

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

-----X

March 1, 2012
Start: 1:41 p.m.
Recess: 4:15 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:

Council Member Daniel R. Garodnick
Council Member David G. Greenfield
Council Member Vincent M. Ignizio
Council Member Peter A. Koo
Council Member G. Oliver Koppell
Council Member Jessica S. Lappin
Council Member Darlene Mealy
Council Member Ydanis A. Rodriguez
Council Member Deborah L. Rose
Council Member Eric A. Ulrich
Council Member James G. Van Bramer

A P P E A R A N C E S (CONTINUED)

David Yassky
Commissioner
Taxi and Limousine Commission

Gary Weiss
Deputy Commissioner for Licensing and Standards
Taxi and Limousine Commission

Martin Grindley
Assistant Commissioner
Taxi and Limousine Commission

Jasmine Le Veaux
Attorney, Transportation Practice Group
Windels Marx Lane & Mittendorf
(on behalf of the Coalition of Transportation
Associations)

Aviq Cabesa
Board Member
Livery Round Table

Jeff Rose
Owner, Attitude New York
Representative, Limousine Association of New York

James Grasso
Representative
New York City Fleet Livery Owners Association

David Pollack
Executive Director
Committee for Taxi Safety

Ethan Gerber
Executive Director
Greater New York Taxi Association

Peter Mazur
General Counsel
Metropolitan Taxicab Board of Trade

A P P E A R A N C E S (CONTINUED)

Vincent Sapone
Managing Director
League of Mutual Taxi Owners

Bhairavi Desai
Executive Director
New York Taxi Workers Alliance

Bill Lindauer
Member, Organizing Committee
New York Taxi Workers Alliance

Victor Salazar
Member
New York Taxi Workers Alliance

Mohan Singh
DOV Driver

Jeffrey Thomason
Reverend

Male Voice
Speaker did not identify himself

Alex Gardiner
Taxicab Driver

1
2 CHAIRPERSON VACCA: --2012. I'd
3 like to welcome you to the hearing of the New York
4 City Council Committee on Transportation. I'm
5 James Vacca, and I'm Chair of the Committee on
6 Transportation for the Council. Today, we're
7 going to hear testimony on four bills affecting
8 the taxi and for-hire vehicle industries, as well
9 as have oversight on the topic of TLC's
10 inspections, operations at their Woodside
11 facility. Let me start with TLC's Woodside
12 inspection facility. As many of you know, I've
13 been Chairman of this Committee now for a little
14 more than two years and ever since I became
15 Chairman, I've been hearing about problems at the
16 Woodside facility. The for-hire industry,
17 especially the liveries, have come to my office
18 time and time again to complain about inspection
19 delays. There's not enough time, there isn't
20 enough capacity, there aren't enough inspectors.
21 It simply takes too long. The delays for brand
22 new vehicles are especially galling. We've heard
23 of drivers waiting three or four weeks, sitting
24 there with a brand new vehicle, paying the
25 insurance, paying for their TLC license, just

1
2 waiting to drive. Why should it take all that
3 time for a brand new car to get on the road? The
4 whole point of getting a quick inspection for new
5 cars, is to incentivize drivers to actually buy
6 new cars. But by forcing drivers to wait for
7 inspections--[background noise] excuse me, I'll
8 wait. The whole point of getting a quick
9 inspection for new cars is to incentivize drivers
10 to actually buy new cars. But by forcing drivers
11 to wait for inspections and lose pay while they
12 wait, the TLC is incentivizing just the opposite.
13 Why would a driver bother to invest in a new car
14 if it means he might have to be off the road for
15 days or even weeks? It makes no sense. He'll
16 just driving the--just keep driving the old car.
17 It's a little ironic that all of us, I'm sure,
18 want a more fuel efficient fleet, but we punish
19 drivers for making that investment, by making them
20 wait so long for inspections. The ultimate result
21 of all these delays is one of two things, either a
22 driver sits at home waiting for his inspection
23 date to come, choosing to lose out on all those
24 days or even weeks of lost wages, or he goes out
25 and drives illegally, without his inspection,

1
2 because he can't afford those lost wages. I don't
3 want any driver to face that choice. These
4 drivers are small business owners who are driving
5 cars for their livelihoods to support their
6 families. We aren't exactly talking about the one
7 percent here. Every day that drivers have to wait
8 for an inspection, makes it more difficult for
9 them to earn a living. These are drivers who are
10 trying to do everything right, they're playing by
11 TLC's own rules, and yet they're faced with a very
12 difficult choice when they cannot get a timely
13 inspection. I have asked Commissioner Yassky on
14 several occasions to address this issue, at least
15 for a year, but I have to say I know that when I
16 first came in as Chair, I raised this as an issue
17 based on the complaints that I have received.
18 Today, we need answers. And I hope to receive
19 answers. Woodside clearly lacks the capacity to
20 serve all of the existing segments of the
21 industry. Capacity is an issue here. What is
22 going to happen when we add up all the components
23 of the five borough plan? Regardless of how the
24 details work out, there will certainly be more
25 cars on the road and that means more inspections.

1
2 Yellow cabs have to be inspected at Woodside three
3 times a year. I would assume any car authorized
4 to accept a street hail in the outer boroughs
5 would probably have the same rule: three times a
6 year. With 18,000 proposed outer borough permits,
7 that could mean an additional 54,000 inspections
8 every year. Plus, we will be selling 2,000
9 additional yellow cab medallions in the next
10 fiscal year, according to the Mayor. With all
11 those cars needing inspections, how will the TLC
12 possibly find time and resources to inspect them
13 all at Woodside. Whether or not all of these
14 vehicles are already on the road, or will be new
15 vehicles, doesn't matter. These vehicles only
16 have to be inspected at Woodside once every other
17 year under the current rules. Even if they're
18 already on the road, if they are in--if they are
19 inspected three times every year like the yellow
20 cabs do, then that will mean even more
21 inspections. Woodside is already over capacity,
22 we must have another inspection station before the
23 five borough plan is rolled out. The drivers and
24 the riding public cannot accept the situation even
25 getting worse than it is now. Today, I expect to

1
2 hear specifics on what the TLC is doing to fix the
3 problem. Hearing that we need another year or two
4 is something I hope I will not hear, very
5 honestly. We've been aware of the issue for a
6 long time, personally I brought this up on many
7 occasions. Now, In addition to the inspection
8 piece, we're hearing testimony on four bills.
9 Intro 234-A is my bill, that significantly
10 restructures the TLC's advisory boards. Currently
11 the TLC has four advisory boards with 64 members.
12 There's a regular advisory board, a driver board,
13 a disability board, and a livery board. The
14 problem is none of these boards meet. The problem
15 is none of these boards have people. So, I don't
16 know what advice is given by people who don't sit
17 on boards that don't function. Industry groups
18 have come to me and said that the nomination
19 process may be onerous. The result is that
20 nobody's nominated to serve on the boards. So the
21 boards don't meet. And I want these boards to be
22 in place, I want them to give advice, as was the
23 intent when the boards were created. And my
24 legislation would form one advisory board, so that
25 people are at the table, TLC can go to them,

1 explaining new rules and regulations, and get
2 their input. TLC will meet with other
3 stakeholders as well. They'll meet with people
4 not on the advisory boards. But there should be a
5 formalized structure. And these boards, under my
6 legislation, are not here to hear grievances; my
7 legislation is designed so that all segments of
8 the TLC regulated industries have access to
9 knowing about any and all rules changes the
10 agency's proposing. This industry, the taxi
11 industry, is the most varied and diverse industry
12 that I've had the pleasure of working with now for
13 almost two-and-a-half years. Every segment of
14 this diverse industry has a right to know about
15 rule changes that affect them, and the livelihood
16 of their members. My legislation requires the
17 board to meet at least quarterly to discuss
18 whatever rules TLC is promulgating. I've taken
19 four boards that do not meet because there are no
20 members, and I've combined them into one board
21 with a requirement to meet. As I've said, this
22 advisory board is intended to give advice on
23 proposed rules, it does not replace TLC's need to
24 continue to meet with industry groups and
25

1
2 representatives if an when they have concerns
3 outside of the rulemaking process. This issue
4 came up at my, one of my very first hearings as
5 Chair of this Committee, and one of Chairman
6 Yassky's first meetings as Commissioner. It's
7 been two years, I've decided to move on this, I've
8 introduced the legislation, and I'm moving this
9 forward. Concerning other bills, Intro 695
10 sponsored by Council Member Lappin, prohibits
11 taxis from accepting street hails with their off
12 duty lights on. We saw a preview of TLC's plan
13 the other day, in New York Daily News, about this,
14 but I'd like to hear some more details beyond the
15 newspaper report. This is not something that I
16 was briefed on prior to the Daily News article,
17 and I'm not sure that the plan put forth will
18 address the issues raised by Council Member Lappin
19 in her legislation. Intro 676-A proposed by
20 Council Member Lappin removes some of the TLC's
21 restrictions regarding the number of hours
22 individual medallion owners must drive if they are
23 veterans, senior citizens, or inherited their
24 medallion through the death of a spouse.
25 Introduction 449, sponsored by my colleague,

1
2 Council Member Koppell, requires for-hire vehicles
3 to post signage in their cars informing passengers
4 that they have the right to accept a wheelchair
5 accessible vehicle. So these are our topics
6 today, and before I proceed with testimony from
7 the Commissioner, I'd like to call upon my
8 colleagues to speak. Let me first introduce the
9 Members of the Committee who've joined me today:
10 Council Member Vincent Ignizio, Council Member
11 Peter Koo, Council Member Eric Ulrich, Council
12 Member Jimmy Van Bramer, Council Member Ydanis
13 Rodriguez, Council Member Darlene Mealy, and
14 Council Member Oliver Koppell, to my extreme left.
15 Okay, Council Member Koppell is the sponsor of one
16 of the bills as I've indicated, and I will now
17 recognize the Councilman.

18 COUNCIL MEMBER KOPPELL: Thank you,
19 Chairman Vacca. It's a pleasure to be here and to
20 consider these measures, which I think have, all
21 have considerable merit. I want to welcome the
22 Chair of the Taxi and Limousine Commissioner, our
23 former colleague, David Yassky, who I think in his
24 relatively short time as Chair of that Commission
25 has really actively moved things forward, and I

1
2 want to particularly thank him for his work with
3 the Mayor on getting livery hail, being people in
4 the outer boroughs being able to hail livery cabs.

5 DAVID YASSKY: [off mic] Thank you.

6 COUNCIL MEMBER KOPPELL: As a
7 representative of the outer borough who's been
8 frustrated by the lack of available taxis on the
9 legal basis, this is, I think, a major step
10 forward, which I welcome and look forward to
11 working with him on. The legislation I'm
12 sponsoring just adds to inform the public that
13 they're entitled with a livery cab to get an
14 accessible cab. I cannot avoid stating, as the
15 Chairman knows, that I'm seeking to get a
16 commitment either through the Taxi Commission or
17 through legislation, which is currently sponsored
18 by 37 members, that the yellow cabs that are
19 coming online as part of the taxi of tomorrow, are
20 all accessible. This is something that would be a
21 major civil rights victory, I recognize that there
22 are reservations by the Administration but I'm
23 hopeful that we don't get into a situation where I
24 will have to, Mr. Chairman, seek to get a vote on
25 this bill, because it, you know, it's something

1
2 that I, is sponsored by the, well over a majority
3 of members. I hope we can work this out with the
4 Speaker's Office, and with the Administration. In
5 my opinion, it's important. I know that today is
6 mainly about the livery industry and that's a
7 whole other subject, with respect to
8 accessibility, but as part of the agreement that
9 was reached in Albany, I know that at least a
10 significant number of the livery cabs will in fact
11 be accessible to those who are wheelchair bound.
12 And which I'm very happy about. So, I'm looking
13 forward to the hearing, Mr. Chairman, I am
14 supportive of these pieces of legislation and
15 again, I want to welcome the Chairman and look
16 forward to working with him.

17 CHAIRPERSON VACCA: Thank you, and
18 all the Members of this Committee work so well
19 together, I appreciate their input and their
20 advice at all times. I do want to single out
21 Council Member Rodriguez at this time, because his
22 concern, relative to the inspection issue, really,
23 I think, prevailed upon me to have this hearing,
24 and to move this item. And I thank him for always
25 advocating for issues concerning the taxi

1 industry. So, thank you, Council Member
2 Rodriguez.

3
4 COUNCIL MEMBER RODRIGUEZ: [off
5 mic] Thank you.

6 CHAIRPERSON VACCA: Okay,
7 Commissioner Yassky, welcome.

8 DAVID YASSKY: Thank you. Good
9 morning, Chairman Vacca and Members of the
10 Committee on Transportation. My name is David
11 Yassky, I Chair the City's Taxi and Limousine
12 Commission. Thank you for the opportunity to
13 speak to you today regarding the four introductory
14 pieces of legislation affecting the City's for-
15 hire industries, and for, and speak to you about
16 our inspection process in this oversight hearing.
17 I would like to provide some, first of all I'm
18 sorry, I would like to just introduce much of the
19 TLC senior staff, is here with me, just so you
20 know who, who is here: Deputy Commissioner Gary
21 Weiss is our Deputy Commissioner for Licensing and
22 Standards; Deputy Commissioner Ray Scanlon is our
23 Deputy Commissioner for Uniformed Services Bureau,
24 which includes both the enforcement and the
25 inspections arm; and Assistant Commissioner Martin

1
2 Grindley is our Assistant Commissioner for Safety
3 and Emissions, which runs the inspection garage at
4 Woodside that you were speaking about, Mr. Chair.
5 Also, just to point out, we may not have had a
6 chance to meet her or interact with her yet, but
7 our somewhat new, few months now, General Counsel,
8 Miri Joshy is here, who has been an enormous
9 asset; and also some other TLC staff are here with
10 us. So, you've got the bulk of the agency. I
11 believe our inspections are proceeding on pace
12 today, even despite everybody being here. Am I
13 right? Yes, so, but there are a lot of TLC folks
14 here, because this is an important topic. So,
15 again, I would like to provide some basic
16 background information about our inspection
17 process and operations, one of our agency's points
18 of pride. As you know, the TLC operates a state-
19 of-the-art inspection facility in Woodside,
20 Queens. At this facility, we inspect vehicles
21 from all of the industry is regulated by the TLC.
22 We inspect yellow taxis three times a year. These
23 inspections are required for taxi operation and
24 each cab's inspection appointment is scheduled by
25 our safety and emissions division. Our staff

1 provides a comprehensive inspection for each taxi,
2 divided into two major parts: the DMV emissions
3 test and a visual inspection. In other words, the
4 inspection includes what the DMV inspects for
5 ordinarily when you, when any private citizen
6 brings their, his or her car in for inspection, as
7 well as taxi specific. So we test of course the
8 meter, the credit card processor, and we do a
9 visual inspection that the seatbelts - - work and
10 so forth. That the partition is there, that the,
11 it holds the license in the proper way, all of
12 these taxi specific things on top the regular DMV
13 inspection. The visual inspection checks for, for
14 compliance with all TLC rules, required equipment,
15 cleanliness and in-vehicle technology. This past
16 year, our staff inspected yellow taxi cabs 5,000--
17 52,804 times, there are 13,000 of them, so, but
18 they come in, as I say, three times a year, plus
19 if they, if fail an inspection, have to come back,
20 so a total of 52 almost 53,000 inspections.
21
22 Additionally, our inspectors see all for-hire
23 vehicles. That's liveries, black cars, and luxury
24 limousines, once every two years, and when a new
25 vehicle is put into service, or a license is

1 transferred to a different vehicle. Vehicles
2 appearing for their regularly scheduled inspection
3 receive a DMV emissions test as well as a visual
4 inspection, much like yellow taxis; transfer and
5 new vehicles only receive the visual inspection
6 for compliance with TLC rules. This is necessary
7 to ensure driver and passenger safety, high
8 quality customer service, and to maintain fleet
9 quality. After passing the inspection, decals are
10 fixed to all vehicles, indicating to the public
11 that the vehicle there, that has the decal, is
12 licensed and safe. Our inspectors conducted
13 37,379 inspections for FHV's this past year, while
14 we've seen improved pass rates for the yellow
15 industry, only 63 percent of FHV's pass their
16 initial inspection; a sign the requirements may
17 not be met immediately. So, that's in part why
18 there are so many inspections, 'cause they come
19 back for reinspections. But I think it also
20 speaks to, in some ways, the need for the
21 inspection process. Before I go around to the
22 legislative items, Mr. Chair, in your remarks, you
23 raised questions about the time it takes, I guess,
24 for, for a vehicle to get inspected. That time, I
25

1 think we've done I think a pretty good job of
2 keeping that within reason. A car, a vehicle
3 owner that comes in and wants to have a new
4 vehicle inspected, and has all of the necessary
5 documents, will have that inspection within three
6 or four days. Now, oftentimes, it takes longer
7 than that, but it's because there is a document
8 missing. So, the vehicle owner brings in their
9 application, but there's an insurance document
10 required or an affiliation or form required. In
11 that case, then, we don't schedule the inspection
12 until the application is complete. I think that
13 makes sense, we don't want to do the inspection
14 when they're--because at the end of the
15 inspection, they put the sticker on; we don't want
16 to give the sticker out until the application is
17 complete. So, you said in your opening statement,
18 Mr. Chair, answers, I feel that, I mean the answer
19 is, we're currently maybe three-four days
20 [background comment: "Yes."] out, as of today.
21 That's been true for months. And, any rate, that,
22 that is, that's my answer. The, you also raised a
23 question about capacity, and I, too, am concerned
24 about that. We have seven lanes today, we have
25

1
2 six lanes today, we have six lanes today, that are
3 active. Once the, the borough taxi licenses are
4 issued, I don't know that we'll have more
5 vehicles, because it will be existing livery
6 vehicles that will be registered, presumably as
7 borough taxis, but they'll be coming in more
8 frequently, as you, as we just discussed.

9 Currently liveries just come in once every two
10 years. So, if instead they're coming in, well,
11 three times a year is the yellow rate, as I'll get
12 to in a second, I don't know that we need that,
13 but even if they're coming in three times a year,
14 so instead of once every two year, three times a
15 year, that's five extra inspections per vehicle in
16 the two year period, we're taking a couple of
17 steps. First of all, we have secured capital
18 funding to expand and have a seventh lane
19 available, that you know, that will take a little
20 bit of work on our part, but we have the funding
21 to do it. We have reorganized our work schedule,
22 rather than people being on four day shifts,
23 they're now on five day shifts, and that allows us
24 to make more time out of that workweek. We are
25 looking very hard at the op--at options of going

1
2 longer into the afternoon, or earlier in the
3 morning. You know, we know we're going to have to
4 accommodate more capacity. One thing that I would
5 very much like to do, to tell you the truth, would
6 be rather than have a three time a year
7 inspection, I would like to move that to twice a
8 year. The reason that we have three times a year
9 in the yellow case, is a 30 year old consent
10 decree with the EPA that says that, one of the
11 ways that we responded to our Clean Air Act
12 mandates was to promise to inspect taxicabs three
13 times a year. You know, taxis, like all vehicles,
14 are vastly cleaner today than they were 30 years
15 ago. We, the onboard diagnostic equipment,
16 frankly, means that cabs are maint--like all cars,
17 are maintained much better than they were 30 years
18 ago. We think we have a pretty good case to make
19 that the rationale that underlay that requirement
20 of three times a year is no longer applicable.
21 Plus, we need the capacity. So, we are going to
22 be going to the court, seeking to change that
23 order, to allow us to go from a three times a year
24 schedule to a twice a year schedule. I make, you
25 know, no prediction as to the speed or the

1
2 outcome, courts being what they are, but Mr.
3 Chairman, I wanted to let you know, we are doing
4 that as a way of trying to expand capacity, as
5 well. I'm sure you will have more questions about
6 inspections. Why don't I give the rest of the
7 statement about the legislation, and then I'll
8 hear all the questions. The first proposed items
9 of legislation, Intro 234-A, amends current local
10 law requirements for advisory boards for the
11 Commission by collapsing the four currently--the
12 four currently required into one. The legislation
13 also specifies how member are selected for the
14 Board and reserve seats for particular advocacy
15 groups and particular segments of the for-hire
16 industry. That's what it does, as you know, since
17 you introduced it. The TLC takes public input
18 very seriously, actively engages with our
19 regulated industries, and the riding public. For
20 example, we have established quarterly, regular
21 quarterly meetings with all of the industry
22 segments. And as you pointed out, Mr. Chair, this
23 is an extremely diverse industry, so there is a
24 trade association for large fleets. There's a
25 trade association for large fleets that have a lot

1
2 of the fuel efficient or accessible taxis. A
3 different, that's a different trade association.
4 There's a trade association for owner/drivers.
5 There's a trade association for medallion owners
6 and agents who operate in, not the fleet model,
7 but in the leasing agent or driver owned vehicle
8 model. So, that's four trade associations just
9 within the medallion owner side of the yellow. In
10 addition, there's an active segment of our
11 industry engaged in mortgage lending for
12 medallions. Of course, there are organizations
13 representing drivers. On the FHV side, there are
14 many industry models, as well. There are at least
15 two trade associations representing livery bases.
16 They are, as well, trade associations representing
17 black car bases and luxury limousine bases. So,
18 what we have chosen to do is rather than have a
19 large kind of advisory group structure, that all
20 of those folks would come in together, we have
21 quarterly meetings with each and every one of
22 those industry segments. I think they're
23 productive. I do not want to, I'm not claiming
24 that every industry segment is happy with every
25 TLC action. Or indeed that every industry segment

1
2 is happy with any single TLC action. And there
3 may be even an industry segment that is not happy
4 with any TLC action. [laughter] But, it is not a
5 lack of communication. I think that we, we've
6 taken great--not pains, we've made great efforts
7 to be thoroughly transparent, make sure that every
8 industry segment understands the proposals we're
9 putting on the table, has ample time to comment
10 before any final decision is made. Understands
11 our rationale for moving forward with them. At
12 the end of the day, absolutely, we've, we just did
13 two past rules today that, you know, one, at least
14 one industry player felt was a bad idea. But
15 there was, it was on the agenda, we had a month of
16 discussion, active, we adopted it. Any rate, so,
17 what I would say to you Mr. Chair is I, in candor,
18 do not feel that an advisory group is necessary,
19 but that's your decision to make, as the lawmaking
20 body. I want to give you my honest, kind of
21 advice, that we have in place a structure that
22 does provide for feedback, from the industry and,
23 and discussion. Nonetheless, and that, doing that
24 kind of segment by segment is more productive than
25 having everybody in a room when their interests

1
2 are often quite divergent. Having said that, I
3 understand well that it is a priority of yours,
4 Mr. Chair, so we of course stand ready to work
5 with you on crafting the legislation if it's
6 something that you choose to move forward with.
7 If you do, my only comment would be, I think that
8 the structure of the Board in Intro 234-A as
9 currently drafted is not quite balanced. There,
10 it has considerably more representatives of what I
11 would call the "business side" or the owner side,
12 than the driver side, or the employee side. And
13 then of the passenger side. There are really
14 three kind of broad interest categories. There's
15 the owners, or the businesses, so that's medallion
16 owners, leasing agents, mortgage lenders, bases;
17 those are business people--employers, if you will.
18 Then there's the drivers, who I think are--in the
19 position here as employees or labor. So you got
20 owners, labor. And then there's the customers,
21 the passengers. And I would say that an advisory
22 board, to be useful, should be balanced among all
23 three interests. This structure here, it seems to
24 me, is, is weighted toward the owner side. So, as
25 we work together on it, my input would be that we

1
2 should balance it among the three types of
3 interests that are represented. And certainly
4 ensuring, as you said, Mr. Chair, that the
5 diversity industry is also reflected. Okay. The
6 second proposed item of legislation, Intro 449,
7 adds language to the Livery Passenger's Bill of
8 Rights, regarding equivalent service for
9 passengers who use wheelchairs. Esteemed Council
10 Member Koppell's legislation, we think, I think
11 this is terrific, we fully support this bill.
12 Providing an expanding service to all New Yorkers
13 is a top priority for the TLC. Really, I--I won't
14 go on at length. We support this bill, it's a
15 good idea, we hope that you adopt it, and then we
16 will implement it immediately. I will say, as
17 Council Member Koppell knows, part of the bill,
18 the livery street hail bill, also does provide for
19 2,000 new medallions, all of which have wheelchair
20 accessible. We're very eager to get those on the
21 road. I know that that does not satisfy your
22 concern, and go as far as you've called for. I do
23 want you to know that we're, we've set now, we're-
24 -plan to start in July with that auction and
25 continue, and get those medallions out on the

1 street. And that will be a very material number
2 of new accessible taxis. Understanding fully
3 that, that your position is that we need to go
4 much further than that. So, this, though, is also
5 a good opportunity to update you on the TLC's
6 newly designed accessible dispatch system, which
7 not--in addition to putting those cars on the
8 street, take the ones that are already out there
9 and increase the ability--not, forget increase,
10 establish the ability of wheelchair users to take
11 advantage of the cars that are out there. The
12 dispatcher will assign the closest available
13 accessible taxi to the passenger. This is a
14 system that we, we did in pilot form, it had its,
15 we had a hearing on this, Mr. Chair, we discussed
16 at length that it worked, from my perspective, so-
17 so. Did, did the job, but didn't do it nearly so
18 well as it needs to be. Learned all the lessons
19 from that, incorporated it into the new program.
20 We've--did an RFP, let the contract, signed it,
21 it's at the Comptroller's office now. Actually
22 spoke to the Comptrollers' office just yesterday
23 morning to check on the progress of it. As soon
24 as it's registered, it can go into effect, and
25

1
2 people will be able to dial 311 and get a yellow
3 taxi and, again, fully understanding that Council
4 Member Koppell and others would say a drop in the
5 bucket, and just a start, but still it is a start.
6 And I want you to know that that is on its way.
7 Third proposed item of legislation, Intro 676-A.
8 This is a meaty one, Mr. Chair. This waives
9 minimum driving requirements for some taxicab
10 medallion owners. The Commission's "owner must
11 drive" rules, that's what, that's what's being
12 brought into play here. We have rules, the Taxi
13 and Limousine Commissioner, has rules of
14 longstanding, that require for certain medallions,
15 about 40 percent in theory, although there are
16 tons of exceptions, so in practice it's only about
17 20 percent, about 20 percent of the medallions
18 actually out there, subject to this requirement,
19 that for those medallions, the owner of the
20 medallions is required to drive the taxi. Okay?
21 The rest, anybody, they, you can rent it to
22 somebody, you can use, you can have a big fleet,
23 you can it to a fleet. But for these medallions,
24 the medallion owner is required to drive currently
25 190 or 180, 180 shifts a year. [background

1
2 comment: "Right.]" 180 shifts a year. Which is,
3 you know, not quite fulltime, but significant
4 amount of time. This, we, at the Taxi and
5 Limousine Commissioner, believe very passionately
6 that the owner/driver segment of this industry is
7 a valuable segment, and that it is worth
8 preserving, and that our rules, if our rules don't
9 preserve it, it will disappear. Why do we feel
10 that it is worth preserving? Customer service is
11 a big reason, safety is a big reason, and economic
12 opportunity is the, in my mind, the biggest
13 reason. Data--safety, customer service, there's
14 data that owner driven taxis are in fewer
15 accidents, are on the road more. It suggests that
16 they're, those cars are maintained better, that
17 they're cleaner. They, and that the driver,
18 because it's his or her own vehicle, will drive it
19 more safely. And so there's some value there.
20 But the even greater value in my, in my mind, is
21 that it creates a career ladder for drivers. If
22 you go back 30 years, drivers thought it was a
23 kind of, almost expected course, and at least an
24 attainable course, that they would be able to own
25 their own medallion one day. And drivers who own

1
2 their own medallions earn significantly more.
3 It's a difference really between a low income
4 worker and a middle income, small business owner.
5 And unless our rules preserve a segment of the
6 market that's owner/driver, that opportunity to go
7 from low wage worker to middle income entrepreneur
8 will disappear. Because what keeps it in place is
9 that because the owner driver medallions have that
10 requirement, they are much less costly to
11 purchase. Now, don't get me wrong, they're still
12 costly. Current, you know, on the current market,
13 they trade for about \$700,000 as opposed to the
14 million dollars that the fleet medallions trade
15 for. If you got rid of the "owner must drive"
16 requirement, though, that gap would disappear.
17 And they'd all trade for a million dollars. And
18 we, every day, I mean, you could come to the TLC,
19 and come to the 22nd floor, and go to Stan James'
20 office, he's the guy that does these closings.
21 And most days, you will see, 'cause they often
22 will buy them in pairs, two guys there, and
23 they're almost always guys, who speak so-so
24 English, who probably came here ten years ago, who
25 have worked their tails off, and now are buying a

1
2 piece of the rock. And they're, they're now
3 making this shift from driving for somebody else,
4 and eking out a living, to owning their own
5 medallion that will accrue equity and that there's
6 going to, they're going to use to buy a house
7 someday, or put their kids through college. This
8 is still an American dream industry in a way that
9 so little else is. And the, I think that if we
10 were to do away with the owner/driver rules, we
11 would be putting that at risk. And I think that
12 would be a shame. So, that's the, that's what the
13 "owner must drive" rules are all about. The bill
14 before us does not get rid of them entirely, I
15 understand that, but what it does do is allow
16 people at a certain point to lease their medallion
17 out. And I think what we would have to expect is
18 that as soon as people could, they would lease the
19 medallion out rather than continue to drive it
20 themselves, and we would've lo--as opposed today,
21 where if, when they are ready to retire, what they
22 have to do is sell the medallion. And that keeps
23 those owner driver medallions in the market. So,
24 I cannot support, do not support, with the TLC, do
25 not support this piece of legislation, because we

1
2 believe it would put at risk the "owner must
3 drive" segment of the market that we believe is so
4 valuable. The final and proposed item of
5 legislation, Intro 695-A, would prohibit a taxi
6 cab from soliciting or accepting passengers with
7 their off duty light engaged, except for one
8 passenger along a driver's route. In other words,
9 they could pick up a passenger who's going along
10 the driver's route. I applaud the bill's sponsors
11 for addressing this issue. There is, you know,
12 while our drivers are good folks, and they work
13 hard, you know, I do believe that there is more
14 than we would like, abuse of the off duty light,
15 by which I mean drivers will keep the off duty
16 light on, and then cherry pick who they're going
17 to pick up and who they're not going to pick up.
18 And more than that, it creates just tremendous
19 confusion among passengers about whether a cab is
20 available or not. Some months ago, we solicited
21 feedback, we put out an industry notice, solicited
22 feedback from the industry and passengers, as to
23 what to do about the off duty light. We are
24 firmly of the view, that the off duty light is
25 confusing, does not convey the message it is

1
2 intended to. As a result, we are drafting rules,
3 and will promulgate rules, to eliminate the off
4 duty light altogether. In other words, the roof
5 light will simply have two states: lit, meaning
6 "I'm available"; unlit, meaning "I'm unavailable,"
7 either 'cause somebody's in the cab already, a
8 passengers' in the cab, or because "I'm off duty."
9 Rather than, well, the middle light is lit and the
10 off duty light is lit, does that mean you can flag
11 me down, doesn't it? So, we think that is a
12 simpler, easier to understand, as somebody called
13 me the day that this came out and said, "Oh, thank
14 goodness you're doing this, although I have to
15 say, I kind of felt like as a longtime New Yorker
16 I had a bit of an edge, 'cause I could understand
17 the system, and, you know, all the" I think his
18 word was pigeons, but you know, "who don't
19 understand, it gave me an advantage in hailing a
20 cab." I don't think we want a taxi system that
21 designed for insiders only. We want it for
22 everybody. So, we are moving to eliminate the off
23 duty light altogether; accordingly, this Intro is,
24 we, I get the idea, I think it's a good idea, but
25 it is moot. That concludes my testimony today

1
2 regarding our inspection process and the four
3 Introductions. Thank you again for the
4 opportunity to testify, and I'm happy to answer
5 any questions that you have.

6 CHAIRPERSON VACCA: Thank you,
7 Commissioner. And I'd like to welcome Council
8 Member Rose, who has arrived. Okay? Let me go
9 into a little bit of your testimony, Commissioner.
10 You here? Okay? [background comments] You've
11 arrived. That's what I mean. Very good.

12 [laughter] Now, let me go into the advisory board
13 legislation, Commissioner. I realize that you,
14 you've said today that you don't need advisory
15 board, advisory boards because you do more than
16 enough consultation with all segments of the
17 industry, basically. I can only point out for the
18 record that for two-and-a-half years, you and I
19 spoke about advisory boards and you never told me
20 any such thing.

21 DAVID YASSKY: Yeah, fair enough.
22 And I'd go more than that.

23 CHAIRPERSON VACCA: And this comes
24 as news to me today. You told me several times,
25 you were thinking of how to reconfigure them, and

1
2 then I waited for you and I waited for you. So I
3 proposed something that's open to be tweaked,
4 maybe it's not perfect, but I waited for two-and-
5 a-half years for you to suggest what you told me
6 you wanted to suggest, because we needed to have
7 functioning advisory boards.

8 DAVID YASSKY: That is true. And
9 more than that, I think I told you that I would
10 propose a good structure for advisory boards, and
11 every time we would sit in our office and, and
12 think about how to make up an advisory board,
13 honestly, we could never figure out a good way to
14 do it, right, that was better than what we've been
15 doing on an informal basis.

16 CHAIRPERSON VACCA: Well--

17 DAVID YASSKY: But I should've just
18 told you that.

19 CHAIRPERSON VACCA: Commissioner--

20 DAVID YASSKY: But, that's, that's-

21 -

22 CHAIRPERSON VACCA: I--

23 DAVID YASSKY: --that's just my two
24 cents.

25 CHAIRPERSON VACCA: But

1
2 Commissioner, I appreciate getting a structure for
3 an advisory board where everyone feels included
4 and nobody feels excluded, that is difficult. And
5 I'm not saying that the recipe I presented is the
6 perfect recipe, I'm open to suggestions. But you
7 were a former Councilman, and you sat in this
8 chair as I did for years, and you know that one
9 thing this Council has to look at, is not even,
10 even if you are the, you, above anyone else, even
11 if you above anyone else consult with everyone, to
12 the umpteenth degree, you consult until you have
13 laryngitis, even if that is the ca--even if that
14 is the case, we in this Council have to formalize
15 for future generations. You will not be there at
16 a certain point.

17 DAVID YASSKY: So true. Yes.

18 CHAIRPERSON VACCA: So, that's the
19 role of this Council. We often enact legislation
20 that is formalizing a structure beyond a
21 commitment of a certain Commissioner who is here
22 today but could be gone tomorrow. So that's where
23 I'm coming from with this.

24 DAVID YASSKY: Excellent rationale.

25 CHAIRPERSON VACCA: So, I'd like

1
2 you to go back, and I'd like you to look at, to
3 see what I proposed, and I'm open to your
4 suggestions. And I want to hear from you as I am
5 going to hear from other stakeholders, regarding
6 this legislation. Okay, 'cause that--

7 DAVID YASSKY: Very good.

8 CHAIRPERSON VACCA: --that's the
9 reality. All right, let me go on to Woodside for
10 a minute. Again, we had spoken, and I know you
11 are concerned about this. We've had complaints
12 especially from Staten Island drivers, that it's
13 very difficult for them to reach Woodside.

14 DAVID YASSKY: It is far.

15 CHAIRPERSON VACCA: That they spend
16 a lot of money on the road, taking away from what
17 they could be doing, getting fares and doing their
18 work. So, we had, we had--right, Council Member
19 Rose was in on those discussions with me. So, we
20 had said that we would, oh, I had asked you to
21 especially look at the Staten Island component,
22 and when you couple that with the overutilization
23 of Woodside, I thought that the Taxi and Limousine
24 Commission had even put out an RFP to get--didn't
25 you put out a request for proposal for another

1

2 site? Weren't you looking for other sites until
3 recently?

4 DAVID YASSKY: Well, we, we have
5 not put out an RFP, we have done work toward that.
6 It's, and I, but I want to be modest about, you
7 know, what I think we can accomplish. It's, it's
8 costly, first, first of all, and you know, every
9 six months, or probably four months it is, we get,
10 you know, a new PEG letter, and we have to cut
11 back here and cut back there. It's costly, and
12 it, and it's a challenge, because we have a
13 workforce and we are very efficient where we are
14 now. And we want to be able to match that level
15 of efficiency and quality control, somewhere else.
16 I'm not saying that we have given up on the idea.
17 What I am saying is, we've done some work on it,
18 if you like, we could sit with you and kind of
19 give you a full briefing on what we see as the
20 obstacles toward, to implementing an alternative
21 site. Money is certainly one of them. And you
22 know, I guess what I could say is, I'm not saying
23 that's not happening, but nor can I sit here and
24 tell you that I know we're going to do it, either.

25

CHAIRPERSON VACCA: I do know, of

1
2 course, that we have a fiscal situation in our
3 City. I also know that when TLC tows cars off the
4 street, you are using space at Woodside to also
5 house some of the tows that you do.

6 DAVID YASSKY: Yeah.

7 CHAIRPERSON VACCA: So that
8 compounds the space issue.

9 DAVID YASSKY: It does.

10 CHAIRPERSON VACCA: And I'm going
11 to tell you something else. That when the reality
12 comes before us, of a five borough taxi plan, I
13 expect the Taxi and Limousine Commission to get
14 the cars off the street that are not cabs at all.

15 DAVID YASSKY: Yes.

16 CHAIRPERSON VACCA: The cabs that
17 do not have TLC plates, people who take it upon
18 themselves to say, "My car is a cab today," and
19 they're, they're picking people up who are
20 unsuspecting, who have no idea whether the car is
21 insured or registered, or whether the, whether the
22 driver is licensed. Where are we going to take
23 these cars? The Police Department tells me, Mr.--
24 and you know, I have been involved, and at a micro
25 level, scheduling these type of seizures, in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

communities throughout the City, and I've been told that we have to wait for the Police Department to identify space in their tow pounds. Well, they don't have space in their two pounds. So these cars now are going to end up in Woodside, too?

DAVID YASSKY: This--

CHAIRPERSON VACCA: Where?

DAVID YASSKY: Mr. Chairman, this is great. You, we have discussed this before, yes, our desire to seize car--not just ticket, but seize cars that are not licensed by TLC, to be, and they're doing TLC work. So, you're right that the, the main issue for us is the storage capacity. And the PD tow pounds are full up, they have no room, they may a day here, a day there, they do, but for the most part they don't. Deputy Commissioner Scanlon has, in extraordinary, you know, kind of resourcefulness, has walled off some of our own parking lot, yes, at Woodside, that we use as a makeshift two pound, for cars that we seize. Not a great, not what it was designed for, not a permanent solution by any means, but at least it's given us some capacity, and it's

1 enabled us to seize more cars than we were before.
2 What we really need is offsite capacity. We put
3 out a, it wasn't an RFP, it was a bid. We, we
4 asked for somebody to step forward and, and
5 contract with us, to store cars that we have
6 seized. We, we got two bids; unfortunately
7 neither was from a qualified bidder when they,
8 when more due diligence was done. So, and we were
9 kind of asking for a lot. You know, in the usual
10 fashion, it was a 50 page--it was many pages, and
11 it said you have to do all this stuff. So now
12 we've put together a more streamlined version that
13 would give the operator more flexibility. You
14 know, we wanted them to have something in every
15 borough, and be super easy for us. We've said,
16 "Okay, we'll do more work." And, but just all we
17 want is you take the, the cars off our hands. So,
18 we, that will be out on the street within the next
19 two weeks, Mr. Chair. And what I would, I will
20 email it to you, and to every member of the
21 Committee, and to all of our industry
22 stakeholders. I'm taking this opportunity to make
23 a public plea to our industry stakeholders to help
24 us find somebody who will work with us doing the
25

1
2 vehicle storage. Because I am convinced that if
3 we had unlimited, we could seize 40-50-60 cars a
4 day. And get them off the street, period. So,
5 Mr. Chair ,we are moving forward on that.

6 CHAIRPERSON VACCA: But what does
7 that mean in terms of getting another facility
8 besides Woodside?

9 DAVID YASSKY: So, okay, for
10 vehicle storage, we are, that, we did the, we did
11 an RFP, got no acceptable bids; doing a second
12 version, be out in two weeks. And I'm very, very
13 hopeful that we'll get a good response to that
14 one. In terms of an inspection one, there I have
15 to just repeat what I said a minute ago: We're
16 looking at the Staten Island issue, it is, it is,
17 has operational challenges and it is costly. I
18 say that not, we have not ruled it out, and I
19 would be happy to sit with you and go over in
20 detail what we see the issues are, and what we see
21 the cost of is. And maybe you would help us
22 overcome that.

23 CHAIRPERSON VACCA: It appears to
24 me that you're reducing the number of inspections
25 on the yellows from three to two?

1
2 DAVID YASSKY: I would, we will
3 need court approval to do that.

4 CHAIRPERSON VACCA: You will need
5 court approval to do that.

6 DAVID YASSKY: Absolutely.

7 CHAIRPERSON VACCA: Then the
8 inspections on the hail liveries, under the five
9 borough plan, would be two instead of three.

10 DAVID YASSKY: Correct. And that
11 we're going to do regardless, 'cause the court
12 order only applies to the yellows. So, this--

13 CHAIRPERSON VACCA: Okay, so you're
14 going to, you're going to do two on the liveries
15 only.

16 DAVID YASSKY: Correct.

17 CHAIRPERSON VACCA: And then
18 you're, you want permission to go to two.

19 DAVID YASSKY: Correct.

20 CHAIRPERSON VACCA: Do you
21 anticipate someone saying that two is
22 insufficient? What would be the rationale besides
23 a space issue at Woodside? What would be the
24 rationale, what would be the rationale for going
25 from three to two, besides the Woodside issue?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Space and resources.

DAVID YASSKY: I would say the question is, is there a need for three?

CHAIRPERSON VACCA: Right.

DAVID YASSKY: And when the, that three number was put in place, again 30 years ago, it, the primary argument was environmental, that these cars drive so much that to make sure that their emissions, you know, that they're meeting emissions standards, you want to see them every four months. They, the worst car today is much less polluting than the best car 30 years ago. And even apart from that, again, they have the onboard diagnostic equipment. And so, I think that, so we, and we back it up with numbers--

CHAIRPERSON VACCA: But Commissioner, I--

DAVID YASSKY: --we're better off at two, two in 2012 than we were at three in 1978.

CHAIRPERSON VACCA: Commissioner, I know that the emissions, as you said, I'm sure it is an issue. However, I have to say that I would think that 30 years ago the reason for three inspections was because people felt that these

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

cars are on the road so much, that they should be checked three times a year.

DAVID YASSKY: Right.

CHAIRPERSON VACCA: A cab, a cab puts a lot of miles on the car. I don't know if-- I don't know if 30, 30 years ago the key issue was emissions, or even if now the issue is emissions. I think the issue is, is safety. There must've been a reason why three was picked over two. And I would think it was because of how much time these cabs spend on the road. And the wear and tear.

DAVID YASSKY: Right.

CHAIRPERSON VACCA: So, I know you have an accommodation you have to make regarding your facility at Woodside, but I don't want that accommodation made in any way that would--

DAVID YASSKY: If we--

CHAIRPERSON VACCA: --infringe on public safety, or minimize what we do in that regard.

DAVID YASSKY: Certainly, certainly not. Well, first of all, so there was, at that time there was no mandatory retirement age. There

1
2 is a retirement age now. I think, and I don't
3 know what our, what the industry stakeholders
4 think of this, you know, you can ask them and
5 we'll see. But my guess is they would concur.
6 Well, we'll see. For our part, we don't think
7 that you compromise safety by going from three to
8 two. Like--

9 CHAIRPERSON VACCA: Well, let me
10 say--

11 DAVID YASSKY: --like many things--

12 CHAIRPERSON VACCA: --you always
13 consult with people, as you've stated.

14 DAVID YASSKY: Yes.

15 CHAIRPERSON VACCA: Have you
16 consulted with the yellow cab industry regarding
17 going from three to two? Did you consult with the
18 stakeholders?

19 DAVID YASSKY: This is a, a
20 breaking news, right here. True--

21 CHAIRPERSON VACCA: So--
22 Commissioner. [laughter] Commissioner.

23 DAVID YASSKY: Yeah.

24 CHAIRPERSON VACCA: You said before
25 that there's no need for advisory boards because

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you consult with all stakeholders before you do something, and here you come to my hearing saying what you're doing, and you've not consulted with anyone. I think that's an inconsistency. That's all the more rea--

DAVID YASSKY: Sounds--I, I take your point. Sounds like maybe--that is an argument that one could use for the advisory board. You know, we, we--

CHAIRPERSON VACCA: And for other things. I mean, consultation--

DAVID YASSKY: I think it's a--

CHAIRPERSON VACCA: --you, you realize the importance of consultation--

DAVID YASSKY: I--

CHAIRPERSON VACCA: And I think you're doing, you're very, you're very bright, and you know, you know TLC.

DAVID YASSKY: I think that--

CHAIRPERSON VACCA: But--

DAVID YASSKY: --in general we've found that when we--

CHAIRPERSON VACCA: But this is like--

1
2 DAVID YASSKY: --when we talk to
3 our, our regulated industry about relaxing
4 restrictions, rather than imposing new ones, they
5 tend to be receptive. I would not, I don't want
6 to presume anything. But when, what this would
7 mean would be instead of three times you're having
8 to take your car out of service and lose, lose the
9 dollars for that day, you only do it twice a year,
10 my guess is I won't get a lot of pushback. But
11 you're absolutely--

12 CHAIRPERSON VACCA: I understand,
13 Commissioner. Okay, why don't we go to questions.
14 I'm sorry. Council Member Ignizio.

15 COUNCIL MEMBER IGNIZIO: Yes, thank
16 you very much, Mr. Chairman. And welcome,
17 Commissioner, how are you?

18 DAVID YASSKY: Thank you.

19 COUNCIL MEMBER IGNIZIO: As you
20 know, I represent probably the, well, I represent
21 the largest district in the City, and--

22 DAVID YASSKY: Yes.

23 COUNCIL MEMBER IGNIZIO: One which
24 is probably the most rural, although not rural as
25 much as would like. Several years ago, we sat

1
2 here with then Chairman Daus, and we said,
3 "There's going to be an issue, because Staten
4 Island bases are going to go there, and it's going
5 to take two-and-a-half to three hours to get there
6 in traffic, two or three hours back, and then have
7 to wait there for several hours." And Matt Daus
8 stood there in your seat and said, "No, we don't
9 think it's going to happen, 'cause we're going to
10 get cars in and out of here in an hour." And
11 everybody in the audience, much, very similar to
12 the audience here, kind of laughed, smirked, and
13 said, "It's never going to happen." And
14 anecdotally we had to say, "Well, we'll hope for
15 the old Annie song, you know, 'The Sun'll Come Out
16 Tomorrow,' and it will happen."

17 DAVID YASSKY: Right.

18 COUNCIL MEMBER IGNIZIO: Well, it
19 won't happen. Well, in fact, it actually did. We
20 were fighting then for an additional facility on
21 Staten Island, and my understanding is during the
22 discussions of the universal hail legislation,
23 this was raised by certain stakeholders on Staten
24 Island that this was an important thing that you
25 were all going to look at. So, I'm asking for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

somewhat greater specificity than the Chairman did in regards to what did the TLC do to seek or what are they doing to seek and additional facility in the borough of Staten Island, with regards to inspections?

DAVID YASSKY: To date, the work we've done is all internal. It is--we have mapped out what it would take to have a satellite facility, what the cost would be, what issues need, the operational issues would need to be addressed.

COUNCIL MEMBER IGNIZIO: Yeah, what would it be - -

DAVID YASSKY: I'm not, I will have to get back to you with a dollar number that, that we are, can stand behind, 'cause I would like to get that dollar number to be as low as possible.

COUNCIL MEMBER IGNIZIO: Okay. Do we know if it's in the tens of millions, is in in the millions, or is it--

DAVID YASSKY: Well--

COUNCIL MEMBER IGNIZIO: --hundreds of millions?

DAVID YASSKY: --so, there are

1
2 different ways that this could be accomplished.
3 If you're talking about city owned and facility,
4 it would certainly, it would certainly be in the
5 millions. I don't know if it would be in the
6 eight figures or the seven, but it would be in the
7 millions.

8 COUNCIL MEMBER IGNIZIO: Okay.

9 Because I'm pressed for time, I'm moving quickly.

10 DAVID YASSKY: Okay.

11 COUNCIL MEMBER IGNIZIO: So, it
12 sounds to me like OMB, Mr. Chairman, and Mr.
13 Chairman, is somewhat driving this process, as
14 they do in, in everything we do, in City
15 government. But--

16 DAVID YASSKY: I'm not, to be
17 clear, I'm not trying to pass the buck onto them,
18 I'm told, "Here's your budget, you got to live,
19 make your choices--"

20 COUNCIL MEMBER IGNIZIO: Oh, I get
21 it, Chairman.

22 DAVID YASSKY: So it's, that's our,
23 that's our choice.

24 COUNCIL MEMBER IGNIZIO: I get it,
25 but OMB controls a lot in this Administration.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DAVID YASSKY: Yes.

COUNCIL MEMBER IGNIZIO: Far more than any other Administration that I've seen in the history that I've been involved in. But that being said, the, the same entity that OMB speaks with great fanfare of the billion dollars they're going to raise on sales of medallions. So, how does your administration, which you're representing, speak out of, in my opinion, a forked tongue, that we're going to have a billion dollars here on this side, but we don't have enough money for the infrastructure to run the agency on the other side.

DAVID YASSKY: It's consistent, as you know.

COUNCIL MEMBER IGNIZIO: It's inconsistent.

DAVID YASSKY: The--No, I don't, I don't think so. Because while the medallion sale, which of course the primary purpose of which is to improve service for people, will also bring in a considerable amount of revenue, one shot revenue, but revenue nonetheless, for the City, still every dollar that we spend of that has got to be, pass

1
2 the same test that every other dollar of revenue
3 passes. Is it being spent on the most urgent
4 need, right? It still competes with homeless
5 shelters, police officers, and teachers, and if,
6 not that a Staten Island inspection station is not
7 worthy, it is a worthy purpose, but has to be
8 weighed against all the other worthy purposes.
9 And I'm not prepared to say now, it outweighs
10 every other worthy purpose.

11 COUNCIL MEMBER IGNIZIO: Right, but
12 what I'm saying is, I think you have a core
13 mission that I believe, the moneys derived from
14 your agency ought address first and then go beyond
15 into the City coffers what which fund all the
16 other programs. Is there a possibility of taking
17 advantage of an, perhaps a TLC on the road
18 scenario, whereas you take a, tractor trailer, if
19 you will, we, me, Debbie Rose and Jimmy Oddo, buy
20 a tractor trailer, which has that what you would
21 need for overall inspections or just new car
22 inspections, just the visual inspection. Once a
23 month, so that those in our communities can, and
24 those in Southern Brooklyn, can take advantage of
25 something like that.

1
2 DAVID YASSKY: So, that's option
3 two, aft--Option one would be owned, you know,
4 City owned constructed. Option two is take
5 advantage of some, of an existing facility, either
6 periodically or routinely. That's really what
7 we're focusing on, because I think that'll be a
8 lot easier to accomplish, and a lot cheaper. We
9 still, you know, that, but I'm still not ready to
10 say that that's, that we're going to move ahead
11 with that.

12 COUNCIL MEMBER IGNIZIO: Okay. And
13 can I--what are the hours of the Woodside shop? I
14 know you said you were looking at potentially
15 extending hours, so what, just, I just don't know
16 what they are.

17 DAVID YASSKY: Well, it's, it's
18 open from 5:30 a.m. to 6:00 p.m. We start
19 scheduling, when is the first scheduled
20 inspection, though? [background comment] 5:45,
21 and last is 3:00 may--3:00 o'clock? [background
22 comment] Okay, for yellow, they scheduled from
23 5:45 to 11:00 a.m., and for FHV's [background
24 comment] from 11:00 till 4:00. Okay.

25 COUNCIL MEMBER IGNIZIO: And I

1
2 don't, just, 'cause I don't know the business, is
3 it, is there a possibility of going to a 24 hour
4 operation? Is that not a desired approach? It
5 can't be done because of certain reasons?

6 DAVID YASSKY: It's not that it
7 cannot be done, that, you know, requires more
8 personnel, obviously. And we're going to have to
9 hire more personnel to handle the workload. And
10 we will, you know, structure that in the most cost
11 effective way possible. I think it's likely that
12 we'll have to offer more hours than we do now.

13 COUNCIL MEMBER IGNIZIO: Okay, and,
14 and finally, if you walk me through the new car
15 inspection that came up, the Chairman had raised
16 it, you have a brand new car, it needs to be
17 inspected, we are hearing from, from owners that
18 it takes roughly two to three weeks to get that
19 car on the road, which I'm a layman, right, so to
20 the layman saying, "Why, it's brand new, that
21 doesn't make any sense to me." Can you walk me
22 through what the process is and why it would take
23 two to three weeks for it, to get that car on the
24 road.

25 GARY WEISS: The average timeframe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

from the point in time that

COUNCIL MEMBER IGNIZIO: Yes, sir,
can you identify yourself, please?

GARY WEISS: I'm sorry, my name is
Gary Weiss, I'm the Deputy Commissioner for
Licensing, it's Licensing and Standards. The
average time period that it takes from the point
in time that you as a new licensee, from the
moment that you walk in my door at Long Island
City, to the second floor and say, "I want to
submit my application," okay, to put a new vehicle
on the road, you've never been licensed by us
before and neither has the vehicle, is eleven
calendar days. Generally speaking, it takes
about, from the point in time that, after you have
submitted your application, we take your payment,
we issue something called a DMV plate letter, you
go to the DMV, and you obtain the plates. You let
the base know, who then in turn notifies us. It
takes about three days to schedule you to actually
appear at Woodside. It's not a three or four week
time period.

COUNCIL MEMBER IGNIZIO: Okay. I
mean, I guess some of the owners will come and say

1
2 why they believe it is. But is there a way in
3 which, that that process can be outsourced to
4 beyond Woodside, or is that not possible?

5 DAVID YASSKY: That, I think that
6 would be a big mistake, because we, we City
7 employee, puts the sticker on the car that says,
8 "You're legitimate." And I think we would not
9 want to let that out of our hands.

10 COUNCIL MEMBER IGNIZIO: Okay. No,
11 that's fair--

12 DAVID YASSKY: Yeah.

13 COUNCIL MEMBER IGNIZIO: I just, I-

14 -

15 DAVID YASSKY: I, look, I think
16 this, the, I think three weeks is unacceptable.

17 COUNCIL MEMBER IGNIZIO: Right.

18 DAVID YASSKY: I think three days
19 is reasonable. And--

20 COUNCIL MEMBER IGNIZIO: I concur
21 with that.

22 DAVID YASSKY: Okay.

23 COUNCIL MEMBER IGNIZIO: All right,
24 thank you very much, thank you, Mr. Chairman, and
25 I know my colleague Council Member Rose will

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

follow up on what I'm saying, but--

DAVID YASSKY: Yeah.

COUNCIL MEMBER IGNIZIO: --you recognize the issues we have, and hopefully we'll--
-

DAVID YASSKY: I understand your Staten Island point, and you know, we have, we actually recently hired somebody specifically to-- 'cause we've got a lot on our plate like everybody, and this was kind of puttering along and not moving forward fast enough. We hired somebody who's first task is: figure out what we're going to do about Staten Island and get that on my desk, and you're not, you don't, you're not getting any other assignments till that's done. And if that isn't done pretty soon, then you're not going to get any more assignments period.

COUNCIL MEMBER IGNIZIO: [laughs]

DAVID YASSKY: So--

COUNCIL MEMBER IGNIZIO: Well, I appreciate that. Thank you.

DAVID YASSKY: You know, so that's, but still we, we got, we owe an answer on that.

COUNCIL MEMBER IGNIZIO: Just so

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the Committee understands, our issue is that we saw this coming, you know, and that's the frustrating part to me, that we knew we would be here X amount of time later and here we are. So, that's why, Mr. Chairman, I feel my frustration, that's why I'm--

DAVID YASSKY: No, it's, it does--

COUNCIL MEMBER IGNIZIO: --you weren't even here for that.

DAVID YASSKY: --it's a long drive, it is a long drive to Woodside, no question, from Staten Island. I mean, from other, some other parts of the City, too, but that's when you have one location, there are going to be parts of the City that are far from that. If we did it in, you know, Bay Ridge then it would be closer, but it's not. I understand.

CHAIRPERSON VACCA: Thank you, Council Member Ignizio, and I'm going to go to Council Member Rose nest. But I just wanted to clarify on thing. About inspections, the TLC regs do talk about inspections, and they say "If the vehicle has accumulated fewer than 500 miles traveled at the time the vehicle arrives at the

1
2 Commission's facility for inspection, the
3 inspection will be for only a visual inspection."

4 DAVID YASSKY: Correct.

5 CHAIRPERSON VACCA: Then the next
6 clause says, "If the vehicle is a year 1996 or
7 later model, the vehicle must pass the vehicle
8 inspection requirements set forth in Section 301
9 of New York State Vehicle and Traffic Law, a
10 visual inspection of the interior and exterior of
11 the vehicle, and an inspection to verify
12 compliance with any and all other applicable laws,
13 rules and requirements."

14 DAVID YASSKY: That's correct.

15 CHAIRPERSON VACCA: So which of
16 these are we enforcing? Are we enforcing--

17 DAVID YASSKY: Both. And the first
18 one where you say under 500, what the means is,
19 that's right, we don't have to hook, you don't
20 have to go through the lanes, and do the emissions
21 testing, and the brake testing; all we do,
22 essentially, is verify that it's the vehicle
23 that's got the same VIN as the license number and
24 put the sticker on it. And that's, but that's a
25 core function, because we don't want anybody but

1
2 the TLC employees to put the sticker of legitimacy
3 on the vehicle.

4 CHAIRPERSON VACCA: But then the
5 next clause says that after 1996, the vehicle must
6 pass the vehicle inspection requirements of New
7 York State Traffic and Vehicle Law, and a visual
8 inspection, and another inspection to verify
9 compliance with other laws.

10 DAVID YASSKY: You know, Martin
11 jump in, if I'm--but, I'm not, you know ,so
12 familiar with the statute, that language, but I,
13 if I got it, it's the, under 500 is kind of an
14 exception to the second one. In other words, you
15 have to, we, we give you the DMV inspection and
16 the rest of it, but if you're less than 500 miles,
17 then just the reg--then just the TLC specific.

18 MARTIN GRINDLEY: Assistant
19 Commissioner Martin Grindley. If, for a visual
20 inspection, when the car arrives at Woodside--I'm
21 sorry for my voice, anyhow--once a car there,
22 we're basically verifying that we're, applying the
23 sticker to the current car, we're checking the
24 registration, make sure the right plate is on the
25 car. You'll be surprised to see how many cars

1
2 will show up with different plates, and so on.
3 So, want to make sure that all of those things is
4 right if the car is in the 500 mile. Normally
5 take about 25-30 minutes. And the car would leave
6 Woodside. Your second question about the DMV and
7 a visual inspection, as the Commissioner explained
8 earlier, we do have DMV safety and emission
9 inspection. And also - - as TLC inspection, which
10 is a visual inspection. At this point, we want to
11 make sure the signs and the decals and all those
12 stuff is applied to the car. It's one inspection.

13 CHAIRPERSON VACCA: So, if the car
14 has less than 500 miles, and it's after 1996
15 model, that car must go through a full inspection.

16 DAVID YASSKY: That is correct.

17 CHAIRPERSON VACCA: So then, if
18 it's under 500 miles, the only inspection is not
19 visual. 'Cause one, one, this is 59A-04E, one, in
20 one paragraph it says one thing, and the next
21 paragraph is says--I'm not clear on when--

22 MARTIN GRINDLEY: Well--

23 CHAIRPERSON VACCA: -if it's under
24 500 miles, if it's under 500 miles, it's only a
25 visual inspection.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MARTIN GRINDLEY: Anything under
500 miles is only--

CHAIRPERSON VACCA: Then--

MARTIN GRINDLEY: --a visual
inspection.

CHAIRPERSON VACCA: --then the next
paragraph says, "After 1996 or later model, the
vehicle must have inspect--full inspection,
visual, all applicable laws, rules and
requirements.

MARTIN GRINDLEY: Right, well
basically what you're doing--

CHAIRPERSON VACCA: That means top
to bottom.

MARTIN GRINDLEY: Top to bottom.

CHAIRPERSON VACCA: So top to
bottom, so I just bring it to your attention
because it is conflicting, and I don't, I didn't
know what to mean, I didn't know what it meant.

DAVID YASSKY: [off mic] It sounds
like you're saying that the under 500 part should
be an exception to the 1996 ongoing.

MARTIN GRINDLEY: It's to model
year.

1
2 DAVID YASSKY: And it's not written
3 that way. That could be.

4 CHAIRPERSON VACCA: Can you clarify
5 this for me? And let me know what the policy is?

6 [pause, background comments]

7 DAVID YASSKY: I will. And I
8 apologize, I'm sure that somebody was noting this
9 down. This, you were reading from the
10 administrative code?

11 CHAIRPERSON VACCA: Yes.

12 DAVID YASSKY: Or form our rule--

13 CHAIRPERSON VACCA: TLC Rules.

14 DAVID YASSKY: From TLC Rules.

15 CHAIRPERSON VACCA: 59A-04E.

16 DAVID YASSKY: Okay. So, our
17 counsel's office will, will see if the rules
18 correctly state what the practice is. And if not,
19 then we will adjust it.

20 CHAIRPERSON VACCA: Yes, please let
21 me know, okay? It was part of our--

22 DAVID YASSKY: And we will, and we
23 will report to you.

24 CHAIRPERSON VACCA: --prep, it was
25 part of our prep for today.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DAVID YASSKY: Yes.

CHAIRPERSON VACCA: I'd like to mention we've been joined by--

DAVID YASSKY: Good catch.

CHAIRPERSON VACCA: --Council Member Garodnick, and I would now call upon Council Member Rose.

COUNCIL MEMBER ROSE: Thank you.

Thank you, Council Member Rodriguez, for letting me go, I have to get to Staten Island. I want to say that I, it's really frustrating that, for you to come to this hearing today, having just still have just internal conversations about the Staten Island garage. We've given you quite a lot of, you know, time, I feel, to, to have at least vetted this, this issue. And to be able to come back with some sort of real figures on what the costs would be. And, and how we could be moving forward. With that said, you know, I was glad to hear that you have identified a person whose sole purpose will be, initially, to, to get all of that taken care of. And, and I'm sure you'll be bringing us back some information shortly. So, I would like to know, is there a timeframe by which

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that will be accomplished?

DAVID YASSKY: Yeah, I was waiting for that. [laughter] Well, I, I guess I can, I would commit to a, a month timeframe to come back to you with an answer. I'm not saying that we will have the ... taken the, taken a concrete step there, but a month timeframe to give you a, tell you what we intend to do.

COUNCIL MEMBER ROSE: Okay. And would it be fair of me to say, when you bring that back, that you would also have some sort of timeline--

DAVID YASSKY: Yes, yes.

COUNCIL MEMBER ROSE: --also with that?

DAVID YASSKY: Uh-huh.

COUNCIL MEMBER ROSE: Okay. Could you tell me, because I'm a layperson, what, what actually is the process of a TLC annual inspection? What, what actually happens there?

DAVID YASSKY: Assistant Commissioner? [background comments]

COUNCIL MEMBER ROSE: What are you inspection at that time? I don't mean you have to

1

2 tell me every--

3

MARTIN GRINDLEY: Could you please repeat the question?

4

5

COUNCIL MEMBER ROSE: [background comments] Could you just tell me what [crosstalk]

6

7

MARTIN GRINDLEY: Okay, excuse me.

8

The inspection basically is from start of

9

inspection, we would check the OB, the, which is

10

your regular vehicle emission testing, if you

11

would take your car to a regular emissions

12

station. We check your tires, tire pressure, tire

13

depths. And I'm not sure you're talking about FHV

14

or medallion, but however, in the medallion case,

15

in an FHV then you wouldn't have a metered test;

16

however, you would do a custom exterior inspection

17

of the vehicle to make sure that the car is clean.

18

It's painted properly, all the markings are

19

present. Seatbelts are working, and so on. From

20

thereon, we will perform brake tests on the

21

vehicle, to make sure that the brake is working

22

properly. Also checking the emergency brake to

23

make sure--

24

COUNCIL MEMBER ROSE: Okay--

25

MARTIN GRINDLEY: --in case of an

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

emergency, that would happen.

COUNCIL MEMBER ROSE: Okay, so I, I get, I get the, the general idea. Is there anything that is so unique to this inspection, that that could not happen outside of the Woodside inspection center?

DAVID YASSKY: Well, there's two issues. One is that part of the inspection is unique, the marking that the, you know, vehicle, that the driver's license is displayed properly. Those are things that ordinary, are not part of any ordinary DMV inspection. In the case of a taxi, there's many more things like that, obviously, there's the meter, the credit card, the credit card reader--

COUNCIL MEMBER ROSE: There's the window and--mm-hmm.

DAVID YASSKY: But there's also an integrity, some question, or kind of quality assurance question. We only moved, and I guess it was Council Member Ignizio that was saying a few years ago, when you talked about this and raised the concern about, "Well, Staten Islanders will be inconvenienced." That was, that discussion

1
2 must've taken place when we began requiring FHVs
3 to come to Woodside in the first place. Unlike
4 yellow taxis, which the TLC's been inspecting
5 directly for decades, the FHVs, the TLC began
6 inspecting the FHVs directly only two years ago.
7 The, the reason was that we, that were convinced,
8 and I think that have been proven correct, that we
9 would have better quality control about the
10 inspection if it was onsite, TLC employees, rather
11 than if it was any service station. If I, what I
12 mean is, that a serv--a service station that's,
13 doesn't have the public interest mandate and
14 mission that we do, would be not as rigorous in
15 ensuring that the vehicle meets the standards, as
16 we are. And that's the, that was, I think, the
17 biggest part of the rationale.

18 COUNCIL MEMBER ROSE: Because at
19 one time there was, the inspections were happening
20 on Staten Island, they were basically the DMV,
21 without the, the visual TLC component, right.

22 DAVID YASSKY: They still are, by
23 the way.

24 COUNCIL MEMBER ROSE: So--Okay.

25 DAVID YASSKY: In other words,

1
2 right, this is just once every two years, those,
3 those vehicles are required to be inspected the
4 same every four, every four months, just like
5 taxis are. But, so that's, say, six times in two
6 years. Five of the six, they can go to any
7 private service station.

8 COUNCIL MEMBER ROSE: Right.

9 DAVID YASSKY: The, only one of the
10 six is required to be at Woodside. And, you know,
11 as the Deputy Commissioner points out, right,
12 we're talking about 300, there are 300 vehicles
13 that are, are licensed on Staten Island. It's not
14 that they're not significant, I'm just saying it's
15 300 out of the 25,000.

16 COUNCIL MEMBER ROSE: And, but, but
17 does Staten Island service stations could very
18 easily take care of that number. That's a
19 manageable number.

20 DAVID YASSKY: Yes.

21 COUNCIL MEMBER ROSE: You know, you
22 have a TLC office there, where you have a--

23 DAVID YASSKY: We do?

24 COUNCIL MEMBER ROSE: --I was told
25 that there's an office there. And you have a

1
2 staff person there. Why--are there any barriers,
3 you know, prohibiting that TLC staff people who
4 would be able to maintain the integrity of the
5 visual inspections and whatever stickering is
6 required? Why couldn't TLC officials be
7 dispatched or stationed or housed at, on a, at
8 Staten Island, at one of your already approved DMV
9 inspection stations, to do the, the TLC part, that
10 you know, where you are, you're really concerned
11 about maintaining the integrity. So, I'm talking
12 about instead of building a facility now, I'm
13 talking about manpower, I'm talking about moving a
14 staff members to do that.

15 DAVID YASSKY: Right. Well,
16 that's--

17 COUNCIL MEMBER ROSE: And since
18 it's only once every two years, you know, it
19 wouldn't even seem like that would have to be a
20 fulltime position for someone, that they could
21 rotate, you know, their--

22 DAVID YASSKY: That is in fact what
23 we're looking at doing, and that's the, you know,
24 that's what we have to figure out the costs and
25 the operational issues that it raises. I'm not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

saying that it does not, you know, I'm not,
there's not, it's not impossible.

COUNCIL MEMBER ROSE: So,
Commissioner, I just want to--yes.

DAVID YASSKY: It's not as
efficient, in terms of, you know, cars per person,
our guys have, our people, men and women that are
at Woodside, are very efficient. And we have good
quality control there.

COUNCIL MEMBER ROSE: And they
could take the trip to Staten Island, you know,
periodically, to do this. I really am thank, I
thank you for, you know, for your consideration,
you know, in this matter.

DAVID YASSKY: Yeah.

COUNCIL MEMBER ROSE: But I want to
leave you with this. We are not going to back
down or back off of this.

DAVID YASSKY: Understood.

COUNCIL MEMBER ROSE: And I am
going to be anxiously awaiting, within the month's
time--

DAVID YASSKY: Yes.

COUNCIL MEMBER ROSE: --you know,

1
2 for this report back. And I want you to know that
3 this is an issue that's not going away for us.

4 DAVID YASSKY: I understand that.

5 COUNCIL MEMBER ROSE: And thank
6 you--

7 DAVID YASSKY: Thank you.

8 COUNCIL MEMBER ROSE: Thank you,
9 Mr. Chair, and thank you, Council Member Ydanis
10 Rodriguez, for giving me your time. Thank you.

11 CHAIRPERSON VACCA: Thank you,
12 Council Member Rose. Council Member Rodriguez.

13 COUNCIL MEMBER RODRIGUEZ: Thank
14 you, Chairman Vacca. First of all, I would like
15 to congratulate and thank both Commissioner Yassky
16 and Chairman Vacca for your leadership on this
17 important industry.

18 DAVID YASSKY: Thank you.

19 COUNCIL MEMBER RODRIGUEZ: I think
20 that looking to protect a, all sectors is a
21 different task. And you've been doing it like
22 always looking for a, the livery taxi drivers,
23 yellow taxis' owners and drivers. And, and
24 workers' rights, it's very important. I mean, we
25 don't live in a perfect world, neither we have a

1
2 perfect city, and there's always a space on where
3 to improve. And I hope that I know that that's
4 what we're going to be, what we are looking when
5 we have this type of hearing. You know, of
6 course, like as someone that represent northern
7 Manhattan areas, you know, like--

8 DAVID YASSKY: Yes.

9 COUNCIL MEMBER RODRIGUEZ: --I have
10 a, I don't know if have a, like the biggest
11 numbers of livery taxis company, but there's a big
12 number that we have in my district. I started
13 with a question and how many inspection is that
14 the livery taxis have to go through every year?

15 DAVID YASSKY: Three a year with--
16 and one, at least one out of every two years, has
17 to be at our facility at Woodside.

18 COUNCIL MEMBER RODRIGUEZ: Okay.
19 And how much revenue do you raise from
20 inspections?

21 DAVID YASSKY: All right, it's
22 about \$4 million. I may have that exact number.
23 But if, if somebody can get it for me, the exact
24 number, I'll say it's about \$4 million, and
25 correct it when I get the correct number.

1
2 COUNCIL MEMBER RODRIGUEZ: That's
3 for the, all inspections, or for particular--?

4 DAVID YASSKY: All, for all
5 inspections.

6 COUNCIL MEMBER RODRIGUEZ: \$4
7 million a year.

8 DAVID YASSKY: I believe that is
9 correct.

10 COUNCIL MEMBER RODRIGUEZ: And, and
11 how much is the budget to operate the Woodside
12 facility?

13 DAVID YASSKY: You know, I'm not
14 sure I have that off the top of my head. I don't,
15 I would have to get that to you.

16 COUNCIL MEMBER RODRIGUEZ: And, and
17 of course I'm coming more from the suggestion on,
18 on how to expand this, the, the services at the
19 Woodside facility. There's no doubt that major
20 improvement has been made under your leadership,
21 like--

22 DAVID YASSKY: Thank you.

23 COUNCIL MEMBER RODRIGUEZ: --not
24 only I was a, the number one - - but I've been
25 working with, when I was at City College, but also

1
2 at, I've been, I have many friends and family
3 members, and, and I work very close with many
4 other livery taxis owners, so I believe that I am
5 very familiar with that industry.

6 DAVID YASSKY: You are.

7 COUNCIL MEMBER RODRIGUEZ: So
8 there's no doubt that two years ago like the
9 waiting period time, days, to get inspection was
10 too long, and you've been able to reduce it. But-

11 -

12 DAVID YASSKY: Thank you.

13 COUNCIL MEMBER RODRIGUEZ: --still
14 I believe, I think that, and getting from you and
15 us, we need to work to see how we reduce those
16 four days or three days, because especially the
17 livery taxi drivers like those people like, that's
18 the only opportunity that many of them have, in
19 order to bring their income to the family. So, I
20 hope that you can look first of all on, first on
21 looking at another site, on where to expand the
22 Woodside facility. And also looking at the
23 possibility of making the facility a 24 hours
24 operation. Is that doable? Do you think that--?

25 DAVID YASSKY: Well, I'm not, I

1
2 don't think, I, I doubt that 24 hours would make
3 sense. I do think that some expansion of hours
4 might, you know, might well be cost effective.
5 And I mean, the extra lane is material, you know,
6 the lane, an extra lane's another 60 cars a day.
7 So, another 300 cars a week, we can process.
8 That's, that's very material right there. And,
9 and we are looking at what we need to do on ours,
10 'cause, you know, if we, if we--

11 COUNCIL MEMBER RODRIGUEZ: Well--

12 DAVID YASSKY: Look, we don't want
13 to come do too much in advance, we'll see how many
14 new licensees show up, how many replace existing.
15 So, but we know that we have to keep that number
16 reasonable.

17 COUNCIL MEMBER RODRIGUEZ: When,
18 when the insurance expire--

19 DAVID YASSKY: Yeah.

20 COUNCIL MEMBER RODRIGUEZ: Does the
21 driver doesn't have to go back within, to another
22 expansion at the time?

23 GARY WEISS: [off mic] No, they do
24 not.

25 COUNCIL MEMBER RODRIGUEZ: They

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

don't?

GARY WEISS: No.

COUNCIL MEMBER RODRIGUEZ: Is it something new, or they never, never had to?

GARY WEISS: They never had to.

COUNCIL MEMBER RODRIGUEZ: Never had to.

GARY WEISS: They're required to let us know by rule if their insurance is expiring and--[background comment] I'm, I apologize. They're required by rule to let us know when their insurance expires, and to provide us with a copy of a new policy within ten days after any change in their insurance. There's no need for a, an inspection of the vehicle at Woodside, because of anything related to insurance.

COUNCIL MEMBER RODRIGUEZ: And what about when the, when the license on the permit, what is it called, the diamond?

GARY WEISS: It's the license.

COUNCIL MEMBER RODRIGUEZ: The license expire.

GARY WEISS: When the license expires, there are, there is that one inspection,

1
2 okay, when they go to renew their license, that
3 they're required to do with us. That's the one
4 time every two years that they have to come into
5 the Woodside facility.

6 COUNCIL MEMBER RODRIGUEZ: Okay, so
7 the one time is when the license expire.

8 GARY WEISS: Correct.

9 DAVID YASSKY: That's right.

10 COUNCIL MEMBER RODRIGUEZ: Okay,
11 thank you.

12 DAVID YASSKY: Thank you.

13 CHAIRPERSON VACCA: Thank you.
14 There being no further questions, I thank you,
15 Commissioner, I thank your staff.

16 DAVID YASSKY: Thank you, Mr.
17 Chair.

18 CHAIRPERSON VACCA: Commissioner--

19 DAVID YASSKY: So we'll follow up
20 Staten Island, which we will follow up directly
21 with your--

22 CHAIRPERSON VACCA: With Mr. Frank,
23 my--

24 DAVID YASSKY: --permission--

25 CHAIRPERSON VACCA: --my counsel.

1
2 DAVID YASSKY: --with, with Mr.
3 Frank, and we'll keep the Staten Island members
4 directly informed, as well, and yourself.

5 CHAIRPERSON VACCA: Yes.

6 DAVID YASSKY: And then, we will
7 get you a, comments on advisory committee
8 structure. I understand--

9 CHAIRPERSON VACCA: Yes.

10 DAVID YASSKY: --that's what you've
11 asked for. And--

12 CHAIRPERSON VACCA: And you will
13 interpret the--

14 DAVID YASSKY: And we'll get you an
15 answer on the legislative, on the rule, the
16 language of the rule--

17 CHAIRPERSON VACCA: - -

18 DAVID YASSKY: --whether it needs
19 amending or not. Fortunately, we have a fairly
20 massive rulemaking that right now is, we're
21 beginning our process. We just are, we'll
22 publish, I should tell members of the Committee,
23 in next week's City Record, will, will be the
24 draft rules for the borough taxi program. We--
25 they're quite lengthy, but it, they'll in some

1
2 ways provides an opportunity to make other
3 corrections, that would be a good way to do it, if
4 necessary. I will make sure that we, so you don't
5 have to look in the City Record, Mr. Chair, we
6 will send you a copy of the draft rules, as well.
7 Obviously there's the public comment period, but I
8 very much would welcome, you know, any feedback
9 from the Council, from your, from yourself, from
10 your Committee, on our proposed rules. We are,
11 anticipate a hearing later in March, and then a
12 vote in April, so that we can get those licenses
13 on the road. So--

14 CHAIRPERSON VACCA: Thank you.

15 DAVID YASSKY: --that's--thank you,
16 Mr. Chair.

17 CHAIRPERSON VACCA: Commissioner,
18 one thing, would you mind leaving--

19 DAVID YASSKY: Yes.

20 CHAIRPERSON VACCA: --leaving one
21 person behind--

22 DAVID YASSKY: Of course not.

23 CHAIRPERSON VACCA: --at least,
24 because I'd like them to listen to the others who
25 testify.

1
2 DAVID YASSKY: No, our, we have a
3 valued staffer who's right here and is prepared to
4 do just that. Thank you.

5 CHAIRPERSON VACCA: And Council
6 Member Lappin expresses her regrets that she could
7 not be here. Okay? Thank you. Okay, we will
8 call up our first three speakers. [pause] Jose
9 Altimatro [phonetic], I'm sorry, he just left.
10 Jasmine Lavue [phonetic]. Are you here, Jasmine?
11 Oh, that's you. Come on up, Jasmine. Livery Aviq
12 Cabassa [phonetic], Cabesa [phonetic], Aviq.
13 Arthur Groban [phonetic]. That's, oh, I'm sorry,
14 okay. Didn't say it right, but come on up.
15 [pause] I'll be limiting each speaker to three
16 minutes. Okay? Try your best to, to stick to
17 that limit. Why don't we hear first from Jasmine?
18 Speak into the mic and state your name for the
19 record.

20 [pause, background noise]

21 JASMINE LE VEAUX: [off mic] Hi,
22 good afternoon, is this microphone on? [on mic]
23 Hello? Hi, good afternoon, my name is Jasmine
24 Laveau, and I'm affiliated with the law firm of
25 Windels Marx Lane & Mittendorf, and it's

1
2 Transportation Practice Group. I'm appearing on
3 behalf of the Coalition of Transportation
4 Associations, also known as COTA, and its Chairman
5 Matthew Daus, who was unable to attend today.
6 COTA is the Coalition of all the limousine and
7 black cars trade associations in the New York City
8 Metropolitan area, and includes the Luxury Base
9 Operators Association, the Black Car Assistance
10 Corporation, the Limousine Association of New
11 York, the Long Island Limousine Association, the
12 Limousine Association of New Jersey. Our law firm
13 is also general counsel to COTA, the Luxury Base
14 Operators Association, and the Limousine
15 Association of New Jersey. The mission of COTA is
16 to work together to support the economic integrity
17 and sustainability of the four higher ground
18 transportation industry, and to support and
19 promote reasonable and sound government regulation
20 to further those purposes. The members of COTA
21 have reviewed Proposal No. 234-A, and while we
22 generally support the efforts of the City Council
23 in increasing industry input and access at the
24 TLC, we believe the current draft bill will not
25 lead to a productive or effective board or

1 stakeholder input structure. The TLC for many
2 years has had separate advisory boards that are
3 tailored for each different regulated industry:
4 livery, black care, limousine, taxicab, commuter
5 van, etc. Former TLC Chairman Matthew Daus relied
6 heavily upon these boards in making decisions.
7 And also created the first ever Office of
8 Constituent Affairs at the agency to deal with all
9 stakeholders on a daily basis to supplement Board
10 input. It is my understanding that some or all of
11 the boards may have become dormant, but that the
12 Constituent Affairs functions and roles remain in
13 place. We believe that combining all of the
14 regulated industries into one board would not be
15 pragmatic, as the issues affecting them are
16 diverse and in some instances entirely irrelevant.
17 Instead, we recommend the reinstatement and
18 codification in the law of the former black car
19 and limousine advisory board. Representatives
20 should reflect the various business forms and
21 modes of operation in the industry, including
22 bases that operate both independent contractor and
23 employer models, black car cooperatives, black car
24 franchises, luxury limousine base groups, drivers
25

1
2 and intermunicipal representation of various
3 government entities and industry groups of the
4 metropolitan area that conduct significant
5 business in New York City. To make the Boards
6 productive, we recommend mandating a certain
7 number of meetings per year, and including
8 government officials whose roles have a
9 significant impact on our industry, including
10 representation from the New York City Department
11 of Transportation, New York City Police
12 Department, and that a few members of the TLC
13 Board of Commissioners become more involved and
14 serve in an official capacity on the Advisory
15 Board to supplement the Chair's work. I see that
16 my time is [time bell] running out.

17 CHAIRPERSON VACCA: Thank you.

18 JASMINE LE VEAUX: Thank you.

19 CHAIRPERSON VACCA: And we'll
20 certainly accept your testimony, as well, so we'll
21 have it in total.

22 JASMINE LE VEAUX: Great, thank you
23 so much.

24 CHAIRPERSON VACCA: Thank you. Mr.
25 Cabesa?

1
2 AVIQ CABESA: Hi, my name, good
3 afternoon, my name is Aviq Cabesa, and I am Board
4 Member of the Livery Round Table. For those who
5 do not know, the Livery Round Table is a
6 coordinating council of five livery industry
7 association. We represent over 14,000 livery
8 drivers, 240 base operators, and over 5,000
9 dispatchers and telephone operators. Thank you
10 very much for letting me speak today. I'm going
11 to start with the oversight, because the, what I
12 would like to first of all really commend you for
13 taking this initiative into, into looking at the
14 time it takes to, to get a car, and especially the
15 new car, on the road. And I will tell you here
16 that the numbers we heard here from the TLC, the
17 three to four days, and the ten days complete--

18 CHAIRPERSON VACCA: Scuze me. I
19 would like our speaker to be given attention.
20 Please proceed.

21 AVIQ CABESA: So give me more time.
22 [laughter] Look, I mean, the TLC, that the
23 Chairman and others said it's going to be three to
24 four days for, for the inspection, and then ten
25 days or eleven days for complete process, I can

1
2 tell you right now, we bite with two hands. What
3 was not said by the TLC is what happens when it's
4 not? What happens when I have all the document,
5 and I am asking for an appointment, and I do get
6 it in two or three, three weeks, or that specific
7 appointment which should take three to four days,
8 takes ten and eleven days to get. So, I think
9 that the rule that you're looking to do is
10 actually put them on record to say, "If you're not
11 able to provide a meeting within what you say is
12 acceptable, which is three to four days, what's
13 the alternative?" Put the accountability on the
14 TLC to say, "If the Woodside inspection cannot be
15 given within three to four days, allow that
16 vehicle a waiver from that inspection and allow
17 them to go to the regular DMV inspection. So, I
18 think what we did not hear, and I can tell you on
19 behalf of our members, we would love to see a
20 brand new vehicle going on the road within ten to
21 eleven days. It does not happen on average. So
22 that's as far as it goes. As far as the advisory
23 board, the Commissioner was right, he's meeting
24 with a lot of advocacy group, the Livery
25 Roundtable enjoys a quarterly meeting, but the

1
2 problem is that those meetings are after the rules
3 have been form--sort of, the idea was formulated
4 and they were proposed. And there's no public
5 record as to what was said about those proposals.
6 So I think the advisory board you're advising is a
7 great, great thing to do, so they will meet before
8 they fall in love with their creation, before they
9 create the law, okay, and I am assuring you that
10 if this happen, you'll have less objection once
11 those proposals are being proposed. So, as far as
12 this goes, I strongly support you. Your
13 initiative. Now, as far as the Koppell initiative
14 about the livery passenger bill of right, again, I
15 think that we're, we're missing two points here.
16 The problem is not the language--I'm sorry, the
17 problem is not posting something about wheelchair
18 within the livery vehicle, the problem is the
19 language, 'cause the language speaks about equal
20 service, equal availability, and equal rate.
21 Anybody that understand this business know that on
22 the prearranged section, the only way [time bell]
23 you can have equal availability is if you have all
24 your fleet wheelchair accessible. The for-hire
25 industry offer different type of services which do

1
2 not exist with the wheelchair accessible type like
3 the sedan for three people, we don't have a sedan
4 for wheelchair users; minivan for five people, we
5 don't have minivans for five users, for five
6 wheelchair users; SUVs, stretch limos, you name
7 it. So, the language should say that, that you
8 should be able to ask for wheelchair accessible,
9 but not equal availability, definitely not equal
10 service, it does not exist. And when you speak
11 about, one last thing, when you speak about equal
12 rate, we need to understand that you're speaking
13 about equal rates solely when it's one passenger.
14 Because the minute I have to take two or three, I
15 need to bring two or three vehicles. So, I think
16 there's much more to it, it's, I was amazed to
17 hear the Commissioner supporting this, where the -
18 - themselves are looking for an alternative to
19 their six or seven F rule [phonetic], which this,
20 the Commissioner is on record saying it's an
21 impossible for the bases to implement. Thank you.

22 CHAIRPERSON VACCA: Thank you. Our
23 next three speakers and Jeff Rose, Limousine
24 Association of New York; James Grosso [phonetic],
25 New York City Fleet Livery Owners Association--

1 [background comment] Oh, okay, that'll be our
2 panel. Okay? Then we'll come back to the next
3 panel. [pause, background noise] I should
4 mention Councilman Greenfield has joined us.
5 [pause, background noise] Who would like to go
6 first? Okay, introduce yourself, sir.

8 JEFF ROSE: Mr. Chairman, members,
9 thank you for the opportunity to speak. My name
10 is Jeff Rose, I'm the owner of Attitude New York,
11 and I'm here to represent the Limousine
12 Association of New York. We work on behalf of the
13 hundreds of companies and thousands of employees
14 who make their living providing premium
15 chauffeured transportation. While the word
16 "limousine" may conjure up images of wild partying
17 and oversized stretch limousines, that is really a
18 very small part of what we do. Stretch limousines
19 actually constitute less than ten percent of the
20 vehicles in this segment of the for-hire vehicle
21 category. We are mostly small business
22 entrepreneurs struggling to make a living in
23 difficult economic times. And while our image may
24 be dominated by the passenger in the backseat, our
25 real value to New York is in the tens of thousands

1
2 of jobs we provide and support, as well as
3 contributing to the vast network of the City's
4 transportation options. Chauffeurs, dispatchers,
5 office staff, mechanics and car washers are just
6 some of the New Yorkers who depend on luxury
7 limousine services to earn a living. While I'm
8 happy to answer any questions that you have about
9 our industry, I'm here primarily to address the
10 issue of the advisory boards. As an industry, we
11 are eager to offer our expertise in contributing
12 to the health and wellbeing of this economic
13 engine, we seek to foster a greater understanding
14 between regulators and the legislators who rely on
15 their input as to how these businesses operate and
16 serve their clients and customers. While clearly
17 well intentioned, these bodies can sometimes
18 devise, impose and execute regulations that
19 despite the goal of serving the riding public, can
20 hamper economic development and diminish customer
21 service. Additionally ,we see no advantage to
22 maintaining an adversary relationship between
23 regulators and these enterprises. As an industry,
24 we welcome healthy, sensible regulation and free
25 market competition. While we strongly support

1 reestablishing industry advisory boards, we
2 believe that lumping together all segments of the
3 industry into one group will not best serve these
4 goals. In delineating the various categories and
5 subgroups, the TLC tacitly acknowledges that
6 there's a wide range of operating models and
7 consumer demands. We feel that the diverse, we
8 feel that diversity of representation is ideal.
9 As well, there is another goal that we seek. We
10 would like to see a true partnership between
11 regulators and the companies that service the
12 transportation market. The relationship should
13 not be merely a tug of war between more regulation
14 and less. We strive for a climate that allows
15 companies the flexibility to innovate, coming up
16 with better ways to serve the riding public,
17 maintain public safety, and contribute to economic
18 growth. We urge the powers that be to see that
19 these boards do not become merely a perfunctory
20 gesture to the various stakeholders, but rather
21 that our input and expertise be utilized in a
22 truly productive partnership. Thank you for the
23 opportunity to speak on behalf of the hardworking
24 women and men of this industry.
25

1
2 CHAIRPERSON VACCA: I thank you,
3 Mr. Rose. Let me ask, based on the last paragraph
4 or two. [pause, background noise] Based on the
5 last paragraph or two, you mentioned here that you
6 were concerned about having more than a
7 perfunctory role, do you think now that some, that
8 the stakeholders such as yourself have a
9 perfunctory role? Have you been consistently
10 consulted as the Commissioner indicates he's
11 always in consultation with stakeholders
12 pertaining to their interests?

13 JEFF ROSE: Well, the Limousine
14 Association has met with the Chairman's office on
15 a quarterly basis. I would agree with what Dr.
16 Cabesa said, that sometimes regulations come down
17 the pike before comment is sought. I think that
18 there's been more consultation but I think that
19 the relationship between the industry and the
20 regulators could be better. There's always room
21 for improvement. I don't seek to criticize, but
22 I'm saying that, for instance, there were times
23 when out of town consultants were sought to
24 reestablish the rules of the Taxi and Limousine
25 Commission, or to rewrite some of these rules. We

1
2 felt that, you know, there could've been given a
3 little bit more weight to the members of the
4 industry, and we would have greater expertise,
5 more familiarity. So, the answer is, it would be
6 great to get more and better consultation before
7 these regulations come down. Again, I agree with
8 Dr. Cabesa on that point.

9 CHAIRPERSON VACCA: Do you
10 sometimes find things out when you read a
11 newspaper article?

12 JEFF ROSE: Well, I find many
13 things out. Are you referring to the Taxi and
14 Limousine Commission specifically? [laughter]

15 CHAIRPERSON VACCA: I'm not
16 referring to the Oscars, I'll put it that way.
17 [laughter]

18 JEFF ROSE: Well, there is a sense
19 that on occasion, the consultation is perfunctory.
20 That our input will not have the weight that we
21 would like it to. And again, part of that is
22 because sometimes it seems that there is not a
23 confrontational but a, maybe a contrary
24 relationship. We, in the industry, seek sensible
25 regulation. We want the reputation of the

1
2 industry to be enhanced. And we would like to
3 work with the Taxi and Limousine Commission to
4 enhance the reputation of the industry. We're not
5 bad guys who are looking to get out from under
6 regulation. But certain regulations seem not to
7 serve the public, or the safety of the public at
8 large. And we would like, I think, more weight to
9 be given to the opinions, not in the sense that we
10 want less regulation, but we would like to see
11 better, more sensible regulation.

12 CHAIRPERSON VACCA: I thank you.

13 JEFF ROSE: Thank you.

14 CHAIRPERSON VACCA: Sir, would you
15 state your name for the record, please?

16 JAMES GRASSO: My name is James
17 Grasso, and I represent the New York City Fleet
18 Livery Owners Association. And we're also part of
19 the Livery Roundtable. I'd like to thank the, the
20 Committee and the Chairman for allowing us to
21 speak. To avoid confusion, I will be reading
22 Arthur Grover's statement, and then answer
23 whatever questions. "With great respect, it is
24 with great respect that I address the City Council
25 today, not only as a base owner and vehicle owner,

1
2 but I also speak on behalf of the base owned
3 fleets throughout New York City. My name is
4 Arthur Grover, and I am proud owner of Mid-Island
5 Car Service, a for-hire base located in Staten
6 Island, New York. And President of the New York
7 City Fleet Livery Owners Association, a 501(c)(6)
8 organization that represents fleet owners
9 throughout the City. Since September 1, 2009, all
10 new livery vehicles that have been required, have
11 been required to be inspected at the Woodside
12 facility before they are issued their licenses and
13 allowed to be utilized by the base. As a base
14 owner for nearly 31 years, I have experienced
15 changes in regulations and policies that have made
16 it very difficult and often financially harrowing
17 to operate. The issues that I would like to
18 discuss regarding the TLC inspections fall into
19 two categories. The timeliness in which the
20 vehicle owner receives an appointment, and the
21 financial hardship that the base owners in Staten
22 Island and South Brooklyn experience each time
23 that a vehicle is brought to the Woodside
24 Inspection Facility. It is important that I
25 stress how my base and those I represent differ

1
2 from many other FHV bases throughout New York
3 City. Our type of bases are often referred to in
4 the industry as 'fleets' and I am not only, I not
5 only own the base, but I also own the vehicles
6 affiliated with the base, too. Unlike many base
7 owners who own one vehicle, my financial burden is
8 difficult to shoulder. I am responsible for the
9 cost of the insurance on all the vehicles, the
10 upkeep and maintenance of all the vehicles, all
11 TLC fees, vehicle registrations, inspection fees
12 and workers compensation insurance, which
13 oftentimes cost close to \$1,500 per vehicle.
14 Those base owners who do not own any vehicles need
15 not worry about these things, they are the vehicle
16 owners' responsibility. One major similarity
17 between the various types of FHB bases is that the
18 base owner must apply for the DMV appointment. In
19 most cases, the appointment is not scheduled for
20 upwards of three weeks, after the application is
21 submitted. This is extremely detrimental to the
22 fleets. The vehicle has already been inspected by
23 a New York State inspection facility, in order for
24 it to be registered and a premium payment has been
25 made on the insurance. However, the vehicle

1 cannot be used until it is inspected again at the
2 TLC inspection facility. Base owners on Staten
3 Island South Brooklyn also face an issue that
4 differs from the rest of the City. Many of us are
5 required to travel upwards of 45 to 68 miles round
6 trip per inspection. For example, my vehicle's
7 must travel 64 miles round trip, which can take
8 close to three hours on average. Staten Island
9 bases may pay toll charges in order to return back
10 to Staten Island each and every time we travel to
11 Woodside. Once the vehicle arrives at Woodside
12 facility, the whole inspection process can take up
13 to [time bell] four hours--" [background comment]
14 All right, thank you. "The inspection time
15 coupled with the travel time often results in the
16 base paying the transporter a full day's pay. If
17 a vehicle fails, then it is brought back to Staten
18 Island, repaired and brought back to Woodside
19 inspection facility to be reinspected. At this
20 point, we have traveled 128 miles in order for the
21 car to be considered road worthy. Again, this
22 results in additional day's pay, toll charges and
23 pay the ever escalating fuel costs. Often, if the
24 vehicle passes inspection, it may be given a ten
25

1
2 day notice to correct. In this case, the vehicle
3 passes, but there may be a couple of items that
4 need to be corrected. The vehicle can be used,
5 however it must return within ten days of the
6 initial inspection to prove that the items have
7 been rectified, or the license received will be
8 revoked. Unfortunately based on fleets, not just
9 in Staten Island and South Brooklyn, have had
10 multiple cars schedule for inspections on the same
11 day. Logistically, it is difficult to coordinate
12 this. The base takes a huge financial hit due to
13 loss of work that the vehicles would cover if they
14 were on the road, payroll to have the vehicles
15 taken for inspection, gas, tolls. This differs
16 from the independent drivers who own their own
17 vehicles. This further contributes to the
18 financial hardship already experienced by
19 struggling bases. And we had actually suggested
20 to Chairman Yassky almost a year ago, to model
21 what the New York State DOT does, and have
22 satellite inspection facilities like they do for
23 buses. And they seem to agree on posting an RFP,
24 but as we know, it never came to pass."

25 CHAIRPERSON VACCA: I thank you.

1
2 Your testimony is at variance with the testimony
3 from Commissioner Yassky. You stated that you
4 applied for an inspection on Thursday, February
5 23rd.

6 JAMES GRASSO: Mm-hmm, yes.

7 CHAIRPERSON VACCA: Are you saying
8 now that you have not yet heard?

9 JAMES GRASSO: No, we haven't
10 gotten an inspection date yet.

11 CHAIRPERSON VACCA: Today's March
12 1st.

13 JAMES GRASSO: Yes.

14 CHAIRPERSON VACCA: Okay. Now, who
15 is here from the Taxi and Limousine Commission,
16 that Commissioner Yassky indicated he was going to
17 leave behind? Would you make sure that, since
18 this, I'm sure, is a very rare exception.

19 [laughter] That we--thank you. I'd like you to
20 see the gentleman from the Taxi and Limousine
21 Commission. I'm sure you will have an inspection
22 as required.

23 JAMES GRASSO: Thank you.

24 CHAIRPERSON VACCA: Thank you very
25 much. Our next panel, David Pollack--oh, no, Mr.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Grover, your son spoke for you, I'm sorry.

ARTHUR GROVER: [off mic} Yes.

CHAIRPERSON VACCA: Yes, okay,
that, Mr. Grover. Okay, thank you.

ARTHUR GROVER: Son-in-law, please.

[laughter]

CHAIRPERSON VACCA: Just because we
look alike [laughter] people assume--

CHAIRPERSON VACCA: David Pollack,
please, Executive Director of the Committee for
Taxi Safety; Peter Mazur [phonetic], Metropolitan
Taxicab Board of Trade; Ethan Gerber, Greater New
York Taxi Association; and Vincent Sapone
[phonetic], LAMTO [phonetic]. If I could ask Mr.
Pollack to please go first.

DAVID POLLACK: I'm going to speak
on two of the Intros, one being Intro 676 for the
advisory--I'm sorry, the advisory board, which is
actually Intro 234-A. I want to applaud you, Mr.
Chairman, for this advisory board legislation.
And thank you for recognizing the many drivers who
will be recognized and represented in all segments
of the industry. Historically, a little
historical note, the current boards pretty much

1
2 became dormant under this administration. And
3 although, you know, the TLC does ask to meet and
4 maybe they do meet sometimes with industry
5 associations, maybe they don't meet sometimes with
6 industry associations, but what this association
7 has found, most of the time chooses to ignore any
8 industry input, and I want to thank you for this
9 legislation once again. Hopefully, the TLC will
10 use this advisory board to listen to all issues,
11 as opposed to surprise legislation without any
12 industry input, which seems to be a current
13 policy, in our opinion. The other Intro I want to
14 speak about is 676-A, the leasing of the
15 medallion. The "owner must drive" rule has pretty
16 much outlived its usefulness. And the existing
17 rules, right now, which is supposed to be the new
18 rules, actually penalize American veterans and
19 penalize widows, whose husbands have passed, and
20 want to lease their medallions. Not only does it
21 penalize them, you know, monetarily penalizes
22 them, \$50,000. Give us five grand as a penalty
23 and you can lease your medallion under these
24 certain circumstances. There's no doubt with the
25 presentation to OMB that from \$987,000 in

1
2 summonses last year to \$2.7 million required, that
3 there's a money issue here. And it's a shame that
4 medallions widows and veterans have to be the
5 subject of, of income searches by the Taxi and
6 Limousine Commission. And I did want to just
7 thank Councilwoman Lappin for introducing this
8 bill. It's, it's overdue. The present rules are
9 very complicated, you know, you work this many
10 days, if you don't work that many days, you pay an
11 X amount of fee; if you don't work this many days,
12 you pay a larger fee. You know, and the fact is,
13 contrary to belief, most of the individual owner
14 medallions that are purchased, are drivers who are
15 long term leasers, Who lease the medallion, many
16 from my members, saved enough money to purchase
17 their own medallions. And this bill helps to
18 alleviate the dove model. [time bell] The old
19 bill.

20 CHAIRPERSON VACCA: Thank you very
21 much, Mr. Pollack. Oh, Council Member Lappin is
22 here. Welcome, Council Member Lappin.

23 DAVID POLLACK: I just thanked you.
24 [laughter]

25 COUNCIL MEMBER LAPPIN: [off mic]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you, thank you for thanking me.

CHAIRPERSON VACCA: Mr. Pollack
just thanked you. Mr. Gerber, would you proceed.

ETHAN GERBER: Yes, thank you,
Chairman, and thank, members of the Council. I'm
from the Greater New York Taxi Association, which
is the owners association which the Chairman
recognized as being progressive in accessibility
and hybrid taxis. I'm primarily here to talk
about Intro 234-A, which revises and consolidates
the taxi advisory boards. As you know, it was
brought up almost two years ago by you, Mr. Chair,
by the, by the Committee, and by Chairman Yassky,
who pledged that he would revise it, and in fact
no such effort was made. It's very important,
also, in his comments that I read yesterday, he
did not mention owner, owner input, he did not
mention lender input. He never acknowledged the
importance of, of agency input. The very people
charged with buying, maintaining the vehicles,
securing medallions, getting them on the road,
didn't seem to warrant input. We have quarterly
meetings, as he said, or at least we have
scheduled quarterly meetings, sometimes they don't

1
2 take place. But many of the agendas, especially
3 one comes to mind is the livery plan which
4 radically changed the industry more than it has
5 changed since 1937, was somehow not brought up in
6 our quarterly meeting which only took place a
7 couple of weeks before it was announced by the
8 Mayor. We learned about that the way many people
9 learned about it, from the media. I received a
10 telephone call from a reporter about two hours
11 before I received the telephone call from the TLC
12 to give me a heads up about something. We have
13 often learned about events from the media, as we
14 did with the change in the rooftop lights. We
15 heard about several initiatives, we hear them
16 first often at TLC meetings, we heard several
17 initiatives just today. This is exactly why an
18 advisory board composed of all aspects of this
19 industry is vital. This agency needs input and it
20 needs oversight. In recent years, the TLC has
21 reinvented the industry almost monthly. Every
22 month, the Commission meets and almost every month
23 proposes radical changes to the industry and its
24 drivers. Imagine any business trying to operate
25 when the basic rules change dramatically every

1
2 month. When rules are issued controlling every
3 minutiae of business, and when infractions of any
4 kind could result in literally thousands of
5 violations and hundreds of thousands of dollars in
6 fines, it's almost impossible to keep the industry
7 going. This bureaucratic nightmare seems to be
8 relished by the City. The Mayor proposed that the
9 new budget is going to comprise almost \$2.75
10 million in fines, a dramatic increase from last
11 year. The more complicated the rules, the more
12 the fines. In recent years, the TLC has gone
13 beyond its stated purposes in the New York City
14 Charter. The Charter calls for setting standards.
15 This TLC has now created exclusive contracts. We
16 have an exclusive vehicle coming up, we're--
17 there's a new RFP apparently being launched, for
18 an exclusive school. [time bell] We're not
19 talking about standards. I applaud you, Mr.
20 Chairman, for this. I would like a moment, if I
21 could talk about the other two initiatives, if
22 that's all right. [background comment] Okay. As
23 far as, as far as the "owner must drive" rules, we
24 were at a commission, open commission hearing that
25 was held in The Bronx on a rotating schedule this

1
2 year. The, the room was filled with, literally
3 with, with widows and, and orphans of drivers who
4 were left with a dilemma of what to do with these
5 vehicles. It was also filled with people who had
6 driven a car for 30-35 years, and were forced to
7 suddenly sell that medallion no matter what the
8 market conditions are, and whatever the prevailing
9 impact on their estate planning is. People who,
10 who have invested their lifetime building an
11 asset, should not be, should not have to be forced
12 to sell that asset simply because they're taken
13 ill or they just reached the age where they
14 themselves feel it's no longer comfortable to
15 drive. It's, it's really, seems to be against the
16 first principles of transportation and the first
17 principles of the TLC, to force someone to drive a
18 cab after they themselves feel that it's not in
19 their best safety interests, and the safety
20 interests of the public, to drive. Just--as far
21 as, as far as the inspections, you asked if the
22 Chairman had, had asked us our opinion about that.
23 Sure, since we heard it today for the first time,
24 I'm sure we'd like to talk about it. However, I
25 am hoping and trusting that the Chairman was being

1
2 honest with us and that the TLC's stated purpose
3 is honest that it is to just simply make things
4 better and easier, and that it's not just to race
5 to the lowest common denominator, and say that now
6 that we're having livery service we're going to
7 bring down inspections for everyone, change the
8 rooftop lights for everyone, and do everything to
9 take away what has become a national standard of
10 yellow, simply to have all other cars compete with
11 it. And I trust that's the case. Thank you.

12 [applause]

13 CHAIRPERSON VACCA: Thank you. If
14 I could interrupt, perhaps Council Member Lappin,
15 do you wish to say--

16 COUNCIL MEMBER LAPPIN: [off mic]
17 Sure! Well, we can, I can wait till the panel's
18 finished, or is the panel finished?

19 CHAIRPERSON VACCA: No, we have one
20 more speaker, and then--

21 COUNCIL MEMBER LAPPIN: [off mic] I
22 can wait till he's done.

23 CHAIRPERSON VACCA: Okay.

24 COUNCIL MEMBER LAPPIN: [off mic]
25 And I have questions.

1
2 CHAIRPERSON VACCA: We have one
3 more gentleman on this panel, and then I'll,
4 before the next panel, I'd like to call on Council
5 Member Lappin. Sir, would you introduce yourself
6 for the record.

7 PETER MAZUR: Sure. Peter Mazur,
8 Metropolitan Taxicab Board of Trade. Good
9 afternoon, Mr. Chair, and members of the
10 Transportation Committee. MTBOT is a nearly 60
11 year old trade organization which is composed of
12 33 medallion taxicab fleets that operate more than
13 3,500 yellow medallion taxicabs throughout New
14 York City. Today, I will be speaking to three of
15 the bills on the Committee's agenda: Intro 676-A,
16 234-A and 695-A. Firstly, MTBOT fully supports
17 the three "owner must drive" exemptions provided
18 for in Intro 676-A. The "owner must drive" rules,
19 originally enacted by the TLC in 19909, helped
20 ensure that taxicab service remains safe and
21 reliable by recognizing the important role that
22 individual, independent, owner operators play in
23 the taxicab industry. More than 20 years after
24 the rule was enacted, the TLC made some needed
25 adjustments to the rules last year, to reflect the

1 realities of the taxicab industry of today, and to
2 avoid some hardships faced by owner operators.

3 MTBOT supported these changes, standing besides
4 those members of the industry, such as spouses of
5 medallion owners, who would face unreasonable
6 hardships if they were forced to sell their
7 medallions. The TLC made some significant changes
8 to the longstanding rule. This legislation would
9 codify and clarify some of those changes, as well
10 as provide additional protection for medallion
11 owners who are serving their country in the
12 military, or who are approaching a normal
13 retirement age. We are pleased to support this
14 bill which would also strengthen the owner drive
15 taxicab industry by enabling all inheriting
16 spouses, persons currently serving in the
17 military, and those over the age of 62, to make
18 their own decisions, to plan for future needs.

19 Intro 234-A, which seeks to establish a new Taxi
20 and Limousine Commission Advisory Board,
21 eliminating existing boards and replacing them
22 with one board to consolidate the myriad of
23 viewpoints in the taxi, for-hire regulated
24 industries, the goal to provide public and
25

1 industry input before the Commissioner is
2 laudable. However, the TLC has had advisory
3 boards in the past. Sometimes they met regularly
4 and provided valuable input; at other times, such
5 as now, they are virtually nonexistent. Any
6 opportunity for members of the public to provide
7 feedback to a regulator is good. However, for an
8 advisory board to be successful it must be
9 representative, and it must be participatory. To
10 that end, we suggest that the Speaker of the
11 Council and Mayor appoint an equal number of
12 representatives from among candidates recommended
13 by the affected constituencies. We also recommend
14 that the Council be given regular reports
15 regarding the effectiveness of the advisory board,
16 and a mechanism be established to ensure that the
17 Board has a full contingent of representatives and
18 meets regularly. With respect to Intro 695-A,
19 relating to new penalties for misuse of off-duty
20 lights, we're opposed because this bill is
21 punitive against drivers, because the conduct
22 described herein is already prohibited in TLC
23 rules. We feel that the fine in place for this
24 infraction is appropriate and bona fide refusals
25

1
2 and currently be prosecuted [time bell] and
3 properly punished even if a driver does so under
4 the guise of being off duty. Thank you.

5 CHAIRPERSON VACCA: You know, I, I
6 did want to comment, Mr. Mazur, on your testimony,
7 and I thank you, of course, first. But this issue
8 of an advisory board having a diversity of
9 opinion, and that that may be a reason not to have
10 an advisory board, that's a reason perhaps not to
11 have a policymaking board, because if you have a
12 policymaking board, and you have everybody
13 disagreeing on things, well then you can't make
14 policy and you can't be, you can't have a real
15 structure. However, an advisory board is just
16 that. I'm trying to bring into the room people
17 with different opinions because I want them to be
18 heard, and I want them to be consulted, regardless
19 of the point of view they represent. So, on that
20 basis, I think the objection to an advisory board
21 because the industry has such diversity, I think
22 that's a mitigating factor for an advisory board.

23 PETER MAZUR: I didn't speak the
24 advisory board--

25 CHAIRPERSON VACCA: No, no, I know,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I know.

PETER MAZUR: Yeah.

CHAIRPERSON VACCA: No, I know, I think your testimony was that we should tweak it and look at the appointments and, and I understand, I appreciate that. No, I just wanted to comment because I know that some people have said that they're not for it based on the diversity of the industry. Well, that's a reason to be for it. That, so I don't understand that, but I do un--I do appreciate your testimony, and I do know you're position. And like I said, any bill that we suggest here, I want to hear from you, I will take your input and we will see, maybe it works a little better, and your suggestions are appreciated. Council Member Jessica Lappin.

COUNCIL MEMBER LAPPIN: Thank you.

Is anybody from the TLC still here? [background comments] Okay. It's too bad that I was so late I couldn't engage with Mr. Yassky personally, because, you know, these to me are two pretty common sense initiatives. And I want to thank Alex Courtner [phonetic] for bringing one of them to my attention. I do not understand why we would

1
2 penalize good people, citizens of this City, who
3 are unfortunately serving this country in wartime,
4 or who are the widows of someone who owned a
5 medallion. And this to me seems like a very
6 common sense way to allow individual medallion
7 owners to sell those medallion owners on their own
8 timeframes. They're assets that they have
9 purchased and that they have owned, and that they
10 have driven those hours for potentially a very
11 long time. So, I do hope that we will be able to
12 move forward on that. And I also, you know, I
13 sort of, I don't appreciate the Administration and
14 Chari Yassky just coming in and testifying against
15 it. If there are things that he would like to see
16 us change, to address some of his concerns, well
17 then I'm always very happy to her that. I think
18 constructive feedback is helpful in the
19 legislative process. Finding constructive ways to
20 deal with real issues that maybe we hadn't
21 anticipated is one thing; just opposing a bill is
22 another. And as somebody who has served in this
23 body, he should know it's not particularly
24 helpful. I would also say, when it comes to the
25 off-duty lights, again, I have heard both

1
2 anecdotally but also have experienced myself, that
3 there is a real increase in the abuse of the off-
4 duty lights, and some of the testimony we've heard
5 so far I think agrees with that. And I put this
6 bill in, in part initially in a parochial way,
7 because I have a taxi stand on 79th Street that
8 the TLC doesn't do a lot of enforcement at, where
9 drivers put on their off-duty light when they're
10 in the taxi stand. Not a rest stop, not a rest
11 stand, not a relief stand, an active taxi stand.
12 The whole concept to me that you would pretend to
13 be off-duty in a taxi stand, is ludicrous. They
14 just want to take fares where they want to take
15 them, which is Wall Street, and they don't want to
16 pick people if they're going anywhere else. And
17 they think it's a really cutesy way to get around
18 the existing rules. And I don't think it's so
19 cute. So, I do think this would be one way to
20 address that. Again, I think, and I don't know if
21 Mr. Yassky said explicitly under his envisioned
22 change, if people would be able to pick up fares
23 on the way to the garage or not. Did he--? Okay.
24 'Cause I happen to live near the 59th Street
25 Bridge, and I think a lot of times people are

1
2 picking up fares on their way back to the garage,
3 and there's nothing wrong with that if they're
4 truly at the end of their shift. It's the cherry
5 picking that is illegal and problematic. So, I
6 guess my question would be, to any one of you,
7 what percentage of the individual medallion owners
8 do you think would be impacted by this bill? And
9 maybe you don't have the answer, but if you do,
10 you know, how many people do you think we're
11 really talking about here?

12 ETHAN GERBER: Which bill are we
13 talking about?

14 COUNCIL MEMBER LAPPIN: Oh, I'm
15 sorry, I should've been specific. The owner must
16 drive rules.

17 ETHAN GERBER: I think the largest
18 growing segment of the industry, as we all know,
19 42 percent of all medallions when they're sold
20 have to be owner drivers. Any purchased after
21 January of 1990 must be driven by the owner.
22 That's how many years ago is, was that now? As,
23 as those dri--as those medallion owners get older,
24 as they go off to war, as they pass away, I have a
25 situation now, for example--and I will answer your

1
2 question, I promise--an owner died in February.
3 And the widow wants to lease the medallion. The
4 rules say in November you must apply, in November
5 you must apply to lease it for the next year and
6 pay a \$5,000 penalty. So, we have to wait till
7 November? Yes. But you can't put the medallion
8 in storage for more than 60 days, so you have to
9 sell it. Well, she doesn't want to sell it.
10 Well, she can get a hack license. But she's too
11 old to get a hack license, she doesn't think she
12 can pass the test. Your bill just makes it
13 simple. And I would say it, you know, I don't
14 have exact figures on it, I'll try to get it, but
15 it's certainly in my mind thousands of medallions.

16 COUNCIL MEMBER LAPPIN: Well, and
17 that's, you know, that' the thing, it's, you hear
18 the personal stories and they're really
19 compelling. And they're heartbreaking. And they
20 don't make sense. And that's what I hate about
21 government, when you have 18 different rules that
22 all conflict with each other, and it make it
23 impossible for somebody, and effectively force
24 them to sell, when maybe it's not the right moment
25 in time for them to sell. But anyway, thank you

1
2 very much, Mr. Chairman.

3 CHAIRPERSON VACCA: Thank you. And
4 I thank Council Member Lappin, when I heard
5 before, Commissioner Yassky indicating that he
6 goes out of his way to consult with stakeholders,
7 I truly had to take exception, and I tell you why.
8 And out of respect to my colleague, I did not
9 bring this up when she was not here. But we are a
10 legislative body, and we should demand, if nothing
11 else, respect for the institution. Council Member
12 Lappin submitted a bill concerning the lights.
13 The bill was submitted some time ago, it went
14 through the legislative process, it went to our
15 legal people to review, and I scheduled a public
16 hearing. The TLC knew that this hearing was
17 scheduled and they knew what was on it. And to
18 have a Daily News article two days before the
19 hearing announcing that he was doing basically
20 what Council Member Lappin's bill prescribed,
21 without even calling Council Member Lappin or
22 myself, I found to be outrageous. As a courtesy,
23 if nothing else, this body was entitled to that
24 phone call. [applause] And I--It is, it is the
25 institution that we represent as a Council of the

1
2 City of New York. Whether it's good or not is
3 another issue. But he decided, and for him to
4 come here today and say that Council Member
5 Lappin's legislation is redundant? Please. It's
6 not redundant. It's something that this Council
7 thought of, that he did implement, but him not
8 even advising us before the hearing that that was
9 the case, I do thin was inconsiderate. Okay. Mr.
10 Sapone.

11 COUNCIL MEMBER LAPPIN: I have to
12 just say one mor thing.

13 CHAIRPERSON VACCA: Yes, Council
14 Member.

15 COUNCIL MEMBER LAPPIN: He must
16 really like my ideas, 'cause by the way this is
17 the second time [laughter] he made some big
18 announcement in the paper a while back about the
19 horn honking, how somebody who lived in Manhattan
20 had given him this great idea to do an education
21 initiative, etc., etc., whereas I had written to
22 him months before, asking him to do exactly what
23 he did. I never even got a response. And then he
24 said he got the idea from somebody else.

25 CHAIRPERSON VACCA: [off mic]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Really.

COUNCIL MEMBER LAPPIN: Yes.

CHAIRPERSON VACCA: So, ladies and gentlemen, whenever you read the papers next time, realize that these many good idea may come from the people on this dais right here. [laughter] We are a thinking bunch. We are a deliberative bunch. Okay. Mr. Sapone, would you want to come up, please?

VINCENT SAPONE: [off mic] - - you guys have a seat? Sure. Thank you. [pause, background noise] What'd I do? [background comment] I gave it to him, I believe. You got it. I gave it to him.

CHAIRPERSON VACCA: Please identify yourself for the record.

VINCENT SAPONE: My name is Vincent Sapone, I'm Managing Director of the League of Mutual Taxi Owners, better known as LOMTO. We've been established since 1934. If it's of any importance, my father drove in 1938, my first hack license was issued in 1963. But I'm only 49. [laughter] Anyway, I want to congratulate you, Council Member Lappin. What you're doing here is

1
2 a god save for the senior citizens and the future
3 senior citizens. And I want to thank the whole
4 Council for helping to support this. You know, if
5 a guy bought a medallion when he was 45 years old,
6 the TLC wants him to drive till he's 80. You
7 know, it's ridiculous. These guys are on the road
8 20 years or so, I mean, any driver on the road 20
9 years is a long time. And even lease drivers,
10 they work six-seven days a week, okay? They
11 should be able, the owners should be able to lease
12 their car or at least work three days a week, or
13 four days a week. No, who, who waits till their
14 75 years old to retire besides me? Nobody. So, I
15 want to congratulate you for this bill, you have
16 it in front of me, my thanks to all of yous, but I
17 want to say something else. The TLC keeps talking
18 about storage spaces, storage space. What's wrong
19 with [Randall's Alan]? Maybe they can build
20 something there. They make enough money off of
21 these people and off of me. You know, they hire
22 tons of people, the past couple of years, you
23 don't know who anybody is anymore. There's plenty
24 of room to build a garage and plenty of money from
25 the City. From them, anyway. And I don't know

1
2 what they do it. Anyway, I want to salute you,
3 salute you, Mr. Chairman, and salute you, too.
4 And thank you for considering this bill, and this
5 is a godsend from upstairs to help the senior
6 citizens. Thank you. [applause]

7 CHAIRPERSON VACCA: Thank you. We
8 salute you, too, I guess. Our last panel is--oh,
9 there's one more, there's two panels, okay. Ms.
10 Desai, New York Taxi Workers Alliance; Bill
11 Lindenauer [phonetic], New York Taxi Workers
12 Alliance; Mohan Singh [phonetic], New York Taxi
13 Workers Alliance; and Victor Salazar, New York
14 Taxi Workers Alliance. [pause, background noise]
15 Would--would you ple--

16 BHAIRAVI DESAI: Okay.

17 CHAIRPERSON VACCA: Yes, thank you,
18 introduce yourself for the record.

19 BHAIRAVI DESAI: Yes, good
20 afternoon, everybody. My name is Bhairavi Desai,
21 I'm the Executive Director of the New York Taxi
22 Workers Alliance. I would like to focus mainly on
23 Intros 234, 676-A and 695-A. My other colleague
24 will be talking more about the inspections. In
25 terms of the advisory board, you know, we under--

1
2 you know, it's, it's a good concept, but it is
3 concerning that when you look at the 13 posts that
4 have been identified, you know, in reality, only
5 two of them would really represent drivers. In
6 fact, out of the four, out of the five that would
7 be to represent the taxi industry, it's four would
8 be, four of those representatives would either be
9 owners or agents or lenders. Only one would be a
10 lease driver. We're talking about the majority of
11 the workforce in this industry, and we would have
12 one representative. There's a real issue, a power
13 inequity, not, you know, you're, you've been
14 focused primarily on the inequities between, you
15 know, the, those of us that are within the
16 industry or in labor, and the regulatory agency.
17 But what about the power inequities that exist
18 among ourselves within the industry itself? That
19 doesn't get addressed in this, and in fact it puts
20 us at a disadvantage. And so we do think that,
21 you know, the configuration of the advisory board
22 very much needs to be redone. I have to just, you
23 know, I have to say, you know, Chairman Vacca, I
24 wish something like this had been introduced when,
25 you know, our former TLC Chairman was around,

1
2 because really the only time that we as the
3 drivers organization ever really got to see him
4 was pretty much at a public hearing, where he'd
5 kind of walk away as we were testifying. And so,
6 you know, we get your larger point that the
7 communication should be institutionalized, because
8 it clearly changes depending on, you know, who
9 occupies that seat of the Chairperson. But I want
10 to say that, you know, historically, it's been the
11 drivers that have not had a seat at that table.
12 And while I hear the industry really crying foul
13 nowadays, I remember in the past 15 years they
14 never had a problem with accessing the TLC before.
15 In terms of the "owner must drive" rule, it's
16 really indicative of how one of the former
17 panelists had referred to it as the rule regarding
18 the leasing of medallions. 'Cause that really is
19 what it comes down to. While, you know, first of
20 all, we would, we, we've always supported
21 exemptions regarding the "owner must drive" rule;
22 however, there have to be provisions in there to
23 protect the next generation of drivers. What we
24 would say to you is that this bill should be
25 amended to state that if you're granted an

1
2 exemption, that medallion must be leased out
3 solely for DOV operation. [time bell] Because
4 one of the reasons that we want to preserve the
5 owner operator model is because those are the
6 medallion owners that always charge a lower lease
7 to the second shift driver. You know? And when
8 that med--nowadays, these medallions are being
9 leased out by fleets, where you're being charged
10 close to, you know, over \$900 a week, compared to
11 a DOV model where you would be, well, if they were
12 following the rules and not overcharging or, you
13 know, charging too much on the interest, the
14 driver would be able to charge less. And
15 secondly, it's still part of that ladder that, you
16 know, you're talking about earlier in terms of
17 growth within the industry, for, for the next
18 generation of drivers. We think this is a
19 critical amendment which needs to be added in
20 order to preserve the tradition of owner operated
21 medallions for the next generation of drivers. I
22 know my time is up--

23 CHAIRPERSON VACCA: Thank you.

24 BHAIRAVI DESAI: --so I'll yield to
25 my colleagues.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON VACCA: Thank you.

BILL LINDAUER: Okay, I'm Bill Lindauer, of the New York Taxi Workers Alliance. Excuse me, I have a cold. I'm so happy to note that no show jobs are not limited to the state government, that they have them in the City government. Frankly, I think this plan is totally unwieldy, and it's unbecoming for the taxi tycoons to whine like a kid who doesn't have daddy's total attention. I find the Chairman Yassky very outgoing, he reaches out to all aspects of the industry, and to the public, and of course, of course they don't have, of course the tycoons don't have the Chairman's total attention, they feel hurt. And let me mention a couple of things, silly things, like the horn blowing. It's demeaning and insulting and discriminatory, Ms. Lappin. I drove for 30 years, and if you cannot understand the present roof light system, I suggest you take your special ed course, because it's so damn easy. It's not rocket scientist. If the residents in your area, maybe hedge fund managers--

CHAIRPERSON VACCA: You know what?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I'm ruling that out of order.

BILL LINDAUER: What?

CHAIRPERSON VACCA: I'm ruling that--the way you referenced that, I--it was inappropriate. So, please continue--

BILL LINDAUER: Well, maybe the whole bill is inappropriate. [applause]

CHAIRPERSON VACCA: I'm not going to have a member of the Council spoken to that way. So you want to continue, you will go on in a different vein.

BILL LINDAUER: I have said all I want to say.

CHAIRPERSON VACCA: Thank you.
Sir, next.

VICTOR SALAZAR: I'm Victor Salazar, I'm a taxi driver and an owner driver. I've been driving for so many years, I can't even remember, 20 or something. The owner - - the owner drives rule is pretty much understandable and listen to the Executive Director Desai about the provisions, and in terms of the Woodside facility, I--I also drive have been there so many times. And then most of the time, I'm coming out

1
2 of the line in complete disagreement with the TLC.
3 There's always, I find myself paying a \$35 summons
4 for reinspection, even though I remember years ago
5 there used to be a reinspection fee if you failed
6 a second, or the second inspection you go by. But
7 this time, most of the time, they fail you at the
8 first one, and for silly things, sometimes, like
9 for things that should not be failed visually.
10 And the other thing is that if you fail and you
11 need money to repair your car, you need to go back
12 on the street and work for at least two more
13 weeks. It used to be the time that they'll give
14 you the, the possibility or the option to work for
15 two weeks or so, so you earn enough money to
16 repair the car, and then to - - inspection and
17 pass. So, I think the TLC should reinstate that
18 habit before, it worked perfectly well for, for
19 all drivers who went for inspection. And in terms
20 of the roof lights, taxi drivers, they're very
21 hard working people, they are dedicated, they're,
22 to the City of New York, like myself, 24 hour
23 seven. And they, they deserve to make a living.
24 They also, they also have the right to, to pick up
25 a passenger or two on the way home, I think it's

1
2 only fair. The leases are very, very high, and
3 it's obviously that they are also good citizens
4 of, of the, of this great City. And they deserve
5 also an honest, you know, honest attention, from,
6 from the Council. And taking, if you, if taking
7 the livelihood of a taxi driver for not using the,
8 for picking up two passengers or whatever, for
9 having the off-duty lights, that is taking the
10 livelihood of a whole family. So I think that
11 particular part of that, that bill is, as a taxi
12 driver, is really unfair, you know, I think
13 owners/operators, widows and veterans, they
14 deserve to have an honest living and maintain the
15 medallions and all that, but what about the taxi
16 driver? [time bell] The taxi driver needs to
17 maintain an equity, I mean, a livable income. So,
18 I, I strongly opposed to that particular - -

19 COUNCIL MEMBER LAPPIN: May I
20 interject with just a question. 'Cause you said
21 an honest living. You know what?

22 VICTOR SALAZAR: Yes.

23 COUNCIL MEMBER LAPPIN: You're not,
24 you're not allowed to pick up fares with the off-
25 duty light on, unless you're headed to the garage,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

right?

VICTOR SALAZAR: I am, after, in the rules it says that after nine hours of driving a yellow cab, I have the, the right to ask a passenger where is he going, after nine hours of operating the shift. [background comments] Not anymore? [background comments] At the end of my shift. Okay.

COUNCIL MEMBER LAPPIN: So, I just, and I think that's an important point to clarify, and to make sure that, that drivers know, that you're, you're not allowed to pick up fares, just driving around, while you're on your shift, with your off-duty light on, just the way you're not allowed to refuse to take somebody where they want to go, if it's not someplace that you want to go.

VICTOR SALAZAR: No, I'm, I'm referring to the, to the last minute, to the last hour of the shift. In the last hour of the shift, I may be in the west side and I'm--

COUNCIL MEMBER LAPPIN: Right, so the bill make an exception. So, just so you're clear--

VICTOR SALAZAR: Yeah.

1
2 COUNCIL MEMBER LAPPIN: --want to
3 make sure you're clear, 'cause I don't think you
4 understand the bill. There is a provision where
5 you can, in my legislation, not necessarily what
6 the Chair's talking about--

7 VICTOR SALAZAR: Yes.

8 COUNCIL MEMBER LAPPIN: --not what
9 David Yassky proposed, but my bill, we clearly
10 say, that you could, while you are on your way
11 back at the end of your shift, you would still be
12 able to pick somebody up. Even if you have your
13 off-duty light on. So, what I'm saying is, we
14 agree.

15 VICTOR SALAZAR: Great.

16 COUNCIL MEMBER LAPPIN: Okay.

17 [laughs]

18 VICTOR SALAZAR: Great. But one
19 thing, though, what happened if I'm, if the
20 passenger request you going this way, and I'm not
21 going that way, okay. And then, the guy, or the
22 person, makes a complaint. And then, I'm there on
23 every day, and somebody else makes another
24 complaint, what happen then, that I will, I will
25 be summons twice and revoke my license?

1

2

COUNCIL MEMBER LAPPIN: You

3

shouldn't be. No, I would say you shouldn't be.

4

Yes. I just want to--[crosstalk] I just want to

5

be clear.

6

VICTOR SALAZAR: IN the case of my

7

brother, in the case of my brother, David, okay,

8

he stops for a coffee break, he forgot to turn the

9

off-duty light on, he walked out, get a cup of

10

coffee. A passenger came in, say, "I need a

11

ride." He say, "I'm having my coffee break." So,

12

he made a complaint. We get all the, all the

13

papers, and when he went to the court, at - - , he

14

submitted enough evidence that he was actually not

15

refusing a passenger, because in the data show

16

that he went twice that day to Brooklyn. So he

17

never refuses a fare. But then the TLC give him a

18

notice--

19

COUNCIL MEMBER LAPPIN: Yeah, so,

20

that's a, you know, that's--right.

21

VICTOR SALAZAR: --for not having

22

the off-duty lights on.

23

COUNCIL MEMBER LAPPIN: And that's

24

a separate thing, I just wanted you to understand

25

the bill that we were discussing today, that we

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

agree.

VICTOR SALAZAR: And that affects over 26,000 drivers out there.

COUNCIL MEMBER LAPPIN: Thank you.

CHAIRPERSON VACCA: Thank you, sir, would you state your name for the record, please.

VICTOR SALAZAR: My name is Victor Salazar.

CHAIRPERSON VACCA: Oh, I'm sorry, Victor. No, I meant the gentleman next to you. [laughter] Sorry.

MOHAN SINGH: I am Mohan Singh, and good afternoon to everyone. I am a DOV driver. The problem with me that I, whenever I go for inspections, I got a lot of problems. The thing is that when I enter the facility to get my car inspected, it takes a long time. Another thing is, when it is failed, so they don't give me time to repair it and come back. They just say, "Okay, you come again," and they charge \$35 another time, next time. Another thing is that after 3:00 o'clock, after 3:00 o'clock, if I, in the morning - - I got to bed and go back at 3:00 o'clock, they refuse me to enter the facilities. Where their

1
2 time is at till 4:00 o'clock. So, it was Friday,
3 and I went there at 3:00 o'clock, 3:10, they
4 refused it, and I have to wait for Saturday and
5 Sunday so I have to lose three days. And three
6 days lease I have to pay from my pocket. Another
7 thing is, when they give a complaint, okay, this,
8 this is not good, they don't write clearly. Last
9 time, they wrote what? That loose door rubber.
10 Which means the rubber is to be changed. I went
11 repaired the rubber, later on I went again, they
12 charge me \$35, they said no, the door is broken.
13 I said, "I didn't see anything broken." But I
14 have to pay the money, and go again. So this
15 thing happens, we have to be several time, and
16 they should give out some time so that we can go
17 back and earn some earning, also, at the same
18 moment. Regarding the off-duty, off-duty, you are
19 saying, "Okay, you cannot--" well, when, I work
20 eleven hours. Okay, on the twelfth hour I want to
21 go home. Somebody come, "Okay, I want to go to
22 up, upper East, upper West." I am downtown. I
23 live in Queens. So what do you say? What should
24 I say? I say no, if I say no, I got refusal
25 ticket. And this ticket is not small, it's \$500.

1
2 And I got kids, which are going to college, and I
3 have to see my family. Nothing happens for that.
4 But the thing is that they charge me for it. So,
5 these are the things which we have to face. There
6 are many other things, just like the medallions.
7 The medallions are when they are made, they are
8 sold. When they are sold, they are sold
9 specifically to the number, to the big brokers.
10 So we want that you should lease them to the
11 drivers who take care of the services [time bell]
12 and take care of the cars, and they can get the
13 benefits. But you people just give them the
14 person who pays more money. They have money, we
15 don't have money. So we, we break our body, we
16 break our everything, and they earn the money. So
17 what we should do, I mean, this is, this is, this
18 would be taking that, the driver, so should be
19 considered, and should be given some medallions on
20 the same price but on leases. So instead of
21 paying the lease to the brokers, we can pay the
22 lease to the TLC, they can take the money. The
23 same thing, why not the same thing? So later one
24 we can then earn it.

25 COUNCIL MEMBER LAPPIN: Thank you,

1
2 thank you. I didn't realize that the Chair had
3 stepped out. Okay, thank you very much for your
4 testimony. Is there another panel, that was the
5 concluding panel? Okay, this is the last panel.
6 Reverend Jeffrey Landau [phonetic], Alex, I cannot
7 read this. [background comment] Yes, it is.
8 Thank you. [pause, background noise] [off mic]
9 Go for it, gentlemen, whoever wants to start, hit
10 it.

11 MALE VOICE: Reverend, you can go
12 first.

13 JEFFREY THOMASON: I'll be brief, I
14 don't need three minutes. I'm appalled. I gave
15 you all copies of this, the Taxicab Fleet Drivers
16 Rights, excuse me, I'm pretty sick, so don't sit
17 too close.

18 CHAIRPERSON VACCA: I just need you
19 to state your name for the record, please.

20 JEFFREY THOMASON: Jeffrey
21 Thomason, I'm the Reverend Jeffrey Thomason. In
22 the top right hand section you'll see under weekly
23 lease cap for a standard vehicle, is the number
24 666. Now, 666 is in poor taste at best. It's
25 insensitive and at worst it's, it's objectionable

1
2 that the Taxi and Limousine Commission would
3 choose the use the number of the Beast, the
4 Antichrist, in its official publication. It's
5 appalling to me that they would mandate, mandate,
6 that this is the maximum number that weekly driver
7 would have to pay per week and that a lease
8 company would accept it and deposit it, as well as
9 put up signs that are 24 inches by 36, two feet
10 by, by three foot signs, in every fleet garage, in
11 Brooklyn, Bronx, Queens, Staten Island and
12 Manhattan. It's offensive to me as a Christian,
13 and it should be offensive to at least one person
14 in the City Council, at least one person in the
15 Department of Transportation, at least one person
16 in the Transportation Commission, it should be
17 offensive to at least one person in TLC. I can't
18 imagine that I'm, I'm, I regret that I'm here to
19 be here for this. It's crazy. I look at this and
20 I see one number, under weekly lease cap, not two,
21 but on the left hand side of this, I see AM and
22 PM, as if there's a big differentiation, and there
23 is. There's a couple hundred dollar
24 differentiation that a night driver would save if
25 they got this weekly lease cap, than if a day

1
2 driver would save, if they got a weekly lease cap.
3 So, I guess I have two questions. One is, why in
4 the world would anybody choose this number? And
5 two, why aren't there two separate weekly lease
6 cap amounts, one for a day driver and one for a
7 night driver? 'Cause clearly night drivers pay a
8 lot more, maybe they make a lot more, I don't
9 know. But if a day driver, to sit in traffic, in
10 New York traffic particularly, no offense to New
11 York, and the wonderful work that the Department
12 of Transportation has done to make the streets
13 easier to navigate by putting in floating bus
14 lanes and parking lanes and this, that and the
15 other thing, you can't turn here, can't turn
16 there, can't turn here at 7:00, can't turn here
17 after 7:00. Why wouldn't they get a commensurate
18 break as to the, the night drivers? That's it,
19 thank you very much. Sorry to bother you, but--

20 COUNCIL MEMBER LAPPIN: No, thank
21 you.

22 JEFFREY THOMASON: --this is wrong
23 to me.

24 MALE VOICE: Before I te--before I
25 testify today, and pay attention to this,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Committee Counsel Frank, the--

CHAIRPERSON VACCA: It's, it's Mr. Frank.

MALE VOICE: Mr. Frank, sorry.

CHAIRPERSON VACCA: Thank you.

MALE VOICE: He, the TLC is having an appeal of a ruling today from a while back, that was before Judge Daniels of the Supreme Court. And he, I forget what he, what he actually did, but they're appealing that ruling today, and you'll probably read about it in the papers tomorrow. And I'm here to speak about Intro 449, and 695-A, which is the livery taxi bill of rights, which will allow the off-duty light of a cab to be gotten rid of or removed, making it easier for a prospective passenger to pick it up. And also Intro 243 and 243-A, the taxi charter, would allow certain things to become accessible, which are currently inaccessible right now, such that they improved the accessibility, the inside seats of a livery cab, for the disabled. Thanks for allowing me to testify today.

CHAIRPERSON VACCA: Thank you, sir.

Sir, would you want to--?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ALEX GARDINER: Oh, sorry.

CHAIRPERSON VACCA: Introduce yourself, please, and--

ALEX GARDINER: My name's Alex Gardiner [phonetic] and I'm--thank you for letting me speak. I'm honored. I, this bill 676-A came, I believe, as a result of me calling the Chairman and, and asking him for, to give us a break after driving for so many years. I, I'm, I'm going to be 70, I'm a Vietnam veteran, and, and he never called back. And kept having other people calling me, and telling me all kinds of stuff, and didn't make any sense. And finally, one woman from one of his sections said, "Well, if you don't like it, why don't you call the City Council." [laughs] So, I did that. And luckily I got Ms. Lappin. [laughs] [pause] And she graciously put that in. [weeps]

CHAIRPERSON VACCA: It's okay. Do you--I think you--

ALEX GARDINER: I--

CHAIRPERSON VACCA: You want to speak in support of Council Member Lappin's bill.

ALEX GARDINER: 676-A.

1
2 CHAIRPERSON VACCA: Okay, are you
3 all right to do that? Because if you want, you
4 can give us written testimony, I don't want you to
5 get upset.

6 ALEX GARDINER: Well, just that ...
7 we've been always treated very badly by the TLC.
8 Whenever they, they have a hearing, if they find
9 you not guilty, they, they somehow they have a
10 right, it goes, it goes up towards some other
11 place and then they bring it back, and even though
12 you were found not guilty by their own judge, they
13 find you guilty again. I have, I had to go twice
14 through that. And I've heard that other people
15 have gone through three times, where you're found
16 not guilty and then brought it back and they're
17 collecting millions and millions of dollars off
18 our backs. They never really listen until they
19 come in front of the City Council, who they have
20 to speak with. And they lie about a lot of
21 things. [time bell] But I think that after 30
22 years, and being a [weeps]

23 CHAIRPERSON VACCA: Okay, okay.

24 ALEX GARDINER: Being a Vietnam
25 veteran, I think we should have the right to just

1
2 lease it out, without being slaves, this is really
3 slavery. He said that the people are getting the
4 individuals, they should leave the right for
5 somebody else, he mean the American dream is to
6 slave. And then, give it to somebody else to
7 slave for another 30 years, without being able to
8 realize the American dream.

9 CHAIRPERSON VACCA: Thank you.

10 ALEX GARDINER: So--

11 CHAIRPERSON VACCA: I'm going to
12 have to ask you to conclude, okay?

13 ALEX GARDINER: Okay. I, I'm
14 sorry.

15 CHAIRPERSON VACCA: No, don't be
16 sorry.

17 ALEX GARDINER: I'm hoping this
18 honorable body of Council Members, not only agree
19 with us, but show us that you care. Don't shelve
20 and bury this bill, but bring it up and pass it.
21 Thank you.

22 MALE VOICE: Thank you.

23 CHAIRPERSON VACCA: Thank you.
24 Thank you. [applause] Thank you. There being no
25 further speakers, it is now 4:15, this Committee

1

2

Hearing of the Committee on Transportation, is

3

hereby adjourned.

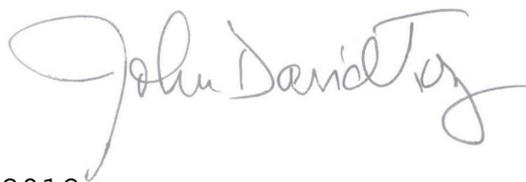
4

[background noise]

C E R T I F I C A T E

I, JOHN DAVID TONG 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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date March 20, 2012