

Testimony of Taxi and Limousine Commission

City Council Transportation Committee

April 30, 2009

Oversight Hearing

Good Afternoon Chairman Liu and members of the Transportation Committee. I am Samara Epstein, Assistant Commissioner for Constituent Affairs at the New York City Taxi and Limousine Commission. I am joined today by TLC's General Counsel, Charles Fraser; our Assistant Commissioner for Licensing, Sara Meyers; and our Deputy Commissioner for Licensing, Gary Weiss. Thank you for this opportunity to speak to you today about the proposed changes to our rules governing the For- Hire Vehicle (FHV) industry and the potential impact of these reforms. As an agency that licenses and regulates 50,000 vehicles and 100,000 drivers, the TLC strives to ensure all TLC regulated industries provide service that is safe, legal, accessible, courteous and reliable. Passenger safety is essential. These service goals can only be met when the TLC works with the riding public and its regulated industries to make sure that TLC policies and rules protect the public, ensure quality service, and respect existing business practices regardless of the regulated industry.

The last major review of the FHV rules occurred in 1998. Since then, the industry has matured and grown to meet the evolving demands of riders throughout the City. You and other members of City Council recently acknowledged the need to address some of these changes with the passage of the Livery Passenger Bill of Rights. We agree about the need to improve communication with FHV passengers and many of our rules are essential to ensuring that the enforcement of those rights can take place and are meaningful.

We are all here today because the FHV industry plays a vitally important role in New York City's public transportation network. This industry is comprised of 488 livery or community car services that operate throughout all five boroughs, 75 black car bases that provide service to private businesses within the Central Business Districts, and 172 luxury limousine bases that offer premium services for special occasions. With over 500,000 rides per day, the livery industry alone provides dispatched transportation to places like supermarkets, malls, local train stations, hospitals, airports, ferry terminals, business districts, and other destinations throughout New York City. These services are especially important in areas that are not as well served by other forms of public transportation.

While most of the time these services are pre-arranged between the customer and the local base, and the customer is picked-up by a TLC-licensed driver in a TLC-licensed vehicle, a continuing concern of the TLC is the existence of illegal activity including street hails, unlicensed drivers and vehicles that are unlicensed, low quality, or have not been inspected. The public expects to get into vehicles that are safe and reliable, and it is TLC's responsibility as a regulator to ensure those expectations are met.

Through work with community boards, Council members, industry members and members of the riding public, TLC recognized a need for increased accountability in the FHV industry. Furthermore, TLC's Board of Commissioners has repeatedly requested greater FHV industry accountability at public meetings. As you know, when base stations apply for a new license or renew one they already have, TLC's Board votes to grant or deny the application. In the last few years, TLC Commissioners expressed their growing desire for a systematic way to deal with bases with histories of bad business practices including numerous and serious violations such as dispatching

unlicensed vehicles or unlicensed drivers. The Commissioners asked TLC staff to develop an objective standard that bases and vehicle owners would be held to. These new rules are the response to that request – and enable TLC to take action against bases with bad business practices that result in illegal, unsafe or poor service. They also respond to concerns that have been voiced by members of community boards, the Council, TLC's regulated industries and the public.

Specifically, TLC found that FHV driver and vehicle owner accountability to the base station must be enhanced. The FHV industry as a whole must be more accountable to the riding public and the TLC. As a response to concerns that were raised, TLC began to look at ways to revise our rules to increase accountability. By strengthening the relationships between passengers and drivers, drivers and vehicle owners, vehicle owners and base stations, and base stations and passengers, we will decrease illegal for-hire activity through better education and communication with passengers. Passenger awareness will hold all FHV industry members more accountable for the service they provide. This will make it much more difficult for illegal or unsafe operators to stay in business. In turn, this will enhance passenger safety and restore a competitive edge to legal for-hire operators by increasing the value of FHV industry licenses and businesses.

The rules package is a comprehensive set of reforms that create stronger safety standards, strengthen incentives for higher standards of business operations and address the concerns and challenges of illegal for-hire activity. The new rules package is common sense reform that recognizes industry practices. It clearly sets out the responsibilities of the driver, the vehicle owner, and the base. It provides for stiffer penalties for illegal activities. It also advances vehicle safety standards by ensuring that all FHV's are inspected at TLC's state of the art inspection facility at least once during

their license term. Most importantly, these rules create a more effective means to communicate license information to the riding public through new exterior livery vehicle markings, the interior display of the driver's TLC license and the Livery Passenger Bill of Rights.

The strength of the rules rests in the fact that they reflect more than two years of extensive discussion with the riding public, the industry, analysis of enforcement statistics, field observations and extensive TLC Commission and staff time working together to develop a comprehensive set of needed regulatory reform. Starting in the summer of 2006, TLC staff did an extensive survey with community car service drivers to gain further insight into how this part of the industry operates. Nearly 6000 surveys were sent out across the industry and the results of this survey demonstrated how hard TLC licensed drivers work to make a living, how the service provided varies depending on the base station's location and clientele, and how licensed drivers must compete with illegal drivers and vehicles. Suppression of illegal or "pirate" activity, as many FHV business owners refer to it, is of great importance to TLC's regulated industries. Conversations with the riding public, including representatives from Councilmember's offices and community boards, confirmed the need for TLC to help the public differentiate between legal and illegal cars and drivers and set some basic and clear standards for for-hire vehicles. This initiative will standardize service across the five boroughs through clear identification of licensed vehicles and drivers, as well as mandatory TLC inspections for all FHV's so as to ensure vehicle quality and safety.

In January 2007, TLC staff made the first of three formal presentations about FHV reforms at a TLC public meeting. A portion of these rules were proposed at a public hearing in March 2007, when TLC staff made a second presentation on this subject. At least 15 people testified at the

hearing, including representatives of the NYPD, who voiced its support for these rules and their importance in assuring passenger safety. They spoke about the difficulty of preventing crimes and apprehending perpetrators because of the lack of a clear identity for FHV's, making it difficult to track down vehicles that were used during or after a crime. NYPD testified again two weeks ago, when they re-emphasized the importance of passing these rules.

In July 2007, TLC staff made a third public presentation on these issues. The presentation introduced ideas for improving FHV base and vehicle accountability. The Commissioners agreed on the ideas that were brought up at this time – increasing penalties for serious violations, revoking base licenses for repeatedly violating TLC Rules regarding licensure, including operating while on suspension, holding vehicle owners accountable for illegal conduct by drivers and cars, and requiring that bases and vehicle owners know the status of drivers' DMV and TLC licenses.

In sum, TLC staff has been discussing many aspects of these proposed rules since 2006. We have been working with drafts of the current rule package since this fall. We reached out to industry representatives, FHV passengers, community boards and spoke with approximately 250 base owners. TLC staff developed guides to the rules to make sure all stakeholders could gain a quick understanding of what was being proposed. English and Spanish versions of the guides were posted on the Web site along with the proposed rules and were e-mailed to everyone on TLC's list-serve, which includes more than 2000 people.

TLC staff had more than 30 meetings with TLC industry members, including numerous follow-up calls and e-mails to respond to all questions. Some of the groups we met with are the New York State Federation of Taxi Drivers, Black Car and Limousine Assistance Group (BCLAG),

Luxury Base Operator's Association (LBOA), New York Limousine Association (NYLA), Limousine Association of New Jersey (LANJ), Limousine Association of NY (LANY), United As One Base Association (UOA), the NYC Fleet Owner's Association and the NYC For-Hire Base Group. We received letters of support regarding the FHV rules from almost all of these groups before the April 16th hearing. In addition, Community Boards #4 and #10 in Queens submitted comments expressing their support for the rules.

Industry members spent a lot of time and energy working closely with TLC staff to express their concerns. The primary concern expressed to us by bases is about the penalty point system, so I would like to give you a detailed version of the penalty point provisions. The point system is critical to the rules' purpose of FHV accountability. These rules introduce a system of penalty points that is similar to the way persistent and critical violator points already work for TLC drivers. When a base or vehicle accumulates too many points, its license is revoked. Base licenses may be revoked if they get 6 points during the 3 year period of their licenses. Vehicle licenses can be revoked if the vehicle gets 4 points during the 2 year period of its license. When the base or vehicle licenses are renewed, they start their new license term with zero points for their new license period.

A vehicle receives a point for:

- Picking up passengers without a TLC license or if it is suspended or expired;
- Doing service without registration or if the registration is suspended or expired;
- Not meeting inspection requirements;
- Allowing the car to be operated by a driver who does not have a current and valid DMV license; and

- Allowing the car to be operated by a driver who does not have a current and valid TLC license.

A base receives a point for:

- Dispatching a vehicle that is unlicensed or suspended;
- An affiliated vehicle having its license revoked for accruing 4 points;
- Operating while its base license is suspended or expired;
- TLC needing to draw on its bond because the base did not pay fines; and
- Operating from an unlicensed location or moving without TLC's approval.

Due to industry concerns, TLC raised the maximum number of penalty points vehicles and bases can accrue before their licenses are revoked. This addressed concerns that bases and vehicles have no way to reduce points they receive. The TLC also responded by specifically asking about training courses that will allow for vehicles and bases to reduce their points in a Request for Information (RFI) we released this week that seeks input on education for TLC licensees.

With direct input from FHV business owners, TLC made sure the rules would allow for good businesses to thrive, while giving TLC more ability to take action against businesses that endanger the public. There were over 16 amendments made to the rules. Other changes included postponing the effective date of penalty points to give the industry time to implement policies and procedures. I have heard personally from industry members who felt we really listened to their concerns. They thanked the agency for listening to them and making the changes they requested.

Through this extensive feedback process, TLC has worked to develop standards that make sense for our regulated industries, while attaining our goal of ensuring passenger safety by requiring

enhanced accountability among the TLC, driver, vehicle owner and base/ business owner. From a passenger's perspective, it is difficult to know whether the car you are getting into is licensed properly, operated by a licensed driver and is actually the dispatched vehicle you have pre-arranged. The new rules will require that all vehicles have three required TLC permit stickers, one on the windshield and one on each of the rear quarter windows, to show that the vehicle is licensed by TLC to provide service. If it is a community car service or livery vehicle, it will also be required to have exterior markings with the base station name, license number and phone number on both sides of the vehicle or on the back of the car. In addition, all FHV drivers will need to display their TLC driver's license and vehicle licenses inside the car for passengers to see, along with the new passenger bill of rights in livery vehicles.

Taken together, these changes empower the passenger to make good decisions so they are able to get into a car that is safe, works with the base he or she called for service, and has a driver authorized to provide service to the public. These markings tell the passenger: this is a TLC licensed vehicle with a TLC licensed driver; this vehicle has been inspected by TLC, is affiliated with a base, and licensed to provide transportation. Other proposed rules that further enhance this accountability include rules requiring bases and vehicle owners to know the DMV and TLC license status of drivers and vehicles they dispatch and create new penalties, which can impact the vehicle and base owner for unlicensed operation.

In support of this effort, the TLC is undertaking its own efforts to make sure that license status information is readily available on its Web site every day. All base owners will continue to be required to provide correct and up-to-date contact information, maintain a record of all vehicle

dispatches and make sure that all vehicles and drivers affiliated with the base have current and valid DMV and TLC licenses. To encourage compliance, the TLC has made arrangements with the DMV to allow for DMV and TLC licensing information to be available online so that business owners can have instant, free access to the most recent licensing status of their drivers to protect against unlicensed drivers doing business.

The proposed rules package is extensive and will mean significant change to the industry. In response, the TLC has worked hard to develop a reasonable timeline for implementation as well as a bilingual educational campaign for both the industry and the riding public so that changes can be implemented, understood and successfully complied with. The TLC looks forward to the Council's continued support and the work you do with your constituents to make this reform package successful. Passenger safety has to be the first priority for this vital part of our transportation network. This must be coupled with support for our for-hire businesses that look to provide legal, reliable transportation. All New Yorkers deserve safe, legal and dependable transportation. The TLC believes that the proposed For-Hire Vehicle Industry Accountability Rules package will accomplish these goals.

Thank you for very much for your time this afternoon. I would be happy to answer any questions you might have.

A NOTE ON PUBLIC REGULATORY ISSUES IN THE PRIVATE PROVISIONING OF PUBLIC GROUND TRANSPORTATION SERVICE IN NEW YORK CITY

By Lloyd Taylor¹

Prepared for Oversight Hearings by NYC Transportation Committee: April 30, 2009
1.00PM

Purpose of this Note

To make the case for a regulatory impact assessment tool to evaluate the Accountability Rule Change as approved by the TLC Commissioners on April 16, 2009, on key policy objectives, including business profitability and long term industry viability.

To achieve that we must discover a set of criteria to help us 'read' the rules to determine what is very important and necessary; what may not be so necessary and therefore dispensable, if any at all. The 'read' therefore must enlighten us on the mass of data TLC presents us as rule change for the for-hire-vehicle industry.

Thirdly, we need to identify regulatory policy objectives with the justification provided by the needs of civil society that validate them.

The next step is to offer for consideration an analytical framework in the form of a simple static regulatory impact assessment matrix for ground transportation services. This framework will have the following objectives:

- To identify and define the policy objectives the rules target;
- To isolate the adjustment or response the rules dictate to licensees;
- To describe the likely and necessary costs of any required adjustment on the resources owned by licensees;
- To assess the impact of these costs on business operations of licensees, the FHV's industry's long term viability, its size or growth, ease of entry and exit and macro-economic contribution as a whole.

The central idea is to link rule change, policy objectives and their projected impact on key micro-economic variables some of which include: output/service availability/quality,

¹ Lloyd Taylor is a business and FHV industry consultant.

employment, profitability, earnings before taxes, competitive capability and the multiplier effect on the rest of the economy. The question that the exercise must answer is: Does the rule change reflect a proper balance in satisfying the objectives of civil society, collectively known as the public interest and good, and the need of business to survive, expand, create employment opportunity and grow?

To answer the question: Is balance projected in the rule change? it is necessary to devise a further method. We recommend extracting from the assessment matrix, a technique for approving or disproving rule change in terms of whether or not any bias that favors and aims to make an impact on the public good, impacts neutrally or adversely business and industry fortunes of ground transportation operations. The matrix should show if the policy objectives for the civil society and the regulator are achieved at the expense of the survival of FHV business.

To advance this analysis we need to enter background or baseline data on the key-stakeholders. Such data should offer empirical evidence that justifies the concerns of the different stakeholders, their strengths and weaknesses and their capacity to prevail or not prevail, without and with the intervention of the regulator. The data must be public knowledge and must not be accessible only to Commissioners. In the ground transportation industry business, that need has implications for the reporting obligations of the NYC TLC, as well as, the Operations Department for producing the Mayors Management Reports.

If we can do that analysis we will discover that we have problems with the following aspects of rule change:

- The Responsibilities of Base Owners
- The Penalty Point System
- Enforcement Off-street Parking Rules
- Shared rides
- Multiple –base affiliation for operators
- The capacity for untrammelled management decision-making
 - base relocation/renewal regarding NYCDOB/licensed location
 - OSP
 - Vicarious Liability

- Regulatory inflation

We will also discover that the rules are likely to reduce the size of the industry because many FHV livery bases have a low economic survival capacity built into their DNA.

Since we do not yet have a fully developed tool-kit in the form of a regulatory assessment matrix we can only conduct barely literate discussions about the rule changes that a majority of TLC commissioners voted for on April 16, 2009.

In October 2007, the Chair and Commissioner Matthew Daus indicated a personal investment in a comprehensive rule making exercise. He would not be detained by another Chair's request in Intro 257 for a drivers' manual. He also matched that commitment with a million dollar procurement proposal to TATC. Yet the language of the rules has not achieved the clarity and simplicity found in the manuals produced by Chairman Jay L. Turoff in 1979. After a decade of this energetic, hardworking and able public servant at the helm of the agency, I still await confirmation that he has succeeded in making the TLC regulatory savvy, in the proper 21st Century meaning of that word. It is impossible to discern what are the guiding principles that shape these rules? Nor is there better wisdom among base owners and drivers or even civil society represented as by the Community Boards. Two things mainly, matter: the law and how best to wring consensus from stakeholders. Consensus is not enough to deliver balanced rule making.

In the light of that observation, and to save the TLC from itself, I recommend that the NYC Transportation Committee amend Chapter 65 of the New York City Charter, Local Law 12 of 1971, to set out guidelines that compel the TLC to ~~pay~~ pay attention to the survival capacity of its licensees. We want some reliable guarantee that we can pass the FHV industry to future generations with an asset base for growth. Before we travel too far into the next decade, we should begin with a frank conversation that confronts the truth of the FHV industry in all its raw dimensions. We need more measures to revitalize this industry, before we can begin to talk about accountability rules. I wish to thank you for your kind attention and await any questions.

April 30, 2009

Mr. Gary Altman
The Council of New York
Office of the Speaker
City Hall
New York, N.Y. 10007

Dear Mr. Altman,


The new for-hire rules will add another dimension to the inspection process for our vehicles. Inspecting a vehicle that is not a new medallion vehicle can become a more complicated process than just attaching the vehicle to a scanner.

There are times when a battery has been changed or a sensor is out and the monitors come up as "not ready". At this point mileage needs to be put on the vehicle to reteach the monitors, when in fact there is nothing wrong with the vehicle. This records as a failed inspection. There is also no way to determine how much mileage needs to be put on the vehicle in order to reset the monitors.

I am also upset that the drivers must display their original license on the back of the driver's seat as opposed to a copy. I believe that a location in the front of the vehicle might be a better choice.

I would appreciate your consideration in revising these rules.

Thank you,

A handwritten signature in cursive script, appearing to read "Richard D. Pearlman".

Richard D. Pearlman
E.MAIL RICHARDDP113@AOL.COM



**Public Testimony – New York City Council
Transportation Committee
April 30, 2009**

Dear Mr. Chairman:

I am Sergio A. Sanchez, President of the Luxury Base Operators Association (LBOA) and pleased to have this opportunity to express our members' comments about the TLC Rules.

We were caught a little off guard about these rules and had to respond very quickly which is our first concern. As we understand the proposed rules were published in the City Record but it is not a routine function of a base operator to check it every day.

Because of the timing of these Rules it became known to us almost at the last minute. Multiple industry meetings and discussions were held resulting in an excessive amount of wasted time, money and effort.

We met with many of the associations in developing an initial Position Paper which is attached to this testimony for your general information.

We were fortunate to meet with the TLC staff and about 8 different associations but nothing of substance came from that meeting.

Later we were called in for individual separate associations meetings to discuss and negotiate many of the rules.

In any negotiations both sides are never 100% satisfied but we felt that we were able to obtain significant benefits for our Luxury segment of the industry.

We then offered our support for the passage of the rules.

We want to point out that we support the recommendations being made today about the specific rules and will let the other organizations explain the details.

Our specific concerns and suggestions as they apply to our Luxury base operators are:

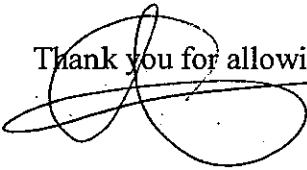
- Immediate Recommendation: Wherever the wording within the rules state either Luxury Limousine or just Limousine that the word "base" be added to avoid confusion.
- Long Term Recommendations:

Rule Change – The definitions need to be changed to eliminate any reference to a particular type of vehicle and that Luxury licensed bases be labeled as just "Luxury Base" with the elimination of the word "limousine"

1. The Diamonds be either color coded or annotated so enforcement personnel will be able to easily identify the affiliation. The use of coding might be as simple as adding to the license an LX for Luxury, BC for Black Car and CC for Community cars.
 2. There needs to be established an industry wide council of associations and industry leaders to meet regularly with TLC Staff for ongoing exchange of ideas and information. As a minimum this groups should be consulted well in advance of any anticipated changes in rules or operational matters which will impact on the TLC, base operators and chauffeurs. We suggest that any recognized formally established association or trade group be included based on 1 member per association. The use of any quantitative basis for selection should not be considered as there can be a variety of criteria and is not a valid approach.
- The point system should be clarified when it comes to the number of points assessed against a base during the time the driver/vehicle is affiliated with that base. If a driver/vehicle has 2 points and is disaffiliated with the original base, then moves to another base why should does new the new base have the previous 2 point deficit with the new affiliation?
 - Hand Delivered suspensions, revocations or expired. There needs to be guidelines or examples for such delivery action? Almost any violation could be hand delivered. There should be some examples of what type or for what reason there may be hand delivered.
 - If a violation is hand delivered the base has to immediately stop all operations. No base can stop immediately as there will be trips in progress. There needs to be some time frame (48-72 hours) in order to stop a time given to correct the problem in case there are errors in the reasons for the hand delivered violation. Naturally, if there is some illegal violation which involves the NYPD, FDNY or similar situation that is another matter.
 - Codifying of Rules – the rules should be set up into sections as they relate to each type of license/base to eliminate confusion. The current set up lumps all the rules which do vary as to the type of licenses together requiring a full time lawyer to explain.

- The City Council should look into the off street parking regulations so as to update them in light of current business and community realities.
- Point Reduction Program – the new rules are to be effective on 6/1/09 but there should be an expedited date, within 90 days, for an equally important program for reducing points.
- We believe there is a need for the New York City Council, industry associations and the TLC to work together to expand the TLC's jurisdiction to control and eliminate illegal bases and vehicles from operating in New York City.

We do not oppose regulations which we feel will only help the ground transportation industry and eliminate illegal operations.

 Thank you for allowing me to present our concerns.

Sergio A. Sanchez

President

Attached: Position Paper



Position Paper

This paper is a coordinated effort by the various associations and industry leaders in an effort to work cooperatively with each other and the NYC TLC in having rules which improve the ground transportation industry. We recognize that self-regulation is not always possible, but industry input is necessary before rules are established in order to consider the operational problems of the bases, owners, chauffeurs and the TLC. While the TLC is protecting the public there are business practices and issues which affect our operations, and the needs and desires of our clients must be addressed.

Accountability

We believe in accountability of all parties for violations and to assist the TLC in such functions. However, it is not equitable to hold the base or vehicle owners equally responsible for certain actions by chauffeurs when direct control is not possible. We do feel that the base and owner need to be informed when such violations or infraction occur. We would suggest that when this happens, the base and owner be informed by direct mail and not just posted on a web site. It would be a huge drain of time and staff to be responsible to check each chauffeur every day in order to comply. Additionally, being penalized for such violations in an equal amount is not fair.

This proposed system needs to be reconsidered and a more equitable method of accountability be developed.

Suspension, Revocation, Expiration

These three functions need to be separated from the base, owner and chauffeur. The inclusion of the terms "jointly and severally" needs to be removed wherever it is found in the rules.

Penalty Point System

We accept and agree that such a system should exist, but we feel it needs to be further discussed before the current proposal is approved. The rules should allow the base a reasonable time to correct situations within (e.g. 45 – 60) days depending on the nature and extent of violations.

Another aspect of the Point/Suspension system which should be addressed is the need to make the points scalable. This hurts both large and small firms. On the one hand, a fleet of 100 cars is

allowed the same number of points as a fleet of 10 cars. At the same time, a 10 car base would be losing a full 10% of its fleet if it were forced to take just one car out of service. Also, to suspend a base for 30 days or revoke its license is a death sentence. We feel that there should be strong consideration given to how this would impact the individual chauffeurs and other employees who would become jobless in this circumstance and the NYC economy overall if bases were forced to close.

Further, the concept of a base or owner being directly responsible for each chauffeur has an impact on other legal actions involved with the status of independent contractors being treated as employees. Currently, the NYS Department of Labor is making decisions against independent contractors and classifying them as employees based on the extent of the base/owner "exercised a substantial degree of supervision, direction and control over the drivers". This is resulting in retroactive payments for as much as 3-4 years for unemployment insurance and can bankrupt a base or owner.

DMV – Base/Owner Monitoring

We feel that this idea is extremely problematic. We do not and cannot have access to the DVM reports. Privacy laws prohibit this. There are several commercial third party firms that claim to be able to provide such information but based on anecdotal evidence, none are reliable enough to allow compliance with your new regulations.

We would be extremely pleased to get up to date information from both the TLC and DMV if the two agencies could provide it to bases or owners (with chauffeurs' consent.) Under current circumstances, however, it would be very difficult for us to procure these ourselves.

TLC – Vehicle Safety Inspections

We feel that this rule is too much of a burden on independent chauffeur operator/owners; owners and base operators. We do think that the TLC will need to operate such a facility 24/7. This requirement will be taking too much time. We expect long lines waiting for the inspections during prime business hours will adversely affect the bases and drivers income. NYS Authorized inspection facilities are located throughout the city and most chauffeurs have the convenience of stopping near their home, either before or after a busy work day.

3 Stickers (Diamonds)

Most high-end business clients prefer to be less conspicuous in making themselves or clients know when traveling. The requirement of 3 stickers will result in a needless indication that the vehicle is not their own. We recognize that this is a prestige factor but that is what they are paying for. We recognize that this may not seem important, but it is important to the clients who pay the bills. This is one of the things that they are paying for. Three stickers would hardly be needed by the TLC to observe which vehicles are FHV but it does at the same time adversely advertise that fact to the general public and our clients' guests. Also, many luxury vehicles have tinted windows which will diminish the visibility of the three stickers. Our license plates certainly make us visible enough for enforcement.

Language/Definitions

There is confusion as to terms and definitions throughout the proposed rules. In some places, it refers to "base", "base owners" and "base stations", and we have been informed that sometimes it refers to all bases or livery (Community Cars).

Codifying/Separate Sections

We believe that the rules should be better organized so that each category clearly can find and use those rules that apply only to that class of vehicles and bases. Some sections or rules would have to be duplicated but it would be a much clearer way to know exactly where to find the rules and not lump them together. The total compilation of Rules is causing confusion and total misunderstanding.

Affiliate System

While we understand the intent to limit an affiliation to one base there are several problems which have not been addressed.

- It should be allowed that a base can dispatch to another base trips and not limit it to just handicapped situations. This is a necessary business function of all bases for such things as work flow; and specialty vehicles (stretch limos, vans, mini-buses etc).
- Consideration for those situations whereby an individual owner-operator owns 1 stretch limo that would be tied to only 1 base. The rules would prohibit that owner-operator from being able to have sufficient work and therefore income.
- As indicated earlier, this affects to independent owner/operators on other legal actions involved with the status of independent contractors being treated as employees.

Off-Street Parking

We understand this concept originated from City Hall. The industry most immediately affected is working with City Hall to have this amended; we believe that this should be withdrawn from the TLC Rules Project. We fully believe that the affected industry will be successful in convincing City Hall as to the need to be more current in light of the changes in the industry and overall business environment.

Recommendations:

It is our desire to work with the TLC on these and all other related matters and feel the following actions should be taken:

- The vote on the new rules and regulations scheduled for April 16, 2009 should be postponed pending further modification of these rules.
- The TLC should actively seek input from groups of operators, base owners and chauffeurs to work with the TLC in amending these rules.
- Routine meetings should be arranged between industry operators, bases and industry leaders and the TLC to work on developing and enforcing rules and regulations that protect the riding public and allow the ground transportation industry to continue as a part of New York City's economic engine to generate jobs for New York's workers.

This position paper has been coordinated, developed and agreed to by:

Limousine Association of New York

New York Federation of Taxi Driver

Nassau Suffolk Limousine Association

Limousines Associations of New Jersey

New York Coalition of Base Owners

Westchester Liaison of LBOA

Black Car Assistance Corporation

David Eckstein – NLA Board of Directors – TLPA Committee Member

Dawson Rudder – NLA Board of Director – TLPA Member

Avik Kabessa – Member Board of Directors of the Independent Livery Drivers Benefit Fund.

All Operator Members of the Luxury Base Operators Association (LBOA)

Partners Executive Transportation

Leros Point to Point

Goldcrest Transportation

Bens Luxury Car & Limousine

BCL Network

Boston Coach

Aviana Group Transportation

Capricorn Limousine Service

Europe Limousine

Flyte Tyme

Red Oak Transportation

Regal Carriage

Pinnacle Car & Limousine

Town Car International

Valera Global

Commonwealth

Mirage Limousine Service

Delux Transportation Services

Henry's Limousine

Regency Limousine



Sergio A. Sanchez

President

SAS/gbp

WISH LIST TO THE TLC and CITY COUNCIL
ON BEHALF OF THE FOR-HIRE INDUSTRY

Dear Councilman John Liu, Councilman Miguel Martínez, and Transportation Committee:

The following is a wish list(in **bold**) which shows that the rules are not ready to be implemented. The rules are taken from the Taxi and Limousine Commission(TLC) proposed For-Hire Vehicle rules presented at the public hearing at 40 Rector Street on April 16, 2009:

- Addition of a provision specifying that the fare quote from a livery base is binding unless the passenger changes the trip after the fare quote is given **(and/or unless waiting time becomes part of the fare.)**
- Addition of a provision specifying that only livery bases must give passengers price quotes **(and/or the waiting time rate policy)**
- Addition of a provision allowing a visual inspection of a full DMV inspection, for a new vehicle (less than 500 miles **(less than 30,000 miles)**)that is presented for initial licensure **(provided that title does not state a salvaged vehicle)**
- Increase in the number of points required for revocation increased to four for vehicles and six for bases **(with a reduction program of at least 6 months to reduce a point without a class and/or with a class to reduce a point upon completion of a class at least once every three months.)**
- Elimination of the proposed changes to off-street parking requirements (off-street parking requirements remain as stated in existing rules) **(An exemption of the off-street parking may only apply if any base presents three letters of realtors or parking facilities within closest proximity to the base station stating: no parking available for 51% of cars of their fleet/drivers.)**
- Addition of a provision that a base station license suspension that is imposed following a hearing (including an inquest) does not take effect until tendays after certified mail service of notice of the suspension. Only if notice of the suspension is delivered by hand to the base station does the suspension take effect immediately. **(==Comment: this rule will expose TLC to lawsuits from drivers, leasing companies, insurance brokers as well as base owners**
- Vehicles can only affiliate with only one base at a time.**((6-11)(t))(Drivers as well as base owners lose income from deprivation of farming out from other bases)**

--- Please let me know if the rules below do not reflect basis for your rulings as I would like to know.

US CONSTITUTION Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Vehicle and Traffic Law 2003-2004 Edition §121-e Livery.

Every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. However, it shall not include vehicles which are rented or leased without a driver.

- A Livery Advisory board should have been in place to decide many of these matters. The board should be representative of the base owners and drivers. They should serve from 1 to 2 year terms. All meetings should be open to the public. All meetings should have minutes published on the TLC website.
- A translator should be readily available in languages that are prevalent in the industry during public hearing sessions as well as all published information.

Mr. Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor, New York, New York 10006
Telephone: 212-676-1117, Fax: 212-676-1102
TTY/TDD: 212-341-9596; Email: tlcrules@tlc.nyc.gov

GRIEVANCE CLAIM

Dear Commissioner Fraser,

This Grievance is filed in response to the Public Hearing that the New York City Taxi and Limousine held on April 16, 2009, at 40 Rector Street, 5th floor, New York, NY 10006. The results of the hearing and the VOTING ON RULES should be voided for the following reasons:

Number 1) The meeting was titled the following: NEW YORK CITY TAXI AND LIMOUSINE COMMISSION; Notice of Public Hearing and Opportunity to Comment on Proposed Rules
According to the title, no mention of voting should have taken place.

Number 2) Commissioner Edward Gonzalez made a motion to vote on the proposed rules but never specified WHICH rules. There are at least two copies circulating; the second set was given to me by Councilman Miguel Martinez's office on April 14 and a group of about 15 others present that day.

Number 3) The cover sheet stated that "Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than April 10, 2009 to Commissioner Charles R. Fraser. This was not possible because: A - comments could not be submitted in time for the April 14th amendment and B - the April 14th copies were not made public. Copies of amendments were made available at the hearing (only an abbreviated version), but were not identified as different from the one originally posted on TLC's website. This made two sets of rules that could have been voted upon – the change on the website did not occur in a timely fashion.

Number 4) There is a conflict of interest since most of the proposed rules do not reflect drivers' input(s). Effectively this means that livery and independent drivers were denied representation. A board of owners/drivers/representatives should have been in place to take care of such decisions; not one specific entity throughout the whole process.

Number 5) The timing of the hearing (Easter Week/Passover) limited the ability of some people to participate. This is unfortunate for what was portrayed to be a public hearing and opportunity to comment.

Number 6) Of about 35 people and three city councilpersons who commented on the proposed rules, only two were in favor of the proposed rules (NYS Federation of Taxi Drivers). A total of 110 petitions plus city council requests were presented to TLC and were completely denied by the chairman and commissioners on postponing voting. No petitions were presented in favor of TLC's rulemaking.

Respectfully yours,

David Diaz
Livery Association of Drivers and Bases
c/o Tailor,
97 Rivington Street
New York NY 10002
347-547-6292, dlivery@msn.com

The following is a wish list to be reviewed by your Legal department.



5911 4th Avenue, Brooklyn, NY 11220
(718) 492-7680, Fax (718) 492-0430

April 30, 2009

First, we like to thank Chairman John Liu, council member Martinez and the rest of the members of the Transportation Committee for inviting us here today.

We are happy that the city council is working so close with the for-hire vehicle industry and we are glad that once again the current council members that are part of the transportation committee care enough about the for-hire Industry to have us here again.

The New York State Federation of Taxi Drivers advocates and works not only for the rights to defend its members but also works with City and State Officials in bringing about rules and regulations that are fair and making sure that our members can comply with and not face unnecessary hardship. We have worked very hard with the transportation committee for the benefit of the drivers and other industry stakeholders, some of these past legislations include, Intro. No. 178-2003 in relations to defective trouble lights, giving the driver the opportunity to carry extra light bulbs and correct the problem, instead of facing a summons sponsored by Council member Reyna, another one sponsored by council member Martinez Intro.No.256-A in relations to the administrative tribunal of the TLC, affording more due process for drivers and owners. Let us not forget that we must also protect the riding public and it made us very proud to take part with this committee and especially Council member Garodnick the main sponsor of the For-hire Vehicle Passengers' Bill of Rights. Finally yet importantly, we want to comment and thank Council member Dickens for helping us and taking the initiative to bring about a plan of introduction of the Drivers Bill of Rights, affording the drivers a last some peace of mind.

For the past two and half years we have been working with the Taxi and Limousine Commission to bring about changes to the for-hire industry hoping to eliminate the illegal activities, the private vehicles and operators taking advantage of the hard working legitimate drivers, owners and base owners. In the last month and half the Taxi and Limousine Commission, published a set of new rules to make the vehicle and base owners more accountable for compliances. After reading these rules we became concerned with some of the rules and penalty that were going to be proposed, we let the TLC know of our concern and we had meetings with our members, continuing to our efforts we met with other industry representatives and formulated a working document to present to the Taxi and Limousine Commission, after numerous meetings of negotiations with TLC. The Federation was able to have TLC modify about 95% of what we had proposed to them, some of this concern that we were able to help change were:

1. The elimination of the 10 days waiting period to disaffiliate a vehicle, instead valid proof of mail will be valid to hold the base harmless from that vehicle.



NEW YORK STATE
FEDERATION OF
TAXI
DRIVERS INC.

5911 4th Avenue, Brooklyn, NY 11220
(718) 492-7680, Fax (718) 492-0430

2. Elimination of point on bases and vehicle owners if a driver does street hail.
3. A ten-day waiting period after base suspension before base receives a point.
4. Elimination of points for bases and vehicles owners if stickers are removed.
5. Additional harsh penalties for off-street parking.

While this are some of the changes they are additional ones that were revised has well, while we did not accomplish 100 % of our negotiations especially with penalties points we belief that we made substantial progress for the industry.

Thank you,

Franchie Muniz
Executive Director

Jose Vilorio
President

Public Testimony – Transportation Committee

Dear Mr. Chairman:

My name is Avik Kabessa, member of the New York Coalition of Base Owners, the NYS Federation of Taxi Drivers, and the proud owner of Carmel car service.

I am in complete support of the priority list and the many other points presented here today, so, instead of repeating them; I would like to approach the issue from a different angle.

The events of the last 6 weeks have left me puzzled and concerned. Concern that the TLC's process of designing a regulatory framework for the livery industry was initially entered into WITHOUT the input of those most effected by such rules:

The TLC of the past six weeks is not the TLC I know.

For the past seven years I have worked closely with Commissioner Daus or his staff.

I worked with the TLC on the city's 311 pilot program of wheelchair accessible yellow taxis, the Anti-hustling bill in Albany, and still working with the TLC trying to solve the issue of wheelchair accessible transportation in the outer boroughs.

For this reason, it is so puzzling and concerning that the TLC has been working on the proposed rules in secrecy for the last two years.

The industry was in a serious threat to its existence and unless we learn what happened, it can happen again.

It should be noted, that once the rules were published, four weeks before voting on them, both Commissioner Daus and his staff met with the industry above and beyond anything I saw before.

Nevertheless, where all the various For-hire associations told the TLC how devastating the effect of part the rules would have on the industry, the TLC refused to accommodate the industry. Lets not forget the complete and strange disregard to the Jewish holiday.

So I ask the question of why?

Why did this rulemaking process had to include a confrontation between the industry and the TLC? Why did it take the involvement of Council Members before the TLC made changes, changes the Commissioner himself called “common sense” changes?

Where was that common sense before?

I would like to state here on record, that I value Commissioner Daus and his staff very much, that Mrs. Samara Epstein is a hard working public servant, and that the TLC of the last seven years is the best TLC I ever dealt with in my 25 years in the industry, but this time they were wrong big time.

It can happen to anyone and it happened to the TLC.

To avoid such risk to the industry in the future, my wish list from the honorable council members is as follows:

1. Create a For-hire advisory board to the TLC.
2. Legislate a law that will prohibit voting on a TLC rule after only one public hearing.

As a point of public policy there should first be a public hearing so the TLC can really hear the public’s voice, then a deliberation period for the TLC to digest the opinions at the hearing and make appropriate revisions, and then a second hearing for final comments and voting

3. Limit the amount of rules that can be changed and/or amended per proposal.
4. Find a way to correct the items listed in the priority list

The industry should be busy generating jobs and revenues for the city by paying taxes, not fines. The industry should not constantly be concerned that government will regulate it out of existence.

Thank you

Avik

Livery Base Owners Coalition

Testimony

Dear Honorable City Council Members,

We would like to thank you for the initiative you have taken and the oversight hearing on what is the impact of the new for-hire vehicle rules on the riders, drivers and industry.

The TLC's refusal to postpone voting on the rules, the rush approach to a gigantic rules change, and the disregard to the Jewish holiday, left many in the For-hire industry with high level of frustration.

Furthermore, although many positive changes were made and Commissioner Daus, in a press conference, called them "common sense changes", these changes were made at the last minute (as little as 48 hours before the vote), rendering the proposed rules a "work in progress" with many other issues to correct, instead, it was rushed to be voted on and became a law the industry will have difficult time complying with.

Therefore we are very grateful to the transportation committee for its initiative and we would like to take this opportunity to correct what still requires correction, to take action that will prevent such rush process from recurring, and to help set some ground rules in preparation for the TLC's phase 3 (which includes policy changes)

The For-hire Priority

(The industry's wish list is presented here first as it relates to the new proposed rules and than in relation to the TLC rules in general, new and old)

On the newly passed proposed rules the For-hire industry would like the help of the City Council in the following:

1. Make it mandatory for the TLC to form and consult with a For-hire

Advisory Board before proposing any new rules and/or amending existing ones.

The For-hire Advisory Board should consist of 12 representatives from the industry in accordance to their size in the industry and should be the following:

- 1 base representative from the Luxury Limousine
- 2 base representatives from the Black Car
- 3 base representatives from the Livery
- 1 Driver representative from the Luxury Limousine
- 2 Drivers representatives from the Black Car
- 3 Drivers representatives from the Livery

The For-hire industry was at a high risk of extinction and should not be placed again in a situation where it must fight for its survival. If a For-hire advisory board existed, the original proposed rules would have never been what they were.

2. **Rule 6-29(c)** provides that the base receives a point when a vehicle receives four points (which results in the revocation of the vehicle's license).

The industry has a serious problem with this rule for the following reasons:

- **It exposes the bases to lawsuits from the driver**
 - The base's only mean of protecting itself against a point will be to disaffiliate the vehicle when the vehicle reaches two or three points, **creating a situation where the vehicle is considered legal by the TLC, but cannot be affiliated with a base** as no base will take the risk that the vehicle acquire another point resulting in a point to the base.
 - **This TLC rule forces the base to disaffiliate a vehicle because of what the vehicle may do, not because of what it did**- disaffiliation may be the basis for lawsuits (discrimination, in the case where the driver also owns a franchise, which can cost \$20,000 - \$60,000, financial loses, and human rights violations, regardless of policy).
- **It places the bases as hostages to the driver/vehicle owner**
 - One violating vehicle receiving four points results in the base receiving a point (out of six "allowed")
 - The TLC notification of the vehicle's point comes after hearing. A vehicle with 4 different summonses that the base does not know about may get 4 points before the base could disaffiliate the vehicle, and the base will get a point with no ability to defend itself.
 - The base, as per the TLC rules, must enforce the TLC rules including oversight of driver/vehicle interaction with passengers. This oversight may result in an adversarial relationship between driver/vehicle and the base. If such a situation develops the driver is placed in the position of intentionally costing the base a point. Result: Bases will be hesitant to "oversee" the driver/owner's interaction with passengers thereby lowering the service level of the riding public.
- **It does not distinguish between bases under which vehicle points were allocated**
 - A vehicle with three points allocated to it while the vehicle was affiliated with another base may get its fourth point under a different base. Under this situation the last base will be allocated a point **even if the vehicle received only one point while affiliated with the current base**
- **It will increase illegal activity**
 - The above demonstrates that bases will disaffiliate vehicles when a vehicle reaches two or three points AND it is likely that no base will affiliate a vehicle with two or three points;
 - A vehicle license is revoked if the vehicle is not affiliated with a base for 60 days
 - A vehicle that is disaffiliated with no base to affiliate with will resort to illegal street hails for 60 days. Subsequently, the illegal operator will operate under private plates and engage in illegal street hails.
- The For-hire industry recommends the TLC to amend 6-29 (c) in one of the following ways:
 - Delete rule 6-29(c)- once the vehicle is revoked, the base's accountability starts; or
 - Apply the penalty point only if all four points attached while affiliated with one base; AND

- Allocate **only one penalty point** per vehicle, per five days period (to allow the base reasonable opportunity to learn of the vehicle's statutes and take appropriate action) and **do not give a penalty point to the base if the base disaffiliates the vehicle before the vehicle reached four points even if the vehicle reaches four points because of the vehicle's violation while affiliated with the base**

3. **Rule 6-04(a)** will allocate a penalty point to the base if operating while suspended, revoked or expired. The rules specifies that suspension will take effect 10 days from being notified via certified mail, OR **immediately if hand delivered**

- The industry supports rules that create better business practices. Therefore, the industry accepts the point when under revocation or when expired. However, the industry believes that the TLC's MUST develop a rational due process system. Accordingly, the industry rejects receipt of a point for operating while suspended under the above provision for the following reasons:
 - The TLC writes summonses to base because of driver/vehicle owner's mistakes. Such summonses are written without the knowledge of the bases.
 - The TLC sends the summonses via **regular mail**. It is the industry's experience that such mail OFTEN does not reach the base.
 - If the base does not attend the hearing (because the base was unaware of it) and the violation carries suspension (many do, **even for a minor violation of base's record storage, or ONE driver not possessing a distress light**), **the base will run into suspension without knowing**
 - In the above case, if a TLC officer comes to the base and hand delivers the suspension notice, the base must stop operation. No base can stop operation on a dime, and 6 drivers, stopped by TLC inspectors in the field, will result in the base receiving one point per driver and thereby force the base out of business. This extraordinary egregious result occurs without the base being provided proper due process.
 - The hand delivery option places the base at the mercy of the TLC.
 - The TLC partially accepted the industry's solution, but needs to complete the change. The For-hire industry recommends the TLC to amend it in one of the following ways:
 - Delete the Hand Delivery option; or
 - Make the suspension effective 3 business days after hand delivery; or
 - Specify the exact extreme cases (the TLC claims it requires the hand delivery option for extreme cases); or
 - Send all summonses that carry suspension as a possible penalty via certified mail; or
 - Add language that excludes the option of hand delivery making the suspension effective immediately, if suspension was the disposition of a hearing the base did not attend (absentee judgment).
4. **Rule 6-29 (g)** provides that "The Chairperson shall develop a point reduction program applicable to vehicles and bases"

The point reduction program is critical to the success of the TLC regulatory scheme and as such should have been addressed in the proposed rules.

Given that a date for such program was not set, there must be a deadline for such program to be established.

- The For-hire industry believes that the TLC should do the following:
 - Come up with such point reduction program before August of 2009; or
 - Postpone the start of the point system until such program is established; or
 - Establish that one penalty point is dropped from a base or a vehicle if such base or vehicle did not receive a point in the six months following receipt of the initial penalty point

(The reason for six month is as follows: A base license is revoked if it reaches six points in three years. i.e., a point per six month. Similarly, a vehicle license is revoked if it reaches four points in two years. i.e., a point per six months)

5. Rule 6-22 “The Penalties”

The TLC has doubled and sometimes even more than doubled the fines. The TLC also added numerous new fines. All that when the country is in one of its worst economic state.

We are not asking to protect the malicious violator; we are asking to protect the base owner, the vehicle owner, and the driver who may have made a human error. Many of our members became the sole providers of their household because their spouses lost their job. The TLC doubling of the fines may cost an innocent, humanly mistaken person, his/hers week's earning.

We respectfully request that the City Council will instruct the TLC to postpone the increase of the fines until the economy recovers, or at least limit the increases to the second offense

6. Rule 6-29(d) provides that “The license of any base that accumulates six penalty points for occurrences during any license term shall be revoked.”

The For-hire industry objects to the whole concept of the penalty points, but, if must exist, it should be in accordance with the base size.

A base of 20 affiliated vehicles can't be looked at the same as a base with 200 affiliated vehicles.

The For-hire industry recommends to the TLC to have a scale of points allowed before revocation in accordance to how many vehicles are affiliated with a base.

One possible scaling can be as follows: 6 points may revoke the license of bases with up to 50 affiliated vehicles, and each 50 more affiliated vehicles will add 1 point (so 1-50 vehicles, 6 points; 51-100 vehicles, 7 points, etc')

Setting the guidelines for phase 3 of the TLC

On the old and new existing TLC rules

The For-hire industry requests the City Council review of the following:

1. Improve the existing rules (old and new) to place accountability where it belongs:

- Many of the TLC rules suspend bases for vehicle and driver action.
- Many of the TLC rules suspend the vehicle for driver action.
- A base can only prevent what the base can control and the vehicle owner can prevent only what the vehicle owner can control.
- The For-hire industry recommends the TLC to revise its rules in phase 3 to implement the following:
 - Each rule should be revised as to which entity is the Primary Violator, the Secondary Violator, and the Tertiary Violator; than
 - The Primary Violator should suffer the maximum penalty for said violation.
 - The Secondary Violator should either be notified of the violation and/or suffer minor consequences.
 - The Tertiary Violator should only be notified of the violation.

2. The Off-street parking rule

The current off street parking rule is outdated for the following reasons:

- A. It was made when bases owned their vehicles and drivers had to come to the base to get the car or to change shift – Most (90%) of the bases today operate with owner operators who own their cars.
- B. It was established when a driver had to come to the base in order to get his/her trip schedule for the day (in days long gone, drivers use to get the whole day schedule) – no base does that today and trip information is provided electronically or via two way radio.
- C. It was developed with the conception that bases were only community car services, serving their community only. Times have changed and bases utilize advertising and affiliate with other bases (especially with black car companies). Additionally, car services are now serving a much wider geographic area. Riverside/Online for example is located at the upper west side, but many of its customers are from the hotel districts, midtown and downtown.
- D. It ignores cases where the base's headquarters is in one location, but all communications and interactions with the drivers take place in a remote location (garage, drive through, etc')

It is a fact that all bases that do not own their vehicles, DO NOT USE 1% OF THE SPACE THE TLC REQUIRES THEM TO SECURE, thus, this provision is completely outdated.

The Livery industry is not asking the Council Member to eliminate the need to control the way vehicles behave around the base. What we are saying is the following:

1. The TLC added 4 more rules to control vehicles' behavior around the base, and we agree with all of the added rules (not to double park, not to make noise, not to loiter, and to obey traffic laws). We feel that the four added rules should be enough to control the issue
2. We wish to work with City Hall and amend the off-street parking law to provide, for example:
 - A. It should apply to bases that own their cars or 50% of their cars.
 - B. It should apply to bases that in the course of its license term received X amount of summonses for violating the four added rules.
 - C. The City Council should establish a law that no for-hire vehicle is allowed to park by a meter, or allocate 2 meters per block where for-hire vehicle may park (not reserved for them, just if available, they will be allowed to park there).
 - D. Any other changes that will secure the fact that if indeed a base owner has an issue with vehicles generating summonses for the base, than the base will be required to acquire parking spaces.

3. Expand the TLC Jurisdiction to Include Illegal Operators with Private Plates and Illegal Bases Operating from Illegal Locations

According to the TLC, its jurisdiction with regards to vehicles with private plates and unlicensed bases operating illegally are limited and very cumbersome.

The Industry strongly believes that the many complaints the TLC receives from the City Council's constituents and the riding public, stem from vehicles with private plates (illegal operators), resulting in frustration on the part of the TLC and, accordingly, the development and now implementation of onerous rules on the legal operators.

The industry seeks the help of the city council in the following:

- A. Expand the TLC jurisdiction over vehicles with private plates, allowing the TLC the jurisdiction to confiscate a vehicle with private plates performing an illegal street hail.
- B. Facilitate the TLC's ability to padlock an unlicensed, illegal base (as it stands today, the process is very long and cumbersome, and all the illegal operator needs to do is forward the phones to another illegal location).

With highest regards

The New York Coalition of Base Owners

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 4/30/09

(PLEASE PRINT)

Name: FRANCHIE MUNIZ

Address: _____

I represent: NYS FEDERATION OF TAXI DRIVERS

Address: 5911 4 AVE BROOKLYN NY 11220

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Darlyn Sanchez

Address: 340 Frost Street 1B Brooklyn, NY

I represent: V.A.O. T.L.C. Base Owner Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 5-30-09

(PLEASE PRINT)

Name: Marianne Mayanceles

Address: _____

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Arthur G. G. G. G.

Address: 566 Industrial Loop ST

I represent: Fleet Livery Owners Ass of NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: MOSES VETUZ

Address: 31-25 89th E. Elmhurst NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 04-30-69

(PLEASE PRINT)

Name: Rafael Rosario

Address: 2344 94th Street Queens

I represent: myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 04-30-69

(PLEASE PRINT)

Name: TORRES-FERRER, N I

Address: 68 ADOLPHUS STREET / JAMAICA NY 10705

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: WILLIAMS

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 4-30-09

(PLEASE PRINT)

Name: FERNANDO GARCIA

Address: _____

I represent: ASOCIACION TAXISTAS INDEPENDIENTE N.Y

Address: 200 WYCKHAM #07 10040

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: TAREK MALCART

Address: 43-23 35th ST. LIC NY 11101

I represent: Dial 7 CAR & LIMO & LIVERY BASE OWNERS COALITION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: DAVID DIAZ

Address: 917 RIVINGTON ST

I represent: Livery Assoc. Drivers & Bases Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/09

(PLEASE PRINT)

Name: Isabel Guzman

Address: 110-68 Corona Avenue Corona N.Y. 11368

I represent: Cibao Radio Dispatch (BOL663)

Address: 112-44 Roosevelt Ave Corona N.Y. 11368

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 4/30/09

(PLEASE PRINT)

Name: JOSE RODRIGUEZ

Address: 127 WYCKOFF AVE BROOKLYN NY 11220

I represent: FENIX CAR SERVICE

Address: 858 SHERMAN AVE RIDGEWOOD NY 11387

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 4/30/09

(PLEASE PRINT)

Name: ROBERT MARKEL

Address: 41-24 39th ST SUNNYSIDE N.Y. 11104

I represent: METROPOLITAN LEASING LLC

Address: 41-24 39th ST SUNNYSIDE N.Y. 11104

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: FIDEX DOMINICANA

Address: _____

I represent: LIVERY BASE OWNERS COALITION

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: GUY B. PALIMBO

Address: 44F JERICHO TURNPIKE, MINEOLA, NY 11501

I represent: LBOA

Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: AMNON OBERLANDER

Address: 43-22 VAN DYKE ST. L.I.C.

I represent: EXECUTIVE CARS + LAST

Address: RADIO GROUP.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: SERGIO A. SANCHEZ

Address: 151 2nd Ave, NY, NY 10003

I represent: Luxury Base Operators Assoc (LBOA)

Address: 44F Jericho Turnpike, Mineola, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: SARA MEYERS

Address: _____

I represent: TLC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Charles FRASER

Address: _____

I represent: TLC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: SAMARA EPSTEIN

Address: _____

I represent: TLC

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: AVIK KARESSA

Address: 2642 BROADWAY

I represent: NYS FED, NY COALITION, OARAC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: James Barone

Address: 55-20 37th Ave

I represent: Barone's car service

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: GARY WEISS

Address: _____

I represent: TLC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 06NS1945 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: LUTHER R. RALPH (PLEASE PRINT)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: KLOYD TAYLOR (PLEASE PRINT)
Address: 3413 AVE M, Bklyn, NY 11210
I represent: Board of Livery Transportation Tax 2nd
Address: Central Brooklyn Board
2616 C LAKEWOOD RD, NY 11220

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0V12816HT Res. No. _____

☐ in favor ☐ in opposition

Date: 4/30/09

Name: VICTOR DIZENGOFF (PLEASE PRINT)
Address: 20 GAWAIN DR. MANHASSET NY 10772
I represent: BeaE
Address: 30 WALL ST. -10FL. NYE 10005

Please complete this card and return to the Sergeant-at-Arms