

# Rules Review Project Phase 1 Update

Presentation to the New York City  
Taxi & Limousine Commission

March 13, 2008



# Purpose Today

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Present Progress on the Project

Review Phase 1 Guiding Principles  
and Examples

Discuss Steps to Complete Phase 1

# Rules Review Project Phases

- Assessment – Conduct an assessment of the current rules and develop a plan to revise them.
- Improvement – Improve the clarity and organization of the current rules base on the Task 1 plan.
- Future – Develop and implement a plan to create future rules, a framework to achieve consistency in future rulemaking and proposed future rules supporting policy.

# Project Progress – Research

- Conducted detailed review of TLC Rules, City Charter and the Laws of New York related to TLC functions
- Conducted background research on taxi / limousine / other transportation rules & regulations in major metropolitan areas in the US and Canada

# Project Progress – Reaction

- Conducted TLC staff member interviews
- Conducted stakeholder and industry representative interviews
- Conducted stakeholder and industry focus groups for purpose of data collection and background research
- Developed associated staff interview and stakeholder feedback reports

# Project Progress – Revision (Phase 1)

- Developed comparative matrices to identify / highlight duplication / inconsistency in current rule structure and content
- Developed proposed Rules reorganization / outline
- Developed consistent Rule chapter structure
- Reorganized rules in proposed structure
- Performed plain language re-write to make rules more user-friendly and accessible to citizen / stakeholder / industry and TLC staff member use

# Guiding Principle #1

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Make no changes to the meaning of the existing rules.

# Guiding Principle #2

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## **Put the needs of the USERS first.**

*Create a “common sense” structure that assists drivers, owners and other users to quickly locate and understand license requirements, work requirements and what happens if they violate the rules.*

# Guiding Principle #3

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Use **Structure and Organization**  
to create **Clarity and Consistency.**

# Chapter REORGANIZATION

## EXISTING RULE CHAPTERS

- Ch. 1: Taxicab Owners Rules
- Ch. 2: Taxicab Drivers Rules
- Ch. 3: Taxicab Specifications
- Ch. 4: Paratransit Services
- Ch. 5: Taxicab Brokers
- Ch. 6: For Hire Vehicles
- Ch. 7: Conduct for Representatives
- Ch. 8: Adjudications
- Ch. 9: Commuter Vans
- Ch. 10: Public Auction of Taxi Licenses
- Ch. 11: Petitions to Initiate Rulemaking
- Ch. 12: Taxicab Agents
- Ch. 13: Issue/Public Sale of Taxi Licenses
- Ch. 14: Pilot Programs
- Ch. 15: Taximeter Business Rules

## PROPOSED RULE CHAPTERS

- Ch. 1: Definitions
- Ch. 2: Rules Governing the NYC TLC
- Ch. 3: RESERVED
- Ch. 4: Medallion Taxicab Drivers
- Ch. 5: For-Hire Drivers
- Ch. 6: Paratransit Drivers
- Ch. 7: Commuter Van Drivers
- Ch. 8: Medallion Taxicab Service
- Ch. 9: For-Hire Service
- Ch. 10: Paratransit Service
- Ch. 11: Commuter Van Service
- Ch. 12: Taxicab Brokers
- Ch. 13: Taxicab Agents
- Ch. 14: Taximeter Businesses & Mfgs.
- Ch. 15: Sale of New Taxi Medallions
- Ch. 16: Sale of Re-Issued Medallions
- Ch. 17: Rules for Taxicab Hack-Up
- Ch. 18: Adjudication
- Ch. 19: Rules for Representatives

# Associated PENALTIES

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Action: Put the penalties WITH the rules to which they apply

Example:

**(a) *Reckless driving rule.* A driver will not operate his or her Taxicab in such manner or at a speed which unreasonably endangers users of other vehicles, pedestrians, or the passengers**

§4-14(a)	Fine: \$350 - \$1,000 Points: 4	Appearance REQUIRED
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# Rework DEFINITIONS

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Action: Rework how Definitions are handled

- Create one “Definitions” Chapter
- Create a “*Definitions Specific to this Chapter*” section in each Chapter
- All defined terms will appear with Initial Capitalization

# Chapter CONSISTENCY

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Action: Every chapter will begin  
with

the same three sections:

§\_\_\_-01: Scope of this Chapter

§\_\_\_-02: Penalties

§\_\_\_-03: Definitions Specific to this  
Chapter

# Material Organization and Section Titling

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## Action:

1. Create a counterpart organizational structure within similar chapters
2. Use two-part Section Titles to enhance visual comprehension and clarity

# Example of Counterpart Organization & Section Titling:

- §4-04 Licensing—Requirements
- §4-05 Licensing—Probationary Licenses
- §4-06 Licensing—Term of License
- §4-07 Licensing—Fees
- §4-08 Licensing—Processing and Causes for Denial
- §4-09 RESERVED (Licensing—Transfer of License)
- §4-11 Comply with Laws—Unlicensed Activity Prohibited
- §4-12 Comply with Laws—Proper Conduct
- §4-13 Comply with Laws—Traffic Laws & Miscellaneous
- §4-14 Operations—Passenger and Driver Safety
- §4-15 Operations—General Rules During Vehicle Operation
- §4-16 Operations—Comply with Reasonable Passenger Requests
- §4-17 Operations—Method of Payment
- §4-18 Operations—Lost Property
- §4-19 Operations—Passenger Solicitation and Engagement
- §4-20 Operations—Refusing Passengers
- §4-21 RESERVED—Cooperate with Issuing Jurisdictions
- §4-22 Vehicle—Operation and Condition
- §4-23 Vehicle—Items Required in the Vehicle
- §4-24 Vehicle—Trip Records
- §4-25 Vehicle Equipment—Electronic Trip Record System (TTS)
- §4-26 Vehicle Equipment--Taximeters

# Subdivision Headings

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## Action:

Precede each subdivision with a short, italicized subheading.

# Examples of Subdivision

## §4-04 Licensing—Requirements: Headings:

- (a) ***Age***
- (b) ***Identification***
- (c) ***Chauffeur's License***
- (d) ***Fitness for the Job***
- (e) ***Speak and Understand English***
- (f) ***Familiar with Geography***
- (g) ***Pass Drug Test***
- (h) ***Fingerprinting for Determining Good Moral Character***
- (i) ***Agreement to Accept Legal Notices***
- (j) ***Training***
- (k) ***Unique Requirements/Exceptions for NYC Police***

# Guiding Principle #4

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## Simplify and Clarify Language

# Actions:

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1. Eliminate obsolete **LEGAL** language
2. Eliminate obsolete **SUBSTANTIVE** language
3. Re-write, to clarify confusing language and enhance understanding

# 1. Example of Obsolete Legal Language:

## §1-04 License Fees

~~(e) Taxicab licenses expiring on May 31, 2003 shall be renewed for one year, except for licenses containing the letters A, E, J, and N in their license designation, which shall be renewed for two years. Taxicab medallion licenses expiring on May 31, 2004 shall be renewed . . . Taxicab medallion licenses expiring on May 31, 2005 shall be renewed for one year, except for licenses containing the letters A, C, E, G, J, L, N, W, and all Standby Vehicles, which shall be renewed for two years. **All taxicab licenses** expiring on or after May 31, 2006 **shall be renewed for two years.**~~

### **NEW LANGUAGE**

**(e) All taxicab licenses shall be renewed for two years.**

## 2. Example of Obsolete Substantive Language:

**§3-03(e)(2)(v) If the vehicle is equipped with a pinion gear, such pinion gear shall be sealed. The Commission will designate the type of tamper resistant seal to prevent removal or change of the pinion gear.**

**OBSOLETE - REMOVE**

# 3. Example of Confusing Language: (Old Rule)

## §2-19 Drug Testing of Licensed Taxicab Drivers

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- (b)(1) Notwithstanding the foregoing, each licensee, other than a licensee who is a City of New York Police Officer, also shall be tested annually, at the licensee's expense, for drugs or controlled substances, as set forth in §3306 of the Public Health Law. For licensees in the first year of a two-year license, such testing must occur no sooner than thirty (30) days prior to, and in any event no later than, the date one year prior to the expiration date of such license. For licensees in the second year of a two-year license, such testing must occur no sooner than thirty (30) days prior to, and in any event no later than the expiration date of such license. Such testing shall be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department of Health.
- (b)(2) If the results of said test are positive, the driver's license may be revoked after a hearing in accordance with §8-15 of this title.
- (b)(3) Failure of a licensee in the first year of a two-year license to be tested no sooner than thirty (30) days prior to, and in any event no later than, the date one year prior to the expiration date of such license shall result in suspension of the driver's license in accordance with §8-17 of this title. If such licensee undergoes the required testing within thirty (30) days after the date one year prior to the expiration date of the current license, the suspension of the driver's license shall be lifted. If such licensee undergoes the required testing more than thirty (30) days after the date one year prior to the expiration date of the current license, such licensee shall also be required to pay a penalty of \$200 to have the suspension of the driver's license lifted.
- (b)(4) Failure in the second year of a two-year license to be tested by the expiration date of such license shall result in denial of a license renewal application, if any, and expiration of the license.

# Example of Revised Language: (New Rule)

## §4-14 Operations—Passenger & Driver Safety

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### (d) Annual Drug Testing

(1) All Licensees, other than New York City Police Officers, must be tested annually, at the Licensee's expense, for drugs and controlled substances in order to retain Valid Licenses.

(2) For Licensees in the first year of a two-year License, the testing must occur within 30 days of the one-year anniversary date of the License, but before the one-year anniversary date occurs.

(3) For Licensees in the second year of a two-year License, such testing must occur within thirty (30) days of the License expiration date, and not after the expiration date.

(4) Such testing will be performed by an individual or entity designated by the Commission and possessing a requisite permit issued by the New York State Department

§4-14 of Health	Fine: Summary Suspension until compliance If compliance after 30 days (where permitted) \$200 penalty for reinstatement.	Appearance REQUIRED
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(e) *Results of Drug Test.* Licensees must pass every drug test, random or annual.

§4-14	Fine: \$25 Points: 1	Appearance NOT Required
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# Remaining Steps to Complete Phase 1

Review of Proposed Rules by TLC staff

Review of Proposed Rules by Industry Representatives and Stakeholders

Review and Incorporation of Comments & Suggestions

Preparation of Material for Commission Review

Preparation of Material for City Law Department Review

Submission of Recommended Rules to City

# Project Timeline

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Phase 1 is ongoing now.

Presentation of revised chapters to the Commission after review by staff and the industry (Phase 2) should begin by Fall 2008.

The new rule set will take effect in early 2009.

TATC will present final findings and suggestions to TLC (Phase 3) by mid-2009.