

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

**Notice of Adoption of Rules Pursuant to the Emergency Procedures
of Section 1043(i)(1) of the New York City Charter**

Pursuant to the emergency procedures of section 1043(i) of the New York City Charter and pursuant to the rulemaking authority granted to the Taxi and Limousine Commission (TLC) in section 2303 of the Charter and section 19-503 of the New York City Administrative Code, the TLC adopts the following emergency rule relating to the dispatch of for-hire vehicles. This rule will take effect immediately.

Statement of Basis and Purpose of Emergency Rule

The New York City Taxi and Limousine Commission (TLC) needs to be able to identify the vehicle operator in each trip of one of its licensed vehicles. For vehicles with in-vehicle technology (Yellow Taxis and Street Hail Liveries), TLC identifies the operator of the vehicle at any given time through TPEP and LPEP electronic trip records (which include the driver's license number associated with each trip). For for-hire vehicles (FHVs), which do not contain TLC-required in-vehicle technology, TLC is typically able to identify the operator who provided each trip by looking up the vehicle's license plate number in TLC records, determining the for-hire vehicle base with which the vehicle is affiliated, and requesting dispatch records from that base. Sometimes, the operator is identified by means of the base name displayed on the side of the vehicle, allowing TLC to contact the base to determine what vehicle and operator were at a particular location at a particular time.

Current TLC rules permit an FHV base to dispatch another base's affiliated vehicle to a passenger so long as the passenger is notified that the vehicle being sent to him or her is from another base. However, there is no current requirement that the base with which this vehicle is affiliated (the "home base") be given notice of this trip. This creates a situation in which TLC would not be able to identify the operator for a particular trip by contacting that vehicle's home base because TLC rules do not require that base to have been given notice or a record of the trip. In these cases, there would be no means of identifying the driver who completed the trip. The base that dispatched the trip, and which is currently required to keep a record of it, is unknown to both TLC and the vehicle's home base.

This is problematic for several reasons. To carry out the City's Vision Zero goal of zero traffic fatalities by 2020, the TLC has committed to ensuring that its licensed drivers are the safest on the road. To achieve this goal, the agency is carrying out a wide range of initiatives ranging from outreach and education to incentives and enforcement. In particular, it is focusing on speeding—the leading cause of traffic fatalities in New York City—and the dangerous behavior of running red lights. One of TLC's Vision Zero initiatives is to summons TLC-licensed drivers who have been caught running red lights by the Department of Transportation's red light cameras. Another Vision Zero initiative is the introduction of a Safety Squad, which will be equipped with LIDAR guns to detect dangerous speeding. Both of these technologies record the license plate number of the offending vehicle. To issue summonses that create a tangible disincentive to speeding and running red lights, TLC needs to be able to identify the operator who committed the offense, not just the vehicle owner, who is often not the same person as the operator. With only the vehicle's license plate number and the date and time of the incident, this is currently possible in vehicles that have in-vehicle technology and for FHV trips completed by vehicles dispatched by their home bases. However, when the home base does not have the dispatch record for the trip because the vehicle was dispatched without the home base's knowledge, there is no way for TLC to identify the offending driver.

Another important TLC responsibility is protecting the rights of consumers who file complaints that a driver violated the law, such as by overcharging, driving recklessly, or failing to comply with TLC prohibitions on service refusals. Often, the passenger does not have the operator's name or license number, but does have the vehicle's license plate number or the home base

name/number displayed on the side of the car. If the operator cannot be identified because the vehicle was dispatched on that trip by a base other than its home base, it is difficult for TLC to issue summonses for violations of its consumer protection rules and provide passengers with the redress to which they are entitled.

In order to remedy these problems, this emergency rule requires that a base which dispatches a vehicle affiliated with a different base provide the trip record of that dispatch to the home base of the dispatched vehicle or enter into an agreement with that base providing for the exchange of dispatch records in such circumstances.

Additionally, in order to address confusion about fare structure, such as whether a passenger in a livery vehicle dispatched by a black car base is entitled to a binding fare quote, as livery bases must provide, or whether the black car rules apply in these circumstances, this emergency rule provides that a base is permitted only to dispatch vehicles affiliated with bases of the same type. For example, a Black Car Base can only dispatch another Black Car Base's vehicles. Also, this emergency rule enhances passenger protections by providing passengers with additional information about the vehicles dispatched to them. Specifically, the emergency rule:

- Requires bases, when dispatching a vehicle from another base, to provide passengers with the name and license number of the base with which the dispatched vehicle is affiliated.
- Require a base dispatching a vehicle affiliated with another base to provide the trip record of the dispatched trip to the vehicle's affiliated base within 48 hours of dispatching the vehicle unless there is an agreement between the bases providing for the exchange of trip records in these circumstances.

These rules are authorized by Section 2303 of the Charter and Sections 19-503 of the Administrative Code of the City of New York.

Pursuant to section 1043(d)(4), this rule is not required to be analyzed by the Office of Operations.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph (3) of subdivision (e) of section 59A-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner must not dispatch or permit another person to dispatch Owner's Vehicle unless:
- (1) It is affiliated with a Validly Licensed Base
 - (2) The base dispatching the Vehicle is Validly Licensed
 - (3) The Vehicle is being dispatched from its affiliated Base, unless:

- (i) The Vehicle is an Accessible Vehicle being dispatched to transport a Person with a Disability pursuant to a contract under Section 59B-17(c) of these Rules, or
- (ii) The Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of the Base with which the dispatched vehicle is affiliated and
 - A. the Base with which the dispatched Vehicle is affiliated is of the same type (that is, a Black Car Base, Livery Base, or Luxury Limousine Base) as the Base dispatching the Vehicle, and
 - B. The dispatching Base provides the Base with which the Vehicle is affiliated with the Trip Record for the dispatched trip, collected pursuant to Section 59B-19(a)(1) of these Rules, within 48 hours of the dispatch or, in the event an agreement exists between the Dispatching Base and the Base which the Vehicle is affiliated, the Dispatching Base makes available to the Base which the Vehicle is affiliated the Trip Record for the dispatched trip, collected pursuant to Section 59B-19(a)(1), pursuant to the terms of such agreement.

§59A-11(e)	Fine: \$400	Appearance NOT REQUIRED
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Section 2. Subdivision (d) of section 59B-17 of Title 35 of the Rules of the City of New is amended to read as follows:

- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner's Base, unless:
 - (1) The Vehicle is affiliated with another Base of the same type as the Base Owner's Base (i.e., a Black Car Base may only dispatch a Vehicle affiliated with another Black Car Base; a Livery Base may only dispatch a Vehicle affiliated with another Livery Base; and a Luxury Limousine Base may only dispatch a Vehicle affiliated with another Luxury Limousine Base), and
 - (i) the Owner [informs] provides the customer with the name and license number of the Base with which the dispatched Vehicle is affiliated, and
 - (ii) the Base Owner's Base provides the Base with which the Vehicle is affiliated with the Trip Record for the dispatched trip, collected pursuant to Section 59B-19(a)(1) of these Rules, within 48 hours of the dispatch or, in the event an agreement exists between the Base Owner's Base and the Base which the Vehicle is affiliated, the Base Owner's Base makes available to the Base which the Vehicle is affiliated the Trip Record for the dispatched trip, collected pursuant to Section 59B-19(a)(1), pursuant to the terms of such agreement; or
 - (2) The Base is dispatching an Accessible Vehicle from a Base it has contracted with to provide accessible transportation pursuant to Section 59B-17(c) of these Rules.

§59B-17(d)	Fine: \$150	Appearance NOT REQUIRED
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Finding Pursuant to New York City Charter Section 1043(i)

The New York City Taxi and Limousine Commission (TLC) regulates the City's for-hire transportation industry, which encompasses several types of vehicles that vary according to their fare structures, terms of service and, in some cases, clientele. These vehicles provide a necessary service for many New Yorkers, supplying expeditious transportation, often to parts of the City that are not practically accessible by any other means. Among the types of vehicles regulated by TLC are for-hire vehicles (FHVs), which are dispatched to pick up passengers by radio or electronic signal sent from a base station.

Key components of the TLC's mission are enforcing rules that help prevent unsafe driving by TLC-licensed drivers and providing redress for consumers whose rights have been violated. To do this, TLC must be able to identify the driver who provided each trip in one of its licensed vehicles. In the FHV industry, TLC works with the base with which each vehicle is affiliated to make this identification. FHV bases are permitted to dispatch non-affiliated vehicles (that is, vehicles affiliated with other bases) so long as the passenger is notified; however, there is at present no requirement that the vehicle's home base (that is, the base with which the vehicle is affiliated) be notified of this dispatch. If the vehicle's home base does not know about the trip, it is virtually impossible for TLC to identify the driver dispatched on that trip and take appropriate enforcement action. Many in the FHV industry report that it has long been common practice for bases to notify one another of these cross-base dispatches. However, TLC has recently received multiple reports, and has confirmed through its own operations, that new mobile dispatching technologies are facilitating cross-base dispatches without notification of the home base. An estimated 400,000 trips are made in FHVs each day, and TLC believes that a growing share of these trips is being made, through the use of mobile dispatching technologies, without notification of the vehicle's home base. In addition, in some cases black car bases have begun dispatching to livery vehicles. This creates confusion for passengers because it is unclear whether in these cases they are entitled to the binding fare quote that is required of livery bases. To ensure that it is (1) able to identify the driver for all trips so that it can enforce safety and consumer protection rules while encouraging the use of innovative technologies in FHV service, and (2) to eliminate confusion over fare, TLC must act more expeditiously than by the normal rulemaking process provided for in subdivisions (b) through (f) of section 1043 of the New York City Charter.

Therefore, pursuant to subdivision (i) of section 1043, I find that the adoption of this rule on an emergency basis is necessary to address an imminent threat to public safety and a necessary service. This emergency rule will take effect immediately upon its adoption and will remain in effect for not more than 60 days, unless TLC determines to initiate rulemaking by the normal rulemaking process, in which case it will be extended for an additional 60 days. During that time, the TLC will continue discussions with representatives of the for-hire vehicle industry about the permanent rulemaking.

August __, 2014

Meera Joshi, Chair
Taxi and Limousine Commission

APPROVED:

Bill de Blasio
Mayor