

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would amend Accessible Taxicab specifications to expand the models of vehicles that would be able to operate in Accessible Taxicab Service to include a model that accommodates a passenger using a wheelchair in the front right position of the vehicle to the right of the driver.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, October 20, 2011. The hearing will be in the Commission Hearing room at 33 Beaver Street, New York, New York, on the 19<sup>th</sup> Floor.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22<sup>nd</sup> Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on October 20, 2011. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by October 17, 2011.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, October 13, 2011.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

Current wheelchair accessible cabs are configured so that wheelchair passengers must ride behind the driver or behind other passengers in the luggage compartment area within the vehicle, leaving no or only a limited view of the road for the wheelchair passenger. These vehicles are currently manufactured by an original equipment manufacturer and then altered by a second manufacturer into an accessible taxicab. An original equipment manufacturer has now designed and built a new wheelchair accessible vehicle that accommodates a wheelchair passenger in the front right seat facing forward, next to the driver, affording the passenger a clear view of the road.

The Commission favors this vehicle because:

- this innovative vehicle expands the choice of accessible taxicabs available to the industry, and,
- vehicles manufactured by an original manufacturer specifically as a wheelchair accessible vehicle will provide a better customer experience and may last longer than converted vehicles.

To accommodate the design of the front-facing wheelchair accessible vehicles, the proposed rule makes one change to existing requirements and creates four exceptions to requirements for existing accessible vehicles, as shown in the table below:

	<b>Existing Accessible Vehicles</b>	<b>Front Placed Passenger Vehicles</b>
Minimum passenger compartment length	56 inches	38 inches
Rear compartment effective legroom (L51)	43 inches	36 inches
Front compartment effective legroom (L34) for front placed passenger vehicles	42 inches	40 inches
Minimum total legroom for front placed passenger vehicles	85 inches	76 inches
Maximum horsepower for accessible taxicabs	240 horsepower (all accessible vehicles)	290 horsepower (all accessible vehicles)

New material is underlined.

[Deleted material is in brackets.]

Section 1. It is proposed that Section 67-05.2(b)(1) and (c)(2) of chapter 67 of Title 35 of the Rules of the City of New York be amended, new paragraphs (c)(3) and (c)(4) be added to such

section and existing paragraphs (c)(3) through (c)(12) be renumbered as paragraphs (c)(5) through (c)(14), to read as follows:

### § 67-05.2 Standard Specifications for Accessible Taxicab Models

- (b) The chassis of the Accessible Vehicle, as originally manufactured, must have:
- (1) A maximum horsepower of [240] 290.
- (c) The Accessible Taxicab as manufactured by the original equipment manufacturer (“OEM”) or as modified by an OEM-approved second-stage manufacturer must meet the following specifications:
- (2)(i) The minimum passenger compartment length (measured from the rear of driver’s seat base to rear seat base) must be 56 inches.
    - (ii) Exception: For an Accessible Taxicab designed to carry a Wheelchair Passenger in the front right position beside the Driver, the minimum passenger compartment length must be 38 inches.
  - (3) The rear compartment of any vehicle approved for use as an Accessible Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:
    - (i) Effective legroom (L51) must be at least 43 inches,
    - (ii) Exception: For an Accessible Taxicab designed to carry a Wheelchair Passenger in the front right position beside the Driver, the minimum effective legroom (L51) must be at least 36 inches.
  - (4) The front compartment of any vehicle approved for use as an Accessible Taxicab Model must meet the following dimensions:
    - (i) Effective legroom (L34) must be at least 42 inches.
    - (ii) Exception: For an Accessible Taxicab designed to carry a Wheelchair Passenger in the front right position beside the Driver, the minimum effective legroom (L34) must be at least 40 inches.
    - (i) Total legroom (the sum of L34 and L51) must be at least 85 inches.
    - (ii) Exception: For an Accessible Taxicab designed to carry a Wheelchair Passenger in the front right position beside

the Driver, the minimum effective total legroom must be at least 76 inches.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1526**

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

**RULE TITLE: Amendment of Accessible Taxicab Rules**

**REFERENCE NUMBER: TLC-13**

**RULEMAKING AGENCY: TLC**

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro  
Mayor's Office of Operations

September 8, 2011  
Date

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

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

**RULE TITLE: Amendment of Accessible Taxicab Rules**

**REFERENCE NUMBER: 2011 RG 072**

**RULEMAKING AGENCY: Taxi and Limousine Commission**

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

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

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: September 7, 2011