

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 (the TLC) is proposing a rule that would amend sections to the existing vehicle specification rules governing non-accessible Medallion Taxicab Licenses vehicles, in order to permit the use of fully electric vehicles.

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 21, 2022. The public hearing will be held online using Zoom. There will be no in person public hearing. To view the public hearing, please access the live-stream video feed at www.nyc.gov/tlc. This public hearing will be live-streamed in Arabic, Bengali, Chinese Mandarin, Spanish, and Russian via a Zoom link to be posted on the TLC's website.

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 or by emailing at tlcrules@tlc.nyc.gov by December 20, 2022. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by December 21, 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 December 14, 2022.

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 New York City Charter and section 19-503 of the Administrative Code of the City of New York 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 TLC is proposing a rule that would amend sections of the existing vehicle specification rules governing non-accessible taxicab vehicles. The proposed rule will permit fully electric vehicles, powered only by electric batteries and not gasoline, to be hacked up as taxis.

Electric Vehicle Pilot Program

On May 4, 2021, the TLC approved a resolution to evaluate the use of electric vehicles as taxis through a pilot program. The TLC pilot program began on August 10, 2021, and is still in operation.

Prior to the pilot, the Tesla Model 3 was the only electric vehicle approved for taxi use. The Model 3 met all the specifications under the TLC vehicle specification rules. However, the Model 3's power output was measured in kilowatts and necessitated the conversion to the traditional horsepower measurement. The resulting horsepower measurement fell within the engine specifications of the existing TLC rules.

While the horsepower conversion for electric vehicles was permissible in the absence of TLC rules specifically addressing electric vehicle specifications, the horsepower measurement is not the appropriate metric for electric vehicles.

Differences between combustion engines and electric vehicles

Current TLC vehicle specifications present limited electric vehicle options for medallion owners. Pursuant to existing TLC Rule Section 67-05.1(f), vehicles that are approved as taxis cannot have a horsepower that exceeds 295. This poses an issue with regard to electric vehicles being approved as taxis, given that their design is inherently and distinctly different from the design of traditional combustion engine vehicles.

The horsepower measurement that is used for traditional combustion engines measures the peak power for the engine. A combustion engine must increase its revolutions per minute (RPMs) to achieve its peak power output. However, an electric motor offers instant power, which results in the maximum acceleration being available to an electric vehicle immediately. Due to this difference, the important thing to monitor is the acceleration of the electric vehicles rather than the horsepower measurement as it relates to safety.

Acceleration Rate Standard

As a result of the different engine measurements for electric and internal combustion vehicles, TLC's Safety and Emissions Division has developed appropriate engine standards to address the acceleration issue that is unique to electric vehicles.

Electric vehicles classified as high-performance models were excluded from the potential pool for taxi use given their rapid acceleration rate. A review of the acceleration data for

these high-performance electric vehicles illustrates that these vehicles achieve acceleration rates of 4.0 seconds or less from 0 to 60 mph. Such acceleration rates present an unacceptable risk of collision. Consequently, any vehicles below the 4.0 second acceleration threshold were deemed not suitable for taxi use.

The Safety and Emission Division then refined the engine specification methodology. The distance between two traffic lights, representing one city block, 264 feet, was chosen as the standard for measurement. The practical and technical experience of the Safety and Emission Division dictated that no vehicle should be able to traverse that distance in less than 3 seconds. As in the case of high-performance electric vehicles, acceleration rates in excess of that mark were deemed to present an unacceptable risk of collision. Under these parameters the electric vehicle would be travelling no faster than 88 feet per second. This rate of speed was then translated, accordingly, into the equivalent acceleration rate of not less than 4.4 seconds from 0 to 60 mph. Consequently, the proposed rule establishes that no vehicle shall accelerate from 0 to 60 mph in less than 4.4 seconds.

Pilot Program Results

The pilot program allowed electric vehicles with adequate interior volume and with rates of acceleration not exceeding 4.4 seconds from 0 to 60 mph, to be used as taxis in affiliation with a licensed medallion. The pilot tested eight models that were approved for use in the pilot program pursuant to the pilot specifications. Additional models may be approved under the proposed rules.

The goals of the pilot program were to: (1) reduce fuel and maintenance costs for taxicab owners and agents; (2) reduce greenhouse gas emissions in accordance with City initiatives; and, (3) permit taxicab drivers to operate longer and further than previously possible due to the recent advances in battery technology.

There are fourteen participating medallions and more applicants have been approved and are awaiting hack-up. Data gathered from the participants has provided useful information for analysis. There has been no data to suggest that electric vehicles within the parameters established by the pilot program pose any major safety concern operating as taxis.

Making electric vehicles a permanent option

Given the growing demand for electric vehicles from medallion owners and agents, coupled with the viability of electric vehicle technology, TLC proposes permanent rules permitting electric vehicles to operate as taxis. The addition of rules permitting fully electric vehicles to operate as taxis demonstrates TLC's continued efforts to contribute to a cleaner city. Partnerships with the Department of Transportation and the Department of Citywide Administrative Services, directed to expanding the city's charging network, will facilitate the growth of electric vehicles within the medallion sector as the market grows over time.

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.

New material is underlined.

[Deleted material is in brackets]

Subdivision (f) of section 67-05.1 of Title 35 of the Rules of the City of New York, relating to the engine size of vehicles that may be hacked up as taxicabs, is REPEALED, and a new subdivision (f) is added, to read as follows:

(f) Power specifications

(1) Internal combustion vehicles

The vehicle may not be equipped with an engine whose maximum horsepower exceeds 295.

(2) Hybrid-electric vehicles

The horsepower of a hybrid-electric vehicle is determined by combining the electric power and the internal combustion power of the vehicle's engine. The total of these two figures may not exceed a horsepower of 295.

(3) Electric vehicles

The electric vehicle must accelerate from 0 to 60 mph in not less than 4.4 seconds.

**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 Taxicab Vehicle Specifications Relating to Hackup of Electric Vehicles

REFERENCE NUMBER: 2022 RG 052

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
Senior Counsel

Date: October 3, 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 Taxicab Vehicle Specifications Relating to Hakeup of Electric Vehicles

REFERENCE NUMBER: TLC-126

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

October 3, 2022
Date