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NYC TAXI AND LIMOUSINE COMMISSION
PUBLIC MEETING
held on Thursday, November 20, 2008
40 Rector Street
5th Floor
New York, New York

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1 Public Meeting convened at 9:50 a.m:
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3 P R E S E N T :
4 MATTHEW W. DAUS, COMMISSIONER/CHAIR
5 ELIAS AROUT, COMMISSIONER
6 HARRY GIANNOULIS, COMMISSIONER
7 IRIS WEINSHALL, COMMISSIONER
8 LAUVIENSKA POLANCO, COMMISSIONER
9 EDWARD GONZALEZ, COMMISSIONER
10 JEFFREY KAY, COMMISSIONER
11 CHARLES FRASER, GENERAL COUNSEL
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1 CHAIRMAN DAUS: Sorry for the delay,
2 folks. Good morning, everyone.
3 I would like to proceed to item 1 on

4 the agenda, the Chair's report. First, as all
5 of you know, I am going to talk a little about
6 the Mayor's green leasing initiative
7 incentive. As everyone in the yellow cab
8 industry probably knows by now a federal judge
9 issued a preliminary injunction in favor of
10 MTBOT, who is here today, which basically
11 halts the implementation of the 25 mpg rules.

12 Immediately, the TLC sent had out
13 industry notices apprising the industry of the
14 next steps and how it affects them. We should
15 have them in the back. If not, they are up on
16 our website. Last Friday Mayor Bloomberg and
17 I, as well as some legislators, met and had a
18 press conference.

19 The Mayor had announced at that press
20 conference his intention to see certain
21 reforms and changes made to the lease rules
22 that the TLC has. So he has asked our Board
23 to consider various lease cap changes. I
24 believe we have copied the press release. If
25 you like to take a look at it, it has most of

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1 the details.

2 Congressman Nadler was thankfully
3 there as well. Congressman Nadler is going
4 to be working with us on the House
5 Transportation Committee to introduce
6 legislation which is intended to basically do
7 away with the arcane interpretation of our
8 clean air laws that would prohibit us, and
9 states for that matters and cities, from going
10 further than the Clean Area Act would require.
11 So Congressman Nadler is on board.

12 We are going to work on forwarding
13 the details of the Mayor's proposal to our
14 Board of Commissioners for consideration. I
15 do not anticipate that we will be ready to do
16 that until at least January, early January.
17 So staff will be working hard on the proposal.
18 We will be talking to the Commissioners and
19 getting their input, as well as the industry's
20 input. We are open to listening to what they
21 have to say, as always of course.

22 While it is a proposal, there will be
23 a public hearing and a vote would have to be
24 taken, obviously. So that's really the
25 two-part plan that the Mayor has. It's

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1 seeking federal legislation that would correct
2 the situation that led to the judge's ruling.
3 And, number two, asking us to consider these
4 green lease initiatives where we would
5 equalize the pay of drivers, give a little bit
6 more money to hybrid owners to compensate them
7 fro the additional expenses. And the other
8 part of the proposal is more of a

9 disincentive, a little bit less money to the
10 non-hybrid owners.

11 It is still okay and legal and
12 permissible, and we are encouraging people in
13 the industry, since my understanding is that
14 there are very few, if any at all on lots now.
15 If you are up for inspection we encourage you
16 to use your common sense and to buy a hybrid.
17 There is nothing stopping you from doing it.
18 If anyone thinks that this decision stops you
19 from buying a hybrid, that's just wrong. You
20 can buy a hybrid, and, in fact, since the
21 decision was issued, we have seen a surge in
22 hybrid cabs on the road. We are now up to
23 1,580 and that's about 12 percent of the
24 fleet, which now totals 13,237 cabs. The
25 breakdown in terms of types of vehicles, it's

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1 still mostly Ford Escapes that we are seeing
2 out there. That seems to be the vehicle of
3 choice, but there are a lot of other vehicles
4 on the road including the Altima, the Mariner
5 the Malibu, the Prius. There is a lot to
6 choose from. But we are still seeing mostly
7 Ford Escapes.

8 The Altimas are popping up. There is
9 still a lot of choice out there. I just want
10 to make sure, I mean, I understand MTOB's
11 position and I understand how they feel about
12 it, but there are people out there looking to
13 make a decision and I want to make sure they
14 have the correct, accurate information on what
15 their options are.

16 Item 2, the economy. Everyone is
17 hurting. These are really unprecedented
18 times, but I wanted to say a few words about
19 our regulated industries and how they are
20 doing. First, the black car and luxury
21 limousine industry, we don't have detailed
22 statistics but we have been in touch with
23 industry leaders and business is clearly down.
24 It's obvious. Many of the clients, including
25 some of the Wall Street firms, have just gone

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1 under. And those who have not gone out of
2 business are actually cutting their costs and
3 one of the first things that they,
4 unfortunately, for the black car industry are
5 the corporate sedan contracts. So that's
6 unfortunate.

7 Of course, I was very pleased to hear
8 that a lot of the industry leaders are yet not
9 just cautiously optimistic about riding this
10 through like they have in the past, but they
11 seem to be looking at creative ways to change
12 their business practices to stay afloat. So
13 it is not all gloom and doom for them. I was

14 really surprised to Vic Disengoff and a lot of
15 the other big operators in the black car
16 industry embracing this and looking at this as
17 an opportunity to stay alive and maybe
18 reinvent themselves. So that's good news.

19 We have a little bit better news in
20 the yellow cab industry, and I say this with
21 the most cautious of optimism, that things are
22 doing well in terms of them being consistent
23 with the last couple of months. The impact on
24 yellow cab industry, as it has been on the
25 rest of the economy, has not been as

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1 significant. In fact, our September earnings
2 data shows that taxi drivers continue across
3 the board in all categories continue to still
4 earn a living wage. Our estimates, which are
5 probably the best estimates that we have come
6 up with since they are based upon averages of
7 all data that we are getting, not just
8 statistical samples, is anywhere between \$19
9 and \$21.50 per hour, depending on whether you
10 are fleet driver or an individual owner.

11 As often happens in rough economies,
12 people, unfortunately, lose their jobs and
13 they end up going to the taxi and FHV industry
14 for employment. Something where we kind of go
15 against the trend a little bit. Our license
16 applications are up considerably, both new
17 license applications and renewals are up 16
18 percent when you compare the August to October
19 period of '08 to '07. And for the last couple
20 of years we have been averaging a total of
21 around 43,000 and change, 44,000 drivers. Now
22 we are up to 44,805 yellow taxicab drivers. A
23 good sign for our yellow industry having that
24 labor pool available.

25 Third, gas prices are down

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1 thankfully. This is all good news for us. We
2 are a little hesitant to say that we are
3 declaring victory on it. It is good news,
4 let's enjoy it while it lasts. It is now
5 close to 2.50 in the boroughs for gassing up,
6 2.50 per gallon. That's great considering
7 where we were during the summer.

8 Also ridership continues to be
9 normal, in the same range that it has been.
10 We have not seen a dip.

11 And last but not least, you know, as
12 markets and property decline in values around
13 the country, one constant is that our
14 Medallion prices have not dipped. In fact,
15 this month we broke records again. We have an
16 all-time record high for a mini fleet that
17 sold at \$715,000. And an independent
18 Medallion that sold for 539. So things are

19 tough but we are casually optimistic that
20 right now in the yellow cab industry at least
21 things are holding firm.

22 There is a new interesting program
23 that we are going to be starting in the first
24 week of December. A lot of you may remember
25 that Councilmember Martinez and the Council

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1 passed a bill that the Mayor signed that we
2 ended up supporting that would allow us to try
3 new innovative things and adjudications.

4 One of those things is going to
5 happen very soon. Number one, it has always
6 been a problem for visitors who have
7 complaints against cab drivers who leave the
8 country after visiting New York City, we used
9 to have them file affidavits. It is a system
10 which is okay but an imperfect system. Of
11 course, live testimony is the best, the
12 preferred evidence that you want to have. So
13 we are going a little bit better, one step
14 better than affidavits.

15 We are going to actually start a
16 pilot program with accepting testimony by
17 phone, by telephone. That's something that
18 obviously has some legal issues attached to
19 it. If identity is an issue in the case, we
20 can't do it. It may also involve a waiver of
21 your rights if you are a respondent. But some
22 people are actually willing to do that,
23 especially if it involves summonses issued by
24 enforcement and so on.

25 In particular, I want to thank

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1 Commissioner Elias Aroust who was asking and
2 searching for ways to make it easier for the
3 folks out in Staten Island. Instead of having
4 to come and testify in Long Island City --

5 COMM. AROUST: Thank you very much.

6 CHAIRMAN DAUS: -- we are going to
7 try a pilot program in Staten Island. So
8 respondents can show up. In early December we
9 will be putting the industry notices out, I
10 assume, Andy, that will explain in more
11 detail. But you will, as a respondent who has
12 been issued a summons on Staten Island, have
13 the option to sign a waiver and we would do a
14 telephone testimony. You can offer your
15 testimony by telephone, the judge will be
16 sitting in Long Island City.

17 Of course this is just a first step
18 into a better method, in my view and in
19 Chuck's, which would be something akin to
20 video conferencing. Something we have been
21 using for years with close caption television,
22 with the police department adjudications.
23 But, ultimately, I would like to see the

24 ability, and DoITT is working on that now, to
25 see if we can actually have teleconference or
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1 webcam testimony so that complainants and
2 respondents as well from the fleets, from
3 garages, or from somebody's home, a passenger
4 can testify. So we will get more details out
5 on that.

6 Next item, the rules project. I hope
7 people haven't forgotten about that. That's
8 in full swing as we speak. It is still in the
9 early phases. Everything is on our website.
10 There is a section, if you click on rules and
11 local laws and then on the rules project, you
12 will find it. We are encouraging as much
13 public comment as possible, and we welcome it
14 from the industry and from others.

15 The latest chapter that we just
16 posted concerns Chapter 19, the rules for
17 industry representatives. Our first public
18 hearing, which will be held and chaired by
19 Chuck Fraser, our general counsel --
20 Commissioners are not required but they are
21 welcome to come. This is something we had
22 discussed previously. The first public
23 hearing will be held on December 5th at 2:30
24 in this room.

25 And the chapters that will be covered
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1 are Chapter 19, the industry representatives,
2 as well as Chapter 15 sale of taxi Medallions.
3 So, ultimately, Commissioners will be getting
4 a report from Mr. Fraser on what the testimony
5 was so that they can be briefed fully. But we
6 are anticipating it will take quite a lot of
7 time on a lot of mundane but important issues
8 in terms of ordering of the rules and the
9 actual language. But nothing will change in
10 terms of substance.

11 My understanding is that this is just
12 going to be a reordering, reorganization,
13 making things be plain English, if you will.
14 We will try at least.

15 The accessible dispatch program, we
16 announced recently that we are trying
17 something new to encourage drivers to drive
18 some of these accessible taxicabs that we have
19 on the road. We did that by working with the
20 Port Authority. At JFK at least, there is a
21 line where if you are an accessible taxicab
22 and you have the sticker on the front, they
23 will put you in a separate line and try to
24 expedite you and get you through the line more
25 quickly. That is something we believe is an

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1 important thing to try as an incentive, to
2 ensure that we have enough drivers to drive

3 these vehicles since the fleet owners had
4 reported that there was an issue.

5 We started the program on November
6 3rd. We are monitoring it very closely. We
7 have at this time 236 accessible vehicles on
8 the road, accessible yellow cabs. We have
9 dispatched approximately 600 calls. There
10 were only 55 cancellations and 150 pickups per
11 month on average. And the average time for
12 pickup is about 30 minutes from the time of
13 the call. So we need to work on that
14 obviously. We have an average of 20 to 30
15 vehicles logged on to receive calls at any
16 given time, all around the city, and we can
17 figure out where they are. So far so good.

18 A couple of personnel announcements.
19 First, we have a new chief information
20 officer. In fact, this is the first time we
21 have a chief information at our agency. His
22 name is Jeff Grunfeld.

23 Are you here, Jeff?

24 Welcome, Jeff. Congratulations.

25 (Applause.)

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1 CHAIRMAN DAUS: For those of you who
2 don't know Jeff, he was the CIO for the New
3 York State Comptroller's Office. He also has
4 some transportation experience, he was the
5 director of systems development at the TBTA
6 for several years. He also has private sector
7 and nonprofit experience as well, having
8 worked for Cannon as well as the Jewish
9 National Fund.

10 He has a BA in communications from
11 Queens College, an MBA and MIS from Pace. He
12 is well published and he is hitting the ground
13 running. We have a lot of computer issues at
14 the TLC, so he has been very, very busy.

15 Welcome aboard, Jeff.

16 We also have a new Urban Fellow. His
17 name is Adrian Gonzalez. Welcome, Adrian.

18 (Applause.)

19 CHAIRMAN DAUS: He comes to us from
20 the University of Gainesville. He is working
21 very, very closely with Andy Salkin, First
22 Deputy. And I want to thank publicly
23 Commissioner Martha Hirst at DCAS. This is a
24 great program. It is interesting because we
25 usually interview people who work for us, but

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1 they kind of interview us from what I
2 understand.

3 Commissioner Weinshall, having been
4 at DCAS for so many years, knows what the deal
5 is and it is a great way for getting bright,
6 articulate people that could go and have many
7 different options, but get them entiticed into

8 government. So welcome, Adrian.

9 A few weeks ago the Bloomberg
10 Administration, every single agency had
11 declared for the first time Customer Service
12 Week. Something everybody celebrated in their
13 own way. We, of course, celebrated with
14 luncheons, honoring our employees in all of
15 our different departments. Something that we
16 are very proud of, and I can't even go through
17 all the details, this meeting will go on
18 forever. We have seen dramatic improvements
19 in all departments. I probably don't touch
20 upon it enough but at future meetings when I
21 have time, I will. Everyone is doing a great
22 job.

23 But in particular if you look at the
24 MMR numbers, I think anyone in the industry
25 can't look you in the eye and say things

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1 aren't better at S&E, the wait times, if you
2 look at it from years ago, Peter Schenkman and
3 Pansy have done a great job on reducing the
4 wait time for people going in for inspections.
5 Gary Weiss, Deputy Commissioner for Licensing,
6 has done a fantastic job of, despite the surge
7 in applications, actually reducing the waiting
8 time beyond what I can imagine it to be. It
9 is now, on average, this fiscal year to date,
10 18 minutes. We used to have lines around the
11 corner, if you remember, starting at 5:00 in
12 the morning. And it keeps getting better
13 every year.

14 With less staff, because every time
15 we try to hire people, we don't them hired in
16 time because it is a long process, Gary and
17 his staff have done a fantastic job, and
18 customer service in the call center is
19 fantastic too.

20 We couldn't necessarily single out
21 everybody, but the Mayor's office asked us and
22 the managers to get together and pick at least
23 one employee that would represent the whole
24 agency at an award ceremony that the Mayor
25 held. And I am proud to announce and

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1 introduce to you, the person who is really the
2 epitome of service to this agency and well
3 received by everybody. Her name is Frances
4 Studen.

5 Frances, could you join us?

6 Frances has been working with us for
7 over 30 years. She has been in the call
8 center for every one of those 30 years and she
9 is the most humble, but most efficient person.
10 I can't tell you how many letters I get from
11 the public. And I would like to present to
12 her a proclamation that the Mayor sent on

13 behalf of everybody.

14 CHAIRMAN DAUS: And Dawn is in
15 charge of the call center. Samara is here
16 also. Samara, do you want to join us?

17 During the first ever Customer
18 Service Week, we celebrate all of our city
19 employees in every agency and every borough.
20 These hard working civil servants understand
21 and exemplify great customer service. And
22 this month is an opportunity to congratulate
23 them on a job well done, while recommitting
24 ourselves to serving all New Yorkers, our
25 customers, which include the industry, are a

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1 diverse group of different interests and speak
2 different languages, but they all depend on
3 the same government for excellent customer
4 service.

5 Together we will make sure they get
6 it. Therefore, Mayor Michael Bloomberg, in
7 recollection of this important event, do
8 hereby proclaim this week in the City of New
9 York as Customer Service Week.

10 So a belated congratulations. And
11 this is for you on behalf all our employees.

12 (Applause.)

13 CHAIRMAN DAUS: Before I turn it over
14 to the Chief Judge, we have some ALJs joining
15 us here today. We have a total of eleven new
16 Administrative Law Judges joining us. They
17 have been through their training, they are
18 ready to be sworn in today. I am proud to
19 announce that their experience continues to be
20 diverse, not just private sector practices,
21 which had been the norm for many years, people
22 who had their own practices coming here and
23 serving as per diem judges. But we have a
24 host of government agency experience
25 represented here today as well as private and

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1 not-for-profit.

2 I will just read a couple of the
3 agencies where some of these attorneys and
4 judges have worked either as hearing officers,
5 judges or staff attorneys. It includes the
6 Department of Consumer Affairs, the Equal
7 Employment Practices Commission, the
8 Administration for Children Services, the New
9 York City Police Department, the Department of
10 Environmental Protection, the Department of
11 Finance, the District Attorney's Office, the
12 New York City Health and Hospital Corporation,
13 the City Council, and we even have a former
14 State Assembly Member here Adelle Cohen, who
15 has joined our staff. Thank you.

16 We have people who have worked in the
17 not-for-profit sector, the Gay Mens Health

18 Crisis, CUNY Urban Task Force, as well as New
19 York Jobs for Justice. We also have people
20 who have worked for DC 37 with labor
21 backgrounds, professors, and several with
22 arbitration experience.

23 So without further adieu, I would
24 like to turn it over to Chief Judge Carmina
25 Schweke to do the honors and introduce our new

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1 class of judges and swear them in.

2 JUDGE SCHWEKE: Good morning,
3 Commissioners. I am pleased to present eleven
4 new ALJs to be sworn in.

5 As I call your name, please stand up:
6 Brenda Taylor, Anthony Bailey, Amy Baranoff,
7 Thomas Bello, Elizabeth Connidle, Adelle
8 Cohen, Garret Rubin, Suzanne Zaluski, Mark
9 Deutschman, Bica Crovelier, and Lisa Bagga.

10 I ask that you each raise your right
11 hand and repeat after me.

12 (Whereupon, the Administrative Law
13 Judges were sworn in.)

14 JUDGE SCHWEKE: Congratulations.
15 (Applause.)

16 CHAIRMAN DAUS: Thank you, Judge,
17 and welcome to the TLC.

18 Last but not least, I just want
19 people to note on their calendars December
20 18th, that looks like it is shaping up to be
21 the next meeting. We will see. Also, I
22 really would really like to get back on a
23 regular schedule, the second Thursday of every
24 month. Hopefully, it won't conflict with the
25 MTA meetings.

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1 Alan, we should probably take a look
2 at that. January 8, 2009 will be the next
3 one.

4 That concludes my report. Any
5 questions, comments, concerns, issues?

6 (No response.)

7 CHAIRMAN DAUS: Okay.

8 Item 2, adoption of the minutes from
9 the September 10, 2008 Commission meeting.
10 Any comments, questions, concerns about the
11 minutes?

12 COMM. AROUT: Motion to accept.

13 CHAIRMAN DAUS: We have a motion on
14 the floor. Is there a second?

15 COMM. GONZALES: Second.

16 CHAIRMAN DAUS: All in favor?
17 (Chorus of "Ayes.")

18 CHAIRMAN DAUS: Item 3, licensing,
19 bases.

20 MS. STEELE-RADWAY: Good morning.

21 Licensing would like to present
22 before the Commission 40 bases with a

23 recommendation for approval.

24 CHAIRMAN DAUS: Okay, do we have any
25 questions about the bases?

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1 (No response.)

2 CHAIRMAN DAUS: Do we have a motion
3 to adopt?

4 COMM. AROUT: Motion to adopt.

5 CHAIRMAN DAUS: Okay, a second?

6 COMM. WEINSHALL: Second.

7 CHAIRMAN DAUS: All in favor?

8 (Chorus of "Ayes.")

9 MS. STEELE-RADWAY: In addition,
10 there are two bases that licensing is
11 recommending a denial with a request that the
12 Commission grant an additional 30 days so that
13 they may present the outstanding items.

14 CHAIRMAN DAUS: Does anybody have
15 any issues with the denials?

16 (No response.)

17 CHAIRMAN DAUS: Okay.

18 COMM. AROUT: Motion to accept.

19 CHAIRMAN DAUS: We have a motion

20 from Commissioner AROUT. Do we have a second?

21 COMM. POLANCO: Second.

22 CHAIRMAN DAUS: All in a favor?

23 (Chorus of "Ayes.")

24 CHAIRMAN DAUS: Okay, and what's the
25 caveat on that one, they have 30 days?

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1 MS. STEELE-RADWAY: That's correct.

2 CHAIRMAN DAUS: So if they get all
3 their paperwork done, they still have the
4 30-day grace period. Otherwise, they will be
5 denied.

6 MS. STEELE-RADWAY: That is correct.

7 Thank you very much.

8 CHAIRMAN DAUS: Thank you.

9 Item 4 is staff presentations. The
10 first one is the Bruno Turnout Seat Pilot
11 Program. And I would like to introduce Chief
12 of Staff to First Deputy David Klahr, who is
13 going to walk us through that.

14 MR. KLAHR: Good morning. I have
15 two presentations for you today. We will try
16 to get through them quickly. The first is the
17 Bruno Pilot which is concluding. Just a
18 reminder as to why we have this pilot is that
19 there are 54 million Americans with disability
20 and 84 percent of them are capable of using
21 the turnout seat. Additionally, the senior
22 population is growing, this is nationwide, not
23 just in New York City, and within the next 12
24 years it should be about a third of the
25 population.

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1 The pilot consisted of turnout seats

2 and platform lifts, and these devices can be
3 used independently of each other, that were
4 installed in three Toyota Siennas. These are
5 the standard Siennas, not the modified
6 wheelchair accessible Siennas.

7 There were 125 uses of the seat from
8 January to September of this year. The seat
9 worked every single time. There was a zero
10 percent failure rate. There was no down time
11 and no technical malfunctions. There were no
12 complaints about comfort, ease of use from
13 either the drivers or the passengers.

14 We had similar results from the
15 platform lift. There were 93 uses in the same
16 period. Again, no technical malfunctions.
17 Worked every time on demand. No complaints
18 from passengers. No complaints from drivers.
19 The feedback was somewhat positive.

20 Now, we have a video that Bruno was
21 kind enough to put together for us.
22 Hopefully, it will work. It doesn't look like
23 it is working. We will see if we can return
24 to that later.

25 We received a large number of surveys
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1 and comments from Bruno. Again, I want to
2 thank Bruno for taking the time to work really
3 hard to put together information for us.

4 "Brilliant, thoughtful," that's a
5 good response. "Convenient and easy to use,"
6 not an atypical response. "Excellent ride,
7 safe and secure. The special seat made
8 getting in and out easier," and that is a very
9 typical comment from a large stack that we
10 received, over 100 surveys.

11 Drivers liked it, 70 percent of the
12 users gave a better tip. \$8 to \$10 for a tip,
13 versus an average tip of \$3 to \$4. So I am
14 sure that was a large factor in making the
15 drivers happy. A lot of drivers reported they
16 just liked using the seat. They felt good
17 about using it. They felt like it was helpful
18 and they could accommodate more passengers.

19 Bruno seats are able to be moved from
20 vehicle to vehicle so if an owner chooses to
21 invest in one they can put it into their
22 current vehicle and then transfer it when they
23 buy a new vehicle when their old vehicle
24 retires. There doesn't seem to be any problem
25 with moving it from vehicle to vehicle. And

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1 that is good, they are not disposable devices.

2 So what we found was that for the
3 passengers, almost everyone can use this seat.
4 If you don't have a disability and you don't
5 have any difficulties getting into a
6 conventional seat, you don't really notice the

7 difference. For people who have traditional
8 disabilities, who use a wheelchair, most of
9 them are able to transfer into this seat
10 without a lot of additional assistance, so it
11 is a supplement to the traditional way that we
12 solve this problem with the roll-on/roll-off
13 ramp accessible vehicles.

14 But what the seat does is serve a lot
15 of people who fall in the middle category, and
16 there are a lot of people who meet this
17 description. These are people, they have some
18 mobility, they can mostly walk or they can
19 walk with some difficulty, but they have a lot
20 of trouble getting into a conventional seat in
21 one of the cabs. This includes people who are
22 elderly; people who may have multiple
23 sclerosis, for instance; people recovering
24 from surgical procedures who are coming out of
25 hospitals. In fact, that's where Bruno and

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1 the drivers took a lot of time to kind of
2 cruise the hospitals in Manhattan to
3 demonstrate for people that you are coming
4 out, you may use a walker or cane temporarily,
5 you can get in a turnout seat a lot more
6 easily than you can a conventional seat. So
7 it helps a lot in terms of improving equal
8 access to taxicabs.

9 For owners it broadens their customer
10 base. There are bigger tips which may not
11 accrue to the owner but certainly helps with
12 driver retention. It is easy to use, it
13 installs in your standard vehicle. You don't
14 need to convert your vehicle, you don't need
15 to rip anything out other than a seat. It is
16 cheaper than going to a fully accessible van.
17 The taxi works exactly the same as before, and
18 as we mentioned earlier, you can put it in
19 your next vehicle when it's time to update.

20 Bruno has informed us that they are
21 willing to provide additional support beyond
22 the pilot. They have worked with a lot of
23 manufacturers to get funding programs to
24 provide a discount for the seat. They are
25 going to work with a local vendor so you will

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1 be able to go to a local dealer affiliated
2 here in the city. They give a warranty, one
3 year parts and labor, and also work with
4 owners and drivers to come up with monthly
5 payment plans to try to defer some of the cost
6 of the seat.

7 So we found that this pilot was
8 successful. We found that people enjoyed
9 using the seat, it was easy for passengers to
10 use. It was easy to install and use. It was
11 helpful and it performed as advertised.

12 Therefore, our staff recommendation is that
13 this device be allowed to be used, as tested
14 in the rear seat of vehicles on a voluntary
15 basis. And if you have any questions, we do
16 have a representative today here from Bruno,
17 Luke Debo is here from Bruno -- can you just
18 raise your hand -- in case you have any
19 technical questions or questions about the
20 pilot.

21 Thank you.

22 CHAIRMAN DAUS: Thank you, David.

23 Does anybody have questions?

24 COMM. GIANNOULIS: Yes.

25 David, on the tips question, where

0030

1 does that number come from?

2 MR. KLAHR: The drivers have
3 reported that. Bruno was in consultation with
4 the drivers as they went through the pilot.
5 It was a small number of drivers, we only had
6 three vehicles so it was between three and six
7 drivers.

8 COMM. GIANNOULIS: That seems like a
9 really big number.

10 MR. KLAHR: Yes.

11 COMM. GIANNOULIS: Is there any
12 reason for that? I seems strange for somebody
13 to tip somebody \$10.

14 MR. KLAHR: They were very happy. I
15 think a factor in that was where they went.
16 The drivers were pretty smart about testing
17 this out and rather than just cruising up and
18 down the street hoping they will find someone
19 to use it, they deliberately went to senior
20 centers, hospitals, where they felt they would
21 find good matches for the seat. That is
22 partially why they got so many good responses.
23 They really put a lot of effort into trying to
24 figure out who would use the seat.

25 And to me it's not that surprising.

0031

1 If I was coming out of a hospital and I needed
2 a little extra assistance, I might tip extra.
3 Is that typical and will we see that in the
4 future? Hard to say.

5 COMM. GIANNOULIS: It just seems
6 really high. I just wanted to make sure. It
7 seems like a strangely high number.

8 CHAIRMAN DAUS: I think it is human
9 tendency. I did it myself last night. I was
10 on Fifth Avenue trying to get a cab and it was
11 freezing and took me about at least 20 minutes
12 to get one. When I got in I was so happy I
13 found one, and when I got back to Brooklyn I
14 gave him a huge tip. It is just emotions.

15 Any other questions?

16 COMM. GONZALES: Quick question. Was

17 there any downside risk or anything negative
18 with respect to the responses at all?
19 MR. DEBO: The only negative response
20 we got is initially when we started our
21 application for the seat was little bit
22 forward for what people were hoping for. And
23 once we received that comment, we went back
24 and redid our application to move the seat
25 back a little bit. And after that point there

0032

1 were no complaints about knee room. And we
2 have that documented on our surveys.

3 COMM. GONZALES: How much is little
4 bit back?

5 MR. DEBO: We moved it back
6 approximately three inches, which is a lot in
7 that application.

8 MR. KLAHR: One more follow-up.

9 COMM. GONZALES: Go ahead.

10 MR. KLAHR: One more question from
11 staff is that the pilot be extended so that
12 people who already have the seat installed do
13 not have to remove it at their next
14 inspection.

15 COMM. GONZALES: I don't recall from
16 when we first had the discussion, is this
17 applicable only to the Sienna or to other
18 vehicles as well?

19 MR. SCHENKMAN: It was tested in the
20 Sienna. Bruno does make other applications
21 that we are looking at, but this was tested
22 for the rear seat of a Sienna. And as
23 technology changes and they are able to put it
24 in more of our licensed vehicles, then we will
25 come back and let the Commission know.

0033

1 COMM. GONZALES: Will it be the same
2 seat?

3 MR. SCHENKMAN: It would be similar.
4 In the minivan you have a wide door so it is
5 able to fully turn and drop. In their front
6 applications, it just turns and tilts.

7 COMM. GONZALES: I guess the point I
8 want to make is that if for some reason in the
9 future, the Sienna is not either manufactured
10 or used as a vehicle, would this seat still be
11 able to apply to the next vehicle or is there
12 a different -- is it a one size fits all?

13 MR. SCHENKMAN: Within reason, yes.
14 I think they make 80 applications for 80
15 different vehicles.

16 MR. DEBO: We actually have over 300
17 applications.

18 MR. SCHENKMAN: Sorry.

19 COMM. GONZALES: I am just concerned
20 if we are going to say that the seat can be
21 used in another vehicle, like if I make an

22 investment in this seat and then for some
23 reason when I had to retire the vehicle and
24 this particular vehicle is not available, that
25 I am still able to us it.

0034

1 MR. DEBO: Really, the biggest thing
2 is that we have seats for high vehicles and we
3 have seats for low vehicles. If you start out
4 with a vehicle that is high, you can move that
5 seat into another high vehicle. If you start
6 out with a seat in a vehicle that is low, you
7 can move that to another low vehicle, because
8 there is two different functions with the two
9 seats, so you can't go from a low vehicle to a
10 high vehicle and you can't go from a high
11 vehicle to a low vehicle.

12 COMM. GONZALES: Thank you.

13 MR. DEBO: But I think it might be
14 helpful for everyone if we are able to run the
15 video that we have.

16 COMM. GIANNOULIS: Can I ask a quick
17 question based on what you said?

18 This looks like it worked out well,
19 congratulations. But for how many approved
20 TLC vehicles do you have this seat adaptable
21 for?

22 MR. DEBO: Currently, just about all
23 of them.

24 CHAIRMAN DAUS: You mean actually
25 installed is what you are asking?

0035

1 COMM. GIANNOULIS: Well, the
2 gentleman said he has 300 vehicles, but we
3 don't have 300 vehicles. He could have 300
4 vehicles, none of which are approved TLC
5 vehicles. That's my question.

6 MR. FRASER: And also, as I
7 understand it, we are limiting this pilot
8 extension and expansion to rear seats, right.
9 We are not going to use the turnout seat in
10 the front seat?

11 My understanding is that some
12 vehicles, in fact, I think it includes the
13 Crown Vic, you cannot use this in the back
14 seat; is that right?

15 MR. DEBO: That's correct. It's
16 application specific and if we choose to
17 explore some of those other applications
18 beyond the Sienna, we are happy to work with
19 the TLC to understand that.

20 CHAIRMAN DAUS: We have 16 other
21 models so we can give you the list and you can
22 take a look at it. Other than the Crown Vic,
23 of course.

24 COMM. GIANNOULIS: So what's the
25 answer to my question?

0036

1 MR. KLAHR: The answer to your
2 question is, it depends on which vehicle they
3 buy. Most of the vehicles that we allow are
4 supported, but if they go from, say, an SUV to
5 an SUV, it should transfer. If they go from
6 an SUV to a low sedan, it would be difficult
7 to transfer. But Bruno will work with them in
8 terms of financial considerations.

9 COMM. GIANNOULIS: So it just
10 happens to be the Siennas right now.

11 MR. KLAHR: Right, Sienna is
12 probably the best for it because the minivan
13 has the widest door to kind of tilt and pivot
14 out in.

15 CHAIRMAN DAUS: It sounds like we
16 don't have an answer to the question right
17 now, maybe we could give you a list of the
18 vehicles we have approved, there is about 16
19 of them, and we will send them out to the
20 Commissioners, letting them which of the seats
21 would work in which vehicles and which won't.

22 MR. DEBO: We are happy to do that.

23 COMM. GIANNOULIS: We should know
24 this, but maybe we can expand that. Can we
25 get like a memo with the 16 vehicles, details

0037

1 on each vehicle, so we can have a thumbnail
2 sketch of vehicles that we approved over time.
3 I just think it would be helpful?

4 CHAIRMAN DAUS: Sure. You want
5 specifications, like leg room and stuff like
6 that?

7 COMM. GIANNOULIS: Sure.

8 CHAIRMAN DAUS: We will add that to
9 the pile. Peter, it should be at the tip of
10 your tongue, so it should be easy to put
11 together. He probably has it memorized. We
12 will put that all in one memo.

13 MR. KLAHR: Do we have time for the
14 video?

15 CHAIRMAN DAUS: Yes.

16 (Whereupon, at this time, a video was
17 shown.)

18 CHAIRMAN DAUS: All right, thank
19 you.

20 COMM. POLANCO: What is the cost
21 involved here?

22 MR. DEBO: The seat for a high
23 vehicle is approximately \$7,000, and the
24 platform lift is approximately 3,000. So to
25 have a seat and the lift together is

0038

1 approximately half the cost of a lowered floor
2 van conversion.

3 The seats for lower vehicles are
4 approximately \$3,000.

5 CHAIRMAN DAUS: We have owners who

6 have actually purchased this, or did you
7 install it free of charge?

8 MR. DEBO: We installed them at no
9 charge for the pilot.

10 COMM. GONZALES: Is there any
11 routine maintenance and what is the cost of
12 that on an annual basis?

13 MR. DEBO: They are pretty much
14 maintenance free, but we recommend they bring
15 them in once a year for a checkup to one of
16 our dealers.

17 COMM. POLANCO: And how much is
18 installation? How much would it be?

19 MR. DEBO: Generally our dealers
20 charge about \$75 an hour and the installation
21 on the seat might take two to three hours, on
22 the lift the installation might take about two
23 hours.

24 CHAIRMAN DAUS: Any other questions?
25 Chuck, do you want to make a comment?

0039

1 MR. FRASER: I need to clarify what
2 the staff is asking. You are asking for a
3 continuation of the existing three vehicle
4 pilot for what, an additional year?

5 MR. KLAHR: That sounds reasonable.

6 MR. FRASER: So that they don't have
7 to remove it. And expansion to what, just
8 other Siennas or other vehicles as well?

9 MR. KLAHR: Other vehicles where it
10 is capable of being installed in the rear
11 seat.

12 MR. FRASER: Okay. And is it the
13 seat only or the seat and the lift?

14 MR. KLAHR: The seat and the lift.
15 But, again, you don't have to put both in.
16 Obviously, if you want to serve the largest
17 number of people, you would want to put both
18 in.

19 MR. FRASER: And, of course, this is
20 completely voluntary on account of the cost
21 issue?

22 MR. KLAHR: Yes, this is a voluntary
23 piece of equipment, where there might be
24 interest in this, but given the consideration
25 of cost, we are not asking to make this

0040

1 mandatory.

2 MR. FRASER: I guess one way we
3 could look at this is we have done a pilot to
4 test the technical aspects of this and I guess
5 we could regard this as a pilot to test the
6 marketability of it, whether Bruno can
7 persuade vehicle owners?

8 MR. KLAHR: That is right.

9 What Bruno has told us is that it is
10 difficult for them to go out to the industry

11 if this is not an approved device by the TLC.
12 The feedback is it seems very interesting and
13 I can see the potential, but I don't want to
14 spend all this money and then be told I have
15 to take it out.

16 MR. DEBO: Yes, we feel there are
17 opportunities for yellow cabs and other TLC
18 licensed vehicles, so we are hopeful to start
19 doing that.

20 MR. FRASER: One other point that
21 raises, then, is this request simply for
22 taxicabs or also for other vehicles?

23 MR. KLAHR: It seems reasonable that
24 we might want to put this in commuter vans in
25 our paratransit industry.

0041

1 MR. FRASER: FHV's as well?

2 MR. KLAHR: If they are interested
3 in it and if there are appropriate vehicles
4 available.

5 CHAIRMAN DAUS: Can't they do that
6 without changing the rules or without us
7 voting on it?

8 MR. FRASER: It's still a pilot.
9 Now we are just lifting the cap, I take it, on
10 the number of participants because we have
11 tested its technical sufficiency and now we
12 are going to see whether it is economically
13 viable.

14 MR. KLAHR: Right, there doesn't
15 seem to be any question about the technical
16 aspect. We feel comfortable with it, but
17 there is a question about how many people
18 would legitimately be interested in it, and by
19 expanding it, we should be able to assess how
20 many people really would want to purchase
21 these.

22 COMM. GIANNOULIS: So when you are
23 saying it would be cheaper, at least your
24 opinion is it is cheaper to retrofit a vehicle
25 with these devices as opposed to other lifts,

0042

1 right, that's what he is saying, correct?

2 CHAIRMAN DAUS: I don't know how
3 much cheaper it really is.

4 COMM. GIANNOULIS: That's fine, it's
5 his opinion.

6 Are those lifts what qualify a
7 vehicle to be a handicap accessible vehicle?

8 MR. FRASER: No. To be an
9 accessible Medallion as that term is defined,
10 the specialized Medallions, you must be
11 wheelchair accessible. And you notice, this
12 only works for someone with sufficient
13 mobility to get out of their wheelchair.

14 COMM. GIANNOULIS: Correct.

15 MR. FRASER: You cannot wheel the

16 wheelchair into this, so, therefore, it is not
17 an accessible vehicle under the law and rules.

18 COMM. GIANNOULIS: Correct. So this
19 is not an accessible vehicle under the rules
20 and it would not serve as replacement of that.

21 MR. FRASER: That's correct.

22 CHAIRMAN DAUS: The way it is
23 currently defined.

24 COMM. GIANNOULIS: The way it is
25 currently defined. So the Medallions have

0043

1 very specific guidelines as to what mechanical
2 equipment have to be in the vehicle to fulfill
3 that Medallion's requirement to be an
4 accessible vehicle, and this does not fulfill
5 that.

6 MR. FRASER: That's correct.

7 MR. KLAHR: This is not a
8 replacement. It is a potential enhancement to
9 the rest of the fleet to again try and fit
10 those kind of gray area customers where they
11 don't use a wheelchair all the time or they
12 not restricted to the wheelchair all the time,
13 but need a little extra help to get into the
14 taxi.

15 CHAIRMAN DAUS: It's a hefty price
16 tag for a voluntary project. I am sure there
17 are people who want to do good. I think it is
18 important for us to assess the marketability,
19 as Chuck put it. And, of course, we don't
20 want to hurt the owners and have them go
21 through additional expense who volunteered to
22 put the equipment in, by having them take it
23 out and spend money to do that.

24 So I don't have a problem, unless you
25 do, extending it.

0044

1 COMM. GONZALES: One more question.
2 In particular with the Sienna, after watching
3 the video, in addition to say the passenger
4 seat being removed and this installed, the
5 rear seat is the rear seat removed as well?

6 MR. DEBO: It's folded into the
7 floor.

8 COMM. GONZALES: Okay.

9 COMM. GIANNOULIS: Does the vehicle
10 get any special markings?

11 MR. KLAHR: It will have a decal
12 indicating that it has a turnout seat.

13 CHAIRMAN DAUS: But not the one we
14 approved for the wheelchair accessible?

15 MR. KLAHR: Right, because it does
16 not qualify as a wheelchair accessible
17 vehicle.

18 COMM. GIANNOULIS: I just wonder if
19 we are going down the road of faux handicap
20 vehicle here.

21 CHAIRMAN DAUS: I don't think we are
22 there yet. This is an option where people who
23 fit into a special category, it is not full
24 accessibility, it is people can have the
25 ability, as the woman did on the video, of

0045

1 physically getting out of the wheelchair. And
2 right now, some of those people can get into
3 cabs but they don't have a place, in the Crown
4 Vic, for instance, to put a wheelchair of that
5 size. So there may be a certain number of
6 people who can use a cab now who couldn't
7 before. So it's a not a solution to the
8 problem but it certainly would get us better
9 than where we were before.

10 MR. SCHENKMAN: It providing better
11 mobility and it is the choice of taxis around
12 the world, added mobility. Every country, and
13 this is predominant in Japan and Sweden, they
14 still have the full blown ramp vehicles like
15 we have approved, but Toyota, this is the
16 Toyota mobility solution from the factory.

17 CHAIRMAN DAUS: It is factory
18 approved and tested, correct, by the
19 manufacturer?

20 MR. SCHENKMAN: By Toyota.

21 CHAIRMAN DAUS: Which certainly
22 gives me an additional comfort level.

23 MR. SCHENKMAN: Added mobility.

24 MR. DEBO: A big point to this is
25 the safety, because we are having the

0046

1 passenger ride in an automotive seat with the
2 original automotive seat belt. So we really
3 want to focus on the safety for those
4 passengers who can get out and onto the seat.

5 COMM. GIANNOULIS: Is there a rule,
6 because I don't have one?

7 So if we are talking about stickers,
8 is this part of the original pilot program?
9 It sounds like, as my mom says, that there is
10 a little extra sauce on this thing.

11 MR. FRASER: It's a pilot, so no, it
12 doesn't involve rule making.

13 Your question as to whether the
14 original pilot involved stickers, David?

15 MR. KLAHR: If I can, yes, we are
16 putting a little extra gravy on this. We are
17 just saying if you have it already, the pilot
18 is expanded so you don't have to take it out,
19 the pilot hasn't expired yet. And if you are
20 interested in joining in, there is a cap on
21 the number vehicles but what you can do is
22 vote to eliminate that cap expand that cap to
23 11,000 vehicles or what have you, so anyone
24 who wants to can try it and then we can
25 revisit it at a later date and see how it

0047

1 works. And at that point a final decision and
2 rules can be drafted.

3 CHAIRMAN DAUS: It sounds like more
4 than sauce. Sounds like sauce and some Romano
5 cheese and some cracked pepper, which makes
6 for a better dish.

7 MR. KLAHR: However you enjoy it.

8 CHAIRMAN DAUS: First of all, any
9 further questions for staff or Bruno?
10 (No response.)

11 CHAIRMAN DAUS: Okay, thank you.

12 MR. KLAHR: Thank you.

13 CHAIRMAN DAUS: So this is, I take
14 it, Chuck, a resolution based upon what David
15 just mentioned?

16 MR. FRASER: This would be continuing
17 the pilot for a year, expanding it to those
18 vehicles that can handle the rear seat use of
19 this device, and I guess we are adding
20 stickers.

21 CHAIRMAN DAUS: Any concerns,
22 questions?

23 COMM. GIANNOULIS: Let's just walk
24 through this for a second here, only because I
25 worked on the sticker issue and I will be

0048

1 getting a call from Assemblyman Kelner before
2 I am out of here probably.

3 What type of stickers are we talking
4 about? Again, I don't want people who are in
5 a wheelchair to now think a vehicle is
6 accessible and then there is commotion and
7 there is a whole kind of strained situation.

8 CHAIRMAN DAUS: Right.

9 MR. KLAHR: There was a sample of the
10 sticker they have been using in the video, it
11 had kind of a logo of a seat with an arrow.

12 COMM. GIANNOULIS: I saw that.

13 MR. KLAHR: That's the only sticker
14 we are talking about. We are not suggesting
15 or requesting that the wheelchair logo be put
16 on, the large blue sticker. These vehicles do
17 not qualify for that.

18 CHAIRMAN DAUS: Do you want to try
19 to get that back on the screen?

20 COMM. GIANNOULIS: No.

21 Do we need to prescribe exactly where
22 we put that as part of our motion?

23 MR. FRASER: We can if we want to
24 limit it, but we don't have to. Since it is a
25 pilot I think it is something that they can

0049

1 work out.

2 MR. KLAHR: Nothing in the original
3 pilot resolution allows them to put accessible
4 stickers. So by extending the pilot --

5 CHAIRMAN DAUS: Did we allow them to
6 put the stickers they are using on somewhere?

7 MR. KLAHR: Yes. It is on the
8 window on the sliding door of the Sienna
9 indicating that the seat is there.

10 CHAIRMAN DAUS: Okay. Commissioner
11 Giannoulis, you have a good point. We don't
12 want to create false expectations.

13 COMM. GIANNOULIS: And the cap is
14 going to open to all vehicles that could use
15 this equipment, but we don't know which
16 vehicles those are; am I correct?

17 CHAIRMAN DAUS: Peter?

18 MR. SCHENKMAN: Right now it would
19 be allowed in the Honda Odyssey, of which
20 there are I believe 105, and 1,500 Siennas.
21 And then eventually they would develop new
22 technology that -- they actually have a seat
23 that will fit everything except 2009 Crown
24 Vic, which is a front seat.

25 CHAIRMAN DAUS: Does that include

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1 the hybrids too?

2 MR. SCHENKMAN: They have some
3 solutions for the hybrids. They make one for
4 the Prius. We are working out so much issues
5 with Toyota on the seats because there are
6 some extra modifications made in the front
7 seats that don't have to be made in the rear.

8 CHAIRMAN DAUS: So your talking
9 about the Sienna, the Odyssey --

10 MR. SCHENKMAN: And everything
11 except the 2009 Crown Victoria in the front
12 seat.

13 CHAIRMAN DAUS: And everything out
14 the hybrids?

15 MR. SCHENKMAN: Right.

16 CHAIRMAN DAUS: So we are talking
17 about the Free Star?

18 MR. SCHENKMAN: There are four left.

19 CHAIRMAN DAUS: Does this technically
20 qualify?

21 MR. SCHENKMAN: Technically, yes.

22 CHAIRMAN DAUS: I think what the
23 Commissioner is getting at is we want to get a
24 little clarity to this thing.

25 COMM. GIANNOULIS: And the feedback

0051

1 from the disability advocates in terms of this
2 expansion, have we gotten any?

3 MR. KLAHR: They are in favor of the
4 increased mobility. They acknowledge this is
5 not a full wheelchair accessible solution.
6 Again, it is for kind of the gray area
7 customer but we have heard supportive things
8 about it.

9 CHAIRMAN DAUS: I am going through

10 the list: The Free Stars, Sienna, Caravan,
11 Odyssey, and really, that's it, because if you
12 take the hybrids out, the Highlander, the
13 Escape, the Altima, the Mariner, the Malibu,
14 the Prius, obviously, that's not going to
15 work. The Crown Victoria, the Lexus, the
16 Civic, the Camry, the Ford Explorer and the
17 Jetta it wouldn't work, so there is only four
18 or five vehicles then.

19 MR. FRASER: We are not approving
20 front seats because of the air bag problem, so
21 that is off the table.

22 MR. SCHENKMAN: Well, the 2009 Crown
23 Vics didn't have the side air bags.

24 CHAIRMAN DAUS: Is that an accurate
25 description of what it could be used for, five

0052

1 vehicles, the Free Star, Sienna, caravan,
2 Odyssey -- four vehicles, okay.

3 MR. SCHENKMAN: Yes.

4 CHAIRMAN DAUS: Do we have a motion
5 to extend the pilot?

6 COMM. GONZALES: So moved.

7 CHAIRMAN DAUS: Do we have a second?

8 COMM. AROUT: Second.

9 CHAIRMAN DAUS: All in favor?

10 (Chorus of "Ayes.")

11 CHAIRMAN DAUS: Okay, you convinced
12 them.

13 COMM. GIANNOULIS: No, but that's
14 okay, I will be back on this one.

15 CHAIRMAN DAUS: Thank you, good
16 work.

17 Next case?

18 MR. KLAHR: Next case we have up,
19 this is a pilot request for data collection
20 devices. Recently we have been approached by
21 several manufacturers and owners who are
22 interested in testing data collection devices.
23 And these mean a couple of different models.
24 There is kind of your standard camera which
25 records what is going on, either in the cabin

0053

1 or outside as people drive. Also black box
2 recorders, you are familiar with the term from
3 the airline industry that records data about
4 what is going on with the engine, the drive
5 tran and so own within the vehicle.

6 This is something we have seen a lot
7 of lately and we are interested in testing how
8 these work in our industries. The proposal we
9 have on the table is from Drive Quest
10 Technology with their MacBox device. We have
11 some representatives.

12 The MacBox camera is windshield
13 mounted camera system and it is triggered in
14 the case of a high G event or excess speed.

15 So essentially if someone is involved in an
16 accident or other road incident, they can
17 record a short realtime video clip of what
18 happened.

19 They also have other devices that
20 they are capable of installing in conjunction
21 with this including an internal camera, and
22 this is not that different from the camera
23 that you see in owner driver vehicles or FHVs.
24 But also many other manufacturers have
25 approached us about similar technology in the

0054

1 last year. So we are interested in testing
2 this, getting some driver surveys, owner
3 surveys, hearing from the insurance industry.
4 So we are thinking maybe a pilot of six to 12
5 months to investigate this.

6 Why would we want to test data
7 recorders? There are a couple of potential
8 benefits that we would like to find out more
9 about. One is a safety benefit. We would
10 like to see if this encourages safer driving
11 or if it is a deterrent to reckless driving.
12 We have heard interest from the insurance
13 company and from owners and drivers about
14 potential to decrease insurance costs, that if
15 there is a more accurate recording of what is
16 happening in the vehicle, it is easier to
17 assess risk, so potentially people might be
18 able to lower insurance rates.

19 We already see this in use in the
20 black car and lux limo industry, so it is not
21 totally new to the industries we regulate.
22 And they have reported lower insurance rates.
23 Medallion taxicab owner drivers and FHV owners
24 are already allowed to use cabin cameras so it
25 doesn't seem like a huge stretch to go and see

0055

1 about street recording cameras.

2 We also learned in our experience
3 with T-PEP better data leads to better
4 decisions from a staff policy point of view.
5 As the Chairman mentioned earlier, when we are
6 assessing, for example, average driver income,
7 we are now taking a large sample of actual
8 meter data rather than a random sample. And
9 that provides us much better information to
10 make decisions.

11 We expect owners have the same
12 benefit from the data they are capable of
13 getting from those systems as well.
14 Therefore, the proposal you have in front of
15 you is for a 13-month pilot, up to 10 cabs
16 allowed per manufacturer and unlimited number
17 of manufacturers allowed. Full Woodside
18 inspection for anything that is installed, and
19 any taxicab or other vehicle where there is a

20 data recording devices that records the cabin,
21 that records what the driver and passenger is
22 doing either by video or audio means, will
23 include a decal saying "You may be recorded."
24 Just like we have for camera equipped
25 vehicles.

0056

1 Now, we will test owner satisfaction,
2 driver satisfaction, passenger satisfaction,
3 test it out with some focus groups and also
4 get feedback from owners and especially the
5 insurance industry to see if this really will
6 lead to lower cost. The proposal is also not
7 limited necessarily to cameras. There are a
8 variety of other data recording devices
9 available on the market. We are interested in
10 seeing as many of them tested as possible to
11 see which one is the right one that fits.

12 So staff intends to speak to a
13 diverse range of manufacturers to see what is
14 available and to help find some owners that
15 are interested in testing these out and to see
16 if we can kind of get them shake hands. And
17 if there are any questions, I am happy to
18 answer them. Also the folks from MacBox are
19 available if you have any technical questions
20 about their proposal.

21 CHAIRMAN DAUS: Commissioner
22 Gonzales and then Commissioner Giannoulis I
23 think has a question.

24 COMM. GONZALES: You said some
25 similar devices are used in the black car

0057

1 industry. Are they other companies or --

2 CHAIRMAN DAUS: I can speak to that.
3 I've actually seen, not this
4 particular product but other products in use,
5 and the owners swear by them. I think there
6 is a company that manufacturers something
7 called a Drive Cam. I have actually in my
8 travels visiting bases, Valero, which used to
9 be known as Computer Car, a black car base.
10 My experience and from what I have heard, in
11 order for this really to work, it is not just
12 about collecting data for insurance companies,
13 it is also about being responsible, diligent
14 owners and devoting time and resources to
15 policing your drivers.

16 So they would have the forward facing
17 camera that would record the events, the G
18 force event, which could be something short of
19 an accident, a quick jarring turn triggers the
20 camera. The camera records a visual on some
21 type of disk. When they come from back from
22 their shift at the company, they give the disk
23 to staff. And there are a couple of staff
24 members that are assigned to look at it on the

25 computer, monitor it, and sit down and see

0058

1 exactly what happened.

2 They would quite diligently document
3 the files, speak to the drivers and
4 conceivably if the driver continues on the road
5 of bad driving behavior, the driver's services
6 would be terminated and they would be let go.
7 So unless you have that component to it, it is
8 not going to work, in my view.

9 I have seen it there. I know that
10 there are other products in use by some of the
11 larger and most successful limo companies
12 including Empire CLS, which is one of the big
13 three limo and black car companies, as well as
14 Fight Time has it as well. And there may be
15 others out there. But these people that I
16 have seen swear by it. In fact, they have
17 told me that they have had a reduction in
18 accidents and insurance claims up to 60
19 percent.

20 The thing that I like about this
21 whole concept is that we could be potentially
22 saving people's lives. So anything that we
23 can do to encourage people to reduce
24 accidents, even if it has the ancillary
25 benefit of giving data to insurance companies

0059

1 and to litigants to use in court, that's
2 justice, I could care less about that as
3 compared to actually preventing the accident
4 in the first place, which, I think, is our
5 primary goal as opposed to who wins or loses a
6 lawsuit.

7 MR. KLAHR: Just to build off that a
8 little bit, outside the industries that are
9 regulated here, large companies like UPS and
10 FedEx that have a large fleet of drivers, this
11 is standard in their vehicles and that is how
12 they assess driver quality. You get points
13 assigned for certain behaviors and if you get
14 too many points, your job may be in jeopardy.
15 They have found it to be a tremendous
16 deterrent to bad behavior on the road.

17 And also it is good for the higher
18 quality drivers, oftentimes their raises and
19 bonuses might be based on having that clean
20 driving record. It is not just they have to
21 take their word for it. There is actual
22 documentation that there aren't any incidents
23 on their record.

24 COMM. GONZALES: Two other quick
25 questions: One, you mentioned if there is a

0060

1 camera in the cabin, that's there a decal to
2 inform whoever is in the cabin that you can
3 recorded.

4 MR. KLAHR: Right.

5 COMM. GONZALES: Is it necessary to
6 also put a decal to say there is camera for
7 the driver to know that his driving is being
8 monitored?

9 MR. KLAHR: Our standard now is that
10 any interior cameras in the cabin are
11 accompanied by that decal, and that is why the
12 proposal includes that. As far as if it is
13 shooting outside the window, unless Chuck can
14 tell me I am wrong, I don't believe that's
15 necessary.

16 MR. FRASER: You mean for shooting
17 people on the street or the car in front of
18 you, no, that would not be necessary.

19 COMM. GONZALES: If you are a
20 driver, does the driver need to know that his
21 driving is being recorded?

22 MR. FRASER: Yes. Where the decal
23 goes is on the outside of one of the windows.
24 I think it is the rear door window.

25 MR. KLAHR: Correct.

0061

1 MR. FRASER: And presumably the
2 driver will know when the driver picks up the
3 car that it has a camera in it.

4 MR. KLAHR: It will be obvious by
5 the nature of the particular -- the MacBox, it
6 sits in the windshield.

7 CHAIRMAN DAUS: Whether it is legal
8 or not, David, I don't think there is any harm
9 in necessarily recommending to the pilot
10 proposers that this thing is only as good as
11 the drivers understand what it is and the
12 owners explain it to them.

13 MR. KLAHR: Right. There is no
14 deterrent value if people don't know about
15 that. But it is includes in terms of just
16 cameras because there are other types of
17 recording devices, for instance, like a black
18 box device, which many vehicles have already,
19 so that may require different disclosure.

20 One of the concern staff made was
21 that passengers getting into a vehicle knew
22 and had been informed as with the other
23 cameras that we allow.

24 COMM. GONZALES: Okay.

25 And the cost for this pilot program

0062

1 is going to be borne by the driver, or is
2 there some other --

3 MR. KLAHR: Well, as with our other
4 pilots, the manufacturer usually works out a
5 deal with the owners that they are given this
6 free of charge for testing purposes. If they
7 decide to purchase it later on, there is a
8 wide range of devices out there, MacBox is

9 about 700, 750 a piece. We will see what
10 devices may come in under this pilot, and I
11 can certainly provide you with information as
12 it comes in from other manufacturers.

13 COMM. GONZALES: Thank you.

14 COMM. GIANNOULIS: Can we go back a
15 screen or two, because there is some mention
16 of other -- yes, that one.

17 So what does this exactly say?

18 MR. KLAHR: It says that we are
19 testing data recording devices, which may not
20 be limited to cameras. Cameras are the most
21 common, but again the black box device is also
22 very common. That is something that does not
23 record video or audio. It would record
24 vehicle activity, for instance, engine
25 stressors, RPMs, drive train action, how many

0063

1 times the brakes were tapped. There is almost
2 an infinite number of types of data that can
3 be collected.

4 COMM. GIANNOULIS: I am not voting
5 on this resolution. First of all, there is no
6 resolution in front of us.

7 MR. KLAHR: It should be in the book.

8 COMM. GIANNOULIS: I don't have it
9 in my book.

10 MR. FRASER: It is headed,
11 "Statement of Outline." This is items in the
12 resolution required by the pilot program
13 rules.

14 COMM. GIANNOULIS: Here is my book.
15 It is not in here.

16 MR. FRASER: Look at the last tab,
17 "Pilot Program Proposal MacBox," second and
18 third pages. If it is missing, obviously, we
19 will get you a copy.

20 COMM. GIANNOULIS: No, and I didn't
21 have the resolution on the earlier matter.

22 So we are supporting a pilot program
23 to do anything in the world that involves the
24 vehicle moving? That's what I just heard,
25 anything that involves data collection. So it

0064

1 could be anything in the world involving data
2 collection.

3 CHAIRMAN DAUS: Not necessarily.

4 Limited to the specific technology,
5 the specific G force events.

6 MR. SCHENKMAN: It's acceleration,
7 braking and excessive motion of the vehicle,
8 meaning G force.

9 And I just wanted point out that the
10 federal government, DOT NTSA has regulations
11 that beginning in model year 2009 all vehicles
12 will start phasing in accident recording
13 devices or black boxes in every car.

14 COMM. GIANNOULIS: So is there a
15 resolution or something? I am just not sure
16 what it is we are voting on.

17 CHAIRMAN DAUS: I apologize if it
18 wasn't made more clear to you. It is pages 2
19 and 3 of the last tab. And that was
20 summarized on the screen but we could read it
21 if you want.

22 COMM. GIANNOULIS: I want to see
23 what we are voting on. I don't have it. If
24 somebody can just rip it out of their thing
25 and give it to me, that is all I am asking

0065

1 for. I just don't know what we are voting on.

2 CHAIRMAN DAUS: You don't have it.

3 COMM. GIANNOULIS: Did you think I
4 was making it up?

5 CHAIRMAN DAUS: Sorry about that. I
6 will talk to the photocopying room. I will go
7 back there and check it out myself.

8 COMM. GIANNOULIS: If I could just
9 take a half a second to read this?

10 CHAIRMAN DAUS: Sure.

11 COMM. POLANCO: Peter, what was it
12 you just mentioned, that some federal agency
13 is going to require these type of devices?

14 MR. SCHENKMAN: Yes. Over the road
15 trucks have been required to have accident
16 collection devices for approximately the last
17 two years, and it is being phased in by the
18 National Highway Transportation Safety
19 Administration beginning in model year 2009
20 cars.

21 And it is just black box that no one
22 knows about, and if the vehicle is in an
23 accident then the data can be collected for
24 about the last 30 seconds prior to the
25 accident.

0066

1 CHAIRMAN DAUS: I am going to take
2 the liberty of just reading the resolution so
3 that everyone in the audience also
4 understands, because I think it was just
5 summarized on your screen, David. And it is
6 good practice anyway.

7 Number one, the duration of the
8 program would be a maximum of 13 months that
9 is being proposed.

10 Item two, implementation and
11 evaluation. Sub one, report to the
12 Chairperson and Commission by pilot program
13 participants pursuant to Subsections 8 and 9
14 below. Sub two, pending Chairperson and
15 commission evaluation of pilot performance
16 rule making could begin with publication of
17 proposed rules nine months after start of the
18 pilot program.

19 Item three, number of participants.
20 Unlimited number of participants.
21 Four, means of public notice. A
22 notice of opportunity to participate in a
23 pilot program will be published in City Record
24 and on the TLC website.

25 Five, process for selection of
0067

1 participants. Sub one, approved as a
2 participant pending execution of an MOU,
3 Memorandum of Understanding, pursuant to
4 Section 7 below.

5 Five, sub two, solicit applications
6 from additional potential participants based
7 on notice in the City Record and on the TLC
8 website.

9 Sub three, review applications based
10 on standards set forth in the notice.

11 And sub four, including but not
12 limited to review of proposed technology and
13 safe and effective deployment elsewhere.

14 Six, the topic, safety and visual
15 evaluation. Sub one, it will be required for
16 all participants before the start of the pilot
17 program.

18 And, two, it will be conducted by the
19 Assistant Commissioner for Safety and
20 Emissions.

21 Item seven, memorandum of
22 understandings or other binding agreements
23 required. And there is a list of them. Sub
24 one, stipulations shall include but will not
25 be limited to the following provisions:

0068

1 One, a participant is required to
2 place equipment in at least one Medallion
3 taxicab within two months of signing an MOU or
4 binding agreement with the Chairperson. If no
5 participants have signed an MOU or binding
6 agreement with the Chairperson within six
7 months of the Commission's approval of the
8 pilot program, the program will be considered
9 to have expired automatically.

10 Number two, second stipulation, no
11 less than three or no more than 10 Medallion
12 taxicabs per participant can take part in this
13 pilot program.

14 Third stipulation, no more than 500
15 Medallion taxicabs in total can take part in
16 this pilot payment program.

17 Stipulation four, equipment must be
18 removed from taxicabs and service following
19 completion of pilot program or cancellation of
20 MOU unless rule making action is taken by the
21 Commission.

22 Stip five, vehicles used in this
23 pilot must have a currently licensed Medallion

24 affixed.

25 Stipulation six, vehicles used in

0069

1 this pilot that include devices that record
2 either audio or video of the interior cabin
3 must affix decals to the rear passenger
4 windows or the partition or display on the
5 vehicle's passenger information monitor,
6 informing passengers of the presence of a
7 recording devices and that they will be
8 photographed. Such decals must be removed
9 following the completion of the pilot program
10 or cancellation of the MOU unless rule making
11 action is taken by te Commission.

12 And the last stipulation, vehicles
13 used in this pilot that include devices that
14 record video and/or audio of the interior
15 cabin may temporarily uninstall and require
16 partition for the duration of the pilot
17 provided that the vehicle is inspected by the
18 Assistant Commissioner for Safety and
19 Emissions and the rate card is appropriately
20 marked. Such partitions must be reinstalled
21 following completion of the pilot program or
22 cancellation of the MOU unless rule making
23 action is taken by the Commission.

24 Done with the stipulations. The
25 eighth point, evaluation criteria for the

0070

1 pilot. The following specific criteria will
2 be finalized in the MOU, binding agreements
3 and may include the following: One, owner
4 satisfaction. The impact on taxicab operation
5 as well as any additional accrued benefits.

6 Two, driver satisfaction. The impact
7 on taxicab operation and any additional
8 accrued benefits.

9 Three, passenger satisfaction.
10 General passenger satisfaction with the
11 equipment.

12 Criteria four, technology efficiency.
13 Ease of use by the driver, value added to the
14 owner, quality and quantity of data recorded.

15 Five, TLC S&E inspection results.
16 Regularly scheduled inspections will monitor
17 the data.

18 And last, focus group and real life
19 road testing.

20 Last point, reporting requirements.
21 Each pilot program participant should submit
22 to the Chair a report on the first six months
23 of performance based on evaluation criteria
24 called for in the MOU binding agreements,
25 which shall be submitted no later than seven

0071

1 months after the first vehicle is put into
2 service on the road, and complete reports to

3 be forwarded to the Commission one month
4 later.

5 Item two under reporting
6 requirements, each pilot program participant
7 will share collected data from installed
8 devices with TLC at the request of TLC.

9 Sub three of reporting requirements,
10 the last reporting requirement is that
11 participants and TLC licensees should also
12 provide additional information as requested by
13 the Chair during the duration of the pilot.

14 COMM. GIANNOULIS: With all due
15 respect, there is nothing in here about what
16 we are voting on. This is not acceptable to
17 me. End of the story. There is nothing in
18 this piece paper that actually mentions what
19 we are voting on. This is all process.

20 It does not say what we are voting
21 on, and there is a proposal here on the screen
22 that says, well, it's not limited to driver
23 cabin interior cameras, we are going to speak
24 to any manufacturer, it is going to include
25 any data recording device. I mean, that's not

0072

1 what we have defined as pilot programs.

2 Pilot programs have very specific,
3 and this is --

4 MR. KLAHR: You are absolutely
5 correct on that. I don't know what is in your
6 packet, but there should be an attached
7 proposal and letter for the MacBox device.

8 CHAIRMAN DAUS: This is approving
9 the MacBox, this product.

10 MR. KLAHR: Correct, but what --

11 COMM. GIANNOULIS: This doesn't say
12 I am approving the MacBox, what is on the
13 screen now. So it is at the point where like
14 something else is approved and allowed in, I
15 assume that this proposal will be waved in my
16 face and say "You voted for this."

17 CHAIRMAN DAUS: No. It will be
18 similar equipment.

19 COMM. GIANNOULIS: Or not.

20 CHAIRMAN DAUS: MacBox has
21 competitors.

22 Yes, Andy?

23 MR. SALKIN: I just want to clarify.

24 The intent here is there is equipment that
25 goes into vehicles that records different

0073

1 material and different information, but the
2 main purpose of the equipment is to make the
3 vehicle safer by encouraging drivers to drive
4 more safely. That is what we are trying to
5 propose. If that's not clear, then we
6 apologize on language.

7 The idea is that MacBox is one type

8 of equipment that can do this. Part of the
9 pilot program and the reason we bring it to
10 the Commission is we don't want to approve one
11 type of equipment, one type of technology to
12 go into a car. We want to see what the right
13 type of technology is and make sure that if
14 there is more than one type of technology that
15 can go into a car, that's great, let it
16 happen.

17 Similar to what type of tires do
18 people put on. We are not approving a tire,
19 we are approving the concept of tires. So in
20 this, we are asking the Commission to approve
21 the concept of a data recorder device that is
22 used to prevent accidents and make vehicle
23 drivers perform more safely.

24 COMM. GIANNOULIS: When we approve a
25 pilot program, anybody that fits into -- any

0074

1 item that fits into that criteria, this isn't
2 a deal for MacBox, right.

3 The problem I have here is I don't
4 have a single piece of paper in front of me
5 that exactly explains what we are voting for.
6 I have a proposal on the screen that is
7 completely vague. You just told me I am
8 voting for MacBox. He just told me I am not.

9 There is a third thing that is on the
10 screen that says I am voting for anything that
11 involves data recording, of which I don't know
12 what data recording could be because I don't
13 have a piece of paper that tells me exactly
14 what guys are saying is data recording. Peter
15 said something and then David said something
16 and then somebody else said somebody. Well,
17 it is about G force, it's about brakes, it's
18 about this. So I guess if somebody shows up
19 tomorrow with the advertising hubcap, that
20 that's his mechanism for figuring out the
21 brake speed, et cetera, that's a legitimate
22 piece of equipment?

23 What are we approving here?

24 MR. SALKIN: Do you disapprove of
25 the concept of having data recording devices

0075

1 that are used to make vehicles safer by making
2 drivers drive more safely?

3 COMM. GIANNOULIS: I don't see a
4 reason that I would, but I don't have anything
5 in front of me that is telling me that is what
6 we are voting on.

7 CHAIRMAN DAUS: With all due respect,
8 Commissioner Giannoulis, I believe that, and
9 maybe there is a better process here, I take
10 that point.

11 It is true that if you look at this
12 the devil is in the details. All the details

13 are here and there is not a paragraph at the
14 top that kind of makes it narrowly tailored.
15 Maybe we can work on that for next month. We
16 have in past Commission meetings just
17 explained it as part of PowerPoints. In
18 addition to that, I have no problem with
19 clarifying exactly what it is in the
20 resolution itself. We will do that and bring
21 it back next month.

22 But with all due respect, I
23 understand it. I have seen it, maybe it is
24 because I have visually seen it that I
25 understand it, but it is very clear to me, it

0076

1 is measuring G force events, it goes into a
2 black box, it tells you when there has been an
3 accident and when there has been a movement of
4 the vehicle that will trigger a recording
5 potentially of a camera. And that's the data
6 that is being recorded. Nothing more, nothing
7 less.

8 We are not contradicting each other.
9 We are approving the MacBox today and putting
10 an RFI out there to see what other similar
11 equipment --

12 COMM. GIANNOULIS: So is it accident
13 specific or does it record driving times at
14 all times?

15 CHAIRMAN DAUS: It is supposed
16 record, as far as I understand it, accidents
17 and G force movements only. But it could --

18 MR. SALKIN: Most of them are
19 designed to records the events that lead up
20 the accident and the actual accident itself.
21 And so the way they do that, since you don't
22 know when there is going to be an accident,
23 typically they have a rolling recording device
24 that does 15 seconds worth of recording. So
25 when there is an accident it stops writing

0077

1 over itself.

2 It is not -- if we are getting into a
3 situation and we can make this clear, the
4 intent of this is not to have a hard drive
5 with every movement that every cab made at
6 every location that it was.

7 COMM. GIANNOULIS: I don't
8 particularly care if you do, quite honestly.
9 That is not my problem.

10 CHAIRMAN DAUS: He has a fair point
11 about the process. I think what happened here
12 is staff took for granted it is not
13 necessarily as part of a proposal -- it's a
14 better practice to have a resolution that we
15 vote on that doesn't assume that you know
16 anything.

17 And if you look at this, it is

18 assuming that you know what you are voting on
19 and here are the details of the MOU.

20 COMM. GIANNOULIS: If I don't have a
21 resolution, what am I actually voting on?

22 CHAIRMAN DAUS: This is a
23 resolution. And this is what we have been
24 doing under this pilot program for every
25 single one that we have approved. It is the

0078

1 same process. If you want to see an actual
2 resolution, we can dump this into a resolution
3 and work on some language, introductory
4 languages clarifying exactly what data is
5 being recorded so that it is clear so that we
6 don't have people coming in claiming to use
7 hubcap advertisements as data recording
8 devices.

9 COMM. GIANNOULIS: For example, the
10 earlier pilot program we voted on, there is a
11 specific manufacturer who provided a specific
12 product which had been approved, which we
13 voted on and passed, which was simply a seat
14 extension that comes out, that goes up, that
15 offers a person with a disability easier
16 access to sit in the vehicle.

17 We did not say we are voting on all
18 kinds of ways that seats could move for
19 various reasons.

20 CHAIRMAN DAUS: You are absolutely
21 wrong on that.

22 COMM. GIANNOULIS: We did?

23 CHAIRMAN DAUS: Yes, every single
24 pilot program that we have done, including the
25 Bruno seat, and it works well because we don't

0079

1 want to look as if we are favoring one
2 company. We want to make sure that if one
3 company has the wherewithal to start the
4 process, like MacBox and Bruno, that if there
5 are similarly situated competitors who just
6 didn't know that we existed, that we go out to
7 the world and find them and track them down
8 and put out an RFI, request for information
9 out there, giving them the same competitive
10 opportunity here as well. We did that with
11 Bruno.

12 COMM. GIANNOULIS: For a moveable
13 seat for people with disabilities.

14 CHAIRMAN DAUS: Correct.

15 COMM. GIANNOULIS: Not for go out
16 and come up with new ideas to do anything you
17 would like to do with seats, correct, it was
18 very specific.

19 CHAIRMAN DAUS: Right. And with all
20 due respect, I think this is very specific --

21 COMM. GIANNOULIS: I want to see it
22 in a resolution, that's all.

23 CHAIRMAN DAUS: I have no problem
24 doing that and coming back next month. It is
25 your call. I think you are bringing up a very
0080

1 valid point that maybe we are getting ahead of
2 ourselves and assuming that the PowerPoint
3 presentation is enough. I prefer a better
4 practice of having a resolution.

5 MR. SALKIN: It sounds like you are
6 looking for something that is a little more
7 specific towards devices dedicated and created
8 solely --

9 COMM. GIANNOULIS: If it can be said
10 verbally, I am fine with that. I just have a
11 problem with when I see something on the
12 screen that says we are going to talk
13 manufacturers of a diverse range of data
14 recorders. We have had people come in here in
15 the past who have tried to collect data. We
16 have had people come here in the past --

17 CHAIRMAN DAUS: It is up to you. Do
18 you want to take a stab at making a statement
19 verbally or we can come back next month with a
20 resolution. It is up to you. I want to make
21 sure you are comfortable.

22 COMM. GIANNOULIS: If everybody is
23 moving ahead with the program, I don't want to
24 interfere with it. I just want to know what
25 the specific -- we have had people come in

0081
1 here who collect data, we approved it. People
2 collect data on cell phone coverage. That was
3 a very specific thing which we approved for
4 cell phone coverage.

5 If somebody comes in and says I have
6 a different device to approve cell phone
7 coverage, it is also data. You may say no,
8 that's not what it is, and that's fine. I
9 just want to be clear what I am voting on.

10 MR. SALKIN: In listening to the
11 debate that is going on, I don't think anybody
12 is disagreeing. And I think your resolution
13 on how to move forward is well taken.

14 So I will ask David to take a crack
15 at it.

16 CHAIRMAN DAUS: We are all ears.

17 MR. KLAHR: What we are proposing
18 here is -- I understand what your objection
19 is, and I feel the same way.

20 What we want to do is test recording
21 devices for the purposes of either safety,
22 usefulness to owner, or increases driver
23 skills, that record by either audio, video, or
24 another means, that can just be used by either
25 TLC will look at the data or the owner will

0082
1 look at the data, or the driver will look at

2 the data for the purpose I mentioned earlier.

3 And I agree that if someone came in
4 with a hubcap proposal and says I measure the
5 revolutions of the hubcap, that's how far yo
6 go, I agree with you, that's ridiculous.

7 The ultimate goal of this is safety,
8 safety for passengers, safety for drivers,
9 safety for the people that they interact with
10 on the street.

11 COMM. GIANNOULIS: I would propose
12 let's move forward with this since everybody
13 put so much work into it. I don't want to
14 interfere with that. But, counsel, I would
15 like, I don't know if I could see some kind of
16 follow-up either resolution or memo with some
17 specificity.

18 MR. FRASER: What the next steps
19 would be is first we would begin negotiation
20 of the MOU with MacBox, because they obviously
21 have a specific device that triggers the
22 pilot. We would also begin preparation of a
23 Request For Information that would be
24 published to invite other people who have a
25 device that they believe does the same

0083

1 function, they would submit that. So we can
2 certainty give you the RFI. We would
3 distribute the RFI which would describe
4 obviously the devices we are asking people to
5 come in and propose.

6 And then as each one comes in and we
7 determine that it meets the criteria of the
8 pilot, we enter into MOUs with each one of
9 them as well up until the maximum. This one
10 doesn't have a maximum number of participants
11 until you hit the 500 cabs. And we could
12 obviously give you those individual MOUs as
13 well.

14 COMM. POLANCO: Why don't we just
15 table this for next month and we will have it
16 in writing?

17 CHAIRMAN DAUS: I am fine with that.
18 It is up to you.

19 COMM. POLANCO: I would feel more
20 comfortable if we table it for next month. I
21 mean, there is some information here, it says
22 data log ins, speed is recorded every second,
23 video location is recorded every ten seconds
24 for 12 hours. Taxicab function, record for
25 present time each time door is opened or

0084

1 closed. Taxi meter, manual panic button.

2 I honestly want to understand more
3 about this. I only have four pages, so it is
4 not much information to me.

5 COMM. GIANNOULIS: I don't know if
6 there is more information that we just didn't

7 happen to get. Because I have the same.
8 COMM. POLANCO: So let's table it for
9 next month.
10 COMM. GIANNOULIS: I have a two-page
11 letter from the manufacturer, which is nice.
12 And then I have like a handy-dandy one-page
13 thing. And then I really don't know what I am
14 talking about.

15 MR. SALKIN: Chair, I think probably
16 perhaps we can arrange for the Commissioners
17 to see an example of the products.

18 CHAIRMAN DAUS: Staff, I think from
19 now, on every time we do this, I think we
20 should have a resolution, because I agree.

21 COMM. GIANNOULIS: I don't want to
22 be pompous. I one of these in my car, I know
23 exactly what it is. I have an SOS emergency
24 button that if my car gets into an accident,
25 they call me up. If I get a flat, I push a

0085

1 button, they call me up. If know very well
2 what these things are.

3 You are asking me to vote on a very
4 -- I don't know what I am voting on. There is
5 a letter from a manufacturer, there is this
6 thing.

7 MR. SALKIN: You have made it clear.
8 We want to make it more clear.

9 COMM. GIANNOULIS: I want to know
10 what I am voting on.

11 MR. SALKIN: I think I heard
12 Commissioner Polanco say that she actually
13 doesn't know what she is voting on and she
14 wants more information.

15 COMM. POLANCO: I think we should
16 table this for next month.

17 MR. SALKIN: I don't want to table
18 it without understanding what we are tabling
19 it for, so if you could, are you interested in
20 seeing what the product is so that you can get
21 a better sense of what it is?

22 Clearly, Commissioner Giannoulis has
23 a similar product, knows what it is.

24 COMM. POLANCO: Yes. And also
25 basically in writing, a resolution.

0086

1 MR. SALKIN: But, again, I don't
2 think the resolution, quite frankly, will help
3 you understand what it is. I want to make
4 sure you feel comfortable with the technology,
5 perhaps we can arrange for a demonstration,
6 either outside or just show you in a
7 demonstration what the product looks like and
8 the data it collects and how it works.

9 CHAIRMAN DAUS: I think the concern
10 also is, Andy, it is the products that are
11 unknown that out there potentially that they

12 have concern with. And I do believe the
13 process provides the opportunity to make sure
14 that we keep people in the loop, but from a
15 point of procedures, I agree. There should
16 be a very specific resolution.

17 I think we did this in the past.
18 Just the last year or so we have been doing
19 pilot program presentations to try to
20 summarize it. I think we want clarity to
21 insure that there are not going to be new
22 devices that come in that are not what you
23 anticipated what they are.

24 So I suggest that we turn this
25 specific page 2 and 3 of the booklet, which I

0087

1 read aloud, into a resolution, but at the
2 beginning of the resolution, explain as best
3 we can after talking to some manufacturers and
4 doing some research, exactly what data and how
5 it is going to be recorded and kind of narrow
6 it down a little bit.

7 COMM. GIANNOULIS: I simply either
8 want to approve a piece of equipment, or if
9 you are asking me to approve a concept, then
10 tell me that. Don't tell me you are asking me
11 to approve a concept plus a piece of
12 equipment.

13 CHAIRMAN DAUS: Well, that's what we
14 are.

15 COMM. GIANNOULIS: That's right.
16 That is why I am not doing it. Because right
17 now the notion that any piece of equipment
18 that helps the insurance industry to figure
19 out accident rates, that's a wonderful thing,
20 but that is very vague. And I don't know what
21 that means.

22 CHAIRMAN DAUS: You are correct. I
23 agree with you on the vagueness issue. I
24 agree with you and I think it should be in a
25 resolution as a matter of form. However, I

0088

1 think we have an obligation, both legally and
2 morally, to do both.

3 And we have done that in every
4 project. You know, we could try to explain
5 what these products do but some of them have
6 different variations on the theme and they
7 have proprietary rights. I am sure each one
8 of these products has been patented. And
9 there is probably a way to describe, but if we
10 have to, if we are going to approve a piece of
11 equipment, we cannot close the door to similar
12 patented equipment by another competitor
13 because that would shilling for one competitor
14 and not another. So we have to do both, both
15 the concept and the product.

16 COMM. GIANNOULIS: If this

17 particular piece of equipment, I guess in
18 theory does these 25 things that is on this
19 list, right. One of them is recorded image.
20 Does that mean that we have now approved any
21 piece of equipment that take a recorded image?
22 And is it up to, then, your interpretation
23 whether that helps the insurance rates?

24 MR. SALKIN: The idea is products.
25 And your point is well taken, we will go back

0089

1 and write something.

2 But to answer your question, there is
3 a product. If I have a product, and my
4 product is used, similar to a black box, to
5 record information that would help me to
6 understand how an accident took place,
7 happened. To say to someone I am going to put
8 a device on the top of the car that has a
9 loudspeaker and spinning out advertisements
10 and a device that has a camera and that will
11 help insurance for some reason, the intent
12 would be no.

13 The idea is we are not looking for
14 people to make up a product. We are more
15 looking to take the products already being
16 widely used in the automotive industries
17 throughout the world and throughout the
18 country and utilize those as they see fit.

19 COMM. GIANNOULIS: I don't know what
20 any of them are. It would have been good for
21 somebody to tell me what they are.

22 CHAIRMAN DAUS: You made a very,
23 very good point. And with all due respect to
24 the staff, this is a hard topic to digest. It
25 is very technical, I didn't understand it when

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1 I read through it the first time, too.

2 You have done a great job putting it
3 in this format. We didn't tell you we wanted
4 a resolution. I think it is a good practice,
5 let's table it, let's bring it back in
6 resolution form, and let's see if we can put
7 together a memo from Peter and yourself, after
8 looking at all the different equipment out
9 there, so we can explain to our Commissioners
10 in a bullet point format --

11 MR. SALKIN: And we will try to get
12 some equipment other than the MacBox.

13 COMM. GIANNOULIS: And this isn't in
14 any vehicles so we don't have to do any
15 extensions?

16 MR. SALKIN: No.

17 COMM. GIANNOULIS: This is a
18 proposal?

19 MR. SALKIN: Correct.

20 COMM. GIANNOULIS: So they are not
21 getting delayed, they are not getting hurt in

22 any significant way at least.
23 CHAIRMAN DAUS: So in light of the
24 concerns of at least two of our Commissioners,
25 also Commissioner Arout, good work but we want
0091
1 to be really clear.
2 COMM. GIANNOULIS: And I have Iris's
3 proxy.
4 CHAIRMAN DAUS: She did. I didn't
5 know we had proxies.
6 MR. SALKIN: Commissioner Polanco, is
7 that something that will get us to the point
8 where everybody would feel more comfortable?
9 COMM. POLANCO: Yes.
10 CHAIRMAN DAUS: All right, good work
11 but we have more good work to do. We will
12 redefine -- the G in Giannoulis is for G
13 force. Thank you.
14 Any other questions?
15 CHAIRMAN DAUS: All right, have a
16 happy Thanksgiving everybody.
17 Do we have a motion to adjourn?
18 COMM. AROUT: Motion to adjourn.
19 CHAIRMAN DAUS: All in favor?
20 (Chorus of "Ayes.")
21 CHAIRMAN DAUS: Thank you.
22 (Time noted: 11:30 a.m.)
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3 C E R T I F I C A T I O N
4
5 I, MARGARET EUSTACE, a Shorthand
6 Reporter and a Notary Public, do hereby
7 certify that the foregoing is a true and
8 accurate transcription of my stenographic
9 notes.
10 I further certify that I am not
11 employed by nor related to any party to this
12 action.
13
14
15

16 _____
MARGARET EUSTACE,
Shorthand Reporter
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