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NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Wednesday, October 25, 2006
40 Rector Street
5th Floor
New York, New York

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

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P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 NOACH DEAR, COMMISSIONER

7 HARRY GIANNOULIS, COMMISSIONER

8 IRIS WEINSHALL, COMMISSIONER

9 ELLIOT SANDER, COMMISSIONER

10 HOWARD R. VARGAS, COMMISSIONER

11 EDWARD GONZALES, COMMISSIONER

12 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: Okay, could
2 everybody take their seat, please. We are
3 running a little bit late. Excuse me, could
4 we lower the volume in the room, please.
5 Good morning, everybody. We are
6 going to get started. I would like to proceed
7 to item number one on the agenda which is my
8 report.

9 The first item I would like to talk a
10 little bit about is the Garden in Transit, a
11 much publicized mayoral initiative, which we
12 are working on kicking off in Brooklyn, at
13 Public School 291 in Bushwick, Brooklyn. The
14 Bushwick Lighthouse Beacon Program is the
15 first school we start actually getting the
16 Garden in Transit Program underway where we
17 will have children paint flowers and decals on
18 as many cabs we can get.

19 This is a tremendous volunteer effort
20 which will coincide with Taxi Month next year
21 and go throughout the year.

22 This public art display will start at
23 231 Palmetto Street on November 2nd, 11 a.m.
24 If anyone is interested, it is open to the
25 media, but anyone is interested in coming as a

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1 guest, call my office and we will try to get
2 you on the guest list.

3 Many thanks to School Chancellor Joel
4 Klein, Principal Walsh, Mr. Negro who is in
5 charge of the Beacon School program as well as
6 Nasali Rabizi who is in charge of the Mayor's
7 Volunteer Center.

8 If anybody knows a group that wants
9 to get involved -- the Mayor described this as
10 one of the biggest, if not the biggest
11 volunteer efforts the City may have ever done
12 in terms of public art display, somewhat akin
13 to what was done with the Gates a few years
14 ago. This is going to be a great volunteer
15 effort. Anyone can volunteer. We need a lot
16 of help.

17 If you want to, contact 311 and tell
18 them you want to participate in the Garden in
19 Transit project, or you can sign up via
20 website which is www.nyc.gov/gardenintransit,
21 one word.

22 In terms of the medallion sale
23 update, we are getting closer to getting all
24 the vehicles on the road. As of October
25 20th, last Friday, 225 of 308 Medallions have

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1 been hacked up and placed into service. We
2 closed on 230 medallions, and there are 78
3 left.

4 The Taxi Technology Project is still
5 in phase one, which is the functional testing
6 process, where we are actually making sure all
7 the units work. That will continue. We're in
8 the process of retesting and reconfirming some
9 of the initial results.

10 We have done extensive outreach
11 regarding this project. We have been to the
12 airports seven times actually. I have been
13 out there personally talking to the drivers.
14 We showed the prototype units to people.

15 We have also had demonstration at the
16 Woodside, Queens facility where we provided
17 prototype cabs for industry members to come
18 down. We had a few hundred people attend.
19 That was on September 30th.

20 We have been talking to the radio and
21 television industry, publications, and we have
22 actually a dedicated portion of the website
23 because there is a lot of disinformation
24 floating around about this particular project,
25 how much it costs, et cetera.

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1 We urge you to check the website. We
2 are hoping to roll out some 200 -- up to 200
3 cabs sometime in November.

4 Very quickly, I would also like to
5 let the industry know that New York City was
6 well represented at the International
7 Association for Transportation Regulators
8 Conference in Seattle. This is a conference
9 of TLCs from around the world where our staff
10 put on an entire day's presentation on vehicle
11 standards and development.

12 Some of the work we are doing with
13 the design trust and designing the cab of the
14 future.

15 It was very well received, and we
16 made a lot of friends from different countries
17 and different states. And I am happy that our
18 staff did a really good job, including Alan
19 Fromberg, Eric Kim, Peter Shenckman, on
20 putting on some really worthwhile
21 presentations concerning alternative fuel.

22 A lot of the work that the City has
23 done on behalf of the administration to
24 basically become the leader in the field and
25 there are a lot of TLCs that left their

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1 conference saying you know, the TLC and New
2 York City is doing a great job on this. We
3 may look at making our environment a lot
4 cleaner and using more alternatives fuels.

5 It was a positive learning experience
6 for us, but also we were well represented and
7 received around the world.

8 Also, a housekeeping matter, we
9 received, since our last Commission meeting, a
10 rule-making petition, which I have denied. It
11 was received on August 8th. I denied it on
12 October 13th. I provided copies to the
13 Commissioners prior to the meeting, as also as
14 per our rules, everybody has them presented to
15 them formally today.

16 Basically, the rule proposal would
17 have allowed for vehicle drivers to refuse
18 service to passengers who entered Nassau
19 County. I believe that is a bad policy
20 objective to tell people that we pick up in
21 the city that you should refuse to take them
22 to Nassau County.

23 Not only is it bad on the merits, but
24 we are having a hearing on the reciprocity
25 issue, which is directly on point, so I

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1 rejected the petition. The Commissioners have
2 it. If they would like to discuss it and
3 bring it up, but we certainly will be holding
4 a public hearing on that, at our November
5 meeting. We will be discussing this and
6 probing the issue of interjurisdictional
7 boundaries that we have and issues relating to
8 what happens when someone travels between
9 Nassau, Suffolk, Westchester and New York
10 City.

11 There has been a date change on some
12 of our upcoming Commission meetings. I would
13 like to clarify that. We had originally
14 published the date of November 9th. We have
15 changed that date because of scheduling issues
16 to make sure we have a full quorum of
17 Commissioners, and that would be Thursday,
18 November 16th is the next Commission meeting.
19 And that will involve, at least for now, a
20 public hearing on the reciprocity rules as I
21 discussed and also a proposal to extend the
22 vehicle act for medallion standby vehicles.

23 The next meeting after that is
24 Thursday, December 14th.

25 Now I would like to go to the

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1 swearing in of Administrative Law Judges. We
2 have a class of new judges.

3 We will take questions first, that's
4 fine.

5 COMM. DEAR: With regard to the sale
6 of medallions, I know we talked about it, some
7 of the medallions, obviously, are accessible
8 medallions, and I know in May we're going to
9 have another set of medallions we will sell.

10 There seems to be problems with the
11 cars that are there now. There are now four
12 on the road at the present time, and I want to
13 know if we could speak to Mr. Shenckman,
14 obviously, he knows about it, what about
15 adding some new cars?

16 One car that was brought to my
17 attention is the Toyota Sienna, which is ADA
18 approved. I know there was some sort of
19 presentation made. Do you know if I can ask
20 Mr. Shenckman what is the status of that car?

21 CHAIRMAN DAUS: Andy, I don't know
22 if Peter is here. Do you want to address
23 that?

24 MR. SALKIN: The Commission passed
25 standards for the medallion sale on the

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1 vehicles. Currently there are three
2 manufacturers that are able to make vehicles
3 that meet our standards.

4 The gentleman who purchased them is
5 buying them from mostly one manufacturer and
6 he's taking time, because they are not a huge
7 outfit, but we anticipate all of them being on
8 the road by Thanksgiving, the end of November.

9 COMM. DEAR: I understand they're
10 having huge mechanical problems with them.

11 MR. SALKIN: That's not exactly
12 accurate. The vehicles work fine. We met
13 with GM. We met with the company that's
14 manufacturing them. They are not as reliable
15 as the Crown Vic, but the Crown Vic is a
16 vehicle that's been on the road for many
17 years. These are new vehicles. They have to
18 go under a lot of modifications.

19 That's why the medallions were sold
20 at a discount. I think the person who
21 purchased them, he is really committed to the
22 cause and he's been working hard to make sure
23 the right vehicles get put in place. So we
24 should see on the road by the end of the year.

25 COMM. DEAR: This new Sienna that

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1 they talked about?

2 MR. SALKIN: The Sienna, there's
3 many different ways to modify the vehicle.
4 The vehicle as shown to us is a rear entry
5 vehicle, which doesn't meet the standards.

6 There is a lot of concerns that
7 Assistant Deputy Commissioner Shenckman had
8 about rear entry safety, what happens if the
9 vehicle's in an accident, being able to exit
10 the vehicle.

11 That vehicle just doesn't meet our
12 standards, doesn't meet ADA standards, so
13 right now that vehicle wouldn't be approved.

14 COMM. DEAR: I hear differently what
15 you are saying. That's why I would like if we
16 could have something from Mr. Shenckman if he
17 is here.

18 MR. SALKIN: He is not here. We
19 just started doing EAs, environmental
20 assessment for 150 medallions that have to be
21 all accessible. The plan on our end is to
22 bring back to the Commission how the 81
23 accessible vehicles are performing before we
24 commence with that sale.

25 So there will be a lot of

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1 conversation, the first couple of months of
2 next year on what exactly is out there and how
3 it is working.

4 COMM. DEAR: I think there are only
5 four cars out there, two manufacturers.

6 MR. SALKIN: There are three
7 manufacturers, two have delivered vehicles to
8 the market so far.

9 COMM. DEAR: Okay, so it's two. I
10 would like to hear more further about this. I
11 am getting a different story --

12 MR. SALKIN: We fully intend to give
13 the Commission an update on how vehicles
14 perform, as well as how the hybrid vehicles
15 perform, because we have a lot of new vehicles
16 on the road.

17 I think right now those vehicles will
18 stay on the road and the idea would be to once
19 they're on the road and have some mileage
20 under them, see how they are performing, see
21 if we want to broaden the standards or tighten
22 the standards, or whatever you think.

23 CHAIRMAN DAUS: We promised we would
24 conduct a review when we passed the accessible
25 vehicle specifications a few months ago.

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1 COMM. DEAR: Let's do it at the next
2 meeting.

3 MR. SALKIN: That might be
4 premature. The next meeting is in three
5 weeks, and the vehicles should be on the road
6 for at least five, six weeks.

7 CHAIRMAN DAUS: I have to check the
8 transcript. I think we committed to a time
9 frame like six months or something like that.
10 We have to give it some time to work.

11 COMM. DEAR: You know, it's funny, I
12 hear Deputy Commissioner Salkin saying one
13 thing. I didn't hear from Shenckman myself,
14 but it came back to me that Shenckman said
15 there is problems and other things are going
16 on.

17 Someone brought this to my attention.
18 I talked to them and they said last week they
19 presented it. They said it was not real big
20 issues. To me, the Toyota Sienna is a very
21 good car, and everybody is happy with it.

22 MR. SALKIN: I am happy to talk more
23 about the Sienna. One of the things that we
24 specified specifically is the vehicles had to
25 be supported by the manufacturer. Toyota has

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1 made very clear to us that they are not
2 interested in their vehicles being used as
3 taxicabs.

4 COMM. DEAR: I called Toyota.
5 Technically they don't support our taxis
6 either, because that's a conversion.

7 MR. SALKIN: That's correct.

8 COMM. DEAR: And the best car, a
9 very good car is the Sienna. Some
10 manufacturers are looking away, they don't
11 mind. They didn't tell you, stop, don't do
12 it. In fact, if you take a yellow medallion
13 Sienna, a regular car, you take it to the
14 manufacturer, maintenance, anything under
15 warranty, they could accept or not accept it.

16 MR. SALKIN: You are raising very
17 interesting points, things we should discuss.

18 CHAIRMAN DAUS: I understand your
19 concerns. I think we all share them. Peter
20 is not here, he is the expert, why don't we
21 set up a meeting?

22 COMM. DEAR: I would like to sit
23 down with Peter.

24 CHAIRMAN DAUS: We will set up a
25 meeting and for the benefit of the other

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1 Commissioners, at the appropriate meeting, we
2 will have, as promised, a review of the
3 vehicles, how they're performing and the
4 specifications that we passed and whether they
5 are working.

6 Any other questions on my report or
7 the issues I raised?

8 (No response.)

9 CHAIRMAN DAUS: Okay, why don't we
10 go to the new class of Administrative Law
11 Judges. We are very, very proud, they've gone
12 through some very rigorous training.

13 We have our chief LJ Beth Bonina here
14 with us.

15 I am happy to announce we have a lot
16 of private and public sector experience among
17 these judges. We have judges who have already
18 served as judges in other city agencies that
19 have thankfully joined us, including the
20 Parking Violations Bureau, the Environmental
21 Control Board, Department of Health and HPD,
22 the Housing Preservation Development
23 Department.

24 We also have some people from the law
25 enforcement community who have done at the

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1 Police Department, D.A.'s offices, New York
2 State Inspector General's Office.

3 We also have people who worked for
4 the Legal Aid Society as defense attorneys,
5 public defenders. We have a Supreme Court law
6 clerk, and a variety of professors. Most of
7 the judges, or a lot of them have actually
8 served as professors of law in universities as
9 well, so we have a great mix of people.

10 I would call on Chief Judge Beth
11 Bonina, who is going to swear in our judges.

12 JUDGE BONINA: Thank you,
13 Commissioner.

14 Good morning, Commissioners.

15 I am pleased to be presenting eight
16 new judges to be sworn in. Please stand when
17 I call your name.

18 Eileen Cofield.

19 Daniel Curry.

20 Cassandra Eculeet.

21 Pascalina Russo.

22 Mark Schneider.

23 Joel Tucker.

24 Rosali Walstatter.

25 Herbert Woods.

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1 Please raise your right hands.
2 Do you solemnly swear to uphold the
3 rules and regulations of the New York City
4 Taxi & Limousine Commission, the laws of the
5 City of New York, the laws of the State of New
6 York and the Constitution of the United States
7 of America?

8 ALL JUDGES: I do.

9 JUDGE BONINA: Congratulations.
10 (Applause.)

11 CHAIRMAN DAUS: Thank you, and good
12 luck. Thanks for joining the TLC.

13 JUDGE BONINA: Thank you,
14 Commissioner.

15 CHAIRMAN DAUS: I guess they are off
16 to work.

17 Commissioner Dear would like to make
18 a comment.

19 COMM. DEAR: Congratulations to all
20 the new judges. As one attorney talking to
21 another attorney, I always look forward to do
22 that, I guess my law license allows me to do
23 something like that.

24 I just want you to know, over years I
25 have seen this, all the judges have come to

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1 this before us, we don't approve you
2 obviously, but we sometimes get your cases
3 after, whatever may happen, if there is any
4 appeals, we are like the appellate court here.

5 I want you to know something. There
6 has been tremendous change over the last few
7 years that I've been on the Commission. We
8 have brought in some very good quality people.

9 All I ask for, I always hear the
10 drivers telling me, and one of the reasons why
11 I became an attorney, I always wanted to be
12 fair to people. I know you will be.

13 Drivers have this notion, same things
14 I hear with other agencies as well, you go in,
15 you are guilty no matter what. The City has
16 to make money and all that.

17 I just want you to know, please be
18 fair, which I know you will, and make us proud
19 to continue with the way we have been going
20 the last few years. To be a very, very good
21 judicial system of this agency.

22 Thank you very much. And
23 congratulations.

24 COMM. DAUS: Thank you, Commissioner,
25 for those fine words.

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1 Next item is, there has been a very
2 exciting transportation policy change that
3 Commissioner Weinshall announced a week or so
4 ago. It's called the Times Square Shuffle,
5 and we have invited DOT's Manhattan Borough
6 Commissioner, Margaret Forgione, who is very
7 much involved with that, who is going to
8 explain it to us because it will have a
9 profound and big impact on taxi drivers and
10 they need to be aware of it.

11 MS. FORGIONE: Good morning, thank
12 you. I am Margaret Forgione from the
13 Department of Transportation. I'm a Manhattan
14 Borough Commissioner for DOT.

15 Today I would like to present to you
16 a new initiative that we have for traffic in
17 Times Square. This is the Times Square
18 Shuffle.

19 The Times Square Shuffle is a name we
20 have given the test for a new traffic pattern
21 in Times Square. This traffic pattern was
22 suggested to us by the Times Square Alliance.
23 What it does is it closes the crossover at
24 45th Street.

25 This enables us to continue to expand

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1 our sidewalks in Times Square.

2 This is the existing configuration at
3 the crossover in Times Square. Vehicles
4 traveling southbound on 7th Avenue can
5 continue either on 7th Avenue or on Broadway.
6 Vehicles traveling southbound on Broadway can
7 continue only on 7th Avenue.

8 Once we close the crossover at 45th
9 Street, vehicles on 7th Avenue will be able to
10 proceed southbound on Broadway only and
11 Broadway vehicles will continue to travel only
12 southbound on 7th.

13 This is a photo of the crossover as
14 it exists today, which is the area that we
15 will be closing with Jersey barriers in
16 several weeks. Currently, about a thousand
17 vehicles an hour in the peak period use the
18 crossover. About two-thirds of these vehicles
19 are taxis, which is why we are here today.

20 If we can educate all the taxi
21 drivers on the new traffic pattern, that will
22 greatly smooth the transition in the first few
23 week after implementation.

24 The crossover was first introduced by
25 DOT in 1964. Nowadays we look at things a

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1 little bit differently. We are focusing more
2 on all the users of the street; bicycles,
3 pedestrians, so what we want to do in Times
4 Square is give some of the space back to
5 pedestrians.

6 During the evening peak from about 5
7 to 6 p.m., you have upwards of 13,000
8 pedestrians on any block in Times Square.

9 The next slide shows that the volume
10 of pedestrians greatly exceeds the sidewalk
11 space and pedestrians have to walk into the
12 roadway.

13 Another benefit of the Times Square
14 Shuffle is going to be a reduction in
15 crossover accidents.

16 Currently, in a two-year period you
17 have about 200 accidents at the crossover at
18 45th Street. This is due to vehicles making
19 last-minute changes and decisions and
20 side-swiping each other. These accidents
21 aren't of a serious nature, but if we
22 eliminate the crossover, we're going to
23 greatly reduce the number of accidents.

24 The Times Square Shuffle is a
25 continuation of work that DOT began in 2001.

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1 In 2001, we implemented the Times Square
2 Pedestrian Improvement Test. We extended
3 sidewalks using temporary materials such as
4 asphalt, markings and flexible delineators.

5 The next slide show an expanded
6 sidewalk on 7th Avenue that we put it in 2001.
7 The temporary improvements made back then will
8 become permanent in 2008 when we reconstruct
9 Times Square. That's why we are doing this
10 new test right now, the Times Square Shuffle,
11 to determine what the future geometry of Times
12 Square should be starting in 2008.

13 The next two slides show the
14 expansion of sidewalk space to be gained by
15 the Times Square Shuffle. The blue areas are
16 going to be expanded in November and the pink
17 areas were areas that were already expanded in
18 2001.

19 South of the crossover we get the
20 biggest expansion in space. You will notice
21 on the sidewalks of 7th Avenue between 42nd
22 and 44th Streets, we were able to extend the
23 sidewalk out by a whole lane. This will give
24 pedestrians much needed space on those two
25 blocks.

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1 Another benefit of the test is the
2 new crosswalks to be added on center islands.
3 For the first time ever, on 46th Street, we
4 will have crosswalks to travel north-south on
5 the center islands.

6 We will also add a crosswalk at 47th
7 Street. We are hopeful that pedestrians will
8 leave the sides of Times Square and walk
9 through the center of Times Square,
10 alleviating some of the congestion.

11 We are calling the new geometry the
12 Shuffle because vehicles must shuffle or make
13 a series of turns to get back to 7th Avenue.
14 Most vehicles traveling south in Manhattan in
15 this area are trying to get to 7th Avenue,
16 whether to get to Penn Station, the Holland
17 Tunnel or other destinations.

18 If they're north of the bowtie,
19 vehicles must turn to get to Broadway to
20 continue south on 7th. If they're south of
21 the bowtie, they have to continue back from
22 Broadway to get to 7th as well, making a
23 series of turns.

24 This new program will go into effect
25 on November 4th. Before that time, we're

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1 going to be working at night after the
2 Broadway shows are all done and we're going to
3 be taking away markings, we're going to be
4 taking away a center median and a fence and
5 installing a lot of new signs and markings.

6 The next slides shows one of our new
7 trailblazer signs that you will start to see
8 in a few weeks. We're going to have 16 large
9 trailblazer signs hung over the roadway.
10 Various message boards telling people how to
11 travel around the area and 34 smaller
12 directional signs to direct drivers to
13 appropriate routes.

14 In the weeks and months after
15 implementation, we will be closely monitoring
16 traffic conditions. We'll be taking travel
17 times through Times Square. We'll be looking
18 at vehicle congestion at the turning areas and
19 we'll be monitoring overall conditions through
20 our cameras in Times Square.

21 So that's just brief summary of our
22 program. I would like to thank the staff at
23 TLC who have worked with us to get the word
24 out to the drivers and also on your website.

25 CHAIRMAN DAUS: Thank you.

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1 MS. WEINSHALL: Mr. Chairman, I know
2 a lot of members of the taxi industry are
3 here. When we make a major change like this,
4 we like to get the information out, so I would
5 ask the members of the industry as drivers
6 come in to pick up their cars, if you can give
7 out a circular or notice, because as Margaret
8 pointed out, two-thirds of the vehicles going
9 through Times Square right now are taxis, so
10 really, the greatest impact will be on the cab
11 drivers, so we are asking that the industry
12 assist us in getting this information out.

13 CHAIRMAN DAUS: We will undertake
14 additional effort to do some outreach in the
15 industry to make sure we can reach everybody.

16 Congratulations. I think this is
17 really a great pro pedestrian move for the
18 City, and we are very excited to play a role
19 in helping.

20 Any questions?

21 We will proceed to item two on the
22 agenda, the adoption of the minutes of the
23 September 14, 2006 Commission meeting.

24 Any comments, questions, changes to
25 the minutes?

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1 COMM. AROUT: Motion to adopt.

2 COMM. GIANNOULIS: Second.

3 CHAIRMAN DAUS: All in favor?

4 (Chorus of "Ayes.")

5 CHAIRMAN DAUS: Passes.

6 Item 3 on the agenda, base licensing
7 application review.

8 MS. MEYERS: Good morning.

9 Licensing recommends that the 43
10 bases that we put forth for approval are
11 approved by the Board of Commissioners for
12 renewal of their license or to relocate or
13 change ownership.

14 We are also recommending the denial
15 of one renewal license, giving the base of a
16 30-day period to reconcile.

17 CHAIRMAN DAUS: Okay. Any questions
18 on those bases? These are the bases that
19 appear on the agenda that was made available
20 to the Commissioners, the public.

21 Does anybody have any concerns?
22 Issues?

23 (No response.)

24 CHAIRMAN DAUS: Do we have a motion
25 to adopt?

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1 COMM. AROUT: Motion to adopt.

2 COMM. DEAR: Second.

3 CHAIRMAN DAUS: All in favor?

4 (Chorus of "Ayes.")

5 CHAIRMAN DAUS: Passes.

6 Was there also a denial?

7 MS. MEYERS: There is one denial.

8 CHAIRMAN DAUS: Was that included in
9 the motion?

10 COMM. AROUT: Yes.

11 CHAIRMAN DAUS: Just for the record,
12 as per follow-up, the following bases, you're
13 going to make sure that they're adhering to a
14 business plan because of their records:

15 AD Private Car Service, American
16 Base, Jerusalem Car Service, Keshet, Mexicana,
17 Monaco, Myrtle, New Relampago, Premier,
18 Roundtown, Segura, Shepreid, Top City, Africa
19 Express, AR Car & Limo and Super Class.

20 While you are here, Sara, you are
21 item 4 on the agenda as well.

22 MS. MEYERS: Licensing division has
23 received a request from a paratransit company
24 to put a sticker on the back on all the
25 paratransit vehicles requesting CDL drivers.

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1 However, there is no authorization in
2 the paratransit rules for such a sticker, so
3 the licensing division is recommending that
4 the Commission approve a sticker which is
5 identical to the sticker that's authorized for
6 taxicab vehicles.

7 That's in Chapter 1, 36I and the
8 inscription is drivers wanted sign, which may
9 include a phone number. It's placed on the
10 rear of the taxi, and its size is no more than
11 24 inches wide by 3 inches high.

12 CHAIRMAN DAUS: So the rules, the
13 way they are written, require that we
14 technically approve this, the drivers wanted
15 type of sign.

16 MS. MEYERS: They want it just to
17 say CDL drivers with a phone number for the
18 paratransit company.

19 CHAIRMAN DAUS: Seems reasonable to
20 me.

21 Does anybody have any issue with
22 that?

23 COMM. AROUT: I make motion to
24 accept it.

25 CHAIRMAN DAUS: We have a motion to

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1 accept and approve the sticker for the
2 paratransit.

3 Second?

4 COMM. DEAR: Second.

5 CHAIRMAN DAUS: All in favor.

6 (Chorus of ayes.)

7 CHAIRMAN DAUS: Let the record be
8 noted that Mr. Giannoulis is out of the room
9 for a moment.

10 MS. MEYERS: Thank you.

11 CHAIRMAN DAUS: Thank you.

12 Item 5 on the agenda, proposed rules
13 for Public Hearing Commission action.

14 We have three sets of proposed rules
15 and three separate public hearings. People
16 will be entitled to speak at three minutes per
17 rule.

18 We are going to item 5A first, that's
19 the fair adjustment.

20 I would like to turn it over to Chuck
21 and also invite Andy Salkin to give a
22 presentation after Chuck introduces and
23 explains the rule that is being proposed.

24 MR. FRASER: The proposed rule would
25 alter the existing rates and fares for

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1 taxicabs in two respects.

2 First, the proposal would create a
3 new flat fare for rides originating from any
4 point in Manhattan to JFK Airport. The flat
5 fare would be \$45. The same as is provided by
6 existing rules for rides from JFK Airport, to
7 any point in Manhattan.

8 Second proposed rule would adjust the
9 meter rate of fare by changing the rate from
10 20 cents to 40 cents per minute during which
11 the taxicab is moving less than 12 miles per
12 hour.

13 The proposed rule was published for
14 comment on September 20th and we received two
15 written comments, copies of which have been
16 distributed to the Commissioners.

17 Based on one of the comments and on
18 discussions between Commission staff and
19 industry representatives, the staff recommends
20 three changes to the rule as published.

21 First, the staff has determined that
22 at the rates of fare contained in the
23 proposal, taxi meters must convert from
24 time-based calculation of fares to distance
25 based calculation of fares at 12 miles per

00031

1 hour instead of 6, as stated in the proposal
2 as published.

3 The staff recommends that the two
4 references of six miles per hour will be
5 changed to 12 miles per hour.

6 Second, the National Bureau of
7 Standards has been renamed the National
8 Institute of Standards and Technology and
9 therefore the staff recommends that the
10 reference for that agency be updated.

11 Third, existing Commission rules
12 require the placement of decals on both sides
13 of the taxicab stating rates of fare. Staff
14 recommends that the rule prescribing the
15 content of those decals be updated to reflect
16 the rate adjustments in the proposed rule.

17 Copies of the proposal with the
18 modifications recommended by staff had been
19 distributed to Commissioners and have been
20 placed in back of the hearing room for the
21 public.

22 CHAIRMAN DAUS: Andrew, our First
23 Deputy Commissioner will basically provide an
24 overview of some research.

25 MR. SALKIN: Having gone over the

00032

1 presentation and proposal at the last
2 Commission meeting, I thought I would briefly
3 remind the Commissioners what we are talking
4 about.

5 Looking at the two sides of the fare,
6 versus the drop, there's a mileage charge and
7 time when you are not moving as quickly as
8 open traffic. There is a \$2 fare per mile,
9 which would equate if you're going at 25 miles
10 an hour or even 12 miles per hour to somewhere
11 over 20 to \$50 an hour if you are traveling.
12 The waiting time is charged about \$12 an hour.
13 That's what the first slide will show.

14 This slide shows that New York, in
15 terms of wait time per hour, the time you are
16 traveling slow, is at \$12 per hour, which
17 shows much lower than other cities.

18 The proposal that we made is to focus
19 just on this slow-moving charge, guarantee the
20 drivers a certain minimum fare while they are
21 moving.

22 Concept being if you are driving a
23 vehicle and there's a passenger in the back
24 and the meter is one, you should be
25 compensated at a consistent rate.

00033

1 We felt that \$24 an hour, given
2 expenses that the driver faces is a reasonable
3 compensation and would lead to appropriate
4 level of income.

5 The second slide shows what a propose
6 would do to New York City. This slide is just
7 focussing on an average New York City trip,
8 which is just under 3 miles, just under 5
9 minutes waiting time.

10 Obviously, this would vary depending
11 on traffic, depending of length of trip.

12 But this is average in a given sense.
13 It shows the waiting time for New York, or
14 slow-moving traffic time would actually be in
15 the middle where other cities are charging
16 comparable to the New York City taxi industry
17 and it shows their average fare would go up
18 about a dollar per ride.

19 It could change. If there's no
20 traffic at all, the passenger is going to see
21 no change in fare. If there's a lot of
22 congestion, the passenger will see change in
23 the fare. It could be significant.

24 Hopefully it will encourage people to
25 make smart choices, and be smart about when to

00034

1 make trips and take advantage of mass transit
2 and other options they have available.

3 At the last meeting, Commissioner
4 Dear asked us to look into the \$45 fare. We
5 had a lot of positive response about making a
6 \$45 fare, not just from JFK to Manhattan, but
7 from Manhattan to JFK. A lot of people said I
8 didn't know that, it didn't exist.

9 The first part of what we are
10 proposing is to keep that -- is to add the
11 Manhattan piece to JFK.

12 What the Commissioner asked us to do
13 is if we are making adjustments to the waiting
14 time, should we also make adjustments to the
15 fare to the airport.

16 The staff did some research. We did
17 some runs. Put some meters in vehicles and
18 drove around. We also calculated miles.

19 The best way to show you how this
20 would look is the following slide. This slide
21 shows different parts of Manhattan and how far
22 that location would be to get to the airport.

23 Basically, what you are looking at,
24 if you look at the chart, it shows mileage
25 from each location.

00035

1 It looks like about 20 miles is the
2 point where you are driving mileage alone, you
3 would break that \$45 value. It's actually
4 about 20.5 miles.

5 Most of the places from Manhattan are
6 actually less than that, significantly less.

7 How do you calculate time you might
8 be in waiting? There is two ways to look at
9 that. One is to say for every five minutes of
10 your waiting, it's an extra \$2.

11 You are looking at this, and you
12 think there's five minutes of waiting time or
13 slow-moving time on the Van Wyck or something,
14 then you can calculate it.

15 And another way to look at it, and I
16 think this is more appropriate, this is how
17 the staff is choosing to look at it is,
18 basically the trip to the airport is a much
19 different tripe that a trip moving around the
20 city.

21 The people going to the airport are
22 typically people that are business travels or
23 tourists who don't really have the same
24 options or don't understand the mass transit
25 system in the same way.

00036

1 Can't take the air train or may not
2 choose to take the bus options, so these are
3 people that really don't have the same
4 options,

5 Again, if we are looking at, making
6 sure that the drivers are provided with
7 minimum compensation, and you think it takes
8 two hours to get to the airport, we are on par
9 with \$24, very rarely does it take over two
10 hours to actually get to the airport or from
11 the airplane to the city.

12 The idea that we're compensating the
13 drivers at the targeted minimum at \$45, we are
14 still offering the drivers really a fair
15 price.

16 If you think about in terms of round
17 trip, if they go to the airport, it takes an
18 hour, wait for up to two hours, and then get a
19 ride back, it takes about an hour, you're
20 looking at a four-hour cycle where they are
21 paid \$90. We are still looking at reasonable
22 compensation, well over \$20. This is
23 something we can monitor and keep track of.

24 The staff recommendation is to leave
25 airport fare at \$45 but we reduce the

00037

1 recommendation to have fare be from Manhattan
2 to JFK as well.

3 COMM. DAUS: Thank you, Andy.
4 Now we are ready for public hearing.
5 Quick questions?

6 COMM. DEAR: Again, you may make a
7 case to keep it at \$45, but you have a problem
8 still in that the other driver is getting
9 compensated for a different rate. Because
10 every other driver, if he uses meter, he would
11 be making more money on it.

12 MR. SALKIN: I think your point is
13 if they were using the meter, they might get
14 more money.

15 What we are trying to do, and we are
16 working closely with the actual taxi industry
17 and some people might testify to that.

18 This idea is that the yellow cab is
19 your ambassador. They're taking you to the
20 city.

21 There seems to be dropoff with the
22 number of people who are actually taking
23 yellow cabs back to the city.

24 One of the things that the cab
25 industry has petitioned us on, the idea if

00038

1 there is a flat fare and it was a fair flat
2 fare, that the public who is interested in
3 getting to the airport would embrace the cab
4 as a consistent way of getting there.

5 You have to pick a point what is
6 faire. I think what you're going to is
7 exactly what I think the public fear is going
8 to be. Oh, wow, it costs a lot more to get
9 one point to another. How come fare is
10 different? I think the idea of consistency
11 will attract people --

12 COMM. DEAR: That's regarding both
13 ways. I think it is a fantastic idea and will
14 do away a lot with the illegal cars picking up
15 at the hotels.

16 The fact is another \$5 is not going
17 to make a difference. 45 to 50 is probably on
18 par if you take a private car service to the
19 airport or any other way, so you're not
20 talking about a substantial amount of money,
21 but on the other hand, you're evening out, in
22 fairness you are giving those drivers the same
23 amount, the part of the increase that we
24 allow.

25 MR. SALKIN: I hear what you are

00039

1 suggesting. We are choosing to set a fare
2 that we think is appropriate for the type of
3 travel that is taking place and the type of
4 business that takes place, and we think it
5 works well for the airport travel market.

6 COMM. DEAR: In talking about that
7 new fare, we should do something with the
8 hotel industry and others to kick this thing
9 off, because I think it's a wonderful idea to
10 the City that we have that fare both ways.

11 CHAIRMAN DAUS: Great idea,
12 actually, and for those of you who haven't
13 caught on, we are talking about -- we do have
14 flat fare now, in terms of increasing
15 awareness, especially the hotels where a lot
16 of people do actually take cabs to the airport
17 and to explain these rules -- I met with the
18 Javitz Center, the president of the Hotel
19 Association and he seems more than willing to
20 use the hotels to distribute literature of
21 that nature. We could hand it out on the
22 street.

23 Another thing to follow-up,
24 Commissioner raised concerns about possibly
25 doing a group ride at the Javitz Center.

00040

1 That's something that the Javitz Center is
2 open to discussing with us further, and we'll
3 report back to you in the near future.

4 COMM. GIANNOULIS: Just a quick
5 question. \$45 is per trip, no matter how many
6 passengers?

7 MR. SALKIN: That's correct. The
8 way it currently works, is from JFK to
9 Manhattan it's \$45 to the first stop, and then
10 it's metered after that.

11 If you have two people, same
12 terminal, same flight, same hotel. It's \$45
13 total. Two people from the same hotel to
14 JFK, same terminal, it's \$45. It's per the
15 ride, not per person.

16 CHAIRMAN DAUS: It's a group ride.

17 COMM. GIANNOULIS: Is it posted?
18 You definitely are going to have, going the
19 other way, people sharing rides, and I assume
20 doormen or some people will encourage it and
21 you will have to monitor that because there is
22 a lot of room for people --

23 MR. SALKIN: Right now there's a
24 specific sticker on how the whole JFK fare
25 works. And when you get in at the Port

00041

1 Authority, a dispatcher hands the passenger
2 information about the fare.

3 But I think you are right, sharing
4 information, getting out there is really
5 important.

6 As the technology rolls out, we will
7 have the ability --

8 COMM. GIANNOULIS: And if people go
9 to different terminals --

10 MR. SALKIN: Two different people,
11 two different terminals, fare would end and
12 they would turn it on to the next terminal.
13 Bigger tip. Cabbies figure it out.

14 The issue, when you have business
15 people, credit card payments, is one person
16 paying for the ride all together. I
17 anticipate a little bit of fluidity, because
18 someone might not want to have two separate
19 fares that they're paying for.

20 CHAIRMAN DAUS: Certainly this casts
21 a spotlight on this whole flat fare concept
22 and there's only so much you can fit on a
23 small sticker.

24 I think it's welcome that we have
25 some of these frequently asked questions,

00042

1 especially some of the Commissioners raised
2 some issues. Maybe we can portray them in a
3 way so that passengers and prospective
4 passengers at hotels and other places looking
5 to go back to the airport can benefit from
6 this wonderful group ride, is what it is
7 really.

8 Any questions?

9 Thank you, Andy.

10 We have some speakers for the fare
11 adjustment.

12 The first preregistered speaker is
13 Mr. Erhan Tuncel.

14 Are you here?

15 I would like to remind everybody we
16 have three minutes per speaker. Since we do
17 have a lot of hearings on the calendar, you
18 will be heard. If you can go under three
19 minutes, I am sure your other folks and the
20 public would appreciate that as well as us.

21 MR. TUNCEL: Good morning, Mr.
22 Chairperson and Commissioners. Thank you for
23 allowing me to speak before you today. My
24 name is Erhan Tuncel and I am an owner/driver
25 and member.

00043

1 I commend your staff on the work
2 they've done for this fare adjustment. I'm
3 for the fare adjustment which was brought to
4 you before, in the last Commission meeting.

5 Applying \$45 rate back to JFK makes
6 much sense and will eliminate the confusion
7 passengers have. Most are surprised to hear
8 that trips from Manhattan back to JFK is on
9 the meter.

10 You must also consider the trips with
11 multiple stops either at JFK or in the city on
12 the way to JFK.

13 In case of multiple stops in
14 Manhattan for trips that commence at JFK,
15 current fare structure allows the drivers to
16 collect \$45 flat rate at the first stop and
17 charge the remaining passengers meter rate to
18 their destination.

19 Flat rate back to JFK must also apply
20 on the first stop at JFK and meter must be
21 engaged for the remainder of the trip because
22 oftentimes consumer to travel between the
23 terminals at the airport.

24 Also, for trips to JFK that include
25 stops in Manhattan, it happens often enough

00044

1 the meter fare should apply to last stop in
2 Manhattan and the 45 flat rate should then
3 apply to JFK from the last stop.

4 If you need any examples of such
5 fares, I will be glad to give you after my
6 testimony.

7 I also think to ride in public must
8 be made available this new rule as soon as
9 possible. The best way to do that is a decal
10 on the outside of all taxis to promote the
11 flat rate.

12 For the waiting time adjustment, it
13 is about time, really. It has been 16, nearly
14 17 years since the waiting time saw any
15 increase, and the traffic has gotten worse,
16 not better.

17 The imbalance between the moving and
18 standing meter is too great. As your staff
19 studies showed, we are lowest in the nation in
20 waiting time. It must be doubled to \$24 per
21 hour to close this gap to a respectable level.

22 By passing this fare adjustment, you
23 will also increase the amount of cabs being
24 busy. By making it more profitable for
25 drivers to stay or come back to the City

00045

1 rather than wait for hours at the airport.

2 This is a win/win situation for the
3 drivers and the riding public. This fare
4 adjustment will make the taxi ride safer and
5 more cabs available on the streets.

6 Thank you for your time.

7 CHAIRMAN DAUS: Thank you.

8 COMM. DEAR: First of all,
9 congratulations. I am so elated to finally
10 see someone who truly represents the taxi
11 driver.

12 MR. TUNCEL: Thank you.

13 COMM. DEAR: This fare increase, I
14 want to change name and we'll just add an
15 addendum to it, I am going to call this the
16 Uncle Vinny Fare. Some in the industry call
17 him Uncle Vinny, but I call him Uncle Vinny.

18 This man has tirelessly worked on
19 behalf of drivers, and also is a head of an
20 organization that he -- I know he doesn't have
21 his license anymore, but he knows what it's
22 all about, about drivers going out there day
23 in and day out, trying to earn a living.

24 I want to congratulate all the
25 commissioners here because this is not the

00046

1 first time we adjusted the rates and we've
2 helped the working driver, the guy and gal who
3 works hard and works to earn a living, never
4 forget that we are always thinking about you,
5 so congratulations on that and I am looking
6 forward to working with you.

7 Just one issue, you heard the
8 exchange I had about the flat fare being
9 raised another \$5.00.

10 Do you have any opinion about that?
11 Do you think we should raise it and where we
12 should go with that?

13 MR. TUNCEL: I commend your effort,
14 but in this case I must agree with TLC staff
15 and I think at this time the current fare
16 structure, I believe the \$45 flat rate to and
17 from JFK is sufficient.

18 CHAIRMAN DAUS: Thank you.
19 Next speaker is Uppkar Thind from
20 LOMTO.

21 MR. THIND: Good morning.

22 MR. SAPONE: Excuse me, can one of
23 you guys hands these out to the Commissioners?

24 Alan, would you please hand these to
25 the Commissioners. Thank you.

00047

1 CHAIRMAN DAUS: Vinny, are you
2 coming up now also?

3 MR. SAPONE: I have two issues to
4 talk on.

5 MR. THIND: May I begin?

6 CHAIRMAN DAUS: This gentleman is
7 preregistered.

8 MR. THIND: Good morning, Honorable
9 Chairman and Commissioners. My name is Uppkar
10 Thind. I am a proud member of LOMTO in the
11 capacity of medallion owner-driver.

12 I am here before you to suggest an
13 effective way to counteract insurgency, i.e.,
14 rude hotel doormen who use us for the leftover
15 scraps while dishing out the juicy airport
16 jobs to their comrades, the illegal gypsy town
17 cars.

18 I therefore propose a very simple
19 eye-catching decal which will be applied to
20 the exterior of the taxicab, with your
21 blessing, advertising the flat \$45 rate. This
22 sticker will notify everybody on the streets
23 that the yellow taxis are not as expensive as
24 doormen might have you believe.

25 Thank you for your time.

00048

1 MR. SAPONE: Any questions?

2 CHAIRMAN DAUS: Is that your
3 testimony as well?

4 MR. SAPONE: I want to speak on that
5 and the flat fare.

6 CHAIRMAN DAUS: With all due
7 respect, there are two speakers before you.
8 People registered months ago, before you.

9 MR. SAPONE: So did I.

10 CHAIRMAN DAUS: There are two more
11 speakers -- there are three speakers before
12 you and you have a full three minutes. I am
13 sure we will allow you to speak more than
14 that.

15 Our next speaker is Bernard Celerino.
16 Mr. Celerino, are you here?

17 MR. CELERINO: Good morning,
18 Commissioners. My name is Bernard Celerino.
19 My telephone number if somebody want to
20 contact me is 917-686-3335.

21 I'm a taxi driver since 1996. I own
22 a medallion since 1989.

23 I agree completely with the \$24 an
24 hour not in motion time. That's the TLC's
25 proposing.

00049

1 Very specific about not in motion
2 time and not waiting time, as some passengers
3 believe it is.

4 Number two, the fare between
5 Manhattan to Kennedy for \$45 I think is okay.

6 Besides that, I would suggest to the
7 Commissioners to consider minimum rate of \$20
8 per person to help the taxi driver to collect
9 some more money that we need.

10 By the way, all of my passengers
11 agree with me when I was asking them about \$24
12 per person to go to JFK, nobody said no, I
13 think it's too much money.

14 I understand also, I read in the
15 paper, something there is an issue about the
16 license and Social Security --

17 COMM. DAUS: There is a separate
18 hearing. You can come back and talk about it
19 at that time.

20 MR. THIND: No problem.

21 Since October 20 of the year 2003,
22 when Mayor Bloomberg signed Local Law Number
23 60 of 2003, the Taxi & Limousine Commission
24 for some reason that they will let you know
25 today is refusing to enforce Local Law Number

00050

1 60 of 2003 in which the drivers advisory panel
2 should be already working.

3 All the issues that the TLC wants to
4 talk in this hearing --

5 CHAIRMAN DAUS: That's not the
6 subject of this hearing. But I know what you
7 are talking about and we will be happy to talk
8 to you about your application after the
9 meeting.

10 MR. CELERINO: We spoke before. You
11 promised to call me. You promised to take
12 some steps and so far I didn't see anything.
13 I invite the media to see Local Law Number 60
14 and why the law is not in force.

15 COMM. DAUS: That's referring to the
16 driver advisory board? This gentleman was
17 actually interviewed and the applications for
18 the board are pending.

19 We thank you for applying and we will
20 look into in and get back to you.

21 Next is Joseph Gianetto from MTBOT.

22 MR. GIANETTO: Good morning, Mr.
23 Chairperson. Good morning, Commissioners.

24 My name is Joseph Gianetto and I'm
25 here on behalf of the Metropolitan Taxicab

00051

1 Board of Trade.

2 First I'd like to commend the
3 Chairperson and the Commission for their
4 efforts in revising the fare structure and
5 taking action to adjust the taxicab rate fare
6 as it relates to waiting time and creating a
7 new flat fare from Manhattan to JFK Airport.

8 We support the TLC's proposed fare
9 adjustment which benefits taxi drivers. The
10 proposed increase and waiting time is both
11 welcome and necessary. It will go a long way
12 toward bridging the gap between New York and
13 other cities and will provide drivers with
14 extra income.

15 As pointed out in the TLC staff
16 presentation, New York City taxicab waiting
17 times rates are by far the lowest among other
18 major U.S. cities.

19 We also support the proposed rules to
20 create a new \$45 flat fare for rides
21 originating from any point in Manhattan to JFK
22 Airport. This flat fare mirrors that which is
23 provided by existing rules from JFK to any
24 point in Manhattan.

25 We agree with the TLC that this

00052

1 proposed change will promote taxicab service
2 to tourists, but we think it will benefit
3 corporate travelers, New York City residents
4 and taxicab drivers alike by better managing
5 passenger expectations and eliminating any
6 confusion created by the current one way flat
7 fare.

8 While we urge the Commission to enact
9 these proposed rules, we want to take this
10 opportunity to point out that this fare
11 adjustment is a 100 percent benefit to taxi
12 drivers. It's the second time in the last
13 two-and-a-half years that MTBOT has supported
14 a fare increase that disproportionately
15 benefits taxi drivers.

16 The 2004 drivers received 85 percent
17 of a 26 percent increase while owners received
18 only 15 percent.

19 Now, during the eight years prior to
20 the 2004 fare increase, owners' costs
21 skyrocketed and the relatively small increase
22 to the lease caps did not significantly offset
23 those costs, which continue to rise today.

24 So we request that the Commission be
25 mindful of these economics now and every time

00053

1 a fare adjustment is contemplated. A fair and
2 reasonable split between taxicab drivers and
3 taxicab owners will improve the quality of
4 service by attracting and retaining committed
5 and experienced drivers and by providing
6 required revenue for regular vehicle
7 replacement, increased operating expenses,
8 reinvestment into the taxicab operations and
9 overall enhancement of quality taxicab
10 service.

11 Thank you very much.

12 CHAIRMAN DAUS: Thank you.

13 COMM. GIANNOULIS: Quick question.

14 Based on what somebody earlier said about
15 stickers, do owners hate putting stickers and
16 changing stickers on vehicles?

17 MR. GIANETTO: It's a logistical
18 concern, but in this case to promote the flat
19 fare I think we'd support it. That's a good
20 thing. At least a temporary sticker to
21 announce it.

22 COMM. DEAR: In your last paragraph
23 but recognizing this as an adjustment, you are
24 talking about an increase that we did not
25 focus on to a group of people, owners and

00054

1 obviously operators of the medallions.

2 This adjustment does not help you
3 guys, right?

4 MR. GIANETTO: It helps us
5 indirectly in that it retains drivers, it's
6 attractive to drivers, but it doesn't directly
7 impact us, correct.

8 COMM. DEAR: I know at the last fare
9 increase we talked about doing this rather
10 than waiting umpteen years to do something
11 that we would revisit that.

12 I suggest that you make that request
13 of us so that we can take a look at it as
14 well.

15 MR. GIANETTO: As I said, we commend
16 the Commission for revisiting this, as you
17 guys indicated you would do and you continue
18 to do. We appreciate that.

19 COMM. DEAR: We promise. We
20 deliver.

21 CHAIRMAN DAUS: Mr. David Pollack,
22 are you here?

23 MR. POLLACK: Good morning,
24 Commissioners.

25 On behalf of 40,000 yellow cab

00055

1 drivers, thank you for considering this rate
2 adjustment in the waiting time. It's a
3 positive thing for not only the drivers but
4 for the public as well.

5 The public benefits. Obviously we
6 know in the daytime there is a lot more
7 traffic than in the evening. By paying the
8 drivers what they deserve for sitting in
9 traffic, you will have more day drivers,
10 meaning more availability of yellow cabs for
11 the public.

12 So I guess since I take cabs, I can
13 say on behalf of the public, thank you. On
14 behalf of the drivers, thank you. And on
15 behalf of the owners, thank you.

16 As far as the \$55 flat fare goes, we
17 needed to stop the ripoffs by the doormen
18 overcharging innocent tourists who direct them
19 to non-yellow taxi vehicles on the way to the
20 airport.

21 It's such a positive step and such an
22 easy thing. Every taxidriver taking a fare
23 into Manhattan can now say take a yellow cab
24 back, it's the same price. It's a simple
25 solution.

00056

1 With regards to stickers, maybe a one
2 year on every inspection. Maybe a one year on
3 the vehicle so people get used to the \$45
4 sticker.

5 As far as group rides at Javitz
6 Center, the third part of this rate fare
7 adjustment, the committee for taxi safety has
8 been a favor of all three segments of this
9 adjustment and I can't begin to tell you the
10 amount of phone calls I get from taxi drivers
11 who at the Javitz Center saying the hustlers
12 are all over, they're charging people \$50
13 apiece to go to midtown hotels which are
14 10-minute drives when a yellow taxi ride is 6
15 or \$7 in traffic at most.

16 So thank you for understanding the
17 pressures that drivers go through in traffic
18 all day and making more taxis available to the
19 public.

20 CHAIRMAN DAUS: Thank you.

21 Next speak is Mr. Vinny Sapone. Now
22 is your chance to shine.

23 MR. SAPONE: Thank you.

24 CHAIRMAN DAUS: You're welcome.
25 Thanks for waiting.

00057

1 MR. SAPONE: I am a little pushy but
2 I understand.

3 Anyway, I want to thank the
4 Commissioners, Chairman, for considering the
5 waiting time increase and also considering
6 another important issue with the flat fare to
7 make the public aware, the tourists aware.

8 You know, also, I would like to thank
9 Samara Epstein and Andrew Salkin for working
10 diligently on giving information to you guys
11 and to us. I don't know how you do it. They
12 are always in meeting, always traveling, but
13 they are two bright people.

14 My name is Vincent Sapone. I am the
15 Managing Director of mutual taxi owners, known
16 as LOMTO. We were established in 1934 so we
17 didn't just come on the block, you know.

18 My first hack license was issued to
19 me in 1967, so I do know something about the
20 taxi business.

21 Let's go with this sticker ideas. I
22 beg you, at least for a year or so, that's
23 only a rough sketch. If we can get it on the
24 panel between the back window and the rear
25 window so people will know, okay, are we

00058

1 getting ripped off from hotels and the Javitz
2 Center. Unbelievable.

3 I know the TLC is trying, but they
4 don't have enough enforcers. Maybe we should
5 take some away from enforcing yellows and go
6 after them. That would be a good idea. I
7 think it would be good for the public.

8 I would love to try to get signs in
9 hotels saying ride a yellow, ride safe, \$45.
10 I said enough about that.

11 As far as the waiting time, for 17
12 years the waiting time has been what it is. I
13 was 27 years old at that time and now -- now,
14 42, I made an error, I am mistaken.

15 The waiting time is very important.
16 For years and years I have been talking about
17 how wonderful Mayor Giuliani was and
18 Bloomberg, they're building this city.

19 Bloomberg, he came in with nothing
20 and he built up this city. Building it up
21 makes more traffic, though. It's great.
22 Everybody is coming here, but there's more
23 traffic.

24 Central Park is closed. You can't
25 use that. It is just more traffic.

00059

1 I beg you people, to increase that
2 waiting time. Most of these cities have a
3 higher rate on waiting time than we do and we
4 are the best city in the world with the best
5 taxi drivers in the world due to this
6 Commission.

7 I have come here many a time and I
8 feel I win one or two out of 10. Let's make
9 it 3 out of 10 today. Please, all right?

10 I take cabs, too, and I don't make a
11 lot of money like people think, so it cost me
12 an extra half a dollar, I am still going to
13 take a cab.

14 Thank you guys. Any questions? Go
15 home and hug your kids tonight and tell them
16 you did the right thing.

17 COMM. DEAR: A round of applause to
18 you because you led this effort.

19 MR. SAPONE: I believe in the
20 working people. That's all.

21 COMM. DEAR: I would like to use the
22 pictures of Uncle Vinny.

23 MR. SAPONE: That's a rough sketch.
24 You mean the plain or me?

25 COMM. DAUS: To be determined.

00060

1 Actually, it's a pretty good idea to
2 put some type of sticker and we would like a
3 little time to work on it, if it's okay with
4 the Commissioners, I would like to develop a
5 prototype.

6 MR. SAPONE: Who can it hurt?

7 CHAIRMAN DAUS: What you did is
8 nice.

9 MR. SAPONE: It's rough.

10 CHAIRMAN DAUS: It's developed, but
11 we'll develop it. At least 30 days for us to
12 work on it.

13 MR. SAPONE: Thank you, sir. Thank
14 you, Commissioners. Thank you, Chucky.

15 CHAIRMAN DAUS: The next speaker is
16 Isaac Hakimi.

17 MR. HAKIMI: Good morning. Mr.
18 Chairman, Commissioners, my name is Isaac
19 Hakimi. I own and operate an individual
20 medallion, 1W96.

21 Since you gentlemen are lawyers, and
22 lawyers work on facts and figures, if you
23 would please allow me as a cab driver I would
24 like to represent to you some facts and
25 figures.

00061

1 In order to make my cab available for
2 public, meaning working, there are certain
3 costs that are associated with it.

4 I have medallion mortgage, I have
5 insurance, I have repair, I have gasoline, I
6 have \$1,000 tax stamp, I have license renewal,
7 7 and \$10 a year.

8 Now we get to number of hours I am
9 allowed to work. If I am working six days a
10 week, 12 hours a day, that you approve,
11 multiply by four weeks in month, the number of
12 hours that I am allowed to work is 288 hours.

13 If I add up my mortgage, my
14 insurance, repair and so on, divide by 288
15 hours I am allowed to work, it comes down to
16 \$14 an hour roughly to maintain the cab.

17 Whether I am working or not working,
18 I have to take from my pocket \$14 an hour to
19 maintain it.

20 Now, in response to the fare
21 adjustment proposal, I really appreciate you
22 arranging this hearing that in my
23 understanding could put an end to the hardship
24 and suffering of the yellow cab driver that
25 goes through on a daily basis.

00062

1 Now, in heavy traffic that I am
2 especially going crosstown or going in the
3 morning coming down 5th Avenue and afternoon
4 going up Madison, the meter, plus if I am
5 lucky to get dollar or two tip, it would add
6 up to \$16 roughly.

7 It cost me \$14 an hour to maintain
8 the cab. I make from the customer, he gave me
9 \$16. It means that I made \$2 an hour. This
10 is in time of heavy traffic.

11 Now, gentlemen, you might say Hakimi
12 bought his medallion ten years ago, either he
13 is out of his mind or he is a liar. If he is
14 telling me he makes \$2 an hour in rush hour
15 how come he is in the business?

16 Mr. Richie from LOMTO is here. Ten
17 years ago when I bought the medallion I had
18 \$185,000 loan. You might expect after 10
19 years, I paid off the medallion. It is wrong.

20 Right now, as of today, I owe LOMTO
21 \$255,000 on the medallion plus \$40,000 and
22 that money in debt is to cover that \$2 an hour
23 that I am making.

24 I have rent, \$900 a month health
25 insurance, electricity, food, et cetera, so

00063

1 where is this money come from? Not from \$2 an
2 hour.

3 I think it is about the time, please,
4 to consider the fare increase, the waiting
5 time, and help us hold our hand and lift us
6 up.

7 Now, gentlemen, another point is that
8 I am sure you took a yellow cab many times.
9 When you got out of the yellow cab you ask
10 yourself a question what was wrong with that
11 stupid idiot yellow cab. Why he is driving 60
12 miles per hour from light to light. Why he is
13 going zigzag?

14 The Answer is it becomes state of
15 mind for the yellow cab driver to drive fast
16 because if he drives fast, he knows he makes
17 his money on number of pickups in an hour. If
18 I drive fast and there is no traffic and I am
19 allowed to pick up 5 passengers an hour, 2.50
20 initial, \$1 tip, New Yorkers are generous,
21 they tip \$1, it's 3.50. 5 passengers in an
22 hour is about \$17 an hour.

23 For the rest of the hour the meter is
24 working. When the meter is working, it pays
25 for me initial cost of maintaining the cab and

00064

1 the \$17 that I make for the passengers, this
2 is for paying rent and health insurance, food
3 and this and that.

4 Mr. Chairman, in my opinion, there is
5 another solution to solving our hardship.
6 That is we are forced to buy a new car every
7 six years or six and a half years. To my
8 understanding, it is absolutely, positively
9 waste of resources.

10 I am losing \$5,000 a year. Now, you
11 might say Hakimi deducts from his taxes the
12 \$5,000 a year. That's true, but if had I not
13 bought a new cab and lost the \$5,000 --

14 CHAIRMAN DAUS: Mr. Hakimi, I'm
15 sorry, your time has expired.

16 We would be happy, if you stick
17 around, because something seems a little -- it
18 stands out beyond the norm in terms of
19 expenses that you are showing and things we
20 have seen -- you mentioned the \$40,000 credit
21 card, we are curious to see what type of
22 expenses you have and that's not really a
23 topic for this hearing.

24 We are going to next month be
25 discussing somewhat the retirement issue, so

00065

1 we encourage you to come back.

2 MR. HAKIMI: Can I one minute --

3 COMM. GIANNOULIS: Your time is up.

4 We appreciate your testimony, but I will say
5 if his numbers are right, I am going to
6 nominate him to be the new deputy commissioner
7 of finance because after five years on the
8 Commission, I finally found out what it cost
9 in order to run a cab per hour.

10 COMM. DEAR: If he is right.

11 COMM. GIANNOULIS: If he is wrong, I
12 would love to know what the actual number is,
13 because as a small business person, when we
14 keep looking at these numbers, it is pretty
15 good for us to actually know what their charge
16 is per hour and quite honestly it becomes
17 simple for us to look at these numbers and say
18 this is average.

19 It would be a good number to have in
20 our own heads.

21 COMM. WEINSHALL: If he is right.

22 COMM. GIANNOULIS: I have no idea if
23 he is right.

24 CHAIRMAN DAUS: Obviously this is
25 not the form. We have never seen someone who

00066

1 came up with the numbers that you did.

2 With your consent we'd love if you
3 could stick around.

4 MR. HAKIMI: Ten years ago from day
5 one when I started by business, I recorded
6 exactly my income and expenses.

7 CHAIRMAN DAUS: If you are willing
8 to share your numbers with us, it would be
9 beneficial.

10 MR. HAKIMI: You can have the
11 numbers.

12 CHAIRMAN DAUS: Someone will meet
13 you in the back.

14 The next speaker is Osman Shari.

15 MR. SHARI: Good morning, I am very
16 happy to see the fare adjustment. Actually,
17 2005, 2006, we don't get it. Given the fare
18 adjustment, who is the beneficiary?

19 I think if the driver are happy, I
20 appreciate it. But after one month, we cannot
21 see -- garage owner, all of it is charging
22 high lease. Last fare, I put a weekly lease,
23 667, I pay now 725.

24 We have to have protection. I know
25 they are paying. Some charge daily basis.

00067

1 Fare adjustment, you need to control
2 the garage. Don't charge over lease and some
3 garage charge daily basis \$135.

4 Please, we want fare adjustment, lot
5 of money losing, and the New York riders want
6 to pay extra money, they know we are suffering
7 but we are losing lot of money.

8 Thank you.

9 COMM. DEAR: Who are you
10 representing?

11 MR. SHARI: New York Taxi Drivers
12 Alliance. I work in garage.

13 COMM. DEAR: I don't see your
14 leader.

15 MR. SHARI: Bhairaui Desai, she was
16 in a car accident yesterday.

17 COMM. DEAR: I want to make a
18 comment.

19 I just turned to Commissioner
20 Weinshall, and I said when was the last fare
21 increase we did? 2004.

22 I said am I hearing right? I didn't
23 even hear a thank you from you. This is a
24 Commission in the last few years that has
25 turned around, has done so much for the driver

00068

1 and for things that you have advocated and you
2 and your leaders have come here to criticize
3 us all the time and I haven't heard one word
4 of thank you today.

5 Instead no, we want more. Basic
6 decency, just as a human being. We don't have
7 to be berated like that all the time.

8 I want the public to know that we've
9 been here time and time out. None of us get
10 paid here, we're members of the Commission and
11 we work hard and now we have been trying to
12 think of ways not to outprice you out of the
13 industry where people stop taking cabs, but
14 rather to give you the fair shake.

15 The last two increases went directly
16 to the driver and not to the owners, so I hope
17 that you would understand that and you are
18 welcome very much.

19 CHAIRMAN DAUS: I can't make out the
20 next name, Mark Rakin.

21 MR. RAKIN: I put my name on the
22 wrong list. I want to be on the immigration
23 thing.

24 CHAIRMAN DAUS: Okay.
25 Beresford Simmons?

00069

1 MR. SIMMONS: My name is Beresford
2 Simmons and I'm from the Taxi Workers
3 Alliance.

4 I want to thank you gentlemen for
5 working for us.

6 COMM. DEAR: You are welcome very
7 much.

8 MR. SIMMONS: Well, gentlemen, I am
9 the Communications Director for the Taxi
10 Workers Alliance. I am the one who
11 perpetrates all the information out to the
12 drivers.

13 Again, I thank you for this fare
14 increase, but the passengers already know
15 about the \$45 back to the airport. They
16 didn't know it was on the meter, but they do
17 pay you the \$45 anyway.

18 Again, I say thank you very much.

19 But traffic in New York City needs to
20 be readjusted. Those streets with one-way
21 traffic, left turn signal, needs to be
22 changed. It has created more chaos in the
23 city.

24 I would like you people to look
25 forward at that, because I look out for the

00070

1 passengers when they are here, as far as
2 economically feasible for them to make their
3 way around the city. If the traffic is jammed
4 up, I try to find other ways to go to save
5 money.

6 We appreciate everything you fellows
7 are doing for us.

8 Ms. Bhairau Desai is not here, but
9 we are here listening and thank you very much.

10 CHAIRMAN DAUS: I hope she is okay.

11 MR. SIMMONS: She will be all right.

12 CHAIRMAN DAUS: The last speaker on
13 the list, Bill Lindauer.

14 MR. LINDAUER: I am Bill Lindauer of
15 the New York Taxi Workers Alliance, the future
16 global force in this industry.

17 It's nice to see you, Mr. Daus, again
18 after Seattle. Somebody has to monitor the
19 regulators or they might run amuck with
20 oppressive rules and regulations. Of course
21 that can never happen here. Right.

22 Thank you for not throwing me into
23 Puget Sound during the boat ride.

24 I want to compliment Joe Gianetto.
25 He spoke so movingly about the plight of the

00071

1 ridiculously rich. It was touching.

2 We at the TWA are for the \$45 JFK
3 fare. It makes things simple and of course it
4 should go up if there is a fare increase in
5 the future.

6 The \$12 an hour waiting time was
7 ridiculous. This is a giant step forward at
8 last into the 21st century as far as New York
9 City cab rates are.

10 I guess, Mr. Chairman, you saw that
11 in Seattle the waiting time is \$30 an hour and
12 they don't have half the traffic we have and
13 they have 50 cents per head over two unless
14 it's a child under 12.

15 Plus, they have \$1 fuel surcharge,
16 like 75 percent of the other cities there at
17 the conference.

18 Be that as it may, this is a giant
19 step forward and I appreciate the work of
20 these unpaid Commissioners. I have said that
21 in the past.

22 Especially Mr. Dear, he knows what
23 decency is and he knows that drivers deserve a
24 living, but right now it's a terrible
25 struggle.

00072

1 Thank you.

2 COMM. DEAR: You are welcome.

3 CHAIRMAN DAUS: Thank you. That
4 concludes our list of speakers.

5 Any questions or comments for the
6 Commissioners?

7 Okay.

8 Hearing no questions or comments, I
9 would like to bring it to a vote, with the
10 amendments that our general counsel read at
11 the beginning, do we have a motion --

12 COMM. DEAR: Also, could we add
13 about the sticker?

14 CHAIRMAN DAUS: No, that's a
15 separate issue. What I propose with the
16 sticker is that we come back at the next
17 meeting with the prototype and a specific
18 proposal because we do not have a design or
19 placement.

20 COMM. DEAR: Also again, before we
21 vote, want to thank you as Chair, the fellow
22 Commissioners, as well as the staff working
23 very hard in the industry, coming forward
24 working together and to recognize this is an
25 adjustment to the fare and that we have to

00073

1 review it anyhow as we said since the last
2 fare increase was two years ago so we have to
3 look at this again to see where we go from
4 here.

5 Also, whatever we can to partner with
6 the Port Authority, with the Hotel
7 Association, with everybody, using the Mayor
8 champion this cause because I think this will
9 help us a lot in bringing more taxi drivers to
10 do more work going back and forth to the
11 airports.

12 CHAIRMAN DAUS: I really can't
13 accept that compliment, because quite frankly,
14 it came from this Commission.

15 If you leave it up to me, I say it
16 took 7 years to get it down. The reason we
17 are here today planning for the future is
18 because each and every one of the
19 Commissioners, since our last fare increase,
20 which I think was one of the most beneficial
21 ones to the drivers ever in terms of
22 strengthening the work force.

23 There was specific discussion at many
24 Commission meetings where everyone basically
25 here wanted to do a more periodic review to be

00074

1 fair to the industry.

2 Thanks for the colleagues, unpaid,
3 unsalaried Commissioners here with us today
4 that we are putting together a plan for the
5 future.

6 It's not an easy thing to tell
7 passengers they have to pay a little bit more,
8 but it's also better than having to dip into
9 your pocket and be hit really hard after a
10 long period of time.

11 I think it's a modest adjustment, one
12 that will provide equity for the drivers.
13 Right now, if you get stuck in traffic or it
14 just happened because of the luck of the draw
15 to get a couple of fares where you're stuck,
16 you end up coming home with a lot less money
17 in your pocket.

18 This will create more balance and
19 fairness for the drivers out there. Quite
20 frankly, the flat fare, which is a group ride,
21 will facilitate through outreach more use of
22 cab at hotels to the airports and we want to
23 increase awareness of that.

24 I am fully supportive of that. Quite
25 frankly, depending on where you are in

00075

1 Manhattan, it's a fare decrease, depending on
2 where you take the cab from.

3 In upper Manhattan, it's actually
4 cheaper than going on a meter fare. I
5 actually have all you to thank and for your
6 support and basically --

7 MR. GIANNOULIS: Maybe it's Iris.
8 She is on the Commission for two years.

9 CHAIRMAN DAUS: Iris is a wonderful
10 voice of reason and fairness and a strong
11 influence.

12 Also mentor and somebody who really
13 understands having family basically. Her
14 father was a cab driver.

15 That goes for all the Commissioners
16 here. Thank you for your support on this.

17 Unless we have other comments --

18 COMM. AROUT: Motion, Mr. Chairman,
19 I have never seen in all the years I have been
20 here, the amount of work this Commission has
21 done for drivers and lease people. I would
22 say about 85, 87 percent in the audience
23 approved it and a few others didn't. That's
24 okay.

25 This Commission has worked hard and

00076

1 diligently to get what we have today and most
2 of you people out there have been very, very
3 patient with this Commission but you see the
4 work they have doing and I am sure in the
5 future you will see much more.

6 I would like to make a motion to
7 accept.

8 CHAIRMAN DAUS: To vote on the fare
9 adjustment.

10 All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN DAUS: Thank you. It's
13 unanimous.

14 I can't let this moment go by without
15 thanking, not only the industry groups, but
16 our staff first and foremost, our First Deputy
17 Commissioner Andrew Salkin who understands
18 these numbers like nobody else I've ever run
19 into before.

20 Andy, thank you.

21 Samara Epstein, Eric Kim, all the
22 people on Andy's staff who worked very, very
23 hard to heighten the level of data that we
24 have and to analyze it and when we do these
25 things to understand the ramifications of our

00077

1 policies.

2 This adjudgment will ensure that we
3 don't have to ever hopefully deal with the
4 problem that we had when I first took over
5 this job. People wondering why they can't get
6 as many cabs as they can now.

7 It's a lot better. It's tough during
8 rush hour because of demand and supply issues,
9 but we don't want to have a situation like
10 many years ago when we had a driver shortage.
11 Now is the time to keep up with the cost of
12 living, make sure there's balance and equity
13 for the drivers and make sure they stay in
14 this industry now.

15 An experienced driver is a driver
16 that's safer, and serves the passenger better,
17 knowing the City better.

18 Congratulations to all drivers, you
19 deserve it. Thank you, Commission staff.

20 I would like to turn the mike over to
21 Chuck Fraser for item 5B.

22 MR. FRASER: The next proposed rule
23 would provide a clear and consistent standard
24 for proof of identity of applicants for
25 various TLCs and licenses.

00078

1 Under the proposed rule, an applicant
2 would be required to produce an original
3 Social Security card and a photo ID issued by
4 a governmental entity within the United
5 States.

6 The proposed rule clarifies and
7 simplifies application requirements. The
8 proposed rule leaves unchanged the TLCs
9 ability to fingerprint applicants for the
10 purposes of conducting criminal background
11 checks.

12 COMM. GIANNOULIS: Excuse me.

13 MR. FRASER: 30 day comment period
14 expired October 20th, no written comments were
15 received.

16 MR. FRASER: First speaker on the
17 speaker list is Jason Megill.

18 MR. MEGILL: Thank you.

19 I oppose the rule change. I favor
20 leaving language which requires applicants and
21 renewals to be here legally.

22 Tomorrow, the City Immigration
23 Subcommittee will meet to discuss policy
24 changes which will help illegal aliens get
25 driver licenses.

00079

1 When regime change comes to Albany,
2 there will be no guarantee that illegal aliens
3 will not get driver licenses. It is my
4 opinion that illegal alien drivers are less
5 safe than legal residents. It is simply a
6 matter of being in the country for a shorter
7 period of time and being less adjusted to the
8 way things are.

9 Every so often a driver kills
10 someone. It's unfortunate when it happens,
11 but it happens. Less safe drivers are more
12 likely to cause injury and death.

13 This policy recommendation has a
14 potential to cause loss of life. You cannot
15 in good faith endanger public safety. It is
16 bad for the industry and raises insurance
17 rates. It is also morally wrong.

18 Thank you.

19 COMM. DEAR: Are you a driver?

20 MR. MEGILL: No, I am not.

21 COMM DEAR: Where does it say in the
22 rules that we will have illegal aliens
23 driving?

24 MR. MEGILL: The proposal is to
25 delete the requirement that applicants be here

00080

1 legally.

2 COMM. DEAR: Where does it say that?

3 COMM. GIANNOULIS: I don't want to
4 get into a debate.

5 Charles, if you could explain to us a
6 little bit about the rule change. What we are
7 saying is we are going to require a government
8 ID in order to get a hack license?

9 MR. FRASER: Original Social Security
10 card and photo ID, government issued photo ID
11 card.

12 COMM. GIANNOULIS: Would that mean
13 if you were to have those two, you would
14 either be a resident alien or citizen? I
15 don't know if resident alien is the right
16 term.

17 MR. FRASER: I think there is other
18 variations, such as present with a work visa
19 that you can get a Social Security card.

20 COMM. GIANNOULIS: You cannot be an
21 illegal alien and have a Social Security card.

22 MR. FRASER: Without proving --

23 COMM. GIANNOULIS: You cannot be an
24 illegal alien and get a driver's license?

25 MR. FRASER: That I am less familiar

00081

1 with. We didn't require driver's license.

2 COMM. GIANNOULIS: Some kind of
3 government issued ID.

4 MR. FRASER: I can't speak about
5 that, but the Social Security card, yes, you
6 cannot get a Social Security card if you are
7 an illegal alien.

8 COMM. GIANNOULIS: This rule would
9 simply say that it's not up to the TLC to
10 analyze citizenship and figure out your
11 resident tier 7 three months which expired two
12 days ago and your application is in, but blah,
13 blah, blah.

14 MR. FRASER: Correct.

15 COMM. GIANNOULIS: You have to have
16 Social Security, you have to have some kind of
17 ID and a valid Social Security card, which
18 would entail that you are registered with the
19 United States government.

20 MR. FRASER: Yes.

21 MR. MEGILL: My position is there
22 should be redundancy in requirements because
23 you have no guarantees that other government
24 authorities will do their job.

25 When somebody presents a Social

00082

1 Security card, you have no guarantee that's
2 not a forgery, so by having redundancy in the
3 requirement, you help protect yourself.

4 CHAIRMAN DAUS: Next speaker is Mr.
5 Vincent Sapone. He is out doing interviews.
6 Okay.

7 Next speaker is Naureen Rashid.

8 MS. RASHID: Good morning,
9 Commissioners. I think someone asked where
10 Bhairai Desai was. She can't be here today.

11 My name is Naureen Rashid. I'm an
12 attorney with Choler & Isaacs, and she asked
13 me to be here to make some statements on her
14 behalf today.

15 CHAIRMAN DAUS: We wish her a speedy
16 recovery.

17 MS. RASHID: Thank you.

18 One of the Commissioners made a
19 statement to the criticism. I think a couple
20 of the members have already said it, but let
21 me extend a thank you and gratitude for the
22 fare adjustment.

23 Perhaps often what happens is an
24 initiation of dialogue in an effort to
25 disseminate information that really is heavily

00083

1 known on the side of the drivers is
2 misconstrued as sort of criticism.

3 There is always an active dialogue
4 between New York City Taxi Workers Alliance
5 and Mr. Salkin's staff an effort to try to
6 disseminate information to make changes
7 beneficial to everybody.

8 In response to the license provisions
9 the proposal is consistent with other city
10 licensing policies and in compliance with
11 Mayoral Executive Order 41 which forbids city
12 agencies and employees from inquiring of the
13 immigration status of applicants.

14 The TLC should streamline the use of
15 the state of Department of Motor Vehicles
16 license to determine identity and refrain from
17 evaluating federal documents which the DMV is
18 better suited to review.

19 Further, taxi drivers are independent
20 contractors, not city employees. As such, the
21 TLC should further eliminate the Social
22 Security card requirement as proof of
23 identification. The SSI card should be one of
24 other identification documents permissible by
25 TLC.

00084

1 Thank you.

2 CHAIRMAN DAUS: Thank you.

3 The last speaker is Mark Ralin.

4 MR. RALIN: Thank you for having me

5 here.

6 I am basically with the other two
7 people that spoke, in the same position, that
8 there was a provision in hack license rule
9 that delete these words about illegal aliens
10 or aliens or not checking proper ID.

11 I think it's all a twist in words.
12 What I have here is the U.S. Code. We know
13 the whole city under 41 and the Mayor and
14 mayors before them down to Beam, I believe it
15 was, have all done the same thing.

16 Section 274, felonies under the
17 federal immigration and nationality act, INA,
18 274A(a)(1)(A), a person, including a group of
19 persons, business organizations or local
20 government commits a federal felony when he or
21 she assists an alien he should reasonably know
22 is illegally in the U.S. or who lacks
23 employment authorization by transporting,
24 sheltering assisting him or her to obtain
25 employment.

00085

1 There are other things that come
2 under this. I don't have to get into it. You
3 have the U.S. Code. You know what the U.S.
4 Code is. All of you should read this section.

5 Because all of you would be guilty of
6 a crime if you go along with Number 41.

7 If it was up to me, and if I had
8 attorneys, I would go to U.S. Attorney's
9 office and bring everybody under charges, have
10 them thrown out of office. They are not
11 upholding their Constitutional oath and they
12 shouldn't be doing these things.

13 As an American citizen, I was born in
14 Manhattan. I was a hack driver. I drove the
15 first day that the fare changed to 60 cents.
16 I believe that was in 1969 and 1970. The
17 first drop was 60 cents.

18 I worked for a few years. I went off
19 the college and I still had my license in '75.
20 I graduated from Plattsburg.

21 Yes, we had our troubles. Yes, times
22 are different. I agree with the hacks, they
23 should get a raise, God bless them. I don't
24 make as much as they do and I have an
25 expertise and work in a retail store.

00086

1 I can't afford anything either, but I
2 will end on that note, yes, you would be
3 violating the law as a felony under U.S. Code
4 as well as the Mayor. I will leave it.

5 Thank you, Mr. Chairman. Thank you,
6 this whole committee.

7 COMM. DAUS: Thank you.

8 Chuck wants to show our Commissioners
9 our interpretation of the law.

10 MR. FRASER: Obviously, I would not
11 be drafting a rule for consideration by the
12 Commission if I thought that complying with
13 the Constitution is a federal felony.

14 COMM. DEAR: All we are doing is
15 saying you have to provide you are legally in
16 this country. Am I correct?

17 MR. FRASER: We are requiring proof
18 that they submit to us be an original Social
19 Security card and we require a photo ID issued
20 by a government entity.

21 COMM. WEINSHALL: How do you define
22 that?

23 MR. FRASER: Any photo ID by any
24 government entities in the country.

25 Keep in mind, we fingerprint licensed

00087

1 applicants. We run background checks. That
2 will continue.

3 COMM. DEAR: These rules are for the
4 driver, right?

5 MR. FRASER: For all licenses covered
6 in the rule changes, including yellow cab.

7 COMM. GIANNOULIS: Do we have any
8 reason to believe historically that for some
9 reason driving a cab is a destination point
10 for illegal aliens?

11 CHAIRMAN DAUS: This has been a
12 long-standing policy of the Commission. This
13 is nothing new.

14 COMM. GIANNOULIS: In reality, a lot
15 of these concerns are fundamentally racist.

16 I don't think any illegal aliens,
17 given some of my family came over from Europe
18 illegally, illegal aliens, as a goal, are not
19 going to get into a cab and drive around and
20 get pulled over by cops.

21 They work in kitchens, in places
22 where quite honesty, try to make a living and
23 not get caught.

24 I think because a lot of people who
25 drive cabs are legal immigrants and people of

00088

1 color, there is some connection between them
2 being illegal, but I don't know why an illegal
3 alien would attempt to drive a cab.

4 COMM. SANDER: Is there any evidence
5 of a pattern of illegal aliens driving
6 taxicabs?

7 CHAIRMAN DAUS: No. What we are
8 doing for the other classes of license has
9 been in existence for the livery industry for
10 years.

11 There's not a person who leaves the
12 Commission after we double and triple-check
13 their original Social Security card and
14 government issued ID. In fact, our staff is
15 trained to identify people who come up with
16 bogus Social Security cards.

17 Working with District Attorney Brown,
18 we have actually brought to justice and had
19 arrested and prosecuted and lost their
20 licenses a small number of people who tried to
21 pass off bogus Social Security cards at our
22 agency.

23 The Department of Homeland Security
24 is better equipped than TLC staff to determine
25 whether someone is in this country illegally.

00089

1 Certainly they are the ones that issue Social
2 Security cards.

3 COMM. GIANNOULIS: Not in reference
4 to your comment, but just in reading stuff,
5 any reference to the Department of Homeland
6 Security and cab drivers, is racist.

7 COMM. SANDER: I want to go on
8 record, I think all the media hype and
9 reaction to this is irresponsible and not
10 appropriate. Some of it does have a racist
11 element to it, as well from a securities
12 standpoint.

13 I do not see the likelihood of a
14 person, any difference between explosives in a
15 taxi to renting a car, hijacking a car. This
16 whole conversation strikes me as being
17 slightly bizarre.

18 CHAIRMAN DAUS: You know, this is
19 something where we are going to continue to
20 look at rules, whether they are clear, whether
21 they should be changed -- this is something
22 that's been on the books since the '70s. These
23 rules were passed in 1977 and they do not
24 apply.

25 We do not check for U.S. citizenship.

00090

1 Never have. For the entire livery industry.

2 This administration and the Mayor

3 have been strong in terms of promoting

4 immigrants. Much to the Mayor's credit, we

5 are all immigrants at one point.

6 This industry is comprised of over 95

7 percent immigrants, and basically these are

8 our neighbors.

9 COMM. AROUT: May I make a motion to
10 accept this?

11 COMM. GIANNOULIS: Second.

12 COMM. DAUS: All in favor?

13 (Chorus of ayes.)

14 CHAIRMAN DAUS: Thank you,

15 Commissioners.

16 Now we are proceeding to item 5C.

17 MR. FRASER: This proposed rule
18 would establish a procedure for suspension a
19 TLC issued licenses for violation of TLC rules
20 for the violation poses a threat to public
21 safety or health, sufficient to warrant
22 hearing on the rule's violation.

23 Such suspensions are referred to as

24 summary, authorized by New York City

25 Administrative Code Section 19-512.1 Existing

00091

1 rules provide for summary suspension of a
2 license for rules violation that poses a
3 threat to public safety or health. Existing
4 rules require that the Commission proceed with
5 license revocation proceedings in most
6 instances within 10 days after suspension.

7 The New York Commission staff will
8 propose a procedure of suspension and
9 compliance holds two very important advantages
10 over the existing procedure of suspension and
11 revocation.

12 First suspension pending compliance
13 is more equitable to the licensee. Licensee
14 does not lose his or her license due to the
15 violation but instead can restore the license
16 in good standing by coming into compliance
17 with the rules at issue.

18 Suspension pending compliance
19 Commission regulatory goal for obtaining
20 compliance with its rules more directly than
21 does the mechanism of suspension pending
22 revocation.

23 The proposed rule was published for
24 comment on September 21st, one written comment
25 was received and copies have been distributed

00092

1 to the Commissioners.

2 CHAIRMAN DAUS: First speaker is Mr.
3 David Pollack.

4 MR. POLLACK: Good morning once
5 again. My name is David Pollack, executive
6 director of the Committee for Taxi Safety.
7 The committee represents more than 2,000
8 yellow taxi medallions and the men and women
9 drive those taxis.

10 I would like to thank the Commission
11 for circulating the proposed revisions to the
12 suspension rules well in advance of today's
13 meeting.

14 The Committee's professionals
15 reviewed the revisions and had the opportunity
16 to engage in discussions with the Commission.
17 The Committee does have some concerns
18 regarding the proposed rules that we believe
19 should engender further discussions pertaining
20 the broader revisions of the TLC rules and
21 regulations.

22 Counsel has assured the Committee
23 that issues we have raised would be part of
24 the overall discussion.

25 I would like to briefly outline a few

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1 of the issues the Committee has identified for
2 the benefit of the Commission members.

3 One, the periods of time to contest
4 some suspension or revocation are too long as
5 they are scheduling hearings. The length of
6 time for decisions are also too long.
7 Reversal can be apparent victory if the
8 respondent is forced out of business.

9 Two, the fine schedule should be
10 tempered. Many of the fines are out of
11 proportion to the violation that could put
12 licensees out of business.

13 We believe that the severity of the
14 proposed fines in many cases fines can be
15 \$10,000 per violation are confiscatory rather
16 than being remedial.

17 Three, there must be a better balance
18 between the complainant and respondent
19 licensee. The rules tend to presume guilt.
20 Even on such simple procedures as adjournments
21 or failure to appear, the respondent is
22 treated more severely.

23 Four, the rules are both inconsistent
24 and exceedingly stringent on the issue of
25 payment of fines. The rules appear to treat

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1 someone who defaults more leniently than a
2 respondent who appears although we are told
3 that this is not the intention of the proposed
4 rules.

5 For example, regardless of amounts of
6 fines, they need to be paid the same day they
7 are levied. Failure to pay such fine the same
8 day results in immediate suspension.

9 Thank you for this opportunity to
10 comment. The Committee believes that by
11 working together, we can achieve result that
12 works for both the TLC and the industry.

13 To that end, discussions regarding
14 length of time of suspension process and
15 decision should be continued.

16 Thank you.

17 CHAIRMAN DAUS: Thank you.

18 Mr. Bernardo Celerino. Is he still
19 here? He is not here, okay.

20 Erhan Tuncel.

21 MR. TUNCEL: Hello again, Mr.
22 Chairman, Commissioners. My name is Erhan
23 Tuncel.

24 I have a few concerns about the
25 proposed rule changes, summary suspension

00095

1 procedures.

2 Number one, most fines that are
3 listed range greatly in amount. In the case
4 of a guilty verdict, the payment in full is
5 expected before the end of that day or
6 driver's license will be suspended.

7 Some of these fines are pretty heavy
8 for cab drivers and at times, it's very
9 difficult to come up immediately with the
10 money needed to comply with this rule.

11 Even if you can, you will be forced
12 to bring the maximum penalty to the court to
13 avoid suspension.

14 I ask you to give us a grace period
15 perhaps 10 days to make a full payment before
16 suspending our licenses.

17 Number two, when an owner's license
18 is suspended, his medallion can be also taken
19 off the road. What if this owner had
20 additional drivers on his white card.

21 Why should these drivers get punished
22 along with the owner? In such cases, I ask
23 you to allow the medallion to stay on the road
24 until owner's appeal is processed by the
25 courts so the additional drivers can keep

00096

1 making a living.

2 Number three, it's possible for
3 anyone of us in this room to get charged with
4 a crime and be arrested in any number of
5 unfortunate and unjust circumstances.

6 If the Commission feels the need to
7 suspend the license of a driver who has been
8 charged with a particular crime, suspension
9 should only occur in case of a violent felony.
10 Otherwise, suspension should not occur until
11 the case is deposed. After all, we are all
12 innocent until proven guilty.

13 On suspension notifications. If a
14 license is mailed a suspension, the licensee
15 is mailed a suspension notice but the licensee
16 claims to have not received it, proof of
17 mailing should be on TLC. An acceptable
18 method of that is U.S. Post Office certificate
19 of mailing.

20 And on appeals to convictions. It
21 should be only 15 days to wait for a decision,
22 not 60 days. On revocation hearings, they
23 should be before the full Commission or that's
24 implied by rules of City of New York 19-512.1.

25 Thank you for your time.

00097

1 CHAIRMAN DAUS: Thank you.
2 Peter Mazer.

3 MR. MAZER: Good morning,
4 Commissioners. I am not going to read my
5 written comments which have been provided to
6 you. I am going to highlight two points and
7 I'm going to add a third point.

8 Point one is for you to look very
9 carefully at your administrative code
10 authority which gives this Commission the
11 authority to summarily suspend licenses.

12 Remember what we're talking about
13 when we say summarily suspend a license. We
14 are talking about depriving somebody of their
15 livelihood, whether a driver, owner, base
16 owner, agent. Without a hearing on the basis
17 of an allegation until some further day,
18 whether 10 days down the road, 15 days down
19 the road. We are depriving people of their
20 livelihood on the basis of a charge.

21 Not on the basis of a conviction.
22 Not on the basis of being found guilty of some
23 heinous offense, but on the basis of being
24 charged an offense.

25 So when you look to decide whether or

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1 not an offense should carry a penalty of
2 summary suspension on the basis of a charge,
3 look very carefully at what your authority is.

4 Your authority as a board is to
5 decide if someone is a threat to the public
6 health and public safety and you are doing so
7 if you are summarily suspending them, you are
8 doing so on the basis of an allegation.

9 Point two, also in my written
10 comments, language in how you deal with a
11 summary suspension when someone has been
12 arrested for a crime.

13 In my comments, I quoted from
14 addition to the rule. I noticed these were
15 rule proposals that were originally drafted in
16 March and changed somewhat.

17 What I would like to point out is
18 that the standard of review in summary
19 suspension hearing when an administrative law
20 judge is deciding whether to continue a
21 suspension on the basis of an arrest is that
22 the Commission, the ALJ is to assume that the
23 person is guilty of all charges.

24 When you have a bail hearing, when
25 any other licensee is considering whether a

00099

1 license should be suspended pending outcome of
2 a criminal charge, the licensee is given an
3 opportunity to refute the charges.

4 Under these rules, the ALJ is not
5 given the opportunity to entertain evidence of
6 innocence or guilt.

7 We have had situations where
8 individuals have attempted to present evidence
9 that they were not guilty of the underlying
10 charges at a summary suspension hearing and
11 the ALJ refused to consider such evidence
12 because the ALJ is to assume that the person
13 is guilty of all charges.

14 I ask you to reconsider that. Give
15 ALJs authority and flexibility to consider all
16 evidence at a summary suspension hearing.

17 All summary suspension hearings ALJs
18 make recommendations to the chairperson. I
19 ask you to consider giving the authority to
20 the chairperson to make final decisions with
21 respect to summary suspensions, bearing in
22 mind it's only a summary suspension.

23 If the Commission feels it needs to
24 seek revocation of any one of these cases, you
25 can seek revocation. This is only what you

00100

1 are doing with a license while the revocation
2 proceeding is pending. Give the ALJ the
3 authority to make the final decision.

4 Thank you.

5 CHAIRMAN DAUS: Thank you, Mr.
6 Mazer.

7 Naureen Rashid and then Joe Gianetto.

8 MS. RASHID: Again, I am going to
9 submit statements.

10 A couple of specific comments to some
11 of the specific rule proposals.

12 First would be Rule 811 on the
13 hearing procedure.

14 We are in support of the elimination
15 of the existing rule requiring surrender of a
16 license as a precondition to appearing at a
17 hearing.

18 We further support the requirement of
19 only one piece of photo identification for a
20 driver to appear at a hearing.

21 TLC rules should require complainants
22 to physically appear in person and be subject
23 to cross-examination at all hearings.

24 The TLC should not adjudicate
25 customer complaints where the witness does not

00101

1 appear in person and only provides an
2 affidavit.

3 Currently it is TLC practice to
4 conduct hearings where the driver is present,
5 the complainant is not present and in
6 substitute of the complainant is a piece of
7 paper a sworn affidavit, wherein the attorney
8 does not have the opportunity to cross-examine
9 the affidavit obviously.

10 TLC carries a large financial burden
11 in the act of having to appear at a hearing
12 that all carries with it a loss of income
13 and/or lease as well as loss of proper time
14 for rest and sleep for drivers.

15 Convictions carry points which could
16 lead to suspension or revocation of one's
17 license and as such their livelihood.

18 In reference to Rule 811, in the
19 event of a failure to appear, we are in
20 support of the elimination of suspensions for
21 failure to comply with Commission rules
22 requiring personal appearances at the hearing.

23 CHAIRMAN DAUS: You may be reading
24 other rules. Counsel advised me you're
25 referring to matters that are going to be at

00102

1 the public hearing in December.

2 MR. FRASER: We circulated a draft
3 of general revisions of Chapter 8 adjudication
4 rules that is not up for hearing today. Not
5 published for comments. The comments so far
6 pertain to that.

7 I apologize for the confusion, but
8 your two comments so far indicate you're
9 commenting on a rule that's not before the
10 Commission today.

11 MS. RASHID: Rule 816, summary
12 suspension, pending revocation to protect the
13 public health and safety.

14 816C, the TLC must change its policy
15 of suspensions upon arrest. As the proposed
16 rule stands, it is unclear which criterion the
17 TLC will use to evaluate a threat to public
18 health and safety.

19 The TLC must take into consideration
20 that oftentimes drivers with licenses are
21 suspended, must make the awful choice between
22 sacrificing their Constitutional right to
23 defend their innocence and foregoing hard
24 earned income.

25 Drivers often plead to a violation

00103

1 bearing heavy financial and other criminal
2 penalties rather than await the 90-day period
3 allowed for the District Attorney's office to
4 present their case.

5 In reference to Rule 817, summary
6 suspension pending complies with Commission
7 rules, this particular rule is unclear and
8 vague. It does not outline the designated
9 duties and authority of various TLC bodies
10 within summary suspension process.

11 For example, one is unable to
12 determine which TLC body would file an appeal
13 to the ALJ's decision to lift the summary
14 suspension, who would make the decision on
15 such an appeal, who would preside over the
16 second hearing if an appeal were to be
17 granted.

18 These are important components
19 critical to the function of this rule. The
20 ALJ's decision should stay the suspension
21 until a final decision is made at a second
22 hearing if the legal department's appeal is
23 granted.

24 Thank you for your consideration.

25 CHAIRMAN DAUS: Thank you.

00104

1 COMM. DEAR: Can I respond?

2 CHAIRMAN DAUS: We have one more
3 speaker. If we can get through that, then we
4 will answer the comments.

5 MR. GIANETTO: My name is Joseph
6 Gianetto. I am here on behalf of Metropolitan
7 Taxicab Border Trade.

8 These are serious rules. The
9 implications of these rules are of significant
10 concern to us and for everybody in this room.

11 Summarily suspending a license
12 without a hearing and depriving an individual
13 of his or her livelihood conceivably up to 91
14 days infringes upon the rights of medallion
15 owners and taxi drivers and could result in
16 irreparable harm.

17 Taxi operators and the TLC have a
18 mutual interest in ensuring compliance, but
19 instead of circumventing due process and the
20 fundamental fairness for a licensee to be
21 heard, the TLC should issue the notice of
22 violation, schedule an expedited hearing and
23 have it before an ALJ and have that ALJ render
24 a decision as quickly as the TLC's resources
25 allow.

00105

1 Under this scenario, due process is
2 preserved.

3 We don't object to amending the
4 penalties of the selected rules to incorporate
5 suspension until compliance. What we are
6 saying is that these penalties should be
7 imposed post hearing.

8 Let me give you some examples.
9 Proposed rules unfairly place the entire
10 burden to respond to a notice of suspension
11 onto the licensee.

12 Summary suspension is triggered by
13 the date the notice of suspension is mailed by
14 the TLC without regard to whether or not that
15 notice is received by the licensee.

16 Let's say, there could be a wrong
17 address on file, PO box subscription might
18 have expired. The TLC may have entered the
19 wrong address or may not have entered a change
20 of address in a timely manner.

21 Nevertheless, the suspension takes
22 place 5 days after the notice is mailed.
23 Licensee has 10 to 15 days to make a request
24 for an expedited hearing and the TLC must
25 schedule that hearing within 10 days of

00106

1 receipt of the request, different level of
2 standard of service than that which was
3 applied to the notice of suspension.

4 Of course, unless that request for a
5 hearing is adjourned by an ALJ for good cause.

6 So, you have to question whether the
7 TLC has the resources to administer such a
8 complex administrative process while ensuring
9 the basic rights of its licensees are
10 protected at each step in the process.

11 To balance our mutual interest in
12 ensuring compliance to the rules with the due
13 process rights of licensees, the burden of
14 scheduling these expedited hearing after a
15 notice of violation is issued should rest upon
16 the TLC. Not upon the licensee.

17 You have my comments. For example,
18 110D prevents fleet owners from using the
19 SPVs.

20 817A, regarding drug test of
21 licensees. By the way, the way the rule is
22 amended allows the TLC to suspend all TLC
23 issued licenses.

24 Again, how is the mailing determined
25 once the TLC mails out the notification that

00107

1 you are on summary suspension? Is it postmark
2 date? Is there a difference?

3 Someone mentioned a certificate of
4 mailing from the post office that could be
5 attached. That might be a way to answer that.

6 There were several other instances,
7 but the crux of the matter is we all could
8 achieve the same goal posthearing rather than
9 prehearing, so we urge the Commission not to
10 pass these rules as they are written at the
11 moment.

12 CHAIRMAN DAUS: We are aware of your
13 opinions on this because you have been working
14 with our staff.

15 Chuck wanted to respond to some of
16 the comments.

17 MR. FRASER: There are a couple that
18 I can respond to.

19 First, I think we need to be clear
20 about what violations we are talking about
21 here.

22 There are 9 instances for which a
23 person can be summarily suspended pending
24 compliance. Precisely 9 and no more.

25 Two of them are vehicle loses its DMV

00108

1 registration. Its ability to drive as a
2 taxicab will be suspended summarily
3 immediately. We are not going to hold a
4 hearing before we decide someone doesn't have
5 a registered vehicle cannot be driving.

6 3 pertain to drivers who lose their
7 DMV driver's license. Again, we will suspend
8 your license immediately. We are not going to
9 hold a hearing to decide whether someone who
10 does not have a driver's license should be
11 allowed to drive.

12 Two pertain to missing inspections or
13 failing inspections. Taxicab that misses an
14 inspection or fails inspection and is directed
15 to be taken out of service and fails to comply
16 with the direction will be suspended.

17 Those who have standby vehicles, you
18 don't fail to comply with the directive, put
19 the standby vehicle on the medallion, you
20 immediately continue driving. No out time
21 whatsoever.

22 Those who don't have standby
23 vehicles, you fix the car, get back on the
24 road.

25 COMM. MULLEN: We are talking about

00109

1 where there's a major safety issue with the
2 vehicle where we don't think the vehicle
3 should be on the record.

4 COMM. GIANNOULIS: So you would
5 order somebody to fix that, so if two days
6 later that person is still driving that
7 vehicle --

8 MR. FRASER: They are in trouble.

9 COMM. GIANNOULIS: Who would be
10 summarily suspended?

11 MR. FRASER: It would actually be
12 the owner of the taxicab, not the driver
13 because it's the owner who failed the
14 inspection, not the driver.

15 COMM. GIANNOULIS: Thank you.

16 MR. FRASER: Last one is failure to
17 take the drug test.

18 I think the rules are quite clear.
19 Drug testing obligation falls entirely on taxi
20 drivers. No one else is required to be drug
21 tested.

22 The Law Department felt we were
23 unclear about whether it was the TLC driver's
24 license or the DMV driver's license. That's
25 the only reason we entered language TLC issued

00110

1 license.

2 Another thing I want to respond to,
3 the fines question. Mr. Salkin wants me to
4 point out we would be taking credit cards, so
5 it would make it a lot easier.

6 We are not going to suspend people
7 for failure to pay their fines on the day of
8 the hearing but within 10 days of the notice
9 that they have the fine.

10 There were a couple of other issues
11 that were raised that are more properly
12 addressed to a broader revision of
13 adjudication rules we are undertaking.

14 We did not address them as part of
15 this rule and my recommendation would be that
16 this rule proceed without reference to those.

17 How long a person may remain on
18 suspension. That is not affected by this
19 rule.

20 COMM. VARGAS: You started off saying
21 there were 9 instances of summary suspension
22 but when you started speaking I made a list of
23 8.

24 MR. FRASER: 123A, deliberately
25 tampering with a taxi meter. If we know a

00111

1 person has deliberately tampered with a taxi
2 meter, we will suspend that person's license.
3 That would be owner or driver, whoever we
4 believe had actually done the tampering.

5 I am not sure we actually ever used
6 that rule. If we knew somebody tampered with
7 the meter reading, we'd revoke their license.

8 COMM VARGAS. If a licensee is
9 arrested, is their TLC license also summarily
10 suspended Upon arrest?

11 MR. FRASER: For serious crimes.
12 Not for any crimes. The law is we are not
13 required to retry or pretry the criminal case.

14 The standards as written in the rules
15 is if the charge if true, states a threat to
16 health and safety.

17 Courts are clear we are not obligated
18 to pretry a criminal case. That's not what we
19 do.

20 COMM. GONZALES: I would like to say
21 in general we are sensitive to the drivers
22 having their license suspended and things of
23 that nature.

24 This is one instance where we are
25 looking at the greater good and public safety

00112

1 and so it is a tough call and there will
2 always be exceptions.

3 But I think it's the right thing to
4 do.

5 CHAIRMAN DAUS: Thank you. Anybody
6 else?

7 COMM. GIANNOULIS: Maybe I was not
8 here, did we receive a presentation on this?

9 CHAIRMAN DAUS: I believe we did, we
10 had a prior public hearing. We were not
11 required to have a public hearing but we opted
12 to it because we made some changes to the
13 rules.

14 MR. FRASER: This rule was considered
15 by the Commission at its April meeting. Based
16 on the discussion, a decision was made to
17 table the rules. This is a revision of that
18 for representation.

19 COMM. DEAR: Just on the record, I
20 did have a discussion with Mel Miller. I
21 trust him, being a former law maker and I
22 trust his judgment.

23 I understand he is okay with most of
24 these issues. I get concerned, because when
25 you deal with people's livelihood and their

00113

1 investments, I'm concerned.

2 I will support it and I want those
3 continued conversation with people who
4 understand these issues very well who I trust
5 who have the real experience in the past.

6 COMM. AROUT: Motion?

7 COMM. WEINSHALL: Second.

8 CHAIRMAN DAUS: All in favor.

9 (Chorus of ayes.)

10 CHAIRMAN DAUS: Unanimous, thank you.

11 Motion to close the meeting?

12 COMM. AROUT: Motion.

13 COMM. DEAR: Second.

14 CHAIRMAN DAUS: We are adjourned.

15 (Time Noted: 12:05 p.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 Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on October 25, 2006, at 40 Rector Street, New York, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this day of , 2006.

MARGARET EUSTACE

