

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

**Minutes of Commission Meeting**  
**September 8, 2005**

**Present:**

Matthew W. Daus, *Commissioner/Chair*  
Harry Giannoulis, *Commissioner*  
Elias Arout, *Commissioner*  
Noach Dear, *Commissioner*  
Elliot Sander, *Commissioner*  
Iris Weinshall, *Commissioner*  
Harry Rubinstein, *Commissioner*  
Charles Fraser, *General Counsel*

1. The Chair called the meeting to order and began with a moment of silence for the victims of Hurricane Katrina. (Tr. p.3)
2. The Chair stated that rising gas prices are an important issue, and that the TLC will be considering three rulemaking petitions that had been submitted regarding fuel surcharges. (Tr. pp.3-5)
3. The Chair reported that the driver recognition ceremony had been changed to October 31, 2005 at the Javits Center. (Tr. p.5)
4. The Chair reported that Livescan digital fingerprinting is now available at the Staten Island facility. (Tr. pp.5-6)
5. The Chair announced that Pansy Mullings is the new Deputy Commissioner for Enforcement. (Tr.:p.6)
6. The Chair, Joseph Eckstein, *Deputy Commissioner for Adjudications*, and Elizabeth Bonina, *Chief Administrative Law Judge*, conducted the swearing in of administrative law judges Mark Jaffe, Daniel Kuzyk, Susan Landis, David Lee, Leana Schwartz, Linda Sideri, and Rhonda Tomlinson. (Tr. pp.6-10)

7. Commissioner Arout made a motion to adopt the minutes of the July 26, 2005 Commission meeting. Commissioner Sander seconded the motion, and it passed unanimously. Subsequently, the Chair made a motion to amend the minutes to record the presence of Commissioner Rubinstein at the July 25, 2005 meeting. The motion passed unanimously. (Tr. pp.10,22-23)
8. Peter Schenkman, *Assistant Commissioner for Safety & Emissions*, made a presentation providing a cost benefit overview of hybrid vehicles. He addressed vehicle cost, gas mileage, maintenance, tax incentives, and other information. All commissioners participated in a discussion about this topic with Mr. Schenkman. (Tr. pp.10-22)
9. The Chair convened a public hearing on proposed rules, consisting of specifications for hybrid electric vehicles for use as taxicabs. General Counsel Fraser stated that the rules were intended to implement Local Law 72 of 2005, requiring that the Commission approve at least one model of hybrid electric vehicle for use as a taxicab within 90 days of the effective date of the law. Mr. Fraser noted two minor revisions to the proposed rules based on a written comment submitted following publication of the original proposed rules. The revisions corrected were errors of terminology; in 3-03.1(c)(ii), the words "EPA passenger compartment" were deleted because it was an incorrect reference, and 104.3 was changed to 101.5 because it was a numerical error. (Tr. pp.23-25)
10. The first speaker to testify was Bob Muldoon from the Sierra Club. He expressed support for the rules and for use of hybrid vehicles. He recommended that the TLC allow the Chairperson to make a determination that a hybrid vehicle meets the intention of Local Law 72 to allow discretion to prevent use of hybrids with little or no improvement in fuel efficiency. He also recommended monitoring the program, and pursuing incentives for vehicles with 45 mpg or better fuel efficiency. In response to questions from the Commissioners, he stated that the Sierra Club supported the Commission's approval of all hybrid electric vehicle models currently available, and that his concern is over possible future developments. (Tr. pp.25-36)

11. The second speaker to testify was Mark Izeman from the Natural Resources Defense Counsel. He commended the TLC on the proposed rules, and noted several benefits of hybrids. He recommended amplifying the term “integrated manner” to insure that a minimum of four percent of the electric engine goes to power the vehicle, as consistent with the new Federal Energy Policy Act. He also recommended extending retirement for hybrids, and that the TLC act expeditiously to finalize the auction of the 81 clean air medallions. Lastly, he urged the TLC to continue researching ways to encourage and maximize clean vehicle practices. (Tr. pp.36-40)
12. The third speaker to testify was Bart Chezar, an independent transportation consultant with hybrid expertise. He commended the proposed rules, and expressed support for the market-based approach to selecting hybrid models. He made four recommendations: detailed monitoring of fuel use, monitoring of maintenance requirements, extended service life for double-shifted vehicles, and financial incentives for the hybrid program. (Tr. pp.40-45)
13. The fourth speaker was Dr. Richard Thaler. He raised public safety issues including possible dangers in car accidents involving hybrids, and urged careful consideration of these vehicles. He raised agrifuels as an alternative to reduce fuel consumption. Assistant Commissioner Schenkman responded to the comments with information and research results about the status of hybrid safety procedures and concerns. (Tr. pp.45-49)
14. The fifth speaker to testify was Cory Friedman from the American Lung Association of the City of New York. She expressed support for the proposed rules, and recommended clarifying the definition of hybrid electric vehicles to insure significant fuel efficiency. She also urged the TLC to actively promote and advocate the use of hybrids. (Tr. pp.49-52)
15. The sixth speaker to testify was Bill Lindauer from the Taxi Workers Alliance. He suggested that the Commission schedule an emergency meeting for immediate approval of a gas surcharge, and stated that drivers’ income had not kept pace with fuel increases. He expressed concern about the accuracy of pollution and gas mileage reports, as

well as concern that the cost of hybrid vehicles would be passed on to drivers. (Tr. pp.52-54)

16. The seventh speaker to testify was Bhairavi Desai from the New York Taxi Workers Alliance. She expressed support for the hybrid rules, and stated that action must be taken now regarding a fuel surcharge. She stated that priorities such as a health insurance fund should be focused on before other cost-raising priorities. She suggested a different weekly medallion lease for hybrid drivers, and cautioned rushing to judgment regarding hybrid safety and comfort issues. The Chair replied that the TLC shared her concerns, was studying the petition, and would answer all petitions submitted as soon as possible after following the legally required process. (Tr. pp.54-57)
17. The seventh speaker to testify was Vincent Sapone from the League of Mutual Taxi Owners. He expressed concern over hybrid vehicle safety, expenses, and accuracy of gas mileage estimates. He recommended that TLC offer incentives for hybrids, and that TLC implement a fuel surcharge. (Tr. pp.57-62)
18. The eighth speaker to testify was Erhan Tuncel from the League of Mutual Taxi Owners. He stated that the hybrid issue was being rushed, and he expressed concern about safety, comfort, and cost. (Tr. pp.62)
19. The ninth speaker was Todd Sigaty from the Coalition Advocating for Smart Transportation. He congratulated the Chair and the TLC for the proposed rules and the message it would send to the public. Regarding hybrids, he recommended extending vehicle retirements, demarcating the vehicles, and incentive packages. He clarified details about the tax credits for hybrids. (Tr. pp.65-68)
20. After some discussion, Commissioner Arout made a motion to adopt the proposed rules. Commissioner Sander seconded the motion. The motion carried by a vote of 6 – 0, with Commissioner Giannoulis abstaining. The Chair noted that the rules voted on included the technical changes that had been indicated by the General Counsel. (Tr. pp.68-71)

21. Commissioner Dear asked to talk about the fuel surcharge issue. A discussion followed among the Commissioners concerning gas prices. (Tr. pp.71-87)

22. William Carter, *Executive Director for Licensing*, recommended approval of the following base license applications:

<b>New applications:</b>	<b>24/7 Luxury Car Service</b>
	<b>Farmers Express Car Service</b>
<b>Relocations:</b>	<b>Diamond Car &amp; Limousine Inc</b>
	<b>Optimum Radio Dispatch</b>
<b>Renewals:</b>	<b>Belle-Rock of Beach Channel</b>
	<b>Empire Transportation Service</b>
	<b>Evelyn Car Service</b>
	<b>Linda M. Transportation Inc.</b>
	<b>Michael's Car Service</b>
	<b>NJM Inc.</b>
	<b>R&amp;N Car Service Inc.</b>
	<b>RPDW Inc.</b>

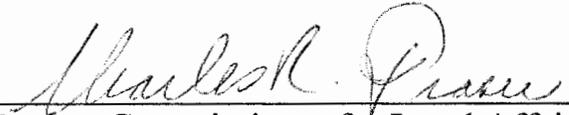
(Tr. pp.87-89)

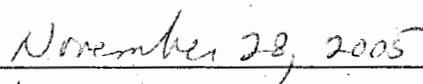
23. The Chair made a motion to approve each of the above applications with the exception of **Linda M. Transportation Inc.** Commissioner Arout seconded the motion. The motion passed unanimously. The Chair made a motion to approve **Linda M. Transportation Inc.**, on the condition that the applicant submit a business plan within 90 days. The motion was seconded by Commissioner Arout and passed unanimously. (Tr. pp.87-89)

24. The Chair made a motion to adjourn the meeting. It was seconded by Commissioner Arout and passed unanimously. (Tr. p.89)

The meeting was adjourned at 11:34 am.

Minutes as approved by the Taxi & Limousine Commission on  
November 17, 2005.

  
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Deputy Commissioner for Legal Affairs / General Counsel

  
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Date