

## **NEW YORK CITY TAXI AND LIMOUSINE COMMISSION**

### **Notice of Promulgation of Rules**

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) is promulgating amendments to its rules establishing standards for alternative fuel vehicles after the Taxi of Tomorrow comes into use.

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 on May 20, 2013, for public comment in the City Record. On June 20, 2013 a public hearing was held by the TLC at its offices at 33 Beaver Street, 19<sup>th</sup> Floor, New York, New York, 10004 and the rules were adopted by the Commission at that public meeting. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will go into effect 30 days following publication in the City Record.

### **Statement of Basis and Purpose of Rule**

Following a year-long detailed evaluation process, the City has selected the Nissan NV200 to be the exclusive taxicab vehicle for use in the City. The NV200 taxicabs will be known as the Official Taxicab Vehicle (OTV) or the Accessible Official Taxicab Vehicle (AOTV). Beginning on a date certain, known as the OTV Activation Date, all vehicles hacked up as taxicabs in the City must, with certain exceptions, be the OTV or AOTV.

It is anticipated that forthcoming models of the OTV will meet the requirements set forth in New York City Administrative Code Section 19-533, which provides that “one or more hybrid electric vehicle models . . . shall be eligible for immediate use by all current and future medallion owners.” The 19-533 compliant version of the OTV is also expected to be available in a wheelchair accessible version, making it New York City’s first ever hybrid and wheelchair accessible taxicab. However, at present the OTV is not available in a 19-533 compliant version.

To ensure that the TLC’s rules remain in compliance with section 19-533, the rule as promulgated sets forth specifications for hybrid electric vehicles and vehicles powered by compressed natural gas which may be hacked up as taxicabs following the OTV Activation Date. These specifications will apply from the activation date until an OTV meets the requirements of section 19-533. The owner of an unrestricted medallion may, and the owner of an alternative fuel medallion must hack up his or her medallion with a vehicle that meets these specifications. It is not required that a vehicle meeting these specifications be crash-tested with a partition installed, in recognition of the fact that, at present, no commercially available hybrid electric vehicle is crash-tested in this manner. However, the specifications do include requirements for interior volume designed to ensure that taxi passengers traveling in hybrid electric taxis other than the OTV receive a passenger experience comparable to that afforded by the OTV and the AOTV.

Interior volume measurements continue to be based on those provided by the manufacturer and do not reflect partition installation.

The Commission's authority for this rules change is found in section 2303 of the New York City Charter and section 19-503 and 19-533 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1.** The definition of “Alternative Fuel Medallion,” set forth in section 51-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

**Alternative Fuel Medallion** is a Restricted Medallion valid for use only with a vehicle powered by compressed natural gas or a hybrid electric vehicle that complies with section 67-05 of these rules. Provided, that, after the OTV Activation Date, and until such time, if any, as an Official Taxicab Vehicle meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, an Alternative Fuel Medallion must be used with a Taxicab Model meeting the specifications set forth in §67-05.1C of this Title.

**Section 2.** Subdivision (g) of section 67-05 of Title 35 of the Rules of the City of New York, relating to the use of diesel-powered vehicles with Alternative Fuel Medallions, is REPEALED, and subdivisions (h) and (i) are relettered subdivisions (g) and (h).

**Section 3.** Chapter 67 of Title 35 of the Rules of the City of New York is amended by adding a new section 67-05.1C, to read as follows:

**§67-05.1C Specifications for Vehicles for use with Unrestricted Medallions or Alternative Fuel Medallions After the OTV Activation Date.**

On and after the OTV Activation Date, an Unrestricted Medallion or an Alternative Fuel Medallion must be hacked up with an Official Taxicab Vehicle. *Exception:* On and after the OTV Activation Date and until such time, if any, that an Official Taxicab Vehicle meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, an Unrestricted Medallion can, and an Alternative Fuel Medallion must, be used with a vehicle that is a Hybrid Electric Vehicle or is powered by compressed natural gas and that meets all the requirements of this section.

- (a) *Type of Vehicle.* The vehicle must be a four-door model of one of the following types, and must meet all of the other requirements in this section:

- (1) A compact or larger sedan; or
  - (2) A sport utility vehicle equipped with running boards. To qualify as a Taxicab Model, a sport utility vehicle must include the manufacturer or dealer option that provides the greatest degree of light transmittance available in the rear and side rear windows, and in no case less than 20 percent light transmittance. A sport utility vehicle will be designated as a sport utility vehicle by either the manufacturer or the National Highway Traffic Safety Administration; or
  - (3) A multipurpose vehicle. A multipurpose vehicle will be designated as a multipurpose vehicle by either the manufacturer or the National Highway Traffic Safety Administration.
- (b) Interior Size. The vehicle must have an EPA interior volume index of at least 130 cubic feet. The interior volume index is measured before installation of the partition and as described in 40 CFR § 600.315-82(b).
- (c) Rear Compartment. The rear compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:
- (1) Effective legroom (L51) must be at least 34.6 inches
  - (2) Effective headroom (H63) must be at least 36.8 inches
  - (3) Seat depth (L16) must be at least 18 inches
- (d) Front Compartment. The front compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions:
- (1) Effective headroom (H61) must be at least 37 inches
  - (2) Effective legroom (L34) must be at least 40.5 inches
  - (3) Total legroom (the sum of L34 and L51) must be at least 75.1 inches
- (e) Temperature Controls. Commencing with model year 2014 and all model years thereafter, the vehicle must be equipped with a factory installed HVAC (heating, ventilating and air conditioning) system. The HVAC system must include rear ventilation.
- (f) Engine Size. The vehicle may not be equipped with an engine in which the maximum horsepower exceeds 295. The horsepower of a hybrid-electric vehicle is determined by combining the electric power and the internal combustion power of the vehicle's engine.

- (g) Windows. All windows must have a light transmittance of 70 percent or more, except for the upper 6 inches of the front windshield.
- (h) Manufactured for Commercial or Consumer Market. Any Hybrid Electric Vehicle or a vehicle that is powered by compressed natural gas that is manufactured by an original equipment manufacturer (OEM) for the general commercial or consumer market may be approved for Hack-up, provided the vehicle meets all of the standard specifications for vehicle Hack-up of this §67-05.1C.

**Section 4.** If this rule as promulgated is held for any reason to be void or invalid by any court of competent jurisdiction, the Standard Taxicab Specifications for Alternative Fuel Medallions set forth in section 67-05 of Title 35 of the Rules of the City of New York shall remain in effect after the OTV Activation Date.