

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 Accessible Taxicab specifications to increase the models of vehicles that would be able to operate in Accessible Taxicab Service and to include a model that accommodates a single passenger using a wheelchair in the rear passenger compartment of the vehicle, after the rear passenger seats are folded out of the way.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Thursday, June 21, 2012. The hearing will be in the hearing room at 33 Beaver Street, New York, New York, on the 19th Floor.

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 – 22nd 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.
- **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 Hearing.** Anyone who wants to comment on the proposed rule at the civic hearing 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 hearing begins on June, 21, 2012. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by June 18, 2012.

Do you need assistance to participate in the Hearing? 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, June 14, 2012.

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 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 Proposed Rule

Wheelchair passengers currently enter accessible taxicabs either through the side - and ride the cab either in the rear passenger compartment alongside open passenger seats or in the front passenger compartment beside the driver – or through the rear, and ride the cab behind the passenger seats in the rear passenger compartment. Depending on the accessible taxi cab model, the wheelchair passenger may have a poor view of the taxi meter and the Passenger Information Monitor (PIM). There is now a new rear entry accessible taxicab that accommodates a wheelchair passenger by folding the passenger seats in the rear compartment forward to the front and behind the back of the front seats, which allows the wheelchair passenger to sit alone in the rear passenger compartment and to have an unobstructed view of the taxi meter and of the PIM. In addition, a wheelchair passenger’s companion can ride in the front right seat of the vehicle. This new wheelchair accessible vehicle provides more comfort and convenience for wheelchair passengers.

The legroom in this new model is greater (rear legroom is 41.5 inches and front legroom is 40.5 inches) than the side entry accessible vehicle approved last year. However, the TLC is interested in expanding the types and designs of accessible vehicles that will be eligible to serve New York’s wheelchair passengers. Therefore, the proposed rules would decrease the minimum legroom required for Accessible Taxicabs to a specification that would include the new model and also make other vehicles with even smaller rear leg room eligible to be Accessible Taxicabs. The new and smaller rear legroom specification for Accessible Taxicabs is the same as the already existing rear legroom specification for Alternative Fuel Medallions. Specifically, the proposed rules would eliminate the rear compartment and front compartment legroom exceptions for the 2011 side entry Accessible Taxicab and decrease the required Accessible Taxicab legroom for the front and rear compartments (see table below).

How the Proposed Rule Changes the Legroom Requirements		
	Current Legroom Requirements	New Legroom Requirements
Exceptions for the 2011 side entry Accessible Taxicab	36.0 inches - rear legroom 40.0 inches - front legroom 76.0 inches - total legroom	Eliminated
Rear compartment effective legroom	43.0 inches	34.6 inches
Front compartment effective legroom	42.0 inches	40.0 inches
Total Legroom	85.0 inches	74.6 inches

These proposed rules are authorized by Section 2303 of the New York City Charter and Section 19-503 of the Administrative Code of the City of New York.

New material is underlined.
[Deleted material is in brackets.]

Section 1. It is proposed that sections 67-05.2 (c)(3) and (4) of chapter 67 of Title 35 of the Rules of the City of New York be amended to read as follows:

§ 67-05.2 Alternative Specifications for Accessible Taxicab Models

(c) The Accessible Taxicab as manufactured by the original equipment manufacturer (“OEM”) or as modified by an OEM-approved second-stage manufacturer must meet the following specifications:

. . .

(3) The rear compartment of any vehicle approved for use as an Accessible Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:

(i) Effective legroom (L51) must be at least [43] 34.6 inches[.].

[(ii) Exception: For an Accessible Taxicab designed to carry a wheelchair Passenger in the front right position beside the Driver, the minimum effective legroom (L51) must be at least 36 inches.]

(4) The front compartment of any vehicle approved for use as an Accessible Taxicab Model must meet the following dimensions:

(i) (Effective legroom (L34) must be at least [42] 40 inches.

[(ii) Exception: For an Accessible taxicab designed to carry a Wheelchair Passenger in the front right position beside the Driver, the minimum effective legroom must be at least 40 inches.

(iii)] (5) Total legroom (the sum of L34 and L51 must be at least [85] 74.6 inches.

[(iv) Exception: For an Accessible Taxicab designed to carry a Wheelchair Passenger in the front right position beside the Driver, the minimum effective total legroom must be at least 76 inches.]

NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Accessible Taxicab Specifications

REFERENCE NUMBER: TLC-30

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 Navarro
Mayor's Office of Operations

May 14, 2012
Date

NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Amendment of Accessible Taxicab Specifications

REFERENCE NUMBER: 2012 RG 040

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: May 14, 2012