

NEW YORK CITY
TAXI AND LIMOUSINE COMMISSION

Minutes of Commission Meeting

July 12, 2012

Present:

David Yassky, *Commissioner/Chair*
Mark Gjonaj, *Commissioner*
Frank Carone, *Commissioner*
Elias Arout, *Commissioner*
LaShann DeArcy, *Commissioner*
Iris Weinshall, *Commissioner*
Edward Gonzales, *Commissioner*
Lauvienska Polanco, *Commissioner*
Nora Marino, *Commissioner*
Meera Joshi, *General Counsel*

1. No motion was heard on Agenda Item 1 and the Commission did not enter into executive session.
2. Chairman Yassky called the meeting to order at 11:15 A.M.
3. Item 4 on the Agenda, Adoption of Minutes (May 31, 2012 Commission Meeting), was presented to the Commission for approval. A motion was made to adopt the minutes, and the motion passed unanimously.
4. Item 5, Base Applications for Determination, was presented to the Commission by Christopher Tormey, Director of Applicant Licensing. The following actions were presented for consideration:
 - a. The following bases were recommended for approval:

NEW (5):

B02555	LTM Global Car Services
B02538	Manida Car Service
B02559	Mott Express Service Inc.
B02553	New Jubilee Car Service Inc.
B02546	X Radio Dispatcher Inc.

RENEWALS (4):

B01552	Active Express Car & Limousine Service
B02301	Double A Car Service Inc.
B02315	La Morenita Car & Limousine Service Inc.

B02338 Triple D Car & Limousine Service Inc.

RELOCATIONS (4):

B02337 Boerum Hill Car & Limousine Service Inc.

B02288 Safari Transportation Inc.
B02402 Taveras Family Group D/b/a Kings of Queens Car & Limousine Service
B02462 Tiffany's Car Service Inc.

OWNERSHIP CHANGE & NAME CHANGE (1):

B00248 Yellow Transportation Inc. D/b/a Yes Car Service (formerly Sunline Transportation Inc.)

b. The following base was recommended for denial:

B02527 Millenio Limo Corp

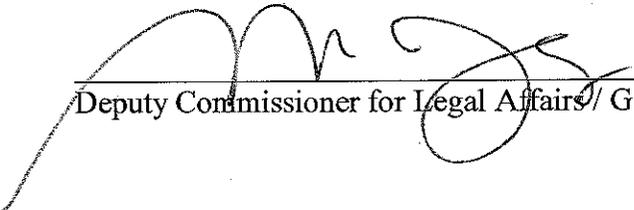
5. A motion was made to approve the recommendations on the base station license application actions that were presented. The Commission passed the motion unanimously.
6. Items 6(a) and 6(b), Fare Rules and Leasecap Rules, were presented for commission action. The Chair made a few remarks in anticipation of commission action as follows:
 - Chairman Yassky stated that the Commission has a responsibility to set taxi fares that comes with guaranteeing a predictable fare to customers and protecting limited access to the taxi vehicle operation market.
 - Chairman Yassky noted that the fare had remained unchanged for 6 years and the time has come to raise the fare. Chairman Yassky remarked that \$130 for 12 hours of difficult labor is simply unfair. The proposed changes would raise drivers' income to \$160-170 per shift.
 - Chairman Yassky remarked that the public reaction to the proposed rules has been that taxi drivers should be paid more so that they can earn a livelihood and the taxi industry can continue to thrive.
 - Chairman Yassky noted specific provisions of the proposed changes to the Fare and Leasecap Rules: health and disability coverage for drivers and a \$10 flat rate per shift for credit card services instead of a 5% fee.
 - Chairman Yassky pledged greater enforcement efforts on the leasecap rules going forward.
7. Chairman Yassky moved for a roll call vote on Agenda Item 6(a), Fare Rules. General Counsel Meera Joshi introduced the rule and noted revisions to the proposed changes that had been made since the public hearing on July 9, 2012, including moving the provision

regarding credit card fees from Fare Rules to Leasecap Rules and adding a requirement for a biannual review of Lease and Fare rates every odd number of years. Each Commissioner made comments regarding the proposed rule prior to his or her vote. Commissioner Gjonaj voted yes. Commissioner Carone voted no. Commissioner Arout abstained from voting. Commissioner DeArcy voted yes. Commissioner Weinshall voted yes. Commissioner Gonzales voted yes. Commissioner Polanco voted yes. Commissioner Marino voted no. Chairman Yassky voted yes. The Fare Rules were adopted by a vote of 6 to 2 with one abstention.

8. General Counsel Meera Joshi introduced Agenda Item 6(b), Leasecap Rules, and noted revisions to the proposed rule that had been made since the public hearing on July 9, 2012. Those revisions included: Restoring the Hybrid lease cap incentive for fleets and DOVs; Increasing all fleet lease caps by \$1.00; Revising to permit, under all three types of lease caps, other transactions as long as they are recorded and not related to the vehicle lease; Deleting the repair requirement for the vehicle/medallion DOV lease; Adding option to offer collision coverage under vehicle/medallion DOV lease at a maximum rate of \$50 per week; Increasing penalties for retaliation; Eliminating the requirement that the medallion lease rate can only be charged to a driver who holds vehicle title; Allowing up to 3 drivers on a DOV lease; Permitting only conditional purchase of a vehicle under the medallion-only lease cap; and, Limiting the amount of time in a vehicle/medallion lease to 3 years.
9. Commissioner Polanco made a motion to table Agenda Item 6(b), Leasecap Rules, for a September vote. Chairman Yassky moved for a roll call vote on Commissioner Polanco's motion to table. Commissioner Gjonaj voted no. Commissioner Carone voted yes. Commissioner Arout voted yes. Commissioner DeArcy voted no. Chairman Yassky voted no. Commissioner Weinshall voted no. Commissioner Gonzales voted no. Commissioner Polanco voted yes. Commissioner Marino voted yes. The motion to table Agenda Item 6(b), Leasecap Rules, was defeated by a vote of four in favor, five opposed.
10. Chairman Yassky moved for a roll call vote on Agenda Item 6(b), Leasecap Rules. Commissioner Gjonaj voted yes. Commissioner Carone voted no. Commissioner Arout voted no. Commissioner DeArcy voted yes. Chairman Yassky voted yes. Commissioner Weinshall voted yes. Commissioner Gonzales voted yes. Commissioner Polanco voted no. Commissioner Marino voted no. The Leasecap Rules were adopted by a vote of 5 to 4.
11. Item 7(a), Accessible Taxicab Rules, was presented for public hearing and commission action. The rule modifies TLC's accessible taxicab specifications to decrease the requirement for front and rear legroom. A public hearing was held and the following people testified: Beresford Simmons, NYTWA. Chairman Yassky moved for a roll call vote. Commissioner Gjonaj voted yes. Commissioner Carone voted yes. Commissioner Arout voted yes. Commissioner DeArcy voted yes. Chairman Yassky voted yes. Commissioner Weinshall voted yes. Commissioner Gonzales voted yes. Commissioner Polanco voted yes. Commissioner Marino voted yes. The rules were adopted unanimously.

12. Item 8(a), Rooflight Rules, was presented for public hearing. A public hearing was held and the following people testified: Osman Chowdhury, United Taxi Drivers Association NYC; Vincent Sapone, League of Mutual Taxi Owners (“LOMTO”); and Mohan Singh, NYTWA.
13. The meeting was adjourned at approximately 12:18 P.M.

Minutes as approved by the Taxi & Limousine Commission on September 20, 2012



Deputy Commissioner for Legal Affairs/ General Counsel

11/15/2012
Date