

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 changing its rule to require that roof lights on street hail liveries be unlighted whenever the taximeter is detached from the 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 9:00 a.m. on February 26, 2015. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY 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 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 February 23, 2015.

Do you need assistance to participate in the Hearings? Y 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 the need for 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 RULES

The Taxi and Limousine Commission (TLC) prohibits street hail liveries (SHLs) from picking up hails in the “exclusionary zone,” which includes Manhattan south of West 110th Street and East 96th Street. To enforce this requirement, TLC rules require that, among other things, SHL roof lights automatically turn off in the exclusionary zone to indicate to the public that SHLs are not available for street hails. SHL drivers, however, can skirt this requirement because of a design feature in the vehicle technology system.

Roof lights in SHLs, as well as in yellow taxis, are controlled by the taximeter inside the car, which calculates fares. When the taximeter is off, the roof light is on, signaling that the driver is on duty and available for a hail; when the taximeter is on, the roof light is off, signaling that the driver is unavailable.

While the taximeter can be detached from its bracket, in part to protect against theft while off duty, tampering with the taximeter, including detaching it from the bracket while on duty, is prohibited. However, when the vehicle is in operation and the taximeter is detached, the roof light automatically illuminates. According to complaints made to the TLC, some SHL drivers have detached the taximeter in the Manhattan exclusionary zone to illuminate the roof light and then accepted passengers who mistakenly believe that they are available to make a legal pick up.

This rule would prevent this type of abuse by requiring that SHL roof lights must be unlighted when the taximeter is detached from the vehicle.

This rule is authorized by Section 2303 of the New York Charter and Section 19-503 of the Administrative Code.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Paragraph (1) of subdivision (a) of section 82-35 of Title 25 of the Rules of the City of New York is amended to read as follows:

- (1) *Controlled by Taximeter.* The Street Hail Livery roof light must be automatically controlled by the operation of the Taximeter so that it is lighted only when the Taximeter is in an off position and unlighted when the Taximeter is in a recording position or off duty position, or when the Taximeter is detached from its bracket. A Licensee must not tamper with the operation of the Street Hail Livery’s roof light.

Section 2. Subdivision (c) of section 82-54 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (6), to read as follows:

- (6) The Roof Light must be unlighted when the Taximeter is detached from its bracket.

**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: Street Hail Livery Rooflights

REFERENCE NUMBER: TLC-76

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: Street Hail Livery Rooflights

REFERENCE NUMBER: 2015 RG 003

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
2015
Acting Corporation Counsel

Date: January 15,