

1 BEFORE THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON TRANSPORTATION

3 PUBLIC HEARING:

4 LIMO AND BUS SAFETY

5
6 Van Buren Hearing Room A
7 Legislative Office Building, 2nd Floor
8 Albany, New York

9 Date: May 2, 2019
10 Time: 10:00 a.m.

11 PRESIDING:

12 Senator Timothy M. Kennedy
13 Chair

14 PRESENT:

15 Senator James Gaughran

16 Senator James Tedisco
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1 SENATOR KENNEDY: (Microphone turned off.)

2 We're going to get started in just a moment.

3 If everybody could just start making your way
4 to your seats, if you are not seated at the moment.

5 Good morning, and welcome.

6 Thank you, everyone.

7 I'd like to, first of all, welcome everyone
8 to the New York State public hearing on limousine
9 and bus safety.

10 I want to thank everyone for coming here
11 today, for taking time out of your busy schedules,
12 to share your stories, to share your expertise.

13 My name is Tim Kennedy. I am senator
14 representing Western New York.

15 I'm also the Chairman of the Senate
16 Transportation Committee.

17 I'm here today, joined by
18 Senator Jim Gaughran from Long Island, as well as
19 Senator Jim Tedisco.

20 Today we're here to talk about issues that
21 have been at the forefront of our minds and our
22 conversation and our work for some time,
23 particularly in the wake of the horrific incidents
24 involving limousines across New York State that have
25 taken place.

1 As we sit here today with family members and
2 loved ones, the victims of these awful tragedies,
3 I thank you all for joining us today and for sharing
4 your stories.

5 And I had a moment to say hello to many of
6 you.

7 For those of you I have not gotten an
8 opportunity to say hello to, I certainly will before
9 the day is out and the conversation is complete.

10 But let me just say that my deepest
11 condolences and most sincere heartfelt sympathies
12 are with each of you and your families.

13 (Microphone is turned on.)

14 My deepest condolences and my heartfelt
15 sympathies with each and every one of you and your
16 families.

17 We had these horrific incidents happen here
18 in New York State.

19 They could have happened anywhere, and they
20 could have happened to any one of us.

21 You have courageously taken these very
22 difficult and horrific incidents, where your family
23 members' lives were cut short, and have taken that
24 grief and honed it to make our communities across
25 this state and across our nation better and safer.

1 And we thank you, and we are indebted to you,
2 for being here today, and for everything that you've
3 done up to this point, and continue to do and will
4 continue to do.

5 These tragedies were a result of careless
6 actions of those who didn't follow the law.

7 And while we've taken steps in this year's
8 budget to improve safety standards, such as banning
9 U-turns, and taking measures to hold the bad actors
10 accountable, and making information about these
11 companies and their safety practices more readily
12 available to consumers, our work is certainly not
13 done.

14 Your testimonies today will be documented in
15 the public record. It's streamed live by the
16 New York State Senate.

17 We'll use this information to change laws, to
18 make the industry safer, and the regulations
19 stronger, and we're going to take the steps
20 necessary to ensure real reform.

21 Again, I want to thank each and every one of
22 you for being here with us today, and I look forward
23 to a robust conversation.

24 And what I can commit to you is that you have
25 a New York State Senate that is paying attention,

1 that is listening, and is going to make changes to
2 make our community safer, and to make stepping into
3 a limousine safer.

4 Because of you being here today, because your
5 willingness to share your grief, your difficult
6 stories, and the lives of those that you loved, you
7 will undoubtedly touch others and help others.

8 Thank you all for being here.

9 I'd like to turn it over to my colleague in
10 the Senate, Senator Jim Gaughran.

11 SENATOR GAUGHRAN: Thank you, Mr. Chairman,
12 and thank you so much for your leadership on this
13 issue, and thank you, Senator Tedisco, as well.

14 I really want to thank the families who have
15 come here.

16 I know some traveled a long distance,
17 including from Long Island, and I know we've had
18 some tragic incidents, one of which in particular
19 I've learned a lot about, which is in Cutchogue,
20 because I've talked direct to the family members who
21 have been impacted.

22 And we need to get this right, we need to fix
23 this, we need to do all we can so this tragedy
24 doesn't have to happen again.

25 And I think it's important that we act

1 quickly because, as you know, prom season will soon
2 be upon us, and there will be a lot of our young
3 people who will be celebrating their high school
4 graduation and their proms, and going out in
5 limousines, which is important for them to do
6 because we certainly don't want them driving while
7 they may be drinking.

8 And that's why it is so, so important that we
9 pass these measures as quickly as possible.

10 And I really just want to listen to the
11 families today and some of the experts so that we
12 can get to the bottom of this, and try to do
13 something so that, hopefully, these horrific
14 tragedies never happen again.

15 Thank you.

16 SENATOR KENNEDY: Senator Tedisco.

17 SENATOR TEDISCO: Let me thank you,
18 Senator Kennedy, and our colleague here next to me,
19 for helping to hold this hearing.

20 I think Senator Kennedy said it right:

21 This hearing is important;

22 Your testimony is important;

23 But what is really most important is doing,
24 yesterday, what this hearing tells us we should have
25 done a long, long time ago.

1 We can't wait not to do this. There can't
2 more discussions, more talking, more listening, more
3 hearing.

4 We've got to take action.

5 So the most important thing, and I think
6 Senator Kennedy is right on that, and I think he's
7 going to move forward with all of us in the Senate,
8 is to get something done that makes a difference.

9 All the hearings in the world aren't going to
10 solve this unless we go forward and make the
11 adjustments that are necessary.

12 I think we all understand, none of us can
13 understand the impact or the horror of the family
14 members, of the loved ones, of the friends, that
15 were a part of some of the great tragedies that have
16 taken place throughout the state.

17 Several of my constituents were involved in
18 the Schoharie tragedy.

19 And if you're not a family member, if you're
20 not a close friend, if you're not a loved one, you
21 probably don't really understand the feeling and the
22 impact that it has.

23 But as a member of the extended family in the
24 New York State Senate, you know, a young man who had
25 a great career in front of him, Patrick Cushing, was

1 our IT computer guy in the New York State Senate for
2 us.

3 The day before that tragic accident in
4 Schoharie, as he had many times, was in my office in
5 515, fixing the printer, and he got it done just
6 like he always got it done when we called him.

7 And this is a tragedy for the entire state of
8 New York, and the entire family of New York.

9 And I want to personally thank everybody who
10 is here today, but I especially, as has been
11 mentioned, want to thank the family for taking your
12 personal tragedy, and having to live through it, to
13 be here today to make the statements you need to
14 make to get us to move forward.

15 You're turning your personal tragedy, and
16 your family and your loved ones, into something
17 positive, that I do believe is going to make the
18 biggest difference in us making those changes
19 necessary.

20 But it can't be just have the hearing, it
21 can't be just listen, there's going to have to be
22 action.

23 And we want you to keep in touch with us to
24 make sure that you hold our feet to the fire and
25 that we do take that action that is necessary.

1 And I'm pretty sure that there's a resolve
2 here at this table, and we'll take that resolve to
3 our colleagues, to make sure those changes take
4 place.

5 Thank you so much.

6 SENATOR KENNEDY: Thank you, Senator.

7 We are going to get right to the witness list
8 and begin hearing your testimony.

9 First up, we are going to hear from
10 Nancy DiMonte and Janet Steenberg.

11 If you could please both join us.

12 Please, have a seat.

13 Thank you all for being here, and if you'd
14 like to begin.

15 NANCY DiMONTE: Thank you, Senator Kennedy,
16 and special thanks to Governor Cuomo and his
17 administration, for paving the way towards safer
18 conditions.

19 And as a little aside, I am facing you and
20 probably preaching to the choir, but behind me is
21 not the choir, and we intend to make them know that.

22 And thanks to the eight Cutchogue families,
23 my sincere thanks. May we stay bonded for other
24 reasons.

25 My deepest sympathies to the Schoharie

1 families who I've just had the most distinct honor
2 of meeting, and who perpetuated me to be here today.

3 My name is Nancy DiMonte, and my daughter
4 Joelle was severely injured in the 2015 Cutchogue
5 limousine crash, both physically and emotionally.

6 Each day she lives with the trauma of
7 witnessing the death of four friends in a carnage
8 unlike many could imagine, along with dealing with
9 survivor's guilt for the rest of her life.

10 Each day I thank God she made it, but I have
11 lost her in other ways.

12 I'm a professor of sociology at the State
13 University of New York, and we preach social
14 justice.

15 This concept recognizes the rights and
16 responsibilities of social institutions that
17 maintain fairness to the people. This includes our
18 government.

19 I believe the amendments we are looking for
20 fall under this ideal.

21 Let it be known that we have tirelessly
22 campaigned for reform of limousine safety standards.

23 And after the Schoharie incident, we, the
24 eight Cutchogue families, have become a strong
25 presence in this state, and will continue to do

1 whatever is needed to preserve our stance, even if
2 it takes the rest of our lives.

3 Consequently, we are recruiting your support
4 of soliciting the additions that we are about to
5 propose.

6 Stricter regulations will not only protect
7 patrons, but they ensure safer roadways and become a
8 layer of protection for the industry itself.

9 History has been made in the state of
10 New York.

11 In less than four years there has been
12 24 deaths related to limousine transport and its
13 flaws.

14 Time prohibits us from describing those
15 horrendous tragedies in limos prior to 2015.

16 Simply stated, should history repeat itself,
17 there will be more death, exorbitant litigation,
18 skyrocketed insurance rates, and the shutdown of
19 limousine businesses.

20 A significant part of modern New York State
21 history is the passing of Governor Cuomo's Limousine
22 Safety Bill this past March, or April.

23 This feat was dubbed "impossible."

24 We proved otherwise.

25 As comprehensive as the bill originally was

1 put forth, lawmakers chose to omit some vital
2 elements, very penny wise and pound foolish.

3 We will not accept the stripping of the
4 bill's core parts, and will use this bill as a
5 platform for change.

6 We ask that you, as our elected officials,
7 support our proposals to include the forthcoming.

8 The opposition cannot justify this neglect
9 and will not turn a deaf ear.

10 We will rationalize our arguments in all
11 hearings related, and will not waiver until we are
12 granted all of our requests.

13 We urge the implementation of CDL licenses,
14 which will be discussed later on in this hearing.

15 We urge the installation of seatbelts and
16 airbags in all stretched vehicles.

17 And, in conjunction with these, we believe
18 that these cars should equipped with escape hatches
19 and window releases for tilt-in purposes. These
20 allow for quicker escape routes from a mangled or
21 otherwise damaged vehicle.

22 We urge that inspections of said vehicles are
23 performed at a facility deemed and overseen by the
24 State as authorized stations for remanufactured
25 stretched vehicles. These facilities will

1 specialize in the examination of anti-intrusion and
2 retaining bars while scrutinizing the integrity of
3 such an engineered vehicle.

4 These would be under the auspices of the DOT.

5 New Jersey has recently enacted such
6 legislation, thereby prescribing a specific number
7 of approved inspection locations. The vehicles must
8 adhere to the imposed guidelines set forth by the
9 state and enforced by the law, or otherwise reap the
10 consequences.

11 We urge the engineering of anti-intrusion and
12 retaining bars to exceed current standards as they
13 are insufficient, as reported by the grand jury
14 reports from the Cutchogue 2015 crash.

15 The Schoharie incident was tragic, as
16 insufficient vehicle, coupled with an untrained
17 intoxicated driver, took 20 lives.

18 Inspection of that vehicle was a causal
19 factor in that disaster since it did not pass, yet
20 it went out on the road that fateful day.

21 These vehicles need to be crash-tested more
22 thoroughly, and, if they are modified, they should
23 be impounded after a period of 10 years and
24 dismantled to prevent future use.

25 Finally, the recommendations of the

1 Suffolk County Grand Jury need to be heeded.

2 Ask yourself, would you feel comfortable
3 placing your loved one in a substandard limousine
4 which lacks these amendments?

5 Ask the industry if it believes that
6 chargeable wrecks and negligent behavior will fare
7 well when seeking insurance for its fleets.

8 Ask yourself and your elected officials if
9 they can truly empathize with those who have been
10 injured at the hands of an insufficiently regulated
11 industry. Could they live with the lifetime trauma
12 of being witness to the death of four friends in one
13 fell swoop?

14 Ask yourself how a parent lives with the loss
15 of a child.

16 Ask siblings how they feel about this loss.

17 Ask yourself if this could have been avoided.

18 We bet you can't.

19 Finally, do not refer to these events as
20 "accidents."

21 They should clearly be labeled as "crashes"
22 or "wrecks."

23 They are unjustified, as are complacent
24 owners or operators, and elected officials who
25 choose not to vote yes on our proposals.

1 Accidents are unintentional, crashes are
2 avoidable.

3 Thank you kindly.

4 SENATOR KENNEDY: Thank you very much for
5 your testimony, and thank you very much for your
6 leadership.

7 JANET M. STEENBURG: Good afternoon.

8 My name is Janet Steenberg. I'm the mother
9 of Richard and Axel Steenberg.

10 Before I start, I'd like to say thank you to
11 Senator James Tedisco for his assistance in setting
12 up the hearing, and Senator Timothy Kennedy for
13 chairing the hearing and hosting us today.

14 I did not come here alone. I have with me as
15 many of the family members of those lost in the
16 October crash.

17 (Ms. Steenberg gives written testimony to
18 Jill Richardson Perez.)

19 JILL RICHARDSON PEREZ: (Continues reading
20 testimony on behalf of Janet Steenberg.)

21 I have not come here alone today.

22 I have with me many of the family members of
23 those lost in the crash last October.

24 We are aware that many new laws regarding
25 limousines have been proposed since this tragic day.

1 We are grateful for those efforts, but we are
2 here to address the concerns we have, and ask that
3 even more be done to protect innocent lives and make
4 sure no family has to endure the heartache we all
5 share since that day.

6 As a group, we feel that there are still some
7 loose ends that need to be addressed, such as the
8 law prior to October 6, 2018, regarding inspection,
9 stated:

10 If your vehicle fails the initial or renewal
11 inspection, inspectors will place a "failed"
12 inspection sticker on that vehicle.

13 The "failed" inspection sticker gives you
14 20 calendar days to fix the vehicle so that it
15 passes and to get it reinspected.

16 The changes proposed are moving the allotted
17 time from 20 days up to 10 days.

18 We say no days are given.

19 If a public transportation vehicle, such as a
20 limo, fail an inspection, we request that repairs
21 are made immediately or the vehicle in question gets
22 booted and does not leave the premises.

23 We have come to realize that the limo
24 involved with our children could have just left a
25 failed inspection and picked up our family members,

1 and they would still all be gone.

2 A sticker does not protect us or anyone else
3 from someone that does not choose to follow the
4 laws.

5 We have been made aware that the limo
6 involved with our family members had repeated failed
7 inspections, beginning with the March 21, 2018, that
8 these violations were:

9 Hydraulic brake lines dangling and unable to
10 make contact with the axle number one on the left;

11 Hydraulic brake line number two, brake has a
12 vice grip attached which constricts the hydraulic
13 brake;

14 Horn inoperable;

15 Emergency exit window inoperable;

16 Rear compartment right-side emergency door
17 inoperable;

18 Windshield wipers inoperable;

19 Deterioration of Post B, left side, at frame
20 rusted through.

21 This vehicle was denied an inspection sticker
22 in March, and yet was pulled over by police on
23 August 25, 2018, with passengers.

24 The vehicle had 8,400 more miles on it than
25 it did in March of 2018, and the wrong license

1 plates, and it was released to the owner again.

2 On September 4, 2018, this vehicle was
3 brought in for inspection, and once again failed the
4 inspection for the same reason listed in the March
5 report.

6 So on October 6, 2018, this same vehicle took
7 the lives of so many of our loved ones.

8 Most of the repairs on this vehicle were so
9 extreme that it should have been impounded, but,
10 instead, it was sent back out numerous times.

11 And something so simple as a horn that should
12 have worked may have saved the two gentlemen in the
13 parking lot.

14 But that was not operational, just as the
15 windows and emergency exits weren't.

16 These are not even a drop in the bucket of
17 the amount of times this vehicle was pulled over,
18 and yet still nothing was done to prevent the crash
19 on October 6, 2018.

20 We also feel that on-spot inspections should
21 be made periodically to each business that operates
22 a public transportation.

23 This would ensure that each vehicle was being
24 maintained, and could possibly catch any new
25 problems that may have arisen in between

1 inspections.

2 We as a group feel this is one way to ensure
3 the safety of future generations.

4 We have also come to realize that any
5 legitimate limo company would have no problem with
6 the measures taken to protect the people they place
7 in their charge and their staff.

8 We also request all public transportation be
9 required to have seatbelts for all passengers
10 regardless of age and seating placement.

11 All public transportation -- pardon me.

12 The law, as it pertains to seatbelts on
13 October 6, 2018, they require seatbelts in school
14 buses, but not in limos or transit buses.

15 Passenger vehicles designed to seat more than
16 10 people, that have mainly seats that face
17 sideways, aren't required to be fitted with
18 seatbelts.

19 Stretch limos and certain types of party
20 buses can fall into that category.

21 Note: 17 people died in one instant because
22 of being thrown around the inside of a limo that had
23 crashed.

24 All of these people were tax-paying citizens
25 with jobs, homes, and futures, that would have

1 benefited all forms of revenue, such as property
2 taxes, income taxes, spending in local stores. But
3 because of these laws that failed them, they are now
4 all gone.

5 We also request that all drivers of any
6 public transportation must go through extensive
7 training before being licensed to drive these
8 vehicles.

9 To work as a limo driver, you need only to
10 possess a high school diploma and a proper license.
11 No formal training is required.

12 A limo driver should need a chauffeur's
13 license to drive, and may need a commercial driver's
14 license, depending on the number of passengers they
15 transport.

16 A brief on-the-job training program is
17 typically required, as is a good sense of direction
18 and adequate driving practice.

19 No real training is required to drive a limo
20 with a passenger in it.

21 Our families and friends, our children, rent
22 these numerous times throughout their lives, yet no
23 one is required to learn any type of safety checks
24 or accident-prevention guidelines.

25 This law should have been established in

1 July of 2015 when four young women lost their lives
2 in Long Island.

3 Also, we request all drivers taking the
4 training must be drug-tested, and a complete
5 background check must be done, with special
6 licensing codes given when they pass.

7 Periodic drug testing should be done at
8 random times.

9 The DOT has required drug testing for all
10 pre-employment of limo drivers, but no periodic
11 testing is required unless there is a traffic
12 infraction.

13 Any and all traffic infractions would be
14 automatically reported to a special database where
15 the DMV monitors the results, and all licenses that
16 hold a special code can be pulled for any
17 transgressions.

18 Regardless of which vehicle is being driven,
19 personal and public, should fall under the same laws
20 with any license that is given with a public
21 transportation code.

22 These are just a few of the things we would
23 like to see made mandatory.

24 Janet's son rented the limo so that his
25 family and friends would be safe. He followed the

1 laws that New York State set in place, and the laws
2 failed to protect them all.

3 You can all sit here and listen to the talk
4 and the speeches for four hours, and then go to your
5 office and step outside -- step outside of this, but
6 we can't. We live it every day.

7 Every day, changing these laws won't bring
8 our children back, and it fixes nothing for us as a
9 group, for our families, but it will help to prevent
10 anyone else feeling what we feel each and every
11 second of every day.

12 October 6, 2018, was our nightmare.

13 Without these laws being adjusted, the next
14 nightmare may very well be yours.

15 We would like to acknowledge the families of
16 the four young women who perished in July of 2015 in
17 the Long Island limousine crash.

18 We thank you for being here today.

19 We are aware that their families tried to
20 establish some safety measures then, but no real
21 progress was made at that point.

22 If things were done then, we would not be
23 here now today.

24 To those families, we thank you for your
25 attempt to save others from this most horrid

1 feeling, and we join you in your cause to protect
2 future generations from these careless acts against
3 all.

4 We are not going away, and this will not be
5 swept under the rug.

6 This request is from all the families of all
7 the victims:

8 Tom and Linda King, parents of
9 Abigail Jackson;

10 Mary Dyson, Allison King, and Amy Steenberg;

11 Earl and Dawn Dyson, parents of Rob Dyson;

12 Elizabeth Muldoon and Mark Jackson, parents
13 of Adam Jackson;

14 Kyle and Mary Ashton, parents of
15 Michael Ukaj;

16 Kevin and Sue Hensley-Cushing, parents of
17 Patrick Cushing;

18 Edward and Martina Halse, parents of
19 Amanda Halse;

20 Sheila and Terry McGarvey, parents of
21 Shane McGowan;

22 Lynn Semprivivo, mother of Erin McGowan;

23 Kim Bursese, mother of Savannah Bursese;

24 Tom and Donna Rivenberg, parents of
25 Amanda Rivenberg;

1 Michael and Janine Cavosie, parents of
2 Rachael Cavosie;
3 Kim Steenberg, wife of Rich Steenberg;
4 Janet Steenberg and Lester Andrews, parents
5 of Rich and Axel Steenberg;
6 Myself and Peter Perez, parents of my son,
7 Matthew Coons.

8 Thank you very much for your time and
9 attention to this matter.

10 SENATOR KENNEDY: Thank you, all.

11 To Ms. DiMonte, to Ms. Steenberg and your
12 family, thank you very, very much for that very
13 moving and deeply personal testimony, and extremely
14 important testimony.

15 I absolutely recognize that you are going
16 through very deep grief, and I am committed, as the
17 Chairman of Transportation, and I know our
18 Democratic Conference is committed, as well as the
19 work that you've already done with the Governor's
20 Office.

21 The Governor is committed to continuing to
22 move the bar forward, and to continuing to put in
23 place regulations and measures that will keep these
24 limousines safe.

25 No one should ever get into a rented

1 limousine and have to wonder whether or not they are
2 safe.

3 And we are going to ensure that New York
4 State is doing its part to do just that.

5 Your testimony is going to be a major part of
6 that, and we are committed to working with you to
7 strengthen the laws.

8 When Flight 3407 crashed just over 10 years
9 ago in Western New York, the families of the
10 survivors came together, and they dictated the law
11 at the federal level.

12 And the families today, whether it's in the
13 Schoharie crash or the Cutchogue crash, are coming
14 together to make our communities in our state, and
15 our nation, again, safer.

16 And we will be working with you, and I look
17 forward to doing just that.

18 We have some questions from my colleagues.

19 I'll begin with Senator Jim Gaughran.

20 SENATOR GAUGHRAN: I really, again, just want
21 to thank you for your bravery, and for, you know,
22 turning this -- these tragedies into advocacy.

23 And as Senator Kennedy said, I'm committed to
24 getting this done, and to continue to working with
25 you.

1 And, Nancy, I just wanted to ask -- see if
2 I've got my notes right on your very powerful
3 testimony.

4 The -- among -- because I heard a lot of
5 suggestions, but among them, what I hear is very
6 important to you, is the licensing, the CDL license;
7 the seatbelts and airbags; escape hatches and window
8 releases; and then fixing the whole inspection
9 situation so that there is a state DOT-run
10 inspection site and it's, you know, more frequent
11 inspections.

12 I know that there were other issues raised as
13 well, which, you know, we have here written, but, is
14 that, essentially, from your perspective, the four
15 key things that we still need to look at?

16 NANCY DiMONTE: That is correct.

17 SENATOR GAUGHRAN: Okay.

18 Thank you, Nancy.

19 NANCY DiMONTE: Yes.

20 SENATOR KENNEDY: Thank you,
21 Senator Gaughran.

22 Senator Tedisco.

23 SENATOR TEDISCO: Well, first and foremost,
24 let me thank you for being here.

25 Very difficult and heartfelt testimony you've

1 given.

2 You know, we passed a budget this year of
3 \$175 billion, and all too often, and this is an
4 example of it, we have regulations, we have
5 guidelines, we have laws, and they're never really
6 enforced, or enforced to the extent that people are
7 staying safe, because that's paramount in what we
8 should be doing.

9 And we can't let DOT (or, the Department of
10 Transportation) say, we can't inspect until
11 three months, six months, we don't have the manpower
12 to staff.

13 We have to have the money to have the
14 manpower and the staff to do the things you're
15 talking about.

16 It can't 10 days or 20 days.

17 You've got to put a boot on it, you've got
18 get it off the streets.

19 And so that's not an excuse I think we can
20 use.

21 If they do need agency members, if they do
22 need more staff, we're going to have to invest in
23 that.

24 And that's something that, all the great
25 guidelines and regulations and laws put in place, if

1 they're not enforced, you might as well not even
2 have them, you might as well take them off the
3 books.

4 Secondary, you talked about stretch
5 limousines.

6 Are you suggesting to eliminate stretch
7 limousines, or to do those things necessary to make
8 sure they're safe?

9 The example I would think about, and there's
10 a whole series of things that could be wrong with
11 those, but when you're taking pieces and putting
12 them together and making a larger piece of a
13 vehicle, there's more weight.

14 So, paramount, you're going to have to adjust
15 the brakes in some way, because you've got to stop
16 when you have more weight, and you're not going to
17 stop as quick.

18 And I'm not sure there's anything in
19 regulations right now that makes sure that we
20 evaluate the size and the weight, and we say, those
21 brakes aren't acceptable.

22 They may work in short distances at lower
23 speeds.

24 So I'm wondering, are you talking about
25 inspecting them so they're safe, or making changes

1 so they're safe, or eliminating stretch vehicles?

2 NANCY DiMONTE: May I add, sir?

3 SENATOR TEDISCO: Sure.

4 NANCY DiMONTE: Okay.

5 First, we're not looking to bury the
6 industry. You can't eliminate them.

7 If you were going to eliminate them, we would
8 not be in this room. There would be no cause.

9 If it was, ban stretch limousines, we have no
10 business with each other.

11 Our business now is not to destroy the
12 industry, but to figure out ways to make it safer.

13 And there is absolutely no way that you can
14 convince any of us who are proponents of what we're
15 asking for, that money should have anything to do
16 with this.

17 SENATOR TEDISCO: I agree.

18 NANCY DiMONTE: This is not produce; this is
19 human lives.

20 Fix it.

21 I was questioned a few weeks ago by somebody
22 who asked me, Well, how do you propose to put a
23 seatbelt on that seat? It's crooked.

24 I said, Figure it out. Hire an engineer and
25 figure it out.

1 And, yes, there are absolutely ways to do
2 that.

3 There's nothing anyone in this room could say
4 to me to make me think otherwise.

5 And that's how I've been trained in my
6 discipline: There's ways to figure it out. And
7 when they fail, you learn. You figure it out
8 another way.

9 That's how we perfect things.

10 That's what invention is all about.

11 And we need to do that.

12 We need to do that.

13 SENATOR TEDISCO: Thank you.

14 JANET M. STEENBURG: I would agree with her.

15 I would say that, yes, figure it out.

16 I mean, you're getting enough tax money from
17 everybody, it shouldn't be a problem.

18 Taxes get raised all the time.

19 I mean, they raise them for whatever cause
20 they're going for.

21 Take some of that money and put it aside,
22 make sure that the limos are safe for people.

23 You're going put our kids into it, I mean,
24 even your kids, your grandkids, are going to be
25 graduating high school, or whatever, they're going

1 to want to rent a limo.

2 You want to know that when you put your child
3 into a limo that it's safe.

4 The kids rented the limo that day to go out.
5 They wanted to follow New York State laws: No
6 drinking and driving.

7 They wanted to go party, celebrate a
8 birthday. They rented a limo.

9 Was the limo faulty?

10 Yes, it was.

11 Should it have been pulled off the road
12 numerous times?

13 Yes, it should have, back in March when it
14 failed the first inspection.

15 Was it repaired?

16 No, but it was back on the road, and logged
17 in another 8,400 miles between that time and another
18 time that it was stopped by the state police,
19 dropping off people.

20 It was physically dropping off 11 passengers,
21 with a failed inspection sticker on the car, and
22 they were allowed to leave with the vehicle.

23 Yeah, and the wrong license plates.

24 He had switched plates on the car. They did
25 not match the VIN number to the car, but yet he was

1 allowed to leave?

2 And then he fails another inspection, and
3 he's allowed to leave again, picking up our kids.

4 So, if you can't trust these people to be --
5 and follow the law, which we know we can't, this is
6 obvious.

7 And the good limo companies will have no
8 problem with, hey, if we can fix our car, fix it.
9 If we can't, boot it and leave it there. It doesn't
10 leave the spot.

11 You're putting these vehicles on the road and
12 trusting that these people are going to say, nah,
13 you know what? It's just a horn, it don't work.
14 I'll be fine. I can drive the car. It's business.
15 I'm going to get these people, they want to earn --
16 I want to earn some money, and they need a ride.

17 They think it's something simple like, such
18 as the horn. And then they send the car out,
19 picking up passengers.

20 They need -- going down a hill and they lose
21 their brakes, and they're trying to warn the people
22 in the parking lot, and they can't do it because of
23 the horn.

24 So it's something so simple as, a horn can be
25 so life-threatening.

1 This guy was riding around with a vice grips
2 on his brake lines, and nobody pulled the car off.

3 If you ask me, New York State dropped the
4 ball on this numerous times. Numerous times.

5 This should have never happened.

6 It should have never been allowed to happen.

7 Plain and simple.

8 NANCY DiMONTE: May I?

9 SENATOR KENNEDY: Of course.

10 NANCY DiMONTE: Again, it goes back to this:

11 If the limousine companies do not want to
12 adhere to the changes that we're going to get --

13 That's my last word, we're going to get them.

14 -- well, then your insurance rates are going
15 to skyrocket.

16 When you have an accident, it's called a
17 "chargeable event," and then what do they do? They
18 call you up and say: We're raising your insurance.
19 Keep it up, and you won't have -- or, we're dropping
20 your insurance.

21 Teenage drivers are often dropped for the
22 accidents that they have.

23 You want to be unsafe? You'll be dropped,
24 you'll be out of business.

25 That's -- you want to talk dollars and cents,

1 this is what it is.

2 Fix it.

3 Your insurance rates will, hopefully, remain
4 intact. And you'll prevent incredible litigation
5 that's going to wreak havoc all over this state, as
6 I'm sure it is now in this room, and that's not what
7 we desire.

8 People take limos because they're
9 responsible, and the operators are not responsible.

10 So where's the irony in that?

11 And I'm feeling very angered because there's
12 nothing anyone in this room can say to justify
13 otherwise.

14 SENATOR KENNEDY: Well, thank you once again,
15 to each and every one of you, for the very powerful
16 testimony.

17 Is there anything anyone else would like to
18 add?

19 Well, thank you so much.

20 And we will move on to the next panel.

21 The next panel will be Paul Schulman,
22 Mindy Grabina, and Steven Baruch.

23 Thank you all for joining us here.

24 I did have the opportunity to meet you prior.

25 Once again, our hearts are with your

1 families, and our condolences on your losses.

2 Thank you, and the floor is yours.

3 PAUL SCHULMAN: Good morning, everybody.

4 Before I identify myself, and what we hope to
5 accomplish here today, I would like to thank:

6 Governor Cuomo and his staff for helping us
7 get to this point;

8 To Mr. Kennedy, and to everyone up there,
9 allowing us to have this opportunity to be heard;

10 To people in Smithtown, the supervisor and
11 Nicole Gargiulo, who have guided us through this
12 process;

13 To my closest and dearest friend,
14 Donato Panico, who opened the doors for me to begin
15 this process which started about three years ago;

16 And to all the families of the Cutchogue
17 limousine crash that have lift me through this
18 process.

19 I couldn't have done this by myself, I needed
20 them to help.

21 Finally, why are we here today?

22 We are all going through this grieving
23 process, and to the families also of Schoharie,
24 where, about three years ago I started L.A.B.S.
25 petition to advocate to make changes to the laws.

1 We have about 10,000 names on Long Island on
2 these petitions, that we submitted to the district
3 attorney's office, that was supposed to be forwarded
4 up here to Albany.

5 We have made numerous interviews in regards
6 to our accident, and in regards to the changes that
7 needed to be done.

8 And we are never going to end this until we
9 get the results that we're looking for.

10 Every time I go to the cemetery to see my
11 daughter, I promise her, I'm in this until I either
12 get what I want, or they put me in the ground next
13 to you.

14 Okay, my name is Paul Schulman.

15 My daughter Brittney was killed in the
16 Cutchogue limousine crash back in 2015, a year after
17 she graduated college.

18 She was only 23. She never had a chance to
19 live her life, to live her dreams.

20 Every day my wife and I, my son, and my
21 oldest daughter, we walk around like zombies.

22 It's not understanding why things are still
23 happening that shouldn't be happening, why things
24 aren't changed.

25 I want to also make mention to one of the

1 mothers who lost a daughter, Carol Belli.

2 She's unable to be up here today because two
3 days ago it was her deceased-daughter's birthday.

4 And she also has a twin daughter who has the
5 same name as my daughter Brittney.

6 So it was their birthdays that day, and she
7 is, because of emotions, unable to attend here
8 today.

9 And I just want to let her know we have her
10 back.

11 To the families in Schoharie, our deepest
12 heartfelt sympathies. We know exactly what you're
13 going through.

14 And I wish this could have been done two
15 years ago so this never would have happened to them.

16 I'd like to ask everybody that -- why this
17 could not have been installed earlier. Why there
18 has to be hearings, why there has to be more people
19 that have to lose their lives, before anything is
20 done.

21 The two reasons that we are here is (1) that
22 nobody else has to walk in our shoes, and (2) that
23 the three things that were omitted from the bill be
24 implemented.

25 Those three things are, CDL qualifications

1 and licensing; the remanufacturing of limousines;
2 and seatbelts and airbags, all of which was directly
3 responsible for the Schoharie accident.

4 Everyone in this room, pretty much, can drive
5 a limousine.

6 All you need to do is go to the department of
7 motor vehicles, show your Class D license, tell them
8 you want it switched to a Class E, pay the
9 difference; walk into a limousine company, and you
10 can now drive a limousine.

11 What we are asking for, of which I am very
12 familiar with, are CDL.

13 In New York State, a vehicle for hire is
14 required to have a CDL with a seating capacity of
15 15 occupants or more, including the driver.

16 This should be lowered to eight, regardless
17 of how many people are in that vehicle; meaning, if
18 the capacity is ten passengers, and you have eight,
19 including the driver, it still should be the same.

20 The way they circumvent, a very easy way to
21 determine if a vehicle falls into CDL, is rate
22 class.

23 In New York State, the weight class for a
24 vehicle to be registered as CDL is 26,001 pounds.

25 Why they make it the "one pound," I don't

1 know.

2 Also, if you see a vehicle with a third axle,
3 that usually determines that a vehicle is CDL;
4 meaning, either length of the vehicle or weight of
5 the vehicle or both.

6 The way it's circumvented, how they do it, is
7 they'll remove items from limousines.

8 I'm sure people may have utilized limos in
9 the past, and they saw seats that weren't there.

10 They also will remove a spare tire, they'll
11 remove a jack, to keep the weight down so they can
12 put more people in, and they can, without having to
13 pay the cost of a CDL vehicle or a CDL-qualified
14 driver or the insurance for that vehicle, because
15 it's now under a CDL class, which is going to be
16 more insurance for them.

17 The drivers need to be CDL-qualified.

18 You have people driving dirt trucks, driving
19 appliance trucks, driving produce vehicles, buses,
20 school buses, mini school buses, and party buses,
21 are all CDL-qualified; meaning, they take a written
22 test.

23 They go to take a driving course to drive a
24 vehicle that they want to drive, to get familiar
25 with the vehicle.

1 They also have to take the road test.

2 They have to take a medical, a physical, an
3 eye exam, a random drug test, and an extensive
4 background check.

5 When these drivers of these other vehicles
6 have to go through that process, why the hell is a
7 limousine driver, who drives the same thing as a
8 mini school bus, or a school bus, party bus, or
9 coach bus, regardless of age, doesn't make a
10 difference if you're 5 years old or 95 years old,
11 there's still human beings in these vehicles, why
12 are limos and the drivers exempt?

13 The limousines, they fall through the cracks.

14 They're not considered buses, and they're not
15 considered a passenger vehicle.

16 Just like, if you've ever been in Manhattan
17 and you see these Victoria Crown (sic) cars that are
18 black or dark blue, that are called "livery
19 vehicles," who hold maybe four or five passengers,
20 they're not in that class as well.

21 They should be classified in the same class,
22 these vehicles, as mini school buses, because,
23 before they're remanufactured, a regular-size
24 limousine is the same length, at least, as a mini
25 school bus. The drivers of those vehicles are more

1 qualified.

2 Another thing with the CDL qualification,
3 New York State law mandates that those vehicles are
4 not allowed to make rights on red, they have to stop
5 at railroad crossings.

6 Again, why are limousines exempt from this?

7 The other reason that these drivers need to
8 go through the CDL process, is that they've never
9 handled vehicles of this size before. They're not
10 used to driving a vehicle that's longer.

11 When you have more weight in this vehicle, it
12 takes longer to start and it takes longer to stop.

13 Also, you need to understand that you have to
14 make wider turns.

15 All of this has to be taken into
16 consideration.

17 That's taken into consideration when you take
18 a road test, and the drivers to learn how to drive.

19 Everyone here, when you took -- when you
20 wanted to drive, you just didn't walk into DMV and
21 they issued you a driver's license. You had to go
22 through a process.

23 You had to take a written exam.

24 You got trained, whether it was driver's ed
25 in school, or whether you went to a driving school,

1 or whether a family member drove you.

2 You had -- then you took a road test.

3 Then, when you passed, DMV issued you the
4 driver's license.

5 Same should be for the limousine drivers,
6 they should go through the CDL process, and they
7 should -- and that's the only way.

8 There are different classifications of CDL.

9 The one that would fall under the buses,
10 school buses, and what we're asking for is
11 limousine, is the CDL with a "P" endorsement stamped
12 on it, which means you're only allowed to drive
13 passengers.

14 I ask everybody here: Would you, under the
15 circumstances that are in place now, without having
16 an unqualified driver enter a vehicle that is unsafe
17 and unchecked, would you allow your loved ones to
18 enter that vehicle?

19 The -- it is amazing that these people, for
20 so long, have been able to circumvent the system.

21 With regards to Schoharie, how does a vehicle
22 that does not pass a New York State inspection
23 sticker get sent up to get remanufactured, and then
24 come back?

25 Because of what we're asking for with the

1 remanufacturing laws, everybody here knows of a
2 person who has a vehicle that might be 15 years old,
3 over 150,000 miles, and it's not going to pass a
4 regular state inspection. But he knows Joe Schmoe
5 down the block who has an inspection shop. He gives
6 him 50, 60 bucks. He puts it on the omissions test,
7 he puts back the odometer -- not so much the
8 odometer, but he puts back -- he pass -- he puts it
9 on with the -- so it passes for the -- with the
10 computer diagnostics. And now he slaps on an
11 inspection sticker. Then it gets sent up to get
12 remanufactured.

13 When it comes down, after it's
14 remanufactured, it goes back -- and New York State
15 is the reason why we're asking for state-regulated
16 shops, because it comes back to the same guy that
17 passed it for the New York State inspection, and he
18 now passes it when it gets remanufactured.

19 There is a blueprint in the construction of
20 limousines when they're originally made.

21 But, there are no blueprints, in regards to
22 limousines, when they're remanufactured and
23 stretched to contain 20 passengers or more.

24 It's like taking a rubber band and stretching
25 it out a couple of hundred times. Eventually, it's

1 going to snap because it's not safe.

2 What they do is, they'll -- the reasons,
3 also, for removing seats and moving them around with
4 the configurations is, you'll hear testimony
5 stating, well, because of the remanufacturing, and
6 because of the different size and different type of
7 vehicle, that they can't place it a certain weight,
8 a certain size, in a certain position.

9 That intrusion bar in our crash was placed
10 lower than the vehicle that hit it when it
11 broadsided it.

12 They do this so they can say that it was
13 done, but they don't do it for the safety of the
14 passengers that are going inside of these vehicles.

15 That's why there has to be state-mandated
16 shops that look into this, that are regulated, that
17 are only designated by DMV, DOT, and the State of
18 New York, where all the computer data work that
19 comes back from it is submitted to them.

20 And these vehicles, if they don't pass,
21 should not be on the road.

22 In closing:

23 Please remember that the vote for this
24 amendment is imperative so that no other lives have
25 to be lost, and it has to be done by the deadline,

1 before everybody is done with the session on
2 June 19th.

3 And I want you to think about something, when
4 everybody leaves here:

5 A lot of you have younger children, a lot of
6 you have older children, with grandchildren, and
7 you're going to go home and you're going to be
8 creating memories with your families.

9 Just remember some of the people that are
10 here today. Memories are all we have left.

11 Thank you.

12 SENATOR KENNEDY: Thank you very much.

13 MINDY GRABINA: Good morning, and thank you
14 for allowing me to address this esteemed body.

15 Unlike many public-speaking opportunities, it
16 is not an honor to be here.

17 If not for this personal tragedy shared by
18 all eight families, I would have happily remained
19 anonymous to you all.

20 My name is Mindy Grabina, and on July 18,
21 2015, my world imploded, along with the other
22 families involved.

23 Amy, our daughter, was 23 years old when she
24 died.

25 She was a loving and caring daughter, and put

1 family first.

2 Amy was an avid sports fan, enjoyed music,
3 mentoring, and always led by example.

4 She was a recent graduate of Florida State
5 University, a CPA candidate, and employed by a
6 big-four accounting firm.

7 On that fateful overcast day, Amy, along with
8 seven other beautiful, equally accomplished young
9 women, destined to enjoy all life has to offer,
10 chose the path of responsibility by engaging the
11 services of a private limousine to embark on a day
12 of touring Long Island's abundant vineyards.

13 By late afternoon, the hired vehicle's
14 passenger side was reduced to twisted metal,
15 compromised as a result of the impact of a
16 4,800-pound Dodge pickup truck.

17 The New York Supreme Court of Suffolk County
18 Special Grand Jury report noted: The high-riding
19 pickup truck drove over the low-riding frame. A
20 significant portion of the truck's front had gone
21 through the limousine side and entered deep into the
22 passenger compartment.

23 Amy died violently, along with Lauren,
24 Stephanie, and Brittney.

25 The four other young women in the limo who

1 survived, Alecia, Joelle, Melissa, and Olga, were
2 severely injured, physically and emotionally.

3 As I struggle with the multitude of emotions
4 associated with Amy's death, knowing I will never
5 share the moments a parent longs for as their child
6 goes through life; marriage, motherhood, working
7 towards her professional goals of CPA, lawyer, and,
8 ultimately, the first female commissioner of
9 baseball, as these aspirations were snuffed out in
10 an instant by a senseless crash that could have been
11 mitigated, and maybe even avoided, with proper
12 regulations and oversight.

13 I'm here to ensure Amy's voice will be heard.

14 It is unconscionable that it is lawful for a
15 vehicle to be altered without any legitimate
16 oversight of conforming to minimum regulatory safety
17 standards.

18 We regulate housing construction, and strict
19 adherence to building and zoning codes, enforceable
20 through certified architectural drawings, rigorous
21 permitting processes, and multiple inspections.

22 No longer should we simply cut a vehicle half
23 and make minimal efforts to ensure the integrity the
24 new vehicle has upon its reassembly.

25 In this Cutchogue limousine crash, the

1 vehicle was originally manufactured as a
2 2007 Lincoln Town Car weighing approximately
3 4400 pounds.

4 At the time of collision, the New York State
5 police estimated the weight of the remanufactured
6 vehicle of 6,930 pounds, nearly 58 percent more than
7 the original weight.

8 It makes sense that new safety measures would
9 need to be put in place.

10 In the remanufacturing, or so-called
11 "stretching" of this Town Car, a hollow intrusion
12 bar, 54 inches in length, 1 1/2 inches in diameter
13 instead of the recommended 2 inches, was installed
14 as part of the system used to protect the integrity
15 of the vehicle and, therefore, its occupants in a
16 collision.

17 The cost of this bar is just \$50.

18 Multiple bars should be mandatory.

19 In addition to the size, strength, and gauge
20 of the steel used in the anti-intrusion beams, they
21 must be strategically placed to protect against
22 intrusion from the vehicles of the size and design
23 encountered on today's roadways, such as pickup
24 trucks and SUVs.

25 It wasn't bad enough, according to the

1 automotive engineer's testimony regarding the
2 intrusion bars, the welding of the intrusion beam to
3 the vehicle pillars was insufficient.

4 Ford Motor Company provides, as part of the
5 QVM certification process, a checklist to accompany
6 stretch modifications to their vehicles.

7 Of the 15 pages, only 5 had anything checked
8 off, and most dealt with the appearance, not the
9 structure of the vehicle.

10 A Ford company representative testified to
11 the grand jury that Ford does not certify the safety
12 of these vehicles, nor do they inspect or crash-test
13 the remanufactured vehicle.

14 Who does then?

15 No one.

16 It's sinful.

17 These vehicles are death traps.

18 Corrective action must be taken to help
19 prevent future fatalities and injuries.

20 The older remanufactured limousines must
21 either be taken off the road, completely, or, be
22 retrofitted to meet updated safety standards.

23 You must identify how many of these vehicles
24 are still on our roads, and take action.

25 And just like any other motor vehicle, safety

1 standards, along with crash-testing, must continue
2 to evolve.

3 First, there must be safety standardization
4 requirements for all limousines, including the
5 remanufactured ones.

6 The remanufacturing industry enjoys little
7 oversight.

8 What reason could there be for safety
9 standards and crash-testing to be non-existent on
10 these remanufactured limousines?

11 Second, a thorough and robust New York State
12 inspection process, in addition to the general
13 maintenance and upkeep, must be put in place to
14 certify the safety of the actual remanufactured
15 areas.

16 The identification of adequate materials and
17 methods to be employed needs approved
18 standardization.

19 This must be followed by a regulatory
20 process, with real enforcement capabilities, to
21 ensure satisfaction of the foregoing.

22 Inspections of these vehicles must be
23 performed in facilities that are regulated and
24 accountable to the State.

25 It is not unreasonable to require inspectors

1 to unveil the internal intrusion barrier, along with
2 its welding process, to ensure passenger safety.

3 In the conclusion of the Suffolk County
4 Special Grand Jury report, it notes: That as the
5 investigation demonstrated, it took less than
6 five minutes for a collision-shop employee to lay
7 bare the side impact anti-intrusion beam of the
8 exemplar limousine.

9 The State of California, in light of their
10 own tragic accident in which a limousine with five
11 nurses aboard perished when they were trapped
12 inside, passed legislation that required additional
13 means of egress along with emergency push-out
14 windows.

15 The newly enacted legislation, Senate
16 Bill 109, requires retrofitting existing vehicles
17 that required safety modifications.

18 Did, and will, it impact limo owners?

19 Yes, of course.

20 Have the owners been -- have the owners been
21 planning for this occurrence?

22 Yes, they have.

23 Will the industry survive?

24 Yes, of course.

25 California government made the right choice;

1 they put their constituents' lives first, as
2 New York can and should.

3 Although each of us impacted by this crash is
4 speaking out regarding different safety measures,
5 all these changes together must be required to take
6 place.

7 We cannot allow these vehicles to continue to
8 share our roads without the same oversight required
9 of all other vehicle types.

10 In closing:

11 I'm here because of my Amy, and on behalf of
12 Lauren, Brittney, Stephanie, Alecia, Joelle,
13 Melissa, and Olga.

14 The opportunity for you to protect our
15 daughters have passed.

16 Now you must do what is required of you to
17 protect our loved ones, all of our loved ones.

18 All business -- all businesses have to adapt
19 to changing times.

20 Will you and you and you, our state
21 representatives, allow profits to be put ahead of
22 human lives?

23 You, collectively, have the opportunity today
24 to ensure that those known to you, as those you will
25 never know, have a chance to enjoy all of their

1 tomorrows.

2 I am here today because of my loss.

3 Do not allow someone else to have to come
4 here to recount a similar tragedy.

5 The life you save tomorrow may be your Amy.

6 We offer our sincere condolences to the
7 Schoharie families, another avoidable tragedy.

8 Please hear us: Do the right thing now.

9 It's so important.

10 Thank you.

11 SENATOR KENNEDY: Thank you very much.

12 Sir.

13 STEVEN BARUCH: Good morning.

14 [Applause.]

15 STEVEN BARUCH: First, and foremost, I want
16 to thank Senator Kennedy, Senator Gaughran,
17 Senator Tedisco, for being here this morning.

18 And I want to also thank my fellow friends,
19 and what I consider family, from the tragic
20 Cutchogue limousine accident, for being here today.

21 And my sincere condolences to the families
22 that are here today from the Schoharie tragedy.

23 My name is Steve Baruch.

24 My daughter Lauren was one of the girls that
25 was killed tragically as well in that Cutchogue

1 limousine accident.

2 On the morning of July 18, 2015, all eight of
3 the girls left my house that morning, as my wife,
4 Felicia, who is here today as well, put them in a
5 limousine, and the last thing that she told the
6 limousine driver that day was, "You make sure that
7 you get my girls home safe," that day.

8 So they left that day, and we went about our
9 day.

10 And, at approximately 7:30 that night, as we
11 were out, to go out for dinner, we received a call
12 from a fellow mother, asking if we had heard from
13 the girls, because it seemed to me at that point
14 that it was getting late in the day and we hadn't
15 heard back from them yet.

16 And in that call that my wife got from a
17 fellow mother, the sister of one of the girls that
18 was also killed, came into the room and said, "Mom,
19 there's been a tragic accident, and there's been a
20 horrific limousine accident."

21 And at that point my wife looked at me and
22 screamed, and said, "Oh, my God. I know something's
23 wrong."

24 And I said to her, I said: Listen, there's
25 limousines that go out to the vineyards all the

1 time. How do you know that this is -- this is, you
2 know, affecting us, or it has to do with our girls?

3 And she just said to me, "I know something's
4 not right."

5 Approximately four hours later we received
6 word that Lauren and three of her friends were
7 tragically killed.

8 And at that point my life changed.

9 And my life's never been the same since, and
10 it never will be.

11 For my wife, for my son Michael, for my
12 family, and for all the families that are here, that
13 have lost daughters, and, for the families whose
14 daughters survived, that have to go through what
15 they're going through every day of their lives, the
16 guilt that they have to feel, it's incomprehensible.

17 Nobody that hasn't experienced anything like
18 this could ever feel what we're feeling.

19 Nancy DiMonte, Paul Schulman,
20 Mindy Grabina, have talked at length about all the
21 changes that need to be made.

22 You know, one of the things that we just
23 found out a couple weeks ago, is that a law has now
24 been finally passed that will not allow limousines
25 to make U-turns on a two-lane highway.

1 It took four years for that to happen. That
2 didn't cost anybody any money to pass that law.

3 Okay?

4 Something as simple as that.

5 And as I traveled around this country on
6 business, and I talk to people, friends, people say
7 to me: That's incomprehensible. How could that be?
8 How could it be four years, and you still haven't
9 been able to get a law passed that says that a
10 stretch limo can't make a U-turn on a two-lane
11 highway?

12 Are we grateful for that, that that just
13 happened?

14 Yes, we are.

15 Liability of insurance is going to be raised.

16 That's wonderful.

17 But the fact of the matter is, that CDL
18 licenses aren't required, or that seatbelts or
19 airbags aren't required in limousines, and that
20 we're still talking about this, and that it took
21 what happened two years ago in Schoharie, is just
22 unbelievable to me.

23 I don't know how anybody in this room can sit
24 here today and say to themselves, how could we have
25 let that happen?

1 It's just -- it's -- and we live in the
2 United States of America. We're not in some
3 third-world country.

4 I just don't -- I don't understand it.

5 I don't.

6 And as we sit here today, and we say we're
7 going to make change, and we're going to lobby for
8 change, and we're going to go back and we're going
9 to try and make this happen, and we're going to make
10 it happen, until it happens, this can happen all
11 over again.

12 You mentioned before about children,
13 teenagers, it's prom time.

14 Yes, it is prom time.

15 But, not just 17- and 18-year-olds are
16 getting into limousines.

17 Business people get into limousines every
18 day.

19 You know, there's no dis -- uh, there's no --

20 Thank you.

21 -- yeah, age discrimination based on who gets
22 in a limousine today.

23 Okay?

24 They have to be made safer, period.

25 I was with a customer of mine yesterday that

1 owns a children's gym.

2 Okay?

3 I went in there and I spoke to the woman.
4 She knows about our tragedy. She had a tragedy in
5 her family similar to ours.

6 And on her desk, because she's the head
7 administrator, she has a folder that says
8 "CDL Licenses Revised."

9 And I looked at her, and she said to me:

10 "It's criminal.

11 "We have to have, our drivers have to have
12 CDL licenses to transport children, to go from place
13 to place, but limousines don't require that.

14 "How can that be?"

15 That's what she asked me.

16 I said to her, well, you know what? I'm
17 going to be in Albany tomorrow, and I'm going to ask
18 that question: How can that be?

19 So, gentlemen, on behalf of all of us here
20 today, I'm pleading with you, get this done.

21 This has to happen.

22 I have a bracelet that I wear on my wrist.
23 I've had it on my wrist since the week after my
24 daughter died. It's a picture of a heart.

25 Okay?

1 And on here it says, "Our Angels," and it has
2 the initials of L.B., S.D., A.G., and B.S., the four
3 girls that were all taken from us.

4 And I can tell you all, that if the four of
5 them were sitting next to me today, they'd be
6 telling you the same thing.

7 Thanks for your time.

8 SENATOR KENNEDY: Thank you, sir.

9 To each of you, again, my sincerest
10 condolences, my deepest sympathies.

11 And, your daughter, I believe her spirit is
12 here with us, as all of your loved ones are with us
13 here, and living through you, and your advocacy.

14 I wanted to say it after you, Paul, and then
15 I wanted to say it after you, Mindy, and I now I'll
16 say it after you, Steve, and I wanted to let
17 everybody finish, about the reason we are here today
18 is because of you, and because of our advocacy, and
19 because of the loved ones that you lost, and those
20 that were injured, and those senseless tragedies.

21 And we absolutely recognize that New York
22 State needs to do better.

23 That's why we're here.

24 And, it is too late, it is too late.

25 But, we have to make sure that no other

1 individuals perish or are injured because of lax
2 laws and regulations in the state of New York.

3 And, once again, my commitment, as the Chair
4 of Transportation, is to work with you, and each and
5 every one of you, and anyone else that wants to be a
6 part of the conversation, to advance legislation as
7 quickly as possible this legislative session.

8 That is my goal, that is our goal, and
9 I think that's our collective goal.

10 And this is the first public hearing on this
11 issue, sadly.

12 It's something that I committed to as
13 I became Chair of Transportation earlier this year.

14 And, we are seeing this come to fruition.

15 My commitment, once again, is to advance
16 legislation, with your help, with your leadership.

17 I cannot begin to thank each and every one of
18 you enough, and we have many more folks to hear
19 from.

20 And I will be repeating myself, because I'm
21 sure we will continue to hear very deep, heartfelt,
22 and difficult testimony from family members.

23 But I cannot begin to tell you how grateful
24 I am that you're here, and that you're telling these
25 very powerful and difficult stories, and that you

1 have the courage to come here and share these
2 stories, not with us here in Albany, but with the
3 world, that we can make our communities safer.

4 And we look forward to our continued work
5 together to advance legislation that will do just
6 that.

7 Again, I'm so thankful for you being here.

8 Do my colleagues have any questions?

9 Senator Gaughran.

10 SENATOR GAUGHRAN: Just again to thank you so
11 much for coming here and bringing, you know, to
12 life, through your lost loved ones, so much the need
13 for us to act and do this.

14 And, you know, we will hear in a little while
15 from others, including some people that perhaps will
16 be considered experts in the field.

17 But let me tell you, you have become the
18 experts, and I know it's out of tragedy.

19 But thank you for the information that you
20 have provided.

21 It's detailed, and it's important, and we
22 have to incorporate changes as quickly as possible.

23 And, Mr. Chairman, both Paul and Mindy and
24 others referenced the Suffolk County Special Grand
25 Jury report, which I have read through.

1 I think some of the findings in it are very
2 valuable for this Committee's deliberations.

3 I'd like to ask if we could include that in
4 the record.

5 SENATOR KENNEDY: Of course.

6 MINDY GRABINA: I also forwarded a copy, that
7 I left with your office.

8 SENATOR GAUGHRAN: Yes. Thank you.

9 SENATOR KENNEDY: Thank you.

10 Senator Tedisco.

11 SENATOR TEDISCO: Thank you so much for that
12 testimony. It was important information.

13 There seems to be two areas where we need
14 compliance, and there's a lack of compliance: It's
15 the vehicles, and it's the drivers of the vehicles.

16 I've got a question of you. I don't really
17 know the answer to this, but I would like your
18 opinion on it. And I don't know if it takes place,
19 it's required or not, we're going to find out more
20 about what's required of licenses.

21 But regardless of what license we decide upon
22 is appropriate for these drivers, and the type of
23 training, should there be required background checks
24 of these individuals who are hired to get into these
25 jobs, oversight by DOT?

1 Because, if somebody has a history of DWI,
2 DUI, reckless driving, oh, he's my cousin, I want to
3 give him a job to drive for me.

4 I don't think that cuts in it New York State,
5 putting those types of individuals in vehicles like
6 this.

7 Now, I'm not sure -- I'm sure some companies
8 do background checks, without question.

9 I'm not sure if it's overseen by DOT.

10 PAUL SCHULMAN: I will answer that.

11 When you take the CDL process, that's part of
12 the CDL process.

13 When truck drivers or bus drivers or school
14 bus drivers take the test, I had mentioned before:

15 You take a written test, you do some driver's
16 training to get familiarized with the vehicle that
17 you're going to get the license for.

18 You now go for a road test.

19 You have a medical examination, a physical
20 examination, eye examination, and a random drug
21 testing, and, there is an extensive background
22 check. Specifically, if you're going to drive
23 school bus or a minibus, they need to look into your
24 background.

25 SENATOR TEDISCO: So if we move to that

1 license, there would be --

2 PAUL SCHULMAN: If you go -- it would be a
3 CDL license with the classification "P," they would
4 have to go through the same process as school buses,
5 mini school buses.

6 Also, I have a friend who drives a school bus
7 in the Deer Park School District, who works with me
8 in the United States Merchant Marine Academy in the
9 public safety division. And he says to me that
10 there are, some school buses have what's called a
11 "governor" installed, where the vehicle is not
12 allowed to exceed a certain speed.

13 I would like to see governors placed in
14 limousines as well so they cannot exceed certain
15 speeds.

16 Also when a vehicle is first made, it has a
17 normal braking system because it's set for the
18 weight of that vehicle and 10 passengers.

19 But once it gets sent up to get
20 remanufactured, and now this vehicle can hold 20 or
21 more passengers, they don't do anything in regards
22 to the braking system. It's still the original
23 braking system.

24 The braking system should be switched and
25 moderated according to the remanufacturing of the

1 vehicle.

2 Same thing with school buses and trucks,
3 because of the weight that they're carrying, they
4 have air brakes.

5 Now, I don't think you're going to be able to
6 put air brakes in a limousine, but you can modify
7 the braking system to be able to withstand more
8 weight in that vehicle.

9 SENATOR TEDISCO: Absolutely, yeah.

10 Second thing, the last thing I'll ask you
11 about:

12 We're probably going to look at new
13 compliance with these inspection processes, but I
14 don't know the answer to this. Either -- probably,
15 when DOT speaks, we'll be asking them about this:

16 But when they go to inspect these vehicles,
17 shouldn't the owner say, Here's my entire list of
18 drivers. Here's this expiration date of their
19 driver's licenses. Here's their names, here's their
20 addresses. These are the only people that are in
21 these vehicles?

22 I'm not sure if we evaluate who the drivers
23 are, because the vehicles don't harm anybody unless
24 somebody gets in them and drives them, and that's
25 when the accidents or crashes take place.

1 So I'm wondering what your thoughts are about
2 that, about, you have an inspection, and you say,
3 every time you go back there: Did this person
4 leave? Did you hire somebody new? And is this
5 person fully trained and inspected?

6 PAUL SCHULMAN: If you're in New York City
7 and you take a Yellow cab, the driver of that Yellow
8 cab has his identification displayed, his license,
9 with the TLC number, that he's designated for that,
10 and the vehicle number that he's driving, listed on
11 there.

12 These limousine drivers, if they're
13 CDL-qualified, should have some type of
14 documentation, showing that he is CDL-qualified,
15 that he has passed all of these tests, that he has
16 gone through this process, and that he has the
17 endorsement of the "P" on there, where he's -- just,
18 he can't have a CDL license to drive a
19 tractor-trailer, and now he's going to operate a
20 limousine with passengers.

21 It has to be specifically designated with the
22 "P," just like a school bus or a mini school bus,
23 coach bus, or party bus.

24 Theirs are designated with the "P."

25 It should be displayed in the vehicle, so

1 when you go into that vehicle you can now see if
2 this driver is qualified, just like if you go into a
3 New York City cab.

4 MINDY GRABINA: May I answer that as well?

5 SENATOR TEDISCO: Yes, oh, absolutely.

6 MINDY GRABINA: I had the opportunity, that
7 I needed to hire a bus for a wedding, my son's
8 wedding.

9 Of course, I was apprehensive to do so, to
10 hire anything, but, it was out of my control.

11 So I went to the limo company and I requested
12 an abstract of each driver that could possibly drive
13 that bus that day.

14 Of course, the first thing they were going to
15 give me is the one that they said, oh, Joe's going
16 to drive it.

17 I says, well, if Joe gets sick, or has a
18 fight with his wife, or stays out too late, I want
19 to know who else can drive it.

20 So I was supplied with an abstract from the
21 limo company, off the computer, which I sat and
22 observed, of their driving record, so I could say,
23 yes, no, yes.

24 I think that's an important component.

25 But the only reason I knew to ask this is

1 because somebody else I know hires buses for their
2 business, and I was instructed to do that.

3 It should be something common, that's given,
4 when you hire a limousine, because a lot of times
5 there are last-minute changes, but they should know
6 who their pool is, and they should supply that.

7 It's something that I really didn't think of
8 until this moment.

9 Thank you for that question.

10 SENATOR TEDISCO: Thank you.

11 STEVEN BARUCH: It seems to me that a lot of
12 it is common sense, quite frankly. It just does.

13 They should be properly trained.

14 You get on an airliner today to fly
15 somewhere, you trust the fact that the pilot is
16 trained, and you're putting your faith that he's
17 going to get you to where you have to go.

18 It's no different with a limousine driver, or
19 anybody else, that's taking you from one place to
20 another. They have a responsibility to get you
21 where you have to get to.

22 How they get trained, and monitoring that,
23 and making sure that the company that hires that
24 person trains them properly, they have the proper
25 licenses, the vehicles are properly inspected, is

1 what we and the general public would expect to
2 happen.

3 And, obviously, that's not happening.

4 So, having said that, I think those are
5 things that just need to take place as quickly as
6 possible.

7 SENATOR KENNEDY: Thank you very much.

8 Once again, thank you each for your
9 testimony.

10 Just as a matter of logistics here, Mindy, we
11 do have a copy of your testimony.

12 And, again, all of this is being taped and
13 recorded, and we'll be using it.

14 If you do have a copy of your testimony, if
15 you could leave it.

16 And I know, Steven, you were speaking from
17 the heart.

18 You were all speaking from the heart.

19 Steve.

20 Paul --

21 PAUL SCHULMAN: I was trying --

22 SENATOR KENNEDY: Paul, you were --

23 PAUL SCHULMAN: I was trying to --

24 SENATOR KENNEDY: -- that is extensive --

25 (Indiscernible cross-talking.)

1 PAUL SCHULMAN: (Indiscernible) just spoke
2 from the heart.

3 SENATOR KENNEDY: -- extensive testimony.

4 PAUL SCHULMAN: You can have my copy.

5 SENATOR KENNEDY: If you could leave it right
6 here with the staff member over in the corner.

7 Once again, thank you for being here.

8 Thank you for your testimony.

9 We look forward to working with you.

10 Next we are going to hear from Bob Ensign.

11 After Bob we are going to hear from
12 Susan Arundel, Felicia Baruch, and Suzanne Schulman.

13 PAUL ENSIGN: Honorable Chairman Kennedy and
14 members of the Committee, it's a pleasure to have
15 been granted the opportunity to testify today;
16 however, it is sad as to the horrific tragedy that
17 brought us here.

18 I would like to thank the New York State
19 Legislature and Governor Cuomo for the recent
20 actions to begin tightening up oversight of the
21 chauffeured motor vehicles.

22 As a constituent, I'd also like to thank
23 Senator -- the honorable Senator Breslin for his
24 efforts to raise the minimum insurance coverage to
25 \$1.5 million. Such effort is very smart,

1 insightful, and a great start to a difficult
2 situation.

3 I am president of Ensign Auto Body located in
4 Latham, New York.

5 I was born and raised in the
6 automotive-repair industry, working in a
7 family-owned business with multiple locations in the
8 Capital District.

9 My wife, Donna, and I founded Ensign Auto
10 Body in 1995, and we have grown from our humble
11 beginnings to a local automotive restoration and
12 repair facility that has become internationally
13 recognized.

14 I have proudly served as an officer of the
15 Saratoga Auto Museum, and worked closely with
16 international publications featuring our product.

17 We have completed high-end restorations for
18 executives of Fortune 500 companies, and our product
19 has recently won best-in-class at a world-renowned
20 Amelia Island Concours d'Elegance.

21 We have designed and built special motor cars
22 from scratch, and are currently in negotiations with
23 an internationally-known specialty vehicle manu --
24 maker to begin manufacturing vehicles -- high-end
25 vehicles right here in New York State.

1 I feel compelled to be here today, as
2 New York State can lead the nation in motor vehicle
3 safety, and countless lives in the future, by
4 remedying the ability of bad actors to circumvent
5 our existing laws and regulations.

6 As vehicle safety systems become more
7 advanced, the repair requirements and accuracy of
8 almost any repair becomes increasingly more
9 important for the proper operation of the entire
10 vehicle.

11 Just take a look at the self-driving
12 technologies.

13 Presently, both Lidar and Tesla's
14 photo-generated systems are very complex.

15 You can imagine, if a Lidar triangulation was
16 off by just 1 millimeter or over 10 feet, or if
17 Tesla's autonomous system was manipulated by a
18 hacker, mayhem would ensue.

19 My intention is not to criticize either
20 autonomous systems or Tesla; rather, I wish you to
21 see, and I believe you already know, the high degree
22 of accuracy that has and will become standard, this
23 increases the importance of tightening up the
24 regulatory and statutory oversight so that we become
25 more proactive and instead of reactionary in

1 tomorrow's regulatory needs.

2 As part of my written statement that was
3 given you -- to you today, I have proposed changes
4 in New York State's Vehicle and Traffic Law.

5 The recent tragedy in Schoharie County has
6 resulted in the deaths of 20 people.

7 It has been discovered that the limousine
8 was improperly inspected by a repair shop in
9 Saratoga Springs prior to the accident.

10 The findings by two DOT roadside inspectors
11 found serious safety hazards, including vice grips
12 on the brake line.

13 While New York State Department of Motor
14 Vehicle and the New York State Department of
15 Transportation regulates mechanical deficiencies
16 concerning motor vehicle safety inspections, many of
17 these existing rules were violated by both the
18 DMV-certified inspector and the registered motor
19 vehicle repair facility, thus contributing to the
20 loss of 20 lives and the emotional pain of countless
21 others.

22 New York State Department of Motor Vehicle
23 currently regulates annual vehicle safety
24 inspections to prevent such tragedies.

25 Nevertheless, many registered motor vehicle

1 repair facilities throughout our state have issued
2 safety inspections on vehi -- passing vehicles that
3 simply should not be on our roads.

4 A quick look at the social media accounts of
5 employees of the repair facility that issued the
6 illegal safety inspection revealed that, at other of
7 their locations, employees posted their disapproval
8 of such repetitive unsafe corporate practices.

9 Currently, there are no criminal penalties
10 concerning fraudulent safety certification by a
11 registered motor vehicle repair facility or a
12 licensed safety inspector.

13 This proposal, my proposal, is intended to
14 save lives and serious injury, while greatly
15 reducing the potentially widespread practice of
16 falsely issuing a New York State motor vehicle
17 safety inspection on motor vehicles, with the
18 creation of new criminal penalties.

19 This proposal also provides the commissioner
20 of the department of motor vehicle the authority to
21 suspend or revoke a motor vehicle repair-shop
22 registration if it is found that the violations are
23 committed with such frequency that they can be
24 considered a general business practice.

25 The Schoharie limo tragedy has shed light on

1 the significant hazards to the motoring public, and
2 pedestrians, when motor vehicle repair facilities or
3 vehicle owners willingly ignore existing safety
4 standards.

5 Another area of further exploration that
6 I would highly recommend is that of the current
7 Title 17, Chapter 6, subchapter d, Article 3,
8 Part 720, Section 720.2.10.11.32, and, Title 17,
9 Chapter 6, subchapter e, Article 3, Part 820.12, as
10 the tragedy that brought us here today has shown
11 some bad actors in the motor-carrier-of-passengers
12 industry will go through great lengths to operate
13 illegally.

14 I understand that our policymakers have
15 wisely granted DMV the authority to suspend the
16 registration of some non-compliant vehicles in their
17 recent budget negotiations.

18 And I -- again, I thank you for such efforts.

19 Notwithstanding, it would be strongly
20 advisable, to further protect the safety of the
21 general public, by granting the department of
22 transportation, the New York State Police, and other
23 certified law enforcement entities, the authority to
24 temporarily take possession of license plates of any
25 vehicle deemed out-of-service from such carriers

1 determined not to have an acceptable safety and
2 inspection record -- that's 720.11(d)(3) -- until
3 such time as the defects have been corrected and the
4 vehicle passes a reinspection by a New York State
5 DOT inspector at a facility that is equipped to
6 safely inspect and comfortably complete the
7 reinspection, as prescribed in Part 720.11, that
8 there is a very large inspection process, or, the
9 operator has been granted a favorable determination
10 by the commissioner after being heard at a hearing.

11 The proposed "license plate" proposal could
12 also be placed in Section 720.32.

13 With implementation of such policy, it allows
14 an immediate remedy, on the spot, of a vehicle
15 deemed to be unsafe, and would eliminate lengthy
16 delays of action to be taken by the department of
17 motor vehicle.

18 It also gives the good carriers the chance to
19 repair the vehicle, while immediately removing an
20 unsafe vehicle from our public highways.

21 While not fond of government seizure of
22 property, we should remember, the use of a motor
23 vehicle on our public highways is a privilege, not a
24 right.

25 The NSTB (sic) initial report clearly stated

1 the term "non-OEM" regarding the seats, seat belts,
2 and orientation of the OEM seats.

3 I am confident that the Senator -- the
4 honorable Senator Breslin can recall my decades-long
5 objection to the use of non-OEM parts in the
6 collision-repair industry, specifically due to
7 liability concerns, significant reduction in the
8 quality of repairs, and governmental study that
9 found that four out of five non-OEM parts are
10 inferior to their OEM counterparts.

11 It should be noted that, with increasing
12 technology, a few milliseconds' change in the
13 transfer of kinetic energy can adversely affect the
14 performance of modern passenger vehicle safety
15 systems.

16 Unfortunately, not much has changed in the
17 past two decades.

18 Our repair facility simply refuses to install
19 non-OEM crash parts on modern passenger vehicles,
20 and this singular decision has excluded my company
21 from a large part of the collision-repair industry.

22 The NSTB (sic) also stated that the 2001 Ford
23 Excursion had a wheelbase, an original wheelbase, of
24 137 inches, all right, and it was lengthened by
25 180 inches, or, 15 feet.

1 All right, that made the total length of the
2 vehicle over 33 feet.

3 Most limos on our public roads today were
4 converted from new passenger vehicles, still having
5 the original brake systems that were engineered for
6 significantly lesser braking loads.

7 This knowledge haunts me every day.

8 I ask you to help to protect the people of
9 our state, and our country, by strongly recommending
10 to our federal policymakers that we begin to
11 regulate such modifications by implementing rules
12 that would require the non-OEM modifying companies
13 to incorporate engineering standards that are, at
14 minimum, 145 percent beyond accurate gross-weight
15 loads, and, use mathematically-quantified and
16 widely-recognized equations of motion, kinetic
17 energy conversions, and heat-dispassion formulas.

18 I wish to thank you for your valuable time
19 today, and I look forward to your leadership to help
20 us save lives.

21 SENATOR KENNEDY: Thank you, Mr. Ensign.

22 Our condolences as well on your loss.

23 Colleagues, questions?

24 We appreciate your testimony very much.

25 PAUL ENSIGN: Thank you very much.

1 SENATOR KENNEDY: And that will be useful,
2 moving forward.

3 PAUL ENSIGN: Thank you.

4 SENATOR KENNEDY: Thank you so much.

5 Next we will hear from Susan Arundel and
6 Felicia Baruch.

7 Good morning.

8 SUSAN ARUNDEL: Good morning.

9 SENATOR KENNEDY: Thank you so much for being
10 with us.

11 SUSAN ARUNDEL: We wear this to remember
12 those that we've lost.

13 So as you know, on July 18, 2015, eight
14 beautiful young ladies hired transportation, to
15 visit the wineries on the east end of Long Island,
16 and as we all know, that day did not end well.

17 I am talking about the Cutchogue limo crash
18 on Long Island.

19 My name is Susan Arundel, and it simply
20 states, "Our Lives Matter."

21 And I just want to introduce everybody to
22 this picture.

23 We have Melissa Crai, survivor;

24 Lauren Baruch, deceased;

25 Joelle DiMonte, survivor;

1 Alicia Arundel, my daughter, survivor;

2 Amy Grabina, deceased;

3 Olga Lipet (sic), survivor;

4 Brittney Schulman, deceased;

5 Stephanie Belli, deceased.

6 Eight girls went out, four survived.

7 So four lives were lost, four lives forever
8 changed, but that's not really true, because it's
9 not just four lives.

10 It's the lives of those left behind that will
11 never be the same.

12 The four survivors; their pain, their
13 suffering, their grief.

14 The parents, the siblings, friends,
15 colleagues, family members and loved ones; anyone
16 who knew these four young ladies that we -- that
17 perished, and the four surviving ladies, anyone who
18 knows them, their lives have changed forever, and
19 it's a ripple effect.

20 It just has touched countless number of
21 lives.

22 As a parent, I cannot even imagine what it is
23 like to lose your child.

24 I'm not in that position, and I cannot put
25 myself in their shoes.

1 No parent should have to bury their child.

2 The Schoharie limousine crash didn't have to
3 happen. It shouldn't have happened. It should have
4 been stopped a longer time ago.

5 Yet, they are here, we are here, in strength,
6 persevering, with love in our hearts, fighting,
7 fighting for our angels.

8 So today I am speaking for them, moral,
9 conscientious young ladies who were doing the right
10 thing that day.

11 Now that we know there are deficits with the
12 transportation laws and regulations, definitely with
13 regard to limousines, we need to act.

14 No more promises, no more lip service.

15 We want, and we need, action now.

16 So, what are you going to do?

17 That's my question for you: What are we
18 doing?

19 We need to do something.

20 Let's act.

21 Thank you, I appreciate it.

22 SENATOR KENNEDY: Thank you very much.

23 Good morning.

24 FELICIA BARUCH: Thank you,

25 Senator Tom Kennedy, thank you

1 Senator James Gaughran, Senator Tedisco, for having
2 us here today and hearing our stories and our pleas.

3 My heartfelt condolences, prayers, thoughts,
4 go out to the families for the Schoharie accident.

5 When I heard about that accident, I couldn't
6 even begin to comprehend it.

7 I couldn't even begin to understand how our
8 State could let this happen again.

9 You know, my husband was up here a few
10 moments ago and spoke about that morning, as the
11 eight girls were in our home and left from our
12 house.

13 The joy, the smiles, the laughter, the
14 happiness, was just so much fun, as a mother, to
15 watch, and to almost want to be them.

16 And when I did bring them out to the
17 limousine, because they wanted me to take a picture
18 of all of them, and I did tell the limousine driver,
19 "These are my eight babies. I want them back the
20 way I'm leaving them with you at the end of the day.
21 You got it?"

22 My response was, "heh-heh-heh-heh."

23 When I asked him if he knew where he needed
24 to go to get out of the area where I lived, my
25 response was, heh-heh-heh-heh-heh.

1 I wonder, does the man speak English?

2 Does the man understand English?

3 Did the man know how to run -- ride the
4 roads?

5 Did he know what he was doing?

6 Later on that evening, when we found out
7 about the accident, as my husband mentioned, that
8 I felt something wasn't right, because, as soon as
9 I heard that there were four dead girls in the
10 car -- I'm sorry, I take that back -- that four had
11 died in the car, I knew it was our accident because
12 there were eight girls in that car.

13 And that it just -- there was, call it
14 "mother instinct," call it whatever you want, I knew
15 it, I knew my daughter was gone at that moment.

16 And, unfortunately, until 4 1/2 hours later,
17 did we know for sure.

18 But in my heart, I knew.

19 First words out of my mouth, "Where were the
20 airbags, where were the seatbelts; why didn't they
21 deploy? Did they have seatbelts on?"

22 And when I was told there's no seat --
23 there's no airbags in limousines, I'm, like, what?
24 How can that be?

25 My question that I have said from day one, is

1 why are limousines not regulated for safety issues
2 like cars?

3 It's a car.

4 I don't care how many times you cut it in
5 half, turn it inside out, it's still a car.

6 Every car on the road has to meet certain
7 federal, state, whatever they are, regulations,
8 except for a limousine.

9 Why?

10 Why?

11 And there's no answer for that.

12 And when you lose a child, the first question
13 you ask, Why?

14 Why?

15 Why did this have to happen?

16 Why does this happen?

17 How did this happen?

18 There's no answer for, "why?"

19 You will never get an answer for, "why?"

20 So, because we can't have an answer as to why
21 they're not there, I think we need to make the
22 change and put them there, so no other family or no
23 other parent or no other person has to go through
24 this and ask that question, Why wasn't there
25 anything in that car to save them, to help them, to

1 prevent this?

2 Do I blame the limousine driver and the truck
3 driver?

4 I certainly do.

5 I blame the limousine driver.

6 Why?

7 Because he didn't look before he made that
8 illegal U-turn.

9 He did not look, because, if he looked, he
10 would have seen a red pickup truck 200 feet away.

11 He would have, and he would have been able to
12 stop.

13 But -- and on that kind of road, you can't
14 make a U-turn in that size car.

15 You have to make a broken-K, and that's
16 illegal.

17 And did the man have any of these issues
18 brought and charges against him?

19 No.

20 And that's not why we're here today, but it's
21 part of the accident. That was the cause of the
22 accident.

23 The fact that the cars were not safe enough
24 to save these girls, is why we're here today.

25 So I can't -- I can't ask, I can't plead,

1 I can't cry enough, these changes have to be made.

2 There isn't a second of every day that my
3 daughter is not in my head.

4 There is never a minute that I don't think
5 about her.

6 There isn't an hour that I don't shed a tear.
7 It's four years.

8 The pain, the suffering, the miss, does not
9 change, and it never will.

10 I will never have the joy. She was my only
11 daughter.

12 Thank God I have a son. He's the reason I'm
13 here, because I have to live for him, or I would
14 have went home that night and taken any pill I could
15 find to kill myself, because I didn't know if
16 I could bear this grief.

17 I do it; I do it with a strong heart. I do
18 it to support my son, and I do it to support my
19 husband.

20 But if I had everything in me, I wouldn't
21 want to be here. I would want to be where she is.

22 And I know I can speak for at least 24 of us
23 in this room, mothers.

24 I can't speak for fathers, because I'm not a
25 father, but I know the pain I see in my husband's

1 eyes every day, every day.

2 It's not fair.

3 No family should go through this.

4 All I can say is, God bless us all, and God
5 rest their souls, and may we all find peace.

6 Thank you.

7 SENATOR KENNEDY: Thank you so much.

8 And I'm so sorry for your loss.

9 Thank you for sharing that powerful story.

10 SUSAN ARUNDEL: Thank you.

11 FELICIA BARUCH: Thank you.

12 And just I don't hope -- no, I don't hope.

13 It has to get done.

14 There is no hoping.

15 There is -- there is no, well, maybe; well,
16 let's see.

17 There is none of that.

18 It has to be done.

19 This has to be done.

20 We're talking, people's lives.

21 I see all these commercials, you know,
22 wanting to better the earth, wanting to make the
23 earth a better place to live.

24 For, what?

25 For, what?

1 To have to not know if you're go in -- get in
2 a car, or, get behind, in a car, with somebody who's
3 driving that you don't know if you're going to make
4 it out of there or not.

5 Across the street, anything can happen.

6 Granted, anything can happen.

7 SUSAN ARUNDEL: This is preventible.

8 FELICIA BARUCH: Exactly, this is
9 preventible.

10 This is preventible, and it needs to be
11 prevented.

12 Thank you.

13 SUSAN ARUNDEL: Thank you for your time.

14 SENATOR KENNEDY: Thank you all.

15 Senator Gaughran.

16 SENATOR GAUGHRAN: I just wanted to -- thank
17 you so much for that picture. It's so powerful, and
18 meaningful.

19 SENATOR KENNEDY: So, next -- are there any
20 other family members that would like to be heard?

21 Good morning, sir.

22 Thank you.

23 DONATO PANICO: Good morning.

24 My name Donato Panico, and I own a butcher
25 shop in Smithtown.

1 And Paul Schulman and his family have been
2 coming in for years, maybe 20 years.

3 And I can remember the day like it was
4 yesterday.

5 He had come in one day, and I said, Paul,
6 what's the matter? You don't look good.

7 And he said, Brother, I got a heart that
8 ain't never gonna heal, and no one ever is going to
9 take this pain away from me.

10 So I pulled him on the side, I said, What's
11 the matter, Paul?

12 He said, My daughter was one of those girls
13 killed in the limo accident, and, you know, there's
14 nothing can I do about it.

15 And, you know, we exchanged phone numbers,
16 and we started talking, and I just listened.

17 Just like you guys are listening, because
18 that really means a lot what you're doing here, is
19 listening, because a lot of guys don't listen. You
20 know, they hear, but they don't listen.

21 You know, so we started talking, for months
22 we're talking, and I said, We got to do something.
23 We can't let these girls die in vain.

24 So I started approaching some of the local
25 politicians in the area and putting feelers out:

1 How do we go about making these changes?

2 And some were very helpful, and others were
3 not so much.

4 And one even came into my place and told me
5 to back the F off, excuse my language, and said, you
6 know, you're making waves that are unnecessary, and
7 you should be careful.

8 I said, Is that right?

9 So all that did was piss us a little off, and
10 Paul and I moved on, and we started an online
11 petition, and we started getting names, and thinking
12 about how we can make changes so we could avoid the
13 situation for some other family to go through, you
14 know, so he would have some kind of a purpose.

15 I mean, it would never bring his daughter
16 back, but it would be the least that we could be
17 able to do.

18 Two things make change: inspiration or
19 desperation.

20 And this is desperation that we're all facing
21 right now because, but for the grace of God, it
22 could be any one of our families.

23 (Motioning.)

24 Any one up here, it could be any one of our
25 families up here that this happens to.

1 So now listening to some of the things that
2 people were saying up here, if you've ever rent a
3 car, and you go there and they pull out a checklist,
4 and they say, There's a scratch here.

5 They walk you through the car.

6 There's a scratch here. This isn't right.

7 Because, when you bring it back, they want to
8 make sure that the car is the way you got it, so,
9 you know, you pay for any damages.

10 How about a simple checklist when a limousine
11 is brought to your house?

12 This car was inspected on this date;

13 This is your driver. He passed his license.
14 He is certified to drive this vehicle.

15 The car passed all its inspections. It was
16 inspected on this date. It has the brakes. It's
17 certified. It has this, that, and the other thing.

18 So all those concerns are out the window, and
19 the consumer is taken care of.

20 And I think that could be very easily done.

21 And I know you guys have the will power,
22 I can see it in your eyes. I know you want to help.

23 I know a lot of people want to help, but
24 people seems to run into a brick wall.

25 And it's time for action now.

1 And I'm just a supporter, and me and him
2 became the best of friends now. And I -- there's
3 not a damn thing I won't do for that man, and the
4 rest of these families.

5 So no matter who makes any stupid mistakes.

6 That gentleman that made those off-the-wall
7 comments to me, he did come in and apologize.

8 But I said, You know, you just showed your
9 true colors now, and apologies are a little too
10 late.

11 But, actions speak louder than words.

12 I think it's time for action now.

13 So that's -- that's where we're at.

14 SENATOR KENNEDY: Thank you very much, sir.

15 Thank you for your testimony.

16 Thank you for being such a good friend to the
17 family and families.

18 DONATO PANICO: Thank you.

19 SENATOR KENNEDY: And we want to help, we're
20 going to help. We're going to get this done.

21 DONATO PANICO: I appreciate that.

22 SENATOR KENNEDY: And we're going to get it
23 done with you.

24 DONATO PANICO: Because we -- if we had
25 gotten this done, maybe these 20 people here in the

1 back of us wouldn't have went through this.

2 So in way, you know, when I seen that, I kind
3 of felt, like, maybe we didn't push hard enough,
4 Paul.

5 You know, we pushed hard, and we both said
6 the same thing.

7 We let those 20 people down, because we
8 pushed -- we were pushing buttons, and I was pissing
9 a lot of people off.

10 And I'm not here to piss people off.

11 This is not about ego.

12 This is about doing the right thing.

13 This doesn't mean, if you're a Republican, if
14 you're a Democrat, whatever you are, it doesn't
15 matter. We're all Americans, we all bleed red.

16 You know, what's the matter with this?

17 This is a very simple task to take care of.

18 And this should have been done, and these
19 people shouldn't be in this situation.

20 SENATOR KENNEDY: Yes, sir.

21 Thank you very much.

22 We are going to be taking all of the
23 information that we've gotten from the families, we
24 are going to be analyzing it, researching it, and,
25 ultimately, putting together legislation to advance,

1 once again, this legislative session, with your help
2 and your support.

3 And once again, to all of the families, we
4 thank you for being here, your engagement, your
5 leadership, and your continued efforts to drive this
6 agenda forward to make, not only our communities
7 safe, and our state safe, but, quite frankly, my
8 goal, and I think it's all of our goals, is to make
9 New York State a leader in the nation as it pertains
10 to limousine safety.

11 So, once again, our deepest gratitude to each
12 and every one of you, our deepest sympathies to you
13 as well.

14 And, we are going to continue this
15 legislative hearing.

16 We have one more family member?

17 NANCY DiMONTE: Yes.

18 SENATOR KENNEDY: Okay, wonderful.

19 Thank you.

20 NANCY DiMONTE: I beg your indulgence, this
21 is unplanned.

22 I am not normally speechless because, in my
23 job, you can't be. That's how I earn a living.

24 But have I never been so honored as to be up
25 here with people who are going through the most

1 living hell you could possibly go through.

2 And I am sorry that we are facing you, and
3 not facing the people out there, and those from the
4 Assembly who voted no on that entire bill.

5 They need to see our faces.

6 And this is a promise to my daughter who is
7 alive and going through a living hell:

8 We're not going away until everything is done
9 before June 19th.

10 And that is a promise I made to my kid, in
11 testimony to all these other people who don't have
12 their kids.

13 It's been a distinct honor to be here with
14 families who just -- who really know what "real" is.

15 And I'm sorry for the business and the
16 operators, but this is how it's going to be: It's
17 going to be our way or the highway.

18 And that is not a pun. That is going to be
19 the truth.

20 Thank you so much.

21 [Applause.]

22 SENATOR KENNEDY: Thank you.

23 Well, we thank you, and once again, we thank
24 the families, and believe me, the honor is all ours.

25 The honor is all ours.

1 It's an honor to be in your presence.

2 And, truly, I cannot begin to thank each and
3 every one of you enough for your leadership on this
4 all-important issue.

5 I will ask this one more time, because we're
6 going to move on in the agenda:

7 Is there any family member that wants to
8 speak that was not listed on the agenda, further?

9 (No response heard.)

10 SENATOR KENNEDY: Well, once again, to all
11 the families, thank you.

12 Next we're going to hear from David Brown,
13 the president of Premiere Transportation; board
14 director, Limousine Bus Taxi Operators of Upstate
15 New York.

16 Also from, David Bastian, the legislative
17 director from the same organization, and
18 Kevin Barwell, the president of the organization.

19 Thank you, gentlemen, for being here.

20 Good afternoon.

21 DAVID BROWN: Good afternoon, Senator.

22 I'd like to first start by thanking you,
23 Senator Kennedy, and the other esteemed members of
24 the Senate Standing Committee on Transportation for
25 taking my testimony here today.

1 I'd also like to commend the families and
2 relatives of the Long Island victims and survivors,
3 as well as the families and relatives of the
4 Schoharie victims, here today to tell their personal
5 stories.

6 As I stated before, my name is David Brown.

7 I've been in the chauffeur transportation
8 business for over 30 years.

9 I'm the CEO of Premiere Transportation for
10 over 29 years. We have everything from sedans to
11 motor coaches.

12 I also own Safe Care Mobility Services, an
13 ambulette company, for the last four years.

14 I'm a director with the Limousine Bus Taxi
15 Operators of Upstate New York, as well as a member
16 of the National Limousine Association.

17 I'm also a past member of the Luxury Base
18 Operators Association and Black Car Assistance
19 Corporation out of New York City.

20 While my company and I are not perfect,
21 I have a tremendous amount of experience in the
22 ground-transportation business.

23 When the terrible accident in Schoharie
24 happened, it was the NTSB who came to us to ask
25 questions about remanufactured vehicles and the

1 building processes involved.

2 It was the NTSB and New York State Police who
3 came to our facility to mechanically go over
4 limousines that Prestige owned, to inspect these
5 vehicles.

6 When Assemblyman McDonald and
7 Assembly Person Fahy and staff had questions about
8 braking systems, livery insurance, and vehicle
9 modifications, they came to Premiere.

10 So I hope you have to listen to what I have
11 to say today.

12 I can wholeheartedly tell you that the last
13 thing needed in New York State is more government
14 regulations.

15 We're currently one of the most regulated
16 states in the country, as well as in the world.

17 Every six months my vans and buses go through
18 rigorous New York State Department of Transportation
19 inspections.

20 Premiere averages a pass rate of 97 to
21 100 percent. This can be verified on the New York
22 State website, www.dot.ny.gov.

23 We go through New York State Department of
24 Motor Vehicle inspections, where they go through our
25 files. This is done once a year.

1 We go through two to three New York State
2 surprise DOT inspections a year, where they show up
3 at our facility and inspect our paperwork and our
4 vehicles.

5 Us being in the capital of New York State,
6 it's a convenient place to visit.

7 Last year, between New York State DOT and the
8 U.S. DOT, we had over 20 roadside inspections, going
9 over the drivers' logs and vehicles.

10 Every two years we get a three-day audit from
11 the federal Motor Carrier Safety Administration for
12 the United States Department of Defense because
13 we're a DoD-certified carrier.

14 They go through our paperwork.

15 They verify our insurance.

16 They check out our logs.

17 They inspect our buses, our vans, all our
18 vehicles.

19 This does not count the surprise visits from
20 New York State taxation, finance, New York State
21 sales tax... everything.

22 The bottom line is, we're a very, very
23 regulated industry which is held very accountable.

24 In the last five years, unfortunately, we had
25 two limousine-related accidents in New York.

1 The first was in July of 2015 in Long Island,
2 the second was in October of 2018 in Schoharie.

3 These were very, very tragic accidents that
4 no way do I mean to take lightly.

5 I feel extremely bad for the victims and the
6 families, and I think we're here today to go after
7 one main objective.

8 In comparing the accidents in the limousine
9 field, they are outnumbered by accidents involving
10 ride-share vehicles, taxis, and commuter trains.

11 So what I'm telling you right now is that we
12 have enough regulation.

13 How could we make things better?

14 And the answer to that is, communication, it
15 needs to be increased.

16 Communication.

17 Communication between New York State
18 agencies, New York State DOT, New York State DMV,
19 the New York State Police.

20 With better communication concerning the
21 Schoharie tragedy, the SUV in that incident -- it --
22 it -- the SUV in Schoharie would not have been
23 registered wrong by New York State DMV.

24 It was registered by the prior owner as a
25 bus, with the same VIN number, and then, all of a

1 sudden, it turns into a livery vehicle.

2 Communication.

3 There was no communication there.

4 It would have been inspected -- it was
5 inspected at a retail shop, a Mavis Discount Tire
6 Center, where it received a DMV inspection sticker.

7 It should have received a DOT sticker.

8 If there had better communication between
9 New York State DOT, DMV and the New York State
10 policing agencies, the plates would have been seized
11 and that limousine would have been taken off the
12 road.

13 Shortly after the accident in Schoharie,
14 New York, the State quietly seized 59 sets of
15 plates. These plates were seized before
16 Governor Cuomo's new laws were going into effect.

17 New York State had the authority to take the
18 plates from Prestige Limousine, as well as the
19 59 others taken off the road, again, way before any
20 new laws were enacted.

21 Communication.

22 When Prestige Limousine was convicted of a
23 civil penalty in April 2018, for failure to appear
24 in front of a New York State DOT administrative
25 judge, they violated New York State Transportation

1 Law 140, Section 9, and New York State Law 145,
2 Section 4.

3 They were subsequently fined \$700.

4 New York State had the right, there and then,
5 to pull the plates off that SUV limousine, and it
6 did not.

7 This was six months before that accident in
8 Schoharie happened.

9 Nothing was done.

10 There was no communication.

11 Prestige had a numerous amount of problems
12 way before October 6, 2018, before that accident.

13 I attached a copy of the timeline of their
14 disasters record.

15 It should have set off bells and whistles all
16 over the place.

17 This company was all over different
18 New York State departments' radars, yet no one
19 reacted, until it was too late, and now here we are.

20 Let us not have a knee-jerk reaction and
21 create a vast more of legislation and regulations.

22 The solution here is better communication,
23 closing the loopholes, and better enforcement.

24 Everybody's out there.

25 All the agencies are out there. The

1 inspectors are out there. The police are out there.

2 Let's make this happen.

3 The tragedies, both of these, could, and
4 should, have been avoided.

5 Thank you for your time.

6 SENATOR KENNEDY: Gentlemen.

7 DAVID BASTIAN: My name is David Bastian.

8 I'm the legislative chair for the Limousine Bus Taxi
9 Operators Association.

10 I am involved in the -- or, I work in the
11 automobile industry.

12 I'm a vendor to the industry, and I've been
13 involved in there for 26 years, so I have a little
14 bit of knowledge on some of the things I'm going to
15 talk about here.

16 So, I would like to thank the Committee Chair
17 and everyone here for giving us the opportunity to
18 come and speak on this horrible tragedy.

19 I'm hoping that the information shared by
20 everyone today in the room, whether it's, you know,
21 the people from within the industry, or the
22 families, you know, we can come up with solutions to
23 prevent another horrific accident from occurring in
24 our state.

25 Our industry is committed, statewide, and

1 nationwide, to working with elected officials and
2 representatives to make this industry safer for
3 consumers who purchase these services.

4 Now, today I'd like to discuss an issue that
5 was not addressed by Governor Cuomo, and it's going
6 to be similar to what Dave talked about, and it
7 wasn't part of his legislative package.

8 And the issue I'm raising, just like Dave
9 said, is the lack of communication and information
10 sharing between department of motor vehicles,
11 New York DOT, and the New York DOT VIP-2 inspection
12 systems.

13 Due to the lack of communications between
14 these departments and systems, this operator was
15 able to obtain livery plates, vanity plates, without
16 a New York State safety -- New York State DOT safety
17 inspection, as well as obtain a passenger-vehicle
18 New York State vehicle inspection from not just one,
19 but multiple New York State inspection stations.

20 Now, the 2001 involved -- the 2001 Excursion
21 that was involved in this tragedy was a vehicle that
22 was not a QVM vehicle (qualified vehicle modifier).

23 Manufacturers like Ford Motor Company have
24 specific vehicles that they'll authorize to be cut
25 and stretched.

1 And in 2001, an Excursion was never
2 authorized.

3 And the original owner took this to a
4 backyard chop-shop, cut it, converted it to a
5 limousine.

6 So I want the record to show that.

7 The 2001 Excursion involved in this fatal
8 crash was owned previously by an operator who
9 complied with all New York DOT regulations.

10 The vehicle was regulated as part of the
11 New York DOT Safety Inspection Program from 2010 to
12 2016.

13 If you refer to all three vehicle examination
14 reports included with my testimony -- or, included
15 with this testimony for Prestige Limousine, the bus
16 was documented as to having 18 seats, based on the
17 measurement system that New York DOT uses to
18 determine passenger counts.

19 Now, I do not have access to the previous
20 owner's New York DOT or DMV records, but it's safe
21 to assume that New York DOT and New York DMV
22 recognized this vehicle as an 18-passenger over the
23 six-year period the vehicle was part of the
24 inspection program.

25 And it's also safe to assume, that because

1 the vehicle was on record to have 18 passengers, and
2 I'm assuming bus plates from the previous owner, bus
3 plates most likely were on the vehicle, prior to the
4 sale of the vehicle to Prestige Limousine.

5 So in 2016-- August of 2016, the previous
6 owner sold the Excursion to Prestige Limousine.

7 When registering the vehicle,
8 Prestige Limousine was able to obtain a livery plate
9 from New York State DMV, uhm -- was able to obtain a
10 livery plate from New York State DMV.

11 Now, vehicle law prohibits all vehicles with
12 an 18-passenger count from being registered as a
13 livery vehicle.

14 So you can't put a livery plate on an
15 18-passenger vehicle.

16 And livery plates are required for vehicles
17 under 14 passengers.

18 Bus plates are required for vehicles that
19 have, under New York State law, for passengers of
20 15 or more.

21 What's even more troubling is that
22 New York State issued these plates without a
23 New York State MC300 DOT inspection form.

24 In researching the 2016-2017 New York Bus
25 Safety Network, the "bus net," there is no record of

1 Prestige Limousine's Excursion of even having a DOT
2 inspection performed.

3 New York Motor Vehicle law requires all
4 for-hire vehicles that have 10 passenger or more --
5 or, 9, 9 passenger or more, to be subject to the
6 New York State inspection -- safety inspection --
7 DOT and safety inspection program.

8 You cannot, by law, register a for-hire
9 vehicle of 9 passenger or more without a
10 New York State DOT inspection.

11 So, if a proper inspection was not presented
12 to DMV, why were plates ever issued to this vehicle?

13 This vehicle should have never, ever, been on
14 the road without the proper inspection.

15 During a two-year period, Prestige Limousine
16 was able to sidestep New York DOT regulations and
17 the DOT safety program, acquire vanity plates
18 without an MC300 for -- or a safety inspection form.

19 The operator was always -- or, the operator
20 was also able to obtain multiple safety inspections
21 at New York State inspection stations.

22 New York State motor law -- vehicle law
23 prohibits for-hire vehicles to -- that have any --
24 for -- that have 9 or more passengers for being
25 eligible for New York State inspection.

1 And that was law before Governor Cuomo passed
2 the laws that were in the recent package.

3 So, in my opinion, this operator was able to
4 fly under the radar due to lack of communication
5 between the systems.

6 Now, to address the lack of communication and
7 information and sharing, and to close the loopholes
8 that could affect future vehicle safety, we would
9 like to propose that New York State, first of all,
10 share DMV passenger counts for all registered
11 vehicles and New York DOT-regulated vehicles with
12 all three systems, for New York DMV, New York DOT,
13 and the New York VIP-2 inspection system.

14 Two: I'd like to -- or, we would like to --
15 New York State to require New York DOT and
16 New York DMV to share passenger counts, to ensure
17 that vehicles are registered properly in the system.

18 If DOT has a vehicle listed in their system
19 as 18-passenger, New York DOT should share this
20 information with New York DMV.

21 This would prevent operators from
22 fraudulently listing passenger counts lower than the
23 official passenger count listed on the FMVSA (sic)
24 sticker.

25 Number 3: We would like to see a reduction

1 of underinsured vehicles.

2 So, when these gentlemen register a for-hire
3 vehicle, their FH-1 insurance card lists passenger
4 count.

5 If a vehicle is registered as 14-passenger,
6 and, in fact, is an 18-passenger, the question
7 I have is: Does this put passengers in a position
8 in which there would be improper insurance coverage?

9 And this is a serious, you know, question
10 that may need to be answered.

11 Number 4: We need to flag vehicles that are
12 currently previously regulated under the New York
13 DOT inspection program in the New York DMV system
14 and the New York VIP-2 system.

15 Require state inspectors performing --

16 Number 5: Would like to require
17 New York State inspectors performing New York State
18 inspection systems -- inspections to verify
19 passenger count, counting seatbelts and verifying
20 count, on all motor vehicles when you go for regular
21 inspection.

22 There's a section in the inspection process,
23 when you go for a regular vehicle inspection, where
24 the tech is required to check safety belts, make
25 sure they're working.

1 I feel that they should -- we feel that they
2 should be also counting the seatbelts, and making
3 sure that the count matches the door, and then have
4 to input it in the inspection system, you know, to
5 see if it matches, and then have that
6 cross-referenced to the sharing of the information
7 between passenger counts between DOT and DMV.

8 So -- and the last thing I'd like to see --
9 we would like to see is, New York DOT sharing
10 information with the VIP-2 inspection system, to
11 flag currently or previously regulated vehicles
12 under the New York State DOT program, and not allow
13 these vehicles to be issued an inspection sticker at
14 all.

15 Now, I know that some of the ideas I'm
16 throwing out there might seem a little far-fetched,
17 but I believe it's possible for all these systems to
18 share the information.

19 On Tuesday of this week I spoke with two
20 representatives from Opus Inspection, and they are
21 the company that contracts with New York State for
22 the VIP-2 inspection system.

23 I spoke with them about the safety concerns,
24 and floated the idea of information sharing.

25 And they believe that it may be possible to

1 share them within the system, and they were going to
2 reach out to the manager -- the New York -- their
3 New York manager, to discuss, and possibly discuss
4 with the State.

5 So included with this testimony is my
6 proposal of how we can add the passenger count of
7 verification to the VIP-2 system.

8 I also have shared information with them --
9 with the people from Opus. And, like I mentioned,
10 they're going stay -- they're going to reach out to
11 the program manager, for more research.

12 New York State could become a leader and
13 increase safety passengers for all vehicles.

14 And if, for reason, Opus adopts, and New York
15 State adopts, these changes, there's the possibility
16 that other states that use the same software may
17 follow New York State's lead.

18 And thank you again for letting me speak.

19 KEVIN BARWELL: Thank you.

20 My name is Kevin Barwell. I'm the president
21 of the Limousine Bus and Taxi Operators of Upstate
22 New York.

23 Chairman, members of the Committee, thank you
24 for allowing me to speak here today in regard to
25 limousine and bus safety.

1 But first off, let me reach out to people in
2 attendance, the families that lost members, our
3 hearts go out to you of this terrible tragedy that
4 should have never been allowed to happen.

5 And, in our businesses, the legitimate
6 companies never put profit before safety.

7 I have been in the business for 30 years.

8 I run three-- three trans -- actually, four
9 transportation companies, three limousine companies:
10 One in Buffalo, one in Rochester, one in
11 Niagara Falls, and in Jamestown, New York.

12 I have seen this industry change over the
13 course of the 30 years.

14 And in the past, about 10 years, I've been
15 the president of the Limousine Bus and Taxi
16 Operators.

17 Our company, like David's over there, runs
18 100 percent compliancy rate on all of our
19 inspections on our vehicles, and have been doing
20 this for the past two years.

21 We're a very legitimate company.

22 And when I come here with the information
23 I say, is because we do care about the industry, and
24 do care about the people that ride in the vehicles,
25 and the actions of our industry within the state.

1 We believe that the accident could have been
2 prevented.

3 New legislation that was put into the budget,
4 and now out in public forum, does increase fines and
5 penalties for an operator if they try to operate or
6 register a vehicle without proper inspection or
7 authority.

8 Many of these laws will not affect us, not
9 affect many of the New York operators in this
10 business, because they focus on safety and operating
11 with the highest standards.

12 With Premier compliance ratings, perfect
13 inspections, and having five to ten million dollars
14 in liability insurance, yet we have been put under
15 the microscope and punished for one bad operator.

16 It always seems that the good operators are
17 punished when they should be the ones commended for
18 setting the standards.

19 I have been in this business, again, for
20 30 years, and operators like this have been around
21 since then.

22 We have tirelessly begged law enforcement,
23 DOT, and the State to help us get these operators
24 off the road, and have fallen mostly on deaf ears.

25 Although, it's become more difficult to

1 operate over the past few years because of stricter
2 operations, harder insurance options, vehicle
3 business options, and inspections.

4 DOT has, in the past, especially since the
5 Long Island accident, has geared down on inspecting
6 vehicles of 9 or 10 more with DOT inspections, and
7 requiring that all of those drivers have CDL
8 licenses.

9 Once again, these are some of the strictest
10 inspections, and some of the strictest regulations,
11 in the country.

12 But we still have work to do.

13 This accident could have been prevented and
14 the families behind me would still have their loved
15 ones.

16 The new laws are meant to punish the
17 operator, not stop them.

18 And we need to move to fix the part, first,
19 so that the operators can't have their vehicles on
20 the road.

21 We can punish them after, but after the fact
22 is too late.

23 We need to take care of this incident, and
24 close the loopholes, before another operator can
25 have the opportunity to do this.

1 OFF-CAMERA SPEAKER: Amen.

2 KEVIN BARWELL: And the State has to be a big
3 part of that.

4 The DMV needs to have access to the DOT, as
5 well as the DOT to the DMV, as well as to law
6 enforcement, so if a rogue operator tries to
7 register, inspect, a vehicle, or underinsure, each
8 department will know prior to the vehicle being put
9 on the road.

10 This operator involved in the Schoharie
11 accident had his vehicle cited in March of 2018,
12 again in August of 2018, and again in September of
13 2018, nearly a month prior to the accident, for no
14 DOT authority, inspection, and, for having
15 mechanical problems in this vehicle.

16 At that point, the DOT had the authority,
17 based on the present law that is in effect, to pull
18 those plates off that vehicle; yet it was let go
19 three times and allowed to go back on the road,
20 twice too many.

21 Absolute access and communication would have
22 pulled that vehicle off and prevented those deaths.

23 The time is now for the State to also have
24 some accountability on this, and change their
25 system, to allow communication, and to make sure

1 that another operator like this cannot get through
2 the system and even put a vehicle on the road.

3 We ask for a few items to be addressed.

4 Change in DOT and DMV operations to allow
5 better communications, as my -- as David -- as both
6 Davids have mentioned.

7 We can't let people get through the cracks.

8 Also, with some of the new legislation that
9 the Governor has put in his budget, we ask that --
10 we ask to work with the Committee.

11 There needs to be -- a set of parameters need
12 to be set up when it comes to the operator who seems
13 to fail an inspection at a shop that the vehicle
14 needs to be repaired at, and that a new inspection
15 is mandated to be done.

16 We suggest that a 48 hours, that vehicle --
17 within 48 hours that vehicle needs to be fixed, and
18 repairs need to be fixed within one week, so that
19 the vehicle can be inspected immediately.

20 Many of the legitimate operators, if a
21 vehicle can fail, and, mind you, in the DOT
22 inspection, if you have an empty coffee cup sitting
23 on the floor, they can fail the vehicle.

24 So, waiting for, you know, a month to do a --
25 to do a hearing would be a little ridiculous.

1 We understand, if someone has a low
2 compliance rate, then that vehicle should be
3 suspended and the plates should be pulled.

4 But from a legitimate company, I think it's a
5 different situation.

6 Also, as for the insurance, we agree that the
7 increase of 1.5 million on operators, but we don't
8 agree on the supplemental uninsured motorist
9 coverage, as the national carriers are presently
10 refusing to offer this coverage with -- which will
11 make it extremely difficult to get this coverage
12 within New York State.

13 Right now they are balking at the idea of
14 even offering this, which has been passed in the
15 past budget.

16 Now, we also understand, too, that many of
17 the operators, David and myself, carry \$5 million in
18 coverage, \$2 million more than the State is
19 requesting.

20 We ask that those particular operators be
21 exempt if they are carrying the \$5 million, so
22 they'll have at least \$2 million more.

23 So, 5 million, more.

24 The State's only requiring three right now,
25 with the supplemental and the liability.

1 So that's one of the things we ask.

2 Also, one of the most important things, the
3 State also needs to review who drives these
4 vehicles.

5 We feel safety is very important.

6 And whether it's 1 person, or 50 people,
7 safety should not be compromised.

8 And if it is a livery, a taxi, complementary,
9 ride-sharing, medical, State-operated, any type of
10 vehicle, should not be exempt from safety.

11 All drivers driving people should be required
12 to do drug and alcohol testing, background checks,
13 driver-classification testing.

14 This is something that I have been advocating
15 for, probably, about 10, 15, 20 years.

16 It seems that we always forget the small
17 person; the one person riding in one vehicle, two
18 people, three people.

19 We -- when we DOT a vehicle, we DOT a vehicle
20 over nine people, that particular driver has to have
21 a CDL license. They have to go through -- they fall
22 into the 19-A system, which means they have to have
23 a medical card, which is valid for two years, or one
24 year, depending on their medical condition. They
25 have to go -- they have to be on a random drug and

1 alcohol testing.

2 These are things that are already required
3 that we have to go through.

4 They also have to be background-checked once
5 a year through -- from a 19-A investigator and
6 reviewer.

7 We also -- they also can only drive a certain
8 amount of hours in a given day. They cannot drive
9 over 10 hours in a 15-hour period.

10 They can be on call 15 hours, but they can
11 only drive 10 of those hours. And then they have to
12 recycle with 8 hours off.

13 These are things that are already required
14 for anybody over nine.

15 But anybody under, we have a little bit of a
16 gray area. We don't do back -- there's background
17 checks.

18 Our companies, we do all of these regardless
19 of whether you drive 1 person or you drive
20 50 people.

21 But we seem, as a state, to negate the people
22 that are in a taxi, that are in a ride-sharing, that
23 are driving you from your hotel to the airport,
24 medical.

25 These are the people that should have correct

1 background checks.

2 They shouldn't be someone who has a felony.

3 They shouldn't be someone who has a -- has
4 a -- even a misdemeanor for burglary.

5 I mean, they're dropping you off at your
6 home. They're picking you up from your home and
7 taking you to the airport.

8 Should they be allowed to drive?

9 They're driving your child.

10 We should do the correct background checks
11 with these people.

12 This is one place that the State has dropped
13 the ball.

14 We need to make sure that the drivers that
15 are driving, I don't care if they're driving
16 1 person, 10 people, I don't care if they're driving
17 you for a bag of potatoes, they should have the same
18 background checks as the rest of the people that are
19 driving in the larger vehicles.

20 We should not -- and with this, we should not
21 give anyone a pass.

22 Safety doesn't have an exemption.

23 Finally, all the laws and the policies that
24 we have right now will not stop companies, and this
25 is very important, from operating in New York State,

1 but registering in different states.

2 U.S. DOT allows for interstate commerce.

3 So instead of banning, severely restricting,
4 or prohibiting, it's better off for us to control,
5 is it not?

6 Many of these vehicles, a vehicle can be
7 registered in New Jersey or in Pennsylvania, it
8 could be a stretch limousine, it could not have
9 seatbelts, it could not have, you know, pop-out
10 windows, and it could still operate in the state of
11 New York, and there's nothing you can do about it,
12 because, for inter-commerce, because interstate law,
13 they can come into our state and operate.

14 In closing:

15 There have been more fatalities in school
16 buses in the past year than in limousines in the
17 past four decades.

18 There have been deaths on trains, public
19 transportation, airport, and buses.

20 Yet, we don't ban them.

21 We come up with solutions that work to
22 protect the riders, the companies, and the state
23 enforcement.

24 We need to work together, not separately, and
25 try to find a workable solution.

1 The State needs to solve its internal
2 operations with the DOT, the DMV, and enforcement
3 before it punishes legitimate operators.

4 We need to prevent these types of operators
5 from having vehicles on the road, like the ones in
6 these accidents.

7 I have children of my own, and I can't
8 imagine what these families are going through to
9 lose a child, a sibling, a relative, a friend.

10 You can't bring them back.

11 But, we can put aside our differences,
12 agendas, we can work together, not apart, to look at
13 the options, and not ignore.

14 Whether we are citizens, elected officials,
15 business operators, or residents of New York State,
16 we need to find a workable solution because it would
17 be an injustice to these individuals that died.

18 Thank you.

19 OFF-CAMERA SPEAKER: Thank you.

20 SENATOR KENNEDY: Thank you.

21 Thank you very much for your testimony.

22 Gentlemen, I know there are questions.

23 Let me just start by recognizing that there
24 are some very good business owners and leaders in
25 the industry.

1 There are also some very bad ones, and we
2 need to weed them out, we need to root them out, and
3 we need to hold them accountable.

4 And that's what we intend to do.

5 And, certainly, we appreciate you being here,
6 and your testimony.

7 Furthermore, I appreciate you bringing some
8 strong suggestions and solutions to the table; your
9 willingness to work with these families, to work
10 with us in the Legislature, as well as the
11 Governor's Office, to advance meaningful reforms
12 within the industry.

13 We have our work cut out for us, and we're
14 going to be moving very quickly, very expeditiously.

15 So let me just start by asking, because you
16 did put together some very comprehensive testimony
17 here, including some of the suggestions that you
18 articulated.

19 Also, some things you didn't, including, you
20 know, proposed legislation, and the position of the
21 industry on that legislation.

22 And I know my colleagues have other
23 questions, but I want to ask you, because I know you
24 were present: Were there initiatives that were
25 brought up this morning and the early part of this

1 afternoon, that -- from the families, that got your
2 attention; things that the industry could galvanize
3 behind and be supportive of as well, that jumped out
4 at you?

5 KEVIN BARWELL: Well, I do believe that, you
6 know, when it comes to, definitely the -- you know,
7 the drivers, drivers is very important.

8 I think you -- you know, I was a little
9 passionate about that.

10 You know, the vehicles, you know, there does
11 need to be accountability for the vehicles that are
12 stretched.

13 Most of the legitimate operators, and most of
14 the legitimate, actually, manufacturers that do make
15 these vehicles, do follow a code to keep these
16 vehicles stretched properly.

17 It's -- you know, the QVM program is a
18 program that the Ford Motor Company, as well as the
19 Master Coach Builder that Cadillac offers, you know,
20 set a standard to have these vehicles that are built
21 properly.

22 They also -- if you wanted to be a QVM
23 manufacturer or a Master Coach operator -- or,
24 manufacturer, you did need to crash-test these
25 vehicles in order to get qualified.

1 So the manufacturers that did, you know, that
2 do, make these vehicles, do have to -- they
3 originally had to crash-test these vehicles for the
4 integrity of the stretch, the integrity of the
5 brakes, braking systems.

6 So these vehicles have already gone through
7 this.

8 And I'm sure Dave, Dave who --

9 DAVID BROWN: These are the QVM vehicles
10 we're talking about, that are approved by Ford.

11 So a remanufacturer goes to Ford, has to get
12 their stamp of approval, and then Ford says, You
13 have our stamp of approval. You're doing things our
14 way.

15 Those are the limousines that, uhm -- they're
16 approved; they're approved by everyone, and they're
17 crash-tested too.

18 KEVIN BARWELL: And the -- so when Ford --
19 when Ford -- when you go and cut this vehicle, the
20 instant that vehicle is cut, your warranty is null
21 and void.

22 DAVID BASTIAN: If you use a non-certified
23 build -- or, not -- Ford doesn't certify vehicles,
24 but if you do a non-QVM vehicle.

25 So if the vehicle is built by a non-QVM or

1 non-CMC builder, so if you take it to a body shop
2 that cuts it, stretches it, you know, you do that on
3 your own, you void your warranty. The manufacturer
4 has no responsibility to that particular vehicle.

5 And, unfortunately, with that 2001 Excursion,
6 back in the late '90s, early 2000s, it wasn't
7 uncommon for operators back then to take a vehicle
8 and do that, whether it was a Hummer, or whether it
9 was some of these different SUVs.

10 So it wasn't uncommon.

11 Or, to take a Town Car, for example, and make
12 it 180 inches, or something wild, with dual tandem
13 wheels.

14 So -- but that's changed.

15 Where we are today, as far as an industry,
16 and with vehicles, it's changed.

17 What's happening is, this industry is
18 evolving more towards buses.

19 And when you go to the national limousine
20 shows, you see a lot less limousines, you know,
21 built by the qualified modifiers, because they're
22 the only ones that are allowed on these floors at --
23 you know, because the industry polices that. You
24 know, those are the ones that you see at the shows,
25 and in Ford's booth, and on display.

1 What's happened is, you see a lot less of
2 these vehicles because operators are gravitating
3 towards, you know -- towards buses.

4 Now, for me, listening to some of the
5 families, some of the families mentioned airbags.

6 And you have to keep in mind, when a QVM
7 builder builds a vehicle, they build it based on the
8 federal standards during that time.

9 So, in 2001, the federal safety standards
10 were different than today, you know, or, 2007, like
11 that 2007 Town Car.

12 So they're different from today.

13 Airbags were not, you know, in the rear, were
14 not required.

15 You know, there's a lot of different things
16 that different -- you know, that are different from
17 today.

18 So, we have to keep that in mind when we're
19 dealing and working towards, you know, coming up
20 with the solution as to what vehicles are acceptable
21 going forward.

22 You know, we need to probably take that into
23 consideration, as to what federal safety standards
24 the State is willing to accept. And then, you know,
25 look at the builders that built those vehicles based

1 on those standards.

2 SENATOR KENNEDY: So let's talk about that a
3 bit, because you brought up the airbags.

4 Certainly, there would have to be
5 retrofitting, and let's talk about seatbelts.

6 One of the parents mentioned a speed
7 governor, as well as crush (sic) bars that would be
8 put in place, to prevent further --

9 DAVID BASTIAN: They call them "intrusion
10 beams." Intrusion beams.

11 SENATOR KENNEDY: Intrusion beams?

12 Why don't you take each one of those and walk
13 us through your position on those issues, please.

14 KEVIN BARWELL: Well, about four years ago
15 the federal government required seatbelts in all new
16 builds, especially when it comes to buses.

17 So, you know, right now, when it comes to any
18 vehicle over 14 passenger, if it's a bus, it's
19 required to have seatbelts.

20 OFF-CAMERA SPEAKER: Under 14.

21 KEVIN BARWELL: -- or -- yeah, I'm sorry,
22 under 14, it is required to have that.

23 If they're going through a DOT inspection or
24 a federal, that's what the -- you know, the federal
25 government put that in, but, with one exception, is

1 they grandfathered -- you know, all the vehicles
2 that didn't have it, they grandfathered in, due to
3 the fact that it was, roughly, I think, it was going
4 to cost \$9 billion to retrofit all these. And they
5 felt that, at the time, retrofitting them would
6 not -- might not be a safe option as well.

7 And the way the industry was going, they
8 figured, in about six, seven years, most of the
9 vehicles would be matriculated out of their fleets
10 anyways.

11 So, when it comes to seatbelts, I think we're
12 already going in the right direction, and I think
13 that that is a positive thing.

14 The only problem with having a seatbelt is
15 getting people to use them.

16 Just like in any vehicle, you know, people
17 will get in the back of the vehicle, we have
18 seatbelts in all of our vehicles.

19 Whether they put them on or not is a
20 completely other thing.

21 They did do tests with school buses.

22 They don't require children to have -- you
23 know, they have seatbelts in school buses, but they
24 don't require them to have them, because, in the
25 case of an accident, if an adult, one person, has to

1 get out 70 children out of the school bus, many of
2 them may not be able to get out.

3 So there are issues that they have, even
4 knowing that they do have the seatbelts in them.

5 But, again, you know, this particular
6 vehicle, this particular vehicle was an old vehicle.
7 The standards weren't met at that time.

8 So, you know, once these vehicles get off the
9 road, then we won't -- you know, we won't have them
10 anymore. And many of them are -- already are
11 because, again, you know, the way the industry has
12 changed.

13 I mean, in Buffalo, when we started out in
14 '80s -- back in, you know, the late -- mid -- we
15 started out in '87. But in the late '90s, there
16 was over 90 companies in Buffalo alone. And today
17 there's only eight.

18 So, I mean, the times have changed.

19 The same thing in the other cities.

20 In Rochester there was about 75. Now there's
21 about 12.

22 So, you know, there's a big change in that
23 part of it.

24 DAVID BASTIAN: One of the things I'd like to
25 mention is, and I mentioned earlier, that, QVM

1 products, when Ford Motor Company says, for example,
2 if they say, back in the day, let's say back in
3 2001, Ford Motor Company would authorize only, at
4 that time, a Lincoln Town Car to be stretched, or,
5 in 2007.

6 And what Ford does is, they give the builder
7 a certain standard, where they say, okay, you have
8 to build this particular vehicle on this particular
9 chassis.

10 So what Ford does is, takes a Town Car that
11 is beefed up -- what they used to do is, take a
12 Town Car that is beefed up, or, what they do today
13 is take an MKT that's beefed up. It's -- it's --
14 what they do is, it's -- when I say "beefed up," the
15 transmission, the braking systems, are different.
16 Everything is designed for weight.

17 DAVID BROWN: They're heavier.

18 DAVID BASTIAN: They're heavier.

19 And then what they do is, they only allow
20 these builders to build on those vehicles.

21 And you can tell those vehicles by the body
22 type. So if you look at the VIN number, you can
23 tell if a vehicle is a -- is one that Ford allows to
24 be cut and stretched.

25 Okay?

1 So, I know some of the families mentioned
2 braking systems.

3 If a limo operator were to buy a vehicle
4 that -- you know, that -- where a chassis was
5 specifically made to be cut for that purpose,
6 braking systems, and all that stuff, you know, the
7 safety factors, are taken into consideration when it
8 comes to adding additional weight. And the
9 manufacturer, the QVM or CMC, limits the size.

10 You know, so, for example, Ford is still at
11 120 inches. They won't let you go beyond that.

12 And if you do a Navigator, which I'm not sure
13 if Navigator is authorized right now to be cut, but
14 back in the day when Navigator was authorized, you
15 were only allowed to go, like, 100 inches.

16 The problem is, with the non-certified --
17 non -- I don't want to use the word "certified" --
18 the non-authorized builders, there's no guarantee
19 that they did change braking systems.

20 But, I'm assuming that, throughout the DOT
21 process, in this particular vehicle -- case, it
22 was -- you know, it was from 2010 to 2016 regulated.

23 I'm assuming that the DOT inspectors checked
24 those braking systems to make sure that they met the
25 modifications.

1 But, we don't know.

2 KEVIN BARWELL: And those are -- those are
3 parts of the DOT inspection that they have, that are
4 pretty strict, in requiring that the tires are met
5 with -- to hold those weights.

6 If you don't have the tires, that vehicle
7 fails.

8 Same thing with braking systems.

9 Same thing with, I mean, even to brackets
10 holding the, like, the drivetrain, the exhaust
11 system, they do emissions on them.

12 I mean, these -- they aren't -- they
13 aren't -- they aren't your New York State car
14 inspection that you go for. I mean, these are
15 pretty rigorous inspections.

16 They take -- they go over it with a
17 fine-tooth comb, and they're there for hours, to
18 inspect your vehicle. And they inspect every -- you
19 get one tiny leak, that vehicle's fail -- that
20 vehicle can fail.

21 DAVID BROWN: We're talking about regulation
22 and new laws.

23 They have to be abided by.

24 I mean, we can increase the laws as much as
25 you want, but the problem is, you're going to get

1 that bad guy out there, you're going to get that bad
2 apple.

3 How did this guy get through the cracks?

4 My feet are held to the fire when we go to
5 DOTs.

6 This guy came in, went to a tire center and
7 got a sticker.

8 So, you know, we can increase the rules by so
9 much, but, there has to be compliance, there has to
10 be closed-down loopholes.

11 And how did this guy get through it?

12 You know, all of our vehicles -- all my
13 vehicles have the seatbelts. We don't have a
14 problem with the seatbelts.

15 99 percent of the laws that were pushed
16 through on the budget, we didn't have a problem
17 with.

18 Again, we have to close these loopholes and
19 stop these tragedies.

20 So, if we come out with stricter laws, that's
21 just going to -- you know, people like me and Kevin
22 are going to do what we're going to have to do.

23 But, again, are we going to nail that bad
24 apple?

25 That's what we got to get is that bad apple.

1 SENATOR KENNEDY: The answer to that is, yes,
2 we are going to get the bad apples.

3 And I do recognize your point, Mr. Brown,
4 that there needs to be greater oversight and
5 communication, unquestionably, I think within any
6 industry.

7 And this sort of tragic circumstance that
8 reared its ugly head in 2018 in Schoharie, and in
9 2015 in Cutchogue, recognizes that.

10 Now we have an opportunity to do something
11 about it.

12 So, part of that is putting forward new
13 regulations and legislation.

14 We certainly appreciate your engagement on
15 these, and we will be working with you through this
16 process.

17 I want to go back, just because I know there
18 are other questions, and I want to go touch back on,
19 Mr. Barwell, you mentioned the fact that the
20 industry has moved forward in many ways regarding
21 seatbelts.

22 Can -- I just want to -- I want to get to the
23 root of this and what the solution is.

24 Over and over, from -- if not every family
25 member, most family members, mentioned seatbelts.

1 KEVIN BARWELL: Sure.

2 SENATOR KENNEDY: Could -- I want to --
3 I want to find a way to make this work so that we
4 make seatbelts a part of the legislation we enact.

5 KEVIN BARWELL: Well, the big thing is, with
6 seatbelts, all new vehicles in the federal law,
7 federal law requires them to have -- to have to be
8 in the vehicles.

9 So, you know, any new manu -- any vehicle is
10 already -- has to follow those regulations.

11 When it comes to older vehicles, I mean,
12 we're looking at -- also, you know, we're looking at
13 vehicles all across the state. And you have buses,
14 some older motor coaches, Trailways, Greyhound, you
15 know, some, you know, vehicles that -- I mean,
16 buses, they carry a million miles.

17 Some of these do not have seatbelts in them,
18 okay, but they're slowly matriculating out.

19 It's very important that we look at this,
20 but, the thing is, to retrofit a bus is going to
21 cost, like, 75,000 per bus. Okay?

22 NANCY DiMONTE: (From the audience.)

23 Who cares?

24 You can't put a price on a person's life.

25 KEVIN BARWELL: We're not putting a price --

1 SENATOR KENNEDY: Let's talk about
2 limousines.

3 KEVIN BARWELL: Yeah, okay.

4 So with limousine, you know, again, another
5 thing is retrofitting them.

6 When the -- with the new standards with the
7 QVM, as well as -- as well as vehicles that are not,
8 if the seatbelts are put in after, there's no
9 guarantee those particular seatbelts will hold up,
10 because they're -- the new process is bolting them
11 right to the frame.

12 Many of these other ones, you know, when
13 they're retrofitting, they're, basically, bolting
14 them to the seats, or the seat frames, or part of
15 the frames. And they weren't accounted for prior to
16 putting them in.

17 So, I think -- I think a lot of that, when
18 the federal government looked at these, they came up
19 with a -- they realized that's it's going to be very
20 difficult to put vehicles in -- or, seatbelts in
21 here that would safely work when it comes to an
22 accident.

23 So I think that's why a lot of them were
24 grandfathered in, when it came to the federal end,
25 for older vehicles.

1 But this law's been in effect for about
2 four years, so, you know, new vehicles, they have to
3 have them.

4 When it goes to the limousine end, it's the
5 same, it falls under the same thing. Newer vehicles
6 would have the seatbelts. An operator would require
7 that.

8 I don't know --

9 SENATOR KENNEDY: By way of federal
10 regulation?

11 KEVIN BARWELL: Yeah, of today. Yeah,
12 federal regulations today, yes.

13 But we have old -- old -- we have a lot of
14 vehicles that are running out there.

15 You know -- I mean, New York -- New York City
16 probably has a lot more newer vehicles operating
17 than Upstate New York.

18 Upstate New York, you know, our economies are
19 not the same, and that's why you have, you know,
20 older vehicles operating in these areas.

21 It doesn't mean that an older vehicle is an
22 unsafe vehicle.

23 It just means, you know, if an operator is a
24 legitimate operator, they're going to make sure they
25 have the full safety on that vehicle.

1 They're going to make sure that that vehicle,
2 when it does go through the DOT inspection, if it
3 passes, then it meets the New York State standards,
4 and the federal standards as well.

5 I mean, we -- I'm scrutinized not only under
6 New York State DOT, but U.S. DOT, because I'm on
7 a -- I'm on a border -- I'm a border city.

8 We also fall under the MCI, and we have to
9 fall under DOT in Canada because we operate in
10 Canada.

11 So we have, you know, some of the strictest
12 guidelines in our business, especially in my
13 business in the Buffalo area, because we have to
14 make sure that we meet standards in all of those
15 municipalities in all of those areas.

16 And, mind you, when we go through this again,
17 you know, our vehicles are inspected twice a year.

18 Twice a year.

19 I mean, everybody else's vehicle is inspected
20 once a year.

21 I mean, we're getting it twice a year, and
22 the inspection process, again, is very rigorous.

23 We don't have somebody walking around,
24 looking in it, and just looking at it, and go and
25 close the door, and say, okay, this looks good.

1 You know, they're going through, they're
2 checking every bit of the mechanics inside. They're
3 checking the tires, the bearings, the exhaust, the
4 drivetrain. They're checking the interiors of the
5 vehicles, they're making sure there's no sharp
6 objects in the vehicles.

7 I mean, the list goes on and on and on.

8 And these are things that are pulled over
9 at -- at a -- when they do roadside inspections.

10 You know, we have -- our association has been
11 working very closely with the DOT, with some of the
12 regional inspectors.

13 They come and speak at our meetings.

14 And they have upped, very much, they upped
15 their roadside inspections.

16 They're at all of the -- just to give you an
17 example, in the Buffalo area, they're at the Buff --
18 they're at the Bills games.

19 I work with the Buffalo Bills, along with
20 DOT, you know, to help, you know, work on those
21 processes, and make sure that they are there to get
22 the illegal operators.

23 And I'll tell you, the DOT has done a very
24 good job when it comes to starting to cite some of
25 them then, right there, that are running illegally

1 and at sporting events.

2 Some are -- and even on the border, they do
3 find that there's a lot of problems with companies
4 that are coming in from Canada, okay, that don't
5 meet the same specifications that we have.

6 So there are -- there are some issues, but,
7 vehicles that are in New York State, you know, we
8 are very strict, and we do have a very big process
9 on it.

10 SENATOR KENNEDY: And I appreciate that.

11 And, again, there are companies --

12 KEVIN BARWELL: There are.

13 SENATOR KENNEDY: -- that do the right thing,
14 and that put safety before profit, as you mentioned.

15 KEVIN BARWELL: Right.

16 DAVID BASTIAN: As the majority of companies
17 do.

18 SENATOR KENNEDY: But there are some that
19 don't, and that's what we need to identify.

20 We also need to make sure that, in the
21 instance of some these horrific crashes, that those
22 individuals that are riding are protected.

23 And so, you know, seatbelts, airbags, the
24 intrusion bars, can you talk about that, and the
25 potential for retrofitting these vehicles with

1 intrusion bars, as well as the speed governors as
2 well?

3 KEVIN BARWELL: Let me talk about the
4 seatbelts.

5 I did talk to -- when I was at the last show,
6 I kind of mentioned, you know, just -- you know, in
7 passing about, you know, the airbags with some of
8 the -- in -- in regard to the limousines.

9 And the problem with them is, is that they
10 have a hard time trying to figure out how to
11 retrofit it, because people don't sit forward. They
12 sit to the side, and the bars and everything are
13 behind them.

14 So, is the airbag going to go off in the back
15 of your head?

16 How are they going to have an airbag that
17 stops it when people aren't in a regular seat?

18 If -- when you're in a seat, you have an
19 airbag, it's in front of you.

20 Here, you have, you know, someone from here
21 to you, and we're just sitting back and forth.

22 The airbag can't be retrofitted unless -- you
23 know, I mean, there's no space to actually put it to
24 protect the person from where they are sitting and
25 where the stance is.

1 So that's why I think it's a little difficult
2 when it comes to airbags, and why they haven't
3 really addressed any of it in the manufacturing.

4 SENATOR KENNEDY: But, these days, there are
5 the type of airbags that could come down --

6 KEVIN BARWELL: Right.

7 SENATOR KENNEDY: -- and cloak the entire
8 side of the internal --

9 DAVID BASTIAN: But those are generally on
10 vehicles where it's forward-facing seats. So that
11 means the airbag would be to the side of you.

12 SENATOR KENNEDY: But protecting, also, those
13 are there to protect from a side swipe or a T-bone.

14 KEVIN BARWELL: Right.

15 And I guess, you know, again, looking at that
16 is the fact that most of those people will be
17 sitting, so their back to it. Okay? So the
18 seatbelt would come out here.

19 Or, if they're sitting in the -- if they're
20 sitting in the back -- in the back seat where the
21 bench seat is, there is -- there is no -- there is
22 no airbag that would pop down in front of them
23 because it would have to come out of the roof,
24 basically.

25 And I don't think, again, that they've

1 made -- they've made advancements in the development
2 of these -- you know, development of an airbag to be
3 able to retrofit it in here.

4 So I think -- I think it's, a lot of the
5 industry hasn't come up with a solution to actually
6 put it in so it -- an airbag doesn't hurt an
7 individual when they're in there.

8 I mean, airbag is great, but it could also
9 injure a person if it's not put in the correct
10 space, because if a person is sitting this way, and
11 they get in an accident, they're going to go to the
12 side, unless they hit this way, then they're -- so
13 it's -- it's not protecting them in all -- in all
14 areas.

15 So I think that's why the manufacturers just
16 aren't addressing it.

17 DAVID BASTIAN: I can tell you,
18 Senator Kennedy, like, for example, Ford Transits,
19 which are becoming popular in the industry, they
20 have -- they come standard with side airbags, and
21 they do come from the roof.

22 So like Kevin said, they would have to come
23 from a very, very high space.

24 And I don't know, you know, this is something
25 I think an engineer would have to determine if it's

1 possible or not.

2 SENATOR KENNEDY: And intrusion bars?

3 DAVID BASTIAN: Same thing. Engineers -- you
4 know --

5 DAVID BROWN: Well, the QVM vehicles do have
6 two intrusion bars along the side.

7 I was able to go to a remanufacturer,
8 Royal Limousine out of Everett, Mass, and see a cut
9 limousine, and see what they do to comply with
10 Ford's stringent regulations and rules.

11 So the QVM vehicles I know have the two
12 intrusion bars.

13 You know, we were talking about QVM.

14 They put in -- they're built on a heavier
15 chassis, with heavier brake system, heavier exhaust
16 system, so they're built for the extra weight, as
17 opposed to a non-QVM vehicle.

18 I'd like to say something about seatbelts,
19 real fast.

20 Coming from a guy who has 99.9 percent
21 seatbelts in all our vehicles, you know, it's one
22 thing to put the seatbelts in the vehicles.

23 It's another to make people use the
24 seatbelts.

25 We have everything from party buses to vans

1 to limousines, they do a night out, or they do a
2 trip to New York, those seatbelts are readily
3 accessible, but we can't make people put them on.

4 And that's the thing, they have to want to
5 put them on.

6 SENATOR KENNEDY: They also need the option
7 to put them on.

8 DAVID BROWN: I agree, 100 percent.

9 (Indiscernible cross-talking.)

10 SENATOR KENNEDY: (Indiscernible) do not have
11 option --

12 DAVID BROWN: I agree, 100 percent.

13 SENATOR KENNEDY: -- and that's what we're
14 discussing.

15 DAVID BROWN: Okay.

16 SENATOR KENNEDY: That's what we're getting
17 at.

18 I'm going to turn it over to my colleague
19 Jim Gaughran for questions.

20 SENATOR GAUGHRAN: Thank you, Mr. Chairman.

21 I heard a lot about bad apples, compliance,
22 need for better communication between, you know,
23 particularly DMV and DOT, and parts of DOT, and
24 I don't dispute that. I think that's important.

25 And we also heard, you know, some of that

1 from the families directly impacted by these
2 tragedies.

3 But as you know, as great a government as you
4 have, and as much money as you spend, you're not
5 going to find all the bad apples all the time, even
6 if you got the strictest regulations and laws and
7 you're always there.

8 One of the ways that we could address that is
9 with deterrents.

10 And one of the suggestions that came out from
11 one of the family members here today, was that
12 perhaps we should be looking towards increasing the
13 penalties when people are willfully violating the
14 laws, as it relates to limousine industry, and that
15 would include people involved in the inspections,
16 and I think it also would include people who are
17 involved in the limousine industry themselves,
18 whether it is the owner of the company, employees of
19 the company, or the drivers.

20 So what would be your thoughts on us
21 addressing this by looking towards increasing both
22 civil and criminal penalties when people are
23 willfully violating any of the statutes, and perhaps
24 other statutes we may put in place?

25 DAVID BROWN: All right, Senator, I'll field

1 that first.

2 The good guys, us, we have no problem with
3 that. We have no problem.

4 You have 99 percent of the good guys out
5 there, you can throw the book at us, but, if we're
6 doing things the right way to begin with, we don't
7 have a problem with that.

8 A lot of what came, pushed through in the
9 budget, we didn't have a problem with.

10 The increased penalties for the driver doing
11 the U-turn, the illegal inspection, we don't have a
12 problem with that.

13 I don't have a problem with that.

14 KEVIN BARWELL: No, and I think a lot of the
15 points you brought up, a lot of that was already
16 passed in the Governor's budget, a lot of those
17 extra fees and extra fines.

18 So, especially when it comes to, you know,
19 the inspection stage and illegally inspecting a
20 vehicle, you know, making it a felony for an owner
21 to operate, I think there's -- a lot of these have
22 already -- have already been passed.

23 And, you know, again, we -- you know,
24 you'll -- in my packet you'll see some of the things
25 we agree on, and disagree, and some of the

1 legislation that passed, and some of that hasn't --
2 you know, that didn't get back into the budget.

3 But, again, we have no problem with that.

4 I mean, that's --

5 (Indiscernible cross-talking)

6 SENATOR GAUGHRAN: I think it's --

7 KEVIN BARWELL: -- we're here to work with
8 you, not --

9 SENATOR GAUGHRAN: -- one of the things we
10 have to address.

11 On the issue of CDL licenses, you know, that
12 is something that it looks like we really have to
13 address as it relates to limousine drivers, period.
14 That there -- it doesn't cover all of them, got to
15 deal with some of the loopholes involved.

16 And, of course, as you know, then we can deal
17 with the issue of random drug testing, better
18 training for drivers, better background checks.

19 So is it correct to say that you would be
20 supportive of legislation that would require CDL
21 licenses for any for-hire limousine drivers?

22 KEVIN BARWELL: I would say for any drivers
23 for hire, not just limousines.

24 I mean, this should be extended to
25 ride-sharing.

1 This should be extended to taxis.

2 This should be extended to anybody that's
3 driving anybody, that is -- you know, is not your
4 relative, your friend, your cousin.

5 I mean, if you're driving them for hire, even
6 if it's complementary at a hotel, that hotel,
7 somewhere in the price, they're paying for that
8 vehicle.

9 So, you know, I believe that this is the
10 case.

11 Now, right now, mind you, that any vehicles
12 that are -- you know, that are presently stretched,
13 from 9 to 10 passenger, DOT requires that driver to
14 have a CDL license.

15 DAVID BROWN: So these long stretch
16 limousines that hold nine -- eight, nine people,
17 where do you have CDL in there?

18 The six-passenger limousine, for example, a
19 lot of funeral homes, they will use the
20 six-passenger limousines.

21 You -- in my company, you have to have a
22 livery license. That's to drive a sedan, an SUV or
23 a six-passenger limo.

24 Anything above that has to be a CDL.

25 SENATOR GAUGHRAN: Okay.

1 DAVID BROWN: Has to be a CDL.

2 SENATOR GAUGHRAN: Clearly, there are --
3 there's some loopholes that we have to fix here.

4 KEVIN BARWELL: Well, there is kind of a
5 vague loophole that is in here, that is, the
6 department of motor vehicle allows an individual to
7 drive up to a 14-passenger with a regular license,
8 or a livery license.

9 Okay?

10 But, if you are doing it for hire and you are
11 caught in a vehicle that is for hire, then that
12 is -- you have to have a CDL because it is now a
13 DOT'd vehicle.

14 Okay?

15 If you are caught driving that, and you don't
16 have a CDL, that is a punishable offense.

17 Okay?

18 So, right now -- and the DOT is doing a
19 pretty good job of going around, looking at the
20 vehicles, and say, hey, you know what? That vehicle
21 is over nine passenger, you have to have a CDL
22 license, and if you don't, you can't drive that.

23 And they will, at an event, if a driver is
24 driving a vehicle that is over 9 or 10 passengers,
25 and they pull -- they find that that driver doesn't

1 have that license, they will not be allowed to drive
2 it home, or whatever that vehicle is there, until
3 another driver can come.

4 So those things are already in place.

5 But, the DMV, because the DMV allows
6 individuals, such as ourselves, to -- to drive --
7 like, you to go and rent a vehicle, and rent a
8 14-passenger, you can drive that.

9 Unfortunately, I think one of the things is,
10 is many of the car-rental companies have decreased
11 renting those size vehicles. They're now renting
12 only the eight-passenger vans because they were
13 having issues with that as well, with tickets.
14 Tickets are getting -- vehicles were getting
15 ticketed, people.

16 So I think we -- it solved, but there is some
17 gray water in there that needs to probably be a
18 little bit adjusted, just so that we understand
19 that.

20 SENATOR GAUGHRAN: Well, another suggestion
21 that came from some of the family members was,
22 perhaps, a truth in disclosure, when you actually --
23 when the limousine arrives to pick up passengers.

24 That maybe we should look in terms of some
25 legislation that would require limousine companies

1 to disclose and show vehicle inspection, the driver,
2 and perhaps whatever else we think is necessary.

3 You know, quite frankly, when I was a
4 chaperone for my son's fifth-grade trip to
5 Philadelphia, which is a little while ago,
6 I remember we had a whole bunch of buses ready to
7 leave.

8 And one of the buses, which happened to be
9 the one I was going on, couldn't leave, and we were
10 two hours delayed, because the transportation
11 officials for the school district looked at the
12 documentation that was delivered with the bus, and
13 said, no, we have an issue here.

14 And I never even found out what the safety
15 issue was.

16 So suppose we required the same for all
17 limousine activities?

18 DAVID BROWN: Okay, well, again, every --
19 yes, if you want to shore it up like that.

20 Before you get a job at Premier, what you
21 have to do is, we do a DMV check, so we check out
22 your record. You submit to a drug test and a
23 criminal background check.

24 And if you were to say, hey, this is what we
25 need out of every one of your drivers, we wouldn't

1 have a problem with that.

2 Again --

3 SENATOR GAUGHRAN: But to be disclosed to the
4 consumer who rents the vehicle.

5 KEVIN BARWELL: Well, when it comes to the
6 licenses, I mean, right now, when it comes to the
7 vehicles, you know, the New York State DOT already
8 has available for anybody to go look on -- at an
9 individual or company's compliancy rate, to see
10 what --

11 SENATOR GAUGHRAN: Right, but what I'm
12 saying, when the vehicle shows up, a one-sheet
13 paper, that perhaps we put into statute, that would,
14 you know, disclose all this information so that
15 somebody would know, hey, there may be an issue
16 here.

17 DAVID BROWN: Again, to jump into something
18 like that, again, the baby-step thing, let's get
19 everybody compliant as far as criminal background
20 checks, drug testing, and a DMV check.

21 If we get all that lined up, then we can go
22 the next step further.

23 But you have companies that don't do the drug
24 testing now, they don't do the criminal background
25 check, and nobody knows what their driving record

1 is.

2 SENATOR GAUGHRAN: I think, well, this way,
3 I think would help address that.

4 KEVIN BARWELL: And one of the things, too,
5 is when the vehicle does come there, the people can
6 go in front.

7 If it's a DOT vehicle, they'll see the
8 "diamond" sticker/the inspection sticker, which
9 would show that the vehicle has been inspected and
10 is clearly able to operate.

11 You know, when it comes to -- and the only
12 person that can operate that is a driver that has
13 one of these.

14 But if a company goes against that, you know,
15 again, that -- that -- you -- they shouldn't.

16 But, I mean, there's -- I don't think there's
17 a problem with that.

18 SENATOR GAUGHRAN: I'm just talking about a
19 simple truth-in --

20 KEVIN BARWELL: No, no, I don't think there's
21 a problem with that.

22 SENATOR GAUGHRAN: -- -consumer law.

23 And commercial GPS, do you require it?

24 Should we require it by laws?

25 Because I think it's a tool that limo

1 companies could use, to see whether or not somebody
2 was speeding, or going in the wrong direction.

3 DAVID BROWN: Okay, every driver that goes
4 out with us, from a sedan to a bus, takes an iPad
5 with him.

6 He checks on it, he's on location.

7 It monitors everything.

8 For me to shift that to my limousines
9 wouldn't be a big deal. I already have that.

10 Again, you're talking about, you know, a lot
11 of mom-and-pops out there who this is way beyond
12 them, that they don't have any of this technology.

13 I don't have the problem with it.

14 But, again, I speak for myself, and some of
15 the other --

16 KEVIN BARWELL: Every one of our vehicles has
17 GPS in it.

18 So, I mean, we have GPS.

19 We have cameras in our vehicles. We make
20 sure that, you know, if anything is happening in it,
21 you'll see in the cameras.

22 We -- you know, and a lot of these, I mean,
23 the cost for us wasn't -- wasn't that -- wasn't that
24 exorbitant.

25 And, again, it's all about safety.

1 You know -- I mean, I -- I'd -- I'd rather,
2 you know, have a vehicle sit, and call the customer
3 and say, you know, "Unfortunately, we can't do the
4 job because there's an issue with the vehicle," than
5 to send out an vehicle that has an issue.

6 You know -- I mean, obviously, we would work
7 very hard to find, you know, a replacement, or work
8 a way of finding something that's safe for them.

9 But --

10 SENATOR GAUGHRAN: And, finally, Mr. Barwell,
11 I just have to go back to your testimony at the
12 budget hearing, where you said that the accidents
13 really had nothing to do with how the vehicles were
14 remanufactured.

15 And, you know, grand jury report that was
16 conducted in Suffolk County, as it related to the
17 Cutchogue incident, would dispute those comments.

18 Would you like to further elaborate on that?

19 KEVIN BARWELL: Well, at the time we were
20 specifically talking about the Schoharie accident.

21 We weren't talking about the one in
22 Long Island.

23 So, at that point, that was what we were
24 referring to.

25 And, again, you know, without having the full

1 reports of the accident, we couldn't give an exact
2 testimony.

3 But we -- we were -- the point we are getting
4 at is that, again, this accident could have been
5 prevented.

6 These operator -- this operator should have
7 never had this vehicle on the road.

8 And getting -- putting a stop-hold in the
9 state system so that this person can't even get
10 plates, can't even get to that point, is -- is the
11 first solution, because then that stops him from
12 even being able to get on the road.

13 If the vehicle is driving around town without
14 plates, you know, unless they took plates from
15 somebody else, you know, that starts the solution.

16 SENATOR GAUGHRAN: The Chairman has agreed
17 that the grand jury testimony from that horrific
18 tragedy is included as part of this record.

19 So, if you haven't had a chance, I suggest
20 you might want to look at it, because it has some
21 details that would argue that that was one of the
22 big problems.

23 But I thank you, Mr. Chairman.

24 Unfortunately, I have to apologize.

25 I have constituents and business in the

1 district, that I'm actually late for, but I thought
2 this was important.

3 My staff is going to continue to be here, and
4 I will review the rest of the testimony that is
5 obviously being taped.

6 So -- and I thank, you know, everybody for
7 being here, especially the families, and my
8 colleagues.

9 SENATOR KENNEDY: Thank you,
10 Senator Gaughran.

11 Senator Tedisco.

12 SENATOR TEDISCO: Thank you for your
13 testimony and information, and some -- what
14 I thought was some pretty good suggestions.

15 I'd just like to clarify something, because
16 I'm just a little bit confused as we went down the
17 rows here.

18 David --

19 DAVID BROWN: Yes.

20 SENATOR TEDISCO: -- initially what I heard
21 from you is, you've got -- there's enough
22 regulations. You're over-regulated. We don't need
23 any more regulations.

24 DAVID BROWN: Yes.

25 SENATOR TEDISCO: Then when I went to David

1 and Kevin, you had more regulations you were
2 suggesting.

3 You're not necessarily opposed to
4 regulations, because you suggested several new
5 regulations as I listened to both of you.

6 Good suggestions.

7 KEVIN BARWELL: Well, we're suggesting some
8 changes or clarifications to some of the regulations
9 that are already presently -- that were passed
10 within the budget.

11 And, also, we -- you know, we oppose some of
12 the items that happened.

13 But we are -- when it comes to regulation,
14 some of the things we're talking about is what the
15 State, you know, has to deal with when it comes to
16 communication.

17 And that's not on our --

18 SENATOR TEDISCO: And just let me interject,
19 when you say "communication," you mean compliance by
20 the State doing their job?

21 KEVIN BARWELL: Well, you know, the one
22 thing -- we've all got to remember, there's one
23 thing -- yeah, basically, the State do the job.

24 One thing that connects a vehicle, that would
25 connect it from DOT, DMV, to the police, is the VIN

1 number.

2 We keep talking about plates, and moving
3 plates, and this with plates, plates, plates.

4 But if we attach a VIN number to the vehicle,
5 that's the identification that's stamped on that
6 vehicle.

7 So if that VIN number says it's supposed to
8 be a DOT vehicle, and DMV pulls it up, now they know
9 that that vehicle is required to be a DOT vehicle.

10 If it's driving down the road and an officer
11 pulls it over, and says, hey, you know what? You're
12 supposed to have a DOT inspection because this VIN
13 number says that.

14 They may have changed the plates, they may
15 have gotten a different set of plates, but now that
16 VIN number is -- what will verify.

17 DAVID BROWN: That VIN number on the original
18 owner Schoharie accident, the prior owner of that
19 SUV had it registered as a bus connected to the VIN
20 number.

21 Then it goes to the next person, and now
22 it's -- under that VIN number, now it's registered
23 as a livery vehicle.

24 It should have never have happened.

25 DAVID BASTIAN: There should have been red

1 flags in the DMV system to prevent that from
2 happening.

3 SENATOR TEDISCO: Would you saying you're
4 regulated enough, but, in this case, this company
5 wasn't regulated enough?

6 DAVID BASTIAN: Yeah -- yes, Senator.

7 SENATOR TEDISCO: Overseeing, compliance?

8 DAVID BASTIAN: That's exactly --

9 KEVIN BARWELL: Well, this company didn't
10 follow the regulation. They skirted around it.

11 DAVID BROWN: He didn't follow it, and nobody
12 else followed up on him.

13 SENATOR TEDISCO: And here's the question
14 about that, and you may not be able to answer this,
15 but you may have some feeling about this:

16 Is this a lack of due diligence by our state
17 agencies and the workers and the inspectors, or is
18 it a lack of staffing, that they can't follow
19 through on the regulations?

20 DAVID BROWN: I think it was more technical
21 and staffing, that they didn't follow up.

22 I don't think it was incompetence.

23 I don't think it was ignoring the laws.

24 I think that there was just no
25 follow-through.

1 And that's what we have to do.

2 We have to have this follow-through, or else
3 we're going to have another tragedy like this
4 because there's another bad apple out there.

5 KEVIN BARWELL: I mean, I would -- you can
6 lean towards incompetence a little bit, but, you
7 know, when the vehicle is pulled over for inspection
8 three times, and each time it says, doesn't have
9 New York State DOT authority, at what point does
10 someone not do their job?

11 You know what I mean?

12 At that point, you know, I mean, three times.

13 I mean, I think, when you pull over the
14 vehicle, you're going to see that that vehicle has
15 been cited, you know, two other times.

16 If the system is not showing it, then that
17 system has a problem.

18 We definitely need to make sure.

19 I mean, if that -- if that vehicle was pulled
20 over in March, and they realized it had no U.S. DOT,
21 they had the authority to pull the plates right
22 then, then a bunch of families wouldn't be sitting
23 behind me right now.

24 SENATOR TEDISCO: Yeah, so my colleague
25 suggested civil and criminal penalties for those who

1 are driving.

2 If the State of New York is not in
3 compliance, I don't know, are there any penalties
4 for those individuals or for the State?

5 We've got trial lawyers here. Maybe they
6 have a suggestion about that, I don't know,
7 opportunity.

8 KEVIN BARWELL: They may.

9 But, I mean again, the fees and the fines are
10 great, but usually that happens after the incident
11 happens.

12 We've got to stop it before the incident
13 happens.

14 You know, there's -- again, I have been in
15 this business for 30 years, and we call them "gypsy
16 operators", because they go around, they wouldn't
17 have correct insurance, they'd run with personal
18 plates. They'd -- you know, they'd -- I had some
19 that were making their own cars, things like this.

20 I mean, it was -- you know, and for years,
21 years, we've have gone to, you know, law enforcement
22 and DOT to try and get these vehicles and these
23 operators off the road.

24 And, you know, we'd -- we'd say -- they'd say
25 they do something, and the operator is still on

1 there, you know.

2 The same reason, why an operator for
3 two years in a row would have a -- you know, a
4 60 percent failure rating should still be allowed to
5 operate, you know, without getting their stuff
6 together.

7 After two years, I mean, they obviously
8 didn't get the message.

9 SENATOR TEDISCO: One more question.

10 You talked about seatbelts, and the fact that
11 you can't make people wear seatbelts.

12 What if we passed a law requiring, before any
13 driver starts that limousine, presses on the pedal
14 to drive, he instructs to everybody that gets in
15 there: This vehicle doesn't move until you put your
16 seatbelt on and lock it in?

17 Not that he has to turn his head and say, I'm
18 stopping it.

19 I wouldn't give the obligation even if
20 somebody takes their seatbelt off.

21 But if we start them off with a requirement
22 and a mandate that the vehicle doesn't move until
23 you have your seatbelt on, you've got a better
24 chance of keeping people in their seatbelts.

25 What would be wrong with that requirement?

1 KEVIN BARWELL: Again, I don't see any
2 problem with it.

3 I mean, you know, if it's what would be
4 required, then we would follow it.

5 Again, it's people, you know, in New York
6 State, and especially in Erie County, they passed a
7 law that says no smoking in the vehicles. But yet
8 I still have people trying to smoke cigarettes in
9 the back of the vehicles.

10 You know, there's going to be people that are
11 just going to say, well, you know what? I don't
12 care. I'll just -- you know, I'm not going to do
13 what you say. I'm in the vehicle, and this is what
14 I'm doing.

15 SENATOR TEDISCO: Yeah, we got that point.

16 My point is, if you make them lock it in,
17 first of all, some will, but some won't.

18 DAVID BROWN: It's a step in the right
19 direction.

20 KEVIN BARWELL: Yeah.

21 SENATOR TEDISCO: Thank you.

22 OFF-CAMERA SPEAKER: It's changing the
23 culture. It's trying to educate people (inaudible).

24 SENATOR TEDISCO: Thank you.

25 SENATOR KENNEDY: Thank you, Senator Tedisco.

1 And we look forward to our continued work
2 together.

3 We thank you for your testimony, for
4 answering the questions, and appreciate you being
5 here with us today.

6 DAVID BROWN: Thank you, Senator.

7 DAVID BASTIAN: Thank you.

8 KEVIN BARWELL: Thank you, Senator.

9 SENATOR KENNEDY: Next we are going to hear
10 from Dave Oddo, the president of the New York State
11 Trial Lawyers.

12 Good afternoon.

13 DAVID ODDO: Good afternoon.

14 And thank you, Senator -- Chairman Kennedy,
15 for allowing me testify today at this hearing, very
16 important hearing.

17 And I would also like to thank the members of
18 the Committee who are also here today, to address
19 this very, very crucial public-safety issue.

20 Senator Tedisco, Senator Gaughran, and
21 Senator Kennedy, I've watched hours of this hearing
22 today, and I am quite impressed with your
23 determination, the serious -- the seriousness with
24 which you have approached this, and for that
25 I commend and thank you.

1 My name is David Oddo, and I am the president
2 of the New York State Trial Lawyers Association,
3 which is made up of thousands of lawyers/attorneys
4 and legal professionals practicing statewide, from
5 Buffalo, Suffolk County, and everywhere in between.

6 And we represent New Yorkers who have been
7 injured as a result of the negligence of someone
8 else, and we are committed to holding these
9 wrongdoers accountable for the harm that they cause.

10 NYSTLA has submitted written testimony to
11 this Committee, and we appreciate that you have
12 allowed us to enter that into the record for
13 purposes of this hearing; however, I will attempt to
14 just summarize that for you, if I may.

15 SENATOR KENNEDY: Of course.

16 DAVID ODDO: Unfortunately, two tragic
17 incidents that we have heard so much about today
18 from these very courageous families who sit behind
19 me, one occurring in Long Island in 2015, and one in
20 Schoharie County in 2018, has brought to -- this
21 issue to the forefront and reinforced its urgency.

22 NYSTLA has strongly supported legislation to
23 improve safety requirements and modernize insurance
24 requirements for limousines for the past several
25 sessions.

1 And we are grateful for the changes made in
2 this year's budget process.

3 Obviously, limousines and large livery
4 vehicles typically transport significantly more
5 occupants than other vehicles and, therefore, can
6 cause and result in significantly more harm for
7 passengers when accidents do occur.

8 Increasing the minimum primary insurance
9 requirement for limousines is the only logical, and
10 it's in the best interests of the public, not just
11 to those riding in these vehicles.

12 Unfortunately, as we saw in the Schoharie
13 crash, even bystanders can be impacted.

14 The enacted budget included a requirement
15 that for-hire vehicles that can seat eight or more
16 passengers be required to carry a combined single
17 minimum requirement of \$1.5 million for bodily
18 injury or death for one or more persons and property
19 damage, as well as 1.5 million in supplemental
20 uninsured/underinsured motorist coverage for
21 stretched limousines, to protect passengers in the
22 vehicle, if an accident occurs with another car that
23 has no coverage or not enough coverage.

24 While there is more to be done, I want to
25 take a moment to thank Senator Kennedy and

1 Senator Breslin who were instrumental in advocating
2 for this change on the Senate side.

3 The former insurance limits for these
4 vehicles were woefully inadequate, and NYSTLA
5 applauds New York policymakers for modernizing these
6 requirements.

7 Prior to the budget enacted on April 1st,
8 New York State required coverage of only \$120,000
9 for two or more injuries, and just \$150,000 for two
10 or more deaths, in for-hire vehicles with a capacity
11 of 13 to 20 passengers.

12 But these minimums were grossly insufficient
13 to provide protection to people who have been
14 injured in an accident, and have medical bills, lost
15 wages, and unexpected expenses.

16 For decades, federal law has required
17 \$1.5 million in coverage, per occurrence, for
18 limousines that can seat up to 14 passengers, and
19 5 million in coverage for vehicles that can seat
20 15 passengers or more.

21 At least 14 other states require large
22 for-hire vehicles to carry \$1.5 million in insurance
23 coverage.

24 Those states are enumerated in the written
25 testimony.

1 Many other states have significantly higher
2 insurance requirements than New York for these type
3 of vehicles.

4 In New York City, the taxi and limousine
5 commission has required much higher limits for
6 operation in New York City than the State has
7 required elsewhere in the state.

8 For vehicles that seat fewer than
9 nine passengers, New York City requires the \$100,000
10 in coverage for bodily injury and death, and
11 300,000, per occurrence, with 200,000 in no-fault
12 coverage.

13 In vehicles that can seat 9 to 15 passengers,
14 it requires \$1.5 million in coverage;

15 And for vehicles that can seat 16 to
16 20 passengers, it requires 5 million in coverage.

17 There is no rational reason that insurance
18 requirements imposed by state law should be less
19 than those requirements that are imposed elsewhere
20 in the state.

21 Should someone crossing state lines have more
22 protection than someone staying within the borders
23 of New York State?

24 We are grateful that the Legislature agreed
25 with us that the answer is a resounding "no."

1 NYSTLA has also supported related safety
2 measures proposed by the Governor in the budget,
3 including the prohibition on U-turns, which was a
4 primary recommendation of the Suffolk County Special
5 Grand Jury report issued in September of 2016 after
6 the 2015 Cutchogue crash.

7 The Legislature accepted this proposal, and
8 also enhanced penalties for illegal operation of
9 vehicles that are not safe, which is a crucial first
10 step in preventing a tragedy like these from
11 occurring again.

12 The insurance modernization in the budget
13 again illustrates the Legislature's recognition that
14 adequate insurance minimums protect all New Yorkers
15 when unforeseen accidents occur.

16 The 2017 budget enacted ride-share
17 legislation, to allow Uber and Lyft to operate
18 outside of New York City.

19 The bill provided for a more rational and
20 modern level of primary insurance coverage.

21 It provided for \$75,000 coverage for the
22 period when the drivers logged onto the ride-share
23 application, seeking a customer.

24 Coverage of \$1.25 million is required when a
25 customer is in the vehicle or when the vehicle is

1 traveling to pick up the customer, as well as
2 1.25 million in supplemental uninsured motorist
3 coverage during this time period.

4 The victims represented by NYSTLA attorneys
5 are grateful that this insurance coverage is
6 available when they are victims of negligence.

7 NYSTLA asks the Committee and the Legislature
8 to consider modernizing insurance requirements
9 across the board for rental and leased vehicles, and
10 all vehicles, that are driving on New York roads, to
11 help prevent the financial ruin that victims who are
12 injured when someone else doesn't have enough
13 insurance coverage to cover those expenses.

14 We support efforts to promote public safety
15 by requiring CDL licenses of limousine drivers, to
16 protect both passengers in the vehicle and
17 passengers of other vehicles.

18 In closing:

19 NYSTLA thanks the Legislature for protecting
20 New Yorkers in the budget, and we appreciate the
21 continued attention of the Senate Transportation
22 Committee on this very important public safety
23 issue.

24 Thank you for your time.

25 SENATOR KENNEDY: Thank you very much,

1 Mr. Oddo.

2 We don't have questions.

3 We certainly appreciate the time that you've
4 taken to testify, and to be with us here today
5 during this public hearing.

6 And we will certainly take your testimony
7 into consideration.

8 DAVID ODDO: Thank you very much.

9 SENATOR KENNEDY: Thank you.

10 Next we are going to hear from Ron Epstein,
11 who is the executive deputy commissioner at the
12 department of transportation.

13 We will take a five-minute recess for anybody
14 that may need to use the restrooms.

15 (The hearing stands in recess.)

16 (The hearing resumes.)

17 SENATOR KENNEDY: Okay, we will get started
18 in about one minute, please.

19 If you could just finish up whatever
20 conversations you may have, and find your seats, and
21 we will continue.

22 Okay, ladies and gentlemen, we are going to
23 continue with testimony.

24 I want to thank everyone once again for being
25 here with us.

1 We are coming on our fourth hour, and
2 certainly appreciate the tremendous testimony that
3 we have gotten thus far from family members, from
4 industry leaders alike.

5 We are now joined by Ron Epstein, the
6 executive deputy commissioner at the state
7 department of transportation.

8 Thank you so much for being with us here
9 today, and the floor is yours.

10 RON EPSTEIN: Thank you, sir.

11 Good afternoon, Senator Kennedy,
12 Senator Tedisco, and members of the Transportation
13 Committee.

14 My name is the Ron Epstein. I'm the
15 executive department commissioner of the New York
16 State Department of Transportation.

17 I want to thank you for the invitation to
18 appear before this Committee today.

19 I want to start out by saying, there are no
20 words that can express the pain and suffering that
21 the families have experienced by this, you know,
22 horrific crash.

23 Each and every one of the victims, and their
24 families, their friends, are in our thoughts and
25 prayers, and we wish to pass that along.

1 I also hope you will understand that this
2 crash remains the subject of an ongoing criminal
3 prosecution; and, therefore, I think you realize it
4 would be inappropriate for me to comment on any
5 specific aspect of investigation, or anything
6 related to it, so as not to influence that case in
7 any way.

8 I also would like to take this opportunity to
9 thank the Governor for introducing in January, very
10 comprehensive and aggressive legislation, intended
11 to specifically hold those accountable who knowingly
12 and intentionally violate the law.

13 The state Legislature, in March, early April,
14 basically, enacted large portions of that bill.

15 There's still some provisions that we are
16 looking forward to working with you on.

17 Some of the highlights of that bill included:

18 Creating new criminal penalties; penalties
19 including new Class E felonies for those who are
20 operating a DOT-regulated for-hire vehicle in a
21 manner that causes the death of another person.

22 We were very successful in heightening the
23 civil penalties, including higher fines, for
24 operating a regulated for-hire vehicle in the state
25 New York without the appropriate operating authority

1 or in violation of the state safety regulations.

2 We were successful in getting new criminal
3 penalties for those who tamper with a federal safety
4 sticker.

5 Significantly increased the minimum insurance
6 requirements for stretch limos, in particularly, but
7 other commercial vehicles as well.

8 We were able to allow for the State to
9 suspend a licensed DMV inspection facility that
10 improperly inspects a vehicle that is subject to a
11 state comprehensive inspection.

12 We were able to ensure that limousines,
13 specifically, with 10 or more persons, may no longer
14 make a U-turn on any public highway in the state of
15 New York.

16 In addition to that, we have been working to
17 implement other provisions, which include making
18 more visible and publically-accessible, information
19 on the driver, ensuring that the driver has the
20 appropriate credentials, and that that information
21 is posted in the vehicle.

22 The same is true of the inspection
23 information pertaining to that vehicle.

24 There will be, displayed in the vehicle, and
25 at the place of business, the history of that

1 vehicle, and how many times it's been inspected, how
2 many times it has not passed our inspection, and
3 what that rate is, and the reason for that
4 particular inspection failure.

5 We are working to update and modernize our
6 website so it's easier for customers, consumers, to
7 see the reliability and the compliance of specific
8 service providers.

9 While we have that information on our website
10 today, it certainly could be much more searchable
11 and, certainly, more prominent, and that will be
12 coming very, very shortly.

13 So we are taking significant steps, both
14 criminally, civilly, administratively, to ensure
15 that the public has the information that it needs to
16 know about the driver, their credentialing, the
17 owner of the vehicle, and that vehicle's history,
18 and why that vehicle may or may not have had an
19 issue with the state's comprehensive inspection
20 program, and making these all in a format that
21 people can access and understand very quickly, so
22 that they can make a decision, make a choice, about
23 whether or not they want to do business with a
24 particular firm.

25 I know that there are other items that people

1 would like to see implemented as a result of, you
2 know, this horrific crash.

3 And I want you to know that I'm personally
4 committed to working with you and this Committee to
5 adopt the balance of the Governor's packet that he
6 introduced to provide these protections to
7 passengers, the consumers, who use these vehicles,
8 including new seatbelt requirements, including, you
9 know, stiffer civil and criminal penalties for those
10 who intentionally evade the regulation of the state
11 of New York.

12 So, with that, Mr. Chairman, I want to thank
13 you for the opportunity to speak with you today.

14 And please be assured that we're doing
15 everything within our power to ensure that nothing
16 like this ever happens again.

17 SENATOR KENNEDY: Thank you,
18 Deputy Commissioner.

19 Thank you for your testimony.

20 And thank you for your leadership within the
21 department of transportation in our communities
22 across the state.

23 I also want to recognize Governor Cuomo, as
24 you did, for advancing, in his executive budget,
25 many of the safety measures that we ultimately put

1 forward, and became law within the budget process.

2 We look forward to continuing to work with
3 you to continue to move the bar forward.

4 RON EPSTEIN: Yes.

5 SENATOR KENNEDY: And as we heard today from
6 so many different family members, there's a lot of
7 work to do.

8 And the main goal of today's public hearing
9 was to hear from the public, and those family
10 members who were so devastated by their losses in
11 the crashes that were preventable.

12 One issue that has continually come up is the
13 issue of seatbelts.

14 The Governor proposed it.

15 It did not make it into the final budget.

16 This is something that we want to hone in on
17 over the course of the next few weeks as we are
18 putting forward legislation that we will enact by
19 the end of June.

20 Can you talk regarding the initiative that
21 the Governor had proposed, and your thoughts
22 regarding seatbelts, as well as the retroactive
23 nature of such, and how that could be implemented
24 and ultimately enforced?

25 RON EPSTEIN: So I think you're aware that

1 the Governor put forth a comprehensive package,
2 which included removing the exemption for seatbelts
3 in certain types of vehicles, including buses,
4 taxis, livery vehicles, and the like.

5 So, yes, we would support removing those
6 current exceptions in vehicle traffic law, and we're
7 committed to working with you and the industry in
8 terms of how that would get implemented.

9 SENATOR KENNEDY: Thank you.

10 Can you speak to the DOT work, and the
11 communication with other departments, be it the DMV,
12 and other departments dealing with the movement of
13 vehicles throughout the state, as well as the
14 different agencies that are involved in
15 transportation?

16 And, then, how we might be able to strengthen
17 the communication between the agencies and the
18 industry.

19 One thing that was brought up earlier from
20 the industry leaders was the communication aspect,
21 that we need to do a better job.

22 And I think everyone agrees in that regard.

23 It all comes down to how that communication
24 is ultimately implemented.

25 Can you just speak to that?

1 RON EPSTEIN: So, again, I don't want to say
2 anything that could compromise the ongoing criminal
3 prosecution.

4 What I will say is, that I do believe the
5 agencies have a fair amount of communication related
6 to the safety of buses, trucks, limousines, other
7 regulated vehicles.

8 The issue that I think we need to figure out
9 how to address is, those who go out of their way to
10 evade the authority of the State of New York.

11 SENATOR KENNEDY: Could you repeat that last
12 point, please?

13 RON EPSTEIN: Oh, I guess the issue we need
14 to figure out how to address, is those who
15 intentionally go out of their way to evade the
16 authority of the State of New York.

17 SENATOR KENNEDY: Right, and I think that's
18 ultimately what my question was getting to: How do
19 we get these vehicles off the road?

20 The vehicle, as you're well aware, in
21 Schoharie was identified as a vehicle that should be
22 off the road on a number of occasions, by your
23 department doing its job, and doing it effectively.

24 It's a matter of, what are the next steps?

25 How do we communicate that to different

1 agencies, and ultimately enforce that?

2 How do we ultimately get those vehicles off
3 the road?

4 Impounding them, putting a boot on them, and
5 these are things that I think it's incumbent upon us
6 to take into consideration as we're advancing
7 legislation.

8 Can you speak to that at all?

9 RON EPSTEIN: So what I will say is -- and,
10 again, I'm not trying to deflect.

11 What I will say is that, the State of
12 New York took the action that it had available to it
13 in the current law at the time, and I think we took
14 the appropriate actions that we had.

15 What I would say is that, the owner of this
16 vehicle went out of their way to -- you know, and
17 I hope I'm not saying anything that is
18 compromising -- that, basically, went around the
19 law.

20 And so, you know, I don't know how to take
21 somebody's personal property prior to the enactment
22 of these new protections, but what I can say is that
23 it really requires communication amongst all
24 parties.

25 And, in this case, we had somebody who went

1 out of their way to operate a vehicle when they were
2 publically warned, they were not allowed to operate
3 that vehicle under the law.

4 SENATOR KENNEDY: The industry leaders
5 referred to those bad actors as "gypsy businesses."

6 I think everybody understands that there are
7 people that are going to break the law.

8 We have an obligation to ensure that we hold
9 those individuals accountable, those companies
10 accountable.

11 We have an opportunity here to be proactive.

12 And the families have really driven a message
13 of safety.

14 How do we make these vehicles safer?

15 Things that were brought up, and there were
16 many other issues that were brought up, but I'll
17 talk about some of the issues that continued to be
18 brought up through the course of the conversation,
19 involved, as I already mentioned, you already
20 articulated, seatbelts.

21 Airbags;

22 Escape hatches;

23 Crash testing;

24 Intrusion bars;

25 These are all pieces of safety equipment that

1 could be incorporated into these vehicles.

2 Do you sense any preemptive issues with these
3 from the federal law, as it pertains to what we
4 would like to move forward with here in New York
5 State?

6 RON EPSTEIN: So, certainly, I don't see any
7 issues on the seatbelts.

8 And, not being an engineer, I can't speak to,
9 you know, the other protections that you just
10 referenced, and how that may or may not help.

11 But what I can say is that, you know, I think
12 probably the strongest message that we can send, and
13 I'm going use the term, you phrased the,
14 quote/unquote, gypsy operator, the State of New York
15 needs to continue to have the strict criminal and
16 civil penalties to make sure that they no longer can
17 do what they're doing.

18 We need to make it so that, you know,
19 basically, they are financially unable to operate
20 any type of service.

21 And so I think we need to work with you to
22 continue to strengthen, build upon the aggressive
23 actions that were taken in this budget, to add
24 additional civil penalties and criminal penalties
25 for operators and drivers that knowingly break the

1 law.

2 I will leave the engineering, in terms of
3 airbags and intrusion bars, to those who better
4 understand them.

5 SENATOR KENNEDY: Thank you.

6 Can you give us a sense of your thoughts on
7 these background checks, CDLs, and further
8 licensing regulations for limo drivers?

9 RON EPSTEIN: So I wish I could, and I'm not,
10 you know, saying, you know, I can't because I don't
11 want to.

12 That is under the purview of the department
13 of motor vehicles, and I do not necessarily have the
14 information on how that currently works, and, also,
15 in terms of how that could be enhanced.

16 SENATOR KENNEDY: Okay.

17 Thank you.

18 With that, we will complete your testimony.

19 I certainly appreciate you being here.

20 RON EPSTEIN: Thank you, sir.

21 SENATOR KENNEDY: And we will be putting
22 forward a package of bills.

23 We look forward to working with your
24 department, to communicate these bills, to enact
25 them, and to work with us in making the roads safer.

1 RON EPSTEIN: And we look forward to working
2 with you and the Committee to strengthen the
3 protections for the consumers.

4 SENATOR KENNEDY: Thank you very much.

5 RON EPSTEIN: Thank you.

6 SENATOR KENNEDY: Next we are going to
7 hear from Camilla Morris, the president of the
8 Bus Association of New York.

9 Good afternoon.

10 Thank you for joining us.

11 CAMILLA MORRIS: Good afternoon,
12 Senator Kennedy.

13 Thank you for the opportunity to speak to the
14 Senate Transportation Committee on this very
15 important topic.

16 I am Camilla Morris. I'm the manager of the
17 Hale Transportation Oneonta Division, located in
18 Oneonta, New York.

19 I have been employed in the bus industry for
20 30 years, and I serve as the president of the Bus
21 Association of New York, as well as a member of the
22 board of the American Bus Association.

23 The Bus Association of New York represents
24 the bus industry within the New York State, and the
25 American Bus Association represents our industry at

1 the national level.

2 While this hearing is focused on limousine
3 and bus safety, my comments will pertain only to the
4 bus industry.

5 We are a separate and distinct industry, and
6 while some limousine companies have started to add
7 motor coaches to their fleet of vehicles, a very few
8 motor coach companies are in the limousine.

9 Traveling by bus is one of the safest forms
10 of transportation today.

11 According to American Bus Association's most
12 recent data, there are 605 million bus passenger
13 trips with 1.5 billion miles traveled, and the
14 direct economic impact of motor coach travel on
15 tourism is about \$89 billion.

16 It is important to note that we are also one
17 of the most regulated industries in the country.

18 Not only are we regulated by the federal
19 government, but also at the state level as well as.

20 It is a well-known fact that New York State
21 has the highest and most ridged standards for buses
22 in operations in the country, managed by the
23 New York State Department of Transportation in
24 conjunction with the New York State Department of
25 Motor Vehicles, as well as law enforcement.

1 BANY has worked in conjunction with New York
2 State DOT in a variety of different ways.

3 The agency holds partner meetings that we
4 attend, and they are always invited to our annual
5 meeting to give us updates on pertinent issues.

6 We support their issues -- we support their
7 efforts to keep the industry safe, reliable, and
8 legal.

9 At the federal level, the industry is
10 regulated primarily by the Federal Motor Carrier
11 Safety Administration (the FMCSA), which is part of
12 the United States Department of Transportation.

13 FMCSA is responsible for not only buses, but
14 also for trucks.

15 Without going into depth, here are a few of
16 the regulations and legislative actions that are
17 mandated:

18 An FMCSA audit for compliance;

19 A satisfactory/unsatisfactory rating after
20 the audit;

21 A minimum level of insurance coverage;

22 A CSA score determining the safety fitness of
23 a company;

24 Roadside inspections;

25 On- and off-duty time for driving;

1 Driver medical exams, as well as random drug
2 and alcohol testing;

3 And electronic logging devices.

4 I'd like to take a moment to review some of
5 the New York State Department of Transportation's
6 specific legislative and regulatory requirements
7 that must be met by bus companies as well.

8 As previously mentioned, the stringent
9 requirements exceed any other state in the country.

10 Requirements in New York State that you may
11 not be familiar with:

12 Every bus in New York State is subject on a
13 mandatory inspection every six months.

14 There are many states that require no annual
15 inspection, or that require a self-certification.

16 If a bus company falls below a certain
17 percentage in pass/fail rating, it then begins an
18 even more rigorous inspection protocol to improve
19 the pass/fail rate. They can also constitute a fine
20 in some cases.

21 If a bus fails inspection, it must be
22 reinspected, and if that reinspection does not occur
23 before the 15th day after inspection was due,
24 plates must be surrendered to the department of
25 motor vehicle.

1 Bus inspections must be done at an improved
2 New York State DOT site.

3 Companies are audited by the motor carrier
4 investigator once a year to ensure that they are in
5 compliance.

6 Drivers that hold a commercial license with
7 the "passenger" endorsement are the only drivers
8 allowed to operate a motor coach with passengers
9 onboard.

10 Drivers who operate a vehicle that has
11 passengers from a school system must be
12 19-A-qualified. This is a specific program through
13 the New York State Department of Motor Vehicle that
14 has requirements that a driver must meet.

15 No other state has this program, and, in
16 fact, there have been challenges to this program by
17 out-of-state operators who do work in New York
18 State.

19 The 19-A program also requires an audit
20 process as well.

21 Buses are also subject to inspections at a
22 point of origin, and also destination, even after
23 the mandated biannual inspection.

24 So as you can see, the bus operators, company
25 vehicles, and drivers are held to an even higher

1 standard than other states in the country, thus
2 ensuring that this industry is as safe as possible
3 for the riding public.

4 It is the reputable companies who follow due
5 diligence with compliance who are the very backbone
6 of this industry, and as in any industry, it only
7 takes one company or decision that shortcuts these
8 protocols that puts the safety passengers in our
9 industry at risk.

10 Many bus companies have also instituted their
11 own additional safety programs which begin in the
12 garage area for bus maintenance, and in driver
13 programs that incentivize drivers to be exemp --
14 exemplary (sic) employees.

15 Many companies send their employees to
16 supplementary training and seminars.

17 The American Bus Association has a dedicated
18 conference for safety.

19 The Bus Industry Safety Council (BISC) and
20 the United Motor Coach Association has dedicated
21 safety-management seminars.

22 We are an industry who staunchly believes
23 that safety is our number-one priority, the
24 importance of promoting safety, and educating
25 consumers on becoming more diligent in hiring a bus

1 company that meets their needs.

2 BANY was very disappointed by legislative
3 action adopted in the recently passed budget that
4 implements an \$85 inspection fee for bus
5 inspections.

6 The fee is being assessed only on 25 percent
7 of the bus inspections done in the state, primarily
8 on buses owned and operated by our small-business
9 owners.

10 The remaining 75 percent of the inspections
11 done in the state will be exempt due to monetary
12 subsidies.

13 In other words, the burden of this new action
14 falls squarely on the shoulders of small business.

15 Although it may seem to be a small fee, it
16 all adds up, and is just one more financial burden
17 of doing business in New York State.

18 And to be honest, this fee has nothing to do
19 with safety in the least.

20 In closing:

21 Thank you for your time.

22 Please know that BANY is here to serve the
23 Committee in any capacity that it can to promote the
24 bus industry and our safety in New York State.
25

1 SENATOR KENNEDY: Thank you, Ms. Morris.

2 I appreciate your testimony.

3 Define who your members are, please.

4 CAMILLA MORRIS: Our members of the
5 association are basically charter and tour bus
6 companies.

7 These are companies who, if a group wants to
8 hire them to take them from Point A to Point B, they
9 would call that -- that company.

10 Other tour operators, some companies are tour
11 operators, they offer retail tours to the public
12 that anybody can sign up to do.

13 SENATOR KENNEDY: And are any of your members
14 limo bus drivers?

15 CAMILLA MORRIS: Very few.

16 SENATOR KENNEDY: How many?

17 CAMILLA MORRIS: I would say under five.

18 SENATOR KENNEDY: These buses, these
19 commercial vehicles, are actual limousines?

20 CAMILLA MORRIS: They have limousines in
21 their fleet of motor coaches.

22 So they have different size motor coaches.

23 SENATOR KENNEDY: Limousine operators?

24 CAMILLA MORRIS: Correct, correct, but there
25 are very few of those.

1 SENATOR KENNEDY: And so you stated that the
2 initiatives within the budget, and you stated your
3 dislike for the registration fee of \$85.

4 CAMILLA MORRIS: The inspection fee.

5 SENATOR KENNEDY: The inspection fee, I'm
6 sorry.

7 What were the other initiatives that you did
8 not like, or what did you like within the budget,
9 and how did it impact your members?

10 CAMILLA MORRIS: We basically agreed with all
11 of the other factors that were in the budget that
12 were passed, with the exception of the inspection
13 fee.

14 SENATOR KENNEDY: And what about your
15 position on seatbelts and CDLs for the drivers and
16 background checks and retroactive fitting of safety
17 requirements?

18 CAMILLA MORRIS: All of the drivers that
19 drive motor coaches are subject to all of those
20 requirements already.

21 They have to have a CDL with a "passenger"
22 endorsement.

23 I can't speak, quite honestly, for the
24 specific limousines that a few companies have. I'm
25 not familiar with those.

1 I'm more familiar with the motor coach aspect
2 of the business than I am of the limousine aspect of
3 the business, quite honestly.

4 SENATOR KENNEDY: Sure.

5 And it was brought up that the seatbelt
6 retroactive fitting could cost the industry
7 \$9 billion, in the past. That's why it was moved
8 away from as it pertained to motor coaches.

9 I asked the industry leaders in the limousine
10 industry to focus on limousines.

11 So I will ask you about the retroactive
12 fitting of seatbelts.

13 Is that something that you are supportive of?

14 CAMILLA MORRIS: Actually, the federal
15 government, a couple of years ago, talked about
16 putting into effect retrofitting for all motor
17 coaches.

18 And they -- that was taken off of the table,
19 and what was put on the table was that all new motor
20 coaches, as of last year, would be outfitted with
21 seatbelts from this day forward.

22 The older motor coaches, just like the
23 limousine gentleman had mentioned, were -- there
24 were concerns about the safety of retrofitting motor
25 coaches for the seatbelts.

1 And so the federal government did away with
2 that, that thought, and just put into effect the new
3 motor coaches having the seatbelts.

4 SENATOR KENNEDY: Okay.

5 Well, I appreciate your engagement.

6 Do you have further solutions that you'd like
7 to propose as a part of the package that we'll be
8 moving forward?

9 CAMILLA MORRIS: I think one of the things
10 that we could do, everybody in the industry could
11 certainly help educate the consumers about what they
12 need to know about hiring limousines, or, in my
13 particular case, again, more familiar with motor
14 coaches, to hire a motor coach.

15 And if we all put our heads together and come
16 up with some idea of how we can educate the consumer
17 on how they should hire a for-hire vehicle, such as
18 a limousine and a motor coach, I think that might
19 solve some of the questions that people have, as
20 well as the safety.

21 SENATOR KENNEDY: Any further solutions you
22 may want to provide, we would certainly consider
23 them.

24 And we thank you for your leadership.

25 Thank you for your testimony, and being here

1 with us today.

2 CAMILLA MORRIS: Thank you so much.

3 SENATOR KENNEDY: Have a great day.

4 Next we're going to hear from Glenn Every,
5 the president of the Bus4NYC Coalition.

6 GLENN EVERY: Good afternoon,
7 Chairman Kennedy.

8 SENATOR KENNEDY: Thank you.

9 Good afternoon.

10 GLENN EVERY: Thank you for the invitation
11 and the opportunity to speak.

12 My name is Glenn Every, and I'm the president
13 of a newly-formed trade organization, Bus4NYC.

14 I'm also the owner and operator of a
15 company that has been providing bus service in
16 New York State for more than 50 years.

17 Bus4NYC is a New York City-based advocacy
18 group comprised of private bus-company owners and
19 related business.

20 We promote the industry as a viable
21 transportation solution, and we are always -- always
22 mindful and looking for safety solutions.

23 Our members include commuter, tour, charter,
24 and sightseeing bus companies, including companies
25 like National Express; Adirondack Trailways;

1 Big Bus; Academy Bus; West Point Tours; my company,
2 TTI; and Hampton Jitney.

3 Our members' operations range from interstate
4 travel throughout the United States, right down to
5 the local streets of New York City, and we all have
6 a very keen interest in the safe operation of buses
7 in New York State.

8 On behalf of Bus4NYC, I would like to extend
9 our deepest condolences to the families of the
10 victims of the Cutchogue and Schoharie crashes, and,
11 really, the courage of the family members who came
12 up here.

13 While we understand the need for being here
14 as a result of those crashes, I'm again focused,
15 like the previous speaker, more on the motor coach
16 side.

17 None of our members operate limousines, but
18 we did feel that it was important that we extend to
19 you the perspective of the motor coach industry.

20 The vehicles of our member companies
21 typically carry 55 passengers, and are manufactured
22 specifically for that purpose, without any kind of
23 significant after-market changes or modifications.

24 We are, essentially, private providers of
25 public transportation.

1 Our buses, our drivers, and our operations
2 are all heavily regulated.

3 Let me first focus for a moment on our
4 vehicles, and I apologize if I'm repeating some of
5 the things from earlier, earlier testimony, but, as
6 operators in New York State, our vehicles are
7 subject to one of the most rigorous inspection
8 programs of any state in the entire country.

9 Each of our vehicles is inspected by the
10 New York State DOT every six months, and it's a very
11 detailed inspection of the systems and the equipment
12 on the bus.

13 The inspectors come to our facilities.

14 We're not taking it to a third-party facility
15 and getting a sticker.

16 They come to our facilities to inspect our
17 vehicles.

18 And if we do not -- if our vehicle does not
19 meet the safety standards that are in place, we're
20 taken -- that vehicle is taken out of service right
21 on the spot. A sticker is put on it and we're not
22 allowed to drive it on the road.

23 In addition to that, our vehicles are also
24 subject to inspection by the federal department of
25 transportation, the USDOT, and they too will take a

1 vehicle out of service if it fails to meet federal
2 safety standards. And these inspections occur
3 randomly, they're roadside, and they are independent
4 of the New York State DOT inspections.

5 By that, what I mean is, that a valid
6 New York State DOT inspection has no impact on
7 whether you're going to pass a federal inspection,
8 and, vice versa, just, you know, a valid federal
9 inspection doesn't mean you're going to pass a
10 New York State DOT.

11 They're two different worlds.

12 Our drivers are subject to a significant
13 amount of regulation on both the federal and
14 New York State levels.

15 They are holders of commercial driver's
16 licenses, and they have what's known as a "passenger
17 endorsement," and as such, they must pass a physical
18 exam, and they're subject to pre-employment and
19 random drug testing as well.

20 And they must also perform their driving
21 duties in compliance with federal hours-of-service
22 regulations.

23 Article 19-A of New York State's Vehicle and
24 Traffic Law also establishes a wide range of
25 requirements that are applicable to our drivers, and

1 to us as carriers, operating in New York State,
2 including pre-employment and biennial medical exams,
3 submission of pre-employment and annual driver
4 license abstracts.

5 Some of our drivers have to be fingerprinted
6 if they are transporting schoolchildren.

7 Background checks are done.

8 Annual defensive-driving observations are
9 completed. Biennial road tests and biennial written
10 tests are also administered. And all of this
11 testing is done under a trained and certified
12 Article 19-A examiner.

13 New York operators are -- we're then required
14 to certify on an annual basis that our drivers are
15 in full compliance, and we do receive at least
16 annual audits, and sometimes surprise audits, from
17 the department of motor vehicles.

18 I would also like to point out another
19 important factor that I think should be acknowledged
20 in any discussion about transportation safety, and
21 I'm not sure I heard a lot about it earlier, but,
22 that's the relationship that bus operators have with
23 their insurance carriers.

24 Insurance carriers play an important role in
25 our operations.

1 They provide access to training materials,
2 industry standards and best practices, and other
3 vital support in preventing tragic things from
4 happening.

5 Ensuring a bus is far different from insuring
6 the family car.

7 Our safety records, our driver records,
8 maintenance procedures, operational practices, all
9 of these are examined and taken into account before
10 a premium is even quoted or a policy issued.

11 Often, our insurance carriers know our
12 business as well, if not better, than we do.

13 So I think that's something that the
14 Committee should be aware of, is the role of the
15 insurance carriers in this industry.

16 In concluding:

17 I would just like to say that, as private
18 providers of public transportation, we hope that the
19 entire transportation industry works closely with
20 government to ensure that safety measures are in
21 place and so that no more lives are lost.

22 At Bus4NYC, our members take pride in working
23 with local government and law enforcement personnel
24 to make operating on the streets of New York a
25 better, safer place, whether it's trying to reduce

1 congestion, enhancing traffic mobility, or something
2 like finding solutions to parking in Manhattan.

3 There are safety aspects to all of these
4 things, and these are issues that are front and
5 center for us.

6 We commend the Committee for devising a
7 better regulatory framework.

8 And as some of the largest bus operators in
9 New York State, we look forward to working with you,
10 and to make our roads safer for all.

11 Thank you very much.

12 SENATOR KENNEDY: Thank you, Mr. Every.

13 I appreciate your testimony.

14 GLENN EVERY: Thank you.

15 SENATOR KENNEDY: Next we're going to hear
16 from Lauren Paterno, the government affairs
17 representative for AAA Northeast.

18 Ms. Paterno.

19 Good afternoon.

20 LAUREN PATERNO: Hello.

21 Thank you for the opportunity to testify
22 today.

23 SENATOR KENNEDY: Thank you.

24 LAUREN PATERNO: And thank you to the
25 Chairman for your support and commitment to

1 improving seatbelt requirements as well.

2 AAA supported the traffic safety measures
3 that were included in the budget, such as
4 prohibiting limos from making U-turns, and we
5 believe this will make great strides in traffic
6 safety, but we also believe that there is more work
7 to be done.

8 Under current New York State law, only
9 children under 16 are required to buckle up in the
10 back seat.

11 As a result, in 2017, 34 people were killed,
12 2,600 were injured, and that is equivalent to one
13 injury every three hours across New York State.

14 2018 data is looking similar, and so far,
15 this decade, over 250 unbelted rear occupants have
16 been killed.

17 AAA report we did in 2016 found that teens
18 are most vulnerable, specifically teens from 16 to
19 19, who are least likely to wear a seatbelt, and
20 most likely to be killed or injured in the event of
21 a crash.

22 But it's also important to stress that,
23 although teens are most vulnerable, all people are
24 vulnerable.

25 Rear seatbelts protect us all.

1 Unbelted passengers are three times more
2 likely to be killed, eight times more likely to be
3 seriously injured, and two times more likely to kill
4 a front-seat occupant by becoming a projectile in
5 the vehicle.

6 A recent IIHS survey found that 40 percent of
7 participants do not wear a seatbelt because there is
8 no law requiring it.

9 60 percent of participants stated that a law
10 would convince them to buckle up.

11 Our seatbelt laws, unfortunately, lag behind
12 other states, although we were the first in the
13 nation to pass an initial seatbelt law.

14 29 other states require all occupants to wear
15 a seatbelt regardless to where a passenger sits.

16 In 2017, NHTSA research came out that said
17 states that require all individuals to buckle up,
18 regardless of seating position, have significantly
19 higher belt-use rates, over 20 percent higher.

20 So the data, basically, overwhelmingly shows
21 that a comprehensive seatbelt law, meaning,
22 requiring an individual to buckle up, regardless of
23 seating position, will increase belt usage, save
24 lives, prevent injuries.

25 And we're hopeful a rear seatbelt requirement

1 can be passed before the end of June.

2 Thank you.

3 SENATOR KENNEDY: Thank you very much.

4 And thank you for your leadership, and the
5 leadership of AAA, not only throughout this process,
6 but throughout the year.

7 LAUREN PATERNO: Thank you.

8 SENATOR KENNEDY: Can you talk to me about
9 your thoughts on the existing state and federal
10 safety regulations, if they go far enough, and what
11 we may be able to do to advance other regulations,
12 aside from the seatbelts, which you perfectly
13 articulated?

14 LAUREN PATERNO: You know, right now, we're
15 really focused on seatbelts, and ensuring that every
16 individual is buckled up in the back seat.

17 Another thing that we are looking at is how
18 old children should be to be in a back seat, whether
19 or not that age could be raised.

20 But that's just something that we're
21 researching.

22 But, right now, we're here for -- to ensure
23 that all individuals can -- are required under law
24 to wear a seatbelt.

25 Thank you.

1 SENATOR KENNEDY: Wonderful.

2 Thank you very much for your testimony.

3 Next we are going to hear from

4 Michael Rosenthal and Dominic Karl, the president

5 and vice president of Today's Limousine, Inc.,

6 Watervliet.

7 MICHAEL ROSENTHAL: Thank you.

8 SENATOR KENNEDY: Thank you.

9 MICHAEL ROSENTHAL: First, I want to thank
10 you for allowing us to have the opportunity to speak
11 today regarding the safety issues for the
12 transportation industry.

13 I also want to just take a moment to thank
14 all the families of the victims that came out today
15 to speak.

16 It meant a lot, and it hits home a lot.

17 We've been in this business 28 years.

18 I'm an emotional person to begin with, but
19 I was very emotional on the days that those
20 accidents happened, and it hits us deeply because we
21 strive so hard for safety and everything.

22 So it's a -- I feel a little misplaced,
23 hearing everything today, because, you know, we're
24 definitely not the bad guy, and there are the bad
25 apples out there.

1 But I feel a little misplaced today, and
2 I just want to everyone know that we are a friend in
3 trying to get this rectified.

4 A lot of what I wrote kind of speaks from the
5 misdirection with the State and some of things that
6 are -- that David indicated earlier, the
7 miscommunication that goes on.

8 First, we've been -- we're Today's Limousine.

9 We've been providing transportation in the
10 Capital Region for over 28 years.

11 We have operated legally, with safety and a
12 great experience always being our main objective.

13 On the tragic day of October 6, our hearts
14 broke along with everybody else's, and, quickly, our
15 disbelief became anger, as we recognized the vehicle
16 involved in the accident, and knew that the outcome
17 was going to be, it was an illegal operator.

18 I remember the beautiful day that it was, and
19 how senseless and preventable the tragedy was.

20 In our 28 years in business, we've run a
21 fleet, ranging from sedans, vans, traditional
22 limousines, to SUV-style limousines, that seat 14 to
23 20 passengers, as well as our executive and party
24 buses that seat up to 30.

25 Since purchasing our first 20-passenger SUV

1 stretch limousine, brand-new in 2003, from a
2 certified and New York State-approved builder, at a
3 cost of over \$100,000, we spared no expense on
4 safety and doing it the right way.

5 We are one of the first companies in
6 New York State to inspect a 15-plus passenger
7 limousine with a full New York State DOT inspection,
8 as required by law.

9 We had about 20 inspectors from all over
10 New York come in to inspect ours, as well as the
11 head of DOT with his huge book of regulations and
12 laws.

13 For eight hours we combed over every law, and
14 we figured it out together.

15 We've been there from the beginning since we
16 started purchasing these vehicles.

17 We have successfully performed over
18 8,000 trips with our DOT SUV limousines that seat
19 14 to 20 passenger by following the laws and
20 guidelines, and performing the required maintenance,
21 and having a properly trained staff.

22 Since starting our business at the age of 21,
23 we have always tried to educate the public and bring
24 awareness to illegal operators.

25 Back in the '90s, Dominic and I would be out

1 on proms, and we would report the limos showing up
2 with prom kids, with no livery plates on their
3 vehicles, only to be told by state police that they
4 would make a note of it, and they did not want to
5 ruin the kids' night by showing up and taking the
6 vehicles.

7 Always falling on deaf ears.

8 When someone can't afford the right insurance
9 and registration, they most likely can't afford the
10 maintenance and the tougher inspections that come
11 with that.

12 New York State has always missed the mark.

13 It has been absent in getting these companies
14 off the road.

15 It is unfair for the consumer to not be
16 adequately protected by having a state actually
17 enforce its existing laws.

18 Since this accident, Governor Cuomo has made
19 damaging and unwarranted statements regarding our
20 whole industry.

21 We have been dealt a major blow by his unfair
22 comments in the threats of wiping out the same
23 industry that has made our roads safer for years.

24 He has taken successful legal operators from
25 all over the state and single-handedly damaged our

1 reputations, having our livelihood called into
2 question.

3 Immediately following this accident companies
4 were put on the radar.

5 We were all called and audited, which we
6 successfully cleared.

7 An example of some of the things we've dealt
8 with since the accident in Schoharie, in
9 October 18th -- on October 18th we were pulled
10 into a lot at JFK and ticketed for our
11 eight-passenger Mercedes Sprinter.

12 Note, that a lot of the members that were
13 here today talk about nine and above needing a DOT
14 inspection.

15 Our eight-passenger Mercedes Sprinter, which
16 is not an altered vehicle by any means, this vehicle
17 is a livery-insured and -registered vehicle, and we
18 were told it needed a DOT inspection, and the
19 vehicle was red-flagged in DMV's system based on the
20 repercussions of the accident in Schoharie.

21 It is a safe, legally inspected, \$92,000
22 Mercedes Sprinter built by Mercedes.

23 Now it's flagged in the DMV system, and we
24 are not allowed to put it back on the road without
25 putting it on the road as a DOT vehicle.

1 We are told by our state and local
2 inspectors, and our federal inspectors, that it did
3 not meet the requirements to be in the DOT program.

4 We have lost over \$60,000 to date with this
5 vehicle being off the road.

6 We have also had our registrations on 30 of
7 our vehicles wrongly suspended twice by a
8 misinformation glitch.

9 We've actually experienced subbing out our
10 jobs to other companies because of that glitch.

11 And we've had a limo actually towed, with
12 only an apology given by New York State.

13 While we incurred the expenses of the tow and
14 the embarrassment and everything else, they only
15 apologized.

16 And once they made a mistake, it takes two
17 days for it to clear the system.

18 So, it was a miscue, and we paid the price
19 for that.

20 In March we had a hearing on the Sprinter,
21 and we were made to appear at 9 a.m. in Long Island
22 City, New York, when the DOT main offices are
23 located right here in Albany, 10 minutes away from
24 our facility.

25 We incurred two days out of the office, hotel

1 and travel expenses, just to talk to the judge via a
2 laptop video conference while she sat at her bench
3 back in Albany.

4 Citing the changes coming in the Schoharie
5 accident, we were advised to accept an \$8,000 plea
6 deal, and to agree to DOT our Mercedes Sprinter,
7 requiring another \$4,000 in modifications, or risk
8 being -- taking it to a higher court and being
9 responsible for possible costs of excess of \$30,000.

10 This is an 8-passenger Mercedes Sprinter
11 maintained, insured, and registered correctly.

12 And, you know, what is the State focusing on?

13 Our federal inspector actually said: I can't
14 believe we have five weeks. There's no -- we have
15 no jurisdiction on this vehicle. I don't know what
16 they're doing.

17 You know, we have five weeks involved in
18 this, with a lot of people, while these other guys
19 are still on the road.

20 We were pulled into that lot because our name
21 was clearly displayed on our vehicle, and our
22 vehicle had the proper plates, which makes us
23 noticeable.

24 While the illegal companies will drive right
25 by the same inspectors with the same vehicles, under

1 the radar, because they have personal plates, and
2 they continue to operate.

3 There are new issues that are arising also
4 with the Governor's comments, because they are now
5 plaguing our operator -- all New York State
6 operators and our inspectors.

7 Local garages are no longer allowing New York
8 State to perform their DOT inspections at their
9 facility, fearing liability.

10 Our inspectors are running out of options for
11 places for us to bring our vehicles to have them
12 inspected.

13 New York State personally has no inspection
14 centers directly, so they count on the existing
15 repair shops to open their doors and allow us to
16 come in and have our inspections.

17 Those costs range from about 100 to
18 125 dollars for us to pay a garage to use their
19 facility to inspect our Hummer or our Escalade, or
20 whatever vehicle we're bringing.

21 An e-mail went out four days ago that
22 said -- that's asking all operators to go out and
23 find a garage that will fit the vehicles that we
24 have, and ask them if we can use their shop, putting
25 it on the operators and the owners to canvas the

1 area. And, once found, give that repair shop the
2 requirement -- required paperwork to review.

3 If they accept, New York State then needs to
4 show and up inspect their facility and agree to do
5 their inspections there.

6 We do have to do this all while trying to run
7 our business successfully.

8 Our Governor has given us a black eye in an
9 attempt to make -- to find a scapegoat for the
10 State's shortcomings.

11 There's been a proven track record of a lack
12 of safety and care for our public.

13 And, yet, another blatant example, in a time
14 where many New Yorkers are calling for a north and a
15 south-divided state due to the unfairness, in
16 Downstate New York, Uber and Lyft drivers have to be
17 licensed with the required Class E license for-hire,
18 license plates and insurance that are also for-hire,
19 and registered with the TLC with TLC plates.

20 But in Upstate New York, Governor Cuomo
21 pushed through Uber and Lyft to operate without the
22 required Class E license, without the for-hire
23 insurance, and without livery registration.

24 The same laws that he protects downstate he
25 turns a blind eye to upstate, directly putting the

1 public at risk with general licensed drivers that
2 possess a Class D license, and with their personal
3 auto insurance, most of which policies do not pay
4 for higher claims.

5 These companies pose a risk to the public
6 without proper licensing and insuring by the
7 requirements of New York State law.

8 It is a safety issue that creates an unfair
9 competitive advantage, at 3,000 per car for a livery
10 operator, yet only 700 per car for a personal car.

11 These cars are also maintained by the
12 individuals directly with no real oversight or
13 actual business.

14 Think of a driver being told that his tie rod
15 or ball joint is ready to fall off, and he's looking
16 at a \$700 repair.

17 That person may have to go back and Uber or
18 Lyft a little more to get the money to make the
19 repair.

20 It is a disaster that is just waiting to
21 happen.

22 The Governor is allowing them to operate
23 upstate, knowing they don't possess the proper
24 insurance and licensing required to be for hire.

25 The same state, the same laws, but two sets

1 of rules.

2 I guess New York State -- Upstate New Yorkers
3 aren't worthy of the same protection and enforcement
4 laws, according to this Governor.

5 I truly believe we will no doubt be sitting
6 here again when that accident happens with an
7 inaccurately insured and licensed ride-share,
8 sorting it all again, when the laws are right there
9 to protect us, already there.

10 It's just another example of the lack of care
11 and accountability.

12 The -- you know, the one thing I'd like to
13 add on that, if I have time on that, is when we talk
14 about stretching a vehicle, it's -- like, an SUV
15 limousine is built to tow.

16 So you'll see a -- you can even see a
17 Toyota Tundra pulling a massive trailer or massive
18 boats, yachts, or different things. They have
19 10,000, 12,000 tow capacity.

20 They are built to -- for the capacity that
21 they get stretched to, and they're not -- they're
22 actually, probably, their brake systems are more
23 comprehensive than a Town Car, or something along
24 those lines, when you stretch them too far.

25 So they do have -- they are built for towing

1 capacity, they're built for construction.

2 And I will say that, even when those
3 regulations, and we've talked about at the last
4 hearing, where we are saying, maybe putting a size
5 limit.

6 But, if you look at International or
7 Freightliner, their chassis, they make tow trucks,
8 they make buses, they make different things,
9 tractor-trailers.

10 When they -- when a bus company buys their
11 chassis, whether it's a Freightliner or
12 International, they build a cube, and they decide
13 how many passengers, if it's going to be a
14 double-decker, or whatever it's going to be, and
15 they build a protective shield around it.

16 Not all builders are the same.

17 And I do feel like we -- we get -- we have a
18 black eye in our industry from a bad builder, a bad
19 operator, a state that does not enforce its own
20 laws.

21 And even when you look at the \$100 fee from a
22 repair shop, if we can even find one these days,
23 that also puts the safety of the public at hand.

24 You also add in the \$85 charge that, who
25 knows where that money is going.

1 But the State should actually have a task
2 force for enforcing their laws, and the State should
3 actually have a facility that we can bring our cars
4 to, to do the inspections that they have mandated.

5 SENATOR KENNEDY: So you're not going to
6 speak?

7 DOMINIC KARL: No.

8 SENATOR KENNEDY: Okay.

9 Well, I have a couple questions.

10 First of all, how does your company recruit
11 drivers and ensure that they're all licensed and
12 have a good safety record?

13 MICHAEL ROSENTHAL: When we hire our drivers,
14 we actually do a background check, we do
15 pre-employment drug screens.

16 We have a consortium, that are drivers get
17 random pulled.

18 We have a DOT program as well.

19 Our insurance company is very aggressive.

20 We actually have to get them -- they're a
21 nationally, well-known company, and they actually
22 are very stringent on who they accept on.

23 If there's somebody -- where someone
24 mentioned earlier, you know, if a driver has a DWI
25 or an AI, that person would never, even if there's a

1 person that had one, six or seven years ago, they
2 won't accept them.

3 If somebody has two or three lapses in their
4 insurance, they consider them a certain risk level,
5 and they put them on a probation for a three-month
6 period.

7 If they have more than two speeding tickets,
8 they won't accept them.

9 So we get a lot of declines from, strictly,
10 even from our insurance company, yet alone us
11 pulling their abstracts and doing our personal
12 review.

13 SENATOR KENNEDY: Do you believe that that
14 should be a statute?

15 MICHAEL ROSENTHAL: Oh, I do.

16 SENATOR KENNEDY: Background checks?

17 MICHAEL ROSENTHAL: I do.

18 SENATOR KENNEDY: What about CDLs?

19 MICHAEL ROSENTHAL: CDLs, I do think that's
20 an important part of the process.

21 There is -- there is a lot of things that
22 come with that.

23 And the CDL licensing, if that requires --
24 I guess when I look at that, you can look at a
25 ride-share that's going out right now all over

1 New York -- Upstate New York with Class D licenses,
2 which is totally illegal.

3 And you look at something where now we have
4 to go and do CDL licensing, which actually requires
5 a lot more expenses and fees, and we're fine with
6 that.

7 I just really think that New York State has
8 to step up and say, when you -- the law for for-hire
9 for a Class E license or a livery plate, is anybody
10 that accepts money for a fee to drive a live person
11 somewhere requires livery insurance and a Class E.

12 And how some companies get around that, and
13 as the other gentleman spoke to earlier, it's
14 miscommunication.

15 You know, if they're trying to get their
16 systems right now to talk to each other. But, if a
17 company does have a bus, shouldn't motor vehicle --
18 because that's been going on since '91.

19 I started the business in '91, and there were
20 companies that would buy a 14-passenger limo, and
21 they would go to motor -- they'd get an insurance
22 card for 8, they'd go down to motor vehicle, get the
23 plates they wanted, and then they would go back to
24 their insurance company and have them fix the car to
25 say the other figure on it. So that they would have

1 the number, but the right -- with the wrong plate on
2 the vehicle.

3 There should be a checks-and-balance in the
4 system that would allow for a red block on that, and
5 to not allow that vehicle to get rebooked if it's --
6 if something suspicious like that is happening.

7 SENATOR KENNEDY: Do you have seatbelts in
8 all of your vehicles, sir?

9 MICHAEL ROSENTHAL: Yes, I do.

10 And since starting in '91, like, my first car
11 was an '88. And I don't know of any limousine
12 that's never had a seatbelt.

13 You know, so, our limousines all have
14 seatbelts in them.

15 I don't know if a bride would put on a
16 seatbelt with her gown. And, it's a very intimate
17 setting. They have their privacy divider.

18 If you say, "everybody put on it on," just
19 for two seconds later they take it off, that's kind
20 of irrelevant.

21 But if -- you know, they're there, they're
22 out, and, you know, and to use them.

23 And I guess, with a limo, it's complicated,
24 like Kevin mentioned earlier, if some people are
25 going to be facing a certain direction.

1 And it really depends, when you look at the
2 inadequate driver to make a decision to do a U-turn
3 on a two-lane highway.

4 When we saw the bus accident with the school
5 bus on Long Island Expressway, do a U-turn and got
6 hit by a dump struck, and it got knocked right of,
7 when you see that, I don't understand, like, it
8 wouldn't matter, if it's a pilot error, if it's a
9 Greyhound bus-driver error, at some point, with
10 speeds and different things that happen, and
11 catastrophic driver errors, I don't understand
12 how -- you know, it really goes into screening your
13 drivers properly. It goes with doing your due
14 diligence.

15 Years ago we used to put on our website, even
16 in the '90s, "This is a livery plate," and we'd
17 circle it, and we'd have a picture of.

18 It was like the least-clicked link on our
19 website.

20 Nobody really wants to talk about safety,
21 it's a turn-off.

22 But we would say, this is what you look for.

23 If you're running a vehicle with 15 or more,
24 that vehicle should have a diamond on the window,
25 and it should have a "bus" on the license plate.

1 I can't get a vanity plate that says
2 "Today's" for -- a lot of our limos have that
3 "Today's" plate. But I can't get a -- a bus doesn't
4 allow a vanity plate, and it says the word "bus"
5 right on it.

6 If you run an 18-passenger Excursion, or an
7 Escolade, or anything, and it pulls up with a livery
8 plate, right there.

9 But you can tell the people that, and you can
10 try to talk about on the phone, and they'll get off
11 the phone quicker than if you talk to them about the
12 trip.

13 If you put it on your website, which we've
14 always done, it's the least-clickable link.

15 And, you know, anybody that knows our car
16 company, and we've been around for a long time,
17 knows that I'm an advocate of properly licensed
18 drivers, properly insured and registered.

19 And nothing frustrates me more, all these
20 years, as to seeing these accidents occur.

21 The one thing, I was talking to somebody
22 after the accident in Schoharie, we were always used
23 to the 6- and the 10-passenger limos becoming
24 illegal operators.

25 When we bought that first one for 100,000,

1 and our ranges on our SUVs are a hundred to a
2 hundred and forty-seven thousand on what we spend
3 per vehicle when we buy them.

4 So when -- when these other -- as the time
5 goes by, you don't think about it, but these used
6 limos.

7 When we sell ours, four-years old, for
8 60,000, that guy ends up taking it for two years, he
9 sells it for 30,000.

10 The one that crashed was on Craigslist for
11 7500, if I'm not mistaken.

12 It was in the "Times Union," they had a copy
13 of the ad.

14 So this vehicle that was probably ninety or a
15 hundred thousand to begin with, or maybe not that
16 particular one, because sounds like it might not
17 have had a reputable builder, all of a sudden, they
18 become relevant, and they become affordable to an
19 illegal operator.

20 They might not be able to go out and spend
21 seventy, eighty, ninety thousand dollars, a hundred
22 thousand, on a brand-new one.

23 But when they wait 10 years for these things
24 to get down to around \$10,000, that's going to be a
25 problem, because now they're DOT'd vehicles, and

1 they're buses, and they're actually, you know, most
2 likely, when they don't do the right insurance,
3 right registration, and, you know, the CDL
4 licensing, they probably don't have the money to
5 maintain it as well.

6 SENATOR KENNEDY: Do you have any solutions
7 you'd like to put forward for legislation?

8 MICHAEL ROSENTHAL: I just feel, like, when
9 the State talks about the moneys, and creating a
10 task force to go after reputable companies, and I'm
11 not saying, I should definitely be under a
12 microscope like every other company, but, really,
13 even this \$85 fee that really wouldn't go to any
14 safety protocol, whether that's to build some
15 centers, within every 100 miles there's a center for
16 DOT inspections to occur, and even on those ends for
17 enforcement, to regulate and to actually enforce the
18 laws that are there.

19 If you go through all the laws, the laws are
20 all right there to be followed.

21 And, in anything, somebody could break the
22 law at any given time.

23 But, how -- why not put those millions of
24 dollars into a task force, to actually go out and
25 stop by, to actually see every business that's out

1 there.

2 When you get a call, since this accident,
3 I can tell you, two or three companies in the
4 Capital Region are still running, no livery plates.

5 No -- there's a company up a little bit north
6 towards the Adirondacks, has a 14- or 16-passenger
7 Chrysler 300, or something. It's got livery plates
8 on it. It's not supposed to.

9 SENATOR KENNEDY: Have you reported that?

10 MICHAEL ROSENTHAL: We do.

11 And, actually, I think one person said, we
12 went up there and it wasn't there.

13 But, I mean, we're spending millions of
14 dollars and we know that's the issue.

15 I've been in this industry for 28 years, and
16 this is not something that you see. Like, you don't
17 see -- like these are -- these are instances, they
18 don't happen all the time, and if you look at the
19 amount of runs we do, and the 30 cars, and all the
20 companies around the state.

21 But these guys are out there, and you will
22 never get rid of them completely.

23 But, I'm all for felony charges, I'm for all
24 for jail time, I'm all for outrages fines; anything
25 to deter people from doing this, because some people

1 just laugh it off.

2 SENATOR KENNEDY: Just out of my own
3 curiosity, who did you report that to?

4 MICHAEL ROSENTHAL: Going through, actually,
5 just making it known, it was someone within DOT,
6 just on that.

7 And they were aware of the one person that
8 was upstate a little further.

9 You know, off record, I -- you know,
10 I wouldn't want to go through with an actual name on
11 that, but it was reported as someone within DOT.
12 And that vehicle has not been --

13 SENATOR KENNEDY: Do you have a record of
14 this?

15 MICHAEL ROSENTHAL: I'm sorry?

16 SENATOR KENNEDY: Do you have a record, is it
17 in writing?

18 MICHAEL ROSENTHAL: Actually, a verbal
19 conversation on that end.

20 And, actually, Dominic even drove up there to
21 find it himself.

22 SENATOR KENNEDY: Well, what I'd like to do
23 is find a way to report these things.

24 I think it's important that that
25 communication that was mentioned earlier is enhanced

1 at every level.

2 MICHAEL ROSENTHAL: Absolutely.

3 And years ago, I mean, there's companies that
4 will turn a blind eye and let other people go.

5 After seeing the Long Island accident, and
6 seeing the Schoharie accident, if we're seeing
7 someone in our backyard, it's our industry, it's our
8 livelihood.

9 SENATOR KENNEDY: If there are individuals
10 known to be breaking the law, they should be
11 reported.

12 MICHAEL ROSENTHAL: Yes.

13 SENATOR KENNEDY: And they should be
14 investigated. And those vehicles should be
15 impounded --

16 MICHAEL ROSENTHAL: Absolutely.

17 SENATOR KENNEDY: -- and taken off the road,
18 and booted, until they comply with the law.

19 MICHAEL ROSENTHAL: I agree with that.

20 DOMINIC KARL: We've had --

21 SENATOR KENNEDY: You are going to speak.

22 DOMINIC KARL: I am.

23 I just didn't want you to think this -- this
24 was the same copy.

25 SENATOR KENNEDY: No worries.

1 Could you introduce yourself, please?

2 DOMINIC KARL: So, Dominic Karl.

3 I'm Mike's partner with Today's Limousine.

4 Also been in the industry for 26 years.

5 It's -- and it's-- you know, someone just
6 asked how the industry was going, and I said, you
7 know, it's changed more in the last six months than
8 it has in 28 years.

9 And that says a lot; that says a lot about
10 28 years of an industry changing more in six months.

11 So, you know, I listened to everything --

12 SENATOR KENNEDY: Is that a good thing?

13 DOMINIC KARL: Well, it is a good thing, but
14 it -- throughout those 28 years, you figure, just
15 time, intelligence, laws, would self-change it, and
16 it didn't.

17 SENATOR KENNEDY: There are 24 individuals
18 who are represented here today, who lost their lives
19 in an industry where we are going to make changes.

20 MICHAEL ROSENTHAL: Absolutely.

21 SENATOR KENNEDY: So I appreciate your
22 testimony.

23 If you have solutions to offer --

24 MICHAEL ROSENTHAL: Oh, we do. And we would
25 totally love to be part of the process.

1 SENATOR KENNEDY: -- we will take those into
2 consideration.

3 But, you know, I think, out of respect for
4 those families, I think it's important, not only did
5 we do what we did in the budget, and over the course
6 of the last six months, but that we continue to do
7 more.

8 We are not done.

9 And, so, if you would like to be a part of
10 those conversations, certainly, we'll take you up on
11 them.

12 MICHAEL ROSENTHAL: Absolutely.

13 SENATOR KENNEDY: But, please continue.

14 DOMINIC KARL: What I was going to say is,
15 it's tough to see an industry try and force change
16 because of two catastrophic incidences, versus
17 having a --

18 OFF-CAMERA SPEAKER: Really?

19 DOMINIC KARL: -- so -- but what my concept
20 would be is, if every year the industry itself would
21 police itself and change and become better.

22 It's tough to see an industry become better
23 only because of those catastrophic incidences.

24 It's a shame, and it's heartbreaking.

25 When you devote 28 years into a career, and

1 we have -- I mean, we have always been on the
2 forefront of that career.

3 And it's great that we are experiencing those
4 changes, and the fines, and everything like that.

5 You asked, is it a good thing?

6 It's a great thing to have these things
7 changed, but it would be nice if every year it would
8 keep up with the changes.

9 And, you know, when you -- we have talked to
10 many people who say, we can't find this company.

11 You call the company and you order a
12 limousine, and they show up and the inspectors are
13 standing there.

14 It's a simple, simple solution to how to find
15 an illegal operator.

16 MICHAEL ROSENTHAL: Even if you call them and
17 order the car, and let it arrive, and use the money
18 from the funds they're collecting, or the money
19 they're going to allocate to that, to -- they'll get
20 their deposit back because the car will be
21 impounded. You know, it's an illegal transaction,
22 and they would even get their money back from it.

23 So there's a way to do a sting, or different
24 things that they could do, when they get the tips
25 for that, if there was a tip hotline or some type of

1 a source for that.

2 And I think, you know, in one aspect, when
3 you talk about our industry and the changes, the
4 things that we've had to endure, and when I talk
5 about a ride-share, and downstate is, 100 percent, a
6 livery vehicle, and they've got the TLC plates.

7 Upstate is a Class D, you know, hundreds of
8 people, thousands of people, jumped on the bandwagon
9 to just set up and do that.

10 So we're doing everything, we have our costs,
11 and we're trying to do everything the right thing.

12 The Governor will out and say, all limousines
13 should be banned.

14 The next thing you know, prom kids don't know
15 if they should book a limo.

16 We didn't do anything wrong. We're a
17 respectful company.

18 And it breaks my heart for everything that
19 happened, and we are all about fixing it, and being
20 there.

21 I mean, I'll talk to -- you know, to anybody
22 about that.

23 But when, all of a sudden, in January, right
24 at the time of bridal-show season, right at the time
25 of they're saying, we're going to ban limos, we had

1 brides saying, I don't even know if I should book
2 yet. I think I'm going to wait to, like, September
3 to make a reservation.

4 So now you go through your slow time, which
5 is a lot of bridal shows, it's prom kids, everyone,
6 people are all reserved now.

7 So, those statements that came out, it was
8 kind of, when I talk about a black eye for our
9 industry, we didn't do it -- we didn't do -- it
10 takes a specific person to make that judgment call
11 to turn around on a highway.

12 It takes a certain individual to know that,
13 when someone spoke of that vehicle getting pulled
14 over twice prior to the accident in Schoharie, that
15 same driver was ticketed for being incorrectly
16 licensed.

17 So even that driver made a decision to get
18 back in the vehicle that he knew two weeks he was
19 ticketed for.

20 So it's really -- it really is hard for the
21 companies that do it right.

22 And then our Mercedes Sprinter, which seats
23 eight, to have that get yanked in and, all of a
24 sudden, become a hot topic.

25 We get a letter snail-mail, saying, our

1 plates have to be surrendered.

2 But by the time we got the letter, they had
3 already canceled 30 plates.

4 Half the time on the news, when they say
5 they're making progress on the suspended plates,
6 I think it's the error, twice to us that happened,
7 because I don't know how many other plates, but, we count
8 for 30 license plates. They suspended our whole
9 corporation because, on a Friday, they sent a letter
10 out to us, and they suspended our plates on a
11 Friday.

12 And we got the letter on a Tuesday, not
13 certified. Just came in the mail Tuesday, dated
14 last -- the previous Friday.

15 It was glitch, they apologized.

16 And those are the kinds of things where you
17 go, what industry is this?

18 I mean, we're about solid, professional
19 transportation; corporate, professional, and
20 enjoying your time.

21 When I think of them going to (indiscernible)
22 on that beautiful day, I can't imagine a car pulling
23 up with no exhaust.

24 That's part of a DOT inspection.

25 If you get the littlest bit air leak

1 underneath the vehicle, it's a fail, because any
2 exhaust, even if it's a pinhole, they say could
3 enter the cab or the vehicle.

4 So, that's a fail. This poor car had no
5 exhaust at all on it. You couldn't even hear each
6 other.

7 So, when you think those kinds of cars are
8 out there rolling around on the streets, you know,
9 it makes you want to drive around.

10 But I can tell you, from 28 years of
11 experience, I've reported things.

12 I've reported things in the '90s, I've
13 reported things as cars got bigger, and they do fall
14 on deaf ears.

15 And, you know, I love my industry, and I love
16 our customers, and I love people in general.

17 And, you know, it's a hard thing to sit and
18 see that happen, and not actually be taken serious
19 when you're trying to say something serious.

20 Wholeheartedly, when something happens with
21 the ride-share, the way that's designed, and a lot
22 of people don't want to talk about it because
23 everybody likes the app, but, these are all
24 individuals that are accountable for their own car
25 and everything. There's no due diligence. There's

1 no company.

2 We have a full-time tech.

3 There's no actual business.

4 So you're just counting on that person to
5 really maintain his car well, because, when they
6 talk about "paid hitchhiking," joking, kind of,
7 sometimes that's the case, there just should be
8 laws.

9 When somebody's getting money to drive a
10 passenger for hire and the public thinks they're
11 safe, they should be safe.

12 And I just think the laws are way -- there's
13 a bigger -- there's a much bigger, broader issue
14 that never gets called into play.

15 SENATOR KENNEDY: The industry leaders that
16 represented the limousine service before, presented
17 viable solutions.

18 That's what we're looking for.

19 So if you have viable solutions that will
20 help make the industry safer, I would appreciate you
21 bringing those to our attention.

22 MICHAEL ROSENTHAL: Sure.

23 DOMINIC KARL: Absolutely.

24 MICHAEL ROSENTHAL: Yeah, absolutely.

25 SENATOR KENNEDY: Thank you for your

1 testimony.

2 MICHAEL ROSENTHAL: Thank you.

3 DOMINIC KARL: You're welcome, Senator.

4 SENATOR KENNEDY: Next we're going to hear
5 from John Khader, president of Top Class Limousine
6 in Yonkers.

7 Is John Khader here with us?

8 OFF-CAMERA SPEAKER: No.

9 SENATOR KENNEDY: Okay, we will move on.

10 Chris -- or, I'm sorry, Mark Crisafulli, risk
11 management adviser for Haylor, Freyer & Coon, along
12 with Ronald Barton, retired motor vehicle inspector
13 for the DOT.

14 Good afternoon.

15 MARK CRISAFULLI: Good afternoon.

16 SENATOR KENNEDY: Thanks for joining us.

17 Take your time.

18 MARK CRISAFULLI: My name is Mark Crisafulli.

19 I'm risk management advisor for Haylor, Freyer &
20 Coon, specializing in transportation insurance.

21 I've been representing the livery industry
22 for 16 years. I'm based out of Syracuse.

23 Also a board member of the Limousine, Bus,
24 and Taxi Association of Upstate New York.

25 I work with some of the best insurance

1 companies, providing livery coverage around the
2 country, and I've noticed over the last, probably,
3 two to three years, insurance availability for
4 livery operations is becoming tougher to come by.

5 Some of the challenges that have come up in
6 the past, and just recently with the supplementary
7 uninsured-motorist coverage limit hike, is that
8 I think, in looking at the top three insurance
9 companies providing coverage in New York State,
10 they're providing anywhere from \$500,000 to
11 \$5 million on the liability coverage, as well as
12 additional PIP coverage (personal injury
13 protection).

14 And the insurance companies, essentially, you
15 know, what I've been told, is that they really don't
16 have an issue, obviously, paying a claim where their
17 driver is negligent.

18 The challenge becomes a third party, you
19 know, another vehicle, which is what supplementary
20 uninsured-motorist coverage covers, causing an
21 injury within the vehicle, and then paying out twice
22 on the same claim.

23 So that's one of the challenges I think, and
24 one of the reasons why these insurance companies
25 provide statutory limits in New York State for

1 uninsured-motorist coverage.

2 I -- you know, in terms of the number of
3 companies left providing livery coverage in New York
4 State, I -- it's just my thought, but, I believe
5 that several of them may leave the state if they are
6 required to provide the additional limits for the
7 supplementary uninsured-motorist coverage.

8 I would say we've got, probably, five total
9 companies that are currently -- not for charter
10 buses, but for limousine operations.

11 You know, I -- what I wanted to do was, you
12 know, point out some of the major challenges to
13 livery operations.

14 I understand the benefits of having
15 additional limits as well, but, you know, in terms
16 of being able to secure insurance for a lot of these
17 livery operators, it could present some problems.

18 Over the last five to seven years, we've seen
19 an exodus of insurance companies from the state.

20 Some of companies that have left, just in the
21 last two to three years, are Philadelphia Insurance,
22 ProSight, QBE, Hartford, Delos, and Chartus.

23 There may be more, but those are the ones
24 that I'm aware of.

25 Several of these companies still continue to

1 write business in other states, but they found it
2 challenging in New York State for various reasons.

3 Again, you know, I guess the point that I'm
4 just trying to make, is it's going to make it
5 extremely challenging for these operators that have
6 been in business for all these years to be able to
7 secure affordable, quality insurance in New York
8 State.

9 I did want to talk a little bit about the
10 process of securing a quote through these companies.

11 I will tell you, I've been doing this for
12 16 years, and it used to be very easy.

13 You know, I would say, probably, for the last
14 three to five years it's been pretty challenging.

15 There's quite bit of information that goes
16 into it.

17 The insurance companies are looking now
18 online at SAFER ratings, and they're looking at that
19 just as closely as they are claim history.

20 So if you've got an operator that's got a
21 perfect claim history over five years, they may have
22 out-of-service violations on their vehicles, or
23 driver out-of-service violations, and sometimes
24 that's enough to keep the insurance company from
25 providing the quote.

1 So they're not just looking at the claims.

2 As far as the drivers go, I think that's the
3 biggest thing, is the vetting of the drivers.
4 They're extremely strict on that.

5 You know, any potential driver, you know,
6 that is going to go on, it has to be submitted to
7 the insurance agent.

8 We review it, and we review the guidelines
9 that the insurance company has. And then we provide
10 it to the underwriter and have a conversation.

11 If there's accidents or violations, things
12 like that, they ask for copies of police reports to
13 show if the drive -- you know, the accidents were at
14 fault or not.

15 They also ask for any details, whatsoever, to
16 show, or, you know, basically, essentially, provide
17 proof that the driver involved was not negligent for
18 the claim.

19 So, you know, I would say they're extremely,
20 extremely strict on drivers compared to what I have
21 seen probably 10 years ago.

22 Probably the last three to five years it's
23 been -- I've never seen so many drivers actually
24 rejected by insurance companies.

25 In addition to that, in terms of submissions

1 and, you know, submitting to insurance companies for
2 quotes, I don't think I've ever seen so many
3 declinations.

4 You know, so, again, it just goes to the fact
5 that these insurance companies are looking -- you
6 know, they're looking very closely at the
7 operations. They're following strict guidelines,
8 and such.

9 That's pretty much everything I have.

10 SENATOR KENNEDY: Thank you.

11 Sir.

12 RONALD BARTON: My name is Ronald Barton.
13 I'm a retired New York State DOT inspector.

14 I spent better than 25 years enforcing the
15 federal and state regulations as they pertain to the
16 transportation of commercial motor vehicles,
17 transporting property, passengers, and hazardous
18 materials.

19 I gave you a couple of handouts there.

20 I'm just going to run over quick stuff, and
21 then you can read them at your leisure.

22 Of course, my resume is in there.

23 There's some references as to my -- some very
24 large construction companies and carriers in the
25 Capital District that used me as a safety consultant

1 at their safety meetings with their drivers and
2 their mechanics.

3 Also in there, I just want to go over it, and
4 some of the stuff was already covered, so I don't
5 have to cover it.

6 But, there's an application for New York
7 State DOT intrastate operating authority in there,
8 states in there, that what the fine is if you -- you
9 can't operate without it and you can't operate until
10 you get it, and what the fine is.

11 There's also a document in there from the
12 department of motor vehicles that says the
13 registration of passenger vehicles, and pretty
14 strict restrictions.

15 I'm not sure how this limousine got out of
16 there, but in that handout there, somebody from the
17 DOT could have wrote a letter, that this operator
18 could have taken to DMV to be exempt from the
19 New York State DOT inspection.

20 It's included right in there, in the handout
21 from DMV.

22 There's copies of Transportation Laws 140 and
23 145. The portions are highlighted in both of them.

24 140 is the violation of the safety
25 regulations.

1 145 is a violation of operating without the
2 certificate or the permit or the operating
3 authority.

4 And that, specifically, it tells that you --
5 that the state DOT may go to the commissioner of the
6 department of motor vehicles, and the commissioner
7 "shall," not may, "shall" revoke or suspend the
8 registrations of that operator, all his vehicles,
9 except for his personal vehicle.

10 So that was in place before this legislation
11 you just passed come in.

12 This has been in even back when I started,
13 back in the '80s, these two laws were there.

14 In fact, not -- you know, recently, when
15 I retired in 2014, but I can remember back in the
16 early '90s, carriers getting their registration
17 suspended or revoked for safety violations, okay,
18 back in the early '90s.

19 The other thing that's in that first book
20 is -- what I want to do is, I want -- I know that
21 there was something with -- if you wanted a
22 database, the database is already there.

23 I put in there the CVSA levels of inspection.

24 That's the Commercial Vehicle Safety
25 Alliance.

1 That dictates our roadside inspection program
2 for trucks, okay, and motor coaches.

3 Real quick, on the passenger-carrying
4 vehicles, they can't come into a road check if we're
5 on the interstate, or something like that. They
6 can't be stopped unless it's an imminent danger.

7 All right?

8 You know, it's the flat tire, or something to
9 that effect.

10 They have to be inspected at a terminal, a
11 destination, or a planned stop.

12 They cannot be stopped on the interstate.

13 So that limits -- and that's in the federal
14 regulations. When they give you the money, you
15 can't do that.

16 I also want to thank Kevin Barwell.

17 He allowed me to use his page off the federal
18 Motor Carrier Safety Administration, Safety
19 Measurement System website.

20 Just real quick, that's real easy to access.

21 What it has in there: It has all his
22 information. It has his out-of-service rate. And
23 it has his -- for vehicles and for his drivers.

24 And Kevin's is zero-zero.

25 All right?

1 The national averages are there, but
2 Kevin's -- or, Giorgio's, is a zero-zero.

3 What I'm going to propose here is that, in
4 those CVSA levels of inspection, there's a
5 Level VII. It was put in there before I retired.

6 And that's called "an other jurisdictional
7 inspection."

8 All right?

9 And you'll read it, and it will tell you that
10 it's a state-mandated inspection, such as our
11 720 inspection on buses.

12 And that would allow, just a toggling of a
13 button in the software, to go from the federal
14 violations to the state violations, which, you know,
15 they were put into the software.

16 Many states are doing this.

17 Even back when I was working, I would come
18 across operators of motor coaches, and stuff like
19 that, that had -- that were school bus contractors.

20 School buses are not regulated under the
21 federal regulation, so you have to, you know, rely
22 on the individual state.

23 So I put that in there because the databases
24 are already there.

25 You've got -- I forget, there's

1 29 inspections in Giorgio's database. 79 percent of
2 them are driver only.

3 Okay?

4 So you've got an idea of the drivers.

5 It's real hard to do an inspection on a
6 passenger-carrying vehicle.

7 The way we used to have to do it on motor
8 coaches, where we'd have to -- we had these big open
9 ramps, and we'd have to put them up on it because
10 you can't slide under them.

11 So, being able to use our 720 bus inspection
12 program, using the Aspen software, the feds,
13 apparently, are going to pay for it, because it's in
14 the CVSA levels of inspection. That would be
15 something that could be -- you know, the federal
16 grant money could be used for.

17 And the federal grant money is a little over
18 12 1/2 million dollars a year, last federal
19 physical (sic) year. So it goes up a little bit
20 every year, usually.

21 That's my -- my -- to -- you know, my
22 solution to the database.

23 And also on his website, you look up there
24 and it says, opposite, "licensing and insurance."

25 And what it will have up there, it will have

1 operating authority.

2 Well, if he's got active operating authority
3 for passengers, interstate, he's got the highest
4 level of insurance available.

5 Okay?

6 They will not let you have operating --
7 that's what operating authority is; it's, basically,
8 making sure you have the insurance.

9 Okay?

10 So that database is already there.

11 I suggested using this before I retired, and
12 the powers to be in the DOT didn't want to hear it.

13 Okay?

14 But -- and I have a solution, too, to fix
15 that right away, is we have the roadside -- the
16 motor vehicle inspectors, the same title as I had,
17 the ones that are in charge of our 720 bus program,
18 can actually -- they can go work with a 720 motor
19 vehicle inspector for about a week, so they know
20 what the process, you know, what violations, because
21 they're different between -- but you're still
22 talking about a mechanic looking at the vehicle and
23 not a paper audit or a police officer.

24 And what they could do then, is they could
25 actually supplement, to give these motor vehicle

1 inspectors a little bit more time to -- you know, on
2 our school buses.

3 That's the major focus of our bus inspection
4 program that's been around since 1907.

5 The Public Service Commission started
6 inspecting passenger-carrying vehicles in 1907.

7 In 1971 or '72, that was when the Public
8 Service Commission transferred all of those duties
9 to the department of transportation.

10 So our bus-safety program has been around a
11 long time.

12 This limousine in Schoharie, it was not --
13 the previous owner obeyed the rules.

14 The current owner did not.

15 The DOT could have taken the license plates,
16 I agree with Mr. Brown.

17 Like I said, I've seen it.

18 They could have taken the license plates back
19 in March.

20 And the one thing that would have triggered
21 them, is the DOT has on their public website,
22 somebody that applies for operating authority.

23 That's open for public comment.

24 So they get the application for the operating
25 authority.

1 When this operator didn't -- paid the fine,
2 that was his opportunity to be heard, they could
3 have taken the plates, because he didn't even submit
4 an application for operating authority.

5 So that's -- you know, but that's my fix for
6 that.

7 Just the other thing, the other book that
8 I gave you, the other handout I gave you, was the
9 documents specific to the 2001 Ford Excursion
10 limousine.

11 There's a Carfax report that you'll see in
12 there, that -- and it's the same as on your own
13 vehicle.

14 If you -- when you go to get your own vehicle
15 inspected, if you run a Carfax report, the New York
16 State DMV inspection is going to come up there with
17 the mileage.

18 Okay?

19 In 2000 -- all the way up until 2010, the
20 previous owner went through a New York State DMV
21 safety inspection for this Ford Excursion.

22 In 2010 it stopped.

23 And you'll see in there that it said, under
24 "Registration," it said "passed safety inspection."

25 That's because the previous owner took the

1 copy of this MC300E, which is our bus-safety program
2 inspection report, in there to get it registered,
3 because that's what the DMV law says.

4 All right?

5 That's what the DMV law says, and that's in
6 that handout.

7 That's in there.

8 The vehicle -- it remained in this protocol
9 until 2015, when this current owner got it. And
10 then, for some reason, the DOT allowed him to not --
11 to operate without the operating authority.

12 Whether they cited him for it or not, they
13 could have taken the license plates.

14 There's two photographs in there of the Ford
15 Excursion limousine.

16 The one I got, I started looking the day of
17 the accident.

18 You know, maybe you think I get bored, but
19 I went looking to see who the operator of this thing
20 was, just by the picture of it that was on the news,
21 of them calling it out, and I found it.

22 Okay?

23 It's -- the Ford Excursion was quite -- well,
24 at least what I surmised was, that it was quite
25 unique, in the fact that it had those black fender

1 flares on it, and those type of wheels with the
2 round holes in it.

3 And -- so, anyway, I went to the website and
4 I downloaded a picture of it, and it disappeared the
5 next day.

6 But you'll see in that picture, you'll see
7 the New York State DOT 720 bus inspection
8 certificate and the registration over on the
9 right-hand side of the windshield.

10 Okay?

11 And that's the way that our bus program
12 works.

13 The next picture is the current owner, and
14 you'll see that there's a New York State DMV
15 inspection sticker on the windshield, on the side,
16 like on your personal vehicle, along with the
17 registration.

18 SENATOR KENNEDY: Mr. Barton, if you could
19 just -- I know you have some more testimony there.

20 If you could just complete your testimony,
21 please.

22 RONALD BARTON: Okay. All right, all right,
23 yeah, okay.

24 I'm going to leave these two big books with
25 you. All right?

1 One is -- one is the commercial vehicle
2 programs in the state of New York.

3 Some of the things that are quite alarming is
4 the accident rate.

5 The other one is two accident reports from
6 the National Transportation Safety Board, where
7 they're very much aware of our 720 bus inspection
8 program, and the regulation that says that the DOT
9 was to release that vehicle after the accident,
10 after they looked at it, not the state police.

11 So I'll give you that.

12 And if you have any questions, you've got my
13 contact number there.

14 All right?

15 I'd be more than happy to help.

16 SENATOR KENNEDY: Thank you very much.

17 That concludes the agenda -- predetermined
18 agenda for today, but I will open it up to anyone
19 else that would like to speak publicly at this
20 hearing.

21 Sir, please come forward, introduce yourself.

22 CHARLES GANDOLFO: Good afternoon.

23 SENATOR KENNEDY: Good afternoon.

24 CHARLES GANDOLFO: My name is
25 Charles Gandolfo.

1 I'm a director on the board of the
2 Long Island Limousine Association, also owner of
3 Dynasty Limousines in Suffolk County.

4 I'm very aware of both accidents, and
5 everybody took it very hard, all our limo operators.

6 It's tragedies that should have never
7 happened.

8 I'm very familiar with the Suffolk County
9 incident.

10 I helped the grand jury investigation with
11 the limo.

12 I also own one of the largest collision
13 repair shops in Suffolk County.

14 We supplied them an identical car and make
15 and manufacturer from our limousine company. And
16 the DA's office, that's where they did all their
17 investigation work. We did it for them at no
18 charge.

19 And I also testified on the grand jury.

20 And at that time, I suggested seatbelts and
21 no U-turns is the quickest thing that they can do
22 immediately to remedy something, or in a future
23 accident, because, obviously, if you're not wearing
24 a seatbelt, everybody is partying in the back of
25 these vehicles, the driver stops short, you get

1 projected and major injuries or death.

2 Unfortunately, nothing has been done until
3 now to really fast-forward it, and thank God we are.

4 Moving on with that, with the CDL license,
5 I'll hit on a couple things.

6 We have no problem with CDL licenses for
7 10 passengers and up.

8 We feel anything less than that, we really
9 don't need a CDL license. It's not going to make a
10 driver make more of a better decision.

11 It's going to be more of a burden to every
12 limo company because, most of these drivers, you
13 know, have been doing it for years or their
14 part-timers. For them to get a CDL license is a big
15 burden.

16 And I don't really think that's going to
17 prevent any accidents. It's just more of a burden.

18 That's -- our whole association feels the
19 same way.

20 You have guys with one or two cars.

21 You have guys with 20 cars.

22 You know, we have Town Cars, limos, vans. We
23 have buses. They're all CLD -- I'm sorry -- CDL
24 licenses.

25 The -- all our limos, and even Town Cars, all

1 our drivers are fingerprinted, they're drug-tested,
2 and they all have background checks, on all our
3 vehicles.

4 That's Suffolk County and Nassau County laws.

5 I think they're different upstate.

6 So that should be a mandatory thing.

7 And going with the -- your TNCs, the Uber
8 and Lyft, these people are driving taxis, they're
9 driving people around, with no drug testing and no
10 background checks.

11 These are tragedies that are waiting to
12 happen. This is a big safety problem.

13 I'm a collision business. I see all these
14 cars, we're towing them in.

15 We were doing all the Parkway towing down
16 there for over -- almost 30 years.

17 But I think that should be also included in
18 this bill.

19 I think everyone that's any kind of for-hire
20 vehicle, any hotel-use vehicle, any church vehicle,
21 anybody, they're putting 19-year-old, 20-year-old
22 drivers in these vehicles with no drug testing and
23 no licenses, no background checks.

24 Furthermore, we strongly support seatbelts.

25 We have seatbelts in all our vehicles.

1 A lot of them don't come with it, but
2 I always have them installed. That's something we
3 did for 20 years.

4 We support that wholeheartedly.

5 I think airbags, most likely, are going to be
6 a problem to install. That's an engineering thing.

7 I don't think that's something you can vote
8 on today and it's going to be done in one year.

9 I think that's going to be a major problem to
10 overcome.

11 Maybe they can be outfitted in the future,
12 you know, with newer vehicles, but to do it for an
13 older one, I think that's going to be a problem.

14 I also think they shouldn't -- U-turns, we
15 feel U-turns should be definitely enforced.

16 I mean, there's no reason why we can't go to
17 another intersection or go in a different area,
18 because U-turns are the worst serious accidents in
19 cars, limos, trucks, or whatever.

20 Any kind of bad judgment on any driver,
21 I don't care if you have CDL training or not, that's
22 not going to stop a guy from looking twice.

23 He should have looked, he should have took
24 more time doing what he's doing.

25 You know, a very unfortunate situation.

1 I'm happy that DOT said they're going to be
2 redoing their website.

3 I think that's good because, the consumer, if
4 they want to go on the website, see what the rating
5 of a company is, and see if the guy's even DOT
6 authority, it's there.

7 The accident up in Schoharie, huge tragedy.
8 That is criminal.

9 I mean, I don't want to say too much about
10 it, but that's something that should have never
11 happened.

12 He didn't even have an authority to pull.

13 You know, we're going after the companies
14 that are doing the right thing.

15 We've got to go after the companies, as they
16 said before, "gypsy companies." They're all over.

17 Those are the ones that have to be --
18 somehow, figure out a way to go over them.

19 Maybe you could start a program, like you
20 said before, you suggested, and it's a great
21 suggestion, where there's a way that people could
22 send information on these vehicles when they see
23 them.

24 You know, you have a lot of these
25 15-passenger vans running around, regular passenger

1 plates, no insurance, again, no drug testing, no
2 background checks.

3 That's about all I have to say at this time.

4 SENATOR KENNEDY: Well, first of all, thank
5 you for your testimony.

6 Thank you for, what it sounds like, and you
7 and I have not met before, from your testimony, it
8 sounds like you are a business that's doing the
9 right thing, proactively.

10 So you retrofitted your limousines, all of
11 your limousines, with seatbelts?

12 CHARLES GANDOLFO: With seatbelts, correct.

13 SENATOR KENNEDY: 20 years ago, you said?

14 CHARLES GANDOLFO: All of them, yeah.

15 All my limo buses --

16 SENATOR KENNEDY: That's impressive.

17 CHARLES GANDOLFO: -- even my limo bus, with
18 the regular seats, "party buses" they call them,
19 they all have seatbelts.

20 SENATOR KENNEDY: That's impressive.

21 In your --

22 CHARLES GANDOLFO: It's not -- it's not --
23 excuse me.

24 It's not even a major expense on a smaller
25 company.

1 I mean, the coach buses, yeah, that's a major
2 expense.

3 But you're talking, 20 seatbelts, even if
4 it's \$100, I mean, it's a couple grand, but it's
5 something, it's a safety thing.

6 I don't think that's a major thing to do on
7 the -- you know, most of the companies are small.
8 They're not like 50 buses, or anything like that.

9 SENATOR KENNEDY: I really appreciate your
10 testimony.

11 You touched on a number of initiatives that
12 were proposed by the families here with us today.

13 One item you did not mention were the
14 intrusion bars and the retroactively fitting.

15 CHARLES GANDOLFO: All right. In the grand
16 jury investigation, the vehicle that we took apart,
17 the intrusion bar was set to old standards, lower,
18 because there was no SUVs, and all that kind
19 stuff.

20 So that's why it's determined that it was --
21 it should have been higher.

22 So, I do agree with that, because there was
23 no -- it went right over it.

24 But I can tell you, I was talking to the
25 manufacturer actually two days ago, the same

1 manufacturer of that car, they did change the design
2 on the vehicle where the intrusion bars now are
3 higher.

4 I don't know if they added one or lowered it,
5 but I know they -- we had that discussion the other
6 night, so they're very happy that they did that.

7 And with that, they didn't want to comment
8 too much, because I asked them a lot of questions,
9 I guess, maybe because of litigation, along those
10 lines, yeah.

11 SENATOR KENNEDY: Once again, thank you very
12 much.

13 And you were right in your testimony, that we
14 want to go after the bad actors, those that are not
15 complying with the law, but we also want to make the
16 current industry, statewide, safer --

17 CHARLES GANDOLFO: Absolutely.

18 SENATOR KENNEDY: -- similar to what you've
19 done, it sounds like, in your own vehicles.

20 And I think that is where we need to put our
21 focus.

22 And we'll be doing that.

23 And I think it's important to, especially
24 since you were not on our list, if you could just
25 meet with our staff here, give us your information,

1 we would love to make you a part of the
2 conversation.

3 CHARLES GANDOLFO: Well, I actually
4 emailed, and they said they were setting up a
5 meeting on Long Island, possibly next month, which
6 I was going to attend.

7 That's why I didn't speak today.

8 But you offered, so I took the opportunity.

9 The other thing, one more thing, I want to
10 touch upon, so everyone knows here, our DOT program
11 in New York State is very, very rigid.

12 And what I mean by that, they actually, like
13 the gentleman was saying before, if you have a
14 minimal oil leak, or a hanger on the exhaust broke,
15 they'll fail you.

16 There's no games.

17 This is, like, everybody hates bringing them
18 in, but we bring them in and get it done.

19 We get, on a regular bus, I'm talking
20 20-passenger bus, my bills are fifteen to
21 twenty-five hundred dollars every six months.

22 That's how rigid these inspections are.

23 We check them before they go in.

24 You know, I mean, the ties have to be
25 100 percent, the brakes, oil leaks, hangers.

1 Your windshield washer fluid has to be the
2 right level. I mean, right down to that.

3 Emergency exit, the windows, the DOT
4 inspectors opens and closes all of them.

5 So that system is working fantastic, you
6 know.

7 And one thing is a good idea, too, maybe for
8 future vehicles, because, actually, from the
9 limousine fire that was in California, California
10 passed a law to put these fly windows in on the
11 sides for escape.

12 I actually bought one of the first limos out
13 of Vegas with those windows, so ours has it.

14 So some people have it, some don't.

15 So -- but that's a simple fix also, you know.

16 SENATOR KENNEDY: Yeah, and there are states,
17 including, I believe, it's Michigan, that has that
18 in statute, to have those --

19 CHARLES GANDOLFO: Yes.

20 SENATOR KENNEDY: -- specific escape hatches
21 on their limousines.

22 Thank you again for being here.

23 I can tell you one of the items that you
24 touched on, and others have touched on, is that --
25 that reporting mechanism, making sure that we're

1 getting after and enforcing --

2 CHARLES GANDOLFO: I think that's a great
3 idea.

4 SENATOR KENNEDY: -- where we need to.

5 I think a big part of this is us putting in
6 place some sort of reporting mechanism, whether it
7 be a hotline, or some version of that.

8 So I'm going to be advancing that as well.

9 So, thank you again.

10 CHARLES GANDOLFO: Not a problem.

11 SENATOR KENNEDY: Anyone else here that has
12 not testified, or, is not on the agenda, that would
13 like to testify before we complete this hearing?

14 Once again, I want to thank everyone for
15 being here today.

16 This has been a very informative and robust
17 conversation on these important issues as it relates
18 to limousine safety here in the state of New York.

19 I want to particularly thank, once again, the
20 families of those that have lost loved ones.

21 You are inspiring, and you are going to be
22 the ones that are driving this agenda.

23 And I am just, once again, so grateful that
24 you have taken the time, that you have found it in
25 your hearts, the courage, to step forward and share

1 your very personal, difficult, and tragic story of
2 loss with each and every one of us.

3 Again, our hearts go out to you.

4 And I can promise you this, that your loved
5 ones' lives, their legacy will live on through the
6 work that we are going to do, and we are going to
7 advance.

8 And we are going to make our streets, our
9 roads, and the limousine industry safer for all
10 New Yorkers, and, hopefully, set a precedent for the
11 rest of the nation to follow suit.

12 Once again, thank you, everybody, for being
13 here.

14 Thank you as well to the industry leaders.
15 Your input is essential as we're advancing
16 legislation as well.

17 And I can guarantee we will certainly be in
18 touch with everyone here as we move forward in a
19 very expeditious manner.

20 That draws to a conclusion this
21 Transportation Public Hearing on Limousine and Bus
22 Safety.

23 Thank you, everyone.

24 (Whereupon, at approximately 3:02 p.m.,
25 the public hearing concluded, and adjourned.)