

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

NYC TAXI AND LIMOUSINE COMMISSION

Public Meeting

Held on Thursday, July 16th, 2009

40 Rector Street

5th floor

New York, New York 10006

9:30 a.m.

1 PROCEEDINGS

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

3

4 MATTHEW W. DAUS, Chairman/Commissioner

5 HARRY GIANNOULIS, Commissioner

6 ED GONZALES, Commissioner

7 IRIS WEINSHALL, Commissioner

8 JEFFREY KAY, Commissioner

9 CHARLES FRASER, General Counsel

10

11

12 \* \* \*

13

14

15

16

17

18

19

20

21

22

23

24

25

1 PROCEEDINGS

2 COMMISSIONER DAUS: Good morning,  
3 everyone. Let's go to Item 1 on the agenda,  
4 the Chair's report.

5 On the Accessible Dispatch System. We  
6 have a grand total of 2,979 dispatchers to  
7 date. The daily dispatch for July has gone  
8 down a little bit to 11.07 per day. I see  
9 on the bottom of that, at some point in the  
10 future we'll be reporting to the commission  
11 on the status of this pilot in general.

12 Item 2, Rules Division Project, there are  
13 no hearings scheduled for August and -- how  
14 many chapters do we have left, Chuck?

15 COMMISSIONER FRASER: I don't have an  
16 exact count, but it's about half.

17 COMMISSIONER DAUS: And we are expected  
18 to finish by the fall?

19 COMMISSIONER FRASER: The fall, right.

20 COMMISSIONER DAUS: At some point the  
21 commissioners will be voting on all the  
22 chapters at once. After we go chapter by  
23 chapter, then we will be proceeding to Phase  
24 3, which, just to remained everybody, Phase  
25 3 will be substantive in nature.

1 PROCEEDINGS

2 Even though substantive comments are  
3 being made along the way and substantive  
4 changes are being made, which are obvious  
5 and necessary in the nature of that it would  
6 be ridiculous not to make some changes that  
7 are apparent and glaring, real substantive  
8 changes will be coming in the next and last  
9 phase.

10 On the for-hire vehicle rules, there is a  
11 lot of activity. We're doing a lot of  
12 outreach through Commissioner Epstein's  
13 office. In particular, there are a couple  
14 of dates I want to remind everybody about.  
15 July 2nd, the three-year base license  
16 renewal rules went into effect. So all base  
17 licenses that are renewed as of July 2nd on  
18 all for-hire vehicles will be a three-year  
19 term.

20 Also, the base markings on the outside  
21 and inside of the livery vehicles also went  
22 into effect.

23 On August 1st a point system will be  
24 going into effect. Obviously, we will not  
25 be seeing any real impact immediately

1 PROCEEDINGS

2 because it takes a while for people to  
3 accrue points, but we'll be monitoring that  
4 considering some of the concerns of our  
5 commissioners and the industry.

6 On September 1st vehicles will need to  
7 have two new TLC decals on the rear quarter  
8 windows. That's black cars and liveries.

9 And new vehicles will start on September  
10 1st to go to TLC's Woodside Inspection  
11 Facility for their DMV inspection. That  
12 would be all for-hire vehicles, limousines,  
13 black cars and liveries.

14 February 10th, 2010 all renewals for  
15 for-hire vehicles will go to the Woodside  
16 Inspection Facility for their DMV  
17 inspection, at least once during their  
18 license term.

19 The Passenger Bill of Rights is also in  
20 effect. And I'll reiterate that we are  
21 looking to work with the industry, not  
22 summons them excessively at the beginning of  
23 this project because we want to make sure  
24 they comply voluntarily.

25 So far the signs are that bases have been

1 PROCEEDINGS

2 very cooperative. They've come up with some  
3 very good ideas on how to place the holders  
4 and help us implement the law. So we are  
5 very grateful for that and we will continue  
6 to report to the commissioners on how that  
7 proceeds.

8 On the hybrid front. We have, as of the  
9 15th of this month, a total of 2,549 hybrids  
10 and over 18 percent of the fleet at this  
11 point is hybrid. We have 18 clean diesel VW  
12 Jettas on the road and a total of 5 CNGs.  
13 So if you add together all of the clean  
14 vehicles, we have 2,572.

15 Also, we are not going to be having a  
16 commission meeting in August. We are going  
17 to give our commissioners a break. They  
18 have been working very, very hard, they  
19 don't get paid and they have been here every  
20 month and they have been doing a lot of  
21 work.

22 As you know, we have a lot of regulations  
23 that we have been through and they have done  
24 a great job. I'd just like to thank all of  
25 our commissioners. This has been a very,

1 PROCEEDINGS

2 very active year and I want thank you for  
3 reading everything you read and commenting  
4 and being so helpful to us.

5 In September we'll probably reconvene  
6 with a public hearing to potentially  
7 implement a taxicab surcharge. Albany  
8 passed a state law, I think we reported on  
9 that before. We do need to pass some  
10 regulations to implement it because it  
11 involves some changes to the meter and so  
12 forth.

13 So, even though we don't have any  
14 discretion to change much of anything, we  
15 still have to make sure our rules reflect  
16 compliance with that state law.

17 And certainly last, but not least, I have  
18 some personnel announcements I'd like to get  
19 to.

20 Unfortunately, for us, but fortunately  
21 for him because he's going to "greener  
22 pastures". Peter Schenkman, our Assistant  
23 Commissioner for Safety Emissions will be  
24 leaving the TLC shortly, he has given his  
25 notice. He's going to the private sector,

1 PROCEEDINGS

2 actually into the taxi industry. He assures  
3 us he is not dealing with us directly but  
4 he's going to be an Operations and  
5 Compliance Consultant for All Taxi  
6 Management.

7 He is here with us today for his last  
8 commission meeting. He has been a regular  
9 fixture here, in terms of being an  
10 automotive expert and somebody who was  
11 really given us a lot of guidance. He has a  
12 lot of accomplishments in terms of how he  
13 and Deputy Commissioner Mullins together  
14 have turned S&P around in a lot of ways, and  
15 I think some of the biggest accomplishments  
16 are the incredible reductions of waiting  
17 time.

18 It used to take over two hours for people  
19 to get their cabs in and out of the S&P  
20 inspection facility. And he got that down  
21 to less than 20 minutes on average. We want  
22 to keep that low turnaround time in place,  
23 and maybe even improve on it.

24 He has also been working very closely and  
25 did a lot of the groundwork on the Taxi

1 PROCEEDINGS

2 Tomorrow Project, which is still moving  
3 forward at this point. And if you remember  
4 Taxi '07, the 100th anniversary of the cab,  
5 he helped that come into fruition.

6 But most of all, Peter, you'll probably  
7 be remembered most for your efforts to help  
8 us and Mayor Bloomberg "green" the New York  
9 City taxi fleet. As you know, we are  
10 involved in some litigation, we are  
11 appealing the MTBOT's victory in the  
12 lawsuit, but certainly in terms of voluntary  
13 efforts and just spearheading this effort  
14 from the start, you deserve a lot of credit  
15 for that Peter, so I want to thank you and  
16 wish you the best. Would you like to say a  
17 few words?

18 MR. SCHENKMAN: Thank you to everybody.

19 COMMISSIONER DAUS: Thanks and good luck,  
20 Peter. Thanks for a job well done. To make  
21 sure we have a smooth transition, we have  
22 Pansy Mullins, who oversees Safety Emissions  
23 as well as Enforcement. I and Andy Sawkin  
24 have asked Mark Ridley to continue to serve  
25 in his role as directing operations for

1 PROCEEDINGS

2 Safety and Emissions, and he will insure  
3 that we have a seamless transition into the  
4 FHV rule reform implementation.

5 In particular, starting to inspect all of  
6 these livery cars at the Woodside facility,  
7 which will involve a lot of logistics and  
8 planning.

9 You've been doing a great job, Martin.  
10 He is the Chief of Operations for Safety and  
11 Emissions. Do you want to stand up so  
12 everybody can get to know you. Martin will  
13 probably be attending our commission  
14 meetings a little more frequently now, and  
15 trying to assist where Peter has left off.

16 I'm also pleased to announce that Martin  
17 has completed the Management Academy. For  
18 those of you in the New York City  
19 government, that's an elite program where  
20 not everyone is necessarily accepted.

21 I believe through DCAS and the mayor's  
22 office, they work together to train managers  
23 in an intensive program which runs for about  
24 ten weeks, and we submitted his application,  
25 he was accepted and it's a very, very

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

well-known and well respected program in the City. So, congratulations on graduating.

Also, in 2006, Martin received the Mayor's Office Award for outstanding Civil Service and on March 28th of this year this is his 20th anniversary at the TLC. Congratulations, Martin. We look forward to working with you in your new capacity.

That concludes my report. Do we have any questions?

COMMISSIONER WEINSHALL: I also want to congratulate Peter. We worked together at DCAS where Peter did all of that work and I just wish you all of the best in the private sector.

COMMISSIONER GIANNOULIS: I agree with that. Do you have to wear a tie at your new job, Peter?

MR. SCHENKMAN: (Inaudible).

COMMISSIONER GIANNOULIS: Excellent. Can you get me a job there too, please?

COMMISSIONER DAUS: Not that he ever wore a tie when he was at TLC.

COMMISSIONER GIANNOULIS: He is a

1 PROCEEDINGS

2 fashionable man.

3 COMMISSIONER DAUS: Item 2, adoption of  
4 the minutes from the June 19th, 2009  
5 Commission meeting. We lost Iris -- she'll  
6 be back. We lost our quorum, as soon as  
7 Iris gets back in the room we'll vote on  
8 that.

9 Why don't we jump out of order and go to  
10 Item 4. Taxicab Specs.

11 COMMISSIONER FRASER: Proposed Chapter 17  
12 would replace existing Chapter 3 in the  
13 current rules. The proposed rules were  
14 published for the required 30-day public  
15 comment period followed by a public hearing  
16 on June 30th.

17 Copies of the written comments and the  
18 hearing transcript have been supplied to the  
19 commissioners. The proposed rules include 5  
20 substantive changes from the existing rules.  
21 All of those changes being to update  
22 provisions that have become either  
23 technologically or operationally obsolete.

24 Those changes are itemized in the  
25 statement of basis and purpose of the

1 PROCEEDINGS

2 proposed rules.

3 Also, the staff is recommending nine  
4 changes to the proposed rules based on the  
5 public comments we have received. Those  
6 changes are itemized in my memorandum to the  
7 commissioners.

8 Copies of the proposed rules, including  
9 the staff's recommended revisions and are  
10 giving the commissioners are available to  
11 the public in the back of the room.

12 The staff is recommending that the  
13 commission approve these proposed rules  
14 subject to a further vote, giving final  
15 approval to the entire rule book and  
16 reviewing the existing rule book at the  
17 completion of this phase of the project.

18 COMMISSIONER DAUS: Anybody have any  
19 comments on the proposed Chapter 17? No.  
20 Okay, I'd like to make a motion to approve  
21 the rules.

22 All there, we'll hold it open for Iris to  
23 return.

24 Let's go back to Item 2 the adoption of  
25 the minutes. Any change to the minutes?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

Motion to approve. Second? All favor?  
Okay, four votes, we'll hold it open for  
Commissioner Weinshall.

Item 3, Base Applications for  
determination.

MS. STEELE-RADWAY: Good morning.  
Licensing would like to present before the  
Commission 42 bases with a recommendation  
for approval.

COMMISSIONER DAUS: Any issue with the  
bases?

COMMISSIONER GONZALES: No issues.

COMMISSIONER DAUS: Any issues with a  
motion to approve?

COMMISSIONER GONZALES: Motion to  
approve.

COMMISSIONER DAUS: Second? All in  
favor? We have a motion to approve.  
Second, all in favor?

MS. STEELE-RADWAY: Licensing would also  
like to present four bases with a  
recommendation for denial with a request  
that the commission grant an additional 30  
days so that the bases may submit the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

outstanding items.

COMMISSIONER DAUS: Okay. Any issues?  
Motion to deny on the floor. Second? All  
in favor? Okay. Jeff, you're good?

COMMISSIONER KAY: Yes.

MS. STEELE-RADWAY: Thank you.

COMMISSIONER DAUS: We are just waiting  
for Commissioner Weinshall to return and  
we'll ask her to vote on the remaining four,  
then we'll close the meeting and go to  
Executive Session to consider one appeal,  
TLC versus Virtual Cab Corp., Medallion  
License No. 8V10 and also 8V11.

I would just ask the commissioners to  
remain so we can maintain a quorum when she  
comes in.

We voted on everything, I don't know if  
you had any comments or issues.

COMMISSIONER WEINSHALL: No.

COMMISSIONER DAUS: So, we voted on the  
minutes. To adopt the base applications  
that were recommended for adoption to when  
we go one by one. Minutes, you vote to  
approve or deny?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

COMMISSIONER WEINSHALL: Approve.

COMMISSIONER DAUS: On the base applications for the recommended approvals?

COMMISSIONER WEINSHALL: Approve.

COMMISSIONER DAUS: The four recommended denials, we recommended to deny.

COMMISSIONER WEINSHALL: Okay.

COMMISSIONER DAUS: And finally, we all voted in your absence on the Item 4, Chapter 17. You vote to approve?

COMMISSIONER WEINSHALL: Yes.

COMMISSIONER DAUS: If you like, you can make the motion to close the meeting.

COMMISSIONER WEINSHALL: Let's adjourn the meeting.

COMMISSIONER DAUS: Do we have a second? All in favor. Have a great summer everybody. We will be in touch and we'll see you in the fall. Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

C E R T I F I C A T E

STATE OF NEW YORK  
COUNTY OF NEW YORK

I, MELISSA JIMENEZ-DE ARMAS, a Shorthand  
Reporter and Notary Public within and for the State  
of New York, do hereby certify:

That the foregoing record of proceedings is  
a full and correct transcript of the stenographic  
notes taken by me therein.

IN WITNESS WHEREOF, I have hereunto set my  
hand this            day of            , 2009.

MELISSA JIMENEZ-DE ARMAS