



WORKING GROUP SUBCOMMITTEE MEMBERS

PATRICIA BRESLIN, CHAIR
PAUL GILLESPIE
TOM ONETO

HEIDI MACHEN, EXECUTIVE DIRECTOR

Rules and Regulations Subcommittee MINUTES

March 14, 2008 at 10:30am
City Hall, 1 Dr. Carlton B. Goodlett Place
Room 408

Present: Breslin, Oneto, Gillespie

Absent: None

Called meeting at 10:40 am

1. **Call to Order/Roll Call :** Quorum

2. **General Public Comment (Please limit public comment to items not on the agenda)**

- **Tariq Mehmoud:** As we are discussing different rules, the 4C1 layer has been violated by UTW. (Provided handouts).
- **Michael Spain:** I thought this rules committee was working to simplify and get rid of redundant rules. I don't see this committee doing that. I see people with economic self interest coming to these meetings.
- **Ruach:** I'm with Taxi driver institute, every week when I talk to new drivers, I ask what id's are cab drivers suppose to carry at all times. In the rule book it does not say the driver needs to carry a drivers license or A-card, it needs to be added.
- **Pres Gillespie:** Any single member making a recommendation to the rules can be brought to the commission. I apologize if there was not enough communication between the President and the Vice President.
- **Jordanna Thigpen:** From a resources perspective, we cannot have a separate agenda item for every different rule.
- **Pres Gillespie:** We would have a list of things that people would like to change. We would then draft a resolution of how we would like to change the rules.
- **Com Oneto:** If we bring this to the commission and do it item by item or section by section we will never get done. I think that we have to limit the amount of public comment or have to do blocks of it otherwise we will not get anything done. I don't see how we can go item by item.
- **Com Breslin:** There has to be some structure. Most of the work is done by the committee and if people don't show up that's a lost. I don't think the public gets enough time so I want to suggest that a block of time is set aside, for this agenda. We group the things that come out of this meeting into three groups, all things we are leaving alone, all technical changes and substantive changes and those should be listed out. Before the resolution is made we need to hear from the public.
- **Pres Gillespie:** How about we draft a resolution before the meeting. We can write a resolution here and then take it to the regular commission meeting. Can we do that?
- **Tom Owens:** Yes.
- **Jordanna Thigpen:** I'm just trying to figure out from a time standpoint, categorizing, if there is no change we don't need to have it on the agenda.

- **Com Breslin:** I disagree, because we decided at this meeting that it doesn't need a change.
- **Jordanna Thigpen:** There is no charter obligation that this committee has.
- **Com Breslin:** I would do what Paul suggested under technical changes, we are addressing rules section by section.
- **Jordanna Thigpen:** There are 16 separate rules in the medallion holder section.
- **Pres Gillespie:** Let's try to do two per meeting.
- **Com Breslin:** I would start agenda items with substantive changes.
- **Jordanna Thigpen:** We have seven commission meetings left.
- **Hansu Kim:** I really think watching what happened Tuesday at the Taxi Commission meeting it's important to let the public speak. When we go to the commission we have to have a recommendation ready. I think Jordanna presented the issues in a way that made it biased towards a particular view. That concerns me because a director presented what was not discussed at this meeting.
- **Com Breslin:** As long as we have recommendation before we go to the commission we would not have this type of complaint.
- **Michael Spain:** Were you going to trickle the rules up to the Taxi Commission?
- **Com Breslin:** I recommended we do it as we solve them.
- **Michael Spain:** I watched the meeting from home and I want to say that the chair of the committee presents the rules. We should have a special meeting on the rules.
- **Pres Gillespie:** I like the 3 level idea and we should come out of this meeting with a decision so we can come up with a resolution. We can try to keep it at two per meeting.
- **Com Breslin:** Do we want to move forward from where we left off?
- **Com Oncto:** Are we going to over the one resolution with the legislation change?
- **Com Breslin:** Since the companies would be buying the taxis themselves, the drivers would be listed on the registration.
- **Jordanna Thigpen:** Can we wait for that item because we haven't got to that item. We haven't adopted the minutes yet.
- **Pres Gillespie:** We can go back to where we left off from the meeting on Tuesday.
- **Jordanna Thigpen:** I do need clear direction.
- **Tom Owens:** You don't need whereas clauses, you only need be it resolves. You're just putting the decision in front of the full commission. Each resolution would be separately agendized. You can put 25 different rules changes under one resolution. Identify high button issues and the low ones and separate them. You can put all of 5A under one resolution.
- **Jordanna Thigpen:** I was asked for my opinion at the meeting. I just wanted to clarify that.

3. Adoption of Minutes from the February 8, 2008 Subcommittee Meeting.

Adopted without objection.

4. Consideration of Amendments to *Taxicab/Ramped Taxi Rules & Regulations, Section 3, Definitions* [DISCUSSION AND POSSIBLE ACTION; EXPLANATORY DOCUMENTS]

- **Jordanna Thigpen:** (reads) Consideration of Amendments, Section 3.
- **Com Breslin:** Continue Item 4, Section 3, definitions.

5. Consideration of Amendments to *Taxicab/Ramped Taxi Rules & Regulations, Section 4, Medallion Holders* [DISCUSSION AND POSSIBLE ACTION; EXPLANATORY DOCUMENTS]

- **Jordanna Thigpen:** 4A7 (reads). There has been discussion about adding a driver who holds a valid lease. We have a case coming up with a broker and the issue with brokers is very severe. The brokers are one issue; technically they don't apply to 4C1. For liability purposes the person goes after the registered owner.
- **Com Breslin:** In the discussion; can only one name be on certificate of registration/title?
- **Jordanna Thigpen:** Right now, Medallion Holder and Color Scheme.
- **Com Breslin:** Why can't we say Medallion Holders and/or Color Scheme holder and driver?

- **Com Oneto:** That's apart of 4A7, we talked about adding the driver because if they buy the vehicle they have to insure it. I want to see what the Board of Supervisors and Mayor signed as far as that \$7.50 gate increase. If a driver buys a vehicle is the \$7.50 taken off of the lease?
- **Pres Gillespie:** If you are on a long term lease you are not paying a gate fee. That \$7.50 goes to Yellow Cab and they make the decision as to what they do with that money.
- **Com Breslin:** Do we want to grant drivers to be on the title registration? I think having their name on it gives them a better positioning.
- **Pres Gillespie:** Is what we are doing today going to affect that?
- **Jordanna Thigpen:** When you're in a lawsuit you try to get as many people as you can.
- **Com Breslin:** Upon drivers request or if applicable. I want to leave the door open for the driver's; we are trying to protect them.
- **Com Oneto:** I understand but I don't know if drivers should be required to purchase vehicles due to the new legislation.
- **Com Breslin:** Whether we like it or not the \$7.50 is going to enable the companies to buy the hybrid vehicles.

Public Comment:

- **Hansu Kim:** The Color Scheme identifies the drivers and it ends up the company with liability. It helps the driver having the name on the registration. A long term lease arrangement is done several different ways and the driver is never forced to buy the vehicle. Every long term lease is always a discounted rate. If someone is buying a vehicle they would then have to purchase a more expensive vehicle so they would be able to charge more.
- **Com Oneto:** On a long term lease where a driver has to purchase a car, does one driver purchase that car?
- **Hansu Kim:** Yes, or it can be two but it's up to the driver to purchase.
- **Com Oneto:** We have three levels but once another driver gets into that vehicle it becomes a 4th level.
- **Hansu Kim:** I beg to differ; I put all the people that are on the long term lease on a 3rd level.
- **Com Oneto:** A driver would be an equipment owner which enables work to be done.
- **Hansu Kim:** We have to make a distinction between the medallion doing a long term lease or a driver doing the long term lease.
- **Jim Gillespie:** This legislation didn't change anything. The \$7.50 still works into the gate that can be charged. Long term leases can only be pre-k medallions; those are the only medallions to be leased out. I've always thought it was a shame that the drivers who purchased vehicles could not be on the registration. These people that own these vehicles should be able to be in the registration.
- **Pres Gillespie:** This is a two tier gate. What is the advantage to the driver being on the registration?
- **Jim Gillespie:** The guys that are buying these vehicles need to have trust because they paid for it.
- **Pres Gillespie:** What percentage of the vehicles in Yellow's fleet is purchased by yellow?
- **Jim Gillespie:** About 320 gates, the other 90 are pre-k on long term leases and 60 are Color Scheme.
- **Pres Gillespie:** Tom's questions about the \$7.50, are the drivers subject to this new law?
- **Jim Gillespie:** They are still under the same rules. Companies don't know that the brokers are there they do it under the Color Schemes nose.
- **Com Breslin:** Is there ever a case where there is a driver would purchase a vehicle?
- **Jim Gillespie:** Yes, the driver leases a pre-k medallion on a long term lease.
- **Com Breslin:** I would like to propose a rule here in the case of a pre-k medallion holder.
- **Michael Spain:** You're just trying to regulate the industry that has nothing to do with you. This rule is really about 3 layer leasing. Everyone just ignores this rule and works out itself. I have not heard a case made about why this is bad for the industry. Some of the commissioner questions show what little knowledge you have.
- **Ruach:** I really appreciate your energy on the subject. There was a case when the driver bought the vehicle themselves and trusted the medallion holder but at some point the relationship broke up. The medallion holder took the medallion and vehicle to another company because there name was not on the registration. Com Oneto, the \$7.50 is supposed to help the company pay for low emission vehicles.

- **Carl Macmurdo:** It comes to mind and I appreciate Oneto's question. I think if it is your pleasure to allow that arrangement but you don't want brokers in the industry you can structure the language of 4A9 to allow a 4th level of leasing. You can write the law to allow it.
- **Com Breslin:** We had a discussion about 4A3 that Medallion Holders should be reasonably held to certain compliance, we won't talk about it now.
- **Dan Hinds:** I want to correct something as far as National Cab, long term leases where the arrangement is the Medallion Holder leases the Color Scheme and radio dispatch its his vehicle that he purchases.
- **Tariq Mehmoud:** The fact is that someone leases from company and gives it to another driver they create a 4th layer.
- **Com Breslin:** We need to figure out what we are bringing back to the commission.
- **Com Oneto:** I want to know who is behind the cabs all the time. I don't have an issue with a driver purchasing a vehicle and other individuals driving it. Where we are having a problem is where it gets past that 3rd level.
- **Com Breslin:** Do you want 4A7 changed or not changed?
- **Com Oneto:** I would be okay with that changing if we had a roster of legal drivers.
- **Pres Gillespie:** My question is do we need the owner of the vehicle and the Color Scheme?
- **Jordanna Thigpen:** You mean the Medallion Holder or the driver?
- **Com Oneto:** Are the leases with the Color Scheme?
- **Pres Gillespie:** It could be with the permit holder.
- **Com Oneto:** Whoever the leasee is they should be on the registration along with the owner.
- **Jordanna Thigpen:** We have a comment from Hansu; it seems like the Medallion Holder should be on there because they are responsible for the permit.
- **Hansu Kim:** We fail to address the problem. Only taxi drivers who are on the vehicles or a Medallion Holder or Color Scheme can purchase a vehicle.
- **Michael Spain:** I mentioned that every pink slip has a title holder for the vehicle and also a lien holder. Lien holder is the entity that owns the car, if the title holder does not stick with the commitment. Limits of liability are way to low for this industry.
- **Jordanna Thigpen:** It must only be under the name of Medallion Holder and/or Color Scheme holder. A driver holding a valid lease that meets the requirements of 4C1 can be on the registration.
- **Pres Gillespie:** If we did it this way a broker who is not a driver could not appear. Putting this item on the commission agenda does not mean that a decision has been made.
- **Jordanna Thigpen:** I think the 4C1, should be strengthened.
- **Pres Gillespie:** That's one thing that we should have on our agenda
- **Com Breslin:** Do we need a change to 4A3? Before we get to the public, to me it means every Medallion Holder ensures that they have control over there taxicab only if they haven't leased it out.
- **Pres Gillespie:** This is more on formality; this rule will not be used against a Medallion Holder. I don't see a reason to get rid of it or change it.
- **Com Breslin:** In the case of Union cab did anything adverse happen to the Medallion Holders?
- **Jordanna Thigpen:** No, they violated this rule but we didn't bring them up on charges because it seemed as they were victims to some extent.
- **Pres Gillespie:** If we have one is three saying the same thing or something different.
- **Jordanna Thigpen:** Like Union cab people knew what was going on there.
- **Pres Gillespie:** If a Color Scheme is filling out the waybills on the Medallion Holders behalf.
- **Com Breslin:** Every medallion holder shall ensure. No Medallion Holder should willingly engage
- **Carl Macmurdo:** The literal language creates fear among Medallion Holders. After ensure add, "To the extent possible or reasonable."
- **Michael Spain:** I don't know that Medallion Holders understand the day-day business. Rules and Regulations under Color Scheme and Dispatch cover every aspect. You don't give prosecutors more ammunition than they already have.
- **Tariq Mehmoud:** Rule number three and four. The point is the rule is good, leave the rule as it is.
- **Ruach Graffis:** These rules exist for a reason. You don't want to give weasels room to wiggle. I have talked to drivers that watched the dispatcher and the gas person sitting there just time stamping waybills for the permit holder that wasn't driving. The company does it for there absentee permit holders.

- **Com Oneto:** The permit holder is responsible for everything; they are holding the city asset. From them everything filters down that's how everyone gets to work. The city is giving those people the ability to work.
- **Pres Gillespie:** I don't see any reason to change this rule. This is in the category of non-substantive.
- **Com Breslin:** I would suggest merging it in.
- **Jordanna Thigpen:** We can prepare a resolution regarding 4A7 and also put in all the technical and note changes.
- **Com Breslin:** You can have the same resolution.
- **Pres Gillespie:** Under insurance and registration, 4B3.
- **Jordanna Thigpen:** We were going to move 4A7 into 4B3 because it's duplicative of 4B3. Ill prepare it and there will be more opportunity for discussion.
- **Pres Gillespie:** We will do the no changes at the very end.
- **Com Breslin:** 4A9 we are continuing.
- **Jordanna Thigpen:** 4C1 to enhance that for our next rules meeting.

7. Adjournment 12:35pm