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4 NYC TAXI AND LIMOUSINE COMMISSION

5 PUBLIC MEETING

6 held on Thursday, April 12, 2007

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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3 P R E S E N T:

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5 MATTHEW W. DAUS, COMMISSIONER/CHAIR

6 NOACH DEAR, COMMISSIONER

7 HARRY GIANNOULIS, COMMISSIONER

8 IRIS WEINSHALL, COMMISSIONER

9 HOWARD R. VARGAS, COMMISSIONER

10 EDWARD GONZALES, COMMISSIONER

11 LAUVIENSKA POLANCO, COMMISSIONER

12 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: Good morning,
2 everyone. Sorry for the delay, we are having
3 difficulty getting our Commissioners here,
4 there is some bad traffic out there.
5 Hopefully, they will be filing in so we can
6 get a quorum and actually vote on some items.
7 Could everybody please be seated and let's get
8 started.

9 First, I would like to wish everybody
10 a happy Taxi Week. For those of you who
11 haven't been aware of it, this is the
12 hundredth anniversary of the motorized
13 gasoline-powered taxicab. Thanks to Mayor
14 Bloomberg who has designated April 6th through
15 the 15th as Taxi Week, we have a lot of events
16 going on in the city, you can see it on the
17 screens actually. One of the nights last
18 week, the Empire State Building was lit up in
19 the color yellow. Unfortunately, there was
20 some fog that night so it was hard to see it.
21 But there has been a lot going on.

22 One of the biggest events that has
23 been enticing people during Taxi Week is the
24 Taxi '07 display, along with the Design Trust,
25 at the Jacob Javits Center. The New York

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1 International Auto Show has sponsored and
2 hosted a display, an exhibit of future
3 taxicabs that are reimagining what a cab
4 should be like in the future, taking into
5 consideration not just the designing in terms
6 of where a cab fits in terms of the city
7 space, but also certain functional aspects.
8 New designs or proposed designs for roof
9 lights, accessibility, some little nifty
10 things like mirrors on the side doors so that
11 as a passenger you can see if there is a
12 bicycle coming towards you so you don't open
13 the door into the bicyclist. A lot of really
14 interesting ideas.

15 What is important to note is that
16 they are just ideas at this point. The TLC
17 hasn't endorsed any ideas, we are just kind of
18 looking at them. The only idea that we did
19 endorse in some way is giving the cabs a
20 makeover, a new look. One of the people who
21 is involved with the project helped design
22 some proposed markings that the Commission
23 will be considering for the industry to have
24 on every yellow cab, a new uniform look for
25 every yellow cab where certain passenger

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1 information would be located uniformly in
2 certain areas to make the cab look sleeker,
3 more modern and to have a better communication
4 of information to passengers whether they are
5 on the street hailing a cab or opening a door
6 and getting inside of it. So these are things
7 that by all mean are just proposals.

8 I would like to thank a few people
9 that have worked on it. First of all, Smart
10 Design is the company that came up with some
11 of the original designs that are actually now
12 on display at the Auto Show. Also, I would
13 like to thank George Fatita, the CEO of New
14 York City & Company, the city's marketing
15 office, as well as Willy Wong, who is a
16 designer who worked very closely on tweaking
17 the design.

18 I would also like to thank Deputy
19 Mayor Doctoroff, who is very much excited
20 about this, as well as Carol Post, who works
21 for the Mayor's Office of Operations. They
22 have worked very hard on the project. And
23 last, but not least, Andy Salkin, our First
24 Deputy Commissioner, who has been very
25 involved with this idea and this concept from

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1 its inception until now.

2 It is by no means final. What we
3 would like to do is have the Commissioners at
4 our next meeting take a look at it, have a
5 presentation. And if we do ultimately adopt
6 it in its current form or with some tweaks and
7 modifications, there would have to be some
8 rule making. So it could be a couple of
9 months before it is accomplished, but it's
10 about a new look, it is about a new design.
11 It is about making the cabs in the next
12 century look different and to think ahead,
13 both policy-wise and design-wise. And I am
14 very, very pleased way the way this has turned
15 out.

16 Now, if you haven't been there, I
17 would encourage all of our Commissioners --
18 some Commissioners have been there already --
19 to spend some time between now and Sunday,
20 before the exhibit closes. I think it is
21 actually free and it is open to everyone.
22 The hours of the exhibit are Monday through
23 Saturday, 11:00 a.m. through 10:30 p.m., and
24 on Sunday, 10:00 a.m. through 7:00 p.m. We
25 are very, very pleased with it and we hope

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1 that you will enjoy celebrating with some of
2 the events of Taxi Week.

3 I would also like to thank and
4 acknowledge that we have had some
5 international visitors from around the world
6 actually joining us in the last week and also
7 today. We've had visitors in the last week,
8 and this also coincides with the 100 year
9 anniversary and the Auto exhibit, from San
10 Francisco, Miami Dade County was here from
11 Florida, we had some people from Puerto Rico
12 the other day. We actually have, and they
13 should be joining us at this meeting at some
14 point, the Commissioner of the Chicago Taxi
15 and Limousine Commission, Norms Reyes. And
16 all these people have been visiting our
17 inspection facilities to see how we do
18 business in the city.

19 Walking in is Paul Gillespie, the
20 chairman of the San Francisco Taxi and
21 Limousine Commission. Welcome, perfect
22 timing. We are just talking about you.

23 We also have a Canadian delegation.
24 I don't know if they are here yet, but the
25 president of the International Association of

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1 Transportation Regulators will be joining us
2 today, James Bison (ph). That's a group of
3 TLCs from around the world that trade ideas
4 and educate one another on best practices. So
5 they will be here shortly with the Canadian
6 delegation, including some folks from
7 Mississauga and Ottawa in Canada. When
8 everybody gets here, we would like to call you
9 all up and acknowledge you.

10 Actually, I think we have some spaces
11 set aside for you if you want to come up.

12 The next item is the driver
13 recognition ceremony. On March 29th at the
14 Rooftop Gardens

15 COMM. DEAR: Excuse me. Will someone
16 please escort the guests. We have seats up
17 front for them.

18 CHAIRMAN DAUS: If you could escort
19 the regulators into the front row when they
20 come in, so that we can acknowledge them.

21 Good morning, Paul. We were just at
22 an accessibility conference the other day with
23 FTA administrator Jim Simpson, which was very
24 well attended. It was excellent. Certainly,
25 San Francisco and Chicago are doing great work

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1 in terms of accessibility, and I have to say
2 it, but we want to follow your lead on some of
3 the stuff you have been doing.

4 The driver recognition ceremony went
5 very well on March 29th. It was at Top of the
6 Rock. And here is the ITR President. Good
7 morning, James. Welcome. Do you have your
8 counterparts with you?

9 MR. BISON: I do.

10 CHAIRMAN DAUS: I would like to
11 acknowledge them. We have Elaine Buxstein
12 (ph), the director of enforcement from the
13 City of Mississauga. We have Dolores MacAdam
14 (ph), manager of law and regulatory services
15 from the City of Ottawa. And we also have
16 Linda Anderson, the manager of enforcement and
17 inspections of Ottawa as well.

18 Welcome. I hope you had a good trip
19 and thanks for coming. We would like to
20 engage in a dialogue with you, obviously,
21 afterwards. Some of the Commissioner would
22 like to meet you and I know we have a whole
23 itinerary of events and things for you to do
24 while you are here, so we are looking forward
25 to spending some time with you.

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1 We are just talking about the 100
2 year anniversary of the cab and the Taxi '07
3 Exhibit, which we encourage everybody to go
4 to. But we also two weeks ago had a driver
5 recognition ceremony which was very, very well
6 attended, where we honored outstanding drivers
7 that have gone above and beyond the call of
8 duty at Top of the Rock at the top of
9 Rockefeller Center. We had some Commissioners
10 joining us there. Commissioner Gonzalez was
11 there and a representative from the Mayor's
12 office. We gave a proclamation and we gave
13 some awards to some drivers.

14 I want to thank Tishman Speyer and
15 all the people who contributed to the effort.
16 It was just a fantastic event. And it's very,
17 very important that we recognize the people
18 that do good work in the industry and give
19 them that incentive and that recognition.

20 The next item is the City Council
21 testimony. There are copies in the back of
22 some testimony. I was asked to testify on the
23 TLC's budget on March 9th, and I also was
24 asked to testify on March 26th regarding a
25 Taxi Stand Bill, which the Administration has

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1 opposed. If you care to read it, it is on our
2 website and it is also in the back of the
3 room.

4 We also had some personnel changes at
5 the TLC. There is somebody who is leaving us
6 who has been with us for I think 18 years. I
7 would like to ask her to stand up and be
8 acknowledged. Barbara Shechter.

9 Where are you, Barbara?
10 (Applause.)

11 CHAIRMAN DAUS: Barbara is moving
12 on, much to our chagrin, to the Housing and
13 Preservation Development Agency, which is
14 another city agency. She is getting a
15 promotion and additional responsibilities.
16 She has been with us 18 years, like I said,
17 and is one of the few people that has actually
18 worked in every department in the TLC at one
19 point or another. Whether it is licensing,
20 consumer relations in various capacities.

21 I think two of the most important
22 things she has done in all of her years of
23 work here, which have made a profound impact
24 on the industry, is certainly the drug testing
25 program that we now have in place, which is

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1 something that she implemented or put into
2 place after the 1998 reforms.

3 Also, she was the first -- the
4 drafter of the first ever taxi exam for yellow
5 cab drivers when we started testing taxi
6 drivers years ago, and has been closely
7 working with the schools over the years. And
8 much to her credit, has done good work in that
9 area.

10 We will miss you, Barbara. I am sure
11 we will have a more formal farewell, but this
12 is your last Commission meeting with us, so we
13 want to thank you for your service to our
14 agency. Good luck.

15 Also, we have somebody who is leaving
16 but not leaving, who just joined us,
17 Commissioner Weinshall. Tomorrow is her last
18 official day on the payroll for DOT as a DOT
19 Commissioner. She does an outstanding job.
20 And even though it is DOT and the city's loss
21 that she is going over to CUNY to be a Deputy
22 Chancellor, a Vice Chancellor over there, but
23 we over here are not going to miss her because
24 she is going to stay with us. So we are very
25 grateful that you are sticking with us, and we

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1 certainly need you tremendously.

2 COMM. WEINSHALL: Thank you.

3 CHAIRMAN DAUS: And we wish you all
4 the best as you go on to your next adventure.
5 Congratulations.

6 (Applause.)

7 CHAIRMAN DAUS: I have sad news. I
8 don't know if all of you have heard this yet,
9 but the producer and the writer of the sitcom
10 Taxi passed away yesterday at 72 years old,
11 Stan Daniels. Also, we found out much after
12 the fact, unfortunately, and some of the
13 Commission members may remember Eli Resnick.
14 I know Harry might have been on the Commission
15 at the time.

16 Eli Resnick, we all know him as the
17 Candy Man. We gave him several awards over
18 the years including a Lifetime Achievement
19 Award. He used to attend every single
20 Commission meeting with all sorts of badges
21 and awards and uniforms that he used to come
22 here. And he always used to bring hard candy
23 up to the Commissioners and give them candy
24 right before they voted. So he always put a
25 smile on our face. He always had some

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1 interesting public comment. And he hadn't
2 been at Commission meeting for a couple of
3 years and he has been very ill.

4 We are just grateful that we are able
5 to acknowledge him at one of our driver
6 ceremonies and give him and his family the due
7 that he deserved. He had been a driver for
8 over 50 years. They know him as the Candy
9 Man. He has been a driver activist, and we
10 are certainly going to miss him. And we want
11 to, of course, convey our condolences to his
12 family. It is a big loss, not only for the
13 entire industry and the Commission, but also
14 for LOMTA, the League of Mutual Taxi Owners,
15 where he was a member in good standing for
16 many, many years.

17 A couple of other items. The next
18 two Commission meetings are tentatively
19 scheduled for Thursday, May 10th, we are going
20 to be considering technology rules.
21 Hopefully, this will be the last set of
22 technology rules that we will be proposing
23 that will be covering some of the issues that
24 were addressed at our last meeting that hadn't
25 been resolved, as well as setting some firm

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1 dates for compliance and deadlines so that we
2 can get this project off the ground once and
3 for all.

4 And the next meeting after that will
5 be Thursday, June 14th, where we will be
6 possibly exploring changes to our paratransit
7 or ambulette rules. We hope to have also
8 revisions to the Medallion auction rules for
9 our next Medallion sale of 150 accessible
10 taxicabs. We have also been working with the
11 lending industry on changes to Medallion
12 transfer and escrow procedures to streamline
13 the process, make it easier to understand and
14 follow, and to have uniform procedures that
15 survive for years to come as opposed to
16 changes in administration dictating different
17 forms.

18 We would like to put all that on
19 paper, and that is something that we are
20 hoping to get on for a public hearing in June.

21 Last but not least, the taxicab
22 markings that I spoke about. We are going to
23 try to have a presentation at the May meeting
24 from the marketing office to talk about the
25 design and the concept. And then, hopefully,

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1 we will have rules proposed for a vote in
2 June, with the Commissioners' input taken into
3 consideration at that time.

4 That concludes my report to the
5 Commission. Does anybody have any questions
6 or comments?

7 (No response.)

8 CHAIRMAN DAUS: I will move to item 2
9 on the agenda, adoption of the minutes of the
10 March 8, 2007 Commission meeting. Does
11 anybody have any corrections, modifications,
12 comments on the minutes?

13 (No response.)

14 CHAIRMAN DAUS: Okay, do I have a
15 motion to adopt?

16 COMM. GONZALEZ: So moved.

17 CHAIRMAN DAUS: Do I have a second?

18 COMM. GIANNOULIS: Second.

19 CHAIRMAN DAUS: All in favor?

20 (Chorus of "Ayes.")

21 CHAIRMAN DAUS: Okay, item 3 on the
22 agenda, base licensing application review. I
23 would like to ask Sara Meyers or Gary to join
24 us.

25 Gary, I understand thanks to your

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1 hard work and efforts and your staff, you have
2 some good news to report about where we are
3 with license applications. We are up to speed
4 now for the first time?

5 GARY: In terms of the March volume?

6 CHAIRMAN DAUS: No, in terms of base
7 licensing.

8 GARY: Oh, yes. We actually do have
9 people up to speed. I think this is the first
10 month that everybody has submitted their
11 renewal applications on time.

12 CHAIRMAN DAUS: Congratulations.

13 GARY: Thank you.

14 Good morning. First, I would like to
15 give a quick update on the four bases that
16 were denied at the last Commission meeting.
17 Two of the bases, Pack Eagle Incorporated and
18 Mega Car Service, both submitted the
19 requirements. Pack Eagle is actually on
20 today's agenda to be approved, and Mega is
21 being reviewed and Mega Car Service actually
22 will be on May's agenda.

23 Bakos Trading Incorporated d/b/a
24 Staten Island Premium Car and Limousine
25 Service was the base that was denied as they

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1 were operating using a cell phone. They had
2 closed their commercial location. While they
3 did submit a lease to us, a visit by USP
4 indicated that the base actually was not set
5 up to operate as a base, so the renewal
6 application has been denied.

7 CIA Car and Limousine Service
8 submitted a change of ownership application.
9 As of the last Commission meeting, they had
10 not yet provided a new owner. The original
11 owner to whom they were hoping to sell the
12 base was denied by the licensing and standards
13 division. We have not yet received a new
14 owner from them. And unless the Commission
15 deems otherwise, we are going to consider the
16 change of ownership application closed and
17 nothing new will be allowed to be submitted
18 under that application.

19 CHAIRMAN DAUS: Okay. So we have
20 some recommendations for approval?

21 GARY: Correct, there are 28 bases
22 that were submitted today on the agenda, 26 of
23 which were submitted for approval, two of
24 which were submitted to be denied based upon
25 base licensing's review of their applications.

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1 For the two that were denied, we are
2 recommending that, as the Commission has done
3 in the past, they allow for a 30-day extension
4 for the bases to submit the material that they
5 need to, at which point if have not, the
6 applications will be closed.

7 CHAIRMAN DAUS: Does anybody have
8 any questions on the agenda items for the base
9 license review?

10 (No response.)

11 CHAIRMAN DAUS: Could I have a
12 motion to adopt the staff's recommendations.

13 COMM. DEAR: I will make a motion.

14 CHAIRMAN DAUS: Second?

15 COMM. GIANNOULIS: Second.

16 CHAIRMAN DAUS: All in favor?

17 (Chorus of "Ayes.")

18 CHAIRMAN DAUS: For purposes of
19 clarity, agenda item 3, all of those bases
20 noted that are recommended for approval are
21 hereby approved. The two bases that have been
22 recommended for denial are denied, including
23 Montague and New York King Transportation.

24 I believe that that motion ordinarily
25 entails, just for clarity purposes, that if

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1 they do get their paperwork in within the next
2 30 days, that we can resuscitate their
3 application?

4 GARY: That is correct.

5 CHAIRMAN DAUS: And everybody is
6 okay with that? We have been consistently
7 doing that.

8 COMM. DEAR: Just on the base
9 stations, I note that quite a few issues have
10 come up before the Commission and we have been
11 talking about them. One of the things that
12 someone had mentioned to me, which I think is
13 a great idea, we are concerned about street
14 hails, and only if we catch them, that's one
15 way we know they are doing street hails. And
16 then, of course, they deny they are working
17 for their base. And we know all that is
18 nonsense.

19 So one of the things that we can do
20 when we get up to speed with checking our
21 bases, now I know we are going to visit each
22 one, but if we could get to expand a little
23 bit on it, if we could check their logs to
24 check if they are -- if the drivers are
25 averaging ten trips a day, you know that they

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1 are not doing street hails. But if they are
2 not, then you know something is going on, that
3 that base is condoning street hails. And I
4 think we should start focusing on. This has
5 been the Commission's big issue about street
6 hails. And a lot of times enforcement,
7 sometimes you have to get to the root of the
8 problem in trying to resolve problem, trying
9 to see how we can go beyond just enforcement.
10 Checking the logs and telling the bases that
11 we are watching you.

12 That's important, and if we can start
13 doing that, I think that that will be a great
14 idea that will put a dent in street hails.

15 CHAIRMAN DAUS: Yes. Pansy is here,
16 our Deputy Commissioner of Enforcement.

17 I think it is a great idea. Much to
18 her credit, since she has been working with
19 us, she has actually visited every base
20 throughout their licensing term, and it has
21 really never been done before. Resources have
22 been deployed in a way that not only are they
23 issuing appropriate violations and keeping the
24 bases on their toes in this industry that is
25 badly in need of reform. But also in large

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1 part, I think credit is due to them for
2 getting them as well to comply with licensing.

3 It is my understanding that they
4 would actually visit bases before their
5 licenses were up and prod them and tell them,
6 "Please put your license applications in on
7 time." So it is a combination of that, and I
8 think of the Commission really being
9 aggressive and looking at these applications
10 in an appropriate way, case-by-case review,
11 that has led to them getting where we are
12 today. And now it's time to go to the next
13 level.

14 So I would agree with you,
15 Commissioner Dear, and that's something we
16 will look into. We can very well tell by
17 looking at their dispatch logs what is going
18 on.

19 And before you go, Gary, I think, as
20 usual, there are several bases that cry out
21 for a business plan that have one or more
22 convictions for dispatching unlicensed cars.
23 And I just want to read them for the record so
24 that you can follow up.

25 That's Acapulco, AMM Management,

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1 Cobblehill, Mobile Car Service, New Day Night
2 Car Service, PJ Car Service, Rockaway Car and
3 Limo, Verrazano Car and Limo, Vic and Bay Car
4 Service, Transit Private Car Service. That's
5 it.

6 Any questions?

7 (No response.)

8 CHAIRMAN DAUS: Commissioner Polanco
9 has now joined us. Good morning.

10 GARY: Before I leave, I would like
11 to introduce Ms. Georgia Steel Radway (ph),
12 who is the up here with me today.

13 CHAIRMAN DAUS: Good morning and
14 welcome aboard. You certainly have your work
15 cut out for you with this business.

16 Item 4 on the agenda is the pilot
17 programs. Is the Mayor's Office for People
18 with Disabilities here?

19 Matt is here, okay. Because Matt has
20 a tight schedule and he has been able to come
21 here and join us for some issues pertaining to
22 his office, I would like to go out of order on
23 the agenda and move item 5 up and do that
24 before the pilot programs.

25 I would now like to invite Jen

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1 Palmer up to give us a staff presentation on
2 hearing enhancement technology. And Matt
3 Sapolin, the Commissioner of the Mayor's
4 Office of People with Disabilities is here
5 with his staff. Good morning, Matt.

6 Also I want to acknowledge and thank
7 Janice Shachter who is here, who has also
8 submitted comments to the Commission. It is
9 not a public hearing, but we will certainly
10 continue to work with you. And it is much
11 because of you that we are here today talking
12 about this issue of hearing enhancement
13 technology.

14 And I believe Lieutenant Governor
15 Paterson's office is represented here today.
16 The State Division on Human Rights and Borough
17 President Stringer's office and some others.
18 So welcome and we thank you for your interest
19 in this issue.

20 Good morning, Jen.

21 MS. PALMER: Good morning,
22 Commissioners. My name is Jennifer Palmer and
23 I am here today to speak to you about TLC
24 vehicles, specifically improving service by
25 enhancing audio communication.

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1 Over the past several months, staff
2 has been approached by passengers who are
3 interested in seeing different technologies in
4 taxicabs. Specifically we have been
5 approached by individuals who have ideas
6 surrounding how technology might be
7 implemented to assist the hard of hearing. As
8 we have had these discussions, staff has
9 realized that we know very little about such
10 evolving technology and that without a better
11 understanding, it is difficult, if not
12 impossible, for us to respond.

13 In order to do so, staff is
14 recommending that we take the time to learn
15 more about these methods and technologies in
16 terms of their benefits, functionality and
17 their cost. The approach that we are
18 recommending and the feedback that we are
19 interested in receiving today surrounds
20 issuing an RFI so that we may better evaluate
21 these technologies.

22 To give the Commission an idea of the
23 technology that we are interested in exploring
24 through the RFI process, I wanted to highlight
25 one specific technology that has been brought

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1 to our attention, that of looping technology.
2 Looping technology is essentially a way of
3 transmitting sound through a wire loop to a
4 receiver. Simplified, there is a microphone.
5 Attached to the microphone is a loop and a
6 receiver. Together the loop and the receiver
7 amplify an audio signal and transmit it to a
8 source. And the source would be a hearing aid
9 that is equipped with T-coil technology.

10 Currently there are several places
11 that are using this technology such as ticket
12 sales counters, public announcements at
13 airports, drivethroughs, elevators, museums,
14 trains and buses. We believe the RFI will
15 give us more information on the exact
16 technology as well as others that might serve
17 the same purpose.

18 Now I quickly wanted to highlight for
19 you some of the components of the RFI that we
20 are proposing:

21 Technological solutions: In the
22 previous slide I highlighted looping
23 technology, but staff is interested in
24 learning about all possible solutions.

25 Infrastructure and integration: We

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1 are looking to learn how this technology
2 works, how it can be integrated into our
3 vehicles and how it interfaces with the
4 current technology that we have.

5 Monitoring and benchmarking as well
6 as cost: We would like to get a better
7 understanding of the costs associated with
8 installation, user fees and any recurring
9 maintenance that might be associated with the
10 technology.

11 Now, briefly I want to turn to the
12 RFI process. Staff would issue the RFI and
13 designate a staff member to collect responses.
14 We would have an evaluation and review
15 process, at the conclusion of which staff
16 would update the Commission as to our
17 findings.

18 That concludes the information that I
19 have today for you regarding hearing loop
20 technology and enhancing audio communication
21 in taxicabs. I would be happy to answer any
22 questions you might have.

23 CHAIRMAN DAUS: Any questions?

24 COMM. WEINSHALL: How long do you
25 think the RFI will take?

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1 MS. PALMER: We started a draft of
2 it right now. I assume it would be out for
3 about a month in time period, but we haven't
4 discussed it.

5 CHAIRMAN DAUS: Any other questions?
6 (No response.)

7 CHAIRMAN DAUS: Well, certainly this
8 is something that we need to educate ourselves
9 on more. The RFI is a great way to do that,
10 and if this is something that the Commission
11 believes is appropriate to do, we need to make
12 sure that the people that actually manufacture
13 and install these systems have the opportunity
14 fairly to compete to be able to bring their
15 products and their information to us. So I
16 think it's important that we move on this and
17 that we get a tight time frame and we try to
18 get information as soon as we can.

19 This is an important issue that has
20 been brought to our attention recently and we
21 are taking it seriously. And we certainly
22 thank Ms. Shachter, who has been an advocate
23 for this issue and has really been knocking on
24 doors to get everyone to learn more about it.
25 We are encouraged by your fortitude in this

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1 area, and the Mayor's Office and the TLC are
2 going to work together on looking at the best
3 possible solutions. So thank you very much.

4 Staff, please, prepare the RFI. I
5 will review it and then we will put it out.
6 Thank you. And thanks, Commissioner Sapolin,
7 for joining us with your counsel, Jason.

8 I will now go back to what was item 4
9 and now is item 5 on the agenda, the pilot
10 program proposals. It has now become item
11 5(a). First is Autovan. This is a proposal
12 regarding a Toyota Sienna accessible minivan.
13 I would like to call Assistant Commissioner
14 Peter Schenkman and a representative from
15 Autovan up to the podium to make the
16 presentation.

17 This is a pilot program that I
18 forwarded to the Commission under our rules
19 for consideration.

20 MR. SCHENKMAN: Good morning,
21 Commissioners, distinguished guests. Today is
22 a really exciting day for the staff at the
23 TLC. As part of our ongoing efforts to
24 improve taxi accessibility and mobility for
25 all, staff has traveled around the country and

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1 met with mobility vehicle and device
2 manufacturers as well as advocacy and
3 regulatory groups to find not one, but two
4 very exciting mobility products.

5 The first is a company called
6 Autovan. Autovan is the latest wheelchair
7 accessible vehicle manufacturer to approach
8 the Safety and Emissions Division for approval
9 for their vehicles. When completed and
10 eventually approved, this accessible vehicle
11 will give current and future Medallion owners
12 three accessible vehicle choices: A Chevrolet
13 Uplander, a Dodge Caravan or this Toyota
14 Sienna.

15 The Autovan modified Sienna provides
16 a level of accessibility unparalleled to the
17 current wheelchair accessible taxis on the
18 road as their unique construction will allow
19 for even the biggest wheelchairs and scooters
20 to ride comfortably and safely in a New York
21 City taxi and to, hopefully, be able to
22 experience what has been called the
23 quintessential New York act of hailing a
24 Medallion taxi.

25 I believe the Autovan modified Toyota

00031

1 Sienna, which itself is already a proven taxi
2 vehicle, will complement the fleet of
3 wheelchair accessible vehicles very well. I
4 am pleased to recommend this pilot and I turn
5 it over to Jim Mayfield of Autovan.

6 MR. MAYFIELD: Thank you, Peter.
7 My name is Jim Mayfield, I am the
8 vice president of Autovan. With me also today
9 is the President/CEO Jim Bishop.

10 Chairman and Commissioners, esteemed
11 guests, thank you very much for the time
12 today. Just briefly, it will only take a
13 minute to go over it, we are pleased to
14 present a very accessible Toyota Sienna
15 minivan.

16 A brief overview, we are a
17 Michigan-based company, we provide nationwide
18 service and delivery. We are the first
19 successful minivan that is going to provide an
20 electrical wiring package. This we are very
21 excited about. It is going to be able to
22 allow the fleet owners easy access to be able
23 to add on their meters, lights, and also our
24 wiring package will support the new technology
25 enhancement program that you are also looking

00032

1 at.

2 Autovan has an exclusive lower floor
3 cot van in the nation. This is a design that
4 is done on one of our Dodge models, it allows
5 transportation in a non-emergent medical
6 environment for people that are needing to be
7 transported by a stretcher or a gurney. This
8 eleviates the need to run a full-size
9 ambulance and it is also supported by Medicare
10 and Medical.

11 Autovan employees combine an
12 experience average of over 75 years in the
13 mobility industry. This is something we are
14 very proud of, from top to bottom our
15 employees have the passion for the people and
16 for this industry. We currently have over
17 hundreds of vans on the road today.

18 The pilot vehicles are rear entry
19 accessibility. It has a flexible design which
20 accommodates wheelchairs and scooters. We
21 have a comfortable OAM seating package. This
22 design allows us to be able to use the OAM
23 seating that is available with the vehicle
24 unmodified. This is kind of a first in some
25 of the adaptations of vehicles currently on

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1 the market today.

2 We will have a user-friendly
3 wheelchair securement system. I will talk a
4 little bit more about that in a minute. We
5 have an effortless ramp deployment system, a
6 little different than what is currently on the
7 road today, and accessible modifications are
8 literally maintenance free.

9 This slide is just a quick graphic
10 for review. It shows the accessibility area
11 on the vehicle. The top picture shows a side
12 view of the vehicle, which clearly states it
13 has easy accessibility for street ambulatory
14 passengers, i.e., being able to get in and out
15 of the vehicle on either side of the vehicle
16 and the vehicle is ADA compliant.

17 We maintain the factory mid-row
18 seating, which I stated. This is a big plus.
19 The mid-row passenger side and driver side,
20 easy ambulatory entry. Based on the streets
21 of New York, under my studies and the several
22 visits we have been here, you never know what
23 side of the street you are going to get out of
24 taxi on. With this, compared to the other
25 vehicles, there is nothing that you have to

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1 step over, climb over, put up, stow or put
2 away to be able to go in and out of that
3 vehicle. There is unparalleled accessibility
4 and feasibility for the citizens of New York.
5 What that means is that this vehicle has both
6 the accessibility for wheelchair passengers
7 and to be used as a standard hail taxi. This
8 taxi does not have to sit, wait or look for,
9 it can be used all the time, 24 hours a day, 7
10 days a week. Our conversions meet both the
11 NMEDA and MITZA guidelines.

12 The next slide shows the
13 accessibility from the rear of the vehicle
14 again. It is going to have an exclusive, easy
15 to use and more reliable wheelchair restrain
16 system. Common in our industry is that
17 wheelchair passengers need to be secured in a
18 safe manner. The rear accessibility ensures
19 that the client or the customer is going to be
20 riding in the most safest position in the
21 vehicle, which is facing forward, and will be
22 properly secured.

23 With the easy to use restraint
24 system, it makes it more driver friendly and
25 makes it so that he will be more comfortable

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1 in using those tie-downs and will use them.

2 Benefits of the program: We are
3 looking for renewed compliance of the
4 Wheelchair Accessibility Guidelines. The
5 pilot program will demonstrate the ability of
6 the fully accessible modified vehicle. It
7 will be used in the standardized Toyota
8 Sienna, which is good because the Toyota
9 Sienna is already on the road today and it is
10 doing well as a standard taxi. The liability
11 of both the Sienna and our conversion as a
12 combination will be a benefit.

13 And obviously the features and
14 accessibility, which I have already touched
15 on, meaning that the vehicle has an overall
16 usage on a day-to-day basis.

17 Success of the pilot program. There
18 is going to be a lot of people that will be
19 involved with that. We are going to be
20 looking to the fleet owners and drivers for
21 recommendations, mileage and extended use
22 capacities, driver feedback, and, obviously,
23 their comments and inputs on the restraint
24 system.

25 Last but not least, the TLC safety

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1 emissions recommendations and approvals. We
2 will be using -- what's here is just a sample
3 of the opinion surveys. We like to use those.
4 We are going to have these available in the
5 vehicles. We will work with staff to come up
6 with the proper checkpoints that makes it easy
7 and flexible so that the passengers and the
8 drivers will use those. We will ask that
9 those be turned in at the end of their trips.

10 Last but not least, we would like to
11 see two pilot vehicles approved for the
12 evaluation. We have selected a large fleet
13 owner selected for the pilot program based on
14 his familiarity and using of the accessible
15 vehicles currently on the road today. We
16 would to see a six to 12-month evaluation
17 period, giving us enough time to study the
18 vehicles in use here in New York. Obviously,
19 we are going to be striving for a very open
20 communication with all parties involved. I
21 feel that's probably the best way to make sure
22 that we are getting the right vehicle
23 available to be used and that has been
24 designed and engineered specifically for the
25 City of New York.

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1 You guys are tough on vehicles here.
2 We know that. We have taken the input of a
3 lot of people. It has been a long six-month
4 project and we are happy to say that our
5 engineers have listened to all parties
6 involved.

7 That the pretty much the wrap up.
8 Again, I want to thank the Commission for the
9 time and review of this proposal. I am
10 available for any questions if there is any.

11 CHAIRMAN DAUS: Thank you. Any
12 questions?

13 (No response.)

14 CHAIRMAN DAUS: Peter, our rules
15 require that we go over some criteria setting
16 forth the parameters of the pilot program.
17 Since you are recommending approval, can we go
18 quickly through those factors for the record,
19 on the advice of counsel?

20 MR. SCHENKMAN: Sure. As Mr.
21 Mayfield stated, we envision a duration of six
22 to 12 months, and we would set a deadline for
23 the final report by the end of the 13th month.
24 I am recommending a minimum of one, maximum of
25 two vehicles at this point. And as part of

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1 the pilot proposal, an RFI would be published
2 inviting any other manufacturers of similar
3 vehicles to participate.

4 My staff would then evaluate these
5 additional vehicles based on the safety and
6 type of modifications on the vehicles. We
7 would do monthly inspections of the vehicles
8 to insure that they are holding up well. And
9 staff would also review any surveys that were
10 collected. And that would be done by Safety
11 and Emissions.

12 The next process is a Memorandum of
13 Understanding between Autovan and the Taxi and
14 Limousine Commission. And the criteria would
15 be ease of accessibility, reliability of the
16 vehicle, and continued safety and emissions
17 passing of our inspections. And any comments
18 that were taken by passengers or staff or
19 fleet owners would be taken into account also.

20 MR. FRASER: Commissioner Schenkman,
21 there was just one point that you missed which
22 we have to cover in the resolution. You
23 mentioned one to two vehicles per participant.
24 Are you recommending a minimum and a maximum
25 number of participants?

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1 MR. SCHENKMAN: No. It is my
2 understanding that there are no other
3 manufacturers of the Toyota Sienna modified
4 minivan. If there should be, it would be
5 limited to two vehicles per participant.

6 MR. FRASER: So you are not
7 recommending a maximum number of participants?

8 MR. SCHENKMAN: Correct.

9 MR. FRASER: Okay.

10 COMM. WEINSHALL: So if other
11 vehicles -- I guess my question is: Are we
12 going to treat this like we treated the hybrid
13 program where we would test a number of
14 vehicles?

15 MR. SCHENKMAN: We have. We have
16 been approached by at least six different
17 companies, and Autovan has showed the most
18 dedication and the most unique modification of
19 not touching the frame rails and setting the
20 bucket right in between.

21 Having traveled to national
22 conventions of mobility equipment, we have not
23 found a vehicle similar. But should a vehicle
24 appear, we would absolutely include it. In
25 this case, it would be a rear entry accessible

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1 minivan.

2 CHAIRMAN DAUS: Commissioner

3 Gonzalez?

4 COMM. GONZALES: Peter, relative to
5 the Freestar, as far as when we went out to
6 Woodside and you showed us the retrofitting of
7 the ramp, how does this design compare to
8 that?

9 MR. SCHENKMAN: It is a completely
10 different design and a completely different
11 vehicle. The Freestar was not the most
12 reliable vehicle out of the factory. The
13 Toyota Sienna, with over a thousand of them on
14 the road as New York City taxis, some with
15 almost 300,000 miles, has proven itself as a
16 great base platform.

17 And I have worked with Autovan for
18 the better part of a year, giving them my
19 staff and myself's recommendations on how to
20 improve that vehicle. And they have listened
21 and responded 100 percent, so we are
22 comfortable. And they have provided us with
23 federal motor vehicle safety standards
24 certification which is registered with the
25 National Highway Traffic Safety

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1 Administration, which was a key component of
2 our requirements.

3 CHAIRMAN DAUS: Any other comments?

4 (No response.)

5 CHAIRMAN DAUS: Do we have a motion
6 to adopt?

7 COMM. WEINSHALL: So moved.

8 CHAIRMAN DAUS: Do we have a second?

9 COMM. POLANCO: Second.

10 CHAIRMAN DAUS: All in favor?

11 (Chorus of "Ayes.")

12 CHAIRMAN DAUS: It's unanimous.

13 Thank you, Peter. If you could just stay
14 there because you are also item 5(b), Bruno's
15 proposal to have a Turning Automotive Seat and
16 Joey Lift installed as part of a pilot
17 program.

18 MR. SCHENKMAN: Good morning again.

19 The second of the two exciting mobility
20 products that our staff has found is a turning
21 seat which is manufactured by Bruno Mobility.

22 This device is already a proven
23 success around the world and will show once
24 again that New York City is a proven leader in
25 innovation and in the quest for increased taxi

00042

1 mobility and accessibility in the United
2 States.

3 The Bruno seat will provide a level
4 of mobility previously unavailable to upwards
5 of 60 percent of those less able New Yorkers
6 and visitors who are able to transfer from
7 their wheelchairs or scooters, are getting up
8 there in age, or just need a little help
9 navigating getting in and out of taxis, which
10 sometimes can be a challenge for even the most
11 able-bodied passengers.

12 I am happy to recommend this pilot
13 and now would like to turn the podium over to
14 the folks from Bruno, who are also going to
15 talk about their Joey Lift, which allows the
16 driver to effortlessly load the wheelchair or
17 mobility device into the back of the vehicle.

18 CHAIRMAN DAUS: Thank you. Good
19 morning.

20 MR. BRUNO: Good morning. I am Mike
21 Bruno, President and CEO of Bruno Independent
22 Living Aids. I want to thank the Commission
23 for their time to hear our proposal.

24 Bruno Independent Living Aids has
25 basically been in business for over 20 years.

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1 We have been supporting those with
2 disabilities. Our four main product
3 categories are: Vehicles lifts, we help
4 people store their mobility device in their
5 vehicles; turning automotive seating, which we
6 call TAS, helps people get in and out of
7 vehicles; we also sell stair lifts and
8 vertical platform lifts. We have been in
9 business, again, for over 20 years.

10 We created the market in vehicle
11 lifts and turning automotive seating in North
12 America. We are leaders here and in Europe.
13 The largest manufacturer of stair lifts in
14 North America, and we have the fastest growing
15 vertical platform lift in the industry. Our
16 mission is to be a leading provider of
17 independent solutions. We have over 400
18 employees in both North America and Europe.

19 Last year we were awarded a five-year
20 Veterans Administration contract for supplying
21 them with vehicle lifts that is valued at over
22 \$80 million. And over the past two years we
23 have won four Wisconsin Governor's New Product
24 Awards, including the Joey Interior Platform
25 Lift.

00044

1 We are affiliated with all of the
2 major associations, both within our industry,
3 the adaptive vehicle, and within the taxi and
4 commuter transportation. We also have
5 alliances with all the major vehicle
6 manufacturers, including Ford, GM, Chrysler,
7 Toyota and Kia. Our proposal is to provide a
8 turning automotive sit and Joey interior
9 platform lift in a Toyota Sienna taxi. So
10 what is that?

11 One, it is a Toyota Sienna taxi that
12 you see on the roads today in New York City,
13 and including our turning automotive seat,
14 with the push of a button, the seat actually
15 rotates, extends out of the vehicle and comes
16 down to the appropriate level for a person to
17 transfer in. It's very easy to operate with
18 one button. This requires no structural
19 modification to the vehicle, no drilling. It
20 just bolts in and it is integrated into the
21 vehicle's electrical system.

22 Then the Joey Interior Platform Lift,
23 again, this product is in a platform that sits
24 in the back of the vehicle. It does not
25 obstruct any of the cargo area. With the push

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1 of a button, it extends a platform out of the
2 vehicle and down to the ground. This requires
3 no drilling to the vehicle, no structural
4 modifications. It is just bolted in and tied
5 into the electrical system of the vehicle.
6 When it's on the grounds, the mobility device
7 is driven onto the platform and then taken
8 back into the vehicle for storage.

9 Why is this a good solution?

10 Well it serves passengers with
11 disabilities, the less abled, and it does not
12 inhibit the use of the taxi for any other
13 passengers. 54 million Americans have
14 disabilities, 8 million of those use assisted
15 mobility devices. 84 percent of those people
16 with mobility devices can transfer. And so,
17 we are really serving a large part of the
18 population.

19 Additionally, by the year 2020 a
20 third of the U. Population will be age 65 or
21 older. This is a safe solution. We meet all
22 federal motor vehicle safety standards. These
23 products have been around for over ten years.
24 They have a record of both safety and reliable
25 service and the safest place be in a vehicle

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1 is sitting in your seat with your seatbelt on.

2 There is no structural modification
3 to the vehicle. The taxi retains all of its
4 normal functions. It is compatible with the
5 existing fleet of Siennas that are on the road
6 today. It is cost effective and currently
7 available. We are shipping these products
8 every day.

9 And, also, the turning automotive
10 seating does work with other taxis that are on
11 the road today, including the hybrids than are
12 on the road. We have had success stories, as
13 Peter said, in other parts of the world. In
14 London, London Transport, 60 percent of their
15 fleet is equipped with our Turning Automotive
16 Seating Systems. To quote from one of the
17 riders, "This vehicle is now intimate instead
18 of intimidating." Even the Mayor of London
19 has recognized the value that this brings to
20 the constituents of London.

21 Also in Paris, Taxi G Summit is a
22 dominant player in the taxi in Paris.
23 Currently they have a ten percent goal for
24 accessible taxis, and we have 50 units in
25 phase one of installation in their fleet.

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1 In Sweden, they have a goal, again,
2 of creating accessible taxis. We have taxis
3 in service with our products and we will have
4 over 150 units in by the end of next year.

5 Finally, in Seoul, South Korea, we
6 have 100 units currently installed, and the
7 goal is to have 500 by the end of next year.
8 So we have a lot of experience dealing with
9 taxis throughout the world.

10 Where is the value?

11 Well, the value for the passengers,
12 it works for many with disabilities and the
13 less able. It also works for the able-bodied
14 passenger. It is cost-effective, flexible
15 transportation and it removes transportation
16 barriers and provides equal access. For the
17 licensee, it broadens their customer base
18 including people that normally wouldn't feel
19 comfortable hailing a taxi or calling a taxi.
20 It's easy to use. It installs in existing
21 vehicles. It is cost effective. Requires no
22 vehicle modifications. And, again, it doesn't
23 affect the function of the taxi.

24 For the city, it certainly answers
25 the constituent concerns about accessible

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1 taxi. It is readily available. These
2 products can be reinstalled. It is a
3 sustainable solution, and, again, it will make
4 New York City a leader in innovation. And so,
5 our pilot program, again, is to equip three
6 vehicles with a Turning Automotive Seat and a
7 Joey Lift, a six-month duration, and we will
8 follow-up with evaluation throughout the
9 process with the ridership and with the
10 drivers and licensees to make sure it's a
11 successful program.

12 Again, I just want to emphasize that
13 Bruno is recognized as a leader in our
14 industry. Here in New York City we are
15 recognized on the Today Show. Also we teamed
16 up with Toyota on the Dr. Phil Show. And
17 again, I want to invite you down to the Taxi
18 '07 display. We are a sponsor and we have our
19 products in action down there and you can see
20 them down there.

21 If you have any questions, I would be
22 great to answer them.

23 CHAIRMAN DAUS: Any questions?

24 COMM. WEINSHALL: What's the cost
25 per unit to install these?

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1 MR. BRUNO: The package with the
2 lift and the seat would be under \$10,000.

3 COMM. GIANNOULIS: I have some
4 questions for Peter I guess.

5 Peter, how many vehicles are there on
6 the street now that provide access to people
7 with disabilities?

8 MR. SCHENKMAN: 54.

9 COMM. GIANNOULIS: And there are a
10 certain amount of Medallions out there?

11 MR. SCHENKMAN: We have 27 that have
12 yet to close, that should be closed by the end
13 of April, beginning of May. And then we have
14 a potential auction of 150 accessible vehicles
15 later in the year.

16 COMM. GIANNOULIS: And currently,
17 what are the kind of mechanics behind the
18 current -- How different are these from the
19 current?

20 MR. SCHENKMAN: This is not a full
21 wheelchair accessible vehicle. This is for
22 the 60 to 80 percent that can transfer from a
23 wheelchair.

24 The vehicles that are on the road for
25 the purpose of the Medallion sale are chopped,

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1 lower floor vehicles, with quite a lot of
2 after modifications done. They are completely
3 different vehicles. You could literally go in
4 and buy an Escape Hybrid or a Toyota Sienna
5 today and have one of these seats installed.
6 And it's my understanding that the
7 participating manufacturers provide \$1,000
8 rebate on the cost of these seats.

9 COMM. GIANNOULIS: So what you are
10 saying is that the requirement that we have
11 for the Medallions are specifically designed
12 for handicapped vehicles. These technologies
13 will not satisfy that requirement?

14 MR. SCHENKMAN: Will not. This is an
15 added level of mobility.

16 COMM. GIANNOULIS: So who would
17 purchase this, in theory?

18 MR. SCHENKMAN: In theory, should
19 the pilot be successful both from a passenger
20 and a driver standpoint, the vision is that
21 there could 500 to 1,000 minivans out there
22 that could provide a level of mobility for
23 someone who may have just broken their leg, is
24 just elderly and has arthritis on a rainy day.

25 CHAIRMAN DAUS: Are we here also

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1 today because there is a fleet owner who is
2 willing to install this?

3 MR. SCHENKMAN: There is an agent,
4 and we believe that in addition to putting it
5 into a fleet or an agent service, a
6 driver-owned vehicle, a vehicle owner would
7 take more ownership of this and show it off
8 and it much more frequently, than, say, a
9 fleet driver who may not be familiar.

10 COMM. GIANNOULIS: That's good. You
11 did a good job, Peter. We should do more of
12 this kind of stuff.

13 MR. SCHENKMAN: Thank you.

14 CHAIRMAN DAUS: If there are no
15 questions -- I'm sorry, Commissioner Gonzalez?

16 COMM. GONZALEZ: I just have a quick
17 question. With these modifications, does that
18 have any impact on the vehicle warranty?

19 MR. SCHENKMAN: None at all. They
20 are all factory supported. There are
21 currently four bolts or nuts that hold any
22 seat in a car down. Undo those four, this
23 snaps in. No modifications.

24 COMM. GONZALEZ: Also on the TAS, is
25 there a maximum weight?

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1 MR. BRUNO: 330 pounds for the seat
2 and 350 pounds for the Joey Lift.

3 MR. SCHENKMAN: One of the neat
4 things about the Joey Lift, should that also
5 be implemented, is at an airport, some people
6 I have seen get off the plane with trunks.
7 You can slide the trunk right on and Joey Lift
8 it right up and the driver doesn't have to
9 fight with heavy luggage.

10 COMM. GONZALEZ: Thank you.

11 MR. SCHENKMAN: As far as the pilot
12 specifics, we envision, again, a six to
13 twelve-month pilot program with a DOV and
14 possibly two fleet vehicles. The deadline for
15 the final report would be the end of the 13th
16 month. There are a few other manufacturers of
17 these type of seats out there, so I would say
18 we would probably not set a maximum number of
19 participants, but limit, depending on the
20 number of participants, to three vehicles.

21 And, again, the RFI process would
22 take place with a public notice, and the
23 selection process in this case would be based
24 on federal motor vehicle safety standards,
25 because there are specific standards for seats

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1 in vehicles in this country. The safety
2 evaluation, we will leave that up to the
3 federal government, provided they don't rip
4 out. But these seats have been crash tested.

5 Again, the Memorandum of
6 Understanding would be entered between Bruno
7 and the Taxi and Limousine Commission, and our
8 criteria for evaluation would be ease of use
9 for both passengers, driver, and the number of
10 times that the unit is deployed. And that
11 would be part of the reporting requirements
12 and we would also envision a survey in the
13 back of these vehicles also.

14 CHAIRMAN DAUS: Does anybody want to
15 make a motion?

16 COMM. GIANNOULIS: So moved.

17 CHAIRMAN DAUS: A second?

18 COMM. GONZALES: Second.

19 CHAIRMAN DAUS: All in favor?

20 (Chorus of "Ayes.")

21 CHAIRMAN DAUS: Passes. Thank you
22 very much, Peter, and Bruno and Autovan. We
23 look forward to working with you.

24 COMM. GIANNOULIS: Can I can ask a
25 question?

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1 CHAIRMAN DAUS: Sure.

2 COMM. GIANNOULIS: Can we go back to
3 the looping technology?

4 CHAIRMAN DAUS: Sure.

5 COMM. GIANNOULIS: Did we do
6 anything here? What happened exactly?

7 CHAIRMAN DAUS: We are going to
8 issue a Request For Information, which is a
9 document that will be put out to the world
10 basically asking them to give us information
11 about the technology so we can, number one,
12 learn more about it. And, number two, see who
13 is interested in possible doing this.

14 COMM. GIANNOULIS: See who is
15 interested in doing a pilot program?

16 CHAIRMAN DAUS: Yes.

17 COMM. GIANNOULIS: So it's a
18 modified pilot program. My question is, I am
19 just trying to --

20 CHAIRMAN DAUS: It could lead to a
21 pilot program or other action.

22 MR. SCHENKMAN: The key is,
23 Commissioner, that no formal pilot program was
24 issued so we can't necessarily do a pilot
25 program. What we want to do it learn more

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1 about it, come back to the Commission. We
2 anticipate there being some next steps. We
3 don't know exactly what they might be, and,
4 hopefully, testing some equipment as a pilot.
5 If that's the case, we will follow the process
6 that we just did for Autovan and Bruno. So we
7 are kind of one step before.

8 CHAIRMAN DAUS: Ordinarily the best
9 way to go about this is to have somebody who
10 is interested bring a pilot program proposal.
11 But we haven't had someone who has actually
12 filed it with us, but it is an important
13 enough issue and we have seen enough interest
14 out there that we want to take our own
15 initiative.

16 Ms. Shachter is there.

17 MS. SHACHTER: That's not absolutely
18 accurate on the pilot program issue. May I
19 speak? I actually have testimony here.

20 CHAIRMAN DAUS: I know. We have
21 handed it out to the Commissioners.

22 MS. SHACHTER: I understand. On the
23 pilot program, I was working with Alan
24 Fromberg. If you flip to the back of this,
25 Alan Fromberg asked me for 40 free induction

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1 loops back in July, which I was little
2 surprised I was being asked as a private
3 citizen. I am now the executive director of
4 the Deafness Research Foundation. At the time
5 I am the Chair of the Hearing Access Program,
6 and I am also the mother of a 12 year old
7 daughter with hearing loss.

8 So he asked me for 40 free system. I
9 obtained for him 12 free systems. If you
10 follow the e-mail thread, you will see that it
11 was supposed to be piloted on October 31st. I
12 was concerned that he elected not to pilot it
13 and was going to present it to the vendors. I
14 said I don't think they are going to
15 understand it, I think we should install it.

16 He actually has two induction loops
17 in his office. And I said, they are going to
18 think it is like voodoo, they are not going to
19 get it and understand how this induction loop
20 works, how a driver can speak and someone can
21 hear it in their hearing aid.

22 CHAIRMAN DAUS: I think you are
23 talking about Ira Goldstein, not Alan
24 Fromberg.

25 MS. SHACHTER: Yes, I am sorry.

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1 CHAIRMAN DAUS: He is actually away
2 on vacation so he is not here today.

3 MS. SHACHTER: I have his e-mails
4 right here. And he said, don't worry, we
5 understand it. He then decided he wasn't
6 going to do it. So we thought we were in the
7 middle of a pilot program.

8 COMM. GIANNOULIS: You may not
9 understand the process. Both Ira and Alan are
10 great Americans, but they don't have the
11 ability to authorize a pilot program. We do.
12 Just so you understand.

13 MS. SHACHTER: I have since learned
14 that and did not know that. But I have the
15 e-mails here.

16 COMM. GIANNOULIS: Honestly, from
17 reading the e-mails, I think they were very
18 helpful to you. And the fact that we are even
19 discussion this today, obviously meant that
20 somebody was interested enough to put this
21 forward.

22 MS. SHACHTER: Yes, the Mayor.

23 COMM. GIANNOULIS: I don't care if
24 it is the Mayor or whoever it is.

25 MS. SHACHTER: Well, it's

00058

1 frustrating to me because I thought for the
2 last six months we were implementing a pilot
3 program and then found out no, now we are back
4 to square one.

5 CHAIRMAN DAUS: Ms. Shachter, we are
6 really not back to square one. Whatever
7 confusion, I think now is cleared up. We are
8 going to move forward on our own initiative,
9 without any member of the public, with a very
10 short, abbreviated time frame to get an RFI
11 out there, working very closely with the
12 industries and technology people.

13 We are taking action to get
14 information to make decisions. You are able
15 to, tomorrow, submit, in accordance with the
16 pilot program rules, like you saw the other
17 participants from Bruno and Autovan did, we
18 will be happy to give you a copy of it, sit
19 down with you and explain it to you. It's
20 your call if you or others are interested in
21 doing that. We will consider it at the next
22 meeting if you can get it to us.

23 MS. SHACHTER: I can turn it around
24 in 24 hours.

25 CHAIRMAN DAUS: Great. We will clear

00059

1 up some of the confusion. We will give you
2 the documents that you need and we thank you
3 for joining us, but in the interest of time
4 and procedure, this is not a public hearing.
5 This was just a staff presentation.

6 MS. SHACHTER: That's fine, I was
7 just clarifying.

8 CHAIRMAN DAUS: We thank you for
9 your information. The Commissioners are going
10 to read it and will be in touch with you.
11 Thank you.

12 Okay, what is now item 5(c), it was
13 item 4(c) Cavallaro Media Services, it is a
14 Livery Phone System pilot program proposal.
15 And I believe Jen Palmer from our staff has a
16 recommendation on that one.

17 MS. PALMER: Good morning again.

18 Today I am going to be talking with
19 you about another pilot program proposal that
20 you have before you. You should have a copy
21 in front of you of the proposal from Cavallaro
22 Media Systems. I am quickly going to
23 highlight the components of the proposal, the
24 staff's review and recommendation.

25 The proposal outline is the creation

00060

1 of a central telephone number for passengers
2 of livery vehicles to call for a ride. Bases
3 would be mandated to sign up, pay an
4 affiliation fee to the owner of the central
5 number and then be placed in a
6 borough-specific call queue. Passengers
7 looking for a ride, call the central number --

8 COMM. GIANNOULIS: Hold on a second.
9 I actually don't have a copy of that, so it's
10 a little hard for me to follow along.

11 CHAIRMAN DAUS: We had sent it to
12 you previously.

13 COMM. GIANNOULIS: It would be
14 helpful if someone could make a copy.

15 CHAIRMAN DAUS: We will get it for
16 you right away. This was sent in hard copy to
17 the Commissioner and e-mailed prior to the
18 meeting.

19 COMM. GIANNOULIS: Noach speed reads
20 so he gave me his.

21 MS. PALMER: Would you like me to
22 hold on while we make copies?

23 CHAIRMAN DAUS: You can go forward.

24 MS. PALMER: Passengers looking to
25 arrange a ride would call the central number,

00061

1 select the borough that they are located in,
2 and they are connected with a base that is
3 next in queue for their specific borough.
4 While waiting to be connected to the base, the
5 passengers might here a public service
6 announcement, 311 information, et cetera.

7 In the system, the centralized number
8 would not dispatch the ride, but, rather,
9 rides would still be dispatched by the local
10 base station. After the passenger has
11 arranged the ride, they have the ability to
12 disconnect the call or do audio shopping where
13 the passenger would hear selected
14 advertisements and be able to receive text
15 messages, discounts, et cetera.

16 Upon receiving this proposal, staff
17 reviewed it, spoke with Mr. Cavallaro and had
18 numerous internal discussions regarding the
19 merits of the proposal, cost, and the
20 potential benefits. Through these
21 discussions, it became clear that Mr.
22 Cavallaro can, and actually is already working
23 with some base stations to establish a system.
24 Additionally, there are no rules that preclude
25 him from pursuing this with bases who are

00062

1 interested in doing this voluntarily.

2 Based on that information, staff is
3 recommending that the Commission deny the
4 pilot program proposal that is submitted by
5 Cavallaro Media Systems. If you have any
6 questions, I am happy to answer them.

7 COMM. GIANNOULIS: You are
8 recommending that we deny it because he can do
9 it anyway?

10 MS. PALMER: Yes, there are no rules
11 that preclude him.

12 COMM. GIANNOULIS: Okay, I thought
13 that was strange myself.

14 COMM. DEAR: Why did he come here
15 for?

16 CHAIRMAN DAUS: Our procedures that
17 we passed require that, instead of me denying
18 this on my own so I don't waste anyone's time,
19 that you wanted and insisted when we passed
20 these rules to hear these things.

21 COMM. DEAR: But when it was
22 submitted to the agency, why did you not say
23 you can do it on your own.

24 MR. SALKIN: I think, ultimately,
25 Commissioner, he was looking for a mandate

00063

1 that all vehicles do this. We think it's
2 possible now that he can do it on his own. If
3 it warrants a competitive edge and people want
4 to do it, we will see it happen.

5 COMM. GIANNOULIS: I don't think the
6 Chair is supposed to be rejecting pilot
7 programs.

8 CHAIRMAN DAUS: That's right. That's
9 what you had requested.

10 COMM. GIANNOULIS: We wish Mr.
11 Cavallaro well in his endeavor, but we reject
12 it.

13 COMM. DEAR: Before we reject it, you
14 are a great American, but...

15 CHAIRMAN DAUS: I would hope you
16 would say the same thing about the Design
17 Trust report.

18 COMM. DEAR: We are all a great
19 Americans.

20 CHAIRMAN DAUS: Everyone is a great
21 American in this room, but I certainly
22 appreciate Mr. Cavallaro's -- we have
23 Canadians here, by the way, so they are also
24 great Americans, great North Americans.

25 It's an interesting idea, I just

00064

1 don't think it is the right time for us to
2 even consider passing a rule mandating that
3 some person that comes out of the woods by
4 himself, automatically all bases have to have
5 their number routed through them. It just
6 seems over the top and a little bit
7 anticompetitive in some respects. But it's a
8 free market, if they can find 10 or 20 bases
9 and do it on their own and prove that it is
10 something worthwhile, then maybe they can come
11 back.

12 The only reason I brought it here is
13 because our procedures require me to share it
14 with you and give you the benefit of the
15 doubt. With that in mind, I would like to
16 make a motion to reject that pilot.

17 Do we have a second?

18 COMM. GIANNOULIS: Second.

19 CHAIRMAN DAUS: All in favor?

20 (Chorus of "Ayes.")

21 CHAIRMAN DAUS: So rejected. Thank
22 you, Jen, Mr. Cavallaro.

23 Now we proceed to item 6(a) on the
24 agenda, proposed rules for public hearing and
25 Commission action, proposed possible

00065

1 Commission action. Item 6(a) is changes to
2 our petition and in-vehicle camera
3 specifications. I would like to turn it over
4 to our general counsel Chuck Fraser who is
5 going to describe and summarize the rules and
6 talk about some potential changes staff is
7 recommending to them.

8 MR. FRASER: This proposed rule
9 would enhance the requirements for security
10 equipment in taxicabs and liveries. Existing
11 rules require that each taxicab and livery be
12 equipped either with a partition or some other
13 approved security device. The only other
14 device that has ever been approved is an in-
15 vehicle camera system. Therefore, this
16 proposed rule would explicitly provide that
17 for a vehicle not required to have a
18 partition, the acceptable alternative to a
19 partition is an in-vehicle camera system.

20 The proposed rule also updates the
21 specifications for partitions in several
22 respects. For instance, the proposed rules
23 would require that a partition be constructed
24 with a mar-resistant polycarbonate ballistic
25 steel plate. The proposed rule also requires

00066

1 an L-shaped partition model that accommodates
2 curtain airbags that the Commission approved
3 on December 14, 2006.

4 The proposed rule would also update
5 the requirements for in-vehicle camera
6 systems. Some existing camera systems already
7 comply with the proposed specifications, but
8 others may need to be replaced or upgraded
9 with expanded memory capacity. The new
10 partition and camera system specifications
11 would be phased in beginning May 1, 2007.

12 The proposed rules would retain the
13 exemptions from partition requirement for
14 owner-driven taxicabs and for hybrid electric
15 taxicabs. The proposed rules would also
16 retain the partition exemption for vehicles
17 affiliated only with black car and luxury
18 limousine base stations. All liveries would
19 retain the option to be equipped either with
20 partitions or in-vehicle camera systems.

21 Also for liveries, the proposed rules
22 would permit a cell phone with an emergency
23 dialing feature as an alternative to a two-way
24 radio. The proposed rules also require that
25 the taxicabs and for-hire vehicles equipped

00067

1 with in-vehicle camera systems have decals
2 placed on the rear passengers windows advising
3 that the vehicle is equipped with camera
4 security and that passengers will be
5 photographed.

6 The proposed rules were published for
7 comment on March 9th. Five written comments
8 were received and copies have been distributed
9 to the Commissioners. Based on those
10 comments, staff is recommending that the
11 proposed rules be revised in one respect.
12 Several commentators objected to the provision
13 in the proposed rule that would require that
14 in-vehicle camera systems be installed and
15 repaired only by TLC licensed taxi meter
16 businesses. Therefore, staff recommends that
17 the proposed rule be revised to limit
18 installation and repair of in-vehicle camera
19 systems to businesses that are either licensed
20 by TLC as taxi meter businesses or licensed as
21 businesses by the city's Department of
22 Consumer Affairs. This revision retains the
23 purpose of the proposed rule, which is to
24 combat the installation of stolen or
25 inoperable camera systems by less established

00068

1 businesses.

2 Copies of the proposed revision have
3 been distributed to the Commissioners and are
4 available to the public in the back of the
5 room.

6 CHAIRMAN DAUS: Okay, the first
7 speaker we have is Mr. Joe Giannetto from
8 MTBOT. We have five speakers signed up and
9 you will each have three minutes.

10 MR. GIANNETTO: Good morning,
11 Commissioners. Several months ago this
12 Commission relaxed the rules as it relates to
13 the partition requirements, specifically for
14 vehicles with side curtain airbags and for
15 hybrid vehicles.

16 And at that time, the MTBOT testified
17 that it had concerns over the driver safety
18 implications of such a move. And the TLC
19 responded that it would work hard to redesign
20 the partitions and reinstitute the partition
21 requirements, at least for the side curtain
22 airbag vehicles. And so, we just want to
23 commend the Commission for the work that they
24 have done in designing new partition options
25 and for reinstituting the requirement that

00069

1 partitions be in vehicles with side curtain
2 airbags. So we just want to say thank you for
3 that work.

4 CHAIRMAN DAUS: Thank you, Mr.
5 Giannetto. Next speaker is a Diego Yepes.

6 MR. YEPES: Good morning. My name
7 is Diego Yepes and I work at Taxi Camera
8 Corporation. You received my comments. We
9 talked about the licensed taxi meter
10 businesses being the only authorized
11 installers. And I thank you for that.
12 Because we are a small family business and
13 much of our income comes from servicing the
14 for-hire vehicles and the taxi cameras.

15 Another proposed rule I would like to
16 comment on is 117 VNW for the affidavit,
17 stating that upon installation, repair or
18 modification, a notarized affidavit signed by
19 a manufacturer's authorized installer
20 attesting to the proper functionality of the
21 IVCS shall be provided to the Commission by
22 the authorized installer.

23 I just want to say that we are behind
24 any and all proposals to battle the problems
25 of theft and unauthorized installations by

00070

1 untrained individuals installing mock-ups,
2 installing units. Not only do these random
3 installers affect us financially, but it
4 negates the sheer concept of the IVCS was
5 meant for, an effective and respected
6 in-vehicle crime deterrent. So we believe the
7 affidavit implemented by the TLC will be a
8 positive step in combatting the improper
9 installation that this industry is currently
10 experiencing, although I believe it should not
11 be notarized. This will only increase cost
12 and time into an ever-demanding industry.

13 The TLC should inspect or keep track
14 of the sales, installation and service of the
15 IVC on a yearly basis. On a further note, we
16 recommend that each IVCS be checked at least
17 twice a year for proper function and recording
18 of the affidavit for IVCS history maintenance
19 sheet by an authorized installer. This
20 affidavit or IVCS history maintenance sheet
21 should be present in the vehicle at all times,
22 standing for a certificate of ownership and
23 authenticity.

24 Again, I thank you for your time.

25 CHAIRMAN DAUS: Thank you.

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1 Jeff Steinman?

2 MR. STEINMAN: Hello, great

3 Americans and Commissioners. Thank you for
4 the time. I also would like to speak on
5 behalf of another family-run business, All
6 Borough Auto Sound and Security. We have been
7 in business since 1993, and have really
8 catered to the TLC community in mirror guards,
9 security systems, wheel locks and grille
10 locks. And since the Commission I guess
11 enacted the security cameras, since 2001, I
12 believe, we have been installing those ever
13 since, really, with our mission as security.

14 So, obviously, we are pleased to hear
15 that staff recommended to amend the Section 3,
16 Subsection 8(u) to at least allow the small
17 business owners to compete with the security
18 systems. I would also like to further comment
19 on the notary. Just to possibly throw out a
20 possible interface that could be set up that
21 once licensed or authorized installers of
22 these systems can maybe even go on line and
23 put in a VIN number, match to a plate, where
24 they might be able to just have installers
25 have a data entry system on line that the city

00072

1 may be able to set up, where you can better
2 keep track of these systems without having to
3 go through the paperwork of notary public. It
4 may actually, moving forward, be a better way
5 to set up that practice. But I do thank you
6 for your time.

7 CHAIRMAN DAUS: Thank you.

8 Where are you located, by the way?

9 MR. STEINMAN: On McGinnis Boulevard
10 in Brooklyn.

11 CHAIRMAN DAUS: Okay, thank you.

12 Next speaker who signed up is Ms.
13 Janice Shachter, but I think she left.

14 Bill Lindauer?

15 MR. LINDAUER: In case anybody
16 doesn't know, I am Bill Lindauer. I am with
17 the New York Taxi Workers Alliance. We are
18 now an international group. We have brothers
19 from Canada in our group and we are a global
20 force in this industry for good.

21 Driver safety should be the number
22 one priority. Partitions, I think, you will
23 find if you survey drivers, are the preferred
24 method by far. By far. Incidentally, the
25 trouble light is just trouble because you

00073

1 can't find it, and then the police ignore it.
2 And any system similar to that will be ignored
3 by the authorities.

4 And the camera system, if I can
5 understand the notes, the proposal without
6 falling asleep, because it was written by
7 lawyers, God knows, the world needs them,
8 right, so they say.

9 CHAIRMAN DAUS: Yes, they do.

10 MR. LINDAUER: It says that it will
11 only be in operation for two and a half
12 minutes, so if you get robbed in ten minutes
13 into the ride, the guy won't be on camera.
14 And if you have seen news reports on TV,
15 pictures taken in robberies at banks or shops
16 or 7-Elevens, the pictures very often are very
17 fuzzy. You can't make out anything. Just may
18 determine whether somebody is white or black
19 or whatever. But it's very poor.

20 CHAIRMAN DAUS: So are you for or
21 against these rules, or do you have any
22 changes to offer?

23 MR. LINDAUER: I just think that the
24 camera has to be on constantly. Constantly.
25 And you somehow have to make sure it meets

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1 standards of clarity in terms of the pictures.
2 And the drivers prefer partitions. Driver-
3 owners, of course, may prefer the camera.
4 Incidentally, you should also make
5 attacks on drivers a felony, like there are
6 stickers on buses and in the subways that say
7 an attack on a bus or subway employee is a
8 felony, blah, blah, blah. You should be
9 spearheading the effort to make that change in
10 Albany so that an attack on a driver is
11 considered an attack just as it is on a
12 motorman or a bus driver.

13 CHAIRMAN DAUS: There actually was
14 something that was done and Governor Pataki
15 passed it a few years ago. There are enhanced
16 penalties for people. We will happy to share
17 it with you.

18 MR. LINDAUER: And as for the
19 technology, the technology is all well and
20 good and I applaud it, but there should be
21 exploration of state, federal or city funds
22 under maybe the Americans with Disability Act
23 to help pay for these systems. These are
24 costly systems. Not even owners should have
25 to pay for this. And, of course, if they have

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1 to pay, these charges are passed on to drivers
2 in any form. You may say no lease cap
3 increases, but they will call it a technology
4 fee. Or what they are doing now, some people
5 are making drivers pay for their tax stamp or
6 for car insurance I heard in one case.

7 CHAIRMAN DAUS: Could you sum up,
8 please, because your time is expired.

9 MR. LINDAUER: I just think you
10 should really carefully study this, and the
11 cameras have to be on constantly. And I think
12 partitions are the best method. Thank you.

13 CHAIRMAN DAUS: Thank you very much.
14 That concludes our preregistered
15 speakers. I see somebody raising their hand.

16 Mr. Grover, come on up.

17 MR. GROVER: My name is Artie Grover,
18 I am an officer of the Livery Owners
19 Coalition, which represents fleet-owned
20 vehicles throughout the five boroughs.

21 Once the rule law was set for cameras
22 to be put in cars, which is going back I guess
23 about maybe 10 or 15 years ago, we have been
24 installing and repairing our own. They are
25 checked regularly by our garage, which is

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1 where our base is. We find no purpose for us
2 to go to a, quote, authorized dealer to spend
3 all kind of money and waste all kinds of time
4 to have something done that we can do right in
5 our own base. If you feel that it should be
6 designated for independently owned vehicles, I
7 can understand that. But as far as
8 fleet-owned vehicles, I feel it's a waste of
9 time and another cost that is laid onto a base
10 owner who owns his own vehicles.

11 Thank you very much.

12 CHAIRMAN DAUS: Thanks. Two other
13 speakers, could you please come up and
14 identify yourself, please?

15 MR. YURO: My name is Benny Yuro
16 (ph). I have been in the industry for more
17 than 30 years. Unfortunately, two years ago I
18 have to give my license up because of the lack
19 of business. Now, since we have the camera,
20 we have been installing camera for regular,
21 and all this time I have the license from the
22 Taxi and Limousine Commission. I always do my
23 job properly. I never have a problem with any
24 illegal matter. Now I serve the Spanish
25 people over there in Brooklyn. These people

00077

1 really need my service. They don't want to go
2 to Manhattan. So I believe if you do can do
3 it, have a small form for the camera, a simple
4 affidavit that we don't have to do more
5 paperwork. It is just a waste of time of the
6 taxi driver. Thank you.

7 CHAIRMAN DAUS: Okay, thank you.
8 Last speaker?

9 MR. WALKER: I just talked to Peter,
10 I don't think I need to speak. I was just
11 going to --

12 CHAIRMAN DAUS: You are speaking so
13 please identify yourself?

14 MR. WALKER: My name is Terry
15 Walker, I represent Verified Technologies.
16 Thank you very much, Mr. Chairman, for giving
17 me this opportunity.

18 I just wanted clarify something one
19 of the earlier people said. Bill I think his
20 name was. The new specification requires far
21 more than just two and a half minute before
22 and after an event. For an average fare, we
23 estimate that the cameras will take about 17
24 pictures, and they are high resolution
25 pictures as well, as required by the spec.

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1 CHAIRMAN DAUS: Okay.

2 Yes, sir, you are the last speaker.

3 MR. FITZSIMMONS: Thank you very
4 much. My name is Barry Fitzsimmons and I am a
5 member of the Taxi Workers Alliance and I am
6 one of the first drivers of the wheelchair
7 cabs. I have to tell you, ladies and
8 gentlemen, that on the wheelchair accessible
9 cabs, especially the Ford Freestar, I have to
10 pass up a lot of elderly passengers because
11 those vehicles are too high. So if you can
12 get them to adjust them to a hydraulic system
13 just like the buses where they go up and down
14 so the elderly passengers can also climb in
15 the cabs easily.

16 Thank you.

17 CHAIRMAN DAUS: Thank you, sir.

18 That concludes our public hearing.

19 Peter, do you wish to address any of
20 the questions that came up, or do any
21 Commissioners have questions?

22 COMM. DEAR: One issue about the one
23 that Artie Grover raised. I didn't realize it
24 because it probably affects fleet owners as
25 well, if they do the repairs or installation

00079

1 on premises, according to the new regulations,
2 they won't be able to unless they go to an
3 authorized shop; is that correct?

4 MR. FRASER: Yes. The way the rule
5 is written the installation and repair must be
6 done by someone who is either licensed by the
7 Department of Consumer Affairs or licensed by
8 us as a taxi meter business and also is a
9 factory authorized installer. That's the way
10 the rule reads.

11 COMM. DEAR: Then I would like to
12 amend or make a recommendation that we add
13 that those people who are operators, both on
14 the livery vehicles as well as taxicabs, that
15 they should be allowed, if they have their own
16 shop to do repairs, that they can be
17 authorized to do repairs and installation and
18 sales as well.

19 MR. SCHENKMAN: If I may, Medallion
20 fleet owners, many of them are licensed meter
21 shops. And for I believe \$25, any fleet can
22 become a DCA licensee. They don't necessarily
23 have to go outside to another facility if they
24 are themselves licensed.

25 CHAIRMAN DAUS: Peter, I just want

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1 to make sure that myself and everybody
2 understands the reason why we are requiring
3 the accountability. Is it in order to hold
4 them accountable in case the person engages in
5 any type of fraud, or is there some other
6 reason?

7 MR. SCHENKMAN: The theft of these
8 cameras is excessive and this is one of the
9 ways that, A,. We will ensure theft will go
10 down and we ensure that the cameras are
11 operating as the manufacture states. The
12 worst thing I can envision is improper
13 installation, a criminal activity occurs and
14 the camera was out of focus, misaligned or not
15 connected properly and we lose that.

16 COMM. DEAR: Peter, according to some
17 people who testified, he has been doing this
18 all this time and we have no problems.

19 MR. SCHENKMAN: Then there should be
20 no issue getting licensed.

21 COMM. DEAR: You are making a
22 statement. I don't know if it's true or not.
23 We have the former counsel -- our enforcement
24 person, used to be a DCA Deputy Commissioner,
25 so there is my answer.

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1 MS. MULLIN: Good morning.

2 COMM. DEAR: Is that correct what he
3 said, that one could just apply for a license?

4 MS. MULLIN: They could apply for a
5 license. All it's going to require is that
6 they submit a lease and there is some other
7 paperwork they have to submit, which they
8 should have already since they submit to us
9 proof of paying taxes, corporation papers.

10 COMM. DEAR: They don't have to show
11 that they are experts in anything else?

12 MS. MULLIN: No.

13 COMM. DEAR: And it's only \$25?

14 MS. MULLIN: It's a little more than
15 \$25.

16 COMM. DEAR: What's the number?

17 MS. MULLIN: I think it is like 125.

18 Don't hold me to it, but it is not an
19 excessive amount.

20 And the reason we want people
21 licensed is so that we can hold them
22 accountable. If they are not licensed, we
23 can't bring violations against them, we don't
24 have jurisdiction.

25 CHAIRMAN DAUS: If it's a licensed

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1 base, wouldn't we be able to write summons
2 against them as a licensee if we allow them to
3 do the work, or are there not rules for that?

4 MS. MULLIN: It wouldn't cover them
5 under the base rules.

6 CHAIRMAN DAUS: We would have to
7 amend the base rules.

8 MS. MULLIN: We are working out the
9 joint enforcement powers with Consumer Affairs
10 so that those places that are licensed by
11 Consumer Affairs, either we will write the
12 violations or we will testify or we will work
13 with them to do the violations.

14 CHAIRMAN DAUS: And you actually
15 have already spoken to Consumer Affairs about
16 this?

17 MS. MULLIN: I have spoken to
18 Consumer Affairs.

19 COMM. DEAR: She is Consumer
20 Affairs.

21 MS. MULLIN: They are more than
22 happy to join us on this project.

23 CHAIRMAN DAUS: All right, if they
24 are willing to do it, does anybody have
25 objections to it?

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1 COMM. DEAR: So it is your opinion
2 that is the way we should pursue it?

3 MS. MULLIN: Definitely. It is the
4 only way to hold everybody accountable.

5 COMM. DEAR: Okay.

6 CHAIRMAN DAUS: Any other questions?

7 COMM. VARGAS: A question for you,
8 Chuck. As it relates to the time frame for
9 the affidavit that needs to be submitted to
10 TLC, the rule is silent as to how long, once
11 the installation occurs, do they need to send
12 it to us. Maybe we should arbitrarily pick
13 ten days, two weeks after installation,
14 something like that. This way it gives the
15 installer the time to get documents notarized.

16 MR. FRASER: We didn't specify time.
17 It says "upon installation," so obviously it
18 implies contemporaneously. You're right,
19 that's not precise.

20 Commissioner Schenkman, did you have
21 something specific in mind?

22 MR. SCHENKMAN: Two weeks seems
23 reasonable to put it in the mail, do the
24 paperwork at the end of the day and send it
25 off.

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1 CHAIRMAN DAUS: So 14 calendars days.

2 COMM. POLANCO: I have a question.

3 Since my understanding is we are making a lot
4 of changes to the rules, so unless these
5 proposed rules are going to be included, why
6 are we basically -- why are these proposed
7 rule before us today, because we are making so
8 many changes?

9 CHAIRMAN DAUS: That's a good
10 question. We can actually make some
11 amendments, if we wish, as part of a motion.
12 So if you would like to add the 14 days, we
13 can do that now.

14 COMM. POLANCO: No. My question is:
15 Since we are making so many changes to the
16 rules, unless these proposals we are
17 discussing today are going to be included in
18 the new rule book that is going to come out
19 whenever, then why are we having basically
20 these proposals now and not wait until we have
21 the whole -- we are going to have public
22 hearings for these proposals, so why not wait?

23 MR. SALKIN: I believe you are
24 referring to the rules RFP that is out on the
25 street. The deadline for that to close, I

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1 believe it is about to close and TLC will be
2 evaluating it. That process will take quite
3 sometime and what you are going to see is as
4 that process rolls out, the Commission will
5 still -- we plan to still bring rules to the
6 Commission because there is still business
7 that needs to be taken care of.

8 In this case, we are talking rules
9 that involve safety, driver safety and public
10 safety. So to wait, you know, who knows how
11 long for that to happen, is, we don't think,
12 necessary or appropriate.

13 The other piece is the main goal of
14 the rules and the first part of the rules is
15 not necessarily to change the rules and
16 reevaluate them, it is to make them clear,
17 easier to understand. So the concept of this
18 rule as it is discussed today, this rule may
19 not change at all. But the idea is to say
20 that there is a partition spec, that there is
21 a camera spec. So we are hoping that not
22 every single rule has to change, but the idea
23 is to look at the rule and make sure that it
24 is clear to understand.

25 COMM. POLANCO: So basically we are

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1 not going to be revisiting this?

2 MR. SALKIN: No, I didn't say that.
3 I said the rules will be revisited. How the
4 rules get interpreted and what the new format
5 is for the rules may get changed, but the idea
6 that the camera specs would change isn't
7 necessarily something that would happen. But
8 how the rule would read might be something
9 that changes.

10 CHAIRMAN DAUS: That's a good point.
11 We can revisit anything at any time. I think
12 it is important to note that we can't stop the
13 daily business when it comes to getting things
14 done, public safety and so forth. The rules
15 project is going to take a while. The good
16 news is that we received bids the other day,
17 the bidding deadline has passed.

18 Andy and I talked about involving, as
19 per your request, the Commissioners at a very
20 stage. So at some point, once the contractors
21 are hired, what we would like to do is have
22 individual one-on-one meetings with all the
23 Commissioners where you tell us, based upon
24 your knowledge and expertise of the rules and
25 what you believe should be the policy

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1 priorities, that we have the Commissioners set
2 the priorities. And then this way we have
3 guidelines that the consultants can work on.

4 It is going to be a long process, it
5 is going to take a while to get all of this
6 done, but we still have to get the work of the
7 Commission done. So these rules are mostly
8 technical. They are not changing anything
9 substantive in terms of the safety component
10 for the drivers. Basically, that all remains
11 the same, and I think Chuck's memo have bore
12 that out to all of you.

13 The history behind this is the state
14 law, passed years and years ago, required that
15 all taxicabs have partitions, and then at the
16 end of 2000, there were, unfortunately, in the
17 livery industry, a rash of incidents where
18 there were robberies and several, several
19 drivers, unfortunately, murdered. As a result
20 of that, the city, and somebody brought up who
21 is going to have to pay for these, the city
22 paid for most of them. There was a five
23 million dollar fund that was set up by the
24 Economic Development Corporation at the time
25 that paid for practically every camera to be

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1 installed in the livery industry. So the way
2 the rule works is that basically if you are an
3 individual owner and driver of a car, you have
4 an option how to protect yourself. If you are
5 a fleet owner and you are a corporate owner,
6 you have to put a partition in because the
7 driver doesn't have a choice.

8 Those rules are not changing in any
9 way, shape or form. What we are basically
10 doing for the most part, with some other
11 technical, administrative items that Peter has
12 added, is we are taking what was previously in
13 the Memoranda of Understanding or contracts
14 between the city and the TLC and private
15 vendors, and putting them in our rules so that
16 we can clean that up and have it out there for
17 all to see. So this is not changing or
18 rolling back any type of safety issues. And,
19 in fact, the city did pay for most of these
20 vehicles. And, thankfully, there has not
21 been, I think it's been now -- what is it,
22 Alan, like 9 years now, that there has not
23 been a murder in a yellow cab?

24 MR. FROMBERG: Since January 13,
25 1997.

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1 CHAIRMAN DAUS: Since 1997, ten
2 years. And lo and behold, thanks to the work
3 of the Police Department and the work of this
4 Commission, all of those murders stopped after
5 we did this. So that is not going to change.
6 Just so people understand, it is highly
7 technical. We are talking about things such
8 as entities that are stealing cameras from one
9 another and stuff like that. It's more
10 integrity in that respect. And I think the
11 system of accountability that they have worked
12 out, I think, is an excellent one and I am
13 prepared to vote for it.

14 COMM. GIANNOULIS: Can I ask a quick
15 question as a point of reference?

16 CHAIRMAN DAUS: Yes.

17 COMM. GIANNOULIS: What RFP is
18 everybody talking about?

19 COMM. WEINSHALL: We haven't
20 determined yet, we are first going out for an
21 RFP.

22 MR. SALKIN: That is a project to
23 rewrite the rules, make it in plain language,
24 make them make more sense. And that is
25 something we have been working on for about a

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1 year now.

2 COMM. WEINSHALL: Andy, could remind
3 the Commission how many rules there are?

4 MR. SALKIN: Right now there are
5 3,300 rules. There is a book of 600 rules.
6 It's interesting, I was looking, we have a
7 hundred pages worth of more rules than the
8 Department of Transportation. And what the
9 idea is, ever since 1971, as the industry has
10 grown and as the Commission has changed, the
11 rules have taken on different thoughts in
12 different times. And the idea is to look at
13 them, look at the rules all at once, and kind
14 of think about it again.

15 COMM. GIANNOULIS: What is this RFP?

16 MR. SALKIN: The RFP was to hire
17 people with expertise in understanding rules
18 to be able to help us rewrite the rules,
19 understanding how other places have written
20 rules with the idea being that they will
21 provide an expertise and a skill set that goes
22 beyond the agency's current staff to help us
23 begin to outline how the rule structure should
24 be.

25 So the idea is right now there are

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1 five different definitions of drivers, and
2 maybe there should be one, maybe there should
3 be five.

4 COMM. GIANNOULIS: An RFP has gone
5 out?

6 MR. SALKIN: An RFP has gone out and
7 the time has closed on that.

8 COMM. WEINSHALL: The second RFP.

9 MR. SALKIN: Yes.

10 CHAIRMAN DAUS: I think I gave a
11 copy to you folks, and if not I can give you
12 another copy.

13 COMM. WEINSHALL: We had a
14 presentation.

15 COMM. GIANNOULIS: This is totally
16 unfamiliar to me. I think I missed that
17 meeting.

18 CHAIRMAN DAUS: At meeting you had
19 missed, I think Commissioner Vargas and some
20 others wanted to get more involved in the
21 process at an early stage, which I think is a
22 good idea, because, really, the vision of what
23 is going to be these new rules needs to come
24 from us as a body. That's clear. We don't
25 need consultants to tell us what their vision

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1 is. We need to tell them what we want to do
2 and they will make it happen, okay.

3 I am prepared -- because we are going
4 to start losing Commissioners, I am prepared
5 to vote on these rules with that one
6 modification about the affidavit, that we give
7 them 14 calendar days. So I would like to
8 make a motion to adopt the rules as
9 distributed with that one amendment.

10 Do I have a second?

11 COMM. WEINSHALL: Second.

12 CHAIRMAN DAUS: All in favor?

13 (Chorus of "Ayes.")

14 CHAIRMAN DAUS: Okay, it's
15 unanimous. Thank you.

16 Thank you, Andy, Peter.

17 CHAIRMAN DAUS: Item 6(b), we now
18 have a public hearing on clean air accessible
19 vehicle markings. I would like to turn it
20 over to our general counsel again, Chuck
21 Fraser.

22 MR. FRASER: This proposed rule
23 would implement Local Laws 54 and 55 of 2006,
24 which require that TLC licensed accessible and
25 clean air vehicles be marked with insignia

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1 identifying them as accessible or clean air
2 vehicles. The proposed rules would provide
3 that a clean air vehicle insignia design and
4 an accessible vehicle insignia design will be
5 made available on the Commission's website or
6 by other means set forth on its website. The
7 insignia would be posted on the exterior of
8 both sides of the vehicle, visible to
9 passengers entering the vehicle.

10 In addition, pursuant to Local Law
11 54, the proposed laws would require that the
12 owner of a clean air taxicab must display in a
13 rear passenger compartment visible to all
14 passengers in the back seat, passenger
15 information to be provided by the Commission.
16 That information must include identification
17 of the clean air taxicab as a clean air
18 vehicle, the Commission's web page address,
19 the estimated air quality benefits associated
20 with use of such a vehicle and the type of
21 fuel used to power such a vehicle.

22 The proposed rules were published for
23 comment on March 6th and no formal comments
24 were received. However, based on informal
25 discussions with members of the industry,

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1 staff is recommending one change to the
2 proposed rule. The proposed rule would
3 require a blue roof light on any accessible
4 vehicle or clean air vehicle. Upon fourth
5 consideration, however, staff has concluded
6 that the use of blue roof lights for both
7 accessible and clean air vehicles might be
8 confusing to the riding public even with a
9 separate accessible and clean air vehicle
10 insignia. Therefore, staff is recommending
11 that the proposed rule be revised to require
12 blue roof lights only for accessible vehicles
13 and that roof lights for clean air vehicles
14 remain as they are now.

15 Copies of the revised proposed rule
16 have been distributed to the Commissioners and
17 are available to the public in the back of the
18 room.

19 CHAIRMAN DAUS: We have no speakers
20 -- oh, we do have one.

21 MR. MAZZIA: John Mazzia from A Ride
22 For All, we are the wheelchair accessible base
23 with several wheelchair accessible vans. I
24 just have one question.

25 Would we have to install roof lights

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1 on our wheelchair accessible livery vans?

2 MR. FRASER: No. The rule on roof
3 lights applies only to vehicles that have roof
4 lights. Taxicabs, obviously, are required to
5 and liveries in Staten Island are permitted
6 to.

7 MR. MAZZIA: So we would just be
8 required to put the decals on the sides?

9 MR. FRASER: Correct.

10 MR. MAZZIA: Thank you.

11 CHAIRMAN DAUS: And my understanding
12 is that there is a diminimus amount of money
13 involved for changing the color of the light
14 as well.

15 MR. SCHENKMAN: Just the
16 transparency.

17 AUDIENCE MEMBER: I think blue lights
18 are only for state police. You should look
19 into that.

20 MR. SCHENKMAN: New York State is
21 red. The federal law enforcement is blue, but
22 it is very light blue. With the wheelchair
23 logo all over the vehicle.

24 CHAIRMAN DAUS: And it is something
25 that we thought of. Counsel has checked that

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1 out. There was some confusion that we foresaw
2 about having a green light for the green cabs
3 because it might interfere with people looking
4 to see the green traffic lights, so that was
5 taken out. And I believe that this is a good
6 compromise. And what does it cost, about a
7 dollar, Peter?

8 MR. SCHENKMAN: A couple of dollars,
9 depending if you just lay the transparency or
10 you replace the whole piece.

11 CHAIRMAN DAUS: Okay. Does anybody
12 have any questions, objections, issues? Did
13 you like to speak?

14
15 MR. GERBER: Yes, I have a question.

16 CHAIRMAN DAUS: What is your name?

17 MR. GERBER: My name is Ethan Gerber,
18 I am an attorney for the industry.

19 How would the blue light affect the
20 rooftop advertising?

21 CHAIRMAN DAUS: I am not sure how it
22 would. They have lights now.

23 MR. SCHENKMAN: There is a couple of
24 ways it could be addressed. You could put a
25 blue LED behind the Medallion number or a blue

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1 bulb behind the Medallion number, or you could
2 put a film transparency, kind of like they use
3 in the theaters, a gel.

4 MR. GERBER: Has anyone consulted
5 any of the rooftop advertisers?

6 MR. SCHENKMAN: I have not
7 personally. I can't speak for the rest of the
8 staff.

9 CHAIRMAN DAUS: This is not a
10 proposal to change the color of the light on
11 the rooftop advertising.

12 MR. SCHENKMAN: Only the Medallion
13 number.

14 CHAIRMAN DAUS: Just the number, the
15 on duty light and the number.

16 MR. GERBER: On the number itself
17 only?

18 CHAIRMAN DAUS: Yes. I assume we
19 have some advertisers here. Do they have any
20 concerns? Clear Channel is here, Nick
21 Wikowich, do you have any issues?

22 MR. WIKOWICH: This is the first we
23 are hearing about it, and almost all the
24 handicap vehicles have hard tops on it. We
25 haven't had a chance to see if the blue will

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1 match your specs. We haven't had any samples.
2 This is the first I am hearing about this. I
3 don't know if your shade and the LED might not
4 match. I would like some time to get me a
5 sample and see if we can do it.

6 MR. SCHENKMAN: I think we are just
7 looking for a blue light. I don't think we
8 are specifying dark blue, light blue. Just
9 that the Medallion number is lit in blue.

10 CHAIRMAN DAUS: Peter, have you met
11 with any members of the industry I on this?

12 MR. SCHENKMAN: No, I have not.

13 COMM. DEAR: I would like to table
14 this then.

15 CHAIRMAN DAUS: Okay. The only
16 concern that I have is that the City Council
17 is requiring us to get these rules passed.
18 Can we get that done by the next meeting,
19 Chuck, and be on time?

20 MR. FRASER: The deadline in the
21 statute is June 17th, so if we pass this at
22 out next meeting we will just barely be on
23 time.

24 CHAIRMAN DAUS: Is there a chance we
25 can actually get the designs for the sticker

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1 by then too so that we can look at it and
2 approve it, Andy?

3 MR. SALKIN: No.

4 CHAIRMAN DAUS: Because we do need
5 to come up with some designs as well.

6 Okay, so I have no problem tabling
7 this. Mr. Ratner, you have something to say?

8 MR. RATNER: I wanted Nick to say it.

9 CHAIRMAN DAUS: You wanted Nick
10 Wikowich to say something else?

11 MR. WIKOWICH: Just that in New York
12 State, blue is reserved for fire department.
13 It may be a code. And in Jersey they do give
14 out summonses.

15 CHAIRMAN DAUS: We believe double
16 check that. I don't believe it is based on
17 the research counsel has done.

18 MR. SCHENKMAN: And the fact that it
19 is a minivan taxi.

20 CHAIRMAN DAUS: But there is
21 nothing, based on your research, that
22 indicates that we would be violating any state
23 laws; correct?

24 MR. FRASER: Not that I am aware.
25 We will double-check it obviously.

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1 CHAIRMAN DAUS: There is this other
2 question of people being confused. That's why
3 we changed the color. And I would bring the
4 other items to a vote, but apparently the Law
5 Department won't approve rules piecemeal
6 anymore, so we have to bring the whole thing
7 back. That is a new ruling from Corporation
8 Counsel's office. Otherwise, we have to go
9 out and do another public hearing on just the
10 color of the lights, so in the interest of
11 complying with the Council's mandate, which I
12 believe requires us to have rules and a plan
13 in place for this by June of this year, I
14 would like to table this, unless anybody has
15 any objections to tabling it to the next
16 meeting, bring it back for a vote.

17 And in the interim, Peter will meet
18 with the industry, and Samara and Andy will
19 meet with the industry, and make sure if there
20 any issues, whether they are legal,
21 operational or otherwise, that we address
22 them.

23 I think it's a pretty good idea to
24 have these, especially these accessible cabs
25 stand out, as we move forward with projects in

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1 that regard, so that people can identify them
2 from the street. I think that is better for
3 the disabled community. Right now they are
4 hard enough to spot because there aren't as
5 many of them, but let's make sure they are
6 better able to be spotted.

7 Any questions?

8 (No response.)

9 CHAIRMAN DAUS: Also, just going
10 back for two seconds, Peter, one of the
11 gentleman from the prior public hearing had an
12 interesting idea about developing some type of
13 technology to interface between their
14 companies and us in lieu of an affidavit. I
15 don't think everybody is technically
16 sophisticated to do that now, but down the
17 road if there is something that we can look
18 at:

19 MR. SCHENKMAN: We track that
20 information on the Medallions, their cameras,
21 and we expect to track the serial numbers of
22 the vehicles as well.

23 CHAIRMAN DAUS: I just thought it
24 was an interesting thoughtful idea. And I
25 think as a Commission we have taken so many

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1 steps in so many different ways to go towards
2 technology in data and away from paper, so,
3 ultimately, down the road, I think it is a
4 good suggestion. And I am sure my First
5 Deputy will support me on that since we have
6 been doing so much with technology.

7 I think that's it. Our international
8 visitors, we are so happy that you are here.

9 Many of you may have been following
10 locally in the news that the longest taxicab
11 trip in the history of the City of New York is
12 currently en route. David Pollak was quoted
13 from Committee on Taxi Safety. There is a
14 couple that are afraid that their cats are
15 going to be cold if they fly in a plane from
16 New York City to Sedona, and basically they
17 have desired to hire and negotiate a rate of
18 fare to go in a taxicab. And they have left.
19 I understands the Daily News is following them
20 and taking pictures and blogging all the way.

21 So basically they are on their way,
22 and it kind of raises the interesting notion
23 that we have international visitors here.
24 Maybe we should be working reciprocity rules
25 so that if he have a trend of people moving to

00103

1 Canada or other parts of the country, that
2 they are able to receive our licensees. I
3 think in some cities they would be a little
4 shocked to see a yellow cab pull up and wonder
5 what the heck is it doing there.

6 But, anyway, for those of you who
7 haven't heard of it, it is happening now and
8 it is very interesting, very cute, and we wish
9 them a good trip. And thank you, David.

10 Do you want to say something on it?

11 MR. POLLAK: I just want to give you
12 an update, as of this morning, they were
13 leaving Tennessee.

14 CHAIRMAN DAUS: And they negotiated
15 the tip as well?

16 Oh, well. God speed to them.

17 Do I have a motion to close the
18 meeting?

19 COMM. GIANNOULIS: Moved.

20 CHAIRMAN DAUS: Second?

21 COMM. POLANCO: Second.

22 CHAIRMAN DAUS: All in favor.

23 (Chorus of "Ayes.")

24 CHAIRMAN DAUS: So closed.

25 (Time noted: 11:30 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

