

NEW YORK CITY TAXI & LIMOUSINE COMMISSION

Notice of Commission Meeting

THE NEW YORK CITY TAXI & LIMOUSINE COMMISSION will hold a Commission Meeting on Wednesday, December 13, 2017 at 10:00 a.m., at 33 Beaver Street, 19th Floor, New York, New York.

The facility is wheelchair accessible and CART will be provided in the meeting room. If you need a reasonable accommodation of a disability to participate in the meeting, you may contact the Office of Legal Affairs at 212-676-1135 or at tlcrules@tlc.nyc.gov.

Access:



Request:



Live webcast is available here: <https://livestream.com/nyctaxi>.

TLC can provide language services following the meeting if you speak limited English. If you need language assistance regarding the content that was discussed at the meeting, please email tlcrules@tlc.nyc.gov for additional information.



Meera Joshi
Commissioner
tlccommissioner@tlc.nyc.gov

**New York City Taxi & Limousine Commission
Meeting Agenda
Wednesday December 13, 2017 at 10:00 am
33 Beaver Street, 19th Floor, New York, NY 10004**

33 Beaver Street
22nd Floor
New York, NY 10004

1. Public Meeting to convene at 10:00 am
2. Chair's Report
3. Adoption of Minutes
 - a. September 28, 2017 - Commission Meeting
4. Base Applications – for determination
 - a. The following bases are being recommended for approval:

NEW (2)

B03067	Forty - Four Car & Limo Inc.
B03041	Puebla City Inc.

RENEWAL (15)

B02465	7 Star Car & Limousine Inc. DBA: Dial 7 Car & Limousine Service
B01420	A.M.N. Management Inc. / Dba: Always Ready C/S
B01739	City Car Service Corp / Dba: Digital Car Service
B02738	Explorer Car Service Inc.
B02311	Fast City Car & Limo Svc Inc.
B02710	Golden Age Transit, LLC
B02450	Jupiter Car Service Corp.
B02688	KJ Transportation
B02404	Kuchen, LLC / Dba: Uber-Kuchen Llc
B02463	Morenita Express Car Service Inc.
B00475	Ridge Transportation Corp
B02704	Springfield Car Service Inc.
B02462	Tiffany's Car Service Inc.
B02736	Trinity Car Service Inc
B02717	Zoom Car Service Inc.

CHANGE OF OWNERSHIP (1)

B02614 Mexico La New Poblana Express Inc.

CHANGE OF LOCATION (2)

B01362 American Base No.1 Inc.
B02420 V S Express Limousine And Car Service Inc.

CHANGE OF OWNESHIP & LOCATION (2)

B00987 Ahsan Inc./ Db: Marlboro Car Service
B01475 Midwood VS, Inc

The following bases are recommended for denial (4) :

RENEWAL (3)

B01195 Alex II
B01021 M U United, Inc/ Db: Sea Breeze C/S
B02047 La New Express Inc.

OWNERSHIP CHANGE(1)

B02839 Yerushalayim Car&Limo Inc.

5. Rules Requiring Wheelchair Accessible FHV Trips
 - a. Commission Vote
6. Pilot Resolution for Dispatch of Wheelchair Accessible Vehicles
 - a. Commission Vote
7. Connected Vehicle Pilot
 - a. Commission Vote

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

RESOLUTION APPROVING CONNECTED VEHICLE TECHNOLOGY IN TAXICABS

December 13, 2017

The New York City Taxi and Limousine Commission (“Commission” or “TLC”) hereby approves by resolution a pilot program (“TLC Pilot Program”), pursuant to section 2303(b)(9) of the New York City Charter and section 52-27 of the Commission’s rules, testing the use of connected vehicle technology (“CV Technology”) equipment in taxicabs as part of the New York City Department of Transportation (“NYCDOT”) participation in phases two and three of the United States Department of Transportation (“USDOT”) Connected Vehicle Pilot Program (“CV Pilot Program”). The CV Pilot Program is currently testing the use of CV Technology to determine if such technology improves safe vehicle operation, increases personal mobility and reduces environmental impacts, among other potential positive benefits. The NYCDOT, as part of its participation in phases two and three of the CV Pilot Program, has committed to install CV Technology in up to 8,000 vehicles that travel in the City of New York, including trucks, buses and taxicabs. To support both NYCDOT and USDOT CV Pilot Program goals, TLC will permit owners of taxicabs who participate in the TLC Pilot Program (“Participants”) to install CV Technology equipment in their vehicles as part of the CV Pilot Program.

Pursuant to Chapter 52, Subchapter C of the Commission's rules, participation in the TLC Pilot Program is subject to the following terms:

1. Duration

The TLC Pilot Program will commence on the date on which CV Technology is installed in the first Participant taxicab and will continue for a maximum of 24 consecutive months. The Chairperson can terminate the TLC Pilot Program at any time.

2. Pre-Qualification Conditions

- a. Each Participant in the TLC Pilot Program must enter into a memorandum of understanding (“TLC MOU”) with the Chairperson on behalf of the Commission, which is approved as to form by the New York City Law Department, obligating the Participant to adhere to all requirements of this Resolution. The TLC MOU may set forth additional specifications for each requirement. This Resolution contains a summary of the major MOU terms but does not include each and every term.
- b. The TLC MOU will be consistent with this resolution.
- c. The Chairperson may immediately terminate a TLC MOU pursuant to the terms of the MOU or if, in the Chairperson’s discretion, there is an imminent threat to the health or safety of members of the public, taxi drivers, or other individuals.

3. Means of Public Notice

Notice of opportunity to participate in the TLC Pilot Program will be published in the City Record and on the Commission Web site.

4. Number of Participants

There will be no maximum number of Participants.

5. MOU Submission

- a. The MOU template for the TLC Pilot Program, setting forth the specific terms of participation and instructions for submitting the MOU, will be made available on the TLC website.
- b. The Commission will begin accepting MOUs for participation in the TLC Pilot Program immediately after the MOU template is published on the TLC website.
- c. The Commission will accept MOUs throughout the duration of the TLC Pilot Program.

6. Selection of Pilot Participants

- a. Selection of Participants will be made by the Chairperson.
- b. MOUs will be accepted only from taxicab owners.
- c. Taxicab owners who apply to participate in the TLC Pilot Program (“Applicants”) must demonstrate both of the following:
 - i. The Applicant has entered into a memorandum of understanding with NYCDOT (“NYCDOT MOU”) in which the Applicant agrees to install CV Technology in the Participant’s taxicab.
 - ii. The Applicant has installed or has agreed to install CV Technology equipment in the Applicant’s taxicab as required by the NYCDOT MOU.
- d. Criteria for selection of Applicants will include responsiveness to the public notice and the performance history of the Applicant, including history of violations of Commission rules or other applicable laws.

7. Exemptions

- a. Participants will be exempt from sections 67-18 and 67-19 of the Commission’s rules, to the extent that vehicle retirement dates will be extended pursuant to section 8 of this Resolution.

8. Retirement Dates and Termination

- a. Participants' taxicabs will receive an extension if required by sections 67-18 or 67-19 of the Commission's rules to retire during the term of the CV Pilot Program. The new retirement date assigned to such taxicabs will be the scheduled termination of the CV Pilot Program or the date provided in paragraph b. below, whichever is earlier.
- b. Limitations on taxicab vehicle retirement date extensions:
 - i. A taxicab originally assigned a retirement date equal to seven years after the date the taxicab was placed into service pursuant to sections 67-18 or 67-19 of the Commission's rules, will be extended no more than two years beyond the retirement date assigned to the taxicab on the date the taxicab owner is approved to participate in the TLC Pilot Program.
 - ii. A taxicab originally assigned a retirement date less than seven years after the date the taxicab was placed into service pursuant to sections 67-18 or 67-19 of the Commission's rules, will not be extended beyond the date equal to seven years after the date the taxicab was placed into service plus an additional two years.

9. Reporting and Evaluation

- a. During the TLC Pilot Program, TLC will support NYCDOT's reporting required as a participant in the CV Pilot Program by requiring that Participants comply with any reporting requirements and all other requirements provided in the NYCDOT MOU.
- b. The Chairperson will review the reports and evaluations submitted by NYCDOT and provide a summary of the findings to the Commission.
- c. A TLC-conducted safety evaluation is not required as NYCDOT will be conducting such evaluations as part of the CV Pilot Program. Such evaluations will be reviewed and analyzed by TLC.
- d. In evaluating the TLC Pilot Program, the Chairperson will analyze the information required to be reported to NYCDOT to determine whether proposing rules on the use of CV Technology in TLC-licensed vehicles should be considered.
- e. A final report, including a recommendation on whether to commence rulemaking, will be issued to the Commission within six months of the conclusion of the TLC Pilot Program. The Chairperson will commence rulemaking, if warranted, within six months of the issuance of the final report.

10. Compliance

- a. Participants must comply with all applicable local, state and federal laws, including TLC rules, except for those exemptions provided in this Resolution.
- b. Participants must comply with all NYCDOT MOU requirements.

- c. Participants must not file with the Commission any statements that they know or reasonably should know to be false, misleading, deceptive or materially incomplete.
- d. Participants must not commit fraud, misrepresentation and larceny, willful acts of omission and commission; and must not act against the best interests of the public, including but not limited to acts or threats of harassment, abuse, use or threat of physical force, or failure to cooperate with a law enforcement officer or the Commission.
- e. Participants must notify the TLC in writing of any suspension or revocation of any license granted to a Participant by any local, state or federal agency.

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 require all For-Hire Vehicle (FHV) Bases to send 25% of their dispatched trips to wheelchair accessible vehicles. 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 July 7, 2017 for public comment. On September 28, 2017, a public hearing on these rules was held by the TLC at the New York Marriott Downtown, 85 West Street, New York, New York, and the rules were adopted by the Commission on December 13, 2017. Pursuant to Section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days after publication.

Statement of Basis and Purpose

Increasing access to the New York City Taxi and Limousine Commission’s fleet of over 110,000 licensed vehicles is an important step to make New York City a place that is truly accessible to all of our residents and visitors, including those who use wheelchairs. In 2014 the TLC created a framework to introduce wheelchair accessible green and yellow taxis into the City’s fleet over time. To reach the for-hire vehicle sector (black cars, car services and luxury limousines), which today transports at least 400,000 passengers each day, the TLC promulgates an accessible service requirement that would put wheelchair accessible for-hire vehicles (FHVs) in circulation and available for the passengers who need them.

Specifically the TLC will now:

- Require all FHV bases to dispatch 25% of their trips in wheelchair accessible vehicles, beginning with 5% in the first year of implementation, scaling up to 25% over the course of five years
- Give every base the flexibility to dispatch to any wheelchair accessible for hire vehicle
- Perform an annual review of the percentage levels

The key to real accessible service is vehicle availability. Licensing wheelchair accessible vehicles alone does not achieve this goal. Generally, vehicles are available for service when they are in circulation. That is, they are steadily getting dispatches from a base and between trips the vehicles remain “at the ready.” That is true for standard vehicles, and it is equally true for accessible vehicles. If each base is required to dispatch a certain percentage of its trips to vehicles that are wheelchair accessible, then these vehicles will be on the road and available to pick up passengers that use wheelchairs, but who today are unable to get reliable for hire service.

For the base owners, the rule would provide significant flexibility. Base owners would be able to dispatch to wheelchair accessible vehicles from both the livery and black car sectors, regardless of the base to which they are affiliated, and could also dispatch to existing wheelchair accessible

green taxis in areas where green taxis are permitted to accept dispatches. Additionally, TLC will phase in this requirement over a period of several years to reach 25% of trips.

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

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (e) of section 59A-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner must not dispatch or permit another person to dispatch Owner's Vehicle unless:
 - (1) It is affiliated with a Validly Licensed Base
 - (2) The base dispatching the Vehicle is Validly Licensed
 - (3) The Vehicle is being dispatched *from* its affiliated Base, unless:
 - (i) The Vehicle is an Accessible Vehicle [being dispatched to transport a Person with a Disability pursuant to a contract executed under section 59B-17(c) of these Rules] affiliated with a For-Hire Base, or
 - (ii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer and the dispatching Base is (1) a Livery Base if the affiliated Base is a Livery Base, or (2) either a Black Car or Luxury Limousine Base if the affiliated Base is a Black Car Base or a Luxury Limousine Base.

§59A-11(e)	Fine: \$400	Appearance NOT REQUIRED
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Section 2. Subdivisions (c) and (d) of section 59B-17 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Provide Accessible Transportation.* A Base Owner must provide transportation service to Persons with Disabilities.
 - (1) [*Alternative Methods of Providing Service.* A Base Owner can provide Accessible Vehicle transportation service to Persons with Disabilities either by:]

Requirements for Percentage of all Dispatched Trips Serviced by an Accessible Vehicle:

- (i) [Dispatching an Accessible Vehicle from Owner’s Base, upon request] At least five (5) percent of a Base’s total trips dispatched between July 1, 2018, and June 30, 2019 must be trips dispatched to and completed by an Accessible Vehicle.
- (ii) [Contracting with another Base to provide and dispatch Accessible Vehicles for Persons with Disabilities.] At least ten (10) percent of a Base’s total trips dispatched between July 1, 2019, and June 30, 2020 must be trips dispatched to and completed by an Accessible Vehicle.
- (iii) At least fifteen (15) percent of a Base’s total trips dispatched between July 1, 2020, and June 30, 2021 must be trips dispatched to and completed by an Accessible Vehicle.
- (iv) At least twenty (20) percent of a Base’s total trips dispatched between July 1, 2021, and June 30, 2022 must be trips dispatched to and completed by an Accessible Vehicle.
- (v) Beginning July 1, 2022, and continuing each year thereafter, at least twenty-five (25) percent of a Base’s total trips dispatched between the dates of July 1 and June 30 must be trips dispatched to and completed by an Accessible Vehicle.

(2) For purposes of paragraph (1) of this subdivision, Hail Trips performed by an Accessible Street Hail Livery affiliated with a Base will count toward the total number of trips dispatched by that Base.

<p><u>§59B-17(c)(1)</u></p>	<p><u>Fine: \$50 for each 100 trips by which the Base missed the percentage of trips it was required to dispatch to Accessible Vehicles in that calendar year. <i>Example:</i> If Base A dispatches 100,000 trips between July 1, 2018 and June 30, 2019, but only dispatches 2,500 trips to Accessible Vehicles, the base will have missed the 5% requirement by 2,500 trips and be subject to a \$1,250 fine.</u></p> <p><u>If a Base fails to dispatch enough trips to Accessible Vehicles to meet at least half of its percentage requirement, the Commission may seek suspension of up to 30 days or revocation.</u></p>	<p><u>Appearance REQUIRED</u></p>
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(3) *Evaluation by the Commission.* Every year, beginning July 1, 2019, the Commission will review Base compliance levels, service levels, and any other information it deems relevant to determine if adjustments need to be made to the percentages set forth in paragraph (1) of this subdivision.

([2] 4) *Must Provide “Equivalent Service.”*

- (i) [Whether the Base dispatches its own Accessible Vehicles or contracts with another Base, the] The Base Owner must provide “equivalent service” to persons with disabilities.
- (ii) “Equivalent Service” means that the service available to Persons with Disabilities, is equivalent to the service provided to other individuals with respect to:
 - A. Response time to requests for service
 - B. Fares charged
 - C. Hours and days of service availability
 - D. Ability to accept reservations
 - E. Restrictions based on trip purpose
 - F. Vehicle types offered
 - G. Other limitations on capacity or service availability

§59B-17(c)[(2)](4)	Fine: \$1000 [and, if the violation includes failure to maintain either an affiliated Accessible Vehicle or an arrangement with another Base to provide such service, suspension of the Base License until compliance]	Appearance REQUIRED
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- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner’s Base, unless:
- (1)
 - (i) The Vehicle is affiliated with (i) a Livery Base if the dispatching Base is a Livery Base or (ii) either a Black Car or Luxury Limousine Base if the dispatching Base is a Black Car or Luxury Limousine Base, and
 - (ii) The Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer; or
 - (2) The Base is dispatching an Accessible Vehicle [from a Base it has contracted with to provide accessible transportation pursuant to Section 59B-17(c) of these Rules]

affiliated with a For-Hire Base and the Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer.

§59B-17(d)	Fine: \$150	Appearance NOT REQUIRED
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NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

RESOLUTION APPROVING A PILOT PROGRAM TO
EVALUATE A RESPONSE-TIME METRIC FOR PROVIDING WHEELCHAIR
ACCESSIBLE FOR-HIRE VEHICLE SERVICE

December 13, 2017

The New York City Taxi and Limousine Commission (the “Commission” or “TLC”) hereby approves by resolution (“Resolution”) a Pilot Program, pursuant to section 52-27(a) of the Commission’s rules, to test and evaluate a response-time metric for requests for wheelchair accessible For-Hire Vehicles (the “Pilot”).

In response to a longstanding lack of accessible service in the rapidly expanding FHV sector, on December 13, 2017, the Commission approved rules requiring all For-Hire Vehicle (“FHV”) bases to dispatch a percentage of their trips to wheelchair accessible vehicles (“WAVs”), beginning with 5% of all trips in 2018 and escalating to 25% in 2022. As outlined in the Statement and Basis of Purpose for the rule, this trip mandate gradually incorporates accessible vehicles into the fleet and ensures their circulation. Providing accessible service requires readily available vehicles. When bases are required to regularly dispatch trips to wheelchair accessible vehicles and incorporate these vehicles into their everyday operations, wheelchair accessible vehicles will be on the road and available to pick up passengers that use wheelchairs.

An alternative approach to providing FHV WAV service is through a centralized dispatching entity required to meet a service level standard. Given significant recent technological advances, dispatching systems today are better able to match passengers and cars and overall response times have significantly decreased. The same advances that have improved overall response times could be used to provide service for people who use wheelchairs, who today have limited service options. Trip recording and data reporting protocols could allow TLC to monitor compliance with service standards and other customer satisfaction metrics could provide the level of accountability the TLC and the public need from such as program.

The purpose of this pilot is to evaluate whether a centralized dispatching system utilizing modern technology, with robust monitoring and other requirements set by the TLC (e.g., sufficient vehicle supply; customer interface uniformity for WAV and non-WAV requests; ensuring that WAVs are not dedicated only to serving passengers who use wheelchairs), could provide excellent service to people with disabilities and overcome the potential pitfalls of utilizing a centralized dispatching entity to provide WAV FHV service. Therefore, through this Resolution the Commission authorizes testing of a centralized dispatcher approach to providing FHV WAV service, subject to the conditions outlined below.

In this Pilot, FHV Bases may apply to join the Pilot as:

1. A Participating Base, responsible for receiving WAV requests from passengers, sending requests for WAVs to the WAV Dispatcher, cooperating with the WAV Dispatcher, and ensuring that the WAV Dispatcher has the resources necessary to meet the response-time metric; and/or

2. A WAV Dispatcher, responsible for receiving requests for WAVs from Participating Bases and dispatching WAVs to fulfill at least sixty percent (60%) of those requests in under 15 minutes and ninety percent (90%) of those requests in under 30 minutes by the end of the first year of the Pilot Program and at least eighty percent (80%) of those requests in under 15 minutes and ninety percent (90%) of those requests in under 30 minutes by the end of the second year of the Pilot Program.

Pursuant to Section 52-27 of TLC Rules, approval of this Resolution is subject to the following:

1. Commencement and Duration:

The Pilot Program will commence on July 1, 2018. The Pilot Program will run for up to two years.

2. Pre-Qualification Conditions

- a. Pursuant to Section 52-28(a) of TLC Rules, each Participant in the Pilot Program must enter into a binding Memorandum of Understanding (“MOU”) with the Chair on behalf of the Commission, which is approved as to form by the New York City Law Department, which obligates the Participant to adhere to all requirements of this Resolution and sets forth additional specifications for each requirement. This Resolution contains a summary of the major MOU terms but does not include each and every term. The MOU must not conflict with any provision of this Resolution.
- b. Each Participating Base must be a TLC-licensed For-Hire Vehicle Base in good standing with the TLC and must sign an agreement with a WAV Dispatcher. The agreement must not conflict with any provision of this Resolution.
- c. Each WAV Dispatcher must be a TLC-licensed For-Hire Vehicle Base in good standing with the TLC prior to approval as a WAV Dispatcher.

3. Means of Public Notice

Notice of opportunity to participate in the Pilot Program will be published in the City Record and on the Commission’s website.

4. Application

- a. The Commission will begin accepting applications for participation in the Pilot Program immediately after a template MOU setting forth the specific terms of participation is published on the TLC website.
- b. The Commission will accept applications to participate in the Pilot Program as a Participating Base until June 20, 2018. The Commission will accept applications to

participate in the Pilot Program as a WAV Dispatcher until one year after the commencement of the Pilot Program.

- c. Each candidate applying as a Participating Base must submit a statement outlining the manner in which it will adhere to the following requirements for participation in the Pilot:
 - i. The Participating Base must enter into an agreement with a WAV Dispatcher and remit any payments to the WAV Dispatcher in accordance with the agreement.
 - ii. Passengers must be able to request a WAV from the Participating Base in the same manner(s) in which passengers can request a non-WAV from the Participating Base.
 - iii. The Participating Base must conduct targeted and continuous outreach and marketing to passengers who use wheelchairs about its wheelchair accessible services.
 - iv. The Participating Base must forward requests for WAVs it cannot fulfill itself to its WAV Dispatcher and cooperate with its WAV Dispatcher to the extent necessary to ensure the forwarded requests are fulfilled in accordance with the response-time requirements outlined in Section 4(d)(ii) of this Resolution.
 - v. The Participating Base may not charge, and is responsible for a WAV Dispatcher not charging, a passenger requesting a WAV a fare that exceeds the fare a passenger requesting a non-WAV would be charged for the same trip.
- d. Each candidate applying as a WAV Dispatcher must submit a statement outlining the manner in which the WAV Dispatcher will adhere to the following requirements for participation in the Pilot:
 - i. The WAV Dispatcher must enter into an agreement with its Participating Bases outlining the frequency and amount of any payments Participating Bases must make to the WAV Dispatcher.
 - ii. The WAV Dispatcher must service at least sixty percent (60%) of all the requests for WAVs it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes by the end of the first year of the Pilot Program and must service at least eighty percent (80%) of all the requests for WAVs it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes by the end of the second year of the Pilot Program.
 - iii. The WAV Dispatcher must support its Participating Bases' targeted and continuous outreach and marketing to passengers who use wheelchairs about its Participating Bases' wheelchair accessible offerings.

- iv. The WAV Dispatcher cannot use WAVs exclusively dedicated to servicing requests for WAVs received through the Pilot.
- v. The WAV Dispatcher cannot charge a passenger more for a trip request received from a Participating Base than the Participating Base that forwarded the request would charge a passenger requesting a non-WAV for the same trip.
- vi. The WAV Dispatcher must, upon application, report the number of WAVs it will be able to dispatch at the commencement of its participation in the Pilot, and the number of WAVs it will be able to dispatch by the end of its third and sixth months of its participation in the Pilot.

5. Selection

- a. Selection of Participants will be made by the Chair.
- b. Criteria for selection will include the sufficiency of the application and required statements and the applicant's ability to meet the requirements set forth in this Resolution and the MOU. The Chair reserves the right to reject applications which do not adhere to the criteria set forth in Section 4 and in this section.
- c. The Chair may ask any candidate to supplement an application as necessary to complete the evaluation of the application and selection of Participants.
- d. The minimum number of WAV Dispatchers in the Pilot Program is one (1) and the maximum number of WAV Dispatchers in the Pilot Program is limited to three (3).
- e. The minimum number of Participating Bases in the Pilot Program is ten (10) and there is no maximum number of Participating Bases.

6. Termination

- a. If the Chair determines a Participant has violated or not complied with any provision of this Resolution or the MOU, fails to demonstrate material progress or provide adequate service at any time during the duration of the Pilot Program, or otherwise engages in behavior contrary to the goals of this Pilot Resolution, the Chair may immediately terminate approval to participate in the Pilot Program.
- b. The Chair may terminate a Participating Base's approval to participate in the Pilot if a Participating Base fails to timely remit any payments it owes its WAV Dispatcher. If the Chair terminates a Participating Base's approval to participate in the Pilot, the Participating Base will be subject to Section 59B-17(c) of TLC's Rules, subject to a transition period granted by the Chair on a case-by-case basis.
- c. If the Chair terminates a WAV Dispatcher's approval to participate in the Pilot Program, all Participating Bases that have entered into an agreement with that WAV Dispatcher will immediately lose their approval to participate in the Pilot Program and the WAV Dispatcher and Participating Bases with which it had agreements will

be subject to Section 59B-17(c) of TLC's Rules, subject to a transition period granted by the Chair on a case-by-case basis.

- d. The Chair may cancel the Pilot Program for any reason, including but not limited to failure to bring about continuously increasing service levels to passengers who use wheelchairs.

7. Indemnification

- a. Each Participant is responsible for the conduct of its employees, contractors, and agents, and must familiarize each employee, contractor, and agent with relevant regulatory rules and regulations.
- b. Each Participant must defend, indemnify and hold harmless the City of New York, its officers and employees from all claims arising from participation in the Pilot Program.

8. Reporting and Evaluation

- a. WAV Dispatchers must submit monthly records to the Commission containing:
 - i. Each request for a WAV received by the WAV Dispatcher, including
 1. the Base License Number of the Participating Base that sent the request to the WAV Dispatcher,
 2. the date and time that the request was received by the WAV Dispatcher,
 3. an indicator as to whether each request resulted in a completed trip
 4. if the request was fulfilled,
 - a. the TLC License number of the vehicle that fulfilled the request, the base to which the vehicle is affiliated, and the driver who fulfilled the request
 - b. the pickup and drop off locations of the trip
 - c. the date and time at which the vehicle arrived at the pickup location,
 - d. the total passenger wait time, and
 - e. the date and time at which the passenger left the vehicle at the drop off location
 5. if the request was not fulfilled,
 - a. the date, time, and location of the requested pickup
 - b. the location of the of the requested drop off (if provided)
 - c. an indicator as to the reason the request was not fulfilled, such as passenger cancellation, passenger no-show, driver cancellation, or no vehicles available
 - ii. Payments received from Participating Bases,
 - iii. All complaints and compliments received from passengers, including all driver ratings, where applicable, and

- iv. All marketing and outreach to potential passengers conducted in the previous month
- b. Participating Bases must submit monthly records to the Commission containing
 - i. Each request for a WAV received by the Participating Base, including
 - 1. the date and time the Participating Base received the request
 - 2. the date and time the Participating Base forwarded the request to a WAV Dispatcher
 - ii. Payments made to the WAV Dispatcher,
 - iii. All complaints and compliments received from passengers, including all driver ratings, where applicable, and
 - iv. All marketing and outreach to potential passengers conducted in the previous month.
- c. Such reporting must be in a format approved by the Chair, as further specified in the MOU.
- d. TLC staff shall prepare and transmit to TLC Commissioners a six month report, a one-year report, and final report on the results of the Pilot Program.
- e. The final report will be submitted to the Commission prior to the end of the Pilot Program. The final report will include findings based on the entirety of the Pilot, including but not limited to service levels, response times, and passenger and driver feedback. The final report will also include a recommendation as to whether or not to undertake rule-making or other Commission action. If the recommendation is to undertake rule-making, such recommendation is not limited to making permanent the terms of the Pilot and may include shorter wait times and/or increased service levels than those outlined in the Pilot. Additionally, if the recommendation is to undertake rule-making, the Commission will initiate rule-making expeditiously so that the service provided pursuant to the Pilot, in whole or in part, can continue uninterrupted.

9. Exemption

- a. All approved Participants in the Pilot Program will be exempt from Section 59B-17(c) of TLC's Rules.
- b. FHV Bases approved as WAV Dispatchers in the Pilot Program will be exempt from reporting trips pursuant to Section 59B-19(a) of TLC's Rules to the extent such trips were dispatched and reported to the Commission in accordance with their participation as WAV Dispatchers in the Pilot Program.

10. Compliance

- a. Participants must comply with all applicable state, federal, and local laws, including but not limited to the Americans with Disabilities Act (ADA), Occupational Safety

and Health Administration (OSHA) standards and requirements and, unless otherwise provided herein, TLC rules, all laws regarding workers compensation, disability benefits and tax withholding, and must pay all fees and fines owed to state, federal or local government jurisdictions when they are due. Section 9, above, provides the only exemption pertaining to this compliance subdivision.

- b. Participant must not file with the Commission any statements that he or she knows or reasonably should know to be false, misleading, deceptive or materially incomplete.
- c. Participant must not accept, request, give or offer gifts or gratuities to or from a licensee for the purpose of violating any of the requirements of the Pilot Program or applicable provisions of state, federal and local law, and must report to the TLC and the New York City Department of Investigation any request or offer for the same.
- d. Participant must not commit fraud, misrepresentation and/or larceny, willful acts of omission and/or commission; and must not act against the best interests of the public, including but not limited to acts of threats, harassment, abuse, use or threat of physical force, or failure to cooperate with law enforcement or the Commission.
- e. Participant must notify the TLC in writing of any suspension or revocation of any license granted to the Participant by any local, state or federal agency.

11. Safety Evaluation

- a. No safety evaluation of the Pilot Program will be required.