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NEW YORK CITY TAXI & LIMOUSINE COMMISSION

4

PUBLIC HEARING

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Held on Thursday, January 20, 2011

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40 Rector Street

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New York, New York

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Time: 10:00 a.m.

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

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5 COMMISSIONERS:

6 DAVID YASSKY, Chairman

HARRY GIANNOULIS

7 ED GONZALES

MARK GJONAJ

8 ELAIS AROUT

CHARLES FRASER, General Counsel

9

10

SPEAKERS:

11

GEORGIA STEELE-RADWAY, Licensing Division

12

RICHARD THALER

DEPUTY COMMISSIONER PANSY MULLINGS

13

GARY ROTH

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2 MR. YASSKY: Good morning. I was just  
3 telling somebody I had to go to the dentist  
4 this morning and it turns out I'm going to  
5 have to have a root canal, which I figured I  
6 would share with everybody just to cheer you  
7 up.

8 (Laughter)

9 MR. YASSKY: So, we have some policy  
10 issues including obviously the Mayor's  
11 announcement yesterday, which is of great  
12 interest in this room and beyond, that I want  
13 to address. But first, well, a couple of  
14 housekeeping things. But even before the  
15 housekeeping I want to just start out with  
16 reporting the sad news that many in the  
17 industry know already that Alan B. Decker  
18 passed away earlier this month. Of course,  
19 as all of the industry folks here know, Alan  
20 was a well-respected, long time industry  
21 attorney, publisher of the Mini Press, which,  
22 in kind of keeping with the fundamental ethic  
23 of the industry, I think he, you know,  
24 continued to do in the classic way, printing  
25 out much of it himself, and it certainly

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2 carried his voice clearly and powerfully.

3 It says here, and it's true, Alan often  
4 was described as a curmudgeon, but certainly  
5 in my experience he was a person of a good  
6 heart who cared very deeply about this  
7 industry, as deeply as anyone. So, I just  
8 note his passing to the group.

9 I also want to, as I say, some  
10 housekeeping items, most of you know I think  
11 already, but the TLC office here at 40 Rector  
12 Street -- we have three locations as you  
13 know, Long Island City, Woodside, Queens and  
14 here at 40 Rector Street. The staff who are  
15 currently located here will be relocating to  
16 33 Beaver Street at the corner of Broad  
17 Street on Monday, March 21st. If I could do  
18 three route canals instead, I would do that,  
19 but we have no choice. It's a good thing  
20 because I think our new space will be  
21 perfectly suited for us. But a move is such  
22 a disruptive project.

23 But the staff is already -- for people  
24 who want to make sure that we will continue  
25 to function smoothly, I'll tell you we have

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2 been preparing. We have been purging, we've  
3 been going through files to make sure they  
4 can be transferred easily. The staff has  
5 been just tremendous about it. But I'm  
6 telling folks here so you'll know that these  
7 offices here -- this does not apply to Long  
8 Island City and Woodside -- but these offices  
9 here will be closed to the public on Friday,  
10 March 18th in preparation for the move. And  
11 the entire week of March 15th leading up to  
12 the move, you know, you may find that the  
13 staff here is not running at full capacity in  
14 terms of our ordinary business because  
15 preparations for that move will be taking  
16 much of people's time. So, if you have  
17 business at 40 Rector Street that has a  
18 deadline during the week of March 15th, I  
19 would ask you to think about taking care of  
20 it ahead of time.

21 And for Commissioners, in order to work  
22 around the move -- we have a, as yet  
23 unfinished but will be quite gorgeous, new  
24 space for the Commission meetings at Broad  
25 Street. In order to work around the move

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2 schedule, the March meeting, rather than the  
3 third Thursday of March as is typical, we  
4 will schedule for the second Thursday, March  
5 10th. We will send around an email of  
6 course. Why don't we do it today, Brian,  
7 and, you know, a few times between now and  
8 then, just to remind people. And I would ask  
9 you to hold March 10th, Thursday, available.

10 By the way, speaking of which, in light  
11 of that, in looking at our agenda, it's my  
12 expectation, I would say this is 98  
13 percent -- we will confirm this within the  
14 week -- but I'm '98 percent certain that we  
15 will not have a February meeting. There's  
16 nothing that I think is sufficiently urgent  
17 that we need to do in February. We have a  
18 fair bit of business we will do in March, but  
19 giving that we are moving it earlier, it's my  
20 plan not to do a February meeting. So, our  
21 next meeting would be Thursday, March 10th,  
22 that's my expectation. Leaving a little bit  
23 of out room, let's commit that within a week,  
24 we will confirm that with the Commissioners.

25 After we move, although we are planning

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2 on being open for business on Monday, March  
3 21st, again, even not just the week before  
4 but the week after I would ask in advance for  
5 your forgiveness if a phone call is not  
6 returned as quickly as it ordinarily would  
7 be, because both the week before and the week  
8 after we expect to be preoccupied.

9 Couple of things: First of all, for the  
10 livery industry, fares, as you well know,  
11 fares in the livery industry are not  
12 established by the Commission, they are  
13 established by the marketplace. However,  
14 there is a requirement that you must file  
15 fare schedules with the Commission. And this  
16 came up, it comes up routinely, but it came  
17 up with particular frequency during the  
18 snowstorm at the end of December, because we  
19 had a number of reports of price gouging. We  
20 had some reports of price gouging in the  
21 yellow taxis, which of course that is  
22 actionable by the Commission. The metered  
23 rate applies at all times. I'll get to that  
24 in a moment.

25 But the livery industry, price gouging

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2 is a more complicated concept because there  
3 is no fixed price that's set by the  
4 Commission, as you know. However, fares  
5 charged must conform to the file tariff. So,  
6 if bases have special snow rates or any  
7 deviations from the rates that they file,  
8 that must be part of the filing too. In  
9 other words, if you ordinarily charge \$10 for  
10 a ride within the neighborhood as you have  
11 defined it in your fare schedule, if it is  
12 different during the snow and you don't say  
13 that on what you filed with us, then that  
14 would be actionable. So, what I would just  
15 ask you is include that in your filings.

16 LISTSERV, some of you know that we have  
17 an electronic notification system available  
18 through our website where you can register to  
19 receive email notices of TLC news. I'm just  
20 reminding you of that, and I encourage you to  
21 sign up for our LISTSERV to receive industry  
22 notices and other TLC news that way. We have  
23 seen pretty steady increase in that and I  
24 think it's a handy way to get information out  
25 there. I will give an example: When we

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2 canceled during the heavy snow, when we  
3 cancelled inspections, our inspection  
4 schedule, we put that out over our LISTSERV.  
5 For people who were signed up, then they will  
6 get that right away. If you're not, you  
7 know, you may not get it so quickly.

8 So, for people who need to know when the  
9 TLC has an industry notice, a notice of  
10 change of our practice, if it is something  
11 that you think will be useful for you to know  
12 immediately, please do sign up for the  
13 LISTSERV. That, I think takes care of the  
14 housekeeping.

15 Before we move to Commission business  
16 for today, I do want to note, as everyone in  
17 this room knows, yesterday, the Mayor  
18 announced in his State of the City Speech a  
19 proposal that I think will be of great value  
20 to the City of New York, but I do not  
21 underestimate in any way the complexity of  
22 implementing it and crafting it so that it  
23 can be done well and most effectively both  
24 for the public and for the various segments  
25 of the industry we regulate here. The core

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2 of the proposal is to allow cars that are not  
3 yellow medallion taxis to accept street hails  
4 outside Manhattan. And I will describe, but  
5 I thought it might be best -- there was a  
6 news report, many news reports covering it, I  
7 only caught a couple, but I want to show the  
8 Channel 5 one just because I thought it  
9 summarized it quite nicely. Can we do that?

10 (Whereupon, a televised news report was  
11 presented.)

12 MR. YASSKY: So, I thought I could  
13 summarize it, but rather than having it in  
14 our words, there are really two key facts  
15 that I think underlie the administration's  
16 desire to move forward with this: The first  
17 is what they report in that story, the fact  
18 that 97 1/2 percent of all yellow taxi trips  
19 either originate in Manhattan or at the  
20 airports. Now we have the GPS data, so we  
21 have numbered, but this is not news to  
22 anybody, and we all know that yellow taxis  
23 aren't cruising for passengers in the  
24 boroughs outside of Manhattan. I'm not  
25 saying never, there are a handful of places

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2 where it is, you know, not uncommon. But for  
3 the most part, you wouldn't find yellow taxis  
4 cruising for passengers outside of Manhattan,  
5 and nor should we expect them to, because the  
6 density of demand in midtown is so much  
7 greater than it is going to be outside  
8 Manhattan. That's fact one.

9 Fact two is that there is substantial  
10 demand for street hail service outside  
11 Manhattan -- and I don't know what slides are  
12 up. Okay, here we go. Again, this is  
13 something that every New Yorker knows without  
14 needing to be told, but if we won't, we can  
15 generate the data to prove it, and we have  
16 done that. These are just some of the  
17 observations of TLC folks of illegal street  
18 hails except for Staten Island where it is  
19 not illegal anymore at the ferry terminal.  
20 But, you know, up to 65 an hour, that would  
21 be one a minute at Coney Island at the end of  
22 the subway line. Again, no surprise to  
23 anybody. People who live in Brooklyn,  
24 Queens, Bronx, Staten Island, will often want  
25 a cab just like people in Manhattan. And if

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2           you put those two facts together, I think at

3           least to me, the policy implication is

4           clear. We need to do something to enable

5           people outside Manhattan to have access to

6           the same kind of service that people in

7           Manhattan have. And I will say, it is kind

8           of telling to me that in talking to folks in

9           the industry, I really have not heard anybody

10          tell me, argue against either of these two

11          facts. Nobody thinks that the yellows are

12          outside Manhattan in significant numbers.

13          Nobody thinks that there isn't a significant

14          amount of demand. So, then the only question

15          is how do you go about meeting that demand.

16          And the reality is, as they say in the

17          report, that today it is met largely through

18          illicit activity, vehicles either licensed

19          livery or black car vehicles or wholly

20          unlicensed that do pick up people. I will

21          tell you, it was an interesting kind of

22          disconnect for me, within the industry, as I

23          know this is regarded as a giant step and it

24          should be and I understand why. And here at

25          the TLC we appreciate the significance of the

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2           proposal.

3                   At the State of the City Speech  
4           yesterday, after the Mayor's speech I  
5           probably talked to three, four dozen council  
6           members, neighborhood-type, community board-  
7           types who would be at a speech like that, and  
8           what struck me was that how they didn't  
9           regard this as a big deal. The reaction was  
10          either, "Well of course, it is common sense.  
11          In my neighborhood, I never see a yellow, it  
12          would be great to be able to hail a cab, or,  
13          "What's the big deal?" As one reporter who  
14          lives in Carol Gardens said to me, "Isn't  
15          this legal already? I flag down black cars  
16          all the time in my neighborhood."

17                  And, you know, I suppose, one could take  
18          positions, "Well, that's fine. Status quo is  
19          just fine," but I don't think -- I mean, I  
20          don't think we ever want to be in the  
21          position to say it's okay to turn a blind eye  
22          to what's on the books as illegal, and the  
23          reality is it would be a better service for  
24          people if it was regulated, if it was  
25          metered, that's a big part of what makes the

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2 yellow taxis so attractive to people, that  
3 they don't have to haggle and negotiate the  
4 fare every time they flag down a car, if  
5 people could easily identify a legitimate car  
6 and distinguish it from illegitimate. So, I  
7 think there are substantial gains for people  
8 outside Manhattan to be made by turning this  
9 illicit market and underdeveloped market into  
10 a robust, healthy and legitimate market.

11 Now, I mean, one reason I like that  
12 report is the driver at the end. I want to  
13 fully recognize the concern among people in  
14 the yellow industry, drivers, owners, both,  
15 about the impact on the industry. At 2 1/2  
16 percent of trips, the reason that we felt  
17 comfortable putting this proposal forward  
18 when one of our primary fundamental goals is  
19 to protect the health of an industry that is  
20 indispensable to New York City, the yellow  
21 taxi industry, that 2 1/2 percent number is  
22 the fundamental reason we feel comfortable  
23 putting it forward. It is not a significant  
24 part of the business of yellow taxis today.  
25 And you know, even if you thought that every

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2 one of those 2 1/2 percent of trips would be  
3 lost, which I do not think that would be, you  
4 know, swamped by the ordinary fluctuation in  
5 the marketplace.

6 We have one more slide. The medallion  
7 sale prices from 2001 to the present, those  
8 are real dollars, I don't know if it says it  
9 there, those are \$2,010. You know, even in  
10 the midst of the recession medallion values  
11 have continued to increase. I understand the  
12 point made by the driver in the end of that  
13 report, and we are greatly focused both on  
14 the health of the industry from the owner  
15 perspective and the viability of the driver  
16 profession and the ability of drivers to earn  
17 a living, and so we want to make sure that  
18 this is crafted as carefully as possible.

19 The facts just don't bear out the claim  
20 that this will have a material impact on the  
21 yellow industry. That's why we felt  
22 comfortable going forward. I just want to  
23 kind of get some of that out there.

24 Last couple points to make clear: This  
25 proposal would change not at all the rules

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2 for dial-a-car service, and we fully expect,  
3 I certainly expect and I think people think  
4 about it, that the vast bulk of the trips  
5 outside Manhattan will continue to be  
6 dial-a-car trips. Much of Brooklyn, Queens,  
7 much the boroughs outside Manhattan simply  
8 aren't really suitable for cruising for  
9 passengers. People are not going to be  
10 driving the residential neighborhoods of Mill  
11 Basin and Sheepshead Bay looking for trips.  
12 People in those neighborhoods will still rely  
13 on dial-a-car service to be sure and will  
14 cause zero change. Any base that wants to  
15 continue doing business just the way its  
16 doing today, absolutely has it. No base  
17 would have to participate and no livery car  
18 would have to participate in street hail if  
19 they don't wish to. Entirely voluntary.  
20 That's part one, and that's important.

21 And the last point I'll make -- I know I  
22 went on for some time -- is about  
23 enforcement. The one thing that we have  
24 heard consistently from prior to this and  
25 certainly over the last couple of days from

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2 people in the industry is the need for more  
3 enforcement and more aggressive enforcement.  
4 And when we do, when this goes into effect,  
5 absolutely the enforcement responsibilities  
6 will increase by orders of magnitude. One  
7 industry person said, "You are going to need  
8 four times the people you have now," I agree  
9 with that absolutely. And we have not just  
10 every intention, but I don't think we can  
11 move forward without increasing our  
12 enforcement capacity quite substantially. We  
13 are already starting to do that. We have  
14 hired 16 new inspectors. They have to go  
15 through the process and whatnot until the  
16 Mayor changes the civil service rules, and it  
17 takes two months longer than it should take,  
18 but you know, they should be out there in the  
19 next month or so. When they are absorbed,  
20 and we can prove to OMB that there's still  
21 more work to do, then we'll go for the next  
22 round. And that's why we're investing in the  
23 handheld devices. That's why we're spending  
24 a substantial sum of money for handheld  
25 devices so our enforcement officers can be

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2 more productive in the field and issue more  
3 illegal street hail summonses. So, I do want  
4 you to know that we fully agree with you on  
5 the need for enforcement that this proposal  
6 creates.

7 I don't want to delay our business  
8 further, you know, Commissioners, presently  
9 my remarks here were for your benefit as well  
10 as for the public's. If people wish to -- I  
11 don't want to have taken all that time and  
12 then, you know, kind of stifle comments if  
13 there are, but there will be plenty of  
14 opportunity for debate as we move forward.

15 This proposal, to be clear for people,  
16 needs to be approved by the City Council.  
17 So, there will be an entire legislative  
18 process, and I fully expect -- I mean, let me  
19 tell you the last thing about, I guess, the  
20 timing of it, is what I articulated as the  
21 core principle that people outside Manhattan  
22 have got to have access to service as people  
23 in Manhattan do, that's the core principle.  
24 How to get there? I think that on many of the  
25 important details here, and I say details but

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2 they are important; liveries pickup at the  
3 airports, should they be required to  
4 affiliate with a base; do they have the same  
5 inspection schedule as taxis or as liveries;  
6 there are dozens of important details. And  
7 while the administration's proposal of course  
8 will be complete on these details, I want to  
9 engage fully with all stakeholders in  
10 discussion about them, and I regard the  
11 administration's position as understanding  
12 full well that stakeholders may think that  
13 some of those questions should be answered  
14 differently than in the administration  
15 proposal, and may well be right and probably  
16 are right on at least some of them. So, what  
17 I'm saying is even with the people who I know  
18 will never support this proposal and I know  
19 that many in the yellow industry simply will  
20 never agree that this is a good idea, I  
21 intend to and will fully engage with you on  
22 the full specifics of the proposal, the  
23 administration will hear what you have to say  
24 and we want to work with you because that  
25 will make it a better product irrespective of

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2 whether you support it in the end or not.

3 So, Commissioners, if anyone else wants  
4 to say something, feel free, otherwise we'll  
5 move on. I see that you have your hand up.  
6 As I say, there will be a lengthy process  
7 here, and I wanted to make sure that you in  
8 the industry are fully informed, and, so,  
9 we're not going to have public discussion of  
10 this at this point.

11 So, we'll move on with the agenda. The  
12 first item is adoption of minutes from the  
13 weighty to the mundane. We have two  
14 Commission meetings, the meeting of December  
15 16th and November 18th, the minutes of which  
16 have been distributed. Is there a motion to  
17 approve those minutes?

18 MR. GONZALES: Motion to approve.

19 MR. YASSKY: All in favor say aye.

20 THE COMMISSION: (In unison) Aye.

21 MR. YASSKY: Opposed, no?

22 (No response)

23 MR. YASSKY: There are none. The  
24 minutes are adopted.

25 We have a list of base applications for

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2 approval. Georgia, you are here. You are  
3 still performing double-duty.

4 MS. STEELE-RADWAY: Good morning.  
5 Licensing would like to present before the  
6 Commission 38 bases with a recommendation for  
7 approval.

8 MR. YASSKY: I'm sorry, for the new and  
9 renewals, I'm sorry, is there one removal for  
10 that?

11 MS. STEELE-RADWAY: There are three  
12 bases that are not listed on the agenda, but  
13 those are actually for denial.

14 MR. YASSKY: Okay. Is there a motion to  
15 approve the new and renewals?

16 MR. AROUT: Make a motion to approve.

17 MR. YASSKY: In favor, say aye.

18 THE COMMISSION: (In unison) Aye.

19 MR. YASSKY: Any opposed?

20 (No response)

21 MR. YASSKY: The motion to approve the  
22 new and renewal applications is adopted.

23 And Georgia, on the denials?

24 MS. STEELE-RADWAY: There are three  
25 bases that Licensing is recommending for

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2 denials: That is B02332, B01716 and B00652  
3 they are not listed on today's agenda, but  
4 they are before the Commission's review, they  
5 have been notified by mail that they are  
6 being recommended today. With that in mind,  
7 I would like to request that they be granted  
8 an additional 30 days to submit the  
9 outstanding items.

10 MR. YASSKY: I move that we adopt your  
11 recommendation.

12 All in favor?

13 THE COMMISSION: (In unison) Aye.

14 MR. YASSKY: Any opposed?

15 (No response)

16 MR. YASSKY: So, again, that motion is  
17 adopted. Thank you, Georgia

18 MS. STEELE-RADWAY: Thank you very much.

19 MR. YASSKY: We have two public  
20 hearings. There are two action items that  
21 require public hearings today. General  
22 Counsel will present each in turn.

23 MR. FRASER: The first one on for public  
24 hearing is called License Process. This  
25 pertains to a number of aspects of our

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2 processing of license applications including  
3 renewals, the changes and points in the  
4 proposed rule are summarized in the statement  
5 of basis and purpose. I won't go through  
6 them, there's a number of them. I will say  
7 this: that in reviewing the rule and the  
8 comments -- well, the discussion, not  
9 comments, because we received no formal  
10 comments -- we discovered an issue that we  
11 need to think further about, and that is the  
12 deadline we set for completing a renewal  
13 application. So, in light of that, we have  
14 decided to present this rule and conduct a  
15 public hearing but not to vote on it while  
16 the staff thinks about the possibility of  
17 further change to that particular provision.

18 We've published for comment, we've  
19 received no written comments and nobody has  
20 signed up to testify.

21 MR. YASSKY: That is unsurprising to me  
22 in that these are, I'm not going to say  
23 administrative, but these are fairly technical  
24 items. So, then, the second item.

25 MR. FRASER: The second rule for public

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2 hearing is a rule that would require all  
3 licensees to maintain their mailing address  
4 on file with us and business licensees to  
5 maintain an email address on file with us.

6 We published this for comment and we  
7 received one written comment and that  
8 commentor has signed up to testify today.

9 MR. YASSKY: That commentor is Richard  
10 Thaler, so, please do come up. While you're  
11 coming up, I wanted to say this to the  
12 Commissioners: I hope to get to the point  
13 where we can do much of our work by email.  
14 We spend more than we need to on paper,  
15 printing and postage. And, you know, in 2011  
16 we can be more efficient by communicating by  
17 email. We recognize that certainly among the  
18 driver population there are many who do not  
19 have regular email access, so, we will never  
20 do something that means that somebody without  
21 email access is prejudiced obviously.

22 We also have our own capacity issues.  
23 So, accepting and using the email address for  
24 communication requires IT work. Our  
25 understaffed and overworked IT department can

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2 only do so much at one time. My original  
3 hope was to require all licensees to submit  
4 email addresses to us. We realize that, in  
5 truth, we are not going to use them for the  
6 drivers, at least in the near term. So,  
7 rather than require it, this proposal simply  
8 requires business licensees to give us their  
9 email addresses and then we can begin to  
10 shift over to have some communication by  
11 email rather than by mail.

12 With that introduction, yes,  
13 Mr. Thaler?

14 MR. THALER: Should I ask you, the  
15 Commissioners, that consistent with your  
16 remarks about the email address for drivers  
17 that do not own a car, if you look at the  
18 license application for the various driver  
19 types, Section 3 clearly states that the  
20 email address is optional. What I was going  
21 to suggest for the benefit of drivers, all  
22 drivers, and for the benefit of the Taxi  
23 Commission, it would be very convenient for  
24 drivers to have an email address. So, what I  
25 suggested, because this is kind of the thing

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2 we host, that a standard format be optionally  
3 suggested for drivers that could sign up for  
4 it. The standard format would be the  
5 drivename.thelicensenumber@etaxinewyork for  
6 medallion taxi drivers, and the same @FHV for  
7 livery drivers. It would just make it easy  
8 for any information management for searching  
9 and retrieval. It would just make it easy.

10 And if the driver has a personal email  
11 address, the system can send an alert that  
12 this formal taxi relevant email address was  
13 sent so they would have an alert to take a  
14 look at it.

15 In a related matter, we have been using  
16 a text messaging application. Many times of  
17 course drivers are not on duty and they don't  
18 have access to the TPEP system. So, we have  
19 a simple application that's been used for  
20 several years at various industry segments  
21 where it's a web application, you come to the  
22 application, if you are an authorized  
23 originator you put in the subject and the  
24 message body, and it would be based on the  
25 database of members that signed up for this,

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2 and they would have to register their cell  
3 phone number and their carrier, and it would  
4 being like an instant message to their  
5 phones. And I think it would be a very  
6 convenient benefit for this purpose.

7 MR. YASSKY: Thank you, Mr. Thaler. On  
8 one hand, of course, we don't want to require  
9 participation with any particular business,  
10 you know, unless it is Microsoft or whatever  
11 I guess.

12 MR. THALER: Why Microsoft?

13 MR. YASSKY: No, we don't want to do  
14 that at all. But on the other hand, we  
15 certainly want to --

16 MR. THALER: By the way, there's no  
17 charge for this.

18 MR. YASSKY: Any way to facilitate our  
19 communication with our licensees we would  
20 like to explore. So, what I'll ask, if you  
21 haven't already, I'll ask Gary Weiss, our  
22 director of licensing, to take a look at your  
23 suggestion to see if there's something there  
24 that we can pursue without, you know, not by  
25 requirement but by making something

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2 available.

3 MR. THALER: Thank you.

4 MR. YASSKY: No, thank you, for bringing  
5 it forward.

6 Right. So, General Counsel points out  
7 that he was expecting that we would have  
8 voted on the license process rule after the  
9 public hearing, and of course -- we're not  
10 doing that, right? Just as Chuck said, we're  
11 not going to vote today on the license  
12 process rule to take a look at the deadline  
13 question, but on the email address rule we  
14 are voting on. Do I hear a motion of favor?

15 MR. AROUT: Make a motion.

16 MR. YASSKY: Thank you.

17 All in favor of the rule to require  
18 business licensees to provide email  
19 addresses, say aye.

20 THE COMMISSION: (In unison) Aye.

21 MR. YASSKY: Any opposed?

22 (No response)

23 MR. YASSKY: That rule is adopted.

24 Now we have six items on which there  
25 were public hearings at the last Commission

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2           meeting but no vote was taken. Mr. Fraser,  
3           do we vote on these as a package or do you  
4           want to vote individually?

5           MR. FRASER: Certainly if there is no  
6           questions or issues about them, they can vote  
7           as a whole, sure.

8           MR. YASSKY: Okay, then let's vote on  
9           items 5-A through F in the agenda: The  
10          Commuter Van Passenger Bill of Rights; the  
11          license transfer fees; vehicle inspection  
12          fees; forms of payment and bad check fees;  
13          the Livery Workers' Compensation rules; and  
14          address requirements.

15          Before we vote, I'm just going to -- at  
16          the risk of repetition, because this has got  
17          so much attention and I see there are some  
18          reporters here, you know, I just want to be  
19          clear again about the dress code. Turbans  
20          absolutely are professional in dress. Any  
21          religious garb, absolutely professional.  
22          There will be no fashion police to see if  
23          drivers are, you know, appropriately  
24          fashionable, or even, you know -- the only  
25          purpose here is to, in a I think

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2 appropriately gentle way remind drivers that  
3 for visitors to New York City, the taxi cab  
4 is part of the face that we put forward to  
5 the world for business people and tourists  
6 who come in, and for that matter, for the  
7 driver's own business, passengers will tip  
8 better the more congenial the atmosphere is  
9 in the taxi. And so, to remind drivers that  
10 appearance is part of the professionalism of  
11 the taxi cab, and I say that knowing that  
12 drivers take their jobs extremely seriously,  
13 work extremely hard, and really don't need  
14 much of a reminder at all.

15 So, with that, do I here a motion on  
16 that package of rules?

17 MR. AROUT: Make a motion for package of  
18 rules.

19 MR. YASSKY: All in favor, say aye.

20 THE COMMISSION: (In unison) Aye.

21 MR. YASSKY: All opposed?

22 (No response)

23 MR. YASSKY: Those items are adopted.

24 Commissioners, we are now -- well, it's  
25 not so late. We have two staff

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2 presentations. The first is Deputy  
3 Commissioner Pansy Mullings will present a  
4 project that has been underway here at the  
5 Commission for a bit. She will explain it,  
6 so I wouldn't anticipate it too much, but  
7 this is an idea that we at the staff are  
8 enthusiastic about but it is significant  
9 enough that I didn't want to present it and  
10 vote on it at a meeting, it takes some  
11 digesting. So, she will have the staff  
12 presentation. We will have some time to chew  
13 on it, with the expectation that we will vote  
14 in the spring. Deputy Commissioner  
15 Mullings?

16 MS. MULLINGS. Good morning,  
17 Commissioners. Basically we reviewed any  
18 violation that received 50 or more summonses  
19 in the last calendar year, as we reviewed the  
20 fines, decided whether some of them needed to  
21 be decreased because its significance wasn't  
22 as important anymore; increase some because  
23 it wasn't a sufficient deterrent, there could  
24 be issues of safety, consumer protection;  
25 increase certain minimums to more reflect the

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2 appropriate enforcement or administrative  
3 cost; and modify some so that there be  
4 consistency across all our licensees.

5 We also want to, where possible,  
6 eliminate range fines so there would be more  
7 consistency in the assessment of fines, and  
8 then we wanted to look at the possibility of  
9 creating a creep fleet fine and a post-  
10 hearing fine. It is somewhat an incentive in  
11 some ways to plead guilty if you were in fact  
12 guilty, and this way it would help us to  
13 reduce more personnel and resources costs  
14 that are needed to do hearings. This is a  
15 process currently done by Consumer Affairs  
16 and also the Environmental Control Board.

17 MR. YASSKY: And of course prosecutors  
18 throughout the country that plea bargain.

19 MS. MULLINGS: For some fines we looked  
20 at, for example, the unauthorized entry on a  
21 rate card the current fine is \$100, and our  
22 proposal on that one would be to reduce it  
23 for if you you're pleading guilty before a  
24 hearing \$50, and then keep it at the \$100  
25 range if you went to a hearing and were found

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2 guilty.

3 On the operating for-hire vehicle  
4 without the permit or copy of the permit in  
5 the vehicle, the current fine is \$250. We  
6 felt that fine was probably too high so we  
7 reduced it to \$100 if you plead before a  
8 hearing and \$150 after a hearing.

9 The commuter van pickup at the bus stop,  
10 that was another one we reduced.

11 On the failure to comply with TLC  
12 communication directives, the current fine is  
13 \$200, our proposal was that the plea of  
14 guilty would be 200, 300 if found guilty  
15 after a hearing. This, and my other head who  
16 is in charge of consumer complaints, this is  
17 a particular problem when we ask information  
18 about drivers and we don't get it back and it  
19 delays our ability to process complaints.  
20 So, generally this is when we're asking for  
21 information and there's a reason we need the  
22 information which is why we wanted to raise  
23 that fine.

24 On the issue with E-ZPass, even though  
25 we have been issuing violations and we have

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2 made various announcements about it, the  
3 issue has not gone away and this is the case  
4 where we felt to increase fines maybe will  
5 help people comply.

6 The paratransit bases, even though the  
7 electronic trip sheets has been in effect for  
8 close to a year and a half now, there are  
9 still bases who haven't supplied it, and  
10 therefore, we felt that the fines should be  
11 increased.

12 The for-hire vehicles not having  
13 cameras, we felt this is a rather important  
14 safety issue and that we're still finding  
15 noncompliance, and therefore, maybe an  
16 increased fee after a hearing would help.

17 There were some fines that were \$25 that  
18 we just felt that \$25 did not cover the  
19 administrative and the whole process, so  
20 there were fines that we raised to \$50 and  
21 after a hearing to \$75 and that included  
22 unauthorized markings or advertisements and  
23 the cab's interior or exterior not being  
24 clean, the operating of a commuter van  
25 without a manifest.

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2 MR. YASSKY: Thank you. And  
3 Commissioners, before you ask Deputy  
4 Commissioner Mullings your questions, to  
5 summarize, this started out as a  
6 comprehensive review of the fine structure  
7 to, overtime, you know, starting when I got  
8 here really, I would get suggestions from one  
9 or another of the staff, I mean from the  
10 Deputy Commissioners or other staff saying,  
11 "This fine and this fine, same behavior, but  
12 FHV it's punished differently than taxi," or,  
13 "These are two things. This one is more  
14 serious than the other but it has a lower  
15 fine," and after collecting 10 or 12 of  
16 those, I felt we should do a comprehensive  
17 review, I asked the staff led by Pansy to  
18 review, take a look at the entire fine  
19 structure to eliminate inconsistencies or  
20 anachronisms, they did that. They came back  
21 with a full list of proposed changes, some of  
22 which were highlighted as examples here, but  
23 we will be circulating shortly the full list  
24 to you so you can take a look.

25 At the same time, while that was

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2 underway, the staff, Deputy Commissioner  
3 Mullings and Deputy Commissioner Scanlon, had  
4 I think the very terrific idea that we should  
5 do what other enforcement agencies do and  
6 essentially provide a plea bargain  
7 opportunity where people can get a reduced  
8 fine if they waive the hearing. Saves them  
9 time, saves us administrative costs, allows  
10 our enforcement folks, rather than being  
11 maybe two days a week in summons hearings, to  
12 be at the full-time or as close to full-time  
13 as possible out in the field issuing  
14 summonses against the illegal street hails.  
15 So, I thought that that was a good idea.

16 That is a substantive change, that's a  
17 policy decision, so, you know, that is  
18 something that you will need to and want to  
19 chew on and weigh. There are arguments for  
20 and against plea bargaining, so I highlight  
21 that to you as the policy component here. I  
22 think the fine structure is also policy, but  
23 those are the two separate issues. So,  
24 please, your questions.

25 MR. GONZALES. Yeah, this is overall one

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2           of the things I think would help me to  
3           understand this as well as the use of  
4           examples here, kind of give some more data on  
5           like the significance, like number of  
6           violations and things like that.

7           MR. YASSKY: That's an excellent idea.  
8           What they started, and I think Deputy  
9           Commissioner Mullings mentioned this in the  
10          beginning, rather than look at all the entire  
11          rule book, they took fines for which more  
12          than X summonses had been issued in the last  
13          year. And X is?

14          MS. MULLINGS: 50 or more.

15          MR. YASSKY: So, we narrowed it down to  
16          those. What we can do is provide that chart  
17          for all proposed changes. I suppose we could  
18          do it frankly for all provisions where 50 or  
19          more summonses have been issued in the last  
20          year, the current structure. And again, some  
21          cases it's a set fine, others it's a range  
22          and not necessarily any kind of sense behind  
23          which there was a range and which there  
24          wasn't, how many violations, current fine  
25          structure, and proposed. And we will

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2 circulate that.

3 MR. GONZALES: One of the things I guess  
4 also with that data is maybe just to  
5 establish a baseline. So, can we assume for  
6 a second that these rules get presented and  
7 they are adopted; can we establish a baseline  
8 now let's say a year from now so we kind of  
9 have something we can compare it to?

10 MR. YASSKY: That's a great idea.

11 MS. MULLINGS: We actually have the  
12 charts that we can provide for you. We use  
13 it to look at it.

14 MR. GIANNOULIS: So, when were these  
15 particular fines last increased, do you  
16 know?

17 MS. MULLINGS: I think for the for-hire  
18 vehicles it was part of the last project.  
19 Some of these rules I think date back to the  
20 '70s when we looked at it.

21 MR. FRASER: There hasn't been a  
22 comprehensive review of fines as far as I can  
23 tell for at least 15, maybe more, years. But  
24 individual fines on individual initiatives  
25 have been changed over time and there would

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2 be a large number of those changes.

3 MR. YASSKY: Let me ask though -- again,  
4 the legal staff like the Mayor's staff is  
5 understaffed and overworked -- can we add to  
6 that chart, for the Commissioners' benefit  
7 and the whole benefit, the date in which each  
8 fine level was last set?

9 MR. FRASER: To some degree we can. The  
10 problem is that the original publication of  
11 the rules was 1992, and before that it is  
12 extremely labor intensive to figure it out.

13 MR. YASSKY: So, Commissioners, would it  
14 be acceptably useful if it said, you know,  
15 "Current, \$100" and then in parentheses  
16 either "1998," "2004" or "1992 or before"?

17 MR. GIANNOULIS: Make it simple, five or  
18 ten years. I mean, I'm fundamentally  
19 interested in were any of these increased in  
20 the last like two years, three years or one  
21 year, that's my basic question.

22 MR. YASSKY: I understand. So, we'll  
23 include that and let's circulate it.

24 MS. MULLINGS: Just to answer you, there  
25 were some fines with the FHV's where we felt

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2 they were too high so we're actually reducing  
3 them.

4 MR. GIANNOULIS: None of these were --

5 MS. MULLINGS: These are just examples,  
6 but there are some, when you see our entire  
7 proposal, there are some where we're reducing  
8 them.

9 MR. GIANNOULIS: So, what percentage of  
10 the total fines that you can issue are going  
11 to be changing in some format; all of them?  
12 How many? You gave us your 20 examples or  
13 so, right? How many are you proposing?

14 MR. FRASER: Probably -- I don't know is  
15 the flat answer. It's probably a fairly  
16 small percentage, because the search we did,  
17 as Pansy indicated, in order to make this a  
18 project we could do sort of in a feasible  
19 amount of time, we limited it to the number  
20 of violations that had been issued 50 times  
21 or more in I think it was a two-and-a-half-  
22 year period? Yeah, Gary is shaking his head  
23 back there, two-and-a-half-year period. So,  
24 there's a very large number of rules, dress  
25 code for example, that we have not written 50

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2           of in two and a half years, so we did not  
3           look at those.

4                   And my suspicion is, without going  
5           through the rule book and counting the number  
6           of rules, the proposal is probably a  
7           relatively small percentage of the total  
8           rules. It's intended though to be a very  
9           high percentage of the number of violations.

10                   MR. GIANNOULIS: So, how many estimated  
11           number of violations would we have issued in  
12           that time period in specific categories? So,  
13           in other words, how significant is it that  
14           something received 50 or more violations;  
15           like in one of these categories, is there  
16           12,000 of these violations? I'm just trying  
17           to get a sense of context.

18                   MS. MULLINGS: I mean, some of them are  
19           5,000. I'm just looking at the numbers  
20           because I actually have the numbers. I mean,  
21           there's some that are 54. 5,000 seems to be  
22           the highest.

23                   MR. YASSKY: To answer part of your  
24           question is the fines they looked at, and of  
25           the ones they looked at they proposed

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2 changing almost all either up or down, more  
3 up than down to be sure, but some down.  
4 Those account for the vast bulk of the  
5 summonses that the TLC issues. So, if that  
6 answers your question.

7 MR. GIANNOULIS: Okay.

8 MR. YASSKY: And again, the purpose of  
9 today, to kind of get the concept,  
10 restructuring, plea bargaining; those are the  
11 two big things. I wouldn't expect people to  
12 go through one by one today, or if we  
13 provided that, so you couldn't, but we will  
14 get in short order the full list including  
15 the date, how long that fine level has been  
16 in existence and how many were issued.

17 MR. GIANNOULIS: One final thing. I  
18 think one of the things that's important to  
19 pay attention to because I see it, the City,  
20 the Department of Finance does this with  
21 summonses that they give delivery trucks, I  
22 have experienced this with some of my clients  
23 where enforcement officers game the system  
24 basically, so, you know as part of these plea  
25 bargains, you know, the City has that program

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2 where if you plead guilty you agree to pay X  
3 fine, and what ends up happening is police  
4 officers just give another summons for  
5 another category that isn't an amenable fine,  
6 so you end up -- you know, trucks get tickets  
7 for parking in a snow zone or whatever it's  
8 called as opposed to double-parking which is  
9 actually the same exact violation but one of  
10 them is amenable and one of them is not. I  
11 assume we have redundant tickets like that,  
12 we should just be careful.

13 MS. MULLINGS: What I'm saying is  
14 traditionally, and I can tell in the five  
15 years I've been here we have not tried to  
16 give, you know, multiple summonses, and if  
17 anything, we try to control that, and clearly  
18 once we have the handheld device, we can even  
19 monitor even more.

20 MR. GIANNOULIS: It's not so much  
21 multiple summonses, but, you know, you could  
22 have summonses that your inspectors could  
23 choose which violation to issue and one of  
24 them may be a lower amount, the other one may  
25 be a higher amount, one of them you may be

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2           able to plead down, the other one you may  
3           not, and that becomes just a problem for  
4           people.

5           MS. MULLINGS: Yeah, I don't think our  
6           rules have that much leeway in them luckily.

7           MR. YASSKY: Okay. But I appreciate  
8           that comment, and that's something we need to  
9           be sensitive to as an operational matter.  
10          Any further questions?

11                   (No response)

12          MR. YASSKY: Okay, thanks. Thank you,  
13          Deputy Commissioner.

14          MS. MULLINGS: I would just like to  
15          thank those people who have helped us in  
16          finding lost property, especially during the  
17          off hours, particularly Jean Barret (ph,)  
18          Thank you very much.

19          MR. YASSKY: That is worthy of  
20          thanking.

21                   And so, first of all on this topic, this  
22          is worth, as I say, I think some kind of  
23          digesting and thinking through. So,  
24          Commissioners, I ask you in advance of the  
25          next meeting when you get this package,

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2           please take a look at it and think it  
3           through.

4                   On the lost property, we get  
5           oftentimes -- I mean, I'd say the bulk of the  
6           times -- really extraordinary assistance and  
7           cooperation from the industry in helping  
8           people locate their items. At the same time,  
9           it is again a useful reminder that you are  
10          required to have a phone number, every  
11          medallion operator is required to have a  
12          phone number on file with us. So, towards  
13          the end of last week, for example, we had a  
14          sensitive -- as you know, we have a lost  
15          property protocol so that when people leave  
16          high-value or sensitive items to them that we  
17          can identify the cab and try and contact the  
18          driver. The driver's number was not the  
19          correct number, was an incorrect number, the  
20          agent number was an incorrect number. The  
21          bulk of times we get tremendous cooperation,  
22          but please do -- and I'm guessing people in  
23          this room, they are not the ones who let  
24          their phone number change and not tell us  
25          about it -- but please try and spread the

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2 word. You are required to keep a current  
3 phone number on file with us.

4 We have one last presentation which I  
5 believe Gary Roth is going to do. While he's  
6 coming up, just because Commissioner  
7 Giannoulis mentioned the word "snow" which  
8 triggered my memory, during the big snowstorm  
9 at the end of December we had a number of --  
10 it was a mess all over, nobody needs to be  
11 reminded of that. The Sanitation Department  
12 gave us a number of reports of taxis that  
13 were stranded in the snow. Plenty of  
14 non-taxi vehicles were as well. What I would  
15 ask is -- I'm sure when you -- if it's your  
16 vehicle or you are the agent or you are  
17 responsible in some way for a vehicle, of  
18 course you want to get it out of the snow as  
19 much as anybody, and I'm sure, that -- you  
20 know, and there were not a lot of tow trucks  
21 to be found and the ones that were, you know,  
22 may have had a hard time getting to the  
23 particular vehicle, so, I understand that.  
24 At the same time, I would just say, when, you  
25 know, if there is another heavy snowfall and

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2 your car or a car that you are responsible  
3 for in some way is in the snow in the middle  
4 of the street, you know you need to make  
5 every effort to get out there and remove it  
6 if possible because it blocks the cleanup  
7 process. So, I'm not -- I know people can't  
8 do the impossible, but I just wanted to  
9 remind you of that.

10 Here is our final presentation.

11 MR. ROTH: Good morning, Commissioners.  
12 My name is Gary Roth and I'm a senior policy  
13 analyst here at the TLC. I have a brief  
14 presentation on performance review on the  
15 group rides stands.

16 First of all, a little bit of background  
17 is: Why group rides? They came out of the  
18 2009 State of the City Address by the Mayor  
19 to where he requested that we look into ways  
20 to put multiple passengers into cabs. So, we  
21 analyzed the TPEP data to look for periods of  
22 high demands, and we focused mainly on the  
23 morning, the a.m. rush period, 6:00 a.m. to  
24 10:00 a.m., and the goal was to increase the  
25 availability of taxis by greater cab

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2 utilization and providing a reduced fare for  
3 the passengers and also increases income for  
4 the drivers.

5 So, this chart shows the three group  
6 rides we are discussing today. And you'll  
7 notice a couple of differences on the  
8 Laguardia group ride, it was active both in  
9 the a.m. and the p.m. rush hour periods, and  
10 also the Laguardia group ride had two fares  
11 depending on the number of passengers. It  
12 was slightly cheaper with a third passenger  
13 in the car.

14 So, on to the results, the first stand  
15 we will discuss is the York Avenue and East  
16 70th Street stand. This was set up to assist  
17 passengers whose morning commute was  
18 disrupted by the MTA service reductions, in  
19 particular, the X90 express bus to Wall  
20 Street, and unfortunately this group ride did  
21 not attract many passengers. There continues  
22 to be a very successfully operating 79th  
23 Street group ride stand, and York Avenue with  
24 the photos is shown, and we think that some  
25 passengers may have tried the 70th Street

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2 stand to see it wasn't operating well and  
3 continued to use the 79th Street stand. We  
4 are hoping to attract greater passengers who  
5 might not want to walk up that far.

6 The other problems the stand had was the  
7 difficulty in accessing the curbside. It's  
8 in front of a medical building and ambulettes  
9 paratransit vehicles are frequently utilizing  
10 the curbside space.

11 MR. YASSKY: I would just on that one  
12 recognize, Commissioner Weinshall I think  
13 pointed out at the meeting that it was  
14 adopted that that was a difficult location.  
15 I think she frankly did a better job than we  
16 did of thinking through the logistics of that  
17 particular location, so, she was right.

18 MR. ROTH: So, the second stand is the  
19 Laguardia Airport in front of the Marine Air  
20 terminal, and this one was to transport  
21 passengers from that location to midtown, a  
22 midtown box which was demarcated by Eighth  
23 Avenue, Second Avenue and 35th Street in the  
24 south and 59th Street in the north, and this  
25 did not attract any ridership.

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2 Some of the reasons we think it didn't  
3 work was with all the business travelers,  
4 many of them have corporate credit cards and  
5 working on expense accounts so they weren't  
6 concerned about the savings which this ride,  
7 approximately \$10, would offer. In addition,  
8 after getting off the plane, they might want  
9 to use their cell phones, catch up on work  
10 they might have missed during the travel  
11 period. And in addition, you can see there's  
12 a lot of curbside availability for parking in  
13 front of the Marine Air terminal and we think  
14 maybe that there wasn't enough of a shortage  
15 to promote the use of a group ride and people  
16 can get their own cab.

17 So, the third stand is the Port  
18 Authority Bus Terminal stand, and this one is  
19 the most successful stand that the TLC has  
20 launched last year. It has about 14 rides  
21 per day. We think this is partially because  
22 of the dispatchers who helped put the rides  
23 together and that the fact that there are a  
24 lot of daily commuters, people who do the  
25 same route every day, and if you haven't been

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2 at the Port Authority Bus Terminal, at times,  
3 there are quite long lines to get a cab, and  
4 the group ride allows people to shorten their  
5 wait, bypass the lines and get in a cab  
6 faster which leads to usage.

7 This chart shows, the data was collected  
8 by the Port Authority dispatcher, shows usage  
9 of the cabs, this is rides per day, and as  
10 you can see in the beginning, the initial  
11 demand is quite high and it has decreased  
12 recently. We think that may be due to the  
13 lack of ongoing outreach and we find that  
14 people, we have heard that the people who use  
15 the stand continue to use it every day but  
16 we're not getting that many new riders.

17 So, finally to the recommendations. For  
18 the York Avenue and East 70th Street stand,  
19 we recommend that the stand be  
20 decommissioned. For the Laguardia Airport  
21 Marine Air terminal stand, we recommend that  
22 it be moved to the U.S. Airways terminal.  
23 And finally for the Port Authority bus  
24 terminal stand we recommend that it be made  
25 permanent. All these stands are one-year

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2           pilot projects and have approximately six  
3           more months before any action needs be to be  
4           taken.

5           The floor is open to questions if there  
6           are any.

7           MR. YASSKY: There's no vote necessary  
8           here. We intend to move forward on these  
9           recommendations but of course want to make  
10          sure the Commissioners are informed about the  
11          outcome of our various pilots. If there are  
12          no questions?

13          MR. ROTH: Thank you very much.

14          MR. YASSKY: Thank you. We have no more  
15          business items on the agenda. I know  
16          Commissioner Arout has an issue that he wants  
17          to bring forward to the Commissioners before  
18          we adjourn.

19          MR. AROUT. Thank you, Mr. Chairman. I  
20          want to apologize for not putting it on the  
21          agenda.

22          MR. YASSKY: No apology.

23          MR. AROUT: I don't know if this is new  
24          business or unfinished business, but anyway,  
25          as you all know, I'm the pretty guy behind

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2 the scenes up here, not very vocal when it  
3 comes to a missed meeting, but I do a lot of  
4 behind-the-scenes operations that the  
5 chairman could utilize. When I see something  
6 is going very smoothly I don't say anything.  
7 I don't have to. No one wants to hear me  
8 talk if everything is working smoothly.

9 But, as you all know, I'm pretty  
10 involved with the for-hire vehicles, and a  
11 very important issue has come up to me in  
12 regards to the safety of the inspectors that  
13 are on the streets. I don't know if you know  
14 this or not but there is no siren in the  
15 vehicle, the only thing they have is yellow  
16 lights, not police lights that they should  
17 have. Now, that's a problem.

18 As you all know, I can look at the  
19 audience, I do see some police officers that  
20 did a lot of time on the job and they can  
21 understand how important and very important  
22 that a car stopped is out on the street, at  
23 least they have guns if they need them, but  
24 these police officers don't. If they don't  
25 have police lights and a siren, that person

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2 that they're following will think nothing of  
3 it. They might think it is a Con Edison  
4 truck.

5 I looked into this very thoroughly. I  
6 spoke to many, many inspectors, and they told  
7 me, "Mr. Commissioner, it's very, very  
8 important. We do not have a siren in any of  
9 the vehicles or police lights." So, again I  
10 look into it very thoroughly and I thought  
11 I'd bring it to the attention of the  
12 Commission that we do something about it.

13 I spoke to most of the Commissioners,  
14 they all agreed with me, and if they would  
15 like to say something on their behalf, I  
16 would appreciate it.

17 At that point, I'm not going to say too  
18 much about it. You understand what I'm  
19 trying to do now. We're trying to get the  
20 lights back on the vehicles for their  
21 safety. And please, Commissioners, if you  
22 would like to say something, please do so  
23 now.

24 MR. YASSKY: Thank you. I notice  
25 Commissioner Gonzales has his hand on the

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2 button there, but before I turn to you,  
3 Commissioner, I just want to thank you,  
4 Commissioner Arout, for bringing this. You  
5 know, really, we are blessed at the TLC to  
6 have the Commissioners that I have been  
7 serving with here just take the  
8 responsibility very seriously and with great  
9 diligence. And while I know you are right,  
10 Commissioner Arout, it has not been your  
11 practice to over-involve the Commission's  
12 staff, or involve yourself with the  
13 Commission's staff who did do such a good  
14 job, you've been extremely helpful in  
15 bringing forward points that need to be  
16 brought forward just overall, so I thank you  
17 for that in general, and this one in  
18 particular. I have some thoughts on it. But  
19 Commissioner Gonzales?

20 MR. GONZALES: Commissioner, I just  
21 wanted to let you know that I agree with  
22 you. And in addition to your specific  
23 concerns, one of the things that I think we  
24 can address at the TLC is kind of put on the  
25 table a more comprehensive review of

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2 enforcement in general, and address, you  
3 know, these particular concerns and maybe any  
4 of the other concerns that the inspectors may  
5 have. One of the things I think, an  
6 approach, not the only approach, but one  
7 approach might be to look at a comparative  
8 review of other enforcement arms within City  
9 agencies, so we determine what's applicable  
10 to the TLC, highlight sort of what we do  
11 extremely well, and maybe look at things  
12 where we can ask for improvement with the  
13 objective being to focus on the safety of the  
14 inspectors.

15 MR. GIANNOULIS: You know, I'm not aware  
16 of the specific facts, but you know, some of  
17 this has received publicity in the past, you  
18 know, lights and sirens and stuff like that.  
19 I don't know if that's connected, but it  
20 certainly seems pretty ridiculous if the  
21 inspectors don't have lights and sirens, and  
22 they have some like little yellow light, I  
23 mean, people just don't pull over for that.  
24 I'm not aware of the facts, But it's not even  
25 just about inspectors which obviously it's

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2 important, but even for the people who are  
3 being pulled over, I mean, if they don't have  
4 a clear understanding that they're actually  
5 being pulled over, I mean, you know, things  
6 could happen, they could just keep on driving  
7 and things like that. So, I don't know how  
8 we solve it, but we should try.

9 MR. YASSKY: Thank you. Like I say, I  
10 do -- Commission staff may not agree that we  
11 want to add new items to our agenda which is  
12 already quite full, but I know these folks  
13 are troopers and it requires giving a 120  
14 percent rather than their customary 110  
15 percent, I know they are up for it. So, I am  
16 going to, folks, you know, ask the staff to  
17 do -- I think Commissioner Gonzales, your  
18 suggestion is an excellent one, that it is  
19 time, frankly, that we -- we just did -- I'm  
20 guessing that at your businesses, certainly  
21 at the large companies, you know, either  
22 annual reviews, we just did them here and  
23 it's a very useful practice, and hasn't  
24 necessarily kind of been in -- you know, not  
25 every agency has that practice, I think it's

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2 quite useful just as an ordinary course.

3 And I think to step back and ask about  
4 the enforcement, our practices, it is  
5 particularly timely, given, as I said earlier  
6 at the outset, I think we have to expect a  
7 substantial increase in the enforcement  
8 workload and responsibility that we are going  
9 to be shouldering, and now is a good time to  
10 prepare for that. So, what my intention is,  
11 and you had mentioned to me you thought that  
12 was a good idea, so I've had some time to  
13 think about it, is to ask New York's finest,  
14 ask the police department, Commissioner  
15 Kelly, for assistance here, to, you know,  
16 lend us a thoughtful person who can come in  
17 from the outside and just be of use, take a  
18 useful look at the safety practices. I want  
19 to make -- look, first and foremost, and  
20 Commissioner Giannoulis said not just about  
21 safety of the officers, of course that's  
22 correct, with inspectors, but, you know,  
23 first and foremost, responsibility to the  
24 safety of the TLC personnel, and I think we  
25 ought to look at the equipment issue that

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2 Commissioner Arout has raised, and in the  
3 context of our overall practices and  
4 protocols, I am certain there is room for  
5 improvement as there is everywhere. So,  
6 that's my intention, I'm sure that  
7 Commissioner Kelly will be happy to lend a  
8 hand there, and nobody does this better than  
9 NYPD, so that is my plan here.

10 MR. AROUT: Mr. Chairman, how long do  
11 you think it will take?

12 MR. YASSKY: Yeah. I don't want to --

13 MR. AROUT: I'm not putting you on the  
14 spot, don't get me wrong.

15 MR. YASSKY: I don't want to put --  
16 while I'm sure it will be helpful, I know  
17 they have a lot of responsibilities there as  
18 well. So, why don't we say that I will,  
19 before the next Commission meeting and as  
20 soon as I can, communicate with the  
21 Commissioners about the timetable for that,  
22 and then certainly we'll have a public  
23 mention of it at the next Commission meeting.

24 MR. AROUT: If you need any assistance,  
25 I'll be very happy to go with you at any

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meeting that comes up on behalf of the lights  
and siren.

MR. YASSKY: Thank you, Commissioner,  
for the offer. I appreciate it.

Okay, with that, we need a move to  
adjourn.

MR. AROUT: Make a move to adjourn.

MR. YASSKY: All in favor, say aye.

THE COMMISSION: (In unison) Aye.

MR. YASSKY: Opposed?

(No response)

MR. YASSKY: There are none in  
opposition. So, with that, the meeting is  
adjourned. I will see you March 10th.

(Time noted: 11:24 a.m.)

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

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3 STATE OF NEW YORK )  
: SS.:  
4 COUNTY OF NEW YORK )

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6

7 I, CASEY MARTIN, a Stenotype Reporter and  
8 Notary Public for the State of New York, do hereby  
9 certify:

10 THAT this is a true and accurate  
11 transcription of the Taxi & Limousine Commission  
12 public hearing held on January 20, 2011.

13 I further certify that I am not related  
14 either by blood or marriage to any of the parties  
15 in this matter; and

16 I am not in any way interested in the  
17 outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand this 20th day of January 2011.

20

21

\_\_\_\_\_  
CASEY MARTIN

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