

## NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would amend the current rules regarding grants for Accessible Street Hail Liveries.

**When and where is the Hearing?** The Commission will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rules, at 10:00 a.m. on December 8, 2016. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19<sup>th</sup> Floor.

This location has the following accessibility option(s) available: The hearing room is accessible by elevator.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22<sup>nd</sup> Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearings.** Anyone who wants to comment on the proposed rule at the public hearings must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on December 8, 2016. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by December 7, 2016.

**Do you need assistance to participate in the Hearings?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, December 1, 2016.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code, and chapter 602 of the Laws of 2011 and chapter 9 of the Laws of 2012 of the New York State authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because the need for it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

## **Statement of Basis and Purpose of Rule**

The proposed rules amend the Taxi and Limousine Commission's (TLC) current rules by modifying the grant amounts and requirements of the Accessible Street Hail Livery (ASHL) grant program.

### **Background**

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. A portion of these licenses have been set aside for wheelchair accessible vehicles. As provided in the legislation, the TLC will make grants totaling up to \$54 million available for SHL licensees who plan to purchase a vehicle for use as an Accessible Street Hail Livery (ASHL).

The TLC is proposing these changes to the ASHL grant program based on research and observations of, and feedback from, the ASHL industry during the past three years.

### **Rule Amendments**

In order to further support accessibility and ensure the continued viability of the ASHL sector the TLC proposes to amend the ASHL grant program. The proposed rules provide that:

- Grant amounts will be doubled from \$15,000 to \$30,000 and will include:
  - an initial payment of \$14,000 following vehicle Hack-up, and
  - during the four years after Hack-up, subsequent payments of \$2,000 following each successful bi-annual vehicle inspection up to \$16,000.
- To be eligible for the subsequent payments, vehicles must:
  - complete at least 250 Passenger trips logged on to the Street Hail Livery Technology System (LPEP) between the vehicle inspection periods, and
  - have been logged onto the Accessible Taxi Dispatch system through the Dispatch Equipment while in operation during the period since the previous inspection.
- Grants will only be available for new vehicles.
- Grants will no longer be available for vehicles which are leased.
- The holder of an ASHL License who receives a Grant and completes the requirements of the Grant Program Agreement may apply for and be awarded an additional Grant to replace an older vehicle.
- The option to assign grant payments is eliminated.

These rule changes are authorized by Section 2303 of the New York Charter, Section 19-503 of the Administrative Code of the City of New York, and chapter 602 of the Laws of 2011 and chapter 9 of the Laws of 2012 of the New York State.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivisions (b) and (h) of section 82-65 of Title 35 of the Rules of the City of New York, relating to the assignment of grants for the purchase or retrofitting of accessible vehicles, are REPEALED, subdivisions (c) through (g) are relettered as subdivisions (b) to (f), subdivision (i) is relettered as subdivision (g), and subdivision (g), as relettered, is amended to read as follows:

- (g) *Qualified Vehicle* means a Vehicle to be used as an Accessible Street Hail Livery and that meets all of the following:
- (1) The vehicle has fewer than [30,000] 1,000 miles on the odometer.
  - (2) The vehicle is of a model year that is of the current or next [three]two most recent model years at the time the Grant Applicant applies for a Grant.
  - (3) The vehicle must be capable of being used as an Accessible Street Hail Livery and
    - (i) must have otherwise been manufactured by an original equipment manufacturer (“OEM”) to be an Accessible Vehicle in a program approved in advance by the Chairperson; or
    - (ii) must have been modified following manufacture by OEM-approved second-stage manufacturer in a program approved in advance by the Chairperson; or
    - (iii) must be manufactured or modified in a way approved by the Chairperson.

§ 2. Paragraphs (1) and (2) of subdivision (d) of section 82-67 of the Rules of the City of New York is amended to read as follows:

- (d) *Qualified Vehicle*. With the Grant application, or within 60 days of the Grant application, a Grant Applicant must present:
- (1) Proof of purchase [or lease] of a *Qualified Vehicle* in the form specified by the Chairperson, and
  - (2) if the vehicle at the time of purchase [or lease] has not been modified so that it qualifies as an Accessible Street Hail Livery, proof in the form specified by the Chairperson of a contract for modification so that the vehicle will be, once

modified, a Qualified Vehicle.

§ 3. Subdivision (a) of section 82-68 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Grant Amounts.*

(1) *[New] Accessible Vehicles.* The maximum Grant amount is \$[15,000] 30,000. This consists of a single payment of \$14,000 to be paid following the successful Hack-up of the Qualified Vehicle, and a maximum of eight (8) subsequent payments of \$2,000 to be paid following each successful bi-annual vehicle inspection during the four-year period after Hack-up. This amount will be approved only for Qualified Vehicles which, at the time the Grant application is submitted, meet all of the following:

(i) Be of the most recent model year or [immediately preceding] the next two most recent model [year] years and,

(ii) Have fewer than 1,000 miles on the odometer.

(iii) For subsequent payments to be paid to the Grantee, the Qualified Vehicle must have, between the most recent successful bi-annual vehicle inspection and the successful bi-annual inspection previous to the most recent successful bi-annual inspection:

A. completed at least 250 Passenger trips registered through the LPEP, and

B. during this period, has been logged onto the Accessible Taxi Dispatch system through the Dispatch Equipment while in operation.

(2) *[Used Accessible Vehicles.* The Grant amount is \$10,000 for other Qualified Vehicles.

(i) No Grant will be issued to any vehicle of a model year more than 3 years older than the most recent model year,

(ii) No Grant will be issued to any vehicle that has more than 30,000 miles on the odometer.

(3) Only one Grant will be awarded for each[:

(i) Accessible Street Hail Livery License, and

(ii) ]Qualified Vehicle based on the Vehicle Identification Number (VIN).

[(iii) If a Grant Applicant presents with its application a vehicle or Accessible Street Hail Livery License for which any Grant Applicant or Grantee previously received a Grant, the application for the subsequent grant will be denied.]

(3) An Accessible Street Hail Livery Licensee, who receives a Grant and completes all of the requirements of the Grant Program Agreement during its term, may apply for an additional Grant to be used to replace their current Qualified Vehicle with another Qualified vehicle.

§ 4. Paragraph (3) of subdivision (b) of section 82-68 of Title 35 of the Rules of the City of New York, relating to grant payment assignments, is REPEALED.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment of Rules Governing Grants for Accessible Street Hail  
Livery Vehicles**

**REFERENCE NUMBER: 2016 RG 090**

**RULEMAKING AGENCY: Taxi and Limousine Commission**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: October 28, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules Governing Grants for Accessible Street Hail  
Livery Vehicles**

**REFERENCE NUMBER: TLC-96**

**RULEMAKING AGENCY: Taxi and Limousine Commission**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period for certain violations because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro  
Mayor's Office of Operations

October 28, 2016  
Date