

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 minimum miles per gallon for taxicabs.

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, because the need for these rules was not anticipated when that agenda was published.

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 December 11, 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 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 December 7, 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 November 21, 2007.

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New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivision (a) of section 1-17 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

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

(a) An owner shall equip all taxicabs, except as provided in subdivision (b) of this section [and section 3-03.1(c) (10) of this title], with a partition that meets the specifications set forth in section 3-03(e)(3)(i) of this title and with provision for air conditioning for the rear passenger compartment, as set forth in section 3-05 of this title.

Section 2. Clause (C) of subparagraph (i) of 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 this title. The purpose of 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.

. . . .

(C) Notwithstanding the provisions of clause (A) of this subparagraph, all taxicabs, except those that are exempt pursuant to section[s] 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 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.

Section 3. Subdivision (c) of Section 3-03 of Chapter 3 of Title 35 of the Rules of the City of New York is amended by adding new paragraphs (9), (10) and (11), to read as follows:

(c) *Vehicle Specifications.*

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- (9) Beginning on October 1, 2008, a vehicle may be fueled only by Compressed Natural Gas if such vehicle is an originally manufactured vehicle and meets with the requirements of paragraphs (5) and (6) of this subdivision.
 - (10) Notwithstanding the foregoing provisions of this subdivision 3-03(c), beginning on October 1, 2008, no taxicab shall be hacked up unless the taxicab meets either the requirements of an accessible taxicab pursuant to section 3-03.2 of this chapter or both of the following:
 - (i) a minimum city rating of twenty-five (25) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto, and
 - (ii) the vehicle specifications provided in section 3-03.1(c) of this chapter, whether or not the taxicab is a hybrid electric vehicle.
 - (11) Notwithstanding the foregoing provision of this subdivision 3-03(c), beginning on October 1, 2009, no taxicab shall be hacked up unless the taxicab meets either the requirements of an accessible taxicab pursuant to section 3-03.2 of this chapter or both of the following:
 - (i) a minimum city rating of thirty (30) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto, and
 - (ii) the vehicle specifications provided in section 3-03.1(c) of this chapter, whether or not the taxicab is a hybrid electric vehicle.

Section 4. Paragraph (10) of Subdivision (c) of Section 3.03.1 of Chapter 3 of Title 35 of the Rules of the City of New York is deleted as follows:

- [(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.]

Statement of Basis and Purpose of Proposed Rules

The proposed rule would require that taxicabs, other than accessible taxicabs, put into service beginning on October 1, 2008, must have a minimum rating of 25 miles per gallon in city driving and beginning on October 1, 2009, must have a minimum rating of 30 miles per gallon in city driving. In order to enable taxicabs to satisfy that standard, taxicabs will be permitted to meet the smaller vehicle specifications currently in place for hybrid electric vehicles (section 3-03.1(c)).

The proposed rules also specifically permit the operation of taxicabs that are fueled only by Compressed Natural Gas if such vehicles are originally manufactured vehicles and meet other requirements of the taxicab specifications.

Only accessible vehicles as defined in section 3-03.2 are exempt from these minimum gas mileage requirements.

The city gas mileage rating of a vehicle is determined pursuant to chapter 329 of title 49 of the United States Code and regulations promulgated pursuant thereto. Ratings for 2008 model vehicles are available at <http://www.fueleconomy.gov/feg/FEG2008.pdf>, and it is anticipated that the 2009 ratings will be available at a similar Web site.

When fully phased in, the proposed rules would yield a savings of more than \$4,500 in gasoline costs per vehicle per year. Therefore, the proposed rule would yield industry-wide gasoline savings of approximately \$60,000,000 per year. These savings would increase the economic health of the industry by decreasing driver costs and increasing medallion value, and would further benefit the public by reducing upward pressure on taxicab fares.

In light of recent advancements in the design of driver-passenger partitions, the new higher-mileage taxicabs put into service pursuant to this proposed rule would not be exempt from partition requirements. In addition, the proposed rules would eliminate the exemption from partition requirements for hybrid electric taxicabs.

When the use of hybrid electric vehicles as taxicabs was first approved by the Commission in September 2005, there was no existing partition design that would retain sufficient passenger legroom in the smaller vehicles. However, experience with an “L-shaped” partition, first approved by the Commission in September 2006, and subsequently incorporated into the Commission’s rules in April 2007, has resolved this concern. Therefore, given the importance of driver safety, and given the demonstrated effectiveness of partitions over the years in furthering driver safety, the proposed rules would require partitions in the smaller vehicles that already operate as hybrid electric taxicabs and would operate under this proposed rule as higher mileage taxicabs.

The exemption from partition requirements for owner-driven taxicabs that deploy security camera systems (section 1-17(b)) is not affected by this proposed rule.