NEW YORK CITY

TAXI AND LIMOUSINE COMMISSION

September 15, 2011

PRESENT:

David Yassky, Commissioner/Chair
Elias Arout, Commissioner
Frank Carone, Commissioner
Mark Gjonaj, Commissioner
Edward Gonzales, Commissioner
LaShann DeArcy, Commissioner
Nora Marino, Commissioner
Lauvienska Polanco, Commissioner
CHAIRMAN YASSKY: Good morning and thank you very much for -- I appreciate the people's flexibility with the last minute change of our start time.

Before we begin our meeting today I want to say a couple words about some current items. First of all I want to publicly thank and commend both the TLC employees and the many many members of our regulated industries who really stepped up to the plate to pitch in in the hurricane preparedness operation. Thank you fully Hurricane Irene was not as damaging here in New York City, but nonetheless, it did its share even here. And more the point I think the city did a tremendous job in preparing. Some of the folks who are even here in this room, Ron Sherman and his colleagues at the metron taxi board of trade were extremely helpful in stepping forward and directing taxis towards the evacuation areas. You start to single people out, might leave some others out but nonetheless, Jean Friedman at greater New York taxi association was especially
helpful in directing wheelchair accessible
taxi to where they were needed. The
Liberty association, similarly, I will say
one thing we learned here in the TLC the T
fab counsel was enormously useful in
communicating with the drivers -- on the
drivers. On the Liberty side we had to
rely on bases voluntarily using dispatch
service. Many of them did that just very
generally and around the clock. The power
transit industry in particular. There
were many folks like this. Robert Garcia
from Ambulette, sent very late Friday
night, overnight into Saturday morning,
moving patients from nursing homes to
shelters. That was the kind of New York
spirit that this entire industry showed,
and I want to again commend and thank
everybody who pitched in.

Speaking of preparedness,
commissioner, we had some individual
discussion about this. I think it would
be you know -- because we haven't really
talked as a group about preparedness, it's
never really pressing on the agenda. And
then when it is, it's few days away. So what I would like to do is schedule a briefing. We'll pick a meeting when there's not too much on the agenda, sometime over the next two or three months. Just so you know if I said hurricane, I mean emergency preparedness in general. The TLC and under the direction of my assistant, Brian Switzer, we did a lot of work on developing plans for hurricanes, blackouts. And I think it's worth you knowing what we intend to do when you know, heaven forbid, we're in a position of having to use those.

On to other business. Today we have some agenda items. Before we get there, I want to note for the public and commissioners, the sad fact that we have had two members of our USB division, pass recently, and we have their badges that are to be presented to their families. So commissioner, I would like to do that at this time.

The first is lieutenant Elijah Hampton, who served TLC from
September 1990 to December of this year.
He worked in the overnight squad. He was
a -- his colleagues know him fondly as a
very avid football fan. Shared his
enthusiasm with the sport with his
colleagues. He rendered terrific service
to the TLC as a city over a 20 year
period. We're honored today to have the
sister, Caroline Hampton, to join us and
we will present his badge to her.
The second -- okay. She's running
late.

Is John Baldo here or Carol
Skillman?

We also have family of inspector
Kenneth Skillman who served the city for
nearly 16 years as an inspector. He too
was a very dedicated TLC employee and a
member of our family and we want to
acknowledge with sadness, his passing.

And we have Carol Skillman the
sister John Baldo. I would like to
present his badge to you at this time and
I will just walk around to do that.

(applause).
CHAIRMAN YASSKY: Before the last time before proceeding for the vote today, the items up for vote today I want to introduce to the public -- introduce to the commissioners earlier today, our soon to be general counsel Mira Joshy (phonetic) who I believe is here.

Oh there she is.

No doubt, Mira will begin to know many of you right quick. And I expect you will find her a worthy successor to Chuck Fraiser who did some terrific work for the TLC.

First on our agenda is our -- first of all let's do the minutes.

The minutes of the July 21st meeting I move that we adopt those minutes all in favor say aye.

Aye.

The meetings are adopted. We have several applications before us. And today Chris Tormey is here. Commissioners, this marks our -- Georgia is still our Applicant Not -- was noted to assist the commissioner. Chris has now succeeded
here. He's our director of Applicant Licensing. Afterwards you can send Nino.

SPEAKER: 23 bases with a recommendation for approval.

CHAIRMAN YASSKY: All in favor say aye.

Aye.

SPEAKER: And there are seven basis that grants an additional 30 days so that it may present outstanding items.

CHAIRMAN YASSKY: All in favor say aye.

Commission.

SPEAKER: One thing I would like to bring up. Why does it take so long for all these applicants to plead guilty. This one is 5/14, 10. Is there some reason to take so long to go to the process.

SPEAKER: To be honest, I'm not sure. Can I get back to you on that?

SPEAKER: Sure.

CHAIRMAN YASSKY: So all in favor say aye.

Aye.
CHAIRMAN YASSKY: Opposed no.

Recommendation that they be denied subject to 30 days is approved.

Now we have before us I guess three items for action. The first is the Roof Top advertising rule. I know we have several members of the public signed up to speak. We can do this. I will just say we had a public hearing on this last meeting. I understand people would like to be heard a second time, so we will do that but I'm going to ask people to keep their remarks to let's say a minute and a half. Can we do that. Can you time that.

To two minutes.

There are several minutes signed up to speak. As I say the public hearing is technically closed but I understand that people want to be heard nonetheless.

The first speaker is the New York taxi service lines.

SPEAKER: Also if I could state the speakers before they begin their testimony.

SPEAKER: Good morning. I'm speaking
on behalf this is Beta B. Desigh. I'm the executive director of New York City taxi alliance. We have members who lease from fleets we have members who are owner operators and we have a large membership of DOB operators. And I'm here this morning to speak in favor of the proposed rule making.

You know for us, this rule was always about a simple fairness. You know fleets who own the vehicle and owner operators who own the vehicle have control over the Roof Top advising because it is a physical issue that impacts the physicality of that vehicle. It really has nothing to do with the medallion it's about the vehicle itself.

And we believe why should DOB operator be the only group of vehicle owners who don't have any control over the Roof Top act. They drive with those vehicles, it affects the cost of fuel the content of the advising is associated with that vehicle owner. If that car is parked with someone's driveway or near to their
building. That medallion is associated with that vehicle and the vehicle is associated with that individual DOB operator. It's only fair that they should have some level of control over that rooftop advertising.

For the record I want to state, DOB operators are in fact the real vehicle owners not the agents who finance the vehicles to them. They pay a substantial amount of money. Presently, for example, we have paperwork to evidence that on Ford Escape where the bim of sale is about $30,000. When you end up the 348 a week that drivers will pay for the cost of the vehicle plus another $50 for the insurance and $85 for something called an additional driver fee it amounts within a hundred 35 week period $65,205. For a vehicle that would cost them ordinarily to 28 to $30,000. They are the vehicle owner they bear all the expenses they bear the risks. It is only a matter of fairness they should have some level of control over the simple issue of control over the simple
issue of Roof Top advising thank you.

  (applause).

CHAIRMAN YASSKY: Thank you. David

Pollack from the committee of taxi safety.

SPEAKER: Commissioners. Good

morning. I'm David Pollack, executive
director of the committee for taxi safety.
And we represent the drivers and owners of
over 3,000 medallions.

First of all I want to thank all
the commissioners who work with the
industry to make changes in the rule. We
really appreciate it and I believe in any
industry, if you regulators work with the
industry you can resolve any problems. We
do object to the proposed definition of
owner in the rule. And our agent business
model it's the agent that assumes
responsibility for the initial purpose of
the vehicle using its credits. And it's
the agent responsibility to make timely
payments to the lender. This time long
term leases make no payments for damage
property even if they were at fault. In
accidents where the car is totaled, the
long term driver often walks away leaving the agent to pay off any balance of the vehicle. So the definition of owner 54/34 defines to include long term lease elong term why to walk away from the vehicle and how does the driver owner of the vehicle.

The driver has no responsibility other than the mechanical maintenance. Chapter 51 TLC rules defines the legal owner yet the long term leasee should not be a legal owner of vehicle because neither title or registration is in the driver's name.

Chapter 58 defines individual or business entity licensed by the commission to own or operate one or more med taxi cab. The TLC license and med license.

I further banded about yet in this proposed litigation it's inconsistent with current regulations. And street hail plan the term owner is not inclusive taxi cab owner means of personal licensed by the TLC to own and operate therefore no consistency. One can't pick and chose to be an owner but the long term sequence of a long term driver becoming an owner by
definition will result in the driver's becoming personally liable as the owner of the vehicle in lawsuits. This rule as it does not benefit drivers at start but will hurt them. And other religious and morale values of fleet drivers to be less important. The rule states religious and morale values but I heard something about sharing income now. I thought that wasn't the basis of this rule. In any event I do have copies of my testimony I didn't get to read everything I would appreciate if you reviewed it.

CHAIRMAN YASSKY: Lohan sing.

SPEAKER: Good morning. I'm driving a cab. And as I just came down to tell you that -- this goes on my car as a special thing. That is when it is parked in my driveway and my granddaughter it says flash dancer and she said I want to dance also. What do you expect. They just tell me what to do. To tell our children oh go ahead that is good.

Another thing, gentleman's club.

Last time my brother come to my house and
what he's doing mom I want to go to the club gentleman's club. What do you expect from a young kid? I just request you what is a good deed and we want to take care of the kids and we are here to tell you that they say we also pay the amount which goes from our pocket the time is fixed over there the gases extra charge that comes from our pocket we have to pay everything we have to pay. And we are here to build America and you tell me you want this go ahead it's up to you. I'm asking you people take care. Justice right we got everything God is here. That's what we want. We're not doing any... we are just asking -- I think you have good enough to answer what is good and what is right and I request you take care. I want justice for everyone. To everyone. So I think you will be kind hearted and do what is right.

CHAIRMAN YASSKY: Thank you.
SPEAKER: Thank you very much.
CHAIRMAN YASSKY: Next speaker is barris simpleness.
SPEAKER: Good morning. First I want to say the drivers in JFK airport thank you very much for showing your concern under the drivers who worked during that storm.

CHAIRMAN YASSKY: Please don't take this from the two minutes. I went after the JFK a couple days after the storm and talked with several drivers and when I was thanking the members of the industry obviously it was the drivers that were out there they don't have to be and they're not required to be. A lot of drivers did respond when we texted the dim please go to the zone A. Drivers on their own chose to do that and I want to recognize their efforts.

SPEAKER: My name is barris. I'm a member of the taxi workers alliance. Been driver taxi over 40 years. I paid for two wheelchair recess I have cars I never walked away once and I've had accidents and owning as a DOV driver is one who is on his way, trying to own his own medallion, okay.
Two give the Roof Top to the industry or to the brokers is basically taking money away from the drivers who pay a very heavy amount of money to maintain this vehicle. It helps to pay these vehicles. It cost up to 46 percent on whatever we pay for these cars. Nobody in the history of loan management would pay so much in interest. Cab drivers are hard working people. I'm asking you commissioners to please look forward to the drivers. We are hard working men. We do a great service to New York City and we would appreciate your consideration in working along with the drivers because we are the ones who are in the streets and we know what's happening. Most of these guys haven't driven a cab in their life and most of the drivers who were driving before are not driving now. Thank you very much.

CHAIRMAN YASSKY: Richard Thaler.


I was aware that the Roof Top rule was posted for action only so I appreciate
the opportunity to raise two issues again
that were raised at the hearing.

The first was the denial for FHV
Roof Top advertising. The original denial
if you go back to the trans was
unjustified. I think it was lee sanders
made the motion just as the rule was to
passed allowing for the Roof Top. I think
the denial for resolve top for those that
want is unjustified and that should be
reexamined.

The second issue is a actual insult
regarding the two sided display
restrictions. With the MTA taxi tax,
taxed on the passengers while the M T. A
is allowed to have for their financial
benefit, for rear display advertising on
the buses, it just doesn't make any sense
if a sign was allowed to have rear display
advertising, it would have to pass
structural requirement. But the fact is
it's on the MTA buses and I don't think
I've seen a just case for denying a rear
display on a Roof Top advertising sign.
Thank you for your consideration.
CHAIRMAN YASSKY: Thank you Mr. Thaler.

I just want to address a couple of those. The question of FHBs, we certainly to, the staff at TLC is looking very hard and is certainly open to the idea that bureau taxis should have the same ability to carry advertising as yellow taxi do. There's so many responsibilities that the commission will have to act out I want to say this is -- the fact that that's not included in this rule does not reflect a determination by the TLC staff not to recommend to us that advertising be permitted on SHVs. That's one of the many issues that we will be taking up in the context of bureau taxis. And certainly I don't know, I have not spoken I think a couple of you I have spoken to. Perhaps the balance of opinion on the commission would be no advising -- it should be that will have the same advertising as others we will take that up as a group.

In terms of the two sided and four sided. The staff looked very hard at
that. There's was kind of an experiment
to allow some four sided ads. The staff
does believe there's both a safety concern
and a consumer concern with the four
sided. In other words allowing ads in the
back and front as well. They are more of
a distraction traffic to the cars trailing
the taxi than the side ads are and they
provide some clutter. We want the
customers to be able to look at that back
and all they are seeing is lit or unlit.
And it was the staff's clear
recommendation not to proceed and permit
the four sided ads. Thank you again
Mr. Thaler.

The next speaker is Victor Salazar
New York taxi compliance.

SPEAKER: Good morning commissioners.
How are you?

I just came to clear up a couple of
facts about roof advertising. First taxi
drivers who have the roof over their
vehicles we believe they are owners,
definitely owners from all the angles that
we can think. They spend about $32,000 to
$34,000 in gasoline alone to keep that advertisement in display through the streets of the City of New York. On top of that the time is still on display when the car is parked in front of the homes. On many occasions, agents take the medallion away from their cars and when they are finished paying the lease -- not the lease excuse me. The payment of the cars. I also would like to thank you the commission for appearing at JFK airport. It was really gratifying for many drivers. The drivers were very satisfied thanks from all the drivers. Of course they would like to see the commissioners make the right decision today and see Mr. Yassky.

CHAIRMAN YASSKY: Thank you.

Vincent Spone from the individual taxi owners.

SPEAKER: I think few people went over their two minutes.

CHAIRMAN YASSKY: Can you enforce that please.

SPEAKER: It's nice to see, for the
first time I'm seeing a divided commission
one guy is thinking about this and the
other one is thinking about this. It's
good. That's what makes America. That's
democracy. I miss (inaudible) I miss him.
Bring him back. Tell the senator to drop
me a little line I need some help here.

Anyway, listen I respect all cab
drivers I started driving in 1964. I'm
not driving now because it destroyed my
back. And the people boost me up there
and I sit at a desk most of the day. My
father drove in 38's. My uncle had a mini
fleet in the early 40s. I'm not a rooky.

All I can say is this, after
listening to everybody I would say that
the time is offensive I think we should do
away with it. I agree, you know. But on
the other hand it seems like all of a
sudden, if you forgive me okay, all of a
sudden when city hall wants 30,000 Liberty
cars out there we're into the agenda about
who is going to get paid for the Roof Top.
But the Roof Top have been there for 12
years or 13 years. What happened?
And when I bought my house I'm still paying for it by the way I put two kids through college and most cab drivers are making 500 chain for their medallion. I bought my house still paying for it they said it cost me 40 grand. By the time I finished it's $800,000. When you're paying interest, it's not new.

Listen I don't want to see a cab driver get hurt will he belongs to me or doesn't belong to me doesn't matter he's still a cab driver. Stop giving these guys massive fines stop the harassment out there and give them an increase already thank you.

CHAIRMAN YASSKY: Thank you. Thank you Vinny. Then the next speaker is Ethan Gerber.

SPEAKER: I'm with taxi lines and I've been driving for six years. Before I was a cab driver I bout my car last year. The minute when I signed the contract and my broker told us that we are the owner and we are the responsible of the vehicle and these days we have to put down $7,000
as a down payment. And it's not a magic
investment. Broker saying driver just
walk away. This is just a lie. And
insult. I take it as insult to all the
drivers. We're responsible people. And
this is our job. This is our job. This
is our livelihood. And if you're
responsible for anything, broker just
take -- they sue us they take the judgment
against us and get our license suspended
through the TLC. If you don't pay them.
They have a total control on us.
All I ask you guys is some fairness.
That's all. Thank you very much.

CHAIRMAN YASSKY: Thank you very
much.

SPEAKER: Ethan Gerber from greater
New York City taxi association.

There's some misstatements made
that I have to clear up. Some of the taxi
workers are talking about brokers. What
we're talking about are medallion owners.
They are the registered owners of the
vehicle. That makes them vicariously
viable for the accidents when the driver's
drive. The driver commits the tort through know fault of the registered owner. The owner gets sued. Anyone who has practiced tort law knows they sue the medallion owner. Every threat of litigation there's threat. I've defended against owners and cab drivers, the owner of the medallion is the registered owner of the vehicle and the registered owner of the vehicle pays the claims. In not one of the many thousand thousand of cases has a dove operator ever paid a claim. So for the dove operator to come here and say we're responsible for everything, well that's news to the insurance business that's news to the self insurance industry and that's news to any plaintiffs' attorney that's practiced. So the owners are the ones who are responsible for the vast vast majority of losses when a driver commits a tort or is accused of committing a tort.

I do want to commend Vinny and what he said before because what I'm seeing today is a commission dedicated many and
women who are acting as volunteers. And these commissioners have risen to a challenge. There were statements made at the last hearing. Statements made to the press drivers were upset about the content. The driver who came up today I don't want my daughter to dance for flash dancer. Nor do I I have two dollars.

What the TLC did is modified and I thanked the commissioners who listened the last time and I thanked the commissioners to work hard to make sure the rule did what it was intended to do.

Just the other night I watch owe Bank of Americaa give his academic speech. I know that 60 percent of Americas s Americans this the president said regulation should only effect the health and welfare of the nation. And you are members of regulators, I urge you to follow president owe Bank of Americaa advise regulate the health and welfare nothing else do not regulate the operation of business. It's good enough for bomba should be good enough for you. I have
objection to it I've made objections clear
to the commissioners but is a far far
better bill than had before.

SPEAKER: Mr. Gerber, can I ask a
question with respect to the claims you're
talking about. The medallion owner has
insurance and the driver has insurance.

SPEAKER: No. The driver does not.
The registered owner of the vehicle has to
get insurance. For New York City taxi --

SPEAKER: I know you practiced tort
law I know you know what that means.

SPEAKER: And it's posted by the
owner registered owner of the vehicle
which is the owner of the medallion by
rule says the medallion owner have to be
the same.

SPEAKER: Forgive me if I sound
ignorant. There was a gentleman said if
the driver buys the car or has a lease on
the car they are leasing it from -- I'm a
little confused on this.

SPEAKER: What we're talking about is
a dove contract. It's a long term lease
with payments that ultimately the car will
transfer. Registration and title of the transfer.

SPEAKER: From the medallion owner. At the point that they're operating most of the time, 99 percent of the time, the registration is in the name of the medallion owner. And the registrant the medallion owner buys the insurance pays the premium. The medallion can be.

CHAIRMAN YASSKY: I will ask I understand if there's disagreement with the speaker but we have to be SPECTful and respect the process session.

SPEAKER: This is an important insurance.

SPEAKER: It is a medallion owner rule TLC rule that will has to be 10,300,000 insurance it is a medallion rule owner rule. And the medallion owners are responsibility so when we talk about brokers, when people come here and they talk about brokers, what they really mean are the agents, the licensed agents of the owners of the medallion who are the owners of the registered vehicle. And that is
why in every tort case. The threat that I'm faced with by plaintiffs' attorneys is that we are going to go after your medallion because the medallion is tied directly to the registered owner. It's the same corporation.

SPEAKER: Going to go after the medallion's insurance.

SPEAKER: No we're going after the insurance and going to go after the medallion.

SPEAKER: In the event the injuries exceed 100/300 policy.

SPEAKER: Yes.

SPEAKER: You said there's something about an option. If they lease a vehicle they're paying the monthly payment directly to the med owner.

SPEAKER: Yes or his registered agent. They're talking about the registered agent about the med owner. When they're referring to brokers that's what they're referring to?

SPEAKER: I want to be clear. You're saying that the dove owner does not have
insurance as well or in addition to the
med insurance.

SPEAKER: They are covered by the
same policy but it's one policy. So the
biggest med --

SPEAKER: It's a policy that the dove
owner is not making premiums on.

SPEAKER: He might have a contract
where part of his payment --

SPEAKER: So it may be a process
bourne by both.

CHAIRMAN YASSKY: I'm just told that
the practice is for the agent pass that
cost on to the driver.

THE WITNESS: Well I can tell you
only from my experience I represent as you
know a self insurance operation. I have
approximately 3,000 self insured taxi cab
corporations in my purview. Not one claim
not one claim has ever been paid by a
driver. Not one claim.

CHAIRMAN YASSKY: Do the dove drivers
have to crbtd to that insurance.

THE WITNESS: No, they pay contract
fees. But the claims are paid. And when
that claim --

CHAIRMAN YASSKY: Do they have to pay anything towards the insurance.

SPEAKER: The premiums.

SPEAKER: Wait a minute.

SPEAKER: If they are paying towards the premium and it is from the insurance premium that the insurance is paid out. Effectively, they are covering the cost to a certain extent.

(applause).

SPEAKER: I talked about what I know I represent 3,000 self insureds there is no premium. There is payment -- there payment and the payment is sometimes $75,000 sometimes $100,000.

SPEAKER: I don't think you're getting my dis thinks I understand that they may not be personally paying the premium.

SPEAKER: The claim.

SPEAKER: The premium that pays for the insurance but if the cost of the premium is passed on to the driver they are participating applause.
SPEAKER: Again what I know is first of all even if that were true which I'm disagreeing with. Even if that were true the risk is the entire medallion. In a tort case the lawsuit is for a million dollars --

SPEAKER: Have you ever paid over the $100,000.

SPEAKER: Yes, sir.

SPEAKER: How often does that happen you're saying the medallions, themelves are at risk how often do your clients have to go pay above and beyond?

SPEAKER: It happens it happens.

SPEAKER: How often.

SPEAKER: I have represented medallion owners that were represented by American transit insurance company who had 800,000, $1 million of judgments against their corporations and then I had to settle those cases above judgment I had to do that many many times.

SPEAKER: The insurance companies have an opportunity to settle within the limits and they don't.
SPEAKER: That's true. And that's one of the reasons people go self insurance because the insurance company only looks to their --

SPEAKER: That shouldn't be put on the burden of the drivers now?

SPEAKER: That's why in self insurance people prefer it because they know that someone is protecting their entire assets and that's my job to protect their entire assets. But on every claim, every single claim has been paid by the registered owner not the dove operator. Every single claim. And I invite you to come to my office and I will show you that millions of dollars every single year are paid in claims by the registered owner.

CHAIRMAN YASSKY: You know what might be helpful there are a lot of insurances that are going to keep coming up that really speak to the basic economics of the dove industry and model. Can you provide maybe a few sample contracts with dove drivers. That I think would help the commission understand the basic economics
and who in practice pays the insurance. In other words the question a few of the commissioners have been asking is the cost. Whether it's called a premium or not or built into the contract or not whether it's the drivers that pay the cost of the insurance.

SPEAKER: Absolutely I can tell you, like I said I represent at least several hundred dove operators in my self insurance program. I represent several hundred. In my self insurance program, the claims are paid. Now the claims often -- the commissioner asked me how many times it goes over 100. But I can tell you the claims often go to $100,000. And when that hundred thousand dollars is paid that is paid directly out of the pocket of the registered owner the medallion owner it's paid directly out of that person's pocket. And any one of drivers here who wants to say they reached a --

SPEAKER: If you're choosing to be self insured you run that risk.
SPEAKER: You chose to be self insured is because exactly the situation you were talking about. American transit or another insurance company tries a case and your demand is $90,000, commissioner. And they say no more than 60. And they try the case and now it settle for $750,000 they're coming after the medallion.

SPEAKER: That's over reaching that's a whole other insurance.

SPEAKER: No it's not the drivers say they bear all the risk and they do not.

SPEAKER: You talked about over statements indulge me for a moment. It sounds like an over statement to say there's no risk born by the drivers if some of the cost is also passed onto them.

SPEAKER: I never said the cost weren't born on. What I said is the risk is not. The risk to an asset -- we're talking about, this TLC this TLC made the rule and says the registered owner of the vehicle must be the medallion owner --

CHAIRMAN YASSKY: Did we change that
rule?

SPEAKER: Change what rule.

CHAIRMAN YASSKY: Go ahead Mr. Gerber.

SPEAKER: The question was the registered owner is the medallion owner.

The reason for that rule is the general public would be protected. I think that's the reason for that rule.

CHAIRMAN YASSKY: I'm just curious. Should we keep that rule or change it.

SPEAKER: I think it should be visited.

CHAIRMAN YASSKY: I personally do think it should be visited.

THE WITNESS: I think it's a very big question.

CHAIRMAN YASSKY: I'm glad you've raised it.

SPEAKER: A couple of people just want some clarification. To change the rule that the registered car owner has to be the medallion owner as opposed to the driver am I understanding correctly.

SPEAKER: If that were the change in
rule then the medallion would bear no
risk. The medallion would bear no risk.
That's a big public policy change.
Inaudible.

One of the things that this agency
has done is required tort letters.

Tort letters and I know Mr. Wilson
and other people are familiar with this.

Tort letters mean that I cannot sell my
medallion -- claim pending against that
med. We went through this debate two
years ago. You cannot transfer your med
while there's an open claim. My asset
that I bought for a million dollars is
tied up because of a claim resulting from
a tort.

SPEAKER: That's to be revisited as
well.

SPEAKER: And that by the way --
CHAIRMAN YASSKY: We're taking up a
lot of time here I want to get back to the
agenda.

This is very worthwhile because I
think some of the ancillary issues that
have been raised in your testimony about
the tort question. And the issue that you
raised here revisiting the rule that
requires the med owner be the vehicle
owner I absolutely agree with you that we
should revisit that and I intend to. As
we said we have the public hearing on this
already. I would like to get back on the
agenda and get to the next speaker. So
thank you Mr. Gerber.

If there are additional questions
Gonzalez Gonzalez just to revisit few
sample contracts so we can truly
determine. I think there's semantics
going on here. We have one interpretation
and somebody else has another
interpretation.

SPEAKER: Just to go back to the Roof
Top ads with the current form -- made they
are acceptable to you at this time.

SPEAKER: I think the Roof Top ads
change and it makes sense. I do want to
thank you commissioner I think the efforts
that the commission has changed to make
this reasonable objection. The content
and again I have two daughters I
understand what the driver's says. I wouldn't want it on my house or my car. I appreciate that and understand that.

CHAIRMAN YASSKY: Thank you Mr. Gerber.

The next speaker is beJew cadre.

First I will say please do keep the two minutes and you don't even have to use all two. Commissioner marina I want to say Chris Wilson has reminded me to pull this out. The tort issue that's not something we can change by regulation we would need the city counsel to do that. I don't want to get ahead of my myself. What the administration supports or not supports by the I think it's the same as far as really looking at that tort lettering. And if there's people interested in --

SPEAKER: The registration issue is ours.

CHAIRMAN YASSKY: That's done by rule. I want you to take up Mr. Gerber's invitation to do that.

SPEAKER: Biguew, B-I-G-U-E-W. I'm from the New York City taxi reliance.
First and foremost I want to thank all the commission moving in the right direction vis-a-vis the principle of the fact drivers must have control over objecting to the content of roof provided advertisement. The moment we accept that princely it becomes clear the Roof Top add the driver carries on his back. And therefore all aspects of the Roof Top ad should be fully in control of the drivers including payments received from him we heard a lot of lies from Mr. Gerber I can line up two bundles of contracts. Very specifically of what full coverage insurance on the contract that the drivers pay week after week after week after week. So there's no confusion about this as to who pays the insurance. The entire taxi industry and medallion industry one is the med and one is the car. The industry and the legal system has always distinguished the two. There's an insurance structure connected to the med and connected to the car. And the med insurance is 10300 something registered back in 1998.
Now to confuse that with the car when the driver is the person who constantly makes the insurance payments on the car, yes the owner of the med may be making the insurance premiums on the med not on the car. Every dove contract will clearly indicate that the driver is paying the insurance collision and full coverage. I think we just need to be very clear about this. Who maintains is the car, the driver dozen. It's that simple. If I go to a ford dealership and buy a private car for myself. It may be still in the name of a bank because I'm leasing it I'm making payments. But if I put an add on that car who gets paid? Not the bank. It's simple.

All those costs are born by the driver thank you.

CHAIRMAN YASSKY: Thank you. I didn't mean to make request only of Mr. Gerber. We would be interested to getting them from dove drivers.

SPEAKER: How are we going to get those contracts.
CHAIRMAN YASSKY: From the commissioner.

SPEAKER: And they will be submitted to you.

CHAIRMAN YASSKY: We'll reach out and.

SPEAKER: I think that's key because I'm confused.

SPEAKER: Inaudible speaker in audience speaking.

SPEAKER: Good morning everyone. Mohammed Jeema. I'm driving taxi cab for over ten years. I have few words n from making money from roof tops off of driver's own cab is principally moraley ethically wrong its cheating unethical business SPECTers of brokers. Because they are abusing cab drivers for a long time and unchallenged so now they think they have the right to abuse. This is just one example of their abuse. There are so many others. The cab drivers afraid of them because they are threaten them if they make a complaint of them they could lose their cab and their job. And
cab driver walk away from the accidents
personally I had an accident 34 years ago.
I was driving a car with medallion. I
paid to fix the car about $4,000. Because
the owner of medallion so the insurance --
I filed claim for that they took that
money and they never gave me that money.
They took it. They took it. Commissioner
I have many other drivers. They are going
to their offices asking for that money and
it is their practice that they don't give
that money to the cab drivers.

And then they said we are paying
$800 weekly for medallion $23 weekly expense. 800 med lease, weekly business.
In the then they charge $100 additional
driver fee. I'm the owner of the vehicle
and I have another guy who drives another
shift I have to pay another 100 for that
driver weekly. And then because my car is
hybrid so they charge me $42 weekly
because they have hybrid charge. Is that
not abuse.

SPEAKER: Hybrid surcharge. That
isn't right.
SPEAKER: All of these charges are weekly basis.

CHAIRMAN YASSKY: Mr. Jeema, thank you very much. And commissioner Marino and commissioners what I think might be useful we will collect some contracts circulate them along with perhaps a pro forma income statements if you will that shows the economics of the model would that be useful.

SPEAKER: That would be incredibly useful.

CHAIRMAN YASSKY: We will get that from you in the next few weeks.

SPEAKER: Thank you.

CHAIRMAN YASSKY: The final speaker who signed here is Oscar Chadrey.

SPEAKER: Good morning, everybody. My name is C-H-O-W-D-H-U-R-Y. I'm the last speaker everybody speaks everything. First of all driver five years seven years lease the med take care of their car someone broke my windshield. Inaudible. $5,000 initially I took the car and after two weeks my car got
accident but 5,000 hard money investment I have to keep driving. And for example
2001 inaudible. The accident whose fault the owner fault or my fault? That kind of accident inaudible.

How much money do Roof Top get the driver and how much paid to the commission on the same ad in awdz I believe. It's painful. How much are they making how much money they want.

CHAIRMAN YASSKY: I appreciate the parks and appreciate the point you're making taxi TV advertising none of that goes to the driver that works its way back but I would ask you to believe keep to the issues that are before us thank you.

SPEAKER: The insurance, the driver take the medallion the packet inaudible pay too much $800. But we have a $500 lease. Some drivers have accident they are in the hospital disability who pays the department. They don't pay any money. Roof Top ads all the right inaudible. This is America freedom justice legal things. I have five years I own a car but
the whole ownership is fine. They don't pay anything.

Thank you.

CHAIRMAN YASSKY: I hope you feel as I do it was worth doing the hearing even though it was not required but I think it's very important to get that feedback. I also want to echo really what Gerber said a few minutes ago. I do think the rule proposal that's before us today is materially improved you know that's good from in other words from the one a month ago. I think that we've focused in much more narrowly and clearly on the real concern about the consent of the ads and require a vehicle owner brings the car home should be able to have a say in the content of the ads on the vehicle Roof Top and then the rule steps back from getting into some of the broader issues raised out there. Not that they are not legitimate issues but they are not touched on directly by this rule.

So again I want to thank Marino, Carone for improving the rule. So what we
have before us today -- a month ago I
brought you a rule that I favored but I
think this one was considerably improved
from that draft so I encourage your sport.

SPEAKER: Is the particular language
that's proposed I do agree that this is
much improved.

With respect to the dispute section
that's in 5834 subsection five, state that
if there's a dispute the parties are to
designate a third-party. If they can't,
that they may seek the assistance of an
alternative dispute resolution service.
Everything under this serks is mandatory
with the exception of that. It says it's
a may. So the parties have not come to
agreement they can't find third-party and
we've made this particular section
discretionary and not mandatory and I'm
wondering what you do if they haven't come
to an agreement.

To the extent an alternative
resolution service is required who bears
the cost.

MR. CARONE: I wanted to comment on
the rule as well.

Just a little background on this particular rule. I want to address the public out cry for the recall of judge dea. I hope that's not an indication on my job. I do promise to work harder so maybe I'm more welcome. But I did hear that at one point.

Most of the testimony was extraneous and raised a lot of issues maybe ancillary to the industry or the bill or the reg I did voice an opposition last hearing to the proposal. This is a big improvement. None of the testimony challenged that at least what I heard. It was an example in my view of good government to work with the industry we worked with the law department we worked with the commissioners and we came with a real good reasonable reg and it's not about shifting economics all though we heard some of that it's about taking a real sensitivity to true deep religious and morale beliefs to the content. Which is why we use the word reasonable.
So we took all these considerations and I think we have a fair balance and again I want to stress it's reasonable objection to express on polite content and we hope that third-party addresses that and needs to be deep and real religious or morale or some other nature not for economics reasons.

In terms of the third-party I think changing the word may to shall in that sentence is probably an improvement.

CHAIRMAN YASSKY: Do you want to seek a -- I will seek a unanimous consent to change that.

Objection.

Then the rule is amended.

MS. MARINO: Which one. Because there's a couple of may's. Let's be clear because the other one is very important to remain may.

SPEAKER: What we're changing is 1534 E5 the fourth sentence.


CHAIRMAN YASSKY: Why don't you read
the sentence.

SPEAKER: The sentence as proposed is if the owner and vehicle owner cannot agree on who shall decide the dispute they may obtain the assistance of any alternate dispute resolution services with offices in the City of New York. And the proposal is that we will change that sentence to read, if the owner and vehicle owner can not agree on who shall decide the dispute they shall obtain the assistance with offices in the City of New York.

MS. MARINO: Who is going to pay for that? That's a minimum of $800. It's usually $400 per party will they split the cost that should be in there.

And my other questions is what kind of disputes are really going to come about. If it's ultimately the driver's choice not to have an morally objectable ad on their car, what type of disputes are we really referring to.

CHAIRMAN YASSKY: Yes you're right.
The dispute is the driver's objection on the ground as permitted by this rule. And
that's the dispute that envisioned there.

In terms of cost.

    MS. MARINO: That's kind of vague

though isn't it? If it's morally

objectionable what does that mean.

    SPEAKER: Reasonable.

    SPEAKER: So that you inject

reasonableness to come to an agreement you

have to have someone help to arbitrator

that dispute so you don't have heightened

sensitivity or someone who is morale loss.

    SPEAKER: I guess to say red I don't

approve the color red is not reasonable.

The prevailing party should.

    MS. MARINO: I don't foresee a lot of

disputes but I think we should address

cost because it is going to be an $800

cost.

    SPEAKER: Is there really a loser.

This is not a liability issue this is we

need to come together is there really a

loser in that respect? It's just someone

else is helping to arbitrate the

reasonable. It's not a fault issue where

you have a loser where you can assign loss
or blame. It's equally. Equally born between the parties.

MS. MARINO: It is significant cost. It can be a minimum of $800.

CHAIRMAN YASSKY: In the interest of getting this done and we do have some time pressure on because we're now operating without a rule. Unless we adopt one we won't be able to permit new Roof Top ad structures on taxi. And starting tomorrow it won't be able to have a Roof Top ad structure. So commissioner or Chris can you give some language here.

In fact why don't we move on to the next item in the interest of a few minutes.

SPEAKER: To be sure the rule of structure being silent on if obviously this will have to be paid for and have to.

SPEAKER: If they can't agree. So does the commission care whether the commission specifies that they must share or require them to go would the commission prefer that they work out who is going to bear the cost themselves. There might be
instances where one party might agree
between themselves I don't know this but
they might agree between themselves that
one party would bear the cost?

MS. MARINO: You really think so I
don't?

CHAIRMAN YASSKY: Let's have a
default.

SPEAKER: I think perhaps the shared
cost might be an incentive to agree to a
third-party without having to go to
alternative resolution services which is
the third option in this paragraph. First
you can try to agree then third-party. If
you can't do that then you go to
alternative dispute resolutions.

CHAIRMAN YASSKY: So let's just give
counsel a few minutes to come to language
on equal share.

MS. MARINO: Can I ask another
question.

CHAIRMAN YASSKY: Yes.

MS. MARINO: I do apologize if I'm
being repetitive in any way. This fine
$150. I'm not sure what that fine is for.
For every 30 days advertising material is posted on a taxi cab. What is this fine for.

CHAIRMAN YASSKY: That would be the fine for having a Roof Top structure without a license without a permit.

SPEAKER: No, it would be if there is a dispute and a finding is made in a particular way. The resolution dispute resolution service that the objection was reasonable and the owner inaudible.

MS. MARINO: That fine is for the owner because I'm in clear I wasn't sure what that fine was for.

SPEAKER: That's only in the event that it is determined that the objection.

MS. MARINO: Is valid.

SPEAKER: Is reasonable and the owner still not does remove the advertising.

MS. MARINO: And that fine comes to.

SPEAKER: The TLC.

MS. MARINO: Shouldn't the driver get the benefit of the fine since they are the ones who has the car?

CHAIRMAN YASSKY: All of our fines
are rendered to the commission.

SPEAKER: I disagree with that.
Inaudible. The fine has to stay.

MS. MARINO: Good point. I agree.

CHAIRMAN YASSKY: So I would like the record to reflect that even without commissioner dear, I think that we're able to function pretty well. I'm not saying that you know heaven surpass that but I think today's shows that the commission is able to evaluate deliberate and improve. And so I want to note that for the record.

The next item on the agenda is a very small short item. All commissioners roughly a year ago, the commission adopted a polite program by Liberty vehicles. We gave that a one year time frame for that pilot that year is almost up. The motion now is to extend that for an additional year. There is one area in particular in the northern Bronx. And an operator has come seeking to provide service. The local community board and statement legislature have urged us to try the service there as well. We are working
with the operator. We are not ready to say we're insured to do it we want to make sure the operator is capable of providing the service. Since our year long is about to expire this would extend that program for a year to give that opportunity in the northern Bronx. That motion is before you.

All in favor say aye.

Aye.

Oppose?

No.

Okay that is adopted.

CHAIRMAN YASSKY: Commissioner let Chris Wilson read proposed language.

SPEAKER: So running to 5834 E5, which is currently reads: If an owner and vehicle owner cannot agree on who shall decide dispute they may obtain the assistance of any alternate dispute resolution services with offices in the City of New York period. And the proposed -- it's proposed that we will change that sentence to read, if the owner and vehicle owner cannot agree on who
shall decide a dispute they shall obtain
the assistance of any service. With the
office in the City of New York comma the
cost of each service will be equally
shared by owner and vehicle owner period.

CHAIRMAN YASSKY: Owner and vehicle
owner are defined terms elsewhere.
Is there an objection to making
that measurement.
Hearing none that amendment is
adopted.
I will now call for a vote. As
amended all in favor say aye.
Aye.

SPEAKER: That rule is adopted.
Thank you commissioners.

CHAIRMAN YASSKY: Finally, we have
and I think we have folks here interested
as well. We have a proposed rule related
to the (inaudible) few months back. Do
you want to describe these.

SPEAKER: At the public hearing, the
commission in the Bronx on June 16 the
commission directed the staff in response
to testimony to develop rules to extent
inheritance of independent medallion the
owner must these rules are result of that
direction. They permit an inheriting
spouse or registered domestic partner to
step into the driving requirement held by
the deceased spouse. That is deceased
spouse who is not required to drive the
inheriting spouse will not be required to
drive. A deceased spouse required to
drive 189 hour shift. The spouse would
inherit that requirement. And if the
deceased spouse... the inheriting spouse
will be required to meet that requirement.

With the original rule for an
inherited spouse even one with a driving
spouse even to comply with the rule
including the buy down option. These
rules were published in the city record on
August 6. And one comment I believe was
provided to the commissioners and staff
recommended the rule as proposed.

CHAIRMAN YASSKY: So commissioner
there is a required public hearing on
this. There are five people signed up to
speak, Richard Thaler, Robert Chang, Ethan
Gerber and Vincent Camafon.

Bear with me. Before we do that, I just want to interrupt. Caroline Hampton joined us. We spoke Caroline, about your brother earlier. TLC Elijah Hampton sadly passed. He served us. He's missed and is remember and Caroline we have his badge here that I would like to present to you. I will just walk around right now and do that.

Five speakers. I would ask the speakers to remember the rule that's before us today again speaks solely to the issue of the treatment of inheriting spouses. The broader issues involved in owner must drive regulation are really not before us in this rule. So I would ask you to make comments on point.

First person signed up is Richard Thaler.

SPEAKER: In addition to my comments on the changes on the owner must drive rule, actually on the discussion before involving the differences of the defacto operators of the med and the taxis and the
agents and owners, those differences discussed before are a gift from my comments as a prelude to what I'm about to say. I would like to read the summary of my comments.

The owner must drive rule would no longer be necessary under the proposed taxi permit plan described in the attachment to these comments which would be submitted to the requested under the tax permit plan each independent operator of the taxi would receive a non-transferable taxi permit for the use of the holder for a term of five years which remain valid that the permit requirement for taxi service. Then the alliance of independent contractor taxi worker can undergo paradigm shift with a naturally strong mutual interest with the taxi riding public. Improvement and the availability a beautiful city wide taxi value can best be accomplished by a plan to create individual taxi operator permits for all commissioned licensed drivers under a sunset provision for the system of
med licenses. By substituting taxi operator permits for med licenses would not only ensure the availability of the highest quality of professional unified taxi service but the plan would also protect a history high.

For this purpose a high rated debt instrument would be issued to a med licensed owner and linked to the taxi permits. The taxi permit issued to each qualified driver would grant full rights and responsibility to the taxi permit holder with a minimum monthly trip requirement. A type A permit lease a taxi for the term of the.

Type B would not require taxi ownership restrict the type B to the operation of a type A permit taxi only. The scheduled arrangement could be more flexible. The preferences and could result in more efficient increase in taxi service. While the tax rate would be uniform throughout the city the taxi permit holders per trip payment. When a trip designates in any of the bureau
areas. With the incentive, restricted
borrow med as a compromise for the
controversy in the free permit bill or the
livery would no longer be necessary. The
incentive could be applied for permits.
Who previously leased a fleet taxi
remained self employed but would no longer
be independent. The OV operators would
become taxi permit holders eliminating med
holding lease final violating.

CHAIRMAN YASSKY: At the risk of
being.

SPEAKER: You're never grumpy.

CHAIRMAN YASSKY: You've rendered
tremendous service. I have to point out
what you're proposing here is a complete
restructuring.

SPEAKER: It should be considered in
the long term.

CHAIRMAN YASSKY: I think it's a
disservice do you realize the
differences -- and the $800 lease cap is
clearly defined of the cost plus the
insurance purchased by the med owner --

CHAIRMAN YASSKY: I'm saying there's
a time and place.

SPEAKER: Where else I just laid it out.

CHAIRMAN YASSKY: It's not fair to take the commissioners time especially western.

SPEAKER: They should be giving ours priority considering what was discussed before.

CHAIRMAN YASSKY: Thank you sir. Robert change is the next person signed up good afternoon my name is Robert change.

SPEAKER: I've been owner driver for more than 26 years. And I feel that the owner must drive should change. Because driving a taxi in the city is very moaning specially nowadays. So a driver who have been on the road for ten years is all right. But after that 13 years, 20 years 26 years, your body will get -- you will feel sick of driving you know. And I see many of my friends they all get sick and some of them even pass away because of this job. This job helped to support my family and the money that I'm making is
good. But I feel that it is getting harder and harder for many many driver who rely on this job to make a living for their family. So if the driver has been on the road for so long, let's say 20 years or 25 years. I think the commissioners should give him or her a break. Let him or her take it easy for a while. So at the same time he can still support his family or start a family. Because when you working 12 hours or 14 hours a day, you really don't have time for family and I just have a -- I started a family like seven years ago and I have a daughter I hope that this medallion can help me and my family.

That's all I have to say.

CHAIRMAN YASSKY: Thank you.

MS. MARINO: Can I ask a question.

CHAIRMAN YASSKY: Certainly.

MS. MARINO: What's on the table today from what I can understand is strictly the spouse issue because I do have issue with the owner must drive as a whole and I think a couple other
commissioners might as well but that's
not on the table.

CHAIRMAN YASSKY: Yes that's correct.

As Chris described I will extent treats
inheriting spouses. It provides that
inheriting spouses will be.

MS. MARINO: Inaudible exempt.

CHAIRMAN YASSKY: Seen by this rule
as their deceased spouse. They will have
the same rights and obligation as the
spouse would have had. So it provides --
the goals are protected against economic
disruption in a family when one spouse
dies.

MS. MARINO: I don't mean any
disrespect to the speaker. Should be
pored to drive to 90 but that's not before
us today from my understanding but I think
that's a good point that should be
visited.

CHAIRMAN YASSKY: Thank you the next
speaker is design and Ethan Gerber will be
followed by Vincent spoon is the final.

SPEAKER: I think good average now.

I'm desay executive director of New York
taxi workers alliance. A word of
gratitude for the commission for passing
the previous rule and real more
importantly to the DeArcy for the
questions that you asked for a lot of
information to be properly clarified we
want to thank you for that opportunity.

In terms of the rule that is on the
table we do support the proposed rule
making but I you know I do want to say
though we gotten a lot of feedback on the
rule that was already passed over all the
fines are just incredibly fine in having
to pay $5,000 to have the option to a DOV
operator is almost equal for still paying
for a vehicle themselves as a owner
driver. At some point we would compel the
commission to look even in a six month
period to see the outcome of the rules
that you've all right passed study the
impact we would be happy to bring in a
group of our owner operator members to
meet with you. Because if the rule does
not allow for them to really take
advantage of the provisions that you have
created then it seems like a moot point.

We would ask you to really study
the impact of the rule that you've already
passed and consider making changes to the
fine amount. I mean $1,000 if you miss
even one of the required shifts within
that year or $5,000 to designated DOV
operator is just a lot of money.

Thank you.

CHAIRMAN YASSKY: Thank you.

Mr. Gerber.

SPEAKER: Thank you Mr. Chairman
commissioners first of all I cannot
clearly be as eloquent there were two
children wearing thank you commissioners T
shirts. It's just an in credenza I
believev important thing for these family
and I do want to take you up commissioners
that your suggestion reexamining the entire
structure of this. If you drive for 25
years the idea that you have to turn in
that time when you're ill or sick and you
have to do it when -- you can't hold onto
that and make that investment long term
property is really not a service for
anyone. As anyone who has any kind of asset of a home or anything else you know when you sell an assist set is important thing. There's tax consequences and estate planning consequences and all things of things that go into it. So I do invite this commission please take a look at these rules this is a big big step in the right direction. And I do thank you all, commissioner DeArcy, you were very inaudible not at this last meeting. Commissioners Carone and Gjonaj. The fact that you are getting involved in understanding that there are real people with real problems for many many taxi owners this is their large single asset even larger than their home this is very critical to how they structure pay for their kids colleges buy homes remachine all this stuff is very crucial to them I thank this commission for its hard work.

Thank you.

CHAIRMAN YASSKY: Thank you Mr. Gerber. Vincent is our last person to be signed up.
SPEAKER: I never said who I represented. I the league of mutual taxi owners mutual it's known LOMTO. We've been around since 1934. Not me but the organization.

You know the bottom line is I should have told my wife to attend this meeting because she knows everything. Any problem she can solve.

Anyway I want to thank the chairman for reducing the existing driving requirements for all owner must drive meds from 210 to 180. But I have to say a few things.

I know a few guys already that paid $5,000 fines. These fines are too high. $10,000 if you miss 51 shifts. $7,500.26 shifts. $6,000.11. $1,000 for one of the ten shifts. Who thinks about these numbers? Any of you guys.

Where do they come from? It's crazy.

Give a guy a fine but common who gets fines like this I think you should do something about that Mr. Chairman.
The next thing what the driver was talking about driving so many years he's absolutely career. I would like to see but I'm boughtful that will ever happen if a guy is driving 15 years and he wants a lease let him lease for a while. Maybe he's doing something else going to college or work on computers and see how he does. You know it's very hard being out there six, seven days a week. You have to do it to know it. You don't know what thees drivers go through here passengers cursing at them with bus lanes inaudible.

SPEAKER: Lanes and maybe next year we're going to have hen thousand more by next year. When you're driving is not good not good at all. Anyway I think it should be considered some of this year these amount of fines. Thank you for allowing me to speak.

CHAIRMAN YASSKY: Thank you.

I know a couple of commission have time constraints I know there's at least one commissioner that has comments here so let me open up for discussion on this
rule. I would ask commissioners.

SPEAKER: I will only take a few minutes at the time. First of all I want to thank our members for the taxi for bringing out so much information. I really appreciate the paper and I read it and I get sick some of the articles that some of the taxi drivers come in with. It's just one particular and I won't take too long. It's regarding the bus lane. Now I don't know if this has anything to do with us or the DOT but I would like to bring it up anyway.

CHAIRMAN YASSKY: Commissioner if I could ask you because let me indulgence I would like to call for a vote on this and then have discussion is that acceptable to you.

SPEAKER: Chairman I have a comment before we call for a vote I will make it quick. I understand the initiative behind the owner must drive rule I think it's an injustice that we change rules after. Anyone who purchased a med after 1990 and making a significant should not be subject
to change later on but I have a real issue
and I don't want to address that now. I
have a real issue with how the transfer
takes place. And specifically it says
here inherited spouse must notify the
commission of the owner death within 60
days. Unless otherwise waived by the
chairman. So if during this period, in
the loss of a spouse it's normally the
husband, so the wife would be responsible
to report that her husband has passed
otherwise she would loss this privilege of
not having to drive inaudible.

That's not only hash that a real in
justification at a point in time where
that disastrous is in a tremendous amount
of stress.

CHAIRMAN YASSKY: Let me just top
you. There is a waiver opportunity in
there. I think its important to have a
time period. We don't want people coming
back three, four years later and then we
have to deal with the mess. When we learn
there's been three years of non-compliers
and it's not -- you know like you said it
feels unfair even when somebody has been violating a rule for three years if that's been the statement on the ground to go back and enforce it. So there's a waiver provision here so it does give people an opportunity in the case you describe of they were not able to do it. But we think it's in everybody's interest to sort it out promptly rather than two, three years down the road.

SPEAKER: I'm not looking at it from a part of noncompliant. The failure or the inability to know. Many woman may not be familiar with the obligations that their husband's have.

SPEAKER: The rule does permit the chairman to wave the rule.

SPEAKER: I don't know who the preceding chairman may be I would like to open that up to a complete discussion. What's reasonable 60 days is not reasonable and again chairman unless you plan on telling me you will be here for ever then we need to address that. I don't know who the predecessor may be. 60
days is not enough time. This does not fly to an inherited spouse. This is a significant asset and a tremendous obligation an owner must drive requirement is substantial. I purchased a med prior to 1990y if I miss the 60 day period or remarry once my spouse has passed, I will not be afforded this opportunity. So I have strong objections to both of those.

CHAIRMAN YASSKY: You know there are commission you know I promised to me the meeting well over by 1230 I've failed on that. We will have to defer this until next meeting I say that with some regret because I know there are some folks to have this settled so they can be confident in their legal rights. But if commissioner if you would like we can defer this until next meeting to work out the details.

I will point out this rule was distributed but if you would like we can defer this until next meeting.

SPEAKER: I would rather resolve this now.
SPEAKER: It's not a quick change. We called the chairman. I think -- I'm not objecting to your objecting it's a major change you're making to the rule and I think we need further discussion on this longer. I know I have to leave and.

CHAIRMAN YASSKY: We can't --

MS. MARINO: We should do it right. Inherited spouses should be protected I don't think anyone should loss any sleep over that.

CHAIRMAN YASSKY: With that and I guess I understand -- I say it with regret to some of the folks here as I know you've been waiting for this for a few months now to have this issued resolved, I genuinely believe that we will resolve it. As I've said before we will certainly forebear enforcement while this is under consideration by the commission so that we can work out these issues and get the rule to match what we all want the practice to be so we'll have to put this over to next meeting.

SPEAKER: We are going to explore
this time period issue and then the
future --

CHAIRMAN YASSKY: Well the time
period of the notice issue I certainly
have no problem changing you know making
that 120 days or whatever it is. I do
think some time period is necessary. I
would not support extending this exception
to the spouses, next spouse. In other
words we're talking about -- I've been
married to a taxi driver for 30 years.
During that marriage, the driver then
retires and then the economic base to our
marriage shifts to that med.

Now if my spouse dies, should I be
disruptive. What we're saying here is no.
But I don't think it's the same situation
I now marry a new person never driven a it
shouldn't become a transferable asset in
that same way (inaudible baby crying) I
would not support making that change, but
we have the rest of the time period to
rule.

MS. MARINO: The chairman being able
to grant the waiver as mark brought up. I
don't think he's saying we shouldn't eliminate.

MS. MARINO: But to broaden in.

SPEAKER: I would agree with Gonzalez perhaps we amend the time period now.

CHAIRMAN YASSKY: We're not doing it on the fly with that we're going to table that I came here pregnant I bring my newborn in I think that's so unfair into Ma we're looking out for your best interest though.

SPEAKER: I close my star to come here. We want to make it better for you.

SPEAKER: This lady with the baby. I think we could proceed today with a different time period if you would like but if I would like to defer the whole issue until next meeting.

SPEAKER: 180 days would be fair.

CHAIRMAN YASSKY: I would suggest 120 days.

SPEAKER: Remember it's a spouse.

MS. MARINO: Can we eliminate the that portion of the vote today. That waiver position if you get rid of that
waiver position then they are in worse situation than if you didn't have it.

CHAIRMAN YASSKY: Commissioner would you be amenable to changing it to 120 days or defer to -- I'm sorry man spike speak are you okay from 120 days 120 days notice is what you're facing with.

SPEAKER: Yes.

CHAIRMAN YASSKY: Unanimous consent that we change the time period from 60 days to 120 days is there objection to that.

And I'm going to call for a vote on the rule as amended.

MS. MARINO: But are we leaving in section A180 days.

CHAIRMAN YASSKY: I'm calling for a vote from 60 to 120 and that is the rule before us and we'll have both opportunity for people to vote yay or neh.

All in favor say aye.

Aye.

SPEAKER: All oppose say neh.

CHAIRMAN YASSKY: Okay. We're done.

I apologize for my under estimate
of the time. I know people have
constraint with that. And I will just ask
deputy public affairs to circulate a
photograph of the adorable children in
their shirts to each commissioner.

    Thank you. Thank you.

    Done at 1:06. Other than that the
meeting is adjourned