

## **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 require updated wait time requirements for vehicles dispatched by High-Volume For-Hire Services.

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 October 31, 2024 for public comment. On December 11, 2024, a Public Hearing was held virtually by the TLC and the rules were adopted by the Commission on January 29, 2025.

### **Statement of Basis and Purpose**

In 2018, TLC promulgated rules to improve wheelchair-accessible vehicle (WAV) service in the for-hire vehicle (FHV) industry, with the aim of ensuring more New Yorkers and visitors have access to the black cars, liveries, and community car services that form a critical component of the city’s transportation system. Those rules required FHV bases to either (a) dispatch 25% of their trips to WAVs by 2022 or (b) meet certain passenger wait time requirements for WAV requests directly or by working with an approved WAV dispatcher. The rules codified passenger wait time as a key measure for assessing the quality of service provided by accessible vehicle dispatchers and their affiliated FHV Bases, and established wait time benchmarks that were tightened over a four-year period. The strictest wait time benchmarks, in place since June 2021, require accessible vehicle dispatchers to serve at least 80% of requests for WAVs in under 10 minutes and 90% in under 15 minutes.

The quality of FHV WAV service has improved steadily since wait time requirements were introduced in 2019, including after 2021 when the current benchmarks took effect. In May 2019, for example, Uber and Lyft—both approved accessible vehicle dispatchers—took longer than 15 minutes to serve about half of riders who requested a WAV compared to fewer than 2% of riders in other vehicles. By December 2023, however, both companies served over 96% of WAV requests in under 15 minutes. That number, though a sign of marked progress, still falls short of the level of service provided to customers in other, non-accessible, vehicles.

A combination of the WAV exemption to the FHV license pause (while the TLC stopped issuing new FHV Licenses for non-wheelchair accessible vehicles, the agency continued to provide FHV Licenses where the vehicle in question was wheelchair accessible) and the wait time requirements for dispatchers has encouraged growth of the accessible vehicle fleet. In 2018, there were more than 260 million FHV trips and very limited wheelchair accessible FHV availability (263 total FHV WAVs were licensed at the end of 2018). In 2023, with total trip volume slightly below 2018 levels at roughly 251 million total trips, 18 million accessible trips were provided in nearly 6,000 WAVs. With the increased vehicle availability, accessible dispatchers should be able to meet stricter response-time targets and improve service.

To encourage accessible vehicle dispatchers and their associated FHV bases to continue prioritizing and improving the quality of accessible vehicle service, TLC is amending its rules to require that dispatchers serve at least 90% of WAV requests in under 10 minutes. The rules also remove outdated compliance benchmarks.

These updated wait time standards will be enforced on a calendar year basis. The elevated standard for response times will apply beginning the first day of the following month after this rule package becomes effective.

TLC anticipates that, when adopted, these rules will take effect on March 1, 2025, or shortly thereafter. If so, the evaluation period for the remainder of the 2025 calendar year would begin on April 1, 2025.

These rules were amended in response to staff comment between the Public Hearing and the Commission Meeting in order to clarify the evaluation period, as discussed above, once certain concerns regarding the evaluation period became apparent after the Public Hearing was held.

In addition to amending the wait time requirements, these proposed rules make other changes related to FHV accessibility, including by requiring high-volume for-hire services to report on-scene time so that TLC can better compare WAV and non-WAV wait times.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this commission, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraph (3) of subdivision (f) of section 59B-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) *Response Time Requirement for Requests for Accessible Vehicles for Accessible Vehicle Dispatchers*
  - (i) [Between June 1, 2019, and June 30, 2019, the Accessible Vehicle dispatcher must service at least sixty percent (60%) of all the requests for Accessible Vehicles it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes.
  - (ii) Between June 1, 2020, and June 30, 2020, the Accessible Vehicle dispatcher must service at least eighty percent (80%) of all the requests for Accessible Vehicles it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes.
  - (iii) Between June 1, 2021 and June 30, 2021, and continuing each quarter thereafter, the]The Accessible Vehicle dispatcher must service at least

[eighty] ninety percent ([80]90%) of all the requests for Accessible Vehicles it receives in under ten (10) minutes [and ninety percent (90%) of those requests in under fifteen (15) minutes].

[(iv)] Between the effective date of subdivision (f) and June 30, 2020, the percentage of trips that meet the applicable response time criteria must improve each quarter, measured from the effective date of subdivision (f) for purposes of (i) above and measured from the beginning of the compliance periods for (ii) and (iii) above, until such time as the Accessible Vehicle dispatcher meets the response time requirements contained in (i), (ii), and (iii) above.

(v)](ii) For purposes of (i) [and (ii)], “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger [within fifteen (15) minutes of the requests and for purposes of (iii), “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger] within ten (10) minutes of the request[s].

[(vi)](iii) If an Accessible Vehicle dispatcher fails to meet the requirements contained in (i)[, (ii), (iii), and (iv)] above, the Commission will notify the Accessible Vehicle dispatcher and provide the Accessible Vehicle dispatcher thirty (30) days to come into compliance with the stated response time requirement. Failure to come into compliance within thirty (30) days of notification may result in termination of the Accessible Vehicle dispatcher’s approval, immediately subjecting the Accessible Vehicle dispatcher to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.

Section 2. Subparagraphs (xi) and (xii) of paragraph (1) of subdivision (a) of section 59D-14 of Title 35 of the Rules of the City of New York are amended and a new subparagraph (xiii) is added, to read as follows:

(xi) If the trip enters the Congestion Zone but the pick-up did not occur in the Congestion Zone, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle exited the Congestion Zone, [and]

(xii) An indicator as to whether the trip was administered as part of the MTA’s Access-A-Ride program and,

(xiii) the time at which the dispatched Vehicle reached the pickup location.

