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4 NEW YORK CITY TAXI & LIMOUSINE COMMISSION

5

6 PUBLIC HEARING

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13 Held on Thursday, December 16th, 2010

14 At 40 Rector Street

15 New York, New York

16 Time: 10:00 a.m.

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24 FIVE STAR REPORTING, INC.,

25 90 JOHN STREET, SUITE 411

NEW YORK, NEW YORK 10028

631-224-5054

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

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6 COMMISSIONERS:

7 DAVID YASSKY, Chairman

8 HARRY GIANNOULIS, Commissioner

9 LAUVIENSKA POLANCO, Commissioner

10 ED GONZALES, Commissioner

11 CHARLES FRASER, General Counsel

12

13 SPEAKERS:

14 DARLYN SANCHEZ, United as One TLC Base Owners Assn

GUY PALUMBO, LRT

15 TAREK MALLAH, Dial 7 Car and Limousine Service

NYS Federation of Taxi Drivers, Inc.

16 RONNIE RAYMOND

AVIK KABESSA

17 STEVEN BUTATOWICZ, LOMTO

BHAIRAVI DESI, New York Taxi Workers Alliance

18 BILL LINDAUER, New York Taxi Workers Alliance

MICHAEL WOLOZ, MTBOT

19 ETHAN GREBER

RICHARD THALER, OMNI MEDIA NETWORK

20 ADRIAN GONZALEZ

PETER MAZER, MTBOT

21 OSMAN CHOWDURY

22 RICHARD DIZENGOFF  
BILL CARTER

23

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2 MR. YASSKY: Good morning. Thank you  
3 for joining us this morning.

4 Let me first inform the folks in the  
5 audience that we will not be voting on any of  
6 the items on the agenda today. I hope you will  
7 not feel that your trip to the TLC was in vain  
8 today.

9 We will have a public hearing that is  
10 quite important on each of items. Of course,  
11 we have a two-part agenda today. We have a  
12 number of business items that will be voted on.  
13 Not today, but, in January. I will explain  
14 shortly. And then we have a hearing on an  
15 issue that was not scheduled to vote today.  
16 But, I think it is of really top tier  
17 importance for this agency and for the industry

18 that we regulate and the public that those  
19 industry service. That is the issue of  
20 accessibility for people in wheelchairs.  
21 We'll be proceeding with that and with the  
22 public hearing on our business items.

23 Unfortunately, though, due to the  
24 unexpected absense of a couple of Commission  
25 members, we don't have a sufficient number to

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2 vote. I will just say all of you know the  
3 story of the boy who cried wolf. I guess the  
4 young person that cried wolf the child that  
5 cried wolf. I'm saying that with vacancies on  
6 the commission we are at risk of not  
7 having a quorum when necessary.

8 Unfortunately, today we have a shortage of  
9 one commissioner and Mark Gjonag was  
10 unexpectedly ill. I'm sure he'll be fine.  
11 But, he is at home with a fever a cannot attend  
12 the meeting. That leaves us just with one  
13 short of a quorum for voting. We do have a

14 quorum for doing business and taking testimony.

15 So, we'll go ahead and we will go ahead  
16 with those items, have the hearing, the public  
17 hearing on business items. We will then in  
18 January be able to vote without having a second  
19 hearing at that time. Am I correct? I am  
20 correct?

21 Let me just start by wishing everyone a  
22 happy holiday season, a /HAR tape and /PROS  
23 /EFR 2011 and speaking of New Years, as the TLC  
24 is once again participating in you the man  
25 campaign with the Department of Transportation

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2 and Ciroc and entertaining when you leave your  
3 New Year's Eve party New York has those  
4 official designated drivers, the taxi and  
5 livery people who work on Christmas and New  
6 Year's Eve and holidays. When many people are  
7 taking time off and enjoying the company of  
8 friends and family, thousand of drivers are on  
9 the streets working hard to make sure New



6 discussed at the last commission meeting and I  
7 really want to ask our industry partners to  
8 pay tension. We discovered it a short while  
9 ago that T-Pep data revealed that unfortunately  
10 too many taxi drives are charging the full  
11 fare, the cash fair, on bridges and tunnels and  
12 not using the E-Z Pass fare.

13 Our rules require that the E-Z Pass be  
14 used on all of the toll crossings and the  
15 passenger be charged the E-Z Pass fare and not  
16 the cash fair.

17 So, we sent out a hundred tickets. I  
18 think I mentioned that at the last meeting or  
19 the one before. But, we are not yet seeing a  
20 change in behavior. So, we are now in the  
21 next couple of days be issuing another two  
22 hundred tickets. And we were not looking to  
23 collect revenue. We're not looking to issue  
24 tickets. We're looking to get compliance, and,  
25 so you know, I would just ask you to pass the

2 word on to your colleagues in the industry that  
3 drivers do need to pay heed to that rule, and,  
4 again, my goal is to, that is, these are the  
5 last two hundred tickets issued because we seek  
6 compliance. That would be my goal.

7 I'm sure at another time we come across  
8 in the T-Pep data, we do see that there are  
9 some drivers that are continuing to do  
10 something. I think this has been an industry  
11 practice for awhile which is not to engage the  
12 meter on flat fair trips from J.F.K. Airport to  
13 Manhattan.

14 What we see on the data are a number of  
15 trips that kind of begin and end on East 45th  
16 Street in Manhattan and there's a \$45 fare  
17 charged. What we want, we assume in those  
18 cases, is that the driver is leaving the  
19 airport without the meter on, and then, when  
20 they get where they're going, they turn the  
21 meter on, put the flat fare, or put in \$45 in  
22 the self-entered fare, and turn the meter off.  
23 No one is being over charged in those cases,  
24 you know, that they're charging. It's  
25 a proper fare.

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2 But, it is an enforcement issue for us  
3 because when somebody leaves the airport  
4 without the meter on, if The TLC were to stop  
5 that person or they were to notice or the  
6 passenger were to notice that's a violation and  
7 the reason we have that is so passengers know  
8 what they're being charged. That is kind of  
9 prophylactic against not having the meter on  
10 and saying it's \$80 or \$90 trip. We have not  
11 issued summonses.

12 What I will say again, I'm asking the  
13 industry leaders here to spread the word among  
14 drivers. We don't want to issue summonses for  
15 this of this kind that are no harm, no foul,  
16 like that.

17 But, we do need compliance that the meters  
18 have been engaged on every trip. There is a  
19 good reason for that rule and we must insist on  
20 it. I would ask you to spread the word among  
21 drivers. Remind them of that rule, if you  
22 will.

23 Maybe what we'll do is we can put together  
24 a flier for you to post in your garages for

25 those of you for whom that is appropriate. A

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2 couple of reminders for medallion owners. As  
3 you know, the DDS will no longer be, shortly  
4 will no longer be an approved T-Pep provider.  
5 Medallion owners who do have current contracts  
6 with T-Pep service will have to sign up with  
7 one of the two other providers. The other two  
8 providers, either CMT or Veriphone, by December  
9 1st.

10 We issued a deadline reminding you of  
11 that. The deadline to install the equipment  
12 depends on your vehicle. The second date, it  
13 will be somewhere between February 1st and May  
14 1st. I'm reminding you again. I'm reminding  
15 you. You have to sign up by the end of the  
16 year December 31st to install the equipment.  
17 Each vehicle gets a deadline sometime by  
18 May 31st.

19 Second, I want to remind medallion owners  
20 it's important that TLC staff be able reach you

21 out of the operation of your medallion 24/7.

22 We have not infrequent calls from law  
23 enforcement not where a taxi driver, the  
24 operator of a taxi, can provide useful  
25 information, because the taxi driver, you know,

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2 is not a suspect in any way. But, it's useful  
3 information that they want the law enforcement  
4 in an investigation to talk to the drivers  
5 about something that they may or may not have  
6 seen. Sometimes we need to reach people timely.

7 We have lot property calls 24/7, as you  
8 know, and, so, our rules require every  
9 medallion owner have a phone number on file  
10 with us that we can use to reach you 24 hours a  
11 day. You are an agent to the operator. Your  
12 medallion. You can rely on a phone number.  
13 There must be a number where we can reach a  
14 person twenty-four hours a day. Voice mail is  
15 not sufficient. It's been true. At least  
16 since I've been here. I guess before that.

17           We often call the 24/7 number and we do not  
18 reach anyone, and we don't hear from them back  
19 until the morning and it's clear that it's not  
20 really a 24/7 number. It's a message machine.

21           I'm going to ask people to look and see if  
22 they're in compliance with that. And, if not,  
23 bring yourself into compliance.

24           Final reminder for that one is FHV bases,  
25 livery black car and livery limousine black

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2 cars are required by our rules to include in  
3 all vehicles including website attachments  
4 that are licensed by TLC and to include base  
5 license numbers. It's for the information to  
6 be clear as opposed to who is licensed. It's  
7 important for us to avoid unlicensed  
8 violations.

9           Finally, I want to alert folks that we are  
10 beginning on this. We're now ready to bring  
11 these proposals to you for a feedback and we'll  
12 be bringing it to the commissioners. We will

13 be proposing changes in the amounts of many of  
14 your fines and I think it's equally important  
15 that we'll be proposing reduced fines for  
16 licensees who plead guilt before the hearing.

17 The details of the proposals are in  
18 development. But, that's the basic structure  
19 of it. We will over the next few weeks be  
20 getting the details out to you so you can begin  
21 to formulate your feedback.

22 Also, in January we will not be voting on  
23 these in January, Commissioners. But, I think  
24 this is a significant change. I think you're  
25 going to like it. I'm confident you're going

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2 to like it. But, it's significant. We're not  
3 going to have hearing vote at that meeting.  
4 We'll have the hearing in January with the  
5 expectation of voting at the next meeting or  
6 the one there after depending on how long it  
7 takes us to incorporate the feedback.

8 Also, in January we'll have a public

9       hearings on two proposed rules. One will  
10       require business licensees to provide the TLC  
11       with E-mail addresses and the other will  
12       revamp aspects of the licensing process with  
13       deadlines for completion of licenses  
14       application specifying that outstanding fines  
15       must be paid for a license application, making  
16       late fees uniform. Now, they vary, not in a  
17       way without having reason for the variation.

18           Both of these rules we will have a hearing  
19       on and we expect to vote. I think they're  
20       fairly straight forward in January. So, those  
21       proposed rules have already been published for  
22       public comment and they're available for  
23       website.

24           Before we proceed to the business items  
25       now I want to recognize we have Ira Goldstein

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2       with us today. He is, I won't embarrass him.  
3       There was a couple of occasions where people  
4       have incomiums and sing his praises. And even

5       though he deserves more, in the interest of  
6       proceeding, I'll ask Ira to come up and join me  
7       here. We have his badge, his the TLC badge,  
8       and it's traditional for us. It has been made  
9       into a permanent keepsake momento. There's a  
10      long paragraph here with Ira's history with the  
11      agency. And, otherwise, again, I will simply  
12      say he's as good friend of the agency as there  
13      is and ask him to come up and receive this.

14               (Whereupon, photographs were taken.)

15              Those photos will be on our facebook page  
16      promptly.

17              MR. GOLDSTEIN: I just want to say  
18      congratulations, I'm sure whatever inconium  
19      means, it's a good thing. I hope when I retire  
20      You use big words like that.

21              MR. YASSKY: Big words with someone with a  
22      big legacy at the TLC. So, in your case, yes,  
23      indeed.

24              We will proceed right to the business  
25      items again. Unfortunately, we will not be

2 able to vote on the base applications today.

3 But, we will have a public hearing on five  
4 proposed rules. They're in the order A through  
5 E here in your agendas.

6 I'm going to skip around a little bit.  
7 First, we will have the public hearing on  
8 driver dress requirements. I understand  
9 there are some reporters here. We might as  
10 well do that first for them.

11 Let me say something, Commissioners. There  
12 are a couple of experience we're trying today.  
13 This is one of them.

14 The dress code requirement, as you know,  
15 general counsel will describe the substance of  
16 the proposal in a minute. It grew out of the  
17 rules revision process, which I think has been  
18 a terrifically successful project. And, in  
19 going through the rules, our extraordinarily  
20 able people in general counsel's office  
21 identified many rules that look like they  
22 should be cleaned up. They're obsolete  
23 or they haven't been looked at for a  
24 while and ought to be just plain cleaned up.  
25 This is one of them. The rule had

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2 traditionally has for a few decades said that  
3 driver dress must be neat and clean, and  
4 further than proscribe the wearing of cut-off  
5 shorts, swim wear, under garments as outerwear.  
6 One other thing, tank tops and tube tops.

7 So, that was the way the rule read. It  
8 seemed to the professional staff at the TLC  
9 that was a kind of a incomplete list of items  
10 that are inappropriate. But, rather than  
11 having a detailed lengthy description that  
12 tries to put a dress code into detail like  
13 that, that it would be better and simpler to  
14 simply to tell drivers that we expect their  
15 dress to be neat, clean, and then we added the  
16 word professional.

17 This is not, you know, unlike E-Z Pass,  
18 this is not a rule that you expect our  
19 enforcement to be out looking for violations  
20 all over the place.

21 I think it's an appropriate topic for our  
22 rules because drivers are ambassadors of the  
23 City for tourists, for New Yorkers as well.

24       Particularly, you think of tourists who come to  
25       the City, get in the taxi cab. We want them to

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2       be greeted in an appropriate way. They're the  
3       face of the City. We want to project a  
4       professional image to the City.

5               At the same time I think that in the vast  
6       bulk of drivers understand this without being  
7       told. But, I think it's useful for the TLC to  
8       articulate this as a standard. Not that we're  
9       going to have the fashion Police all over the  
10      City. But, I think it's important to have it  
11      articulated as a standard.

12              I also think putting the word professional  
13      in here I guess has raised some concerns in  
14      the driver community. Does that mean you have  
15      to wear a tie? Does that mean? We've had  
16      questions. Does that mean ethnically  
17      identified or religiously identified garb is  
18      inappropriate?

19              The TLC could not have been prouder that

20 of the fact that the industry drivers come from  
21 all over the world. And I think that is  
22 something that is an enormous source of pride  
23 for the agency or for the industry. Anybody  
24 who thinks that a turban would not be  
25 professional is just misguided. It hasn't

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2 even occurred, frankly, to us at the TLC  
3 that that would be a concern. But, to the  
4 extent that it is, we would want to assure  
5 people that professional does not mean that  
6 ethnically appropriate garb is somehow  
7 proscribed. Of course, it is not. It is  
8 welcomed. That's the intent of the rule.

9 But, I laid out our thinking here and we  
10 talked about maybe just discarding it  
11 altogether. But, we think it's an appropriate  
12 thing to have in the rules.

13 I genuinely would like to invite each of  
14 the Commissioners, we're not voting today due  
15 to the quorum, and I know that at least in

16 some, at least one person signed up to testify  
17 about it. I'd say sincerely, these are issue  
18 where I feel the staff has looked at it and  
19 it's a matter of expertise. I strongly  
20 recommend a vote in favor of the staff that the  
21 staff has presented.

22 I'd ask each of the Commissioners to  
23 evaluate and if you think that it's better left  
24 untreated, or if it doesn't feel like something  
25 that should be in the TLC code, I certainly can

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2 see that as well. So, what I mean to say is I  
3 think the will of the majority of the  
4 Commission should govern on this one.

5 So, with that, general counsel will  
6 briefly describe it and then we have, as I say,  
7 at least one testifier.

8 MR. FRASER: The primary purpose of the  
9 rule was to make dress requirements for all  
10 four driver types and be regulated the same.  
11 So, you'll see that literally they're now word

12 for word the same in the proposed rule. For  
13 whatever reason, historically or otherwise, the  
14 specific prohibitions that the Chairman  
15 referred to were only in the rules for taxi  
16 drivers. And so, they've been eliminated and  
17 consistent language has been proposed for all  
18 four driver types.

19 The second purpose to the rule which is  
20 to relieve the taxi drivers of the obligation  
21 to orally notify passengers at the beginning of  
22 trips that the passengers are liable for tolls.  
23 This is for two reasons. One is we think most  
24 passengers already know this. And, second,  
25 that notification already appears on the rate

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2 card and on the passenger information monitor.  
3 So, the obligation on drivers to think to say  
4 that in advance we thought was redundant.  
5 We received two written comments which  
6 have been distribute to the Commissioners,  
7 one for and one against, and we have two people

8 who signed up to speak today.

9 First, Osman Chowdhury has signed up to  
10 speak.

11 MR. CHOWDHURY: I signed up for two things  
12 the dress code or?

13 MR. FRAZER: I understood it to be the  
14 dress code. I see you signed up for both. So,  
15 this is on the dress code.

16 MR. CHOWDHURY: The dress code is not a  
17 hard thing. I understand no hard things. I'm  
18 here to testify. We need a dress code. Like,  
19 I work seven days a week. I know what I should  
20 wear. I know. Everybody knows. Every driver  
21 knows. Another things some drivers wear  
22 different things. But, it's hard in the winter  
23 and summer time. Just maybe regular type  
24 conform and type. The difficult. Don't make  
25 it different than what it is. Thank you.

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2 MR. FRAZER: Thank you. Bill Lindauer  
3 from the New York Taxi Workers Alliance has

4 also signed up. I'm sorry. I missed this.  
5 Bhairavi Desai has also signed up. Perhaps you  
6 want to testify together. If there are  
7 speakers from the same organization I kind of  
8 want to encourage you to consolidate.

9 Please identify yourself, I'm sorry, for  
10 the court reporter, and this goes for all the  
11 witnesses. Please identified yourself by name  
12 before you start.

13 MR. LINDAUER: Bill Lindauer. I'm  
14 with the New York Taxi Workers Alliance and I  
15 was a driver for 30 years. I think I was  
16 always neat and clean. And maybe my slogan  
17 should be No Amani Domani. I was wondering if  
18 we should have a sartorial surcharge. If we're  
19 going to require that.

20 But, the main thing is that we are  
21 professional. But, the term professional is a  
22 vague term subject to abuse. It could open a  
23 Pandora's box of abuse. A TLC inspector spoke  
24 to our TLC representative, Diswan Roger, and  
25 said professional does that mean they'll have

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to wear a tie? Now, what is professional opens up a Pandora's box. The inspector I mentioned had a malicious glee in his voice. His hand was almost shaking with joyful anticipation in writing out tickets. I think this is a silly matter.

I want to say one thing that's not controvertial. Happy holidays and Happy New Year.

MR. YASSKY: Thank you.

MS. DESAI: Good morning.

MR. FRASER: Please identify yourself.

MS. DESAI: I'm sorry. I'm Bahairavi Desai, executive director of the New York Taxi Workers Alliance. I know the story here is the no story. We get that language change that you are proposing is not intended to be a policy change and we do appreciate the comments you made in the beginning of this discussion, Commissioner.

I think, as Bill said, the concern would be that the idea is the term professional attire just seems open to very subjective reading and our concern would be that

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2 inspectors might, you know, might begin to  
3 write out summonses. Especially if there is no  
4 other violation that they're able to find.  
5 It's a small fine of \$25. There's no  
6 appearance required, and it's something that  
7 we think could just end up being easy money  
8 for the TLC therefore having an unintended  
9 consequence. There is real concern, I have to  
10 tell you, from different communities of drivers  
11 who expressed a lot of concern. Even if today  
12 in this administration, you know, recognizes  
13 that ethnic wear is indeed professional attire  
14 that moving forward there might be a political  
15 moment or another administration that doesn't  
16 recognize that and an open rule would leave it  
17 open for that type of interpretation. That's  
18 really been the main concern. Thank you.

19 MR. YASSKY: Thank you. Commissioners,  
20 that's the last person that signed up. Are  
21 there any questions? Okay. Thank you. Thank  
22 you, Ms. Desai. I'm glad. In this case I'm

23 glad we had the opportunity to raised the issue  
24 to think about it. I wasn't surprised had that  
25 there was some public attention paid to it

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2 because I think the issue, I know how the  
3 appearance of the cab including the drivers, is  
4 it dirty? Is it not? Is something of some  
5 public interest.

6 Nonetheless, I was surprised by the extent  
7 of the coverage of it because, as I said, it  
8 was not intended to be a change in the TLC  
9 approach here. It's been on the books for a  
10 long time. We thought we would just kind of  
11 clean up the language.

12 So, I appreciate you thinking about it  
13 over the next month and we'll vote in January.

14 MR. FRAZER: I think that Commissioner  
15 Yasskey, at the end of the day, the press that  
16 it's received is beneficial just to remind  
17 people that the rule actually exists.

18 So, if people wanted to abuse the rule

19 they could have done that already. We have  
20 no reports that that's ever happened, correct?

21 MR. YASSKY: It's interesting. So, the  
22 rule has been around for about 25 years, I  
23 think. We've issued 40 summons during that  
24 time largely in response to complaints. So,  
25 you know, occasionally there's been cause.

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2 MR. FRAZER: We certainly should monitor to  
3 make sure the passengers aren't making  
4 frivolous complaints and, you know, things like  
5 that. Everybody needs to be reminded in the  
6 workplace once in a while in a casual setting  
7 to be professional.

8 MR. YASSKY: Thank you for that comment.  
9 Okay. The other items. The next item on the  
10 agenda is the vehicle inspection fees rule  
11 change.

12 MR. FRAZER: This is one of four rules on  
13 for hearing today. What we are doing is we are  
14 proposing amendments to the rules that are

15 coming into effect in April that will parallel  
16 amendments to the existing rules that we've  
17 already done.

18 In the case of the vehicle re-inspections  
19 and inspection fees, the Commission passed  
20 these rules as an amendment to the existing  
21 rules last September. It creates a \$35 fee for  
22 taxi re-inspections, for all re-inspections.  
23 Previously to that it's only for certain  
24 re-inspections. The second one only. We  
25 published this for comment and had no written

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2 comments and we have one speaker who signed up  
3 today. Again, it's Ms. Dasai.

4 MR. YASSKY: I appreciate Charles Fraser  
5 pointing out this and the remaining three rules  
6 are for public hearing are rules that we voted  
7 on and adopted for the set of rules that  
8 expired on March 31st. Ms. Dasai.

9 MS. DESAI: Good morning, again. I just  
10 wanted to say for the record, I mean, we

11 understand that it's the City Counsel that was  
12 passing for the inspection fees and that it's  
13 legislating for the fees to go up.

14 That's our understanding. And we  
15 understand that it's a small amount. But, just  
16 for the record, you know, we do want to state  
17 that it concerns, it's the idea that, you know,  
18 if fees continue to go up, if fines continue to  
19 go up, at the end of the year, it can have a  
20 real cumulative damaging impact on the drivers'  
21 income.

22 We want to remind the Commission and we'll  
23 state for the record that the majority of the  
24 people in this industry that are responsible  
25 for the vehicle are now taxi drivers. You

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2 know. Not only as owner operators. But,  
3 certainly also as driver owned vehicle  
4 operators. So, anything that pertain to the  
5 vehicle, whether it be an increase in the  
6 inspection fee or changes to the inspection

7       proceedures they have a real impact on drivers,  
8       both monetarily with these amounts as well as  
9       with the time that drivers have to spend.

10           One big concern we have had about the  
11       inspections is that when there's a summons  
12       given for a failure notice it should have more  
13       clarity to really specific the nature for, you  
14       know, for why the vehicle has failed that  
15       inspection. And, so, if that notice could be  
16       made as detailed as possible. I understand  
17       that's not within, maybe, the scope of the  
18       rule. But, it certainly is a policy and we  
19       can follow up with you with kind of the  
20       specifics that we had in mind.

21           MR. YASSKY: Thank you for that. Thank  
22       you. Debbie Bush Emmons I know is in the room  
23       with us. I'll ask her to send you over the  
24       form that we use for the notice of failure, and  
25       if you have suggested changes, not to adopt

3       them.  If you have away to make them more  
4       specific give them to our inspectors.  We'll  
5       you that form.

6               MS. DESAI:  Thank you.

7               MR. YASSKY:  Thank you.

8               MS. POLANCO:  The re-inspection fee is  
9       only with respect to the violations of Section  
10       301 and then the other section then there no  
11       fee, correct?

12              MR. YASSKY:  Correct.  They still have to  
13       come back and get re-inspected.  But, they're  
14       not charged for that second one.

15              MR. GONZALES:  I have just a quick  
16       question on the information handy on the nature  
17       and inspection and the part about the maximum  
18       gross weight exceeding eight-five hundred  
19       pounds.  How many vehicles, how many vehicles  
20       actually do exceed the eight-five thousand  
21       pounds?

22              MR. YASSKY:  I don't have specific  
23       numbers.  It isn't a huge number.  But, the  
24       point is they now exist and it's a growing  
25       number.

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2                  MR. PANZEY:  And it's mainly in the FHV  
3  world and it's escalating those.

4                  MR. YASSKY:  This is Deputy Commissioner  
5  Pansey.

6                  MR. PANZEY:  Right.  The F plates on some  
7  of the vehicles.  Some of them of FHV's.  Some of  
8  them are black cars.

9                  MR. GONZALEZ:  Okay.

10                 MS. POLANCO:  I'm just curious to know in  
11  Section C8-28 vehicle condition, why is that  
12  language even necessary today.  Have there been  
13  issue before with respect to this?  It says  
14  that it must pass if they fail any item they  
15  have to be re-inspected.  Is that today if they  
16  fail one item they get stamped or something?

17                 MR. YASSKY:  8-28 C is really intended to  
18  more clearly spell out the inspection  
19  requirement.  When we, as the Commissioner  
20  said, when we went through the rule revision  
21  project we weren't making any substantive  
22  changes.

23                  But, we noticed places where we thought  
24  the rules weren't as clear and thorough as they  
25  ought to be and now we're coming back to some

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2           of them. This one is we didn't think it was  
3           clear enough on what an inspection is. So, now  
4           we're saying what an inspection is for an FHV.  
5           We're saying now this is for a taxi. We're not  
6           changing anything.

7           MS. POLANCO: We're not changing the  
8           practicality.

9           MR. YASSKY: Not at all. So, if you fail  
10          to have a marking, a logo, or something like  
11          that, you do have to come back because we want  
12          to make sure you still have your logo. But,  
13          you will not be charged the re-inspection fee  
14          for that.

15          If you fail your emissions test, the  
16          State required emissions test, you have to come  
17          back and you will be charged a fee because  
18          that's a DMV inspection.

19          MS. POLANCO: All right.

20          MR. YASSKY: Thank you. The next item on  
21          the agenda is the rule regarding forced payment

22 of bad check fees. Again, please, Mr. Fraser.

23 MR. FRASER: This rule does two things. It  
24 provides specifically in all areas where we  
25 accept payments from the public what form of

30

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2 payment are permissible. And, second, it  
3 implements a mayoral executive order assessing  
4 a fee when a check bounces. This rule was  
5 published for comment. No comments were  
6 received. Nobody has signed up to speak.

7 MR. YASSKY: And now then there's the rule  
8 on the livery workers compensation fund.

9 MR. FRASER: This is one of the four  
10 that was previously promulgated by the  
11 Commission as amendments to our existing  
12 rules. The commission passed these rules in  
13 July. They implement the livery workers comp  
14 law. We published these for comment and we  
15 received one written comment. There are six  
16 speakers that signed up to speak today.

17 MR. YASSKY: There are. I'll ask the

18 speakers if they can, not ask but we'll observe  
19 our three minute rule on speaker testimony.

20 First, is Darlyn Sanchez Sanchez from  
21 United As One TLC Base Owners Association.  
22 UAOTLCBOA. Second is Guy Palumbo from Livery  
23 Round Table. Passing. Okay. Tarek Mullah from  
24 Dial 7 Car and Limousine Service. Passing.  
25 Okay.

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2 We have a speaker on behalf of the New  
3 York State Federation of Taxi Drivers.  
4 Passing. Avik Kabessa. Okay. Well, we can  
5 maybe extend him the courtesy when he comes, I  
6 suppose.

7 Richard Thaler from Omni Media Network.

8 MR. THALER: Richard Thaler, Omni Media  
9 Network. Chairman Yassky, Commissioners. It's  
10 proposed that the independent livery drivers  
11 benefit fund definition of covered services be  
12 added to Section 1-03 and I mentioned I  
13 provided the link to the state law.

14 MR. YASSKY: I'm sorry. Could you speak  
15 more clearly into the microphone?

16 MR. THALER: Yes. How is that? It is  
17 proposed that the independent livery driver  
18 benefit fund definition of covered services be  
19 added to Section 1-03 and I mentioned I  
20 provided the link to the state law.

21 The independent livery driver benefit fund  
22 Article 6V Section 160 authorizes insurance  
23 coverage limited to death and certain injuries  
24 arising out of and in the course of providing  
25 covered services.

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2 Therefore, the covered services record for  
3 each trip, including the time and location of  
4 acceptance of the dispatched job offer and time  
5 and location of the drop off location, should  
6 be added to the independent livery base record  
7 keeping requirements in the rules for livery  
8 base operations. Thank you.

9 MR. YASSKY: Thank you. And the final

10 business item is regarding lost property.

11 MR. FRASER: This rule is a new rule. We  
12 actually had planned today, even if we had a  
13 quorum, not to vote on this because in the  
14 course of getting feedback on this we  
15 discovered a problem.

16 The intent of the rule was to make the  
17 rule, the lost property rule, identical and  
18 applicable to all four industry types.

19 What we found out and the problem that  
20 surfaced was that the existing rule, not the  
21 part we're proposing, but the existing rule, is  
22 not workable.

23 The existing rule requires taxi drivers to  
24 take lost property to the nearest Precinct and  
25 we found out that every Precinct doesn't accept

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2 lost property. And, so, we have to rethink our  
3 existing rule. What I would suggest,  
4 therefore, we got no comments on this. I think  
5 two people have signed up to speak.

6           What I would suggest is that if those two  
7           might address the question and then anyone who  
8           has any thoughts on this after today, because,  
9           obviously, we're not voting today on what the  
10          rule should be. We need a workable systems,  
11          obviously, by which passengers can have a  
12          descent shot at getting back the cell phone  
13          they left in the back of a cab. Apparently,  
14          the existing rule doesn't work.

15          We have two speakers that signed up today.  
16          Peter Mazer from MTBOT. If you have brief  
17          suggestion we would certainly welcome that.  
18          Thank you. He's going to put his suggestions  
19          in writing. And Mr. Chowdhury?

20          MR. CHOWDHURY: Good morning. My name is  
21          Osman Chowdhury. I've been driving for  
22          fourteen years. The loss of property, I have a  
23          lot of concerns what happened you can find out  
24          the solution easy. First thing nighttime  
25          passengers cannot see anything in the seat.

2       When I shut up the meter the bright light shows  
3       and they can see right away. There is one  
4       thing solution. I have a lot of things. I  
5       get passengers at 60 Lincoln Center, the woman,  
6       you know, come but I opened trunk and I take  
7       him to another destination. I drop him off.  
8       He don't want to open the trunk.

9                She left and I go to the airport. I go to  
10       the airport. I open the trunk and I see the  
11       luggage. I go to 85th Precinct. I go to  
12       deliver the luggage and I go to up in Queens  
13       Precinct and after that I went to 86th Street.  
14       The same person. Go to Queens. I wind up drop  
15       there. There is an easy solution.

16               MR. YASSKY: Thank you very much.

17               MR. CHOWDHREY: Then I have to that is an  
18       example 2007 I drive all the taxi. I found a  
19       suitcase. People have a lot of headaches.  
20       That's why to go to my organization. At the  
21       Precinct they have no parking there. I have to  
22       make sure people don't forget their stuff.

23               MR. YASSKY: Thank you. I appreciate it.  
24       This is something we need to consider over the  
25       next period of time. Sir, your comments are

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2           helpful. I do want to move on with the  
3           hearing. I don't want to cut you short.

4           MR. CHOWDHREY: Another point I want to  
5           describe. I cannot bear this negative  
6           thing. The E-Z Pass I'll give you one  
7           minute on this. 2009.

8           MR. YASSKY: Sir, I'm sorry. I know  
9           you're quite dedicated. I appreciate your  
10          interest. I will ask you to sit down. We can  
11          get your feedback in a more informal fashion.  
12          Thank you so much.

13          Now, Commissioners, I appreciate your  
14          participation. I thought we would try a slight  
15          variation in our process here. The next topic  
16          on the agenda is the issue of accessible  
17          transportation for people in wheelchairs,  
18          specifically.

19          We've been a informed about Taxi of  
20          Tomorrow Process and talking with each of you  
21          about how the Taxi of Tomorrow process. Like  
22          that this is an issue that is a top tier issue  
23          for the agency. We are working on it  
24          diligently and, as you will hear, and actively,

25 as you will hear. But, the Commission, there

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2 is no imminent Commission action.

3 Nonetheless, I thought that it would be  
4 useful rather than have, you know, a year of  
5 intensive work going on at the Commission and  
6 then bring to you something for Commission  
7 action. That we would do, we would have this  
8 opportunity to come at an early point for you  
9 to vote here. What the Commission is doing  
10 and hear some of the public perspectives on it  
11 so you can participate in guiding the  
12 Commission, the work of the staff of the  
13 Commission, even though there's no need or  
14 opportunity for formal Commission action for  
15 quite awhile.

16 So, with that, first, we'll have a staff  
17 presentation from Adrian Gonzalez who has been  
18 doing quite extraordinary work both on the  
19 pilot program that we will discuss and our  
20 thoughts for the future, and then we've invited

21 members and stakeholders to testify.

22 Again, we're going to insist. 18 people  
23 have signed up to testify and I know that the  
24 Commissioners have very tight time schedules. I  
25 don't know that they will all be here for this

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2 entire period. We're going to really insist  
3 that stakeholders limit their remarks to at  
4 most three minutes and we're going to have to  
5 be firm on that. But, that way we can hear  
6 from as many as possible. Adrian, please  
7 proceed. Thank you.

8 MR. GONZALEZ: Thank you, Commissioner.

9 MR. YASSKY: Adrian Gonzalez.

10 MR. GONZALEZ: Good morning,  
11 Commissioners, and members of the public. My  
12 name is Adrian Gonzalez. I'm a policy analyst  
13 at the Taxi Commission. I want to let the  
14 Commissioners know that the version you have is  
15 a little bit outdated. So, not many changes  
16 have occurred. Just so you're aware of the one

17 in your pack is outdated from the one I'm  
18 presenting here today.

19 So, troday I'm going to briefly discuss  
20 wheelchair accessibility in the New York City  
21 Taxicab and Vehicle for Hire industries. I'm  
22 going to do a brief overview of the  
23 accessibility and transportation system in New  
24 York City.

25 We'll discuss our accessible dispatch

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2 program, which is our pilot program for  
3 wheelchairs accessible taxi cabs, and also TLC  
4 Rule 607F, which is the mandate that we place  
5 on the part the vehicle industry provide  
6 wheelchair accessible service and thus  
7 recommend steps and recommendations with regard  
8 to wheelchair accessibility in these  
9 industries.

10 So, to begin, the New York City taxi, The  
11 New York City Transportation Workers rely on by  
12 residents and visitors alike. It's comprised

13 of the MTA subways, buses, comuter rails,  
14 Access-A-Ride along with the Taxi and Limousine  
15 Commmision and For Hire Vehicles.

16 Altogether, we're talking about nine  
17 million people trips a day and taxi cabs and  
18 for hire vehicles move about 1.2 million people  
19 a day. It's a very large network with a lot of  
20 people. However, most of this network is out  
21 of reach for the approximately 60,000  
22 wheelchair users in this City. The MTA's  
23 Access-A-Ride is not designed to be an on  
24 demand point to point system. You have to call  
25 up at least a day or two in advance to reserve

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2 your spot. Additionally, only 231 taxi cabs  
3 are wheelchair accessible in the City. That's  
4 about one accessible taxi cab for every 57  
5 that's not.

6 So, the fact there's only 231 taxi cabs  
7 reduces the chances of any wheelchair user  
8 being able to street hail any taxicab. To

9 address that the Commission began a  
10 demonstration project called the accessible  
11 dispatch program in July of '08. It ran from  
12 July '08 to June of 2010. The point of the  
13 program was to give.

14 MR. YASSKY: Can I ask you one question?

15 MR. GONZALEZ: Sure.

16 MR. YASSKY: The number that you gave is  
17 only for medallion?

18 MR. GONZALEZ: Yes.

19 MR. YASSKY: So, there's another 30,000  
20 thousand vehicle that are not wheelchair  
21 accessible?

22 MR. GONZALES: I'm sorry? Say that again?

23 MR. YASSKY: The number that you gave is  
24 one out of 57?

25 MR. GONZALEZ: Yes.

40

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2 MR. YASSKY: That's only for taxicabs?

3 MR. GONZALEZ: Yes. That's only for  
4 taxicabs. The project was only intended to

5 help wheelchair users, to help wheelchair  
6 accessible taxicabs for wheelchair accessible  
7 service. The project was run by a third party  
8 contractor called Executive Transport. The  
9 fund had been a million dollars from the City  
10 Counsel.

11 The way the program basically worked, the  
12 passenger could request a cab by calling 301,  
13 or, as many passengers called for the first  
14 time, they would call 301. But, after that  
15 they would call the provider. The drivers of  
16 wheelchair accessible taxicabs were required to  
17 be trained in both helping wheelchair users in  
18 and out of a taxicab and using the dispatch  
19 systems.

20 Overall, the users of the program was  
21 relatively low and the program itself was not  
22 very cost effective. Based on our discussions  
23 with industry stakeholders, such as disability  
24 advocates. We had anticipated approximately  
25 250 calls per day. But over the life of the

2 program it averaged about 8.1 calls per day.  
3 When you look at the one million that was spent  
4 it was spent on only 5,828 trips. These are  
5 completed trips. And the per-trip cost was  
6 approximately \$172.

7 The majority of the trips originated or  
8 terminated in Manhattan. It reflected how  
9 taxicab generally operate today. And most  
10 passengers were repeat users. There were 5800  
11 trips. But, there were only 2700 unique  
12 passengers throughout the two year life of the  
13 program.

14 MR. GONZALES: What was the one million  
15 dollars actually used for?

16 MR. GONZALEZ: It was for the operation of  
17 the program. It was paying the contractor for  
18 the calling. To take in the calls and  
19 dispatch out the jobs to the drivers.

20 MR. YASSKY: This dispatch service, of  
21 course, did not pay for it themselves.

22 MR. GONZALES: The passenger then paid the  
23 metered fare.

24 MR. GONZALEZ: So, it's for the operation  
25 of the dispatch service?

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2                   MR. GONZALEZ: The dispatch service takes  
3 the calls and contacts the drivers.

4                   MR. YASSKY: Did we manage that money?  
5 Did the TLC manage that million dollars? How  
6 did that happen? It's a large number.

7                   MR. GONZALEZ: It is a large number, and,  
8 like a pilot again, there ar lessons learned.  
9 And I think one TLC manager, in a sense that  
10 the City budget allocated that that funding to  
11 go to the TLC, the TLC then contracted with the  
12 provider for the full million dollars to  
13 operate the program over a period of two years.

14                   I think, in retrospect, I think it was  
15 over-funding for the amount of service that was  
16 required. And you know again. In defense,  
17 maybe, I think, the TLC was at the behest of  
18 the City Counsel as was eager to get it started  
19 very quickly and get it up and running,  
20 basically, and haste makes waste.

21                   Things cost money. The average wait time  
22 throughout the entire program was 34 minutes.  
23 The wait time between when the passenger called

24 for a cab and time the cab arrived to pick the  
25 passenger at the pick-up location. 91 percent

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2 of all, we had a 91 percent completion rate,  
3 which is essentially saying 91 percent of all  
4 the call ended up completed. The passenger was  
5 picked up and dropped off.

6 The other ones were no-shows or passenger  
7 cancellations. The lesson that we take from  
8 this is that we didn't do enough outreach.  
9 There wasn't any money allocated for that and  
10 we could have done more outreach.

11 We assumed that word would spread  
12 throughout the wheelchair community because it  
13 was a two-year program. And the lesson we  
14 take from this, from the low usage, is that  
15 more outreach could have been done to the  
16 wheelchair community.

17 This graph here is basically a graph of  
18 the usage of the program throughout the two  
19 years. The numbers on the bottom are a months.

20 So, 7 is July. July going forward.

21 The red line is the median. It's when we  
22 hit the 50 percent point of trips. About 2900  
23 trips had occurred by August of 2010. And May  
24 of 2019 is when we had the highest amount. It  
25 was about 460 trips. On that month we averaged

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2 15 trips a day.

3 So, that shows that there is much more  
4 demand in the overall average which shows in  
5 the 8.1. And we believe the demand for  
6 Wheelchair accessible service falls somewhere  
7 between the 250 that we had been told to expect  
8 and the 8.1.

9 We don't think the 8.1 shows true demand  
10 for wheelchair accessible service because of  
11 the lack of outreach that was done for the  
12 program.

13 The main point of this graphs is to show  
14 the usage of the program throughout its life.  
15 So, who provided the service. The majority of

16 wheelchairs accessible medallions are fleet  
17 owned. 72 percent are fleet owned. 22 percent  
18 are owner operated. The overwhelming majority  
19 of the services were provided by owner  
20 operators. 97 percent of it.

21 There was a core group of owner operators  
22 that provided approximately 60 or 70 percent of  
23 all the trips. So, most of the trips were done  
24 by owner operators. What we think the reason  
25 for that is partially drivers with fleet owner

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2 accessible medallions did not benefit from this  
3 kind of price.

4 When these medallions were sold they were  
5 sold at a discount. But, fleet drivers didn't  
6 receive that benefit at a reduced cost and what  
7 we take from this is that drivers were not  
8 properly incentivized for that program.

9 Owner operators they're the medallion  
10 owners. So, they have that incentive to ride  
11 that service because they have a medallion

12 that's cheaper and they bought it for this  
13 purpose.

14 But, when this it comes to the fleet  
15 driver, he or she just didn't receive the  
16 economic incentive to provide this service.

17 MR. GIANNOULIS: Can I ask a question?

18 MR. YASSKY: Yes.

19 MR. GIANNOULIS: I'm sorry to ask  
20 questions.

21 MR. YASSKY: Please, that's what it's for.

22 MR. GIANNOULIS: But, a fleet driver was  
23 not, I mean the calling center, what do you  
24 want to call it, called somebody, right?

25 MR. GONZALEZ: Yes.

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2 MR. GIANNOULIS: Did they call the fleet  
3 driver?

4 MR. GONZALEZ: The way the system would  
5 work, is that you, as a driver, you would have  
6 a blackberry, and then, later later on in the  
7 systems, certain caps were switched on to the

8 the T-Pep system. So, later on we had two  
9 systems working.

10 But, the way it works is that the driver  
11 would have to log in to tell the dispatcher  
12 where they were with the blackberry. They  
13 would say I'm in zone five. I'm in zone six.

14 But, based on that information the  
15 dispatcher would send out a call for a cab.  
16 So, they got a call on 66th Street in Manhattan  
17 and Fifth Avenue. They would look and see  
18 which cabs had logged in for that area, send  
19 out the signal. Send out the call. They would  
20 expand the range wider and wider until they  
21 would sent it out to everybody until they would  
22 get somebody that can say, yes, I'll take this.  
23 This passenger.

24 MR. YASSKY: I think this bears. I'm  
25 glad you've asked questions because these

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2 issues bear directly on what we do going  
3 forward. There was quite a bit of

4 non-compliance by drivers, both, by the way,  
5 this system is all cumbersome in the first  
6 place with T-Pep. We can make it much less  
7 cumbersome by not requiring people to log.

8 But, by using the T-Pep equipment to know  
9 where the cabs are and who's appropriate and  
10 whether they're full or empty, and using that  
11 to dispatch people.

12 Jumping ahead to the idea that we're going  
13 to look to go forward an improved way. There  
14 was quite a bit of non-compliance both in not  
15 logging in, and then, once logged in, not  
16 accepting the trip.

17 As Adrian, I think, was about to say, the  
18 reality was that for a driver who is paying the  
19 fee just to rent the cab, it would cost them  
20 money to participate.

21 MR. GONZALEZ: One thing, too, about the  
22 Blackberry system is it doesn't automatically  
23 update. As a driver you would have to log in  
24 and keep it up to date. So, the lesson that we  
25 take from that is that the driver does is

2 not properly incentivized to participate in  
3 the program.

4 Now, I want to transition from talking  
5 about the taxicabs industry to talking about  
6 the for-hire industry. The TLC Rules 607F is a  
7 requirement that we place on the for-hire  
8 vehicle industry to provide equipment  
9 service to wheelchairs users.

10 What that essentially means is that  
11 for-hire vehicle bases are required to either  
12 have a wheelchair accessible vehicle as part of  
13 its fleet, or to contract with another TLC  
14 licensed base that has a wheelchair accessible  
15 vehicle.

16 What most, if not all, for-hire vehicle  
17 bases do is they contract with what we call a  
18 607F provider. There are sixteen TLC approved  
19 wheelchair accessible providers and these  
20 sixteen are the ones that provide service for  
21 the 760 FHV services that exist.

22 Among the sixteen providers are only  
23 twenty-three wheelchair accessible vehicles.  
24 So, there are twenty-three wheelchair  
25 accessible vehicles for the approximately

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2           30,000 for-hire vehicle in the industry. Most  
3           of these vehicles are either retrofitted Dodge  
4           Grand Caravans or Ford Econo-Line Vans.

5           A little note on the ford Econo-Line Vans,  
6           those are all from Para-Transit bases. We have  
7           allowed for-hire vehicles basis to contract out  
8           with Para-Transit bases as long as they're TLC  
9           licensed because there wasn't enough providers  
10          in for-hire vehicles itself.

11          When you look at it as a proportion, that  
12          turns out to be one accessible vehicle for  
13          every 1500 not accessible FH vehicles. These  
14          numbers kind of give you and idea that most  
15          services aren't able to comply with this  
16          requirement. There are only 23 vehicles for  
17          every 30,000 FH vehicles.

18          Some of the issues with compliance is  
19          there's a high cost to the bases. There's  
20          F & G service typically pays between \$310 a  
21          year for a contract for a wheelchair accessible  
22          provider. The cost of per-trip charge. That is

23 usually more than a trip for a non-accessible  
24 vehicle.

25 So, you may have a wheelchair user who

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2 requests a local trip, which is typically  
3 around now \$7. The base may be charged by the  
4 provider, by their wheelchair accessible  
5 provider, \$30 or \$50.

6 We think part of this is kind of an  
7 expectation game where passengers have tried to  
8 call for a wheelchair accessible vehicle, they  
9 don't receive the service, and they give up.

10 So, the low demand is not necessarily,  
11 it's not because there's no demand for it.  
12 It's because there's expectation based on  
13 previous experiences that the vehicle won't  
14 show up.

15 And we've had issues with non-compliance.  
16 Many of the wheelchair services have failed to  
17 provide wheelchair service because they quote a  
18 higher price for a trip that would cost \$7 in a

19 non-accessible vehicle, and they'll pass on the  
20 higher price and say it's \$30, or they'll  
21 require a longer wait time either by the  
22 requiring the passenger to call an hour in an  
23 advance to make make a reservation or they'll  
24 tell them that there's no vehicle available.  
25 It's kind of putting it into context.

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2 Since October of '09 we've issued  
3 summonses against 202 FHV bases for not for  
4 non-compliance. That was mostly done through  
5 our enforcement division, calling these bases,  
6 and asking for accessible vehicle, and then not  
7 being able to comply with that request.  
8 So, to address these concerns in both the  
9 taxicab and for hire vehicle industry we are  
10 recommending a establishing a City-wide  
11 accessible dispatch system that works for both  
12 the boroughs, excuse me, for all five boroughs  
13 in New York City. And it works for both  
14 industries.

15           Some of the things we envision this  
16           dispatch system as having is, first, we  
17           envision it using all existing 231 wheelchair  
18           accessible taxicabs.

19           Additionally, if necessary because of the  
20           demand increasing, we also envision it using  
21           wheelchair accessible FHV's or purchasing or  
22           adding wheelchair accessible FHV's.

23           Another thing that we envision are service  
24           standards. The dispatch program that we have,  
25           the demonstration project, has no service

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2           centers placed on it.

3           There was no expectation on it as to when  
4           the dispatcher had to get the car there, how  
5           much wait time the passengers could have,  
6           excuse me, how much time the passenger had to  
7           wait.

8           So, the new system that we looked at will  
9           we're proposing will have service standard  
10          placed on the dispatcher.

11           Additionally, we're supposed to have a  
12 driver subsidy. Again, we believe the drivers  
13 were not properly incentivized in the previous  
14 program. So, specifically, we want to subsidize  
15 the dispatch portion of the trip.

16           So, the portion of the trip where the  
17 driver receives the call and has to leave to  
18 go pick up the passenger. That's what we call  
19 a deadhead time where there's no passenger in  
20 the car. We want to subsidize that portion.

21           In doing that, with the subsidy, we think  
22 that lack of driver participation should be  
23 non-existent, and so we want to increase  
24 enforcement.

25           In the previous program the drivers were

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2 allowed to conduct or rather do two refusals.  
3 They could refuse up to two trips a day. Which  
4 are two calls a day.

5           Under this system we wouldn't allow any  
6 refusals at all. We'll treat it as a street

7 hail refusal. And then, we want the system to  
8 be funded by a fee and the fee would be  
9 assessed on both the taxicab and the  
10 for-hire vehicle industries. The idea is that  
11 both industries should be providing the service  
12 and thus should be supporting the system as  
13 well.

14 And then, lastly, driver training. We  
15 want to require all yellow taxi drivers to  
16 receive the appropriate accessible training.  
17 In the previous program only I think it was  
18 only 300 drivers were trained. Not all drivers  
19 are required to be trained. The medallion  
20 owners were required, especially the fleet,  
21 were required to have the cars on the road.  
22 They had make to make sure that the driver was  
23 properly trained.

24 So, they had to go out and find drivers  
25 that want to get trained, and then make sure

3 Under this system we're providing all  
4 yellow taxi drivers would be trained, would be  
5 required to receive the necessary training.

6 Additionally, when it comes to yellow taxi  
7 drivers, we may need additional training to  
8 overcome resistance to the dispatch model.

9 So, our next steps today we are releasing  
10 a request for information. This request for  
11 information is asking anybody who is  
12 interested, especially our industry  
13 stakeholders, dispatchers, members of the  
14 advocate community, passengers, members of the  
15 public, anyone, to answer some questions that  
16 we have, as to how this dispatch system is  
17 designed.

18 We don't want to make the same mistakes of  
19 the past. We want to improve upon the previous  
20 system.

21 So, the R5s being released today will be  
22 on our website. I believe it's available in  
23 the back. On the back table. We want our  
24 responses in no later than January 31st of next  
25 year.

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2           And on the R5 form itself there will be an  
3           E-mail address where you can send your  
4           responses. That concludes our presentation.

5           MR. YASSKY: Thank you very much. If  
6           the Commissioners have questions they can ask  
7           at this time. But, I want to hear again from  
8           as many speakers as possible.

9           MR. GONZALES: Good presentation,  
10          Adrian. I appreciate it. As far as  
11          the incentives, have we come up with what the  
12          range of what the dollar amount would be that  
13          would, I guess, provide an incentive to the  
14          driver to incent driver to provide the service?

15          MR. GONZALEZ: Not yet. That something  
16          that we.

17          MR. YASSKY: I'm sorry. What we're  
18          specifically asking for is feedback on that.  
19          What the RFI has there has a specific proposal.  
20          But, we ask for feedback on it. Our initial  
21          thought is that from the time the driver gets  
22          the dispatch call they can turn the meter on.  
23          This is for the world. And then, when they  
24          get to where the passenger is, they'll turn the  
25          meter off and the system pays them for that

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2           amount. Use the meter. That make sense.  
3           That's what they would be earning otherwise  
4           from when they got the call. We certainly open  
5           to other suggestions from the industry or  
6           otherwise.

7           MS. POLANCO: Basically, that's what I  
8           was going to ask but I'm going to ask it now.

9           In terms of the wheelchair accessible  
10          vehicles that we have today, do that take in  
11          all types of wheelchairs or is there a  
12          limitation in terms of motorized wheelchairs?

13          I heard some complaint from people  
14          regarding that.

15          MR. GONZALEZ: The 231 wheelchair taxis  
16          are designed to take motorized wheelchairs or  
17          manual?

18          MS. POLANCO: But not left for the FHV?

19          MR. GONZALEZ: The FHV's, they're Dodge  
20          Caravans and Ford Econo-Line and they should  
21          be, they are designed to take in motorized as

22 well.

23 MS. POLANCO: Basically, there's only 231  
24 in the yellow industry that would take in  
25 motorized wheelchairs?

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2 MR. GONZALEZ: Exactly.

3 MR. YASSKY: I'm glad you made that point,  
4 Commissioner, because I think it's important to  
5 get that terminology right. When with talk  
6 about wheelchair accessible here we're really  
7 talking about vehicles into which a wheelchair,  
8 a motorized wheelchair or a manual, can be be  
9 rolled in with the passenger seated inside the  
10 wheelchair, locked in, and then the car  
11 transport the passenger in the wheelchair.

12 MS. POLANCO: Yes.

13 MR. YASSKY: Of course, most wheelchair  
14 users use collapsable wheelchairs, and many  
15 of those can transfer into an ordinary sedan  
16 fold up the wheelchair and transport it.

17 Now, I don't want to make that out as an

18 easy thing. First of all, many can't. Even  
19 those who can may involve some manhandling by  
20 the driver or somebody helping them and then,  
21 for good and sufficient reason, may prefer not  
22 to do that.

23 But, just say, of the full picture, we're  
24 talking about wheelchair accessibility,  
25 wheeling the person seated in the chair.

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2 Okay. Thank you so much. And, again, I  
3 really want to commend the staff, and Adrien in  
4 particular, for their work on this to date. We  
5 have many people signed up. Like I said we're  
6 going to limit this.

7 MR. GONZALES: I just want to say one  
8 thing. I've been kind of focusing on this  
9 program for a few years. I really think,  
10 without putting the blame on anybody, I think  
11 the whole story on this is actually shameful.

12 The fact that the City paid a million  
13 dollars for a program that it doesn't sound

14 like it was very effective. The fact that a  
15 lot of medallion owners got a medallion pretty  
16 cheap.

17 But, were not able to convince their  
18 drivers to actually do the service that the  
19 reason that they got the medallions cheap and  
20 that many of my friends in the FHV industry,  
21 the fact that some people say that monitoring  
22 some of the activity that goes on in the  
23 industry has been lax over the years.

24 The fact they couldn't get together and  
25 figure out how to get more than 23 vehicles is

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2 shameful in my opinion. This is what I think.

3 MR. YASSKY: You know, I'm glad. I  
4 appreciate the comments and I hear the  
5 comments. I do want to proceed.

6 I mean, I will say that there's a way,  
7 that's certainly a way of looking at the story  
8 in which there's a lot to feel bad about.

9 The industry is not left to comply on it's

10 own. Probably shouldn't be surprised.  
11 Businesses have to make a bottom line. That's  
12 what government regulation is for.

13 And, especially when you're competing with  
14 people, will you under take a cost that other  
15 people are not under taking? Only regulations  
16 can really enforce that. A million dollars is  
17 a lot to spend. And I don't think a million  
18 dollars work of value, at least, in terms of  
19 that two years of operation.

20 I would say there is another way of  
21 looking at the story in which we're moving  
22 forward.

23 The City as a whole and the industry as a  
24 whole with the city kind of pushing it from,  
25 you know, eight years ago when there was

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2 nothing on this, to the first step of issuing  
3 the medallion, to get the vehicle on the  
4 road. Not fully thought through in a sense  
5 of how are the wheelchair users going to get

6 the vehicles.

7 The next step is to try this pilot  
8 program. I do believe we will get ultimately a  
9 million dollars worth of value from it in the  
10 sense of we will have learned what we need to  
11 do to have a program that works. That's  
12 dependent on us continuing to move forward and  
13 reaching that happy day. I do believe we will.

14 But, you know, we're doing it step by step  
15 in the way that progress often is. It's not  
16 kind of transformative and they want  
17 everything, changes that often is a step by  
18 step incremental. I don't mean in any way to  
19 say your points are not well taken.

20 MS. POLANCO: So, now, the pilot program  
21 has ended. So, what is left?

22 MR. YASSKY: What is left is we intend to  
23 now push forward with a permanent program that  
24 will use the lessons that we've learned to  
25 operate effectively. We're not, I don't want

2 to rush to do it. I mean, I want to do it as  
3 quickly as we can. We want to make the sure  
4 we get it right. That's why we're doing a  
5 phase here for informal feedback.

6 We've been talking, I mean, honestly with  
7 it. We certainly have been talking with the  
8 industry stakeholders extensively.

9 But, we're going to do it on a trial to  
10 give everyone an opportunity to inform us.  
11 Then we will issue an RFP.

12 We have an internal timetable. This is  
13 step by step along the way. At the end of that  
14 is to have the service up and running in a  
15 year. That's what I think is a achievable  
16 timetable.

17 By the way, as of today, you have these  
18 231 cars. If you're in a wheelchair and you  
19 need one and no way to get it. So, that no  
20 good.

21 The first speaker to sign up is Darlyn  
22 Sanchez, United as One TLC Base Owners  
23 Association.

24 The next couple are Guy Palumbo from  
25 Liberty Round Table and Tarek Mallah from Dial

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2           7 Car and Limousine Service. Just to be  
3           prepared.

4           MS. DESAI:   Bhairavi Desai, New York Taxi  
5           Workers Alliance.

6           MR. YASSKY:   Okay. Guy Palumbo for Liberty  
7           Round Table.

8           MR. PALUMBO:   Commissioners,   on behalf  
9           of, we're going to deviate slightly if we may.  
10          The for-hire industry, consisting of the  
11          community car service, black car, and liberty  
12          bases, have asked one person to be our  
13          spokesperson as united front or united approach  
14          to this problem or this situation.

15          We've asked a well known individual by the  
16          name of Victor Dizengoff, who is retiring at  
17          the end of the year after 50 years, to be our  
18          spokesperson.   May I ask?

19          MR. YASSKY:   Please do.   Please,  
20          Mr. Dizengoff, please, and while you're doing  
21          that why don't I commend you, not just for  
22          saving time at the hearing, at this hearing,  
23          it's trivial.   But I appreciate working  
24          together as a group to help us address this

25 issue. At least, I think so.

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2 We want to hear what you have to say.

3 MR. DIZENGOFF: Good morning,  
4 Commissioners. My name is Richard Dizengoff.  
5 I'm the executive director of the black car  
6 assistance corporation and black car fund for  
7 about two more weeks. I'm here to testify  
8 before you today on behalf of the following  
9 organizations, The Luxury Base Owners  
10 Association, otherwise known as LABOA, Livery  
11 Round Table, the Limousine Association of New  
12 York, and, of course, the Black Car Assistance  
13 Corporation, BCAC, and the Black Car Fund.

14 Well, the aforementioned organizations  
15 applaud your, and the Mayor's office, and  
16 the City Council's efforts to expand livery  
17 and taxicab service to people who are  
18 wheelchairs user.

19 We cannot support the proposed new  
20 dispatch system and outline your and the

21 Mayor's office for people with disabilities.  
22 Commissioners, December 13th, 2010 press  
23 release.

24 The simple fact is there are not enough  
25 details, particularly with regard to costs and

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2 how this cost will be apportioned for us to  
3 give our support. We also believe that any  
4 solution should not necessarily tie the taxicab  
5 and for-hire industries together.

6 Our collective experiences over the past ten  
7 years plus has proven that there is a very  
8 limited audience that both desires and is  
9 willing to pay comparable rates for comparable  
10 service.

11 This opinion is based on more than just a  
12 TLC's recent two year demonstration project.  
13 Our organization and member bases have lost  
14 more than a million dollars on prior  
15 initiatives over the years to bring for-hire  
16 vehicle accessible dispatch services to the

17 disability community.

18 In 14 months, and I speak from personal  
19 experience on this, there are only 127 service  
20 calls, and most of them were for one  
21 individual. This was in the black car industry  
22 when we formed Symphony Transportation. These  
23 records were previously delivered to the TLC.

24 However, our current concerns do not mean  
25 we believe there is no solution to this issue.

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2 We commend your initial step in holding this  
3 hearing today, and we look forward to  
4 partnering with you, your staff, and other  
5 stakeholders to develop a program that would  
6 meet the needs of the disability community  
7 which will use these services.

8 For the sake of being brief, I end my  
9 comments and I thank you for listening to me.

10 MR. YASSKY: Thank you. I appreciate the  
11 brevity and I appreciate the, I think, what I  
12 think I hear is a sincere desire to solve the

13 issue. It's hard maybe for you. I want to ask  
14 you a few questions.

15 I don't want to put you in an  
16 uncomfortable position asking you questions  
17 with fifteen people standing behind you.

18 So, I will say, I won't hold anybody but  
19 you to your answers. So, you wouldn't feel  
20 obligated to them. My questions is, I just  
21 want to ask the threshold question whether you  
22 believe that the TLC needs to regulate this in  
23 some way or another. If we did not have  
24 regulations I don't believe that the industry  
25 would provide wheelchair accessible service

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2 because it is not profitable. That's the  
3 truth.

4 MR. DIZENGOFF: I'm going to make a  
5 blanket statement on that. We've never been  
6 opposed to regulation. We've only been opposed  
7 to over-regulation.

8 MR. YASSKY: But, on this topic, do we

9 need. I've had people from your industry say  
10 to me, "Why should we be doing this at all?  
11 We're a private business of serving customers.  
12 It make sense for us. We shouldn't have to do  
13 it." But, do you believe that we, the TLC,  
14 should ensure through regulations, through, as  
15 we do purport to do today, or through setting  
16 up the service, as we talk about today, ensure  
17 a wheelchair user can get a wheelchair  
18 accessible vehicle.

19 MR. DIZENGOFF: We think the wheelchair  
20 community needs to be served. But, on the  
21 other hand, we would also tell you that we  
22 don't believe in unfunded mandates. We foresee  
23 this project as being something of that nature.

24 MR. YASSKY: Now, as you know, for 20  
25 years. I don't know when 607F was exacted.

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2 The TLC rules have required that FHV industry  
3 liveries, black cars, luxury limousine bases,  
4 to provide service to wheelchair users and we

5 all know that's not being done today.

6 I believe, I've said that publicly, that  
7 the 607F standard of equivalent service is not  
8 the right standard. I don't believe that you  
9 could meet that standard without economic  
10 upheaval in the industry. That would be  
11 potentially ruinous.

12 I've said that and I'll say it again. The  
13 meaning, if you can provide a sedan in ten  
14 minutes at fifteen bucks, then you have to  
15 provide wheelchair accessible service in  
16 fifteen minutes at fifteen bucks. I don't  
17 believe that that's the correct standard. I  
18 think we should find a better way to do it.

19 But, I also believe that we need to have,  
20 we do need to offer service. The industry does  
21 need to offer service. Maybe not at equivalent  
22 standard. But, in some way that we would put  
23 forward this idea.

24 I fully understand when your statement  
25 says there aren't enough details to sign on.

2 Nobody is asking for somebody to sign on the  
3 bottom line today because there is not a  
4 contract with full terms that one can sign.

5 But, on the threshold question, I think  
6 it's important for us if we're going to move  
7 forward, I think it's important to understand if  
8 we agree on this that, do you believe that the  
9 TLC needs to, by regulation or otherwise,  
10 ensure that the industry provide service.

11 And I'll say this without government  
12 funding because what I heard you say is, sure  
13 we will do it as long as there is government  
14 subsidy for it.

15 That, I think, that is a threshold  
16 matter because I don't foresee the City  
17 providing funding for this. I do see this as  
18 something that as it is today is an industrial  
19 responsibility. Do we agree on that?

20 MR. DIZENGOFF: To correct you, and not  
21 to say that you said something incorrectly.  
22 But, to correct you, my comment was that we  
23 don't believe in unfunded mandates, but, we  
24 want, we do believe, I think what my comments  
25 have detailed, we are more than willing to sit

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2           down with you and other stakeholders across the  
3           table to discuss the issue, to discuss a  
4           solution to the issue, and we have in the past.

5                   And I personally have sat with the  
6           disabled community in the past, and we came up,  
7           and we ourselves, the black car industry,  
8           funded in excess of a million dollars to  
9           provide transportation.

10                   And we lost in excess of that million  
11           dollars while we attempted to provide that  
12           transportation. That did not exist. That was  
13           not there.

14                   So, we're willing to sit down with you and  
15           your staff to discuss the issue to discuss a  
16           solution to the issue, and we don't, and we  
17           hope that you don't want to be pushed into this  
18           so that something hurriedly is done to  
19           accomplish a goal.

20                   MR. YASSKY: We absolutely don't want to  
21           rush. That's why we're doing this with all  
22           deliberate speed. But, I don't want to be  
23           pertinent. But, I do want to ask if you can

24 answer my question about whether you believe  
25 that this needs to be government funded or not.

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2 That's kind of the threshold question  
3 because I don't believe when you say unfunded  
4 mandate, I don't know what you mean.

5 If unfunded means unfunded by the  
6 government. No one in the industry wants to  
7 spend money pointlessly.

8 Commissioner Giannoulis spoke seeringly  
9 about the fact that money has been wasted. Tax  
10 payer money. I will say, yes, industry money  
11 has been wasted in the past year. Money in  
12 these extreme times is too precious for us to  
13 throw away on something that has no actual  
14 pertinent results.

15 No one wants money spent not to accomplish  
16 something. But, for the demand that is there,  
17 which is not enormous.

18 But, what is there. It's my position that  
19 we have to find a way for the industry to meet

20 that demand without charging the tax payers. I  
21 think that we can do that.

22 There's a hundred details involved in  
23 filling that in. If we agree on that basic  
24 principal I have no doubt that working together  
25 in the industry and the commission can find a

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2 way to meet that goal. My question is do we  
3 agree on that goal?

4 MR. DIZENGOFF: We are working  
5 together with you.

6 MR. YASSKY: I'm disappointed. But, I  
7 won't push on it because I hear you saying that  
8 the industry is going to meet this goal without  
9 discovering subsidy.

10 MR. DIZENGOFF: We don't know.

11 MR. YASSKY: You're standing there and I  
12 see people shaking their heads. If people want  
13 to come up and speak I encourage you to do it.  
14 Because we do have to settle this at the outset  
15 if we're going to work together.

16           But, still, you're saying the taxpayers  
17           aren't going to pay for it, I'm telling you  
18           now, we're not going to get there.

19           If you're saying we'll find a way to do it  
20           as inexpensively and as efficiently as possible  
21           without creating or buying a whole lot of cars  
22           that are never going to be used, I'm with you,  
23           and we're going to find a way to get there.

24           But, if you're going to say to me. No, we  
25           can't do it unless the tax payers write a

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2           check, then we can't get there.

3           MR. DIZENGOFF: I did not say that.

4           MR. YASSKY: Okay. I mean, I think I made  
5           myself clear. I see there are leaders there.  
6           I said we wouldn't put Victor in the position  
7           of speaking for you. I'll ask you if there is  
8           anyone who is standing up there who doesn't  
9           agree with that principal I want you to come  
10          up and say it now. Thank you. I'll yield to  
11          Mr. Carter.

12 MR. CARTER: My name is Bill Carter.  
13 Unfortunately, back on 6-07 was put into  
14 place I was a member of the taxi and limousine  
15 commission at the times. I was familiar with  
16 the decision.

17 I think what Victor is saying is not that  
18 the industry is not willing to fund it. We  
19 just don't want to rush to judgement because,  
20 what happened at that time, when 607 was put  
21 into place approximately 10 years ago, it was  
22 put into place and the organization was started  
23 immediately to meet the demands of the City,  
24 privately funded, and they lost a ton of money  
25 because it was never used.

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2 What we're asking now is that to really  
3 proceed with this with deliberance so money is  
4 not wasted in the industry.

5 Now, you're asking the industry to pay for  
6 it. If the industry wants to pay for it. We  
7 don't have a problem with that. But, it has to

8 be done deliberately and well thought out so is  
9 it does not cost. I agree with your statement  
10 if this can be done at the cheapest cost to all  
11 parties concerned, we're fine with that.

12 MR. YASSKY: I hear that. Thank you.

13 MR. KABESSA: Avik Kabessa. On the  
14 threshold question the answer is absolutely  
15 yes. I think the industry should take part in  
16 the solution. Especially in this dire time  
17 when the government does not have money.

18 The first is step is something that we did  
19 not hear you say and to me is critical. It's a  
20 combination of for-hire solution with the taxi  
21 solution.

22 You have to understand we come from the  
23 for-hire industry and we know how to quantify  
24 this cost and how to optimize the result and  
25 for-hire solutions.

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2 Every trip I had we reduced the cost to  
3 the industry versus the taxi which has an open

4 end to it. We actually has a wrong incentive  
5 which actually, with every trip the tax payers,  
6 the industry bureau increases, you're creating  
7 a creating a conflict of interest.

8 So, if the statement here was clear to say  
9 that the for-hire industry would provide the  
10 solution for the for-hire sector, and for that  
11 is the financial word, I am the first one to  
12 come up with a check.

13 The second you combine it with the taxi  
14 the fear factor comes up and the unknown cost  
15 as to unknown bottom line how many trips would  
16 be, what will you do when the person doesn't  
17 show up? Who pays for this then? How would  
18 you assists them?

19 There are so many questions left  
20 unanswered. Once you combine the two sectors  
21 together to me personally who has been working  
22 with you to have a solution.

23 I have to stand back and say, Hold on.  
24 Before I give you this answer, to answer the  
25 question, the answer is yes. To the

2 combination to the two, the answer is no.

3 MR. YASSKY: Okay. Thank you. I think  
4 that is a really productive statement both in  
5 the commitment that I hear and in the  
6 advancement of the dialogue on that very  
7 important substantive question.

8 We have certainly been talking about this,  
9 and Commissioners, the TLC has been trying to  
10 think this through vigorously and in our  
11 thinking it through we came to the belief that  
12 in the end we can do it more efficiently by  
13 treating it as a single operation yellow FHV.

14 But, am I wedded to that? Absolutely not.

15 And if we are wrong, and the people who know  
16 how this works better than we do, as we work  
17 through a specific model of operation, if it's  
18 clear to both and forget clear.

19 I mean, truly, in the spirit of good faith  
20 if the most efficient way to do it is to  
21 separate ways it's fine with me. What we had  
22 intended to do, what we intended to do, is  
23 submit a proposal for the UNI-file, or, if you  
24 want, submit a proposal for FHV only, submit a  
25 proposal for yellow only, and we'll look and

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2           see what's the most efficient way out there.

3           What I would like to do is together with  
4           you, you know, not over months and months and  
5           months. But, draft an RFP that we'll work on  
6           jointly to get the real proposals because,  
7           also, it's one thing for us to kind of think,  
8           you know, back in the TLC offices, and another  
9           thing for us to talk in a conference room when  
10          people have to commit to a specific thing with  
11          dollars and cents, that kind of concentrates  
12          the mind.

13          So, you get the RFP you don't really know  
14          what people are prepared to do. What I'd like  
15          to do is work jointly on are RFP, that will  
16          show us the what's the most efficient way to do  
17          it.

18          MR. GONZALEZ: Just one general comment.  
19          Thank you for your testimony here. We  
20          appreciate the perspective and kind of  
21          reiterating what the Chairman just stated. If  
22          there is, let's say, as far as the

23 implementation to say that it many to have to  
24 be covered to deliver service to a customer.

25 If I'm not quite ready to say, to abandon

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2 or deviate away from trying to find something  
3 that's uniform.

4 But, in a sense that if this, to use an  
5 example there's ten elements that are required  
6 to deliver a service and there's like three  
7 that are common, whether there for a for-hire  
8 vehicle or taxi, those are the ones that we  
9 should have in place.

10 And if there are certain things that you  
11 need to have in each industry that is something  
12 to be addressed separately.

13 MR. YASSKY: That's a helpful perspective.  
14 Thank you. I appreciate, Mr. Dizengoff, you  
15 know, you esteemed presence here. I think it  
16 shows us a strong commitment to the industry  
17 and I am grateful for it.

18 I think we can hear from other

19 stakeholders unless anyone wants to contribute  
20 further.

21 MR. DIZENGOFF: I would just like to add,  
22 if I can, I would appreciate the agency  
23 reaching out to the industry. We are reaching  
24 out to you now to sit down privately and lay  
25 out your cards and everything on the table,

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2 and, as they say in Washington, everything is  
3 on the table or nothing is on the table. Let's  
4 sit down and discuss it openly and go through  
5 the process.

6 MR. YASSKY: Indeed, we will certainly do  
7 that.

8 MR. DIZENGOFF: I would appreciate also,  
9 if you don't hold true to the January 31st,  
10 2011, it's a very short period of time with the  
11 holidays and everything coming up in between  
12 that's a sort period of time to come up. So,  
13 people can come up with the RF5.

14 MR. YASSKY: Sure, we can. I don't

15 know if there's legal complication. We can  
16 certainly accept responses to an RF5 without  
17 it. If it's going to come back to haunt us  
18 after that deadline and work out an appropriate  
19 deadline and move forward.

20 MR. DIZENGOFF: I appreciate that.

21 MR. GONZALES: One last comment. I just  
22 want to say thank you for your service to the  
23 industry. You're leaving behind a wonderful  
24 legacy and I wish you nothing but the best in  
25 your retirement.

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2 MR. DIZENGOFF: Thank you. I appreciate  
3 that.

4 (Applause)

5 MR. GONZALEZ: I also want to congratulate  
6 you on your retirement. Victor is one of the  
7 first people I met in the industry. He has  
8 always been very professional. He's always been  
9 a good advocate to the industry. I  
10 congratulate you as well. You're a class act.

11 MR. DIZENGOFF: Thank you. I appreciate  
12 it. And I want to say something. Thank you  
13 for understanding the problem we're having  
14 right now. I want to ask first, Jose Gloria,  
15 of the taxi drivers. I ask for a moratorium  
16 right now. So, we have an agreement as soon as  
17 possible.

18 MR. YASSKY: You know, in the spirit of  
19 good faith, Commissioners, there has been  
20 extensive discussion back and forth with the  
21 industry. We have been actively enforcing rule  
22 607F, and, you know, the word that some in the  
23 industry think as a way of kind of making sure  
24 that what we're going through is true. That  
25 there is no, you know, almost no real

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2 compliance.

3 I am prepared to say that, you know, like  
4 I say, I'm not going to say that we're going to  
5 stop and never again enforce. But I am  
6 prepared to say that the enforcement division

7 can, that we can put that effort aside while  
8 we're working productively here, and, you know,

9 I don't mind that you put me on the spot  
10 because I guess there's a real question. But  
11 I'm loathe to say that there are rules that we  
12 don't enforce. I don't think that's right for  
13 a government agency to do that.

14 But, I understand what you're saying here.  
15 This is a rule that does in some ways kind of  
16 has an unfair impact on the industry. Even  
17 while the purpose is fundamental. And I want  
18 to work in good faith.

19 I know that it's created some difficulty  
20 in doing that when you feel you're being  
21 ticketed so aggressively. So, let's work  
22 together in good faith. All right? Thank you.

23 The next speaker. This is Ronnie Raymond  
24 So, while you're preparing to speak I would  
25 just want to say the industry, I recently

3        comments that got so written up where spoke  
4        basically on the theme of, "Don't let the  
5        perfect be the enemy of the good."

6            I was kind of inspired maybe by the  
7        moderate that I am, by that sentiment. You  
8        know, government is about getting something  
9        done and we can't all agree to recognize  
10       alternative points of views sufficiently to get  
11       something done. That's as big a shame as  
12       anything.

13           I guess I would just urge all of the  
14        stakeholders here to take a look at those  
15        remarks and take them to heart. This is a  
16        tough problem.

17           I have no doubt that if we work  
18        collaboratively and in that spirit. We can  
19        figure out a way to do it. All right?

20           Ms. Raymond.

21           MS. RAYMOND: Thank you, Commissioners.  
22        I would like to speak briefly about my own  
23        experience with transportation. I live in  
24        Manhattan. In the '80s I observed while buses  
25        were being, you know, had lifts on new buses.

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2           In the '80s I did not have a disability, and  
3           on my way to work I was sitting there thinking  
4           why on earth is the City paying for this? I  
5           never see a person in a wheelchair on the  
6           street. I never see a person in a bus stop  
7           asking to get on a bus. So, I thought it was  
8           insane myself.

9           Today, I live in a wheelchair. Today, I  
10          cannot tell you the number of times that I sit  
11          in a bus stop and I have to wait for a second  
12          bus because both wheelchair positions are  
13          already taken. There are even occasionally  
14          times when I have to wait for a third bus.

15          This does not concern me, anger me,  
16          frustrate me, because I see that people like  
17          myself are out and about, getting out and doing  
18          things, using the available transportation, and  
19          I appreciate it, and I think it's wonderful.

20          Every single New York City bus is  
21          wheelchair accessible, and it's used all the  
22          time by people. There is no question about the  
23          need because it's very obvious.

24          When we talk about taxicabs, whether 230  
25          taxicabs out of 13,500 yellow cabs is enough to

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2       work for people who have disabilities. I  
3       suspect that it is not. I suspect that if the  
4       service were available on the same basis that  
5       the buses are, that they would be used. They  
6       would be used much more than can even be  
7       conceived of. I really do believe that. And I  
8       would appreciate the opportunity to have more  
9       available transportation options.

10            The way the central dispatch system worked  
11       when it was a pilot program worked, sometimes  
12       worked better some days than others.

13            But, to tell you the truth, if I have to  
14       wait for an hour to get a taxi why wouldn't I  
15       choose to take Access-A-Ride or to use a bus?  
16       If I'm going to pay for a taxi, I should get  
17       the kind of service that everybody else gets.  
18       Either that, or I shouldn't have to pay the  
19       same price that everybody else does.

20            So I, would put that out there as a  
21       consideration. You know, whether the service

22 is equivalent, is what I should be paying for  
23 is equivalent service. If it is not equivalent  
24 I don't think I should be expected to pay the  
25 same amount.

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2 I also think that, given people with  
3 disabilities should have reliable  
4 transportation options. That means that it's  
5 possible to do things, to have jobs, you know,  
6 which really is not a possibility today for a  
7 lot of people. Thank you.

8 MR. YASSKY: Thank you. Bhairavi Desai is  
9 the next person.

10 MS. DESAI: We fell firmly committed to  
11 the idea that there should be sufficient  
12 accessible taxis. I think it's simple when we  
13 already speak for the industry overall, and we  
14 worked for taxis for all in the past. But, not  
15 only do we feel there is morally imperative  
16 that we are a service industry, we should be  
17 there to serve the people who seek our

18 services, and we feel proud of the fact that  
19 there is a large percentage of people who out  
20 all the options that are available to them.

21 What they want at the end of the day is a  
22 taxi. We're proud that we represent the men and  
23 women that provide that service. It's a very  
24 practical service. There are two issues that  
25 come up for the industry. One is the cost

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2 associated with the vehicle in terms of  
3 retrofitting as well as maintenance and repair  
4 costs.

5 As you know, the unproven durability of  
6 the vehicle, and, therefore, over the course  
7 of time, you end up spending more money because  
8 you're having to pay to use the vehicle.

9 And then, secondly, there is a situation  
10 of demand that there is an option out there  
11 that demands such lower fees and that why fees  
12 should be lower. I want to address both of  
13 these.

14           First of all, in terms of the cost issue.  
15           At the City Counsel hearings, at  
16           the Transportation Committee Hearings, there's  
17           a lot of testimony about Federal subsidizing.  
18           There are Congress members, namely Congressman  
19           Weiner. Also, there are Federal subsidies.  
20           Therefore, there should subsidies to the  
21           industry to make this happen.

22           And the subsidy being supplemental, I  
23           don't think that the subsidy itself is what's  
24           going to, you know, should or would pay for the  
25           entire problem. We completely understand that.

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2           Even though, again, we represent the  
3           majority of the vehicle owner in the industry  
4           since now the majority of the cars are owned  
5           by the drivers.

6           Secondly, on the issue of demand. 20,000  
7           people take Access-A-Ride every single day.  
8           The numbers are in the millions at the end of  
9           the year. I believe the number that taxis for

10 all to us is about a million to two million  
11 riders, wheelchair users partake in the MTA bus  
12 system on a yearly basis.

13 In terms of, obviously for subways it's a  
14 much lower number. And for people who may have  
15 a private vehicle, own a private vehicle now.  
16 But, would take a taxi instead, that's another  
17 unknown number.

18 We think that there is, that there is  
19 a real demand. We think there a real ridership  
20 community that actually remains untapped.  
21 If we can tap into this community not only  
22 would the community be served.

23 But, obviously, at the end of the day, the  
24 industry will make more money. And, so, we're  
25 committed to working on this program both with

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2 the community, and with the TLC, and the  
3 industry at large to make this possible. Thank  
4 you.

5 MR. YASSKY: Thank you. There are two

6 more speakers from New York Taxi Workers  
7 Alliance. I'm going to skip over them and  
8 return to them in a bit. But, in the meantime,  
9 why don't you think about whether all three  
10 need to testify if they representing the same  
11 organization?

12 The next speaker is Ethan Gerber and then  
13 after that Michael Woloz from MTBOT has signed  
14 up.

15 MR. GERBER: Thank you. Good morning,  
16 Commissioners. Good morning, Mr. Chairman. My  
17 name is Ethan Gerber, executive director of  
18 the Greater New York Taxi Association.

19 We're the owners association that  
20 owns, corporately owns taxi medallion  
21 accessible taxicabs. We're the ones who paid  
22 for them. We are the ones that put them on the  
23 street. We are the ones that service them,  
24 and we are the only corporation owners keeping  
25 them running.

2 I do want to correct two misnomers and  
3 statements that were made during the course of  
4 these proceedings.

5 The first was in the FHV owners that came  
6 forward. They were talking about the fallacy  
7 of these two entities being mislabeled and put  
8 together.

9 In support of the TLC it's important that  
10 the TLC understand that the dispatch program  
11 that was initially put in is just that. It took  
12 the FHV model and imposed it on the yellow taxi  
13 cab industry.

14 So, the way they were making money is  
15 exactly the same way they were making money in  
16 that particular situation. We were not  
17 operating a yellow taxicab had a lot to say at  
18 the time about that.

19 But, that was the model that was imposed  
20 on the yellow cabs. These were taken out of  
21 the street, out of the street hail system, and  
22 ordered to pick up accessible rides.

23 In order to be economically feasible the  
24 same economics applied to make it economically  
25 feasible and the same program that the FHV's are

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2           required, wait time, etcetera, all the things  
3           that go into the cost pricing of theirs would  
4           have to go into the cost pricing of any  
5           dispatch system. It did not originally.

6           The second statement that was made, and I  
7           have nothing but respect for the Commissioner  
8           Giannoulis. But, your comment about the owners  
9           not rising to the test. I think it's very  
10          important to point out a couple of things.

11          Number one, the owners, the majority of  
12          the corporately owned medallions, were  
13          purchased in the auction prior to the  
14          imposition of the dispatch program.

15          So, that cost was not the original. The  
16          original auction was prior to the imposition  
17          of the dispatch program. Number one.

18          Number two, the vehicles were far more  
19          expensive. At the date of the auction there  
20          was no insurance in place at all. And, the  
21          reason they stayed low in price, if they were  
22          low in price, which we'll get to, was only  
23          because there what no one else competing except  
24          the members of our organization. And that's

25 what was keeping the price down.

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2 The third thing was that, as far as the  
3 expenses of the program goes, as far as the  
4 cost goes, they are still, we're still  
5 significantly higher priced than the vast  
6 majority of the medallion on the road that  
7 were purchased long before those aucdtions.

8 So, the economics still has to work. The  
9 economics of a car that was purchased 15 years  
10 ago at a much cheaper rate has to make a  
11 certain amount of money to be profitable than  
12 our accessible vehicles have to be profitable,  
13 too. I do want to thank you and I do need  
14 another minute.

15 MR. YASSKY: Go ahead.

16 MR. GERBER: I do need another minute or  
17 two. I do want to thank you, Mr. Chairman, and  
18 your staff, and I want to thank particularly  
19 Diswani Chabra and dTweet Stiller, who I had  
20 the pleasure working with on this program. As

21       opposed to the last time around there was  
22       actual input, and whether it's realized or not,  
23       I do get the sense that the TLC is really  
24       trying to understand how this operation could  
25       work. And, I do want to thank you,

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2       Mr. Chairman, for trying and I do believe you  
3       are actually trying to make this program work  
4       this time.

5               The last program was designed for two  
6       purposes. The first was to test demand on  
7       the dispatch program and the second was to see  
8       if the dispatch program would work.

9               As to the demand it was negligible. The  
10       TLC prediction, based on the wheelchair  
11       community prediction, that there would be a  
12       minimum of 250 riders. I would argue is itself  
13       a negligible amount. It would be an average of  
14       eight riders a day.

15              I do disagree with the statements made  
16       earlier by your staff with respect that one

17 month of fifteen months does not show  
18 potential. It's just a peek in over a two year  
19 period. I think that statistically, it  
20 doesn't really do anything. 8,000 out of  
21 750,000 daily rides is statistically  
22 insignificant.

23 If you have a calculator that doesn't go  
24 to six digits you won't even see the  
25 number.

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2 Secondly, it was determined if the  
3 dispatch program would work. It didn't work  
4 and the reasons it wasn't going to work were  
5 obvious at the outset. It didn't work because  
6 it was economically not feasible for it to  
7 work.

8 I stood here two and a half years ago and  
9 I stated it would not work. I stated the  
10 economics why it was not working. I would not  
11 work because drivers would lose money over each  
12 and every shift.

13           They would not want to drive these cars.  
14           And the difference between when you saw the  
15           statistics about the owner operators having a  
16           greater success rate than the managers getting  
17           there cars out. That's obvious.

18           The owner operators are married to those  
19           cars. They have to be in those cars. The  
20           fleet system doesn't work that way. The driver  
21           does not have to choose to drive an accessible  
22           car.

23           He is not going, or she is not going to  
24           drive the accessible cars, if they're going to  
25           lose money. Incentives that we can give, we

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2           try to give, it wasn't encouraging.

3           The problem was they had to miss days off  
4           from work that other drivers do not have to  
5           miss to take courses, and then they would have  
6           to have the expectation, if not reality, that  
7           they could lose money at any time and they  
8           would be dispatched empty.

9           For that reason, economically, the drivers  
10 refused to take the cars. The TLC's reaction  
11 to that situation was to go into enforcement,  
12 and at the time that Ms. Epstein, who was the  
13 assistant commissioner at the time, testified  
14 at the City Counsel, which was about the  
15 halfway mark, she testified there were 3,500  
16 rider and there were 5,000 violations issued.

17           When the amount of the violations  
18 exceeds the number of actual rides, you know  
19 there's a problem. What happened was for  
20 each and every violation that would occur, each  
21 and every ticket that would occur, you have  
22 one driver that says the next day I'm not going  
23 to take an accessible taxi out.

24           MR. YASSKY: I'm going to ask you to  
25 conclude.

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2           MR. GERBER: In short, the only way this  
3 program could work is if, I think the Chairman  
4 understands that only if it's economically

5 feasible. And only if it makes sense to the  
6 driver and the owners economically. And that  
7 the drivers want to be in the program because  
8 the drivers are going to make a fair living  
9 wage doing it.

10 If there's a mandate I agree with FHV  
11 industry that we are a little nervous about the  
12 unfunded mandate, and about the potential cost.

13 I do think that spreading out among the  
14 50,000 is a little bit fairer than spreading  
15 out only on the 240.

16 By the way, we also were the only, we, at  
17 our own cost, implemented the T-Pep system.

18 I would suggest also that this subsidy,  
19 if there is a subsidy, which you intend to come  
20 from the entire industry, if there's going to  
21 be a subsidy to the entire industry, it should  
22 also be required that all New Yorker pay for  
23 the accessibility for all New Yorkers.

24 MR. YASSKY: Thank you. We want to  
25 proceed. We agree with you that for the

1  
2 drivers to participate energetically it has to  
3 work. You might want to ask some questions.  
4 The one issue of principal that I do want to  
5 make clear our view on, because that's where we  
6 are now, is in our principals is that if you  
7 were suggesting that there's not a particular  
8 obligation on those medallions we do think  
9 there is.

10 They will purchase at a discount  
11 relative to the going rate at the time, and,  
12 while you're right to say it is before the  
13 creation of the dispatch program, I think  
14 that's inherent on the purchase of wheelchair  
15 accessible medallions was the idea that there's  
16 got to be a way to figure out a way to make it  
17 actually accessible to wheelchair users.

18 I agree that the economics has to work on  
19 a day in and day out basis. I think there's a  
20 special obligation on those medallions.

21 MR. GERBER: Mr. Chairman, I don't want to  
22 suggest otherwise. I would say the the car are  
23 far more expensive than other cars. They're  
24 less durable than other cars. The repairs are  
25 more costly.

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2 The T-Pep system, which is now a part of  
3 the program, became part of the program, was  
4 done at great urging at us.

5 If some of the Commissioners remember,  
6 there's been many, many, many letters that I  
7 wrote urging to get away from the Blackberry  
8 system and the dispatch system. Informing  
9 about the current legislation.

10 I think we did more than our part to rise  
11 to the challenge of trying to get these cars on  
12 the road. But, again, if the economics don't  
13 work, the program doesn't work.

14 MR. YASSKY: Thank you. Michael Woloz.  
15 And then Peter Mazer.

16 MR. MAZER: Good morning, Commissioners.  
17 My name is Peter Mazer. I'm general counsel to  
18 Metropolitan Taxicab Board of Trade. It's a 58  
19 year old trade association that now represents  
20 a fleet that is comprised of 3,500 yellow  
21 medallion taxicabs. Our fleets mainly operate  
22 on a double shifted basis service department  
23 that operates twenty-four hours a day, seven

24 days a week, 365 days a year.

25 There are more than 14,000 drivers that

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2 own these vehicles. The MTBOT has always  
3 demonstrated a strong willingness to do their  
4 fair part to keep the unsubsidized industry  
5 healthy and effectively servicing the riding  
6 public.

7 For example, we supported medallion sales  
8 that yielded hundred of millions of dollars to  
9 the City, including accessible medallions sales  
10 and alternative sources of fuel, outerborough  
11 taxi stands, as well as welfare to work  
12 programs, and taxi school colleges for  
13 underrepresented population in our driver pool.

14 On behalf of the MBTOB I would first like  
15 to publically commend Chairman David Yassky,  
16 Deputy Commissioner Ashwani Chadra, and the TLC  
17 staff for reaching out to the MTBOT and other  
18 stakeholding groups on the latest TLC proposal.

19 MTBOT believes that there should be open

20 dialogue. One that Chairman Yassky has  
21 fostered since arriving at the TLC is the best  
22 way forward on this important issue.

23 The proposal before us today which would  
24 require the TLC's regulated industry to find  
25 a new centralized dispatch program for

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2 wheelchair accessible yellow taxicabs and  
3 livery requires serious thought.

4 Passengers in wheelchairs have long  
5 deserved reliable prearranged service. The  
6 approach to providing accessible yellow and  
7 livery service is an attempt to build up a last  
8 centralized dispatch pilot program which  
9 recently ended.

10 The idea is a good one letter. Better  
11 engage livery industry on provided on time  
12 prearranged services in many neighborhoods of  
13 the City and better utilized wheelchair  
14 accessible yellow taxicabs with smarter  
15 dispatching driver outcome. Driver incentives.



12 operating costs, our passengers are now  
13 burdened with a 50 percent surcharge that is  
14 used to subsidize the MTA's competing service.

15 We will need many more details on the  
16 central accessible dispatch proposal. But, we  
17 are certainly open to the plan that is fair,  
18 that is efficient, that is economically  
19 subsidized.

20 That includes the recognition that above  
21 all the MTBOT operators are just that.  
22 Operators. And operating at 24/7 garage is not  
23 easy and not inexpensive. We are proud that  
24 the medallion is a valuable asset. It is a  
25 testament to this great industry, and we are

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2 all a part of it. But, do not confuse the  
3 value of the medallion, if I can summarize,  
4 with the cost of operating an industry. These  
5 are very different things.

6 These are unavoidable operating costs in  
7 any industry and ours is no exception. We can

8 do many things to better the industry and to  
9 better service New Yorkers. But, we need the  
10 economic tools to make these things a reality.

11 We need our regulatory partner to not  
12 impose on or enforce on the the industry. But,  
13 to provide economic recovery. Thank you.

14 MR. YASSKY: Thank you, Mr. Mazer.

15 We'll hear from Mark Hemmingway from  
16 Executive Transportation and Marvin Wasserman  
17 representing Brooklyn Center for the  
18 Independence of the Disabled.

19 MR. HEMMINGWAY: I'm the dispatcher on the  
20 prior dispatch program. I'll overlap a little  
21 bit of what he said and what Victor said.

22 Thank you for the opportunity. Some of  
23 you are aware we have had some experience with  
24 the accessible dispatch program. In addition,  
25 about ten years ago we formed an accessible

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2 for-hire vehicle, which is also what Victor  
3 spoke of preceding. That had real, taking a

4 motorized wheelchairs type of vehicle.

5 While by no mean experts, we do have some  
6 experiences that we hope the Commissioners will  
7 find useful and continues to define the  
8 process.

9 First, we think there is a real need to  
10 quantify the volume of the need in order to  
11 build a program which is useful to the  
12 ridership which is operationally feasible by  
13 the taxi and FHV operators and is economically  
14 viable.

15 Twice, now, we at Executive Transportation  
16 have been involved in projects to provide  
17 wheelchair accessible service, one for-profit  
18 company and one City program, and in both cases  
19 the actual number of far trips was far below  
20 projections. What that obviously does is we  
21 fill the program with tremendous overhead to  
22 take a lot of volume that doesn't materialize.

23 The first time caused our business simply  
24 to ultimately fail and the second caused us to  
25 spend more than anticipated.



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2       black car bases. They pay more than \$172 a  
3       trip.

4               We also provide transportation for  
5       passengers with collapsible wheelchairs in our  
6       cars. We do this on a routine basis. I mean,  
7       there's many people that you guys have known  
8       and advocates that have been in our cars that  
9       we bring to the Commission meetings here at 40  
10      Rector Street and etcetera. We do 60 to 100  
11      trips a year in that fashion and we do it day  
12      in and day out. We're happy to be part of the  
13      program.

14             The next for us to consider operational,  
15      to some degree, go hand in hand with being  
16      financial. While using a centralized  
17      dispatcher system is the right concept from an  
18      intake standpoint. It immediately adds levels  
19      of complexity.

20             It even spoke about adding T-Pep part way  
21      through the program. It didn't work for cabs  
22      to dispatch over Blackberrys. So, just keep

23 that in mind the levels of complexities that go  
24 with that.

25 The recommendation suggested a subsidy

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2 for drivers is a good idea. We agree. Too  
3 many times we send drivers a long long way  
4 completely dead heading to go find a customer.  
5 Obviously, this reduces amount of income the  
6 vehicle generates.

7 Yet, by and large, if you go back to the  
8 program and you speak to the people who rode in  
9 the cab, you'll find that they found the  
10 drivers to be helpful, courteous, and really  
11 just trying to do a good job.

12 So, it's not a driver, we don't want to do  
13 it, issue. As the accessible customer wants  
14 to be able to travel for an equitable rate, the  
15 driver of the vehicle wants the opportunity to  
16 make an equitable living.

17 MR. YASSKY: I'm sorry. I'm going to ask  
18 you to conclude.

19 MR. HEMMINGWAY: Okay. All right.  
20 There's no doubt that providing an accessible  
21 program is a worthy goal for TLC and right  
22 thing to do.

23 However, based on the outline of the  
24 reputation we think that careful analysis  
25 should be given to at least two true quantity

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2 of travelers considering that there's price  
3 dependency.

4 MR. YASSKY: Just on that last point I  
5 want to make sure I'm clear on this. Are you  
6 saying that we need to wait for better data  
7 than we have because I think the reality is we  
8 know the demand is low.

9 We don't know precisely what it is and  
10 what it will grow into and the only way we're  
11 going to really find that out is by moving  
12 forward operationally.

13 I just to make sure that nobody is saying,  
14 you know, do a two year study until you can

15 move forward.

16 MR. WASSERMAN: No. We're on a  
17 direction that, you're honored by what we put  
18 out that you've just read today. There are no  
19 kind of boundaries on what the demand is going  
20 to be. We saw eight to fifteen a day type of  
21 thing. We anticipated 250 a day. To get  
22 organizations to adjust to those sizes are  
23 significantly difficult.

24 MR. YASSKY: Yes.

25 MR. WASSERMAN: And, so, we need to, from

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2 a response to an RF5 perspective and what the  
3 industry could and should provide it probably  
4 would be different. It would be better to get  
5 that if possible to have a better response than  
6 the RF5.

7 MR. YASSKY: Okay. Thank you,  
8 Mr. Hemmingway. I will say, Commissioners, as  
9 we think about this at the TLC, our starting  
10 out approach, what feed back, is to give the

11 industry a response time standard and put the  
12 risk of error in determining how much demand  
13 there is on the operator.

14 In other words, the operator will charge a  
15 premium for that risk, as any person would.

16 But, what we say is, you've got to commit to,  
17 you know, we are suggesting half hour to half a  
18 trip, an hour for all the trips response time.

19 And then, if you don't meet that you have  
20 penalties. What that does is that tells  
21 the operator, rather than us government  
22 bureaucrats trying to come up with the demand,  
23 you estimate the demand and you bear the risk  
24 of being wrong on that.

25 Every approach on this question has

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2 drawbacks. We think that's one of the least  
3 number of drawbacks. But, that's, you know,  
4 we're curious to hear the industry feedback on  
5 this.

6 MS. POLANCO: Based on when the

7 proposition was made about the pilot problem, I  
8 thought that the outreach was basically  
9 minimal. So, there was no outreach in the  
10 community. So, of course they're going to be  
11 low on that.

12 MR. YASSKY: Again, I think there's a  
13 chicken and egg issue and I think Ms. Raymond  
14 was eloquent about, you know, if you build it  
15 they will come. Given the uncertainties  
16 our thought is to say, rather than us trying to  
17 determine in advance, we know there 400  
18 customers a day. Rather than say, you've got  
19 to be able to say you've got to be able to get  
20 there within half hour for half the people and  
21 all the people and then you build a system that  
22 accomplishes that.

23 MS. POLANCO: I just want to add that  
24 this is something that we all know. It's  
25 something we have to take into serious

3 Taxi of Tomorrow, because, you know, what we  
4 know is what out of the three, I think only  
5 one is wheelchair accessible, so.

6 MR. YASSKY: Mr. Wasserman was next and  
7 then Mr. David Pollack.

8 MR. WASSERMAN: This as opportune time for  
9 me to come in and speak.

10 Hi. I'm Marvin Wasserman. Executive  
11 Director of the Brooklyn Center of Independence  
12 of the Disabled. Transportation for people  
13 with disability, as it is for others, is an  
14 essential component for living an independent  
15 life in the community.

16 There are few modes of transportation that  
17 are user friendly for people with disabilities.  
18 Mayor Bloomberg had stated the taxi and  
19 community car services are a vital part of our  
20 public education system. Yet, they are far  
21 behind other transportation systems when it  
22 comes to access for persons with disabilities.

23 While to others taxi and limousine service  
24 may be a luxury. For many in our community, it  
25 would be the only realistic way to get from

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2           point A to point B, given the limitations on  
3           subway, bus and Access-A-Ride service.

4           I want to commend the TLC for  
5           acknowledging that the central dispatch pilot  
6           project for the for-hire vehicle rules  
7           requiring livery bases to provide accessible  
8           service have not worked well for our community  
9           and is attempting to address that issue.

10           However, attempting to resurrect the  
11           central dispatch may duplicate problematic  
12           aspects of the pilot project. The majority of,  
13           all of the vehicles in the program will be  
14           medallion taxies, which will be most efficient  
15           in the southern half of Manhattan. Those in  
16           Brooklyn and the other boroughs rely on livery  
17           service in their communities, and there are few  
18           accessible vehicles that are livery vehicle.

19           The TLC has not made public any plans for  
20           increasing the number of accessible taxis or  
21           livery vehicles. Each industry has the  
22           responsibility to provide accessible service.

23           The choice of the cars as the Taxi of  
24           Tomorrow would make a strong statement that New  
25           York City is committed to a public policy of

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2           public inclusion as the iconic symbol of New  
3           York City.

4           As I see it, that choice should be a  
5           no-brainer. It is perfectly appropriate to  
6           negotiate with each of the finalists to get the  
7           best possible deal. But, the civil rates of a  
8           whole class of people should not be negotiate  
9           had away in the process.

10           Also, time central dispatch 311 system is  
11           problematic. Assembly Member Michael Kelnik  
12           did a survey of the survey project showed that  
13           there was a significant drop-off in the number  
14           of requests made for the services to 311 and  
15           the number of rides actually completed.

16           And I know that one of my own staff  
17           members attempted on three occasions to access  
18           311 from our headquarters in downtown Brooklyn  
19           to our home in Manhattan and never received any  
20           service.

21           We've been in meetings with members of the

22 Livery Round table and I want to commend them  
23 for stepping up to the plate to provide a  
24 solution that is in entirely the livery  
25 industry's responsibility.

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2 And I believe that their proposal comes  
3 closer to the delivery of the promise for  
4 accessible service. It will provide better  
5 response time, have vehicle based in every  
6 borough, and the number of vehicles utilized  
7 would be market driven. I urge the TLC to use  
8 the Livery Round Table proposal as the basis  
9 for the solution to this problem. Thank you.

10 MR. YASSKY: Thank you very much,  
11 Mr. Wasserman. I won't keep you up here. And,  
12 as I said, next is David Pollack. You can sit  
13 down.

14 I do believe that we really did take the  
15 Livery Round Table proposal as the starting  
16 point and only kind of added to it. If there  
17 are things that are in that proposal that you

18 think we left out, or, at any rate differences  
19 that you think we should incorporate, we might  
20 follow up with you after to hear what those  
21 are. I think we have pretty much taken them as  
22 a point of reference. Yes, Mr. Pollack.

23 MR. POLLACK: Good morning. Good  
24 afternoon. I'm David Pollack, Executive  
25 Director of the Committee for Taxi Safety.

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2 I thank the Commission for inviting us to speak  
3 on this important and difficult issue.  
4 Although, universal access to  
5 transportation for the disabled is a laudable  
6 goal that we share, the practical methodology  
7 of achieving that goal needs to be both  
8 developed and accomplished in a manner that  
9 involves all forms of transportation industry  
10 in to insure that achieving such accessibility  
11 is accomplished without mandating an  
12 unachievable short term fix at the expense of a  
13 long term goal.

14           In the words of the former TLC Chairman,  
15           Matthew Dawes, this problem cannot be solved by  
16           one segment or another of the transportation  
17           industry alone. We must allow for one or  
18           another public policy making in order to allow  
19           one or more of these services to come together  
20           to try a practical way forward, to provide  
21           universally acceptable transportation loads  
22           through the transportation network.

23           Accordingly, although we support the  
24           general proposition that all disabled people  
25           deserve the right to have accessible

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2           transportation available, we remain opposed to  
3           mandate at this time and our objection is based  
4           upon several reasons.

5           As I'm sure you're aware from various  
6           reports during the Commission's recently  
7           concluded two year pilot program for accessible  
8           dispatch, there are only approximately 5800  
9           trips by wheelchair users. That amounts to

10 eight trips per day for all 13,287 taxi  
11 vehicles.

12 That bears repeating. Eight trips per day  
13 to 13,287 available taxis that took place. On  
14 average, yellow taxis do approximately thirty  
15 or thirty-five trips per shift. Basically,  
16 eight trips for 700,000 available rides per  
17 day.

18 Before the Commission mandates all 13,287  
19 yellow taxi vehicle in the City to be  
20 wheelchair accessible, we believe that there  
21 needs to be shown that the demand for this  
22 increased availability is present. And that  
23 the increased availability will be utilized.

24 Based on the two year TLC pilot program it  
25 appears that there is neither demand nor need.

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2 And the apparent reason for this is something  
3 the Commission needs to understand. Because  
4 of that reason is not changed usage will not  
5 change.

6           There is a successful transportation  
7           program for disabled community. The program is  
8           Access-A-Ride and the key different between  
9           Access-A-Ride and yellow taxi service to  
10          utilize Access-A-Ride one needs to make a  
11          reservation one day in advance.

12          With Access-A-Ride the passengers are  
13          reimbursed for virtually the entire cost of the  
14          transportation. They only pay \$2.25. In  
15          contrast, a ride in a yellow taxi costs the  
16          passenger the fare on the meter. It is this  
17          disparity in pricing that causes the disabled  
18          community to utilize Access-A-Ride and not  
19          utilize yellow cabs for their transportation  
20          needs. You can put 13,287 accessible vehicles  
21          on the road. But, that does not mean they will  
22          be utilized.

23          In contrast to the eight rides a day,  
24          29,00 rides per year, utilizing the yellow taxi  
25          industry, Access-A-Ride handles 7.3 million

2 rides per year or 20,000 rides every day.

3 MR. YASSKY: Okay. I'm sorry. I'm just  
4 going to ask you to summarize because we have  
5 three minutes to conclude.

6 MR. POLLACK: In summary, it's not that  
7 the industry is against providing service to  
8 the disabled community. Our position is  
9 basically that we have to first establish the  
10 need and the usage prior to mandating changes  
11 to the industry, and once the need and usage  
12 are established it's only then that a plan can  
13 be established.

14 I want to thank you and your staff, Mr.  
15 Chairman, for reaching out and understanding  
16 our position.

17 MR. YASSKY: Thank you.

18 MR. GONZALES: That 20,000 number looks  
19 like a real number.

20 MR. POLLACK: Well, if you take 7.3  
21 million and divide it by 365, that's the  
22 number.

23 MR. GONZALES: That's state-wide,  
24 correct?

25 MR. POLLACK: I believe that's City-wide.

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2                   MR. YASSKY:   Okay.   Thank you.

3                   Mr. Richard Thaler followed by Jean Ryan from  
4                   Taxis all campaign.   Then the remaining two  
5                   speakers that signed up will be Mr. Simmons and  
6                   Mr. Lindau from the Taxi Workers Alliance.  
7                   And, again, it's up to you whether, it's due  
8                   Monday.   I guess we'll wait for just a moment.

9                   MR. THALER:   Thank you, Commissioner.

10                  MR. YASSKY:   I want to advise actually  
11                  both the public and the Commissioners, we are  
12                  ending at 12:30.   So, we have another eleven  
13                  minutes.   Three of which belong to Mr. Thaler.

14                  MR. THALER:   I'm Richard Thaler.   Chairman  
15                  Yassky, Council Fraser, Council members,  
16                  Commissioners.   I hope you've had the  
17                  opportunity to read the program description.  
18                  I'm not going to re-read it.   It's been read on  
19                  a number of occasions.

20                  It's a comprehensive plan to provide  
21                  adequate City-wide on-demand, pre-arranged, and  
22                  street hail wheelchair accessible medallion  
23                  taxi and livery service, including a transition  
24                  to livery industry Access-A-Ride services.

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to the MTA and the Commission for well over a

3

year. And, in fact, prior to your tenure, it

4

has been submitted.

5

What it does, it uses technology to pull

6

all of the existing resources of the medallion

7

cabs and the FHV industry, and, because of

8

that, there is no need for any subsidy, for any

9

increase in operating costs, and there is no

10

need for any infrastructure.

11

In fact, it remedies many of the

12

unworkable ideas that I've read this morning in

13

the RFI. Also, it probably alleviates much of

14

the apprehension of the FHV industry.

15

Just to follow up on a couple of

16

Commissioner Giannoulis' comments regarding the

17

previous pilot. A presentation was made for

18

Andy Salkin and Epstein on a system to dispatch

19

wheelchair accessible services which is really

20

based on the plan that you see now.

21           And, we were told by the commission that  
22           it was a competitive presentation, and I was  
23           stunned yesterday at the City counsel to hear  
24           that it was a sole source.

25           I though that the presentation made about

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2           that would have solved many of the problem that  
3           you've experienced. So, I'm going to ask how  
4           does the Commission, if you could disclose it  
5           at some point, how would the Commission  
6           implement the current program discussed? I'd  
7           like to know that.

8           MR. YASSKY: Through competitive bidding  
9           and RMP. Thank you, Mr. Thaler. Ms. Ryan.

10           MS. RYAN: Hi, I'm Jean Ryan from the  
11           Disabled in Action and Taxis for all Campaigns,  
12           which is a coalition of disability rights  
13           organizations dedicated to having one hundred  
14           percent accessible taxis and to having  
15           accessible car services. And we are almost  
16           fifteen years old. And we will never quit

17 until we get what we want and need.

18 As to Mr. Pollack's comments, we said  
19 before the pilot program was initiated that we  
20 probably wouldn't be using it because the way  
21 it was set up was not equivalent and not  
22 usable.

23 We weren't going to wait for an hour for  
24 service. Many people who tried it and never  
25 got cars, or were told that cars were out there

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2 when they weren't, s weren't, and couldn't get  
3 a cab at all. So, we wonder. Yesterday I did  
4 see my first available accessible cab, and I  
5 really needed one to get to the doctor in  
6 Manhattan. I never could get to the doctor in  
7 Manhattan. I'm sick. Because the cab  
8 passed me by.

9 By the time I would tell that it was  
10 accessible it passed me by, and I ended up  
11 having to take, I would have had to take two  
12 buses.

13           But, by the time I would have gotten to  
14           the doctor he would have left. So, I had to  
15           just take one bus and go to a different doctor  
16           and ask him to stay and wait for me.

17           These are the kinds of real life problems  
18           we have in getting around. It's no joke, you  
19           know. And I sit here and I hear you discussing  
20           our lives like we're not even here. And most  
21           of the time we're not, you know, and you're  
22           talking about doing this and doing that.  
23           And, you know, and we still need to get around.

24           And we do have money, you know, and not  
25           all of us have to spend just \$2.25 taking

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2           Access-A-Ride. I take Access-A-Ride. I take  
3           the buses. But, I would take cabs and I would  
4           take car services. I used to take car services  
5           a lot, and I do take car services sometimes  
6           with my manual care, and I'd like to take it  
7           with this one. But, I can't get in them with  
8           this one. It's very frustrating.

9           We're here to reject the TLC's plan to use  
10       the few accessible taxis. Only 1.8 percent of  
11       the entire fleet of taxis to pick up people  
12       with disabilities all over New York City.

13           We didn't think cabs should be used that  
14       way. There are so few of them on the street.  
15       We want to hail a cab. We want to hold out a  
16       hand and say, "Taxi," just like everybody else.

17           There are so few of them. We need all of  
18       the taxis to be accessible. We need somebody  
19       to have the guts to make all of this  
20       accessible. Everyone could use them then.  
21       Not just the upright people. We all could use  
22       the cabs. There's nothing wrong with  
23       accessible cabs. Like you said, only one of  
24       the cabs, only one of the taxis for all cabs,  
25       is accessible. But, you know, then all of us

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1           TLC PUBLIC HEARING 12-16-10  
2       could use the cabs. There would be nothing  
3       wrong with that. They wouldn't have to be  
4       special. They would be universal.

5           We want all of them to be, we all  
6           want to hail them. Then we'd like the  
7           not-for-profit, for hire, central dispatch plan  
8           with one or more bases in every borough  
9           dedicated to accessible cars and the capability  
10          to expand with increased demand. We think that  
11          sounds workable.

12           MR. YASSKY: Thank you.

13           MS. RYAN: We think that they could get to  
14          us faster and we don't have to wait 60 minutes  
15          for something to come to us.

16           MR. YASSKY: Thank you, Ms. Ryan. Thank  
17          you very much. So, are the Taxi Workers  
18          Alliance witnesses necessary?

19           MS. RYAN: Can I say one quick thing?  
20          About the TLC?

21           MR. YASSKY: Please.

22           MS. RYAN: I don't think you should be in  
23          the business of running the industry. I think  
24          you should be in the regulatory business.

25           MR. YASSKY: I couldn't agree with you

2 more.

3 MS. RYAN: You know what? Everything you  
4 have done, that the TLC has done. Not you  
5 personally.

6 MR. YASSKY: That's right.

7 MS. RYAN: Hasn't worked out to well.

8 MR. YASSKY: I happen to share your  
9 thoughts.

10 MS. RYAN: They tend to overlook things  
11 that affect us and, you know, we really need to  
12 get places.

13 MR. YASSKY: Thank you. Thank you,  
14 Ms. Ryan. And, I happen to share your belief  
15 that government has an important role to play  
16 in shaping the outcomes of where business and  
17 industry land. But, when it operate them on  
18 it's own it doesn't do such a great job.

19 Ms. Ryan, we are going to have to close  
20 the hearing.

21 MS. RYAN: We live in the outer boroughs.

22 MR. YASSKY: I live in the outer boroughs.  
23 And many people in wheelchairs do.

24 Let me just say this, that while you and I  
25 may not agree that 13,000 vehicles or more, if

1                   TLC PUBLIC HEARING 12-16-10  
2           you count the liveries, are necessary to do  
3           what is required. I do 100 percent share your  
4           belief that we must do what's required.  
5           Meaning, if somebody in a wheelchair has got to  
6           the able to get a taxi or a livery car to take  
7           him or her where he or she is going, and I do  
8           want to, I guess at the close, okay, if you  
9           have a brief statement we're about a minute  
10          from closing time.

11           You can have thirty seconds or a minute  
12          and we're going to sum up. And I know you do  
13          drive an accessible car. I don't wish to rush  
14          you but we are at the end.

15           VOICE: I will be short.

16           MR. YASSKY: I appreciate it.

17           VOICE: I'm here crying for the rich guys  
18          who are complaining here every day about  
19          wheelchair accessible cars. Or about not  
20          dispatching the cars. Number one, both of  
21          these guys got these medallions for a very  
22          cheap price.

23           Mr. Chairman, I thank you for putting

24       forth the new program. I've been driving a  
25       car, two cars, over five years that the program

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1                               TLC PUBLIC HEARING 12-16-10  
2       has been through. And the problem can work if  
3       everybody puts their heads together and can  
4       make it work. Short and sweet and to the  
5       point. Thank you very much. Supurb.

6               MR. YASSKY: Thank you, and I want to say  
7       the Commissioners, I hope you do feel this has  
8       been a worthwhile use of the Commission's time.  
9       We certainly, the issue is, I know we all got  
10      that.

11              But, this idea of an informative hearing  
12      on an issue that won't come up for a vote. No  
13      rule will be required until there is a  
14      contract. That's a year away maybe.

15              But, again, we want to make sure the  
16      Commissioners are involved in the process here  
17      and I thought this would be a good way to  
18      enable that.

19              And I will just close by saying I do thank

20 Ms. Ryan. I mean, I'm glad that you were here.  
21 I'm glad for both those last two because, even  
22 if it's not, even if they're not a ton of trips  
23 out there, maybe you are correct that the  
24 thousands a day that would be are interested.  
25 But, even if not, my belief is unwavering that

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1 TLC PUBLIC HEARING 12-16-10  
2 we as regulators have to insure the industry is  
3 available to service those trips.

4 Again, we may not agree that every car has  
5 got to be accessible in order to make that  
6 happen. But, we do have to make it happen.  
7 And that's where we're coming from with the  
8 TLC.

9 So, with that, today's Commission meeting  
10 is adjourned. Thank you.

11 (Whereupon, the hearing was concluded at  
12 12:32 p.m.)

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