

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed 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”) proposes adoption of rules governing accessible taxicabs.

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and sections 19-503 and 19-532(b) of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2006, because the need for such rules was not anticipated at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on May 11, 2006, at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than May 4, 2006.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs, addressed as follows, and must be received no later than May 8, 2006:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1117
Fax: 212- 676-1102
TTY/TDD: 212- 341-9569

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

STATEMENT OF BASIS AND PURPOSE

The proposed rules provide specifications for taxicabs to be used with accessible medallions pursuant to section 19-532(b) of the Administrative Code of the City of New York. The specifications would be applicable to taxicabs that are hacked-up for use with accessible medallions on or after June 15, 2006. The specifications for such taxicabs are drawn in part from the Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles, 36 C.F.R. 1192.23 *et seq.*, promulgated by the federal Department of Transportation pursuant to the federal Americans with Disabilities Act. The purpose of the proposed rules is to ensure that accessible taxicabs are accessible to passengers who use wheelchairs.

The proposed rules require that an accessible taxicab be a minivan, and that the minivan meet the proposed specifications either after original manufacture or after modification by a second-stage manufacturer that is approved by the original manufacturer. Taxi and Limousine Commission staff (“TLC”) have identified only one minivan currently in production that meets the proposed specifications – the Chevrolet Uplander, as modified by Eldorado National, and sold as the Amerivan PT. However, TLC staff anticipate that in the near future, another second-stage manufacturer will be approved by Chevrolet to modify the Uplander to meet the proposed specifications.

Section 1. Title 35, chapter 3 of the Rules of the City of New York is amended by adding a new section 3-03.2, to read as follows:

New material is underscored.

§3-03.2 Accessible Taxicab Specifications.

(a) Definitions. For purposes of this section:

- (1) The term “accessible medallion” shall refer to a medallion that is subject to the requirement that vehicles operated with such medallion must be accessible to persons with disabilities pursuant to section 19-532(b) of the Administrative Code of the City of New York.
 - (2) The term “accessible taxicab” shall refer to a taxicab that is hacked-up, as that term is defined in section 3-01(a) of this chapter, to an accessible medallion on or after June 15, 2006.
 - (3) The term “CARB” shall refer to the California Air Resource Board.
 - (4) The term “EPA” shall refer to the federal Environmental Protection Agency.
 - (5) The term “OEM” shall refer to the original equipment manufacturer of the accessible taxicab who either manufactures the accessible taxicab in compliance with the specifications in subdivisions (d) and (e) of this section or manufactures the accessible taxicab such that the chassis complies with the specifications in subdivision (d) of this section and approves a second-stage manufacturer who modifies the vehicle to comply with the specifications of subdivision (e) of this section.
- (b) An accessible taxicab shall be approved for hack-up to an accessible medallion if it is a minivan capable of transporting at least four passengers, two using wheelchairs and two others, and meets or exceeds the requirements stated in subdivisions (c), (d) and (e) of this section, and all other requirements for hack-up that are not inconsistent with the provisions of this section.
- (c) An accessible taxicab shall not be required to be manufactured with heavy duty equipment for taxicabs, police or fleet service, as set forth in section 3-03(c)(1) of this chapter, and shall not require approval of the Chairperson pursuant to section 3-03(c)(7) of this chapter.
- (d) The chassis of the accessible taxicab as originally manufactured must meet the following general OEM chassis specifications:

- (1) The minimum wheelbase shall be 121.1 inches;
 - (2) The minimum overall length shall be 204.3 inches;
 - (3) The minimum overall width (without mirrors) shall be 72 inches;
 - (4) The minimum interior floor width at center of sliding door shall be 61.5 inches;
 - (5) The maximum horsepower shall be 224;
 - (6) The suspension shall utilize the OEM's suspension and steering components; and
 - (7) No bumper modifications are allowed.
- (e) The accessible vehicle as manufactured by the OEM or as modified by an OEM-approved second-stage manufacturer must meet the following specifications:
- (1) The minimum height (floor to ceiling at center) shall be 58 inches;
 - (2) The minimum ramp door opening usable height shall be 56 inches;
 - (3) The minimum clear ramp door opening width shall be 32 inches;
 - (4) The minimum wheelchair ramp length shall be 54 inches;
 - (5) The minimum wheelchair ramp usable width shall be 30 inches;
 - (6) The minimum ground clearance (measured from frame, loaded to gross vehicle weight rating (GVWR)) shall be 5 inches;
 - (7) The minimum passenger compartment length (measured from rear of driver's seat base to rear seat riser) shall be 56 inches;
 - (8) The accessible taxicab shall be painted Taxi Yellow-Dupont M6284 or its equivalent;
 - (9) The fuel cell of the accessible taxicab shall be approved by the federal DOT, EPA and CARB;
 - (10) The accessible taxicab suspension shall meet all OEM specifications;
 - (11) The OEM floor of the accessible taxicab shall be lowered twelve inches from the base of the firewall to the area immediately in front of the rear axle;

- (12) The lowered floor assembly of the accessible taxicab shall be stainless steel, (304-2V, 16 gauge minimum), and shall meet or exceed the 1000 hour salt spray rating;
- (13) The floor of the accessible taxicab shall be lowered through the threshold of each sliding door and the door shall be extended with stainless steel to seal;
- (14) A vapor-insulating barrier of ½ inch marine grade plywood shall be applied over the lowered metal floor and thoroughly secured and covered in a transit grade non-slip material;
- (15) The wheelchair ramp door shall be located on the right side of the accessible taxicab;
- (16) The wheelchair ramp shall be hinged, manually operated, fold up, formed aluminum design, utilizing 6061 T6 high strength aluminum or equal; shall have a 60 grit powder coat bonded to the walking surface; shall incorporate a hide-away feature, using an inward swinging fold-out ramp, mounted to the accessible taxicab Right Side “B” Pillar; and shall not block any part of the door or glass while in the stowed position;
- (17) The accessible taxicab shall have two forward facing wheelchair positions;
- (18) The wheelchair securement system shall be provided to hold wheelchairs in the prescribed positions and shall be the system known as Q straint or an approved equal; shall utilize recessed anchor points in the floor, which provide four points of securement for each wheelchair; and shall be adjustable and capable of accommodating a wide variety of commonly used wheelchair types;
- (19) No anchor points shall project more than 1/8 of an inch above the finished floor;
- (20) A wheelchair passenger restraint system shall be provided to secure the wheelchair user;
- (21) The entire securement and restraint system shall comply with all applicable state and federal regulations;
- (22) A painted metal storage container for wheelchair securement straps, fire extinguisher and first aid kit and three federal and New York State DOT approved safety triangles shall be mounted on the left side of the accessible taxicab;

- (23) The front passenger seat of the accessible taxicab shall be removable so a wheelchair passenger can occupy the front seat location; shall be mounted on a base with wheels for ease of removal and installation; shall be secured to the floor by means of four seat latches mounted by the OEM on the seat base and four mating seat attachment pockets placed in the floor by the OEM;
- (24) A four-point wheelchair securement system, which also can accommodate a 3-point lap/shoulder restraint belt, shall be installed at the front passenger seat location;
- (25) The middle fold-up passenger seat shall consist of a single pedestal frame of tubular steel, with a folding mechanism and base plate; shall be secured to the floor of the vehicle by four bolts passing through the base plate and floor; shall be designed so that, by lifting the right end cushion, the seat and frame can be folded and latched in an “on-end” position adjacent to the left side wall of the accessible taxicab; shall meet the requirements of the federal Motor Vehicle Safety Standard 207 and evidence thereof shall be provided by the contractor on request of the Chairperson or his or her designee;
- (26) The rear bench seat shall be the standard, removable, three-passenger rear bench seat installed by the OEM;
- (27) The emergency exit shall have an inside rear door release handle to facilitate exiting the vehicle through the rear door in an emergency; and the rear door shall be clearly marked as an emergency exit with instructions as well;
- (28) Any modifications to the rear air conditioning must be approved by the OEM and the accessible taxicab shall be equipped with air conditioning outlets for the rear seat area and separate controls for the front and rear seat areas;
- (29) Any and all electrical wiring in the accessible taxicab, other than as provided by OEM who manufactured the chassis, shall be PVC or better insulated and color coded for positive identification;
- (30) The interior lighting on the entrance ramp area in the accessible taxicab shall produce a minimum of 2-foot candles of illumination when the door is opened;
- (31) The back-up alarm in the accessible taxicab shall be an electrically operated device that produces an intermittent audible signal when the accessible taxicab’s transmission is shifted to reverse; and

- (32) The conversion, by replacement or repair, of the accessible taxicab shall be warranted against “rust-through” damage to metal components of the installed floor and ramp for a period of seven years or 70,000 miles, whichever occurs first; all other components of the conversion, by repair or replacement, shall be warranted for a period of thirty-six months from the in-service date or 36,000 miles, whichever occurs first; and the standard OEM warranty shall remain in effect to cover OEM parts for the duration specified by the OEM.
- (f) Notwithstanding the provisions of sections 3-01(f) and 3-02 of this chapter, the retirement date for an accessible taxicab shall be determined as follows:
- (1) An accessible taxicab which is double-shifted and not driven by at least one long-term driver, as defined in section 1-01 of this title, for any period of time after hack-up, must be retired from taxicab service and replaced no later than 36 months after the vehicle was hacked-up;
 - (2) Any other accessible taxicab must be retired from taxicab service and replaced no later than 60 months after the vehicle was hacked-up; and
 - (3) An accessible taxicab hacked-up pursuant to this section shall not be eligible for any extension of the retirement dates provided in this paragraph.