

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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April 27, 2011
Start: 1:19 pm
Recess: 3:28 pm

HELD AT: Committee Room
250 Broadway, 16th Floor

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:
James Vacca
Daniel R. Garodnick
David G. Greenfield
G. Oliver Koppell
Darlene Mealy
Ydanis A. Rodriguez
Deborah L. Rose
James G. Van Bramer
Peter A. Koo
Eric A. Ulrich

A P P E A R A N C E S

David Yassky
Commissioner
NYC Taxi and Limousine Commission

Ray Scanlon
Deputy Commissioner
NYC Taxi and Limousine Commission

Ashwini Chhabra
Deputy Commissioner
NYC Taxi and Limousine Commission

Victor Salazar
Taxi driver

Beresford Simmons
Taxi driver

Bhairavi Desai
Executive Director
New York Taxi Workers Alliance

Guy B. Palumbo
Executive Director
Livery Round Table

Mohan Singh
Taxi driver

Richard Thaler
New York, New York

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2 CHAIRPERSON VACCA: I'd like to
3 welcome everyone to today's hearing of the
4 Committee on Transportation. I'm James Vacca,
5 committee chair.

6 Today, we have two items on the
7 agenda. First, we will be voting on Proposed
8 Intro 458-A, sponsored by Council Member Dan
9 Garodnick. This bill will increase transparency
10 to the public regarding street closures and
11 parking regulations. It will require an
12 interactive map be provided, to the public on the
13 internet, free of charge that shows all permitted
14 and approved street closures, as well as all
15 parking regulations.

16 After the hearing we held on April
17 5th on this bill, we have worked with Council
18 Member Garodnick to revise the bill and to make
19 sure that it is all-inclusive. I thank Council
20 Member Garodnick for all his work putting this
21 bill together, and to the Administration for
22 working with us on the version we will be voting
23 on today.

24 Second, we're holding out first
25 hearing on Intro 521, which was introduced at the

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2 Mayor's request and is being sponsored by myself
3 and Council Member Debi Rose. I would like to
4 thank Council Member Rose for her advocacy on this
5 issue, and the Mayor for submitting the important
6 piece of legislation.

7 The bill raises the maximum fines
8 for four violations of law: for refusing to take a
9 passenger to any destination within the five
10 boroughs, for requesting the location of where a
11 passenger wishes to go prior to that passenger
12 entering a taxi, for overcharging a passenger and
13 for illegally accepting a street hail.

14 The current maximum penalty for all
15 four violations is \$350 for the first offense and
16 \$500 for the second. The third offense can lead
17 to revocation of a license. Under the proposed
18 bill, the maximum penalty would increase to \$500
19 for the first offense and \$1,000 for the second
20 offense. The third offense would still lead to
21 possible revocation but drivers would also be
22 fined \$1,000.

23 Much of what this bill discusses
24 today, or much of what this bill entails, revolves
25 around the issue of taxi drivers refusing to take

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2 people to other parts of the City of New York. We
3 cannot tolerate people being refused a taxi ride
4 based on where they live or based on what they
5 look like. These bills will increase the
6 penalties for anyone who thinks that those who
7 live in boroughs other than Manhattan are second
8 class citizens. We're not going to tolerate any
9 type of behavior, and I think the Council, by
10 hearing this bill and hopefully voting at a later
11 date, will certainly be heard on this matter.

12 I look forward to the discussion
13 today. Increasing fines won't get us anywhere
14 unless we have increased enforcement. Many of the
15 questions we will be asking the Taxi and Limousine
16 Commission today will revolve around enforcement
17 concerning illegal practices, which this Council
18 will not tolerate.

19 I will first ask if any Council
20 Members wish to be heard on Proposed Intro 458-A,
21 Council Member Garodnick's bill. Council Member
22 Garodnick, would you like to make a statement?

23 COUNCIL MEMBER GARODNICK: Thank
24 you, Mr. Chairman. I will be extremely brief. I
25 know the committee has a long agenda today. I

1
2 just want to thank you and the committee for
3 hearing this bill and spending the appropriate
4 amount of time on it. This is the bill, of
5 course, to create the interactive map to display
6 anticipated street closures, as well as parking
7 rules, for each street.

8 We made a few changes to the bill
9 since the hearing, which I think will make it
10 better and stronger. What we really want is for
11 New Yorkers to have an opportunity to know the
12 information for their own community, which is
13 known by the city, the permits that are issued,
14 the street fairs that exist, the filming that is
15 taking place, and of course, the parking
16 regulations on any street in any borough as they
17 exist today.

18 So this is a very practical bill
19 and one which allow people to find the activity
20 when they want to or avoid it when they don't. So
21 I thank you Chair Vacca for your support as well
22 as the Speaker and all my colleagues on the
23 committee. I encourage you to support it. Thank
24 you.

25 CHAIRPERSON VACCA: Thank you,

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2 Council Member Garodnick. The clerk will please
3 call the roll, and the chair is recommending a yes
4 vote.

5 WILLIAM MARTIN: William Martin,
6 Committee Clerk, roll call vote in the Committee
7 on Transportation, Proposed Introduction 458-A.
8 Council Member Vacca?

9 CHAIRPERSON VACCA: Votes aye.

10 WILLIAM MARTIN: Koppell?

11 COUNCIL MEMBER KOPPELL: Aye.

12 WILLIAM MARTIN: Garodnick?

13 COUNCIL MEMBER GARODNICK: Thank
14 you. Aye.

15 WILLIAM MARTIN: Rodriguez?

16 COUNCIL MEMBER RODRIGUEZ: Aye.

17 WILLIAM MARTIN: Rose?

18 COUNCIL MEMBER ROSE: Aye.

19 WILLIAM MARTIN: Van Bramer?

20 COUNCIL MEMBER VAN BRAMER: Aye.

21 WILLIAM MARTIN: Koo?

22 COUNCIL MEMBER KOO: Aye.

23 WILLIAM MARTIN: By a vote of seven
24 in the affirmative, zero in the negative and no
25 abstentions, item is adopted. Members, please

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sign the Committee Report. Thank you.

CHAIRPERSON VACCA: We make note of that vote and we will keep the record open for members who have not arrived yet.

I would now like to have the Taxi and Limousine Commission come forward. Commissioner Yassky is here. Commissioner Yassky will be testifying relative to the administration's position on Intro 521, which deals with mandatory penalties for taxicab and other drivers who engage in refusal, also, by the way, there are increases in fines for overcharging or asking the destination of a driver before the driver gets into the cab.

COUNCIL MEMBER KOPPELL: Passenger.

CHAIRPERSON VACCA: Yes, I'm sorry. We included in this legislation increasing the fine to drivers who ask a passenger where they live before the passenger gets in the cab because of our view that that often leads to refusals. That is another way we want to attack this refusal problem.

Before going any further, let me introduce the members of the Council who are here,

1
2 my colleagues. Council Member Jimmy Van Bramer
3 from Queens, Peter Koo from Queens, Dan Garodnick
4 from Manhattan, Ydanis Rodriguez from Manhattan,
5 myself, Council Member Debi Rose from Staten
6 Island, Council Member Oliver Koppel from the
7 Bronx. Commissioner Yassky?

8 DAVID YASSKY: Good afternoon,
9 Chairman Vacca and members of the City Council
10 Committee on Transportation. I am David Yassky,
11 Chairman of the Taxi and Limousine Commission. I
12 am joined here by Deputy Commissioner Ray Scanlon
13 and Deputy Commissioner Ashwini Chhabra.

14 Thank you for the opportunity to
15 speak to you today regarding Intro 521, which
16 would increase penalties for yellow-cab service
17 refusals, yellow-cab overcharges, and For-Hire
18 Vehicle street hails. The Taxi and Limousine
19 Commission and the Administration strongly support
20 these changes. We are grateful to Council Members
21 Vacca and Rose for introducing and sponsoring the
22 bill.

23 As you and all New Yorkers know,
24 the City's yellow taxis are an internationally
25 recognized symbol. Taxis are a key part of our

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2 City's transportation network, and provide over
3 half a million trips for visitors, residents, and
4 commuters each day. New Yorkers depend on taxis
5 to pick up groceries, make it to an afternoon
6 meeting, or enjoy a night out on the town. Our
7 City's taxi industry makes this service available
8 24 hours a day, 7 days a week, year-round in snow,
9 sleet, heat and rain on New York City streets.

10 However, yellow-taxi street hail
11 service is mostly unavailable beyond the East
12 River. Residents in Brooklyn, Queens, the Bronx,
13 Staten Island, and even parts of upper Manhattan
14 do not enjoy this convenience, and also face
15 difficulties hailing a ride from Manhattan to the
16 other boroughs, or indeed, to northern Manhattan.

17 This is not acceptable. TLC Rules
18 and the City's Administrative Code state that any
19 taxi passenger must be taken anywhere in the five
20 boroughs when they want to. A taxi passenger has
21 the right to go to any destination in New York
22 City, and that includes Brooklyn, Queens, the
23 Bronx and Staten Island.

24 We know service that refusals where
25 drivers refuse to pick up a passenger are an

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2 increasing problem in the City's yellow-cab
3 industry, with more than 500 complaints just in
4 March alone, this past month. The TLC has made it
5 a priority to enforce regulation against to refuse
6 service and we are thankful that this Committee
7 and the Council as a whole are acting so speedily
8 to consider this legislation.

9 We have increased on-street
10 enforcement. We have resources focused on this
11 issue. We have partnered with Baruch College for
12 more effective enforcement. Students, this
13 Baruch, and we may be expanding this more broadly
14 within CUNY, and I just bring this to your
15 attention, Council Members, because I think it's a
16 really nice initiative.

17 We discovered that our enforcement
18 folks appear to be somewhat recognizable to
19 drivers. So to truly test the refusal, we've
20 engaged some CUNY students to go out as testers.
21 That's been a very successful enforcement
22 initiative. When the tester is refused service,
23 TLC officers issue a summons to the driver. The
24 increased fines proposed by this legislation will
25 make the added enforcement efforts more effective,

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2 and we believe that the increased penalties will
3 make drivers think twice before refusing a
4 passenger service.

5 We also want to ensure that
6 passengers pay the correct amount for their trip
7 and enter a vehicle licensed for accepting street
8 hails. That is why we support increased penalties
9 for any overcharge committed by a yellow taxi
10 driver and any illegal street hail committed by a
11 For-Hire Vehicle driver.

12 Intro 521 would increase penalties
13 for any yellow taxi driver who attempts to ask for
14 a tip, requests payment beyond the amount shown on
15 the meter, or purposely returns the incorrect
16 amount of change to a passenger who has paid the
17 fare in cash. That's, in essence, overcharging.
18 And it increases the penalties for a For-Hire
19 Vehicle driver who picks up a passenger off the
20 street without first pre-arranging the trip.

21 The increased penalties for illegal
22 street hails is particularly important for us
23 because passengers who enter vehicles not licensed
24 for accepting street hails put themselves at risk.
25 The vehicle will often not be properly insured and

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2 may be operated by an unlicensed driver. We
3 believe that increasing the penalties for these
4 offenses will help deter overcharges and illegal
5 street hail pickups

6 A key part of the yellow taxi's
7 success is the service that passengers receive.
8 It does not matter if you are seeing the sights on
9 your vacation, visiting family in Queens, running
10 to your office uptown, or returning home to
11 Brooklyn, you should be able to take a cab, and
12 know you are paying the right price and getting
13 into a licensed vehicle. The ability to take a
14 taxi anywhere--this is important--is one of the
15 top reasons that New Yorkers have the nation's
16 lowest car ownership rates among big cities and
17 some of the country's smallest carbon footprints.

18 We support this legislation, so
19 that all visitors and residents can continue to
20 get from point A to point B regardless of where in
21 the city those points are, and so everyone has
22 access to the world class service offered by our
23 licensed industries.

24 This concludes my testimony in
25 support of Intro 521. Again, Mr. Chair, I just

1
2 want to thank you and Council Member Rose as well,
3 for introducing this legislation. Mr. Chair,
4 thank you for the great amount of effort you have
5 put into the issue, to supporting the work we're
6 doing at the TLC overall and in particular with
7 this legislation. I'm happy to answer any
8 questions that you have.

9 CHAIRPERSON VACCA: Thank you,
10 Chair Yassky. You used a figure of 500 before?
11 You gave out 500 refusal summonses in a one-month
12 period?

13 DAVID YASSKY: We got 500
14 complaints in just this past month.

15 CHAIRPERSON VACCA: Complaints.

16 DAVID YASSKY: When we get a
17 complaint, we don't issue a summons immediately.
18 I'm glad you are bringing this up because I want
19 taxi passengers and New Yorkers to know that when
20 they are refused service, they must call 311.
21 They had to call 311 and all they need is the
22 medallion number and the location where this took
23 place.

24 So you flag down a taxi and you say
25 I'm going to Bensonhurst and the driver drives

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2 away, it's those four characters: it's a number, a
3 letter and two numbers. That's the medallion
4 number. It's on the roof light. It's the same as
5 on the license plate, and it's on the sides of the
6 vehicle. They've got to note the medallion number
7 and then they have to call 311.

8 Then when we get that call, we
9 verify that the complaint makes sense. We have,
10 as you know the yellow taxis have GPS locators in
11 them that track the movements of the vehicle and
12 the trips that it takes. So if Taxi 1A12 and you
13 say it was on 42nd Street and Madison Avenue, we
14 check. If that taxi was in service elsewhere in
15 the city, we don't issue a summons. But assuming
16 that it squares with the TPEP record then we issue
17 a summons.

18 The driver can either pay or
19 contest the summons. If the driver chooses to
20 contest the summons, the hearing is before an
21 administrative law judge, an independent ALJ and
22 we ask the passenger to testify, to verify the
23 complaint. But the passenger can testify by
24 telephone. That's important. I think a lot of
25 people think that if they call in a complaint, it

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2 means they have to schlep down to the TLC or for
3 all they know it could be far away. As it
4 happens, it's conveniently located in Lower
5 Manhattan. But they can come in person or testify
6 over the telephone.

7 So it's not difficult and it's
8 critical to our enforcement efforts. I want to
9 make sure that when people are refused service
10 they call 311.

11 CHAIRPERSON VACCA: Five hundred
12 complaints in one month seems like a very large
13 number.

14 DAVID YASSKY: It's an unacceptably
15 large number.

16 CHAIRPERSON VACCA: That's a very
17 large number. In fact, it's alarming because at
18 that rate, you're talking 6,000 refusal complaints
19 in a year.

20 DAVID YASSKY: If I may, I would
21 urge you to see that in perspective that most
22 people don't. I mean I don't have data to show
23 it, but I've got to believe that most people who
24 are refused service don't even call it in.
25 Indeed, I have many times had the experience of

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2 senior government people telling me that they were
3 denied service. I say do you call 311 and they
4 said no. So that's just the tip of the iceberg,
5 truly.

6 CHAIRPERSON VACCA: A concern that
7 I've had is enforcement. There was a very high
8 profile incident maybe two months ago that
9 occurred in my district. And I think that that
10 incident was the most outrageous, and we still
11 have a young man in rehab based on that.

12 I want to know the status of that
13 case. I'm aware that there were criminal charges
14 brought against that driver. You may not be able
15 to speak to that, but if you can, I would
16 appreciate it. My other question is what is the
17 status of the TLC administrative action in that
18 case?

19 DAVID YASSKY: I will get that to
20 you, Mr. Chair.

21 CHAIRPERSON VACCA: I'm interested.
22 I mean we have to send a signal. This case stood
23 out as the most outrageous. I'm sure there are
24 many others. But if we don't have justice, if
25 there is not a follow-up, then increasing fines

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2 will not result in the outcome we want. I just
3 don't want to increase fines, I want there to be
4 an outcome that's acceptable to passengers of the
5 city. What are we doing to make sure that that's
6 the case?

7 DAVID YASSKY: I will get back to
8 you on that, Mr. Chair. It is commonly our
9 practice when there is a--I don't know, in truth,
10 what the status of that case is. It is commonly
11 our practice when there is a criminal proceeding,
12 not proceed administratively. For example, with
13 the overcharges, a year or so ago, the individuals
14 that the district attorney identified for criminal
15 prosecution, we did not move administratively
16 until they had filed their indictment. I will
17 find out what the status of that is. I'm told the
18 driver was suspended. My guess, the driver was
19 suspended and that would mean he's suspended
20 pending the outcome of the criminal proceeding.

21 CHAIRPERSON VACCA: When you did
22 the operation with the college students, and we
23 saw that on TV, one of the drivers told the
24 passenger who he had refused that he did not know
25 how to go to where the person wanted to go in

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another borough.

By the way, I can't stand this
outer borough stuff. We are not outer boroughs.
We are a borough other than Manhattan, but we are
in the City of New York.

So let me ask you something--

DAVID YASSKY: [interposing] I
still have neighbors who will say I'm going to the
city. I live in Brooklyn, as you know. Well,
you're in the city.

CHAIRPERSON VACCA: Yes, we're one
city.

DAVID YASSKY: I take it you're
going to Manhattan. My neighbors don't get off
easy.

CHAIRPERSON VACCA: The GPS
equipment in the yellow cab, the GPS equipment
allows the TLC to know where the taxicab driver
is. Does the GPS equipment give a taxi driver
knowledge should he be going to a neighborhood
where he's not sure how to get there? Does it
give directions to a taxi driver?

DAVID YASSKY: It does not. That's
something that we've been looking at and continue

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2 to look at. When that system was first put in
3 place, that capability was not required, in other
4 words, we did not require that capability, in
5 part, in an effort to keep down costs. But three
6 years later, and especially as costs have come
7 down, I think the arguments for including that
8 capacity start to look a lot more attractive.

9 CHAIRPERSON VACCA: I have to say
10 in this age of technology, there would be no
11 excuse not to give a taxi driver the capability to
12 take the person where they want to go. Especially
13 if we want them to go outside of Manhattan, and we
14 want to reduce refusals, we can't count on taxicab
15 drivers to use probably outdated maps that they
16 have in their glove compartment. I want them to
17 have a GPS system which will navigate them to any
18 part of the city the person wants to go, the
19 passenger wants to go. I think we're behind it
20 now.

21 DAVID YASSKY: Okay, thank you. We
22 would like to work on that with you, Mr. Chair.

23 CHAIRPERSON VACCA: Now, pursuant
24 to Local Law 25 of 2010, which I sponsored in the
25 Council, TLC is supposed to provide an annual

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2 report to the Council in January, and part of that
3 report is supposed to document actions taken
4 against overcharging and illegally accepting a
5 hail. I have not seen the report. What is the
6 status of us getting that report, as per this law
7 that the Council passed and the Mayor signed?

8 DAVID YASSKY: You will have it
9 today.

10 CHAIRPERSON VACCA: Today is quick
11 enough, okay. What happened?

12 DAVID YASSKY: I wonder if that is
13 in any way coincident with the scheduling of this
14 hearing, perhaps.

15 CHAIRPERSON VACCA: No, no.

16 DAVID YASSKY: You will have that
17 report today, Mr. Chair.

18 CHAIRPERSON VACCA: Thank you.

19 DAVID YASSKY: I mean I can tell
20 you some of the facts. I can give you the number
21 of overcharge summonses for the past year and so
22 forth.

23 CHAIRPERSON VACCA: Can you give a
24 summary, Commissioner? If you have a summary,
25 that's fine.

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2 DAVID YASSKY: We issue between 120
3 and 300, I guess, overcharge summonses a month.
4 Starting in September, actually it was a low
5 number of 88 and then in October 120. I will get
6 this to you on paper so you can distribute it, Mr.
7 Chair to the committee members. November, 169;
8 December 171, January, 252; February 247; and last
9 month, March, a high number, 307 summonses for
10 overcharging.

11 All of those numbers pale in
12 comparison to the 1,668 summonses we issued last
13 August. That was in connection with the rate four
14 overcharging episode. So that was a unique
15 anomaly. There were 1,600 summonses issued that
16 month. And then from 120 to 300 in the succeeding
17 months.

18 CHAIRPERSON VACCA: These
19 enforcement numbers and the numbers I've seen
20 recently on the street hail issues, those
21 enforcement numbers in both cases are up
22 significantly.

23 DAVID YASSKY: They are.

24 CHAIRPERSON VACCA: Does that
25 represent an attempt by the TLC to address these

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longstanding issues?

DAVID YASSKY: In the case of the street hails, it certainly does. There, the number of summonses--I'll just do the last four or five months. November, 158; December, 424; January, 282; February, 256; and then last month, March, 1,178 summonses. So that was a fairly steep increase. If you can see the chart, it kind of goes like this and then last month we issued a whole lot. That does reflect an increased focus on enforcement against street hails.

As we work with you, Mr. Chair, and the Council on providing a legitimate opportunity for the provision of street hail taxi service outside Manhattan, we are at the same time beginning, and it's just a beginning, on the enforcement necessary to make that a reality. So it's really got to be a two-part approach. Provide the legitimate service and eliminate the illegal service.

CHAIRPERSON VACCA: Can you assure people today who do call 311 with a refusal complaint that the Taxi and Limousine Commission will contact them based on that complaint? Or are

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2 complaints filed and if not enough evidence is
3 given in the complaint it just goes to 311 and
4 it's not followed up on?

5 DAVID YASSKY: It has in the past
6 been the policy just to not follow up. But I can
7 assure that we will respond to each complaint. If
8 it's not going to result in a summons, then we
9 will notify the passenger, if they've given an
10 email or a mailing address.

11 More to the point, it is true, you
12 didn't ask about this, but I think we had some
13 issues with the time it took to process passenger
14 complaints. It was taking months really to
15 process passenger complaints. We now have a
16 three-week standard in place where we will process
17 a complaint within three weeks. In other words,
18 within three weeks we'll have scheduled a hearing
19 if one is merited.

20 CHAIRPERSON VACCA: I'm pleased to
21 note what you just said. That everybody who calls
22 311 will get a phone call from your office.

23 DAVID YASSKY: Or an email or
24 letter.

25 CHAIRPERSON VACCA: Yes. Too many

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2 people tell me we call 311, about different
3 things, not just TLC issues. They call 311 and
4 then it's just gone somewhere.

5 DAVID YASSKY: Well, you know--

6 CHAIRPERSON VACCA: [interposing]
7 In these cases, I want them to get an email of
8 phone call on these refusal issues.

9 DAVID YASSKY: We've been part of
10 that problem as well. I agree with you that
11 everyone who calls 311 deserves a response back.

12 CHAIRPERSON VACCA: Yes, thank you.
13 Thank you, Commissioner. I'm going to turn--

14 DAVID YASSKY: [interposing] I hope
15 the council office will test that by having some
16 people call and see if you get a response back.
17 Then, here's my only deal, is if you don't get it,
18 then you can do the press conference. But if you
19 do get it, then let's also do the press conference
20 congratulating us. Is that a fair deal?

21 CHAIRPERSON VACCA: I may call in
22 some college students myself. Before I turn to
23 our first member, I'd like to mention we've been
24 joined by Council Member Greenfield, at the end.
25 Council Member Ydanis Rodriguez please.

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COUNCIL MEMBER RODRIGUEZ:

Commissioner, I think that project together with the student was good but also I have to--I'm a strong advocate for livery taxis.

DAVID YASSKY: Yes.

COUNCIL MEMBER RODRIGUEZ: I used to be a livery taxi when I was at City College. I worked like for three years. It was a way of how when my brother-in-law, he used to work during the day and I work at night. But those years, 1987, it only took go to Route 46 in Jersey, buy a Chevrolet Impala for \$1,200 and get like a \$200 license of the TLC and ready to drive in the street.

Today life is different for the livery taxis. Today they have to invest \$15,000 and \$25,000 in a car. They have to invest \$8,000 for the insurance. And still, when you look to the fare, I remember being at City College in the 80s, to City College, the far was \$6 and \$7 in the 1980s. Today's fare from City College in your livery taxis is around \$10-\$11.

So when you compare the investment that I did on \$2,000 to be ready to work legally

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2 in the street and the investment that a livery
3 taxi has to make today of the \$25,000-\$30,000 and
4 the fee that they charge, I think it's a scenario
5 there that we definitely have to look at,
6 especially when we look at who are those thousand
7 of people that are driving in the livery taxis.

8 I think that we live in the society
9 and everything is about supply and demand. And
10 when we look at supply and demand, we look at
11 different things. Like we have issues on drugs
12 and we have to fight hard drugs back. We have the
13 country that consumes the most drugs in the world,
14 so we have to deal on all of those criminals who
15 run the drug cartels, but also how we deal with
16 the drug consuming in the society.

17 So where when we look at the livery
18 taxis, sometimes I have to be in the street to
19 take a taxi in my community in Washington Heights.
20 If you need a taxi in Christmas Day, if you need a
21 taxi in a New Year, is you need a livery taxi
22 those days that there's a lot of demand, you will
23 call over and over and the line is busy because
24 there's not enough taxis. And it is more easy for
25 someone to go on the street and take a taxi in the

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2 street. So definitely we cannot reduce the value
3 of the medallion, medallion of those people who
4 invest hundreds of thousands of dollars.

5 So I believe that we have to look
6 in a comprehensive plan. I think that we have to
7 keep the value for the investor who buy the
8 medallion but the same time also we got to look on
9 how do we work with those thousand of drivers who
10 work every day who have invest \$30,000 and we
11 should not go back to ten years ago with the TLC.

12 With the law enforcement work, the
13 law enforcement and the judge, that was the true
14 role of the law enforcement of the TLC ten years
15 ago. The same person who were giving the ticket
16 in the street when the livery taxi has to go to
17 the court, it was the same people that they were
18 listening to the case of the livery taxi. We
19 should not go back there.

20 We should not go back to the year
21 where there's people in wheelchair stopping a
22 livery taxi in the street and suddenly there was
23 someone from the law enforcement waiting to give a
24 ticket when they were demanding for livery taxis.
25 I believe that definitely we have to keep our

1
2 fine. I hope that increasing fine is important, I
3 think it's a good initiative, but we also have to
4 take care to those thousands of drivers who are
5 working. We have to provide opportunity. I
6 believe that increasing should be connected to the
7 plan of creating, picking area, standing for
8 livery taxis. Is that something that you think
9 that can be done?

10 DAVID YASSKY: So just first, I
11 just want to clarify, we do not require livery
12 cars to be any particular model, unlike taxis
13 where they have to be replaced in service every
14 few years and it's only a specified set of vehicle
15 models. For a livery car, the owner and driver
16 can use pretty much car. It has to have four
17 doors.

18 So in other words, when you say
19 have to invest \$25,000 instead of buying the
20 \$2,000 Impala, we do permit pretty much any car
21 that's out there to be used for a livery vehicle.
22 It may well be that when their vehicle is not
23 drivable anymore then they go and have to buy a
24 new car and it's that large number, but they could
25 buy a used car. So I just want to be clear about

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that.

Council Member, you have identified exactly the issues and the concerns that have to be addressed here. The lack of legitimate supply in Washington Heights, the same as in the Brooklyn or the Bronx, there is no such thing as yellow taxi cruising around, meaning there's no such thing as legitimate taxi service, yet there's a need for it, as you say. People have to go down and hail a car.

As you point out, any solution to that needs to take into account the legitimate expectations of the investors in taxi medallions who have invested, in some cases, hundreds of thousands of dollars. And at the same time, we want to recognize that the actual people out on the street today who are driving, albeit illegally, are hard working people who are trying to make a living. It would be a shame to disadvantage them.

We are working very closely with the chair and the Council as a body to craft a solution to this four and a half borough problem, which takes account of all of those factors. Your

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2 suggestion about stands, that could solve part of
3 the problem, but I don't see that as being the
4 complete solution. That could be a component of
5 the solution.

6 COUNCIL MEMBER RODRIGUEZ: How old
7 does a car has to be for livery taxis to get
8 insurance from the insurance company?

9 DAVID YASSKY: Honestly, I don't
10 know that I know the answer to that question.
11 Taxis, again, have to be no more than three to
12 five years, all depending on how they're used. On
13 the livery car, I don't know at what point it
14 becomes the insurance--

15 COUNCIL MEMBER RODRIGUEZ:
16 [interposing] Does anyone have that information?
17 There is a year requirement for the insurance.
18 Insurance company require a car to be for certain
19 year in order for them to get insurance.

20 DAVID YASSKY: I will see what we
21 know about that and get back to you on that. I
22 don't know. It's not our requirement but
23 certainly important to know if there is such a
24 requirement.

25 COUNCIL MEMBER RODRIGUEZ: Another

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2 question, on DMV and this is not direct. It's
3 connected because for me it's also looking at the
4 whole picture about the livery taxis. On the DMV,
5 a driver get their license suspended if they get
6 six point. Their suspension is for 18 month.
7 Does the TLC follow the same timeframe from the
8 drivers to get their license back?

9 DAVID YASSKY: Our suspension
10 period is shorter, I believe. It's a 30-day
11 suspension at the six point level and at ten
12 points, a driver's license is revoked. The
13 revocation, there is no specified rule at this
14 point about what point a driver whose license has
15 been revoked can come in and reapply. We actually
16 are promulgating a rule on that so we can
17 systematize it and provide consistency.

18 COUNCIL MEMBER RODRIGUEZ: Is that
19 accurate information? Because what I've been told
20 by taxi drivers is different information about how
21 the DMV have the policy of a driver who gets six
22 point get their license suspended for 18 months.
23 However, when it come to the TLC, that's not as
24 such timeframe from a driver to get their license
25 back after it is suspended.

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2 DAVID YASSKY: Our suspension is a
3 30-day suspension.

4 COUNCIL MEMBER RODRIGUEZ: Okay,
5 thank you Commissioner.

6 DAVID YASSKY: Sure.

7 CHAIRPERSON VACCA: Thank you,
8 Council Member Rodriguez. I want to go back for a
9 second to the issue of overcharges. I know we had
10 a very substantial issue with the out of town rate
11 several months ago. I thank you for your help at
12 that time, and the Council enacted legislation.

13 There was supposed to be a meter
14 fix that was going to make sure that that never
15 happened again. Did that meter fix ever happen?
16 What was the nature? How did you get the recent
17 increase in overcharge summonses? What was the
18 nature of how you achieved that?

19 DAVID YASSKY: In terms of the out
20 of town rate, there is one meter fix in place
21 already and then a second one about to come.
22 Currently, if the driver engages that out of town
23 rate, an alert comes up on the passenger screen in
24 the back. Even if the passenger has succeeded
25 against all odds in turning the screen off, the

1
2 alert still comes on the screen with a noise, a
3 beep and it says alert, the driver has engaged the
4 out of town rate. If that's incorrect, call 311
5 and report it as a violation.

6 The next step is to do what the
7 technology folks call geofencing and adjust the
8 meters so that the out of town rate cannot be
9 engaged unless you're outside Manhattan. That is
10 in a renewal contract with the companies that make
11 the in-taxi equipment which is on its way to the
12 comptroller for regulation, after arduous back and
13 forth negotiations. One of the changes they're
14 making in the equipment is they're required to
15 include that geofencing. As soon as the contract
16 is registered I think they have 45 days to do it.
17 They have 45 or 60 days to put the geofencing in
18 place.

19 We get still a handful of
20 complaints. We get isolated complaints about the
21 out of town rate being engaged. But I feel
22 confident in saying it's not a widespread problem
23 at this point.

24 An overcharge can also be a
25 passenger who believes they've been taken out of

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their way on route that's further than what they really should be taken.

CHAIRPERSON VACCA: Most of your complaints were not the out of town issue?

DAVID YASSKY: No.

CHAIRPERSON VACCA: It was passengers being taken around the mulberry bush and they felt they were charged too much.

DAVID YASSKY: Correct. Or they felt they were given the wrong change. They paid \$20 for a \$10 fare and they were given \$2 back or whatever.

CHAIRPERSON VACCA: Will geofencing help in that?

DAVID YASSKY: Not that I can think of. I mean the use of credit cards, which continues to steadily increase--we're just nearing the 50 percent mark where half of the trips are paid for by credit card--I think that certainly eliminates the potential for overcharging that's inherent in the use of cash.

CHAIRPERSON VACCA: Another piece of legislation we enacted was regarding taxicab drivers who used the cash lanes as opposed to the

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easy pass lanes. How many of your complaints are still connected to that issue?

DAVID YASSKY: I don't have that handy. How many easy pass summonses? We've issued, I'm going to guess, about 300 easy pass summonses.

CHAIRPERSON VACCA: Over the past year?

DAVID YASSKY: Yeah, and this is a tiny fraction of the actual violations. What we did was we took a couple of month period. Look at this. We issued 124 in April and 129 in May, last May. Then it's just been a handful every month since: 19, 19, 17, 10, 9, 16. We think that we've seen a change in behavior.

Here's what we did. Those two big months, we issued a lot of summonses. We issued those summonses to people by using the computers. Then we wanted to step back and see if behavior changed. Because really the goal here isn't to kind of nickel and dime the drivers, it was to change. I think this had become an accepted practice and we wanted to say you've got to stop doing it. We have seen a marked drop in what the computer is showing that people are using the cash

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lane when they should be using easy pass.

CHAIRPERSON VACCA: Under the current law, how many people have lost their TLC licenses for committing three offenses within a 36-month period? I'm asking that question because I want to know of those people how many ended up getting their licenses back at any given point.

DAVID YASSKY: I don't have that here. But you said within the past year?

CHAIRPERSON VACCA: Yes.

DAVID YASSKY: Not counting the rate four, in which about 300 people lost their license, that's going to be a small number, but I will get it to you.

CHAIRPERSON VACCA: You would say a small number of people reapplied and ended up getting their license back?

DAVID YASSKY: I would say it's a small number of people who were revoked for three violations. I mean the rate four was, as I say, about 300 people lost their license. In the end another 1,500 or so were fined anywhere from \$1,000 to \$10,000.

CHAIRPERSON VACCA: The last

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2 question I have and then I want to go on to the
3 co-sponsor of the bill, Council Member Rose. Base
4 stations who tolerate illegal street hails, what
5 is being done to hold base stations that basically
6 engage in hailing, illegally, accountable?

7 DAVID YASSKY: This is enormously
8 important, Mr. Chair, and I again thank you for
9 your kind of continued prodding to us to act on
10 this issue. We know now that there are livery
11 bases that go into business just to affiliate
12 cars, give them their TLC license plates and then
13 they don't actually get calls and dispatch the
14 cars. They just let the cars go out and cruise
15 for passengers.

16 So we know this anecdotally but now
17 we know it with data because required all bases to
18 report to us how many dispatch calls they received
19 in the past year. Thirty percent did not reply at
20 all. I think it's fair that most of those are
21 these kind of phony bases. We are summoning them
22 for their failure to reply. Then another of the
23 people that did reply, 40 percent of those had
24 fewer than 10 calls per day per car, suggesting
25 that they are supplementing their income with

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street hails.

So we proposed a rule that would fine the base. Right now, when we give a driver a summons for accepting a street hail illicitly, the driver is penalized but not the base. So we proposed that the base would also be fined. That proposal was before the TLC Commission last month or a couple of weeks ago at our commission meeting.

We end up tabling it and not voting on it but I think it was very useful because it engaged the industry in this discussion. The leadership of the livery and the black car industry all came together and said instead of your proposal here's our version. It would create a safe harbor for bases that do get a decent number of calls so we know that they're legitimate businesses. Then it would have stiff fines for the ones that don't and where their affiliated cars do street hails. We expect to be able to vote on that rule at our May meeting.

CHAIRPERSON VACCA: When we mentioned before, quickly, I'm sorry to take up so much time. But when we mentioned before about

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2 cabs that are billed for overcharges because they
3 take passengers on a route that is too long, how
4 do you know that's the case? How do you know the
5 route is too long or who is to say that the route
6 was too long?

7 DAVID YASSKY: So again, these are
8 complaint based. We do have GPS data that tell
9 us. If we pick up at 250 Broadway and dropped off
10 at 42nd and Madison, the GPS tells us the miles
11 traveled. It doesn't tell us the route that was
12 taken, but it does tell us the distance that was
13 traveled.

14 Now, still, that might be
15 appropriate. It might be the fastest way would be
16 to go to the FDR and go around the horn and go up
17 the Westside Highway because the FDR is closed
18 because the president is in town. However, when
19 there is a complaint, if the GPS data suggests
20 that it's correct, it corroborates the complaint
21 then we issue a summons. If the driver wishes to
22 contest it, they can. Typically the passenger,
23 I've sat in on some of these hearings, and
24 passengers remember extremely well. Because you
25 can picture them being in the back being incensed

1
2 the whole time. You know, they will describe what
3 happened. Assuming the ALJ believes it, they
4 uphold the summons.

5 But for what it's worth, and I know
6 the Taxi Workers Alliance is here, and Council
7 Member Rodriguez said about judge and jury and so
8 forth, in truth the ALJs dismiss a significant
9 number of the summonses that are brought before
10 them, suggesting that they are fair. They hear
11 the cases. They maybe dismiss more than I would
12 like in some ways. But they dismiss a lot of the
13 summonses brought before them. So that tells me
14 that the process is fair.

15 CHAIRPERSON VACCA: Quickly, what
16 percentage do you think that they dismiss?

17 DAVID YASSKY: By the way, I'm
18 reminded that in the renewal contract for the taxi
19 technology, they will then have to report to us
20 upon request what we call bread crumb data, not
21 just the distance traveled but the path taken by
22 the cab. It's a huge amount of data. So whether
23 we routinely look at it or not, we can at least
24 get it when we need it.

25 CHAIRPERSON VACCA: Can you answer

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2 that quickly, what percentage of summonses do the
3 administrative law judges turn back or reject?

4 You said you thought the number was high.

5 DAVID YASSKY: It's about 40
6 percent.

7 CHAIRPERSON VACCA: So 40 percent
8 of summonses are dismissed?

9 DAVID YASSKY: Yes.

10 CHAIRPERSON VACCA: For
11 overcharging and--

12 DAVID YASSKY: [interposing]
13 Overall.

14 CHAIRPERSON VACCA: Overall.
15 Before calling on Council Member Rose, I'd like to
16 call on Council Member Greenfield to vote on Intro
17 458.

18 COUNCIL MEMBER GREENFIELD: Aye.

19 CHAIRPERSON VACCA: Thank you,
20 Council Member Rose? Council Member Ulrich?

21 COUNCIL MEMBER ULRICH: Aye.

22 CHAIRPERSON VACCA: Okay.

23 COUNCIL MEMBER ROSE: Thank you,
24 Chairman Vacca. Having been a victim of a refusal
25 of service, I want to thank you for bringing Intro

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2 521 to the floor. Commissioner, before I ask you
3 my questions, it came to my attention that you
4 have had meetings with the other borough
5 presidents and the livery car services about the
6 five borough plan. That hasn't happened on Staten
7 Island. I just wanted to ask you--

8 DAVID YASSKY: [interposing] Let's
9 get that scheduled promptly.

10 COUNCIL MEMBER ROSE: Thank you so
11 much. Under the current law, how many drivers
12 have actually lost their TLC licenses?

13 DAVID YASSKY: Let's see if we can
14 get that. I don't know how many have lost their
15 license over the past year totally. I know that
16 about 300 did for the overcharging, that out of
17 town rate part. I don't have at my fingertips how
18 many total.

19 COUNCIL MEMBER ROSE: Would you
20 also be able to get the figure for how many
21 reapplied and actually got their licenses back
22 also?

23 DAVID YASSKY: Yes. That we can
24 produce.

25 COUNCIL MEMBER ROSE: Okay. Can

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2 you tell me once Intro 521 is enacted, how you
3 plan to ensure that there would be enough
4 enforcement to enact the tougher penalties?

5 DAVID YASSKY: There's the two
6 parts. There are the service refusals and the
7 street hails. On the service refusals, we now
8 dedicate one shift a week of an enforcement squad
9 to service refusals. I think that's the
10 appropriate amount of that.

11 In addition, we are working with
12 CUNY to make permanent the pilot we tried with the
13 students. We will get that up and running. It's
14 just paperwork. At that point we'll have a steady
15 stream of CUNY testers out there. Really they are
16 effective, so that I love.

17 But then on top of that the best
18 way to enforce is for passengers to report it.
19 Because even with one squad a week and even with
20 the testers out there, it pales to the number of
21 passengers who are refused day in and day out.
22 The best way to have enforcement is if when you're
23 refused service, a passenger calls 311 and then we
24 follow-up. So you're right, then it's on us to do
25 the follow-up. That's on the refusals.

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2 On the street hail, that really is
3 on us to devote our field resources to that. We
4 are doing so, as shown by the number of summonses
5 issued, certainly in the first quarter of this
6 year. We are continuing to beef up our
7 enforcement staff. We have a another squad
8 waiting to be deployed. They just have to get
9 their medical testing from the police department.
10 As soon as that's done, they will be deployed and
11 then we can go out and get the next squad.

12 COUNCIL MEMBER ROSE: Is there any
13 science that you use to determine where they're
14 deployed to?

15 DAVID YASSKY: That is a good
16 question. We recently did, and this is more
17 detail than you care about, but our MIS folks have
18 recently set it up so that every day's summonses
19 will also have a precinct associated with them so
20 that then we can search by precincts, summonses
21 per type of violation per precinct. We'll see
22 what that tells us. I don't know if I would call
23 that science yet, but we are building the
24 analytical capacity to be able to deploy our folks
25 as effectively as possible.

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2 COUNCIL MEMBER ROSE: And you
3 analyze it how frequently?

4 DAVID YASSKY: We just got this
5 about a month ago. So now I get a weekly report
6 that shows this.

7 COUNCIL MEMBER ROSE: You refer to
8 having passengers call 311 as probably the most
9 effective way to get this data. Are you intending
10 to do any type of public education campaign so
11 that the public will know that that's the process
12 and the best way to report these incidents?

13 DAVID YASSKY: I think that's a
14 thought. That's what this is in some sense. We
15 should give some thought to what we can do. Well,
16 I've got a couple of thoughts. First of all, we
17 can provide each of you--not just can, but we will
18 provide each of you with a little blurb that you
19 can put in your newsletters about refusing
20 service. I'd say particularly for what I'd call
21 the central borough Council Members, the non-
22 Manhattan Council Members to include that in your
23 newsletter. I think that would be a really
24 effective way of getting the word out.

25 We will also ask your offices for

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2 suggestions for neighborhood chat groups and blogs
3 that we should be using to get the word out.

4 COUNCIL MEMBER ROSE: Will you post
5 it in each of the vehicles?

6 DAVID YASSKY: You know that's a
7 thought. I will take that thought. Thank you.

8 COUNCIL MEMBER ROSE: How do you
9 notify the drivers of the change in Local Law so
10 that they can be in compliance?

11 DAVID YASSKY: I find that drivers
12 are pretty well informed. As soon as an idea gets
13 out there, folks seem to know about it. I was at
14 a meeting last night of drivers in northern
15 Manhattan and they were extremely well informed
16 about what the TLC is considering and proposing.

17 But beyond that, we certainly will
18 work with the Taxi Workers Alliance, the
19 association of owner drivers and the fleets are
20 often very helpful in distributing information to
21 their drivers as well.

22 COUNCIL MEMBER ROSE: Will you
23 consider distribution--

24 DAVID YASSKY: [interposing] And of
25 course, the Committee for Taxi Safety but that's

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harder to reach.

COUNCIL MEMBER ROSE: Would you consider issuing just a memo that would go out to everyone? Executive order?

DAVID YASSKY: We do periodically do industry notices where we mail. We have 105,000 licensees, so it's not without cost to mail. We try and do it sparingly for that reason. I don't know that this would necessarily merit that.

COUNCIL MEMBER ROSE: I just don't want ignorance of the law, although it's not an accepted excuse. But I don't want that to be an excuse that they were not aware of the change.

DAVID YASSKY: Here's how many fines I want to issue for service refusal, zero. That is my goal is to have zero tickets.

COUNCIL MEMBER ROSE: Exactly.

DAVID YASSKY: Not to use this fine authority prodigiously but to not have to use it because there are no service refusals. So yes, we want people to know what the law is.

COUNCIL MEMBER ROSE: Thank you so much.

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2 CHAIRPERSON VACCA: Quickly,
3 Commissioner, I want to come back to that 40
4 percent of--

5 DAVID YASSKY: [interposing] It's
6 shocking, isn't it?

7 CHAIRPERSON VACCA: The 40 percent
8 number from the administrative law judges. Why
9 are they rejecting 40 percent? I mean, are they
10 sensitive to the issues that we think they should
11 be sensitive to, refusals and overcharges? Or
12 was this a matter of clerical work not being given
13 to them? Is it handwriting that has to be read
14 better? Forty percent is a very high rate.

15 DAVID YASSKY: As soon as that was
16 out of my mouth, this perceptive group of Council
17 Members would pick up on it because it's
18 disappointing; I mean to be honest with you.
19 There are several factors. Our enforcement folks
20 have got to do a better job of writing summonses
21 that will stand up. That means both getting the
22 license plate number correct and every element on
23 the summons just filled out correctly, and also,
24 issuing summonses that if a driver comes in and
25 contests it, will stand up.

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2 I think that the ALJs,
3 appropriately, do understand that driving a taxi
4 or a livery car is a hard job and that the drivers
5 work long hours and do not earn a lot of money.
6 It's not a criminal court where the standard of
7 proof is beyond a reasonable doubt. It's a civil
8 proceeding in which it's more probable than not.
9 But I think that maybe they also look to not
10 penalize unnecessarily.

11 I think on the first part of that,
12 the summonses being written properly, we are
13 procuring handheld devices. Our officers carry
14 around pads and they write the summonses out by
15 hand. Which is way, way more time consuming than
16 it needs to be. It means that their productivity
17 is lower than it should be. Not through their own
18 lack of effort but just because how long it takes
19 to write the summonses. And two, it results in
20 mistake.

21 The handhelds will let them issue
22 summonses fast because they can scan the license
23 plate, scan the barcode. It will fill in the
24 vehicle ID number and all that stuff. And it will
25 reduce mistakes because it will prompt you. So if

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2 they put in an address but they only put in 41st
3 Street and they don't put Madison Avenue or they
4 don't put a street number, it will prompt them to
5 do that. So the handhelds will, I think will
6 reduce significantly the number of erroneous
7 summonses.

8 CHAIRPERSON VACCA: Can you plead
9 online to those summonses?

10 DAVID YASSKY: Not yet.

11 CHAIRPERSON VACCA: You can plead
12 online to a New York City traffic ticket.

13 DAVID YASSKY: So today, I am proud
14 to say, that we took our first baby steps in that
15 direction. We launched an online license renewal
16 capacity so that drivers, and again we have
17 105,000 licenses, almost all of whom are drivers,
18 so that rather than schlep to the Long Island City
19 licensing facility which is very well run and is a
20 terrific place to go.

21 But still, rather than take an hour
22 to go there--and by the way, Deputy Commissioner
23 Gary Weiss, who runs it, keeps the average wait
24 time at the counter to 19 minutes, which I think
25 is tremendous. Still, it'll take you an hour to

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2 get there and wait in line the 19 minutes and 5
3 minutes at the counter and then an hour to get
4 home. Now, people can renew online, as of today,
5 as of tonight at 6:00 p.m. I think is when it goes
6 live.

7 So that's a great first step. We
8 have a lot of work to do to really be in the 21st
9 century. We need for people to be able to plead
10 guilty and pay their fine online. We need people
11 to be able to schedule their vehicle inspections
12 online. Both of those would increase our
13 efficiency enormously and be of great benefit to
14 the licensed community. Those are projects that
15 are now pending at DoITT. Now that we've got the
16 licensing one done, we can move on to the next
17 one. I should thank, publicly, Carole Post for
18 the support of DoITT in working on these.

19 CHAIRPERSON VACCA: Council Member
20 Van Bramer?

21 COUNCIL MEMBER VAN BRAMER: Thank
22 you very much, Mr. Chair. I'll start off by
23 saying, as the person who represents Long Island
24 City in the City Council, that it's always a
25 pleasant schlep. When you arrive in Long Island

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2 City, you arrive in one of the best neighborhoods
3 in all of New York City. Wouldn't you agree,
4 Commissioner Yassky?

5 DAVID YASSKY: Without a doubt,
6 among the best. None if finer, let's put it that
7 way.

8 COUNCIL MEMBER VAN BRAMER:
9 Exactly. Thank you very much, now that we've
10 agreed on that.

11 So I want to talk a little bit
12 about refusals because anyone who lives in Queens
13 and boroughs other than Manhattan has very, very
14 personal experiences with this. The last time I
15 had an experience with cabs was the Saturday
16 before last in the middle of that horrible rain
17 storm that occurred at night. I was refused
18 service coming out of a party in Chelsea, looking
19 only to get back to Sunnyside, which in the realm
20 of things in Queens is really not that far away.

21 I did not report it. It's happened
22 many times before. So many people in Queens,
23 particularly at night, particularly if it's
24 raining, you're looking to get back and you just
25 know, you just know you're going to get a cab,

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2 which is going to say "where are you going?" I
3 know that what you're supposed to do is get in the
4 cab, not engage in that conversation. Because if
5 you have to get asked that question and you say
6 I'm going to Sunnyside Queens, what I heard that
7 night was: oh, I'm on break. That's after I've
8 been asked: where are you going?

9 Five hundred a month sounds like a
10 gross, gross under count. I realize it's not an
11 official count. But the numbers have got to be
12 much, much higher. I just wonder if you can't do
13 anything with that lovely little TV screen you've
14 got in the back there and other things to remind
15 folks about their rights and what they can do.
16 Because sometimes you're so angry in that moment
17 when you've just been told I'm not taking you, in
18 this pouring rainstorm, to Sunnyside, and then
19 you've got stand in the rain and get several more
20 cabs.

21 There have got to be ways to not
22 have people who live in Queens and Brooklyn and
23 other boroughs, not have that fear and trepidation
24 when you're out there on the street and you just
25 need a cab home and you know it's going to be a

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series of debates and discussions.

DAVID YASSKY: I really am going to ask you to help us with that. I like now the newsletter idea that you can really drive home with your constituents just please call 311, because 500 a month is, without question, the tip of the iceberg. It's a very gross undercount. It's just that's how many people call us.

Now a lot of times--I was on a radio show the other day with Hamburg. She asked about this and about being refused. And I said so do you call 311? And she said no. She said you've got to stop the drivers from turning us down. That had happened to her. I said did you call? She said no, you know, because I feel bad for them and I don't want them to get a fine. I understand that. I think that's--

COUNCIL MEMBER VAN BRAMER:

[interposing] I did not feel bad for that particular driver.

DAVID YASSKY: I think that's what-

COUNCIL MEMBER VAN BRAMER:

[interposing] Let me just be clear.

DAVID YASSKY: I actually think

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2 that is what happens with a lot of folks. You
3 know, even today at \$350, it's a lot of money for
4 a taxi driver. \$500 is really a lot of money. We
5 get that. But if we are serious about it, which
6 we are, then we have to enforce the rule.

7 I think if drivers understood that
8 if they said I'm on break and drove away that
9 there was a decent chance that they would get a
10 fine in the mail, they would stop doing it. So it
11 shouldn't be a fact of life that you get out of
12 the party and you know you're going to have to
13 deal with this. It shouldn't be the case that
14 only insiders get the service because New York
15 insiders know that you should get in the cab first
16 and then not get out and insist on your rights.
17 It should be an easy service for people to access.

18 COUNCIL MEMBER VAN BRAMER: So what
19 is the progressive discipline? I guess I'm
20 interested in repeat offenders for refusals.
21 Because my guess is if you're like most honest,
22 great cab drivers and you do the right thing and
23 you take people to Queens if they want to go to
24 Queens and Brooklyn if they want to go. Someone
25 wants to go to Far Rockaway from midtown

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2 Manhattan; they have a right to be taken to Far
3 Rockaway. But it seems to me like the driver who
4 didn't pick me up two Saturday nights ago maybe
5 does that a lot and maybe doesn't like to go to
6 Queens.

7 So do we have a sense of repeat
8 offenders and what is your progressive discipline
9 with respect to that?

10 DAVID YASSKY: So currently, the
11 fine schedule is for the first violation it's
12 \$200-\$350. The second violation is \$350-\$500 and
13 the third violation is revocation. What we are
14 proposing here with this bill before you, what the
15 Chairman's bill proposes, which we support, is
16 first would be \$500, second is \$750 and third
17 would remain revocation. We should be able to
18 generate a few numbers on how many of these are
19 repeat offenders. But I would just caution,
20 again, it's got to be a very small minority of
21 refusals are actually reported. You know, it may
22 or may not get the driver the second time.

23 COUNCIL MEMBER VAN BRAMER: I don't
24 know on the back of the cabs, it seems like you've
25 got a bunch of stickers and things going on there,

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2 right.

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DAVID YASSKY: Right, I mean the other part of it is, and you mentioned the screens, we are trying very hard to work collaboratively with the drivers, who are our customers and our constituents. I would be reluctant to put on the TV screen something that kind of is aggressive vis-à-vis the driver because I really do think that most of them work hard. This is a blind spot in the service. It is. I don't think it's uncommon for drivers to refuse service.

In other words, whereas with the overcharging, it was clearly a small minority-- unfortunately it wasn't just one or two, but it was a very small number that were really doing the overcharge repeatedly. Here, I do think it is more common than it should be for drivers to refuse service to Brooklyn or Queens. We have to change their behavior.

COUNCIL MEMBER VAN BRAMER: Yes, I know. I mean you shouldn't have to say, look, I know you don't want to go to Queens. You know what I mean. I know you don't want to go, but I'm

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2 tired and we've got to get home. You know what I
3 mean.

4 DAVID YASSKY: Sure.

5 COUNCIL MEMBER VAN BRAMER: Like,
6 it's this ridiculous dialogue that's going on in
7 your head even before you get to the street. It's
8 got to stop because everyone experiences it some
9 time or another, if not every time you're trying
10 to get to Queens. So I look forward to having
11 lunch with you in downtown Long Island City,
12 Commissioner.

13 DAVID YASSKY: Deal.

14 COUNCIL MEMBER VAN BRAMER: Any
15 time you would like.

16 DAVID YASSKY: It occurred to me,
17 perhaps you can help us formulate something to put
18 in our waiting room at the licensing facility, in
19 regard to the neighborhoods for people who want to
20 go out and get a bite after they've gotten their
21 license.

22 COUNCIL MEMBER VAN BRAMER: I would
23 love to do that.

24 DAVID YASSKY: Thank you.

25 COUNCIL MEMBER VAN BRAMER: Thank

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you.

CHAIRPERSON VACCA: Thank you.

Before I call on Council Member Koo, I'd like to acknowledge we've been joined by Council Member Mealy, and I would like to ask her to vote on Intro 458.

COUNCIL MEMBER MEALY: I vote aye.

CHAIRPERSON VACCA: Thank you, Council Member Koo?

COUNCIL MEMBER KOO: Thank you, Chairman Vacca and thank you, Commissioner, for coming in. Being a taxi driver is one of the hardest jobs in New York City.

DAVID YASSKY: It is.

COUNCIL MEMBER KOO: You and I and most of the people in the audience probably know every day how much money they make. For a taxi driver, they're not sure how much money they're going to take home on their particular shift. They might get fines. They might get all these things. They might get robbed.

So we have to sympathize with their situation too, being a taxi driver. Because most of them are immigrants and it's their first or

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2 second jobs in the city. They're on the path to
3 become economically stable. So we have to
4 sympathize with their situations. Because a lot
5 of them when they go out, when they come back
6 there's no passengers. They've got to come back
7 and New York City traffic is so unpredictable.
8 Sometimes even at midnight there's a lot of
9 traffic.

10 So my suggestion is how do we
11 create some incentive for them to carry passengers
12 to other boroughs? I mean we have to create some
13 incentive to them. Like I have a suggestion, it's
14 like if they go outer borough, we can give them a
15 coupon or something to pick up passengers at the
16 airports. Because I know most taxis like to pick
17 up passengers at the airport. But then they may
18 have to wait a long line usually. But if they
19 suffer a long way, that they go far away, when
20 they come back, they can go to JFK and pick up a
21 passenger to make up the difference. So we have
22 to make some incentive for them. Not just to keep
23 criticizing them or to penalize them. I mean it's
24 not fair for them too.

25 DAVID YASSKY: Well, Council Member

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I certainly share your belief that it's a very difficult job, that it's a job that is not--

COUNCIL MEMBER KOO: [interposing]

It's really a dangerous job.

DAVID YASSKY: It's dangerous and not greatly rewarding. When you talk about the risk, it's not just the risk shift by shift of how much business is going to be. There is also, you know since drivers bear the cost of the fuel they are purchasing, when gas goes to \$4.50 a gallon, that might be the difference between the ability to pay your rent and not. So I share that perspective.

COUNCIL MEMBER KOO: I will agree that--

DAVID YASSKY: [interposing] But on--

COUNCIL MEMBER KOO: --we have to have some laws--

DAVID YASSKY: [interposing] Yeah, on the issue of service, you know, throughout the city, I certainly open to suggestions and if you have a proposal. But there are three options. We could say you don't have to do it. I don't think

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2 that's what we want. We want people to be able to
3 get service to Queens, Brooklyn, Bronx and Staten
4 Island. You could have a bonus, but I personally
5 don't like the idea of charging people extra to go
6 to Brooklyn or Queens. Or you could say it's one
7 of the conditions of the license and it's built in
8 to the fare structure, which it is.

9 If it means you think that you need
10 to adjust the overall fare structure, I'd rather
11 do it that way certainly than have a bonus which
12 would mean the passenger pays more to go to a
13 Queens or Brooklyn destination. But I mean those
14 are the only three options I see.

15 Your idea of the airport, I will go
16 back and take--I don't want to dismiss it--

17 COUNCIL MEMBER KOO: [interposing]
18 I think that's easy--

19 DAVID YASSKY: [interposing] I
20 don't want to dismiss it out of hand. My initial
21 reaction--

22 COUNCIL MEMBER KOO: You just have
23 to help them administer.

24 DAVID YASSKY: --is that it would
25 be difficult to administer, exactly. I mean, I

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suppose--passengers don't carry around the tickets, or we could use the GPS to do that, but I think that's pretty hard to administer.

COUNCIL MEMBER KOO: You can figure out some way for them to--

DAVID YASSKY: [interposing] And that's something you really can't use at large at scale because the right to go to the head of the line at the airport is only worth it if a handful of people have it. If everybody has it, then now it's not worth anything. Do you see what I mean?

COUNCIL MEMBER KOO: Another way is to create more taxi stands in outer boroughs, like all the train stations. There are a lot of busy places in Flushing, Jamaica.

DAVID YASSKY: Right.

COUNCIL MEMBER KOO: I'm sure a lot of people will hail a cab there if they're available there. So create more taxi stands.

DAVID YASSKY: Well, we have been working with the industry on how to provide the service outside--

COUNCIL MEMBER KOO: [interposing] Well, when you go down to Brooklyn, you can go

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there and pick up some passengers.

DAVID YASSKY: Right. I won't rehash the whole discussion but we do have. We have some 30 taxi stands already outside Manhattan. But as we know from the GPS data, with only one really exception, they aren't used. Partly it's a chicken and egg problem that you only have cars queue up there and wait there if they know passengers are going to come. Similarly, passengers will only flock there if they know there are cars waiting. But I think it's really a symptom of the broader lack of availability of yellow taxis outside Manhattan that we're working with you and your colleagues to address.

COUNCIL MEMBER KOO: So I hope the administration and our committee will work together to create some incentive. I mean it doesn't cost the city any money. Just some kind of incentive--

DAVID YASSKY: [interposing] We'll take a look at the jump the line issue.

COUNCIL MEMBER KOO: I mean if you think--

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2 DAVID YASSKY: [interposing] Again,
3 though, if it's more than a very minimal number,
4 it loses its value. Do you agree?

5 COUNCIL MEMBER KOO: If you have
6 incentive for them then they don't turn away that
7 easy. You have to put yourself in their shoes
8 too.

9 DAVID YASSKY: Indeed.

10 COUNCIL MEMBER KOO: Thank you.

11 DAVID YASSKY: Thank you.

12 COUNCIL MEMBER ROSE: Thank you,
13 Council Member Koo. Council Member Koppell?

14 COUNCIL MEMBER KOPPELL: Thank you.
15 The increases in fines for street hail, for people
16 who pick up a street hail, are those going to be
17 held off until we have a street hail system for
18 the non-Manhattan boroughs, let's call it that?

19 DAVID YASSKY: I don't think
20 there'll be a need for that because we intend to
21 get the legitimate service up and running, with
22 the help of you and your colleagues in short
23 order. We are working very aggressively to do
24 that on a speedy basis but would you agree to
25 hold off on increasing the fines until that

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happens?

DAVID YASSKY: I was going to tell a story about it. I don't maybe want to get off in distraction. But I think one lesson of our experience also with the accessibility issue was that if we want to move away from the status quo, we have to make it clear the status quo is not acceptable. The status quo here is not acceptable. So I do not want to say that we'll just let the status quo persist until there's a solution, I want to get the solution.

COUNCIL MEMBER KOPPELL: Well, Commissioner, the purpose of increasing the fines for refusals is to prevent drivers from refusing to take people from Manhattan to an outer borough or from one outer borough to another. Is that correct?

DAVID YASSKY: You are correct.

COUNCIL MEMBER KOPPELL: And that's something we definitely want to do because that will increase the convenience of the public, right?

DAVID YASSKY: Yes.

COUNCIL MEMBER KOPPELL: Okay, now,

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2 the purpose of increasing the fines on drivers who
3 street hail is to stop them from picking up
4 people.

5 DAVID YASSKY: I see where you're
6 heading.

7 COUNCIL MEMBER KOPPELL: So the
8 answer to that is yes, of course.

9 DAVID YASSKY: Yes. I'm sorry,
10 yes.

11 COUNCIL MEMBER KOPPELL: Therefore,
12 what you're doing, or what we're doing, if I vote
13 for this bill, before we have an effective system
14 of street hails, is to make it less likely that my
15 constituents and everybody else in the Bronx will
16 be able to hail a cab. Or that everybody who
17 provides a needed service in the Bronx will face
18 ruinous fines for providing that service.

19 Frankly, that just doesn't seem to
20 me to be serving the public convenience and
21 necessity. It doesn't seem to me that I'm
22 supposed to do as a councilman.

23 DAVID YASSKY: I hear your point,
24 as always, extremely well taken. Let me put it
25 this way. I don't know what the effective date of

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2 the bill is. It's easy enough to find out by
3 looking at it. Well it takes effect immediately.
4 So much for that.

5 You know, I hope that we don't face
6 that Sophie's choice that you are pointing me
7 towards, Council Member, because we are working
8 with the Council. I think we're making terrific
9 progress in our discussions on a five-borough taxi
10 plan that can accomplish the goal.

11 If we're able to get an agreement
12 with the Council where we know that the five
13 borough taxi is coming but it's going to take a
14 few months to get there, then certainly I agree
15 with you in that interim period we would not want
16 to be penalizing people who are providing a needed
17 service. But we can't let the status quo
18 continue. So I'm reluctant to say we won't do it
19 until then. I think we need the industry as well
20 to know that we need a change.

21 COUNCIL MEMBER KOPPELL: Well let
22 me say to counsels here. The chairman seems to
23 have disappeared. But I would propose we divide
24 this bill into two pieces. You don't need to
25 respond to this Commissioner. We do one piece

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2 dealing with the illegal refusals and another
3 piece dealing with the street hails.

4 The fact of the matter is, and let
5 me put it in concrete terms. Right now, if I go
6 to 242nd Street and Broadway, and maybe I
7 shouldn't admit this, but I'm going to admit it.
8 And I live at the top of a very steep hill.
9 Frankly, at night, for me to climb up that hill is
10 tough and for other people it's virtually
11 impossible to get off the subway at 242nd and go
12 up the hill in Riverdale and get home.

13 DAVID YASSKY: Yes.

14 COUNCIL MEMBER KOPPELL: They've
15 got to have a car. Yes, it's conceivable that
16 they could call Target or Miles or whatever, but
17 that's very inconvenient and very often, as I
18 believe Councilman Rodriguez point out, you get a
19 busy signal, especially late at night. Generally
20 speaking, there's a car there. Not a yellow cab,
21 there's never been a yellow cab in my memory. But
22 there's a car there which is an illegal car. But
23 it's the only way you can get to the top of the
24 hill.

25 Frankly speaking, unless we provide

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2 an alternative and Council Member Rodriguez had
3 the idea that you allow the liveries to line up at
4 the subway stations, which would be certainly a
5 step forward. And the end result is that these
6 guys, and I've taken them. I'm being honest with
7 you.

8 DAVID YASSKY: Sure.

9 COUNCIL MEMBER KOPPELL: They're
10 nice guys. They're hard working guys. They're
11 supporting families. They're all immigrants,
12 mostly from the Middle East. To tell them that
13 now you're going to have to pay 500 bucks for
14 doing something that I need to get home just seems
15 unfair.

16 DAVID YASSKY: That's why we need
17 to change that law. Council Member, you said this
18 last time I was here, that you strongly support
19 the idea of changing the law to allow--

20 COUNCIL MEMBER KOPPELL:
21 [interposing] I do, I do.

22 DAVID YASSKY: --the willing buyer
23 and the willing seller to meet and a transaction
24 to make both of them better off.

25 COUNCIL MEMBER KOPPELL: With a

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safe, insured car, yes.

DAVID YASSKY: Yes, we have got to change that law. I believe we are. We believe we're within striking distance of having a good plan with the leadership of the chair, who is working very hard to accommodate all the interests that are at play here, as Council Member Rodriguez said, there's a lot of interest at play. So I will think seriously about your question.

COUNCIL MEMBER KOPPELL: Thank you.

DAVID YASSKY: Thank you.

COUNCIL MEMBER ROSE: Thank you, Commissioner. We want you to strongly consider a grace period or a waiver during that period where the five borough plan hasn't been figured out and enacted yet.

DAVID YASSKY: If I may, I would just suggest to you perhaps an effective date. If not dividing the entire bill. Dividing the entire bill would be fine, although, Council Member, I also hate to put the Council Members in the position of having to vote against penalties for something that is illegal but on the other hand is the concern you addressed. Perhaps an effective

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2 date for the street hails portion of this bill
3 that is 60 or 90 or even 180 days in the future,
4 such that that gives me a deadline to get the
5 legitimate service up and running. Just thinking.

6 COUNCIL MEMBER ROSE: Do you think
7 that that would be a reasonable deadline, 90 days?

8 DAVID YASSKY: Realistically, maybe
9 180 is more realistic. Seriously, think about it.

10 COUNCIL MEMBER ROSE: We'll speak
11 with Chairman Vacca.

12 COUNCIL MEMBER KOPPELL: Thank you
13 for your consideration.

14 DAVID YASSKY: The legislative
15 process has been unfolding here, Mr. Chair. It's
16 been pretty impressive.

17 COUNCIL MEMBER ROSE: Chairman,
18 there's been several ideas that's been floated.
19 Because of the penalties that the outer borough
20 livery services would incur if this is enacted
21 immediately, there was a suggestion to separate
22 out parts of it so that the street hail was not a
23 part that would be enacted immediately, as far as
24 521, or to actually have it as another Intro.

25 DAVID YASSKY: Mr. Chair, I said

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2 that I would support an effective date out in the
3 future for the increase in street hail penalties.
4 Council Member Koppell was quite eloquent in
5 saying it's a necessary service. He'd rather see
6 it provided--not to put words in his mouth--but
7 it's better off to be provided illicitly than not
8 at all, even though best of all would be to
9 provide it legally. At any rate, I would support
10 an effective date in the future for that part.

11 CHAIRPERSON VACCA: Thank you.

12 We'll work with you and we'll look at the
13 legislation. Thank you. Thank you, Council
14 Member Koppell. Council Member Rose, thank you.

15 COUNCIL MEMBER ROSE: You're
16 welcome. Now, Council Member Mealy.

17 CHAIRPERSON VACCA: Council Member
18 Mealy and then Council Member Rodriguez has one
19 quick question and then we have to move on to the
20 other speakers.

21 COUNCIL MEMBER MEALY: I just have
22 a quick question. I was going to pass. Good to
23 see you, Commissioner. What are we doing with the
24 taxi stands? How effective are we utilizing them?
25 With all these young people out of jobs this

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2 summer, is there not an opportunity where you
3 could maybe interns or summer youth can work in
4 the taxi stands in order to make sure--I think
5 about LaGuardia airport. There's a stand there.
6 They would not be able to know that if somebody
7 want to go all the way to the Bronx. They could
8 write it down and then when they get in the Bronx,
9 someone who'd want to come to LaGuardia could not
10 coordinate? Are we looking at any alternatives
11 outside the box?

12 DAVID YASSKY: That's an
13 interesting suggestion, Council Member. Maybe we
14 could pursue it further offline.

15 COUNCIL MEMBER MEALY: Council
16 Member Koo, I'm definitely going to sit down with
17 him. Maybe that's a good piece of legislation or
18 something we need to implement with the economic
19 downturn and our young people out of jobs. We
20 have to start--or even interns.

21 DAVID YASSKY: Some of the larger
22 fleets have expressed interest in staffed taxi
23 stands. Perhaps we could connect you or your
24 office to the folks who have been talking about
25 that and maybe something would come out of that.

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COUNCIL MEMBER MEALY: Thank you.

CHAIRPERSON VACCA: Thank you,
Council Member Mealy. Council Member Rodriguez,
quickly.

COUNCIL MEMBER RODRIGUEZ: I don't
want to begging no commissioner to see a
councilman and community and have in participating
in this community meeting. But I say last time,
and I think when you started the office like, I
say why don't we come to the meeting and start
having this conversation. I think that we had a
good conversation with drivers and livery taxi
owners. Then we tried to bring you back to the
northern Manhattan to have the second community
meeting. What we got from your office was that
they would not bring you back to this type of
meeting. That's what they came from your office.

I think when I heard that you say
that you met with some people from the northern
Manhattan area, it was and of course like as a
commissioner--

DAVID YASSKY: [interposing] It was
on 116th Street. Don't worry.

COUNCIL MEMBER RODRIGUEZ: I have

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2 ten bases. I have ten bases in my community that
3 they have an average of 300 drivers. I think from
4 day one I've been saying this is a great ideas.
5 Thank you to the leadership of Chairman Vacca also
6 meeting with the director interests I think that
7 at the end of the day we will be able to produce
8 something that--

9 DAVID YASSKY: [interposing] We
10 will.

11 COUNCIL MEMBER RODRIGUEZ: --will
12 benefit the interest of everyone. But I think
13 that being honest with you like for me the next
14 step that I would take from here is to have my own
15 meeting with all the livery taxi owner with the
16 100 or so drivers and come when they rally to make
17 a message loud and clear, first of all, yes, the
18 livery taxi they don't have--first of all, they
19 are not illegal. And as we referred to
20 undocumented people calling illegal, in this case
21 and for record, like livery taxis are as the
22 yellow taxis are hard working people. They're
23 paying taxes. Most of them they're doing their
24 right work as the yellow taxi drivers and the
25 livery taxi drivers.

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2 What I've been getting from my
3 community from the taxi driver is we would like to
4 have a meeting to hear from the commissioner and
5 to be able to put out input on this process. So I
6 think that this is something that I hope in one
7 way or another I would do a meeting. And I would
8 come to the step of City Hall with hundreds of
9 taxi drivers to be sure that the right of livery
10 taxi drivers is protected. I believe that the
11 best way to do it, first of all, I will follow the
12 leadership of Chairman Vacca on this, but it think
13 that as Koppell brought to the table and think
14 that we are open, I think that the solution is
15 not--we have to have a comprehensive plan.

16 We need revenue in the city, but we
17 should not be going after revenue by giving
18 tickets to the bicycle rider in Central Park, by
19 giving tickets to now going after with a big army
20 of people. The reason why those 40 percent fail
21 is not because of technicality, it's because most
22 of them cannot stand up when they go over there.
23 Because I've been there and I work and many of my
24 family and friend they are livery taxis.

25 When they get to a stop in the city

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2 probably they have one infraction but they get all
3 the nine tickets for all the things that they will
4 not stand up when they go to see a judge at the
5 TLC. So we definitely have to have a
6 comprehensive plan that we be sure that if we need
7 to increase fines we will do it, but we also have
8 to have a solution for those communities. No one
9 who live above 135th Street and Broadway will see
10 a yellow taxis unless that yellow taxis go from
11 42nd Street to bring a passenger. And it will not
12 change because of the dynamic of economic. The
13 center of the city that move thousand and thousand
14 of tourism is above 59th Street.

15 And I think that yes, we will
16 encourage, we should pass the law to put penalty
17 to any driver that does not take a passenger to
18 the Bronx or to the other area. But someone who
19 is paying hundreds of dollars to drive a yellow
20 taxis also pay to have a livery taxi and yellow
21 taxi, that person will not be going to 181st and
22 Broadway to pick up a passenger neither to 165
23 West.

24 My last question, Port Authority.
25 I'm sorry, Chairman Vacca. What is the agreement

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between Port Authority and 178 and TLC?

DAVID YASSKY: Councilman, I know we have been trying to work out a date with your office for a meeting with the bases and drivers in your area. I don't want to waste the rest of the committee's time. I've got my calendar here. If you would like to set a date now, we can do that. Or we can just step out as soon as my testimony is over, whichever one you prefer.

COUNCIL MEMBER RODRIGUEZ: Okay.

DAVID YASSKY: Do it outside, okay. On terms of the Port Authority, is there something I'm not familiar with? What are you referring to?

COUNCIL MEMBER RODRIGUEZ: There's a police officer from the Port Authority and 178th. They ticket that they give is a TLC ticket.

DAVID YASSKY: Yes, our--

COUNCIL MEMBER RODRIGUEZ: [interposing] And that particular, and I've been meeting with the captain of 33 and 34, because they jurisdiction of the Port Authority is that they can file or they can cover from 178th to 173rd. However, his target of those police, Port

1 Authority officer, is basically livery taxis.
2
3 It's nothing else more than just livery taxis. If
4 they will be standing for Washington at the exit
5 of the bridge, you will understand that they are
6 there for the safety and the security. But they
7 are controlling the whole area basically giving
8 TLC ticket.

9 DAVID YASSKY: Yes, it is the case
10 that Port Authority, MTA, NYPD of course, are all
11 authorized to issue TLC summonses. I'm not
12 familiar with the particular officer you're
13 talking about.

14 COUNCIL MEMBER RODRIGUEZ: Okay.

15 DAVID YASSKY: Thank you.

16 CHAIRPERSON VACCA: Thank you,
17 Chairman Yassky and the Taxi and Limousine
18 Commission.

19 DAVID YASSKY: Thank you.

20 CHAIRPERSON VACCA: Our first panel
21 is Victor Salazar, Beresford Simmons from TWA,
22 Bhairavi Desai. I know who she is, but I can't
23 pronounce it. Tell her to come in. The three
24 names will be limited to three minutes each
25 please. We thank you for coming.

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[Pause]

CHAIRPERSON VACCA: Ladies first please. Introduce yourself for the record.

BHAIRAVI DESAI: Hi, good afternoon. I'm Bhairavi Desai, Executive Director of the New York Taxi Workers Alliance.

Chairman Vacca, we're testifying to oppose Intro 521 for the most basic reason that refusals are an economic problem and they require an economic solution. Punishing hard working taxi drivers is simply scapegoating drivers for the problem. It's not going to address the problem. This is an unfair proposal. To speak quite frankly, it's a pretty cruel one, especially when you consider that you're proposing on top of the revocation for the third offense, you would fine the driver \$1,000.

So you take away their livelihood and a revocation is 12 months. A loss of work for a working person who depends on their earnings day to day to day is equal to economic capital punishment. This is a very severe penalty. What's most disturbing is that, since this is the Transportation Committee, I'll use a transit

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2 analogy. To me it kind of feels like you're
3 putting us on a rowboat, pushing as deep into the
4 ocean, confiscating the oars and then punishing us
5 because we couldn't reach the shore back in time.
6 If you want us to follow these rules then you need
7 to make it economically viable for drivers to do
8 so.

9 Now, in terms of the actual
10 numbers, it is disheartening to hear so much
11 disbelief that the numbers on one hand are so high
12 and on the end they're not high enough. I mean
13 which is it? You've had an incredible media blitz
14 over the past two months. You know, almost
15 everyone in New York City knows you can call 311
16 and make a complaint against a taxi driver.

17 Five hundred complaints within a
18 month, in a month, 13,237 taxis, even if you
19 assume only 13,000 are operating on the road,
20 that's 26,000 drivers in 24 hours. That's
21 equivalent to eight million hours within a month.
22 In eight million hours, this workforce received
23 500 complaints, which according to the testimony
24 of the TLC, 40 percent are likely to be dismissed.
25 Please do not overstate the numbers. We can

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2 acknowledge that this is an issue without
3 demonizing the drivers and without overstating the
4 problem.

5 Id' like to use a concrete example.
6 On the easy pass, which you've brought up, first
7 of all, if you are not a vehicle registrant, which
8 of course the majority of taxi drivers are not,
9 you're not given an easy pass tag by the company.
10 And so drivers have to depend on the fleets and
11 the brokers to provide that tag. Yet, if there is
12 none in the taxi, the rule currently says the
13 driver is supposed to agree to not lease that cab
14 out.

15 So if the owner didn't provide the
16 easy pass tag, they're supposed to forego their
17 income for that day, even if they're a weekly
18 driver and they've paid their lease upfront. You
19 know, you can't tie people's hands behind their
20 backs and then expect them to do magic tricks.
21 That's basically become the expectation of this
22 Council and the TLC when it comes to the economic
23 reality of taxi drivers. It's simply not fair.

24 I thank you for the extra time you
25 are giving me. I do want to state that we do have

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2 a counter proposal. Our proposal would be, again,
3 this is an economic problem and it needs an
4 economic solution. The solution to us would be
5 one, rush hour group rides from Manhattan, from
6 the central district of Manhattan to various parts
7 of the city. Most of these complaints that have
8 come in, they come in during rush hour.

9 During that time in particular it
10 is harder for the driver to complete the fare
11 because there is more traffic congestion. But if
12 you're doing a group ride, for example, from the
13 financial district into Brooklyn and you have a
14 maximum of three passengers, you avoid
15 deadheading. It would be equivalent to having a
16 return fare.

17 Secondly, we should be given the
18 same turn rights as buses. If you expect us to
19 function like mass transit, then give us the
20 rights of mass transit. That is a very simple
21 right we're asking for. Livery and taxi stands in
22 the outer boroughs. So not only would you provide
23 increased street hail service in the outer
24 boroughs, but you make it economically feasible
25 once the driver gets to the outer borough for the

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2 likelihood of having another fare within that hour
3 to hour and a half. I'd like to remind you that
4 taxi drivers, yellow cab drivers bear an expense
5 between \$150 to \$190 every single day within 12
6 hours, no health care, no other basic benefits.
7 We need an economic solution not scapegoating the
8 drivers. Thank you.

9 CHAIRPERSON VACCA: I thank you.
10 You're very articulate. I gave you extra time
11 because you certainly represent a point of view
12 that you've been most articulate in. Thank you.
13 Would you introduce yourself please? I would ask
14 you to adhere to the three minute rule.

15 VICTOR SALAZAR: Thank you,
16 Chairman Vacca. My name is Victor Salazar. I am
17 a taxi driver and part of the Taxi Workers
18 Alliance member as well.

19 As Bhairavi was saying, I will
20 extend furthermore the situation that we live in
21 day to day basis. We start always with economic
22 hole against us taxi drivers. One of the
23 solutions that I think is important is that to
24 share the risk that garages and drivers, currently
25 right now, they're not sharing the risk. Meaning

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2 that the garages are guaranteed their lease income
3 because they get their lease up in front and
4 they're guaranteed this financial economic
5 incentive for them.

6 But to us taxi drivers we have all
7 the risk. The moment we leave the garage grounds,
8 the risk is entirely to us. If we face traffic
9 congestions, if we get a flat tire, all this kind
10 of risk relies on our economic situations that we
11 live every day, Mr. Vacca.

12 Furthermore, we never refuse. The
13 refusals, we constantly been serving the City of
14 New York for decades and decades. Refusals, like
15 you heard before happens, and it will be
16 happening. Thank you for your attention, Mr.
17 Vacca.

18 I would like to suggest that the
19 garages, if there is an outer borough fare from us
20 taxi drivers, garages can practically give us a
21 discount in the lease.

22 Meaning like if I do like let's say
23 two outer boroughs fare from Manhattan at any
24 given time, especially rush hour, I believe if I
25 come back to the garage, the garage should give me

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2 a percentage decrease in the lease for that
3 particular day because I have paid my dues, I have
4 paid my taxes, because I'm serving the City of New
5 York for many years because I'm a professional
6 taxi driver and I will continue to do so.

7 So I believe if I go back to the
8 garage after completing two outer boroughs fares,
9 I should probably get \$20 less in my lease. This
10 is a fair incentive for us because that way we
11 will balance the economic situation that we face.
12 Like I said before, the garages, they're secure
13 the lease money. The risk relies only on us taxi
14 drivers.

15 That's one thing I want to say. I
16 know I have a few minutes. And in comparison to
17 the numbers that you were talking about that
18 you're so surprised about the 500 complaints that
19 you received in the month of March about refusals.
20 In comparison to the amount of fares that we make
21 every day, we make approximately 250 million
22 fares, excuse me, 250,000 fares a day in the
23 entire industry. 450,000, excuse me. And that
24 adds up to 162 million fares a year. And if you
25 say you have 500 fares every month refusals, that

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2 will equal to approximately 0.00037 percent per
3 year on refusals. This is the amount that I
4 haven't heard in this yellow piece of paper that I
5 hope you will catch this in the cameras and will
6 remember in your brains, Mr. Vacca. Thank you for
7 all your attention.

8 CHAIRPERSON VACCA: I thank you.

9 VICTOR SALAZAR: From all the taxi
10 drivers in New York City, we definitely would like
11 to oppose the Intro 521. Thank you very much.

12 CHAIRPERSON VACCA: I thank you. I
13 thank you but I have to take this opportunity to
14 state something that I have seen and I have heard,
15 with all due respect to your testimony. Because
16 what you said about taxi drivers being hard
17 working family people, I agree with you, I know
18 they are. But I have to tell you the issue of
19 refusal is endemic. We can't deny that. We can't
20 deny that that is a serious problem.

21 I know 500 and you gave me that
22 statistic and it was very graphic what you did,
23 but those are only people who called in one month
24 and there are others who did not know to call 311.
25 We learned today that there are others who call

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2 311 who never get a phone call or an email from
3 the Taxi and Limousine Commission following up on
4 their complaint. So therefore, a lot of people
5 wash their hands and they say why am I
6 complaining, the city is not helping us. They're
7 against refusals but refusals continue. So with
8 all due respect to both of you, that's how I feel.

9 I know people because of what they
10 look like, because of where they want to go, they
11 cannot get a cab. I know people who have
12 approached me and I don't think that's right. I
13 think my colleagues feel the same way. Now how do
14 we address it? That's why we're having a hearing
15 today. I appreciate your testimony, and believe
16 me, I listened and I'm sure my colleagues listen.

17 I don't think we can deny the
18 existence of a serious problem, the extent of
19 which has been historic in New York City,
20 historic. Sir, would you identify yourself?

21 BERESFORD SIMMONS: Good evening,
22 Councilman Vacca and Council people, chair people,
23 whoever you are. My name is Beresford Simmons,
24 and I've been a cab driver in New York City for
25 over 38 to 40 years.

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2 I feel today that I've been beaten
3 down, stepped upon and just totally abused by many
4 of the things that I've heard today. Do I have a
5 right as a cab driver? If somebody comes to me
6 and call me a nigger in my cab, should I take him
7 someplace? If somebody comes in my cab and
8 sexually abuse me, should I take him someplace?
9 I'm telling you about things that have happened to
10 me.

11 My son was attacked about four
12 weeks ago by three individuals. Beat up in the
13 street, he defended himself, and guess what, the
14 three individuals ran away and my son end up in
15 jail and is about to lose his license for that.
16 Do I have a right as a cab driver? I don't think
17 so, not from listening to this testimony today.

18 Because refusal is something that
19 anyone in the streets can just see a license and
20 write it down and report it to the TLC. And 90
21 percent of the time, whether you're right or
22 you're wrong you're going to get a fine from the
23 Taxi and Limousine Commission. So where is my
24 rights as a driver? I'm talking about complaints
25 that I hear from many drivers in the industry,

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okay.

Summonses, six to seven summonses a day, from police officers, from TLC inspectors. For one fine, I have two summonses today for picking up a passenger in the bus lane and I'm a wheelchair accessible cab, dropping off a wheelchair passenger. Where is my rights as a cab driver today?

Everybody has a complaint. If I'm off duty and I'm in the middle of the street and somebody wave me down, I'm not going to cut across three or four lanes to pick up that individual. That individual can take my number down and report that I refuse. What constitutes a refusal? You have to look into all of these things here.

So I disagree with the new rules that you guys are coming up with right now. We as a Taxi Workers Alliance is willing to work alongside any taxi and City Council people. To the City Council lady at the end, you have a great proposal about working with young people. For this reason, I want to make an announcement here today because I can see the livery base has advocate. Today, I'm telling you people that I

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2 will be running for City Council somewhere in my
3 constituency just to have a yellow cab driver on
4 the City Council. Thank you very much.

5 CHAIRPERSON VACCA: I thank you.

6 COUNCIL MEMBER: [off mic] What
7 district are you?

8 BERESFORD SIMMONS: I'm in the 28th
9 Council District in Queens.

10 CHAIRPERSON VACCA: Two ladies who
11 are not from Queens. They're safe.

12 BERESFORD SIMMONS: Don't worry,
13 you're safe.

14 CHAIRPERSON VACCA: I do have to
15 clarify one thing. Under the law, refusal is
16 allowed if there are justifiable reasons. You did
17 give examples of what I think are justifiable. If
18 somebody threatens your life, if somebody makes
19 remarks of a bias nature. I mean refusals are
20 illegal but many people do have those issues and
21 there is a clause in the law that's already
22 existing. It's not something we're considering
23 today. This is what exists right now.

24 BERESFORD SIMMONS: I just want to
25 give you one incident, Councilman. I was sexually

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2 harassed by somebody in the cab, a male. And when
3 I pull up to the police officer and tell him that
4 I want this man out of my cab, I was told that you
5 have to take him to where he has got to go.

6 CHAIRPERSON VACCA: I don't know
7 that incident but if that is the case, we need to
8 educate--

9 BERESFORD SIMMONS: [interposing]
10 Well, I'm just telling you.

11 CHAIRPERSON VACCA: As Council
12 Member Rose said, because then--Darlene Mealy, you
13 have a question, Council Member?

14 COUNCIL MEMBER MEALY: Yes, I have
15 a quick question. I don't know what's going on
16 with society right now. I'm African American and
17 I know many times I cannot catch a cab.

18 BERESFORD SIMMONS: Me too. Livery
19 car service too.

20 COUNCIL MEMBER MEALY: Exactly.
21 It's something that we have to address because it
22 is happening. But I was wondering with this
23 legislation, have they thought of a lower penalty
24 maybe. Who is going to really go out and make
25 sure, like you just said, things like that happen.

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2 Do we have a body that's going to make sure that
3 every ticket is not a justifiable ticket? It may
4 be circumstances to these tickets. If we don't
5 have anyone really going out to really make sure
6 that the tickets are legitimate, we are killing a
7 dying entity in our community as cab drivers. To
8 me it's not just that you're cabbies, you're a
9 professional driver. Here it is, if we take this
10 entity out, where are we going to get from A to B.

11 So I think this legislation, I'm
12 not going to sign on to this legislation because I
13 feel it really needs to be looked at a little more
14 in depth to see how can we work it out together.
15 Because like my colleague, right here, Oliver, if
16 you need to go somewhere you're going to take that
17 cab, and it's not legal but you're going to take
18 that cab because you need to go A to B. Then now
19 to make someone pay \$500 or more, now we're
20 killing a family.

21 If we only maybe gave them a
22 summons first, not even a summons, a warning and
23 then follow through. If you did a couple of
24 warnings and you didn't follow through, then maybe
25 a fine, but not \$500. So I hope that we can

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really look at this issue.

BERESFORD SIMMONS: Most of the refusal--

COUNCIL MEMBER MEALY: Legislation and split it, like Oliver Koppell--

BERESFORD SIMMONS: [interposing] Most of the refusal, and I would hold the fleet and the major fleet owners responsible, most of the refusal comes from new drivers in the industry who don't know where to go after they've dropped off a passenger in the Bronx, Brooklyn or Queens.

COUNCIL MEMBER MEALY: We have GPS now.

BERESFORD SIMMONS: As a matter of fact, if you put a GPS navigation system in your cab, you might get a ticket from the TLC from having a GPS system on your dashboard.

COUNCIL MEMBER MEALY: Well after you drop off your passenger, you could pull over to the side but be very alert of your surroundings and just put your home. I know now you just hit home and it'll take you back where you need to go.

BERESFORD SIMMONS: I know.

COUNCIL MEMBER MEALY: We have to

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be--

BERESFORD SIMMONS: [interposing]

No, no, no, I know that you can move from--

COUNCIL MEMBER MEALY:

[interposing] Technology wise, street wise, and we have to really think about our livelihood also.

Because I'm for it, I'm not for this legislation, but I don't really want to see families lose that much money, \$500. I think we should try to find another way--

BERESFORD SIMMONS: [interposing]

Appreciate it.

COUNCIL MEMBER MEALY: --or make it

smaller because a lot of people who are really doing it are not getting caught.

BERESFORD SIMMONS: True.

COUNCIL MEMBER MEALY: So I just

hope that we really think about this legislation a little more in depth.

BERESFORD SIMMONS: And a little

pressure should go on the fleet owners to educate the new drivers in the industry.

COUNCIL MEMBER MEALY: That's true

also. Thank you.

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CHAIRPERSON VACCA: I thank you
all.

BERESFORD SIMMONS: Thank you so
much, sir.

CHAIRPERSON VACCA: I thank you
always for your input and I value it and I thank
you.

BERESFORD SIMMONS: Thank you, sir.

CHAIRPERSON VACCA: Guy Palumbo is
with the Livery Round Table and we have Mohan
Singh, self, Ozone Park Queens, and Richard
Thaler, New York, New York.

[Pause]

CHAIRPERSON VACCA: Mr. Palumbo,
would you please go first?

GUY B. PALUMBO: Good afternoon,
Chairman Vacca and Vice Chair Rose, along with
Council Member Mealy. I am Guy Palumbo, the
Executive Director of the Livery Round Table.

The Livery Round Table is a
coordinating council for seven citywide
associations in the Livery/Community Car Service
industry. Collectively, we represent over 18,000
livery drivers, 350 base owners and over 8,000

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2 telephone operators, dispatchers and customer
3 service representatives.

4 Not knowing the specifics as to the
5 actual events as to what prompted this
6 legislation, and without passing judgment, the
7 specifics, we believe that refusing service by any
8 individual is wrong, especially if the reason is
9 the destination of said trip.

10 We recognize the intent of Intro
11 521 and commend the City Council and the
12 Transportation Committee for giving this issue the
13 priority it deserves.

14 Denial of service deprives the
15 public from using a valuable New York City
16 transportation mode to, whether that's to, from or
17 within the other boroughs, as opposed to the outer
18 boroughs. I have to correct that. Sorry. I
19 caught that word today. And we hope that Intro
20 521 will assist in servicing all New Yorkers.

21 We support your efforts and look
22 forward to working with you on this and the other
23 important issues pending.

24 CHAIRPERSON VACCA: Thank you, Mr.
25 Palumbo. Mr. Singh?

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MOHAN SINGH: Hi, I'm Mohan Singh. I'm coming from Queens. I'm working as a taxi driver on the last three years. But as I must say, I've got a big problem which I have to face. There are many customers, they are abusing me. Sometimes they use bad words against my appearance. And I am an old person and I have to bear it.

So when a kid comes and says something regarding your mother or father, then how I feel, I know it. Sometimes I weep myself. But I cannot do anything. And there is no protection for us and we don't know what to do. Whenever we say something to them and they just report to the TLC and the TLC comes after. We cannot do anything else. We cannot say how we are feeling. I have humbly and my kids are in the college and I have to weep sometimes what I'm doing.

So the things you people take care only for the ones who have called you and tells you, oh, this person refuse me but you never see the person why he refuse. If you go to the TLC, they don't hear us. They just hear the person and

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2 what he says, and he's always right, we are always
3 wrong. Many times we just keep quiet also that
4 what to say.

5 At this moment, I myself on the
6 table saying that please take care of us also. We
7 have families. We have to take care of the
8 families. If you just put this much amount as a
9 fine then we will go. If you want to kill us,
10 kill us once and for all. That is my words, the
11 rest up to you. It's not a small game. I'm 55
12 years old. And if this thing happens, I should
13 kill my children also.

14 So what do you expect that if you
15 drive, you come to know what all we face. But you
16 are sitting on the table, you don't know what we
17 are facing. When we complain they don't care for
18 us. Even the policeman, he never cares. If he
19 signals and they give us a ticket and what we say
20 to them that we are not wrong, they don't care.
21 Even they beat us. So now what we should do?

22 CHAIRPERSON VACCA: Let me say this
23 to you. You're raising an issue I'm very glad you
24 raised. I've heard it several times. I think
25 you're getting to the question of what constitutes

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2 an acceptable refusal. I certainly do not want
3 you attacked by anyone because of who you are. I
4 am going to speak to Chairman Yassky about this
5 because I've heard this several times about people
6 who are hesitant to refuse because of the fines
7 but who feel very uncomfortable based on a
8 situation revolving around an attack on their
9 being. I'm going to inquire about this and I
10 appreciate you bringing it up. If that ever
11 happened to you, and I'm sure it has, I apologize
12 on behalf of the city.

13 MOHAN SINGH: Thank you.

14 CHAIRPERSON VACCA: I apologize.

15 MOHAN SINGH: Thank you very much.

16 CHAIRPERSON VACCA: It's not the
17 intent of this Council to excuse that in any way.

18 MOHAN SINGH: The thing is that we
19 are not--we have to face only, we are the people
20 who are faced. If the brokers, we go to the
21 brokers, they charge what they feel like, we
22 cannot say. We have to pay them. If we don't pay
23 them, then we are lose, we cannot feed our child.

24 CHAIRPERSON VACCA: Council Member
25 Rose?

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2 COUNCIL MEMBER ROSE: Mr. Singh, I
3 do understand that it's a very tough job and
4 you're in a very hard situation. I just want you
5 to know that, and I want to clear up something.
6 We talked a lot about refusals to take people to
7 the other boroughs. But my experience has been
8 where drivers make an assumption that because I'm
9 an African American woman that I'm going uptown or
10 I'm going to Brooklyn or to a community that they
11 don't want to go to and I'm simply trying to get
12 to the ferry. Something that I think is pretty
13 palatable to all drivers.

14 However, I've been refused because
15 assumptions were made because of what I look like.
16 So I would be the first to be upset about someone
17 accosting you because of who they think you are.

18 If you are given a summons, when
19 this summons is adjudicated, you have the right to
20 tell them why you made that refusal. That has to
21 be considered when this is being adjudicated. I
22 just wanted you to know that someone is there to
23 listen. There is a due process. I want you to
24 know that the system does try to be fair, at least
25 to hear both sides.

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2 Mr. Chairman Vacca, I would like to
3 suggest, and I suggested earlier, an education
4 campaign for the drivers, and for the public. But
5 here also should be a campaign for the police
6 department so that when drivers approach them with
7 matters of safety that they feel is a justifiable
8 refusal that the police department doesn't then
9 exacerbate it by insisting that trip be made.

10 Thank you.

11 MOHAN SINGH: One second. The last
12 time I got a passenger and he was taking photos of
13 the bridge. And I stopped near the policeman on
14 the Brooklyn Bridge and I cannot call him because
15 the guy was behind me. But that guy, the
16 policeman, never saw me. I am stopped next to
17 him, with a flashing light, he don't want to come
18 out, he's just sitting in the car. And the guy
19 who was the passenger it was you move, you move.

20 CHAIRPERSON VACCA: That goes to
21 the heart of Council Member Rose's suggestion
22 which I agree with. That is that the police
23 department needs to know on what basis should
24 someone like yourself refuse is that refusal
25 justified. That's what we've got to get Chairman

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2 Yassky to tell us that. I certainly think that if
3 there are those types of remarks made to you and
4 you feel threatened, to me that in the law is
5 covered by what they say is justifiable. But what
6 is justifiable? That word is so vague, I want to
7 know what TLC has and if they don't have it, I
8 want them to get it.

9 MOHAN SINGH: Thank you very much.

10 CHAIRPERSON VACCA: There should be
11 an education program to include law enforcement
12 people that you may go to because you feel
13 threatened at that time.

14 MOHAN SINGH: Thank you very much,
15 sir. Thank you. Mr. Thaler, you are last.
16 Council Member Mealy had one question and then Mr.
17 Thaler. I'm sorry. Is this for the gentleman,
18 Mr. Singh?

19 COUNCIL MEMBER MEALY: Yes.

20 CHAIRPERSON VACCA: Mr. Singh, can
21 you stay there one more minute please?

22 COUNCIL MEMBER MEALY: Mr. Palumbo?

23 GUY B. PALUMBO: Palumbo.

24 COUNCIL MEMBER MEALY: You're in
25 charge of the Livery Round Table.

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GUY B. PALUMBO: Yes.

COUNCIL MEMBER MEALY: That's of all the livery cab owners also?

GUY B. PALUMBO: We're actually an umbrella association of associations. We have seven associations that are livery based, both operators, fleet owners, drivers, et cetera.

COUNCIL MEMBER MEALY: You're fleet owners.

GUY B. PALUMBO: Not just fleet owners. There are individuals. Not necessarily a fleet. There are fleet owners, there are base operators and there are independent contractors. We represent all of them.

COUNCIL MEMBER MEALY: All of them. Okay, so you're for this legislation.

GUY B. PALUMBO: Yes, ma'am.

COUNCIL MEMBER MEALY: So what part of the burden do the owners handle if the taxi drivers have to pay summonses that are not fair? Or like one of the taxi drivers said, flat tires or the alignment for a pot hole and they're out of commission. How much percentage do the owners take on this?

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2 GUY B. PALUMBO: We are not yellow
3 taxis.

4 COUNCIL MEMBER MEALY: You're a
5 representative of people who are leasing cabs I
6 believe.

7 GUY B. PALUMBO: No, not cabs,
8 ma'am. We are the community car service, commonly
9 referred to in most areas as the livery and
10 mislabeled gypsies. We are not. We are the
11 community car services in your local area. We, as
12 such, we do not get a refusal from the point of
13 view of they're not supposed to be taking a street
14 hail. Our vehicles are not supposed to be taking
15 street hails. That's why we particularly like
16 what Council Member Koppell had said about
17 splitting this or delaying it depending upon what
18 transpires with the Council and the TLC in
19 reference to the street hail situation.

20 COUNCIL MEMBER MEALY: Okay. I'm
21 for what Oliver Koppell said also. So we're on
22 the same page with that. But another thing you
23 said, Chair did we find out why this all of the
24 sudden came up? I'm like you, you just said--

25 CHAIRPERSON VACCA: [interposing]

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2 No, the refusal issue has been of concern for
3 years.

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COUNCIL MEMBER MEALY: We know
5 that, but the increase in the amount?

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CHAIRPERSON VACCA: The increase in
7 the amount, I think that this emanated from an
8 attack--not from an attack, I think this emanated
9 from a refusal in the Bronx about three months
10 ago. In fact, it was in my district. There were
11 young men who wanted to go home to the Bronx and
12 there was a refusal. And the cab basically almost
13 ran one of them down. That sparked a whole furor.
14 Then it came to light that we had members of the
15 Council and we've had others who have been refused
16 over a long period of time. So I think that that
17 brought it to a head.

18

COUNCIL MEMBER MEALY: To increase
19 the fines. I know she said like \$350 and now
20 we're moving it up to \$500. So we're doing all of
21 this but who is going to really enforce this?

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CHAIRPERSON VACCA: The Taxi and
23 Limousine Commission would have to enforce it and
24 we've urged them to have better enforcement and
25 we've urged them--

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COUNCIL MEMBER MEALY:

[interposing] But if they haven't enforced the \$350, so now it's getting higher.

CHAIRPERSON VACCA: No, they've enforced the \$350. They've given summonses. What Chairman Yassky referred to is that 40 percent of all summonses issued, when they go to the administrative law judges, are dismissed. Not 40 percent of refusals, 40 percent of all summonses, which we all agreed and I brought it up, was a high number and I want an explanation.

COUNCIL MEMBER MEALY: Thank you, and I apologize. I was late.

CHAIRPERSON VACCA: No, no, no problem. But that's what happened with that.

COUNCIL MEMBER MEALY: Thank you. I guess we will talk soon.

GUY B. PALUMBO: The comment or the question as to the history of it was it appeared, and we didn't know the background of it, was that it came by the Mayor and the Mayor's request and I said we didn't know the history or the reason for his immediate request. I remember the story, Councilman Vacca. I didn't realize they were

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directly related as to the timing of it.

COUNCIL MEMBER MEALY: We're making it very unaffordable to live here. Thank you.

RICHARD THALER: Chair Vacca and committee members, thank you for this opportunity. I did not intend to comment but I heard something that Chair Yassky mentioned and I feel compelled to talk about it. He indicated that in the next 45 days, the renewed contracts for the TPEP system are going to be turned over to the comptroller for the comptroller's registration.

In the interest of full disclosure, my group, together with Melrose Credit Union, created the TPEP system which at the Mayor's invitation he saw and mandated it for the entire industry. What I'm concerned about, although I was very gratified to hear, that Chair Yassky said that the disabling of rate four would be included as a requirement in this new contract through the method of geofencing. We recommended that at the beginning of the original contracts, but at least they're doing it now, although it took them all this time. It would have alleviated all of the problems that you witnessed.

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2 However, considering your oversight
3 responsibilities, I know that under the City
4 Charter the requirements for registration may,
5 under certain conditions, require a public
6 hearing. However, you also have the right for
7 oversight; there were many documented violations
8 of MasterCard, Visa rules, overcharges,
9 relationships that were unjustified. We do not
10 know, obviously, without seeing these renewed
11 contracts whether these things have or have not
12 been remedied. I'm hoping you consider an
13 oversight hearing on the renewed contracts before
14 they're registered, independent of under the PPB
15 rules that the city has to hold a public hearing
16 on these contracts.

17 I think you'll find it very
18 worthwhile. Thank you.

19 CHAIRPERSON VACCA: Okay, I thank
20 you. I will ask our counsel to look into that.

21 COUNCIL MEMBER MEALY: I'm the
22 chair of Contracts.

23 CHAIRPERSON VACCA: The Chair of
24 Contracts speaks.

25 COUNCIL MEMBER MEALY: I would love

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to.

CHAIRPERSON VACCA: Council Member Mealy is the chair of the Contracts Committee.

RICHARD THALER: You've got to be kidding me.

CHAIRPERSON VACCA: No.

COUNCIL MEMBER MEALY: We'll be talking.

RICHARD THALER: One other thing. The policy--

CHAIRPERSON VACCA: [interposing] We have to stop meeting like this.

RICHARD THALER: I like bringing up the rear. Under the requirements of the TLC to implement policy, what was never done, system requirements and operating standards were never promulgated and approved by the Taxi Commission. These things were just incorporated the so-called secret contracts. It would seem to me that the TLC should be required to promulgate operating standards, publish them, vote on them and then if they want to include it in a procurement process, which is questionable on its own, that's another matter. But the standards should be promulgated

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2 as a rule and voted on by the Taxi Commission.

3 Thank you.

4 CHAIRPERSON VACCA: I appreciate
5 that. That certainly means that when they
6 promulgate rules, there's a requirement for a
7 public hearing, so that will mean public input.

8 There being no further speakers, I
9 want to thank everyone. I particularly thank
10 Council Member Rose, who has been here from the
11 beginning. Very good, Council Member. I thank
12 Council Member Mealy who stuck it out to the end.

13 There being no further business,
14 this meeting is hereby adjourned, 3:25.

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 May 12, 2011