

**Testimony of Taxi and Limousine Commission
David Yassky, Chairperson/Commissioner**

**City Council Transportation Committee
May 24, 2010**

Introductory Numbers 232, 233, 234, and 236 to amend the Administrative Code and Charter of the City of New York, adding the requirement of an operational EZ-Pass, and payment of tolls with EZ-Pass, to the yellow taxi Passenger Bill of Rights; mandating TLC to report on complaints received and enforcement actions taken; mandating a licensed or retired driver on the TLC Board of Commissioners; mandating that the TPEP vendors share their data with TLC and taxicab drivers; and imposing a \$50.00 fee on all taxicab re-inspections.

Good afternoon Chairman Vacca and members of the Transportation Committee.

My name is David Yassky, and I am the Chairperson/Commissioner for the New York City Taxi and Limousine Commission. I am joined today by General Counsel Charles Fraser. Thank you for the opportunity to speak to you today regarding Introductory Numbers 232, 233, 234, 235, and 236.

Introductory Number 232 proposes to amend the Passenger Bill of Rights to include a requirement that each taxicab be equipped with an operational E-Z Pass, as well as the payment of tolls with the E-Z Pass are both mandates that are currently set forth in TLC rules. As an agency that licenses and regulates 50,000 vehicles and approximately 100,000 drivers, it is important that our drivers understand our rules, requirements and expectations, and that passengers understand their rights as consumers to enjoy safe, courteous and reliable service. To this end, we believe that a clearly stated and informative passenger bill of rights is an important tool. We have maintained a "Passenger Bill of Rights" in the yellow taxi industry for many years

because we rely on passenger feedback to ensure that drivers provide the best possible service.

This rule was added to the Passenger Bill of Rights, and we support Council intro 232 which would add this requirement to the Administrative Code.

Concerning Intro. 233, we currently do not list our complaint and enforcement statistics on our web site, but we agree with the Council that this is important information that should be made available to the public. When passengers report violations of our rules, they do so by calling 311 or filing a complaint through NYC.GOV. We internally compile and analyze these complaints based on data received from 311 and then take enforcement action based on the information provided by the passenger and our investigation of the alleged violation. We also compile data based on our inspectors field enforcement and issue summonses when rule violations are observed. There are tracking and operational concerns with how data is reported because we are one of few agencies that have multiple complaint types and yet 311's Siebel reports only captures specific data and bundles it in a particular way. From an operational standpoint, we have concerns with how the bill is currently drafted but we support this legislation with our proposed drafting language changes and will work closely with the Council on this measure.

Now, I would like to turn our attention to Intro. 234, which would amend the Charter to require a licensed or retired driver on the TLC Board of Commissioners. We believe that the concerns and interests of the more than 100,000 drivers we license are

important, and we try to work very closely with the industry to make sure that their needs are met. TLC licensed drivers provide outstanding service to millions of New Yorkers and tourists, and many have years—and in some cases even decades—of experience that could help guide us in developing sensible rules and regulations. However, we have been advised by the Law Department that this legislation would be a curtailment of the Mayor's Charter-mandated authority, and thus would require a public referendum. Further, having a current driver on the Taxi and Limousine Commission would present countless conflicts of interest in the course of the Commission's work. We do not think that requiring a licensed or retired driver on the Board of Commissioners is a good approach to ensuring drivers' views are represented, but I say again: we do value their input. We will therefore take steps to utilize existing advisory boards composed of stakeholders in our regulated-industries. We look forward to working with the Transportation Committee and the Council at large in developing these boards to help us carry out our mission.

The legislation called for in Intro Number 235 would impose data-sharing requirements on the TPEP vendors so that licensed taxicab drivers and TLC can always access trip sheet data, including the fare amount and the rate code used. The TPEP system has been a remarkable success for the Taxi industry and for all who rely on the vital transportation services that yellow cabs provide, particularly in the central business districts of Manhattan. The technology allows passengers the option of paying for their ride with a credit card or cash and very importantly to us and we now have access to valuable data that will help us understand the industry and help to inform our policies

and rules requirements. Currently, all three TPEP vendors provide the TLC with the rate code used on all trips. All three vendors are required by current contract to make trip sheet data accessible to every licensed taxicab driver and the TLC. Drivers can access their trip sheet data through one of the three vendors' web portals at any time of the day. There is no limitation to the number of times a driver can access this information. We therefore support the intent of this legislation but, in its current draft, we believe it places undue restrictions on the TLC's ability to negotiate and work with the vendors to create a system that meets the needs of the industry and the consumer. We have drafted language that we believe will be more effective at gathering important information and allowing for needed transparency of info and data.

Finally, I would like to discuss Introductory Number 236, which would authorize the Taxi and Limousine Commission to charge up to \$50 for each taxicab inspection. Since the early 1990s, the TLC has charged \$50 to conduct a first inspection for yellow cabs, which is a required fee that is authorized by section 19-504 of the Administrative Code. If a vehicle fails the first inspection, a second inspection is required at no additional charge. If a vehicle fails the second inspection, its owner is charged \$35 for a third inspection, and all subsequent inspections are performed at no charge. We have seen vehicles come in for more than 3 inspections and as many as 13 re-inspections. In fact, there is a high failure rate of these vehicles upon first inspection – more than 40% for medallion vehicles. We are therefore proposing legislation that would authorize a fee of up to \$50 for all inspections and re-inspections for yellow cabs. If this legislation were enacted, it would incentivize vehicle owners to maintain their vehicles at

a higher standard of service, free up appointments for other vehicles, and reduce wait times for scheduling inspections. Additionally, we are planning to pass TLC rules to charge fees for multiple “transfers” for For-Hire Vehicle related business transactions. Currently, when a base or business owner comes in to transfer a plate to a new vehicle or a vehicle to a new base, the fee is \$25—regardless of how many transactions are actually processed. I would like to take this opportunity to extend an invitation for the Transportation Committee to come out to our DMV certified inspection facility in Woodside Queens which a state- of- the- art safety and emissions inspection facility. I think this would be a great opportunity and would be excited for you to join us.

This concludes my testimony. Thank you for the opportunity to testify today on this proposed legislation. At this time, I would be happy to answer any questions you may have.