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NYC TAXI AND LIMOUSINE COMMISSION

PUBLIC HEARING

Held on Tuesday, June 30, 2009

40 Rector Street

5th Floor

New York, New York 10006-1738

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Time: 2:30 p.m.

A P P E A R A N C E S:

Christopher Wilson, Assistant General Counsel

Charles Fraser, General Counsel

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David Klahr, Chief of Staff to the First Deputy
Commissioner

SPEAKERS:

Peter M. Mazer, MTBOT
Jeffrey L. Wilson CMT
Joseph Giannetto, MTBOT

3

1 MR. FRASER: My name is Charles
2 Fraser. I'm the General Counsel for
3 the Taxi and Limousine Commission. To
4 my left is Christopher Wilson,
5 Assistant General Counsel for the
6 Commission, and to my right is David
7 Klahr, who's the Chief of Staff to the
8 First Deputy Commissioner.

9 We're hearing testimony today on
10 proposed Chapter 17, which is part of

11 the second phase of the rules revision
12 project, the second phase being the
13 one that you referred to as the zero
14 sum phase, which means rewriting the
15 rules mainly for clarity,
16 simplification, reorganization and not
17 for substance.

18 Phase three of the rules revision
19 project will involve substantive
20 provisions. So while we're certainly
21 welcoming substantive comments, for
22 the most part, those will not be part
23 of this current rulemaking revision,
24 we will be collecting them and holding
25 them for the last phase of the

4

1 project.

2 So I have three speakers signed up
3 today, first being Peter Mazer.

4 MR. MAZER: Good afternoon,
5 Commissioner Fraser and panelists. My
6 name is Peter Mazer and I am General
7 Counsel to the Metropolitan Taxi cab
8 Board of Trade, an association
9 representing the owners of
10 approximately 3,500 medallion
11 taxicabs.

12 All of our members at one time or
13 another hack up, transfer or retire
14 vehicles from service, and are
15 affected by these proposed rules.

16 Thank you for providing me with the

17 opportunity to once again speak on the
18 proposed rule changes.

19 Unlike other rule proposals that
20 have been considered by the TLC at
21 these special sessions during which
22 the Board of Commissioners is not in
23 attendance, the Commission
24 acknowledges these rules under
25 consideration today provide for

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1 significant and substantive changes to
2 existing rules. Therefore, I would
3 urge the Commissioner to consider
4 conducting a full public hearing
5 before the Board of Commissioners
6 prior to voting on these rule
7 proposals. I also request that copies
8 of any remarks and written comments
9 offered at today's hearing be provided
10 to each of the Commissioners with
11 sufficient time for them to review
12 them before action is taken.

13 MR. FRASER: We do always do that.

14 MR. MAZER: Okay. Since each of
15 these public hearings impact upon
16 actions of the Commission, I would
17 also strongly recommend that the
18 transcript of these hearings dealing
19 with the rule amendments be posted on
20 the Internet, just as the transcripts
21 of regular Commission meetings are

22 regularly posted.

23 MR. FRASER: I think they have
24 been, haven't they? They're supposed
25 to be.

6

1 MR. MAZER: They're not.

2 MR. FRASER: Okay. I guess some
3 have been very short.

4 MR. MAZER: To the best of my
5 knowledge, so far, none of them have
6 been.

7 MR. FRASER: I thought they were.
8 All right.

9 MR. MAZER: I'm going to divide my
10 remarks into two sections. The first
11 deals with technical language changes;
12 the second, with substantive comments
13 regarding these rule proposals. These
14 comments are based on a premise not
15 specifically spelled out in the rules
16 that existing Chapter 3 of the TLC
17 rules will be repealed in their
18 entirety.

19 Now, these are the technical
20 comments.

21 First, Section 17-03(c) and (d)
22 definition of "Clean Air Taxi cab" and
23 definition of "Level 1 Clean Air
24 Taxi cab" these words, quote, that uses
25 a type of fuel, closed quote, should

7

1 be deleted from the definition. The
Page 5

2 EPA rating is assigned to a particular
3 vehicle model. The rating is not
4 assigned to a type of fuel. The
5 inserted language is inconsistent with
6 existing specifications and the
7 Administrative Code.

8 By the way, I do have extra copies
9 of the written comments which I'll
10 distribute after I finish.

11 Section 17-03(h) Scheduled
12 Retirement Date, should reference both
13 Sections 17-18 and 17-19, right now it
14 only references Section 17-18. Both
15 Sections, i.e., the retirement date
16 section, and the hardship exemption
17 section, impact upon the scheduled
18 retirement date of the vehicle.

19 Next comment. Section 17-03(i)
20 states that a Sponsor, quote, is,
21 closed quote, either a manufacturer or
22 the manufacturer's authorized sales
23 agent. This implies that a vehicle
24 proposed for use need not be submitted
25 by a Sponsor. As written, these rules

8

1 apply to vehicles proposed by
2 Sponsors. There is no corresponding
3 rules that apply to vehicles proposed
4 by entities other than Sponsors, and
5 there seems to be no requirement that
6 a vehicle be proposed by a Sponsor.

7 Section 17-05(f) engine size for
8 hybrids. Most hybrids have two
9 horsepower ratings, one for electric
10 and one for gas usage, but the rule
11 does not indicate if the horsepower
12 rating is for one, the other, or an
13 aggregate of the two readings.

14 Section 17-05(g) and (h) apply to
15 CNG vehicles, this should not be
16 included in the hybrid section. Those
17 sections also appear to be
18 inconsistent with Section 17-05.1(f)
19 and(g) which seem to apply different
20 specifications to CNG vehicles, and
21 this is probably where the section on
22 (c) and (g) belongs. These two
23 Sections, which is 17-05(g) and (h),
24 seem to be copied from a prior draft
25 of the specification that might have

9

1 been written at the time the TLC
2 assumed that no non-hybrid vehicle
3 could be hacked-up.

4 Section 17-05(d)(3) and
5 17-05.1(e)(3) creates a new
6 requirement called "total legroom"
7 defined by the Society of Automotive
8 Engineers. This dimension is new,
9 redundant and unnecessary because any
10 vehicle that complies with the front
11 legroom requirement and the rear
12 legroom requirement, would

13 automatically comply with the total
14 legroom requirement.

15 Section 17-16 should be deleted.
16 It simply states that a vehicle if a
17 hybrid must meet the requirements of
18 17-05. Section 17-06(a) should delete
19 the reference to Section 17-16 and
20 replace it with a reference to Section
21 17-05. So what you have there is a
22 section that just says -- 17-16 says a
23 hybrid must comply with all of the
24 requirements of 17-05, and then you
25 have Section 17-06(a) which says that

10

1 you must comply with 17-16. So just
2 delete that section which doesn't
3 really add anything. And, as an
4 aside, if desired, under separate
5 cover we can provide the Commission
6 with the list of currently approved
7 hybrids and the current specifications
8 adopted by the TLC that they do not
9 comply with.

10 17-06(c) relating to vehicle
11 retirement, again should reference
12 both 17-18 and 17-19.

13 Section 17-08(a)(2) MVSS
14 standards, should be for flame
15 "retardancy" rather than flame
16 "resistance."

17 Section 17-09(b), the reference to

18 the National Bureau of Standards
19 should be replaced with the reference
20 to the National Institute of Standards
21 and Technology, NIST.

22 Section 17-09(c)(4), taximeter
23 seals should be tamper resistant
24 rather than tamperproof.

25 Section 17-10 relating to

11

1 partitions, eliminates the provision
2 for sliding window in the partition.

3 Now, moving on to the substantive
4 concerns:

5 First, the process by which
6 vehicles are approved for use as
7 taxicabs is arbitrary. Section 17-04
8 and following, describe in great
9 detail the process by which vehicles
10 can be approved as taxicab models, but
11 the first sentence of 17-04(a) states,
12 quote, unless an exception is made by
13 the Commission. Close quote. This is
14 new. TLC currently has the power and
15 right to approve for a pilot program,
16 limited by time and quantity of
17 vehicles, any vehicle that fails to
18 meet all of the specifications.

19 The first sentence of proposed
20 Rule 17-04(a) would now permit the TLC
21 to permanently approve as a taxicab
22 any vehicle, whether or not it meets
23 specifications, in its absolute

24 discretion. While Section 17-04(e)
25 contains the pilot program exception,

12

1 it is not referenced in the first
2 section of 17-04(a) and the City's
3 power to approve vehicles that do not
4 meet specifications is not to be
5 limited to pilot programs.

6 While not new, Section 17-04(d)
7 dealing with test vehicles, should
8 provide a limit as to the amount of
9 time that a test vehicle remains in
10 the possession of the TLC.

11 Section 17-05 and 17-05.1(a)
12 setting forth the types of vehicles
13 that may be used for taxicabs is new
14 and inconsistent with each other. A
15 hybrid may be a compact or larger
16 sedan, a minivan, or sport utility
17 vehicle. A non-hybrid may be a sedan
18 or minivan. Also an accessible
19 vehicle in 17-17(a)(1,) may not be a
20 van or a bus or a minibus. These
21 terminology distinctions are
22 unnecessary since the specifications
23 for each type of vehicle must meet or
24 exceed, such as interior volume,
25 legroom and horsepower.

13

1 Furthermore, the classifications
2 are not legal terms but they are

3 marketing terms developed for the
4 automobile industry. They are not
5 terms recognized by the State of New
6 York when registering vehicles. They
7 use terms like suburban and van and
8 other terms that are not here, and
9 just as an aside, not part of my
10 written remarks, I would add one of
11 the problems that we have run into is
12 the rear window tint in Ford
13 Escape's.

14 There's an exception in the
15 vehicle and traffic law for sport
16 utility vehicles from the rear window
17 tint requirement, but yet a number of
18 owners of the Escape's are getting
19 summonses from the police department
20 for rear window tint. And when
21 appearing in traffic court, the police
22 department is asserting that the
23 vehicles are in fact -- should be
24 classified, quote, as hardtops, which
25 is a classification in the vehicle and

14

1 traffic law, and some judges have
2 accepted that terminology and found
3 the respondent guilty, even though
4 it's factory installed rear windows,
5 saying the vehicle is a hardtop.

6 So what we're suggesting here is
7 that if you look at the specifications
8 in using words like sedan and minivan

9 and SUV, and bus and mini bus, that
10 perhaps change with time -- may be a
11 little bit problematic -- and when you
12 look at the specs and write the specs
13 in a way that they -- you get the
14 types of vehicles you want without
15 reference to these terms which may
16 change from time to time.

17 MR. WILSON: Are you saying your
18 preference would be to refer to the
19 vehicle specifications themselves and
20 not use the terms of art that are --

21 MR. MAZER: Right. The vehicle
22 must have a leg requirement of 34.5
23 inches and horsepower requirement of
24 220. 101.5 interior headroom and must
25 have this, must have that.

15

1 MR. WILSON: I'm not trying to be
2 facetious, but I guess I'm envisioning
3 a situation where someone presents a
4 monster truck which meets all of the
5 interior legroom requirements, the
6 wheels are 20 feet tall.

7 MR. MAZER: It would be hard to
8 come up with a monster truck that's
9 220 horsepower.

10 MR. WILSON: They could put
11 gigantic wheels on a standard vehicle,
12 and I think we're trying to prevent
13 that.

14 MR. MAZER: The problem came to my
15 attention, why I'm bringing this up,
16 was the whole situation with the
17 Escape's and the summonses that Escape
18 owners have been getting for rear
19 windows and having traffic law judges
20 say -- we're saying it's an SUV, the
21 TLC says it's an SUV. Go to traffic
22 court and say it was an exemption for
23 an SUV from the rear window tinting
24 requirement, and then have a judge
25 say, it's a hardtop, and a hardtop is

16

1 not exempt.

2 So because the term "hardtop" is
3 in the vehicle and traffic law, maybe
4 look very carefully at the vehicle and
5 traffic law, I use the term bus for
6 accessible, and that creates its own
7 problem because you have buses --
8 there's one section where a bus can
9 be, buses with 20 or more passengers,
10 but yet you can register a vehicle as
11 a bus if it's 15 passengers. So
12 you've got a lot of questionable
13 things. Even the term taxi is kind of
14 funny in New York, because you have
15 taxis and liveries and all of that.
16 But that's the point that I was
17 making. In that case, I can skip my
18 next point because that dealt
19 separately with 17-05(a)(3) which

20 deals with SUV light transmittance
21 which is problematic, as I mentioned
22 there are problems with that.

23 Section 17-05(e) and 17-05.1(e)
24 are inconsistent, suggesting that both
25 non-hybrids need only have rear seat

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1 air conditioning outlets, where the
2 hybrid must have factory installed
3 rear seat air conditioning. Both
4 sections seem to be written in a way
5 that suggest rear seat air
6 conditioning is now an option rather
7 than a mandate.

8 Section 17-07(b) dealing with
9 bumper guards, seems to suggest that
10 an owner hacking up a vehicle should
11 alter factory-installed equipment to
12 design a safer front bumper. This is
13 not the role of the owner at hackup.
14 If you look at that section, it says
15 something to the effect as a hackup,
16 you should have a -- the owner should
17 be responsible for making sure that
18 the bumper guard is designed in a way
19 that does not cause injury to
20 passengers, and there's another
21 section dealing with ornament hoods.

22 Section 17-08(a)(1) is internally
23 inconsistent inasmuch as it requires
24 that seats be, quote, easy to clean

25 material such as vinyl, but also must

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1 be factory-installed upholstery if it
 2 contains an airbag sensor.
 3 Manufacturers who replaced -- it
 4 should be taxicab owners that hackup
 5 will replace factory-installed seats
 6 with vinyl at the TLC's request were
 7 later ordered to replace these seats
 8 with factory-installed seats at
 9 substantial expense. A situation
 10 where some of the owners had taken out
 11 the factory-installed upholstered
 12 seats and replaced them with vinyl and
 13 had to put back the upholstered seats
 14 because of the airbag sensor. I think
 15 the language of 17-08(a)(1) should
 16 clear that up so that does not
 17 happen.

18 Section 17-10(b)(5) deals with a
 19 partition specification on vehicles
 20 with side curtain airbags, and
 21 provides for a six-inch space on each
 22 side; therefore, defeating the purpose
 23 of having the partition at all.

24 Section 17-11(b)(1) relates to the
 25 placement of the trouble lights. Both

19

1 rear trouble lights are mounted on the
 2 trunk rather than on the top of the
 3 rear bumper, to reduce the likelihood
 4 of damage in an accident.

5 Section 17-12(b)(5) relating to
6 the optional in-vehicle camera. The
7 camera's field of view should include
8 the driver. This would provide a
9 valuable tool in crime prosecution.

10 Section 17-13(b)(2), the
11 credential holder should be placed in
12 a manner so as to not obstruct the
13 driver's view.

14 Section 17-13(a) should be deleted
15 since no vehicles provide for
16 credential holders in the front
17 compartment in front of the
18 passenger's seat.

19 MR. FRASER: I didn't hear you.

20 MR. MAZER: 17-13(a) is that whole
21 provision dealing with credential
22 holders over the glove box, that
23 really can come out, I don't think
24 there's any vehicle now that has
25 that.

20

1 I was just saying in 17-13(b)(2)
2 it has some -- there was some concern
3 -- talked to some people in the
4 industry, and they were concerned that
5 the placement of the credential holder
6 might obstruct the driver's view, and
7 just wanted to make sure the driver
8 has a full rear view and you don't
9 want his view in the back compartment

10 blocked by the credential holder.

11 As I stated at these public
12 hearings in the past, it is the
13 articulated position of the Commission
14 that prior to any final rule making,
15 there will be further opportunity for
16 public comment. At that time MTBOT
17 may submit further comments regarding
18 substantive rules, policies and
19 procedures, including such rules,
20 policies and procedures that have not
21 been amended, and which the Commission
22 is not intending to amend.

23 Inasmuch as today's -- the purpose
24 of today's hearing is, as noted in the
25 Statement of Basis and Purpose, "to

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1 enhance their clarity and
2 accessibility without substantive
3 changes," we did not address such --
4 we did not address all substantive
5 concerns with the rules that MTBOT
6 members may have, except where it
7 appears that the rules are contrary to
8 law or existing TLC rules.

9 Finally, MTBOT appreciated the
10 opportunity to comment on these rules,
11 as well as the opportunity to address
12 each aspect of both the current and
13 proposed rules of the Commission to
14 ensure that the Charter mandates to
15 provide safe, reliable for-hire

16 transportation are satisfied. We look
17 forward to working with the Commission
18 and your consultant as further rule
19 revisions are considered, and we are
20 ready, willing and able to discuss
21 these impacts of these proposed rule
22 changes with members of the TLC to
23 assist in the development of
24 specifications that fairly protect the
25 riding public and licensees.

22

1 MR. FRASER: Okay. Thank you.

2 Jeffrey Wilson.

3 MR. WILSON: Good afternoon,
4 Commissioner, members of the panel.
5 My name is Jeff Wilson. I'm the
6 Associate General Counsel for Creative
7 Mobile Technologies. I have a written
8 submission on behalf of CMT by Jason
9 Poliner, who's the COO, chief
10 operating officer. It's pretty long
11 and we would be willing to simply
12 submit it.

13 MR. FRASER: That's fine. We will
14 certainly read it closely.

15 MR. WILSON: It will definitely go
16 over the three minutes. One thing I
17 do want to say is that it mostly
18 addresses particularly one rule,
19 17-15(d), which addresses the small
20 screen exception and smaller hybrids.

21 MR. FRASER: This was actually
22 brought to our attention informally, I
23 don't actually know by who, probably
24 Mr. Poliner, and we've made a
25 correction to that because the comment

23

1 is correct. It's an inadvertent
2 substantive change in where the small
3 screen is permitted, and we didn't
4 intend to make it, and so we're not
5 going to make it.

6 MR. WILSON: With some of the most
7 recent changes this submission goes a
8 little further.

9 MR. FRASER: That's fine.

10 MR. WILSON: We recognize that
11 this is not the substantive time right
12 at this point, but we would still like
13 to submit it anyway only to raise the
14 issue because we have been dealing
15 with TLC on this fairly regularly.

16 Our basic -- if I can sum it all
17 up in just a brief thing. Basically,
18 we consider the exception to be not
19 necessary in the first instance
20 because we demonstrated that the
21 standard T-PEP screen can be installed
22 in every model available, every
23 hybrid, we know because we've done
24 it. We demonstrated to TLC that it
25 can be done. To the extent that that

24

1 was the impetus for the exception, we
2 believe we've demonstrated it's not
3 necessary.

4 The second point would be, should
5 the TLC consider an exception
6 necessary, we think that the small
7 five-inch screen is really the least
8 effective option and that at the very
9 least some of these smaller hybrid-
10 type or low emission vehicles, can be
11 equipped with with either still
12 10-inch screens that are, for example,
13 headrest mounted or, you know, we
14 could literally tomorrow put an eight-
15 inch screen, that is the same size as
16 the five-inch screen model.

17 So we think there are other ways
18 that it can be done that are more
19 attractive, that are less damaging to
20 the T-PEP program itself, and we
21 suggest them and we chose them. I
22 have several copies, I don't know how
23 many you want, but I would ask that
24 you submit those to the members of the
25 committee and that is all we got.

25

1 MR. FRASER: Thank you.

2 Joseph Giannetto?

3 MR. GIANNETTO: Good afternoon,
4 everyone. I have no written
5 comments. I would like to speak

6 extemporaneously on the proposed rules
7 before us today. When this project
8 was first announced, this rules
9 revision project, I thought it
10 unnecessary. After all was said and
11 done, a body of rules and regulations
12 will have inherent in it a level of
13 legalese that are accepted and should
14 be expected. And if the effort was to
15 simply reconcile some conflicts
16 between chapters, that could have
17 easily been done through a more
18 simpler process. And if a further
19 goal was to simplify this for the
20 constituencies of the TLC, I'm not
21 sure if this project has resulted in a
22 simplification of the rules.

23 Having said that, Peter brought up
24 a point about whether the
25 Commissioners actually get our

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1 comments and Chuck you indicated that
2 they do. So the question I have is,
3 when do they get them? Do they get
4 them shortly following or just before
5 the hearing?

6 MR. FRASER: No, they get them as
7 soon as we get the transcript back and
8 put together the book that goes to the
9 Commission each month for the
10 Commission meetings. We try to do it
11 about two weeks in advance of each

12 Commission meeting.

13 MR. GIANNETTO: We think that's
14 important because we feel it gives the
15 Commission enough time obviously to
16 digest the material rather than just
17 the day before, whether they read it
18 or not is another storybook, we just
19 want to give them the opportunity to
20 take a look at the comments.

21 We used to prepare charts that
22 kind of show the new rule and then
23 compared it to the old rule it was
24 replacing. We're not doing that
25 anymore?

27

1 MR. FRASER: They do have it on
2 our Web site, I believe they're
3 current; right? They're called --

4 MR. WILSON: They're called
5 crosswalks. We will verify that and
6 get back to you. If it was not on the
7 Web site that was inadvertent, and we
8 will be happy to present that to you.

9 MR. GIANNETTO: I would just like
10 to go through the rules and I have a
11 couple of comments that I have as it
12 relates to accessible vehicles in
13 17-03(b) and just as an aside, the
14 vehicle rules, Chapter 6, has a
15 totally different definition of
16 accessible vehicle. This one

17 obviously is more comprehensive. I
18 just wanted to bring that up.
19 Peter made mention to the clean
20 air taxicab definition. So I mean my
21 suggestion would be where a legal
22 definition exists in an administrative
23 code or other enabling body of
24 legislation, we should just use it
25 because the change that is made here

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1 doesn't change the definition of what
2 a clean air vehicle is as Peter
3 suggested. So I would just recommend
4 that we use that enabling definition
5 where possible.

6 The original verification of a
7 taxicab candidate is a taxicab model
8 appears to be a brand-new section. Is
9 that correct or am I mistaken?

10 MR. FRASER: It may be new as a
11 section, but it's in the existing
12 rules.

13 MR. GIANNETTO: It's in the
14 existing rules? What chapter?

15 MR. FRASER: It would be Chapter
16 3. I don't know the exact rule.

17 MR. MAZER: Taxicab Sponsor is the
18 term taxicab candidate.

19 MR. GIANNETTO: The process is --

20 MR. FRASER: Correct.

21 MR. GIANNETTO: Having said that,
22 I just want to clarify what Peter said

23 using terms such as sedan, minivan and
24 sport utility vehicle. So, you know,
25 when the manufacturers coined the term

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1 sport utility vehicle, it was a
2 popular term and it kind of survived
3 up until recently and now they're
4 calling these vehicles multi-use
5 vehicles. But when you register a
6 sport utility vehicle, it comes up on
7 the registration as a suburban. And
8 when you register a minivan with the
9 Department of Motor Vehicles it comes
10 up as a wagon.

11 So Peter made reference to the
12 legal term versus those marketing
13 terms that change at the whim of the
14 manufacturers, we should be careful of
15 going down that road and using those
16 marketing type of terms.

17 Seat depth as far as
18 specifications are concerned. I'm not
19 sure why we took the efforts to make
20 it a new spec.

21 MR. FRASER: Where are you
22 referring to?

23 MR. GIANNETTO: I'm going to look
24 at 17-05. 17-05(3)(c), seat depth.
25 It seems to be a new spec, not sure

30

1 why we made the effort to include

2 that. Always what seems to be a new
3 specification is effective headroom.
4 Again, the same Section Sub D(1), that
5 spec did not appear on the current
6 specifications.

7 And then I would like to just
8 refer to minivans because I'm a little
9 confused. We mention minivans here
10 and my question to you is, can we
11 hackup a non-hybrid minivan today?

12 MR. FRASER: No.

13 MR. GIANNETTO: If it meets the
14 specs?

15 MR. FRASER: And it wouldn't meet
16 the specs.

17 MR. GIANNETTO: And without --
18 again, and Charles, you know, I
19 brought this up, not in public, but
20 without any public notice it appeared
21 that minivans all of a sudden
22 disappeared from the list of
23 authorized vehicles.

24 MR. FRASER: Well, the minivans
25 were a pilot program, and we

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1 discontinued the pilot program.

2 MR. GIANNETTO: And shouldn't that
3 have gone back to the Commission
4 though as a recommendation by the
5 agency?

6 MR. FRASER: This is not the forum
7 to debate this. I smell litigation in

8 your comment.

9 MR. GIANNETTO: No, no, absolutely
10 not.

11 MR. FRASER: Okay. But
12 nonetheless, the rules specifically
13 authorize the chairman to make that
14 decision and he made it, and it was
15 not done without publicity. You may
16 have missed the publicity, but it was
17 publicized.

18 Why don't we stick to your
19 comments about the rules and don't
20 talk about past pilot programs.

21 MR. GIANNETTO: I don't mean to
22 debate that, I bring it up only
23 because if these proposed rules,
24 according to phase two, were simply to
25 reorganize them and make them simpler

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1 and not to make substantive changes,
2 this particular chapter represents a
3 departure from that, because it has
4 new specs and it has substantive
5 changes even as acknowledged in the
6 Statement of Basis and Purpose.

7 So, I'm just trying to reconcile
8 why we made an effort to include new
9 specs.

10 MR. FRASER: We will certainly
11 look at your suggestion that there are
12 new specs. I am not or was not aware

13 that they're new, so we will certainly
14 look at that. It may be a little more
15 nuanced than you're suggesting. As to
16 things that have been deleted, a
17 number of things have been deleted
18 because the vehicle technology has
19 changed quite a bit.

20 I'll just give you one example.
21 The existing rules refer to pinion
22 gears. My understanding from our auto
23 guys is that there haven't been pinion
24 gears in any cars in the country for
25 years. So, of course, we took them

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1 out, that's a substantive change.

2 MR. GIANNETTO: And no argument
3 there. Just making reference again to
4 those new specs, you're taking the
5 liberty to clean it up a little bit
6 and then you see things like maximum
7 horsepower in one section 240, you see
8 another maximum horsepower limit at
9 260, you think that would be a good
10 candidate to clean up the conflict and
11 make it all consistent.

12 Last but not least, accessible
13 vehicle definitions we include
14 exceptions as far as buses and
15 minibuses are concerned. That didn't
16 appear, that definition didn't appear
17 in the old accessible vehicle
18 definitions. So now it says it's a

19 vehicle other than a bus or a mini bus
20 in the proposal.

21 MR. FRASER: Where are you looking
22 now?

23 MR. GIANNETTO: It says it's a
24 vehicle other than a bus, a mini bus or
25 a van. The current definition just

34

1 simply says it's a vehicle other than
2 a van, and going to David's suggestion
3 you want to make sure you don't have
4 to decide whether to put on a monster
5 truck, I can understand that.

6 But, again, it just seems that
7 they're getting -- this chapter to me
8 just represents a messy chapter, a
9 messy effort, and it seems like it
10 represents -- a little bit more
11 liberty is taken by the Commission in
12 making changes that are a little bit
13 more than just cosmetic, and somewhat
14 more substantive, and I just wanted to
15 make that point and that concludes my
16 comments.

17 MR. FRASER: Okay. Anyone else
18 want to speak that came in after we
19 started?

20 No. Okay. Thank you.

21 I guess that concludes our
22 hearing.

23 (Whereupon, at 3:00 p.m., the

24 hearing was concluded.)

25

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4

5 COUNTY OF WESTCHESTER)

6

7

8 I, MARY T. SLAVIK, RPR, Court Reporter and
9 Notary Public within and for the County of
10 Westchester, State of New York, do hereby
11 certify:

12 That I reported the proceedings that are
13 hereinbefore set forth, and that such transcript
14 is a true and accurate record of said
15 proceedings.

16 AND, I further certify that I am not related
17 to any of the parties to this action by blood or
18 marriage, and that I am in no way interested in
19 the outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand this 2nd day of July, 2009.

22

23

24

MARY T. SLAVIK, RPR

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