

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### **Notice of Promulgation of Rules**

Notice is hereby given in accordance with section 1043(b) of the New York City Charter (“Charter”) that the Taxi and Limousine Commission (“TLC”) promulgates amendments to its rules for For-Hire Vehicles and certain other Licensees.

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rule was not included in the Commission’s regulatory agenda for this Fiscal Year.

These rules were published on September 11, 2013, for public comment in the City Record. On October 17, 2013 a public hearing was held by the TLC at its offices at 33 Beaver Street, 19<sup>th</sup> Floor, New York, New York, 10004 and the rules were adopted by the Commission at that public meeting. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will go into effect 30 days following publication in the City Record.

## **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, 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).

During early 2012, the New York City Taxi and Limousine Commission (TLC) adopted rules to implement this legislation, but they were subsequently stayed during the pendency of litigation, commenced in mid-2012, which challenged the legislation. Following the successful resolution of this litigation, and as it moves forward to implement the program set forth in the legislation and rules, the TLC is amending the rules to:

- Make clear that only Street Hail Liveries may be any shade of apple green so that the public is not confused about which vehicles can be legally hailed outside of central Manhattan.
- Mandate training in wheelchair passenger assistance for all new taxicab drivers, and remove the requirement that taxicab owners pay for such training. These measures will expand the pool of drivers trained and available to drive accessible vehicles.
- Increase Paratransit Base License periods to 3 years, so that Paratransit Bases with SHL Base Permits can have the same license terms as other SHL Bases. For-Hire Bases already enjoy three year terms, as do new SHL Bases. This change will make treatment of the Paratransit Bases, which may purchase SHL Base Permits, consistent with those of For-Hire Bases.

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. Subdivision (a) of section 53-07 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Reserved [*Passenger Assistance Training*].

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

§53-07(a)(1)	Fine: \$50	Appearance: NOT Required	]
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§2. Paragraph (1) of subdivision (n) of section 54-04 of Title 35 of the Rules of the City of New York is amended, and a new paragraph (5) is added, to read as follows:

(1) Training Must be Approved by Commission. In order to become a driver of an Accessible Taxicab, a Driver, and on and after January 1, 2014, all new Applicants for a Taxicab Driver's License, must attend a Commission-approved training course regarding Wheelchair Passenger assistance.

(5) Beginning January 1, 2014, a new Applicant for a Taxicab Driver's License must present proof of completion or other evidence that he or she has completed the training with his or her application. Failure to provide such proof or other evidence will result in denial of the application.

§3. Subdivision (d) of section 59A-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) [*Taxicab Yellow*] Prohibited Colors for Vehicle Exteriors. No For-Hire Vehicle can be, in whole or in part, any shade of Taxicab Yellow, and no For-Hire Vehicle not licensed and Valid to operate as a Street Hail Livery can be, in whole or in part, any shade of Apple Green as authorized for use with a Street Hail Livery provided in Chapter 82 of these Rules.

§4. Subdivision (f)(3)(i) of section 59B-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

(3) Upon issuance of a Street Hail Livery Base License:

(i) the underlying Base License or Paratransit Base License term will be pro-rated (and the License fee for that License will be pro-rated which means an additional fee will be charged) so

that the Base License will expire on the same date that the Street Hail Livery Base License expires. *Example.* The underlying Base License expires on 6/15/14. A Street Hail Livery Base License is issued to the Base on 6/16/12 and will expire on 6/15/15. The underlying Base License will be extended for one year and an additional 1 year license fee of \$500 will be charged. The underlying Base License and the Street Hail Livery Base License will both expire on 6/15/15.

§5. Subdivisions (a) and (b) of section 60B-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *New Licenses.* The term of a new Base License is [two] three years.
- (b) *Renewals.* The renewal term of a Base License is [two] three years from the date on which the previous License expired.

§6. Section 82-52(a) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) [*Color*]Apple Green. The exterior of the vehicle must be painted [Street Hail Livery color designated]Apple Green (paint codes Dupont – GS028 or PPG – 502757 or similar), except for the trim. [See Section 82-33(j)] Samples of paint color and code are to be submitted to the Chair for approval if not those specified.