

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION  
RESOLUTION APPROVING STREET HAIL LIVERY PILOT PROGRAM  
May 3, 2023

The New York City Taxi and Limousine Commission (TLC) hereby approves a pilot program pursuant to section 2303(b)(9) of the New York City Charter and section 52-27(a) of the Commission’s Rules to test whether Street Hail Liveries (“SHLs”) can be used safely and efficiently without being equipped to accept Hails (the “SHL Pilot” or the “Pilot Program” or the “Pilot”). SHLs are defined as Commission-licensed For-Hire Vehicles that can only accept Passengers by Hail from the street in the Hail Zone.<sup>1</sup> Further, SHLs can only accept Pre-Arranged Trips beginning outside of the Pre-Arranged Exclusionary Zone.<sup>2</sup>

Currently, existing TLC Rules require the owner and/or Driver of an SHL to:

- Be equipped to accept Passengers by Hail from the street in all areas of New York City except Manhattan south of East 96th St. and West 110th St. and the New York City Airports (using an illuminated Roof Light to indicate availability of the SHL for Hail);
- Paint the exterior of the SHL using the official color of the SHL (Apple Green);
- Install a Technology System that includes the following capabilities:
  - Send notifications from TLC to the driver of the SHL;
  - Have a Passenger Interface Monitor;
  - Be capable of geofencing;
  - Be connected to the roof light or dome light.
- Have an approved Roof Light that:
  - Displays the SHL License number on the front and rear of the Roof Light;
  - Illuminates when an SHL is in operation for-hire and available to accept a Hail;
  - Is linked to the meter such that the SHL’s Roof Light is automatically controlled by the operation of the meter so that it is lighted only when the meter is in an off position and unlighted when the meter is in a recording position or off-duty position.
- Use either a partition or an approved In-Vehicle Camera System;
- Display a rate card;

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<sup>1</sup> The Hail Zone is defined in Chapter 51 of TLC Rules as “all areas of New York City except: (1) Manhattan south of East 96th St. and West 110th St. (2) The New York City Airports.”

<sup>2</sup> The Pre-Arranged Exclusionary Zone is: (1) Manhattan south of East 96th St. and West 110th St.

- Have a For-Hire Vehicle License and an SHL Permit;

Affix all required markings as listed in chapter 82 of TLC Rules. These requirements have resulted in a lengthy inspection process that could be streamlined.

To address this issue, the TLC proposes a Pilot Program that contemplates a new type of licensed vehicle, known as a Pilot SHL, that:

- allows for an SHL that does not accept Hails, but rather focuses exclusively on pre-arranged trips;
- allows for a vehicle that is not painted green, but any other color (except for taxi yellow), with minimal required markings that will nonetheless sufficiently differentiate the Pilot SHL from other for-hire vehicles;
- does not require SHL owners to post a rate card, install a Roof Light, or use a partition or an in-vehicle camera system.
- does not permit Rooftop Advertising, or any other type of advertising, within or without the Pilot SHL Vehicle.
- reduces the Vehicle inspection requirement to one inspection at the Commission's Safety and Emissions Division every two years ("Safety and Emissions Inspection"), establishing inspection requirements that are equivalent to those required of licensed For-Hire Vehicles.
- starts the permit renewal cycle on the date that the first Applicant receives an SHL Permit and enters the Pilot Program. The SHL Permit expiration date will be two years from the date that the first Pilot SHL passes its Safety and Emissions Inspection by TLC personnel and the For-Hire Vehicle Licenses that are provided during the course of this Pilot will also have an expiration date that will be two years from the date that the first Pilot SHL passes its Safety and Emissions Inspection.
- does not permit the Transfer of any FHV License that is issued pursuant to this Pilot to a non-SHL Vehicle during or after the Pilot has concluded.
- does not permit the Transfer or acquisition of an interest in any SHL Permit that is issued pursuant to this Pilot.
- does not permit the Transfer of any FHV License that is issued pursuant to this Pilot to another Vehicle while the Pilot is ongoing, except in an instance in which the Pilot Participant Vehicle is in an accident, in which case the FHV License must be transferred to a separate Vehicle that is also used as a Pilot SHL for at least the remainder of the Pilot Program.
- requires the Vehicle used in the Pilot Program to be either an Electric Vehicle, a Hybrid Electric Vehicle, or a Wheelchair Accessible Vehicle, as defined in TLC Rules.

- requires the recipient of any SHL Permit that is reissued through this Pilot Program to have a TLC Driver License that is in good standing with the Commission and also be the titled Owner and registered Owner of the Vehicle to which the SHL Permit is attached. Further, the titled Vehicle Owner, the registered Vehicle Owner, the SHL Permit Applicant (who must have a TLC Driver License in good standing), and the person to which the new For-Hire Vehicle License is issued must all be the same person.

Pursuant to Section 52-27 of TLC Rules, approval of this Resolution is subject to the following:

1. Duration

- a. The TLC Pilot Program will commence on the date on which the first Pilot SHL Vehicle passes its Safety and Emissions Inspection for the provision of exclusively pre-arranged service and will continue for a maximum of 24 consecutive months. The Chairperson can terminate the TLC Pilot Program at any time.
  - i. If the Pilot Program is terminated, for any reason, the SHL Permits issued pursuant to the Pilot will be immediately deemed surrendered to the TLC and Pilot Participants must remove all markings from Vehicles that were issued or purchased pursuant to this Pilot Program.
  - ii. If the Pilot Program runs successfully for its 24-month duration, but no rules are proposed by the TLC pursuant to the Pilot Program before those 24 months have ended, then the SHL Permits issued pursuant to the Pilot will be immediately deemed surrendered to the TLC and Pilot Participants must remove all markings from Vehicles that were issued or purchased pursuant to this Pilot Program. Pilot Participants will retain ownership of the FHV license issued pursuant to the Pilot Program. The FHV Licenses issued pursuant to this Pilot can never be affixed to a non-SHL Vehicle, both during the Pilot and after the Pilot has concluded

2. Pre-Qualification Conditions

- a. Each Participant in the TLC Pilot Program must enter into an authorization agreement (“TLC Authorization Agreement”) with the Deputy Commissioner of Legal Affairs on behalf of the Commission, which is approved as to form by the New York City Law Department, obligating the Participant to adhere to all requirements of this Resolution. The TLC Authorization Agreement may set forth additional specifications for each requirement.
- b. Each Participant will be issued an SHL Permit pursuant to this Pilot which will be attached to a Vehicle that has met the criteria of this Resolution and accompanying TLC Authorization Agreement and has passed the Safety & Emissions Inspection prior to offering for-hire transportation. The Participant may affiliate the SHL Permit with a TLC-licensed Base that is in good standing with the Commission. The TLC will allow Pilot Participants to affiliate with a total of 450 distinct Bases during the course of the Pilot.
- c. This Resolution contains a summary of the major TLC Authorization Agreement terms but does not include each and every term.
- d. The TLC Authorization Agreement will be consistent with this Resolution.

- e. The Chairperson may immediately terminate a TLC Authorization Agreement pursuant to the terms of the TLC Authorization Agreement or if, in the Chairperson’s discretion, there is an imminent threat to the health or safety of members of the public, Pilot SHL Drivers, or other individuals.
  - f. The Commission will begin accepting applications for participation in the Pilot Program immediately after a template TLC Authorization Agreement setting forth the specific terms of participation is published on the TLC website.
  - g. The Commission will accept applications throughout the Pilot Program, with authorization to participate in the Pilot Program ending when the Pilot Program is terminated entirely or when the TLC chooses to end the participation of a particular Participant, or when the term of the Pilot Program has expired.
3. Means of Public Notice
- a. Notice of opportunity to participate in the TLC Pilot Program will be published on the Commission’s website.
4. Number of Participants
- a. The maximum number of Participants will be determined by the number of SHL Permits that are available for re-issue, not to exceed 2,500 in number.
5. TLC Authorization Agreement Submission
- a. The TLC Authorization Agreement template for the TLC Pilot Program, setting forth the specific terms of participation and instructions for submitting the TLC Authorization Agreement, will be made available on the TLC website.
  - b. The Commission will begin accepting TLC Authorization Agreements for participation in the TLC Pilot Program immediately after the TLC Authorization Agreement template is published on the TLC website.
  - c. The Commission will accept TLC Authorization Agreements throughout the duration of the TLC Pilot Program.
6. Selection of Pilot Participants
- a. Selection of Participants will be made by the Chairperson based on the conditions described below, in section 6(d).
  - b. TLC Authorization Agreements will be accepted only from individuals with a TLC Driver License that is in good standing with the Commission. These TLC Authorization Agreements will be considered binding agreements that are entered into by Participants with the Deputy Commissioner of Legal Affairs (on behalf of the Commission).
  - c. Individuals with a TLC Driver License who apply to participate in the TLC Pilot Program (“Applicants”) must meet all of the requirements contained in the TLC Pilot Program TLC Authorization Agreement.
  - d. Criteria for selection of Applicants will include responsiveness to the public notice and the performance history of the Applicant, including history of violations of Commission Rules or other applicable laws.
7. Exemptions

- a. Participants will be exempt from the following sections of the Commission’s Rules when Hacking-up a Pilot SHL pursuant to the terms of this Pilot:

80-17(e)(1)(i)-(v) and 80-17(e)(2)  
80-19(b)(2)(i)(permitting an SHL to accept a HAIL in the HAIL zone)  
80-23  
80-25  
82-08(a)(1), 82-08(3)  
82-08(g), 82-08(i)  
82-11(b)  
82-22(a)(1)-(2)  
82-22(e)  
82-25(b)  
82-30(b)  
82-32(j), 82-32(k), 82-32(l)  
82-33(a)(1), 82-33(j)(1), 82-33(l)  
82-34(a)(1)-(2), 82-34(a)(6)-(10)  
82-35(a), 82-35(c), 82-35(d)(permitting an Optional Rooftop Advertising Feature)  
82-36(a)-(b)  
82-37  
82-38  
82-39  
82-40  
82-41  
82-42  
82-44  
82-52(a), 82-52(c)-(d)  
82-54  
82-55  
82-56(a)  
82-58  
82-63

## 8. Reporting and Evaluation

- a. During the Pilot Program, the Chair will review available data, including but not limited to trip records and crash data, to evaluate:
  - i. The demand for Pilot SHL service (of both Passengers and Drivers) by measuring the number of trips dispatched to Pilot SHL Drivers by Bases, including pick-up and drop-off locations of all such trips provided.
  - ii. The safety of this Pilot, which will be evaluated by measuring the number of summonses issued to Pilot Participants and available crash data.
  - iii. Whether the reduction of inspections performed by the Safety and Emissions Division, to once every other year, has an impact on public safety.
  - iv. Any other analysis or evaluation the Chair deems necessary to determine the viability of the Pilot SHL regulatory structure.

- b. A final report, including a recommendation on whether to commence rulemaking, will be issued to the Commission within one month of the conclusion of the Pilot Program. The Chairperson will commence rulemaking, if warranted, within two months of the issuance of the final report.

9. Compliance

- a. Participants must comply with all applicable local, state and federal laws, including TLC Rules, except for those exemptions provided in this Resolution.
- b. Participants must comply with all TLC Authorization Agreement requirements.
- c. Participants must not file with the Commission any statements that they know or reasonably should know to be false, misleading, deceptive or materially incomplete.
- d. Participants must not commit fraud, misrepresentation and larceny, willful acts of omission and commission; and must not act against the best interests of the public, including but not limited to acts or threats of harassment, abuse, use or threat of physical force, or failure to cooperate with a law enforcement officer or the Commission.
- e. Participants must notify the TLC in writing of any suspension or revocation of any license granted to a Participant by any local, state or federal agency.