

## **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 partitions and in vehicle camera systems in taxicabs and for-hire vehicles.**

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 2007, because the need for the rules was not anticipate at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on April 12, 2007, 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 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 April 9, 2007.

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 April 10, 2007:

**Charles R. Fraser**  
*Deputy Commissioner for Legal Affairs/General Counsel*  
Taxi and Limousine Commission  
40 Rector Street, 5<sup>th</sup> Floor  
New York, New York 10006  
Telephone: 212-676-1117  
Fax: 212- 676-1102  
TTY/TDD: 212- 341-9569

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivisions (a), (b) and (c) of section 1-17 of Chapter 1 of Title 35 of the Rules of the City of New York are amended and subdivisions (d), (e) and (f) are added, to read as follows:

**§1-17 Partition; In-Vehicle Camera System.**

- (a) An owner shall equip all taxicabs, except as provided in subdivision[s] (b) [and (c)] of this section and section 3-03.1(c) (10) of this title, with a [transparent] partition that meets the specifications set forth in section 3-03(e) (3) (i) of this title [and a protective plate which would isolate the driver from the rear seat passengers] and with provision for air conditioning for the rear passenger compartment, as set forth in [§§3-03(e) (3) (i) and] section 3-05 of this title.
- (b) An owner of an independent taxicab or a shareholder of a corporation owning one or more medallions shall be exempt from the provisions of [subsection] subdivision (a) if:
  - (1) the taxicab is driven by the medallion owner or corporate shareholder(s), and
  - (2) the rate card lists only the persons named in subdivision (1) as driver(s), and
  - (3) the taxicab is equipped with a cellular telephone which has an emergency dialing feature, in accordance with [Owners Rule] section 1-13(b) of this chapter, and the taxicab is equipped with some other device specifically approved by the [commission] Commission to satisfy this requirement in addition to the trouble light required by [Rule] section 1-18(a) of this chapter, and
  - (4) the owner has not previously been in violation of this rule with respect to the subject medallion, and
  - (5) the owner has applied for and received a certification of exemption from the [commission] Commission. Notwithstanding compliance with above conditions, if a partition is the only approved location for display of the rate card and driver license in a particular model of automobile, then a partition is required.

(c) A taxicab that is equipped with factory installed curtain airbags [shall be exempt from the provision of subdivision (a) of this section. Such taxicab shall be equipped with a cellular telephone that has an emergency dialing feature, in accordance with [§] section 1-13(b) of this chapter, and shall be equipped with a digital camera and recording system that is approved by the Commission. Installation of] shall be equipped with a partition [in such taxicab shall be optional, provided that any such partition] which shall not extend the full width of the interior of the taxicab, but instead shall allow a space of six inches at each side, sufficient to permit proper deployment of the curtain airbags, and shall conform in all other respects with the applicable requirements of [§] section 3-03(e)(3)(i) of this title.

(d) Where section 3-03(e)(3)(v) of this Title applies, the taxicab shall be equipped with a cellular telephone as set forth in subdivision (b) of this section and an in-vehicle camera system that meets the specifications set forth in such section 3-03(e)(3)(v), in addition to the trouble light required by section 1-18(a) of this chapter.

(e) An in-vehicle camera system shall be installed and maintained by the manufacturer’s authorized installer and shall be in good working order.

(f) Each taxicab equipped with an in-vehicle camera system shall display decals on each rear passenger window, visible to the outside, that contain the following information: “This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED.”

Section 2. Section 1-36 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (n), to read as follows:

<u>Inscription</u>	<u>Location</u>	<u>Size</u>
(n) <u>“This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED.”</u> (Decal; non-detachable type only.)	<u>On each rear passenger window</u>	<u>Letters shall be at least one-half inch high.</u>

Section 3. Section 1-86 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding new penalties labeled §1-17(d), (e) and (f), in alphanumeric order, to read as follows:

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
§1-17(d)	\$ 50	No
§1-17(e)	\$ 50	No
§1-17(f)	\$ 50	No

Section 4. Paragraph (3) of subdivision (e) of Section 3-03 of Chapter 3 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§3-03 Taxicab Specifications on or after May 1, 1996.**

(e) Vehicle Modifications for Taxicab Service.

(3) Security.

- (i) An owner shall install a partition that isolates the driver from the rear seat passengers or all passengers of the vehicle, in accordance with section 1-17 of [these rules] this title. The purpose of [said] the partition shall be to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the taxicab driver's license, rate card and front windshield.
- (A) The partition shall consist of a transparent portion that shall extend [downward] from the ceiling to a point as recommended by the Chairperson and approved by the Commission, based upon the make and model of the vehicle in service, that will provide passengers and drivers with maximum visibility. The transparent portion of the partition shall be constructed of a bullet-resistant material, recommended by the Chairperson and approved by the Commission, which is also clear and scratch-resistant.
- (B) A protective plate shall join the transparent portion of the partition and extend from the lowest point of the transparent portion of the partition downward to the floor of the vehicle.

The plate shall be constructed of a bullet-resistant material recommended by the Chairperson and approved by the Commission.

(C) Notwithstanding the provisions of clause (A) of this subparagraph, all taxicabs, except those that are exempt pursuant to sections 1-17 of this title and 3-03.1(c)(10) of this chapter, when an existing partition is required to be replaced or when a partition is installed (including, but not limited to, at hack-up), shall be equipped with a partition, the transparent portion of which shall be constructed, at a minimum, of a mar-resistant polycarbonate and shall be not less than 0.375 inches thick, that will provide passengers and drivers with maximum visibility.

(1) For a flat partition and a partition for a taxicab with factory installed curtain airbags, the transparent portion shall extend from the ceiling to join or overlap with the protective plate of the partition.

(2) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate of the partition, and on the side that extends forward to back between the two front seats, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console located between the two front seats.

(3) The protective plate shall join or be overlapped by the transparent portion of the partition and shall extend from the point that the protective plate joins, or if overlapped by the transparent portion of the partition, the point that would be the point of joinder with the transparent portion of the partition, downward to the floor of the taxicab. The protective plate shall be constructed of a 0.085 inch thick plate of ballistic steel or its equivalent installed inside and covering the entire back seat rest of the front seat which is exposed to the passenger compartment and, for an L shaped partition, on the right side of center console between the two front seats.

(4) Each partition shall have sufficient padding for the entire protective plate of the partition to prevent injury to any rear-seat passenger in case of an accident or sudden stopping and all surfaces shall be free of sharp and rough edges.

(5) There shall be no opening or gap between the partition and the

body of the vehicle larger than one inch, except as set forth in section 1-17(c) of this title.

(6) No partition shall be installed unless it shall have the following features which do not compromise passenger or driver safety:

(A) A means for passengers and drivers to communicate with each other.

(B) The capacity for the passenger(s) to pay fares, either by cash, or by credit card if the taxicab is capable of accepting credit card payments, and for the passenger(s) to receive receipts for payments and transactions, while the passenger is in the rear passenger compartment.

[(iii) No partition shall be installed unless the design of the partition, the materials used in its manufacture, and the method of installation have been recommended by the Chairperson and approved by the Commission in accordance with the requirements of this paragraph.]

[(iv) ii) No vehicle, other than a vehicle which is exempt from the partition requirements set forth in section 1-17 of these rules, may be hacked-up [after the effective date of this rule] unless a new partition has been installed which complies with these specifications.

[(v) Each taxicab, shall be equipped with a new partition which complies with these specifications no later than its first regular vehicle inspection conducted on or after November 1, 2005.]

[(vi) iii) An owner shall equip all taxicabs with a help or distress signaling light system in accordance with the following specifications:

(A) The help or distress signaling light system shall consist of two turn signal type “lollipop” lights.

(B) One light shall be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light shall be mounted on top of the rear bumper, to the left of the license plate.

- (C) Each light shall be three to four inches in diameter, have a total rated output of thirty-two candle power and shall be the color amber or have an amber colored lens so that the light output of the device is the color amber at thirty-two candle power.
  - (D) The activator shall be installed within easy reach of the driver, shall be silent when operating, and shall be fully solid-state.
  - (E) The lights shall flash between 60 and 120 times per minute.
  - (F) The wiring shall not affect or interfere directly or otherwise with any wiring or circuitry used by the meter for measuring time or distance.
- ([vii] iv) A door ajar notification light shall be provided which is located in front of the driver. This light shall turn on only when any door is not fully latched.

([viii] v) When an existing in-vehicle camera system (“IVCS”) is required to be replaced or when such system is installed (including, but not limited to, at hack-up), no such system shall be installed in any taxicab unless it meets the following specifications:

- (A) The IVCS shall be connected to the vehicle battery, and the fuse for such connection shall be concealed in tamper-resistant housing.
- (B) Wiring between the recording unit and camera head shall use registered jack (RJ) style connectors at either end which shall be tamper-resistant.
- (C) All electrical connections and wiring shall be protected from spike and dips in vehicle voltage.
- (D) The camera head housing and brackets shall be tamper-proof and securely mounted to the right of the rear view mirror. The installation shall provide unobstructed vision for the driver.
- (E) The camera’s field of view shall include the full face of all occupants seated in passenger seats and facing forward.
- (F) Images shall be recorded and stored in a unit separate from the camera head.
- (G) The recording unit shall be concealed from view and fastened securely

with tamper-resistant hardware.

(H) The IVCS shall provide a visual indication of system status that is located on the lower left portion of the dashboard, and is visible to the driver and law enforcement personnel inspecting the vehicle from outside of the driver door.

(I) The IVCS and components shall be sufficiently shock-resistant to withstand typical vehicle movement and collisions.

(J) The IVCS shall have a RS-232 connection or other means for secure image retrieval.

(K) Images shall be sharp, undistorted and enable the viewer to identify all passengers under all lighting conditions; for example, but not limited to, dark and bright light, daylight and backlight.

(L) Sensor resolution shall be, at a minimum, 510 by 480 pixels.

(M) Storage capacity shall be, at a minimum, 7000 images in an encrypted format, and all access to the storage unit shall result in the storage of an electronic "tag" including the installer identification number and date of the event.

(N) The IVCS shall have connection ports for a minimum of two (2) cameras.

(O) The IVCS shall have an event flag or panic button accessible to driver and located in an inconspicuous location.

(P) The IVCS shall record images and the following information for each image:

- (a) Date and time;
- (b) Taxicab medallion number;
- (c) IVCS serial number; and
- (d) IVCS indicator for event flags.

(Q) Image capture shall be linked to the following events: vehicle door openings and closings, meter engagement, event flag button activation and event flag in the test mode when the image(s) is/are recorded for inspection and test purposes. In the event of a panic button activation, systems shall record to protected memory a total of three (3) events that include, at a minimum, the previous 2.5 and subsequent 2.5 minutes immediately prior and subsequent to the button activation, at one frame per second.

(R) Image access shall be provided only to law-enforcement agencies



including but not limited to the New York City Police Department;

(S) If the IVCS has a physical port for secure image retrieval it shall be located on the right side of the dashboard or in the trunk in an inconspicuous manner that is accessible to law enforcement personnel.

(T) When memory storage capacity is reached, the IVCS shall overwrite the oldest images as new images are recorded in sequence.

(U) Installations and Repairs of IVCS can only be done by authorized installers that are currently licensed taximeter businesses pursuant to Chapter 15 of this title, approved by the manufacturer.

(V) Upon installation, repair or modification, a notarized affidavit signed by a manufacturer's authorized installer attesting to the proper functionality of the IVCS shall be provided to the Commission by the authorized installer.

(W) A similar affidavit shall be provided annually by the authorized installer to the Commission and upon any repair to or change of the IVCS.

Section 4. Paragraph (10) of subdivision (c) of Section 3-03.1 of Chapter 35 of the Rules of the City of New York is amended to read as follows:

(c) . . . .

(10) A partition shall not be required in a hybrid electric vehicle, notwithstanding the provisions of [§] section 3-03(e)(3)(i) of this chapter; provided that if a partition is not installed in compliance with [§] section 1-17(a) of this title, the hybrid electric vehicle shall be equipped with a digital camera and recording equipment approved by the Commission pursuant to [§] section 1-17(b)(3) of this title; provided further that, where section 3-03(e)(3)(v) of this chapter applies, an in-vehicle camera system shall meet the specifications set forth in such subparagraph.

Section 5. The title of section 6-13 of chapter 6 of Title 35 of the Rules of the City of New York and the unnumbered portion and paragraphs (1) and (3) of subdivision (a) of such section are amended, and a new subdivision (c) is added, to read as follows:

**§6-13 Partitions, Cameras and Emergency Lights.**

. . . .

(a) A for-hire vehicle, except as provided in paragraphs two and three of this subdivision, shall be equipped with a partition [and a protective plate] which [would isolate] isolates the driver from the rear seat passengers or all passengers of present in such vehicle, [unless the owner is exempt pursuant to paragraphs (2), (3) or (4) of this subdivision] as set forth in paragraph one of this subdivision.

(1) The partition shall be made of [lexan, margard or other] polycarbonate material not less than 0.375 inches thick extending upward from the back of the front seat to the ceiling of the vehicle. There shall be a provision for communication with passengers and for a money slot while the partition is closed. Such partition may be able to be partially opened by the driver, as long as the driver can fully close the partition at any time. A for-hire vehicle owner shall also equip the vehicle with a 0.085 inch thick plate of ballistic steel or its equivalent installed inside the back rest of the front seat. The plate shall cover the complete back rest area which is exposed to the rear seat compartment. Provided, however, that, notwithstanding any other provision of these rules, all for-hire vehicles, except those that are exempt pursuant to paragraphs two or three of this subdivision, when an existing partition is required to be replaced or when a partition is installed (including, but not limited to, at first licensing), shall be equipped with a partition, the transparent portion of which shall be constructed, at a minimum, of a mar-resistant polycarbonate and shall be not less than 0.375 inches thick, that will provide passengers and drivers with maximum visibility.

(A) For a flat partition and a partition for a for-hire vehicle with factory installed curtain airbags, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate of the partition.

(B) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate and on the side that extends forward to back between the two front seats, the transparent portion of the partition shall extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console between the two front seats.

(C) The protective plate shall join or be overlapped by the transparent portion of the partition and shall extend from the point that the protective plate joins, or if overlapped by the transparent portion of the partition, the point that would be the point of joiner with the transparent portion of the partition, downward to the floor of the

for-hire vehicle. The protective plate shall be constructed of a 0.085 inch thick plate of ballistic steel or its equivalent installed in and covering the complete back rest area of the front seat which is exposed to the rear seat compartment and, for an L shaped partition, on the right side of the center console between the two front seats.

(D) No partition shall be installed unless it shall have the following features which do not compromise passenger or driver safety:

- (i) a means for passengers and drivers to communicate with each other; and
- (ii) the capacity for the passengers to pay fares, either by cash or by credit card if the for-hire vehicle is capable of accepting credit card payments, and for the passengers to receive receipts for payments and transactions, while the passenger is in the rear passenger compartment.

. . . .

(3) A for-hire vehicle shall be exempt from the requirements of paragraph (1) if the vehicle is equipped with at least the following two safety devices:

- (i) A FCC-licensed commercial two-way radio with an emergency button that would notify the dispatcher that the driver is in trouble or a cellular telephone which has an emergency dialing feature, and
- (ii) Some other device specifically approved by the Chairperson to satisfy this requirement, in addition to the trouble light required by [Rule 6-13] subdivision (b) of this section; provided, however, that, when an existing in-vehicle camera system is required to be replaced or when such system is installed in compliance with this paragraph, it shall meet the requirements set forth in section 3-03(e)(3)(v) of this title. Such for-hire vehicle shall further be equipped with the trouble light required by subdivision (b) of this section.

. . . .

(c) Each for-hire vehicle equipped with an in-vehicle camera system shall display decals on each rear passenger window, visible to the outside, that contain the following information, in letters at least one-half inch high: "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED."

Section 6. Section 6-22 of Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding a new penalty labeled §6-13(c), in alphanumeric order, to read as follows:

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
§6-13(c)	\$50	No

Section 7. Subdivision (n) of Section 12-06 of Chapter 35 of the Rules of the City of New York is amended to read as follows:

- (n) An agent shall not dispatch a taxicab which is not equipped with a [transparent] partition [and a protective plate] which isolates the driver from the rear seat passengers or all passengers of the taxicab, in accordance with [Owners Rule] section 1-17 of this title and meets the specifications set forth in section 3-03(e)(3)(i) of this title, unless the taxicab is exempt pursuant to section 1-17 of this title from the partition requirements and is equipped with an in-vehicle camera system in accordance with section 1-17 of this title in addition to the trouble light required by section 1-18(a) of this title.

**Statement of Basis and Purpose of Proposed Rules**

The proposed rules would enhance and clarify the requirements for security equipment in taxicabs and for-hire vehicles.

Existing rules require, with certain exceptions, that taxicabs be equipped with partitions, and that each taxicab without a partition be equipped with a cellular telephone that has an emergency dialing feature, and with “some other device specifically approved by the commission” (section 1-17(b)(3)). Existing rules provide that a for-hire vehicle affiliated with a livery base station must have either a partition or both an FCC commercial two-way radio with an emergency button and “[s]ome other device specifically approved by the Chairperson” (section 13(a) (3) (ii)).

The only device the Commission has approved pursuant to section 1-17(b)(3) and the only device the Chairperson has approved pursuant to section 6-13(a)(3)(ii) is an in-

vehicle camera system. Therefore, the proposed rules specify that the “other device” for taxicabs and liveries that are not furnished with partitions must be an in-vehicle camera system. In addition, the proposed rules would add an alternative in the for-hire vehicle rules to the outmoded FCC commercial two-way radio, specifically a cellular telephone with an emergency dialing feature.

The proposed rules also provide further specifications for the transparent portions and protective plate of partitions. Existing taxicab rules require that a partition have a protective plate as part of the partition and a bullet-resistant, clear and scratch-resistant material for the transparent portion of the partition, and further require that the partition allow passengers to pay fares either by cash or by credit card should the taxicab be capable of accepting credit card payments. The proposed rules for taxicabs would require the transparent portion of partitions be a mar-resistant polycarbonate that shall be not less than 0.375 inches thick and a protective plate that shall be constructed of a 0.085 inch thick ballistic steel or its equivalent. Existing rules for for-hire vehicles require that a partition have a protective plate and a transparent portion of the partition that is made of lexan, margard or other polycarbonate material not less than 0.375 inches thick. The proposed rules for for-hire vehicles would delete the two brand name polycarbonates, lexan and margard, and require that the polycarbonate material be mar-resistant, and further that the partition allow passengers to pay fares either by cash or by credit card should the livery vehicle be capable of accepting credit card payments. In addition, the proposed rules would allow for a new L-shaped partition that separates the driver from both front-seat and rear-seat passengers and a new partition that accommodates curtain airbags, as alternatives to the traditional flat partition that separates the front and rear areas of the vehicle. An L-shaped partition model was approved by the Commission on September 14, 2006, and the partition model for vehicles that are factory-equipped with curtain airbags was approved on December 14, 2006. The proposed rules codify those approvals. Presently, taxicabs that are equipped with factory installed curtain airbags are exempted by existing rules from the partition requirement, and the for-hire vehicle rules are silent as to vehicles with curtain airbags. The proposed rules would require partitions for all such taxicabs and for all such for-hire vehicles which are not equipped with a cellular telephone with an emergency dialing feature and an in-vehicle camera system.

On and after the effective date of the proposed rules, a taxicab or for-hire vehicle affiliated with a livery base station, when its existing partition is required to be replaced or when a partition is installed (including, but not limited to, at hack-up or first licensing), must be equipped with a partition that meets or exceeds the new specifications, unless the taxicab or for-hire vehicle is exempt from the partition requirement and complies with the alternative requirements.

Finally, on and after the effective date of the proposed rules, a taxicab or a for-hire vehicle that does not have a partition, when its existing in-vehicle camera system is required to be replaced or when an in-vehicle camera system is installed (including, but not limited to, at hack-up or first licensing), shall have installed an in-vehicle camera system that complies with the proposed rules. Some taxicabs may have in-vehicle camera systems that comply with the proposed specifications. Others may need

expanded memory and, therefore, may require upgrades to comply with these rules. Similarly, in-vehicle camera systems previously approved for use in for-hire vehicles do not have sufficient memory to comply with the proposed rules. Therefore, on and after the effective date of the proposed rules, when in-vehicle camera systems are required to be replaced or installed, those systems previously approved for for-hire vehicles will require upgrades, if available, or replacement.

The proposed rules would not alter the exemptions from the partition requirement for taxicabs that are subject to existing rules, with the exception of taxicabs equipped with factory-installed curtain airbags. Existing rules exempt the following taxicabs from the partition requirement: owner driven taxicabs (section 1-17(b)), taxicabs equipped with factory-installed curtain airbags (section 1-17(c)) and hybrid electric taxicabs (section 3-03.1(c) (10)). Now that there is an approved partition that can accommodate the deployment of curtain airbags, the proposed rules require that such a partition be placed in taxicabs and for-hire vehicles equipped with factory-installed curtain airbags, unless they are otherwise exempt. Existing rules exempt the following for-hire vehicles from the partition requirement: for-hire vehicles affiliated only with black car and/or luxury limousine base stations (section 6-13(a) (2)), and for-hire vehicles equipped with in-vehicle camera systems and two-way radios (section 6-13(a) (3)). The proposed rules for for-hire vehicles would add a cellular telephone with an emergency dialing feature as an alternative to the two-way radio.

The proposed rules would also require that taxicabs and for-hire vehicles equipped with in-vehicle camera systems be provided with decals on the rear passenger windows advising that the vehicle is equipped with camera security and that passengers will be photographed.