

**NEW YORK CITY**  
**TAXI AND LIMOUSINE COMMISSION**

**Minutes of Commission Meeting**

**August 7, 2008**

Present:

Matthew W. Daus, *Commissioner/Chair*

Harry Giannoulis, *Commissioner*

Edward Gonzales, *Commissioner*

Lauvienska Polanco, *Commissioner*

Charles Fraser, *General Counsel*

1. The Chair called the meeting to order and reported the following:
  - The Chair reported on the death of former TLC Commissioner Stanley Michels. A moment of silence was observed to remember Commissioner Michels. (Tr. pp. 3-4)
  - The Chair reported that a taxi driver was shot in Bedford-Stuyvesant and was reported as being in stable condition. (Tr. p. 4)
  - The Chair reported that Commissioner Vargas has resigned. Commissioner Vargas will be moving to Albany. (Tr. pp. 4-5)
  - The Chair presented the denial of the New York Taxi Workers Alliance petition for a fuel surcharge to the Commission. The Chair explained that a fuel surcharge was unwarranted at this time, because of the potential negative impact on passengers and ridership of a surcharge. The TLC will continue to monitor the situation. (Tr. pp. 5-7)
  - The Chair reported on ongoing efforts to make hybrid vehicles available to the industry for purchase as taxicabs. The TLC is comfortable with vehicle availability levels, but will continue to monitor the situation to ensure vehicle availability, including monitoring GM, Nissan and Ford's compliance with their commitment to make 300 vehicles available per month for purchase by the taxi industry. The TLC has issued a directive requiring vehicle owners whose vehicles were due for retirement in October, November or December to notify the TLC of their plans. The 10 percent of responses received indicate that the owners have already purchased new vehicles, and more responses are expected in the coming weeks. The TLC will report in September on vehicle availability. (Tr. pp. 7-9)

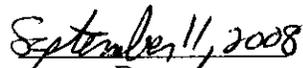
- The Chair reported that voluntary hybrid taxicab purchases have reached 10 percent of the fleet. 1,326 hybrid taxicabs are on the road, and this number continues to rise. (Tr. p. 9)
- The Chair reported on a bill recently signed by Governor Paterson. This bill creates a workers compensation fund for livery drivers, similar to the black car fund. The TLC is analyzing the bill, and expects to propose rules to implement the bill in the coming months. The TLC is working to help the Governor, and the Workers Compensation Board to make sure the law is implemented. (Tr. pp. 9-10)
- The Chair reported that he is granting a petition for rulemaking submitted by the League of Mutual Taxicab Owners requesting modification of the “owner must drive” rule. These proposed modifications would permit owner-drivers to “retire” by reducing the number of shifts they are required to drive, and to allow for exemptions due to personal hardship or calamity. Proposed rules will be presented to the Commission in December. (Tr. pp. 11-15)
- The Chair reported on the recent medallion sale. All of the closings have been completed. This was the final medallion auction. (Tr. p. 15)
- The Chair reported that the accessible dispatch system is running. Assistant Commissioner Epstein will give a more detailed presentation on this system later in the meeting. (Tr. p. 15)
- The Chair reported on the Taxi Technology Customer Service Enhancements. 12,051 out of 13,237 taxis, approximately 91% of the fleet, have installed the credit card and taxi technology equipment. Tips continue to average at or near 20%. It is anticipated that before the end of September, all taxicabs will have the technology systems. (Tr. pp. 15-16)
- The Chair reported on Operation Zero Tolerance, a recent effort to stop unlicensed and illegal liveries operating in the central business district. As of August 2, 1,356 summonses were issued pursuant to Operation Zero Tolerance. This operation will continue and additional resources may be dedicated to the effort. (Tr. pp. 15-16)
- The Chair reported that Assembly Bill Number A-8868, an anti-hustling bill that would have raised the penalties for illegal solicitation at airports, failed to pass in this legislative session. The Chair thanked Avik Kabessa, Michael Woloz, and David Pollack for their efforts in support of this bill. (Tr. pp. 16-19)
- The Chair introduced Dominic Coluccio, who was recently appointed as Special Assistant to the Commissioner. (Tr. p. 20)

- The Chair recognized the students who worked as summer interns at the TLC. The Chair thanked everyone who participated in the program. (Tr. pp. 20-21)
  - The Chair reported that a date for the September Commission meeting had not yet been determined. (Tr. p. 21)
2. Items 2 (Approval of the June Commission Meeting Minutes), 3 (Base License Applications), and 5 (vote on Medallion Transfer Rules) were tabled to the September Commission meeting due to a lack of quorum. (Tr. p. 22)
  3. A public hearing was held on proposed adjudications rules to implement Local Law 16 of 2008. The following people testified at the hearing: Beresford Simmons; Tariq Wain; Bhairavi Desai; Bill Lindauer, Mamnunul Haq, New York Taxi Workers Alliance; David Pollack, Committee for Taxi Safety; Vincent Sapone, League of Mutual Taxicab Owners. A vote on these proposed rules was tabled to the September Commission Meeting due to a lack of quorum. (Tr. pp. 22-55)
  4. Ken Murray, a consultant from TATC Consulting, and Kirsten Eiler, an Urban Fellow, delivered a presentation on the progress of the Rules Revision Project. (Tr. pp. 55-68)
  5. Samara Epstein, Assistant Commissioner for Constituent Affairs delivered a presentation on the Accessible Dispatch Program. (Tr. p. 68-87)
  6. Bhairavi Desai spoke on the Chair's denial of the New York Taxi Workers Alliance petition for a fuel surcharge. (Tr. pp. 87-92)
  7. Item 7 on the agenda, the Commission Appeals of TLC v. Harold Jean-Baptiste/ Hack License No. 435679, and TLC v. Katomah Dolley/ Hack License No. 5202175 were adjourned due to a lack of quorum. (Tr. p. 23)

The meeting was adjourned at approximately 11:21 a.m.

Minutes as approved by the Taxi & Limousine Commission on September 10, 2008.

  
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 Deputy Commissioner for Legal Affairs / General Counsel

  
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 Date