

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission (TLC) is considering changing its rules (1) to permit black car bases and luxury limousine bases to dispatch each other's vehicles and (2) to require that livery bases permit a prospective passenger to specify a destination and any intermediate stops whenever they contact livery bases for transportation and, if the request is made by means other than a telephone call, disclose in writing that specifying a destination guarantees the prospective passenger to a binding fare quote.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on February 26, 2015. The hearing will be in the hearing room at 33 Beaver Street – 19<sup>th</sup> Floor, New York, NY 10004.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22<sup>nd</sup> Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by Monday, February 23, 2015.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Friday, February 20, 2015.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

## Statement of Basis and Purpose of Proposed Rules

### **Cross-Class Dispatching**

In November 2014, the TLC adopted rules that prohibited cross-class dispatching of for-hire vehicles (FHVs), i.e., livery bases may only dispatch livery vehicles; black car bases may only dispatch black cars; and luxury limousine bases may only dispatch luxury limousines. The purpose of the cross-class dispatch prohibition is to preserve important vehicle class distinctions in the New York City Administrative Code (such as the binding fare quote in liveries) that were becoming blurred by the spread of smartphone applications. However, the TLC has reviewed its November rules and has determined that because of the substantially similar regulations that govern black cars and luxury limousines and the fact that their drivers are covered by the same workers' compensation scheme, black car bases and luxury limousine bases should be allowed to dispatch each other's vehicles. This proposed rule reflects that change, and as required by the November rules, the dispatching base must provide the customer with the name and license number of both the affiliated base and the dispatching base.

### **Binding Fare Quotes**

The New York City Administrative Code requires that liveries provide passengers with a binding fare quote and that they be informed of this right in the Passengers' Bill of Rights posted in each livery vehicle. The cross-class dispatch prohibition seeks to preserve this important feature. To not only preserve but also strengthen this feature, however, this proposed rule would require that livery bases, which are employing smartphone applications with greater frequency and thus eliminating spoken communication between dispatcher and passengers, give passengers the opportunity to specify a destination and any intermediate stops when requesting a ride. If the request is made by means other than a telephone call, the base must also disclose in writing to prospective passengers that specifying a destination guarantees them a binding fare quote.

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (a) of section 55-19 of Title 25 of the Rules of the City of New York is amended to read as follows:

- (a) *Limitations on Driver Solicitation of Passengers.* A Driver must not solicit or pick up Passengers other than by prearrangement through a licensed Base of the class that can dispatch the Driver's For-Hire Vehicle, or by dispatch of an Accessible Vehicle.

Section 2. Subparagraph (ii) of 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:

- (ii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer and the [affiliated Base is a Base of the same License type (that is, a Black Car Base or Livery Base) as the Base dispatching the Vehicle] dispatching Base is (1) a Livery Base if the affiliated Base is a Livery Base, or (2) either a Black Car or Luxury Limousine Base if the affiliated Base is a Black Car Base or a Luxury Limousine Base.

Section 3. Subdivision (d) of section 59B-17 of Title 35 of the Rules of the City of New York 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)
    - (i) The Vehicle is affiliated with [another Base of the same License 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 the Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer, or] (i) a Livery Base if the dispatching Base is a Livery Base or (ii) either a Black Car or Luxury Limousine Base if the dispatching Base is a Black Car or Luxury Limousine Base, and
    - (ii) The Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer; 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.

Section 4. Subdivision (b) of Section 59B-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Rate Quotes – Livery Base Only.*

- (1) A Base Station Owner must provide an accurate and binding price quote to any prospective Passenger contacting the Base for transportation to a specified destination and intermediate stop(s).
- (2) Each time a prospective Passenger contacts a Base for transportation, the Base Station Owner must provide the Passenger the opportunity to specify a destination and intermediate stop(s). If the Passenger contact is not a telephone call, the Base Station Owner must prominently disclose in writing to the Passenger that specifying a destination and intermediate stop(s) guarantees the Passenger an accurate and binding price quote for that trip.
- (3) *Honoring Rate Quotes.* If the Passenger agrees to receive the transportation, the Base Owner must honor the price quoted unless the Passenger changes the destination or number of stops.

§59B-23(b)	Fine: \$75 if <u>plead guilty before a hearing</u> ; \$100 <u>if found guilty following a hearing</u> [for failure to provide quote on request].	Appearance NOT REQUIRED
------------	--	-------------------------

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Livery Dispatch Rules**

**REFERENCE NUMBER: TLC-75**

**RULEMAKING AGENCY: TLC**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro  
Mayor's Office of Operations

January 15, 2015  
Date

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment of Livery Dispatch Rules**

**REFERENCE NUMBER: 2015 RG 004**

**RULEMAKING AGENCY: Taxi and Limousine Commission**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: January 15, 2015