

New York City Taxi and Limousine Commission

Notice of Promulgations

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 to amend the wheelchair accessibility requirements for For-Hire Vehicle Bases. 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. These rules were published in the City Record on July 3, 2018 for public comment. On August 2, 2018, a public hearing on these rules was held by the TLC at its offices at 33 Beaver Street, 19th Floor, New York, New York, and the rules were adopted by the Commission on October 3, 2018. Pursuant to Section 1043(c)(1)(c) of the Charter, these rules will take effect 30 days after publication.

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. To further this goal, on December 13, 2017, TLC issued rules requiring FHV Bases to dispatch 25% of their trips to wheelchair accessible vehicles by the fifth year following the rules’ effective date. On the same day TLC also adopted a pilot resolution allowing bases to work with approved dispatchers, who would dispatch bases’ requests for wheelchair accessible vehicles according to response-time targets (the “Pilot”).

TLC is now converting the pilot to a permanent program, and except Bases that participate in the permanent program from the requirement to dispatch a set percentage of their trips to wheelchair accessible vehicles.

FHV Bases may get this exception by:

1. Applying to be approved as an Accessible Vehicle dispatcher, responsible for receiving and dispatching requests for wheelchair accessible vehicles, or
2. Associating with an approved Accessible Vehicle dispatcher and sending requests for wheelchair accessible vehicles to that Accessible Vehicle dispatcher.

The rules require that a Base opting into this exception as an Accessible Vehicle dispatcher must:

- By June of 2019, service at least 60% of the requests for wheelchair accessible vehicles it receives in under 15 minutes, and 90% in under 30 minutes
- By June of 2020, service at least 80% of the requests for wheelchair accessible vehicles it receives in under 15 minutes, and 90% in under 30 minutes
- By June of 2021, and continuing each quarter thereafter, service at least 80% of the requests for wheelchair accessible vehicles it receives in under 10 minutes, and 90% in under 15 minutes

- Provide detailed records for each request for a wheelchair accessible vehicle it receives from associated bases

The rules also require that a Base opting in to this exception by associating with an Accessible Vehicle dispatcher must:

- Accept requests for wheelchair accessible vehicles in the same way that it accepts requests for non-wheelchair accessible vehicles
- Send customer requests for wheelchair accessible vehicles to its associated Accessible Vehicle dispatcher
- Provide response times for non-wheelchair accessible vehicles as part of the trip records it submits to the TLC

Under the rules, TLC will conduct, using data it receives from bases that opt into this exception, a yearly evaluation to see if adjustments need to be made to the response time requirements contained in the exception.

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. Section 59B-17 is amended to add a new subdivision (f) to read as follows:

- (f) Exception to the Percentage of all Dispatched Trips Serviced by an Accessible Vehicle Requirement. A Base currently licensed on the effective date of this subdivision (f) may opt to meet a response time requirement for requests for Accessible Vehicles, in lieu of the requirements contained in section 59B-17(c)(1) of these rules, if the Base meets the following requirements:
- (1) A Base will be exempt from the requirements contained in section 59B-17(c)(1) if it either:
 - (i) Is approved by the Commission as an Accessible Vehicle dispatcher, responsible for receiving requests for Accessible Vehicles from associated Bases with which it has entered into an agreement and dispatching Accessible Vehicles on behalf of itself and its associated Bases in accordance with the response time requirements contained in paragraph (3) below, or
 - (ii) Associates with an approved Accessible Vehicle dispatcher by entering into an agreement with an approved Accessible Vehicle dispatcher and sending its requests for Accessible Vehicles to its associated Accessible Vehicle dispatcher.

- (2) *Application Requirements to be an Approved Accessible Vehicle Dispatcher.* A Base applying to be approved as Accessible Vehicle dispatcher must:
- (i) Submit a list of at least ten (10) Bases, owned by an entity or entities other than the owner(s) of the applicant Base, that have demonstrated an intent to associate with the applicant Base,
 - (ii) Submit an outreach and marketing plan outlining the ways it will inform passengers who use wheelchairs about its associated Bases' wheelchair accessible offerings, subject to the approval of the Commission, and
 - (iii) Submit a statement outlining the number of Accessible Vehicles it will be able to dispatch in the first three (3) and six (6) months following its approval as an Accessible Vehicle dispatcher, subject to the approval of the Commission.
- (3) *Response Time Requirement for Requests for Accessible Vehicles for Accessible Vehicle Dispatchers*
- (i) Between June 1, 2019, and June 30, 2019, the Accessible Vehicle dispatcher must service at least sixty percent (60%) of all the requests for Accessible Vehicles it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes.
 - (ii) Between June 1, 2020, and June 30, 2020, the Accessible Vehicle dispatcher must service at least eighty percent (80%) of all the requests for Accessible Vehicles it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes.
 - (iii) Between June 1, 2021 and June 30, 2021, and continuing each quarter thereafter, the Accessible Vehicle dispatcher must service at least eighty percent (80%) of all the requests for Accessible Vehicles it receives in under ten (10) minutes and ninety percent (90%) of those requests in under fifteen (15) minutes.
 - (iv) Between the effective date of subdivision (f) and June 30, 2020, the percentage of trips that meet the applicable response time criteria must improve each quarter, measured from the effective date of subdivision (f) for purposes of (i) above and measured from the beginning of the compliance periods for (ii) and (iii) above, until such time as the Accessible Vehicle dispatcher meets the response time requirements contained in (i), (ii), and (iii) above.

- (v) For purposes of (i) and (ii), “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger within fifteen (15) minutes of the requests and for purposes of (iii), “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger within ten (10) minutes of the requests.
 - (vi) If an Accessible Vehicle dispatcher fails to meet the requirements contained in (i), (ii), (iii), and (iv) above, the Commission will notify the Accessible Vehicle dispatcher and provide the Accessible Vehicle dispatcher thirty (30) days to come into compliance with the stated response time requirement. Failure to come into compliance within thirty (30) days of notification may result in termination of the Accessible Vehicle dispatcher’s approval, immediately subjecting the Accessible Vehicle dispatcher to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (4) *Calculating Response Time.* For purposes of paragraph (3) above, response time will be calculated in the following manner:
- (i) For trips arranged at least one hour in advance, response time will be calculated from the time at which the vehicle was scheduled to arrive at the passenger’s pick-up location until the vehicle arrives at the passenger’s pick-up location.
 - (ii) For all other trip requests, response time will be calculated from when the Accessible Vehicle dispatcher received the request until the vehicle arrived at the passenger’s pick-up location.
- (5) *Record Collection and Reporting Requirements for Accessible Vehicle Dispatcher.* In addition to the trip records an Accessible Vehicle dispatcher must submit pursuant to its licensure as an FHV Base, an approved Accessible Vehicle dispatcher must collect and transmit to the Commission within one week of the end of each calendar month, in a format, layout, and procedure prescribed by the Commission, the following records for each request for an Accessible Vehicle the Accessible Vehicle dispatcher receives:
- (i) the Base License Number of the Base that sent the request to the Accessible Vehicle dispatcher,
 - (ii) the date and time that the request was received by the Accessible Vehicle dispatcher,
 - (iii) the manner in which the request was received (e.g., via phone call, smartphone app, website),

- (iv) an indicator as to whether each request resulted in a completed trip,
 - (v) if the request was fulfilled,
 - A. the TLC License number of the vehicle that fulfilled the request, the Base to which the vehicle is affiliated, and the driver who fulfilled the request
 - B. the pickup and drop off locations of the trip
 - C. the date and time the vehicle arrived at the pickup location, and
 - D. the total passenger wait time, calculated pursuant to paragraph (4) above,
 - (vi) if the request was not fulfilled,
 - A. the date, time, and location of the requested pickup
 - B. the location of the requested drop off (if provided), and
 - C. an indicator as to the reason the request was not fulfilled, such as passenger cancellation (including time of cancellation), passenger no-show, driver cancellation, or no vehicles available.

Failure to timely provide trip records may result in termination of the Accessible Vehicle dispatcher's approval, immediately subjecting the Accessible Vehicle dispatcher to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.

- (6) Fares Charged to Passengers. An Accessible Vehicle dispatcher and an associated Base cannot charge a passenger more for a trip request received from an associated Base than that associated Base would charge a passenger requesting a non-Accessible Vehicle for the same trip. Overcharging a passenger may result in an Accessible Vehicle dispatcher or an associated Base being immediately subject to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (7) Passenger Feedback. Each Accessible Vehicle dispatcher and associated Base must collect and transmit to the Commission within one week of the end of each calendar month, in a format, layout, and procedure prescribed by the Commission, all complaints and compliments the Base and Accessible Vehicle dispatcher received from passengers in the preceding calendar month concerning its provision of wheelchair accessible service, including all driver ratings, where applicable.

- (8) Bases opting to associate with an approved Accessible Vehicle dispatcher must be able to accept requests from passengers for Accessible Vehicles in the same manner(s) in which they accept requests from passengers for non-Accessible Vehicles. Failure to accept requests from passengers for Accessible Vehicles in the same manner(s) in which a base accepts requests from passengers for non-Accessible Vehicles may result in the associated Base being immediately subject to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (9) In addition to submitting trip records pursuant to 59B-19, a Base opting to associate with an approved Accessible Vehicle dispatcher, and Accessible Vehicle dispatchers in their capacity as a Base which accepts trip requests, must submit to the Commission within one week of the end of each calendar month, in a format, layout, and procedure approved by the Commission, records containing the following information:
- (i) For each request for an Accessible Vehicle received by the Base:
- A. the date and time the Base received the request
- B. the date and time the Base forwarded the request to its Accessible Vehicle dispatcher, and
- (ii) For each request for a non-Accessible Vehicle that results in a completed trip
- A. the date and time that the request was received by the Base,
- B. an indicator corresponding to the trip record for the completed trip provided pursuant to 59B-19,
- (iii) All complaints and compliments received from passengers concerning its provision of wheelchair accessible service, including all driver ratings, where applicable.
- Failure to timely provide trip records may result in termination of the Accessible Vehicle dispatcher's approval, immediately subjecting the base to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.
- (10) Good Standing of Associated Bases. An associated Base must remain in good standing with its Accessible Vehicle dispatcher. To remain in good standing with its Accessible Vehicle dispatcher, an associated Base must adhere to the terms of the agreement it entered into with its Accessible Vehicle dispatcher. Failure to remain in good standing with its Accessible Vehicle dispatcher may result in the associated Base being immediately subject to the requirements contained in

section 59B-17(c)(1), pro-rated for the duration of the compliance period, subject to the conditions of paragraph (12) below.

(11) Evaluation by the Commission. Every year, beginning July 1, 2019, the Commission will review Base compliance levels, service levels, feedback received pursuant to paragraph (7) of this subdivision, and any other information it deems relevant to determine if adjustments need to be made to the response time requirements set forth in paragraph (3) of this subdivision or any other requirement contained in this subdivision (f). Any changes made to the provisions of 59B-17(f), resulting from an annual review performed pursuant to this paragraph (11), will be subject to the City Administrative Procedure Act, Section 1041-1047 of the Charter of the City of New York.

(12) Consequences of Termination of Approval. If the Commission terminates a Base's associated Accessible Vehicle dispatcher's approval, or if an Accessible Vehicle dispatcher terminates a Base's association, a Base associated with the Accessible Vehicle dispatcher must:

- (i) Associate with a different Accessible Vehicle dispatcher within thirty (30) days following Commission provided notification of the Accessible Vehicle dispatcher's approval termination, or
- (ii) Submit an application to be approved as an Accessible Vehicle dispatcher within thirty (30) days following the Commission provided notification of the Accessible Vehicle dispatcher's termination.

If a Base that is no longer associated with an Accessible Vehicle dispatcher does not associate with a different approved Accessible Vehicle dispatcher or submit an application to be approved as an Accessible Vehicle dispatcher within thirty (30) days following notification of the termination, the Base may be subject to the requirements contained in section 59B-17(c)(1) on the thirty-first (31st) day following the notification.

(13) Base Accessible Service Selection Date.

(i) A Base currently licensed on the effective date of subdivision (f) of these Rules must inform the Commission, as provided below, whether it is opting into the exception to section 59B-17(c)(1) provided by this section 59B-17(f).

A. A Base opting into the exception provided by this section 59B-17(f) as an Accessible Vehicle dispatcher must submit an application to be approved as an Accessible Vehicle dispatcher within thirty (30) days of the effective date of subdivision (f).

- B. A Base opting into the exception provided by section 59B-17(f) must apply with an Accessible Vehicle dispatcher at the time the Base exercises this option and must do so within sixty (60) days of the effective of subdivision (f).
- C. A Base that does not opt into the exception to section 59B-17(c)(1) provided by this section 59B-17(f), either as an approved Accessible Vehicle dispatcher or a Base affiliating with an Accessible Vehicle dispatcher, within the timeframes provided by this subdivision may not apply to opt into such exception until the Base's next renewal License application.
 - (ii) A renewing Base Applicant that had previously opted into the exception to section 59B-17(c)(1) provided by this section 59B-17(f) must indicate at the time of its renewal application whether it is continuing to opt into the exception to section 59B-17(c)(1) provided by this section 59B-17(f).
 - (iii) A Base that previously opted into the exception to section 59B-17(c)(1) of TLC's Rules provided by this section 59B-17(f), but failed to comply with the requirements of section 59B-17(f) and is now subject to the requirements in section 59B-17(c)(1) may not reapply to opt into the exception provided by section 59B-17(f) except for good cause shown.