

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 make permanent a taxicab group ride stand at the Port Authority bus terminal.

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, May 19, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, New York, New York, on the 19th 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 – 22nd 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.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **By Speaking at the 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 May 19, 2011. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by May 18, 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, May 12, 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

On May 28, 2010, the Taxi and Limousine Commission (TLC) approved an experimental group ride plan for taxicabs for trips from a group ride taxi stand at the Port Authority bus terminal in midtown Manhattan to the area of Sixth Avenue and 59th Street. The main purpose of group ride plans is to increase the number of passengers who can use the taxicab fleet during peak times such as morning rush hours. An individual passenger will have an incentive to use the group ride plan if the price of his or her group ride is lower than the price of a comparable ride. Taxi drivers will have an incentive to use the group ride plan if the fares earned from group riders are greater than the fare earned for the same trip at the standard price.

The regular metered fare for a trip from the Port Authority bus terminal to the area of Sixth Avenue and 59th Street is about \$5.85. During the experimental program, each group ride passenger paid a fare of \$3, saving almost half the cost of the regular fare. Drivers made a total fare of \$9, significantly higher than the regular fare. The Port Authority bus terminal group ride plan operates during weekday morning rush hours, and has drawn an estimated average of 10 group ride trips and 30 passengers per day. The TLC believes that this volume of usage justifies making the group ride plan permanent.

New material is underlined.

Section 1. Section 58-26(c) of chapter 58 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision 3 and renumbering subsequent subdivisions, to read as follows:

§58-26 – Rates and Tolls

(c) *Group Ride Fares.*

(1) *Group Ride Fare from LaGuardia Airport (Reserved)*

(2) *Group Ride Fare from York Avenue.* The fare for trips made under a Group Riding plan from York Avenue to the Financial District will be \$6.00 per passenger. In addition, there can be a fee for dispatch services as the Commission determines.

(3) *Group Ride Fare from the Port Authority Bus Terminal.* The fare for trips made under a Group Riding plan from the Port Authority bus terminal at Eighth Avenue between 40th and 42nd Streets to the 59th Street and Sixth Avenue area will be \$3.00 per passenger.

(4) *Experimental Group Ride Programs.*

(i) *Additional Pickup Locations.* The Chairperson can recommend for Commission approval additional Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan.

(ii) *Demand-Driven Temporary Group Riding Plans.* The Chairperson can also recommend for Commission approval additional Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances.

(iii) *Duration.* Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:

A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or

B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.

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

**RULE TITLE: Group Rides from Port Authority Bus Terminal
REFERENCE NUMBER: TLC-3
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

April 15, 2011
Date

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

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

RULE TITLE: Group Rides from Port Authority Bus Terminal

REFERENCE NUMBER: 2011 RG 026

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: April 15, 2011