

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 (“TLC”) is considering changing its rules for taxicab hack-up and maintenance. The change would set standards for TLC approval of taxicab rooftop advertising fixtures.

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, July 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 July 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 July 15, 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, July 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 included in the Commission's regulatory agenda for this Fiscal Year.

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 Rules

The purpose of the proposed rule is to:

1. Codify the rooftop device approval process,
2. Establish safety standards for rooftop devices, and,
3. Establish a fine for taxicabs that do not comply with the standards.

Section 19-525 of the City Administrative Code allows TLC to issue permits for exterior advertising on licensed vehicles and to promulgate rules governing the type and size of advertisements. The TLC only allows advertising on taxicabs with approved rooftop devices. The TLC currently approves taxicab rooftop advertising devices through a Memorandum of Understanding ("MOU") with each rooftop provider. The MOUs set the standards with which the rooftop device must comply. The proposed rules will replace the MOUs by codifying the approval process stated in them. Rooftop devices currently approved through an MOU will continue to be approved in accordance with the proposed rules.

Under the proposed rules, every newly designed rooftop advertising fixture offered by a provider must be approved by the TLC before it can be affixed to a taxicab. A taxicab owner using an unauthorized rooftop advertising fixture will be issued a summons under Rule 58-34.

The proposed rule establishes the following safety standards for TLC approval of a new rooftop advertising fixture:

- certification by a licensed professional engineer;
- proper affixation of advertising content to the fixture;
- size limits; and,
- restriction of advertising to the sides of the rooftop fixture.

The TLC currently intends that these proposed rules will remain in effect until such time as TLC selects a vendor (or vendors), pursuant to a competitive process, to act as providers for taxicab exterior advertising.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend section 58-34 of Title 35 of the Rules of the City of New York by adding a new subdivision (e), to read as follows:

§58-34 Vehicle Equipment

(e) Optional Rooftop Advertising Fixture.

(1) An Owner may equip a Taxicab with an authorized Rooftop Advertising Fixture in accordance with Rule 67-16.

(2) The Owner must remove a Rooftop Advertising Fixture if the TLC terminates such authorization in accordance with section 67-16(e) of these Rules.

(3) An Owner must not use any rooftop advertising fixture unless the Owner has obtained a permit to use such a fixture

(4) An Owner can use only an authorized Rooftop Advertising Fixture.

<u>§58-34(e)</u>	Fine: \$200 and a 10-day Notice to Correct. If the <u>10-day Notice to Correct is not complied with, Summary Suspension until the condition is corrected</u>	<u>Appearance NOT REQUIRED</u>
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Section 2. It is proposed to amend section 67-03 of Title 35 of the Rules of the City of New York by adding new subdivisions (g) and (h) and re-lettering existing subdivisions (g) through (j) as subdivisions (i) through (l), to read as follows:

§67-03 **Definitions Specific to this Chapter**

(g) Rooftop Advertising Fixture means a device that incorporates the functions of a Roof Light with the displaying of advertising.

(h) Rooftop Advertising Fixture Provider means the entity responsible for supplying the Rooftop Advertising Fixture to the Medallion Owner and maintaining the advertising material.

Section 3. It is proposed to amend Title 35 of the Rules of the City of New York by adding a new section 67-16, to read as follows:

§67-16 [(Reserved)] Authorized Rooftop Advertising Fixture

- (a) Authorized Rooftop Advertising Fixture.
- (1) Upon payment of an annual Advertising Permit Fee as described in Rule 58-07(g), a Medallion Owner may install and maintain an authorized Rooftop Advertising Fixture.
 - (2) A Medallion Owner must not install or maintain a Rooftop Advertising Fixture that is not authorized, or no longer authorized, by TLC.
- (b) Grandfathered Authorized Rooftop Advertising Fixtures. A Rooftop Advertising Fixture that is authorized by a Memorandum of Understanding between the Rooftop Advertising Fixture Provider and the TLC that is in effect on August 30, 2011 and was installed in accordance with these rules shall be deemed to comply with the requirements of these rules.
- (c) Requirements for Obtaining TLC Approval of a Rooftop Advertising Fixture.
- (1) The Rooftop Advertising Fixture must be tested and certified in accordance with the Department of Defense Test Standard MIL-STD 810f by a licensed Professional Engineer and documentation of testing and certification must be submitted to TLC. (MIL-STD 810f can be found at <http://www.dtc.army.mil/navigator>.)
 - (2) The Rooftop Advertising Fixture must be approved by TLC's Safety and Emissions Division.
 - (3) The Rooftop Advertising Fixture Provider may post advertisements on the Rooftop Advertising Fixture. Such advertisements:
 - (i) must not exceed the physical dimensions of the advertising display surface of the rooftop unit
 - (ii) Exception: An advertisement can exceed the dimensions of the advertising display surface of the rooftop unit by no more than 100 square inches if the certification by a Professional Engineer as required in paragraph one of this subdivision specifically states that the extension is safely supported upon the Rooftop Advertising Fixture.
 - (4) The Rooftop Advertising Fixture must
 - (i) be two-sided, each side rectangular in shape;
 - (ii) display advertising material to the sides of the vehicle, and
 - (iii) not display advertising material to the front and back of the vehicle.
- (4) Variation in approved design.

- (2) Notwithstanding the notice requirements of paragraph one, TLC may immediately terminate authorization of a Rooftop Advertising Fixture if the Chairperson determines there is an imminent threat to the health or safety of members of the public, taxi drivers, or other individuals.

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: Amendment of Rooftop Advertising Rules
REFERENCE NUMBER: TLC-8
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) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the requirements stated by the proposed rule reflect established industry practice for which the agency historically has provided extensive notice, outreach, and guidance on compliance to the regulated individuals and communities.

/s/ Francisco Navarro
Mayor's Office of Operations

June 01, 2011
Date

NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rooftop Advertising Rules

REFERENCE NUMBER: 2011 RG 046

RULEMAKING AGENCY: Taxi and Limousine Commission

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

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: June 1, 2011