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NYC TAXI AND LIMOUSINE COMMISSION

PUBLIC MEETING

held on Thursday, October 11, 2007

40 Rector Street

5th Floor

New York, New York

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

2

P R E S E N T:

3

4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 NOACH DEAR, COMMISSIONER

6 IRIS WEINSHALL, COMMISSIONER

7 HOWARD R. VARGAS, COMMISSIONER

8 EDWARD GONZALES, COMMISSIONER

9 LAUVIENSKA POLANCO, COMMISSIONER

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11 CHARLES FRASER, GENERAL COUNSEL

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1                   CHAIRMAN DAUS: Could everybody take  
2 their seat, please. We are going to get  
3 started.

4                   Good morning, everyone. I would like  
5 To proceed to Item 1 on the agenda, the  
6 Chairman's Report.

7                   We have, first of all, another  
8 potential taxicab service disruption that is  
9 being planned for October 22nd. As the Mayor  
10 had stated, we are going to be taking a look  
11 at the contingency plan that was in place  
12 during the last taxi work disruption and we  
13 will be announcing any changes, if any, to it  
14 very soon. So you should be hearing something  
15 probably coming out of the Mayor's office,  
16 some type of announcement for the industry to  
17 know what the contingency plan will be.

18                   On taxicab technology service  
19 enhancements project, a couple of updates.  
20 First of all, many of you may have heard that  
21 we have been sued in federal court. There was  
22 some litigation commenced to try to stop the  
23 program basically. Without going into all the  
24 legal theories, there was a motion for a  
25 preliminary injunction to halt the program

1 pending the lawsuit proceeding which the  
2 plaintiffs had made, and the judge had denied  
3 that about a week or so ago.

4 What that means is that the program  
5 is allowed to continue, the roll out continues  
6 in full force, but the underlying lawsuit does  
7 remain pending and is going through discovery  
8 and the usual motions that lawsuits go  
9 through. So as we are moving forward, I just  
10 want to give everybody a status update as of  
11 yesterday. 24 percent, actually closer to 25  
12 percent of all cabs, have been equipped with  
13 the new taxicab technology.

14 The roll out is proceeding very  
15 smoothly. Now it is at the inspection  
16 facility where Assistant Commissioner  
17 Schenkman and his staff are checking and  
18 testing these vehicles and making sure that  
19 they are all properly installed before a cab  
20 is allowed to proceed onto the road following  
21 an inspection.

22 We have also performed additional  
23 quality control testing. Over 50 percent of  
24 the units out there have been subjected to  
25 additional ongoing rigorous quality control

1 and functionality testing to make sure that  
2 all the service level agreement components  
3 that these vendors are required to meet are  
4 being met.

5 The good news, of all those vehicles  
6 tested, 99 percent of them have passed every  
7 single service level goal that they are  
8 supposed to meet. And we are going to  
9 continue that live testing which involves also  
10 us taking the cars out ourselves, piloting  
11 them and testing them and running the credit  
12 card swipe through. The one area that may  
13 even improve further is the credit card  
14 swiping capacity, which now potentially could  
15 go to three to five seconds with one of the  
16 companies from start to finish.

17 The preliminary data that we have  
18 analyzed also shows that of those transactions  
19 over the last several months where people are  
20 using credit cards, that credit card tips are  
21 are averaging about 21 percent, which is  
22 higher than many people expected, somewhat  
23 what we anticipated. So we will keep an eye  
24 on that.

25 We have a couple of issues that we

1 are dealing with which the industry should  
2 know about. There are some industry notices  
3 and letters that have gone out over the last  
4 couple of days that one of the companies  
5 called Taxicab Technology has some issues not  
6 relating to the functionality of the units,  
7 but primarily relating to other requirements  
8 under our contracts.

9           They must correct those issues within  
10 30 days; otherwise, their contract will be  
11 terminated. But they do have a chance to  
12 correct those issues. Based on that, we have  
13 sent letters out to all of the people who had  
14 signed contracts with this company, about  
15 2,200 medallion owners are affected. What we  
16 basically did for them was we allowed them an  
17 extension of time. We don't want those people  
18 who were diligent in signing these contracts  
19 to be affected adversely, so for anyone who is  
20 scheduled to have an inspection or had  
21 scheduled an inspection for October 1st  
22 through November 30th who has a signed  
23 contract with Taxi Technology, they will get  
24 an extension until their next scheduled  
25 inspection, which would be, obviously, four

1 months.

2 They still have to come for their  
3 inspection to get their vehicle inspected, but  
4 they won't have to show that they had the unit  
5 installed until the next scheduled inspection  
6 after that.

7 As of December 3rd, that doesn't  
8 apply. If you have a contract with Taxicab  
9 Technology and you are scheduled for  
10 inspection on or after December 3rd, you must  
11 have a unit installed.

12 Also, Garden In Transit, I am sure  
13 many of you have seen that there are flowers  
14 on many cabs out there. I have received many  
15 positive phone calls about, they look great.  
16 There are several thousands out there, we  
17 don't have an actual number. But Portraits of  
18 Hope, that is leading the volunteer effort and  
19 heading up the project, estimates that there  
20 is anywhere between two and 5,000. But  
21 everywhere you look if you stand on a street  
22 corner long enough, you see them. They look  
23 great.

24 We are going to also be seeing more  
25 about it on New York One. Everyone who was

1           involved with Gardens In Transit has been  
2           named New Yorker of the Week, so there should  
3           be are a very, very nice spot on New York One  
4           this coming weekend.

5                         Also the new taxicab logos that the  
6           Commission approved are out there. They look  
7           great. We get lots of compliments on them, a  
8           nice sleek inviting look. We anticipate that  
9           least 10 percent of the fleet have them at  
10          this point. That is confirmed. But there are  
11          also a lot of people that are voluntarily  
12          putting them on before their inspection. So  
13          everywhere you look you see flowers and these  
14          new logos, so it is very exciting this fall,  
15          new looks for our cabs.

16                        The big news of the day is the  
17          medallion sale. We have a medallion sale  
18          update for all of you. There were a couple of  
19          seminars that were held, the first on  
20          September 28th and the second on October 3rd.  
21          They were well attended. This year we are  
22          going to going to have a streaming video of  
23          the actual seminar. For those of you who  
24          could not make the seminars to learn more  
25          about the ability to purchase a medallion in

1           our upcoming auction, you will be able visit  
2           our website and watch the whole thing live.

3                       We also had our first technical  
4           workshop yesterday where people come in who  
5           have already decided that they are very  
6           interested in buying a cab medallion and want  
7           to get some advice on filling out the  
8           paperwork and how to go about applying at the  
9           auction.

10                      There is one more technical workshop  
11           that is scheduled for Tuesday, October 16th  
12           from 10:00 to 11:00 a.m., and also from 6:00  
13           to 7:00 p.m. and I think those are being held  
14           here at 40 Rector Street in this room.

15                      The first auction will be for 63  
16           accessible individually owned and operated  
17           medallions. The minimum upset price has been  
18           set at \$189,000, which is a very, very low  
19           upset price that we set to spark interest,  
20           especially since there are additional expenses  
21           that go along with purchasing an accessible  
22           vehicle. So we hope that will spark a rise in  
23           bidding.

24                      We have bid collections scheduled for  
25           October 26th, the 29th, and also the 31st,

1 from 9:00 a.m. to 12:00 noon at 40 Rector  
2 Street. The bids will be opened on November  
3 1st. There will be one more final auction of  
4 accessible medallions at a date to be named in  
5 spring 2008, and that basically wraps it up  
6 for all of the medallions that we are legally  
7 obligated and authorized to sell.

8 The Rules Revision Project, I want to  
9 thank the Commissioners for spending a lot of  
10 their valuable time meeting with our rules  
11 consultants. We have a very aggressive  
12 timetable and schedule, which we are moving up  
13 very quickly. Basically everywhere I look  
14 around the office, I see these consultants  
15 from TATC swarming and interviewing people,  
16 including staff.

17 Most of the Commissioners have been  
18 interviewed, one-on-one meetings, talking  
19 about what they would like to see out of our  
20 rules, what they should look like, raising  
21 issues, and just a broad-based question and  
22 answer session. We also going to be extending  
23 that review and initial analysis by the  
24 consultants to the industry. So all of the  
25 major stakeholders in the industry will be

1           contacted and have those orientation meetings  
2           with the consultants.

3                     And, in addition, at some point right  
4           after, that we will be holding focus groups  
5           with actual members of the industry that are  
6           more concentrated to basically get people's  
7           impression of what the rules should look like,  
8           and should read and how they should be  
9           organized. We plan to present the report to  
10          the Commission, and also some revised or  
11          clarified rules, before the end of the year.

12                    So I want to thank you Andy Salkin  
13          and also David Klahr for heeding our request  
14          to work with the consultants to move this time  
15          frame up and get this done as soon as we can.  
16          A lot of the Commissioners are very exited  
17          about it. I got some positive feedback from  
18          the Commissioners that met with the  
19          consultants so far, so we are on our way.

20                    We have a bill signing this Tuesday  
21          with Mayor Bloomberg. He basically signed a  
22          Bill that was passed through the City Council  
23          and will become law requiring that commuter  
24          vans stickers on the side. Initially Chairman  
25          Lew had requested that vans be painted a

1 different color. We didn't think that that  
2 was that workable in terms of solving the  
3 issue of passengers and law enforcement being  
4 able to identify the legal from the illegal  
5 vans.

6 The compromise that we reached, the  
7 administration and the Council, which I think  
8 is a good compromise, that we are going to  
9 have stickers that are going to go at various  
10 points on the van that are going to be  
11 designed by us to be foolproof, fraud  
12 resistant, going to have a hologram and very,  
13 very difficult to be replicated. The last  
14 thing we want is imposter commuter vans out  
15 there who have no insurance and aren't  
16 licensed and haven't been inspected, picking  
17 people up with some bogus stickers.

18 So that's something that will be  
19 brought to the Commission in some form over  
20 the next couple of months, and staff is  
21 researching the best way to come up with a  
22 prototype sticker, and at some point the  
23 Commission will have to vote on something to  
24 implement this new legislation.

25 We have two upcoming Commission

1 meetings, we are actually slightly off  
2 schedule. We are going to do the November  
3 Commission meeting on a Tuesday, which is  
4 November 13th, and go back on our regular  
5 schedule for Thursday, December 13th.

6 The November meeting we have the  
7 accessible dispatch program rules that the  
8 Commission has reviewed several times at prior  
9 meetings. There is going to be a public  
10 hearing on those rules. And we are hoping at  
11 the December meeting we will be able to have a  
12 public hearing on 25/30 miles per gallon  
13 requirements for the taxicabs.

14 Also, on a personnel note, I don't  
15 know if she is here, but we have an Urban  
16 Fellow, Kirsten, welcome. Kirsten Iler (ph)  
17 is joining our staff. For those of you who  
18 don't know about the Urban Fellow program, she  
19 is a graduate of Barnard, a recent graduate.  
20 Also studied at the London School of  
21 Economics.

22 The Urban Fellows Program is very  
23 prestigious program that the city holds where  
24 we actually don't interview and pick the  
25 scholars; they pick us, which is kind of a

1           vote of approval what we do is interesting and  
2           exciting and that we have good people to work  
3           with here. Basically the best and the  
4           brightest are selected by Commissioner Herst's  
5           staff at the Department of Citywide  
6           Administrative Services and they basically go  
7           to the different city agencies and they  
8           interview the agencies. And Kirsten was kind  
9           enough to select us, so welcome, and we look  
10          forward to working with you. She is going to  
11          be working on a lot of policy administrative  
12          and operational issues over the next nine  
13          months.

14                        And last, but not least, I want to  
15          congratulate my colleague, Noach Dear, on his  
16          primary victory in the Democratic primary for  
17          civil court judge. Congratulations, Noach. I  
18          know it is not over yet, but mazel tov.

19                        And that's my report. Any questions,  
20          comments?

21                        COMM. DEAR: First of all, thank you  
22          very much For your kind words and  
23          congratulations. I must tell you, this was an  
24          interesting experience for me, and the seven  
25          years that I am here, I can't believe it,

1 close to seven years, it will seven years in  
2 December, helped me a lot, both in the  
3 campaign and where I am moving to. So I  
4 appreciate it, from staff, to my colleagues  
5 here and to everybody else. Everybody out  
6 there helped me grow to where I am today, so  
7 thank you very much.

8 I just want to, first of all, tell  
9 you that absolutely the logos, the New York  
10 City NYC logos, I might have resisted in the  
11 beginning only because I thought we were  
12 putting enough demands on the cabbies. But it  
13 is something. I think it's great. The only  
14 thing I don't understand, I know we did it and  
15 let's move on, that is those paintings of  
16 flowers. I think people just try to figure  
17 what is that all about, someone having fun  
18 with graffiti or something.

19 But in all seriousness, we talked  
20 about this, and I don't know if we will take  
21 care of it while I am still on the Commission,  
22 but it is something you should talk about, and  
23 I made mention even when the Mayor announced  
24 the green cabs by Yahoo. And I thought the  
25 design on the cars then was really with taste

1 and was really great, but I understand now  
2 that that was just for the demonstration. But  
3 we should think about the future of  
4 advertising or something for cabs besides just  
5 the tops, something where -- you know, all  
6 kinds of ideas came forward, with taste. We  
7 could do it for special events and for  
8 temporary, but I think we should take a hard  
9 look, because people really look at cabs.  
10 There is something about it, and if everyone  
11 can benefit from it, I think it's a great  
12 idea. So I hope you take a hard look at it.

13 CHAIRMAN DAUS: Duly noted.

14 Any other questions or comments?

15 (No response.)

16 CHAIRMAN DAUS: Okay, thank you.

17 Let's proceed to Item 2, Adoption of  
18 the minutes from the September 10, 2007  
19 Commission Meeting.

20 Any questions, changes, corrections  
21 to the minutes?

22 (No response.)

23 CHAIRMAN DAUS: Okay, do I have a  
24 motion to approve?

25 COMM. WEINSHALL: So moved.

1 CHAIRMAN DAUS: A second?

2 COMM. DEAR: Second.

3 CHAIRMAN DAUS: All in favor?

4 (Chorus of "Ayes.")

5 CHAIRMAN DAUS: Item 3, Base  
6 Licensing Application Review. Do we have a  
7 rep from Licensing here?

8 MS. STEELE-RADWAY: Good morning.  
9 Licensing would like to present before the  
10 Commission 21 businesses with a recommendation  
11 for approval.

12 CHAIRMAN DAUS: Does anybody have any  
13 issues with any particular bases that are  
14 noted on the agenda?

15 COMM. DEAR: A lot of them are round  
16 two already, right?

17 MS. STEELE-RADWAY: All are round  
18 two?

19 COMM. DEAR: We finished already  
20 round one, okay. And did we find from round  
21 one to round two an improvement in their  
22 operations?

23 MS. STEELE-RADWAY: There are some  
24 bases that do have a large number of  
25 violations within the past two years.

1           COMM. DEAR:  Again -- listen, I don't  
2           want to start this all over again, but a base  
3           owner shall not dispatch unlicensed drivers.  
4           And I thought after round one, we said we  
5           couldn't do anything about and we shouldn't --  
6           for example, I am looking at one right now, A  
7           & R Golden Express.  It looks like they take  
8           the cake.

9           I want to set it aside.  I am not so  
10          sure we should approve it today.

11          CHAIRMAN DAUS:  A & R Golden?

12          COMM. DEAR:  Yes.

13          CHAIRMAN DAUS:  Well, I guess we will  
14          have to do that.

15          MR. SALKIN:  I just want to  
16          interject.  Your point is well taken, and  
17          the Commission has talked a lot about that.  
18          And what we have been working on, really, at  
19          the Commission's direction, is putting  
20          together a set of enhancements, if you will,  
21          to the regulations placed on the bases and the  
22          drivers and the owners of the vehicles.

23          And I think it would make a 612-K-2  
24          summons that you all look at, actually mean a  
25          little bit more than it really does mean.  So

1 while today you are saying you are concerned  
2 about two 612-K-2s, we have talked a lot about  
3 this. The base, while the car was working for  
4 them, it is unclear that the driver was  
5 actually affiliated with them or if the driver  
6 doing the right thing. So you could be  
7 penalizing the base for something that they  
8 don't even know is happening.

9 Now we talked about that being a  
10 concern and the Commission has raised those  
11 concerns, and that's why we have proposed  
12 different sets of regulations that would set  
13 some of the pressures and requirements, not  
14 just on the base but on the vehicle owner and  
15 the vehicle driver. Because right now, it is  
16 missing from the loop.

17 CHAIRMAN DAUS: I actually don't know  
18 if you were here for that meeting, but in  
19 response to the concerns that I think you and  
20 Commissioner Arout were raising, and everybody  
21 kind of joined in, we basically, Andy and Sara  
22 and the staff put on a whole presentation of  
23 changes and reforms to address this issue.  
24 And those are coming down the pike. And we  
25 are hoping to get those on the agenda in

1 December, if not January, which will resolve a  
2 lot of these issues.

3 So while I understand you want to  
4 single this base out --

5 COMM. DEAR: I see quite a few of  
6 them.

7 CHAIRMAN DAUS: -- it would be  
8 inconsistent with what we have done in the  
9 past.

10 COMM. DEAR: That's what I heard in  
11 the first round. What is the difference  
12 between the first round and the second round?

13 MR. SALKIN: The first round was the  
14 first time we actually started enhancing the  
15 level of scrutiny on them and started  
16 requiring them to put in business plans and  
17 requiring them to fill out applications and  
18 they were given a lot more scrutiny. And we  
19 had many bases that had, for many years, not  
20 completed the full process because of the  
21 complexity and the bureaucracy associated with  
22 it.

23 So we streamlined the whole process.  
24 We created a lot more scrutiny. They now know  
25 they go in front of the Commission. The

1 Commission has rejected, or at least delayed  
2 renewal for several bases several times, and  
3 the word is out there that you have to at  
4 least have a minimum level of order. I think  
5 what we did two years ago, before we started,  
6 it was unclear what bases were performing at a  
7 high level and a lower level.

8 CHAIRMAN DAUS: The bottom line is  
9 that there are a lot of bases that are lazy,  
10 that are shoddy, that do inappropriate things,  
11 that do illegal things. And we can't really  
12 just gloss over this and paint it as some type  
13 of bureaucracy. I mean, some of these bases  
14 are bad bases with bad people and doing bad  
15 things and skirting the law.

16 And I think we all acknowledged that  
17 and agree to it. And we need tough penalties.  
18 We proposed tough penalties. There is a  
19 process. Lawyers have to draft the rules. We  
20 had a whole presentation that everybody seemed  
21 to have, I think including -- I don't know if  
22 you were here. And I think that is the  
23 solution. To start picking out these bases  
24 and singling them out out of the blue, I don't  
25 know if that is legally the best way to do it.

1                   MR. SALKIN:    The other thing I want  
2                   to point out to Commissioner Dear is part of  
3                   the new rules actually has the ability for the  
4                   Commission to suspend or revoke licenses  
5                   before the two years are up.  So if this base,  
6                   A & R Golden, is engaged in behavior that the  
7                   Commission finds inappropriate and are  
8                   convicted of those, you don't have to wait two  
9                   years.  I think that is also one of the things  
10                  that also, as a loop hole, in the past, they  
11                  wait two years and they can do whatever they  
12                  want.

13                  Well, that is not the case anymore.  
14                  There's going to be penalties throughout the  
15                  process.

16                  COMM. DEAR:  But you have here, there  
17                  are three, A & R, New Relampago, and I think a  
18                  third one I just passed it over.  That are  
19                  absolutely just defying us and, I think,  
20                  spitting in our face by just laughing in our  
21                  face and saying that they can operate with  
22                  illegal cars.  It's just --

23                  MR. SALKIN:  Again, 612-K is not an  
24                  illegal car.  It is a car doing illegal  
25                  dispatching.

1                   COMM. DEAR:     Right.

2                   MR. SALKIN:   But it doesn't say that  
3                   the car is a straight plate.

4                   COMM. DEAR:   A base owner shall not  
5                   dispatch unlicensed drivers.

6                   CHAIRMAN DAUS:   The other thing, too,  
7                   one of the rules that needs to be cleared up  
8                   is that the vehicle owner needs to bear some  
9                   responsibility in addition to the base.   The  
10                  vehicle owners have a scam, quite frankly,  
11                  where they get a couple of these convictions  
12                  and they reregister their car in somebody  
13                  else's name, they have corporations that own  
14                  several vehicle ownerships.

15                  There are really shady things going  
16                  on out there.   We need to clean it up.   When  
17                  these rules were passed 20 years ago, whatever  
18                  it was, when the industry first started  
19                  regulating, all these loop holes were kind of  
20                  created.   We need to close them.

21                  So I understand and I agree with you  
22                  that A & R has a horrendous record.   There are  
23                  many over the past year that have horrendous  
24                  records.   And I think I would opt and just beg  
25                  your indulgences, Commissioner, that we should

1           actually vote on this just to be consistent,  
2           noting for the record your legitimate  
3           concerns.

4                    COMM. DEAR:    Just a question:  What  
5           is a straight plate?  What violations would  
6           that be?

7                    MR. SALKIN:    Again, the straight  
8           plate is real complicated because, in theory,  
9           a straight plate is not affiliated with a  
10          base.

11                   COMM. DEAR:    Right, so what would the  
12          violation be?

13                   MR. SALKIN:    But that doesn't apply  
14          here because this is bases.  So straight  
15          plate, those are separate.

16                   COMM. DEAR:    I am talking about if a  
17          base dispatched a straight plate.

18                   MS. STEELE-RADWAY:  You mean, the  
19          actual violation?

20                   COMM. DEAR:    Yes.  What would it be  
21          called?

22                   MS. STEELE-RADWAY:  It's either K-1  
23          or K-2.

24                   MR. SALKIN:    We will get you the  
25          information exactly, but the problem is it is

1 still vague on what the penalty is for the  
2 base for doing that.

3 COMM. DEAR: So the base doesn't get  
4 charged for that?

5 MR. SALKIN: There are different  
6 charges for base. What Commission Daus is  
7 suggesting is that the vehicle owner is  
8 completely exempt from anything and the  
9 drivers also sometimes get exempt.

10 What we are trying to do in the new  
11 rules package is provide the relationship  
12 between the base and the vehicle and the  
13 vehicle and the driver and have it all tied in  
14 together, so that up and down the chain, there  
15 is responsibility. And right now, one of the  
16 things we have realized over the last two  
17 years is the responsibility through the rules  
18 falls a lot on the bases and requires the  
19 bases to have oversight of activities that, in  
20 theory, they make the argument to the  
21 Commission that they don't have oversight on,  
22 given the way things are written and the way  
23 that the practice is.

24 CHAIRMAN DAUS: Commissioner  
25 Gonzalez?

1                   COMM. GONZALEZ:    One general  
2                   comment, Mr. Chairman and Commissioner Dear.

3                   With respect to this particular  
4                   violation, I share your sentiment as far as  
5                   being concerned and what have you.  One thing  
6                   that did come out, at least in the initial  
7                   scrutiny, is digging a little deeper into what  
8                   goes into this violation.  It kind of broke it  
9                   up, and at least in my assessment, there are  
10                  two types of violations, one that is  
11                  administrative and one not administrative.

12                  The administrative one would be, say,  
13                  something where a base is unaware that they  
14                  dispatched an unlicensed driver because they  
15                  didn't cross-reference on a daily basis to a  
16                  list here at the TLC.  And I think in our  
17                  initial discussions on this issue, that's one  
18                  of the things that I think that we can work  
19                  towards just correcting.  Let's just nail down  
20                  the administrative ones and then let's start  
21                  dealing with the more serious violations that  
22                  sort of fall under this 612-K-2 umbrella.

23                  One of the things I would like to,  
24                  either, Andy, or possibly, Pansy, with respect  
25                  to this particular violation, is there a way

1 to I guess add a little more context around  
2 what exactly the violation was. I mean, if it  
3 is, say, something that is more  
4 administrative?

5 MR. SALKIN: What we can do is,  
6 going forward, in the base summary, we will  
7 read the result of the case and we can provide  
8 a little synopsis if it is something that  
9 warrants, a situation where the base is  
10 clearly egregious and behaving  
11 inappropriately, you are saying add that kind  
12 of context?

13 COMM. GONZALEZ: Yes. Adding that  
14 kind of context, I think, would enable us to  
15 make --

16 MR. SALKIN: Footnotes to the  
17 summons, a summary page.

18 COMM. GONZALEZ: Yes, on this  
19 particular violation.

20 CHAIRMAN DAUS: That's a good idea.  
21 We can do that?

22 MR. SALKIN: Yes.

23 CHAIRMAN DAUS: For the record,  
24 Commissioner Polanco has joined us.

25 So does anybody want to make a motion

1 on this?

2 COMM. DEAR: I make a motion to  
3 approve with reservations.

4 CHAIRMAN DAUS: Duly noted.

5 Is there a second?

6 COMM. WEINSHALL: So moved.

7 CHAIRMAN DAUS: All in favor?

8 (Chorus of "Ayes.")

9 CHAIRMAN DAUS: Okay, it's  
10 unanimous.

11 And also we have a denial, right?

12 MS. STEELE-RADWAY: Yes, that's  
13 correct. With a request that the Commission  
14 grants an additional 30 days so that they may  
15 correct the outstanding items.

16 COMM. DEAR: And what is the denial  
17 for? Why?

18 CHAIRMAN DAUS: Not completing  
19 paperwork.

20 MS. STEELE-RADWAY: That is B02015  
21 for their '06-'07 contract and Department of  
22 Finance.

23 CHAIRMAN DAUS: They haven't paid  
24 their city taxes.

25 MS. STEELE-RADWAY: Correct.

1                   MR. SALKIN:    Again, this is  
2                   basically something we couldn't have done two  
3                   years ago where the staff is basically saying  
4                   here's a base that is up for -- they didn't  
5                   complete their paperwork, they seem to not  
6                   want to complete it pay their taxes in this  
7                   case, so we are recommending them for a  
8                   denial.

9                   What the Commission has decided to do  
10                  with that is give them one more warning, that  
11                  is what you are voting on now, we are going to  
12                  give them a 30-day notice to get it all  
13                  together, then we will let them proceed.  But  
14                  if they don't, they are done.  And that's  
15                  something we couldn't have done two years ago.

16                  COMM. DEAR:   Do I have a motion to  
17                  deny?

18                  COMM. GONZALEZ:  I will make a  
19                  motion.

20                  CHAIRMAN DAUS:   A second?

21                  COMM. DEAR:    Second.

22                  CHAIRMAN DAUS:  All in favor?

23                  (Chorus of "Ayes.")

24                  CHAIRMAN DAUS:  Okay, let's get all  
25                  those FHV reforms on the calendar no later

1 than the January meeting, let's try to move  
2 towards that.

3 COMM. DEAR: December will be my last  
4 meeting.

5 CHAIRMAN DAUS: We will try to get  
6 it on the December calendar. We have to work  
7 late nights in legal. They are already  
8 working late nights, they will have to work  
9 into the morning.

10 Item 4A on the agenda is a proposed  
11 pilot program for Commission action.

12 Assistive Audio: Hearing Loop Technology. I  
13 would like to ask David Klahr from our staff,  
14 as well as Fred Palm from Assistive Audio, if  
15 he is here, join us.

16 Before I turn it over to David, he is  
17 going to talk a little about this proposed  
18 pilot program, which I am recommending to the  
19 board for approval, I would like to first  
20 thank Janice Shachter (ph) who is here today.  
21 Janice appeared before the Commission before.  
22 We have had numerous interactions and meetings  
23 with her, and I can basically say that there  
24 is no way that this would have happened if it  
25 wasn't for you. You have done an outstanding

1           job of being an advocate, of educating us in  
2           this new technology, which is something that  
3           we, quite frankly, just didn't know about.

4                     There are a lot of advances that have  
5           been made in this area to help people with  
6           hearing impairment, and it is, really, quite  
7           fascinating. And we will learn a little bit  
8           more about it today. But after seeing it and  
9           learning more about it, thanks to Ms.  
10          Shachter, I would basically recommend that we  
11          approve the pilot to the Commission. And  
12          that's why we are here today.

13                    Thank you, Janice, you have done an  
14          outstanding job. And we appreciate, even  
15          though it may seem like it was a long road to  
16          get here because there is a lot of process, at  
17          the end of the day, it is for the best. So  
18          thank you.

19                    David?

20                    MR. KLAHR: Good morning. My name  
21          is David Klahr from the office of the First  
22          Deputy Commissioner.

23                    As mentioned earlier by the Chair, we  
24          have been approached by several advocates,  
25          individual citizens who are interested in

1       seeing specific assistive technology in  
2       taxicabs. Among them were induction loops.  
3       Since we didn't know very much about this  
4       technology, we issued a Request for  
5       Information just to get as much information as  
6       possible to make a good recommendation for  
7       Commission action.

8               So within the Request for Information  
9       responses, we heard from a wide variety of  
10      people, including nine individual citizens,  
11      all of whom supported assistive technology in  
12      taxicabs. We also heard from two advocacy  
13      groups, the League for the Hard of Hearing,  
14      which specifically supported induction loop  
15      technology, as well as the Hearing Assess  
16      Program, which also specifically endorsed  
17      induction loop technology and also gave us a  
18      great deal of technical information on it.

19             We also hear from two individual  
20      manufacturers, Ovo Window Audio, which is  
21      based in Colorado, they are an actual  
22      manufacturer of the systems, and then  
23      Assistive Audio in Ohio, which sent a  
24      representative to talk to you today. And they  
25      are an agent and distributor of Ampetronic

1 brand induction loop systems and they also  
2 perform installations.

3 So as the Chair had mentioned  
4 earlier, the staff is recommending the pilot  
5 program that Assistive Audio proposed as a  
6 result of this Request for Information. And  
7 so they would use the induction loop  
8 technology, which they will tell you more  
9 about in a moment.

10 Staff also thinks that additional  
11 manufacturers might be interested in providing  
12 this technology for taxicabs. There are  
13 several manufacturers out there. But we also  
14 want to make sure that there is enough testing  
15 to make sure that it is appropriate for the  
16 New York market, that it fits well in the  
17 standard New York City taxicabs, that it is  
18 usable for people who are hard of hearing, and  
19 that it is durable enough to stand up to kind  
20 of the beating that our taxicabs take on a  
21 yearly basis.

22 So we are recommending that the pilot  
23 move forward and that we come back to the  
24 Commission with a report after about six to 12  
25 months of testing, which should be sufficient

1 to determine if these are the right solution  
2 for this particular issue.

3 Just to give you a little bit of  
4 background on induction loop systems before I  
5 pass on to Fred, how they work is they  
6 transmit sound directly to a properly equipped  
7 hearing ring. So this is not like a  
8 loudspeaker within the cab, although it can be  
9 integrated into a loudspeaker system, this is  
10 something that will transmit directly to a  
11 person's hearing aid or a cochlear implant.  
12 So any hearing aid that is equipped with what  
13 is called a T coil can receive these  
14 transmissions.

15 And this is fairly common technology  
16 worldwide. It is in wide use in the United  
17 Kingdom, Scandinavia, Israel, Australia.  
18 Really, around the world this is a very  
19 popular technology. More than 50 percent of  
20 American users of hearing aids have the  
21 technology already. I have been told that it  
22 is more than 60 percent at this point and new  
23 users are added every day. And here in New  
24 York, there is already a presence of this  
25 technology in a lot of tourist attractions and

1       also other things. Temple Emanuel has it.  
2       There is new technology being added every day  
3       in lots of different institutions. Parks  
4       Department is working with it. The National  
5       Park Service is working with it. So this is a  
6       fairly common technology.

7                So what I would like to do is bring  
8       Fred up, talk a little bit about his firm and  
9       the technology that they specifically provide.

10               MR. PALM: Thank you.

11               I returned to the U.S. from the U.K.,  
12       I had lived over in Europe for a number of  
13       years. Ampetronic is the largest designer and  
14       manufacturer of this type of equipment in the  
15       world, okay.

16               We have the longest warranty in the  
17       business, five years. As David pointed out,  
18       the beauty of these systems is the simplicity  
19       of this. It's in your hearing aid, so you  
20       always have your receiver with you. This is  
21       the only solution that is really effective in  
22       what we call transient environments. We are  
23       using these in the London subways. We are  
24       doing some work here with New York subways.  
25       We are going to do this pilot proposal with

1       you.

2                   We think you will be very pleased  
3       with the simplicity of this. It is relatively  
4       inexpensive, invisible installations. It  
5       should be, I think, a very good program.

6                   The only one thing that I would want  
7       to caution anybody, there are standards for  
8       this technology, which is an IEC 60118-4,  
9       which is an international standard dealing  
10      with field strength and frequency response.  
11      This can be measured. I don't want to bore  
12      you with this, but you can do this with a  
13      third octave sweep. This is critical for the  
14      intelligibility of speech for the end users.

15                  So however this plays out at the end,  
16      you want to be sure that whatever is installed  
17      meets the standard.

18                  I will be happy to answer any  
19      questions that you guys have about this. I  
20      think you basically understand, we are going  
21      to take an audio input from a driver or we can  
22      take it from the TV screens or whatever you  
23      guys want to use, the driver talks, it goes  
24      into an amplifier, you drive a current around  
25      the passenger compartment of the car, people

1 switch to the T switch on their hearing aid,  
2 they can hear, okay.

3 It eliminates all background noise  
4 and greatly increases the intelligibility of  
5 speech.

6 CHAIRMAN DAUS: We have some industry  
7 folks that are lined up as volunteers, right?

8 MR. PALM: I am sure we can get the  
9 League of the Hard of Hearing.

10 CHAIRMAN DAUS: Is the MTBOT  
11 involved in this?

12 MR. GIANETTO: We spoke to Fred.

13 MR. PALM: We were going to work  
14 with Joe. I believe we would like to do 15  
15 cabs. I believe that's acceptable.

16 CHAIRMAN DAUS: Great.

17 MR. PALM: And I had some earlier  
18 conversation with a Jennifer Palmer, who I  
19 understand is now at City Hall.

20 CHAIRMAN DAUS: She has moved on.

21 MR. PALM: She has moved on. And  
22 Jennifer suggested that what we needed to do  
23 was get 15 yellow cabs. And I don't know how  
24 you guys are doing this with these wheelchair  
25 accessible, I don't know if that would be what

1 we would want to do with these. I was going  
2 to work with Joe to try to get a hold of 15  
3 owners or medallion holders, whoever we have  
4 to get to put these in.

5 CHAIRMAN DAUS: We greatly  
6 appreciate, obviously, the fleets, the  
7 medallion owners that are willing to  
8 participate in the pilot, so thanks.

9 Commissioner Gonzalez, do you have a  
10 question?

11 COMM. GONZALEZ: Yes, two quick  
12 questions.

13 One on the installation process. The  
14 wiring, is it exposed within the cab or behind  
15 panels?

16 MR. PALM: No. The top of a vehicle  
17 is actually called the headliner. You pop the  
18 headliner out, put the cable up, you reattach  
19 the headliner, it's invisible.

20 We actually put one of these in  
21 Monday with all the -- Taxi Instrument, I  
22 believe was the name of the firm over in  
23 Queens. This will be down here after you guys  
24 are done, if anybody wants to go down and see  
25 it or hear it or listen to it. It's

1 invisible.

2 COMM. GONZALEZ: And how long does  
3 the installation process take?

4 MR. PALM: I would think this  
5 installation process would be down to about 30  
6 minutes after you do the first couple. It's  
7 relatively simple. A liner pops off, you run  
8 a couple of turns of cable, affix it to the  
9 headliner by stapling or tape, pop the  
10 headliner back up and you are ready to go.

11 COMM. GONZALEZ: One last question.  
12 You mentioned a five year warranty. What is  
13 the actual useful life of the unit itself?

14 MR. PALM: We will give you a full  
15 five year warranty. This is pretty simple  
16 electronic equipment. I would imagine this  
17 would run years, ten years. It's very simple,  
18 it is very small units and there is nothing  
19 esoteric about this at all.

20 COMM. GONZALEZ: Okay, thank you,  
21 Fred.

22 MR. PALM: You are welcome.

23 CHAIRMAN DAUS: Any other questions?

24 (No response.)

25 CHAIRMAN DAUS: I would like to make

1 a motion to approve the pilot program that is  
2 outlined in the booklets.

3 COMM. WEINSHALL: How long is the  
4 pilot program for?

5 CHAIRMAN DAUS: It is for a maximum  
6 of 13 months.

7 COMM. DEAR: I second that motion.

8 CHAIRMAN DAUS: Actually, to make  
9 that motion, I would like to refer to a  
10 handout to make it part of the record, a  
11 statement of outline for the pilot program to  
12 test induction loop technology in medallion  
13 cabs. We can make copies available for the  
14 public as well, but all the Commissioners have  
15 had it in their books and it is now in front  
16 of them.

17 Basically I think you touched upon  
18 the main components of it in your  
19 presentation.

20 MR. KLAHR: That's correct.

21 CHAIRMAN DAUS: So I have a motion  
22 to approve and Noach seconded it.

23 COMM. DEAR: I just want to make one  
24 comment. We should thank MTBOT for their  
25 cooperation, because every time we have a

1 pilot or we want to do something, it is always  
2 them coming forward. So the fleets are always  
3 stepping up to the plate. I know they get  
4 beaten up a lot of time, so I just want to  
5 commend them for all their work and the  
6 cooperation they have given us.

7 CHAIRMAN DAUS: Absolutely.

8 So we have a motion with a second on  
9 the floor. All in favor?

10 (Chorus of "Ayes.")

11 CHAIRMAN DAUS: Okay, it's unanimous.

12 Thank you and congratulations. We  
13 look forward to working with you.

14 That's it. Any other comments,  
15 questions, issues?

16 (No response.)

17 CHAIRMAN DAUS: Great.

18 A motion to close the meeting?

19 COMM. WEINSHALL: So moved.

20 CHAIRMAN DAUS: All in favor?

21 (Chorus of "Ayes.")

22 CHAIRMAN DAUS: Have a good weekend  
23 everybody.

24 (Time noted: 10:10 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