

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION
RESOLUTION APPROVING A PILOT PROGRAM TO
EVALUATE THE USE OF UNIFORM MARKINGS ON COMMUTER VANS

August 7, 2014

The New York City Taxi and Limousine Commission (the “Commission” or “TLC”) hereby approves by resolution (“Resolution”) a Pilot Program, pursuant to section 52-27(a) of the Commission’s rules, to evaluate identifying markings and decals on Commuter Vans. These decals differ from the markings and displays required by section 61A-27 of the Commission’s rules because they provide for an additional, Commission-designed logo to be affixed to the side doors and rear of the vehicle. Participants in the Pilot Program (Participants) will be TLC-authorized Commuter Van Services Owners which have agreed to use the identifying decals under the terms of this resolution. The costs of participation in the Pilot Program (which are believed to be primarily the costs of obtaining and installing the markings) will not be borne by the City. These costs are estimated to be approximately \$50 per vehicle.

Commuter Vans provide affordable transportation services to areas underserved by traditional for-hire vehicles and mass transportation. The TLC carefully regulates Commuter Vans and Commuter Van drivers to ensure public safety, by setting forth licensing and insurance requirements and vehicle safety standards. Despite TLC and NYPD’s stringent enforcement efforts, however, unlicensed vans are frequently used to operate illegal transportation services. These illegal vans are driven by unlicensed drivers, and the vehicles are unmaintained and do not carry necessary insurance. Furthermore, TLC’s enforcement inspectors and NYPD officers report numerous instances in which illegal vans were driven recklessly and dangerously, often while carrying passengers. These illegal vans place pedestrians, other motorists, and the commuters using their services in harm’s way.

The proposed Commuter Van decals will readily identify Commission-licensed vehicles, making it easier for passengers to recognize those Commuter Vans that have met TLC’s rigorous licensing standards. This identification will provide several benefits to the riding public. First, passengers will be able to easily distinguish legal, licensed Commuter Vans from those that are operated illegally. Second, the proposed decals will advertise licensed Commuter Vans to the public, thereby attracting new customers to this affordable and safe transportation alternative. Lastly, passengers will be assured that riding in a Commuter Van bearing the proposed markings means that the vehicle has passed TLC inspection and carries necessary insurance.

In furtherance of Mayor de Blasio’s Vision Zero commitment to reduce pedestrian deaths, the proposed markings will aide TLC and the NYPD in their efforts to remove the dangerous, unlicensed vans that pose a threat to the public, and steer passengers towards legal, licensed service.

The test of Commuter Van decals will allow the Commission to determine whether their display and placement will have a positive effect on passenger recognition of legal Commuter Vans. The

Pilot Program will also allow the Commission to gather information about cost, customer and driver satisfaction, and the effect of markings on enforcement operations.

Pursuant to section 52-28(a) of the Commission's rules, approval of this Resolution is subject to the following:

1. Commencement and Duration:

The Pilot Program will commence on the date on which the first Participant approved pursuant to this Pilot Program has the proposed Commuter Van decals affixed to a Commuter Van which is part of his or her Authorization, and will continue for twelve consecutive months thereafter.

2. Pre-Qualification Conditions

- a. Each Participant in the Pilot Program must enter into a binding Memorandum of Understanding ("MOU") with the Chair on behalf of the Commission, which is approved as to form by the New York City Law Department, which obligates the Participant to adhere to all requirements of this Resolution and sets forth additional specifications for each requirement. This Resolution contains a summary of the major MOU terms but does not include each and every term. The MOU must not conflict with any provision of this Resolution.

3. Means of Public Notice

- a. Notice of opportunity to participate in the Pilot Program will be published in the City Record and on the Commission's website.

4. Proposal

- a. The Commission will begin accepting applications for participation in the Pilot Program immediately after a template MOU setting forth the specific terms of participation is published on the TLC website.
- b. The Commission will accept applications throughout the Pilot Program, with authorization to participate in the Pilot Program ending when either the Pilot Program is terminated in whole, or as to a particular Participant, or when the term of the Pilot Program has expired.

5. Selection

- a. Selection of Participants will be made by the TLC Chair.
- b. Applications to participate in the pilot program will be accepted from Commuter Van Service Owners who hold TLC-issued Commuter Van Service Authorizations.

- c. Criteria for selection will include responsiveness to the public notice and the performance history of the applicant, including history of violations of Commission rules or other applicable laws, including the applicant's record for safety.
- d. The number of Participants in the Pilot Program is not limited. The Pilot Program will need at least one Participant in order to effectively test the innovation.

6. Termination

- a. If the Chair determines a Participant has violated or not complied with any provision of this Resolution or the MOU it may immediately terminate approval to participate in the Pilot Program.
- b. The Chair can cancel the Pilot Program for any reason.

7. Insurance/Indemnification

- a. Each Participant is responsible for the conduct of its employees, contractors, and agents, and must familiarize each with relevant regulatory rules and regulations.

8. Reporting and Evaluation

- a. During the Pilot Program, on a schedule to be determined by the Chairperson, the Participant will report information to the Chair at least every six months about the following:
 - i. Changes in passenger volume;
 - ii. Observations with regard to passenger satisfaction;
 - iii. Satisfaction of Commuter Van drivers;
 - iv. Satisfaction of the Participant, including profitability;
 - v. Other evaluation criteria determined by the Commission.
- b. The TLC will also conduct agency-initiated evaluations of the following information:
 - i. Changes in the number of Commuter Van Services and the number of Commuter Van Vehicles;
 - ii. Changes in the number of applications for Commuter Van Service authorizations and Commuter Van Vehicle Licenses;
 - iii. Public feedback about the Pilot Program;
 - iv. Other evaluation criteria determined by the Commission.
- c. The Chairperson will review the reports submitted by the participants and the TLC and provide a summary of the findings to the Commission.
- d. In evaluating the Pilot Program, the Chairperson will analyze the factors required by sections (a) (b) and (c), together with all other materials submitted by Participants and the TLC, to determine whether proposing rules to implement enhanced markings should be considered.
- e. A final report, including a recommendation whether to commence rulemaking, will be issued within six months of the conclusion of the Pilot Program. The

Chairperson will commence rulemaking, if warranted, within six months of the issuance of the final report.

9. Compliance

- a. Participants must comply with all applicable state and federal and local laws, including TLC rules.
- b. Participants must use only TLC-licensed Commuter Van Vehicles for participation in the Pilot Program.
- c. Participants must not file with the Commission any statements that he or she knows or reasonably should know to be false, misleading, deceptive or materially incomplete.
- d. Participant must not commit fraud, misrepresentation and larceny, willful acts of omission and commission; and must not act against the best interests of the public, including but not limited to acts of threats, harassment, abuse, use or threat of physical force, or failure to cooperate with law enforcement or the Commission.
- e. Participant must notify the TLC in writing of any suspension or revocation of any license granted to the Participant by any local, state or federal agency.

10. Applications

- a. Applications for the Pilot Program, and instructions for applicants, will be made available on the TLC website.
- b. An official notice of the Pilot Program will also be published to the TLC website.