 improve the occupancy. So, at 2 p.m. today
18 we've given them a drop dead date to finish
19 that, so for people who have business here
20 at the commission, at this office, by
21 tomorrow we will know for sure whether we
22 are actually moving tomorrow or not. If not,
23 we feel quite certain we will be able to do
24 it two weeks following. We'll give another
25 two weeks and we'll do it two weeks

1 following. So, either a week from tomorrow
2 or three weeks from tomorrow, we will be - -
3 . If the move does take place as expected,
4 I want you to know that our 40 Rector
5 offices will be fully closed to the public
6 on Friday, March 18th, and if not it will be
7 on that following Monday. So, if you have -
8 - closings for other business, please
9 arrange for it to be done either on the
10 Thursday or it will have to wait until the
11 following week because we will not be open
12 for business on Friday, March 18th. And in
13 terms of phone calls and whatnot, I think
14 you should expect that if you call us on
15 Friday, on the moving day, likely we will
16 not be able to return the call until Monday.
17 Our computer systems at some point will be
18 shut down and so forth, so I would ask for
19 your intelligence there. At our next
20 commission meeting we will be resuming our
21 regular schedule the third Thursday of the
22 month. That will resume in April and I'm
23 confident that our committee meeting will be
24 held in the new commission meeting room,
25 again 33 Beaver Street on the 19th floor. A

1 couple of business items, other items before
2 we move to the meeting today. First is this
3 issue of service refusal. You may have seen
4 the news from yesterday, Mayor Bloomberg
5 made a strong statement. Nothing new here,
6 but reminding both the public and the
7 industry that TLC rules require that yellow
8 taxis exempt all trips within the five
9 boroughs—Drew, as you know, within five
10 boroughs or Westchester or Nassau or Newark
11 Airport. But that's a refusal of service to
12 Brooklyn, Queens, anywhere within the
13 boroughs, is a violation of TLC rules and we
14 enforce it as best we can and we intend to
15 continue to do that. We, the Mayor, drew
16 this to the attention of the public because
17 we've had an increase and it's troubling. A
18 thirty-six percent increase in complaints of
19 service refusal. That's the last six months
20 compared to same six months a year ago.
21 Thirty-six percent is a big number and we
22 cannot let the quality of service
23 deteriorate. So in addition to the
24 enforcement that we have proposed let's say
25 to the counsel, that will increase that fine

1 for service refusals from, now it's a
2 \$200.00 to \$350.00 range to a \$500.00 fine
3 for the first offense. So, counsel has
4 indicated to us that they intend to enact
5 this and so this is an issue that we want to
6 take care of. On the FHB side, Saturday
7 inspections. Again, we do not want to let
8 the wait times for inspections get long, the
9 way they did last year. We—Gary Rice and -
10 - have done a terrific job in making sure
11 that does not happen. In order to maintain
12 our short response time, we are scheduling
13 Saturday inspections beginning this Saturday.
14 So in the FHB world we now have inspections
15 slots starting this Saturday. We will keep
16 it for at least the next three weeks,
17 possibly longer depending on demand. We
18 want to keep appointment availability within
19 the three to five day range that it has been
20 at for a long time now. We're currently
21 offering appointment 6 days out, so we're
22 just above that five day range. The
23 Saturday hours will get us back to three to
24 five days and even though tax payers,
25 there's overtime cost here, but we don't

1 want to let that lag time get out so I want
2 to make sure you know that. - - this
3 Saturday - - we're closer there. Take
4 advantage of the Saturday if you want to
5 keep that wait time down. Rules change. As
6 commissioners know and as I think the public
7 knows, the mammoth comprehensive change and
8 revision to the TLC Rule Book that was
9 effected by the Commission over the past
10 eighteen months becomes effective April 1st.
11 A complete copy of the rule book is now on
12 our website, conveniently located at the new
13 rules - - labeling on the website. Under
14 "new rules" on the website you can find a
15 complete copy of the rule book. You can
16 download it. I would recommend that you
17 have an extra ream of paper available if you
18 intend to print it out, but it is there on
19 the website. And you will notice that the
20 rules do not start with chapter one, but
21 with chapter fifty-one. I know we open
22 ourselves to some fun-making by doing that,
23 but we thought that would be less confusing
24 than having Rule 104 be completely different
25 from the old Rule 104. So, 1-04. So again,

1 we're starting with chapter fifty-one in an
2 effort to avoid confusion. If anybody, you
3 know, thirty years from now commissioners
4 will say what were you thinking when you
5 started with chapter fifty-one, blame me,
6 okay. So, - - meeting. Just a quick
7 preview of our schedule. We have a lot
8 coming up and I'm saying this for the
9 commissioners and also for the public
10 because a lot of these items I will ask you
11 to begin to look at and digest and think
12 through and give us your feedback when we
13 make them available as part of the
14 commentary and not a couple of days before
15 the meeting because for each of the next few
16 meetings, significant, substantive rule
17 proposals that we will be bringing before
18 the commission. We are, as you know and I
19 hope you feel, we are serious about the
20 public feedback part and the staple feedback
21 part, but it's a lot easier for us to digest
22 your feedback if it's weeks before the
23 meeting rather than a few days before the
24 meeting. So, as soon as they become
25 available, please take a look and start to

1 think - - . In April, you'll have the fine
2 structure provision that we talked about at
3 the last commission meeting. I won't repeat
4 everything we said there, but this is to
5 modernize outdated amounts and to increase
6 consistency by eliminating ranges so it's
7 not a different fine for the same offense,
8 but a different quote room. To allow for a
9 plea bargain discount, for people to pay a
10 reduced fine if they plead guilty in advance
11 and to eliminate inconsistencies between the
12 same offense for different—depending on
13 which license category is involved. So,
14 what we will have available, not just the
15 rules of course, which - - but we will
16 prepare a kind of chart to make it easy to
17 understand what is being proposed and that
18 we will make available to anyone who wishes
19 it sometime in the next couple of weeks—two
20 to three weeks. That's April. In May we
21 should have, or this is all pending which -
22 - the law department process, but I think we
23 should have maybe a revision to the rule
24 defining the fitness standards. This has
25 been an issue that many of you have been

1 concerned about for some time. Fitness
2 standards currently in the rules and in the
3 administrative code are kind of vague. It
4 means that quite frequently people that
5 apply for a license go to have a fitness
6 hearing before a judge. I don't think we
7 offer the consistency of results that we
8 should be offering, so what this rule change
9 will do will be to define more clearly the
10 categories of applicants that are not fit
11 for a license. So, if today somebody
12 applies for a license and they would have a
13 drunk driving conviction from three weeks
14 ago, the rules don't define that as not fit.
15 Rather, that person goes to a fitness
16 hearing and then the judge makes a decision.
17 Now, I think in that case you can expect
18 some consistency but in too many cases we
19 don't. What we will propose are categories
20 where people will know right of the bat that
21 they do not qualify for a license so they
22 don't have to go to licensing, spend months
23 waiting to see what the answer is and then
24 get the answer back if it's not a good
25 answer. That's for May. For June, we

1 should have ready our new rule on
2 accessibility for people with wheelchairs.
3 As you know, we put out a request for
4 information, we got back a wealth of
5 feedback and I thank the industry for all of
6 the feedback that you provided. The staff
7 is working its way through that, I think
8 pretty speedily. We hope to have for the
9 June meeting, and we should have for the
10 June meeting a proposed rule that will
11 accomplish, I think, the goals that we set
12 out that was discussed in January and also
13 the goals that were shared by the industry.
14 And somewhere, either in May or June, we
15 will also have revisions to the owner must
16 drive rules. As - - know, we've been
17 working with commissioners. We have not
18 talked about this previously, but we've been
19 working with industry stake holders
20 intensively on revisions of the owner must
21 drive rules. What we now know is that
22 there's been more non-compliance of the
23 owner must drive rule than we would like to
24 see. For each of the years 2009 and 2010,
25 several hundred instances of people - -

1 owner must drive violation of medallions who
2 were not driving vehicles. I think what our
3 perspective is, and this points out both
4 that maybe the rules are more rigid than
5 they need to be and we should offer some
6 more flexibility to the medallion owners and
7 how they comply. But also, maybe in part
8 due to the overly rigid nature of the rules,
9 too many folks in the industry have gotten
10 into the habit of non-compliance. So we've
11 been working, as I said, quite intensively
12 with some of the people in this room on a
13 proposal that I believe we can present to
14 you as a product of the staff work and with
15 the support of the industry for how to
16 revise - - driver rules. It might be ready
17 by May, if not by June. Fair to say? Fair
18 to say. And last but not least, Frasier - -
19 has suggested a number of times that the
20 commission meetings should not always be in
21 downtown Manhattan, they should be in some
22 of the other boroughs as well so that the
23 public can have easier access to our - - .
24 We're going to try that, so this, for you
25 that come to these meetings, we are going to

1 try that and see how it works. And I know
2 for some people it may actually be less
3 convenient to go to a different borough, but
4 for other people it may be more. So we're
5 not saying this is going to be a regular
6 practice, period. We're going to try it and
7 see how it goes. We're going to start with
8 the June meeting which I expect to take
9 place in the Bronx. We don't have a
10 location. When we know we'll give you
11 plenty of advance notice as to where that
12 will be. We're going to try that and see
13 how it goes in the June meeting. With that
14 I think you we get down to business. And
15 the first order of business before us is the
16 Adoption of Minutes. You have in your
17 packets the Minutes of the January 2011
18 Commission Meeting. All in favor of the
19 adopting of the Minutes say "aye".

20 [Collective "aye"]

21 CHAIRMAN: Proposed "no". We have
22 proposed the Minutes of the January 2011 are
23 adopted. We have a number of Base
24 Applications. Georgia you are still the new
25 commissioner's assistant - - .

1 GEORGIA: Good morning.

2 CHAIRMAN: Georgia has been presenting
3 the base applications for some time. She
4 was recently promoted within the TLC but
5 she's still doing also these license
6 applications, so she's got a double duty
7 until she finds a replacement.

8 GEORGIA: Thank you. Licensing would
9 like to present before the Commission,
10 twenty-four bases with a recommendation for
11 approval.

12 CHAIRMAN: Commissioners should have
13 the list of do and renewal bases in your
14 packet. All in favor of approving the base
15 applications say "aye".

16 [Collective "aye"]

17 CHAIRMAN: Opposed "no". We vote the
18 bases presented - - are approved and there
19 is one base being presented for denial?

20 GEORGIA: Correct, and licensing is
21 requested that they be granted an additional
22 thirty days so that they may submit the
23 outstanding items.

24 CHAIRMAN: All in favor say "aye".

25 [Collective "aye"]

1 CHAIRMAN: Opposed, "no". - - is
2 adopted.

3 GEORGIA: Thank you.

4 CHAIRMAN: We have one rule before us
5 today. General counsel Charles Frasier?

6 MR. FRASIER: This is a proposed rule
7 that was ordered for public hearing in
8 January. It makes a variety of revisions to
9 our license application process. At the
10 January--there were no written comments
11 received during the comment period and no
12 one testified at the public hearing. We did
13 though say that we wanted to rethink some of
14 the deadlines in the proposal and we've done
15 that. The revisions are stated in the
16 bullet points in the end of the Statement of
17 Basis and Purpose. We've shortened the
18 deadline for renewal applications. All
19 renewal applications must be completed by
20 the time the license expires rather than
21 after the license expires which seems to
22 make sense. And the new applications must
23 be completed within ninety days for drivers,
24 forty-five days for vehicles and ninety days
25 for businesses. Those are shorter than the

1 deadlines in the originally published rule.

2 The staff recommends that the Commission

3 adopt the rule as revised.

4 CHAIRMAN: Are there any--there's no
5 opposed - - in public comment?

6 MR. FRASIER: No comments.

7 CHAIRMAN: Okay. If there are any
8 questions, feel free, otherwise we will
9 adopt the proposed rule. All in favor say
10 "aye".

11 [Collective "aye"]

12 CHAIRMAN: Hands voted, it's adopted.
13 Thank you Charles and your staff. This is
14 the technical stuff that takes hours and
15 hours that Charles' staff worked, - - so
16 thank you. With that, the meeting is
17 adjourned. I thank the commissioners for
18 your presence here this morning and I look
19 forward to seeing you in April in our new
20 place. Thank you.

21 [END OF MEETING]

22 [END OF AUDIO]

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Danielle Pierre, certify that the foregoing transcript is a true record of said proceedings, that I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.

Signature 

Date: 4-5-11