

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 proposing rules which would permit licensed bases to act as authorized representatives on behalf of Street Hail Livery owners for certain specified transactions. The proposed rules would add provisions to the existing rules governing Street Hail Livery Bases in Chapter 59 of Title 35 of the Rules of the City of New York.

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 January 21, 2016. This hearing will be held in the Commission's public hearing room at 33 Beaver St., New York, NY on the 19th Floor.

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

- **Mail.** You can mail comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email comments to 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.
- **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 either hearing by calling 212-676-1135. You can also sign up in the hearing room before the session begins on January 21, 2016. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by January 18, 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 January 15, 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 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 Taxi and Limousine Commission (TLC) is proposing rules to allow licensed bases that have received permits from the TLC as Street Hail Livery dispatch bases to act on behalf of Street Hail Livery owners for certain limited transactions related to licensing and the transfer of base and vehicle affiliations. The proposed rules would add provisions to the existing rules governing Street Hail Livery Bases in Chapter 59 of Title 35 of the Rules of the City of New York.



State law permits 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. These for-hire vehicles are commonly known as “Green” taxis.

The State legislation also requires that every SHL vehicle be affiliated with a base and gives TLC the authority to issue up to 450 non-transferable SHL base permits, which allow bases to affiliate with SHL vehicles. As of November 20, 2015, there are 189 licensed bases that have obtained SHL base permits from the TLC.

Currently, only individuals who own the SHL permit or an officer of a corporate entity that owns the SHL permit are authorized to transact business pertaining to that license. However, segments of the industry recently expressed interest in the authority to act on behalf of Street Hail Livery (SHL) licensees, similar to how medallion agents act on behalf of yellow taxis. Base owners with SHL base permits, who already have business relationships with SHL licensees, are the logical choice to act on behalf of SHL licensees.

The proposed rule will allow SHL permitted bases to act as representatives for SHL owners to change the vehicle affiliated with the permit or remove a rate card from storage. This will allow drivers to avoid the need to appear in person at a TLC facility to conduct these transactions so they can remain on the road serving passengers.

The Commission’s authority for this rule is found in section 2303 of the New York City Charter and section 19-503 of the Administrative Code of the City of New York, as well as in the Hail Law.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Title 35 of the Rules of the City of New York is amended by adding a new section 59B-04.2, to read as follows:

§59B-04.2 Licensing—Street Hail Livery Base Can Act as Representative

(a) Upon notice to the Commission, in a manner prescribed by the Commission, the Owner of a Street Hail Livery License may designate an individual Owner of a Street Hail Livery Base with which such Owner of a Street Hail Livery License is affiliated, or a Limited Business Entity Person of a Business Entity that owns a Street Hail Livery Base with which such Owner of a Street Hail Livery License is affiliated, to appear before the Commission as a representative of such Owner of a Street Hail Livery License. Upon notice to the Commission and in a manner prescribed by the Commission, an applicant for a Street Hail License seeking to affiliate with a Street Hail Livery Base may designate an individual Owner of a Street Hail Livery Base with which such applicant is seeking to affiliate, or a Limited Business Entity Person of a Business Entity that owns a Street Hail Livery Base with which such applicant is seeking to affiliate, to appear before the Commission as a representative of such applicant. The scope of such representation is limited to business transactions related to licensing and transfers of vehicle affiliations with a Street Hail Livery License, and excludes transactions for the initial purchase of a Street Hail Livery License or transfer of ownership of or interests in a Street Hail Livery License.

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

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

RULE TITLE: Authority of Street Hail Livery Bases to Represent Street Hail Livery Owners and Applicants in Certain Proceedings

REFERENCE NUMBER: 2015 RG 136

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: December 11, 2015

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

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

RULE TITLE: Authority of Street Hail Livery Bases to Represent Street Hail Livery Owners and Applicants in Certain Proceedings

REFERENCE NUMBER: TLC-87

RULEMAKING AGENCY: TLC

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 because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

December 11, 2015
Date