

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its for-hire vehicle base owners rules. The change would make for-hire vehicle bases responsible for affiliated drivers who engage in “street hails” instead of operating by prearrangement, as required. Base owners would be fined \$100 for each violation committed by a driver operating a for-hire vehicle affiliated with the base.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, April 21, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at www.nyc.gov/nycrules.
- **By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on April 21, 2011 at 10:00 a.m. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by April 20, 2011.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, April 14, 2011.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY 10004.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year because the need for the rule was not anticipated at the time the regulatory agenda was published.

Where can I find the Commission’s rules? The Commission’s rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Taxi and Limousine Commission’s rules require for-hire vehicle drivers to pick up passengers only by pre-arrangement through for-hire vehicle bases. For-hire vehicle drivers and for-hire vehicle owners are subject to penalties for accepting illegal “street hails,” but for-hire vehicle base owners are not subject to these penalties.

In 2009, as part of a comprehensive revision of rules applicable to the for-hire vehicle industry, the TLC proposed fines for vehicle base owners when their drivers accept “street hails.” Industry representatives objected to the penalties, and the Commission dropped the fines from its rules proposal.

Despite aggressive TLC enforcement against for-hire vehicle drivers and owners, the problem of illegal “street hails” persists. The TLC therefore proposes a \$100 fine on a vehicle base owner for each illegal “street hail” accepted by its drivers, providing all vehicle base owners with the incentive to prevent their drivers from accepting illegal “street hails” without harming responsible bases.

New material is underlined.

[Material inside brackets indicates deleted material.]

§59B-25 Operations – Miscellaneous Operating Requirements

- (a) *No Street Hails Permitted.* [A] No Base Owner will allow a Vehicle affiliated with the Base to transport Passengers for hire other than through pre-arrangement with the Base [must maintain and enforce rules and policies preventing Vehicles affiliated with the Base or dispatched by the Base and Drivers of these Vehicles from accepting street hails].

§59B-25(a)	Fine: [Suspension until compliance] <u>\$100 for every violation of §55-19 (a) or (b) committed by Drivers of Vehicles affiliated with the Base.</u>	Appearance <u>NOT REQUIRED</u>
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**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Penalty for Acceptance of Street Hails by For-Hire Vehicles
REFERENCE NUMBER: TLC-2
RULEMAKING AGENCY: TLC**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Does not provide a cure period because a cure period is not practicable under the circumstances.

/s/ Francisco Navarro
Mayor's Office of Operations

3/16/11
Date