

Notice of Promulgation of Rules

Notice is hereby given in accordance with Section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates rules to require all For-Hire Vehicle (FHV) Bases to send 25% of their dispatched trips to wheelchair accessible vehicles. These rules are promulgated pursuant to Sections 1043 and 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York. These rules were published in the City Record on July 7, 2017 for public comment. On September 28, 2017, a public hearing on these rules was held by the TLC at the New York Marriott Downtown, 85 West Street, New York, New York, and the rules were adopted by the Commission on December 13, 2017. Pursuant to Section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days after publication.

Statement of Basis and Purpose

Increasing access to the New York City Taxi and Limousine Commission’s fleet of over 110,000 licensed vehicles is an important step to make New York City a place that is truly accessible to all of our residents and visitors, including those who use wheelchairs. In 2014 the TLC created a framework to introduce wheelchair accessible green and yellow taxis into the City’s fleet over time. To reach the for-hire vehicle sector (black cars, car services and luxury limousines), which today transports at least 400,000 passengers each day, the TLC promulgates an accessible service requirement that would put wheelchair accessible for-hire vehicles (FHV’s) in circulation and available for the passengers who need them.

Specifically the TLC will now:

- Require all FHV bases to dispatch 25% of their trips in wheelchair accessible vehicles, beginning with 5% in the first year of implementation, scaling up to 25% over the course of five years
- Give every base the flexibility to dispatch to any wheelchair accessible for hire vehicle
- Perform an annual review of the percentage levels

The key to real accessible service is vehicle availability. Licensing wheelchair accessible vehicles alone does not achieve this goal. Generally, vehicles are available for service when they are in circulation. That is, they are steadily getting dispatches from a base and between trips the vehicles remain “at the ready.” That is true for standard vehicles, and it is equally true for accessible vehicles. If each base is required to dispatch a certain percentage of its trips to vehicles that are wheelchair accessible, then these vehicles will be on the road and available to pick up passengers that use wheelchairs, but who today are unable to get reliable for hire service.

For the base owners, the rule would provide significant flexibility. Base owners would be able to dispatch to wheelchair accessible vehicles from both the livery and black car sectors, regardless of the base to which they are affiliated, and could also dispatch to existing wheelchair accessible

green taxis in areas where green taxis are permitted to accept dispatches. Additionally, TLC will phase in this requirement over a period of several years to reach 25% of trips.

The Commission’s authority for these rules is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Subdivision (e) of section 59A-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner must not dispatch or permit another person to dispatch Owner’s Vehicle unless:
 - (1) It is affiliated with a Validly Licensed Base
 - (2) The base dispatching the Vehicle is Validly Licensed
 - (3) The Vehicle is being dispatched *from* its affiliated Base, unless:
 - (i) The Vehicle is an Accessible Vehicle [being dispatched to transport a Person with a Disability pursuant to a contract executed under section 59B-17(c) of these Rules] affiliated with a For-Hire Base, or
 - (ii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer and the dispatching Base is (1) a Livery Base if the affiliated Base is a Livery Base, or (2) either a Black Car or Luxury Limousine Base if the affiliated Base is a Black Car Base or a Luxury Limousine Base.

§59A-11(e)	Fine: \$400	Appearance NOT REQUIRED
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Section 2. Subdivisions (c) and (d) of section 59B-17 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Provide Accessible Transportation.* A Base Owner must provide transportation service to Persons with Disabilities.
 - (1) [*Alternative Methods of Providing Service.* A Base Owner can provide Accessible Vehicle transportation service to Persons with Disabilities either by:]

Requirements for Percentage of all Dispatched Trips Serviced by an Accessible Vehicle:

- (i) [Dispatching an Accessible Vehicle from Owner’s Base, upon request] At least five (5) percent of a Base’s total trips dispatched between July 1, 2018, and June 30, 2019 must be trips dispatched to and completed by an Accessible Vehicle.
- (ii) [Contracting with another Base to provide and dispatch Accessible Vehicles for Persons with Disabilities.] At least ten (10) percent of a Base’s total trips dispatched between July 1, 2019, and June 30, 2020 must be trips dispatched to and completed by an Accessible Vehicle.
- (iii) At least fifteen (15) percent of a Base’s total trips dispatched between July 1, 2020, and June 30, 2021 must be trips dispatched to and completed by an Accessible Vehicle.
- (iv) At least twenty (20) percent of a Base’s total trips dispatched between July 1, 2021, and June 30, 2022 must be trips dispatched to and completed by an Accessible Vehicle.
- (v) Beginning July 1, 2022, and continuing each year thereafter, at least twenty-five (25) percent of a Base’s total trips dispatched between the dates of July 1 and June 30 must be trips dispatched to and completed by an Accessible Vehicle.

(2) For purposes of paragraph (1) of this subdivision, Hail Trips performed by an Accessible Street Hail Livery affiliated with a Base will count toward the total number of trips dispatched by that Base.

<p><u>§59B-17(c)(1)</u></p>	<p><u>Fine: \$50 for each 100 trips by which the Base missed the percentage of trips it was required to dispatch to Accessible Vehicles in that calendar year. <i>Example:</i> If Base A dispatches 100,000 trips between July 1, 2018 and June 30, 2019, but only dispatches 2,500 trips to Accessible Vehicles, the base will have missed the 5% requirement by 2,500 trips and be subject to a \$1,250 fine.</u></p> <p><u>If a Base fails to dispatch enough trips to Accessible Vehicles to meet at least half of its percentage requirement, the Commission may seek suspension of up to 30 days or revocation.</u></p>	<p><u>Appearance REQUIRED</u></p>
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(3) *Evaluation by the Commission.* Every year, beginning July 1, 2019, the Commission will review Base compliance levels, service levels, and any other information it deems relevant to determine if adjustments need to be made to the percentages set forth in paragraph (1) of this subdivision.

([2] 4) *Must Provide “Equivalent Service.”*

- (i) [Whether the Base dispatches its own Accessible Vehicles or contracts with another Base, the] The Base Owner must provide “equivalent service” to persons with disabilities.
- (ii) “Equivalent Service” means that the service available to Persons with Disabilities, is equivalent to the service provided to other individuals with respect to:
 - A. Response time to requests for service
 - B. Fares charged
 - C. Hours and days of service availability
 - D. Ability to accept reservations
 - E. Restrictions based on trip purpose
 - F. Vehicle types offered
 - G. Other limitations on capacity or service availability

§59B-17(c)[(2)](4)	Fine: \$1000 [and, if the violation includes failure to maintain either an affiliated Accessible Vehicle or an arrangement with another Base to provide such service, suspension of the Base License until compliance]	Appearance REQUIRED
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- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner’s Base, unless:
- (1)
 - (i) The Vehicle is affiliated with (i) a Livery Base if the dispatching Base is a Livery Base or (ii) either a Black Car or Luxury Limousine Base if the dispatching Base is a Black Car or Luxury Limousine Base, and
 - (ii) The Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer; or
 - (2) The Base is dispatching an Accessible Vehicle [from a Base it has contracted with to provide accessible transportation pursuant to Section 59B-17(c) of these Rules]

affiliated with a For-Hire Base and the Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer.

§59B-17(d)	Fine: \$150	Appearance NOT REQUIRED
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