

## 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 (“TLC”) is proposing to amend its taxicab vehicle specifications for accessible vehicles that are placed into service as a taxicab, by allowing additional models to be used. In addition, accessible taxicabs may add an accessible taxi symbol to the roof light.

**When and where is the hearing?** TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on October 30, 2019. The hearing will be in the TLC hearing room at 33 Beaver St, 19<sup>th</sup> Floor, New York, NY 10004.

**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](mailto:tlcrules@tlc.nyc.gov)
- **Mail.** You can mail comments to Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver St, 22<sup>nd</sup> 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 October 30, 2019. You can speak for up to three minutes.

**Is there a deadline to submit comments?** You must submit written comments by October 30, 2019.

**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 October 24, 2019.

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 of Proposed Rule**

In order to allow greater vehicle choice for medallion owners and a broader selection of vehicles for passengers who use wheelchairs, these proposed rules would permit taxicab medallion owners who are required to, or choose to, hack-up with an accessible vehicle to use approved vehicle models in addition to the Nissan NV200 Taxi of Tomorrow. In addition, the proposed rules would permit accessible taxicabs to add an accessible taxi symbol to the roof light. The proposed rules also remove outdated material relating to the introduction of the NV200 Taxi of Tomorrow in New York City. Also, the proposed rule change would amend the technical specifications for taxicabs regarding partitions in vehicles, such as the NV200 Taxi of Tomorrow, where the partition is specifically designed to not interfere with the deployment of an airbag.

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

New material is underlined.

[Deleted material is in brackets.]

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

Section 1. The definitions of terms “Accessible Official Taxicab Vehicle (‘Accessible OTV’)", “Official Taxicab Vehicle (‘OTV’)", and “Official Taxicab Vehicle Activation Date (‘OTV Activation Date.’)", as set forth in section 51-03 of Title 35 of the Rules of the City of New York are deleted, and the definition of term “Taxicab Model” is amended, to read as follows:

### **§51-03 Definitions**

**[Accessible Official Taxicab Vehicle (“Accessible OTV”)]** is the OTV modified in a manner that is consistent with the City’s contract with Nissan North America.]

**[Official Taxicab Vehicle (“OTV”)]** is the vehicle that is a purpose built taxicab for model years 2014 – 2024, manufactured pursuant to the City’s contract with Nissan North America. All references to OTV include Accessible OTV unless otherwise specified.]

**[Official Taxicab Vehicle Activation Date (“OTV Activation Date”)]** is September 1, 2015, the date on or after which the Official Taxicab Vehicle is required to be used in the Hackup of any Unrestricted Medallion unless otherwise provided in section 67 of these Rules.]

**Taxicab Model** is [the OTV, the Accessible OTV, or] a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in §67-05.1 or §67-05.2 of these Rules.

Section 2. Subparagraph (vii) of paragraph 6 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) Based on the index, the surcharge will be as follows:

**[UNTIL THE OTV ACTIVATION DATE:]**

<b>When the Index is:</b>	<b>The surcharge will be:</b>
\$2.49 or less	\$13 per shift (or \$78 per week)
\$2.50 to \$2.99	\$16 per shift (or \$96 per week)
\$3.00 to \$3.49	\$18 per shift (or \$108 per week)
\$3.50 to \$3.99	\$21 per shift (or \$126 per week)
\$4.00 to \$4.49	\$23 per shift (or 138 per week)
\$4.50 to \$4.99	\$26 per shift (or \$156 per week)
\$5.00 or more	\$28 per shift (or \$168 per week )

**ON AND AFTER THE OTV ACTIVATION DATE:]**

<b>When the Index is:</b>	<b>The surcharge for Hybrid Electric and Diesel-Fueled taxicabs will be :</b>	<b>The surcharge for all other taxicabs will be</b>
\$2.49 or less	\$13 per shift (or \$78 per week)	\$16 per shift (or \$96 per week)
\$2.50 to \$2.99	\$16 per shift (or \$96 per week)	\$19 per shift (or \$114 per week)
\$3.00 to \$3.49	\$18 per shift (or \$108 per week)	\$21 per shift (or \$126 per week)
\$3.50 to \$3.99	\$21 per shift (or \$126 per week)	\$24 per shift (or \$144 per week)
\$4.00 to \$4.49	\$23 per shift (or 138 per week)	\$26 per shift (or \$156 per week)
\$4.50 to \$4.99	\$26 per shift (or \$156 per week)	\$29 per shift (or \$174 per week)
\$5.00 or more	\$28 per shift (or \$168 per week )	\$31 per shift (or \$186 per week)

Section 3. Subdivision (d) of section 58-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§58-31 Vehicle Condition – Miscellaneous**

(d) *No Alterations.* An Owner will make no structural change in a Taxicab [or in an OTV] that deviates from the Taxicab specifications set forth in Chapter 67 of these Rules without the Commission’s written approval.

§58-31(d)	Fine: \$100	Appearance NOT REQUIRED
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Section 4. Paragraphs (n) and (t) of subdivision (i) of section 58-32 of Title 35 of the Rules of the City of New York are amended to read as follows:

INSCRIPTION*	LOCATION	SIZE
(n) [Checkerboard stripe decals (Reserved)] <u>New York State symbol for accessibility, for Accessible Taxicabs. (optional)</u>	<u>Front and rear of roof light, displayed on both sides of the medallion number.</u>	
(t) The decal will feature the International Symbol of Access for Hearing Loss, described as the profile of an ear with a wide diagonal line running from the bottom left to the top right. The symbol contrast shall be light on dark or dark on light. A “T” will be placed in the lower right-hand corner of each decal. The internal decal will include the language “Induction loop installed. Switch hearing aid to T-coil.”	[The decal will be placed on the outside of each OTV on the B-pillar and on the inside of each OTV rear passenger compartment on the partition in a location plainly visible to passengers. For vehicles that are not OTVs but have Hearing Induction Loop technology, place as directed by the Chairperson.] <u>Vehicles equipped with Hearing Induction Loop technology must place the decal on the outside of the vehicle as directed by the Chairperson, and inside the rear passenger compartment in a location plainly visible to passengers.</u>	The exterior B-pillar decal will be 3.0 x 3.0 inches; the interior passenger compartment decal dimensions will be as issued by the Commission.

Section 5. Subdivision (c) of section 58-35 of Title 35 of the Rules of the City of New York, relating to modifications for curtain airbags in taxicabs equipped with a partition, is REPEALED.

Section 6. Subdivisions (a) and (d) of section 67-05 of Title 35 of the Rules of the City of New York are amended to read as follows:

**§67-05 Taxicab Model Choice**

- (a) *Unrestricted Medallions.* Unrestricted Medallions may be used with [the OTV, the Accessible OTV, or] any Taxicab Model that complies with §67-05.1 or §67-05.2 of these Rules. If at any time an Unrestricted Medallion is required by law or rule of the Commission for use with an Accessible Vehicle, the owner of such medallion must purchase [an Accessible OTV or lease such medallion for use with an Accessible OTV. Provided, however, that with the Chairperson’s approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase] for Hack-up any Accessible Vehicle which meets the specifications set forth in §67-05.2 of these Rules, or lease their medallions for use with such a vehicle.  
    . . .
- (d) *Accessible Medallions.* Accessible Medallions may be used with [the Accessible OTV or] any Accessible Taxicab Model that complies with §67-05.2 of these Rules.

Section 7. Paragraph 5 of subdivision (b) of section 67-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§67-10 Requirements for Hack-up – Partitions**

- (b) *Technical Specifications.*
  - (5) There must be no opening or gap between the partition and the body of the vehicle larger than one inch, except for vehicles equipped with factory installed curtain airbags. In those vehicles, the partition shall allow a space of six inches on each side, sufficient to permit proper deployment of the curtain airbags unless the partition is specifically designed by the vehicle manufacturer to not interfere with the deployment of side curtain airbags.

**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: Amendment of Vehicle Specifications for Accessible Taxicabs**

**REFERENCE NUMBER: 2019 RG 054**

**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

Date: July 15, 2019

Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**

**253 BROADWAY, 10<sup>th</sup> FLOOR**

**NEW YORK, NY 10007**

**212-788-1400**

**CERTIFICATION / ANALYSIS**

**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Vehicle Specifications for Accessible Taxicabs**

**REFERENCE NUMBER: TLC-110**

**RULEMAKING AGENCY: Taxi & 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 does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro

Mayor's Office of Operations

July 15, 2019

Date



