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NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC COMMISSION MEETING
held on Thursday, August 09, 2007
40 Rector Street
5th Floor
New York, New York

Public Commission Meeting
convened at 9:50 a.m.

1 P R E S E N T:

2 MATTHEW W. DAUS, COMMISSIONER/CHAIR

3 NOACH DEAR, COMMISSIONER

4 EDWARD GONZALES, COMMISSIONER

5 ELIAS AROUT, COMMISSIONER

6 HARRY GIANNOULIS, COMMISSIONER

7 IRIS WEINSHALL, COMMISSIONER

8 HOWARD R. VARGAS, COMMISSIONER

9 JEFFREY KAY, COMMISSIONER

10 CHARLES FRASER -- GENERAL COUNSEL

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1 CHAIRMAN DAUS: Good morning,
2 everybody. Could everybody please take their
3 seats.

4 Sorry to keep everybody waiting.
5 We have had some transit delays, as we know,
6 this morning. Various Commissioners will be
7 joining us shortly.

8 I would first like to start out
9 by congratulating a new appointee to the
10 Commission. Now for the first time in a long
11 time, even though it doesn't look like it right
12 now, we have a full Commission. All nine seats
13 are filled. We have a new mayoral appointee.
14 His name is Jeff Kay. He is seated to my left.
15 I would like to welcome him.

16 Jeff is now currently the
17 Director of the Mayor's Office of Operations,
18 which is a critical agency in the City of New
19 York, overseeing operations of all the various
20 agencies responsible for reporting statistics
21 and also gathering information and following up
22 on key mayoral initiatives --

23 Jeff also, in addition to
24 serving on our Board as a mayoral appointee,
25 effective, I believe, as of either today or

1 yesterday -- yesterday -- is also a member of
2 the MTA Board and is serving with our former
3 Commissioner Lee Sander so he is really in a
4 great spot to share information and offer
5 perspective.

6 Before joining the Mayor's
7 Office of Operations -- just a little history
8 about Jeff -- he used to be the Deputy Director
9 of OMB, has a budget background, and he was
10 also a legislative rep at the Mayor's Office of
11 State Legislative Affairs.

12 I met him I think it was close
13 to about ten years ago, and we would go up to
14 Albany and lobby for legislation so he has
15 well-rounded experience, and he is also
16 representing the administration, and I am very,
17 very confident that not only will his expertise
18 and his knowhow help us, but it will certainly
19 increase cooperation and coordination with the
20 Mayor's Office of Operations, which we work
21 with very closely so congratulations and
22 welcome, Jeff.

23 COMM. KAY: Happy to be here.

24 CHAIRMAN DAUS: Some more
25 congratulations are in order. Commissioner

1 Howard Vargas has just added to his nuclear
2 family. Since the last Commission meeting, his
3 wife gave birth a baby girl. Her name is Nina.

4 Congratulations, Howard.

5 We actually were concerned that
6 his wife may deliver during the Commission
7 meeting, but I think she held out for another
8 day or two so it was a little stressful, I am
9 sure, and I am sure he is going to be losing a
10 little bit of sleep over the next month or two.

11 I just want to talk a little bit
12 about what happened the other day. You know,
13 yesterday -- I live in Bay Ridge, Brooklyn so I
14 was astonished not only to hear the loud
15 thunder that night as both of my children ran
16 into my room, but going to work, basically, and
17 seeing the devastation and seeing trees
18 uprooted, it was really something that took us
19 aback.

20 When we got into the office, we
21 at some point during the day were talking with
22 Commissioner Joe Bruno from the Mayor's Office
23 of Emergency Management, and we thought there
24 was something we could do to contribute, and we
25 may in the future, in fact, have plans that are

1 well beyond the help that we gave in the
2 transit strike that happened a few years ago.

3 Many of you are well aware in
4 the industry of our contingency plans we put
5 into place to help out New Yorkers and to help
6 out the transportation network.

7 Yesterday we conferred, and the
8 Mayor signed an emergency order so we had -- we
9 didn't have much time to get the word out, but
10 we did the best we could.

11 The Mayor signed an emergency
12 order, which is still in effect until 12 noon
13 today, not only encouraging group rides among
14 taxicabs, but allowing, in addition to
15 passengers who are getting into a group ride
16 scenario to share the meter, but to charge and
17 pay five dollars per person in the vehicle,
18 which if there are four people in the car it is
19 an additional \$20 for the cab drivers giving
20 them an extra incentive to continue to work.

21 This is similar to some of the
22 contingency plans we put into place in the
23 past.

24 So we got the word out as best
25 we could.

1 A couple of other items as part
2 of our contingency plan include allowing all
3 vehicles except paratransits to pick up street
4 hails, and also allowing a per passenger \$5
5 charge for airport trips in taxicabs, as well
6 as a \$5 per person fare for commuter vans so we
7 did our best. It was a good dry run for us.

8 Our observations and our field
9 personnel have reported basically that there
10 was a lot of group ride and ride sharing going
11 on even before and after we did this.

12 The good news also, talking
13 about the technology systems -- for the first
14 time there are about a thousand taxi technology
15 systems in cabs out there operational and
16 functional.

17 For the first time we used our
18 emergency text messaging capability so the
19 second that we got word that the Mayor signed
20 the order, we sent out the new fare information
21 and the contingency plan information to every
22 single one of those thousand cabs.

23 Just think about the potential
24 that we have with these systems, and OEM is
25 very excited about that.

1 In the future we will be doing
2 even more outreach to the industry so everybody
3 knows what the plans are ahead of time so we
4 can just say we are flipping the switch, it is
5 going into effect.

6 But certainly the text messaging
7 capability, reaching 13,000 plus cabs, with
8 critical emergency information such as this, it
9 is just wondrous, and we are very excited about
10 that.

11 All went well, the messages went
12 out and were communicated to those drivers, and
13 this opens up a whole new world of
14 possibilities for us.

15 I want to again thank
16 Commissioner Bruno for all of his hard work,
17 Andy Salkin and David, our new Chief of Staff
18 to the First Deputy, who have been spearheading
19 our aspects of the plan over the last couple of
20 days.

21 They are also working on another
22 plan, which is a taxi strike contingency plan.

23 You may have read in media
24 reports and seen it on television that one of
25 three driver groups that we know and deal with

1 has indicated that they may be interested in
2 striking. I think they are going to be
3 announcing their plans in the next week or two.
4 I think that is the last we heard.

5 First of all, we are going to be
6 ready if they decide to strike. We are working
7 with operations as well as with OEM on our
8 strike contingency plan, and we will be sharing
9 details with you in the future.

10 I think it is important to note,
11 first of all, that there is not a unanimous
12 opinion among cab drivers that they really want
13 to do this.

14 MR. LINDAUER: It is unanimous.
15 That is the truth.

16 CHAIRMAN DAUS: Sir, could we
17 please have some order and some respect?

18 Two of the three taxi groups
19 have indicated they are not going to strike,
20 one has indicated they are going to strike.

21 Basically, this is America. You
22 can do whatever you want rightfully, and we all
23 fully support your right to strike.

24 Do I think it is advisable in my
25 personal opinion for the industry? I think it

1 is a good thing for the industry and for
2 passengers? No.

3 I think right now we enjoy the
4 healthiest industry that this has ever been. I
5 have said this before. I don't think there is
6 anyone who can look you in the eye and say that
7 taxicab service is not a million light years
8 better than it was ten, fifteen years ago.

9 The cabs are cleaner, both in
10 terms of emissions and cleanliness when you get
11 inside. They are more efficient. The drivers
12 are better and safer. Accidents are at an all
13 time low. The programs we put into place
14 worked.

15 Medallion prices are at an all
16 time high. We broke another record last month.

17 Taxi drivers have never earned
18 more money in the history of the City of New
19 York. We have given them two fare increases
20 over the last couple of years. In 2004 there
21 was a promise and a pact that was made between
22 us and the industry.

23 MR. LINDAUER: Not so.

24 CHAIRMAN DAUS: Sir, could you
25 please have some respect for us?

1 MR. LINDAUER: I do, but I can't
2 stand the lie.

3 CHAIRMAN DAUS: You are out of
4 order. Could you please keep your comments to
5 the appropriate time?

6 In terms of the industry and the
7 drivers you know, people obviously have
8 concerns about things other than money. I just
9 don't see the money side of this. We believe
10 that basically the drivers are going to be
11 earning more money. Most drivers don't have to
12 pay a penny for this technology.

13 Quite frankly, our studies have
14 shown that because of the efforts of the TLC,
15 we have gone out of our way, and the process
16 was delayed because we were doing everything we
17 could to bring the cost down of the tech
18 project that was guaranteed as part of the 2004
19 fare increase.

20 This Commission voted in
21 exchange for giving something to the
22 passengers, the technology and credit card
23 capabilities, and all the things that go with
24 it, and since then not only did we give them
25 the biggest fare increase in New York City

1 history, we gave them another fare adjustment
2 last year. They are earning, and we will go
3 over that data at some point in the future,
4 they are earning more than they have ever
5 earned before.

6 Now, when it comes down to the
7 owners, we have done two things, and this is an
8 excellent model we put into place with our
9 procurement.

10 Number one, we leveraged the
11 entire 13,000 cabs to deal with the credit card
12 companies and the vendors, and to negotiate the
13 best price for the drivers and for the owners,
14 but aside from that we built the model of
15 competition with four vendors.

16 Part of that model of
17 competition, it was envisioned that that would
18 bring the cost down, and they have.

19 From the time that we originally
20 entered into the contract, basically, the
21 prices that -- the average price that we
22 estimated the equipment and the services for
23 these technology systems would cost has been --
24 because of the active competition between these
25 vendors has been cut in half, basically

1 50 percent, which means the overall amount the
2 industry would have to pay was reduced by
3 \$20 million by the Commission's efforts, and
4 basically we took this extra time to make sure
5 we did it right, and we took the extra time to
6 save the industry, the owner drivers and the
7 fleet owners money so I think we have gone
8 above and beyond.

9 I would just ask that reasonable
10 minds and cool minds prevail at the end of the
11 day.

12 If you are going to strike, we
13 are going to be ready. If not, I would
14 encourage you to rethink the impact that it is
15 not going to have on us; realize the impact it
16 is going to have on the industry.

17 I don't think that passengers
18 are going to be too thrilled to have a lack of
19 service in such instances. Right now we are at
20 an all time high. Passengers think very highly
21 of this system, and basically you could really
22 detract from what the passengers think of the
23 service. It is just not the right thing to do
24 by the passengers.

25 That is my personal opinion for

1 whatever it is worth.

2 I think most of the
3 Commissioners here share my opinion on that,
4 and we hope they don't strike, because, quite
5 frankly, there is money for them to be made.
6 They have to feed their families and they have
7 people to serve.

8 That is basically my opinion on
9 it. We will be sharing information with the
10 industry and with the public as we get closer
11 if this does happen.

12 I talked a little bit about the
13 taxi technology customer service enhancements.

14 First of all, for those of you
15 who have been, like I have, involved with the
16 TLC for some time, as you know, it is very hard
17 when we pass laws to get compliance right away.
18 Usually summonses go out, people don't really
19 comply immediately.

20 We have reached a point in
21 history right now -- this has never happened
22 before -- we have not issued a single summons
23 on this project. There was an August 1st
24 deadline. Everybody in the industry, every
25 medallion owner, had to have a contract signed.

1 We had anticipated, even despite
2 our outreach efforts, that we would be forced
3 to issue summonses.

4 I am glad and happy to report
5 that for the first time in the history of the
6 TLC, we had 98 percent compliance, and I think
7 that is in large part due to the efforts of our
8 staff doing the outreach, Samara and Ira
9 Goldstein. We were out at the airports almost
10 every single day.

11 We have industry expos. We have
12 sent numerous mailings.

13 In fact, when I found out there
14 were a few hundred owners that did not comply,
15 I said "You know what? Let's not issue
16 summonses; let's do a phone bank."

17 We got on the phone. We
18 actually reached people on the other end of the
19 phone who said "You know what? I haven't done
20 it. I'm going to do it."

21 There are only a handful of
22 people at this point who haven't signed
23 contracts.

24 This is unprecedented. I like
25 this as a model going forward. I think we have

1 achieved through our constituent management
2 Relations and just taking a look -- different
3 look on how we do business here, I think those
4 days are hopefully gone where we have to issued
5 thousands of summonses to get people to wake up
6 and listen.

7 Our communication, our use of
8 the website has increased, our Constituent
9 Management Office has done a great job.

10 Basically I see this as a vision
11 of what I would like to see in the future for
12 everything we do.

13 So congratulations to the
14 industry as well as our staff, because you have
15 done a fantastic job. I just never anticipated
16 this would ever happen. I have been here for
17 over ten years, and very, very pleased with
18 that.

19 In terms of being ahead of
20 schedule, we are way ahead of schedule.

21 As of October 1st, the taxi
22 technology systems need to be installed in
23 every cab. Right now none are required to be
24 installed, and we already have 1,055, which is
25 8 percent, so they are out there and doing

1 their job, and we have been getting very good
2 feedback, quite frankly, so this is exciting.

3 Next I would like to give a very
4 quick hybrid update. We have a total of 503
5 hybrid electric taxicabs in service. Over 200
6 of those are voluntary, and we continue to see
7 more and more every week so this is exciting as
8 we move forward into our clean air plan, which
9 we will be discussing hopefully at our next
10 meeting.

11 I just want to remind everybody
12 about the new markings the Commission voted on,
13 the new markings for the taxicabs. The
14 effective date of those rules that we passed is
15 July 20th of this year. There are four
16 authorized printers for -- six. As of
17 yesterday there were six authorized printers
18 for these new markings, and if you visit our
19 website, www.nyc.gov/taxi, we have literally
20 created a whole new website link on the home
21 page where you can get all the details you need
22 on how to install these new logos.

23 The compliance date is
24 September 1st. As of that date, all cabs must
25 have these new markings.

1 closely with Andy. We put a whole new
2 management team in place and we have made a lot
3 of changes over in Licensing.

4 Like I said earlier, I don't
5 think there is a passenger that you could find
6 on the street that would look you in the eye
7 and say "cab service isn't better."

8 I don't think there is an
9 industry person or a driver that with a
10 straight face could come to us and say "The TLC
11 isn't more customer friendly than it was ten
12 years ago."

13 We have made a lot of strides,
14 and the proof is in the pudding. We look at
15 the stats.

16 First of all, the waiting time
17 is considerably down. Just to give you an
18 example, as of -- if you compare FY '01 to FY
19 '06, it used to be a 57 wait at our facility.
20 In FY '06 it was 20 minutes, and it has come
21 down and stayed down considerably.

22 In terms of processing time to
23 get a hack license, back in fiscal year '03,
24 for example, it was 54 days to get a license,
25 and FY '05 it came down to 12 days, and it has

1 remained in the general area.

2 So processing time is down, wait
3 time is down, but that is not stopping us. In
4 order to render even better customer service
5 and make the wait that you have to be there for
6 a little bit more pleasant, we installed
7 televisions in all of our Long Island City
8 facilities, and we also created a new unit
9 called the Customer Service Unit.

10 The Customer Service Unit, if
11 you have ever been to a bank and you are
12 waiting long on line, sometimes they will have
13 people with clipboards come up to you and ask
14 you "What are you here for" and do a little bit
15 of intervention to make the process move more
16 smoothly at the window.

17 We have actually added several
18 staff that their sole function is to work the
19 floors of the Long Island facility and
20 Licensing and to make sure that people are
21 served better.

22 We have three full time
23 bilingual customer service reps, and they are
24 walking around with what is called a mobile
25 computer cart. There are two of them where you

1 Board, approved the vendor's project, and we
2 anticipate now to be in touch with them to work
3 out the details of the agreement, and we
4 anticipate work will start in the fall on this
5 project.

6 The Commission had approved two
7 pilot programs, Auto Van and Bruno. Auto Van
8 was the rear loading Toyota Sienna, and also
9 Bruno was the joey lift, the swiveling seat in
10 the front for disabled passengers.

11 The Auto Van project has
12 proceeded with two cars on the road to present
13 so we actually rolled them out.

14 The Bruno, Bruno just executed
15 an MOU, and they expect to have a car on the
16 road in a few weeks. As soon as we have it out
17 there for a long enough period of time, Peter
18 Schenkman will give an update on how they have
19 been doing.

20 The rules revision project is
21 moving forward at full speed. Our contact with
22 TATC of Bethesda, Maryland has been approved by
23 the Law Department. It has been sent to the
24 New York City Comptroller's Office for
25 registration, and we are awaiting registration

1 at this point.

2 We anticipate that the work will
3 start in the fall, and at the beginning of that
4 work process, as I mentioned previously, each
5 and every Commissioner will be afforded the
6 opportunity individually to give their thoughts
7 about the mission of the agency, their
8 viewpoint on the rules, and what they would
9 like to see this agency do in terms of how we
10 can revamp our rules and make them easier to
11 understand. Those will be scheduled in the
12 coming weeks and months.

13 I mentioned earlier that
14 medallion sale prices hit another record high
15 last month.

16 In July of '07, the average
17 sales for individual medallions hit a record of
18 \$424,000 each. That was based on 18 transfers.

19 Corporate medallions hit an
20 average of \$600,000 per medallion so that is 14
21 transfers for that.

22 So they have gone up, and we
23 have broken records practically every month for
24 the last year-and-a-half, maybe two years, and
25 we have just again reached another record.

1 We don't have all the specifics
2 worked out for the next two Commission
3 meetings, but I do have some dates. Due to
4 various holidays, we have had to change the
5 September meeting date to a Monday, which is
6 September 10th. I will have more details on
7 our web.

8 Then we go back to our regular
9 second Thursday of the month schedule. In
10 October we have a tentative Commission meeting
11 date of October 11th.

12 Last but certainly not least,
13 like many City agencies this time of year, we
14 have several interns, and we are very proud of
15 our intern program. Not only do we look at
16 this program as a way to give people who are
17 graduating or in graduate school or looking to
18 graduate college soon a taste of what public
19 service is like and to hopefully encourage them
20 and inspire them to go into public service --
21 not always successfully, but sometimes we
22 are -- it is a great opportunity for us to get
23 a lot of work done, some catch up and some
24 special projects where we need some extra man
25 and woman power, and I would like to ask them

1 to stand as we call their names and we
2 recognize them.

3 Basically we have Mark Locasano
4 from St. Johns University. He is a criminal
5 justice major. He is assigned to the Service
6 Enhancements Division.

7 We have Jeffrey Hudson, who is
8 assigned to Woodside at USB. He is from Utica
9 College.

10 We have Lola Ajai. Lola is
11 assigned to the Safety and Emissions Division
12 in Woodside and is attending George Washington
13 University.

14 We have Kate Helman, who is back
15 for a second year in a row from Public Affairs,
16 for Public Affairs working with Alan, working
17 as we speak. Kate attends Kenyon and is
18 involved with American studies.

19 We also have Munya Abraham. We
20 actually had a meeting the other day. He is
21 from Columbia University. He is working in the
22 First Deputy's Office.

23 Also Natanya Idi. Natanya is
24 working in Andy's office as well and she is
25 from Columbia University.

1 In my office I actually have
2 Craig Joseph. Craig is working on a project
3 for me, and he is studying accounting at Penn
4 State University.

5 So welcome. I hope you had a
6 great experience, and some of you only have a
7 couple of days left but it has been a pleasure
8 for all of us to work with you.

9 We hope that some of what you
10 see here is something that you would do to make
11 your contribution to public service in the
12 future.

13 I mean, most of the
14 Commissioners that are here are not paid for
15 what they do -- I get paid, Jeff gets paid that
16 is true. Not for this.

17 There are many boards in the
18 City of New York where people just give of
19 their time, whether they are in business and
20 they do it to help the city, but certainly you
21 are not going to get as good of a starting
22 salary than if you went into the private
23 sector, but everybody that I know that has
24 worked in government at high and lower levels,
25 every time I see them and I talk to them at a

1 party or I see them at lunch, they all say "I
2 wish I was back working for the City or the
3 government again because it is exciting."

4 You do things to help people as
5 a concrete result.

6 We just hope that your
7 experience will stay in the back of your head
8 as you decide what you want to do with your
9 futures and your careers, and congratulations,
10 and that concludes my report.

11 Any questions or concerns?

12 COMM. DEAR: Mr. Chairman,
13 thanks for your report. In particular, I want
14 to talk about the issue of the big strike they
15 are talking about, and I want to thank you and
16 let you know and let the people know that we
17 have had some ongoing discussions, and I want
18 to thank you for listening and taking some of
19 the advice that I shared with you and to pursue
20 and to reach out to people, because I was
21 always concerned when there is groups out
22 there, nothing to do with the issue of drivers
23 trying to compete, who represents the drivers
24 and do I represent, do I not represent, and we
25 know that there are groups that have been there

1 longer than a lot of the other newer groups and
2 have done a fantastic job and sort of represent
3 the drivers.

4 In one case, as we all know,
5 this gentleman who is here all the time talking
6 about drivers, the head of LOMTO, Vinnie, who
7 is someone who truly represents it, the numbers
8 he has in his membership, we have to work with
9 groups like that to make sure, to assure that
10 information is assimilated to the drivers and
11 to let them know what the relationship is
12 between us and the TLC; someone who has always
13 fought for drivers on this Commission and for
14 many years has worked even in the City Council
15 with the Commission to try to approve the
16 benefits of the drivers.

17 I know since I am sitting here,
18 I would say 60 to 70 percent of the regulations
19 that we instituted is driver -- to improve the
20 life for the driver. Those two increases that
21 we did go straight to the driver; not to anyone
22 else.

23 So if we are going to tell the
24 truth, and if the drivers want to hear us out,
25 and that is why we have to disseminate that

1 information, we have to know that there is a
2 Commission, at least for the last close to
3 seven years that I am on this Commission, that
4 we have done so much for the drivers, and we
5 will continue to do for the drivers, because
6 the drivers are the heart and soul of this
7 industry.

8 I remember there was a time it
9 was so critical there were no drivers out
10 there. There was a shortage of drivers so who
11 was affected by it? Everybody. The industry
12 itself so the drivers are a key point and so
13 critical to the workings of this industry that
14 we want to work together, and I know the owners
15 too.

16 And then we have to look at
17 something else, and there is sometimes always
18 this misinformation, that, yes, there are
19 drivers, and then there are owner drivers, so I
20 got someone -- and there are a lot more owner
21 drivers than there are drivers and owners of
22 bigger fleets, obviously, and so we have to
23 make sure that we have a continued dialogue,
24 and we also have to disseminate information to
25 the press, because this becomes a press frenzy,

1 that someone talks about strike, and all of a
2 sudden everybody is jumping all over the place,
3 and we know it is not going to happen in that
4 way and there is not going to be a response in
5 that way, but we can sit back and let everybody
6 run and tell us how to work our operation.

7 So I think what we have to do is
8 to continue to have -- open more dialogue with
9 other groups, with other people, with the
10 drivers themselves.

11 I always say we should be a
12 driver friendly agency. I know you talk about
13 all the improvements we have done, but let's do
14 even more. If there are grudges, if there are
15 people that are dissatisfied, let's find out
16 why they are dissatisfied.

17 I told you I had discussions in
18 not a scientific way but a poll that was done
19 by somebody who takes taxis a lot, and he
20 shared with me some information which I shared
21 with you so obviously there is some discontent
22 and obviously disinformation that they are
23 receiving.

24 I think it is very, very
25 important, whatever it takes, we should roll-up

1 our sleeves and get out to the drivers, and you
2 agree that you and I and others, and whoever
3 wants to join, get out there and talk to
4 drivers. I do this all this time, and I think
5 it is important to get the message out to the
6 drivers.

7 So I want to thank you for
8 taking this head-on and not let anyone dictate
9 to us how we should respond, and we should be
10 leading, not following.

11 I am sure if we do this the
12 right way, we won't have a problem with a
13 strike, and we will have a better relationship
14 with our drivers at well.

15 I also want to add, you sent us
16 an e-mail about two requests that came into the
17 agency. One in particular is an old story and
18 an old issue with me with many years already,
19 the owner driver issue, and you said you were
20 going to take a look at that, and I just wanted
21 to make sure that we pursue that, because that
22 is something that I think is important.

23 CHAIRMAN DAUS: Right. What the
24 Commissioner is referring to is the Committee
25 on Taxi Safety has a lot of ideas. They

1 originally put in a rule-making proposal, but
2 now they want to talk about it, which I
3 forwarded to the Commissioners and I think we
4 have a meeting set up with my staff and Dave
5 Pollack and the Committee for Taxi Safety so
6 that is what Commissioner Dear is referring to.

7 COMM. GONZALES: I would also
8 like to add a couple items in particular.
9 While the fare increases tend to get the most
10 headlines and things like that, the other thing
11 I am most proud of as well, we have also looked
12 at driver safety, and in particular, you know,
13 looking at examining the partition design as
14 well as, you know, addressing site safety air
15 bags in the Sienna.

16 While we do seem to get the
17 emphasis on fare increases and what have you,
18 other things are important and also reiterate
19 our support of the industry and the drivers.

20 CHAIRMAN DAUS: Those are
21 comments that are well taken and well put. I
22 don't think anybody in the industry can doubt
23 that Mayor Bloomberg and the Bloomberg
24 administration has certainly been better to
25 drivers than probably anybody else has in the

1 history of the TLC, whether it is treating them
2 as the valuable human resource that they are,
3 delivering the service on the front lines,
4 compensating them well and doing everything,
5 whether it is protecting them and making them
6 safe.

7 They are safe thanks to the
8 Police Department and the things we have done
9 here.

10 There is just a whole laundry
11 list of things we have done, and we just ask
12 the drivers to basically take that into
13 consideration and look at the big picture here.

14 Any other comments?

15 Thank you, everybody.

16 We now would move to item 2 on
17 the agenda, the Adoption of Minutes from the
18 July 12, 2007 meeting.

19 Any comments or changes to the
20 minutes?

21 COMM. AROUT: Make a motion to
22 adopt.

23 CHAIRMAN DAUS: Second?

24 All in favor?

25 (Chorus of "ayes".)

1 CHAIRMAN DAUS: Item 3, Base
2 Licensing Application Review.

3 Do we have a representative from
4 licensing joining us?

5 MS. RADWAY: Licensing would
6 like to present 30 bases before the Commission
7 with a recommendation for approval.

8 CHAIRMAN DAUS: The ones that
9 are noted on the agenda. Any questions or
10 comments about the bases?

11 Yes, Commissioner Arout?

12 COMM. AROUT: I would like to
13 put the Speed Incorporated on that list,
14 please.

15 CHAIRMAN DAUS: The Speed for
16 the business, a review of their record?

17 COMM. AROUT: Yes.

18 Also Laurelton Car Service,
19 Continental Car Limo --

20 CHAIRMAN DAUS: You mean
21 Continental Radio Dispatch?

22 COMM. AROUT: This one is total
23 fines of \$4,760, but it is not broken down what
24 type of fine. Do you have any idea why?

25 CHAIRMAN DAUS: Is this

1 Continental Radio Dispatch Corporation?

2 MS. RADWAY: Continental Car &
3 Limo Service Incorporated.

4 I just have no idea what kind of
5 fines they have. Just giving us the total,
6 \$4,760.

7 CHAIRMAN DAUS: This is TS Limo
8 C LLC d/b/a Continental Private Car & Limo
9 Service, the relocation and ownership change.
10 And the question is, you would like to know
11 what the breakdown of the fines are?

12 COMM. AROUT: Just curious.

13 MS. RADWAY: I know they were
14 issued. I couldn't speak specifically. I
15 don't have it before me right now, but I know
16 they were issued a violation for not operating
17 at their license location, and they are now in
18 the process of doing their relocation and also
19 doing an ownership change.

20 COMM. AROUT: Just one more.
21 New York Kings Transportation Incorporated.
22 That's it. Thank you.

23 CHAIRMAN DAUS: What I take is
24 you are making a motion to approve, but that we
25 have a business plan and take a look at the

1 records and monitor Laurelton, New York Kings
2 and Speed Inc. as part of that approval; is
3 that correct?

4 COMM. AROUT: Thank you.

5 CHAIRMAN DAUS: Do we have a
6 second?

7 All in favor?

8 (Chorus of "ayes.")

9 MS. RADWAY: There are six bases
10 that licensing is recommending for a denial
11 with a request for an additional 30 days so
12 that they may present the outstanding items.

13 CHAIRMAN DAUS: Any questions,
14 comments?

15 Could I have a motion to approve
16 the denial?

17 COMM. AROUT: Make a motion for
18 denial.

19 COMM. WEINSHALL: Second.

20 CHAIRMAN DAUS: All in favor?

21 Motion approved.

22 CHAIRMAN DAUS: Item 4, I would
23 like to go to item 4, Proposed Rules for Public
24 Hearing and Commission Action. I would like to
25 ask Arielle Dannis to join us. She is going to

1 talk about some changes.

2 I first want to preview this by
3 saying a lot of people don't know, the way --
4 the paratransit industry first of all is one we
5 don't hear a lot about it, because compared to
6 our other licensed industries, it is much
7 smaller. They do a lot of important work in
8 the City of work, and they provide a vital
9 service to people who are disabled and
10 undergoing medical treatment, and they really
11 have been kind of off the Commission's radar
12 screen because of their size and also because
13 we haven't really had that much problems
14 reported to us over the years, but the reality
15 is that in all areas of our -- where our
16 licenses are regulated, we always want to make
17 improvements even if they are doing well to
18 make them better.

19 There was a tremendous
20 opportunity presented to us to work hand in
21 hand with the industry and with other
22 government stakeholders to make the system even
23 better than what it is.

24 That came about as a result of
25 some increases that were given by other

1 government agencies that provide social
2 services to the City of New York who were
3 involved with the Medicaid and Medicare
4 reimbursement program.

5 Most of the money that are the
6 income of the paratransit bases and drivers
7 basically come from the government social
8 service funds and government health insurance.

9 They get reimbursed for the
10 trips, non-emergency medical transport, whether
11 it is a patient on dialysis to and from the
12 hospital, so whenever they get an increase in
13 the reimbursement rate, that is their, quote
14 unquote, fare increase.

15 Recently various agencies of the
16 government gave them such an increase, which in
17 their view was long overdue, but gave them
18 something, and we felt that now is a great time
19 to work with the industry to provide further
20 improvements to the people that are using the
21 service.

22 Arielle is going to talk a
23 little bit about these improvements, but before
24 she does that, I want to say two things.

25 First of all, this is, I think,

1 a potential model that we are starting to
2 regulate other for-hire industries. Some of
3 the ideas we implemented here with the
4 paratransit industry might be things we want to
5 look at in other industries, especially the
6 livery industry, an industry that we are
7 committed to making fundamental change over the
8 next year or two.

9 Number two, I want to thank all
10 of the persons involved in this whole process,
11 in particular Steve Solarsh, the person who is
12 in charge, the executive director of the New
13 York Ambulette Corporation, that represents
14 most of the ambulettes, and Andy Salkin, who
15 worked very closely with Arielle and most of
16 the staff to go over the details of this very
17 complex set of regulations.

18 We made some changes to these
19 rules that basically hadn't been contemplated
20 in years. The rules hadn't really been touched
21 in many, many years.

22 This is kind of a good time to
23 look at it with a fresh look.

24 I want to thank you. Even
25 though we had disagreements along the way as we

1 received your comments on the rules, and there
2 may be further comments today as we are holding
3 a public hearing, basically I think it is a
4 better set of regulations in my view.

5 I want to thank you. A lot of
6 hours went into this, and thank you, Arielle.

7 MS. DANNIS: Good morning,
8 Commissioners. Since presenting to you last we
9 have collaborated with the paratransit industry
10 through productive conversations which have led
11 us to agree upon a final version of the
12 paratransit rules. The only significant
13 changes made are with the retirement schedule
14 of paratransit vehicles and the replacement of
15 these vehicles.

16 We are proposing today an
17 upgrade of the paratransit fleet. Vehicles
18 will still have a life of seven years. This
19 will be phased into effect over a 4-year
20 period.

21 Beginning January 1st, 2008,
22 vehicles with a model year of 1998 or older
23 will retire.

24 2009, vehicles with a model year
25 of 2000 or older will retire.

1 In 2010, vehicles with a model
2 year of 2002 or older will retire.

3 2011, vehicles with a model year
4 of 2004 or older will retire.

5 And finally, in 2012, vehicles
6 seven years of age will retire.

7 Vehicles retiring according to
8 this schedule presented will be replaced with
9 qualified replacement vehicles. The
10 requirements for these vehicles are as follows:
11 January 1st, 2008, all qualified replacement
12 paratransit vehicles will have been driven less
13 than a hundred thousand miles.

14 January 1st, 2009, all qualified
15 replacement vehicles will have been driven less
16 than 50,000 miles.

17 January 1st, 2010, all qualified
18 replacement vehicles will have been driven less
19 than 25,000 miles.

20 January 1st, 2011, all qualified
21 replacement vehicles will be of the most recent
22 model year or the model year immediately
23 preceding will have been driven less than
24 500 miles.

25 This schedule results in newer

1 vehicles being placed on the road over a
2 three-year period.

3 Lastly, beginning July 1st,
4 2008, we will be requiring paratransit vehicles
5 to utilize an electronic trip tracking system
6 in order to better track services and prevent
7 fraudulent claims. The data which will be
8 provided to the TLC monthly includes date, time
9 of pickup, pickup location and drop-off
10 location, driver's TLC license number and
11 vehicle license plate number.

12 And this concludes the
13 presentation.

14 CHAIRMAN DAUS: Thank you,
15 Arielle.

16 I would like now turn over to
17 our general counsel, Chuck Fraser, who is going
18 to talk about some changes he made based on
19 written comments to date and verbal comments.

20 MR. FRASER: The proposed rules
21 when published for public comment on June 15
22 2007, three written comments were received,
23 copies of which have been distributed to the
24 Commissioners.

25 Based on consideration of those

1 comments, staff recommends four changes to the
2 proposed rules as published: First, staff
3 recommends elimination of the proposed
4 revisions in the definitions of the terms
5 paratransit vehicle, person with a disability
6 and wheelchair accessible van, and reversion
7 back to the definitions of those terms in the
8 existing rules.

9 Second, staff recommends that
10 the proposed rule be revised to allow a
11 paratransit vehicle owner three business days
12 instead of 48 hours to repair a malfunction in
13 the electronic trip sheet system.

14 Third, staff recommends that the
15 penalty provisions in the proposed rules for
16 failure to transmit electronic trip sheet data
17 each month be revised.

18 For a violation occurring before
19 January 1, 2009, staff recommends the penalty
20 be revised from a \$250 fine and suspension
21 pending compliance to a \$250 fine.

22 Fourth, staff recommends the
23 proposed rule be revised to allow the
24 paratransit vehicle owner to affix the license
25 decal on the vehicle windshield without

1 bringing the vehicle to the TLC Safety and
2 Emissions Facility.

3 In addition, staff recommends
4 that a newly licensed vehicle's compliance with
5 the maximum mileage provisions in the proposed
6 rule be established by the vehicle owner's
7 presentation of a New York State Department of
8 Transportation Inspection Form that certifies
9 the vehicle's milage.

10 The revised version of the
11 proposed rules has been distributed to the
12 Commissioners. Copies are available to the
13 public in the back of the room, and copies were
14 posted on the TLC website earlier this week.

15 CHAIRMAN DAUS: Thank you,
16 Chuck.

17 The first pre-registered speaker
18 is Mr. Alan J. Ginsberg, Courtesy
19 Transportation Services. Mr. Ginsberg? And
20 then the second pre-registered speaker is
21 Moishe L. Ginsberg, Courtesy Transportation
22 Services.

23 Okay. Not here.

24 The next pre-registered speaker
25 is Mr. Steve Solarsh.

1 MR. SOLARSH: Good morning,
2 Honorable Commissioner Chair, Matt Daus and
3 staff, and Honorable commissioners.

4 I am fighting a little bit of a
5 cold this morning, but I will try to speak up.

6 My name is Steven Solarsh, and I
7 am the Executive Director of the New York
8 Ambulette Coalition Incorporated. We know
9 ourselves as NYAC, NYAC. We are a trade
10 association working on behalf of paratransit
11 providers serving the disability community in
12 the Metropolitan area in concert with
13 government agencies.

14 We are regulated by the New York
15 State Department of Transportation, the New
16 York State Department of Motor Vehicles, and
17 the New York State Department of Health, as
18 well as the New York City Taxi and Limousine
19 commission.

20 On behalf of NYAC, I want to
21 thank you for the time to address this agency.
22 We welcome the opportunity to work with the
23 Chair and staff of the TLC to improve the
24 quality and safety of the service we provide to
25 our client population.

1 Each day tens of thousands of
2 medically necessary trips are performed by
3 licensed paratransit operators with little or
4 no incident. Our industry is entrusted with
5 providing safe, timely and courteous service to
6 the infirm and elderly to and from home,
7 hospitals, medical centers, dialysis and
8 radiation centers, medical clinics, physical
9 therapy and other medical appointments.

10 Paratransit operators provide
11 door-to-door service from within the confines
12 of the pickup location to within the confines
13 of the appointment.

14 Clients are wheelchair-bound or
15 require assistance walking to our vehicles.

16 Vehicles are wheelchair and
17 non-wheelchair accessible depending upon the
18 mode of transportation as determined by the
19 medical ordering provider.

20 I am pleased to inform the
21 Commission that NYAC and the TLC staff
22 addressed several areas of the proposed rules
23 changes, and that we are in concert with these
24 proposed modifications to the existing rules
25 governing the paratransit industry.

1 I would like to thank the Chair
2 Commissioner, Matthew Daus, First Deputy
3 Commissioner Andrew Salkin, and General Counsel
4 Deputy Commissioner Charles Fraser and their
5 respective staffs for their sincere efforts.

6 Two significant changes in the
7 rules are vehicle retirement and GPS electronic
8 trip data.

9 Commencing in January 2008,
10 vehicles will be retired by age, and within a
11 few short years no vehicle will be older than
12 seven years of age, and soon thereafter, all
13 licensed vehicles will be brand new.

14 This is in keeping with Mayor
15 Bloomberg's clean air policy, and NYAC is
16 pleased to do its part.

17 The GPS electronic trip data
18 system will universally provide a monthly
19 stream of data to the TLC.

20 NYAC is currently formulating an
21 RFP to solicit proposals for this system. We
22 will work with the TLC IT personnel and staff
23 to achieve this goal by mid-2008.

24 We are pleased that TLC has
25 agreed to examine other concerns that we have.

1 In particular, we have a severe shortage of
2 drivers, and I was welcoming hearing
3 Commissioner Dear talk about that.

4 We welcome the opportunity to
5 work with TLC to encourage men and women to
6 work in our industry. We are striving to
7 improve our industry, and with the cooperation
8 of the TLC and other regulators and their
9 willingness to work together, we will
10 strengthen the paratransit industry, which will
11 ultimately benefit our clients, the elderly and
12 infirm population of New York City.

13 Thank you very much.

14 CHAIRMAN DAUS: Thank you.

15 COMM. DEAR: On the driver
16 issue, it is interesting. Why is it that you
17 are having this shortage?

18 MR. SOLARSH: Part of the
19 problem has to do with what we reimburse the
20 drivers, and there is no getting away from
21 that, and we are hoping that this new increase
22 recently will help us, because a lot of this is
23 trickling down. We can't get drivers for eight
24 dollars an hour. It doesn't work in the City
25 of New York.

1 The second part of the problem
2 is that when a driver comes to TLC, very often
3 he has not been fingerprinted because he is not
4 in the school bus environment by the 19A bus
5 driver certification program, which we are
6 under, under Department of Motor Vehicles, and
7 he has to get his fingerprints through the TLC,
8 which is fine.

9 He has a drug charge of five or
10 six years ago. We have had instances where
11 they have been basically pillars of their
12 community, they have been clean, they have
13 families, they are looking for work. He gets
14 denied.

15 He goes through a very difficult
16 appeal process, sometimes six, eight, ten
17 weeks. He can't wait around. He has to get a
18 job for his family so he goes out and gets a
19 job in a trucking company or someplace else.

20 We have had instances where it
21 has gone through appeals, and one particular
22 case we went right up to the Commissioner's
23 office, and we finally wound up after six or
24 seven months, the company got the driver
25 certified and licensed, and after the driver --

1 it was so anticlimactic for him, within three
2 days after he started to work he left and went
3 somewhere else he was just so drained by the
4 process so we need assistance in the review
5 process. We are not looking for change of your
6 criteria.

7 If somebody had a drug
8 conviction five years ago or seven years ago,
9 maybe that should be looked at based on the
10 current evaluation of that driver.

11 Beyond that, the appeal process
12 is a very long process for our industry.

13 COMM. DEAR: You are governed
14 both by the state --

15 MR. SOLARSH: Three agencies in
16 the state and New York City Department of --
17 and Taxi and Limousine Commission, of course.

18 COMM. DEAR: If your vehicles
19 don't serve the City, then you are not on the
20 TLC?

21 MR. SOLARSH: No, that is not
22 totally true. Sometimes vehicles do come into
23 the City, and their bases may be in Nassau,
24 Westchester and Suffolk Counties.

25 COMM. DEAR: Because you are

1 doing work --

2 MR. SOLARSH: That's correct.

3 COMM. DEAR: I understand that.

4 All this time, on the drivers,
5 they are licensed by Department of Motor
6 Vehicles. No one else looks at them at all?

7 MR. SOLARSH: 19A certification
8 might be requiring -- I have to be involved
9 with what is called a rewrite committee on 19A
10 certification in Albany -- and we are
11 requesting while they have it only for bus
12 drivers now, we want DCJS to fingerprint them
13 early on in the process through 19A so when
14 they come to TLC they have already been
15 fingerprinted to a system that you could tie
16 into with your computer. That hopefully would
17 save a little bit more time.

18 Years ago when the fingerprints
19 would take two or three weeks to come back,
20 that was a problem. Now with the new system it
21 only takes 48 hours to come back so that really
22 helps us get the answer.

23 I think we need the ALJs to be a
24 little more understanding and considerate of
25 some of the violations that these people have

1 been accused of.

2 Certainly anything with violent
3 crimes and certainly with any kind of
4 pedophilia, sex acts, anything like that, we
5 will not even go any further.

6 COMM. DEAR: Does each of the
7 individual companies besides coming here, do
8 they check their drivers to make sure --

9 MR. SOLARSH: Absolutely. We do
10 a driver check through their abstract, the
11 Department of Motor Vehicles.

12 We also have an application
13 which must go up to 19A which must indicate his
14 last three employers, and we contact those
15 three employers.

16 COMM. DEAR: How about criminal
17 records?

18 MR. SOLARSH: No criminal
19 records. Only the larger companies are doing
20 that on their own, because they don't want to
21 be exposed to having any problems. A lot of
22 the smaller companies -- our industry has a lot
23 of mom and pops. Out of 250 companies,
24 roughly, licensed in the City, I would say
25 probably 175, 180 are the family-owned small

1 business person. In many instances minority
2 owned.

3 COMM. DEAR: I appreciate this
4 is a pleasure when someone who is the head
5 of -- well, association that works closely with
6 the TLC and works out their issues, as you
7 know, nine out of ten times you will get your
8 issues resolved.

9 It is give and take, and that is
10 what is so important. It gives you more
11 credibility, because I'm sure you don't want
12 the ones, say, that are not really licensed or
13 licensed but not really operating the way they
14 should be out there.

15 It just destroys the rest of the
16 reputation of the rest of the industry so I
17 appreciate that also, and I just wanted to make
18 a remark about drivers.

19 I know you reached out to the
20 Chairman. There is a head of -- we have a good
21 head now of the Licensing Division which issues
22 like that can be raised. I know people have
23 reached out to him, and people are reasonable,
24 and eventually the Chairman has to make that
25 decision, but I think we could be reasonable.

1 But I would imagine that
2 probably the pay increase and everything else
3 you will probably be able to recruit more
4 drivers.

5 I also would suggest to you to
6 reach out to the industry, the taxi industry,
7 the different associations. They could
8 probably help you to help how they were able to
9 deal with the shortage, what they have done.

10 A lot of them have added
11 interesting benefits.

12 If you notice in the Chairman's
13 remarks, he talked about in our facilities we
14 added TVs, we added different things to make it
15 more amenable to people to come and make it
16 more pleasant.

17 Some industry people tell me
18 just add a few nice things, and there is a
19 relationship that develops between the owner
20 and the driver and things like that.

21 I think we have it in a nice
22 word, we call it in Yiddish, menschkite. You
23 have to be a mensch.

24 But that is what part of it
25 also.

1 MR. SOLARSH: We are fortunate
2 that the nucleus of drivers that drive for our
3 companies don't do it for money, because if
4 they did they would have been gone many, many
5 years ago. They do it because they like the
6 work so we do that have, but, unfortunately,
7 the nucleus is maybe 30 percent of the actual
8 workers.

9 We have tremendous turnover
10 rate, tremendous turnover rate.

11 One other thing I wanted to
12 comment, there was a fast track system
13 implemented by the Commissioner and this
14 administration which really helped getting
15 for-hire drivers. We want to go back and visit
16 that and see if we can get for-hire drivers not
17 having to go through the same process all over
18 again, which is a duplicating process and just
19 having to be 19A certified, which a for-hire
20 driver doesn't have to be in the City of New
21 York.

22 Once that driver is 19A
23 certified and pays his money, we just want --
24 we would like that driver to be put on the
25 road, and that is certainly something we can

1 revisit.

2 CHAIRMAN DAUS: I actually don't
3 know how to spell mensch, but our goal is to be
4 licensing mensches to all.

5 Certainly we are going to look
6 at some of these suggestions as the Commission
7 suggests.

8 There is always more we can do.
9 I think this industry in particular, even
10 though it is small and there are very high
11 standards set, there are too many regulatory
12 players involved. To get reimbursed, you have
13 to go through these machinations; all this
14 bureaucracy. You have DOT, you have DMV, you
15 have us.

16 We understand that makes it
17 difficult so our goal is if there are things
18 that we can do, Gary, licensing, to streamline
19 the process to not have to go back and forth
20 between the facilities -- and we have done this
21 with other industries -- certainly we will look
22 at that and work with you on it.

23 MR. SOLARSH: Like drop-off
24 windows have been very helpful.

25 CHAIRMAN DAUS: And they have

1 done great things in this regard, but there
2 might be things that are peculiar to the whole
3 scenario with paratransit as well.

4 MR. SOLARSH: We always wind up,
5 as you mentioned before, with a couple of
6 thousand drivers versus the size of the
7 industries that you regulate; you get lost in
8 the sauce.

9 I thank you very much, and we
10 look forward to continuing our relationship.

11 CHAIRMAN DAUS: Thank you.

12 The next speaker on the
13 pre-registered list is Craig Vorselen from
14 Sterling Ambulette.

15 MR. VORSELEN: Good morning,
16 Mr. Commissioner, Deputy Commissioner, ladies
17 and gentlemen. My name is Craig Vorselen. I
18 am the owner and president of Sterling
19 Ambulette.

20 Sterling operates 41 TLC
21 licensed paratransit vehicles. Sterling is at
22 least one of several large paratransit fleets
23 operating in New York City who are not members
24 of the New York Ambulette Coalition.

25 Concerns of these large fleets

1 have not been adequately addressed in the
2 coalition's discussion with the TLC, and I wish
3 to ensure that the Commission has additional
4 perspectives prior to finalizing the proposed
5 regulations.

6 I do not purport to represent
7 the other large fleets, but I think in all
8 probability they share my concerns.

9 The people who really should be
10 testifying today are the patients, many of whom
11 are of limited means, who depend on paratransit
12 vehicles for transportation, non-emergency
13 medical transportation. They are not aware of
14 these proposed regulations and the potential
15 impact on their quality of life.

16 The proposed cost of
17 implementation of these regulations will result
18 in a reduced number of paratransit vehicles
19 operating in New York City serving a population
20 that is going to increase steadily over the
21 next several years, and I ask the Commission
22 consider these ultimate consumers of services.

23 My major concerns have to do
24 with provisions related to the model
25 replacement vehicles and the electronic trip

1 ticket. Both these mandates are unfunded.
2 Unless the TLC can approve higher fares to
3 offset the cost of these mandates, which is not
4 within its charter, these vehicles will result
5 in fewer paratransit vehicles on the road
6 servicing the population.

7 The reason for this is as
8 follows: An ambulette company's revenues, as
9 the Commissioner points out, are largely pegged
10 to fixed rates of reimbursement established by
11 the New York State Department of Health.

12 Effective January 1st, 2007,
13 these rates increased by 20 percent for some
14 but not all transportation. Just to clarify
15 that a bit, they increased for scheduled
16 medical transportation to and from medical
17 appointments. They did not increase for day
18 treatment programs going into adult day health
19 centers so those costs are held flat; however,
20 you know, the cost of implementing the
21 Commission's recommendations are -- now they
22 are going to impact the scheduled medical
23 appointments, of which there was a fee
24 increase, but also areas that have not had a
25 rate increase.

1 The previous rate increase was
2 in or around 2001. The previous rate
3 adjustment before that was in 1996. Since
4 then, we all know the major operating cost for
5 ambulette companies, such as gasoline,
6 automobile insurance, Workers Comp insurance,
7 utilities and labors, have increased by
8 multiples of the figure approved in January.

9 The Department of Health rate
10 increase is a reflection of increased operating
11 costs. It does not allow for the significant
12 capital investments the proposed regulation
13 will require, and I would like to speak about
14 each area of concern in a bit more detail.

15 In terms of model year
16 requirement, please understand that I would be
17 very happy to operate a fleet of brand new
18 vehicles, as would all paratransit operators;
19 however, the cost pressures of this business do
20 not allow this.

21 Unlike taxis and black cars,
22 paratransit vehicles are inspected semiannually
23 by the New York State Department of
24 Transportation. The DOT has a very well
25 established safety and serviceability criteria

1 as the basis for its inspection, which ensures
2 the quality of the vehicles and serviceability
3 of vehicles passing its inspection.

4 Any fleet operator like myself
5 will tell you that the DOT is very thorough,
6 and it is very good at its job. Only self,
7 well-maintained vehicles pass their inspection.

8 The proposed regulations make
9 the generalization that newer vehicles have
10 more safety features. The DOT addresses safety
11 and serviceability with specifics which are
12 inspected semiannually.

13 For the TLC to take the position
14 that the ability of a vehicle to pass a DOT
15 inspection is irrelevant is not logical, and it
16 is not reasonable.

17 The Commission also wants to
18 mandate that after a phase-in period, all
19 vehicles placed in service must be brand new
20 and not used. Even with fleet incentive
21 discounts, the large scale replacement of
22 vehicles mandated by this regulation is cost
23 prohibitive.

24 My fleet upgrade program
25 consists of acquiring newer used vehicles from

1 organizations that don't have the capability
2 that I do for maintenance. I have three full
3 time mechanics, a 3-bay garage at my base
4 location, and I receive a fleet discount on
5 parts.

6 Earlier this year I purchased a
7 model year 2001 ambulette from a senior center
8 in Park Slope. The vehicle had 60,000 miles,
9 and I paid \$7,500 for it. Maintained by my
10 mechanics, this vehicle has much serviceable
11 life left. It easily passed a DOT inspection.

12 The consumers who ride in this
13 vehicle are very happy, but a comparable new
14 vehicle, as mandated by the TLC, even with
15 fleet discounts, will cost \$27,000 plus tax.

16 Consequently, I can acquire
17 three to four late model vehicles for the cost
18 of one vehicle. As a result, I can operate a
19 large fleet which results in more vehicles on
20 the road serving the consumers and maintaining
21 a very high service level.

22 Obviously if my fleet
23 replacement budget has to cover new vehicles,
24 that number is going to be reduced, and the
25 ultimate consumers will suffer.

1 Should the Commission feel
2 compelled to mandate paratransit vehicles, I
3 suggest that it study requirements established
4 by the Interagency Council of Mental
5 Retardation and Developmental Agencies, the
6 IAC. This is a consortium of 120 organizations
7 which on a daily basis serves 75,000 disabled
8 individuals and their families in metropolitan
9 New York. Member agencies includes the United
10 Cerebral Association of New York City, the
11 Association for Help of Retarded Children, and
12 the Jewish Association of Philanthropies.

13 Last year the IAC established a
14 transportation management arm to centrally
15 manage its consumer transportation. In their
16 detailed study of this same topic of vehicle
17 age, the IAC mandated that its providers
18 provide vehicles that are not less than 12
19 years old, or have not less than 225,000 miles
20 on the odometer, whichever criteria comes last.

21 There is no prohibition on
22 placing a used vehicle in service, and the IAC
23 contracts with a number of ambulette companies
24 operating in New York City, including Sterling,
25 for transportation of its consumers.

1 In terms of the electronic trip
2 ticket, I would like to highlight a couple of
3 issues. First, this mandate is discriminatory.
4 To my knowledge, no other class of vehicles
5 within TLC's purview is required to submit an
6 electronic trip ticket.

7 Why is this just for paratransit
8 vehicles? If the state of intent is to
9 increase the accountability of the industry to
10 its consumers and to the Commission, why is it
11 limited to paratransit? If the Commission is
12 interested in accountability, surely it should
13 seek the same level of accountability for all
14 for-hire vehicles it licenses.

15 This mandate is unfunded. It
16 will require the purchase of hardware, it
17 requires software that will be developed by
18 third party vendors and integrated with a GPS.
19 It is unclear what time frame this can be
20 accomplished; however, a deadline has been
21 mandated.

22 What is clear is there will be a
23 cost for development of this software by the
24 vendors, which fleet owners are not in a
25 position to absorb and cannot pass on to

1 consumers in terms of higher fares.

2 CHAIRMAN DAUS: I'm sorry. Mr.
3 Vorselen, could you try to sum up? We are way
4 over the --

5 MR. VORSELEN: I understand.

6 CHAIRMAN DAUS: If you could sum
7 up your main objections. I understand you are
8 objecting to the vehicle retirement, the
9 electronic trip sheet.

10 I just have to correct you. The
11 whole issue about the strike has to do with the
12 fact we just put this in every yellow cab so
13 there is precedent for doing it.

14 Why don't you just continue and
15 sum up your main points.

16 MR. VORSELEN: I have two other
17 points.

18 CHAIRMAN DAUS: That is fine.

19 MR. VORSELEN: One is that the
20 concept is unworkable and requires the driver
21 to operate this, and unless we can tie the
22 driver doing this to a fixed fare system like
23 in a taxicab, it is unworkable. The driver has
24 no incentive to do this.

25 No black car driver would do

1 this, and the Commission hasn't mandated it for
2 the black cars.

3 There is also implementation
4 issues that aren't fully addressed such as
5 purging, archiving, the trip data in the
6 vehicle, which we all know has to be done.
7 They are not there so I would recommend this be
8 tabled for further study.

9 CHAIRMAN DAUS: Actually, I am
10 going to ask First Deputy to join us and talk
11 about addressing some of your concerns. Based
12 on what I heard so far, even though you have
13 concerns about these rules, there are several
14 things which were just brought up which I think
15 are based upon either misunderstanding or
16 misinformation about the process and issues.

17 If you can take a seat, and I
18 will ask Andy to come up, and if we need more
19 questions from you, we will ask you to come up.

20 MR. VORSELEN: Can I make one
21 more point?

22 CHAIRMAN DAUS: Quickly. It is
23 not fair to the other people that are
24 testifying.

25 MR. VORSELEN: I understand.

1 On the drivers, I would also ask
2 you to consider the impact on them. We talked
3 about driver pay, we talked about taxi pay.

4 The bottom line is if we need to
5 invest in vehicles and technology to the level
6 that you are asking, there is not money to pay
7 the drivers.

8 CHAIRMAN DAUS: And Mr. Solarsh
9 talked about the drivers. We are aware of
10 that.

11 Thank you. If you could just
12 stick around, we would appreciate that.

13 Andy and Peter?

14 MR. SALKIN: He raised several
15 concerns. I don't know which particular
16 concerns the Commission wants us to focus one.

17 One thing that we did touch upon
18 when we initially initiated this program is
19 just what the changes are, and I think we have
20 a slide from the old presentation at the end of
21 the presentation Arielle gave.

22 Just to address the issue, it is
23 estimated based on the fare change that was
24 given to them, to the industry, we estimated
25 that it would add about 12 to \$13,000 per year

1 per vehicle that is run in the industry, and
2 the service enhancements that we are discussing
3 we believe would cost between 2,500 and \$3,000
4 a year for the car, and a couple hundred
5 dollars a year for the electronic tracking.

6 So that is how we came up with
7 the numbers. I think one of the things that
8 was discussed was the idea of using new
9 vehicles versus old vehicles and the whole
10 state DOT inspection versus the TLC concerns on
11 safety.

12 Can you go to the end of the
13 presentation?

14 So that is a slide we had
15 presented initially that talked a little bit
16 about how some of the numbers break down and
17 what our estimates were based on working with
18 the industry to get a sense of how much the
19 cost is.

20 Peter is going to talk a little
21 bit about what State DOT does versus TLC's
22 concerns, because they are not exactly the
23 same.

24 MR. SCHENKMAN: Good morning.
25 The state DOT focuses on the overall safety of

1 the vehicle and the proper functioning of the
2 equipment to move the passenger.

3 TLC's concerns obviously are
4 emissions. The state has a higher threshold
5 for emissions on these vehicles. This all fits
6 into the Mayor's plan of having cleaner
7 for-hire vehicles.

8 A vehicle with over
9 200,000 miles pollutes at approximately
10 1.7 percent more than a vehicle with less than
11 100,000 miles, and that is a concern of ours.

12 CHAIRMAN DAUS: Any questions?

13 COMM. DEAR: How did the whole
14 genesis of this, how did it all start?

15 MR. SALKIN: The regulation of
16 this industry falls upon many different
17 jurisdictions. As is noted, I believe the
18 State Department of Health has jurisdiction
19 over Medicaid and Medicare payments, and the
20 industry has been soliciting a fare change from
21 the State Department of Health.

22 The way the State Department of
23 Health works is they go to the local entity to
24 find out if the local entity agrees to the fare
25 change or not, because the local entity, I

1 believe, pays 25 cents on the dollar for any
2 increase in fares.

3 In that case, the local entity
4 here in the City I think is split between the
5 Department of Mental Health & Hygiene and HRA.

6 An agreement was reached on
7 giving a fare change between those entities.

8 The Office of Management and
9 Budget was involved, obviously, because they
10 are paying money, and in turn they asked the
11 industry for increased standards, and the
12 things that they asked for, one was to help
13 with tracking and understanding just what the
14 trips are.

15 I think there is always issues
16 of fraud and concern of fraud in the Medicaid
17 and Medicare industry so that is where the
18 electronic information and sharing information
19 is.

20 And I will say this is much
21 different than what we are requiring of the
22 taxicabs, but it is still to be electronically
23 transmitted on a monthly basis.

24 Then the idea of the whole
25 retirement of the fleets, the age of these

1 vehicles you see around the City are very old.

2 Again, somebody talked about in
3 the presentation, over 50 percent of the
4 vehicles are over seven years old, eighteen
5 percent of the vehicles are ten years or
6 higher.

7 The idea of bringing that fleet
8 down and making it new and making it really a
9 good ride for the passengers that follow the
10 latest standards and safety trends was
11 something that everybody kind of came back to
12 the TLC with so we are just carrying forth the
13 rule making.

14 COMM. DEAR: We were contacted
15 by the local agencies?

16 MR. SALKIN: It was initiated by
17 others. Obviously if it was a fare change you
18 regulated you would have been involved, but it
19 is not something that is part of the TLC's
20 purview.

21 COMM. DEAR: The industry, as
22 you see now, somebody came forward and said "I
23 don't belong to the bigger, larger agency."
24 Anybody like that?

25 MR. SALKIN: I think the

1 Chairman pointed out that it is an industry
2 that kind of existed and done their thing for a
3 long time without really hard core oversight by
4 the TLC.

5 CHAIRMAN DAUS: I don't think we
6 can govern by absolute, unanimous consent by
7 people that we are regulating.

8 I do know that Mr. Solarsh
9 represents a considerable number of operators
10 in this industry, and, I think, Mr. Vorselen
11 has some legitimate concerns, but I am looking
12 at this as objectively as I can.

13 I think practically 90 percent
14 of what you just mentioned was basically a
15 misunderstanding of what we are looking to
16 accomplish, and I disagree with you that we
17 should just not do vehicle retirement because
18 we shouldn't do it.

19 We understand that improvement
20 is always going to take into account costs on
21 the businesses. I think this is a fair
22 objective and reasonable change.

23 When we did vehicle retirement
24 for the yellow cab industry, it was the best
25 thing we ever did for the cab industry, and if

1 you recall, it was all done on one day.

2 This was, I think, a very
3 reasonable proposal. It has a phase-in over
4 several years, and the more a vehicle is on the
5 road, ten, nine, eight years, the more it
6 pollutes the environment.

7 Even though there are a small
8 number of these vehicles, we have to do
9 everything that we can to clean up the air in
10 this City.

11 I congratulate most -- the
12 overwhelming majority of this industry coming
13 forward and supporting it. We usually don't
14 get it when we make our decisions.

15 With all due respect to
16 Mr. Vorselen, I do disagree with us not moving
17 forward on this.

18 COMM. GIANNOULIS: Just
19 anecdotally, I worked for one of the largest
20 agencies in the City years ago. It provided
21 service for people with disabilities, and not
22 to disparage the industry, because if you could
23 keep the thing on the road you do, but the
24 ambulettes were horrible, and we probably dealt
25 with 30 different companies.

1 You would regularly change
2 companies because the ambulettes that were
3 servicing you, you wouldn't put consumers in
4 the vehicles. That is just the reality.

5 This isn't -- Mayor's initiative
6 aside, this isn't about the environment, this
7 is about the people with disabilities who are
8 in these vehicles that have no air
9 conditioning, the seats are damaged; severely
10 disabled individuals who were transported
11 numerous times during the day from either group
12 homes to treatment centers.

13 There is a shared cost here.
14 Even though the state and the federal
15 government pay for a part of this, the
16 not-for-profit agencies that provide these
17 services are expected to also pay for a part of
18 this if there is not enough money.

19 Quite honestly, looking at the
20 groups that are mentioned here, I know them
21 very well, and their budgets are very large,
22 and everybody in those companies do very, very
23 well so if they need to take a couple thousand
24 dollars a year out of their salary to make sure
25 people with disabilities have good vehicles,

1 they should.

2 I recommend -- I mean, if you
3 are to look at a New York City cab and you are
4 to look at an ambulette, the people in this
5 Commission would be amazed at the difference.
6 It is really a serious issue.

7 I think we should do what we can
8 to make sure there are new vehicles on the
9 street.

10 CHAIRMAN DAUS: That is a very
11 good point. Thanks for pointing that out,
12 Commissioner.

13 Actually, we do have two more
14 speakers. I am not sure if you intended to
15 sign up for this.

16 Ethan Gerber, you put next to
17 your name proposed auction rules. Do you have
18 a desire to speak on paratransits?

19 MR. GERBER: Not at all.

20 CHAIRMAN DAUS: Mr. Bill
21 Lindauer, do you have a desire to speak on
22 paratransits?

23 MR. LINDAUER: Basically, other
24 stuff, but I want to say one thing.

25 CHAIRMAN DAUS: If you could

1 please limit your comments, with all due
2 respect, to paratransit rules.

3 MR. LINDAUER: I am a true
4 mensch. I am not here to talk about the
5 mishagos, called GPS, for short.

6 Paratransit people can get
7 drivers very easily. Pay them 15 to \$20 an
8 hour, give them a benefits package; as simple
9 as that. They will be knocking down the doors.

10 I think maybe you want a little
11 too much money for yourselves as the heads of
12 these companies. If you give it to the drivers
13 so that they earn it, and a driver can love his
14 job but he needs the money too.

15 You say, "Well, they don't do it
16 for money."

17 Well, at the rates that you pay,
18 it is obvious they don't do it for money.

19 Okay. Thank you.

20 CHAIRMAN DAUS: That concludes
21 our public hearing.

22 Do we have any other questions
23 or concerns, or do we have a motion to approve
24 the rules?

25 COMM. AROUT: Make a motion to

1 approve the rules.

2 COMM. VARGAS: Someone was
3 raising their hand.

4 CHAIRMAN DAUS: Did you sign up?

5 MR. HANUKOV: I wasn't aware I
6 was supposed to sign in over here.

7 CHAIRMAN DAUS: For para?

8 MR. HANUKOV: My name is Mark,
9 M-A-R-K, Hanukov, H-A-N-U-K-O-V. I am from
10 Alert Ambulance Service in Brooklyn.

11 Good morning, Chairman, and the
12 Commissioners.

13 I have heard a lot of things
14 this morning. I agree with the gentleman with
15 the hand up. I think he gave a very, very
16 precise speech about the industry and the
17 issues that we face in the industry.

18 It is very easy for somebody to
19 come up here and say pay the driver \$15 an
20 hour, give him this, give him that.

21 Between all the agencies that
22 govern us, it is basically -- there is a lot of
23 left hands and not enough right hands.

24 We are being forced to do \$100
25 worth of service and get paid less than \$100

1 for that.

2 I don't know who is very happy
3 in this industry. I service quite a few
4 hospitals. I don't do groups, I don't do
5 anything like that.

6 What we are required to do is
7 take patients up four flights of stairs,
8 sometimes requiring two to three drivers to do
9 that.

10 When the drivers pull up and
11 they are forced to double park, they come
12 downstairs, they have a couple of parking
13 tickets. Then we got to fight with that
14 agency.

15 Now, not only are we being paid
16 less than \$100, now we have to pay out of the
17 pocket to do this job.

18 I was here today to see what the
19 result of this hearing is going to be. I am
20 actually in the midst of deciding whether I am
21 actually going to stay in business or leave
22 this business.

23 I service -- I do provide a very
24 good service. You can get references about my
25 company from the places that I provide service

1 to.

2 If I leave, I don't know what is
3 going to happen in this industry, but I have
4 100 percent passing grade from DOT, and I have
5 proof to present that to you. My vehicles are
6 all very safe.

7 I have a very good crew working
8 for me, and basically the implementation of all
9 these things that you are proposing has to come
10 out of somebody's expense, and I really don't
11 think it should be coming out of my expense.

12 Everybody is talking about this
13 raise, this increase we received. It is as if
14 it is all gravy.

15 This increase that we received
16 is going to cover last year's gas bill, okay?
17 Many of you might not know that. I still have
18 a big debt to the gas supplier. It is going to
19 cover a lot of the things, a lot of the expense
20 that I had to pay payroll with credit cards
21 that I am paying major vig on, and you are
22 proposing for even more spending on this
23 industry.

24 I don't know how the other
25 companies operate. I am sure that Mr. Solarsh

1 page that is on?

2 COMM. VARGAS: Page 1 under the
3 definitions.

4 The way it currently reads, it
5 says "A driver is a person licensed by the
6 Commission to drive a in the City of New York."

7 MR. FRASER: Actually, if you
8 look, "paratransit vehicle" is not deleted so
9 the rule as amended would say "licensed by the
10 Commission to drive a paratransit vehicle in
11 the City of New York."

12 Do you see? The brackets are
13 kind of lost in the parenthesis.

14 CHAIRMAN DAUS: It is a little
15 confusing, but those parentheses were there
16 before so that is why they look weird.

17 There are two sets of brackets.
18 One is "wheelchair accessible van," which is
19 marked for deletion, and the words "or
20 ambulette" are marked for deletion as well.

21 I had the same reaction when I
22 looked at it, but I think Chuck is right on
23 that.

24 Any other questions about the
25 substance of the rules?

1 I think we had a motion on the
2 floor.

3 Do we have a second?

4 COMM. KAY: Second.

5 CHAIRMAN DAUS: All in favor?

6 (Chorus of "ayes.")

7 CHAIRMAN DAUS: It is unanimous,
8 if the record could reflect Commissioner Dear
9 is out of the room.

10 Thank you.

11 For the two new people that we
12 have had here today, I would encourage you to
13 sign up and meet Samara Epstein, who is in the
14 back, from Constituent Management.

15 I do believe Mr. Solarsh's group
16 is bigger than what you are saying. I have
17 personally been at the meetings, and I was a
18 guest speaker several times.

19 You do have a valid point, and
20 just because there is an organization that
21 represents most, it doesn't mean that people
22 who choose their First Amendment rights not to
23 be involved shouldn't have their voice heard.

24 I just respectfully disagree
25 with the comments that you are making, and I

1 have seen enough and I think the Commission has
2 seen enough data and information to believe
3 that even though you may have some issues with
4 your particular company, that overall this is
5 the right thing do.

6 We do want to learn more about
7 your situation, so if you would be kind enough
8 to give your contact information to Samara --
9 if you could just put your hand up in the back.
10 That is Samara -- we would be happy to get you
11 on our list, talk to you and see what the
12 issues are.

13 If anything needs to be
14 reconsidered or looked at in the future, we
15 will be happy to work with you.

16 I would like to now move to item
17 5 on the agenda, Proposed Rules for Commission
18 Action, item 5a, Medallion Auction Rules.

19 I want to thank my Commissioners
20 who brought up some very good points following
21 the public hearing about a month or so ago.

22 First and foremost, I want to
23 thank Commissioner Rose Gilhern and Inspector
24 General Julie Block, who is here today from the
25 Department of Investigation, as well as all the

1 people who worked so hard in the New York City
2 Law Department on not only coming up with these
3 changes to the rules, but the subsequent
4 revisions.

5 We work very closely with many
6 industry reps, including Ethan Gerber who is
7 here today, and I think we have been
8 responsive, and I think we have learned from
9 some of the comments that were made, and I
10 think we have come up with some pretty narrowly
11 tailored language that makes the rules even
12 better than we originally proposed them.

13 I again want to thank DOI for
14 their help over the years with the auctions.
15 They have been involved every step of the way
16 with every single one of our auctions in terms
17 of having integrity procedures in place, making
18 sure the bids are secure and so forth.

19 We look forward, in addition to
20 their report where they basically came up with
21 many of the recommendations that resulted in
22 these rules, we look forward to continuing,
23 Julie, to working with you as we go into our
24 final auction of accessible medallions making
25 that even more successful than the prior

1 auctions, and issue free, and with the utmost
2 of integrity and security to make it a
3 full-proof process.

4 I think these changes are
5 potentially a model for how auctions can and
6 will be done.

7 I want to thank you before I
8 turn it over to Chuck.

9 MR. FRASER: These proposed
10 rules were the subject of a public hearing at
11 the Commission meeting on June 14, 2007. The
12 proposed rules were tabled pending further
13 staff consideration of the written comments and
14 the testimony given at the public hearing.
15 Having concluded that review, staff recommends
16 a series of changes to the proposed rules.

17 First, the staff is recommending
18 that the bidder certification contained in
19 Section 1303a of the Rule be amended to
20 eliminate the requirement that the bidder
21 certify the bid was based on independent
22 evaluation. Instead, the staff recommends a
23 provision requiring the bidder to certify that
24 the bidder has not relied on statements made by
25 New York City in determining the amount to bid.

1 Second, the staff is
2 recommending a change in Section 1303a of the
3 proposed rules relating to bidder
4 certifications, and section 1303o relating to
5 collusion among bidders.

6 The proposed rules as published
7 would have prohibited a bidder from disclosing
8 a bid price to any other bidder and would have
9 required a bidder to certify such
10 nondisclosure.

11 Staff recommends narrowing those
12 provisions to say that only disclosure of a bid
13 price for the purpose of restricting
14 competition or inducing other potential bidders
15 to bid or not to bid. The staff is
16 recommending a parallel change in the section
17 on bidder certifications.

18 Third, the staff recommends the
19 addition of a sentence to section 1303n which
20 would provide that a bidder who wins on more
21 than one bid must close first on that bidder's
22 highest bid, and then in descending order of
23 bid prices.

24 Similarly, in 1303g, the staff
25 recommends 1303g be revised to prohibit the

1 assignment of a winning bid to a corporation or
2 other entity if an owner of that entity has
3 defaulted on a higher bid.

4 Fourth, the staff is
5 recommending a change to the provisions of
6 section 1303p, which prevent a broker from
7 bidding, to limit the prohibition to brokers
8 who have advised as to bid price or who have
9 obtained actual knowledge of the bid price that
10 a bidder is bidding.

11 As a result of this change, a
12 broker who provided assistance with paperwork
13 but did not learn the price or did not advise
14 to a price being bid by any clients would be
15 permitted to bid.

16 Copies of the proposed rules
17 revised to reflect the staff's recommended
18 changes have been distributed to the
19 Commissioners and are available to the public
20 in the back of the room and were posted on the
21 TLC's website earlier this week.

22 CHAIRMAN DAUS: Any questions or
23 comments about the changes? I know
24 Commissioner Giannoulis, you had concerns last
25 time.

1 COMM. GIANNOULIS: A lot of them
2 were addressed. What is the issue with the
3 paperwork?

4 MR. FRASER: It was pointed out
5 to us that some brokers, or at least one broker
6 who pointed it out, in certain circumstances
7 advises as to bids, but the bid form at the
8 point that that broker advises does not have
9 the bid price on it.

10 In other words, advises as to
11 the technicalities and logistics, but not as to
12 the price and so that broker would not be
13 disqualified if that is all that broker did
14 from bidding.

15 COMM. GIANNOULIS: Somebody
16 fills out the form and says "Here, fill in your
17 number?"

18 MR. FRASER: Right, that sort of
19 thing.

20 CHAIRMAN DAUS: I think there
21 are a lot of good ideas that came out of this,
22 and I want to thank Commissioner Giannoulis in
23 particular -- Commissioner Dear is out of the
24 room -- but we had a very good debate and
25 discussion about this and came up with a lot of

1 scenarios and concerns which I think have been
2 addressed, and also I want to thank
3 Commissioner Ed Gonzales, who actually behind
4 the scenes did a lot of work and committed to
5 providing us with some very interesting
6 information about how Treasury bond auctions
7 are run and how they do things.

8 And while they had some great
9 ideas, we did learn that, like Sothebys and
10 Christies are called English auctions, and what
11 we have been doing for a couple of years are
12 called Dutch auctions. They are different in
13 their procedures, but some of the good ideas Ed
14 had don't seem to apply because of the way the
15 Local Law is written.

16 You know, with the industry, I
17 think we are better off sticking with the same
18 type of auction. It has been very successful.

19 I just want to thank you. He
20 spent a lot of time on it and had conference
21 calls with our attorneys as well so I want to
22 thank you for doing that extra work for us.

23 Any questions, comments,
24 concerns about the rules?

25 Do I have a motion to pass as

1 amended?

2 COMM. WEINSHALL: So moved.

3 CHAIRMAN DAUS: Do I have a
4 second?

5 COMM. AROUT: Second.

6 CHAIRMAN DAUS: All in favor?

7 (Chorus of "ayes.")

8 CHAIRMAN DAUS: Okay. It is
9 unanimous. Thank you.

10 That concludes item 5a on the
11 agenda. I would like to go to item 6a,
12 a Proposed Pilot Program for Commission Action.

13 COMM. GONZALES: Mr. Chairman,
14 Commissioner Dear was out of the room.

15 CHAIRMAN DAUS: If we could just
16 note Commissioner Dear was out of the room. I
17 don't know if he has left for the day. His
18 papers are here so he may be coming back. His
19 briefcase is here so he is out of the room.

20 Proposed Pilot Program for
21 Commission Action, 6a, is Evo Wash. This is a
22 company that wrote to us under our pilot
23 program rules asking us to approve and mandate.
24 It seems like a very nice product, a waterless
25 car washing liquid. You can basically wash

1 (Chorus of "ayes.")

2 CHAIRMAN DAUS: If you still
3 have new ideas, we would certainly love to hear
4 from you, but you might want to take the time
5 out to contact our Constituent Management
6 Office first or Jen Palmer of our staff before
7 you actually spend hours and hours on putting
8 together a formal proposal to see if you need
9 to do it at all, but certainly we will take
10 them as they come. We have had a lot over the
11 years, and it is working out very well.

12 Item 7a, turning to the staff
13 presentations, 7a 1, we have a couple of items
14 that require Commission approval involving
15 taxicab decals, both of which we will point out
16 ahead of time are voluntary, and we would also
17 like to get an update on Garden in Transit, the
18 project we are working very closely with the
19 administration and portraits of hope on.

20 We have Reyna Jenkin here from
21 the Mayor's Volunteer Center. Reyna, and Jen
22 Palmer, welcome.

23 They are going to give us a
24 brief update on the project and talk about the
25 sticker that is being proposed for approval.

1 Welcome, good morning, good to see you.

2 MS. JENKIN: I am here from the
3 Office of the Mayor along with Jennifer Palmer
4 from TLC.

5 We are just here to give you a
6 brief update on Garden in Transit as well as
7 present a public information sticker for your
8 approval.

9 You have heard a lot about
10 Garden in Transit over the past year, and we
11 want to share some highlights with you all as
12 they just recently completed their painting and
13 are now switching gears to the installation
14 phase.

15 To date, more than 23,000 adults
16 and children throughout New York City have
17 participated in the painting covering
18 three-quarters of a million square feet of
19 floral panels, which is approximately 80,000
20 florals flowers.

21 As mentioned, Garden in Transit
22 is now moving towards the installation phase,
23 which is why we are here. We wanted to present
24 to you this public service announcement
25 component, which we believe will go a long way

1 in educating the public about this exciting
2 project.

3 MS. PALMER: On your screens you
4 have a copy of the sticker for your approval.
5 The main purpose of this sticker is to quickly
6 communicate with the passengers in the vehicles
7 the purpose of the project and to give them
8 more information and point them in the
9 direction of the websites, 311, et cetera.

10 The size of the sticker will be
11 5 by 5 inches and will be placed on the vinyl
12 part of the partition on the right-hand side
13 and, Gardens in Transit will be covering all
14 costs associated with the production and
15 installation, which is voluntary and will
16 happen at the time of panel installation.

17 If the Commission has any
18 questions for us, we would be happy to answer
19 them.

20 CHAIRMAN DAUS: I guess, I
21 mean -- let's cherish the moment of these two
22 presentations, because with the technology
23 systems, by the beginning of next year we won't
24 be having any more stickers anymore. We are
25 going to be communicating items such as this on

1 our public service announcements, on the
2 screens of every cab, but certainly, I mean, I
3 have no objection to supporting this program
4 and giving a voluntary sticker, unless anybody
5 has any other comments.

6 COMM. KAY: What is the timing
7 of when this is going to get rolled out?

8 MS. PALMER: The installation
9 phase starts in September, so the stickers will
10 be produced before then and then will start be
11 applied as the panels are applied to vehicles
12 as well.

13 COMM. KAY: For how long will
14 they stay on?

15 MS. PALMER: They will be
16 removed when the panels are removed,
17 December 31st.

18 CHAIRMAN DAUS: Any other
19 questions?

20 Okay. I would like to make a
21 motion to approve the sticker.

22 COMM. AROUT: Motion.

23 CHAIRMAN DAUS: All in favor?
24 (Chorus of "ayes.")

25 CHAIRMAN DAUS: Thank you,

1 Reyna, Jen. We appreciate it. We are very,
2 very excited about this program. It is going
3 to be a tremendous success.

4 Next item on the agenda is item
5 7a 2, credit cards. We have Gary Roth is
6 joining us from our Customer Service Technology
7 team to talk about an exterior decal.

8 MR. ROTH: Good morning. My
9 name is Gary Roth. I am on the Service
10 Enhancement Team.

11 We have a brief proposal to put
12 credit card stickers on the exterior of the
13 taxicab. The purpose of the sticker is to
14 inform passengers that credit card and debit
15 cards are accepted in cabs, especially during
16 the roll-out phase, because not all of the cabs
17 will be accepting credit cards. This will give
18 them notice as they enter the cab.

19 In addition, taxicabs are
20 currently viewed as a cash business. As you
21 are aware, all businesses which accept credit
22 cards have a sticker on the door, and this
23 would just be similar to any other type of
24 business.

25 It would also be useful to

1 inform tourists, as the many visitors to New
2 York may be unaware of the progressive policies
3 of our Taxi & Limousine Commission. This would
4 help to inform them that credit cards are
5 accepted.

6 We would also use it to remove
7 the old credit card stickers. You may have
8 seen there are some stickers on cabs, and we
9 would remove those and place only the approved
10 stickers, and it would provide a cleaner, more
11 standardized appearance.

12 So we have proposed to
13 standardize both the size and placement of the
14 sticker. Placing the stickers will be
15 optional.

16 The stickers will be required,
17 or we suggest they contain all mandatory credit
18 card brands. They would have American Express,
19 Visa, MasterCard and Discover with JCB card
20 optional.

21 The logos can be placed in any
22 order. It would be a total about 6 inches in
23 length with four stickers and 7.5 inches with
24 five stickers, and each logo would be allocated
25 1.5 inches.

1 The stickers will be transparent
2 where no logo is present and will require to be
3 double sided, and they will be affixed to the
4 rear passenger window, or in the case of the
5 Crown Victoria, the rear quarter window.

6 Also, if the stickers, if the
7 medallion owner decides to place stickers on,
8 we are requiring they place two, one on each
9 side.

10 Then I have a couple of mockups
11 we made showing how they would look with the
12 new taxicab designs.

13 As you know, it would be in the
14 rear of the window just above the door handle,
15 and this is the Crown Victoria. I have the
16 Toyota Prius, Ford Escape and also the Toyota
17 Sienna.

18 My presentation is complete if
19 you have any questions.

20 COMM. KAY: How come we chose to
21 do it vertical rather than horizontal?

22 MR. ROTH: It was just
23 aesthetics.

24 COMM. WEINSHALL: My guess is if
25 you do it horizontal you are going to block the

1 view of the mirror. Vertical you block less of
2 the view. Aesthetically, what I think is going
3 on.

4 COMM. KAY: I will leave the
5 aesthetics.

6 COMM. WEINSHALL: We have had so
7 many aesthetic presentations on this logo I
8 don't think we should go there.

9 COMM. KAY: Fair enough.

10 CHAIRMAN DAUS: I have a
11 question. Is there a point at which we can
12 decide we want to remove them because it has
13 become common knowledge, like maybe a year or
14 two from now? Is that included in your
15 presentation?

16 MR. ROTH: Of course you could
17 remove them after a certain point in time, but
18 it still would be valuable for tourists who may
19 not be aware that credit cards are accepted.

20 CHAIRMAN DAUS: So the motion
21 that you are requesting we vote on it would be
22 to approve it until we decide to come back and
23 make an affirmative vote to remove them so they
24 will be allowed until further notice?

25 MR. ROTH: Yes.

1 COMM. DEAR: It is optional or
2 mandatory?

3 MR. ROTH: Optional.

4 COMM. DEAR: Is it mandatory
5 they have to put it the way you want it, or
6 they could put it --

7 MR. ROTH: That is correct.

8 COMM. DEAR: Based on the
9 outside of the cab, why would you want to put
10 it on the outside?

11 MR. ROTH: It is on the window
12 as a 2-sided sticker so it will be visible from
13 both the inside and outside.

14 CHAIRMAN DAUS: I have an
15 aesthetic objection to the way that would look,
16 because I don't want it to interfere -- you are
17 talking about the long sticker? It is going to
18 interfere with the whole beautiful logo we came
19 up with.

20 Motion?

21 COMM. AROUT: I make a motion.

22 CHAIRMAN DAUS: Do we have a
23 second?

24 COMM. KAY: Second.

25 CHAIRMAN DAUS: All in favor?

1 (Chorus of "ayes.")

2 CHAIRMAN DAUS: Thank you. Good
3 work. I am sure the vendor is very happy.
4 They had proposed and advocated for this as
5 well. Hopefully that will help with the
6 program that I think is going to help. Every
7 little bit helps. It is going to help
8 awareness. It has functional use, not just
9 aesthetics. It is going to increase awareness.
10 A lot of people don't know that these new cabs
11 are accepting credit cards.

12 I have gotten nothing but
13 positive feedback about the cabs that have been
14 rolled out there, and as we get more of them
15 and there is more heightened visibility,
16 including the sticker, it is only going to make
17 people use the credit cards more often, which
18 means more money for the drivers.

19 Item 7b I am going to table for
20 now due to all of the -- we were kind of pretty
21 much absorbed in the storm contingency plan
22 yesterday so we weren't able to complete this
23 2006 fare adjustment update, but in the near
24 future we will finish that project.

25 This is basically so the data we

1 have collected from the electronic trip sheets
2 so far, very comprehensive, and we have
3 analyzed it but we are not finished so I'll put
4 that on at one of the next Commission meetings
5 and we will go over it.

6 Item 7c, the Accessible Vehicle
7 Demonstration Project, we had several
8 presentations in the past, and this is
9 hopefully our final presentation where we are
10 going to go over our draft rules and a project
11 update.

12 I would like to thank Chuck
13 Fraser and Samara Epstein, who have been
14 working very hard on this project, as well as
15 Liz Weinstein, who is here from OPS, and Jason.

16 Welcome, Jason from the Mayor's
17 Office for People with Disabilities.

18 We have gotten a lot of positive
19 feedback so far from the Commissioners. We are
20 at the point now where Samara is going to make
21 a presentation so that what she is proposing,
22 unless we have any final comments, will result
23 in Chuck drafting rules for hopefully our next
24 meeting.

25 So Samara, thank you and

1 welcome.

2 MS. EPSTEIN: I did a
3 presentation a few months ago that most of you
4 will probably remember. Some of you are new so
5 you won't remember that, but basically what we
6 are looking at is to match the unknown demand
7 for wheelchair accessible taxi service with a
8 limited supply of accessible vehicles.

9 There are 81 accessible vehicles
10 on the road. A person in a wheelchair who
11 needs that vehicle has a lot of trouble trying
12 to flag that down on the road so we are trying
13 to match them up with those vehicles so they
14 are more useful.

15 The idea to do this is to
16 consolidate demand through a central call
17 center. One thing that is very important to us
18 in looking at this is a reasonable level of
19 service.

20 I use the word "reasonable"
21 because we are not sure what "reasonable" means
22 at this point. We are working closely with a
23 bunch of advocacy groups for people with
24 disabilities to help us determine what that
25 means.

1 Again, this is a demonstration
2 project, and the reason for the demonstration
3 project is because we have a lot of unknowns so
4 we are not sure what a reasonable level is
5 going to mean, and that is something we want to
6 figure out when we do this.

7 The demonstration project, the
8 reason we decided to go with this is it really
9 allows us to test the idea of a central
10 dispatch, because we are not sure what it is
11 going to mean for us. It has been very
12 successful in other cities.

13 Chicago has had a lot of success
14 with this. Their program is a little different
15 than ours because theirs is subsidized and ours
16 wouldn't be, but we do have good contacts in
17 Chicago, San Francisco and a number of other
18 cities, and we talk to them about how theirs
19 have worked so that is something that we want
20 to continue doing over the course of this.

21 The demonstration project would
22 gauge the demand for hire accessible service.
23 We would have to be dispatching technology
24 which really isn't out there right now in a way
25 we would be using it; establish best practices

1 using our counterparts in other cities and also
2 groups for people with disabilities in other
3 cities to help us figure that out; and it would
4 also enable us to monitor the program for two
5 years so we can determine how to best provide
6 service in the future.

7 We don't know that this is going
8 to be something that should be continued, or
9 maybe it will be great and something that will
10 want to be continued. This is sort of one of
11 many steps in trying to figure out the best way
12 to provide accessibility in our not for-hire
13 vehicles.

14 What I am going to walk you
15 through today is just sort of a basic outline
16 of the way we envision the rules working to
17 make sure that you are on board with a lot of
18 the ideas before we bring them forward to you
19 for a vote.

20 So the first major group of
21 rules deals with passengers. A major factor in
22 this system is for passengers using wheelchairs
23 only. There are many -- I am sure there are
24 other people that would want to use the system
25 that had disabilities, but we have a limited

1 supply of vehicles right now so we are looking
2 at just assisting people that need the ramp.
3 They need the ramp. They have to get into the
4 car in their wheelchair; they can't transfer so
5 a lot of other people with disabilities can
6 actually hail a car on the street or call a
7 regular community car service, and that is why
8 starting with this program, it is just for
9 people in wheelchairs.

10 They must be able to get to the
11 curb. I think we had an example before from
12 the paratransit driver going up four flights of
13 stairs. This is a passenger that can get to
14 the curb, and then the driver will help them
15 into the car.

16 Passengers who call and are not
17 in wheelchairs, something we are trying to
18 figure out is how can we try and discourage
19 that kind of fraud, because really this is for
20 people in wheelchairs.

21 An idea we had is allowing
22 drivers to charge a person who is not in a
23 wheelchair who call for their service twice the
24 normal fare.

25 Also, if passengers are more

1 than ten minutes late for the ride, the driver
2 is permitted to leave, because they are taking
3 time out of their normal driving rounds
4 schedule picking up rides so we think ten
5 minutes is a reasonable window.

6 And we have been working with
7 people in the industry trying to figure out
8 what a normal standard is, and we will continue
9 to discuss this with the advocates to make sure
10 everyone is okay with that.

11 The next thing I would like to
12 talk about is the drivers. There is a lot of
13 specifications for the drivers, particularly
14 with these rules, because we have to make sure
15 they are going to comply with the system.

16 So the first, and very
17 important, factor is that vehicle drivers have
18 to be properly trained. They are going to be
19 trained to use the technology and trained in
20 helping the passenger in and out of the vehicle
21 and securing them in the vehicle as well.

22 Drivers need to help the
23 wheelchair user in and out, as I just
24 mentioned, so we want to make sure they know
25 how to do this properly; also securing any

1 packages that they may have.

2 They should be available to
3 return to an accessible dispatch. The way this
4 system would work is we sort of envision that
5 the dispatcher would send a message to the
6 driver, and we don't want drivers to say "I am
7 not available."

8 You know, if they are working,
9 if they are driving, they are available.

10 And I added in here something
11 that happens is if a driver is in the middle of
12 something, and they know they can't get there
13 for a half hour, that we are going to allow
14 them to do that. They can estimate a
15 reasonable time based on their activities, but
16 we want them to be available to participate in
17 this system. That is why they are driving the
18 accessible vehicle.

19 If a driver refuses too many
20 dispatches, we don't know what "too many" means
21 yet, we are trying to determine that, then they
22 would be subject to penalties.

23 Drivers put the meter on either
24 at the time of the reservation or when they get
25 to the pickup, whichever one is later, and that

1 is to encourage both the driver and the
2 passenger to be there on time and keep this
3 running efficiently.

4 Lastly, we have to have rules
5 for the vehicles that will be participating in
6 this program so all wheelchair accessible
7 yellow taxis are going to be mandated. They
8 have to meet the TLC specifications for
9 accessible vehicles, which we have up on our
10 website.

11 And of course we will continue
12 to work with Peter and all of the people that
13 work in this industry, manufacturers and second
14 stage manufacturers, to keep having the best
15 vehicles on the road that we can.

16 Wheelchair accessible for-hire
17 vehicles can opt into the dispatch system.
18 Once they opt in, then they are going to be
19 subject to all of the accessible dispatch rules
20 and held to the same vehicle standards as
21 accessible taxis.

22 Also, accessible FHV's that are
23 in the dispatch system would be equipped with
24 meters, because we have to make sure that a
25 passenger calling, since this system would all

1 be together, FHV's and taxis would be in the
2 same system, that that passenger is going to be
3 paying the same amount whatever kind of vehicle
4 they get in, and that is why for the handful of
5 FHV's, we want to put meters in them.

6 There have been a number of people
7 that have been working with us on this project,
8 and we anticipate they will continue to do so as
9 we go through.

10 Once this starts, we are going to
11 be continuously evaluating it and trying to make
12 it better.

13 The Mayor's Office for
14 Disabilities, the Mayor's Office of Operations do
15 it, and 311, because we are anticipating they are
16 going to take the call and transfer it to the
17 dispatcher, and that is because we want this to be
18 an easy number. Somebody that comes in from out
19 of town, we want them to be able to use this
20 system as well. That is one of the reasons we
21 need to use 311 and also why we don't have any
22 sort of certification to participate in this
23 program; because we want anybody to be able to use
24 it at any time.

25 Outreach and discussion, we have

1 already reached out to a lot of different people
2 and will continue to do so. There is advocates
3 for the disability community, central service
4 providers, other cities as I mentioned, and also
5 Easter Seals is a non-profit organization that has
6 been working pretty closely with us.

7 Lawrence Carter Long is here today
8 from the Disabilities Network of New York, and he
9 has been providing a lot of great feedback for us
10 as well.

11 I think we are in a good position
12 to work with a lot of people to make this the best
13 it can be.

14 So the next steps we are looking at
15 is in August and September, we are going to do
16 more outreach. We will soon have a draft of the
17 rules that we can share with people. Advocates,
18 drivers and owners are three groups, and we will
19 post the proposed rules on the TLC website where
20 we would like to be able to have a longer comment
21 period than we always are able to do because we
22 want to get really good feedback on this.

23 In October we anticipate having the
24 public hearing and hopefully having Commission
25 action on the proposed rules.

1 In November we see doing a soft
2 launch, and by that what I mean is we are going to
3 sort of launch it slowly to make sure everything
4 is working so all the vehicles will be equipped
5 with the technology, they will be running, people
6 will be using the system, but we think it is going
7 to take a while to gear up so November would be
8 the beginning.

9 And then January we can come back
10 and update you and let you know how things are
11 going.

12 CHAIRMAN DAUS: Commissioner
13 Giannoulis?

14 COMM. GIANNOULIS: How many
15 accessible taxis are there?

16 MS. EPSTEIN: 81.

17 COMM. GIANNOULIS: I assume this
18 doesn't include the mythical livery taxis that
19 are supposed to exist by law?

20 MS. EPSTEIN: Not right now. We
21 think Easter Seals is going to purchase a bunch
22 of livery vehicles that would participate in
23 this, and also we are planning on doing auction
24 in this fall for 150 medallions. We are going
25 to do that over the course of the next year.

1 COMM. GIANNOULIS: So the
2 dispatcher would be able to speak both to the
3 driver and to the passenger and back and forth?

4 MS. EPSTEIN: Yes.

5 COMM. GIANNOULIS: Would it make
6 sense more then to have as opposed -- if you
7 set up a time for reservation, if I say
8 5:00 o'clock, and somebody is late, either the
9 driver is late or the passenger can't get
10 downstairs for some reason, will anybody -- I
11 am just concerned, and I am sure you are
12 concerned too, that either the driver turns
13 around and says "Well, I was there ten minutes,
14 I went, or" -- I mean --

15 COMM. WEINSHALL: You are asking
16 for some method to call --

17 MS. EPSTEIN: Something that we
18 anticipate is -- you know, human nature. It is
19 not always going to work perfectly, and they
20 are going to need to get in touch with each
21 other. The driver can get stuck in traffic.
22 Anything can happen.

23 The dispatcher that we are
24 negotiating with right now on the contract is a
25 black car dispatcher that does a lot of this

1 kind of work, and something that they are very
2 familiar with doing, especially with their
3 corporate clients; matching up the driver and
4 passenger, and they do a lot, so we expect that
5 the dispatchers' number will be given -- the
6 driver will be able to communicate with them
7 quickly, and the passenger will know they can
8 call if they are wondering why the vehicle
9 isn't there, if there is a problem; that there
10 will be a lot of back and forth.

11 We are also asking to get data
12 on those kinds of communications so we can
13 monitor them.

14 COMM. GIANNOULIS: I would be
15 also concerned about the passengers delays not
16 having to do with anything but their
17 disability. There may be only elevator in the
18 building that they can get onto. There is
19 issues that they can't control that will delay
20 them.

21 Just quickly walk me through
22 this. If I am a driver and I go to a fleet
23 that has accessible vehicles -- of the 81, how
24 many of those are fleet owned?

25 MS. EPSTEIN: All one fleet.

1 COMM. GIANNOULIS: If I am a
2 driver who goes to this fleet and I lease a
3 car, and I get -- in theory the dispatch would
4 attempt to find a taxi that is close to the
5 passenger?

6 MS. EPSTEIN: Yes.

7 COMM. GIANNOULIS: But I am in
8 Manhattan. I get a call saying "Harry lives in
9 Jackson Heights. You have to go pick him up."
10 That is a lot of dead time. That is the
11 problem, I know.

12 MS. EPSTEIN: We have been
13 talking to the owner of the fleet that has
14 these vehicles. I think he wants to make sure
15 that these are being driven and they are on the
16 road, because those are the rules as well, and
17 we are trying to work on different ways that we
18 think might incentivize the drivers to want to
19 do it. He may decide there are certain things
20 he wants to do. I am not even sure yet. That
21 is a valid concern. It is one we have as well.

22 We are going to kind of have to
23 see how this plays out. Again, we don't know
24 where everyone is going to be coming from
25 either and how that is going to work out.

1 COMM. WEINSHALL: Can I just ask
2 this question? Weren't those medallions sold
3 at a discounted rate because they were
4 handicapped eligible?

5 MS. EPSTEIN: Yes.

6 COMM. WEINSHALL: Those
7 medallion owners paid a lower price recognizing
8 that this is a possibility, correct?

9 MS. EPSTEIN: Yes.

10 COMM. GIANNOULIS: I am more
11 talking about the driver.

12 COMM. WEINSHALL: I understand
13 that, I understand that.

14 COMM. GIANNOULIS: That is the
15 real issue.

16 COMM. WEINSHALL: Maybe the
17 fleet owner has to make it up to the driver.

18 All I am saying is there was a
19 certain price that was paid for the regular
20 medallions, and these were at a much discounted
21 rate; they were much lower.

22 The idea was that they were
23 going to have to provide the service, and that
24 is why we discounted the rate.

25 What I am saying is if the fleet

1 owner borrowed money to buy these medallions,
2 he is paying less than the guy with the regular
3 cab and maybe he has to make it up to those
4 drivers.

5 MS. EPSTEIN: Something else we
6 have been thinking about, there might be times
7 of day where drivers are really excited to be
8 able to get dispatches, and we have to see how
9 that plays out as well. It may be an incentive
10 at certain times of the day when you are
11 driving around for a while trying to find a
12 ride.

13 COMM. WEINSHALL: I hear your
14 point. It is going to be hard to get a cab to
15 leave Manhattan to drive to Jackson Heights and
16 pick you up in your wheelchair.

17 COMM. GIANNOULIS: I am not
18 being critical. It is great that you are
19 trying to get this done. It is a real problem.

20 MS. EPSTEIN: It is a valid
21 concern, and I think that we need to try this,
22 and hopefully some of these FHV's that we are
23 going to have in the outer boroughs that are
24 serving as community cars will help with some
25 of that gap.

1 Also, taking reservations in
2 advance allows us to maximize efficiency by
3 having them -- say it is a yellow cab driver
4 and they are routed to do a few rides, they
5 would go to point to point, and it would be at
6 least efficiently routed so it wouldn't be as
7 painful.

8 The on-demand stuff, that is a
9 big question.

10 COMM. GIANNOULIS: Maybe after
11 you do the pilot, you could -- we could try to
12 figure out how to get some money for it.

13 The reality is you could play it
14 out now, because these are statistics. People
15 with disabilities, especially people with
16 wheelchairs, their income is going to be lower,
17 they are going to live in the outer boroughs.
18 It is just reality.

19 You know, it is going to be
20 tough to do it.

21 COMM. KAY: I think there is
22 also a focus -- correct me if I am wrong -- to
23 get the community cars out in the outer
24 boroughs involved in this in some way so you
25 are not just stuck with the 81 yellows that are

1 presumably obviously driving around Manhattan.
2 I think that is important in making this thing
3 work.

4 Certainly this is the service we
5 should do. We should try and roll out and
6 learn from the mistakes of the other services
7 out there, and we should try to work this thing
8 out.

9 COMM. WEINSHALL: Can I ask a
10 question? You said in your presentation there
11 are other cities that do this, and I think you
12 had Chicago, San Francisco and London. What
13 were you able to pick up from those other
14 cities? Is it also a dispatch system? How
15 many cabs do they have? Have they had a
16 problem like this where it has been difficult
17 to get these type of cars to various areas of
18 their city because it is not part of the center
19 city?

20 MS. EPSTEIN: Chicago is a
21 really good example for that, because Chicago
22 has a central business district in the loop,
23 for those of you who know Chicago, and then
24 there are people who live in the suburbs or a
25 little further out that is not in their normal

1 course of cruising around.

2 Chicago and San Fransisco, and
3 all other cities that do it, except for London,
4 that do this, they are usually, you can call or
5 hail at any time so what makes New York City
6 very unique is that we normally have an
7 only-hail system for yellow cabs, and that is
8 why it is a little bit different for us than it
9 might be for them.

10 Chicago also subsidizes the
11 ride. They give out vouchers so something we
12 are not sure about is who is going to take the
13 service for the exactly the reason that you are
14 mentioning; how many people are going to be
15 able to take the unsubsidized service and
16 decide to do that so we really don't know what
17 the demand is going to be for this particular
18 type of service.

19 Chicago, I can't remember how
20 many vehicles they have right now.

21 It is 51 vehicles, and what they
22 ended up doing was mandating that you had to
23 do, I think, two rides a day and so once you
24 had finished your two rides, you didn't have to
25 do more, but that was what they did to tell

1 them that they had to do that, and that was
2 sort of how they handled it.

3 But they have had some of the
4 same kinds of issues, and they are working
5 through them.

6 COMM. WEINSHALL: Thank you.

7 CHAIRMAN DAUS: That is a good
8 question, and I am glad, Commissioner
9 Weinshall, you pointed this out, because we are
10 different from every other city, because we do
11 have this unique hail system for yellow cabs,
12 and the administration has been tremendously
13 devoted to enhancing the rights and the
14 convenience for disabled passengers. It has
15 been a very tough issue to tackle.

16 We have the 150 new medallions.
17 We have this program. I think the
18 Commissioners here have raised some very valid
19 concerns and some challenges. Yes, there is a
20 challenge here. The challenge is that you take
21 this on, not everybody is going to agree with
22 it, not everybody is going to be happy.

23 Certainly at the beginning
24 before the word gets out there will be kinks in
25 the system, so there will be some criticism, so

1 I commend the Mayor, the staff and Commission
2 for spending so much time on this.

3 Quite frankly, we are expending
4 some political capital, and we probably will at
5 some point when we first start getting out
6 there, if it doesn't work, we are going to be
7 criticized, but that is okay.

8 This administration does things
9 that sometimes, you know, people may complain
10 about it, but it is the right thing to do.

11 You know, the disability
12 community doesn't 100 percent support this.
13 There are some people that want to do
14 100 percent accessibility. I don't think that
15 works. We have tried a lot of things over the
16 years. This is the one area where we really
17 need to make a difference and make it happen.

18 I think the plan will work.
19 There may be some kinks in the beginning, but a
20 lot is going to fall on the shoulders of the
21 Mayor's Office for People with Disabilities.

22 Jason and Commissioner Saplin
23 have been there every step of the way, but we
24 need to really get the outreach out there.

25 Not everyone who takes

1 access-a-ride is going to want to use the
2 service. They don't want to use taxicabs.
3 They want to use access-a-ride. That is their
4 decision.

5 There is no way we can determine
6 what the demand is unless we actually get out
7 there, and I think that staff's recommendation
8 that we go with the demonstration project I
9 think is a good one, because we are not going
10 to be taking people like the yellow cab
11 industry who are not used to doing dispatches
12 and telling them from the beginning "Let's just
13 try it and see how it goes."

14 You are taking somebody who has
15 the biggest conglomeration of bases in the
16 black car industry, who does it day in and day
17 out, one of the most successful operators, and
18 I visited practically every black car base in
19 my travels over the years, and they know how to
20 do this. They know how to deal with stranded
21 customers. They have the system down to a
22 science.

23 If we had to pick a way to go, I
24 think this is the way, in my opinion. I think
25 that is going to make it a lot better than if

1 we would have done it on our own with a
2 consultant, and just with the one fleet that is
3 involved in the yellow industry.

4 COMM. GIANNOULIS: Is
5 access-a-ride fully funded, or do the users
6 pay?

7 MS. EPSTEIN: I think they pay
8 the MTA fare.

9 COMM. KAY: It is a very small
10 amount. The costs are extremely high.

11 COMM. DEAR: My concern here is
12 we are starting now to go down a very slippery
13 slope in the sense that yellows was never --
14 the idea of yellows being dispatched was a
15 no-no, and that is why we took out the two-way
16 radios, we talked about all kinds of things we
17 were concerned about.

18 Here what you are doing is
19 mandating the yellow driver. The car service
20 is not mandated in this program, and then what
21 happens is we know the reality is it is just a
22 matter of time before if not half or the entire
23 fleet, new cars are coming out, we are talking
24 about new things happening, we are going to see
25 a lot more accessible vehicles on the street.

1 What is going to happen is we
2 are now going to have a new system that because
3 they are accessible, you are going to have to
4 now have a new type of car service.

5 There are alternatives. The
6 idea with -- the community of disability, all
7 they wanted is the equal access so that is
8 saying "Listen, you don't dispatch cars out."
9 They are in a wheelchair, or if they are
10 disabled, they want to be able to get in a car.
11 That is where we should be focused.

12 I know the frustration we are
13 going through because we want to do something
14 for the community of --

15 CHAIRMAN DAUS: Are you
16 suggesting we just mandate every cab become
17 accessible? That is what it sounds like to me.

18 COMM. DEAR: It is going to
19 eventually happen by itself, and you know that
20 is going in that direction, because you see the
21 new cars coming out, the new ideas.

22 If the standard is going to be a
23 reality, that is going to be an interesting
24 car, and then with the study that the Economic
25 Development Corporation is doing.

1 There are a lot of things we
2 know it is a matter of time, a lot of things
3 are going to be changing.

4 I am just concerned that we are
5 going to start dispatching, where does it stop?
6 All of a sudden we dispatch these kind of cars,
7 and tomorrow we will say, you know what? There
8 is another program we have to dispatch.

9 We have to take a hard look at
10 dispatching yellow cabs. I am not there yet.
11 It is something we should take a hard look at.

12 CHAIRMAN DAUS: Fare enough.

13 COMM. DEAR: The other thing is,
14 Commissioner Giannoulis brings it very well, is
15 someone going to come from here to Jackson
16 Heights?

17 The owner may say go ahead and
18 do it, and he may compensate him, he will do
19 whatever it is, but you have many different
20 drivers, you have many different drivers. If
21 you are going to start going after the drivers
22 for not doing it, I am concerned.

23 There is going to be a new
24 mandate on them, and then what you may have, a
25 lot of drivers saying "I am not taking a car

1 with accessibility. I am not going to be
2 responsible for that."

3 CHAIRMAN DAUS: I understand
4 your point. I disagree.

5 COMM. WEINSHALL: I just want to
6 say one thing. I want to commend the staff
7 also. I know that this sector of the
8 population has been very concerned about this
9 issue, and the one thing I would say is just
10 what Jeff said, which is you try it. If it
11 doesn't work and we got to sort of nudge it a
12 little bit and correct it, I think that, you
13 know, this Commission has to be nimble enough
14 to be able to do that.

15 But I do know this community has
16 for the last two years been crying out for some
17 type of approach.

18 I would just like to commend the
19 staff for sort of coming up with what will
20 probably be a first step in this area.

21 CHAIRMAN DAUS: Again, I know
22 Liz worked on this, Leslie is here, Schwani has
23 joined us from OPS, as well as Carol who is not
24 here -- Carol Post did a lot of work, and of
25 course Jeff, thank you for your staff spending

1 time with us on it.

2 COMM. DEAR: If what we are
3 really doing here is because there is a failure
4 in the other transit system that picks up
5 people with disabilities, if it is a total
6 failure, if we want to be smart, we should tell
7 them to use the dispatch system we are going to
8 use, and start shaking them up, and they get
9 paid for it.

10 I am not disagreeing. This is
11 something we should have a real discussion on,
12 because this is -- the failure of another
13 agency, the Transit Authority on a program
14 that -- I can't believe it -- they are getting
15 paid zillions of dollars for it, and they just
16 don't know how to work. That is they system.

17 Somehow we should take a harder
18 look, and maybe we could be helpful in some
19 way, but I am just concerned because someone
20 else failed, it doesn't mean we have to take
21 over.

22 CHAIRMAN DAUS: We will look at
23 it from that angle.

24 COMM. KAY: It is something that
25 has certainly been on my mind, and I think this

1 is a good shot for us to provide an
2 alternative, but it doesn't mean we should not
3 work with the MTA on this issue.

4 COMM. DEAR: We will fire them,
5 we will embarrass them. We will do it with
6 less cars and do a better job. Maybe they will
7 get embarrassed.

8 COMM. KAY: Start small.

9 CHAIRMAN DAUS: It sounds good,
10 and there may be areas to work together on
11 that.

12 I want to point out,
13 Commissioner Dear, that this is a different
14 service. It is a premium service, and
15 access-a-ride was built for -- to supplant
16 public transportation.

17 This is not public
18 transportation. This is a private industry
19 that people pay more so I think this is
20 something people need to bear in mind.

21 We are not voting on anything
22 today. This is our third staff presentation,
23 so we are not making any decisions, but I would
24 like to ask the staff to work with Chuck Fraser
25 and the Legal Department and the Law

1 Department's attorneys into a draft of rules
2 that we can get out to the stakeholders through
3 the Mayor's Office for People with Disabilities
4 or Constituent Management Office.

5 Let's get some input before we
6 actually bring it here for a hearing, and then
7 we will have our hearing and make our final
8 decision on tweaking this or tweaking that.

9 Any other questions?

10 Thank you, Samara.

11 COMM. AROUT: I vote to adjourn.

12 CHAIRMAN DAUS: We have a motion
13 to adjourn.

14 COMM. WEINSHALL: So moved.

15 CHAIRMAN DAUS: Unanimous.

16 Thank you.

17 (Time noted: 11:50 a.m.)

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CERTIFICATION

I, HELENE GRUBER, a Notary
Public within and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this ____ day of
_____, 2007.

Helene Gruber, CSR

