

NEW YORK CITY
TAXI AND LIMOUSINE COMMISSION

Minutes of Commission Meeting

April 16, 2009

Present:

Matthew W. Daus, *Commissioner/Chair*

Elias Arout, *Commissioner*

Harry Giannoulis, *Commissioner*

Edward Gonzales, *Commissioner*

Jeffrey Kay, *Commissioner*

Lauvienska Polanco, *Commissioner*

Iris Weinshall, *Commissioner*

Charles Fraser, *General Counsel*

1. The Chair called the meeting to order and reported the following:
 - The Chair reported on the Accessible Dispatch Program. Dispatch numbers are picking up and to date there have been 668 dispatches. Until last month, we were averaging 6 dispatches per day, but we are currently averaging 10 dispatches per day. Our monthly average of trips has increased from 30 to 35 trips. Of the 237 accessible cabs, 129 are using the T-PEP Integration System with Creative Mobile Technologies and the remaining 108 vehicles are using Blackberries to receive dispatches from 311. The TLC is continuing its outreach effort and will air public service announcements on 1010 WINS, WPLJ, WNYE, WOR, WABC, and the 311 Call System. (Tr. pp. 3-4)
 - The Chair reported on the Taxi Technology Request for Information which was issued this week. The Chair encouraged everyone who is interested in commenting, including the media, industry and passengers, to send comments to the TLC. The RFI period is open and will end on June 15, 2009. (Tr. pp.4-5)
 - The Chair reported that on March 31, 2009, the TLC announced reciprocity with Nassau County. This announcement was the result of a law that was passed and sponsored by Senator Marty Golden several years ago. This agreement means if you have a Nassau County permit, we are recognizing those permits for the purposes of allowing pick ups in New York City for destinations outside the City. The TLC already has reciprocity with Westchester County. These counties have raised their standards and now have standards similar to the TLC's. The standards for licensees include drug

testing, criminal background checks, and higher levels of insurance. The Chair thanked Nassau County Executive Tom Suozzi, Nassau County TLC Commissioner Roger Bogsted, Westchester County Executive Andy Spano, and Westchester TLC Commissioner Barbara Monohan. (Tr. pp. 5-7)

- The Chair reported that on May 8, at 2:30 pm, there will be a public hearing on Chapter 6, paratransit rules, as part of the rules revision project. (Tr. p. 7)
 - The Chair reported on the medallion industry. The TLC has a record 47,283 licensed taxi drivers. The Chair reported that there are 2125 hybrids, just over 16% of the fleet. There are also 18 diesels and six CNG vehicles. Peter Schenkman, Assistant Commissioner for Safety and Emissions, reported that the majority of the hybrid vehicles are Ford Escape Hybrids, followed by the Toyota Highlander Hybrid, the Camry Hybrid, the Ultima, the Prius, two Civic Hybrids and three Lexuses. (Tr. pp. 7-8)
2. A motion was made by Commissioner Arout to adopt the minutes of the March 26, 2009 Commission meeting. The motion was seconded by Commissioner Polanco, and it passed 6-0 (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp. 8-9)
3. Item 3 on the agenda, Base Applications for Determination was presented to the Commission. Chairman Daus pulled from consideration the application of 440 Car Service after they filed a late request for a waiver from off-street parking requirements. Georgia Steele-Radway, Base Licensing Supervisor, presented the following base station license applications for consideration:

The following bases were recommended for approval:

NEW (4):

- B0234 Astoria Transportation Corp.
- B02311 Fast City Car & Limo. Service, Inc.
- B02299 Gaon Car & Limo. Service, Inc.
- B02308 Red Hook Car & Limo. Service Inc.

RENEWALS (13):

- B01514 Accord Car & Limousine Service, Inc.
- B01934 Adam's Car & Limo. Service
- B01497 Flushing Express Corp. D/b/a Flushing Express Car Service
- B01506 Hoyt Limo. & Service Corp.

B00992 Linda & M Transportation, Inc. D/b/a New Yorker Car Service
B01492 Mobil Car Service, Inc.
B00972 N.J. M. Inc. D/b/a Mid-Island Car Service
B01650 NY Kings Transportation D/b/a Kings Car Service
B00984 PJ Car Service
B01600 R & N Car Service, Inc. D/b/a Everywhere Car Service
B01186 SIWR, Inc. D/b/a Wadsworth Car Service
B01958 St. Albans-Hollis Car Service
B01934 V & M Transportation Corp. D/b/a Empire Car & Limo. Service

RENEWAL & RELOCATION (1):

B01472 Allen Car Service, Inc.

OWNERSHIP CHANGE (2):

B01979 Dreamland Car & Limousine Service

B01918 Samia Car Service

The following bases are being recommended for denial:

DENIALS (2):

B01672 New Daynight Car Service

B01674 New Puebla Car & Limousine Service, Inc.

4. A motion was made by Commissioner Arout to approve all of the base station license applications that were recommended for approval. The motion was seconded by Commissioner Polanco and it passed 6-0 (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp. 9-10)
5. A motion was made to deny all of the base station license applications that were recommended for denial if they do not comply with requirements within thirty days. The motion was seconded by Commissioner Polanco and it passed 6-0

(Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall).
(Tr. pp. 9-10)

6. Item 4 on the agenda, Rules Revision Project for Commission Action was presented to the Commission. A motion was made by Commissioner Arout to conditionally approve proposed rule chapter 12 (Taxicab Brokers), pending a future vote approving the entire rulebook and repealing the existing rulebook at the same time. The motion was seconded by Commissioner Weinshall and it passed 6-0 (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp. 10-12)
7. Item 5 (b) on the agenda, Pilot Program Proposal for Commission Action—Metro King was removed from the agenda. The Chair recommends denial of the proposal, but is accommodating Metro King’s request for an extension to comply with Assistant Commissioner Schenkman’s objections and safety concerns about the vehicle. (Tr. p. 13)
8. Item 5 (a) on the agenda, Pilot Program Proposal for Commission Action—RiGidisc Media USA Pilot (Hubcap Advertisement) was presented to the Commission. David Klahr, Chief of Staff to the First Deputy Commissioner, recommended denial of the proposal because the Commission has a policy against advertising that may be distracting to other motorists and because of the weakness of the current advertising market. Commissioner Daus made a motion to deny the proposal. Commissioner Arout seconded the motion and it passed 6-0 (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp. 13-15)
9. Item 6 on the agenda, Voluntary Taxicab Bumper Sticker, was presented to the Commission. Kizzy Charles-Guzman and Roya Kazemi from the Mayor’s Office of Operations, Long Term Planning and Sustainability gave a presentation on vehicle idling. The bumper sticker is a part of the anti-idling campaign undertaken by the City as part of GreeNYC. Commissioner Daus made a motion to approve the bumper sticker. Commissioner Arout seconded the motion and it passed 6-0 (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp. 15-24)
10. Item 7 on the agenda, Proposed Rules for Public Hearing and Commission Action—FHV Accountability Rules was presented to the Commission. A public hearing was held on these rules and the following people testified: Councilmember Miguel Martinez; Councilmember Julissa Ferreras; Sue Petito, Assistant Commissioner for Intergovernmental Affairs of the New York City Police Department; Frenchie Muniz, New York State Federation of Taxi Drivers; Jean Ryan, Disabled in Action and Taxis for All Campaign; Pedro Heredia, Livery Base Owners Coalition; William Carter, Limousine Association of New York; Berj Haroutunian, Black Car Assistance Corporation; Roberta Pike, Pike and Pike, P.C.; David Eckstein, Valera-Global; Tarek Mallah, Dial 7 Car and

Limousine; Lloyd Taylor, Board of Livery Transportation Industry Trades; John Roberts, Carmel Car and Limousine Service; David Diaz, Corona Car Companies; Courtney Hogan, Resident of Parkchester; and Richard Thaler. (Tr. pp. 24-85)

11. Chairman Daus read into the record a letter from City Councilmember Diana Reyna, who was unable to attend the hearing. (Tr. pp. 86-88)
12. The next speaker to testify was Marvin Wasserman, Brooklyn Center for Independence for the Disabled and Taxis for All Campaign. (Tr. pp. 88-96)
13. Chairman Daus read into the record a letter from City Councilmembers Miguel Martinez, John C. Liu, Diana Reyna, Lewis A. Fidler, Larry B. Seabrook, Simcha Felder, and Julissa Ferreras. (Tr. pp.96-97)
14. Testimony resumed and the following speakers testified: Jose Mejia, Association of Taxi Drivers Independents of New York City; Cleofis Sarete; James Grosso, New York City Fleet Livery Owners Association; Francisco Sanchez; and Victor Deschamps. The Commission recalled Jean Ryan, Disabled in Action and Taxis for All Campaign, to answer questions on service issues affecting wheelchair users. (Tr. pp. 97-109)
15. The Commission recessed for lunch. (Tr. p. 109)
16. The public hearing on the FHV Accountability Rules resumed and the following people testified: Ubaldo Santos, Broker; Chand Dham, Elite Limousine; Randy Ramos, Arc Brokerage; Fernando Garcia, Association of Independent Taxi Drivers of New York; and Jose Vilorio. (Tr. pp. 109-124)
17. Commissioner Gonzales made a motion to amend the rules to make the effective date of the point system August 1st. The motion was seconded by Commissioner Arout. The motion passed 5-2 (Commissioners Daus, Arout, Gonzales, Kay and Weinshall in favor; Commissioners Giannoulis and Polanco opposed). Commissioner Polanco made a motion to table a vote on the approval of the rules to the next Commission meeting. Commissioner Giannoulis seconded Commissioner Polanco's motion. The motion was defeated by a vote of 2-5 (Commissioners Giannoulis and Polanco voted in favor; Commissioners Daus, Arout, Gonzales, Kay and Weinshall voted against). Commissioner Gonzales made a motion to approve the rules as amended with the instruction to staff (i) to defer publication of the rules in the City Record and to continue to accept public comments for an additional two weeks, and (ii) to evaluate any additional comments and bring any recommended changes in the rules to a future Commission meeting, or if no changes are recommended to publish the rules in the City Record to take effect 30 days thereafter. Commissioner Arout seconded the motion. The motion passed 5-2 (Commissioners Daus, Arout, Gonzales, Kay and Weinshall voted in favor; Commissioners Giannoulis and Polanco voted

against). Chairman Daus directed TLC staff to conduct additional outreach and give the amended rules the widest distribution. (Tr. pp. 109-150)

18. Commissioner Weinshall made a motion to close the meeting. The motion was seconded and it passed. (Tr. p.151)

The meeting was adjourned at approximately 1:41 p.m.

Minutes as approved by the Taxi & Limousine Commission on
May 28, 2009



Deputy Commissioner for Legal Affairs / General Counsel



Date