

## 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 New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amending the provisions of Chapter 3 of Title 35 of the Rules of the City of New York to eliminate the requirement that level one and level two clean air medallion taxis and accessible medallion taxis eligible for an extension of the vehicle retirement date have to pass at least two inspections, not including reinspections, conducted at the TLC’s inspection facility during the twelve-month period immediately preceding the scheduled retirement date.

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. The proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2009 because the need for the rule change was not anticipated at the time the agenda was submitted.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5<sup>th</sup> Floor, New York, New York 10006 on Thursday, March 26, 2009, 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 for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than Monday, March 23, 2009.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than Monday, March 16, 2009 to:

Charles R. Fraser  
*Deputy Commissioner for Legal Affairs/General Counsel*  
Taxi and Limousine Commission  
40 Rector Street, 5<sup>th</sup> Floor  
New York, New York 10006  
Telephone: 212-676-1117  
Fax: 212-676-1102  
TTY/TDD: 212-341-9596  
Email: [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov)

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

**Section 1.** It is hereby proposed that paragraphs four through seven of subdivision (a) of section 3-02 of chapter 3 of Title 35 of the Rules of the City of New York be amended, that subdivision (b) of such section be deleted, and that subdivision (c) of such section be relettered subdivision (b), to read as follows:

[Deleted material is in brackets.]

New material is underscored.

Section 3-02                      Vehicle Retirement.

- (a)     The following requirements shall apply to all vehicles hacked-up on or after March 1, 1996:

.....

- (4) Notwithstanding the foregoing provisions of this subdivision 3-02(a), the retirement date of any vehicle hacked-up on or after March 1, 1996 and before April 17, 2007, which is a minivan approved for use as a taxicab by the Commission, is extended by: (i) twelve additional months of taxicab service if double-shifted and not driven by at least one long-term driver, as defined in Rule 1-01; or (ii) eighteen additional months of taxicab service if not subject to subparagraph (i) of this paragraph. A taxicab whose retirement date has been extended in accordance with the provisions of this paragraph is not eligible for [any additional extensions otherwise applicable to vehicles that are accessible taxicabs or clean air taxicabs] the extended vehicle lifetime provided for clean air and accessible taxicabs pursuant to paragraphs five through seven of this subdivision.
- (5) Notwithstanding the foregoing provisions of this subdivision 3-02(a), the retirement date of any vehicle that is a level one or level two clean air taxicab as defined in section 3-03.3 of this chapter or an accessible taxicab as defined in section 3-03.2 of this chapter, and that is otherwise required under paragraph (1) of this subdivision) to be retired from taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring thirty-six months after the vehicle was hacked-up, is extended by twelve months [provided that the vehicle satisfies the provisions of subdivision (b) of this section].
- (6) Notwithstanding the foregoing provisions of this subdivision 3-02(a), the retirement date of any vehicle that is a level one clean air taxicab as defined in section 3-03.3 of this chapter or an accessible taxicab as defined in section 3-03.2 of this chapter, and that is otherwise required under paragraph (2) of this subdivision to be retired from taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring sixty months after the vehicle was hacked-up, is extended by twenty-four months [provided that the vehicle satisfies the provisions of subdivision (b) of this section].
- (7) Notwithstanding the foregoing provisions of this subdivision 3-02(a), the retirement date of any vehicle that is a level two clean air taxicab as defined in

section 3-03.3 of this chapter and that is otherwise required under paragraph (2) of this subdivision to be retired from taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring sixty months after the vehicle was hacked-up, is extended by twelve months [provided that the vehicle satisfies the provisions of subdivision (b) of this section].

- (b) [In order for a vehicle hacked-up as a taxicab to be eligible for an extension of its retirement date as provided for in paragraphs (5) through (7) of subdivision (a) of this section, the vehicle must pass at least two of the inspections, not including reinspections, conducted at the Commission's inspection facility pursuant to section 19-504 of the New York City Administrative Code during the twelve-month period immediately preceding the time at which such vehicle would otherwise be required to be retired pursuant to subdivision (a) of this section, and such vehicle must pass all inspections conducted at the Commission's inspection facility pursuant to section 19-504 of such Code after the time at which such vehicle would otherwise be required to be retired pursuant to subdivision (a) of this section. A vehicle which is granted an extension and later fails an inspection conducted at the Commission's inspection facility must be retired and replaced no later than the next scheduled inspection.
- (c) A vehicle which cannot pass inspection must be replaced, regardless of whether its retirement date has been reached. A vehicle which has reached its retirement date, including any extensions provided for in this section, must be retired, regardless of whether it may still pass inspection.

### **Statement of Basis and Purpose of Proposed Rules**

On March 8, 2007 the Taxi and Limousine Commission (TLC) adopted rules which created incentives for taxicab owners to use accessible and clean air taxicabs. In order for accessible and clean air taxicabs to qualify for an additional twelve to twenty-four months, the rules required that such vehicles must pass at least two of the inspections, not including reinspections, conducted at the Commission's inspection facility pursuant to section 19-504 of the New York City Administrative Code during the twelve-month period immediately preceding the time at which such vehicle would otherwise be required to be retired pursuant to section 3-02(a) of the TLC rules. The intent was to ensure that such vehicles were well maintained by owners. In light of two years' experience with that rule, the TLC believes that such a requirement is unnecessarily restrictive: a vehicle should not be forced into retirement because of minor inspection failures (broken headlight; seatbelt not properly affixed; etc.) that can easily be remedied for a follow-up inspection. The proposed rule would of course retain the requirement that a vehicle must pass inspections to remain on the road, regardless of its scheduled retirement date.