NEW YORK CITY TAXI & LIMOUSINE COMMISSION

PUBLIC HEARING

Held on Thursday, July 16, 2011

851 Grand Concourse
Bronx, New York.

Time: 10:00 a.m.
APPEARANCES:

COMMISSIONERS:

DAVID YASSKY, Chairman
NORA CONSTANCE MARINO
ED GONZALEZ
LAUVIENSKA POLANCO
LASHANN DeARCY
ELIAS AROUT
FRANK CARONE
MARK GJONAJ
CHRIS WILSON, Assistant General Counsel

SPEAKERS:

GEORGIA STEELE-RADWAY, Licensing Division
SARAH ANGELO
GERALDINE HERISSE
ETHAN GERBER
PETER MAZER
ELENI MEZARIS
GEORGIA KOSTAKIS
MARIA PANTOJA
ALAN PLATT
EVA SACOULAS
ZACHARIAS STAMOULIS
PANAGIOTIS BOSINAS
DAVID POLLACK
MARIA ARTOLOU
PARASKWI EVOLA
BHAIRAVI DESAI
MR. YASSKY: So good morning. Welcome to the TLC road show. We are, as you all know, since you are here, trying something that I think is kind of an exciting idea and I want to again thank our Manhattan Commissioner, Commissioner Polanco, for suggesting with force that we get out a little bit from Lower Manhattan -- I can see already that we are going to enjoy the acoustics in this beautiful room -- for suggesting that we get outside of Lower Manhattan and getting the TLC Commission into the other boroughs where our regulated industries are equally important.

Just to share with you a snapshot of how important the TLC regulated industries are here in the Bronx, the Bronx is home to 53 livery bases, over 8,000 licensed livery cars and other for-hire vehicles driven by 11,000 licensees. We have 11,000 licensed drivers here in the Bronx. We have one medallion taxi agent -- I think we can do better there, and over 5,400 licensed taxi drivers, 24 paratransit bases, seven luxury limo bases,
only two recognized commuter van bases. So, that's just a slice of what the TLC regulated industries are doing here in the Bronx. And of course it is also full of vibrant communities that use and support our regulated industries, and so the TLC feels very much at home here.

Commissioner Polanco, do you want to say a word or two about where we are exactly before we get started?

MS. POLANCO: Basically this is the Borough Hall and also is where the Bronx Borough President's office is located which is currently the office held by Ruben Diaz Jr., and the Bronx Courthouse, the Civil Court -- the Supreme Court, I'm sorry, and also the Civil Court of Bronx County. This is where I work as well, so I'm very happy to be here and I'm very thankful to TLC staff and also very thankful to you (inaudible,) and thankful to everyone here who came, the regular folks and also the new people who are witnessing a hearing the first time here in Bronx County, especially, as you mentioned
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(inaudible,) of what the industry represents. A lot of livery bases here and I want to thank them who are coming for the first time to a hearing, the livery base owners and livery drivers and so forth.

MR. YASSKY: Indeed. So, we have -- I will racket my report with a couple of personnel matters, one at the outset and one at the end but both of great significance to the TLC. At the outset, since she is sitting up here, let me introduce to you out there our newest commissioner as of this morning, (inaudible.) Our newest Commissioner Lashann DeArcy replaces former Commissioner Jeff Kay, and as much as I am sad not to have Jeff Kay on this Commission, I am just as enthusiastic about our newest member.

It won't touch the very tip of the iceberg of her distinguished record, but Commissioner DeArcy is an attorney for Morrison and Foerster in the litigation department, also as an extension of that, she served our country as a senior airman in the Air Force and I know everyone here joins with
me in thanking her for that service. I know
she will be a valuable asset to the
Commission, I do speak for all of us when I
say, Lashann, welcome and good luck.

(Applause)

MR. YASSKY: Before you reach much into
that, I'll tell you I also got a round of
applause when I started as a new
commissioner, and we'll see.

So, moving on to the business before us,
what is going on with the Commission before
we get to the actual agenda today, I'll start
with the biggest item that the Commission
staff has been working on together with, in
truth, what is now an entire raft of elected
officials, advocates in the industry and
members of the public, which is the effort to
improve service in the boroughs other than
Manhattan. I guess it's no accident that
when I outlined the industry presence in the
Bronx, it's pretty heavy on the livery side
and somewhat light on the other side,
unsurprising, as we all know, and what we
have been talking about for a few months now,
the reality is that given that yellow taxi service is located virtually entirely in the Manhattan Center Business District, it means the folks here in the Bronx as well as in Brooklyn, Queens and Staten Island, for street hail service, they are relying today on what is an underground market, an underground market composed in part of licensed livery cars and in part entirely unlicensed vehicles and drivers.

And Mayor Bloomberg in January called on us here at the TLC to come forward with a solution to that long standing problem, we did so in terms of our proposal. We have been working, I'd say, very collaboratively with the leadership industry, both the yellow taxi segment of the industry and the livery segment of the industry. It's no secret nor would it be a surprise that there were different points of view, that industry leaders in the different segments and indeed within each of those two segments have different ideas about how to solve this problem. When you have a situation that's
been kind of festering for decades, and I
guess you would expect that we would come up
with a solution that pleases everyone in a
matter of weeks and. Indeed we have not yet.

However, I do believe that we have made
enormous progress in narrowing the issues, in
exploring different ideas. I will say that
people may have read in the newspaper along
the way about this proposal and that proposal
and probably we have seen a dozen if not more
put forward by various elected officials or
industry advocates. Indeed, here in the home
of Ruben Diaz Jr., he put forward I thought a
quite creative and substantive and well-
thought through proposal.

As folks have looked at each of those,
they have realized there are pros and cons
and different approaches. I will say that
whatever we end up with probably will not be
100 percent pro and zero percent con. But
what I do believe is that the pros will
significantly outweigh the cons.

As people have looked at each one, I
also do believe that as each proposal is
considered and then ultimately, you know, nothing has been found as majority support in either the State Legislature or the City Council, I think that people are realizing increasingly that the solution put forward by the Taxi & Limousine Commission initially on building on the existing infrastructure, taking the market that is in place and legitimizing and regulating it in the interest of improving public service makes a great deal of sense, but I don't think either legislature is quite there yet, I will be totally candid on that point. But I do believe that there is increasing support for that idea. So, we will continue to push forward.

I will tell you, Commissioners, just to be on your guard, you know I know I like to put the "Workload Ahead" signs on the roads that we travel, so, workload ahead.

The Mayor has asked me to explore what administrative solutions we can identify in the event that indeed time continues to go by without a legislative solution. We all think
of course the legislative solution is the optimal one. I think it's hard to solve the problem fully and entirely in the absence of legislative solution. Nonetheless, earlier this week, the Mayor asked to identify what solutions we can accomplish on our own, and so I will just alert you that over the coming months we may have some additional work to do along those lines. But meanwhile, I will tell you I do believe that all the interested parties in the industry are working responsibly and in good faith to try and find the solution and we will continue to do that.

On the accessibility front, I just want to note, I know that many of you this may be new, it's been an ongoing top-tier priority of the Commission to ensure that wheelchair users have access to TLC regulated industries, both the yellow taxi and the livery industries. To that end, we issued Request for Proposal for dispatch services specifically for wheelchair users; one for the livery side and one for the yellow side. Those, over the last couple of weeks, we have
gotten responses for both those RFPs -- I'm not supposed to say how many apparently but we got a very healthy number of responses to each of the livery and the yellow taxi RFPs. We have an evaluation committee that looks at those, they are instructed to move as speedily as they possibly can because we are determined to be able to implement by early 2012. So, that is moving forward nicely.

On the Taxi of Tomorrow front, speaking of Request for Proposal, Nissan, which as you know, is our partner in the Taxi of Tomorrow project, began conducting focus groups for vehicle owners, drivers and passengers as part of their research and development process on the Taxi of Tomorrow. I did not attended any myself but I say some of our TLC staff was there, they were told that they were just enormously useful in generating information and specific concrete information for Nissan to use as they continue to design and engineer a vehicle that will be the Taxi of Tomorrow.
This week they have Parks Service staff in New York City conducting research and the engineering team will be here in the coming weeks, they are quite committed to designing the vehicle as best they can for our specific use for New York City roads, New York City, weather, for the taxi duty cycle that is not a generic taxi duty cycle but it's the New York City Taxi Duty Cycle, and that, too, is moving forward quite nicely.

Before we get to the items on our agenda, well, first of all, looking ahead to the next meeting -- so you know, again workload ahead, we have had, as you know, Commissioners, we published quite some time ago license and inspection fee increases. Many of our driver and vehicle fees have not been updated since 1984, either they no longer cover remotely close to covering the cost of providing that service, that licensing service, and we conducted a review together with OMB to determine what the appropriate cost that license is, we published again quite some time ago a set of
proposed increases that still don't bring the fees to the level where they cover the costs but moved it somewhere in the middle. Because some of those require City Council action, we've been waiting for the Council to act before we vote on those. I expect that they will be approved by the Council in the next coming weeks as part of their overall budget process, so then we will vote at the July meeting on those fee increases.

And looking into August we have, Commissioners, you will recall (inaudible) on our lost property process on the agenda, couple meetings back we got some excellent feedback that caused the staff to say, "Let's take another look at those," so we tabled it, as you recall. The staff has done that work, has revamped it, it's much improved, it's an excellent example of due process doing its job. So, that should be on the agenda for August, the lost property rules.

Before we move to the agenda, I just want to say this will be the be second meeting in a row where I will make an effort
not to be emotional about something that
really is significant to the TLC, and that is
that this is the last Commission meeting at
which Pansy Mullings will be here as our
Deputy Commissioner for the Uniform Services
Bureau. She, as you know, oversees the part
of the -- not going to say it's the heart of
the TLC because every single part is
critically important, but certainly our
largest division, certainly the number of
staff. And these are the folks who inspect
the vehicles day in, day out and enforce the
rules day in and day out, and I think
(inaudible,) without the superb work that
Pansy has done, all of which we consider
here, the Commissioners would be absolutely
meaningless.

And I had the pleasure of doing our
annual budget presentations with the Deputy
Mayor recently, in pointing out that the
productivity of this USB staff has increased
by more than 50 percent measured, by number
of summonses issued and number of inspections
conducted with exactly zero increase in
personnel -- zero. And that is for anyone who is familiar with the challenges in public sector management, I think that that's an extraordinary record. And beyond that, to have someone of Pansy's wisdom, judgment and experience as part of the Commission's senior staff has been invaluable to me personally and I along with the rest of the TLC will miss her.

She is retiring and so we cannot begrudge her that. Apparently she presented a bill for the Mayor to sign recently at the mayor signing ceremony, they talked about her golf game. He, I think jokingly said that he was canceling her retirement. If you've ever tried to tell Pansy something she doesn't agree with, she got that fierce look and apparently he backed down, but, you know, he gave her some golf pointers and Pansy I'll say maybe (inaudible) from what I understand, but we cannot begrudge her retirement but we can I think legitimately feel kind of sad and emotional about it.

I will also tell you that while those
shoes will be extremely difficult to fill, we have as excellent of a chance as we can possibly have to having someone fill them, our current Deputy Commissioner for Adjudication Ray Scanlon will be moving over to assume the responsibilities of the USB leadership. For all of you Commissioners, as you know, if we are going to have to make a change like this, we couldn't have a better person to take that on. So, I want to just acknowledge the extraordinary service that Pansy has rendered and I think a round of applause really would be appropriate here. (Applause)

MR. YASSKY: Thank you. Now to the business on the agenda. I know we have some guests from the Office of Administrative Tribunals and Hearings. So, first on the agenda I guess we'll adopt the minutes first. A motion to adopt the minutes of the May 19th meeting, all in favor say "aye."

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Opposed?

(No response)
MR. YASSKY: The minutes of the May 19th meeting are adopted.

Let's (inaudible) base applications so that we can have folks make their presentation. We are honored to have here the City's Administrative Justice Coordinator David Goldin and the Director of the Office of Administrative Tribunals and Hearings Suzanne Beddoe, please come up to the podium.

I will just remind you, Commissioners and members of the public, that in December -- rather in November, voters of the City of New York approved a Charter amendment encouraging a consolidation of tribunals which I believe make both the City's administrative tribunals more efficient and will enable a uniform administration of justice, and Mayor Bloomberg signed executive order earlier, in truth, effecting that consolidation, while we here at the TLC as an independent body I think it is appropriate that we (inaudible) a transfer of the tribunal. So, that is on the agenda before you today, we have here this presentation.
MR. GOLDIN: Thank you, Mr. Chairman.

Commissioners, good morning. My name is David Goldin, I am the Administrative Justice Coordinator in the Mayor's Office. With me is Chief Administrative Law Judge Suzanne Beddoe of the Office of Administrative Trials and Hearings. I'm going to speak very briefly about the background of the resolution which is before you this morning, asking that you authorize a transfer of the tribunal to the supervision by the Office of Administrative Trials and Hearings, OATH.

That background as the Chair was just indicating is that in this past year 2010 there was a Charter Review Commission which issued a recommendation for amendment to Charter which was approved by voters in November. That recommendation empowers the Mayor by executive order to consolidate some or all of the City's administrative tribunals -- those parts of agencies that conduct hearings -- into the Office of Administrative Trials and Hearings which is
in the Charter the City's central administrative tribunal and the agency that's dedicated to running tribunals.

In order to do that, the Mayor, as was contemplated by the Charter amendment, appointed a committee chaired by Deputy Mayor (Inaudible) to look at the City's administrative tribunals, assess them and determine where improvements could be made from having them consolidated into OATH.

That process went on from the time the amendment was constituted in November of last year up through June of this year. It was an extensive process that involved participants from across City government, working with the affected agencies. We were (inaudible.) It was also a public process that included the issuance of proposed recommendations that were then subject of public hearing conducted in April and the feedback from the public was taken into account as the committee makes its final recommendation. That recommendation that was made in the Upper Court last week was that
several tribunals, parts in tribunals
including Tribunal Health and Mental Hygiene,
Tribunal Department of Consumer Affairs and
the Tribunal Taxi & Limousine Commission be
consolidated into OATH.

The report describes how it anticipates
and the basis for that anticipation in terms
of OATH's history, (inaudible.)

In light of those recommendations, the
Mayor last week issued an executive order
adopting these recommendations.
(Inaudible.)

The reason for today's resolution is to
have the same transfer reflected by the
Commission, it's a specific provision in the
Charter amendment (inaudible,) to empower
agencies to establish their tribunals at
OATH. So, adopting this resolution, we
maintain a process the TLC has done
(inaudible.) It makes it a clearer process
for public understanding. (Inaudible.)
Thank you.

MS. BEDDOE: Good morning, members of
the Commission. (Inaudible.)
The decisions are going to be issued the way they are now right after the hearings. We are going to continue to have hearings in our Staten Island and the JFK facility and we are going to continue to have consumer-based complaint hearings at our location in downtown Manhattan.

We are also going to be working closely with the enforcement (inaudible) of TLC to ensure that any operational changes or enhancements that we make will not impede the work of TLC, and of course we are going to be sure that the process is fair and efficient.

Some of the things that will change, this is a practical matter, is that the tribunal employees (inaudible,) any staff will become employees of OATH.

We are of course looking to increase access to justice, transparencies and efficiency in the process. We are working to enhance the (inaudible,) hearing officers.

We are going to work very hard to enhance the technology available to the tribunals including, as David Goldin mentioned, on the
hearings but also greater access to
(inaudible) services at the hearings, and
overall I believe this will enhance the
public perception of fairness (inaudible.)
the people judging the facts of the case are
not going to be affiliated with the agency
issuing the tickets.

(Inaudible.) Thank you very much.

MS. POLANCO: What happens to appeals,
what is the process, like before when someone
(inaudible) Commission, that's a step that is
no longer there?

MS. BEDDOE: There will be an appeals
process. We will have an appeals unit,
either party will be able to bring appeals
(inaudible.) So, that will stay the same.

MS. POLANCO: The appeals won't come to
the Commission at all or within OATH there is
already an appeal or no more?

MR. GOLDIN: It's a two-step process.
Under the consolidation, the appeals unit
will continue to exist as it's currently
designed in the (inaudible.)

however, under the Mayor's executive
order, final agency action in order to make
the final decision in the case still rests
with the TLC. So, as a final step either	party can petition to have the decision which
is determined by the appeals unit tribunal
accepted or rejected. That goes to the
Chair, has the authority to accept or reject
before sending it back.

MR. YASSKY: If I can say, I think it's
just, you know, an excellent way to arrange
it. What it means in practice is that the
matters of fact are heard and adjudicated by
the independent tribunal as they should be.

Ultimately, decisions of law can be made
by the Commission if necessary or by the
Chair of the TLC if necessary. In other
words, the ability (inaudible) ultimately
does rest with the agency. The function of
adjudicating of how policy applies to the
facts does rests with the tribunal. I think
that's as it should be and I think that's the
right way to do it.

So, well, thank you, I just want to
underscore, just before you go, a couple of
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things, one for the Commissioners, as Suzanne said, (inaudible) laid out a theory for why this makes sense and I think that's exactly right. We want to make sure that as a practical matter the operation of the agency would be improved, if anything, and not impeded. So, you know, the things that you might ask about, every -- the location of the hearings as Suzanne said will remain where they are, at least the bulk of them in Long Island City and Consumer and some are administrative summonses hearings at our headquarters at Beaver Street.

Suzanne mentioned that the ordinary practice is not to issue decisions right after a hearing, but in recognizing in our licensed community that that's been the practice at TLC and that's what your licensed community expects and that's also valuable for us in public safety when there are suspensions involved, for TLC summonses, they will maintain what has been our practice of decisions immediately after a hearing. I think that is admirable flexibility.
(Inaudible.)

I think we have something close to a 99-percent success rate at OATH, in other words, their judges understand well and respect our enforcement operation and I think we can continue to expect that excellent relationship going forward both in terms of the hearings but also in terms of the scheduling and so forth.

The one thing I guess for our regulated community that occurs to me is in terms of practice, the practice of having industry representatives which has been kind of unique to TLC is not something recognized in the OATH world, so they are going to have to figure out how that works going forward and I encourage you to start, that's something of interest, you probably want to start thinking about that.

And online, one of the many benefits of the consolidation is we -- you know, I'm proud of everything about TLC but our MIS infrastructure can be a little ramshackle at times and I think that the MIS infrastructure
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that OATH already has in place should enable us to move pretty speedily to people paying their tickets online. Do you have a rough timetable for that do you think?

MS. BEDDOE: We don't at this point.

(Inaudible.)

MR. YASSKY: For folks who I know are eager to be able to pay tickets online and not have to schlep in, that's one of the benefits that consolidation at least might offer. So, for the Commission, that's like a concrete thing.

So, if there are no further questions, I recommend a yes vote on the resolution that's before you. All in favor say "aye"

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Opposed?

(No response)

MR. YASSKY: Excellent. Thank you very much. And now, back to our regular scheduled programming, we have some base applications. Georgia?

MS. STEELE-RADWAY: Good morning.

Licensing would like to present before the
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Commission 22 bases with a recommendation for approval.

MR. YASSKY: Very good. Is there a motion to approve the recommendation?

MR. AROUT: Move.

MR. YASSKY: All in favor say "aye."

THE COMMISSION: (In unison) Aye.

MR. YASSKY: The bases recommended for renewed licenses are adopted and there is one base recommended for denial. Georgia?

MS. STEELE: Correct. We would like to request an additional 30 days so that they submit the outstanding items.

MR. YASSKY: All in favor say "aye."

THE COMMISSION: (In unison) Aye.

MR. YASSKY: That recommendation is adopted. Thank you very much, Georgia.

MS. STEELE: Thank you.

MR. YASSKY: Recognizing that we are not in our ordinarily climate-controlled environment, we will try and move speedily through the items here today. The first item on the agenda is revision of our rules governing fitness hearings or fitness
interviews, the standards by which an
applicant for license is determined to be fit
and the process for applying those
standards. Chris Wilson, who is our
Assistant General Counsel will present that.

MR. WILSON: Good morning. For public
hearing and Commission action today, we've
got some proposed applicant fitness rules
which will be two major changes to our
current applicant fitness process. They will
replace time consuming fitness hearing for
many applicants or fitness interviews when an
application questions the applicant's fitness
to maintain C License.

Licensing staff will be able to ask an
applicant for additional information, and
secondly, these rules will provide specific
standards and clearly identified reasons for
why an applicant will be rejected, denial of
application set forth in approvals
(inaudible) dishonesty, a poor driving
record, poor record with the TLC or
unlicensed activity.

These rules were published in the City
Record on May 12, 2011. The deadline for written comments was Monday, June 13th. Since we published the rules we made one additional change, a technical change to clarify that the staff would settle charges with first licensee in entering written agreements varying on the application as set forth in the rules. With that change (inaudible,) adopt the rule.

We have three people signed up to speak today, the first of whom is Peter Mazer from MTBOT.

MR. YASSKY: Commissioners, if you recall, Deputy Commissioner Gary Weiss presented this idea and solution to the Commission a couple of meetings ago. It very simply will replace what has been basically standardless delegation authority that just says a driver (inaudible) if they are fit with some more concrete standards so that people can know in advance if they are disqualified so they shouldn't waste their time on reapplying, and also it will enable us to rate applications speedily where
there's maybe a minor blemish on their record
that really does not require the full-fledged
interview process.

Peter, thank you.

MR. MAZER:  Good morning, Chairman
Yassky and members of the Commission. My
name is Peter Mazer, I am general counsel to
the Metropolitan Taxi Board of Trade, an
association representing the owners of more
than 3,500 taxicab owners, nearly 30 licensed
taxicab bases as well as licensed taxicab
brokers and taxi meter shops.

More than 10,000 licensed taxicab
drivers lease cabs from MTBOT members on a
regular basis and MTBOT has always worked
(inaudible) with the TLC on programs to help
drivers obtain licenses in an expeditious
manner.

While the goal before the Commission
today to make the licensing process clearer
and more expeditious (inaudible,) these goals
should not be accomplished at the expense of
due process rights to which applicants to a
license are entitled.
While it is wise to have clear standards for licensure, it is troubling that these proposals (inaudible) with respect to making licensing decisions. At the same time, these proposed rules take away from applicants the right that every applicant for a professional license, that is a right to a hearing before an independent ALJ before their license application can be denied.

Certain applicants for licenses would have their applications rejected out of hand under these new rules. For example, an individual who had his license revoked would be barred for reapplying for a license for three years under (inaudible.) This revision in fact violates the Administrative Code Section 19-507(c) which states that the Commission shall not issue any license to any person who has had his driver's license revoked for illegal street hail activity for a period of one year from the date of revocation.

The provision before you today will also effectively foreclose for re-licensing for
three years any of the hundreds of drivers who recently had their license revoked by the Enhanced Critical Driver Program founded by the Commission a few months ago which has caused many licensees to have their A and C Licenses revoked for only one or two traffic offenses which may have occurred years ago. (Inaudible.)

This final decision can be reviewed by the State Supreme Court Article 78 proceeding. On a number of occasions the court has actually reversed the determination of the chairperson or deputy commissioner for licensing after reviewing the record in its entirety.

MR. YASSKY: Mr. Mazer, I apologize. We don't have our usual clock here and we have a human clock, the person, the ordinary three minutes has expired, if you could sum up.

MR. MAZER: Under these proposed proceedings, fairness determination (inaudible.)

Basically to sum up, you have your interview but before you deny a license on a
basis of an interview, give the person a chance. Tell them that you plan to deny the license, give them a chance to then request a hearing at OATH -- OATH has the procedures, they already do a lot of your fitness hearings and revocation cases -- so that they would have one final step in between denial by licensing personnel and going to court on Article 78 to review the decision (inaudible.)

Take a fresh look at the rules, think about it, maybe table it for today, come back next month and work out some sort of intermediate step, not for everybody to have a fitness hearing but to allow those people who (inaudible) one final chance for an administrative law judge to do something before the final decision is made to deny their license. If you have any questions, I'd be happy to entertain any questions that you have.

MR. YASSKY: Any questions?

(No response)

MR. YASSKY: Thank you. Next is
MR. GARCIA: (Through interpreter) Good morning. He wants to say good morning to all of you, all the TLC Commission and everybody who is here today. We're hoping that out of this meeting we get something positive out for our industry. Take into consideration that our drivers are starting to die already because of a hard pressure that they have been giving us in the past couple of weeks in our industry. Two days ago, a driver committed suicide in desperateness of tickets and all the pressure that was on his head. We really believe that you should analyze the point that we should be able to legally street hail (inaudible) industry doesn't serve. Thank you.

MR. YASSKY: Thank you. I know that you are not speaking about the fitness rule that's before us, and I will say to folks generally we do insist on that.

I understand that is an important issue
to you, I understand how important this issue is. I would say to you that we at the TLC share your frustration that the rule that is unfortunately in the New York City Administrative Code that prohibits licensed livery cars from accepting street hails really is in need of reform, and I would ask you to join us in our efforts to help the City Council understand that this rule is in need of reform. We are on a daily basis asking the City Council to work with us to reform that rule and change that law. You know, the Taxi and Limousine Commission enforces the laws through our (inaudible,) and the law prohibits liveries from accepting street hails, we agree with you that that rule is in need of reform.

And as I said at the outset, if you cannot get a legislative solution, because I recognize the urgency of the situation you're dealing with, we will look at what we can do administratively, but we're going to do our best to get a legislative solution and I ask your help with that and the help of your
colleagues as well.

Again, this is not on topic but I understand the importance. Thank you, sir.

MR. GARCIA: Thank you.

(Applause)

MR. YASSKY: There's another speaker.

Mr. Mamadou, sir, are you here about the fitness rules or about the livery street hail issue?

MR. MAMADOU: I'm here for the fitness rule. I got an email and was going to be coming next month, right? A street hail going to be coming up next month?

MR. YASSKY: We certainly hope for that to be on the agenda soon.

MR. MAMADOU: Commissioner, today I am standing here not so much to say -- it's just concerning the licensing. Licensing puts pressure on the driver. Currently I have four or five cases in my office for revocation and they reapply. They were denied.

So, I'm not going to take too much of your time. What I'm just asking is the
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license system, I think it should be reviewed. Some of the good drivers get into trouble one time, it costs them their license. Due to the fact they can't get the license back, they choose to do the wrong thing; driving the car without a license, driving to pick up fares. If the system could be reformed a little bit, making the licensing access easy for the driver and reducing the points that the license would last a little longer. What we are facing now (inaudible.) That is our concern and I want you to think that one over.

MR. YASSKY: Thank you very much.

MR. MAMADOU: Your welcome.

(Applause)

MR. YASSKY: On the due process point and issue raised by Mr. Mazer, of course we strongly do due process here at the TLC. We have some 49,000 licensed tax drivers and 46,000 or so FHV drivers. Obviously we are in business not to keep people out of the business. We are in business to try and bring folks in and encourage that.
Nevertheless, we have the responsibility where for someone who has a record that is of sufficient concern to deny the license. And the problem is that if the only standard is fitness, it means if the one judge -- when I say a bad record, one judge might see a bad record as two U-turn tickets two years ago, and for another judge that would be fine, but, you know -- and maybe even the drunk driving conviction a year and a half ago would be a fine.

So, I think that when you have some standards, it doesn't deny due process, it only makes the process fairer because people can expect a consistent outcome. Part of that is true, means that the space that's occupied by the individualized determination is shrunk, but the space that's occupied by consistent outcome across people is greatly expanded.

So, I think the staff has done an excellent job in putting together standards that will enable consistent outcomes and prevent people from getting their licenses
revoked, applying three months later and
being denied and three months later and
denied. If they are not entitled to license,
they're not looking for the hope that they'll
get the judge to grant it time and time
again.

Anyway, with that, is there any
discussion? If not, I'll call for a vote.

MR. CARONE: Mr. Chairman, first I want
to say what a majestic room this is, it
really is. In looking at the words of
(inaudible.) I won't be as eloquent but I'll
try to be as clear as possible with that
hanging over our head.

Because we don't get the opportunity to
discuss this as the Commission, because of
this arcane open meeting, folks don't always
get a chance to think of every item in front
of us (inaudible.) With that being said, it
really seems that we are impacting the
immigrant community to some degree. I don't
think it's unreasonable to consider looking
at this, as the general counsel from MTBOT
suggested, ask that we review it from a point
of view of whether or not the denial or the individual who receives a denial, how that works, having an opportunity to reapply or perhaps they didn't have a good interview that day and to be prevented from having the ability to earn a living I think should be looked at critically.

Also, I agree with Assistant General Counsel Chris about the language about dishonesty. And to me just the word dishonesty is lack for subjectivity and I'd like an opportunity to read how a license is going to be -- I will say that, to take the time to illustrate it to me, on the material omission or some of the sections that what is that dishonesty and I would like more time to look at it from the perspective of what dishonesty means (inaudible) from the perspective of how we deal with someone who is denied.

(Applause)

MR. WILSON: And I can respond about what you said about dishonesty. We do define the dishonesty in the rules, and so we talk
about grounds for ban would be for example, (inaudible) statements to us, and, you know they're set forth in greater detail in Sections 5408(a)(1) and (inaudible.)

So, in existing standards, that's not (inaudible) we sort of just extend those and spell those out in the proposed rule.

MR. YASSKY: You know what, Commissioner Carone? I appreciate your raising the question. And it is true, it's one kind of casualty with the rules that sometimes issues don't get there in time for commissioners to think them through ahead of time.

I do think that the bulk of the industry would see this as a useful thing to have some standards rather than not. I could be wrong about that. I know we have Sarah Angelo, she has been very active with the workers in the livery industry and if you want to give a perspective, I think that might be useful for the Commissioners.

MS. ANGELO: (Speaking in Spanish.)

(Applause)

MS. ANGELO: Thank you very much. I
just want to say thank you to each and every one of you for the opportunity to be here today, most of all, for listening to our concerns.

One of our concerns and it was answered by the Commissioner David Yassky and by all of you by addressing one of the many issues that we have which is the revocation and suspensions of licenses for our drivers. In the past, our drivers faced a problem that I have here (inaudible) which is a driver that was suspended in 2001. He applied eight times, he gave application fees eight times, he was denied. He called us and he says, "When can I go back to work? When can I do this legally? How am I going to be assured that if I go to a hearing, they are going to listen to me and they are going to look at my case that actually happened in 1999? I was faced with a problem that I had to go back and work without a license and I was given a summons," and he says to me, "When can I do this? It's been nine long years. I have three kids. I don't know how to do anything
else. Can somebody help?"

We went to TLC. After many discussions I think you put some guidelines, some perspective in how -- and we were explaining, DMV has 18 months, DMV has point systems, they are clear and people can follow them. DMV has a reapplication process after they suspend you 30 days. This is what we need. You don't need to pay fees after fees, hearings after hearings. (Inaudible.)

Finally, I think this is a work in progress and we can put something on the table that is clear to our drivers and is going to outline basically the process and some answers to their questions, they can be sure that this is not left for the Commissioner to decide, after somebody -- we have cases, somebody says that you are fit to have a license, what is now in the hands of the Commission. The Commission goes back and says, "You are not fit to have a license."

So, now they can put some sense of clarity where it was lacking before.

So, I think you and I hope to continue
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working in (inaudible.)  We need to address
the reality. That was supposed to be done
under the circumstances of the law. I
believe that we need an auditorium to work
towards finding a solution that works for
everyone involved. Thank you.

(Applause)

MR. YASSKY: I understand fully your
point about how when you changed the rules
and you don't know how they are going to work
in practice and every situation. I can tell
you, if you or any commissioner sees that
when we put a rule in place that isn't
working out or it has an unexpected
consequence that needs to be addressed and
you bring that forward to us and to the
staff. We will deal with that, I mean, maybe
we don't all agree on every single issue, but
I don't want you to feel like once something
is done that it can't be revisited, you can't
deal with issues that arise. I commit to you
that when you or any of the Commissioners
say, "Well, here's an issue that needs to be
fixed," we will look at it, the staff will
certainly look at it, come back and discuss it as Commissioners and if necessary act. So, at any rate, if there are other comments, if not then --

MR. CARONE: I appreciate you illustrating that and I want to say you've been very helpful on that question and you have been quick and we have been on the phone working at an acceptable resolution on some of these issues in my brief tenure. But that being said, I don't think it's unreasonable just to table for the next Commission meeting so we could all have a chance to look at this more carefully rather than call a vote.

MR. YASSKY: Fair enough.

MR. GJONAJ: I'd like to second that motion, just so we fully understand the effect that this policy may have on certain individuals and the business itself. So, I second the motion to table it for the next hearing.

MR. YASSKY: Fair enough. I could not ask for more diligent commissioners than the ones we have here. I recognize your interest
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in fully exploring the issues here before we vote, I'm happy to do that. So, we'll table this proposed rule and bring it up to the agenda in July.

I would just say let's move with all speed, and I know you will, to make sure that we can return it to the agenda, the process, any issues, because every day we get applications from people, as Ms. Angelo described, may have had a 1999 revocation that in that particular hearing the hearing officer finds he is disqualified. Whereas, under our proposal, we would set a cutoff, so if they were revoked six months ago, they were denied; if they were revoked 10 years ago, they can reply and get a license without the revocation being held against them.

I think that we are on an ongoing basis, I'm not going to say treating people unfairly, but not treating those particular cases as fairly as we should. So, I do think it's important that we return this to the agenda as speedily as we can.

The next item on the agenda are the
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Owner Must Drive rules, again the Assistant General Counsel will describe those.

MR. WILSON: On today's agenda, on the Owner Must Drive rules, the rules affect owners of independent medallions who acquired the medallion after January 7, 1990. Under our current rules, owners of these medallions must drive the medallion at least 210 nine-hour shifts for the year. Our rule proposal in response to the rule making petition from various industry members does several things: First, most importantly, most generally, it lowers the 210 nine-hour shift requirement to 180 nine-hour shifts a year.

Secondly, it makes it easier for those medallions that are held in corporation or partnership to meet the driving requirement. Our current requirements are that one person who is a shareholder must meet the entire one 210 requirement. Under our new proposal, some of which was revised yesterday, 180 shifts may be driven up to four people each of who own at least 10 percent of the medallion.
In addition, we created a new retirement or semi-retirement service option for persons who are 62 years old and have driven for 10 years, they will be required to drive only 150 seven-hour shifts per year.

In addition, we are waiving the Owner Must Drive requirement for 180 days for inheriting spouses and we're creating new pathways for compliance for people who still don't want to drive 100 eight-shifts.

For people who owned before July 1, 2009, they need to have owned it for two years. For people who bought after July 1, 2009, they need to own it for 10 years. Once they've done that, if an independent medallion driver who is someone who owns his vehicle or has title to it for initial purchase, they don't have to drive, that person provides the driving and they will pay us a penalty of $5,000 per year, except when they turn 62 the penalty for not driving will decline to $2,500 per year.

In addition, we have been developing new ways for people to comply, which adds an
increase in existing penalties for violation.

We received one public comment. The rules were published on May 6th and comments were due on June 6th. We have an extensive speaker list today.

MR. YASSKY: Yes, we do. Given the length of the speaker list, I will ask people to restrict their comments to two minutes.

The first speaker is Geraldine Herisse.

MS. HERISSE: Good morning, Chairman, members of the Commission. My name is Geraldine Herisse and I'm here to advocate for pre-1990 purchases. I am speaking on behalf of my mother who over 25 years ago made an investment in a medallion with my father George Andre Herisse. In the 1980s, my father was a hardworking taxi driver and my mother wanted to plan for the future. My dad knew one day he would retire and as the sole provider in the family he had to start making decisions for that day.

My dad and mom had purchased a medallion. Since this is a city he knew very well, he could work hard now and in the
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future he would be able to use the medallion --

MR. SWITZER: I will ask members of the audience that if you are having conversations, please take them outside in the hallway, otherwise please being respectful of the speakers. Thank you.

MS. HERISSE: Thank you. If something were to happen to him, he knew his wife could also live off the money that came through the medallion. Those were the rules in place pre-1990. Based on that information, in the early 1980s, my dad and mom had purchased an individual medallion which at the time was more expensive than one corporate medallion. The medallion was purchased in my dad's name since there was no foresee the rules changing (inaudible.) they both scrimped and saved and sacrificed to pay off that medallion and then the rules changed in 1990 and no one considered the pre-1990 purchase widows. In 1998 my father passed away and after his estate was sorted out my mother was faced
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with the reality that the TLC deemed her a new owner of the medallion and she was required to comply with the Owner Must Drive requirement.

I lobbied on behalf of my mom, I wrote to the TLC, explained the circumstances and tried to get an exception for my mom. What was she going to do, drive a cab? This was her investment, this was her plan, this is a plan sanctioned by the TLC pre-1990. Despite the medallion marital property under State and Federal tax law, under City law it's not even considered hers. Her only option under the TLC was to transfer a small percentage to another taxi driver.

She transferred a small percentage of interest in 2010, and now the rules will change yet again. Again, the pre-1990 purchase widows are not considered, and for those widows (inaudible) transferred small percentage of interest to protect and preserve what they earned for their retirement and are being completely disregarded again.
Essentially, the TLC is asking my senior citizen mom to drive a cab or give up a substantial portion of her retirement income. How is this fair, especially when she purchased the medallion when it was not subject to these rules? The pre-1990 should all have exceptions, exceptions for the women who are married to them. So, I passionately beg this Commission to create a pre-1990 purchase exception for widows. Thank you very much.

(Applause)

Mr. Yassky: Thank you. Ethan Gerber is the next speaker followed by Peter Mazer.

Mr. Gerber: Thank you, Commissioners. I just want to also congratulate Pansy Mullings for being exemplary in her public service.

These rules are timely for a couple of reasons. For one thing, it illustrates that the depth of medallion ownership is not closed, that 40 percent of the medallion owners are hardworking people who drove cabs, bought cabs, scrimped and saved and managed
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to do it, and that cap is a viable cap that
has been achieved, and many of the people
here today are such owners, such owners or
will be such owners. Another thing that
illustrates that is that through gumption and
drive you can (inaudible.)

These rules, I applaud the TLC for
modifying the rules but they need work still.
The penalties are draconian. The $5,000
service fee to enter this pre-arrangement,
particularly as the speaker just spoke on
pre-1990, it is unconscionable, and post-1990
is still draconian.

This penalty -- by the way, I'm not
supposed to use "fee." The reason why we
can't use "fee" is because that would be a
violation of state law, because under state
law a fee cannot exceed administrative costs.
So, even though it's a payment in advance for
the Commission to do something sanctioned by
the government, (inaudible,) we're going to
call it "penalty." The penalty is draconian,
we now make it a number of $5,000 for the
widows, for the disabled, for the elderly,
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this is an incredulous task, incredibly
draconian and I ask that you modify it
significantly downward.

We wish to encourage the vehicles to
exemption here, it is exclusively limited to
those, I'm not sure what the reasoning
process of that is. I understand the TLC
rules require double-shift operators to do
double-shift and get cars on the road, that's
supposed to be the sacred goal of the Taxi
and Limousine Commission. In fact, I hear
there's going to be a new ticketing waive in
that area which is one of the reasons which I
I applaud the former Commissioner of
Enforcement because she created a policy to
simply solve it.

The rules, the penalties go up to
$10,000. Again, and for agents, suspension
of licenses, again, Commissioners, you are
recognizing by this, the TLC is recognized by
this the need to modify these rules, the need
to allow people to use their investments.
The penalty of 1,000 to 5,000 to 10,000, it
is simply excessive, it is simply something
that hardworking people who scrimped and saved their whole lives cannot afford. We're going to ask you sincerely to modify this downward. Thank you.

(Applause)

MR. YASSKY: Mr. Mazer, followed by Eleni Mezaris.

MR. MAZER: Good morning again, Chairman Yassky, Commissioners. I've prepared remarks but in the interest of time of people who are going to say the same thing but much more eloquently because it's personal to them. I'm up here to talk about the problem that we have with respect to the inheriting spouse, particularly the inheriting spouse is inheriting from an individual owner who purchased before January 7, 1990 for safe planning and financial decisions, thinking that they will purchase a medallion, that they were going to drive it or lease it out as they had the right to do and prepare for their future particularly to protect their inheriting spouse.

These rules were comprised over a long
series of discussions between the industry and the TLC which began with the rule making that was done, a petition that was filed by the industry back in November of 2010. What we wanted there was to look at ways to talk about exemptions for age and disability, which the Commission did a commendable job on.

The problem that we're left with now is, several speakers after me will talk about very personal standpoint, is that we have the situation where individuals who purchased their medallion with the full expectation that they could drive it or lease it, plan for their future, did so, and now they are being told that if they die, the medallion-inheriting spouse has to either drive or sell.

A lot of the exemptions that were available, I believe the long-term driver exemption is not available to the inheriting spouse because the rules in the exemption are only available to people who have owned a medallion at least two years or 10 years,
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particular terms of the rule. And the
spouses are in a worse position and some
other individual medallion owners with
respect to opportunities that they have
(inaudible) had a medallion that they had
plans to do for their life.

So, I simply pass it onto a number of
speakers behind me and ask you to think about
maybe tabling the rules again, think about
making a vote on protecting the inheriting
spouse. Thank you.

(Applause)

MR. YASSKY: Thank you very much. I
want to take into account the industry
experience and perspective, working, you
know, with many industry advocates on this
for months now. So, I understand where you
or the industry is coming from.

Would you prefer the rule, the revisions
that are on the agenda for today to be
adopted or would you prefer to leave the rule
as it is currently in place? Those are the
two choices.

MR. MAZER: The rule that's currently in
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place is totally unfair to the widow because
the widow has absolutely no option but to
sell.

MR. YASSKY: So, which would you prefer;
the rule that's in place or the rule on the
agenda today?

MR. MAZER: Is the rule that's on the
agenda different from what was published in
the City Record?

MR. YASSKY: Indeed. The penalties for
owners resolves the now long-term driver
option, it has been reduced for over 62 years
of age or above. The requirement of what
(inaudible) referred to as a small percentage
ownership which we proposed there be a
minimum- of 25-percent rule in the agenda
today that makes that a 10-percent stake.
People who put themselves in that small
ownership situation in the original proposal
had one year to come into compliance, now
they'll have two years to come into
compliance. Those are the changes since the
rule was published.

MR. MAZER: The rule before us, the
inheriting spouse is subject to the same
requirement the deceased owner was subject to
and I presume that that's not going to change
today.

MR. WILSON: We did clarify that.

(Inaudible.) Published in the City Record a
month ago.

MR. YASSKY: Mr. Mazer, I do think that
that specific set of facts does warrant some
consideration by us. I do not intend to
table the rule. I'll tell you we will vote
whether we adopt or not, that's fine, either
way. But on that specific issue, if we do
adopt this, I do agree with you that we need
to look into enforcement guidelines that can
address it or a plain language interpretation
that you suggested to address it or perhaps
even an additional change.

But I would like the Commission to be
clear and have your guidance. Would you see
us adopt the rule that is on the agenda for
today or leave the rule that is currently on
the books?

MR. MAZER: Well, the rule currently on
the books offers no protection for spouses.
This rule provides some options for spouses.

MR. YASSKY: The rule on the agenda today (inaudible) books even though plainly you believe it needs considerable improvement?

MR. MAZER: I defer to the speakers, they have a lot more at stake than I at this point.

MR. YASSKY: Eleni Mezaris and followed by Georgia Kostakis.

MS. MEZARIS: Good morning, Commissioners. My name is Eleni Mezaris and I'm here to speak for the pre-1990 purchase. (Inaudible) Taxi medallion which we purchased in 1984, he was a (inaudible.) For the last 20 years they had both scrimped and saved and worked to see some kind of a future, you know, from the very modest earnings from the leasing of the medallion. At the same time I want to say that previously we had owned (inaudible,) the reason my husband sold it was because he decided he did not want to deal with any partners and he wanted to be on
his own.

Should something happen to him tomorrow and I hope nothing ever does, I'm going to be faced with either selling part of that medallion, selling all of that medallion and giving up our family business. I strongly hope you reconsider and give us some consideration. There was no Owner Must Drive when the medallion was purchased.

(Inaudible.) I would appreciate that you do reconsider.

MR. YASSKY: Thank you.

MS. KOSTAKIS: I'm here on behalf of my mother and this is a very emotional topic for me. We had purchased the medallion --

MS. MARINO: Please stop talking in the room.

MS. KASTAKIS: He had purchased the medallion before 1990, my father had purchased his medallion in 1974, my understanding is when it was cheaper to buy. I just recently lost him. My understanding that many (inaudible) cheaper to buy. Now that my dad is no longer living, my mom has
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no sort of income and she's the inheriting spouse, he was able to lease a medallion before his death. My mom should have the same right. He worked very hard in this country to provide and this is the American dream.

So, now that my mom has no sort of income, my mom is forced to sell 25 percent of her medallion. So, I'm not here for myself or my unborn child, I am here for my widowed mother. So, please Commissioner, hear us out today.

(Applause)

MR. YASSKY: Ms. Kostakis, thank you for your testimony, especially under the circumstances, thank you for having the fortitude to come and speak with us about this today and we are sorry for your loss.

The next speaker is Maria Pantoja followed by Alan Platt.

MS. PANTOJA: (Through interpreter) Good afternoon to everyone. In a respectful manner (inaudible.) When we bought the medallion we had very clear ideas on duties
and occupations and our rights as owner of
the medallion since we bought it back in 13th
of March 1989. After 22 years of hard work,
the Commission wants to fulfill this absurd
proposal. And my husband -- we have been
forced to sell 25 percent from our medallion
and to pay $5,000 annually. It is very
(inaudible) what I have listened so far
(inaudible) that the Commission wants to
change the condition of our homes -- I'm
sorry. We had worked so hard for a decent
life and for a decent retirement. Thank god
my husband is alive, but should something
happen, it is god forbid I'm going to lose
most of our hard work.

MR. YASSKY: Yes. Thank you. The next
speaker is Alan Platt followed Eva Sacoulas.

MR. PLATT: Good morning, Taxi and
Limousine Commission. I'm not going to
lecture and this is very difficult for me,
but I am an owner driver for 38 years driving
for 41, I came into the industry when things
were simple, all you had to do was put your
name on the line, take out a large mortgage
and I happened to find an individual taxi,
then I felt (inaudible) for the most amount
of money, you got the most privilege and if
you work hard you can pay it off and you
support your family.

So, I did this and I think the last 41
years all I did was spend on the streets of
Manhattan picking up people, you can do this
by enjoying the job and you do this by liking
to help people do something for people. I
love taking people to places where nobody
else would take them because they felt good,
I felt good, I love helping wheelchair
people. In other words, I worked hard. I
served the industry.

But what has happened was the special
taxi medallion that I bought, the individual,
we never got any special privileges. We were
always told all medallions are the same,
everybody has to have the same rules, but
then came the big change, lots of changes
happened but then the big change was when my
medallion became worth less than the other
types of medallions because upon sale the new
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owner had to drive one shift himself. I was
grandfathered in.

   It didn't seem to bother me too much
except now and you wake up one day, you're
losing your hair and you realize you are
coming to the last part of your life,
hopefully another 25 years, I hope so and I
hope I can stay in the industry that long.

   But now it seems like the industry is
putting another very big bombshell into my
cofin and that is this new Owner Must
Drive -- well, forget about that, that was
already put to my wife upon my death without
me taking care of -- I couldn't just have the
medallion leased out. My wife is in no
condition now to drive herself. She has had
an illness that would prevent this. So, it
would sort of be the last nail in the coffin
to something that I dedicated like thousands
of other owner drivers that dedicated their
lives to and we have given more than I think
we have gotten. And to do this to us, I
don't think it's right.

   I keep on looking at the last
Commissioner, I think in my cab, you told me I needed a shave about 20 years ago. Do you remember that?

MR. CARONE: No, I don't.

MR. PLATT: I truly listen to you, (inaudible.) I'm just asking for your -- actually your pity -- well, not pity. I'm asking for a little bit of respect and maybe overhaul this law, do something -- I don't know if it's to late to overhaul it entirely, but make it so that widows will be able to reap what we have worked so hard for. Thank you

(Applause)

MR. YASSKY: (Inaudible.) Thank you for your testimony.

MS. SACOULAS: Good morning, Chairman. My father came to this country and worked very hard to provide for his family for almost 40 years and drove a cab most of those years. (Inaudible.) He gave his blood, sweat and tears to that job, he loved the opportunity that this provided. He was very proud and happy to do his job but
(inaudible.) He was able to buy a home, live the American dream, and when he got sick in December and had to be admitted to the hospital, the only thing he had to talk about was how he had to pass his cab for TLC inspection the next week. And he left the hospital, passed the inspection, prepared his cab, painted it and was put on life support two weeks later. And his car passed inspection and he never drove again. He was 77 years old when he passed and he was still driving and no one believed how old he was.

(Inaudible.) My mom lost her husband, her companion and her friend and she has to suffer. She should not have to pay a penalty because she bought something together with my father. He worked long hours and he both sacrificed and saved and purchased it together back in the 70s when there were no partitions, no cell phones, you really were on your own and he made an honest living.

And as a senior citizen, an American citizen, my mom should not be (inaudible,) all the widows in her situation.
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(Inaudible.)

I also have letters from two council members that I would like to pass around on my behalf if I may.

MR. YASSKY: Certainly give them to the Commissioners. Thank you very much.

(Applause)

MR. YASSKY: I also want to inform people who are in this situation and as the last several witnesses or testifiers have described are a surviving spouse of a pre-1990 medallion that was purchased before 1990 to know that Senator (Inaudible) who contacted the TLC yesterday to bring this situation into our light before us and I want you to know that his office has been quite active on your behalf.

The next speaker is Zacharias Stamoulis.

Two things: I first of all, I do think that we understand the fact pattern that the last several testifiers have spoken about. I for one thing think it needs to be dealt with and we will be working with the staff to do
that. If people wish to -- if you do not
need to testify, you do not need to testify
if you feel that the case has been made
already by previous witnesses but the next
few speakers -- Commissioners, there is a
matter that I think will take two three
minutes to make a phone call about.
Commissioner Polanco will chair in my
absence. It should not be more than two to
three minutes.

MR. STAMOULIS: Good morning,
Mr. Chairman, Commissioners. My name is
Zacharias Stamoulis.

MS. MARINO: Please stop talking in the
room.

MR. STAMOULIS: I drove a taxicab from
1970 to 2003. It was very hard, difficult
work but we did well, me, and my wife as a
helper, (inaudible) and she's doing her part
raising our children.

It was a great experience and I believe
I did a great job for the City of New York
and I have received distinguished service
awards from the TLC, good driving record
awards from TLC.

Now, I stand before you (inaudible) to my family, my wife particularly if something happens to me in the future. We bought our medallion in 1971 and at the time Mr. (inaudible) recommended me to buy an individual to eliminate any partnerships or any other problems on buying, face the future just in case something happens to me.

So, I'm here to ask you to reconsider your rule hopefully, and I understand that you are fair minded people and you will come to the right decision. Also, finally I ask the commissioners make the change here and now so it's clear that if you own a base medallion before 1990 the owner or his widow can continue to live off of this income.

Thank you for your attention and have a good day

(Applause)

MR. BOSINAS: Good morning,
Commissioners. The Chairman is out. 10 years ago I used to participate in all these public hearings continuously but I stopped
for the past 10 years because of a family
death. I have an individual medallion.

25-something, 30 years, (inaudible.) This
rule when it was first initiated and adopted
by the TLC was a bad rule. It has done two
things: Damage individual medallions by 25
percent, and the second (inaudible)

protection questions. Every person that came
up to here this morning (inaudible.)

I heard of point A and point B but I
didn't here point C which is eliminate the
rule completely, or point D, simply let the
one-time flat fee of let's say $2,500.
(Inaudible.)

I find that this is not an individual
decision but it's a family decision, it's a
family investment which when the owner is
dead, you don't simply modify the rule, you
can eliminate the rule or have simply a flat
fee, a one-time fee.

I find there has to be the rule

controversy for more than two decades. You
have amended other rules in the past, you can
amendment this and if (inaudible,) the TLC
has the right to promulgate rules and regulations which are reasonable. This clearly is not a reasonable rule and neither Mayor Guiliani or Mayor Bloomberg or (inaudible) medallions, ever thought about this rule. (Inaudible.)

I think scratching the rule is the best thing, but if the City needs to make a little bit of money, have a flat fee, a one-time flat fee. Thank you very much for your time.

(Appause)

MR. SWITZER: If you would like to continue your conversations, you must do so in the hallway. Please be quiet. Thank you.

MR. POLLACK: Good morning, Mr. Chairman, Commissioners. My name is David Pollack. I am the Executive Director of the Committee for Taxi Safety, an organization leasing agents that lease over 3,500 medallions to long-term drivers. We will be submitting formal testimony in the future. Let me just try to summarize. I follow certain sentiments of Mr. Gerber and
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Peter Mazer.

On behalf of the Committee for Taxi Safety, I want to thank you, Mr. Chairman, your staff and the Commissioners for recognizing that there are problems with the Owner Must Drive rule after meeting with the industry representatives numerous times in an attempt to resolve the matter. As a result of those meetings, the TLC has proposed with conditions that owners subject to this rule may opt out of the enforcement rule by paying a certain fee and after having driven for a certain number of years.

The Committee for Taxi Safety believes that the professionalism of the driver owned vehicle operations and the benefits of the New York City Taxi and Limousine Commission's critical driver and persistent violator programs has shown that this rule has outlived its usefulness. By the Commission's proposing an outbound provision, we believe the rule is not necessary, yet we understand the position of the TLC.

The Owner Must Drive rule has not been
enforced by the TLC for many years for a reason. Enforcement will now detrimentally impact hundreds of owners, depriving the drivers of income that they depend upon to live. Having to pay a substantial fee annually to opt out of the enforcement of the OMD rule may welcome now hundreds of owners to sell which would result in their paying capital gains taxes as opposed to their families receiving (inaudible) bases upon their deaths. The price of an independent medallion will detrimentally be impacted and potentially place independent medallions on the market at the same time.

The New York City Taxi Fact Book offered by (Inaudible) Consulting shows that despite nonenforcement of this rule, driver experience levels have increased dramatically primarily from long-term leasing.

Accordingly, the Owner Must Drive rule is isn't needed anymore. An outright repeal would have been preferable, but if you are willing to compromise and you would like to keep this rule, we propose the following:
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The TLC's last proposal was that owners would be able to avoid compliance with this rule if you were to pay the $5,000 annual fee and if the owner reached the age of 62 and has driven for 10 years, the compliance for driving for not less than 10 years is based upon in part when TPEP became operational. We suggest the simplest solution, we believe the fee is too high. As an annual fee it deprives owners too much income, and therefore, we suggest the proposed fee be halved and that the annual fee be $25,000. And we appreciate your efforts in reducing the fee to $2,500 for retirees for age 62. In future discussions with the TLC, we hope to address this $5,000 disparity regarding base amounts.

Secondly, we believe everyone is entitled to retire. At a certain age owners should not be required to drive a fare vehicle to avoid compliance with the rule. We suggest at age 62, and provided that 10 years, the owner be allowed to lease a long-term and not pay a fee. We recognize and
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appreciate once again that reduction to
$2,500 for the retirees.

Finally we proposed in the originally
proposed rules, owners who compiled or bought
the less-than 25-percent of the ownership
from a driver for fulfilling the driver
requirements need to bring themselves up to
compliance of the new regulation within one
year, that we mandate the driving requirement
be fulfilled by an owner who has a minimum
yet of 25-percent ownership interest in the
medallion.

    We thank you for the positive changes in
the rule and the efforts once again.
Mr. Chairman, first of all, thank you,
Commissioners and the staff, thank you for
your hard work regarding that. But the
1-percent owners that existed, my
understanding is that they will be
grandfathered and we thank you for that.
However, it should be noted that they are
hardworking small businessmen and they play
by the rules and now they're partial
medallion owners. There are family members
who have played by the rules and purchased
the business with certain rules in tact and
sometimes people are disheartened and their
spirit is broken when you buy under Rules A
and then the rules change. I wanted to
mention that.

We do appreciate you, the direction in
recognizing the problems with the Owner Must
Drive rule and we thank the Commission again
for allowing me to speak on this important
issue and for meeting with the industry on
the Owner Must Drive Rule in an attempt to
strike a fair compromise. I'm available for
any questions. Thank you.

(Applause)

MR. YASSKY: I appreciate the breadth of
the comments. Just so I understand, in sum,
the Committee for Taxi Safety recommends the
Commissioners a yes vote or a no vote on the
rule before us?

MR. POLLACK: This is better than it was
before. We understand that hopefully in the
future we can meet for additional
modifications, but as it is, it's a yes vote.
MR. YASSKY: Thank you, Mr. Pollack.

Thank you very much.

(Applause)

MR. GJONAJ: Chairman, if I may, David Pollack made a comment that the 1-percent current owners will be grandfathered in. I'm not sure if you picked up on that.

MR. YASSKY: I did note that.

Commissioners, just to clarify, and respond, there's been a lot of discussion, but the rule before us would give a 1-percent for an owner who has sold more percent of the medallion and is counting on them to fulfill the driver requirement two years to come into compliance. So, grandfathering I suppose for two years but not beyond on that. And then they would have to come into compliance either through the long-term driver option or by increasing the stake of the minority owner to not less than 10 percent.

MR. MAMADOU: The person I'm speaking for is not here.

MR. YASSKY: Thank you so much, sir.

MS. ARTOGLOU: Good morning,
Commissioners. But I try to explain what bring me here today. Just my husband passed away. And I am here, you want to change the rules, but my husband bought the medallion before '90 and that's my income for my retirement. So, I try to say help us, because that's not fair to leave me -- I can't drive. My eyes not so good. But that's all my life income. My husband, before he died, he said that he leave me his income, "You're going to live alone, so don't worry."

Please try to be fair and help everybody, because not only me, a lot of women are here. Okay? Thank you very much.

(Ms. Evola: Good morning, Commissioners, Chairman.)

(Mr. Yassky: Good morning.)

(Ms. Evola: My father just recently passed away. We're here to ask you that anyone who purchased the medallion before 1990, that their spouses have equal rights. He purchased it as a career and a
retirement. The prior laws, it was known that you were able to lease it and there were no restrictions. Now there's changes and they want to take it away. My mom relies on that money and that's the support my father left for her. Please to not take that away. It was once promised prior to 1990 that there were not these laws.

MR. YASSKY: Thank you.

MS. EVOLA: One more thing. I just ask the Commissioners make a change here and now so it's clear that if you bought this medallion before 1990 the owner or his widow can continue to live off this income.

MR. YASSKY: Thank you. The final speaker who is signed up is Ms. Desai representing the Taxi Workers Alliance.

MS. DESAI: Good morning, Mr. Chairman and members of the Commission. It's hard to listen to this testimony and just not be moved by it. We have a lot of owner driver members ourselves, and recently when the TLC was summoning on the Owner Must Drive rule we actually had several widows and children
as well as owner drivers themselves come to us with the summonses. And I tell you that every story that you hear, it's just really heartbreaking, including, I think the owner drivers who bought their medallions after 1990, particularly after the mid 90s when the value of the medallion was much higher, the cost of it was much higher, it's taken people much longer to pay that medallion off.

I think, frankly speaking, many of the widows that we have met are single moms. They are young women who have been widowed young and they have young children that they're raising and it would be impossible for them to put in 60- to 70-hour shifts as single moms as recently widowed women while they are raising young children. We would also really compel you to look particularly at the issues with regards to the estate and I think make some necessary main changes.

I do want to say that we're really glad to see you address this issue, you know, it's something that I know we have brought to your attention and to the attention of your
predecessors.

With the current rules as they are being proposed, there are four specific changes that we would recommend with the amendments, one of them being that as of now, the owner driver can only elect the leasing out, authorizing the DOB operator just to fulfill their requirements I guess at the beginning of the calendar year or at the end of the previous calendar year. And if my understanding is incorrect, you know, please do clarify that. But we would say that it's important to make the change to allow an owner operator mid calendar year to take this option. You know, because what we have seen, the owner operators are not able to fulfill their shifts requirements, it's either because of age or usually because of a medical reason or a family emergency. And of course, medical reasons and family emergencies are not things you can always perceive. So, we think it's really important that you be able to elect these different options which really is the gist of what
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you're proposing, that the owner operators are able to take advantage of it at any point during the year than at only the beginning of the year.

Secondly, as of now, we would have to be working for 10 years in order to take the DOV option, take advantage of it. Even 10 years is a long time -- that it should only be available to people even after three years, after you've made your first balloon payment and you've invested your time and your talents into the industry, that -- you know, particularly if you purchase the medallion before 62, it's still labor and life, then it's too much to the owner to have to require the person to have to work 10 years.

Imagine if there's another medallion option within the next couple of years and someone purchases one when, you know, they're in their mid 50s or late 50s. As of now they think they have to work 10 years in order to take advantage of this. But they may be individuals who have been driving 30, 40, 25 years, but those driving years will not count
because only their years as an owner will be accounted for and we don't think that's fair.

On the penalty, we're glad to see you reduce it to $2,500 for 62 and over, but really that should be reduced to $2,500 for everybody regardless of age. And for individuals who are 62 and over, right now the requirement would be for 150 seven-hour shifts, we appreciate the fact that you are making a distinction of 150 for 62 and over versus 180 for those who are under 62.

However, it's just not economically feasible for you to pay off your operating expenses and still earn a liveable income by only working seven hours as people are going to be putting a full shift anyway. So, we would say calculate the seven hours times the 150, and instead of making it 150 shifts, we would say make it anywhere between 90 to 105 shifts for if they're 62 and older.

Lastly, I just want to say that if this issue reveals anything to us, one of the biggest lessons is that, why are all of these
families here? Why are owner operators fighting for this change? Because medallion is their only retirement. We need a retirement plan in this industry for every single working driver whether they are an owner operator or not. Thank you.

(Applause)

MR. YASSKY: Thank you, Ms. Desai. And Commissioners, I'm sure there may be discussion. Before we have discussion, I just want to pick up really on a couple of points that Ms. Desai and some of the other speakers made. First, just as to the issue that most of the speakers addressed, this particular issue of medallions purchased before 1990, in other words, purchased when there was no Owner Must Drive requirement but then have been transferred through requests, I do think that that issue, I think that the speakers have made a case as to the equities of the surviving spouse in that situation. If the rule passes -- or even if it doesn't, truthfully, because the speakers who are in that situation are in the same
position whether the rule passes or whether it fails. But I want you to know, the folks in the audience here, that I do believe that you've made a compelling case as to the equities that the surviving spouse should not lose rights, as you would, that the deceased spouse had.

And I will direct the staff to figure out with me and the Commission how to address that, whether it is through a set of enforcement guidelines or simply through prosecutorial discretion or whether a rule change is necessary, and we will report back to the Commission as to what -- as to how we recommend addressing that problem, how the staff recommends addressing that problem.

Let me separate that out from the broader issue before us of the Owner Must Drive rule and whether to maintain it as it is today, whether to relax it in important respects as the proposal before you would do, or abandon it altogether which a couple of speakers suggested, and again which I believe would be come accomplished either by outright
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appeal or frankly by creating enough exceptions that it will be de facto repealed.

I want to make a case to you that the rule before us is a good one. I will be voting for it. Each Commissioner certainly forms his or her own judgment. I do believe that the best course is to maintain the Owner Must Drive principle but indeed to relax it as proposed to do in this rule to create a retirement option for people who really are of advanced age or have been working a long time and the right thing for them to do is to retire and not be forced to sell the medallion.

You know, I'm just picking up on something Ms. Desai said at the end about --

What if somebody buys it? Picture somebody buying at new medallion at age 55, should they be required to work 10 years before they retire? I would say the logic of that, though -- it's a sympathetic case, the logic of that would be to get rid of the rule. Because if the whole -- and the logic to me of that complaint, in truth, is to say
that's why you need clarity. People who bought medallions I think have been in a somewhat uncomfortable situation. There's a rule on the books that says one thing, that the owner, that the owner of this medallion has to drive it. They're told by people who are selling it, and with some reason, that, "Well, the practice hasn't been that, you can get away with it, you can do a 1-percent loophole."

So, I think that we do a disservice to people by perpetuating a lack of clarity, and I think that what the rule before us does, again, is create a clear set of standards so that someone who buys -- and I guess it does mean, Ms. Desai, yes, that if someone buys a medallion tomorrow, they would have to work the 10 years before retiring, but they would know that that's the rule and they would know that if they buy it, then that's what they're going to be expected to do.

That, I mean, I guess the other route you could take with that is to say, "Let's get rid of it." And I think that the
speakers who are -- the surviving spouse
speakers to me are such powerful evidence of
why we have this rule. Part of it certainly
is about safety and the data, due support
wants common sense instinct that someone with
an ownership stake drives more safely and
provides better service, that's part of the
rationale for the rule. But the other part
is to perpetuate what has been one of the
most magnificent aspects of the taxi industry
which it's a place, it's an industry where
people can come here with no education, often
not speaking the language, and by working
their fingers to the bone on the steering
wheel earn a decent living and even earn
enough to become owners themselves and move
from employees, functional employees, which
is what the fleet drivers are -- and I don't
mean that in the political, what benefits,
whatnot, I'm just saying to move from being
employed to being an owner.

And every week I will meet somebody who
tells me, you know, like the people who
tested here today, that my dad came here
and he bought a medallion and he drove it for 40 years and he put me and sister and my brother through college and now I'm a lawyer or an engineer or a school principal and that is the American dream. This has been the American dream industry. And the Owner Must Drive medallion is something that we do to try and keep that going, because if we got rid of the rule, it is true that the value, the medallions held by people here today, they would go from being worth 650,000 to 950,000. And you might say, "Well, good for them," and it would be good for them, but it's not just them, we have to think about the next generation of the Herisses and the Kostakises and Platts who spoke here today. And I'm not saying that maintaining the Owner Must Drive rule yields the $30,000 ownership opportunity that it did 30, 40 years ago, because it doesn't, and the world moves on. But at least it maintains something. They trade the fleets medallions at 950, the Owner Must Drive medallions at 650, 650 is not an easy price to attain, but
still, day in, day out, you can come to our,
you know, the 22nd floor and see Stan
transfer Owner Must Drive medallions to
drivers who have worked and saved to be able
to buy those medallions. And to me, the
strongest argument for maintaining the Owner
Must Drive rule is to perpetuate that
possibility.

The last point I would make is that if
your position is I don't want to repeal it, I
want to keep it, I think that your position
also has to be not to create so many
exceptions that it's tantamount to appeal.
Because if we allow people to buy the Owner
Must Drive medallion to lease out 1 percent,
to sell for 1 percent, to lease it out
without a penalty, then you've created a
loophole which is then swallowing the basic
rule.

So, I've said my piece. If fellow
Commissioners have comments, let's have our
discussion and then I will call for vote. Is
there commentary?

MR. GONZALES: Good points, Chairman.
I'd first like to thank everyone for their testimony today. It's been very, very helpful and also enlightening as well.

In general terms, the business perspective, it's my opinion that the customer service experience is enhanced it's best when there's a minimum distance between the owner and the customer, and I think in the sense of individual medallions enhance and defined that experience.

I do appreciate that the staff. The staff took input from the industry and crafted and designed rules that I think enables long-term medallion owners to stay connected with the industry that they helped to build. I also believe that this industry would not be viable today without the hard work and efforts, that dedication of this particular group of individual medallion owners who have been here, you know, since 40-plus years. I just wanted to acknowledge publicly that dedication and their contributions to that industry.

MR. YASSKY: Thank you.
MR. CARONE: I would just like to be a little clearer on how you propose dealing with your view after the testimony about inheriting a medallion that was purchased pre-1990. I think I heard you say that you believe that that's something after hearing the testimony that should be there. How do you suggest that we deal with that?

MR. YASSKY: I would like again to consult with the staff and develop a staff recommendation for us on that. As I say, that, perhaps would be a set of enforcement guidelines or it could be a case-by-case issue, although there appear to be enough people in that situation that I think it should be dealt with systematically rather than case by case, and perhaps we'll need to bring another rule proposal back to the Commission.

But, you know, rather than kind of draft on the fly, I'm going to ask the staff to come back to us with a recommendation.

MS. MARINO: Why don't we hold off on the --
MR. YASSKY: Well, I will say this --

MS. MARINO: I mean, there are so many points here to need to be considered.

(Applause)

MR. YASSKY: As I said, Commissioner Marino, you know, the staff has spent an enormous amount of time on this, as is their job, and they'll spend as much time as necessary. I intend to call for a vote. If people would prefer to vote no on this rule and keep the status quo, I completely understand that position. And you know, each Commissioner should vote, you know, in his or her judgment.

I think that we need to get some clarity to the world about what these rules are. I think to the extent that that individual situation is there, we do not need to delay the entire rule based on that. I think that many of the judgment calls embodied in this proposal are just that. There are judgment calls where an argument to be made for 2,000, then 2,500, 15 percent, then 10 percent. I would urge that people not let the perfect be
the ending of the good. I think the two
industry trade association representatives
that spoke both clearly said that this rule
improves upon the status quo. I urge people
to adopt it, and if then you believe that
further improvements are necessary, then you
should bring that -- not just you should, but
anyone should, and the staff will continue to
be looking for further improvements to make.

But we're in the middle of the year,
people have very little clarity about what
their obligations are for this year. I'll
tell you, over the last several days we have
settled additional cases where last year
people violated the rule, and I'm sure there
are people out there who don't know what is
expected of them. You know, only people who
know what our settlements have been, for
example, would know that they are going to be
subject for this year which will be a $2,500
penalty for people to pay.

MS. MARINO: I respect that. My problem
is that voting today on this -- for me, and
I'm only speaking for myself and not my
colleagues, is in a way, is endorsing this, and I don't know that in good conscience I could endorse this until these finer points are thought about and discussed, and we heard a lot of very valuable points here today, and I think putting this off a month isn't going to be the end of the world. (Applause)

MR. YASSKY: I fully understand your position. I would say, I know I'm sure no one in the Commission staff will take a no vote as expression of anything, but appreciation for the hard work of the staff has been put in. I will say I will believe that better balancing of the interests can be achieved. I'm not saying that maybe you couldn't come back with a better balancing at some point in the future, perhaps we could. But I am going to call a vote today and we will either move forward with this as the new basis for discussion or we will have the status quo. And I think again, you know, either vote certainly is understandable.

MR. AROUT. Chairman, can everybody hear me out there? Okay, I have been sitting here
listening to everything, being very sympathetic to you young ladies and men with everyone having a problem. My problem is right now that I would like to propose that we table that at this particular -- hear me out -- at this particular time, so for my own benefit that I know that I am doing the right thing. And I agree with the Chairman for all he's done. I want to understand this and I would like to postpone it until the next meeting so we can clarify all these people here that are in trouble.

And that's my proposal, I would like to postpone it until the next meeting to give the staff the time to maybe come back with something for it.

(Applause)

MR. YASSKY: Commissioner, let me propose an alternative solution which is that we vote on an oral resolution to address the expressing the sense of the Commission that the surviving spouses of pre-1990 medallions, medallions purchased prior to 1990 should not be harmed by the Owner Must Drive rule and
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directing the staff to come back with
language that addresses that and vote on the
rule along with that resolution. I would ask
you to do that, because I do think that -- as
we were saying, we're here in June half the
year has gone by, people don't know what
their penalties will be if they don't comply
for this year and they need to have some
clarity. Would that be acceptable to you,
Commissioner?

MR. AROUT: Mr. Chairman, that certainly
will be and I will remove what had I just
said.

MR. YASSKY: Appreciate it.

MR. GJONAJ: Also your statement and the
comeback within the month of the next
hearing, address the inheritance issues and
have them grandfathered pre-1990, I think I'd
be willing to vote on this issue and move
forward.

MR. YASSKY: Thank you, Commissioner.

Further discussion?

(No response)

MR. YASSKY: So, let's do this
separately just for clarity. I move that the staff is directed to report back with language that will ensure that spouses -- that people who own medallions by virtue of having inherited it from a spouse and the medallion was purchased by the spouse prior to 1990 should not be subject to the Owner Must Drive requirement to any greater degree than that spouse would have been. Thank you.

(Applause)

MR. YASSKY: Again, I'm sure that the drafting on the fly is inelegant, Mr. Wilson, but that's why the staff will come back with language that achieves that goal. So, all in favor, say "aye."

MR. GONZALES: Aye.

MS. LAUVIENSKA: Aye.

MS. DeARCY: Aye.

MR. CARONE: Aye.

MR. GJONAJ: Aye.

MS. MARINO: I'm going to abstain.

MR. YASSKY: Well, that resolution carries.
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Now, to vote on the underlying rule itself, would you prefer a roll call, Chris?

MR. WILSON: Sure. So, I would call the names. I'll start with you, Commissioner Yassky, and tell me yes or no.

MR. YASSKY: Aye.

MR. WILSON: Commissioner Arout?

MR. AROUT: Aye.

MR. WILSON: Commissioner Carone?

MR. CARONE: With the verbal resolution, Aye.

MR. WILSON: Commissioner DeArcy?

MS. DeARCY: Aye.

MR. WILSON: Commissioner Gjonaj?

MR. GJONAJ: Aye.

MR. WILSON: Commissioner Marino?

MS. MARINO: I abstain.

MR. WILSON: Commissioner Gonzales?

MR. GONZALES: Aye.

MR. WILSON: Commissioner Polanco?

MS. POLANCO: Aye.

MR. YASSKY: The proposed rule is adopted. Thank you, Commissioners.

We have one additional item on the
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2 agenda, and let's move through it as

3 expeditiously as we can. Deputy

4 Commissioner, are you presenting this?

5 (No response)

6 MR. YASSKY: There is a memo in your

7 books, Commissioners, this is to continue the

8 pilot program -- we will be very speedy with

9 this, to continue a pilot group ride stand

10 for taxicabs at LaGuardia Airport. In sum --

11 if you would like further language, just tell

12 me. In sum, the initial location for that

13 stand was not successful, got very little

14 traffic. The Port Authority has proposed a

15 second location and plus there's a separate

16 entrepreneur that is proposing to work with

17 the Port Authority to give them some

18 technology to make it work better. We want

19 to give that the chance to play out, so we

20 propose extending the pilot program for a

21 group ride stand at LaGuardia Airport for one

22 year. Is there further discussion

23 necessary?

24 (No response)

25 MR. YASSKY: All in favor say, "aye."
THE COMMISSION: (In unison) Aye.

MR. YASSKY: Opposed?

(No response)

MR. YASSKY: That pilot program is adopted.

Commissioners and members of the public, I just want to thank you. I know that this room is, while grand, both echoes a bit and a little warm.

And I know that people have very strong feelings about the issues that we dealt with today, as you should. We understand that for people in this industry it is a livelihood, and it's our responsibility to treat people fairly and we will endeavor that as best we can.

I want to thank the Commissioners for their participation in today's meeting. With that, the meeting is adjourned.

(Time noted: 12:35 p.m.)
CERTIFICATION

STATE OF NEW YORK )
COUNTY OF NEW YORK )

I, CASEY MARTIN, a Stenotype Reporter and Notary Public for the State of New York, do hereby certify:

THAT this is a true and accurate transcription of the Taxi & Limousine Commission meeting held on June 16, 2011.

I further certify that I am not related either by blood or marriage to any of the parties in this matter; and

I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of June 2011.

CASEY MARTIN