

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 proposing a rule change so that owners of Unrestricted Medallions who choose to purchase an accessible vehicle, or are required to do so under TLC rules, can obtain a one-time waiver allowing them to purchase an approved accessible vehicle that is not the Accessible Official Taxicab Vehicle (AOTV). The City's contract with the Official Taxicab Vehicles (OTV) vendor provides for 496 exemptions from the AOTV requirement for Unrestricted Medallions.

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 March 19, 2015. The hearing will be in the hearing room at 33 Beaver Street – 19th 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 – 22nd 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.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at 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, March 16, 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, March 13, 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

The Official Taxicab Vehicle activation date is April 20, 2015, as of which Unrestricted Medallion owners may only hack up an OTV, an AOTV or a hybrid vehicle that meets TLC specifications. The City’s contract with the OTV vendor provides a waiver for up to 496 Unrestricted Medallion owners to buy an approved accessible vehicle other than the AOTV if they wish to or need to purchase an accessible taxi vehicle. The proposed rule provides a process for Unrestricted Medallion owners to apply to the Chairperson for such waivers. Exemption applications will be handled on a first come, first served basis. Only Unrestricted Medallion owners whose vehicles are nearing the vehicle retirement date and who are in good standing (license is current, not suspended, and no fines owed) with the Commission may apply. The waiver is valid for a one time use only.

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

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (b) of section 67-05.1B of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-05.1B Official Taxicab Vehicle for use with Unrestricted Medallions *Effective On Official Taxicab Vehicle Activation Date.*

- (b) On or after the OTV Activation Date, an Unrestricted Medallion can be Hacked-up ONLY with
 - (1) the Official Taxicab Vehicle designated by the Commission under this section; or
 - (2) After the OTV Activation Date, a medallion issued prior to January 1, 2012 that was not restricted when issued can be used with an OTV or an AOTV. If at any time after the OTV Activation Date such medallion is restricted by law or rule of the Commission to use with an Accessible Vehicle, the owner of such medallion must purchase an AOTV or lease such medallion for use with an AOTV. Provided, however, that with the Chairperson's approval and in accordance with paragraph (3) herein, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or lease their medallions for use with such a vehicle.
 - (3) Any Unrestricted Medallion owner in good standing who wants to purchase for Hack-up an accessible vehicle that is not an AOTV but that meets the accessible vehicle specifications set forth in Rule 67-05.2 may apply for a one-time waiver of the requirement set forth in paragraph (2) of this subdivision. Such application must be made on a form and in accordance with instructions that will be made available on the TLC's Web site. The application must be received by the TLC no less than 120 days prior to the medallion owner's vehicle retirement date, and no more than 150 days prior to such retirement date. The waiver is non-transferable, and expires if not presented at hack-up.