

1 -----X

2

NEW YORK CITY

3

TAXI AND LIMOUSINE COMMISSION

4

September 15, 2011

5

-----X

6

7

8

PRESENT:

9

- David Yassky, Commissioner/Chair
- Elias Arout, Commissioner
- Frank Carone, Commissioner
- Mark Gjonaj, Commissioner
- Edward Gonzales, Commissioner
- LaShann DeArcy, Commissioner
- Nora Marino, Commissioner
- Lauvienska Polanco, Commissioner

10

11

12

13

14

15

16

17

18

19

20

21

22

23

\*\*\*\*\*

FIVE STAR REPORTING, INC.  
 90 JOHN STREET, SUITE 411  
 NEW YORK, NEW YORK 10038  
 631.224.5054

25

1           CHAIRMAN YASSKY: Good morning and  
2 thank you very much for -- I appreciate  
3 the people's flexibility with the last  
4 minute change of our start time.

5           Before we begin our meeting today I  
6 want to say a couple words about some  
7 current items. First of all I want to  
8 publicly thank and commend both the TLC  
9 employees and the many many members of our  
10 regulated industries who really stepped up  
11 to the plate to pitch in in the hurricane  
12 preparedness operation. Thank youfully  
13 Hurricane Irene was not as damaging here  
14 in New York City, but nonetheless, it did  
15 its share even here. And more the point I  
16 think the city did a tremendous job in  
17 preparing. Some of the folks who are even  
18 here in this room, Ron Sherman and his  
19 colleagues at the metron taxi board of  
20 trade were extremely helpful in stepping  
21 forward and directing taxis towards the  
22 evacuation areas. You start to single  
23 people out, might leave some others out  
24 but nonetheless, Jean Friedman at greater  
25 New York taxi association was especially

1 helpful in directing wheelchair accessible  
2 taxi to where they were needed. The  
3 Liberty association, similarly, I will say  
4 one thing we learned here in the TLC the T  
5 fab counsel was enormously useful in  
6 communicating with the drivers -- on the  
7 drivers. On the Liberty side we had to  
8 rely on bases voluntarily using dispatch  
9 service. Many of them did that just very  
10 generally and around the clock. The power  
11 transit industry in particular. There  
12 were many folks like this. Robert Garcia  
13 from Ambulette, sent very late Friday  
14 night, overnight into Saturday morning,  
15 moving patients from nursing homes to  
16 shelters. That was the kind of New York  
17 spirit that this entire industry showed,  
18 and I want to again commend and thank  
19 everybody who pitched in.

20 Speaking of preparedness,  
21 commissioner, we had some individual  
22 discussion about this. I think it would  
23 be you know -- because we haven't really  
24 talked as a group about preparedness, it's  
25 never really pressing on the agenda. And

1 then when it is, it's few days away. So  
2 what I would like to do is schedule a  
3 briefing. We'll pick a meeting when  
4 there's not too much on the agenda,  
5 sometime over the next two or three  
6 months. Just so you know if I said  
7 hurricane, I mean emergency preparedness  
8 in general. The TLC and under the  
9 direction of my assistant, Brian Switzer,  
10 we did a lot of work on developing plans  
11 for hurricanes, blackouts. And I think  
12 it's worth you knowing what we intend to  
13 do when you know, heaven forbid, we're in  
14 a position of having to use those.

15 On to other business. Today we  
16 have some agenda items. Before we get  
17 there, I want to note for the public and  
18 commissioners, the sad fact that we have  
19 had two members of our USB division, pass  
20 recently, and we have their badges that  
21 are to be presented to their families. So  
22 commissioner, I would like to do that at  
23 this time.

24 The first is lieutenant Elijah  
25 Hampton, who served TLC from

1 September 1990 to December of this year.  
2 He worked in the overnight squad. He was  
3 a -- his colleagues know him fondly as a  
4 very avid football fan. Shared his  
5 enthusiasm with the sport with his  
6 colleagues. He rendered terrific service  
7 to the TLC as a city over a 20 year  
8 period. We're honored today to have the  
9 sister, Caroline Hampton, to join us and  
10 we will present his badge to her.

11 The second -- okay. She's running  
12 late.

13 Is John Baldo here or Carol  
14 Skillman?

15 We also have family of inspector  
16 Kenneth Skillman who served the city for  
17 nearly 16 years as an inspector. He too  
18 was a very dedicated TLC employee and a  
19 member of our family and we want to  
20 acknowledge with sadness, his passing.

21 And we have Carol Skillman the  
22 sister John Baldo. I would like to  
23 present his badge to you at this time and  
24 I will just walk around to do that.

25 (applause).

1                   CHAIRMAN YASSKY: Before the last  
2                   time before proceeding for the vote today,  
3                   the items up for vote today I want to  
4                   introduce to the public -- introduce to  
5                   the commissioners earlier today, our soon  
6                   to be general counsel Mira Joshy  
7                   (phonetic) who I believe is here.

8                   Oh there she is.

9                   No doubt, Mira will begin to know  
10                  many of you right quick. And I expect you  
11                  will find her a worthy successor to Chuck  
12                  Fraiser who did some terrific work for the  
13                  TLC.

14                  First on our agenda is our -- first  
15                  of all let's do the minutes.

16                  The minutes of the July 21st  
17                  meeting I move that we adopt those minutes  
18                  all in favor say aye.

19                  Aye.

20                  The meetings are adopted. We have  
21                  several applications before us. And today  
22                  Chris Tormey is here. Commissioners, this  
23                  marks our -- Georgia is still our Applicant  
24                  Not -- was noted to assist the  
25                  commissioner. Chris has now succeeded

1 here. He's our director of Applicant  
2 Licensing. Afterwards you can send Nino.

3 SPEAKER: 23 bases with a  
4 recommendation for approval.

5 CHAIRMAN YASSKY: All in favor say  
6 aye.

7 Aye.

8 SPEAKER: And there are seven basis  
9 that grants an additional 30 days so that  
10 it may present outstanding items.

11 CHAIRMAN YASSKY: All in favor say  
12 aye.

13 Commission.

14 SPEAKER: One thing I would like to  
15 bring up. Why does it take so long for  
16 all these applicants to plead guilty.  
17 This one is 5/14, 10. Is there some  
18 reason to take so long to go to the  
19 process.

20 SPEAKER: To be honest, I'm not sure.  
21 Can I get back to you on that?

22 SPEAKER: Sure.

23 CHAIRMAN YASSKY: So all in favor say  
24 aye.

25 Aye.

1 CHAIRMAN YASSKY: Opposed no.

2 Recommendation that they be denied  
3 subject to 30 days is approved.

4 Now we have before us I guess three  
5 items for action. The first is the Roof  
6 Top advertising rule. I know we have  
7 several members of the public signed up to  
8 speak. We can do this. I will just say  
9 we had a public hearing on this last  
10 meeting. I understand people would like  
11 to be heard a second time, so we will do  
12 that but I'm going to ask people to keep  
13 their remarks to let's say a minute and a  
14 half. Can we do that. Can you time that.

15 To two minutes.

16 There are several minutes signed up  
17 to speak. As I say the public hearing is  
18 technically closed but I understand that  
19 people want to be heard nonetheless.

20 The first speaker is the New York  
21 taxi service lines.

22 SPEAKER: Also if I could state the  
23 speakers before they begin their  
24 testimony.

25 SPEAKER: Good morning. I'm speaking

1 on behalf this is Beta B. Desigh. I'm the  
2 executive director of New York City taxi  
3 alliance. We have members who lease from  
4 fleets we have members who are owner  
5 operators and we have a large membership  
6 of DOB operators. And I'm here this  
7 morning to speak in favor of the proposed  
8 rule making.

9 You know for us, this rule was  
10 always about a simple fairness. You know  
11 fleets who own the vehicle and owner  
12 operators who own the vehicle have control  
13 over the Roof Top advising because it is a  
14 physical issue that impacts the  
15 physicality of that vehicle. It really  
16 has nothing to do with the medallion it's  
17 about the vehicle itself.

18 And we believe why should DOB  
19 operator be the only group of vehicle  
20 owners who don't have any control over the  
21 Roof Top act. They drive with those  
22 vehicles, it affects the cost of fuel the  
23 content of the advising is associated with  
24 that vehicle owner. If that car is parked  
25 with someone's driveway or near to their

1 building. That medallion is associated  
2 with that vehicle and the vehicle is  
3 associated with that individual DOB  
4 operator. It's only fair that they should  
5 have some level of control over that roof  
6 top advertising.

7 For the record I want to state, DOB  
8 operators are in fact the real vehicle  
9 owners not the agents who finance the  
10 vehicles to them. They pay a substantial  
11 amount of money. Presently, for example,  
12 we have paperwork to evidence that on Ford  
13 Escape where the bim of sale is about  
14 \$30,000. When you end up the 348 a week  
15 that drivers will pay for the cost of the  
16 vehicle plus another \$50 for the insurance  
17 and \$85 for something called an additional  
18 driver fee it amounts within a hundred 35  
19 week period \$65,205. For a vehicle that  
20 would cost them ordinarily to 28 to  
21 \$30,000. They are the vehicle owner they  
22 bear all the expenses they bear the risks.  
23 It is only a matter of fairness they  
24 should have some level of control over the  
25 simple issue of control over the simple

1 issue of Roof Top advising thank you.

2 (applause).

3 CHAIRMAN YASSKY: Thank you. David  
4 Pollack from the committee of taxi safety.

5 SPEAKER: Commissioners. Good  
6 morning. I'm David Pollack, executive  
7 director of the committee for taxi safety.  
8 And we represent the drivers and owners of  
9 over 3,000 medallions.

10 First of all I want to thank all  
11 the commissioners who work with the  
12 industry to make changes in the rule. We  
13 really appreciate it and I believe in any  
14 industry, if you regulators work with the  
15 industry you can resolve any problems. We  
16 do object to the proposed definition of  
17 owner in the rule. And our agent business  
18 model it's the agent that assumes  
19 responsibility for the initial purpose of  
20 the vehicle using its credits. And it's  
21 the agent responsibility to make timely  
22 payments to the lender. This time long  
23 term leases make no payments for damage  
24 property even if they were at fault. In  
25 accidents where the car is totaled, the

1 long term driver often walks away leaving  
2 the agent to pay off any balance of the  
3 vehicle. So the definition of owner 54/34  
4 defines to include long term lease along  
5 term why to walk away from the vehicle and  
6 how does the driver owner of the vehicle.  
7 The driver has no responsibility other  
8 than the mechanical maintenance. Chapter  
9 51 TLC rules defines the legal owner yet  
10 the long term leasee should not be a legal  
11 owner of vehicle because neither title or  
12 registration is in the driver's name.  
13 Chapter 58 defines individual or business  
14 entity licensed by the commission to own  
15 or operate one or more med taxi cab. The  
16 TLC license and med license.

17 I further banded about yet in this  
18 proposed litigation it's inconsistent with  
19 current regulations. And street hail plan  
20 the term owner is not inclusive taxi cab  
21 owner means of personal licensed by the  
22 TLC to own and operate therefore no  
23 consistency. One can't pick and chose to  
24 be an owner but the long term sequence of  
25 a long term driver becoming an owner by

1 definition will result in the driver's  
2 becomessing personally liable as the owner  
3 of the vehicle in lawsuits. This rule as  
4 it does it cuss not benefit drivers at  
5 start but will hurt them. And other  
6 religious and morale values of fleet  
7 drivers to be less important. The rule  
8 states religious and morale values but I  
9 heard something about sharing income now.  
10 I thought that wasn't the basis of this  
11 rule. In any event I do have copies of my  
12 testimony I didn't get to read everything  
13 I would appreciate if you reviewed it.

14 CHAIRMAN YASSKY: Lohan sing.

15 SPEAKER: Good morning. I'm driving  
16 a cab. And as I just came down to tell  
17 you that -- this goes on my car as a  
18 special thing. That is when it is parked  
19 in my driveway and my granddaughter it  
20 says flash dancer and she said I want to  
21 dance also. What do you expect. They  
22 just tell me what to do. To tell our  
23 children oh go ahead that is good.

24 Another thing, gentleman's club.  
25 Last time my brother come to my house and

1           what he's doing mom I want to go to the  
2           club gentleman's club. What do you expect  
3           from a young kid? I just request you what  
4           is a good deed and we want to take care of  
5           the kids and we are here to tell you that  
6           they say we also pay the amount which goes  
7           from our pocket the time is fixed over  
8           there the gases extra charge that comes  
9           from our pocket we have to pay everything  
10          we have to pay. And we are here to build  
11          America and you tell me you want this go  
12          ahead it's up to you. I'm asking you  
13          people take care. Justice right we got  
14          everything God is here. That's what we  
15          want. We're not doing any... we are just  
16          asking -- I think you have good enough to  
17          answer what is good and what is right and  
18          I request you take care. I want justice  
19          for everyone. To everyone. So I think  
20          you will be kind hearted and do what is  
21          right.

22                 CHAIRMAN YASSKY: Thank you.

23                 SPEAKER: Thank you very much.

24                 CHAIRMAN YASSKY: Next speaker is  
25          barris simpleness.

1           SPEAKER: Good morning. First I want  
2 to say the drivers in JFK airport thank  
3 you very much for showing your concern  
4 under the drivers who worked during that  
5 storm.

6           CHAIRMAN YASSKY: Please don't take  
7 this from the two minutes. I went after  
8 the JFK a couple days after the storm and  
9 talked with several drivers and when I was  
10 thanking the members of the industry  
11 obviously it was the drivers that were out  
12 there they don't have to be and they're  
13 not required to be. A lot of drivers did  
14 respond when we texted the dim please go  
15 to the zone A. Drivers on their own chose  
16 to do that and I want to recognize their  
17 efforts.

18           SPEAKER: My name is barris. I'm a  
19 member of the taxi workers alliance. Been  
20 driver taxi over 40 years. I paid for two  
21 wheelchair recess I have cars I never  
22 walked away once and I've had accidents  
23 and owning as a DOV driver is one who is  
24 on his way, trying to own his own  
25 medallion, okay.

1                   Two give the Roof Top to the  
2 industry or to the brokers is basically  
3 taking money away from the drivers who pay  
4 a very heavy amount of money to maintain  
5 this vehicle. It helps to pay these  
6 vehicles. It cost up to 46 percent on  
7 whatever we pay for these cars. Nobody in  
8 the history of loan management would pay  
9 so much in interest. Cab drivers are hard  
10 working people. I'm asking you  
11 commissioners to please look forward to  
12 the drivers. We are hard working men. We  
13 do a great service to New York City and we  
14 would appreciate your consideration in  
15 working along with the drivers because we  
16 are the ones who are in the streets and we  
17 know what's happening. Most of these guys  
18 haven't driven a cab in their life and  
19 most of the drivers who were driving  
20 before are not driving now. Thank you  
21 very much.

22                   CHAIRMAN YASSKY: Richard Thaler.

23                   SPEAKER: Richard Thaler T-H-A-L-E-R.

24                   I was aware that the Roof Top rule  
25 was posted for action only so I appreciate

1 the opportunity to raise two issues again  
2 that were raised at the hearing.

3 The first was the denial for FHV  
4 Roof Top advertising. The original denial  
5 if you go back to the trans was  
6 unjustified. I think it was lee sanders  
7 made the motion just as the rule was to  
8 passed allowing for the Roof Top. I think  
9 the denial for resolve top for those that  
10 want is unjustified and that should be  
11 reexamined.

12 The second issue is a actual insult  
13 regarding the two sided display  
14 restrictions. With the MTA taxi tax,  
15 taxed on the passengers while the M T. A  
16 is allowed to have for their financial  
17 benefit, for rear display advertising on  
18 the buses, it just doesn't make any sense  
19 if a sign was allowed to have rear display  
20 advertising, it would have to pass  
21 structural requirement. But the fact is  
22 it's on the MTA buses and I don't think  
23 I've seen a just case for denying a rear  
24 display on a Roof Top advertising sign.  
25 Thank you for your consideration.

1 CHAIRMAN YASSKY: Thank you

2 Mr. Thaler.

3 I just want to address a couple of  
4 those. The question of FHBS, we certainly  
5 to, the staff at TLC is looking very hard  
6 and is certainly open to the idea that  
7 bureau taxis should have the same ability  
8 to carry advertising as yellow taxi do.  
9 There's so many responsibilities that the  
10 commission will have to act out I want to  
11 say this is -- the fact that that's not  
12 included in this rule does not reflect a  
13 determination by the TLC staff not to  
14 recommend to us that advertising be  
15 permitted on SHVs. That's one of the many  
16 issues that we will be taking up in the  
17 context of bureau taxis. And certainly I  
18 don't know, I have not spoken I think a  
19 couple of you I have spoken to. Perhaps  
20 the balance of opinion on the commission  
21 would be no advising -- it should be that  
22 will have the same advertising as others  
23 we will take that up as a group.

24 In terms of the two sided and four  
25 sided. The staff looked very hard at

1 that. There's was kind of an experiment  
2 to allow some four sided ads. The staff  
3 does believe there's both a safety concern  
4 and a consumer concern with the four  
5 sided. In other words allowing ads in the  
6 back and front as well. They are more of  
7 a distraction traffic to the cars trailing  
8 the taxi than the side ads are and they  
9 provide some clutter. We want the  
10 customers to be able to look at that back  
11 and all they are seeing is lit or unlit.  
12 And it was the staff's clear  
13 recommendation not to proceed and permit  
14 the four sided ads. Thank you again  
15 Mr. Thaler.

16 The next speaker is Victor Salazar  
17 New York taxi compliance.

18 SPEAKER: Good morning commissioners.  
19 How are you?

20 I just came to clear up a couple of  
21 facts about roof advertising. First taxi  
22 drivers who have the roof over their  
23 vehicles we believe they are owners,  
24 definitely owners from all the angles that  
25 we can think. They spend about \$32,000 to



1 first time I'm seeing a divided commission  
2 one guy is thinking about this and the  
3 other one is thinking about this. It's  
4 good. That's what makes America. That's  
5 democracy. I miss (inaudible) I miss him.  
6 Bring him back. Tell the senator to drop  
7 me a little line I need some help here.

8 Anyway, listen I respect all cab  
9 drivers I started driving in 1964. I'm  
10 not driving now because it destroyed my  
11 back. And the people boost me up there  
12 and I sit at a desk most of the day. My  
13 father drove in 38's. My uncle had a mini  
14 fleet in the early 40s. I'm not a rookie.

15 All I can say is this, after  
16 listening to everybody I would say that  
17 the time is offensive I think we should do  
18 away with it. I agree, you know. But on  
19 the other hand it seems like all of a  
20 sudden, if you forgive me okay, all of a  
21 sudden when city hall wants 30,000 Liberty  
22 cars out there we're into the agenda about  
23 who is going to get paid for the Roof Top.  
24 But the Roof Top have been there for 12  
25 years or 13 years. What happened?

1                   And when I bought my house I'm  
2                   still paying for it by the way I put two  
3                   kids through college and most cab drivers  
4                   are making 500 chain for their medallion.  
5                   I bought my house still paying for it they  
6                   said it cost me 40 grand. By the time I  
7                   finished it's \$800,000. When you're  
8                   paying interest, it's not new.

9                   Listen I don't want to see a cab  
10                  driver get hurt will he belongs to me or  
11                  doesn't belong to me doesn't matter he's  
12                  still a cab driver. Stop giving these  
13                  guys massive fines stop the harassment out  
14                  there and give them an increase already  
15                  thank you.

16                  CHAIRMAN YASSKY: Thank you. Thank  
17                  you Vinny. Then the next speaker is Ethan  
18                  Gerber.

19                  SPEAKER: I'm with taxi lines and  
20                  I've been driving for six years. Before I  
21                  was a cab driver I bout my car last year.  
22                  The minute when I signed the contract and  
23                  my broker told us that we are the owner  
24                  and we are the responsible of the vehicle  
25                  and these days we have to put down \$7,000

1 as a down payment. And it's not a magic  
2 investment. Broker saying driver just  
3 walk away. This is just a lie. And  
4 insult. I take it as insult to all the  
5 drivers. We're responsible people. And  
6 this is our job. This is our job. This  
7 is our livelihood. And if you're  
8 responsible for anything, broker just  
9 take -- they sue us they take the judgment  
10 against us and get our license suspended  
11 through the TLC. If you don't pay them.

12 They have a total control on us.  
13 All I ask you guys is some fairness.  
14 That's all. Thank you very much.

15 CHAIRMAN YASSKY: Thank you very  
16 much.

17 SPEAKER: Ethan Gerber from greater  
18 New York City taxi association.

19 There's some misstatements made  
20 that I have to clear up. Some of the taxi  
21 workers are talking about brokers. What  
22 we're talking about are medallion owners.  
23 They are the registered owners of the  
24 vehicle. That makes them vicariously  
25 viable for the accidents when the driver's

1 drive. The driver commits the tort  
2 through know fault of the registered  
3 owner. The owner gets sued. Anyone who  
4 has practiced tort law knows they sue the  
5 medallion owner. Every threat of  
6 litigation there's threat. I've defended  
7 against owners and cab drivers, the owner  
8 of the medallion is the registered owner  
9 of the vehicle and the registered owner of  
10 the vehicle pays the claims. In not one  
11 of the many thousand thousand of cases has  
12 a dove operator ever paid a claim. So for  
13 the dove operator to come here and say  
14 we're responsible for everything, well  
15 that's news to the insurance business  
16 that's news to the self insurance industry  
17 and that's news to any plaintiffs'  
18 attorney that's practiced. So the owners  
19 are the ones who are responsible for the  
20 vast vast majority of losses when a driver  
21 commits a tort or is accused of committing  
22 a tort.

23 I do want to commend Vinny and what  
24 he said before because what I'm seeing  
25 today is a commission dedicated many and

1 women who are acting as volunteers. And  
2 these commissioners have risen to a  
3 challenge. There were statements made at  
4 the last hearing. Statements made to the  
5 press drivers were upset about the  
6 content. The driver who came up today I  
7 don't want my daughter to dance for flash  
8 dancer. Nor do I I have two dollars.

9 What the TLC did is modified and I  
10 thanked the commissioners who listened the  
11 last time and I thanked the commissioners  
12 to work hard to make sure the rule did  
13 what it was intended to do.

14 Just the other night I watch owe  
15 Bank of Americaa give his academic speech.  
16 I know that 60 percent of Americas s  
17 Americans this the president said  
18 regulation should only effect the health  
19 and welfare of the nation. And you are  
20 members of regulators, I urge you to  
21 follow president owe Bank of Americaa  
22 advise regulate the health and welfare  
23 nothing else do not regulate the operation  
24 of business. It's good enough for bomba  
25 should be good enough for you. I have

1 objection to it I've made objections clear  
2 to the commissioners but is a far far  
3 better bill than had before.

4 SPEAKER: Mr. Gerber, can I ask a  
5 question with respect to the claims you're  
6 talking about. The medallion owner has  
7 insurance and the driver has insurance.

8 SPEAKER: No. The driver does not.  
9 The registered owner of the vehicle has to  
10 get insurance. For New York City taxi --

11 SPEAKER: I know you practiced tort  
12 law I know you know what that means.

13 SPEAKER: And it's posted by the  
14 owner registered owner of the vehicle  
15 which is the owner of the medallion by  
16 rule says the medallion owner have to be  
17 the same.

18 SPEAKER: Forgive me if I sound  
19 ignorant. There was a gentleman said if  
20 the driver buys the car or has a lease on  
21 the car they are leasing it from -- I'm a  
22 little confused on this.

23 SPEAKER: What we're talking about is  
24 a dove contract. It's a long term lease  
25 with payments that ultimately the car will

1 transfer. Registration and title of the  
2 transfer.

3 SPEAKER: From the medallion owner.  
4 At the point that they're operating most  
5 of the time, 99 percent of the time, the  
6 registration is in the name of the  
7 medallion owner. And the registrant the  
8 medallion owner buys the insurance pays  
9 the premium. The medallion can be.

10 CHAIRMAN YASSKY: I will ask I  
11 understand if there's disagreement with  
12 the speaker but we have to be SPECTful and  
13 respect the process session.

14 SPEAKER: This is an important  
15 insurance.

16 SPEAKER: It is a medallion owner  
17 rule TLC rule that will has to be  
18 10,300,000 insurance it is a medallion  
19 rule owner rule. And the medallion owners  
20 are responsibility so when we talk about  
21 brokers, when people come here and they  
22 talk about brokers, what they really mean  
23 are the agents, the licensed agents of the  
24 owners of the medallion who are the owners  
25 of the registered vehicle. And that is

1           why in every tort case. The threat that  
2           I'm faced with by plaintiffs' attorneys is  
3           that we are going to go after your  
4           medallion because the medallion is tied  
5           directly to the registered owner. It's  
6           the same corporation.

7           SPEAKER: Going to go after the  
8           medallion's insurance.

9           SPEAKER: No we're going after the  
10          insurance and going to go after the  
11          medallion.

12          SPEAKER: In the event the injuries  
13          exceed 100/300 policy.

14          SPEAKER: Yes.

15          SPEAKER: You said there's something  
16          about an option. If they lease a vehicle  
17          they're paying the monthly payment  
18          directly to the med owner.

19          SPEAKER: Yes or his registered  
20          agent. They're talking about the  
21          registered agent about the med owner.  
22          When they're referring to brokers that's  
23          what they're referring to?

24          SPEAKER: I want to be clear. You're  
25          saying that the dove owner does not have

1 insurance as well or in addition to the  
2 med insurance.

3 SPEAKER: They are covered by the  
4 same policy but it's one policy. So the  
5 biggest med --

6 SPEAKER: It's a policy that the dove  
7 owner is not making premiums on.

8 SPEAKER: He might have a contract  
9 where part of his payment --

10 SPEAKER: So it may be a process  
11 bourne by both.

12 CHAIRMAN YASSKY: I'm just told that  
13 the practice is for the agent pass that  
14 cost on to the driver.

15 THE WITNESS: Well I can tell you  
16 only from my experience I represent as you  
17 know a self insurance operation. I have  
18 approximately 3,000 self insured taxi cab  
19 corporations in my purview. Not one claim  
20 not one claim has ever been paid by a  
21 driver. Not one claim.

22 CHAIRMAN YASSKY: Do the dove drivers  
23 have to crbtd to that insurance.

24 THE WITNESS: No, they pay contract  
25 fees. But the claims are paid. And when

1 that claim --

2 CHAIRMAN YASSKY: Do they have to pay  
3 anything towards the insurance.

4 SPEAKER: The premiums.

5 SPEAKER: Wait a minute.

6 SPEAKER: If they are paying towards  
7 the premium and it is from the insurance  
8 premium that the insurance is paid out.  
9 Effectively, they are covering the cost to  
10 a certain extent.

11 (applause).

12 SPEAKER: I talked about what I know  
13 I represent 3,000 self insureds there is  
14 no premium. There is payment -- there  
15 payment and the payment is sometimes  
16 \$75,000 sometimes \$100,000.

17 SPEAKER: I don't think you're  
18 getting my dis thinks I understand that  
19 they may not be personally paying the  
20 premium.

21 SPEAKER: The claim.

22 SPEAKER: The premium that pays for  
23 the insurance but if the cost of the  
24 premium is passed on to the driver they  
25 are participating applause.

1           SPEAKER: Again what I know is first  
2 of all even if that were true which I'm  
3 disagreeing with. Even if that were true  
4 the risk is the entire medallion. In a  
5 tort case the lawsuit is for a million  
6 dollars --

7           SPEAKER: Have you ever paid over the  
8 \$100,000.

9           SPEAKER: Yes, sir.

10          SPEAKER: How often does that happen  
11 you're saying the medallions, themselves  
12 are at risk how often do your clients have  
13 to go pay above and beyond?

14          SPEAKER: It happens it happens.

15          SPEAKER: How often.

16          SPEAKER: I have represented  
17 medallion owners that were represented by  
18 American transit insurance company who had  
19 800,000, \$1 million of judgments against  
20 their corporations and then I had to  
21 settle those cases above judgment I had to  
22 do that many many times.

23          SPEAKER: The insurance companies  
24 have an opportunity to settle within the  
25 limits and they don't.

1           SPEAKER: That's true. And that's  
2 one of the reasons people go self  
3 insurance because the insurance company  
4 only looks to their --

5           SPEAKER: That shouldn't be put on  
6 the burden of the drivers now?

7           SPEAKER: That's why in self  
8 insurance people prefer it because they  
9 know that someone is protecting their  
10 entire assets and that's my job to protect  
11 their entire assets. But on every claim,  
12 every single claim has been paid by the  
13 registered owner not the dove operator.  
14 Every single claim. And I invite you to  
15 come to my office and I will show you that  
16 millions of dollars every single year are  
17 paid in claims by the registered owner.

18          CHAIRMAN YASSKY: You know what might  
19 be helpful there are a lot of insurances  
20 that are going to keep coming up that  
21 really speak to the basic economics of the  
22 dove industry and model. Can you provide  
23 maybe a few sample contracts with dove  
24 drivers. That I think would help the  
25 commission understand the basic economics

1 and who in practice pays the insurance.  
2 In other words the question a few of the  
3 commissioners have been asking is the  
4 cost. Whether it's called a premium or  
5 not or built into the contract or not  
6 whether it's the drivers that pay the cost  
7 of the insurance.

8 SPEAKER: Absolutely I can tell you,  
9 like I said I represent at least several  
10 hundred dove operators in my self  
11 insurance program. I represent several  
12 hundred. In my self insurance program,  
13 the claims are paid. Now the claims  
14 often -- the commissioner asked me how  
15 many times it goes over 100. But I can  
16 tell you the claims often go to \$100,000.  
17 And when that hundred thousand dollars is  
18 paid that is paid directly out of the  
19 pocket of the registered owner the  
20 medallion owner it's paid directly out of  
21 that person's pocket. And any one of  
22 drivers here who wants to say they reached  
23 a --

24 SPEAKER: If you're choosing to be  
25 self insured you run that risk.

1           SPEAKER: You chose to be self  
2 insured is because exactly the situation  
3 you were talking about. American transit  
4 or another insurance company tries a case  
5 and your demand is \$90,000, commissioner.  
6 And they say no more than 60. And they  
7 try the case and now it settle for  
8 \$750,000 they're coming after the  
9 medallion.

10           SPEAKER: That's over reaching that's  
11 a whole other insurance.

12           SPEAKER: No it's not the drivers say  
13 they bear all the risk and they do not.

14           SPEAKER: You talked about over  
15 statements indulge me for a moment. It  
16 sounds like an over statement to say  
17 there's no risk born by the drivers if  
18 some of the cost is also passed onto them.

19           SPEAKER: I never said the cost  
20 weren't born on. What I said is the risk  
21 is not. The risk to an asset -- we're  
22 talking about, this TLC this TLC made the  
23 rule and says the registered owner of the  
24 vehicle must be the medallion owner --

25           CHAIRMAN YASSKY: Did we change that

1 rule?

2 SPEAKER: Change what rule.

3 CHAIRMAN YASSKY: Go ahead

4 Mr. Gerber.

5 SPEAKER: The question was the  
6 registered owner is the medallion owner.

7 The reason for that rule is the  
8 general public would be protected. I  
9 think that's the reason for that rule.

10 CHAIRMAN YASSKY: I'm just curious.  
11 Should we keep that rule or change it.

12 SPEAKER: I think it should be  
13 visited.

14 CHAIRMAN YASSKY: I personally do  
15 think it should be visited.

16 THE WITNESS: I think it's a very big  
17 question.

18 CHAIRMAN YASSKY: I'm glad you've  
19 raised it.

20 SPEAKER: A couple of people just  
21 want some clarification. To change the  
22 rule that the registered car owner has to  
23 be the medallion owner as opposed to the  
24 driver am I understanding correctly.

25 SPEAKER: If that were the change in

1 rule then the medallion would bear no  
2 risk. The medallion would bear no risk.  
3 That's a big public policy change.  
4 Inaudible.

5 One of the things that this agency  
6 has done is required tort letters.

7 Tort letters and I know Mr. Wilson  
8 and other people are familiar with this.  
9 Tort letters mean that I cannot sell my  
10 medallion -- claim pending against that  
11 med. We went through this debate two  
12 years ago. You cannot transfer your med  
13 while there's an open claim. My asset  
14 that I bought for a million dollars is  
15 tied up because of a claim resulting from  
16 a tort.

17 SPEAKER: That's to be revisited as  
18 well.

19 SPEAKER: And that by the way --

20 CHAIRMAN YASSKY: We're taking up a  
21 lot of time here I want to get back to the  
22 agenda.

23 This is very worthwhile because I  
24 think some of the ancillary issues that  
25 have been raised in your testimony about

1 the tort question. And the issue that you  
2 raised here revisiting the rule that  
3 requires the med owner be the vehicle  
4 owner I absolutely agree with you that we  
5 should revisit that and I intend to. As  
6 we said we have the public hearing on this  
7 already. I would like to get back on the  
8 agenda and get to the next speaker. So  
9 thank you Mr. Gerber.

10 If there are additional questions  
11 Gonzalez Gonzalez just to revisit few  
12 sample contracts so we can truly  
13 determine. I think there's semantics  
14 going on here. We have one interpretation  
15 and somebody else has another  
16 interpretation.

17 SPEAKER: Just to go back to the Roof  
18 Top ads with the current form -- made they  
19 are acceptable to you at this time.

20 SPEAKER: I think the Roof Top ads  
21 change and it makes sense. I do want to  
22 thank you commissioner I think the efforts  
23 that the commission has changed to make  
24 this reasonable objection. The content  
25 and again I have two daughters I

1 understand what the driver's says. I  
2 wouldn't want it on my house or my car. I  
3 appreciate that and understand that.

4 CHAIRMAN YASSKY: Thank you  
5 Mr. Gerber.

6 The next speaker is beJew cadre.  
7 First I will say please do keep the two  
8 minutes and you don't even have to use all  
9 two. Commissioner marina I want to say  
10 Chris Wilson has reminded me to pull this  
11 out. The tort issue that's not something  
12 we can change by regulation we would need  
13 the city counsel to do that. I don't want  
14 to get ahead of my myself. What the  
15 administration supports or not supports by  
16 the I think it's the same as far as really  
17 looking at that tort lettering. And if  
18 there's people interested in --

19 SPEAKER: The registration issue is  
20 ours.

21 CHAIRMAN YASSKY: That's done by  
22 rule. I want you to take up Mr. Gerber's  
23 invitation to do that.

24 SPEAKER: Biguew, B-I-G-U-E-W. I'm  
25 from the New York City taxi reliance.

1                   First and foremost I want to thank  
2                   all the commission moving in the right  
3                   direction vis-a-vis the principle of the  
4                   fact drivers must have control over  
5                   objecting to the content of roof provided  
6                   advertisement. The moment we accept that  
7                   princeful it becomes clear the Roof Top  
8                   add the driver carries on his back. And  
9                   therefore all aspects of the Roof Top ad  
10                  should be fully in control of the drivers  
11                  including payments received from him we  
12                  heard a lot of lies from Mr. Gerber I can  
13                  line up two bundles of contracts. Very  
14                  specifically of what full coverage  
15                  insurance on the contract that the drivers  
16                  pay week after week after week after week.  
17                  So there's no confusion about this as to  
18                  who pays the insurance. The entire taxi  
19                  industry and medallion industry one is the  
20                  med and one is the car. The industry and  
21                  the legal system has always distinguished  
22                  the two. There's an insurance structure  
23                  connected to the med and connected to the  
24                  car. And the med insurance is 10300  
25                  something registrated back in 1998.

1                   Now to confuse that with the car  
2                   when the driver is the person who  
3                   constantly makes the insurance payments on  
4                   the car, yes the owner of the med may be  
5                   making the insurance premiums on the med  
6                   not on the car. Every dove contract will  
7                   clearly indicate that the driver is paying  
8                   the insurance collision and full coverage.  
9                   I think we just need to be very clear  
10                  about this. Who maintains is the car, the  
11                  driver dozen. It's that simple. If I go  
12                  to a ford dealership and buy a private car  
13                  for myself. It may be still in the name  
14                  of a bank because I'm leasing it I'm  
15                  making payments. But if I put an add on  
16                  that car who gets paid? Not the bank.  
17                  It's simple.

18                  All those costs are born by the  
19                  driver thank you.

20                  CHAIRMAN YASSKY: Thank you. I  
21                  didn't mean to make request only of  
22                  Mr. Gerber. We would be interested to  
23                  getting them from dove drivers.

24                  SPEAKER: How are we going to get  
25                  those contracts.

1 CHAIRMAN YASSKY: From the  
2 commissioner.

3 SPEAKER: And they will be submitted  
4 to you.

5 CHAIRMAN YASSKY: We'll reach out  
6 and.

7 SPEAKER: I think that's key because  
8 I'm confused.

9 SPEAKER: Inaudible speaker in  
10 audience speaking.

11 SPEAKER: Good morning everyone.  
12 Mohammed Jeema. I'm driving taxi cab for  
13 over ten years. I have few words n from  
14 making money from roof tops off of  
15 driver's own cab is principally moraley  
16 ethically wrong its cheating unethical  
17 business SPECTers of brokers. Because  
18 they are abusing cab drivers for a long  
19 time and unchallenged so now they think  
20 they have the right to abuse. This is  
21 just one example of their abuse. There  
22 are so many others. The cab drivers  
23 afraid of them because they are threaten  
24 them if they make a complaint of them they  
25 could lose their cab and their job. And

1 cab driver walk away from the accidents  
2 personally I had an accident 34 years ago.  
3 I was driving a car with medallion. I  
4 paid to fix the car about \$4,000. Because  
5 the owner of medallion so the insurance --  
6 I filed claim for that they took that  
7 money and they never gave me that money.  
8 They took it. They took it. Commissioner  
9 I have many other drivers. They are going  
10 to their offices asking for that money and  
11 it is their practice that they don't give  
12 that money to the cab drivers.

13 And then they said we are paying  
14 \$800 weekly for medallion \$23 weekly  
15 expense. 800 med lease, weekly business.  
16 In the then they charge \$100 additional  
17 driver fee. I'm the owner of the vehicle  
18 and I have another guy who drives another  
19 shift I have to pay another 100 for that  
20 driver weekly. And then because my car is  
21 hybrid so they charge me \$42 weekly  
22 because they have hybrid charge. Is that  
23 not abuse.

24 SPEAKER: Hybrid surcharge. That  
25 isn't right.

1           SPEAKER: All of these charges are  
2 weekly basis.

3           CHAIRMAN YASSKY: Mr. Jeema, thank  
4 you very much. And commissioner Marino  
5 and commissioners what I think might be  
6 useful we will collect some contracts  
7 circulate them along with perhaps a pro  
8 forma income statements if you will that  
9 shows the economics of the model would  
10 that be useful.

11          SPEAKER: That would be incredibly  
12 useful.

13          CHAIRMAN YASSKY: We will get that  
14 from you in the next few weeks.

15          SPEAKER: Thank you.

16          CHAIRMAN YASSKY: The final speaker  
17 who signed here is Oscar Chadrey.

18          SPEAKER: Good morning, everybody.  
19 My name is C-H-O-W-D-H-U-R-Y. I'm the  
20 last speaker everybody speaks everything.

21                 First of all driver five years  
22 seven years lease the med take care of  
23 their car someone broke my windshield.  
24 Inaudible. \$5,000 initially I took the  
25 car and after two weeks my car got

1 accident but 5,000 hard money investment I  
2 have to keep driving. And for example  
3 2001 inaudible. The accident whose fault  
4 the owner fault or my fault? That kind of  
5 accident inaudible.

6 How much money do Roof Top get the  
7 driver and how much paid to the commission  
8 on the same ad in awdz I believe. It's  
9 painful. How much are they making how  
10 much money they want.

11 CHAIRMAN YASSKY: I appreciate the  
12 parks and appreciate the point you're  
13 making taxi TV advertising none of that  
14 goes to the driver that works its way back  
15 but I would ask you to believe keep to the  
16 issues that are before us thank you.

17 SPEAKER: The insurance, the driver  
18 take the medallion the packet inaudible  
19 pay too much \$800. But we have a \$500  
20 lease. Some drivers have accident they  
21 are in the hospital disability who pays  
22 the department. They don't pay any money.  
23 Roof Top ads all the right inaudible.  
24 This is America freedom justice legal  
25 things. I have five years I own a car but

1 the whole ownership is fine. They don't  
2 pay anything.

3 Thank you.

4 CHAIRMAN YASSKY: I hope you feel as  
5 I do it was worth doing the hearing even  
6 though it was not required but I think  
7 it's very important to get that feedback.  
8 I also want to echo really what Gerber  
9 said a few minutes ago. I do think the  
10 rule proposal that's before us today is  
11 materially improved you know that's good  
12 from in other words from the one a month  
13 ago. I think that we've focused in much  
14 more narrowly and clearly on the real  
15 concern about the consent of the ads and  
16 require a vehicle owner brings the car  
17 home should be able to have a say in the  
18 content of the ads on the vehicle Roof Top  
19 and then the rule steps back from getting  
20 into some of the broader issues raised out  
21 there. Not that they are not legitimate  
22 issues but they are not touched on  
23 directly by this rule.

24 So again I want to thank Marino,  
25 Carone for improving the rule. So what we

1 have before us today -- a month ago I  
2 brought you a rule that I favored but I  
3 think this one was considerably improved  
4 from that draft so I encourage your sport.

5 SPEAKER: Is the particular language  
6 that's proposed I do agree that this is  
7 much improved.

8 With respect to the dispute section  
9 that's in 5834 subsection five, state that  
10 if there's a dispute the parties are to  
11 designate a third-party. If they can't,  
12 that they may seek the assistance of an  
13 alternative dispute resolution service.  
14 Everything under this serks is mandatory  
15 with the exception of that. It says it's  
16 a may. So the parties have not come to  
17 agreement they can't find third-party and  
18 we've made this particular section  
19 discretionary and not mandatory and I'm  
20 wondering what you do if they haven't come  
21 to an agreement.

22 To the extent an alternative  
23 resolution service is required who bears  
24 the cost.

25 MR. CARONE: I wanted to comment on

1 the rule as well.

2 Just a little background on this  
3 particular rule. I want to address the  
4 public out cry for the recall of judge dea  
5 I hope that's not an indication on my job.  
6 I do promise to work harder so maybe I'm  
7 more welcome. But I did hear that at one  
8 point.

9 Most of the testimony was  
10 extraneous and raised a lot of issues  
11 maybe ancillary to the industry or the  
12 bill or the reg I did voice an opposition  
13 last hearing to the proposal. This is a  
14 big improvement. None of the testimony  
15 challenged that at least what I heard. It  
16 was an example in my view of good  
17 government to work with the industry we  
18 worked with the law department we worked  
19 with the commissioners and we came with a  
20 real good reasonable reg and it's not  
21 about shifting economics all though we  
22 heard some of that it's about taking a  
23 real sensitivity to true deep religious  
24 and morale beliefs to the content. Which  
25 is why we use the word reasonable.

1                   So we took all these considerations  
2                   and I think we have a fair balance and  
3                   again I want to stress it's reasonable  
4                   objection to express on polite content and  
5                   we hope that third-party addresses that  
6                   and needs to be deep and real religious or  
7                   morale or some other nature not for  
8                   economics reasons.

9                   In terms of the third-party I think  
10                  changing the word may to shall in that  
11                  sentence is probably an improvement.

12                 CHAIRMAN YASSKY: Do you want to seek  
13                 a -- I will seek a unanomous consent to  
14                 change that.

15                 Objection.

16                 Then the rule is amended.

17                 MS. MARINO: Which one. Because  
18                 there's a couple of mays. Let's be clear  
19                 because the other one is very important to  
20                 remain may.

21                 SPEAKER: What we're changing is 1534  
22                 E5 the fourth sentence.

23                 MS. MARINO: What line down. On the  
24                 sixth line.

25                 CHAIRMAN YASSKY: Why don't you read

1 the sentence.

2 SPEAKER: The sentence as proposed is  
3 if the owner and vehicle owner cannot  
4 agree on who shall decide the dispute they  
5 may obtain the assistance of any alternate  
6 dispute resolution services with offices  
7 in the City of New York. And the proposal  
8 is that we will change that sentence to  
9 read, if the owner and vehicle owner can  
10 not agree on who shall decide the dispute  
11 they shall obtain the assistance with  
12 offices in the City of New York.

13 MS. MARINO: Who is going to pay for  
14 that? That's a minimum of \$800. It's  
15 usually \$400 per party will they split the  
16 cost that should be in there.

17 And my other questions is what kind  
18 of disputes are really going to come  
19 about. If it's ultimately the driver's  
20 choice not to have an morally objectable  
21 ad on their car, what type of disputes are  
22 we really referring to.

23 CHAIRMAN YASSKY: Yes you're right.  
24 The dispute is the driver's objection on  
25 the ground as permitted by this rule. And

1 that's the dispute that envisioned there.

2 In terms of cost.

3 MS. MARINO: That's kind of vague  
4 though isn't it? If it's morally  
5 objectionable what does that mean.

6 SPEAKER: Reasonable.

7 SPEAKER: So that you inject  
8 reasonableness to come to an agreement you  
9 have to have someone help to arbitrator  
10 that dispute so you don't have heightened  
11 sensitivity or someone who is morale loss.

12 SPEAKER: I guess to say red I don't  
13 approve the color red is not reasonable.  
14 The prevailing party should.

15 MS. MARINO: I don't foresee a lot of  
16 disputes but I think we should address  
17 cost because it is going to be an \$800  
18 cost.

19 SPEAKER: Is there really a loser.  
20 This is not a liability issue this is we  
21 need to come together is there really a  
22 loser in that respect? It's just someone  
23 else is helping to arbitrate the  
24 reasonable. It's not a fault issue where  
25 you have a loser where you can assign loss

1 or blame. It's equally. Equally born  
2 between the parties.

3 MS. MARINO: It is significant cost.  
4 It can be a minimum of \$800.

5 CHAIRMAN YASSKY: In the interest of  
6 getting this done and we do have some time  
7 pressure on because we're now operating  
8 without a rule. Unless we adopt one we  
9 won't be able to permit new Roof Top ad  
10 structures on taxi. And starting tomorrow  
11 it won't be able to have a Roof Top ad  
12 structure. So commissioner or Chris can  
13 you give some language here.

14 In fact why don't we move on to the  
15 next item in the interest of a few  
16 minutes.

17 SPEAKER: To be sure the rule of  
18 structure being silent on if obviously  
19 this will have to be paid for and have to.

20 SPEAKER: If they can't agree. So  
21 does the commission care whether the  
22 commission specifies that they must share  
23 or require them to go would the commission  
24 prefer that they work out who is going to  
25 bear the cost themselves. There might be

1 instances where one party might agree  
2 between themselves I don't know this but  
3 they might agree between themselves that  
4 one party would bear the cost?

5 MS. MARINO: You really think so I  
6 don't?

7 CHAIRMAN YASSKY: Let's have a  
8 default.

9 SPEAKER: I think perhaps the shared  
10 cost might be an incentive to agree to a  
11 third-party without having to go to  
12 alternative resolution services which is  
13 the third option in this paragraph. First  
14 you can try to agree then third-party. If  
15 you can't do that then you go to  
16 alternative dispute resolutions.

17 CHAIRMAN YASSKY: So let's just give  
18 counsel a few minutes to come to language  
19 on equal share.

20 MS. MARINO: Can I ask another  
21 question.

22 CHAIRMAN YASSKY: Yes.

23 MS. MARINO: I do apologize if I'm  
24 being repetitive in any way. This fine  
25 \$150. I'm not sure what that fine is for.

1 For every 30 days advertising material is  
2 posted on a taxi cab. What is this fine  
3 for.

4 CHAIRMAN YASSKY: That would be the  
5 fine for having a Roof Top structure  
6 without a license without a permit.

7 SPEAKER: No, it would be if there is  
8 a dispute and a finding is made in a  
9 particular way. The resolution dispute  
10 resolution service that the objection was  
11 reasonable and the owner inaudible.

12 MS. MARINO: That fine is for the  
13 owner because I'm in clear I wasn't sure  
14 what that fine was for.

15 SPEAKER: That's only in the event  
16 that it is determined that the objection.

17 MS. MARINO: Is valid.

18 SPEAKER: Is reasonable and the owner  
19 still not does remove the advertising.

20 MS. MARINO: And that fine comes to.

21 SPEAKER: The TLC.

22 MS. MARINO: Shouldn't the driver get  
23 the benefit of the fine since they are the  
24 ones who has the car?

25 CHAIRMAN YASSKY: All of our fines

1 are rendered to the commission.

2 SPEAKER: I disagree with that.

3 Inaudible. The fine has to stay.

4 MS. MARINO: Good point. I agree.

5 CHAIRMAN YASSKY: So I would like the  
6 record to reflect that even without  
7 commissioner dear, I think that we're able  
8 to function pretty well. I'm not saying  
9 that you know heaven surpass that but I  
10 think today's shows that the commission is  
11 able to evaluate deliberate and improve.  
12 And so I want to note that for the record.

13 The next item on the agenda is a  
14 very small short item. All commissioners  
15 roughly a year ago, the commission adopted  
16 a polite program by Liberty vehicles. We  
17 gave that a one year time frame for that  
18 pilot that year is almost up. The motion  
19 now is to extend that for an additional  
20 year. There is one area in particular in  
21 the northern Bronx. And an operator has  
22 come seeking to provide service. The  
23 local community board and statement  
24 legislature have urged us to try the  
25 service there as well. We are working

1 with the operator. We are not ready to  
2 say we're insured to do it we want to make  
3 sure the operator is capable of providing  
4 the service. Since our year long is about  
5 to expire this would extend that program  
6 for a year to give that opportunity in the  
7 northern Bronx. That motion is before  
8 you.

9 All in favor say aye.

10 Aye.

11 Oppose?

12 No.

13 Okay that is adopted.

14 CHAIRMAN YASSKY: Commissioner let  
15 Chris Wilson read proposed language.

16 SPEAKER: So running to 5834 E5,  
17 which is currently reads: If an owner and  
18 vehicle owner cannot agree on who shall  
19 decide dispute they may obtain the  
20 assistance of any alternate dispute  
21 resolution services with offices in the  
22 City of New York period. And the  
23 proposed -- it's proposed that we will  
24 change that sentence to read, if the owner  
25 and vehicle owner cannot agree on who

1 shall decide a dispute they shall obtain  
2 the assistance of any service. With the  
3 office in the City of New York comma the  
4 cost of each service will be equally  
5 shared by owner and vehicle owner period.

6 CHAIRMAN YASSKY: Owner and vehicle  
7 owner are defined terms elsewhere.

8 Is there an objection to making  
9 that measurement.

10 Hearing none that amendment is  
11 adopted.

12 I will now call for a vote. As  
13 amended all in favor say aye.

14 Aye.

15 SPEAKER: That rule is adopted.  
16 Thank you commissioners.

17 CHAIRMAN YASSKY: Finally, we have  
18 and I think we have folks here interested  
19 as well. We have a proposed rule related  
20 to the (inaudible) few months back. Do  
21 you want to describe these.

22 SPEAKER: At the public hearing, the  
23 commission in the Bronx on June 16 the  
24 commission directed the staff in response  
25 to testimony to develop rules to extent

1 inheritance of independent medallion the  
2 owner must these rules are result of that  
3 direction. They permit an inheriting  
4 spouse or registered domestic partner to  
5 step into the driving requirement held by  
6 the deceased spouse. That is deceased  
7 spouse who is not required to drive the  
8 inheriting spouse will not be required to  
9 drive. A deceased spouse required to  
10 drive 189 hour shift. The spouse would  
11 inherit that requirement. And if the  
12 deceased spouse... the inheriting spouse  
13 will be required to meet that requirement.

14 With the original rule for an  
15 inherited spouse even one with a driving  
16 spouse even to comply with the rule  
17 including the buy down option. These  
18 rules were published in the city record on  
19 August 6. And one comment I believe was  
20 provided to the commissioners and staff  
21 recommended the rule as proposed.

22 CHAIRMAN YASSKY: So commissioner  
23 there is a required public hearing on  
24 this. There are five people signed up to  
25 speak, Richard Thaler, Robert Chang, Ethan

1 Gerber and Vincent Camafon.

2 Bear with me. Before we do that, I  
3 just want to interrupt. Caroline Hampton  
4 joined us. We spoke Caroline, about your  
5 brother earlier. TLC Elijah Hampton sadly  
6 passed. He served us. He's missed and is  
7 remember and Caroline we have his badge  
8 here that I would like to present to you.  
9 I will just walk around right now and do  
10 that.

11 Five speakers. I would ask the  
12 speakers to remember the rule that's  
13 before us today again speaks solely to the  
14 issue of the treatment of inheriting  
15 spouses. The broader issues involved in  
16 owner must drive regulation are really not  
17 before us in this rule. So I would ask  
18 you to make comments on point.

19 First person signed up is Richard  
20 Thaler.

21 SPEAKER: In addition to my comments  
22 on the changes on the owner must drive  
23 rule, actually on the discussion before  
24 involving the differences of the defacto  
25 operators of the med and the taxis and the

1 agents and owners, those differences  
2 discussed before are a gift from my  
3 comments as a prelewd to what I'm about to  
4 say. I would like to read the summary of  
5 my comments.

6 The owner must drive rule would no  
7 longer be necessary under the proposed  
8 taxi permit plan described in the  
9 attachment to these comments which would  
10 be submitted to the requested under the  
11 tax permit plan each independent operator  
12 of the taxi would receive a  
13 non-transferable taxi permit for the use  
14 of the holder for a term of five years  
15 which remain valid that the permit  
16 requirement for taxi service. Then the  
17 alliance of independent contractor taxi  
18 worker can undergo paradigm shift with a  
19 naturally strong mutual interest with the  
20 taxi riding public. Improvement and the  
21 availability a beautiful city wide taxi  
22 value can best be accomplished by a plan  
23 to create individual taxi operator permits  
24 for all commissioned licensed drivers  
25 under a sunset provision for the system of

1 med licenses. By substituting taxi  
2 operator permits for med licenses would  
3 not only ensure the availability of the  
4 highest quality of professional unified  
5 taxi service but the plan would also  
6 protect a history high.

7 For this purpose a high rated debt  
8 instrument would be issued to a med  
9 licensed owner and linked to the taxi  
10 permits. The taxi permit issued to each  
11 qualified driver would grant full rights  
12 and responsibility to the taxi permit  
13 holder with a minimum monthly trip  
14 requirement. A type A permit lease a taxi  
15 for the term of the.

16 Type B would not require taxi  
17 ownership restrict the type B to the  
18 operation of a type A permit taxi only.  
19 The scheduled arrangement could be more  
20 flexible. The preferences and could  
21 result in more efficient increase in taxi  
22 service. While the tax rate would be  
23 uniform throughout the city the taxi  
24 permit holders per trip payment. When a  
25 trip designates in any of the bureau

1 areas. With the incentive, restricted  
2 borrow med as a compromise for the  
3 controversy in the free permit bill or the  
4 livery would no longer be necessary. The  
5 incentive could be applied for permits.  
6 Who previously leased a fleet taxi  
7 remained self employed but would no longer  
8 be independent. The OV operators would  
9 become taxi permit holders eliminating med  
10 holding lease final violating.

11 CHAIRMAN YASSKY: At the risk of  
12 being.

13 SPEAKER: You're never grumpy.

14 CHAIRMAN YASSKY: You've rendered  
15 tremendous service. I have to point out  
16 what you're proposing here is a complete  
17 restructuring.

18 SPEAKER: It should be considered in  
19 the long term.

20 CHAIRMAN YASSKY: I think it's a  
21 disservice do you realize the  
22 differences -- and the \$800 lease cap is  
23 clearly defined of the cost plus the  
24 insurance purchased by the med owner --

25 CHAIRMAN YASSKY: I'm saying there's

1 a time and place.

2 SPEAKER: Where else I just laid it  
3 out.

4 CHAIRMAN YASSKY: It's not fair to  
5 take the commissioners time especially  
6 western.

7 SPEAKER: They should be giving ours  
8 priority considering what was discussed  
9 before.

10 CHAIRMAN YASSKY: Thank you sir.  
11 Robert change is the next person signed up  
12 good afternoon my name is Robert change.

13 SPEAKER: I've been owner driver for  
14 more than 26 years. And I feel that the  
15 owner must drive should change. Because  
16 driving a taxi in the city is very moaning  
17 specially nowadays. So a driver who have  
18 been on the road for ten years is all  
19 right. But after that 13 years, 20 years  
20 26 years, your body will get -- you will  
21 feel sick of driving you know. And I see  
22 many of my friends they all get sick and  
23 some of them even pass away because of  
24 this job. This job helped to support my  
25 family and the money that I'm making is

1 good. But I feel that it is getting  
2 harder and harder for many many driver who  
3 rely on this job to make a living for  
4 their family. So if the driver has been  
5 on the road for so long, let's say 20  
6 years or 25 years. I think the  
7 commissioners should give him or her a  
8 break. Let him or her take it easy for a  
9 while. So at the same time he can still  
10 support his family or start a family.  
11 Because when you working 12 hours or 14  
12 hours a day, you really don't have time  
13 for family and I just have a -- I started  
14 a family like seven years ago and I have a  
15 daughter I hope that this medallion can  
16 help me and my family.

17 That's all I have to say.

18 CHAIRMAN YASSKY: Thank you.

19 MS. MARINO: Can I ask a question.

20 CHAIRMAN YASSKY: Certainly.

21 MS. MARINO: What's on the table  
22 today from what I can understand is  
23 strictly the spouse issue because I do  
24 have issue with the owner must drive as a  
25 whole and I think a couple other

1           commissioners might as well but that's  
2           not on the table.

3           CHAIRMAN YASSKY: Yes that's correct.  
4           As Chris described I will extent treats  
5           inheriting spouses. It provides that  
6           inheriting spouses will be.

7           MS. MARINO: Inaudible exempt.

8           CHAIRMAN YASSKY: Seen by this rule  
9           as their deceased spouse. They will have  
10          the same rights and obligation as the  
11          spouse would have had. So it provides --  
12          the goals are protected against economic  
13          disruption in a family when one spouse  
14          dies.

15          MS. MARINO: I don't mean any  
16          disrespect to the speaker. Should be  
17          pored to drive to 90 but that's not before  
18          us today from my understanding but I think  
19          that's a good point that should be  
20          visited.

21          CHAIRMAN YASSKY: Thank you the next  
22          speaker is design and Ethan Gerber will be  
23          followed by Vincent spoon is the final.

24          SPEAKER: I think good average now.  
25          I'm desay executive director of New York

1 taxi workers alliance. A word of  
2 gratitude for the commission for passing  
3 the previous rule and real more  
4 importantly to the DeArcy for the  
5 questions that you asked for a lot of  
6 information to be properly clarified we  
7 want to thank you for that opportunity.

8 In terms of the rule that is on the  
9 table we do support the proposed rule  
10 making but I you know I do want to say  
11 though we gotten a lot of feedback on the  
12 rule that was already passed over all the  
13 fines are just incredibly fine in having  
14 to pay \$5,000 to have the option to a DOV  
15 operator is almost equal for still paying  
16 for a vehicle themselves as a owner  
17 driver. At some point we would compel the  
18 commission to look even in a six month  
19 period to see the outcome of the rules  
20 that you've all right passed study the  
21 impact we would be happy to bring in a  
22 group of our owner operator members to  
23 meet with you. Because if the rule does  
24 not allow for them to really take  
25 advantage of the provisions that you have

1 created then it seems like a moot point.

2 We would ask you to really study  
3 the impact of the rule that you've already  
4 passed and consider making changes to the  
5 fine amount. I mean \$1,000 if you miss  
6 even one of the required shifts within  
7 that year or \$5,000 to designated DOV  
8 operator is just a lot of money.

9 Thank you.

10 CHAIRMAN YASSKY: Thank you.  
11 Mr. Gerber.

12 SPEAKER: Thank you Mr. Chairman  
13 commissioners first of all I cannot  
14 clearly be as eloquent there were two  
15 children wearing thank you commissioners T  
16 shirts. It's just an in credenza I  
17 believey important thing for these family  
18 and I do want to take you up commissioners  
19 that your suggestion reexamining the entire  
20 structure of this. If you drive for 25  
21 years the idea that you have to turn in  
22 that time when you're ill or sick and you  
23 have to do it when -- you can't hold onto  
24 that and make that investment long term  
25 property is really not a service for

1 anyone. As anyone who has any kind of  
2 asset of a home or anything else you know  
3 when you sell an assist set is important  
4 thing. There's tax consequences and  
5 estate planning consequences and all  
6 things of things that go into it. So I do  
7 invite this commission please take a look  
8 at these rules this is a big big step in  
9 the right direction. And I do thank you  
10 all, commissioner DeArcy, you were very  
11 inaudible not at this last meeting.  
12 Commissioners Carone and Gjonaj. The fact  
13 that you are getting involved in  
14 understanding that there are real people  
15 with real problems for many many taxi  
16 owners this is their large single asset  
17 even larger than their home this is very  
18 critical to how they structure pay for  
19 their kids colleges buy homes remachine  
20 all this stuff is very crucial to them I  
21 thank this commission for its hard work.  
22 Thank you.

23 CHAIRMAN YASSKY: Thank you  
24 Mr. Gerber. Vincent is our last person to  
25 be signed up.

1           SPEAKER: I never said who I  
2 represented. I the league of mutual taxi  
3 owners mutual it's known LOMTO. We've  
4 been around since 1934. Not me but the  
5 organization.

6           You know the bottom line is I  
7 should have told my wife to attend this  
8 meeting because she knows everything. Any  
9 problem she can solve.

10           Anyway I want to thank the chairman  
11 for reducing the existing driving  
12 requirements for all owner must drive meds  
13 from 210 to 180. But I have to say a few  
14 things.

15           I know a few guys already that paid  
16 \$5,000 fines. These fines are too high.  
17 \$10,000 if you miss 51 shifts. \$7,500.26  
18 shifts. \$6,000.11. \$1,000 for one of the  
19 ten shifts. Who thinks about these  
20 numbers? Any of you guys.

21           Where do they come from? It's  
22 crazy.

23           Give a guy a fine but common who  
24 gets fines like this I think you should do  
25 something about that Mr. Chairman.

1                   The next thing what the driver was  
2                   talking about driving so many years he's  
3                   absolutely career. I would like to see  
4                   but I'm boughtful that will ever happen if  
5                   a guy is driving 15 years and he wants a  
6                   lease let him lease for a while. Maybe  
7                   he's doing something else going to college  
8                   or work on computers and see how he does.  
9                   You know it's very hard being out there  
10                  six, seven days a week. You have to do it  
11                  to know it. You don't know what thees  
12                  drivers go through here passengers cursing  
13                  at them with bus lanes inaudible.

14                 SPEAKER: Lanes and maybe next year  
15                 we're going to have hen thousand more by  
16                 next year. When you're drivingis not good  
17                 not good at all. Anyway I think it should  
18                 be considered some of this year these  
19                 amount of fines. Thank you for allowing  
20                 me to speak.

21                 CHAIRMAN YASSKY: Thank you.

22                 I know a couple of commission have  
23                 time constraints I know there's at least  
24                 one commissioner that has comments here so  
25                 let me open up for discussion on this

1 rule. I would ask commissioners.

2 SPEAKER: I will only take a few  
3 minutes at the time. First of all I want  
4 to thank our members for the taxi for  
5 bringing out so much information. I  
6 really appreciate the paper and I read it  
7 and I get sick some of the articles that  
8 some of the taxi drivers come in with.  
9 It's just one particular and I won't take  
10 too long. It's regarding the bus lane.  
11 Now I don't know if this has anything to  
12 do with us or the DOT but I would like to  
13 bring it up anyway.

14 CHAIRMAN YASSKY: Commissioner if I  
15 could ask you because let me indulge I  
16 would like to call for a vote on this and  
17 then have discussion is that acceptable to  
18 you.

19 SPEAKER: Chairman I have a comment  
20 before we call for a vote I will make it  
21 quick. I understand the initiative behind  
22 the owner must drive rule I think it's an  
23 injustice that we change rules after.  
24 Anyone who purchased a med after 1990 and  
25 making a significant should not be subject

1 to change later on but I have a real issue  
2 and I don't want to address that now. I  
3 have a real issue with how the transfer  
4 takes place. And specifically it says  
5 here inherited spouse must notify the  
6 commission of the owner death within 60  
7 days. Unless otherwise waived by the  
8 chairman. So if during this period, in  
9 the loss of a spouse it's normally the  
10 husband, so the wife would be responsible  
11 to report that her husband has passed  
12 otherwise she would lose this privilege of  
13 not having to drive inaudible.

14 That's not only hash that a real in  
15 justification at a point in time where  
16 that disastrous is in a tremendous amount  
17 of stress.

18 CHAIRMAN YASSKY: Let me just top  
19 you. There is a waiver opportunity in  
20 there. I think its important to have a  
21 time period. We don't want people coming  
22 back three, four years later and then we  
23 have to deal with the mess. When we learn  
24 there's been three years of non-compliments  
25 and it's not -- you know like you said it

1 feels unfair even when somebody has been  
2 violating a rule for three years if that's  
3 been the statement on the ground to go  
4 back and enforce it. So there's a waiver  
5 provision here so it does give people an  
6 opportunity in the case you describe of  
7 they were not able to do it. But we think  
8 it's in everybody's interest to sort it  
9 out promptly rather than two, three years  
10 down the road.

11 SPEAKER: I'm not looking at it from  
12 a part of noncompliant. The failure or  
13 the inability to know. Many woman may not  
14 be familiar with the obligations that  
15 their husband's have.

16 SPEAKER: The rule does permit the  
17 chairman to wave the rule.

18 SPEAKER: I don't know who the  
19 preceding chairman may be I would like to  
20 open that up to a complete discussion.  
21 What's reasonable 60 days is not  
22 reasonable and again chairman unless you  
23 plan on telling me you will be here for  
24 ever then we need to address that. I  
25 don't know who the predecessor may be. 60

1 days is not enough time. This does not  
2 fly to an inherited spouse. This is a  
3 significant asset and a tremendous  
4 obligation an owner must drive requirement  
5 is substantial. I purchased a med prior  
6 to 1990y if I miss the 60 day period or  
7 remarry once my spouse has passed, I will  
8 not be afforded this opportunity. So I  
9 have strong objections to both of those.

10 CHAIRMAN YASSKY: You know there are  
11 commission you know I promised to me the  
12 meeting well over by 1230 I've failed on  
13 that. We will have to defer this until  
14 next meeting I say that with some regret  
15 because I know there are some folks to  
16 have this settled so they can be confident  
17 in their legal rights. But if  
18 commissioner if you would like we can  
19 defer this until next meeting to work out  
20 the details.

21 I will point out this rule was  
22 distributed but if you would like we can  
23 defer this until next meeting.

24 SPEAKER: I would rather resolve this  
25 now.

1           SPEAKER: It's not a quick change.  
2           We called the chairman. I think -- I'm  
3           not objecting to your objecting it's a  
4           major change you're making to the rule and  
5           I think we need further discussion on this  
6           longer. I know I have to leave and.

7           CHAIRMAN YASSKY: We can't --

8           MS. MARINO: We should do it right.  
9           Inherited spouses should be protected I  
10          don't think anyone should loss any sleep  
11          over that.

12          CHAIRMAN YASSKY: With that and I  
13          guess I understand -- I say it with regret  
14          to some of the folks here as I know you've  
15          been waiting for this for a few months now  
16          to have this issued resolved, I genuinly  
17          believe that we will resolve it. As I've  
18          said before we will certainly forebear  
19          enforcement while this is under  
20          consideration by the commission so that we  
21          can work out these issues and get the rule  
22          to match what we all want the practice to  
23          be so we'll have to put this over to next  
24          meeting.

25          SPEAKER: We are going to explore

1 this time period issue and then the  
2 future --

3 CHAIRMAN YASSKY: Well the time  
4 period of the notice issue I certainly  
5 have no problem changing you know making  
6 that 120 days or whatever it is. I do  
7 think some time period is necessary. I  
8 would not support extending this exception  
9 to the spouses, next spouse. In other  
10 words we're talking about -- I've been  
11 married to a taxi driver for 30 years.  
12 During that marriage, the driver then  
13 retires and then the economic base to our  
14 marriage shifts to that med.

15 Now if my spouse dies, should I be  
16 disruptive. What we're saying here is no.  
17 But I don't think it's the same situation  
18 I now marry a new person never driven a it  
19 shouldn't become a transferable asset in  
20 that same way (inaudible baby crying) I  
21 would not support making that change, but  
22 we have the rest of the time period to  
23 rule.

24 MS. MARINO: The chairman being able  
25 to grant the waiver as mark brought up. I

1 don't think he's saying we shouldn't  
2 eliminate.

3 MS. MARINO: But to broaden in.

4 SPEAKER: I would agree with Gonzalez  
5 perhaps we amend the time period now.

6 CHAIRMAN YASSKY: We're not doing it  
7 on the fly with that we're going to table  
8 that I came here pregnant I bring my  
9 newborn in I think that's so unfair into  
10 Ma we're looking out for your best  
11 interest though.

12 SPEAKER: I close my star to come  
13 here. We want to make it better for you.

14 SPEAKER: This lady with the baby. I  
15 think we could proceed today with a  
16 different time period if you would like  
17 but if I would like to defer the whole  
18 issue until next meeting.

19 SPEAKER: 180 days would be fair.

20 CHAIRMAN YASSKY: I would suggest 120  
21 days.

22 SPEAKER: Remember it's a spouse.

23 MS. MARINO: Can we eliminate the  
24 that portion of the vote today. That  
25 waiver position if you get rid of that

1 waiver position then they are in worse  
2 situation than if you didn't have it.

3 CHAIRMAN YASSKY: Commissioner would  
4 you be amenable to changing it to 120 days  
5 or defer to -- I'm sorry man spike speak  
6 are you okay from 120 days 120 days notice  
7 is what you're facing with.

8 SPEAKER: Yes.

9 CHAIRMAN YASSKY: Unanimous consent  
10 that we change the time period from 60  
11 days to 120 days is there objection to  
12 that.

13 And I'm going to call for a vote on  
14 the rule as amended.

15 MS. MARINO: But are we leaving in  
16 section A180 days.

17 CHAIRMAN YASSKY: I'm calling for a  
18 vote from 60 to 120 and that is the rule  
19 before us and we'll have both opportunity  
20 for people to vote yay or neh.

21 All in favor say aye.

22 Aye.

23 SPEAKER: All oppose say neh.

24 CHAIRMAN YASSKY: Okay. We're done.

25 I apologize for my under estimate

1 of the time. I know people have  
2 constraint with that. And I will just ask  
3 deputy public affairs to circulate a  
4 photograph of the adorable children in  
5 their shirts to each commissioner.

6 Thank you. Thank you.

7 Done at 1:06. Other than that the  
8 meeting is adjourned

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

