

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 changing its rules to amend the taxicab vehicle specifications, clarify driver fitness hearing procedures and to permit TLC to increase driver TIF and SHLIF payments if funds permit.

When and where is the hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on April 25, 2018. The hearing will be in the TLC hearing room at 33 Beaver St, 19th Floor, New York, NY 10004.

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

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to tlcrules@tlc.nyc.gov
- **Mail.** You can mail comments to Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver St, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102
- **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 on April 25, 2018. You can speak for up to three minutes.

Is there a deadline to submit comments? You must submit written comments April 24, 2018.

What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by April 19, 2018.

This location has the following accessibility option(s) available: the TLC hearing room is wheelchair accessible and computer access real-time translation (CART) will be provided.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a transcript of the hearing will be available to the public at the Office of Legal Affairs.

What authorizes TLC to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize TLC 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 TLC rules? The Taxi and Limousine Commission rules are in title 35 of the Rules of the City of New York.

What laws govern the rulemaking process? TLC 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 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The proposed rules, described below, amend medallion taxi specifications to provide medallion owners more flexibility when purchasing a vehicle and apply the uniform seven-year retirement date for the small portion taxicabs hacked up before April 20, 2015 and given a retirement date of less than seven years.¹ TLC can amend these rules without altering or affecting the City's commitment to make the medallion taxi fleet fifty percent accessible. The rules also permit TLC to provide additional monetary incentives for drivers who choose to drive accessible yellow or green taxis. Additionally the rule memorializes the longstanding practice that all Chair decisions regarding fitness of a licensee after a criminal conviction are a written explanation.

Increased Taxi Vehicle Choice

The proposed TLC rules amend and clarify specifications that apply to vehicles that are placed into service as a taxicab. These proposed rules would permit more choice to licensees purchasing a vehicle and apply uniformly TLC's vehicle retirement rule.

The proposed rules amend the specifications for gas-powered and hybrid electric taxicabs to permit the use of midsized gas-powered and hybrid electric sedans, in addition to the Nissan NV200 Taxi of Tomorrow. The current rules permit owners to hack-up only the Nissan NV200 Taxi of Tomorrow and a limited number of larger hybrid vehicles. Drivers have expressed a preference for purchasing and leasing midsized hybrid electric sedans. Midsized sedans have a high rate of use in the For-Hire-Vehicle sector, and the high number of trips completed in these vehicles suggests passengers will similarly use these vehicles if available in the taxi sector. In addition, midsize hybrid electric vehicles are often more fuel efficient than larger hybrid models, which means drivers will operate their vehicles more cost efficiently.

To clarify which vehicles may be used with each type of medallion, the proposed rules also include a new rule section listing the vehicle specifications that apply to the different types of medallions. Specifically, the proposed rules provide:

- Owners and lessors of Unrestricted Medallions who are not otherwise required to purchase an accessible vehicle may use the Nissan NV200 Taxi of Tomorrow, the Accessible Nissan NV200 Taxi of Tomorrow or a gas or hybrid electric vehicle that meets TLC's non-accessible vehicle specifications;
- Owners and lessors of Unrestricted Medallions who are required to purchase an accessible vehicle must use the Accessible Nissan NV200 Taxi of Tomorrow or apply for one of the 496 waivers to use another accessible vehicle that meets TLC's accessible vehicle specifications;
- Owners and lessors of Accessible Medallions may use any accessible vehicle that meets TLC's accessible vehicle specifications, which includes the Accessible Nissan NV200 Taxi of Tomorrow; and
- Owners and lessors of Alternative Fuel Medallions may use any hybrid electric vehicle that meets TLC's non-accessible vehicle specifications.

¹ Under current TLC rules, taxis hacked-up before April 20, 2015 received a retirement date between three and seven years after the vehicle was placed into service. Vehicles hacked-up on or after April 20, 2015 all received a seven-year retirement date.

The proposed rules would also allow owners to hack-up used taxi vehicles. Current TLC rules permit vehicle owners in other segments of the industry to purchase new or used vehicles. Used vehicles are operated safely today in these other segments as they must first pass TLC's comprehensive vehicle safety and emissions inspection before being licensed to operate for-hire. Permitting owners to purchase used vehicles offers the potential of savings compared the cost of purchasing a vehicle. Since 1996, only new vehicles with 500 or fewer miles could be hacked-up as a yellow taxicab. Beginning in January 2015, TLC began testing the use of used vehicles in yellow taxicab service in its Used Vehicle Taxicab Pilot. The results of this pilot revealed no statistical difference in vehicle inspection results between vehicles placed into service when new or when used. The pilot further found that owners preferred purchasing a used vehicle due to the resulting cost savings. Accordingly, the proposed rules would permit the use of used vehicles as yellow taxis. As in the pilot provisions, used vehicles would receive the uniform seven-year retirement date less the age of the vehicle at the time the vehicle is placed into service.²

Finally, under current TLC rules, taxis on the road today that were placed into service before April 20, 2015, were assigned a retirement date between three and seven years, while taxis placed into service on or after April 20, 2015, all received a retirement date seven years after hack-up. It is TLC's experience that, due the recent general improvement in vehicle quality and reliability, it is unnecessary to distinguish between the retirement dates of taxicabs placed into service before and after April 20, 2015. Since all taxicabs on the road are held to the same high standards and cannot operate unless they pass the TLC vehicle safety and emissions inspection, the proposed rule applies the seven year retirement date to the remaining taxicabs that were originally assigned a retirement date of less than seven years.

Rule Clarifications and Revisions

The proposed rules revision also:

- Codifies existing practice that a decision to revoke a license based on fitness review by the Chairperson must be in writing and must provide an explanation of the relationship between the criminal conviction and licensure and the reasons why criminal conviction renders the licensee unable to safely transport passengers.
- Enables TLC to combine the vehicle and driver funds of each of the Taxicab Improvement Fund ("TIF") and Street Hail Livery Improvement Fund ("SHLIF"). TLC expects that this will permit an increase in payments made to drivers after a review of available funds as well as volume of payments made to drivers and vehicle owners, dependent on the number of drivers operating accessible vehicles and number of accessible vehicles in service, respectively.
- Removes the requirement that Taxicab Models be crash tested with the partition in the vehicle. Vehicles must be crash tested in accordance with federal requirements; the TLC's additional requirement of crash testing with the partition in the vehicle is no longer needed, since TLC rules no longer mandate partitions.

² Vehicle age at hack-up is determined by the difference in years between the model year of the vehicle and the calendar year the vehicle is placed into service as a taxicab. For example, a model year 2016 vehicle hacked-up in 2018 is two years old and, as such, would be assigned a retirement date five years after hack-up.

TLC’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.

[Deleted material is in brackets.]

“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.

Section 1. The definitions of terms “Accessible Taxicab,” “Alternative Fuel Medallion,” “Official Taxicab Vehicle (“OTV”),” “Official Taxicab Vehicle Activation Date (“OTV Activation Date”),” “Taxicab Improvement Fund,” “Taxicab Model,” and “Unrestricted Medallion” as set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, and the definition of term “Activation Date” is deleted to read as follows:

Accessible Taxicab is a Vehicle that is licensed by the Commission and that meets the specifications of the Americans with Disabilities Act as described in §[17-05.2] 67-05.2 of these rules.

...

[**Activation Date.** The Activation Date is April 1, 2011.]

...

Alternative Fuel Medallion is a Restricted Medallion valid for use only with a vehicle powered by compressed natural gas or a hybrid electric vehicle that complies with section [67-05] 67-05.1 of these Rules. [Provided, that, after the OTV Activation Date, and until such time, if any, as an Official Taxicab Vehicle meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, an Alternative Fuel Medallion must be used with a Taxicab Model meeting the specifications set forth in §67-05.1C of this Title.]

...

Official Taxicab Vehicle (“OTV”) is the vehicle that [meets the standard specifications of Rule 67-05.1B and] is a [the] purpose built taxicab for model years 2014 – 2024, manufactured pursuant to the City’s contract with Nissan North America. All references to OTV include Accessible OTV unless otherwise specified.

Official Taxicab Vehicle Activation Date (“OTV Activation Date”) is September 1, 2015, the date on or after which the Official Taxicab Vehicle is required to be used in the Hackup of any Unrestricted Medallion unless otherwise provided in section 67 of these Rules. [The Commission will post notice of the Official Taxicab Vehicle Activation Date on its Web site at least 120 days prior to such Official Taxicab Vehicle Activation Date.]

...

Street Hail Livery Improvement Fund is the City-managed fund, which is funded by the Street Hail Livery Surcharge and from which subsidy payments will be made to Street Hail Livery Licensees who are required to purchase an Accessible Vehicle, and to Drivers who operate Accessible Street Hail Liveries. Certain monies remitted to the Street Hail Livery Improvement Fund will be used to make grants of equal, set amounts to all vehicle owners who will be required to purchase Accessible Vehicles or for other programs to enhance the accessibility of Street Hail Liveries. Monies in the Fund may also be used for other purposes, including, but not limited to, offsetting the costs associated with driver training and funding the Accessible Vehicle dispatch program established in Chapter 53 of these rules. [The driver portion of these monies] Monies in the Fund will also be paid to Drivers who operate Accessible Street Hail Liveries.

...

Taxicab Improvement Fund is the City-managed fund, which is funded by the Taxicab Improvement Surcharge and from which subsidy payments will be made to Medallion Owners or their Agents, or Drivers, who are required to purchase an Accessible Vehicle pursuant to Section 58-50 of these rules, and to Drivers who operate Taxicabs required to be accessible pursuant to Section 58-50 of these rules. Monies remitted to the Taxicab Improvement Fund will be used to make grants of equal, set amounts to all vehicle owners of vehicles in use with Medallions who will be required to purchase Accessible Vehicles under Section 58-50 of these rules. Monies in the Fund may also be used for other purposes, including, but not limited to, offsetting the costs associated with driver training and funding the Accessible Vehicle dispatch program established in Chapter 53 of these rules. [The driver portion of these monies] Monies in the Fund will also be paid to Drivers who operate Accessible Taxicabs, including those required to be accessible pursuant to Section 58-50 of these rules.

...

Taxicab Model is

[(1) until the Official Taxicab Vehicle Activation Date,] the OTV, the Accessible OTV, or a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in [§67-05, §67-05.1A,] §67-05.1 or §67-05.2 of these Rules[;

(2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in 67.05; 67.05.1B or 67-05.2].

...

Unrestricted Medallion is

[(1) Before the OTV Activation Date] a Medallion Taxicab License that [is not restricted to use] may be used with [a particular] the type of vehicle specified in §67-05 [and is valid for use with any vehicle that complies with §67-05, §67-05.1A, or §67-05.2] of these Rules.

[(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, 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 vehicle approved for use with an Unrestricted Medallion and Hacked-up prior to the Official Taxicab Vehicle Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.]

§ 2. Paragraph (4) of subdivision (g) of section 58-16 of Title 35 of the Rules of the City of New York is hereby deleted:

§58-16 Compliance with Law – Miscellaneous

(g) *Taxicab Improvement Fund.*

- (1) An Owner of a Medallion, or his or her Agent, must pay the entire Taxicab Improvement Surcharge remitted by the Taxicab Driver to the Taxicab Improvement Fund.
- (2) The Owner of any Medallion, or his or her Agent, must pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time and in the manner required by the Commission.
- (3) If an Owner, or his or her Agent, does not pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time required, non-payment will be grounds for suspension 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) *Taxicab Improvement Surcharge.* The Taxicab Improvement Surcharge will be allocated as follows:
 - (i) *Drivers:* 5 cents from the Taxicab Improvement Surcharge on each trip will be paid into a portion of the Taxicab Improvement Fund which will

be allocated to Drivers of Accessible Taxicabs, including those required to be accessible under section 58-50 of these Rules.

- (ii) *Owners of All Medallions: 25 cents from the Taxicab Improvement Surcharge on each trip will be paid into a portion of the Taxicab Improvement Fund which will be used to make grants to persons required to place a vehicle that is required to be accessible under Section 58-50 of these Rules into use.]*

58-16(g)	Fine: \$1000 and suspension until compliance	Appearance REQUIRED
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§ 3. Paragraph (3) of subdivision (j) of section 58-50 of Title 35 of the Rules of the City of New York is amended to amend as follows:

- (3) Drivers of Accessible Taxicabs will receive periodically, a per-trip payment for each Passenger trip while driving an Accessible Taxicab. The per-trip payment amount will be [at least 70 percent of the number obtained by dividing the estimated balance of the driver portion of the Taxicab Improvement Fund collected in the previous calendar year by the number of Accessible Taxicab trips estimated for the current calendar year] determined based on a review of available funds and the availability of drivers. The per-trip payment amount will be posted on the TLC Web site.

§ 4. Subdivisions (a) through (c), (e) through (i), and (l) through (p) of section 67-03 of Title 35 of the Rules of the City of New York are deleted and subdivisions (d), (j) and (k) are relettered and amended to read as follows:

(a) [*Accessible Official Taxicab Vehicle* (“*Accessible OTV*”) is the OTV modified in a manner that is consistent with the City’s contract with Nissan North America.]

(b) *Accessible Taxicab* is an Accessible Vehicle that has been Hacked-Up.

(c) *Accessible Vehicle* is a vehicle that is licensed by the Commission and that meets the specifications in §67-05.2 of these rules and the following Americans with Disabilities Act regulations for vehicles under 22 feet in length: (1) 49 CFR parts 37 and 38 (US DOT) (2) 36 CFR §§1192.23 et. seq. (Architectural and Transportation Barriers Compliance Board) (3) 49 CFR part 571 (Motor Vehicle Safety Standards)

(d)] *Clean Air Taxicab* is a Clean Air Vehicle, as defined in §51-03 of these rules, that has been Hacked-Up [Taxicab that uses a type of fuel which allows the vehicle to: (1) Receive an air

pollution score of 9.0 or higher from the U.S. EPA and (2) Emit 6.4 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.

(e) *Level I Clean Air Taxicab* is a Taxicab that uses a type of fuel which allows the vehicle to: (1) Receive an air pollution score of 9.5 or higher from the U.S. EPA and (2) Emit 5.0 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.

(f) *Level II Clean Air Taxicab* is any Clean Air Taxicab that does not meet the standards of a Level One Clean Air Taxicab.

(g) *Hybrid Electric Vehicle* means a commercially available mass-produced vehicle originally equipped by the manufacturer with a combustion engine system and an electric propulsion system that operate in an integrated manner.

(h) *Official Taxicab Vehicle (“OTV”)* the OTV meets the standard specifications of Rule 67-05.1B and is the purpose built taxicab for model years 2014 – 2024 manufactured, pursuant to the City’s contract with Nissan North America. All references to OTV include Accessible OTV unless otherwise specified.

(i) *Official Taxicab Vehicle Activation Date (“OTV Activation Date”)* is the date on or after which the Official Taxicab Vehicle is required to be used in the Hack-up of any Unrestricted Medallion. The Commission will post notice of the Official Taxicab Vehicle Activation Date on its Web site at least 120 days prior to such Official Taxicab Vehicle Activation Date.]

([j]b) *Rooftop Advertising Fixture* means a device that incorporates the functions of a Roof Light with the displaying of advertising.

([k]c) *Rooftop Advertising Fixture Provider* means the entity responsible for supplying the Rooftop Advertising Fixture to the Medallion Owner and maintaining the advertising material.

(l) *Safety and Emissions Inspection* means the required vehicle inspections conducted at the Commission’s inspection facility.

(m) *Scheduled Retirement Date* is the date on which a Taxicab must be retired from service, as determined in §67-18, as may be extended as provided in §67-19 of this Chapter.

(n) A *Taxicab Candidate* is the vehicle being considered for use as a Taxicab Model.

(o) *Taxicab Model* is (1) until the Official Taxicab Vehicle Activation Date, a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in §67-05, §67-05.1A, or §67-05.2 of these Rules; or (2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in 67.05.1B, 67.05.1C or 67-05.2 of these Rules.

(p) *Unrestricted Medallion* is (1) Before the OTV Activation Date, a Medallion Taxicab License that is not restricted to use with a particular type of vehicle and is valid for use with any vehicle that complies with §67-05, §67- 05.1A, or §67-05.2 of these Rules. (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, 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 vehicle valid for use with an Unrestricted Medallion and Hacked-up prior to the Official Taxicab Vehicle Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.]

§ 5. Section 67-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-04 Original Verification of Taxicab Candidate as Taxicab Model

- [(a)] [Meet All Specifications.] A Taxicab Candidate must meet the technical specifications in [35 RCNY § 67-05, 35 RCNY § 67-05.1, or 35 RCNY § 67-05.2] § 67-05.1A, §67-05.1B or § 67-05.2, as well as all applicable federal and New York State motor vehicle standards and requirements, in order to become a Taxicab Model.
- [(b)] *Crash Testing of Taxicab Candidates.* All Taxicab Candidates meeting the technical requirements of §67-05, §67-05.1 or §67-05.2 of these Rules must meet all relevant Federal Motor Vehicle Safety Standards ("FMVSS") and other applicable National Highway Traffic Safety Administration ("NHTSA") safety regulations and must be crash tested with a partition approved by the Commission installed in the vehicle. Note: Taxicab Models approved prior to the effective date of this section must meet all requirements of this section by December 31, 2014 to remain an approved Taxicab Model. In accordance with this Chapter, any Taxicab Vehicle Hacked-up prior to December 31, 2014 can remain in service.
- (1) *Exemption as to Accessible Vehicles:* Until such time any Taxicab Candidate that meets the requirements of §67-05.2 of this Chapter, as certified by the Chairperson, has passed the crash testing required by this subdivision, no Taxicab Candidate that meets the requirements of §67-05.2 of this Chapter will be required to be crash tested. Once such a Taxicab Candidate has passed the crash testing required by this subdivision, the requirements of this subdivision will apply to all such taxicab candidates.
 - (2) *Exemption as to Hybrid Electric Vehicles:* Until such time any Taxicab Candidate that meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, and of §67-05 of this Chapter, has passed the crash testing required by this subdivision, no Taxicab Candidate that meets the requirements of §19-533 of the Administrative Code and of §67-05 of this Chapter will be required to be crash tested. Once such a Taxicab Candidate has passed the crash

testing required by this subdivision, the requirements of this subdivision will apply to all such Taxicab Candidates.]

§ 6. Section 67-05 of Title 35 of the Rules of the City of New York is renumbered as section 67-05.1 and amended, and a new section 67-05 is added, to read as follows:

§67-05 Taxicab Model Choice.

- (a) Unrestricted Medallions. Unrestricted Medallions may be used with the OTV, the Accessible OTV, or any Taxicab Model that complies with §67-05.1 of these Rules. If at any time an Unrestricted Medallion is required by law or rule of the Commission for use with an Accessible Vehicle, the owner of such medallion must purchase an Accessible OTV or lease such medallion for use with an Accessible OTV. Provided, however, that with the Chairperson's approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any Accessible Vehicle which meets the specifications set forth in §67-05.2 of these Rules, or lease their medallions for use with such a vehicle.
- (b) Alternative Fuel Medallions. Alternative Fuel Medallions may be used with any Taxicab Model that:
 - (1) complies with §67-05.1 of these Rules; and
 - (2) is a Hybrid Electric Vehicle or is powered by compressed natural gas that is manufactured by an original equipment manufacturer (OEM) for the general commercial or consumer market.
- (c) Accessible Medallions. Accessible Medallions may be used with the Accessible OTV or any Accessible Taxicab Model that complies with §67-05.2 of these Rules.
- (d) Any vehicle valid for use with any Medallion at the time the vehicle was Hacked-up can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

[§67-05] §67-05.1 [Standard Taxicab] Specifications for [Alternative Fuel Medallions Effective Until Official Taxicab Vehicle Activation Date] Non-Accessible Taxicab Candidates.

[An Alternative Fuel Medallion can be used with a vehicle that complies with this Rule and is a Hybrid Electric Vehicle or is powered by compressed natural gas until the OTV Activation Date. After the OTV Activation Date, an Alternative Fuel Medallion must be used with an Official Taxicab Vehicle. Exception: After the OTV Activation Date, and until such time, if any, as an Official Taxicab Vehicle meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, an Alternative Fuel Medallion must be used with a Taxicab Model meeting the specifications for hybrid electric vehicles set forth in these Rules. Notwithstanding these restrictions, a vehicle valid for use with an Alternative Fuel Medallion and Hacked-up prior

to the OTV Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.]

- (a) *Type of Vehicle.* The vehicle must be a four-door model of one of the following types, and must meet all of the other requirements in this section:
 - (1) A compact or larger sedan
 - (2) A sport utility vehicle equipped with running boards. To qualify as a Taxicab Model, a sport utility vehicle must include the manufacturer or dealer option that provides the greatest degree of light transmittance available in the rear and side rear windows, and in no case less than 20 percent light transmittance. A sport utility vehicle will be designated as a sport utility vehicle by either the manufacturer or the National Highway Traffic Safety Administration.
- (b) *Interior Size.* The vehicle must have an EPA interior volume index of at least 101.5 cubic feet. The interior volume index is calculated as described in 40 CFR § 600.315-82(b)(2), and includes luggage capacity.
- (c) *Rear Compartment.* The rear compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:
 - (1) Effective legroom (L51) must be at least 34.6 inches
 - (2) Effective headroom (H63) must be at least 36.8 inches
 - (3) Seat depth (L16) must be at least 18 inches
- (d) *Front Compartment.* The front compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions:
 - (1) Effective headroom (H61) must be at least 37.0 inches
 - (2) Effective legroom (L34) must be at least 40.5 inches
 - (3) Total legroom (the sum of L34 and L51) must be at least 76.2 inches
- (e) *Air Conditioning.* The vehicle must be equipped with a factory installed air conditioning system. The system must include air conditioning outlets for the rear seat area.
- (f) *Engine Size.* The vehicle may not be equipped with an engine in which the maximum horsepower exceeds 295. The horsepower of a hybrid-electric vehicle is determined by combining the electric power and the internal combustion power of the vehicle's engine.
- (g) *Diesel Fuel Usage.* A vehicle powered by diesel fuel can be hacked up as a Taxicab [even if it is not a Hybrid Electric Vehicle if it is powered by diesel fuel and otherwise] if it meets the requirements of [§67-05] this section.

- (h) Windows. All windows must have a light transmittance of 70 percent or more, except for the upper 6 inches of the front windshield.
- (i) Manufactured for Commercial or Consumer Market. Any [Hybrid Electric] Vehicle [or a vehicle] that is powered by compressed natural gas that is manufactured by an original equipment manufacturer (OEM) for the general commercial or consumer market may be approved for Hack-up, provided the vehicle meets all of the standard specifications for vehicle Hack-up of this §67-05.1A.
- (j) Vehicles used with Alternative Fuel Medallions must be a Hybrid Electric Vehicle or a vehicle powered by compressed natural gas that is manufactured by an original equipment manufacturer (OEM) for the general commercial or consumer market that otherwise meets the requirement of this section.

§ 7. Sections 67-05.1A, 67-05.1B and 67-05.1C of Title 35 of the Rules of the City of New York, providing vehicle specifications in effect prior to the OTV Activation date, OTV specifications and Hybrid Electric Vehicle specifications, respectively, are repealed.

§ 8. The title and subdivisions 1, 2 and 3 of section 67-05.2 of Title 35 of the Rules of the City of New York are amended to read as follows:

§67-05.2 [Standard] Specifications for Accessible Taxicab [Models] Candidates

[An Accessible Medallion can be used only with a Taxicab Model that meets the specifications of this Section.

1. The 231 Medallions restricted to use with Wheelchair Accessible Vehicles, issued prior to January 1, 2012, may purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or the Accessible Official Taxicab Vehicle.
2. Except as provided in Rule 67-05.1B(b)(2), owners of Unrestricted Medallions who choose to Hack-up an accessible vehicle may purchase only the Accessible Official Taxicab Vehicle.
3. Owners of Accessible Medallions issued by TLC on or after January 1, 2012 can purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or the Accessible Official Taxicab Vehicle.]

...

§ 9. Subdivision (b) of section 67-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Putting Vehicle into Service the First Time.* A Taxicab Model may be Hacked-up for use as a Taxicab, only if it:
- (1) Is new, having fewer than 500 miles on the odometer [.] and is one of the manufacturer's two latest vehicle model years (Example: If in calendar year 2008 the manufacturer introduces the 2009 Caprice, only 2009 and 2008 Caprices may be Hacked-up); or
 - (2) [Has been purchased in the first sale from a licensed dealer or a manufacturer. An original of the manufacturer's certificate of origin (MCO) or of the certificate of title must be submitted, in addition to relevant documents of ownership.
 - (3) Is one of the manufacturer's two latest vehicle model years. (Example: If in calendar year 2008 the manufacturer introduces the 2009 Caprice, only 2009 and 2008 Caprices may be Hacked-up.)
 - (4) Has not been discontinued by the manufacturer, except that a model vehicle may be hacked-up until September 30 of the calendar year, two years subsequent to its designated model year. (Example: if in 2010, the manufacturer stops production of the Caprice, a new 2008 model year Caprice may be hacked up until September 30, 2010 and a new 2009 model year Caprice may be hacked-up until September 30, 2011.)] Is a used Taxicab Model less than seven years old and passes inspection.

§ 10. Section 67-18 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-18 Scheduled Vehicle Retirement

- (a) *[36-Month Retirement, Vehicles Hacked-up Prior to 4/20/2015.*
- (1) If the vehicle is double-shifted, it must be retired no later than the first scheduled inspection of the vehicle occurring 36 months after the vehicle was Hacked-up.
 - (2) The 36-Month Retirement will not apply if the vehicle is driven by at least one Long-Term Driver or it is in service solely as an authorized Stand-By Vehicle.

- (b) *60-Month Retirement, Vehicles Hacked-up Prior to 4/20/2015.* All other vehicles must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 60 months after the vehicle was Hacked-up.
- (c) *84-Month Retirement.* All vehicles Hacked-up on or after 4/20/15 must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up.]

New Vehicles. All vehicles Hacked-up as new vehicles pursuant to TLC rule 67-06(b)(1) must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up.

- (b) *Used Vehicles.* All vehicles Hacked-up as used vehicles pursuant to TLC rule 67-06(b)(2) must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up, less the age of the vehicle as determined by the difference between the calendar year at Hack-up and the model year of the vehicle. For example, a used 2015 model year vehicle that was hacked up in 2018 is three years old and must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 48 months after the vehicle was Hacked-up.

§ 11. Section 68-14 of Title 35 of the Rules of the City of New York is amended to read as follows:

§68-14 Special Procedures – Fitness Revocation Hearings

- (a) The Chairperson will notify the Licensee to appear as a Respondent for a fitness hearing if the Chairperson believes that a Licensee is not Fit to Hold a License, for the following reasons, based upon:
 - (1) Any act that implicates the Licensee’s ability to safely interact with the public or operate a TLC licensed vehicle, including but not limited to:
 - (i) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while Impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs;
 - (ii) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force;
 - (iii) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules;
 - (iv) Driver, while driving a Licensed Vehicle, was issued a summons for or charged with one or more traffic related violations or crimes in a Serious

Crash, that is, a crash in which any person has suffered Critical Injury or death;

- (2) Any felony conviction;
- (3) Any conviction of the following criminal offenses:
 - A. Assault in the third degree, as set forth in [PL] New York State Penal Law § 120.00;
 - B. Reckless endangerment in the second degree, as set forth in [PL] New York State Penal Law § 120.20;
 - C. Criminal obstruction of breathing, as set forth in New York State Penal Law § 121.11;
 - D. Sexual misconduct, as set forth in [PL] New York State Penal Law § 130.20;
 - E. Forcible touching, as set forth in [PL] New York State Penal Law § 130.52;
 - F. Sexual abuse in the third or second degree, as set forth in [PL] New York State Penal Law § 130.55 and § 130.60, respectively;
 - G. Promoting prostitution in the third, second, or first degree, as set forth in [PL] New York State Penal Law § 230.25, § 230.30, and § 230.32, respectively;
 - H. Compelling prostitution, as set forth in [PL] New York State Penal Law § 230.33;
 - I. Sex trafficking, as set forth in [PL] New York State Penal Law § 230.34;
 - J. Public lewdness, as set forth in [PL] New York State Penal Law § 245.00;
 - K. Endangering the welfare of a child, as set forth in [PL] New York State Penal Law § 260.10;
 - L. Criminal possession of a weapon in the fourth degree, as set forth in [PL] New York State Penal Law § 265.01;
 - M. Overdriving, torturing, and injuring animals or failing to provide proper sustenance, as set forth in [AGM] New York Agriculture and Markets Law § 353;
 - N. Leaving the scene of an accident, as set forth in [VAT] New York Vehicle and Traffic Law § 600.2;
 - O. Driving while ability impaired, as set forth in [VAT] New York Vehicle and Traffic Law § 1192.1;
 - P. Operation of a motor vehicle while intoxicated, as set forth in [VAT] New York Vehicle and Traffic Law § 1192.2;
 - Q. Operation of a motor vehicle with an illegal blood-alcohol content, as set forth in [VAT] New York Vehicle and Traffic Law § 1192.3;
 - R. Driving while ability impaired by drugs, as set forth in [VAT] New York Vehicle and Traffic Law § 1192.4.

S. Driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs, as set forth in New York Vehicle and Traffic Law § 1192.4-a.

- (4) A failed drug test as a result of illegal drug use or failure to comply with drug testing procedures.
- (b) Prior to the hearing, the Commission must notify the Respondent of the proceeding by serving a written [summons] notice specifying the reason(s) the Respondent is believed to be not Fit to Hold a License and warning the Respondent that a finding [of guilt] that Respondent is not Fit to Hold a License will result in License revocation.
- (c) The OATH Tribunal's decision after the hearing will be a Recommended Decision.
- (d) The Chairperson can accept, reject, or modify the Recommended Decision in a written decision that includes the reasons therefor. The decision of the Chairperson will constitute the final determination of the Commission.
- (e) In determining whether the Licensee is not Fit to Hold a License, to the extent possible, the Chair shall not revoke the license solely by reason of the licensee having been convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character," when either such finding is based upon the fact that the individual has been convicted of one or more criminal offenses, unless:
- (1) There is a direct relationship between one or more of the criminal offenses and the duties of a Licensee licensed by the TLC; or
- (2) The continuation of licensure would pose an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.
- (f) In determining whether the Licensee is [to be deemed unfit, [to the extent possible] not Fit to Hold a License, the Chair shall [consider, as guided by the New York State Correction Law §753] be governed by applicable law, and shall further consider the following factors in his or her Decision:
- (1) The specific duties and responsibilities necessarily related to licensure as a [driver] Licensee licensed by the TLC.
- (2) The bearing, if any, the criminal offense or offenses for which the Licensee was [previously] convicted will have on his or her fitness or ability to perform one or more of the [such] duties or responsibilities [as are necessary to safely transport the riding public as a driver] of a Licensee licensed by the TLC.
- (3) The time [which] that has elapsed since the occurrence of the criminal offense or offenses.
- (4) The age of the Licensee at the time of occurrence of the criminal offense or offenses.
- (5) The number of years during which the Licensee has held his or her License and his or her overall record as a Licensee.

(6) The seriousness of the offense or offenses.

[(6)] (7) Any information produced by the Licensee, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct.

[(7)] (8) The legitimate interest of the Commission in protecting [property, and the safety and welfare of specific individuals or the general public] the safety and welfare of specific individuals, the general public, and property.

[(8) In making this determination, the Chairperson shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the Licensee, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.]

[(f)] (g) The License of a Licensee who is found to be not Fit to Hold a License will be revoked.

§ 12. Paragraph (4) of subdivision (g) of section 82-17 of Title 35 of the Rules of the City of New York is deleted, as follows:

§82-17 Compliance with Law – Miscellaneous

(g) Street Hail Livery Improvement Fund

- (1) A Street Hail Livery Licensee must pay the Street Hail Livery Improvement Surcharge remitted by the Driver for each Hail Trip to the Street Hail Livery Improvement Fund.
- (2) The Street Hail Livery Licensee must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time and in the manner required by the Commission.
- (3) If the Street Hail Livery Licensee does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment may be grounds for suspension of the Street Hail Livery License, and/or denial of any renewal application or of any application for another TLC-issued license as well as monetary penalties.[]
- (4) *Street Hail Livery Improvement Surcharge.* The Street Hail Livery Improvement Surcharge will be allocated as follows:
 - (i) *Drivers:* 5 cents from the Street Hail Livery Improvement Surcharge on each Hail Trip in a Street Hail Livery will be paid into a portion of the Street Hail Livery Improvement Fund which will be allocated to Drivers

of Accessible Street Hail Liveries.

- (ii) *Owners of Street Hail Livery License: 25 cents from the Street Hail Livery Improvement Surcharge on each Hail Trip in a Street Hail Livery will be paid into a portion of the Street Hail Livery Improvement Fund which will be used to make grants to persons required to place a vehicle into use that is required to be accessible under Section 82-06 (b)(2) of these Rules.]*

82-17(g)(1)-(3)	Fine: \$1000	Appearance REQUIRED
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§ 13. Section 82-70 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b), to read as follows:

§82-70 Street Hail Livery Improvement Fund Review

- (b) Drivers of Accessible Street Hail Livery Vehicles will receive periodically, a per-trip payment for each Passenger trip while driving an Accessible Street Hail Livery Vehicle. The per-trip payment amount will be determined based on a review of available funds and the availability of drivers. The per-trip payment amount will be posted on the TLC Web site.

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Amendment of Taxicab Vehicle Specifications

REFERENCE NUMBER: 2018 RG 019

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

Date: 2/23/18

Acting Corporation Counsel

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 Vehicle Specifications

REFERENCE NUMBER: TLC-102

RULEMAKING AGENCY: Taxi & Limousine Commission

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

February 23, 2018

Date