



NEW YORK CITY TAXI & LIMOUSINE COMMISSION

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TLC NEWS | TESTIMONY

TESTIMONY BEFORE THE NYC COUNCIL TRANSPORTATION COMMITTEE INTROS. 195A AND 178

Delivered June 20, 2002 Good morning, Chairman Liu and members of the City Council Transportation Committee. My name is Matthew Daus, the Commissioner and Chair of the New York City Taxi and Limousine Commission. Thank you for allowing me the opportunity to testify regarding City Council Proposed Intro. Numbers 195A and 178.

At the outset, regarding Intro 195A, may I say that, having met many thousands of our licensee drivers, and having visited a large portion of our licensed bases and fleets, I am someone who knows and appreciates the value of industry-specific input and feedback. In fact, in the aftermath of September 11, when relevant experience and innovative thinking were crucial to the rebound of our regulated industries, I made driver outreach and consultation cornerstones of my administration of the TLC.

The TLC, having worked closely with its other advisory boards for many years, is fully cognizant of the operational and creative benefits to be gained by close consultation and collaboration with those who are willing to share their knowledge based upon first-hand experience. More recently, we have conducted driver focus groups on a regular basis, and from these meetings we have gained helpful guidance and perspective on the industries we regulate. Although we plan to continue with these informal meetings, it is important to have a board with official sanction in the law as well.

While we are in full agreement with the Council on the concept of the driver advisory board, I would like to express our idea of its optimal structure and operation. From our driver focus group we have learned the importance of inviting driver representatives from every distinct facet of our regulated industries. This includes, on the medallion taxicab side, individual owner-operators, driver-owned vehicle operators (known as DOVs) and short-term lessees. In the for-hire realm, we would advise that both individual owner/operators and fleet drivers be included. Black car driver members should include franchisees and cooperative members; paratransit, commuter van and limousine drivers should participate as well. Additional factors should be considered when choosing board members: years of experience, good moral character, a satisfactory driving record and borough of concentration or residence, if applicable. The latter criterion should be applied with some flexibility, to avoid a rigid structure, yet to achieve a balance of representation that properly reflects the city as a whole. We recommend that the number of board members be capped at 20, rather than 15. This allows the flexibility for growth and attraction of new and vital members, while limiting the potential for a large and unwieldy board.

I suggest that the Council more effectively utilize the TLC's many years of expertise in the area of its regulated industries. As the language currently reads, the City Council's borough delegations would choose a total of 10 representatives, and the Mayor another five. The TLC should be relied upon, in the interest of efficiency, to select and appoint board members, all of whom, we recommend, be current or former driver licensees of the TLC. An important lesson of our driver focus groups has been the expressed need of drivers to communicate with each other, to build trust based upon common experience, and to share thoughts and perceptions that come only from the days and years of functioning on the job. We recommend that any driver, currently or formerly licensed, be permitted to apply to the TLC for membership on the board, and that the Council be encouraged to recommend as many members as they deem necessary to the TLC.

Finally, in addition to the matters proposed by the Council as topics for board discussion, we suggest that the members be authorized to advise the commission "on any other matters that are deemed relevant", subject to the discretion of the Agency Chair.

I would now like to turn our attention to Intro. 178. The Council's philosophy here is one the TLC can appreciate; it is supportive of providing our licensees with an opportunity to correct a minor violation without penalty rather than having to pay a fine. We agree with this approach, in cases involving minor infractions. In fact, we currently operate a "Notice to Correct" program allowing licensees to correct certain lesser infractions within 10 business days without penalty. Under this program, the TLC issues approximately 12,000 Notices to Correct per year. Typical conditions resulting in a Notice to Correct are those having no bearing upon safety, such as inoperative air conditioning or cosmetic defects in the vehicle's body.

In the case of defective trouble lights, which were designed to alert police officers of a potential threat, however, we must disagree with the Council's proposal. Vehicle owners are responsible for ensuring their medallion taxicabs or for-hire vehicles are equipped with trouble lights, but they are for the protection and safety of the driver. Drivers' protection must be ensured 100% of the time; there is little room for compromise here. To allow a 15-day period, or, for that matter, any period without this potentially lifesaving device, would be a disservice to our drivers.

We have another concern: considering a defective or missing trouble light as a "Notice to Correct" item would give vehicle owners no incentive to ensure the continuous operation of the trouble light. Maintaining the status of this regulation as a summonsable offense with a fine of \$100 is key to conveying its importance and to impressing upon vehicle owners the necessity of continuous compliance. Any lesser penalty could create a strong disincentive for owners to comply with this crucial mandate.

Again, thank you for this opportunity to testify. I would now be happy to answer any questions you may have.