

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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May 21, 2010  
Start: 2:42 pm  
Recess: 5:15 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JAMES VACCA  
Chairperson

COUNCIL MEMBERS:  
Daniel R. Garodnick  
Vincent M. Ignizio  
Peter A. Koo  
G. Oliver Koppell  
Ydanis A. Rodriguez  
Deborah L. Rose  
Eric A. Ulrich

## A P P E A R A N C E S [CONTINUED]

James Vacca  
Opening Statement  
Chairperson  
Committee on Transportation

Philip Hom  
Counsel  
Committee on Transportation

Nevara Lopez  
Staff Analyst  
Committee on Transportation

David Yassky  
Chairperson  
New York City Taxi and Limousine Commission

Charles Fraser  
General Counsel  
New York City Taxi and Limousine Commission

Nick Economou  
Sergeant at Arms  
Committee on Transportation

Peter Mazer  
General Counsel  
Metropolitan Taxicab Board of Trade

Stephen Belatowitz  
League of Mutual Taxi Owners

David Pollack  
Executive Director  
Committee for Taxi Safety

Bhairavi Desai  
Executive Director  
New York Taxi Workers Alliance

## A P P E A R A N C E S [CONTINUED]

Bill Lindauer  
Campaigns Coordinator  
New York Taxi Workers Alliance

Beresford Simmons  
DOV driver  
New York Taxi Workers Alliance

Biju Mathew  
New York Taxi Workers Alliance  
Author  
Taxi! Cabs and Capitalism in New York City

Ethan Gerber  
Greater New York Taxi Association

Guy Palumbo  
Secretary  
Livery Roundtable

Richard Thaler  
President  
Omni Media Networks

Called but did not testify:  
Edith Prentiss

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2 CHAIRPERSON VACCA: I'll call the  
3 meeting to order. My name is James Vacca. And  
4 I'm Chairperson of the Committee on  
5 Transportation. I'd like to welcome you all here  
6 today. And today we will examine four bills that  
7 I've introduced and one bill that I've introduced  
8 at the request of the Mayor. And these bills  
9 arose from Oversight hearings that my Committee  
10 held regarding alleged taxi driver overcharging.

11 We held that meeting on April 7<sup>th</sup>  
12 and we will also be addressing through proposed  
13 legislation, allegations that some taxicab drivers  
14 were not using Easy Pass lanes at the City's  
15 crossings, often costing passengers money and  
16 time.

17 The five bills are Intro number 232  
18 which would amend the Taxicab Rider's Bill of  
19 Rights to inform passengers of their right to a  
20 taxicab with a working Easy Pass and payment of  
21 tolls with such pass.

22 Intro number 233 which would amend  
23 the City Charter to require that the TLC report on  
24 complaints and enforcement actions and to post  
25 this information on its website monthly.

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2 Intro number 234 which would amend  
3 the City Charter to require a member of the Taxi  
4 and Limousine Commission be a licensed driver or  
5 retired driver.

6 Intro number 234 which would  
7 require certain information be collected by  
8 taxicab equipment, via taxicab equipment and  
9 shared with the TLC and drivers upon request.

10 Intro number 236, a bill that is  
11 introduced by the request of the Mayor, which  
12 would require fees of up to \$50, be charged for  
13 each taxicab inspection and reinspection, thereby  
14 reducing the number of total inspections and  
15 reducing costs borne by the City of New York.

16 The common theme to all the bills  
17 I've introduced is to increase transparency and to  
18 protect riders from scams anywhere near the  
19 magnitude of what we've just experienced. Whether  
20 we're requiring better reporting of complaints and  
21 enforcement actions or requiring vendors to  
22 collect and share data on rate information or  
23 adding a line to the Taxicab Bill of Rights  
24 regarding Easy Pass rules, we're trying to create  
25 a system where a few bad drivers don't spoil it

1  
2 for the bunch. And where both the TLC and the  
3 public have a right to know when numbers don't add  
4 up.

5 Make no mistake, if we want to  
6 restore people's faith in the taxi industry we  
7 need to act. We have a situation where according  
8 to the TLC's latest report, taxi passengers in  
9 this City got swindled out of more than \$1  
10 million. We have a situation where--

11 SERGEANT AT ARMS: [Interposing]  
12 Quiet please.

13 CHAIRPERSON VACCA: We have a  
14 situation where 1,000 drivers will soon be  
15 stripped of their licenses. It is clear that TLC  
16 did not have the tools it needed to detect this  
17 scam or to quickly find out who was scamming whom,  
18 how much they were scamming and how often.

19 These bills seek to eliminate blind  
20 spots in our taxi oversight. During the hearing  
21 of the Committee on April 7<sup>th</sup>, TLC revealed, a,  
22 that it does not record how many rate code  
23 complaints come in each month, b, that some  
24 vendors never collected rate code information, c,  
25 that some vendors did collect information but

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2 refused to share that information with TLC, d,  
3 that in many cases TLC had to use guesswork to  
4 determine which drivers intentionally overcharged  
5 and which didn't.

6 I understand that the  
7 Administration has objections to some of my bills  
8 and I'm open to suggestions. I'm willing to work  
9 with Chairman Yassky and the Administration to  
10 make these bills as effective as possible. But I  
11 do want you to know that I'm determined to do a  
12 better job. I'm determined to see that a package  
13 of legislative reforms passes the Council. And I  
14 think that these legislative reforms are important  
15 and will move the TLC into a new era of reform and  
16 transparency.

17 I want to assure that we have a  
18 taxi network that's efficient, safe and more  
19 important, reliable. So I thank you all for  
20 coming. I'd like to introduce the members of the  
21 Committee that are here today. To my extreme  
22 right, Council Member Vinnie Ignizio, my extreme  
23 right, Ignizio, you're right.

24 [Laughter]

25 CHAIRPERSON VACCA: Very good Eric.

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2 Very good Eric. To his left is Council Member Dan  
3 Garodnick. In the middle of Dan and Phil Hom is  
4 Eric Ulrich from Queens. Phil Hom our Counsel to  
5 the Committee. To my left, Nevara [phonetic]  
6 Lopez and Staff Analyst to the Committee. Council  
7 Member Peter Koo from Queens, my colleague; and  
8 next to him Council Member Ydanis Rodriguez of  
9 Manhattan.

10 Okay I'd like to call up  
11 Commissioner Yassky and anyone you have from your  
12 delegation.

13 [Pause]

14 MR. DAVID YASSKY: Good afternoon  
15 Chairman Vacca and members of the Transportation  
16 Committee. My name is David Yassky. And I'm the  
17 Chairperson of the New York City Taxi and  
18 Limousine Commission. I'm joined today by Charles  
19 Fraser, General Counsel of the TLC. Thank you  
20 very much for the opportunity to speak to you  
21 today regarding Intro numbers 232, 233, 234, 235,  
22 and 236.

23 Intro number 232 proposes to amend  
24 the Passenger Bill of Rights to include a  
25 requirement that each taxicab be equipped with an



1  
2 operational Easy Pass as well as the payment of  
3 tolls with the Easy Pass, are both mandates that  
4 are currently set forth in TLC rules. As an  
5 agency that licenses and regulates 50,000 vehicles  
6 and approximately 100,000 drivers, it is important  
7 that our drivers understand our rules,  
8 requirements and expectations and even more so  
9 that passengers understand their rights as  
10 consumers to enjoy a safe, courteous and reliable  
11 service.

12 To this end we believe that a  
13 clearly stated and informative Passenger Bill of  
14 Rights is an important tool. We have maintained a  
15 Passenger Bill of Rights in the yellow taxis for  
16 several years because we rely on passenger  
17 feedback to ensure that drivers provide the best  
18 possible service. This proposal, Mr. Chair, your  
19 proposal that the Bill of Rights be amended to  
20 include the Easy Pass information is an excellent  
21 one. We have already added that to our Bill of  
22 Rights but there's no reason not to have it  
23 formally required as you have proposed to do.

24 In this case, even more so than  
25 many others, an informed passenger is really our

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2 best defense. If passengers know that they are  
3 entitled to go through the Easy Pass lane, I think  
4 that will make sure that, you know, they can  
5 monitor driver compliance a lot better than we  
6 can. So in short we support Introduction number  
7 232.

8                   Introductory number 233 involving  
9 the display of complaint and enforcement  
10 statistics on the TLC website: we do not currently  
11 list complaint and enforcement statistics on our  
12 website but we do agree with the Council that this  
13 is important information that should be made  
14 available to the public. When passengers report  
15 violations of our rules, they do so by calling 311  
16 or filing a complaint on the City website. We  
17 then internally compile and analyze complaints  
18 based on data received from 311 and in many cases  
19 those complaints lead to enforcement actions.

20                   We also compile data based on our  
21 field enforcement and the summonses issued by our  
22 inspectors. We have some operational concerns  
23 with how, you know, what is both the most  
24 informative for the public and the best way for us  
25 internally to report our data. So we would like

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2 to work with you Mr. Chairman on the drafting of  
3 the specific requirements. But the principle that  
4 enforcement and complaint statistics should be up  
5 on the website when you said in your opening  
6 statement transparency, that's what this is. We  
7 agree with that principle. We would like to work  
8 with you on the drafting but in principle agree  
9 with what you're trying to accomplish.

10 Intro 234, this would amend the  
11 Charter to require a licensed or retired driver on  
12 the TLC Board of Commissioners. This one, unlike  
13 the first two and the next one, here there are  
14 some significant concerns. And I don't think that  
15 we're going to be able to agree with you on this  
16 bill. We believe that the concerns and interests  
17 of the more than 100,000 drivers we license are  
18 important. Without question they are.

19 And we try to work very closely  
20 with the industry to make sure that their needs  
21 are met, the needs of drivers. TLC licensed  
22 drivers provide outstanding service to millions of  
23 New Yorkers and tourists and many have years, in  
24 some cases even decades, of experience that can  
25 help guide the TLC in developing sensible rules

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2 and regulations. All of those are good reasons to  
3 draw on the drivers for input.

4           However the Law Department believes  
5 that this legislation would be a curtailment of  
6 the Mayor's Charter mandated authority and thus  
7 would require a public referendum. That's a legal  
8 concern about the bill. Beyond that there is a  
9 policy concern which is that having a current  
10 driver on the TLC, on the Commission itself, would  
11 present numerous conflicts of interest in the  
12 course of the Commission's work. We do not think  
13 that requiring a licensed driver or retired driver  
14 is a good approach to ensuring that drivers' views  
15 are represented but I say again we do value the  
16 drivers' input.

17           We will therefore take steps to  
18 utilize existing Advisory Boards composed of  
19 stakeholders in our regulated industries. Indeed  
20 Mr. Chairman, this is something that I hope that  
21 you and the other Committee members can help us  
22 with. There are a few Council mandated Advisory  
23 Boards that need to be staffed.

24           And I would like to work with you  
25 and your members as we populate those Advisory

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2 Boards. I think that's a more appropriate way to  
3 ensure input, not just from drivers but from other  
4 segments of the industry as well, particularly  
5 given, as I say, the inevitable conflict of  
6 interest that arises if an active driver were to  
7 vote on TLC rule changes.

8 Turning now to Intro number 235;  
9 that legislation would impose data sharing  
10 requirements on the TPEP vendors so that licensed  
11 taxicab drivers in the TLC can always access trip  
12 sheet data including the fare amount and the rate  
13 code used. You don't need me to tell you but Mr.  
14 Chair and Committee members but just for members  
15 of the public of course the TPEP acronym refers to  
16 the device that's in every taxicab that not only  
17 tracks trip sheet information, you know, the  
18 location and time of each trip and the fare  
19 charged and now the rate charged, the rate code as  
20 well, but also operates the passenger screens in  
21 back.

22 The TPEP system has been a  
23 remarkable success for the taxi industry. Today's  
24 New York Times, if you look on page A-9, I  
25 happened to notice, has a full page ad by VISA

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2 saying, boasting about how introducing credit card  
3 usage into the taxis has made it much more  
4 convenient for passengers and they say in the ad  
5 more profitable for drivers.

6           So we believe the TPEP system has  
7 been a remarkable success for the taxi industry  
8 and for all those who rely on the vital  
9 transportation services that yellow cabs provide,  
10 particularly in the central business districts of  
11 Manhattan. The technology allows passengers the  
12 option of paying for their ride with a credit card  
13 and it's very important to us that we also now  
14 have access to valuable data that helps us  
15 understand the industry and helps inform our  
16 policies and rule requirements.

17           Currently all three TPEP vendors  
18 provide the TLC with the rate code used on all  
19 trips. All three vendors are required by current  
20 contract to make trip sheet available to every  
21 licensed taxicab in the TLC. Drivers can access  
22 their trip sheet data through one of the three  
23 vendors' web portals at any time of the day.  
24 There is no limitation to the number of times a  
25 driver can access this information.

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2           So all that is to say that we  
3 support the intent of the legislation. In its  
4 current draft however, we believe it places undue  
5 restrictions on the TLC's ability to negotiate and  
6 work with the vendors to create a system that  
7 meets the needs of the industry and the consumer.  
8 We have drafted language that we believe will be  
9 more effective at gathering important information  
10 and allowing for needed transparency of  
11 information and data.

12           In short, again, Mr. Chair, like  
13 with the second bill, we certainly share your  
14 belief that the data collected by the TPEP system  
15 must be accessible, you know, continually, to the  
16 TLC and needs to be accessible to drivers as well.  
17 We would like to make sure that whatever  
18 legislative, you know, requirements there are for  
19 our contracts with the vendors are drafted to give  
20 us the flexibility to craft practical solutions to  
21 the data transferring problems that we, you know,  
22 that we encounter. So we would like to work with  
23 you on that, on the drafting, but on the thrust of  
24 the bill I think we're in agreement.

25           Finally I would like to discuss

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2 Intro number 236, this as you said Mr. Chairman,  
3 you have introduced at the behest of Mayor  
4 Bloomberg and the Administration. This would  
5 authorize the Taxi and Limousine Commission to  
6 charge up to \$50 for each taxicab inspection.  
7 Since the early 1990s and just as you know taxis  
8 are required to be inspected 3 times a year, every  
9 4 months by the TLC. They all come; all the  
10 yellow taxis come to our inspection facility, our  
11 state of the art inspection facility at Woodside  
12 every 4 months. That's the way that we ensure  
13 that the vehicles are in tip-top shape to be  
14 offered out to the public.

15 We charge for those inspections as  
16 follows: since the early 1990s the TLC has charged  
17 \$50 to conduct a first inspection for yellow cabs.  
18 That fee is authorized under the Administrative  
19 Code, Section 19-504. If a vehicle fails the  
20 first inspection, the second inspection is offered  
21 at no additional charge. If the vehicle fails  
22 that second inspection then the owner is charged  
23 \$35 for the third inspection but all subsequent  
24 inspections are again performed at no charge. So  
25 we charge for the first and the third but not the



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second and not anything after the third.

Now we have seen vehicles come in for more than 3 inspections numerous times, as many as 13 inspections. I guess that's the world's record before passage or before giving out--in fact there's a high failure rate of these vehicles upon first inspection, more than 40% of the medallion cabs fail their first inspection. We are therefore proposing legislation that would authorize a fee of up to \$50 for all inspections and re-inspections.

If this legislation were enacted it would incentivize vehicle owners to maintain their vehicles at a higher standard of maintenance. It would free up appointments for other services, for other vehicles and reduce wait times for scheduling inspections.

In addition we are planning to pass TLC rules to charge fees for multiple--that's the inspections. Also this does not require legislation but I just wanted to make sure you know this, that we are also planning to charge fees for multiple transfers of for-hire vehicles. This has to do with the TLC processing of

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2 applications by livery cars, car service vehicles,  
3 their applications to affiliate with a base.

4 Right now it's our practice if  
5 somebody wants to have 25 or 30 vehicles  
6 processed, we'll simply process them 1 single fee  
7 even though each one of those applications  
8 requires the same amount of clerical time by TLC  
9 employees. Going forward we are going to pass a  
10 rule that will charge the same \$25 fee for each  
11 vehicle that is processed by TLC.

12 That's not related or that's not  
13 covered by your legislation but it's kind of  
14 similar effort by the TLC where we noticed that  
15 there's a service being provided that we are  
16 currently not charging for. We want to make sure  
17 that the costs of our operation are spread fairly  
18 and appropriately.

19 So back on the inspections' side, I  
20 would like to certainly invite you Mr. Chair and  
21 any members of the Committee who are interested to  
22 come and visit our facility in Woodside to see the  
23 inspections and how the facility works. I think  
24 that you would see the folks at Woodside do a very  
25 good job making sure the vehicles are in good

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2 condition to transport the public and, you know,  
3 of course that costs money to do.

4 This concludes my testimony. Thank  
5 you for the opportunity to testify today on this  
6 proposed legislation. I'm happy to answer any  
7 questions that you have.

8 CHAIRPERSON VACCA: Thank you  
9 Chairman Yassky. I'd like to acknowledge the  
10 arrival of Council Member Koppell, Council Member  
11 Nelson and Council Member Lappin.

12 I did want to go into Intro 235  
13 where I know the Administration has concerns as  
14 per your testimony. You indicate that Intro 235  
15 could place undue restrictions on the TLC's  
16 ability to negotiate and work with vendors. My  
17 feeling is that if 235 was in place we may not  
18 have had the scandal that we just experienced.

19 Matt Daus, your predecessor, in his  
20 testimony of April 6<sup>th</sup>, stated that the TLC had no  
21 access to the Rate 4 data under the contracts that  
22 existed because Rate 4 did not exist when the  
23 original contract was in place. What I want is  
24 this information legislatively to be required to  
25 be collected.

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Now this legislation would require that the taxicab equipment shall record and store all data including the fare rate used and any other information required by the TLC. In the hearing of April 6<sup>th</sup>, Matt Douse testified that when he originally asked for data from the vendors, he or TLC was denied access and had no access specifically to Rate 4 and time stamped data. Is that, do you wish to dispute that? I thought you were taking the microphone. Is that--?

MR. YASSKY: [Interposing] No but I'd like to--

CHAIRPERSON VACCA: [Interposing] Were you there with him April 6<sup>th</sup>? You were there April 6<sup>th</sup>, right?

MR. YASSKY: I wasn't--

CHAIRPERSON VACCA: [Interposing] You weren't in office yet.

MR. YASSKY: --I want to respond to your question but I didn't mean to..

CHAIRPERSON VACCA: Oh, go ahead, no. Do you want to say something first?

MR. YASSKY: Well simply that

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2 you're right. Let me, you know, please, I hope  
3 you will take a yes for an answer here.

4 CHAIRPERSON VACCA: Oh we will.

5 [Chuckling]

6 MR. YASSKY: We... here's the concern  
7 in a nutshell. It's we simply want to make clear  
8 this is not a limitation on our ability to get  
9 data from the TPEP vendors. In other words we  
10 want to make sure that we have... that as we think  
11 of information that we need to get at the TLC that  
12 may not be covered in the initial contract or in  
13 this legislation that we can provide for that.  
14 The short answer is you are right that all the  
15 data that's collected on rate fares, you know, all  
16 the trip data that's currently collected, we  
17 absolutely ought to have access to.

18 And we welcome your effort to  
19 provide that legislatively. We want to make sure  
20 that we can go beyond that, to other non-trip  
21 sheet data as necessary. You know, information  
22 about the drivers, perhaps information about how  
23 passengers pay but without, you know, without  
24 limiting. We have access to other data as well.  
25 I think those are really drafting changes and not

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substantive.

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CHAIRPERSON VACCA: Okay.

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Basically you've expressed your concerns. We or

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my legislation does not want to tie your hands.

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MR. YASSKY: Right.

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CHAIRPERSON VACCA: If anything we-

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-well I feel by my introducing the legislation

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that not only are we not tying your hands but we

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are strengthening your hand by introducing this--

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in law. We want this done, Commissioner, and this

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of course precedes you, is that TLC did not have

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the capacity or the information to stop what

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happened just recently. That had a life of its

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own, took on a life of its own.

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When you spoke before and you spoke

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about this, you expressed your concerned but is

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there any situation where you would not require

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this basic data to be collected?

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MR. YASSKY: No.

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CHAIRPERSON VACCA: I think the

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answer's no.

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MR. YASSKY: No.

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CHAIRPERSON VACCA: You would want

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it under every situation.

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MR. YASSKY: Yes.

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CHAIRPERSON VACCA: All right. So now if the data is out there that would stop riders from getting scammed and the TLC does not now require that it be collected, all right, how is my bill something that you... I get from you that you don't disagree with my bill--

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MR. YASSKY: [Interposing] No and I--what I really realized--

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CHAIRPERSON VACCA: [Interposing] You just don't want to be required to do it but my concern is that we did give TLC over the year by not having this legislation, we did give you latitude and the latitude that TLC was given resulted in a lax type of policy that resulted in fraud.

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MR. YASSKY: So just, again, to be clear. I think my statement was not clear. We like the bill. We think that with some minor drafting changes the Administration can support the bill. So for example where you speak of, you know, 7 days--after a written request of 7 days, we just want to be clear that we don't have to wait 7 days. If it's indeed technologically

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2 possible and, you know, not unduly burdensome for  
3 us to request information and get it immediately,  
4 that we can get it that way. Do you see what I'm  
5 saying?

6 We just want to make sure that we  
7 can... that your kind of floor on what the vendors  
8 have to do in terms of providing information is  
9 not interpreted as a ceiling. I don't think  
10 that's your intent. I'm sure it's not. I'm sure  
11 it's not. So that's why, as I say, those are  
12 really in the nature of minor drafting changes.  
13 On the substance we are in agreement and I think  
14 we'll be able to move forward on this.

15 CHAIRPERSON VACCA: My other  
16 concern in one of the bills was regarding having a  
17 TLC, a taxi driver or a retired taxi driver on the  
18 TLC board. And I realize you have concerns about  
19 legislation. And Commissioner, again, since  
20 you've been at TLC I know you've made significant  
21 changes. But I have to tell you, you alluded to  
22 Advisory Boards that exist. But I cannot find any  
23 record of when they last met.

24 MR. YASSKY: They haven't.

25 CHAIRPERSON VACCA: These Advisory



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2 Boards are prescribed by law not by policy and I  
3 cannot find any record of any of the boards  
4 meeting. Who's on the boards or do they exist at  
5 all--

6 MR. YASSKY: [Interposing] It is--

7 CHAIRPERSON VACCA: --and why--how  
8 did it happen all these years that no one's on  
9 them even though the law requires it?

10 MR. YASSKY: It's time to  
11 constitute them. You know, absolutely. And  
12 that's why--as I say I would like to work with you  
13 and the members of your Committee in making sure  
14 that those are functional and functioning bodies.

15 CHAIRPERSON VACCA: And we need,  
16 Commissioner, a mechanism from you to make sure  
17 that they don't fall into this abyss again. They  
18 were there for a purpose and I don't know what  
19 happened years ago. And again those Advisory  
20 Boards, Advisory Board minutes should be on the  
21 internet, public. And I want people to know that  
22 there is a place for them to go even if they are  
23 advisory. But there are no records of any  
24 meetings at all.

25 MR. YASSKY: We definitely need to

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2 constitute those boards. And we'll work with you  
3 on that. And beyond that, you know, I think we,  
4 when you just now speak of a place for people to  
5 go with input, I think there is a lot of  
6 opportunity for us to get more feedback from the  
7 driver community, also from the passengers, you  
8 know, both on the yellow taxis and livery side,  
9 you know, there are a lot of folks who are  
10 stakeholders in the system who aren't industry  
11 members but who are passengers. And we want to  
12 make sure that their concerns are being heard by  
13 the TLC.

14 CHAIRPERSON VACCA: I do want to go  
15 to my colleagues in a minute but I did want to  
16 touch on these scandals and the status of the  
17 scandal. And I know you've taken quick and  
18 decisive action. But I do have some questions.

19 Was Mr. Chima [phonetic] the person  
20 who allegedly overcharged more than 1,000 times,  
21 was that the worst offender or where there people  
22 worse than him that you found as a result of your  
23 investigation?

24 MR. YASSKY: There are drivers  
25 with... who overcharged more passengers or at least

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where we identified more overcharges than Mr. Chima.

CHAIRPERSON VACCA: So there are-- not passenger--

MR. YASSKY: [Interposing] Drivers not passengers--

CHAIRPERSON VACCA: --there are drivers, sorry--

MR. YASSKY: --there are drivers who--

CHAIRPERSON VACCA: [Interposing] Charged more than 1,000 times--

MR. YASSKY: [Interposing] Yes.

CHAIRPERSON VACCA: --overcharged.

MR. YASSKY: Who overcharged more than 1,000 times and more than the number of overcharges we found from Mr. Chima. Yes.

CHAIRPERSON VACCA: Is there an approximate number of drivers that fall into that category?

MR. YASSKY: I can certainly get that to you and, you know, get that to you in a speedy way, even if you're looking to have that today.

1  
2 CHAIRPERSON VACCA: Are we talking  
3 more than 20, more than 30?

4 MR. YASSKY: There were... I believe  
5 there were in the neighborhood of 40 drivers who  
6 we, where we identified 1,000 or more overcharges.

7 CHAIRPERSON VACCA: The drivers in  
8 those cases, I know you will seek revocation of  
9 licenses but in those cases are you seeking  
10 criminal action?

11 MR. YASSKY: Well we are not, as  
12 you know, criminally prosecuting body. The  
13 Department of Investigation and the Manhattan  
14 District Attorney have, you know, the, cliché  
15 phrase, ongoing investigation.

16 But I believe that they are  
17 actively looking at these cases and... you know, I  
18 know that they are working because I know that  
19 they've spoken to people in the industry and are  
20 collecting evidence. And I, you know, I'm  
21 expecting to see a decision by them at some point  
22 in the not too distant future as to whether and  
23 how many criminal prosecutions to initiate.

24 CHAIRPERSON VACCA: Commissioner,  
25 you stated in the report you issued to the public,

1  
2 you stated that a driver who committed up to 49  
3 overcharges will have the option to surrender  
4 their TLC license or face significant fines. Does  
5 this mean that a driver who committed 40  
6 overcharges will just turn in their license and  
7 not pay the fine or will they have to do both or--  
8 and my last question as a part of that set is how  
9 do we collect those fines?

10 MR. YASSKY: Well we, this is  
11 something that maybe we can work on together; our  
12 authority to fine is limited to \$350 for the first  
13 overcharging offense and \$500 for a second  
14 overcharging offense. And we don't have authority  
15 to fine people for third and subsequent offenses.  
16 So there is an argument, it hasn't been litigated,  
17 but there is a pretty strong argument that the  
18 maximum fining authority we have, even with the  
19 case of someone who overcharged 100s if not 1,000-  
20 plus times is \$850.

21 So now you may say well that's a  
22 fine, that's up to the criminal, you know, let the  
23 DA kind of seek a stiffer fine than that but--

24 CHAIRPERSON VACCA: [Interposing]  
25 I'd say that's mind-boggling.

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MR. YASSKY: Well--

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CHAIRPERSON VACCA: [Interposing]

3

That's outrageous.

4

MR. YASSKY: Well that's, you know

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that is something that we could address together

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that would take a change in the Administrative

7

Code and while we have not looked at that

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internally I certainly would be, I mean the whole

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Administration has not. You know, I would like to

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pursue that discussion with you.

11

So where we are certain we want to

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revoke people's licenses we are seeking the

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maximum fine of \$850 plus revocation. Where we

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are prepared to accept a fine and not insist on

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revocation, there we can, as a settlement, because

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all those people would be subject to revocation,

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we are saying to the drivers, we will settle with

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you for a fine instead of revocation. And in that

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case we can ask for a fine of X, in excess of

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\$850. So that's why, you know, in the case of 40

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overcharges we will seek a \$4,000 fine in lieu of

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revocation.

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CHAIRPERSON VACCA: I'm willing to

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work with you on legislation--

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MR. YASSKY: [Interposing] Great.

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CHAIRPERSON VACCA: --you know, I think this is something we have to address.

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MR. YASSKY: And then in terms of how we get the money, this, I think, is also there's a real need for Council legislation here. We, the TLC, as the authority to issue a fine and in the case of licensees we usually get that. We usually get the money because if they don't pay the fine, they don't get their license renewed. So for drivers or medallion owners or vehicle owners who wish to say in business, they have to pay our fine.

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Where people leave the industry and we might, you know, my expectation or my guess is that you will see many people who are getting fines as a result of the overcharges, leave the industry. We have no real enforcement mechanism today to go after that fine money.

21

22

23

24

25

We would like authority for the Finance Department to treat that as debt against the City of New York that then they can seek garnishment of wages and all the traditional enforcement mechanisms they have for collecting

1  
2 debt. Right now TLC debt is not treated that way.  
3 And so that's something we're going to be coming  
4 to the Council to ask for your help with. That  
5 can be done by Council legislation by changing the  
6 Administrative Code.

7 CHAIRPERSON VACCA: Chairman  
8 Yassky, are we saying that if you do enter into an  
9 agreement with individuals who will keep their  
10 license but will agree to a fine above the \$850--

11 MR. YASSKY: [Interposing] Yeah.

12 CHAIRPERSON VACCA: --you don't  
13 think--

14 MR. YASSKY: [Interposing] No I  
15 mean in those cases I expect that we'll get the  
16 money because they'll lose their license if they  
17 don't.

18 CHAIRPERSON VACCA: You have that.

19 MR. YASSKY: That tool we have.  
20 But where people leave altogether and are not  
21 going to be drivers or who are not going to be  
22 medallion owners or vehicle owners, there's a lot  
23 of debt from folks like that that is sitting out  
24 there. I'll get you a number and I think you'll  
25 be impressed by the size of the number. It's



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sufficient--

CHAIRPERSON VACCA: [Interposing]

Shocked is the word I'm sure.

MR. YASSKY: No, sufficiently

impressed that you'll want to act and say that we should make that Department of Finance collectable debt.

CHAIRPERSON VACCA: It just appears

to me that I'm amazed that this went on all these years and nothing was done. Where was everyone at the TLC when this was going on and the money was not collected and there was--

MR. YASSKY: [Interposing] It's

not--no--

CHAIRPERSON VACCA: --no sunlight.

There was no--

MR. YASSKY: [Interposing] No it's

not that Mr. Chair. First of all--

CHAIRPERSON VACCA: [Interposing]

Tell me.

MR. YASSKY: --I think it's really

a testament to your new leadership as Chairman of the Transportation Committee that these issues are being addressed now with such vigor. And look,

1  
2 the reality is, you can always go and see things  
3 that weren't done. It's true in my, I'm sure that  
4 my successor in my last job now is finding all  
5 kinds of things that were left undone there. I am  
6 certain that that's--

7 CHAIRPERSON VACCA: [Interposing]  
8 I'm sure that's not true, you were a very good  
9 Council Member.

10 MR. YASSKY: No, no, in all  
11 seriousness. I'm sure it's the case. So the  
12 issue is what do we have to do now. Absolutely,  
13 this debt, this is a big number. And I am, it's--  
14 I'm glad you raised it. I wasn't planning to  
15 raise it and it's also we have an internal  
16 administration process for clearing our  
17 legislation that is to be proposed to the Council.  
18 We are talking within the Administration about the  
19 best way to go after this bad debt. But I'm going  
20 to seek your help on that.

21 CHAIRPERSON VACCA: Lastly  
22 Commissioner, Intro 236, I know that the  
23 Administration is seeking this change and I do  
24 want to talk to you further about this bill. But  
25 when a driver, the first time a driver gets his

1

2 car inspected, my understanding is that right now  
3 there is a charge but then there is not a charge  
4 for subsequent inspections.

5 MR. YASSKY: Yeah. Well I wish it  
6 were that simple 'cause that would--

7 CHAIRPERSON VACCA: [Interposing] I  
8 tried to simplify it. I know it's more  
9 complicated.

10 MR. YASSKY: Unfortunately,  
11 confusingly, we charge for the first inspection,  
12 not for the second, and then for--

13 CHAIRPERSON VACCA: [Interposing]  
14 And then the third.

15 MR. YASSKY: --the third and then  
16 not for the others.

17 CHAIRPERSON VACCA: And not for the  
18 others. Now. Is there, when you're a cab driver  
19 and you have to pass inspection, how many  
20 checklist items are there? How many variables  
21 must you pass?

22 MR. YASSKY: Well I don't know the  
23 answer to that. [Off mic] Over 200 I'm told.  
24 But here's the way to think about it. The  
25 inspection is for 2 things. First it's just the

1  
2 same as a Department of Motor Vehicle inspection  
3 for any vehicles owners on the panel, you know,  
4 every year you have to bring your car in to get  
5 inspected by a service station under the aegis of  
6 the Department of Motor Vehicles.

7 Part of our inspection is that  
8 exact inspection. So yellow cabs don't have to  
9 then come to Woodside and then go out again to a  
10 DMV service station. They just get it done here.  
11 Then in addition we inspect for a number of things  
12 specific to taxicabs.

13 Is the meter operating properly?  
14 We test, right, that would be the most obvious or  
15 maybe most salient thing, check to make sure the  
16 meter is operating properly. Are the seatbelts  
17 there in the back? Not just the front. You know,  
18 is the required signage there? Is the passenger  
19 screen working properly? All the things that are  
20 specific to taxicabs. So at any rate, that's the  
21 inspections, the DMV plus taxi-TLC specific.

22 CHAIRPERSON VACCA: My concern here  
23 Commissioner is that of the 200, some of them can  
24 be relatively minor.

25 MR. YASSKY: Yes. And--

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CHAIRPERSON VACCA: [Interposing]

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Appeal, a sticker not being--or unpeeling, a rip

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in linoleum--

5

MR. YASSKY: [Interposing] Yes.

6

CHAIRPERSON VACCA: --whatever you

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call the seat. My question is do you think it's

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fair on the second inspection to charge in light

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of there being 200, some of them not relating to

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safety of vehicle. Do you think it's fair on the

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second inspection to charge? I could see

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subsequently but I just think--

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MR. YASSKY: [Interposing] We're--

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CHAIRPERSON VACCA: --there being a

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list of 200 that maybe something you want to

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consider--

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MR. YASSKY: [Interposing] We're--

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all right. I thank you for that. I will, we'll...

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I hear your suggestion. The vast bulk of

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violations are not for cosmetic matters but are

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for performance matters. And for what it's worth

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we do distinguish between DMV and other safety

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violations where the vehicle is off the road.

24

Just like with the DMV inspection

25

if they fail. And then the things that don't go

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2 to safety, you know, you don't have the right  
3 sticker, whatever, the seat is torn like you said,  
4 where there you get what they call 10-day notice  
5 which says, okay you can keep driving but you have  
6 to come back and show us that you fixed it. So we  
7 do recognize that distinction.

8 CHAIRPERSON VACCA: What's the most  
9 time people have had, do you have a record of  
10 people coming--

11 MR. YASSKY: [Interposing] Well I  
12 told--

13 CHAIRPERSON VACCA: --15 times--

14 MR. YASSKY: --13 is the record.  
15 But, you know, I'm sure I could--

16 CHAIRPERSON VACCA: [Interposing]  
17 13 is the record?

18 MR. YASSKY: --break that if I  
19 tried, right. I'm told 13 is the record.

20 CHAIRPERSON VACCA: And  
21 Commissioner, this is anticipated to raise revenue  
22 for the City of New York, I think you mentioned--

23 MR. YASSKY: [Interposing] It is.

24 CHAIRPERSON VACCA: --around  
25 \$700,000? Is that correct--

1  
2 MR. YASSKY: [Interposing] Where--  
3 it's projects around \$600,000, \$700,000. I think  
4 in all candor that it should be less than that  
5 because the real goal here is to... and I'm not  
6 saying people are doing anything wrong but I think  
7 that the fee structure incentivizes owners to  
8 treat that first inspection as kind of a  
9 diagnostic. They come in. We tell them what's  
10 wrong and then they go out and fix it as opposed  
11 to maintain the car well throughout.

12 So the goal here is to encourage  
13 continued maintenance so that the pass rate goes  
14 up from 60% and there are fewer second  
15 inspections. That's better use of our time and  
16 keeps the cars on the road more. And if that's  
17 the case then we'll raise less than that \$667,000  
18 'cause there'll be fewer second inspections.  
19 We'll see, you know, we'll see what the practice  
20 is.

21 CHAIRPERSON VACCA: And  
22 Commissioner, the inspection rate for first time  
23 is 60%

24 MR. YASSKY: It's roughly [off mic]  
25 Pass rate? [off mic] Okay. I'm told the pass

1  
2 rate is 47% for first time out. Okay. So I was  
3 wrong.

4 CHAIRPERSON VACCA: Okay. Thank  
5 you Commissioner. I want to mention we've been  
6 joined by Council Member Rose and I'll now call on  
7 Council Member Garodnick.

8 COUNCIL MEMBER GARODNICK: Thank  
9 you Mr. Chairman and Commissioner. Nice to see  
10 you.

11 MR. YASSKY: Yes.

12 COUNCIL MEMBER GARODNICK: Let me  
13 just run through a couple of questions on a few of  
14 the bills. First one, Intro 232 sounds like we're  
15 all good on that one so I'll go right to 233.

16 From your testimony it sounds like  
17 you have some operational concerns about this one  
18 which is of course the requirement that TLC list  
19 complaint and enforcement statistics on the  
20 website. You noted that the reports of violations  
21 come to you via 311, NYC.GOV and your inspector's  
22 field enforcement actions. What I wanted to see  
23 if you could put a little more explanation on is  
24 the subject of what are the operational concerns  
25 that you have with the bill as it's written.



1  
2 MR. YASSKY: Well. The requirement  
3 that what we show on the website be disaggregated  
4 by type of licensed vehicle and month such  
5 complaint was received, we're not currently--that  
6 would require some internal work to, you know,  
7 report the information in that way. Maybe that  
8 work is worth doing but that's more specificity  
9 than we'd like to see in this legislation.

10 So that's our main, really,  
11 drafting proposal is to delete the language where  
12 it says "and disaggregated by type of complaint,  
13 type of licensed vehicle and month such complaint  
14 was received by the Commission and a summary of  
15 all enforcement actions".

16 [Pause]

17 MR. YASSKY: It would also take, we  
18 also want to make sure that we can use the  
19 categories that are currently in use by 311 or if  
20 those categories are going to be revised that we  
21 have a discussion about that. And we're not  
22 prepared right now to say we can commit 311 to  
23 revising the categories that they group their data  
24 into. So for example they lump all fare  
25 complaints together.

1  
2           So if you wanted to just for, you  
3 know, thinking out loud here, if you wanted to  
4 take, you know, overcharging versus it took too  
5 long of a route, that right now, those two things  
6 would be lumped together in the 311 reports. And  
7 if you want to disaggregate it, it would take some  
8 work. So I guess we're just saying we need to  
9 have a conversation on what the categories of  
10 complaint are before we lock into anything.

11           COUNCIL MEMBER GARODNICK: Okay.  
12 So it's not that you have any philosophical  
13 objection to releasing any of this information.  
14 It's--

15           MR. YASSKY: [Interposing] No.

16           COUNCIL MEMBER GARODNICK: --just a  
17 matter of how much work you would need to engage  
18 in to be able to make it all happen.

19           MR. YASSKY: That's correct.

20           COUNCIL MEMBER GARODNICK: Okay.  
21 And it seems like the month a violation occurred,  
22 that seems like the easiest of the bunch. Because  
23 you probably have that information at the ready  
24 regardless, right?

25           MR. YASSKY: Yeah. We don't think

1  
2 that we'd want to display it that way because it's  
3 more, you know, we don't think it tells you all  
4 that much as opposed to grouping things by year.  
5 But there's not a real operational problem there.

6 COUNCIL MEMBER GARODNICK: Okay.  
7 Well I don't need to negotiate the nuts and bolts  
8 of this. We'll let the Chair do that with you.  
9 But it sounds like there's general agreement about  
10 the goals of the bill and that it's just a matter  
11 of hashing it out to find a way to make it work.

12 MR. YASSKY: Yeah. I mean in  
13 particular, the month is something where I would  
14 say rather than write that into the statute maybe  
15 give us a little more flexibility if we think that  
16 the website would look confusing with it broken  
17 out by month we'd rather have the flexibility not  
18 to do that. But these are minor things. And  
19 again I fully expect that we can work on some  
20 drafting revisions with the Committee that will  
21 result in the Administration supporting the bill  
22 and the Mayor signing it.

23 COUNCIL MEMBER GARODNICK: Okay.  
24 On Intro 234, I understand from your testimony  
25 that you have concerns about whether this

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constitutes a curtailment of Mayor's authority.

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And the potential conflict of interest of having a

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current driver on the Board.

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MR. YASSKY: Right.

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COUNCIL MEMBER GARODNICK: Now you

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also put in retired driver in the same sentence as

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current or retired driver. Can you explain the

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thought process as to why to not include a retired

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driver?

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MR. YASSKY: You are correct that

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that was maybe a little bit sloppy use of language

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there because there's not--I don't think there's a

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conflict of interest problem there. There you

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simply have the, you know, the curtailment issue.

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And I guess here I would remind you that 5 of the

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9 Commission members are recommended by the

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Council.

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There are currently 2 vacancies on

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the Commission both of which are Council filled

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slots. And, you know, certainly it's well within

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the ability of the Council to ensure that there's

23

a retired, in this case, driver on the Commission

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if that's what you'd like to do.

25

COUNCIL MEMBER GARODNICK: Okay.

1  
2 And then 235 I understand your concerns in  
3 response to the Chair's questions would be that  
4 you want the ability to obtain all of this  
5 information as quickly as you possible can. You  
6 would support the legislation provided that it  
7 doesn't actually--

8 MR. YASSKY: [Interposing] Doesn't-

9 -

10 COUNCIL MEMBER GARODNICK: --slow  
11 you down.

12 MR. YASSKY: That's exactly it.  
13 Thank you for being more concise than I was.

14 COUNCIL MEMBER GARODNICK: That's  
15 okay [chuckling]. I'm not sure that I was but I  
16 appreciate that. Intro 236 the last one is on the  
17 fees for inspections. So today, the first time  
18 fee is \$50 bucks, the reinspection is \$0, the  
19 third is \$35 and the fourth is?

20 MR. YASSKY: \$0.

21 COUNCIL MEMBER GARODNICK: \$0 and  
22 \$0 thereafter? Okay. Why, I think in your  
23 testimony you said that there were, it was 40% of  
24 them fail on their first inspection. And then  
25 there was a number that you just threw out a

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2 minute ago which was 47%. Can you help us  
3 understand what those two numbers are 'cause I  
4 think I'm now a little confused?

5 MR. YASSKY: [Off mic] I said more  
6 than--okay, apparently we said more than 40%--

7 COUNCIL MEMBER GARODNICK:

8 [Interposing] You did. That's correct.

9 MR. YASSKY: --and finally the, I  
10 believe that the current failure rate is running  
11 around 47%.

12 COUNCIL MEMBER GARODNICK: 47%.

13 Okay. I understand. So more than 40%,  
14 specifically 47%. And from your perspective why  
15 is that number so high? I mean that is a pretty  
16 high number it seems to me.

17 MR. YASSKY: Well. You know, there  
18 are two things you could say. One is cars drive  
19 70,000 miles a year on very--on roads that, you  
20 know, even though I think DOT does a tremendous  
21 job in keeping them in as good a shape as they  
22 can, are still difficult roads to drive on. And  
23 so they have to be very durable. That's number  
24 one.

25 Number two is I think that there

1

2 are some practices, I'm not saying by any means  
3 all of the owners, but some practice of letting  
4 the inspection tell us what's wrong we can go and  
5 fix it as opposed to trying to make sure that you  
6 pass inspection before you come in. That's the  
7 intent of this fee change is to incentivize the  
8 drivers to make--and the owners really, to make  
9 sure that they do their best to make sure they  
10 pass inspection the first time.

11

COUNCIL MEMBER GARODNICK: Also  
12 thinking out loud here for a second 'cause I'm not  
13 sure that this would actually work but would it  
14 create the right incentive if the first time they  
15 had to come in the charge was \$0 and that the only  
16 charge were invoked after they did not pass the  
17 first time around so that you have an opportunity  
18 to actually pass and avoid a charge. And then the  
19 charges only become in place once you have failed?

20

MR. YASSKY: I guess that's where  
21 we have to bring Mark Page in because that, your  
22 logic is impeccable on the incentive. To the  
23 extent it would reduce overall City revenue I'm  
24 going to assume that my colleague the Budget  
25 Director that's his call to make, not my call.

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COUNCIL MEMBER GARODNICK: Okay.

3

Thank you Commissioner. And I would just like to

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as the Counsel to add my name to 232, 233, and 235

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and we'll take a closer look at the other 2 for

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now but we appreciate your testimony and I

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appreciate the Chair's advocacy for all of these

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bills. Thank you.

9

MR. YASSKY: Thank you.

10

CHAIRPERSON VACCA: Thank you

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Council Member Garodnick. I'd like to call on

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Council Member Koo and then Council Member Nelson.

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COUNCIL MEMBER KOO: Thank you Mr.

14

Chair and welcome our Commissioner. I have a

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question on Intro 234. You said that there will

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be a conflict of interest if you appoint a taxi

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driver or retired driver on the Commission. And I

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find it hard to believe.

19

MR. YASSKY: As Council Member

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Garodnick pointed out that's really only true of

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an active driver. Well an active driver has a

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conflict of interest in say the cell phone rules,

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thinking of things we just passed, that would be a

24

rule that would affect, you know, would affect

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very directly his or her job.



1  
2 COUNCIL MEMBER KOO: And if there's  
3 like a medical commission or dental commission, I  
4 would think we have doctors or dentists on the  
5 board. I mean why do we make a taxi limousine  
6 commission different? We should have at least one  
7 member of the industry on the board so to voice  
8 their concern, their grievance, you know.

9 In any other commission there's  
10 always some professionals, members of that  
11 profession the board. The Board of Regents for  
12 education, the Pharmacists Board, they have some  
13 pharmacists on the Board. The Dental Commission  
14 or whatever. It is only right for them to have  
15 representation on the Board.

16 MR. YASSKY: Well we could take a  
17 look at the conflict question--

18 COUNCIL MEMBER KOO: [Interposing]  
19 Besides the--yea.

20 MR. YASSKY: --although I think,  
21 you know, I don't know how it's handled in other  
22 industries. I do think that, you know, much of  
23 what the Taxi and Limousine Commission does would  
24 affect a driver very directly. And I think the  
25 conflict of interest argument there is legitimate.

1  
2 COUNCIL MEMBER KOO: And besides  
3 you said there are 9 members on the Board, right?  
4 And the industry only has 1 representation. So  
5 that's--they cannot overwhelm the Commission.

6 MR. YASSKY: Yeah, and also to  
7 repeat, you know, the Council does have the  
8 ability to appoint people to the Commission and  
9 has 2 vacant slots right now.

10 COUNCIL MEMBER KOO: So can we  
11 appoint a retired driver on the Board.

12 MR. YASSKY: Absolutely.

13 COUNCIL MEMBER KOO: Okay. Thank  
14 you very much.

15 CHAIRPERSON VACCA: Okay  
16 Commissioner. You spoke about web portals and  
17 drivers accessing information through the web  
18 portals. Are drivers at any time charged for  
19 that? Is there a charge, fee?

20 MR. YASSKY: No.

21 CHAIRPERSON VACCA: No.

22 MR. YASSKY: It's--

23 CHAIRPERSON VACCA: [Interposing]  
24 Is that something recent?

25 MR. YASSKY: --the TPEP vendors are

1  
2 required to give them access for free. I don't  
3 know. I mean I guess they have to get internet  
4 access which may not be free but as long as they  
5 have internet access then the vendors do not  
6 charge them separately.

7 CHAIRPERSON VACCA: Okay. And I  
8 wanted to be clear on the bill, Intro 233, you  
9 mentioned it. You would be willing to talk more  
10 about that. But that is not just a 311  
11 transparency bill which I do think is important  
12 but it's also related to enforcement.

13 MR. YASSKY: Yes.

14 CHAIRPERSON VACCA: I want to know  
15 and--

16 MR. YASSKY: [Interposing] Yeah it  
17 is.

18 CHAIRPERSON VACCA: --and I  
19 figuratively, the public wants to know what you're  
20 doing regarding enforcement.

21 MR. YASSKY: Absolutely. I welcome  
22 that.

23 CHAIRPERSON VACCA: You know a lot  
24 of people are concerned about the street hails. A  
25 lot of people are concerned about straight plate

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vehicles.

MR. YASSKY: Yep.

CHAIRPERSON VACCA: And we know the TLC is doing enforcement but how much of it and what is--

MR. YASSKY: [Interposing] And what are we getting for, you know, what are taxpayers--

CHAIRPERSON VACCA: --and what are you--yes.

MR. YASSKY: --getting for their enforcement dollars--

CHAIRPERSON VACCA: [Interposing] Yep.

MR. YASSKY: --fair question. That data should be available.

CHAIRPERSON VACCA: Council Member Nelson.

COUNCIL MEMBER NELSON: Thank you Mr. Chair. Welcome Commissioner. Do you know or is there an active teacher in the school system that has some sort of a post at the Department of Education?

MR. YASSKY: I?

COUNCIL MEMBER NELSON: Not a trick

1

2 question--

3 MR. YASSKY: Don't know--

4 COUNCIL MEMBER NELSON: --I mean I  
5 don't know--6 MR. YASSKY: --I mean I don't know  
7 what you mean by that.8 COUNCIL MEMBER NELSON: --but I  
9 think there is. I'm just--

10 MR. YASSKY: [Interposing] Yeah.

11 COUNCIL MEMBER NELSON: --trying to  
12 weigh this out as far as the conflict of interest  
13 goes but I do understand the potential for  
14 acrimony or perhaps contentious meetings. Do you  
15 think, does that play a role do you think in any  
16 of your--17 MR. YASSKY: [Interposing] No,  
18 honestly no. Look. We're--I'm sincere when I say  
19 that we want to have driver input and not just,  
20 you know, input in the sense of, you know, put a  
21 slip of paper in the suggestion box but active,  
22 meaningful dialog. Since I've started at the  
23 Commission, I have, you know, made it my business  
24 to make sure that we are in regular consultation  
25 with not just the representatives of drivers.

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I mean the folks who have, you know, formed organizations and are heading those organizations but, you know, but tried to engage as much as possible with groups of driver to understand how what we're doing affects them. So we're very serious about it. As far as the kind of specific function of serving on the Commission and voting on rule changes there are conflict issues that I think are real.

COUNCIL MEMBER NELSON: We may need an attorney to work this one out or corporate counsel but having said that I'd really like to see a driver or a retired driver on.

MR. YASSKY: Um-hum.

COUNCIL MEMBER NELSON: I was impressed at one of our hearings when there was a taxi driver in the audience and when the meter was brought up he was shaking his head no [chuckling] when somebody else was describing it and the manner in which it was supposed to function. And I grabbed the meter from him. You know, he surrendered it.

MR. YASSKY: Um-hum.

COUNCIL MEMBER NELSON: Gracefully.

1  
2 And we brought it up but he knew really what the  
3 issue was and was very informative. And I think  
4 that's a key word we can use here, informative as  
5 well as--well it wouldn't even be a balance based  
6 on the amount of the membership. But informative,  
7 so that's why I personally think it's a good idea  
8 to have a driver.

9 MR. YASSKY: Right. Well look, by  
10 the way, I'd have the same conflict of interest  
11 concern about, you know, an active fleet owner.  
12 That's not what the regulatory body is. Now but  
13 do we want to make sure that our policy decision  
14 are informed by, you know, every bit of feedback  
15 we can get from people who'd know best how a rule  
16 will affect the actual practice, namely drivers  
17 and other people in the industry? Yes, of course  
18 we do.

19 COUNCIL MEMBER NELSON: Yeah well I  
20 would not like to see the TLC composed of let's  
21 say, you know, 5 out of 9, you know, members who  
22 are having to be taxi drivers or retired. But I  
23 do think it's a great idea to have 1.

24 MR. YASSKY: All right Okay.

25 COUNCIL MEMBER NELSON: That was my

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question and my statement as well. Thank you.

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MR. YASSKY: I hear you.

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CHAIRPERSON VACCA: Commissioner,

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one or two quick questions back to the

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overcharging issue. You mentioned about revoking

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licenses, administratively through the TLC. Once

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you revoke based upon charges such as those we've

9

discussed, is there a way for the person whose

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license you revoked to get the license back? Or

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is the revocation permanent or is there a way in

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subsequent time for that person to get their

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license back?

14

MR. YASSKY: There's no legal bar

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on reapplying for license [off mic]. I'm sorry.

16

There is. But for one year. So beginning one

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year after the license was revoked the driver

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could apply to have the license reinstated.

19

CHAIRPERSON VACCA: Are we saying

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even in the most extreme cases?

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MR. YASSKY: Well that's--

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CHAIRPERSON VACCA: [Interposing]

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Let's say such as--

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MR. YASSKY: [Interposing] What I'm

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saying is--



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CHAIRPERSON VACCA: --Mr. Chima?

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MR. YASSKY: --there's no legal bar

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to applying. But I'm sorry, you're right. A

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complete answer would be that then the TLC would

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determine whether the person is fit for a license.

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And, you know, I think that it's likely that the

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TLC would determine that somebody who had

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overcharged 1,000 passengers was not fit for a

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license.

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CHAIRPERSON VACCA: How often can

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that individual then come back to submit another

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application for a license, once denied?

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MR. YASSKY: Well it's funny you

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say that because our rules permit someone to apply

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as many times as they like for a license. Indeed,

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you could have a drunk driving conviction a week

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ago and there's no rule that explicitly prohibits

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that person from getting a license, just the

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general standard of fit for a license.

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So in practice somebody with a

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drunk driving conviction from a week ago will be

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rejected I think every time. So we are talking

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about at the TLC, by rule, creating some

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categories in which licenses which people will be

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2 by rule considered unfit rather than this case by  
3 case determination. Because not only is it a case  
4 by case determination but the applicant has the  
5 right to go to an administrative law judge and get  
6 a hearing on whether he or she is fit.

7           So that's pretty cumbersome for the  
8 case of the 1,000 passenger overcharge or for the  
9 case of the recent drunk driver. Where I think we  
10 could by rule screen them out, save us some  
11 administrative law judge hearing time and also be  
12 fairer to people rather than say, sure go ahead  
13 and apply even though the practical chance of  
14 getting a license is nil. So it's a bit of a  
15 legal, you know, it takes some work from Mr.  
16 Fraser and his team to craft a rule that will  
17 screen people out and screen the right people out.  
18 But they are happily engaged on that work.

19           CHAIRPERSON VACCA: I'll look  
20 forward to seeing those regulations. It is hard  
21 for me to fathom how some individuals who've  
22 committed the most heinous type of crimes here,  
23 the ripping off of passengers, could conceivably  
24 come back to those jobs. And I certainly don't  
25 want that to happen because I think the public is

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owed more than that.

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MR. YASSKY: We'll get you a draft of that rule when we have it.

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CHAIRPERSON VACCA: Thank you. Okay. Of the drivers so far, how many have had their licenses rescinded? Has anyone had their license rescinded so far in this investigation?

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MR. YASSKY: I don't believe so. The first hearing is Wednesday, so day after tomorrow is when the first people are due. They got their notice of violation and they're going to be coming in starting Wednesday. Day after tomorrow. I--

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CHAIRPERSON VACCA: [Interposing] I'm sorry.

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MR. YASSKY: I believe that we have had already some people contact the TLC. They got the notice. They contacted to say where do I turn in my license. But I'm not sure that we have actually gotten any licenses back yet.

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CHAIRPERSON VACCA: In the time period from the findings that you made to Wednesday which is the beginning of your process, are the individual drivers in question--

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MR. YASSKY: [Interposing] Yes.

2

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CHAIRPERSON VACCA: --still

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driving.

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MR. YASSKY: They have a license.

6

They are--remain licensed drivers until the

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process reaches its conclusion and revokes their

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licenses if that's the conclusion. So they may

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still be driving.

10

CHAIRPERSON VACCA: How long do you

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anticipate a process, the process, you know--

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MR. YASSKY: [Interposing] Well.

13

CHAIRPERSON VACCA: --for the

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average person would take?

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MR. YASSKY: Well we've doubled the

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resources devoted to prosecuting these cases.

17

We're going to be taking up a lot of the time of

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the OATH, the Office of Administrative Tribunals

19

and Hearings. They are the judges that hear

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these. That's a preamble to saying it could drag

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out over, you know, a decent period of time. A

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lot depends on how many choose to go for a full

23

hearing and how many simply surrender their

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license.

25

We don't really have much we can

1  
2 offer by way of plea bargaining, you know, if you  
3 will, because our maximum fine is \$850. And even  
4 that, I don't feel that somebody who overcharged  
5 800 passengers, that we should say well we'll just  
6 do away with your fine. I don't think that would  
7 be appropriate or right. So we don't have much we  
8 can offer in terms of plea bargaining. So we  
9 don't know. It may be that people will choose to,  
10 you know, that the bulk will choose to go through  
11 a full hearing.

12 CHAIRPERSON VACCA: But without the  
13 power of plea bargaining these hearings could take  
14 months. The process could take months.

15 MR. YASSKY: Well it could take  
16 more than--

17 CHAIRPERSON VACCA: [Interposing]  
18 More than months.

19 MR. YASSKY: --months, so that  
20 would--it could take months--

21 CHAIRPERSON VACCA: [Interposing]  
22 Do you have a rubber room?

23 MR. YASSKY: --it could be two  
24 months--

25 CHAIRPERSON VACCA: [Interposing]

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2 Do you have a rubber room? I mean this is my  
3 question--

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MR. YASSKY: [Interposing] Yeah.

5

CHAIRPERSON VACCA: --we're talking  
6 of a lot of drivers.

7

MR. YASSKY: You're too good.

8

CHAIRPERSON VACCA: I'm too good.

9

MR. YASSKY: Yeah. That's--

10

CHAIRPERSON VACCA: [Interposing] I  
11 hope we don't have that. But I just see people  
12 driving for months on end--

13

MR. YASSKY: [Interposing] You--

14

CHAIRPERSON VACCA: --and they've  
15 been charged with a very serious crime and--

16

MR. YASSKY: [Interposing] They  
17 are. And let me, let me just say this. I do  
18 think that the specific overcharging problem has  
19 been dealt with by having alert screens in the  
20 back of the cab. So if a driver activates that  
21 out of town rate today the passenger is going to  
22 see that screen and they're going to say what are  
23 you doing.

24

So that, absolutely though, people  
25 who have shown that they are willing to and

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2 indeed, you know, that they have a lack of  
3 integrity such that they will overcharge  
4 passengers repeatedly, repeatedly, repeatedly,  
5 should not be driving. And we're going to, you  
6 know, as quickly as the process allows seek to get  
7 those folks off the road.

8 CHAIRPERSON VACCA: Council Member  
9 Rose.

10 COUNCIL MEMBER ROSE: Good  
11 afternoon Commissioner. Being that I represent  
12 Staten Island and we don't have yellow cabs, we  
13 have livery and for-hire cabs, I was particularly  
14 interested in your statement that we are planning  
15 to pass TLC rules to charge fees for multiple  
16 transfers for for-hire vehicles. Would you  
17 explain what this new fee structure would look  
18 like and its rationale for it?

19 MR. YASSKY: Sure. As you know, we  
20 license not just yellow cabs but for-hire  
21 vehicles, livery cars. And livery cars have to be  
22 affiliated with a base. So you are licensed to  
23 own and then also to drive a livery car. And  
24 furthermore you get a license as a base to take  
25 calls and dispatch cars in Staten Island and

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2

elsewhere.

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COUNCIL MEMBER ROSE: Um-hum.

4

MR. YASSKY: There is an

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application that we process that affiliates a car

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with a particular base. It has been our practice

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and very frequently a car will switch from one

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base to another base. I've been working; it's

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like leaving a job and going to work at another

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place. It has been our practice that if there are

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25 cars that have been affiliated with 25

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different bases and now they all come and they're

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going to affiliate with a new base, that new base

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will come in with an application for all 25 of

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those transfers. And we will process all 25 for 1

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single fee. [Off mic] Of \$25.

17

Now if they come in with 25

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applications, we're going to charge the \$25 fee

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for each one of those. And the rationale for that

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is very simply each one of them requires the same

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amount of clerical time. There's no kind of

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argument for a volume, there's no operational

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efficiency that argues for a volume discount.

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It's the same in each case. We, you know, it was

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nice to be able to do that and provide that kind



1  
2 of courtesy but in these times when we're, you  
3 know, we're actually cutting our operating budget  
4 at the TLC, it's just not something we can afford  
5 to do anymore.

6 COUNCIL MEMBER ROSE: Well so this  
7 is a revenue generating purpose. And how much do  
8 you expect to generate from, you know, the new fee  
9 structure and--

10 MR. YASSKY: [Interposing]  
11 Approximately--

12 COUNCIL MEMBER ROSE: --does it in  
13 fact help you close any of the gaps that you  
14 currently have?

15 MR. YASSKY: We expect it to raise  
16 approximately \$110,000. And I guess without that  
17 our operating budget cut would be \$110,000 bigger,  
18 yes. And it's, you know, you could say that's one  
19 of the ways in which we were able to avoid  
20 reducing our enforcement personnel which to me  
21 that was my main goal in the budget process was  
22 not to have a reduction in our enforcement  
23 personnel in the field. Because as it is, you  
24 know, as Chairman Vacca kind of was alluding to  
25 before, do I think that we are getting, you know,

1  
2 every unlicensed pickup off the street. Far from  
3 it. There's a lot of enforcement that we still  
4 need to be doing.

5 COUNCIL MEMBER ROSE: So the base  
6 will pick up the cost for each of the individual  
7 cars that come in or the individual drivers will  
8 pay the additional \$25 to the base?

9 MR. YASSKY: It could be either the  
10 base or the vehicle owner.

11 COUNCIL MEMBER ROSE: Yeah. Okay.  
12 Okay. I just have another question. You talked  
13 about inviting us to your wonderful new DMV  
14 certified inspection facility. And this has  
15 become, you know, sort of a bone of contention for  
16 Staten Island drivers that prior to this, prior to  
17 last year, early last year; they could get their  
18 vehicles inspected on Staten Island which would  
19 keep them from losing virtually a whole day of  
20 income--

21 MR. YASSKY: [Interposing] Yes.

22 COUNCIL MEMBER ROSE: --and now  
23 with this facility, would you be open to looking  
24 at allowing Staten Island because of the distance,  
25 because of the fact that of the volume that you do

1  
2 at your certified DMV center, would you consider  
3 allowing them to continue or go back to being  
4 inspected on Staten Island? It could be one of  
5 your certified DMV, you know, operators. But this  
6 has caused a hardship for the drivers on Staten  
7 Island. Are you willing to look into this?

8 MR. YASSKY: No I think is the  
9 short answer because it's not a change that  
10 affected Staten Island only. What we did was,  
11 whereas previously all livery cars could do all  
12 their inspections at private service stations  
13 throughout the City, the change was to say that  
14 once every two years each livery car has to come  
15 in and be inspected at the TLC inspection facility  
16 at Woodside. So that's everywhere. Now Staten  
17 Island is, you know, further from Woodside--

18 COUNCIL MEMBER ROSE: [Interposing]  
19 However, right, geographically--

20 MR. YASSKY: --than some places  
21 although--

22 COUNCIL MEMBER ROSE: --it's a...

23 MR. YASSKY: --although, you know,  
24 it's no further than--

25 COUNCIL MEMBER ROSE: [Interposing]

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It's a haul.

MR. YASSKY: --Throgs Neck I

suppose--

COUNCIL MEMBER ROSE: [Interposing]

Geographically.

MR. YASSKY: But still, but still,

you know--

COUNCIL MEMBER ROSE: [Interposing]

And financially. We pay \$11 on the bridge.

MR. YASSKY: Yeah but I do get that

that's a trip. It's, you know, once every two

years unless you change bases or, you know, change

vehicles in which case it's more often.

The rationale for it was just that we did not feel and I think the experience has borne it out that we had the same quality control when you could go to any service station as when they come to the Woodside facility. So most of their inspections, they can still get any DMV, you know, service station, any DMV certified service station. But once during the term of the 2-year license they have to come to Woodside. And I think that's a fair compromise.

COUNCIL MEMBER ROSE: I just--and

1

2 I'm going to let it go--

3 MR. YASSKY: [Interposing] Yeah.

4 COUNCIL MEMBER ROSE: --after this  
5 but if the operator, DMV inspection center is good  
6 enough to inspect the vehicle during this 2-year  
7 period why would it not, even if you just singled  
8 out one place, why would it not be good enough for  
9 the 2-year inspection?

10 MR. YASSKY: Well. An inspection,  
11 it's not just any--it's the first one. So this  
12 way we get to see the vehicle at the outset,  
13 ensure that it meets the standards that we require  
14 for a vehicle that is taking the public. And as I  
15 say then for the rest of the 2-year license period  
16 they can go anywhere they like.

17 COUNCIL MEMBER ROSE: Thank you  
18 Commissioner.

19 CHAIRPERSON VACCA: Thank you  
20 Commissioner.

21 MR. YASSKY: Thank you.

22 CHAIRPERSON VACCA: Thank you.

23 MR. YASSKY: Thank you Mr.  
24 Chairman.

25 CHAIRPERSON VACCA: Thank you very

1  
2 much. Thank you Mr. Commissioner. We have three  
3 panels I think. And our first panel will be Peter  
4 Mazer, Metropolitan Taxicab Board of Trade; David  
5 Pollack, Committee for Taxi Safety; and Steve  
6 Belatowitz [phonetic], League of Mutual Taxi  
7 Owners.

8 [Pause]

9 CHAIRPERSON VACCA: We thank our  
10 Sergeant at Arms, Nick, who does a wonderful job.  
11 He keeps us quiet please. Okay. Sir, would you  
12 want to start?

13 MR. PETER MAZER: Sure. Good  
14 afternoon Chairman Vacca and members of the  
15 Committee. My name is Peter Mazer. I am General  
16 Counsel to the Metropolitan Taxicab Board of  
17 Trade, a 58-year old trade association that  
18 represents 28 yellow medallion taxi fleets which  
19 operate approximately 3,500 yellow medallion  
20 taxicabs, roughly 25% of the taxi industry.

21 MTBOT fleets lease their vehicles  
22 to over 14,000 drivers and employ hundreds of  
23 mechanics, dispatchers, managers and other  
24 personnel at its garages in Manhattan, Brooklyn,  
25 Queens and the Bronx. At the outset I would like

1  
2 to state that MTBOT shares with the City Council  
3 the goals set forth in the 4 Council originated  
4 bills, that the TLC become more open, transparent  
5 and accountable to the public as well as the  
6 individuals and businesses it regulates.

7 To that end we are always willing  
8 to work with the Council to ensure that these  
9 mutual goals are achieved. We are pleased to  
10 comment on the 5 taxi related bills being heard  
11 today before this Committee. The 4 Council bills  
12 as well as the Mayoral bill relating to increased  
13 fees.

14 First Intro 232, this bill requires  
15 that new language be added to the Passenger Bill  
16 of Rights pertaining to the requirement of every  
17 taxicab to have a working Easy Pass tag. It is  
18 important to note that the TLC already requires  
19 each medallion owner to participate in Easy Pass  
20 unless the driver elects to use his own tag. And  
21 I refer to TLC rules 1-37 and 2-27. The rules  
22 also require that Easy Pass must be used in all  
23 tolls in New York City.

24 The Passenger Bill of Rights is an  
25 excellent consumer protection tool that our member

1  
2 fleets endorse. While it is not meant to express  
3 every passenger right afforded to the public,  
4 MTBOT has no objection to the City Council  
5 requiring that this be included in the Passenger  
6 Bill of Rights.

7 We support this bill with the  
8 expectation that this year TLC will enact rules  
9 eliminating redundant stickers and signage in  
10 taxicabs which include the Passenger Bill of  
11 Rights since it is already shown on the TPEP  
12 monitor. This will alleviate the burden taxicab  
13 owners incur each time a sign or a sticker is  
14 changed, damaged, becomes faded, or is removed by  
15 a passenger.

16 Next onto Intro 233, one of the  
17 most persistent problems facing the yellow taxicab  
18 industry is the scourge of illegal livery street  
19 hails that occur every day throughout the City  
20 including the central business district. While  
21 yellow cabs are the only vehicles permitted by law  
22 to accept street hails, opportunistic livery  
23 drivers and even unlicensed drivers of straight  
24 plate vehicles illegally strip our drivers of  
25 these fares. While we are encouraged by Chairman



1  
2 Yassky's recent remarks and requests for  
3 additional TLC inspectors, we fully endorse  
4 additional methods that highlight this serious  
5 problem.

6 Intro 233 requires that illegal  
7 street hail enforcement and other data be  
8 transmitted in the TLC's annual report to the City  
9 Council so that the Transportation Committee and  
10 the TLC can hopefully work together to end this  
11 practice once and for all. It may also be worth  
12 noting that working with the TLC directly to  
13 permanently include this data in the Mayor's  
14 Management Report.

15 Intro 234, MTBOT opposes this bill  
16 that requires that one of the four Mayoral  
17 appointees to the TLC be either a licensed or  
18 retired driver who has a license in the last 5  
19 years. This provision will permit a driver to  
20 vote on matters that would directly affect his  
21 personal interests. It would most likely be a  
22 direct violation of the New York City Conflict of  
23 Interest law. It is also important to note that  
24 other jurisdictions like San Francisco had  
25 industry representation on their commissions only

1  
2 to have them subsequently abolished because  
3 members frequently had to recuse themselves from  
4 deliberations and votes.

5           There is a more effective way to  
6 get the input of drivers. It is through the TLC's  
7 Driver Advisory Board which is already authorized  
8 and mandated to meet regularly by Section 19-520  
9 of the Administrative Code. More importantly the  
10 Bronx and Brooklyn City Council appointive seats  
11 have been vacant for years. During the same  
12 period of time the Commission seats appointed by  
13 the Mayor have always been fully filled.

14           The City Council should be focused  
15 on filling these vacant seats and ensuring that  
16 they be filled as soon as possible after a vacancy  
17 occurs. Doing so would ensure that all of the  
18 Council's TLC appointees can effectively work with  
19 the Mayoral appointees to balance the many  
20 different stakeholder interests in this varies and  
21 complicated industry.

22           Intro 235, this bill requires taxi  
23 owners to store and provide fare data and other  
24 information to the TLC and drivers upon request  
25 within 7 days. MTBOT doesn't believe that this

1  
2 bill achieves its intended purpose of providing  
3 the TLC with greater access to fare data as it  
4 will not require much that is not already required  
5 by TLC rules as presently written.

6           And finally Intro 236, we should  
7 call this bill what it is, a revenue generator.  
8 While the ostensible purpose is to prevent owners  
9 from using the TLC inspection facility as a  
10 diagnostic center and to encourage them to make  
11 sure that their taxicabs are roadworthy when  
12 initially brought into the inspection facility, in  
13 reality the inspection process is highly  
14 subjective, often resulting in failures for  
15 visuals or other minor defects. The TLC could be  
16 encouraged by this new inspection scheme to fail  
17 more vehicles and generate more revenue.

18           Medallion owners already pay \$300  
19 for required TLC inspections when they renew their  
20 medallion every 2 years. This covers the cost of  
21 the initial inspection. Many vehicles which fail  
22 inspection do so for non-safety related items,  
23 commonly referred to as visuals that can be  
24 corrected quickly. And these vehicles need not be  
25 fully re-inspected. MTBOT is nonetheless

1  
2 sensitive to the TLC's concern that vehicles can  
3 be re-inspected for a third, fourth or fifth time  
4 at no cost.

5 I want to thank you for your  
6 consideration and I would also be happy to answer  
7 any questions that you may have.

8 CHAIRPERSON VACCA: Um-hum. I  
9 thank you. you made some good points.

10 MR. MAZER: Thank you.

11 CHAIRPERSON VACCA: Don't want you  
12 to think I wasn't listening, I was listening. And  
13 I do think the point about having information in  
14 the Mayor's Management Report is something I'm  
15 going to see if we can modify the law. I  
16 appreciate that.

17 More than the TLC annual report,  
18 the Mayor's Management Report really gives  
19 statistical, you know, information. And the bill  
20 that I introduced at the Mayor's request regarding  
21 the fees, I have some concerns about it too. And  
22 I'm going to work with the Administration. I know  
23 what you're saying. I was thinking of traffic  
24 enforcement agents--

25 MR. MAZER: [Interposing] Um-hum.

1  
2 CHAIRPERSON VACCA: --sometimes  
3 traffic enforcement agents give summonses but  
4 they're more driven by revenue than the traffic  
5 infraction. So I'll take a look at that too.  
6 We'll see if that's something that we can get a  
7 consensus on. Thank you. Sir?

8 MR. STEPHEN BELATOWITZ: Good  
9 afternoon Mr. Chairman, Council Members. My name  
10 is Stephen Belatowitz [phonetic]; I'm from the  
11 League of Mutual Taxi Owners. Our organization  
12 represents several thousand independent medallion  
13 taxi owners in New York City.

14 I only want to address you very  
15 briefly. I'm not Vinnie so this will be brief on  
16 Intros 232, 234 and 236. Regarding the Easy Pass  
17 requirements which is something that's already  
18 been on the books for the Taxi and Limousine  
19 Commission, there are going to be times where  
20 independent owners don't have enough cash if  
21 they're basing it on a cash replenishment to keep  
22 their Easy Pass up to speed. And there are guys  
23 that just don't have the credit status get be able  
24 to get a credit card for a replenishment on an  
25 Easy Pass account in that manner.

1  
2           There are also times when  
3 passengers will just turn around and tell the  
4 driver, don't go into the Easy Pass lane. It's  
5 too long today. Take the cash lane. We're not  
6 against Easy Pass. We are very for the Easy Pass  
7 regulation. I'd just like to see the enforcement  
8 of it being done with reason.

9           Regarding Intro 234 with having a  
10 Commissioner that was a driver. I think that  
11 personally is a great idea. There are certain  
12 things though I think you need to qualify with  
13 this. It needs to be somebody who drive a taxi  
14 and somebody that also has radio car experience  
15 and someone that is still active in the industry.  
16 A 5-year timeline where someone that has been on  
17 the road recently driving within a 5-year span, I  
18 think that's being a little bit too restrictive as  
19 a qualification.

20           And regarding Intro 236 with the  
21 reinspection fee, I know my guys come to me on a  
22 regular basis and what should I do; I have to go  
23 for inspection next week. And I tell them the  
24 first thing they need to do. Go to your mechanic.  
25 Get your car checked out from top to bottom. Make

1  
2 sure everything is the way it's supposed to be.  
3 This way you're only going to go in for your one  
4 inspection. You're going to be out of there. You  
5 don't go back a second time and waste time and  
6 lose money, which is the key right there, because  
7 these guys cannot afford to lose the money.

8           They're carrying mortgages on their  
9 cars and multiple medallions of hundreds of  
10 thousands of dollars. They can't afford to sit  
11 for half a day at TLC and lose a half a day's pay  
12 for reinspection purposes.

13           The fees, also, I think at the \$35  
14 level for reinspection is reasonable. Business  
15 still is not spectacular. Traffic has gotten  
16 heavier in the City with all the restrictions on  
17 the different roadways.

18           And unfortunately even though the  
19 yellow cab is another form of mass transit, we  
20 don't have the same rights as City buses. We  
21 don't have the express lanes that buses have. And  
22 the competition from the illegals is getting  
23 outrageous and has been outrageous for years. And  
24 our guys are losing a lot of money because of the  
25 illegal pickups on the street. So I think that

1  
2 the way that the structure is set right now for  
3 the fees should be maintained as it is right now.

4 CHAIRPERSON VACCA: Thank you. And  
5 before I go to Mr. Pollock, I did want to also  
6 respond to one other thing. I do want you to know  
7 that since I've become Chairman of the Committee  
8 we are trying to move and fill the vacancies on  
9 the TLC. The Bronx has a nominee that's gone  
10 through the process.

11 It's now at the Mayor's level and  
12 we expect that that will be a Council nominee.  
13 And I will also speak to Brooklyn and my  
14 colleagues to try to move on that also. So I'm  
15 committed to filling the vacancies on the TLC and  
16 we've been having progress. Okay Mr. Pollack?

17 MR. DAVID POLLACK: Good afternoon  
18 Chairman Vacca and distinguished members of the  
19 New York City Transportation Committee. I'm David  
20 Pollack, Executive Director of the Committee for  
21 Taxi Safety, an association of licensed leasing  
22 agents.

23 On behalf of the Committee which is  
24 proud to be part of a public transportation system  
25 that daily moves over one half million passengers



1  
2 within the City of New York, I must urge that the  
3 City Council carefully reconsider Intro 234.

4 While the Committee for Taxi Safety applauds the  
5 goal of seeking greater input from the taxi  
6 industry at the Taxi and Limousine Commission,  
7 this bill would serve only one aspect of the  
8 industry, the drivers. Other licensed  
9 professionals such as leasing agents would be  
10 excluded from service by this bill.

11 While asking for input and  
12 decision-making is a laudable goal, this should  
13 not be accomplished by elevating one industry  
14 voice at the expense of others at the regulatory  
15 body level. The TLC must pass rules and  
16 regulations that affect the entire industry.  
17 Evenhandedness and fair play must be the hallmark  
18 of any regulatory body. To have any one segment  
19 acting as rule maker and regulator can only lead  
20 to distrust among all others.

21 In order to establish confidence  
22 that the decisions are made equitable and on an  
23 even playing field, licensed leasing agents must  
24 also be mandated members of the TLC. Lease agents  
25 work with both medallion owners and drivers. In

1  
2 addition we are most akin to the professional  
3 expert requirement of the Board of Standards and  
4 Appeals on which we assume this legislation is  
5 modeled.

6 Our Committee has demonstrated time  
7 and time again our willingness to work with the  
8 City to implement its policies that provide  
9 reliable, safe taxi service to New York. Our  
10 members have embraced more fuel efficient cabs,  
11 credit card payments, and worked with the City to  
12 strengthen laws against dangerous illegal cab.

13 We believe our record clearly  
14 indicates that we deserve a seat at the table.  
15 Licensed agents should be mandated part of the  
16 Taxi and Limousine Commission.

17 On Intro 233, the Committee for  
18 Taxi Safety is concerned. Reporting requirements  
19 that each January the TLC released not only the  
20 records of all meetings but also all the documents  
21 in their possession. The bill language is so  
22 broad that these publicly released documents may  
23 contain personal data, information about home  
24 addresses, finances and medallion ownership that  
25 would compromise the privacy and security of our

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drivers.

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On Intro 235, data about fares is stored but not in the cab itself. It is linked to a central storage location. The bill proposes that fare data be available to the TLC within seven days of a request. How will this information be provided and who will provide it? In addition the bill sets forth that a former driver can request this information up to 12 times a year at no cost. Providing this information to the driver is a multi-step process. If the driver wants this information, a driver should be able to see in real time all his relevant information online.

On 232 the bill is redundant with regards to Easy Pass. The TLC requirements already require Easy Pass and the Committee of Taxi Safety is prepared to work with the Council to address these concerns.

CHAIRPERSON VACCA: I thank you very much for your input. I realize that the TLC already has that requirement regarding Easy Pass. I thought that based on the revelations that came out; legislatively we could add that to the

1  
2 Passenger Bill of Rights. But I do understand  
3 it's prescribed administratively. I will look  
4 into your concerns regarding Intro 233. And I do  
5 understand, now, regarding the driver on the TLC--

6 MR. POLLACK: [Interposing] Well,  
7 you know--

8 CHAIRPERSON VACCA: --I hear both  
9 sides to the question. I hear that there could be  
10 a Balkanization based on the constituencies that  
11 are inherent.

12 MR. POLLACK: What's a  
13 Balkanization?

14 CHAIRPERSON VACCA: Chopping. A  
15 chopping because if you give representation to one  
16 group then other groups would also want to be  
17 represented. I think that's where you were coming  
18 from--

19 MR. POLLACK: [Interposing] That's-  
20 -

21 CHAIRPERSON VACCA: --how do you  
22 single out one group--

23 MR. POLLACK: [Interposing] That's  
24 exactly right. I mean even amongst drivers there  
25 are--and the yellow taxi drivers, you have drivers

1  
2 who work for fleets, you have DOVE drivers who we  
3 represent, you have individual owner drivers, you  
4 have second drivers, weekend drivers. So which  
5 driver with the experience gets on the Commission?  
6 It can go on and on.

7 CHAIRPERSON VACCA: Excuse me. I  
8 think much of the concern though came from drivers  
9 who felt that their voice was not being heard.  
10 That may go to the reality that the Advisory  
11 Boards that have been in place legally have not  
12 met as we brought out at this hearing. So  
13 therefore I can understand the concern. I think  
14 it arose because TLC has not been doing what it  
15 should have been doing for a while. I think  
16 today's hearing has pointed that out in several  
17 respects.

18 MR. POLLACK: It has. I filled out  
19 I think it was a 36-page form about 6 or 7 years  
20 ago to get on that Advisory Committee. And I'm  
21 still waiting to hear an answer.

22 CHAIRPERSON VACCA: Yes. I am  
23 determined to do the right thing. I'm determined  
24 to do things that should not have been allowed to  
25 lapse. And I want to get back to doing what we

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2 should have been doing for a while.

3 MR. POLLACK: Thank you very much  
4 Mr. Chairman--

5 CHAIRPERSON VACCA: [Interposing] I  
6 thank you. I thank all of you for your input.

7 MR. POLLACK: I appreciate your  
8 concern.

9 CHAIRPERSON VACCA: And your  
10 input's important. Thank you.

11 [Pause]

12 CHAIRPERSON VACCA: Ms. Desai, New  
13 York Taxi Worker Alliance; Bill Lindauer, New York  
14 Taxi Worker Alliance; Beresford Simmons, Taxi  
15 Alliance; and Biju Mathew, Taxi Alliance. Ms.  
16 Desai will please go first.

17 [Witnesses getting settled]

18 CHAIRPERSON VACCA: Ms. Desai would  
19 you please proceed?

20 MS. BHAIRAVI DESAI: Sure. [off  
21 mic] Desai, the Executive Director... [off mic]  
22 Okay. Now it's on. [Chuckling] Good afternoon.  
23 I'm Bhairavi Desai. I'm the Executive Director of  
24 the New York Taxi Workers Alliance. Chairman  
25 Vacca, Council Member Nelson, other members of the

1  
2 industry, I'd first like to comment on some of the  
3 earlier issues that were brought up about the  
4 overcharge allegation.

5 I just want to put on the record  
6 that just because a summons has been issued does  
7 not mean that the driver is guilty. And, you  
8 know, I believe due process is a fundamental  
9 principle in our society. You know, outside of  
10 this particular issue we as people that live,  
11 work, breathe in America, we see due process as  
12 one of the most, you know, central principles of a  
13 democracy. And I don't think that the presumption  
14 of innocence should be thrown out the window just  
15 because the person who's being accused is a  
16 taxicab driver.

17 And if it does take months or even  
18 a year for a driver to have their due process  
19 rights exercised, I think that is something that  
20 we should support because, you know, I think it's  
21 a basic principle that, you know, the minute we  
22 discard it for one particular example, we really  
23 dilute the real value of it that we as Americans  
24 believe in. And so I think that patience in this  
25 case is important because it supports, you know, a

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higher principle at play here.

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Okay. On the specific Intros, we are absolutely in support of Intro 234. We don't think it's a conflict. You know, as Council Member Koo had said earlier as well as Council Member Nelson, it is one vote out of nine. That person is not going to overwhelm the majority vote in that room. It is one vote out of nine.

The majority of the rules that the Taxi and Limousine Commission promulgate have to do with the function of the industry on the streets. And nobody is more aware of those intricacies than taxicab drivers and taxicab passengers. We can presume that eight of those nine members are mostly taxicab passengers, you know, even if they're not regular passengers, certainly, you know, they will have that experience and they bring that with them.

Well to have one out of nine members bring the experience of being a taxicab driver we think it is only fair. It will not overwhelm. It will not imbalance the vote. It will actually give drivers on the other side of the podium a face to look to who that can



1  
2 confidently believe will help translate their  
3 experience and their position. That does not mean  
4 that that person has to agree. In no industry  
5 does every member of a workforce agree. We all  
6 know that is a basic reality.

7           And an industry like ours which is  
8 incredibly complicated by the different layers,  
9 whether you're a garage operator or you lease from  
10 a broker and are a DOV operator or you're an owner  
11 operator, you know, these are, you know, there are  
12 intricate details of each of these different  
13 categories that speak to actually a different  
14 economic experience. But the one link across the  
15 board is how drivers relate to the riding public  
16 and that is really the majority of the rules that  
17 are promulgated by the TLC. And we think that  
18 this would be a really welcomed, informative and  
19 educational voice to have inside the Commission.

20           In terms of Intros 233 and 235,  
21 they both relate to data. First and foremost we  
22 believe that all data should be aggregate. You  
23 must maintain the privacy rights of individuals  
24 which to me is as fundamental in our society as  
25 our due process rights.

1  
2 I would not want to see, for  
3 example, in the future that somehow, you know, the  
4 data about complaints are linked to individual  
5 drivers. I think that would be incredibly,  
6 incredibly, utterly unfair. And if these Intros  
7 are starting to lay the ground for how data is  
8 distributed and collected with regards to drivers'  
9 performance, then we say to you, we compel you,  
10 you just keep that data aggregate.

11 Also in the same--just that I  
12 believe that a TLC summons does mean a driver  
13 should not presume guilt on behalf of the driver,  
14 similarly a complaint doesn't mean that that  
15 driver is guilty. I think the statistics that are  
16 put out there should be about convictions and not  
17 about complaints. And I don't think that's a  
18 matter of semantics, I feel that is a very  
19 important change that really should be made on  
20 this Intro.

21 In addition these convictions must  
22 be contextualized. For example, at one of the  
23 prior hearings it was noted that there were 3,000  
24 complaints filed by passengers in one year.  
25 That's 3,000 out of 164,250,000 rides completed in

1  
2 that 1 year in minimum. These numbers have to be  
3 contextualized so that, you know, we don't paint  
4 an entire workforce with a broad brush.

5 Similar exactly to what happened 2  
6 months ago. We need to learn from that  
7 experience, not only in terms of what data should  
8 be required but also how to respectfully talk  
9 about, you know, allegations against actions of  
10 drivers without really damning the entire  
11 workforce. And so we feel this is another  
12 critical thing that must be added.

13 I will actually end it here but  
14 actually just lastly say that we also do not favor  
15 Intro 236 which would raise the fees on  
16 inspections. Drivers, a majority of car owners in  
17 this industry are actually individual taxi  
18 drivers, whether they are an owner operator who  
19 own also the medallion or they are driver owned  
20 vehicle operators who lease the medallion but own  
21 the vehicle.

22 On average they pay \$8,000 to  
23 \$10,000 per year just to maintain the car let  
24 alone the additional expenses to get ready for an  
25 inspection and the time involved to go into

1  
2 inspection which sometimes on average is an entire  
3 day's worth of income and the lease that you've  
4 already paid out of pocket. It would just be  
5 insult upon injury to raise those fines as far as  
6 we're concerned. Thank you.

7 CHAIRPERSON VACCA: Thank you. Mr.  
8 Lindauer, but I just ask to be excused one minute.  
9 Council Member Nelson will take the mic, the  
10 Chair, okay? Hold on. Mr. Lindauer, you go.

11 COUNCIL MEMBER NELSON: I get to be  
12 Chair by attrition.

13 [Chuckling]

14 MR. BILL LINDAUER: Hello. My name  
15 is Bill Lindauer. I'm with the New York Taxi  
16 Workers Alliance and I drove a cab in New York  
17 City for 30 years. Talk about working hard,  
18 perhaps being exploited, being oppressed by the  
19 police and the TLC, I've gone through it all.  
20 I've paid my dues [chuckling].

21 Let me talk about the overcharges.  
22 Last Thursday's public hearing at the TLC,  
23 Chairman Yassky said it was one-tenth of 1% of all  
24 the rides. You have a better chance of winning  
25 the Lotto than you have of getting ripped off by a

1  
2 cabbie. I mean this is absurd. And I believe  
3 many of those cases will disappear into thin air  
4 in closer examination by independent sources who  
5 are not clueless.

6           It's an insult driver of enormous  
7 magnitude. How are we going to get our  
8 reputations back? How are we going to get our  
9 business back? I know it's not Mr. Yassky's  
10 fault. It's his despotic predecessor Mr. Daus.  
11 But it's the drivers who suffer. And even though  
12 there are 50,000 drivers in the New York City,  
13 their voice is hardly ever heard.

14           Maybe we get 10 or 12 minutes a  
15 year to speak at a monthly TLC public hearing.  
16 And we don't have lobbyist. We don't have the  
17 money that the brokers have. We don't have--some  
18 don't have anywhere near the money that the  
19 wealthy garage owners have. They have influence.  
20 And they have money. And they have power.

21           Drivers just have truth and decency  
22 on their side. And the decent thing to do would  
23 be to have a driver on the TLC as Council Member  
24 Koo says, one voice could not overwhelm nine. And  
25 there's a tendency of course, at least in the

1  
2 past, for Commissioners to be bullied by the TLC  
3 Chairman. Whether this will continue I do not  
4 know. Thank you.

5 COUNCIL MEMBER NELSON: Thank you  
6 Mr. Lindauer. Yes Sir.

7 MR. BERESFORD SIMMONS: Good  
8 evening Councilmen and my name is Beresford  
9 Simmons. I'm with the Taxi Workers Alliance. And  
10 I'm an immediate driver. I'm what you call a DOV  
11 driver. I am bankrupt with all the fees that I  
12 have to pay. I'm supposed to be going for  
13 inspections tomorrow. And I have already spent  
14 over \$800 on my car and I'm not finished spending  
15 yet. I still have some things to do. So with  
16 extra dues and extra fees to be paid it's, you  
17 know, pretty harsh on a DOV driver.

18 There are many different drivers in  
19 the industry, you know, as many of the people here  
20 said before. You have the guys who lease 12  
21 hours. You have DOV drivers. You have  
22 independent owners. Today's world is not as easy.  
23 I've been driving for 40 years I'm in this  
24 industry. So when you hear some of these guys sit  
25 here and create rules and regulations and have

1  
2 never been a driver in their life, it hurts my  
3 heart to see because when I'm the airport and I'm  
4 speaking to other drivers they have the same  
5 complaints that I have.

6           There are many guys now who are  
7 suffering from blood clots in their legs, moving  
8 to their hearts. No place to go to a bathroom.  
9 No decent food to eat. We work 24 hours a day and  
10 we only have a restaurant that is open until 11:00  
11 o'clock at night and from thereon we have no place  
12 else to go. There are now more women in the  
13 industry than ever before and I know how they  
14 feel. You know, we have to utilize the gasoline  
15 stations, McDonald's. And if you don't have money  
16 to spend in some of these places you can't use  
17 these bathrooms.

18           Anyway. This industry is getting  
19 harder and harder. Yes there have been a few guys  
20 who have done crooked things. But the way they  
21 are blanketing the overall industry, it makes my  
22 heart cry. At first when they came with the GPS  
23 they told us that they weren't going to use it  
24 against the drivers.

25           My broker turned my meter off seven

1  
2 times in one week. One was for me to stop working  
3 and to bring my Social Security number there for  
4 him. Two, to change the top, the sign on the top  
5 of the cab. That put me back two days, so now I  
6 owe him money. And then three, I owe him money  
7 and he start turning my meter off.

8           So these are some of the things  
9 that drivers are going through out there in the  
10 streets. And this is an industry that needs to be  
11 investigated deeply. None of these guys know what  
12 the drivers are going through. They can come here  
13 and they can sit and they can tell you all of  
14 their concern about what they own and what they're  
15 in charge of. But some of them have never driven  
16 a cab a day in their life.

17           I am one of the guys who have to be  
18 dealing with some of your children, some of your  
19 children out there who are drunk in the street and  
20 have to take them home. They don't know where  
21 they're going. They don't know their addresses.  
22 So these are some of the concerns. So if you have  
23 a driver, an immediate [phonetic] driver on the  
24 Commission, they will learn more about what is  
25 going on in the streets.



1  
2 As far as I'm concerned none of  
3 these guys give a damn about us. And I'm totally  
4 upset because I am now trying to get my children,  
5 my sons to drive a cab in New York City. Make  
6 this industry a career for a young person, not a  
7 slave sweatshop. Thank you very much.

8 [Applause]

9 MR. BIJU MATHEW: Hello? Yeah.  
10 It's difficult to go after Beresford--

11 SERGEANT AT ARMS: [Interposing]  
12 Your name Sir.

13 MR. MATHEW: --yeah I will. My  
14 name is Biju Mathew and I am part of the New York  
15 Taxi Workers Alliance and the author of the book,  
16 Taxi! Cabs and Capitalism in New York City  
17 published by Cornell University Press. I  
18 mentioned the latter fact for a very important  
19 reason that I'll come to in a few seconds.

20 I want to start commenting on the  
21 Easy Pass law and I think it's fine and I think  
22 the stipulation that the Easy Pass be provided by  
23 the medallion owner is the most fair one because  
24 drivers, as you said, as many people have already  
25 pointed out, sometimes we don't have the credit to

1  
2 ensure that each time they go through a toll booth  
3 they have the money on the Easy Pass. So it's  
4 really important to ensure that the medallion  
5 owner furnishes the Easy Pass in there.

6 Now to come to the rest of the  
7 legislation, as far as the 235 is concerned, there  
8 is this entire focus which kind of makes visible  
9 the kind of biases that already exist within  
10 public discourse and within spaces of legislative  
11 action about drivers. Wherein all the information  
12 that is sought, to be there, and to be released to  
13 be on the website, to be part of the Mayor's  
14 Management Report, etcetera, is all about drivers.

15 Can we have a whole bunch of other  
16 information? Right? For instance the number of  
17 complaints filed against garages and against  
18 brokers. Why isn't that part of the regulatory  
19 structure that we are really concerned about?  
20 Given that garages and brokers have been  
21 overcharging drivers for years at this point.  
22 Right?

23 Why is it that we can't have a  
24 whole bunch of information about the amount of  
25 technology failure that's happening in this

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2 industry? Right? I mean we at the Taxi Workers  
3 Alliance and me personally talking to drivers know  
4 that the whole technology TPEP system has failures  
5 on and off regularly affecting the daily working  
6 of a driver.

7

8 Why is that we don't have mean time  
9 between failure reports and data related to that?  
10 About technology failures out there on the  
11 websites, out there transparently available to the  
12 public? Why is it--I mean for instance a  
13 passenger getting in and hearing from a driver a  
14 statement saying my credit card's not working  
15 immediately at this point because of the  
16 discursive structure created which puts the driver  
17 as constantly the person who's doing the wrong  
18 thing, immediately produces suspicion.

18

19 Whereas it is indeed true that the  
20 credit card system fails all the time. It happens  
21 regularly. Right? So why can't we have that data  
22 so that people like you, people like the public,  
23 have a better sense of what's happening? Why  
24 can't that be part of this legislation? Why not  
25 think about the number of fare beaters?

25

Drivers, you can talk to any taxi

1  
2 driver and he or she will tell you the frequency  
3 with fare beating happens is pretty significant in  
4 New York City. Why not have that data up there?  
5 Why not have data about assaults? Taxi driving is  
6 the second most dangerous profession in this  
7 country, as per the Department of Labor.

8 Why not have that data about the  
9 number of assaults that the drivers are facing?  
10 Why is it that we do not, through the use of data,  
11 work towards producing a reasonable and a correct  
12 image of a hardworking driver? And I want to  
13 connect this to the question in the other  
14 legislation which is about a driver  
15 representative.

16 If the Transportation Committee is  
17 really keen on correcting a historical bias and it  
18 is the work of public institutions like the City  
19 Council and the Transportation Committee to work  
20 and think through historical biases and correct  
21 them. This industry has had a long term bias  
22 against drivers.

23 And as has been repeatedly said,  
24 one active driver on the Commission cannot  
25 overwhelm the driver (sic). And now let me--and

1  
2 the whole question of conflict of interest. I  
3 mean conflict of interest is an issue that should  
4 come up through experience. Let's see how a  
5 driver does on there.

6 Now the reason why I mentioned that  
7 I'm an author of a book is because I have worked  
8 with the Taxi Workers Alliance, I'm one of the co-  
9 founders of the Alliance, and yet a reputed press  
10 like Cornell University Press did not find it  
11 alarming thing to do to get a book by me published  
12 as a book which is used within scholarship, within  
13 the university structures, as something that's  
14 part of discourse.

15 Why? Because they also at the back  
16 of their head potentially have an idea that  
17 education is part of social justice work. Right?  
18 So if you want to correct a historical bias let's  
19 work at it by putting an active driver on the Taxi  
20 and Limousine Commission and seeing what the  
21 effects of that are. Right? I mean I think that  
22 this whole conflict of interest fulcrum that's  
23 being used is in my opinion a complete bogus.

24 One final comment before I stop and  
25 that's got to do with... actually that's it. Thank

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2 you.

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CHAIRPERSON VACCA: Thank you, thank you. I thank you all. Our next panel is Ethan Gerber, Great New York Taxi Alliance; Guy Palumbo, Livery Roundtable; okay, that's be a panel of two. And our last panel will be Richard Thaler and Edith Prentiss.

[Pause]

CHAIRPERSON VACCA: Oh I didn't know you had a time constraint Edith.

MS. EDITH PRENTISS: Oh well.

CHAIRPERSON VACCA: Okay. Let me know next time. Okay.

[Pause]

[Witnesses getting settled]

[Pause]

CHAIRPERSON VACCA: Ethan please proceed.

MR. ETHAN GERBER: Thanks very much Mr. Chairman. Good afternoon members of the City council. I'm going to be very brief 'cause it's very late in the day. I would like to say that what just happened right now as we heard from four very articulate members of the Taxi Workers

1  
2 Alliance who are present at every City Council  
3 meeting I've ever been to and every Taxi and  
4 Limousine Commission, they do make their voices  
5 heard.

6           The question is not whether their  
7 voices are going to be heard, it's whether they're  
8 going to be one voice and one voice only  
9 representing one segment and one segment only of  
10 those industries that are regulated by the Taxi  
11 and Limousine Commission. The Taxi And Limousine  
12 Commission regulates not just black cars, not just  
13 yellow cars but black cars, livery cars,  
14 limousines and ambulettes [phonetic], just to name  
15 a few.

16           Your term, before, Balkanization is  
17 absolutely correct Mr. Chairman. There are as  
18 many different types of driver, there are DOV  
19 drivers, there are livery drivers, there are  
20 limousine drivers, there are yellow drivers, there  
21 are black car drivers. Many of these are in  
22 direct competition with each other and jockeying  
23 for the position of who would be the spokesperson  
24 would be as difficult as it would be to determine  
25 who would be the spokesperson of let's say the

1  
2 yellow owners. There are several owners groups.  
3 We all represent different segments of the  
4 industry.

5 I would like to address briefly a  
6 couple of the other issues. On 232, the Passenger  
7 Bill of Rights on the Easy Pass, there was some  
8 media involved alleging that there were large-  
9 scale, a large group of drivers that were passing  
10 the Easy Pass tolls, not using them to generate  
11 extra fares.

12 We at Greater New York Taxi  
13 Association believe that that report was widely  
14 exaggerated. The idea that drivers would wait on  
15 line unnecessarily instead of picking up fares is  
16 counterintuitive. Also there's a lot of reasons  
17 why one might do that.

18 Several of my garages, several  
19 owners and several drivers that I am aware of have  
20 had problems with Easy Pass. They have had bill  
21 disputes. Account disputes. And we wouldn't want  
22 to create the impression that every time there is  
23 an issue with Easy Pass or with a card that's not  
24 working or there may be some other legitimate  
25 reason why drivers are going through. So I



1  
2 applaud the Committee and it should be included in  
3 the Bill of Rights but I also believe that we  
4 should be careful in labeling people.

5           As far as the other Intros, the  
6 penalties for the inspection, it should be pointed  
7 out Mr. Chairman that we believe that there are  
8 almost 220 points of inspection on a New York City  
9 Taxi and Limousine Commission inspection. One of  
10 our consultants in our group is the former  
11 Assistant Commissioner of Safety and Emissions. I  
12 was speaking to him earlier.

13           There are 110 DMV individual  
14 inspections, those are mostly safety level. Ones  
15 we think of when we think of safe vehicles,  
16 emissions, brakes. But there's other TLC  
17 inspections that are strictly onto the TLC. And  
18 you gave the example of ripped upholstery,  
19 scratches in the paint, stickers on the partition  
20 put there by consumers or other groups. All of  
21 these could result in a 10-day notice is what the  
22 Chairman Yassky mentioned.

23           That 10-day notice means you have  
24 to come back and get that car re-inspected. So  
25 again you do have to pay the fare. So I do urge

1  
2 this Committee that it's very well intentioned  
3 that you encourage participation. You encourage  
4 good cars but that this is not done strictly for a  
5 revenue basis.

6 Finally as far as the other issues  
7 in the responsiveness, I think they go towards the  
8 transparency of the Taxi and Limousine Commission.  
9 And I believe I'd just like to say on behalf of  
10 the GNYTA, both under your chairmanship, Chairman  
11 Vacca and also under the new regime of David  
12 Yassky, it appears that we're heading towards a  
13 much more transparent, much more open, much more  
14 dedicated group and leadership in the City. Thank  
15 you very much.

16 MR. GUY PALUMBO: Good afternoon  
17 Chairman Vacca, members of the Committee. Thank  
18 you for allowing me to testify today. My name is  
19 Guy Palumbo. I'm the Secretary of the Livery  
20 Roundtable.

21 We would like to present our  
22 objections basically for Intro 234. We agree with  
23 the basic concept of having the industry  
24 represented by the TLC on the Board. And we do  
25 welcome your efforts. Over the years--but we do

1  
2 have some problem with it. Over the years we have  
3 expressed our interest in having such  
4 representation but have been unsuccessful.

5 In the past there was an Advisory  
6 Board and everybody's been talking about it here  
7 today. It was required by Local Law Title 19-520  
8 called the New York City Taxi and Limousine  
9 Commission's Livery Advisory Board. There were  
10 several types of boards. And I've attached the  
11 law to our presentation there.

12 Later this particularly Advisory  
13 Board was put under the TLC's Office of  
14 Constituent's Affairs and was conducted a couple  
15 of meetings. And we've also attached some  
16 correspondence pertaining to that Board. But then  
17 in August of 2006 for some reason and we were  
18 never made known aware of it ceased to exist.  
19 There are several subcategories and licenses  
20 issued by the TLC which we would like you to be  
21 aware of. A lot of people unfortunately confuse  
22 and mismatch words with the industry itself.

23 And I'll quickly go through them  
24 even though I am sure you are aware of them.  
25 However there are the yellow medallions. There

1  
2 are 13,294 vehicles listed by the TLC. Our  
3 community car service which unfortunately gets  
4 nailed with the name livery and gypsy,  
5 unfortunately, the community car services, we have  
6 460 bases and we represent 21,204 vehicles, the  
7 largest single segment of any of the industry.

8           There are the black car services  
9 even though many of our cars might be black.  
10 There are 74 bases, 7,783 vehicles. There are the  
11 luxury limousines, 172 bases with 4,656 vehicles.  
12 Community vans and paratransit. So if you take  
13 just the community car services and combine the  
14 black car and the luxury and almost the yellows we  
15 outrank them as far as total numbers.

16           Each of these particular  
17 subdivisions of the industry represent unique  
18 types of service and have separate licenses, rules  
19 and methods of operation: taxi brokers, garages,  
20 base owners, owners of vehicles, etcetera. And we  
21 agree with the Commissioner--not the Commissioner,  
22 I'm sorry, the Chairman in the category of  
23 Balkanization of the industry.

24           We disagree with the idea of a  
25 driver as such. Without being demeaning and we're

1  
2 not knocking drivers, they are the key people in  
3 our industry, in the taxi industry, in the black  
4 car, in the community car, in the paratransit,  
5 etcetera. It regulates all through the bases.  
6 The TLC regulates these people through the bases.  
7 And the problems and the operations of the bases  
8 are seen only by the bases.

9           The problems and the licensing when  
10 they get a suspension or they have to get their  
11 vehicle licensed or have an inspection goes  
12 through the base. And we have accountability  
13 rules. A driver can never be enough. I'm not  
14 saying it shouldn't be.

15           But the driver can never be enough.  
16 And a base owner must be included. Assuming a  
17 driver or a retired driver or a base owner or one,  
18 just one of them or both is selected, it presents  
19 a problem as to what segment of the industry does  
20 he or she come from. A luxury limousine driver or  
21 base owner would no way know what has the interest  
22 of except--would only have the interest of the  
23 luxury base. Such a driver or a base owner of a  
24 luxury base, and I was previously with luxury  
25 bases, only have the idea, have no concept of what

1  
2 a community car is. And I'm sure that they have  
3 even less understanding of a yellow taxi.

4 We believe that an Advisory Board  
5 that is made up of proportional representations of  
6 each industry segment should be formed. In the  
7 past there was concern about the potential large  
8 size of this Advisory Board and the law indicates  
9 not more than 20 people. This should not be an  
10 issue because the TLC will not need to consult  
11 with the entire industry or the entire Advisory  
12 Board but only that subsection of that particular  
13 industry. The TLC, as I said, again, can consult  
14 with that.

15 We would like to work with the  
16 Commission and the Committee in developing these  
17 methods. We think it's a worthwhile and  
18 definitely needed improvement of the TLC.

19 Going off the record, not off the  
20 record, but off the testimony, if you will look in  
21 the back of that document you will see that there  
22 is the TLC required Boards which included a Driver  
23 Board. There are several different Boards  
24 required. And there is also some correspondence  
25 there and the application.

1  
2 And there is also, and this is  
3 something that you will have to decide, there was  
4 some question about the DOI doing investigations  
5 on this Board. And it was our understanding,  
6 separate from this, that the Commissioner, the TLC  
7 Commissioner could appoint the Livery Advisory  
8 Board and that's what the law says as I understand  
9 it. I'm not an attorney.

10 However as an attempt, again, as I  
11 understand it from people who were on that board  
12 back then, it was taken out of the realm. And it  
13 was, very truthfully, we're going to intimidate  
14 you by giving you a 16-page or a 32-page document  
15 for the Department of Investigation 'cause you  
16 cannot be on an Advisory Board without this.

17 Separate from when the Commissioner  
18 can have his own Advisory Board and as we  
19 understand it does not require DOI. I don't know  
20 where that lies. I believe it's a question for  
21 the Council to address. Does that Advisory Board  
22 appointed by the Commissioner have to go to City  
23 Hall and/or the Department of Investigation? It  
24 was used as an intimidation. That's what I'm told  
25 by people who were on the Board before.

1

I'm available for any questions.

2

Thank you.

3

CHAIRPERSON VACCA: Thank you.

4

Thank you both for your input and your help. And

5

I do want you to know that that was what I was

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thinking about 15 minutes ago. The Community

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Education Councils which replaced the School

8

Boards went through this whole DOI thing 17 pages.

9

And then there was an agreement about 3 years ago

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to give them a reduced form. I think it was 2

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pages because many members in the CEC said we're

12

volunteers. We're here trying to help and this is

13

really a disincentive for us even to get involved.

14

So if that's an issue here I think there is a

15

precedent for addressing it.

16

MR. PALUMBO: There's one other

17

point to that. As I understand it if you look at

18

the correspondence attached, the Commissioner

19

then, with all due respect to Matt who I happen to

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like, Matt Daus, used his own in-office Office of

21

Constituency Affairs in effect rather than have

22

the Board or the Advisory Board meet with him. It

23

was put under a sub-sub-subdivision and left that

24

way and then ceased to exist.

25



1  
2 CHAIRPERSON VACCA: Now you're  
3 getting to the question of what does Mr. Yassky  
4 envision the relationship between him and the  
5 Advisory Boards. Are we going to have Advisory  
6 Boards for window dressing? Are we going to have  
7 Advisory Boards that will have true input and  
8 access?

9 MR. PALUMBO: Absolutely. We--

10 CHAIRPERSON VACCA: [Interposing]  
11 Gotcha.

12 MR. PALUMBO: --we fully agree and  
13 we interpret it, and again not being attorneys,  
14 but if we read that the way it was written, it  
15 seems it supposed to be with the Commissioner. I  
16 think it clearly says that and I may be wrong.  
17 Obviously he can't meet with everybody every time.

18 And perhaps but when you take from  
19 the Commissioner level, not even to a Deputy  
20 Commissioner, and, you know, shovel it onto the  
21 then General Counsel and then under the General  
22 Counsel put it one step further, make a new office  
23 called Constituents Affairs, and then don't meet.

24 CHAIRPERSON VACCA: No the heart of  
25 the matter is when you say meet with the

1  
2 Commissioner, it could be the Commissioner or his  
3 designees. So the heart of the matter is what  
4 does the Commissioner envision for these Councils.

5 MR. PALUMBO: Absolutely. And he  
6 indicated he wants to revive it. I think if  
7 you're going to revive it, across the board, for  
8 the drivers, for the bases, for the livery, for  
9 the black, whatever combination it is, using the  
10 law as the basis, find out where he's going with  
11 it.

12 CHAIRPERSON VACCA: You bet I will.

13 MR. PALUMBO: Thank you.

14 CHAIRPERSON VACCA: Thank you.

15 Thank you both. Mr. Thaler, you will be our last  
16 speaker.

17 MR. GERBER: Thank you.

18 [Pause]

19 [Witness getting settled]

20 CHAIRPERSON VACCA: Please  
21 introduce yourself for the record.

22 MR. RICHARD THALER: Yes. My name  
23 is Richard Thaler, representing myself and my  
24 company. I'm the CEO of Omni Media Network.  
25 Gentlemen, hopefully last but not least, I'd like

1  
2 to first address Intro 233. I think the intention  
3 and the focus of this Intro should be prevention  
4 of overcharge not reporting after the fact.

5           And by that I mean it is a simple  
6 matter to require the Taxi Commission to require  
7 the vendors to disable the manual button for Rate  
8 4 and have the taxi meter manufacturer which is a  
9 minor, very, very minor weights and measures  
10 issue, when the GPS receiver of the system  
11 identifies the boundary crossing automatically  
12 switch over to Rate 4 without driver intervention.  
13 And I would imagine truthfully a driver may often  
14 forget to hit Rate 4 and in fact undercharge the  
15 passenger.

16           The fact of the matter is when the  
17 Mayor was shown the system that created this whole  
18 thing in February of 2004, this system was  
19 addressed. It was a fully automatic system to  
20 address the out of town into Westchester and  
21 Nassau rate change. I think that the TLC  
22 unexplainably just, it was an oversight, in not  
23 requiring this feature. And that puts everything  
24 to rest.

25           With regard to 235, apparently

1  
2 everything in 235 is already required in the  
3 Administrative Code and within the contracts. The  
4 no fees payable provision of the vendor contracts,  
5 page 33, the master contract, require that the  
6 trip records be supplied, all of the trip records  
7 be supplied to the Taxi Commission.

8 In fact if I can read the line,  
9 "trip record information shall be available to the  
10 TLC, the taxi driver medallion owner, taxi owner,  
11 and/or leasing agent upon reasonable demand based  
12 on parameters set between the TLC and the approved  
13 vendors". But in addition if in the future new  
14 kinds of data should be required other than the  
15 existing cited trip record data, there is a  
16 requirement in the Administrative Code that in  
17 addition to the record as well as such other  
18 information as may be required by the Commission.

19 So the Commission can under the  
20 Administrative Code in fact set whatever  
21 additional data. I thought that the intention of  
22 this rule might be cruising data for example.  
23 Non-trip record data. There's a lot of stuff in  
24 the controller area network, hundreds and hundreds  
25 of pieces of information. So I didn't know what

1  
2 was implied here. But as far as what this 235  
3 Intro requires, that's all there in the  
4 Administrative Code and the vendor contracts.

5 Just as a final thought, when  
6 Committee Member Nelson was talking about  
7 conflicts of interest, I'll give you another  
8 example he could have cited. What about a  
9 lobbyist member of the Taxi Commission? It could  
10 have been used as an example. Thank you.

11 CHAIRPERSON VACCA: Thank you very  
12 much.

13 MR. THALER: You're welcome.

14 CHAIRPERSON VACCA: There being no  
15 further business I'd like to thank the members,  
16 especially my colleague Mike Nelson who stuck here  
17 with--

18 [Applause]

19 CHAIRPERSON VACCA: --and Mike,  
20 Mike, I owe you one. Okay. Thank you all for  
21 coming. The meeting is adjourned.

22 COUNCIL MEMBER NELSON: Will you  
23 let me be Chair--?

24 [Pause]

25 CHAIRPERSON VACCA: The meeting is

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2

over.


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[Gavel banging]

4

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature \_\_\_\_\_ Laura L. Springate \_\_\_\_\_

Date \_\_\_\_\_ May 31, 2010 \_\_\_\_\_