

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The changes would amend the TLC Rules to require participation by accessible taxicabs and accessible street hail livery vehicles in a new citywide accessible dispatch program.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 a.m. on November 10, 2016. The hearing will be in the hearing room at 33 Beaver Street – 19th Floor, New York, New York 10004.

This location has the following accessibility option(s) available: **The hearing room is accessible by elevator.**

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to tlcrules@tlc.nyc.gov.
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at www.nyc.gov/nycrules.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on November 10, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by November 7, 2016.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by November 4, 2016.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was included in the Commission's regulatory agenda for this Fiscal Year.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Rule

Increasing the number of and passenger access to Wheelchair Accessible Vehicles on New York City roads is a TLC priority. The TLC launched the Accessible Dispatch Program in 2012; by 2015 the Dispatch Program provided 47,000 medallion taxi rides originating in Manhattan to destinations throughout the city. The TLC plans to expand the program, which currently operates only in Manhattan, to the other four boroughs. The expansion will also include on-demand or reservation-based pick-up by yellow and Street Hail Livery (green) accessible cabs. The expanded Accessible Dispatch Program will provide access to reliable accessible taxi service to passengers with mobility impairments throughout the five boroughs. As in the current accessible dispatch program, drivers will receive a fee, known as a dispatch fee, for every trip driven in the program.

As with the existing program, Owners will not pay to install or maintain dispatch equipment, and passengers will continue to pay standard metered fares for dispatch trips. In addition, the rules in Chapter 53 are restructured to clarify which rules apply to owners or drivers only.

Specifically, the proposed rules:

- require all accessible yellow and green taxicabs to participate in the citywide Accessible Dispatch Program;
- require that dispatch fees be paid to drivers directly by the Accessible Taxi Dispatcher, in addition to the metered fare. The fees for the program will come from the Taxicab Improvement Fund and the Street Hail Livery Improvement Fund;
- provide for different dispatch fees based on the point of origin because outer borough-based trips differ from Manhattan-based trips in driving patterns, trip and vehicle behavior,
- to guard against fraudulent trips, limit to two per week the number of times that a Driver may receive dispatch fees for passenger no-shows and cancellations;
- require vehicle owners to install and maintain dispatch equipment using TLC's contractor.

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

“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.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The following definitions set forth in section 51-03 of Title 35 of the Rules of the City of New York are amended, one new definition is added and two definitions are deleted, to read as follows:

...

[**Accessible Livery** is a For-Hire Vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is equipped with a Taximeter.]

...

Accessible Taxi Dispatcher. The Accessible Taxi Dispatcher is the entity which, under contract with the Commission, will convey dispatches, or requests for accessible service to Drivers of Accessible Taxicabs and to Drivers of Accessible Street Hail Liveries to provide transportation for a [Wheelchair using] Passenger or group of Passengers, at least one of whom must be [in a wheelchair] mobility-impaired, for trips that originate in [Manhattan] New York City.

...

Dispatch Equipment. The “Dispatch Equipment” is the communications equipment provided by the Accessible Taxi Dispatcher or an acceptable interface with the Taxicab Technology System and the Street Hail Livery Technology System, that allows Approved Drivers operating Accessible Vehicles to receive dispatches from the Accessible Taxi Dispatcher.

Dispatch Fee is the fee payable to the Driver of an Accessible Taxicab for completing a trip dispatched by the Accessible Taxi Dispatcher. [The Dispatch Fee will be calculated by combining:

- (1) an amount compensating the Driver for the time and distance traveled to the Passenger location. This amount will be based on TLC data for the average cost of a total fare at existing Rates of Fare in one-half mile increments (up to a maximum distance of 2.5 miles), and

- (2) an amount compensating the Driver for time in waiting for and assisting the Passenger into the vehicle of ten minutes at the existing Rates of Fare for time. If no Passenger appears, the Driver shall still be entitled to this amount.

The Dispatch Fee will include tolls to the pickup location and will also include an additional \$5 Passenger no-show fee if the Passenger does not appear at the pickup location within a ten minute period. The Dispatch Fee will be posted on the TLC Website and the amounts will be reviewed by the Chair annually or at the time of any Rate of Fare changes.

Examples: 1) Distance to Passenger pickup is 0.5 miles. TLC trip data indicates that an average fare for a 0.5 mile trip is \$5.00. Driver receives \$5.00 for this portion, and an additional \$5.00 which reflects a wait time of 10 minutes at \$0.50 per minute. Total is \$10.00 (\$5.00 and \$5.00) plus any tolls to the pickup location. 2) Distance to Passenger pickup is 1.0 miles. Driver receives \$10.00 for this portion and an additional \$5.00 for the wait time for a total of \$15.00 (plus any tolls to the pickup location).]

The Dispatch Fee is based on the distance travelled by the Driver between acceptance of the trip dispatch and arrival at the Passenger pickup location. The Dispatch Fee will compensate the Driver for the distance travelled to the Passenger location, as well as time spent waiting for and assisting the Passenger into and out of the vehicle, assumed to be an average of ten minutes, paid at the existing Rates of Fare for time.

Any tolls incurred by the driver in traveling to the pickup location will be added to the Dispatch Fee, at EZ-Pass rates and following the routing provided by the Accessible Taxi Dispatcher. The Dispatch Fee will be calculated based on the location of Passenger pickup, following the schedules below:

For trips with a Passenger pickup location in Manhattan:

<u>Maximum Distance (miles)</u>	<u>Dispatch Fee</u>
<u>Up to 0.5</u>	<u>\$10.00</u>
<u>0.5 - 1</u>	<u>\$15.00</u>
<u>1 - 1.5</u>	<u>\$20.00</u>
<u>1.5 – 2</u>	<u>\$25.00</u>
<u>More than 2</u>	<u>\$30.00</u>
<u>Passenger No-Show</u>	<u>Fee above plus \$5.00</u>
<u>Cancellation Fee</u>	<u>Fee above minus \$5.00</u>
<u>Necessary Tolls</u>	<u>Added to fee above at EZ-Pass rate</u>

For trips with a Passenger pickup location outside of Manhattan:

<u>Maximum Distance (miles)</u>	<u>Dispatch Fee</u>
<u>Up to 0.5</u>	<u>\$6.00</u>
<u>0.5 – 1</u>	<u>\$10.00</u>
<u>1 – 2</u>	<u>\$12.50</u>
<u>2 – 3</u>	<u>\$15.00</u>
<u>3 – 5</u>	<u>\$20.00</u>
<u>More than 5</u>	<u>\$25.00</u>
<u>Passenger No-Show</u>	<u>Fee above plus \$5.00</u>
<u>Cancellation Fee</u>	<u>Fee above minus \$5.00</u>
<u>Necessary Tolls</u>	<u>Added to fee above at EZ-Pass rate</u>

The \$5 Passenger No-Show Fee applies if the Passenger does not appear at the pickup location within ten minutes of driver’s arrival for on-demand trips or within ten minutes of the scheduled pickup time for reservation trips.

The Cancellation Fee applies if the Passenger cancels the trip after the Driver has traveled more than 0.5 miles to the Passenger pickup location following acceptance of the trip. The Cancellation Fee will be calculated by subtracting \$5.00 from the appropriate Dispatch Fee for the distance traveled by the Driver at the time of cancellation.

Example: The Driver of a Taxi making a trip of more than 2 miles to pick up a Passenger and the Passenger cancels the trip after the Driver has traveled at least half a mile will receive a net Dispatch Fee of \$25.00 (\$30.00 less the \$5.00 Cancellation Fee).

A Driver will not be entitled to collect more than two combined Cancellation and No-Show Fees in any Monday through Sunday weekly period.

...

[**Taxi Accessibility Fee** is the fee required by these rules to be paid by Owners, as defined by Chapter 58, to the Commission to provide accessible service to Wheelchair using Passengers. The Taxi Accessibility Fee shall be set in accordance with the terms of an agreement between the Commission and an approved vendor and will be based on the per medallion cost to the vendor for equipment, administrative expenses associated with operation of the dispatch system, outreach and Dispatch Fees.]

§ 2. The chapter heading of chapter 53 of Title 35 of the Rules of the City of New York is hereby amended to read as follows:

CHAPTER 53

ACCESSIBLE TAXICABS AND ACCESSIBLE STREET HAIL VEHICLES

§ 3. Section 53-01 of Title 35 of the Rules of the City of New York is amended to read as follows:

Scope of this Chapter.

- (a) This Chapter sets the requirements and rules for the dispatch of Accessible Taxicabs and Accessible Street Hail Liveries.
- (b) This Chapter applies to Drivers of Accessible Taxicabs, Owners of Taxicab Medallions required to be hacked up with Accessible Taxicabs, [and to] Owners of Taxicab Medallions which are hacked up with vehicles that qualify to be Accessible Taxicabs, Drivers of Accessible Street Hail Liveries, and Owners of Accessible Street Hail Liveries. This Chapter also applies to Agents of any such Medallion Owners and Accessible Street Hail Liveries.

§ 4. Section 53-03 of Title 35 of the Rules of the City of New York , setting forth definitions relating to Accessible Vehicles, is REPEALED, and a new section 53-03 is added, to read as follows:

§53-03 Definitions

- (a) Accessible Taxi Dispatcher. The Accessible Taxi Dispatcher is the entity which, under contract with the Commission, will convey dispatches or requests for accessible service to Drivers of Accessible Taxicabs and to Drivers of Accessible Street Hail Liveries to provide transportation for a Passenger or group of Passengers, at least one of whom must be mobility-impaired, for trips that originate in New York City.
- (b) Accessible Vehicle, for the purposes of this Chapter, is a vehicle designed to permit access to and enable the transportation of persons in wheelchairs and is authorized by the Commission to transport passengers for hire by prearrangement or by dispatch of the Accessible Taxi Dispatcher. Accessible Vehicles, for purposes of this Chapter, include all vehicles in use as Accessible Taxicabs, Taxicabs required or opting to be used with accessible vehicles under Section 58-50 of these Rules, and Accessible Street Hail Liveries.
- (c) Approved Driver. An Approved Driver is a Driver who has a Valid License from the Commission as a TLC Driver and who has successfully completed Wheelchair Passenger Assistance Training.

(d) Dispatch Equipment. The “Dispatch Equipment” is the communications equipment provided by the Accessible Taxi Dispatcher or an acceptable interface with the Taxicab Technology System and the Street Hail Livery Technology System, that allows Approved Drivers operating Accessible Vehicles to receive dispatches from the Accessible Taxi Dispatcher.

(e) Dispatch Fee. The “Dispatch Fee” is the fee payable to the Driver of an Accessible Vehicle for completing a trip dispatched by the Accessible Taxi Dispatcher. The Dispatch Fee is based on the distance travelled by the Driver between acceptance of the trip dispatch and arrival at the Passenger pickup location. The Dispatch Fee will compensate the Driver for the distance travelled to the Passenger location, as well as time spent waiting for and assisting the Passenger into and out of the vehicle, assumed to be an average of ten minutes, paid at the existing Rates of Fare for time.

Any tolls incurred by the driver in traveling to the pickup location will be added to the Dispatch Fee, at EZ-Pass rates and following the routing provided by the Accessible Taxi Dispatcher. The Dispatch Fee will be calculated based on the location of Passenger pickup, following the schedules below:

For trips with a Passenger pickup location in Manhattan:

<u>Maximum Distance (miles)</u>	<u>Dispatch Fee</u>
<u>Up to 0.5</u>	<u>\$10.00</u>
<u>0.5 - 1</u>	<u>\$15.00</u>
<u>1 - 1.5</u>	<u>\$20.00</u>
<u>1.5 - 2</u>	<u>\$25.00</u>
<u>More than 2</u>	<u>\$30.00</u>
<u>Passenger No-Show</u>	<u>Fee above plus \$5.00</u>
<u>Cancellation Fee</u>	<u>Fee above minus \$5.00</u>
<u>Necessary Tolls</u>	<u>Added to fee above at EZ-Pass rate</u>

For trips with a Passenger pickup location outside of Manhattan:

<u>Maximum Distance (miles)</u>	<u>Dispatch Fee</u>
<u>Up to 0.5</u>	<u>\$6.00</u>
<u>0.5 - 1</u>	<u>\$10.00</u>
<u>1 - 2</u>	<u>\$12.50</u>
<u>2 - 3</u>	<u>\$15.00</u>

<u>3 – 5</u>	<u>\$20.00</u>
<u>More than 5</u>	<u>\$25.00</u>
<u>Passenger No-Show</u>	<u>Fee above plus \$5.00</u>
<u>Cancellation Fee</u>	<u>Fee above minus \$5.00</u>
<u>Necessary Tolls</u>	<u>Added to fee above at EZ-Pass rate</u>

The \$5 Passenger No-Show Fee applies if the Passenger does not appear at the pickup location within ten minutes of driver’s arrival for on-demand trips or within ten minutes of the scheduled pickup time for reservation trips.

The Cancellation Fee applies if the Passenger cancels the trip after the Driver has traveled more than 0.5 miles to the Passenger pickup location following acceptance of the trip. The Cancellation Fee will be calculated by subtracting \$5.00 from the appropriate Dispatch Fee for the distance traveled by the Driver at the time of cancellation.

A Driver will not be entitled to collect more than two combined Cancellation and No-Show Fees in any Monday through Sunday weekly period.

(f) *Owner.* In this chapter, the Owner refers to the owner of a Medallion Taxicab or Street Hail Livery, including a Taxicab required to be hacked up with a vehicle that qualifies as an Accessible Vehicle.

§ 5. Sections 53-04 through 53-10 of Title 35 of the Rules of the City of New York are hereby amended to read as follows:

§53-04 Comply with Law--[No Unlicensed Activity]— Approved Driver

- (a) *Comply with this Chapter.* All Accessible Taxicab Owners, Accessible Street Hail Livery Owners and all Approved Drivers must comply with all provisions of this chapter. Agents for Accessible Taxicab Owners and bases dispatching or acting on behalf of Accessible Street Hail Liveries under section 59B-04.2 of these Rules must also comply with these Rules where applicable.

- (b) [Driver must have Valid TLC License and be an Approved Driver. An Accessible Vehicle can be driven only by an Approved Driver who holds a Valid TLC Driver License and who has successfully completed Wheelchair Passenger Assistance Training.] Driver Responsibility. An Accessible Vehicle can only be driven by an Approved Driver; that is, one who has successfully completed Wheelchair Passenger Assistance Training.

§53-04(b)	Fine: \$400 [and Summary Suspension until Compliance for Driver]	Appearance <u>NOT</u> Required
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- (c) Owner Responsibility. [(1)]A Taxicab Owner and a Street Hail Livery Owner [must] may not allow [only Licensed Approved Taxicab] Drivers who are not Approved Drivers and have not successfully completed Wheelchair Passenger Assistance Training, to operate the Owner’s Accessible Taxicab or Street Hail Livery. [The License of a Driver who is not an Approved Driver is not Valid for operation of an Accessible Taxicab.]

§53-04(c)[(1)]	Fine: \$400[and/or suspension up to 30 days for Owner]	Appearance <u>NOT</u> Required
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- (d) Agent Responsibility. An Agent or a base may not allow Drivers who are not Approved Drivers and have not successfully completed Wheelchair Passenger Assistance Training, to operate an Accessible Vehicle.

§53-04(d)	Fine: \$400	Appearance <u>NOT</u> Required
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§53-05 Requirements Not Exclusive

- (a) Other than when this Chapter expressly provides otherwise, each Approved Driver, each Accessible Taxicab Owner, [and] each Owner of a Taxicab hacked up with a Vehicle that qualifies to be hacked up as an Accessible Taxicab, each Accessible Street Hail Livery Owner, each Base and each Agent for Accessible Taxicab Owners and Bases dispatching or acting on behalf of Accessible Street Hail Liveries under section 59B-04.2 of these Rules must comply with all applicable provisions of this Title.

§53-06 Dispatch Equipment for Accessible Taxicabs and Street Hail Liveries

- (a) The Owner and/or Agent of an Accessible Vehicle and a base dispatching or acting on behalf of an Accessible Street Hail Livery under TLC Rule 59B-04.2 must have Dispatch Equipment installed in the Vehicle in compliance with a deadline announced by TLC.

§53-06(a)	Fine: \$200	Appearance <u>NOT</u> Required
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(b) The Owner of an Accessible Taxicab or Accessible Street Hail Livery, the Agent, the Base dispatching an Accessible Street Hail Livery or acting on behalf of Accessible Street Hail Liveries under section 59B-04.2 of these Rules and the Approved Driver must not allow operation of an Accessible Taxicab or Accessible Street Hail Livery unless:

1. The Accessible [Taxicab] Vehicle is equipped with Dispatch Equipment [in good working order]

§53-06([a]b)(1)	Fine: \$150 if plead guilty before a hearing and \$200 if found guilty after a hearing. Suspension of Vehicle License until condition is corrected	Appearance NOT Required
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2. While the Accessible [Taxicab] Vehicle is in operation, the Dispatch Equipment must be turned on- [and fully operational], connected to the dispatch system and able to receive dispatches.

§53-06([a]b)(2)	Fine: \$100 <u>per day until compliance</u>	Appearance [NOT] Required
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3. If the Dispatch Equipment becomes inoperable:

(i) The Approved Driver must notify the Accessible Taxi Dispatcher and [Taxicab] Vehicle Owner, Agent or Base within 1 hour, or by the end of his or her shift, whichever comes first, that the Equipment is not operable.

§53-06([a]b)(3)(i)	Fine: \$250	Appearance NOT Required
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(ii) The Owner, Agent or Base must [install replacement or repaired] replace or repair Dispatch Equipment promptly upon being notified to do so and in no event later than 48 hours after receiving such [equipment] notification.

(iii) An Accessible [Taxicab] Vehicle with inoperable Dispatch Equipment cannot operate *without accepting dispatches* for more than 48 hours without repair or replacement of the Dispatch Equipment.

§53-06([a]b)(3)(ii)-(iii)	Fine: \$250 and suspension until compliance	Appearance NOT Required
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[b](c) Each Approved Driver must:

1. Log onto the Dispatch Equipment at the beginning of the Driver's shift
2. Log off at the conclusion of each shift,

3. Communicate with the Accessible Taxi Dispatcher about dispatches, as directed by the Accessible Taxi Dispatcher.

§53-06([b]c) (1)-(3)	Fine: \$250	Appearance NOT Required
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4. Log onto the Dispatch Equipment any time either or both of the taximeter and the Taxicab Technology System or the Street Hail Livery Technology System are on or engaged.

§53-06([b]c) (4)	Fine: \$500	Appearance NOT Required
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[c](d) No Tampering. An Approved Driver, Agent or Owner must not

1. Tamper with the Dispatch Equipment; or
2. Tamper with the geographic locator equipment; or
3. Disable the Dispatch Equipment; or
4. Render the Dispatch Equipment inoperable in any way.

§53-06([c]d)	Fine: \$350 and/or suspension up to 30 days	Appearance REQUIRED
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§53-07 [Training Approved Drivers] Reserved

[(a)Reserved

(b) *Dispatch Equipment Training.*

- (1) Each Approved Driver must also attend and complete a course of instruction on how to operate the Dispatch Equipment provided by the Dispatcher for the Vehicle if required by the Accessible Taxi Dispatcher.
- (2) Each Approved Driver must also attend and complete any mandatory update training on the Dispatch Equipment required and provided by the Accessible Taxi Dispatcher.

§53-07(b)	Fine: \$50	Appearance NOT Required]
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] Reserved.

§53-08 Acceptance of Dispatch

(a) *Driver MUST Accept Dispatch.*

- (1) While operating an Accessible [Taxicab] Vehicle, an Approved Driver must accept a dispatch from the Accessible Taxi Dispatcher.

- (2) An Approved Driver who [refuses to] does not accept a dispatch has refused to provide service and will be subject to Mandatory Penalties for a refusal under sections 80-02(e) and 80-20(a) of these Rules.
- (3) An Approved Driver [who does not turn on his or her dispatch equipment will be subject to Mandatory Penalties for a refusal under sections 80-02(e) and 80-20(a) of these Rules.] must not operate an Accessible Vehicle unless the Dispatch Equipment is turned on.

§53-08(a)	Fine: [Mandatory Penalties as set forth in §80-02(e) of these Rules] <u>\$100 per day</u>	Appearance <u>NOT</u> Required
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- (b) *[Response to Dispatch.* An Approved Driver must respond to the Accessible Taxi Dispatcher within 2 minutes of receiving a dispatch.

§53-08(b)	Fine: \$100	Appearance NOT Required
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- (c) *Report Expected Pick-Up Time.* When an Approved Driver operating an Accessible Taxicab receives a dispatch, the Driver must tell the Accessible Taxi Dispatcher when the Accessible Taxicab will be able to pick up the Wheelchair using Passenger.

§53-08(c)	Fine: \$100	Appearance NOT Required
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- (d) *On-duty Unavailable Code.* An Approved Driver of an Accessible Taxicab must enter the correct on-duty unavailable code into the TPEP when the Driver begins to travel to the pick up location.

§53-08(d)	Fine: \$100	Appearance NOT Required
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- (e) *[No Prior Pick-Ups.* An Approved Driver of an Accessible [Taxicab] Vehicle who has accepted a dispatch from the Accessible Taxi Dispatcher must not accept any other Passenger before picking up the [Wheelchair using] Passenger with a mobility impairment. *Note:* This includes acceptance of another trip using an approved e-hail application.

§53-08([e]b)	Fine: \$100	Appearance NOT Required
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§53-09 Fares.

- (a) *Fare Amount.* The fare for transporting Passengers [in Wheelchairs] with mobility impairments following a dispatch will be the same as the current Taxicab and Street Hail Livery fares set by the Commission.

(b) *Rules for Calculating Fares.*

- (1) An Approved Driver of an Accessible [Taxicab] Vehicle must not charge a fare to a [Wheelchair using] mobility-impaired Passenger higher than that indicated on the Taximeter.

§53-09(b)(1)	Fine: \$100, in addition to any Mandatory Penalties required under section 80-17(a) of these Rules	Appearance Required
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- (2) An Approved Driver **MUST NOT** turn on the Taximeter when dispatched by the Accessible Taxi Dispatcher until the Passenger is seated and secured in the vehicle.

§53-09(b)(2)	Fine: \$50	Appearance NOT Required
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§53-10 Driver Duties Regarding Passengers in Wheelchairs and Passengers with Other Mobility Impairments.

(a) *Assisting the Passenger.* An Approved Driver

- (1) Must assist [the] a Wheelchair-using Passenger and a Passenger with other mobility impairments:
- (i) Upon entry, from the [curbside] sidewalk to the vehicle; and
 - (ii) Upon exiting, from the vehicle to the curbside.
- (2) Must secure [the] a Wheelchair-using Passenger and the Wheelchair within the Vehicle.

§53-10(a)	Fine: \$200	Appearance NOT Required
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- (b) *Packages.* An Approved Driver must place [the Wheelchair using] a mobility-impaired Passenger's packages and parcels in the Vehicle and secure them and must retrieve them for the [Wheelchair using] Passenger at the end of the trip.

§53-10(b)	Fine: \$50	Appearance NOT Required
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- (c) *Service Animal(s) and Companions.* An Approved Driver must accept and provide transportation in the Accessible Taxicab for a [Wheelchair using] mobility-impaired Passenger's Service Animal(s) and for as many companions as can be legally seated in the vehicle.

§53-10(c)	Fine: [\$50] <u>Mandatory penalties</u>	Appearance NOT Required
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	as set forth in §80-02(e) of these Rules.	
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- (d) *Waiting for the [Wheelchair using] Passenger with a mobility impairment.* An Approved Driver who has accepted a dispatch must wait for the [Wheelchair using] Passenger with a mobility impairment to appear curbside at the pick up point for at least ten minutes after the time of [pickup indicated by the Dispatcher] arrival reported by the Driver for on-demand trips, and at least ten minutes after the scheduled pickup time indicated by the Dispatcher for advance reservation trips.

§53-10(d)	Fine: \$50	Appearance NOT Required
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- (e) *Notice to Accessible Taxi Dispatcher.* An Approved Driver who has accepted a dispatch must notify the Accessible Taxi Dispatcher in the proper manner:
- (1) What time the driver has arrived at the pickup location[;], and what time the meter was turned on;
 - (2) Whether [a Passenger is a Wheelchair using Passenger the Driver has picked up any Passengers;
 - (3) If the Passenger did not show, what time the Vehicle left the location; and
 - (4) When the trip is completed.

§53-10(e)	Fine: \$50	Appearance NOT Required
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- (f) *Assist with payment.* Upon a Passenger’s request, the Driver must assist Passenger with completing payment, such as helping the Passenger to access the credit card reader and counting cash aloud.

§53-10(f)	Fine: \$50	Appearance NOT Required
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§ 6. Chapter 58 of Title 35 of the Rules of the City of New York is amended by deleting Section 58-16(b)(3) in its entirety.

§ 7. Paragraph (3) of subdivision (b) of section 58-34 of Title 35 of the Rules of the City of New York, relating to payment of the Dispatch Fee to Drivers, is REPEALED.

§ 8. Section 58-34 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

(h) Dispatch equipment. An Accessible Taxicab is required to have Dispatch Equipment installed in the Vehicle.

§ 9. Section 63-12 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

(d) Dispatch Equipment.

(1) An Agent must not dispatch an Accessible Taxicab unless it is equipped with Dispatch Equipment.

<u>§63-12(d)(1)</u>	<u>Fine: \$200</u>	<u>Appearance NOT required</u>
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(2) An Agent must replace or repair Dispatch Equipment promptly upon being notified to do so and in no event later than 48 hours after receiving notification.

<u>§63-12(d)(2)</u>	<u>Fine: \$250 and suspension until compliance</u>	<u>Appearance NOT required</u>
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(3) An Agent must not allow an Accessible Taxicab to operate with inoperable Dispatch Equipment, that is, without the ability to accept dispatches, for more than 48 hours without repair or replacement of the Dispatch Equipment.

<u>§63-12(d)(3)</u>	<u>Fine: \$250 and suspension until compliance</u>	<u>Appearance NOT required</u>
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(4) An Agent must not

- (i) Tamper with the Dispatch Equipment; or
- (ii) Tamper with the geographic locator equipment; or
- (iii) Disable the Dispatch Equipment; or
- (iv) Render the Dispatch Equipment inoperable in any way.

<u>§63-12(d)(4)(i-iv)</u>	<u>Fine: \$350 and/or suspension up to 30 days</u>	<u>Appearance Required</u>
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§ 10. Section 75-24 of Title 35 of the Rules of the City of New York is hereby amended to read as follows:

§75-24 Business Requirements – Cooperation with the Commission

- (a) The TPEP Provider shall make all efforts, as described below, to cooperate with the Commission, its designees and any contractor(s) of the Commission:
 - (1) in the development and support of any application(s) developed by the Commission or the Commission’s designees, where such applications are developed specifically for the purpose of interoperating with the TPEP (including but not limited to smartphone applications); and
 - (2) in the facilitation of any data connection required by the Commission between the TPEP and any systems of a contractor of the Commission, such as a contractor who will provide services for dispatch of Accessible Taxicabs (specifically, the Accessible Taxi Dispatcher as defined in Section 51-03 of these rules).

- (b) [Cooperation as described in subdivision (a) above may be effectuated by agreements (including non-disclosure agreements) among and/or between the Commission or its designees or contractors, and the TPEP Provider on mutually agreeable terms.] The TPEP Provider must provide a data connection for the Commission’s Accessible Dispatch Program. The data connection will, at a minimum, provide the following functionality in the manner specified by the Accessible Taxi Dispatcher:
 - (1) Automatically indicate the on/off-duty status of the Vehicle to the Accessible Taxi Dispatcher’s systems;
 - (2) Automatically switch to the appropriate on/off-duty status pursuant to Section 75-25(a) of these rule in response to the Driver’s use of the Accessible Taxi Dispatcher’s system;
 - (3) Notify the Driver of a dispatch using the TPEP’s existing driver interface in a manner that identifies such dispatch as coming from the Accessible Taxi Dispatcher;
 - (4) Transmit all Trip Data to the Accessible Taxi Dispatcher’s system as it is collected; and
 - (5) Any other functionality specified by the Commission that is required for optimal operation of the Accessible Dispatch Program.

- (c) [Upon request of the Commission, a TPEP Provider shall provide at no charge to any Commission-approved driver training school the following:
- (1) one complete tabletop demonstration TPEP including the services related to the TPEP; and
 - (2) one complete driver user guide as described in §75-18(j) of these Rules (in electronic format) and a perpetual license to use and reproduce an unlimited number of copies of the guide.]

The TPEP Provider may not charge the Accessible Taxi Dispatcher for labor, equipment, data, data connections, or any other expense beyond the minimum amount needed to recoup costs incurred in cooperating with the Accessible Taxi Dispatcher. All expenses charged to the Accessible Taxi Dispatcher must be reasonable and clearly documented. The TPEP Provider may not charge the Accessible Taxi Dispatcher for expenses incurred that are unrelated to the Accessible Dispatch Program or that are incurred through normal business operations. If the TPEP Provider charges the Accessible Taxi Dispatcher for expenses that are in excess of what is permitted in this subdivision, then the TPEP Provider is uncooperative and in violation of section 75-24(a) of these rules.

§ 11. Subdivision (a) of section 80-02 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (6), to read as follows:

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- (6) Accessible Dispatch Program. Driver MUST accept dispatch.
- (i) While operating an Accessible Vehicle, an Approved Driver must accept a dispatch from the Accessible Taxi Dispatcher.
 - (ii) An Approved Driver who does not accept a dispatch has refused to provide service and will be subject to Mandatory Penalties for a refusal under subdivision (e) of this section.

<u>§80-20(a)(6)</u>	<u>Mandatory penalties as set forth in §80-02(e)</u>	<u>Appearance NOT Required</u>
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§ 12. Subdivision (e) of section 80-02 of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) *Mandatory Penalties.* If a Licensee has violated a Rule listed below, or any combination of these Rules, the Taxi and Limousine Tribunal at OATH or, if applicable, the Chairperson will impose the following mandatory penalties and fines.

VIOLATION Description	Rule	Mandatory Penalty/Fine - ALL
1. Overcharging Passengers	§80-17(a)(1) & (2) & (3), 80-17(k)(1) & (2)	First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing.
2. Refusal of service – Unjustified refusal to transport Passengers within NYC or defined counties	§80-20(a)(1), [&] (5) and (6)	Second violation (any combination of violations) w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible suspension of License for up to 30 days if found guilty following a hearing. Third violation (any combination of violations) w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing.
3. Refusal of service – Requiring assistant for Passengers with a disability, or seeking to charge additional fares for such an assistant	§80-20(a)(2)	
4. Refusal of service – Refusing to transport wheelchairs, crutches or other mobility aids for Passengers with a disability	§80-20(a)(3)	
5. Refusal of service – Seeking destination before Passenger is seated inside vehicle	§80-20(a)(4)	

§ 13. Section 83-27 of Title 35 of the Rules of the City of New York is amended to read as follows:

§83-27 Business Requirements – Cooperation with the Commission

- (a) The LPEP Provider shall make commercially reasonable efforts, as described below, to cooperate with the Commission, its designees and any contractor(s) of the Commission, including the Accessible Taxi Dispatcher as defined in section 51-03 of these rules:
- (1) in the development and support of any application(s) developed by the Commission or the Commission’s designees, where such applications are developed specifically for the purpose of interoperating with the LPEP (including but not limited to smartphone applications); and
 - (2) in the facilitation of any data connection required by the Commission between the LPEP and any systems of a contractor of the Commission, such as a contractor who will provide services for dispatch of Accessible Street Hail Liveries.

[(3) if such cooperation will involve considerable expense by the LPEP Provider, the LPEP Provider shall be entitled to condition such cooperation on obtaining reasonable compensation.]

§83-27(a)	Penalty: \$5,000 and suspension until compliance	Appearance Required
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(b) [Cooperation as described in subdivision (a) above may be effectuated by agreements (including non-disclosure agreements) among and/or between the Commission or its designees or contractors, and the LPEP Provider on mutually agreeable terms.] The LPEP Provider must provide a data connection for TLC’s Accessible Dispatch Program. The data connection will, at a minimum, provide the following functionality in the manner specified by the Accessible Taxi Dispatcher:

- (1) Automatically indicate the on/off-duty status of the Vehicle to the contractor’s systems;
- (2) Automatically switch to the appropriate on/off-duty status in response to the Driver’s use of the contractor’s system;
- (3) Notify the Driver of a Dispatch using the LPEP’s existing driver interface in a manner that identifies such dispatch as coming from the Accessible Taxi Dispatcher;
- (4) Transmit all Trip Data to the Accessible Taxi Dispatcher’s system as it is collected; and
- (5) Any other functionality specified by the Commission that is required for optimal operation of the Accessible Dispatch Program.

§83-27(b)	Penalty: \$5,000 and suspension until compliance	Appearance Required
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(c) [Upon request of the Commission, an LPEP Provider shall provide at no charge a fully operable demonstration LPEP.] The LPEP Provider may not charge the Accessible Taxi Dispatcher for labor, equipment, data, data connections, or any other expense beyond the minimum amount needed to recoup costs incurred in cooperating with the Accessible Taxi Dispatcher. All expenses charged to the Accessible Taxi Dispatcher must be reasonable and clearly documented. The LPEP Provider may not charge the Accessible

Taxi Dispatcher for expenses incurred that are unrelated to the Accessible Dispatch Program or that are incurred through normal business operations.

§83-27(c)	Penalty: Suspension until compliance	Appearance Required
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- (d) [Upon request of the Commission, an LPEP Provider shall provide at no charge to any Commission-approved driver training school the following:
- (1) one complete tabletop demonstration LPEP including the services related to the LPEP; and
 - (2) one complete driver training manual (in electronic format) and a perpetual license to use and reproduce an unlimited number of copies of the manual.]
- (e)]Upon request of the Commission, an LPEP Provider must make available personnel who can translate from English to Spanish, Mandarin and/or Urdu, if necessary to interact with the LPEP Provider’s actual or potential customers in the sale, lease, use, installation, service or repair of an LPEP.

§83-27[(a) - (e)]d	Penalty: \$500[-\$1,000 fine and suspension for each subdivision violated] and suspension until compliance	Appearance REQUIRED
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§ 14. This rule shall take effect on a date to be announced by the TLC on its Web site with such date to be announced at least 30 days prior to its occurrence.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Citywide Accessible Dispatch Program

REFERENCE NUMBER: 2016 RG 064

RULEMAKING AGENCY: Taxi & Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 3, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Citywide Accessible Dispatch Program

REFERENCE NUMBER: TLC-95

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period would be impracticable under the circumstances and no cure periods are provided when there is service refusal.

/s/ Francisco X. Navarro
Mayor's Office of Operations

October 4, 2016
Date