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NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, April 17, 2008
40 Rector Street
5th Floor
New York, New York

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1 Public Meeting convened at 9:40 a.m:

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P R E S E N T:

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4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 HARRY GIANNOULIS, COMMISSIONER

7 IRIS WEINSHALL, COMMISSIONER

8 EDWARD GONZALES, COMMISSIONER

9 HOWARD VARGAS, COMMISSIONER

10 LAUVIENSKA POLANCO, COMMISSIONER

11 JEFFREY KAY, COMMISSIONER

12 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: If everybody could
2 find a seat or go into the overflow room, as
3 Alan suggested, we are also waiting for a few
4 more Commissioners, but we are going to get
5 started as we have a quorum.

6 The first item on the agenda is the
7 Chairman's report. Could we have some quiet,
8 please. Again, if you are standing, it's
9 probably best if you go into the other room
10 and have a seat. If we have your name on the
11 list of people who are going to testify, we
12 will give, obviously, ample time to get in
13 here, so thank you.

14 First I would like start by thanking
15 everyone. The Driver Recognition Ceremony
16 that we held at the Top of the Rock was an
17 outstanding success. It was held on March
18 27th. The Mayor declared it Taxi Recognition
19 Day for the last several years. We had
20 Tishman Speyer as our sponsor from Top of the
21 Rock, and I would particularly like to thank
22 the managing director of Rockefeller Center,
23 Tom Madden who has been a great friend. He
24 has done a great job supporting our industry
25 and coordinating the event with free food for

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1 drivers and prizes.

2 I would also like to thank New York
3 City & Company CEO George Fattita. Also a
4 member of the staff who worked very hard on
5 the ceremony, Janine Saldo. They basically
6 got all the sponsors and the gifts and the
7 prizes and hotels stays and tickets to theater
8 for drivers who basically just go the extra
9 mile day-in and day-out, and also drivers who
10 were heroes and did extraordinary things.

11 I would also like to thank TLC staff
12 who worked very, very hard. In particular,
13 Jessica Tevabal, Dawn Sherman, Endira Strauss
14 and Stacey Harris, as well as Alan Fromberg,
15 who was our MC and did a great job.

16 We had two special guests that were
17 there. We had Ben Bailey from Cash Cab fame,
18 and we also had Tom Wolpak from A Catered
19 Affairs. He is of Dukes of Hazard fame, and
20 he actually has a show opening tonight on
21 Broadway which is about a man who is
22 perplexed, who is a cab driver, whether he
23 should use his money to buy a medallion or
24 finance his daughter's wedding. So
25 interesting stuff. But they were very

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1 gracious. They spent a lot of time with us
2 and the drivers loved them.

3 I would also like to thank some of
4 our Commissioners who found time in their busy
5 schedules to join us and help present awards.
6 Commissioner Weinshall, Commissioner Gonzales,
7 as well as Commissioner Elias Arout joined us,
8 as well as Commissioner Matt Sapolin from the
9 Mayor's Office of People with Disabilities.
10 So thank you.

11 There is a photo gallery for those
12 who were honored and anyone else who wants to
13 see it on our website. If you click on the
14 left-hand side, you should be able to get it.

15 Now, some sad news. There have been
16 two untimely deaths for people in the industry
17 and at the TLC that we are mourning at this
18 time. The first is Marvin Greenberg. Marvin
19 Greenberg, if you remember, is probably the
20 longest-serving Commissioner at the TLC. He
21 served under three mayors, several mayors
22 starting with Mayor Beam, serving three terms.
23 He was 89 years old when he passed way a few
24 weeks ago. He was just an outstanding
25 Commissioner.

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1 He had a linen company. He was
2 from Brooklyn. He was a veteran and I guess
3 the one or two things I would like to say in
4 his memory, and we have honored him here
5 before when he left the Commission, but he
6 always stood up for the passenger. And I know
7 not everybody in the industry agreed with him
8 all the time, but I found him to be very fair.
9 He was always supportive of the Chairman or
10 the Chairwoman and really was an outstanding
11 Commissioner and spent God knows how many days
12 and hours and minutes of his time for free
13 serving the city.

14 They haven't set a memorial service
15 yet. It was very quick, actually the funeral
16 was on Easter Sunday. And they had Shiva but
17 might be scheduling a memorial service, so I
18 will keep the industry apprised. I am just
19 looking at the faces and, obviously, some
20 people didn't know about this.

21 Also we had death in our own family
22 in terms of our TLC employees, and it is very
23 sad because we were going to honor this
24 particular gentleman with an achievement award
25 at this Commission within the next month or

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1 two. His name Judge Alex Sherman.
2 Judge Sherman died on his 95th
3 birthday. He had been working at the TLC for
4 over 30 years as an Administrative Law Judge.
5 Fantastic gentleman. There is no other way to
6 describe him. He primarily heard consumer
7 complaints up on the 8th floor, and he was a
8 great judge and adds somebody who was always
9 in a great mood and was always uplifting
10 everybody's spirits with jokes and comedy by
11 the day before he passed away.

12 So these are two very sad losses for
13 us. And there is going to a memorial service
14 that his family is planning, so we will
15 apprise everybody of that. And I will just
16 ask us to take a moment of silence to remember
17 two fine individuals.

18 (Moment of silence.)

19 CHAIRMAN DAUS: Thank you.

20 As you know, the Pope is coming to
21 town. As part of the papal visit, the Mayor's
22 Office has been working very closely with us
23 and other city agencies to arrange for an
24 orderly pick up and discharge of people that
25 are going to Yankee Stadium on Sunday.

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1 There is an industry notice in the
2 back and it is on our website. And if you
3 have any questions, please call us or visit
4 the website. It basically tells you for black
5 cars, liveries and taxicabs where they can and
6 cannot pick up and drop off passengers. We
7 want it to be very smooth, and I am sure there
8 probably will be a lot of people using your
9 services. So, please, check out that notice.
10 If there are any questions, there are numbers
11 to call as well.

12 Just a quick update on Operation
13 Secret Rider. The effort continues
14 successfully. Pansy Mullins and her troops
15 are doing a fine job. We have about a 91
16 percent average daily compliance rate. That
17 has consistent in that range. We had a total
18 3,037 tests and 402 summons written.

19 Of the various compliance rates, two
20 I would like to point quickly. For cell
21 phones, there has been a 94 percent compliance
22 rate overall average. And great news is
23 refusal to accept credit cards, there is a 99
24 percent compliance rate, which is great. So I
25 want to thank the drivers and the industry for

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1 listening and for doing the right thing.

2 Also Taxi of Tomorrow, just a quick
3 update. We have distributed, as you know, the
4 requests For Information, the RFI. The due
5 date is the 21st of April, this coming Monday.
6 We have had over 200 downloads as of April
7 15th. And we have made several trips to
8 Detroit and also locally to visit
9 manufacturers who were interested.

10 We actually were in Detroit with the
11 Mayor's Office of Operations and New York City
12 and Company looking at various potential
13 models that may be submitted. The good news
14 is that there is more interest than I think we
15 anticipated, and we are expecting some
16 concrete and some real submissions from
17 various manufacturers as well as other members
18 of the public. So that's good news and we
19 will keep you posted on that.

20 There is a medallion sale, our last
21 medallion sale, which will be taking place.
22 Our website is up and running. All the
23 information is on there. We have started some
24 of our seminars and our activities. We have
25 set minimum upset prices and there is an

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1 industry notice that has been published on
2 that.

3 The are \$700,000 for 43 lots of two
4 corporate accessibles, so that's the minimum
5 bidding price for the corporate accessible
6 medallions. We also have a couple of
7 holdovers from prior auctions on sales that
8 didn't go through. There will be one
9 individual accessible medallion offered for
10 sale, and individually owned and operated one.
11 The minimum upset price or bidding price is
12 \$189,000 for that one medallion. And there
13 are two individual alternative fuel medallions
14 that are for sale, which will be auctioned at
15 a minimum bidding price of \$300,000.

16 The seminar was held on the 15th at
17 Woodside. We have another seminar scheduled
18 at Rector Street, Tuesday, April 27th, at both
19 1:00 p.m. and 7:00 p.m. at this office. We
20 also have bid collection dates and a technical
21 workshop. The technical workshop is designed
22 for those people who go to the seminar, they
23 whet their appetite and they have an interest
24 in doing it and they have decided that they
25 want to bid. Well, you can either hire an

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1 attorney, go to a broker, and/or attend our
2 technical workshop where our staff will walk
3 you through how to prepare a written bid that
4 needs to be signed, sealed and delivered to us
5 in order to qualify for the auction.

6 The technical workshop will be held
7 on April 25th, next Friday, from 1:00 to 2:00
8 p.m., and another one in the evening from 7:00
9 to 8:00 p.m. at Rector Street right here.

10 Bid collection will start on Monday,
11 April 28th, from 9:00 a.m. to 12:00 p.m., and
12 it will continue to Friday, May 2nd at 9:00
13 a.m. -- I'm sorry, Thursday, May 1st at 12:00
14 p.m. The bid opening will take place on
15 Friday, May 2nd, at 9:00 a.m..

16 Again, any information that you need
17 is on our website or it can be found in the
18 industry notice. In total we will auctioning
19 89 medallions, 86 corporate accessible, one
20 independent accessible medallion and two
21 independent alternative fuel medallions.
22 Which will bring the total accessible
23 medallions, when sold, to 230.

24 Just an update on our T-PEP system,
25 the taxi technology in the yellow cabs. We

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1 have reached the 10,000 cab mark. At least
2 10,000 of our yellow cabs are equipped with
3 the screens, the credit/debit cards, and the
4 text messaging for the drivers. That is about
5 81 percent.

6 As you know, there has been a
7 bankruptcy . TTC went bankrupt. There was a
8 proceeding. It has been resolved, which
9 basically means that the 2,000 or so
10 medallions that had contracted with TTC can
11 now approach the other three remaining
12 vendors, and they are free of their first
13 contract and now can negotiate a new contract.
14 We hope to that process complete with all of
15 those units installed with full compliance by
16 the end of the summer.

17 What you basically should do is call
18 our office, see our website or contact the
19 three vendors directly to try to negotiate the
20 best deal you possibly can. The good news
21 also is that our preliminary data continues to
22 show that credit card tips average 20 percent.
23 It is continuous.

24 As promised when we passed the rules,
25 a monthly accessible dispatch update. We have

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1 had some major progress over the last month.
2 First of all, thanks to the New York City
3 Comptroller we have approved the contract.
4 This happened at the end of March. We issued
5 a notice of award which is published in the
6 City Record and the contract has been
7 executed. So now we are in the process of
8 issuing a notice to proceed.

9 I see Mr. Asserno is here with his
10 company that is involved with this. And we
11 are working feverishly on putting together
12 training for the drivers so that they can be
13 trained on how to operate and deal with these
14 retrofitted accessible taxicabs. We have been
15 meeting with potential trainers and we
16 anticipate that the list of trainers will be
17 up on our website within the next week or so.
18 We will keep you posted on that.

19 We had a lease cap hearing that is
20 mandated by law following the last public
21 Commission meeting. I have to say that it was
22 sparsely attended. I am a little disappointed
23 that we didn't get as much information as we
24 has asked for. We had a very detailed list of
25 questions that staff worked very, very hard

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1 on. We only had a handful of people that
2 showed up and they didn't have the answers to
3 a lot of those questions.

4 Some of them have promised us that
5 they will get us written submissions, and we
6 extended the deadline for submissions to April
7 11th, but we will be happy to do it until the
8 end of the month. We really want the
9 information that we are looking. It is
10 important for us in terms of us making a
11 decision on whether we do anything or nothing.
12 It is important to get all the facts from the
13 folks that we have asked for it from.

14 So we will, at some point, since it
15 was an optional meeting for the Commissioners,
16 update the Commissioners at a public meeting
17 with a staff presentation on our findings as
18 well as a summary of the comments.

19 I have good news for Staten Island.
20 Thanks to the persistent efforts of
21 Commissioner Arout, we now have Live Scan back
22 at our Staten Island facility. We have been
23 experiencing some downtime as we are in the
24 process of upgrading and buying new equipment,
25 so there is an industry notice out there. You

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1 can now start scheduling your appointments
2 immediately for Staten Island. Live Scan is
3 the system by which you can get the live
4 fingerprints when you get licensed by us. It
5 expedites the licensing process dramatically.
6 So we are back and operational.

7 So, thank you, Commissioner Arout.

8 Last but not least, the Grand Central
9 Partnership and the TLC announced that we have
10 a new taxi stand that is open for business
11 near Grand Central. It is at the Northwest
12 corner of 43rd Street and Vanderbilt. It is
13 an industry notice that has gone out that
14 explains exactly where it is and it has a map.

15 This is significant. I believe that
16 area was closed following 9/11 and now it is
17 open for business. And, in addition, they
18 have dispatchers that are employed and paid
19 for by the Partnership that are staffing that
20 area, so that should provide some much needed
21 help.

22 The next two Commission meetings,
23 these are very tentative dates. We haven't
24 confirmed them yet, but if you want to note
25 them on your calendar, we will be back on our

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1 regular schedule, Thursday, May 8th, and then
2 Thursday, June 12th.

3 That completes my report. Does
4 anybody have any questions?

5 (No response.)

6 CHAIRMAN DAUS: Okay, there being
7 none, we will go to item 2 on the agenda, the
8 adoption of the minutes for the March 13, 2008
9 Commission meeting.

10 Does anyone have any comments,
11 questions, suggestions or changes to the
12 minutes?

13 COMM. AROUT: I make a motion to
14 accept the minutes?

15 CHAIRMAN DAUS: Do we have a second?

16 COMM. KAY: Second.

17 CHAIRMAN DAUS: Okay, all in favor?

18 (Chorus of "ayes.")

19 CHAIRMAN DAUS: It is unanimous.

20 Thank you.

21 CHAIRMAN DAUS: Item 3, base
22 applications. Do we have a representative
23 from Licensing here, Georgia?

24 MS. STEELE-RADWAY: Good morning.

25 CHAIRMAN DAUS: Good morning.

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1 MS. STEELE-RADWAY: Licensing would
2 like to present before the Commission 26 bases
3 with a recommendation for approval.

4 CHAIRMAN DAUS: Any comments or
5 questions about the bases?

6 (No response.)

7 CHAIRMAN DAUS: Do we have a motion
8 to approve?

9 COMM. AROUT: I make a motion to
10 approve.

11 CHAIRMAN DAUS: Is there a second?

12 COMM. KAY: Second.

13 CHAIRMAN DAUS: All in favor?

14 (Chorus of "ayes.")

15 CHAIRMAN DAUS: We have a denial
16 also?

17 MS. STEELE-RADWAY: Yes, we do.

18 Licensing is recommending that
19 B02235, Herby's Car Service be recommended for
20 denial with a request that the Commission
21 grants an additional 30 days so that they may
22 present the outstanding items.

23 CHAIRMAN DAUS: Okay, do we have a
24 motion to deny?

25 COMM. POLANCO: So moved.

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1 CHAIRMAN DAUS: A second.

2 COMM. GONZALES: Yes.

3 CHAIRMAN DAUS: All in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN DAUS: Okay, denied.

6 Thank you, Georgia.

7 Also is Joe Scalise in the audience

8 today? I notice that one of the bases we just

9 approved, is FJA Livery Corp. doing business

10 as Village Car Service. I just want to

11 acknowledge the efforts, on the record, of Joe

12 Scalise, who is the former owner of Village

13 Car Service. He sold his business. He served

14 the industry well for many, many years. And I

15 single him out because he devoted a lot of his

16 time to the TLC's Livery Advisory Board over

17 the last 20 years or so, and we wish him well

18 in his new endeavors and congratulations to

19 him. He has done a great job for Staten

20 Island.

21 Item 4 on the agenda. The thing that

22 everybody is here for, or most of you are here

23 for, is the proposed rules for public hearing

24 and Commission action, the miles per gallon

25 requirements for black cars.

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1 I want to first just thank, there are
2 so many people that worked on this, and I also
3 notice Kathy Wylde is here from the
4 Partnership, who announced this initiative
5 with myself and the Mayor and John Asserno and
6 some of the other environmental groups as
7 well. But I want to, before I read a prepared
8 statement that we worked on, I want to
9 basically thank Vic Dizengoff and Berge
10 Artunyan and the leaders of the black car
11 industry that worked very closely on making
12 not only changes to these rules, but working
13 on the proposal in the first instance.

14 They have represented, in my view,
15 their industry very well. They brought
16 concerns and issues to our attention that we
17 have been, during the written comment
18 preceding this public hearing, been able to at
19 least think about these things and address
20 some of them. So there may be more issues and
21 more questions, but I think we have basically
22 thought about a lot of the concerns and issues
23 and I would like to address them now so before
24 anyone testifies, you can see what our
25 thinking is and what our concerns are.

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1 First of all, in December the
2 Commission unanimously passed rules, as you
3 remember, requiring new taxicabs to achieve a
4 city mileage rating of 25 miles per gallon in
5 October of 2008, except for wheelchair
6 accessible taxicabs. In October 2009, the
7 standard will rise 30 miles per gallon.

8 Almost 380 hybrid taxicabs were on
9 the road when the taxi proposal was announced
10 last May. Now, as taxicab owners convert
11 ahead of schedule, we have over 975. They
12 have proven their reliability during the three
13 annual inspections, and the first 18 hybrids
14 in the fleet have already logged over 200,000
15 miles, as well as higher inspection passage
16 rates than other vehicles.

17 We estimate that the rules will save
18 a taxicab owner \$11,000 per year in gas costs
19 for industrywide savings of roughly \$140
20 million dollars per year. By 2013, virtually
21 the entire taxicab fleet will be converted to
22 higher mileage standards.

23 In February, Mayor Bloomberg asked
24 the Commission to require new black cars to
25 meet fuel efficiency standards of 25 miles per

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1 gallon in 2009 and 30 miles per gallon in
2 2010. The proposed rules considered today
3 will also mandate vehicle retirement for the
4 first time and provides protection for black
5 car operators against competitors who operate
6 less gasoline-efficient vehicles.

7 To help drivers, the city has worked
8 with the financial sector, auto dealers and
9 black car fleets to develop solutions that
10 will finance the higher down payment, and by
11 2013, nearly all black cars will meet the new
12 standards. Mayor Bloomberg indicated the
13 city's intention to complete the Plan NYC
14 for-hire transportation initiative by working
15 with the livery industry. Again, taking into
16 account the unique aspects of that industry.

17 There is some concern about this.
18 Our next course of action will be to develop a
19 concrete plan to introduce similar standards
20 for livery vehicles. So for those in the
21 yellow and black car industry, we are going to
22 treat everybody equal.

23 I would like address four other
24 questions that have come up through industry
25 and other comments in connection with the

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1 proposed rules.

2 First, because the proposed rules
3 require a minimum gasoline mileage rating for
4 black cars, the question has been raised
5 whether the rules are intended to preclude
6 black cars with other nongasoline fueled
7 engines.

8 The answer is clearly no. The
9 proposed rules allow for vehicles that are
10 powered by fuels other than gasoline, provided
11 that those vehicles achieve an EPA fuel
12 efficiency rating equivalent to the mileage
13 standards provided in the proposed rules. In
14 addition, the Commission's rules provide for
15 pilot programs to test the viability of new
16 technologies, including innovations in vehicle
17 technology. Therefore, as new technologies
18 become available, we look forward to testing
19 them in appropriate pilot programs.

20 As technological advances continue,
21 we look forward to testing other vehicle
22 technologies such as hydrogen fuel cell, clean
23 diesel, compressed natural gas which has been
24 a concern from some people who are probably in
25 this room, electric battery cars, and other

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1 alternative fuel sources technologies.

2 The option to conduct pilot programs
3 to test new vehicles and alternative fueled
4 technologies existed yesterday as well as
5 today and tomorrow, so it has always been
6 there and it will continue to be there for
7 both the taxicab and black car industry with
8 respect to testing these new vehicles.

9 Frankly, the pilot program process
10 for testing new vehicle technology is why we
11 have been able to get to where we are today
12 with the TLC's fuel efficiency regulations.
13 Remember, we tested the hybrids in the cabs a
14 few years ago and that's how we were able to
15 demonstrate that they are successful.

16 Second, a concern has been expressed
17 that black car owners may seek to avoid the
18 obligation to convert hybrid vehicles by
19 relicensing them as luxury limousines and
20 affiliated with;luxury limousines bases.
21 Vehicle owners should be aware that Commission
22 rules require that luxury limousines have to
23 have higher levels of insurance and maintain
24 the following: \$200,000 in personal injury
25 protection or no-fault insurance; liability

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1 insurance of \$500,000 per person; and
2 liability of a million dollars per accident or
3 occurrence for a limousine that seats fewer
4 than nine passengers. And in addition, if you
5 have get to the higher seating capacity, it's
6 1.5 million per accident for limousines that
7 seat nine to 15 passengers; and \$5 million in
8 insurance for a limousine that seats more than
9 15 passengers.

10 I have asked my staff to vigilantly
11 enforce the luxury limousine insurance
12 requirements as a means to prevent any attempt
13 by black car owners to pose as luxury
14 limousines and evade the law.

15 Third, a concern has been expressed
16 about the applicability of the proposed rules
17 to black car bases that are located outside of
18 New York City, but which conduct
19 point-to-point activity within our city. As
20 you know, these bases can be licensed, and if
21 they get the proper permit and driver's
22 license, they can pick up passengers and
23 discharge them in New York City within our
24 borders. Or pick them up here to transport
25 them to other states or other counties.

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1 To clarify, these proposed rules
2 apply to all black car bases that are licensed
3 regardless of their location. Likewise,
4 luxury limousines bases located outside of New
5 York City with affiliated sedans that pick up
6 and drop off passengers within New York City,
7 will be required to comply with the higher
8 insurance requirements for limousines that I
9 just mentioned.

10 Finally, when the Commission adopted
11 minimum miles per gallon rules for taxicabs
12 last year, the concern has been expressed
13 about the availability of vehicles that meet
14 the 30 miles per gallon requirement that will
15 come into play in January of 2010, as well as
16 the availability of adequate vehicle financing
17 to fund the purchase of new vehicles.

18 Actually, Commissioner Gonzales and I
19 and Commissioner Kay, as well as others in the
20 administration, have gone over very finely a
21 with fine-tooth comb the financing
22 availability. And we are very confident, and
23 we expect that not only will there be a number
24 of vehicles available, but there will be
25 affordable financing and it will not be an

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1 issue.

2 My staff will closely monitor the
3 situation, and if changes in today's rule
4 become necessary, I will recommend appropriate
5 amendments. To this end, a review of these
6 and any other issues will be conducted at an
7 upcoming public Commission meeting prior to
8 the implementation dates set forth in these
9 proposed rules.

10 And I would like to say also that we
11 have amended the draft rules and I would like
12 to turn it over to Chuck who will explain
13 exactly what we did and then we will go to the
14 public hearing and hear from all of you.

15 Chuck?

16 MR. FRASER: The proposed rules were
17 published for public comment March 5, 2008 and
18 six written comments were submitted, copies of
19 which have been distributed to the
20 Commissioners.

21 In response to one of the comments,
22 the staff is recommending a technical
23 correction to Section 6-10(d) of the proposed
24 rules to reemphasize that black cars must be
25 retired from black car service when they are

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1 six model years old.

2 In addition, the staff recommends
3 revision of the statement of basis and purpose
4 to explicitly state several points that the
5 proposed rules do not provide.

6 Finally, the staff recommends
7 revision of the statement of basis and purpose
8 to clarify that the proposed rule does not
9 preclude vehicles operating on fuels other
10 than gasoline, provided that those fuels
11 achieve EPA fuel efficiency ratings equivalent
12 to the gas mileage standards stated in the
13 proposed rules.

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

18 CHAIRMAN DAUS: Thank you, Chuck.

19 We are going to go to the public
20 hearing now. We have a number of
21 preregistered speakers and we ask that you try
22 to be as brief as possible since it is
23 probably going to be a very long day, and try
24 to be succinct and on point. If you are not
25 going to use all three minutes that are

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1 allocated, please do so and seed to the next
2 person. If you are representing an
3 organization and there are several of you
4 saying the same thing, we would very much
5 appreciate it if one person can come up and
6 represent similar viewpoints.

7 That being said, our first
8 preregistered speaker is Kathy Wylde,
9 President and CEO of the Partnership for New
10 York City. Is Kathy here?

11 AUDIENCE MEMBER: She is on her way.

12 CHAIRMAN DAUS: Okay, so we will
13 skip over her and come back to her.

14 The second preregistered speaker is
15 Diana Clemente. Hello, Diana, come on up.

16 PUBLIC SPEAKER: Good morning. Thank
17 you, Commissioners.

18 I am actually going to abandon what I
19 planned on speaking about based on some of the
20 things that you said. I speak for myself
21 certainly, and I think I speak for many of my
22 competitors when I say that we are totally in
23 favor of having better miles per gallon and
24 clean air and green cars, et cetera.

25 Our concern is that we don't think

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1 the vehicles are readily available to fulfill
2 those requirements. And a great concern is us
3 being placed at a competitive disadvantage
4 with other companies that would like to do the
5 business that we are currently doing.

6 And while you say that you are going
7 to address the livery industry, which is a
8 great concern for us, my personal fear is when
9 will that be and will that time lag be enough
10 to allow them to erode our business. So we do
11 have some concern that the cars are not
12 available. Personally I think that a Toyota
13 Camry is not a viable replacement vehicle. If
14 everyone has it, then that is not a problem,
15 but if we are compelled to have that type of
16 vehicle, which is one of the few that do meet
17 the requirements, and our competitors are
18 driving bigger vehicles that enable them to
19 take more people to the airport with luggage
20 and the like, that's a great concern for us.

21 So is there any time frame that you
22 can tell us with regard to when the livery
23 issue will be addressed and resolved?

24 CHAIRMAN DAUS: We can't give you
25 specifics, but we are working on it right now.

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1 PUBLIC SPEAKER: And in terms of them
2 being able to add vehicles that are a certain
3 model year, is there something that could be
4 expedited so that while perhaps the industry
5 as a whole is not addressed quickly, if they
6 are going to add, for example, a 2006 or 2007
7 vehicle in 2008, why should they be able to
8 add the same vehicle that we will not able to
9 add to our fleet in 2008 because we need 25
10 miles per gallon?

11 CHAIRMAN DAUS: That's the very
12 purpose why I think it is important to have a
13 review as we get closer and inch forward
14 toward implementation. That's what we are
15 going to be looking at.

16 And the way rules are written, if you
17 take a look at them, any vehicle -- it is not
18 highly regulated like the yellow cab industry
19 where it has to be this size and all these
20 things have to be in. If it meets the MPG,
21 you can choose whatever vehicles come on the
22 market.

23 PUBLIC SPEAKER: Okay, thank you very
24 much.

25 CHAIRMAN DAUS: You are very

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1 welcome. Thank you.

2 The next speaker is Sergio Sanchez
3 from Partners Executive Transportation.

4 PUBLIC SPEAKER: Good morning,
5 Commissioner Daus, members of the Commission.
6 Thank you for allowing me time to give my
7 testimony in reference to the proposed back
8 car 25-30 MPG.

9 My name is Sergio Sanchez, I am the
10 vice president of Partners Executive
11 Transportation. We are a licensed base
12 operation and would like to express our core
13 concerns on the rule changes you are voting on
14 involving mileage requirements.

15 We recognize our corporate and
16 personal responsibilities for the environment,
17 especially for those of us who work and live
18 in the New York City area. As such, we have
19 begun our own third-party environmental
20 sustainability program. The rules you
21 anticipate setting are ones we support and
22 would like you to consider some unique and
23 necessary situations.

24 The rules will effect black care
25 bases, but as a luxury base we see potential

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1 problems you might want to consider for all
2 TLC licensed vehicles and bases. Many of our
3 clients use both black car and luxury bases in
4 their daily operations. It should not be
5 taken for granted that car manufacturers will
6 simply build the cars to meet New York City's
7 rule changes. Our corporate clients do
8 express interest in reducing greenhouse gas
9 emissions, but are all not willing to be
10 driven in a hybrid vehicle. They want the
11 larger Lincoln Towncars, the Mercedes, the
12 BMWs, and the larger SUVs.

13 They speak about favoring green cars
14 as long as it doesn't sacrifice their comfort.
15 It is part of the Not In My Back Yard
16 syndrome. Our clients require a quiet,
17 comfortable trip where they can relax, work on
18 their laptop, discuss private business
19 matters. They consider the back seat of their
20 car their living room or private office.

21 Keep in mind chauffeured cars often
22 drive multiple passengers. Hybrids currently
23 on the market are not appropriate for the
24 multiple business executives. For this reason
25 alone, multiple passengers, like in the

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1 Lincoln Towncar are more environmentally
2 sustainable than two or three hybrids needed
3 to transport the same amount of passengers.

4 While there is a hybrid Lexus model,
5 the cost is too prohibitive for our
6 chauffeurs. Our chauffeurs are independent
7 contractors who buy their own vehicles. Cars
8 like the Prius, Mercury Mariner are just not
9 acceptable for them or our clients. Being the
10 official car service of the New York Yankees,
11 I could imagine you would get a good laugh to
12 see Jason Giambi and Alex Rodriguez in the
13 back of a Prius.

14 As I am sure everyone know, the
15 Lincoln Towncar is the industry standard for
16 our services. At the recent National
17 Limousines Association when asked,
18 representatives from Lincoln Towncar said it
19 wouldn't be until 2020 before a hybrid fuel
20 efficient car is available. An important
21 factor is actually rating as a 25 MPG for city
22 driving. The figure 25 MPG is never tested in
23 cities over a million in population. What
24 might be 25 MPG in Phoenix is not the same as
25 New York, especially not Manhattan.

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1 I am sure you will all agree on this.
2 Consider a gasoline powered car that is rated
3 25 to 30 MPG and stuck in traffic by Wall
4 Street, it is not getting 25 MPG, but emitting
5 greenhouse gas emissions as much as a car
6 rated 15 MPG.

7 CHAIRMAN DAUS: Mr. Sanchez, we have
8 so many people that are going to speak, could
9 you kindly try to sum up your points?

10 PUBLIC SPEAKER: Good enough.

11 CHAIRMAN DAUS: We also have your
12 written comments as well.

13 PUBLIC SPEAKER: Will those be
14 entered into the record, my written comments?.

15 CHAIRMAN DAUS: Yes.

16 PUBLIC SPEAKER: Okay, thank you.

17 Basically what I was saying is there
18 are other environmental sustainability
19 programs out there that I think that this
20 Commission needs too address prior to going to
21 just a blanket 25 to 30 MPG standard.

22 Thank for your time.

23 CHAIRMAN DAUS: Thank you, Mr.

24 Sanchez.

25 The next speaker is Ian Lipton from

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1 Green Ride Global.

2 PUBLIC SPEAKER: Commissioner Daus
3 and TLC members, thank you for the opportunity
4 to speak this morning.

5 My name is Ian Lipton, I am the chief
6 operating officer for Green Ride Global. We
7 create and implement environmental
8 sustainability programs for companies in the
9 ground transportation industry. Our clients
10 include fleets located across North America
11 including in New York.

12 The programs that we implement which
13 are examples of what Mr. Sanchez referred to,
14 cause real and measurable reductions in the
15 greenhouse gas emissions from fleets and
16 facilities. We follow measurements
17 established by the United Nations Framework
18 Convention on Climate Change and ISO 14,064
19 Standards.

20 The reason we are here today is to
21 voice a more economical and environmentally
22 sustainable alternative to the proposed
23 minimum miles per gallon rule. While we
24 recognize and support the intention behind the
25 rule, we believe that requiring minimum mile

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1 per gallon vehicles is not an accurate or
2 reliable way of reducing greenhouse gas
3 emissions. Why is that?

4 Because a vehicle rated at 25 or 30
5 miles per gallon can produce greater emissions
6 than one rated at 18 miles per gallon, for
7 example. How can that be?

8 The answer is simple. Greenhouse gas
9 emissions are a function of two things:
10 Vehicle operation and type of fuel that is
11 used in the vehicle. They are not a function
12 of minimum miles per gallon rating. For
13 example, at 50 percent city driving, a Lincoln
14 Towncar has an EPA rating of 18, a Lexus RX
15 400, which I might say is the only luxury
16 hybrid vehicle on the market with an MPG
17 rating higher than 23, is rated at 25 miles
18 per gallon.

19 According to these ratings and
20 assuming typical New York City black car
21 mileage, the Lexus would produce 25 tons of
22 emissions per year, and the Towncar would
23 produce 34. However, fuel efficiency ratings
24 are based on what the EPA call normal driving
25 behaviors. They do not take into account that

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1 normal driving behavior can be modified to
2 produce more efficient driving and fewer
3 emissions.

4 For example, they say normal idle
5 time is 20 percent of the total vehicle's
6 time. Through a properly managed
7 environmental sustainability program, idle
8 time can be reduced to 10 percent. A Towncar
9 that idles 12 percent less time over the
10 course of a typical year, will save
11 approximately one ton of greenhouse gas
12 emissions annually. A program to ensure
13 proper acceleration or a reduction in jack
14 rabbit driving will save an additional eight
15 tones annually.

16 The installation and use of
17 after-market fuel efficiency devices or
18 conversions to alternative fuels will reduce
19 another three to nine tons annually, which
20 leads to another question: What is the EPA
21 MPG rating of a Towncar that has been
22 converted to an alternative fuel hybrid?

23 The answer is: There is no rating.

24 My point is this, by effectively
25 implementing a measured and managed

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1 environmental sustainability program that
2 includes behavior modification and
3 after-market technological enhancements, a
4 black car fleet could save 12 to 18 tons of
5 greenhouse gas emissions annually per vehicle.
6 And that would put the Towncar on par, or
7 better, from an environmental point of view,
8 than the Lexus 400 hybrid.

9 CHAIRMAN DAUS: Mr. Lipton, could
10 you kindly try to sum up.

11 PUBLIC SPEAKER: Yes.

12 So the key to emissions reduction is
13 not necessarily one that is based on MPGs.
14 The solution must be focused on a measured and
15 managed reduction program. And until such
16 time that vehicle manufacturers develop luxury
17 hybrid models, hybrid models that
18 significantly reduce emissions, that meet the
19 needs of black car operators, the focus of
20 emission reduction must be on the
21 implementation of a measured and managed
22 environmental sustainability program.

23 Thank you.

24 CHAIRMAN DAUS: Thank you, Mr.
25 Lipton.

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1 Our first registered speaker has
2 shown up. Kathy Wylde, President of the
3 Partnership for New York City. Welcome.

4 PUBLIC SPEAKER: Thank you.

5 Commissioner Daus, Commissioners,
6 good morning. I am pleased to have the
7 opportunity to testify on behalf of the
8 Partnership which represents the city's
9 largest employers and major users of black
10 cars. Our members strongly support new
11 regulations that would require the black car
12 industry to transition to more fuel efficient
13 vehicles.

14 Specifically, we encourage the TLC
15 Board of Commissioners to pass regulations
16 requiring licensed black car vehicles to meet
17 the 25 miles per gallon performance standard
18 2009 and the 30 MPG standard by 2010.

19 Individuals customers, no matter how
20 large, are not in the position to dictate the
21 use of fuel efficient vehicles by black car
22 companies, but in surveying their employees
23 they have found that it is their preference
24 and request. This has got to be a matter of
25 city regulation. Action by the TLC Board

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1 Commissioners would reinforce customer
2 preference for low emission vehicles and
3 advance an important component of Mayor
4 Bloomberg's sustainability program, which will
5 greatly reduce the carbon footprint of our
6 city.

7 We recognize that mandatory
8 conversion of fleets may raise financial
9 concerns for black car companies and owners,
10 and although these more fuel-efficient
11 vehicles will save drivers money over time,
12 the higher initial cost in purchasing the
13 vehicles are important to recognize. Our
14 investment fund, which is a vehicle the
15 Partnership is working together with some of
16 the city's major financial institutions to
17 develop a program that will, in fact, make the
18 financing feasible and affordable. It will
19 eliminate the hardship in the acquisition of
20 fuel efficient vehicles. And we think this is
21 a solution to one of the major concerns that
22 has been raised.

23 The Partnership looks forward to
24 working with the Board of Commissioners and
25 the black car industry to help New York have

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1 the first fuel-efficient black car fleet and
2 we thank you for the opportunity to work with
3 you on this project.

4 CHAIRMAN DAUS: Thank you. And
5 thank you for working so closely with us. And
6 the investment fund, we met with them, and we
7 are very pleased with those financing options.

8 So if you can't get your financing at
9 the Toyota or Ford dealership or whatever,
10 then you will be able to choose on the market
11 from the credit union or the fund.

12 So thank you for offering those
13 resources on behalf of the employers
14 representing your passengers and customers as
15 well. Thank you.

16 The next speaker is Shaek Collede,
17 Charge and Ride. Could he be in the overflow
18 room?

19 No. Okay, we will defer that
20 speaker. The next speaker is Richard Castel
21 from the NRDC, Natural Resources Defense
22 Council. Mr. Castel?

23 PUBLIC SPEAKER: Good morning. My
24 name is Richard Castel, and I am senior
25 attorney and director for the Clean Fuel in

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1 Vehicles Project at NRDC, the Natural
2 Resources Defense Council.

3 NRDC has been a strong supporter of
4 Plan NYC 2030 and we work closely with City
5 Hall, of course, as it was developed. We
6 strongly support the proposal to increase the
7 fuel economy of the black car fleet as we did
8 with the yellow cabs. Doing so will obviously
9 cut fuel costs for drivers and operators,
10 while also reducing the global warming impacts
11 of the overall taxi industry.

12 From our perspective, reducing global
13 warming impacts is the right lens to look at
14 this program and the right lens to gauge its
15 ultimate success. Through that lens we would
16 like to suggest a way to make this strong
17 program even stronger. As we have already
18 heard, using miles per gallon as the sole
19 performance indicator is an imperfect way to
20 measure the actual real world global warming
21 impacts and benefits of the program.

22 A more comprehensive approach would
23 be to allow applicants to demonstrate the life
24 cycle carbon or global warming benefits of
25 their fleets. Because we know there are

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1 up-stream impacts of all of these vehicles.
2 There are carbon impacts or global warming
3 impacts from manufacturing the vehicles, from
4 producing, processing, refining, transporting
5 the fuels, whether we are talking about
6 gasoline, diesel, natural gas or others.

7 So for those reasons, we would like
8 to propose that you add an alternative
9 compliance mechanism to make this strong
10 program even stronger. Our suggestion is
11 this: Fleets would be able to choose to comply
12 with the regulations either by demonstrating
13 that they meet the MPG threshold or by
14 demonstrating through a full life cycle
15 analysis that they are providing global
16 warming impacts that equivalent or better than
17 would be provided with an MPG analysis.

18 With such an alternative compliance
19 mechanism in place, a vehicle with low
20 up-stream impacts could comply with the rule
21 even if its MPG rating was below the 25 or 30
22 MPG or in the one case that was already used
23 this morning, if there was no MPG rating at
24 all.

25 Adding such a mechanism would place

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1 New York a little bit closer towards the
2 approach that is being used in California and
3 which we have been suggesting for all of New
4 York's fuel and vehicle programs. That
5 approach is not an MPG approach or a bio fuels
6 approach, it's low carbon approach. And it is
7 a way to gauge whether or not these programs
8 really work.

9 We don't think that adopting this
10 alternative compliance mechanism would run
11 afoul of federal preemption concerns that have
12 been raised before. And that's why we
13 suggested as an add-on rather than a
14 replacement. It wouldn't be a requirement.
15 It would merely be an alternative compliance
16 mechanism that fleets could choose to use if
17 they wish.

18 In sum, we strongly support your
19 support program. We congratulate you on your
20 vision towards cleaning up the emissions of
21 the taxi fleets in all their colors, but we do
22 urge you to adopt this alternative compliance
23 mechanism to make the program stronger.

24 Thank you.

25 CHAIRMAN DAUS: Thanks for your

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1 comments and for your support.

2 The next speaker is Mr. Todd Campbell
3 from Clean Energy.

4 PUBLIC SPEAKER: Good morning, Mr.
5 Chairman and members of the Commission. My
6 name is Todd Campbell. I am the director of
7 public policy for Clean Energy, and it is an
8 honor to follow Rich Castel. When I was with
9 NRDC about ten years ago, I was the west coast
10 component of the Dump Diesel campaign and it
11 was quite a campaign in that improved a lot of
12 people's lives out in California.

13 I am here today to ask for your
14 consideration of looking at an alternative
15 compliance mechanism. We certainly appreciate
16 the statements that the Chairman and the
17 Commission have made in terms of looking at
18 fuels beyond just gasoline. We also want to
19 applaud your efforts in terms of greening up
20 New York and reducing greenhouse gases in a
21 way that you feel comfortable.

22 We think that the alternative
23 mechanism would be actually an improvement
24 upon the plan or the proposal because you
25 mentioned gasoline inefficiency, and I think

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1 you essentially want to have carbon efficiency
2 as a goal, because that would also be in line
3 with, for example, an efficient gasoline
4 vehicle.

5 The difference here is that when you
6 use other alternative fuels that are lower in
7 carbon, you essentially have vehicles, for
8 example, that may go 20 miles per gallon, but
9 actually are equal to a gasoline vehicle that
10 goes 25 miles per gallon or greater. So
11 that's why we are looking at the alternative
12 compliance method and looking at a full life
13 cycle when you are looking at fuels.

14 We also think that this program is
15 very important. As you bring in cleaner
16 vehicles, lower carbon fuel vehicles and also
17 greater efficient vehicles, because there will
18 be a benefit in terms of benefit for other
19 boroughs as well. We think there will be a
20 transition of vehicles and this will be an
21 improvement for the entire area. As you know,
22 most of the black cars are frequently
23 servicing Manhattan the most, but we think
24 that there will be a tremendous benefit for
25 all the boroughs.

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1 Finally, I would like to say that
2 with the consideration of an alternative
3 mechanism, you are going to be providing the
4 ability to create a low carbon fuel market,
5 which is going to be extremely important to
6 the future and also demonstrates, again, the
7 leadership that New York has and the influence
8 that New York has.

9 As you mentioned, you were hoping
10 that the car industry would be able to come up
11 to your challenge. We would also like to see
12 energy companies come up to your challenge as
13 the oil has hit \$115 a barrel. Other kinds of
14 fuels gas to liquids, coal to liquids, other
15 types of high carbon fuels may enter the
16 market, and what we are concerned about is if
17 you don't incentivise low carbon fuels in
18 addition to higher efficient vehicles, we may
19 have higher carbon fuels entering into, for
20 example, Prius or a hydroelectric platform,
21 diminishing the ability for you to achieve the
22 Mayor's goals and the city's goals in 2030.

23 With that, first of all, I want to
24 applaud you for your leadership. Second, I
25 want to thank you for allowing a pilot program

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1 and also encourage you to consider an
2 alternative mechanism to achieve your goals
3 and ensure that they happen by the 2030 time
4 line. Thank you.

5 CHAIRMAN DAUS: Thank you.

6 Next speaker is Mr. Mike Jackson from
7 Tiax, Michael Jackson.

8 I don't see anybody so I will put a
9 question mark here.

10 Ben Block from Eco nation.

11 PUBLIC SPEAKER: I would like to
12 thank the Commission. Actually, it will be
13 both of us but we will stick to the three
14 minutes. James Caulkin and Ben Block is with
15 me here.

16 CHAIRMAN DAUS: Okay.

17 PUBLIC SPEAKER: Did you both sign up
18 separately?

19 PUBLIC SPEAKER: I think we were
20 listed under my name, Ben Block.

21 CHAIRMAN DAUS: Okay, that's fine.

22 PUBLIC SPEAKER: Thank you. We
23 traveled from California, and it is very
24 interesting to hear all of the things about
25 hybrid and the concerns.

00049

1 Good morning honorable members of the
2 Commission. My name is James Caulkin. I
3 serve as a managing partner and Econation's
4 Chief Operating Officer. Econation is
5 southern California's premiere choice in
6 luxury, Eco-friendly chauffeur transportation.
7 We are quickly expanding to new domestic
8 markets based on significant demand for luxury
9 alternative fuels, including our executive L
10 Towncar fueled by compressed natural gas.

11 The Econation team is extremely proud
12 to provide CNG hybrid and clean diesel fuel
13 vehicles throughout its entire fleet and
14 emphasize the continued pursuit and passion to
15 provide the most sustainable vehicles on the
16 road. A vehicle's fuel technology continues
17 to be critical in the selection of Econation's
18 fleet. And although our ultra low emission
19 hybrid vehicles make up a significant segment
20 of our fleet, we believe that hybrid
21 technology is a temporary fix and share in
22 Clean Energy's long-term vision in moving
23 towards a clean domestic natural gas solution.

24 Because of this, we also ask that the
25 Commission consider providing greater

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1 flexibility to the livery industry and its
2 affiliates. By adopting an emissions based
3 approach pilot program, as you discussed
4 before, as opposed to a miles per gallon
5 approach, CNG technology could be incorporated
6 into the proposed rules to meet and exceed the
7 current city's climate change goals.

8 So Econation strongly recommends that
9 the Commission consider CNG as a viable,
10 long-term solution for the following reasons:
11 Utilization of CNG vehicle provides up to 30
12 percent reduction in harmful greenhouse gases
13 compared to the conventional gasoline engine.
14 Cleaner burning in CNG provides less wear and
15 tear on vehicles, resulting in lower
16 maintenance costs and longer vehicle lifespan.

17 And, finally, New York City would be
18 a leader taking the first steps to reduce our
19 nation's addiction and dependency for foreign
20 oil.

21 I will turn it over to Ben.

22 PUBLIC SPEAKER: I just want to add
23 to that a little bit. Again, thank you for
24 your leadership here in New York. We are
25 actually glad it hasn't been as fast paced in

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1 California because it allows us to be more
2 competitive.

3 My name is Ben Block, I am the
4 managing partner and chief marketing officer
5 for Econation. We work with a diverse list of
6 customers in California, including everyone
7 from major motion picture studios, Fortune 500
8 corporations and general consumers who just
9 want a nice alternative method of getting from
10 A to B.

11 As James mentioned, we use,
12 successfully use hybrids in our fleet and will
13 continue to do so, but we recognize definite
14 challenges. Some of those have been mentioned
15 a little bit here today, so I will go through
16 them very quickly. But essentially many of
17 those, including the ones that you are
18 suggesting, are not generally supposed to make
19 it to say the 300,000 mile mark, which is what
20 many of the Towncars and long-term volume use
21 vehicles today are supposed to do.

22 For this industry, even the
23 manufacturers have told us that today even the
24 hinges on the cars, a number of different
25 aspects of the way they are manufactured are

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1 not really meant for this long-term volume
2 use. So this is just something I urge you to
3 work with the manufacturers to make sure that
4 they are going to last for the duration.

5 The other thing is, you know, as
6 mentioned before, the likelihood of reaching
7 \$50,000 in savings from gasoline is heavily
8 offset by having a much higher cost of having
9 to replace vehicles earlier and more often.
10 If that is the case that would be a huge
11 increase in cost to the industry.

12 Also mentioned quickly, we have had a
13 lot of customers who are trying to be green
14 but really aren't willing to go and be in
15 these hybrid vehicles, just because a lot of
16 them aren't made for the many shapes and sizes
17 of people, just like in the great State of New
18 York. We have a number of clientele who have
19 been offered a number of the same hybrids you
20 are thinking about today, who have actually
21 stayed away from using the service until we
22 offered the CNG Towncars. And now they are
23 very, very happy to go green.

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

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1 PUBLIC SPEAKER: Yes.

2 COMM. GIANNOULIS: Other than the
3 Towncars, are there other CNG vehicles that
4 would fit into the luxury model. A gentleman
5 earlier said there isn't any such vehicles;
6 you keep talking about a Towncar.

7 Are there other ones?

8 PUBLIC SPEAKER: Absolutely. There
9 are shuttle vans, shuttle buses, full size
10 buses. There is actually available utility
11 vehicles, and with a little bit of work, we
12 can get the newer utility vehicles certified.
13 So it really offers a great range of options
14 for the livery and black car industry.

15 The other thing is if the
16 infrastructure were in place today, all the
17 current cars available out there on the road
18 could be converted very quickly and
19 efficiently. So it offers a very short-term
20 way to fix the problem.

21 COMM. KAY: Now I am a bit confused.
22 There is nothing in our rules that prevents
23 anyone from using CNG to meet the MPG; is
24 there?

25 CHAIRMAN DAUS: Not at all.

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1 COMM. KAY: So we are not precluding
2 CNG conversions at all in these rules?

3 PUBLIC SPEAKER: No. And you
4 mentioned, we heard some new things today, you
5 mentioned a pilot program. We are going to
6 pursue that, but we would urge for others in
7 the room who want to focus on CNG technology
8 going forward to feel free to give us a call
9 or check out Econation.com.

10 COMM. WEINSHALL: Can I just ask a
11 question, Jeff. I think maybe we should have
12 Peter come up and answer this.

13 If you remember, a number of years
14 ago city fleet went over to CNG. Pete, do you
15 remember what the issue was with that when the
16 city fleet went over?

17 CHAIRMAN DAUS: Come up to the
18 microphone, please.

19 MR. SCHENKMAN: Back in the mid '90s,
20 New York City had almost 3,000 CNG vehicles.
21 To date, there may be a hundred left.

22 The maintenance was exorbitant.
23 Vehicles were being turned in less than a year
24 old. Trying to find a filling station in New
25 York City, I think there are five or six.

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1 Varying pressures results in a different fuel
2 economy. And the taxi industry had quite a
3 few also and there are 14 left.

4 CHAIRMAN DAUS: Much to the credit
5 of the taxi fleets under former Chairman Lynn,
6 they tried the experiment and it failed
7 because there were not enough filling
8 stations.

9 MR. SCHENKMAN: Right.
10 And CNG is a fossil fuel.

11 COMM. KAY: I understand. I just
12 wanted to know is there still that option if
13 -- I know a lot of people out here are
14 interested in CNG and believe they have
15 economic models that make sense. Whether it
16 works or not, I hope it works. But we should
17 allow it.

18 COMM. WEINSHALL: But we have been
19 down that road before.

20 CHAIRMAN DAUS: And, technically,
21 Peter, under the EPA standard there is
22 equivalency and there is the capability now if
23 a company makes a CNG vehicle, they can comply
24 with our rules.

25 MR. SCHENKMAN: There is only one

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1 factory manufactured CNG available in the
2 United States and that is the Honda Civic NGV
3 model, and that gets 24 miles, equivalent
4 miles per gallon.

5 CHAIRMAN DAUS: But it is
6 theoretically possible?

7 MR. SCHENKMAN: Yes.

8 CHAIRMAN DAUS: And I guess the
9 other question is, and he is not the first
10 person to raise this comment, in my
11 preliminary statement, I tried to make it
12 very, very clear that we have a process in our
13 rules for pilot programs, and yesterday, today
14 and tomorrow, you can basically put together a
15 pilot program proposal and we will test these
16 vehicles. That's how we get here today with
17 the hybrids, quite frankly.

18 So I hope that answers questions I am
19 sure we will have from other people who are
20 going to testify. So let's get back on track.
21 The next speaker is Mr. Neil Zeller from Limo
22 Green Services.

23 PUBLIC SPEAKER: Good morning. I am
24 Neil Zeller, President of Limo Green Services.
25 I think the timing is appropriate here because

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1 we are very focused on developing natural gas
2 solutions for executive transportation. I
3 think I will respond to some of the comments
4 that were just made.

5 The technology has improved. The
6 manufacturing, the servicing of these vehicles
7 has advanced significantly since they were
8 first on the road in the early '90s and late
9 '80s, as just mentioned. The operation of
10 these vehicles we have had on the road for a
11 good part of the past year has been very
12 successful. We have done our own pilot
13 program with several operators and they are
14 performing very well.

15 Clean Energy is here, and they are
16 working on expanding and improving the
17 infrastructure.

18 CHAIRMAN DAUS: I'm sorry, what type
19 of vehicle was that?

20 PUBLIC SPEAKER: This is the Lincoln
21 Towncar converted to run on natural gas.

22 In addition, a big part of our effort
23 has been speaking with and meeting with the
24 end user community. The corporations, law
25 firms, media companies, transportation

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1 businesses. This is a very attractive, very
2 popular solution because it enables them to
3 continue to provide the kind of vehicle, the
4 kind of service, the image, the comfort,
5 safety, style, et cetera, that is really in
6 the most demand, and, yet, still meet very
7 favorable environmental standards.

8 So we are very supportive of the
9 rules being promoted. We think that this
10 solution can be very successful. We are
11 standing by to make this work. Our mission is
12 to make this viable for the operators and for
13 the end users by making the investments in the
14 systems and service to run the vehicle.

15 So we would just like to say that we
16 are pleased to hear that you are open to
17 alternative technologies and to the pilots,
18 and we stand by in helping to make natural gas
19 a strong part of the environmental solution in
20 New York.

21 Thank you.

22 CHAIRMAN DAUS: Thank you.

23 Ed Ragopia.

24 PUBLIC SPEAKER: Good morning

25 Commissioner Daus and the rest of the Board.

00059

1 Thank you for this opportunity. For those of
2 you who don't know me, I am a second
3 generation supplier, financier and servicer of
4 the livery industry, also operate our own
5 livery fleet. We have done doing this for
6 almost 40 years.

7 I was very happy to hear in your
8 opening statements that you will be allowing
9 for some of these pilot programs, especially
10 compressed natural gas, which I think is a
11 very viable opportunity to keep the Lincoln
12 Towncar in the fleet and keep it
13 environmentally friendly. Probably more
14 environmentally friendly than the hybrids that
15 are currently options.

16 Although we do sell and service and
17 finance hybrids currently, they are not
18 designed to do this. Nobody can tell me what
19 a 400,000 mile or 500,000 mile Prius performs
20 like or what it is worth or what market it can
21 go into. So until we know that, an adage that
22 my mom taught me as a child is, "Haste makes
23 waste." I think we are going to wind up with
24 a lot of hybrids that are going to be useless
25 in a very short period of time with absolutely

00060

1 no resale value, and independent owner
2 operator drivers stuck with these cars and
3 nothing to do with them.

4 They are used to driving Towncars
5 that are an asset after they use them and they
6 have the ability to use them as money down for
7 their next vehicle. And they understand how
8 they are going to operate and how long they
9 can operate them for.

10 Hybrids, for the most part, even the
11 Mariner that has a livery package, are not
12 designed to run 75 to 110,000 miles a year.
13 They are not designed for the comfort. They
14 don't have the image that the classic car that
15 we are used to running in that market has.
16 And I hate to see a situation like the
17 gentleman from Partners said earlier where you
18 have to send three hybrids to the airport to
19 pick somebody up and their luggage. What did
20 you save?

21 You are definitely going to burn more
22 gas. You are definitely going to have more
23 greenhouse gas effects. You are not going to
24 achieve what this Board is looking to achieve.
25 I am looking to achieve it as well.

00061

1 I am here to work with all of you. I
2 am not against any of it. The concept is
3 there, but I want to make sure we that are
4 really going to achieve what we set out to
5 achieve, and I don't know that these vehicles
6 being used for livery use are really going to
7 do that.

8 We did a test with a company called
9 Green City Limousines, who also owns Red Oak.
10 They run Towncars in Red Oak and they ran a
11 Toyota Highlander, all hybrids. And all the
12 hybrids got much worse gas mileage than the
13 Towncars. They had a much worse service
14 record. There was no place to service them at
15 night, which is when you need them, especially
16 when the owner operators are doing line work
17 and what not, you can get a Towncar fixed 24/7
18 in the tri-state area. You can't get any kind
19 of hybrid fixed 24/7, nor does anybody have
20 the parts.

21 So those cars have a lot more down
22 time, they are a lot more expensive. And the
23 majority of them won't have a 36,000 mile
24 warranty, which isn't even going to cover you
25 for the first half of the year that they will

00062

1 be operating the car. So the out-of-pocket
2 expenses for the owner operators are going to
3 be much higher, never mind that the vehicle is
4 much more expensive to start with.

5 And so, they are financing them
6 longer, they will be operating them less and
7 it will be upside down with no way to get out
8 of them. Most of the owner operators are
9 going to be affected by this, not the big
10 fleets. They are the owns who actually own
11 the cars and have to worry about disposing of
12 the vehicles and operating them on their own
13 dime.

14 So I just want us all to go into this
15 with our eyes open and talk and maybe not push
16 for everyone to get into this so quickly
17 before we know what the long-term effects are.

18 CHAIRMAN DAUS: Understood. Thank
19 you for your testimony.

20 We have many, many speakers, so,
21 again, we would greatly appreciate, if you are
22 from the same entity, if you could consolidate
23 your time and if you can make your points in
24 less than three minutes. And I will ask the
25 Commissioners if we can save our questions for

00063

1 the end because we actually may start losing
2 Commissioners if we go too long and we would
3 like everybody to be heard.

4 The next two speakers -- I am also
5 going to announce the next speaker so they can
6 be ready - John Sansone and James Faust, both
7 from US Limousines Services, are you here?

8 Are you able to combine your
9 testimony?

10 PUBLIC SPEAKER: Yes.

11 CHAIRMAN DAUS: Great. We would
12 appreciate that. And the next speaker after
13 both of you will be Victor Dizengoff.

14 PUBLIC SPEAKER: Thank you. I am
15 John Sansone, I am the manager of U.S.
16 Limousines Service. We operate Towncars
17 throughout the metropolitan area as well as
18 sedans within the City of New York.

19 About two years ago we made a
20 decision to become -- to evaluate
21 environmental alternatives. When you start
22 taking a look at what was available in the
23 marketplace, and, candidly, domestically the
24 only thing available was the Mercury Mariner
25 or the Toyota Prius.

00064

1 About six months ago we teamed with
2 Limo Green and are operating the first two,
3 now three CNG Towncars in the metropolitan
4 area. The Towncars meet our clients'
5 expectations. Our client is the corporate
6 owner, American Express, Cablevision, Madison
7 Square Garden, Radio City Music Hall, who are
8 doing multiple transfers within the City of
9 New York.

10 The car itself is efficient, it's
11 clean, it produce less greenhouse emissions.
12 It is a tremendous vehicle and has been well
13 received by our clientele. The only hindrance
14 we do have is the number of filling stations
15 within the city. We are working with a
16 company called Clean Energy. If operated
17 efficiently, this car can operate within the
18 city, transfer out to Laguardia, be filled up
19 at Laguardia, come back. There is also
20 another filling station at 14th Street.

21 But it does create a viable
22 alternative that meets the clients'
23 expectations. Dissimilar to other hybrid
24 vehicles which are available on the road.
25 Also I think they are considerably safer than

00065

1 hybrids.

2 Jim is my driver trainee manager.

3 Jim will attest he is the individual who

4 trains our drivers to become familiar with

5 these vehicles, the fueling procedures, et

6 cetera. And Jim has been driving these

7 vehicles for about six months now, so I will

8 let Jim comment as well.

9 PUBLIC SPEAKER: I think there is no

10 difference in the car except the car I have

11 been driving, I am getting 22 to a gallon

12 right now. I have no trouble with ADs. I

13 have no trouble with luggage because of the

14 tank storage in the trunk. I haven't had

15 trouble since I have been driving it.

16 The car, people love it. I can park

17 in their driveway, keep the garage door open.

18 There is no smell, no exhaust fumes. It is

19 like mist coming out of it. You can actually

20 breathe it if you stand in back of it. I have

21 no complaints from any of the clientele.

22 PUBLIC SPEAKER: So in summary, we

23 do ask the Commission to evaluate alternate

24 fuel vehicles outside the limits of the MPG

25 and consider the Towncar, which is the

00066

1 traditional utilized within the livery
2 industry.

3 CHAIRMAN DAUS: We will.

4 COMM. KAY: Just one question
5 quickly. The rules before us are for black
6 cars. Do you run a livery service, a black
7 car service or a luxury service?

8 PUBLIC SPEAKER: We are luxury livery
9 service, however, we operate 48 Towncars TLC
10 licensed city-to-city transfers within the
11 city.

12 COMM. KAY: But this doesn't apply to
13 your cars?

14 PUBLIC SPEAKER: It doesn't apply to
15 us. However, we have been utilized as a
16 pilot. We re the first company purchasing
17 these vehicles and they can be easily
18 purchased by black car services.

19 CHAIRMAN DAUS: We encourage you to
20 look at our pilot program rules and submit a
21 pilot.

22 PUBLIC SPEAKER: I will. Thank you,
23 Commissioner.

24 CHAIRMAN DAUS: Thank you.
25 Next speaker Victor Dizengoff from

00067

1 the New York Black Car Operators Injury
2 Compensation Fund. And the next speaker after
3 Victor is Berge Artunean.

4 PUBLIC SPEAKER: Good morning,
5 Chairman Daus and Commissioners.

6 Before I begin, just let me thank you
7 personally, Chairman Daus, and the Mayor's
8 Office, for sitting down with us and going
9 over the issues that the industry has had, and
10 addressing them as you have in this document.

11 Let me say my name is Victor
12 Dizengoff. I am the executive director of the
13 Black Car Assistance Corporation, the trade
14 association of the black car industry. BCAC
15 represents in excess of 40 companies which
16 have approximately 10,000 affiliated vehicles.
17 To the extent that we represent the companies,
18 we are also very much concerned with the
19 driver issues.

20 The black car industry has since its
21 inception, and continues to be, an industry
22 regulated by the New York City Taxi and
23 Limousine Commission. Our primary concern, in
24 addition to the quality of service we provide
25 our clients, has always been and continues to

00068

1 be their safety, the safety of our drivers and
2 the safety of all the citizens of New York,
3 its visitors and commuters.

4 The Board of Directors of the BCAC,
5 having met in session, unanimously agreed that
6 the passage 6-099 and 6-10 would enhance the
7 black car industry, while at the same time,
8 having the industry adhere to promoting a
9 clean environment. BCAC continuing and
10 overriding concern is that the 2009
11 implementation of the program be feasible in
12 light of the very few available vehicles that
13 currently comply with the TLC's proposed rules
14 and which offer our members, customers and the
15 comfort, convenience and safety they are
16 accustomed to.

17 While the board of directors of the
18 BCAC does speak for its association members,
19 it does also recognize the right of each of
20 its member to express its own opinion on
21 issues. Today you will hear from some of
22 those members, or you already have heard from
23 one of our members who will convey to you
24 their concerns regarding the proposed
25 regulation.

00069

1 I stand before you today as the
2 executive director of the BCAC to thank the
3 TLC and the Mayor's Office for listening to us
4 regarding some critical concerns we had with
5 respect to the proposed rules and for
6 understanding our need to have a level playing
7 field throughout our industry.

8 In closing. Let me add that the
9 black car industry has, and always will be, an
10 advocate for regulations that enhance our
11 industry and improve the quality of life of
12 the drivers and its members corporate clients.

13 Thank you very much for allowing me
14 the time to testify on behalf of the BCAC. If
15 there are any questions, I am more than glad
16 to answer them.

17 CHAIRMAN DAUS: Thank you very much.
18 We appreciate your work, Victor.

19 The next speaker is Berge Artunian,
20 and the speaker after Berge will be Mr. George
21 F. Potter.

22 PUBLIC SPEAKER: Good morning,
23 Commissioner.

24 I chair two committees in our
25 industry, the BCAC and the Black Car Fund. I

00070

1 am also the president of Vital Transportation
2 in Long Island City. We represent over ten
3 thousand cars. We commend you for what you
4 have done, and I was at the press conference
5 last month when the Mayor spoke very
6 eloquently. He is concerned about our
7 grandchildren about the air pollution. We are
8 all concerned too. We are working very
9 closely with our clients. They all want us to
10 go green and we support that.

11 We are all taking action, we are all
12 taking steps to go green. There is a number
13 of issues I am concerned about, the
14 availability of the cars, the hybrids. There
15 is two major dealers out there. One is
16 Hudson. I personally contacted Hudson, they
17 don't have the cars. I'm sorry, they don't
18 have the cars. And you cannot -- these are
19 cars where you cannot just go to any Toyota
20 dealer. If you go to a regular Toyota dealer,
21 these hybrids come with beige carpets, which,
22 you know, it is not going to last.

23 So I am concerned about availability
24 of the cars. I am also concerned some of the
25 black car operators, because the Camrys or

00071

1 Altima is small, they all took steps and
2 pressured their drivers to get the
3 Highlanders. Now, the Highlanders are nice,
4 they are roomy, but the Highlanders are going
5 to be off the road in about a year and a few
6 months if the TLC gets its way. We are
7 concerned about that too.

8 I am hoping we get more time, an
9 extension perhaps. Maybe we could get more
10 cars available, if possible. Some of us, I
11 know at Vital Transportation we use Avalons.
12 We have been using the Avalons for the last
13 two years. They don't give you 25 miles per
14 gallon, but they do give you 22, low emission,
15 very roomy. I spoke to the Commissioner about
16 this, the customers love it. I don't know if
17 you would consider that.

18 And I am mostly concerned on the
19 liveries, in fact, the Mayor said he is
20 concerned about the air quality. Well, we
21 have 10,000 cars in our industry; you have
22 40,000 liveries out there. They are
23 constantly, just like the yellows, they pick
24 up off the street. They do ten times more
25 work than we do and we need a time line of

00072

1 what we are doing to with them.

2 About a year and a half ago you
3 passed a rule with the yellows. About two
4 years later you are going to do this with the
5 black cars. I would like to see in two years
6 from now we go ahead a we do something with
7 liveries, because if you are thinking that our
8 cars, the hybrids, are going to get older and
9 they are going to go towards the liveries, I
10 am not so sure if these hybrids are going to
11 last. Are they going to make for the
12 liveries?

13 That's all I have to say, thank you
14 very much.

15 CHAIRMAN DAUS: Thank you. Thank
16 for working with us.

17 George F. Potter, and the next
18 speaker after Mr. Potter is Susan Scattergood
19 from Fried, Frank.

20 You are Mr. Potter? You changed your
21 name?

22 PUBLIC SPEAKER: George Fasaicas
23 Potter.

24 CHAIRMAN DAUS: Okay, I don't know
25 that. Sorry.

00073

1 PUBLIC SPEAKER: That's all right.
2 Mr. Chairman, distinguished Board
3 members. My name is George Fasaicas Potter,
4 I am the president of Skyline Credit Ride,
5 Inc. My fleet operates with 610 Towncars.
6 Obviously, we are all New Yorkers, we love New
7 York and we try to do whatever we can to clean
8 up the city. And we are very much for the
9 lowering of the greenhouse gas effect, and
10 Skyline actually had a lot of meetings with
11 people that they spoke in front of before me
12 and offering conversions.

13 But my problem here, Mr. Chairman, is
14 that when they visit me at my office and they
15 offered conversion, these conversions would
16 cost \$15,000 and they would not guarantee the
17 25 miles per gallon. They were talking about
18 probably 20, 22 miles per gallon.

19 CHAIRMAN DAUS: You are talking
20 about CNG conversions?

21 PUBLIC SPEAKER: Yes.
22 The other issue, like Berge spoke
23 before me, that we actually thought about to
24 get the Toyota Avalon, but that's also in the
25 best case gives us 20 to 23 miles per gallon,

00074

1 so that would not comply with the Commission's
2 requirements.

3 And these are issue that is I am sure
4 that all the operators, that they are doing
5 the same business as my company does, that if
6 we could actually have a little flexibility on
7 that, we would be in a much better position to
8 comply if there could be two or three miles
9 leeway for us. That would really solve our
10 problem, because we would love to get the
11 Avalons and Avalons, like I said, is only
12 probably going to give 22 miles per gallon.

13 And the other issue, Mr. Chairman,
14 you mentioned that you took steps to protect
15 us, and all the Tier 1 licensees, they are
16 following the same guidelines as if they were
17 New York City operators. And this is a great
18 thing, but what about the ones that have Tier
19 2 licenses and they are not? Right?

20 CHAIRMAN DAUS: We actually have
21 eliminated Tier 2s. They are gone.

22 PUBLIC SPEAKER: I see. But the
23 operators that they have the reciprocity with
24 us.

25 CHAIRMAN DAUS: They are all going

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1 to have to comply.

2 PUBLIC SPEAKER: They all have to?

3 CHAIRMAN DAUS: Absolutely.

4 PUBLIC SPEAKER: My concern was that
5 they could come in with a nice Lincoln Towncar
6 and take the work away from us, because like
7 Skyline operators, we have probably 20, 25
8 percent airport work.

9 CHAIRMAN DAUS: They could.
10 Enforcement will be there waiting for them.

11 PUBLIC SPEAKER: Yes, but you know
12 what it is, we have a lot of media. A guy
13 comes from ABC television with two cameras and
14 two other guys and they want to get into a
15 car, they have to go to the airport. They are
16 not going to be able to fit into a little
17 Toyota Prius that is available today, Mr.
18 Chairman. These are the concerns.

19 And I would just like to ask the
20 Commission, if that would be possible, to give
21 us at least a two-year extension before the
22 rule would take into an effect. And that
23 would really help us. And, like I said, as a
24 black car operator, as a member of the BCAC,
25 we want to comply but we would like to have a

00076

1 little bit of flexibility, if possible.

2 CHAIRMAN DAUS: I understand. Thank
3 you, Mr. Fasaicas. We will take that into
4 consideration.

5 Don't feel that we are not going to
6 be answering your questions. We need to move
7 the hearing, so at the end of all the
8 testimony we will be having a debate and if I
9 have to call my staff up to answer the
10 questions and respond, we will. I am not
11 going to be interrupting or encouraging
12 questions because we need to move it because
13 people have places to go.

14 PUBLIC SPEAKER: Thank you, Mr.
15 Chairman.

16 CHAIRMAN DAUS: You are very welcome.
17 Susan Scattergood from Fried, Frank,
18 and the next speaker after Ms. Scattergood is
19 Eddie Bergis from Environmental Defense.

20 PUBLIC SPEAKER: Good morning,
21 Commissioners. My name is Susan Scattergood.
22 I am the director of operations at Fried,
23 Frank law firm, which is a large downtown law
24 firm in this neighborhood. And as such, we
25 are part of a black car group. Under my

00077

1 umbrella falls the ground transportation.

2 And we have been meeting with TLC and
3 representatives from the Mayor's office for
4 quite some time now and helping to discuss and
5 develop what would be acceptable alternatives
6 for firms and companies such as ours. We are
7 incorporating generally throughout our green
8 initiatives, which I think most conscientious
9 firms are.

10 We wanted to just weigh in today to
11 say that we support the green black car fleets
12 and the development of cleaner vehicles for
13 use within our city. We are actively
14 preparing to incorporate the cars onto our
15 line, which we run every evening for service
16 throughout our firm. We look forward to
17 seeing additional cars come into the industry
18 that will accommodate all of the users. We do
19 think that the Toyota Camry and Highlander and
20 also the Lexus are acceptable vehicles for the
21 majority of our riders.

22 We have been developing a program
23 in-house to really actively gain the support
24 of the people within our firm to continue to
25 support and use the vehicles. And I would

00078

1 like to say as well that we have been looking
2 at ways in which we can further the clean air
3 initiatives for our firm in many other
4 situations.

5 In conclusion, I just want to say
6 that we do support the continued programs for
7 cars that will give us cleaner emissions, a
8 cleaner city, but also continue to provide
9 comfort and the kind of ride that our riders
10 need in doing their business throughout the
11 city. So I thank you for giving me a few
12 moments to speak.

13 CHAIRMAN DAUS: Thank you very much.

14 The next speaker Eddie Bergis from
15 Environmental Defense. And after Mr. Bergis,
16 John Asserno from Executive Charge.

17 PUBLIC SPEAKER: Good morning. My
18 name is Eddie Bergis from Environmental
19 Defense Fund. Thank you for the opportunity
20 to testify today.

21 First, I just want to applaud the TLC
22 for passing the standards on taxis last year.
23 And I also want to thank you for following
24 through with our request from the
25 environmental community to extend the

00079

1 standards to black cars. And although the
2 taxi standards are in place, these problems
3 still remain that we are trying to address,
4 the global warming crisis still has many cause
5 for New York City and health crisis has many
6 familiar problems. Higher asthma rates than
7 anywhere in the country; heart disease; lung
8 cancer. And in recent months, new studies
9 have shown that vehicle pollution is also tied
10 to lower IQ levels in children and prenatal
11 birth complications as well.

12 These crises exist and there are two
13 major ways we can tackle these issues. One
14 would be to drive less, but that would, of
15 course, put black car business out of
16 business, or we can switch to cleaner cars.
17 And the technology does exist to do this. We
18 have cars that can get double the mileage that
19 the Lincoln Towncar gets.

20 And history has shown, with our long
21 experience in the automobile industry, that
22 the most effective way to push the market
23 towards cleaner technology is to set standards
24 in place like the ones being proposed today.
25 And it make sense, not to just choose one

00080

1 technology, but to set the standard and let
2 the market decide what the most effective way
3 to achieve that is. Why should we lock
4 ourselves in?

5 We also want to reminds the TLC that
6 the problem is not over yet. And we are still
7 going to have these issues, even after these
8 black car standards are adopted. So we want
9 to continue to work with the TLC to continue
10 to improve the other fleets, we are happy to
11 here that you are considering working on the
12 livery cars as well, and to continue to work
13 with the TLC to continue to update the
14 standards in the future to match the new
15 developments and technology as they come
16 on-line and achieve cars that are
17 environmentally friendly and safe sad
18 accessible as well.

19 Thank you.

20 CHAIRMAN DAUS: Thank you.

21 Mr. John Asserno, and then Mr. John
22 Gresham from the New York Lawyers for Public
23 Interest following Mr. Asserno.

24 PUBLIC SPEAKER: Good morning.
25 Thank you, Chairman Daus, Commissioners.

00081

1 My name is John Asserno, I am the
2 President of the Executive Transportation
3 Group. We operate a number of black car
4 companies with over 1,800 affiliate owner
5 operators.

6 Just to comment on how dynamic the
7 situation is, many of the comments and
8 concerns that I had when preparing my comments
9 have been addressed by the Commission as
10 recently as this morning, and I think it is a
11 testament to the continuing dialogue that the
12 Commission has with our industry and the
13 concern that it shows for our industry. And I
14 appreciate that and I want to thank you.

15 As you probably have heard and will
16 hear this morning, there are really three
17 major issues that is you have, to a large
18 extent, addressed. One is the fair playing
19 field issue that we have, and that, really,
20 that issue is really based on the fact that we
21 don't have three separate, distinct
22 industries; it is more of a continuum.

23 We have the livery industry which
24 slides into the black car industry; and the
25 black car industry slides into the limousine

00082

1 industry. And there are livery companies that
2 do black car work; there are black car
3 companies that do limo work; there are limo
4 companies that do black car work. And what we
5 ask for and what we are hearing is that the
6 Commission is concerned that those sectors, or
7 our sector, will not competitively
8 disadvantaged by the implementation schedule
9 of the rules.

10 As far as the limousine sector is
11 concerned, we understand the argument and we
12 hear it. We understand also that the livery
13 sector is more complicated. And that issue,
14 livery versus black car, needs to be
15 addressed. And we are confident that prior to
16 the implementation of the rules, that they
17 will be addressed.

18 I just want to comment that we are
19 currently running 150 hybrid cars. We operate
20 and are partners in the Ozo Car Project, which
21 has been operating Priuses and Lexuses for two
22 years now with great success.

23 Upon the Mayor's announcement several
24 weeks ago, we decided to allow our drivers and
25 owner operators to be able to purchase hybrid

00083

1 vehicles. From the moment of announcement to
2 current, we have 50 new drivers who are
3 operating. Most of them comment to us that
4 they are achieving somewhere in the range of
5 \$110 to \$150 per week in savings, which I
6 think is a great testament to the project.

7 So, in conclusion, I just want to say
8 that the three main issues that are being
9 addressed are things that really should be
10 completed and finalized, prior to the
11 implementation.

12 The one other thing that needs to be
13 addressed is the 25 to 30 miles per gallon
14 step up. We have plenty of time to address
15 and deal with that issue, but there really are
16 only one or two vehicles that can comply with
17 the additional step up at this point and the
18 Commission needs to be cognizant that prior to
19 that step up there needs to be more available
20 vehicles.

21 But, again, I appreciate the input
22 and the feedback the Commission has given back
23 to the industry, and we are whole heartedly in
24 support of this regulation.

25 Thank you.

00084

1 CHAIRMAN DAUS: Thank you. We
2 appreciate all your hard work. You have been
3 working and have been supportive of a lot of
4 different things that we have been doing also
5 on the Accessible Dispatch Project. So thank
6 you and congratulations.

7 The next speaker is John Gresham, and
8 then the next speaker is Dr. John E. Fink
9 after Mr. Gresham. Good morning.

10 PUBLIC SPEAKER: Good morning. Thank
11 you. John Gresham, New York Lawyers for the
12 Public Interest. I am here to speak on behalf
13 of Disabled in Action, which one of the groups
14 that comprises the Taxis for All campaign.

15 DIA is delighted you are doing this.
16 We are all for green taxis, green black cars.
17 Everybody breathes, terrific idea. Our point
18 at this morning's hearing is expressed in
19 signs that some people have taped to their
20 wheelchairs: We like green cabs, we would
21 love if we could ride in them.

22 Now, this morning we have heard the
23 discussion of the available vehicles. The
24 objections being raised is that there are no
25 vehicles suitable. Durability, cost, down

00085

1 time. We have heard all of those objections
2 raised with respect to moving to accessible
3 taxicabs.

4 Mr. Daus, this morning you responded
5 to this in anticipation of what people would
6 say and I wrote down what you said, which was
7 that you are confident there will be vehicles
8 available. And I think that's exactly the
9 right position. That's exactly what you
10 should say as well with respect to accessible
11 vehicles, if the city mandates it, it will
12 happen. The industry will deliver. The auto
13 industry will deliver.

14 We are pleased that the TLC has
15 released its RFI on the iconic taxi, which is
16 to be mandated to meet the Mayor's mileage
17 goals, and less definitely, says the taxi
18 should also be accessible. We are concerned
19 that it is less definite on that point.

20 We also would like to point out that
21 there is a lot of expertise in TFAC which you
22 could use in moving forward on the iconic
23 taxi. And we would again like to offer it.
24 We mailed a letter, you will get it in due
25 course of post, but I wanted to hand it up to

00086

1 you and the other Commissioners, pointing out
2 some things that we would have liked to have
3 been able to contribute so far, we would like
4 to be able to contribute in the future.

5 CHAIRMAN DAUS: Thank you.

6 The next speaker is Dr. John Fink,
7 and after Dr. Fink with be either Peggy
8 Shepard or Stephanie Tyree from We Act for
9 Environmental Justice.

10 CHAIRMAN DAUS: Dr. Fink, are you
11 here? He is gone.

12 Okay, either Ms. Shepard or Ms. Tyree
13 from We Act?

14 (No response.)

15 CHAIRMAN DAUS: Okay, Michael
16 Sielbak from the American Lung Association, if
17 I am pronouncing your name correctly. And
18 after Mr. Sielbak, Josh Nachowitz from the New
19 York League of Conservation Voters.

20 PUBLIC SPEAKER: Good morning. My
21 name is Michael Sielbak, Senior Director of
22 Public Policy and Advocacy for the American
23 Lung Association of the City of New York.

24 On behalf of the organization, I am
25 pleased to provide the following testimony in

00087

1 strong support of your efforts to increase
2 miles per gallon standards for New York's
3 black car fleet.

4 As envisioned in Mayor Bloomberg's
5 Plan NYC 2030 sustainability plan, increasing
6 MPG standards for black cars will immediately
7 decrease emissions which exacerbate conditions
8 for individuals with lung disease. Increased
9 MPG standards combined with the use of the
10 west clean technologies will have a positive
11 lasting impact on the air we all breathe.

12 For far too long it has been a common
13 occurrence to see a line of black cars idling
14 in front of corporate office buildings across
15 our city. While we continue to call on the
16 enforcement of all applicable idling laws,
17 this proposed rule will also help to alleviate
18 the pollutants emitted by moving New York's
19 black car fleet towards hybrid engines, which
20 are far less polluting when running at low
21 speeds or sitting idle.

22 The more than eight million residents
23 of New York City are exposed to some of the
24 dirtiest air in the nation. Year after year
25 our annual state of the air report shows that

00088

1 the outdoor air quality in the five boroughs
2 is toxic. Mobile source emissions, including
3 the black car fleet, are a major contributor,
4 especially to the high ozone levels that we
5 see in all five boroughs.

6 Ozone has been shown to trigger
7 asthma attacks in those who have the disease
8 and can damage the structure and function of a
9 child's lung which can lead to diminished lung
10 capacity. The reality is that our lungs
11 simply weren't made to breathe the levels of
12 pollution New Yorkers are forced to inhale
13 every day.

14 At the American Lung Association of
15 the City of New York, we are at the front
16 lines of its impact. The Association works on
17 behalf of more than two million residents who
18 struggle with diseases like emphysema, chronic
19 obstructive pulmonary disease and asthma.
20 Here in New York one million residents have
21 asthma, 320,000 of them are children. That's
22 who we are working for.

23 By increasing MPG standards, in
24 conjunction with using hybrid electric
25 vehicles, the emissions from passenger

00089

1 vehicles can be greatly reduced. Greater fuel
2 efficiency means fewer fuel vapors, which
3 directly translates into less ozone and
4 cleaner air to breathe. Again, we are very
5 happy to be here and support these rules to
6 clean up the 10,000 vehicles in the black car
7 fleet so that we can all breathe easier.

8 Thank you.

9 CHAIRMAN DAUS: Thank you and thank
10 you for the great work that your organization
11 does.

12 Mr. Josh Nachowitz and then Mr. Jack
13 Hittery from the Hittery Foundation.

14 PUBLIC SPEAKER: Good morning,
15 ladies and gentlemen. My name is Josh
16 Nachowitz, I am the State Policy Director for
17 the New York League of Conservation Voters.
18 It is a pleasure to be here this morning to
19 speak in favor of TLC's proposed rule that
20 would make New York City's black car fleet
21 green over the next couple of years.

22 The NYLCV has long supported efforts
23 to improve fuel efficiency of the city's
24 taxicabs and we welcome the TLC's bold and
25 aggressive stance on this issue. New York

00090

1 City has some 10,000 black cars. A large
2 fleet of vehicles responsible for a
3 significant amount of pollution that clogs our
4 air and the greenhouse gasses that are causing
5 climate change.

6 Black cars account for 17 percent of
7 emissions generated by TLC vehicles. 95
8 percent of these vehicles are large and
9 inefficient Lincoln Towncars. These cars have
10 an in- city gas mileage of 15 MPG, which is
11 comparable to many SUVs. Their poor
12 efficiency is compounded by the reality of New
13 York City driving.

14 Hybrid electric vehicles have been
15 marketed commercially with tremendous success
16 throughout the United States for several
17 years. These vehicles have been operated as
18 taxicabs successfully in New York City for the
19 past two years. New technology advances have
20 enabled larger vehicles to be equipped with
21 hydro electric power systems, further
22 enhancing the viability of this technology for
23 taxi and FH vehicles.

24 The LCV strongly supports the
25 proposed rule. We applaud the use of reduced

00091

1 gas mileage as a benchmark for improved
2 efficiency and cleanliness of the fleet. This
3 provision will provide adequate flexibility
4 for base station owners to purchase more
5 efficient vehicles that will also meet the
6 demanding needs of this industry.

7 By adopting this rule, which is a
8 companion to similar regulations affecting
9 taxicabs adopted last year, the TLC is taking
10 a critical step toward greening New York City.
11 However, it is also crucial that TLC develop a
12 program to assist the 20,000 livery cars that
13 operate throughout the city convert to green
14 technology. This fleet, which is both larger
15 and older than the yellow cab and black car
16 fleets, is also a significant contributor
17 carbon emissions and is responsible for
18 roughly 39 percent of emissions from TLC
19 vehicles.

20 The livery industry faces unique
21 challenges and we strongly urge the
22 Commission, after hopefully adopting this
23 rule, to take action to develop a program to
24 the address needs of the livery vehicles and
25 assist those owners in converting their fleets

00092

1 to green technologies. We applaud the TLC's
2 groundbreaking proposal and we urge you to
3 adopt this rule.

4 Thank you.

5 CHAIRMAN DAUS: Thank you for your
6 support.

7 Jack Hittery, and then Ms. Anne Davis
8 from the Taxis For All campaign.

9 PUBLIC SPEAKER: Good morning,
10 Chairman. How are you? Good to be here.

11 My name is Jack Hittery, I serve as
12 chairman of Smarttransportation.org. In 2005
13 we had the honor and privilege of courting the
14 efforts of many business leaders and
15 organizations in here the city advocating the
16 program for yellow cab hybrids. As
17 Commissioner noted, it has been a great
18 success and it is great to have a lot of the
19 partners here, the Sierra Club, NRDC, LCV of
20 New York, and the American Lung Association
21 here on this issue today.

22 Rather than read my prepared remarks
23 that you already have, I will just address a
24 number of concerns that people have and some
25 misconceptions that I think people have about

00093

1 this program.

2 First, I personally met with a number
3 of the key investment banks and law firms in
4 the city. Every single one of them is in
5 support of using these new cars as black cars.
6 Every single one of them is willing to not use
7 Towncars and use new kinds of vehicles,
8 hybrids or otherwise, for the cleaner New
9 York, both healthier and less greenhouse gas
10 emissions.

11 Second, there are some misconceptions
12 about hybrids. Hybrids not only about
13 reducing greenhouse gas emissions. As we
14 know, a lot of the black cars today idle in
15 front of the client's headquarters, so if you
16 in front of the headquarters of the investment
17 banks, the law firms, you see a tremendous
18 amount of idling. The fact is this goes way
19 beyond the 12 percent figure that was
20 mentioned earlier.

21 It might 12 percent idling in
22 traffic, but the amount of idling hours per
23 day is significant. One of the key advantages
24 of hybrid vehicles is that they go into
25 battery mode when they are idling. That is,

00094

1 even if you had an efficient fuel-based
2 vehicle, it is not going to go into a battery
3 mode if it's not a hybrid. So there are key
4 advantages to hybrids, particularly in the
5 city.

6 Hybrids get better mileage in the
7 city than on the highway. They do better in
8 start and stop traffic because they recuperate
9 the energy from the braking. So hybrids have
10 key advantages.

11 Now, the beauty of the proposal from
12 the Commission is that it does not choose
13 technologies. It does not pick a winner. It
14 just says that you have to meet the 25/30 MPG
15 rule. If you want to meet that with a CNG
16 vehicle, if you want to meet that with other
17 kinds of air compression, antigravity
18 vehicles, whatever you have, that is great.

19 But the fact is the hybrids today are
20 acceptable to the law firms, are acceptable to
21 the investment banks, are acceptable to the
22 major -- and, hopefully, I hope that ETG can
23 actually add to its fleet. Whenever I call
24 over there, there is never a hybrid available
25 because they are so. So, hopefully, you can

00095

1 add some more there.

2 Second, in terms of the concerns
3 about livery. I share that concern. It is a
4 valid concern. I think we all have to work,
5 and we have been meeting with a number of
6 different parties to advance the financing
7 portion of the livery issue, which is
8 obviously a key issue.

9 In terms of the Towncars and CNG,
10 just one other note. I met with Ford
11 personally one several occasions in Detroit.
12 The fact is Ford announced two years ago they
13 were going to discontinue the Towncar. They
14 then rescinded that indication and announced
15 that they were going to disassemble the plant,
16 which they did. The Towncar plant has been
17 disassembled from Detroit, moved to Canada,
18 and they are only producing 4,000 cars per
19 peer. As a businessman, I would advise my
20 fellow business persons here, that if you want
21 to invest in fleets of cars, you may not want
22 to invest in cars that are going to be
23 discontinued.

24 In terms of CNG, we were burned here
25 in the city a number of years ago by CNG.

00096

1 Keyspan indicated they were going to invest
2 and build over 20 filling stations. They did
3 not do so. Again, nothing wrong with CNG. If
4 people want to use CNG, they should. But be
5 aware of the investment implications of CNG
6 versus other vehicles out there.

7 Finally, I think this plan addresses
8 a number of the keys concerns. I think that
9 other concerns could be addressed in future
10 type plans in terms of livery and others. And
11 I support, and we support, this plan.

12 Thank you very much for your time.

13 CHAIRMAN DAUS: Thank you for those
14 points and also for your support. You have
15 been working with us for several years and we
16 are greatly looking forward to piloting an
17 antigravity vehicle. That should help with
18 traffic in the city tremendously.

19 The next speaker is Ms. Anne Davis
20 from Taxis For All. And after Ms. Davis, Ron
21 Golmey from National Grid.

22 PUBLIC SPEAKER: My name is Anne
23 Davis, I am Chair of the Taxis For All
24 campaign, and I speak on behalf of the New
25 York City Chapter of the National Multiple

00097

1 Sclerosis Society.

2 The mission of Taxis For All is
3 well-known to the Commission as members of our
4 group have testified here on numerous
5 occasions. As you are aware, our campaign is
6 focused primarily on increasing the number of
7 wheelchair accessible yellow cabs. As a
8 resident of Manhattan, that would be my first
9 priority, but it is by no means my or our sole
10 interest.

11 We are as concerned about the
12 accessibility of other for-hire vehicles,
13 black cars and livery vehicles, and we
14 certainly support greener, less polluting
15 vehicles. Who wouldn't? But we wonder why
16 the city would mandate this innovation and
17 reject another.

18 Black cars are used mostly by
19 businesses. If we wish to see more disabled
20 people in the workforce, which we do, and at
21 higher levels, we need to ensure that this
22 transportation option is open to them. They
23 deserve to be able to travel with the same
24 facility as their more able bodied colleagues
25 in the office, so if you are going to impose

00098

1 new regulations on black cars, now is the time
2 to enact reasonable requirements for
3 incorporating wheelchair accessible vehicles
4 into the fleets. The previous speakers who
5 were talking about natural gas have certainly
6 opened up the options that you can meet your
7 goal and ours.

8 Second, as smart people, you should
9 be able to figure out a way to enable or
10 require livery bases to have some wheelchair
11 accessible vehicles on call. Over 73 percent
12 of the members of the New York City chapter of
13 the M.S. Society live in the outer boroughs,
14 where there transportation options are even
15 more limited than those of Manhattan-based
16 members.

17 Third, I am sure that you are
18 probably aware of the hazards that quiet
19 hybrid vehicles impose for those who are
20 vision impaired or legally blind, and other
21 pedestrians as noted in the Daily News on
22 Monday. Some warning system should be
23 incorporated into your regulations.

24 In closing, I would like to add that
25 as a scooter user, I am very pleased that you

00099

1 are going to approve the Sienna. Being able
2 to drive straight into a taxi is a big
3 advantage for someone like me. I only hope we
4 will soon have many, many yellow, black and
5 green vehicles that will provide easy access
6 for riders like me.

7 Thank you.

8 MR. FRASER: Thank you, Ms. Davis.

9 Ron Golmey, and the next speaker will
10 be Arkady Shaman.

11 PUBLIC SPEAKER: Good morning, Mr.
12 Chairman and honorable members of the
13 Commission. My name is Ron Golmey and I am
14 the Natural Gas Vehicle Program manager for
15 National Grid, formerly Keyspan, and formerly
16 the Brooklyn Union Gas Company.

17 National Grid is the largest gas and
18 electric energy company in the northeast and
19 we are the leader in the in natural gas
20 vehicle industry. As the Brooklyn Union Gas
21 Company, we built the market in the fueling
22 infrastructure for natural gas vehicles. Our
23 company is committed to improving the
24 environment, carbon reduction, and sustaining
25 the utilization of clean-burning natural gas

00100

1 vehicles. We applaud the efforts of the
2 Commission to improve greenhouse gas emissions
3 and reduce the carbon footprint in New York
4 City and we stand ready to assist in this
5 initiative.

6 Today I ask that the policy being
7 set, the miles per gallon requirement for
8 black cars, be done in a way that the natural
9 gas choice remains, such as, as you have
10 heard, the life cycle cost analysis or a wells
11 to wheels analysis. Allowing for a diverse
12 portfolio of choices for the city's carbon
13 reduction goals will enhance the city's
14 ability and chances for success.

15 I would like to divert a second from
16 my prepared remarks and comment on a few
17 things that I have heard throughout the
18 morning. You know, I work closely with Peter
19 in the Commission and several of the agencies
20 in New York City, and, yes, back in the '90s
21 we had older technology, we had open loop
22 systems, we had conversions, and, yes, maybe
23 we got up to 3,000. And today the technology
24 is state of the art with all of the computer
25 controls and the interfaces and the OBD-2 and

00101

1 the work that is done by the up-fitters, as
2 well as the manufacturers, to produce safe,
3 reliable, effective, clean-burning systems and
4 vehicles.

5 I have been working very closely with
6 New York City Sanitation, who has an order
7 that they will be receiving 12 new CNG garbage
8 trucks. And once we prove that those trucks
9 work effectively, efficiently and reliably,
10 there will be a program of expansion.

11 The infrastructure comment that I
12 just heard, all I can say to you is, I don't
13 know where the number 20 came from. The
14 Brooklyn Union Gas Company operates in
15 Brooklyn, Queens and Staten Island. We have
16 an infrastructure available. We work very
17 closely with all the trade allies, such as
18 Clean Energy, who has committed a lot of
19 money -- I won't use a number -- to
20 infrastructure as long as we have the demand.
21 And the infrastructure issue is an issue of
22 the past.

23 I would like to provide one more set
24 of comments that has not been discussed at all
25 yet, and perhaps the Commission is unaware of

00102

1 how the EPA sets their miles per gallon
2 requirements. The EPA requires every vehicle
3 be tested and certified for fuel efficiency.
4 These certifications could be used to fairly
5 compare the relatively efficiencies of
6 gasoline vehicles.

7 MR. FRASER: Mr. Golmey, I have to
8 ask you to sum up, if you could

9 PUBLIC SPEAKER: Okay.

10 The EPA uses endoline when they set
11 their MPGs, and endoline has a higher BTU
12 content than gasoline, and certainly has a
13 higher BTU content than gasoline blended with
14 E-10.

15 As a result, the vehicles operating
16 here in our territory with E-10 get four
17 percent less miles per gallon than the rating
18 the EPA provides. I would offer that to the
19 Commission to look into.

20 Thank you.

21 CHAIRMAN DAUS: Thank you.

22 Arkady Shaman from Gold Seal Car and
23 Limo, and then Ms. Edith Prentis.

24 PUBLIC SPEAKER: Thank you for
25 allowing me to speak up. I am not quite

00103

1 prepared, but I know what I will say from my
2 feelings.

3 I have been a driver in New York City
4 from 1993 and rose to the management and own
5 the company. Something was missing during
6 this meeting and I will explain. The black
7 car is well-known industry in New York City.
8 However, somebody admitted, this is unique
9 industry nationwide. And that's all
10 recognized.

11 We are working very closely with our
12 vendors all around the New York City and
13 outside, and outside of the United States as
14 well. And they definitely expecting the
15 vehicles we have. We are all in concern of
16 that, being environmentally improved and this
17 is a serious issue. Right now, what we are
18 looking for, right now the vehicles which will
19 provide comfort to our customers are not yet
20 made, let's put it that way.

21 And I am more than sure, like cell
22 phones, nobody believed the cell phones, and
23 they come out and changed the industry.
24 Internet, in five years turned around the
25 world. I am more than sure in another year we

00104

1 will have the vehicles of capacity of
2 requirement by TLC available.

3 I just came back from Las Vegas from
4 the show, and it was a very big issue all
5 around. A lot of agencies around the United
6 States, they prepare and they are moving in
7 the same direction, and the vehicles will be
8 available within a year or so, with the
9 comfort and everything else.

10 Other than that, I hope -- the
11 economical time is not ready right now and I
12 do not want to push somebody to go to the
13 unemployment line just because of the cost.
14 Let's get realistic, it is all politically
15 correct, but as well, we have to be a good
16 businessman here because we can hurt a lot of
17 lives.

18 Thank you so much.

19 CHAIRMAN DAUS: Thank you for your
20 time.

21 Ms. Edith Prentis? I believe she
22 left.

23 Jack Bogart. And after Mr. Bogart,
24 Tarik Malla from Select Seven.

25 PUBLIC SPEAKER: Good morning. My

00105

1 name is Jack Bogart, and I had the privilege,
2 I guess, or the luck of taking one of your
3 handicap cabs, and I don't know if this is the
4 right meeting, but I would like you to look
5 into a couple of things that I found.

6 First of all, it's hard getting it
7 because the sticker saying it was handicapped
8 was at the rear of the cab, so it had to pass
9 me before I could track it down. I tracked it
10 down on Sixth Avenue and 42nd Street, and to
11 get into it through the back, I had to go into
12 traffic, around the cab and come around. So
13 being that you are changing black cars, I
14 thought this might be a meeting that might
15 look into the way your handicap cabs are built
16 because you have to go into the street, around
17 the cab to get to the back of it to get in,
18 which on 42nd and Sixth Avenue is pretty
19 crowded at the time.

20 So it might be, if you could use a
21 side entrance or a side door, it might be a
22 lot safer than it is now. And also, I think
23 the sticker should be in the front.

24 CHAIRMAN DAUS: Mr. Bogart, we are
25 going to talk about accessible vehicles after

00106

1 this. Do you have any comments on the black
2 cars themselves?

3 PUBLIC SPEAKER: No. The black cars
4 I think should be accessible because when i
5 went to England, all the cabs, everything is
6 accessible, and it seems to work out pretty
7 well there. So you might look into that.

8 Thank you.

9 CHAIRMAN DAUS: Thank you very much.
10 Tarik Malla from Select Seven and
11 then Clara Bailen.

12 PUBLIC SPEAKER: Good morning.

13 Before I start, as everybody has
14 said, 90 percent of the concerns have been
15 addressed already, and as we are not unique in
16 the industry in our needs and we are quite
17 aware of what is happening to our market and
18 what are clients' concerns, as well as
19 internal clients, which is our actual drivers,
20 we are all in the black car business as well
21 as the livery. And I am in unique position, I
22 guess not so unique, a lot of bases have
23 multiple or the same owners or groups have
24 multiple base license. We are very concerned
25 about the livery industry for Dial Seven as

00107

1 well as for the black car in which we are
2 young, which is Select Seven.

3 The concerns are very simple. What
4 is happening to our drivers. What their
5 ability for residual value for the cars when
6 they sell them and rid of them. What will
7 happen to that market is it will go into the
8 gypsy environment. What is going to happen to
9 our 700 drivers, it concerns us a lot.

10 Also the percentage of business that
11 in Dial Seven, for instance, we do is
12 airports. And the capacity of the vehicles,
13 the accessibility of the vehicles is quite a
14 concern. We have started our own initiative a
15 little earlier, about a year, a year and a
16 half ago, in recruiting and looking into
17 alternatives. We are happy to say that we
18 have piloted two vehicles with Green Limo for
19 compressed natural gas as an alternative.

20 We have also tested with some hybrids
21 like the Highlander. We have, I believe, four
22 today in our fleet and we may be increasing,
23 which gives us the same concern that everybody
24 has, the capacity and the fact that even the
25 Highlander, that we thought is a good

00108

1 alternative, is going to be phased out.

2 We are more attune to think that we
3 are not ready for this, the industry. The
4 vehicles are not ready. The market, as a lot
5 of the corporate clientele here said, yes, but
6 I heard the word "majority of our riders." I
7 didn't hear "all of our riders." And I think
8 the need for a more comfortable, sustainable
9 solid vehicle is needed before we can go and
10 close it to the miles per gallon.

11 However, we definitely are for
12 greener. We are a very conscientious
13 corporate citizen, and we, hopefully, will
14 find a better and stronger way to apply these
15 measures. If I may ask the city all together
16 is to maybe put more emphasis on the
17 infrastructures, being able to provide natural
18 gas, and maybe there is effort that the city
19 can take more than just the pressure of demand
20 and supply, and would be more appropriate.

21 Maybe natural gas, maybe other
22 alternatives. If we can push more energy in
23 that research and the pilots that you said you
24 are willing to go into, that we would like to
25 be part of as well.

00109

1 Thank you.

2 CHAIRMAN DAUS: Thank you.

3 Clara Bailen. After Ms. Bailen, our
4 last speaker will be Bart Chaser.

5 PUBLIC SPEAKER: Good morning to
6 everybody. My name is Clara Bailen, and I
7 would like for everyone to have a little
8 patience with me. I will probably stuttering
9 and trying to remember what I would like to
10 say. The reason of that is because I
11 sustained traumatic brain injuries because I
12 was hit and run over by a yellow taxicab which
13 was under the regulations of the Taxi and
14 Limousine Commission.

15 My reason for being here is that
16 today, I guess there is never a right time or
17 right moment in life, but there was an article
18 in the New York Daily News that was brought to
19 my attention just two days ago, and which
20 concerns about the safety of the electric
21 motor hybrid cars that the Taxi and Limousine
22 Commission and the city is trying to
23 implement.

24 Like I said, my name is Clara Bailen,
25 and today I would officially like to launch

00110

1 the Right of Way Campaign, which is to bring
2 awareness that motorists must drive in a safe
3 manner to allow pedestrians to cross all
4 intersections in a safe and secure manner.

5 Since I am the victim of that, of a
6 yellow cab driver, and I hold the Taxi and
7 Limousine Commission responsible for that.
8 Unfortunately, I could not do it legally. And
9 I am asking this is what this study by the
10 University of California says: That it
11 provides evidence that hybrid cars when
12 operating in silent mode, pose a substantial
13 risk to blind people and other pedestrians.

14 There is an added danger which hybrid
15 cars, particularly at interactions and parking
16 lots, because they are so quiet that people
17 with vision impairment and just average
18 people, just for average pedestrians, just due
19 to daily mundane distractions -- when I was
20 crossing the street, I had the right of way,
21 and this yellow cab operator failed to follow
22 the law. And for the rest of my life, I will
23 have to spend the rest of my life in this
24 wheelchair and be dependent of other people to
25 help me and assist me.

00111

1 And I find it the height of
2 greediness that this Commission, or whatever
3 agency this is called, Taxi and Limousine
4 Commission, I went to the website and the
5 minimum upset price of a medallion is
6 \$700,000. But my life, and the life of any of
7 you sitting here, it is worth only
8 approximately \$45,000. And this is why I want
9 to bring attention to the Taxi and Limousine
10 Commission, to our elected officials, that it
11 is the time to make major changes and update
12 the outdated rules and regulations.

13 And one of the things that I am
14 asking is for the liability to go higher. A
15 life is not worth \$45,000. Maybe to an
16 insurance company, but my life, or anyone's
17 life here, is worth much more. \$45,000 barely
18 covered the cost of this wheelchair.

19 I am a prisoner in my home because I
20 don't have money to make it accessible. And
21 that's why I want to bring this to everyone's
22 attention.

23 You know, it can happen to anybody.
24 You are happily crossing the street, you think
25 you are safe and you are not. You are not

00112

1 safe from this. Any cab driver, they drive
2 very aggressively, without any regard for
3 safety, but they just want to drive. They
4 think our city streets are race car driveways
5 where you just drive and drive to beat the
6 other yellow car or the other car to pass
7 them.

8 CHAIRMAN DAUS: Ms. Bailen, I would
9 like to, first of all, thank you. You are a
10 very courageous person. And I would love to,
11 and we would love to get to know you better
12 and work with you, and would like to meet with
13 you. If you have time today to stick around,
14 we would love to. If not, we will have you
15 back and work with you on your initiative.

16 We care very deeply for you and for
17 what you have been through. I am sure if that
18 if there is anyway that any of us or the
19 Commission or the taxi fleets could have
20 prevented it, I am sure that they would have.
21 What happened is unfortunate. And we have
22 raised insurance limits over the years.

23 But we would love to learn a little
24 bit more about your situation to see if we can
25 help in any way. But in terms of you taking

00113

1 on an initiative and you taking on a fight to
2 make changes, we are happy to work with you on
3 that. And we certainly applaud you for your
4 courage. So if you like, we can meet with you
5 today after the meeting. But if you don't, we
6 would like to get to know you better and meet
7 with you.

8 PUBLIC SPEAKER: I would really like
9 to, because liability, that is the minimum
10 required, and taxicabs, I think, due to the
11 nature of their job, should be required to at
12 least have a million dollars life insurance,
13 liability insurance, whatever it is called.
14 But not what I got, \$45,000.

15 Thank you very much.

16 CHAIRMAN DAUS: Thank you. And we
17 look forward to talking to you.

18 PUBLIC SPEAKER: I'm sorry.

19 CHAIRMAN DAUS: There is nothing to
20 be sorry about. I am glad that you came
21 forward.

22 PUBLIC SPEAKER: I don't want anyone
23 else, able or disabled, to go through the pain
24 that I went through, the pain that I am going
25 through, and the pain that I will sustain for

00114

1 the rest of my life, physical, emotional,
2 financial, spiritual, everything.

3 Thank you.

4 CHAIRMAN DAUS: No, thank you. There
5 is nothing to be sorry about. I am glad that
6 you came and we will talk to you.

7 CHAIRMAN DAUS: Bart Chaser is our
8 last speaker.

9 PUBLIC SPEAKER: Good morning. My
10 name is Bart Chaser, transportation
11 professional and Chair for the Transportation
12 Committee for the State Chapter of the Sierra
13 Club. I am speaking today on behalf of the
14 New York City group in support of the proposed
15 fuel efficiency requirements for black cars.

16 I would like to provide a little
17 anecdote that's not in the testimony but I
18 promise I will skip through most of the
19 testimony.

20 About five years ago, I began looking
21 into the hybrid application for black cars.
22 At the time I knew a lot about hybrids, but
23 very little about the black car industry.
24 After calling around a bit, they said, "You
25 need to speak to this guy Victor Dizengoff if

00115

1 you want to learn about the black car
2 industry."

3 I didn't know who he was. I got his
4 number. I called him up. He was kind enough
5 to meet with me. I went to his office. I
6 went over my ideas concerning the benefits
7 that hybrid cars could have. He was very
8 gracious with his time and explaining to me
9 how the black car industry worked and the
10 various pros and cons of what I was
11 considering.

12 But the important part of the meeting
13 occurred when he said, "Come over to this
14 window." And if you have ever been to the
15 conference room in his office, it is on Wall
16 Street overlooking the New York Stock
17 Exchange.

18 He said, "If you want this thing to
19 fly, you have to convince them that this makes
20 sense." Obviously, what he meant was the big
21 businesses, the industry, the core of New York
22 City's business, that this was a worthwhile
23 endeavor.

24 From that point on, most of my
25 efforts were spent in meeting with those large

00116

1 corporations. The Goldman Sachs, the
2 Citigroup, the Chase, Time Warner. And I
3 spent a lot of time doing that, and many other
4 people, not just myself, spent time doing
5 that.

6 Invariably, we got an excellent
7 reception. They all hear the same things we
8 all hear on why we have to change some of the
9 ways we are doing things today. And I am very
10 happy and proud and this is wonderful that we
11 are having this hearing today making this
12 decision, because this is the culmination of
13 the work everybody has done, both the TLC, the
14 environmental groups, the various black car
15 operators and their customers. So I thank you
16 all.

17 Just some brief statements from the
18 testimony. We applaud Mayor Bloomberg for his
19 leadership with Plan NYC and the Landmark
20 Transportation policy he has proposed. We
21 especially thank the Mayor and the TLC for
22 implementing the fuel economy standards for
23 the over 13,000 yellow taxis.

24 We urge the Commission to adopt the
25 proposed regulations because of the many

00117

1 benefits they offer, including the reduction
2 of air pollution and greenhouse emission
3 gases, savings for black car drivers and
4 lowering our dependence on foreign oil.

5 One thing we would like to do is urge
6 the Commission to provide signage on these
7 vehicles indicating they are green vehicles,
8 perhaps provide information to the occupants
9 of the car about the fuel emission reductions
10 and the air quality emissions. Just in
11 conclusion, I thank you for this opportunity
12 to speak today.

13 Thank you.

14 CHAIRMAN DAUS: Thank you.

15 That concludes our public hearing. I
16 would like to turn it over to my fellow
17 Commissioners.

18 Do we have any follow-up questions,
19 comments about the rules or the testimony?

20 (No response.)

21 CHAIRMAN DAUS: No, okay.

22 Could I have a motion to adopt the
23 amended regulation that Chuck had explained
24 and distributed?

25 COMM. AROUT: I would like to make a

00118

1 motion to adopt.

2 CHAIRMAN DAUS: Is there a second?

3 COMM. WEINSHALL: Second.

4 CHAIRMAN DAUS: All in favor?

5 (Chorus of "ayes.")

6 CHAIRMAN DAUS: Thank you, it's
7 unanimous.

8 Thank you, Commissioners. It has
9 been a very, very long hearing. I know some
10 Commissioners have to leave and go to other
11 responsibilities. So thank you very much.

12 We do have some more agenda items.
13 And thank you, everybody, for your testimony
14 and for expressing your concerns. We will be
15 in touch with you as we get closer to
16 implementation.

17 COMM. KAY: Before people leave, I
18 just want to thank those individuals and those
19 groups, black car industry and those clients
20 for help in drafting this. I think that there
21 are some important issues that we still need
22 to work on and we continue to look forward to
23 solving those issues.

24 CHAIRMAN DAUS: Thank you,
25 Commissioner.

00119

1 The next agenda item is Item 5,
2 proposed pilot program for Commission action,
3 the accessible Toyota Sienna. I would like to
4 ask David Klahr from our staff to join us,
5 along with Peter Schenkman.

6 No -- who is going to do it?

7 Peter Schenkman, could you join us
8 and go over the pilot program, please.

9 MR. SCHENKMAN: David Klahr had a
10 family emergency so I am going to do the
11 presentation.

12 CHAIRMAN DAUS: Okay.

13 MR. SCHENKMAN: The presentation is
14 up on the screens. The modified Toyota Sienna
15 appears to be appropriate for taxicab use in
16 New York. We've had a pilot, two pilot
17 vehicles on the road for eight months. And
18 the vehicles have performed well. Actually,
19 beyond our expectations.

20 We are recommending that the
21 additional companies that may be approved as a
22 result of this pilot do show further evidence
23 of quality control standards, either by
24 original equipment manufacturer support or
25 independent engineering verification. Both

00120

1 companies do have engineers on staff, and both
2 companies have indicated to me that they
3 intend on adhering to ISO standards and hope
4 to eventually secure ISO certification, which
5 is the International Standards Organization:

6 What we are recommending to the
7 Commission is that the pilot in the current
8 memorandums of understandings be extended to
9 allow for additional vehicles on the road. We
10 also believe that the rear entry Sienna should
11 be allowed as a vehicle option for the
12 upcoming auction of 86 accessible medallions
13 pending final rule making by the Commission.

14 We have gotten very positive feedback
15 from the drivers,, as a part of the
16 requirements of the pilot, drivers passengers
17 and vehicle owners comments are taken into
18 account, and it has been fairly enthusiastic
19 from all. And there is also the comment from
20 one of the owners that the rear entry Sienna
21 has outperformed his expectations.

22 We have conducted a focus group about
23 a month ago with approximately 18 wheelchair
24 users, and 17 of the 18 liked the Sienna, and
25 we've gotten support on these vehicles from

00121

1 the Disabled Riders Coalition.

2 CHAIRMAN DAUS: Okay, any questions
3 for Peter?

4 COMM. KAY: I just want to ask you
5 for the record. Clearly, we value your
6 unbiased opinion and judgment on this
7 particular issue. There has been questions,
8 concerns, perhaps even allegations that one or
9 two of these companies haven't done any crash
10 testing.

11 And I just want to, once again, hear
12 that, in fact, both of these companies are
13 fully crash tested and have the utmost safety.

14 MR. SCHENKMAN: Both of these
15 vehicles have been crash tested to the
16 required FNVSF standards that they modify when
17 they upfitted the vehicle.

18 I have seen documentation. I have
19 seen video, and, yes, that is true.

20 CHAIRMAN DAUS: Commissioner
21 Giannoulis?

22 COMM. GIANNOULIS: Just thank you
23 for your work on this project, Peter.

24 CHAIRMAN DAUS: Thank you.
25 Actually we did, for the record,

00122

1 provide not only Peter's recommendation, which
2 is that the vehicles are safe and sound and is
3 satisfy the independent information he has
4 received and reviewed. Commissioners actually
5 did also receive copies of the crash test
6 data.

7 At this point, I would like to get a
8 motion, if we could, to essentially extend the
9 current MOUs to allow both Freedom Motors and
10 Autovan to continue to sell their vehicles for
11 the 86 medallions that are being auctioned,
12 and then also to ask the staff, which I would
13 like him to do within the next month or two,
14 as soon as possible, to propose rules that
15 will authorize these vehicles to be permanent,
16 based upon Peter's recommendation.

17 MR. SCHENKMAN: It would actually be
18 87 because we have one individual.

19 CHAIRMAN DAUS: You are right, 87.

20 Any questions?

21 (No response.)

22 CHAIRMAN DAUS: Do I have motion?

23 COMM. AROUT: I make a motion.

24 CHAIRMAN DAUS: A second?

25 COMM. KAY: Second.

00123

1 CHAIRMAN DAUS: All in favor?

2 (Chorus of "ayes.")

3 CHAIRMAN DAUS: Thank you.

4 Thank you, Peter. Good work.

5 Congratulations to the companies. We

6 are looking forward to this being a very

7 successful medallion sale for the disability

8 community as well.

9 And I want thank all the folks that

10 worked on this from the accessibility

11 community who support the Toyota Sienna. We

12 listened to you and we are looking forward to

13 continuing our efforts in the Taxi of Tomorrow

14 project to get something that is off the

15 assembly line that's better for everyone.

16 The last item on the agenda is a

17 motion to close the public meeting and convene

18 in executive session to consider Commission

19 appeal in the matter of TLC versus Harold

20 Jean-Baptiste, Hack license number 435679.

21 Do we have a motion?

22 COMM. AROUT: So moved.

23 CHAIRMAN DAUS: A second?

24 COMM. GIANNOULIS: Second.

25 CHAIRMAN DAUS: All in favor?

00124

1 (Chorus of "ayes.")

2 CHAIRMAN DAUS: Thank you everybody

3 for your patience. Have a good day.

4 (Time noted: 12:00 p.m.)

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

I, MARGARET EUSTACE, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

MARGARET EUSTACE,
Shorthand Reporter

