

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 (“TLC”, “the Commission”) is proposing amendments to the rules that would create a taxi flat fare of \$39 for trips between LaGuardia Airport and Manhattan, south of West 110th St and East 96th St, and increase the taxi flat fare for trips between Kennedy Airport and Manhattan to \$65.

When and where is the hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on April 5, 2022. The public hearing will be held online using Zoom. There will be no in person public hearing. The public hearing will be livestreamed on TLC’s website at www.nyc.gov/tlc. To participate in the public hearing, please e-mail the TLC at tlcrules@tlc.nyc.gov or call TLC at 212-676-1135 by April 1, 2022. After you have signed up to speak, TLC will provide you with a Zoom URL to enter in on your computer or dial-in via phone number if you prefer to call in.

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

- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules website at www.nyc.gov/nycrules.
- **Email.** You can email comments to tlcrules@tlc.nyc.gov.
- **Mail.** You can mail comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, NY 10004.
- **Fax.** You can fax comments to the TLC at 212-676-1102.
- **By speaking at the hearing.** To sign up to speak and provide testimony, you must e-mail the TLC at tlcrules@tlc.nyc.gov or call 212-676-1135 by 5:00 p.m. on April 1, 2022. Speakers will not be able to sign up to testify the day of the hearing. Those who did not sign-up in advance to testify are welcome to view the live-stream of the meeting on TLC’s website

Is there a deadline to submit comments? Yes, you must submit written comments by April 5, 2022.

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 April 1, 2022.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio only access.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043, 2303 and 2304 of the City Charter and Section 19-503 of the New York City Administrative Code authorize the Commission to make this proposed rule.

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 laws govern the rulemaking process? TLC 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 of the City Charter.

Statement of Basis and Purpose

The Commission held its biennial review of the current fare and lease cap structure on January 26, 2021, as required under §52-04(b)(3-4) of the TLC Rules. These rule amendments are based on testimony and written comments received at the hearing, reviews of driver compensation and passenger fares to and from city airports, average wait times for drivers at airport taxi hold lots, and average metered fares, among other considerations. Based on this industry feedback and the Commission's analysis of industry needs, the Commission proposes amending its rules to create a taxi flat fare of \$39 for trips between LaGuardia Airport and Manhattan, south of West 110th St and East 96th St, as well as increasing the taxi flat fare for trips between Manhattan and Kennedy Airport from \$52 to \$65.

Trips between Manhattan, including those trips south of West 110th St and East 96th St, and LaGuardia Airport are currently charged the standard metered fare. The last modification to the Kennedy Airport flat fare, an increase from \$45 to \$52, came into effect on September 4, 2012. Since then, the yellow and For-Hire Vehicle (FHV) industry in New York City has gone through marked changes, including a growth in the number of FHVs on the road, the entrance of HVs, shifting driver availability, and the impacts of a global pandemic. The proposed airport flat fares will help address the challenges of an evolving taxicab sector and its need for revitalization by putting more money in the pockets of drivers and raising taxicab supply at airports.

Demand and supply of vehicles at city airports is an issue of concern to passengers and drivers alike. Taxicabs spend an average of 1.3 hours waiting for pickups at LaGuardia Airport's taxi hold lot, while the average hold lot wait time at Kennedy Airport is 1.75 hours. This leads to drivers preferring to deadhead (return without a fare) back into Manhattan in search of fares instead of waiting to pick up passengers at airports, which in turn adversely impacts arriving flyers who struggle to find taxicabs, particularly during the evening hours and weekends. To incentivize pickups at airports and compensate drivers for the downtime they experience at hold lots during which they are not generating income, the Commission calculated its proposed flat fares based upon the above-referenced wait times and a \$15 minimum wage per hour, split between either trip direction (as detailed below).

Kennedy Airport

Drivers wait on average **1.75 hours**, which were they to receive a \$15 minimum wage in compensation for their time, would equal \$26.25. In order to equalize the fare in each direction, that amount is divided in half, which equals **\$13.13**.

\$13.13 is added to the current fare of **\$52**, amounting to a final fare of **\$65.13** plus taxes, tolls, and tips.

$$\begin{aligned} \$13.13 &= 1.75 * \$15 / 2 \\ \$13.13 + \$52 &= \$65.13 \end{aligned}$$

LaGuardia Airport

Given LaGuardia Airport's location and its distance to Uptown Manhattan, this new flat fare will apply to trips between the airport and Manhattan, south of West 110th St and East 96th St, or what is known as the Hail Exclusionary Zone for green cabs. All trips between LaGuardia Airport and Manhattan north of West 110th St and East 96th St are governed by the metered rate of fare as set forth in §58-26(a).

Drivers wait on average **1.3 hours**, which were they to receive a \$15 minimum wage in compensation for their time, would equal \$19.50. In order to equalize the fare in each direction, that amount is divided in half, which equals **\$9.75**.

The current average metered rate between LaGuardia and the Hail Exclusionary Zone excluding the maximum amount of taxes (\$4.55) is **\$29.40**. Adding **\$9.75**, the final fare is **\$39.15** plus taxes, tolls, and tips.

$$\begin{aligned} \$9.75 &= 1.3 * \$15 / 2 \\ \$9.75 + \$29.40 &= \$39.15 \end{aligned}$$

The proposed LaGuardia flat fare of \$39 will signify an average rise of 28% in driver earnings compared to current earnings under the standard metered fare, while the increase at Kennedy will lead to 23%-25% average rise in earnings compared to the existing flat fare.

The Commission's authority for these rules is found in section 2303 and 2304 of the New York City Charter and section 19-503 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph (1) of subdivision (b) of section 58-26 of the Rules of the City of New York is amended, paragraphs (2) through (4) of such subdivision are renumbered paragraphs (3) through (5) and, as renumbered, are amended, and a new paragraph (2) is added, to read as follows:

- (b) *Flat Rates between Manhattan and [Kennedy Airport] City Airports.*
 - (1) *Flat Fare Rate between Manhattan and Kennedy Airport.* The fare for a trip between Kennedy Airport and Manhattan will be a Flat Rate of [~~\$52~~] \$65, plus any tolls and applicable surcharges.
 - (i) A rush hour surcharge of \$4.50 will be added to this Flat Rate for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m. This surcharge will not be applied on legal holidays.
 - (ii) The MTA Tax must be charged in addition to the Flat Rate.

- (iii) The Taximeter must reflect that this trip is a Flat Rate fare.
- (2) Flat Fare Rate between Manhattan, south of West 110th St and East 96th St, and LaGuardia Airport. The fare for a trip between LaGuardia Airport and Manhattan, south of West 110th St and East 96th St, will be a Flat Rate of \$39, plus any tolls and applicable surcharges.
- (i) The MTA Tax must be charged in addition to the Flat Rate.
 - (ii) The Taximeter must reflect that this trip is a Flat Rate fare.
- (3) Calculating Fare for Multiple Stops to Manhattan. If passengers request multiple stops on a trip from Kennedy Airport to Manhattan, or LaGuardia Airport to Manhattan south of West 110th St and East 96th St, the fare will be determined as follows:
- (i) The first stop in Manhattan is paid as required by paragraph (1) of this subdivision.
 - (ii) The Taximeter is then turned on as if for a new trip and a new fare is calculated as a regular metered trip.
 - (iii) The total metered fare (plus any surcharge) is paid at the last stop by the remaining passenger.
 - (iv) No fare is due at the time any other passengers are dropped off between the first and last passenger.
 - (v) Example: if three passengers request stops at 42nd St., 18th St. and 4th St.:
 - A. [\$52] \$65 for Kennedy Airport and \$39 for LaGuardia Airport plus the MTA Tax and any applicable tolls or surcharges will be collected at 42nd St.
 - B. The Taximeter will be turned on at that point
 - C. When the second passenger exits at 18th St., the Taximeter remains on and no money is paid to the Driver.
 - D. The passenger dropped off at 4th St. must pay the fare on the Taximeter.
- ([3]4) Metered Fare to Boroughs Other Than Manhattan. All trips between Kennedy Airport and a borough other than Manhattan are governed by the

metered rate of fare as set forth in §58-26(a). All trips between LaGuardia Airport and a borough other than Manhattan, or LaGuardia Airport and Manhattan north of West 110th St and East 96th St, are governed by the metered rate of fare as set forth in §58-26(a).

([4]5) *Chairperson's Right to Suspend this Provision.* The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport or LaGuardia Airport.

**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 Flat Rate Fares to Airports

REFERENCE NUMBER: 2021 RG 070

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: February 23, 2022

**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: Amendment of Flat Rate Fares to Airports

REFERENCE NUMBER: TLC-122

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 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

February 23, 2022
Date