

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes adoption of rules governing medallion taxicabs.

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were not included in the most recent TLC regulatory agenda, because the need for them was not anticipated at the time the regulatory agenda was prepared.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on September 10, 2008, at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by email, by telephone, or by TTY/TDD no later than September 4, 2008.

Written comments in connection with this proposed rule should be submitted to the Office of Legal Affairs, addressed as follows, or submitted via email and must be received no later than September 8, 2008:

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Taxi and Limousine Commission

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New material is underlined.

[Material in brackets indicates deleted material.]

Section 1. Section 2-01 of chapter 2 of title 35 of the Rules of the City of New York is amended by adding two new definitions, in alphabetical order, to read as follows:

Occupant classification system. An “occupant classification system” is a device that is placed by the original equipment manufacturer within a vehicle seat that detects whether a person is occupying the seat and detects the mass or weight of that person, for purposes of deploying an airbag protecting a passenger in that seat, in the event of a collision, with high force, low force, or not at all.

Side Airbag. A “side airbag” is an airbag located by the original equipment manufacturer in a vehicle seat, and such airbag inflates between the seat occupant and the door.

Section 2. Subdivision (d) of section 2-26 of chapter 2 of title 35 of the Rules of the City of New York is amended to read as follows:

(d) A driver shall not (1) operate a taxicab having any equipment or mechanical devices not specifically enumerated in these rules, unless authorized in writing by the Commission, (2) place a cushion or other orthopedic device on the seat portion of a taxicab seat that is equipped with an occupant classification system; or (3) place a back rest or other orthopedic device on the back portion of a taxicab seat that is equipped with side airbags.

Section 3. Subparagraph (iv) of paragraph (5) of subdivision (e) of section 3-03 of chapter 3 of Title 35 of the Rules of the City of New York is amended to read as follows:

(iv) The upholstery and trim shall be vinyl, shall meet or exceed all federal (MVSS) standards for vehicle seating including flame resistance [and shall have a suitable surface for mounting authorized decals]. Notwithstanding the provision of this subparagraph, on the seats of a taxicab that are equipped with an occupant classification system as defined in section 2-01 of this title, and on the seats of a taxicab that are equipped with side airbags, the upholstery shall be as provided by the original equipment manufacturer.

Statement of Basis and Purpose of Proposed Rules

Automobile manufacturers recently advised the Taxi and Limousine Commission that the operation of airbags can be affected by the post-manufacture installation of vinyl seat covers and by the use of back rests and similar devices. Therefore, three modifications of existing Commission rules relating to taxicabs are required:

First, the proposed rules would eliminate the requirement of post-manufacture installation of vinyl seat coverings for taxicab seats that are equipped with OCS technology and for seats that are equipped with side airbags, and would require the removal of any post-manufacture vinyl coverings previously placed over seats equipped with OCS technology or with side airbags.

The installation of post-manufacture vinyl seat coverings may impair the operation of occupant classification systems (OCS) that detect the presence of children or small adults in seats. In the event of a collision, the OCS prevents the seat's airbag from deploying, or limits the force of the deployment of the airbag. This innovation reduces the risk of injury to small adults and children who are at heightened risk of injury from the regular deployment of airbags. Installation of post-manufacture vinyl seat coverings creates the risk that airbags will not deploy even when adults occupy the seats equipped with OCS devices.

Also, the addition of post-manufacture vinyl seat coverings may impair the deployment of side airbags installed in seats. Side airbags reduce the risk of injury incurred during a collision with the side of a vehicle.

Second, the proposed rules would prohibit the use of seat cushions or similar devices on seats equipped with OCS, in order to avoid interference with the proper functioning of OCS technology.

Third, the proposed rules would prohibit the use of back rests and similar devices in the seats of taxicabs equipped with seat-mounted side airbags in order to avoid interference with the proper deployment of those airbags.