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NYC TAXI AND LIMOUSINE COMMISSION

PUBLIC MEETING

held on Wednesday, September 10, 2008

40 Rector Street

5th Floor

New York, New York

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

2

P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 IRIS WEINSHALL, COMMISSIONER

7 LAUVIENSKA POLANCO, COMMISSIONER

8 EDWARD GONZALEZ, COMMISSIONER

9 JEFFREY KAY, COMMISSIONER

10 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: Good morning
2 everybody. Sorry to keep everybody waiting.

3 The first item on today's agenda is
4 the Chair's report. We didn't had a quorum at
5 the last meeting, and the meeting before that
6 for July did not take place, so we have a very
7 hefty agenda so my report will be very brief.

8 First and foremost, most of you
9 probably know but I just wanted to apprise
10 everyone who is not in the loop on this, that
11 the TLC has been sued by the Metropolitan
12 Taxicab Board of Trade, which I know is here,
13 with regard to the upcoming effective date of
14 the new fuel efficiency standards.

15 We are not really at liberty, per
16 advice of counsel, to discuss the specifics of
17 the pending litigation, but I do want to say
18 the following: Hybrid electric taxicabs are
19 safe provided that passengers wear their
20 seatbelts, and that the riding public may hail
21 them with complete confidence. We firmly
22 believe that, the TLC does.

23 We have been advised over several
24 years about this and we have done our research
25 and we think that the responsible thing to do

1 at this point, unless ordered by the court
2 obviously, is to move forward. So for those
3 in the industry, we are still moving forward
4 with the October 1st implementation date.

5 To that end we have seen that the
6 numbers themselves in terms of hybrid
7 availability are exactly what we expected them
8 to be. There are plentiful cars available.
9 Many people have already begun ordering their
10 vehicles. And the news for those who are
11 contemplating compliance are that Malibus and
12 Altimas should be reaching the dealers next
13 week for those who are looking to buy those
14 vehicles.

15 I understand that there are Ford
16 Escapes available and that they have been
17 purchased and we have been monitoring it
18 closely. We sent a directive out to this end
19 to try to help as much as we can people to
20 comply. If there are any questions, of course
21 you can call us and we will assist.

22 On the T-PEP program we continue
23 with the same stats for the most part. We
24 still have the average credit card tips
25 averaging at or near 20 percent. The data has

1 continued to hold firm since we have been
2 monitoring this. And we are currently at 94
3 percent compliance, 12,492 cabs are equipped.

4 The Accessible Dispatch Program soft
5 launch has continued. I want to again thank
6 all the testers and the people that have
7 volunteered to help us by testing the 311
8 system and calling for the accessible
9 vehicles. As of today, we have had 231 rides
10 that have been successfully completed, with
11 only 14 cancellations.

12 We are seeing many repeat customers,
13 which is a good thing. But, again, we are
14 still testing the system. It is not fully up
15 and running, not every cab is on the road yet
16 from the last Medallion sale and not every
17 driver has been trained. So we are making a
18 big push to try to train as many drivers as we
19 can so that we can have higher levels of
20 services availability before we start pushing
21 the system and doing public relations
22 outreach. We don't want the system to be
23 overwhelmed right now.

24 I want to thank Samara Epstein,
25 Assistant Commissioner Epstein for all her

1 hard work on this. We have come a long way,
2 and the project is, again, a pilot program,
3 just to remind everybody. But so far, so
4 good. We have had some pretty good results.

5 As Jeff knows, Commissioner Kay, the
6 MMR will be released on September 17th, so I
7 will look for that. That's at least what I
8 was told.

9 There are currently, 1,388 hybrid
10 electric cabs on the road. We have still
11 signs that the commitments of the
12 manufacturers are there, and that includes 50
13 Escapes for month, 50 Malibus per month, and
14 up 200 Nissan Altimas per month.

15 The next scheduled Commission meeting
16 is tentatively set for November 15th, but I
17 would watch our list serve and our website for
18 any changes.

19 And zero tolerance for illegal street
20 hails, we have 1,442 summonses that have been
21 issued to date, and we are going to continue
22 that operation.

23 Any questions?

24 (No response.)

25 CHAIRMAN DAUS: Okay.

1 Item 2, adoption of the minutes
2 actually from two meetings, June 12th, '08 and
3 August 7th, '08.

4 Any comments, questions or changes to
5 the minutes?

6 COMM. AROUT: I move we accept the
7 minutes.

8 CHAIRMAN DAUS: I have a motion to
9 accept. Is there a second?

10 COMM. WEINSHALL: Second.

11 CHAIRMAN DAUS: All in favor?

12 (Chorus of "Ayes.")

13 CHAIRMAN DAUS: Thank you.

14 Item 3, Base Licensing Application
15 Review.

16 MS. STEELE-RADWAY: Good morning.

17 CHAIRMAN DAUS: Good morning,
18 Georgia.

19 MS. STEELE-RADWAY: Licensing would
20 like to present before the Commission 79 bases
21 with a recommendation for approval.

22 Before the Commission votes today, I
23 would like to make note of a small update
24 concerning a memo sent from my office. The
25 application submitted by B01857 was for

1 relocation and not renewal. The executive
2 summary that is within your Commission book,
3 it is correctly indicated as a relocation.

4 CHAIRMAN DAUS: And you are still
5 recommending relocation?

6 MS. STEELE-RADWAY: That's correct.

7 CHAIRMAN DAUS: Okay.

8 Any questions?

9 (No response.)

10 CHAIRMAN DAUS: Okay. Do we have a
11 motion to approve?

12 COMM. AROUT: So moved.

13 CHAIRMAN DAUS: A second?

14 COMM. POLANCO: Second.

15 CHAIRMAN DAUS: All in favor?

16 (Chorus of "Ayes.")

17 CHAIRMAN DAUS: Okay. And we have
18 some denials.

19 MS. STEELE-RADWAY: Licensing is
20 recommending eight bases with a recommendation
21 for denial, with a request that the Commission
22 grant an additional 30 days so that they me
23 present the outstanding items.

24 CHAIRMAN DAUS: Okay. Do we have a
25 motion to deny?

1 COMM. AROUT: So moved.

2 CHAIRMAN DAUS: Is there a second?

3 CHAIRMAN DAUS: Second.

4 COMM. POLANCO: All in favor?

5 (Chorus of "Ayes.")

6 CHAIRMAN DAUS: Okay, so denied.

7 Thank you, Georgia.

8 Items 4, Proposed Rules for

9 Commission Action. I will turn it over to
10 Chuck, but we held a public hearing last month
11 on this and it's up for proposed action.

12 MR. FRASER: Yes. The public
13 hearing was held in August and we did not have
14 the necessary number of Commissioners to take
15 a vote so we tabled it until today. The
16 Commissioners have been given a transcript of
17 the public hearing.

18 The law that these rule would
19 implement was effective September 3rd, and we
20 have put it into effect and are complying with
21 it. The passage of these rules is necessary
22 to conform the rules, our body of rules to the
23 law and to our practice.

24 CHAIRMAN DAUS: Does anybody have
25 any questions?

1 We actually enclosed a complete
2 transcript of the hearing for the
3 Commissioners who were not able to join us
4 because we did not have a quorum.

5 Any questions on the rules?

6 (No response.)

7 CHAIRMAN DAUS: Do we have a motion?

8 COMM. WEINSHALL: So moved.

9 CHAIRMAN DAUS: Do we have a second?

10 COMM. AROUT: Second.

11 CHAIRMAN DAUS: All in favor?

12 (Chorus of "Ayes.")

13 CHAIRMAN DAUS: Thank you.

14 Item 5, Insignia for Accessible
15 Taxicabs. We have some rules and a public
16 hearing.

17 MR. FRASER: This rule is a very
18 simple rule that adds one location for an
19 additional accessible insignia, accessible
20 vehicle insignia. It would be on the hood,
21 the middle of the hood of the taxicab.

22 This was done in response to feedback
23 we had from the public that the two accessible
24 insignia that we have on the side under our
25 existing rules are not sufficiently visible to

1 facilitate street hailing by people who need
2 to get the accessible taxicab. This rule was
3 published for comment on August 8th. No
4 comments were received.

5 CHAIRMAN DAUS: Okay. Samara will
6 say a few words about this and then we are
7 going to go right to the public hearing.

8 MS. EPSTEIN: What I just handed the
9 Commissioners is a picture of what it will
10 look like on the car. So as you can see, it
11 is blue, it is on the front hood.

12 This is based on a lot of feedback
13 that we got from people that use cabs, that
14 the big problem was being able to see them as
15 they were approaching. By the time you saw
16 the logo on the back, it was too hard to see
17 and they had already gone.

18 So most of the people we spoke with
19 really did like this and felt it would make a
20 big difference. And the blue is sort of the
21 blue that is generally used to show that
22 something is wheelchair accessible. This is
23 how big it is going to be. The yellow just
24 shows that it is clear. It is just like all
25 the other new logos, clear that you put on the

1 car. We will ask people to add these to the
2 front hood. I also included in the packet
3 what one looks like now, which is in the rear
4 of the car.

5 CHAIRMAN DAUS: Thank you.

6 We have only one registered speaker.
7 That's Jean Ryan from Disabled In Action.

8 Ms. Ryan, are you here?

9 (No response.)

10 CHAIRMAN DAUS: No.

11 Does anybody else wish to be heard on
12 this rule?

13 (No response.)

14 CHAIRMAN DAUS: Do we have any
15 discussion, comments, questions, motions?

16 COMM. AROUT: I make a motion to
17 accept.

18 CHAIRMAN DAUS: Do we have a second?

19 COMM. KAY: Second.

20 CHAIRMAN DAUS: All in favor.

21 (Chorus of "Ayes.")

22 CHAIRMAN DAUS: Great. The rules
23 pass.

24 The next item on the agenda is the
25 actual insignia itself. I believe we have to

1 make a separate motion, Chuck, to approve this
2 particular insignia.

3 Do we have a motion to approve?

4 COMM. WEINSHALL: So moved.

5 CHAIRMAN DAUS: Is there a second?

6 COMM. AROUT: Second.

7 CHAIRMAN DAUS: All in favor?

8 (Chorus of "Ayes.")

9 CHAIRMAN DAUS: Very good. That
10 completes item 5 on the agenda.

11 Thank you, Samara. And I want to
12 thank the disability community for all their
13 input that has led to this.

14 We will now go to item 6, proposed
15 rules for a public hearing and Commission
16 action, Medallion Taxicab Rules being Amended
17 Regarding Vinyl Upholstery, removing it from
18 the front seats.

19 MR. FRASER: This is a rule that
20 relates to a safety matter that was recently
21 brought to our attention. It relates, in,
22 part -- well, it relates entirely to the
23 technology that is in the front seats of new
24 model vehicle that detects the weight and
25 position of the person sitting in the front

1 seat in order to regulate the deployment of
2 the air bags, front air bags.

3 The vinyl coverings that are mandated
4 for taxicabs, and have been for decades, alter
5 the device's calculation of weight and
6 position in a way that would interfere with
7 its regulation of the deployment of the air
8 bags. In addition, the vinyl covering
9 potentially could interfere with deployment of
10 the side air bags. And, finally, the rule
11 also addresses the use of the seat cushions
12 and back rests and so on in these seats.
13 Those devices also can interfere with the
14 occupant classification system that regulates
15 the deployment of the air bags.

16 So these proposed rules would
17 eliminate the requirement for vinyl seat
18 covering on a seat that has the OCS in it and
19 would disallow the back rests and the seat
20 cushions and those kind of devices also.

21 We published the rules for comment on
22 August 8th and we received no written
23 comments.

24 CHAIRMAN DAUS: Before we go to the
25 first speaker, Samara, how could the industry

1 know to get these?

2 MS. EPSTEIN: The suppliers that
3 print the logos already have the files so we
4 will send them to them.

5 CHAIRMAN DAUS: Okay.

6 MS. EPSTEIN: And the same printers
7 as are already on the website that print the
8 rest of the logos.

9 CHAIRMAN DAUS: Pre-approved
10 printers, okay,.

11 MS. EPSTEIN: And more people can
12 sign up if they want to on the website.

13 CHAIRMAN DAUS: Excellent.

14 The first registered speaker is Erhan
15 Tuncel from the League of Mutual Taxicab
16 Owners.

17 MR. TUNCEL: Good morning,
18 Commissioners, Commissioner Daus.

19 My name is Erhan Tuncel. Thank you
20 for the opportunity to speak today. The vinyl
21 seat covers are mandated in cabs for the
22 safety of the riding public. The materials
23 used by car manufacturers for the seats are
24 extremely flammable, making them a fire
25 hazard. Vinyl seat covers, which are required

1 to be fire retardant, eliminate this fire
2 hazard. They are also essential to keeping
3 cabs clean and odor free.

4 As for the air bags, I have done a
5 few hours of research on them and I am
6 convinced that the seat covers will not
7 prevent the air bags from functioning
8 properly. Please allow me to explain, as I
9 might run over the allocated time.

10 Air bag deployment is controlled by
11 numerous sensors which are placed throughout
12 the cars. If you please turn to page 1 of the
13 package I provided to you, I am going to talk
14 about the occupant classification sensors and
15 the control unit which are located in the
16 front seat.

17 Please turn to page 2. The passenger
18 side front seat incorporates an occupant
19 classification system that measures the weight
20 on the passenger seat, determining the
21 presence of a child or adult to control the
22 air bag deployment.

23 Occupant classification ECU is the
24 brain that controls the system by weighing the
25 passenger based upon the signals from the

1 occupant classification sensors that are
2 located in the tracks of the seat. This
3 system recognizes the occupant to be a child
4 if it detects a weight of less than
5 approximately 80 pounds and disables both
6 front and the side passenger air bags.

7 In my car, a Toyota Sienna, vinyl
8 seat covers do not affect the performance of
9 the occupant classification system. I would
10 be willing to provide my vehicle to show how
11 well the system works, despite the seat
12 covers. I spent an hour chatting with the
13 manager for the parts department for Toyota of
14 Manhattan.

15 The first thing worth mentioning to
16 you is that not all Siennas have their front
17 side air bags installed in the seat. Some of
18 them are installed in the B pillar, which is
19 the beam right next to the front seat. From
20 my vehicle VIN number, he informed me that my
21 car has then installed in the B pillar, which
22 is not in the seat.

23 For those vehicles that have the air
24 bags installed in the seat, I understand the
25 concern. But my research has me convinced

1 that with a low cost modification of the vinyl
2 covers, we can put all worries to rest.

3 Please turn to page 3. The picture I
4 provided on page 3, the parts manager at
5 Toyota informed me that if located in the
6 seat, the front passenger air bag deploys from
7 the front seam on the side of the seat, which
8 I have marked on the picture. This seam is
9 stitched with a weaker thread to allow the air
10 bag to deploy.

11 The vinyl seat covers can be modified
12 to look like a sleeveless shirt on that side.
13 In other words, just like the picture in front
14 of you, right side of the passenger seat and
15 the left side of the driver seat can be left
16 blank, exposing the manufacturer's original
17 material and the front seam, allowing the air
18 bag to deploy if OCS commands them to.

19 I am hoping you allow me to show you
20 my taxi and explain in greater detail how this
21 sleeveless seat cover approach can work.
22 Vinyl seat covers were mandated to protect
23 both drivers and the passengers. They help us
24 keep our cabs clean. We should not sacrifice
25 from one safety issue to address another when

1 there is a reasonable solution.

2 I will take any questions you may
3 have.

4 CHAIRMAN DAUS: Questions?

5 COMM. POLANCO: I just have a
6 question as to when was it that we became
7 aware of this issue and who was it that made
8 that determination, and which vehicles are
9 involved, and does that apply to all vehicles?
10 Will that involve hybrid vehicles?

11 CHAIRMAN DAUS: Peter was involved
12 in it actually.

13 MR. FRASER: Actually, it is not a
14 hybrid vehicle issue. It is a new technology
15 issue. In other words, these systems also
16 exist in nonhybrid cars. It has nothing to do
17 with hybrids. It has to do with the current
18 air bag technology.

19 It was first brought to our attention
20 by Nissan in June.

21 CHAIRMAN DAUS: And immediately after
22 knowing about it, Assistant COMMISSIONER
23 Schenkman suggested that we err on the side of
24 safety and make these changes immediately. In
25 fact, if we vote on it today, it will go into

1 effect immediately; correct?

2 MR. FRASER: As soon as the Mayor
3 signs.

4 CHAIRMAN DAUS: As soon as the Mayor
5 signs the dispensement of the 30-day
6 publication rule.

7 Do you have any comments on Mr.
8 Tuncel's suggestion, Peter?

9 MR. SCHENKMAN: I spoke to Mr.
10 Tuncel earlier and I said that if the
11 gentleman who had designed the seat cover was
12 confident enough, he could present it as a
13 pilot. But to understand that he would be
14 contradicting the very vehicle engineers that
15 designed the vehicle.

16 CHAIRMAN DAUS: Right. And you
17 would obviously put him in touch with the
18 manufacturers to make sure that they were okay
19 with this?

20 MR. SCHENKMAN: Correct.

21 CHAIRMAN DAUS: All right, does that
22 answer your question, Commissioner?

23 COMM. POLANCO: In terms of
24 expenses, how much would it be for them to
25 remove it and so forth?

1 MR. SCHENKMAN: Well, it can be done
2 as simply as a pair of scissors.

3 COMM. POLANCO: Thank you.

4 CHAIRMAN DAUS: The next speaker is
5 Mr. Ron Sherman from MTBOT.

6 MR. SHERMAN: Good morning, Mr.
7 Chair and Commissioners. I am Ron Sherman,
8 President of Metropolitan Taxicab Board of
9 Trade which represents 27 fleets and 3,500
10 yellow Medallion taxicabs.

11 MTBOT has been concerned about hybrid
12 taxicabs ever since they were introduced.
13 They are not purpose-built taxis like the
14 Crown Victoria. They are untested and none of
15 them come with manufacturer's assurance that
16 they can even be placed into operation as
17 taxicabs.

18 They do come with plenty of
19 manufacturer's warnings such as not to install
20 after-market seat covers. It has become
21 painfully clear that the TLC, which maintains
22 a Safety and Emissions Division, didn't bother
23 to read the hybrid manufacturer's owners
24 manuals which specifically and repeatedly warn
25 against after-market seats because they may

1 interfere with air bag sensors. The same
2 manuals warn against any modification to
3 hybrid vehicles that would petitions, which,
4 like vinyl seats, may prevent air bags from
5 properly deploying or from deploying at all.

6 So what do we do now?

7 The TLC would like Medallion owners
8 to take vinyl seats out. Obviously, you can't
9 have anything that compromises the safety
10 systems of the vehicle so it is the only thing
11 to do. Leaving it at that misses the point.
12 The clear fact is that hybrids are not meant
13 to be taxicabs. Hybrids are too small to
14 comfortably transport passengers. They have
15 inadequate rear occupant spaces that increase
16 the likelihood of injuries in an accident and
17 they were not designed for 24/7 commercial
18 use, and when modified with petitions, they
19 are downright dangerous.

20 New York City taxicabs have way too
21 many requirements that hybrids just can't
22 meet. You need vinyl seats to ensure the
23 hygienic taxicab and to protect against wear
24 and tear. You need petitions to protect
25 drivers from being killed, mugged or

1 assaulted. You need a vehicle that can meet
2 the stringent needs of this industry, and no
3 hybrids so far has met any of those
4 requirements.

5 While the number one concern must
6 always be safety, I must state for the record
7 that Medallion owners are the ones that have
8 to pay for this mistake. One of our fleets,
9 Gotham Yellow, must now remove vinyl seats
10 from 150 hybrid Ford Escapes at an estimated
11 expense of nearly \$40,000.

12 Keep in mind that the stretch Crown
13 Victoria comes in a, quote, "taxi package"
14 with manufacturer installed vinyl seats along
15 with numerous features designed for wear and
16 tear and heavy duty usage of the New York City
17 taxicabs. We don't see these issues with the
18 Crown Vic because they are real taxicabs, not
19 just passenger cars painted yellow.

20 Thank you.

21 CHAIRMAN DAUS: Thank you, Mr.
22 Sherman.

23 Questions?

24 (No response.)

25 CHAIRMAN DAUS: Okay. Next speaker

1 is Mr. Vincent Sapone from LOMTO.

2 AUDIENCE MEMBER: He is not here.

3 CHAIRMAN DAUS: Okay, the next
4 speaker is Mr. Bill Lindauer from Taxi Workers
5 Alliance.

6 MR. LINDAUER: I am glad the Taxi
7 Board of Trade is interested in safety, but I
8 think maybe it's the cost that bothers them.
9 But I think that there should be an
10 independent review.

11 I mean, drivers suffer from
12 hemorrhoids a lot, they have these donuts they
13 sit on. They have back rests. They are in
14 the cab 10 to 12 hours or more a shift, so
15 they have all these health problems. It is
16 not only comfort, it's health.

17 And I think we should explore further
18 so that we don't have to sacrifice safety, or
19 comfort and health for safety. We can have
20 all three. We can have it all, but I think it
21 needs a little further exploration because we
22 want drivers to be happy and healthy. So I
23 wouldn't rush into things.

24 I would suggest reasonable judgment,
25 common sense; okay?

1 CHAIRMAN DAUS: Yes, Commissioner

2 Kay?

3 COMM. KAY: I actually happen to
4 agree with Mr. Lindauer, which is a first. I
5 think action now is important because we have
6 been advised that these things are unsafe and
7 we need to make sure of that. But I just want
8 to make sure and ask staff to explore the
9 possibility, as I think Peter said he would
10 do, which is put the gentleman in touch with
11 the manufacturers. If there are possibilities
12 to make it easier on the drivers, safer and
13 healthier, I think we should explore that.

14 With that said, I don't think we are
15 making haste. I think we are being prudent
16 and we should pass these today. But I do hope
17 that we can take a look and see if there are
18 some things that don't impact that restraint
19 system that would provide that extra comfort
20 and health for the drivers.

21 CHAIRMAN DAUS: Okay.

22 COMM. KAY: Peter, I know you said
23 you would talk with them. I hope that we can
24 get an update next month.

25 Thank you.

1 CHAIRMAN DAUS: Thank you, Jeff. I
2 agree.

3 COMM. POLANCO: I just want to make
4 something clear. Is it just Nissan or is it
5 the whole auto industry that is basically
6 advising us to remove the vinyl seats?

7 MR. FRASER: The latter.

8 Nissan brought it to our attention,
9 but, obviously, we checked around the entire
10 industry as to all the vehicles we use, yes.

11 It is the device. It's nothing about
12 Nissan in particular. It is the device itself
13 that creates the issue.

14 CHAIRMAN DAUS: And it is important
15 to recognize, too, that these are long-
16 standing regulations. These have been rules
17 for many, many years, and one of the things we
18 are doing with the newer vehicles, obviously,
19 being responsive is when concerns are brought
20 up, we need to act promptly to make sure
21 safety is first and foremost.

22 COMM. POLANCO: So in terms of the
23 OCS system being installed in these various
24 vehicles and also the vinyl seats, it is just
25 that they are bringing it to our attention

1 now?

2 CHAIRMAN DAUS: I don't know if there
3 are that many on the road. Nissan barely had
4 one or two on the road. I mean, this is new
5 cars just being put out there.

6 COMM. GONZALES: I do have a
7 question. The old Siennas, does the same
8 thing apply to that vehicle as well?

9 CHAIRMAN DAUS: Yes.

10 COMM. GONZALES: So it is not
11 necessarily a hybrid vehicle design issue?

12 MR. FRASER: No.

13 CHAIRMAN DAUS: I guess the good
14 news is that the automobile industry, as time
15 has gone one over the last several years, is
16 being responsive. They made seat belts
17 better, they are making air bags better, they
18 are making more air bags in more places. P.

19 So the things Peter is trying to
20 grapple with in safety and emissions is
21 dealing with these after-market mandates that
22 have been at TLC rules for years and making
23 sure that changes are made to ensure that the
24 safety of the vehicles remains in tact.

25 We have done that with partitions.

1 We have done that with this situation here.
2 So that type of proactive approach where Peter
3 is constantly in touch with the manufacturers
4 has led to us finding this problem quickly and
5 correcting it quickly.

6 COMM. GONZALES: And one last
7 question. This particular issue, has this
8 been incorporated into the Taxi of the Future
9 design?

10 CHAIRMAN DAUS: Well, we are not
11 really there yet in terms of sending out any
12 Taxi of Tomorrow documents or any final
13 decisions, but, obviously, that is something
14 that is in discussion.

15 Nothing has been designed on the Taxi
16 of Tomorrow, but these are the type of things
17 that we want to specify whenever we do Taxi of
18 Tomorrow to learn from these issues.

19 COMM. GONZALES: Okay.

20 CHAIRMAN DAUS: Any other questions?

21 We actually do have a couple more
22 speakers. Osman Choudhury from Taxi Workers
23 Alliance?

24 Not here, okay. David Pollack is the
25 last speaker from Taxi Safety.

1 MR. POLLACK: David Pollack,
2 Executive Director of the Committee for Taxi
3 Safety. Good morning Commissioners, Mr.
4 Chairman.

5 I would just like to say that if
6 removing vinyl seats which cover cloth seats
7 is safer for the passenger and safer for the
8 driver, of course, you can't be against
9 something like that. However, Ron Sherman
10 mentioned that one of his fleets is spending
11 \$40,000 on the removal. Erhan Tuncel didn't
12 mention cost, but had some other ideas. And,
13 obviously, it may cost him something. And
14 Deputy Commissioner Schenkman mentioned you
15 can just take a pair of scissors.

16 If that is so, why not have the TLC,
17 at inspection just cut off the vinyl so there
18 is no expense to the driver owned vehicle or
19 DOV drivers who purchase their own taxis.

20 That is all I wanted to say. And I
21 would like to yield any remainder of my time
22 for Jean, if possible, because she is a little
23 late to speak on the accessible logos.

24 CHAIRMAN DAUS: David, you are the
25 final speaker. But our job first and foremost

1 is safety. I sympathize with any costs,
2 obviously, that are being borne by the owners.
3 I think we all do. But safety comes first and
4 this is an important matter.

5 As soon as matters are brought to our
6 attention, as soon as Peter's research and his
7 staff's research indicates that there are
8 issues and there are problems, it is our, I
9 believe, public responsibility as
10 Commissioners to act quickly and swiftly and
11 decisively, to the point where I asked the
12 Mayor to dispense with the 30-day requirement
13 if we pass these rules, which means it will
14 become effective immediately.

15 And to be proactive, we also sent
16 warnings and notices to all of the people who
17 were affected ahead of time asking them to
18 voluntarily remove these vinyl seat covers.
19 Like Commissioner Kay indicated, no one here
20 disagrees with the fact that if there is some
21 other alternative to make life easier for
22 drivers and also keep them safe and keep their
23 passengers safe, then that's something that we
24 are open to.

25 We know that you spend hours and

1 hours each day as drivers, driving without
2 actually getting a break or getting out of the
3 cab. And for those of you who take long road
4 trips who don't drive cabs, you know, a couple
5 of hours usually gets people all unsettled.
6 So we understand that.

7 There may be options to reconsider,
8 but let's move forward as part of our good
9 pilot program process. But on these rules, I
10 think we need to vote for safety. We need to
11 make these changes. So my vote is to go with
12 that.

13 Did you have a comment?

14 COMM. POLANCO: Yes, one final
15 comment.

16 Why was it that the vinyl seats were
17 required in the beginning? Why pass a law to
18 require vinyl seats in these vehicles? Why
19 was it a law? I just want to know the purpose
20 of it.

21 CHAIRMAN DAUS: It's a long-standing
22 law, I don't remember. It certainly precedes
23 my involvement with the Commission.

24 MR. FRASER: As far as we can tell,
25 it predates the existence of the Commission in

1 1971. The best we can tell, the original
2 intention was just cleanliness and so on. In
3 other words, it is easier to clean than a
4 cloth seat and that sort of thing.

5 COMM. POLANCO: So it had nothing to
6 do with comfort or safety or anything like
7 that?

8 MR. FRASER: I don't think it is
9 more comfortable. In fact I guess I would say
10 vinyl may be a little less comfortable than a
11 cloth seat, but I think the intention was
12 hygiene, cleanliness, because, obviously, you
13 have a heavy use of the seats.

14 CHAIRMAN DAUS: Heavy use, the seats
15 would get ripped, people having too much of a
16 good time one night, you know what happens,
17 people vomit. I mean, it happens, and that's
18 why. So that's where we are.

19 Any questions?

20 (No response.)

21 CHAIRMAN DAUS: Motion?

22 COMM. AROUT: So moved.

23 CHAIRMAN DAUS: Do we have a second?

24 COMM. GONZALES: Second.

25 CHAIRMAN DAUS: All in favor?

1 (Chorus of "Ayes.")

2 CHAIRMAN DAUS: Okay, it's
3 unanimous. Thank you. That concludes item 6.

4 Item 7, I would like to ask for a
5 motion to close the public meeting and convene
6 in executive session to consider two
7 outstanding Commission Appeals that have been
8 adjourned several times.

9 First is TLC versus Harold Jean
10 Baptiste, Hack License No. 435679. And the
11 second is TLC versus Katomah Dolley, Hack
12 License No. 5202175.

13 Do I have a motion to convene to
14 executive session?

15 COMM. WEINSHALL: So moved.

16 CHAIRMAN DAUS: A second?

17 COMM. AROUT: Second.

18 CHAIRMAN DAUS: All in favor?

19 (Chorus of "Ayes.")

20 CHAIRMAN DAUS: Okay, thank you
21 everybody.

22 (Time Noted: 10:25 a.m.)

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

I, MARGARET EUSTACE, a Shorthand
Reporter and a Notary Public, do hereby
certify that the foregoing is a true and
accurate transcription of my stenographic
notes.

I further certify that I am not
employed by nor related to any party to this
action.

MARGARET EUSTACE,
Shorthand Reporter