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NYC TAXI AND LIMOUSINE COMMISSION

PUBLIC MEETING

held on Thursday, May 11, 2006

40 Rector Street

5th Floor

New York, New York

1 Public Hearing convened at 9:30 a.m:

2 P R E S E N T:

3 MATTHEW W. DAUS, COMMISSIONER/ CHAIR

ELIAS AROUT, COMMISSIONER

4 NOACH DEAR, COMMISSIONER

HARRY GIANNOULIS, COMMISSIONER

5 ELLIOT SANDER, COMMISSIONER

HOWARD R. VARGAS, COMMISSIONER

6 EDWARD GONZALES, COMMISSIONER

CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: We are going to  
2 start, could everybody please take their seat.

3 Good morning, everyone. The first  
4 item on the agenda is the Chairman's report.  
5 First and foremost, I want to talk a little  
6 bit about a very I think positive report that  
7 was based upon DMV accident statistics which  
8 some of you in the industry may be aware of.  
9 It presented some good news, over ten years of  
10 accident data for liveries and taxis, but we  
11 remain cautiously optimistic as we go forward.  
12 It think the results are very, very promising.

13 In a nutshell, the report found that  
14 there were less accidents and injuries than  
15 all other vehicles that are on the road. I  
16 think that's pretty significant, and drivers  
17 are more experienced than ever before, the  
18 average amount of time that a driver is  
19 licensed and on the road and driving is more  
20 than ever before. So I think this is a  
21 testament to the hard-working drivers in our  
22 industry. They are driving more safely, more  
23 securely, staying in the industry longer which  
24 is good. I think that we are at the point now  
25 where the trend, which has happened for

1 decades and decades of good economic times  
2 leading to drivers leaving the industry is  
3 being reversed. We are seeing a reversal,  
4 drivers are staying, applications are up,  
5 Times are better than they have ever been  
6 before and the drivers are safer than they  
7 have ever been before.

8       And you can't argue with the  
9 statistics. Bruce Schaller (ph), an  
10 independent consultant, did the report on his  
11 own but it is based upon stats that the DMV  
12 has, so it's really hard to argue with those.  
13 So, again, remain cautiously optimistic, we  
14 shouldn't let our guard down. I think that  
15 the main reason why the accidents are down is  
16 because of the tough rules and standards that  
17 the TLC put into place over the last five to  
18 six, ten years, and the good job that  
19 enforcement has been doing, the Police  
20 Department, TLC Inspectors. There has been  
21 consistent enforcement of those high standards  
22 not only in the Licensing Division but on the  
23 street. And that led to, I think, a very  
24 small number of very bad drivers being led out  
25 of the industry and kept out of the industry.

1           And I think what's important and  
2 significant about this report, the reason I  
3 think it made some news is because it is  
4 starting to break down the unfortunate  
5 stereotype that drivers in this city have.  
6 They are safe and they do good work, there is  
7 no question about it. You cannot argue with  
8 that, those are the stats. There are less  
9 accidents, less injuries than you or I, in  
10 terms of the statistics.

11           The unfortunate thing is I think  
12 there is selective reporting by the press.  
13 Every time there is a yellow cab accidents in  
14 the City of New York, it is reported as if it  
15 is a front page story. Not that it shouldn't  
16 be, but it is, and that is the reality. And I  
17 think that is why most New Yorkers and most  
18 visitors who come to our city think, oh,  
19 yellow cabs, they always get into accidents.

20           But I think the stats and the report  
21 show that that's not true. So that's good  
22 news. I don't think we should let our guard  
23 down. I think we should remain cautiously  
24 optimistic about the results and I think we  
25 should work even harder. I think there is

1 nothing more important about what the TLC does  
2 than to see actual statistics and results that  
3 show that lives were saved and people were not  
4 injured. That's probably the most significant  
5 thing that I have seen since I have been here  
6 at the Commission.

7 So I want to thank the consulting  
8 firms who looked at the stats and provided the  
9 study. We will also be looking at the stats  
10 ourselves independently as time goes forward  
11 and keeping the Commission up to date on the  
12 progress there.

13 Item 2: Gas prices. I just want the  
14 drivers and the industry to understand that we  
15 all are concerned about the rising price of  
16 gas. Myself, our fellow Commissioners who  
17 have had discussions with me privately about  
18 it. It is hard to talk to a driver on the  
19 street, or any New Yorker, quite frankly, who  
20 isn't feeling the pinch right now. It is  
21 clear to me, based upon the data that we have  
22 been following since we last dealt with this  
23 issue, that the prices have gone up. There is  
24 no question about it.

25 Fortunately, we are not at the levels

1 that we saw with the spike at or around the  
2 time of Hurricane Katrina, but we are getting  
3 close to that point. Based upon some  
4 preliminary stats that I looked at, drivers  
5 are still earning a living wage but they are  
6 making less and less every day. I think we  
7 need to take a look at this issue, we are  
8 required to anyway because we have just  
9 received a petition on May 2nd from Fernando  
10 Mateo and the Federation of Taxi Drivers.  
11 They are asking for a fuel surcharge.

12 In accordance with our procedures,  
13 since we just got this petition, staff will be  
14 analyzing it, along with myself, and I will be  
15 making recommendations, hopefully, to the  
16 Board at the next Commission meeting and we  
17 will have a more thorough discussion about it.

18 Item 3: Reciprocity update. You may  
19 not have heard much about what is going on,  
20 but there has been a lot going on behind the  
21 scenes. In fact, I think staff and myself  
22 have been through about five or six drafts of  
23 proposed legislation to call for a statewide  
24 reciprocity, which one of the provisions would  
25 call for universal drop-offs as a legal right

1 throughout the state if you have a permit with  
2 a one -- a TLC, whether it is us or any or  
3 TLC.

4 I think that's something that is very  
5 important for the free flow of transportation  
6 throughout the state and for people to get  
7 where they need to go without bureaucratic and  
8 administrative hassle. The proposed  
9 legislation would, of course, preserve and  
10 maintain the highest safety standards and  
11 would replicate, for the most, the provisions  
12 that are in our reciprocity agreement with  
13 Westchester. Westchester basically replicated  
14 our rules and regs. So we wouldn't be  
15 detracting in this proposed legislation from  
16 any of the rules and regs. We would basically  
17 be asking everyone else in the state to do  
18 what the New York City TLC does.

19 We hope to have that introduced soon.  
20 I know there are some bills floating out  
21 there, but there has been progress. As soon  
22 as we have a final draft of the bill that we  
23 are ready to introduce some sponsors, I will  
24 share with the Commissioners and the public,  
25 and, hopefully, that will be by the next

1 meeting.

2       On the medallion sale, some you of  
3 may have heard about the Council introducing  
4 some legislation, I understand yesterday they  
5 introduced a bill to change the distribution  
6 of the number of cabs that are going to be  
7 sold at auction. The breakdown of the 308  
8 that are left. We haven't seen the bill or  
9 analyzed it yet. We will talk and, hopefully,  
10 negotiate and speak with the Council on this  
11 over the next week or two.

12       But right now, it doesn't change our  
13 plans. My understanding of this legislation  
14 that was introduced would take the remaining  
15 308 medallions and make half of those 308  
16 accessible and half of them alternative fuel.  
17 We are going to look at it, we will analyze it  
18 and we will keep everybody apprised. But as  
19 of now, we are still moving forward with the  
20 original plan. We have seminars scheduled.  
21 We have a prior distribution under the old or  
22 existing law that we are working with right  
23 now. And that distribution is 308 medallions,  
24 broken up 62 alternative fuel, 54 accessible,  
25 and the remaining 192 as unrestricted. So I

1 will keep you posted on that if there are any  
2 changes whatsoever. Obviously, if legislation  
3 is passed, it will delay this auction, no  
4 question about it. So we will keep you  
5 posted.

6 Right now we are moving forward until  
7 further notice full steam ahead. We have  
8 three separate auctions that are scheduled, I  
9 will give you the tentative dates now. The  
10 first auction that will be held will for both  
11 alternative fuel and accessible vehicles. The  
12 collection of the sealed bids will be on  
13 Tuesday the 13th of June through Thursday the  
14 15th of June, and the opening of those bids  
15 publicly will be on June 16th, which is a  
16 Friday.

17 Then after that sale, we will hold  
18 the independent or individual owner-operator  
19 medallion sale where collections will take  
20 place from Monday, June 19th, through Wednesday  
21 the 21st, and the bid opening will be on  
22 Thursday, the 22nd of June. And the corporate  
23 medallions or mini fleets, we will take  
24 collections of those bids from June 26th,  
25 which is a Tuesday, through I believe the 28th

1 of June. And on Thursday, the 29th of June,  
2 we will be having the bid opening. So that's  
3 the tentative schedule. We will be putting  
4 notices out shortly, legal notices. If  
5 anything change, we will let you know.

6 The next two events on the medallion  
7 sale Schedule are very important, the two  
8 seminars we are holding, well, actually four  
9 seminars on two different dates. The first is  
10 May 15th, on that day we will be at Queens  
11 Theater In the Park, Flushing Meadows Park.  
12 There will be free parking for anyone who  
13 wishes to join us. It is open to the public.

14 First seminar will be from 11:00 a.m.  
15 to 1:00 p.m., and the second one will be in  
16 the evening from 6:00 to 8:00 p.m. the second  
17 date for the seminars will be May 18th, and it  
18 will be held here at 40 Rector Street but on a  
19 different floor at the Office of  
20 Administrative Trials and Hearings, also known  
21 as OATH, that is the sixth floor hearing room.  
22 That will be 11:00 a.m. to 1:00 p.m., and  
23 again 6:00 to 8:00 p.m. These seminars are  
24 geared towards people who want to learn more  
25 about what the TLC does, learn more about the

1 investment of a medallion and the prices, and  
2 how to go about making a decision whether it's  
3 right for to you to buy a medallion. That's  
4 really what it is about. We will have staff  
5 talking about price trends, about procedures,  
6 about the industry, how to hack up a car, what  
7 expenses operating and otherwise are involved.  
8 This is really something for you to go to if  
9 you are just dabbling with the with the  
10 concept, you don't know whether you want to  
11 buy or not, I have been thinking about it, I  
12 heard some rumors, and it is your last chance.  
13 This is the last medallion sale that we are  
14 authorized to do under law, and there may not  
15 be one for a very, very long time.  
16       So if you are sitting on your seat  
17 and you don't know what to do, this is the  
18 type of seminar where you go, you listen, you  
19 learn, you basically make your decision after  
20 that seminar. You consult with your  
21 accountant, brokers, lenders, whoever you  
22 think is appropriate. Then once you have  
23 finally actually made the decision that you  
24 want to put a bid in, you can either,  
25 obviously, reach out to one of our many

1 licensed brokers and get advice and/or attend  
2 a technical workshop that we have scheduled  
3 which will basically tell you how to make sure  
4 that you submit your bids correctly. Because  
5 it is not an auction where you sit there and  
6 people call out their numbers. It's a closed  
7 bid auction, so if you don't get your  
8 paperwork right, it's like a City bid, if you  
9 don't get it right it gets rejected and you  
10 are not even considered.

11       Outside we have these medallion sale  
12 kits, it has the bid forms and some  
13 information that you need. Also I would  
14 highly recommend that you visit our website.  
15 We have a medallion sale companion website  
16 that is up and running, that's  
17 [www.nyc.gov/taxi](http://www.nyc.gov/taxi). Also if you can't check the  
18 website every other day, I recommend that you  
19 sign up for our automatic electronic medallion  
20 sale updates. You will get e-mails of any new  
21 information that is bearing upon the sale.  
22 And all you have to do is visit  
23 [www.nyc.gov/register](http://www.nyc.gov/register), and you will go to that  
24 screen and you prompt some information in and  
25 if we decide to change the distribution of

1 medallions, you will get a notice. Anything  
2 that is relevant, you will learn about it  
3 through that. And, of course, you can call  
4 311 any time, any day, any hour of the night,  
5 and get on our mailing list through that means  
6 or just ask any simple questions about where  
7 the seminars are, where the technical workshop  
8 is. But the website has a lot of information  
9 on it including information about price  
10 trends, about operating costs, things that are  
11 important to people who are looking to make a  
12 decision.

13       Hybrids, a quick update. We have  
14 some good news. Yesterday I approved two new  
15 hybrid vehicles which meet the specs that the  
16 Commissioners passed a few months ago. The  
17 Toyota Camry and the Saturn Vue both meet  
18 those specs and they are available for hack up  
19 immediately. The number of cabs on the road  
20 that are hybrids has increased to 27 at this  
21 time. We have 22 Ford Escapes, one Prius, two  
22 Highlanders, and two Lexus -- or Lexi, I am  
23 not sure, Lexuses.

24       We passed pilot program rules a few  
25 months ago. They became effective on April

1 12th. Already I have received four proposals.  
2 All of these proposals are centered around the  
3 theme of some form of advertising. One was  
4 not accepted because it was not in proper  
5 form, but three of them are in proper form and  
6 since they involve common themes, I think it  
7 would be more appropriate that we have a  
8 presentation at the Commission, and we are  
9 tentatively planning that in June. We will  
10 have staff make a presentation on advertising  
11 and the three proposals that we received.

12 Accessible cabs, we are going to have  
13 a presentation today. We had a viewing of the  
14 vehicles that we believe would meet the specs,  
15 the Chevy Uplander, this morning with some of  
16 the Commissioners. The public can view these  
17 vehicles after the meeting at Rector Place  
18 which is right across the West side Highway.  
19 My understanding is that representatives from  
20 the automobile manufacturers and the  
21 retrofitters are over there, so if anyone  
22 wants to go and take a look at the vehicles to  
23 see what they are all about after the meeting,  
24 you are free to do so.

25 The TC plate or non-LA plate rules

1 that we passed in order to minimize the  
2 chances for insurance fraud and tax evasion  
3 will become effective on May 15, 2006. There  
4 is an industry notice that we put out telling  
5 you what you need to do. In a nutshell, you  
6 must go to DMV first, you must get your TC  
7 plates. You are not allowed, as a Tier One  
8 licensee, to ever have an LA plate on the  
9 road.

10 And I want to thank Commissioners  
11 Arout and Dear for really making this an  
12 issue, and members of the Livery Owners  
13 Coalition and the Livery Advisory Board. This  
14 is a problem that was brought to our attention  
15 and we took immediate action. I think that  
16 the solution that the Commission has crafted  
17 will ensure that no fraud takes place and that  
18 we have a uniform system for enforcement to  
19 recognize these vehicles.

20 Last, but certainly not least, the  
21 upcoming Commission meetings, and write this  
22 down in pencil because they are tentative  
23 dates, we won't be able to meet as we usually  
24 do, because we have some conflicts on the  
25 second Thursday of the month. I think we are

1 looking now at June 15th as our next  
2 Commission meeting. One thing that is  
3 certain, at our next Commission meeting it  
4 will have a very minor rule change proposal  
5 for medallion ownership. There are Limited  
6 Liability Corps or LLCs that are out there  
7 now, and there is no reason why you shouldn't  
8 be able to own a medallion as an LLC if that's  
9 something you choose to do. So, really, a  
10 technical amendment. We will be proposing  
11 that to change our rules in June.

12 We will also, as I mentioned, have a  
13 gasoline price update and a petition follow-up  
14 on the surcharge petition that was filed by  
15 the Federation of Taxi Drivers. And again, we  
16 will have the staff presentation on  
17 advertising. And after that, the next  
18 tentative Commission meeting date is Thursday,  
19 July 13th.

20 Any questions?

21 COMM. DEAR: First of all, thank you  
22 very much on the update and the follow through  
23 with regard to the reciprocity, and I hope  
24 that that means still that Nassau County,  
25 which is the problem right now or was the

1 problem, still has some sort of moratorium  
2 agreement with us on that issue, or they are  
3 not doing enforcement until this law is  
4 passed?

5 CHAIRMAN DAUS: We don't have any  
6 official moratorium agreement with them.  
7 That's not something that we agreed to.

8 We would have to ask Commissioner  
9 Bogstead what the deal is in terms of what he  
10 is enforcing and what he is not.

11 COMM. DEAR: I don't know -- did we  
12 hear any problem the last --

13 CHAIRMAN DAUS: No, we haven't in  
14 the last couple of weeks. As you know, we  
15 have had a discussion about this. I think  
16 there was an incident where they impounded  
17 several cars that were merely dropping off  
18 around a hospital in Nassau County. And I  
19 think it's important to recognize that the  
20 state law, the Vehicle and Traffic Law, really  
21 doesn't treat New York City fairly.

22 It basically says if you have a  
23 license somewhere to operate a for-hire  
24 vehicle, yes, you can drop off in New York  
25 City, no problem. It's legal. But it doesn't

1 prohibit other municipal entities -- it  
2 doesn't guarantee the right to drop off in  
3 those jurisdictions. And there is this legal  
4 loophole that allows Counties other than New  
5 York City as it is defined in the law, to ban  
6 and make it illegal for you to just be dropped  
7 off in their jurisdiction. Even if you are a  
8 TLC licensed vehicle picking up someone in  
9 Manhattan to take them to Nassau County or  
10 Suffolk, it's illegal.

11 I think that it's unfortunate. I  
12 think that it's unfair to New York City and I  
13 think it just impedes the right to travel.  
14 The jurisdiction of the Vehicle and Traffic  
15 Law, mind you, should be based upon where you  
16 pick somebody up. I know you agree with me on  
17 that.

18 COMM. DEAR: Exactly, and I just  
19 hope that we can keep on reminding them of  
20 some sort of understanding that there is some  
21 sort or moratorium until this bill is passed.  
22 So if you could reach out to them once more to  
23 remind them why you are negotiating this bill,  
24 I think that would be helpful.

25 CHAIRMAN DAUS: That's a good point.

1 And we will get some clarification on exactly  
2 what they are doing or have agreed not to do  
3 in light of the fact that we are having  
4 discussions.

5 And I will say, Commissioner, that  
6 the discussions so far are so good. Even  
7 though we haven't shared the final draft that  
8 we have yet, the sum and substance has been  
9 discussed with both Westchester County, their  
10 TLC Chairperson Barbara Monaghan, as well as  
11 Commissioner Bogstead, who has had meetings  
12 with me personally and meetings with staff.

13 And in principle, they are in  
14 agreement with the concept of having statewide  
15 reciprocity. Now, of course, the devil is in  
16 the details and once we have the draft out  
17 there, we will see what happens. But I expect  
18 by the next Commission meeting, there is no  
19 reason why we should not be able to share a  
20 draft with everybody.

21 COMM. DEAR: The second issue is  
22 tha, of course, of the surcharge for gas. I  
23 don't want to tell you, I told you so, this  
24 was expected and I know we have had this  
25 discussion before. And I was obviously

1 outspoken about it and pushed for it, but last  
2 time we decided not to pursue this gas  
3 surcharge. It's all over the United States  
4 now, many major cities have this gas  
5 surcharge. And I think everybody understands  
6 that today if you get any deliveries or  
7 anything to your store or if you are sending  
8 somewhere else, there is an extra fuel charge  
9 that is added. Everybody is adding some sort  
10 of fuel charge and I think we should move on  
11 this.

12 I know that you have some petition  
13 now, but if there is any way we can move this  
14 on an emergency basis somehow, somewhere, I  
15 think this would be very helpful to the  
16 drivers.

17 (Applause.)

18 VOICE: Action now. Now more foot  
19 dragging.

20 COMM. DEAR: Calm down, take your  
21 medicine.

22 CHAIRMAN DAUS: Not while he is  
23 driving, though.

24 COMM. DEAR: Right.

25 It's obviously out there, we've

1 heard. Everybody is getting calls that the  
2 increased that we passed a while back ago, now  
3 is, of course, hurting them. They are losing  
4 it. So I am urging, and I am asking my  
5 colleagues for support in this, some way to  
6 move this real quickly. And I think public  
7 will understand. I am not going to talk money  
8 issues, what amount, but I think everybody can  
9 come to an agreement, and I am urging that we  
10 move on this issue.

11 COMM. SANDER: Chairman, what is the  
12 process of review? I know you made reference  
13 to the fact that we have the petition, what is  
14 the process of review for this?

15 CHAIRMAN DAUS: I received it on May  
16 2nd, so we have 60 days from there to make a  
17 decision. Obviously, we want to analyze this  
18 as quickly as we can. Staff is already  
19 working on it, I have already had some  
20 preliminary briefings on it. We have had it a  
21 little over a week, so I think we will have  
22 more information to share with you at the next  
23 meeting and we will certainly take into  
24 consideration Commissioner Dear's concerns,  
25 and I think we all are concerned about the

1 situation. There is no question about it.

2 COMM. SANDER: I share that concern,  
3 we look forward to the next meeting with a  
4 report back.

5 CHAIRMAN DAUS: Any other questions  
6 or comments?

7 COMM. DEAR: Again, on this issue,  
8 when you talk about a report, that means we  
9 are not going to vote on it at the next  
10 meeting?

11 CHAIRMAN DAUS: I think we should  
12 see what the deal is. Let's see what the fact  
13 bear out and let's have a discussion about it.

14 COMM. DEAR: If we could at least  
15 have a discussion and a vote, because we have  
16 done that before, and we could throw out  
17 numbers and throw out whatever it may be.  
18 You don't have to be rocket scientist to  
19 understand that there is a serious problem,  
20 and I just don't want it to wait until July,  
21 August. The more we wait, we are hurting the  
22 drivers.

23 I also note, you know what is  
24 interesting, Mr. Chairman, I think the public  
25 has to understand this, and then when we speak

1 here it's obviously more than just the people  
2 here, there is a public that views and sees  
3 what we do. There is a group -- everybody  
4 looks at the industry as someone owns a whole  
5 bunch of taxicabs, but we do know the majority  
6 of our drivers are owners. These are hard-  
7 working people, trying to make ends meet, and  
8 I feel very strongly that I would like to push  
9 this as fast as we can.

10 COMM. SANDER: Mr. Chairman, I think  
11 what you are saying is that you are not  
12 precluding that.

13 CHAIRMAN DAUS: No.

14 COMM. SANDER: And my comments  
15 shouldn't be construed as in any way  
16 diminishing a very serious situation I agree  
17 that we face. Obviously, I think it is  
18 important that we take a look at the data and  
19 review it, and not preclude any actions at the  
20 next meeting.

21 CHAIRMAN DAUS: Okay, we will deal  
22 with the issue expeditiously, absolutely.

23 Item 2 on the agenda, the adoption of  
24 the minutes from the April 4th Commission  
25 meeting.

1 Any questions, comments,  
2 modifications to the minutes?

3 No Response.)

4 CHAIRMAN DAUS: No, okay.

5 Do we have a motion to adopt?

6 COMM. DEAR: So moved.

7 COMM. GIANNOULIS: Second.

8 CHAIRMAN DAUS: All in favor?

9 (Chorus of "Ayes.")

10 CHAIRMAN DAUS: Any opposed?

11 No Response.)

12 COMM. AROUT: I was absent.

13 CHAIRMAN DAUS: Do you want to  
14 abstain?

15 COMM. AROUT: I abstain.

16 CHAIRMAN DAUS: Commissioner AROUT  
17 abstains; otherwise, everyone is in favor.

18 I will skip item 3 and combine the  
19 staff presentation as part of the beginning of  
20 the public hearing for accessible vehicle  
21 specs. We one have one staff presentation  
22 today and it is going to be about accessible  
23 vehicles, and Peter Schenkman, our Assistant  
24 Commissioner of Safety and Emissions, will be  
25 delivering that presentation.

1           Let's jump to item 4: Base licensing  
2 application review.

3           Bill, Barbara, we are ready.

4           MR. CARTER: Good morning, Mr.  
5 Chairman and Commissioners. Quite a large  
6 list this morning so I will go through them.  
7 These are the base licensing applications that  
8 we are recommending for approval this month.

9           The first two bases are new  
10 applications: Huang Hou Car Service and Tomby  
11 Holding Corp. doing business as Sen-on Car  
12 Service.

13           The next Group are renewal  
14 applications: 7 Ocean Inc., 910 Car Service  
15 Inc., A&R Golden Express --

16           CHAIRMAN DAUS: By the way, if  
17 anybody has any issues, just give a shout out,  
18 any Commissioners, to these bases.

19           MR. CARTER: American United  
20 Multiplex Car Service Corp., B.A.L. Car  
21 Service, Inc., Barrios Car Service, Bee-Bee  
22 Car & Limo. Corp, Big T Service Inc., doing  
23 business as Shack's Private Car Service, Brown  
24 & Brown Corporation, Caprice Car Service No. 2  
25 Inc., Central Car Services Inc., Chelsea

1 Express Car, Inc., Continental Car & Limo.  
2 Service, Continental Radio Dispatch, DAT Radio  
3 Dispatcher, Inc., DePaul Car Service, Dial 7  
4 Car & Limo Service Incorporated doing business  
5 as Tel Aviv C&L Service, Division Car &  
6 Limousine Service, Flushing Limo  
7 Transportation Corp., Forest Avenue Car  
8 Service, Inc., Habirah Inc. doing business as  
9 Elat Car & Limo Service, Harlem Transportation  
10 Corp., Highland Car Service Inc., Jamaica  
11 Express Car Service Inc. doing business as  
12 Sunshine Car Service, Kew Gardens Enterprises,  
13 Inc., Kew Gardens Operating Corp., Keykab  
14 Service, Inc., Kingsbay Car Service, Inc.,  
15 Lindenbaum Supply Company, Incorporated doing  
16 business as Court Express Car & Limo Service,  
17 Marine Limo & Car Service, Inc., Merengue Limo  
18 Car Service Inc., Mexicana Car Service, Inc.,  
19 Monumental Radio Dispatch, Neshar Express Car  
20 Service, Inc., New Experience No. 1 Inc., New  
21 Laconia Radio Dispatcher Inc., New Mexicana  
22 Car Service II Inc. doing business as Azteca  
23 Express, Palpal Corp. doing business as 88 Car  
24 Service, P.F. Management, Inc., Premiun Radio  
25 Dispatch and Multi Services Corp., R.C.

1 Audubon, Inc., Ridge Transportation Corp.,  
2 Samantha's Car Service, Inc. doing business as  
3 Apple Express Car Service, Semia Car Service,  
4 Selective Car Service, Inc., St. Albans-Hollis  
5 Car Service, Starret-1 Inc., STM Enterprises  
6 Inc. doing business as Java Car & Limo  
7 Services, The New Brooklyn Car Service, Inc.,  
8 Towncar Transportation, Inc. doing business as  
9 New Topacio Car Service, U.C. Columbus Radio  
10 Dispatch Inc., Union Radio Dispatch, Inc.,  
11 United Express Car & Limo Service, Webster Car  
12 Service, Inc.

13 We have one base that we are  
14 recommending for an ownership change:  
15 Ameriworld Inc.

16 We have one base that is a  
17 combination of a renewal and a relocation:  
18 NYC Star Limousine & car Service Corp.

19 We have three bases that are renewals  
20 and ownership changes: Boulevard  
21 Transportation Inc., Koop Dispatchers, Inc.,  
22 and the Central Radio Dispatcher Inc.

23 We have one base that we are  
24 recommending for denial: Supreme Edenwald Car  
25 Service I.

1 That concludes our list.

2 CHAIRMAN DAUS: Any questions?

3 No Response.)

4 CHAIRMAN DAUS: Okay.

5 COMM. AROUT: I make a move we

6 accept them as presented.

7 CHAIRMAN DAUS: We have a motion to

8 approve the recommendations of all bases for

9 approval, right?

10 COMM. AROUT: Yes.

11 CHAIRMAN DAUS: I second that

12 motion.

13 All in favor?

14 (Chorus of "Ayes.")

15 CHAIRMAN DAUS: Okay, and the denial,

16 Supreme Edenwald Car Service, does anybody

17 have any issues with that?

18 No Response.)

19 CHAIRMAN DAUS: What's the reason

20 for the denial, by the way, Bill?

21 MR. CARTER: They failed to provide

22 us with a complete application.

23 CHAIRMAN DAUS: All right, I will

24 make a motion to deny that application.

25 COMM. AROUT: Second.

1 CHAIRMAN DAUS: All in favor?

2 (Chorus of "Ayes.")

3 CHAIRMAN DAUS: As before, I just  
4 want to point out for the record some concerns  
5 that I have with some of the records of these  
6 bases, and this is consistent with what we  
7 have done in the past. If Licensing could  
8 just make extra special efforts and be extra  
9 diligent in following up with these bases to  
10 make sure that they adhere to their business  
11 plans. These are bases which I would like to  
12 be noted in the record as having one or more  
13 convictions for unlicensed activity or  
14 dispatching unlicensed vehicles.

15 And that would include 910 Car  
16 Service Inc., A&R Golden Express, Barrios Car  
17 Service, Big T Service Inc., Caprice Car  
18 Service, Central Car Service, Continental Car  
19 & Limo, Continental Radio Dispatch, Dial 7,  
20 Harlem Transportation, Jamaica Express, Kew  
21 Gardens Enterprises, Kew Gardens Operating  
22 Corp., Keykab Service, Marine Limo, Mexicana  
23 Car Service, Monumental Radio Dispatch, New  
24 Experience 1, P.F. Management, Premiun Radio  
25 Dispatch, St. Albans-Hollis, Towncar

1 Transportation, Union Radio Dispatch, United  
2 Express, Webster Car Service and Boulevard  
3 Trans.

4 Yes, Barbara?

5 MS. SCHECTER: Barbara Schecter,  
6 Deputy Commissioner for Licensing.

7 I would just like to add with regard  
8 to the base that we recommended for denial,  
9 that our policy is to first give the base 30  
10 days from today in which to resolve whatever  
11 issue is outstanding, so I would like to  
12 continue with that.

13 CHAIRMAN DAUS: And also, all of  
14 these bases that I had just mentioned have all  
15 submitted business plans to make sure that  
16 they clean up their act.

17 MS. SCHECTER: Yes.

18 MR. SALKIN: Chairman, I think what  
19 the Commissioner is suggesting is that revote  
20 to give 30 days.

21 CHAIRMAN DAUS: To give an  
22 additional 30 days, okay. Do we have a motion  
23 to that effect?

24 COMM. DEAR: I know we went through  
25 this, they have this new way of doing things

1 under denial. You reached out to them and  
2 they just --

3 MS. SCHECTER: Yes, we reached out  
4 to them multiple times over many months.

5 COMM. DEAR: And are they still  
6 operating? Does anyone know if they are still  
7 operating?

8 MS. SCHECTER: They are not meant to  
9 be operating, and we are checking regularly to  
10 see that they are not operating. If they are  
11 operating, we issue summonses against them.

12 COMM. DEAR: I am just curious as to  
13 why they would not respond unless they are out  
14 of business.

15 MS. SCHECTER: I can't answer for  
16 them.

17 COMM. DEAR: I understand that. I  
18 just want to make sure that, like the last  
19 time around we went through it and they said  
20 they didn't understand. Whatever it is, I  
21 just want to make sure we give everybody the  
22 best opportunity that we can.

23 MS. SCHECTER: Yes, and we are going  
24 to give them another 30 days.

25 CHAIRMAN DAUS: The good news is, I

1 think, Noach, that the list of bases that just  
2 wouldn't respond has now gone down to one. I  
3 think that is an improvement.

4 COMM. DEAR: Is this base station  
5 here, by the way? Last time we asked if they  
6 were here with the last group.

7 I guess they are not here.

8 CHAIRMAN DAUS: Consistent with past  
9 practice, the motion that Commissioner Arout  
10 had made is that, like we have done with other  
11 bases similarly situated, they are denied  
12 unless they submit their application within  
13 the next 30 days, right?

14 MS. SCHECTER: Correct. Upon 30  
15 days from now, if we do not receive the  
16 application, the base will be closed without  
17 further vote.

18 CHAIRMAN DAUS: Okay, I will second  
19 Commissioner Arout's motion.

20 All in favor?

21 (Chorus of "Ayes.")

22 CHAIRMAN DAUS: Thank you.

23 Is that it for base licensing?

24 MR. CARTER: Yes.

25 CHAIRMAN DAUS: Now I would like to

1 turn to Item 5: Proposed Rules for Public  
2 Hearing and Commission Action. 5(a) is  
3 accessible vehicle specifications.

4 Chuck had some changes, I believe,  
5 that were distributed to the public and also  
6 to the Commissioners.

7 MR. FRASER: This proposed rule would  
8 establish vehicle specifications for  
9 wheelchair accessible taxicabs. We received a  
10 number of public comments on this proposal  
11 during the 30-day comment period, copies of  
12 which have been distributed to the  
13 Commissioners. In addition, we received one  
14 written comment after the comment period which  
15 I am now distributing to the Commissioners.

16 Based on those comments, on a vehicle  
17 demonstration attended by Commission staff, on  
18 extensive discussions with interested members  
19 of the public and internally here at the  
20 Commission, the staff recommends substantial  
21 changes to the proposed rule. The revised  
22 proposal has been distributed to Commissioners  
23 and copies are available to the public in the  
24 back of the room:

25 Very briefly, I am going to, before

1 Assistant Commissioner Schenkman starts, the  
2 rule provides for a definition of accessible  
3 taxicab consistent with the Administrative  
4 Code provision that is applicable here to be  
5 accessible to a wheelchair, one or more  
6 wheelchairs. The scheme of the rule is to  
7 provide that the vehicle can be manufactured  
8 in compliance with the specifications or can  
9 be manufactured and brought to compliance with  
10 specifications by a second stage modifier.

11 The rule incorporates the federal  
12 regulations that are based on the Americans  
13 with Disability Act. In other words, vehicles  
14 that are hacked up pursuant to this rule would  
15 be compliant with ADA requirements. One of  
16 the main changes from the published rule to  
17 the rule that the staff is recommending is  
18 that instead of reciting the federal ADA  
19 requirements, we have incorporated them by  
20 reference. The result of that is that the  
21 rule is about half as long as it was before.

22 I don't think I want to get into the  
23 technicalities of what the rule requires as to  
24 what the vehicle will look like, I think,  
25 since Commissioner Schenkman will deal with

1 that in his presentation.

2 CHAIRMAN DAUS: Okay, Peter.

3 We are being to have a presentation  
4 from Peter Schenkman on accessible vehicles  
5 and then we will go right to the preregistered  
6 speakers and the public hearing, but this will  
7 be part of the record.

8 MR. SCHENKMAN: I am just waiting  
9 for the screens to come up.

10 CHAIRMAN DAUS: By the way, before  
11 we start, I would like to acknowledge two  
12 people. Could they step up to the podium,  
13 please: Bill Carter and Alan Cohen.

14 I don't know if all of you know this,  
15 but they are retiring.

16 (Applause.)

17 CHAIRMAN DAUS: I would like to just  
18 publicly thank both of you gentlemen for the  
19 many, many years of dedicated service you have  
20 given to the TLC. You have done a great job.  
21 I don't know what Licensing or the agency will  
22 be like without you guys, but you really have  
23 been terrific. And we want to thank you for  
24 all of your service and wish you the best in  
25 retirement, where you don't have to dress as

1 snazzy as you are today. But we all want to  
2 wish you well and wish you a great retirement.  
3 I hope that you stay in touch with us. We  
4 have learned a lot from you and you have been  
5 here through thick and thin, through many  
6 different changes this agency has gone  
7 through. And we thank you for your service.

8 Obviously, we will more formally  
9 recognize you, I know you don't want a party  
10 but we might do something for you anyway, and  
11 we will invite our Commissioners to that as  
12 well.

13 (Applause.)

14 COMM. SANDER: For the right price,  
15 will you reconsider?

16 MR. CARTER: No.

17 CHAIRMAN DAUS: We are going to make  
18 a vote that you have 30 days to reconsider  
19 your retirement application.

20 COMM. SANDER: And with all kinds of  
21 incentives.

22 MR. CARTER: Thank you.

23 CHAIRMAN DAUS: Thank you.  
24 Congratulations, gentlemen. Well done.

25 Okay, Peter.

1 MR. SCHENKMAN: Good morning,  
2 everyone. For the past almost a year, we have  
3 been engaged in discussions, research and  
4 analysis of all the accessible vehicles that  
5 are available in commercial applications. The  
6 first slide that I would like to address is  
7 the current experience that we have.

8 And we have 27 Ford Free Star mini  
9 vans on the road as successful vehicles right  
10 now. They were all modified by the same  
11 company and they have been on the road for  
12 approximately one year. During that one year,  
13 we found some issues with them. One key  
14 component that we believe factors into this is  
15 there was no factory, and remains no factory  
16 support from Ford, which is the original  
17 equipment modifier.

18 This basically means there is no  
19 warranty from Ford on the modifications and  
20 Ford was not necessarily consulted by the  
21 modifier to work with Ford's best practices.  
22 That, of course, leads to the potential of  
23 substandard performance.

24 As we go into performance, as many  
25 people may be aware, the medallion cabs are

1 required to have three inspections a year.  
2 And we do a pretty extensive inspection. And  
3 within the first six months of the vehicles  
4 being on the road we began to notice what we  
5 call trend failures. And what this is, is  
6 vehicles failing or having the same components  
7 fail.

8 And we noted some serious issues with  
9 these vehicles that we believe was a result of  
10 the modification. That included brake line  
11 damage, antilock brake sensors being damaged  
12 from the ramp. We found a considerable number  
13 of chasis cracks on the vehicles and other  
14 structural and mechanical issues.

15 During the most recent inspection in  
16 January, out of the 27 vehicles, we found 64  
17 safety violations or safety concerns which the  
18 vehicles failed for, and of those, 16 we  
19 deemed serious enough to take those vehicles  
20 off the road until the problems were properly  
21 addressed. I would like to point out that at  
22 this point all of the vehicles are safe on the  
23 road.

24 And the things that we were seeing  
25 were an indication of a vehicle with over

1 100,000 miles, and these vehicles at the time  
2 only had 50,000 miles, and that's where the  
3 statement of vehicles appeared to be aging at  
4 twice the expected rate than we would have  
5 hoped to have seen.

6 As we go forward, as I mentioned  
7 briefly before, over the past year, my staff  
8 and I have reviewed extensively guidelines  
9 from federal, state and local governments,  
10 including Federal Motor Vehicle Safety  
11 Standards, crash tests, ADA specifications and  
12 Veterans Administration Specifications. We've  
13 met with many auto makers, dealers and second  
14 stage modifiers, and we physically inspected  
15 six different vehicles at the location.

16 Staff has traveled to the Taxi  
17 Limousine Para Transit Convention up in Boston  
18 where we saw a few vehicles, and it was at  
19 that point we started getting an idea of what  
20 we needed to see in an accessible vehicle,  
21 which is the basis for our specifications.

22 We have done considerable outreach  
23 and communication. We have held two  
24 demonstrations with the Disability Advisory  
25 Board. Just yesterday we had almost a dozen

1 folks come down to experience the current  
2 vehicle and one of the proposed vehicles.

3       And just in March, I did a  
4 presentation addressing the issues with the  
5 Ford Free Star accessible vehicle where we  
6 outlined the nature and the extent of the  
7 vehicles. And this was one of many  
8 indications that we needed to revise our rules  
9 even more than that. And in looking at all  
10 the vehicles, there are approximately 11 mini  
11 vans and other types of vehicles that may be  
12 accessible out there, and most accessible  
13 vehicles are designed for personal consumer  
14 use, and what translates into is a taxi -- we  
15 all know that a taxi takes a beating unlike  
16 any other car, otherwise, there wouldn't have  
17 been a whole advertising campaign "Tested Taxi  
18 Tough."

19       We understand that vehicles are going  
20 to see mileage that is just unheard of in the  
21 regular world. And we found that, as a  
22 result, there was a limited original  
23 manufacturer support and almost 95 percent of  
24 these personal vehicles are not only not  
25 required to meet ADA specifications, they

1 don't. And that was a major issue for us.

2       We have spoken with some advocates  
3 who believe that there should be many vehicles  
4 available, and currently we have two. And in  
5 conversations I have had as recently as this  
6 morning, I found out that there will be one or  
7 two more out there as accessible vehicles  
8 available that will meet our specifications,  
9 hopefully, within the next six months. And  
10 that was great to hear.

11       Our proposed specifications are based  
12 on the relevant American with Disabilities Act  
13 guidelines and other federal safety  
14 guidelines. As I mentioned before, most  
15 importantly is the ADA and the Federal Motor  
16 Vehicle Safety Standards. And our  
17 recommendations encompass three very important  
18 components, and that's the safety of the  
19 passengers, the passenger service level, and  
20 although the passenger may not understand or  
21 feel the need for it, durability of the  
22 vehicle is most important.

23       With a limited number of accessible  
24 vehicles on the road, you don't want to have  
25 them off the road for constant repairs as is

1 the current case. So durability definitely  
2 plays a role in our decision.

3 And having met with the Disability  
4 Advisory Board and many advocates and  
5 activists, we decided that our rules may have  
6 been too inclusive, and with more research we  
7 have come up with the rules that are being  
8 presented today.

9 And that is the end, if there are any  
10 questions and I am sure there will be  
11 comments.

12 COMM. GONZALES: Peter, one quick  
13 question: Other cities that also have use of  
14 accessible vehicles, do they experience the  
15 same aging?

16 MR. SCHENKMAN: Not to our  
17 knowledge. I mean, there have been issues  
18 with rear entry vehicles in general. One of  
19 the safety issues with cutting the bumper to  
20 allow for rear entry is that a rear-end  
21 accident is much more common than a T-bone or  
22 side impact. And as a result, you run the  
23 risk of possibly being trapped in a rear-entry  
24 vehicle because the ramp is going to take the  
25 brunt of the accident.

1           Most other cities are not like New  
2 York City. What we do in one year on a  
3 vehicle, can be a lifetime in others, and it's  
4 entirely different environment. And it should  
5 be pointed out that there are other cities out  
6 there that have addressed this and a lot of  
7 them have addressed it with personal use  
8 accessible vehicles. The City of Chicago most  
9 recently has approved one of the vehicles that  
10 -- that meets our specifications. They just  
11 took delivery of them in the past month or, so  
12 we don't yet have data on that. One of the  
13 vehicles is also the vehicle of choice for the  
14 California Department of Transportation, their  
15 Para Transit. And there is almost a thousand  
16 of them over the past four years.

17           Now when you have a vehicle that is  
18 factory supported, such as two of the  
19 available vehicles, you get the input from a  
20 major auto manufacturer, in this case General  
21 Motors. General Motors actually pulls three  
22 of these second stage modified vehicles to  
23 check on the integrity because they still have  
24 the General Motors name on it, and that is  
25 very important, that they are structurally

1 sound and the vehicles are all routinely crash  
2 tested.

3       COMM. GIANNOULIS: Would you  
4 describe these rule changes as more to  
5 encourage the manufacturers to be begin to  
6 provide some service, or do the actual rules  
7 actually address the concerns that you saw?  
8 Because, quite honestly, nothing in these  
9 rules has anything to do with the fact that  
10 the cars are breaking down.

11       MR. SCHENKMAN: One of the rules is  
12 that the vehicle is supported by the OEM  
13 manufacturer, and that, we believe, will have  
14 a serious effect on the integrity and  
15 durability of the vehicle. Obviously,  
16 competition is good to bring in other  
17 manufacturers, but our goal was to provide a  
18 higher level of service with the vehicles and  
19 a more durable vehicle.

20       The vehicles currently have been on  
21 the road for about a year, they have  
22 approximately 100,000 miles on them, and I am  
23 sure the owners of the vehicles could testify  
24 that it is becoming cost prohibitive to keep  
25 the vehicles on the road.

1           COMM. GIANNOULIS: Would we be more  
2 comfortable giving our seal of approval for  
3 this next round of vehicles the way we were  
4 for the earlier round?

5           MR. SCHENKMAN: I am comfortable  
6 with the two vehicles that currently meet our  
7 specifications and the two vehicles that I  
8 mentioned before that I expect to fully comply  
9 with the specification.

10          Again, we went more with the federal  
11 guidelines rather than thinking of a car first  
12 and the specification later. So we opened it  
13 up that it doesn't have to be a mini van  
14 anymore. And the other two vehicles that will  
15 be introduced in the next six months or so are  
16 not mini vans. They are purpose built  
17 vehicles that fully ADA compliant.

18          COMM. GIANNOULIS: I am just  
19 concerned, I was in a cab the other day, and  
20 the guy have a vehicle, a quasi that he told  
21 me broke down and it was breaking down  
22 constantly and he regretted ever buying it. I  
23 felt kind of bad for the guy because he said  
24 he wanted to do the right thing but he said it  
25 was pretty much worthless at this point.

1 CHAIRMAN DAUS: It was a Free Star?

2 COMM. GIANNOULIS: Yes.

3 So I think we all support the idea of  
4 having more disabled access vehicles, but I  
5 think we have to take into account what we are  
6 doing here, because at the end of the day,  
7 somebody is buying this and it is somebody's  
8 livelihood and we have to take that into  
9 account.

10 MR. SCHENKMAN: And in this case,  
11 General Motors on these two vehicles, has  
12 indicated full support, full warranty support,  
13 and again these vehicles are built for  
14 commercial applications; whereas, the current  
15 Free Star was a modified personal use vehicle.  
16 And I feel pretty comfortable and confident  
17 that these specifications will allow for a  
18 more durable vehicle so that the owner doesn't  
19 have the added cost of repairing the vehicle  
20 aside from the added cost of the modification.

21 COMM. GIANNOULIS: Thank you.

22 CHAIRMAN DAUS: Any other questions?

23 No Response.)

24 CHAIRMAN DAUS: Thank you, Peter, we  
25 appreciate all the work that you have done on

1 this project. If you could just stick around,  
2 though, more questions may come up.

3 Now we will go to the preregistered  
4 list, the first speaker to preregister for  
5 this hearing is John Gresham from Disabled in  
6 Action.

7 MR. GRESHAM: I am John Gresham, New  
8 York Lawyers for the Public Interest, I  
9 represent Disabled in Action for purposes of  
10 this hearing. I believe one or two officers  
11 of Disabled in Action will also speak.

12 While we are told this rule has been  
13 changed substantially, it still excludes the  
14 great majority of retrofitted mini vans that  
15 serve as taxis all across the United States.  
16 As far as I can tell, nothing has been said  
17 this morning and nothing has been changed in  
18 this rule that would allow vehicles made by  
19 Ford, Chrysler, Toyota or Honda, or a number  
20 of retrofitting companies, to compete.

21 So what you have is a limitation to  
22 the Chevy mini van retrofitted by one of two  
23 companies, which is highly anticompetitive and  
24 surprising from this New York City  
25 administration. It's a radical departure from

1 the norm of taxi regulation in New York City.  
2 Earlier this morning we heard that two more  
3 hybrids have been approved. Generally  
4 speaking, what the taxi regulation scheme does  
5 is allow many vehicles to serve, and the  
6 regulations are broad enough to allow  
7 competition for price and to allow innovation  
8 and to allow vehicles to prove themselves.  
9 And the experience with hybrids is exactly the  
10 opposite of what is happening here. Instead  
11 of narrowing it down, the rules were changed  
12 about a year ago to make it more open. And  
13 that has resulted in more and more vehicles  
14 coming into service as hybrids.

15 The reason why I speak of this  
16 regulation in this way is what we are looking  
17 at is a scheme that will drive up price, limit  
18 competition, drive a number of people out of  
19 the process. And that's still true, even  
20 under this modified reg. For example, some of  
21 the specifics in here, it no longer has an  
22 explicit two chair rule, but it still has a  
23 requirement that the floor be lower the entire  
24 length of the vehicle from the back axle to  
25 the fire wall. It still has a stainless steel

1 only lower floor rule. That's unique. You  
2 have no other rule that talks about stainless  
3 steel even when you are modifying the vehicle  
4 as in a wheelchair van, which can be  
5 lengthened, but there is nothing about  
6 stainless steel in there.

7 On the FMIs, I carry no brief for  
8 FMI, nor do we have anything to say against  
9 the idea of the manufacturer standing behind  
10 the vehicle as modified. But many vehicles  
11 that will be excluded by this proposal --

12 CHAIRMAN DAUS: I'm sorry, what are  
13 you referring to, an FMI?

14 MR. GRESHAM: FMI is the retrofitter  
15 of the vehicles, the 27 which have been  
16 discussed, Freedom Motors.

17 CHAIRMAN DAUS: Okay.

18 MR. GRESHAM: I carry no brief for  
19 them; I speak for DIA, but whatever the  
20 experience has or has not been, there are 27  
21 vehicles that went on the road about a year  
22 ago and they are all still there with your  
23 approval as safe and road worthy, and nobody  
24 has sold any of them. Yet, they could have  
25 bought any other ADA compliant accessible

1 vehicle and replaced them. That could have  
2 been done. So we have, I am afraid, still a  
3 highly objectionable rule that will limit  
4 competition, drive up price, prevent other  
5 vehicles from showing themselves to be  
6 successful in New York City. And if the bill  
7 that was referred to earlier passes the City  
8 Council and we will have 150 additional  
9 medallions, that becomes even more important.

10 That presents an opportunity to let  
11 vehicles prove themselves and that's what  
12 should be done. Thank you very much.

13 CHAIRMAN DAUS: Thank you, Mr.  
14 Gresham.

15 The next speaker is Jean Ryan,  
16 Disabled in Action.

17 COMM. GIANNOULIS: Can we have Peter  
18 respond to that, please?

19 CHAIRMAN DAUS: Yes.

20 MR. SCHENKMAN: There are plenty of  
21 mini vans manufactured, the current mini vans,  
22 all 27 of them are not ADA compliant. The  
23 Toyota Sienna is not ADA compliant  
24 manufactured by anyone including Braun. The  
25 caravan is not ADA compliant, although can be,

1 but failed as a taxi in New York City as a  
2 pilot with the mini vans. The Honda Odyssey,  
3 great vehicle, cannot be modified to be ADA  
4 compliant. These are issues.

5 Stainless steel --

6 CHAIRMAN DAUS: Anything from Ford?

7 MR. SCHENKMAN: Ford does not  
8 support or does not have a secondary vehicle  
9 modifier that manufacturers a vehicle that  
10 meets their specifications.

11 COMM. GIANNOULIS: In terms of ADA  
12 compliance, what are they looking at?

13 MR. SCHENKMAN: We are looking at  
14 dimensions, 56-inch doorway, four-way secure  
15 for the wheelchair, height, space, mobility,  
16 ramp specifications. And I have done  
17 extensive research, as has my staff, and we  
18 would love nothing more, because the Sienna is  
19 a good vehicle. As a taxi it has shown that  
20 it is reliable. Toyota will not support the  
21 Sienna as a taxi, and they certainly do not  
22 support -- and this is coming from discussions  
23 I have had with Toyota -- support a secondary  
24 modifier of a vehicle for commercial  
25 application.

1           CHAIRMAN DAUS: And the prices are  
2 comparable, aren't they?

3           MR. SCHENKMAN: The prices are all  
4 comparable. And, again, within six months or  
5 so, we will have two more vehicles that will  
6 meet the specifications that will provide  
7 competition. And although it is a Chevrolet,  
8 they are two distinct models. It is the Braun  
9 Entervan and it is the El Dorado Amerivan AT.  
10 They are modified to the same specifications  
11 that General Motors requires.

12          CHAIRMAN DAUS: Mr. Gresham, that  
13 sounds pretty rationale to me.

14          MR. GRESHAM: There is here today a  
15 representative from Freedom Motors who I  
16 understand has brought a Toyota Sienna  
17 modified to be ADA complaints. I will let him  
18 talk about that.

19          Ford and Dodge mini vans retrofitted  
20 to be ADA compliant serve all across the  
21 United States and in Canada as accessible  
22 taxicabs, and they apparently would be  
23 excluded. Not my statement, the TLC's, by  
24 this regulation. This excludes -- let's get  
25 this right, this excludes mini vans by Ford,

1 Chrysler, Toyota and Honda is what the TLC's  
2 own statement is.

3 It also will exclude a number of  
4 retrofitters, some of whom may speak today.  
5 By the way, there will be four accessible taxi  
6 retrofitted mini vans over at City Hall at  
7 1:00 this afternoon to be looked over by  
8 members of the Council and the staff. Four,  
9 not one, four. And they were not, most of  
10 them, across the street at the thing the TLC  
11 arranged with the Uplander. So the bottom  
12 line is I didn't say that this excludes those  
13 other manufacturers, the TLC does.

14 It also excludes a number of  
15 retrofitters. Retro fitted mini vans by these  
16 manufacturers and other retrofitters that will  
17 be excluded by this are serving all across the  
18 United States. Chicago was just mentioned.  
19 FMI vehicles serve in Chicago. Liberty  
20 vehicles serve all over the place, okay. This  
21 is kind of like saying one vehicle is it.

22 CHAIRMAN DAUS: Peter, do you want to  
23 comment?

24 MR. SCHENKMAN: Again, the Freedom  
25 Motors vehicle is not built or modified to

1 Ford's exacting standards, and the Liberty  
2 Motors vehicle, which we inspected at my  
3 facility, did not meet the heavy duty  
4 requirements, and, again, also is not  
5 supported by the manufacturer. So we have to  
6 take their word that it was crash tested  
7 properly.

8 And it's also my understanding that  
9 some of the vehicles that will be appearing in  
10 City Hall today are not ADA compliant.

11 MR. GRESHAM: Well, neither are the  
12 ones --

13 CHAIRMAN DAUS: Mr. Gresham, please,  
14 it's not fair to the other speakers to have  
15 someone go on for 10, 15 minutes, and keep  
16 people waiting.

17 So just as a point of order, I would  
18 ask that the Commissioners, if you have a  
19 specific question after they testify for their  
20 three minutes, to ask them that question. If  
21 it's a generic question, we will wait until  
22 the end and we will bring Peter back at the  
23 end; otherwise, we will never get through  
24 this.

25 And, Peter, if you could just take

1 some notes about things. There obviously is a  
2 disagreement here, there is no question about  
3 it, and I think all the Commissioners want to  
4 get at the answers to this before it's over,  
5 okay.

6 So let's go to Jean Ryan, Disabled in  
7 Action. Good morning.

8 MS. RYAN: Good morning. I am Jean  
9 Ryan from Disabled in Action from Taxis for  
10 All Campaign.

11 I am here before you today to urge  
12 you to do to things, encourage and allow  
13 various manufacturers and accessible taxi  
14 converter companies to manufacture and sell  
15 accessible taxis for use in New York City.  
16 Only through competition will innovation and  
17 improvements occur. And as John Gresham just  
18 mentioned, there will be four vehicles at City  
19 Hall today at 1 o'clock and everybody is  
20 invited to go over there and look at them and  
21 ask questions and go into them to see how they  
22 work.

23 Number two, I am here to urge you to  
24 adopt a plan which will eventually lead to 100  
25 percent accessible taxi fleet so that when we

1 need to hail a taxi, we will have just as much  
2 a chance as everyone else to get one. After  
3 more than a year of looking, I recently saw my  
4 first accessible cab in New York City. I am  
5 not kidding you. But it was across the street  
6 and full, so, naturally, I couldn't get it.

7 Even with the proposed new accessible  
8 cabs, our chances of finding an available  
9 accessible cab will be minuscule. The best  
10 way to rectify that is to gradually convert  
11 the fleet to an all accessible cab fleet that  
12 everyone can use, disabled and non-disabled  
13 alike. Nothing special. We would all have  
14 the same cab.

15 I know this is corny, but I have come  
16 up with a solution in the meantime to try to  
17 find an accessible cab since there are so few  
18 of them, so I have a magic wand, and I figure  
19 if I wave this, maybe I will have a better  
20 chance of finding one than taking over a year  
21 to find a cab. And it has the added advantage  
22 that it extends my arm reach because I can't  
23 get out in the street to hail, but I can hail  
24 from the sidewalk very well.

25 After all, accessible taxis can be

1 used by everyone, but inaccessible sedans are  
2 restricted to only certain people who walk  
3 with two legs. Let's make people proud of our  
4 city, let's make it accessible to tourists and  
5 to everyone who lives here. That's all.

6 CHAIRMAN DAUS: Thank you, Ms. Ryan.

7 Next speaker is Michael Higgins from  
8 Taxitalk.

9 MR. HIGGINS: Good morning, my name  
10 is Michael Higgins. First of all, let me  
11 address the disabled people in the audience to  
12 say that the taxi industry and taxi driver do  
13 want to help. We really do want to help. But  
14 the thing that really gets me upset is the  
15 fact that the taxi drivers, the taxi industry,  
16 and for that fact, lately, the Taxi Commission  
17 is being demonized in the press to say that we  
18 don't.

19 The current medallion auction I think  
20 a week ago was amended where there was request  
21 by the City Council that we now have three  
22 weeks, weeks, not six months, not a year, but  
23 we have three weeks to find a new vehicle to  
24 compensate 100 restricted medallions for  
25 handicap passengers without driver training,

1 without potential insurance, without any of  
2 the liability factors being addressed. There  
3 are no pick-up zones being addressed for the  
4 handicap passengers. The regular passengers  
5 are subjected to double-parking, bus stops and  
6 bike lanes. There is no plan, effective plan  
7 in place as we speak right now to implement  
8 100 now restricted medallions as we speak.

9 In my opinion, it reeks of political  
10 opportunism, and instead of political  
11 opportunism, we need real change. So, again,  
12 we do want to help, but the fact that we have  
13 been given all of three weeks notice to help  
14 is an outrage. That's all I have to say.

15 Thank you.

16 COMM. AROUT: Our next speaker will  
17 be Terence Moakley, United Spinal Association.

18 MR. MOAKLEY: Good morning. I want  
19 to kind of scrap what I was going to say. I  
20 did submit written comments.

21 I am a member of the Disability  
22 Advisory Board, have been since 1996. I am  
23 also Chair of the Taxis For All Campaign. I  
24 want to echo what the gentleman just said  
25 about real change. What I would like to say

1 is that I think it's a positive here, a very  
2 big positive is the involvement of the  
3 technical people at the TLC in looking at  
4 vehicles and in assessing what they believe  
5 will work and what they believe will not work.

6 We recognize that many of the  
7 vehicles out there are for personal use. I  
8 drive a van which does not meet the ADA  
9 requirements, but it certainly works for me.  
10 So I think the TLC being involved on the  
11 technical side here, I believe is a positive  
12 step. I still do not believe that this  
13 regulation is going to encourage the  
14 competition that is needed to bring about  
15 vehicles that will be affordable and will  
16 serve everybody in this city. That's my  
17 personal opinion.

18 I think that the American way is to  
19 open up competition for what is needed.  
20 That's my personal belief, and I hope what  
21 Peter is saying, or said to me before the  
22 meeting, that there will be a couple of other  
23 manufacturers who will meet the specification  
24 is true, but I am still concerned that it is  
25 not going to encourage competition. I think

1 that will -- the cream will rise to the top if  
2 we have open competition on an accessible  
3 vehicle.

4 I also want to mention something that  
5 has been talked about and has been alluded to,  
6 and that is the marketplace for taxis which  
7 New York City is, and the purchasing power  
8 which this city is. And it has been mentioned  
9 by a couple of previous speakers that Toyota  
10 will not okay its vehicle as an accessible  
11 taxi. It is one of, I think, the largest  
12 newly purchased taxis in this city.

13 The City of New York has the ability  
14 to engender the change that is needed to make  
15 this happen. I cannot believe for a minute if  
16 Mayor Bloomberg writes a letter to the people  
17 at Toyota, or to the people at Chrysler, that  
18 they would not take a look at this to see what  
19 they do to develop a vehicle in a short period  
20 of time that will work in this city. So I  
21 encourage the Commission to try to work with  
22 some of these manufacturers that will not make  
23 a mini van that can be used as accessible  
24 taxi.

25 And I am hopeful that this effort on

1 the technical side will continue and that some  
2 day maybe we can amend this regulation to open  
3 up competition a little more. Thank you.

4 CHAIRMAN DAUS: Thank you, Mr.  
5 Moakley.

6 MR. SCHENKMAN: If I could just add  
7 one comment. New York City, it's the highest  
8 standard. Everything we do is to the highest  
9 standard, and these regulations and rules are  
10 about setting that standard. And we certainly  
11 hope that more second stage modifiers and  
12 manufacturers will rise to what we believe is  
13 the highest and the best standard.

14 CHAIRMAN DAUS: The next speaker is  
15 Michael Harris, Disabled Riders Coalition.

16 MR. HARRIS: Good morning. I want to  
17 thank the Commission for giving me this  
18 opportunity to speak before you today. The  
19 Disabled Riders Coalition is adamantly opposed  
20 to the addition of Section 3-03.2 to the  
21 Administrative Code of the City of New York.

22 Hailing a cab during rush hour is  
23 difficult for most New Yorkers. But for those  
24 who use wheelchairs, it is nearly impossible,  
25 as only 27 of the city's nearly 13,000 cabs

1 are accessible for people with disabilities.

2 At best, this proposed regulation will only  
3 further make things worse.

4 We've heard that the Chevy Uplander  
5 is currently the only vehicle that meet these  
6 specifications. Yesterday I had a chance to  
7 try out this vehicle. The vehicle simply  
8 doesn't work. I could barely get my  
9 wheelchair in it. I could not turn to face  
10 forward and the door could not be closed  
11 behind me. You are going to be putting  
12 vehicles on the road that are not user  
13 friendly and that are not reasonably usable by  
14 all people with disabilities, in contrast to  
15 the Ford Free Star.

16 Now we understand that the Ford Free  
17 Star is being discontinued and you need to  
18 look at a new vehicle. You want to look at  
19 Fords. Scarsdale Ford on Central Avenue in  
20 Scarsdale sells retrofitted accessible  
21 vehicles approved by Ford Motor Company. So  
22 the assertion that Ford has no vehicles that  
23 have been manufacturer approved is false. In  
24 fact, I could walk in there today and walk out  
25 with an accessible vehicle sold by a Ford

1 dealership that meets Ford's specifications.

2 I don't believe that this Commission  
3 has adequately explored its alternatives. The  
4 fact of the matter is that various types of  
5 accessible vehicles are in use all across the  
6 country and around the world. When people  
7 think of New York City, one of the things they  
8 think of is the yellow taxicab. And, in fact,  
9 Chairman Daus, as you said previously, your  
10 favorite color is taxi yellow. Taxi yellow is  
11 emblematic of the City of New York but is  
12 currently excluded to people with  
13 disabilities.

14 Now, it has been stated that two more  
15 vehicles will be coming on line within a  
16 six-month period that will meet these  
17 specifications. I appreciate that, however,  
18 if the auctions are taking place in June and  
19 you only have 30 days after your auction to  
20 purchase vehicles, then those new vehicles  
21 would not be on the road for people who  
22 purchase a new medallion. They would, rather,  
23 have to wait until the retirement of the Chevy  
24 Uplander. So that doesn't answer the problem.

25 I believe that the improved rules

1 which I have just seen this morning are much  
2 better than the proposal that we saw  
3 originally, and I congratulate the Commission  
4 for listening to the disability community  
5 after taking the appropriate steps to improve  
6 these rules. However, we still don't believe  
7 they are satisfactory. The vehicles cost  
8 more, they stifle competition, and are less  
9 user friendly.

10 Just to sum up briefly, what I would  
11 like to see the TLC do from here. A staffer  
12 from TLC told me yesterday that none of the  
13 Commissioners use wheelchairs, and so, they  
14 rely on the input from the community. This  
15 rewritten rule has just been given to us this  
16 morning. We have not had time to adequately  
17 review it, but I already don't like the fact  
18 that in the summary it says only two vehicles  
19 can work with it.

20 I would urge this Commission to take  
21 this rule, table it for the 30 days. Give the  
22 community time to review it. Give the  
23 industry time to look at it. Give this  
24 Commission the time adequately explore its  
25 options, rather than jumping the gun to go

1 into a rule which will be restrictive, is not  
2 on par with any of the other cities around the  
3 country and around the world, and which would  
4 reduce the likelihood of people submitting  
5 bids for accessible vehicles in the upcoming  
6 auction.

7 So just to conclude, people with  
8 disabilities have paid taxes for years. Now  
9 we want taxis. We want taxis that we can use.  
10 Thank you.

11 CHAIRMAN DAUS: Thank you, sir.

12 The next speaker is Joe Gianetto from  
13 MTBOT.

14 COMM. GIANNOULIS: Can I ask a  
15 question?

16 CHAIRMAN DAUS: Yes.

17 COMM. GIANNOULIS: Just a point of  
18 reference, not that I am supporting the  
19 position. But in terms of process, a revised  
20 rule could be voted on, it's within the 30  
21 day --

22 MR. FRASER: You mean today?

23 COMM. GIANNOULIS: Anytime, yes.

24 MR. FRASER: Well, the rule as we  
25 have recommended it be revised can be approved

1 today. Whatever the Commission decides to  
2 approve in terms of a rule can be done today,  
3 if that's your question.

4 COMM. GIANNOULIS: But generally  
5 speaking, a rule that is published can be  
6 revised after the 30-day notice and still be  
7 voted on?

8 MR. FRASER: Correct. Providing  
9 that it is based on a comment by the public or  
10 the agency. And in this case, it was both.

11 CHAIRMAN DAUS: Thank you.

12 Mr. Gianetto?

13 MR. GIANETTO: Good morning, Mr.  
14 Chair and Members of the Commission. My name  
15 is Joseph Gianetto and I am here representing  
16 the Metropolitan Taxicab Board of Trade, also  
17 known as MTBOT. I will limit my comments to  
18 specifications in the rules as we received  
19 them this morning, but I would like to note  
20 that MTBOT continues to be active in its  
21 efforts to identify appropriate accessible  
22 vehicles to be used as double-shifted taxis.

23 And in addition to those efforts,  
24 MTBOT is seeking ways to apply for federal New  
25 Freedom funds. It is recognized that the

1 purchase and operation of accessible vehicles  
2 represents an additional cost as compared to  
3 the Ford Crown Victoria, so we need to  
4 identify ways to bridge that gap.

5 The New Freedom Program is a federal  
6 grant program for capital and operating costs  
7 designed to encourage services, to address the  
8 transportation needs of persons with  
9 disabilities that go beyond those required by  
10 the ADA.

11 The program is funded between 72  
12 million and 92 million annually, that is  
13 across the country. And the program includes  
14 the following features: Funds are allocated  
15 through a formula based upon of population of  
16 persons with disabilities. 60 percent of the  
17 funds are allocated to areas with a population  
18 of over 200,000. States must select grantees  
19 competitively. Funds can be used to purchase  
20 accessible vehicles, taxis, and support  
21 accessible taxi programs, including staff  
22 training, administration and maintenance. And  
23 the Federal funds are available for up to 80  
24 percent of the cost of the project; therefore,  
25 we would have to match 20.

1           Now we are awaiting final guidelines  
2 to be published by the Federal Transit  
3 Administration and we look forward to working  
4 with the New York Metropolitan Transportation  
5 Council, the Taxi and Limousine Commission,  
6 and, hopefully, with Easter Seals New York in  
7 submitting an application for those funds.

8           It appears that much was learned from  
9 the experimentation with the rear entry Ford  
10 Free Star accessible mini vans. The proposed  
11 rules now specify a side entry stainless steel  
12 conversion, which appears to offer stronger  
13 protections against the component failures  
14 which plagued the Free Star. So of course,  
15 the only way to find out is through use of  
16 evaluations on the streets of the city.

17          We had two comments based on the  
18 original version of the rules, but in light of  
19 today's version, I guess the only comment that  
20 we have regarding the specifications is that  
21 the vehicle retirement provisions don't  
22 provide for any life span incentive to  
23 purchase these vehicles, that is kind of  
24 inconsistent with the current retirement  
25 provisions for mini vans. So currently

1 double-shifted fleet mini vans receive an  
2 additional 12 months beyond their standard 36  
3 months, while the owner operated mini vans  
4 received an additional 18 months beyond their  
5 standard 60 months. So, we ask that the TLC  
6 consider providing vehicle retirement  
7 extensions for wheelchair accessible mini vans  
8 as is currently allowed for the standard mini  
9 vans on the streets today. Thank you.

10 CHAIRMAN DAUS: Last speaker is Mr.  
11 Vincent Sapone.

12 MR. SAPONE: Good morning, Mr.  
13 Chair, Commissioners. Thank you for giving me  
14 this opportunity to speak. I have to say one  
15 thing, you have a lot of intelligent people  
16 coming up here.

17 First of all, Noach Dear is not here,  
18 Commissioner? Did he leave?

19 CHAIRMAN DAUS: He had to take an  
20 important call.

21 MR. SAPONE: I would like to thank  
22 him and Mr. Sanders for considering a  
23 surcharge. And I have to tell you something,  
24 Mr. Chairman, and I have to tell the new  
25 Commissioners: Vote with your heart, not with

1 your ear. These guys here are spending a  
2 minimum of \$500 a month more for gas.

3 CHAIRMAN DAUS: Mr. Sapone, you are  
4 off topic.

5 MR. SAPONE: I know I am off key, I  
6 am always off key. But the bottom line is we  
7 are bouncing around a ball and the ball never  
8 stops. These guys are spending 5 or 600 a  
9 month for gas. Everybody in the world is  
10 charging more for gas when they have a  
11 service. But the taxicabs can't do it.

12 CHAIRMAN DAUS: Do you have an  
13 opinion on the subject?

14 MR. SAPONE: I will get to the  
15 handicap accessible in a minute, but hear the  
16 truth. Give me a call.

17 Number one, I would do whatever I can  
18 to help the handicap association, people,  
19 whatever, okay. But I don't want lease  
20 drivers and owner drivers to suffer. We have  
21 been talking about this for years and years,  
22 and it seems like nothing really came about.  
23 I know Metropolitan got some handicap vans and  
24 they fell apart, and they really tried and I  
25 salute them for that, but they didn't hold up.

1 You know, I don't want you guys to tell us,  
2 get this car, and we pay an extra 5 or \$7,000  
3 for it, and then it doesn't last more than two  
4 years.

5 Now the lease guys, it don't cost  
6 them for a car but it will cost them in  
7 salary. If they breakdown after they fill up  
8 the tank, it take hours to get another car, if  
9 they can get another car, and they already  
10 paying the lease price. You have to come up  
11 with a vehicle. I don't know which one you  
12 are going to get or how you are going to do  
13 it, but you have to get one that's been  
14 proven, proven that it's going to last on the  
15 road.

16 We can't afford to buy a car every  
17 two years and the lease can't afford it  
18 breaking down every week. I want to help  
19 everybody in a wheelchair. I am not half as  
20 bad as them, and I understand. But it has to  
21 be on both sides, good for everybody, not just  
22 one-sided, you know.

23 And that's what I have to say about  
24 that.

25 CHAIRMAN DAUS: Thank you, sir.

1 That's our last speaker. Do we have any  
2 questions or comments?

3 Peter, anything that you would like  
4 to add that you haven't addressed already in  
5 terms of the public comments before we discuss  
6 this?

7 MR. SCHENKMAN: As far as the  
8 extension, we are proceeding the way we did  
9 where the Commission chose to on the hybrids,  
10 and is a that wait a see approach. If we  
11 approve a vehicle and give it an additional  
12 life span and turns out that it does fail,  
13 well, then not only are the owner drivers,  
14 leases and fleets stuck with this vehicle, the  
15 public is going to get less service.

16 And, again, I just want to reiterate  
17 that it was a standard that was set. It was  
18 set based on research. It wasn't based on a  
19 vehicle. And, again, we encourage  
20 everybody -- I have met with Ford, General  
21 Motors, I've met with the vice president of  
22 North America Toyota, and we have done our  
23 research.

24 CHAIRMAN DAUS: Okay, any questions  
25 or concerns or comments from the

1 Commissioners?

2 No Response.)

3 CHAIRMAN DAUS: Let me just say that  
4 before we consider this for a vote a couple of  
5 points that I think Peter articulated very  
6 well. And the disability community has  
7 articulated concerns, which, quite frankly,  
8 are valid concerns to a certain extent. I  
9 mean, you obviously are experiencing  
10 frustration.

11 We are as equally frustrated as you  
12 are that we can't have more on the road  
13 sooner, but there are other priorities and  
14 other things we have to look at as a  
15 Commission. There is a lot of disinformation  
16 about these rules, first of all, unfortunately  
17 in the media. These rules, like Peter said,  
18 are not about specific vehicles. They are  
19 about specific standards that are set mostly  
20 by the federal government as part of the  
21 Federal Transit Administration, and we have  
22 added to them in a way that is consistent with  
23 other rules in the interest of safety.

24 We have similar rules for stretch  
25 limousines. We don't allow stretch

1 limousines, the big ones that are 20, 25  
2 passengers, half a block long, we don't allow  
3 them on the streets of New York City unless  
4 you get approval from the vehicle  
5 manufacturers and that you are part of a  
6 program that involves crash testing and  
7 vehicle safety standards to make sure that the  
8 vehicles not only hold up but that are safe so  
9 that the occupants don't get injured.

10 We have same concerns for people and  
11 the bottom line is here is that if we have to  
12 make a choice between fewer safer vehicles and  
13 more unsafe vehicles, I am with the safe  
14 vehicles. Safety is our priority. And, you  
15 know, the disabled community, you are  
16 absolutely right and you should be frustrated.  
17 We are equally frustrated, but I think we need  
18 to move on and to make more progress. We  
19 tried, we put vehicles that you suggested out  
20 on the road, they didn't hold up. The chasis  
21 broke, the brakes failed. It is not fair to  
22 the owners, it is not fair to the disabled  
23 community, it is not fair to the passengers  
24 should they be involved in an accident and get  
25 injured.

1           When comes down to the standards, I  
2 understand that you are concerned. There is  
3 no question about it. A reasonable person  
4 would be concerned, well, are there going to  
5 be more vehicles? But there are some  
6 misconceptions here, too.

7           Number one, there is competition. To  
8 say that there is no competition is just plain  
9 wrong and not factually correct. Even though  
10 there is one vehicle, there are two  
11 retrofitters that approved by that  
12 manufacturer. They have done crash testing.  
13 They have standards that hold up Chevrolet's  
14 engineers' specifications. And last but not  
15 least, they compete with one another. And the  
16 price, quite frankly, from the research that  
17 we have done, it is not going to cost more,  
18 it's going to be the same price.

19           So I think some of the facts are  
20 skewed and they are a little bit wrong in  
21 terms of the way they have been portrayed.  
22 But even if you concerns about there not being  
23 as much competition as we like, if we have to  
24 choose between safety and competition, I think  
25 I go with safety. And at the end of the day

1 if you look at the history of the TLC and what  
2 we have done, we set the standards. We don't  
3 look at other cities. Like Peter said, we  
4 aren't like any other city. To run a cab in  
5 New York City is not like any other city, with  
6 all due respect to those cities. And you  
7 can't judge the performance of vehicles in  
8 those cities based upon what happens in New  
9 York City.

10 And, number two, every single city  
11 around the world looks to what the TLC does.  
12 We don't wait to see what other people do.  
13 They are constantly calling my office every  
14 day to ask: When are you going to enact new  
15 rules? And everything that we have done,  
16 whether it is vehicle retirement, whether it  
17 is hybrids, practically every rule that we  
18 have ever done here, drug testing, it has been  
19 replicated in its entirety by other  
20 jurisdictions around the world.

21 So I think that while I understand a  
22 reasonable person coming to this, not know  
23 knowing more about our industry would be  
24 concerned, quite frankly, having been at this  
25 agency for ten years and seeing how things

1 play out, I am not concerned. I am confident,  
2 because people have already called us from  
3 other jurisdictions: Are you passing these  
4 rules? We are excited about them.

5 There is nothing prevents us from  
6 coming back three, four, five, six months from  
7 now if there is more competition and  
8 revisiting it, but we want to make sure that  
9 the vehicles, the disabled accessible  
10 medallions that the Council put on our plate  
11 and which we want to offer for sale, are not  
12 delayed. We don't want to have a situation  
13 where we don't have a vehicle. This will give  
14 us a vehicle that we are comfortable with,  
15 that we can put our stamp of approval on to  
16 the extent that we feel it is safer than what  
17 has been out there and better than what has  
18 been out there, and that will give us the  
19 opportunity to move forward with the sale.

20 If we don't put on these rules today,  
21 we are got going to have any accessible  
22 medallions sold next month, there is not going  
23 to be a vehicle and I am not going to go  
24 forward with the sale for a vehicle that has  
25 proven to break down and age five or six years

1 before its time. So with all that said,  
2 that's how I feel about the topic. I am  
3 prepared to vote here today on these rules an  
4 continue a dialogue with the accessible  
5 community. Quite frankly, you have been  
6 involved with this process from day one, there  
7 is no question about it, and I don't think  
8 there is a need to delay this further because  
9 the amendments made to the rule were a direct  
10 response to most of the comments that we  
11 received from you. I think the only thing  
12 that we disagree on, quite frankly, is whether  
13 there will be competition, and I think that  
14 there certainly will.

15       And I have a fundamental disagreement  
16 that we should have more competition, more  
17 vehicles, when we feel that we have safety  
18 concerns. I just fundamentally disagree with  
19 that. And while I understand that your  
20 interests are pure, we have other interests  
21 other than competition for the sake of  
22 competition.

23       I have said enough on this. I don't  
24 know how everybody else feels, but I am  
25 prepared to vote on this now and work with the

1 community to revisit it.

2 VOICE: May I be heard one more  
3 time?

4 CHAIRMAN DAUS: No. I'm sorry, the  
5 hearing is closed.

6 Any comments?

7 COMM. SANDER: I concur with what  
8 the Chairman said with great sensitivity to  
9 the needs and concerns of the disabled  
10 community. It still at the end of the day  
11 does not sound responsible to put on the  
12 street vehicles that do not meet these  
13 specifications. It sounds like there will be  
14 competition. It sounds like these are an  
15 appropriate price range, and so, that's how I  
16 see it.

17 COMM. DEAR: When it comes to  
18 liability, when you retrofit a car post  
19 manufacturing and if it's against the rules of  
20 the manufacturer, don't you have some  
21 liability issues also, serious liability  
22 issues on that?

23 MR. FRASER: I am not sure, are you  
24 asking about our liability?

25 COMM. DEAR: Well, we are in a sense

1 liable because we are putting out these cars,  
2 so if we are going to authorize cars that are  
3 not meeting the standards of the manufacturer.  
4 I mean suppose the manufacturer --

5 MR. FRASER: As a lawyer, I am not  
6 going to sit up here and say that would make  
7 us liable, but it is not something that I  
8 would recommend doing.

9 COMM. DEAR: That's what I wanted to  
10 hear, from a legal point, right?

11 MR. FRASER: Right.

12 COMM. DEAR: And it also puts  
13 passengers in jeopardy as well.

14 MR. FRASER: That's correct, yes.

15 CHAIRMAN DAUS: But there are other  
16 reasons why, putting liability aside, there  
17 are reasons why it is better, I think, to  
18 have the person who produced the vehicle give  
19 the stamp of approval to someone who is  
20 touching it afterwards.

21 And we went through this, as you  
22 know, the Council member Commissioner,  
23 Commissioner Dear when he was Chairman of the  
24 Transportation Committee, passed rules  
25 allowing us to regulate stretch limousines,

1 and we did the same thing for stretch  
2 limousines. And I am more confident now  
3 getting into a stretch limo than I did before,  
4 knowing that the companies, whether it is the  
5 CMC QVM Program, Ford, GM, have had their  
6 engineers set forth guidelines, crash tested  
7 the vehicles and made sure that not only are  
8 we going to make sure that these high  
9 standards of retrofitting are met, like they  
10 will be with these accessible cabs, but we are  
11 going to make sure that the people doing the  
12 retrofitting are qualified and know what they  
13 are doing. No downside to it.

14 So I think that the warranty is also,  
15 if I am not mistaken, extended for approved  
16 retrofitters, so the original warranty that  
17 you get with the vehicle that you buy is  
18 voided automatically unless you have the  
19 manufacturer sign off on it. You may get a  
20 subsequent lesser warranty from the  
21 retrofitter, but at least here with these  
22 rules, you would be able to get a warranty  
23 from the original manufacturer.

24 Any questions?

25 COMM. DEAR: Also, any discussions

1 with manufacturers about these accessible  
2 vehicles, about producing them for us like we  
3 have had with other cars and everything else?

4 CHAIRMAN DAUS: I believe we have  
5 done that. We have made the overtures to  
6 these companies. Peter has been all over the  
7 place. We've tried. I think history has  
8 shown that unless we pass rules and raise the  
9 bar legally, nothing will happen. We have  
10 seen this with rear air conditioning. We have  
11 seen this with the hybrids. We have see this  
12 with everybody, build it and they will come.  
13 It's going to happen.

14 Chances are tomorrow some of these  
15 retrofitters that aren't affiliated with  
16 manufacturers will probably be submitting  
17 business proposals to Ford to say: How do we  
18 get part of a program? Build it and they will  
19 come.

20 I would like to make a motion to  
21 adopt these rules.

22 COMM. AROUT: I would like to make  
23 that instead of you, Mr. Chairman.

24 CHAIRMAN DAUS: Okay, you can make  
25 the motion.

1           COMM. AROUT: I would make the  
2 motion that we propose the rules as amended.

3           CHAIRMAN DAUS: Do we have a second?

4           COMM. GIANNOULIS: Second.

5           CHAIRMAN DAUS: All in favor?

6           (Chorus of "Ayes.")

7           CHAIRMAN DAUS: Any opposed?

8           No Response.)

9           CHAIRMAN DAUS: Okay, it is  
10 unanimous. Thank you, I appreciate that.

11           And we will continue to work with the  
12 disability community. In addition to meeting  
13 with the Disability Advisory Board, we are  
14 going to set up a host of meetings to go  
15 forward with implementing these specifications  
16 and the medallion sale as well.

17           Item 5(b), License Expiration Dates.

18           Chuck, we have some changes?

19           I could just point out for the record  
20 that that motion was on the revised rules that  
21 we distributed to the commissioners last  
22 night, and we would like to append a copy of  
23 that to the minutes.

24           So ordered.

25           Okay, license expiration dates.

1 Chuck?

2 MR. FRASER: These proposed rules  
3 would modify existing rules regarding the  
4 expiration of taxicab and for-hire vehicle  
5 driver licenses. The Commission recently  
6 promulgated rules that limited the drug  
7 testing window for taxicab and FHV drivers to  
8 the 30-day period before the expiration of  
9 their licenses.

10 Following the promulgation of that  
11 rule, a number of drivers and others alerted  
12 Commission staff to the fact that many drivers  
13 leave the country for extended periods of time  
14 to visit families, and that when such an  
15 absence covers a driver's entire drug testing  
16 window, the driver is effectively precluded  
17 from renewing his or her license and will have  
18 to reapply as a new licensee.

19 These proposed rules address that  
20 problem by allowing a driver to move up the  
21 expiration date of his or her license in  
22 anticipation of such a long-term absence,  
23 thereby also moving up the licensee's drug  
24 testing window. In addition, the proposed  
25 rules would permit a taxicab driver whose

1 license expires during the driver's active  
2 military service to avoid the requirement of  
3 completion of the 80 hour instructional course  
4 that is required for new license applicants,  
5 provided that the driver files a new license  
6 application within 90 days of discharge from  
7 service and within three years of expiration  
8 of his or her prior license.

9 We received no public comments on  
10 this proposed rule during the 30-day comment  
11 period. However, based on internal  
12 considerations of the proposal, the staff  
13 recommends that in addition to the proposed  
14 rule, that we give relief to those drivers  
15 whose licenses expire after the drug test rule  
16 went into effect on March 16, 2006, and before  
17 these proposed rules will go in effect on  
18 about June 23, 2006. Such a driver would be  
19 entitled to extend the time to renew his or  
20 her license by making a written request to the  
21 Chairperson no later than September 15, 2006,  
22 providing documentation demonstrating that the  
23 driver was absent from the New York City area  
24 during the entire 30-day drug testing window,  
25 and, therefore, was not reasonably able to

1 submit a completed license renewal application  
2 before the expiration of the license.

3 The staff recommended revisions to  
4 the proposed rules have been distributed to  
5 the Commissioners and are available to the  
6 public in the back of the room. I would be  
7 glad to read them into the records should the  
8 Commissioners so desire.

9 COMM. AROUT: Thank you, Charles.

10 We have a speaker, Michael Higgins  
11 from Taxitalk.

12 MR. HIGGINS: Briefly, I would just  
13 like to say from what I understand at the last  
14 meeting, about 30 or 40 drivers per year  
15 actually fail the drug test based on the test  
16 itself and about 5,000 drivers a year fail the  
17 test because they aren't notified or for  
18 peripheral reasons. So anything to improve  
19 that statistic, I am all for it.

20 So if you can look into that, making  
21 sure the drivers who fail the drug test get  
22 kicked out, I have no problem with that. So  
23 long as it is for illegal substances and not  
24 paperwork. But the drivers who are just  
25 getting kicked out of the business and

1 suspended for peripheral reasons because they  
2 aren't being notified or anything other than  
3 the actual intended purpose, you really have  
4 to look into that as soon as you can.

5 Thank you very much.

6 COMM. AROUT: Thank you.

7 The next speaker is Gerard Taveras.

8 Is Mr. Taveras here, please?

9 No Response.)

10 COMM. AROUT: All right, Cliff Adler?

11 MR. ADLER: Commissioner, ladies and  
12 gentlemen, good morning. I am an owner  
13 driver, and I have a problem with these new  
14 navigation GPS systems that they want to put  
15 in the back of the taxis. It is not all, but  
16 many of the owner drivers --

17 COMM. AROUT: Excuse me, sir. This  
18 has nothing to do with this.

19 MR. ADLER: I signed up to speak.

20 COMM. AROUT: You signed referring to  
21 license expiration rules.

22 MR. ADLER: I signed up to speak this  
23 morning. People have been coming up here and  
24 talking.

25 COMM. AROUT: On the rules. That is

1 not on the agenda, sir.

2 MR. ADLER: I was told if you wanted  
3 to speak at the hearing, you have to sign up.

4 COMM. AROUT: I understand. But you  
5 signed, and it does say on the top here,  
6 "License Expiration Extension Rules." Maybe  
7 you didn't realize it.

8 MR. TAVERAS: No, that I didn't.  
9 Does this mean that I am not going to  
10 be allowed to speak?

11 COMM. AROUT: Yes, sorry.

12 Next speaker is Joe Gianetto.

13 MR. GIANETTO: Thank you. Again,  
14 for the record, Joe Gianetto representing  
15 Metropolitan Taxicab Board of Trade.

16 I just wanted to come up here to say  
17 thank you to the Commission. You have been  
18 receptive to the industry's concerns on this  
19 matter and these rules represent that  
20 responsiveness. That is only going to serve  
21 the industry better, so I just wanted to come  
22 here with an unmitigated thank you. But I  
23 can't, right, because Jeanie Barrett would  
24 kill me if I didn't bring this example to your  
25 attention.

1           Just real quick, in keeping with the  
2 spirit of the rule, Jeanie handled a driver  
3 request. He called Jeanie, tragically, his  
4 son got killed in Pakistan and he had to leave  
5 on the next flight just to be with his family.  
6 So he would have no time to submit an  
7 application -- and don't get me wrong, these  
8 rules are a fantastic step in the right  
9 direction, but in the future, maybe we can  
10 consider an emergency application or an  
11 exemption to deal with a catastrophic incident  
12 such as that. Really, the driver just had to  
13 drop everything and go to Pakistan, not  
14 knowing when he would be returning.

15           MR. FRASER: He can send a letter  
16 from Pakistan.

17           MR. GIANETTO: I just wanted to  
18 bring that to your attention because Jeanie  
19 would beat me up if I didn't. But thank you  
20 again, by the way --

21           VOICE: His kid died and he is  
22 worrying about a letter?

23           COMM. DEAR: With the letter, could  
24 he ask someone on his behalf to write it?

25           MR. FRASER: Of course. The rule

1 really covers this, in my opinion.

2       COMM. DEAR: Okay, if it does. If  
3 we are going to make a rule, we might as well  
4 make it all inclusive.

5       COMM. AROUT: Since we have no more  
6 comments, would the Commission like to vote on  
7 this?

8       I make a motion to accept it.

9       COMM. SANDER: Second it.

10       COMM. AROUT: All in favor?

11       (Chorus of "Ayes.")

12       COMM. AROUT: The next item we have  
13 on here is curtain airbags.

14       MR. FRASER: This is a rule to  
15 accommodate the fact that vehicle  
16 manufacturers have now begun installing  
17 factory installed curtain airbags. The safety  
18 and emissions staff has discovered that the  
19 standard partition impairs the deployment or  
20 impedes the deployment of the curtain airbag  
21 as factory installed, and, therefore, this  
22 proposed rule would provide that a vehicle  
23 with factory installed curtain airbags does  
24 not have to have, in fact, cannot have the  
25 standard partition, but can either have a

1 modified partition or no partition at all.

2 And in either event, a cell phone with an  
3 emergency dialing feature and a security  
4 camera system approved by the Commission,  
5 pursuant to our existing rules on that.

6 No comments were received on this  
7 rule during the 30-day public comment period.

8 COMM. GIANNOULIS: Can I ask Peter  
9 some questions?

10 CHAIRMAN DAUS: Sure.

11 COMM. GIANNOULIS: What is a  
12 modified partition in this particular case?

13 MR. SCHENKMAN: In this particular  
14 case, it is -- we have approached the  
15 industry, there's about half a dozen partition  
16 manufacturers around the country, we have  
17 consulted with the other large partition user  
18 in New York City, and that's the New York City  
19 Police Department. There have been a couple  
20 of different attempts of modification.

21 Essentially what needs to happen is down the  
22 rails of the vehicle with the curtain airbags,  
23 is exactly what it sounds like, a curtain  
24 drops from the roof right down to the window.

25 The partition in its current configuration,

1 restricts the deployment of the airbag and  
2 may, as a result, cause injury to the driver  
3 or passenger.

4       Modifying, to us, means creating a  
5 space of approximately six inches on each side  
6 that will allow deployment of the air bag.  
7 Those are the approximate size constraints  
8 that we have received from vehicle  
9 manufacturers. We have looked at a couple of  
10 options. One of them involves Kevlar flaps  
11 basically made of stick vests which are used  
12 by the Department of Corrections so that  
13 someone can't just stick a knife through  
14 because it is in a blind spot of the camera  
15 right by the left side of the driver's head.

16       We are openly soliciting thoughts,  
17 comments and designs from the industry, and to  
18 date, we have received the Kevlar flaps on the  
19 side and a modified Lexan device that will,  
20 upon deployment, break apart. We are not real  
21 comfortable with that because we don't want  
22 flying Lexan in the vehicle in an accident.

23       COMM. GIANNOULIS: And we are  
24 proposing the rule because of which vehicles?

25       MR. SCHENKMAN: Currently, it only

1 applies to the Toyota Sienna as far as  
2 partitions go.

3 COMM. GIANNOULIS: That is one of  
4 the hybrids?

5 MR. SCHENKMAN: No, it is not. It  
6 is the second most popular taxi. There is  
7 approximately 1,100 of them on the road. This  
8 would apply to only 2006s and newer, of which  
9 there are approximately 225 on the road and  
10 fair number of those have no partitions to be  
11 begin with because they are owner operators.

12 Going forward, NHTSA, National  
13 Highway Traffic Safety Administration and  
14 Federal Motor Vehicle Safety Standards is  
15 reevaluating their side crash standards. And  
16 as a result, the manufacturers more and more  
17 are meeting this demand by installing curtain  
18 airbags. Ford has indicated that they plan on  
19 meeting it through side airbags in the seats,  
20 which will not be affected by the partition.

21 COMM. GIANNOULIS: I am very  
22 uncomfortable moving away from anything that  
23 involves partitions.

24 MR. SCHENKMAN: As are we, but THE  
25 trade-off, to us, is that in the event of an

1 accident, the vehicle's built-in safety  
2 devices may not operate properly. That is why  
3 we are not necessarily saying move the  
4 partition.

5 COMM. GIANNOULIS: But if I had to  
6 roll the dice, and I don't know what the  
7 statistics would be, but I would assume I  
8 would be more willing to roll the dice of  
9 somebody being protected in a car accident by  
10 a seat belt than a driver getting shot in the  
11 head. I mean, if that's the kind of trade-off  
12 that we are doing.

13 I asked a simple question of Andy  
14 before, I said: How many drivers of yellow  
15 cabs with partitions have been killed  
16 recently? And he said none. Whereas, other  
17 individuals in vehicles that don't have  
18 partitions, we have had a few people --

19 CHAIRMAN DAUS: Actually, no one has  
20 been killed in eight years in either the  
21 liveries or the yellow cabs. The liveries  
22 have the cameras.

23 COMM. GIANNOULIS: I'm sorry, repeat  
24 that again.

25 CHAIRMAN DAUS: No one has been

1 killed in the last eight years in liveries as  
2 well as yellow cabs, and the liveries have the  
3 cameras.

4 VOICE: There have been a few  
5 liveries killed.

6 CHAIRMAN DAUS: Those were  
7 unlicensed vehicles.

8 Believe me, we are very on top of  
9 these stats with the Police Department. There  
10 has not, thankfully, been a homicide of a cab  
11 driver or a livery driver in the last seven to  
12 eight years. A licensed one.

13 My understanding, these rules are not  
14 necessarily saying you have to have a camera.

15 MR. SCHENKMAN: Again, it should be  
16 pointed out, I agree with Commissioner  
17 Giannoulis. I am not comfortable saying  
18 remove the partition. But the only  
19 alternative at this point is to disapprove the  
20 2006 Sienna which is a very popular vehicle  
21 amongst the drivers because of an issue that  
22 it is going to surface in future vehicles.

23 We have this issue with the Ford  
24 Escape Hybrid. It is not as much at issue  
25 because there are no partitions in the hybrid.

1           COMM. GIANNOULIS: Do any police  
2 departments use the Sienna that you know of?

3           MR. SCHENKMAN: No, but the 2006 and  
4 2007 Chevy Impala have it, and,  
5 unfortunately, the passengers that ride in  
6 taxis are in different positions than the  
7 passengers that ride in police cars, so they  
8 are allowed to modify it by six inches because  
9 of the handcuffs. There is not really that  
10 much of an issue. But the only alternative  
11 that we saw to this --

12          COMM. GIANNOULIS: I am not trying  
13 to draw an analogy between passengers and  
14 prisoners.

15          MR. SCHENKMAN: No, no, but it  
16 disapproves the vehicle all together and I  
17 think that would not be a good thing in light  
18 of competition and the fact that it has been  
19 such a successful vehicle on all counts.

20          COMM. GIANNOULIS: I just think that  
21 the reality is with crime having gone down and  
22 various factors at play, you don't need some  
23 kind of of massive trend for one crazy robber  
24 in a three, four-week period to injure one or  
25 two or three drivers. So that's kind of what

1 I am worried about in terms of playing around  
2 with any partitions. It is not about dozens  
3 of people, but one person. And the partitions  
4 just seem pretty safe to me.

5 CHAIRMAN DAUS: I think that we all  
6 share the concerns, and it's a matter of  
7 choosing one form of safety over another, the  
8 safety of the passenger and the driver in the  
9 event of an accident and the safety of the  
10 driver in the event of a robbery or a  
11 homicide. So it's a tough one.

12 But moving forward, for these model  
13 year cars are we able to talk manufacturers  
14 and get them to do something to help us moving  
15 forward or just disapprove a vehicle moving  
16 forward and then we are dealing kind of with  
17 the universe out there now.

18 MR. SCHENKMAN: I think we may have  
19 to look going forward of disapproving certain  
20 vehicles. Chevrolet and General Motors have  
21 been very proactive with NYPD, among other law  
22 enforcement agencies, and it is my belief and  
23 my understanding that General Motors and TRW,  
24 the manufacturer of most airbags, supports a  
25 modification that is out there of the drop

1 down what I call wings. That they are there,  
2 except in the event of an accident where the  
3 force of the airbag will knock it out, which  
4 was the design concept with the Kevlar flaps.

5 COMM. GIANNOULIS: Do these lower  
6 insurance rates at all or anything like that?

7 MR. SCHENKMAN: Curtain airbags, to  
8 my knowledge in my personal vehicle,  
9 absolutely lower my insurance rates. So,  
10 again, it's a decision that the Commission has  
11 to make.

12 CHAIRMAN DAUS: And your  
13 recommendation?

14 MR. SCHENKMAN: My recommendation is  
15 that we don't get into a position where we may  
16 see some liability for approving a vehicle  
17 that obstructs a federal mandated safety  
18 device.

19 CHAIRMAN DAUS: Right, it is not  
20 like you can take it out. You are not allowed  
21 to take it out basically.

22 MR. SCHENKMAN: Correct. As opposed  
23 to a rule that went out a few years ago to  
24 turn off the passengers airbag because there  
25 may be a smaller child in the front seat, this

1 cannot be disabled legally.

2       COMM. GIANNOULIS: When you say it  
3 is a federally mandated safety device, you are  
4 saying it is a federally mandated safety  
5 device now or --

6       MR. SCHENKMAN: Yes, currently.

7       I shouldn't say that. It is the way  
8 that the manufacturers have chosen to address  
9 crash standards set by the federal government.

10       CHAIRMAN DAUS: All right, any  
11 questions for Peter?

12       No Response.)

13       CHAIRMAN DAUS: Why don't we proceed  
14 to the public hearing, and, Peter, if you can  
15 stick around, we may have more questions.

16       The first preregistered speaker is  
17 Michael Higgins from Taxitalk.

18       MR. HIGGINS: No.

19       CHAIRMAN DAUS: No, you concede your  
20 time, okay.

21       Joseph Gianetto.

22       MR. GIANETTO: Peter, just copies of  
23 my testimony, if you don't mind.

24       Good morning again. This is a very,  
25 very serious issue, and I am going to echo

1 Commissioner Giannoulis's concerns on this.

2 We recognize that the Sienna has the side  
3 curtain airbags, although it is not federally  
4 mandated per se, and the rules, by the way,  
5 apply to any vehicles that get hacked up  
6 eventually that have side curtain airbags.

7 And we understand that, as late as 2010 but as  
8 early as 2008, there might be a federal  
9 mandate that every vehicle sold in the United  
10 States has side curtain airbags.

11 Allowing for an exemption to the  
12 current mandate to the partition is very, very  
13 dangerous. And I would just like to read my  
14 testimony at this time:

15 "Currently, as you all know, the  
16 owner of independent taxicabs or mini fleets  
17 are required to install a partition unless  
18 exempted as prescribed by TLC rules. Now  
19 under these proposed rules," as Peter  
20 mentioned, "owners of taxicabs with curtain  
21 airbags, such as the Toyota Sienna mini van,  
22 are exempt from these rules and can choose to  
23 either install a modified partition or,  
24 surprisingly, no partition at all."

25 So Peter mentioned alternatives.

1 They have an alternative, simply install the  
2 modified partition. I understand that the TLC  
3 has commissioned a Partition Task Force, and  
4 maybe the members of that task force can come  
5 up with a partition that meets the provisions  
6 and makes accommodations for the curtain  
7 airbags. We acknowledge that the partitions  
8 conforming to the current specifications  
9 impede the deployment of curtain airbags, and  
10 we support the TLC's efforts to address the  
11 issue and continue searching for better ways  
12 to modify the partition so that it performs  
13 the s fullest safety function possible.

14 However, MTBOT, and I am sure most of the  
15 industry, cannot support the provisions of the  
16 rule that allows an owner to choose not to  
17 install the mandated partition. It will  
18 create an unfair and an unsafe workplace.

19 Partitions were mandated in taxicabs  
20 in response to vicious assaults and even  
21 killings of taxicab drivers during the dark  
22 period that placed our industry in a very poor  
23 light. Partitions were critical to ensure the  
24 ending of those assaults and killings. It  
25 sent a strong message to criminals that taxi

1 drivers were not moving targets, that they  
2 were protected. Partitions save lives, that's  
3 the bottom line.

4       Ironically, this rule asks taxi  
5 drivers to sacrifice their safety to make way  
6 for airbags, which is another safety feature,  
7 so we cannot abandon our reasoning for  
8 mandating partitions. Rather over the next  
9 several months and years, the TLC must find an  
10 adequate partition that works in vehicles with  
11 curtain airbags without sacrificing the safety  
12 of drivers.

13       As fleet owners, we have a  
14 responsibility to ensure the safety of our  
15 drivers, but everyone must play by the same  
16 rules, those good rules, in order to ensure  
17 that all fleets have partitions, leaving no  
18 room for an owner to take them out for any  
19 reason. So the creation of this proposed  
20 exemption will ultimately lead to the demise  
21 of the very successful partition mandate.

22       We see it being nipped away with the  
23 hybrids. We see it here again. If this  
24 Commission wants to revisit the partition  
25 mandate, then it should schedule a public

1 hearing for that specific purpose; otherwise,  
2 the provision of the proposed rule allowing  
3 for the currently unexempt taxicab owners to  
4 choose not to install the partitions, should  
5 be removed.

6 This is a serious driver safety  
7 matter, and the discussion should not be  
8 relegated to a side note in connection with  
9 modification to partitions in connection with  
10 current airbags. So I hope you consider  
11 testimony today. Thank you.

12 CHAIRMAN DAUS: The next speaker is  
13 Mr. Vincent Sapone.

14 MR. SAPONE: Joe is absolutely  
15 correct. There was a comment here that no one  
16 got killed in the last seven years, maybe I  
17 shouldn't say this, but who is going to stand  
18 up and take responsibility if someone does?

19 In the early '80s there must be  
20 dozens of cab drivers shot, knifed and killed.  
21 I haven't driven for a while, but if I was  
22 driving, I would never work the night shift  
23 without a partition. With this genius right  
24 over here, I am sure you can come up with a  
25 way for some sort of partition.

1           The City Council started with these  
2 Mickey Mouse hybrids cars that can't take  
3 partitions, and I feel they are really  
4 responsible if anything happens to the driver,  
5 because God knows if these car will even hold  
6 up, but with them cars without partitions,  
7 especially night driving, I don't know who  
8 would do that. Somehow, Peter, you have to  
9 find out a way to get a partition that works  
10 or something.

11           MR. SCHENKMAN: We are looking.

12           MR. SAPONE: Thank you.

13           COMM. DEAR: Vinny, I want to  
14 represent you to get you an HBO show. I think  
15 you would do very well.

16           MR. SAPONE: I have a niece, her son  
17 is the little heavy guy that plays with Tony's  
18 sister's boyfriend, the son of Tony's sister's  
19 boyfriend. He is about 12 years old. Should  
20 I give you an offer you can't refuse?

21           Anyway, thank you for the surcharge,  
22 I have to put that in again.

23           COMM. DEAR: You are welcome.

24           Vinny, there are cars out there for  
25 many years. I know the Chairman just didn't

1 make a statement like that lightly. There are  
2 cars out there with cameras, and obviously  
3 doing the job with partitions, and you know  
4 also, let's go outside now with any car and  
5 see if their partition -- all the partitions  
6 they have, everybody has it open. I have  
7 never seen a closed partition yet.

8 MR. SAPONE: The Commissioner is not  
9 wrong, and you are not so wrong, but what you  
10 failed to listen to, Mr. Commissioner, I said  
11 if I was driving nights.

12 COMM. DEAR: Let's go out one night.

13 MR. SAPONE: Most of them are  
14 closed, maybe a few in midtown, the 50s, the  
15 40s. You know what, let's hope to God it  
16 doesn't happen because everybody is going to  
17 feel bad if it does happen. Why look for it?

18 A camera is great, but you know what,  
19 I am dead and there is a picture in the trunk  
20 about who did it. What good is that?

21 Anyway, all you guys are doing a good  
22 job, the Chairman, the Commissioners and  
23 everything else.

24 CHAIRMAN DAUS: So you are  
25 recommending that we don't pass this rule is

1 what you are saying?

2 MR. SAPONE: Yes. I recommend that  
3 Peter, the genius, figure out a way to do  
4 something with partitions. Thank you.

5 CHAIRMAN DAUS: The last speaker is  
6 Mr. Dick Thaler.

7 MR. THALER: Good morning, Chair  
8 Daus, Commissioners. I am here to make some  
9 comments on behalf of myself.

10 I agree with the two previous  
11 speakers; however, I think there is a problem  
12 with the rule as stated if you choose to pass  
13 it because it forecloses the possibility that  
14 there would be an option for a driver to  
15 install a full-width partition. What I would  
16 suggest if you choose to pass this rule,  
17 notwithstanding the two previous speakers,  
18 that if you look at Section 1.17, Subsection  
19 2C, if you just add a comment after the  
20 modified statement which would say something  
21 like this: Unless a full-width partition, in  
22 all respects meeting TLC safety requirements  
23 and FVMSS, Federal Motor Vehicle Safety  
24 Standards, in the presence of side curtain  
25 airbags is approved." And that would be my

1 recommendation as a remedy to this rule.

2 CHAIRMAN DAUS: Peter, just a  
3 question: Are these vehicles going to hit the  
4 road now?

5 MR. SCHENKMAN: The vehicles are on  
6 the road.

7 CHAIRMAN DAUS: I mean, the new  
8 vehicles. I guess the question that I have,  
9 after hearing the testimony, is: Is there a  
10 legal prohibition for us allowing the curtain  
11 airbags to come out? Are we legally  
12 prohibited from just taking the airbags out.

13 MR. SCHENKMAN: I am sure you would  
14 void the manufacturer's warranty. And  
15 something else that I didn't point out, when  
16 an airbag deploys, it deploys at approximately  
17 200 miles an hour or the equivalent with the  
18 velocity of a .45 caliber bullet. It is also  
19 quite possible that rather than hindering the  
20 deployment, since we haven't actually  
21 experienced it, it may shatter the Lexan, the  
22 top part of the partition, and cause flying  
23 Plexiglass or Lexan about the cab and in the  
24 vehicle. There are no records that we've been  
25 able to find or incidents where airbags have

1 deployed as a result of either damaging the  
2 partition or being hindered by a partition,  
3 but I would say right off the bat you would  
4 void the manufacturers warranty by removing a  
5 safety device.

6 CHAIRMAN DAUS: Do you have anything  
7 to add, Chuck?

8 MR. FRASER: As Peter indicated, the  
9 curtain airbags are not federally mandated but  
10 they are the means by which the federal  
11 mandate for crash testing is met. And I don't  
12 see how we can avoid that, other than by  
13 taking the cars off the road.

14 COMM. GIANNOULIS: Let me ask you a  
15 question, and I am open to this, quite  
16 honestly, Mr. Chairman --

17 CHAIRMAN DAUS: So am I, you have  
18 made some good points.

19 COMM. GIANNOULIS: This is basically  
20 a really stupid question, but I assume  
21 manufacturers charge more money for these?

22 MR. SCHENKMAN: In the Toyota  
23 Sienna, they are standard, and they only  
24 became standard in 2006, which is why the  
25 issue is just suddenly raised. In most

1 manufacturers, it is an option.

2       COMM. GIANNOULIS: I guess my point  
3 is, at the end of the day would the  
4 manufacturer begin to install these in a kind  
5 of a mandatory way in order to raise prices,  
6 and at the end of the day partitions are gone  
7 and there is absolutely nothing -- when we  
8 talk about -- I mean, at the end of the day,  
9 it seems, I don't know the machinations of the  
10 people building the cars and how they look at  
11 people who are buying the cars in terms of the  
12 taxi industry, but I assume they are going to  
13 pay attention to this. And if this is the  
14 road we go down, I assume most manufacturers  
15 would attempt to put this in their car if they  
16 could charge more money. They are not making  
17 any money on partitions. I am not that smart,  
18 but I would assume that somebody would do  
19 that.

20       And this is a way to get around the  
21 safety requirements, right, the national  
22 safety requirements. And people are  
23 specifically building cars for, let's say, the  
24 taxi industry. I mean, we will go down this  
25 road and then, quite honestly, we will never

1 see partitions again.

2 CHAIRMAN DAUS: Well, the problem is  
3 that they are not being built for the taxi  
4 industry. These are Toyotas that are being  
5 build for general use. They are not like the  
6 Crown Vics.

7 COMM. GIANNOULIS: Right, and the  
8 Crown Vics will not put the curtain --

9 MR. SCHENKMAN: No, they are going  
10 to address it through the seats.

11 MR. SALKIN: The way I understand  
12 this is we have a car on the road right now  
13 today, that is the Sienna 2006, that has  
14 curtain airbags. And what this rule is really  
15 geared at is specifically addressing the  
16 concerns that we have with this vehicle today.

17 I think what we are getting at, and  
18 you heard some of the testimony alluding to,  
19 we anticipate over the next several years, the  
20 standards being for any vehicle that is on the  
21 road, that a new vehicle being put on the road  
22 will have curtain airbags or airbags that  
23 deployed from the roof of the vehicle. We  
24 need to change and modify our partitions to  
25 meet those standards for the future.

1           The idea today is to get us in a  
2 place where we feel safe today, but we still  
3 to modify for the future. This is not the  
4 end all that is going to be okay in the  
5 future. So we need to think about today, but  
6 we also need to --

7           COMM. GIANNOULIS: So those Siennas  
8 are on the road. Are they Para, are they  
9 driver owned --

10          MR. SALKIN: There are about 250 on  
11 the road today that some of the drivers do not  
12 have partitions. I know there is one  
13 gentleman here today who owns one, he does not  
14 have a partition.

15          COMM. GIANNOULIS: And, of course,  
16 if they are driver owned --

17          MR. SALKIN: They are driver owned,  
18 the whole thing. There are others that do  
19 have partitions and they do have the curtain  
20 airbags. And we have not yet, as Peter said,  
21 experienced what happens when it all --

22          COMM. GIANNOULIS: But we are  
23 concerned about that.

24          MR. SALKIN: We are concerned and  
25 that's the nature of this rule. Now, there

1 are several things we can do. Going forward,  
2 we are could take away of approval of the  
3 vehicle. We could look at modifying just  
4 these 250 vehicles and making sure that they  
5 are safe. I think the piece that I have heard  
6 a lot of people testify today, or at least the  
7 comments of the Commission is, it's important  
8 to have a partition, and if there is a way to  
9 modify the partition so that the airbags still  
10 work and maybe make it less safe but still  
11 safe, and supplementing that maybe with a  
12 camera, might be the right way to go.

13       COMM. SANDER: I would say, if I  
14 hear the comments, I think there is a leaning  
15 towards the partition. I have not heard, even  
16 from those Commissioners who have raised it,  
17 completely saying we will not do cameras. The  
18 Chair made some interesting points about the  
19 absence of fatalities in those vehicles,  
20 liveries that do.

21       MR. SALKIN: I might be jumping the  
22 gun, sure.

23       COMM. GIANNOULIS: Are you  
24 concerned, Peter, that tomorrow one of these  
25 airbags will deploy and some partition is

1 going to be whacking somebody in the head?

2 MR. SCHENKMAN: Either the partition  
3 is going to break apart, but I just don't  
4 know.

5 CHAIRMAN DAUS: So we don't have any  
6 hard evidence that if the curtain airbags  
7 actually deploy that anybody is going to get  
8 hurt with a partition.

9 How do we know that?

10 MR. SALKIN: What we do know is that  
11 people that are planning to put curtain  
12 airbags in have been working with the police  
13 departments and others to make sure the  
14 airbags deploy correctly. Nobody reached out  
15 to the cab industry to say we are changing the  
16 way we modify our vehicles and we want to make  
17 sure it works as a cab. So we are kind of at  
18 the back end trying to catch up, because,  
19 again, these vehicles are not built to be  
20 cabs. So it is the cab industry that has to  
21 modify itself.

22 COMM. GIANNOULIS: It just seems  
23 that the more we go down this road, the more  
24 we encourage manufacturers. Maybe this is a  
25 silly point, but it seems that we are going to

1 be encouraging manufacturers to go down this  
2 road, which I am not prepared to go down that  
3 road of encouraging anybody to do away with  
4 partitions. Maybe at the end of the day we  
5 decide that is a good idea, but I am certainly  
6 not --

7 CHAIRMAN DAUS: One option is also  
8 to allow individual owners and drivers to have  
9 a choice. I think the rules in the past have  
10 been structured in such a way where if the  
11 driver doesn't have a choice as to what type  
12 of way they are going to protect themselves,  
13 then they need to be protected with a  
14 partition.

15 One option I throw out there for us  
16 to discuss and consider, as it just came to my  
17 mind, is we could maybe amend this rule to say  
18 if you are an individual owner operator of a  
19 cab, this will allow you the choice to get a  
20 camera instead, because they have choice  
21 anyway in general. But if you are a fleet  
22 owner, you have to take the car off the road  
23 because you are giving the car to drivers who  
24 don't have the chance to say I want to protect  
25 myself with a partition as opposed to a

1 camera. That's one way we can get this done.

2 COMM. GIANNOULIS: You think there  
3 is about 250 of these on the road?

4 MR. SALKIN: I just want to point  
5 out, the assumption we are going with here in  
6 terms of staff development and thought is that  
7 all the vehicles offered that will be taxicabs  
8 in the next several years will have these  
9 curtain airbags. It is not a matter of us  
10 being able to stop the tide. That seems to be  
11 the trend in the industry. And we believe in  
12 the partition, we believe that there is a  
13 right way to figure this out. We just don't  
14 have that answer today.

15 COMM. GIANNOULIS: My concern is  
16 also that maybe you are right, I don't know if  
17 you are, there is, clearly, at least in my  
18 mind a division of you are heading in a  
19 particular direction, smaller cars and, quite  
20 honestly, this fits into that criteria. I am  
21 not prepared to go down that road. Maybe  
22 other people are, but I am not.

23 At the end of the day, you get rid of  
24 the partition, it is all about having a  
25 smaller car, airbags save space. Maybe that

1 is a great idea --

2 CHAIRMAN DAUS: I was under the  
3 impression, and I think the only reason we are  
4 not delaying vote of this, in my mind, was  
5 because there is this imminent concern that a  
6 partition and an airbag is going to hurt  
7 somebody severely. I guess I am not hearing  
8 the definitive proof that that is going to  
9 happen.

10 MR. SALKIN: This is what you need  
11 to hear: We don't know what would happen when  
12 it deploys. The Sienna is not a fleet  
13 vehicle, so when we have conversations with  
14 Toyota about Sienna and the deploying of the  
15 airbag and how that will relate to the  
16 partition, their answer is: We don't support  
17 the vehicle doing what it is doing, so we  
18 don't have to talk to you.

19 CHAIRMAN DAUS: So there is no way  
20 of us knowing then?

21 MR. SCHENKMAN: They have been very  
22 forthcoming in sharing technical data about  
23 the airbag, but in the end of the day, they  
24 have no solution because the Sienna is not a  
25 fleet vehicle, which goes back to the

1 accessible conversation earlier, a problem of  
2 not being factory supported. We feel your  
3 pain, but we are not modifying it, and it is up  
4 to the industry to come up with a partition.

5       COMM. GIANNOULIS: Don't we  
6 encourage -- I mean, at the end of the day, it  
7 does seem that we shouldn't -- again, maybe I  
8 am wrong, but it doesn't seem like we should  
9 be encouraging kind of options for every  
10 manufacturer to put any kind of car on the  
11 street. That doesn't make great sense to me,  
12 and it sounds here, to hear these guys are  
13 manufacturing this car, it is not something --  
14 we just heard it is not something that they  
15 actually support doing, so now we have to kind  
16 of change our rules, but the change of our  
17 rules, it seems, has a greater effect, which  
18 is I assume the next manufacturer who is  
19 looking at another car who wants to put in  
20 these same airbags, is going to assume, well,  
21 maybe I will try to sell it as a fleet vehicle  
22 but I don't have to worry about the partition  
23 because, clearly, there is a rule that says  
24 you don't have to worry about the partition.

25       And maybe I am overdoing it, I have

1 no idea.

2 CHAIRMAN DAUS: No, you are not.

3 COMM. SANDER: I think that the  
4 issues that Commissioner Giannoulis is raising  
5 are right. At the same time, it sounds like w  
6 may or may not have a gun at our head. So I  
7 think Commissioner Giannoulis is raising very  
8 good issues in terms of the direction we are  
9 going in terms of something the whole  
10 Commission is comfortable with.

11 At the same time, how do we deal with  
12 this immediate issue where we may have 250  
13 vehicles that we are not totally comfortable  
14 with.

15 COMM. GIANNOULIS: I just hate the  
16 idea, again, you said it earlier, Mr.  
17 Chairman, I don't even think I was on the  
18 Commission, but the rule was passed way back  
19 when in terms of partitions of driver owners,  
20 because that is your choice but you are not  
21 putting anybody else at risk. That is the  
22 theory behind it, am I right?

23 CHAIRMAN DAUS: That's right, you  
24 have the option.

25 COMM. GIANNOULIS: Which I would

1 tell everybody not to take. I have worked  
2 behind a partition, it's a lot safer.

3 CHAIRMAN DAUS: I understand the  
4 frustration that Peter has that Toyota is not  
5 necessarily giving him a clear-cut answer as  
6 to whether it is safe. I understand there are  
7 concerns, but there is also not hardcore proof  
8 being brought to our attention to say that if  
9 the curtain airbags deploy, it is going to  
10 hurt somebody severely.

11 There is concerns, and there is no  
12 incentive for Toyota to respond, and to err on  
13 the side of safety, we can pass an amendment  
14 to this rule which would, for fleet owners who  
15 aren't giving a drivers a choice, they have to  
16 take these vehicles off the road now. And if  
17 you are individual owner, you can chose. That  
18 is one way we can go.

19 Or the other way is to just vote on  
20 this rule and come back in a month and try to  
21 determine what the real facts are, because  
22 there aren't real facts being presented to  
23 show that there is safety condition being  
24 concerned. And Commissioner Giannoulis is  
25 raising the concern even though cameras are

1 safe and we haven't had a homicide in eight  
2 years, even though, knock on wood, that is the  
3 state that we are in and the cameras are  
4 helpful, we are put in this position where we  
5 need to choose.

6 COMM. GIANNOULIS: But it doesn't  
7 makes any sense to force people to take the  
8 vehicles off the street if we don't actually  
9 know that there is a problem. That makes no  
10 sense to me.

11 CHAIRMAN DAUS: Then maybe we should  
12 vote on this now and come back in a month.

13 MR. SCHENKMAN: The other thing,  
14 like I said, I have been working with the  
15 major partition manufacturers, and what I am  
16 leaning to is a new overall design of the  
17 partition. I have looked as far as New  
18 Zealand and Australia, and found some really  
19 unique partitions. And I am trying to  
20 encourage the partition manufacturers to think  
21 out of the box.

22 And, really, only one has come up  
23 with an idea, and that's the Kevlar flaps.

24 COMM. GIANNOULIS: Do you think with  
25 the curtain airbags that a partition could be

1 designed?

2 MR. SCHENKMAN: Absolutely. What it  
3 involves is only the glass for the Lexan part  
4 of the partition that is affected. And, yes,  
5 there needs to be some design that retains the  
6 safety for the driver, because my concern is  
7 what we are doing is we are opening up the  
8 blind spot on the partition, which is right  
9 here (indicating). The camera doesn't catch  
10 that.

11 Now, what Toronto has done is they  
12 have mandated now two cameras in every car.  
13 So, unfortunately, the camera catches you  
14 after you have been stabbed.

15 CHAIRMAN DAUS: That's right, it is  
16 not as effective a deterrent.

17 MR. SCHENKMAN: And the partition  
18 absolutely the best deterrent that I am aware  
19 of. It is just a matter of pushing people to  
20 design something, rather than relying on the  
21 same old same old.

22 CHAIRMAN DAUS: One option is to err  
23 on the side of both driver and passenger  
24 safety, pass these rules now as they are, make  
25 sure that we communicate with the owners and

1 make them know what are concerns are. I mean,  
2 if somebody is concerned, there is nothing  
3 prohibiting them from taking their vehicle off  
4 the road voluntarily if they are concerned.  
5 And as consumers, they are consumers, we  
6 should explain to them what our concerns are.  
7 Send letters, call them in if we haven't  
8 already done that.

9 One option here is to make sure that  
10 we protect the drivers and passengers based on  
11 the concerns that you have, pass these rules  
12 today and in a month from now, move forthwith  
13 to try to get a modified partition as soon as  
14 we can, Peter, and then come back to the  
15 Commission within a month.

16 MR. SCHENKMAN: We have seen a  
17 prototype, and I believe by next month we can  
18 actually have the manufacturer present a  
19 mock-up of a partition to the Commission.

20 COMM. GIANNOULIS: In regard to this  
21 particular vehicle we are talking about?

22 MR. SCHENKMAN: Yes.

23 COMM. GIANNOULIS: Does it make any  
24 sense -- you would like to pass the rule or  
25 should we wait?

1           CHAIRMAN DAUS: I think we should  
2 pass it and come back in another month. My  
3 inclination is let's err on the side of giving  
4 the drivers notice that there is a concern we  
5 have about you and your passengers, and,  
6 hopefully, they will voluntarily take the car  
7 off the road. But the bottom line is they  
8 have been out there.

9           COMM. GIANNOULIS: More likely they  
10 will take the partitions out.

11          MR. SCHENKMAN: It's a huge  
12 financial burden to tell someone to take a  
13 2006 car that they just bought off the road.

14          CHAIRMAN DAUS: Well, it is a safety  
15 issue.

16          MR. GIANETTO: One comment, please,  
17 Mr. Chair, you have another alternative that I  
18 don't think has been presented.

19          CHAIRMAN DAUS: What is that?

20          MR. GIANETTO: It's just a small  
21 universe of cars --

22          COMM. GIANNOULIS: We don't like  
23 people speaking from outside the audience, but  
24 as a courtesy to a former staff person, we  
25 will allow it.

1 MR. GIANETTO: I appreciate it.

2 You could just bring in those owners,  
3 those individuals owners that currently have a  
4 partition in a Sienna with curtain airbags,  
5 and just deal with those owners, while you  
6 take the next 30 days to figure out how to  
7 deal with this issue on a long-term basis.

8 There doesn't seem to be a reason to pass that  
9 rule today only to come back to it next month.

10 Just deal with the small pool of people that  
11 are affected --

12 CHAIRMAN DAUS: And take the curtain  
13 airbags out?

14 MR. GIANETTO: I don't know. Or  
15 take the partition out. Leave the curtain  
16 airbags in but force them to take the  
17 partition out, or disable the curtain airbags,  
18 one or the other.

19 MR. SALKIN: Again, the intent of  
20 what the gentleman from MTBOT is suggesting is  
21 kind of how the intent of the rule is set to  
22 read. We have a small universe of vehicles  
23 right now. We could work with each one of the  
24 individual owners to figure out what the right  
25 solution is, given that the rule gives some

1 flexibility. The idea is, let's get a  
2 partition, you can modify it, but even with  
3 the modifications, if they don't have the same  
4 full protection -- more people probably want  
5 to speak. This gentleman is an owner, so if  
6 we are adding people to come back up.

7 CHAIRMAN DAUS: We are not adding  
8 people. They didn't sign up and we need your  
9 recommendation, Andy. What do you thing we  
10 should do, should we pass the rules or not?

11 MR. SALKIN: The recommendation is  
12 to pass the rule, work with the current  
13 vehicles that are on the road to ensure that  
14 they are safe and then continue to work on  
15 designing the appropriate partitions so that  
16 they meet the exact same, if not exceed  
17 standards that partitions do today.

18 CHAIRMAN DAUS: So you are urging us  
19 to pass the rule and then we will work on the  
20 partitions?

21 MR. SALKIN: Yes.

22 CHAIRMAN DAUS: Okay, any further  
23 questions?

24 No Response.)

25 CHAIRMAN DAUS: Do I have a motion.

1 MR. HIGGINS: Can you read the rule  
2 as it is written?

3 CHAIRMAN DAUS: I am sorry. We have  
4 to move on here, the public hearing is closed.  
5 People had an opportunity, I am sorry. If we  
6 did this, we would go on all day long.

7 COMM. GIANNOULIS: Move forward with  
8 your motion, Mr. Chairman.

9 CHAIRMAN DAUS: Does anybody have a  
10 motion?

11 COMM. AROUT: Months accepted.

12 CHAIRMAN DAUS: Do we have a second?

13 COMM. GIANNOULIS: Second.

14 CHAIRMAN DAUS: All in favor?

15 (Chorus of "Ayes.")

16 CHAIRMAN DAUS: And are you  
17 abstaining or voting against it?

18 COMM. GIANNOULIS: I abstain.

19 CHAIRMAN DAUS: Okay, Commissioner  
20 Giannoulis abstains. Thank you.

21 Look, just as a point of order, we  
22 have people who shout out during meetings, you  
23 know, it is just not right. We need to keep  
24 some type of order. We give so much notice,  
25 we not only gave the city legal notice of 30

1 days, we gave more than that. You really need  
2 to think things out and try to get the  
3 comments in, because we like to hear you, but  
4 then there comes a point where it becomes  
5 unprofessional and it becomes disorderly and  
6 it is not fair to the people that abide by the  
7 rules. So in the future, I would appreciate  
8 if you want to speak, please sign up ahead of  
9 time. There is plenty of staff, that we can  
10 add during the course of the hearing. But  
11 once the is closed, it's closed.

12 Any other issues?

13 No Response.)

14 CHAIRMAN DAUS: Okay, motion to  
15 adjourn.

16 COMM. GONZALEZ: Second.

17 CHAIRMAN DAUS: All in favor?

18 (Chorus of "Ayes.")

19 CHAIRMAN DAUS: Thank you.

20 (Time Noted: 12:00 p.m.)

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1           C E R T I F I C A T I O N

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4           I, MARGARET EUSTACE, a Shorthand

5 Reporter and a Notary Public, do hereby

6 certify that the foregoing is a true and

7 accurate transcription of my stenographic

8 notes.

9           I further certify that I am not

10 employed by nor related to any party to this

11 action.

12

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15                           MARGARET EUSTACE,

16                           Shorthand Reporter

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