

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. The change would amend the TLC's Rules for For-Hire Vehicles.

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 October 17, 2013. 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 October 17, 2013. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by October 11, 2013.

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, October 10, 2013.

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, together with the provisions of state legislative bills S5825 and A8496 signed into law on December 23, 2011 and the provisions of S6118-A and A8691-A signed into law on February 17, 2012, 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 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 Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

During early 2012, the New York City Taxi and Limousine Commission (TLC) adopted rules to implement this legislation, but they were subsequently stayed during the pendency of litigation, commenced in mid-2012, which challenged the legislation. Following the successful resolution of this litigation, and as it moves forward to implement the program set forth in the legislation and rules, the TLC is amending the rules to:

- Make clear that only Street Hail Liveries may be green so that the public is not confused about which vehicles can be legally hailed outside of central Manhattan.
- Mandate training in wheelchair passenger assistance for all new taxicab drivers, and remove the requirement that taxicab owners pay for such training. These measures will expand the pool of drivers trained and available to drive accessible vehicles.
- Increase Paratransit Base License periods to 3 years, so that Paratransit Bases with SHL Base Permits can have the same license terms as other SHL Bases. For-Hire Bases already enjoy three year terms, as do new SHL Bases. This change will make treatment of the Paratransit Bases, which may purchase SHL Base Permits, consistent with those of For-Hire Bases.

These rules are authorized by Section 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Subdivision (a) of section 53-07 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Reserved [*Passenger Assistance Training*.

(1) Taxicab Owner Must Pay for Training. The Taxicab Owner is responsible for paying any fees required to train each of Owner's Approved Drivers under Section 54-04(n) of these Rules.

§53-07(a)(1)	Fine: \$50	Appearance: NOT Required]
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§2. Paragraph (1) of subdivision (n) of section 54-04 of Title 35 of the Rules of the City of New York is amended, and a new paragraph (5) is added, to read as follows:

(1) Training Must be Approved by Commission. In order to become a driver of an Accessible Taxicab, a Driver, and on and after January 1, 2014, all new Applicants for a Taxicab Driver's License, must attend a Commission-approved training course regarding Wheelchair Passenger assistance.

(5) Beginning January 1, 2014, a new Applicant for a Taxicab Driver's License must present proof of completion or other evidence that he or she has completed the training with his or her application. Failure to provide such proof or other evidence will result in denial of the application.

§3. Subdivision (d) of section 59A-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) [*Taxicab Yellow*] Prohibited Colors for Vehicle Exteriors. No For-Hire Vehicle can be, in whole or in part, any shade of Taxicab Yellow, and no For-Hire Vehicle not licensed and Valid to operate as a Street Hail Livery can be, in whole or in part, any shade of green.

§4. Subdivision (f)(3)(i) of section 59B-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

(3) Upon issuance of a Street Hail Livery Base License:

(i) the underlying Base License or Paratransit Base License term will be pro-rated (and the License fee for that License will be pro-rated which means an additional fee will be charged) so that the Base License will expire on the same date that the Street Hail Livery Base License expires. *Example*. The underlying Base License expires on 6/15/14. A Street Hail Livery Base License is issued to the Base on 6/16/12 and will expire on 6/15/15. The underlying Base

License will be extended for one year and an additional 1 year license fee of \$500 will be charged. The underlying Base License and the Street Hail Livery Base License will both expire on 6/15/15.

§5. Subdivisions (a) and (b) of section 60B-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *New Licenses.* The term of a new Base License is [two] three years.
- (b) *Renewals.* The renewal term of a Base License is [two] three years from the date on which the previous License expired.

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

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

RULE TITLE: Rule Amendments Relating to Street Hail Liveries

REFERENCE NUMBER: 2013 RG 076

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
Acting Corporation Counsel

Date: September 4, 2013

**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: Rule Amendments Relating to Street Hail Liveries

REFERENCE NUMBER: TLC-53

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

September 4, 2013
Date