

NEW YORK CITY
TAXI AND LIMOUSINE COMMISSION

Minutes of Commission Meeting

September 12, 2013

Present:

David Yassky, *Commissioner/Chair*
Iris Weinshall, *Commissioner*
Frank Carone, *Commissioner*
Elias Aroust, *Commissioner*
Nora Constance Marino, *Commissioner*
Lauvienska Polanco, *Commissioner*
Meera Joshi, *General Counsel*

1. Chairman Yassky called the meeting to order at 9:40 a.m. with Commissioners Weinshall, Carone, Marino, Polanco, and Aroust present and reported on the following;
 - The Chair reported that approximately 2,400 Street Hail Livery licenses have been issued and that of those 2,400, about 750 were issued for accessible vehicles. Of the 2,400 licenses issued, about 120 have completed the remaining steps of painting the vehicle green and installing the required equipment and are now operating on the road.
 - The Chair announced that the TLC has published proposed rules, prohibiting a livery vehicle from being painted green unless the vehicle is a Street Hail Livery vehicle. This rule is intended to prevent counterfeit SHL vehicles from operating without an SHL license.
 - The Chair announced that the TLC has made provisions for dismissing tickets issued to FHV drivers for picking up a street hail if they are in the process of obtaining an SHL license. If an FHV driver is not in the process of obtaining a license, they are still subject to enforcement measures for accepting street hails.
 - The Chair announced that the TLC has formally approved the Taxi of Tomorrow vehicle under its contract with Nissan.
 - The Chair announced the TLC's Employee Recognition Day on September 16, 2013, recognizing TLC employees that have served the city for 15 years or more. Chairman Yassky extended an invitation to all of the Commissioners to attend the ceremony.
 - The Chair announced that the TLC denied two petitions to initiate rule making, one from the Greater New York Taxi Association requesting a rule requiring an interior

sign warning passengers that the driver is liable for all credit card overcharges if a credit card is processed outside of the TPEP, and one from the New York Taxi Workers Alliance requesting a rule allowing drivers whose suspensions have been lifted to have immediate access to TPEP if they show a TPEP vendor a DMV abstract or TLC printout showing that their suspensions have been lifted.

2. TLC's Deputy Commissioner for USB Ray Scanlon and Assistant Commissioner Sherry Cohen gave a presentation on USB's recent enforcement efforts. The presentation highlighted TLC's growing inspector head count, TLC's "poaching" enforcement, the growing number of "straight plate" vehicle seizures, the introduction of the Handheld Program, the increase in data-generated summonses, the modernization of the consumer complaint process, and the creation of a clinic with New York Law School enabling law students to gain experience trying consumer complaint cases.
3. Item 4 on the agenda, Adoption of Minutes (June 28, 2013, Commission meeting), was presented to the Commission for approval. A motion was made to adopt the minutes. The motion passed unanimously.
4. Item 5 on the agenda, Base Applications for Determination, was presented to the Commission by Chris Tormey, Director of Applicant Licensing. The following bases were presented for consideration:

NEW (10):

- B02658 Ascona Car Service Inc.
- B02641 Avenue X Car Service Inc.
- B02606 HOV Express Car & Limo. Inc.
- B02649 Kirin Transportation Inc.
- B02643 Lory Car Service Corp.
- B02657 Malcolm Limo Express Corp.
- B02672 Mazal Car Service Inc.
- B02652 Patron Car Service Inc.
- B02665 TAJ Car & Limo. Services Inc.
- B02619 Urban Car & Limo. Service

RENEWALS (24):

- B01398 Alex Express Car & Limousine Inc.
- B00318 Apple Radio Cars Inc.

B01594 Athenian Limo Inc. D/b/a Acropolis
B01714 Bed Star Drivers Assoc. Inc.
B00136 Big D Royal Car Service
B02030 Blue Car & Limo. Inc.
B01312 Brooklyn Radio Dispatch Inc.
B00692 Cheers Dispatch, Inc. D/b/a Seventh Avenue Car Service
B00278 Family Car Service
B02028 Forest Avenue Car Service Inc.
B02102 Golden Dragon Express, Inc.
B01616 H & B Car & Limousine, Inc. D/b/a Sunnyside Car Service
B02111 Huang Hou Car Services Inc.
B01529 J.I.G. Transport Corp. D/b/a New Eastern Car & Limousine Service
B02249 La Raza Car Service Inc.
B00548 Lindy Cars, Inc.
B01416 My Car Service Inc.
B01392 New American Class Limousine & Car Service Corp.
B02347 Pace Car Service
B01444 Rego Park Express Inc.
B00756 T & S Hillside Inc. D/b/a Red Cap Car Service
B00401 Tremont Dispatching Corp.
B00850 Uptown Transit Corp.
B00248 Yellowstone Transportation Inc. D/b/a Yes Car Service

RENEWAL & OWNERSHIP CHANGE (3):

B00054 128 Blue Bird Transport Inc. D/b/a Latch Car Service
B00196 New Easy Way Radio Dispatch Inc.
B00056 Transit Private Car Service Inc.

RENEWAL, OWNERSHIP CHANGE & NAME CHANGE (1):

B01264 Ecuatoriana Car & Limo. Service Inc. D/b/a Mexicana High Class #2 Inc.

RENEWAL & NAME CHANGE (2):

B00220 Big East Multi Group Corp. D/b/a Premier Car Service

B00210 Queens Dispatch Service Inc. D/b/a Howard

RENEWAL & RELOCATION (2):

B00350 Champion Car & Limo. Service Inc.

B02228 Special Radio Dispatcher Corp.

RELOCATION (2):

B02436 Federal Transit NY Inc.

B00911 New Webster Car Service Inc.

RELOCATION & OWNERSHIP CHANGE (2):

B02521 Picture Properties, Inc. D/b/a Deuces Transport Services

B02485 Sandra Car & Limo. Service Inc.

RELOCATION, OWNERSHIP CHANGE & NAME CHANGE (2):

B02543 Aden car & Limo Service Inc. (name to be changed to GTA)

B02537 Alltown Limo. Corp. (name to be changed to Glenwood Car Service Inc.)

OWNERSHIP CHANGE (5):

B00481 18th Avenue Private Car Service Inc.

B02476 Anytime Forsyth Transport Corp.

B02107 Appollo Radio Dispatch Inc.

B01311 Discount Car Service

B01667 New Golden Horse Car & Limousine Service, Inc.

The following bases are recommended for denial:

B01697 New Mexicana Car Service Inc.

B00570 Round Town Private Car Service, Inc.

B01363 Myrtle Avenue Car and Limousine Corp.

5. A motion was made to approve the base station license applications that were recommended for approval and deny the base station licensed recommended for denial. The motion passed unanimously.
6. Item 7, SHL Rules Package, was presented for public hearing and Commission action. TLC General Counsel Meera Joshi introduced the rules which amend dates in the SHL rules to reflect the passage of time between the TLC's approval of the rules in April of 2012 and the successful resolution of the litigation challenging the rules in June of 2013. Additionally, unnecessary phrases were eliminated and penalty amounts were updated to reflect recently enacted local laws. A public hearing was held and the following people testified: Bill Lindauer, New York Taxi Workers Alliance ("NYTWA"); and Osman Chowdhury, United Taxi Drivers Alliance. A motion was made to adopt the SHL Rules Package, and the motion passed unanimously. The SHL Rules Package was adopted by a vote of six in favor, zero opposed.
7. Item 8, Adjudication Rules, was presented for public hearing and commission action. TLC General Counsel Meera Joshi introduced the rules which relate to the adjudication of summonses and enforcement actions; replace the interim rules established after the former TLC Administrative Tribunal was transferred to OATH, remove the adjudicatory tribunal and hearing procedure sections as a power and duty of the TLC; remove provisions governing jurisdiction over licensee's representatives; create a process by which the Chairperson may review interpretations of TLC rules and regulations made by the Taxi and Limousine Tribunal at OATH; and update sections for vehicle forfeitures to reflect current case law that requires opportunity for a preliminary hearing on the continued retention of the vehicle during the forfeiture process. The rule package as presented differed from the version published in the City Record in that certain terminology was revised to align with TLC's Rules and, at City Council's request, a provision was added to clarify that licensees have an affirmative right to have their suspensions lifted once they have met all TLC requirements. A public hearing was held and the following people testified: Peter Mazer, Metropolitan Taxicab Board of Trade; and Bill Lindauer, NYTWA. A motion was made to adopt the Adjudication Rules Package, and the motion passed unanimously. The Adjudication Rules Package was adopted by a vote of six in favor, zero opposed.
8. Item 9, Pilot Proposal, was presented for commission action. VeriFone supplied the commissioners with a presentation explaining the Pilot Proposal, which would allow for rear-facing advertising on certain taxicabs. A motion was made to approve the Pilot Proposal and the motion passed unanimously. The Pilot Proposal was approved by a vote of six in favor, zero opposed.
9. The meeting was adjourned at approximately 11:42 p.m.

Minutes as approved by the Taxi and Limousine Commission on November 21 2013



Deputy Commissioner for Legal Affairs/General Counsel

12/11/2013
Date