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NEW YORK CITY LIMOUSINE COMMISSION

PUBLIC HEARING

Held on Friday, March 5, 2010

40 Rector Street

New York, New York.

Time: 2:30 p.m.

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

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5 CHARLES FRASER, General Counsel

6 CHRISTOPHER WILSON, Assistant General Counsel

7 DAVID KLAHR, Chief of Staff to the
8 First Deputy Commissioner

8

9 ALSO PRESENT:

10 ALISON HARTWELL, General Counsel

11 Adrian Gonzalez

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14 SPEAKERS:

15 Peter M. Mazer, MTBOT

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2 MR. FRASER: My name is Charles Fraser.
3 I'm the general counsel to the Taxi and
4 Limousine Commission. To my immediate left
5 is Christopher Wilson, assistant general
6 counsel for the Commission who is working on
7 the Rules Revision Project. To his left is
8 David Klahr who is the special assistant to
9 the Commissioner who is coordinating the
10 project.

11 We are in the second phase of the Rules
12 Revision Project, this phase being the one
13 we're calling the "Zero Sum Phase," which
14 means we are reorganizing the rules,
15 rewriting the rules to make them clearer,
16 plainer English, simplify it, more accessible
17 more user-friendly, but not changing the
18 substance of the existing rules, or at least
19 not changing the substance any more than is
20 necessary.

21 Phase 3 of the Rules Revision will
22 involve substantive changes, but that is not
23 what we're doing at this point. So, for
24 anyone who wants to request substantive
25 changes, by all means do that, but understand

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2 that we'll not be making those changes now,
3 we will be coming back to them at a future
4 point.

5 Also we published a notice with a
6 deadline to comment, I think earlier this
7 week was the deadline. For those of you
8 here, and for those who may read the
9 transcript later online, feel free to submit
10 comments at any time during the process
11 because we will continue to consider them as
12 we go forward until we finally concluded the
13 project.

14 So, I understand we have one
15 preregistered speaker, Mr. Mazer.

16 MR. MAZER: Before I begin, I just want
17 to comment unrelated to the testimony today
18 but related to your next public hearing, I
19 just wanted to state for the record that the
20 next public hearing is April 2nd which is
21 Good Friday, it's a religious holiday, and
22 you may want to think about going forward on
23 that date with respect to people who may be
24 celebrating that day as a religious
25 observance date.

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2 But with respect to today's issue, the
3 transition rules proposed Chapter 20. Good
4 afternoon, gentleman. My name is Peter Mazer
5 and I'm the general counsel to the
6 Metropolitan Taxicab Board of Trade, a trade
7 association representing the owners of
8 approximately 3,500 medallion taxicabs.

9 Thank you for giving me the opportunity
10 today to address proposed transition rules.
11 In as much as once again the purpose base of
12 these rules does not constitute substantive
13 changes to the TLC Rules but were created to
14 simply make the transition between the
15 existing rules and the newly organized rules
16 on the Phase 2 of the Rules Revision Project
17 as seamless as possible, I will not be
18 raising any substantive issues but reserve
19 the right to do so at a later date.

20 I have several comments and questions
21 concerning the transition rules. First, the
22 rules established an effective date of July
23 1, 2010. Does that mean that Phase 2 the
24 TATC Project will be completed as of that
25 date?

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2 My second comment relates to the binding
3 effect of the current body of appeals
4 decisions. Is it correct to say that all
5 appeals decisions in effect now will remain
6 in effect and can be used for the purposes of
7 interpreting the new rules? That should be
8 the case since TLC has consistently stated
9 that the new rules add no substance to the
10 existing rules. However, since the
11 transition rules are silent concerning the
12 binding effect of existing appeals decisions,
13 judges may be reluctant to accept appeals
14 decisions applicable to the old rules as
15 interpreted to the new TLC rules. I suggest
16 that the transition rules clearly reflect the
17 fact that appeals decisions interpreting the
18 old rules apply to the new rules as well.

19 My next question concerns Rule
20 2007(a)(2). Is it correct to say that any
21 summons issued under the old rule after that
22 transition date, now set at July 1, 2010,
23 would be administratively dismissed? The ALJ
24 manual and appeals decisions clearly state
25 that a summons written under a correct rule

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2 number is dismissed as void.

3 Finally, I note that the rules talk
4 about the carryover effective previously
5 accumulated persisted violative penalty
6 points. I must point out first and foremost
7 that the persistent violative program is
8 governed by the Administrative Code, and any
9 carryover of points may be in conformity with
10 the Code.

11 Second, I believe the rules should
12 contain a chart that correlates the old and
13 new rules for the purposes of persistent
14 violative comments. These comments are not
15 intended to provide an exhaustive review of
16 the rules but are merely intended to
17 highlight some the major concerns that we
18 have with the ongoing process to recodify the
19 rules. These comments demonstrate subtle and
20 apparently insignificant changes, the
21 language will have a major effect on
22 licensees to the point that some licensees
23 would be placed in jeopardy of losing their
24 licenses or failing to meet qualifications.

25 I hope the Commission finds these

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2 comments useful, and again, we are always
3 ready to continue the dialogue with the
4 Commission and other stakeholders in revising
5 the rules to protect the public interest.
6 That's it.

7 MR. FRASER: Thank you.

8 MR. MAZER: Questions?

9 MR. FRASER: No, I don't think so.
10 Thanks. I think you made about five points,
11 and I think they're all clear enough.

12 As to April 2nd, I didn't know that.
13 We'll check on that.

14 I suppose I should ask, is there anyone
15 else? No one else wishes to testify?

16 (No response)

17 MR. FRASER: Okay. Our next hearing
18 which was scheduled for April 2nd pertains to
19 Chapters 5 and 9, the two FHV chapters, the
20 drivers and owners.

21 After that, don't know the date yet, but
22 after that, we'll have left Chapter 3 which
23 is accessible dispatch, and Chapter 1 which
24 is definitions, at which point will be done
25 the first round of review of all the

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chapters.

We have committed to having an additional comment period available once all of the chapters are available which would be then.

And in answer to your question, Mr. Mazer, I don't think July 1st will be the effective date. That's sort of a placeholder while we play through the process and determine what the ultimate effective date will have to be. I think at this point July 1st is not likely.

Okay, that is it. Thank you very much.

(Whereupon, the proceeding ended at 2:39 p.m.)

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

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3 STATE OF NEW YORK)
4 COUNTY OF NEW YORK) : SS.:

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7 I, CASEY MARTIN, a Stenotype Reporter and
8 Notary Public for the State of New York, do hereby
9 certify:

10 THAT this is a true and accurate
11 transcription of the New York City Taxi and
12 Limousine Commission public hearing held on March
13 5, 2010.

14 I further certify that I am not related
15 either by blood or marriage to any of the parties
16 in this matter; and

17 I am not in any way interested in the
18 outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 5th day of March 2010.

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CASEY MARTIN

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