

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation

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 that will implement the Accessible E-Hail program.

The rule is promulgated pursuant to section 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. This rule was published in the City Record on December 20, 2024, for public comment. On January 22, 2025, a Public Hearing was held virtually by the TLC, and the rules were adopted by the Commission on March 26, 2025.

Statement of Basis and Purpose

These rules streamline how passengers request trips for Wheelchair Accessible Taxis and Wheelchair Accessible Street Hail Liveries (SHL), commonly known as “Green” and “Yellow” taxis. Licensed E-Hail Application Providers already must provide a wheelchair accessible vehicle (WAV) option on their apps. With the increase in Taxicab and SHL WAVs and the increase in E-Hail Application Providers that offer this WAV option to their customers, a separate vendor to operate the Accessible Dispatch program is no longer necessary. That program is scheduled to run through February, 2026, and conclude shortly thereafter.

While customers can already request a WAV from the E-Hail Application Provider of their choice, this rule package ensures that customers can also request a WAV from the apps via a telephone call.

The change from a single vendor charged with handling WAV dispatches to permitting WAV dispatches through individual apps is made possible by the rise in accessible vehicles on New York City streets. In January of 2018, there were only 2,223 accessible vehicles affiliated with medallions, or 16% of the city’s 13,587 privately owned medallion taxicabs. As of October 2024, the number of accessible taxicabs increased to 3,992, or 41% of the taxi fleet, and this number will continue to increase until 50% of the taxi fleet is wheelchair accessible. With thousands of accessible taxicabs on the road at any time, and E-Hail technology greatly improved, this new approach will help customers better connect with a WAV when they need one.

The rule also includes new penalties for failure to comply with the new E-Hail Application requirements.

Following the public hearing, the rule was revised in response to comments received during the comment period. These revisions include:

- Establishing more stringent service standards for the dedicated call center that customers can use in order to request an accessible E-Hail trip by telephone. This change was made in response to requests for improved standards from the disability advocate community, including the Mayor’s Office for People with Disabilities.

- Removing the deletion from the TLC rule book of references to the Accessible Dispatch Provider. This revised rule package also restores chapter 53 to the TLC rule book, which governs the obligation of the Accessible Dispatch Provider. These changes were made after TLC determined that a period of time would be necessary in which both the Accessible Dispatch Provider and the updated Accessible E-Hail requirements would be in place. The need for this period of dual program operation became clear after public comment received at the Public Hearing held January 22, 2025.
- Clarifying that the data screening obligations of the Technology Service Providers only extend to data that is first supplied by TLC. This revision was made at the request of Technology Service Providers Curb and Creative Mobile Technologies.

New material is underlined.

[Deleted material is in brackets.]

*** indicates unamended text.

Section 1. The definition of “E-Hail” set forth in section 51-03 of Title 35 of the Rules of the City of New York is amended, and a new definition of “Accessible E-Hail Request” is added, in alphabetical order, to read as follows:

Accessible E-Hail Request. An Accessible E-Hail Request is any request for an Accessible Taxicab or Accessible Street Hail Livery that is initiated via a TLC-licensed E-Hail Application Provider.

E-Hail is a Hail requested through an E-Hail Application, which can be offered as either [be] a metered fare trip or a Flex Fare trip, at the discretion of the E-Hail Application Provider. An E-Hail can be requested for a trip that is fulfilled by either a Wheelchair Accessible Vehicle or a non-accessible vehicle; the E-Hail Application Provider must be able to provide a Wheelchair Accessible Vehicle option to passengers.

Section 2. Subdivision (d) of section 63-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) [Dispatch Equipment] Technology System Capable of Servicing Accessible E-Hail Requests.

- (1) An Agent must not dispatch an Accessible Taxicab unless it is equipped with [Dispatch Equipment] a Technology System capable of servicing Accessible E-Hail Requests.

§63-12(d)(1)	Fine: \$200	Appearance NOT required
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- (2) An Agent must replace or repair [Dispatch Equipment] a Technology System that is not capable of servicing Accessible E-Hail Requests promptly upon being notified to do so and in no event later than 48 hours after receiving notification.

§63-12(d)(2)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (3) An Agent must not allow an Accessible Taxicab to operate with [inoperable Dispatch Equipment] a Technology System that is not capable of servicing Accessible E-Hail Requests [, that is, without the ability to accept dispatches,] for more than 48 hours without repair or replacement of [the Dispatch Equipment] such Technology System.

§63-12(d)(3)	Fine: \$250 and suspension until compliance	Appearance NOT required
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- (4) An Agent must not
- (i) Tamper with the [Dispatch Equipment] Technology System; or
 - (ii) Tamper with the geographic locator equipment; or
 - (iii) Disable the [Dispatch Equipment] Technology System's ability to receive Accessible E-Hail Requests; or
 - (iv) Render the [Dispatch Equipment] Accessible E-Hail Request functionality inoperable in any way.

§63-12(d)(4)(i-iv)	Fine: \$350 and/or suspension up to 30 days	Appearance Required
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Section 3. Subparagraph (i) of paragraph (1) of subdivision (c) of section 66-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) the Respondent files an appeal of the decision issued by the [Taxi and Limousine Tribunal] OATH Hearings Division within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

Section 4. Paragraphs (3) through (7) of subdivision (a) of section 66-24 of Title 35 of the Rules of the City of New York are renumbered paragraphs (4) through (8), and a new paragraph (3) is added, to read as follows:

- (3) Valid TLC and any state Department of Motor Vehicle credentials. The Technology System must interact with the Taximeter only upon successful log-in, which requires system-initiated search of Valid Department of Motor Vehicle and TLC Licenses (including both a TLC Driver License number and the Medallion number).
- (i) The Technology System Provider is only responsible for the review and the screening of TLC and DMV data that has been provided by the TLC.

§66-24(a)(3)	Fine: \$500	Appearance REQUIRED
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Section 5. Item (i) of subparagraph (E) of paragraph (1) of subdivision (e) of section 66-24 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) allowing the E-Hail Application Provider or the Accessible Taxi Dispatcher to provide the Driver with the passenger's name and phone number and drop-off location, as well as other relevant trip information (*e.g.*, "passenger waiting at south entrance," "passenger uses a wheelchair," etc.),

Section 6. Title 35 of the Rules of the City of New York is amended by adding a new section 66-26, to read as follows:

§66-26 **Trip Request Capabilities**

- (a) The Technology System must be capable of servicing Accessible E-Hail Requests to Drivers of Taxis and Street Hail Liveries via a TLC-licensed E-Hail Application Provider or other solution approved by the TLC.

- (1) The Technology System must be capable of the following functions:

- (i) Automatically send Accessible E-Hail Requests to Drivers any time the taximeter or the Technology System, or both the taximeter and the Technology System, are on or engaged.

<u>§66-26(a)</u>	<u>Fine: \$500</u>	<u>Appearance NOT Required</u>
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Section 7. Subparagraph (i) of paragraph (1) of subdivision (c) of section 78-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (i) the Respondent files an appeal of the decision issued by the [Taxi and Limousine Tribunal] OATH Hearings Division within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the date of the appeal decision.

Section 8. Subdivision (b) of section 78-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Fares.* An E-Hail Application and an E-Hail Application Provider must NOT charge any Passenger a fare for a trip that exceeds the fare as calculated by the Taximeter, permitted in §58-26 and §82-26 of these Rules, unless it is a Flex Fare Trip. The E-Hail Application and the E-Hail Application Provider may however charge additional fees to a Passenger above the fare for the trip in accordance with subdivision (c) below so long as such fees are clearly delineated and not called a fare or tip or gratuity. Any fare charged for a Wheelchair Accessible Vehicle must not exceed the fees charged for a non-Accessible Vehicle.

Section 9. Section 78-17 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

- (h) Accept E-Hails by Telephone E-Hail Application Providers must maintain a call center for customers to request a trip or to ask about the status of a trip over the phone, which must be available to take calls 24 hours a day and seven days a week, without regard to local, national, or international holidays, or other events. The phone line operated by the E-Hail Application Provider must connect to TLC's designated phone routing system so that the call center of an E-Hail Application Provider can accept calls that are forwarded from the TLC to such Provider.
- i. The E-Hail Application Provider can use an automated service to receive phone calls but the caller must be able to speak to a call center agent, and not an automated service, when the caller requests the ability to speak to a human.
- ii. Callers must be able to speak with someone in real-time if their ride does not show up or if the Driver does show up but refuses to transport the passenger. Real-time updates available from the call center must include, at a minimum, the following updates:
- A. Booking and re-booking functionalities.
- B. Status updates on previously requested trips.
- iii. Call center agents employed by E-Hail Application Providers for the purposes of routing requests for accessible service must receive disability etiquette and sensitivity training.
- A. Call center agents must be able to provide excellent customer service to people with various disabilities, including speech disabilities and cognitive disabilities by demonstrating respect and empathy to customer.
- iv. Call center agents must have knowledge of New York City streets and transportation systems.
- v. The E-Hail Application Provider must provide re-training to any call center agent that is the subject of a complaint from the riding public based on the requirements of sections of 78-17(h)(iii)-(iv).

<u>§78-17(h)</u>	<u>Penalty: \$500 per violation and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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Section 10. Subdivision (a) of section 78-21 of Title 35 of the Rules of the City of New York is amended by adding new paragraph (7), to read as follows:

(7) The E-Hail Application must

- (i) Automatically send Accessible E-Hail Requests to Drivers any time the E-Hail Application is on or engaged (except where the Driver opts out of the E-Hail function).
- (ii) Display the Passenger's request for service to the Driver in a way that does not indicate to the Driver that the Passenger will require additional assistance to enter or exit the Vehicle.

<u>§78-21(a)(1)-(7)</u>	<u>Fine: \$500</u>	<u>Appearance Required</u>
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Section 11. Subdivision (e) of section 78-21 of Title 35 of the Rules of the City of New York, is amended to read as follows:

- (e) *Trip Data Collection and Transmission.* An E-Hail Application and its third party designee, if any, must be capable of automatically collecting and transmitting E-Hail request data and Trip Data as described below.

(1) The E-Hail Application and its third part designee, if any, must be capable of automatically collecting and transmitting to the Commission data on all E-Hail requests and the outcome of those requests (including pickup and drop-off locations specified by latitude and longitude), in a format, schedule and layout prescribed by the Commission, including (if the trip was fulfilled):

- (i) the date and time the Passenger requested the trip, and
- (ii) the date and time the vehicle arrived at the pickup location, and
- (iii) An E-Hail Provider must submit accurate and complete trip data for a month's trips no later than the last day of the following month. For example, all September trip records will be due on October 31st. The following penalties accrue with respect to each untimely, inaccurate or incomplete submission of trip records:

<u>§78-21(d)</u>	<u>Fine: \$100 for each day past the date the complete, accurate records are due if plead guilty before a hearing and suspension until compliance; \$150 for each day past the records are due if found guilty following a hearing and suspension until compliance. Fine amount not to exceed \$10,000.</u>	<u>Appearance NOT Required</u>
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Section 12. Paragraph (6) of subdivision (a) of section 80-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

(6) *Accessible Dispatch Program and E-Hail Requests.*

- (i) While operating an Accessible Vehicle, a[n Approved] Driver [must accept a dispatch from the Accessible Taxi Dispatcher], after accepting any E-Hail based on the metered rate of fare received through the Technology System or from licensed E-Hail Application providers or from the Accessible Taxi Dispatcher, must not refuse to transport a Passenger.
- (ii) A[n Approved] Driver who does not [accept a dispatch] provide service after accepting an E-Hail Request based on the metered rate of fare has refused to provide service and will be subject to Mandatory Penalties for a refusal under subdivision (e) of this section.
- (iii) A Driver must not operate an Accessible Vehicle unless the Technology System is turned on.

§80-20(a)(6)(i)-(iii)	Mandatory penalties as set forth in §80-02(e)	Appearance NOT Required
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(iv) *Assisting the Passenger. A Driver*

- (A) Must assist a passenger who uses a wheelchair or a passenger with other disabilities when:
 - (I) Entering the vehicle from the sidewalk; and
 - (II) Exiting from the vehicle to the curbside.
- (B) Must secure a passenger with a disability and their mobility device within the Vehicle in a manner as specified in an approved TLC Education Provider training course.

§80-20(a)(6)(iv)	Fine: \$50 and suspension if plead guilty before a hearing; \$150 if found guilty following a hearing and suspension. The suspension is deferred for 60 days if the Driver completes the Vision Zero and Accessibility Remedial course within the 60-day period, and the Driver will not be suspended.	Appearance NOT Required
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- (v) Packages. Upon a Passenger's request, a Driver must place the packages and parcels of a passenger with a disability in the Vehicle and secure them and must retrieve them for the Passenger at the end of the trip.

<u>§80-20(a)(6)(v)</u>	<u>Fine: \$50 and suspension if plead guilty before a hearing; \$150 if found guilty following a hearing and suspension. The suspension is deferred for 60 days if the Driver completes the Vision Zero and Accessibility Remedial course within the 60-day period, and the Driver will not be suspended.</u>	<u>Appearance NOT Required</u>
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- (vi) *Service Animal(s) and Companions.* A Driver must accept and provide transportation in the Accessible Taxicab for the Service Animal(s) of a passenger with a disability and for as many companions as can be legally seated in the vehicle.

<u>§80-20(a)(6)(vi)</u>	<u>Fine: Mandatory Penalties as set forth in §80-02(e) of these Rules.</u>	<u>Appearance NOT Required</u>
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- (vii) *Assist with payment.* Upon a Passenger's request, the Driver must assist the Passenger with completing payment, including but not limited to helping the Passenger to access the credit card reader and counting cash aloud.

<u>§80-20(a)(6)(vii)</u>	<u>Fine: \$50</u>	<u>Appearance NOT Required</u>
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Section 13. Paragraph (15) of subdivision (b) of section 80-20 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (15) The Vehicle is a Taxicab or Street Hail Livery and the Driver has accepted a trip from the accessible dispatch program pursuant to section 53-08 of these Rules or an Accessible E-Hail Request from an approved E-Hail App and is logged on but unavailable for street-hail in the Technology System.

Section 14. Subdivision (c) of section 80-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (c) *Unavailable Procedures for a Taxicab and Street Hail Livery.* Upon accepting [a trip from the] an Accessible E-Hail Request or a trip from the Dispatch Program pursuant to section 53-08 of these Rules or a Licensed E-Hail Application or a Pre-Arranged Trip, a Driver must be logged on but unavailable for street hail in the Technology System.

Section 15. Subdivision (a) of section 82-42 of Title 35 of the Rules of the City of New York is amended by adding paragraphs (1) and (2), to read as follows:

- (1) Accessible E-Hail Requests. While an Accessible Street Hail Livery is in operation, the Technology System must be turned on and able to receive Accessible E-Hail Requests.
- (i) If the Technology System becomes incapable of receiving Accessible E-Hail Requests:
- (A) The Licensee, Agent or Base must replace or repair the Technology System promptly upon being notified to do so (as specified by the Commission) and in no event later than 48 hours after receiving such notification.

§82-42(a)(1)(i)	Fine: \$250 and suspension until compliance	Appearance NOT Required
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- (ii) An Accessible Vehicle with a Technology System that is not capable of receiving Accessible E-Hail Requests cannot operate for more than 48 hours without repair or replacement of the Technology System.

§82-42(a)(1)(ii)	Fine: \$250 and suspension until compliance	Appearance NOT Required
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- (2) No Tampering. An Agent or Licensee must not

- (i) Tamper with the Technology System;
- (ii) Tamper with the geographic locator equipment;
- (iii) Disable the Technology System's ability to receive Accessible E-Hail Requests; or
- (iv) Render the Accessible E-Hail Request functionality inoperable in any way.

§82-42(a)(2)	Fine: \$350 and/or suspension up to 30 days	Appearance REQUIRED
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Section 16. This rule takes effect as provided in subdivision (f) of section 1043 of the New York City Charter, except that subdivision (h) of section 78-17 of Title 35 of the Rules of the City of New York, as added by section 9 of this rule, takes effect on July 1, 2025.