

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation Rules

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates amendments to its rules for Street Hail Livery Service and Street Hail Livery Licensees.

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rule was not included in the Commission’s regulatory agenda for this Fiscal Year.

These rules were published on September 16, 2013, for public comment in the City Record. On October 17, 2013 a public hearing was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004 and the rules were adopted by the Commission at that public meeting. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will go into effect 30 days following publication in the City Record.

Statement of Basis and Purpose of Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles. As provided in the legislation, the TLC will make grants totaling up to \$54 million available for SHL licensees who plan to purchase, or upfit, a vehicle for use as an Accessible Street Hail Livery.

As it moves forward to implement the program provided for in the legislation, the TLC has adopted rules that will govern the grant program. These rules provide that

- Grants will be limited to \$15,000.
- Grants can be used to purchase an accessible vehicle for use as a street hail livery or have a vehicle retrofitted to be accessible.
- Vehicles can be no more than three years old and must have fewer than 30,000 miles on the odometer.
- The vehicle must be:
 - A pre-approved purpose-built accessible vehicle, or
 - Upfitted as part of a pre-approved package and provided by a pre-approved dealer, or
 - Otherwise approved by the TLC

- The TLC may require repayment of either the full grant amount, or a pro rata portion, if it determines, among other things, that a recipient is no longer operating the vehicle as an Accessible Street Hail Livery.

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

New Material is underlined

Section 1. Chapter 82 of Title 35 of the Rules of the City of New York is amended by adding a new subchapter C, to read as follows:

Subchapter C: Grants for Accessible Street Hail Liveries.

§82-64 Scope of this Subchapter

- (a) To establish the standards and requirements for persons applying for a grant to purchase or upfit a vehicle to be used as an Accessible Street Hail Livery.
- (b) To establish standards and requirements for persons who receive a grant under this Subchapter.
- (c) No more than \$54,000,000 in grants will be issued under this Subchapter

§82-65 Definitions Specific to this Subchapter

- (a) Accessible Vehicle in this subchapter means a Vehicle to be used as an Accessible Street Hail Livery.
- (b) Assignee means the individual or Business Entity accepting, through a Payment Assignment Agreement, the Grantee's right, title and interest for all payments arising under a Grant Program Agreement, and who is approved by the Chairperson.
- (c) Assignor means the Grantee assigning, through a Payment Assignment Agreement, the Grantee's right, title and interest for all payments arising under a Grant Program Agreement.
- (d) Grant means the funds awarded to a Grantee to be applied towards the costs of the purchase or retrofitting of a Qualified Vehicle to be used with an Accessible Street Hail Livery License.
- (e) Grant Applicant means the individual or Business Entity applying for a Grant under this Chapter.
- (f) Grant Program Agreement means the agreement document entered into by the Grantee which contains the terms and conditions required to receive Grant funding.
- (g) Grantee means a Grant Applicant who has submitted and completed all of the requirements of the Grant Program Agreement, and who has been approved for a Grant.

- (h) Payment Assignment Agreement means the agreement document entered into by the Grantee which allows Grantee to assign, transfer, and convey all of Grantee’s right, title, and interest for payment arising under the Grant Program Agreement to an Assignee.
- (i) Qualified Vehicle means a Vehicle to be used as an Accessible Street Hail Livery and that meets all of the following:
 - (1) The vehicle has fewer than 30,000 miles on the odometer.
 - (2) The vehicle is of a model year that is of the current or next three most recent model years at the time the Grant Applicant applies for a Grant.
 - (3) The vehicle must be capable of being used as an Accessible Street Hail Livery and
 - (i) must have otherwise been manufactured by an original equipment manufacturer (“OEM”) to be an Accessible Vehicle in a program approved in advance by the Chairperson; or
 - (ii) must have been modified following manufacture by OEM-approved second-stage manufacturer in a program approved in advance by the Chairperson; or
 - (iii) must be manufactured or modified in a way approved in advance by the Chairperson.

§82-66 Grant Eligibility

- (a) An individual or Business Entity which holds or is applying for an Accessible Street Hail Livery License is eligible to apply for a Grant.
- (b) An individual or Business Entity which holds an Accessible Street Hail Livery License, and meets all of the requirements of the Grant Program Agreement and these Rules, is eligible to receive a Grant.

§82-67 Grant Application

- (a) Accessible SHL License required. No Grant will be issued to any person or Business Entity which does not hold an Accessible Street Hail Livery License.
- (b) Application. A Grant Applicant must file an application for a Grant on the form and in the manner specified by the Chairperson and must provide all documentation required. The Grant Applicant is subject to all requirements of this Chapter regarding representations and information provided to the Chairperson.

- (c) Grant Program Agreement. A Grant Applicant must file a Grant Program Agreement on the form and in the manner specified by the Chairperson and must provide all documentation required.
- (d) Qualified Vehicle. With the Grant application, or within 60 days of the Grant application, a Grant Applicant must present:
 - (1) Proof of purchase or lease of a Qualified Vehicle in the form specified by the Chairperson, and
 - (2) if the vehicle at the time of purchase or lease has not been modified so that it qualifies as an Accessible Street Hail Livery, proof in the form specified by the Chairperson of a contract for modification so that the vehicle will be, once modified, a Qualified Vehicle.
- (e) No Outstanding Fines or Fees. No grants will be issued to any Grant Applicant who owes the Commission any money for fines, fees, or other reasons or who has any open summonses issued by the Chairperson outstanding against him or her.
- (f) Other Causes for Denial. The Chairperson can deny a Grant application for any reason, in his or her sole discretion. In addition to other reasons set forth in this Subchapter, the Chairperson will deny an application for a Grant if any of the following is true:
 - (1) The Grant Applicant has failed to submit all required paperwork within 60 days of submitting the Grant application.
 - (2) The history of the Grant Applicant as a licensee of the Commission indicates that, in the judgment of the Chairperson, a Grant should not be awarded.
 - (3) There are material errors or omissions in the Grant application or accompanying documentation.
 - (4) A Qualified Vehicle is not hacked up and/or has not passed inspection within 180 days of the date that the Accessible Street Hail Livery License is issued.

§82-68 Grant Amounts and Payments

- (a) Grant Amounts.
 - (1) New Accessible Vehicles. The Grant amount is \$15,000. This amount will be approved only for Qualified Vehicles which meet all of the following:
 - (i) Be of the most recent model year or immediately preceding model year and,

- (ii) Have fewer than 1,000 miles on the odometer.
- (2) Used Accessible Vehicles. The Grant amount is \$10,000 for other Qualified Vehicles.
 - (i) No Grant will be issued to any vehicle of a model year more than 3 years older than the most recent model year.
 - (ii) No Grant will be issued to any vehicle that has more than 30,000 miles on the odometer.
- (3) Only one Grant will be awarded for each:
 - (i) Accessible Street Hail Livery License, and
 - (ii) Qualified Vehicle based on the Vehicle Identification Number (VIN).
 - (iii) If a Grant Applicant presents with its application a vehicle or Accessible Street Hail Livery License for which any Grant Applicant or Grantee previously received a Grant, the application for the subsequent grant will be denied.
- (b) Grant Payment.
 - (1) Payment. No funds will be released for a Grant for any approved application until the Qualified Vehicle is hocked up and has passed the inspection required by Section 82-30 of this Chapter.
 - (2) Grant payments will be made only to Grantees who are in full compliance with the requirements of the Grant Program Agreement.
 - (3) Grant Payment Assignments. A Grantee will be permitted to assign Grant payments to an Assignee by submitting to the Commission a completed Payment Assignment Agreement form as specified by the Chairperson and providing all documentation required. The following restrictions apply to Payment Assignment Agreements:
 - (i) Only one Payment Assignment Agreement will be permitted for each Grant Program Agreement.
 - (ii) The Payment Assignment Agreement Assignee will have no greater right to payment than that of the Grantee.

- (iii) Except for the assignment of payments as provided in this paragraph, Grants are not transferable.

§82-69 **Grantee Requirements**

(a) Services.

- (1) Grantee must ensure that the Qualified Vehicle purchased or retrofitted using Grant funds remains in use with an Accessible Street Hail Livery License in New York City during the term of Grant Program Agreement.
- (2) Grantee must maintain all equipment in the Qualified Vehicle, including equipment necessary for wheelchair accessibility, in good working order and must comply with all conditions and requirements of the Grant Program Agreement.

(b) Accessible Street Hail Livery License.

- (1) Grantee must continue to own the Accessible Street Hail Livery License and to use the Accessible Street Hail Livery License with the Qualified Vehicle purchased or retrofitted in part with Grant funds.

(c) Failure to Meet Requirements.

- (1) Failure by Grantee to meet the requirements of the Grant Program Agreement or of these Rules will result in the immediate termination by the TLC of the Grant Program Agreement.
- (2) Exception. Notwithstanding paragraph (1) of this subdivision, Grantee will have ten (10) business days to comply with orders to repair or replace the Qualified Vehicle, or as otherwise indicated in the Grant Program Agreement
- (3) If TLC terminates the Grant Program Agreement, Grantee must return, as stated in the Grant Program Agreement, that portion of the Grant payment that TLC in its sole discretion directs shall be returned on a pro rata basis determined by the number of months the Qualified Vehicle was in service during the term of the Grant Program Agreement.
- (4) Grantee may terminate the Grant Program Agreement at any time during the term of the agreement upon the repayment of the full Grant amount or such other amount determined by TLC based on the number of months the Grantee provided the required services.