

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Opportunity to Comment

Notice is hereby given in accordance with Section 1043(b) of the Charter of the City of New York, that the Taxi and Limousine Commission (“TLC”) proposes to amend the Taxicab Owners Rules to provide for the temporary establishment of group riding locations and rates of fare.

The TLC is proposing such regulations pursuant to the authority vested in the TLC under Charter Sections 2303(a); 2303(b)(1) and 2303(b)(9); and under Section 19-503(a) of the Administrative Code of the City of New York.

The NYC Taxi and Limousine Commission will hold a public hearing in connection with these proposed regulations at 40 Rector Street, Fifth Floor, New York, NY 10006 on March 30, 2004, at 9:30 a.m. Persons seeking to testify are requested to notify the Commission, either in writing at the address stated above, or by telephone: (212) 676-1117. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify the Commission by no later than March 26, 2004.

Written comments in connection with these proposed regulations may be sent through March 29, 2004, to:

Peter M. Mazer
Deputy Commissioner for Legal Affairs/General Counsel
New York City Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed that Title 35 of the Rules of the City of New York (“RCNY”), Chapter 1, Taxicab Owners’ Rules, Section 1-71, Group Rides, be amended by the addition of a new subdivision (c) to read as follows:

Italics indicate new material.

(c) *Experimental Group Ride Programs.*

(1) The Chairperson shall have the authority to establish additional experimental group riding plan pickup locations on a temporary basis as pilot programs to determine the effectiveness of each such group riding plan. The Chairperson shall also have the authority to establish additional group riding plans on a temporary basis for a limited period of time to respond to demand created by special events or unique circumstances. Such pickup locations shall be established for the transportation of more than one passenger from a common location to destinations within a specified common geographic area. Notwithstanding the rate of fare set forth in Section 1-70(a) and (b), the fare charged each passenger shall be set by the Chair and shall be less than the average metered rate of fare for such trip.

(2) Any group ride plan established by the Chairperson pursuant to this subdivision shall terminate one year after the date such plan was established, unless: (i) final rulemaking has been enacted establishing the group riding plan location and rate of fare; or (ii) the Chair has determined that it is in the best interest of the Commission to extend the group riding plan pilot program for an additional definite period of time not to exceed one year. The Chair may discontinue any group riding plan that has not been the subject of final rulemaking upon a determination, in his/her sole discretion, that continuation of such plan is not in the best interest of the public.

Statement of Basis and Purpose

The regulations promulgated herein by the New York City Taxi and Limousine Commission (“TLC”) are authorized under Section 2303(a) of

the Charter of the City of New York, which empowers the TLC to regulate and supervise the business and industry of transportation of persons by licensed vehicles for-hire in the City, under Section 2303(b)(1) of such Charter, authorizing the TLC to adopt rules and regulations relating to taxicab fares, and Section 2303(b)(9) of said Charter, authorizing the TLC to develop a broad transportation policy through the experimentation with respect to modes of service and manners of operation which may, for a limited period of time, depart from the requirements of the Charter, Administrative Code, or rules of the Commission.

The Commission has established rates of fare for passengers in licensed taxicabs. Such rates are typically established on a per trip basis; the driver is not permitted to collect separate fares from each passenger. The TLC has, through rulemaking, established fare structures that depart from the metered rate of fare. One such fare structure is the flat fare rate for trips from Kennedy Airport to Manhattan. The TLC has also promulgated rules authorizing the establishment of group riding locations, where passengers traveling to an essentially common destination may share a taxicab and be charged a flat rate which is below the average metered rate of fare. Such group riding locations have been permitted for trips between LaGuardia Airport and Manhattan, as well as for trips between York Avenue, on the upper East side of Manhattan, and the Financial District in lower Manhattan. The York Avenue group riding plan is heavily used in the morning rush hours, while the LaGuardia plan is not active.

The TLC proposes that group riding plans be expanded to include other locations throughout the City. Group ride locations may serve to complement existing transportation modes to accommodate passengers travelling between a common origin and a common destination in areas where there is a lack of existing mass transit, similar to the existing group ride location established to transport passengers between York Avenue on the Upper East Side and the Financial District during the morning rush hour period. Other factors may be relevant in determining the success and effectiveness of a group ride program. Accordingly, the TLC proposes that the Chairperson be delegated the authority to establish such group riding locations, and to set fares, on an experimental basis for a limited period of time. In addition, the TLC proposes that the Chairperson be authorized to establish temporary group ride locations to respond to unique temporary circumstances, such as special events. The establishment of these pilot programs would enable the Commission to monitor demand for service as

well as the willingness of the industry to provide service at these locations prior to commencing rulemaking to permanently establish these group riding plan locations and fares. The proposed regulation would require that within one year of the establishment and operation of such a location, the Commission must either permanently establish the plan and fare through rulemaking, or terminate the plan. The proposed rule would also authorize the Chair to extend the pilot program for an additional period of time if it is necessary to further evaluate the effectiveness of the location.