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NEW YORK CITY LIMOUSINE COMMISSION

PUBLIC HEARING

Held on Thursday, May 20, 2010

40 Rector Street

New York, New York.

Time: 10:00 a.m.

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

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4 DAVID YASSKY, Chairman
5 HARRY GIANNOULIS, Commissioner
6 LAUVIENSKA POLANCO, Commissioner
7 ED GONZALES, Commissioner
8 IRIS WEINSHALL, Commissioner
9 ELIAS AROUT, Commissioner
10 JEFFREY KAY, Commissioner
11 CHARLES FRASER, General Counsel

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2 MR. YASSKY: Good morning,
3 commissioners. Good morning, members of the
4 public. My name is David Yassky, and I am
5 thrilled really beyond words to be joining
6 the Commission, which has had such a
7 productive period during the tenure of the
8 current commissioners, and we have an
9 enormous amount to do, and I look forward
10 very much to working with each of you to get
11 it done.

12 I have a few introductory remarks before
13 we proceed to the business at hand. A couple
14 of notes I want to share with you about the
15 staff. And first let me just say that I have
16 found, in the almost two months I have been
17 here at the agency, we are blessed to have a
18 tremendous staff throughout every part of
19 it. Dedicated, really hardworking people,
20 who really take their jobs and responsibility
21 to the public enormously seriously, and it is
22 a pleasure to work with these folks day in
23 and day out.

24 There are a couple of senior changes
25 that I want to tell you about. Our Deputy

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2 Commissioner for Administration Finance, Lou
3 Tazzi, who, from the time I have gotten
4 here -- I did not know prior to arriving, but
5 from the time I have gotten here he has
6 really tutored me in the agency, and I have
7 come to appreciate the enormous value that he
8 has given to the agency over the last several
9 years. He is retiring, so, that will be a
10 significant position to fill. I expect that
11 we will be able to fill it shortly, and I'm
12 sure we'll have someone quite capable. But
13 that is a significant event.

14 Many of you I know are familiar with
15 David Klahr, who has made presentations
16 here. He has been here in the chairman's
17 office. He has moved already to Woodside to
18 be the Executive Director of Enforcement,
19 with the portfolio of adding to the capacity
20 there, to do administrative enforcement.

21 Our Deputy Commissioner of Uniformed
22 Services Bureau, Pansy Mullings, has done
23 really an extraordinary job and continues to
24 assert her job there with not enough
25 resources, and to make sure that we push

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2 forward very strongly on taking advantage of
3 the opportunities of all the data we have
4 collected give us for enforcement, I'm
5 beefing up that you take an existing unit
6 there, beefing it up, and adding to it the
7 mission on focusing on administrative
8 enforcement. So, I want the commissioners to
9 know that.

10 On the Commission level, I would be
11 remiss if I did not recognize that this
12 will be the last commission meeting of our
13 colleague Jeff Kay. And I personally was
14 happy for Jeff when I read about his new
15 venture. I'm sad for myself, because in my
16 time, even prior to joining the Commission,
17 Jeff was one of the people in City Government
18 that I had worked with the most over the last
19 eight years, and who I admired and respect
20 enormously, and was kind of excited about
21 working with you directly over the next years
22 as I serve here. I will say that when the
23 news of your departure was in the newspaper,
24 I had a lot of comments from people here at
25 the Commission. I would be surprised if

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2 there is another commissioner about whom the
3 staff had a direct impact day in, day out on
4 the agency over a period of time. So, they
5 on their own initiative have prepared a gift,
6 which I was asked to present, but the truth
7 is, it is really from the staff at the
8 Commission.

9 So, Commissioner Kay, I present this to
10 you.

11 MR. KAY: Unexpected.

12 MR. YASSKY: Go ahead and open it
13 because you can share the tidings. We have a
14 lot of fun here before we actually get to
15 work. We'll get to work here very soon.

16 (Whereupon, there was a pause in the
17 proceeding.)

18 MR. YASSKY: It is a photomontage
19 depicting just some of the most salient
20 accomplishments of the Commission during the
21 time that Jeff served on the Commission and
22 worked with it day-to-day at City Hall.

23 MR. KAY: Thank you very much.

24 (Applause)

25 MR. YASSKY: And this is our last kind

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2 of off-business topic, but some months ago,
3 Andrew Sulkin (ph) left the agency for -- not
4 greener pastures, but equally green and
5 fertile pastures over at the Department of
6 Finance. I would truly would say that I have
7 not had a day that somebody at the Commission
8 has not said, "Well, Andy had this insight"
9 or "did it this way" or "showed us how to do
10 something."

11 The number of day-to-day operational
12 improvements that are attributed to him are
13 actually quite improbable. So, probably only
14 really a quarter of them are real. But
15 nonetheless, many, many are attributed to
16 him. In recognition of his service to the
17 agency, we have Andy here in the back -- but
18 could you move forward so that you arrive
19 here approximately at the time I complete the
20 remark? This is a badge encased in something
21 that will make it permanent. So, here it
22 is.

23 (Applause)

24 (Whereupon, there was a pause in the
25 proceeding.)

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2 MR. YASSKY: So, before we get to the
3 business at hand, a few business items I want
4 to update you on, commissioners. So, as you
5 all know, back in March, I guess after the
6 unfortunate case of wolicima (ph,) it became
7 clear to the agency that there were a number
8 of drivers, not just an isolated one or two,
9 who were cheating passengers by using the
10 out-of-town rate code, Rate 4, to charge
11 passengers, essentially double the rate after
12 the drop. At the time, the Commission made
13 that announcement public so that the public
14 will be informed and could protect themselves
15 by looking at the meter and seeing if it's a
16 1 or a 4 on the meter. Indeed I think that
17 was very successful. We took immediate steps
18 to stop the practice completely, not just by
19 arming passengers with that knowledge, but
20 also by equipping each taxi cab with an alert
21 screen, so that now, if the driver does
22 engage the out-of-town rate, the passenger
23 screen in the back, even if it's been
24 previously turned off by the passenger, it
25 will beep to draw your attention to it, and

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2 then an alert will flash up on it that
3 informs the passenger that the out-of-town
4 rate has been engaged, encourages them to
5 tell the driver if that's a mistake, and to
6 call 311 if it is a violation.

7 So, the first word of business was to
8 stop the practice, and I believe that we've
9 done that, if not 100 percent, there may
10 still be a driver out there who hasn't gotten
11 the message, but I believe it's done that to
12 a pretty great extent.

13 The next step then was to understand the
14 true scope of the problem of what had
15 happened, and to deal with the drivers who
16 had been wrongdoers. So, we took the time to
17 do it carefully and thoroughly, and analyze
18 the data, because what we knew at the time
19 was that there were about 1.8 million trips,
20 and this was widely reported, in which a
21 driver had engaged Rate 4, but those included
22 both inadvertent mistakes and deliberate
23 overcharges.

24 So, we spent some time, and I want to
25 give enormous credit to the t-pap, u-net and

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2 the data analysts who parsed this data very,
3 very carefully to identify the trips that
4 were deliberate overcharges.

5 They did that in a couple of ways. For
6 some of the taxis, the Rate 4 activation was
7 time stamped, so, you could tell whether it
8 was a mistake at the end of the trip or
9 engaged at the beginning of the trip
10 suggesting that it was deliberate. That was
11 about half the taxis. The other half of the
12 taxis, the activation was not time stamped,
13 so, the staff developed a method that looked
14 at the actual fare that was charged and
15 compared that to the maximum fare that could
16 possibly be charged for a trip of that time
17 elapsed and that distance traveled under Rate
18 1. And they spent some time making sure that
19 that was an accurate way to do things, and
20 I'm satisfied that it is. So, based on those
21 two methods, we were able to narrow down that
22 original universe to about 286,000 instances
23 of overcharge. On one hand, that is a large
24 number. On the other hand, that is one tenth
25 of one percent of all the trips during that

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2 two-year period. So, I have been at pains to
3 make clear to the public, and I hope that all
4 of you will as well, that any perception that
5 any time somebody got into a taxi, they were
6 overcharged, that's just absolutely false.
7 And certainly going forward, the public I
8 think can count on the integrity of the fare.

9 So, of those 286,000 trips, then the
10 next step was to begin enforcement
11 proceedings, and we did that the week before
12 last, we began proceedings against, first,
13 the group of serious repeat-offenders, people
14 with 50 or more overcharges. In those cases,
15 and that is about 633 drivers, the Commission
16 is seeking revocation of their licenses.

17 We will then move on to a second group
18 of drivers who overcharged ten times or more,
19 but fewer than 50. And for those drivers,
20 we'll be seeking stiff fines of up to
21 \$4,900. And I fully recognize that that is a
22 significant amount of money for anyone, and
23 for taxi drivers in particular, and there may
24 well be people who will not be able to pay
25 that and therefore will lose their license.

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2 So, we my be looking at upwards of 1000
3 people; the original 633, and of that group
4 of 1600, people who cannot pay the fine who
5 will lose their license.

6 MS. WEINSHALL: How did you arrive at
7 the \$4,900?

8 MR. YASSKY: Well, it's proportional
9 to -- we are going to seek a fine of \$100 per
10 overcharge. So, in this group, the most
11 number will be 49 people. Could have rounded
12 it to \$5,000 and avoided the question. I
13 should have done that.

14 So, you know, this is -- I don't for a
15 moment underestimate the seriousness of the
16 actions we have taken. It is a sobering
17 thing to, you know, begin the process that
18 will, as I say, result in perhaps upwards of
19 a thousand people losing their jobs and
20 livelihoods. But make no mistake, our
21 obligation is to the riding public, and we
22 will protect the integrity of the fare. And
23 I am convinced that we are taking an
24 important step toward doing that.

25 On the enforcement front, also you have

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2 probably seen the newspaper recently, there
3 was a number of stories about doormen at
4 hotels charging taxi drivers, you know -- I'm
5 not going to use an inflammatory word, but
6 charging taxi drivers tips in order to steer
7 rides their way.

8 We also received a number of complaints
9 recently about a practice that may be more
10 long standing like the hotel doormen, of
11 dispatchers at fleets asking for tips. That
12 is of course plainly prohibited by our rules,
13 and I want people in the industry to know
14 that we will be taking enforcement actions to
15 identify, if there are cases like that, we
16 want to find them. So, you know, be on
17 notice that our inspectors may be at the
18 garages looking for that, acting on the tips
19 and the complaints that we have received.

20 Couple of things that I want to just
21 bring you up to date on. First is group
22 rides. As you know, last year this
23 commission authorized ten taxi group ride
24 stands; five locations in Manhattan, and five
25 locations to be worked out with the Port

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2 Authority at La Guardia Airport.

3 Three of the group ride stands in
4 Manhattan, operation there was begun on
5 February 26th. Those who were at West 57th
6 Street and Eighth Avenue, West 72nd Street
7 and Columbus Avenue, and East 72nd Street and
8 Third Avenue. There is no question, those
9 have been slow to take off, it has been
10 reported in the press and it is true to boot
11 that rider acceptance or integration into
12 people's practice, and driver integration
13 into practice has been very slow to the point
14 of not really having taken off yet at all.
15 Nonetheless, we remain strongly committed to
16 fully exploring the possibility of the group
17 ride concept. And I'm pleased to announce
18 that we are going to be rolling out three
19 more group ride stands that were approved by
20 the Commission. One will be at the Port
21 Authority Bus Terminal on the west side for
22 rides ending at 59th Street and Sixth
23 Avenue. That will be in effect weekdays from
24 six o'clock to ten o'clock a.m., and the fare
25 will be three dollars per person. The other

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2 two new group ride stands will be a La
3 Guardia Airport, specifically at the Marine
4 Air terminal and U.S. Airways Shuttle
5 terminal, and will go to midtown. Those, the
6 La Guardia ones will be in effect weekdays
7 from seven to ten in the morning, and four to
8 eight in the evening, and the fair will be
9 \$18 per person for a three-person ride, and
10 \$22 per person for a two-person ride, and
11 that includes the tolls.

12 So, at those rates, I think that is just
13 what group rides intended to do. It will be
14 a significant savings of money to the
15 passengers. It will, we hope shorten the
16 wait for a taxi at those terminals, which can
17 be quite long, and will afford the driver a
18 more lucrative trip. So, it should be a --
19 sorry to use the phrase, but a win/win.

20 So, I anticipate that we will officially
21 kick off those three stands sometime next
22 month. And to kind of return to the original
23 ones, as I said, acknowledge not a lot of use
24 at this point. Our thinking is that these
25 locations are much better suited to

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2 introducing the concept. There is a stream
3 of passengers, it will be easy to guide right
4 away into a stand. Let's see if people do
5 get used to the idea there, and once the idea
6 gets kind in people's heads in New York, I
7 think that then getting rider and driver
8 acceptance of it at other sites will be
9 easier. At least that's what we're going to
10 find out, because right, we're committed to
11 trying ideas that seem like they ought to
12 work.

13 Just parenthetically, Commissioner
14 Wienshall, I remember at the last meeting you
15 asked about the possibility of a group ride
16 to Brooklyn. We ran the numbers for a lot of
17 possible group ride destinations, including
18 Brooklyn and Downtown Manhattan. Midtown has
19 by far many, many, many more destinations
20 from both airports in truth.

21 So, again, the thought is, these are
22 the -- if there's low hanging fruit, this is
23 where it is. Let's do it there. Let's get
24 the concept established, and then we can look
25 at whether there's demand in Brooklyn. There

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2 are a couple of destinations that the demand
3 may work there if the people understand the
4 concept. So, that's the thought there.

5 MR. GONZALES: On the group ride from La
6 Guardia to midtown, it is any point in
7 midtown?

8 MR. YASSKY: We figured, yes. It is
9 within a box that Eighth Avenue to I believe
10 Third Avenue or Second Avenue -- somebody
11 will correct me, Second Avenue, and then
12 there's north and south boundaries as well.
13 We are printing up pamphlets to give to the
14 riders and drivers who are going to
15 distribute these. In fact, for folks who are
16 in the industry who are here, we haven't
17 talked about this, but we will be seeking
18 your help in distributing these pamphlets to
19 your drivers. And the Port Authority is
20 printing up a sign that I think is quite
21 clear that describes it.

22 So, the idea is the two or three
23 passengers can go anywhere in this box and,
24 we'll leave it up to in-cab negotiation, if
25 you will, to figure out what's first and

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2 what's second.

3 I think, and the staff certainly thinks
4 that that will work out better for passengers
5 than a fixed location.

6 MR. GONZALES: Okay. Good.

7 MR. YASSKY: Last on this point, because
8 I want to just alert you to this: The
9 Transit Authority as you know has announced a
10 whole number of cutbacks -- not just
11 announced, but they are implementing a whole
12 bunch of cutbacks, including, and I think
13 we're going to discuss others of these later,
14 but including specifically one express bus
15 service from Yorkville to the Upper East Side
16 of Manhattan to the World Financial Center,
17 that is going to be shutting down June 27th.

18 We have had a number of people who use
19 that bus to get to work reach out to us about
20 a group ride taxi stand to build on. They
21 know that there is the existing one at 79th
22 and York which is tremendously successful,
23 brings a lot of people to work every day, and
24 they have asked about the possibility of the
25 setting up one or more additional group ride

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2 stands at places along that bus route that is
3 disappearing.

4 We think, our preliminary assessment
5 here at the Commission is that that is a
6 terrific idea that is likely to work. But
7 we're going to have to do it pretty fast, so,
8 I'm bringing this up just to tell you, I
9 expect at the June meeting, I think it is
10 likely that at the June meeting, I will be
11 bringing to you a proposal for one or more
12 group ride stands along that bus route. We
13 want to do the appropriate community
14 outreach. We want to do the appropriate
15 consultation with the industry. So, it may
16 be short notice by the time we have a
17 specific proposal ready to bring to you. I
18 just want to kind of alert you to that, that
19 we're hoping to get it up and running. By
20 the time this bus service ends, we may have
21 to act pretty quickly.

22 I guess I'll ask on housekeeping, on an
23 internal matter, I want to make sure you know
24 that in the budget process, the agency is
25 going to have to deal with a peg, a budget

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2 reduction of about a quarter of a million
3 dollars, for an agency of our size, a
4 material amount. The original proposal was
5 for a much larger cut. Deputy Commissioner
6 Lou Tazzi did just a tremendous job in
7 working with OMB to get them to understand
8 that doing more than that would have
9 jeopardized our ability to carry out our
10 enforcement mission. We have identified
11 administrative savings that we can implement
12 to absorb that cut without scaling back on
13 our enforcement efforts, and I want to repeat
14 my gratitude to Deputy Commissioner Tazzi for
15 working that problem through.

16 FHV inspections, I just want to bring
17 you up to date on where we are there. You
18 know, the Commission overhauled the rules
19 regarding for-hire vehicles, including that
20 the requirement that FHV's come to our
21 Woodside facility for inspection, which we
22 have been doing for this year. Through the
23 end of last week, we conducted 20,306 FHV
24 inspections at Woodside. The pass-rate for
25 the initial inspections is about 47 percent,

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2 again, you know, kind of underscoring the
3 value of having the inspections there.

4 Unfortunately the no-show rate has also
5 been kind of high, about 35 percent of
6 applicants for new FHV licenses have failed
7 to appear for scheduled appointments, and
8 this is one example of the broader phenomenon
9 of taking a while for the new rules to sink
10 in.

11 We continue to get a lot of calls to our
12 call center, a lot of people showing up in
13 our licensing facility and our inspection
14 facility. FHV owners/drivers who didn't know
15 about the rules, now they don't have time to
16 get the inspection before their vehicle
17 license expires and they are going to not be
18 able to drive for a period of time. And that
19 is a hardship. But I think looking at the
20 whole picture, I'm confident that's part of a
21 normal and to-be-expected adjustment process
22 to new rules.

23 We got a significant backlog of
24 inspections in March, part due to the normal
25 increase in volume during that period, and in

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2 part due to the industry , you know, learning
3 at an appropriate but not instantaneous rate
4 about these new rules. And the wait for
5 inspections got as high as five and maybe
6 even six weeks it might have been at one
7 point. That's too long for people to be off
8 the road. We responded by adding Saturday
9 inspection hours at Woodside to bring that
10 backlog down.

11 And I want to give credit to Deputy
12 Commissioner Mullings and her team at
13 Woodside. They've worked very hard to get
14 that backlog down. I think it is now at
15 about the nine-or-ten day point. We expect
16 to get that to under a week for new
17 vehicles. So, that would mean less than a
18 week's time before the new vehicle gets on
19 the road.

20 And you know, to thank our inspectors
21 for the hard work they've put in on the
22 Saturdays, we are having a cookout at
23 Woodside this Saturday, to which you are all
24 cordially invited, Commissioners, any of you
25 that wish to join me and thank our

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2 inspectors, and sharing in the good food,
3 Pansy will make sure there's plenty for you.

4 Rules Revision Project. Today's agenda
5 includes the last four chapters of Phase 2 of
6 the Rules Revision Project. This is the
7 phase of the project that involves, as you
8 know, reorganizing the rules to make them
9 more accessible and user-friendly, and
10 rewriting them in plainer language but making
11 very few substantive changes to the rules.

12 If the Commission approves these four
13 chapters today, we will republish the entire
14 set of nineteen chapters, and we can create
15 an infomercial to sell them and take a final
16 round of public comments. I anticipate that
17 we will put the final approval of the rules
18 of the agenda for July, with the rules to
19 take effect months later.

20 Throughout Phase 2 of the project, we
21 have deferred consideration, I know you know
22 this, Commissioners, but I want to reiterate
23 it, we have deferred consideration of
24 substantive changes to the rules with very
25 few exceptions. After the Phase 2 rules take

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2 effect, or really after we vote on them, then
3 I think we can undertake what will be of
4 equal importance, I think it's going to be
5 great value to the industry and to us at the
6 Commission to have kind of reorganize the
7 rules so that their organization is clearer
8 and the language is clearer, but it has also
9 surfaced literally dozens of places where
10 there is a need to make changes, they are
11 substantive. I'm not going to claim that
12 they are just rephrasing what is there, but
13 there are things that don't work well in the
14 existing rules. And we have now put those
15 into two categories a group of changes that
16 all substantive, don't really involve
17 significant policy changes. So, you know,
18 they should not be controversial. And we are
19 going to try and do all of those together,
20 and we're talking about a couple of dozen, at
21 the meeting in September. It will require
22 Chuck Fraser and his staff to work very hard
23 to do all that work, so, perhaps we won't get
24 there, but I fully expect that we will, so, I
25 just want you to be on notice. It will mean

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2 digesting quite a bit of material, but I
3 don't think that it will be material that
4 causes a lot of issues. So, we are going to
5 try to do all of those substantive but not
6 terribly controversial issues in the
7 September meeting, and then throughout the
8 remainder of the fall to the end of the year,
9 deal with the more substantively challenging
10 issues that have been surfaced by this rules
11 revision process.

12 Last item to tell you about is the issue
13 of retirement age and fuel efficiency
14 standards for black cars. As you know, since
15 you did it, the Commission adopted a
16 retirement schedule for black cars along with
17 a fuel efficiency requirement. That was
18 originally set to go into effect in 2009.
19 The Commission deferred its implementation,
20 you know, this Commission did, and the agency
21 did simply by industry notice deferred
22 implementation further until July 1st of this
23 year.

24 So, with that deadline approaching, we
25 kind of had to deal with this, and the

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2 reality is that our legal constraints don't
3 permit us to do everything that we would like
4 to do. As you know, the efforts to insure
5 fuel efficiency among the yellow taxi is
6 currently subject to litigation. We have
7 been enjoined from enforcing some of the
8 rules that the Commission adopted, and we
9 were made to understand really in no
10 uncertain terms that enforcing the rules on
11 the black cars would meet similar legal
12 challenge.

13 I remain convinced that had the actions
14 of this commission were thoroughly consistent
15 with the Clean Air Act, thoroughly consistent
16 with the Federal law. As you know, one of
17 the decisions, holding that those rules are
18 preempted is on appeal right now, and we hope
19 for and anticipate a favorable outcome to
20 that appeal.

21 But the legal context is what it is. It
22 is my judgment and the judgment of the staff
23 that to go forward with rules on the black
24 car industry that would cause a significant
25 legal battle, it just wasn't prudent at this

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2 point. So, I will be coming back to you.
3 I have told the industry, that even, come the
4 July 1st date when the rules are now
5 set to go into effect, we will continue to
6 postpone their enforcement until the
7 Commission acts. What I will bring to the
8 Commission I believe in September -- well,
9 shortly. No, prior to September, I'm sorry,
10 in July, will be a proposal to amend the
11 retirement age, which now is a gradual
12 reduction of retirement age down to seven
13 years, to keep going with that reduction so
14 that ultimately there will be the retirement
15 age of five years in place, but at the same
16 time to add to that a retirement age
17 incentive for fuel efficient vehicles, just
18 as we have done with the yellow taxis.

19 It remains in effect, as you know,
20 retirement age incentive for yellow cabs will
21 be to mirror that in the black car
22 industry. I have talked with folks in the
23 industry about that, I think it will meet
24 with their acceptance. And at any rate, I do
25 think it will help us to achieve our fuel

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2 efficiency goals to the extent that's
3 feasible at this moment, given the legal
4 context. So, I'm to bring that to you
5 hopefully in July.

6 Okay. We can now turn to the a adoption
7 of minutes. I am prepared to entertain a
8 motion

9 MR. AROUT: Make a motion.

10 MR. FRASER: Second.

11 MR. YASSKY: So moved and seconded that
12 the minutes of the March 18, 2010 Commission
13 meeting be adopted. Ayes?

14 THE COMMISSION: (In unison,) Aye.

15 MR. YASSKY: Nays?

16 (No Response)

17 MR. YASSKY: The vote is unanimous.
18 Please let the transcript reflect that, and
19 the minutes are adopted.

20 We can now move to base applications.
21 Georgia is here to present the applications.
22 There is one change to the list. Will you
23 bring that to the Commissioners' attention.

24 MS. STEELE-RADWAY: Yes. Good morning.
25 Before presenting the basis for

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2 consideration, Licensing is requesting that
3 B02015, Hankook Limo and Car Service
4 Incorporated be removed from the agenda, they
5 have less than the ten-vehicle minimum
6 required for approval. They are listed under
7 renewal and name change. I think they are
8 the third base listing on the agenda.

9 MR. YASSKY: Yes, they are.

10 MS. STEELE-RADWAY: Licensing would like
11 to present to the Commission 53 bases with a
12 recommendation for approval.

13 MR. YASSKY: Do I hear a motion?

14 MR. AROUT: Move to make approval.

15 MR. KAY: Second.

16 MR. YASSKY: It this is moved and
17 seconded. Commissioners, you are noting that
18 that seconding role once Jeff is no longer
19 here.

20 All the ayes?

21 THE COMMISSION: (In unison,) Aye.

22 MR. YASSKY: And Nays?

23 (No response)

24 MR. YASSKY: So, the vote is unanimous.
25 Please reflect that, and those base

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2 applications are approved as indicated in the
3 materials.

4 Now, the rejections.

5 MS. STEELE-RADWAY: Licensing would also
6 like to present three bases with a
7 recommendation for denial with the request
8 that the Commission also grant an additional
9 thirty days so that they may present the
10 outstanding items.

11 MR. YASSKY: Do i hear a motion to that
12 effect?

13 MR. AROUT: Motion.

14 MR. GONZALES: Second.

15 MR. YASSKY: Thank you. Ayes?

16 THE BOARD: (In unison,) Aye.

17 MR. YASSKY: Again, the vote is
18 unanimous. Those bases are rejected as
19 consistent with the staff recommendations.
20 Thank you, Georgia. Thank you very much.

21 MS. STEELE-RADWAY: Thank you.

22 MR. YASSKY: We have two staff
23 presentations, first one is on two fee
24 increase proposals that will be coming before
25 the Commission once we approve counsel

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2 authority to do that, Deputy Commissioner
3 Mullings.

4 MS. MULLINGS: Good morning.

5 MR. YASSKY: Good morning.

6 MS. MULLINGS: Currently TLC inspects
7 taxicabs three times a year. We do a full
8 DMV inspection, and we are a DMV certified
9 facility, and we also do additional tests
10 since it's a taxi, including testing the
11 major testing, looking at the color of the
12 vehicle, the seatbelts, and other things.

13 If a vehicle fails any part of the
14 inspection, they have to come back for
15 reinspection. Right now, they're charged \$50
16 for the first inspection, nothing for the
17 second inspection. \$35 for the third
18 inspection, and after that nothing.

19 They currently pay at the time of
20 renewal every two years \$1,140; 550 is the
21 per year renewal fee. Six times 50 for
22 another \$300, and 10 dollars for the
23 medallion.

24 In 2009, the initial first inspections,
25 the pass-rate is approximately 58 percent,

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2 and putting it in another way, 42 percent of
3 the vehicles fail the initial inspection. On
4 the reinspection, 80 percent of the vehicles
5 pass.

6 Since 2007, the average pass-rate for
7 the initial inspection is 53 percent,
8 otherwise known as a 47 percent failure rate.
9 We actually can track it by fleets, and we
10 can track it by individual owners, and the
11 average for some fleets are as low as a 16
12 percent pass-rate, and is high as an 84
13 percent pass-pate. The non-fleet vehicles
14 average approximately 60 percent. So, there
15 are approximately 15,000 inspections per year
16 that we do, either including the second or
17 fourth attempt. And some vehicles have done
18 as many as ten inspections before they pass.

19 In 2007, if we assume that we were
20 charging \$50 per inspection, that would bring
21 us about two and a half million dollars.

22 So, since we are using the agency's
23 resources for doing these inspections, we
24 intend to propose up to \$50 for every
25 inspection that they now make as compared to

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2 the current one, where you pay for the first
3 and the third and everything else is free.
4 Part of this is to encourage -- we believe
5 there are certain bases that use us as a
6 diagnostic center, therefore, they make very
7 little repairs before they get to us, and
8 then only fix what we fail them for. So, we
9 hope that this proposal, one, will hopefully
10 limit the amount of resources we need to
11 reinspect taxicabs. And two, we think in the
12 end, it will make the cabs safer because
13 people will do the repairs before they get to
14 us, and hopefully as part of their regular
15 function, and many of the fleets are already
16 doing that.

17 I should note that the for-hire vehicles
18 pay for each inspection.

19 MR. GONZALES: Quick question. What's
20 the, say, three most common reasons for
21 failure of inspection?

22 MS. MULLINGS: You have the OBD too
23 which is basically testing the computer
24 system, brakes, whether it be the regular
25 brakes and the parking brake.

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2 MS. WEINSHALL: Which vehicles do you
3 find fail the most, and have you had any type
4 of, I guess, data on the hybrids that we have
5 approved here at the Commission?

6 MS. MULLINGS: The biggest failure rate
7 is probably in some of the accessible
8 vehicles.

9 MS. WEINSHALL: What about the hybrids,
10 do you have any data on that?

11 MS. MULLINGS: We can provide it to you,
12 but they seem to be holding up well.

13 MR. YASSKY: Thanks for the question,
14 Commissioner, we should take a look at that,
15 see what it tells us.

16 Okay. Thank you.

17 MR. GIANNOULIS: So, there is three
18 inspections a year, the second inspection,
19 there is no charge, and that's what the
20 proposal is, to charge on that second
21 inspection?

22 MR. YASSKY: If I may, Commissioner, the
23 yellow taxi required to have, as you say,
24 three inspections a year. In each of those
25 cases, we charge the appropriate fee for the

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2 initial inspection on each of those three
3 instances. However, if a vehicle fails, as
4 they do 42 percent of the time, then they
5 come back for a reinspection. We have not
6 previously been, we are not now, charging for
7 that second inspection. The proposal is to
8 charge for that reinspection on any of those
9 three-times a year instances.

10 MR. GIANNOULIS: So, if there's three
11 instances and a 55 percent initial rate, call
12 it 57 percent just to come up with the
13 number, 43 percent of vehicles will be
14 charged an extra \$150 a year?

15 MS. MULLINGS: Right, if they fail each
16 one.

17 MR. GIANNOULIS: That's the bottom line.

18 MR. KAY: I don't know if that is the
19 bottom line. Some of this is to, and I
20 guess, is to sort of increase compliance on
21 the first rate. So, I don't know if those
22 numbers will hold up over time, if in fact
23 you are asking -- you are putting more of an
24 incentive to pass on the first turn?

25 MR. YASSKY: Indeed. For what it's

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2 worth, our own revenue estimates assume
3 that. So, we figure, the dynamic scoring
4 here is, that we'll change behavior by
5 charging for that reinspection.

6 MR. KAY: Or not, but I guess you'll
7 find that out.

8 MR. GIANNOULIS: But, if the numbers
9 stayed as there are, I'm just trying to
10 figure out if my numbers are correct, if the
11 numbers stayed as they are let's say,
12 fundamentally, that 43 percent that failed
13 the first inspection, do we know what level
14 of repetitiveness occurs?

15 These numbers are based on that initial
16 inspection, so, if those numbers hold three
17 times a year, then we are talking about \$50
18 for that second attempt three times a year,
19 correct?

20 MS. MULLINGS: Correct.

21 MR. GIANNOULIS: So, the two and a half
22 million is projected from that fee, from that
23 increased fee?

24 MS. MULLINGS: Of did the second,
25 fourth, fifty, sixth, seventh, up to ten.

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2 MR. GIANNOULIS: And you are not
3 proposing to change the initial licensure
4 fee, correct?

5 MS. MULLINGS: That's correct.

6 MR. YASSKY: By the way, Commissioner,
7 that two and a half million dollar figure you
8 if allude to in Pansy's presentation was just
9 a way of saying over the past few years, the
10 amount of uncompensated work that the
11 inspectors have done. We don't believe that
12 that's how much additional revenue we will.
13 Do you follow me?

14 MR. GIANNOULIS: I do. So, is there a
15 number attached to that?

16 MR. YASSKY: I can the get you that
17 number.

18 MR. GIANNOULIS: One more question.
19 Going to Commissioner Gonzales's question.
20 Do you categorize things pretty broadly, so
21 that if you gave us those numbers, we could
22 see them in terms of failure, or are there so
23 many different things, it wouldn't helpful?

24 MS. MULLINGS: I believe we could break
25 it down for you so it gets you the general

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2 category. We'll do even probably the top
3 five.

4 MR. GIANNOULIS: That would be helpful.
5 Thank you.

6 MR. YASSKY: Any further questions?

7 (No response)

8 MR. YASSKY: Thank you very much. Along
9 with that, indeed we only have a presentation
10 on that one, but along with that, there's a
11 second category of uncompensated work that
12 the Commission staff has been doing that we
13 will now be charging for. There is a fee
14 that the Commission charges for processing an
15 FHV application to change bases with an FHV
16 vehicle changes its affiliation from one base
17 to another, there's a fee that goes along
18 with that of \$25. It has been the practice
19 of the Commission to accept applications for
20 thirty or forty vehicles from a single base
21 for a transfer and process all of those for
22 the single \$25 fee. Each one of those though
23 requires work. So, we plan to begin now
24 charging for each application, even if they
25 are all filed together. And both of these,

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2 that change and the change that Deputy
3 Commissioner Mullings just described, the
4 ideas came to light as part of our budget
5 discussion, I don't really see them as budget
6 initiatives, rather policy initiatives to
7 charge the appropriate fees for the work that
8 the agency is doing. And in the case of the
9 yellow cab inspections at Woodside, encourage
10 the owners to do the preventative
11 maintenance, rather than rely on the Woodside
12 facility for the diagnostic.

13 MR. GIANNOULIS: Is that when one
14 vehicle goes from one base to another, or is
15 it more common that people just change names
16 of bases? Is it people actually moving?

17 MR. FRASER: These are three kinds of
18 transfers, either changing the license plates
19 from one vehicle to another, or transferring
20 the vehicle's affiliation from one base to
21 another.

22 MR. GIANNOULIS: Thank you.

23 MR. YASSKY: Okay. Thank you, and now
24 we have a second presentation by David Klahr
25 on the fruit of the Commission's work on

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2 FHV's.

3 MR. KLAHR: Good morning, everyone.

4 Just a quick presentation today, with a
5 little bit of visual aids that I brought in
6 for everybody.

7 You may have noticed over the last year
8 or so that for-hire vehicles in the City have
9 little circular decals in the rear windows.
10 In-house we refer to these as the poker
11 chips, because that's kind of what they look
12 like. It was kind of an initial effort as
13 part of the FHV reform and inspection effort,
14 to let the general public know who is a
15 licensed vehicle and who is not.

16 So, what has been kind of percolating
17 under the surface, that we're now ready to
18 talk about is that these were always intended
19 to be temporary decals. That's why they all
20 come with an expiration date of April 1,
21 2012.

22 Because the idea before that, we would
23 get what we're referring to as the permanent
24 decals. And the permanent decals have a very
25 specific purpose, and that is to make it

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2 really easy for passengers, law enforcement,
3 anyone visiting the City, to tell who is a
4 licensed for-hire vehicle or other type of
5 vehicle we regulate, and who isn't.

6 It's kind of easy with a medallion taxi,
7 they're bright yellow, they have an actual
8 piece of tin stapled to the hood that let's
9 you know that they're legit.

10 But it's a little more difficult for
11 other types of vehicles. So, we designed
12 these permanent decals that we're going to be
13 releasing into the wild soon, for that
14 purpose, and also kind of like a branding
15 exercise. We worked in cooperation with New
16 York City and Company to design these
17 details. We wanted something that was
18 aesthetically pleasing and easy to spot from
19 a long distance away. The same way that a
20 cab is bright yellow, you can kind of eyeball
21 and say, "Hey, this is a legit vehicle."

22 So, what we're going to have are a bunch
23 of color-coded four-inch decals, let me kind
24 of show the audience here too (indicating.)
25 I'll be available afterwards to show people

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2 if they want. I'm going to pass this up
3 actually, pass it around (handing.)

4 So, we are going to have color-coded
5 decals that go in the rear opera window of
6 vehicles, and they're going to convey a lot
7 of information without having to actually
8 read them. They're going to be color-coded,
9 is, you can tell at a glance, is this a
10 community car, is this a black car, is this a
11 luxe limo, what am I getting into here and
12 did I get the thing that I called for; and
13 color is really a great way to do that.

14 So, most vehicles will have three
15 decals. The good news for the industry is
16 the bright orange diamonds that you really
17 hate in the front of the vehicle are going
18 bye-bye. We know you don't like them, they
19 don't stick too well, they're a little hard
20 to read, they fade after a while. They are
21 going to be replaced in the front by these
22 decals. So, in the front decal of vehicles,
23 there will actually be a bar code that
24 Enforcement will be able to read. The
25 license number, the license expiration date,

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2 and the last few digits of the VIN number to
3 confirm that the decal that's on the car
4 actually matches the car.

5 In the side windows where the passengers
6 kind of interact with the vehicle, it will
7 have the same outer color-coded sticker, but
8 it will have different information inside,
9 because passengers aren't going to confirm
10 the VIN and they don't need to scan it. What
11 it will say instead is the plate number of
12 the vehicle so that you can confirm that
13 you're actually getting into the right car,
14 expiration date of the license, and then the
15 base name. I know that people in the
16 industry complain about poaching a lot, that
17 you call one base and then somehow
18 mysteriously another car appears. This way,
19 the passenger will be able to say, "Well, I
20 called Base ABC, and this car is affiliated
21 with Base ABC, this must be the right guy.
22 This is kind of an important thing we've
23 heard from passengers from the industry, and
24 now we're able to kind of integrate it into
25 the markets.

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2 One note is that luxury limos will not
3 have these side decals. They'll have them in
4 the front window only. And it's kind of a
5 specific luxe limo issue.

6 So, kind of the interesting thing about
7 the decals is, much like the poker chip
8 decals, is that these will only be applied by
9 TLC staff. We're not going to mail people
10 their diamonds or diamond equivalents
11 anymore. What will happen is, if it's a new
12 vehicle, when you come in for your initial
13 inspection, if everything checks out, you'll
14 get your decals right then and there and you
15 can start service immediately. The same way
16 that medallion cabs come in through their
17 initial hack-up inspection, if everything
18 works out okay, your medallion is put on.
19 I've seen people hail cabs at the S and E
20 facility. It happens.

21 This will start this summer. I do not
22 have an exact implementation date yet, but we
23 are talking about weeks rather than months.
24 Also when the information containment in the
25 decal changes, like an ownership change, or a

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2 base transfer, the old decals will be removed
3 by TLC, and new decals will be put on so you
4 always have the freshest information.

5 Then, as we kind of cycle through
6 people's scheduled inspections, you'll start
7 to see those older kind of poker chip decals
8 disappear. So, we're not going to do a
9 wholesale change. I just want to kind of
10 reassure the industry, we're not going to
11 call everyone in all at once and say, "Your
12 old decals are not good anymore."

13 Those old decals are good until the
14 expiration date printed on them, and you'll
15 start to kind of see a gentle implementation,
16 and it will take a while to hit every
17 vehicle.

18 We'll have a full outreach plan and more
19 public information ready again later this
20 summer. I would advise people to kind of
21 check our website, check our press releases.
22 This is it something we'll definitely be
23 talking about later.

24 So, the color-codes, so everyone knows,
25 is that we have blue for liveries and

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2 community cars. Just as a test, can you guys
3 all see this?

4 MR. YASSKY: Es.

5 MR. KLAHR: This is the idea, you can
6 see it from far away.

7 We have grey, which I think I passed
8 out, for black cars, you'll actually be able
9 to tell at a glance who is affiliated with
10 black car bases and who isn't.

11 We have violet for luxe limos. So, you
12 will be able to tell who is affiliated with a
13 luxe limo base and who isn't.

14 We have light green for power transit
15 vehicles. It's more like a lime green.
16 Again, if anyone really wants to see these up
17 close, come see me after the meeting.

18 Finally red for commuter vans. This is
19 the pretty bright, you can definitely spot
20 this from across the room.

21 We purposely picked colors that you
22 could see on a stormy day from far away, to
23 say, "Okay, this car is legit. I feel okay
24 getting into it."

25 Then I kind of have them all together

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2 here for the last slide. Does anyone have
3 any questions from this?

4 (No response)

5 MR. KLAHR: Okay. Thank you very much.

6 MS. POLANCO: Is there a fee associated
7 with any of the new decals?

8 MR. KLAHR: Just the normal fees you
9 would pay for your licensing at this point.

10 MS. WEINSHALL: I think grey is hard to
11 see from a long distance away.

12 MR. KLAHR: Well, it was a little
13 difficult. We did some field testing with
14 the pantone (ph) book, and kind of held it
15 across the room. Let's do a little focus
16 group right now.

17 MR. FRASER: The only thing I want to
18 point out is, on the decal, it doesn't really
19 appear as it will appear on the cab, because
20 it has to peel off. What you have on your
21 screen is what it will actually look like.
22 So, the colors are a little more distinct on
23 the screen.

24 MR. KLAHR: Correct. You will also be
25 able to tell, kind of the inside will have

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2 text printed in it like the one I passed had
3 along.

4 Again, if you have serious problems
5 seeing this, or feel like this is
6 inappropriate, let me know. Thank you.

7 MR. YASSKY: In addition, the goal is to
8 have each color be distinct enough from the
9 others so that, not just customers who I
10 don't know that will memorize the color-
11 coding, but law enforcement, our inspectors
12 and the police department, that will be of
13 really material benefit. That is an
14 operational improvement to them, to be able
15 to look at the decal object the side and know
16 from the color what category of regulation it
17 falls under. But we will monitor the
18 effectiveness of the colors needless to say.

19 We have one more item, and then I'll
20 allege make a concluding comment. We are
21 going to vote on the four chapters; Chapters
22 5, 9, 1, and 3 of the final four of the Rules
23 Revision Project that you have heretofore
24 been presented with information about.

25 Counsel Fraser?

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2 MR. YASSKY: As Chairman Yassky
3 mentioned, these are the last four of the
4 nineteen chapters of the rules revision.
5 What we have today is Chapter 1, which is
6 definitions used throughout the rules,
7 Chapter 3 which is the accessible dispatch
8 chapter, Chapter 5 which is the for-hire
9 vehicle drivers chapter, and Chapter 9 which
10 is the for-hire vehicles and bases chapter.

11 We published each of the chapters for
12 the required thirty-day written comment
13 period and held public hearings. The written
14 comments and the transcript of the hearings
15 have been copied to the commissioners and
16 summarized for them. Where the staff is
17 recommending no changes in Chapters 3, 5 and
18 9 based on the comments. But as to the
19 definitions chapter, Chapter 1, the staff is
20 recommending five changes which are detailed
21 for the commissioners. I would characterize
22 them all as technical changes. They are
23 revisions of the definitions to be more
24 precisely accurate.

25 Before we vote, I would like to take

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2 just a minute to thank all the people who did
3 participate in this process, both in the
4 informal publication of the rules before the
5 kappa process, and then those who formally
6 participated in the kappa process.

7 I would like to single out one person,
8 my predecessor, Peter Mazer, who is now
9 general counsel at MTBOT, because he devoted
10 a great deal of time and attention to
11 technical commentary on the rules, draftsman
12 issues, which is not something obviously we
13 get a lot of input on. And I would say that
14 four of the five changes today that we are
15 recommending are from him. And I would say
16 that that is probably consistent with the
17 pattern throughout. The vast majority of the
18 changes we made in the rules are technical
19 changes that Mr. Mazer recommended to us.

20 MR. YASSKY: So, this is a vote on
21 conditional approval of these four chapters.
22 We will then, before too long, be voting on a
23 final approval, you know, and be followed by
24 implementation of all of the entire rule
25 book.

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2 MR. AROUT: Make a motion we approve.

3 MR. YASSKY: Thank you.

4 MS. WEINSHALL: Second.

5 MR. YASSKY: All in favor, say Aye.

6 THE COMMISSION: (In unison) Aye.

7 MR. YASSKY: All opposed, say Nay.

8 (No response)

9 MR. YASSKY: By unanimous vote, these
10 four chapters are conditionally approved.

11 So, we have almost made it to the hour
12 target, that was the target time period for
13 this meeting. We're just one minute or two
14 over. I'm not going to promise you,
15 commissioners, that we're going to make it an
16 hour every time. Some may be a little bit
17 longer, I just want to caution you.

18 Seeing Mr. Klahr just reminded me to
19 tell you about two additional things that are
20 coming down the pipe that you should know
21 about. One is, of course we embarked on the
22 Taxi of Tomorrow Project to select a vehicle
23 that will serve as the emblematic New York
24 City taxicab for the next decade or decade
25 and a half. We are doing that by means of a

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2 request for proposal. The responses to that
3 request are due May 27th. So, one week from
4 today, we'll be getting those responses. And
5 I will keep you commissioners apprised, and
6 the RFP and procurement process is hedged
7 with numerous restrictions and constraints.
8 But consistent with those, I will keep you
9 apprised of our evaluation process as it
10 precedes. It will take up a considerable
11 amount of the commission staff's time over
12 the summer, but I'm consistent with it's
13 importance, because I believe it is an
14 enormously important initiative.

15 MR. GIANNOULIS: Are we in some kind of
16 restrictive period that we shouldn't be
17 speaking to people? Is there some RFP going
18 on?

19 MR. FRASER: Let me look at that
20 question and get back to you. I think
21 commissioners won't be actually making the
22 decision, so, I think commissioners should
23 probably not entertain discussions.

24 MR. YASSKY: Why don't I, because as we
25 say, this is a decision of great import, so,

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2 we want to dot every I cross every T and act
3 with an abundance of caution. I will commit
4 the counsel if I may to circulating an email
5 or memo, doesn't have to be fancy, to
6 commissioners about what if any constraints
7 they're under. Is that a fair plan? T.

8 MR. FRASER: Sure.

9 MR. YASSKY: Okay. We'll do that.

10 The other technology initiative that
11 we're in the middle of, of course is shaping
12 the next iteration of the T-pep device. I
13 continue to be amazed at how successful this
14 innovation has been, you know putting cutting
15 edge or close to cutting edge technology in
16 every taxicab is a real achievement of this
17 commission and I commend you for it.

18 The contracts with the vendors who
19 provide those devices are set to expire this
20 fall. So, we now have a number of decisions
21 to make substantive about what the next
22 T-pep, what T-pep 2.0 should look like. What
23 functionality and features should be included
24 in the next request iteration of these
25 devices.

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2 And then we have a technical but quite
3 meaningful decision about whether to regulate
4 these devices by means of a contract as we
5 have done for the past couple of years, or by
6 means of a rule. And I think there are
7 strong arguments to be made in both
8 directions. Obviously, competition in the
9 marketplace, what one would expect would lead
10 to lower prices and better value for the
11 customers who are the taxicabs, then as
12 through presumably through the passengers.

13 On the other hand, we want to make sure
14 that the vendors, the industry here that
15 makes these products has an incentive to
16 invest in them and to give the time and money
17 needed to make them state of the art, and it
18 may be that the best way to do that is by a
19 contract that assures a certain amount market
20 share.

21 I think that's an important question
22 with arguments to be made on both sides, and
23 I wanted to simply alert you, commissioners,
24 to the fact that we are now beginning to
25 think this through, and we have to do it

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2 fairly quickly.

3 We'll certainly, as the staff thinks
4 through these issues, I will come back to you
5 with the results of those thoughts.

6 I want to invite members of the public,
7 the stakeholders here. If you have views on
8 that specific question, to communicate them
9 to us in writing presumably. We'll be
10 reaching out to meet with stakeholders to
11 think through these issues face-to-face.

12 And if I think it will be useful to the
13 Commission, we may even make time at the next
14 meeting for people to present their arguments
15 in person. But I wanted at this point just
16 to let you know that this is I think an
17 important question that we are going to have
18 to decide.

19 So, with that, I would entertain a
20 motion to adjourn.

21 MR. AROUT: Make a motion we adjourn.

22 MR. GONZALES: Second.

23 MR. YASSKY: All in favor, say Aye.

24 THE COMMISSION: Aye.

25 MR. YASSKY: By unanimous vote, this

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meeting of the Taxi and Limousine Commission
is adjourned. Thank you.

(Whereupon, the meeting was adjourned at
11:10 a.m.)

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

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

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

10 THAT this is a true and accurate
11 transcription of New York Taxi and Limousine
12 Commission public meeting held on May 20, 2010.

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

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

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 20th day of May 2010.

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21

CASEY MARTIN

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