

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 about how certain taxicabs and FHV's accessible to persons in wheelchairs must operate. These rules implement programs under which persons in wheelchairs will be able to call to reserve a wheelchair accessible taxicab or FHV for a pickup in Manhattan as well as the outer boroughs.

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 Thursday, December 15, 2011. The hearing will be in the Commission hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

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 December 15, 2011 at 10:00 a.m. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by December 15, 2011.

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 Thursday, December 8, 2011.

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 at 33 Beaver Street, 22nd Floor, New York, NY 10004.

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 not included in the Commission's regulatory agenda for this Fiscal Year because the need for the rule was not anticipated at the time the regulatory agenda was published.

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 Proposed Rule

The purpose of the proposed rule is to:

- provide wheelchair users reliable access to wheelchair accessible taxicabs and FHV's by creating dispatch programs,
- establish dispatch fees to be earned by accessible taxi cab drivers in addition to the regular fares received from each trip ,
- establish fines for owners, drivers and agents who do not comply with the various requirements of the dispatch program.

Background

New York City has an estimated population of 60,000 plus wheelchair users. In 2002, the New York City Council enacted legislation that created the "wheelchair accessible medallion", to be used only with a wheelchair accessible vehicle. (Holders of unrestricted taxicab medallions can choose to use wheelchair accessible vehicles.) The TLC issued a total of 231 wheelchair accessible medallions from 2004 to 2008, when the last medallion was sold.

2008-2010 Demonstration Project

From July 2008 to June 2010, the City conducted a demonstration dispatch project to match wheelchair users with wheelchair accessible taxicabs, improve service to this segment of the riding public, and identify the necessary components of an effective and sustainable dispatch program.

The demonstration program had the following results:

- Dispatch service use was low. Only 5,828 trips were recorded (an average of eight per day). There were approximately 2,700 unique customers.

- Most of the program’s passengers were repeat-users.
- The average wait time for a dispatch (i.e., the time from the passenger’s call to pick-up) was 34 minutes while the median wait time was 22 minutes.

Additionally, there were widespread incidences of untrained drivers operating vehicles participating in the demonstration project. TLC issued 4,444 summonses to taxi medallion owners and taxi drivers for failing to comply with training requirements.

Lessons Learned from the Demonstration Project

The demonstration project provided the TLC with helpful information to design a sustainable dispatch program for wheelchair-accessible taxicabs. The main deficiencies that hindered the demonstration project’s effectiveness were:

- (1) insufficient outreach to wheelchair users,
- (2) lack of clear and detailed service standards, and
- (3) lack of sufficient economic incentives for taxi medallion owners and taxi drivers

The TLC believes that with the appropriate level of funding, outreach, incentives and enforcement, a viable service for wheelchair using passengers in New York City can be provided via:

1. A Medallion Taxicab Accessible Dispatch Program for trips that originate in Manhattan, and ,
2. A For-Hire Vehicle Accessible Dispatch service for Brooklyn, the Bronx, Queens, Staten Island and the NYC Airports.

The taxicab dispatch services for the Manhattan program will be provided by a contractor and will be funded by fees levied on medallion owners. The dispatch program outside Manhattan will also be provided by a contractor but will be funded by fees levied on FHV Base owners.

Specifically, the proposed rules establish that:

- Drivers of Wheelchair Accessible Taxicabs must accept dispatches from the Accessible Taxi Dispatcher to provide service to passengers in wheelchairs in Manhattan.
- Owners and drivers of Wheelchair Accessible Taxicabs must promptly report problems with dispatch equipment to the Accessible Taxi Dispatcher.
- Owners of Accessible Taxicabs must process “Dispatch Fees” for drivers.
- Owners of Taxicabs must pay a fee to the Accessible Taxi Dispatcher to fund operation of the Taxi Accessible Dispatch service in Manhattan.
- Owners of For-Hire Bases must pay a fee to the FHV Accessible Dispatcher to fund operation of the FHV Accessible Dispatch service in the Bronx, Brooklyn, Queens, and Staten Island, including airports
- Taxicab agents must comply with the Taxi Accessible Dispatch program for the Wheelchair Accessible Taxicabs they operate.

The proposed rules also repeal the current provisions for accessible service applicable to owners for FHV Bases.

The Commission anticipates that the initial Taxi Accessibility Fee will be approximately \$98 for the first year. The Commission currently estimates that the fee will be \$54 for the second year but a more precise amount will be calculated at the end of the first year. A portion of the annual fee will be held in reserve to cover costs incurred in the event of late or nonpayment of fees and will be rolled over to the following year to reduce future fees

Estimated Year 1 Taxi Accessibility Fee Basis

Dispatch Operating Costs

Administrative Costs	Year 1 Cost
Dispatch Staff (Manager)	\$65,000
Dispatch Staff (Phone Staffer)	\$72,500
Website design	\$5,000
Webhosting	\$600
In-program Communication (Telephone Line)	\$3,600
Total Year 1 Cost	\$146,700

Technological Costs	Year 1 Cost
Mobile Digital Terminals (MDT)	\$132,825
Hardware & Accessories	\$44,814
Software License Fees	\$50,409
Interactive Voice Recognition System (IVR)	\$122,000
Hardware & Software Installation	\$37,745
Hardware & Software Support	\$47,240
Sprint Modem for Public Data	\$55,440
Total Year 1 Cost	\$490,473

Outreach/Marketing Costs

Outreach Costs	Year 1 Cost
Outreach/ Marketing (Salary)	\$65,000
Outreach/ Advertising	\$200,000
Printing	\$25,000
Travel	\$25,000
Focus Groups	\$6,000
Total Year 1 Cost	\$321,000

Driver Dispatch Cost

Driver Dispatch Costs*	Year 1 Cost
Trips under 0.5 miles	\$87,600
Trips between 0.5 - 1 miles	\$27,380
Trips over 1 miles	\$13,695
Trip no shows	\$45,625
Total Year 1 Cost	\$174,300

*Assumes average 50 trips/day in Year 1.

Dispatcher Fee

Dispatcher Fee	\$50,000
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Total Year 1 Cost	\$1,182,473
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Nonpayment Reserve*	10%	\$118,247
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*The TLC assumes an initial nonpayment of 10%. This amount is credited in the following year, by when it is assumed this amount will have been collected.

Year 1 Fee Basis	\$1,300,720
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Year 1 Fee/Medallion	# of Medallions	Year 1 Fee/Medallion
	13,237	\$98

Year 2 Taxi Accessibility Fee Basis

Dispatch Operating Costs

Administrative Costs	Year 2 Cost
Dispatch Staff (Manager)	\$65,000
Dispatch Staff (Phone Staffer)	\$75,500
Webhosting	\$600
In-program Communication (Telephone Line)	\$3,600
Total Year 2 Cost	\$144,700

Technological Costs	Year 2 Cost
Software License Fees	\$19,958
Interactive Voice Recognition System (IVR)	\$18,300
Hardware & Software Support	\$31,100
Sprint Modem for Public Data	\$55,440
Total Year 2 Cost	\$124,798

Outreach/Marketing Costs

Outreach Costs	Year 2 Cost
Outreach/ Marketing (Salary)	\$65,000
Outreach/Marketing/Advertising	\$100,000
Travel	\$25,000
Focus Groups	\$6,000
Total Year 2 Cost	\$196,000

Driver Dispatch Cost

Driver Deadhead Costs	Year 2 Cost
Trips under 0.5 miles	\$122,640
Trips between 0.5 - 1 miles	\$38,330
Trips over 1 miles	\$19,170
Trip no shows	\$63,875
Total Year 2 Cost	\$244,015

* Assumes average 70 trips/day in Year 2.

Dispatcher Fee

Dispatcher Fee	\$50,000
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Total Year 2 Cost	\$759,513
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Nonpayment Reserve*	10%	\$75,951
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*The TLC assumes an initial nonpayment of 20%. This amount is credited in the following year, by when it is assumed this amount will have been collected.

Credit of Year 1 Nonpayment Reserve	Year 1 Nonpayment Reserve	(\$118,247)
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Year 2 Fee Basis*	\$717,217
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*After nonpayment reserve payment

Year 2 Fee/Medallion	# of Units	Year 2 Fee/Medallion
	13,237	\$54

The Commission anticipates that the initial FHV Accessibility Fee will be \$57 and that it will be reassessed every twelve months. The Commission currently estimates that the fee will be \$51 for the second year but a more precise amount will be calculated at the end of the first year. A portion of the annual fee will be held in reserve to cover costs incurred in the event of late or nonpayment of fees and will be rolled over to the following year to reduce future fees.

Estimated Year 1 FHV Accessibility Fee Basis

Dispatch Operating Costs

Administrative Costs	Year 1 Cost
Vehicles	\$240,000
Vehicle Maintenance	\$10,000
Drivers	\$1,200,000
Professional Fees	\$12,000
Initial Technological Set-up	\$10,000
Communications and Utilities	\$5,000
Admin/Dispatch Staff (Manager)	\$140,000
Dispatch Staff (Phone Staffer)	\$200,000
Office Supplies & Expenses	\$5,000
Rent	\$5,000
Premises Insurance	\$3,000
Repairs & Maintenance	\$1,000
Fees, Dues & Permits	\$2,000
Total Year 1 Cost	\$1,833,000

Variable Costs

Misc Variable Costs	Year 1 Cost
Total Year 1 Costs	\$28,845

Outreach/Marketing Costs

Outreach Costs	Year 1 Cost
Total Year 1 Cost	\$100,000

Total Year 1 Costs	\$1,961,845
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Nonpayment Reserve*	10%	\$196,184
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*The TLC assumes an initial nonpayment of 10%. This amount is credited in the following year, by when it is assumed this amount will have been collected.

Year 1 Fee Basis	\$2,158,029
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Year 1 Fee/Per Affiliated Vehicle	Year 1 Fee Per Affiliated Vehicle
	\$57

*Assuming 38000 affiliated for-hire vehicles.

Estimated Year 2 FHV Accessibility Dispatch Fee Basis

Dispatch Operating Costs

Administrative Costs	Year 2 Cost
Vehicles	\$240,000
Vehicle Maintenance	\$10,000
Drivers	\$1,200,000
Professional Fees	\$12,000
Communications and Utilities	\$5,000
Admin/Dispatch Staff (Manager)	\$140,000
Dispatch Staff (Phone Staffer)	\$200,000
Office Supplies & Expenses	\$5,000
Rent	\$5,000
Premises Insurance	\$3,000
Repairs & Maintenance	\$1,000
Fees, Dues & Permits	\$2,000
Total Year 2 Cost	\$1,823,000

Variable Costs

Misc Variable Costs	Year 1 Cost
Total Year 2 Costs	\$28,845

Outreach/Marketing Costs

Outreach Costs	Year 1 Cost
Total Year 2 Cost	\$100,000

Total Year 2 Costs	\$1,951,845
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Nonpayment Reserve*	10%	\$195,184
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*The TLC assumes an initial nonpayment of 10%. This amount is credited in the following year, by when it is assumed this amount will have been collected.

Credit of Year 2 Nonpayment Reserve	Year 1 Nonpayment Reserve	(\$196,184)
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Year 2 Fee Basis	\$1,941,845
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Year 2 Fee/Per Affiliated Vehicle	Year 1 Fee Per Affiliated Vehicle
	\$51*

*This fee is based on the assumption that there are 38000 affiliated for-hire vehicles and the amount is subject to further reduction in the form of a credit from a reserve account, established by A Ride For All, consisting of 40% of net revenue generated from trips during the first year of the program.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Chapter 51 of Title 35 of the Rules of the City of New York to add the definition of “Taxi Accessibility Fee”, “FHV Accessibility Fee”, “Dispatch Fee”, “FHV Accessible Dispatcher”, “Wheelchair using Passenger”, “Accessible Taxi Dispatcher” is amended to read as follows:

Taxi Accessibility Fee is the fee required by these rules to be paid by Owners as defined by Chapter 58 to the Accessible Taxi Dispatcher 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.

FHV Accessibility Fee is the fee required by these rules to be paid by Owners as defined in Chapter 59B-03 to the FHV Accessible Dispatcher to provide accessible service to Wheelchair using Passengers. The FHV 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 For-Hire Vehicle cost to the vendor for vehicles, driver fee, equipment, outreach and administrative expenses associated with operation of the dispatch system.

Dispatch Fee is the fee payable to the Driver of an Accessible Taxicab for completing a trip dispatched by the Accessible Taxi Dispatcher. The fee will be determined and paid by the Accessible Taxi Dispatcher to the Taxicab Owner, who must pay the fee to the Driver. The Dispatch Fee will be \$6 for trips under .5 miles; \$10 for trips between .5 miles and 1 mile; and \$15 for all trips over 1 mile. The Dispatch Fee will include tolls to the pickup location and will also include an additional \$5 fee for wait time if the Driver waits for the passenger for more than 10 minutes after the later of either the appointed pickup time or the Driver’s arrival at the pickup location (the \$5 is also payable if no passenger appears).

FHV Accessible Dispatcher is the entity selected by the Commission who, under contract with the Commission, will convey dispatches, or requests for accessible service and will arrange transportation for a Wheelchair using Passenger or group of Passengers, at least one

of whom must be in a wheelchair for trips originating in Brooklyn, Queens, the Bronx and Staten Island or at the NYC airports.

Wheelchair using Passenger is a Passenger using a Wheelchair.

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 to provide transportation for a Wheelchair using Passenger or group of Passengers, at least one of whom must be in a wheelchair, for trips that originate in Manhattan.

Section 2. Title 35 of the Rules of the City of New York is to add a new chapter 53, to read as follows:

Chapter 53

Accessible Taxicabs

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§53-01 Scope of this Chapter.

- (a) This Chapter sets the requirements and rules for the dispatch of Accessible Taxicabs.
- (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. This Chapter also applies to Agents of any such Medallion Owners.

§53-02 Penalties.

- (a) Unlicensed Activity.
 - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
 - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
 - (ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
 - (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend a Hearing.
- (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation.
 - (2) If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

- (3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

§53-03 Definitions

- (a) Accessible Taxicab is a Vehicle that is licensed by the Commission and that meets the specifications of the Americans with Disabilities Act as described in §67-05.2 of these rules. For purposes of this Chapter, a Taxicab is an Accessible Taxicab whether or not required to be hacked up as an Accessible Taxicab.
- (b) Taxi Accessibility Fee is the fee required by these rules to be paid by Owners to the Accessible Taxi Dispatcher 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.
- (c) Approved Driver. An Approved Driver is a Driver who has a Valid License from the Commission as a Taxicab Driver and who has successfully completed the training required in §54-04(n) of these Rules.
- (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, whichever is used and that allows Approved Drivers operating Accessible Taxicabs to receive dispatches from the Accessible Taxi Dispatcher.
- (e) Dispatch Fee. 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 \$6 for trips under .5 miles; \$10 for trips between .5 miles and 1 mile; and \$15 for all trips over 1 mile. The Dispatch Fee will include tolls to the pickup location and will also include an additional \$5 fee for wait time if the Driver waits for the passenger for more than 10 minutes after the later of either the appointed pickup time or the Driver's arrival at the pickup location (the \$5 is also payable if no passenger appears).
- (f) Owner. In this chapter, the Owner refers to the owner of a Medallion Taxicab, including a Taxicab required to be hacked up with a vehicle that would qualify as an Accessible Taxicab.
- (g) Wheelchair using Passenger. A Passenger using a wheelchair.

- (h) 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 to provide transportation for a Wheelchair using Passenger or group of Passengers, at least one of whom must be in a wheelchair, for trips that originate in Manhattan.
- (i) Wheelchair using Passenger. A Wheelchair using Passenger is a Passenger using a wheelchair.

§53-04 Comply with Law--No Unlicensed Activity

- (a) Comply with this Chapter. All Accessible Taxicab Owners, and all Approved Drivers must comply with all provisions of this chapter. Agents for Accessible Taxicab Owners must also comply with these Rules.
- (b) Taxicab Driver must have Valid License and be an Approved Driver.. An Accessible Taxicab can be driven only by an Approved Driver who holds a Valid Taxicab Driver’s License and who has successfully completed the training required in §54-04(n) of these Rules.

§53-04(d)	Fine: \$400 and Summary Suspension until Compliance for Driver	Appearance REQUIRED
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- (c) Owner Responsibility.
 - (1) A Taxicab Owner must allow only Licensed Approved Taxicab Drivers who have successfully completed the training required in §54-04(n) of these Rules, to operate the Owner’s Accessible Taxicab. 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 REQUIRED
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- (2) A Taxicab Owner must ensure that Approved Taxicab Drivers accept dispatches from the Accessible Taxi Dispatcher and provide service to Passengers in Wheelchairs.

§53-04(c)(2)	Fine for Owner: First Violation: \$350 if plead guilty before a hearing; \$500 if found guilty after a hearing. Second Violation w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and	Appearance NOT Required
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	<p><u>possible suspension of License for up to 30 days if found guilty following a hearing.</u></p> <p><u>Third violation w/in 36 months: \$750 and revocation of License if plead guilty before a hearing ; \$1000 and revocation of License if found guilty following a hearing.</u></p>	
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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 must comply with all applicable provisions of this Title.

§53-06 Dispatch Equipment for Accessible Taxicabs

- (a) The Owner of an Accessible Taxicab and the Approved Driver must not allow operation of an Accessible Taxicab unless:

- (1) The Accessible Taxicab is equipped with Dispatch Equipment in good working order

§53-06(a)(1)	<u>Fine: \$150 if plead guilty before a hearing and \$200 if found guilty after a hearing. Suspension until condition is corrected</u>	<u>Appearance NOT Required</u>
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- (2) While the Accessible Taxicab is in operation, the Dispatch Equipment must be turned on and fully operational.

§53-06(a)(2)	<u>Fine: \$100</u>	<u>Appearance NOT Required</u>
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- (3) If the Dispatch Equipment becomes inoperable:

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

§53-06(a)(3)(i)	<u>Fine: \$250</u>	<u>Appearance NOT Required</u>
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- (ii) The Owner must install replacement or repaired Dispatch Equipment promptly upon being notified to do so and in no event later than 48 hours after receiving such equipment.

- (iii) An Accessible Taxicab 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)(3)(ii)-(iii)	Fine: \$250 and suspension until compliance	Appearance NOT Required
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(b) 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) (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 are on or engaged.

§53-06(b) (4)	Fine: \$500	Appearance NOT Required
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(c) No Tampering. An Approved Driver must not

- (1) Tamper with the Dispatch Equipment; or
- (2) Tamper with the geographic locator equipment.

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

(a) Passenger Assistance Training.

- (1) Taxicab Owner Must Pay for Training. The Taxicab Owner is responsible for paying any fees required to train each of Owner’s Approved Drivers under section 54-04(n) of these Rules.

§53-07(a)(1)	Fine: \$50	Appearance NOT Required
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(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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§53-08 Acceptance of Dispatch

(a) Driver MUST Accept Dispatch.

- (1) While operating an Accessible Taxicab, an Approved Driver must accept a dispatch from the Accessible Taxi Dispatcher.
- (2) An Approved Driver who refuses to accept a dispatch has refused to provide service and will be subject to Mandatory Penalties for a refusal under sections 54-02(e) and 54-20(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 54-02(e) and 54-20(a) of these Rules.

§53-08(a)	Fine: Mandatory Penalties as set forth in §54-02 of these Rules	Appearance Required
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(b) Response to Dispatch. An Approved Driver must respond to the Accessible Taxi Dispatcher within 1 minute 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) Taxicab Off-Duty Light. An Approved Driver of an Accessible Taxicab must turn on the “Off Duty” light 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 who has accepted a dispatch from the Accessible Taxi Dispatcher must not accept any other Passenger before picking up the Wheelchair using Passenger.

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

- (a) Fare Amount. The fare for transporting Passengers in Wheelchairs following a dispatch will be the same as the current Taxicab fares set by the Commission.

- (b) Rules for Calculating Fares.

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

§53-09(b)(1)	Fine: \$100, in addition to any Mandatory Penalties required under section 54-17(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.

- (a) Assisting the Passenger. An Approved Driver

- (1) Must assist the Wheelchair using Passenger:
 (i) Upon entry, from the curbside to the vehicle; and
 (ii) Upon exiting, from the vehicle to the curbside.

- (2) Must secure the Wheelchair using Passenger 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 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 Passenger’s Service Animal(s) and for as many companions as can be legally seated in the vehicle.

§53-10(c)	Fine: \$50	Appearance NOT Required
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- (d) Waiting for the Wheelchair using Passenger. An Approved Driver who has accepted a dispatch must wait for the Wheelchair using Passenger to appear curbside at the pick up point for at least ten minutes after the time of pickup indicated by the Dispatcher.

§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:
- (2) Whether a Passenger is a Wheelchair using Passenger:
- (3) Whether the Driver has picked up any Passengers:
- (4) When the trip is completed.

§53-10(e)	Fine: \$50	Appearance NOT Required
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Section 3. Chapter 54 of Title 35 of the Rules of the City of New York is amended to add a new section 54-19(d) to read as follows:

(d) Drivers of Accessible Taxicabs.

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(1) Drivers of Accessible Taxicabs on trips dispatched by the Accessible Taxi Dispatcher must comply with all service rules (including rules pertaining to meters and fares) provided in this chapter

§54-19(d)(2)	Fine: Chapter 54 penalties apply	
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(2) A Driver of an Accessible Taxicab who has been dispatched by the Accessible Taxi Dispatcher is entitled to be paid the Dispatch Fee by the Accessible Taxi Dispatcher. This includes trips which end with no Wheelchair using Passenger, or any passenger, being picked up.

Section 4. Section 58-03 of Title 35 of the Rules of the City of New York is amended by adding new subdivisions (a), (g) and (ee) and relettering the remaining subdivisions accordingly, to read as follows:

(a) Taxi Accessibility Fee as used in this Chapter, is the fee required by these rules to be paid by Owners to the Accessible Taxi Dispatcher 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

(g) Dispatch Fee. 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 \$6 for trips under .5 miles; \$10 for trips between .5 miles and 1 mile; and \$15 for all trips over 1 mile. The Dispatch Fee will include tolls to the pickup location and will also include an additional \$5 fee for wait time if the Driver waits for the passenger for more than 10 minutes after the later of either the appointed pickup time or the Driver's arrival at the pickup location (the \$5 is also payable if no passenger appears).

(ee) 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 to provide transportation for a Wheelchair using Passenger or group of Passengers, at least one of whom must be in a wheelchair, for trips that originate in Manhattan.

Section 5. Section 58-07 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (i) to read as follows:

(i) Taxi Accessibility Fee. An Owner must pay the Taxi Accessibility Fee charged by the Accessible Taxi Dispatcher for each Medallion owned. The Taxi Accessibility Fee must be paid whenever charged.

Section 6. Section 58-16(b) of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) Compliance with Accessible Taxicab Medallion Rules.

(1) An Owner of an Accessible Taxicab Medallion must comply with Chapter 53 of these Rules. An Owner of a Taxicab hacked up as an Accessible Taxicab (even if the Medallion is not an Accessible Taxicab Medallion) must also comply with Chapter 53 of these Rules.

§58-16(b)(1)	Fine: Chapter 53 penalties apply	
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(2) An Owner of an Accessible Taxicab (whether or not the Owner's Medallion is an Accessible Taxicab Medallion) must ensure that Drivers of an Owner's Accessible Taxicab comply with Chapter 53 and

(i) Maintain contact with the Accessible Taxi Dispatcher and

(ii) Accept dispatches from the Accessible Taxi Dispatcher to provide trips to Passengers in Wheelchairs.

<u>§58-16(b)(2)</u>	<u>Fine: Chapter 53 penalties apply</u>	
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(3) Dispatch Fee.

(i) An Owner of an Accessible Taxicab (whether or not the Owner's Medallion is an Accessible Taxicab Medallion) must pay to each Driver of the Taxicab, in cash, on a weekly basis, an amount equal to the sum of all Dispatch Fees earned by each Driver and paid by the Accessible Taxi Dispatcher on behalf of each Driver.

(ii) An Owner must provide to each Driver an itemized receipt for all Dispatch Fees earned and paid.

(iii) An Owner is not permitted to make any deductions from Dispatch Fees.

<u>§58-16(b)(3)</u>	<u>Fine: \$500 and suspension until compliance</u>	<u>Appearance REQUIRED</u>
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Section 7. Section 58-16 of Title 35 of the Rules of the City of New York is amended to add new a subdivision (f) to read as follows:

(f) Taxi Accessibility Fee.

(1) An Owner must pay the Taxi Accessibility Fee for each of the Owner's Medallions as required by the Accessible Taxi Dispatcher.

(2) The Owner must pay the Taxi Accessibility Fee when required to do so by the Accessible Taxi Dispatcher. If the Taxi Accessibility Fee is not paid by the time required by the Accessible Taxi Dispatcher, the Owner will be liable for penalties for non-payment.

(3) If an Owner does not pay the Taxi Accessibility Fee by the time required, non-payment will be grounds for suspension or revocation of the Taxicab license, and/or denial of any renewal application or of any application for another TLC issued license, as well as monetary penalties.

(4) An Owner must comply with all requirements of the Accessible Taxi Dispatcher relating to payment of the Taxi Accessibility Fee. An Owner must register with the Accessible Taxi Dispatcher for purposes of billing the Taxi Accessibility Fee and must keep all registration and billing information current.

<u>§58-16(f)</u>	<u>Fine: \$1000 and suspension until compliance</u>	<u>Appearance Required</u>
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Section 8. Section 59B-03 of Title 35 of the Rules of the City of New York is amended to add new subdivisions (a) and (g) and to reletter the remaining subdivisions accordingly, to read as follows:

(a) FHV Accessibility Fee. FHV Accessibility Fee is the fee required by these rules to be paid by Owners to the FHV Accessible Dispatcher to provide accessible service to Wheelchair using Passengers. The FHV Accessibility Fee will be set in accordance with the terms of an agreement between the Commission and an approved vendor and will be based on the per Livery cost to the vendor for vehicles, driver fees, equipment, outreach and administrative expenses associated with operation of the dispatch system.

(g) FHV Accessible Dispatcher. The FHV Accessible Dispatcher is the entity selected by the Commission who, under contract with the Commission, will convey dispatches, or requests for accessible service and will arrange transportation for a Wheelchair using Passenger or group of Passengers, at least one of whom must be in a wheelchair, for trips originating in Brooklyn, Queens, the Bronx and Staten Island, and at the NYC airports.

Section 9. Section 59B-07 of Title 35 of the Rules of the City of New York is amended to add new subdivision (i) to read as follows:

(i) FHV Accessibility Fee. A Base Owner must pay the FHV Accessibility Fee charged by the FHV Accessible Dispatcher. The FHV Accessibility Fee must be paid whenever charged.

Section 10. Section 59B-14 of Title 35 of the Rules of the City of New York is amended to add new subdivision (c) to read as follows:

(c) FHV Accessibility Fee.

(1) A Base Owner must pay the FHV Accessibility Fee for each Base as required by the FHV Accessible Dispatcher. The FHV Accessibility Fee must be paid in the amount required by the FHV Accessible Dispatcher.

(2) The Base Owner must pay the FHV Accessibility Fee when required to do so by the FHV Accessible Dispatcher. If the FHV Accessibility Fee is not paid by the time required by the FHV Accessible Dispatcher, the Base Owner will be liable for penalties for non-payment.

(3) If a Base Owner does not pay the FHV Accessibility Fee by the time required, non-payment will be grounds for suspension, revocation of the Base license and/or denial of any renewal application or any application for another TLC issued license, as well as monetary penalties.

(4) A Base Owner must comply with all requirements of the FHV Accessible Dispatcher relating to payment of the FHV Accessibility Fee. A Base Owner must register with the FHV Accessible Dispatcher for purposes of billing the FHV Accessibility Fee and must keep all registration and billing information current.

(5) The FHV Accessibility Fee paid by each Base will be determined by the FHV Accessible Dispatcher based on the number of vehicles affiliated with the Base at a date determined by the Dispatcher.

(6) A Base Owner must take no action, such as ending an affiliation with a Vehicle or misrepresenting the number of affiliated vehicles, for the purpose of reducing or avoiding payment of, the FHV Accessibility Fee.

<u>§59B-14(c)</u>	<u>Fine: \$1000 and suspension until compliance</u>	<u>Appearance Required</u>
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Section 11. Section 59B-17(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *[Provide Accessible] Transportation for Persons with Disabilities.* A Base Owner must [provide transportation service to] refer requests for transportation from Persons with Disabilities to the FHV Accessible Dispatcher, unless the Base can and will provide the transportation.

[(1) Alternative Methods of Providing Service. A Base Owner can provide Accessible Vehicle transportation service to Persons with Disabilities either by:

- (i) Dispatching an Accessible Vehicle from Owner’s Base, upon request
- (ii) Contracting with another Base to provide and dispatch Accessible Vehicles for Persons with Disabilities.

(2) *Must Provide “Equivalent Service.”*

- (i) Whether the Base dispatches its own Accessible Vehicles or contracts with another Base, 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. Other limitations on capacity or service availability]

§59B-17(c)	Fine: <u>\$250</u> [\$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 <u>REQUIRED</u> <u>NOT</u>
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Section 12. Section 63-11 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (f) to read as follows:

(f) Agent Responsibility for Accessible Taxicab Operation.

- (3) An Agent must allow only Licensed Approved Taxicab Drivers to operate an Owner’s Accessible Taxicab. The License of a Driver who is not an Approved Driver is not Valid for operation of an Accessible Taxicab.

§63-11(f)(1)	Fine: \$400 and/or suspension up to 30 days	Appearance <u>REQUIRED</u>
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- (4) An Agent must ensure that Approved Taxicab Drivers accept dispatches from the Accessible Taxi Dispatcher and provide service to Passengers in Wheelchairs.

§63-11(f)(2)	<p><u>Fine for Agent: First Violation: \$350 if plead guilty before a hearing; \$500 if found guilty after a hearing.</u></p> <p><u>Second Violation w/in 24 months: \$500 if plead guilty before a hearing; \$750 if found guilty following a hearing.</u></p> <p><u>Third violation w/in 36 months: \$750 if</u></p>	Appearance <u>NOT Required</u>
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	<p><u>plead guilty before a hearing ; \$1000 and possible suspension of License for up to 30 days if found guilty following a hearing.</u></p>	
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(3) Dispatch Fee .An Agent which is processing payment of Dispatch Fees to Drivers must

(i) Pay to each Driver of the Taxicab, in cash, on a weekly basis, an amount equal to the sum of all Dispatch Fees earned by each Driver and paid by the Accessible Taxi Dispatcher on behalf of each Driver, and

(ii) Provide to each Driver an itemized receipt for all Dispatch Fees earned and paid.

(iii) An Agent is not permitted to make any deductions from Dispatch Fees.

§63-11(f)(3)	<p><u>Fine: \$500 and suspension until compliance</u></p>	<p><u>Appearance REQUIRED</u></p>
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**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

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

RULE TITLE: Rules Governing Accessible Dispatch Service

REFERENCE NUMBER: 2011 RG 100

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: November 9, 2011

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1526**

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

RULE TITLE: Rules Governing Accessible Dispatch Service

REFERENCE NUMBER: TLC-16

RULEMAKING AGENCY: TLC

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 is not practicable under the circumstances.

/s/ Francisco Navarro
Mayor's Office of Operations

November 9, 2011
Date