

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 amendments to the Taxi Improvement Fund Allocations rules which would increase the amount of hack-up costs reimbursed to medallion owners placing a Wheelchair Accessible Vehicle into service, provide for upfront disbursement of conversion costs to owners of no more than two medallions and require the Technology System Providers to reimburse the Driver Incentive TIF/SHLIF payment directly to the driver. The TLC is also proposing amendments to the Medallion service rules that would permit medallion owners to place a used Wheelchair Accessible Vehicle into service while eliminating the vehicle retirement requirement for Wheelchair Accessible Vehicles, in addition to, extending the Americans with Disabilities Act (ADA) vehicle specification standards, which currently apply to taxicabs, to accessible For-Hire Vehicles. Lastly, TLC is proposing that licensed drivers re-take Passenger Assistance and Wheelchair Accessible Vehicle On-Demand training courses.

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 May 8, 2024. 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 May 8, 2024. 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:

- **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. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by May 8,

2024.

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 May 3, 2024.

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

Given the financial state of the medallion industry over the last several years, which was aggravated by the pandemic, coupled with the TLC's mandate to have 50% of the medallion fleet comprised of Wheelchair Accessible Vehicles, the TLC proposes to take proactive steps to facilitate the agency's long-term commitment to accessibility for all New Yorkers.

As evidenced by the TLC's 2022 annual review of the Taxi Improvement Fund (TIF) fund, increased costs related to placing Wheelchair Accessible Vehicle medallions into taxi service - added to ongoing maintenance and operation costs - place a significant financial strain upon medallion owners.

https://www.nyc.gov/assets/tlc/downloads/pdf/tif_report_2022.pdf

“The purpose of the Taxi Improvement Fund is to offset the higher cost of operating accessible taxicabs for Drivers and Owners. Compared to non-accessible taxicabs, accessible vehicles cost more upfront because of the wheelchair ramp mechanism. Accessible vehicles are also less fuel efficient because of the additional weight of the ramp, and they have higher maintenance costs.”

The TLC's proposed changes to the TIF and other rules relating to Wheelchair Accessible Vehicles will comprise a multi-faceted approach consisting of:

- Re-apportioning the TIF allocations to provide a 43% increase in the initial disbursement for hack-up costs to place a Wheelchair Accessible Vehicle into service as a Wheelchair Accessible Taxicab.
- Disbursing the TIF funds to individual medallion owners that own no more than two medallions, prior to hacking up the vehicle; and providing reimbursement to all other medallion and driver-owned vehicle (DOV) owners upon satisfaction of full payment for the vehicle.
- Eliminating the scheduled vehicle retirement dates for new and used Wheelchair Accessible Vehicles placed into service, in addition to currently licensed Accessible Taxicabs (vehicles must still pass regularly scheduled inspections).
- Permitting the conversion of used vehicles to Wheelchair Accessible Vehicles in accordance with the TLC's existing Accessible Vehicle specifications.
- Clarifying TLC's re-hacking rules to ensure that medallions eligible for re-hacking new vehicles adhere to TLC's existing accessibility requirements.
- Requiring Technology System Providers to streamline the process of returning the TIF driver incentive payment per fare directly to the driver.
- Creating consistency among the industry sectors by requiring accessible For-Hire Vehicles to meet the same Americans with Disabilities Act standards that are required of taxicabs.
- Requiring TLC Drivers to re-take the Passenger Assistance and Wheelchair Accessible Vehicle Training (“Re-Training course”) at a TLC-approved

Education Provider upon investigated and founded complaints of drivers violating their duties to passengers using wheelchair accessible vehicles (WAVs).

- Requiring applicants for a TLC Drivers License to take the Passenger Assistance and Wheelchair Accessible Vehicle Training again as a condition of licensure upon renewal.

The TLC expects this strategic approach will allow it to achieve its goal of substantially increasing the number of Wheelchair Accessible Vehicles on the road, thereby providing access to taxi service for those who are disabled. The proposed rules illustrate TLC's continued commitment to providing the appropriate level of service for all of New York City's population.

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]

Asterisks (***) indicate unamended text

Section 1. The definitions of terms "Street Hail Livery Improvement Surcharge" and "Taxi Improvement Surcharge" as set forth in Section 51-03 of Title 35 of the Rules of the City of New York are amended to read as follows:

Street Hail Livery Improvement Surcharge is the surcharge of \$1.00 per trip that will be added to every Hail Trip in a Street Hail Livery. The Street Hail Livery Improvement Surcharge will be deposited into the Street Hail Livery Improvement Fund[.], except for any amounts paid directly to the Drivers of Accessible Street Hail Liveries.

Taxicab Improvement Surcharge is the surcharge of \$1.00 per trip that will be added to every taxicab trip. The Taxicab Improvement Surcharge will be deposited into the Taxicab Improvement Fund[.], except for any amounts paid directly to the Drivers of Accessible Taxicabs.

Section 2. Subdivision (a) of Section 53-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (a) *Assisting the Passenger.* An Approved Driver
 - (1) Must assist a passenger who uses a wheelchair or a passenger with other disabilities when:
 - (i) Entering the vehicle from the sidewalk; and
 - (ii) Exiting from the vehicle to the curbside.

- (2) Must secure a passenger with a disability and their mobility device within the Vehicle.

§53-10(a)	<p>[Fine: \$200]</p> <p><u>Fine: \$50 if plead guilty before a hearing and suspension; \$150 if found guilty following a hearing and suspension. Upon TLC-issued directive, the suspension is deferred for 30 days if the Driver completes the Passenger Assistance and Wheelchair Accessible Vehicle Re-Training course within the 30-day period then the Driver will not be suspended.</u></p> <p><u>Driver must provide proof to the TLC that the Re-Training course was completed from a TLC-approved Education provider that provides the Re-Training courses. In instances where TLC has not received proof of completion of a Re-Training course, TLC will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of the Re-Training course.</u></p>	Appearance NOT Required
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Section 3. Subdivision (b) of Section 53-10 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (b) *Packages.* An Approved Driver must place the packages and parcels of a passenger with a disability in the Vehicle and secure them and must retrieve them for the Passenger at the end of the trip.

§53-10(b)	<p>Fine: \$50 <u>and suspension; \$150 if found guilty following a hearing and suspension. Upon TLC-issued directive, the suspension is deferred for 30 days if the Driver completes the Passenger Assistance and Wheelchair Accessible Vehicle Re-Training course within the 30-day period then the Driver will not be suspended.</u></p> <p><u>Driver must provide proof to the TLC that the Re-Training course was completed from a TLC-approved Education provider that provides the Re-Training courses. In instances where TLC has not received proof of completion of a Re-Training course, TLC will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of the Re-Training course.</u></p>	Appearance NOT Required
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Section 4. Subdivision (d) of Section 53-10(d) of Title 35 of the Rules of the City of New York is amended to read as follows:

- (d) *Waiting for the Passenger with a disability.* An Approved Driver who has accepted a dispatch must wait for the passenger with a disability to appear curbside at the pick up

point for at least ten minutes after the time of arrival reported by the Driver for on-demand trips, and at least ten minutes after the scheduled pickup time indicated by the Dispatcher for advance reservation trips.

§53-10(d)	<p>Fine: \$50 <u>and suspension; \$150 if found guilty following a hearing and suspension. Upon TLC-issued directive, the suspension is deferred for 30 days if the Driver completes the Passenger Assistance and Wheelchair Accessible Vehicle Re-Training course within the 30-day period then the Driver will not be suspended.</u></p> <p><u>Driver must provide proof to the TLC that the Re-Training course was completed from a TLC-approved Education provider that provides the Re-Training courses. In instances where TLC has not received proof of completion of a Re-Training course, TLC will provide notice to the Driver prior to suspension that the Driver has a specified time of no less than 10 days from the date of the notice to provide proof of completion of the Re-Training course.</u></p>	Appearance NOT Required
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Section 5. Subparagraphs (3) and (4) of subdivision (c) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

(3) The Standard Lease Cap

- (i) For all other *Medallion*-only Taxicabs (including Accessible Taxicabs) is \$952 weekly except that if the Medallion Owner must place an Accessible Taxicab into service as required under subdivisions (a) and (c) or (e) of section 58-50 of these Rules, or is currently receiving payments under section 58-50(j)(2) of these Rules, the weekly lease for that Accessible Taxicab shall include a credit to the Driver of \$[77] 57.69 per week for the four year period of time required in section 58-50(f) of these Rules. This reduction is the result of the Medallion Owner’s receipt of payment under sections 58-50(j)(1)(ii) and (j)(2) of these Rules.

(4) Standard Medallion Lease Cap including Long Term Vehicle Lease/Conditional Purchase

- (ii) The Standard Lease Cap under this section for a Taxicab Medallion and vehicle is

- (A) \$994 weekly for the lease of the Medallion, if the vehicle complies with the requirements of Sections 67-05 or 6705.1C of these Rules and meets the requirements of Section 19-533 of the Administrative Code, plus \$275 weekly for the portion of the lease covering the conditional purchase of the vehicle; or
- (B) \$952 weekly for the lease of the Medallion, if the vehicle complies with the requirements of Sections 67-05.1 or 6705.2 of these Rules, plus \$275 weekly for the portion of the lease covering the conditional purchase of the vehicle, except that if the Medallion Owner must place an Accessible Taxicab into service as required under subdivisions (a) through (c) or (e) of section 58-50 of these Rules, or is currently receiving payments under section 5850 (j)(2) of these Rules, the weekly lease for that Accessible Taxicab shall include a credit to the driver of \$[77] 57.69 per week for the four year period of time required in section 58-50(f) of these Rules. This reduction is the result of the Medallion Owner's receipt of payment under sections 58-50 (j)(1)(ii) and (j)(2) of these Rules.

Section 6. Paragraphs (1) and (2) of subdivision (f) of section 58-21 of Title 35 of the Rules of the City of New York are amended to read as follows:

(f) *Non-Cash Payments.*

- (1) For any lease of a Taxicab (vehicle and Medallion) under paragraph 58-21(c)(1) or 58-21(c)(2), an Owner (or Owner's Agent) must pay a Driver, on a daily basis, the total amount of all non-cash payments, including E-Payments through the Technology System (if any), made during the Driver's shift, less the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 66-25. For trips provided in WAV vehicles, the Taxicab Improvement Driver Incentive Payment (as specified in TLC Rule 58-50(i)(2)) will be paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission. Drivers leasing a Taxicab on a weekly basis under section 58-21(c)(1)(i)E, 58-21(c)(1)(i)F, 58-21(c)(2)(i)E or 58-21(c)(2)(i)F may, at the Driver's discretion, be paid on a weekly basis. Payments to a Driver and access to these funds must be provided at no cost to the Driver. An Owner or the Owner's Agent must:
 - (i) Pay the Driver, including any sublessee Drivers, and if the Owner or the Owner's Agent delegates or assigns this responsibility to another party, the Owner or the Owner's Agent shall be responsible for making full payment to the Driver if any designee or assignee fails to pay the Driver as required, and Driver reports non-payment to the Owner or Owner's Agent within 90 days of non-payment.
- (2) For any lease not described in paragraph (1), an Owner (or Owner's Agent) must pay the Driver, on no less than a weekly basis, the total

amount of all non-cash payments, including E-Payments through Technology System (if any), made during that period, less the Taxicab Improvement Surcharge payable to the Taxicab Improvement Fund as set forth in Section 66-25. For trips provided in WAV vehicles, the Taxicab Improvement Driver Incentive Payment (as specified in TLC Rule 58-50(i)(2)) will be paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission. Payments to a Driver and access to these funds must be provided at no cost to the Driver. An Owner or the Owner's Agent must:

- (i) Pay the Driver, including any sublessee Drivers, and if the Owner or Owner's Agent delegates or assigns this responsibility to another party, the Owner or the Owner's Agent shall be responsible for making full payment to the Driver if any designee or assignee fails to pay the Driver as required, and Driver reports non-payment to the Owner or the Owner's Agent within 90 days of non-payment.

§58-21(f)(1)&(2)	Fine: \$100 In addition to the penalty payable to the Commission, the ALJ must order the Owner to pay restitution to the Driver, equal to the cost to the Driver.	Appearance NOT REQUIRED
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Section 7. Item E of subparagraph (vi) of subparagraph (3) of subdivision (g) of section 58-21 of Title 35 of the Rules of the City of New York is amended to read as follows:

- E. For leases of Medallions for which the Medallion Owner must place an Accessible Taxicab into service as required under subdivisions (a) through (c) or (e) of section 58-50 of these Rules or is currently receiving payments under section 58-50(j)(2) of these rules, a credit to the Driver in the weekly payment in the amount of \$[77] 57.69 as a result of the Medallion Owner's receipt of payment under section 58-50 (j)(1)(ii) of these Rules.

Section 8. Subdivision (e) of section 58-50 of Title 35 of the Rules of the City of New York, relating to transfer of accessible vehicle conversion requirement, is REPEALED, and subdivisions (f) through (j) are relettered (e) through (i).

Section 9. Subdivision (i) of section 58-50 of Title 35 of the Rules of the City of New York, as relettered by this rule, is amended to read as follows:

(i) *Taxi Improvement Fund Allocations.* Owners of Medallions and Drivers of Medallions who have submitted all required forms and documentation as specified by the Chairperson will receive allocations from the Taxi Improvement Fund as follows:

(1) Owners of Medallions who [have placed] place an Accessible Taxicab into service as required under subdivisions (a) through (c) [or who have assumed the accessibility requirement of another Owner under subdivision (e) of this section] will receive:

(i) *Hack-up Payment.* A one-time subsidy payment of at least \$[14,000] 20,000, determined by the Commission and posted on the Commission's website. Such payment will be the same for all eligible Medallion Owners. Such a payment will be allocated to a Medallion only if the Accessible Vehicle operating on such Medallion has not previously received such a payment. This determination will be based on the Vehicle Identification Number (VIN) of the Accessible Vehicle. Used vehicles that have been converted to Accessible Vehicles pursuant to section 67-05.2(e) of these Rules are not eligible for this subsidy.

(ii) *Accessible Vehicle Operational Payments.* [A] For all Accessible Vehicles hacked up after the effective date of this rule, a series of equal payments adding up to [no less than] a total of \$[16,000] 3,000 per year of service for a maximum period of 7 years. The frequency and amount of such payments will be [determined by the Commission and posted on the commission's website, but such payments will be] \$750 made [at least three (3)] four (4) times per year. Such payments will be the same for all eligible Medallion Owners. Payments will be issued provided that the Accessible Taxicab:

A. Meets the vehicle inspection requirements of section 58-29 of these Rules, [and]

B. With the exception of the first payment following initial Hack-up, has completed a minimum of [250] 500 Passenger trips since the previous inspection.

C. Was logged onto the Accessible Taxi Dispatcher system through the Dispatch Equipment while in operation during the period since the previous inspection.

(2) Drivers of Accessible Taxicabs will receive periodically, a per-trip payment for each Passenger trip while driving an Accessible Taxicab. The per-trip payment amount will be determined based on a review of available funds and the availability of drivers. The per-trip payment amount will be posted on the TLC Web site.

- (3) Allocation amounts provided for in paragraphs (1) and (2) of this subdivision will be reviewed and adjusted as provided in subdivision (g) of this section.

Section 9. Section 58-50 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (j), to read as follows:

(j) Terms of Taxi Improvement Funds Disbursements.

(1) Medallion Owner application and assignment of funds

- (i) A medallion owner must file an application for a Grant in the form and manner specified by the Chairperson and must provide all documentation required. The medallion owner is subject to all requirements of this Chapter regarding representations and information provided to the Chairperson.
- (ii) A medallion owner must complete a Taxi Improvement Funding agreement. The agreement will be in the form and manner specified by the Chairperson, and the medallion owner completing the agreement must provide all documentation required.
- (a) Individual Medallion or Minifleet owners of no more than two medallions may be eligible for disbursement of funds in advance of the purchase of the Accessible vehicle.
- (b) Minifleet Medallion owners of more than two medallions will be eligible for the reimbursement of funds upon purchase of the Accessible vehicle.
- (iii) The medallion owner must place the Accessible Vehicle into service within 60 days of disbursement of the payment from the Taxi Improvement Fund.

(2) No Outstanding Fines or Fees.

All open items against the Medallion Owner must be cleared, including but not limited to summonses issued by the Commission, outstanding fines and penalties owed to the Commission and incomplete License renewal requirements.

(3) Causes For Denial.

The Chairperson may deny a Taxi Improvement Fund application for stated reasons. In addition to other reasons set forth in this subchapter, the Chairperson may deny an application for funding if any of the following occurs:

- (i) The medallion owner has failed to submit all of the required documentation within 30 days of submitting the Taxi Improvement Fund application.

- (ii) The violation history of the medallion owner as a licensee of the Commission, including but not limited to substantiated complaints of fraudulent activity or criminal convictions, indicates that, in the judgment of the Chairperson, the application should be denied.
- (iii) There are material errors of omission in the Taxi Improvement Fund application or accompanying documentation.

For example, an applicant submits a VIN number associated with another vehicle that will not be subject to the conversion.

(4) Service Requirements.

- (i) The Taxi Improvement Fund allocation will be awarded for a qualified Accessible Vehicle. The Vehicle Identification Number (VIN) of the qualified Accessible Vehicle will be recorded by TLC for the purposes of TIF funding allocation.
- (ii) The medallion owner must ensure that the medallion remains continuously Hacked-Up with an Accessible Vehicle for the full period of 4 years.

(5) Failure to Meet Requirements.

- (i) Failure by the medallion owner to meet the requirements of the Taxi Improvement Funding disbursement will result in the immediate termination of such funding by the Commission.
- (ii) If the Medallion Owner fails to keep the Accessible Vehicle in service for the full period of 4 years, funding will be terminated and any TIF funds disbursed to the Medallion Owner must be returned unless the Medallion Owner places another Accessible Vehicle into service for the remainder of the 4-year period.
- (iii) The medallion owner must comply with orders from the Commission to repair or replace the Accessible Vehicle within 10 days.

(6) Termination of the Fund Disbursements.

The disbursement of funds to owners of no more than two medallions pursuant to section 58-50(i)(1)(ii) through the taxi improvement subsidy may be terminated by the Chair, if the Commission determines that the disbursed funds are not being used by medallion owners in accordance with the TLC Rules. Termination will be effective within 15 days of the Commission posting such notice on the TLC Website.

<u>58-50(i)(1)(iii)</u>	<u>Suspension until compliance</u> <u>Fine: \$1000 AND</u> <u>Restitution of Hack-up Payment</u>	<u>Appearance NOT</u> <u>REQUIRED</u>
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Section 10. Chapter 59C of Title 35 of the Rules of the City of New York is amended by adding a new section 59C-04, to read as follows:

59C-04 Specifications for Accessible For Hire Vehicles

(a) An Accessible Vehicle may be approved if it meets the following conditions:

- (1) It is a vehicle other than (i) a bus, (ii) a minibus, or (iii) a van, the chassis for which, as originally manufactured, is designed to seat eight or more persons.
- (2) It is capable of transporting at least one passenger using a common wheelchair (as wheelchair is defined in Code of Federal Regulations, title 49, section 37.3).

(b) The chassis of the Accessible Vehicle, as originally manufactured, must have:

- (1) A maximum horsepower of 290.
- (2) The original equipment manufacturer's suspension and steering components.
- (3) No bumper modifications.

(4) Exception regarding bumpers: A bumper modified to allow installation of a rear-entry ramp may be approved if it satisfies either of the following:

(i) Modification by secondary manufacturer:

- a. The rear bumper is reinforced.
- b. The modification is approved by the vehicle manufacturer.
- c. The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
- d. Any rear door lock modifications must meet the Federal Motor Vehicle Safety Standards and the lock must be attached to the chassis, not the ramp, unless a secondary lock is attached to the chassis.

(ii) Modification by other than secondary manufacturer:

- a. The rear bumper is reinforced.
- b. The modification is approved by the vehicle manufacturer.
- c. The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
- d. The modifier must retain an engineer with at least a bachelors degree in either mechanical engineering or electrical engineering with at least 3 years' experience in automotive manufacturing to certify that each vehicle was modified using the design tested to meet or exceed Federal Motor Vehicle Safety Standards crash testing requirements.
- e. A separate certification from such engineer for each vehicle must be presented to the TLC indicating that the requirements set forth in items a

through c of this subparagraph have been met.

f. Any rear door lock modifications must meet the Federal Motor Vehicle Safety Standards and the lock must be attached to the chassis, not the ramp, unless a secondary lock is attached to the chassis.

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

(1) The minimum ground clearance (measured from frame, loaded to gross vehicle weight rating) must be 5 inches.

(2) (i) The passenger compartment length (measured from rear of driver’s seat base to rear seat base) must be not less than 56 inches.

(ii) Exception: For an Accessible Taxicab designed to carry a Passenger using a wheelchair in the front right position beside the Driver, the passenger compartment length must be not less than 38 inches.

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

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

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

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

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

(6) The original floor of the Accessible Vehicle, if lowered, must be lowered from the base of the firewall to the area immediately in front of the rear axle.

(7) If a lowered floor assembly is used, it must be stainless steel (16 gauge minimum) and must meet or exceed the 1,000 hour salt spray rating.

(8) If a lowered floor assembly is used, a vapor-insulating barrier of ½ inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.

(9) The wheelchair ramp must not block any part of the door or glass while in the stowed position.

(10) The system provided to securely hold one or more wheelchairs in place must be the system known as Q straint QRT Standard or, if an alternative system, it must meet or exceed the Q straint QRT Standard.

(11) No anchor points may project more than 1/8 of an inch above the finished floor.

(12) If the Accessible Vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and must meet the requirements of the Federal Motor Vehicle Safety Standard No. 207, Code of Federal Regulations, title 49, and section 571.207.

(13) Any modifications to the rear air conditioning must be approved by the OEM.

(14) Any and all electrical wiring, other than as provided by the OEM, must be PVC-or-better insulated and color-coded for positive identification.

(15) The back-up alarm must be an electrically operated device that produces an intermittent audible signal when the Accessible Vehicle's transmission is shifted into reverse.

(16) The converted vehicle must be purchased from the same converter which has manufactured the necessary parts/components and provided the labor to convert the vehicle.

Section 11. Subdivisions (a) and (b) of section 66-25 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) Taxicab Improvement Fund.

- (1) A Technology System Provider and/or E-Hail Application Provider must pay the collected Taxicab Improvement Surcharge remitted by the Taxicab Driver to the Taxicab Improvement Fund within 60 days of the end of the payment period. For example, the Taxi Improvement Surcharge due for the month of July must be remitted to the TLC in its entirety by October 1st.
- (2) The Technology System Provider and/or E-Hail Application Provider must pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time and in the manner required by the Commission.
- (3) If a Technology System Provider and/or E-Hail Application Provider does not pay the Taxicab Improvement Surcharge to the Taxicab Improvement Fund at the time required, non-payment will be grounds for suspension of the Technology System Provider License or E-Hail Application Provider License, and/or denial of any renewal application or of any application for another TLC-issued license, as well as monetary penalties.

§66-25(a)(1)-(3)	Penalty: \$1000 fine and suspension until compliance	Appearance REQUIRED
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- (4) For trips provided in WAV vehicles, the Taxicab Improvement Driver Incentive Payment (as specified in TLC Rule 58-50(i)(2)) will be paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission.
- (5) For trips provided in non-WAV vehicles, the Taxicab Improvement Surcharge (as specified in TLC Rule 58-26(a)(1)(i)) will be paid directly to the TLC's Taxi Improvement Fund by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission.
- (6) For trips provided in WAV vehicles, distribution records of the Taxicab Improvement Surcharge paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider must be submitted to the TLC on a monthly basis at the time and in the manner required by the Commission.

§66-25(a)(4)-(5)	<u>Penalty: \$500 fine and the Technology System Provider shall pay restitution to the Driver, equal to the lack of payment received by the Driver.</u>	<u>Appearance REQUIRED</u>
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(b) Street Hail Livery Improvement Fund.

- (1) A Technology System Provider and/or E-Hail Application Provider must pay the collected Street Hail Livery Improvement Surcharge remitted by the Street Hail Livery Driver to the Street Hail Livery Improvement Fund within 60 days of the end of the payment period. For example, the Street Hail Livery Improvement Surcharge due for the month of July must be remitted to the TLC in its entirety by October 1st.
- (2) The Technology System Provider and/or E-Hail Application Provider must pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time and in the manner required by the Commission.
- (3) If a Technology System Provider and/or E-Hail Application Provider does not pay the Street Hail Livery Improvement Surcharge to the Street Hail Livery Improvement Fund at the time required, non-payment will be grounds for suspension of the Technology System Provider License or E-Hail Application Provider License, and/or denial of any renewal

application or of any application for another TLC-issued license, as well as monetary penalties.

§66-25(b)(1)-(3)	Penalty: \$1000 fine and suspension until compliance	Appearance REQUIRED
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- (4) For trips provided in WAV vehicles, the Street Hail Livery Improvement Driver Incentive Payment (as specified in TLC Rule 82-70(b)) will be paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission.
- (5) For trips provided in non-WAV vehicles, the Street Hail Livery Improvement Surcharge (as specified in TLC Rule 82-26(a)(1)(i)) will be paid directly to the TLC’s Street Hail Livery Improvement Fund by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission.
- (6) For trips provided in WAV vehicles, distribution records of the Street Hail Livery Improvement Driver Incentive Payment paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider must be submitted to the TLC on a monthly basis at the time and in the manner required by the Commission.

§66-25(b)(4)-(5)	Penalty: \$500 fine and the Technology System Provider shall pay restitution to the Driver, equal to the lack of payment received by the Driver.	Appearance REQUIRED
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Section 12. Section 67-05.2 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (16) to subdivision (b) and adding a new subdivision (e), to read as follows:

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

(16) The converted vehicle must be obtained from the same converter which has manufactured the necessary parts/components and provided the labor to convert the vehicle.

(e) Requirements for used vehicle conversion to an Accessible Vehicle. A used non-

accessible vehicle may be Hacked-up as an Accessible Vehicle for use as an Accessible Taxicab, only if:

- (1) The converted vehicle meets the specifications set forth in this section.
- (2) The converter is approved by the Commission and submits documentation in a form and manner prescribed by the Commission indicating that the conversion was performed in accordance with the specifications set forth in this section.
- (3) The vehicle is included in the list of Commission approved vehicles posted on the TLC Web site.
- (4) The converted vehicle passes the required Commission inspections.

Section 13. Subdivisions (b) and (d) of section 67-06 of Title 35 of the Rules of the City of New York are amended to read as follows:

(b) *Putting Vehicle into Service the First Time.* A Taxicab Model may be Hacked-up for use as a Taxicab, only if it:

- (1) Is new, having fewer than 500 miles on the odometer and is one of the manufacturer's two latest vehicle model years (Example: If in calendar year [2008] 2022 the manufacturer introduces the [2009 Caprice] 2023 Camry, only [2009] 2022 and [2008] 2023 [Caprices] Camrys may be Hacked-up); or
- (2) Is a used Taxicab or Wheelchair Accessible Taxicab Model less than seven years old and passes TLC inspection, except for conversion of a used non-Accessible vehicle into an Accessible vehicle, as provided in subdivision (e) section 67-05.2 of these Rules.

(d) *Limited Right to "Re-Hack" for Transfer.* A vehicle that has been Hacked-up may be transferred to another Medallion, with the approval of the Commission and in accordance with the Accessibility requirements of subdivisions (a) through (e) of section 58-50 of these Rules, only if the vehicle passes inspection, has not yet met its Scheduled Retirement Date and meets one of the following conditions:

- (1) *Repossessions.* The vehicle is purchased through a bank or other lender that has acquired the right to sell the vehicle through repossession and the repossession occurs within 24 months of Hack-up.
- (2) *Same Medallion Owner or Agent.* The owner (or owner's Agent) of the Medallion transfers the vehicle to another Medallion operated by the same owner or agent.
- (3) *Compressed Natural Gas Vehicle.* The owner of a Medallion (or the owner's

agent) may transfer a vehicle fueled by Compressed Natural Gas to any other Medallion owned by the same owner.

(4) *Transfer of Medallion and Vehicle.* A vehicle which is in use with an Independent Medallion and is not at its Scheduled Retirement Date can continue in use with that Medallion following the transfer of that Medallion until its Scheduled Retirement Date if it passes all inspections and if the vehicle meets all of the following:

- (ii) the vehicle is acquired by a Transferee of an Independent Medallion together with that Medallion from the Transferor of that Independent Medallion and
- (iii) the vehicle was operated by the Transferor of that Independent Medallion with that Medallion.

Example (1)

If a medallion is currently affixed to an Accessible Vehicle and has completed its required 4-year Accessible Taxicab cycle, the medallion may be re-hacked with a used non-Accessible Vehicle, since the next cycle would permit the use of a non-Accessible Taxicab.

Example (2)

If the medallion is currently affixed to a non-Accessible Vehicle, pursuant to section 58-50 of these Rules, the medallion may only be re-hacked with a used Accessible Vehicle once the non-Accessible vehicle is removed from service.

Section 14. Section 67-18 of Title 35 of the Rules of the City of New York, relating to vehicle retirement, is REPEALED, and a new section 67-18 is added, to read as follows:

67-18 Scheduled Vehicle Retirement

(a) New Vehicles

(1) Non-Wheelchair Accessible Vehicles

All vehicles Hacked-up as new vehicles pursuant to TLC Rule 67-06(b)(1) must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up.

(2) Wheelchair Accessible Vehicles

All new Accessible Vehicles that are or have been Hacked-up pursuant to TLC Rule 67-06(b)(1) shall have no set retirement date, contingent upon the

Accessible vehicle passing its regularly scheduled inspections.

(b) Used Vehicles.

(1) Non-Wheelchair Accessible Vehicles

All non-Accessible vehicles Hacked-up as used vehicles pursuant to TLC rule 67-06(b)(2) must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 84 months after the vehicle was Hacked-up, less the age of the vehicle as determined by the difference between the calendar year at Hack-up and the model year of the vehicle.

Example

A used 2018 model year vehicle that was hacked up in 2022 is three years old and must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 48 months after the vehicle was Hacked-up.

(2) Wheelchair Accessible Vehicles

All used Accessible Vehicles that are or have been Hacked-up pursuant to TLC Rule 67-05.2 shall have no set retirement date, contingent upon the Accessible vehicle passing its regularly scheduled inspections.

Section 15. Paragraph (4) of subdivision (j) of Section 80-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) *Passenger Assistance and Wheelchair Accessible Vehicle Training.*

Applicants for a new TLC Driver License or for renewal of a TLC Driver License must complete the Passenger Assistance and Wheelchair Accessible Vehicle Training as a condition of licensure. [Applicants for a renewal TLC Driver License who have never attended and completed Passenger Assistance and Wheelchair Accessible Vehicle Training must attend and complete such training, in order to renew the TLC Driver License.]

Section 16. Paragraphs (2) through (4) of subdivision (g) of section 82-17 of Title 35 of the Rules of the City of New York are renumbered paragraphs (3) through (5), and a new paragraph (2) is added, to read as follows:

(2) For trips provided in WAV vehicles, the Street Hail Livery Improvement Driver Incentive Payment (as specified in TLC Rule 82-70(b)) will be paid directly to the Driver by the Technology System Provider and/or E-Hail Application Provider at the time and in the manner required by the Commission.

Section 17. Section 82-68 of Title 35 of the Rules of the City of New York, relating to grant amounts allocated from the Street Hail Livery Taxi Improvement Fund, is REPEALED, and a new section 82-68 is added, to read as follows:

82-68. Street Hail Livery Taxi Improvement Fund Allocations.

Owners of Street Hail Liveries and Drivers of Street Hail Liveries who have submitted all required forms and documentation as specified by the Chairperson will receive allocations from the Street Hail Livery Taxi Improvement Fund as follows:

- (1) Owners of Street Hail Liveries who place an Accessible Street Hail Livery into service will receive:

- (i) Hack-up Payment. A one-time subsidy payment of at least \$20,000, determined by the Commission and posted on the Commission's website. Such payment will be the same for all eligible Street Hail Livery Owners. Such a payment will be allocated to a Street Hail Livery only if the Accessible Vehicle operating on that Street Hail Livery permit has not previously received such a payment. This determination will be based on the Vehicle Identification Number (VIN) of the Accessible Vehicle.

- (ii) Accessible Vehicle Operational Payments. For all Accessible Vehicles hacked up after the effective date of this rule, a series of equal payments adding up to a total of \$3,000 per year of service for a maximum period of 7 years. The frequency and amount of such payments will be \$750 made four (4) times per year. Such payments will be the same for all eligible Street Hail Livery Owners. Payments will be issued provided that the Accessible Street Hail Livery:

- A. Meets the vehicle inspection requirements of section 82-50 of these Rules,
 - B. With the exception of the first payment following initial Hack-up, has completed a minimum of 500 Passenger trips since the previous inspection.
 - C. Was logged onto the Street Hail Livery Enhancement Project system through the Dispatch Equipment while in operation during the period since the previous inspection.

- (2) Drivers of Accessible Street Hail Liveries will receive, periodically, a per-trip payment for each Passenger trip while driving an Accessible Taxicab. The per-trip payment amount will be determined based on a review of available funds and the availability of drivers. The per-trip payment amount will be posted on the TLC Web site.

**NEW YORK CITY LAW DEPARTMENT
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**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Wheelchair Accessible Vehicles and Other Rules

REFERENCE NUMBER: 2024 RG 008

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: April 4, 2024

**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 Rules Relating to Wheelchair Accessible Vehicles and Other Rules

REFERENCE NUMBER: TLC-141

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 a cure period is not practicable under the circumstances.

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

April 4, 2024
Date