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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
 ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BANKING COMMISSION

MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A meeting of the Banking Commission on Thursday, February 24, 2011 at 10:30 A.M. in the Executive Conference Room at 66 John Street, 12th Floor, Manhattan.

f22-24

BROOKLYN BOROUGH PRESIDENT

MEETINGS

Brooklyn Borough Board Public Meeting

NOTICE IS HEREBY GIVEN that Brooklyn Borough President Marty Markowitz will hold a meeting of the Brooklyn Borough Board in the Court Room, Second Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 6:00 P.M. on Tuesday, March 1, 2011.

- A public hearing and vote will be held on a proposal by the Prospect Park Alliance

Note: To request a sign language interpreter, or to request TTD services, call Mr. Andrew Steininger at (718) 802-3877 at least 5 business days before the day of the hearing.

f22-m1

QUEENS BOROUGH PRESIDENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, February 24, 2011 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

CD06 - BSA #164-60 BZ — IN THE MATTER of an application submitted by Carl A Sulfaro, Esq. on behalf of Steven Scott, Inc., pursuant to Section 11-411 of the NYC Zoning Resolution, to extend the term of a previously granted

variance for an additional period of ten years beyond April 10, 2009 for an existing gasoline service station with accessory uses and to waive the rules of procedure in a C1-3/R3-2 district located at 100-20 Metropolitan Avenue, Block 3895, Lot 32, Zoning Map 14b, Forest Hills, Borough of Queens.

CD07 - BSA #156-03 BZ — IN THE MATTER of an application submitted by Goldman Harris, LLC on behalf of Northern RKO LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, to amend of a previously approved variance which was granted on December 13, 2005 to allow construction of a 17-story mixed-use building with 357 residential units in a C2-2 district located at 135-35 Northern Boulevard, Block 4958, Lot 38 and 48, Zoning Map 10a, Flushing, Borough of Queens.

CD11 - BSA #90-10 BZ — IN THE MATTER of an application submitted by James Chin & Associates, LLC, on behalf of Chan Ahn, pursuant to Section 72-21 of the NYC Zoning Resolution for a variance to legalize the existing perimeter wall height, side yard and rear yard regulations of an existing two story house of worship building (U.G. 4A) in an R2A district, located at 58-06 Springfield Boulevard, Block 7471, Lots 7 and 45, Zoning Map 11b, Bayside, Borough of Queens.

CD11 - BSA #227-10 BZ — IN THE MATTER of an application submitted by Eric Palatnik, P.C. on behalf of Power Test Realty Company Limited Partnership, pursuant to Section 11-411 of the NYC Zoning Resolution to reopen and extend the term of a previously issued variance which expired on October 11, 2000 and to amend the previous approval to legalize the modifications to the fuel dispensing islands for the continued use as an automotive service station (U.G. 16) in an C2-2/R3-2 district located at 204-12 Northern Boulevard, Block 7301, Lot 11, Zoning Map 10d, Bayside, Borough of Queens.

CD07 - ULURP #100457 ZMQ — IN THE MATTER of an application submitted by Akerman Senterfitt, LLP on behalf of 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment to zoning map 7d:

- changing from an R2A district to an R3-1 district property bounded by 10th Avenue, 154th Street, 11th Avenue and a line 100 feet westerly of 154th Street; and
- establishing within an existing and proposed R3-1 district a C2-2 district bounded by 10th Avenue, 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;

Block 4539, Lots 52, 57, 58, 61 and 66, Zoning Map 7d, Flushing, Borough of Queens.

CD01- ULURP #110031 ZSQ — IN THE MATTER of an application submitted by HANAC, Inc. pursuant to Section 74-511 of the NYC Zoning Resolution, for a Special Permit to facilitate development of a Public Garage with rooftop parking in an R6 District located at 25-03 29th Street, Block 839, Lot 1, Zoning Map 9A, Astoria, Borough of Queens. (Related application ULURP #110166 ZMQ)

CD01- ULURP #110166 ZMQ — IN THE MATTER of an application submitted by HANAC, Inc., pursuant to Section 197-c of the NYC Charter, for a zoning map amendment changing the depth of an existing C1-3 overlay from 100 feet to 150 feet, Block 839, Lot 1, Zoning Map 9A, Borough of Queens. (Related application ULURP #110031 ZSQ)

f18-24

STATEN ISLAND BOROUGH PRESIDENT

PUBLIC MEETING

NOTICE OF PUBLIC MEETING OF The Staten Island Borough Board on Wednesday, March 2, 2011 at 5:30 P.M. at the Staten Island Borough Hall, Stuyvesant Place, Conference Room 122, Staten Island, New York 10301.

f24-m2

CITY COUNCIL

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on Monday, February 28, 2011:

DINER

BROOKLYN CB - 1 20115165 TCK
 Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Marlow, Inc., d/b/a Diner, to continue to maintain and operate an unenclosed sidewalk café located at 85 Broadway.

IL SOLE

MANHATTAN CB - 12 20115231 TCM
 Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sol's Restaurant, Inc., d/b/a IL Sole, to continue to maintain and operate an unenclosed sidewalk café located at 233 Dyckman Street.

BARBERRY

BROOKLYN CB - 1 20115294 TCK
 Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Agora, Inc., d/b/a Barberrry, to continue to maintain and operate an unenclosed sidewalk café located at 152 Metropolitan Avenue.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Monday, February 28, 2011.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Monday, February 28, 2011:

NORTH PARK APARTMENTS

MANHATTAN CB - 7 20115463 HAM
 Application submitted by the New York Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for approval of a termination of a prior exemption and the voluntary dissolution of the current owner for property located at Block 1837/Lot 21, Council District 8, Borough of Manhattan.

f22-28

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters

to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, March 2, 2011 at 10:00 A.M.

**BOROUGH OF MANHATTAN
No. 1
WEST 129TH STREET**

CD 10 C 110068 MMM
IN THE MATTER OF an application submitted by the New York City Housing Authority pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a cul-de-sac in West 129th Street west of Adam Clayton Powell Jr. Boulevard;
- the establishment of West 129th Street westerly thereof; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30226, dated November 8, 2010 and signed by the Borough President.

**Nos. 2 & 3
SOUTH JAMAICA REZONING
No. 2**

CD 12 C 110145 ZMQ
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 14d, 18c, 18d, 19a and 19b:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by:
 - a. 110th Avenue/Brinkerhoff Avenue, 153rd Street, 111th Avenue, and a line 150 feet southwesterly of Sutphin Avenue;
 - b. 112th Avenue, a line 150 feet northeasterly of Sutphin Boulevard, 115th Avenue, Sutphin Boulevard, 115th Avenue, a line 100 feet southwesterly of Sutphin Boulevard, a line 150 feet southeasterly of Linden Boulevard, 149th Street, Linden Boulevard, a line 150 feet southwesterly of Sutphin Boulevard, the southwesterly centerline prolongation of 113th Avenue, and Sutphin Boulevard;
 - c. Foch Boulevard, a line midway between 164th Street and Guy R. Brewer Boulevard, 118th Avenue, Guy R. Brewer Boulevard, a line midway between 118th Road and 119th Avenue, and a line 150 feet southwesterly of Guy R. Brewer Boulevard;
 - d. 121st Avenue, a line 150 feet northeasterly of Sutphin Boulevard, 122nd Avenue, and Sutphin Boulevard;
 - e. a line 100 feet southerly of 123rd Avenue, 142nd Place, Rockaway Boulevard, 143rd Street, a line 100 feet southerly of Rockaway Boulevard, the easterly service road of the Van Wyck Expressway, Rockaway Boulevard, and 140th Street;
 - f. 118th Road, Merrick Boulevard, Victoria Road, Merrill Street, 119th Avenue, and a line 150 feet southwesterly of Merrick Boulevard;
 - g. Garrett Street, Farmers Boulevard, Westgate Street, a line 150 feet easterly of Farmers Boulevard, Bedell Street, Farmers Boulevard, 137th Avenue, and a line 150 feet westerly of Farmers Boulevard; and
 - h. a line 150 feet northerly of 140th Avenue, Southgate Street, 140th Avenue, and Bedell Street;
2. eliminating from within an existing R4 District a C1-2 District bounded by 109th Avenue, Guy R. Brewer Boulevard, a line 150 feet southeasterly of 109th Avenue, and Union Hall Street;
3. eliminating from within an existing R3-2 District a C1-3 District bounded by 119th Avenue, a line 100 feet southwesterly of Sutphin Boulevard, a line 100 feet southeasterly of 119th Avenue, and a line midway between 147th Street and Sutphin Boulevard;
4. eliminating from within an existing R3-2 District a C1-4 District bounded by a line 100 feet northeasterly of Merrick Boulevard, Anderson Road, Merrick Boulevard, and Leslie Road;
5. eliminating from within an existing R3A District a C1-4 District bounded a line 300 feet northwesterly of Sunbury Road, a line 100 feet southwesterly of Irwin Place, Sunbury Road, and Merrick Boulevard;
6. eliminating from within an existing R4B District a C1-4 District bounded a line 100 feet northeasterly of Merrick Boulevard, Leslie Road, Merrick Boulevard, and Ursina Road;
7. eliminating from within an existing R3-2 District a C2-2 District bounded:
 - a. Phroane Avenue, a line 150 feet

northeasterly of Guy R. Brewer Boulevard, Linden Boulevard, Dillon Street, a line 150 feet northwesterly of Linden Boulevard, a line 100 feet southwesterly of Guy R. Brewer Boulevard, 112th Road, and Guy R. Brewer Boulevard;

- b. 115th Avenue, Sutphin Boulevard, 115th Avenue, a line 150 feet northeasterly of Sutphin Boulevard, 116th Avenue, a line 150 feet northeasterly of Sutphin Boulevard, 119th Avenue, Sutphin Boulevard, 119th Avenue, a line 150 feet southwesterly of Sutphin Boulevard, Foch Boulevard, a line 100 feet southwesterly of Sutphin Boulevard, 116th Avenue, 149th Street, a line 200 feet northerly of 116th Avenue, and a line 100 feet westerly of Sutphin Boulevard,
 - c. a line 150 feet northerly of Rockaway Boulevard, 147th Street, Rockaway Boulevard, 150th Street, a line 150 feet southerly of Rockaway Boulevard, and Inwood Street;
 - d. Foch Boulevard, Merrick Boulevard, 118th Road, and a line 150 feet southwesterly of Merrick Boulevard;
 - e. 125th Avenue, Merrick Boulevard, a line perpendicular to the southerly street line of Merrick Boulevard distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southerly street line of Merrick Boulevard and the southwesterly street line of Belknap Street, a line 100 feet
 - f. northeasterly of Mathewson Court, a line 100 feet southeasterly of Farmers
 - g. Boulevard, Mathewson Court, Farmers Boulevard, and a line 100 feet southwesterly of Merrick Boulevard; and
 - h. 137th Avenue, Farmers Boulevard, Bedell Street, a line 150 feet southeasterly of Farmers Boulevard, a line 100 feet northerly of 140th Avenue, Farmers Boulevard, 143rd Road, 174th Street, and a line 150 feet northwesterly of Farmers Boulevard;
8. eliminating from within an existing R4 District a C2-2 District bounded by 108th Avenue, Sutphin Boulevard, 108th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 110th Avenue/Brinkerhoff Avenue, a line 150 feet southwesterly of Sutphin Boulevard, the southwesterly prolongation of the southeasterly street line of 109th Avenue, Sutphin Boulevard, 109th Avenue, and a line 150 feet southwesterly of Sutphin Boulevard;
 9. eliminating from within an existing R6 District a C2-2 District bounded by a line 150 feet northerly of Rockaway Boulevard, a line perpendicular to the southwesterly street line of Sutphin Boulevard and passing through the point of intersection of a line 150 feet northerly of Rockaway Boulevard and a line 100 feet southwesterly of Sutphin Boulevard, Sutphin Boulevard, Rockaway Boulevard, and 147th Street;
 10. eliminating from within an existing R5B District a C2-3 District bounded by a line 115 feet southeasterly of 116th Avenue, Merrick Boulevard, Foch Boulevard, a line 100 feet southwesterly of Merrick Boulevard, a line 200 feet southeasterly of 116th Avenue, and 171st Street;
 11. changing from an R3-2 District to an R2 District property bounded by:
 - a. 137th Avenue, Eastgate Plaza, Sloan Street, 139th Avenue, Southgate Plaza, 104th Avenue, Thurston Street, and Westgate Street;
 - b. 137th Avenue, a line 100 feet westerly of Farmers Boulevard, 139th Road, and 175th Street;
 - c. the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), 141st Street and its easterly centerline prolongation, 184th Street, Edgewood Avenue, 140th Avenue, the northwesterly prolongation of the southwesterly street line of 180th Street, a line 100 feet northwesterly of 140th Avenue, a line 150 feet easterly of Farmers Boulevard, a line perpendicular to the northeasterly street line of 182nd Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 182nd Street and the easterly street line of Farmers Boulevard, a line midway between Bedell Street and 182nd Street, a line perpendicular to the southwesterly street line of Bedell Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Bedell Street and the easterly street line of Farmers Boulevard, Bedell Street, and a line

perpendicular to the southwesterly street line of Westgate Street distant 160 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Westgate Street and the easterly street line of Farmers Boulevard; and

- d. 137th Avenue, a line midway between 169th Street and 170th Street, 140th Avenue, and a line midway between 167th Street and 168th Street;
12. changing from a C8-1 District to an R2 District property bounded by a line 100 feet northwesterly of Merrick Boulevard, a line 260 feet northeasterly of Montauk Street, a line 100 feet southeasterly of Williamson Avenue, and Montauk Street;
 13. changing from an R3-2 District to an R3-1 District property bounded by:
 - a. Sayres Avenue, the westerly street line of former 166th Street, Linden Boulevard, and Guy R. Brewer Boulevard;
 - b. a line midway between 113th Avenue and Linden Boulevard, 157th Street, 115th Road, and 155th Street;
 - c. Bascom Avenue, 142nd Street, a line midway between Bascom Avenue and Sutter Avenue, a line 100 feet westerly of 143rd Street, 133rd Avenue, 142nd Street, 135th Avenue, a line midway between 140th Street and 142nd Street, 133rd Avenue, a line 100 feet northeasterly of 140th Street, 130th Avenue, a line 150 feet northeasterly of 140th Street, a line perpendicular to the northeasterly street line of 140th Street distant 100 feet south easterly (as measured along the street line) from the point of intersection of the northeasterly street line of 140th Street and the southerly street line of Sutter Avenue, and 140th Street;
 - d. a line 100 feet southerly of Sutter Avenue, 145th Street, 135th Avenue, the westerly boundary line of a park and its northerly and southerly prolongations, 133rd Avenue, and a line midway between 143rd Street and 144th Street;
 - e. 137th Avenue, a line midway 167th Street and 168th Street, 140th Avenue, and Guy R. Brewer Boulevard;
 - f. Eastgate Plaza, Springfield Boulevard, 144th Avenue, 185th Street, a line 465 feet southerly of 141st Avenue, a line 100 feet easterly of 185th Street, a line 100 feet southerly of 141st Avenue, a line 170 feet easterly of 185th Street, 141st Avenue and its easterly centerline prolongation, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), a line perpendicular to the southwesterly street line of Westgate Street distant 160 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Westgate Street and the easterly street line of Farmers
- Boulevard, Westgate Street, Thurston Street, 140th Avenue, Southgate Plaza, 139th Avenue, and Sloan Street;
14. changing from an R2 District to an R3-2 District property bounded by a line 175 feet northwesterly of 122nd Avenue, a line 110 feet easterly of Farmers Boulevard, a line 110 feet northeasterly of Nellis Street, 122nd Avenue, a line 230 feet southwesterly of Milburn Street, a line 660 feet northwesterly of Nashville Boulevard, Nellis Street, a line 470 feet northwesterly of Nashville Boulevard, Montauk Street and its northwesterly centerline prolongation, and Farmers Boulevard;
 15. changing from an R5B District to an R3-2 District property bounded by a line 115 feet southeasterly of 116th Avenue, Merrick Boulevard, Foch Boulevard, a line 100 feet southwesterly of Merrick Boulevard, a line 200 feet southeasterly of 116th Avenue, and 171st Street;
 16. changing from a C8-1 District to an R3-2 District property bounded by:
 - a. Linden Boulevard, Guy R. Brewer Boulevard, the southwesterly prolongation of a line 100 feet southeasterly of 115th Avenue, and the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division); and
 - b. Anderson Road, a line 120 feet northeasterly of Merrick Boulevard, a line midway between Zoller Road and Eveleth Road, and a line 100 feet northeasterly of Merrick Boulevard;
 17. changing from an M1-1 District to an R3-2 District property bounded by:

- a. Farmers Boulevard, Montauk Street and its northwesterly centerline prolongation, a line perpendicular to the southwesterly street line of Montauk Street distant 135 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Montauk Street and the southeasterly street line of 122nd Avenue, and the northeasterly boundary line of the Long Island Railroad right-of way (Montauk Division); and
- b. Mars Place, Farmers Boulevard, Sidway Place, and a line 100 feet southeasterly of Eveleth Road;
18. changing from an R3-2 District to an R3A District property bounded by:
- a. 104th Avenue, Remington Street and its southeasterly centerline prolongation, 109th Avenue, 143rd Street, 110th Avenue/Brinkerhoff Avenue, a line 100 feet southwesterly of Sutphin Avenue, 111th Avenue, a line 150 feet southwesterly of Sutphin Avenue, a line 165 feet southeasterly of 111th Avenue, a line 100 feet southwesterly of Sutphin Avenue, a line 100 feet southeasterly of Linden Boulevard, a line 100 feet northeasterly of 149th Street, a line 100 feet southwesterly and westerly of Sutphin Avenue, 149th Street, 116th Avenue, a line 100 feet southwesterly of Sutphin Avenue, a line perpendicular to the northeasterly street line of 148th Street distant 165 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 148th Street and the northerly street line of Foch Boulevard, 148th Street, Foch Boulevard, a line 125 feet southwesterly of Sutphin Avenue, a line 100 feet southeasterly of Foch Boulevard, a line 100 feet southwesterly of Sutphin Avenue, a line 100 feet southeasterly of 119th Avenue, a line 150 feet southwesterly of Sutphin Avenue, 120th Avenue, a line 100 feet northeasterly of 147th Street, a line 100 feet southeasterly of 120th Avenue, a line 80 feet northeasterly of 147th Street, a line 115 feet northwesterly of 123rd Avenue, Sutphin Boulevard, a line 220 feet southeasterly of 123rd Avenue, 147th Street, a line 100 feet northerly of Rockaway Boulevard, 143rd Street, 123rd Avenue, a line 100 feet westerly of 143rd Street, a line 100 feet southerly of 123rd Avenue, 140th Street, Rockaway Boulevard, and the northeasterly service road of the Van Wyck Expressway; and excluding the area bounded by 111th Avenue, 145th Street, a line 425 feet northwesterly of Linden Boulevard, Inwood Street, a line 460 feet northwesterly of Linden Boulevard, a line midway between Inwood Street and 146th Street, a line 300 feet northwesterly of 115th Avenue, Inwood Street, a line 400 feet northwesterly of 115th Avenue, a line midway between 145th Street and Inwood Street, 115th Avenue, 144th Street, Linden Boulevard, 143rd Street, a line 300 feet northwesterly of Linden Boulevard, 144th Street, a line 340 feet northwesterly of Linden Boulevard, and a line midway between 144th Street and 145th Street;
- b. 110th Avenue/Brinkerhoff Avenue, a line midway between Union Hall Street and Guy R. Brewer Boulevard, 111th Avenue, a line perpendicular to the northwesterly street line of Claude Avenue distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of Claude Avenue and the southwesterly street line of Guy R. Brewer Boulevard, Claude Avenue, a line 100 feet northeasterly of Dillon Street, Mathias Avenue, a line 100 feet southwesterly of Guy R. Brewer Boulevard, Linden Boulevard, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), Guy R. Brewer Boulevard, 116th Avenue, 157th Street, 116th Avenue, Barron Street, Foch Boulevard, a line 650 feet southwesterly of 155th Street, 118th Avenue, 152nd Street, 119th Avenue, 153rd Street, a line midway between 119th Avenue and 119th Road, a line 100 feet northeasterly of Sutphin Boulevard, 115th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, a line 125 feet northwesterly of 114th Road, a line 150 feet northeasterly of Sutphin Boulevard, Linden Boulevard, and a line 100 feet northeasterly of Sutphin Boulevard; and excluding the area bounded a line midway between 113th Avenue and Linden Boulevard, 157th Street, 115th Road, and 155th Street;
- c. 110th Avenue/Brinkerhoff Avenue, a line 100 feet southwesterly of Merrick Boulevard, 111th Avenue, 170th Street, Sayres Avenue, Merrick Boulevard, 113th Avenue, a line 130 feet southwesterly of Merrick Boulevard, Linden Boulevard, 170th Street, a line 200 feet southeasterly of Linden Boulevard, a line 100 feet southwesterly of Merrick Boulevard, 171st Street, a line 100 feet northwesterly of Foch Boulevard, a line midway between 170th Street and 171st Street, a line 280 feet northwesterly of Foch Boulevard, 170th Street, a line 310 feet northwesterly of Foch Boulevard, 169th Street, a line 195 feet southeasterly of 116th Avenue, 168th Street, 116th Avenue, 167th Street, Foch Boulevard, Smith Street, a line 100 feet southeasterly of Foch Boulevard, a line midway between 169th Street and 170th Street, a line 100 feet northwesterly of 118th Avenue, 170th Street, a line midway between Foch Boulevard and 118th Avenue, a line 100 feet southwesterly of Merrick Boulevard, a line 100 feet southeasterly of 119th Avenue, Merrill Street, a line midway between 119th Avenue and 119th Road and its southwesterly prolongation, a line 100 feet southwesterly of Ring Place, 120th Avenue, 172nd Street, a line midway between Victoria Drive and Amelia Road, a line 100 feet southwesterly of Merrill Street, Victoria Drive, Merrill Street, Victoria Road, a line 100 feet northeasterly of Merrill Street, a line 150 feet northwesterly of Baisley Boulevard, Merrill Street, a line 160 feet southeasterly of Brocher Road, a line 100 feet southwesterly of Merrill Street, a line 100 feet southeasterly of Brocher Road, a line 440 feet southwesterly of Merrill Street, a line 75 feet southeasterly of Brocher Road, 172nd Street, Baisley Boulevard, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), 120th Avenue, Bedell Street, 168th Street, Baisley Boulevard, 167th Street, a line 190 feet northwesterly of Baisley Boulevard, 166th Street, Baisley Boulevard, Lakeview Lane, 122nd Avenue, Lake View Boulevard East, 118th Avenue, Long Street, Foch Boulevard, a line 100 feet southwesterly of Guy R. Brewer Boulevard, 118th Avenue, Guy R. Brewer Boulevard, 119th Avenue, a line 100 feet southwesterly of 164th Street, Foch Boulevard, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), Guy R. Brewer Boulevard, a line 100 feet southeasterly of 115th Avenue, Marsden Street, 115th Avenue, 165th Street, Linden Boulevard, 167th Street, Sayres Avenue, a line 100 feet northeasterly of Guy R. Brewer Boulevard, 110th Road, and a line midway between Guy R. Brewer Boulevard and 164th Street;
- d. 125th Avenue, a line 620 feet southwesterly of Merrill Street, a line 75 feet northwesterly of 125th Avenue, a line 475 feet southwesterly of Merrill Street, a line 100 feet northwesterly of 125th Avenue, a line 290 feet southwesterly of Merrill Street, 124th Avenue and its northeasterly centerline prolongation, a line 290 feet northeasterly of Merrill Street, a line 100 feet northwesterly of 125th Avenue, a line 235 feet northeasterly of Merrill Street, 125th Avenue, a line 700 feet northeasterly of 174th Place, a line midway between 125th Avenue and 126th Avenue, a line 785 feet northeasterly of 174th Place, 126th Avenue, a line 895 feet northeasterly of 174th Place, a line midway between 126th Avenue and 127th Avenue, a line 875 feet northeasterly of 174th Place, 127th Avenue, a line 100 feet northeasterly of 177th Street, 129th Avenue, a line 60 feet southwesterly of the northwesterly centerline prolongation of 178th Place, a line midway between 129th Avenue and 130th Avenue, 176th Street, 129th Avenue, 172nd Street, 126th Avenue and its southwesterly centerline prolongation, and 172nd Street;
- e. Farmers Boulevard, Mathewson Court, a line 90 feet southeasterly of Farmers Boulevard, a line 100 feet northeasterly of Mathewson Court, a line perpendicular to the southwesterly street line of Merrick Boulevard distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Merrick Boulevard and the southwesterly street line of Belknap Street, Merrick Boulevard, Belknap Street, 137th Avenue, and Westgate Street;
- f. 134th Road, Bedell Street, the northeasterly prolongation of the southeasterly street line of 134th Road, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), the southwesterly centerline prolongation of 133rd Road, Garrett Street, a line 100 feet northwesterly of Farmers Boulevard, 137th Avenue, and 173rd Street;
- g. 140th Avenue, 175th Street, 139th Road, Farmers Boulevard, 140th Avenue, 182nd Street, 141st Avenue, a line 170 feet northeasterly of 185th Street, a line 100 feet southeasterly of 141st Avenue, a line 100 feet northeasterly of 185th Street, a line 465 feet southeasterly of 141st Avenue, 185th Street, 144th Avenue, Springfield Boulevard, North Conduit Avenue, and Guy R. Brewer Boulevard; and
- h. a line perpendicular to the southwesterly street line of 140th Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of 140th Street and the southerly street line of Rockaway Boulevard, a line 100 feet northerly of Bascom Avenue, a line 100 feet westerly of 143rd Street, Bascom Avenue, 143rd Street, a line 100 feet southerly of Rockaway Boulevard, 150th Street, North Conduit Avenue, the southerly prolongation of the westerly street line of Inwood Street, 135th Avenue, 145th Street, 133rd Avenue, 145th Street, a line 100 feet southerly of Sutter Avenue, a line midway between 143rd Street and 144th Street, 133rd Avenue, the westerly boundary line of a park and its northerly and southerly prolongations, 135th Avenue, 142nd Street, 133rd Avenue, a line 100 feet westerly of 143rd Street, a line midway between Bascom Avenue and Sutter Avenue, 142nd Street, Bascom Avenue, 140th Street, a line perpendicular to the northeasterly street line of 140th Street distant 100 feet south easterly (as measured along the street line) from the point of intersection of the northeasterly street line of 140th Street and the southerly street line of Sutter Avenue, a line 150 feet northeasterly of 140th Street, 130th Avenue, a line 100 feet northeasterly of 140th Street, 133rd Avenue, a line midway between 140th Street and 142nd Street, 135th Avenue, a line 115 feet westerly of 142nd Street, North Conduit Avenue, 140th Street, 135th Avenue, and the northeasterly service road of the Van Wyck Expressway;
19. changing from an R4 District to an R3A District property bounded by 109th Avenue, a line 100 feet southwesterly of Merrick Boulevard, 110th Avenue/Brinkerhoff Avenue, and a line midway between Guy R Brewer Boulevard and 164th Street;
20. changing from a C8-1 District to an R3A District property bounded by a line 150 feet northwesterly of Baisley Boulevard, a line 100 feet northeasterly of Merrill Street, a line perpendicular to the northeasterly street line of Merrill Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Merrill Street and the northwesterly street line of Baisley Boulevard, and Merrill Street;
21. changing from an R3-2 District to an R3X District property bounded by:
- a. a line midway between 119th Avenue and 119th Road, 155th Street, 125th Avenue, Sutphin Boulevard, 122nd Avenue, and a line 100 feet northeasterly of Sutphin Boulevard; and
- b. a line midway between 129th Avenue and 130th Avenue, the northwesterly centerline prolongation of 178th Place, 130th Avenue, a line 100 feet northeasterly of 178th Place, a line midway between 130th Avenue and 130th Road, a line 200 feet northeasterly of 178th Place, 130th Road, a line 260 feet northeasterly of 178th Place, Farmers Boulevard, Garrett Street, and 176th Street;
22. changing from an R4 District to an R4-1 District property bounded by:
- a. a line 100 feet southeasterly of Liberty Avenue, a line 100 feet southwesterly of Sutphin Boulevard, Lakewood Avenue, Inwood Street, 110th Avenue/Brinkerhoff Avenue, 143rd Street, 109th Avenue, and Remington Street and its southeasterly centerline prolongation;
- b. 108th Avenue, 155th Street, 110th Avenue/Brinkerhoff Avenue, and a line 100 feet northeasterly of Sutphin Boulevard; and
- c. 107th Avenue, 166th Street, Hendrickson Place, a line 100 feet southwesterly of Merrick Boulevard, 108th Avenue, 167th Street, 108th Road, a line perpendicular to the southerly street line of 108th Road distant 100 feet westerly (as measured

- along the street line) from the point of intersection of the southerly street line of 108th Road and the southwesterly street line of 169th Place, 108th Drive and its westerly centerline prolongation, a line 100 feet southwesterly of Merrick Boulevard, 109th Avenue, and a line midway between 164th Street and Guy R. Brewer Boulevard;
23. changing from an R4 District to an R4A District property bounded by 108th Avenue, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), 110th Avenue/Brinkerhoff Avenue, and 155th Street;
24. changing from an R4 District to an R5 District property bounded by 108th Avenue, 160th Street, 109th Avenue, Union Hall Street, 110th Avenue/Brinkerhoff Avenue, and the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division);
25. changing from an R3-2 District to an R5B District property bounded by:
- a. Foch Boulevard, Merrick Boulevard, a line 150 feet northwesterly of Baisley Boulevard, a line 100 feet northeasterly of Merrill Street, Victoria Road, Merrill Street, a line 100 feet southeasterly of 119th Avenue, and a line 100 feet southwesterly of Merrick Boulevard; and
- b. a line 75 feet southeasterly of Brocher Road, a line 440 feet southwesterly of Merrill Street, a line 100 feet southeasterly of Brocher Road, a line 100 feet southwesterly of Merrill Street, a line 160 feet southeasterly of Brocher Road, Merrill Street, Baisley Boulevard, 124th Avenue, a line 290 feet southwesterly of Merrill Street, a line 100 feet northwesterly of 125th Avenue, a line 185 feet southwesterly of Merrill Street, a line 75 feet northwesterly of 125th Avenue, a line 620 feet southwesterly of Merrill Street, 125th Avenue, and 172nd Street;
26. changing from an R4 District to an R5B District property bounded by 104th Road, a line midway between 164th Street and 164th Place, a line 100 feet northwesterly of 107th Avenue, and a line midway between Guy R. Brewer Boulevard and 164th Street;
27. changing from a C8-1 District to an R5B District property bounded by:
- a. Merrick Boulevard, Baisley Boulevard, Merrill Street, a line perpendicular to the northeasterly street line of Merrill Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Merrill Street and the northwesterly street line of Baisley Boulevard, a line 100 feet northeasterly of Merrill Street, and a line 150 feet northwesterly of Baisley Boulevard; and
- b. Baisley Boulevard, Merrill Street, and 124th Avenue;
28. changing from an R3-2 District to an R5D District property bounded by:
- a. 110th Avenue/Brinkerhoff Avenue, a line 100 feet northeasterly of Sutphin Boulevard, Linden Boulevard, a line 150 feet northeasterly of Sutphin Boulevard, a line 125 feet northwesterly of 114th Road, a line 100 feet northeasterly of Sutphin Boulevard, 115th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 122nd Avenue, Sutphin Boulevard, 120th Avenue, a line 150 feet southwesterly of Sutphin Boulevard, a line 100 feet southeasterly of 119th Avenue, a line 100 feet southwesterly of Sutphin Boulevard, a line 100 feet southeasterly of Foch Boulevard, a line 125 feet southwesterly of Sutphin Boulevard, Foch Boulevard, 148th Street, a line perpendicular to the northeasterly street line of 148th Street distant 165 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 148th Street and the northerly street line of Foch Boulevard, a line 100 feet southwesterly of Sutphin Boulevard, 116th Avenue, 149th Street, a line 100 feet westerly of Sutphin Boulevard, a line 100 feet southwesterly of Sutphin Boulevard, a line 100 feet northeasterly of 149th Street, a line 100 feet southeasterly of Linden Boulevard, a line 100 feet southwesterly of Sutphin Boulevard, a line 165 feet southeasterly of 111th Avenue, a line 125 feet southwesterly of Sutphin Boulevard, 111th Avenue, and a line 100 feet southwesterly of Sutphin Boulevard;
- b. Rockaway Boulevard, 140th Street, a line 100 feet southerly of 123rd Avenue, a line 100 feet easterly of 143rd Street, 123rd Avenue, 143rd Street, a line 100 feet northerly of Rockaway Boulevard, 147th Street, Rockaway Boulevard, 150th Street, a line 100 feet southerly of Rockaway Boulevard, 143rd Street, Bascom Avenue, a line 100 feet westerly of 143rd Street, a line 100 feet northerly of Bascom Avenue, a line perpendicular to the southwesterly street line of 140th Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of 140th Street and the southerly street line of Rockaway Boulevard, and the northeasterly service road of the Van Wyck Expressway; and
- c. the northeasterly centerline prolongation of 124th Avenue, Merrick Boulevard, Leslie Road, a line 70 feet northeasterly of Merrick Boulevard, Selover Road, a line 80 feet northeasterly of Merrick Boulevard, Anderson Road, Merrick Boulevard, a line perpendicular to the southwesterly street line of Merrick Boulevard distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Merrick Boulevard and the southwesterly street line of Belknap Street, a line 100 feet northeasterly of Mathewson Court, a line 90 feet southeasterly of Farmers Boulevard, Mathewson Court, a line 260 feet northeasterly of 178th Place, 130th Road, a line 200 feet northeasterly of 178th Place, a line midway between 130th Avenue and 130th Road, a line 100 feet northeasterly of 178th Place, 130th Avenue, the northwesterly centerline prolongation of 178th Place, 129th Avenue, a line 60 feet southwesterly of the northwesterly centerline prolongation of 178th Place, 129th Avenue, a line 100 feet northeasterly of 177th Street, 127th Avenue, a line 875 feet northeasterly of 174th Place, a line midway between 126th Avenue and 127th Avenue, a line 895 feet northeasterly of 174th Place, 126th Avenue, a line 785 feet northeasterly of 174th Place, a line midway between 125th Avenue and 126th Avenue, a line 700 feet northeasterly of 174th Place, 125th Avenue, a line 235 feet northeasterly of Merrill Street, a line 100 feet northwesterly of 125th Avenue, and a line 190 feet northeasterly of Merrill Street;
29. changing from an R3A District to an R5D District property bounded by a line 300 feet northwesterly of Sunbury Road, a line 100 feet southwesterly of Irwin Place, Sunbury Road, and Merrick boulevard;
30. changing from an R4 District to an R5D District property bounded by:
- a. 108th Avenue, Sutphin Boulevard, 108th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 110th Avenue/Brinkerhoff Avenue, and a line 100 feet southwesterly of Sutphin Boulevard; and
- b. a line 100 feet northwesterly of 109th Avenue, a line midway between Union Hall Street and Guy R. Brewer Boulevard, 109th Avenue, and Union Hall Street;
31. changing from an R4B District to an R5D District property bounded by Sunbury Road, a line midway between Merrick Boulevard and Irwin Place, Leslie Road, and Merrick Boulevard;
32. changing from a C8-1 District to an R5D District property bounded by:
- a. Baisley Boulevard, Irwin Place and its northwesterly centerline prolongation, a line 300 feet northwesterly of Sunbury Road, Merrick Boulevard, 124th Avenue and its northeasterly centerline prolongation, and Merrick Street; and
- b. Anderson Road, a line 100 feet northeasterly of Merrick Boulevard, Eveleth Road, and Merrick Boulevard;
33. establishing within a proposed R3-1 District a C1-2 District bounded by 137th Avenue, a line 150 feet northeasterly of Guy R. Brewer Boulevard, 140th Avenue, and Guy R. Brewer Boulevard;
34. establishing within a proposed R3-2 District a C1-2 District bounded by a line 175 feet northwesterly of 122nd Avenue, a line 110 feet easterly of Farmers Boulevard, a line 110 feet northeasterly of Nellis Street, 122nd Avenue, Nellis Street, and Farmers Boulevard;
35. establishing within a proposed R2 District a C1-3 District bounded by:
- a. a line 100 feet northwesterly of 140th Avenue, the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division), 140th Avenue, and Bedell Street; and
- b. a line 100 feet northwesterly of 140th Avenue, a line midway between Thurston Street and Southgate Street, 140th Avenue, and Thurston Street;
36. establishing within a proposed R3-1 District a C1-3 District bounded by a line 100 feet northwesterly of 140th Avenue, Westgate Street, Thurston Street, 140th Avenue, and the southwesterly boundary line of the Long Island Railroad right-of way (Old Southern Division);
37. establishing within an existing R3-2 District a C1-3 District bounded by:
- a. Foch Boulevard, a line 100 feet southwesterly of 164th Street, 119th Avenue, Guy R. Brewer Boulevard, 118th Avenue, and a line 100 feet southwesterly of Guy R. Brewer Boulevard;
- b. Garrett Street, Farmers Boulevard, Westgate Street, a line perpendicular to the southwesterly street line of Westgate Street distant 160 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Westgate Street and the easterly street line of Farmers Boulevard, Bedell Street, a line perpendicular to the southwesterly street line of Bedell Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Bedell Street and the easterly street line of Farmers Boulevard, a line midway between Bedell Street and 182nd Street, a line perpendicular to the northeasterly street line of 182nd Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 182nd Street and the easterly street line of Farmers Boulevard, 182nd Street, a line 150 feet easterly of Farmers Boulevard, a line 100 feet northwesterly of 140th Avenue, the northwesterly prolongation of the southwesterly street line of 180th Street, 140th Avenue, Farmers Boulevard, 139th Road, and a line 100 feet westerly of Farmers Boulevard;
38. establishing within a proposed R3-2 District a C1-3 District bounded by a line 100 feet northwesterly of Farmers Boulevard, a line midway between Mars Place and Sidway Place, Farmers Boulevard, and Sidway Place;
39. establishing within a proposed R3A District a C1-3 District bounded by:
- a. Linden Boulevard, Meyer Avenue, and 157th Street;
- b. a line 115 feet northwesterly of 123rd Avenue, Sutphin Boulevard, 123rd Avenue, and a line 100 feet southwesterly of Sutphin Boulevard; and
- c. 122nd Avenue, a line 100 feet northeasterly of Guy R. Brewer Boulevard, Baisley Boulevard, 161st Place, a line 100 feet northwesterly of Baisley Boulevard, and a line 100 feet southwesterly of Guy R. Brewer Boulevard;
40. establishing within an existing R3X District a C1-3 District bounded by Baisley Boulevard, Guy R. Brewer Boulevard, 128th Avenue, and a line perpendicular to the northwesterly street line of 128th Avenue distant 210 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 128th Avenue and the southwesterly street line of Guy R. Brewer Boulevard;
41. establishing within an existing R4 District a C1-3 District bounded by 109th Avenue, Guy R. Brewer Boulevard, a line 110 feet southeasterly of 109th Avenue, and a line 100 feet southwesterly of Guy R. Brewer Boulevard;
42. establishing within a proposed R5B District a C1-3 District bounded by:
- a. Foch Boulevard, Merrick Boulevard, Victoria Road, Merrill Street, a line 100 feet southeasterly of 119th Avenue, and a line 100 feet southwesterly of Merrick Boulevard; and
- b. a line 120 feet southeasterly of Victoria Road, Merrick Boulevard, Baisley Boulevard, Merrick Street, 124th Avenue, a line 290 feet southwesterly of Merrill Street, a line 100 feet northwesterly of 125th Avenue, a line 475 feet southwesterly of Merrill Street, a line 75 feet northwesterly of 125th Avenue, a line 620 feet southwesterly of Merrill Street, 125th Avenue, 172nd Street, a line 75 feet southeasterly of Brocher Road, a line 440 feet southwesterly of Merrill Street, a line 100 feet southeasterly of Brocher Road, a line 160 feet southeasterly of Brocher Road, Merrill Street, a line

- perpendicular to the northeasterly street line of Merrill Street distant 90 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Merrill Street and the northwesterly street line of Baisley Boulevard, and a line 100 feet northeasterly of Merrill Street;
- 43. establishing within a proposed R5D District a C1-3 District bounded by:
 - a. 110th Avenue/Brinkerhoff Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 111th Avenue, a line 100 feet southwesterly of Sutphin Boulevard, a line midway between 110th Road and 111th Avenue, Sutphin Boulevard, 110th Road, and a line 100 feet southwesterly of Sutphin Boulevard;
 - b. 112th Avenue, Sutphin Boulevard, 112th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, Linden Boulevard, a line 150 feet northeasterly of Sutphin Boulevard, a line 125 feet northwesterly of 114th Road, a line 100 feet northeasterly of Sutphin Boulevard, 115th Avenue, Sutphin Boulevard, 115th Avenue, a line 100 feet southwesterly of Sutphin Boulevard, a line 100 feet northeasterly of 149th Street, a line 100 feet southeasterly of Linden Boulevard, and a line 100 feet southwesterly of Sutphin Boulevard;
 - c. 119th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 119th Road, and Sutphin Boulevard;
 - d. 120th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 122nd Avenue, and Sutphin Boulevard;
 - e. Rockaway Boulevard, 140th Street, a line 100 feet southerly of 123rd Avenue, 142nd Place, Rockaway Boulevard, 143rd Street, Bascom Avenue, a line 100 feet westerly of 143rd Street, a line 100 feet northerly of Bascom Avenue, a line perpendicular to the southwesterly street line of 140th Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of 140th Street and the southerly street line of Rockaway Boulevard, and the northeasterly service road of the Van Wyck Expressway;
 - f. Baisley Boulevard, Irwin Place, a line 300 feet northwesterly of Sunbury Road, a line 100 feet southwesterly of Irwin Place, Sunbury Road, a line midway between Irwin Place and Merrick Boulevard, a line 100 feet southeasterly of Sunbury Road, and Merrick Boulevard; and
 - g. Ursina Road, a line midway between Irwin Place and Merrick Boulevard, Leslie Road, a line 70 feet northeasterly of Merrick Boulevard, Selover Road, a line 80 feet northeasterly of Merrick Boulevard, Anderson Road, a line 100 feet northeasterly of Merrick Boulevard, Eveleth Road, and Merrick Boulevard;
- 44. establishing within a proposed R5D District a C1-4 District bounded by a line 100 feet northwesterly of 109th Avenue, a line midway between Union Hall Street and Guy R. Brewer Boulevard, 109th Avenue, and Union Hall Street;
- 45. establishing within an existing R3-2 District a C2-3 District bounded by 112th Road, Guy R. Brewer Boulevard, Phroane Avenue, a line 100 feet northeasterly of Guy R. Brewer Boulevard, Sayres Avenue, Guy R. Brewer Boulevard, Linden Boulevard, and a line 100 feet southwesterly of Guy R. Brewer Boulevard; and
- 46. establishing within a proposed R5D District a C2-3 District bounded by:
 - a. 108th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 110th Avenue/Brinkerhoff Avenue, and a line 100 feet southwesterly of Sutphin Boulevard;
 - b. 111th Avenue, Sutphin Boulevard, a line 165 feet southeasterly of 111th Avenue, and a line 125 feet southwesterly of Sutphin Boulevard;
 - c. 115th Avenue, Sutphin Boulevard, 115th Avenue, a line 100 feet northeasterly of Sutphin Boulevard, 119th Avenue, a line 100 feet southwesterly of Sutphin Boulevard, a line 100 feet southeasterly of Foch Boulevard, a line 125 feet southwesterly of Sutphin Boulevard, Foch Boulevard, 148th Street, a line perpendicular to the northeasterly street line of 148th Street distant 165 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 148th Street and the northwesterly street line of Foch Boulevard, a line 100 feet southwesterly of Sutphin Boulevard, 116th Avenue, 149th Street, and a line 100 feet westerly and southwesterly of Sutphin Boulevard;
 - d. Rockaway Boulevard, 145th Street, a line

- 100 feet southerly of Rockaway Boulevard, and 144th Street;
- e. a line 100 feet northerly of Rockaway Boulevard, 147th Street, Rockaway Boulevard, 150th Street, a line 100 feet southerly of Rockaway Boulevard, and Inwood Street; and
- f. Baisley Boulevard, Merrick Boulevard, a line perpendicular to the southerly street line of Merrick Boulevard distant 125 feet northwesterly (as measured along the street line) from the point of intersection of the southerly street line of Merrick Boulevard and the southwesterly street line of Belknap Street, a line 100 feet northeasterly of Mathewson Court, a line 90 feet southeasterly of Farmers Boulevard, Mathewson Court, a line 260 feet northeasterly of 178th Place, 130th Road, a line 200 feet northeasterly of 178th Place, a line midway between 130th Avenue and 130th Road, a line 100 feet northeasterly of 178th Place, 130th Avenue, the northwesterly centerline prolongation of 178th Place, a line midway between 129th Avenue and 130th Avenue, a line 60 feet southwesterly of the northwesterly centerline prolongation of 178th Place, 129th Avenue, a line 100 feet northeasterly of 177th Street, 127th Avenue, a line 875 feet northeasterly of 174th Place, a line midway between 126th Avenue and 127th Avenue, a line 895 feet northeasterly of 174th Place, 126th Avenue, a line 785 feet northeasterly of 174th Place, a line midway between 125th Avenue and 126th Avenue, a line 700 feet northeasterly of 174th Place, 125th Avenue, a line 235 feet northeasterly of Merrick Street, a line 100 feet northwesterly of 125th Avenue, a line 190 feet northeasterly of Merrill Street, 124th Avenue and its northeasterly centerline prolongation, and Merrick Street;

as shown in a diagram (for illustrative purposes only dated November 29, 2010 and subject to the conditions of CEQR Declaration E-266.

**No. 3
CD 12 N 110146 ZRQ**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and Article 1, Chapter 1 (Title, Establishment of Controls and Interpretation of Regulations).

PROPOSED TEXT AMENDMENT TO FRESH FOOD STORES IN COMMUNITY DISTRICT 12, BOROUGH OF QUEENS

Matter in underline is new, to be added;
 Matter in ~~strikeout~~ is old, to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution
ARTICLE 1: GENERAL PROVISIONS
 Chapter 1
 Title, Establishment of Controls and Interpretation of Regulations
 * * *

**11-151
Special requirements for properties in the Borough of Queens**

(a) The following site, Block 9898, Lots 1 and 117, shall be subject to the provisions of Section 11-151 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in Appendix C (City Environmental Quality Review (CEQR) Environmental Designations) of the Zoning Resolution.

(b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in the following paragraphs ~~(a)(1)~~ through ~~(a)(5)~~ of this Section:

- ~~(a)(1)~~ The regulations of an R4 District shall apply within an area bounded by Liberty Avenue, 170th Street, a line 100 feet southeasterly of Liberty Avenue, and a line 100 feet southwesterly of 168th Place.
- ~~(a)(2)~~ The regulations of a C8-1 District shall apply within an area bounded by Liberty Avenue, a line 100 feet southwesterly of 168th Place, a line 150 feet northwesterly of 104th Avenue, and Merrick Boulevard.
- ~~(a)(3)~~ The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105th Avenue, a line 50 feet southwesterly of 148th Street, a line 100 feet northwesterly of 105th Avenue, and a line 150 feet northeasterly of Sutphin Boulevard.
- ~~(a)(4)~~ The regulations of an R6 District with a C2-2 District overlay shall apply within an area bounded by 163rd Street, a line perpendicular to 163rd Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street, a line 86 feet northeasterly of 163rd Street, a line perpendicular to 163rd Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of

- Hillside Avenue and the northeasterly line of 163rd Street.
- ~~(a)(5)~~ The regulations of a C8-1 District shall apply within an area bounded by Hillside Avenue, a line 388 feet westerly of 144th Street, a line 100 feet northwesterly of 88th Avenue, a line 100 feet northeasterly of 139th Street, a line 120 feet northwesterly of 88th Avenue, a line 60 feet northeasterly of 139th Street, a line 70 feet southeasterly of Hillside Avenue, and 139th Street; and within an area bounded by Queens Boulevard, Hillside Avenue, 139th Street, a line 100 feet southeasterly of Hillside Avenue, a line midblock between 139th Street and Queens Boulevard, a line perpendicular to Queens Boulevard passing through a point distant 140 feet as measured along the northeasterly #street line# of Queens Boulevard from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of Queens Boulevard.

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in this Section, the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

* * *
**Article VI
Special Regulations Applicable to Certain Areas**
 * * *

**Chapter 3
Special Regulations Applying to FRESH Food Stores**
 * * *

**63-02
Applicability**
 The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(a) The provisions of this Chapter shall apply to all #commercial# and #manufacturing districts# in the following areas, except as provided in paragraph (b) of this section:
 * * *

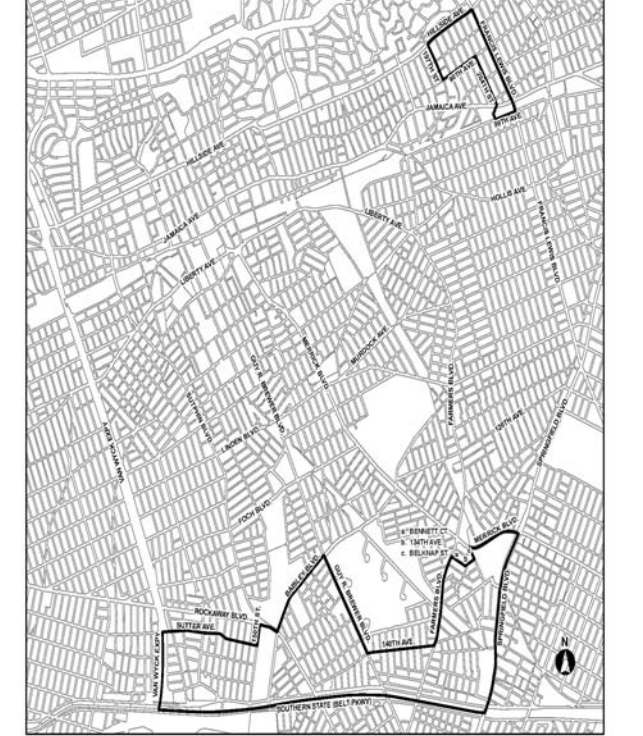
(4) In the Borough of Queens, #Special Downtown Jamaica District#, and portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Map 5 in Appendix A of this Chapter;
 * * *

**63-25
Required Accessory Off-street Parking Spaces in Certain Districts**
 * * *

(b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-#street# parking spaces as required for #uses# in parking category B in the applicable #Commercial# and #Manufacturing Districts#.
 * * *

**Appendix A
FRESH Food Store Designated Areas: Excluded Portions**
 * * *

Map 5.
 Excluded portions of Community District 12, Queens



**BOROUGH OF STATEN ISLAND
No. 4
UNION AVENUE REZONING**

**CD 1 C 100118 ZMR
IN THE MATTER OF** an application submitted by 647-649

Washington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20c by changing from an M1-1 District to an R3A District property bounded by the southerly boundary line of a Railroad Right-Of-Way, Union Avenue, Leyden Avenue, and Harbor Road, as shown on a diagram (for illustrative purposes only) dated November 15, 2010 and subject to the conditions of CEQR Declaration E-265.

BOROUGH OF QUEENS

No. 5

ADDISLEIGH PARK HISTORIC DISTRICT

CD 12 N 110213 HKQ
IN THE MATTER OF a communication dated February 10, 2011 from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of Addisleigh Park Historic District, designated by the Landmarks Preservation Commission on February 1, 2011 (List No. 438, LP No. 2405). The Historic District consists of the properties bounded by a line beginning at the southeast corner of Merrick Boulevard and 111th Road, extending easterly along the southern curb line of 111th Road, southerly along the western curb line of 172nd Street to a point in said curb line formed by its intersection with a line extending westerly from the northern property line of 172-01 Sayres Avenue, easterly across 172nd Street and along the northern property lines of 172-01 to 172-19 Sayres Avenue, across 173rd Street and along the northern property lines of 173-01 to 173-09 Sayres Avenue, northerly along the western property lines of 111-36 to 111-14 174th Street, easterly along the northern property line of 111-14 174th Street to the western curb line of 174th Street, southerly along said curb line to a point formed by its intersection with a line extending westerly from the northern property line of 111-23 174th Street, easterly across 174th Street and along said property line, northerly along the western property lines of 111-20 and 111-18 175th Street, easterly along the northern property line of 111-18 175th Street, southerly along the western curb line of 175th Street to a point in said curb line formed by its intersection with a line extending easterly from the northern property line of 111-28 175th Street, westerly along said property line, southerly along the eastern property line of 111-28 175th Street, westerly along the southern property line of 111-24 175th Street, southwesterly along the southeastern property line of 111-29 174th Street, westerly along the southern property line of 111-29 174th Street and across 174th Street to the western curb line of 174th Street, southerly along said curb line, crossing Sayres Avenue and continuing along the western curb line of Marne Place to a point in said curb line formed by the intersection of a line extending westerly from the northern property line of 174-05 Adelaide Road, easterly across Marne Place and long the northern property lines of 174-05 to 174-21 Adelaide Road, northerly along the western property line of 174-27 Adelaide Road, easterly along the northern property line of 174-27 Adelaide Road, southerly along the western curb line of 175th Street (crossing Adelaide Road) to a point in said curb line formed by its intersection with a line extending westerly from the northern property line of 112-39 175th Street, easterly across 175th Street and along said property line, northerly along the western property lines of 112-50 to 112-28 175th Place, easterly along the angled northern property line of 112-28 175th Place, across 175th Place and continuing easterly along the northern property line of 112-37 175th Place, southerly along the eastern property lines of 112-37 to 112-49 175th Place, easterly along the northern property line of 112-26 176th Street to the western curb line of 176th Street, southerly along said curb line to a point formed by its intersection with a line extending westerly from the northern property line of 112-31 176th Street, easterly across 176th Street and along said property line, northerly along the western property lines of 112-24 to 112-04 177th Street, easterly along the northern property line of 112-04 177th Street and across 177th Street to its eastern curb line, northerly along said curb line, easterly along the southern curb line of 112th Avenue, southerly along the eastern property lines of 112-03 and 112-07 177th Street, easterly along the northern property line of 112-08 178th Street, across 178th Street to its eastern curb line, northerly along said curb line, easterly along the southern curb line of 112th Avenue, southerly along the eastern property line of 112-07 178th Street, easterly along the northern property line of 112-06 178th Place, across 178th Place and the northern property line of 112-05 178th Place, southerly along the eastern property lines of 112-05 and 112-09 178th Place, easterly along the northern property line of 112-14 179th Street, across 179th Street to its eastern curb line, northerly along said curb line to a point formed by its intersection with a line extending westerly from the northern property line of 112-11 179th Street, easterly along said property line, southerly along the eastern property lines of 112-11 179th Street to 112-55 179th Street, easterly along the northern property lines of 179-11 and 179-17 Murdock Avenue to the western curb line of 180th Street, southerly along said curb line and across Murdock Avenue to the southwest corner of Murdock Avenue and 180th Street, easterly across 180th Street and along the southern curb line of Murdock Avenue, southerly along the eastern property lines of 114-01 to 115-09 180th Street, westerly along the southern property line of 115-09 180th Street to the eastern curb line of 180th Street, northerly along said curb line to a point formed by its intersection with a line extending easterly from the southern property line of 114-84 180th Street, westerly along the southern property line of 114-84 180th Street, southerly along the eastern property lines of 114-87 to 115-33 179th Street, westerly along the southern property line of 115-33 179th Street, and across 179th Street to the northwest corner of 179th Street and Linden Boulevard, northwesterly along the northeastern curb line of Linden Boulevard, northerly along the eastern curb line of 178th Place to a point formed by its intersection with a line extending easterly from the southern property line of 114-74 178th Place, westerly across 178th place and along the southern property lines of 114-74 178th Place, 178-12 and 178-02 114th Road and across 178th Street to the northwest corner of 178th Street and Linden Boulevard, northwesterly along the northeastern curb line of Linden Boulevard to the southeast corner of Linden

Boulevard and 114th Road, northerly across 114th Road to the northern curb line of 114th Road, easterly along said curb line to a point formed by its intersection with a line extending southerly from the western property line of 177-15 114th Road, northerly along said property line, westerly along the southern property line of 114-52 178th Street, southwesterly along the southeastern property line of 177-05 Linden Boulevard (aka 177-05 to 177-13 Linden Boulevard) to the northeastern curb line of Linden Boulevard, northwesterly along said curb line, northerly along the eastern curb line of 177th Street to a point formed by its intersection with a line extending easterly from the southern property line of 114-34 177th Street, westerly across 177th Street and along said property line, southerly along a portion of the eastern property line of 114-34 177th Street, westerly along a portion of the southern property line of 114-34 177th Street, northerly along the western property lines of 114-34 to 114-20 177th Street, westerly along the southern property line of 114-15 176th Street and across 176th Street to the western curb line of 176th Street, southerly along said curb line and across Linden Boulevard to the southern curb line of Linden Boulevard, easterly along said curb line (following its southward curve) to the southwest corner of Linden Boulevard and 177th Street, southerly along the western curb line of 177th Street to a point formed by its intersection with a line extending easterly from the southern property line of 176-16 Linden Boulevard, westerly along said property line, southerly along the eastern property lines of 114-45 (aka 114-45 to 114-49) to 114-83 176th Street to the northern curb line of 115th Avenue, westerly along said curb line, across 176th Street and 175th Place to a point formed by its intersection with a line extending southerly from the western property line of 114-78 175th Place, northerly along the western property lines of 114-78 to 114-34 175th Place and across Linden Boulevard to the northern curb line of Linden Boulevard, westerly along said curb line, across 175th Street, 174th Street, and Murdock Avenue to the northeast corner of Murdock Avenue and Marne Place, northerly along the eastern curb line of Marne Place to a point formed by its intersection with a line extending easterly from the northern property line of 172-01 Linden Boulevard, westerly across Marne Place and along said property line and the southern property line of St. Alban's Memorial Park to the eastern curb line of Merrick Boulevard, and northerly along said curb line to the point of the beginning.

YVETTE V. GRUEL, Calendar Officer

City Planning Commission

22 Reade Street, Room 2E

New York, New York 10007

Telephone (212) 720-3370

f16-m2

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 02 - Monday, February 28, 2011 at 6:00 P.M., Long Island University, Flatbush and Dekalb Avenues, Jonas Board Room, Brooklyn, NY

A public hearing on the Preliminary Budget for Fiscal Year 2012; and the Citywide Statement of Needs for City Facilities for FY2012/2013.

f22-28

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 10 - Monday, February 28, 2011, 7:15 P.M., Knights of Columbus, 1305 86th Street, Brooklyn, NY

Public Hearing on Capital and Expense Budget Priorities for FY 2012.

f22-28

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 07 - Tuesday, March 1, 2011, 6:00 P.M., Jewish Home Lifecare, 120 West 106th Street, (at Columbus and Amsterdam Avenues), New York, NY

A Public Hearing on the Mayor's FY2012 Preliminary Budget.

f23-m1

DEFERRED COMPENSATION PLAN BOARD

■ MEETING

The New York City Deferred Compensation Plan Board will hold its monthly meeting on Wednesday, March 2, 2011 from 10:00 A.M. to 12:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

f22-m1

BOARD OF EDUCATION RETIREMENT SYSTEM

■ MEETING

The next regular meeting of the Board of Education Retirement System (BERS) of the City of New York Trustees will meet on Tuesday, March 1, 2011. This meeting will be held at Brooklyn Technical High School, 29 Fort Greene Place, Room #IW26, Brooklyn, New York 11217.

The meeting will convene at 4:30 P.M. An agenda will be distributed to BERS Trustees prior to the meeting.

If you need more information, please contact Noro Healy at (718) 935-4529 or email: nhealy@bers.nyc.gov

f22-28

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **March 1, 2011 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 11-6104 - Block 276, lot 7 189-91 Atlantic Avenue - Brooklyn Heights Historic District An eclectic style brick house built in 1880-1899. Application is to construct a rear yard addition. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-8694 - Block 249, lot 29-136 Montague Street - Brooklyn Heights Historic District An Anglo-Italianate style house built between 1861 and 1879. Application is to install a bracket sign. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 11-5172 - Block 247, lot 28-68 Montague Street - Brooklyn Heights Historic District An apartment house designed by George Pelham and built in 1910. Application is to construct a barrier-free-access ramp and reconstruct the stairs in the areaway. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 11-5149 - Block 1918, lot 1101-283 Washington Avenue - Clinton Hill Historic District An Italianate style residence built circa 1874. Application to install a roof deck and railings. Community District 2.

ADVISORY REPORT

BOROUGH OF BROOKLYN 11-6144 - Block 1117, lot 1-Prospect Park, Grand Army Plaza and the Concert Grove - Prospect Park- Scenic Landmark Two of the formal spaces within the primarily naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is relocate statues, enlarge sidewalks, replace paving and plantings, and install benches. Community District 6,7,8,9,12,14.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 11-1195 - Block 1183, lot 2-2 Eastern Parkway - Brooklyn Public Library- Individual Landmark A Modern Classical style Library designed by Alfred Morton Githens and Francis Keally and built in 1935-41. Application is to install a rooftop generator and cooling tower. Community District 8.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-5418 - Block 220, lot 42-32 Lighthouse Street - Tribeca North Historic District An early 19th century commercial style store and loft building designed by John Woolley and built in 1909. Application is to install storefront infill. Community District 1.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-6067 - Block 485, lot 12-80-82 Greene Street - SoHo-Cast Iron Historic District A store and storehouse designed by Griffith Thomas and built in 1872-73. Application is to extend the fire escape. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-6043 - Block 614, lot 40-243 West 11th Street - Greenwich Village Historic District A transitional Greek Revival style rowhouse built in 1851. Application is to remove sheet metal window, lintels, and sills. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-2330 - Block 552, lot 63-69 Washington Place - Greenwich Village Historic District A Greek Revival style house built in 1842. Application is to construct a rear yard addition and replace a window. Zoned R7-2. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-5797 - Block 573, lot 43-24 Fifth Avenue - Greenwich Village Historic District A Spanish Renaissance style apartment building designed by Emery Roth and built in 1926. Application is to modify window openings. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-5555 - Block 744, lot 10-353 West 20th Street - Chelsea Historic District A Greek Revival/Italianate style rowhouse built in 1852-3. Application is to construct rear yard and rooftop additions. Zoned R8. Community District 4.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-8244 - Block 824, lot 54-132 East 19th Street - Gramercy Park Historic District A small apartment house designed by Frederick J. Stevens and built in 1910. Application is to establish a Master Plan governing the future replacement of windows and the installation of through-window air conditioning units. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-5700 - Block 1010, lot 61-180 West 58th Street - Alwyn Court Apartment- Individual Landmark
 A French Renaissance-style apartment building designed by Harde & Short and built in 1907-09. Application is to modify a window and install mechanical equipment on the facade. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-5012 - Block 1127, lot 56-48 West 75th Street - Upper West Side/Central Park West Historic District
 A Romanesque Revival style rowhouse designed by George H. Budlong and built in 1890-91. Application is to construct a stoop and modify window openings at the rear façade. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-5308 - Block 1244, lot 26-326 West 80th Street - Riverside Drive-West 80th Street Historic District
 An Elizabethan Renaissance Revival style town house designed by Clarence True and built in 1898-99. Application is to construct a rooftop addition. Zoned R10A. Community District 7.

ADVISORY REPORT
BOROUGH OF MANHATTAN 11-4479 - Block 1524, lot 12-131 East 95th Street - Expanded Carnegie Hill Historic District
 A neo-Grec/Romanesque Revival style rowhouse designed by Frank Wennemer and built in 1889-1890. Application is to construct rooftop and rear yard addition. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8758 - Block 1396, lot 63-124 East 62nd Street - Upper East Side Historic District
 A residence constructed in 1869-70 and later altered in 1938 by Eldredge Snyder. Application is to legalize the installation of an areaway fence installed without Landmarks Preservation Commission permit(s). Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1047 - Block 1416, lot 8-215 East 61st Street - Treadwell Farm Historic District
 A rowhouse designed by A. & S. Bussell and built in 1875 and later altered. Application is to construct a rear yard addition, replace windows and alter the facade. Zoned R8B. Community District 8.

f15-m1

BOARD OF STANDARDS AND APPEALS

PUBLIC HEARINGS

ADDED CASE

MARCH 8, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 8, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

215-09-BZ
APPLICANT – Law Office of Fredrick A. Becker, for 92-16 95th Avenue Realty Corporation by Alfred Smith, owners.
SUBJECT – Application February 17, 2011 – Extension of Time to obtain a Certificate of Occupancy, which expired on May 17, 2010, for a previously approved amendment granted pursuant to §§11-411 & 11-413 which permitted a change of use from wholesale (Use Group 7) to a retail (Use Group 6) use on the ground floor of a three story building; Waiver of the Rules. R5 zoning district.
PREMISES AFFECTED – 92-16 95th Avenue, southwest corner of 93rd Street and 95th Avenue, Block 9032, Lot 8, Borough of Queens.
COMMUNITY BOARD #9Q

Jeff Mulligan, Executive Director

f23-24

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, March 2, 2011. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 1 Madison Office Fee LLC to continue to maintain and use a tunnel under and across East 24th Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2011 to June 30, 2012 - \$39,283
- For the period July 1, 2012 to June 30, 2013 - \$40,485
- For the period July 1, 2013 to June 30, 2014 - \$41,687
- For the period July 1, 2014 to June 30, 2015 - \$42,889
- For the period July 1, 2015 to June 30, 2016 - \$44,091
- For the period July 1, 2016 to June 30, 2017 - \$45,293
- For the period July 1, 2017 to June 30, 2018 - \$46,495
- For the period July 1, 2018 to June 30, 2019 - \$47,697
- For the period July 1, 2019 to June 30, 2020 - \$48,899

For the period July 1, 2010 to June 30, 2011 - \$50,101

the maintenance of a security deposit in the sum of \$50,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000

#2 In the matter of a proposed revocable consent authorizing Beth Israel Medical Center to continue to maintain and use four conduits under East 17th Street west of First Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2011 to June 30, 2012 - \$3,000
- For the period July 1, 2012 to June 30, 2013 - \$3,092
- For the period July 1, 2013 to June 30, 2014 - \$3,184
- For the period July 1, 2014 to June 30, 2015 - \$3,276
- For the period July 1, 2015 to June 30, 2016 - \$3,368
- For the period July 1, 2016 to June 30, 2017 - \$3,460
- For the period July 1, 2017 to June 30, 2018 - \$3,552
- For the period July 1, 2018 to June 30, 2019 - \$3,644
- For the period July 1, 2019 to June 30, 2020 - \$3,736
- For the period July 1, 2020 to June 30, 2021 - \$3,828

the maintenance of a security deposit in the sum of \$3,900 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Beth Israel Medical Center to continue to maintain and use a planted area on the east sidewalk of East 32nd Street, north of Kings Highway, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following schedule:

For the period July 1, 2011 to June 30, 2021 - \$240/annum.

the maintenance of a security deposit in the sum of \$900 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing BD Blakely LLC to continue to maintain and use a sidewalk Logo on the south sidewalk of West 55th Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2011 to June 30, 2021 - \$300/annum

the maintenance of a security deposit in the sum of \$300 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing H. Stern Jewelers, Inc. to continue to maintain and use a sidewalk plaque on the east sidewalk of Fifth Avenue, between East 51st Street and East 52nd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following schedule: For the period from July 1, 2011 to June 30, 2021 - \$300/annum.

the maintenance of a security deposit in the sum of \$3,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#6 In the matter of a proposed revocable consent authorizing The Long Island College Hospital to continue to maintain and use a bridge over and across Amity Street, west of Henry Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following Schedule:

- For the period July 1, 2011 to June 30, 2012 - \$11,426
- For the period July 1, 2012 to June 30, 2013 - \$11,776
- For the period July 1, 2013 to June 30, 2014 - \$12,126
- For the period July 1, 2014 to June 30, 2015 - \$12,476
- For the period July 1, 2015 to June 30, 2016 - \$12,826
- For the period July 1, 2016 to June 30, 2017 - \$13,176
- For the period July 1, 2017 to June 30, 2018 - \$13,526
- For the period July 1, 2018 to June 30, 2019 - \$13,876
- For the period July 1, 2019 to June 30, 2020 - \$14,226
- For the period July 1, 2010 to June 30, 2011 - \$14,576

the maintenance of a security deposit in the sum of \$20,000 and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#7 In the matter of a proposed revocable consent authorizing Mathew Comfort and Susan Ziegler to construct, maintain and use a stoop and to maintain and use an existing fenced-in area on the south sidewalk of Baltic Street, between Clinton and Henry Streets, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

From the Approval Date to June 30, 2021- \$25/annum.

the maintenance of a security deposit in the sum of \$5,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#8 In the matter of a proposed revocable consent authorizing Terminus Restaurant Associates LLC to continue to maintain and use a fenced-in area on the north sidewalk of East 75th Street, east of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2011 to June 30, 2012 - \$1,917
- For the period July 1, 2012 to June 30, 2013 - \$1,974
- For the period July 1, 2013 to June 30, 2014 - \$2,031
- For the period July 1, 2014 to June 30, 2015 - \$2,088
- For the period July 1, 2015 to June 30, 2016 - \$2,145
- For the period July 1, 2016 to June 30, 2017 - \$2,205
- For the period July 1, 2017 to June 30, 2018 - \$2,259
- For the period July 1, 2018 to June 30, 2019 - \$2,316
- For the period July 1, 2019 to June 30, 2020 - \$2,373
- For the period July 1, 2010 to June 30, 2011 - \$2,430

the maintenance of a security deposit in the sum of \$2,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#9 In the matter of a proposed revocable consent authorizing Washington 685, LLC, to continue to maintain and use electrical conduits, together with sidewalk lights under, along and in the east sidewalk of Washington Street, north of Charles Street, and under, along and in north of Charles Street, east of Washington Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2011 to June 30, 2012 - \$750
- For the period July 1, 2012 to June 30, 2013 - \$773
- For the period July 1, 2013 to June 30, 2014 - \$796
- For the period July 1, 2014 to June 30, 2015 - \$819
- For the period July 1, 2015 to June 30, 2016 - \$842
- For the period July 1, 2016 to June 30, 2017 - \$865
- For the period July 1, 2017 to June 30, 2018 - \$888
- For the period July 1, 2018 to June 30, 2019 - \$911
- For the period July 1, 2019 to June 30, 2020 - \$934
- For the period July 1, 2010 to June 30, 2011 - \$957

the maintenance of a security deposit in the sum of \$1,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#10 In the matter of a proposed revocable consent authorizing Wai Yan Lui to maintain and use fenced-in areas on the east sidewalk of West 5th Street, north of Highlawn Avenue, and north sidewalk of Highlawn Avenue, east of West 5th Street, west of Seventh Avenue South, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2011 to June 30, 2021 - \$206/annum.

the maintenance of a security deposit in the sum of \$4,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

f9-m2

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, March 16, 2011. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing Hudson Transmission Partners, LLC to construct, maintain and use 239kv and 345kv cable systems from PSE&G Bergen Substation in the State of New Jersey, under, along and across Hudson River, Pier 94, West 52nd Street and Twelfth Avenue to Consolidated Edison Company of New York, Inc. 49th Street Substation, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

- From the date of Approval by the Mayor to June 30, 2011 - \$57,726/annum
- For the period July 1, 2011 to June 30, 2012 - \$59,492
- For the period July 1, 2012 to June 30, 2013 - \$61,258
- For the period July 1, 2013 to June 30, 2014 - \$63,024
- For the period July 1, 2014 to June 30, 2015 - \$64,790
- For the period July 1, 2015 to June 30, 2016 - \$66,556
- For the period July 1, 2016 to June 30, 2017 - \$68,322
- For the period July 1, 2017 to June 30, 2018 - \$70,088
- For the period July 1, 2018 to June 30, 2019 - \$71,854
- For the period July 1, 2019 to June 30, 2020 - \$73,620
- For the period July 1, 2010 to June 30, 2011 - \$75,386

the maintenance of a security deposit in the sum of \$76,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000

#2 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use conduits under and across

Amsterdam Avenue, north of West 116th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2011 to June 30, 2012 - \$6,026
 For the period July 1, 2012 to June 30, 2013 - \$6,205
 For the period July 1, 2013 to June 30, 2014 - \$6,384
 For the period July 1, 2014 to June 30, 2015 - \$6,563
 For the period July 1, 2015 to June 30, 2016 - \$6,742
 For the period July 1, 2016 to June 30, 2017 - \$6,921
 For the period July 1, 2017 to June 30, 2018 - \$7,100
 For the period July 1, 2018 to June 30, 2019 - \$7,279
 For the period July 1, 2019 to June 30, 2020 - \$7,458
 For the period July 1, 2010 to June 30, 2011 - \$7,637

the maintenance of a security deposit in the sum of \$7,700 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing the Trustees of Columbia University in the City of New York to continue to maintain and use a tunnel under and across West 116th Street, west of Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following schedule:

For the period July 1, 2011 to June 30, 2012 - \$17,633
 For the period July 1, 2012 to June 30, 2013 - \$18,157
 For the period July 1, 2013 to June 30, 2014 - \$18,681
 For the period July 1, 2014 to June 30, 2015 - \$19,205
 For the period July 1, 2015 to June 30, 2016 - \$19,729
 For the period July 1, 2016 to June 30, 2017 - \$20,253
 For the period July 1, 2017 to June 30, 2018 - \$20,777
 For the period July 1, 2018 to June 30, 2019 - \$21,301
 For the period July 1, 2019 to June 30, 2020 - \$21,825
 For the period July 1, 2010 to June 30, 2011 - \$22,349

the maintenance of a security deposit in the sum of \$22,400 and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#4 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use conduits and cable in the facilities of the Empire City Subway Company, under and along West 120th Street, Amsterdam Avenue and West 121st Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2011 to June 30, 2012 - \$ 8,742
 For the period July 1, 2012 to June 30, 2013 - \$ 9,010
 For the period July 1, 2013 to June 30, 2014 - \$ 9,278
 For the period July 1, 2014 to June 30, 2015 - \$ 9,546
 For the period July 1, 2015 to June 30, 2016 - \$ 9,814
 For the period July 1, 2016 to June 30, 2017 - \$10,082
 For the period July 1, 2017 to June 30, 2018 - \$10,350
 For the period July 1, 2018 to June 30, 2019 - \$10,618
 For the period July 1, 2019 to June 30, 2020 - \$10,886
 For the period July 1, 2010 to June 30, 2011 - \$11,154

the maintenance of a security deposit in the sum of \$11,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing the Trustees of Columbia University in the City of New York to continue to maintain and use a stoop and a fenced-in area on the south sidewalk of West 85th Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following schedule:

For the period from July 1, 2011 to June 30, 2021 - \$25/annum.

the maintenance of a security deposit in the sum of \$2,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#6 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use two pipes under and diagonally across Claremont Avenue, south of West 119th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2011 to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following Schedule:

For the period July 1, 2011 to June 30, 2012 - \$3,556
 For the period July 1, 2012 to June 30, 2013 - \$3,662
 For the period July 1, 2013 to June 30, 2014 - \$3,768
 For the period July 1, 2014 to June 30, 2015 - \$3,874
 For the period July 1, 2015 to June 30, 2016 - \$3,980
 For the period July 1, 2016 to June 30, 2017 - \$4,086
 For the period July 1, 2017 to June 30, 2018 - \$4,192
 For the period July 1, 2018 to June 30, 2019 - \$4,298
 For the period July 1, 2019 to June 30, 2020 - \$4,404
 For the period July 1, 2010 to June 30, 2011 - \$4,510

the maintenance of a security deposit in the sum of \$4,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

f23-m16

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 11001-L

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, March 2, 2011 (SALE NUMBER 11001-L). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

<http://www.nyc.gov/autoauction>
OR
<http://www.nyc.gov/autoauctions>

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

f14-m2

■ SALE BY SEALED BID

SALE OF: 9 LOTS OF MISCELLANEOUS EQUIPMENT AND SUPPLIES, USED.

S.P.#: 11017

DUE: February 24, 2011

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

f10-24

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear

in the individual agency listings below reflect that commitment to excellence."

BROOKLYN BRIDGE PARK

■ SOLICITATIONS

Construction / Construction Services

BROOKLYN BRIDGE PARK CORPORATION - BUILDING 50 RENOVATION – Request for Proposals – PIN# 02242011 – DUE 03-17-11 AT 12:00 P.M. – Brooklyn Bridge Park Corporation (BBP), through its Owner Representative Gardiner and Theobald, Inc. (G and T), is seeking a qualified General Contractor to construct BBP's new 7,500 sf office space. The scope of work includes the full renovation of the first floor and installation of a fire stand pipe and associated cellar fire pump system. The building is a three (3) story reinforced concrete and masonry structure typical of early 1900's construction.

The RFP and related documents are available for download at <ftp://gtftp.gardinerusa.com>, User ID: bbp50, Password: 38blue47.

There will be a mandatory information session and site walk-through on March 2nd and March 4th at 334 Furman Street, Brooklyn, N.Y. RSVP to c.cunningham@gardinerusa.com. Respondents may submit questions and/or request clarifications from G and T no later than 5:00 P.M. on March 11, 2011. Questions regarding the subject matter of this RFP should be directed to c.cunningham@gardinerusa.com

Please submit 15 copies of your proposal on the due date. Minority and Women Owned Business Enterprises (M/WBE) are strongly encouraged to apply.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Brooklyn Bridge Park, Gardiner and Theobald Inc., 317 Madison Avenue, New York, NY 10017.
 Colin Cunningham (212) 661-6624,
c.cunningham@gardinerusa.com

f24

CITY UNIVERSITY

■ SOLICITATIONS

Construction Related Services

METAL FABRICATION – Competitive Sealed Bids – PIN# ITB1630027 – DUE 03-23-11 AT 2:00 P.M. – Remove existing steel guard railing and fabricate, deliver and install new guard rail at Roscoe C. Brown Jr. Student Center Terrace. This procurement opportunity is open to New York State small businesses, businesses certified pursuant to Article 15-A of the New York State Executive Law.

A mandatory site visit is required on March 16, 2011 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Bronx Community College, 2155 University Avenue, Colston Hall, 8th Floor, Room 821, Bronx, NY 10453. Sharon Luckie or Nelda Alvarez (718) 298-5800, Fax: (718) 289-6466, sharon.luckie@bcc.cuny.edu; nelda.alvarez@bcc.cuny.edu

f24-m14

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

SCOOTERS, TWO WHEELED; NYPD – Competitive Sealed Bids – PIN# 8571100226 – DUE 03-21-11 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007.
 Anna Wong (212) 669-8610, fax: (212) 669-7603,
dcasdmssbids@dcas.nyc.gov

f24

VEHICLE, SUV, 7 PASSENGER – Competitive Sealed Bids – PIN# 8571100446 – DUE 03-11-11 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007.
 Anna Wong (212) 669-8610, fax: (212) 669-7603,
dcasdmssbids@dcas.nyc.gov

f24

HAND GEOMETRY BIOMETRIC READER (BRAND SPECIFIC) – Competitive Sealed Bids – PIN# 8571100365 – DUE 03-11-11 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007.
 Anna Wong (212) 669-8610, fax: (212) 669-7603,
dcasdmssbids@dcas.nyc.gov

f24

AWARDS

Goods

PARKING METER VAULT LOCKS FOR D.O.T. – Competitive Sealed Bids – PIN# 8571100204 – AMT: \$118,300.00 – TO: Login Parking, LLC, 53 Railroad Avenue, Southington, CT 06489.

☛ f24

VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-4207.

j5-d31

EQUIPMENT FOR DEPARTMENT OF SANITATION

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

j5-d31

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE

In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

j5-d31

CORRECTION

CENTRAL OFFICE OF PROCUREMENT

SOLICITATIONS

Services (Other Than Human Services)

INSTALLATION, OPERATION, AND MAINTENANCE OF 100 BEVERAGES, SNACK AND FOOD VENDING MACHINES – Competitive Sealed Bids – PIN# 072201117BUD – DUE 03-23-11 AT 11:00 A.M. – At various Department of Correction facilities in Manhattan, Brooklyn, The Bronx, and Queens.

A pre-bid meeting and site tour will be held on Tuesday, March 8, 2011 at 10:00 A.M. at the TEAMS Trailer on Rikers Island. If you are considering responding to this RFB, please make every effort to attend this meeting and site tour. For admission to the pre-bid meeting and site tour, vendors must execute a "Clearance Request and Authorization Form" provided with the RFB. This form must be faxed no later than 48 hours prior to the pre-bid meeting to Ms. Shaneza Shinath at (718) 278-6218 or (718) 278-6205. In addition, vendor must provide proper photo identification at the security clearance trailer on the day of the pre-bid meeting and site tour.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
The Bulova Corporate Center, 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370. Shaneza Shinath (718) 546-0684, fax: (718) 278-6218, shaneza.shinath@doc.nyc.gov

f14-28

ENVIRONMENTAL PROTECTION

SOLICITATIONS

Services (Other Than Human Services)

SERVICE AND REPAIR OF SLR CONTROLS WWTP'S PUMPING STATIONS – Sole Source – Available only from a single source - PIN# 826111262SLR – DUE 03-04-11 AT 4:00 P.M. – DEP intends to enter into a Sole Source Agreement with Ineltech Corporation, for 1262-SLRC: Service and repair of SLR Controls WWTP's Pumping Stations. Ineltech Corporation is the original equipment manufacturer (OEM) of the SLRC's and it is the only qualified entity that can perform the necessary service and repair work. Only the OEM can provide necessary repair parts, technical support and properly trained and qualified technicians to perform preventive maintenance and as-needed repairs to ensure that the SLRC's are operating in optimum running condition at all times. Any firm which believes it can also provide the required service in the future is invited to so, indicated by letter to: Department of

Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373, attn: Ms. Debra Butlien, dbutlien@dep.nyc.gov, (718) 595-3423.

f17-24

FINANCE

CONTRACTS

INTENT TO AWARD

Services (Other Than Human Services)

INSTALLATION SOFTWARE CONFIGURATION AND TRAINING SERVICES OF THE QMATIC SYSTEMS – Sole Source – Available only from a single source - PIN# 83611S0004 – DUE 03-04-11 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Finance, 1 Centre Street, New York, NY 10007. Jean Kressner (212) 669-3896, fax: (212) 669-4294, Kressnerj@finance.nyc.gov

f18-25

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

SOLICITATIONS

Goods & Services

ELGA LABWATER MEDICA WATER PURIFICATION SYSTEM OR EQUAL – Competitive Sealed Bids – PIN# QHN2011-1071EHC – DUE 03-15-11 AT 2:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Queens Health Network, 82-68 164th Street, "S" Building, Jamaica, NY 11432. Margaret Palma (718) 883-6000, palmam@nychhc.org

☛ f24

Construction Related Services

GENERAL CONSTRUCTION WORK; ORTHOPEDIC DEPT. RELOCATION – Competitive Sealed Bids – PIN# 111-11-056 – DUE 03-11-11 AT 4:00 P.M. – Bellevue Hospital is soliciting bids for a general contractor to: renovate the East area on the 4th Floor of the C and D Building, work is not limited to: removal of existing masonry and drywall partitions, ceiling, hollow metal frames and doors; installation of new drywall partitions, hollow metal frame and doors, ceiling, counter top casework, painting, ceramic tiles, roll-down gate, toilet partitions, toilet accessories and floor patching.

All bidders must attend one of the mandatory pre-bid meetings on March 3, 2011 or March 4, 2011 at 10:00 A.M. and the sealed bid is due on March 11, 2011 before 3:00 P.M. Location: Bellevue Hospital Center, 462 First Avenue in Purchasing Conference Room, 7th Floor Room A708, in Administration Building. All bidders must attend at least one of the meetings in order to submit a bid.

To obtain a bid package contact Ivan Rawls at (212) 562-2552 or preferred via e-mail at Ivan.Rawls@bellevue.nychhc.org

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Bellevue Hospital Center, Purchasing, 462 First Avenue, Room #A708, New York, NY 10016. Ivan Rawls (212) 562-2552, Fax: (212) 562-4998, Ivan.Rawls@bellevue.nychhc.org

☛ f24

Services (Other Than Human Services)

PHILIPS HEALTHCARE TRACEMASTER VUE PORTFOLIO SOFTWARE – Sole Source – Available only from a single source - PIN# 231-11-045SS – DUE 02-25-11 AT 9:30 A.M. – The North Brooklyn Health Network intends to enter into a sole source contract for the Philips Healthcare TraceMaster Vue Portfolio Software with Philips Healthcare f/k/a Philips Medical Systems, 3000 Minuteman Road, Andover, MA 01810.

Any other supplier who is capable of providing the TraceMaster Vue Portfolio Software for the NBHN may express their interest in doing so by writing to Abraham Caban, Procurement Analyst, 100 North Portland Avenue, Rm. C-32, Brooklyn, NY 11205 or Abraham.Caban@woodhullhc.nychhc.org on or before 9:30 A.M., February 25, 2011.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
North Brooklyn Health Network, 100 North Portland Avenue, C-32, Brooklyn, NY 11205. Abraham Caban (718) 260-7593, fax: (718) 260-7619, Abraham.Caban@woodhullhc.nychhc.org

f17-24

INTENT TO AWARD

Goods

SEPRAFILM ADHESION BARRIER – Sole Source – Available only from a single source - PIN# 231-11-048SS –

DUE 03-02-11 AT 9:30 A.M. – The North Brooklyn Health Network intends to enter into a sole source contract for the Seprafilm Adhesion Barrier with Genzyme Biosurgery, P.O. Box, Pittsburgh, PA 15251.

Any other supplier who is capable of providing the Seprafilm Adhesion Barrier for the NBHN may express their interest in doing so by writing to: Abraham Caban, Procurement Analyst, 100 North Portland Avenue, Room C-32, Brooklyn, NY 11205, (718) 260-7593, Fax: (718) 260-7619, Abraham.Caban@woodhullhc.nychhc.org

f23-m1

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Human / Client Services

NEW YORK/NY III SUPPORTED HOUSING CONGREGATE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300R0X00-R – DUE 03-22-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or fax to (212) 219-5865. All proposals must be hand delivered at the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, no later than March 22, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Mental Hygiene, 93 Worth Street, Room 812, New York, NY 10013. Huguette Beauport (212) 219-5883, fax: (212) 219-5890, hbeauport@health.nyc.gov

o1-m21

INTENT TO AWARD

Services (Other Than Human Services)

SOFTWARE MAINTENANCE SUPPORT – Sole Source – Available only from a single source - PIN# 11AC054101R0X00 – DUE 02-24-11 – NYC DOHMH intends to enter a Sole Source contract with Perlscope Holdings, Inc., to provide software maintenance support through BuySpeed online. This is an annual support to included web browser that serves programs within the Agency. BuySpeed is used to track requisitions, create and print purchase orders, maintain vendor file, and create reports. Any vendor that believes they can also provide these services for such procurement in the future is invited to indicate an expression of intent by letter which must be received no later than February 24th, 2011 at 4:00 P.M. All questions must be sent.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Mental Hygiene, 93 Worth Street, Room 812, New York, NY 10013. Celoy Williams (212) 219-5876, fax: (212) 219-5890, cwillia1@health.nyc.gov

f17-24

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human / Client Services

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmzmoira@dhs.nyc.gov

j6-20

HUMAN RESOURCES ADMINISTRATION

AWARDS

Services (Other Than Human Services)

CONSULTANT SUPPORT DATA WAREHOUSE PROJECT – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 069113103018 – AMT: \$401,940.00 – TO: SVM International, Inc., 233 East Shore Road, Suite #201, Great Neck, NY 11023. The contract term shall be from 1/1/11 - 12/31/13 and E-PIN number 0961100020001.

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JUVENILE JUSTICE

SOLICITATIONS

Human / Client Services

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 5:00 P.M. – ACS Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 5:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Juvenile Justice, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505, fax: (212) 341-3625, Patricia.chabla@dffa.state.ny.us

d15-j29

PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

SALE OF FOOD FROM PUSHCARTS, PROCESSING CARTS, NUT CARTS, ICE CREAM CARTS AND MOBILE TRUCKS – Competitive Sealed Bids – PIN# CWB2011A – DUE 03-14-11 AT 11:00 A.M. – At various locations, Citywide.

TELECOMMUNICATIONS DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Glenn Kaalund (212) 360-1397, fax: (212) 360-3434, revenue@parks.nyc.gov

f11-25

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT SERVICES

SOLICITATIONS

Construction / Construction Services

UPGRADE SCIENCE DEMONSTRATION ROOMS – Competitive Sealed Bids – PIN# SCA11-13576D-1 – DUE 03-14-11 AT 2:30 P.M. – M.S. 334 at 390 (Brooklyn). Project Range: \$1,090,000.00 - \$1,150,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Lily Persaud (718) 752-5852, Fax: (718) 472-0477, lpersaud@nycsca.org

f24

PROCUREMENT

SOLICITATIONS

Goods & Services

CATERING SERVICES – Competitive Sealed Bids – PIN# SCA-1106P – DUE 03-15-11 AT 2:30 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, 30-30 Thomson Avenue, 1st Fl., Long Island City, NY 11101. Michael Griffiths (718) 472-8227, Fax: (718) 752-8227, MGriffiths@nycsca.org

f24

SMALL BUSINESS SERVICES

PROCUREMENT

SOLICITATIONS

Services (Other Than Human Services)

ORACLE SOFTWARE LICENSES REQUIRE/ NECESSARY TO ACCESS WORKFORCE DATA – Sole Source – Available only from a single source - PIN# 801-11SBS6932 – DUE 03-08-11 AT 12:00 P.M. – The Department of Small Business Services intends to enter into sole source negotiations with Oracle America, Inc. to purchase CRM on Demand Access to Oracle proprietary Software. Oracle is the owner and manufacturer of the software program entitled Oracle CRN on Demand-Multi-Tenant Enterprise Edition and Oracle Contract On Demand. The Oracle CRM on Demand Program and the required Technical Support are proprietary and are therefore only available through Oracle. Any firm that believes that it can provide this product and service or would like to provide this product and service in the future is invited to do so. Please indicate your interest by letter, (only mailed written Expressions of Interest will be considered) which must be received no later than March 8, 2011, 12:00 P.M. to: Daryl Williams, Agency Chief Contracting Officer, Department of Small Business Services, 110 William Street, 7th Floor, New York, NY 10038, (212) 618-8731, fax: (212) 618-8867, dwilliams@sbs.nyc.gov

f18-25

AGENCY RULES

BUILDINGS

NOTICE

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of section 101-08 to subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding required insurance for permittees.

This rule was first published on December 1, 2010 and a public hearing thereon was held on January 4, 2011. This rule shall take effect on June 13, 2011.

Dated: February 17, 2011 /s/ Robert D. LiMandri
 New York, New York Commissioner

Subchapter A of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 101-08 to read as follows:

§101-08 - Required Insurance and Indemnification

(a) **Definitions.** For the purposes of this section, all terms used herein shall have the same meanings as set forth in the building code. In addition, the following terms shall have the following meanings:

- (1) **Adjacent building.** A building of record sharing a lot line with the property for which a permit is issued.
- (2) **Major Alteration.** Alteration of an existing building involving demolition of more than 50% of its floor area; work that will result in the removal of one or more floors of an existing structure; or horizontal or vertical enlargement affecting the exterior envelope of an existing building.
- (3) **Permit.** Any of the permit types set forth in items 1-4 of Administrative Code §28-105.2.
- (4) **Permittee.** The person who or entity that obtains or renews a permit. Such term shall include an applicant for a permit.

- (b) **Applicability.** This rule applies to permits as defined in subdivision (a) of this section.
- (c) **Permit issuance and renewal.** For permits requiring proof of insurance under this section, no permit shall be issued or renewed until the permittee has provided the department with proof of insurance in accordance with subdivision (g) hereof.

(c) **Insurance requirements.**

- (1) **Liability insurance.**
 - (i) As a condition to the issuance or renewal of a permit for which project-specific liability insurance is required under Table 1 in subparagraph (ii) of this paragraph, the permittee shall procure and maintain general liability insurance with total per-occurrence and aggregate limits at least as high as those set forth in Table 1. This total minimum limit may be achieved through any combination of primary, excess, umbrella or wrap-up policies, so long as those policies:

- (A) are issued by a company or companies that may lawfully issue the required policy and has an A.M. Best rating of at least A-“VII” or a Standard and Poor’s rating of at least A;
- (B) provide coverage at least as broad as set forth in the most recent edition of Insurance Services Office (ISO) Form CG 0001;
- (C) provide that the city, together with its officials and employees, is an Additional Insured with coverage at least as broad as set forth in the most recent edition of ISO Forms CG 2012 or CG 2026;
- (D) provide a total aggregate limit of coverage (equal to or above the per-occurrence limit) that applies exclusively to the project for which the permit is issued (pursuant to a project-specific policy or a per-project aggregate limit endorsement such as ISO Form CG 2503);

- (E) contain none of the following exclusions:
 - 1. completed operations exclusion;
 - 2. XCU exclusion;
 - 3. contractual liability exclusion;
 - 4. third party actions over exclusion;
 - 5. where project involves residential construction, a residential construction exclusion; or
 - 6. where project involves use of an Exterior Insulation & Finish System (EFIS), an EFIS exclusion; and
- (F) contain the following endorsement: This policy shall not be cancelled, terminated, modified or changed in a way that affects the city by the issuing insurance company unless thirty (30) days prior written notice is sent to the Named Insured and the Commissioner of the New York City Department of Buildings, except that termination for non-payment may be made on only ten (10) days’ written notice.
- (ii) Table 1 (minimum per-occurrence and project-specific aggregate limits):

Criterion 1	Criterion 2 (Tower Crane Y/N)	Criterion 3 (Permit Type)	Criterion 4 (Proposed Height or Height of Tallest Adjacent Building)	Required Project Specific Coverage
1/2 Family Home AND Depth of Excavation < 12' AND Proposed Construction is not on a lot line with an existing structure. AND Proposed Height < 35' AND No Tower Crane	N/A	Foundation ¹ New Building ¹ Full Demo ¹ , or Major Alteration ^{1,2}	N/A	N/A, but comply with the requirements of (d)(1)(iv)
Not 1/2 Family Home OR Depth of Excavation > 12' OR Proposed Construction is on a lot line with an existing structure. OR Proposed Height > 35'	NO	Full Demo ¹	Tallest Adjacent Building < 7 stories and < 75 feet	\$5 million
			Tallest Adjacent Building between 7-14 stories and < 150 feet. OR Tallest Adjacent Building <= 14 stories and between 75-150 feet	\$10 million
		New Building ¹ or Major Alteration ^{1,2}	Tallest Adjacent Building > 14 stories or >= 150 feet	\$15 million
			Tallest Adjacent Building < 7 stories and < 75 feet AND Tallest Adjacent Building < 7 stories and < 75 feet	\$5 million
			Proposed Number of Stories < 7 stories and < 75 feet AND Tallest Adjacent Building < 7 stories and < 75 feet	\$5 million
			Proposed Number of Stories between 7-14 stories and < 150 feet AND Tallest Adjacent Building <= 14 stories or < 150 feet	\$25 million
			Proposed Number of Stories <= 14 stories and between 75-150 feet AND Tallest Adjacent Building <= 14 stories or < 150 feet	\$15 million
			Tallest Adjacent Building between 7-14 stories and < 150 feet AND Proposed Number of Stories <= 14 stories or < 150 feet	\$15 million
			Tallest Adjacent Building <= 14 stories and between 75-150 feet AND Proposed Number of Stories <= 14 stories or < 150 feet	\$15 million
			Proposed Number of Stories > 14 stories or >= 150 feet OR Tallest Adjacent Building > 14 stories or >= 150 feet	\$25 million
	YES	ALL Permits ¹	N/A	\$80 million
			ALL OTHER PERMITS	N/A, but comply with the requirements of (d)(1)(iv)

¹ other than a storage shed, garage, or similar accessory use to a residential structure
² Major Alteration =
 1) Alteration permit involving demolition of more than 50% of the floor area of an existing building, or
 2) Work that will result in the removal of one or more floors of an existing structure, or
 3) Horizontal or vertical enlargement affecting the exterior envelope of an existing building

- (iii) In its sole discretion, the department may allow a permittee to satisfy the requirements of subparagraphs (i) and (ii) of this paragraph through a self-insurance program.
- (iv) With regard to all permits (or permit renewals) for which project-specific liability insurance is not required under Table 1 in subparagraph (ii) of this paragraph, in advance of the issuance (or renewal) of such permit, permittee shall cause the city, together with its officials and employees, to be named an additional insured on the liability insurance, if any, required of the permittee as a licensee under section 104-02, with regard to all operations pursuant to the permit. The city's coverage shall be at least as broad as set forth in the most recent edition of ISO Forms CG 2012 or CG 2026.
- (2) Workers' compensation insurance. As a condition to the issuance or renewal of a permit, the permittee shall procure and maintain workers' compensation insurance as required by law.
- (3) Disability benefits insurance. As a condition to the issuance or renewal of a permit, the permittee shall procure and maintain disability benefits insurance as required by law.
- (e) Exemptions.
- (1) Homeowners applying for permits for work on their own one, two or three family dwellings who obtain a waiver of New York State workers' compensation and/or disability insurance from the New York State Workers' Compensation Board are exempt from the requirements of paragraphs (2) and/or (3) of subdivision (d) of this section.
- (2) Where there are no employees in the company or business of a permittee, the permittee is exempt from the requirements of paragraphs (2) and (3) of subdivision (d) of this section.
- (3) Emergency work. When the department issues an emergency declaration or an immediate emergency declaration, the demolition contractor shall provide the department with proof of insurance conforming to the requirements of this section prior to commencing the demolition work. Contractors employed by the city for such emergency work shall have such insurance but need not provide proof prior to commencing the demolition work.
- (f) Notification. Regardless of whether it has procured liability insurance in accordance with section 104-02 of these rules (as licensee of the department) or with this section, the permittee shall notify in writing all of liability insurance carriers of any loss, damage, injury, or accident, and any claim or suit arising out of or relating to any operations performed by or on behalf of the permittee for which the department has issued it a permit (including an injury or accident affecting permittee's own employees) no later than 20 days after such event. Such notice to liability carriers must expressly specify that "this notice is being given on behalf of the city of New York as Additional Insured as well as the Named Insured." Such notice shall also contain the following information: the name of the named insured, the number of the permit, the date of the occurrence, the location (street address and borough) of the occurrence, and the identity of the persons or things injured, damaged or lost. The permittee shall simultaneously send a copy of such notice to the city of New York c/o Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.
- (g) Proof of liability insurance. For permits for which project-specific liability insurance is required under paragraph (1) of subdivision (d) of this section (or for renewals of such permits), each applicant shall file with the department, at the time it applies for such a permit (or permit renewal), a certificate of insurance relating to such insurance in a form prescribed by the department and a sworn statement from a licensed insurance broker in a form prescribed by the department.
- (h) Copies of insurance policies. The permittee shall provide a copy of any required policy within thirty (30) days of a request for such policy by the department or by the New York City Law Department.
- (i) Maintenance of insurance. The permittee shall maintain the insurance required under this rule in full force and effect for the duration of the permit and any renewals thereof. In the event any required insurance expires, is cancelled or otherwise terminates without being simultaneously replaced with new or renewed insurance satisfying the requirements of this rule, the permittee shall immediately notify the department of such fact. If any required insurance is found at any time to be to absent or non-compliant, the department may issue the permittee a stop work order relating to the permit at issue.
- (j) Indemnification. Regardless of whether it has procured insurance in accordance with section 104-02

of these rules (as a licensee of the department) or with this section, the permittee shall indemnify, defend and hold the city and its officials and employees harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements), known or unknown, contingent or otherwise, allegedly arising out of or in any way related to operations for which the department has issued a permit and/or the permittee's failure to comply with any of the requirements set forth herein or law. Insofar as the facts and law relating to any claim would preclude the city and its officials and employees from being completely indemnified by the permittee, the city and its officials and employees shall be partially indemnified by the permittee to the fullest extent permitted by law.

- (k) Failure to secure or maintain insurance. In the event a permittee fails to secure or maintain insurance in full compliance with this section, such permittee shall be obligated to indemnify the city pursuant to subdivision (j) of this section and/or pay the city all amounts arising from such failure, including but not limited any settlement or judgment paid by the city on an uninsured claim or action, plus a sum equal to the reasonable costs of defending such claim or action. The city's right to such amounts are additional to all other rights the city may have arising from a violation of these regulations or otherwise under the law.
- (l) Failure to enforce. A failure by the city or by the department to enforce any of the foregoing requirements shall not constitute a waiver of such requirement or any other requirement.

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and Sections 28-103.15 and 28-105.12.7 and 28-105.12.7.1 of the NYC Administrative Code.

The Department of Buildings is authorized to promulgate rules to implement the New York City Construction Codes, including rules regarding insurance requirements for applicants for permits and permit renewals. This rule imposes insurance requirements, including general liability, workers' compensation, and disability benefits insurance, on permittees performing construction and demolition work. It also requires that the City be an additional insured under the general liability policy. Pursuant to section 28-105.12.7.1, the rule takes into consideration adjacent buildings and sets higher insurance requirements to afford protection to individuals and such adjacent or nearby properties. The rule advances public safety by assuring that persons or entities seeking permits have appropriate and adequate insurance coverage and by setting consistent standards for the required insurance policy type and amount.

■ f24

TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Promulgation of Rules

The Taxi and Limousine Commission ("TLC") gives notice as required by Section 1043(e) of the Charter of the City of New York ("Charter") that it is promulgating rules amending the TLC's new rule book.

These rules are proposed under sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on all of these rules were held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on the dates set forth in the specific Statement of Basis and Purpose.

These rules will take effect April 1, 2011.

New material is underlined.
[Material inside brackets indicates deleted material.]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended to add or amend the following definitions in alphabetical order:

Black Car Fund is the New York Black Car Operators' Injury Compensation Fund, Inc. established under Article 6-F of the NYS Executive Law.

Email Address is the email address designated by a Licensee or an Applicant for a License where the Licensee or Applicant will receive notices, appointments, reminders or other correspondence from the Commission. Any communication from the Commission, except notices and summonses for which the manner of service is specified in §18-05 of these Rules, is sufficient if sent by email to the Email Address. The Email address is not the Mailing Address.

Independent Base Station is a Livery Base Station that is designated as an independent livery base under §18-c of the NYS Workers' Compensation Law because it has joined the Livery Fund.

Independent Livery Driver is the Driver of a Livery which is affiliated with an Independent Base Station.

Livery Fund is the independent livery driver benefit fund established under Article 6-G of the NYS Executive Law.

Mailing Address is the address (other than the Email Address) designated by [the] Licensee or an Applicant for a License where Licensee or Applicant will receive [all notices, correspondence and service of summons sent by the

Commission] notices, summonses and other communications sent by mail; specific requirements are noted as applicable in Chapter definitions. Any communication from the Commission is sufficient if sent to the Mailing Address.

Taxicab Identification Braille Plaque is a plaque required to be attached to the interior of a taxicab that identifies in Braille its medallion number, and contains in Braille the word COMPLAINTS and a telephone number.

Taxicab Identification Raised Lettering Plaque is a plaque required to be attached to the interior of a taxicab that identifies in raised lettering its medallion number, and contains in raised lettering the word COMPLAINTS and a telephone number.

Section 2. Chapter 52 of Title 35 of the Rules of the City of New York is amended to add a new Subchapter D to read as follows:

Subchapter D: Payments

§52-40 Form of Payment.

(a) In general. A person or entity can make a payment to the Commission by money order, bank check, certified check, credit card, or corporate check.

(b) Exceptions.

- (1) Fines. Payment of a fine must be made in the form of either:
(i) cash,
(ii) credit card,
(iii) certified check, or
(iv) United States Postal Service money order.

(2) Medallion Auctions and Transfers. Payment in connection with a Medallion auction or a Medallion transfer must be made in the form of either:

- (i) money order
(ii) bank check,
(iii) certified check, or
(iv) check issued by a Taxicab Broker or Agent licensed by the Commission.

(3) FOIL/Copying fees. Payment of a copying fee in connection with a Freedom of Information Law request, or payment of a fee related to a subpoena must be made in the form of either:
(i) personal or corporate check,
(ii) money order,
(iii) bank check, or
(iv) certified check.

(4) Bond for seized vehicles. Payment which is the posting a bond to release a vehicle seized for possible unlicensed activity must be made in the form of either:

- (i) cash,
(ii) bank check,
(iii) certified check, or
(iv) money order.

§52-41 Returned Payment Fee.

(a) A check or money order that is returned to the Commission unpaid, or that is declined or reversed by a bank or other institution will be considered a "bad payment."

(b) A person or entity who makes a bad payment to the Commission must pay a fee of \$20 for each bad payment. The original payment remains due until both the payment and the \$20 fee are paid.

(c) Fines
(i) If a bad payment is made for a fine, the Chairperson will treat the fine as unpaid until both the fine and the \$20 fee are paid.
(ii) If the bad payment is made for a fine owed by a Licensee, the License will be suspended as if the payment had not been made.
(iii) The License suspension will remain in effect until both the fine and the \$20 fee are paid.

(d) License and Renewal License Applications.
(i) If a bad payment is made in connection with a License application or a renewal License application, the original payment will remain due until both the payment and the \$20 fee are paid.
(ii) The Commission will treat the application or renewal application as incomplete until both the payment and the \$20 fee are paid.
(iii) The Commission can deny any application or renewal application for which a bad payment is made after giving notice of the bad payment to the Applicant. The Commission can give the Applicant a deadline to pay the original payment plus the \$20 fee before denying the Application.
(iv) If the Commission issues a License before it learns of a bad payment, the Commission can give notice to the Licensee to pay the original payment and the \$20 fee within 15 days. The License will terminate automatically unless the Licensee pays both the original payment and the \$20 bad payment fee within the 15 day period.

§52-42 Bad Payments.

(a) The Chairperson can send a notice to any person or entity who submits a bad payment at any time. For the period of time specified in the notice, the person or entity must make payment only in the form(s) specified in the notice. During the period covered in the notice, the Commission can return any payment made in any other form and treat the payment as unmade.

Section 3. Subdivision (c) of section 54-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If [a respondent] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the [violator's] Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 4. Section 54-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (p) to read as follows:

(p) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 5. Section 54-12(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) Cooperate with the Commission.

(1) A Driver must truthfully answer all questions and promptly comply with all communications, directives, and summonses issued by the Commission or its representatives, including the NYC Department of Investigation.

(2) Upon request of the Commission, a Driver must produce any license, Rate Card, Trip Record or other documents Licensee is required to have or be reasonably able to obtain, whenever the Commission requires it.

§54-12(i)(1)-(2)	Fine: \$200 and suspension until compliance Points: 2	Appearance NOT REQUIRED
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(3) [A Driver must report any change of Mailing Address to the Commission in person or by registered or certified mail within seven days (exclusive of weekends and holidays). [NOTE: Any notice from the Commission shall be deemed sufficient if sent to the Mailing Address furnished by the Driver.]](i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§54-12(i)(1)-(3)(i)	Fine: [\$200 and suspension until compliance Points: 2] \$100	Appearance NOT REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

Section 6. Section 54-13(a)(4) of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-13 Comply with Laws - Traffic Laws & Miscellaneous

(a)

(4) Report Before Leaving Scene. A Driver who knows or should have known that a traffic accident involving the Driver's Taxicab resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

(i) Show his or her Chauffeur's License, Taxicab Driver's License, and Rate Card to the other party involved in the incident.

(ii) Give the other involved party his or her name, [residence address,] Chauffeur's License number, Taxicab Driver's License number, and Taxicab Medallion number, as well as the name of the Taxicab's insurance carrier and the insurance policy number.

§54-13(a)(4)	Fine: [\$50-\$350] \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period Points: 3	Appearance REQUIRED
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(5) Notify Taxicab Vehicle Owner of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Taxicab.

§54-13(a)(5)	Fine: [\$75-\$150] \$100 Points: 3	Appearance NOT REQUIRED
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Section 7. Section 54-14(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-14 Operations - Passenger and Driver Safety

(e) Use of Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

[NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.]

§54-14(e)(1)	Fine: \$200 and suspension. The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for the third offense in any 15-month period.	Appearance NOT REQUIRED
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(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule, or any similar state law or rule,] must [take] complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.

[(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.]

(3) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

(i) The communication was to an emergency response operator;
(ii) The communication reports an imminent threat to life or property;
(iii) The Driver could not safely stop the Vehicle to make the report; and
(iv) The Driver provides documentary proof of communication with an emergency response provider.

Section 8. Section 54-15(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) Driver Neat & Clean. A Driver must be clean and neat in dress and person and present a professional appearance. [A Driver must not wear, as outer clothing, underwear, tank tops, tube tops, body shirts, swimwear, bathing trunks, or cut off shorts.]

Section 9. The heading for Section 54-23 and Section 54-23(b) of Title 35 of the Rules of the City of New York are amended to read as follows:

§54-23 Vehicle - Items Required to be in the Vehicle

(b) Clear View for Passengers.

(1) A driver must not block a Passenger's view of the Taximeter, his or her Driver's License, [or] the Rate Card, or the Passenger Information Monitor of the T-PEP System, and must not block in any way a Passenger's access to the medallion number on the Taxicab Identification Raised Lettering Plaque or the Taxicab Identification Braille Plaque.

§54-23(b)(1)	Fine: \$50	Appearance NOT REQUIRED
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Section 10. Section 54-27(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§54-27 Special Driver Penalty Programs

(a) Critical Driver's Program ("Points" in this Section refers to points assessed by the Department of Motor Vehicles). In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:

(1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Taxicab Driver's License for 30 days.

(2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Taxicab Driver's License.

(3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

(4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points that is cited in the summons issued under this section.

(5) Date of Point Accumulation. For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date the violation occurred.

(6) Multiple Points from a Single Incident. For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.

(7) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the [Commission] NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Taxicab Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the motor vehicle accident prevention course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

(ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.

(iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.

(iv) If the Driver completed the course on or after September 1, 1999, the Commission will not reduce total points more than once in any 18-month period.

Section 11. Subdivision (c) of section 55-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 12. Section 55-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (l) to read as follows:

(l) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 13. Section 55-12(i)(3) of Title 35 of the Rules of the City of New York is amended to read as follows

(3) [A Driver must notify the Commission in person or by USPS within seven days (other than holidays and weekends) of any change of Mailing Address.]

(i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§55-12(i)(3)(i)	Fine: [\$50]100	Appearance NOT REQUIRED
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(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

Section 14. Section 55-13(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-13 Comply with Laws - Traffic Laws & Miscellaneous

(a)

(4) Report Before Leaving Scene. [Drivers know or should know when a traffic accident involving the Driver's Vehicle has resulted in personal injury to another or to another's property; when this happens, the Driver must stop] A Driver who knows or should have known that a traffic accident involving the Driver's For-Hire Vehicle resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

(i) Show his or her Chauffeur's License, For-Hire Driver's License, and Vehicle License to the other party involved in the incident.

(ii) Give the other involved party his or her name, Chauffeur's License number, the Vehicle owner's name, the affiliated Base name and telephone number, For-Hire Driver's License Number, and Vehicle License number, as well as the name of the Vehicle's insurance carrier and the insurance policy number.

§55-13(a)(4) [Fine: \$25 - \$250 and/or Appearance REQUIRED suspension up to 30 days. Points: 4] Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than 3 times within a 12-month period Points: 3

(5) Notify For-Hire Vehicle Owner and Base of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the For-Hire Vehicle and to the affiliated Base.

§55-13(a)(5) Fine: \$100 Appearance NOT REQUIRED Points: 3

(6) Payment of Traffic Judgments. The holder of a Driver's License issued under this chapter must satisfy any outstanding judgment and pay any civil penalty owed for a traffic violation in a Qualified Jurisdiction or a violation of the regulations of a Qualified Jurisdiction.

§55-13(a)(5)(6) [Fine: Suspension until Appearance NOT satisfaction or payment. REQUIRED]

Section 15. Section 55-14(g) of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-14 **Operations - Passenger and Driver Safety**

(g) Use of an Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

[NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.]

§55-14(g)(1) Fine: \$200 and suspension. Appearance NOT The suspension is deferred for REQUIRED 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended. Points: 3 for the first offense and for the second offense in any 15-month period; 4 for third offense in any 15-month period.

(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule, or any similar state law or rule, must [take] complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.

(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.]

(3) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
- (ii) The communication reports an imminent threat to life or property;
- (iii) The Driver could not safely stop the Vehicle to make the report; and
- (iv) The Driver provides documentary proof of communication with an emergency response provider.

Section 16. Section 55-15 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (b) to read as follows:

(b) [Reserved.] Driver Neat & Clean. A Driver must be clean and neat in dress and person and present a professional appearance.

§55-15(b) Fine: \$25 Appearance NOT REQUIRED

Section 17. The heading for Section 55-23 is amended and Section 55-23 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c) and a penalty, to read as follows:

§55-23 **Vehicle - Items Required to be in the Vehicle [During Operation]**

(c) Clear View for Passengers. A Driver must not block a Passenger's view of his or her Driver's License, the For-Hire

Vehicle License and, in a Livery, the Livery Passengers' bill of rights.

§55-23(c) Fine: \$50 Appearance NOT REQUIRED

Section 18. Section 55-27(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-27 **Special Driver Penalty Programs**

(a) Critical Driver's Program ("Points" in this Section refers to points assessed by the Department of Motor Vehicles). In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:

(1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's For-Hire Driver's License for 30 days.

(2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's For-Hire Driver's License.

(3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be Licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

(4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the [The] Commission will calculate the 15-month period by counting backwards 15 months from the date of the most recent violation carrying points that is cited in the summons issued under this section.

(5) Date of Point Accumulation. For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date the violation occurred.

(6) Multiple Points from a Single Incident. For a Driver who has been found guilty of multiple violations arising from a single incident, the Commission will consider the Driver guilty of the single violation with the highest point total for purposes of this section.

(7) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes a motor vehicle accident prevention course approved by the [Commission] NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's For-Hire Vehicle Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the motor vehicle accident prevention course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

(ii) The Driver must furnish the Commission with proof of when the course was taken and that the course was satisfactorily completed before the Commission will reduce the Driver's point total.

(iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.

(iv) If the Driver completed the course on or after September 1, 1999, the Commission will not reduce total points more than once in any 18-month period.

Section 19. Subdivision (c) of section 56-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violation] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date [of the issuance of the recording] the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the

Commission, in person or in writing, that the fine has been paid.

Section 20. Section 56-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (o) to read as follows:

(o) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 21. Section 56-12(g)(3) of Title 35 of the Rules of the City of New York is amended to read as follows:

(3) [A Driver must notify the Commission of any change in mailing address (or any other information provided on his or her License application) within 72 hours (not including weekends and holidays). (NOTE: Any notice sent by the Commission will be considered adequate notice if sent to the last mailing address provided by the Driver.)]

(i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§56-12(g)(3)(i) Fine: \$[50]100 Appearance NOT REQUIRED

(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

Section 22. Section 56-13(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

§56-13 **Comply with laws - Miscellaneous**

* * *

(b) Critical Driver's Program ("Points" in this Section refers to points assessed by the Department of Motor Vehicles). In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:

(1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Paratransit Driver's License for 30 days.

(2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Paratransit Driver's License.

(3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

(4) 15-Month Period. When [calculating any] determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will [use the relevant 15-month period that begins with] calculate the 15-month period by counting backwards 15 months from the date of the most recent violation carrying points that is cited in the summons issued under this section.

(5) Date of Point Accumulation. [When points are assigned as a result of a violation, they will be counted as of the date of the violation.] For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date the violation occurred.

(6) Multiple Points from a Single Incident. A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, if a Driver has accumulated points for multiple violations arising from a single incident, the Commission will count the single violation with the highest point total.

(7) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes [an Approved Motor Vehicle Accident Prevention Course] a motor vehicle accident prevention course approved by the NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Paratransit Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the motor vehicle accident prevention course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

(ii) The Driver must [provide] furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total.

(iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.

(iv) [The] If the Driver completed the course on or after September 1, 1999, the Commission will not reduce the total points of any Driver more than once in any 18-month period.

Section 23. Section 56-14(c) of Title 35 of the Rules of the

City of New York is amended to read as follows:

§56-14 **Operations - Passenger and Driver Safety**

(c) [Reporting] Report Before Leaving Scene.

(1) A Driver who knows or should have known that a traffic accident involving the Driver's Paratransit Vehicle resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

(i) Show his or her Chauffeur's License, Paratransit Driver's License, and Vehicle License to the party sustaining the damage.

(ii) Give the other involved party his or her name, Chauffeur's License number, the Vehicle owner's name, the affiliated Base name and telephone number, Paratransit Driver's License number, and Vehicle License number, as well as the name of the Vehicle's insurance carrier and the insurance policy number.

[(1) Any Paratransit Driver involved in an accident must stop and identify himself or herself.

(2) Before leaving the accident scene, the Paratransit Driver will provide the following to the other involved parties or to a police officer on the scene:

(i) An opportunity to copy information from the Driver's Chauffeur's License, Paratransit Driver's License and insurance card,

(ii) The Driver's name and residence address,

(iii) The Paratransit Driver's number,

(iv) The Paratransit Vehicle identification number,

(v) The Vehicle's insurance carrier and the insurance policy number.]

§56-14(c)(1) Fine: [\$25-\$250] \$350 and/or Appearance REQUIRED suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period.

(2) Notify Paratransit Vehicle Owner of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Paratransit Vehicle and to the affiliated Base.

§56-14(c)(2) Fine: \$100 Appearance NOT REQUIRED

Section 24. Section 56-14(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

§56-14 **Operations - Passenger and Driver Safety**

(i) Use of an Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

[NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.]

§56-14(i)(1) Fine: \$200 and suspension. Appearance NOT REQUIRED The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.

(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule[, or any similar state law or rule,] must [take] complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.

[(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.]

(3) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
- (ii) The communication reports an imminent threat to life or property;
- (iii) The Driver could not safely stop the Vehicle to make the report; and
- (iv) The Driver provides documentary proof of communication with an emergency response provider.

Section 25. Section 56-15(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) Driver Neat & Clean. A Driver must be clean and neat in [appearance when operating a Paratransit Vehicle for hire] in dress and person and present a professional appearance.

Section 26. Subdivision (c) of section 57-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If [a respondent] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 27. Section 57-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (f) to read as follows:

(f) [Reserved.] Familiar with Geography. An Applicant must demonstrate to the satisfaction of the Commission that he or she is familiar with the geography and streets of the area in which he or she intends to operate a Commuter Van.

Section 28. Section 57-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (m) to read as follows:

(m) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 29. Section 57-12(e) of Title 35 of the Rules of the City of New York is amended to add a new paragraph (4) to read as follows:

(4) (i) A Driver must report any change of Mailing Address to the Commission in person or by mail within ten days.

§57-12(e)(4)(i) Fine: \$100 Appearance NOT REQUIRED

(ii) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Driver.

Section 30. Section 57-12 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (h) to read as follows:

(h) Courtesy. A Licensee will be courteous to Passengers.

§57-12(h) Fine: \$25 Appearance NOT REQUIRED

Section 31. Section 57-13(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§57-13 Comply with Laws - Traffic Laws & Miscellaneous

(a) Critical Driver's Program [(rules relating to the points)] ("Points" in this Section refers to points assessed by the Department of Motor Vehicles). In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:

(1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Commuter Van Driver's License for 30 days.

(2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Commuter Van Driver's License.

(3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver to continue to be licensed following any moving violation, accident, or other driving-related incident and can seek to impose other, additional, and/or more severe penalties or take any other action permitted under these Rules.

(4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points that is cited in the summons issued under this section.

(5) Date of Point Accumulation. [When points are assigned as a result of a violation, they will be counted as of the date of the violation.] For the purpose of this rule, points assigned by the Department of Motor Vehicles for any violation will be counted as of the date the violation occurred.

(6) Multiple Points from a Single Incident. A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, the Commission will count the single violation with the

highest point total, if a Driver has accumulated points for multiple violations arising from a single incident.

(7) Point Reduction for Voluntary Course Completion.

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes [an Approved Motor Vehicle Accident Prevention Course] a motor vehicle accident prevention course approved by the NYS DMV that appears on the Licensee's DMV driving record. Such point reduction will count only towards points accumulated by the Licensee as a result of violations that occurred within 15 months prior to the date of the completion of the course. In order for the motor vehicle accident prevention course to reduce the Licensee's Critical Driver's Program points and avoid suspension or revocation of the Driver's Commuter Van Driver's License, the course must be satisfactorily completed prior to the issuance of a critical driver program summons. Completion of the motor vehicle accident prevention course after the issuance of a critical driver program summons will reduce the Licensee's Critical Driver's Program points only after the Licensee completes his or her suspension. If the Licensee's driver's license was issued by a state other than New York, the Licensee must submit a recent driving abstract from the state of licensure.

(ii) The Driver must furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total;

(iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.

(iv) [The] If the Driver completed the course on or after September 1, 1999, the Commission will not reduce the total points of any Driver more than once in any 18-month period.

[8] Nothing in this section prevents the Commission from imposing additional or more severe penalties for these violations.]

Section 32. Section 57-13 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c) to read as follows:

(c) Compliance with Traffic Laws. A Commuter Van Driver must comply with all applicable traffic laws, rules and regulations. The Commission will impose fines and penalties in addition to any fines and penalties imposed by the underlying law.

§57-13(c) Fine: \$25-250 and/or suspension Appearance REQUIRED up to 30 days. If Driver is found guilty of having violated this rule more than 3 times in a 12 month period, the Commuter Van Driver's License will be revoked.

Section 33. Section 57-14(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

§57-14 **Operations - Passenger and Driver Safety**

(b) Use of an Electronic Communication Device.

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

[NOTE: A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.]

§57-14(b)(1) Fine: \$200 and suspension. Appearance NOT REQUIRED The suspension is deferred for 60 days; if the driver completes a Distracted Driving Course within the 60-day period then the driver will not be suspended.

(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule[, or any similar state law or rule,] must [take] complete a Distracted Driving Course no later than 60 days after the date of conviction. The license of a Driver who does not complete the Distracted Driving Course within the 60 day period will be suspended until compliance. In instances where the Chairperson has not received proof of completion of a Distracted Driving Course from a Distracted Driving Course provider, the Chairperson will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of a Distracted Driving Course to the Chairperson by mail.

[(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.]

(3) Affirmative Defense. A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

- (i) The communication was to an emergency response operator;
- (ii) The communication reports an imminent threat to life or property;
- (iii) The Driver could not safely stop the Vehicle to make the report; and
- (iv) The Driver provides documentary proof of communication with an emergency response provider.

Section 34. Section 57-14 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c) to read as follows:

§57-14 Operations - Passenger and Driver Safety

(c)

(1) Report Before Leaving Scene. A Driver who knows or should have known that a traffic accident involving the Driver's Commuter Van resulted in personal injury to another or damage to another's property, must stop before leaving the scene of the accident, and if the other involved party is present, must:

(i) Show his or her Chauffeur's License, Commuter Van Driver's License, and Vehicle License to the party sustaining the damage.

(ii) Give the other involved party his or her name, Chauffeur's License number, the Vehicle owner's name, the affiliated Commuter Van Service name and telephone number, Commuter Van Driver's License number, and Vehicle License number, as well as the name of the Vehicle's insurance carrier and the insurance policy number.

§57-14(c)(1) Fine: \$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period. Appearance REQUIRED

(2) Notify Commuter Vans Service of Accident. If the Driver is involved in a traffic accident, the Driver must immediately report the accident to the owner of the Commuter Van Service.

§57-14(c)(2) Fine: \$100 Appearance NOT REQUIRED

Section 35. Section 57-15 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (b) to read as follows:

(b) Reserved.] Driver Neat & Clean. A Driver must be clean and neat in dress and person and present a professional appearance.

§57-15(b) Fine: \$25 Appearance NOT REQUIRED

Section 36. Section 57-15 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c) to read as follows:

c) Reserved.] No smoking. A Driver must not smoke in a Commuter Van.

§57-15(c) Fine: \$25 Appearance NOT REQUIRED

Section 37. Section 57-15(g) of Title 35 of the Rules of the City of New York is amended to add a new paragraph (3) to read as follows:

(3) No Driver is permitted to ask or require a Passenger to tip.

§57-15(g)(3) Fine: \$50 Appearance NOT REQUIRED

Section 38. Section 57-15 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (o) to read as follows:

(o) A Commuter Van Driver must not engage in horn-honking that violates traffic rules and regulations.

§57-15(o) Fine: \$50 Appearance NOT REQUIRED

Section 39. Chapter 57 of Title 35 of the rules of the City of New York is amended to add a new section 57-16 to read as follows:

§57-16 Operations - Comply with Reasonable Passenger Requests

(a) Reserved. Shortest Route Absent Reasonable Passenger Request.

(b) Reserved. Request to Change Destination or Terminate.

(c) Reserved. Request for Driver's Name, License Number.

(d) Reserved. Request for Receipt.

(e) Passenger Requests on Audio.

(1) All audio equipment controlled by the Driver must be turned on or off at the request of the Passengers.

(2) The Passengers have the right to select what is played on the audio equipment.

(3) The audio equipment must not be played if any Passenger objects.

(4) Whether or not the Vehicle is in use, an audio device must be played at normal volume only, and must comply with all noise laws and regulations.

§57-16(e) Fine: \$25 Appearance NOT REQUIRED

(f) Passenger Requests on Air Conditioning. A Driver must turn on or off heating or air-conditioning equipment at the request of the Passengers.

§57-16(f) Fine: \$25 Appearance NOT REQUIRED

Section 40. Chapter 57 of Title 35 of the Rules of the City of New York is amended to add a new Section 57-22 to read as follows:

§57-22 Vehicle - Operation and Condition

(a) Reserved. 3-Minute Idle.

(b) Reserved. Inspect Condition.

(c) Reserved. No On-street Maintenance Other than Emergency.

(d) Clean Interior. A Driver during his or her work shift must keep the Vehicle's interior clean and scent free.

§57-22(d) Fine: \$25 Appearance NOT REQUIRED

(e) Reserved. Exterior Clean and Identification Visible.

(f) Reserved. No Unauthorized Equipment.

(g) Reserved. No Unauthorized Signing.

Section 41. Section 57-23(a)(2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) The Driver's Commuter Van Driver's License (this must be mounted in a protective holder behind the Driver's seat);

Section 42. Subdivision (c) of section 58-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violation] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 43. Section 58-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (i) to read as follows:

(i) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 44. Section 58-05(e) of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (4) to read as follows:

(4) Limited Liability Companies (LLCs).

(i) If the Applicant is a limited liability company it must file the following with its Taxicab License application:

A. A copy of its articles of organization

B. A copy of its operating agreement

C. A list of the members, with the percentages of the Applicant owned by each.

(ii) No LLC or trade name will be accepted by the Commission that is similar to a name already in use by another Owner.

(iii) All members of the LLC Taxicab License Applicant must disclose each and every Medallion in which he or she has any interest whatsoever, including, but not limited to, any interest as an individual Owner or any interest as a Business Entity Person in a Business Entity that owns other Medallion(s); this disclosure must be made:

A. Upon the original application for the Taxicab License,

B. Upon application for renewal of a Taxicab License, and

C. Upon application for transfer of a Taxicab License.

(iv) All members of the Owner are subject to the same standards and criteria as individual Owners.

(v) The Commission will only recognize members that have been approved by the Commission.

(vi) It is a violation of these Rules for an Owner that is an LLC to add a new member without the approval of the Commission.

(vii) The standards and criteria for Ownership are equally applicable when membership interests in a LLC Owner are held by another Business Entity.

Section 45. Section 58-07(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-07 Licensing - Fees

(e) Reinspection Fee. [There is no additional fee for the first re-inspection. If a second re-inspection is required, the fee is \$35. No additional fees will be charged for the third or

subsequent reinspections.] There is a reinspection fee only if reinspection is required because the Taxicab failed the component of the inspection required by Section 301 of the New York State Vehicle and Traffic Law. In that case, the reinspection fee is thirty five dollars (\$35). If reinspection is required because the Taxicab failed any other component of the inspection, there is no reinspection fee.

Section 46. Section 58-07 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (h) to read as follows:

(h) Vehicle Transfer Fees

(1) An Owner can transfer a Medallion from one vehicle to another after approval by the Chairperson and payment of a \$50 fee.

(2) An Owner can replace the license plates on a Taxicab after approval by the Chairperson and payment of a \$25 fee.

(3) An Owner can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.

(4) An Owner must pay a separate fee for each separate transfer. This is true even if the Owner wants to do several types of vehicle transfer all at one time.

Section 47. Section 58-23(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Mailing Addresses.

(1) Each Owner must designate a Mailing Address; this can be the Agent's address but cannot be a post office box number.

(2) [Any notice from the Commission will be sufficient if sent to the Mailing Address.] Any communication from the Commission is sufficient if sent to the Mailing Address furnished by the Owner.

(3) Each individual Owner must also file and maintain with the Commission the Owner's personal address and a telephone number where the Owner can be reached directly.

(4) Each Business Entity Owner must also file and maintain with the Commission the personal addresses and telephone numbers of each of Owner's Business Entity Persons.

§58-23(a)(1)-(4) Fine: \$100 Appearance NOT REQUIRED

(5) The Commission is not required to send any communication to the Owner's personal address, except when notifying Owner that the License of the Agent designated by Owner has been revoked. Other communications sent to the Owner's personal address are at the discretion of the Commission.

(6) An Owner must report any change of Mailing Address to the Commission in person or by registered or certified mail within ten days.

§58-23(a)(6) Fine: \$100 Appearance NOT REQUIRED

Section 48. Section 58-26(f)(3) of Title 35 of the Rules of the City of New York is amended to read as follows:

(3) Passengers must pay for the toll, [and must be informed of this fact before the trip begins,] but are only required to pay the actual amount (often a discounted toll) charged to the EZ-Pass®.

Section 49. Section 58-29 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (c) to read as follows:

§58-29 Vehicle Condition - Inspections

(c) Components of Taxicab Inspections. A Taxicab inspection consists of (1) inspection to verify compliance with the inspection items required by Section 301 of the New York State Vehicle and Traffic Law, (2) visual inspection of the interior and exterior of the Taxicab to verify compliance with these Rules, and (3) inspection to verify compliance with any other applicable laws, rules and requirements. If a Taxicab fails any component of the inspection, it must be reinspected until it passes all components of the inspection.

Section 50. Section 58-36(a) of Chapter 58 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-36 Vehicle Equipment-In Vehicle Camera System (IVCS)

(a) When an existing in-vehicle camera system is required to be replaced or when the system is installed, the Taxicab [will] must be equipped with an IVCS that meets the specification of § 67-12; the system must be installed and maintained by the manufacturer's authorized installer or a Taximeter Business that meets the requirements of §67-12 of these Rules; and [will be] the IVCS must be functioning and maintained in good working order.

§58-36(a) Fine: \$50 Appearance NOT REQUIRED

Section 51. Subdivision (c) of section 59A-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violation] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on

the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 52. Section 59A-03(n) of Title 35 of the Rules of the City of New York is amended to read as follows:

(n) Owner or Vehicle Owner in this Sub-chapter refers to the title owner, registered owner or lessee of a For-Hire Vehicle. An Owner can be a Business Entity or a person.

Section 53. Subdivisions (e) and (f) of section 59A-04 of Title 35 of the Rules of the City of New York are amended to read as follows:

§59A-04 Licensing - General Requirements

(e) Inspection Required for a New Vehicle License.

(6) Nature of the Inspection.

(ii) If the vehicle is a year 1996 or later model:

A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-Chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.

(iii) If the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle's maximum gross weight (MGW) as recorded on the registration card, is 8,501 pounds or more:

A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.

(f) Inspection Required to Renew a Vehicle License.

(6) Nature of the Inspection.

(i) If the vehicle is a year 1996 or later model:

A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.

(ii) If the vehicle is a year 1995 or earlier model, or if the vehicle is of any model year and the vehicle's maximum gross weight (MGW) as recorded on the registration card is 8,501 pounds or more:

A. The vehicle must [comply with] pass (i) the vehicle inspection requirements set forth in [section] Section 301 of the NYS Vehicle and Traffic Law, except that the inspections will not include emissions testing, [and] (ii) a visual inspection of the interior and exterior of the vehicle to verify compliance with [all applicable] these Rules [established in this Sub-chapter], and (iii) inspection to verify compliance with any other applicable laws, rules and requirements.

Section 54. Subdivision (k) of Section 59A-04 of Chapter 59 of Title 35 of the Rules of the City of New York, relating to requirements that vehicles meet or exceed minimum city ratings of twenty-five miles per gallon or thirty miles per gallon in order to be affiliated with a Black Car Base is REPEALED.

Section 55. Section 59A-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (m) to read as follows:

(m) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 56. Section 59A-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (n) to read as follows:

(n) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 57. Section 59A-07 of Title 35 of the Rules of the City of New York is amended by deleting subdivisions (f) and (g) and adding a new subdivision (f), to read as follows:

[(f) License Plate Replacement. The Commission will charge a fee of \$25 for replacement license plates.

(g) Base Affiliation Fee. The Commission will charge a fee of \$25 to process an application for a Vehicle Licensee to change its Base affiliation.]

(f) Vehicle Transfer Fees.

(1) A Vehicle Licensee can change the Vehicle's affiliation from one Base to a different Base after approval by the Chairperson and payment of a \$25 fee.

(2) A Vehicle Licensee can transfer the License from one vehicle to another after approval by the by the Chairperson and payment of a \$25 fee.

(3) A Vehicle Licensee can replace the license plates on the Vehicle after approval by the Chairperson and payment of a \$25 fee.

(4) A Vehicle Licensee can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.

(5) A Vehicle Licensee must pay a separate fee for each type of vehicle transfer. This is true even if the Vehicle Licensee wants to do several types of vehicle transfer all at one time.

Section 58. Section 59A-20(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Mailing Address.

(1) A Vehicle Owner must [notify the Commission in person or by first class mail of any change in Owner's Mailing Address, within seven days of the change, not including holidays and weekends] report any change of Mailing Address to the Commission in person or by mail within ten days.

§59A-20(a)(1) Vehicle Owner Fine: \$[50]100 Appearance NOT REQUIRED

(2) Any [notice]communication from the Commission [will be deemed] is sufficient if sent to the last Mailing Address provided by the For-Hire Vehicle Owner.

Section 59. Section 59A-25 of Chapter 59 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b), to read as follows:

§59A-25 Operations - Miscellaneous Operating Requirements

(b) Black Car Owner's Compliance with Black Car Retirement Rules. Beginning January 1, 2011, a Black Car Owner may affiliate a Vehicle with a Black Car Base only if the Vehicle meets the retirement requirements set forth in § 59A-28(d) of this chapter.

§59A-25(b) Fine: \$350 Appearance NOT REQUIRED

Section 60. Section 59A-26(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

§59A-26 Vehicle Inspections

(a) Tri-annual Inspections. For -Hire Vehicles must be regularly inspected three times every year, including at least once every four months. Section [59A-4e(1)] 59A-04(e)(1) and [(f)(1)] (f)(1) specifies that inspections required for new and renewal applications must be done at the [Commission] Commission's Safety and Emissions Division facility, except as specifically set forth in Section 59A-04 (e) and (f); the other required inspections can be done at any DMV registered facility.

§59A-26(a) Fine: \$100 and suspension of the Vehicle Owner License until any defect found is corrected Appearance REQUIRED

Section 61. Subdivision (d) of Section 59A-28 of Chapter 59 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59A-28 Vehicles - Miscellaneous Requirements and Vehicle Retirement

(d) Required Black Car [Vehicle] Retirement. All Black [Car Vehicles] Cars must be retired from Black Car service (but may be replaced) according to the following schedule:

(1) [All Black Cars, model year 2001 or earlier, must be retired no later than their first For-Hire Vehicle License expiration date on or after January 1, 2010.

(2) All Black Cars, model year [2002 or] 2003 or earlier, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2011.

[(3)] (2) All Black Cars, model year 2004 or 2005 must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2012.

[(4)] (3) All Black Cars, model year 2006, must be retired from Black Car service no later than their first For-Hire Vehicle License expiration date on or after January 1, 2013.

[(5)] (4) On and after January 1, 2014, all Black Cars must be retired from Black Car [Service at least by] service no later than the expiration date of their For-Hire License [when] after they turn [seven] six model years old.

[(i) If a Black Car turns seven model years old in the last year of its License, the Vehicle must be retired by the date of License expiration.

(ii) But if a Black Car turns seven model years old in the first year of its License, the Vehicle must be retired by the first anniversary of the License renewal date.

EXAMPLE: Vehicles A and B are both Model Year 2010 and become seven model years old on January 1, 2017:

Vehicle A:

- License expires on May 5, 2017
- Vehicle A must be retired from Black Car Service on May 5, 2017

Vehicle B:

- License expires May 6, 2018, having renewed on May 6, 2016
- Vehicle B must be retired from Black Car service on May 6, 2017; License continues with a new vehicle until May 6, 2018]

(5) Black Cars that are five model years old or older must be retired from Black Car service no later than the expiration dates of their For-Hire Vehicle License on and after January 1, 2015 and every year thereafter.

(6) [A For-Hire Vehicle affiliated with a Black Car Base which has reached its retirement date must be retired from Black Car service, even if it passes the New York State Department of Motor Vehicle inspection.] Notwithstanding the provisions of subdivisions (1) through (5) of this § 59A-28, beginning on January 1, 2011, the retirement date of any Vehicle licensed to operate in Black Car service and affiliated with a Black Car Base that is a Clean Air Vehicle Level I is extended for an additional two years or that is a Clean Air Vehicle Level II is extended for one additional year.

(7) A Black Car that has reached its retirement date must be retired from Black Car service even if it passes the New York State Department of Motor Vehicle inspection.

Section 62. Section 59A-33 of Chapter 59 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59A-33 Vehicle Equipment-In-Vehicle Camera System (IVCS)

(a) Requirements for In-Vehicle Camera System. When an existing in-vehicle camera system is required to be replaced or when the system is installed as one of the three safety devices specified in § 59A-32, [it must meet the requirements described in § 59C-01 of these Rules] the Livery Vehicle must be equipped with an IVCS that meets the specifications of §59C-01; the system must be installed and maintained by the manufacturer's authorized installer or a Taximeter Business that meets the requirements of §59C-01 of these Rules; and the IVCS must be functioning and maintained in good working order.

§59A-33(a) Fine: \$50 Appearance NOT REQUIRED

Section 63. Subdivision (c) of section 59B-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 64. Section 59B-03 of Title 35 of the Rules of the City of New York is amended to add, in alphabetical order, definitions for "Black Car Fund" "Independent Base Station," "Independent Livery Driver," and "Livery Fund," to read as follows, and to reletter all definitions accordingly:

(d) Black Car Fund is the New York Black Car Operators' Injury Compensation Fund, Inc. established under Article 6-F of the NYS Executive Law.

(i) **Independent Base Station** is a Livery Base Station that is designated as an independent livery base under §18-c of the NYS Workers' Compensation Law because it has joined the Livery Fund.

(j) **Independent Livery Driver** is the Driver of a Livery which is affiliated with an Independent Base Station.

(n) **Livery Fund** is the independent livery driver benefit fund established under Article 6-G of the NYS Executive Law.

Section 65. Section 59B-03(r) of Title 35 of the Rules of the City of New York (as relettered by section 64 of this rule) is amended to read as follows:

(r) **Owner** in this Sub-chapter refers to a For-Hire Base Owner. An Owner can be a Business Entity or a person.

Section 66. Section 59B-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (g) to read as follows:

(g) **Business Entities.** An Applicant which is a Business Entity must provide the following documents:

(1) **Partnerships.** If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) **Corporations.** If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) **Limited Liability Companies (LLCs)** If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 67. Section 59B-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (h) to read as follows:

(h) **Address.** An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

Section 68. Section 59B-08 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (f) to read as follows:

(f) **Revocation for Livery Fund violations**

(1) No Livery Base Station License will be issued to an Applicant if a Livery Base Station License previously held by Applicant was revoked for violations of Article 6-G of the NYS Executive Law.

(2) A Livery Base Station License previously held by an Applicant includes any Livery Base Station License held by any Licensee in which any of Applicant's Limited Business Entity Persons was also a Limited Business Entity Person.

(3) The ban on issuance will continue for five years following the revocation, and until

(i) Any money owed to the Livery Fund on the account of the revoked License is paid or

(ii) The Livery Fund agrees on a payment plan for money owed to it.

Section 69. Section 59B-12(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) **Livery Base Station**

(1) **Compliance with Workers' Compensation Law.** [Every Livery Base Station must comply with all provisions of the New York State Workers' Compensation Law and regulations with respect to coverage and benefits to eligible persons.]

(i) **Every Livery Base Station must either**

(A) be a member of the Livery Fund or

(B) maintain coverage under the NYS Workers' Compensation Law for all drivers dispatched.

(ii) Every Livery Base Station must maintain either Livery Fund membership or workers' compensation insurance coverage at all times.

(iii) A Livery Base Station that is an Independent Base Station must be a member of Livery Fund. To prove it is a member of the Livery Fund, a Livery Base Station must submit to the Commission

(A) A copy of the affirmation given by the Livery Base Station to the Workers' Compensation Board as required by §18-c(2) of the NYS Workers' Compensation Law and

(B) A copy of any certificate of membership or similar documentation issued by the Livery Fund.

(iv) A Livery Base Station that is not an Independent Base Station must buy insurance providing compensation under

the NYS Workers' Compensation Law for all drivers dispatched. To prove that it has bought insurance coverage, a Livery Base Station must submit to the Commission (A) a current certificate of insurance and

(B) proof that the insurer is licensed by the NYS Insurance Department, together with a list of authorized signatories.

§59B-12(a)(1) Fine: \$25 for each day of Appearance REQUIRED non-compliance up to \$5,000 and either suspension until compliance or Livery Base License revocation

(2) **Audit of Independent Base Stations.** The Commission can audit any Independent Base Station as provided in §18-c(2)(g) of the NYS Workers' Compensation Law.

(3) **Coercion Prohibited.** An Independent Base Station must not coerce any driver or vehicle owner into making false statements or refrain from reporting any violation of Article 6-G of the NYS Executive Law.

§59B-12(a)(3) Fine: \$1,000-\$5,000 and or Appearance REQUIRED suspension of Livery Base License and membership in Livery Fund for up to 2 years

(4) **Enforcement on Request.** The Commission will enforce the provisions of this paragraph (4) only at the request of the Livery Fund or the NYS Workers' Compensation Board. The Livery Fund or NYS Workers' Compensation Board can ask the Commission to enforce these rules by filing a complaint against a Livery Base. The complaint will include documentation of the violation.

(i) An Independent Base Station must pay any assessment by the Livery Fund within 30 days of the assessment.

§59B-12(a)(4)(i) Fine: \$500 for each 30 days after notice payment is overdue, plus payment of the overdue amount plus interest on such amount at 12% per annum, together with either suspension until compliance or revocation of license and Livery Fund membership. Appearance REQUIRED

(ii) If an Independent Base Station License is suspended or revoked for failure to pay an assessment, the License cannot be reinstated, and the Independent Base Station cannot apply for a new or renewal license until:

(A) The Independent Base Station pays any money it owes to the Livery Fund or

(B) The Livery Fund agrees on a payment plan for money owed to it.

(iii) An Independent Base Station must not make a materially false statement in the sworn affirmation required by §18-c(2) of the Workers' Compensation Law.

§59B-12(a)(4)(iii) Fine: \$1,000-\$10,000 and/or Appearance REQUIRED Livery Base License revocation for up to 5 years for first offense and permanent bar to licensure for second

(iv) Any Independent Base Station found to have made a materially false statement under (iii) of this subparagraph on two separate occasions may not apply for or hold a Livery Base Station License.

(v) An Independent Base Station must not make any material misrepresentation about

(A) the number of Vehicles affiliated with the Independent Base Station,

(B) the number of owners of such Vehicles, or

(C) the number of drivers dispatched by the Independent Base Station.

(D) Material misrepresentation includes any temporary alteration of records to reduce the numbers of vehicles or drivers.

§59B-12(a)(4)(v) Fine: \$1,000-\$5,000 and/or Appearance REQUIRED Livery Base License suspension or Livery Base License revocation for up to 2 years.

(2)5 **Cessation of Benefits to Drivers.** Upon filing with the Workers' Compensation Board to end the payment of benefits to the Driver of an affiliated Vehicle who has recovered from a disability and is ready to return to work, a Base Owner must provide the Driver with documentation that benefits have been stopped in order for the Commission to return that Driver's License.

§59B-12(a)(2)5 Fine: \$100-\$250 Appearance REQUIRED

Section 70. Section 59B-12(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) **Black Car and Luxury Limousine Bases**

(1) **Membership in the Black Car Operators' Injury Compensation Fund.**

(i) Every Black Car Base and Luxury Limousine Base must become and remain a member of the [New York Black Car Operators' Injury Compensation Fund, Inc. ("Fund")] Black Car Fund and must register with the Department of State as a Member of the Black Car Fund.

(ii) This provision does not apply to a Black Car or Luxury

Limousine Base that owns fifty (50%) percent or more of the Vehicles it dispatches.

§59B-12(b)(1) Fine: \$25 for each day of Appearance REQUIRED non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation

(2) **Submit Certificate of Registration with the Fund.** Every Black Car Base and Luxury Limousine Base must:

(i) Provide the Commission with a copy of its certificate of registration with the Black Car Fund.

(ii) Pay to the Department of State all fees due as required by State law.

§59B-12(b)(2) Fine: \$25 for each day of Appearance REQUIRED non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation

(3) **Bill and Collect Surcharge.** Every Black Car Base and Luxury Limousine Base member of the Black Car Fund must add the surcharge established by the Black Car Fund and required by State law to each invoice and billing for services and to each credit payment of services performed by a Vehicle affiliated with the Base for every trip:

(i) Originating from a centralized dispatch facility located within the State of New York

(ii) Originating from a point within the State of New York

§59B-12(b)(3) Fine: \$25 for each day of Appearance REQUIRED non-compliance, to a maximum of \$10,000, and either suspension until compliance or Base License revocation, together with revocation of Black Car Fund membership

(4) **Remit Surcharges.** Every Black Car Base and Luxury Limousine Base must forward to the Black Car Fund all surcharges due and owing under paragraph (3), above, no later than the 15th day of the month following the month in which the surcharge is collected.

§59B-12(b)(4) Fine: \$500-\$5,000 for each Appearance REQUIRED 20 days the payment is overdue, and suspension until compliance or revocation, together with restitution to the Black Car Fund of any unpaid amount, together with interest at the rate of 12 percent per annum, together with revocation of Black Car Fund membership.

(5) **Comply with all Rules of the Black Car Fund.** Every Black Car Base and Luxury Limousine Base must comply with all applicable provisions of law governing the [New York Black Car Operators' Injury Compensation Fund, Inc.] Black Car Fund, and all rules and regulations.

§59B-12(b)(5) Fine: \$500-\$10,000 and Appearance REQUIRED suspension until compliance or revocation

(6) **Enforcement at Black Car Fund's Request.** The Black Car Fund can ask the Commission to enforce these rules by filing a complaint against a Black Car Base or Luxury Limousine Base. The complaint will include documentation of the violation.

Section 71. Section 59B-20(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) **Mailing and Email Address.**

(1) A For-Hire Base Owner must file the address of its Base with the Commission.

(2) A For-Hire Base Owner must have a working Email Address at all times.

(3) A For-Hire Base Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§59B-20(b)(1)-(3) Fine: \$100 Appearance NOT REQUIRED

(2)4 Any [notice]communication from the Commission [will be deemed]is sufficient if sent to the last Mailing Address provided by the For-Hire Base Owner.

(5) **Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the For-Hire Base Owner.**

Section 72. Section 59B-25 of Chapter 59 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (e), to read as follows:

§59B-25 Operations - Miscellaneous Operating Requirements

(e) **Black Car Base Owner's Compliance with Black Car Retirement Rules.** Beginning January 1, 2011, a Black Car Base Owner may allow a Vehicle to be affiliated with the Black Car Base only if the Vehicle meets the retirement requirements set forth in § 59A-28(d) of this chapter.

§59B-25(e) Fine: \$350 Appearance NOT REQUIRED

Section 73. Section 59B-33(a)(1) of Chapter 59 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-33 In-Vehicle Equipment-In-Vehicle Camera System (IVCS)

(a) Requirements for In-Vehicle Camera System. If a Livery Vehicle [installs] is equipped with an IVCS as one of the requirements for exemption from installing a partition:

(1) The IVCS must meet the specifications described in [Subchapter 59C § 59C-02] § 59C-01 of these Rules and must be functioning and maintained in good working order.

§59B-33(a)(1) and (2) Fine: \$50 Appearance NOT REQUIRED

Section 74. Section 59C-01(a) of Chapter 59 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59C-01 In-Vehicle Camera System ("IVCS")

(a) Requirement. When an existing IVCS is required to be replaced or when an IVCS system is installed, it must be functioning and in good working order and meet the specifications and installation requirements below.

Section 75. Subdivision (c) of section 60A-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 76. Section 60A-03(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Business Entity. A Paratransit Business Entity [must] can be [either] a corporation, [or] a partnership or a limited liability company.

Section 77. Section 60A-04(k) of Title 35 of the Rules of the City of New York is amended to read as follows:

(k) Other Required Documents. In addition to copies of the certificate of title and the certificate of registration, the following documents must be filed with the application:

(1) A copy of the motor vehicle tax stamp receipt for the Paratransit Vehicle.

(2) A current Rate Schedule.

(3) A New York State Department of Transportation inspection checklist.

(4) A copy of the leasing agreement, if Applicant is leasing the vehicle.

(5) [A partnership Applicant must file a certified copy of its partnership certification from the County Clerk.

(6) A corporate Applicant must file a certified copy of its certificate of incorporation and a list of its current shareholders and officers.] Business Entities. An Applicant which is a Business Entity must provide the following documents:

(i) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(ii) Corporations. If the Applicant is a corporation, it must file with its application:

A. A certified copy of its certificate of incorporation

B. A list of officers and shareholders

C. A certified copy of the minutes of the meeting at which the current officers were elected.

(iii) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

A. A copy of its articles of organization

B. A copy of its operating agreement

C. A list of the members, with the percentages of the Applicant owned by each.

Section 78. Section 60A-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (m) to read as follows:

(m) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 79. Section 60A-06(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) [Change of Base Affiliation. A Vehicle Owner can change the Paratransit Base with which it is affiliated after approval by the Commission and payment of a \$25 fee.] Vehicle Transfer Fees.

(1) A Vehicle Licensee can change the Vehicle's affiliation from one Paratransit Base to a different Paratransit Base after approval by the Chairperson and payment of a \$25 fee.

(2) A Vehicle Licensee can transfer the License from one vehicle to another after approval by the by the Chairperson and payment of a \$25 fee.

(3) A Vehicle Licensee can replace the license plates on the Vehicle after approval by the Chairperson and payment of a \$25 fee.

(4) A Vehicle Licensee can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.

(5) A Vehicle Licensee must pay a separate fee for each type of vehicle transfer. This is true even if the Vehicle Licensee wants to do several types of vehicle transfer all at one time.

Section 80. Section 60A-19(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Current Mailing Address.

(1) The Mailing Address for a Paratransit Vehicle Owner must be either a designated post office box, or one of the following:

(i) The home address for an individual Vehicle Owner

(ii) A partner's home address for a partnership Licensee

(iii) The address of the secretary of the corporation for a corporate Licensee.

(2) [The Commission will consider any notice or summons sent to the last address given by the Vehicle Owner as sufficient notice.] A Paratransit Vehicle Owner must report any change of Mailing Address to the Commission in person or by mail within ten days.

§60A-19(a)(2) Fine: \$100 Appearance NOT REQUIRED

(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Paratransit Vehicle Owner.

Section 81. Subdivision (c) of section 60B-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 82. Section 60B-03(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) Business Entity. A Paratransit Business Entity [must] can be [either] a corporation, [or] a partnership or a limited liability company.

Section 83. Section 60B-04(e) of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) Additional Documents Required.

(1) A copy of the Applicant's New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority).

(2) The copy of the current Rate Schedule.

(3) [A corporate Applicant must file a copy of its certificate of incorporation and a list of its shareholders and current officers.

(4) A partnership Applicant must file a copy of its partnership agreement, if any.] Business Entities. An Applicant which is a Business Entity must provide the following documents:

(i) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership

certificate from the clerk of the county where the partnership's principal place of business is located.

(ii) Corporations. If the Applicant is a corporation, it must file with its application:

A. A certified copy of its certificate of incorporation

B. A list of officers and shareholders

C. A certified copy of the minutes of the meeting at which the current officers were elected.

(iii) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

A. A copy of its articles of organization

B. A copy of its operating agreement

C. A list of the members, with the percentages of the Applicant owned by each.

Section 84. Section 60B-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (h) to read as follows:

(h) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

Section 85. Section 60B-19(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Current Mailing and Email Address.

(1) The Mailing Address for a Paratransit Base Station must be either the address of the Base Station or a designated post office box. [The Commission will consider any notice or summons sent to the last address given by the Base Owner as sufficient notice.]

(2) A Paratransit Base Station must have a working Email Address at all times.

(3) A Paratransit Base Station must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§60B-19(a)(2)-(3) Fine: \$100 Appearance NOT REQUIRED

(4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Paratransit Base Station.

(5) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Paratransit Base Station.

Section 86. Subdivision (c) of section 61A-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 87. Section 61A-03(f) of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) Owner in this Sub-chapter refers to a Commuter-Van Vehicle Owner [and]. An Owner can be a Business Entity or a person. The term Owner in this Sub-chapter, in addition to complete ownership of the Vehicle, includes those individuals or entities with the following ownership interests:

(1) Entitlement to the use and possession of a Vehicle subject to a security interest held by another, regardless of the terms of the contract. (Owner does NOT include any party with a security interest in a Vehicle that is not in that party's possession.)

(2) The right, by any lessee or bailee, to exclusive use of the Vehicle for more than 30 days.

Section 88. Section 61A-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (i) to read as follows:

(i) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 89. Section 61A-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (j) to read as follows:

(j) Address. An Applicant must give the Commission the Applicant's current Mailing Address.

Section 90. Section 61A-06 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (e) to read as follows:

(e) Vehicle Transfer Fees.

(1) A Vehicle Licensee can change the Vehicle's affiliation from one Commuter-Van Service Authorization to another after approval by the Chairperson and payment of a \$25 fee.

(2) A Vehicle Licensee can transfer the License from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.

(3) A Vehicle Licensee can replace the license plates on the Vehicle after approval by the Chairperson and payment of a \$25 fee.

(4) A Vehicle Licensee can transfer the license plates from one vehicle to another after approval by the Chairperson and payment of a \$25 fee.

(5) A Vehicle Licensee must pay a separate fee for each type of vehicle transfer. This is true even if the Vehicle Licensee wants to do several types of vehicle transfer all at one time.

Section 91. Section 61A-16 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (e) to read as follows:

(e) Clean Vehicle. A Commuter-Van Vehicle Owner must keep the Vehicle clean inside and out.

\$61A-16(e) Fine: \$50 Appearance NOT REQUIRED

Section 92. Section 61A-19 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (b) to read as follows:

(b) Mailing Address.

(1) A Commuter-Van Vehicle Owner must report any change of Mailing Address to the Commission in person or by mail within ten days.

\$61A-19(b)(1) Fine: \$100 Appearance NOT REQUIRED

(2) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Commuter-Van Vehicle Owner.

Section 93. Section 61A-26 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (b) through (e) to read as follows:

(b) Seat Belts Each Commuter-Van Vehicle must have seat belts that are clearly visible, accessible, and in good working order.

\$61A-26(b) Fine: \$100 Appearance NOT REQUIRED

(c) Reserved (Shoulder Belts Required).

(d) Reserved (Correct Defect Directives).

(e) Reserved (Daily Personal Inspection by Owner).

Section 94. Section 61A-27(a) of Title 35 of the Rules of the City of New York is amended to add a new subdivision (4) to read as follows:

(4) The required information must be in English. The information can also be in another language.

Section 95. Section 61A-27(b) of Title 35 of the Rules of the City of New York is amended to add a new subdivision (3) to read as follows:

(3) The required information must be in English. The information can also be in another language.

Section 96. Section 61A-28(a)(2) of Title 35 of the Rules of the City of New York is amended to read as follows:

(2) The Driver's Commuter-Van Driver's License (this must be mounted in a protective holder behind the Driver's seat);

Section 97. Section 61A-28 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (b) to read as follows:

(b) Commuter-Van Passengers' Bill of Rights.

(1) Every Vehicle Owner must post a Commuter-Van Passengers' Bill of Rights in a form and format prescribed by the Commission.

(2) The Commission will post the proper form and format on its Web site or will provide the information through other appropriate means that will be posted on its Web site.

(3) The Commuter-Van Passengers' Bill of Rights must be placed in a protective holder attached to the back of the front Passenger's seat.

\$61A-28(b) Fine: \$100 Appearance NOT REQUIRED

Section 98. Section 61A-29 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (b) to read as follows:

(b) Heating and Air Conditioning. A Commuter-Van Vehicle must be equipped with functioning heating and air conditioning equipment.

\$61A-29(b) Fine: \$50 Appearance NOT REQUIRED

Section 99. Subdivision (c) of section 61B-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 100. Section 61B-03(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Business Entity is a sole proprietorship, partnership, limited liability company or corporation.

Section 101. Section 61B-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (k) to read as follows:

(k) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 102. Section 61B-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (l) to read as follows:

(l) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

Section 103. Section 61B-19 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (b) to read as follows:

(b) Mailing and Email Address.

(1) A Commuter-Van Service Owner must have a working Email Address at all times.

(2) A Commuter-Van Service Owner must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

\$61B-19(b)(1)-(2) Fine: \$100 Appearance NOT REQUIRED

(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Commuter-Van Service Owner.

(4) Any communication from the Commission, except notices

and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Commuter-Van Service Owner.

Section 104. Subdivision (c) of section 62-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 105. Section 62-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h) to read as follows:

(h) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 106. Section 62-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (i) to read as follows:

(i) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

Section 107. Section 62-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

§ 62-16 Business Procedures - Mailing and Email Address

(a) Required Mailing Address. A Broker must provide to the Commission the street address of his or her primary business location whether or not this is the Mailing Address.[for the mailing of all notices and correspondence, as well as for the service of summonses].

(b) Additional Mailing Address. A Broker may also designate a post office box number as a [m]Mailing [a]Address.

[(c) Report of Changes in Mailing Address. A Broker must report to the Commission any change in his or her mailing address and in the address of any other office where the Taxicab Brokerage business is conducted. The report must be filed in person or by registered or certified mail, with return receipt requested, within seventy-two (72) hours of the change, not including weekends and holidays.]

\$62-16(a)-(c)b Fine: \$50-\$500 and/or suspension Appearance REQUIRED

(c) Mailing and Email Address.

(1) A Broker must have a working Email Address at all times.

(2) A Broker must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

\$62-16(c)(1)-(2) Fine: \$100 Appearance NOT REQUIRED

(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Broker.

(4) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Broker.

Section 108. Subdivision (c) of section 63-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Payment of Fines.*

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.]

If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 109. Section 63-04(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Who May File an Application.* An application or renewal application for an [Business Entity] Agent's License may only be submitted by the following:

- (1) An individual
- (2) The Proprietor, on behalf of a sole proprietorship
- (3) A general partner on behalf of a partnership
- (4) An officer or director on behalf of a corporation
- (5) A member on behalf of a limited liability company

Section 110. Section 63-04 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h) to read as follows:

(h) *Business Entities.* An Applicant which is a Business Entity must provide the following documents:

(1) *Partnerships.* If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) *Corporations.* If the Applicant is a corporation, it must file with its application:

- (i) A certified copy of its certificate of incorporation
- (ii) A list of officers and shareholders
- (iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies (LLCs)* If the Applicant is a limited liability company, it must file with its application:

- (i) A copy of its articles of organization
- (ii) A copy of its operating agreement
- (iii) A list of the members, with the percentages of the Applicant owned by each.

Section 111. Section 63-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (i) to read as follows:

(i) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

Section 112. Section 63-08 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (i) to read as follows:

(i) *Mailing and Email Address.*

(1) An Agent must have a working Email Address at all times.

(2) An Agent must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§63-08(i)(1)-(2) Fine: \$100 Appearance NOT REQUIRED

(3) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Agent.

(4) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Agent.

Section 113. Subdivision (c) of section 64-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 114. Section 64-04(h) of Title 35 of the Rules of the City of New York is amended to read as follows:

(h) *Corporate or LLC Filings.*

When the Applicant is a corporation, it must file with its License application all of the following:

(1) One of the following certificates:

- (i) A certified copy(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application
- (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application
- (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation

(2) A list of its officers and shareholders, including names, residence addresses, telephone numbers, and percentage of ownership interest of each shareholder

(3) A certified copy of the minutes of the organizational meeting at which the current officers were elected

(4) *Limited Liability Companies (LLCs)* When the Applicant is a limited liability company, it must file with its application all of the following:

- (i) A copy of its articles of organization
- (ii) A copy of its operating agreement
- (iii) A list of the members, with the percentages of the Applicant owned by each.

Section 115. Section 64-04 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (l) to read as follows:

(l) *Address.* An Applicant must give the Commission the Applicant's current Mailing Address and Email Address.

Section 116. Section 64-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

§64-17 Business Requirements - Mailing and Email Address

(a) Each Taximeter Business must designate the street address of its primary Taximeter Business location as its [official] [m]Mailing [a]Address [for receipt of notices from the Commission, unless otherwise approved in advance by the Commission].

(b) A Taximeter Business must have a working Email Address at all times.

(c) A Taximeter Business must report any change of Mailing Address or Email Address to the Commission in person or by mail within ten days.

§64-17(a)-(c) Fine: \$100 Appearance NOT REQUIRED

(4) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the Taximeter Business.

(5) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the Taximeter Business.

Section 117. Subdivision (b) of section 65-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *[General Penalty] Payment of Fines.*

(1) Fines are due within 30 days of the day the [violator] Respondent is found guilty of the violation.

(2) [If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.] If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

[(3)] If [a] the Respondent [has made a timely request for] requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for [payment of fines is extended to] either filing an appeal or

paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 118. Section 65-07(a)(1)(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) * * *

(i) Deposit twenty-five thousand dollars (\$25,000) in a [certified check] form of payment acceptable under § 52-41(b)(2) of these Rules for each Medallion covered by the winning bid; and

Section 119. Section 67-12(a) of Chapter 67 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-12 Requirement for Hack-up - In-Vehicle Camera System ("IVCS")

(a) *Requirement.* When an existing IVCS is required to be replaced or when an IVCS system is installed (including, but not limited to, at Hack-up), it must be functioning and in good working order and meet the specifications and installation requirements below.

Section 120. Section 68-02 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c) to read as follows:

§68-02 Penalties

(c) *Imposition of Penalties.* Any revocation, suspension, Persistent Violator Penalty or Penalty Points will become effective on the date of the ALJ's decision.

(1) *Suspensions.* If a suspension for a specified period of time is imposed, the suspension period will be calculated from the time when the Respondent's License is turned in to the Commission

(2) *Fines.* Fines are due within 30 days of the day the Respondent is found guilty of the violation.

(i) If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the Hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 21 days from the date the recording is issued or 30 days from the day of the decision (see §68-14(f) of these Rules).

(ii) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 121. Section 68-06 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c) to read as follows:

§68-06 Contents of Summons or Notice of Violation

(c) If the summons or notice of violation is sworn to under oath or affirmed under penalty of perjury, the summons or a copy of the summons will be admitted into evidence and will constitute prima facie evidence of the violations alleged.

Section 122. Section 68-09 of Title 35 of the Rules of the City of New York is amended by deleting subdivisions (a), (b) and (c) and by adding new subdivisions (a) and (b), to read as follows:

§68-09 Hearings - Adjournment Requests

[(a) A Respondent who is unable to appear at a scheduled Hearing must:

(1) Notify the Commission at least five business days in advance of the Hearing; and

(2) Show why Respondent is unable to attend.

(b) A Respondent will be entitled to only one adjournment.

(c) If a Respondent requests an Adjournment less than five business before the Hearing, he or she must make the request in person. An ALJ must decide whether to grant the adjournment on the day the request is made.]

(a) *Requests for Adjournments*

(1) A request for an adjournment, which is a request to change the scheduled Hearing date, may be made either by the Chairperson or by the Respondent, or anyone authorized by this Chapter to appear for the Respondent.

(2) A request to reschedule a Hearing must be made at least five business days before the first scheduled Hearing date or at the Hearing.

(i) Good cause is not necessary for an adjournment that is requested at least five business days before the first scheduled Hearing date.

(ii) A request for an adjournment that is made at least five business days before the first scheduled Hearing date may be made ex parte, and may be made by telephone, or in person.

(iii) No more than one adjournment requested at least five business days before the first scheduled Hearing will be granted.

(3) An adjournment that is requested at the Hearing will only be granted for good cause, as determined in the discretion of the ALJ (see §68-09(b) of these Rules). The adjournment request will be made on the record. On the record means that the ALJ shall conduct a Hearing. This Hearing shall be recorded. The ALJ will issue a written decision explaining the ALJ's decision to grant or deny the request.

(4) Adjournments to Obtain the Testimony of Complaining Witnesses. The Respondent may request an adjournment at the first scheduled Hearing date for the purposes of obtaining the testimony of a complaining witness who has sworn to or affirmed a summons or notice of violation (see §68-06(c) of these Rules). A request for an adjournment for this purpose may not be made at any time other than the first scheduled Hearing date.

(i) The Respondent must explain the subject of the testimony that the Respondent intends to obtain from the complaining witness and must explain the relevance of that testimony to either the violations charged or a defense to those charges.

(ii) The ALJ will find that there is good cause for the adjournment only if the ALJ concludes that the complaining witness's testimony is reasonably likely to be necessary to a fair Hearing of the violations charged or the defenses to those charges.

(iii) The non-attendance of the complaining witness who submitted a sworn or affirmed summons or notice of violation at the first scheduled Hearing date shall not be a failure by the Commission to produce a complaining witness (see §68-11(c) of these Rules).

(b) Good cause. In deciding whether there is good cause for an adjournment, the ALJ will consider:

(1) Whether granting the adjournment is necessary for the party requesting the adjournment to effectively present the case;

(2) Whether granting the adjournment is unfair to the other party;

(3) Whether granting the adjournment will cause inconvenience to any witness;

(4) The age of the case and the number of adjournments previously granted;

(5) Whether the party requesting the adjournment prepared for the scheduled Hearing with reasonable diligence;

(6) Whether the need for the adjournment is due to facts that are beyond the requesting party's control;

(7) The balance of the need for efficient and expeditious adjudication of the case and the need for full and fair consideration of the issues relevant to the case; and

(8) Any other fact that the ALJ considers to be relevant to the request for an adjournment.

Section 123. Section 68-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

§68-10 Hearings - Who Must or Can Appear for the Respondent

(a) Licenses. A Respondent who is a Licensee can be represented at a Hearing by an attorney or by an authorized non-attorney Representative.

(b) Corporations. If the Respondent is a corporation, it can also be represented by an officer, director, or employee of the Respondent corporation designated as an agent for the Respondent.

(c) Limited Liability Companies. If the Respondent is a limited liability company, it can also be represented by a member or employee of the Respondent limited liability company designated as an agent for the Respondent.

([c]d) Partnerships. If the Respondent is a partnership, it can also be represented by any partner.

([d]e) Non-Licenses. A Respondent who is not a Licensee must appear personally and can be accompanied and represented by an attorney or an authorized non-attorney Representative.

([e]f) Non-Licensee Business Entity. If the non-Licensee Respondent is a corporation or partnership, an officer, director, employee, or partner must appear.

([f]g) Proof of Relationship to Respondent. Any individual appearing who is not a Respondent must provide proof of his or her relationship to the Respondent.

([g]h) The Commission can, for cause, deny any non-attorney (other than an authorized Representative or the Respondent) the opportunity to appear at a Hearing.

Section 124. Subdivision (h) of section 68-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

§68-11 Hearings - Procedures

* * *

(h) Findings of Guilt. If the ALJ finds that a violation has been committed, the ALJ must impose the appropriate penalties, which can include a fine, Persistent Violator Points or Penalty [p]Points, and a suspension or revocation of the Respondent's License. [If a suspension for a specified period of time is imposed, the suspension period will not include any period of time during which the Respondent's License is not in the possession of the Commission.]

Section 125. Section 68-12 of Title 35 of the Rules of the City of New York is amended by deleting subdivision (d) and by adding a new subdivision (d), to read as follows:

§68-12 Inquests - Hearing Conducted in the Absence of Respondent

* * *

(d) [Imposition of Penalties.

(1) Suspension. All suspension penalties imposed at an Inquest will begin 10 days from the date the ALJ's decision is mailed to the Respondent.

(2) Fines. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §68-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

(3) Penalties for Persistent Driver Violators. Penalties imposed as a result of the Program for Persistent Violators will be assessed 10 days from the date the ALJ's decision is mailed to Respondent unless a timely motion to vacate, as provided in §68-13 below, is filed.]

A Respondent may challenge a decision made after an Inquest only by moving to the vacate the Inquest decision (see §68-13 of these Rules).

Section 126. Section 68-13 of Title 35 of the Rules of the City of New York is amended by deleting subdivision (b) and adding a new subdivision (b), by relettering subdivisions (c) and (d) as subdivisions (g) and (h), by amending subdivision (g) as relettered, and by adding new subdivisions (c), (d), (e), (f) and (i), to read as follows:

§68-13 Inquests - Respondent's Right to Challenge Decision

(b) [Content of Motion. A Respondent's motion to vacate must present written evidence on both of the following:

(1) The reasons for his or her failure to appear at the Hearing

(2) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons]

Form of Motion. A motion to vacate must be on a form approved by the Chairperson. The motion must be signed and dated.

(c) Motions Filed Within 120 Days. A motion to vacate filed within 120 days of the date of the Inquest must show:

(1) Reasonable excuse for the Respondent's failure to appear at the Hearing

(2) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons

(d) Motions Filed More than 120 Days and Less Than 2 Years. A motion to vacate filed more than 120 days and less than 2 years after the date of Inquest must show:

(1) Reasonable excuse for delay in presenting the motion,

(2) Reasonable excuse for the Respondent's failure to appear at the Hearing, and

(3) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons.

(e) Subsequent Motions to Vacate. If an Inquest decision on the same summons or notice of violation has been previously vacated, and a new Inquest decision has been issued, a motion to vacate the second Inquest decision must show:

(1) An extraordinary and compelling reason for the Respondent's failure to appear at the Hearing,

(2) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons

(f) Reasons for Failing to Appear. In determining whether Respondent has shown a reasonable excuse for failing to appear at a Hearing, the ALJ will consider:

(1) Whether circumstances that could not be reasonably foreseen prevented the Respondent from attending the Hearing;

(2) Whether the Respondent had an emergency or condition requiring immediate medical attention;

(3) Whether the matter had been previously adjourned by the Respondent;

(4) Whether the Respondent attempted to attend the Hearing with reasonable diligence;

(5) Whether the Respondent's inability to attend the Hearing was due to facts that were beyond the Respondent's control;

(6) Whether the Respondent's failure to appear at the Hearing can be attributed to the Respondent's failure to maintain current contact information on file with the Chairperson; and

(7) Any other fact that the ALJ considers to be relevant to the motion to vacate.

(g) Granting of Motion. If the ALJ determines that the Respondent has [has established both a valid excuse for his or her failure to appear at the Hearing and a defense to the violation that, if proven, would be legally sufficient:] met the requirements for a motion to vacate:

(1) The Inquest determination [must] will be vacated and the Respondent must be entitled to a new Hearing.

(2) Any suspension, revocation, Penalty Points or Persistent Violator penalties imposed at the Inquest [must] will be vacated.

(3) Any fines paid will be refunded.

([d]h) Denial of Motion. If the ALJ denies the motion to vacate, the penalties imposed at the Inquest will remain in force.

(i) Review of a Denial of Motion to Vacate. The Respondent may appeal a decision denying a motion to vacate (see §68-14 of these Rules).

Section 127. Section 68-14 of Title 35 of the Rules of the City of New York is amended by relettering subdivisions (h) and (i) as subdivisions (i) and (j), by adding a new subdivision (h) and by amending subdivisions (c), (g) and (j) as relettered and paragraphs (1) and (3) of subdivision (d), to read as follows:

§68-14 Appeals - By Respondent

(c) Filing of Appeal. [The Appeal] Two copies of the appeal, accompanied by two copies of the ALJ decision, must be directed to the [Deputy Commissioner for Legal Affairs/General Counsel] Appeals Unit.

(d) Payment of Fines Deferred

(1) If the Respondent files a timely appeal, any fines imposed by the [ALJ] decision being appealed will be deferred until a decision on the appeal is made.

* * *

(3) Once an appeal has been decided, any outstanding fines imposed by the decision affirmed on appeal must be paid within 30 days.

* * *

(g) Issues of Law on Appeal. A Respondent's appeal of an ALJ's decision must be limited to the issues of law raised from the determination being appealed. Findings of fact may be appealed only on the grounds that the findings of fact are not supported by substantial evidence in the record.

* * *

(h) Response by the Commission.

(1) The Commission may respond to the Respondent's appeal within 21 calendar days of the filing of the appeal.

(2) If the appeal is expedited (see §68-14(b) of these Rules), the Commission may respond within seven days of the filing of the appeal.

([h])(i) Results of Appeal. On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified.

([i])(j) Temporary License.

(1) If the ALJ's decision results in the suspension of the Respondent's License, the [Deputy Commissioner for Legal Affairs/General Counsel or his designee] Chairperson can, in his or her discretion, issue a temporary license, which will remain in effect pending the determination of the appeal.

* * *

Section 128. Subdivisions (b), (e) and (f) of section 68-15 of Title 35 of the Rules of the City of New York are amended to read as follows:

§68-15 Appeals - By Commission

* * *

(b) Filing of the Appeal. The appeal must be filed with the [Deputy Commissioner for Legal Affairs/General Counsel] Appeals Unit within 30 calendar days from the date of the determination and accompanied by a copy of the ALJ decision. The appeal must include a notation indicating that a copy of the appeal was mailed to the Respondent

* * *

(e) Issues of Law on Appeal. A Commission appeal of an ALJ's decision must be limited to the issues of law raised from the determination being appealed. Findings of fact may be appealed only on the grounds that the findings of fact are not supported by substantial evidence in the record.

(f) Results of Appeal. On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified. If the record on appeal is insufficient for the Appeals Unit to correct an error of law, the matter may be remanded to the Commission Adjudications Tribunal for a new Hearing.

([1) If a decision appealed by the Commission results in the reversal of a decision by an ALJ to dismiss a summons, the matter must be remanded to the Commission Adjudications Tribunal for a new Hearing.

(2) If a decision appealed by the Commission affirms a

determination of guilt by an ALJ but modifies a penalty that had been incorrectly imposed, the decision can correct the penalty without remand for a new Hearing.]

Section 129, Paragraph (7) of subdivision (b) of section 68-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Discretionary Revocation.* If the Commission seeks Discretionary Revocation, the following procedure must be followed.

* * *

(7) The OATH ALJ must issue a Recommended Decision to the Chairperson containing findings of fact, conclusions of law, and recommended penalties. These penalties can include License revocation, License suspension for a period up to six months, and a fine, not to exceed [\$10,000]\$1,000 for each offense for which a [Taxicab owner, base owner, taximeter business owner, Taxicab broker, or Taxicab agent or a fine not to exceed \$1,000 for each offense for which a any other Licensee] Licensed Driver is found guilty, or a fine not to exceed \$10,000 for each offense for which any other Respondent is found guilty.

Section 130. Subdivision (b) of section 68-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

§68-20 Special Procedures - Fitness Hearings

(b) The Notice to Respondent, requests for adjournments and the conduct of the Hearing will be governed by the rules and procedures established in this Chapter.

Section 131. Title 35 of the Rules of the City of New York is amended by adding a new section 68-29 to read as follows:

§68-29 Special Procedures - Settlements and Withdrawals

(a) *Settlements.* The Chairperson and a Respondent may dispose of a summons or notice of violation by entering into a settlement agreement.

(1) The settlement agreement must be in writing.

(2) The settlement agreement may provide for penalties different than the penalties provided for in these Rules.

(3) The settlement agreement may provide for canceling an adjudication that is open or that has been completed.

(4) The settlement agreement may provide for penalties to be imposed, with or without a further Hearing, in the event that the Respondent does not comply with the terms of the settlement agreement.

(5) Unless the settlement agreement clearly provides otherwise, the License of a Respondent who does not comply with the terms of the settlement agreement may be suspended by the Chairperson without a Hearing until the Respondent complies with the settlement agreement.

(6) By entering into a settlement agreement, the Chairperson and the Respondent both waive their rights to any further Hearings or appeals on the summons or notice of violation that is disposed of by the settlement agreement.

(b) *Withdrawals.* The Chairperson may withdraw a summons or notice of violation, even if it has been adjudicated. Any fine, suspension, revocation, or Persistent Violator Points or Penalty Points imposed after the Hearing will be vacated. Any fines paid will be refunded. The Chairperson will notify the Respondent that the summons or notice of violation has been withdrawn. The Chairperson may withdraw a summons or notice of violation if the Chairperson determines that it was

(1) Written in error.

(2) Ineffectively served on the Respondent.

(3) Written in contravention of the Chairperson's enforcement policy.

Statement of Basis and Purpose of Final Rules

These rules amend the new rules of the New York City Taxi and Limousine Commission ("TLC" or "Commission") that will become effective on April 1, 2011. These rules consist of 15 rules proposals that were separately published for public comment and approved by the Commission, but for simplicity and clarity the 15 rules are consolidated here for final publication. Following are the 15 statements of basis and purpose of the 15 different rulemaking actions, each statement prefaced by a statement of the date of the public hearing on the public hearing for that rules proposal.

Adjudications Revisions

A hearing was held on this proposed rule on November 18, 2010. This rule makes a number of changes to the rules governing the TLC's adjudications:

- The rules give the TLC the ability to submit a sworn summons or notice of violations in lieu of the testimony of the issuing witness at the hearing, freeing these witnesses to attend to other matters. A Respondent who wants to contest the factual allegations in the summonses or notice retains the right to ask the ALJ to call the issuing witness to testify. This change in adjudication procedures conforms to procedures used at other tribunals in the City, including the Environmental Control Board.
- The rules refine existing rules governing motions to vacate inquest decisions and requests for adjournments. Experience with the existing rules suggests that providing more detailed guidance in

the rules will be useful both to the TLC's administrative law judges and to the parties to the adjudications.

- The rules streamline the appeals process by routing appeals directly to the Appeals Unit, instead of the General Counsel's Office, thereby eliminating an unnecessary step, and require the appealing party to submit a copy of the decision being appealed from. Additionally, the rules eliminate unnecessary hearings after successful appeals.
- The rules codify procedures for withdrawal or settlement of summonses and notices of violations.
- The rules clarify the timing of the imposition of penalties after a hearing decision.
- The rules clarify that fines are due within 30 days following a Hearing unless the Respondent files a timely appeal of the decision imposing the fines, and this deadline may be extended if the Respondent makes a timely request for an audio recording.

Forms of Payment and Bad Check Rules

A hearing was held on the proposed rules on December 16, 2010. These rules implement Executive Order 45 of 2004 which authorizes City agencies to collect a \$20 fee for a bad check or money order. These rules also permit the TLC to give notice to payors who submit bad payments specifying acceptable forms of payment from those payors over such period of time as the TLC deems appropriate. These rules are intended to formalize bad check procedures, permit the collection of bad check fees, and permit the TLC to take action against repeat check bouncers.

In addition, these rules specify what forms of payment will be accepted by the TLC. The TLC will accept money orders, certified or bank checks, corporate checks and, for fines only, cash. These rules are intended to formalize TLC payment procedures and to clarify the forms of payment that will be accepted by the TLC for particular types of transactions. Finally, these rules modify rules pertaining to medallion auctions to provide that the second deposit may be made by money order, bank check, certified check, broker's check, or agent's check, and not just in the form of certified check.

Accident Reporting Rules

A hearing was held on the proposed rules on October 21, 2010. The TLC promulgates changes to its rules governing the reporting of traffic accidents and the providing of information by the licensed driver to the injured or damaged party. Section 600 of the NYS Vehicle and Traffic Law requires a driver involved in a motor vehicle accident to exchange identification and insurance information with the injured party, or to file an accident report with the local police department. The purpose of this rule change is to clarify what type of information specific to a licensee must be exchanged.

In addition, the promulgated rulemaking provides for uniform requirements and penalties for all licensees. Items that must be in taxis and FHVs.

A hearing was held on the proposed rules on October 21, 2010. This rule clarifies which of the items required to be present in a taxicab or a for-hire vehicle must be visible to passengers and imposes penalties on drivers who block passengers' view of those items. The purpose of the rule is to ensure that a passenger is able, if he or she wishes, to file a complaint with the Commission against the driver of a taxicab or for-hire vehicle.

Driver Dress Code Rules.

A hearing was held on the proposed rules on December 16, 2010. These rules amend certain provisions which affect the riders of taxicabs and other vehicles regulated by the TLC and the experience of those rides. First, the rules replace the detailed list of prohibited apparel rules appearing in the prior taxicab drivers' rules with a general requirement that taxi drivers present a neat and professional appearance. The TLC believes that a general requirement better states its concerns and that a detailed list is outmoded and impractical. In addition, the rule extends that standard to all drivers licensed by the TLC. The TLC believes that the public is entitled to drivers who present a neat and professional appearance.

Second, the rule eliminates the requirement that a taxi driver must inform the passenger that the passenger must pay tolls prior to the commencement of a trip. The TLC believes this rule is outmoded both because the riding public is aware, generally, that passengers are responsible for tolls, and because tolls are clearly included in the fare as shown both on the Passenger Information Monitor and on the taximeter.

Electronic Communication Device Rules.

A hearing was held on the proposed rules on October 21, 2010. This rulemaking clarifies that violators of the rule are required to take a Distracted Driving Course as part of their penalty; it is not necessary for TLC to issue a directive.

In addition, the rulemaking eliminates the counting of violations of state laws regarding portable electronic devices towards the driver's TLC violation count.

The purpose of the rulemaking is to enhance and simplify the enforcement and adjudication of summonses issued in accordance with the Use of Electronic Communication Device rules, and therefore to enhance the rule's contribution to public safety.

Commuter Van Bill of Rights Rules.

A hearing was held on the proposed rules on October 21, 2010. These rules amend the provisions of the Taxi & Limousine Commission's recently promulgated new rule book, which will take effect on April 1, 2011, to impose the requirement that owners of commuter vans post passenger bills of rights in their vehicles for the benefit of the riding public. These rules implement the requirements of local law 73 of 2009 which amends section 19-537 of the New York City Administrative Code.

The bill of rights requirement resulting from the statute was previously the subject of rule-making amending the TLC's current rule book. Amendments to the old rule book were approved by the TLC at a meeting held on July 15, 2010 and took effect on August 26, 2010. This rule-making is necessary to update the new rule book to account for the new rules passed, based on the legislative requirement, after the new commuter van rules chapters were proposed and approved but which become effective before the new rules take effect on April 1, 2011.

Black Car Retirement Rules.

A hearing was held on the proposed rules on October 21, 2010. In April 2008, the Taxi and Limousine Commission (TLC) promulgated rules requiring new black cars, except for wheelchair accessible vehicles, to achieve fuel efficiency standards of 25 miles per gallon city rating in 2009 and 30 miles per gallon city rating in 2010. The rules were promulgated with the express understanding that, before the rules became effective, the TLC would arrange for financing to assist black car owners in complying with the rules.

After promulgation of those rules, the economic downturn precipitated by the 2008 financial crisis made it impossible for the TLC to arrange the promised financing. As a result, the TLC three times deferred the effective date of the April 2008 rules - once by rulemaking and twice by industry notice.

The continued unavailability of a financing package for black car owners requires the TLC to devise a new approach. These rules repeal the 25 and 30 mpg requirements for black cars. Instead, the rules revise the provisions for retirement of black cars, in three respects:

- Phase in a maximum black car vehicle age of five model years;
- Allow two additional years for black cars that meet the level one clean air vehicle standard; and
- Allow one additional year for black cars that meet the level two clean air vehicle standard.

The definitions of "Clean Air Vehicle Level I" and "Clean Air Vehicle Level II" are taken from the definitions of "level one clean air taxicab" and "level two clean air taxicab" in § 19-535 of the New York City Administrative Code.

The rules also clarify that a black car owner and a black car base owner are separately and individually responsible for compliance with the retirement rules for vehicles affiliated with black car bases and liable for violations of the vehicle retirement rules.

These rules incorporate into the current TLC rule book that will become effective on April 1, 2011, amendments to track rules previously promulgated by the TLC and incorporated into the rule book in effect as of the date of the public hearing.

In Vehicle Camera System Rules.

A hearing was held on the proposed rules on October 21, 2010. These rules clarify that, where a taxicab or for-hire vehicle is required to have an in-vehicle camera system for security purposes, the system must be functioning and in good working order. The rules also clarify that specifications and installation requirements for the in-vehicle systems are the same whether being installed in a Taxicab or a for-hire vehicle and that the required installers must have the same qualifications. The proposed rule makes no change in the provisions spelling out the circumstances in which such a system is required.

Also the rule corrects an erroneous reference in Section 59B-33(a)(1), from section 59C-02 to section 59C-01.

Critical Driver Rules.

A hearing was held on the proposed rules on November 18, 2010. This rulemaking clarifies the following: the calculation of the 15-month "look back" period for a driver's DMV record; the assignment of points as of the date of the DMV violation; and the calculation of the time of the applicability of a two-point reduction for completing a DMV-approved accident prevention course. These changes would be in accordance with Section 19-507.2 of the Administrative Code of the City of New York.

In response to public comment, the TLC is not changing its current practice of calculating points for violations arising from a single incident. TLC will continue to count for purposes of suspension and revocation under the Critical Driver Program only the violation with the highest number of points when there are multiple violations arising from a single incident.

The purpose of the rulemaking is to enhance and simplify the enforcement and adjudication of summonses issued in accordance with the Critical Driver's Program, and therefore to enhance that program's contribution to public safety.

Mailing and Email Address Rules.

A public hearing on the proposed rules was held on January 20, 2011. The rules amend the rules of the New York City Taxi and Limousine Commission to require all TLC licensees to have and maintain mailing addresses and to keep such information up to date. In addition, licensed businesses

(bases, agents, brokers, and taximeter businesses) will be required to have and maintain email addresses.

The rules further provide that the TLC can use the required email address to give licensees notices, communications, reminders (including reminders about appointments and renewals) and other matters. However, as provided in the proposed rules, the TLC cannot use email alone to serve summonses or notices violation. The rules include penalties for failure to maintain a working email address and also standardize penalties for failure to update mail and email addresses.

The purpose of these rules is to help the TLC make certain it has a working mailing address that is kept updated for each licensee. A current mailing address is needed to assure effective communication with licensees. In addition the TLC believes that licensed businesses, such as agents, brokers, and bases, have access to and familiarity with email and the TLC believes that in many respects it can communicate with such licensees by email as effectively as it can by mail.

Limited Liability Company Rules.

A public hearing on the proposed rules was held October 21, 2010. These rules amend TLC rules, where needed, to authorize all business entities licensed by the TLC to be limited liability companies ("LLCs"). The rules also specify the organizational documents that LLCs seeking a license must present for licensure.

The TLC is aware that many small and medium sized businesses of the type it licenses often prefer the LLC form of organization for a variety of tax and other reasons, and the TLC is aware that this form is in fairly common usage in New York. The TLC believes that use of the LLC structure in no way impairs its regulatory interests.

Indeed, in 2006, the TLC amended its medallion owner rules to authorize taxicab medallions to be owned by LLC. The TLC notes that its own experience is that the LLC form is a popular form of organization within that industry and nothing in its experience suggests that there are compelling reasons not to authorize other business entity licensees to be LLCs. On the contrary, the TLC believes that it is capable of regulating and monitoring the licensed activities of LLCs in just the same way as it monitors those organized as sole proprietorships, partnerships, or corporations.

In addition, in an effort to make documentary requirements for business entity licensees consistent, these rules impose requirements for the documentation that must be provided for licensure where existing rules do not set forth specific requirements. With these amendments, it will now be clear that license applicants that are partnerships, corporations, and LLCs will need to provide certain organizational documentation with their applications.

Inspection and Inspection Fee Rules.

A public hearing on the proposed rules was held on December 16, 2010. This rule amends the version of the Taxi and Limousine Commission's rules in three respects:

- A reinspection fee is imposed for each taxicab reinspection. The fee is imposed only if the reinspection is done because the taxicab failed the state-mandated portion of the inspection.
- Emissions testing is eliminated from the state-mandated for-hire vehicle inspection for vehicles with maximum gross weight over 8,500 pounds. Emissions testing is eliminated from the inspection because the state Department of Motor Vehicles requires these vehicles to be subjected to emissions testing using High-Enhanced (Dynamometer or Idle Test) equipment, which the TLC does not have. These vehicles will have to have state-mandated emissions testing done at another DMV-certified facility. Currently, there is no vehicle model approved for taxicab service that exceeds 8,500 pounds, but some of these larger vehicles have recently been licensed as for-hire vehicles, making this amendment necessary.
- The components of a taxicab or for-hire vehicle inspection are enumerated more uniformly for taxicabs and for-hire vehicles. Except where specified otherwise, the inspection consists of (i) inspection to verify compliance with the inspection items required by Section 301 of the New York State Vehicle and Traffic Law, (ii) visual inspection of the interior and exterior of the Taxicab to verify compliance with these Rules, and (iii) inspection to verify compliance with any other applicable laws, rules and requirements. If a Taxicab fails any component of the inspection, it must be reinspected until it passes all components of the inspection.

Livery Driver Benefit Fund Rules.

A public hearing was held on the proposed rules on December 16, 2010. These rules amend the rules of the Taxi and Limousine Commission ("TLC") in two respects. Primarily, the rules implement the Livery Drivers' Independent Benefit Fund Law, which provides certain workers' compensation benefits to livery drivers. Secondly, the rules amend existing TLC rules governing the enforcement of the New York Black Car Operators' Injury Compensation Fund Law, by correcting a technical omission in those rules.

The TLC's existing rules were amended by rules approved by the Commission on September 16, 2010 which incorporated these provisions into the Commission's current rule book, that is, the rule book that will be replaced on April 1, 2011.

Vehicle Transfer Fee Rules.

A public hearing on the proposed rules was held on December

6, 2010. These rules amend the provisions of Chapters 58 (Taxicab), 59 (For-hire Vehicle and Base), 60 (Paratransit Vehicle and Base) and 61 (Commuter-Van Vehicle and Authorization) of the New York City Taxi and Limousine's newly revised rules chapters, which will become effective April 1, 2011, with respect to the collection of certain fees authorized by sections 19-504(h) and (k) of the New York City Administrative Code.

These fee provisions were previously the subject of rule-making amending the TLC's current rule book. Amendments to the old rule book implementing these fee rules were approved by the TLC at a meeting held on July 15, 2010 and took effect on August 20, 2010. This rule-making is necessary to update the new rule book to account for the new rules passed amending the existing rules after the new, revised rules chapters were proposed and approved but which become effective before the new rules take effect on April 1, 2011.

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SPECIAL MATERIALS

DESIGN AND CONSTRUCTION

■ NOTICE

DETERMINATION AND FINDINGS BY THE CITY OF NEW YORK PURSUANT TO SECTION 204 OF THE NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW

Whereas, the New York City Department of Design and Construction ("DDC"), on behalf of the New York City Department of Transportation ("DOT") and the City of New York ("City"), has proposed the acquisition of certain street properties known as portions of Ozone Park Area in the Borough of Queens; and

Whereas, the New York State Eminent Domain Procedure Law ("EDPL") sets forth uniform procedures for condemnations by municipalities throughout the State of New York, which also govern over this acquisition; and

Whereas, pursuant to the EDPL, the City is required to hold a public hearing to determine whether the public would be better served by the proposed acquisition of the above-mentioned properties and the impact of such an acquisition on the neighborhood where the project is to be constructed; and

Whereas, the City held a public hearing in relation to this acquisition on November 30, 2010 in the Borough of Queens; and

Now, therefore, let it be known that the City, pursuant to Section 204 of EDPL, hereby determines and finds:

- (1) The public use and benefit of this project is for the reconstruction of roadways, sidewalks and curbs; the installation of storm and sanitary sewers; and the upgrade of existing water mains at certain portions of the Ozone Park Area in the Borough of Queens (the "Project").
- (2) The properties to be acquired are shown on the City's Tax Map for the Borough of Queens and include the following properties:
 - Block 11534, part of Lots 8, 10, 11, 12, 14, 17, 18, 19, 20, 22, 36;
 - Block 11535, part of Lots 1, 119, 121, 128, 129, 131, 133, 135, 136;
 - Block 11544, part of Lots 1001-1048;
 - Block 11545, part of Lots 26, 35;
 - Block 11546, part of Lots 18, 25;
 - Block 11547, part of Lots 59, 63, 64;
 - Block 11549, part of Lots 7, 8, 9, 11, 12, 16, 24, 26, 32, 1001-1060;
 - Block 11551, part of Lots 5, 9, 10, 12, 14, 16, 17, 18, 21, 22, 23, 25, 26, 27;
 - Block 11552, part of Lots 30, 31, 32, 35, 36, 37, 38, 39, 41, 42, 43, 45, 47, 48, 51, 54, 91, 94, 95, 100;
 - Block 11553, part of Lots 34, 35, 37, 38, 40, 41;
 - Block 11554, part of Lots 1, 3, 5, 6;
 - Block 11555, part of Lots 42, 51, 53, 55;
 - Block 11556, part of Lots 1, 8, 9, 11, 14, 19, 22, 23, 27, 53, 57, 63, 64, 65, 66, 67, 1001-1083;
 - Block 11557, part of Lots 1, 7, 9, 10, 11, 12, 13;
 - Block 11558, part of Lot 1;
 - Block 11559, part of Lots 7, 9, 30, 32, 33, 35, 38, 60;
 - Block 11560, part of Lots 1, 9, 10, 11;
 - Block 11561, part of Lots 21, 22, 35, 36, 122;
 - Block 11562, part of Lots 140, 152, 153, 168, 175, 179, 188;
 - Block 11519, part of Lot 151;
 - Block 11531, part of Lot 28;
 - Adjacent to Block 11532, adjacent to Lot 31;
 - Block 11536, part of Lot 1;
 - Block 11552, part of Lot 95;
 - Block 11555, part of Lot 16; and

Bed of Streets for Albert Road, Centreville Street, Hawtree Street, Cohancy Street, Bristol Avenue, Pitkin Avenue, Eckford Avenue, Huron Street, Raleigh Street, Tahoe Street, 94th Street, 95th Street, 96th Street, 96th Place, 99th Place, 135th Drive, and 150th Road.

The proposed acquisition shall consist of the following locations in the Borough of Queens:

- Albert Road from 149th Avenue Dead End to 96th Street, and from Centreville Street to 99th Place;
- 95th Street from Albert Road to 150th Road;
- 150th Road from 95th Street to Centreville Street;
- Centreville Street from Albert Road to North Conduit Avenue, and from Bristol Avenue to Pitkin Avenue;
- Tahoe Street from Albert Road to North Conduit Avenue;
- Raleigh Street from Albert Road to North Conduit Avenue;
- Hawtree Street from Bristol Avenue to Cohancy Street;
- Cohancy Street from Hawtree Street to North Conduit Avenue;
- Bristol Avenue from Hawtree Street to Centreville Street;
- 135th Drive from Centreville Street to Dead End

And

- Pitkin Avenue from Crossbay Boulevard to 97th Street, and from Hawtree Street to Dead End East of Hawtree Street;
- Hawtree Street from Pitkin Avenue to Linden Boulevard;
- 94th Street from Albert Road to 149th Avenue, and from 149th Avenue to Linden Boulevard;
- 95th Street from Albert Road to 149th Avenue, and from 149th Avenue to Linden Boulevard;
- 96th Street from 149th Avenue to Linden Boulevard;
- 96th Place from 149th Avenue to Linden Boulevard;
- 99th Place from Albert Road to Hawtree Street;
- Eckford Avenue from Centreville Street to Hawtree Street;
- Huron Street from Albert Road to Eckford Avenue;
- Raleigh Street from Albert Road to Eckford Avenue; and
- Tahoe Street from Albert Road to Eckford Avenue.

- (1) The City selected these locations based on a need for: the reconstruction of roadways, sidewalks and curbs; the installation of storm and sanitary sewers; and the upgrade of the existing water mains.
- (2) The general effect on the neighborhood will be improved traffic and pedestrian safety and living conditions. The proposed Project involves reconstruction of roadways, sidewalks and curbs; the installation of storm and sanitary sewers; and the upgrade of existing water mains. The Project will not have a significant adverse effect on the environment. The proposed property acquisition locations were included in an Environmental Assessment Study (EAS) completed on August 31, 2010 by DOT. Based on the recommendations contained in the EAS, necessary mitigation measures will be included in the design for this Project and other projects in the area covered by the EAS.
- (3) Comments and concerns raised by the property owners at the public hearing and through subsequent written submissions are currently being reviewed by the City. Issues and concerns raised by the property owners include, as follows: a) the impact on their property as it relates to the resale value/market value of their homes after construction; b) the impact of construction activities on the residents and their quality of life; c) the associated property damage and the effect on utility services, such as water damage and rodent infestation due to open sewers; d) parking and access to and from the construction area, especially to families with disabled and elderly members, and to emergency vehicles; e) the destruction and subsequent replacement of trees lining the front and side of certain homes in the affected area; f) the need for improved communication with the community for a project of this magnitude; and g) the availability of plans and project details to homeowners.
- (4) The City will work with all public and private parties involved in the Project to minimize the impact of construction activities on the street, residents and environment. The City has also reviewed all potential alternate locations and has determined that no other sites are feasible for the Project. The City continues to review its plans and will make modifications to address the issues raised when possible. DDC will also work with DOT, other agencies and the community in order to review and address Project-related concerns as they arise.

NOTICE:

Pursuant to EDPL Section 207, property owners have thirty (30) days from completion of the publication of this "Determination and Findings" to seek judicial review of this determination. Expected dates of publication are February 23, 2011 through February 25, 2011.

Pursuant to EDPL Sections 207 and 208, the exclusive venue for the judicial review of this determination is the Appellate Division of the Supreme Court in the Judicial Department where any part of the property to be acquired is located.

A copy of this Determination and Findings by the City is available without cost upon written request to:

New York City Department of Design and Construction
Office of General Council – 4th Floor
30-30 Thomson Avenue
Long Island City, New York 11101

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE Date Intent to Negotiate Notice was published in CR
- OLB Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/only one source**
- RS Procurement from a Required Source/ST/FED
- NA Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/markets with** significant short-term price fluctuations
- SCE **Service Contract Extension/insufficient time;** necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.