

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 require that all taxicab vehicles hacked up must be Accessible Vehicles in order to comply with a federal court order requiring that fifty percent of the City’s taxicab fleet be attached to a Wheelchair Accessible Taxicab.

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 October 10, 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 5:00pm on October 9, 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.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can speak for up to three minutes. 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 October 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 9, 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

The TLC is proposing rules to implement the Memorandum Decision and Order of the United States District Court, Southern District of New York dated August 29, 2024 in *The Taxis for All Campaign, et al v. TLC, et al* (11 Civ. 0237 (GBD)). The Order mandates that the TLC “immediately take all necessary steps to modify TLC’s current 50% rule to implement a 100% Rule” to ensure that 50% of all active medallions (those medallions currently affixed to Taxicab Vehicles and not in storage) are being operated with a Wheelchair Accessible Vehicle (“WAV”) by March 31, 2025 and 50% of all authorized medallions are attached to a WAV by the end of 2028.

Specifically, the proposed rules would:

- Require that all taxi hack-ups be WAVs.
- Repeal outdated language establishing a lottery system for fifty percent conversion of taxicabs.
- Permit “Re-hacks” for WAVs only.
- Eliminate outdated language for Clean Air I and II vehicles, compressed natural gas and diesel-fueled vehicles.

In order to enable TLC to reach these court-mandated goals, TLC is also proposing to remove the ability of taxicab owners of aging non-WAV taxis to keep them on the road for additional years beyond their scheduled retirement.

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

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Section 51-03 of Title 35 of the Rules of the City of New York is amended by deleting the definition for Accessible Conversion Start Date and amending the definition for Alternative Fuel Medallion, as follows:

[**Accessible Conversion Start Date** is the date which is the earlier of (1) the date on which there is available an Accessible Taxicab Model that meets the specifications of Section 67-05.2 of these Rules and the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, or (2) January 1, 2016. To the extent possible, the Chairperson will place a notice of the Accessible Conversion Start Date on the Commission's Web site at least 60 days prior to the Accessible Conversion Start Date.]

Alternative Fuel Medallion is a Restricted Medallion valid for use only with a vehicle powered by compressed natural gas or a hybrid electric vehicle that complies with section 67-05 of these Rules[. Provided, that, after the OTV Activation Date, and until such time, if any, as an Official Taxicab Vehicle meets the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, an Alternative Fuel Medallion] and must be used with an Accessible Taxicab Model meeting the specifications set forth in [§67-05.1C] §67-05.2 of these Rules.

Section 2. Section 58-03 of Title 35 of the Rules of the City of New York is amended by deleting paragraph (a), the definition for Accessible Conversion Start Date, as follows:

§58-03 Definitions Specific to this Chapter

- (a) [*Accessible Conversion Start Date* is the date which is the earlier of (1) the date on which there is available an Accessible Taxicab Model that meets the specifications of Section 67-05.2 of these Rules and the requirements of §19-533 of the Administrative Code, as certified by the Chairperson, or (2) January 1, 2016. To the extent possible, the Chairperson will place a notice of the Accessible Conversion Start Date on the Commission's Website at least 60 days prior to the Accessible Conversion Start Date.]
Reserved.

Section 3. Section 58-50 of Title 35 of the Rules of the City of New York is amended by deleting subdivisions (a) through (d), as follows:

§58-50 Accessible Vehicle Conversion. [

- (a) *Accessible Vehicle Hack-up: Unrestricted and Alternative Fuel Minifleet Medallions*
 - (1) Beginning on the Accessible Conversion Start Date, any Unrestricted Medallion which is a Minifleet Medallion for which a new vehicle is placed into service must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules until at least 50 percent of the Unrestricted Minifleet Medallions owned by such Minifleet are Hacked-up with an Accessible Taxicab that meets the requirements of Section 67-05.2 of these Rules.
 - (2) Following the Accessible Conversion Start Date and beginning at such time that there is available a vehicle qualified for use with an Alternative Fuel Medallion that is also qualified as an Accessible Taxicab under Chapter 67 of these Rules, any Alternative Fuel Minifleet Medallion for which a new vehicle is placed into service must be Hacked-up with a vehicle that is qualified for use with both an Alternative Fuel Medallion and an Accessible Medallion under Chapter 67 of these Rules, until at least 50 percent of the Alternative Fuel Minifleet Medallions owned by such Minifleet are Hacked-up with such vehicles.
- (b) *Accessible Vehicles Hacked-up.* An Accessible Vehicle, as indicated by vehicle identification number, which is Hacked-up with any Minifleet Medallion in order to comply with Accessible Taxicab Hack-up requirements for a Minifleet Medallion under subdivision (a) of this section can satisfy an Accessible Taxicab Hack-up requirement under subdivision (a) only at the time of first Hack-up.
- (c) *Accessible Vehicle Hack-up: Unrestricted and Alternative Fuel Independent Medallions*
 - (1) Beginning on the Accessible Conversion Start Date, 50 percent of all Unrestricted Medallions which are Independent Medallions for which a new vehicle is placed into service in each calendar year must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules.
 - (2) Following the Accessible Conversion Start Date and beginning at such time that there is available a vehicle qualified for use with an Alternative Fuel Medallion that is also qualified as an Accessible Taxicab under Chapter 67 of these Rules, 50 percent of all Alternative Fuel Independent Medallion for which a new vehicle is placed into service in each calendar year must be Hacked-up with a vehicle that is

qualified for use with both an Alternative Fuel Medallion and an Accessible Medallion under Chapter 67 of these Rules.

- (3) The TLC will select the Independent Medallions that will be subject to this requirement in a bi-annual lottery. This procedure will also be used for Alternative Fuel Medallions when a qualifying vehicle is available. The lottery will determine accessible vehicle Hack-up requirements for Independent Medallions (including Alternative Fuel Independent Medallions when applicable) until the next following scheduled vehicle replacement for those medallions.
 - (4) The TLC will conduct the lottery on or before January 1 of each year for medallions which must place an Accessible Taxicab into service from July 1 to December 31 of that year. For medallions which must place an Accessible Taxicab into service from January 1 to June 30 of the next calendar year, the lottery will be held on or before July 1 of the preceding year.
 - (5) The TLC will post on its Web site which Independent Medallions must be Hacked-up with an Accessible Taxicab meeting the requirements of Section 67-05.2 of these Rules as soon as practicable following the lottery.
 - (6) Those Medallions that are not selected in the lottery held pursuant to paragraph (iv) of this subdivision to Hack-up an Accessible Taxicab in their next vehicle replacement will be required to place an Accessible Taxicab into service in their next following scheduled vehicle replacement.
- (d) Any vehicle valid for use with an Unrestricted Medallion or Alternative Fuel Medallion and Hacked-up prior to the Accessible Conversion Start Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.] ***Reserved.***

Section 4. Section 67-05 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-05 Taxicab Model Choice

- (a) *Unrestricted Medallions.* Unrestricted Medallions may be used with any Accessible Taxicab Model that complies with [§67-05.1 or] §67-05.2 of these Rules. [If at any time an Unrestricted Medallion is required by law or rule of the Commission for use with an Accessible Vehicle, the owner of such medallion must purchase an Accessible OTV or lease such medallion for use with an Accessible OTV. Provided, however, that with the

Chairperson's approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any Accessible Vehicle which meets the specifications set forth in §67-05.2 of these Rules, or lease their medallions for use with such a vehicle.]

- (b) *Alternative Fuel Medallions.* Alternative Fuel Medallions may be used with any Taxicab Model that:
 - (1) complies with §67-05.[1]2 of these Rules; and
 - (2) is a Hybrid Electric Vehicle or is powered by compressed natural gas that is manufactured by an original equipment manufacturer (OEM) for the general commercial or consumer market.
- (c) *Accessible Medallions.* Accessible Medallions may be used with [the Accessible OTV or] any Accessible Taxicab Model that complies with §67-05.2 of these Rules.
- (d) Any vehicle valid for use with any Medallion at the time the vehicle was Hacked-up can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter[, as may be modified by §67-19].

Section 5. Section 67-05.1 of Title 35 of the Rules of the City of New York, relating to specifications for non-accessible taxicabs, is REPEALED.

Section 6. Section 67-06 of Title 35 of the Rules of the City of New York is amended to read as follows:

§67-06 Requirements for Hacking Up a Taxicab

- (a) *Requirement.* Only Accessible Taxicab Models may be Hacked-Up.
- (b) *Putting Vehicle into Service the First Time.* [A] An Accessible 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 2022 the manufacturer introduces the 2023 [Camry] Sienna, only 2022 and 2023 [Camrys] Siennas may be Hacked-up); or

- (2) Is a [used Taxicab Model less than seven years old and passes inspection, except for] conversion of a used non-Accessible vehicle into an Accessible vehicle, as provided in subdivision (e) of section 67-05.2 of these Rules.
- (c) *Continuation in Service.* Upon Hack-up, a vehicle may continue in service with the same Medallion so long as the vehicle passes inspection and has not yet met its Scheduled Retirement Date, as set forth in §67-18[, as may be extended by §67-19, below].
- (d) *Limited Right to “Re-Hack” for Transfer.* A vehicle that has been Hacked-up as an Accessible Taxicab 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:
- (i) the vehicle is acquired by a Transferee of an Independent Medallion together with that Medallion from the Transferor of that Independent Medallion and
- (ii) 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.]

- (e) *Re-Hack Transfer Inspection Fee.* The Commission may charge an inspection fee of \$50 to inspect a vehicle for transfer to another Medallion as a re-hack. If necessary, the Commission may charge \$25 for replacement of New York State DMV license plates.

Section 7. Section 67-18 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c), to read as follows:

§67-18 Scheduled Vehicle Retirement

- (c) *Final Retirement Date.* A vehicle which cannot pass inspection as provided in subdivision (f) of section 19-504 of the Administrative Code must be replaced, regardless of whether its Scheduled Retirement Date has been reached. A vehicle other than a Wheelchair Accessible Vehicle that has reached its Scheduled Retirement Date, including any extensions previously provided for, must be retired as of that date regardless of whether it may still pass inspection.

Section 8. Section 67-19 of Title 35 of the Rules of the City of New York, relating to vehicle retirement extensions, is REPEALED.

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

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NEW YORK, NY 10007

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CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Amendment of Rules Relating to Taxicab Hackup and Retirement

REFERENCE NUMBER: 2024 RG 096

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

Date: September 5, 2024

Senior Counsel

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 Taxicab Hackup and Retirement

REFERENCE NUMBER: TLC-148

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

September 6, 2024

Date