

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 setting vehicle standards for taxicabs. This change follows an emergency rule that took effect May 5, 2011 and makes further changes to the specifications for taxicabs.

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, July 21 2011. The hearing will be at the offices of the Taxi and Limousine Commission, 33 Beaver St., New York, New York, 10004 in the hearing room 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 10004.
- **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 July 21, 2011 at 10:00 a.m. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by July 14, 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, July 14, 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 at 33 Beaver Street, 22nd Floor, New York, NY 10004.

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 the need for the rule was not anticipated at the time the regulatory agenda was published.

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

These proposed rules amend the Taxi and Limousine Commission's taxicab vehicle specifications and replace rules that were promulgated by emergency rulemaking at the TLC's April 2011 public meeting.

These proposed rules largely duplicate the April 2011 rules. These proposed rules provide for gasoline-powered taxicabs in anticipation of the discontinuation of production of the Ford Crown Victoria after the 2011 model year. These proposed rules also adjust the taxicab specifications in several minor respects as explained in the statement of basis and purpose of the April 2011 rules.

After it approved the April 2011 emergency rules, the TLC entered into a settlement of the federal lawsuit in *MTBOT v. City of New York*. That settlement requires the TLC to consider certain of the following changes to the TLC taxicab specifications in addition to the changes that are incorporated in these rules from the April 2011 rules.

These proposed rules change the specifications from those in the April 2011 rules for the gasoline-powered replacement of the Crown Victoria, which will no longer be manufactured after 2011. The April 2011 rules permitted as replacements to the Crown Victoria only taxicabs that are gasoline-powered equivalents of hybrid-electric vehicles that comply with section 67-05 of the TLC's rules. These proposed rules instead adopt identical specifications for hybrid-electric, compressed natural gas, clean diesel, and gasoline-powered taxicabs. Hybrid-electric and compressed natural gas vehicles that comply with these rules can be used with alternative fuel medallions or unrestricted medallions. Clean diesel and gasoline-powered vehicles that comply with these rules can be used only with unrestricted medallions.

It is the TLC's intention in proposing and adopting these rules that these specifications will add at least the following three 2011 vehicle models to the list of those eligible for taxicab service:

Chevrolet Impala
Ford Taurus
Ford Transit Connect

It is the TLC's intention, barring currently unforeseen circumstances, to use these taxicab specifications until the roll-out of the Taxi of Tomorrow, which is projected to begin in October 2013.

Section 1. The definitions of "Alternative Fuel Medallion" and "Unrestricted Medallion" set forth in section 51-03 of chapter 51 of title 35 of the Rules of the City of New York are amended to read as follows:

Alternative Fuel Medallion is a Restricted Medallion valid for use only with a vehicle powered by compressed natural gas or a hybrid electric vehicle that complies with section 67-05 of these Rules.

Unrestricted Medallion is a Medallion Taxicab License that is not restricted to use with a particular type of vehicle [such as a Clean Air vehicle or an Accessible vehicle], and is valid for use with any vehicle that complies with § 67-05, § 67-05.1 or § 67-05.2 of these Rules.

Section 2. The heading of section 67-05 of chapter 67 of title 35 of the Rules of the City of New York is amended, and a new introductory paragraph is added, to read as follows:

§67-05 Standard Taxicab Specifications for [a Hybrid Electric Taxicab Model] Alternative Fuel Medallions

An Alternative Fuel Medallion can be used with a vehicle that complies with this Rule and is a Hybrid Electric Vehicle or is powered by compressed natural gas.

Section 3. Section 67-05 of chapter 67 of title 35 of the Rules of the City of New York is amended by deleting paragraph (2) of subdivision (a) and renumbering paragraph (3) as paragraph (2).

Section 4. Subdivisions (b), (c) and (d) of section 67-05 of chapter 67 of title 35 of the Rules of the City of New York are amended to read as follows:

(b) *Interior Size.* The vehicle must have an EPA [passenger compartment] interior volume index of at least 101.5 cubic feet. The interior volume index is calculated as described in 40 CFR § 600.315-82(b)(2), and includes luggage capacity.

(c) *Rear Compartment.* The rear compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:

- (1) Effective legroom (L51) must be at least 34.6 inches
- (2) Effective headroom (H63) must be at least [37.1] 36.8 inches
- (3) Seat depth (L16) must be at least 18 inches

(d) *Front Compartment.* The front compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions:

- (1) Effective headroom (H61) must be at least [37.5] 37.0 inches
- (2) Effective legroom (L34) must be at least [41.6] 40.5 inches

(3) Total legroom (the sum of L34 and L51) must be at least 76.2 inches

Section 5. Subdivision (f) of section 67-05 of chapter 67 of title 35 of the Rules of the City of New York is amended to read as follows:

(f) *Engine Size.* The vehicle may not be equipped with an engine in which the maximum horsepower exceeds [268] 290. The horsepower of a hybrid-electric vehicle is determined by combining the electric power and the internal combustion power of the vehicle's engine.

Section 6. Subdivision (i) of section 67-05 of title 35 of the Rules of the City of New York is amended to read as follows:

(i) *Manufactured for Commercial or Consumer Market.* Any Hybrid Electric Vehicle or a vehicle that is powered by compressed natural gas that is manufactured by an original equipment manufacturer (OEM) for the general commercial or consumer market may be approved for Hack-up, provided the vehicle meets all of the standard specifications for vehicle Hack-up of this §67-05.

Section 7. Subdivision (a) of section 67-05.1 of chapter 67 of title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Type of Vehicle.* The vehicle must be [one of the following types:

(1) A]a sedan, manufactured with heavy-duty equipment for taxicab, police, or fleet service that meets all of the specifications in subparagraphs (b) through (i) below.

[2) A minivan that, based on the Commission's determination, can provide adequate safety and comfort to passengers and meets the air conditioning and engine size specifications in subsections (f) and (g) below.]

Section 8. Subdivision (g) of section 67-05.1 of chapter 67 of title 35 of the Rules of the City of New York is amended to read as follows:

(g) *Engine Size.* The vehicle may not be equipped with an engine in which the maximum horsepower exceeds [220] 224.

Section 9. Section 67-05.1 of chapter 67 of title 35 of the Rules of the City of New York is amended by adding new subdivision (j) to read as follows:

(j) *Alternative specifications.* Any vehicle model that complies with the specifications in § 67-05, except that it is powered solely by gasoline or clean diesel, may be Hacked-up

for use as a Taxicab with an Unrestricted Medallion even if the vehicle does not comply with the vehicle specifications in this section.

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

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

RULE TITLE: Amendment of Taxicab Specifications (Permanent Rule)

REFERENCE NUMBER: TLC-7

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

May 12, 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 Taxicab Specifications (Permanent Rule)

REFERENCE NUMBER: 2011 RG 040

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
2011
Acting Corporation Counsel

Date: May 12,

STATEMENT PURSUANT TO CITY CHARTER SECTION 1043(H)(2)

The Taxi and Limousine Commission approved a rule by emergency rulemaking on April 21, 2011. The emergency rule became effective upon publication in the City Record on May 5, 2011, to remain effective for 60 days after publication. The TLC hereby finds and declares, as authorized by section 1043(h)(2) of the City Charter, that a 60-day extension of the emergency rule is necessary to afford an opportunity for notice and comment and to adopt a final rule. Therefore, the emergency rule will remain effective either until September 2, 2011, or until the final rule becomes effective, whichever occurs sooner.