



NEW YORK CITY TAXI & LIMOUSINE COMMISSION

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TLC NEWS | ARCHIVED PUBLIC NOTICES

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON PROPOSED RULES NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

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 a rule to approve hybrid electric vehicles for use as taxicabs.

This rule is proposed pursuant to section 1043 of the Charter and section 19-533 of the Administrative Code of the City of New York. The proposed rule was not included in the TLC's regulatory agenda for Fiscal Year 2006 because the local law requiring promulgation of the rule was enacted after TLC's 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 September 8, 2005, 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 September 1, 2005.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than September 6, 2005 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
New York City Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, NY 10006
Telephone: 212-676-1117
Fax: 212-676-1102
TTY/TDD: 212-341-9596

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

Statement of Basis and Purpose of Proposed Rules

The proposed rule is intended to implement section 19-533 of the Administrative Code of the City of New York, as enacted by Local Law 72 of 2005. That law requires that the Taxi and Limousine Commission ("TLC") approve one or more hybrid electric vehicle models for use as taxicabs.

The TLC recognizes the great importance of hybrid electric vehicle technology, as described in section 1 of Local Law 72 of 2005. The benefits of hybrid electric vehicle technology include economic, because of the recent escalation in the retail price of gasoline; environmental, because of the pollutants created by comparatively low-mileage gasoline-burning vehicles; and public health, because of the adverse consequences of those pollutants.

TLC Commissioners and TLC staff extensively reviewed available hybrid electric vehicle models with four or more doors, culminating in an on-site inspection of samples of those models on July 26, 2005. None of the hybrid electric vehicle models available for sale to consumers in the United States complies with all of the taxicab vehicle specifications stated in chapter 3 of the TLC's rules (title 35, Rules of the City of New York). Non-compliances include passenger and driver comfort specifications, most importantly legroom; safety specifications, such as untinted windows and maximum horsepower; and durability specifications such as heavy-duty construction. Existing specifications must be modified to comply with the mandate of Local Law 72 of 2005. Therefore, realization of the economic, environmental, and public health benefits of hybrid electric technology requires tradeoffs with the other interests served by the TLC's vehicle specifications.

TLC staff identified only six hybrid electric vehicle models with four doors or more that are available on the consumer market in the United States: the Ford Escape/Mercury Mariner, the Honda Accord, the Honda Civic, the Lexus RX400H, the Toyota Highlander, and the Toyota Prius. The proposed rule would permit the hack-up of any of these six models. TLC staff research indicates that the number of available hybrid electric vehicle models will likely double in the 2007 model year.

TLC staff will monitor the implementation of this proposed rule and recommend any amendments that might be warranted by experience with those vehicles in actual taxicab usage.

Section 1. It is hereby proposed that title 35, chapter 3, of the Rules of the City of New York, be amended to add the following new section as follows:

[Brackets indicate deleted material].
Underscoring indicates new material.

§ 3-03.1 Hybrid Electric Taxicab Specifications.

(a) The purpose of this section is to implement section 19-533 of the Administrative Code, as enacted by local law 72 of 2005.

(b) As used in this section, the term "hybrid electric vehicle" shall mean a commercially available mass production vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner.

(c) Any hybrid electric vehicle manufactured for the general consumer market shall be approved for hack-up, as that term is defined in section 3-01(a) of this chapter, provided that such vehicle is presented for hack-up on or after the effective date of this rule, and provided that such vehicle meets all requirements for vehicle hack-up except the following:

(i) The hybrid electric vehicle shall not be required to be manufactured with heavy-duty equipment for taxicab, police or fleet service, notwithstanding the provisions of section 3-03(c)(1) of this chapter;

(ii) Minimum EPA passenger compartment interior volume index shall be 104.3 cubic feet, notwithstanding the provisions of section 3-03(c)(2) of this chapter;

(iii) Minimum effective rear compartment legroom (L51) shall be 34.6 inches, notwithstanding the provisions of section 3-03(c)(3)(i) of this chapter;

(iv) Minimum effective rear compartment headroom (H63) shall be 37.1 inches, notwithstanding the provisions of section 3-03(c)(3)(ii) of this chapter;

(v) Minimum effective front compartment legroom (L34) shall be 41.6 inches, notwithstanding the provisions of section 3-03(c)(4)(ii) of this chapter;

(vi) Minimum total legroom (the sum of L34 plus L51) shall be 76.2 inches, notwithstanding the provisions of section 3-03(c)(4)(iii) of this chapter;

(vii) The maximum horsepower shall be 268, notwithstanding the provisions of section 3-03(c)(6) of this chapter;

(viii) The hybrid electric vehicle shall have at least four doors, and shall be a minivan, a compact or larger sedan, or a sport utility vehicle, notwithstanding the provisions of section 3-03(c)(7) and (d)(1) of this chapter; provided that a hybrid electric vehicle designated a sport utility vehicle by either the vehicle's manufacturer or by the National Highway Traffic Safety Administration must be equipped with running boards;

(ix) A hybrid electric vehicle designated a sport utility vehicle by either the vehicle's manufacturer or by the National Highway Traffic Safety Administration shall have a rear window and left and right rear side windows with the greatest degree of light transmittance available from the manufacturer or by dealer option, but in no event less than 20 percent light transmittance, notwithstanding the provisions of section 3-03(c)(8) of this chapter; and

(x) A partition shall not be required in a hybrid electric vehicle, notwithstanding the provisions of section 3-03(e)(3)(i) of this chapter; provided that if a partition is not installed in compliance with section 1-17 (a) of this title, the hybrid electric vehicle shall be equipped with a digital camera and recording equipment approved by the Commission pursuant to section 1-17(b)(3) of this title.

(d) Notwithstanding the provisions of section 3-02 of this chapter, the retirement date for a hybrid electric vehicle hacked up pursuant to this section shall be determined as follows:

(i) A vehicle which is double-shifted and not driven by at least one long-term driver, as defined in section 1-01 of this title, for any period of time after hack-up, must be retired from taxicab service and replaced no later than 36 months after the vehicle was hacked-up.

(ii) Any other vehicle must be retired from taxicab service and replaced no later than 60 months after the vehicle was hacked-up.

(iii) A vehicle hacked-up pursuant to this section shall not be eligible for any extension of the retirement dates provided in this paragraph.