

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 rules regarding the payment of the Taxi Accessibility Fee by taxicab medallion owners. The Taxi Accessibility fee is paid annually by medallion owners in order to provide accessible service to Wheelchair using passengers. The proposed change to the rule would require medallion owners to remit payment of the Taxi Accessibility Fee to the Taxi and Limousine Commission instead of making payment to the Accessible Taxi Dispatcher.

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 August 7, 2014. 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 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 August 7, 2014. You can speak for up to three minutes.

Is there a deadline to submit written comments?

Yes, you must submit written comments by July 31, 2014, although the Taxi and Limousine Commission will continue to accept submissions after that date.

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 Thursday, July 31, 2014.

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 TLC seeks to change how Medallion Owners pay the Taxi Accessibility Fee required by TLC's Accessible Dispatch Program.

After reviewing the first year of operation of the Accessible Dispatch program, the TLC has decided that the Taxi Accessibility Fee paid by Medallion Owners should be paid directly to the TLC instead of to the Accessible Taxi Dispatcher. Payments to the TLC will be placed in a Trust in Agency account. The TLC believes that direct payments to the TLC will make the new payment process more efficient and easier to monitor. The TLC will amend the current agreement with Metro Taxi, Inc. to reflect this change.

The proposed changes to the rules will not alter the original purpose or intent of the current Accessible Dispatch Program. The change only modifies the process for payment of the Taxi Accessibility Fee by medallion owners. The TLC does not anticipate an adverse impact on medallion owners resulting from the payment of this fee to the TLC.

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

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. The definition of “Taxi Accessibility Fee” set forth in section 51-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

§51-03 Definitions

Taxi Accessibility Fee is the fee required by these rules to be paid by Owners, as defined by Chapter 58, to the [Accessible Taxi Dispatcher] Commission to provide accessible service to Wheelchair using Passengers. The Taxi Accessibility Fee shall be set in accordance with the terms of an agreement between the Commission and an approved vendor and will be based on the per medallion cost to the vendor for equipment, administrative expenses associated with operation of the dispatch system, outreach and Dispatch Fees.

Section 2. The definition of “Taxi Accessibility Fee” set forth in section 53-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

§53-03 Definitions

(b) *Taxi Accessibility Fee* is the fee required by these rules to be paid by Owners to the [Accessible Taxi Dispatcher] Commission to provide accessible service to Wheelchair using Passengers. The Taxi Accessibility Fee shall be set in accordance with the terms of an agreement between the Commission and an approved vendor and will be based on the per medallion cost to the vendor for equipment, administrative expenses associated with operation of the dispatch system, outreach and Dispatch Fees.

Section 3. The definition of “Taxi Accessibility Fee” set forth in section 58-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

§58-03 Definitions Specific to this Chapter

(a) *Taxi Accessibility Fee* [as used in this Chapter,] is the fee required by these rules to be paid by Owners to the [Accessible Taxi Dispatcher] Commission to provide accessible service to Wheelchair using Passengers. The Taxi Accessibility Fee shall be set in accordance with the terms of an agreement between the Commission and an approved vendor and will be based on the per medallion cost to the vendor for equipment, administrative expenses associated with operation of the dispatch system, outreach and Dispatch Fees.

Section 4. Subdivision (j) of section 58-07 of Title 35 of the Rules of the City of New York is amended to read as follows:

(j) *Taxi Accessibility Fee*. An Owner must pay the Taxi Accessibility Fee [set by the Accessible Taxi Dispatcher] for each Medallion owned. The Taxi Accessibility Fee must be paid when charged by the Commission.

Section 5. Subdivision (f) of section 58-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) *Taxi Accessibility Fee.*

(1) An Owner must pay the Taxi Accessibility Fee for each of the Owner's Medallions as required by the [Accessible Taxi Dispatcher] Commission.

(2) The Owner must pay the Taxi Accessibility Fee when required to do so by the [Accessible Taxi Dispatcher] Commission. If the Taxi Accessibility Fee is not paid by the time required by the [Accessible Taxi Dispatcher] Commission, the Owner will be liable for penalties for non-payment.

[(3) If an Owner does not pay the Taxi Accessibility Fee by the time required, non-payment will be grounds for suspension or revocation of the Taxicab license, and/or denial of any renewal application or of any application for another TLC issued license, as well as monetary penalties.]

[(4) An Owner must comply with all requirements of the Accessible Taxi Dispatcher relating to payment of the Taxi Accessibility Fee. An Owner must register with the Accessible Taxi Dispatcher for purposes of billing the Taxi Accessibility Fee and must keep all registration and billing information current.]

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

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

RULE TITLE: Amendment of Accessible Dispatch Program Rules

REFERENCE NUMBER: 2013 RG 113

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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 2, 2014

**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 Accessible Dispatch Program Rules

REFERENCE NUMBER: TLC-60

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

January 2, 2014
Date