

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 amended rules providing for a passenger bill of rights for commuter vans.

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 not included in the TLC’s regulatory agenda for Fiscal Year 2010 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, 5th Floor, New York, New York 10006 on June 17, 2010 at 10:00 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 or by telephone no later than June 10, 2010.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than June 14, 2010 to:

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: 212-676-1135
Fax: 212-676-1102
Email: 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.

New Material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend section 9-08(b)(1) of Title 35 of the Rules of the City of New York to read as follows:

(1) demonstrates to the satisfaction of the Commission that he or she is familiar with the geography and streets of the area in which he or she intends to operate a commuter van and is otherwise fit and able to drive [the] a commuter van [for which the license is sought];

Section 2. It is proposed to amend section 9-10(b)(2) of Title 35 of the Rules of the City of New York to read as follows:

(b) A commuter van driver shall not operate a commuter van unless the following are present in the vehicle:

(2) the driver's commuter van driver's license mounted in a protective holder behind the driver's seat;

Section 3. It is proposed to amend section 9-10 of Title 35 of the Rules of the City of New York to add subdivisions (o), (p), (q), (r), (s), (t), (u) and (v) to read as follows:

(o) A commuter van driver must operate his or her vehicle safely and in full compliance with all New York State and City traffic laws, rules and regulations as well the rules and regulations of any other regulatory body or government agency having jurisdiction over motor vehicles.

(p) A commuter van driver must be courteous to the public.

(q) A commuter van driver must turn on or off heating or air-conditioning equipment at the request of the passenger(s).

(r) All audio equipment controlled by the driver must be turned on or off at the request of the passenger(s). The passenger(s) shall have the right to select what is played on the audio equipment. The audio equipment must not be played if any passenger objects. Whether or not the vehicle is hired, an audio device must be played at normal volume only, and all noise ordinances must be complied with.

(s) A commuter van driver must not engage in horn-honking that violates traffic rules and regulations.

(t) A commuter van driver must keep the vehicle clean and smoke free.

(u) A commuter van driver must not ask for a tip or indicate that a tip is expected.

Section 4. It is proposed to amend section 9-11(a)(i) of Title 35 of the Rules of the City of New York to read as follows:

(a)(i) No commuter van shall be used in the course of operations of a commuter van service unless the van shall have the following information conspicuously painted on each longitudinal side of the exterior of the vehicle in letters of at least 3 inches in height: the exact name and address of the operator and the word OPERATOR adjacent thereto; the owner's exact name and the word OWNER adjacent thereto; and a permit number. In addition, a placard with the same information required above shall be placed in the interior of the commuter van clearly visible from all passenger seats of the commuter van. Such placard shall include a statement that any complaints regarding the commuter van may be submitted to the Taxi and Limousine Commission by telephone to 311 or via the Commission's website, <http://nyc.gov/taxi>. All such information must be in English. In addition, the information may be in another language.

Section 5. It is proposed to amend section 9-11(b)(2) of Title 35 of the Rules of the City of New York to read as follows:

(b) No commuter van shall be used in the course of operations of a commuter van service unless the van shall at all times carry the following inside the vehicle while it is in operation:

(2) the driver's commuter van driver's license mounted in a protective holder behind the driver's seat;

Section 6. It is proposed to amend section 9-11 of Title 35 of the Rules of the City of New York to add subdivisions (v), (w), (x), and (y) to read as follows:

(v) A commuter van owner is responsible for ensuring that the commuter van is equipped with working heating and air conditioning equipment.

(w) A commuter van owner must not dispatch a commuter van unless the vehicle has seatbelts in working order that can be seen and used.

(x) A commuter van owner must keep a commuter van clean inside and out.

(y) A commuter owner must post a Commuter Van Passenger's Bill of Rights in a form and format prescribed by the Commission in a commuter van. The Commuter Van Passenger's Bill of Rights must be placed in a protective holder mounted behind the front passenger's seat of the commuter van. The Commission will post the Commuter Van Passenger's Bill of Rights on its Web site or will post on its Web site how commuter van owners can obtain the bill of rights.

Section 7. It is proposed to amend section 9-17(a) of Title 35 of the Rules of the City of New York to add penalties for sections 9-10 (o), (p), (q), (r), (s), (t), and (u) and for sections 9-11 (v), (w), (x), and (y) to read as follows:

Rule No.	Penalty	Personal Appearance Required
<u>9-10(o)</u>	<u>\$25-250 and/ or suspension up to thirty (30) days or revocation if driver is found guilty of having violated this rule more than three (3) times within a twelve (12) month period.</u>	<u>Yes</u>
<u>9-10(p)</u>	<u>\$25</u>	<u>No</u>
<u>9-10(q)</u>	<u>\$25</u>	<u>No</u>
<u>9-10(r)</u>	<u>\$25</u>	<u>No</u>
<u>9-10(s)</u>	<u>\$50</u>	<u>No</u>
<u>9-10(t)</u>	<u>\$25</u>	<u>No</u>
<u>9-10(u)</u>	<u>\$50</u>	<u>No</u>
<u>9-11(v)</u>	<u>\$50</u>	<u>No</u>
<u>9-11(w)</u>	<u>\$100</u>	<u>No</u>
<u>9-11(x)</u>	<u>\$25</u>	<u>No</u>
<u>9-11(y)</u>	<u>\$100</u>	<u>No</u>

Statement of Basis and Purpose

These rules amend the provisions of chapter 9 (Commuter Van Services) of the Taxi and Limousine Commission’s Rules to impose a requirement that owners of commuter vans post passenger bills of rights in their vehicles for the benefit of the riding public.

The requirement for a commuter van bill of rights stems from local law 73 of 2009 which amends section 19-537 the New York City Administrative Code to add the requirement that commuter vans carry a bill of rights in form and format prescribed by the Commission.

In addition to requiring the passenger bills of rights, these rules also amend certain of the requirements for owners and drivers of vehicles licensed under chapter 9 of the Commission’s rules to create the passenger rights enumerated in the bills of rights, to the extent that these rights were not already provided for in existing rules. These changes include:

- Vehicles must have working heating and air conditioning to be used at the request of passenger(s).

- Drivers must follow passenger requests regarding the use of audio equipment.
- Drivers must not engage in unnecessary horn honking.
- Vehicles must have working seatbelts.
- Drivers must not request tips.
- Commuter vans must be kept clean.

Finally, existing commuter van markings rules are clarified to provide that service markings must be in English but may be in another language as well.