

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes rules to defer by one year the commencement date for promulgated rules governing minimum miles per gallon for black cars and mandatory retirement rules for black cars.

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and sections 19-503 and 19-504 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC’s regulatory agenda for Fiscal Year 2009, because the need for them was not anticipated at the time the regulatory agenda was prepared.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on February 12, 2009, at 9:30 a.m. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone number given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than February 9, 2009.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs, addressed as follows, and must be received no later than February 9, 2009.

Charles R. Fraser
Deputy Commissioner of Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1117
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. Subdivisions (a) and (b) of Section 6-09 and Subdivisions (a), (b), (c), (d) and (e) of Section 6-10 of Chapter 6 of Title 35 of the Rules of the City of New York are amended, to read as follows:

§6-09 Black Car Vehicle Specifications.

(a) Beginning on January 1, [2009] 2010, no vehicle that is the subject of a new application for a for-hire vehicle permit shall be affiliated with a black car base unless the for-hire vehicle meets either the requirements of an accessible vehicle pursuant to section 6-07(f) of this chapter or section 3-03.2 of this title, or has a minimum city rating of twenty-five (25) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto. For purposes of this subdivision, an application for a for-hire vehicle permit after a previous permit has expired will be considered a new application. For-hire vehicles that are affiliated with luxury limousine or livery bases are not subject to the requirements of this subdivision.

(b) Beginning on January 1, [2010] 2011, no vehicle that is the subject of a new application for a for-hire vehicle permit shall be affiliated with a black car base unless the for-hire vehicle meets either the requirements of an accessible vehicle pursuant to section 6-07(f) of this chapter or section 3-03.2 of this title, or has a minimum city rating of thirty (30) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto. For purposes of this subdivision, an application for a for-hire vehicle permit after a previous permit has expired will be considered a new application. For-hire vehicles that are affiliated with luxury limousine or livery bases are not subject to the requirements of this subdivision.

§6-10 Affiliation with Black Car Bases.

(a) All for-hire vehicles affiliated with black car bases that are model year 2001 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, [2009] 2010.

(b) All for-hire vehicles affiliated with black car bases that are model year 2003 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, [2010] 2011.

(c) All for-hire vehicles affiliated with black car bases that are model year 2005 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, [2011] 2012.

(d) All for-hire vehicles affiliated with black car bases that are model year 2006 or earlier must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, [2012] 2013; provided, however, a for-hire vehicle that is [five] six model years old upon its permit expiration on and after January 1, [2012] 2013, shall not be affiliated with a black car base after one year following such renewal.

(e) All for-hire vehicles affiliated with black car bases that are [six (6)] seven (7) model years old or older and are not specified in subdivisions (a), (b), (c) or (d) of this section must be retired from black car service no later than the expiration dates of their for-hire vehicle permits on and after January 1, [2013] 2014 and every year thereafter; provided that a for-hire vehicle that is [five] six model years old upon its permit renewal on or after January 1, [2013] 2014 shall not be affiliated with a black car base after one year following such renewal.

Section 2. Subdivision (p) of Section 6-12 of Chapter 6 of Title 35 of the Rules of the City of New York is amended, to read as follows:

§6-12 Conditions of Operation Relating to For-Hire Vehicles.

(p) (1) Beginning on January 1, 2010, [To] to be affiliated with a black car base, a vehicle owned or leased by a new applicant must meet the requirements set forth in sections 6-09 and 6-10 of this chapter. For purposes of this paragraph (p)(1), a “new applicant” is the owner or lessee of a vehicle who does not hold a current for-hire vehicle permit for that vehicle.

(2) Beginning on January 1, 2011, [To] to be affiliated with a black car base, a vehicle owned or leased by a renewal applicant must meet the requirements set forth in section 6-10 of this chapter. For purposes of this paragraph (p)(2), a “renewal applicant” is the owner or lessee of a vehicle who holds a current for-hire vehicle permit for that vehicle and is affiliated with a black car base when the application is submitted.

Statement of Basis and Purpose of Rules

In April 2008, the Taxi and Limousine Commission (TLC) promulgated rules requiring new black cars, except for wheelchair accessible vehicles, to achieve fuel efficiency standards of 25 mpg city rating in 2009 and 30 mpg city rating in 2010. To help drivers, the City worked with the financial sector, auto dealers, and black car fleets to develop solutions that would finance the higher down payment.

After promulgation of these rules, the economic downturn hit this nation's economy and struck a major blow to financial and insurance firms who are among the primary customers of the black car industry and who would have provided the financing that TLC contemplated in promulgating those rules. As a result, providers of black car services were severely impacted. For these reasons, the TLC proposes to delay by one year the mandate for 25 and 30 mpg black car vehicles and the black car retirement rules passed in April 2008.

For-hire vehicles solely affiliated with luxury and livery bases will not be subject to these minimum mileage requirements and vehicle retirement requirements. Vehicles that were formerly affiliated with black car bases may continue to be eligible for affiliation with livery and luxury limousine bases.