

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates rules setting forth Rules amending the technical specifications for Livery Enhancement Project (LPEP) systems supplied by licensed LPEP Providers and containing requirements to license such providers to sell, lease, make available for use, install, service and repair LPEP Systems for Street Hail Liveries.

These rules are promulgated pursuant to sections 1043 and 2303(b) of the Charter and section 19-503 of the Administrative Code of the City of New York.

On October 17, 2013, a public hearing was held by the TLC at TLC’s offices at 33 Beaver St., 22nd Floor, New York, New York. These rules were approved at a Commission meeting at TLC’s offices at 33 Beaver St., 22nd Floor, New York, New York, on November 21, 2013. These rules will take effect 30 days after publication.

Statement of Basis and Purpose of Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012 (the “Act”), which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These rules implement the Act by modifying requirements for the Livery Passenger Enhancement Program (“LPEP”), equipment required to be present in Street Hail Liveries. They reflect the Commission’s experience with recently promulgated rules regarding the similar Taxicab Passenger Enhancement Program (TPEP) equipment contained in taxicabs. The rules also include new visual accessibility requirements for LPEPs. The TLC has worked with advocates for and passengers with visual disabilities in formulating these rules and will continue to work with such groups during their implementation.

The amendments to Chapter 83 make the following changes and clarifications:

- Changes to Acceptance Testing requirements.
- Changes to insurance documentation required
- Changes to reporting requirements
- Changes to notice requirements.
- Clarify the LPEP Provider’s responsibility for the acts of employees and agents.
- Changes to information required to be displayed on the passenger information monitor.
- Changes to advertising requirements relating to commercial advertising on the passenger information monitor.
- Changes to the technical text messaging and Trip Data requirements to align them with the more recently passed TPEP rule.
- Clarifications to driver log in requirements.
- Addition of accessibility features

The Commission’s authority for this rule-making is found in the Act and Section 2300 of the NYC Charter and Section 19-503 of the NYC Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

§1. Subdivisions (vv) through (xx) of section 83-03 of Title 35 of the Rules of the City of New York are relettered subdivisions (ww) through (yy), a new subdivision (vv) is added, and subdivisions (j), (u) (v), and (ff) are amended, to read as follows:

§83-03 Definitions Specific to This Chapter

(j) *Epilogue.* The series of screens to be run on a Passenger Information Monitor [that offers advertising] at the end of each trip as described in §83-31(d)(4)(i)(A) of these Rules.

* * *

(u) *On-duty Location Positioning.* The date, time and geographic position of an on-duty Street Hail Livery (with Passengers) at the commencement and end of each Passenger fare, and (with or without Passengers or with the on-duty unavailable code described in §83-31(b)(5) of these Rules) at each point in the vehicle's route in near real time at an interval no less frequent than every thirty (30) seconds.

(v) *Passenger Information Monitor or PIM* [in this chapter and this chapter only shall mean the interactive screen in the rear of Street Hail Liveries that provides, among other features, fare payment screens at the end of the trip and may or may not display advertising] shall have the same meaning given such term in §51-03 of these Rules.

* * *

(ff) *Screen* [shall mean a]. A display screen in a Street Hail Livery which displays at the least fare payment information at the end of a trip, but is not a Passenger Information Monitor.

* * *

(vv) *TLC-issued Driver's License.* A Valid Taxicab Driver's License or a Valid For Hire Driver's license held by a Street Hail Livery Driver.

§2. Paragraph (4) of subdivision (b) of section 83-05 of Title 35 of the Rules of the City of New York is renumbered paragraph (5), a new paragraph (4) is added, and the introductory paragraph and paragraphs (2) and (3) are amended, to read as follows:

§83-05 Licensing – Specific Requirements

* * *

(b) Documentation for LPEP Approval. The Applicant shall submit with its License application the following documentation[:] for each LPEP for which Commission approval is sought. All documentation pertaining to an independent third party must be accompanied by a signed authorization from the Applicant authorizing the Commission to contact the independent third party directly and authorizing the independent third party to respond to inquiries from the Commission regarding the decision.

* * *

- (2) Documentation demonstrating that an independent third party [with relevant expertise, acceptable to the Commission,] that is accredited by the American National Standards Institute-American Society of Quality National Accreditation Board (“ANAB”) to perform International Organization for Standardization (“ISO”) 9001 certifications has performed acceptance testing consistent with the acceptance test plan, and [certification by the independent third party of] the successful results of the acceptance testing;
- (3) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating that an independent third party that is a Qualified Security Assessor (“QSA”) company [with relevant expertise, acceptable to the Commission], has performed security testing of the LPEP and related services to determine compliance with the security standards set forth in §83-31(f)(1)(i) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and [certification by the independent third party of] the successful results of the security testing; [and]
- (4) Documentation, to be renewed and resubmitted to the TLC every twelve (12) months, demonstrating that an independent third party that is either a QSA company or a company accredited by ANAB to certify ISO 27001 has performed security testing of the LPEP and related services to determine compliance with the security standards set forth in § 83-31(f)(1)(ii) and (iii) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and the successful results of the security testing; and

* * *

§3. Subparagraphs (ii) through (v) of paragraph (8) of subdivision (e) of section 83-05 of Title 35 of the Rules of the City of New York are renumbered subparagraphs (iii) to (vi), a new subparagraph (ii) is added, and the introductory clause and clause (C) of subparagraph (iii), as renumbered, and subparagraph (v), as renumbered, are amended, to read as follows:

(8) Proof of Insurance.

* * *

(ii) For Disability Benefits Insurance, the Applicant must submit to the Commission one of (A), (B), (C), or (D) below:

(A) DB-120.1 Certificate of Insurance Coverage under the NYS Disability Benefits Law;

(B) Request for WC/DB Exemption (Form CE-200)

(C) Equivalent of successor forms used by the New York State Workers' Compensation Board; or

(D) Other proof of insurance in a form acceptable to the Commission.

ACORD forms are not acceptable proof of disability coverage.

(iii) For each policy required under this subdivision (e), except for Workers' Compensation Insurance, Disability Benefits Insurance, Employer's Liability Insurance, and Unemployment Insurance, the Applicant must file with the Commission a Declarations Page issued by the insurer [Certificate of Insurance with the Commission]. All Declarations Pages [Certificates of Insurance] must be:

* * *

(C) accompanied by either a duly executed "Certification by Insurer [Broker]" in the form provided by the Commission or copies of all policies referenced in the [Certificate of Insurance]Declarations Page. If complete policies have not yet been issued, binders are acceptable, until such time as the complete policies have been issued, at which time such policies must be submitted.

* * *

(v) Acceptance by the Commission of a [certificate] Declarations Page or a policy does not excuse the Licensee from maintaining policies consistent with all provisions of this subdivision (e) (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.

* * *

§4. Subdivision (f) of section 83-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

(f) *Renewals of Required Insurance Policies.* The LPEP Provider Licensee must submit to the Commission [Certificates of Insurance] Declarations Pages issued by the insurer confirming renewals of insurance before coverage of insurance policies required under

subdivision (e) above expires. [Certificates of Insurance] Declarations Pages must comply with the requirements of subdivision (e)(8)(i), [or] (ii) or (iii) above, as applicable.

§5. Subdivision (b) of section 83-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Record Retention Period.* An LPEP Provider must maintain the records required by this section for ~~three~~[five] ([5]~~3~~) years.

§6. Subdivision (b) of section 83-28 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) Any notice required by the Commission pursuant to subdivision (a) of this section must contain, at a minimum, the following information:
- (1) The Street Hail Livery License number;
 - (2) The [Street Hail Livery] TLC-issued Driver's License number of any driver or drivers who presented the vehicle to the LPEP Provider;
 - (3) The date of the inspection or repair;
 - (4) A detailed description of any items, evidence, or occurrences as described in subdivision (a) of this section; and
 - (5) The names and [Street Hail Livery] TLC-issued Driver's License numbers of each individual listed as a Driver on the Rate Card.

§7. Subdivision (a) of section 83-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Liability for Employee Conduct.* An LPEP Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. For clarity, this subdivision (a) and the following subdivision (b) shall not be applicable to Street Hail Livery Drivers[, and individuals or business entities employed by any LPEP Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees].

§8. Paragraph (6) of subdivision (a) of section 83-31 of Title 35 of the Rules of the City of New York is deleted, paragraphs (7) through (12) are renumbered paragraphs (6) through (11), and paragraphs (6) and (11), as renumbered, are amended to read as follows:

- (a) *Credit, Debit, and Prepaid Card Payment. Credit, Debit, and Prepaid Card Payment.*
An LPEP must be capable of accepting for payment of fares the following credit, debit, and prepaid cards: Visa, MasterCard, American Express, Discover, and any other cards specified by the Commission. The LPEP must conform to the following specifications:

- (1) The following information must be provided to Passengers (this requirement may be satisfied if the following information is contained in the Prologue provided by the Commission pursuant to clause (A) of subparagraph (i) of paragraph (4) of subdivision (d) of this section or in the Taxi Information provided by the Commission pursuant to subparagraph (vi) of paragraph (4) of subdivisions (d) of this section):
 - (i) a prominent notice containing a list of all credit and debit cards accepted for fare payment;
 - (ii) a statement indicating that fares for all trips may be paid using the listed credit or debit cards; and
 - (iii) a statement that no additional fee or surcharge shall be imposed on Passengers who pay by credit, debit, or prepaid card;
- (2) All LPEPs (regardless of whether they contain a Passenger Information Monitor, screen, or a device that reads credit/debit/prepaid cards with no Passenger Information Monitor or screen) must present the Passenger with the following options for completing payment of the fare: cash; credit/debit/prepaid card via the LPEP; and credit/debit/prepaid card via other Commission-sanctioned method.
 - (i) In an LPEP with a Passenger Information Monitor or a screen, the PIM or screen must be used to provide payment processing by credit, debit, and prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all time-and-distance fare, tolls, surcharges, extras, taxes, and default tip of zero (0) percent. The LPEP must provide the Passenger with preset tip options for amounts that are set according to the LPEP Provider's discretion, but that include at a minimum a [of 15%,]20% option, [and 25%,]and permitting Passengers to manually enter another tip amount or percentage at their option. The PIM or screen must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare due.
 - (ii) In an LPEP with a device that reads credit/debit/prepaid cards but without a Passenger Information Monitor or screen, the device must enable a Passenger to complete payment of the total fare by credit, debit or prepaid card and must otherwise comply with requirements of this subdivision (a);
- (3) The LPEP must be able to generate an accurate receipt for payment of fare, whether payment is made by cash, credit, debit, or prepaid card, and such receipt

must be offered to the Passenger. Upon the Passenger's request, a receipt either in hard copy form or in electronic form must be transmitted to the Passenger. The receipt must contain the following information:

- (i) License number for the Street Hail Livery License, affiliated Street Hail Livery Base, and [Street Hail Livery] TLC-issued Driver's License;
- (ii) trip number;
- (iii) date and time;
- (iv) tolls and surcharges;
- (v) extras and taxes;
- (vi) tip, if paid by credit/debit/prepaid card, and total fare;
- (vii) last four digits of credit, debit or prepaid card account number, if applicable. All receipts for credit, debit, and prepaid card transactions must mask account numbers except for the last four digits; and
- (viii) the "311" Commission complaint telephone number;

* * *

- (6) [If the Commission authorizes credit, debit and prepaid card payment via the LPEP by a Passenger using a smartphone, the LPEP Provider will be required to integrate such technology into the LPEP. In such event, the LPEP Provider must submit an application for approval of a Modification of LPEP pursuant to §83-05(c) of these Rules, provided, however, that the Commission will waive the application fee for a Modification of LPEP;]

The LPEP must comply with all applicable PCI Standards. The Passenger's card and account number must not be stored in the LPEP after the LPEP has received confirmation that the payment has been authorized [Credit, debit, and prepaid card magnetic strip information must not be stored in the LPEP after the Street Hail Livery Driver has received authorization for use of the card];

* * *

[(12)11]The LPEP must wipe any credit, debit, and prepaid card transaction data following stored and forwarded payment transaction processing or when any equipment or component of the LPEP is replaced. Data held for protection against chargeback must be destroyed within eighteen (18) months or upon the expiration of the statute of limitations for the chargeback. Email addresses, phone

numbers, and email data must be wiped immediately after the email/phone receipt is transmitted. Storage of such transaction data must adhere to the PCI Standards applicable to the management of customer credit card data;

§9. Subdivision (a) of section 83-31 of Title 35 of the Rules of the City of New York is amended by adding new paragraphs (12) and (13), to read as follows:

(12) The LPEP must provide the Street Hail Livery License number to the credit card providers in order to display the Street Hail Livery License number on a Passenger's credit or debit card statement; and,

(13) If a Passenger uses a credit/debit/prepaid card, the LPEP must provide an indication to the Driver through the Driver Information Monitor when payment for the total fare has been completed.

§10. Subdivision (b) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

[(b) *Text Messaging.* An LPEP must enable the Street Hail Livery Driver to receive and send text messages as provided below. The LPEP must conform to the following specifications:

(4) The LPEP must include a Driver Information Monitor that is securely mounted in the driver-seat area with the following capabilities:

(i) enables the LPEP to be turned on and interact with the Taximeter only upon log in which requires:

(A) entry of a Valid Street Hail Livery Driver's License number and a unique password set up by the Street Hail Livery Driver; and

(B) system-initiated search of the Valid Street Hail Livery License number of the vehicle;

(ii) enables the Commission, other City agencies, and any other entity approved by the Commission to send text messages to a specific Street Hail Livery, a selected group of Street Hail Liveries and/or all Street Hail Liveries equipped with an LPEP:

(A) in real time and future time ranges of up to thirty (30) days in advance;

(B) based on location; and

(C) to preempt any other message if the message is an emergency;

- (iii) enables a Street Hail Livery Licensee, an affiliated Street Hail Livery Base, and an LPEP Provider servicing the Street Hail Livery to send text messages to the Street Hail Livery Driver in connection with the conduct of their respective businesses;
- (iv) provides for the sender of the text message to receive delivery notification of receipt of the message by a Street Hail Livery;
- (v) enables up to five (5) messages to be scheduled per day and sent up to thirty (30) days in advance;
- (vi) if transmission of a text message cannot be completed due to loss of communication or other causes, the DIM must:
 - record the attempted transmission;
 - store the message for up to one (1) week for later transmission; and
 - periodically attempt to retransmit the message.

If after one (1) week the message has not been received, the message must be purged and a separate message sent to the sender referencing the purged message and indicating that it has been purged;

- (vii) enables the Street Hail Livery Driver to respond to the text message only when the vehicle is not in motion;
- (viii) receives and displays text messages of up to 500 bytes. If necessary, a message of 256 bytes or more may be divided into two parts;
- (ix) stores received text messages and subsequently displays them;
- (x) is able to encrypt text messages;
- (xi) displays and prints out the last three trips performed by the vehicle; and
- (xii) enables the Street Hail Livery Driver to enter the following “off-duty” two-digit codes and other codes designated by the Commission, by selection of one or two push-buttons:
 - 01, personal;
 - 02, relief time;
 - 03, returning home;
 - 04, defective equipment;
 - 05, no charge fare; and
 - 06, fare dispute.

Upon entry of a code, the LPEP must produce a receipt for the Street Hail Livery Driver showing the two-digit code and descriptor and the date and time of entry of the code;

- (5) All text messages sent and received via the Driver Information Monitor, and the date and time that all such messages were sent and received, must be stored, maintained and accessible to the Commission and any designee as follows:
 - (i) in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;
 - (ii) by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and
 - (iii) by downloading and transferring data to the Commission on a weekly basis.
- (6) The data described in paragraph (2) above must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the partial or complete license number of a Street Hail Livery and/or a Street Hail Livery Driver, and time and date of the message, and the data retrieved must be capable of identifying the Street Hail Livery and/or Street Hail Livery Driver that received a particular message.]
- (b) Driver Information Monitor and Text Messaging. The LPEP must include a Driver Information Monitor (DIM) that is securely mounted in the driver-seat area with the following capabilities either itself or in conjunction with the other components of the LPEP:
 - (1) The DIM must enable the LPEP to be turned on and interact with the Taximeter only upon log in which requires:
 - (i) entry of an active and Valid TLC-issued Driver's License number and an optional unique password set up by the Street Hail Livery Driver;
 - (ii) system-initiated search of an active and Valid Street Hail Livery License number of the vehicle prior to log in; and
 - (iii) system-initiated search of an active and Valid Department of Motor Vehicles (DMV) Driver's License.

- (2) The DIM must enable the Commission, other City agencies, and any other entity approved by the Commission to send text messages to a specific Street Hail Livery, a selected group of Street Hail Liveries and/or all Street Hail Liveries equipped with an LPEP.
- (i) LPEP Providers must enable this text messaging capability by providing an unrestricted application programming interface prescribed by the Commission and via a web-based portal established and operated by the LPEP Provider.
 - (ii) Street Hail Livery Licensees, bases, and LPEP Providers servicing the Street Hail Livery must be able to send text messages to the Street Hail Livery Driver in connection with the conduct of their respective businesses via a web-based portal provided and maintained by the LPEP Provider.
- (3) The DIM, application programming interface, and web-based portal must enable the following text messaging management:
- (i) text messaging must be able to be sent both in real time and future time ranges of up to thirty (30) days in advance;
 - (ii) the same text message must be able to be scheduled to go out to the same set of Street Hail Liveries at multiple dates and/or times via a single submission of the message text;
 - (iii) text messages must be able to be sent based on a Street Hail Livery's geographic location, full or partial Street Hail Livery License number, full or partial TLC-issued Driver's License number, a list of vehicles input by Street Hail Livery License Number or TLC-issued Driver's License number, and/or all vehicles with a system installed by a particular LPEP Provider;
 - (iv) emergency text messages must be able to be scheduled by the Commission to preempt any other message if there is an urgent need for the message;
 - (v) the sender of the text message must be able to receive delivery notification of receipt of the message by a Street Hail Livery, should he or she so require;
 - (vi) at least fifty (50) messages a day, and more in case of an emergency, must be able to be scheduled per day and sent up to thirty (30) days in advance;
 - (vii) if transmission of a text message cannot be completed due to loss of communication or other causes, the DIM must:

- (A) record the attempted transmission;
- (B) store the message for up to one (1) week for later transmission; and
- (C) continuously attempt to retransmit the message until delivered or purged.

If after one (1) week the message has not been received, the message must be purged and a separate message must be sent to the sender referencing the purged message and indicating that it has been purged;

- (viii) the Street Hail Livery Driver must be able to respond to the text message only when the vehicle is not in motion;
 - (ix) the DIM must receive and display text messages of up to 500 bytes. If necessary, a message of 256 bytes or more may be divided into two parts;
 - (x) the DIM must store received text messages and subsequently display them;
 - (xi) the DIM must be able to encrypt text messages; and,
 - (xii) messages that have been scheduled for delivery at a future date and/or time must be able to be modified and/or deleted at any point up until they are delivered.
- (4) The DIM must be capable of displaying and printing out the last three trips performed by the vehicle.
- (5) The DIM must enable the Street Hail Livery Driver to enter the following off-duty and on-duty unavailable codes, and other codes designated by the Commission, by selection of one or two push-buttons:
- (i) Off-duty codes
 - 01, Going Home;
 - 02, Relief Time;
 - 03, Off-duty;
 - 04, Defective Equipment;
 - 05, No Charge; and
 - 06, Dispute.
 - (ii) On-duty unavailable codes
 - 07, Unavailable – En Route Dispatch

Upon entry of either an off-duty code or an on-duty unavailable code, the LPEP must produce a receipt for the Street Hail Livery Driver showing the two-digit code, the descriptor, and the date and time of entry of the code. In addition, entry

of either an off-duty code or an on-duty unavailable code must be captured as part of the Trip Data as described in paragraph (2) of subdivision (c) of this section, the Street Hail Livery's roof light must automatically go off, and the Taximeter must be disengaged until the Street Hail Livery Driver either logs back on-duty or logs available/arrived on scene via the LPEP. To comply with On-duty Location Positioning requirements, On-duty Location Positioning data must be made available continuously in Trip Data for Street Hail Liveries while they are in an on-duty unavailable status.

- (6) As provided in subparagraphs (i) through (vi) below, the DIM must enable the Street Hail Livery Driver to indicate whether each trip originated as a Hail Trip or a Dispatch. Such indication must be recorded as a part of the Trip Data as required in subparagraph (xxiv) of paragraph (2) of subdivision (c) of this section and must be used to determine whether or not the MTA Tax should be included in the fare on the Taximeter.
- (i) For trips using Rate Codes 1, 2, 4, and 6, the LPEP must record the trip as originating as a Hail Trip and the Taximeter must default to including the MTA Tax for any of these rate codes input by the Street Hail Livery Driver unless the Street Hail Livery Driver affirmatively indicates via the DIM that the trip originated as a Dispatch.
 - (ii) For trips using Rate Codes 1, 2, 4, and 6, the DIM must allow the Street Hail Livery Driver to indicate that a particular trip originated as a Dispatch by the selection of a series of buttons by the Driver. If the Driver indicates that the trip originated as a Dispatch, the Taximeter must not include the MTA Tax for any of these rate codes input by the Street Hail Livery Driver.
 - (iii) For trips using Rate Code 3, the LPEP must record the trip as originating as a Hail Trip and the Taximeter must default to not including the MTA Tax. The DIM must allow the Street Hail Livery Driver to indicate that a particular trip originated as a Dispatch by the selection of a series of buttons by the Driver.
 - (iv) For trips using Rate Code 5 (out of town negotiated fare), the LPEP must record the trip as originating as a Dispatched Trip and the Taximeter must default to not including the MTA Tax.
 - (v) For trips using Rate Code 5 (out of town negotiated fare), the DIM must allow the Street Hail Livery Driver to indicate that a particular trip originated as a ~~Street-Hailed T~~trip by the selection of a series of buttons by the Driver. The DIM must then prompt the Driver to indicate whether or not an MTA Tax should be included on that ~~Street-Hailed T~~trip.

- (vi) The selections described above must be made at the beginning of the trip, prior to engaging the Taximeter and displaying the Prologue on the PIM.
- (7) All text messages sent through the LPEP Provider's web-based portal or web-service and received via the Driver Information Monitor, and the date and time that all such messages were sent and received, must be stored, maintained and accessible to the Commission and any designee as follows:
 - (i) in a standardized format and layout prescribed by the Commission that is open and non-proprietary; and
 - (ii) accessible by an unrestricted application programming interface prescribed by the Commission and viewable in near real time via a web-based portal established and operated by the LPEP Provider (or by another method acceptable to the Commission).
- (8) The data described in paragraph (7) of this subdivision must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using word searches. The reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the partial or complete license number of a Street Hail Livery and/or a Street Hail Livery Driver, and time and date of the message, and the data retrieved must be capable of identifying the Street Hail Livery and/or Street Hail Livery Driver that received a particular message.
- (9) The DIM must allow the Street Hail Livery Driver to enter a toll in the following ways:
 - (i) Either accept or decline a toll automatically triggered by the Street Hail Livery's Automatic Vehicle Location System when within the five boroughs of New York City (as further described in subdivision (e) of this section);
 - (ii) Select a toll from a predetermined list that includes all tolls within the five boroughs of New York City. The LPEP must automatically add the correct toll amount to the fare based on the EZ-Pass rate for that toll and time of day; and,
 - (iii) When outside the five boroughs of New York City, the Street Hail Livery Driver must be able to enter a custom toll amount that is added to the total fare.
- (10) In the event that the trip originated as a Dispatch, the fare is paid for by providing credit/debit/prepaid card information to a dispatcher at the base, and the Passenger does not indicate this via the PIM when applicable, the DIM in conjunction with the LPEP system must:

- (i) allow the Street Hail Livery Driver to indicate via the DIM that the fare was paid for outside of the LPEP;
- (ii) display to the Passenger on the PIM when applicable that the fare payment is complete;
- (iii) capture this data for reporting as a part of the Trip Data described in subparagraph (vii) of paragraph (2) of subdivision (c) of this section; and
- (iv) close out the transaction enabling the Taximeter to be rehired for the next fare (with option to print a receipt for the Passenger if so requested).

§11. Paragraph (2) of subdivision (c) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

[(2) The Trip Data to be collected and transmitted must include:

- (i) date, time and location of Passenger pick-up and drop off;
- (ii) trip duration measured in time and mileage;
- (iii) trip number;
- (iv) itemized fare (time/distance fare, tolls, surcharges, extras, taxes, and tip amount for credit/debit/prepaid card payments);
- (v) payment type (cash, credit, debit, or prepaid card);
- (vi) total number of Passengers;
- (vii) Street Hail Livery identification (i.e., Street Hail Livery License number);
- (viii) Street Hail Livery Driver identification (i.e., Street Hail Livery Driver's License number);
- (ix) all codes referred to in subdivision (b)(1)(xii) of this section, and the date, time and location when each code is entered by a Street Hail Livery Driver, provided that the date and time is collected from the Taximeter;
- (x) Taximeter reading at the start of each shift;
- (xi) Taximeter reading at the end of each shift;

- (xii) date and time of start of shift;
- (xiii) date and time of end of shift;
- (xiv) last four digits of credit, debit, and prepaid cards used for paying fares;
- (xv) On-duty Location Positioning;
- (xvi) On-duty Hail Exclusionary Zone Positioning; and
- (xvii) whether each trip is a Hail Trip or was commenced by Dispatch;]

(2) The Trip Data to be collected and transmitted must include the information set forth below. For the purposes of this subdivision, all times are required to be measured to the hour, minute, and second:

- (i) date, time and location (latitude, longitude, and human-readable street address) of Passenger pick-up and drop off based on the reading from the LPEP;
- (ii) trip start date, time, and mileage (with and without fare) from the Taximeter;
- (iii) Trip end date, time, and mileage (with and without fare) from the Taximeter;
- (iv) trip duration measured in time and mileage from the Taximeter;
- (v) trip number from the LPEP;
- (vi) itemized charges for the trip (itemized by time and distance fare for each code, tolls, surcharges, extras, taxes) from the Taximeter, and tip amount;
- (vii) payment type (cash, credit, debit, or prepaid card processed via the LPEP or credit/debit/prepaid card processed outside of LPEP) from the LPEP;
- (viii) transaction status, card type, and date/time for credit/debit/prepaid card transactions processed via the LPEP for each card swipe;
- (ix) total number of Passengers from the LPEP;
- (x) Street Hail Livery identification (i.e., Street Hail Livery License number) from the LPEP;

- (xi) Street Hail Livery Driver identification (i.e., TLC-issued Driver's License number) from the LPEP;
- (xii) all changes to the Street Hail Livery Driver's on or off-duty status and the date, time, location (latitude, longitude, and human-readable street address) and the meter mileage (with and without fare) when all on-duty unavailable and off-duty codes referred to in paragraph (5) of subdivision (b) of this section are entered by a Street Hail Livery Driver, and the date, time, location (latitude, longitude, and human-readable street address), and meter mileage (with and without fare) when the Street Hail Livery Driver goes back on-duty from the LPEP;
- (xiii) Taximeter reading (date, time, and meter mileage if available) at the start of each shift, where the start of the shift is based on when the Street Hail Livery Driver logs into LPEP;
- (xiv) Taximeter reading (date, time, and meter mileage if available) at the end of each shift, where the end of the shift is based on when the Street Hail Livery Driver logs off of the LPEP;
- (xv) the LPEP login and LPEP logout date, time, and location (latitude, longitude, and human-readable street address) from the LPEP;
- (xvi) the LPEP shift number from the LPEP;
- (xvii) time between each trip based on the time the Taximeter is disengaged at the end of one trip and the time the Taximeter is engaged at the beginning of the next trip;
- (xviii) distance between each trip (in miles) based on the Taximeter mileage reading at the end of one trip and the beginning of the next trip;
- (xix) first two and last four digits of credit, debit, and prepaid cards used for paying fares processed through the LPEP;
- (xx) On-duty Location Positioning from the LPEP in accordance with the data retention requirements outlined in subdivision (h) of this section;
- (xxi) On-duty Hail Exclusionary Zone Positioning from the LPEP in accordance with the data retention requirements outlined in subdivision (h) of this section;
- (xxii) all rate codes in effect during a trip from the Taximeter, and the rate of fare, date, time, location (latitude, longitude, and human-readable street address), and meter mileage (with and without fare) when such rate of fare went in effect, including but not limited to the date, time, location

(latitude, longitude, and human-readable street address), and meter mileage (with and without fare) when Rate Code 4 went into effect and the fare at the time Rate Code 4 was initiated from the Taximeter and/or LPEP. In addition to collecting and transmitting the information in this subparagraph, the LPEP must display the rate codes in effect during a trip from the Taximeter;

(xxiii) a flag indicating whether or not the Trip Data was part of a store-and-forward event;

(xxiv) a flag indicating whether each trip is a Hail Trip or was commenced by Dispatch; and,

(xxv) if a trip was commenced by Dispatch, the entity that dispatched the trip from the LPEP, if known by the LPEP.

§12. Paragraph (3) of subdivision (c) of section 83-31 of Title 35 of the Rules of the City of New York, relating to the display of rate codes, is deleted, paragraphs (4) and (5) are renumbered paragraphs (3) and (4), and subparagraphs (i), (iii) and (v) of paragraph (4), as renumbered, are amended to read as follows:

(4) The Trip Data for each Street Hail Livery must be stored and maintained by the LPEP Provider in accordance with the following requirements:

(i) The Trip Data for each Street Hail Livery and its component elements must be stored and maintained [in alphanumeric form] in a standardized format and layout prescribed [approved] by the Commission[, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format] that is open and non-proprietary;

* * *

(iii) [The] All Trip Data points specified in paragraph (2) of this subdivision must be accessible to the Commission and any designee [as follows]of the Commission in accordance with items (A) and (B) below:

(A) [by viewing the data]accessible by an unrestricted application programming interface prescribed by the Commission and viewable in near real time on a web-based portal established and operated by the LPEP Provider[, or by providing a web service acceptable to the Commission,] or by [other] another method acceptable to the Commission. Such portal must be extremely stable with an average uptime of 99.9 percent or greater; and

(B) by [downloading and transferring data to the] secure File Transfer Protocol (FTP) transfer according to a format, layout, procedure, and frequency prescribed by the Commission, or at the Commission's option and according to the Commission's specification, by replicating the data to a server maintained by the Commission on a weekly basis];

* * *

(v) The Trip Data and rate of fare information relating to a particular trip by a Street Hail Livery Driver must be made available by the LPEP Provider to that Driver without charge in electronic or hard copy form at the Street Hail Livery Driver's preference within three (3) business days of the LPEP Provider's receipt of a written[,] or electronic request from that Driver, or within two hours of an in-person request from that Driver at the LPEP Provider's premises;

§13. Subparagraph (v) of paragraph (2) and subparagraphs (vi) and (vii) of paragraph (3) of subdivision (d) of section 83-31 of Title 35 of the Rules of the City of New York are amended to read as follows:

* * *

(2) An LPEP with a screen but without a Passenger Information Monitor must have the following features:

* * *

(v) The screen must display to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid card, tip options [of 15%, 20%, and 25%] as specified in subparagraph (i) of paragraph (2) of subdivision (a) of this section, and permit Passengers to manually enter another tip amount or percentage at their option; and

(3) An LPEP with a Passenger Information Monitor [that provides advertising content] must have the following features:

* * *

(vi) The PIM may be turned off by the Passenger, with the following conditions:

(A) If a Passenger attempts to turn off the PIM, all information that is required to be shown, such as the Prologue and Epilogue and fare notifications must remain visible for all or a reasonable portion of the Passenger trip; and

- (B) The PIM must have the capability to come back on when the Taximeter disengages, to display payment processing information;
- (vii) The LPEP must track and record Passenger use of the PIMs, including when a Passenger uses a screen touch to access TLC Content and alternative channels, and turns the PIM on or off;

§14. The introductory paragraph, clauses (A), (B), (C), (D) and (E) of subparagraph (i), and subparagraphs (iii), (iv) and (v) of paragraph (4) of subdivision (d) of section 83-31 of Title 35 of the Rules of the City of New York are amended to read as follows:

(4) Required features relating to PIM content are as follows:

- (i) **TLC Content.** TLC Content consists of content that is produced by the Commission and submitted to the LPEP Provider for presentation to Passengers via the PIM. The Commission has the sole discretion to select TLC Content, and to decide whether the content is presented in audio and/or video formats, however TLC will not require the LPEP Providers to play content that is unrelated to any broader sponsorship or partnership arrangement between an advertiser and NYC & Company or the City and unrelated to any event, sponsorship or support efforts, or intergovernmental agreements of NYC & Company or the City (spot market advertising). TLC Content includes, but is not limited to, the Prologue and Epilogue, [Public Service Announcements]TLC Audio / Video Content, Emergency PSAs, and Passenger Surveys, as described [below] in clauses (A) through (C) below. TLC Content does not include the passenger route map described in subparagraph (ii) below, payment processing information described in subparagraph (iii) below, news and entertainment content described in subparagraph (iv) below, commercial advertisements and sponsorships supplied by or for the LPEP Provider as described in subparagraph (v) below, and any other content not supplied by the Commission to the LPEP Provider. TLC Content shall be displayed on the PIM in accordance with the [reserved space requirements in clause (D) below and may be updated in accordance with clause (E) below] applicable provisions of this paragraph (d)(4).
- (A) **Prologue and Epilogue.** The Commission will provide the LPEP Provider with a series of screens to be run at the start (Prologue) and end (Epilogue) of each trip. The text and graphic content for the screens will be provided on a CD-Rom, by email or by other method acceptable to the Commission. The Prologue must run for at least 45 seconds[and will contain a greeting, Passenger information, fare information, credit, debit, or prepaid card payment information], and in PIMs that display commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or display news and entertainment-based

content in accordance with subparagraph (d)(4)(iv) below, will include any]Public Service Announcements]TLC Audio/Video Content and Emergency PSAs provided by the Commission. The Epilogue must be either displayed for [ten]thirty ([1]30) seconds (whether in audio, video, or both) alone on the PIM screen or displayed on the fare payment screen upon the initiation of the payment transaction by an action of the Passenger. Such initiation of the payment transaction includes but is not limited to, depression of a cash selection button or the swiping (or other contact) of a credit, debit or prepaid card. Except as permitted by this paragraph (d)(4), the Prologue and Epilogue must not be interrupted or interfered with by other PIM content.

- (B) [Public Service Announcements] TLC Audio/Video Content and Emergency PSAs. [The] A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or displays news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below must present to Passengers all of the [PSAs] TLC Audio/Video Content and Emergency PSAs provided by the Commission, the City and/or its agencies from time to time in graphic or text files or other format in the discretion of the Commission. The [PSAs] TLC Audio/Video Content and Emergency PSAs must be presented in the manner prescribed by the Commission, such as during the Prologue and/or Epilogue, at other times, and by showing certain TLC Audio/Video Content and Emergency PSAs at certain times of the day. The Commission may require that Emergency PSAs preempt all other content on the PIM. The Passenger must have the option of viewing any additional [PSAs] TLC Audio/Video Content not in the Prologue or Epilogue.
- (C) Passenger Surveys. [The] A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or displays news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below must permit the Passenger to take in-vehicle surveys [of not more than twenty (20) questions (in yes or no, multiple choice format)], the results of which are to be provided to the Commission on a [weekly]daily basis electronically, [or made accessible to the Commission] as described in paragraph [(d)(7)] item II below.
- (I) Survey Distribution and Management. The LPEP must be able to allow for the targeted delivery of surveys (by survey type) to all Street Hail Liveries or to a subset of Street Hail Liveries, specified by full or partial Street Hail Livery License number, random subset of Street Hail Liveries

(specified by number or percentage), or all Street Hail Liveries for a particular LPEP Provider. The LPEP must support the delivery of up to five surveys to a single LPEP unit at a time, and the Commission must be able to update survey content in accordance with clause (E) of this subparagraph.

(II) Survey Results. Survey results must be provided to the Commission on a daily basis in a delimiter-separated value data format or other format and layout specified by the Commission. Survey results must be linked to the survey version and unique trip on which they are based.

(III) Survey Content. Survey questions must be able to support yes/no responses and multiple choice responses (with the option to specify a single option or select multiple options from a list). The LPEP must be able to accommodate skip logic specified by the Commission, by which the flow of the survey questions changes depending on the responses selected by the Passengers to previous survey questions.

(D) Reserved Space Requirements. The reserved space requirements in this clause (D) apply only to PIMs that display commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or display news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below.

(I) The PIM must provide an initial channel for content that is activated when the Taximeter is activated. The initial channel must display the Prologue and Epilogue, TLC Audio / Video Content, Emergency PSAs and Passenger surveys. In addition to the Prologue and Epilogue, [T]the Commission must be reserved [not less than one-third of the viewing time and space on the initial channel (calculated in accordance with the formula in item (III) below)] up to two minutes and fifteen seconds (2:15) of space in the 12 minute content loop on the initial channel to present TLC Audio/Video Content, Emergency PSAs and other content. No more than one minute of the Commission's two minutes and fifteen seconds in the content loop will be reserved for content that is commercial in nature, subject to the limitations described in subparagraph (i) of this paragraph (4). The TLC Audio / Video Content, Emergency PSAs, and other content on the initial channel must be reserved at least 60 percent of the total screen space (inclusive of banners and borders), or not

less than the amount of screen space reserved for commercial advertising and sponsorships and news and entertainment content unless the Commission approves otherwise. The aspect ratio devoted to the aforementioned content should not change as any of the PIM content is updated by either the Commission or the LPEP Provider, in order to prevent distortion or stretching of the content provided by the Commission.

- (II) The PIM must provide a second channel for content that is capable of being voluntarily activated by a Passenger via a prominently displayed link, button or tab on the PIM (Channel 2). The PIM must provide a means for a Passenger to return the PIM screen to the initial channel from [the second channel]Channel 2. [The PIM second channel]Channel 2 must display any additional [PSAs] TLC Audio/Video Content[and other TLC Content] submitted to the LPEP Provider by the Commission. The Commission must be reserved on Channel 2 not less than two-thirds of the viewing time and space on [the second] such channel (calculated in accordance with the formula in item (III) below) to present additional [PSAs and other] TLC Audio/Visual Content. The aspect ratio devoted to the aforementioned content should not change as any of the PIM content is updated by either the Commission or the LPEP Provider, in order to prevent distortion or stretching of the content provided by the Commission.

[(III) The percentage of PIM content used by the Commission to present TLC Content on each channel (the initial channel and the second channel) shall be calculated using the following formula:

$$\text{TLC Content Percentage} = (\text{Apc} * \text{Tv}) / \text{Tt}$$

Where Apc is the percent of the screen (frame) containing TLC Content,

Tv is the scheduled viewing time, and

Tt is the average trip time.

Apc must be at least 25% of the screen unless the Commission approves otherwise.

Tt, the average trip time, shall be twelve (12) minutes initially. The average trip shall, however, be reset every six (6) months following the

LPEP installation date to a value equal to the average trip time calculated using actual Trip Data collected via the LPEP during the applicable six (6) month period.

For purposes of calculating the time allotted for presentation of TLC Content, the following shall be excluded: the Prologue and Epilogue, additional PSAs, and any other TLC Content contained therein; and the Passenger viewing time associated with Passenger initiated views of the PSAs, Passenger surveys or any other content voluntarily selected by Passengers.]

* * *

(E) Update of TLC Content. Provided that twenty four (24) hour notice is given to the LPEP Provider (with the exception of Emergency PSAs which may be provided at any time), t[The] Commission may update its content on the PIM 104 times a year (an average of twice weekly) to add new TLC Content, or delete or modify any existing TLC Content (including but not limited to the Prologue, Epilogue, TLC Audio / Video Content, Emergency PSAs, and Passenger surveys), or delete or modify existing TLC Content, indicating the date such update is to take effect. [, by notifying the LPEP Provider in writing and by providing an update file containing text or graphic content, or modifications thereof, in a CD-Rom, by email or other method acceptable to the Commission, indicating the date such update is to take effect.] The LPEP Provider must implement such update on the PIM by the date indicated, at no cost to the Commission.

* * *

(iii) Payment Processing Information. The PIM must be used to process payment by credit, debit, or prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all time-and-distance fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid cards, default tip of 0 percent with tip options as specified in subparagraph (a)(2)(i) of this section[of 15%, 20%, and 25%, and permitting Passengers to manually enter another tip amount or percentage at their option]. The PIM must display all content required to meet the requirements of subdivision (a) of this section.

(iv) News and Entertainment Content. [The] A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below must feature reasonably fresh and up-to-date news and entertainment-based content, including weather and sports information, in compliance with paragraphs (5) and (6) below. A PIM that does not

display such commercial advertising and/or sponsorships may feature news and entertainment-based content as described in the foregoing sentence.

- (v) Commercial Advertising and Sponsorships. [At the option of the Street Hail Livery Licensee, t]The LPEP Provider may provide for the display on a PIM of commercial advertising and sponsorships in compliance with paragraphs (5) and (6) below;

§15. Paragraph (4) of subdivision (d) of section 83-31 of Title 35 of the Rules of the City of New York is amended by adding new subparagraphs (vi) and (vii), to read as follows:

(vi) SHL Information. The PIM must provide access to SHL Information, the content of which will be provided and updated by the Commission. SHL Information is information for the benefit of the Passenger describing rates of fare, out of town trips, and other information relevant to riding a Street Hail Livery;

(vii) TLC Feedback. The PIM must provide access to a TLC feedback form to allow passengers to provide feedback to the TLC. The content of the feedback form will be provided and updated by the Commission.

(A) The TLC feedback form must auto-populate the Street Hail Livery License number, trip number, TLC Driver's License number, date, and time, and provide a list of up to 10 standard responses (provided and updated by the Commission) from which the Passenger can select. The TLC feedback information must be transmitted to the Commission on a daily basis in a format, layout, and manner approved by the Commission.

(B) The TLC feedback form must contain a statement (approved by the Commission) indicating that formal complaints should be submitted via 311;

§16. Paragraph (7) of subdivision (d) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (7) The LPEP Provider must provide access to the Commission and any designee to all content on the LPEP with a PIM or screen as follows:
 - (i) by viewing the content in near real time on a web-based portal established and operated by the LPEP Provider[, or by providing a web service acceptable to the Commission,](or by other method acceptable to the Commission) and accessible by an unrestricted application programming interface prescribed by the Commission; and

- (ii) [by downloading and transferring content to the Commission on a weekly basis] via a working demonstration model of the LPEP as described in §83-27(d) of these Rules;

§17. Paragraph (1) of subdivision (e) of section 83-31 of Title 35 of the Rules of the City of New York is amended, and a new paragraph (4) is added, to read as follows:

- (e) *Automatic Vehicle Location System and Location Services.* An LPEP must have an Automatic Vehicle Location System and must provide location services as provided below. The LPEP must conform to the following specifications:
 - (1) The LPEP must capture and transmit On-duty Location Positioning and On-duty Hail Exclusionary Zone Positioning and store and maintain the data in accordance with the requirements of [subdivision (c)(5)] paragraph (c)(4) of this section;
 - (i) The LPEP must prevent the Street Hail Livery Driver from engaging the Taximeter while in the Pre-Arranged Exclusionary Zone;
 - (ii) The LPEP must prevent the Street Hail Livery Driver from engaging Rate Code 4 within the five boroughs of New York City or when there is a mandated fare;
 - (iii) The LPEP must turn off the roof light while the Street Hail Livery vehicle is in the Hail Exclusionary Zone and the Taximeter is disabled;

* * *

- (4) Tolls located within the five boroughs of New York City must be automatically triggered by the LPEP using the Street Hail Livery's AVL. When the Street Hail Livery's AVL detects that the Street Hail Livery is at a toll crossing, the Driver must be prompted via the DIM to either accept or decline the toll. If the Driver accepts the toll, the LPEP must automatically add the correct toll amount to the fare based on the EZ-Pass rate for that toll and time of day.

§18. Subparagraph (iii) of paragraph (1) of subdivision (f) of section 83-31 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (f) *Security.*
 - (1) All features of the LPEP, including the collection, transmission and maintenance of data by the LPEP Provider, required by this section must conform to the following security standards:

* * *

- (iii) [Commission security standards to be promulgated at a later time]All security standards contained in Chapter 84 of these Rules.

§19. Section 83-31 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (l), to read as follows:

(l) LPEP Accessibility for Passengers with Disabilities. LPEP Providers must provide the following accessibility features in LPEPs:

- (1) LPEPs that have a PIM or a screen must provide the following accommodations for Passengers with visual disabilities to activate the following accessibility features:
 - (i) PIM or screen and credit card reader must be installed in the same Passenger compartment in each Street Hail Livery,
 - (ii) periodic audio fare updates and at the end of the trip to facilitate payment,
 - (iii) audio rate code change notifications and toll notifications,
 - (iv) audio instructions enabling an individual to successfully complete fare payment, including discretionary tipping, without requiring the assistance of a Street Hail Livery Driver, and
 - (v) a verbal and hardcopy or electronic receipt for the Passenger.
- (2) LPEPs without a PIM or screen must provide the following accommodations for Passengers with visual disabilities to activate the following accessibility features:
 - (i) periodic audio fare updates,
 - (ii) audio rate code change notifications and toll notifications,
 - (iii) audio itemized fare at the end of the trip to facilitate payment; and
 - (iv) audio instructions enabling an individual to successfully complete fare payment, including discretionary tipping, without requiring the assistance of a Street Hail Livery Driver.