

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### Notice of Promulgation of Rules

**Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates rules governing accessible taxicabs.**

These rules are promulgated pursuant to sections 1043 and 2303(b)(11) of the Charter and sections 19-503 and 19-532(b) of the Administrative Code of the City of New York.

These rules were published for public comment in The City Record on April 6, 2006. A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on May 11, 2006. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days following the publication in The City Record.

Section 1. Title 35, chapter 3 of the Rules of the City of New York is amended by adding a new section 3-03.2, to read as follows:

New material is underscored.

#### §3-03.2 Accessible Taxicab Specifications.

(a) Definitions. For purposes of this section:

- (1) The term “accessible taxicab” shall refer to a taxicab that complies with federal regulations promulgated pursuant to the Americans with Disabilities Act applicable to vans under 22 feet in length, by the federal Department of Transportation, in Code of Federal Regulations, title 49, parts 37 and 38, and by the federal Architectural and Transportation Barriers Compliance Board, in Code of Federal Regulations, title 36, sections 1192.23 et seq., and the Federal Motor Vehicle Safety Standards, Code of Federal Regulations, title 49, part 571, that is hacked-up, as that term is defined in section 3-01(a) of this chapter, to an accessible medallion or any other medallion on or after June 25, 2006.
- (2) The term “OEM” shall refer to the original equipment manufacturer of the accessible taxicab who either manufactures the accessible taxicab in compliance with the specifications in subdivisions (c) and (d) of this section or manufactures the accessible taxicab such that the chassis complies with the specifications in subdivision (c) of this section and

approves a second-stage manufacturer who modifies the vehicle to comply with the specifications of subdivision (d) of this section.

(b) An accessible taxicab shall be approved for hack-up if:

(1) It is a vehicle other than a van the chassis for which as originally manufactured is designed to seat eight or more persons, a bus, or a minibus;

(2) It is capable of transporting at least one passenger using a common wheelchair as defined in Code of Federal Regulations, title 49, section 37.3;

(3) As presented for hack-up, it does not seat more than five passengers in all; and

(4) It complies with the requirements stated in subdivisions (c) and (d) of this section, and all other requirements for hack-up that are not inconsistent with the provisions of this section; provided, however, that an accessible taxicab that is also a hybrid electric vehicle must also comply with the requirements stated in section 3-03.1 of this chapter.

(c) The chassis of the accessible taxicab as originally manufactured must meet the following general OEM specifications:

(1) The maximum horsepower shall be 240;

(2) The suspension shall utilize the OEM's suspension and steering components; and

(3) No bumper modifications are allowed.

(d) The accessible taxicab as manufactured by the OEM or as modified by an OEM-approved second-stage manufacturer must meet the following specifications:

(1) The minimum ground clearance (measured from frame, loaded to gross vehicle weight rating (GVWR)) shall be 5 inches;

(2) The minimum passenger compartment length (measured from rear of driver's seat base to rear seat base) shall be 56 inches;

(3) The OEM floor of the accessible taxicab, if lowered, shall be lowered from the base of the firewall to the area immediately in front of the rear axle;

(4) If a lowered floor assembly is used in the accessible taxicab, it shall be stainless steel (16 gauge minimum), and shall meet or exceed the 1000 hour salt spray rating;

- (5) If a lowered floor assembly is used in the accessible taxicab, a vapor-insulating barrier of ½ inch marine grade plywood shall be applied over the lowered metal floor and thoroughly secured;
  - (6) The wheelchair ramp shall not block any part of the door or glass while in the stowed position;
  - (7) The wheelchair securement system shall be provided to hold a wheelchair or wheelchairs and shall be the system known as Q straint QRT Standard or equal;
  - (8) No anchor points shall project more than 1/8 of an inch above the finished floor;
  - (9) If the accessible taxicab has a middle fold-up passenger seat, it shall have a folding mechanism and base plate and shall meet the requirements of the Federal Motor Vehicle Safety Standard No. 207, Code of Federal Regulations, title 49, section 571.207;
  - (10) Any modifications to the rear air conditioning must be approved by the OEM;
  - (11) Any and all electrical wiring in the accessible taxicab, other than as provided by OEM who manufactured the chassis, shall be PVC or better insulated and color coded for positive identification; and
  - (12) The back-up alarm in the accessible taxicab shall be an electrically operated device that produces an intermittent audible signal when the accessible taxicab's transmission is shifted to reverse.
- (e) Notwithstanding the provisions of sections 3-01(f) and 3-02 of this chapter, the retirement date for an accessible taxicab shall be determined as follows:
- (1) An accessible taxicab which is double-shifted and not driven by at least one long-term driver, as defined in section 1-01 of this title, for any period of time after hack-up, must be retired from taxicab service and replaced no later than 36 months after the vehicle was hacked-up;
  - (2) Any other accessible taxicab must be retired from taxicab service and replaced no later than 60 months after the vehicle was hacked-up; and
  - (3) An accessible taxicab hacked-up pursuant to this section shall not be eligible for any extension of the retirement dates provided in this paragraph.

## **STATEMENT OF BASIS AND PURPOSE**

The rules provide specifications for taxicabs to be used with accessible medallions pursuant to section 19-532(b) of the Administrative Code of the City of New York. The specifications are applicable to taxicabs that are hacked-up for use with accessible and other medallions on or after June 25, 2006. The specifications incorporate federal regulations promulgated pursuant to the Americans with Disabilities Act of 1990 (“ADA”) applicable to vans under 22 feet in length, by the federal Department of Transportation, Code of Federal Regulations, title 49, parts 37 and 38, and by the federal Architectural and Transportation Barriers Compliance Board, Code of Federal Regulations, title 36, sections 1192.23 *et seq.* The purpose of the rules is to ensure that accessible taxicabs are accessible to passengers who use wheelchairs

The rules require that an accessible taxicab be a vehicle other than a van the chassis for which as originally manufactured is designed to seat eight or more persons, a bus, or a minibus. The vehicle must meet the specifications either after original manufacture or after modification by a second-stage manufacturer that is approved by the original manufacturer. The Taxi and Limousine Commission staff has identified two vehicles currently in production that meet the specifications – the Chevrolet Uplander, as modified by Eldorado National and sold as the Amerivan PT, and as modified by the Braun Corporation and sold as the Braun Entervan.