

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes adoption of rules governing rear-entry accessible taxicab specifications.

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2008, since the need for them was not anticipated at the time the regulatory agenda was prepared.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on June 12, 2008, at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone number given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than June 5, 2008.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs, addressed as follows, and must be received no later than June 9, 2008.

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New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Paragraph (2) of subdivision (a) and paragraph (3) of subdivision (c) of section 3-03.2 of chapter 3 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) Definitions. For purposes of this section:

(2) The term “OEM shall refer to the original equipment manufacturer of the accessible taxicab who either manufactures the accessible taxicab in compliance with the specifications in subdivisions (c) and (d) of this section or manufactures the accessible taxicab such that the chassis complies with the specifications in subdivision (c) of this section and approves a second-stage manufacturer who modifies the vehicle to comply with the specifications of subdivision (d) and, to the extent applicable, of subdivision (e) of this section.

(b) The chassis of the accessible taxicab as originally manufactured must meet the following general OEM specifications:

(3) No bumper modifications are allowed, except as provided in subdivisions (e) and (f) of this section.

Section 2. Section 3-03.2 of chapter 3 of Title 35 of the Rules of the City of New York is amended by the addition of new subdivisions (e) and (f), to read as follows:

(e) A vehicle that complies with this section, except that the rear bumper has been cut or otherwise modified to allow the installation of a rear-entry ramp for wheelchair access, shall nonetheless be approved for hack-up as an accessible taxicab if:

(1) The rear bumper is reinforced and the rear bumper modification is approved by the OEM;

(2) The vehicle modifications satisfy any applicable Federal Motor Vehicle Safety Standards crash testing requirements;

(3) If the rear door lock mechanism of the vehicle is modified, the modification must be consistent with Federal Motor Vehicle Safety Standards and the lock

mechanism must be affixed to the vehicle chassis, not the ramp assembly, unless a secondary lock is provided that is affixed to the vehicle chassis.

(f) A vehicle that complies with subdivision (e) above, except that the second-stage manufacturer does not perform the rear bumper modification pursuant to OEM approval shall nonetheless be approved for hack-up as an accessible taxicab if the modifier retains a licensed professional engineer who separately certifies for each vehicle that the vehicle was modified in conformance with the design as tested pursuant to paragraph (e)(2) above and such certification is presented to the Commission upon presentation of the vehicle for certification and hack-up as an accessible taxicab.

Statement of Basis and Purpose of Proposed Rule

The proposed rule would expand the specifications for accessible taxicabs to allow the use of rear-entry vehicles that have been successfully tested in two pilot programs subsequent to the adoption of the current accessible taxicab specifications in March 2007. Specifically, the proposed rule would permit the use of accessible taxicabs that have been modified by the cutting of the rear bumper to allow the installation of rear entry wheelchair ramps.

The two pilot programs involved ADA-compliant minivans, modified after original manufacture to allow for rear entry rather than side entry as is the case with previously approved accessible taxicabs. The rear-entry vehicles proved during the pilot programs to be widely popular with taxicab drivers and passengers who use wheelchairs, and were found to reduce substantially the wheelchair-using passengers' "loading time."

Despite that success, the Taxi and Limousine Commission maintains its paramount concern with vehicle safety, which in the case of these vehicles focused on two points. First, the Commission insists on assurances that the alteration of the rear bumper would not compromise the crash worthiness of the accessible taxicab. The proposed rule sets forth the requirements imposed to provide those assurances: reinforcement of the rear bumper; compliance with applicable Federal Motor Vehicle Safety Standards crash testing requirements; and modification, if any, of the rear door lock mechanism pursuant to applicable federal standards.

Second, because both pilot programs involved second-stage modifications performed without the sponsorship and approval of the original vehicle manufacturer, the Commission insisted on assurances that each vehicle would be modified in conformance with the design as tested. The proposed rule requires the second-stage modifier to retain a licensed professional engineer to certify that each vehicle is so modified.

At present, Commission staff is aware of two post-manufacture modifications of the Toyota Sienna that would meet the specifications in the proposed rule. In addition, Commission staff is aware that a second-stage modification of the Dodge Caravan that would meet the specifications of the proposed rule is under consideration.