

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 is considering adding a rule which would require TLC licensed vehicles to display a sticker about assaulting a driver and would also require stickers about hearing induction loops (devices for people who are hard of hearing) on the Official Taxi Vehicle.

When and where is the Hearing? The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 10:00 a.m. on February 19, 2015. This hearing will be held in the Commission's public hearing room at 33 Beaver Street, New York, New York on the 19th Floor.

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 Hearings.** Anyone who wants to comment on the proposed rule at the public hearings must sign up to speak. You can sign up before either hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on February 19, 2015. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by February 18, 2015.

Do you need assistance to participate in the Hearings? 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 February 12, 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 these proposed rules. These proposed rules were not included in the Commission's regulatory agenda for this Fiscal Year because the need for these rules 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 RULES

The TLC is amending its rules regarding new markings related to protecting licensed drivers and assisting passengers who are hard of hearing.

Protecting Licensed Drivers

On October 22, 2014, the City Council passed Local Law 55 of 2014, otherwise known as the Driver Protection Act, which requires that signs be placed in the rear compartments of taxicabs and for hire-vehicles regarding penalties for assaulting drivers. This law is designed to combat the unfortunate reality that driving a taxi or livery vehicle can be dangerous work. Mayor de Blasio signed the bill on November 5, 2014, and it will go into effect on May 4, 2015.

To comply with this law, the TLC is proposing a rule that would require all licensed vehicles, except for black car drivers and luxury limousines, to display a mandatory “Taxi and Livery Driver Protection” sticker in each of its rear passenger compartments. The sticker will inform passengers that assaulting a driver is punishable by up to 25 years in prison.

This initiative is similar to the effort to protect Metropolitan Transportation Authority subway and bus drivers through signs throughout the mass transit system. The TLC’s sticker will both educate the public and emphasize the severity of the penalty for assault. The TLC expects the warning and consequences displayed on the sticker to reduce violence against drivers.

Assisting Passengers Who Are Hard of Hearing

A Hearing Induction Loop is a device that transmits sound directly to hearing aids equipped with a “T-coil” (a small copper wire located inside the hearing aid) or cochlear implants. Rather than merely amplifying ambient sound, as most hearing aids do, the Hearing Induction Loop broadcasts the sound directly to the equipped listener. The TLC has worked closely with advocates for people who are hard of hearing and with the Mayor’s Office for Persons with Disabilities (MOPD) to have this technology included in all TLC Official Taxicab Vehicles (OTVs, also known as the Taxi of Tomorrow). Hearing Induction Loops will facilitate communication between the taxi driver and passengers who are hard of hearing.

The proposed rule will require Hearing Induction Loop Decals to be displayed in OTVs, and other TLC-licensed vehicles with Hearing Induction Loop capability. The decals will make passengers who are hard of hearing aware that all OTVs are equipped with a Hearing Induction Loop.

The decal design meets the 2010 ADA Standards for Accessible Design, which states that the symbol must be “the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light.” A “T” will be placed in the lower right-hand corner of the decal.

The Commission believes that the cost incurred by the licensees for the sticker and the decals will be minimal.

The Commission’s authority for these rule changes is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended by adding a new definition, in alphabetical order, to read as follows:

Hearing Induction Loop is a device that transmits sound directly to hearing aids equipped with a “T-coil” (a small copper wire located inside the hearing aid) or cochlear implants.

Section 2. Section 58-32(i) of Title 35 of the Rules of the City of New York is amended by adding new paragraphs (r) and (s), to read as follows:

(i) *Marking Specifications for Taxicabs.*

INSCRIPTION*	LOCATION	SIZE
<p>(r) <u>“ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.”</u> The sticker may be obtained pursuant to instructions posted on the Commission website or through other appropriate means announced on its website. (required)</p>	<p><u>In Taxicabs with a partition, the sticker will be placed above the braille plaque on the partition. In Taxicabs without a partition, the sticker will be placed in a frame on the passenger seat headrest.</u></p>	<p><u>7.000 x 1.000 inches.</u></p>
<p>(s) <u>The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of each decal. The internal decal will include the language “Induction loop installed. Switch hearing aid to T-coil.”</u></p>	<p><u>The decal will be placed on the outside of each OTV on the B-pillar and on the inside of each OTV rear passenger compartment on the partition in a location plainly visible to passengers. For vehicles that are not OTVs but have Hearing Induction Loop technology, place as directed by the Chairperson.</u></p>	<p><u>The exterior B-pillar decal will be 3.000 x 3.000 inches; the interior passenger compartment decal dimensions will be as issued by the Commission.</u></p>

Section 3. 59A-29 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (l) and (m), to read as follows:

(l) Required Sticker. Each For Hire-Vehicle must display an internal safety sticker, with the following inscription: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 7.000 inches wide by 1.000 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) Incorporated into the Livery Bill of Rights.

(m) Required Decal. Each For-Hire Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will include the language “Induction loop installed. Switch hearing aid to T-coil.” The decal will be placed as follows:

(1) As directed by the Chairperson.

<u>59A-29(l)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>
<u>59A-29(m)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>

Section 4. Section 59B-29 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (n) and (o), to read as follows:

(n) Required Sticker. Each For Hire-Vehicle must display an internal safety sticker, with the following inscription: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 7.000 inches wide by 1.000 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) Incorporated into the Livery Bill of Rights.

(o) Required Decal. Each For-Hire Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the

lower right-hand corner of the decal. The decal will be placed as follows:

- (1) As directed by the Chairperson.

<u>59B-29(n)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>
<u>59B-29(o)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>

Section 5. Section 60A-28 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (h) and (i), to read as follows:

- (h) Required Sticker. Each Paratransit Vehicle must display an internal safety sticker, with the following inscription: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 7.000 inches wide by 1.000 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

- (1) In a frame on the passenger seat headrest.

- (i) Required Decal. Each Paratransit Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will be placed as follows:

- (1) As directed by the Chairperson.

<u>60A-28(h)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>
<u>60A-28(i)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>

Section 6. Section 60B-28 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (g) and (h), to read as follows:

- (g) Required Sticker. A Base Owner must ensure that each Vehicle affiliated with the Base displays an internal safety sticker, with the following inscription:

“ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 7.000 inches wide by 1.000 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) In a frame on the passenger seat headrest.

(h) Required Decal. A Base Owner must ensure that each Vehicle with Hearing Induction Loop capability that is affiliated with the Base must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will be placed as follows:

(1) As directed by the Chairperson.

<u>60B-28(g)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>
<u>60B-28(h)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>

Section 7. Section 61A-27 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (g) and (h), to read as follows:

(g) Required Sticker. Each Commuter-Van Vehicle must display an internal safety sticker, with the following inscription: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 7.000 inches wide by 1.000 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) Incorporated into the Commuter-Van Bill of Rights.

(h) Required Decal. Each Commuter-Van Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will be placed as follows:

(1) As directed by the Chairperson.

<u>61A-27(g)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>
<u>61A-27(h)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>

Section 8. Section 61B-27 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (g) and (h), to read as follows:

(g) Required Sticker. Each Commuter-Van Vehicle must display an internal safety sticker, with the following inscription: “ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.” The dimensions of the sticker are 7.000 inches wide by 1.000 inches high. The sticker must be obtained pursuant to the instructions on the Commission’s website or through other appropriate means announced on the website. The sticker must be placed in the Vehicle as follows:

(1) Incorporated into the Commuter-Van Bill of Rights.

(h) Required Decal. Each Commuter-Van Vehicle with Hearing Induction Loop capability must display a Hearing Induction Loop Decal. The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of the decal. The decal will be placed as follows:

(1) As directed by the Chairperson.

<u>61B-27(g)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>
<u>61B-27(h)(1)</u>	<u>Fine: \$50 if plead guilty before a hearing, \$75 if found guilty following a hearing</u>	<u>Appearance NOT REQUIRED</u>

Section 9. Section 82-33(1) of Title 35 of the Rules of the City of New York is amended by adding new paragraphs (n) and (o), to read as follows:

(l) Marking Specifications for Street Hail Liveries

INSCRIPTION*	LOCATION	SIZE
<p>(n) <u>“ATTENTION: Assaulting A Driver Is Punishable By Up to Twenty-Five Years in Prison.”</u> The sticker may be obtained pursuant to <u>instructions posted on the Commission website or through other appropriate means announced on its website. (required)</u></p>	<p><u>In Street Hail Livery Vehicles with a partition, the sticker will be placed above the braille plaque on the partition. In Street Hail Livery Vehicles without a partition, the sticker will be placed in a frame on the passenger seat headrest.</u></p>	<p><u>7.000 x 1.000 inches.</u></p>
<p>(o) <u>The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of each decal. The decal will include the language “Induction loop installed. Switch hearing aid to T-coil.”</u></p>	<p><u>The decal will be placed in the Street Hail Livery Vehicles that are equipped with the Hearing Induction Loop capability as directed by the Chairperson. For vehicles that are not OTVs but have Hearing Induction Loop technology, place as directed by the Chairperson.</u></p>	<p><u>As directed by the Chairperson.</u></p>

**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 Taxicab Marking Rules

REFERENCE NUMBER: 2015 RG 002

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 8, 2015

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

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

RULE TITLE: Amendment of Taxicab Marking Rules

REFERENCE NUMBER: TLC-74

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 8, 2015
Date