

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of 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 regarding the Accessible Street Hail Livery (“ASHL”) grant program.

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.

These rules were published on November 4, 2016 for public comment in the City Record. On December 8, 2016, a public hearing on these rules was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, 10004.

Statement of Basis and Purpose of Rule

These rules amend the Taxi and Limousine Commission’s (TLC) current rules by modifying the grant amounts and requirements of the Accessible Street Hail Livery (ASHL) grant program.

Background

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. A portion of these licenses have been 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 a vehicle for use as an Accessible Street Hail Livery (ASHL).

The TLC is amending the rules regarding the ASHL grant program based on research and observations of, and feedback from, the ASHL industry during the past three years.

Rule Amendments

In order to further support accessibility and ensure the continued viability of the ASHL sector the TLC is amending the ASHL grant program. The rules provide that:

- Grant amounts will be doubled from \$15,000 to \$30,000 and will include:
 - an initial payment of \$14,000 following vehicle Hack-up, and
 - during the four years after Hack-up, subsequent payments of \$2,000 following each successful bi-annual vehicle inspection up to \$16,000.

- To be eligible for the subsequent payments, vehicles must:
 - complete at least 250 Passenger trips logged on to the Street Hail Livery Technology System (LPEP) between the vehicle inspection periods, and
 - have been logged onto the Accessible Taxi Dispatch system through the Dispatch Equipment while in operation during the period since the previous inspection.
- Grants will only be available for new vehicles.
- Grants will no longer be available for vehicles which are leased.
- The holder of an ASHL License who receives a Grant and completes the requirements of the Grant Program Agreement may apply for and be awarded an additional Grant to replace an older vehicle.
- The option to assign grant payments is eliminated.

These rule amendments are authorized by Section 2303 of the New York City Charter, Section 19-503 of the Administrative Code of the City of New York, and chapter 602 of the Laws of 2011 and chapter 9 of the Laws of 2012 of the New York State.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivisions (b) and (h) of section 82-65 of Title 35 of the Rules of the City of New York, relating to the assignment of grants for the purchase or retrofitting of accessible vehicles, are REPEALED, subdivisions (c) through (g) are relettered as subdivisions (b) to (f), subdivision (i) is relettered as subdivision (g), and subdivision (g), as relettered, is amended to read as follows:

- (g) *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] 1,000 miles on the odometer.
 - (2) The vehicle is of a model year that is of the current or next [three]two 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 by the Chairperson.

§ 2. Paragraphs (1) and (2) of subdivision (d) of section 82-67 of the Rules of the City of New York is amended to read as follows:

- (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] by the Grant Applicant 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] an approved vendor program letter or equivalent document approved by the Commission issued by the OEM or OEM-approved second-stage manufacturer which states that the vehicle will be, once modified, a Qualified Vehicle.

§ 3. Subdivision (a) of section 82-68 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Grant Amounts.*
- (1) *[New] Accessible Vehicles.* The maximum Grant amount is \$[15,000] 30,000. This consists of a single payment of \$14,000 to be paid following the successful Hack-up of the Qualified Vehicle, and a maximum of eight (8) subsequent payments of \$2,000 to be paid following each successful bi-annual vehicle inspection during the four-year period after Hack-up. This amount will be approved only for Qualified Vehicles which, at the time the Grant application is submitted, meet all of the following:
 - (i) Be of the most recent model year or [immediately preceding] the next two most recent model [year] years and,
 - (ii) Have fewer than 1,000 miles on the odometer.
 - (iii) For subsequent payments to be paid to the Grantee, the Qualified Vehicle must have, between the most recent successful bi-annual vehicle inspection and the successful bi-annual inspection previous to the most recent successful bi-annual inspection:
 - A. completed at least 250 Passenger trips registered through the LPEP, and
 - B. during this period, has been logged onto the Accessible Taxi Dispatch system through the Dispatch Equipment while in operation.

(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.]

(3) An Accessible Street Hail Livery Licensee, who receives a Grant and completes all of the requirements of the Grant Program Agreement during the full term of the Grant Program Agreement, may apply for a subsequent Grant to be used to replace their current Qualified Vehicle with another Qualified Vehicle.

§ 4. Paragraph (3) of subdivision (b) of section 82-68 of Title 35 of the Rules of the City of New York, relating to grant payment assignments, is REPEALED.