

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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January 23, 2013  
Start: 11:14 a.m.  
Recess: 12:11 p.m.

HELD AT: Committee Room  
City Hall

B E F O R E:  
JOEL RIVERA  
Chairperson

COUNCIL MEMBERS:

Joel Rivera  
Leroy G. Comrie, Jr.  
Elizabeth S. Crowley  
Inez E. Dickens  
Erik Martin Dilan  
Lewis A. Fidler  
Vincent J. Gentile  
Robert Jackson  
James Vacca  
Karen Koslowitz  
James S. Oddo  
Christine C. Quinn

## A P P E A R A N C E S

LaShann DeArcy  
Commissioner  
NYC Taxi and Limousine Commission

Edward Gonzales  
Commissioner  
NYC Taxi and Limousine Commission

Meera Joshi  
General Counsel  
NYC Taxi and Limousine Commission

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2 CHAIRPERSON RIVERA: Thank you very  
3 much. Good morning, ladies and gentlemen. My  
4 name is Joel Rivera. I'm the chair of the  
5 Committee on Rules, Privileges and Elections.

6 Before we begin, let me introduce  
7 the members of the committee who are here with us  
8 today. We have Council Member Lew Fidler, Council  
9 Member Leroy Comrie, Council Member Inez Dickens,  
10 Council Member Erik Dilan, Council Member Liz  
11 Crowley. To my right, we have Council Member  
12 Jimmy Vacca. We have Council Member Robert  
13 Jackson. We have Council Member Karen Koslowitz,  
14 and I don't see any other members here.

15 We are also joined by the committee  
16 staff. We have Chuck Davis, Emerson Sykes, Yasmin  
17 Vega, Alycia Vassell, Koramarie Dieguez and John  
18 Clarke and Diana Arreaga.

19 Today before us, we have two  
20 candidates for our review, for reappointment by  
21 the Mayor to the Taxi and Limousine Commission.  
22 They are LaShann DeArcy, a Manhattan resident. If  
23 the Council gives it advice and consent, Ms.  
24 DeArcy will serve for the remainder of a seven-  
25 year term that expires on January 31st of 2019.

1  
2 We also have Edward Gonzales, a Queens resident.  
3 If the Council gives its advice and consent, Mr.  
4 Gonzales will serve for the remainder of a seven-  
5 year term that also expires on January 31, 2019.

6 I will briefly explain the  
7 functions of the TLC. The TLC consists of nine  
8 members appointed by the Mayor, all with the  
9 advice and consent of the Council. Five of said  
10 members, one resident of each of the five boroughs  
11 of the city are recommended for appointment by a  
12 majority vote of the Council Members of the  
13 respective borough.

14 Commission members are appointed  
15 for terms of seven years, and can serve until the  
16 appointment and qualification of a successor.  
17 Vacancies, other than those that occur at the  
18 expiration of a term, shall be filled for the  
19 unexpired term. The Mayor may remove any such  
20 member for cause, upon stated charges.

21 The Mayor designates one member of  
22 the commission to act as the chairperson and chief  
23 executive officer. The Charter provides that the  
24 chairperson shall devote his or her full time to  
25 this position and as such receive compensation as

1  
2 set by the Mayor. The chair currently receives  
3 \$192,198 annually. Other members of the TLC are  
4 not entitled to compensation.

5 The commission is responsible for  
6 the continuance, further development and  
7 improvement of the taxi and limousine service in  
8 our city. It shall be the further purpose of the  
9 commission consistent with the promotion and  
10 protection of the public comfort and convenience  
11 to adopt and establish an overall public  
12 transportation policy governing taxi, coach,  
13 limousine and wheelchair accessible van services  
14 as it relates to the overall public transportation  
15 network of the city.

16 The commission is also responsible  
17 for establishing certain rates, standards and  
18 criteria for licensing of vehicles, drivers and  
19 chauffeurs, owners and operators engaged in such  
20 services, and for providing authorization to  
21 persons to operate commuter van services within  
22 the city.

23 Welcome. We're also joined by  
24 Meera Joshi as well. The General Counsel of the  
25 TLC is with us here today. You're on the list.

1  
2 Welcome, Ms. DeArcy and Mr.  
3 Gonzales. Will you both please raise your right  
4 hand to be sworn in?

5 Thank you very much. So whichever  
6 one decides to go first, if you have any opening  
7 statement or testimony, just please state it for  
8 the record.

9 EDWARD GONZALES: There we go. My  
10 name is Ed Gonzales. Good morning and thank you,  
11 Chairman Rivera, Transportation Chair Vacca,  
12 members of the committee, as well as members of  
13 City Council. I'd also like to thank the TLC  
14 Chairman David Yassky for his leadership, my  
15 fellow commissioners, including Ms. DeArcy here,  
16 and TLC staff for their ongoing hard work and  
17 support. Finally, I would also like to thank my  
18 family, especially my wife and two daughters,  
19 former TLC Chairman Matt Daus and my coworkers at  
20 Citigroup Treasury for their ongoing support.

21 Having spent my entire career in  
22 the private sector in a highly regulated industry,  
23 banking, I have what I would call a regulatory  
24 customer perspective that apply in my role here as  
25 commissioner for the Taxi and Limousine Commission

1  
2 with respect to the taxi industry and the for-hire  
3 vehicle industry.

4           When I first joined the TLC Board  
5 of Commissioners back in 2005, I will admit I was  
6 a little apprehensive. What do I know about  
7 taxis? I'm a portfolio manager. But what I found  
8 as a portfolio manager, the transferable skill of  
9 strategic thinking, I believe, suits me well for  
10 my role here at the TLC. When challenging  
11 decisions are needed, I objectively assess the  
12 balance among the passenger, driver and industry  
13 perspectives. For the passenger, the question I  
14 ask, is the public being served properly? For the  
15 drivers, what is the impact on their implied  
16 living wage? For the industry, will my decision  
17 maintain or enhance the business viability? The  
18 only nonnegotiable I will say I have is when it  
19 comes to passenger and/or driver safety.

20           If confirmed, I pledge my  
21 commitment to serve New York City and the riding  
22 public in a professional and responsible manner  
23 and I look forward to answering your questions  
24 today.

25           LASHANN DEARCY: Good morning, Mr.

1  
2 Chair, committee members. I join Ed in thanking  
3 you all for considering our candidacy today. It  
4 was a little over a year and a half ago that I  
5 first appeared before this committee, excited  
6 about the opportunity to serve in the capacity as  
7 a commissioner for the TLC. At the time, and from  
8 that vantage point, I saw the TLC as one of the  
9 few opportunities to be able to touch the lives of  
10 such a large swath of our community. I was right.  
11 The work of this commission is important work and  
12 I have been proud to have had the opportunity to  
13 be a part of it.

14 Since my installment as a  
15 commissioner, I have been fully engaged in the  
16 work of the TLC. I have taken the issues that  
17 have been presented before us under serious  
18 consideration and deliberation. I have worked  
19 tirelessly to balance the many competing and  
20 diverse interests that are presented by the issues  
21 that we are asked to deliberate on, on a regular  
22 basis.

23 I believe that I have honored my  
24 obligation to the TLC in my approach and I am  
25 proud of the many accomplishments that the TLC has



1  
2 achieved in the very short time that I have been a  
3 member of the commission. However, I do believe  
4 that there is much more work to be done, and I  
5 believe that I have much more to offer. So I hope  
6 that today that I can satisfy you that I am  
7 deserving a reappointment to the commission and I  
8 pledge to you, as my fellow commissioner did, that  
9 I will approach a further appointment with the  
10 seriousness that it deserves.

11 CHAIRPERSON RIVERA: Thank you very  
12 much for your testimony. We have Council Member  
13 Lew Fidler is going to ask the first question,  
14 followed by Council Member Leroy Comrie, followed  
15 by Council Member Robert Jackson.

16 COUNCIL MEMBER FIDLER: Thank you,  
17 Mr. Chairman. I know we like to do these pretty  
18 quickly, but I have a number of questions today.  
19 I apologize to all of you and to you for that.

20 First, you both have  
21 extraordinarily impressive resumes. I have no  
22 issue with anything that I've read in this  
23 whatsoever. You seem to have, you know, great  
24 qualifications and character.

25 Both of you are reappointments to a

1  
2 board, and unlike other boards that the Mayor  
3 appoints people to, you're being reappointed to a  
4 fixed term. So that gives you, in my view, the  
5 freedom to tell the Mayor or the TLC commissioner,  
6 whomever that is, you disagree. Have either of  
7 you ever voted against the position of the Mayor  
8 or the TLC commissioner or openly opposed a  
9 position of the Mayor and the TLC commissioner?  
10 If you have, can you tell me what issue that was?

11 LASHANN DEARCY: I will start. I  
12 believe recently, and when you say voted against,  
13 when the e-hail application was first presented to  
14 this commission, I believed that Chairman Yassky  
15 and the Mayor's Office were very supportive of an  
16 immediate vote for us to allow e-hail apps. I was  
17 not prepared to vote immediately for e-hail apps.  
18 What this commission did, and I was joined by--I'm  
19 not certain what the exact vote but I was joined  
20 by other commissioners--was that instead of  
21 immediately voting an e-hail application, which I  
22 think was something that was supported by Chairman  
23 Yassky, we voted instead for a pilot program.

24 I believe that that was the right  
25 approach. I believe that it allows us an

1  
2 opportunity to be able to collect information and  
3 determine whether or not ultimately e-hail apps  
4 are appropriate and make sense for our city. So I  
5 would say that that is an example of where I  
6 differed and where I thought was the proper  
7 approach for our city. I made that known through  
8 my vote for a pilot. I didn't support an  
9 immediate vote for the institution of e-hail apps.

10 I will say, with respect to other  
11 votes that I had taken, those votes I've taken  
12 because they're positions that I strongly believe  
13 in. I'm proud of my record. I am particularly  
14 proud, for example, of voting in favor of the  
15 five-borough taxi plan, particularly proud of  
16 voting for a fare increase for our drivers. So I  
17 believe that my voting record speaks strongly for  
18 my positions.

19 EDWARD GONZALES: Thank you. I  
20 will say that as far as my voting record, most of  
21 the issues I may have with whatever the stance  
22 might be from the Mayor's Office gets fleshed out  
23 well before there is a vote. I will say that  
24 while on the commission, one of the things I'm  
25 most proud of is the revamping of the for-hire

1  
2 vehicle rules. Prior to my sponsorship of kind of  
3 overhauling the rules, with my fellow Commissioner  
4 Arout from Staten Island, it was very difficult to  
5 determine where does the driver, base, and vehicle  
6 responsibilities begin and end.

7           When certain issues came up,  
8 particularly with respect to dispatching of  
9 unauthorized drivers, the TLC staff helped craft--  
10 did investigation and helped craft a cohesive set  
11 of rules which determined this is what the drivers  
12 are responsible for, this is what the base owners  
13 are responsible for and this is what the vehicle  
14 owners are responsible for.

15           When the actual vote was called, I  
16 will say that there was a split vote. There were  
17 certain issues that were raised at the public  
18 hearing that might have led to a vote being  
19 delayed. But because this was so important to me,  
20 ensuring that the riding public is going to enter  
21 into a cab where there's an authorized driver, I  
22 worked through a compromise where we had a vote,  
23 but should there be new information--basically,  
24 extended the comment period such that if there's  
25 new information that presented itself after the

1  
2 vote was taken, we would re-craft the rules if  
3 necessary.

4 COUNCIL MEMBER FIDLER: I'm going  
5 to take that answer as "sort of" for both of you.  
6 I mean, obviously, there are a number of burning  
7 issues that I want to take you through.  
8 Commissioner DeArcy, you actually touched on one,  
9 which we adamantly disagree on. A number of these  
10 are issues that are in litigation and I want to be  
11 clear that I'm not asking about the litigation.  
12 So I don't want you to say you can't comment on  
13 pending litigation. I'm going to ask about the  
14 policy that is at issue in those matters.

15 You have indicated you're strongly  
16 in favor of the five-borough taxi plan. It'  
17 pretty clear with everyone in the room that I'm  
18 not. Mr. Gonzales, what is your position on the  
19 five-borough taxi plan?

20 EDWARD GONZALES: Let me relay to  
21 you my impression of the five-borough. First of  
22 all, I'm in favor of the five-borough taxi plan.  
23 Being a resident from Queens, there is no street  
24 hail service out where I live. I mean there's  
25 some marginal service in Long Island City or

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2 places that are close to where the garages are,  
3 but other than that, there's no real street hail  
4 service. I take that back, excluding the  
5 airports.

6 I will say when we had the public  
7 hearing for the five-borough taxi plan, I was  
8 pretty much taken aback by the industry. The  
9 industry, in their testimony, tried to portray a  
10 picture of how detrimental this particular--how  
11 the five-borough taxi plan would be detrimental to  
12 their financial wellbeing. Not one speaker gave  
13 anything from the passenger perspective.

14 There was one speaker who actually  
15 gave the most balanced approach, who actually was  
16 a cab driver. He expressed when he's driving a  
17 cab and he sees illegal street hail pickup, he's  
18 outraged. But being from the Bronx, when he's at  
19 home and he wants to go hang out with his friends  
20 in Manhattan, he's upset that there's no viable  
21 hail service in the Bronx where he lives.

22 Again, giving a balanced approach,  
23 he felt that there was unbalanced. Better to have  
24 a five-borough taxi plan than to not have one, and  
25 I share that view.

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2 COUNCIL MEMBER FIDLER: I can  
3 understand why the industry would be upset with a  
4 taking of a property right that they had  
5 purchased. So I mean--

6 EDWARD GONZALES: [interposing]  
7 But--

8 COUNCIL MEMBER FIDLER: Obviously,  
9 I disagree. I respect your opinions on this, but  
10 I adamantly disagree with it. The next question  
11 is do you believe that it was appropriate or that  
12 it is correct that policy like that be done  
13 without--

14 [Background noise]

15 COUNCIL MEMBER FIDLER: --message  
16 from this City Council?

17 LASHANN DEARCY: I'm not certain if  
18 you wanted or intended to answer the question--

19 COUNCIL MEMBER FIDLER:  
20 [interposing] Either one of you. Either one.

21 LASHANN DEARCY: --directly, but I  
22 will say that that is at the core of the current  
23 litigation and I don't think that it would be  
24 appropriate for me to articulate a position. I  
25 mean that is the--

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COUNCIL MEMBER FIDLER:

[interposing] What is your view in general--

LASHANN DEARCY: --ultimate issue.

COUNCIL MEMBER FIDLER: --of the role of the City Council on policy issues that come through the Taxi and Limousine Commission, including the issuance of new medallions?

LASHANN DEARCY: Again, I really believe that that is effectively asking me to expound on an issue that's being litigated. So I will respectfully defer to the Law Department on this issue, respectfully.

COUNCIL MEMBER FIDLER: Come on, counselor, you're a civil litigator. You don't have an opinion?

LASHANN DEARCY: I am a civil litigator, and hence, I know when I should defer to the Law Department.

COUNCIL MEMBER FIDLER: All right, fair enough. You got me.

[Laughter]

COUNCIL MEMBER FIDLER: All right. The other two issues that are kind of front and center are the issue of making all cabs, you know,



1  
2 disabled friendly, you know handicap accessible,  
3 whatever term you prefer. Can you tell me what  
4 your position is on that as a policy matter?

5 Either one or both of you?

6 EDWARD GONZALES: I'll start. In a  
7 perfect world, all cabs would be accessible.

8 Unfortunately, we all live in an imperfect world.  
9 I will say, though, that doesn't mean we shouldn't  
10 strive for perfection. Now, I believe that with  
11 respect to accessibility, the TLC, in the seven  
12 plus years that I've been there has made, you  
13 know, progressive strides. We are not where we  
14 would like to be, but we've made progressive  
15 strides towards achieving the goal of having  
16 wheelchair accessibility for cabs for New Yorkers.

17 I will say, let me share with you  
18 one story that I can relay to the inspection  
19 facility in Woodside. There was a wheelchair--  
20 really, it was a Ford Freestar that was up on the  
21 lift being inspected, and one of the mechanics  
22 came up and said, "Hey, take a look at this." And  
23 he showed me that the brake lines were frayed.

24 That particular cab, what happens  
25 is they cut the chassis, insert a lift, and with

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2 the vehicle design, it's compromising certain  
3 things like the brake system. In my opinion,  
4 while it's important to have wheelchair  
5 accessibility, I also think it's equally  
6 important, as I stated before, driver and  
7 passenger safety. I believe that there is a need  
8 to really flesh to make sure that vehicle that are  
9 wheelchair accessible can handle the 24/7 double  
10 shifting that occurs here in New York City.

11 COUNCIL MEMBER FIDLER: If I could,  
12 because I know that my colleagues are--

13 EDWARD GONZALES: [interposing]  
14 Sure.

15 CHAIRPERSON RIVERA: Councilman, if  
16 I can, you're going to have to wrap up and go to  
17 other questions from other members.

18 COUNCIL MEMBER FIDLER: Yeah, I'm  
19 almost done. Wouldn't the argument then--I mean,  
20 you just said that because they had to cut the  
21 chassis--wouldn't it make sense then to make us  
22 buy only, you know, originally made wheelchair  
23 accessible handicap, you know--

24 EDWARD GONZALES: [interposing] But  
25 can the vehicle--

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COUNCIL MEMBER FIDLER: --they  
don't have to cut the chassis?

EDWARD GONZALES: But can that  
vehicle be double shifted 24/7.

COUNCIL MEMBER FIDLER: Why not?

EDWARD GONZALES: That particular  
vehicle. I don't believe that vehicle exists  
currently.

[Background noise]

COUNCIL MEMBER FIDLER: Sorry about  
that. It's my son. All right, so, Commissioner  
DeArcy, what's your view?

LASHANN DEARCY: I join  
Commissioner Gonzales in my belief that our goal  
should be to have an entire fleet of taxis that  
are 100 percent accessible. I believe that there  
are some challenges to getting to that point. I  
believe that there are consideration. Cost,  
certainly, is a consideration; it can't be  
ignored. Is it a consideration that I think  
outweighs the fact that the ultimate goal should  
be to have a fleet that is accessible to our  
wheelchair-bound community members? No. But I  
think that as we march towards that goal, we need

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2 to take a multifaceted approach. I think that,  
3 yes, we absolutely first and foremost need  
4 additional wheelchair accessible cars on the  
5 street now. I'll note that while you commented  
6 that you were against the five-borough taxi plan,  
7 had the five-borough taxi plan been instituted, we  
8 would have already increased our numbers of  
9 wheelchair accessible cars on the street.

10 COUNCIL MEMBER JACKSON: [off mic]

11 Could you increase the volume please?

12 LASHANN DEARCY: Oh, I'm sorry.

13 COUNCIL MEMBER JACKSON: Could you  
14 turn the volume up, sergeant, please?

15 LASHANN DEARCY: I'm not general  
16 soft spoken. Again, as I was saying, we would  
17 have had additional wheelchair accessible cars on  
18 the street, which is part of the reason, but  
19 certainly not the only reason why I supported the  
20 five-borough taxi plan. But again, with a  
21 multifaceted approach. We have our dispatcher  
22 program, the dispatch program. It's not a perfect  
23 program, but as part of a larger whole, I think it  
24 is helpful. Perhaps we can explore ways to  
25 incentivize our drivers to, while we march towards

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2 increasing our numbers, to want to drive  
3 wheelchair accessible taxis, and also we need to  
4 train them. That's my answer for you.

5 CHAIRPERSON RIVERA: Thank you.

6 COUNCIL MEMBER FIDLER: My last  
7 question. Just a last question?

8 CHAIRPERSON RIVERA: Councilman,  
9 can we circle back around to you, because we have  
10 other members--

11 COUNCIL MEMBER FIDLER:  
12 [interposing] Sure. Sure.

13 CHAIRPERSON RIVERA: Sorry about  
14 that. Thank you. Council Member Leroy Comrie,  
15 followed by Council Member Robert Jackson.

16 COUNCIL MEMBER COMRIE: Thank you.  
17 Thank you, Mr. Chair. I wanted to ask Mr.  
18 Gonzales, how long have you served on TLC?

19 EDWARD GONZALES: Since November  
20 2005.

21 COUNCIL MEMBER COMRIE: And how  
22 long have you lived in Queens?

23 EDWARD GONZALES: I've lived in  
24 Queens my entire life, except for four years while  
25 I attended the College of William and Mary in

1  
2 Virginia. I grew up in Southeast Queens in  
3 Laurelton.

4 COUNCIL MEMBER COMRIE: Oh yeah,  
5 where'd you go to high school?

6 EDWARD GONZALES: I went to Regis  
7 High School here in Manhattan.

8 COUNCIL MEMBER COMRIE: Okay. I  
9 was just looking at your resume. It doesn't show  
10 that you are a member of any Queens groups or  
11 affiliations with any organizations in Queens or  
12 that you have any service. I've never had the  
13 opportunity to meet you before. I don't think we  
14 met in 2005 when you got appointed. I'm just  
15 curious to know if there are any groups or  
16 organizations that you have given time or presence  
17 to. I'm surprised that we haven't met.

18 EDWARD GONZALES: Well currently,  
19 most of my time is spent with my career and also  
20 with my family. I still visit my family regularly  
21 that still lives in Laurelton. I also do  
22 volunteer work on occasion through Citigroup. But  
23 unfortunately, right now just nothing volunteer  
24 wise in Queens. The TLC, as far as the time I've  
25 allocated towards volunteer work, seems to take

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the lion's share of that available time.

COUNCIL MEMBER COMRIE: Okay. I see you have an excellent record of attending meetings. You haven't missed any meetings of the commission. I appreciate your dedication to that. Clearly, you know, raising a family is not an easy thing to do, so I commend you for that. I'm just curious that we haven't met and that we haven't had an opportunity to hear from you.

I appreciate your comments on the five-borough taxi plan. I have to be concerned about the actual implementations of the plan as well. I think that to speak about what Councilman Fidler said, the ability of the TLC not to ensure that there's something that has been worked out, leaving millions of dollars on the table that need to be realized in creating an opportunity for an increase in medallions is something that we desperately need. We can't afford to leave revenue that's available in a budget difficulty, in a difficult budget year unrealized. I would hope that the commissioners work to find a resolution to make that happen outside of waiting for the courts.

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2           So, you know, I think it's  
3 imperative that that happens and it's imperative  
4 that we do everything necessary to try to make  
5 that a resolution and not just wait for the courts  
6 to resolve it. There are people on both sides of  
7 the issue that are having a real economic impact  
8 and a loss of income as a result of this delay.

9           I think that, you know, as  
10 commissioners, especially with commissioners with  
11 terms of seven years, you have an opportunity to  
12 speak beyond what the rhetoric of the Mayor's  
13 Office may be to try to get this resolved. I  
14 would hope that as commissioners you take a  
15 public's stance to try to deal with this issue. I  
16 would like to hear if the TLC has talked about  
17 anything on a commission basis about resolving  
18 that issue, from both candidates.

19           EDWARD GONZALES: With respect to  
20 the five-borough taxi plan, as my fellow  
21 commissioner mentioned, it's still in the courts  
22 and I'd prefer not to discuss that explicitly. I  
23 will say, though, that you have my commitment to  
24 work towards a solution.

25           LASHANN DEARCY: My sentiment is,



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2 or I echo the sentiment of Commissioner Gonzales.

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COUNCIL MEMBER COMRIE: I would just say hiding behind waiting for the courts to resolve the issue doesn't move the issue of the economics forward. The fact that we have people that are depending on their livelihood to either get additional medallions, or to realize a plan, you know, is something that the commission should look at beyond the courts. I would implore both of you, and Commissioner Yassky to get something done.

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Both of your resumes seem to be impressive. Your attendance and your focus on being a major part of the commission seems to be very strong. I would still ask both of you a little bit more to try to resolve a major problem that's a major impact on the revenues of the city of \$500 million or almost a billion dollars in revenues that need to be realized quicker and not wait on the courts to do it. I think that reasonable people, especially members of a board that understand and have heard from all sides, should be able to come up with an opinion that could help move this forward. Thank you.

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2 CHAIRPERSON RIVERA: Thank you very  
3 much. Before we go on to the next line of  
4 questions, if we can call the vote of Council  
5 Member Dilan, who has to head out to another  
6 meeting?

7 WILLIAM MARTIN: Council Member  
8 Dilan?

9 COUNCIL MEMBER DILAN: I vote aye.

10 CHAIRPERSON RIVERA: Thank you very  
11 much. Council Member Robert Jackson? We've been  
12 joined by Council Member Vincent Gentile and also  
13 Council Member Jimmy Oddo, who was in and out a  
14 second ago.

15 COUNCIL MEMBER JACKSON: Well,  
16 thank you, Mr. Chair and good morning everyone.  
17 First, let me say good morning to the two members  
18 of the TLC. Also knowing from a factual point of  
19 view that Ms. LaShann DeArcy is one of my  
20 constituents and which we had the opportunity to  
21 discuss before, prior to her last appointment to  
22 the TLC. I've read all of the documents in here  
23 relating to the summary report of investigation.  
24 I'm proud to say that I support her re-nomination  
25 and reappointment to the TLC.

1  
2           Clearly, one of the things that she  
3 touched on back then and continues to touch on,  
4 that she knows from personal experience what it's  
5 like for her and members of her family to try to  
6 hail a yellow cab in midtown or elsewhere and be  
7 bypassed. The reflection in my opinion was  
8 because of the color of her skin, because as a  
9 black woman, and her husband is a black male.

10           Knowing that she lives in Harlem,  
11 we know, that live in our community, know that we  
12 only really see yellow taxicab not cruising as  
13 they do in midtown to pick up passengers but more  
14 so heading towards the highway to head to the  
15 business district. So we, in our community, we  
16 basically hail car services or call them. I've  
17 expressed in hearings before that hailing like  
18 this for a car service is legal in our community  
19 where that's the way we deal from a practical  
20 point of view. So I supported the five-borough  
21 taxicab plan.

22           I just wanted to comment that all  
23 things considered in reading, and I asked our  
24 staff about how she voted on the situation as far  
25 as the apps, and my understanding that is a trial

1  
2 basis. My concern with that is that some yellow  
3 taxicabs would bypass people that they felt were  
4 undesirable or felt that they were going to  
5 certain neighborhoods and could possibly use that  
6 as an excuse if they were stopped, to say, well  
7 they had a call.

8           One of the things that we want to  
9 make sure is that all yellow taxicab drivers, when  
10 they are cruising for a fare, that when someone  
11 sticks out their hand to stop them, it doesn't  
12 matter what color of your skin. It doesn't matter  
13 if you have on work clothes that may be from a  
14 construction company or elsewhere, it doesn't  
15 matter how tall or short or large in size you are,  
16 that that yellow cab is supposed to stop if it's  
17 there to do business. No excuse, other than  
18 stopping for a passenger is acceptable.

19           I looked at and read the  
20 information for Mr. Gonzales and I looked at his  
21 attendance record. His attendance record, he has  
22 100 percent attendance record at TLC hearings,  
23 which is excellent, all things considered, because  
24 for one reason or another, there is always a  
25 reason, an appropriate reason why someone is

1  
2 absent. I noticed that you had a 100 percent  
3 record, so you clearly get an award for an  
4 attendance record. I don't know what other TLC  
5 members have received that.

6 I just wanted to say  
7 congratulations to both of you. I plan on voting  
8 yes on both of you.

9 LASHANN DEARCY: Thank you.

10 CHAIRPERSON RIVERA: Thank you very  
11 much. We'll swing back to Council Member Lew  
12 Fidler.

13 COUNCIL MEMBER FIDLER: See the  
14 problem, Mr. Chairman, cycling back to me is I now  
15 have two questions.

16 [Laughter]

17 CHAIRPERSON RIVERA: That's called  
18 retribution.

19 COUNCIL MEMBER FIDLER: I just want  
20 to note for both commissioners that a majority of  
21 the members of the City Council are sponsoring a  
22 piece of legislation that would require that all  
23 new medallions be for handicap accessible cabs.  
24 So I think that's a pretty strong sense of this  
25 Council.

1  
2           There is also pending litigation on  
3 the taxi of tomorrow. Without commenting on the  
4 litigation, in the event that the courts rule in  
5 favor of the plaintiffs and they throw out the  
6 taxi of tomorrow plan as passed, just assuming  
7 that, what's your view of: A, requiring that they  
8 all be handicap accessible; and B, that they be  
9 manufactured within the five boroughs of the City  
10 of New York and how would you do that?

11           LASHANN DEARCY: You want to take  
12 that one?

13           EDWARD GONZALES: Okay. First of  
14 all, I feel very uncomfortable discussing anything  
15 on pending litigation.

16           COUNCIL MEMBER FIDLER: I'm not  
17 asking you to discuss that. This time I'm being  
18 very clear. I'm saying assume that the plaintiffs  
19 win. It goes through all the appeals and the  
20 plaintiffs win. All right, so you don't have to  
21 comment on the litigation. You know, I'm the  
22 plaintiff on the other one. I'm not as familiar  
23 with this one, so I don't even want to discuss it.

24           EDWARD GONZALES: Well, I will say,  
25 again, as I stated before, there is a need to

1  
2 address the accessibility issue with respect to  
3 taxicabs in New York City. We also need to be  
4 very mindful of the safety aspects of it. We are  
5 gathering information via the dispatch program.  
6 This dispatch program is the second version of the  
7 dispatch program, which right now appears to be on  
8 the surface a lot more efficient than what the  
9 original one was, in particular by addressing the  
10 driver incentive with respect to dead head. Dead  
11 head time, meaning the time that the driver  
12 receives a call to where he actually has to pick  
13 up a passenger and he's not compensated. In the  
14 previous version, he wasn't compensated for that  
15 time, but now he is.

16           With respect to, you know,  
17 designing and building vehicles within the five  
18 boroughs, I believe that you're supposed to let  
19 the free market decide where the best delivery is  
20 supposed to occur. If it's more efficient for a  
21 vehicle that is accessible and also is road worthy  
22 for 24/7 double shifting in New York City, and  
23 it's made within the five boroughs, hey, that's a  
24 double winner. But if it's going to be made  
25 somewhere else but it still achieves the same goal

1  
2 at a lower cost, then economically that's the  
3 right trade.

4 LASHANN DEARCY: Your hypothetical  
5 assumes that the plaintiffs have prevailed and  
6 therefore we are starting from square one. If we  
7 have the opportunity and if it were feasible, and  
8 again, I hearken back to my last response to you  
9 that there are a number of considerations that  
10 have to be taken into account when considering 100  
11 percent accessibility. Again, I believe that that  
12 should be the goal.

13 So to the extent that it is  
14 feasible, I would support it. The runway,  
15 however, between the hypothetical and feasibility,  
16 there is some there. We would have to consider  
17 those. It's difficult to kind of speak in this  
18 hypothetical.

19 With respect to manufacturing a  
20 vehicle in the five boroughs, again, if that were  
21 possible, if the best made vehicle at the right  
22 cost for our drivers and for our citizens could be  
23 manufactured in the five boroughs, that would be  
24 ideal. However, I don't believe that it should be  
25 the driving factor of what vehicle and what



1  
2 manufacturer we select, because I do believe that  
3 if you do a cost benefit analysis, the location,  
4 the site of the manufacturer would not win out, at  
5 least in terms of my considerations. Would it be  
6 a plus? Absolutely.

7 COUNCIL MEMBER FIDLER: If you do  
8 get this question back before you, I would urge  
9 that you give that a heavy priority. A lot of  
10 people are looking for jobs.

11 The second question was in my  
12 community we have an issue with dollar vans. The  
13 TLC rules themselves prohibit the operation of  
14 dollar vans in most of my neighborhoods, yet they  
15 operate openly. They are honking at people,  
16 picking people up on the street. They're not  
17 operating by pre-arrangement, as I believe the  
18 regs require.

19 What is your position on that  
20 industry and the TLC's role in enforcing its own  
21 regulations regarding dollar vans?

22 EDWARD GONZALES: With respect to  
23 the dollar van, as I mentioned before, I grew up  
24 in Southeast Queens, and I do remember more or  
25 less the birth of the dollar van. Where I grew up

1  
2 in Laurelton, it was about a five-mile gap between  
3 the city line to Jamaica station, where all the  
4 subways and the trains were. It took well over  
5 half an hour via the bus service to transport  
6 passengers from Jamaica to Laurelton, Queens.  
7 With the vans, though, you were able to get to  
8 Jamaica within 15 minutes, in most cases. Because  
9 once the van is filled, the next stop is Jamaica.

10 When you look at the productivity  
11 of the workers of the city and all other market  
12 participants in this economy, that extra 15  
13 minutes in aggregate really adds up to more  
14 productivity. So as far as the dollar vans are  
15 concerned, they have a useful purpose within New  
16 York City.

17 Now, to the degree, I'm not  
18 familiar with your particular situation. I will  
19 say though that with respect to enforcement, if  
20 there is an issue, it will be addressed. The TLC  
21 has made strong strides as far as increasing their  
22 enforcement. If that is an issue, I will bring it  
23 up with the chair in enforcement to make sure that  
24 it's remedied to conform within the rules, if that  
25 is the case.

1  
2 COUNCIL MEMBER FIDLER: Well, with  
3 all due respect, you just said that when you grew  
4 up, that they do the street hails, in violation of  
5 your own regulations, but you don't think it  
6 should be enforced.

7 EDWARD GONZALES: The situation I  
8 described was well over 30 years ago.

9 COUNCIL MEMBER FIDLER: Well, you  
10 don't think it's still going on?

11 LASHANN DEARCY: I did not grow up  
12 required to use, out of necessity, dollar vans.  
13 Certainly, as a New Yorker, I am familiar with  
14 dollar vans. I believe that to a certain extent  
15 that dollar vans represent the kind of livery  
16 industry that residents of Harlem are required to  
17 use because there aren't available alternative  
18 means of transportation. There's a gap, you know,  
19 between their home and the subway station and  
20 there are no yellow taxis prevalent in those  
21 communities. So I believe that they exist out of  
22 necessity.

23 My concern, however, is with  
24 respect to safety concerns that have been raised  
25 with respect to dollar vans. So my concern is

1  
2 less with the existence of them, because I do  
3 believe that they are there out of necessity, but  
4 the fact that, as I understand it, there are  
5 concerns with regard to the safety, with  
6 insurance, et cetera. So for that reasons, I am  
7 in favor of perhaps increased enforcement with  
8 respect to the dollar vans, to protect the riding  
9 public. But I believe that the fact that you  
10 raise the issue of dollar vans perhaps highlights,  
11 again, the fact that so many in our community are  
12 undeserved by the taxis.

13 COUNCIL MEMBER FIDLER: I  
14 appreciate your answers. I would just say to you  
15 that dollar vans compete with mass transit, buses,  
16 and not taxis, because taxis do something entirely  
17 different. In my view, dollar vans are the  
18 privatization of mass transit bus service. I  
19 think that is exactly what is happening, because  
20 the MTA cuts a bus, every time someone gets on a  
21 dollar van, it costs an MTA bus driver its job.  
22 If that wasn't happening, we'd have more frequent  
23 bus service.

24 But that's not the subject of  
25 today's hearing, so I'll leave it alone. I

1  
2 appreciate your answers to all my questions. I  
3 thank my colleagues for their indulgence in  
4 listening to me go on and on.

5 CHAIRPERSON RIVERA: Thank you very  
6 much, Council Member. At this point in time, I'll  
7 ask the clerk to please call the role. If we can  
8 call on Council Member Crowley first, since she  
9 has a meeting that she's running late for.  
10 Council Member Crowley.

11 WILLIAM MARTIN: Crowley?

12 COUNCIL MEMBER CROWLEY: I vote  
13 aye. Thank you.

14 WILLIAM MARTIN: William Martin,  
15 Committee Clerk, roll call vote, Committee on  
16 Rules. Council Member Rivera?

17 CHAIRPERSON RIVERA: I vote aye.  
18 Congratulations.

19 LASHANN DEARCY: thank you.

20 WILLIAM MARTIN: Comrie?

21 COUNCIL MEMBER COMRIE: I'm going  
22 to vote aye on these candidates because they have  
23 articulated opinions. I would hope that they  
24 actually utilize these opinions to make sure we  
25 get some resolution. We have a lot of money

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2 riding on these medallions and it shouldn't be  
3 just tied up by court action. There should be  
4 some real forward thinking by the commission and  
5 the commissioners to resolve this issue,  
6 especially when there is so much money riding on  
7 the table, and a need that needs to be resolved  
8 quickly. I would also hope that they do take this  
9 opportunity in service to make sure that their  
10 voices are heard loudly and not just behind the  
11 halls or walls of the commission. Mr. Gonzales, I  
12 have two children also, so I would hope to see you  
13 at some of the events in Queens. So I'm just  
14 going to put it out there.

15 I think that the both of you have  
16 had an excellent service record so far. I would  
17 hope to see you in other opportunities to be  
18 articulate and forceful individuals on behalf of  
19 the city. I vote aye.

20 LASHANN DEARCY: Thank you.

21 EDWARD GONZALES: Thank you.

22 WILLIAM MARTIN: Vacca?

23 COUNCIL MEMBER VACCA: I'd like to  
24 explain my vote. As chair of the Transportation  
25 Committee, I feel it's incumbent on me to

1  
2 congratulate you both. I'm going to vote in favor  
3 of your nominations. You're both extremely  
4 knowledgeable and very conscientious. I think  
5 some of my colleagues are expressing concern that-

6 [Background noise]

7 COUNCIL MEMBER VACCA: --the Taxi  
8 and Limousine Commission. I understand your  
9 position as a mayoral appointment, and I  
10 understand that with virtue of your being a  
11 mayoral appointment there are certain prerogatives  
12 relative to your appointment. But I know how the  
13 Taxi and Limousine Commission works, and I know  
14 that sometimes what members say privately often  
15 weighs on the agenda. It weighs on what can be  
16 taken off the agenda. It weighs on what can be  
17 modified.

18 So although I understand that  
19 publicly you may be in a certain place, by virtue  
20 of your appointment I urge you to make your  
21 counsel known privately in those discussions that  
22 really do dictate the agenda, even when those  
23 discussions result in a deferral or postponement  
24 of action. It gives parties two to three weeks to  
25 come together, to get a consensus, to change what

1  
2 should be changed. That's where I count on you.  
3 I fully understand you're in a different position  
4 that the council appointees.

5 But I do tell you, and I know you  
6 know this, the Taxi and Limousine Commission has  
7 taken on an increased significance in the past  
8 several years. I think until three or four years  
9 ago, the commission was there doing its work and  
10 it was kind of very, very below the radar. Well  
11 now you're above the radar. By virtue of what  
12 you're doing, what you plan to do and what you may  
13 do, you're above the radar. People are watching  
14 and people are counting on you. We could be going  
15 through the most significant transition of taxi  
16 service in our city's history.

17 So I appreciate your hard work and  
18 your intelligence and I'm impressed with both of  
19 you, but just be cognizant of the fact that this  
20 Council will be watching. We will be doing our  
21 oversight. We are a voice in this process and we  
22 are at the table, but you can be at the table in  
23 your way. We count on you to do so, especially in  
24 the days ahead. I'm honored to vote for both of  
25 you and I'm honored to vote yes.



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LASHANN DEARCY: Thank you.

EDWARD GONZALES: Thank you.

WILLIAM MARTIN: Jackson?

COUNCIL MEMBER JACKSON: May I be excused to explain my vote?

CHAIRPERSON RIVERA: Yes.

COUNCIL MEMBER JACKSON: Thank you. I appreciate the questions and responses by the members of the TLC up for reappointment.

Obviously, I agree with my colleague Jimmy Vacca in clearly both are highly qualified and their responses were appropriate, even though one or more members of this particular committee may disagree with their position. They clearly articulated their positions on particular matters.

I somewhat disagree with my colleague, the chair of the Transportation Committee only in that, yes, you are being recommended for appointment by the Mayor. But I do not believe, unless somebody tells me, that you have special privileges more so than anyone else. You are a member, the same and equivalent as any other member, whether you be a mayoral appointee or a City Council borough delegation appointee.

1  
2 I would say that your  
3 communications on matters should not only be  
4 discussed within the--with the council and the  
5 chair and other members but publicly. The people  
6 of New York City, we do not want a private TLC.  
7 It represents all 8.4 New Yorkers and we expect  
8 the members to uphold a principle of honesty,  
9 integrity and transparency. That's what I  
10 personally expect from both of you.

11 I agree with my colleague Lew  
12 Fidler when he said--these are my words not his--  
13 don't be a rubber stamp. You are individuals with  
14 your own backbone, your own upbringing, your own  
15 experiences in life, both positive and negative.  
16 Both of you may have been subject to  
17 discriminatory and/or racial because you are an  
18 African American woman and Mr. Gonzales, you  
19 appear to be, based on your name and everything  
20 that I've read, a Hispanic male. Those are  
21 members of our great city, and as you know, our  
22 city is majority minority.

23 So I hope that you articulate your  
24 positions not only privately but as a member of  
25 the commission for those in a meeting that is

1  
2 watching, listening, whether it's live or  
3 videotaped, so that people could understood. I  
4 hope and expect that you will stand up for the  
5 people of New York City and not just for the Mayor  
6 because you're the Mayor's appointee. With that  
7 being said, I respectfully vote yes on both of  
8 these reappointments. I think they deserve to be  
9 reappointed. Thank you, Mr. Chair.

10 LASHANN DEARCY: Thank you.

11 EDWARD GONZALES: Thank you.

12 WILLIAM MARTIN: Gentile?

13 COUNCIL MEMBER GENTILE: I vote aye  
14 on all.

15 WILLIAM MARTIN: Dickens?

16 COUNCIL MEMBER DICKENS: Mr. Chair,  
17 my colleagues have all felt the need to explain  
18 their votes. I do not. I will say  
19 congratulations and thank you for your service. I  
20 hope to see both of you in our communities. I  
21 vote aye.

22 EDWARD GONZALES: Thank you.

23 LASHANN DEARCY: Thank you.

24 WILLIAM MARTIN: Koslowitz?

25 COUNCIL MEMBER KOSLOWITZ: May I be

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excused to explain my vote?

CHAIRPERSON RIVERA: After following that, you really want to?

[Laughter]

COUNCIL MEMBER KOSLOWITZ: I just want to go along with my colleagues in their questions, and, you know, I agree, I also do not drive and I take taxis. One of my complaints is that you could stand on Queens Boulevard, which is a major highway almost and 9:00 in the morning and you can't get a cab unless you're going into Manhattan. They won't take you anyplace else. On the other side of Queens Boulevard, going west towards Jamaica, they're far and few between.

So I'd like you to equalize, you know, the cars that are in Queens, in the Bronx and all the other boroughs and make sure that everybody has the service that they deserve. With that, I vote aye.

LASHANN DEARCY: Thank you.

EDWARD GONZALES: Thank you.

WILLIAM MARTIN: Fidler?

COUNCIL MEMBER FIDLER: Like it or not, I'm going to explain my vote.

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[Laughter]

COUNCIL MEMBER FIDLER: Let the record reflect that Council Member Dickens just stuck her tongue out.

[Laughter]

COUNCIL MEMBER FIDLER: You know, certainly the number of issues that have come up here today, you know, just goes to the point that Chairman Vacca made about how the issues facing the Taxi and Limousine Commission today may not have faced the commission years ago.

I disagree with almost every policy you just heard from these reappointees. You know, obviously, I would hope to have dialogue with them to convince them that their positions on these issues need to change. But I will say that I'm extraordinarily impressed with both of you. You have a real knowledge, a real grasp of what's being asked of you. I believe the Mayor has the right to appoint people that I disagree with, as long as they're competent and have integrity. There is no question in mind that you're both highly competent and you have integrity.

Given that, you know, I'm please to

1  
2 vote aye on both of you. I just wish that we  
3 could have some dialogue about some of the issues  
4 we talked about, because I think there is a  
5 perspective--I know that some of the issues I've  
6 raised have been raised by Commissioner Carone at  
7 your own hearings and your own halls that you  
8 might consider some of those points, particularly  
9 on the disability issues.

10 I wish you good luck and I'm also  
11 confident, by the way, that you both have the  
12 intellect and character to stand up to the Mayor  
13 if and when you do decide to disagree with him.  
14 So I vote aye.

15 LASHANN DEARCY: Thank you.

16 EDWARD GONZALES: Thank you.

17 CHAIRPERSON RIVERA:

18 Congratulations to both of you.

19 WILLIAM MARTIN: Oddo?

20 CHAIRPERSON RIVERA: Hold on one  
21 second.

22 COUNCIL MEMBER FIDLER: I got so  
23 carried up with Inez sticking her tongue out at me  
24 I forgot. The counsel has suggested that I have  
25 to disclose for the record that I am, in fact, the

1  
2 lead plaintiff in the medallion, the outer borough  
3 taxi case, so I'm doing that.

4 WILLIAM MARTIN: Oddo?

5 COUNCIL MEMBER ODDO: I apologize  
6 for walking in late. We just got back into town.  
7 All I heard was that Council Member Fidler opposes  
8 all of your policies, which means more likely than  
9 not that I agree with most of your policies. I  
10 vote aye, yes, and congratulations.

11 LASHANN DEARCY: Thank you.

12 EDWARD GONZALES: Thank you.

13 WILLIAM MARTIN: By a vote of 11 in  
14 the affirmative, zero in the negative and no  
15 abstentions, both items are adopted. Members,  
16 please sign the committee reports.

17 CHAIRPERSON RIVERA: Thank you very  
18 much.

19 LASHANN DEARCY: Thank you.

20 CHAIRPERSON RIVERA: We're going to  
21 leave the roll open for 20 minutes for other  
22 members to join us and to vote. Congratulations  
23 on your reappointment.

24 LASHANN DEARCY: Thank you so much.

25 EDWARD GONZALES: Thank you very

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2

much.

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[Background noise]

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WILLIAM MARTIN: Speaker Quinn?

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SPEAKER QUINN: Aye on all.

6

WILLIAM MARTIN: The final vote on

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Committee on Rules now stands at 12 in the

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affirmative, zero in the negative and no

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abstentions.

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CHAIRPERSON RIVERA: This now

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concludes the Committee on Rules, Privileges and

12

Elections. Meeting is adjourned.



C E R T I F I C A T E

I, Donna Hintze 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.

Signature \_\_\_\_\_ *Donna Hintze* \_\_\_\_\_

Date \_\_\_\_\_ February 27, 2013 \_\_\_\_\_