

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 amending the provisions of Chapter 3 of Title 35 of the Rules of the City of New York to extend the retirement age of stand-by vehicles to sixty months.

These rules are proposed pursuant to section 1043 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2007 because the need for the rule change was not anticipated at the time the agenda was submitted.

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 Thursday, November 9, 2006, 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 for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than Friday, November 3, 2006.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than Friday, November 3, 2006 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1117
Fax: 212-676-1102
TTY/TDD: 212-341-9596

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed that section 3-02(a)(1) of chapter 3 of Title 35 of the Rules of the City of New York be amended to read as follows:

[Deleted material is in brackets.]

New material is underscored.

Section 3-02 Vehicle Retirement.

- (a) The following requirements shall apply to all vehicles hacked-up on or after March 1, 1996:

- (1) A vehicle which is double-shifted and not driven by at least one long-term driver, as defined in Rule 1-01, for any period of time on or after March 1, 1997, and is not in service solely as an authorized stand-by vehicle from the time the vehicle is hacked-up, must be retired from taxicab service and replaced no later than the scheduled inspection of the vehicle occurring 36 months after the vehicle was hacked-up.

Statement of Basis and Purpose of Proposed Rules

The proposed rule would amend existing rules to provide that the vehicle retirement deadline for a stand-by vehicle is 60 months, instead of 36 months. As provided in sections 1-01 and 1-59 of the rules of the Taxi and Limousine Commission (TLC), a stand-by vehicle is a vehicle that is hacked-up as a taxicab, and is used by fleets as a replacement vehicle when a taxicab is unavailable for use - for instance, due to repairs or inspection. The reason for the proposed rulemaking is that TLC inspection data over the past several years shows that a stand-by vehicle accrues significantly less mileage and aging than a regular fleet taxicab. Therefore, a 60-month retirement deadline is more appropriate to the actual taxicab usage of a stand-by vehicle.

The proposed rule is intended to apply to stand-by vehicles that are in service as of the effective date of the rule, as well as to stand-by vehicles that are hacked-up on or after the effective date of the rule. However, only vehicles which are or have been hacked-up as a stand-by vehicle when new will be assigned a 60-month retirement deadline.