

NEW YORK CITY
TAXI AND LIMOUSINE COMMISSION

Minutes of Commission Meeting

December 17, 2009

Present:

Matthew W. Daus, *Commissioner/Chair*

Elias Arout, *Commissioner*

Harry Giannoulis, *Commissioner*

Edward Gonzales, *Commissioner*

Jeffrey Kay, *Commissioner*

Lauvienska Polanco, *Commissioner*

Iris Weinshall, *Commissioner*

Charles Fraser, *General Counsel*

1. The Chair called the meeting to order and began with Agenda Item 4 (a), Distracted Driving Rules for Public Hearing and Commission Action. Tweeps Phillips, Director of Special Projects, and Nichole Polyak, Research Analyst to the Chair, gave an update on the proposed rule changes and the Distracted Driver Program. At the public hearing the following people testified: Susan Scattergood, Fried, Frank, Harris, Shriver and Jacobson and the Black Car User's Group; Victor Dizengoff, Black Car Assistance Corporation; Pedro Heredia, Livery Base Owners Coalition; John Acierno, Executive Charge; Avik Kabessa, Carmel Car and Limousine; Julia De Martini Day, Transportation Alternatives; Ethan Gerber, Greater New York Taxi Association; Artie Grover, New York City Fleet Livery Owners Association; Jeannette Vega; Robert Kirk; Osman Chowdhury, New York Taxicab Workers Alliance; Bill Lindauer, New York Taxicab Workers Alliance; Bharavi Desai, New York Taxicab Workers Alliance; Richard Thaler, Omni Media; Andrew Vollo; Sergio Sanchez, Luxury Base Operators Association; David Teeter, National Safety Council; and Fernando Mateo, New York State Federation of Taxicab Drivers. A motion was made by Commissioner Arout to approve the proposed rules. The motion was seconded by Commissioner Gonzales and it passed unanimously (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp.3-60)
2. Agenda Item 5 (a), La Guardia Group Rides Pilot Program, was presented for Commission Action. Adrian Gonzalez and Gary Roth gave a presentation outlining the pilot proposal. (Tr. pp. 60-68)
3. Agenda Item 4 (b), La Guardia Group Ride Rule, was presented to the Commission for Public Hearing and Commission Action. This proposed rule

would repeal the existing La Guardia Group Ride rules. No speakers testified at the hearing. A motion was made by Commissioner Weinshall to approve the proposed La Guardia Group Ride Rules (repealing the existing rules) and to approve the La Guardia Group Ride Pilot Program. The motion was seconded by Commissioner Arout and it passed unanimously (Commissioners Daus, Arout, Giannoulis, Gonzales, Polanco and Weinshall). (Tr. pp. 60-68)

4. The Chair returned to Agenda Item 1, Chairman's Report, and reported the following:

- The Chair announced that the Taxi of Tomorrow Request for Proposals ("RFP") has been issued. The RFP is available on the TLC's website. The Chair thanked Design Trust, Commissioner Kay, Emily Gallo, and Martha Hirst, Commissioner of the Department of Citywide Administrative Services ("DCAS") for their work on this RFP. On January 14, 2010 at 10:00 a.m. at 100 Gold Street, 8th Floor, DCAS and TLC will hold a pre-proposal conference. Proposals are due at 2:00 p.m. on March 26, 2010. The Chair also thanked General Counsel Charles Fraser and Sherryl Feinblum Eluto for their work on this project. (Tr. pp. 68-70, 82)
- The Chair reported on the Accessible Dispatch Program. There have been 4,501 dispatches as of December 14, 2009. There were 4,039 completed trips and 462 cancellations. The average wait time is 37 minutes. On average the number of daily dispatches is 10. (Tr. p.70)
- The Chair reported that on November 17, 2009, the Mayor signed a bill requiring that all commuter vans have a passenger bill of rights. This law will become effective on February 16, 2010. (Tr. p.71)
- The Chair reported on efforts to combat illegal solicitation at airports. The Chair thanked Queens County District Attorney Richard Brown, Executive Director of the Port Authority Chris Ward, and TLC Deputy Commissioner Pansy Mullings and her staff, and reported that the first crackdown on illegal activity at JFK Airport resulted in 19 arrests for illegal hustling. (Tr. pp.71-72)
- The Chair reported on the arrests of airport dispatchers who were charged with accepting bribes. The Chair thanked the League of Mutual Taxicab Owners and the drivers who reported that airport dispatchers were accepting bribes to give out shorty tickets. Through the work of the Queens County District Attorney's Office, the NYC Department of Investigations, and TLC Chief of Staff Ira Goldstein and his staff, several people were arrested as part of this bribery sting. (Tr. pp.72-73)
- The Chair reported that as a result of an upswing in illegal activity in the central business district, the TLC will be doing more Zero Tolerance Enforcement. The TLC will not only be cracking down on cell phone use but on illegal street hails. (Tr. pp. 73-74)

- The Chair reported on the FHV Accountability Rules. The TLC is working on implementing a point reduction course and the taxi schools have begun preparing workbooks for the classes. The TLC expects that there will be additional rulemaking to implement the course. The TLC is currently seeing a 40 percent failure rate on initial vehicle inspections, a decrease from 53 percent last month. The TLC has also continued its outreach, and has been very reasonable in its enforcement efforts, including efforts to enforce the Bill of Rights and license and vehicle decal posting requirements. Sometime between January 1 and 31, 2010 the TLC will begin enforcement of the new rules. (Tr. pp. 74-75)
 - The Chair reported on the Rules Revision Project. This year the TLC has provisionally passed 12 of 19 Chapters. Two chapters have been posted on the TLC's website for comment. Comments on Chapter 20 Transition Rules are due by December 19, 2009 and comments on the definitions section are due by January 1, 2010. (Tr. pp. 75-76)
 - The Chair reported that a notice of participation for the Livery Stand Pilot Program went out. The due date for responses is mid-January, but the TLC may extend that. The TLC is looking to create two pilot stands in each borough. (Tr. pp.76-77)
 - The Chair reported that recent medallion sales have reached record levels, including an average sale price of \$779,000 for a corporate medallion and \$579,000 for an individual medallion. The taxicab fleet is now 23% hybrid. There are 3031 clean-air vehicles, including 3009 hybrids. (Tr. p.77)
5. Item 2 on the agenda, Adoption of Minutes (November 19, 2009 Commission Meeting), was presented to the Commission for approval. A motion was made by Commissioner Gonzales to approve the minutes. The motion was seconded by Commissioner Arout and it passed unanimously (Commissioners Daus, Arout, Giannoulis, Gonzales and Polanco). (Tr. pp. 77-78)
 6. Item 3 on the agenda, Base Applications for Determination, was presented to the Commission. Georgia Steele-Radway, Base Licensing Supervisor, presented the following base station license applications for consideration:

NEW (0):

RENEWALS (12):

B02026	A Ride for All LLC
B01745	Azuay Corp. D/b/a Caribe Car Service
B00369	Boulevard Transportation Inc.
B01639	High Class Limo. Car Service Corp.

B01623	Jamaica Express Car Service Inc. D/b/a Sunshine Car Service
B01445	J.T. Transportation Co. Inc.
B00337	Kew Gardens Enterprises Inc.
B00183	Kew Garden Operating Corp.
B01467	New Experience #1 Inc.
B01984	NY 88 Express Corp.
B00833	Omega Car Service Inc.
B00937	Riverside Radio Dispatcher

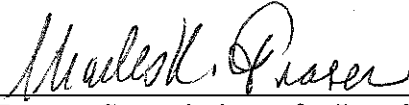
The following bases are recommended for denial if TLC requirements are not met within 30 days:

B01641	DePaul Car Service
B01741	Monaco Limo. & Services Inc.
B01857	New York Ride Inc.

7. A motion was made by Commissioner Gonzales to approve all of the base station license applications that were recommended for approval. The motion was seconded by Commissioner Arout and it passed unanimously (Commissioners Daus, Arout, Giannoulis, Gonzales and Polanco). (Tr. p. 78)
8. A motion was made by Commissioner Gonzales to deny all of the base station license applications that were recommended for denial if they do not comply with requirements within thirty days. The motion was seconded by Commissioner Arout and it passed unanimously (Commissioners Daus, Arout, Giannoulis, Gonzales and Polanco). (Tr. pp.78-79)
9. Item 6 (a) on the agenda, Rules Revision Project for Commission Action, was presented to the Commission. A motion was made by Commissioner Arout to conditionally approve proposed rule chapter 18 (Adjudications), pending a future vote approving the entire rulebook and repealing the existing rulebook at the same time. The motion was seconded by Commissioner Gonzales and it passed unanimously (Commissioners Daus, Arout, Giannoulis, Gonzales and Polanco). (Tr. pp. 79-81)
10. Due to a lack of quorum for the executive session, the appeals of TLC v. Mohamed Elouannas / Hack License No. 483899 and TLC v. Zolio Martinez / Hack License No. 5174681 were adjourned to the next Commission meeting.(Tr. p. 81)
11. A motion was made by Commissioner Gonzales to close the meeting. The motion was seconded and it passed unanimously. (Tr. p. 83)

The meeting was adjourned at approximately 3:11 p.m.

Minutes as approved by the Taxi & Limousine Commission on
March 18, 2010



Deputy Commissioner for Legal Affairs / General Counsel



Date