

TRANSCRIPT OF THE  
NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION

THURSDAY, SEPTEMBER 20, 2012

33 BEAVER STREET  
COMMISSION HEARING ROOM, 19TH FLOOR  
BOROUGH OF MANHATTAN

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HEARING CONVENED AT 10:10 A.M.

COMMISSIONERS PRESENT:

David Yassky, Chairman

LaShann DeArcy

Mark Gjonaj

Edward Gonzales

Nora Constance Marino

Lauvienska Polanco

Iris Weinshall

ALSO PRESENT:

Meera Joshi, General Counsel

Staff

The Public

The Press

Reported by:

Kari L. Reed

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SPEAKERS ON OMD CLEANUP RULES:

Peter Mazer, General Counsel, MTBOT

Vincent Sapone, LOMTO

Edith Prentiss, Taxis For All Campaign

SPEAKERS ON INSPECTION RULES CLARIFICATION:

Pasqualino Russo, Special Counsel at Windels Marx

Lane & Mittendorf, for COTA

Jose R. Jaen, NYS Federation of Taxi Drivers

Bill Lindaour, NYTWA

## PROCEEDINGS

## P R O C E E D I N G S

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4 THE CHAIRMAN: Good morning. We  
5 are convening at 9:46 with Commissioners  
6 Gonzales, Weinshall, Gjonaj, DeArcy and  
7 myself, Commissioner Yassky. And we will  
8 move onto a vote on going into executive  
9 session to discuss litigation matters both  
10 pending and potential before the agency. I  
11 move that we recess for a brief executive  
12 session. All in favor say aye.

13 (Chorus of ayes)

14 THE CHAIRMAN: Opposed, no.

15 We will retire, and I expect that  
16 we will be back here by 10:15, Commissioners,  
17 is that enough time?

18 Very good, thank you.

19 (Executive session convened at  
20 9:47 a.m.)

21 (Whereupon, the Commissioners  
22 returned from executive session and the  
23 public session of the meeting convened at  
24 10:25 a.m.:)

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PROCEEDINGS

THE CHAIRMAN: Good morning. I don't know if I can reconvene. But there are a couple of other commissioners, but good morning anyway.

Good morning. We are reconvening at 10:25 a.m. Present are Commissioners Marino, Polanco, Gonzales, Weinshall, Gjonaj and Yassky.

I will dispense, I know we are starting a little bit late, I will dispense with the chairman's report, I will move right into adoption of the minutes. Commissioners, before you are the minutes for the July 12th, 2012 commission meeting. I move that we adopt the minutes as they are before you. All in favor say aye.

(Chorus of ayes)

THE CHAIRMAN: Opposed, no. The minutes of the July 12th, 2012 meeting are adopted.

We have base applications, and it's not Chris, I know he's out. Angelique is presenting these base applications to us today.

1 PROCEEDINGS

2 Good morning.

3 MS. VIOLA: Good morning,  
4 Commissioners. My name is Angelique Viola,  
5 supervisor for owner/applicant licenses.

6 AUDIENCE MEMBER: Put the mike on,  
7 please.

8 MS. VIOLA: We have 31 bases to  
9 present to you today for approval.

10 THE CHAIRMAN: I move that we  
11 adopt the recommendation of licensing and  
12 approve the applications of those 31 bases.  
13 All in favor say aye.

14 (Chorus of ayes)

15 THE CHAIRMAN: Opposed, no. The  
16 base applications are adopted.

17 I'm sorry, I should note that we  
18 are also joined by Commissioner DeArcy. Are  
19 there, and there are no other -- yes, there  
20 are not. Thank you, Angela.

21 MS. VIOLA: Thank you.

22 THE CHAIRMAN: Thank you very  
23 much.

24 The first item on the agenda then  
25 today for commission action, we are going to

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hear, Commissioners, we'll first do the Taxi Of Tomorrow rules. Those are just before us only for commission action. Then we will do the public hearing and commission action on the technical amendments, and then the roof line rules are of course for Commission action.

Taxi Of Tomorrow. I will just very briefly, if I can, Commissioners, I want to express my, you know, deep excitement about the project that we are voting on today. We are changing the way that the TLC looks at the taxi vehicle by saying that it is not -- we won't just leave it to the auto industry to put cars out there and hope that one of them fits the needs of taxi passengers. That we are going to work directly with automakers on behalf of the taxi owners, and I think even more importantly in this context the taxi passengers, to ask an automaker to design a car that is specifically suited for taxi use. We've done that, you all know the history, we went through this extensively at our last

## PROCEEDINGS

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2 meeting and many times before. We had a  
3 lengthy selection process, we asked the  
4 automakers to put forward their best  
5 proposals. We got several from leading  
6 automakers. There was one that was clearly  
7 superior not only in terms of the vehicle,  
8 the specific vehicle that was presented, but  
9 I think even more importantly in terms of the  
10 commitment to work with the city, work with  
11 the TLC on an ongoing basis to meet the needs  
12 of the passengers.

13           When these cars hit the streets a  
14 year from now, passengers will see a taxi  
15 that is much roomier on the inside than  
16 anything they are used to. They will see a  
17 car that has all the amenities that people  
18 ask for in passenger surveys, from charging  
19 ports to reading lights to a panoramic roof  
20 to enjoy the skyline. They will see what  
21 many older passengers have asked for and  
22 passengers with mobility limitations, a step  
23 to ease entry and exit into the taxi, entry  
24 into the taxi and from the taxi. They will  
25 see grab handles to make that exit and entry



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easier. I think that this is a leap forward in terms of the passenger experience of the vehicle.

We continue to hear, it's really fascinating to me, I will still hear people say to me why can't you bring back the Checker Cab. And I think what that tells us is that the vehicles on the streets today don't provide the level of passenger experience that people felt the Checker did. And I truly believe that when these vehicles do hit the streets, I'm not going to hear that anymore. I think that passengers will still look back at the Checker fondly, but I think that they will feel equally fondly, even more so, about the Taxi Of Tomorrow.

So Commissioners, there's no public hearing today, but if people wish to be heard on this, this would be the time for it, and then we will move directly to a vote. Is there anyone who wishes to be heard?

COMM. MARINO: I do.

THE CHAIRMAN: Yes, Commissioner Marino.

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COMM. MARINO: Good morning, everybody. We had a public hearing on this issue on September 6th, and I was present, I was the only commissioner other than the chairman who was present. And I heard first hand the public take on this proposal. And in addition to the public's take we've also heard from the Comptroller John Liu, the Speaker Christine Quinn, City Council Speaker Christine Quinn, Council Member James Vacca, who's the chair of the Committee on Transportation, and Council Member Oliver Koppell, all of whom are against this, the Taxi Of Tomorrow. And frankly I agree with them. And I intend on voting no today, and I just wanted to quickly say why.

Number one being that the cars are not wheelchair accessible. And not only are they not wheelchair accessible, but the conversion version of the car will only accommodate one wheelchair bound person and one additional person. And I don't think this is sufficient for someone. For example, the woman who testified here on September 6th

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said that if she wants to take her two nieces to the museum, she's not going to be able to do that in one car. So I don't think that's sufficient.

The vehicles are not hybrid. And not only are they not hybrid, but they remove the hybrids that are currently on the road.

The contract gives exclusive rights to one company for ten years. This will stifle competition, innovation and improvements. It will limit fair market and stop competition. And also, the proposal does not support American jobs, as we are dealing with a Japanese company with the cars to be made in Mexico.

So for those reasons I do not think this is a good idea and I wanted to go on record.

(Applause)

THE CHAIRMAN: Thank you. I won't, you know, counterpoint you, but I do just want to make sure the record is clear that the existing vehicles that are in service of course will continue to be in

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service through their ordinary retirement life. So in terms of vehicles that are on the road, I agree, or otherwise, none of them will be taken off the road. So if --

COMM. MARINO: But after their three years they will be.

THE CHAIRMAN: Just as they would be today, yes.

If not, I call for a roll call vote on the Taxi Of Tomorrow rule. Meera.

MS. JOSHI: Before the Commission is proposed rules requiring all non-exempt medallion owners to hack up with an official taxicab vehicle, the NV200, by late fall 2013. The NV200 will be available in a standard and an accessible version.

The proposed rules appeared in the City Record on August 6th, 2012. The deadline for written comments pursuant to CAPA was September 9th, and was extended by the TLC to September 17th. Public testimony was heard on September 6th at the CAPA hearing on these rules. Comments were received and forwarded to the Commission for

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their review. And based on public and staff comment, one change was made to the rules as they appeared in the City Record. Retirement incentives for medallion owners, including owners of accessible medallions, were added.

Now we can go to a roll call vote.  
Commissioner Gjonaj?

COMM. GJONAJ: Good morning. In saying more by saying less, I vote no.

MS. JOSHI: Commissioner DeArcy?

COMM. DeARCY: I vote yes.

MS. JOSHI: Commissioner Yassky?

THE CHAIRMAN: Yes.

MS. JOSHI: Commissioner  
Weinshall?

COMM. WEINSHALL: Yes.

MS. JOSHI: Commissioner Gonzales?

COMM. GONZALES: Yes.

MS. JOSHI: Commissioner Polanco?

COMM. POLANCO: Yes.

MS. JOSHI: Commissioner Marino?

COMM. MARINO: No.

MS. JOSHI: With a vote of one,  
two, three, four, five to two, the rules

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implementing the Taxi Of Tomorrow project,  
five yeses and two nos, a total of seven  
votes, the rules implementing the Taxi Of  
Tomorrow project are approved by the TLC  
Commission.

THE CHAIRMAN: Thank you, Meera.

COMM. POLANCO: I'm sorry.

THE CHAIRMAN: Yes.

COMM. POLANCO: I know we're past  
the vote but I just wanted to make clear for  
the record that although it's not in the  
rules, I ask Meera regarding the -- but it's  
in the contract that if within -- can you  
explain, Meera, about the five years, within  
five years what will happen, there's an  
opt-out option in the way that the City can  
opt out of the contract with Nissan, so I  
just wanted to make it clear for the record.

MS. JOSHI: First, just for the  
public's information, the contract is in  
draft form. It is available to the public  
through a FOIL request to the legal unit at  
TLC.

The provision you're referring to

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is a provision that allows for termination of the contract if TLC presents a vehicle that's superior to the NV200 and Nissan is not able to match either in quality and price the superior vehicle, then the contract will be terminated.

THE CHAIRMAN: I'm glad you raised that, Commissioner Polanco, and we are going to move on right away, but I do want to highlight that. I do think that this is, I understand this initiative as much as being about choice of a vehicle it is about a choice of a process for developing the taxi vehicle on an ongoing basis. And it is certainly our not just intention but the whole reason we are doing this, to continue to work with our partner day in and day out over the five years or ten years if it goes that long of the contract to see improvements every year. So but as you point out, if we don't see that, then the contract can terminate after five years. Thank you.

Okay, so we will move on to the, we have a series of technical amendments to

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our TLC rules. Meera, will you describe these, we will then have a public hearing and a vote.

MS. JOSHI: Before the Commission for a public hearing pursuant to CAPA and Commission action is a package of proposed rules which implement Local Law 26 of 2011, prohibiting the facilitation of sex trafficking with a for-hire vehicle, and implementing Local Law 36 of 2012, increasing penalties for unlicensed activity. In addition, the rules package contains a number of technical amendments to existing rules.

The rules appeared in the City Record on August 17th, 2012, and the deadline for comments was September 18th, 2012. No comments were received.

There have been a few changes since publication, and I will go through them quickly. A proposed rule has been added, an amendment to FHV driver rule 55-14(b) to clarify the driving while impaired and failure to pass a drug test are separate and independent violations. The rules as



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published included the clarification for taxi drivers only.

There was one deletion, Section 24, which proposed increased penalties for FHV owners for failure to comply with directives to correct defects. That section has been deleted.

And there were increased penalties added for drivers operating without a valid state or TLC license to reflect mandatory minimums established by Local Law 36 of 2012. The new penalty for the first offense is \$1,500; second offense in 36 months, \$2,000; and third offense, revocation. Previously the penalty, the published penalty was \$500, \$750 and revocation. Changes were made to Rules 54-11(a), 54-11(b), 55-11(b), 56-11(b), and 56-11(c).

And today we have our CAPA hearing. So we have four speakers signed up to speak. Each speaker will get three minutes. And the first speaker we have is Peter Mazer. Please state the entity you represent, if you do. Thank you.

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MR. MAZER: Good morning, Chairman Yassky and Commissioners. My name is Peter Mazer, and I'm general counsel to the Metropolitan Taxicab Board of Trade, representing the owners of 5,000 medallion taxicabs and the agents that operate them. Today I am speaking on behalf of the drivers who operate these and other medallion taxicabs in the City of New York. I will limit my testimony to one proposed change, the increase in penalties for Rule 54-11(a) violations.

This rule prohibits drivers from operating taxicabs with a suspended hack license. The current fine is \$400 for a violation. The proposed fine as published in the City Record is \$500, \$750 for the second offense, and license revocation. But it seems that the penalty will even be higher under the proposed --

MS. JOSHI: Yes, it will go to \$1,500 and \$2,000.

MR. MAZER: Correct.

We often speak of rules and

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penalties in the abstract, without considering their effect on the lives of individual licensees. So this morning I will begin by telling you about one medallion owner/driver.

In June of 2011, Mr. Kalemkiridis had a consumer hearing here at Beaver Street, right across the hall. Most of the charges against him were dismissed, but he was found guilty of one charge, discourtesy, and was fined \$150. As was his right, he appealed the judge's decision. Until the TLC rules, the fine need not be paid until the appeal is decided. The OATH appeals unit ultimately upheld the conviction. However, Mr. Kalemkiridis did not receive a copy of the appeals decision that OATH claimed it mailed to him. As a result, his hack license was suspended because the \$150 fine remained unpaid. About a month later he learned of the suspension. He came in and he paid the \$150 fine.

Six months later, Mr. Kalemkiridis received fourteen summonses in the mail. By

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using electronic trip sheet data, the TCL determined that he operated his taxicab on fourteen different shifts the previous August, right after he lost the appeal. Each of these summonses charged a violation of Rule 54-11(a). Each of these summonses was issued many months after he paid the fine and had his license restored. Even of these summonses carried a monetary fine, \$400 per offense. He paid the fines, a lot more than the \$150 involved in the original consumer case, and I guess he learned some sort of a lesson.

Today the Commission has before it a proposal to increase the fine for this rule violation. If these penalties were in place last year, Mr. Kalemkiridis would have had his license revoked and he would have been forced to sell his medallion, all because he did not pay a \$150 fine that he had no notice of.

This is not an isolated incident. No one should be operating a vehicle for-hire knowingly, whether it's a taxi, a livery, a

## PROCEEDINGS

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2 commuter van or whatever. But the TLC has  
3 issued more than 3,000 administrative  
4 summonses over the past few years charging  
5 drivers with violations of this rule. These  
6 summonses are routinely issued months after  
7 the alleged suspensions took place. By the  
8 time the drivers received the summonses, the  
9 suspensions had long been cleared. In many  
10 cases the drivers didn't even know that they  
11 were suspended.

12 Now, why are drivers on  
13 suspension? I've seen a variety of reasons.  
14 Some drivers might have forgotten to take  
15 their drug test. Some may owe money to the  
16 TLC. Some may have had a fine and paid the  
17 wrong amount. Some may have pled guilty by  
18 mail and they sent in a personal check  
19 instead of a money order or a cashiers check.  
20 Some may have not known that they had a  
21 hearing. When the drivers find out about the  
22 mistakes, they correct them. And they  
23 correct them, they pay a fine, they have  
24 their licenses reinstated. But what the TLC  
25 is doing today is they're going forward and

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issuing summonses for activities that took place many, many months after the violations occurred, after the licenses were reinstated.

Now, how this in any way impacts upon public safety, I don't know. How anybody could say that you could take somebody's livelihood away from them because they didn't know about a summons six months ago and when they found out about it they paid it.

If I could have just one minute?

THE CHAIRMAN: Certainly, although I do want to, I would like, I think you've gleaned the issue and I do want to put it to the commissioners to see what their feeling is.

MR. MAZER: Okay.

THE CHAIRMAN: But go ahead.

MR. MAZER: All I want to say --

COMM. MARINO: I have a question.

MR. MAZER: Okay. In fact, I'll take the question then.

COMM. MARINO: I just, I didn't quite follow. He got the one summons and

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then what were the fourteen others for?

MR. MAZER: Okay. What happened with this particular driver, and this is not an isolated incident, Mr. Kalemkiridis had a consumer hearing. It was right across the hall.

COMM. MARINO: Right, he's found guilty.

MR. MAZER: He was found guilty.

COMM. MARINO: But what were the fourteen other summonses for?

MR. MAZER: Okay. What happened was he filed an appeal, and he didn't pay the fine because you don't have to pay the fine when you file an appeal. If you file an appeal, the penalty is stayed until the appeal is decided. He filed an appeal. A month later he lost the appeal. And he claims he did not get notice, that he lost the appeal, and that he had to pay the \$150 fine. So he didn't pay it. His statement to me was that I didn't know about it, I would have paid the \$150 if I'd got a letter.

COMM. MARINO: Okay. So what were

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the fourteen summonses for?

MR. MAZER: Fourteen summonses.

Six months later, and what happened is he had his license renewed. Six months later he got fourteen administrative summonses from the agency, that using electronic trip sheet data, six months prior the TLC found that while that license was on suspension for not paying the \$150 fine, he went out fourteen different shifts, and they gave him one summons per shift for going out fourteen times.

COMM. MARINO: And each one of those summons was how much money?

MR. MAZER: Four hundred dollars under the old rules. Under today's rules now it would be \$1,500 for the first one, \$2,000 for the second one, the third one it would have been mandatory revocation. He also owns an owner must drive medallion, so he would have been forced to sell his medallion.

That's happened, at that time he paid, I don't know what the final amount is, the TLC I think may have withdrawn one or two



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of the summonses because they were duplicative. I think he paid about \$2,000, \$2,400, something like that. And of course the license was back a long time ago when he got the medallion.

COMM. POLANCO: I'm sorry, so what are you suggesting?

MR. MAZER: I'm suggesting keep the same penalty. I'm also suggesting that if you look at what local law did, it talks about operating with a suspension, with no license, operating with no driver's license. The Local Law 32 does not require you to amend this penalty for operating a taxicab with a valid TLC license that happened to be suspended because you didn't pay a fine, if you missed a drug test, or you didn't show up for a hearing, or you mailed in a money order instead of a certified check to pay your \$25 fine.

COMM. YASSKY: Mr. Mazer, I don't want to short circuit your presentation, but just to expedite. Commissioners, I think Mr. Mazer raises a question, and let me

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explain what I think his question is or his suggestion is. And if you want to pursue that, I'll certainly entertain an amendment to change this rule in the way that he suggests.

The reason this is here today in this package of corrections, if you will, or amendments, is the City Council passed a bill raising the penalty for unlicensed operation, driving without a valid license, to \$1,500. And the council felt pretty strongly about it, strong enough that we have received many, you know, calls from the council staff about when are you going to put into effect our rule that, you know, our legislature changed.

So I strongly urge that we do that and follow the direction of the lawmakers and raise the maximum penalty here to \$1,500 for driving while unlicensed. Now, and again, of course I would note that is the maximum. It's rare that maximum fines are imposed, but they are. So, you know, to be clear, that would be the fine. I feel that we have gotten clear direction from the lawmaker on

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that.

Now, as to the revocation issue, once we were changing the penalty for driving with a suspended license, I guess Mr. Mazer is drawing a distinction between someone who never had a license and is driving, and somebody whose license has been suspended and driving. I think our rules should treat those the same.

But while we were changing that, we also put in proposed here that somebody who three times drives with a suspended license should have his or her license revoked. We did that just because we thought it was consistent with our other serious violations. We have a three strikes and you're out rule. Refusing a passenger, overcharge, both of those we have a three strikes and you're out rule. Illegals, accepting an illegal street hail, we now have a three strikes and you're out rule. So I --

COMM. POLANCO: I think the issue here is whether knowingly that person basically drove --

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MR. MAZER: Two things.

COMM. POLANCO: -- with a  
suspended license.

MR. MAZER: Two things.

THE CHAIRMAN: Well, I guess I  
would say that is a factual, you know, matter  
that's determined by the adjudicator case by  
case.

COMM. MARINO: But what about the  
notice? I mean maybe we can add something  
where the notice, the summons -- to suspend  
someone's license, that's pretty serious. It  
needs to be done by certified mail and email  
and a phone call or something so they know  
that's what the fourteen summonses were.

MR. MAZER: Can I respond to that,  
if I may? I would like if I may respond to  
Commissioner Marino's question.

THE CHAIRMAN: I'm sorry,  
Commissioner DeArcy, did you want to comment?

COMM. DeARCY: I did. It seems to  
me that having a severe penalty for  
intentionally committing an infraction, a  
serious infraction it seems to me is

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appropriate. And there is, I just want to be clear, there is a process, right, was there not a process in place where if this revocation was somehow unfounded, that the driver would be able to appeal or to make an argument and therefore a determination of whether in fact the notice was never sent?

MR. MAZER: May I address that point, can I respond to the two commissioner's comments if I could?

THE CHAIRMAN: Go right ahead.

MR. MAZER: Yes.

THE CHAIRMAN: And then I'll --

MR. MAZER: And here's what I want to say on that point. There is a notice process. The Commission's process is that they post every day, every business day about 3:30 in the afternoon on the Web site a list of current licensees. So a driver can go onto the Web site and check and see whether or not his or her license is current. And if his license is not listed on the Web site as current, he should not be driving. There is actually a lockout mechanism on the CMT to

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verify that.

THE CHAIRMAN: All right,  
Mr. Mazer, let me, I'm sorry, just because I  
do want to get through our agenda.

As Mr. Mazer is describing, this  
shouldn't arise all that often because we do  
go to great lengths to tell taxi medallion  
owners who's suspended and who's not. But  
it's not foolproof.

MR. MAZER: Right.

THE CHAIRMAN: It does happen  
sometimes. And sometimes people are  
suspended and they don't make it onto the  
list of suspended drivers and the person  
drives anyway.

MR. MAZER: But -- I'm sorry.

THE CHAIRMAN: So it doesn't  
happen all that often, but it does happen.  
So that's what he was just speaking to.

MR. MAZER: No, but I want to get  
to that.

THE CHAIRMAN: Mr. Maser.

MR. MAZER: I'm sorry.

THE CHAIRMAN: Please.

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In answer to Commissioner DeArcy's question, yes, there's a process. The revocation is a proceeding in itself in which the driver can come forward and defend and say. Now, to be clear, though, I mean I want to be kind of straightforward, you know, full disclosure, what's at issue in that proceeding really is simply were you convicted three times of the offense. Now, so would a driver have the opportunity, I don't honestly know the legal answer to in that proceeding would the driver have the opportunity to go back and undo the prior convictions. I'm not so sure.

COMM. DeARCY: Was there a process with respect to the prior convictions before the conviction was --

THE CHAIRMAN: Of course, yes, there's an appeal process. And not only is there an appeal process within OATH, but ultimately you can appeal to the commissioner.

COMM. DeARCY: So it sounds as if there's multiple levels where a driver would

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have an opportunity to, one, first contest the underlying charge.

THE CHAIRMAN: Yes.

COMM. DeARCY: Each time it's given. And then to subsequently in the event of a revocation to at least have some opportunity to be heard on the revocation.

THE CHAIRMAN: That is true.

MR. MAZER: May I respond to that?

THE CHAIRMAN: Well, why don't you make a very brief response.

MR. MAZER: Yes, I will be brief.

THE CHAIRMAN: And then I'm going to say, Commissioners, if after what you've heard if someone wants to move to amend on the revocation question, we can do that and have a vote on it and then vote on the underlying, or if no one wants to do that, fine. But, you know, he's raising the question.

MR. MAZER: My response will be very brief. Many respondents come into hearings and testify and state that they relied on the Web site, that they checked the



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Web site on the date in question and that their license was current on the Web site. Under current rulings from the OATH tribunal and the OATH appeals tribunal, that is not a defense. So if a driver comes in and says I checked the Web site, the Web site said I was current and that's why I went out, the driver will be convicted. And drivers have been convicted under that scenario.

THE CHAIRMAN: Actually that particular issue, as you know, Mr. Maser, we are addressing through a ruling of the chair because I do think OATH got that one wrong. But even apart from that, we are talking about your driver whose license was suspended and then going in and saying well, I didn't think my license was suspended because the computer list of drivers said I was legal. I'm not surprised that OATH has chosen not to recognize that defense. But in the interest of super fairness, right, we are reversing that through a chair ruling to say OATH, you can consider that as a defense if you believe it, and leave it up to, as it always should

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be, the adjudicator to make the decision about credibility.

But having said that, I'll entertain, if there is one, a motion on the revocation issue. If not, okay.

Thank you.

MR. MAZER: Thank you.

THE CHAIRMAN: We have further speakers on this package.

MS. JOSHI: The next speaker is Bhairavi Desai.

AUDIENCE MEMBER: I'm sorry, she's not present.

MS. JOSHI: Our next speaker is Vincent Sapone.

MR. SAPONE: Good morning, Commissioners. Good morning, Mr. Chairman. My name is Vincent Sapone. I'm the managing director of the Legal Views of Taxi Owners, known as LOMTO. I got so many questions here, but I'll never get it in.

First of all, I don't know if you guys realize it, but maybe 60 or 65 percent of cab drivers don't have computers. And

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probably 65 percent don't know how to use them, because they had no reason to use them. Anyway, I settled that. And as far as the Taxi of Tomorrow -- and that's a true story, you know, I'm not saying that to make it up. We talk about computers and this and that. These are drivers. I didn't use a computer until I started working in LOMTO.

THE CHAIRMAN: Understood.

MR. SAPONE: I didn't know what a computer was.

THE CHAIRMAN: So --

MR. SAPONE: Excuse me for yelling.

THE CHAIRMAN: -- Mr. Sapone, I was just wondering if you could speak to the rules package in front of us.

MR. SAPONE: The rules package, okay.

THE CHAIRMAN: If you have concerns about --

MR. SAPONE: I want to say something about the Nissan, yeah. The Nissan is a nice car, you know. The only thing I'm

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upset about is the signage on the doors. I think it's a terrible thing. And that's the package, it comes with signage on the doors. You know, what do people know what T means? T could mean Toronto, or whatever it means. New York City taxi should be on those doors. That's number one.

COMM. WEINSHALL: I agree with you, Vincent.

MR. SAPONE: All right.

Now, we talk about refusal to talk about prostitutes. Have any of you guys been to Times Square or Fifth Avenue lately? Anybody?

COMM. WEINSHALL: Yeah.

MR. SAPONE: Do you see how, can I use the word "foxy" or not?

COMM. DeARCY: Only if you are referring to me.

(Laughter)

MR. SAPONE: I mean you see these young ladies out there today, it's almost impossible to drive when they're walking by. And if you pick one up, who's going to

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determine if they're prostitutes.

THE CHAIRMAN: Sometimes, you know, maybe even in your own interests, let me, let me --

MR. SAPONE: Yeah, sure, go right ahead.

THE CHAIRMAN: Let me cut off that line of inquiry, or rather point out again for the Commissioners, because I know we've only had the opportunity to discuss these very briefly, the City Council passed by, I believe it was unanimous but if it was not it was pretty close to that, a law that requires us to offer training, not just offer but to ensure that licensed drivers are trained in how to avoid supporting prostitution. So I think that is what --

MR. SAPONE: I understand what happened with the livery driver. I don't want to interrupt you, that he was transporting hookers and everything else.

THE CHAIRMAN: And the law requires us to train all drivers, taxi and livery. And that's what we're implementing

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here.

MR. SAPONE: Well, I can't determine who's a hooker and who's not. I really can't. And I don't think any cab driver could determine that. I think the law is very unfair. And then they'll get a refusal and lose their license.

All right, let me get off that subject. I think that's very bad. And you know what, one session is enough for training. They don't have to go year after year after year after year to see what a hooker looks like. It's ridiculous. All right. Well, anyway, I rest my case with that.

How much time do I have?

THE CHAIRMAN: I think that's about it.

(Laughter)

MR. SAPONE: You know, last week people were talking --

THE CHAIRMAN: Vinnie, do you have a --

MR. SAPONE: -- for twenty

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minutes.

THE CHAIRMAN: Do you have something that you would like to object to specifically in our rule package, because of course we would want to hear that.

MR. SAPONE: You would want to hear that?

THE CHAIRMAN: If you have a specific objection.

MR. SAPONE: Thank you so much.

THE CHAIRMAN: But I'd like you to move to that.

MR. SAPONE: As far as, listen, I'm against drugs completely a thousand percent, maybe even more. But who's going to determine if the driver was on drugs or using drugs. A TLC enforcement agent or do they call in the cops?

THE CHAIRMAN: The police department does that.

MR. SAPONE: Oh, okay. Yeah, because I don't think a, no disrespect to the enforcement agents, but I don't think they qualify to check for drugs.

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THE CHAIRMAN: That is our practice.

MR. SAPONE: All right. I had a few more things but, you know, you guys got me all excited here, so all right.

With the training fees, who set the fee prices, the TLC or the people giving the training?

THE CHAIRMAN: We are hoping, I don't want to -- well, I don't want to make a promise until we know for sure, but we are working with the industry trade associations in the hope that one or more of them will offer training free of charge. But that would be our goal. We certainly, again, this is a local law that obviously we must now implement. But we would like to do that in a way that does not cost drivers anything. In addition, we have reached out to a number of the trade associations in the hope that we can accomplish that.

MR. SAPONE: All right.

Final, final statement. You know, cab drivers work very hard. I myself was a



## PROCEEDINGS

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2 cab driver, okay. It's the toughest job  
3 today, especially with the street corners, I  
4 don't want to get into that because I know  
5 who's the boss, bicycling and all that stuff.  
6 It's a tough job, you know. And these fines  
7 seem to be increasing every month, every  
8 three months. How much do you expect these  
9 guys, so if they make a mistake, what are we  
10 going to do, whip them, are we going to fine  
11 them so they can't pay their rent? These  
12 fines are much too high. Too high, I'm  
13 sorry.

14 THE CHAIRMAN: Thank you.

15 MR. SAPONE: Thank you.

16 THE CHAIRMAN: Thank you, Mr.

17 Sapone.

18 MS. JOSHI: Edith Prentiss, and if  
19 you could please state the entity you  
20 represent.

21 MS. PRENTISS: Hi. I'm Edith  
22 Prentiss for the Taxis For All Campaign.

23 We would just like to address in  
24 concept de facto disappointment in Taxis For  
25 All. We believe that the lack of choice is

## PROCEEDINGS

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2 going to be detrimental to the community. I  
3 am thrilled to hear, though, that three  
4 street hail pickups and liveries will be  
5 punished. Now, how about getting someone out  
6 in Washington Heights and doing some  
7 enforcement. If you can sit there for ten  
8 minutes and get beeped at and have vehicles  
9 pull over to you endlessly, I think the TLC  
10 has failed to do its enforcement. Thank you.

11 MS. JOSHI: Thank you. And with  
12 that, it closes today's CAPA hearing on the  
13 cleanup rules package. And we are now ready  
14 for a Commission vote. So all those in  
15 favor?

16 (Chorus of ayes)

17 MS. JOSHI: I'm going to do a roll  
18 because that was -- Mark Gjonaj, Commissioner  
19 Gjonaj?

20 COMM. GJONAJ: Yes.

21 MS. JOSHI: Commissioner DeArcy?

22 COMM. DeARCY: Yes.

23 MS. JOSHI: Commissioner Yassky?

24 THE CHAIRMAN: Yes.

25 MS. JOSHI: Commissioner

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Weinshall?

COMM. WEINSHALL: Yes.

MS. JOSHI: Commissioner Gonzales?

COMM. GONZALES: Yes.

MS. JOSHI: Commissioner Polanco?

COMM. POLANCO: Yes. And just to be clear, this was a mandate by City -- yes. And just to be clear, this is a mandate by City Council, so in terms of the fines themselves, the amounts, that comes from the --

THE CHAIRMAN: The fine part is a local law. The training part is a local law. Some of the other things, for example, on the owner must drive part, allowing, you know, the inheriting spouses to get the same treatment as the deceased spouse --

COMM. POLANCO: No, I mean --

THE CHAIRMAN: -- that's not required by local law. But those issues --

COMM. POLANCO: -- only with respect to the fines.

THE CHAIRMAN: But yes, correct. I just wanted to be precise.

1 PROCEEDINGS

2 MS. JOSHI: Commissioner Polanco,  
3 that was a yes.

4 And Commissioner Marino?

5 COMM. MARINO: I'm asking with my  
6 colleague here, so these fines are City  
7 Council mandated?

8 MS. JOSHI: Yes, mandatory fines  
9 set.

10 COMM. MARINO: So we've tailored  
11 our rules to reflect the City Council's?

12 MS. JOSHI: Yes.

13 COMM. MARINO: I'm going to  
14 abstain.

15 MS. JOSHI: Okay. With that we  
16 have six yes and five yes -- six yes and one  
17 no.

18 COMM. WEINSHALL: And one  
19 abstention.

20 MS. JOSHI: One abstention. And  
21 the rules are approved.

22 THE CHAIRMAN: The final item here  
23 for commission action is a -- I'm sorry.  
24 Okay, I apologize, go ahead.

25 No, okay, we have two further

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items. The first is a rule on FHV inspections. Meera.

MS. JOSHI: In response to a request from the chair of the transportation committee, before the Commission for public hearing and action is a proposed rule to clarify that for-hire vehicles with less than 500 miles, regardless of model year, are only required to undergo visual inspections, unlike FHV's with higher mileage, which are subject to more stringent inspections.

The proposed rule appeared in the City Record on June 29th, 2012. The deadline for comments was July 30th, 2012. No comments were, or one comment was received today. We have I believe two speakers. The first is Pat Russo, on behalf of Windels Marx.

MR. RUSSO: Good morning, Chairman Yassky and members of the Commission. I provided copies of my testimony in advance.

My name is Pasqualino Russo, and I am special counsel at Windels Marx Lane & Mittendorf, LLP. Our firm is counsel to the

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Coalition of Transportation Associations,  
Inc. And I am submitting this testimony on  
its behalf in support of the proposed rule  
changes that the Commission is considering  
with regard to FHV inspections.

The Coalition of Transportation  
Associations, or COTA, is a recently formed  
organization dedicated to advance, support  
and preserve the integrity and economic  
viability of the for-hire ground  
transportation industry; to promote  
environmental sustainability; to support  
reasonable government regulation; and to  
enhance customer service and explore viable  
advances in technology to assist businesses,  
passengers, and the industry. We are truly  
excited that COTA will have its inaugural  
educational conference tomorrow at the Four  
Points by Sheraton in Long Island City, and  
are particularly pleased that Chairman Yassky  
will preside at the swearing in of the  
officers and board members. All of you are  
invited to join us as well.

First of all, the COTA members are

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grateful for the recent and ongoing changes that have occurred in the process involved in applying for vehicle licenses and obtaining inspections. In preparing for today's hearing, member organizations have noted that there have been reductions in the waiting times at the licensing division of Long Island City. Similarly, there have been improvements in the processing of inspections at Woodside, particularly for the new for-hire vehicles seeking the expedited visual inspection.

These staffing and procedural changes are welcome, as are the proposed rules for FHV inspections. Even so, the members of COTA would ask that the Commission, as it looks forward, also looks back in time to the basic procedures and practices that made sense and worked.

In the past, an applicant attempting to register a new for-hire vehicle would not be required to undergo the modified inspection. The owner would appear with the vehicle at Woodside after leaving the

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licensing division with all of his or her paperwork for simple verification and processing at the inspection facility. Since the vehicle was new and the documentation had confirmed these facts, the staff at Woodside would issue the diamond, today's "blue poker chip." This was almost always on the same day.

Even with the visual inspection process in place today, an owner of a new vehicle has a strong possibility of being unable to complete the licensing application and the inspection on the same day. As a result, an owner of a new for-hire vehicle may spend most of the first week pursuing the necessary paperwork for licensure. In the case of out-of-state vehicles, this process at the TLC follows the licensing process in that original state. Although not contemplated in the proposed changes to TLC Rule 59A-04, COTA's members feel it is critical that the TLC review a return to the practical approach undertaken in the past with new for-hire vehicles, including the



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streamlined process by which the paperwork was handled via regular correspondence.

With respect to the proposed rules, COTA would also ask that the Commission consider how it defines a for-hire vehicle as new for the purpose of Rule 59A-04. As it currently stands, the visual inspection may be done if the vehicle has less than 500 miles on its odometer. Under the proposed rule change, such visual inspections would apply regardless of the vehicle's model year.

For COTA members who are registering their new vehicles out of state, this 500 mile limit on the odometer is a very low threshold that seems unreasonable. For example, if a New Jersey based vehicle is properly licensed to provide transportation services in New Jersey, that vehicle will legally provide service within the first few days and can easily accumulate more than 1,500 miles in that short time.

THE CHAIRMAN: Mr., I'm just going to ask you to sum up if you could.

1 PROCEEDINGS

2 MR. RUSSO: Yes.

3 THE CHAIRMAN: I think it's time  
4 to.

5 MR. RUSSO: Basically it's this,  
6 Commissioner. While we appreciate the steps  
7 the Commission has taken thus far, these few  
8 small changes, namely streamlining the  
9 application process, reconsideration of the  
10 application process for new vehicles, and  
11 modify the 500 miles odometer reading to  
12 1,000 miles, only for new vehicles, would  
13 significantly reduce the impact of the  
14 process of licensing on new for-hire  
15 vehicles.

16 THE CHAIRMAN: Okay, I understand  
17 that. Just to clarify, those are useful  
18 suggestions that I would like to have the  
19 staff pursue with you and your clients.

20 MR. RUSSO: Excellent.

21 THE CHAIRMAN: You are testifying  
22 in support of the rules.

23 MR. RUSSO: In general, yes.

24 THE CHAIRMAN: And suggesting --

25 MR. RUSSO: Suggesting, yes.

1 PROCEEDINGS

2 THE CHAIRMAN: -- further changes  
3 that we should pursue.

4 MR. RUSSO: Yes, Mr. Chairman,  
5 exactly right.

6 THE CHAIRMAN: Okay.

7 MR. RUSSO: And in general our  
8 COTA members are very supportive of what  
9 you're trying to do with the inspections, and  
10 are appreciative of the procedural changes  
11 that have taken place in recent months.

12 THE CHAIRMAN: That's gratifying.  
13 Thank you.

14 MR. RUSSO: Thank you.

15 THE CHAIRMAN: That's always nice  
16 to hear.

17 Are there further speakers?

18 MS. JOSHI: Our next speaker, is  
19 Bhairavi Desai here.

20 MR. LINDAOUR: Mr. Desai is not  
21 here, but I would like to say a few words on  
22 behalf of the alliance. My name is Bill  
23 Lindaour.

24 First I want to congratulate  
25 Commissioner Gjonaj on his stunning primary

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victory in the Bronx.

(Applause)

MR. LINDAOUR: It was very well deserved. I was born and raised in the Bronx. It was well deserved. And you ran in a working class and middle class area, and they appreciated your vote on behalf of the hard working taxi drivers. And the Daily News cited that vote in endorsing Commissioner Gjonaj.

THE CHAIRMAN: Are you speaking to Mark before us today, Mr. Lindaour?

MR. LINDAOUR: Well, I hate to say it, but I agree with Peter Mazer, and this may be the only time in my life that I agree with Peter Mazer. And I've been told that when a driver --

THE CHAIRMAN: Bill, I'm sorry to say I think you're -- we already acted on that rule package, right, we're on the inspections.

MR. LINDAOUR: I know, but I didn't get a chance, and then they come complain to me afterwards. And they said the

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garage gets fined when the driver gets fined for riding with a suspended license. And you cannot log in if your license is suspended. It's a screw up on the part of the TLC. And don't screw the drivers because of that.

Thank you.

THE CHAIRMAN: All right, thank you.

Is there another speaker on this topic?

MS. JOSHI: Jose Jaen.

MR. JAEN: Good morning, everyone, Commissioners.

THE CHAIRMAN: Good morning.

MR. JAEN: My name is Jose Jaen. And briefly in two areas on behalf of the New York State Federation of Taxi Drivers I would like to comment.

We support also because we went through it and we consulted with the former commissioner in 2000 regards to that, we fully support the intentions with the review of the mileage, but the recommendations will also be supportive of increasing it to 1,000

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miles.

The other section, if I'm wrong can you correct me, do you withdraw the section where you were considering changing from fifty dollars a day fine in regards to the inspection the driver is not aware of, to the fact that you would like to install, change it to 500 plus the verification? Mr. Commissioner, does anyone here have hard data about what goes on in Queens when a driver under the assumption that you --

THE CHAIRMAN: We did delete that based on the comments.

MR. JAEN: Because most drivers leave under the impression that there's no problem, to find out that later on past the time.

THE CHAIRMAN: And that's why we did delete that.

MR. JAEN: Will you consider a process of where your inspectors over the area will be a little more bit more verbal and let them know? Because some of our drivers, due to lack of the English speaking

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language, will leave without understanding what's on the paper. And I know sometimes you are pressed for time to get the vehicles out of inspection.

THE CHAIRMAN: Well, on that I would say we would be happy to work with you on our Woodside process. As you say, our primary goal is to speed people through the lanes as quickly as they can. Obviously at the same time you want people to understand when if they have been failed what they were failed for. So I take your -- if you want to help us work on that process, if you think we can get better information without slowing people down, we'll certainly be happy to work with you on that.

MR. JAEN: And the other part we are already doing is working with certain bases to let the drivers know that they are accountable.

THE CHAIRMAN: Yes.

MR. JAEN: And we are trying to implement the location as part of it.

THE CHAIRMAN: Okay.

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MR. JAEN: Where they should be aware of what's going on and ask questions. That's why they pay a weekly base fee.

THE CHAIRMAN: Very good.

MR. JAEN: Thank you very much, Commissioners.

THE CHAIRMAN: Thank you very much.

So is that it, are there anymore speakers on that topic?

MS. JOSHI: No more speakers on this, so that closes the public hearing on the FHV inspection rule, and now that's ready for Commission action.

Commissioner Gjonaj?

COMM. GJONAJ: Just a question. Why can't we change it to 1,000 miles, Commissioner?

THE CHAIRMAN: We'll certainly be happy, you know, to take a look at that. Right now what we are doing is to making this consistent with the yellow rule, which is 500 miles. You know, as I have said sincerely, we'd like to take a look at the suggestions



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that were made by Mr. Russo and may well  
bring them back.

COMM. GJONAJ: With that in mind I  
vote yes.

MS. JOSHI: Commissioner DeArcy?

COMM. DeARCY: Yes.

MS. JOSHI: Commissioner Yassky?

THE CHAIRMAN: Yes.

MS. JOSHI: Commissioner  
Weinshall?

COMM. WEINSHALL: Yes.

MS. JOSHI: Commissioner Gonzales?

COMM. GONZALES: Yes.

MS. JOSHI: Commissioner Polanco?

COMM. POLANCO: Yes.

MS. JOSHI: Commissioner Marino?

COMM. MARINO: Yes.

MS. JOSHI: With a vote of seven  
unanimous, the vote passes.

THE CHAIRMAN: All right. So  
Commissioners, I know we've had some  
questions about how the roof line rule would  
operate. I think we should table that for  
today and bring it back in the future just to

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make sure everybody's questions can be fully answered. So I'm going to table that one for today. So that is the last item on the agenda.

Commissioner Polanco.

COMM. POLANCO: Yes.

THE CHAIRMAN: I know you have a question.

COMM. POLANCO: I just had a question. I just noticed driving here and also people have commented that the signage with the yellow cabs' door, they removed the fare amount from the door, and that's just New York fare and airport. I mean, you know, I want to have that choice before getting in that cab how much money I'm paying initially. So what happened here?

THE CHAIRMAN: The new logo does not have on the exterior of the vehicle a fare table, as you point out. The fare is displayed on the inside of the vehicle on the rate card, and also on the passenger screen in the back. You know, that makes us consistent with most other cities. Only in a

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handful of places --

COMM. POLANCO: Well, we're in New York, we don't have to be consistent with other cities.

THE CHAIRMAN: No question about that. And I should clarify, if I ever said something that could be understood to suggest that I think New York City is really comparable in any way to any place else, obviously that was misspeaking.

But, you know, with the fare change, rather than have people update that fare table, we worked with the design firm to design a new logo. And now I, you know, I know there's some diversity of opinion here, and I'm certainly, you know, I think open to we should have some comments on that if people want to make their voices heard.

We designed a new logo. On the fare table in particular it's a lot of characters that did not appear to really be useful to the passenger. They could only be read right up close. It's not very easy to calculate what a fare is going to be based on

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a fifth of a mile there. Passengers who know what the system is, who are familiar with the system know what a, you know, a ten block or twenty or forty block ride is. Passengers who aren't, they're not going to be able to calculate it based on that very quickly or very easily.

You know, the goal here was to reduce some of the clutter and the visual pollution on the sides of the cabs. Recognizing that at any given time in midtown Manhattan taxis can make up a third or more of the vehicles on the street. And their look is important to the look of the city.

So that was just the thinking that went in, you know, went into it. You asked what was the thinking behind it, and that was it.

COMM. WEINSHALL: Mr. Chairman?

THE CHAIRMAN: Yes, Commissioner.

COMM. WEINSHALL: I know we've had numerous conversations about this.

THE CHAIRMAN: We have.

COMM. WEINSHALL: I just feel this

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is the second time in like four years that we have changed the logo on the cabs. Sometimes change for the sake of change doesn't really work out. And --

(Applause)

MR. SAPONE: That's me.

COMM. WEINSHALL: And design firms, you know, they're reputable but, you know, it's up to the client to decide what is the best thing. And I have to agree with my fellow commissioner. You know, we are New York, and we don't to look like every other city. So I would hope that we can open this dialogue again.

COMM. DeARCY: What does that mean, opening the dialogue, in terms of are we married to the existing one, or is this conversation for conversation sake, or is it that --

COMM. WEINSHALL: We can change a marriage.

COMM. DeARCY: -- we can make a change to go back? I just want to understand --

1 PROCEEDINGS

2 THE CHAIRMAN: Well, I --

3 COMM. DeARCY: -- what it means.

4 THE CHAIRMAN: You know, there is  
5 some cost that goes into changing over the  
6 logos. I certainly, you know, as an initial  
7 matter would be reluctant to change things --

8 COMM. WEINSHALL: Back.

9 THE CHAIRMAN: -- very frequently,  
10 both for the cost to the owners and for the  
11 sake of the public and not, you know,  
12 fostering confusion.

13 I think the next opportunity to  
14 think this through is with the Nissan Taxi Of  
15 Tomorrow vehicle. And the logo looks  
16 somewhat different on that vehicle because  
17 there we could design something specific to  
18 the shape of that vehicle rather than a logo  
19 that has to work across the range of models  
20 that are on the street today.

21 What I would like to do is to  
22 circulate, Commissioners, to you renderings  
23 of how the logo looks on the Taxi of Tomorrow  
24 vehicle and then have discussions about  
25 whether we think that's appropriate.

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COMM. WEINSHALL: Maybe you could even form a subcommittee for those commissioners who are interested. We could maybe partake in the decision making.

THE CHAIRMAN: So you're suggesting the opportunity for me not to be in the design subcommittee, I'm intrigued.

COMM. WEINSHALL: We'd always love for you to be there, but if you feel this is not your strong point, you know.

THE CHAIRMAN: I will say that the tile that I picked out when we redid our bathroom a few years ago, it has gotten pretty rave reviews, but maybe I let it go to my head a little bit.

COMM. WEINSHALL: I think so. Bathrooms are not logos.

COMM. DeARCY: If I could just, if there's a subcommittee I would be happy to be on it. But I have to disagree with you about the information on the outside of the cab. I think actually providing information is helpful. I think the notion that it's not helpful on the outside but somehow it becomes

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helpful on the inside, people can calculate it on the inside versus the outside, doesn't really resonate with me. But it obviously is a discussion and I'd be happy to participate.

THE CHAIRMAN: Commissioner Polanco and Weinshall, I'm glad that you raised this so we can deliberate about it. We will circulate those renderings. I think that is certainly, you know, it's only nine, so we'll be interested in focusing on that. I'll facilitate a way that people can get together to discuss it. Thank you. Yes, thank you very much.

Any other comments? Before, I do want, you know, we don't obviously vote, a government body does not take sides in campaigns, but I think it's appropriate nonetheless that we congratulate our colleague, Mark Gjonaj, on his primary victory. Obviously he's got another election --

(Applause)

THE CHAIRMAN: -- in November. But without, you know, taking sides or



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2 predictions, I think that's, you know, a  
3 substantial achievement mark. I  
4 congratulated you privately, but I  
5 congratulate you publicly on an impressive  
6 accomplishment. And if you do go on to win  
7 in November, I'm certain that you're going to  
8 serve the people of that district and of the  
9 city and state admirably. So I congratulate  
10 you.

11 Commissioners,

12 COMM. GJONAJ: Can I just ask,  
13 David?

14 THE CHAIRMAN: Please.

15 COMM. GJONAJ: At that time I'll  
16 have to make a decision, the TLC or Assembly;  
17 correct?

18 THE CHAIRMAN: Yes. And --

19 COMM. GJONAJ: It will be a hard  
20 one.

21 THE CHAIRMAN: I will say I've  
22 asked Deputy Commissioner Kleinberg to put  
23 together some marketing materials for our  
24 recruitment effort. I'm not giving that one  
25 up. It ain't over until it's over. So, you

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know, you should expect to hear from our  
recruiters in the near future.

Okay, with that, Commissioners --

COMM. POLANCO: I am sorry,  
quickly, I forgot, in the minutes of the July  
12th minutes it mentions my name twice.  
Commissioner Polanco voted yes and  
Commissioner Polanco voted no. So I just  
wanted it to be --

(Laughter)

THE CHAIRMAN: No, I think that is  
an important, but in all seriousness, that  
needs to be corrected. Can you just give a  
page and line reference, I'd like to amend  
the minutes to be correct.

COMM. POLANCO: Okay. So it's  
the July 12th, 2012 minutes, page three, item  
seven, regarding the, I believe this was --

THE CHAIRMAN: Okay, I see the  
sentence. You're referring to where it says  
Commissioner Polanco voted yes, Commissioner  
Polanco voted no. That was a yes vote. And  
so I move that --

COMM. POLANCO: I think that one,

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the fare rules. Okay, yes. Yeah, I voted  
yes for the fare.

THE CHAIRMAN: You did.

COMM. POLANCO: And no for the  
other.

THE CHAIRMAN: I move that the  
minutes be amended to reflect, to include  
that Commissioner Polanco voted yes, delete  
the sentence Commissioner Polanco voted no.  
All in favor say aye.

(Chorus of ayes)

THE CHAIRMAN: Opposed?

(No response)

THE CHAIRMAN: Okay, those minutes  
are amended.

COMM. MARINO: Wait, just a  
minute. Commissioner Polanco just brought to  
my attention, I think I was maybe the no vote  
there, because I'm not there at all, but I  
was present.

THE CHAIRMAN: Okay, let's see.  
That is absolutely the case. So I certainly  
would want the minutes to be accurate on this  
point for sure. So let us amend the minutes

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to say Commissioner Marino voted no in item seven there.

Commissioners, all in favor say aye.

(Chorus of ayes)

THE CHAIRMAN: No nos. So they are adopted.

Commissioners, thank you very much for your service today. With that, the meeting is adjourned.

COMM. WEINSHALL: At time?

THE CHAIRMAN: I'm sorry, at 11:24 a.m.

(Time noted: 11:24 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  )  SS:  
COUNTY OF ORANGE            )

I, KARI L. REED, a Registered Professional Reporter (Stenotype) and Notary Public with and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of September, 2012.

\_\_\_\_\_  
KARI L. REED, RPR



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