

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. The change would amend the TLC's Rules for classification for certain taxicabs.

When and where is the Hearing? The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 9:00 a.m. on a date to be determined. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19th Floor.

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 Hearings.** Anyone who wants to comment on the proposed rule at the public hearings must sign up to speak. You can sign up before either hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on January 23, 2014. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, the deadline for written comments as originally noticed is January 22, 2014, although the Taxi and Limousine Commission will continue to accept comments after that date.

Do you need assistance to participate in the Hearings? 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. We will publish a notice of the date by which you must tell us.

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

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code. 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 the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

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

Statement of Basis and Purpose of Rule

New York City residents and visitors rely heavily on the public transportation network to move around the city. This network of buses, subways, commuter rail, and paratransit vehicles, along with taxis and other for-hire vehicles (FHV's) regulated by the New York City Taxi and Limousine Commission (TLC), is a critical component of the City's economy and contributes immeasurably to New Yorkers' quality of life.

Unfortunately, much of this network is out of reach for the tens of thousands of wheelchair users who live in NYC. The MTA's Access-A-Ride paratransit service provides an advanced registration system that enables a passenger in a wheelchair to be picked up and dropped off virtually anywhere in the city for the price of a bus or subway ride; however, the service is not available for the type of "on-demand," spontaneous trips commonly taken in taxis.

Expanding wheelchair users' access to taxi service is an important undertaking for the City of New York. The City has a special interest in ensuring that individuals who use wheelchairs have mobility options that enable them to travel between meetings, medical appointments, errands, and social engagements with the same speed and spontaneity non-wheelchair users enjoy. For several years TLC has been working to expand access to taxicabs for wheelchair users:

- *Initial Accessible Medallion Sales.* Before 2004, there were few accessible taxis. In 2004, the City sold its first 81 "accessible medallions." These medallions could *only* be used on vehicles that are wheelchair accessible. In 2006 through 2008, the City sold a total of 150 additional accessible medallions, bringing the total to 231 accessible medallions.
- *Accessible Dispatch Pilot Program.* In 2008, the City launched a two-year accessible dispatch pilot program. This program enabled a passenger to request that an accessible taxicab be dispatched to his or her location. Although the pilot program had relatively low utilization rates and long wait-times, it was effective in providing the information TLC and the industry needed to design a more effective permanent dispatch program.
- *Permanent Accessible Dispatch Program.* Employing lessons learned from the accessible dispatch pilot program and broad stakeholder input, in 2012 TLC launched a permanent accessible dispatch program for taxicabs. This program has been successful since its inception; its success is expected to continue as additional wheelchair accessible taxicabs enter service.
- *Additional Accessible Medallion Sales.* In December 2011 Governor Cuomo signed legislation authorizing the TLC to sell 2,000 additional accessible medallions. In November 2013, TLC sold the first 200 accessible medallions. The remainder of the 2,000 accessible medallions will be sold over the next several years.

Continuing this progress, the rules proposed here will phase in 7,500 additional accessible taxis during the next several years by amending the vehicle requirements for certain taxicabs so that at

least 50% of NYC taxicabs operating with unrestricted medallions must be wheelchair-accessible by 2020. This proposed rule implements a settlement in an action entitled *The Taxis for All Campaign, et. Al., v. New York City Taxi and Limousine Commission*, Case No. 11-cv 0237 (GBD) pending in the United States District Court for the Southern District of New York.

Specifically, these rules require the following:

Beginning on the “Accessible Conversion Start Date,” which will be either (1) when there is a vehicle available that meets both TLC’s standards for accessible taxicabs and the requirements for alternative fuel taxicabs set forth in the Administrative Code, or (2) January 1, 2016 (whichever is earlier):

Unrestricted minifleet medallion owners:

- May each submit a Fleet Owner Accessibility Plan to TLC containing a schedule for how he or she will convert at least 50% of the unrestricted medallions he or she controls to accessible medallions by 2020.
 - Unrestricted minifleet medallion owners submitting a plan have some flexibility to decide how to phase accessible vehicles into their fleets. TLC expects many owners will phase accessible vehicles in as their existing vehicles reach their retirement ages.
 - To ensure progress towards a 50% accessible fleet, these plans must provide that at least every other unrestricted minifleet medallion under an owner’s control must be hacked up with an accessible vehicle until at least 50% of the owner’s unrestricted medallions are being used with accessible vehicles.
- Who choose not to submit a Fleet Owner Accessibility Plan or whose plan is not approved by the Chairperson are still required to convert at least 50% of their unrestricted minifleet medallions to accessible vehicles by 2020. In these cases, all of an owner’s unrestricted minifleet medallions hacking up with new vehicles must do so with accessible vehicles until at least 50% of the owner’s unrestricted minifleet medallions are being used with accessible vehicles.

Accessible minifleet medallion owners:

- Must continue to use their medallions with accessible vehicles.
 - When an owner owns both accessible minifleet medallions and unrestricted minifleet medallions, accessible medallions do not count towards the owner’s meeting his or her 50% accessibility requirement for unrestricted medallions.

Independent medallion owners:

- Who have not been personally driving their taxicabs in compliance with TLC owner-driver requirements for the preceding two years must hack up with accessible vehicles on the next occasion that they hack up new vehicles.

- Who have been driving their medallions in compliance with TLC owner-driver requirements for the preceding two years have no requirement to hack up with accessible vehicles.
- Who own accessible independent medallions must continue to operate accessible vehicles regardless of whether they meet TLC owner-driver requirements.

Minifleet and independent alternative fuel medallion owners:

- Will not have a requirement to hack up accessible vehicles.

These rules also contain provisions preventing owners from transferring medallions without providing a plan for continued compliance with accessibility conversion requirements.

These rules will go into effect, following adoption by the Commission, on the date on which the settlement in the above-referenced litigation takes effect. The rules also provide:

- All new drivers must receive wheelchair passenger assistance training beginning on June 1, 2014, and all current drivers must receive such training beginning at their renewals following the effective date, but no later than one year following the effective date.

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

New material is underlined.
[Deleted material is in brackets.]

Section 1. Section 54-04(n)(1) of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) *Training Must be Approved by Commission.* In order to become a driver of an Accessible Taxicab or an Accessible Street Hail Livery, a Driver must attend a Commission-approved training course regarding Wheelchair Passenger assistance (Note: this requirement does not apply to a Paratransit Driver operating an Accessible Street Hail Livery). Beginning on June 1, 2014, any Applicant for a new Taxicab Driver's License must attend and complete the training course as a condition of licensure. Beginning on the Accessible Conversion Start Date, any Applicant for a renewal Taxicab Driver's License must attend and complete the training course as a condition of licensure. Every holder of a Taxicab Driver's License must have completed the training by no later than one year after the Accessible Conversion Start Date as a condition of continued licensure.

Section 2. Subdivisions (a) through (n) of section 58-03 of Title 35 of the Rules of the City of New York are relettered subdivisions (b) through (o), subdivisions (o) through (pp) are relettered subdivisions (q) through (rr), and new subdivisions (a) and (p) are added, to read as follows:

(a) Accessible Conversion Start Date is the date which is the earlier of (1) the date on which there is an Accessible Taxicab Model that meets the specifications of Section 67-05.2 of these Rules and the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, or (2) January 1, 2016. To the extent possible, the Chairperson will place a notice of the Accessible Conversion Start Date on the Commission's Web site at least 60 days prior to the Accessible Conversion Start Date.

(p) Fleet Owner is a person who owns or a group of persons who own an interest in more than one Minifleet or an Agent managing one or more such Minifleets on behalf of an Owner or group of Owners.

Section 3. Title 35 of the Rules of the City of New York is amended by adding a new section 58-50, to read as follows:

§58-50 Accessible Medallion Conversion.

(a) Accessible Vehicle Hack-up: All Minifleet Medallions Generally

(1) This subdivision (a) applies only to any Unrestricted Minifleet Medallions which are **not** covered by an approved accessibility conversion plan for a Fleet Owner as set forth in subdivision (b).

(2) Following the Accessible Conversion Start Date, any Unrestricted Medallion for which a new vehicle is placed into service must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules, unless at least 50% of the Unrestricted Minifleet Medallions owned

by such Minifleet are Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules.

(b) Accessible Vehicle Hack-up: Fleet Owner Plans.

Fleet Owner Plans. On or before December 31, 2014, a Fleet Owner may file an accessibility conversion plan with the Chairperson and must institute such plan following the Chairperson's written approval. No plans will be accepted after December 31, 2014, and vehicles must be Hacked-up as provided in paragraph (a) if no plan is submitted. Any such plan must include all of the following:

(1) The plan must identify all Unrestricted Medallions covered by such plan; the plan must not include Accessible Medallions or Alternative Fuel Medallions owned by the Fleet Owner as of the date of filing.

(2) The plan must identify which Medallions will be Hacked-up with Accessible Taxicabs and the date by which such Hack-up will occur.

(3) The plan must provide that at least every other new vehicle Hacked-Up as a Taxicab with any of the Fleet Owner's Unrestricted Medallions must be an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules beginning on the Accessible Conversion Start Date until at least 50% of the Fleet Owner's Unrestricted Medallions covered by the plan are Hacked-up as Accessible Taxicabs.

(4) The plan must demonstrate that at least 50% of the Fleet Owner's Unrestricted Medallions as covered by the plan will be Hacked-up as Accessible Taxicabs no later than January 1, 2020.

(5) A Fleet Owner will be permitted to Hack-up Taxicabs only in compliance with an approved accessibility conversion plan and the Medallions covered by the plan will only be permitted to Hack-up Taxicabs as provided in the plan.

(6) If a Fleet Owner seeks to transfer any Minifleet Medallion(s) subject to a plan, in addition to meeting all other Medallion transfer requirements contained in this Chapter, such Fleet Owner must also provide either:

(i) A modification to the plan providing that the Transferee will Hack-up the Medallion(s) to be transferred as part of the Fleet Owner's original plan, or

(ii) A modification to the plan eliminating the transferred Medallion(s) from the Plan but providing a means by which the total number of Minifleet Medallions Hacked-up as Accessible Taxicabs as provided in the revised plan and the number Hacked-up by the new Owner of the Medallion(s) is not less than the total number of Minifleet Medallions that were to be Hacked-up as Accessible Taxicabs under the prior plan. The Chairperson will deny any revised plan and any Medallion transfer that would have the effect of reducing the number of Vehicles Hacked-up as Accessible Taxicabs.

(c) Accessible Vehicles Hacked-up.

(1) An Accessible Vehicle, as indicated by vehicle identification number, which is Hacked-up with any Minifleet Medallion in order to comply with Accessible Taxicab Hack-up requirements for a Minifleet

Medallion under subdivision (a) or (b) of this section can satisfy an Accessible Taxicab Hack-up requirement under either of those subdivisions only at the time of first Hack-up.

(d) Accessible Vehicle Hack-up: All Unrestricted Independent Medallions

(1) Any Unrestricted Independent Medallion for which a new vehicle is placed into service must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules following the Accessible Conversion Start Date, unless:

(i) as of the Accessible Conversion Start Date, the Taxicab is being personally operated by an Owner meeting the requirements of and fully complying with the provisions of Sections 58-20(a)(3)(i), (ii) or (iii) of these Rules and has been operated by the Owner for at least the two preceding years. *Note:* Independent Medallions NOT being operated by their Owners because (x) such Owner acquired the Medallion before January 7, 1990; (y) such Owner qualifies to not operate the Medallion because he or she is an inheriting spouse as provided by Section 58-20(a)(3)(iv); or (z) such Owner's Medallion is being operated under Section 58-20(a)(4) of these Rules with an Independent Medallion Driver, do **NOT** qualify for this exception and must be Hacked-up with an Accessible Taxicab as required by this section.

(e) Any vehicle valid for use with an Unrestricted Medallion and Hacked-up prior to the Accessible Conversion Start Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

(f) *Note:* Any Owner of a Taxicab Medallion placed into service with an Accessible Taxicab as required by this section must comply with the requirements of Chapter 53 of these Rules.

Section 4. *Effective Date.* This rule will take effect on the date on which the settlement in the action entitled *The Taxis for All Campaign, et. al., v. New York City Taxi and Limousine Commission, et. al.* Case No. 11-cv 0237 (GBD) pending in the United States District Court for the Southern District of New York, is approved by the Court. This rule will not take effect if such settlement is not approved by the Court.

**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: Taxicab Accessibility Rules

REFERENCE NUMBER: TLC-59

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 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

December 18, 2013
Date

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

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

RULE TITLE: Taxicab Accessibility Rules

REFERENCE NUMBER: 2011 RG 107

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: December 18, 2013