

## 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 setting forth Rules requiring all Taxicab Model Candidates to be crash tested with a Commission approved partition to be approved as a Taxicab Model.**

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York.

On December 19 2013, a public hearing was held by the TLC at TLC’s offices at 33 Beaver St., 22<sup>nd</sup> Floor, New York, New York. These rules were approved at a Commission meeting at TLC’s offices at 33 Beaver St., 22<sup>nd</sup> Floor, New York, New York, on December 19, 2013. These rules will take effect 30 days after publication.

## Statement of Basis and Purpose

Preparing a vehicle to serve as a taxi, or what is known in the industry as “hacking up”, includes installing a TLC authorized partition. The partition, which is installed after the vehicle has been manufactured, is neither designed by the auto manufacturer nor present when the vehicle undergoes federally required safety testing. Installation of the partition can harm the vehicle’s structural integrity, airbag deployment, and overall safety because it adds stiffness to the vehicle’s frame which can affect how the vehicle performs during a side impact, exposing passengers to an increased risk of head and face injuries.

In June 2013, several medical professionals testified at a TLC hearing in favor of crash testing a taxicab vehicle with the partition installed. Dr. John Sherman, M.D., F.A.C.S. testified that the taxi partition has accounted for hundreds of injuries to passengers throughout the years. Similarly, other physicians who have treated passengers in taxicab accidents noted that many of the injuries they see are a result of the partition. Dr. Charles DiMaggio, PhD specifically explained that safety testing with the partition installed would decrease the risk of passenger head and face injuries because such testing would ensure that partitions are designed so that they do not interfere with airbag deployment.

To minimize injury to taxi passengers and drivers resulting from partitions when a vehicle is involved in an accident, the rules require that the vehicles described below be crash tested by auto manufacturers with the TLC authorized partition installed. A limited exception is made for hybrid electric and accessible vehicles, allowing such vehicles to be hacked up as taxicabs until one hybrid electric and one accessible vehicle, respectively, are crash tested with a TLC authorized partition. Requiring crash testing with TLC authorized partitions ensures that all auto manufacturers looking to participate in the New York City taxi market are held to the same high safety standards.

Specifically, the rule:

- Amends the specifications for vehicles authorized to be used as taxicabs by requiring that all taxicab models be crash tested with a TLC authorized partition installed in the vehicle.

The rule also:

- Exempts hybrid electric vehicles from these requirements until a hybrid electric vehicle manufacturer has crash tested a hybrid electric vehicle with a TLC authorized partition installed in the vehicle, after which all hybrid electric vehicles to be used as taxicabs must be crashed tested with a TLC authorized partition installed in the vehicle,
- Exempts accessible vehicles from this requirement until an accessible vehicle manufacturer has crash tested an accessible vehicle with a TLC authorized partition installed in the vehicle, after which all accessible vehicles to be used as taxicabs must be crashed tested with a TLC authorized partition installed in the vehicle,

- Allows the Deputy Commissioner for Safety and Emissions, as opposed to the Commission, to approve equivalent protective plates in partitions, consistent with current TLC practices for approving protective plates during the hack up of a vehicle.

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraphs (2) through (5) of subdivision (b) of section 58-35 of Title 35 of the Rules of the City of New York are renumbered (3) through (6) and a new paragraph (2) is added, to read as follows:

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

Section 2. Section 67-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§67-04 Original Verification of Taxicab Candidate as Taxicab Model.**

- (a) *Meet All Specifications.* A Taxicab Candidate must meet the technical specifications in §67-05, §67-05.1, or §67-05.2 of these Rules, as well as all applicable federal and New York State motor vehicle standards and requirements, in order to become a Taxicab Model.
- (b) *Crash Testing of Taxicab Candidates.* All Taxicab Candidates meeting the technical requirements of §67-05, §67-05.1 or §67-05.2 of these Rules must meet all relevant Federal Motor Vehicle Safety Standards (“FMVSS”) and other applicable National Highway Traffic Safety Administration (“NHTSA”) safety regulations and must be crash tested with a partition approved by the Commission installed in the vehicle. Note: Taxicab Models approved prior to the effective date of this section must meet all requirements of this section by December 31, 2014 to remain an approved Taxicab Model. In accordance with this Chapter, any Taxicab Vehicle Hacked-up prior to December 31, 2014 can remain in service.
- (1) *Exemption as to Accessible Vehicles:* Until such time any Taxicab Candidate that meets the requirements of §67-05.2 of this Chapter, as certified by the Chairperson, has passed the crash testing required by this subdivision, no Taxicab Candidate that meets the requirements of §67-05.2 of this Chapter will be required to be crash tested. Once such a Taxicab Candidate has passed the crash testing required by this subdivision, the requirements of this subdivision will apply to all such taxicab candidates.

(2) Exemption as to Hybrid Electric Vehicles: Until such time any Taxicab Candidate that meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, and of §67-05 of this Chapter, has passed the crash testing required by this subdivision, no Taxicab Candidate that meets the requirements of §19-533 of the Administrative Code and of §67-05 of this Chapter will be required to be crash tested. Once such a Taxicab Candidate has passed the crash testing required by this subdivision, the requirements of this subdivision will apply to all such Taxicab Candidates.

Section 3. Subdivision (j) of section 67-05.1 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (j) *Alternative specifications.* Any vehicle model that complies with the specifications in § 67-05, except that it is powered solely by gasoline or clean diesel, and has been crash tested with a partition approved by the Commission, as required by §67-04(b) of these Rules, may be Hacked-up for use as a Taxicab with an Unrestricted Medallion even if the vehicle does not comply with the vehicle specifications in this section.

Section 4. Paragraph (3) of subdivision (b) of section 67-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) The protective plate must join or overlap with the transparent portion of the partition and extend downward to the floor of the vehicle. The protective plate must be a plate of 0.085-inch thick bullet-resistant ballistic steel or its equivalent [recommended by the Chairperson and approved by the Commission] if approved by the Deputy Commissioner for Safety and Emissions. The protective plate must be installed inside and covering the front seat's entire backrest.