NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of 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") promulgates rules to allow all Medallion Taxicab Owners to install a TLC-approved In-Vehicle Camera System in lieu of a partition, require that all Medallion Taxicab Owners file an Email address with the Commission, and amend rules specifying when the 496 Accessible Official Taxicab Vehicle waivers may be requested.

These rules are promulgated pursuant to Sections 1043 and 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York.

These rules were published in the City Record on March 22, 2016 for public comment. On April 21, 2016, a public hearing on these rules was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, and the rules were adopted by the Commission on this same date. Pursuant to Section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rules

On January 20, 1994, the Taxi and Limousine Commission ("TLC") adopted rules requiring the installation of driver safety partitions in Medallion Taxicabs.[1] Since then, the rules have been revised a number of times. Today Medallion Taxicabs are the only class of TLC-licensed vehicles subject to a partition requirement. In contrast, owners of both Street Hail Liveries ("SHLs") and Liveries, may install either a partition or an In Vehicle Camera Systems (IVCS).[2] The remaining classes of vehicles, including the Black Car sector, have no requirement to install either a partition or IVCS.

TLC staff have reviewed recent studies which examined the use of partitions and IVCS in taxis. The studies show that IVCS effectively deter would-be criminals and significantly improve the likelihood that criminals are apprehended and successfully prosecuted. Other studies have also shown that IVCS may decrease incidents of verbal abuse and fare jumping. For these reasons, these rules allow Owners of Medallion Taxicabs to have the same option as the SHL and Livery sectors of installing either a partition or an IVCS. The TLC will monitor the impact of this rule change to ensure that driver and passenger safety is not affected negatively.

The rules also require that Medallion Owners file with TLC a working email address to improve communications between the agency and its licensees.

Finally, the rules allow Medallion Owners to request at any time one of the 496 waivers to hack-up an approved accessible Taxicab vehicle other than the Accessible Official Taxicab Vehicle

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[1] §1-17 of the TLC rules, presently codified as §58-35.
[2] Unlike Taxicabs Owners, TLC rules permit all Owners of SHLs and Liveries, including those leasing their vehicles, to opt for an IVCS in lieu of a partition.

("AOTV"). TLC rules previously required that these requests be made at least 120 but no more than 150 days prior to the current vehicle retirement date. Industry stakeholders have requested eliminating this requirement to accommodate those circumstances when a vehicle must be removed from service well in advance of the scheduled retirement date. Medallion Owners receiving these waivers must hack-up their vehicle within 120 days after approval. Waivers not used within the required timeframe will then be returned to the pool of available waivers.

These rules are authorized by Section 2303 of the Charter and Section 19-503 of the Administrative Code of the City of New York.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (a) of section 58-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a)   *Mailing <u>and Email</u> Addresses*.

    (1)   Each Owner must designate a Mailing Address; this can be the Agent's address but cannot be a post office box number.

    (2)   Any communication from the Commission is sufficient if sent to the Mailing Address furnished by the Owner.

    (3)   Each individual Owner must also file and maintain with the Commission the Owner's personal <u>mailing</u> address<u>, Email address</u> and a telephone number where the Owner can be reached directly.

    (4)   Each Business Entity Owner must also file and maintain with the Commission the personal <u>mailing</u> addresses<u>, Email addresses</u> and telephone numbers of each of Owner's Business Entity Persons.

§58-23(a)(1) – (4)	Fine: $100	Appearance NOT REQUIRED

    (5)   The Commission is not required to send any communication to the Owner's personal address, except when notifying Owner that the License of the Agent designated by Owner has been revoked. Other communications sent to the Owner's personal address are at the discretion of the Commission.

    (6)   An Owner must report any change of [Mailing Address] <u>mailing or Email address</u> to the Commission in person or by registered or certified mail within ten days.

§58-23(a)(6)	Fine: $100	Appearance NOT REQUIRED

Section 2. Subdivision (b) of section 58-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b)   [*Owner-Drivers*] *Exemption from Partition Requirement*. [[NOTE: This Exemption is NOT available to the Owner of a Taxicab Hacked-up with an Official Taxicab Vehicle.] An] A Taxicab Owner [of an Independent Medallion Taxicab or a Business Entity owning one or more Medallions] will be exempt from the provisions of subdivision (a) of this section provided [all of the following five conditions are met:

      (1)   The Taxicab is driven only by the Owner(s) of the Medallion (including a Business Entity Person of a Business Entity Owner).

      (2)   The Taxicab is a vehicle that has not been crash tested with an approved partition pursuant to §67-04 of these Rules.

      (3)   There is a Medallion Long Term Driver Affidavit on file with the Commission.

      (4)   The] the Taxicab is equipped with the following:

            [(i)]   (1)   The required Trouble Lights

            [(ii)]   (2)   A cellular telephone with an emergency dialing feature.

            [(iii)] (3)   [A camera approved by the Commission] An approved In-Vehicle Camera System that meets the requirements of §67-12 of these Rules.

      [(5)   The Owner has not previously been found in violation of this rule with respect to the subject Medallion.

      (6)   The Owner has applied for and received a certification of exemption from the Commission.]

Section 3. Subdivision (c) of section 58-35 of Title 35 of the Rules of the City of New York, setting forth an exception to the partition exemption, is repealed and subdivision (d) is relettered subdivision (c).

Section 4. Paragraph (1) of subdivision (c) of section 58-35 of Title 35 of the Rules of the City of New York, as re-lettered by section three of this rule, is amended to read as follows:

      (1)   A Taxicab with a partition that is equipped with factory installed curtain airbags will be equipped with a modified partition that does not extend the full width of the interior of the Taxicab.

Section 5. Paragraph (3) of subdivision (b) of section 67-05.1B of Title 35 of the Rules of the City of New York is amended to read as follows:

(3)   Any Unrestricted Medallion owner in good standing who wants to purchase for Hack-up an accessible vehicle that is not an AOTV but that meets the accessible vehicle specifications set forth in Rule 67-05.2 may apply for a one-time waiver of the requirement set forth in paragraph (2) of this subdivision. Such application must be made on a form and in accordance with instructions that will be made available on the TLC's Web site. [The application must be received by the TLC no less than 120 days prior to the medallion owner's vehicle retirement date, and no more than 150 days prior to such retirement date.] The waiver is non-transferable, and expires if not presented at hack-up within 120 days after issuance.

Section 6. Subdivision (a) of section 67-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a)   *Requirement*.

(1)   The vehicle must be equipped with a partition that isolates the driver from the rear seat passengers or all passengers of the vehicle unless the vehicle is exempt from the partition requirement pursuant to §58-35(b) of Chapter 58 of these Rules.

(2)   The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the Taxicab Driver's License, Rate Card, and front windshield.

[(3)   An owner may apply for a certificate of exemption from the requirement to install a partition upon meeting the general criteria for exemption specified in §58-35(b) of Chapter 58.]

Section 7. Subparagraph (ii) of paragraph (1) of subdivision (d) of section 67-15 of Title 35 of the Rules of the City of New York is amended to read as follows:

(ii) The monitor has a screen of the size required in §75-25(d)(1) of these Rules.[(Exception: In Hybrid Electric Vehicles used as Taxicabs that do not require a partition, Clean Air Taxicabs that do not require a partition, Taxicabs powered by alternate fuel that do not require a partition, and other low emission taxicabs that do not require a partition, the screen size may be less than ten inches but not less than five- and one-half inches measured diagonally.)]

Section 8. Subparagraph (iii) of paragraph (1) of subdivision (d) of section 75-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

(iii)   The PIM must be comprised of a touch screen display that is interactive, has audio capability, full-color display, and its measurement must not be greater than 15.5 inches measured diagonally and not less than 10 inches measured diagonally. The screen size may be less than 10 inches but not less than five-and-one-half inches measured diagonally in [the following vehicles that do not require a partition: Hybrid Electric

Vehicles used as Taxicabs; Clean Air Vehicles used as Taxicabs; Taxicabs powered by alternative fuel; and other low emission] Taxicabs without a partition;