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
APPEARANCES:

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
CHAIRMAN: --rules to their home

boroughs, both are currently in private
practice and interestingly, so served in the
military, so -- the experience represented
on the commission. First, Nora Marino is an
attorney in Queens. She’s a graduate of
CUNY law school at Queens College. She is
an active member in numerous New York State
and Queens County professional associations.
She served as a first lieutenant in the Army
Reserve Jag Core. She now occupies the seat
of the Commission that was occupied so long
and so capably by former Commissioner Harry
Giannoulis. Nora’s term runs through
January 2015, so we are really thrilled to
have Nora Marino join us. Speaking of Harry,
I just should mention, I want to call to
congratulate him on his new status. As a
former TLC Commissioner, he asked to be
excused from today because he had another
commitment, but he promised me that he would
join us for the April meetings so that we
can all meet in person and say our thank
you's for his long and extremely
extinguished service. So, fear not, we will see Harry in April. Frank Carone is an attorney in private practice in Brooklyn. He’s a graduate of Brooklyn Law School. He has a background in mortgage banking as well as in law. Early in his career he was a second lieutenant in the Marine Corp. He is active in numerous civil, charitable and professional organizations. Frank’s term also runs through January 2015. I met Nora, really just at this process here. I’ve known Frank for several years and I couldn’t be more delighted that he’s joining us on the commission. I think that we are at full stretch. So that’s kind of fun and exciting. So, we now have as strong of a commission as the legal New York City -- in this business. The office moved. So, don’t get too sentimental but this will be the last commission meeting here at 40 Rector Street. You know, never say never. But, I have every expectation that this is the last commission meeting here at 40 Rector Street. We are relocating this office. Long Island City in Woodside will stay where they are
but this part of our operation will be relocating to 33 Beaver Street at the corner of Broad Street. As of today, as of 10:30 today, I still expect that the move will take place a week from tomorrow. We will move in the afternoon and effective Monday, March 21st, we will be located at 33 Broad Street. I will tell you that there are—we did this on an aggressive schedule, and I want to just publicly commend and thank every Commissioner coming forward for supervising and managing this type of move and this pending move. As of last night, there were still some items on the punch list, including a couple of items necessary for the expectance for the -- department to improve the occupancy. So, at 2 p.m. today we’ve given them a drop dead date to finish that, so for people who have business here at the commission, at this office, by tomorrow we will know for sure whether we are actually moving tomorrow or not. If not, we feel quite certain we will be able to do it two weeks following. We’ll give another two weeks and we’ll do it two weeks
following. So, either a week from tomorrow or three weeks from tomorrow, we will be — . If the move does take place as expected, I want you to know that our 40 Rector offices will be fully closed to the public on Friday, March 18th, and if not it will be on that following Monday. So, if you have — closings for other business, please arrange for it to be done either on the Thursday or it will have to wait until the following week because we will not be open for business on Friday, March 18th. And in terms of phone calls and whatnot, I think you should expect that if you call us on Friday, on the moving day, likely we will not be able to return the call until Monday. Our computer systems at some point will be shut down and so forth, so I would ask for your intelligence there. At our next commission meeting we will be resuming our regular schedule the third Thursday of the month. That will resume in April and I’m confident that our committee meeting will be held in the new commission meeting room, again 33 Beaver Street on the 19th floor. A
couple of business items, other items before we move to the meeting today. First is this issue of service refusal. You may have seen the news from yesterday, Mayor Bloomberg made a strong statement. Nothing new here, but reminding both the public and the industry that TLC rules require that yellow taxis exempt all trips within the five boroughs—Drew, as you know, within five boroughs or Westchester or Nassau or Newark Airport. But that’s a refusal of service to Brooklyn, Queens, anywhere within the boroughs, is a violation of TLC rules and we enforce it as best we can and we intend to continue to do that. We, the Mayor, drew this to the attention of the public because we’ve had an increase and it’s troubling. A thirty-six percent increase in complaints of service refusal. That’s the last six months compared to same six months a year ago. Thirty-six percent is a big number and we cannot let the quality of service deteriorate. So in addition to the enforcement that we have proposed let’s say to the counsel, that will increase that fine
for service refusals from, now it’s a
$200.00 to $350.00 range to a $500.00 fine
for the first offense. So, counsel has
indicated to us that they intend to enact
this and so this is an issue that we want to
take care of. On the FHB side, Saturday
inspections. Again, we do not want to let
the wait times for inspections get long, the
way they did last year. We—Gary Rice and -
- have done a terrific job in making sure
that does not happen. In order to maintain
our short response time, we are scheduling
Saturday inspections beginning this Saturday.
So in the FHB world we now have inspections
slots starting this Saturday. We will keep
it for at least the next three weeks,
possibly longer depending on demand. We
want to keep appointment availability within
the three to five day range that it has been
at for a long time now. We’re currently
offering appointment 6 days out, so we’re
just above that five day range. The
Saturday hours will get us back to three to
five days and even though tax payers,
there’s overtime cost here, but we don’t
want to let that lag time get out so I want
to make sure you know that. -- this
Saturday -- we're closer there. Take
advantage of the Saturday if you want to
keep that wait time down. Rules change. As
commissioners know and as I think the public
knows, the mammoth comprehensive change and
revision to the TLC Rule Book that was
effected by the Commission over the past
eighteen months becomes effective April 1st.
A complete copy of the rule book is now on
our website, conveniently located at the new
rules -- labeling on the website. Under
"new rules" on the website you can find a
complete copy of the rule book. You can
download it. I would recommend that you
have an extra ream of paper available if you
intend to print it out, but it is there on
the website. And you will notice that the
rules do not start with chapter one, but
with chapter fifty-one. I know we open
ourselves to some fun-making by doing that,
but we thought that would be less confusing
than having Rule 104 be completely different
from the old Rule 104. So, 1-04. So again,
we’re starting with chapter fifty-one in an effort to avoid confusion. If anybody, you know, thirty years from now commissioners will say what were you thinking when you started with chapter fifty-one, blame me, okay. So, -- meeting. Just a quick preview of our schedule. We have a lot coming up and I’m saying this for the commissioners and also for the public because a lot of these items I will ask you to begin to look at and digest and think through and give us your feedback when we make them available as part of the commentary and not a couple of days before the meeting because for each of the next few meetings, significant, substantive rule proposals that we will be bringing before the commission. We are, as you know and I hope you feel, we are serious about the public feedback part and the staple feedback part, but it’s a lot easier for us to digest your feedback if it’s weeks before the meeting rather than a few days before the meeting. So, as soon as they become available, please take a look and start to
think -- . In April, you’ll have the fine structure provision that we talked about at the last commission meeting. I won’t repeat everything we said there, but this is to modernize outdated amounts and to increase consistency by eliminating ranges so it’s not a different fine for the same offense, but a different quote room. To allow for a plea bargain discount, for people to pay a reduced fine if they plead guilty in advance and to eliminate inconsistencies between the same offense for different—depending on which license category is involved. So, what we will have available, not just the rules of course, which -- but we will prepare a kind of chart to make it easy to understand what is being proposed and that we will make available to anyone who wishes it sometime in the next couple of weeks—two to three weeks. That’s April. In May we should have, or this is all pending which -- the law department process, but I think we should have maybe a revision to the rule defining the fitness standards. This has been an issue that many of you have been
concerned about for some time. Fitness standards currently in the rules and in the administrative code are kind of vague. It means that quite frequently people that apply for a license go to have a fitness hearing before a judge. I don’t think we offer the consistency of results that we should be offering, so what this rule change will do will be to define more clearly the categories of applicants that are not fit for a license. So, if today somebody applies for a license and they would have a drunk driving conviction from three weeks ago, the rules don’t define that as not fit. Rather, that person goes to a fitness hearing and then the judge makes a decision. Now, I think in that case you can expect some consistency but in too many cases we don’t. What we will propose are categories where people will know right of the bat that they do not qualify for a license so they don’t have to go to licensing, spend months waiting to see what the answer is and then get the answer back if it’s not a good answer. That’s for May. For June, we
should have ready our new rule on
accessibility for people with wheelchairs.
As you know, we put out a request for
information, we got back a wealth of
feedback and I thank the industry for all of
the feedback that you provided. The staff
is working its way through that, I think
pretty speedily. We hope to have for the
June meeting, and we should have for the
June meeting a proposed rule that will
accomplish, I think, the goals that we set
out that was discussed in January and also
the goals that were shared by the industry.
And somewhere, either in May or June, we
will also have revisions to the owner must
drive rules. As -- know, we’ve been
working with commissioners. We have not
talked about this previously, but we’ve been
working with industry stake holders
intensively on revisions of the owner must
drive rules. What we now know is that
there’s been more non-compliance of the
owner must drive rule than we would like to
see. For each of the years 2009 and 2010,
several hundred instances of people --
owner must drive violation of medallions who were not driving vehicles. I think what our perspective is, and this points out both that maybe the rules are more rigid than they need to be and we should offer some more flexibility to the medallion owners and how they comply. But also, maybe in part due to the overly rigid nature of the rules, too many folks in the industry have gotten into the habit of non-compliance. So we’ve been working, as I said, quite intensively with some of the people in this room on a proposal that I believe we can present to you as a product of the staff work and with the support of the industry for how to revise -- driver rules. It might be ready by May, if not by June. Fair to say? Fair to say. And last but not least, Frasier -- has suggested a number of times that the commission meetings should not always be in downtown Manhattan, they should be in some of the other boroughs as well so that the public can have easier access to our --. We’re going to try that, so this, for you that come to these meetings, we are going to
try that and see how it works. And I know
for some people it may actually be less
convenient to go to a different borough, but
for other people it may be more. So we’re
not saying this is going to be a regular
practice, period. We’re going to try it and
see how it goes. We’re going to start with
the June meeting which I expect to take
place in the Bronx. We don’t have a
location. When we know we’ll give you
plenty of advance notice as to where that
will be. We’re going to try that and see
how it goes in the June meeting. With that
I think you we get down to business. And
the first order of business before us is the
Adoption of Minutes. You have in your
packets the Minutes of the January 2011
Commission Meeting. All in favor of the
adopting of the Minutes say “aye”.

[Collective “aye”]

CHAIRMAN: Proposed “no”. We have
proposed the Minutes of the January 2011 are
adopted. We have a number of Base
Applications. Georgia you are still the new
commissioner’s assistant --.
GEORGIA: Good morning.

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

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

CHAIRMAN: Commissioners should have the list of do and renewal bases in your packet. All in favor of approving the base applications say “aye”.

[Collective “aye”]

CHAIRMAN: Opposed “no”. We vote the bases presented —— are approved and there is one base being presented for denial?

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

CHAIRMAN: All in favor say “aye”.

[Collective “aye”]
CHAIRMAN: Opposed, “no”. -- is adopted.

GEORGIA: Thank you.

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

MR. FRASIER: This is a proposed rule that was ordered for public hearing in January. It makes a variety of revisions to our license application process. At the January—there were no written comments received during the comment period and no one testified at the public hearing. We did though say that we wanted to rethink some of the deadlines in the proposal and we’ve done that. The revisions are stated in the bullet points in the end of the Statement of Basis and Purpose. We’ve shortened the deadline for renewal applications. All renewal applications must be completed by the time the license expires rather than after the license expires which seems to make sense. And the new applications must be completed within ninety days for drivers, forty-five days for vehicles and ninety days for businesses. Those are shorter than the
deadlines in the originally published rule.
The staff recommends that the Commission
adopt the rule as revised.

CHAIRMAN: Are there any—there’s no
opposed -- in public comment?

MR. FRASIER: No comments.

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

[Collective “aye”]

CHAIRMAN: Hands voted, it’s adopted.

Thank you Charles and your staff. This is
the technical stuff that takes hours and
hours that Charles’ staff worked, -- so
thank you. With that, the meeting is
adjourned. I thank the commissioners for
your presence here this morning and I look
forward to seeing you in April in our new
place. Thank you.

[END OF MEETING]

[END OF AUDIO]
CERTIFICATE

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