

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 display of insignia on accessible and clean air taxicabs and for-hire vehicles.

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. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2007, because the need for the rules was not anticipated at the time the regulatory agenda was published.

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 April 12, 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 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 April 5, 2007.

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 April 6, 2007:

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Taxi and Limousine Commission
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Section 1. Section 1-01 of Chapter 1 of Title 35 of the Rules of the City of New York is amended by adding two new definitions to read as follows:

§1-01 Definitions.

Accessible taxicab. An “accessible taxicab” is a taxicab that complies with section 3.03.2 of this title.

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Clean air taxicab. A “clean air taxicab” is a taxicab that complies with section 3-03.3 of this title.

Section 2. Paragraphs (3) and (4) of subdivision (b) of Section 1-35 of Chapter 1 of Title 35 of the Rules of the City of New York are amended, and new paragraphs (5) and (6) are added, to read as follows:

§1-35 Markings and Advertising.

(b) An owner shall not display any lettering, emblem, or advertising of any kind on the exterior of a taxicab, its windows or an exterior accessory, by means of paint, stencil, decal, sticker, or otherwise, unless authorized by the Commission, except:

. . . .

(3) such inscriptions as are permitted or required by these rules or the Commission’s Marking Specifications for Taxicabs; [and]

(4) such advertising as may be authorized by the Commission on the vehicle’s rate card;

(5) for an accessible taxicab, insignia, the design of which shall be provided by the Commission on its website or through other means it deems appropriate as set forth on its website, that identify the vehicle as an accessible taxicab. Such insignia shall be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such taxicab, and shall be visible to passengers entering the accessible taxicab; and

(6) for a clean air taxicab, insignia, the design of which shall be

provided by the Commission on its website or through other means it deems appropriate as set forth on its website, that identify the vehicle as a clean air vehicle. Such insignia shall be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such taxicab, and shall be visible to passengers entering the clean air taxicab.

Such inscriptions and advertising shall be maintained in good condition.

Section 3. Paragraph (5) of subdivision (a) of Section 1-52 of Chapter 1 of Title 35 of the Rules of the City of New York is amended to read as follows:

§1-52 Required to be Present in the Taxicab.

(a) The following shall be present in the taxicab while it is in operation for hire:

. . . .

- (5) all notices required to be posted in the taxicab, including, but not limited to information provided by the Commission to the owner of a clean air taxicab which shall be displayed in the rear passenger compartment of such taxicab, visible to all rear seat passengers, by printed notice prior to the date when a personal information monitor (PIM) is required to be installed in taxicabs and thereafter in content displayed on the PIM, and which (i) identifies such taxicab as a clean air vehicle, (ii) includes the address of the Commission web page(s) and (iii) includes, to the extent practicable, estimated air quality benefits associated with the use of such vehicle and the type of fuel used to power such vehicle.

Section 4. The penalty for violation of section 1-35(b), set forth in Section 1-86 of Chapter 1 of Title 35 of the Rules of the City of New York, is amended, and a new penalty for violation of paragraphs (5) and (6) of section 1-35(b) is added, in alphanumeric order, to read as follows:

§1-86 Penalties for Violations of Rules Governing Owners of Medallion Taxicabs and Coaches.

<u>Rule No.</u>	<u>Penalty</u>	<u>Personal Appearance Required</u>
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§1-35(b)(1), (2), (3) \$25 No
and (4)

§1-35(b)(5) and (6) \$75 No

Section 5. Subdivision (f) of Section 3-03.2 of Chapter 3 of Title 35 of the Rules of the City of New York is added, to read as follows:

§3-03.2 Accessible Taxicab Specifications.

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(f) If the taxicab is an accessible taxicab the translucent slide of the roof light shall be medium blue.

Section 6. Chapter 3 of Title 35 of the Rules of the City of New York is amended by adding a new section 3-03.3, to read as follows:

§3-03.3 Clean Air Taxicab Specifications.

- (a) As used in this section and in Chapter 1 of this title, the term “clean air taxicab” shall mean any taxicab licensed by the Commission that receives an air pollution score of 9.0 or higher from the United States Environmental Protection Agency or its successor agency and is estimated to emit 6.4 tons or less of equivalent carbon dioxide per year by the United States Department of Energy or its successor agency; provided that such vehicle is powered by the fuel for which such vehicle meets the above-specified standards.
- (b) If the taxicab is a clean air taxicab the translucent slide of the roof light shall be medium blue.

Section 7. Section 6-01 of Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding two new definitions and amending the definition of “Rooflight”, to read as follows:

Accessible vehicle. An accessible vehicle is a wheelchair accessible vehicle that is authorized by the Commission to transport passengers by prearrangement and for-hire and that meets the specifications and requirements for accessible vehicles pursuant to the Americans with Disabilities Act of 1990, as amended, and regulations promulgated pursuant thereto.

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Clean air for-hire vehicle. A clean air for-hire vehicle is a for-hire vehicle licensed by the Commission that receives an air pollution score of 9.0 or higher from the United States Environmental Protection Agency or its successor agency and is estimated to emit 6.4 tons or less of equivalent carbon dioxide per year by the United States Department of Energy or its successor agency; provided that such vehicle is powered by the fuel for which such vehicle meets the above-specified standards.

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Rooflight. Rooflight means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying any information. In any instance in which Commission rules permit a rooflight, the permitted rooflight shall be of a one-piece solid translucent material; it shall not approximate the shape or appearance of a taxi rooflight; it may bear only the name of the base with which the vehicle is affiliated, alone or with either a telephone number or a car number; and the name shall not include the words “hack,” “taxi,” “taxicab,” “cab” or “coach.” If the vehicle is an accessible vehicle or a clean air for-hire vehicle, the translucent slide of the rooflight shall be medium blue.

Section 8. Paragraph (2) of subdivision (f) of Section 6-07 of Chapter 6 of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) Effective October 31, 2001, a base owner shall be responsible for providing transportation service to persons with disabilities. A base owner may fulfill this requirement either by:

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(2) arranging for the dispatch of an accessible vehicle affiliated with another licensed base, upon request, if the base owner has entered into a contractual or other arrangement with such base for the provision of accessible vehicles to persons with disabilities. [For the purpose of this subdivision, an “accessible vehicle” shall be a vehicle capable of transporting individuals who use wheelchairs or other mobility aids, and that complies with the accessibility requirements of the Americans with Disabilities Act of 1990, as amended, and the Regulations promulgated thereunder.] The Chairperson may, in his or

her discretion, approve vehicles for the provision of accessible service that deviate from the requirements set forth in [said] the Americans with Disabilities Act or the Regulations promulgated thereunder.

Whether a base owner dispatches an affiliated accessible vehicle, or arranges for the dispatch of vehicles affiliated with another base, said base owner shall be responsible for the provision of “equivalent service” to persons with disabilities. This service equivalency requirement shall be met only if the service available to persons with disabilities, when viewed in its entirety, is provided in the most integrated setting to the needs of such individual and is equivalent to the service provided to other individuals with respect to the following service characteristics:

- (a) Response time to requests for service;
- (b) Fares charged;
- (c) Hours and days of service availability;
- (d) Ability to accept reservations;
- (e) Restrictions based upon trip purpose;
- (f) Other limitations on capacity or service availability.

Section 9. Subdivision (f) of section 6-12 of Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding new paragraphs (3) and (4), to read as follows:

§6-12 Conditions of Operation Relating to For-Hire Vehicles.

A for-hire vehicle base and a for-hire vehicle owner shall be jointly and severally responsible for compliance with the following provisions and liable for violation thereof. No for-hire vehicle shall be used in the course of operations of a for-hire vehicle service unless the vehicle is in compliance with the following;

(f)

- (3) Any accessible vehicle licensed by the Commission shall display insignia, the design of which shall be provided by the Commission on its website or through means it deems appropriate as set forth on its website, that identify such vehicle as an accessible vehicle. Such insignia shall be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such vehicle, and shall be visible to passengers entering the accessible vehicle.

- (4) Any clean air for-hire vehicle licensed by the Commission shall display insignia, the design of which shall be provided by the Commission on its website or through other means it deems appropriate as set forth on its website, that identify such vehicle as a clean air vehicle. Such insignia shall be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such vehicle, and shall be visible to passengers entering the clean air for-hire vehicle.

Section 10. Section 6-22 of Chapter 6 of Title 35 of the Rules of the City of New York is amended by adding, in alphanumeric order, a new penalty for violation of paragraphs (3) or (4) of section 6-12(f), to read as follows:

Rule No.	Penalty	Personal Appearance Required
<u>§6-12(f)(3) or (4)</u>	<u>\$75</u>	<u>No</u>

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULES

The proposed rules would implement Local Laws 54 and 55 for the Year 2006, which added sections 19-514(h) and (i) and 19-536 of the Administrative Code of the City of New York, requiring that each Taxi and Limousine Commission-licensed accessible or clean air vehicle be marked with two insignia identifying it as an accessible or clean air vehicle. The proposed rules incorporate the statutory definition of a clean air vehicle, which would apply to taxicabs and for-hire vehicles. The proposed rules retain the existing definition of an accessible taxicab (section 3-03.2 of the Commission’s rules) and add a definition of an accessible for-hire vehicle.

The proposed rules would provide that a clean air vehicle insignia design and an accessible vehicle insignia design will be made available on the Commission’s website or by other means the Commission deems appropriate as set forth on its website. The insignia would be posted on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the accessible vehicle visible to passengers entering the vehicle.

In addition, pursuant to the Administrative Code provisions, the proposed rules would require that the owner of a clean air taxicab display in the rear passenger compartment, visible to all passengers in the back seat, passenger information to be provided by the Commission. That information shall include identification of the clean air taxicab as a clean air vehicle, the Commission's Web page address, and, to the extent practicable, the estimated air quality benefits associated with the use of such vehicle and the type of fuel used to power such vehicle.

Finally, for any accessible vehicle or clean air vehicle on which a roof light is permitted, the proposed rules would require that the translucent slide of the roof light be medium blue, to assist the riding public in recognizing and selecting an accessible or clean air vehicle.