

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 implementing Congestion Surcharge provisions of New York State Law Article 29-C.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on November 28, 2018. The hearing will be in the TLC hearing room at 33 Beaver St, 19th Floor, New York, NY 10004.

The hearing room is wheelchair accessible and CART will be provided in the meeting room.

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

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to tlcrules@tlc.nyc.gov
- **Mail.** You can mail comments to Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver St, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102
- **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 28, 2018. You can speak for up to three minutes.

Is there a deadline to submit comments? You must submit written comments by November 26, 2018.

What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by November 23, 2018.

This location has the following accessibility option(s) available: the TLC hearing room is wheelchair accessible and computer access real-time translation (CART) will be provided.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a transcript of the hearing will be available to the public at the Office of Legal Affairs.

What authorizes TLC to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize TLC to make this proposed rule. This proposed rule was

not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find TLC rules? The Taxi and Limousine Commission rules are in title 35 of the Rules of the City of New York.

What laws govern the rulemaking process? TLC 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 of the City Charter.

Statement of Basis and Purpose

In April 2018 the New York State Tax Law was amended to impose a Congestion Surcharge on taxi and for-hire vehicle trips that begin, end or pass through Manhattan, south of 96th street. Beginning January 1, 2019, the State will assess a Congestion Surcharge of \$2.50 per trip in yellow taxis, or \$2.75 per trip in For-Hire Vehicles. For Shared Rides the surcharge is reduced to \$0.75 per passenger. If the passenger requests a Shared Ride, the trip is entitled to the Shared Ride surcharge even if no other passenger joins. The surcharge does not apply if the trip does not start and end in New York State, or if the trip is provided by or on behalf of the MTA. Proceeds from the Congestion Surcharge will be used to fund the City's subway system, MTA facilities, equipment and services located in Brooklyn, Queens, the Bronx and Staten Island, and the general operating and capital costs of the MTA.

State Law requires that that the Congestion Surcharge must be passed on to the passenger and may not be deducted from the driver's pay. Additionally, State Law further requires that Medallion Owners and FHV Bases remit the surcharge to the New York State Department of Taxation and Finance.

TLC is proposing these rules to reflect this new State Law obligation on Medallion Owners and FHV Bases to collect the Congestion Surcharge.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The following definition of "Taxpayer" set forth in section 51-03 of Title 35 of the Rules of the City of New York is amended, the definition of "Group Ride Program" is DELETED and new definitions of "Congestion Surcharge", "Congestion Surcharge Zone" and "Shared Rides" are added, in alphabetical order, to read as follows:

Congestion Surcharge is the surcharge added to trips in TLC-licensed vehicles, other than those trips administered by or on behalf of the Metropolitan Transportation Authority, imposed by Article 29-C of the NYS Tax Law.

Congestion Surcharge Zone is the geographic area of the New York City, in the borough of Manhattan, south of and excluding 96th street.

[Group Ride Program is a program established by the Commission for the transportation of more than one Passenger from a common location to destinations within a specified common geographic area.]

Shared Ride is a trip that a passenger requests with the understanding that it may be shared with other passengers who are independently charged (i) a predetermined amount per ride, or (ii) an amount that is proportionate to the transportation they receive.

Taxpayer is a person or Business Entity required to pay the MTA Tax or the Congestion Surcharge.

Section 2. Subdivisions (g) through (n) of section 58-03 of Title 35 of the Rules of the City of New York are relettered as subdivisions (i) through (p), new subdivisions (g) and (h) are added, subdivision (o) is DELETED, subdivisions (p) through (aa) are relettered as subdivisions (q) and (bb), subdivisions (cc)

through (nn) are relettered as subdivisions (dd) to (oo), a new subdivision (cc) is added, and subdivision (gg), as relettered, is amended, to read as follows:

(g) **Congestion Surcharge** is the surcharge added to trips in TLC-licensed vehicles, other than those trips administered by or on behalf of the Metropolitan Transportation Authority, imposed by Article 29-C of the NYS Tax Law.

(h) **Congestion Surcharge Zone** is the geographic area of the New York City, in the borough of Manhattan, south of and excluding 96th street.

...

[(o) **Group Ride Program** is a program established by the Commission for the transportation of more than one passenger from a common location to destinations within a specified common geographic area]

...

(cc) **Shared Ride** is a trip that a passenger requests with the understanding that it may be shared with other passengers who are independently charged (i) a predetermined amount per ride, or (ii) an amount that is proportionate to the transportation they receive.

...

(gg) **Taxpayer** is a person or Business Entity required to pay the MTA Tax or Congestion Surcharge.

...

Section 3. Paragraph (3) of subdivision (a) of section 58-15 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (3) Failure to Report Bribery. An Owner must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant or dispatcher employed at a public transportation facility [or authorized group-ride taxi line].

§58-15(a)(3)	Fine: \$1,000 and/or suspension up to 30 days or revocation.	Appearance REQUIRED
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Section 4. Subparagraph of (vii) paragraph (5) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (vii) If the Owner (or Owner’s Agent) is a Taxpayer, the Taxpayer can collect the MTA Tax and Congestion Surcharge collected by the lessee/Driver from the lessee/Driver. The MTA Tax and Congestion Surcharge must be collected in the following order:
 - a. The MTA Tax and Congestion Surcharge must first be deducted from any credit card reimbursements due as required in subdivision (f) below.

- b. The MTA Tax and Congestion Surcharge must next be deducted from the security deposit permitted in subdivision (e) below.
- c. If not fully paid, then the MTA Tax and Congestion Surcharge must be collected from the lessee/Driver.

Section 5. Subparagraph of (v) of paragraph (2) of subdivision (e) of section 58-21 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (v) If the Owner (or Owner's Agent) is a Taxpayer, any MTA Tax and/or Congestion Surcharge remaining due from the Driver after deductions from credit card receipts due to the Driver.

Section 6. Paragraph (4) of subdivision (f) of section 58-21 of Title 35 of the Rules of the City of New York is amended, to read as follows:

- (4) If an Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can deduct from the credit card receipts payable to the Driver the amount due for the MTA Tax and/or Congestion Surcharge from the Driver's trips.

Section 7. Subdivisions (a) and (b) of section 58-26 of Title 35 of the Rules of the City of New York are amended, to read as follows:

(a) *Metered Rate of Fare.*

- (1) *Metered Rate of Fare.* The rate of fare for Taxicabs is as follows, regardless of the number of passengers or stops:

- (i) The charge for the initial unit is \$2.50 plus, on and after January 1, 2015, the Taxicab Improvement Surcharge of \$0.30 for a total of \$2.80

- (ii) The charge for each additional unit is \$.50

- (iii) The unit of fare is:

- A. One-fifth of a mile, when the Taxicab is traveling at 12 miles an hour or more; or

- B. 60 seconds (at a rate of \$.50 per minute), when the Taxicab is traveling at less than 12 miles an hour.

- (iv) The Taximeter must combine fractional measures of distance and time in accruing a unit of fare. Any combination of distance or time specified in paragraph (iii) above must be computed by the Taximeter in accordance with Handbook 44 of the National Institute of Standards and Technology.

- (v) The fare must include pre-assessment of the unit currently being accrued; the amount due can therefore include a full unit charge for a final, fractional unit.

- (2) *Surcharges.* In addition to the metered rate of fare, Taxicabs will add the following surcharges, except where surcharges are specifically exempted:

- (i) A rush hour surcharge of \$1.00 for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m.; this surcharge will not be applied on legal holidays
 - (ii) A nighttime surcharge of \$.50 for all trips beginning after 8:00 p.m. and before 6:00 a.m.
- (3) *MTA Tax.* The MTA Tax must be charged on any trip that starts in New York City and ends in any of the following:
 - (i) New York City
 - (ii) Dutchess County
 - (iii) Nassau County
 - (iv) Orange County
 - (v) Putnam County
 - (vi) Rockland County
 - (vii) Suffolk County
 - (viii) Westchester County
- (4) *Congestion Surcharge.* The Congestion Surcharge of \$2.50 must be charged for trips that are within the Congestion Surcharge Zone (Borough of Manhattan, south of 96th Street) at any point of the trip and end within New York State.
 - (i) Trips administered by or on behalf of the Metropolitan Transportation Authority are exempt from the Congestion Surcharge.
 - (ii) The Congestion Surcharge for Passengers of Shared Ride trips is \$0.75 per passenger if that Passenger's trip is within the Congestion Surcharge Zone at any point and ends within New York State.
- (b) *Flat Rates between Manhattan and Kennedy Airport.*
 - (1) *Flat Fare Rate between Manhattan and Kennedy Airport.* The fare for a trip between Kennedy Airport and Manhattan will be a Flat Rate of \$52, plus any tolls and applicable surcharges.
 - (i) A rush hour surcharge of \$4.50 will be added to this Flat Rate for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m. This surcharge will not be applied on legal holidays.
 - (ii) The MTA Tax must be charged in addition to the Flat Rate.

- (iii) *Congestion Surcharge.* The Congestion Surcharge of \$2.50 must be charged for trips that are within the Congestion Surcharge Zone (Borough of Manhattan, south of 96th Street) at any point of the trip and end within New York State.
- (iv) The Taximeter must reflect that this trip is a Flat Rate fare.
- (2) *Calculating Fare for Multiple Stops to Manhattan.* If passengers request multiple stops on a trip from Kennedy Airport to Manhattan, the fare will be determined as follows:
 - (i) The first stop in Manhattan is paid as required by paragraph (1) of this subdivision.
 - (ii) The Taximeter is then turned on as if for a new trip and a new fare is calculated as a regular metered trip.
 - (iii) The total metered fare (plus any surcharge) is paid at the last stop by the remaining passenger.
 - (iv) No fare is due at the time any other passengers are dropped off between the first and last passenger.
 - (v) Example: if three passengers request stops at 42nd St., 18th St. and 4th St.:
 - A. \$52.00 plus the MTA Tax and any applicable tolls or surcharges will be collected at 42nd St.
 - B. The Taximeter will be turned on at that point
 - C. When the second passenger exits at 18th St., the Taximeter remains on and no money is paid to the Driver.
 - D. The passenger dropped off at 4th St. must pay the fare on the Taximeter.
- (3) *Metered Fare to Boroughs Other Than Manhattan.* All trips between Kennedy Airport and a borough other than Manhattan are governed by the metered rate of fare as set forth in §58-26(a).
- (4) *Chairperson's Right to Suspend this Provision.* The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport.

Section 8. Subdivision (c) of section 58-26 of Title 35 of the Rules of the City of New York is DELETED and subdivision (d) is relettered as subdivision (c) and, as relettered, is amended to read as follows:

- (c) *[Group Ride Fares.*
 - (1) *Group Ride Fare from LaGuardia Airport (Reserved)*
 - (2) *Group Ride Fare from York Avenue.* The fare for trips made under a Group Riding plan from York Avenue to the Financial District will be \$6.00, a \$0.30 Taxicab Improvement

Surcharge, per passenger. In addition, there can be a fee for dispatch services as the Commission determines.

(3) *Group Ride Fare from the Port Authority Bus Terminal.* The fare for trips made under a Group Riding plan from the Port Authority bus terminal at Eighth Avenue between 40th and 42nd Streets to the 59th Street and Sixth Avenue area will be \$3.00, a \$0.30 Taxicab Improvement Surcharge, per passenger.

(4) *Experimental Group Ride Programs.*

(i) *Additional Pickup Locations.* The Chairperson can recommend for Commission approval additional Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan.

(ii) *Demand-Driven Temporary Group Riding Plans.* The Chairperson can also recommend for Commission approval additional Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances.

(iii) *Duration.* Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:

A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or

B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.

(iv) *Termination.* The Commission can discontinue any Group Riding plan that has not been the subject of final rulemaking upon a determination that continuation of the plan is not in the best interest of the public.

(5) *MTA Tax.* In a group ride, one passenger will pay the MTA Tax. The fare for that passenger will be reduced by the amount of the MTA Tax. All passengers will pay the same total amount. (*Example:* If three passengers are taking a group ride for which the fare is \$6.00 per person, the fare will be adjusted so that the total fare for all three passengers equals \$17.50 plus the \$.50 MTA Tax.)

(d)] *Trips Beyond the City.*

(1) For a trip beyond the limits of the City of New York, except for Westchester or Nassau County, or Newark Airport, the fare will be a Flat Rate.

(i) The MTA Tax must be added to the Flat Rate for any trip that starts in New York City and ends in any of the following:

A. Dutchess County

- B. Orange County
- C. Putnam County
- D. Rockland County
- E. Suffolk County

(ii) The \$2.50 Congestion Surcharge must be added to the Flat Rate for any trip that starts in New York City, passes through the Congestion Surcharge Zone at any point, and ends within New York State, unless the trip is being administered by or on behalf of the Metropolitan Transportation Authority.

- (2) For a trip to Westchester or Nassau County the fare will be the sum of the following amounts:
 - (i) The amount shown on the Taximeter for that portion of the trip that is inside the City limits, plus
 - (ii) Twice the amount shown on the Taximeter for that portion of the trip that is outside the City limits, plus
 - (iii) All necessary tolls to and from the destination.
 - (iv) The MTA Tax must be added to the total fare.
 - (v) The \$2.50 Congestion Surcharge, if applicable.
- (3) For a trip to Newark Airport the fare will be the sum of the following amounts:
 - (i) The amount shown on the Taximeter, plus
 - (ii) A surcharge of \$17.50, plus
 - (iii) All necessary tolls to and from the destination
- (4) Any continuous trip where the point of origin and the destination are both within the limits of the City of New York will not be considered a trip beyond the City limits, even though the shortest and most direct route requires traveling outside the City limits but within continuous counties. The Taximeter must be kept in the recording position throughout the trip.

Section 9. Subdivisions (e) through (t) of section 59B-03 of Title 35 of the Rules of the City of New York are relettered as subdivisions (g) through (v), subdivision (u) is relettered as subdivision (x), and new subdivisions (e), (f), and (w) are added, to read as follows:

(e) **Congestion Surcharge** is the surcharge added to trips in TLC-licensed vehicles, other than those trips administered by or on behalf of the Metropolitan Transportation Authority, imposed by Article 29-C of the NYS Tax Law.

(f) **Congestion Surcharge Zone** is the geographic area of the New York City, in the borough of Manhattan, south of and excluding 96th street.

...

(w) **Shared Ride** is a trip that a passenger requests with the understanding that it may be shared with other passengers who are independently charged (i) a predetermined amount per ride, or (ii) an amount that is proportionate to the transportation they receive.

Section 10. Subdivisions (l) through (n) of section 59B-13 of Title 35 of the Rules of the City of New York are relettered as subdivisions (m) through (o), and a new subdivision (l) is added, to read as follows:

(l) *Congestion Surcharge*

(1) The Congestion Surcharge of \$2.75 must be charged on any Hail Trip in a Street Hail Livery that enters the Borough of Manhattan south of 96th Street at any point and ends in New York State.

(2) A Street Hail Livery Base must ensure that the Taximeter in each Street Hail Livery affiliated with the Base is adjusted to properly collect the Congestion Surcharge for Hail Trips, when applicable.

(3) A Street Hail Livery Base must collect the Congestion Surcharge due for each Hail Trip made by a Street Hail Livery affiliated with that Base from the Driver of the Street Hail Livery, when applicable.

Section 11. Subdivision (c) of section 59B-18 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(c) *Special Requirements for Street Hail Liveries: Credit Cards for Hail Trips*

(1) A Street Hail Livery Base Owner can deduct from any credit or debit card payments due to a Street Hail Livery Driver any amounts required to be collected for payment of the MTA Tax and Congestion Surcharge.

(2) A Street Hail Livery Base Owner must pay the Street Hail Livery Driver on no less than a weekly basis, the total amount of all credit card payments received during that period. The Base Owner must provide an itemized receipt, showing all deductions, with each payment.

§59B-18(c)(2)	Fine: \$100	Appearance NOT REQUIRED
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(3) A Street Hail Livery Base Owner can withhold from the cash payments to a Street Hail Livery Driver (and all such withholdings must be identified on the receipt) the following:

(i) the sum of all MTA Tax and Congestion Surcharge payments due from the Street Hail Livery Driver; and

- (ii) the sum of all tolls and charges deducted by the MTA Bridges & Tunnels from the *E-Z-Pass*® account of the Street Hail Livery Base Owner for trips provided by the Street Hail Livery Driver.

§59B-18(c)(3)	Fine: First violation: \$200 Second violation: \$300 Third violation: \$500 In addition to the penalty payable to the Commission, the ALJ may order the Base Owner to pay restitution to the Driver, equal to the excess amount that was charged to the Driver.	Appearance REQUIRED
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Section 12. Subparagraph (i) of paragraph (1) of subdivision (a) of section 59B-19 of Title 35 of the Rules of the City of New York is amended by adding a new item A, to read as follows:

- A. Whether the trip was within the Congestion Surcharge Zone at any point of the trip.

Section 13. Subparagraph (vi) of paragraph 1 of subdivision (a) of section 59B-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (vi) Shared Rides.
A. Whether the Passenger requested a shared ride.
B. Whether the Passenger is sharing the Vehicle for part or all of the trip with a Passenger from another dispatched call.

Section 14. Section 59B-23 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (i), to read as follows:

- (i) Congestion Surcharge.
(1) Congestion Surcharge. Every Base Owner, for trips dispatched from that Base, must bill and collect the surcharge established by the Article 29-C of the NYS Tax Law, as applicable.
i. Trips administered on by or behalf of the MTA are exempt from the Congestion Surcharge.

Section 15. Subparagraph (6) of subdivision (a) of section 60B-18 of Title 35 of the Rules of the City of New York is renumbered subparagraph (7), and new subparagraph (6) is added, to read as follows:

- (6) Whether the passenger was in a shared ride with passenger(s) who requested a separate ride.

Section 16. Section 60B-22 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c), to read as follows:

(c) Congestion Surcharge. Every Base Owner, for trips dispatched from that Base, must bill and collect the surcharge established by the Article 29-C of the NYS Tax Law, as applicable.

(1) Trips administered by or on behalf of the Metropolitan Transportation Authority are exempt from the Congestion Surcharge.

Section 17. Section 61A-24 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b), to read as follows:

(b) Congestion Surcharge. Passengers must be charged the surcharge established by the Article 29-C of the NYS Tax Law, as applicable.

(1) Trips administered by or on behalf of the Metropolitan Transportation are exempt from the Congestion Surcharge.

Section 18. Section 61B-24 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b), to read as follows:

(b) Congestion Surcharge. Passenger must be charged the surcharge established by the Article 29-C of the NYS Tax Law, as applicable.

(1) Trips administered by or on behalf of the Metropolitan Transportation Authority are exempt from the Congestion Surcharge.

Section 19. Subdivisions (c) through (k) of section 64-03 of Title 35 of the Rules of the City of New York are relettered as subdivisions (e) through (m), and new subdivisions (c) and (d) are added, to read as follows:

(c) **Congestion Surcharge** is the surcharge added to trips in TLC-licensed vehicles, other than those trips administered by or on behalf of the Metropolitan Transportation Authority, imposed by Article 29-C of the NYS Tax Law.

(d) **Congestion Surcharge Zone** is the geographic area of the New York City, in the borough of Manhattan, south of and excluding 96th street.

Section 20. Section 64-32 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (m), to read as follows:

(m) Congestion Surcharge. A Taximeter Licensee must adjust the Taximeter to add the Congestion Surcharge of \$2.50 on trips in a Taxicab and a Congestion Surcharge of \$2.75 on Hail Trips in a Street Hail Livery as described in §58-26 and §82-26 respectively.

(1) Trips administered by or on behalf of the Metropolitan Transportation Authority are exempt from the Congestion Surcharge.

(2) Passengers of Shared Ride trips must be charged \$0.75 per passenger if that Passenger's trip is within the Congestion Surcharge Zone at any point and ends within New York State.

Section 21. Subparagraphs (ix) through (xi) of paragraph (7) of subdivision (b) of section 66-24 of Title 35 of the Rules of the City of New York are renumbered subparagraphs (x) through (xii), and a new subparagraph (ix) is added, to read as follows:

(ix) Total Congestion Surcharge tax collected;

Section 22. Subparagraph (viii) of paragraph (10) of subdivision (c) of section 66-24 of Title 35 of the Rules of the City of New York is amended, to read as follows:

(viii) surcharge(s), including the Taxicab Improvement Surcharge, [or] Street Hail Livery Improvement Surcharge, and Congestion Surcharge (if applicable) amount(s);

Section 23. Subdivision (d) of section 66-24 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (3), to read as follows:

(3) The Technology System must automatically add the \$2.50 Congestion Surcharge to the taximeter in a Taxicab or the \$2.75 Congestion Surcharge to the taximeter in a Street Hail Livery when a trip begins in or enters the Congestion Surcharge Zone as described in §58-26 and §82-26 respectively.

Section 24. Paragraph (3) of subdivision (f) of section 66-24 of Title 35 of the Rules of the City of New York is amended by adding new subparagraphs (xv) and (xvi), to read as follows:

(xv) date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone, if the pick-up was not in the Congestion Zone, based on the reading from the Technology System; and

(xvi) whether the trip was administered as part of the MTA's Access-A-Ride program.

Section 25. Paragraph (5) of subdivision (i) of section 80-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

(5) A Driver must cooperate with all dispatchers at public transportation terminals [and at authorized group-ride Taxicab lines].

§80-12(i)(5)	Fine: \$150 if plead guilty before a hearing; \$200 if found guilty following a hearing.	Appearance NOT required
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Section 26. Section 80-13 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) Congestion Surcharge

(1) For all trips completed where the Congestion Surcharge must be charged as required by §80-17(h):

(i) A Driver who is not a Taxpayer must pay the Taxpayer the Congestion Surcharge collected for each trip for which the Congestion Surcharge is due.

§80-13(d)(1)	Fine: \$50 per occurrence	Appearance REQUIRED
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Section 27. Paragraph (4) of subdivision (a) of section 80-17 of Title 35 of the Rules of the City of New York is DELETED and paragraphs (5) and (6) are renumbered paragraphs (4) and (5).

Section 28. Subdivision (h) of section 80-17 of Title 35 of the Rules of the City of New York is DELETED and a new subdivision (h) is added, to read as follows:

- (h) The Congestion Surcharge of \$2.50 must be charged on any trip in a Taxicab that is within the Congestion Surcharge Zone at any point during the trip, and a Congestion Surcharge of \$2.75 must be charged on any trip in a For-Hire Vehicle that is within the Congestion Surcharge Zone at any point during the trip, unless the trip ends outside New York State or is administered by or on behalf of the MTA. Passengers of Shared Ride trips must be charged \$0.75 per passenger if that Passenger’s trip is within the Congestion Surcharge Zone at any point, unless the trip ends outside New York State or is administered by or on behalf of the MTA.

Section 29. Paragraph (1) of subdivision (a) of section 80-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (1) A Driver of a Taxicab must not use a person, other than a dispatcher at[an authorized Group Ride taxi line] a public transportation facility, licensed E-Hail Application, or an Accessible Vehicle dispatcher, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

§80-19(a)(1)	Fine: \$50	Appearance NOT REQUIRED
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Section 30. Subparagraph (iii) of subdivision (b) of section 80-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (iii) A Driver of a Street Hail Livery must not use a person, other than a dispatcher at an authorized [Group Ride] taxi line, licensed E-Hail Application, an Accessible Vehicle dispatcher, or a Street Hail Livery Base, to solicit Passengers. Use of any licensed E-Hail Application by the Driver is optional.

§80-19(b)(2)(iii)	Fine: \$50	Appearance NOT REQUIRED
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Section 31. Subdivisions (c) through (j) of section 82-03 of Title 35 of the Rules of the City of New York are relettered as subdivisions (e) through (l), subdivisions (k) through (q) are relettered as subdivisions (n) through (t), and new subdivisions (c), (d) and (m) are added, to read as follows:

- (c) **Congestion Surcharge** is the surcharge added to trips in TLC-licensed vehicles, other than those trips administered by or on behalf of the MTA, imposed by Article 29-C of the NYS Tax Law.
- (d) **Congestion Surcharge Zone** is the geographic area of the New York City, in the borough of Manhattan, south of and excluding 96th street.

(m) **Shared Ride** is a trip that a passenger requests with the understanding that it may be shared with other passengers who are independently charged (i) a predetermined amount per ride, or (ii) an amount that is proportionate to the transportation they receive.

Section 32. Subparagraph (3) of subdivision (a) of section 82-16 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) *Failure to Report Bribery.* A Licensee must immediately report to the Commission and the NYC Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant or dispatcher employed at a public transportation facility [or authorized group-ride taxi line].

§82-16(a)(3)	Fine: \$1,000 and/or suspension up to 30 days or revocation.	Appearance REQUIRED
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Section 33. Subdivision (c) of section 82-26 of Title 35 of the Rules of the City of New York is DELETED, subdivisions (d) through (j) are relettered as subdivisions (c) through (i), and subdivisions (a) and (b) and subdivision (c), as relettered, are amended, to read as follows:

(a) *Metered Rate of Fare When Accepting Passengers by Hail.*

- (1) *Metered Rate of Fare.* The rate of fare for Street Hail Liveries for Passengers in Hail Trips is as follows, regardless of the number of passengers or stops:
- (i) The charge for the initial unit is \$2.50 plus, on and after January 1, 2015, the Street Hail Livery Improvement Surcharge of \$0.30 for a total of \$2.80
 - (ii) The charge for each additional unit is \$.50
 - (iii) The unit of fare is:
 - A. One-fifth of a mile, when the Street Hail Livery is traveling at 12 miles an hour or more; or
 - B. 60 seconds (at a rate of \$.50 per minute), when the Street Hail Livery is traveling at less than 12 miles an hour.
 - (iv) The Taximeter must combine fractional measures of distance and time in accruing a unit of fare. Any combination of distance or time specified in paragraph (iii) above must be computed by the Taximeter in accordance with Handbook 44 of the National Institute of Standards and Technology.
 - (v) The fare must include pre-assessment of the unit currently being accrued; the amount due can therefore include a full unit charge for a final, fractional unit.
- (2) *Surcharges.* In addition to the metered rate of fare, Street Hail Liveries will add the following surcharges for Hail Trips, except where surcharges are specifically exempted:

- (i) A rush hour surcharge of \$1.00 for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m.; this surcharge will not be applied on legal holidays
 - (ii) A nighttime surcharge of \$.50 for all trips beginning after 8:00 p.m. and before 6:00 a.m.
- (3) *MTA Tax.* The MTA Tax must be charged on any Hail Trip that starts in New York City and ends in any of the following:
 - (i) New York City;
 - (ii) Dutchess County;
 - (iii) Nassau County;
 - (iv) Orange County;
 - (v) Putnam County;
 - (vi) Rockland County;
 - (vii) Suffolk County;
 - (viii) Westchester County.
- (4) *Congestion Surcharge.* The Congestion Surcharge of \$2.75 must be charged for trips that are within the Congestion Surcharge Zone (Borough of Manhattan, south of 96th Street) at any point of the trip and end within New York State.
 - (i) Trips administered by or on behalf of the MTA are exempt from the Congestion Surcharge.
 - (ii) Passengers of Shared Ride trips must be charged \$0.75 per passenger if that Passenger's trip is within the Congestion Surcharge Zone at any point and ends within New York State.
- (b) *Flat Rates to Kennedy Airport.*
 - (1) *Flat Fare Rate from Manhattan.* The fare for a Hail Trip to Kennedy Airport from a location in Manhattan which is in the Hail Zone will be a Flat Rate of \$52, plus any tolls and applicable surcharges.
 - (i) A rush hour surcharge of \$4.50 will be added to this Flat Rate for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m. This surcharge will not be applied on legal holidays.
 - (ii) The MTA Tax must be charged in addition to the Flat Rate.

- (iii) *Congestion Surcharge.* The Congestion Surcharge of \$2.75 must be charged for trips that are within the Surcharge Congestion Zone (Borough of Manhattan, south of 96th Street) at any point of the trip and end within New York State.
 - (iv) The Taximeter must reflect that this trip is a Flat Rate fare.
 - (2) *Metered Fare from Boroughs Other Than Manhattan.* All Hail Trips to Kennedy Airport from a borough other than Manhattan are governed by the metered rate of fare as set forth in §82-26(a).
 - (3) *Chairperson's Right to Suspend this Provision.* The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport
- (c) *[Group Ride Fares and Multiple Passenger Service.*
- (1) *Experimental Group Ride Programs.*
 - (i) *Additional Pickup Locations.* The Chairperson can recommend for Commission approval Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan. Provided, however, that no such plan shall allow pickups by Street Hail Liveries in the Hail Exclusionary Zone or the Prearranged Exclusionary Zone.
 - (ii) *Demand-Driven Temporary Group Riding Plans.* The Chairperson can also recommend for Commission approval Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances. Provided, however, that no such plan shall allow pickups by Street Hail Liveries in the Hail Exclusionary Zone or the Prearranged Exclusionary Zone.
 - (iii) *Duration.* Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:
 - A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or
 - B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.
 - (iv) *Termination.* The Commission can discontinue any Group Riding plan that has not been the subject of final rulemaking upon a determination that continuation of the plan is not in the best interest of the public.
- (d) *]Trips Beyond the City that are Hail Trips.*
- (1) For a trip beyond the limits of the City of New York, except for Westchester or Nassau County, or Newark Airport, the fare will be a Flat Rate.

- (i) The MTA Tax must be added to the Flat Rate for any trip that starts in New York City and ends in any of the following:
 - A. Dutchess County;
 - B. Orange County;
 - C. Putnam County;
 - D. Rockland County;
 - E. Suffolk County.

 - (ii) The \$2.75 Congestion Surcharge must be added to the Flat Rate for any trip that starts in New York City, passes through the Congestion Zone at any point, and ends within New York State, unless the trip is being administered by or on behalf of the MTA.
- (2) For a trip to Westchester or Nassau County the fare will be the sum of the following amounts:
- (i) The amount shown on the Taximeter for that portion of the trip that is inside the City limits, plus
 - (ii) Twice the amount shown on the Taximeter for that portion of the trip that is outside the City limits, plus
 - (iii) All necessary tolls to and from the destination, and
 - (iv) The MTA Tax must be added to the total fare.
- (3) For a trip to Newark Airport the fare will be the sum of the following amounts:
- (i) The amount shown on the Taximeter, plus
 - (ii) A surcharge of \$17.50, plus
 - (iii) All necessary tolls to and from the destination
- (4) Any continuous trip where the point of origin and the destination are both within the limits of the City of New York will not be considered a trip beyond the City limits, even though the shortest and most direct route requires traveling outside the City limits but within contiguous counties. The Taximeter must be kept in the recording position throughout the trip.

**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: Congestion Surcharge for Taxicab and For-Hire Vehicle Trips

REFERENCE NUMBER: TLC-106

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 it is not practicable under the circumstances.

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

October 4, 2018
Date

**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: Congestion Surcharge for Taxicab and For-Hire Vehicle Trips

REFERENCE NUMBER: 2018 RG 109

RULEMAKING AGENCY: Taxi and 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 4, 2018