

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”) is proposing to amend its rules to improve the wait time requirements for the dispatching of Wheelchair Accessible Vehicles by Accessible Vehicle dispatchers and the reporting requirements of High-Volume, For-Hire Services.

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 December 11, 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 December 10, 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:

- **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 December 10, 2024. 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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by December 10, 2024.

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 December 10, 2024. 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 and 2303 of the City Charter and Section 19-503 of the New York City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in TLC's regulatory agenda for fiscal year 2024 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? 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

In 2018, TLC promulgated rules to improve wheelchair-accessible vehicle (WAV) service in the for-hire vehicle (FHV) industry, with the aim of ensuring more New Yorkers and visitors have access to the black cars, liveries, and community car services that form a critical component of the city's transportation system. Those rules required FHV bases to either (a) dispatch 25% of their trips to WAVs by 2022 or (b) meet certain passenger wait time requirements for WAV requests directly or by working with an approved WAV dispatcher. The rules codified passenger wait time as a key measure for assessing the quality of service provided by accessible vehicle dispatchers and their affiliated FHV Bases, and established wait time benchmarks that were tightened over a four-year period. The strictest wait time benchmarks, in place since June 2021, require accessible vehicle dispatchers to serve at least 80% of requests for WAVs in under 10 minutes and 90% in under 15 minutes.

The quality of FHV WAV service has improved steadily since wait time requirements were introduced in 2019, including after 2021 when the current benchmarks took effect. In May 2019, for example, Uber and Lyft—both approved accessible vehicle dispatchers—took longer than 15 minutes to serve about half of riders who requested a WAV compared to fewer than 2% of riders in other vehicles. By December 2023, however, both companies served over 96% of WAV requests in under 15 minutes. That number, though a sign of marked progress, still falls short of the level of service provided to customers in other, non-accessible, vehicles.

A combination of the WAV exemption to the FHV license pause (while the TLC stopped issuing new FHV Licenses for non-wheelchair accessible vehicles, the agency continued to provide FHV Licenses where the vehicle in question was wheelchair accessible) and the wait time requirements for dispatchers has encouraged growth of the accessible vehicle fleet. In 2018,

there were more than 260 million FHV trips and very limited wheelchair accessible FHV availability (263 total FHV WAVs were licensed at the end of 2018). In 2023, with total trip volume slightly below 2018 levels at roughly 251 million total trips, 18 million accessible trips were provided in nearly 6,000 WAVs. With the increased vehicle availability, accessible dispatchers should be able to meet stricter response-time targets and improve service.

To encourage accessible vehicle dispatchers and their associated FHV bases to continue prioritizing and improving the quality of accessible vehicle service, TLC is proposing amendments to its rules that would require that dispatchers serve at least 90% of WAV requests in under 10 minutes. The rules would also remove outdated compliance benchmarks.

In addition to amending the wait time requirements, these proposed rules make other changes related to FHV accessibility, including by requiring high-volume for-hire services to report on-scene time so that TLC can better compare WAV and non-WAV wait times.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this commission, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraph (3) of subdivision (f) of section 59B-17 of Title 35 of the Rules of the City of New York is amended to read as follows:

- (3) *Response Time Requirement for Requests for Accessible Vehicles for Accessible Vehicle Dispatchers*
 - (i) [Between June 1, 2019, and June 30, 2019, the Accessible Vehicle dispatcher must service at least sixty percent (60%) of all the requests for Accessible Vehicles it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes.
 - (ii) Between June 1, 2020, and June 30, 2020, the Accessible Vehicle dispatcher must service at least eighty percent (80%) of all the requests for Accessible Vehicles it receives in under fifteen (15) minutes and ninety percent (90%) of those requests in under thirty (30) minutes.
 - (iii) Between June 1, 2021 and June 30, 2021, and continuing each quarter thereafter, the]The Accessible Vehicle dispatcher must service at least [eighty] ninety percent ([80]90%) of all the requests for Accessible Vehicles it receives in under ten (10) minutes [and ninety percent (90%) of those requests in under fifteen (15) minutes].

(iv) Between the effective date of subdivision (f) and June 30, 2020, the percentage of trips that meet the applicable response time criteria must improve each quarter, measured from the effective date of subdivision (f) for purposes of (i) above and measured from the beginning of the compliance periods for (ii) and (iii) above, until such time as the Accessible Vehicle dispatcher meets the response time requirements contained in (i), (ii), and (iii) above.

(v)(ii) For purposes of (i) [and (ii)], “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger [within fifteen (15) minutes of the requests and for purposes of (iii), “requests” will not include requests for Accessible Vehicles that were cancelled by the passenger] within ten (10) minutes of the request[s].

(vi)iii) If an Accessible Vehicle dispatcher fails to meet the requirements contained in (i)[, (ii), (iii), and (iv)] above, the Commission will notify the Accessible Vehicle dispatcher and provide the Accessible Vehicle dispatcher thirty (30) days to come into compliance with the stated response time requirement. Failure to come into compliance within thirty (30) days of notification may result in termination of the Accessible Vehicle dispatcher’s approval, immediately subjecting the Accessible Vehicle dispatcher to the requirements contained in section 59B-17(c)(1), pro-rated for the duration of the compliance period.

Section 2. Subparagraphs (xi) and (xii) of paragraph (1) of subdivision (a) of section 59D-14 of Title 35 of the Rules of the City of New York are amended and a new subparagraph (xiii) is added, to read as follows:

(xi) If the trip enters the Congestion Zone but the pick-up did not occur in the Congestion Zone, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle entered the Congestion Zone and, if applicable, the date, time, and location (latitude, longitude, and human-readable street address) of the point at which the vehicle exited the Congestion Zone, [and]

(xii) An indicator as to whether the trip was administered as part of the MTA’s Access-A-Ride program and,

(xiii) the time at which the dispatched Vehicle reached the pickup location.

**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 Wait Time Restrictions for High-Volume For-Hire Services

REFERENCE NUMBER: 2024 RG 086

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: October 18, 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 Wait Time Restrictions for High-Volume For-Hire Services

REFERENCE NUMBER: TLC-146

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 18, 2024
Date