

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 proposing rules which would make changes to the existing rules in Chapter 61 of Title 35 of the Rules of the City of New York regarding Commuter Van Vehicle Owners and Commuter Van Service Owners. The proposed rule would require that all Commuter Van Vehicles display required Commuter Van and License Number decals.

When and where is the Hearing? The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 10:00 a.m. on July 16, 2015. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19th Floor.

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

- **Mail.** You can mail 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 comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email 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 Hearings.** Anyone who wants to comment on the proposed rule at the public hearings 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 session begins on July 16, 2015. 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, 2015.

Do you need assistance to participate in the Hearings? 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 July 9, 2015.

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.

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 RULE

The TLC is proposing rules that would add new sections to the existing rules governing Commuter Van Vehicle Owners and Commuter Van Service Owners. The proposed rules will require that a Commuter Van Decal and a TLC License Number decal be displayed on both of the front doors of all licensed Commuter Vans. The rule would also permit all Commuter Van Vehicles to affix both decals as optional markings on the rear door of Commuter Van Vehicles.

Background

Commuter Vans provide an economical means of transportation for areas of New York City that are underserved by traditional for-hire vehicles and mass transit. The TLC regulates and licenses Commuter Vans and Commuter Van drivers to ensure that this industry operates safely when providing service to these specific communities by establishing licensing and insurance requirements.

Despite TLC and the NYPD enforcement efforts to police this industry, unlicensed vans continue to provide unlicensed (and illegal) transportation. These illegal vans are operated by drivers who are not licensed as Commuter Van operators by the TLC. In many instances, the illegal vans do not have the insurance required by the TLC. Additionally, as reported by both TLC's enforcement division and the NYPD, the illegal vans are typically operated in a reckless and dangerous manner while transporting passengers. The public safety risk to pedestrians, motorists and passengers is grave.

Commuter Van Decal Pilot Program

On August 7, 2014, the TLC approved a resolution to evaluate the use markings and decals on Commuter Vans via a pilot program. The TLC pilot program began on November 11, 2014 and the pilot program is still currently in operation with participation from Commuter Van Service Owners throughout New York City.

The markings evaluated differed from those currently required to be displayed on the sides of the Commuter Van Vehicles under sections 61A-27 and 61B-27 of the Commission's rules for such vehicles. The pilot evaluated the use of an additional, Commission-designed logo that was affixed to the side doors and rear of the vehicle in the pilot.

Participants in the Pilot Program consisted of TLC licensed Commuter Van Service Owners who agreed to use the identifying decals under the terms of the resolution. Pilot Program participants incurred an estimated cost, primarily for the decals and their installation, of approximately \$50 per vehicle. Twelve print shops approved by agreements with the TLC are authorized to print and affix the decals to the Commuter Vans.

Objective of the Pilot Program

The TLC expected use of the decals to:

- 1) Make TLC-licensed Commuter Vans easily identifiable to passengers so they can tell the difference between legal, licensed Commuter Vans and those operating illegally;
- 2) Attract new customers to licensed Commuter Vans; and,
- 3) Make it easier for TLC and NYPD enforcement to identify illegal vans, which will potentially make the enforcement officers' duties safer.

Pilot Program Results

Forty-one owners, who comprise 87 percent of all licensed Commuter Van Service Owners, are participating in the program. This means that 77 percent (387) of all licensed Commuter Van vehicles affiliated with a Commuter Van Service Owner are authorized to affix the Commuter Van and License Number decals.

The TLC met with representatives of participating Commuter Van Service Owners to ask for their feedback on the pilot program. The Commuter Van Service Owners indicated that the decals give their service a distinctive branding which lets potential customers and law enforcement know that their vans are legal. Many Commuter Van Drivers also expressed their satisfaction with the public acknowledgment by the TLC of their legitimately licensed service, which stands out in stark contrast to the unlicensed vans. As a result of these improvements, the industry supports the Pilot Program and many owners have urged TLC to make the decal a permanent requirement for Commuter Vans.

The TLC also conducted passenger outreach to ensure that the riding public is aware of the decal and its significance. The outreach enabled the TLC to educate the public on how to distinguish between licensed and unlicensed Commuter Vans and the benefits of selecting licensed Commuter Vans.

Making the Commuter Van Decals required markings

In view of the positive response and the relatively low cost of the decal installation, the TLC has determined that the Commuter Van Decal and the TLC License Number decal should become required markings for all licensed Commuter Vans. The proposed markings will assist the TLC and the NYPD remove from City streets dangerous, unlicensed vans that pose a threat to the public, and help passengers identify legal, licensed Commuter Van service, thereby supporting Mayor de Blasio's Vision Zero commitment to reduce pedestrian deaths.

The Commission's authority for this rule is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivision (d) of section 61A-27 of Title 35 of the Rules of the City of New York is relettered subdivision (e), and a new subdivision (d) is added, to read as follows:

(d) Commuter Van Decal.

(1) All Commuter Van vehicles must permanently affix and display the Commuter Van Decal, whose dimensions are 21.7 inches wide by 11 inches high, and the TLC License Number Decal, whose dimensions are 2.5 inches high:

(i) Driver side front door (Required)

A. Commuter Van Decal

The decal must be placed centered left to right and located in the upper half of the flat surface between the door trim and door handle and parallel to the door trim.

B. License Number Decal

The decal must be placed centered left to right and horizontally below the Commuter Van Decal.

(ii) Passenger side front door (Required)

A. Commuter Van Decal

The decal must be placed centered left to right and located in the upper half of the flat surface between the door trim and door handle and parallel to the door trim.

B. License Number Decal

The decal must be placed centered left to right and horizontally below the Commuter Van Decal.

(2) All Commuter Van vehicles may permanently affix and display on the rear door of the vehicle an optional Commuter Van Decal, whose dimensions are 21.7 inches wide by 11 inches high, , and an optional TLC License Number Decal, whose dimensions are 2.5 inches high:

(i) Rear door (Optional)

A. Commuter Van Decal

The decal must be placed centered left to right and located in the upper half of the flat surface between the door trim and door handle and parallel to the door trim.

B. License Number Decal

The decal must be placed centered left to right and horizontally below the Commuter Van Decal.

<u>61A-27(d)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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Section 2. Subdivision (d) of section 61B-27 of Title 35 of the Rules of the City of New York is renumbered subdivision (e), and a new subdivision (d) is added, to read as follows:

(d) Commuter Van Decal.

- (1) All Commuter Van vehicles must permanently affix and display the Commuter Van Decal, whose dimensions are 21.7 inches wide by 11 inches high, and the TLC License Number Decal, whose dimensions are 2.5 inches high:
 - (i) Driver side front door (Required)
 - A. Commuter Van Decal
The decal must be placed centered left to right and located in the upper half of the flat surface between the door trim and door handle and parallel to the door trim.
 - B. License Number Decal
The decal must be placed centered left to right and horizontally below the Commuter Van Decal.
 - (ii) Passenger side front door (Required)
 - A. Commuter Van Decal
The decal must be placed centered left to right and located in the upper half of the flat surface between the door trim and door handle and parallel to the door trim.
 - B. License Number Decal
The decal must be placed centered left to right and horizontally below the Commuter Van Decal.
- (2) All Commuter Van vehicles may permanently affix and display on the rear door of the vehicle an optional Commuter Van Decal, whose dimensions are 21.7 inches wide by 11 inches high, , and an optional TLC License Number Decal, whose dimensions are 2.5 inches high:
 - (i) Rear door (Optional)
 - A. Commuter Van Decal
The decal must be placed centered from left to right and located in the upper half of the flat surface between the door trim and door handle and parallel to the door trim.
 - B. License Number Decal
The decal must be placed centered left to right and horizontally below

the Commuter Van Decal.

<u>61B-27(d)</u>	<u>Fine: \$100</u>	<u>Appearance NOT REQUIRED</u>
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**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

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

RULE TITLE: Commuter Van Decals

REFERENCE NUMBER: 2015 RG 063

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 10, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

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

RULE TITLE: Commuter Van Decals

REFERENCE NUMBER: TLC-82

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

June 10, 2015
Date