

TRANSCRIPT OF THE  
NEW YORK CITY  
TAXI & LIMOUSINE COMMISSION

Thursday, June 20, 2013

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

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HEARING CONVENED AT 9:29 A.M.

COMMISSIONERS PRESENT:

David Yassky, Chairman

Elias Arout

Frank Carone

LaShann DeArcy

Edward Gonzales

Nora Constance Marino

Lauvienska Polanco

Iris Weinshall

ALSO PRESENT:

Meera Joshi, General Counsel

Staff

The Public

The Press

Reported by:  
Kari L. Reed

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## PROCEEDINGS

1  
2 THE CHAIR: Okay, let us come to  
3 order.

4 Good morning. Thank you for  
5 joining us. We are beginning this meeting  
6 of the Taxi & Limousine Commission at 9:29  
7 a.m. The first item on the agenda is the  
8 adoption of the minutes from the April 18th,  
9 2013 Commission meeting. Commissioners, the  
10 minutes of the April 18th meeting are before  
11 you. I move that we adopt them as written.

12 COMM. AROUT: Second.

13 All in favor?

14 (Chorus of ayes)

15 THE CHAIR: Opposed?

16 (No response)

17 THE CHAIR: By unanimous vote the  
18 minutes of the April 18th meeting are  
19 adopted.

20 The next item is base approvals  
21 and renewals. Chris, will you present those  
22 on behalf of the licensing division?

23 MR. WILSON: Sure. Yes.

24 Licensing was proposing that a total of 54  
25 bases were going to be approved, but we have

## PROCEEDINGS

1  
2 made four changes. We are removing from  
3 consideration this month Lex Car Service and  
4 Myrtle Avenue Car Service. And for La  
5 Poblanita Car Service and M & H Car Service  
6 approval will be conditioned upon completing  
7 all the requirements of licensure, including  
8 submitting a business plan. Otherwise, the  
9 staff recommends that the changes as  
10 proposed to the agenda be approved, the  
11 applications for the agenda be approved.

12 THE CHAIR: I'm sorry, let me -- I  
13 know that there were a couple of bases that  
14 are listed here. Did you --

15 MR. WILSON: Yes.

16 THE CHAIR: -- just mention those  
17 are not --

18 MS. JOSHI: Yes. Myrtle Avenue  
19 and Lex Car Service are not up for  
20 consideration today. But La Poblanita and M  
21 & H Car Service will be conditional  
22 approval, conditional upon paying all the  
23 fines, et cetera, complying with licensing  
24 requirements and submitting a business plan.

25 THE CHAIR: And submitting a

## PROCEEDINGS

1  
2 business plan. And I know Commissioner  
3 Gonzales had made that suggestion. Does  
4 that fit in with what you had in mind?

5 COMM. GONZALES: Yeah, as long as  
6 the business plans address the dispatching  
7 of unauthorized vehicles and unauthorized  
8 drivers.

9 THE CHAIR: So, you know, let's  
10 give them the deadline of a week from today  
11 to submit those business plans.  
12 Commissioner, I will personally review them  
13 along with Gary Weiss who, as you know, is  
14 head of our licensing division, to make sure  
15 that they are satisfactory. So I commit to  
16 do that.

17 COMM. GONZALES: Okay, thank you.

18 THE CHAIR: And that if you wish  
19 you can certainly, I would just assume -- if  
20 you wish to, let me know, otherwise I will  
21 review them.

22 (Ms. Joshi enters meeting room)

23 THE CHAIR: All right, the next  
24 item on our agenda is a public hearing and  
25 with a vote on two related rule packages.

## PROCEEDINGS

1  
2 Both have to do with the Taxi of Tomorrow  
3 and the taxi vehicle.

4 As you know, Commissioners,  
5 several months ago we approved rules making  
6 the Taxi of Tomorrow vehicle the exclusive  
7 New York City taxicab. Due to a court  
8 judgment we have to redo those rules, and we  
9 have to address what the court identified as  
10 a flaw in the original rules that they left  
11 taxi owners without the option to purchase a  
12 hybrid vehicle for the initial period of  
13 time before the Taxi of Tomorrow vehicle  
14 itself was available as a hybrid. So what  
15 we have before us now are rules that, the  
16 first package restates the original Taxi of  
17 Tomorrow rules, the second creates that  
18 hybrid option and at the same time adjusts  
19 our hybrid specifications to ensure that the  
20 hybrids that are on the road will be  
21 reasonably spacious. And we published rules  
22 a month ago that would take our regular  
23 dimensional requirements, head room, leg  
24 room, interior volume. We've for years, as  
25 you know, a special set of hybrid

## PROCEEDINGS

1  
2 requirements that allowed much smaller cars  
3 than ordinary taxis to be on the road as  
4 hybrids. That I think we can all agree that  
5 made a ton of sense years ago when those  
6 were the only hybrids out there. Now that  
7 the hybrid marketplace has diversified, we  
8 can do what the TLC has done for years and  
9 say we want to make sure also that the car  
10 is as suitable as possible for taxi  
11 passengers.

12           The rules we put out a month ago  
13 would have left only a couple of hybrid  
14 models available to taxi owners, and we got  
15 a quite a bit feedback about that. And in  
16 response to that feedback, what's before you  
17 today, and I know Meera is planning to  
18 explain this in her more precise and  
19 accurate way, the rules that are before us  
20 today have been revised from what we  
21 published to allow in more hybrid models.  
22 In particular, the cubic -- the interior  
23 volume requirement, which had been published  
24 at a 138 cubic feet, has been relaxed to 130  
25 cubic feet. In other words, vehicles that

## PROCEEDINGS

1  
2 have between 130 and 138 cubic feet now can  
3 be used as taxis. And specifically that  
4 will allow the use of one of the more  
5 popular hybrid vehicles that's on the road  
6 stays as a taxi, the Prius. Everyone, you  
7 know, thinks of the word Prius as synonymous  
8 with hybrid. And that while it is somewhat  
9 less spacious than what the original specs  
10 would have permitted, you know, we are  
11 certainly, the professional staff and I am  
12 certainly comfortable in saying it's  
13 spacious enough to be a taxi cab and to give  
14 passengers the room they need and the  
15 luggage space in particular that they need.  
16 So we have done that in response, and I  
17 thank the industry for its feedback.

18           Before we begin the hearing, I'll  
19 just say the vehicle is downstairs. I took  
20 another look at it this morning before I  
21 came up here. And I felt again just how,  
22 honestly, how proud I am to have been a part  
23 of this process leading up to this. I  
24 believe that when the vehicle hits the  
25 streets in October, taxi passengers will

## PROCEEDINGS

1  
2 feel that something really meaningful has  
3 been done for them and something meaningful  
4 has been done to improve their experience.  
5 And that's what we're here for. The whole  
6 theory behind this was that if the city  
7 partnered with a major auto maker and asked  
8 them you unleash your designers and  
9 engineers on the task of custom designing a  
10 vehicle to serve as a New York City taxicab,  
11 we'll get a result that we haven't had  
12 before. And for those of us who, you know,  
13 I still think of the Checker as kind of the  
14 gold standard of taxis, that was a special  
15 experience to be in. I know that our kids  
16 and people, taxi passengers of today and for  
17 decades they will regard this as the gold  
18 standard for taxi cabs. The spaciousness,  
19 the finished feel to me, the fact that the  
20 partition is not installed after the fact  
21 and kind of just gives it a jury-rigged feel  
22 to it in the current taxis, but this not  
23 just has a finished feel but has all the  
24 safety benefits. And we are going to hear  
25 from doctors so I shouldn't belabor it. But

## PROCEEDINGS

1  
2 for the first time have a taxi vehicle that  
3 meets all federal crash test standards with  
4 the partition inside, I think that on its  
5 own makes it worthwhile. Over and above the  
6 feeling of spaciousness, the roof, which I  
7 think will be a huge hit with not just  
8 tourists but New Yorkers too. All the -- I  
9 mean I was thinking this morning of the  
10 roof -- the floor lights. We get 40,000  
11 calls a year, that's people that call 311,  
12 to say I left something in the cab, can you  
13 help me find it. So there must be ten times  
14 that many that leave things in cabs but  
15 never call, probably 50 times that many.  
16 And, you know, this is, you know, this was,  
17 again, a Nissan idea. We never would have  
18 thought of these things ourselves. When the  
19 door opens, a floor light goes on, so a  
20 passenger sees that a hand bag or a wallet  
21 is on the floor and they can grab it before  
22 they go.

23 The seat belt, the thing you  
24 buckle the seat belt into, I don't know the  
25 word for it, are, in regular cars they're

## PROCEEDINGS

1  
2 blended in, you know, they're the same color  
3 to blend in with the seat. Again, Nissan  
4 had an idea to make them a different collar,  
5 yellow, so that when a passenger gets in  
6 they think to buckle up. So maybe the 60  
7 percent of people who ride without seat  
8 belts today will buckle up.

9           Anyway, Meera, do you wish to  
10 formally describe it?

11           MS. JOSHI: Today we will hear  
12 public testimony --

13           AUDIENCE MEMBERS: We can't hear  
14 you.

15           MS. JOSHI: Today we will hear  
16 public testimony on rules that require, with  
17 certain exceptions, unrestricted medallion  
18 owners to hack up with the Taxi of Tomorrow  
19 once the Taxi of Tomorrow is launched.  
20 Exceptions to this rule are accessible  
21 medallions, alt fuel medallions, future  
22 medallions, and until the Taxi of Tomorrow  
23 is available in a hybrid version, medallion  
24 owners who choose to hack up with a hybrid  
25 that meets TLC specifications.

## PROCEEDINGS

1  
2           Additionally, also effective as of  
3 the launch of the Taxi of Tomorrow, the  
4 proposed rule modifies TLC specifications  
5 for hybrid vehicles to align, to the extent  
6 possible, the passenger experience in the  
7 Taxi of Tomorrow with the passenger  
8 experience in a hybrid taxicab. The process  
9 leading up to the selection of Nissan's Taxi  
10 of Tomorrow, and the significant benefits  
11 the Taxis of Tomorrow will provide to the  
12 riding public, to drivers, and to medallion  
13 owners, were presented in detail at a public  
14 meeting on an earlier version of this rule  
15 on September 6th, 2012.

16           So each speaker will be given  
17 three minutes, and we'll begin --

18           THE CHAIR: I'm sorry, before -- I  
19 just want to note that for the first time  
20 ever the TLC meeting today is streaming live  
21 today over the Internet, Commissioners. So  
22 in the future if you want to email your, you  
23 know, your friends and associates so that  
24 they can watch live the commission hearings,  
25 but also for our constituents who don't want

## PROCEEDINGS

1  
2 to or can't schlep to attend in person, this  
3 way they can watch over the Internet. I  
4 thank you, Brian Switzer and Jeff Grunfeld  
5 on our team for making that happen. I'm  
6 going to guess it's nyc.gov/taxi. Maybe  
7 somebody will tell me if that's wrong.

8 Okay, the first speaker is Ethan  
9 Gerber, representing the Greater New York  
10 Taxi Association. To be followed by Lee  
11 Sander.

12 MR. GERBER: Good morning,  
13 Commissioners. I'm Ethan Gerber, from the  
14 Greater New York Taxi Association, an  
15 organization that operates accessible and  
16 clean air vehicles.

17 We are here now for the second  
18 time because this Commission ignored our  
19 concerns the first time. It's not that you  
20 didn't listen to us, only one commissioner,  
21 Commissioner Marino, bothered to attend that  
22 meeting. She's the only one who heard the  
23 14 disabled people say why they hated this  
24 vehicle, or why the industry tell you why  
25 the -- why the industry thought it violated

## PROCEEDINGS

1  
2 city law, federal law, and stated policy of  
3 this administration. Not surprisingly, she  
4 was the one who voted against it.

5           You are here now because the court  
6 threw out the TOT rules because they  
7 violated both the letter and the intent of  
8 the New York City law, a law designed to  
9 promote clean air vehicles. Instead, the  
10 rules you passed would virtually remove  
11 them. The court said that this  
12 administrative agency can enhance  
13 legislation to fill in the interstices of  
14 legislation, that is, the small gaps in the  
15 legislation, not to undermine or contravene  
16 the intent. The court further held that the  
17 intent was to get taxi fleet to be clean air  
18 accessible.

19           With that instruction from the  
20 court, you must ask yourself today will this  
21 rule support the intent of the legislation  
22 or undermine it. The answer is simple.  
23 Most of the hybrids currently running will  
24 be forced off the road. We haven't seen the  
25 new rules published about the Prius, but I

## PROCEEDINGS

1  
2 understand that it's the Prius V, which is  
3 the large Prius, not the one that's  
4 currently operating in large numbers.

5           Moreover, you have a duty, a  
6 fiduciary duty as Commissioners to ensure  
7 that this agency follows the law. The  
8 Americans with Disabilities Act requires  
9 taxis that are advanced to be ADA compliant.  
10 The federal court just two months ago  
11 classified the suit in front of it as a  
12 class action. The judge in the hearing said  
13 his own eyes told him that the NV200 is a  
14 van. Nissan says it's a van. The name is  
15 NV, meaning Nissan van. The Federal Safety  
16 Administration classifies this as a van.  
17 Look at the vehicle, and you cannot call it  
18 a car just because you know the law it's  
19 illegal for a taxi van to operate without  
20 wheelchair accessibility.

21           GYNTA supports innovation. We  
22 pioneered the use of hybrids in accessible  
23 vehicles. We created dispatch software for  
24 the accessible program. We helped the  
25 administration achieve these goals. One of

## PROCEEDINGS

1  
2 our members, Guy Roberts, has worked closely  
3 with Nissan in trying to improve the  
4 vehicle, and has test vehicles in his  
5 garage. So we come to you as a group that  
6 has partnered in innovation, but this plan  
7 has flaws.

8 It supposedly will be, as you  
9 mentioned, will be crash tested with its  
10 partitions. But it has not yet been crash  
11 tested at all. If you go on the Safety  
12 Administration Web site, you'll find that  
13 the Nissan NV200 has not even yet been  
14 officially crash tested as a vehicle, much  
15 less a vehicle with partitions in it. Yet,  
16 we are locking it into a ten year contract.

17 The new rules restrict New York of  
18 most clean air taxi vehicles; almost 7,000  
19 hybrids would have to be retired. Why push  
20 through something that will make our air  
21 worse and increase our carbon footprint.

22 The Taxi of Tomorrow, the Nissan  
23 NV 200, is not accessible, even though it is  
24 a van and therefore must be ADA compliant.  
25 Why do something that we know is illegal and

## PROCEEDINGS

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must fail.

The vehicle does not serve the disabled community. Even when retrofitted the disabled hate it because it's a rear loading vehicle that only fits the wheelchair user in the back. Thus, a mom can't take her child, and a person can't ride in the back with a health care worker. Why foster a vehicle that is worse for the disabled community than ones we already have on the road.

Unlike the cars like the Ford or other cabs, this vehicle is not made in America. It does nothing to create American jobs. Why force all cabs to be foreign made?

The so-called Taxi of Tomorrow is only for Manhattan cabs and not the new borough cabs. If you believe this is an improvement, why consign Brooklyn to second class status. Why is leg room so important that it trumps wheelchair accessibility, that it trumps clean air, that it trumps consumer choice. But it is not important at

## PROCEEDINGS

1  
2 all in Brooklyn, Queens, the Bronx, Staten  
3 Island or northern Manhattan.

4 As I said before, the TLC asked  
5 one of our members to help Nissan. They  
6 took some suggestions, but ignored others.  
7 As he pointed out in a letter that we  
8 circulated to the Commissioner, side and  
9 rear visibility in the vehicle is  
10 substandard. A split rear door blocks the  
11 rear view mirror in the driver compartment.  
12 The driver's limited to using side view  
13 mirrors as in a truck, or van.

14 THE CHAIR: I'll ask you please to  
15 sum up.

16 MR. GERBER: I'm getting there.

17 The passenger windows are  
18 stationary, they cannot be opened or closed.  
19 Passengers cannot get fresh air.

20 The van body is significantly less  
21 maneuverable in New York City traffic than a  
22 sedan style taxi.

23 The NV200 van gets 16 miles per  
24 gallon in the city by our tests, as opposed  
25 to 28 miles per gallon.

## PROCEEDINGS

1  
2           The glass roof can shatter and  
3 injure passengers.

4           There is no insulation to keep the  
5 car cool in the summer or warm in the  
6 winter. When we talk of passenger comfort,  
7 we are guessing. Will it bake in summer  
8 under a glass roof if not closed? Will  
9 customers like a van that cannot open its  
10 side windows, even when there are noxious  
11 smells in the van, or when the van is  
12 overheated? Will they enjoy the increased  
13 leg room, but not mind that the vehicle is  
14 narrower so that three mid-sized people can  
15 no longer fit?

16           THE CHAIR: I'm going to ask you  
17 again to sum up, Mr. Gerber.

18           MR. GERBER: I'm summing up.

19           THE CHAIR: You know, we have 20  
20 plus people signed up.

21           MR. GERBER: You know, this is a  
22 ten year contract, Commissioner. You're  
23 asking for a ten year agreement on this  
24 thing. It would be better to have these  
25 conversations in this public forum than have

## PROCEEDINGS

1  
2 them in court. So I'm asking you just a few  
3 minutes so we can understand the issues.

4 THE CHAIR: I know there have been  
5 many conversations.

6 MR. GERBER: You don't know the  
7 answer to any of the questions that I have  
8 raised, Commissioners, because none of you  
9 have actually driven in this car because the  
10 car is not actually on the road.

11 THE CHAIR: Have you --

12 MR. GERBER: I'll ask the  
13 Commissioners this, and I'll ask each of the  
14 Commissioners this. Would you do this for  
15 yourselves? Would you agree with an  
16 administrative agency to enter a ten year  
17 contract to buy one vehicle for yourselves  
18 if it was your car? Would you say you know  
19 what, Nissan makes a good presentation, an  
20 administrative agency told me it's a good  
21 car, this is the only car that I'm going to  
22 drive for the next ten years. I haven't  
23 ridden in it, I haven't driven in it, I  
24 don't know what it's going to be like, I  
25 don't know what the conditions are going to

## PROCEEDINGS

1  
2 be like, I don't know how it's going to  
3 handle in the streets. Nissan says it's  
4 going to be a good car and an administrative  
5 agency tells me it's a good car. So I think  
6 I'll enter a contact and I'll agree that for  
7 the next ten years, no matter what happens,  
8 whether service is sub par, whether the  
9 parts are not available, whether the car is  
10 not working out right, whether there are  
11 recalls, whether there are better cars  
12 available a year from now or two years from  
13 now or three years from now, I will lock  
14 myself into a ten year contract. If you  
15 will answer that question no honestly, if  
16 you will say no, I would not do that for  
17 myself, don't do it for other people. Thank  
18 you.

19 (Applause)

20 THE CHAIR: The next speaker is  
21 Lee Sander of HAKS, but speaking today on  
22 behalf of a group of civic leaders. Other  
23 civic leaders, I guess I should be clear.

24 MR. SANDER: Anyway, good morning.  
25 Good to see you all and be back here again.

## PROCEEDINGS

1  
2 I am Lee Sander, as this chairman indicated.

3 I am currently the president and chief  
4 executive officer of HAKS, an engineering  
5 and construction management firm that  
6 specializes in transportation, environmental  
7 service and buildings.

8 I am also a chairman of the  
9 Regional Plan Association. I previously  
10 served as commissioner of the New York State  
11 Department of Transportation from 1994 to  
12 1996, as the chief executive officer of the  
13 Metropolitan Transportation Authority from  
14 2007 to 2009, and on the Taxi & Limousine  
15 Commission from 1997 to 2006.

16 As a TLC commissioner I supported  
17 and encouraged the Taxi of Tomorrow project,  
18 and I want to acknowledge the design trust  
19 public space who came up with this idea  
20 originally, and I want to commend Chairman  
21 Yassky and your team, as well as the  
22 previous chairman, Matt Daus, for taking the  
23 ball and running with it.

24 New York City deserves a fleet of  
25 taxicabs that are designed with taxi

## PROCEEDINGS

1  
2 functionality, passenger and driver comfort,  
3 and the safety of those inside and outside  
4 the vehicle in mind.

5 After taking my first ride in the  
6 vehicle two weeks ago, I must say that the  
7 Taxi of Tomorrow far exceeded my  
8 expectations.

9 New York City taxi service is  
10 inexpensive and convenient relative to other  
11 major cities, but the passenger experience  
12 needs improvement. Today, hacking up a taxi  
13 involves purchasing a vehicle that was not  
14 designed for taxicab service, and adding  
15 aftermarket taxi equipment. As a  
16 consequence, current New York City taxis are  
17 not as safe for rear seat passengers as they  
18 should be. Many of them lack sufficient leg  
19 room, and do not provide a comfortable rear  
20 seat ride. Rear seat passengers often do  
21 not have adequate climate control. Very few  
22 taxis are accessible to wheelchair users.  
23 And entry to and exit from most taxis is  
24 unnecessarily difficult for people with  
25 other mobility impairments.

## PROCEEDINGS

1  
2 All Taxi of Tomorrow vehicles will  
3 include features that make taxi service more  
4 comfortable and accessible to riders.

5 A hearing loop -- and the chairman  
6 referred to some of these earlier, I'll try  
7 to be brief -- a hearing loop and intercom  
8 will allow clear communication between  
9 passenger and driver. An easy to open  
10 sliding door and automatic retractable step.  
11 High contrast markings, as the chairman  
12 referenced. And carefully placed grab  
13 handles facilitate entry and exit. And  
14 several other features that, like a  
15 completely flat cabin door to help make this  
16 the most passenger friendly taxi in our  
17 city's history. In addition, Nissan is also  
18 in the process of finalizing a wheelchair  
19 accessible version of the vehicle. The TLC  
20 has received a great deal of negative  
21 feedback from taxi operators about the  
22 durability of existing converted vehicles,  
23 but the Taxi of Tomorrow will solve that  
24 issue.

25 Nissan not only oversees and

## PROCEEDINGS

1  
2 endorses the accessibility conversion, but  
3 it also provides the same warranty and  
4 guarantee that comes with non converted Taxi  
5 of Tomorrow vehicles.

6           The future legislation -- and I  
7 understand this has been a point of  
8 contention and concern from the handicapped  
9 community -- the future legislation requires  
10 that all New York City taxis be wheelchair  
11 accessible. Nissan is ready to deliver up  
12 to a hundred percent wheelchair accessible  
13 vehicles.

14           The Taxi of Tomorrow was also  
15 designed with the safety of taxi passengers  
16 in mind, as I referenced. Currently, taxi  
17 owners install a partition after the taxi  
18 vehicle is crash tested by the manufacturer.  
19 This means that in current taxicabs the  
20 petition exposes passenger to an increased  
21 risk of head and face injuries, and may also  
22 interfere with proper deployment of side  
23 passenger air bags. The NV200 will include  
24 a manufacture installed partition, and will  
25 meet federal crash standards.

## PROCEEDINGS

1  
2 In addition to a crash tested  
3 partition, the Taxi of Tomorrow will include  
4 numerous other safety features. Sliding  
5 doors to prevent crashes with cyclists and  
6 other vehicles. Illuminated lights on the  
7 rear exterior to inform cyclists and other  
8 drivers that doors are opening. And, as the  
9 chairman referenced, seat belts highlighted  
10 with color to encourage seat belt use. A  
11 backup camera for drivers. And I remember  
12 the tremendous issues that we had in terms  
13 of driver safety when I was on the  
14 commission. I mean a number of these  
15 resonate from when I sat in your chairs.  
16 And a vehicle front end design to reduce  
17 severity of injuries to pedestrians.  
18 Without the Taxi of Tomorrow project and the  
19 associated granting of exclusivity for a  
20 manufacturer, it would not be possible to  
21 achieve this level of passenger safety.

22 COMM. MARINO: Are we limiting all  
23 speakers to three minutes?

24 THE CHAIR: Yes. So, Mr. Sander,  
25 if you --

## PROCEEDINGS

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MR. SANDER: I will.

THE CHAIR: -- sum up.

MR. SANDER: I will sum up.

Outside of safety, the Taxi of Tomorrow simply creates a more pleasant ride for passengers.

Let me just do the last paragraph, if I may.

THE CHAIR: Please.

MR. SANDER: Thank you, Commissioner.

Many transformative innovations that change the way we travel around New York now seem commonplace and are completely integrated in our day to day lives. It is hard to imagine this city without the Metro card, bike lanes, select bus service and the E-ZPass. Since the demise of the Checker Cab in the early 1980s, the city has not had a taxi vehicle designed specifically for taxi cab service. I am confident that the iconic Taxi of Tomorrow will fall into the same category and I urge that you pass this.

The reason I'm here is because I

## PROCEEDINGS

1  
2 was invited out of the blue to come and see  
3 this vehicle two weeks ago. I took a ride  
4 in it, I thought it was extraordinary, and  
5 that is why I am here.

6 THE CHAIR: Okay.

7 MR. SANDER: I could read the  
8 folks who have signed on, it's an  
9 extraordinary list of people who have come  
10 together in the last two weeks.

11 THE CHAIR: Please do, yes.

12 MR. SANDER: If the Commission is  
13 comfortable with that. Chair, I appreciate  
14 that.

15 And these are people who, very  
16 quickly, some of them, like Ms. Wild and  
17 others, who also took advantage of your  
18 offer to ride in it, and had the same  
19 reaction as I did.

20 So the individuals who have signed  
21 on -- and this I think is just a partial  
22 list of people who have been supportive of  
23 the vehicle -- Nancy Ploeger, President of  
24 the Manhattan Chamber of Commerce, also I  
25 believe took a ride; Kathy Wylde, President

## PROCEEDINGS

1  
2 of the New York City Partnership; Bill  
3 Rudin, chairman of the Rudin Management  
4 Company and the chairman of the Association  
5 for Better New York; Jonathan Tisch,  
6 chairman of Loews Hotels; Steve Spinola,  
7 president of the Real Estate Board of New  
8 York; Douglas Durst, chairman of the Durst  
9 Organization, also with me serves as vice  
10 chairman of the RPA; Jennifer Falk,  
11 executive director of Union Square  
12 Partnership; Christine Nichols, chair of the  
13 Broadway Association; Fred Cerullo,  
14 president, Grand Central Partnership; Paul  
15 Steely, executive director of Transportation  
16 Alternatives; Joe Sitt, chairman of the  
17 Global Gateway Alliance and also CEO of Thor  
18 Equities; Susan Chin, executive director of  
19 Design Trust for Public Space, and I  
20 originally and initially acknowledged them  
21 as well; Paul Herzog, chairman of the  
22 Cooper-Hewitt National Design Museum;  
23 Mitchell Moss, director of the Rudin Center  
24 at NYU; and Wellington Chen, executive  
25 director of the Chinatown Partnership.

## PROCEEDINGS

1  
2 I believe there are many others  
3 who, some of whom I had a partial  
4 conversation with, but I have a full time  
5 job and this just kind of came together  
6 rather spontaneously. But these people were  
7 heartfelt in their support for this  
8 initiative.

9 THE CHAIR: Thank you so much. I  
10 just have to say thank you, you know, for  
11 your service and at the MTA. Every time I'm  
12 on the subway I'm reminded of what a jewel  
13 that is. So thank you again for that.

14 But Commissioners, we did, as you  
15 know, invite all of you as well as a wide  
16 group of civic leaders and of course all of  
17 our industry stakeholders to see the first  
18 couple of production quality Taxi of  
19 Tomorrow vehicles when they were available a  
20 few weeks ago. And then I was surprised but  
21 delighted to get a call from former MTA  
22 head, former transportation department  
23 commissioner Lee Sander saying I think this  
24 is a huge win for passengers and I would  
25 like to come testify in support and see if

## PROCEEDINGS

1  
2 other civic leaders feel the same way. And  
3 I said please do. Because, as you noted,  
4 Commissioner Sander, we don't often enough  
5 hear from passengers. And I would say that  
6 that's a group of people who do speak for  
7 passengers. So thank you.

8 MR. SANDER: Thank you.

9 THE CHAIR: Thank you, Mr. Sander.

10 MR. SANDER: Again, good to see  
11 some of my former colleagues here as well  
12 this morning.

13 THE CHAIR: We'll hear from Denise  
14 Hoyt-Connolly from NYU Langone Medical  
15 Center, followed by Dr. Charles DiMaggio  
16 from Columbia University Medical Center.

17 DR. CONNOLLY: Good morning. I am  
18 here to read a letter on behalf of the  
19 physicians from Bellevue Hospital and NYU  
20 Langone Medical Center Medical emergency  
21 department in support of the Taxi of  
22 Tomorrow.

23 As emergency department physicians  
24 for two of the busiest emergency departments  
25 in New York City, Bellevue and NYU Langone

## PROCEEDINGS

1  
2 Medical Center, NYU physicians witness many  
3 injuries caused by taxi accidents. The  
4 injuries range from severe facial fractures  
5 and lacerations to traumatic brain injury  
6 and neck and spinal injuries. We are  
7 pleased to offer our support for the Nissan  
8 NV200 Taxi of Tomorrow. We are quite  
9 impressed with many of the new features  
10 designed to improve passenger safety, and  
11 hope they will prevent many of the above  
12 named injuries.

13           Seat belts not only save lives,  
14 but they reduce injuries for all parties  
15 involved in a collision. The highlighted  
16 seat belt connectors with color in the Taxi  
17 of Tomorrow will hopefully encourage  
18 passengers to use it more frequently.

19           Having the vehicle equipped with  
20 side passenger air bags intended to deploy  
21 without interference from the partition is  
22 another important safety feature, as many of  
23 the injuries we see are as a result of the  
24 partition. In this day and age, a majority  
25 of people get in the backseat of a taxi and

## PROCEEDINGS

1  
2 are immediately distracted by an electronic  
3 device. When an accident occurs, the  
4 passenger is unable to use their arms as a  
5 shield, and this is how serious injury can  
6 occur.

7 Another feature which promotes  
8 safety is the sliding door which will  
9 inhibit crashes with cyclists and other  
10 vehicles. This is another area in which we  
11 treat many people in the emergency  
12 department, both passengers and cyclists  
13 that, for example, may have been hit with a  
14 door as they're riding by the taxi.

15 Lastly, the illuminated lights on  
16 the rear exterior when a door in the taxi is  
17 opening will avert similar types of  
18 accidents. We support all of these new  
19 features that are in the Taxi of Tomorrow.

20 The only suggestion we have at  
21 this time is that more be done with the  
22 protrusions from the partition. We prefer a  
23 dip reader for credit cards that is flush  
24 with the partition as we feel that this will  
25 add to the safety of the passenger if there

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is an accident.

We thank you for the opportunity to comment on the Nissan NV200 Taxi of Tomorrow, and look forward to continuing to work with the Taxi & Limousine Commission to promote safety for drivers and passengers. And it's signed by Louis Gold Frank, Herbert W. Adams, professor and chairman, department of emergency medicine, Rahul Sharma, medical director and associate chief of service, emergency department at NYU Langone, and Christopher McStay, chief of service, Bellevue Hospital emergency department.

THE CHAIR: Thank you very much. I just I want to tell you, and please tell your colleagues, we took your point about the credit card reader to heart. And we have been working with Nissan and maybe even more important with the people who make and install the current credit card processing equipment to see how we could get a -- whether it's a dip reader or a solution that doesn't have the protrusion that you're talking about, and we'll pursue that. So

## PROCEEDINGS

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thank you.

DR. HOYT-CONNOLLY: Great. Thank you very much.

THE CHAIR: Dr. DiMaggio, followed please -- or Dr. DiMaggio.

DR. DiMAGGIO: Good morning, Commissioners. My name is Charles DiMaggio. I am associate professor of epidemiology and anesthesiology at Columbia University Medical Center, and research director for the Center for Injury Epidemiology and Prevention at Columbia University. And I have spent the better part of the last 30 years of my professional career treating, preventing, studying and trying to control transportation related injuries in New York City.

I am here to voice my strong support for the rule and for the proposed Taxi of Tomorrow. The Taxi of Tomorrow brings commonsense engineering designs that are unique to the kinds of injuries that are associated with taxis. They have been outlined in some of the design features that

## PROCEEDINGS

1  
2 were promulgated already, but I'll just  
3 repeat some of them.

4           Partitions with protruding steel  
5 nuts and bolts, sharp edged credit card  
6 machines and change cups have all been about  
7 16 inches from an adult passenger's face for  
8 the past 20 years or so. That's been  
9 changed now. They've been replaced with  
10 recessed features and rounded edges that are  
11 no longer at adult face level. Safety  
12 testing with partitions installed should  
13 further decrease the risk of passenger head  
14 and facial injuries by ensuring that  
15 partitions will not interfere with air bag  
16 deployment. Sliding doors with passenger  
17 indicator lights and rear indicator lights  
18 should decrease bicyclist crashes.

19           My particular area of study is  
20 pedestrian injuries. In New York City, as  
21 in most large metropolitan areas, pedestrian  
22 injuries outnumber occupant injuries. They  
23 have since we started counting. And the  
24 designers of the proposed Taxi of Tomorrow  
25 have taken particular attention to address

## PROCEEDINGS

1  
2 this important issue. In fact, pedestrian  
3 injuries actually involve three series of  
4 injuries. The bumper impact to the lower  
5 extremities, the leading edge impacts to  
6 hips, and the head and the body swivel onto  
7 the hood of the car. It appears that the  
8 front end and architecture of the proposed  
9 Taxi of Tomorrow is designed to address all  
10 three aspects of this injury test. The  
11 recessed bumper placement should decrease  
12 severe lower extremity injury. The sloping  
13 architecture will absorb more energy and  
14 decrease hip and pelvic injuries. Perhaps  
15 most importantly, the hood is designed to  
16 redirect the upper body and head away from  
17 and provide additional clearance between the  
18 hood and the sides of unforgiving,  
19 underlying engine components, preventing the  
20 kinds of traumatic brain injuries that  
21 account for the majority of severe and fatal  
22 pedestrian injuries in New York City.

23 As an academic I always have to  
24 recommend additional study.

25 THE CHAIR: Please do.

## PROCEEDINGS

1  
2 DR. DiMAGGIO: Thank you. So my  
3 only additional recommendation is that the  
4 city and the Taxi & Limousine Commission  
5 take advantage of this unique opportunity to  
6 demonstrate the effectiveness of this new  
7 fleet of taxis in preventing serious  
8 injuries by tracking and conducting  
9 surveillance of injuries associated with the  
10 new vehicles compared to the existing fleet  
11 as they are introduced into the system.

12 In summation, I would say that  
13 these are not easy decisions and there are a  
14 lot of implications. From a strictly safety  
15 and injury prevention perspective it's quite  
16 clear to me that a return on investment for  
17 this program will include fewer injuries,  
18 safer streets, and lower medical costs.

19 Thank you.

20 THE CHAIR: Doctor, thank you very  
21 much for that very compelling testimony. I  
22 would love to take you up on your research  
23 offer and I know, I'm sure I guess our staff  
24 has already been in contact with you, but  
25 Deputy Commissioner of Policy Ashwini

## PROCEEDINGS

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Chhabra will reach out to see.

In our safety data we do what we can, but even on such a basic thing as how many people use seat belts we've had to kind of do a very crude set of calculations to figure that out. Maybe you could help us figure out how to do it better.

DR. DiMAGGIO: I would support that.

THE CHAIR: And I'd be grateful for that. Thank you for the offer.

First of all, I know I am supposed to at the beginning note the presence of various commissioners. For the record, I will note that when the hearing begun Commissioner Marino, Polanco, Gonzales, Weinshall, Yassky, Arout and Carone were present. We have now been joined by Commissioner DeArcy. That will suffice no doubt.

Commissioners, I know this hearing is on Taxi of Tomorrow at the moment. Council Member Margaret Chin is here, and she would like speak to the lease gap rules.

## PROCEEDINGS

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2 I'm going to invite Council Member Chin to  
3 do that now, she has a pressing engagement.  
4 And just out of, you know, comity for other  
5 council members I'm going to make this  
6 exception in the order of the hearing.

7 COUNCIL MEMBER CHIN: Thank you,  
8 Chairman Yassky and thank you to the  
9 Commissioners. You know, this is budget  
10 time going on, and I really appreciate the  
11 time.

12 THE CHAIR: Commissioners, I know  
13 it is an interruption in the flow, but I  
14 hope you won't mind that and to indulge her.

15 Thank you, Council Member.

16 COUNCIL MEMBER CHIN: Thank you so  
17 much. I'm here really to express my  
18 opposition to the new rules that's being  
19 under consideration today. I think those  
20 rules will increase the cost for taxidriviers  
21 and makes it more difficult for them to make  
22 a living wage. These rules include changes  
23 that will allow garages to pass increased  
24 costs to drivers for repairs and lease  
25 costs, increase the gas surcharge per shift,

## PROCEEDINGS

1  
2 and include an automatic trigger increase in  
3 the lease for drivers when a passenger pays  
4 over a certain amount per shift because  
5 their customers use credit cards. And it  
6 will also reduce protections for drivers to  
7 complain about their fleets by dramatically  
8 decreasing the fines for retaliation against  
9 drivers who file complaints about  
10 overcharge.

11 I know today you talk about, you  
12 know, Taxi of the Tomorrow, but I hope that  
13 in that future we also include taxidrivers  
14 who could make a decent wage to support  
15 their family. It was only last September of  
16 2012 that taxidrivers received the first  
17 wage increase in eight years. These  
18 proposed rules will threaten to  
19 significantly cut into their hard won gains.  
20 Customers will have to pay more and  
21 taxidrivers will have to pay more.

22 I myself am a taxi rider, right, I  
23 don't drive. I take public transportation,  
24 but when I need to get around fast, I rely  
25 on the taxi. And I hear complaints from

## PROCEEDINGS

1  
2 drivers about how hard it is for them to  
3 make a decent living. So they won that gain  
4 for the taxi increase last year. Let's help  
5 them keep that gain, and I urge that you  
6 reconsider those rules and do not support  
7 it.

8 Thank you.

9 (Applause)

10 THE CHAIR: Please.

11 (Applause)

12 THE CHAIR: Please, I'm going to  
13 ask people, we are not going to have either  
14 clapping or expressions of disapproval,  
15 that's not what we do at these hearings.

16 Council Member, thank you very  
17 much for your testimony and I thank you.

18 COUNCIL MEMBER CHIN: Thank you so  
19 much.

20 THE CHAIR: Okay. The next  
21 speaker, back on the return to our Taxi of  
22 Tomorrow hearing, Jeffrey Frediani,  
23 representing AAA.

24 MR. FREDIANI: Good morning. My  
25 name is Jeffrey Frediani. I'm a legislative

## PROCEEDINGS

1  
2 analyst at the AAA New York. And AAA New  
3 York serves more than 1.6 million members  
4 residing in the City of New York and the  
5 adjacent counties of New York State, and we  
6 support the adoption of the Taxi of  
7 Tomorrow.

8           Daily, over 600,000 people ride in  
9 one of the many taxis that traverse New York  
10 City streets. During their travels, each of  
11 these 600,000 people come within close  
12 proximity to many other users of the New  
13 York City streets, other vehicles,  
14 pedestrians, and cyclists. Not only does  
15 the Taxi of Tomorrow have many upgraded  
16 safety features that will enhance the safety  
17 and overall ride of the passengers in the  
18 taxi, these features will have benefits for  
19 all roadway users as well. Indeed, having a  
20 taxi that has already been crash tested with  
21 a partition that has been factory installed,  
22 along with the addition of side impact air  
23 bags, will be a major safety upgrade.

24           Currently, taxis that are on city  
25 streets are fitted with an aftermarket

## PROCEEDINGS

1  
2 partition in a body shop, not in the factory  
3 where the vehicle was manufactured, thus not  
4 allowing for the vehicle to be crash tested  
5 with the partition. Protecting taxi riders  
6 in the event of a crash is a safety benefit  
7 nobody can argue with.

8           Keeping with the theme of  
9 passenger safety, we are also pleased to see  
10 that the seat belt tongue and buckle are  
11 highlighted in yellow, which will encourage  
12 the use of seat belts. Although vehicles of  
13 commercial conveyance are exempt from the  
14 state's mandatory seat belt use law, this  
15 simple, commonsense step will encourage seat  
16 belt usage in the Taxi of Tomorrow, and help  
17 prevent crash related injuries.

18           Indeed, an April 2006 report on  
19 taxi and livery crashes noted that while  
20 injury rates are lower for taxi passengers  
21 and other vehicles, the severity of injury  
22 is greater for those passengers who are  
23 injured in taxis, and are twice as likely as  
24 to suffer head and face injuries. This is  
25 due to the fact that passengers in taxis

## PROCEEDINGS

1  
2 often do not wear safety belts, only  
3 approximately 23 percent do, and therefore  
4 they hit the partition.

5           It is not just those who ride in  
6 taxis that will benefit from the new  
7 features of the Taxi of Tomorrow.  
8 Pedestrians and cyclists will benefit from  
9 sliding passenger doors as opposed to the  
10 traditional doors that swing out. This  
11 improvement will help avert incidences of  
12 "dooring" (sic), where a passenger of a  
13 vehicle opens their door without checking  
14 for cyclists, and the cyclist ends up  
15 slamming into the open door.

16           Also beneficial to those outside  
17 the taxi are the addition of the illuminated  
18 lights on the rear exterior to inform others  
19 that the doors of the taxi are opening, thus  
20 giving other roadway users a warning before  
21 the door opens. These added safety features  
22 will aid in keeping other roadway users safe  
23 when they come in close proximity to these  
24 new taxis. We are pleased to see that many  
25 safety improvements have been made when

## PROCEEDINGS

1  
2 developing the new taxi, which will benefit  
3 taxi passengers, pedestrians and cyclists  
4 alike.

5 Thank you.

6 THE CHAIR: Thank you.

7 The next speaker is Richard  
8 Thaler, representing OMN Gateway.

9 MR. THALER: Richard Thaler, OMN  
10 Gateway. I'll be commenting on the original  
11 first hearing, A, Taxi of Tomorrow, then  
12 I'll be commenting on the second hearing, B,  
13 the alternative fuel.

14 Chair Yassky and Commissioners,  
15 the 19th Century Emperor's New Clothes tale  
16 has returned as the 21st Century Mayor's new  
17 Taxi of Tomorrow tale about being unable to  
18 see NYC taxi reality. While Nissan is  
19 clearly an internationally recognized  
20 leader, and I loved my Datsun 510, the TLC's  
21 requiring the NV200 as an exclusive NYC taxi  
22 prior to at least a year of in-service  
23 evaluation may not be the Commission's  
24 finest moment. While the development effort  
25 should be applauded, without industry

## PROCEEDINGS

1  
2 vehicle choice, while emphasizing a wide  
3 range of simple aftermarket like frills such  
4 as mobile devices, mobile device chargers  
5 for passengers, rather than rigorous  
6 in-service evaluation of the undercarriage,  
7 running gear and driveline, and taking the  
8 opportunity to relieve serious driver lower  
9 back pain by incorporating adjustable  
10 compressed air lumbar back seat support and  
11 also an integrated shoulder belt air bag.  
12 Not in the best interests of the industry.

13           The few moments that taxi  
14 passengers have enjoying the luxury of  
15 private taxi transportation is provided by  
16 the traditional, adequate leg room sedan  
17 experience, which is also appreciated by  
18 drivers and should not be totally  
19 prohibited, unless taxi surveys determine  
20 that passengers overwhelmingly prefer the  
21 feeling of Boars Head meat in a delivery van  
22 or the need to recline in an EMS like van  
23 while stuck in bike lane traffic. Or even  
24 the option of tanning.

25           The TLC's taxi vehicle occupant

## PROCEEDINGS

1  
2 safety claims also deserve scrutiny  
3 regarding crash testing with the taxi  
4 partitions. The 24 NHTSA FMVSS crash  
5 worthiness standards 201-224, including  
6 FMVSS 208 for occupant safety, set standards  
7 for occupant restraints and intrusion, but  
8 there are no specific crash test standards  
9 for taxi partitions other than crash  
10 intrusion measurements for OEM partitions,  
11 which in any event are not subject to all  
12 possible crashes experienced in taxi  
13 service. The only passenger safety  
14 references cited by the TLC and the previous  
15 speakers concerned injuries suffered because  
16 seat and shoulder belts were not used. And,  
17 contrary to TLC claims, all eligible vans  
18 for taxi service must be in full compliance  
19 with FMVSS occupant safety standards. If  
20 the false claim suggesting that all other  
21 approved taxis may be unsafe due to the  
22 failure to perform taxi partition crash  
23 tests, likely causing unnecessary passenger  
24 fear and anxiety, the results of the NV200  
25 crash testing should be disclosed showing

## PROCEEDINGS

1  
2 how occupant safety has been improved by  
3 meeting intrusion standards compared to  
4 aftermarket partitions in other approved  
5 taxis. The only possible crash worthiness  
6 issue would be the detachment and/or  
7 shattering of the partition and the slamming  
8 into the rear seat in a severe crash. If  
9 that's a concern --

10 THE CHAIR: Mr. Thaler.

11 MR. THALER: One more sentence,  
12 Mr. Chairman.

13 THE CHAIR: Sure, go right ahead.

14 MR. THALER: If that's a concern,  
15 the TLC should either require such an  
16 aftermarket test to require the partition to  
17 be built by the vehicle OEM as it did with  
18 the NV200, although the mounting and  
19 integrity of the partition in a crash has  
20 never been an issue.

21 I'd like to go to B, the  
22 alternative fuels.

23 THE CHAIR: Go ahead. To be  
24 clear, this is a hearing on both of those  
25 two proposed rules together.

## PROCEEDINGS

1  
2 MR. THALER: It was listed in the  
3 agenda as two separate hearings. One was  
4 alternative fuels and one was Taxi of  
5 Tomorrow. One thing had nothing to do with  
6 the other. Could I make -- I have a short  
7 paragraph.

8 THE CHAIR: Go right ahead.

9 MR. THALER: Thank you.

10 The TLC should now recognize the  
11 superior alternative to the New York  
12 Administrative Code, Section 19.533, Clean  
13 Air Taxis, for achieving lower exhaust  
14 emissions and lower operating costs. The  
15 highest priority should now be given to  
16 planning for a transition to natural gas  
17 fuel. The spot market cost of 1,000 cubic  
18 feet or one million BTUs of natural gas at  
19 the well head is one-tenth the cost of  
20 gasoline on an energy equivalent basis, and  
21 including transportation costs would be  
22 about a fifth the cost of gasoline.  
23 Optimizing engine design for 130 octane  
24 natural gas with the latest advances in  
25 electronic cylinder deactivation power

## PROCEEDINGS

1  
2 management, a clean burning natural gas taxi  
3 could achieve the miles per gallon of a  
4 hybrid and return to the good old taxi days  
5 of fuel cost of about five dollars a shift.  
6 And the major source of uncontrolled hybrid  
7 air pollution, usually overlooked, caused by  
8 engine restart cycles after catalyst cool  
9 down periods, would finally be avoided.

10 Thank you.

11 THE CHAIR: Thank you.

12 I'm sorry, now we have Erhan.

13 MR. TUNCEL: Yes.

14 THE CHAIR: Please, Meera.

15 MS. JOSHI: Just to clarify,  
16 today's CAPA hearing is on the TOT rules and  
17 the alt fuels. When they were originally  
18 published, it appeared as one rule package.  
19 They will be presented for the hearing,  
20 we'll take testimony on it as an entire rule  
21 package, and the vote will be on the TOT  
22 rules as one vote and the alt fuels specs as  
23 the second vote.

24 THE CHAIR: Next is Erhan Tuncel  
25 from LOMTO. And just by the way, Mr.

## PROCEEDINGS

1  
2 Thaler, you pointed out the lumbar, the  
3 compressed air lumbar. That seemed like an  
4 interesting suggestion. We will follow up  
5 with Nissan about the feasibility of doing  
6 that. As you know, one of the things we  
7 focused on in this new vehicle is having the  
8 seat be adjustable, backwards, forwards and  
9 reclining for driver health. So if that  
10 could be approved in that way, we will check  
11 that out.

12 MR. THALER: You'll actually have  
13 that seat built.

14 THE CHAIR: Thank you, thank you  
15 for the suggestion.

16 Mr. Tuncel, please.

17 MR. TUNCEL: Good morning,  
18 Mr. Chairman and Commissioners. My name is  
19 Erhan Tuncel. I am the managing director of  
20 the League of Mutual Taxi Owners. Thank you  
21 for allowing me to testify before you today.

22 I'm here today to support your  
23 rule change to make it possible for our  
24 members to have hybrid vehicles as an option  
25 after the Taxi of Tomorrow's launch date.

## PROCEEDINGS

1  
2 However, if you pass the proposed vehicle  
3 specs, you will effectively eliminate all  
4 the hybrid vehicles as a choice except for  
5 two, now my understanding except for three.

6 I purchased a Toyota Camry hybrid  
7 even though I didn't have to, because data  
8 collected over the last seven or eight years  
9 proved it to be dependable and it made  
10 sense. I'm now helping New Yorkers breathe  
11 better. My vehicle gets about 38 miles per  
12 gallon. That's almost three times better  
13 mileage than my previous vehicle.

14 Right now a lot of hybrids are  
15 being bought by all segments of the taxi  
16 industry. Drivers are making more money  
17 because they spend less on gas. And hybrids  
18 are excellent for our environment. The  
19 Toyota Camry hybrid is the most preferred  
20 choice, and Toyota Prius V and Ford CMax is  
21 competing for the second place. Under the  
22 proposed vehicle interior specs, all three  
23 vehicles will be eliminated. Only the  
24 Toyota Highlander, Lexus RX 450h hybrid, and  
25 third, the Prius V will be left as a hybrid

## PROCEEDINGS

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choice.

Let me talk about the Highlander a little bit. There were a lot of owner-drivers and DOVs buying the \$45,000 Toyota Highlander hybrid back when hybrids first started their integration into the fleets seven or eight years ago. It proved to be a disaster. They break down quite often and repair costs were tremendous. Not a single Toyota Highlander owner I know is buying it for the second time.

If you don't take into account the space taken away by the partition, the Lexus RX 450h will be another one. It's an option that is luxurious, both in style and price. It cost more than \$50,000 and maintenance is much higher than the average vehicle. There were only about five purchased since the hybrid's inception into the taxi fleet.

And the third, the Prius V, is on the road right now, and most of the people who have them are single shifted owner-drivers. And they have not really been tested for double shifting, just for

## PROCEEDINGS

1  
2 your information. And I don't know how well  
3 it's going to hold up, the car is going to  
4 hold up under the fleet circumstances.

5 I'm asking you to pass the rule to  
6 make it possible to buy a hybrid after the  
7 TOT launch date but to leave the vehicle  
8 interior specs free. If you mandate the  
9 vehicle interior in question today, you are  
10 essentially limiting the hybrid vehicle  
11 choices for all unrestricted medallions.  
12 Trust me when I say this; LOMTO members and  
13 the DOV will not buy the Highlander hybrid,  
14 nor will they spend 50 to \$55,000 for the  
15 Lexus hybrid.

16 THE CHAIR: I'm going to ask you  
17 to sum up if you can.

18 MR. TUNCEL: Yes. The only owners  
19 who will buy them are the owners who must  
20 buy them because their medallions are  
21 restricted to alternative fuel vehicles.  
22 And by mandating today's specs, you will be  
23 asking alternative fuel medallion owners to  
24 buy and maintain a high-end vehicle with  
25 insurmountable maintenance costs. You will

## PROCEEDINGS

1  
2 force them to go out of business.

3 I've heard that the Taxi of  
4 Tomorrow will be available in a hybrid  
5 version about a year after it gets launched.  
6 If so, the rule change you are considering  
7 today will be obsolete in a year, yet it  
8 stands to hurt every owner who must follow  
9 it. I strongly urge this commission to  
10 approve other hybrid vehicles that have  
11 proven to be reliable and cost effective in  
12 taxi service.

13 THE CHAIR: Thank you. Thank you,  
14 Mr. Tuncel.

15 MR. TUNCEL: You're welcome.

16 THE CHAIR: Paul White of  
17 Transportation Alternatives, followed by  
18 Gabriela Anani, I'm sorry, Amari, from  
19 Brooklyn Center for Independence of the  
20 Disabled.

21 MR. WHITE: Good morning. Thank  
22 you for the opportunity to testify. I'll be  
23 very brief. Earlier we heard from the  
24 American Association of Automobiles. And I  
25 never thought I'd say this, but we're in

## PROCEEDINGS

1  
2 full agreement with the American Association  
3 of Automobiles.

4 THE CHAIR: Please note that  
5 moment. That's a big thing. Yes.

6 MR. WHITE: This new vehicle will  
7 make the experience of traveling in New York  
8 City safer for passengers and other road  
9 users alike. It's been said already, the  
10 sliding doors --

11 COMM. POLANCO: I'm sorry, who do  
12 you represent?

13 MR. WHITE: As the commissioner  
14 said, as the chairman said, I'm Paul White,  
15 executive director of Transportation  
16 Alternatives.

17 COMM. MARINO: Thank you. I was  
18 wondering the same thing.

19 MR. WHITE: Sorry. I'll be brief.  
20 We're in full support of the  
21 NV200, the Taxi of Tomorrow. It's a safe  
22 vehicle, it's safe for all road users,  
23 inside and outside the vehicle. In addition  
24 to many of the design features that were  
25 already mentioned by the medical

## PROCEEDINGS

1  
2 professionals and the AAA, which again, we  
3 are in full agreement with on this,  
4 unprecedented, we also are excited about the  
5 transition to the electric vehicle fleet.  
6 We all know that air quality is a big issue  
7 in New York City. Over a million New  
8 Yorkers suffer from asthma, which is  
9 exacerbated by air pollution of course from  
10 the traditional car. So we are in full  
11 support of this as a health and safety  
12 improvement for New Yorkers.

13 Finally, moving forward, looking  
14 ahead to the next generation of safety  
15 improvements, we have four recommendations.

16 One, speed governors. Technology  
17 changes to taxis to help reduce speeding can  
18 have wide reaching impacts. The taxis of  
19 New York City streets set the pace for other  
20 vehicles and for the standard of driver  
21 behavior. Limiting taxi drivers' speed has  
22 the potential to reduce the speeding of  
23 other drivers as well.

24 Second, speeding indicators.  
25 Drivers' speeds may be reduced by having

## PROCEEDINGS

1  
2 lights installed on the dashboard or on the  
3 outside of the car that indicate when the  
4 driver is over the 30 mile per hour speed  
5 limit that we have here in New York City.

6 Three, black boxes. Technology  
7 that provides information on crash data is  
8 extremely valuable to better understand  
9 crashes and can help prevent similar crashes  
10 in the future.

11 And finally, the goal of zero  
12 deaths and serious injuries on New York City  
13 streets. Other cities and countries are  
14 adopting Vision Zero Policies, which seek to  
15 completely eliminate traffic related  
16 injuries and deaths which are preventable,  
17 of course. So we look forward to the day  
18 when we can drive that number down to zero,  
19 as other cities and countries are doing.  
20 It's a laudable goal that the TLC can take  
21 leadership on.

22 THE CHAIR: Thank you.

23 MR. WHITE: Thank you very much.

24 THE CHAIR: Thank you very much,  
25 Mr. White.

## PROCEEDINGS

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Gabriela Amari.

AUDIENCE MEMBER: She's trying to  
work her way forward.

THE CHAIR: And followed by Victor  
Andrews. It says community board, it must  
be --

AUDIENCE MEMBER: CB 2.

THE CHAIR: Community Board 2,  
thank you.

Is the mike --

COMM. MARINO: No, you need to get  
someone over there.

MS. AMARI: I have a pretty  
carrying voice anyway, so.

THE CHAIR: Very good.

MS. AMARI: Okay. Good morning.  
My name is Gabriela Amari. I am from the  
Brooklyn Center for Independence of the  
Disabled.  
I have been listening to a lot of  
testimony here this morning from a lot of  
people, including representatives of  
hospitals, doctors, a lot about safety,  
testing, crash testing. And I would really

## PROCEEDINGS

1  
2 love to know, especially on the former  
3 commissioner's list, how many of those  
4 people endorsing these rules are in  
5 wheelchairs. I think that's very  
6 significant.

7 A lot of these people who have  
8 spoken here today are also not in  
9 wheelchairs. And while they are supporting  
10 a lot of the crash test criteria that's been  
11 brought up here, when those taxis are  
12 retrofitted for the accessible taxi, all of  
13 that goes away. So we don't get that, okay,  
14 we don't get that. If it's an accessible  
15 taxi, it's retrofitted for accessibility,  
16 then we don't get that crash safety because  
17 it goes away when it's retrofitted. So I  
18 guess in that category we are second class  
19 citizens.

20 Speaking to the outer borough  
21 taxis, I'm hearing -- I must have been  
22 misinformed because I thought that we were  
23 going to be getting the latest and best. I  
24 guess we are second class citizens in that  
25 respect as well.

## PROCEEDINGS

1  
2           There seems to be this big  
3 invisible barrier for the largest minority  
4 of New York, which would be people with  
5 disabilities. And I'm really, really very  
6 disappointed in that, and I come out in  
7 opposition to all of this. I think it's  
8 just a travesty, I really do.

9           I believe that an NV200, Nissan  
10 van 200, is a van, it's been categorized as  
11 a van, as was said earlier by very many  
12 people. And it needs to abide by ADA law  
13 and be accessible, all of it, every one of  
14 them.

15           Thank you.

16           THE CHAIR: Thank you. Just --

17           MS. AMARI: Yes.

18           THE CHAIR: -- please stay if you  
19 would. A couple of things, and you can  
20 respond. I just want the record to be  
21 clear. The outfitted version of the NV200,  
22 outfitted for accessibility, will still meet  
23 federal crash standards. That's in our  
24 contract. I just want to be clear with you  
25 about that.

## PROCEEDINGS

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MS. AMARI: I'll stay here.

THE CHAIR: Also, on the issue of -- I also want to make sure that we're all clear that the holders of wheelchair accessible medallions can still purchase any car that they wish. That includes the ones already on the road and the 2,000 that are coming. So, you know, if they don't think that the NV200 is the best version of a wheelchair accessible car, they can pick another one.

I also, I don't want to kind of conflate the issue of how many should be and how many shouldn't be. You raised the issue of a van. We do have litigation before us.

MS. AMARI: I know.

THE CHAIR: That in which the plaintiffs allege that the, not just the NV200 is a van, so is the Transit Connect, which is on the street today as at the moment the most popular choice for fleet owners to purchase, and some of the other models that are on the road today. So that issue of what's a van and what isn't is, you

## PROCEEDINGS

1  
2 know, will be decided by the courts. And I  
3 wanted to set that out there.

4 MS. AMARI: I just wanted to put  
5 that back out there as a reminder.

6 THE CHAIR: Yes, it is.

7 MS. AMARI: Because if that is  
8 going to be the TOT, if that's going to be  
9 the Taxi of Tomorrow, then it really needs  
10 to be accessible to people with  
11 disabilities. And 2,000 of them, while an  
12 improvement on 233 of them, it's not  
13 anywhere near what would be --

14 THE CHAIR: Understood.

15 MS. AMARI: Thank you very much.

16 THE CHAIR: Thank you.

17 MS. AMARI: Thank you.

18 (Applause)

19 THE CHAIR: Next is Victor Andrews  
20 of Community Board 2, followed by Brian  
21 Dannecker of Green Volt Hybrid Solutions.

22 MR. ANDREWS: Good morning,  
23 Commissioner Yassky and Commissioners. I am  
24 here on behalf of Community Board 2.

25 The NV200 should be wheelchair

## PROCEEDINGS

1  
2 accessible, should be on the side, not the  
3 back, only because the problem that you're  
4 going to have with that, while the  
5 wheelchair is loading from the back, the van  
6 can get hit at the same time. That's what  
7 we don't want. That's why I'm suggesting  
8 that it's from the side. Just like  
9 Access-A-Ride, they load from the back but  
10 they load from the side as well.

11 Also, what about the guide dog  
12 users as well, because we want to be able to  
13 ride in the car with the wheelchair as well.  
14 Did you guys also think about that? Was  
15 that also in play as well? Because you're  
16 going to have a lot of us calling you guys  
17 to take us to different spots as well. So I  
18 hope you guys take that into consideration.  
19 And I'm not even going to vote on the NV200  
20 right now until I see accessibility. Until  
21 I see it, I won't even vote on it.

22 THE CHAIR: Okay.

23 MR. ANDREWS: So --

24 THE CHAIR: Thank you,

25 Mr. Andrews. I will say, the NV200 has a

## PROCEEDINGS

1  
2 flat floor as opposed to the current taxis  
3 that generally have a hump in the floor in  
4 the middle. Part of the appeal of that is  
5 we think it makes it easier for service  
6 animals to be in the vehicle with the  
7 passenger. So to answer your question, can  
8 service animals be accommodated, absolutely.  
9 I think actually better in this vehicle than  
10 what's on the road in most cases today.

11 Thank you.

12 Brian Dannecker, Green Volt Hybrid  
13 Solutions, followed by David Pollack.

14 You're on deck, Mr. Pollack.

15 MR. DANNECKER: Good morning,  
16 Commissioner Yassky and Commission staff.  
17 My name is Brian Dannecker. I am the  
18 president and CEO of Green Volt Hybrid  
19 Solutions. We are a hybrid battery company  
20 that services the New York City and  
21 surrounding areas with a high quality, low  
22 cost hybrid battery replacement option for  
23 hybrid cars and taxi owners. We are one of  
24 the largest hybrid battery companies in  
25 North America, and we have over 50 years

## PROCEEDINGS

1  
2 combined experience in this sector. We  
3 appreciate the opportunity for the public to  
4 comment on the proposed taxi of Taxi of  
5 Tomorrow rules, which will require most New  
6 York City taxi owners to purchase the Taxi  
7 of Tomorrow.

8 We are here to specifically  
9 comment on the two hybrid vehicles options,  
10 now three as we understand today's change,  
11 you have selected as part of this program,  
12 as well as the under developed, yet to be  
13 determined or tested hybrid battery version  
14 of the Taxi of Tomorrow.

15 As you know, the first hybrid  
16 yellow taxis rolled onto the streets of New  
17 York City as part of an effort to improve  
18 fuel economy and reduce emissions. Seven  
19 years later, we have over five to 7,000 of  
20 these cleaner greener taxis in operation  
21 each day. The city's hybrid taxi program is  
22 one of the first of its kind, and it serves  
23 as a model for other cities around the  
24 country. We have worked with companies in  
25 Madison, Wisconsin, Austin, Texas,

## PROCEEDINGS

1  
2 Washington D.C., Ashland, Virginia and the  
3 Virginia sounding areas and many cities in  
4 California, all of whom have taken cues from  
5 New York City's taxi program. These cities  
6 are expanding their hybrid electric car  
7 footprint, not limiting it.

8           We are concerned that the new Taxi  
9 of Tomorrow hybrid vehicle options will  
10 actually hinder the expansion of hybrid  
11 vehicles in the taxi fleet. The lack of  
12 hybrid vehicle options will leave New York  
13 City reverting back to a less fuel efficient  
14 and a higher emission fee. Green Volt  
15 recognized the benefits of advancing the new  
16 taxi, and we appreciate the hard work of the  
17 TLC and other stakeholders regarding this  
18 initiative, but at 16 to 25 miles per  
19 gallon, all those vehicles approved upon  
20 previous taxi models have entered the fleet,  
21 but there current advancements that put it  
22 up to 40 to 50 miles per gallon, which is  
23 something we should look forward to.

24           We feel that the leap in miles per  
25 gallon is significant, but the lack of

## PROCEEDINGS

1  
2 different models would counteract any gains  
3 in reduced emissions due to the decrease in  
4 the hybrid fleet. We suggest the new fleet  
5 reflect the best possible options for New  
6 York City customers and owners. We  
7 recommend that the Taxi of Tomorrow hybrid  
8 models be expanded to include higher miles  
9 per gallon in vans and SUVs than are  
10 currently proposed.

11 Over the past few years taxi  
12 owners and passengers have become accustomed  
13 to using hybrid models as viable taxi  
14 vehicles. The overall cost between  
15 purchasing and maintenance has decreased.  
16 New York City has been a leader in the  
17 hybrid taxi program. We urge the commission  
18 to modify the current proposals to include  
19 more models and so we don't lose ground.

20 Thank you very much for your time.

21 THE CHAIR: Thank you.

22 David Pollack, now your turn,  
23 followed by Placida Robinson.

24 MR. POLLACK: Good morning,  
25 Commissioners. Did we just change the rule

## PROCEEDINGS

1  
2 this morning from what was proposed months  
3 ago, is that what happened?

4 THE CHAIR: There is a change to  
5 bring in more hybrid vehicles by allowing  
6 some of the smaller models.

7 MR. POLLACK: Well, I have a  
8 couple of questions on that. But first what  
9 I'd like to do is read my testimony.

10 COMM. MARINO: Could you just put  
11 than on the table, the testimony?

12 MR. POLLACK: Yes.

13 COMM. MARINO: Do you want to pass  
14 that around, if you give it to me? Alan,  
15 could you just hand those boxes over there?  
16 It's just easier to read along sometimes.

17 MR. POLLACK: Thank you.

18 Due to the New York State Supreme  
19 Court's ruling in Committee for Taxi Safety  
20 and Taxi Management versus the City of New  
21 York, Michael Bloomberg, the TLC and David  
22 Yassky that the Taxi of Tomorrow rules  
23 mandating the use of the NV200 to the  
24 exclusion of all other vehicles violates the  
25 New York City administrative code, the

## PROCEEDINGS

1  
2 Commission has attempted a sleight of hand  
3 with these proposed rule changes. That is,  
4 circumscribing of the specifications of  
5 approved hybrids to comply with the new  
6 procedure rules -- proposed rules that there  
7 will be no serious competition to the Taxi  
8 of Tomorrow, because the only compliant  
9 hybrids are prohibitively expensive to  
10 purchase and to operate.

11 In the Committee for Taxi Safety  
12 litigation, the court, in striking down the  
13 Taxi of Tomorrow rules, stated "an agency  
14 cannot promulgate rules or regulations that  
15 contravene the will of the Legislature."

16 The TLC attempts to justify this  
17 rule making by citing passenger comfort as  
18 the underlying reason upon which these  
19 proposed rules are based. The Supreme Court  
20 set forth in the Committee for Taxi Safety  
21 litigation, Legislative history and related  
22 administrative code provisions reflect the  
23 City Council's intent to promote hybrid  
24 vehicles, and its concern is that the TLC's  
25 preoccupation with passenger comfort hinders

## PROCEEDINGS

1  
2 that goal." The decision emphasizes and  
3 states, "The intent of the City Council is  
4 clear, passenger comfort may not override  
5 city laws regarding the use and promotion of  
6 hybrid vehicles."

7 In this very room in 2011, a TLC  
8 handout to the commissioners and industry  
9 stakeholders stated that, "These hybrid  
10 vehicles have proved to be safe, reliable  
11 and comfortable taxicabs." Accordingly, the  
12 conclusion is inescapable that the selection  
13 of the interior volume is not related to any  
14 legitimate objective, and to be sure, it is  
15 not supported by any competent data, but  
16 serves instead to limit the competition to  
17 the Taxi of Tomorrow, and to force owners to  
18 purchase the Taxi of Tomorrow vehicle, when  
19 current statistics overwhelmingly show the  
20 taxi industry would prefer to operate a  
21 number of hybrid taxis.

22 Approving additional cars is  
23 obviously an attempt to skirt the judge's  
24 ruling, and there's no basis for choosing  
25 this one car. You know, at the time the law

## PROCEEDINGS

1  
2 was passed, the TLC was contemplating  
3 multiple hybrids. And that's why the TLC  
4 initially passed a rule and approved  
5 multiple hybrids. And stifling innovation  
6 into fewer and fewer choices is not the best  
7 choice to bringing modern, clean, safe  
8 technology to this industry.

9 In summary, the Commission is  
10 attempting to discourage the use of hybrids  
11 as taxis in furtherance of its misguided  
12 Taxi of Tomorrow project. We respectfully  
13 submit that the Commission's disingenuous  
14 attempt to fix this in a violation of the  
15 administrative code by this rule change, and  
16 should be rejected for exactly what it is,  
17 which is pretty much a sham.

18 But will any car with 132 cubic  
19 interior space cubic feet be approved as a  
20 taxicab, or is this only the Prius?

21 THE CHAIR: Well, it's any vehicle  
22 that meets our specifications. We have, as  
23 the commission has for decades, a series of  
24 specifications, head room, leg room,  
25 interior volume, front leg room, rear leg

## PROCEEDINGS

1  
2 room. So any vehicle that meets those  
3 specifications. People are often  
4 interested, what does that mean as a  
5 practical matter. That's why I brought up  
6 the Prius.

7 COMM. MARINO: But just to  
8 clarify, the only vehicle -- I apologize.

9 COMM. DeARCY: That's okay.

10 COMM. MARINO: The only vehicle  
11 that actually meets that specification, the  
12 new one, is the Prius V; correct?

13 THE CHAIR: No. The Toyota  
14 Highlander --

15 COMM. DeARCY: That's not true.  
16 I'm sorry.

17 COMM. MARINO: No, no, please.

18 COMM. DeARCY: I just asked this  
19 question, and I asked the question in  
20 reverse. Is my mike on? Am I on now?

21 THE CHAIR: I think you were on  
22 before.

23 COMM. DeARCY: Normally people can  
24 hear me. How's that?

25 COMM. MARINO: Thank you.

## PROCEEDINGS

1  
2           COMM. DeARCY: I asked the  
3 question in reverse. And what I asked was,  
4 given the amendment to the rules this  
5 morning, how many of the existing hybrids  
6 are excluded. And the answer that I got was  
7 one model, and that was the Camry. Right?  
8 No, I guess I got that wrong.

9           MR. WILSON: There's about three  
10 models.

11           MR. POLLACK: If I may,  
12 Commissioners.

13           COMM. DeARCY: Yes, one is  
14 excluded.

15           MR. POLLACK: There are 4,100, as  
16 of May first, 4,146 Escape hybrids, 1,978  
17 Camry hybrids, 274 Altima hybrids, 97  
18 Highlander hybrids, 131 CMax's.

19           Does the CMax fall into that 130  
20 square cubic feet?

21           THE CHAIR: I do not believe so.

22           MR. POLLACK: There are Malibu  
23 hybrids, RX 400s, there are six of those  
24 Lexuses. There's a handful of Mariner  
25 hybrids, Sonata hybrids, Fusion hybrids and

## PROCEEDINGS

1  
2 Avalon hybrids. So there's certainly a  
3 number of hybrids out there, at least today.  
4 And here we're limiting them based on  
5 comfort and space.

6 THE CHAIR: So a full answer to  
7 your question, Commissioner Marino, is that  
8 there are, I don't know how many but many  
9 hybrid models available for sale, hybrid  
10 vehicle models available for sale today in  
11 New York and in the U.S. Many of those are  
12 precluded by our preexisting specs, because  
13 we have always had specifications that say  
14 that there has to be a certain amount of leg  
15 room, a certain amount of interior volume  
16 room.

17 When hybrids first came on the  
18 market, and the TLC had to be pushed, in all  
19 honesty, to approve the hybrids in the first  
20 place, there were none that met the specs at  
21 that time for regular, what I'll call  
22 regular taxis. So the TLC created a second  
23 set of specifications for hybrids that  
24 allowed considerably smaller vehicles.  
25 Again, as I said at the outset, good move,

## PROCEEDINGS

1  
2 smart, right thing to do. Now that there --  
3 because there were only small ones. Now  
4 that there is a much bigger range, we can  
5 play our traditional role of saying this one  
6 is big enough, this one is not. And it lets  
7 the spec, in answer to your question, of the  
8 ones currently approved for use, I believe  
9 three models, the Highlander, the Lexus and  
10 the Prius meet the specifications along  
11 with, for what it's worth, the Escape, the  
12 most common hybrid, except that's going out  
13 of production. But in other words, if that  
14 were flex and what we'd want to be in a  
15 taxi, I think the spec does a good job of  
16 reflecting what's out there today.

17 COMM. MARINO: But just to  
18 clarify, Mr. Pollack ran off a whole bunch  
19 of different cars. All of those except for  
20 Prius V --

21 THE CHAIR: Correct.

22 COMM. MARINO: -- are now  
23 unobtainable under the new rules.

24 THE CHAIR: Correct.

25 COMM. DeARCY: One of those was

## PROCEEDINGS

1  
2 the Escape, which there is a fairly large  
3 number, right?

4 THE CHAIR: The Escape would meet  
5 it, the Escape would meet the spec, but  
6 they're not selling them anymore.

7 COMM. DeARCY: They're not selling  
8 them, right.

9 Can I see your list of cars? It  
10 would help.

11 (Mr. Pollack hands up a document  
12 to the Commission)

13 THE CHAIR: Thank you,  
14 Mr. Pollack.

15 The next speaker is Placida  
16 Robinson, followed by Natalie Wengroff, for  
17 City Council Member Daniel Dromm.

18 Before, Ms. Robinson,  
19 Commissioners --

20 MS. ROBINSON: Sure.

21 THE CHAIR: -- we have video  
22 testimony from Dr. John Sherman, professor  
23 of surgery at Cornell University Medical  
24 College. I'm going to with your agreement  
25 not play that testimony, I will just make it

## PROCEEDINGS

1  
2 part of the record. I will stipulate that  
3 it's substantially similar to the testimony  
4 from the earlier physicians about the risk  
5 of head and face injuries that taxi  
6 passengers currently face and the reduction  
7 in that risk that will come with the Taxi of  
8 Tomorrow. If there is a ground swell for  
9 seeing the video testimony of Dr. John  
10 Sherman, please express that ground swell  
11 now, otherwise we will move forward. Okay.  
12 But that will be considered part of the  
13 record.

14 Go ahead, Ms. Robinson.

15 MS. ROBINSON: Okay, hi. So I'm  
16 back. Hi, Commissioner Yassky.

17 Last time I was here on May  
18 second, many of you commissioners were  
19 notably absent, so I'd like to reintroduce  
20 myself to you. I'm Placida Robinson. I am  
21 a hybrid taxi medallion owner. And I'm also  
22 the president of the Independent Medallion  
23 Owner Driver Association. I have lost  
24 \$150,000 to the hybrid experience. But I'm  
25 not mad, I'm just putting together an

## PROCEEDINGS

1  
2 association to continue to forward my point  
3 that there is a significant issue with the  
4 hybrid proposals that are constantly being  
5 set forth here.

6 I am for green. I'm not saying  
7 that green initiatives are bad, but don't  
8 mandate them. And I think what you're doing  
9 here, even lately here, is you're giving us  
10 a false choice. Whereas before the market  
11 was open between regular medallions, and of  
12 course the restricted hybrid medallions,  
13 where you have forced hybrid medallion  
14 owners to continuously purchase hybrid  
15 vehicles that have been inferior for using  
16 as taxis. That has been the case before.  
17 Now you're telling the regular market that  
18 they must now be limited to a choice, which  
19 is the Taxi of Tomorrow, which I don't --  
20 it's not of concern to me how many bells and  
21 whistles we are getting with the Taxi of  
22 Tomorrow, you could have gotten as many  
23 bells and whistles with any other vehicle in  
24 terms of sliding doors, which is not a 21st  
25 century technology. But what you're not

## PROCEEDINGS

1  
2 getting with the Taxi of Tomorrow is gas  
3 mileage. You're getting essentially the  
4 same gas mileage out of the Taxi of Tomorrow  
5 as you were getting with the Crown V.  
6 You're getting 12, you're getting 26, 27.  
7 I've been on fueleconomy.gov. The 26, 27 is  
8 not great. I'll even give you 28, 29. But  
9 did you know that President Obama has pushed  
10 his EPA mileage standards for 2013 to 35.5  
11 for gas cars, and by 2025 he'll have  
12 manufacturers issuing gas cars at 50 miles  
13 per gallon. So what's happening to the  
14 mayor's green initiative? I don't know.  
15 But the Taxi of Tomorrow is not green.

16 But if that's the choice the gas  
17 medallion owners are facing, you'll then  
18 give them the other choice to then go pick  
19 up a hybrid, okay. Well, great. Now they  
20 are going to be faced with the same issues  
21 that hybrid medallion owners have known all  
22 along. And Nora Marino was gracious enough  
23 to entertain me last time when she saw my  
24 poster board here. And what is it saying.  
25 The impact of implementing the Toyota

## PROCEEDINGS

1  
2 Highlander hybrid in the alternate fuel  
3 specs. Well, here is the impact,  
4 Commissioner Weinshall, and Commissioner  
5 Gonzales, and Commissioner Arout. I really  
6 would like you to pay attention to this and  
7 feel our pain. Here it is.

8           When you purchase the Toyota  
9 Highlander hybrid 2006, 2007, 2009, 2011,  
10 2012 model year, guess what you're going to  
11 get. You're going to get the hybrid  
12 inverter, the hybrid battery, the hybrid  
13 transmission, all costing 5,000, 8,000,  
14 \$10,000 a pop and you're going to replace it  
15 year one, year two, year three.

16           THE CHAIR: Ms. Robinson, I'm  
17 going to ask you to sum up.

18           MS. ROBINSON: Okay. And when you  
19 are finished replacing all of that, in year  
20 three you're going to have to trash the car  
21 fleetly. So your expenditures after paying  
22 \$47,000 --

23           THE CHAIR: Ms. Robinson.

24           MS. ROBINSON: You have to let me  
25 continue, please. You know what, when you

## PROCEEDINGS

1  
2 hear something that you like, you give great  
3 time to it.

4 (Applause)

5 THE CHAIR: Now --

6 MS. ROBINSON: But when you're  
7 hearing something that really is telling you  
8 the truth and is going to help you lead  
9 people to better decision making, you  
10 swiftly want to cut me off. That's why I  
11 brought the poster board. You see here that  
12 one medallion owner spent \$89,000.

13 THE CHAIR: Let me ask you this  
14 question.

15 MS. ROBINSON: And when --

16 THE CHAIR: When you were here  
17 last, I just looked --

18 MS. ROBINSON: Yes, your Honor,  
19 yes.

20 THE CHAIR: I know you drove a  
21 Highlander and you had detailed last time --

22 MS. ROBINSON: Three, three hybrid  
23 models.

24 THE CHAIR: I was going through  
25 all the problems you had with the

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Highlander.

MS. ROBINSON: Oh, no, not just me. We're talking about --

THE CHAIR: No, I remember you detailing all the problems with it.

MS. ROBINSON: Yeah, 25 different people.

THE CHAIR: Can I just notice, then you went and got another Highlander and hacked up a similar -- hacked up a second time.

MS. ROBINSON: No, I didn't hack up a second Highlander. I have had the Saturn View by GM. I've had the Toyota Highlander. And when I wrote the Commission about those two previous hybrid experiences, I got a letter back saying too bad, Ms. Robinson, hack up a third hybrid. So I'm going on \$150,000 in my personal experience. But I brought you pictures of all the other hybrid owners who are going through the same thing.

THE CHAIR: Perhaps the record is mistaken. Somehow it showed you had two

## PROCEEDINGS

1  
2 separate -- you had -- it's one after  
3 another Highlander.

4 MS. ROBINSON: But you're inviting  
5 other owners now to come join the same  
6 Highlander experience.

7 THE CHAIR: Thank you. Thank you,  
8 Ms. Robinson.

9 MS. ROBINSON: You're welcome.

10 THE CHAIR: Thank you.

11 Next is Natalie Wengroff,  
12 representing City Councilman Daniel Dromm,  
13 followed by Cliff Adler.

14 MS. WENGROFF: Hi. I am speaking  
15 today on behalf of New York City Council  
16 Member Daniel Dromm, who represents the 25th  
17 District, which includes Jackson Heights,  
18 Elmhurst, Corona LeFrak City, Woodside and  
19 Rego Park.

20 (Reading:) I am chair of the  
21 immigration committee and represent one of  
22 the most immigrant rich areas of the world.  
23 Many of these hard working immigrants are  
24 taxidrivers, whom these twelve new proposed  
25 rules would negatively impact. Today's

## PROCEEDINGS

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hearing deals with an issue that I care  
deeply about.

THE CHAIR: Wait a second, I'm  
sorry, bear with me.

MS. WENGROFF: Pardon me?

THE CHAIR: Are you testifying  
about the Taxi of Tomorrow --

MS. WENGROFF: Yes.

THE CHAIR: -- rules?

MS. WENGROFF: Some of the  
proposed rules that have been put into the  
Taxi of Tomorrow rules that negatively  
impact taxidrivers.

THE CHAIR: What are those?

MS. WENGROFF: If you would let me  
continue I could --

THE CHAIR: Please do.

MS. WENGROFF: -- discuss it a bit  
more.

THE CHAIR: Please do. Continue,  
Ms. Wengroff.

MS. WENGROFF: Thank you.

I would first like to note that  
the way these proposed rules came about is

## PROCEEDINGS

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disgraceful.

THE CHAIR: Ms. Wengroff, before you do, though, just because I'm skeptical that you are in fact testifying about the Taxi of Tomorrow, which parts of the Taxi of Tomorrow rules are you focusing on?

MS. WENGROFF: The shift of pay that are in the -- the shift in the costs that are in leases that will be put the drivers instead of being on the agents.

THE CHAIR: I think that you're here to address the second rule package that is --

MS. WENGROFF: I actually --

THE CHAIR: -- on the agenda for today.

MS. WENGROFF: -- read both rules on my own personally after the council member was notified, and the rules that are discussed have been put into the Taxi of Tomorrow as part of the weekly shift rates that would be included and what that means.

THE CHAIR: Fair enough. I guess there are -- there is -- you're right that

## PROCEEDINGS

1  
2 there is a provision that makes it clear  
3 that the Taxi of Tomorrow qualifies for the  
4 higher of the two lease caps that are  
5 currently available.

6           Commissioners, that's what, just  
7 to be clear, what Ms. Wengroff is referring  
8 to. Today taxi owners can charge a somewhat  
9 higher lease cap for hybrid vehicles. And  
10 what this -- today's rules do let any of the  
11 new Taxi of Tomorrow or hybrid qualify for  
12 that second -- for that lease cap.

13           That's what you're speaking about?

14           MS. WENGROFF: Yes.

15           COMM. DeARCY: Are you going to be  
16 testifying as well on the lease cap rules or  
17 are you only testifying on the Taxi of  
18 Tomorrow?

19           MS. WENGROFF: I was only going to  
20 testify on Taxi of Tomorrow, but I can  
21 testify on the lease cap rules if you would  
22 prefer.

23           COMM. DeARCY: No, it's just  
24 mentally orienting ourselves. For me it  
25 would be helpful to put those with the lease

## PROCEEDINGS

1  
2 cap rules, but you're obviously free to  
3 proceed.

4 MS. WENGROFF: Okay.

5 I would first like to note that  
6 the way that these proposed rules came about  
7 is disgraceful.

8 THE CHAIR: You know,  
9 Ms. Wengroff, I'm sorry, I think -- I know  
10 this is -- I think this would be better.  
11 Can I ask you -- can I hear -- can I ask you  
12 to let me hear from another witness first,  
13 because I think that there might be some  
14 confusion about what the content of the rule  
15 is.

16 MS. WENGROFF: That's fine.

17 THE CHAIR: And then we can figure  
18 it out and you'll come up in two to three  
19 minutes.

20 MS. WENGROFF: That's fine.

21 THE CHAIR: Thank you so much.

22 Cliff Adler, presumably to be  
23 followed by Ms. Wengroff.

24 MR. ADLER: Commissioner Yassky,  
25 ladies and gentlemen, my name is Cliff

## PROCEEDINGS

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2 Adler. I'm a member of the League of Mutual  
3 Taxi Owners.

4           Concerning this Taxi of Tomorrow,  
5 there's all this wonderful talk about what  
6 the Taxi of Tomorrow can do from the  
7 customer point of view. You're forgetting  
8 that -- I was invited a few months or about  
9 a year ago and a half ago to visit the new  
10 Taxi of Tomorrow when they showed it. I was  
11 one of the people that was invited to see it  
12 and sit inside it and so on. And I was  
13 assured by engineers from Toyota -- from  
14 Toyota -- from Nissan who were there then  
15 that we wouldn't have to have one of the  
16 sealed plastic environment for the  
17 passengers in the back of the vehicle, that  
18 you would could remove the top half of the  
19 partition to start with if you didn't want  
20 to have it, because all the electronics that  
21 they had was in the bottom half of the  
22 partition for their air conditioning, the  
23 heating and all the other electrical stuff  
24 that they wanted there, that you could just  
25 lift it up and you wouldn't have to deal

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with that.

Now I'm hearing from the TLC when I attended a meeting that I was invited to in the conference room here a few months ago, they said first of all, they'd like me to try out the new Taxi of Tomorrow in the spring, which nobody has called me on, and I said I was willing to try it out. And secondly, one of the people attending the conference, I don't remember who, said at that time oh, no, you can't remove partitions, these are all fixed, this is all done, this is the way things are going to be. We don't get answers. You get one answer one minute, you get one answer another minute from everybody involved. And this is just confusing the issue for everyone, okay.

And at the same time we have this court case against the TLC to stop the Taxi of Tomorrow as being the only vehicle. We've always had choices of vehicles. As you have now given us, we have multiple choices of different vehicles we can put on

## PROCEEDINGS

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2 for a taxi on the streets today. To want to  
3 say that basically you will have one choice,  
4 this is what we have been fighting for ages,  
5 that we should have a choice of different  
6 vehicles you can get. Whether it's a  
7 hybrid, whether it's electrical, whether  
8 it's a regular gasoline powered vehicle, we  
9 should have the right to be able to pick  
10 what vehicles suits us. Not a Japanese  
11 company building a car, which is yet to be  
12 built, in a factory that is yet to be built  
13 in Mexico, shipped to America, and sold in  
14 New York. And have some of the problems  
15 which they've had with the same manufacturer  
16 in England as they have started to import  
17 them to England for their equivalent of a  
18 Taxi of Tomorrow, and they have some  
19 mechanical problems which they can't correct  
20 right now, and there's a whole bunch of  
21 taxis that are off the road for that, and  
22 I'm speaking of the London black cabs.

23 THE CHAIR: Just as a factual  
24 matter, there were for a long period of  
25 years there was only one vehicle that met

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TLC specs, the Ford Crown Victoria, which --

MR. ADLER: No.

THE CHAIR: Well, yes. But which I -- and I am -- and I understand why that made sense at the time.

MR. ADLER: We had the Chevy Caprice, we had other vehicles out there. We've always had a few different cars on the road. I'm driving a taxi for 38 years, Commissioner.

THE CHAIR: There is no doubt there was always a time when there were holdovers from -- so there was more than one model on the road. But there were a period of years when it was just the Ford Crown Victoria.

MR. ADLER: No.

THE CHAIR: But at any rate, thank you, Mr. Adler.

Thank you, I'm sorry, thank you.

MR. ADLER: Thank you.

(Applause)

COMM. POLANCO: I'm sorry, did he have a question whether he could remove or

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not remove?

THE CHAIR: Yes. Mr. Adler, as to the partition, you know, certainly under our rules, right, if you're an owner-driver you can use a camera instead of a partition. I will make sure that -- I don't know the answer to your question about how easy it is as a practical matter it is to remove the top, the plastic glass part of the NV200 partition. I commit to you we'll get a good understanding of that and communicate it to you.

MR. ADLER: Thank you, Commissioner.

THE CHAIR: Thank you.

COMM. CARONE: Mr. Chairman, just a question on a point of order. You asked the prior speaker if she was speaking on the public hearing regarding the Taxi of Tomorrow, which we're in the middle of now, or the lease cap. Now, my understanding is the lease cap is merely for Commission action.

THE CHAIR: That's correct, there

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is no public hearing on that.

COMM. CARONE: Okay.

THE CHAIR: That is correct.

COMM. DeARCY: Good point.

THE CHAIR: So then let me hear --  
and Ms. Wengroff, I know you're there -- let  
me hear from Jean Ryan while we finish this  
research.

Is Ms. Ryan here?

MS. RYAN: Yes, I am.

THE CHAIR: Yes.

MS. RYAN: Hi. Here's a copy of  
my testimony.

COMM. MARINO: I'll take that.  
He's going to fix the mike for you.

MS. RYAN: Hi. I'm Jean Ryan.  
I'm from the Taxis For All campaign.

And once again, wheelchair users  
are shut out and ignored. There are  
hundreds of thousands of people with mobile  
disabilities in New York City. And we are  
all customers or would like to be.

The Taxi & Limousine Commission is  
at it again. This time you have proposed

## PROCEEDINGS

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2 rules that would effectively make it  
3 impossible for taxi drivers or medallion  
4 owners to operate wheelchair accessible  
5 vehicles if they do not own an accessible  
6 medallion.

7           We have three points we'd like to  
8 make about your continued rejection of  
9 accessibility. One, this rule proposal is  
10 the most aggressively anti-access proposal  
11 we have seen from the TLC, and that's saying  
12 a lot. Here's what this rule says. Taxi  
13 drivers will be allowed to operate only the  
14 so-called Taxi of Tomorrow or a hybrid  
15 vehicle. The only exception is the soon to  
16 be 2,239 accessible medallions, and an  
17 additional 496 medallion holders. The vast  
18 majority of the yellow taxis fleet, 15,237  
19 vehicles, could not be accessible under  
20 these proposed rules. In other words, if a  
21 vehicle isn't a Nissan NV200 it cannot be a  
22 New York City taxi unless it's attached to  
23 an accessible restricted medallion.

24           Since vans are the only type of  
25 vehicle that can be made accessible

## PROCEEDINGS

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2 relatively easily and cheaply, this  
3 effectively eliminates the possibility of  
4 additional wheelchair accessible vehicles on  
5 the road. If the court requires that an  
6 accessible vehicle be used, only a  
7 retrofitted Nissan NV200, which has major  
8 limitations as an accessible vehicle, would  
9 be allowed.

10 The NV200 retrofit can accommodate  
11 only an adult passenger, no children, along  
12 with a wheelchair user. It requires entry  
13 through the back of the vehicle, which means  
14 wheelchair users will have to enter in the  
15 street. I'd love to see those pedestrian  
16 crash statistics.

17 As you know, the Taxi For All  
18 campaign's lawsuit against the TLC was  
19 recently amended to include a challenge to  
20 the so-called Taxi of Tomorrow. Since the  
21 Nissan NV200 is a van, it violates Americans  
22 with Disability Act rules which require vans  
23 in use as taxis to be accessible. It makes  
24 no sense to adopt these rules when this case  
25 is still under consideration.

## PROCEEDINGS

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2           Two. The official taxi vehicle is  
3 hardly the iconic vehicle you claim you  
4 desire. You state and your RFP asks for an  
5 iconic vehicle that would offer, quote,  
6 "accessibility for all users," unquote, see  
7 page three of the rule change. So why isn't  
8 the Nissan NV200 wheelchair accessible?  
9 Instead, you selected a non accessible  
10 vehicle to require its use until 2024.

11           You referred to the need for  
12 expanded leg space in testimony before the  
13 City Council and touted the vehicle's sky  
14 roof. Perhaps if you had included a member  
15 of the Taxis For All campaign on the Taxi of  
16 Tomorrow committee as we requested  
17 repeatedly, you wouldn't be leaving tens of  
18 thousands of people at the curb. Finally --  
19 it's really hundreds of thousands.

20           Three. Finally, our group  
21 recently released a statement with the  
22 Greater New York Taxi Alliance calling for a  
23 fully accessible fleet, the first time any  
24 part of the taxi industry has supported one  
25 hundred percent accessibility. You say you

## PROCEEDINGS

1  
2 want it, but you never do anything towards  
3 it. A hundred percent means a hundred  
4 percent, not little teeny baby steps.

5 See the statement on the reverse  
6 side of my testimony? We urge you to follow  
7 their example and we urge you to withdraw  
8 consideration of these rules.

9 Thank you.

10 THE CHAIR: Thank you, Ms. Ryan.

11 (Applause)

12 THE CHAIR: Ms. Wengroff, I am not  
13 going to ask you to testify because I  
14 believe you really are testifying about the  
15 lease cap rules, and, as Commissioner Carone  
16 points out, there is no public hearing  
17 scheduled today. And I want to stick to  
18 that procedure.

19 Just to clarify, the one kind of  
20 issue that you raised, the Taxi of Tomorrow  
21 rules before us today do not change the  
22 lease cap structure. It remains one lease  
23 cap for non hybrids, and a second three  
24 dollar per shift additional lease cap for  
25 hybrids. And that will remain even post

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this today, if these rules are adopted.

MS. WENGROFF: Can I just ask that how come you let Council Member Chin speak, she spoke on the same issue?

THE CHAIR: I recognize -- once she was up at the podium I did not dismiss her. But now that I understand what it is that you're testifying about, it's just not -- there's no hearing on that today. I appreciate you're taking the time to be with us. I'm sure you have something in writing or whether you --

(Audience participation)

THE CHAIR: We will handle it.  
Yes.

COMM. WEINSHALL: I think in light of the fact that you did let Council Member Chin testify --

COMM. MARINO: Yes, put the microphone on.

COMM. WEINSHALL: I don't mean to disagree, but I think since you let the council member testify, I think it's only a few minutes and you should let this young

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lady speak.

COMM. MARINO: I agree. I agree.

MS. WENGROFF: Also I have copies I can hand out if that is the easiest solution to make this more amenable.

THE CHAIR: Consistent with everything I know about Council Member Dromm, your instinct for consensus and problem solving is admirable, and I see why he hired you.

Before we decide -- I'm happy to decide that by, as a group, the procedural question? Unless Meera speaks up and tells me that's causing another problem. But before you today I'll just say is what dawned on me is there are one, two, three, four, five, six, seven speakers left, all of whom are from the New York Taxi Workers Alliance. I'm guessing that they also are seeking to speak on the same topic, so --

COMM. WEINSHALL: I think we can find out.

COMM. DeARCY: But I also, to be fair, I think that this speaker specifically

## PROCEEDINGS

1  
2 articulated that her comments were with  
3 respect to the integration, she essentially  
4 integrated the two. If the following  
5 speakers are speaking exclusively to the  
6 lease cap, it's different.

7 THE CHAIR: I take your point.

8 COMM. MARINO: I agree.

9 THE CHAIR: I take your point.

10 The Commissioners are grown-ups, they can  
11 decide for themselves what weight to give  
12 the testimony.

13 Ms. Wengroff, please proceed.

14 MS. WENGROFF: Okay. I'll just  
15 move on from the other part that I had.

16 So as if an arbitrary process was  
17 not bad enough, these new rules will  
18 eliminate the first raise taxi drivers have  
19 received in eight long years. In fact,  
20 drivers suffered an estimated loss of 25  
21 percent between 2006 and 2012 due to various  
22 factors. This pay increase is vital to both  
23 the drivers and their families, who often  
24 struggle to survive. These new rules not  
25 only eliminate this much needed raise, but

## PROCEEDINGS

1  
2 would continue to nickel and dime drivers  
3 who cannot afford to be bilked for more  
4 money.

5           The rule seeks to separate out of  
6 the lease various expenses that have  
7 traditionally been covered by the lease  
8 payments, and would add costs to drivers  
9 while ultimately eliminating costs to  
10 garages and agents. Ultimately, the rule  
11 would rob drivers of anywhere from 5,460 to  
12 6,136 dollars of annual income. What's  
13 worse is that these rules do not take into  
14 account the seasonal fluctuation of taxi  
15 work. I want to stress that these drivers  
16 themselves are suffering, and the fleet  
17 owners and corporate medallion owners have  
18 continued to enjoy growing profits.

19           These rules not only harm drivers  
20 and the families they support, but also  
21 negatively impact general road safety. The  
22 proposed rules will force drivers to worry  
23 about covering a second shift and diverting  
24 their attention from the shift at hand.  
25 Drivers who are injured or sick will be

## PROCEEDINGS

1  
2 forced to drive their taxis anywhere to  
3 afford to pay for any vehicle repairs or  
4 insurance coverage instead of being at home  
5 or in the hospital recovering.

6 I want to thank you for finally  
7 letting me actually speak today. I urge you  
8 to vote against these proposed rules.

9 (Applause)

10 THE CHAIR: The next person signed  
11 up to speak is Bhairavi Desai from New York  
12 Taxi Workers Alliance, followed by Dolores  
13 Benitez, identified as a taxidriver.

14 Ms. Desai, I'll just ask you --

15 MS. DESAI: It's on the Taxi of  
16 Tomorrow. I know the rules here. I mean  
17 some of our friends in the industry may not  
18 know the lease cap rules that violate them,  
19 but I do know the procedural rules here.

20 So good morning, members of the  
21 Commission. As actually Commissioner Yassky  
22 has already pointed out with regards to the  
23 Taxi of Tomorrow rules, I'd like to comment  
24 on one very specific issue, which is that  
25 even though the Taxi of Tomorrow is not a

## PROCEEDINGS

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2 hybrid vehicle, for driver owned vehicle  
3 operators, DOVs, they would be charged the  
4 higher hybrid lease rate in these rules.  
5 And as you yourself have just said a few  
6 minutes ago --

7 THE CHAIR: Just to be -- because  
8 this is an important question -- that was  
9 true in the original -- the rules adopted by  
10 the Commission in last September. That's  
11 not the case in the rules that are before us  
12 today. I guess the logic at the time was  
13 since there's only one vehicle, if we erred  
14 on the side of protecting the medallion  
15 owners against the loss of revenue by giving  
16 them the higher of the two lease cap  
17 options, now that there remain hybrid and  
18 non hybrid lease caps, we have not changed  
19 that structure here.

20 MS. DESAI: Okay. Well, thank you  
21 for the clarification, because I was not --  
22 I was not aware of that change.

23 THE CHAIR: I could see how it  
24 could escape someone's notice, I understand  
25 that.

## PROCEEDINGS

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2 MS. DESAI: Right. Okay, well,  
3 thank you for that, because that was our  
4 main concern with the rules that you would  
5 be voting on today. Other than that we did  
6 not have any objections.

7 Thank you.

8 THE CHAIR: Thank you.

9 MS. DESAI: But vote no to the  
10 lease cap rules.

11 (Applause)

12 THE CHAIR: So I'm going to, for  
13 the remaining speakers I'm just going to --  
14 are Dolores Benitez, Osman Chowdhury,  
15 Mohammad Tipu, Asim Akhtar, Victor Salazar  
16 and Mohan Singh, if our -- if my discussion  
17 with Ms. Desai has kind of clarified that  
18 and solved that issue, and there's no need  
19 to speak about Taxi of Tomorrow, that's just  
20 fine. Do any of you feel that there's a  
21 remaining need to speak on Taxi of Tomorrow?

22 MR. CHOWDHURY: Yes, there are  
23 some other points about the Taxi of  
24 Tomorrow.

25 THE CHAIR: Well, you can then

## PROCEEDINGS

1  
2 come up. Okay. Yes, you're right,  
3 Mr. Chowdhury, go right ahead.

4 And I'll just also remind folks,  
5 for people who have talked about it, not  
6 seeing it, not been in the vehicle, there's  
7 an NV200, you know, outside right now if  
8 anybody wants to go take a look at it  
9 sitting there. I feel like you sit in that,  
10 you sit in the Transit Connect, which would  
11 a passenger rather be in, I think it's hands  
12 down. And that kind of should settle it.

13 AUDIENCE MEMBER: Is there an  
14 accessible one outside?

15 THE CHAIR: There is not an  
16 accessible one outside.

17 AUDIENCE MEMBER: Naturally.

18 MR. CHOWDHURY: Good afternoon.  
19 My name is Osman Chowdhury. I'm a member of  
20 the United Taxi Drivers Alliance NYC Inc.  
21 First I want to thank City Council Member  
22 Margaret Chin for supporting the  
23 taxidrivers, I'm happy. And I want to thank  
24 Ms. Chin for including those that live in  
25 Chinatown. Some years are very hard.

## PROCEEDINGS

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(Inaudible)

MR. CHOWDHURY: That's right,  
okay.

Now I'm going to talk about the  
Taxi of Tomorrow program. One of the driver  
have a problem, goes to the outer borough,  
one of my friends two years ago that lives  
in the Bronx, and the woman dropped the  
wheelchair on the driver's head. So that's  
going to be a problem, there's going to be  
more problem to both, passengers and  
drivers.

Then another thing is the new  
technology, the high technology, the  
maintenance on it is very high. I asked,  
the costs are around 29,000, the maintenance  
and parts is very higher. It's going to  
cost for the drivers.

Another thing, the biggest problem  
in the city is when there's a traffic jam,  
people are not going to move the easy way,  
there's no place to work, very difficult. I  
want to comment, I'd like to have them have  
more things, driver income, driver benefits

## PROCEEDINGS

1  
2 and other things. And also, some of this is  
3 good things, but they don't come to the  
4 driver who is working to ask how many  
5 drivers go to hospital for diabetes, high  
6 blood pressure, heart attack, they don't do  
7 any studies on this. Going until one in the  
8 morning for drivers is very difficult.

9 Thank you.

10 THE CHAIR: Thank you,  
11 Mr. Chowdhury.

12 One thing about -- I think  
13 Mr. Salazar was going to speak -- but Mr.  
14 Chowdhury, just so you know, in terms of  
15 parking, because I can appreciate being  
16 concerned about that, you know, the NV200,  
17 despite how spacious it is on the interior,  
18 is considerably shorter than the Crown  
19 Victoria. In other words, it actually will  
20 fit into spaces the Crown Vic does not fit  
21 into. For what that's worth.

22 Mr. Salazar.

23 MR. SALAZAR: Good afternoon,  
24 everyone.

25 THE CHAIR: Good afternoon.

## PROCEEDINGS

1  
2 MR. SALAZAR: My name is Victor  
3 Salazar. I'm with the Taxi Workers  
4 Alliance. I've also been a taxidriver for a  
5 few -- a couple of decades, here in New  
6 York. And I will comment about the Taxi of  
7 Tomorrow in terms of guaranteed work.

8 My understanding is that the Taxi  
9 of Tomorrow will not honor DOV owners if  
10 they want to do the guaranteed work with  
11 outside dealerships. So in other words, for  
12 an owner-operator to do maintenance on the  
13 car that is guaranteed for 150,000 miles,  
14 which will exceed about one year. That's  
15 going to be a lot of money to spend only on  
16 the dealer. All this exclusive guarantee  
17 will be -- Nissan wants it exclusively to be  
18 done on the dealer's side. And the dealers  
19 cost a lot of money, you know, to maintain  
20 there.

21 To give an example, if it takes  
22 twenty minutes to change the spark plugs,  
23 but in the book it says that it take one  
24 hour, the dealer will charge you for one  
25 hour.

## PROCEEDINGS

1  
2                   And another -- I'm sorry,  
3 Commissioner.

4                   THE CHAIR: This is more, and I  
5 know, you know, we're -- I know the  
6 Commissioners have time but I'm going to  
7 rush them, I'm going to not take undue time.  
8 But there's a -- and someone from Nissan,  
9 the issue he's raising is a real issue,  
10 Mr. Salazar. Look, on the one hand the  
11 warranty on Nissan is much longer than the  
12 warrantee available on Taxis of Today,  
13 that's a good thing, but you want to make  
14 sure you can get the service quickly and get  
15 in and out. The dealers, Nissan has  
16 committed, the dealers will have a priority  
17 service policy for taxi owners so you do get  
18 in and out. But beyond that I understand  
19 you're raising a question about warranty  
20 work outside the dealership, which generally  
21 is not available but in the past taxis have  
22 been able to work out arrangements for that.  
23 I'm just going to ask the Nissan  
24 representative that's here, just please nod  
25 if you -- I really would like for Nissan to

## PROCEEDINGS

1  
2 sit with the Taxi Workers Alliance and see,  
3 understand their concern about work outside  
4 dealer -- work outside of a dealership and  
5 see if there's a way to work, to collaborate  
6 to make sure that they'll be able to get  
7 work done. Can you do that? Yes, thank  
8 you.

9 NISSAN REP: Yeah. I just wanted  
10 to say, Commissioners, we don't have someone  
11 from Nissan parts and service today, but  
12 he'll be here in a couple of days and we'll  
13 have you come to the industry advisory  
14 meeting.

15 THE CHAIR: What you're talking  
16 about is kind of an operational thing that  
17 maybe could be worked out, but if it could  
18 be, would be valuable. And it's something  
19 that we also appreciate the importance of.  
20 So you can finish your testimony, but I just  
21 wanted to tell you that we are committed to  
22 working with you on that.

23 MR. SALAZAR: All right, I  
24 understand. Thank you for the clarification  
25 of that.

## PROCEEDINGS

1  
2 Commissioner, you know, the cars  
3 and taxis come and go through the years in  
4 New York City, but the fact is that the  
5 workers, the taxidrivers always remain,  
6 working 12 hours every day, the entire time.  
7 And we will be affected by, you know, by the  
8 Taxi of Tomorrow in terms of leasing  
9 primarily. Clearly it's been stated here  
10 that the Taxi of Tomorrow is not hybrid, yet  
11 we are going to have to pay as hybrid. That  
12 will cost us 42 dollars every week.

13 Another point about the Taxi of  
14 Tomorrow is that it doesn't come with a  
15 spare tire. And most -- through the years  
16 every company provided a spare tire for  
17 every single car that I have driven for  
18 companies and fleets. It's a full size tire  
19 that matches the four other tires on the  
20 car. And if we don't have a spare tire,  
21 that taxicab is going to be stranded for a  
22 few hours without serving the City of New  
23 York. It's going to also create traffic  
24 congestion.

25 COMM. MARINO: Is that true,

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there's no spare?

MR. SALAZAR: We are also going to lose time and money if we don't have a spare tire.

COMM. MARINO: I'm sorry, I didn't mean to interrupt you, but I'm surprised to hear that. It doesn't have a spare?

THE CHAIR: I'm told that it apparently does not come standard. But it is available for purchase; is that correct? They're not -- that's what my staff is saying.

COMM. MARINO: So it's an additional purchase?

THE CHAIR: I will get that answer to you, Commissioners.

Okay, thank you, Mr. Salazar.

MR. SALAZAR: Okay, yes. And I thank very much the two councilmen.

THE CHAIR: Thank you, your time is up. I just want to again clarify, in terms of the lease rate, the NV200 will pay the same lease rate as a standard taxi of today, not the hybrid rate.

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(Applause)

MR. SALAZAR: Excellent, thank you.

THE CHAIR: It's not excellent, that's the rules we published.

MR. SALAZAR: And, Commissioners, today you will vote, and I encourage you to be on the right side of history and the side of workers and the side of the people that serve the City of New York twelve hours, every single day. Vote no. And all the council members especially, and I thank the city council member for sending two council members to be on the right side.

THE CHAIR: Thank you.

(Applause)

THE CHAIR: Is there anyone else on the Taxi of Tomorrow issue? No? Okay. Go ahead, go right ahead. I mean you have the right to speak on the Taxi of Tomorrow.

MR. SULTAN: Hi, good morning, Commissioner Yassky. Thank you to give me the opportunity. I am here for the Taxi of Tomorrow, talking about the most important

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thing, service.

THE CHAIR: Sorry, can you just give your name for the court reporter?

MR. SULTAN: My name is Mohammad Tipu Sultan. I'm a full time student, just graduated physics, and I will see the real physics through the Taxi of Tomorrow with the high technology.

But anyway, the real concern about the way the hybrid car came to the street, and there is so much struggle to get the parts and the car have to be stayed at the dealership one days, two days and the driver could not able to work. This is the very big thing is going to happen. And I am not against the Taxi of Tomorrow, but my concern is about the service, the dealer, and it will create another market that some people are going to make money in the parts for cars, for example, a hundred dollar, just 200 dollar, because we are the driver, because we have to pay the rent and everything, we will go for it. We cannot wait for the dealer, they open five to --

## PROCEEDINGS

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2 eight to five, so we cannot wait for the  
3 service. Ensuring there will be other  
4 garage and there will be aftermarket, there  
5 will be bad parts supply. So we want to  
6 make sure that all the supply is on before  
7 we go on the Taxi of Tomorrow.

8           And as I hear this is the dream, I  
9 mean this is, the Taxi of Tomorrow is a  
10 dream for the city. And also our dream as a  
11 taxidriver, our dream. We work twelve  
12 hours; we can't see the dream. We drive and  
13 we keep our eyes open. Passenger seated in  
14 the back and they can dream. And our dream  
15 is only the money and how we can survive  
16 with our family, little, with tiny money,  
17 more than a little, hundred dollars.

18           So today there will be a vote on  
19 new lease cab rules and it will really is  
20 going to hurt our family, our income and  
21 everything. Please say no on this bill.  
22 Please say no on this new lease cap rules.

23           Thank you so much.

24           (Applause)

25           THE CHAIR: Okay. You know, I am

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told you're Mr. Molina.

MR. MOLINA: Hello. God bless everybody. Good morning. I haven't sleep since I came here.

THE CHAIR: All right, Mr. Molina, I'm going to ask you to speak in a minute. You signed up for the other hearing, I understand you want to speak on this.

MR. MOLINA: Yeah. I'm really tired today.

THE CHAIR: Okay, so keep it to a minute, please.

MR. MOLINA: I need to sleep. But I know everybody here blessed with the Holy Ghost, that God is going to be with you to make the right decision on behalf of New York City cab drivers.

I hope also you even propose a rule that reduce our hours from twelve to eight hours a day. I really need eight hours a day instead of twelve. Why do I need to make twelve hours to make a decent salary when I can do it in eight like an MTA bus driver. You know, as a college graduate

## PROCEEDINGS

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2 with a bachelors in Spanish literature that  
3 I use mostly to speak to my passengers who  
4 are Spanish speaking, it makes me very  
5 privileged to be among the people of the  
6 City of New York. I get to see all kinds of  
7 incomes in the City of New York. There's  
8 even some passengers who don't even have the  
9 fare. But sometimes I have to give them a  
10 free ride.

11 THE CHAIR: All right, Mr. Molina,  
12 I appreciate it.

13 MR. MOLINA: All right.

14 THE CHAIR: I'm going to ask you  
15 to just complete what you have.

16 MR. MOLINA: I just want to say --  
17 I just want to say as a member of the New  
18 York Taxi Workers Alliance, as a card  
19 carrying member, if the brokers in the  
20 garages want to steal our money illegally --

21 THE CHAIR: All right, Mr. Molina,  
22 this is about the Taxi of Tomorrow. Mr.  
23 Molina, please.

24 MR. MOLINA: They have the right  
25 to be arrested immediately in this chambers.

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THE CHAIR: Mr. Molina, please.

MR. MOLINA: They are committing crimes against many of the drivers. I respect you and I respect everybody, but I don't respect criminal behavior.

THE CHAIR: I'm going to ask you to sit down.

STAFF MEMBER: You need to be on topic.

THE CHAIR: Please. Okay, I am going to ask you to sit down, Mr. Molina.

MR. MOLINA: The rules that will go against drivers, okay, it's going to hurt me economically. I'm already --

THE CHAIR: Mr. Molina, you're not speaking about the issue, and I don't want to prolong it but I --

MR. MOLINA: I don't want to lose my apartment, Commissioner.

THE CHAIR: You're going to have to sit down.

MR. MOLINA: You got to do something with the criminal activity of the brokers and the garages.

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THE CHAIR: Okay, so that concludes the public hearing on if there's no further -- I'm sorry, sir.

A SPEAKER: Can I just have one minute? This is very important, you should see this.

THE CHAIR: Okay. Did you sign up to speak?

I'm speaking on behalf for RC.  
Okay.

THE CHAIR: Okay, I understand.  
Okay, please.

A SPEAKER: Okay. My name is Milion (inaudible), I'm a taxidriver. And the Taxi of Tomorrow is a great idea. I saw it from afar.

THE CHAIR: Thank you.

A SPEAKER: And it has no full passenger power windows. What if someone feels sick and needs fresh air or has to throw up. Sometimes a customer has to stick their head outside to get fresh air or throw up. Sliding windows, drivers have no access to close windows. When it's at zero degrees

## PROCEEDINGS

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2 out, raining or snowing, the Ford Transit  
3 have same windows. I had to come outside to  
4 close the windows. And if the wheelchair  
5 entrance on the side doors, it's much safer.

6 Also, if passenger is in the  
7 middle, I can't accommodate them much  
8 better, and they won't get a bumpy ride in  
9 the back. If I can slide back seat forward  
10 and back, it's much better. All Nissan  
11 Altimas didn't last on the road, all the  
12 garages had to take them out. We would just  
13 have to drive it and experience it and make  
14 changes. All garages have to maintain their  
15 wealth. From my experience, I have some  
16 pictures when I worked at the tunnel garage.

17 THE CHAIR: Okay.

18 A SPEAKER: Okay. I was working  
19 on a rainy day, tires were bald, and during  
20 the course of working I had to clean the  
21 windshield every minute with a paper towel.  
22 And hydroplanes were pouring, all the  
23 customers were scared. I was driving slow,  
24 20 miles per hour, I was scared too.  
25 Repairs and accidents could cost garages and

## PROCEEDINGS

1  
2 drivers thousands of dollars. That's why we  
3 need full coverage insurance and this will  
4 be included, nobody had to pay for our  
5 damages.

6 I also want to show you some  
7 pictures. This is from the wheelchair  
8 accessible, it has bald tires. One time  
9 they gave me a car.

10 THE CHAIR: Thank you.

11 A SPEAKER: Yes.

12 THE CHAIR: You can give the  
13 pictures to --

14 A SPEAKER: Okay.

15 THE CHAIR: -- Mr. --

16 A SPEAKER: And the seats, they  
17 were all --

18 THE CHAIR: All right, thank you,  
19 sir.

20 A SPEAKER: Thanks, have a good  
21 day.

22 THE CHAIR: Thank you.

23 All right, that concludes the  
24 hearing on the Taxi of Tomorrow and the Alt  
25 Fuels Spec rules. I think we can call for

## PROCEEDINGS

1  
2 the vote but we should do it by roll.

3 MS. JOSHI: Before the Commission  
4 are rules that require, with certain  
5 exceptions, unrestricted medallion owners to  
6 hack up with the Taxi of Tomorrow once the  
7 Taxi of Tomorrow is launched. The rules  
8 were published on May 20th, 2013, and we  
9 just concluded the public hearing required  
10 under CAPA. The deadline for comment  
11 submission was June 19th, 2013. All  
12 comments received were forwarded to the  
13 Commissioners for their review.

14 The rules before the Commission  
15 are identical to those that were published,  
16 excluding those sections relating to the  
17 alternate fuel specifications. The proposed  
18 definition of alternate fuel medallion  
19 included in section one, section ten, and  
20 the proposed alternate fuel specifications  
21 included in section 13.

22 We'll do a vote by roll call.

23 Commissioner Marino?

24 COMM. MARINO: I'm sorry, we are  
25 going to the Taxi of Tomorrow right now?

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THE CHAIR: That's correct.

MS. JOSHI: Yes, we are.

COMM. MARINO: I just want to clarify one thing because there was some testimony. This vehicle is able to be crash tested but has not been crash tested, is that what I'm getting?

THE CHAIR: If it is not crash tested and does not meet our crash test specifications in its taxi configuration, then it is not the official taxi vehicle as defined in the rules, and then there will be no requirement to purchase it. So I, you know, I'll take at face value what I heard about the Nissan crash testing schedule. If it is not crash tested meeting federal standards in its taxi configuration when it is sold, then it would not be the Taxi of Tomorrow.

COMM. MARINO: So it has not been, the bottom line is it has not been crash tested as we sit here today.

THE CHAIR: That's -- I'm looking at Nissan. I guess not.

## PROCEEDINGS

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2           COMM. MARINO: I voted no on these  
3 rules the first time around. I am going to  
4 vote no again.

5           (Applause)

6           COMM. MARINO: I have a lot of  
7 issues. I think one of the biggest issues I  
8 have with this car is that -- well, one of  
9 the biggest, there's many issues -- is that  
10 it's manufactured by a company in Japan, in  
11 a factory in Mexico. It doesn't create one  
12 New York job, let alone an American job, and  
13 I just think in this economy that's  
14 something that should be everyone's  
15 priority. I think dictating one choice to  
16 an industry stifles free enterprise, healthy  
17 competition. I think that's also very  
18 un-American. I think it allows a monopoly  
19 to develop by one company. And that can  
20 ultimately harm growth and progress by  
21 limiting other options. I mean there may be  
22 a better car in a year from now, and we are  
23 going to be locked into this ten year  
24 contract. I just don't see how that can be  
25 good for the city at all.

## PROCEEDINGS

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2           The hybrid issue, as many people  
3 spoke on that I don't think I need to repeat  
4 their testimony, but I agree with all the  
5 testimony against the TOT on the hybrid  
6 issues and the wheelchair accessibility.

7           As far as the hybrid options that  
8 have been amended into these rules, two out  
9 three of these cars, while they may be  
10 options on paper, they're not going to be  
11 options in practice because they're simply  
12 unaffordable. I mean why not have the  
13 Bentley hybrid on the list too. It doesn't  
14 mean anything if people can't afford it.

15           So the only option that is viable  
16 to me is the Toyota Prius V, which I tried  
17 to look up last night, do a little research,  
18 and from what I understand it's a fairly new  
19 vehicle. I'm not sure if it's a five or a V  
20 even. Maybe it's V for van again, I don't  
21 know. But apparently it's a fairly new  
22 vehicle that just hit the roads in 2013. So  
23 I don't know how we can assess how it will  
24 perform as a taxi being driven for 24 hours  
25 a day, if it will even be available in mass

## PROCEEDINGS

1  
2 production. I mean there's just so many  
3 questions here. And I'm voting no.

4 (Applause)

5 MS. JOSHI: Commissioner Polanco.

6 COMM. POLANCO: I vote yes.

7 MS. JOSHI: Commissioner Gonzales.

8 COMM. GONZALES: I vote yes.

9 MS. JOSHI: Commissioner  
10 Weinshall.

11 COMM. WEINSHALL: Yes.

12 MS. JOSHI: Commissioner Yassky.

13 THE CHAIR: Yes.

14 MS. JOSHI: Commissioner DeArcy.

15 COMM. DeARCY: Yes.

16 MS. JOSHI: Commissioner Arout.

17 COMM. AROUT: Yes.

18 MS. JOSHI: Commissioner Carone.

19 COMM. CARONE: Yes, but a word on  
20 accessibility.

21 THE CHAIR: Please.

22 COMM. CARONE: I don't think the  
23 chair would disagree or anyone in the  
24 audience or my fellow Commissioners that  
25 I've advocated for a hundred percent

## PROCEEDINGS

1  
2 accessible to this agency, to lawmakers and  
3 to anyone who will hear. I believe the Taxi  
4 of Tomorrow vis-a-vis Nissan is our quickest  
5 path to that noble goal, in all honesty. I  
6 say that because one hundred percent of  
7 these cars can be converted to wheelchair  
8 accessible. I say that because the Nissan  
9 vehicle is built, factory built, with the  
10 specific intention of being converted to  
11 handicapped accessible. I say that because  
12 it comes with a hundred percent  
13 manufacturer's warranty when it's converted  
14 to handicap accessible. So to my mind, I  
15 would not want to sacrifice this noble goal  
16 in search of what's considered perfect, and  
17 sacrifice the good in search of the perfect.  
18 So I'm voting yes.

19 MS. JOSHI: With a vote of seven  
20 in favor and one against, the TOT rules are  
21 approved.

22 THE CHAIR: And now we will call a  
23 vote on the alternate fuel specs.

24 MS. JOSHI: Before the Commission  
25 are proposed rules to amend specifications

## PROCEEDINGS

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2 for alternative fuel taxicabs. The rules  
3 were published on May 20th, 2013, and we  
4 just concluded the public hearing required  
5 under CAPA. The deadline for comment  
6 submission was June 19th, 2013, and all  
7 comments received were forwarded to the  
8 Commissioners for their review.

9 Based on comments received and  
10 staff recommendations, the following changes  
11 were made to the rule requirements since  
12 publication.

13 The first is the interior cubic  
14 volume requirement was reduced from 138 to  
15 130, and the requirement that temperature  
16 controls could be operated by the rear  
17 passenger was deleted.

18 We are going to start with a vote.

19 THE CHAIR: Let's have a roll call  
20 vote again.

21 MS. JOSHI: Okay. Commissioner  
22 Marino.

23 COMM. MARINO: Maybe. Forgive me,  
24 I got a little confused, I thought that was  
25 part of the TOT rules we just voted on.

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THE CHAIR: As a formal matter  
it's two separate rules, so we are going to  
vote again.

COMM. MARINO: Well, it sounds  
like it's piggybacking off the first vote.

THE CHAIR: It is. You can  
consider your explanation.

COMM. MARINO: So I'm still going  
to vote no because I voted no on the initial  
rules.

THE CHAIR: Understood.

COMM. MARINO: So I'm voting no on  
the piggback.

THE CHAIR: Thank you.

MS. JOSHI: Commissioner Polanco.

COMM. POLANCO: Yes.

MS. JOSHI: Commissioner Gonzales.

COMM. GONZALEZ: Yes.

MS. JOSHI: Commissioner  
Weinshall.

COMM. WEINSHALL: Yes.

MS. JOSHI: Commissioner Yassky.

THE CHAIR: Yes.

MS. JOSHI: Commissioner DeArcy.

## PROCEEDINGS

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COMM. DeARCY: Yes.

MS. JOSHI: Commissioner Arout.

COMM. AROUT: Yes.

MS. JOSHI: Commissioner Carone.

COMM. CARONE: Yes.

MS. JOSHI: With a vote of seven in favor and one against, the accessible specifications are approved.

THE CHAIR: Thank you.

Commissioners, I note it's now 11:34. We are going to move directly now to a vote on the proposed lease cap provisions. I guess Meera will explain, we had the public hearing on these already, there was no public hearing today. It's before us solely for Commission action.

MS. JOSHI: Before the Commission are proposed rules to amend TLC's fare and lease cap rules as they affect fleet leases, DOV leases and all leases. The amendments were published in the City Record on March 7th, 2012, and a public hearing on the amendments pursuant to CAPA was held on April 18th, 2012, I'm sorry, 2013. And my

## PROCEEDINGS

1  
2 first reference to March 7th was 2013 as  
3 well.

4 The deadline for written comments  
5 was April 8th, 2013, and all comments  
6 received were forwarded to the Commissioners  
7 for their review.

8 Based on comments received and  
9 staff recommendations, the following changes  
10 were made to the rules from the version that  
11 appeared in the City Record on March 7th,  
12 2013.

13 Security deposit provision for the  
14 all-in lease cap was amended to clarify that  
15 a deposit equal to one week's medallion  
16 rental can be maintained until the end of  
17 the lease. And two, section 58.31A, a  
18 thirty vehicle summonses was amended to add  
19 to the list of summonses that can be charged  
20 back to the driver.

21 We are going to call for a vote.

22 COMM. POLANCO: I'm sorry, before  
23 we go into a vote, I would like to make a  
24 statement and a motion if possible.

25 THE CHAIR: I'm sorry?

## PROCEEDINGS

1  
2           COMM. POLANCO: I would like to  
3 make a statement and a motion before we go  
4 into a vote.

5           THE CHAIR: Okay.

6           COMM. POLANCO: Thank you.

7           With all the lawsuits that have  
8 been filed against the TLC, this agency  
9 along with the City of New York made an  
10 informed decision to enter into a settlement  
11 agreement with the MTBOT to make the  
12 proposed changes to the lease cap rule.  
13 And, as a result, the MTBOT withdrew their  
14 lawsuit with prejudice, meaning that they  
15 cannot bring this lawsuit again.

16           Now, the Commissioners are being  
17 placed in an interesting predicament. I  
18 will speak for myself. Here the agency and  
19 the city made an agreement, that I was not a  
20 participant of, that I was not aware of  
21 until a month or two ago, and I'm hearing --  
22 or I did not hear today, but basically from  
23 the phone calls that have been made and so  
24 forth, I'm hearing the same arguments and  
25 concerns from the drivers and owners that

## PROCEEDINGS

1  
2 were made last year when this lease cap and  
3 fare increase package rules were approved by  
4 this Commission. And then many of you --  
5 and I basically understand your concern.

6 I based my decision at that time  
7 not only on the testimony of many of you,  
8 but also on the data that this agency  
9 provided to us. Last year, a very detailed  
10 presentation regarding the lease cap and  
11 fare increase was made by this agency, and I  
12 approved a fare increase, along with, for  
13 the first time, setting a health care fund  
14 for drivers and other benefits, and I voted  
15 no against the lease cap package, although  
16 it was ultimately approved by the  
17 Commission. And based on that data, the  
18 agency, with the approval of the chairman,  
19 approved the lease cap package.

20 Now, with these proposed changes,  
21 the city has done a 360, the TLC. They have  
22 agreed by signing this stipulation with the  
23 proposed changes of the lease cap rules.  
24 And I'm perplexed. Is it the data presented  
25 last year was wrong? Or is it that they

## PROCEEDINGS

1  
2 know that there is no hope in winning the  
3 lawsuit. I don't know, as I was not part of  
4 the negotiation.

5 But one thing I could tell you is  
6 that as an individual and as an attorney,  
7 I'm a true believer that if you agree to do  
8 something, especially if it is in writing,  
9 you abide by that agreement. To my  
10 knowledge, and please correct me if I'm  
11 wrong, I'm not aware of an instance where  
12 the agency entered into a stipulation  
13 agreement for the approval of rule and that  
14 rule is not passed by the commission. So  
15 when a party enters into an agreement with  
16 an agency, like the TLC, they enter in good  
17 faith and with reasonable expectations.  
18 Otherwise, what type of precedent are we  
19 setting in this agency? Why would a party  
20 enter into a stipulation if they cannot  
21 complete the task, which is in this case the  
22 approval of the changes.

23 So at this moment I would like to  
24 make a motion to table this item until we  
25 have an opportunity to analyze more

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carefully the changes and its ramifications.

THE CHAIR: All right. I'm just going to speak to that, and Commissioners, if you would like to speak obviously you may, and then we'll vote on that.

I'm going to vote against that motion. Commissioner Polanco, I understand what you've just expressed about the obligation of the Commission or rather at least my obligation as chair, that we -- so Commissioner Polanco, you said a year ago we adopted lease fare rules and lease cap rules after extensive testimony and the presentation of extensive data by our staff. I voted for both that fare rule and the lease cap rule enthusiastically because I believed those were the right things to do.

COMM. POLANCO: Yes.

THE CHAIR: We were sued by the Metropolitan Taxi Board of Trade. And the trial judge entered a temporary restraining order, did not find against us on the merits, but did enter a TRO, which prevented implementation of part of those lease cap

## PROCEEDINGS

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2 rules. And at that point my judgment was we  
3 were at significant risk of getting a  
4 decision, an adverse decision on the merits.  
5 I felt that the right thing to do was to  
6 settle with the plaintiffs in that lawsuit,  
7 which did involve -- if the settlement is,  
8 you know, finally executed today, it will  
9 absolutely involve a giveback of some of  
10 those lease cap and fare rules. In other  
11 words, you said are we changing it because  
12 the data was wrong or there's new data? No.  
13 We are changing it -- I am proposing that we  
14 change it, and I am urging the rest of you  
15 to agree, because we lost a lawsuit, we lost  
16 an initial phase decision in a lawsuit, and  
17 that has some consequences.

18 I think the rules we passed  
19 originally were the best rules. I said it  
20 at the time and I say it now. However,  
21 faced with a risk of losing the entire  
22 thing, or keeping in my judgment  
23 three-quarters of it, I figure that we  
24 should take three-quarters of a loaf.  
25 That's a decision that, you know, by your

## PROCEEDINGS

1  
2 votes today will either agree with or  
3 disagree with. But I urge you to -- I think  
4 it is the right thing for the agency to do  
5 and I urge to you vote for the rule.  
6 Therefore, I would urge people to vote  
7 against the motion to table.

8 If there's --

9 COMM. AROUT: I second that.

10 THE CHAIR: Okay. If there's  
11 other discussion we can have it or we can  
12 move to a vote on the motion.

13 COMM. POLANCO: So my motion was  
14 seconded, right?

15 THE CHAIR: Yeah, we can move  
16 to -- we'll vote on the motion to table,  
17 you're entitled to that.

18 MS. JOSHI: So before the  
19 Commission is a motion to table. Does  
20 anybody second that motion?

21 THE CHAIR: I understood --

22 COMM. MARINO: Let's clarify what  
23 Commissioner AROUT meant.

24 THE CHAIR: Commissioner AROUT, I  
25 understood you to be supporting -- but at

## PROCEEDINGS

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any rate there is a motion on the table --  
there's a motion made to table the --

COMM. AROUT: To table.

THE CHAIR: -- lease cap rules.

COMM. AROUT: Right, and I  
seconded them.

THE CHAIR: That would mean not  
voting on them today.

COMM. AROUT: Absolutely.

MS. JOSHI: Absolutely what?

COMM. DeARCY: She's seconding --  
he's seconding.

COMM. AROUT: Right, I'm seconding  
to table.

COMM. MARINO: He wants to table.

COMM. WEINSHALL: You're with her?

COMM. AROUT: Yes.

THE CHAIR: Then we will proceed  
to a vote on that.

COMM. AROUT: Thank you.

COMM. DeARCY: Is it indefinite?

THE CHAIR: Well, I don't know  
what the consequences in terms of --  
listen --

## PROCEEDINGS

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2                   COMM. MARINO: Let me ask a  
3 question.

4                   THE CHAIR: It would be my  
5 intention, let me say, Commissioners, it  
6 would be my intention to, if we do vote to  
7 table, just so we understand, to talk with  
8 you with the goal of bringing the vote and  
9 providing the data and information that is  
10 requested and bringing the package back up  
11 for a vote again. To be clear, I'm going to  
12 vote no on the motion to table. I think we  
13 are ready to vote today.

14                  COMM. AROUT: No.

15                  THE CHAIR: But I want people to  
16 understand what the consequence would be.

17                  COMM. MARINO: Can I ask you a  
18 question, Mr. Chairman? If the --

19                  COMM. AROUT: I want to go to the  
20 vote now.

21                  COMM. DeARCY: Oh, you want to go  
22 with a vote?

23                  COMM. AROUT: Yes.

24                  COMM. WEINSHALL: He's not with  
25 her.

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COMM. AROUT: No. I'm sorry, no.

COMM. MARINO: I just had a question. The TRO is still in effect; correct?

THE CHAIR: No. The TRO -- the consequence of the settlement was that the TRO was dissolved.

COMM. MARINO: Okay.

COMM. CARONE: Mr. Chairman, just to comment. I wonder if Commissioner Polanco would reconsider the tabling motion for the following reason. I think the point was just made -- and I agree with everything you said regarding what led up to the negotiated settlement. In any negotiated settlement both sides are a little bit unhappy. And I think three-quarters of a loaf is pretty good.

AUDIENCE MEMBER: It's the whole loaf.

COMM. CARONE: There is no whole loaf for anyone in our lifetime. There's always a compromise.

So I'd ask you to reconsider

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tabling and let's go along with the vote.  
All we'll have to do is come back here again  
and be forced to go over the same thing  
again and have the phone calls again and the  
emails again and the pressure from all sides  
again. We're here, I'm prepared to move  
forward.

COMM. POLANCO: Basically I made a  
motion, if it hasn't been seconded or not  
then it will die there. But I mean I made a  
motion, then let it be.

COMM. DeARCY: Can people please  
stop yelling in the gallery, please?

THE CHAIR: Yeah. I'm going to  
say no, please, this is a discussion among  
Commissioners. If people are disruptive or  
shout out, I'm going to ask that they be  
removed.

COMM. WEINSHALL: Do you want  
someone to second the motion?

THE CHAIR: I'll take it that  
you've seconded it.

COMM. WEINSHALL: Okay.

THE CHAIR: Okay, let's call a

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vote on the motion to table.

MS. JOSHI: Okay. Before the Commissioners is a motion to table the lease cap rules. All those in favor, please raise --

THE CHAIR: Well, I think we should call a roll call vote.

MS. JOSHI: We'll call a roll call. Commissioner Marino.

COMM. MARINO: I vote no to tabling. I say we vote today.

MS. JOSHI: Commissioner Polanco.

COMM. POLANCO: I vote yes to tabling.

MS. JOSHI: Commissioner Gonzales.

COMM. GONZALES: I vote no to tabling.

MS. JOSHI: Commissioner Weinshall.

COMM. WEINSHALL: No.

MS. JOSHI: Commissioner Yassky?

THE CHAIR: No.

MS. JOSHI: Commissioner DeArcy.

COMM. DeARCY: No.

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MS. JOSHI: Commissioner Arout.

COMM. AROUT: No.

MS. JOSHI: Commissioner Carone.

COMM. CARONE: No.

MS. JOSHI: With seven

Commissioners against postponing and one  
Commissioner in favor of postponing, there  
will be no postponement of the vote on the  
lease cap rules today.

THE CHAIR: Then the rules  
themselves are before us. I'm ready to call  
for a vote on that. Meera, please do call a  
roll.

MS. JOSHI: Commissioner Marino.

COMM. MARINO: I vote yes.

MS. JOSHI: Commissioner Polanco.

COMM. POLANCO: This is not about  
the MTBOT, representing medallion owners.  
This is about a party, any party who enters  
into an agreement with this agency. And so  
based on what the chairman said, facing with  
the risk of losing everything, I'm voting  
yes for those rules.

MS. JOSHI: Commissioner Gonzales.

## PROCEEDINGS

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2                   COMM. GONZALES: I'm going to vote  
3 no, but I'd like to explain my vote briefly.

4                   Okay. First off, I agree in  
5 support of the rules, excluding two  
6 sections. 50A21C16 and 50A21C26, both  
7 sections that cover driver negligence for  
8 weekly leases. I would support it if the  
9 language is similar to 50A21C45 covering  
10 driver negligence, on 5G covering driver  
11 negligence, where there's an option to lay  
12 off the risk at the option of the driver. I  
13 do support that the driver should be  
14 responsible for damages due to negligence.  
15 But I have two reservations. First, the  
16 subjectivity and who determines the driver  
17 negligence. Also, the rules do not permit  
18 the driver who wants to take a weekly lease  
19 to purchase insurance via a collision damage  
20 waiver, similar or akin to car rental  
21 agreements.

22                   As most of you know, I'm a trader  
23 and portfolio manager with a large bank.  
24 Risk assessment is key to my success in the  
25 industry. As an owner, I would enter into

## PROCEEDINGS

1  
2 this trade -- well, one thing I would note  
3 is that with the weekly lease, the weekly  
4 lease double shifted, the owner receives two  
5 hundred dollars less per week. As an owner,  
6 I would enter into that trade if I felt  
7 there was a possibility, a material  
8 reasonable possibility of me getting more  
9 than two hundred dollars back. As a driver,  
10 I'm two hundred dollars better off, but the  
11 issue is I have an unknown risk. I have a  
12 proposal out there to put out a collision  
13 damage waiver that would enable the driver  
14 to lay off that risk.

15           Should these rules pass today, for  
16 the drivers subject to these two sections, I  
17 just want you to know that I tried and was  
18 unsuccessful in modifying the language to  
19 give you the option of laying off the risk.

20           Thank you.

21           MS. JOSHI: Commissioner  
22 Weinshall?

23           COMM. WEINSHALL: Before I vote I  
24 just want to say that I have been extremely  
25 troubled by these revisions to the lease

## PROCEEDINGS

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2 cap. I understand what Commissioner Polanco  
3 had to say about our chairman and his  
4 ability to enter into agreements. I would  
5 say, though, that this Commission has been  
6 sued not only on the lease caps but on a  
7 number of other items which have worked  
8 their way through the court, and I am proud  
9 to say that those initiatives are going  
10 forward, that the courts have seen the  
11 wisdom of the way of the Taxi & Limousine  
12 Commission.

13 So I respect the chairman's right  
14 to negotiate these type of items, but I just  
15 think that this is wrong. I know that a  
16 number of us had talked about the issues of  
17 driver negligence. I do feel that this is  
18 probably in my time on the Commission  
19 probably the harshest rules that I have seen  
20 against drivers. And I just can't vote for  
21 this. I just feel that this is wrong, that  
22 it is treating the drivers in a way that I  
23 have not seen in the years that I've been on  
24 this Commission. And so therefore I'm  
25 voting no.

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(Applause)

MS. JOSHI: Commissioner Yassky.

THE CHAIR: I vote yes. I want to -- Commissioner Gonzales, we spoke about this extensively, as you know. And I understand the concern raised by you and Commissioner Weinshall and Commissioner DeArcy as well about in particular the negligence provisions. And while it's my belief that as a -- on paper the provisions make a fair bit of sense, you have raised the question about are they subject to abuse and in particular who determines, you know, the negligence determination creates an opportunity for abuse. And I understand that. As we have discussed, I want you to know we will be -- we will issue a directive to medallion owners to report instances in which they make a charge based on -- they charge a driver based on a negligence finding so that we can see whether that's being abused or not. I think we can all agree that there are cases where that's an appropriate provision, but if it's used

## PROCEEDINGS

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2 pervasively then that would be abuse and  
3 then the Commission will have to deal with  
4 that. So I just want to say publicly the  
5 comment I'm making privately that we  
6 would -- we will monitor that, and not just  
7 in a, you know, on the to-do list way but in  
8 a formal reporting, collecting of data way,  
9 so that you can see how this provision works  
10 out in practice.

11 COMM. GONZALES: I appreciate  
12 that.

13 THE CHAIR: Yes. I vote yes.

14 MS. JOSHI: Commissioner DeArcy.

15 COMM. DeARCY: I've been on this  
16 Commission I think a little bit over two  
17 years, and my math may be wrong, and we have  
18 been called to vote on a number of measures,  
19 and most of the time I sit here particularly  
20 proud to have an opportunity to participate  
21 in rule making that I think is beneficial  
22 for the various constituencies of this  
23 important industry.

24 Today unfortunately I am not  
25 pleased and proud to have an -- to be here

## PROCEEDINGS

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2 to vote on these proposed rules. I think  
3 that the presentation of these rules by  
4 themselves suggest that the good work that  
5 we were able to accomplish just some months  
6 ago was somehow in error, and I am not  
7 willing to say that. I respect immensely  
8 the concerns articulated by Commissioner  
9 Polanco with respect to this agency's  
10 ability to negotiate settlement agreements,  
11 and the credibility that is important that  
12 we carry with us as we sit down at those  
13 tables for discussion. However, I read the  
14 settlement agreement closely, and the  
15 representation that the TLC certainly was  
16 not that any of these rules would be  
17 approved. Certainly Commissioner Yassky did  
18 not have an authority to do that. Nothing  
19 in this settlement agreement takes away any  
20 commissioner's independent judgment as to  
21 the validity or the propriety of any rule.  
22 And therefore, I have to make a  
23 determination on my own as to whether or not  
24 these rules are appropriate. And I have to  
25 say that my independent determination, based

## PROCEEDINGS

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2 on discussions that I have had with people  
3 in the industry on both sides of the issue,  
4 both in connection with these proposed rules  
5 as well as in connection with the rules that  
6 we voted on in September, in particular I  
7 believe that what people have referred to as  
8 givebacks are absolutely and wholly  
9 unacceptable. Commissioner Gonzales spoke  
10 to the aspect of the rules concerning driver  
11 negligence and the potential for abuse. I  
12 will highlight my concern with the rule  
13 related to the credit card surcharges and  
14 the fact that potential increases would be  
15 based on usage versus cost.

16 I am also concerned with the fact  
17 that under these rules the fines for  
18 retaliation have been lowered significantly.  
19 I cannot fathom as a public policy matter  
20 why we would want to lower the penalty for  
21 retaliation against drivers. And  
22 Commissioner, it's somewhat inconsistent --  
23 Yassky, I'm sorry -- to me to suggest that  
24 we will look to abuse while at the same time  
25 saying we're lowering the fines for them.

## PROCEEDINGS

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2 This is a problem for me. I cannot support  
3 these rules, and for these reasons and many  
4 others that we do not have time for, I vote  
5 no.

6 (Applause)

7 MS. JOSHI: Commissioner Arout.

8 COMM. AROUT: I vote yes.

9 MS. JOSHI: Commissioner Carone.

10 COMM. CARONE: Yes.

11 MS. JOSHI: With a vote of four  
12 Commissioners in favor of the lease cap  
13 rules and three against -- I'm sorry, five  
14 in favor of the lease cap rules and three  
15 against, the lease cap revisions are  
16 approved.

17 THE CHAIR: Commissioners, I  
18 recognize that what a difficult vote this  
19 was on for all of you. I do recognize the  
20 position that people were in due to the  
21 settlement agreement, in other words, having  
22 to take what was before you as given, there  
23 was not really the kind of opportunity for  
24 discussion and change that we generally have  
25 with our rules. Commissioner DeArcy, you

## PROCEEDINGS

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2 are correct of course that the agreement  
3 that we -- that I entered into on behalf of  
4 the agency was carefully written and  
5 carefully worded so as to ensure that each  
6 Commissioner has the right -- would have the  
7 right to ratify or not. But that doesn't  
8 take away from I think Commissioner  
9 Polanco's substantive point of the pressure  
10 that -- the position that you are put in of  
11 having to -- you know, that a no vote would  
12 mean undoing a settlement agreement and call  
13 into question the ability of a commissioner  
14 to negotiate. And I think that, that -- I  
15 mean part of I think what I want to take  
16 forward is that while I think the  
17 commissioner has got to have some ability to  
18 make commitments on behalf of the agency, I  
19 think that, that needs to be done with, you  
20 know, consultation among the commissioners  
21 and so people aren't in the kind of position  
22 that they are in. So I appreciate the point  
23 that you have made there.

24 COMM. MARINO: Mr. Chair, do we  
25 have another issue on today?

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THE CHAIR: We do.

COMM. MARINO: I'd like to make a motion to adjourn that.

THE CHAIR: Oh. Well --

COMM. MARINO: It's kind of late.

THE CHAIR: It is late. But we have --

COMM. WEINSHALL: Is there a hearing?

THE CHAIR: There is a hearing. And I have to say --

COMM. MARINO: Oh, there's a hearing.

THE CHAIR: I guess what we are going to do is we are going to go ahead and conduct the hearing. I understand Commissioners have told me that they had commitments at noon. If there's not a quorum to vote, I don't believe this is a controversial rule, this is changes to the TPEP rules that clean up a bunch of, you know, technical problems that we have realized only after the fact, they're complicated rules, but if there's not a

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quorum -- yeah, so let's --

COMM. MARINO: Do we have speakers signed up?

THE CHAIR: There are seven, six people, one, two, three -- sorry, five now who signed up to speak on this, but I'm not sure if they really intend to or if they intend to speak on the others.

COMM. MARINO: I'm going to make a motion, I mean it's up to my colleagues of course, but I also, I will confess I'm not that familiar with it. I've been focusing on these other bigger issues, so I'm not really that familiar with what they are.

THE CHAIR: Is there a consequence to not voting?

Deputy Commissioner Chhabra, is there a consequence of pushing this off?

MR. CHHABRA: I would say maybe if you've got five speakers, if you want to see if any of them want to speak, because it could be really quick.

THE CHAIR: All right. The people signed up to speak are Richard Thaler, Erhan

## PROCEEDINGS

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2 Tuncel, Ethan Gerber, Bhariavi Desai and  
3 Adam White. Could you just, show of hands,  
4 if people intend to speak on this? I see  
5 two.

6 Okay, go ahead, Mr. Thaler,  
7 please.

8 MR. THALER: Mr. Chairman Yassky  
9 and Commissioners. Shall I wait for the  
10 chairman?

11 COMM. CARONE: Go ahead, he's  
12 right there.

13 COMM. DeARCY: I'm listening.

14 MS. JOSHI: You can begin.

15 MR. THALER: The proposed clean up  
16 package -- the proposed clean up TPEP rules  
17 package fails to ensure continuous, no loss  
18 of positive payment card authorization.  
19 According to the proposed addition,  
20 75-25(j), over a thousand passengers at any  
21 time may not be able to use their payment  
22 cards for positive payment authorization.

23 An essential remedy must enable  
24 drivers to provide continuous uninterrupted  
25 TPEP backup for both payment card

## PROCEEDINGS

1 transactions and a emergency messaging.  
2 This can be achieved by a driver mobile  
3 payment app, now permitted in the LPEP  
4 rules, and which could provide diversity of  
5 wireless services from any three carriers  
6 other than the TPEP vendors' carrier, which  
7 could include a signal strength enhancement  
8 in the taxi under the new FCC signal booster  
9 rules.  
10

11 In the event TPEP service is  
12 unavailable for positive card fare payment  
13 transactions at the end of a trip,  
14 passengers could purchase a cash money order  
15 for fare payment using the payment backup  
16 app. Each driver card fare payment backup  
17 application, which obviously cannot be  
18 produced through the TPEP gateway failure,  
19 requires the driver to be in compliance with  
20 the MasterCard, Visa rules as a merchant  
21 approved by a MasterCard, Visa member  
22 service provider, or MSP, card payment  
23 processor of the driver's choice as a  
24 payment card money transfer merchant  
25 category code merchant for direct money

## PROCEEDINGS

1  
2 transfer to the driver for ATM access. The  
3 correct TPEP record type for the proposed  
4 realtime backup fare payment cash transfer  
5 directly to drivers is therefore cash, and  
6 lease drivers should be able to deduct five  
7 percent of the total charge from their lease  
8 payments for that transaction.

9           Having said that, it's time for  
10 the TLC to finally recognize the rights,  
11 responsibilities and capability of medallion  
12 owners and licensed medallion drivers and  
13 the revolutionary advances in mobile payment  
14 technology for fare payment card processing  
15 and information access. The highest  
16 priorities must now be given to apply these  
17 advances to achieve payment processing cost  
18 reduction and secure card fare payment,  
19 finally requiring encryption payment card  
20 readers. An objective examination of TPEP  
21 would require the TLC to scrap the entire  
22 system, including the annoying embarrassment  
23 of the PIM that's now permitted in the LPEP  
24 rules, putting the entire fare payment and  
25 trip recording processes back to drivers'

## PROCEEDINGS

1  
2 and passengers' mobile devices, supporting  
3 the widest range of cloud based public  
4 announcements, conveniences, preferences and  
5 necessities to passengers while retaining a  
6 rear mounted payment terminal.

7 Now that the TLC has overcome  
8 passenger discrimination by introducing LPEP  
9 to the city's overwhelming FHV passenger  
10 population, the TLC must end taxidriver  
11 discrimination and make LPEP rules uniform  
12 for medallion taxi and borough taxi  
13 licensees.

14 Thank you.

15 THE CHAIR: Thank you.

16 Mr. Tuncel, I believe you're the  
17 final speaker. There's no one else speaking  
18 on this, am I correct?

19 (No response)

20 THE CHAIR: Okay, Mr. Tuncel.

21 MR. TUNCEL: Hello, Commissioners,  
22 once again. My name is Erhan Tuncel.

23 THE CHAIR: I'm sorry.

24 MR. TUNCEL: I understand that the  
25 information about the medallion owners is

## PROCEEDINGS

1  
2 public record. I don't have a problem with  
3 that. But what I have a problem with is the  
4 fact that the Rule 75-25, section A,  
5 subdivision 2.5, for the TPEP technical  
6 requirements, asks for owners' name and  
7 phone numbers to be included, should the  
8 Commission decide to do so. Having such  
9 information as public record is one thing,  
10 but giving it out with every receipt is  
11 another. Including owners' names and phone  
12 numbers on the receipt opens the door for  
13 harassment of our members by the public,  
14 which might be disgruntled by one thing or  
15 another. The majority of the riding public  
16 are well-behaved in or out of cabs, but  
17 there are enough disgruntled people in New  
18 York City for this to be a legitimate  
19 concern to us. If the reason behind that is  
20 to be able to contact the driver, the safest  
21 and the most legal way of contacting the  
22 driver is through the DIM, the driver  
23 information monitor.

24 THE CHAIR: I just want to be  
25 clear, Mr. Tuncel, I don't believe that

## PROCEEDINGS

1  
2 that's covered in these rules, the name and  
3 address that you're talking about.

4 MR. TUNCEL: I read the rules and  
5 it was in one of the sections of the  
6 technical requirements. It was in the --

7 MR. WILSON: It's not part of this  
8 rulemaking.

9 MR. TUNCEL: Well, you have that  
10 rule.

11 THE CHAIR: That was -- that was  
12 part of the --

13 STAFF MEMBER: It was part of the  
14 original.

15 THE CHAIR: It was part of the  
16 original TPEP rules.

17 STAFF MEMBER: And we actually, we  
18 put it in when we were able to make that  
19 information available, so that would give us  
20 discretion, or otherwise it was already in  
21 the rule, that TPEP providers had to do it.  
22 So we actually -- this is taking a step back  
23 from that.

24 MR. TUNCEL: Well, we, my members  
25 have a great deal of concern about having

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their names and numbers on receipts. So  
that's why I'm here to --

THE CHAIR: All right. Just to be  
clear, because I can see, Commissioners,  
that's a -- I can understand the concern.

COMM. MARINO: I understand the  
concern.

THE CHAIR: We do not --

MR. TUNCEL: Currently you do not.

THE CHAIR: We do not currently do  
that.

MR. TUNCEL: Right.

THE CHAIR: I don't believe that  
there is -- we have no expectation or  
intention of doing that.

MR. TUNCEL: Well, in the rules --  
may I -- the rules, because it's not in  
front of the Commission, though, the rule  
states that if at the time when the  
Commission --

THE CHAIR: It does -- I'm sorry,  
it does --

MR. TUNCEL: You have the right --  
the rule says you have the right to ask the

## PROCEEDINGS

1  
2 TPEP providers to include that in the future  
3 if you feel that, that is necessary. And I  
4 have a problem with that basically.

5 THE CHAIR: Okay.

6 COMM. MARINO: I understand the  
7 concern.

8 THE CHAIR: I can see why you  
9 would or rather I can see the concern. Let  
10 me say two things. That is in our current  
11 rules. In other words, we today, whether we  
12 act today or whether we don't act today, the  
13 Commission has the ability to put  
14 information that is in our licensing data  
15 base onto receipts. That was in the rules  
16 we adopted last time, or some time ago. And  
17 it has not changed today. The purpose of  
18 that is to allow us to give a phone number  
19 that a driver can -- that a passenger could  
20 use to find lost property if we can figure  
21 out a way to do that without violating  
22 privacy concerns. So, for example, a fleet  
23 taxi, we can give the fleet number. Drivers  
24 are, as you know, are required to give us 24  
25 hour numbers as part of our, you know, rules

## PROCEEDINGS

1  
2 from -- that have been around for a long  
3 time.

4 MR. TUNCEL: I understand that.

5 THE CHAIR: What we discovered  
6 when we looked into this was those 24 hour  
7 numbers are generally individual driver's  
8 cell phones, which we do not want to be  
9 distributing on the TPEPs. We have been I  
10 know talking to (inaudible) and other folks  
11 about whether there is a way we can have  
12 drivers provide a contact number that,  
13 whether it's the fleet or the agent they're  
14 associated with, so that as many drivers as  
15 possible have a 24 hour number that is not a  
16 violation of their privacy, but we are not  
17 there yet. And until we get there, we are  
18 not going to put anything on the receipt.

19 MR. TUNCEL: Okay.

20 There was just another section of  
21 my testimony that was left, which is  
22 basically the information testimony on, if I  
23 may just go ahead just for a couple of  
24 minutes.

25 THE CHAIR: Go ahead.

## PROCEEDINGS

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2 MR. TUNCEL: A few months ago all  
3 but one of you wanted to bring a single roof  
4 light system for New York City medallion  
5 taxis, perhaps believing that the simpler is  
6 better. I take this opportunity today to  
7 inform you of how it affected the drivers  
8 and the riding public.

9 I believed then and I believe  
10 today that bringing up a simple solution to  
11 a somewhat complex problem was not the right  
12 answer. As I expected, the drivers are now  
13 arguing more than ever with the public,  
14 especially towards the end of their shift,  
15 because of the lack of the off duty light.  
16 It's not possible to go off duty in the TPEP  
17 without system without ending the existing  
18 fare. When we end the fare, the roof light  
19 comes on, it stays on until the off duty  
20 code is entered in the TPEP. Without the  
21 off duty light, it's not possible to inform  
22 the prospective passengers that it's our  
23 intention to go off duty once the passenger  
24 in the taxi is dropped off. This is  
25 confusing the riding public, and especially

## PROCEEDINGS

1  
2 during the evening rush hour when someone is  
3 in desperate need of a taxi and causing them  
4 to get into arguments with the drivers.

5 Your vote also brought what I like  
6 to call the single going home fare rule. We  
7 are no longer allowed to pick up after going  
8 off duty. That's understood. But the only  
9 time we are allowed is just one last fare  
10 after entering the off duty code going home,  
11 which medallion taxis will enter during the  
12 evening rush hour. A driver could pick up  
13 two or three fares before returning the taxi  
14 to the night driver, can now pick up only  
15 one fare. This is decreasing the amount of  
16 taxis on the road during the time of the day  
17 when the demand for taxis increases greatly.  
18 This is a service problem which did not  
19 exist prior to the change in off duty light  
20 rules.

21 This rule change was expected to  
22 put an end to service refusals. I don't  
23 know whether that was accomplished, but I  
24 know this. It has decreased service during  
25 the dreaded shift change hour more than

## PROCEEDINGS

1  
2 ever, and it's causing a great deal of  
3 confusion among the riding public.

4 THE CHAIR: Mr. Tuncel, first of  
5 all, thank you. That last part, as you  
6 indicated, is not -- has nothing to do with  
7 the rules before us today. Commissioners,  
8 just so you understand that.

9 MR. TUNCEL: I know, I do  
10 appreciate it.

11 THE CHAIR: But nonetheless I'm  
12 glad you finished. I think that it's  
13 certainly an important topic. I will say  
14 the feedback I've gotten from the passengers  
15 has been highly positive. They don't like  
16 to have to -- what does off duty mean.  
17 However, the point -- your experience is  
18 very valuable to us. What I would like to  
19 do is would you be willing to just sit down  
20 with us to go over what you think, what  
21 you're hearing from drivers --

22 MR. TUNCEL: Absolutely.

23 THE CHAIR: -- and what they're  
24 experiencing, and see if there's an  
25 adjustment that's necessary.

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MR. TUNCEL: Absolutely.

THE CHAIR: So will you do that?

MR. TUNCEL: Absolutely.

THE CHAIR: Thank you, Mr. Tuncel.

MR. TUNCEL: You're welcome.

THE CHAIR: That concludes the public hearing. I'm ready, unless there's comment, to call for a vote on these rules. Meera is going to read a description of the rule and then we are going to vote.

MS. JOSHI: Before the Commission are proposed revisions to TLC's TPEP rules that make technical amendments, including:

Create a new on duty unavailable code drivers must enter when accepting emails or accessible dispatches, and eliminate the off duty email accepted code.

Require TPEP providers to allow TLC to contact independent third party testers directly.

Clarify the type of accreditation independent third party testers must possess.

Require what types of proof of

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insurance TLC will accept.

Clarify that all credit, debit and prepaid card data includes data generated by Epayments.

Require TPEP providers to create a critical performance failure plan.

Clarify that TPEP providers make the decision to run advertising on the TPEP, not the medallion owner.

And clarify that the TPEP provider makes decisions to run -- I'm sorry, that was the same one.

The proposed rules appeared in the City Record on April 3rd, 2013, and CAPA comment deadline was May 16th, 2013. Today we held a CAPA public hearing. All comments received were forwarded to the Commission for their review. Before the Commission are the rules for the following post publication editions based on public and staff comment. The requirement that TLC approve, in accordance with certain standards, that in-vehicle location for freestanding credit cards was added, and the bi-directional

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swipe requirement was eliminated.

So can we vote by a show of hands?

THE CHAIR: I think so. All in favor say aye.

(Chorus of ayes)

THE CHAIR: Opposed, no.

MS. JOSHI: We have seven in favor.

THE CHAIR: And abstentions? No, wait, we want to hear.

COMM. MARINO: I'm sorry.

THE CHAIR: And abstentions?

COMM. MARINO: I honestly don't -- I mean I've been much more involved in the other issues today, so I'm not --

THE CHAIR: It's a lot of reading.

COMM. MARINO: Yeah, it's a lot of reading. I'm not well enough educated on this to cast a vote.

MS. JOSHI: Do you abstain?

COMM. MARINO: I abstain.

THE CHAIR: All right.

MS. JOSHI: So we have seven in favor, one abstention, and the rules are

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approved.

THE CHAIR: It's really six, I think it's really six.

MS. JOSHI: I'm sorry, six in favor, one abstention.

THE CHAIR: I should note, let me note that Commissioner Weinshall is not here for this vote.

COMM. MARINO: As long as we are on that topic, do we have any idea when we'll be getting our Bronx Commissioner?

THE CHAIR: No is the short answer.

COMM. MARINO: The short answer, no, okay.

THE CHAIR: We have heard nothing about that.

All right, that concludes the business for today's meeting. The hearing is adjourned.

(Time noted: 12:13 p.m.)

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STATE OF NEW YORK            )  
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COUNTY OF ORANGE            )

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of June, 2013.

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



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