

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 require all FHV Bases to send 25% of their dispatched trips to wheelchair accessible vehicles.

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 September 21, 2017. The hearing will be in the hearing room at 33 Beaver Street – 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:

- **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. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by September 21, 2017.

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. If possible, please tell us by September 15, 2017.

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 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 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

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

Specifically the TLC is proposing:

- Requiring all FHV bases to dispatch 25% of their trips in wheelchair accessible vehicles
- Giving every base the flexibility to dispatch to any wheelchair accessible for hire vehicle

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

For the base owners, the proposed rule would provide significant flexibility. Base owners would be able to dispatch to wheelchair accessible vehicles from both the livery and black car sectors, regardless of the base to which they are affiliated, and can also dispatch to existing wheelchair accessible green taxis in areas where green taxis are permitted to accept dispatches. Additionally, TLC proposes to phase in this requirement over a period of several years to reach 25% of trips. Availability of wheelchair accessible service is the governing factor in this policy, and the TLC will publicly review and report on actual response times to determine if adjustments to the program need to be made.

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

New material is underlined.

[Deleted material is in brackets.]

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

- (e) *Affiliation with Licensed Base.* A For-Hire Vehicle Owner must not dispatch or permit another person to dispatch Owner's Vehicle unless:

- (1) It is affiliated with a Validly Licensed Base
- (2) The base dispatching the Vehicle is Validly Licensed
- (3) The Vehicle is being dispatched *from* its affiliated Base, unless:
 - (i) The Vehicle is an Accessible Vehicle [being dispatched to transport a Person with a Disability pursuant to a contract executed under section 59B-17(c) of these Rules] affiliated with a For-Hire Base, or
 - (ii) The dispatching Base informs the customer that the Vehicle is from another Base by providing the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer and the dispatching Base is (1) a Livery Base if the affiliated Base is a Livery Base, or (2) either a Black Car or Luxury Limousine Base if the affiliated Base is a Black Car Base or a Luxury Limousine Base.

§59A-11(e)	Fine: \$400	Appearance NOT REQUIRED
------------	-------------	-------------------------

Section 2. Subdivisions (c) and (d) of section 59B-17 of Title 35 of the Rules of the City of New York are amended to read as follows:

- (c) *Provide Accessible Transportation.* A Base Owner must provide transportation service to Persons with Disabilities.
 - (1) [*Alternative Methods of Providing Service.* A Base Owner can provide Accessible Vehicle transportation service to Persons with Disabilities either by:] Requirements for Percentage of all Dispatched Trips Serviced by an Accessible Vehicle:
 - (i) [Dispatching an Accessible Vehicle from Owner’s Base, upon request] At least ten (10) percent of a Base’s total trips for the 2018 calendar year must be trips dispatched to and completed by an Accessible Vehicle.
 - (ii) [Contracting with another Base to provide and dispatch Accessible Vehicles for Persons with Disabilities.] At least fifteen (15) percent of a Base’s total trips for the 2019 calendar year must be trips dispatched to and completed by an Accessible Vehicle.
 - (iii) At least twenty (20) percent of a Base’s total trips for the 2020 calendar year must be trips dispatched to and completed by an Accessible Vehicle.

- (iv) At least twenty-five (25) percent of a Base’s total trips for the 2021 calendar year and each calendar year thereafter must be trips dispatched to and completed by an Accessible Vehicle.

§59B-17(c)(1)	<p><u>Fine: \$50 for each 100 trips by which the Base missed the percentage of trips it was required to dispatch to Accessible Vehicles in that calendar year. Example: In 2018, if Base A dispatches 100,000 trips, but only dispatches 5,000 trips to Accessible Vehicles, Base A will have missed the 10% requirement by 5,000 trips and be subject to a \$2,500 fine.</u></p> <p><u>If a Base fails to dispatch enough trips to Accessible Vehicles to meet at least half of its percentage requirement, the Commission may seek suspension of up to 30 days or revocation.</u></p>	<u>Appearance REQUIRED</u>
---------------	---	----------------------------

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

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

§59B-17(c)(2)	<p><u>Fine: \$1000 [and, if the violation includes failure to maintain either an affiliated Accessible Vehicle or an arrangement with another Base to provide such service, suspension of the Base License until compliance]</u></p>	<u>Appearance REQUIRED</u>
---------------	--	----------------------------

- (d) *Must Dispatch Own Vehicles.* A Base Owner must not dispatch a Vehicle that is not affiliated with the Base Owner’s Base, unless:

- (1)
- (i) The Vehicle is affiliated with (i) a Livery Base if the dispatching Base is a Livery Base or (ii) either a Black Car or Luxury Limousine Base if the dispatching Base is a Black Car or Luxury Limousine Base, and
 - (ii) The Base Owner provides the customer with the name and license number of both the affiliated Base and the dispatching Base (clearly identifying which Base is the affiliated Base and which Base is the dispatching Base) in all communications with the customer and any materials or receipts provided to the customer; or
- (2) The Base is dispatching an Accessible Vehicle [from a Base it has contracted with to provide accessible transportation pursuant to Section 59B-17(c) of these Rules] affiliated with a For-Hire Base.

§59B-17(d)	Fine: \$150	Appearance NOT REQUIRED
------------	-------------	-------------------------

**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: Requirements for Wheelchair Accessibility for FHV Bases

REFERENCE NUMBER: 2017 RG 057

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: June 30, 2017

**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: Requirements for Wheelchair Accessibility for FHV Bases

REFERENCE NUMBER: TLC-100

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 a cure period is not practicable under the circumstances.

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

June 30, 2017
Date