

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Revised Hearing Date for 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 dispatch of wheel chair accessible taxicabs and liveries.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2008.

These rules were previously noticed for a public hearing to occur on November 15, 2007 and a notice appeared in the City Record on September 28, 2007. 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 November 13, 2007, 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 telephone, or by TTY/TDD no later than November 8, 2007.

The date for receipt of written comments is unchanged. Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs, addressed as follows, and must be received no later than November 7, 2007:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1117
Fax: 212- 676-1102
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Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 1-86 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding the following new penalty at the end thereof:

Rule No.	Penalty	Personal Appearance Required
<u>§1-87</u>	<u>See chapter 16 of this title</u>	<u>See chapter 16 of this Title</u>

Section 2. Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding Section 1-87 thereto to read as follows:

§1-87 Owners of Accessible Taxicabs.

An owner of an accessible taxicab medallion must also comply with chapter 16 of this title.

Section 3. Section 2-01 of Title 35 of the Rules of the City of New York is amended by adding one new definition thereto to read as follows:

§2-01 Definitions.

Accessible taxicab. An “accessible taxicab” is a taxicab that complies with section 3-03.2 of this title.

Section 4. Chapter 2 of Title 35 of the Rules of the City of New York is amended by adding new section 2-08 thereto to read as follows:

§ 2-08 Drivers of Accessible Taxicabs.

A driver of an accessible taxicab must also comply with chapter 16 of this title.

Section 5. Section 2-33(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) When a taxicab is occupied by anyone in addition to the driver, the taximeter shall immediately be placed in the recording or "Hired" position and kept in that position until arrival at the destination, provided that if the passenger is not being charged a fare, the driver, in lieu of activating the meter, may illuminate the "Off Duty" light and transmit to an electronic database for entry on the electronic trip record that he or she is off duty and transporting a non-paying passenger and the details of time and distance of the free fare or until such time when a taxicab is required to be equipped with data collection and

transmission equipment as described in Section 3-06 of the Taxicab Specifications enter on his or her written trip record that he or she is off duty and transporting a non-paying passenger and the details of time, distance and reason for the transportation without charge. When the taxicab is engaged in a flat fare trip from Kennedy Airport to Manhattan in accordance with Owners Rule 1-69, the driver shall not activate the meter, except in accordance with subdivision (b) of Rule §1-69, and shall transmit to an electronic database for entry on the electronic trip record or enter on the written trip record that this is a flat fare trip from Kennedy Airport and the details of time and distance. When a taxicab is occupied by a passenger who is a person with a disability, the driver shall place the taximeter in the recording or “Hired” position only after the passenger has safely entered the taxicab. A taxicab driver shall not place the taximeter in the recording or “Hired” position while the driver is assisting a person with a disability to enter the taxicab or while assisting with that passenger’s mobility aid. Notwithstanding anything else contained in this section, a taxicab driver who is a driver of an accessible taxicab and who has accepted a dispatch of a wheelchair passenger pursuant to chapter 16 of this title shall turn on the meter as provided in section 16-08 (d) of this title.

Section 6. Section 2-54 (b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) A driver may not use another person, other than a dispatcher at an authorized group-ride taxi line, to solicit a passenger, nor suggest to a passenger that an additional person be accepted as a passenger, except that a driver of an accessible taxicab shall accept dispatches as provided by chapter 16 of this title.

Section 7. Section 2-86 of Chapter 2 of Title 35 of the Rules of the City of New York is amended by adding the following new penalty thereto:

Rule No.	Penalty	Personal Appearance Required
§2-03(b)	\$25	No
<u>§2-08</u>	<u>See chapter 16 of this title</u>	<u>No</u>
§2-12(a)	\$50-350 and/or suspension up to 30 days	Yes

Section 8. Section 6-01 of Title 35 of the Rules of the City of New York is amended by adding one new definition thereto to read as follows:

§6-01 Definitions.

Wheelchair accessible livery. A wheelchair accessible livery shall mean a livery which meets the requirements of section 6-28 (a) of this chapter and the owner of which vehicle has opted to participate in the dispatch program as set forth in chapter 16 of this title.

Section 9. Section 6-06 (f) of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) A base owner shall not dispatch a for-hire vehicle from any location other than that specified in the base license, except that a wheelchair accessible livery may be dispatched as provided in chapter 16 of this title.

Section 10. Section 6-12(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) No for-hire vehicle shall be equipped with a meter, except a wheelchair accessible livery which is participating in the dispatch program as set forth in chapter 16 of this title.

Section 11. Section 6-16(f) of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) A driver shall not solicit or pick up passengers by means other than prearrangement through a licensed base, except that the driver of a wheelchair accessible livery may be dispatched as provided in chapter 16 of this title.

Section 12. Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding new section 6-28 thereto to read as follows:

§ 6-28 Wheelchair accessible liveries.

(a) A wheelchair accessible livery must be

(i) a livery; and

(ii) either an accessible vehicle as defined in section 6-01 of this chapter, or a vehicle that meets the requirements of an accessible taxicab pursuant to section 3-03.2 (a) – (d) of this title; and

(iii) equipped with a taximeter meeting the requirements of section 3-04 of this title. Such taximeter may be used only during rides subject to chapter 16 of this title.

(b) The owner of any livery that meets the requirements of subdivision (a) of this section may opt to participate in the dispatch program for wheelchair accessible vehicles as set forth in chapter 16 of this title. Any wheelchair accessible livery whose owner has opted into the dispatch program must remain in such program as long as such vehicle continues in service, or while the program continues, whichever is shorter. The owner may opt into the program by providing a written request to the Commission and providing proof that the vehicle which is the subject of such request meets the requirements of subdivision (a) of this section. Any livery meeting the requirements of subdivision (a) of this section will be accepted for participation upon the option of its owner.

(c) An owner of a wheelchair accessible livery must comply with chapter 16 of this title, and with the taximeter requirements of sections 1-20, 1-21, 1-22 and 1-23 of this title.

(d) A driver of a wheelchair accessible livery must comply with chapter 16 of this title. Such a driver of a wheelchair accessible livery must also, while operating pursuant to a dispatch as provided in chapter 16 of this title, comply with the requirements of sections 2-30, 2-31, 2-32, 2-33, 2-34 and 2-35 of this title.

(e) A base station with an affiliated wheelchair accessible livery must comply with the provisions of chapter 16 of this title.

Section 13. Section 6-22 of Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding the following new penalty following the penalties for violation of section 6-27 to read as follows:

Rule No.	Penalty	Personal Appearance Required
<u>§6-28</u>	<u>See chapter 16 of this title</u>	<u>See chapter 16 of this Title</u>

Section 14. Title 35 of the Rules of the City of New York is amended by adding the following new Chapter 16 thereto, to read as follows:

Chapter 16

Dispatch of Vehicles Accessible to Persons in Wheelchairs

§ 16-01 Definitions.

Accessible taxicab. An “accessible taxicab” is a taxicab that complies with section 3-03.2 of this title.

Accessible vehicle. An “accessible vehicle” is an accessible taxicab or a wheelchair accessible livery.

Chairperson. The “Chairperson” is the Chairperson of the Commission, or his or her designee.

Commission. The “Commission” is the New York City Taxi and Limousine Commission.

Dispatch. A “dispatch” is a request conveyed by the dispatcher for a participating driver operating an accessible vehicle to provide transportation for a wheelchair passenger or for a group of passengers which includes a wheelchair passenger.

Dispatch Equipment. The “dispatch equipment” shall be the communications equipment provided by the dispatcher to enable participating drivers operating accessible vehicles to receive dispatches from the dispatcher.

Dispatcher. The dispatcher is the entity selected by the commission to provide dispatch service for accessible vehicles.

Owner. The owner shall be the owner of the accessible taxicab medallion, or the wheelchair accessible livery, as applicable.

Participating driver. A “participating driver” is a driver of an accessible vehicle who holds a current, valid license from the Commission to drive a taxicab under chapter 2 of this title, or to drive a livery under chapter 6 of this title, and has successfully completed the training prescribed in section 16-05 of this chapter.

Wheelchair accessible livery. A “wheelchair accessible livery” shall mean a livery which meets the requirements of section 6-28 of this title and the owner of which vehicle has opted to participate in the dispatch program as set forth in this chapter.

Wheelchair passenger. A “wheelchair passenger” is a passenger using a wheelchair.

§16-02 Effective Date

Effective on January 1, 2008:

(a) All accessible vehicles and all owners and all participating drivers must comply with all provisions of this chapter; and

(b) Each accessible taxicab must be driven by a participating driver who holds a taxicab driver’s license issued under chapter 2 of this title; and

(c) Each wheelchair accessible livery must be driven by a participating driver who holds a for-hire vehicle operator’s permit issued under chapter 6 of this title; and

(d) No owner, and no base station with which any wheelchair accessible livery is affiliated, may permit operation of an accessible vehicle by a driver other than a participating driver holding the proper license or permit for such vehicle.

§ 16-03 Requirements Not Exclusive

Except to the extent that this chapter expressly provides otherwise, each participating driver, each accessible vehicle and each owner must comply with the generally applicable provisions of chapters 1, 2, 3 and 6 of this title.

§ 16-04 Dispatch Equipment for Accessible Vehicles

(a) Each accessible vehicle must be equipped with operable dispatch equipment.

(b) While the accessible vehicle is in operation, the dispatch equipment must be on and capable of use, unless the dispatch equipment becomes inoperable.

(c) If the dispatch equipment becomes inoperable, the driver of the accessible vehicle must notify the dispatcher and owner by the end of such driver's shift that the equipment is not operable. The owner must install replacement or repaired dispatch equipment promptly upon receipt thereof from the dispatcher. An accessible vehicle with inoperable dispatch equipment may continue to operate without accepting dispatches until repair or replacement of the dispatch equipment.

(d) Each participating driver must log on to the dispatch equipment at the beginning of such driver's shift and log off at the conclusion of such shift, and communicate with the dispatcher regarding dispatches, all in the manner prescribed by the dispatcher.

§ 16-05 Training of Participating Drivers

(a) Any driver, in order to become a participating driver and to operate an accessible vehicle, must attend a course of wheelchair accessible driver training approved by the Chairperson regarding wheelchair passenger assistance techniques.

Wheelchair accessible driver training shall include a minimum of three hours of training that covers the following:

(i) A review of all legal requirements pertaining to transportation of persons with disabilities;

(ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity of lift/ramp operations and various types of wheelchairs), and safety procedures, such training to involve an actual person using a wheelchair; and

(iii) Sensitivity awareness, including customer service and conflict resolution policies.

(b) No driver may operate an accessible vehicle unless the driver has a certificate of completion for or other evidence of completion of the required training as provided in subdivision (a) of this section.

(c) Each participating driver must keep the certificate or a copy of the certificate obtained pursuant to subdivision (b) of this section in the accessible vehicle and available for inspection.

(d) The owner shall be responsible for paying any fees required for the training of participating drivers for such owner's medallion or vehicle.

(e) The owner shall be responsible for ensuring that an accessible vehicle is operated by a participating driver who has completed the training provided for in this section.

(f) Each participating driver must also attend and complete the course of instruction in operation of the dispatch equipment provided by the dispatcher. Each participating driver must also attend and complete any mandatory update training on the dispatch equipment provided by the dispatcher.

§16-06 Acceptance of Dispatch

(a) A participating driver of an accessible vehicle must accept a dispatch from the dispatcher while a driver is on duty. In the event that any participating driver while on duty rejects more than two dispatches from the dispatcher in any work shift, the participating driver shall be deemed to have failed to participate in the dispatch program. Such participating driver may offer as a defense of any charge of failure to participate evidence or an explanation that the driver was not on duty or the vehicle was otherwise not actually available.

(b) A participating driver operating an accessible vehicle, upon receiving a dispatch from the dispatcher, must indicate to the dispatcher when the accessible vehicle will be able to pick up a wheelchair passenger in response to a dispatch in the manner prescribed by the dispatcher. A participating driver of an accessible taxicab shall illuminate the "Off Duty" light when the driver begins to travel to the pick up location.

(c) A participating driver of an accessible vehicle who has accepted a dispatch from the dispatcher may not accept any other passenger prior to picking up the wheelchair passenger.

(d) A base station with which a participating wheelchair accessible livery is affiliated shall also be responsible for ensuring the acceptance of a dispatch by the operator of the vehicle.

§16-07 Fares.

Except as provided in section 16-09 of this chapter, fares for transportation provided following a dispatch under this chapter shall be equivalent to those set for taxicabs pursuant to sections 1-69, 1-70, 1-72 and 1-73 of this title.

§16-08 Driver Duties Regarding Wheelchair Passengers.

(a) A participating driver must assist the wheelchair passenger to and from the curbside while entering and exiting the vehicle and must secure the wheelchair passenger within

the vehicle. A participating driver is not required to assist a wheelchair passenger beyond the curbside.

(b) A participating driver must place the wheelchair passenger's packages and parcels in the vehicle and secure them and must retrieve them for the wheelchair passenger upon the conclusion of the ride.

(c) A participating driver must accept and provide transportation in the accessible vehicle for a wheelchair passenger's service animal(s) and for as many companions as may be seated in the vehicle.

(d)

(i) A participating driver who has accepted a dispatch must wait for the wheelchair passenger to appear at the curbside at the point of pick up for a minimum of ten minutes following the time of pickup indicated by the dispatcher.

(ii) Notwithstanding the provisions of section 2-33(a) of this title, a participating driver shall not turn on the taximeter until the later of (A) the pick up time indicated by the dispatcher or (B) the vehicle's arrival at the point of pick up. The fare shall include any wait time from the time the taximeter is turned on until the trip begins.

(e) Except as provided in section 16-09 of this chapter, a participating driver of an accessible vehicle may not charge a fare to a wheelchair passenger higher than that indicated on the taximeter.

(f) A participating driver accepting a dispatch from the dispatcher must notify the dispatcher in the manner prescribed by the dispatcher when the driver has arrived at the pickup location, whether a passenger is a wheelchair passenger, and whether the driver has picked up any passengers. At the conclusion of the ride, the participating driver must notify the dispatcher in the manner described by the dispatcher that the trip has been completed, the amount of the fare and the driver's ability to accept a new dispatch.

§ 16-09 Non-Wheelchair Passengers.

A participating driver who has accepted a dispatch and who finds, upon arriving at the pickup location, that none of the passengers is a wheelchair passenger, may either refuse to provide transportation to such passengers, or provide such transportation but charge a fare of twice the otherwise applicable fare.

§ 16-10 Penalties for Violation of Accessible Dispatch Rules

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
	<u>All fines listed below also include a separate license suspension, to run concurrently with any</u>	

	<u>underlying suspension, until such fine is paid, unless such fine is paid by the close of business on the day assessed.</u>	
<u>§16-02</u>	<u>\$100 to each of driver, owner, and, if the vehicle is a wheelchair accessible livery, the base station.</u>	<u>No</u>
<u>§16-04(a)</u>	<u>\$50</u>	<u>No</u>
<u>§16-04(b)</u>	<u>\$100</u>	<u>No</u>
<u>§16-04(c)</u>	<u>\$50</u>	<u>No</u>
<u>§16-04(d)</u>	<u>\$100</u>	<u>No</u>
<u>§16-05(b)</u>	<u>\$50</u>	<u>No</u>
<u>§16-05(c)</u>	<u>\$50</u>	<u>No</u>
<u>§16-05(e)</u>	<u>\$50</u>	<u>No</u>
<u>§16-06(a)</u>	<u>\$100 per work shift</u>	<u>No</u>
<u>§16-06(b)</u>	<u>\$100</u>	<u>No</u>
<u>§16-06(c)</u>	<u>\$100</u>	<u>No</u>
<u>§16-06(d)</u>	<u>\$50</u>	<u>No</u>
<u>§16-08(a)</u>	<u>\$50</u>	<u>No</u>
<u>§16-08(b)</u>	<u>\$50</u>	<u>No</u>
<u>§16-08(c)</u>	<u>\$50</u>	<u>No</u>
<u>§16-08(d)(i)</u>	<u>\$50</u>	<u>No</u>
<u>§16-08(d)(ii)</u>	<u>\$50</u>	<u>No</u>
<u>§16-08(e)</u>	<u>\$100</u>	<u>No</u>
<u>§16-08(f)</u>	<u>\$50</u>	<u>No</u>

Statement of Basis and Purpose of Proposed Rules

The proposed rules are designed to provide for the dispatch of accessible taxicabs and participating wheelchair accessible liveries to provide transportation for hire to passengers who use wheelchairs. The provisions of these rules are authorized by section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York.

These rules accompany and implement a two-year demonstration project for dispatch technology and service. Although the program is a demonstration project, a successful result may lead to a permanent implementation following the conclusion of the demonstration project or earlier. Among other things, the project and these rules, which implement the project for TLC licensed drivers and vehicles, represent an effort to match wheelchair accessible taxicabs (which have entered or will enter service through recent auctions of taxicab medallions) with passengers who require the service of such taxicabs.

The program is intended to permit passengers in wheelchairs seeking transportation to call New York City's 311 system and obtain referral to a dispatcher selected by the TLC to match service requests with the nearest available accessible vehicles and dispatch vehicles in response to those requests. The proposed rules would implement this program.

Under the proposed rules, wheelchair accessible taxicabs and participating wheelchair accessible liveries must accept dispatches from the central dispatcher designated by the TLC to provide transportation to persons in wheelchairs. Each vehicle must have equipment provided by the dispatcher in order for the vehicle to receive the dispatch. Drivers of these vehicles must provide the transportation as well as relaying certain information to the dispatcher for tracking purposes. Since fares will be metered, all accessible vehicles participating in the program must contain a taximeter.

Operators of participating vehicles must be trained in use of the dispatch equipment and passenger assistance techniques. The driver must obtain a certificate of completion from the training courses in addition to holding the appropriate license approved by the Commission prior to operating an accessible vehicle.

A driver must assist and secure a passenger in a wheelchair along with any packages he/she may have into and out of the vehicle. Drivers of accessible vehicles are expected to be available to accept dispatches to provide transportation for persons in wheelchairs during their shifts. Failure to accept dispatches will be seen as a failure to participate in the program and may result in penalties.

Passengers using the program must be able to be at the curb at the time specified for pickup by the dispatcher. The cost of the rides will be based on a metered fare corresponding to taxicab fares, and participating wheelchair accessible liveries must install taximeters to be used for dispatched rides. Taximeters installed in participating

livery vehicles are intended to be used solely during rides originating with the dispatch program.

If a dispatch has been requested and no passenger at the pick up location is in a wheelchair, the driver may refuse to provide the transportation or, in the alternative, charge twice the metered fare (including any wait time) for the transportation. A driver may turn the meter on at the later to occur of the driver's arrival at the pick up location or the time of pickup indicated by the dispatcher. The fare will include wait time necessary for the passenger to arrive curbside and enter the vehicle.