

## **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 amended rules for dispatch service for persons in wheelchairs.**

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2010.

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 30, 2010 at 2:30 p.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 or by telephone no later than April 23, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than April 26, 2010 to:

**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: 212-676-1135**  
**Fax: 212-676-1102**  
**Email: [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)**

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 to amend Title 35 of the Rules of the City of New York by adding a new chapter 3 thereto, to read as follows:

New Material is underlined.

# Chapter 3

# Accessible Vehicles

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**§3-01 Scope of this Chapter.**

- (a) This Chapter sets the requirements and rules for the dispatch of Accessible Taxicabs and Accessible Livery Vehicles.

**§3-02 Penalties.**

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend a Hearing.
- (b) Payment of Fines.
- (1) Fines must be paid within 30 days of the date due.
  - (2) If fines are not paid by the close of business on the due date, the violator's License will be suspended until the fine is paid.
  - (3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

**§3-03 Definitions**

- (a) Accessible Taxicab is a Vehicle that is licensed by the Commission and that meets the specifications of the Americans with Disabilities Act as described in §17-05.2 of these rules.
- (b) Accessible Livery is a For-Hire Vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is equipped with a Taximeter
- (c) Accessible Vehicle, for the purposes of this Chapter, refers to either an Accessible Taxicab or an Accessible Livery.
- (d) Dispatch Equipment. The “Dispatch Equipment” is the communications equipment provided by the Dispatcher or the Taxicab Technology System, whichever is used, that allows participating drivers operating accessible vehicles to receive dispatches from the Dispatcher.
- (e) Dispatcher. The Dispatcher is the entity selected by the Commission who will convey dispatches, or requests for accessible service to Participating Drivers (operating an Accessible Vehicle) to provide transportation for a Wheelchair Passenger or group of Passengers, at least one of whom is in a wheelchair.
- (f) Owner. In this chapter, the Owner can refer to the owner of an Accessible Taxicab, or to the owner of an Accessible Livery Vehicle.

- (g) Participating Driver. A Participating Driver is a Driver who has a Valid License from the Commission as a Taxicab Driver or a For-Hire Driver, and who has successfully completed the training required in §3-07 of this chapter.
- (h) Wheelchair Passenger. A Wheelchair Passenger is a Passenger using a wheelchair.

**§3-04 Comply with Law--No Unlicensed Activity**

- (a) Comply with this Chapter. All Accessible Vehicle Owners, and all Participating Drivers must comply with all provisions of this chapter while there is a Dispatcher providing dispatch services for Wheelchair Passengers.
- (b) Taxicab Driver's License Required. An Accessible Taxicab can be driven only by a Participating Driver who holds a Valid Taxicab Driver's License.
- (c) For-Hire Driver's License Required. An Accessible Livery can be driven only by a Participating Driver who holds a Valid For-Hire Driver's License.
- (d) Owner Responsibility.
  - (1) A Taxicab Owner must allow only Licensed Participating Taxicab Drivers to operate the Owner's Accessible Taxicab.
  - (2) A Base Station Owner must allow only Licensed Participating For-Hire Drivers to operate any affiliated Accessible Livery.

§3-04	Fine: \$100	Appearance NOT Required
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**§3-05 Requirements Not Exclusive**

- (a) Other than when this Chapter expressly provides otherwise, each Participating Driver, each Accessible Vehicle Owner must comply with all applicable provisions of this Title.

**§3-06 Dispatch Equipment for Accessible Vehicles**

- (a) The Owner of an Accessible Vehicle and the Participating Driver must ensure that:
  - (1) The Accessible Vehicle is equipped with Dispatch Equipment in good working order

§3-06(a)(1)	Fine: \$50	Appearance NOT Required
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- (2) While the Accessible Vehicle or Accessible Taxicab is in operation, the Dispatch Equipment must be turned on and fully operational.

§3-06(a)(2)	Fine: \$100	Appearance NOT Required
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- (3) If the Dispatch Equipment becomes inoperable:

- (i) The Participating Driver must notify the Dispatcher and Vehicle Owner by the end of his or her shift that the Equipment is not operable.
- (ii) The Owner must install replacement or repaired Dispatch Equipment promptly upon being notified.
- (iii) An Accessible Vehicle with inoperable Dispatch Equipment can continue to operate *without accepting dispatches* until repair or replacement of the Dispatch Equipment.

§3-06(a)(3)	Fine: \$50	Appearance NOT Required
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(b) Each Participating Driver must:

- (1) Log onto the Dispatch Equipment at the beginning of the Driver's shift
- (2) Log off at the conclusion of each shift.
- (3) Communicate with the Dispatcher about dispatches, as prearranged by the Dispatcher.

§3-06(b)	Fine: \$100	Appearance NOT Required
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**§3-07      Training Participating Drivers**

(a) Wheelchair Passenger Assistance Training.

- (1) Training Must be Approved by Commission. In order to become a Participating Driver, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance.
- (2) Requirements of the Course. Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:
  - (i) A review of all legal requirements that apply to transportation of Persons with Disabilities;
  - (ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures
  - (iii) Training with an actual person using a wheelchair
  - (iv) Sensitivity awareness, including customer service and conflict resolution policies.

- (3) Proof of Completion Required. No Driver may operate an Accessible Vehicle unless the driver has a certificate of completion or other evidence that he or she has completed the required training described above in subdivisions (a) and (b) of this section.
- (4) Proof must be Kept in Vehicle. Each Participating Driver must keep a copy of the certificate of completion in the Accessible Vehicle and available for inspection.

§3-07(a)(3)-(4)	Fine: \$50	Appearance NOT Required
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- (5) Vehicle Owner Must Pay for Training. The Accessible Vehicle Owner is responsible for paying any fees required to train each of Owner's Participating Drivers.
- (6) Vehicle Owner Responsibility. The Vehicle Owner must ensure that each of Owner's Vehicles is driven only by a Participating Driver who has completed the Wheelchair Passenger assistance training provided for in this section.

§3-07(a)(6)	Fine: \$50	Appearance NOT Required
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(b) Dispatch Equipment Training.

- (1) Each Participating Driver must also attend and complete a course of instruction on how to operate the Dispatch Equipment provided by the Dispatcher for the Vehicle.
- (2) Each Participating Driver must also attend and complete any mandatory update training on the Dispatch Equipment provided by the Dispatcher.

**§3-08 Acceptance of Dispatch**

(a) Driver MUST Accept Dispatch.

- (1) While on duty, a Participating Driver of an Accessible Vehicle must accept a dispatch from the Dispatcher.
- (2) If a Participating Driver rejects more than two dispatches during a work shift, the Participating Driver will be considered to have "failed to participate" in the dispatch program.
- (3) A Driver can offer a defense to any charge of "failure to participate" with evidence or an explanation that the Driver was not on duty or that the Accessible Vehicle was not actually available.

§3-08(a)	Fine: \$100 per work shift	Appearance NOT Required
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- (b) Report Expected Pick-Up Time. When a Participating Driver operating an Accessible Vehicle receives a dispatch, the Driver must tell the Dispatcher when the Accessible Vehicle will be able to pick up the Wheelchair Passenger. .

§3-08(b)	Fine: \$100	Appearance NOT Required
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- (c) Taxicab Off-Duty Light. A Participating Driver of an Accessible Taxicab must turn on the “Off Duty” light when the Driver begins to travel to the pick up location.

§3-08(c)	Fine: \$100	Appearance NOT Required
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- (d) No Prior Pick-Ups. A participating driver of an accessible vehicle who has accepted a dispatch from the Dispatcher must not accept any other Passenger before picking up the Wheelchair Passenger.

§3-08(d)	Fine: \$100	Appearance NOT Required
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- (e) Base Station Owner Responsibility. The Owner of a Base Station is responsible for ensuring that any Drivers of affiliated Accessible Vehicles, accept dispatches.

§3-08(e)	Fine: \$50	Appearance NOT Required
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**§3-09     Fares.**

- (a) Fares Amounts. Fares for transporting Wheelchair Passengers following a dispatch will be the same as the current Taxicab fares set by the Commission.

- (b) Rules for Calculating Fares.

- (1) A Participating Driver of an Accessible Vehicle must not charge a fare to a Wheelchair Passenger higher than that indicated on the Taximeter.

§3-09(b)(1)	Fine: \$100	Appearance NOT Required
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- (2) A Participating Driver MUST NOT turn on the Taximeter until the later of:

- (i) The time the Vehicle actually arrives at the point of pick up.
- (ii) The pick-up time indicated by the Dispatcher

- (3) The fare can include any wait time from the time the Taximeter is turned on until the trip begins.

§3-09(b)(2)-(3)	Fine: \$50	Appearance NOT Required
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- (c) Exception. A Participating Driver who has accepted a dispatch and who finds, upon arriving at the pickup location, that none of the passengers is a Wheelchair Passenger, can:

- (1) Refuse to provide transportation to the passenger(s), or



- (2) Provide transportation but charge twice the otherwise applicable fare.

**§3-10 Driver Duties Regarding Wheelchair Passengers.**

(a) Assisting the Passenger. A Participating Driver:

- (1) Must assist the Wheelchair Passenger to and from the curbside to enter and exit the Vehicle.
- (2) Must secure the Wheelchair Passenger within the Vehicle.
- (3) Is not required to assist a Wheelchair Passenger beyond the curbside.

<u>§3-10(a)</u>	<u>Fine: \$50</u>	<u>Appearance NOT Required</u>
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(b) Packages. A Participating Driver must place the Wheelchair Passenger’s packages and parcels in the Vehicle and secure them and must retrieve them for the Wheelchair Passenger at the end of the trip.

<u>§3-10(b)</u>	<u>Fine: \$50</u>	<u>Appearance NOT Required</u>
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(c) Service Animal(s) and Companions. A Participating Driver must accept and provide transportation in the Accessible Vehicle for a Wheelchair Passenger’s Service Animal(s) and for as many companions as can be seated in the vehicle.

<u>§3-10(c)</u>	<u>Fine: \$50</u>	<u>Appearance NOT Required</u>
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(d) Waiting for the Wheelchair Passenger. A Participating Drive who has accepted a dispatch must wait for the Wheelchair Passenger to appear curbside at the pick up point for at least ten minutes after the time of pickup indicated by the Dispatcher.

<u>§3-10(d)</u>	<u>Fine: \$50</u>	<u>Appearance NOT Required</u>
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(e) Notice to Dispatcher. A Participating Driver who has accepted a dispatch must notify the Dispatcher in the proper manner:

- (1) What time the driver has arrived at the pickup location
- (2) Whether a Passenger is a Wheelchair Passenger
- (3) Whether the Driver has picked up any Passengers
- (4) When the trip is completed
- (5) The amount of the fare

(6) The Driver's availability to accept a new dispatch.

<u>§3-10(e)</u>	<u>Fine: \$50</u>	<u>Appearance NOT Required</u>
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## Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2010.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 16, Dispatch of Accessible Vehicles	Chapter 3, Accessible Vehicles

The proposed rule makes several substantive changes to the existing rules, specifically:

- The rules clarify, consistent with existing practice, that the TPEP equipment may function as the dispatch equipment.
- The rules clarify that they are in effect only while there is a dispatcher.