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4 NYC TAXI AND LIMOUSINE COMMISSION

5 PUBLIC MEETING

6 held on Thursday, March 13, 2008

7 40 Rector Street

8 5th Floor

9 New York, New York

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

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P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 HARRY GIANNOULIS, COMMISSIONER

7 EDWARD GONZALES, COMMISSIONER

8 LAUVIENSKA POLANCO, COMMISSIONER

9 CHARLES FRASER, GENERAL COUNSEL

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1           CHAIRMAN DAUS:    Good morning  
2 everyone.   Sorry to keep everybody waiting, I  
3 think we are ready to get started.

4           First of all, there is a revised  
5 agenda, it was updated yesterday, which has  
6 been distributed.  It's on the website as  
7 well.  The first item is the Chairman's  
8 report.

9           First item is clean black cars.  If  
10 you haven't heard already, black is the new  
11 green in the black car industry.  The Mayor  
12 held an announcement on February 27th, had a  
13 press conference where he proposed to our  
14 Commission that we consider a plan where we  
15 would initiate vehicle retirement of six years  
16 for black cars, and also doing what we did for  
17 taxis for black cars, making them more fuel  
18 efficient, passing regulations that he is  
19 recommending.

20           To have by January 1, 2009, all new  
21 black cars that are retired in a phased-in  
22 cycle to be 25 miles per gallon or better, and  
23 January 1, 2010, 30 miles per gallon or  
24 better.  Very similar to the rules that were  
25 passed for yellow cabs.

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1           This is a tremendous opportunity for  
2 the black car industry, and I want to thank  
3 the leaders of the black car industry,  
4 especially John Asserno, Victor Dizengoff,  
5 Burge Artunian, and all the people that are  
6 standing in support, as well as the users  
7 group, Deutsche Bank was there, the president,  
8 as well as Cathy Wilde, the president of the  
9 Partnership for New York City. So there is  
10 broad support for this initiative.

11           I look forward to debating and  
12 working with the Commissioners on it. We are  
13 planning to have a public hearing on it next  
14 month at the next scheduled Commission  
15 meeting. Drivers will save a tremendous  
16 amount of money on hybrid vehicles in the  
17 black car industry, as they have in the yellow  
18 industry, up to \$5,000 per year on gas costs.

19           This is a tremendous proposal, I  
20 think there are some issues that need to be  
21 fleshed out, including some new items such as  
22 a definition of line work, which will be in  
23 the rules. The rules are actually already  
24 posted and published in the City Record and in  
25 the back of the room as well. So I look

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1 forward to that hearing and looking forward to  
2 making black the new green.

3           Item two, Driver Recognition  
4 Ceremony. If you have been reading the papers  
5 there is lots of talk about drivers doing good  
6 things day-in and day-out, but March every  
7 year the Mayor has proclaimed March 27th  
8 Driver Recognition Day and that's when we  
9 honor all the drivers who have done big  
10 things, small things, and made life better for  
11 all of our customers in all of our industries.  
12 We are going to have honorees from practically  
13 every industry, not just the yellow cab  
14 industry.

15           So we are looking forward to that.  
16 It is going to be, as it was, with the  
17 generosity of Top of the Rock and Tishman  
18 Speyer, at the Top of the Rock this year as it  
19 has been the last few years. There will be a  
20 catered affair. All of our Commissioners have  
21 been invited, we will be giving out awards to  
22 some of the top drivers, and also, all of the  
23 industry leader have been invited. So we are  
24 very much looking forward to that.

25           I am please to announce that Ben

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1 Bailey from Cash Cab fame will be joining us  
2 as a speaker, as he did last year. And we've  
3 also managed to land Tom Wolpak from the Dukes  
4 of Hazard who is going to be there as well so  
5 it should be a lot of fun.

6 I just want to update everybody on  
7 Operation Secret Rider as well. The  
8 compliance rate does remain over the last  
9 couple of weeks at 91 percent compliance,  
10 which is very good for the industry. We have  
11 had a total 2,444 tests and a total of 330  
12 total summonses were issued. I am not going  
13 to go through the whole breakdown but I will  
14 point out two particular items. There have  
15 been 143 cell phones summonses issued, which  
16 if you break cell phones out, it's about 94  
17 percent compliance rate. And for refusals to  
18 accept credit cards, there have only been 17  
19 summonses issued, which is an excellent  
20 number. That is 95 percent compliance.

21 Taxi of Tomorrow, just a quick  
22 update. The Request for Information was  
23 distributed. The due date for all final  
24 responses is April 21st. So far, so good. We  
25 have had 173 downloads as of March 11th from a

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1 variety of different people including various  
2 automotive manufacturers. So we are very,  
3 very excited about that. I will keep  
4 everybody updated as the information comes in.

5 Medallion sale update, I have some  
6 keys dates I would like to make sure everybody  
7 has. First of all, the Medallion sale website  
8 will be enabled and launched soon. If you  
9 like now, you can sign up for our list serve  
10 that you will get an e-mail once it is up and  
11 running with the link, so you can view it and  
12 get all the information about the sale and the  
13 dates.

14 You can find the list serve in the  
15 upper left-hand side of the home page and  
16 there will be instructions on how to sign up.  
17 It is very simple, it should take no more than  
18 a minute or two.

19 The auction will be for 86 corporate  
20 accessible Medallions. They will be sold in  
21 43 lots of two each. There will be one  
22 independent accessible Medallion auction as  
23 well as two independent alternative fuel  
24 Medallions. These various leftovers were from  
25 the last sale where the closings never

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1 occurred. When all is all complete, we will  
2 have 230 accessible cabs on the road.

3           And here are the dates that we have  
4 for the various events relating to the  
5 Medallion sale: The first presentation or  
6 seminar will be at Woodside on Tuesday, April  
7 15th. The second presentation will be at  
8 Rector Street, Tuesday, April 22nd. And then  
9 we will have technical workshop, which is  
10 usually a more hands-on type of event where  
11 those who have made the decision that they  
12 would like to bid can ask questions and get  
13 advice from our staff on the paperwork to make  
14 sure that they are filling it out correctly.  
15 That will be held at Rector Street on Friday,  
16 April 25th.

17           The bid collection will be from 9:00  
18 a.m. through 12:00 p.m. starting on Monday,  
19 April 28th, continuing on Tuesday the 29th,  
20 Wednesday the 30th, and ending on Thursday,  
21 May 1st. The bid opening will take place on  
22 Friday, May 2nd. And we will have more  
23 details about locations, specific times in the  
24 near future.

25           The auction closing update from the

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1 last auction, I am pleased to report that 60  
2 of the 63 cabs have closed out. We have one  
3 more scheduled for the 11th, and we have had a  
4 couple of dropouts, but the majority of the  
5 auction taxis are on the road at this point,  
6 which is good news.

7 The Taxi Technology Customer Service  
8 Enhancements, a quick update. I am pleased to  
9 announce, and I want to congratulate Ira  
10 Goldstein and his team, we have reached the  
11 10,000 cab mark. 10,000 of the over 13,000  
12 cabs that are on the road now have the credit  
13 card and taxi technology equipment installed.  
14 Things are going very well. The data  
15 continues to prove that the credit card tips  
16 are averaging 20 percent. It has been  
17 consistent. They are getting more tips, that  
18 is great news for the industry.

19 And also good news is that many, many  
20 more drivers are continuing to be less  
21 hesitant about it and are growing to accept it  
22 as a reality that will benefit them.

23 Just a few words accessible dispatch  
24 project, I promised we would report on that  
25 every month. Good news is that the contract

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1 went to the Comptroller's Office, the  
2 Comptroller has 30 days to respond. And if  
3 not, it becomes registered so that we can  
4 proceed on the contract and start our work.  
5 We are in the process of researching potential  
6 training options in terms of training the  
7 drivers about how to use the equipment in the  
8 cabs.

9 We also have up and running a section  
10 on our website that deals exclusively with the  
11 accessible dispatch system. It's on the  
12 left-hand side of our home page. There is  
13 lots of information not only for drivers and  
14 owners, but also for passengers, how to access  
15 the service once it is up and running.

16 Also we have reached an agreement on  
17 shorties with the Port Authority and we should  
18 be getting them soon, and more details will  
19 follow.

20 I think I reported last time on the  
21 antihustling legislation. We have a lot of  
22 things going on in Albany, but the one thing  
23 that we are involved in is antihustling  
24 legislation which has been put forward by the  
25 industry as well as us. We are all in support

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1 of it. And that would basically stiffen the  
2 penalties for the ongoing problem of tackling  
3 hustling at the airports with unlicensed  
4 operators unlawfully soliciting, and trying to  
5 firm up those penalties and make them stiffer  
6 so that we can stop this problem in  
7 conjunction with the help of the Port  
8 Authority.

9 Our staff went to Albany with the  
10 Economic Development Corporation and our  
11 Legislative Affairs rep from the Mayor's  
12 office. We talked to legislators about the  
13 bill. We received support not only from the  
14 industry, as I mentioned, but airport  
15 operators as well as the Queens District  
16 Attorney's office was very supportive.

17 The Senate Transportation Committee  
18 is expected to vote on the bill this week and  
19 we should have some follow-up information. So  
20 we will keep our fingers crossed and then we  
21 will be working closely with the Assembly to  
22 see if we can get it passed there as well.

23 For those of you who have forgotten  
24 what it used to be like in March around the  
25 TLC, I think many years ago we turned the

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1 tables on March Madness, where people would  
2 line up at 5:00, 4:00 in the morning, hundreds  
3 and hundreds of people around the corner. And  
4 that has ended and now we call it March  
5 Mildness. There is still a peak period of new  
6 applications that come in and transfers, but  
7 we have been able to effectively handle it a  
8 lot better over the years. We have about 35  
9 percent of our total volume of new  
10 applications, as well as 20 percent of our  
11 total volume of transfer applications for the  
12 entire year take place at this time.

13 We have increased the number of  
14 available appointments and we now have a staff  
15 drop box location on the floor, so we have had  
16 very few complaints and people are applauding  
17 the continued efforts of Deputy Commissioner  
18 Weiss and Licensing, doing a great job at  
19 handling the flow of people. So, so far, so  
20 good. Any questions, please call them, but  
21 pretty much I think the industry has gotten it  
22 down and knows exactly what to do and how to  
23 respond and make appointments at this point.

24 Quickly Auto Van, we had some  
25 discussion about Freedom Motors last time, and

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1 there was some concern from the Commissioners  
2 about what are we doing with the Auto Van  
3 Pilot Program. The good news is that our  
4 staff has been working very closely with Auto  
5 Van and they have promised to get us crash  
6 test and other data that is essential for us  
7 to have staff review their compliance and  
8 success under their agreement pursuant to the  
9 pilot program. So we hope to have a  
10 recommendation at our April meeting about Auto  
11 Van.

12 The goal is to try to get the Toyota  
13 Sienna accessible retrofits with the rear  
14 entry ramps. If we can get that ready for the  
15 next auction, that's our goal. So it's our  
16 hope that Peter Schenkman will work closely  
17 with those two companies to see if we can  
18 address any concerns that we have, make sure  
19 they have all their data in. So that's a  
20 positive step in the right direction. We  
21 haven't have an auction and a sale of  
22 accessible Medallions without enough vehicles  
23 to be out there, but we want to make sure that  
24 they are safe and that they are compliant with  
25 the law and that they have been tested in

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1 accordance with our program. So that should  
2 be it at our April meeting.

3 Just a couple of tentative dates.  
4 The next Commission meeting will be on  
5 Thursday, April 10th. We are expecting to  
6 have not only the Auto Van presentation but we  
7 are expecting to have the public hearing on  
8 the clean black car initiative. And the next  
9 meeting after that will be Thursday, May 8,  
10 2008.

11 Also we will be having a separate  
12 public hearing on March 18th at 10:00 a.m.  
13 regarding the lease cap. That is a mandatory  
14 territory meeting that is required by our  
15 rules. We are very much looking forward to  
16 that. It is not mandatory for all  
17 Commissioners. If you would like to join us,  
18 you are more than welcome. What we plan to do  
19 is review the testimony, provide an executive  
20 summary of the findings and the testimony to  
21 the Commissioners so that we can have a staff  
22 presentation at one of our next public  
23 commission meetings. So if you can't make it,  
24 that's okay.

25 We are going to be limiting testimony

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1 I believe to three minutes, but there are a  
2 number of questions on our website which we  
3 would like to have answered, and we have also  
4 put copies in the back of the room. In the  
5 past we have put out a very brief notice that  
6 kind of really just regurgitates the three  
7 factors that we are looking at that the law  
8 requires us to in our rules. But we felt it  
9 would be more important and more instructive  
10 for us if we could put out a more detailed set  
11 of questions so that various stakeholders,  
12 whether they are drivers, owners, management  
13 companies, fleets, can give us information  
14 that will be helpful to us in determining  
15 whether the lease cap is fair where it is or  
16 whether it should be changed or whether any  
17 other issues need to be addressed.

18 So I would encourage you to basically  
19 answer those questions. There are a lot of  
20 questions. I doubt that you will be able to  
21 answer each and every question during your  
22 verbal testimony, so we will keep the comment  
23 period open beyond the 18th to accept written  
24 comments. So I guess what I am saying is, if  
25 you are going to answer those questions,

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1 please answer them in writing. It's easier  
2 for us. If there are some major points that  
3 you would like to make, the three minutes that  
4 you have to testify on the 18th is the best  
5 time to do that, to maybe highlight a  
6 particular issue. And, of course, that's all  
7 on our website as well.

8 So that concludes my report. Any  
9 questions, comments, concerns, issues?  
10 (No response.).

11 CHAIRMAN DAUS: Okay, good.  
12 We will now move to Item 2, the  
13 adoption of the minutes of the February 14th  
14 Commission meeting.

15 Any issues, questions, concerns?

16 COMM. AROUT: I make a motion we  
17 approve the minutes?

18 CHAIRMAN DAUS: Is there a second?

19 COMM. GIANNOULIS: Second.

20 CHAIRMAN DAUS: All in favor?

21 (Chorus of "ayes.")

22 CHAIRMAN DAUS: So approved.

23 CHAIRMAN DAUS: Item 3, Base

24 Licensing Application Review. We have a rep  
25 from Licensing.

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1 Good morning, Georgia.

2 MS. STEELE-RADWAY: Good morning.

3 Licensing would like to present

4 before the Commission 17 bases with a

5 recommendation for approval. As a result of

6 questions concerning B00991, we request that

7 this base be removed from consideration at

8 this time, so it will be a total of 16 bases.

9 CHAIRMAN DAUS: Okay. The agenda  
10 was actually revised to take one base off of  
11 the calendar.

12 Do you remember the name of that  
13 base?

14 COMM. AROUT: All Town Car Service.

15 CHAIRMAN DAUS: Yes. For the  
16 record, All Town Car Service was taken off the  
17 list of approved bases for further  
18 consideration. Community Board 12 had voted  
19 against it and then they had made a request to  
20 my office that we give them extra time for the  
21 full board to meet. And they are planning to  
22 meet on March 18th, so we are waiting to get  
23 the full input of the complete Community  
24 Boards and then we will bring it back for  
25 consideration.

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1           So that was removed and the name of  
2 the other base is?

3           MS. STEELE-RADWAY:   This base is PF  
4 Management Incorporated.

5           CHAIRMAN DAUS:   PF Management,  
6 because there were questions raised by some  
7 Commissioners and we just want to review the  
8 records.

9           That leaves all the other remaining  
10 bases that are on the list for approval, do we  
11 have a motion.

12          COMM. AROUT:   Motion to accept them  
13 as read.

14          CHAIRMAN DAUS:   Is there a second?

15          COMM. GIANNOULIS:   Second.

16          CHAIRMAN DAUS:   All in favor?

17          (Chorus of "ayes.")

18          CHAIRMAN DAUS:   Great. I notice the  
19 owners of Go Green are here, and I want to  
20 just single them out. This is one of the new  
21 applications that we just approved.  
22 Congratulations. It is for a company called  
23 GoGreenride. Congratulations. GoGreenride is  
24 an organization that contacted our office over  
25 a year ago looking to do what other bases have

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1 done, having a completely green car service  
2 basically, so that all their vehicles that  
3 they will be dispatching will be green  
4 vehicles. We applaud you for your efforts. I  
5 think you are the first base in the livery  
6 industry to do so.

7 We have Ozo Car in the limousine  
8 industry. We have John Asserno's group  
9 providing in the black car industry, along  
10 with a number of other black car companies  
11 that have already voluntarily put clean black  
12 cars out there. And it is interesting to note  
13 that not only are there plenty of Praises out  
14 there but a lot of Toyota Camrys, some  
15 Highlanders, some Escapes. We have over a  
16 hundred black cars that voluntarily have  
17 already put hybrid electric vehicles on the  
18 road and close to a hundred in the luxury  
19 limousine industry.

20 How many vehicles are we going to  
21 have with GoGreenride?

22 AUDIENCE MEMBER: We are going to  
23 start with 50.

24 CHAIRMAN DAUS: 50, congratulations,  
25 and best of luck to you and thank you for

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1 helping the environment.

2 Okay, we have a couple of denials?

3 MS. STEELE-RADWAY: That is correct.

4 Licensing is recommending two bases

5 for denial with the request that the

6 Commission grants an additional 30 days so

7 that they may present the outstanding items.

8 CHAIRMAN DAUS: Do we have a motion

9 to deny?

10 COMM. AROUT: So moved to deny.

11 CHAIRMAN DAUS: A second?

12 COMM. GIANNOULIS: Second.

13 CHAIRMAN DAUS: All in favor?

14 (Chorus of "ayes.")

15 CHAIRMAN DAUS: That is with the

16 stipulation that there will be 30 days for

17 them to complete their paperwork?

18 MS. STEELE-RADWAY: That is correct.

19 CHAIRMAN DAUS: Okay, great.

20 MS. STEELE-RADWAY: Thank you.

21 CHAIRMAN DAUS: Item 4, we have a

22 presentation regarding the Rules Revision

23 Project. If you recall, we hired TATC

24 Consulting to begin work on helping us to

25 revise our rules, make them better organized,

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1 more user friendly. Certainly our lawyers in  
2 our legal department are more than capable of  
3 doing this as well as the New York City Law  
4 Department, but since we have so many other  
5 things going on, we opted to hire consultants  
6 that do policy and legal work. It's easier  
7 for us to actually get this work done while we  
8 focus on our day-to-day operations.

9         So we very, very pleased with the  
10 work that you have done so far. And I would  
11 like to invite Mark Olson as well as Trent  
12 Killeman, and David Klahr from our staff to  
13 give a presentation and update to the  
14 Commissioners. I have sent the focus group of  
15 information to the Commissioners already, but  
16 this is a presentation that will talk about  
17 what we have done so far, what we are doing  
18 next and what we are doing towards the end of  
19 the project and our time line.

20         So welcome and thank you.

21         MR. OLSON: Thank you.

22         I am Mark Olson, I am with TATC. My  
23 function on the project team, I work as the  
24 project field manager under our CEO, who is  
25 our project director, Dr. Ken Murray. I am

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1 joined today by Ms. Trent Killman, who is an  
2 attorney and our lead on our legal review.  
3 After a few comments on my part about what we  
4 have done to date, I will be turning over the  
5 bulk of the presentation to Ms. Killman, and  
6 then David Klahr will come up and give us an  
7 update on where things go from here.

8 Our purpose today is to do really  
9 three things: To present the progress on the  
10 project to date; also to review phase one  
11 guiding principles and examples, that's really  
12 going to be Ms. Killman's presentation; and  
13 then discuss steps to complete phase one.

14 The project phases, we really have  
15 two or three project phases and we are in  
16 phase one. Phase one really includes these  
17 two first two bullet points, the assessment  
18 and improvement. We are conducting an  
19 assessment of the current rules and develop a  
20 plan to revise them. We have completed that  
21 effort and we are now into the second bullet  
22 point, the second part of phase one, which  
23 improvement. We are trying to improve the  
24 clarity and organization of the current rules  
25 based on a test one plan that we have

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1 developed and reviewed with TLC management  
2 team.

3           In the future, this will be phase  
4 two, we will be developing and implementing  
5 two things. One is a systemic or systemized  
6 approach that you can use that will lead to a  
7 more sustainable and repeatable revision of  
8 your rules. One of the reasons I think we are  
9 here in the first place is that these rules  
10 developed organically over time with different  
11 levels of detail, and as you move forward once  
12 we have cleaned up some of the rules and we  
13 have had a lot of staff and stakeholder input,  
14 we want to have system set up and help you  
15 with the system that you can maintain the  
16 rules in this holistic and consistent format  
17 as you move forward.

18           Also in that second phase, we will be  
19 looking at some specific policy areas where it  
20 may be deemed necessary to consider some rule  
21 revisions to support the TLC's policy.

22           The project progress. First we  
23 started out with research and it always starts  
24 out with talking to people and trying to  
25 understand the agency and the people that the

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1 agency serves. So certainly the interview  
2 process was an important part of our research  
3 effort. We also conducted detailed review of  
4 the TLC rules, the City Charter, the laws of  
5 New York related to the agency's functions.  
6 And we conducted background research on taxi  
7 and limousine and other transportation rules  
8 and regulation in some of the other major  
9 metropolitan areas in the USA and Canada to  
10 get an idea about how they are doing things in  
11 a general sense but also specific to how do  
12 they organize the rules, where are the rules  
13 housed, what agencies deal with them, and how  
14 do they revise them. And this is all material  
15 that we have pulled together and we have  
16 presented to the TLC management team.

17 The second part was looking at  
18 reaction. How do people in this industry and  
19 in this environment, how are they reacting to  
20 the rules and reacting to the possibility of  
21 change in the rules? In order to understand  
22 that, we conducted TLC staff member  
23 interviews. Early in the process in this  
24 project we made a bit of a shift. We had  
25 interviews that we had planned to do. We also

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1 planned to conduct some focus groups. And we  
2 decided early on that we really needed to more  
3 input one-on-one with people so we shifted the  
4 emphasis away from I think it was a proposal  
5 to do ten interviews total, both of staff and  
6 stakeholders. And to date, we have done more  
7 than 40 interviews one-on-one, as well as  
8 doing focus groups.

9       So we really made an effort, with the  
10 TLC's encouragement to try to get out there  
11 and solicit feedback and information from  
12 people one-on-one. So that started out with  
13 TLC staff member interviews. We also  
14 conducted stakeholder and industry  
15 representative interviews one-on-one or in  
16 small groups. We tried to meet with them when  
17 it is convenient, sometimes at their  
18 facilities, to solicit their feedback. And we  
19 are always open to receiving more feedback.  
20 This is not a static process, we are not  
21 presenting this as a task that is complete.  
22 This task continues so we hope to hear more  
23 from people, as David Klahr presents later in  
24 the presentation, we are anticipating the need  
25 to hear more from people as the project goes

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1 on. We need to get feedback and input on  
2 where we are and where we need to go.

3 We also conducted stakeholder and  
4 industry focus groups for the purpose of data  
5 collection. That was an effort to bring  
6 people in at different levels, whether it be  
7 owners or drivers in the different industries  
8 to get some direct one-on-one feedback. We  
9 like to do it in a group setting because it  
10 helps people to remember issues and they can  
11 elaborate and expand on something someone else  
12 said, and you generally have a rich discussion  
13 when you have it in a small group setting.

14 We pulled all that material together  
15 in a staff interview and stakeholder report,  
16 and that has been provided to the Commission  
17 already, and if you have comments or questions  
18 about that, we would be happy to take that or  
19 also hear that from you one-on-one. You can  
20 always feel free to contact me or Trent  
21 directly.

22 The final part of progress to date is  
23 the revision. This is the phase one component  
24 of the project. In order to get our hands on  
25 what is going on with your rules, how they are

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1 organized, what has happened to the rules in  
2 the past, we have developed a series of  
3 comparative matrixes that we have used to  
4 identify duplication, inconsistency, just as a  
5 tool, a framework to better understand your  
6 rules.

7         We've also developed some proposed  
8 rules reorganization, some different templates  
9 of how things might be organized, and reviewed  
10 those with the TLC. And in those discussions  
11 we hit on a couple of different alternatives,  
12 and finally one in particular that seemed to  
13 work well. As well as the overall  
14 organization of the TLC rules and coming up  
15 with a different approach, we also looked at  
16 the organization of individual chapters as a  
17 way to try to systematize this. Creating  
18 something like a matrix structure of the rules  
19 and almost treating the rules like a database,  
20 not just to change them but with the purpose  
21 to make them more accessible. That eventually  
22 if you have a consistent structure, you will  
23 be in a position later in this project or  
24 process to be able to drill down into those  
25 rules and more easily pull out packets for

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1 different parties, whether it be owners or  
2 drivers or different industries, so that you  
3 can create booklets and other types of  
4 information that you can share with them that  
5 will improve communication.

6         We also performed a plain language  
7 rewrite, and Trent will cover that a little  
8 more in her part of the presentation. The  
9 purpose was not to change meaning, but simply  
10 to try to put the rules in a more  
11 understandable format for the average person.  
12 There is always a synergy there, a bit of a  
13 struggle between the legal side and the public  
14 interest side in terms of making something  
15 that is easy to understand but also something  
16 that isn't open to too much interpretation.  
17 There will always be that struggle, and it  
18 appeared that perhaps it went in one direction  
19 and now we are trying to pull it back in the  
20 other to try to make the rules a little more  
21 understandable to the common person.

22         With that said, I will turn the  
23 presentation over to Trent Killman. She is  
24 going to discuss the guiding principles that  
25 we have used to direct the project and take it

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1 from there. Thank you.

2 MS. KILLMAN: Thank you, Mark.

3 Good morning. First, thank you all  
4 for letting us do this. Some people may find  
5 rules dry, I just find it tremendously  
6 exciting to look at stuff that doesn't make  
7 any sense at all and turn it into something  
8 that ordinary people can understand, and I  
9 very much enjoy that and I commend the  
10 Commission for undertaking this project.  
11 Perhaps you could talk to the IRS and get them  
12 to do the same thing.

13 Guiding principle number one, Mark  
14 said this and I want to reiterate it because  
15 it's more like our prime directive, we intend  
16 to make no changes to the meaning of the rules  
17 intentionally or unintentionally. Staff and  
18 the outreach people, I am sure, will help us  
19 keep on track.

20 Guiding principle number two, put the  
21 needs of the user first. I think Andy Salkin  
22 put this really clearly when he said there are  
23 three things the rules should do, they should  
24 tell people how to get licensed, what they  
25 have to do when they are licensed, and what

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1 happens if they don't follow the rules when  
2 they are licensed, clearly and in organized  
3 fashion.

4         Number 3, and this is going to be the  
5 bulk of my presentation, using structure and  
6 organization to create clarity and  
7 consistency. And the next six slides will  
8 show you exactly what we are talking about.

9         First one, chapter reorganization. I  
10 am not sure how well you can see this from  
11 where you are sitting. I think you may have  
12 it in front of you, but on the left side are  
13 the existing rules and the line up, on the  
14 right side is the proposed rule line up. You  
15 can visually see that it is in a much more  
16 organized fashion.

17         The most significant change that we  
18 did make, again in concert with talking to  
19 staff, is in service chapters: Taxi service,  
20 paratransit service, for-hire service and the  
21 commuter vans. The taxicab rules were  
22 originally divided into driver rules and  
23 owners rules, so when we rewrote those, we  
24 kept that same division, driver rules and  
25 owner rules.

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1           For the other ones, they were not, so  
2 we divided the rules for paratransit, for-hire  
3 and the commuter van rules so that you have  
4 now driver rules for each one of the services  
5 and owner rules for each one of the services.  
6 The next six rules are all taxi industry and  
7 the last two are adjudication.

8           The second one of our strategies was  
9 to associate the penalties with the rules.  
10 This is so important to a user and it is going  
11 to, hopefully, help people abide by the rules  
12 a little better. If you have a driver looking  
13 at this and it says if I am reckless driving,  
14 I have to pay between 350 and \$1,000 and get  
15 four points, chances are he is much more  
16 likely not to drive recklessly or talk on the  
17 phone or whatever the rule is. That is going  
18 to be throughout.

19           The third one is to rework the  
20 definitions. We found several of the terms in  
21 the existing rules that had as many as five  
22 different definitions within that one body of  
23 rules. We have done this in two ways. We  
24 have created a chapter for all of the  
25 definitions up front, and kept a section

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1 within each individual chapter to highlight  
2 the definitions that are specific to that  
3 chapter.

4         And, finally, every defined term will  
5 be printed with initial caps so that you can  
6 easily see that it is a defined term and go  
7 back and find the definition if you are using  
8 the rules.

9         The fourth one is chapter  
10 consistency. One of the ways we did this was  
11 to start each chapter with the same three  
12 sections. The scope of the chapter, very  
13 short, this is what it is about, this is why  
14 it is here. The second one which we call  
15 penalties is not a list of the penalties but  
16 is telling the user that the penalties are  
17 associated with the rules and there is one  
18 penalty that applies all the time and we put  
19 that up front. And there are mandatory  
20 penalties, specific things that people should  
21 know in advance are in that section.

22         Third one is the one I mentioned  
23 earlier, definitions specific to the chapter.

24         Number 5, and this is the big one,  
25 material organization and title sectioning.

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1 Particularly for the service chapters we  
2 created a counterpart organizational  
3 structure, and I will show you in the example  
4 what I am talking about, and used a two-part  
5 section title to enhance visual comprehension  
6 and clarity. Just looking at it visually, I  
7 think you can see how the chapter is  
8 organized. The first part of the titling is  
9 licensing, or comply with laws, operations or  
10 vehicles. It's the basic topic that the rule  
11 is talking about.

12 The second part of the titling is  
13 going to be the more specific subject within  
14 that particular topic. The other part of that  
15 is 4-404, that is the chapter for taxi  
16 drivers. If you go to taxi 5, 6 or 7, which  
17 are rules for drivers of for-hire, paratransit  
18 and commuter vans, and say you were going to  
19 Section 5-18, you will find that it will be a  
20 rule for operations, lost property. If that  
21 particular service does not have a rule for  
22 lost property, it will say, as you can see on  
23 a couple of these "Reserved." It doesn't mean  
24 that it is going to get a rule for lost  
25 property, it simply means we are reserving

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1 that particular section number for lost  
2 property rules. This will make it a whole lot  
3 easier, hopefully, both for the user and for  
4 TLC when you are looking to see how the  
5 different services compare. Particularly  
6 since there are great many rules that are  
7 virtually identical but not quite.

8         And the last one of these strategies  
9 for reorganization is subdivision headings.  
10 That's my personal favorite. A lot of time  
11 when I was reading your rules, you have huge  
12 chunks of text numbered, and this is a  
13 typical lawyer thing, and even as a lawyer I  
14 never liked it, so in breaking it up in a  
15 number of different ways, one of the things we  
16 did was include italicized short subheadings  
17 for each one of the subdivisions.

18         This is an example of how it would  
19 look. This is probably 7, 8, 9, 10 pages of  
20 rules, but within that if you want to find out  
21 what the requirements are, just by running  
22 your eyes down those subheadings -- age,  
23 identification, fitness for a job, speak and  
24 understand English -- all those titles help  
25 you find your way through the rules if you are

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1 looking for something specific or just trying  
2 to get an idea of what the rules are telling  
3 you.

4         The last guiding principle, as Mark  
5 said, we worked on simplifying and clarifying  
6 the language, what you normally think of in a  
7 rule rewrite. Even in that, there were three  
8 different way we attacked that. One was to  
9 eliminate the obsolete language, the legally  
10 obsolete language. Second was to eliminate  
11 language that was substantively obsolete. And  
12 the third one was simply rewriting things that  
13 were confusing to make them clearer. And my  
14 last three slides will show you examples.

15         Example of obsolete legal language,  
16 this is a transition provision when you were  
17 going from one-year to two-year licenses for  
18 taxicabs, so it's a lot of words. What we did  
19 is we crossed out everything that is obsolete,  
20 which leaves you with a one-sentence rule,  
21 "All taxicabs licenses shall be renewed in two  
22 years." That helped. That got rid of a good  
23 chunk of things that you didn't need in your  
24 rules.

25         The second one, an example of

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1 obsolete substantive language. Pinion gears,  
2 when we talked with your experts on vehicles,  
3 pinion gears are passe. They no longer are in  
4 vehicles. You don't have to have rules about  
5 things you don't have to deal with. This is  
6 one of their suggestions to get rid of and we  
7 followed their suggestion.

8 This is the last one, and there are  
9 many, many different examples that we could  
10 have used. Obviously, I am not going to read  
11 you that entire slide, I am sure you are happy  
12 to know that. But I am going to read you one  
13 sentence in it because it's just kind of fun.  
14 The part in blue says, this is an example of  
15 drug testing licensed taxicab drivers, B3  
16 says, "Failure of a license in the first year  
17 of a two-year license to be tested no sooner  
18 than 30 days prior to, and in any event, no  
19 later than the date one year prior to the  
20 expiration date of such license, shall result  
21 in suspension of the drivers license in  
22 accordance with Section 817 of this Title."

23 I had to draw a picture to understand  
24 what that was saying. I really did. This is  
25 what the new rule looks like. For all of that

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1 language on the previous page, "Annual drug  
2 testing." And what that sentence translated  
3 into is, "For licenses in the first year of  
4 the of two-year license, the testing must  
5 occur within 30 days of the one-year  
6 anniversary date of the license but before the  
7 one year anniversary."

8 So it is not hard, it just needed to  
9 be done. And then you can see again the  
10 penalties with this.

11 And with that, unless you all have  
12 any questions, that gives you an overview of  
13 what we have done so far.

14 CHAIRMAN DAUS: Any questions?

15 COMM. GIANNOULIS: I have some  
16 questions. The verbatims that you listed in  
17 here, how many of these -- is there a way to  
18 tell us how many of these things have been  
19 either addressed or you don't think they  
20 should be addressed?

21 MS. KILLMAN: Most of what is in  
22 here under new rules are things that we have  
23 started putting into a draft which is being  
24 reviewed by staff at this point. Nothing is  
25 final, but these have been addressed in a

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1 draft.

2 CHAIRMAN DAUS: But I think he is  
3 asking, any sense of how many of these  
4 examples?

5 COMM. GIANNOULIS: Well, I guess I  
6 have a basic fundamental question because I  
7 don't know at what point in the process we are  
8 or what the end result is, but when I look at  
9 everything the drivers talked about, they  
10 talked about they don't know the rules and  
11 nobody tells them what the rules are. And,  
12 quite honestly, they are not going to get any  
13 better information by cleaning these rules  
14 because a lot of them won't understand those  
15 rules either.

16 So I am wondering how we address that  
17 issue in particular because that seems to be  
18 the predominant driver issue: I don't know  
19 what the rules are.

20 This isn't going to necessarily help  
21 them, so I am wondering where this fits in to  
22 what we are trying to do here.

23 CHAIRMAN DAUS: This is something I  
24 discussed at the City Council as well. That  
25 is something I promised we would do. This is

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1 the first step to doing that. Once they get  
2 this done, we can morph these into handbooks  
3 that give the drivers what they need to know  
4 but not everything necessarily.

5 What I am saying is we used give out  
6 these handbooks and they used to just be a  
7 copy of the rules as they exist. For  
8 practitioners and lawyers and licensees who  
9 want to read them, they will be better than  
10 what they are now. But after that is  
11 concluded, I don't know if it's part of your  
12 contract or we can do it ourselves, but the  
13 goal is once they do this, then we can take  
14 portions of that, simplify it further or just  
15 take abstracts and put them into booklets that  
16 we can give driver's when they get licensed  
17 and make it available to them in a more user  
18 friendly format. So that's part of plan but  
19 it is not necessarily part of the work that  
20 they are doing at this moment.

21 MS. KILLMAN: I would just add one  
22 minor thing. In the outreach we have been  
23 doing, you don't really get an opportunity to  
24 get cab drivers to come into meetings. And  
25 every time I come to New York and take a cab

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1 from Penn Station here, I interview the  
2 driver. They know where they are taking me  
3 and I find out what it is that they like and  
4 don't like about the rules.

5 There was one driver who actually had  
6 read the rules. I didn't ask him much more  
7 than that, but exactly what Commissioner Daus  
8 said is exactly how we hope the drivers would  
9 have copies of them, and our goal is to make  
10 the rules that you are looking at clear enough  
11 English that I would say most of the drivers  
12 ought to be able understand them.

13 COMM. GIANNOULIS: Maybe this is a  
14 question for you, Mr. Chairman. I mean, I  
15 thought the point of this was that there is  
16 two constituencies out there that we are  
17 trying to help. There is let's call them the  
18 business side of the world, the fleet owners,  
19 the brokers, people who have lawyers, people  
20 who have the time and the focus to figure out  
21 what the rules are. So it is good that we are  
22 simplifying the rules for them. I think they  
23 know the rules anyway, but it is great that we  
24 are doing it for them.

25 The drivers, I think, have a real

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1 issue with what the rules are. And if you  
2 just read their verbatims, it is not that  
3 complicated, they all said the same exact  
4 thing: I don't know what the rules are. It  
5 would be good if I had a rule book. It would  
6 be good if you told me when the rules changed.  
7 There should be training when you get your  
8 license, the eight hour refresher course  
9 should include conversation about the rules.

10 These are pretty simple ideas, but  
11 they sound pretty good. TLC should mail out a  
12 rule book on a regular basis. You can't buy  
13 the rule book, blah, blah, blah. So I am a  
14 little concerned about putting that one off to  
15 the side, kind of like the end goal of the  
16 project. It seems to me that would be a  
17 pretty front end part of the project.

18 CHAIRMAN DAUS: I totally agree with  
19 you, but it will be easier for us once we go  
20 through this exercise because we are going to  
21 be deleting a lot of obsolete language to put  
22 together something basically like we did for  
23 passengers. We have been able to simplify the  
24 rights to passengers in a small little box  
25 that goes in the back of every cab, the

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1 passengers bill of rights. There is no reason  
2 we can't do that and make at least a reference  
3 in that book if the drivers want to learn more  
4 about licensing requirements or learn more  
5 about the taxi schools, that they can go to  
6 our website or they can go to the rules. But  
7 it will happen pretty quickly. The second  
8 that this project is complete, which will be  
9 by the end of the year, those books will be  
10 ready to go.

11 It just makes more sense for us  
12 because we may be making at some point some  
13 substantive changes, so if we are going to  
14 change maybe, for instance, the date, the age  
15 by which various folks could be licensed, it  
16 doesn't make any sense to put that book out  
17 now when we may be changing some substantive  
18 stuff towards the end of the year. That has  
19 been pointed out as an example, where, for  
20 various types of licenses, you need to 19  
21 years of age, 18 years of age, 21 years of age  
22 to own or something like that. There are  
23 equal protection issues that we want provide  
24 consistency where it makes sense, where there  
25 is no rational basis to have differences among

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1 the various classes of licensees.

2           So, in my opinion, that's the  
3 reasoning why we wanted to wait until this  
4 process was completed by the Commission. But  
5 within a month or two, hopefully, after that,  
6 we will have a process for getting those books  
7 out. If that answers your question.

8           COMM. GIANNOULIS: Yes. Maybe this  
9 isn't a big problem. Maybe the drivers not  
10 knowing the rules is not a big problem, I have  
11 no idea --

12          CHAIRMAN DAUS: I think it is.

13          COMM. GIANNOULIS: Maybe it is not,  
14 I have no idea. But if it is, I think we need  
15 to do something more than send them a book.

16           I was hoping -- I am concerned about  
17 the brokers and the fleet owners, but, quite  
18 honestly, those guys know what they are doing  
19 for the most part. If some of them don't, we  
20 should help them too.

21          CHAIRMAN DAUS: Are you suggesting  
22 we should do a training or refresher?

23          COMM. GIANNOULIS: I have no idea.  
24 But there are some ideas in here. Maybe this  
25 already happens but whoever came up with the

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1 idea that part of the eight hour course should  
2 include that, sounds like a good idea to me.  
3 Part of the eight hour course should be what  
4 the rules are.

5 CHAIRMAN DAUS: Maybe when the  
6 project is complete, we can have the taxi  
7 schools do a retraining. Call everybody in  
8 and give them the books. That is something  
9 that we can talk about.

10 COMM. GIANNOULIS: It makes sense  
11 that it should happen as part of the initial  
12 licensing.

13 CHAIRMAN DAUS: Absolutely.

14 COMM. GIANNOULIS: But there is a  
15 bunch of stuff in here that seems like pretty  
16 good ideas. I know regular mailings cost  
17 money, so that may not be possible. But it  
18 costs less money to print this stuff and give  
19 it to the fleet guys to put in boxes out there  
20 and let people pick it up if they want.

21 I don't know if it's a problem. If  
22 it is, we should do something about. At the  
23 end of the day a lot of those guys are paying  
24 tickets. Maybe they know what is going on, I  
25 don't know.

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1           CHAIRMAN DAUS: I think most drivers  
2 know the basic rights and wrongs. But there  
3 may be things, for instance, I think despite  
4 our best efforts there were a lot of drivers  
5 recently as part of Operation Secret Rider  
6 that really thought that it was okay to use  
7 hands-free devices.

8           COMM. GIANNOULIS: As did I, by the  
9 way.

10          CHAIRMAN DAUS: Yes, we forget. We  
11 all voted on it. Well, I was counsel at the  
12 time, but the Commission did vote on that and  
13 what happened, the general population, because  
14 the state law differs, allows that for private  
15 passengers and the technology developed and  
16 when we actually voted on the rules, Harry,  
17 those devices didn't exist. But there were  
18 hands-free devices where you could have a car  
19 phone and you could talk.

20          But the Blue Tooth technology came  
21 along and most drivers are like everybody is  
22 doing it. I think it is common knowledge that  
23 Council and the State Legislature allow us to  
24 use the Blue Tooth devices, but our rules, the  
25 way they were written do prohibit it. So I

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1 think that is a perfect example of the rules  
2 are on the books, they change, there is a  
3 common misperception, and it compounded by not  
4 addressing it. So I think just sending the  
5 books is probably not enough. We may need to  
6 look into getting the schools to do something  
7 or doing an outreach campaign. There has to  
8 be something else because the rules don't mean  
9 anything if they don't know them and they  
10 don't follow them and look at them.

11 COMM. GIANNOULIS: Certainly the  
12 staff who work with folks and people who know  
13 more about this than I do, could probably  
14 figure out pretty quickly what are the ten  
15 areas that people actually care about, that  
16 impact drivers on a regular basis. Probably  
17 licensing, how to re-up registration, stuff  
18 like the phone, you know, stuff that they do  
19 every day.

20 CHAIRMAN DAUS: This is an important  
21 project in terms of not only due process and  
22 people knowing what the grounds rules are, but  
23 in terms of further professionalizing the  
24 industry, especially the livery industry that  
25 don't have the training.

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1           Various Council Members have had  
2 discussions with me over the years, and it was  
3 one of the key things that I have said during  
4 my reappointment confirmation hearing, having  
5 some back and forth with Council Member Rena  
6 and Council Member Martinez. This is  
7 something that is very, very important. I  
8 promised we would deliver it. Unfortunately,  
9 it took us a little longer to deliver it  
10 because we had other priorities, but that's  
11 the very reason we hired the consultants.  
12 Chuck Fraser and the Law Department would do a  
13 fantastic job of doing this if they had  
14 nothing else to do but spend their time doing  
15 this, but we keep putting these different  
16 policy initiatives and rules out there and it  
17 is a little bit more than just spring cleaning  
18 for our rules.

19           This is a total revamp,  
20 reorganization. We have been talking about  
21 doing it for years. As a lawyer, and we don't  
22 take offense, Chuck and I drafted many of  
23 these rules as the former general counsel, so  
24 I don't take offense at some of the verbosity  
25 that may be in them, but we try to, since I

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1 have been counsel, to make things more  
2 consistent every time we did change rules.  
3 For instance, in 1998 when we did the reforms,  
4 when we did drug testing, we started  
5 systematically if there is not a rational  
6 reasoning for applying the drug testing rule,  
7 not only to cab drivers but also to livery  
8 drivers and other types of licensees, we  
9 basically from '98 on, we applied it across  
10 the board.

11 But there is a bigger issue, and  
12 that's the way you write the rules and how  
13 verbose lawyers can get. And I think the good  
14 thing about hiring a consultant here, which  
15 seems to make sense, is not just the  
16 enthusiasm that you are imparting on us, which  
17 we are happy to pay for that, but you  
18 certainly have exited at least some of the  
19 lawyers I guess. It is important to be  
20 excited about it, but it is important to be  
21 objective about it.

22 Having worked for the Commission,  
23 even our Commissioners being here for years,  
24 reading the rules time in and time out or not  
25 reading them, you basically get stuck and you

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1 are not able to be as objective as an outside  
2 consultant. This is, I think, a perfect  
3 example of how and why you need somebody with  
4 a fresh look at it. It looks great.

5 I am very pleased, I don't know how  
6 anybody else feels.

7 COMM. AROUT: I just want to say  
8 something, over the years I myself got very  
9 confused reading these. I am not a lawyer, so  
10 I would always have to go according to the  
11 law. But after reading these, I read these I  
12 would say three times very thoroughly, and I  
13 think they did a great job and I am looking  
14 forward to the completion of it to make it  
15 more easy for the drivers to understand. I  
16 think that is the same point Harry has said  
17 the same thing. But I think it's a great  
18 idea.

19 CHAIRMAN DAUS: Any other questions?

20 COMM. POLANCO: One question that I  
21 had is, I notice that one of you were  
22 mentioning, Mr. Olson, about the benefits of  
23 the focus groups. But at the same time it's  
24 in the report that in an early stage you moved  
25 more to the one-on-one interview. And I was

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1 noticing how in the focus group there were  
2 honestly no participants from the for-hire  
3 vehicle industry. And I just wanted know  
4 basically what happened during that process as  
5 to why going from the early point from focus  
6 group, which you mentioned the benefits of it,  
7 to the more individual one-on-one interviews?

8 MR. OLSON: You are referring to, I  
9 think, one of our earlier reports to you.  
10 What we had done, in the original project plan  
11 we had planned to do ten one-on-one interviews  
12 and hold 20 focus groups. And we shifted that  
13 and we have now done more than 40 individual  
14 interviews, and those participants, some of  
15 those people have been interviewed more than  
16 once. And we scheduled ten focus groups, and,  
17 unfortunately, I think there were some other  
18 factors that were going on in the short time  
19 frame that we were trying to hold those focus  
20 groups.

21 And I can't explain completely why we  
22 had lack of participation in that one  
23 particular industry, but I do know there were  
24 some other factors going on, some other issues  
25 that were out there. My concern was that

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1 people may have been hesitant to come and  
2 express an opinion when there might be other  
3 issues.

4 CHAIRMAN DAUS: Commissioner Polanco  
5 actually recommended a list of people to be  
6 interviewed. I guess this is where it is  
7 coming from. Were they at least contacted?

8 COMM. POLANCO: I noticed those  
9 individuals were interviewed. I notice there  
10 names here, but I was just curious about the  
11 focus group. How would they know where to go,  
12 when, the date and so forth.

13 MS. SALKIN: What they did is they  
14 reached out to people who could help get us  
15 people to come to the meetings. In the livery  
16 driver case, we reach out to livery industry  
17 leaders and we said, "We are going to do this  
18 focus group, when would work?" "Here is your  
19 time slot, does that work for you?" And, "You  
20 invite people and we will invite people," and  
21 no one showed up. So one of the reasons we  
22 switched from doing focus groups is some of  
23 the industries, the people weren't showing up.  
24 So we did the individual interviews where we  
25 were capturing maybe the same people that

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1 would have come to the focus group, but at  
2 least we were going and finding them and they  
3 were willing to talk to us one-on-one.

4           The way they set up the interviews,  
5 they asked people in the industry when would  
6 work and can you help us invite people, and  
7 some people showed up for it, some didn't.  
8 Within some industries it didn't work. I  
9 think the idea is you keep doing feedback  
10 until you get the same type of feedback. And  
11 what they were finding was they were getting  
12 to that point where people were starting to  
13 say similar things.

14           So we felt like we had done a lot of  
15 the work necessary to take some next steps. I  
16 think David will get into what the next steps  
17 are, and we will get into the very next steps  
18 we are going to take after taking the feedback  
19 that we get today, is starting to drafts of  
20 chapters and working with the industry again  
21 to see if what we are doing makes sense for  
22 them before we come back to the Commission.

23           The intent would be to come back to  
24 the Commission with a lot of this that has  
25 already been vetted by everybody so that it is

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1 not like a fight in front of the Commission,  
2 but it is information that has been vetted and  
3 everyone understands it.

4 CHAIRMAN DAUS: Based on my  
5 experience, I think the consultants did do the  
6 right thing on this, only because our  
7 experience with passenger focus groups, it is  
8 a lot easier to get everybody in a room and  
9 get them to talk about their concerns. Even  
10 with drivers. My experience over the years  
11 here is when you get competitive business  
12 people that are competing with the person  
13 across the table in a room, not everything  
14 forthrightly comes out that is helpful.

15 We also did Commissioner interviews  
16 separately because we had quorum issues, we  
17 didn't want to violate the Open Meetings Law.  
18 And that was helpful too, so I think there is  
19 a certain amount of additional information  
20 that comes out from the individual interviews,  
21 and I support that decision when it comes to  
22 business owners, like livery bases and trade  
23 groups and so forth. I think it's better to  
24 give them the time separately. And if we are  
25 going to do focus groups, I think you did some

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1 passenger focus groups or I'm sorry driver  
2 focus groups are instructive.

3 But it is not too late, is it, if  
4 there are particular individuals that  
5 contacted you that you feel weren't  
6 interviewed that should have been, I don't  
7 think it's too late, is it, to contact them?

8 MR. OLSON: No, it wouldn't be.  
9 That is certainly a little bit of a hold, the  
10 focus group strategy was the lack of  
11 participation. We would be willing to do  
12 that. And people may be more willing to  
13 participate now that they have something to  
14 respond to as opposed to this blue sky  
15 discussion so we may get a better  
16 participation.

17 We would probably take the same route  
18 and try to work through the stakeholder  
19 representatives to get their help to populate  
20 the focus groups, which is what we tried to do  
21 the first time, unless someone had a different  
22 mechanism, I think that would work better.  
23 But we certainly would be open to doing that.

24 MR. KLAHR: No one wants to move  
25 forward without industry participation on this

00055

1 project, and that is something that TATC has  
2 always stressed to us from the beginning, that  
3 it is not going to work, and this issue was  
4 raised earlier, if it's by lawyers for  
5 lawyers. That's not really the aim of the  
6 project.

7 The aim of the project is to make  
8 sure that everyone who participates in the  
9 industry, whether a passenger, a driver, an  
10 owner, a TLC staff, understands what the rules  
11 are, is capable of following the rules, is  
12 capable of discussing the rules. Like  
13 Commissioner Arout, I am not a lawyer. I am  
14 relatively new to the TLC. I was told you  
15 should read the rules. It's hard. It is very  
16 difficult to understand what the rules say and  
17 what they mean. So this process has been very  
18 educational for me just to see, okay, this is  
19 what is going on, this is how it is  
20 structured.

21 It has been enormously helpful and it  
22 seems like this is a really good time to get  
23 into what is happening now and what will  
24 happen in the near future.

25 CHAIRMAN DAUS: Do we have any

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1 further questions?

2           COMM. GIANNOULIS: I have a question  
3 for Andy.

4           Andy, if you can give me a sense, if  
5 a driver calls here and has a question, what  
6 happens?

7           MR. SALKIN: If a driver calls up --

8           COMM. GIANNOULIS: If anybody calls.

9           MR. SALKIN: It will either come to  
10 us via 311 or there is some number that  
11 licensees will call and it will go to the call  
12 center. Typically our call center can answer  
13 most every question that someone has. They  
14 typically don't call about rules. They are  
15 typically calling about their status as a  
16 driver, where is my license, what do I have to  
17 do, do I have an outstanding summons.

18           So that is something that gets  
19 handled in the call center. And they are also  
20 trained to answer questions. So if they have  
21 a question about a particular rule that they  
22 don't know the answer to, the call center will  
23 get them the answer and call them back and  
24 tell them the answer.

25           COMM. GIANNOULIS: The call center

00057

1 is internal to our agency?

2 MR. SALKIN: If you call 311, they  
3 filter it to a TLC specialist, which is our  
4 call center.

5 One of the things that also happens,  
6 though, is more likely with this industry, you  
7 don't call us unless you are already a part of  
8 it. So say somebody wants to be new to the  
9 industry, typically we find people don't call.  
10 They find someone who tells them what to do.  
11 But if you come to TLC right now and you go on  
12 to our licensing facility, you will be greeted  
13 by people on the floor who speak different  
14 languages who will talk to you about what you  
15 need to do.

16 Typically you come with an  
17 application, your application will be  
18 incomplete and what we have spent a lot of  
19 time doing is creating these plain language  
20 forms. Here is what you need for a license,  
21 here is how much it will cost you to get a  
22 license, here is what needs to be notarized,  
23 here is how you have to make out the money  
24 order. It is all spelled out in plain  
25 planning language there, so they have done a

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1 lot of interpretation on that side.

2           So I would argue that anybody that  
3 comes to our licensing facility will leave  
4 knowing what they need to do very clearly.  
5 But, again, it took us a lot of time to figure  
6 out what you needed to do. But I am not sure  
7 I am exactly answering your question.

8           COMM. GIANNOULIS: So if somebody  
9 decides -- somebody told me they a ticket for  
10 the Blue Tooth, they may not be going to the  
11 facility to get relicensed. Certainly nobody  
12 is being encouraged in any shape or form to  
13 say, "Here is an information number, call this  
14 number if you don't know." Yes, somebody  
15 could figure out call 311, but it doesn't  
16 happen often I guess is my question, or it  
17 does? I have no idea.

18           MR. SALKIN: We get thousands of  
19 calls.

20           CHAIRMAN DAUS: As a matter of fact,  
21 one of the first things I did when I was  
22 appointed is we expanded our call center to  
23 handle for the first time licensing inquiries.  
24 It never existed and it has become a bulk of  
25 our calls.

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1           COMM. GIANNOULIS:   That's scary.  
2   Who is calling us?

3           CHAIRMAN DAUS:   A lot of calls, I  
4   haven't had my application approved yet, but  
5   they do call with substantive questions about  
6   things.  And we have a 24 hour hotline that  
7   will be put in place for the technology  
8   project as well.  But we would like to brief  
9   our call center people when this project is  
10  done and make sure they are even better adept.

11          MR. SALKIN:   Call center staff is  
12  actually part of this because they are the  
13  ones who know what the problems are.  They  
14  will tell us, "By the way I got 50 calls on  
15  this one thing, what did you guys do?"

16          But your point is well taken, one of  
17  the objects of the whole program is it is hard  
18  to communicate clearly when the rules  
19  themselves are unclear.  Once the rules are  
20  clear, and if you saw the work TATC is doing,  
21  we feel we will have a clear sense of what the  
22  rules are.  And once we have a clear sense of  
23  what the rules are the intent is then to share  
24  that, and with that comes in this built-in  
25  communication.

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1           So I don't envision us every three  
2 weeks a new rule happens, but I do envision  
3 every time you get renewed that you get a new  
4 packet of appropriate rules. We also  
5 envision having a much more robust website.  
6 Right now if you go on our website, you have  
7 to know what chapter is what or how to get  
8 there. Instead the intent would be you log on  
9 and you say I am a driver and I drive yellow  
10 cars. And you put that search mechanism in  
11 and all the rules that pertain to you will pop  
12 up.

13           COMM. GIANNOULIS: Is it scary to  
14 type in a question and answer thing or is that  
15 going to be too much?

16           MR. SALKIN: You can do type in a  
17 question and respond with an e-mail.

18           COMM. GIANNOULIS: Like Web MD.

19           MR. SALKIN: Well you don't have  
20 live people, but it is not a bad idea.

21           I don't know where 311 is going. In  
22 terms of our staff, we certainly have  
23 capability during the day.

24           COMM. GIANNOULIS: But it would have  
25 to be tapped into 311?

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1           MR. SALKIN:    If you come to our  
2 website, it is different.  The issue with the  
3 website is how you get the information sent to  
4 you.  We can have it created so that an e-mail  
5 goes to "Ask TLC."  That is not a bad idea.

6           CHAIRMAN DAUS:  I am not sure if we  
7 are getting into cost overruns already but my  
8 vision for this project is once it is on the  
9 web, like many other state and city agencies  
10 have a searchable database, like the lawyers  
11 use Lexus and West Law, that you will be able  
12 to type in a term and search the rules and get  
13 what you want.  But more importantly, with  
14 cross references, you know, how you get links  
15 on e-mails and screens and websites, as you  
16 are reading the rules if there is a reference  
17 to another section of the rules, that it will  
18 be highlighted in blue and automatically go to  
19 it.  Those are things I would like to see come  
20 out of this eventually.

21           And it is going to be very much web  
22 based, but your comments are not lost, we  
23 haven't forgot about those handbooks.  Many  
24 drivers don't have computers, they are never  
25 going to get on the web and there is nothing

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1 we can do about that. We need to do outreach  
2 and do something to reach them in a better  
3 way, so those are good points well taken and  
4 we haven't lost sight of that.

5         COMM. GIANNOULIS: By the end of  
6 this project, I am going to keep on asking  
7 this question. So I would like to see a very  
8 particular plan, and I am not being critical  
9 of the consultants, that comes out of this  
10 project that we recognize that since we  
11 recognize that the rules are messed up, and if  
12 you read the verbatims, you can see the  
13 drivers have the same exact issue time and  
14 time again, which is: I don't know what the  
15 rules are. We have to recognize it and we  
16 can't forget it.

17         Unlike other city agencies, I am  
18 trying to come up with an example, it's very  
19 hard to come up with an example of random  
20 citizens who are that regulated on a  
21 day-to-day basis.

22         CHAIRMAN DAUS: Department of  
23 Buildings has done something that kind of  
24 inspired this. They took the Building Code,  
25 it took them several years to do it, but

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1 Commissioner Lancaster did a fantastic job of  
2 rewriting the rules. And that was part of the  
3 inspiration for this project.

4 COMM. GIANNOULIS: The difference  
5 is, though, if I am dealing with the  
6 Department of Buildings, generally speaking, I  
7 have an architect and I have a lawyer.  
8 Generally speaking, I am not building a  
9 building on my own.

10 MR. SALKIN: Consumer Affairs is  
11 probably closer.

12 COMM. GIANNOULIS: Even Consumer  
13 Affairs, if I own a fruit stand, obviously my  
14 lawyer is getting me the permit for my fruit  
15 stand.

16 MR. SALKIN: Not people who are  
17 vendors on the street. But your point is well  
18 taken.

19 COMM. GIANNOULIS: There are not a  
20 lot of people in this city like taxi drivers  
21 who are that under regulations who don't have  
22 access to lawyers, computer and accountants.  
23 That's my simple point.

24 I, as just a normal driver, yes,  
25 there is also a whole set of state rules that

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1 I don't know about. Quite honestly, that  
2 doesn't impact me. Other than speeding, I  
3 know the basic rules. I just think drivers  
4 should have a lot of help telling them what  
5 the basics rules are, because then, quite  
6 honestly, in reference to some comments where  
7 we have had some of these appeals and I have  
8 heard this Appellate Court is a very liberal  
9 court. One of my issues, quite honestly, is  
10 these guys walk in there and they have no  
11 idea.

12 We say the rule is you are not  
13 allowed to touch a passenger. I guarantee if  
14 you poll drivers, they don't know that that is  
15 the rule. They don't know that they can't  
16 lock the door.

17 CHAIRMAN DAUS: It is a fair point  
18 and it is well taken. I think the most  
19 analogous set of rules and regulations is the  
20 State Department of Motor Vehicles. That's  
21 every average citizen, everyone who drives a  
22 motor vehicle. There are a lot of complex  
23 rules in the Vehicle and Traffic Law. It  
24 reminds me of this a little, yet, they do have  
25 materials when you go to get your drivers

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1 permit and you go to get educated. They  
2 explain it in a way in which you can remember  
3 it and understand. But still people have  
4 issues.

5 I was reading in the AAA bulletin,  
6 there was a letter from some MTA cop who said  
7 in response to somebody else, "If you have  
8 tinting on your windows, you are going to get  
9 a ticket." There are a lot of people out  
10 there that don't know, and we had this  
11 discussion earlier with our consultants, that  
12 tinting of your windows at a certain  
13 percentage is prohibited. And there are a lot  
14 of things in the VTL and even in state law, so  
15 I agree with you in terms of the city, but I  
16 think there are analogous situations, and I  
17 think the State Department of Motor Vehicles  
18 is one of them.

19 MR. SALKIN: That's fair. And again,  
20 the whole program here is to make better  
21 communication starting with the rules.

22 Just to put it in perspective, even  
23 though what we might have proposed today made  
24 sense, and I saw some nods as Trent went  
25 through the presentation, if you actually put

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1 it into actual rule making changes, just what  
2 was presented today represents over 20,000  
3 changes to our rules. So one of the things we  
4 are trying to do is early on in the process,  
5 make clear what the process is, what next  
6 steps are going to be, because sometimes we  
7 have three-hour debates about changing one  
8 word in one rule and here we are discussing  
9 major changes.

10 CHAIRMAN DAUS: We are not going to  
11 heap all this on you in one night.

12 Let's make sure we have no more  
13 questions. Is everybody okay?

14 Harry, you are okay?

15 COMM. GIANNOULIS: Yes.

16 CHAIRMAN DAUS: All right, so let's  
17 have David give the time line.

18 MR. SALKIN: What he is trying to  
19 show is what we envision the process being.  
20 Hopefully, that makes sense, but we are open  
21 to ideas because this is kind of  
22 unprecedented, to do such large change.

23 CHAIRMAN DAUS: David, time line?

24 MR. KLAHR: Thank you.

25 As Trent and Mark alluded to earlier,

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1 we are in the middle of this process right now  
2 with phase one. They have presented us with  
3 many chapters that have already gone through  
4 the revision process as they pointed out  
5 earlier. Now TLC staff is going  
6 systematically, one chapter at a time, getting  
7 comments from as many people as possible,  
8 talking it over, we are having internal  
9 discussions.

10 In a couple of weeks, people in the  
11 industry should expect to hear from us and  
12 from the consultants, and as we finish  
13 chapters and do an internal review, it will go  
14 outside to them for them to make their  
15 comments about this is easy to understand,  
16 this is not easy to understand. Because,  
17 remember, the first guiding principle at this  
18 stage of the revision is: We are not changing  
19 content. We are not changing the meaning of  
20 the rules.

21 What we are just getting over is,  
22 okay, this is really complicated and confusing  
23 to look at and now here is the new version and  
24 we expect this to be much easier for you to  
25 understand and follow. Is that the case?

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1           Again, they will talk to as many  
2 people as possible from as many different  
3 parts of the industry as possible. Then  
4 everything will go back to the Commission.  
5 And eventually what we are hoping, either at  
6 the late summer or early fall,  
7 August/Septemberish, to be able to present to  
8 you, the Commissioners, these revised rules  
9 for you to discuss here in this public forum.

10           So the idea and the general time line  
11 will be late summer/fall 2008, we should have  
12 the complete body, all of the chapters of the  
13 rules will have gone through this process.  
14 This is going to be a rolling process. We are  
15 not going to look at every single chapter and  
16 then pass it onto the industry and the  
17 industry will look at every single chapter.  
18 We are going to do two or three chapters at a  
19 time, and we will do this as quickly as  
20 possible. We want to do this in an efficient  
21 way.

22           And by the fall we will break this up  
23 into chunks. This will be over the course of  
24 three or four Commission meetings. It is too  
25 much to do the entire set at once. And then

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1 ideally the entire new set of clean revised  
2 rules will go into effect sometime in spring  
3 w009. The idea is to revise it over the  
4 summer and fall. You will vote on it over the  
5 fall and the winter. And we will do wide  
6 publicity on this, everyone in the industry,  
7 every participant will know the new rule set  
8 starts on this date at this time and then we  
9 will be able to express that to enforcement,  
10 express that to passengers, express that to  
11 drivers, express that to owners.

12 So just kind of the initial remaining  
13 steps in phase one is this review by staff,  
14 the review by the industry, the Commission  
15 will look at it, it will go to the City Law  
16 Department. And then the final proposals will  
17 go to you in these large chunks. We will  
18 divide it into thirds or quarters, if need be.

19 Again, the main thing to remember  
20 with this particular revision, this phase one,  
21 this ongoing now. This will end by the fall.  
22 Phase two will be the revision and the passage  
23 of the new rules. And then as alluded to  
24 earlier, phase three will be TATC will work  
25 closely with us to make sure that this isn't

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1 something that we did this and we forget about  
2 it. This is going to be an ongoing  
3 sustainable plan for new rules.

4 In the future when we propose new  
5 rules for passage by the Commission, they area  
6 all going to follow the new format. They are  
7 all going to fit in very well to the current  
8 structure. This is a very large complicated  
9 project that takes a long time and involves a  
10 lot of people and we want to make sure that we  
11 don't lose all the benefits that we get from  
12 this. That your successors far in the future  
13 will be able to look back at this and say,  
14 "They did a really good job. This is easy to  
15 understand. This is plain language. This  
16 really improved how we communicated with  
17 people."

18 So, again, if any questions come out  
19 of that?

20 CHAIRMAN DAUS: If we don't have  
21 successors, we can continue to enjoy them for  
22 many decades to come.

23 Commissioner Gonzales has a question,  
24 but before we do that, if we could add to the  
25 time line now this whole plan for outreach,

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1 which we need to think about how we are going  
2 to do it but also the driver, the individual  
3 books.

4 MR. KLAHR: Absolutely.

5 CHAIRMAN DAUS: Commissioner  
6 Gonzales?

7 COMM. GONZALES: I have a question,  
8 it's in part of the package that was sent out.  
9 On page 5 one of the bullet points states,  
10 "Better written and understood rules will  
11 improve compliance and limit appeals."

12 Do you know, is that something we are  
13 stating as an objective, and do we have the  
14 mechanism in place to start measuring things  
15 like that?

16 MR. KLAHR: I believe we can measure  
17 things like that. Although it's sometimes  
18 difficult to determine exactly -- I mean, it  
19 is a large, complex agency. There's lots and  
20 lots of appeals, there's lots and lots of  
21 summonses.

22 This was something alluded to  
23 earlier, yes, we do hear sometimes from  
24 drivers and we do hear from staff that rules  
25 are way too ambiguous, they are difficult to

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1 follow even for people with experience dealing  
2 with them for years. So we are hoping that  
3 this will be a good net benefit to this  
4 project. That if staff understands the rules,  
5 if enforcement understands the rules, if our  
6 ALJs understand the rules, if our drivers  
7 understand the rules, there will be a lot less  
8 of this really contentious, it really means  
9 this, it really means that.

10 COMM. GONZALES: My point is, is  
11 there something that we can objectively point  
12 to and say because we put these rules and  
13 changes in place, yes, it has been effective?

14 MR. KLAHR: I think that is  
15 something we would be interested in looking at  
16 once we get to the point with the new rules.  
17 It would be difficult to measure before they  
18 are implemented.

19 CHAIRMAN DAUS: It is definitely a  
20 good point. I don't know if this came out in  
21 the interviews of Joe Eckstein and  
22 adjudication, but to the extent that stats  
23 have been kept in the past. I know we have  
24 kept statistic on what the basis for reversal  
25 was for cases that were reversed on appeal and

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1 those that are affirmed. As least in so far  
2 as that information may be used as part of  
3 focus groups to determine whether there are  
4 particular rules that are vague, unclear, that  
5 have led to those types of reversals on appeal  
6 because they needed to be clarified by an  
7 Appellate decision. I don't know if that's  
8 something -- I agree with you on the end  
9 result, but if we haven't already, it  
10 certainly would be a good idea, per  
11 Commissioner Gonzales's suggestion, touch base  
12 with the adjudication folks to see of our  
13 appeals, and they have the information, are  
14 there any particular rules that stand out that  
15 we should change to make clear. Not  
16 substantively, to make clear.

17 COMM. POLANCO: I have a question.  
18 Are decisions from the administrative  
19 hearings, are they published somewhere?

20 CHAIRMAN DAUS: Yes, it is City Law,  
21 right?

22 MR. FRASER: Appeals decisions are  
23 compiled on a website run by New York Law  
24 School that compiles a lot of the  
25 administrative materials from all of the city

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1 agencies. The center for New York City Law,  
2 which Professor Sandler, a former  
3 Commissioner, created.

4 CHAIRMAN DAUS: A former TLC Chairman  
5 actually.

6 COMM. POLANCO: What about normal  
7 decisions?

8 MR. FRASER: No, they are not. Most  
9 agencies are selective about what they put on  
10 the website and our selection was to put the  
11 Appeals decisions because they are sort of the  
12 precedential and legally significant  
13 decisions.

14 CHAIRMAN DAUS: A lot of decisions  
15 are just a sentence or two sentences saying it  
16 has been affirmed. So it would just be a lot  
17 of useless information up there.

18 COMM. AROUT: I just want to thank  
19 David. He knows I called him up on many  
20 different things that come up on Staten Island  
21 and I want to thank you for enlightening me on  
22 some of the rules. Thank you very much for  
23 all of your help.

24 MR. KLAHR: Thank you,  
25 Commissioners. If there are no further

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1 questions, thank you very much.

2 CHAIRMAN DAUS: Is everybody okay  
3 with this?

4 (No response.).

5 CHAIRMAN DAUS: Very good.

6 Do we have a motion to close the  
7 meeting?

8 COMM. AROUT: I make a motion to  
9 close the meeting.

10 CHAIRMAN DAUS: All in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN DAUS: We are adjourned.

13 Have a good one.

14 (Time Noted: 11:05 a.m.)

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

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

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

MARGARET EUSTACE,  
Shorthand Reporter

