



# THE CITY RECORD

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## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

ELI BLACHMAN, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## CITY COUNCIL

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Monday, September 13, 2010:

#### PIO PIO RESTAURANT

MANHATTAN CB - 4 20105736 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Atrio LLC d/b/a Pio Pio Restaurant, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 604 Tenth Avenue, Borough of Manhattan.

#### HOOR CHILDREN

QUEENS CB - 1 C 100145 ZMQ  
Application submitted by Hour Children, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a and 9b:

- changing from an M1-1 District to an R5D District property bounded by 36th Avenue, a line midway between 12th Street and 13th Street, 37th Avenue and 11th Street; and
- establishing within a proposed R5D District a C1-3 District bounded by 36th Avenue, a line midway between 12th Street and 13th Street, a line 100 feet southwesterly of 36th Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E-250.

#### CAR SHARE VEHICLES ZONING TEXT

CITYWIDE N 100284 ZRY  
Application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the parking of car share vehicles in off-street parking facilities.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\*\*\* indicates where unchanged text appears in the Zoning Resolution

### Article 1 GENERAL PROVISIONS

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#### Chapter 2 Construction of Language and Definitions

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#### 12-10 DEFINITIONS

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Bulk

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#### Car sharing vehicle

A "car sharing vehicle" is a vehicle maintained and owned or leased by a car sharing organization which is available for use by its members. Membership shall mean that individuals have been pre-approved to use such vehicles and need not be approved by the car sharing organization at the time of proposed use. Membership must be open to the public and shall only be denied based upon driving record, credit record or other legitimate business need of the car sharing organization. Vehicles must be made available to members for periods of use as short as one hour. The car sharing organization must provide all legally-required insurance as part of the membership.

Vehicles shall be reserved by members through a self-service reservation system which is available at all times. A car sharing vehicle shall be located in a parking facility that is accessible to members of the car sharing organization at all times. No employees or agents of the car sharing organization shall provide services to members or conduct business transactions with members within such parking facility. Attended parking facilities may be serviced by a parking attendant unaffiliated with any car sharing organization. A parking facility containing car sharing vehicles shall be securely separated from all other portions of a building containing residences#.

A car sharing vehicle shall be no more than 216 inches in length and shall bear a decal that provides the name of the car sharing organization. The decal must be clearly visible from the outside of the car sharing vehicle and must be either:

- located on the driver's side door or passenger's side door of car sharing vehicle and at least 30 square inches in area; or
- located in the lower left corner of the rear windshield of the car sharing vehicle. The decal shall be at least one square inch in area and contain the letters "CSV" in lettering at least 11/32 of an inch in height and the name of the car sharing organization in lettering at least 5/32 of an inch in height. All lettering shall be fully opaque and shall highly contrast with the background color of the decal.

All car sharing# vehicles shall bear a decal pursuant to the provisions of paragraph (a) or (b) within 60 days of (effective date of amendment).

\*\*\*

#### Public parking garage

A "public parking garage" is a building or other structure#:

- that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
- some or all of whose parking spaces are non-accessory#.

Car sharing vehicles# may occupy parking spaces in a public parking garage#, however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such garage. A public parking garage# may include accessory# off-street parking spaces limited to such spaces that are accessory# to other uses# on the same zoning lot#.

Sale of motor fuel or motor oil or minor repairs incidental to the parking or storage of motor vehicles are permitted accessory uses#.

#### Public parking lot

A "public parking lot" is any tract of land that is:

- used for the parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
- not accessory# to a use# on the same or another zoning lot#.

Car sharing vehicles# may occupy spaces in a public parking lot #, however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such parking lot.

Minor repairs incidental to the parking or storage of motor vehicles are a permitted accessory use#.

\*\*\*

#### Chapter 3

#### Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens

\*\*\*

#### 13-012 Existing off-street parking facilities

- Existing required or permitted accessory# off-street parking spaces, public parking lots# and public parking garages# established prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens shall continue to be subject to the applicable zoning district regulations in effect prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens. However, enlargements#, extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities shall be subject to the provisions of this Chapter.
- Nothing herein contained shall be deemed to permit a reduction or elimination of existing accessory# off-street parking spaces that were required under the applicable provisions of the zoning district regulations in effect prior to April 29, 1982 in Manhattan and October 25, 1995 in Queens.
- Car sharing vehicles# may occupy existing required or permitted accessory# off-street parking spaces established prior to April 29, 1982, in Manhattan and October 25, 1995, in Queens, however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such accessory# off-street parking spaces, whichever is greater.
- Accessory residential# off-street parking spaces shall be made available to the occupants of the

#residences# to which they are #accessory# within 30 days after written request is made to the landlord.

(e) #Car sharing vehicles# may occupy parking spaces in #public parking lots# and #public parking garages# established prior to April 29, 1982, in Manhattan and October 25, 1995, however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such parking facilities.

\*\*\*

13-14 Additional Regulations for Permitted Accessory Off-Street Parking Spaces

\*\*\*

13-144 Car sharing vehicles

Notwithstanding the provisions of Sections 13-12 and 13-13, inclusive, #car sharing vehicles# may occupy parking spaces in #accessory# off-street parking facilities, however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all parking spaces in such facilities, whichever is greater. #Accessory residential# off-street parking spaces shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

\*\*\*

13-42 Residential Development

#Accessory# off-street parking spaces are required for new #residential developments# or #enlargements# in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, only as set forth below:

(a) For public or publicly-assisted housing, as such categories are defined in Section 25-25 (Modification of Requirements for Public or Publicly Assisted Housing or Non-Profit Housing for the Elderly), the minimum number of #accessory# off-street parking spaces required for new #dwelling units# provided in the #development# or #enlargement# as a percentage of such new #dwelling units# are as follows:

\*\*\*

(f) All such parking spaces shall be used exclusively by the occupants of the #residential development# and occupants of nearby public or publicly-assisted housing projects, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces, however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. #Accessory residential# off-street parking spaces shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

\*\*\*

13-55 Authorizations 13-551 Accessory off-street parking spaces

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

- (a) the #building# does not have #accessory# off-street parking spaces;
(b) such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces, however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater.

\*\*\*

13-56 Special Permits

13-561 Accessory off-street parking spaces

The City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow on-site or off-site, open or enclosed, #accessory# off-street parking facilities with any capacity not otherwise allowed under Section 13-10 (PERMITTED ACCESSORY OFF-STREET PARKING SPACES), provided the Commission finds that:

(a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces, however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater;

\*\*\*

Chapter 2 Use Regulations

\*\*\*

22-30 SIGN REGULATIONS

\*\*\*

22-323 Signs for parking areas R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

One #sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such #sign# shall be higher than seven feet above #curb level#.

In addition, an off-street parking facility that contains #car sharing vehicles# may provide #signs# that in the aggregate total no more than two square feet in area identifying organizations that have #car sharing vehicles# available at such parking area. No such #sign# shall be located higher than seven feet above #curb level#.

\*\*\*

Chapter 5 Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

\*\*\*

25-40 RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

\*\*\*

25-412 In all other Residence Districts R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#. However, such spaces may be:

(a) rented for periods of not less than one week and not more than one month to persons who are not occupants of the #residences# to which such spaces are #accessory# for the accommodation of the private passenger motor vehicles used by such non-residents, provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood. Such spaces shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request therefore is made to the landlord; or

(b) occupied by #car sharing vehicles#, however:
(1) in R3-2 and R4 Districts, except R4A, R4B and R4-1 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all spaces in a #group parking facility# that contains 20 or more spaces; and
(2) in R5, R6, R7, R8, R9 and R10 Districts, except R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater.

Such spaces provided pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

25-42 Use of Spaces Accessory to Permitted Non-Residential Uses R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared parking facilities for houses of worship). However, #car sharing vehicles# may occupy such spaces only pursuant to the provisions of paragraphs (a) and (b) of this Section.

R1 R2 R3 R4 R5A

(a) In the districts indicated, #car sharing vehicles# may occupy parking spaces #accessory# to a non-#residential use# in a #group parking facility# containing 20 spaces or more that are #accessory# to a college or university #use# listed in Use Group 3, however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

R5 R5B R5D R6 R7 R8 R9 R10

(b) In the districts indicated, except R5A Districts, #car sharing vehicles# may occupy parking spaces #accessory# to a non-#residential use# in a #group parking facility# containing 20 spaces or more, however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

\*\*\*

25-68 For Parking Facilities Containing Car Sharing Vehicles# R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Within an off-street parking facility that contains #car

sharing vehicles#, an information plaque shall be placed within twenty feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (a) "Total parking spaces in facility:" and shall specify the total number of parking spaces permitted within such parking facility;
(b) "Maximum number of car sharing vehicles:" and shall specify the total number of #car sharing vehicles# permitted within such parking facility; and
(c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

\*\*\*

Chapter 6 Accessory Off-Street Parking and Loading Regulations

\*\*\*

36-46 Restrictions on Use of Accessory Off-Street Parking Spaces C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents, or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

(a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences# may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons or may be occupied by #car sharing vehicles#, only as set forth in the following paragraphs:

- (1) In C1 or C2 Districts mapped within Residence Districts
In C1 or C2 Districts mapped within R3, R4 or R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces. In C1 or C2 Districts mapped within R5 Districts except R5A Districts, and in R6, R7, R8, R9 or R10 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater.
(2) In C1 or C2 Districts not mapped within Residence Districts, or in C3, C4, C5, C6 Districts
In the districts indicated, except C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater. In C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces.

Such spaces provided pursuant to paragraph (a) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request therefore is made to the landlord.

(b) #Car sharing vehicles# may occupy off-street parking spaces #accessory# to a non-#residential use# in #group parking facility# containing 20 spaces or more, however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in this Sections 36-461 and 36-462, except that such restrictions shall not apply to spaces occupied by #car sharing vehicles#.

\*\*\*

36-51 General Provisions C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections: Section 36-50, inclusive.

- Section 36-52 (Size of Spaces)
Section 36-53 (Location of Access to the Street)
Section 36-54 (Restrictions on Use of Required Residential Open Space for Parking)
Section 36-55 (Surfacing)
Section 36-56 (Screening)

Special regulations applying to #large-scale community

facility developments# or #large-scale residential developments# are set forth in Article VII, Chapter 8.

**36-52**  
**Size, and Location and Identification of Spaces**

\* \* \*

**36-523**  
**Identification of #car sharing vehicles#**  
C1 C2 C3 C4 C5 C6 C7 C8

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within twenty feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (a) "Total parking spaces in facility;" and shall specify the total number of parking spaces permitted within such parking facility;
- (b) "Maximum number of car sharing vehicles;" and shall specify the total number of #car sharing vehicles# permitted within such parking facility; and
- (c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

\* \* \*

**Chapter 4**  
**Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**44-30**  
**RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**44-35**  
**Restriction on Use of Accessory Off-Street Parking Spaces**  
M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#. #Car sharing vehicles# may occupy #accessory# off-street parking spaces in #group parking facilities# containing 20 spaces or more, however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

\* \* \*

**44-41**  
**General Provisions**  
M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section 44-40, inclusive, ~~the following Sections:~~

- ~~Section 44-42 (Size of Spaces)~~
- ~~Section 44-43 (Location of Access to the Street)~~
- ~~Section 44-44 (Surfacing)~~
- ~~Section 44-45 (Screening)~~

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

**44-42**  
**Size and Identification of Spaces**  
M1 M2 M3

**(a) Size of spaces**

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

\* \* \*

**(b) Identification of #car sharing vehicles#**

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (1) "Total parking spaces in facility;" and shall specify the total number of parking spaces permitted within such parking facility; and

- (2) "Maximum number of car sharing vehicles;" and shall specify the total number of #car sharing vehicles# permitted within such parking facility.

\* \* \*

**ROSEDALE REZONING**

**QUEENS CB - 13 C 100436 ZMQ**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 19a, 19b, 19c and 19d:

1. eliminating from within an existing R3-2 District a C1-1 bounded by 147th Drive, a boundary line of the City of New York, 148th Avenue, and Hook Creek Boulevard;
2. eliminating from within an existing R3-2 District a C1-2 bounded by:
  - a. Brookville Boulevard, a line 150 feet northeasterly of Francis Lewis Boulevard, a line 150 feet northerly of North Conduit Avenue, 242nd Street, and North Conduit Avenue;
  - b. South Conduit Avenue, Francis Lewis Boulevard, 245th Street, a line 150 feet northeasterly of Francis Lewis Boulevard, 247th Street, a line 150 feet southwesterly of Francis Lewis Boulevard, 245th Street, 243rd Street, and 140th Avenue;
  - c. Caney Road, a line 150 feet southeasterly of 243rd Street, Mayda Road, and a line 150 feet northwesterly of 243rd Street; and
  - d. South Conduit Avenue, Hook Creek Boulevard, 248th Street, a line 100 feet southerly of South Conduit Avenue, and 247th Street;
3. eliminating from within an existing R2 District a C2-1 bounded by Brookville Boulevard, a line 150 feet northerly of Merrick Boulevard, 133rd Avenue, 243rd Street, a line 150 feet northerly of Merrick Boulevard, 132nd Road, Hook Creek Boulevard, a line 150 feet southerly of Merrick Boulevard, a line midway between Brookville Boulevard and 241st Street, and 135th Avenue;
4. eliminating from within an existing R3-2 District a C2-1 bounded by:
  - a. North Conduit Avenue, Hook Creek Boulevard, the centerline of the Long Island Railroad right-of-way (Montauk Division), and Brookville Boulevard; and
  - b. South Conduit Boulevard, a boundary line of the City of New York, a line 100 feet northerly of 149th Street, and Hook Creek Boulevard;
5. changing from an R3-2 District to an R2 District property bounded by:
  - a. a line 150 feet northeasterly of Francis Lewis Boulevard, a line 220 feet southwesterly of 138th Avenue, and a line midway between Brookville Boulevard and 241st Street; and
  - b. a line 150 feet northeasterly of Francis Lewis Boulevard, a line 150 feet northerly of North Conduit Boulevard, 242nd Street, a line 320 feet southwesterly of 138th Avenue, and 241st Street;
6. changing from an R3-2 District to an R3A District property bounded by:
  - a. South Conduit Avenue, 241st Street, a line midway between 140th Avenue and Memphis Avenue, a line 60 feet southeasterly of 241st Street, 142nd Avenue, a line 140 feet northwesterly of 243rd Street, Caney Road, a line 100 feet northwesterly of 243rd Street, Huxley Street, a line perpendicular to the southwesterly street line of Huxley Street distant 120 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huxley Street and the northerly street line of 147th Avenue, a line 130 feet southwesterly of Huxley Street, a line perpendicular to the northeasterly street line of Edgewood Avenue distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Huxley Street and the northerly street line of 147th Avenue, a line midway between 146th Avenue and 147th Avenue, a line 100 feet easterly of Brookville Boulevard, 147th Avenue, and Brookville Boulevard;
  - b. a line 100 feet northerly of 249th Street, a boundary line of the City of New York, a line 100 feet southerly of 250th Street, a

line perpendicular to the southerly street line of 250th Street distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 250th Street, a line perpendicular to the northerly street line of 250th Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 249th Street, and a line 85 feet easterly of Hook Creek Boulevard; and

- c. a line midway between Caney Road and 144th Avenue, 249th Street, Newhall Avenue, a line 120 feet southeasterly of 245th Street, a line 100 feet southwesterly of Newhall Avenue, a line midway between 243rd Street and 245th Street, Newhall Avenue, a line 140 feet southeasterly of 243rd Street, Mayda Road, and a line 100 feet southeasterly of 243rd Street;
- 7. changing from an R3-2 District to an R3X District property bounded by 140th Avenue, 243rd Street, a line perpendicular to the southeasterly street line of 243rd Street distant 200 feet southwesterly (as measured along the street line), from the point of intersection of the southeasterly street line of 243rd Street and the southerly street line of South Conduit Avenue, 245th Street, a line 135 feet southwesterly of Francis Lewis Boulevard, 246th Street, a line 85 feet southwesterly of Francis Lewis Boulevard, a line midway between 246th Street and 247th Street, Francis Lewis Boulevard, 247th Street, a line 85 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, 246th Street, South Conduit Avenue, 247th Street, a line 250 feet northeasterly of 139th Avenue, a line midway between 247th Street and 248th Street, a line perpendicular to the northwesterly street line of 248th Street distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 248th Street and the westerly street line of Hook Creek Boulevard, 248th Street, Hook Creek Boulevard, 249th Street, a line perpendicular to the northerly street line of 250th Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 250th Street, a line perpendicular to the southerly street line of 250th Street distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, a line 100 feet southerly of 250th Street, a boundary line of the City of New York, 145th Avenue, Hook Creek Boulevard, 148th Avenue, a line 100 feet easterly of Hook Creek Boulevard, 148th Road, a boundary line of the City of New York, Hungary Harbor Road, Hook Creek Boulevard, 148th Drive, a line 100 feet westerly of Hook Creek Boulevard, a line midway between 148th Drive and 149th Avenue, a line 320 feet westerly of Hook Creek Boulevard, 149th Avenue, a line 330 feet westerly of 262nd Street, 149th Road, 262nd Street and its southerly centerline prolongation, a boundary line of the City of New York, a line 50 feet westerly of 259th Street and its southerly prolongation, Craft Avenue, 259th Street, 149th Road, 259th Street, a line midway between 148th Drive and 149th Avenue, 257th Street, 148th Drive, a line 200 feet easterly of Weller Lane, a line midway between 148th Road and 148th Drive, Weller Lane, 149th Road, Weller lane, 149th Drive, a line midway between 255th Street and Weller Lane, Craft Avenue, a line midway between 254th Street and 255th Street, 149th Drive and its westerly centerline prolongation, a northeasterly and a northerly boundary line of a park and its westerly prolongation, Brookville Boulevard, 149th Avenue, 235th Street, a line midway between 148th Avenue and 148th Road, a line 170 feet southeasterly of 235th Street, 148th Avenue, Brookville Boulevard, a line midway between 147th Drive and 148th Avenue, a line 80 feet northwesterly of Brookville Boulevard, 147th Drive, 235th Street, a northeasterly boundary line of Brookville Park and its southeasterly prolongation, an easterly boundary line of Brookville Park and its northerly prolongation, 147th Avenue, 235th Street, a line 100 feet northeasterly of 147th Road, a line 75 feet westerly of Brookville Boulevard, 147th Road, a line perpendicular to the southwesterly street line of 147th Road distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 147th Road and the westerly street line of Brookville Boulevard, a line midway between 147th Road and 147th Drive, Brookville Boulevard, a line midway between 147th Road and 147th Drive, a line 90 feet easterly of Brookville Boulevard, a line 100 feet northerly of 147th Road, a line 100 feet easterly Brookville Boulevard, a line midway between 146th Avenue and 147th Avenue, a line perpendicular to the northeasterly street line of Edgewood Avenue distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Huxley Street and the northerly street line of 147th Avenue, Edgewood Avenue, a line 130 feet southwesterly of Huxley Street, a line perpendicular to the southwesterly street line of Huxley Street distant 120 feet northwesterly (as

measured along the street line) from the point of intersection of the southwesterly street line of Huxley Street and the northerly street line of 147th Avenue, Huxley Street, a line 100 feet northwesterly of 243rd Street, Mayda Road, a line 140 feet southeasterly of 243rd Street, Newhall Avenue, a line midway between 243rd Street and 245th Street, a line 100 feet southwesterly of Newhall Avenue, a line 120 feet southeasterly of 245th Street, Newhall Avenue, 249th Street, a line midway between Caney Road and 144th Avenue, a line 100 feet southeasterly of 243rd Street, Caney Road, a line 140 feet northwesterly of 243rd Street, 142nd Avenue, a line 60 feet southeasterly of 241st Street, a line midway between 140th Avenue and Memphis Avenue, and a line 100 feet southeasterly of 241st Street; and excluding the area bounded by:

- i. 253rd Street, Weller Lane, a line 540 feet northerly of 147th Avenue, a line midway between Weller Lane and 254th Street, 147th Avenue, Francis Lewis Boulevard, a line 80 feet northerly of 147th Road, a line 110 feet westerly of Weller Lane, 147th Road, a line 50 feet easterly of 253rd Street, 147th Avenue, Mayda Road, a line 420 feet southeasterly of 249th Street, a line midway between 145th Avenue and Mayda Road, a line 280 feet southeasterly of 249th Street, 145th Avenue, a line 360 feet southeasterly of 249th Street, and 144th Avenue; and
  - ii. 147th Road, 253rd Street, a line midway between 147th Drive and 148th Avenue, a line 150 feet easterly of 253rd Street, 148th Avenue, line 200 feet easterly of 253rd Street, a line midway between 148th Avenue and 148th Road, 253rd Street, a line midway between 148th Road and 148th Drive, a line perpendicular to the southerly street line of 148th road distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 148th Road and the northeasterly street line of Huxley Street, 148th Road, 249th Street, 148th Avenue, a line 230 feet easterly of 249th Street, a line midway between 147th drive and 148th Avenue, a line 100 feet westerly of 253rd Street, a line midway between 147th Road and 147th Drive, and a line 75 feet westerly of 253rd Street;
8. changing from an R3-2 District to an R3-1 District property bounded by:
- a. 147th Drive, a line 80 feet northwesterly of Brookville Boulevard, a line midway between 147th Drive and 148th Avenue, Brookville Boulevard, 148th Avenue, a line 170 feet southeasterly of 235th Street, a line midway between 148th Avenue and 148th Road, and 235th Street;
  - b. 147th Road, 253rd Street, a line midway between 147th Drive and 148th Avenue, a line 150 feet easterly of 253rd Street, 148th Avenue, line 200 feet easterly of 253rd Street, a line midway between 148th Avenue and 148th Road, 253rd Street, a line midway between 148th Road and 148th Drive, a line perpendicular to the southerly street line of 148th road distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 148th Road and the northeasterly street line of Huxley Street, 148th Road, 249th Street, 148th Avenue, a line 230 feet easterly of 149th Street, a line midway between 147th drive and 148th Avenue, a line 100 feet westerly of 253rd Street, a line midway between 147th Road and 147th Drive, and a line 75 feet westerly of 253rd Street;
  - c. 253rd Street, Weller Lane, a line 540 feet northerly of 147th Avenue, a line midway between Weller Lane and 254th Street, 147th Avenue, Francis Lewis Boulevard, a line 80 feet northerly of 147th Road, a line 110 feet westerly of Weller Lane, 147th Road, a line 50 feet easterly of 253rd Street, 147th Avenue, Mayda Road, a line 420 feet southeasterly of 249th Street, a line midway between 145th Avenue and Mayda Road, a line 280 feet southeasterly of 249th Street, 145th Avenue, a line 360 feet southeasterly of 249th Street, and 144th Avenue;
  - d. 145th Avenue, a boundary line of the City of New York, 147th Drive, and Hook Creek Boulevard;
  - e. 149th Drive and its westerly centerline prolongation, a line midway between 254th Street and 255th Street, Craft Avenue, a line midway between 255th Street and Weller Lane, 149th Drive, Weller Lane, 149th Road, Weller Lane, a line midway between 148th Road and 148th Drive, a line 200 feet easterly of Weller Lane, 148th Drive, 257th Street, a line midway between 148th Drive and

149th Avenue, 259th Street, 149th Road, 258th Street, a line 60 feet southerly of 149th Road, a line midway between 257th Street and 258th Street, Craft Avenue, a line 50 feet westerly of 259th Street and its southerly centerline prolongation, a boundary line of the City of New York, and a northeasterly boundary line of a park and its southeasterly prolongation; and

- f. 149th Avenue, a line 320 feet westerly of Hook Creek Boulevard, a line midway between 148th Drive and 149th Avenue, a line 100 feet westerly of Hook Creek Boulevard, 148th Drive, Hook Creek Boulevard, Hungary Harbor Road, a boundary line of the City of New York, 262nd Street, and its southerly centerline prolongation, 149th Road, and a line 330 feet westerly of 262nd Street;
9. establishing within an existing R3-2 District a C1-2 District bounded by 147th Avenue, Brookville Boulevard, 147th Road, a line 75 feet westerly of Brookville Boulevard, a line 100 feet northeasterly of 147th Road, and 235th Street;
10. establishing within an existing R2 District a C1-3 District bounded by a line 150 feet northerly of Merrick Boulevard, 133rd Avenue, 243rd Street, a line 125 feet northerly of Merrick Boulevard, 132nd Road, Hook Creek Boulevard, Merrick Boulevard, 245th Street, a line 100 feet southerly of Merrick Boulevard, 244th Street, a line perpendicular to the northwesterly street line of 244th Street distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 244th Street and the southerly street line of Merrick Boulevard, a line midway between 243rd Street and 244th Street, a line 360 feet northeasterly of 134th Avenue, 243rd Street, a line 260 feet northeasterly of 134th Avenue, a line midway between 242nd Street and 243rd Street, a line 120 feet northeasterly of 134th Avenue, 242nd Street, a line perpendicular to the northwesterly street line of 242nd Street distant 175 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 242nd Street and the southerly street line of Merrick Boulevard, 241st Street, a line perpendicular to the northwesterly street line of 241st Street distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 241st Street and the southerly street line of Merrick Boulevard, a line 75 feet northwesterly of 241st Street, a line 275 feet northwesterly of 135th Avenue, and Brookville Boulevard;
11. establishing within an existing R3-2 District a C1-3 District bounded by
- a. Brookville Boulevard, a line 150 feet northeasterly of Francis Lewis Boulevard, a line midway between Brookville Boulevard and 241st Street, a line 220 feet southwesterly of 138th Avenue, 241st Street, a line 320 feet southwesterly of 138th Avenue, 242nd Street, North Conduit Avenue, a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard, Long Island Railroad right-of-way (Montauk Division), Brookville Boulevard, North Conduit Avenue, and a line 95 feet southwesterly of Francis Lewis Boulevard;
  - b. South Conduit Avenue, 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246th Street, a line 85 feet northeasterly of Francis Lewis Boulevard, a line 50 feet northwesterly of 247th Street, Francis Lewis Boulevard, a line midway between 246th Street and 247th Street, a line 85 feet southwesterly of Francis Lewis Boulevard, 246th Street, a line 135 feet southwesterly of Francis Lewis Boulevard, 245th Street, a line perpendicular to the southeasterly street line of 243rd Street distant 200 feet southwesterly (as measured along the street line), from the point of intersection of the southeasterly street line of 243rd Street and the southerly street line of South Conduit Avenue, 243rd Street, and 140th Avenue; and
  - c. South Conduit Avenue, Hook Creek Boulevard, 248th Street, a line perpendicular to the northwesterly street line of 248th Street distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 248th Street and the westerly street line of Hook Creek Boulevard, a line midway between 247th Street and 248th Street, a line 250 feet northeasterly of 139th Avenue, and 247th Street;
12. establishing within an existing R2 District a C2-3 District bounded by Merrick Boulevard, Hook

Creek Boulevard, a line 150 feet southerly of Merrick Boulevard, and 245th Street; and

13. establishing within an existing R3-2 District a C2-3 District bounded by South Conduit Boulevard, a boundary line of the City of New York, a line 100 feet northerly of 249th Street, and Hook Creek Boulevard;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 11:00 A.M. on Monday, September 13, 2010:**

#### NOONAN PLAZA APARTMENTS

**BRONX CB - 4 20105798 HKX (N 100474 HKX)**  
Designation (List No. 430/LP-2400) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of Noonan Plaza Apartments, located 105-149 West 168th Street a/k/a 1231-1245 Nelson Avenue/1232-1244 Ogden Avenue (Block 2518, Lot 1), as an historic landmark.

#### HAFFEN BUILDING

**BRONX CB - 1 20105799 HKX (N 100475 HKX)**  
Designation (List No. 430/LP-2388) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Haffen Building, located at 2804-2808 Third Avenue a/k/a 507 Willis Avenue (Block 2307, Lot 59), as an historic landmark.

#### GREENWICH VILLAGE HISTORIC DISTRICT EXTENSION II

**MANHATTAN CB - 2 20105800 HKM (N 100476 HKM)**  
Designation (List No. 430/LP-2366) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Greenwich Village Historic District Extension II. The district boundaries are:

#### Area I

Area I of the Greenwich Village Historic District Extension II consists of the property bounded by a line beginning at the northwest corner of West Houston Street and Sixth Avenue, extending northeasterly along the western curbline of Sixth Avenue to a point in the middle of the roadbed of West 4th Street, northwesterly along a line in the middle of the roadbed of West 4th Street to a point on a line extending northeasterly from the northern property line of 180-184 West 4th Street (aka 1-3 Jones Street), southwesterly along said line and the northern property lines of 180-184 West 4th Street (aka 1-3 Jones Street) through 287 Bleeker Street, southwesterly to a point in the middle of the roadbed of Seventh Avenue South, southwesterly along a line in the middle of the roadbed of Seventh Avenue South to a point on a line extending northwesterly from the eastern curbline of Bedford Street, southeasterly along said line and the eastern curbline of Bedford Street to the southeastern corner of Leroy and Bedford Streets, southwesterly along the southern curbline of Leroy Street to a point on a line extending northwesterly from the western property line of 42 Leroy Street, southeasterly along said line and the western property line of 42 Leroy Street, northeasterly along the southern property lines of 42 Leroy Street and 40 Leroy Street (aka 45 Bedford Street) to the eastern curbline of Bedford Street, southeasterly along the eastern curbline of Bedford Street to the southeastern corner of Carmine and Bedford Streets, southwesterly along the southern curbline of Carmine Street to a point on a line extending northwesterly from the western property line of 37A Bedford Street (aka 60-64 Carmine Street), southeasterly along the said line and the western property line of 37A Bedford Street (aka 60-64 Carmine Street), southwesterly along part of the northern property line of 35-37 Bedford Street and the northern property lines of 45 (aka 45-47) Downing Street through 55 ½ (aka 55A) Downing Street, southeasterly along the western property line of 55 ½ (aka 55A) Downing Street to the southern curbline of Downing Street, northeasterly along the southern curbline of Downing Street to a point on a line extending northwesterly from the western property line of 46 (aka 46-48) Downing Street, southeasterly along said line and the western property line of 46 (aka 46-48) Downing Street, northeasterly along the southern property line of 46 (aka 46-48) Downing Street through 38 Downing Street, northwesterly along part of the eastern property line of 38 Downing Street, easterly and northeasterly along the southern property line of 19 (aka 17-19) Bedford Street to the eastern curbline of Bedford Street, southeasterly along the eastern curbline of Bedford Street and the northern curbline of West Houston Street to the point of beginning, Borough of Manhattan, Community District 2.

#### Area II

Area II of the Greenwich Village Historic District Extension II consists of the property bounded by a line beginning at the northwest corner of Clarkson Street and Seventh Avenue South, extending northeasterly along the western curbline of Seventh Avenue South to a point in the middle of the roadbed of Leroy Street, southwesterly along the middle of the roadbed of Leroy Street to a point on a line extending northerly from the western property line of 66-68 Leroy Street (aka 10-12 Seventh Avenue South), southerly along said line and part of the western property line of 66-68 Leroy Street (aka 10-12 Seventh Avenue South), westerly and southerly along part of the irregular northern and western property lines of 2-8 Seventh Avenue South, southerly along part of the western property line of 2-8 Seventh Avenue South to the northern curbline of Clarkson Street and easterly along the northern curbline of Clarkson Street to the point of beginning.

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the**



**following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 1:00 P.M. on Monday, September 13, 2010:**

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law for Numbers 1, 4 and 5 and Section 577 of the Private Housing Finance Law for Numbers 2 and 3.

NO.	ADDRESS	BLOCK/ LOT	BORO	PROGRAM	COMMUNITY BOARD
1.	760 Jefferson Avenue	1657/44	Brooklyn	Asset Control Area	03
2.	2053 Seventh Avenue	1907/63	Manhattan	Tenant Interim Lease	10
3.	108 West 114th Street	1823/40	Manhattan	Tenant Interim Lease	10
4.	238 Van Buren Street	69/55	Staten Island	Asset Control Area	01
5.	146 No. Burgher Ave. 36 Hill Street 38A Thelma Court 56 Bond Street 53 Larkin Street 96 Maple Avenue	173/24 556/133 556/167 1018/29 1075/47 1078/49	Staten Island	Asset Control Area	01

s7-13

**CITY PLANNING COMMISSION**

**PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, September 15, 2010 at 10:00 A.M.**

**BOROUGH OF MANHATTAN  
No. 1  
45 EAST 70TH STREET**

**CD 8 C 100140 ZSM**  
**IN THE MATTER OF** an application submitted by 70<sup>th</sup> Street Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-691 (Limited Height Districts), Section 23-692 (Height limitations for narrow buildings or enlargements), Section 23-663(b) (Required rear setbacks for tall buildings in other districts), and Section 23-462(c) (Side yards for all other residential buildings) to facilitate a 1-story rooftop enlargement of an existing 4-story residential building on property located at 45 East 70th Street (Block 1385, Lot 29), in an R8B District, within a Limited Height District (LH-1A), within the Upper East Side Historic District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, NY 10007.

**No. 2  
WASHINGTON-GREENWICH STREETS REZONING  
CD 2 C 100437 ZMM**

**IN THE MATTER OF** an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a, changing from a C6-1 District to a C1-6A District property bounded by 12th Street, a line 100 feet easterly of Washington Street, a line midway between West 11th Street and Perry Street, Greenwich Street, West 10th Street, a line 150 feet easterly of Washington Street, a line 125 feet northerly of West 10th Street, and Washington Street, as shown on a diagram (for illustrative purposes only) dated June 7, 2010.

**BOROUGH OF MANHATTAN  
Nos. 3-15  
RIVERSIDE CENTER  
No. 3**

**CD 7 C 100287 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform and that portion of the right-of-way or yard where railroad or transit use has been

permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 4**

**CD 7 C 100288 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 1800 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 5**

**CD 7 C 100289 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 460 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 6**

**CD 7 C 100290 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 230 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 7**

**CD 7 C 100291 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 290 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 8**

**CD 7 C 100292 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 370 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 9**

**CD 7 C 100293 ZSM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 450 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th

Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**No. 10**

**CD 7 N 100294 ZRM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-743 (Special provisions for bulk modification), Borough of Manhattan, Community District 7.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution  
\* \* \*

**ARTICLE VII: ADMINISTRATION**

**Chapter 4  
Special Permits by the City Planning Commission**

**74-743  
Special provisions for bulk modification**

- (a) For a #general large-scale development#, the City Planning Commission may permit:
  - (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #general large-scale development# without regard for #zoning lot lines# or district boundaries subject to the following limitations:
    - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
    - (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;
  - (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
  - (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries;
  - (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community District 7 in Manhattan and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district;
  - (5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:
    - (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
    - (ii) community facility #floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95; or
  - (6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:
    - (i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the new #development# or #enlargement# and a wall or #lot line # on an abutting property; and
    - (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located.
- (7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to

include any open area that is bounded on all sides but one by building walls and is not otherwise a yard# or an inner court#, provided that:

- (i) such modifications are permitted only for general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7; and
(ii) the minimum distance between a legally required window# facing onto such outer court# and a building wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to such window for the full width of the rough window opening.
(b) In order to grant a special permit pursuant to this Section for any general large-scale development#, the Commission shall find that:
(1) the distribution of floor area#, open space#, dwelling units#, rooming units# and the location of buildings#, primary business entrances and show windows# will result in a better site plan and a better relationship among buildings# and open areas to adjacent streets#, surrounding development#, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the general large-scale development#, the neighborhood, and the City as a whole;
(2) the distribution of floor area# and location of buildings# will not unduly increase the bulk# of buildings# in any one block# or unduly obstruct access of light and air to the detriment of the occupants or users of buildings# in the block# or nearby blocks# or of people using the public streets#;
(3) where a zoning lot# of a general large-scale development# does not occupy a frontage on a mapped street#, appropriate access to a mapped street# is provided;
(4) considering the size of the proposed general large-scale development#, the streets# providing access to such general large-scale development# will be adequate to handle traffic resulting therefrom;
(5) when the Commission has determined that the general large-scale development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;
(6) where the Commission permits the maximum floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the open space# provided is of sufficient size to serve the residents of new or enlarged buildings#. Such open space# shall be accessible to and usable by all residents of such new or enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such general large-scale development# shall include superior landscaping for open space# of the new or enlarged buildings#;
(7) where the Commission permits the exclusion of lot area# or floor area# in accordance with the provisions of paragraph (a)(5) of this Section, such modification will facilitate a desirable mix of uses# in the general large-scale development# and a plan consistent with the objectives of the Inclusionary Housing program; and
(8) a declaration with regard to ownership requirements in paragraph (b) of the general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

The Commission may prescribe additional conditions and safeguards to improve the quality of the general large-scale development# and to minimize adverse effects on the character of the surrounding area.

For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed general large-scale development#, a phasing plan showing the distribution of bulk# and open

space# and, in the case of a site plan providing for common open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.
\* \* \*

No. 11

CD 7 N 100294 (A) ZRM

IN THE MATTER OF an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, concerning Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable), Section 23-954 (Additional requirements for compensated developments), Section 74-743 (Special provisions for bulk modification), and Appendix F (Inclusionary Housing Designated Areas).

Matter in underline is new, to be added;
Matter in strikeout is old, to be deleted;
Matter within # # is defined in Section 12-10;
\* \* \* indicates where unchanged text appears in the Zoning Resolution
\* \* \*

ARTICLE II: RESIDENCE DISTRICT REGULATIONS

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

23-144 In designated areas where the Inclusionary Housing Program is applicable

In Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Table with 2 columns: Community District and Zoning District. Rows include Community District 1, Bronx (R6A R7-2 R7A R7X R8A), Community District 4, Bronx (R8A R9D), Community District 1, Brooklyn (R6 R6A R6B R7A R7-3), Community District 2, Brooklyn (R7A R8A R9A), Community District 3, Brooklyn (R7D), Community District 6, Brooklyn (R7-2), Community District 7, Brooklyn (R7A R8A), Community District 14, Brooklyn (R7A), Community District 3, Manhattan (R7A R8A R9A), Community District 6, Manhattan (R10), Community District 7, Manhattan (R9A R10), Community District 1, Queens (R7A), Community District 2, Queens (R7X).

23-954 Additional requirements for compensated developments

- (a) Height and setback in Inclusionary Housing designated areas#
(1) In Inclusionary Housing designated areas#, except within Special Mixed Use Districts# and general large-scale developments# in C4-7 Districts within the boundaries of Manhattan Community District 7, subject to the provisions of a restrictive declaration, the compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
(2) In Inclusionary Housing designated areas# within Special Mixed Use Districts#, the compensated development# must comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the Residence District# designation is an R6 District without a letter suffix, the compensated development# must comply with the height and setback regulations of Section 23-633, regardless of whether the building# is developed# or enlarged# pursuant to the Quality Housing Program.

- (b) Compensated development building permits
(1) HPD# may issue a permit notice# to the Department of Buildings at any time on or after the regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a compensated development# that utilizes floor area compensation# based on the affordable housing# described in such permit notice#.
(2) If HPD# does not receive confirmation that the regulatory agreement# has been recorded within 45 days after the later of the regulatory agreement date# or the date upon which HPD# authorizes the

recording of the regulatory agreement#, HPD# shall suspend or revoke such permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such permit notice# or issue any new permit notice# until HPD# receives confirmation that the regulatory agreement# has been recorded. Upon receipt of notice from HPD# that a permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such permit notice# which is then in effect for any compensated development#.

- (c) Compensated development certificates of occupancy
(1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the compensated development# that utilizes floor area compensation# until HPD# has issued a completion notice# with respect to the affordable housing# that generates such floor area compensation#. However, where any story# of a compensated development# contains one or more affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such story# if such temporary or permanent certificate of occupancy either includes each affordable housing unit# located in such story# or only includes dwelling units# or rooming units# that are affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a super's unit#.
(2) HPD# shall not issue a completion notice# with respect to any portion of any generating site# unless:
(i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all affordable housing# described in such completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or
(ii) where a generating site# contains affordable housing# that had a valid certificate of occupancy on the regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such affordable housing#, HPD# has determined that all renovation and repair work required by the applicable regulatory agreement# has been completed and all obligations with respect to the creation of such affordable housing# have been fulfilled in accordance with the applicable regulatory agreement#.

ARTICLE VII: ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

74-743 Special provisions for bulk modification

- (a) For a general large-scale development#, the City Planning Commission may permit:
(1) distribution of total allowable floor area#, rooming units#, dwelling units#, lot coverage# and total required open space# under the applicable district regulations within a general large-scale development# without regard for zoning lot lines# or district boundaries subject to the following limitations:
(i) no distribution of bulk# across the boundary of two districts shall be permitted for a use# utilizing such bulk# unless such use# is permitted in both districts;
(ii) when a general large-scale development# is located partially in a Residence District# or in a C1, C2, C3 or C4-1 District and partially in other Commercial# or Manufacturing Districts#, no transfer of commercial floor area# to a Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;
(2) location of buildings# without regard for the applicable yard#, court#, distance between buildings#, or height and setback regulations;
(3) variation in the location of primary

business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries;

- (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community District 7 in Manhattan and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district;
- (5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:
  - (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
  - (ii) community facility #floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95; or
- (6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:
  - (i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the new #development# or #enlargement# and a wall or #lot line # on an abutting property; and
  - (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located.
- (7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a #yard# or an #inner court#, provided that:
  - (iii) such modifications are permitted only for #general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7; and
  - (iv) the minimum distance between a #legally required window# facing onto such #outer court# and a building wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to such window for the full width of the rough window opening.
- (8) In an #Inclusionary Housing designated area# in a C4-7 district within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#:
  - (i) modification of the base and maximum #floor area ratios# specified in Section 23-952, not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area# and #residential floor area# in #buildings# containing multiple #uses#; and
  - (ii) modification of the requirements regarding distribution of #affordable housing units# specified in Section 23-96(b)

as set forth in a restrictive declaration.

- (b) In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:
  - (1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding #development#, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #general large-scale development#, the neighborhood, and the City as a whole;
  - (2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;
  - (3) where a #zoning lot# of a #general large-scale development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;
  - (4) considering the size of the proposed #general large-scale development#, the #streets# providing access to such #general large-scale development# will be adequate to handle traffic resulting therefrom;
  - (5) when the Commission has determined that the #general large-scale development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;
  - (6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #general large-scale development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;
  - (7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #general large-scale development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (General Large-Scale Development) with respect to better site planning; and
  - (8) a declaration with regard to ownership requirements in paragraph (b) of the #general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #general large-scale development# and to minimize adverse effects on the character of the surrounding area.

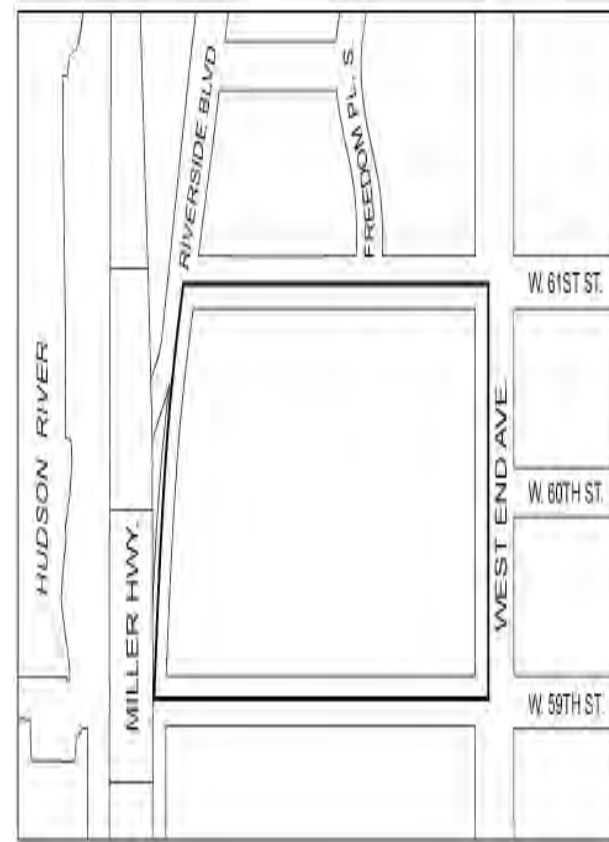
For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #general large-scale development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

\* \* \*  
**APPENDIX F: INCLUSIONARY HOUSING DESIGNATED AREAS**  
 \* \* \*

**Manhattan**  
 \* \* \*  
 Manhattan Community District 7

In the R9A and R10 Districts within the areas shown on the following Maps 1 and 2:  
 \* \* \*

Map 2



Portion of Community District 7, Manhattan

**No. 12**

**CD 7 N 100295 ZRM**  
**IN THE MATTER OF** an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of use regulations).

Matter in underline is new, to be added;  
 Matter in ~~strikeout~~ is old, to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE VII: ADMINISTRATION**  
 \* \* \*

**Chapter 4**  
**Special Permits by the City Planning Commission**  
 \* \* \*

**74-74**  
**General Large-Scale Development**

For #general large-scale developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. For these #developments#, the regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #general large-scale development# shall contain any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #general large-scale development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (NON-CONFORMING USES: DEFINITIONS AND GENERAL PROVISIONS).  
 \* \* \*

**74-744**  
**Modification of use regulations**

- (a) Use modifications
  - (1) Waterfront and related #commercial uses#  
 In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:
    - ~~(i)~~ (i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #general large-scale development#; and
    - ~~(ii)~~ (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.
  - (2) Automotive sales and service #uses#  
 For #general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7, the City Planning Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:
    - (i) the portion of the establishment used for the servicing and

preparation of automobiles is located entirely in a #cellar# level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;

- (ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and
(iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(b) Location of #commercial uses#

For any #general large-scale development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

- (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
(2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and
(3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

\* \* \*

No. 13

CD 7 C 100296 ZSM IN THE MATTER OF an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743\* of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, and height and setback regulations, in connection with a proposed mixed use development, on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

\* Note: Section 74-743 is proposed to be changed under a concurrent related application (N 100294 ZRM) for a zoning text amendment.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 14

CD 7 C 100296 (A) ZSM IN THE MATTER OF an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06 (c)(1) of the Uniform Land Use Review Procedure, for the grant of a special permit pursuant to Section 74-743\* of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings and height and setback regulations and for purposes of applying the inclusionary housing program, the modification of the base and maximum floor area ratios based on a proportionality between affordable floor area and residential floor area in buildings containing multiple uses and the modification of the requirements regarding distribution of affordable housing units, in connection with a proposed mixed use development, on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

\* Note: Section 74-743 is proposed to be changed under a concurrent related application (N 100294 (A) ZRM) for a zoning text amendment.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 15

CD 7 C 100297 ZSM IN THE MATTER OF an application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744\* of the Zoning Resolution to allow an automotive sales and service establishment that includes repair services and preparation for delivery on portions of the ground floor and cellar of a proposed mixed use development on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard.

\* Note: Section 74-744 is proposed to be changed under a concurrent related application (N 100295 ZRM) for a zoning text amendment.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

NOTICE

On Wednesday, September 15, 2010, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Supplemental Environmental Impact Statement (DSEIS) concerning a proposal to modify the southernmost portion of the previously approved Riverside South development project. The proposed project site, known as Riverside Center, is bounded by West End Avenue, the alignment of Riverside Boulevard, and West 59th and West 61st Streets in the Lincoln Square neighborhood of Manhattan Community District 7. The proposed project requires CPC approval to modify the previously approved general large-scale development (GLSD) special permit and restrictive declaration to reflect the current proposal; amendments to the text of the Zoning Resolution; a new special permit relating to court, distance between buildings, and height and setback regulations, a new special permit to allow automobile sales and service uses (Use Group 16B) on the project site; a new special permit to allow development within a railroad or transit right-of-way; six new special permits associated with a public parking garage(s); an authorization to allow a curb cut; and certifications to permit curbs cuts and to modify certain Streetscape regulations of the Zoning Resolution.

The proposed actions would facilitate a proposal by the applicant to redevelop their project site (Block 1171, Lots 155 and 165) with a complex of five mixed-use buildings that would include residential (including market-rate and affordable housing), commercial (including hotel, retail, office, cinema, and automotive showroom and service uses), a public elementary and intermediate school, public parking, and approximately 2.75 acres of privately owned, publicly accessible open space.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP020M.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

s1-15

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, September 15, 2010 at 8:00 P.M., Kings Plaza Community Room, Flatbush Avenue & Avenue V, Brooklyn, NY

BSA# 126-10-BZ

Premises - 856 Remsen Avenue s/s of Remsen Avenue
A public hearing on an application filed pursuant to Sections 73-36, 42-10, of the Zoning Resolution seeking a special permit to allow the operation of a Physical Culture Establishment in a two-story building within an M1-1 zoning district.

BSA# 344-03-BZ

Premises - 2777 Flatbush Avenue a.k.a. Nick's Lobster House
A public hearing on an application filed pursuant to Sections 73-03 and 73-242 of the Zoning Resolution to seek a (5) year extension of the term of a previously approved special permit for the legalization of the re-construction and extension of an existing building operating as an eating and drinking establishment.

s9-15

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 07 - Monday, September 13, 2010, 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, Flushing, NY

#132-58-BZ

Location - 17-45/55 Francis Lewis Boulevard
Application to extend the term of the variance that permits the operation of an automotive service station within the C1-2/R3-2 zoning district for an additional ten (10) years.

#107-10-BZ

Location - 12-24 149th Street
Application for a variance pursuant to Section 72-21 of the New York City Zoning Resolution and Seciton 666 of the New York City Charter, from the side yard requirement in connection with an existing not-for-profit Use Group 4 community facility.

#55-10-BZ

40-22 Main Street
Application pursuant to Section 73-44 to reduce the required number for accessory off-street parking spaces for the existing Use Group 6 office use, as well as three proposed ambulatory diagnostic health care treatment facilities which is contrary to Section 36-21 which results in the application of Section 36-231 requiring no-parking spaces.

A.K.A. Street sign rider proposal for 38th Avenue and Union Street as follows: "Macedonia A.M.E. Church Way"

s7-13

CONSUMER AFFAIRS

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, September 29, 2010, at 2:00 P.M., at 66 John Street, 11th floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 211 Ave A Restaurant Inc. 197 Second Avenue, in the Borough of Manhattan (To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
2) 24/7 Eats LLC 210 Tenth Avenue, in the Borough of Manhattan (To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
3) 76th Street Restaurant, LLC 20 East 76th Street, in the Borough of Manhattan (To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
4) Faith E.F.I. Corp. 1638 Third Avenue, in the Borough of Manhattan (To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
5) MVNBC Corp. 189 Franklin Street, in the Borough of Manhattan (To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
6) Niki G. Corp. 32-02 30th Avenue, in the Borough of Queens (To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
7) Potato Farms LLC 53 Park Place, in the Borough of Manhattan (To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
8) Starbucks Corporation 1559 Second Avenue, in the Borough of Manhattan (To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
9) Starbucks Corporation 112 Montague Street, in the Borough of Brooklyn (To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

Individuals requesting Sign Language Interpreters should contact the Department of Consumer Affairs, Licensing division, 42 Broadway, 5th Floor, New York, NY 10004, (212) 487-4379, no later than five (5) business days before the hearing.

s10

BOARD OF CORRECTION

MEETING

Please take note that the next meeting of the Board of Correction will be held on September 13, 2010 at 9:00 A.M., in the conference room of the Board of Correction, located at 51 Chambers Street, Room 929, New York, NY 10007.

At that time, there will be a discussion of various issues concerning New York City's correctional system.

s7-13

EMPLOYEES' RETIREMENT SYSTEM

MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, September 16, 2010 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

s9-15

EQUAL EMPLOYMENT PRACTICES COMMISSION

MEETING

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 40 Rector Street, (14th Floor) on Wednesday, September 15, 2010 at 9:15 A.M.

s7-14

FINANCE

MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A Quarterly Meeting of the Banking Commission on Monday, September 13, 2010 at 11:30 A.M. in the Executive Conference Room at 1 Centre Street, Room 530, Manhattan.

s8-13

HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Wednesday, September 22, 2010, at Human Resources Administration, 180 Water Street, 12th



Floor Cafe, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of fifty two (52) proposed contracts between the Human Resources Administration of the City of New York and the vendors listed below for the provision of Home Attendant Services to Medicaid Eligible Individuals in the Boroughs of Manhattan, Queens, Brooklyn and Staten Island. The contract term shall be from April 1, 2010 to December 31, 2010.

**Contractor/Address**

- 1) Association For the Services for the Aged  
36-36 33rd Street, Long Island City, NY 11106  
**E-PIN#** 06908X0070CNVN002  
**Contract Amount** \$23,792,258
- 2) Barele, Inc. d/b/a OMEGA Home Health Services  
44 Court Street, Suite 700, Brooklyn, NY 11241  
**E-PIN#** 06909X0095CNVN002  
**Contract Amount** \$14,632,750
- 3) Best Care, Inc. d/b/a All City Care  
3000 Hempstead Turnpike, Levittown, NY 11756  
**E-PIN#** 06908X0102CNVN002  
**Contract Amount** \$12,306,875
- 4) Beth Emeth Home Attendant Services, Inc.  
1080 McDonald Avenue, Brooklyn, NY 11230  
**E-PIN#** 06908X0071CNVN002  
**Contract Amount** \$21,510,166
- 5) BHRAGS Home Care Inc.  
444 Thomas Boyland Ave., Brooklyn, NY 11212  
**E-PIN#** 06908X0097CNVN003  
**Contract Amount** \$19,243,699
- 6) Bushwick Stuyvesant Heights Home Attendant, Inc.  
1004 Gates Avenue, Brooklyn, NY 11221  
**E-PIN#** 06908X0072CNVN003  
**Contract Amount** \$13,439,970
- 7) C.I.D.N.Y. Independent Living Services, Inc.  
841 Broadway, New York, NY 10003  
**E-PIN#** 06909X0091CNVN003  
**Contract Amount** \$12,201,693
- 8) CABS Home Attendant Service  
545 Broadway, Brooklyn, NY 11206  
**E-PIN#** 06908X0073CNVN002  
**Contract Amount** \$28,447,702
- 9) CABS Home Attendant Service  
545 Broadway, Brooklyn, NY 11206  
**E-PIN#** 06908X0074CNVN002  
**Contract Amount** \$12,068,128
- 10) Chinese American Planning Council  
Home Attendant Program  
One York Street, 2nd Floor, New York, NY 10013  
**E-PIN#** 06908X0075CNVN002  
**Contract Amount** \$33,251,467
- 11) Chinese American Planning Council  
Home Attendant Program, Inc.  
One York Street, 2nd Floor, New York, NY 10013  
**E-PIN#** 06908X0076CNVN002  
**Contract Amount** \$13,210,942
- 12) Community Home Care Referral D/B/A  
Helping Hands Attendant Services  
3920 13th Avenue, Brooklyn, NY 11218  
**E-PIN#** 06908X0077CNVN002  
**Contract Amount** \$19,993,032
- 13) Council For Human Services Home Care Services, Corp.  
2253 Third Avenue, 4th Floor, New York, NY 10035  
**E-PIN#** 06909X0083CNVN003  
**Contract Amount** \$13,002,281
- 14) F.E.G.S. Home Attendant Services, Inc.  
240 East 123rd Street, New York, NY 10035  
**E-PIN#** 06908X0078CNVN002  
**Contract Amount** \$21,002,472
- 15) Family Home Care Services of Brooklyn & Queens, Inc.  
168 Seventh St., Ground Floor, Brooklyn, NY 11215  
**E-PIN#** 06908X0088CNVN002  
**Contract Amount** \$11,677,072
- 16) Family Home Care Services of Brooklyn & Queens, Inc.  
168 Seventh St., Ground Floor, Brooklyn, NY 11215  
**E-PIN#** 06908X0089CNVN002  
**Contract Amount** \$35,411,371
- 17) First Chinese Presbyterian Community  
Affairs Home Attendant Corp.  
121 Avenue Of the Americas, New York, NY 10013  
**E-PIN#** 06908X0079CNVN002  
**Contract Amount** \$34,899,934
- 18) Home Attendant Services of Hyde Park  
1273 53rd Street, Brooklyn, NY 11219  
**E-PIN#** 06908X0103CNVN002  
**Contract Amount** \$23,798,924
- 19) Home Attendant Vendor Agency  
3036B Nostrand Avenue, Brooklyn, NY 11229  
**E-PIN#** 06908X0090CNVN002  
**Contract Amount** \$28,997,288
- 20) Home Care Services For Independent Living  
2044 Ocean Avenue, Suite 4-B, Brooklyn, NY 11230  
**E-PIN#** 06908X0091CNVN002  
**Contract Amount** \$31,685,174
- 21) Home Health Management Services  
30 Broad Street, 12th Floor, New York, NY 10004

- E-PIN#** 06908X0095CNVN002  
**Contract Amount** \$31,954,225
- 22) Home Services Systems, Inc.  
32-75 Steinway Street, Astoria, NY 11103  
**E-PIN#** 06908X0107CNVN002  
**Contract Amount** \$17,582,423
- 23) Home Services Systems, Inc.  
32-75 Steinway Street, Astoria, NY 11103  
**E-PIN#** 06909X0090CNVN003  
**Contract Amount** \$34,838,714
- 24) Human Development Association, Inc.  
12 Heyward Street, Brooklyn, NY 11211  
**E-PIN#** 06909X0089CNVN002  
**Contract Amount** \$32,469,662
- 25) Jewish Community Council Services Commission, Inc.  
80 Maiden Lane-10th Floor, New York, NY 10038  
**E-PIN#** 06908X0094CNVN003  
**Contract Amount** \$20,328,551
- 26) People Care, Inc D/B/A Assisted Care  
116 West 32nd Street, 14th Floor, New York, NY 10001  
**E-PIN#** 06909X0085CNVN002  
**Contract Amount** \$10,075,170
- 27) People Care, Inc D/B/A Assisted Care  
116 West 32nd Street, 14th Floor, New York, NY 10001  
**E-PIN#** 06909X0084CNVN002  
**Contract Amount** \$9,152,870
- 28) People Care, Inc D/B/A Assisted Care  
116 West 32nd Street, 14th Floor, New York, NY 10001  
**E-PIN#** 06908X0106CNVN002  
**Contract Amount** \$5,319,570
- 29) Personal Touch Home Care, Inc.  
222-15 Northern Boulevard, Bayside, NY 11361  
**E-PIN#** 06908X0092CNVN002  
**Contract Amount** \$18,905,512
- 30) Pomonok Home Services, Inc.  
61-17 190th Street, Fresh Meadows, NY 11365  
**E-PIN#** 06908X0080CNVN002  
**Contract Amount** \$22,684,087
- 31) Premier Home Health Care Services, Inc.  
D/B/A First Aide Home Care  
360 Hamilton Avenue, White Plains, NY 10601  
**E-PIN#** 06910H074921  
**Contract Amount** \$11,317,050
- 32) Prestige Home Attendant, Inc. D/B/A  
All Season Home Attendant  
377 Broadway, 2nd Floor (Front), New York, NY 10013  
**E-PIN#** 06908X0082CNVN002  
**Contract Amount** \$15,622,477
- 33) Prestige Home Attendant, Inc. D/B/A  
All Season Home Attendant  
377 Broadway, 2nd Floor (Front), New York, NY 10013  
**E-PIN#** 06908X0081CNVN002  
**Contract Amount** \$14,418,986
- 34) Project O.H.R., Inc. (Office of HC Referral)  
80 Maiden Lane-10th Floor, New York, NY 10038  
**E-PIN#** 06910H074923  
**Contract Amount** \$42,342,017
- 35) Progressive Home Health Services  
132 West 31 Street, Floor 7, New York, NY 10001  
**E-PIN#** 06909X0088CNVN002  
**Contract Amount** \$16,264,161
- 36) Ridgewood Bushwick Senior Citizens Council  
533 Bushwick Avenue, Brooklyn, NY 11206  
**E-PIN#** 06908X0099CNVN002  
**Contract Amount** \$23,524,969
- 37) Ridgewood Bushwick Senior Citizens Council  
533 Bushwick Avenue, Brooklyn, NY 11206  
**E-PIN#** 06908X0100CNVN002  
**Contract Amount** \$12,238,334
- 38) Rockaway Home Attendant Services,  
1603 Central Avenue, Far Rockaway, NY 11691  
**E-PIN#** 06909X0087CNVN002  
**Contract Amount** \$15,728,617
- 39) School Settlement Home Attendant Service Corp.  
357 Manhattan Avenue, Brooklyn, NY 11211  
**E-PIN#** 06908X0084CNVN003  
**Contract Amount** \$22,744,182
- 40) Services For The Aged  
36-36 33rd Street, Long Island City, NY 11106  
**E-PIN#** 06910H074948  
**Contract Amount** \$10,639,994
- 41) Services for the Underserved Home  
Attendant Program, Inc.  
305 7th Avenue, New York, NY 10001  
**E-PIN#** 06910H074927  
**Contract Amount** \$15,444,981
- 42) Social Concern Community Development Corp.  
226-18 Merrick Boulevard, Laurelton, New York 11413  
**E-PIN#** 06908X0105CNVN004  
**Contract Amount** \$14,898,367
- 43) St. Nicholas Human Support Corp.  
2 Kingsland Ave., Brooklyn, NY 11211  
**E-PIN#** 06908X0085CNVN003  
**Contract Amount** \$23,207,107

- 44) Sunnyside Home Care Project, Inc.  
4331 39th Street, Sunnyside, NY 11104  
**E-PIN#** 06909X0086CNVN003  
**Contract Amount** \$24,007,676
- 45) Stella Orton Home Care Agency  
3155 Amboy Road, Staten Island, NY 10306  
**E-PIN#** 06909X0125CNVN003  
**Contract Amount** \$30,628,101
- 46) Mobilization for Youth Health Services, Inc.  
199 Avenue B, New York, NY 10009  
**E-PIN#** 06908X0093CNVN002  
**Contract Amount** \$11,851,580
- 47) New York Foundation for Senior  
Citizens Home Attendants Services, Inc.  
11 Park Place, Suite 1416, New York, NY 10007  
**E-PIN#** 06908X0098CNVN003  
**Contract Amount** \$21,335,234
- 48) North General Home Attendant Corporation  
205 East 122nd Street, New York, NY 10035  
**E-PIN#** 06908X0104CNVN003  
**Contract Amount** \$13,896,054
- 49) P.S.C. Community Services, Inc.  
120 Jewel Street, 2nd Floor, Brooklyn, NY 11222  
**E-PIN#** 06908X0083CNVN003  
**Contract Amount** \$21,465,462
- 50) United Jewish Council of East Side  
Home Attendant Services  
500a Grand Street, New York, NY 10002  
**E-PIN#** 06909X0098CNVN003  
**Contract Amount** \$29,194,517
- 51) VIP Health Care Services  
116-12 Myrtle Avenue, Richmond Hill, NY 11418  
**E-PIN#** 06908X0086CNVN002  
**Contract Amount** \$9,994,506
- 52) VIP Health Care Services  
116-12 Myrtle Avenue, Richmond Hill, NY 11418  
**E-PIN#** 06908X0087CNVN002  
**Contract Amount** \$6,940,577

The proposed contractors have been selected by means of the Negotiated Acquisition Extension method pursuant to Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules.

A copy of the draft contracts is available for public inspection at Human Resources Administration, Office of Contracts, 180 Water Street, 14th Floor, Borough of Manhattan, on business days from September 10, 2010 to September 22, 2010, excluding Holidays, between the hours of 10:00 A.M and 4:00 P.M.

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## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **September 21, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF QUEENS 10-9711 - Block 1458, lot 40 - 84-01 37th Avenue - Jackson Heights Historic District  
A vacant lot. Application is to construct a new building. Zoned R7-1/C1-3. Community District 3

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-9480 - Block 2072, lot 4 - 174 Washington Park - Fort Greene Historic District  
An Italianate style rowhouse built c. 1868. Application is to construct rooftop and rear yard addition. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 10-3887 - Block 190, lot 28 - 440 Pacific Street - Boerum Hill Historic District  
A Greek Revival and Italianate style rowhouse. Application is to legalize windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 09-0425 - Block 260, lot 55 - 312 Hicks Street - Brooklyn Heights Historic District  
A Greek Revival style house built in 1846. Application is to modify a window opening and construct a deck. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 11-0521 - Block 296, lot 32 - 177 Congress Street - Cobble Hill Historic District  
An Italianate style rowhouse built in the early 1850s and later altered. Application is to legalize and modify door, windows and planter installation at front facade and areaway without Landmarks Preservation Commission permit(s). Community District 6.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 10-6962 - Block 231, lot 12 -

299 Canal Street, aka 419-421 Broadway - SoHo-Cast Iron Historic District  
A mid-20th century taxpayer. Application is to establish a Master Plan governing the replacement of storefront infill, security roll-gates, awnings, and signage.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-1001 - Block 590, lot 42 - 23 Cornelia Street - Greenwich Village Historic District Extension II  
A utilitarian style stable building built in 1912. Application is to construct a rooftop addition. Zoned R6.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-1226 - Block 627, lot 7 - 34 Gansevoort Street - Gansevoort Market Historic District  
An Italianate style French flats with store building designed by Charles Mettam and built in 1870. Application is to install signage.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-0613 - Block 644, lot 41 - 32-36 Little West 12th Street, aka 823-827 Washington Street - Gansevoort Market Historic District  
A neo-Grec style building designed by James Stroud and built in 1880. Application is to install signage and lighting.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-9719 - Block 615, lot 44 - 17 Bank Street - Greenwich Village Historic District  
An Italianate style rowhouse designed by Linus Scudder and built in 1857-57. Application is to demolish a skylight, construct a rooftop addition, and alter the rear facade. Zoned R-6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-8596 - Block 642, lot 65 - 75 Jane Street - Greenwich Village Historic District  
A Greek Revival style rowhouse designed by Peter Van Antwerp and built in 1846-1847. Application is to rebuild the rear wall and a rear extension and excavate rear yard.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 09-3405 - Block 631, lot 39 - 533 Hudson Street, aka 116 Charles Street - Greenwich Village Historic District  
A Federal style rowhouse built in 1827. Application is to install a roof deck and railings and legalize an HVAC unit.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-0894 - Block 621, lot 7502 - 367-369 Bleecker Street - Greenwich Village Historic District  
A French Second Empire style multi-family dwelling with ground floor stores constructed in 1868 and designed by Henry Engelbert. Application is to install storefront infill and signage.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-1489 - Block 821, lot 7503 - 50 West 20th Street, aka 650 6th Avenue - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Hubert, Pirsson & Hoddick and built in 1892. Application is to install banners.  
Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-1152 - Block 1035, lot 37 - 302 West 45th Street - Al Hirshfeld/former Martin Beck Theater- Interior and Individual Landmark  
A Moorish-inspired theater designed by C. Albert Lansburgh and built in 1923-24. Application is to demolish a wall within the lobby.  
Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-0431 - Block 1047, lot 7502 - 300 West 57th Street - Hearst Magazine Building-Individual Landmark  
An Art-Deco/Viennese Secessionist style office building designed by Joseph Urban and Geroge B. Post and Sons, and built in 1927-1928. Application is to install signage and a marquee. Zoned C6-6. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-9490 - Block 850, lot 1 - 149 Fifth Avenue - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Maynicke & Franke and built in 1918. Application is to replace doors and install security grilles.  
Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-2591 - Block 1296, lot 1002 - 110 East 42nd Street - Bowery Savings Bank Building-Individual & Interior Landmark  
An Academic Italian Romanesque style bank and office building and banking hall designed by York & Sawyer and W. Louis Ayres and built in 1921-23 with an addition built in 1931-33. Application is to legalize alterations within the designated banking hall.  
Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-0669 - Block 1145, lot 31 - 103 West 73rd Street - Upper West Side/Central Park West Historic District  
A Renaissance Revival style rowhouse with Neo-Grec elements designed by Henry J. Hardenbergh and built in 1879-80. Application is to construct a full lot rear extension. Zoned C1-8A. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 10-9867 - Block 1505, lot 10 - 15 East 93rd Street - Carnegie Hill Historic District  
One of a row of four houses built in 1891-92 in the Queen Anne style and designed by William Graul, and altered in 1929-30. Application is to restore facade details.  
Community District 8.

s8-21

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, September 21, 2010 at 9:30 A.M.**, at the Landmarks Preservation Commission will conduct a *continued public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmark and Landmark Site. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

**ITEM TO BE HEARD****PUBLIC HEARING ITEM NO. 1**

*Public Hearing Continued from August 10, 2010*  
LP-2245

**WILLIAM T. and MARY MARCELLITE GARNER MANSION**, 355 Bard Avenue (aka 345-355 Bard Avenue), Staten Island.  
*Landmark Site:* Borough of Staten Island Tax Map Block 102 Lot 1 in part

s7-20

**PUBLIC MEETING**

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on Tuesday, September 14, 2010, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

s9-13

**PROPERTY DISPOSITION****CITYWIDE ADMINISTRATIVE SERVICES****DIVISION OF MUNICIPAL SUPPLY SERVICES****SALE BY AUCTION****PUBLIC AUCTION SALE NUMBER 11001-F**

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, September 15, 2010 (SALE NUMBER 11001-F). Viewing is on auction day *only* from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets). A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

<http://www.nyc.gov/autoauction>  
OR  
<http://www.nyc.gov/autoauctions>

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

s1-15

**SALE BY SEALED BID****SALE OF: 5 LOTS OF MISCELLANEOUS AUTO/TRUCK PARTS, UNUSED.**

**S.P.#:** 11007 **DUE:** September 21, 2010

*Use the following address* unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.*

s8-21

**SALE OF: 4 LOTS OF MISCELLANEOUS EQUIPMENT, USED.**

**S.P.#:** 11004 **DUE:** September 13, 2010

*Use the following address* unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.*

a30-s13

**POLICE****OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.**

**The following listed property is in the custody, of the Property Clerk Division without claimants.**

**Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.**

**Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.**

**INQUIRIES**

**Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.**

**FOR MOTOR VEHICLES**

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

**FOR ALL OTHER PROPERTY**

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

**PROCUREMENT**

*"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."*

**ADMINISTRATION FOR CHILDREN'S SERVICES****INTENT TO AWARD**

*Services (Other Than Human Services)*

**HEAD START SPONSORING BOARD COUNCIL OF THE CITY OF NEW YORK, INC.** – Sole Source – Available only from a single source - PIN# 06811S0001 – DUE 09-29-10 AT 4:00 P.M.

*Use the following address* unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Administration for Children's Services, 150 William Street, 9th Floor Reception Desk, New York, NY 10038. Jean Sheil (212) 341-3518, fax: (212) 341-3520.*

s8-14

**BROOKLYN BRIDGE PARK****SOLICITATIONS**

*Services (Other Than Human Services)*

**TOBACCO WAREHOUSE** – Competitive Sealed Proposals – PIN# BBP2010 – DUE 10-18-10 AT 3:00 P.M. – Brooklyn Bridge Park is seeking proposals for the rehabilitation and adaptive re-use of the former Tobacco Warehouse for cultural, educational or community purposes. The Tobacco Warehouse is an historic 25,000 square foot open air structure with stabilized exterior walls, located in the Empire Fulton Ferry Park section of Brooklyn Bridge Park on Water Street between Dock Street and New Dock Street in Dumbo. The purpose of this Request for Proposals is to solicit proposals from Lead Tenants, who are interested in leasing, redeveloping, and being the primary occupant of the Site as a cultural facility with community uses, and from subtenants, interested in using the new facility, which would allow the facility to provide a wide array of cultural programming.

Proposals are due no later than 3:00 P.M. on October 18, 2010. An information sessions and site tour will be held at 1:00 P.M. on September 14, 2010 at the Tobacco Warehouse.

The Tobacco Warehouse Request for Proposals (RFP) can be found at Brooklyn Bridge Park's website: [brooklynbridgeparknyc.org/about-us/business-opportunities](http://brooklynbridgeparknyc.org/about-us/business-opportunities)

There will be an information session and Site visit held on September 14, 2010 at 1:00 P.M. at the Tobacco Warehouse (Water Street between Dock Street and New Dock Street). Those who wish to attend should RSVP by contacting David Lowin, Vice President of Real Estate at [dlowin@bbpny.org](mailto:dlowin@bbpny.org) or (718) 222-9252. RSVPs should also be sent to Thelma Washington at [twashington@bbpny.org](mailto:twashington@bbpny.org) or (718) 222-9939.

Directions and specific information will be provided upon RSVP. Interested parties are strongly encouraged to attend this event. If you are not able to attend, please contact BBP to indicate your interest in the project so that you will receive any updates or amendments to the RFP. Respondents may submit questions and/or request clarifications by emailing [dlowin@bbpny.org](mailto:dlowin@bbpny.org); all questions will be answered via group update emails from time to time.

FOR FURTHER INFORMATION PLEASE CONTACT:  
David Lowin, VP for Real Estate, Brooklyn Bridge Park, tel:  
(718) 222-9252, dlowin@bbpnyc.org  
www.brooklynbridgeparknyc.org

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Brooklyn Bridge Park, 334 Furman Street, Brooklyn, NY 11201. David Lowin (718) 222-9252, fax: (718) 222-9258, dlowin@bbpnyc.org

s10-14

## CHIEF MEDICAL EXAMINER

### AGENCY CHIEF CONTRACTING OFFICER

#### AWARDS

Services (Other Than Human Services)

**ACID WASTE NEUTRALIZATION SYSTEM TANK AND PIPING REFURBISHING** – Competitive Sealed Bids – PIN# 81611ME0005 – AMT: \$117,900.00 – TO: Acid Waste Management, Inc., 27 Sixth Street, New Rochelle, NY 10801.

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## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF REAL ESTATE SERVICES

#### AWARDS

Services (Other Than Human Services)

**NOTICE OF THE AWARD OF A CONCESSION** – Sole Source – Available only from a single source - PIN# 85620118200616 – AMT: \$400,800.00 – TO: New York University School of Medicine on behalf of NYULMC, 339 East 28th Street, New York, New York 10016. The Department of Citywide Administrative Services (DCAS), following approval by the Franchise and Concession Review Committee, has awarded a concession to New York University Langone Medical Center (“NYULMC”) for a period of one (1) year with two (2) one-year renewal options, exercisable at the City’s sole discretion, to utilize approximately 25,098 square feet of waterfront property located on Marginal Street, under the FDR Drive, approximately 365 feet south of the southwest corner of E. 34th Street and Marginal Street, identified as Block 962, Part of Lot 999, Borough of Manhattan. DCAS entered into the sole source occupancy permit to allow NYULMC to continue to use this property for the purpose of the operation of an employee parking lot. The concession term commenced on March 1, 2010. DCAS projects approximately \$400,800 in annual concession revenue to the City.

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**NOTICE OF THE AWARD OF A CONCESSION** – Sole Source – Available only from a single source - PIN# 85620118200661 – AMT: \$103,320.00 – TO: New York University School of Medicine on behalf of NYULMC, 339 East 28th Street, New York, New York 10016. The Department of Citywide Administrative Services (DCAS), following approval by the Franchise and Concession Review Committee, has awarded a concession to New York University Langone Medical Center (“NYULMC”) for a period of one (1) year with two (2) one-year renewal options, exercisable at the City’s sole discretion, to utilize approximately 11,055 square feet of waterfront property located on Marginal Street, south of the pedestrian walkway for the 34th Street Ferry Landing and north of the Heliport on the East River, identified as Block 966, Part of Lot 999, Borough of Manhattan. DCAS entered into the sole source occupancy permit to allow NYULMC to continue to use this property for the purpose of the operation of an employee parking lot. The concession term commenced on March 1, 2010. DCAS projects approximately \$103,320 in annual concession revenue to the City.

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### DIVISION OF MUNICIPAL SUPPLY SERVICES

#### SOLICITATIONS

Goods

**FASTENERS: BOLTS, NUTS AND WASHERS, GRADE 8** – Competitive Sealed Bids – PIN# 8571000844 – DUE 09-30-10 AT 10:30 A.M.  
● **QUATERNARY DISINFECTANT CONCENTRATE** – Competitive Sealed Bids – PIN# 857100086 – DUE 09-29-10 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Citywide Administrative Services  
1 Centre Street, Room 1800, New York, NY 10007.  
Anna Wong (212) 669-8610, fax: (212) 669-7603  
dcasdmssbids@dcas.nyc.gov

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#### AWARDS

Goods

**GRP: YEOMENS GOULP/MORRIS WASTE SLUDGE PUMPS** – Competitive Sealed Bids – PIN# 8571000669 – AMT: \$138,292.00 – TO: Dave Heiner Associates Inc., 3799 Route 46, Suite 102, P.O. Box 6016, Parsippany, NJ 07054.

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**AMMUNITION, SIMUNITION FX, BRAND SPECIFIC** – Competitive Sealed Bids – PIN# 8570100024 – AMT: \$190,007.40 – TO: Amchar Wholesale Inc., 100 Airpark Drive, Rochester, NY 14624.

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#### VENDOR LISTS

Goods

**ACCEPTABLE BRAND LIST** – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92

- Mix, Bran Muffin - AB-14-2:91
- Mix, Corn Muffin - AB-14-5:91
- Mix, Pie Crust - AB-14-9:91
- Mixes, Cake - AB-14-11:92A
- Mix, Egg Nog - AB-14-19:93
- Canned Beef Stew - AB-14-25:97
- Canned Ham Shanks - AB-14-28:91
- Canned Corned Beef Hash - AB-14-26:94
- Canned Boned Chicken - AB-14-27:91
- Canned Corned Beef - AB-14-30:91
- Canned Ham, Cured - AB-14-29:91
- Complete Horse Feed Pellets - AB-15-1:92
- Canned Soups - AB-14-10:92D
- Infant Formula, Ready to Feed - AB-16-1:93
- Spices - AB-14-12:95
- Soy Sauce - AB-14-03:94
- Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

**EQUIPMENT FOR DEPARTMENT OF SANITATION** – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:  
A. Collection Truck Bodies  
B. Collection Truck Cab Chassis  
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

**OPEN SPACE FURNITURE SYSTEMS - CITYWIDE** – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

## ENVIRONMENTAL PROTECTION

### BUREAU OF WASTEWATER TREATMENT

#### SOLICITATIONS

Services (Other Than Human Services)

**SERVICE AND REPAIR OF BOILER BURNERS AND CONTROLS AT VARIOUS DEP FACILITIES SOUTH REGION, CITYWIDE** – Competitive Sealed Bids – PIN# 826111278BRN – DUE 09-29-10 AT 11:30 A.M. – Project #1278-BRN. Document Fee: \$80.00. There will be a pre-bid conference on 9/21/10 at 10:00 A.M., 96-05 Horace Harding Expressway, 2nd Floor, Conference Room #1, Flushing, NY 11373. Saied Islam, Project Manager, (718) 595-4823. Vendor ID#: 69744.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Environmental Protection  
59-17 Junction Blvd., Flushing, NY 11373.  
Greg Hall (718) 595-3236, ghall@dep.nyc.gov

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## HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

#### SOLICITATIONS

Goods & Services

**TELEPHONE RECORDING SYSTEM** – Competitive Sealed Bids – PIN# RB11-520846 – DUE 09-30-10 AT 3:00 P.M. – There will be a pre-bid meeting followed by a walk-thru September 20, 2010 at 11:00 A.M. Vendors are to meet in the Purchasing Department at 10:30 A.M., 591 Kingston Avenue, SOB Building, Room S-251.

Prospective Bidders are advised that information only from the New York City Record be followed. Request for bid packages should be e-mailed to rup.bhowmick@nychhc.org or by calling (718) 245-2122.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Rup Bhowmick (718) 245-2122, fax: (718) 735-5486, rup.bhowmick@nychhc.org  
The Support Office, Purchasing Department  
591 Kingston Avenue, Room 251, Brooklyn, NY 11203.

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**TURNKEY RETROFIT OF OBSOLETE CARRIER PIC CONTROL PANEL WITH MCS CHILLER CONTROL PANEL** – Competitive Sealed Bids – PIN# 11211004 –

DUE 09-24-10 AT 3:00 P.M. – Mandatory site visit on 9/15/2010 and 9/17/2010 at 10:00 A.M. at Harlem Hospital Center, 506 Lenox Avenue, New York, NY 10037, in the K Building. Contact: Bill Rose at (212) 939-2340, Room 112.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Lincoln Hospital Center, 234 East 149th Street, 2A2, Bronx, NY 10451. Eleanor Munnerlyn (212) 939-3978, fax: (718) 579-4788, eleanor.munnerlyn@nychhc.org

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Services (Other Than Human Services)

**TRANSPORTATION BROKERAGE SERVICES** – Request for Proposals – PIN# 100912R074 – DUE 10-08-10 AT 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
MetroPlus Health Plan, 160 Water Street, 3rd Floor, New York, NY 10038. Kathleen Nolan (212) 908-8730, fax: (212) 908-8620, nolank@nychhc.org

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## HEALTH AND MENTAL HYGIENE

### AGENCY CHIEF CONTRACTING OFFICER

#### AWARDS

Human/Client Service

**NY/NY SCATTER SITE SUPPORTIVE HOUSING** – Renewal – PIN# 08PO082511R1X00 – AMT: \$1,371,600.00 – TO: Urban Pathways, Inc., 575 Eighth Avenue, 9th Floor, New York, NY 10018.

● **MEDICALLY SUPERVISED OUTPATIENT, CHEMICAL DEPENDENCE PREVENTION SERVICES** – Required Method (including Preferred Source) – PIN# 11SA009001R0X00 – AMT: \$2,133,423.00 – TO: Lesbian and Gay Community Services Center, Inc., 208 West 13th Street, New York, NY 10011.

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## HOMELESS SERVICES

#### INTENT TO AWARD

Human/Client Service

**RELOCATION ASSISTANCE PROGRAM FOR HOMELESS FAMILIES** – Negotiated Acquisition – PIN# 07107X0007CNV001 – DUE 09-17-10 AT 2:00 P.M. – The Department of Homeless Services (DHS) intends on entering into negotiations with Church Avenue Merchants Block Association (CAMBA), located at 1720 Church Avenue, Brooklyn, NY 11226 to continue to operate the Relocation Assistance Program (REAP) which locates quality permanent housing for homeless families, while providing individualized case management services to enable families to reach the goal of independent living. This contract will be conducted via the Negotiated Acquisition Extension, pursuant to Section 3-04 (b)(2)(iii) of the Procurement Policy Board Rules to extend the underlying contract for one (1) year to allow the agency sufficient time to complete the anticipated targeted number of housing placements by June 30, 2011.

It is anticipated that the extension contract will be from July 1, 2010 to June 30, 2011.

Qualified vendors that are interested in bidding on future contracts that provide relocation assistance services to homeless families may contact: Marta Zmoira, Contract Officer, Department of Homeless Services, 33 Beaver St., 13 Floor, NY, NY 10004 or e-mail at mzmaira@dhs.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Homeless Services, 33 Beaver Street  
New York, NY 10004. Marta Zmoira (212) 361-0888, Fax: (917) 637-7562, mzmaira@dhs.nyc.gov

s3-10

### OFFICE OF CONTRACTS AND PROCUREMENT

#### SOLICITATIONS

Human/Client Service

**CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Homeless Services, 33 Beaver Street  
13th Floor, New York, NY 10004.  
Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j6-20

## HOUSING AUTHORITY

#### SOLICITATIONS

Construction/Construction Services

**REPLACEMENT OF BOILERS AT LENOX ROAD - ROCKAWAY PARKWAY** – Competitive Sealed Bids –



PIN# HE1016669 – DUE 10-01-10 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, New York, NY 10007.  
Vaughn Banks (212) 306-6727, fax: (212) 306-5152,  
vaughn.banks@nycha.nyc.gov

s10-16

**REQUIREMENT CONTRACT FOR SIDEWALK SHEDS FOR VARIOUS LOCATIONS, BRONX/QUEENS** – Competitive Sealed Bids – PIN# BW1009605 – DUE 10-01-10 AT 10:30 A.M.

● **REQUIREMENT CONTRACT FOR SIDEWALK SHEDS FOR VARIOUS LOCATIONS, BROOKLYN/STATEN ISLAND** – Competitive Sealed Bids – PIN# BW1009603 – DUE 09-30-10 AT 10:30 A.M.

● **REQUIREMENT CONTRACT FOR SIDEWALK SHEDS FOR VARIOUS LOCATIONS, MANHATTAN** – Competitive Sealed Bids – PIN# BW1009606 – DUE 09-29-10 AT 10:30 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, New York, NY 10007.  
Vaughn Banks (212) 306-6727, fax: (212) 306-5152,  
vaughn.banks@nycha.nyc.gov

s9-15

**REQUIREMENT CONTRACT FOR REPLACEMENT OF HEATING CONTROL PANELS AT VARIOUS DEVELOPMENTS** – Competitive Sealed Bids – PIN# HE1012006 – DUE 09-27-10 AT 10:00 A.M.

● **REQUIREMENT CONTRACT FOR REPLACEMENT OF HEATING CONTROL PANELS AT VARIOUS DEVELOPMENTS** – Competitive Sealed Bids – PIN# HE1013670 – DUE 09-28-10 AT 10:00 A.M.

● **REQUIREMENT CONTRACT FOR REPLACEMENT OF HEATING CONTROL PANELS AT VARIOUS DEVELOPMENTS** – Competitive Sealed Bids – PIN# HE1012558 – DUE 09-29-10 AT 10:00 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121,  
fax: (212) 306-5151, gloria.guillo@nycha.nyc.gov

s3-10

## HOUSING PRESERVATION & DEVELOPMENT

### DIVISION OF MAINTENANCE

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

#### FIREGUARD SERVICES - MANHATTAN AND THE BRONX - ALL CDS

– Competitive Sealed Bids – E-PIN: 80611B0008 – DUE 10-07-10 AT 11:00 A.M. –

#### ● FIREGUARD SERVICES - BROOKLYN AND QUEENS - ALL CDS

– Competitive Sealed Bids – E-PIN: 80611B0009 – DUE 10-07-10 AT 11:00 A.M.

Non-refundable document cost of \$25.00 per bid packages shall be payable at time of pick-up. Acceptable forms of payment are money order, teller's check or certified check only. Site hours are Monday through Friday, excluding City Holidays, between the hours of 9:00 A.M. to Noon and 2:00 P.M. to 4:00 P.M.

A pre-bid conference is scheduled for Monday, September 20, 2010 at 11:00 A.M. The conference will be held at HPD, 100 Gold Street, New York, NY 10038, 6th Floor, 6-M. Attendance is HIGHLY RECOMMENDED.

People with disabilities requiring special accommodations to pick up solicitation documents are advised to call Diane Faulkner (212) 863-7078/7723, so that necessary arrangements can be made.

Contract is subject to all provisions as may be required by Federal, State and Local Statutes, Rules and Regulations.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Preservation and Development, 100 Gold Street, Room 6-M, New York, NY 10038.

Brian Saunders (212) 863-6590, fax: (212) 863-5015,  
contracts@hpd.nyc.gov

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## JUVENILE JUSTICE

### ■ SOLICITATIONS

*Human/Client Service*

#### PROVISION OF NON-SECURE DETENTION GROUP HOMES

– Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York

City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street  
14th Floor, New York, NY 10038.  
Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

## PARKS AND RECREATION

### CONTRACTS

#### ■ AWARDS

*Goods*

#### ADVERTISING ON MTA PROPERTY – Sole Source –

Available only from a single source - PIN# 34373846 – AMT: \$100,000.00 – TO: CBS Outdoor, Inc., P.O. Box 33074, Newark, NJ 07188.

The Department of Parks and Recreation intends to enter into sole source negotiations with CBS Outdoor Group, Inc., P.O. Box 33074, Newark, NJ 07188, to provide subway platform posters for the Shape Up NYC campaign at various sites approved by the Metropolitan Transportation Authority (MTA).

Any firm that would like to join the City Bidders list may do so by filling out the NYC-FMS Vendor Enrollment Application available online at:

http://www.nyc.gov/html/selltonyc/html/new\_vendors.html, and in hard copy call the Vendor Enrollment Center at (212) 856-1680.

s7-13

### PURCHASING AND ACCOUNTING

#### ■ AWARDS

*Goods & Services*

#### BUS SHELTER ADVERTISING – Sole Source – Available

only from a single source - PIN# 082710846 – AMT: \$100,000.00 – TO: Cemusa NY, LLC, 420 Lexington Ave., Suite 2533, New York, NY 10170. The Department of Parks and Recreation intends to enter into sole source negotiations with Cemusa NY, LLC, 420 Lexington Avenue, Suite 2533, New York, NY 10170, to provide bus advertising billboards for the water safety campaign and special events at various sites approved by the Metropolitan Transportation Authority (MTA).

Any firm that would like to express their interest in providing services for similar projects in the future may do so by joining the City bidders list by filling out the NYC-FMS Vendor Enrollment Application available online at www.NYC.gov/selltonyc, and in hard copy by calling the Vendor Enrollment Center at (212) 857-1680.

s8-14

### REVENUE AND CONCESSIONS

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

#### OPERATION AND MAINTENANCE OF INTERIOR FOOD CONCESSION, SEASONAL CAFES, MOBILE FOOD UNITS AT RANDALL'S ISLAND PARK, MANHATTAN

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M104-SB – DUE 10-14-10 AT 3:00 P.M. – The City of New York Department of Parks and Recreation (Parks) requests proposals for the operation and maintenance of one (1) interior food concession at Icahn Stadium, the construction, operation and maintenance of a minimum of two (2) but no more than five (5) seasonal cafes, and the option of constructing, operating and maintaining up to five (5) mobile food units at Randall's Island Park, Manhattan. Parks is seeking proposers who can demonstrate experience in food service operations to operate and maintain the food and beverage concessions.

There will be a recommended on-site proposer meeting and site tour on Tuesday, September 21, 2010 at 1:00 P.M. We will be meeting at the proposed concession site, in front of Icahn Stadium which is located on Randall's Island Park. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, 830 5th Avenue, Room 407, New York, NY 10065. Evan George (212) 360-3495, fax: (212) 360-3434,  
evan.george@parks.nyc.gov

s1-15

## POLICE

### CONTRACT ADMINISTRATION UNIT

#### ■ SOLICITATIONS

*Construction Related Services*

#### AIR CONDITIONING SYSTEM UPGRADE – Competitive

Sealed Bids – PIN# 056100000707 – DUE 10-05-10 AT 11:00 A.M. – Mandatory pre-bid conference will be held 10:00 A.M. on Tuesday, September 21, 2010 at 108th Precinct Station House, 5-47 50th Avenue, Queens, New York. This procurement is subject to the Project Labor Agreement (“PLA”) entered into between the City and the building and Construction Trades Council of Greater New York (“BCTC”) affiliated Local Unions. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005. EPIN: 05610B0004.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Police Department, 51 Chambers Street, Room 310, New York, NY 10007. Stephanie Gallop (646) 610-5225,  
stephanie.gallop@nypd.org

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## TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

### ■ SOLICITATIONS

*Goods*

**33-PASSENGER AND 24-PASSENGER ADULT MINI BUSES** – Competitive Sealed Bids – PIN# OP1453000000 – DUE 09-24-10 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Triborough Bridge and Tunnel Authority, 3 Stone Street  
Bid Suite, New York, NY 10004.

Victoria Warren (646) 252-6101, fax: (646) 252-7077  
uprocure@mtabt.org

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## AGENCY RULES

## TAXI AND LIMOUSINE COMMISSION

### ■ NOTICE

#### Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) hereby promulgates rules governing TLC adjudications.

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on these proposed rules were held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on November 6, 2009 at 2:30 P.M. and on July 8, 2010 at 10:00 A.M.

These rules will take effect on January 1, 2011.

Section 1. Title 35 of the Rules of the City of New York is hereby amended by adding a new chapter 18 thereto, to read as follows:

New Material is underlined.

### CHAPTER 18 ADJUDICATIONS

#### §18-01 Scope of this Chapter

- To establish a Commission Adjudications Tribunal.
- To establish the procedures for all Hearings and appeals conducted by the Commission.
- To establish the requirements for imposing the immediate summary suspension of a License and the procedures and protections for Licensees whose Licenses have been summarily suspended.

#### §18-02 Penalties

- Prescribed Penalties. Whenever a Respondent is charged with a violation of any Commission Rule or Administrative Code Section, Respondent can be subject to the civil penalties as set in the Commission Rules or the Administrative Code.
- Discretionary Penalties. In the alternative to any of the specific penalties set in the Commission Rules, the Commission can, in its discretion, impose a penalty of License revocation, License suspension of up to six months, and/or the following fines:
  - A fine, not to exceed \$10,000 for each violation, against the Owner of a Licensed Taxicab or For-Hire vehicle, Base, Commuter Van Service or vehicle, Paratransit service or vehicle, Taximeter Business, Taxicab Broker or Taxicab agent
  - A fine, not to exceed \$1,000 for each violation, against a Licensed Driver

#### §18-03 Definitions Specific to this Chapter

- Commission Adjudications Tribunal (or Commission Tribunal) is the judicial body that has, except as otherwise provided in these Rules, jurisdiction over:
  - Violations of Title 19, Chapter 5 of the Administrative Code
  - Violations of Commission Rules
  - Review of the fitness of an Applicant or a Licensee to hold a License
- De Novo is a legal term meaning “over again from the beginning.”
- Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation must be imposed; Discretionary Revocation can be sought by the Chairperson for any Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.
- Fit to Hold a License means that the Applicant or Licensee is qualified (“fit”) to assume the duties and obligations of the particular TLC Licensee and meets and will continue to meet the qualifications for licensure established by applicable rule or law, and that a Licensee or Applicant for a License will comply and continue to be able to comply with such qualifications or applicable rule or law



- (e) Inquest is the presentation and consideration of evidence at a Hearing before an ALJ, when the Respondent has failed to appear.
- (f) Mandatory Revocation is the imposition of the penalty of revocation when a Rule specifies that revocation *must* be imposed.
- (g) Notice of Seizure is document served upon and mailed to an owner of a vehicle that has been seized and removed to a secure facility.
- (h) OATH is the New York City Office of Administrative Trials and Hearings.
- (i) Recommended Decision. A Recommended Decision is a writing made by an ALJ (or by OATH) following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.
- (j) Respondent is an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being not Fit to Hold a License.
- (k) Secondary Owner is an individual or Business Entity that has a lien or mortgage or any other type of legal interest in a vehicle.
- (l) Unlicensed Activity is the provision or advertising of any Commission-regulated for-hire transportation service by any (i) Licensee whose License is suspended, revoked, or expired and not yet renewed, or by any (ii) person who does not hold a Valid License or Authorization for the vehicle, for the driver of the vehicle and, if applicable, for the service; Unlicensed Activity specifically includes these activities as specifically set forth in §19-506 and §19-529 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of his or her vehicle.

#### §18-04 Alternative Forum

- (a) The Commission can refer any adjudication to the New York City Office of Administrative Trials and Hearings (OATH). In this event, OATH's rules will govern the case. The determination of OATH about the penalty will be a recommendation to the Chairperson ("Recommended Decision").

#### §18-05 Service of Summonses and Notices

- (a) Service. A Respondent must be served with a summons, a notice, or a notice of violation specifying the nature of the violation charged or the basis for any charge that the Respondent is not Fit to Hold a License.
- (b) Licenses. Service of a summons or other notice upon a Licensee can be accomplished through any of the following methods:
- (1) By personal service;
  - (2) By USPS first class mail addressed to the last Mailing Address filed with the Commission;
  - (3) If the Licensee is a Vehicle Owner (of a Taxicab, For-Hire Vehicle, Paratransit Vehicle, or Commuter Van), by personal service upon the Driver, who must promptly forward the summons or notice to the Owner or Agent; a Driver who fails to do so will be in violation of these Rules.
  - (4) If the Licensee is any Licensee other than a Vehicle Owner or Driver (for example, owner of a Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business), by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Licensee at the Licensee's place of business.

- (c) Non-Licenses. Service of a summons or other notice upon a Respondent who is not a Licensee can be accomplished through any of the following methods consistent with the requirements set in the Civil Practice Law and Rules:

- (1) By personal service.
- (2) By USPS first class mail addressed to the address on the Respondent's state-issued driver's License or vehicle registration.
- (3) If the Respondent is the registered owner of a vehicle, by personal service upon the driver of the vehicle.
- (4) If the Respondent is charged with operating an unlicensed Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business, by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Respondent at the Respondent's place of business.

#### §18-06 Contents of Summons or Notice of Violation

- (a) Required Information. A summons or notice of violation must contain, at a minimum, the following information:
- (1) The date, time, and location of the alleged violation.
  - (2) A description of the nature of the violation sufficient to inform the Respondent of the prohibited conduct, including the basis for any charge that the Respondent is not Fit to Hold a License.
  - (3) The Rule or Administrative Code Section alleged to have been violated. If there is a conflict between the Rule or Code Section cited and the description of the violation, the description controls the final resolution of the issue.
  - (4) The date, time, and location of the

scheduled Hearing on the violation, or instructions to the Respondent on how to schedule a Hearing date including the deadline for responding.

- (5) Whether the Respondent's personal appearance at the Hearing is required.
  - (6) If the rule violated includes the penalty of discretionary revocation, a specific statement that a finding of guilt could result in the revocation of the Respondent's License.
  - (7) If the rule violated includes the penalty of mandatory revocation, a specific statement that a finding of guilt will result in the revocation of the Respondent's License.
- (b) Failure of Summons to Provide Information.
- (1) If, at a Hearing, a Respondent claims that the summons or notice of violation did not provide the required information, the Commission will attempt to have the Respondent provided with the required information and the ALJ will determine if the lack of information has unfairly prejudiced the Respondent.
  - (2) The ALJ will then determine whether to:
    - (i) Proceed with the Hearing
    - (ii) Grant an adjournment, or
    - (iii) Dismiss the violation
  - (3) If the summons or notice of violation is dismissed solely because the information specified in subdivision (a) has not been provided, the Commission can issue an amended summons or notice of violation.

#### §18-07 Respondent Options Based on Violation's Appearance Requirements

- (a) Options When Attendance Is Not Required. For violations where the Respondent's personal appearance is not required, the Respondent can choose from the following options:
- (1) The Respondent can plead guilty and pay the scheduled fine in person or by mail (or in any other manner approved by the Commission) prior to the scheduled Hearing or deadline. By pleading guilty, the Respondent admits the charges contained in the summons or notice of violation and waives any right to appeal the ALJ's determination or assessment of penalties.
  - (2) The Respondent can choose, instead, to appear for a Hearing at the location, date, and time indicated on the summons or notice of violation. If no Hearing date is scheduled, the Respondent can request a Hearing by pleading not guilty to the summons or by following the instructions contained in the notice from the Commission.
  - (3) The Respondent's failure to enter a plea in a timely manner will constitute a default to the charges, and the Respondent will be subject to penalties that can include License suspension or revocation.
- (b) Options When Appearance is Required. If the summons or violation requires a personal appearance, the Respondent must appear for a Hearing at the location, date, and time indicated on the summons or notice of violation. Failure to appear will constitute a default to the charges and the Respondent will be subject to penalties that can include License suspension or revocation.

#### §18-08 Failure to Prosecute by the Commission

- (a) If without any delay or default on the part of the Respondent, the Commission fails to act within one year from the date of the summons or notice of violation, the charges will be dismissed.

#### §18-09 Hearings – Adjournment Requests

- (a) A Respondent who is unable to appear at a scheduled Hearing must:
- (1) Notify the Commission at least five business days in advance of the Hearing; and
  - (2) Show why Respondent is unable to attend.
- (b) A Respondent will be entitled to only one adjournment.
- (c) If a Respondent requests an Adjournment less than five business before the Hearing, he or she must make the request in person. An ALJ must decide whether to grant the adjournment on the day the request is made.

#### §18-10 Hearings – Who Must or Can Appear for the Respondent

- (a) Licenses. A Respondent who is a Licensee can be represented at a Hearing by an attorney or by an authorized non-attorney Representative.
- (b) Corporations. If the Respondent is a corporation, it can also be represented by an officer, director, or employee of the Respondent corporation designated as an agent for the Respondent.
- (c) Partnerships. If the Respondent is a partnership, it can also be represented by any partner.
- (d) Non-Licenses. A Respondent who is not a Licensee must appear personally and can be accompanied and represented by an attorney or an authorized non-attorney Representative.
- (e) Non-Licensee Business Entity. If the non-Licensee

Respondent is a corporation or partnership, an officer, director, employee, or partner must appear.

- (f) Proof of Relationship to Respondent. Any individual appearing who is not a Respondent must provide proof of his or her relationship to the Respondent.
- (g) The Commission can, for cause, deny any non-attorney (other than an authorized Representative or the Respondent) the opportunity to appear at a Hearing.
- §18-11 Hearings – Procedures**
- (a) Identification Required. A Respondent must provide the ALJ with a Valid government-issued photo ID prior to the Hearing.
- (b) Hearings Conducted in English. All Hearings must be conducted in English.
- (c) Right to Bring Translator. Except for a Licensed Taxicab Driver, any Respondent who does not speak or understand English can appear at a Hearing with a translator who is not a party, a representative of the Respondent, or a witness to the proceeding.
- (d) Right to Present Witnesses. A Respondent is entitled to be present throughout the entire Hearing and can present witnesses. However, witnesses will be excluded from the Hearing room except while they are actually testifying.
- (e) Right to Confront Witnesses.

- (1) The Commission will produce a complaining witness, if there is one, to testify in person where the witness's credibility is relevant. The Respondent will have the opportunity to confront a complaining witness, if the witness is produced.
- (2) If the witness does not personally appear, the Commission will make reasonable efforts to have the witness available by videoconferencing or teleconferencing at the Hearing.
- (3) If the Commission is unable to produce the witness in person or by video or teleconference, it will provide the ALJ with a statement outlining its efforts to produce the witness.
- (4) If the ALJ determines that the Commission's efforts were not adequate, the ALJ shall dismiss the notice of violation.

#### (f) Conduct of Hearing.

- (1) All Hearings must be conducted before an ALJ.
  - (2) The ALJ must consider all relevant testimony and review documentary evidence submitted at the Hearing.
  - (3) Evidence at a Hearing can include affidavits or affirmations submitted under penalties of perjury. Evidence can also include records maintained by the Commission or by another governmental body in its regular course of business.
  - (4) If the Respondent fails to produce any document that the Commission has requested or that Respondent is required by Commission Rules to maintain, the Commission will presume that the document, if produced, would have been adverse to the Respondent.
  - (5) Although the formal rules of evidence do not apply, all witnesses must testify under oath or affirmation.
  - (6) At the conclusion of the Hearing, the ALJ must issue a decision that includes findings of fact and conclusions of law.
- (g) Recordings. All Hearings shall be recorded. The record of the Hearing and the written decision of the ALJ will constitute the only official record of the Hearing. No individual can record or photograph the Hearing without prior written permission from the Commission.
- (h) Findings of Guilt. If the ALJ finds that a violation has been committed, the ALJ must impose the appropriate penalties, which can include a fine, points, and a suspension or revocation of the Respondent's License. If a suspension for a specified period of time is imposed, the suspension period will not include any period of time during which the Respondent's License is not in the possession of the Commission.

#### §18-12 Inquests – Hearing Conducted in the Absence of Respondent

- (a) Failure to Appear. If a Respondent fails to appear at a scheduled Hearing, the Commission will conduct an Inquest on or after the Hearing date.
- (b) Inquest Proceedings. At the Inquest, the ALJ will conduct the Hearing and review the evidence and impose any penalties deemed appropriate, including additional penalties for the failure to appear at the Hearing.
- (c) Notification of Results.
- (1) The Commission will mail a copy of the ALJ's decision by regular, USPS first class mail to the Respondent at the address on file with the Commission.
  - (2) The Commission will record the time and date this notification is mailed and the name of the person who mailed it. This record of information will be available to the Respondent upon request.
- (d) Imposition of Penalties.
- (1) Suspension. All suspension penalties

imposed at an Inquest will begin 10 days from the date the ALJ's decision is mailed to the Respondent.

- (2) Fines. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §18-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

- (3) Penalties for Persistent Driver Violators. Penalties imposed as a result of the Program for Persistent Violators will be assessed 10 days from the date the ALJ's decision is mailed to Respondent unless a timely motion to vacate, as provided in §18-13 below, is filed.

#### §18-13 Inquests – Respondent's Right to Challenge Decision

- (a) Motion to Vacate. A Respondent can move to vacate the Inquest determination by filing a written motion to vacate within two years from the date of the Inquest.

- (b) Content of Motion. A Respondent's motion to vacate must present written evidence on the following:

- (1) The reasons for his or her failure to appear at the Hearing
- (2) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons

- (c) Granting of Motion to Vacate. If the ALJ determines that the Respondent has established both a valid excuse for his or her failure to appear at the Hearing and a defense to the violation that, if proven, would be legally sufficient:

- (1) The Inquest determination must be vacated and the Respondent must be entitled to a new Hearing.
- (2) Any suspension, revocation or Persistent Violator penalties imposed at the Inquest must be vacated.
- (3) Any fines paid will be refunded.

- (d) Denial of Motion to Vacate. If the ALJ denies the motion to vacate, the penalties imposed at the Inquest will remain in force.

#### §18-14 Appeals – By Respondent

- (a) Time for Appeal. The Respondent can appeal a final decision of the ALJ within 30 calendar days from the date of the decision, unless extended as provided by subdivision (f) below.

- (b) Expedited Appeal. If the ALJ's decision resulted in the suspension or revocation of a License, the determination of the appeal will be expedited.

- (c) Filing of Appeal. The appeal must be directed to the Deputy Commissioner for Legal Affairs/General Counsel and accompanied by a copy of the ALJ decision.

- (d) Payment of Fines Deferred.

- (1) If the Respondent files a timely appeal, any fines imposed by the ALJ will be deferred until a decision on the appeal is made.
- (2) The Commission will not be required to refund any fines paid before Respondent filed the appeal, unless the appeal is successful.

- (e) Requests for Copy of Recording.

- (1) The Respondent can request a copy of the recording of the Hearing within seven calendar days from the ALJ's determination. The request must be made in writing on a form supplied by the Commission.
- (2) The Commission will provide Respondent with a copy of the recording within 30 days after receipt of the request.
- (3) If the Commission cannot produce the recording to the Respondent within 30 days, the determination being appealed will be dismissed without prejudice, which means that the Commission is entitled to re-issue the violation and rehear the case as a new case.

- (f) Extension of Time for Appeal. If the Respondent requests a copy of the recording of the Hearing, his or her time to respond to the notice of appeal will be the later to occur of the following:

- (1) The original 30 calendar days from the date of the decision being appealed
- (2) Twenty-one calendar days from the date the Commission issues the requested copy of the recording of the Hearing to the Respondent.

- (g) Issues of Law on Appeal. A Respondent's appeal of an ALJ's decision must be limited to the issues of law raised in the determination being appealed.

- (h) Results of Appeal. On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified.

- (i) Temporary License.

- (1) If the ALJ's decision results in the suspension of the Respondent's License, the Deputy Commissioner for Legal Affairs/General Counsel or his designee

can, in his or her discretion, issue a temporary license, which will remain in effect pending the determination of the appeal.

- (2) In deciding whether or not to issue a temporary license, the following factors can be considered: the Respondent's record, the seriousness of the charges, the likelihood of the success of the appeal, and the significance of the issues raised on appeal.

#### §18-15 Appeals – By Commission

- (a) Appeal by the Commission. The Commission can appeal a final decision by an ALJ if the determination has raised issues of law that require review.

- (b) Filing of the Appeal. The appeal must be filed with the Deputy Commissioner for Legal Affairs/General Counsel within 30 calendar days from the date of the determination.

- (c) Basis for Appeal. The appeal will include a written statement describing the basis for the appeal.

- (d) Rights of the Respondent.

- (1) The Respondent has the right to receive by mail a written statement setting forth the basis for the appeal, and information as to when and how Respondent can respond to the appeal.

- (2) The Respondent must respond to the Commission's appeal within 21 calendar days from the mailing of the appeal.

- (3) The Respondent can request a copy of the recording of the Hearing within seven calendar days from the notice of appeal. The request must be in writing on the form supplied by the Commission.

- (4) If a Respondent requests a copy of the recording of the Hearing, his or her time to respond to the notice of appeal is extended until 21 calendar days from the issuance of the requested copy by the Commission, whether by mailing or otherwise.

- (e) Issues of Law on Appeal. A Commission appeal of an ALJ's decision must be limited to the issues of law raised in the determination being appealed.

- (f) Results of Appeal. On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified.

- (1) If a decision appealed by the Commission results in the reversal of a decision by an ALJ to dismiss a summons, the matter must be remanded to the Commission Adjudications Tribunal for a new Hearing.

- (2) If a decision appealed by the Commission affirms a determination of guilt by an ALJ but modifies a penalty that had been incorrectly imposed, the decision can correct the penalty without remand for a new Hearing.

#### §18-16 ALJ's Final and Recommended Decisions

- (a) ALJs of the Commission Adjudications Tribunal will render final decisions that include findings of fact and conclusions of law, as well as penalties to be assessed.

- (b) ALJ decisions will be final except for the following, which shall be Recommended Decisions:

- (1) ALJ findings and penalty determinations as to the fitness of Licensees or License Applicants
- (2) ALJ penalty determinations in padlocking or proceedings under §19-528(b) of the Administrative Code
- (3) ALJ findings and penalty determinations in Summary Suspension proceedings pending revocation.

#### §18-17 Procedure for Finalizing Recommended Decisions

- (a) Respondent's Opportunity to Respond. When a Recommended Decision is issued, the Respondent must be given an opportunity to provide a written response. The response must be limited to the record of the Hearing and the determination of the ALJ with respect to penalty only.

- (b) Submission to Chairperson. The Recommended Decision must include the findings of fact, conclusions of law and recommended penalties. This will be submitted to the Chairperson along with any written comments submitted by the Respondent.

- (c) Final Decision by Chairperson. The Chairperson will determine whether to accept, modify, or reject the Recommendation of the ALJ and will issue a Final Decision. Alternatively, the Chairperson can remand the matter to the ALJ for further consideration.

#### §18-18 Appeal of Chairperson's Final Decision

- (a) The only Chairperson's Final Decision that can be appealed is a decision regarding the imposition of Discretionary Revocation (see §18-19).

- (b) The Chairperson's Final Decision on the imposition of discretionary revocation can be appealed to the Commissioners following these rules:

- (1) The Respondent must file a written appeal with the Deputy Commissioner for Legal Affairs/General Counsel within 30 calendar days from the date of the Chairperson's final decision.
- (2) The filing must describe the basis for the

appeal and must include all supporting statements and arguments.

- (3) The Chairperson can prescribe the form for the conduct and filing of these appeals.

- (4) A review of the Chairperson's decision must be limited to the issues of law raised in the appeal submitted and whether the decision of the Chairperson and the Recommended Decision of the ALJ are supported by substantial evidence. The Commissioners can not review findings of fact or determinations of credibility by an ALJ.

- (5) The Commission can submit a written response to any appeal filed by the Respondent.

- (6) The Respondent must be given the opportunity to respond in writing to the Commission's written submission.

- (7) The Commissioners must each receive a copy of the ALJ's Recommended Decision, the Chairperson's Final Decision, the Respondent's appeal, and any responses filed by the Commission or the Respondent.

- (8) Acting in its quasi-judicial capacity, the Commission must affirm, reject, modify, or remand the Chairperson's Final Decision. A minimum of five votes is required to reject, modify or remand the Final Decision; the absence of five votes to change the Final Decision constitutes an affirmation. The Chairperson can not vote on these appeals.

- (9) The results of the vote and the action taken by the Commission must be communicated at a public meeting.

#### §18-19 Special Procedures – Imposition of Revocation

- (a) Mandatory Revocation. Mandatory License revocation will be imposed when a Respondent is found liable for a violation in which mandatory revocation is specified.

- (b) Discretionary Revocation. If the Commission seeks Discretionary Revocation, the following procedure must be followed.

- (1) The Chairperson must determine that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.

- (2) The proceeding must be commenced before the Office of Administrative Trials and Hearings (OATH).

- (3) The Commission must notify the Respondent of the proceeding by serving a written summons or notice detailing the charged misconduct and warning the Respondent that a finding of guilt could result in the revocation of his License.

- (4) The Respondent must be served with charges according to the procedures adopted by OATH.

- (5) The charges must inform the Respondent of the location, date, and time of any scheduled Hearing.

- (6) The Hearing will be conducted by an OATH ALJ and governed by OATH procedures. The affirmative defenses in subdivision b of §19-512.1 of the Administrative Code can be available in the Hearing.

- (7) The OATH ALJ must issue a Recommended Decision to the Chairperson containing findings of fact, conclusions of law, and recommended penalties. These penalties can include License revocation, License suspension for a period up to six months, and a fine not to exceed \$10,000 for each offense for which a Taxicab owner, base owner, taximeter business owner, Taxicab broker, or Taxicab agent is found guilty or a fine not to exceed \$1,000 for each offense for which any other Licensee is found guilty.

#### §18-20 Special Procedures – Fitness Hearings

- (a) The Chairperson will notify the Applicant or Licensee to appear as Respondent for a fitness Hearing if the Chairperson believes that a Licensee or Applicant for a License is not Fit to Hold a License including, but not limited to, as a result of:

- (1) A criminal conviction.
- (2) A failed drug test as a result of illegal drug use or a sample which cannot be tested.

- (b) The Notice to Respondent and the conduct of the Hearing will be governed by the rules and procedures established in this Chapter.

- (c) At the conclusion of the Hearing, the ALJ must issue a Recommended Decision that must include a determination as to the Respondent's fitness to possess a License.

- (d) If the Respondent is or has ever been a Licensee, the Recommended Decision will be issued to the Chairperson.

- (e) If the Respondent is an Applicant who has never held a License issued by the Commission, the Recommended Decision will be issued to the Chairperson.

- (f) The Chairperson can accept, reject, or modify the Recommended Decision. The decision of the Chairperson will constitute the final, determination of the Commission.

- (g) The License of a Licensee who is found to be not Fit to Hold a License will be revoked.
- §18-21 Special Procedures – Summary Suspension Pending Revocation**
- (a) Summary Suspension.
- (1) The Chairperson can summarily suspend a License if the Chairperson believes that continued licensure would constitute a direct and substantial threat to public health or safety, pending revocation proceedings.
- (2) Any Licensee subjected to a Summary Suspension is entitled to a Summary Suspension Hearing or a Revocation Hearing as established below.
- (3) The Commission will notify the Licensee either by personal service or by USPS first class mail of the Summary Suspension, within five days of the suspension.
- (b) Summary Suspension or Revocation Hearing (other than Suspensions resulting from Criminal Charges). If the Commission does not schedule a revocation Hearing to be held within 15 days from the suspension:
- (1) The Respondent can request a Hearing on the Summary Suspension within ten calendar days from receiving the notice of suspension.
- (2) Upon receipt of a request for a Hearing, the Commission must schedule a Suspension Hearing within ten calendar days of the receipt of the request, unless the Chairperson determines that the Hearing will harm any ongoing civil or criminal investigation.
- (3) No Summary Suspension Hearing will be required where the Commission schedules the revocation Hearing within 15 calendar days of the suspension.
- (c) Conduct of Summary Suspension Hearing.
- (1) A summary suspension Hearing must be held before an ALJ who must consider relevant evidence and testimony under oath, according to the Hearing procedures established in this Chapter.
- (2) Where applicable, the affirmative defenses will include those provided in §19-512.1(b) of the Administrative Code.
- (3) At the end of the Summary Suspension Hearing, the ALJ must issue a written Recommended Decision to the Chairperson, who can accept, reject, or modify the recommendation.
- (4) The decision of the Chairperson is the final determination of the Commission with respect to the summary suspension.
- (5) If the Chairperson does not render a decision within 60 calendar days from the end of the suspension Hearing, the suspension must be lifted until the decision is rendered.
- (d) Summary Suspension for Criminal Charges.
- (1) The Chairperson can summarily suspend a License based upon an arrest on criminal charges if the Chairperson believes that the charges, if true, would demonstrate that continued licensure would constitute a direct and substantial threat to public health or safety.
- (2) The Chairperson need not commence revocation proceedings while the criminal charges are pending. However, the Respondent is entitled to request a Suspension Hearing.
- (3) At the Summary Suspension Hearing, the issue will be whether the charges underlying the Licensee's arrest, if true, demonstrate that the continuation of the License while awaiting a decision on the criminal charges would pose a direct and substantial threat to the health or safety of the public.
- (4) Within five calendar days from the date the Commission receives from the Licensee a certificate of disposition of the criminal charges, the Chairperson must either lift the suspension or commence revocation proceedings.
- §18-22 Special Procedures – Summary Suspension Pending Compliance**
- (a) Summary Suspension. If the Chairperson finds that the Licensee is not in compliance with a rule in this title that provides for "summary suspension until compliance," the Licensee's TLC-issued License can be summarily suspended until compliance pending an opportunity to be heard.
- (b) Notice to Licensee. The Commission will send a notice to the Licensee (now, Respondent) by personal service or by USPS first class mail to the Respondent's current Mailing Address with the following information:
- (1) That the Respondent's TLC-issued License is being suspended for a violation of the Commission's rules or applicable Administrative Code section
- (2) A description of the nature of the violation
- (3) That the Respondent's License will be suspended based on one of the following options, whichever applies:
- (i) Immediately upon service of the
- notice if made by personal service
- (ii) Five days from the date of the mailing if the notice was sent by USPS first class mail to the Respondent's current Mailing Address
- (4) That the Respondent has the right to be heard by following the instructions contained in the notice and responding:
- (i) Within ten calendar days from receiving the notice, if notice was given by personal service
- (ii) Within 15 calendar days from the mailing of the notice of suspension, if the notice was mailed
- (c) Respondent's Right to Expedited Hearing.
- (1) Except as set forth in §18-22(d) below, any Licensee subjected to a summary suspension is entitled to an expedited Hearing provided the Licensee or Respondent timely requests an expedited Hearing.
- (2) Scheduling a Summary Suspension Hearing.
- (i) Upon receipt of a request for a Hearing, the Commission must schedule a Suspension Hearing (or a Hearing on the underlying violation), which must be held within ten calendar days from the receipt of the request.
- (ii) A Summary Suspension Hearing must be held before an ALJ who will consider relevant evidence and testimony under oath according to the Hearing procedures established in this Chapter.
- (3) Failure to Request a Hearing on the Suspension. If a Respondent does not request an expedited Hearing within the timeframe given in §18-22(b)(4) above, then the Respondent is deemed to have waived the opportunity to be heard on an expedited basis. The Respondent will be scheduled for a Hearing on the underlying violation in accordance with the normal procedures set forth in this Chapter. The Summary Suspension will be continued until lifted by the ALJ in the Hearing on the underlying violation or until the Licensee furnishes proof of compliance satisfactory to the Chairperson.
- (d) Respondent's Right to be Heard Through Written Documentation.
- (1) Violation of Drug-Testing Rules. A Taxicab or For-Hire Vehicle Driver who fails to be timely tested for drug use, in accordance with §4-14(d) or §5-15(e) of these Rules, and whose License is then summarily suspended, is not entitled to a Hearing, but can provide the Commission with a single submission of written documentation refuting the suspension of his or her License.
- (2) ALJ Review of Documentation. The documentation submitted by a Licensee refuting the Summary Suspension will be reviewed by an ALJ who will then issue a decision including findings of fact and conclusions of law. This decision can be appealed in accordance with the process established in §18-14 of this Chapter.
- (3) Failure to Submit Documentation. If the Driver does not timely submit written documentation refuting the Summary Suspension, the opportunity to be heard is waived and the Driver will be deemed to be guilty of the violation.
- (e) Continuation of a Suspension. The suspension of TLC-issued Licenses provided by this section must continue until any fines assessed and until compliance with the underlying Commission rule or Administrative Code section has been shown to the satisfaction of the Chairperson or his or her designee.
- (f) Lifting of Suspension. At any time after being notified of a suspension, a Respondent can pay any applicable fines, comply with the underlying Commission rule or Administrative Code section, and furnish proof of such compliance to the satisfaction of the Chairperson or his or her designee. Upon such payment and submission of proof of compliance, the suspension of the TLC-issued License will be lifted.
- §18-23 Special Procedures – Seizure of Unlicensed Taxicab, Paratransit, and For-Hire Vehicles**
- (a) Seizure.
- (1) The Commission and/or a police officer is entitled to seize any vehicle where probable cause exists to believe that the vehicle is operated or engaged in any Unlicensed Activity set forth in §19-506(b) or (c) of the Administrative Code.
- (2) A vehicle seized under subdivision (1) above will be removed to a designated secured facility.
- (b) Summons and Notice of Seizure.
- (1) The officer or representative of the Commission seizing the vehicle will serve a summons for Unlicensed Activity upon the owner of the vehicle, by service upon the owner or any person who uses the vehicle with the permission of the owner, express or implied.
- (2) The officer or representative of the Commission seizing the vehicle will also serve a Notice of Seizure upon the owner of the vehicle in the same manner permitted in paragraph (b)(1) above. The Notice of Seizure will include, but not be limited to, the following information:
- (i) Identification of the seized vehicle
- (ii) Information concerning these regulations, and
- (iii) The designated secured facility to which the vehicle was or will be taken.
- (3) An officer or representative of the Commission will also mail a Notice of Seizure to the owner of the vehicle. Any defect in delivery or mailing of a Notice of Seizure will not affect the validity of service of a summons upon the owner described in subdivision (b)(1) above.
- (c) Expedited Hearing. The summons will set a date and time for a Hearing, no later than:
- (1) Seven calendar days (rolling forward to the next business day if the seventh day is not a business day) for seizure of a paratransit vehicle; or
- (2) Fourteen days for seizure of a for-hire vehicle or Taxicab.
- (d) Release of Vehicle Prior to the Scheduled Hearing.
- (1) Eligibility for Early Release.
- (i) An owner of a vehicle is eligible to obtain the release of a seized vehicle prior to the scheduled hearing if the owner has not been found in violation two or more times of §19-506(b) or (c) of the Administrative Code within the previous thirty-six month period.
- (ii) An owner who has already been found guilty of engaging in Unlicensed Activity two or more times within the previous thirty six months is subject to having the vehicle forfeited, and is not eligible for early release.
- (2) Process. To obtain the release of a seized vehicle, an eligible owner must personally bring the notice of violation to the Commission Tribunal, on or before the scheduled hearing date, and either:
- (i) Plead guilty, whereupon:
- A. The Commission must verify that the owner meets the eligibility requirements;
- B. An ALJ will determine the amount of the civil penalty;
- C. The Commission will determine the amount of removal and storage fees;
- D. The owner must pay in full the civil penalty and removal and storage fees;
- E. Upon receiving payment, the Commission will issue an order to release the vehicle;
- F. The owner or his agent can present the order at the designated secured facility to obtain the vehicle.
- (ii) Post a Bond, whereupon:
- A. The Commission must verify that the owner meets the eligibility requirements.
- B. The owner must post a bond in the amount of the maximum civil penalty, plus removal and storage fees.
- C. Upon the bond being posted, the Commission will issue an order to release the vehicle.
- D. The owner or his agent can present the order at the designated secured facility to obtain the vehicle.
- (iii) If the owner does not obtain the vehicle by the date specified in the order of release, the owner will be responsible for any further storage fees, and payment of such fees must be made before the release of the vehicle.

- (e) Decisions at the Expedited Hearing.
- (1) Dismissal. If the ALJ dismisses the summons, he or she will then issue an order for release of the seized vehicle without removal and storage fees.
  - (2) Liability for Violation. If the ALJ finds that the owner is guilty, the ALJ will assess a civil penalty. The owner must pay the civil penalty as well as any remaining removal and storage fees in order to obtain an order for release of the seized vehicle.
  - (3) Potential for Forfeiture. If the ALJ finds that the owner is guilty and that this was the owner's third or subsequent conviction of engaging in Unlicensed Activity within a thirty-six month period, the ALJ will:
    - (i) Set a civil penalty, and
    - (ii) Issue a notice to the owner and to the Chairperson that the vehicle is subject to forfeiture upon a judicial determination.
- (f) Inquest Review. If the owner of the seized vehicle fails to appear for the Hearing, an Inquest hearing will be held, and the following process will be followed:
- (1) An ALJ will make a determination in accordance with subdivision (e) above.
  - (2) The Commission will notify the owner/Respondent of the Inquest determination by first class mail, and will include the provisions of §18-25 concerning Abandoned Vehicles.
  - (3) The owner/Respondent can appear at the Commission offices within seven calendar [business] days of the notice to comply with the Inquest determination or to move to vacate the determination.
  - (4) If the Inquest determination is vacated, the owner/Respondent will be entitled to a hearing De Novo on the original summons.
  - (5) Such hearing will be scheduled within seven calendar days of the order vacating the Inquest determination, or, if the seventh day is a Saturday, Sunday or City government holiday, no later than on the business day next following the seventh day.
- (g) Appeals.
- (1) If the owner has been found guilty of Unlicensed Activity, he or she must pay the civil penalty together with removal and storage fees in order to appeal.
  - (2) If the owner has been found liable for Unlicensed Activity three or more times within a 36-month period and therefore subject to having the vehicle forfeited, the owner must pay only the civil penalty in order to appeal.
  - (3) If upon appeal the decision is reversed in whole or part, the relevant civil penalty and fees will be refunded to the owner.
- §18-24 Special Procedures – Forfeiture of Unlicensed Taxicab, Paratransit, and For-Hire Vehicles**
- (a) Forfeiture. If an owner of a vehicle is found to be guilty of Unlicensed Activity three or more times within a thirty-six month period, the interest of the owner in the vehicle used to commit the most recent violation will be subject to forfeiture after notice and judicial determination.
- (b) Determination to Pursue Forfeiture.
- (1) The Chairperson will determine whether to pursue the remedy of forfeiture.
  - (2) If the Chairperson determines not to pursue the remedy of forfeiture, the owner will be notified by first class mail.
  - (3) The owner can get an order to release the vehicle by paying the civil penalty already assessed along with all removal and storage fees.
  - (4) If the Chairperson determines to pursue a remedy of forfeiture, the owner will be served proper summons and other papers required under the provisions of the civil practice law and rules.
- (c) Public Sale Pursuant to Forfeiture.
- (1) A public sale of the forfeited vehicle can be held no sooner than 30 days after the owner is served notice of the forfeiture.
  - (2) Prior to a public sale, at least five days notice of the sale:
    - (i) Must be published in the City Record or in a newspaper of general circulation, and
    - (ii) Must be mailed to any Secondary Owner shown in the records of the jurisdiction that issued the number license plates on the vehicle.
- (d) Rights of Secondary Owners.
- (1) Any person who can establish a right of ownership in the vehicle (other than the owner whose interest has been forfeited) can recover the vehicle, provided the person:
    - (i) Redeems the ownership interest which was subject to forfeiture,
- by paying the city the value of that interest;
- (ii) Pays the reasonable expenses for the safekeeping of the vehicle between the time of seizure and redemption;
  - (iii) Proves that he or she has not expressly or impliedly permitted the actions that led to the seizure and forfeiture.
- (2) A person wishing to assert an ownership claim in the vehicle must either:
- (i) File a claim and participate in the forfeiture proceedings or
  - (ii) Submit a claim in writing within 30 days after the determination of forfeiture.
- (3) If the Secondary Owner submits the claim after the forfeiture hearing (but within 30 days of the forfeiture determination), the Commission will hold a separate administrative adjudication, and will:
- (i) Schedule a Hearing;
  - (ii) Mail notice to the claimant at least ten business days in advance of the Hearing, and
  - (iii) Determine whether the violations upon which the forfeiture was predicated were expressly or impliedly permitted by the claimant;
  - (iv) If the ALJ finds that there was such permission by the claimant, the claim will be denied.
- §18-25 Special Procedures – Abandoned Taxicab, Paratransit, and For-Hire Vehicles**
- (a) Declaration of Abandonment. A vehicle will be declared Abandoned by the Commission, if an owner does not:
- (1) Remove the vehicle from storage within five days of obtaining an order of release; or
  - (2) Pay the civil penalty and removal and storage fees within five days after the Hearing in which a determination of violation was made; or
  - (3) Pay the civil penalty and removal and storage fees, within seven days after a notice that the Commission will not pursue the remedy of forfeiture was mailed to the owner; or
  - (4) Within seven days after notice of an inquest determination of violation is mailed to the owner:
    - (i) Pay the civil penalty and removal and storage fees, or
    - (ii) Obtain an order vacating the Inquest determination of violation and setting a hearing De Novo.
- (b) Disposition of the Vehicle. In the event that a vehicle has been deemed Abandoned, the Commission will:
- (1) Mail notice to the owner and any Secondary Owners that the vehicle has been declared Abandoned and that, unless claimed within 10 days of the mailing date of the letter, the vehicle will become the property of the Commission and will be sold.
  - (2) The owner or any Secondary Owner can claim the vehicle by paying the removal and storage fees due and, in the case of the owner, the civil penalty claimed that is now a lien on the vehicle.
  - (3) If the vehicle is not claimed within the allotted time, the Commission can sell the vehicle by public auction or by bid.
- (c) Disposition of the Proceeds from the Sale of the Vehicle.
- (1) Proceeds from any sale, minus expenses incurred for removal, storage and sale of the vehicle and minus the civil penalty lien will be held without interest for the benefit of the former owner of the vehicle for one year.
  - (2) If these funds are not claimed within the one year period, they will be paid into the Commission's general fund.
- §18-26 Special Procedures – Seizure of Commuter Vans**
- (a) Right to Seize Vehicle.
- (1) The Commission and/or any police officer is entitled to seize any vehicle where reasonable cause exists to believe that the vehicle is operated or engaged in any Unlicensed Activity set forth in §19-529.2 of the Administrative Code.
  - (2) All passengers and the driver in a vehicle that has been seized will be left in or transported to a location that is readily accessible to other means of public transportation.
- (3) Any vehicle that has been seized will be taken to a designated secured facility.
- (b) Procedure after Seizure.
- (1) Notice of Seizure.
    - (i) Within one business day after the seizure, notice of the seizure and a copy of the notice of violation will be mailed to the owner of the vehicle.
    - (ii) The notices will be mailed to the address listed for the owner in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
  - (2) Hearing.
    - (i) A Hearing to adjudicate Unlicensed Activity will be held before the Commission Tribunal within five business days after the date of the seizure.
    - (ii) The Hearing will be conducted according to the procedures set forth in this Chapter 18 of the Rules.
    - (iii) Where the procedures in this section are inconsistent with procedures in other sections of this Chapter, the procedures established in this section will govern seizure and forfeiture Hearings.
- (c) Release of Vehicle Prior to Hearing.
- (1) An owner will be eligible to obtain release of the vehicle prior to a Hearing if the owner has not previously been found liable for Unlicensed Activity under §19-529(2) within a five-year period prior to the violation resulting in the seizure.
  - (2) To obtain release of the vehicle, an eligible owner must post a bond (in a form satisfactory to the Commission) in an amount equal to:
    - (i) The maximum civil penalty that could be imposed for the violation, plus
    - (ii) All reasonable costs for removal and storage of the vehicle.
- (d) Hearing Decision.
- (1) Timely Decision. The Commission Tribunal will render a determination within one business day of the conclusion of the hearing, with a finding as to whether the vehicle has been engaged in Unlicensed Activity of a commuter van or a commuter van service.
  - (2) Guilty Finding. If the Administrative Tribunal of the Commission finds that the vehicle has been engaged in Unlicensed Activity:
    - (i) If the vehicle's owner has not engaged in Unlicensed Activity within the past five years, the vehicle is not subject to forfeiture and the Commission will release the vehicle to the owner upon payment of the applicable civil penalties and all reasonable removal and storage costs;
    - (ii) If the vehicle's owner has previously engaged in Unlicensed Activity within the past five years, the vehicle is subject to forfeiture and the Commission can either:
      - A. Release the vehicle to an owner upon payment of the applicable civil penalties and all reasonable removal and storage costs, or
      - B. Commence a forfeiture action within ten days after the owner's written demand for such vehicle (see §18-27).
  - (3) Not Guilty Finding. Where the Commission Tribunal finds that the charge of Unlicensed Activity has not been sustained, the vehicle will be released to the owner.
- (e) Declaration of Abandonment.
- (1) If an owner has not tried to reclaim a seized vehicle within thirty days after the Commission mails the owner a notice that the Commission Tribunal has made its final determination regarding the violation underlying the seizure, the vehicle will be declared abandoned, regardless of whether the owner was found guilty or not guilty of the violation.
  - (2) An abandoned vehicle will be disposed of



by the City according to §1224 of the NYS Vehicle and Traffic Law; provided, however, that, if an owner seeks to reclaim the abandoned vehicle under §1224, nothing in this §18-26(e) will apply to prevent the owner from making the claim and the Commission will take whichever action is authorized by subdivision (d) of this section.

**§18-27 Special Procedures – Forfeiture of Commuter Vans**

- (a) **Forfeiture.**
- (1) If an owner of a vehicle is found to be in violation of §19-529.2 of the Administrative Code two or more times within a five-year period, all rights, title and interest in the vehicle is subject to forfeiture of the vehicle after notice and judicial determination.
- (2) A vehicle which is the subject of such an action will remain in the custody of the City pending the final determination of the forfeiture action.
- (b) **Commencing an Action for Forfeiture.** A forfeiture action is commenced by the filing of a summons with notice or a summons and complaint according to the New York Civil Practice Law and Rules.
- (c) **Who Must Be Served and How.** Service of a summons with notice (or a summons and complaint) will be made:
- (1) By personal service (according to the New York Civil Practice Law and Rules) upon all owners listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
- (2) By first class mail upon all individuals who have notified the Commission Tribunal that they are an owner of the vehicle; and
- (3) By first class mail upon all persons holding a Valid security interest, filed with the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered, at the address shown in the filing.
- (d) **Asserting a Claim.** Any owner or Secondary Owner who receives notice of the forfeiture action and who claims an interest in the vehicle must assert a claim for the recovery of the vehicle or their interest in the vehicle by intervening in the forfeiture action (in accordance with the New York Civil Practice Law and Rules).
- (e) **Affirmative Defenses Required to Sustain a Claim.** In order to sustain his or her claim in the vehicle, a claimant must plead and prove that he or she was not in any way a party to allowing the actions that constituted the violation, by showing that:
- (1) The claimant had no knowledge of the actions; or
- (2) If the claimant had knowledge of the actions, claimant took all reasonable steps to prevent the use of the vehicle for the unlawful conduct and did not knowingly obtain his or her interest in the vehicle in order to avoid forfeiture of the vehicle; or
- (3) The vehicle was unlawfully in the possession of another person who committed the actions that constituted the violation.
- (f) **Disposition of Vehicle.** The City, after judicial determination of forfeiture, can either:
- (1) Retain the vehicle for the official use of the City; or
- (2) Sell the vehicle at public sale after at least a 20-day public notice, and pay the net proceeds into the general fund of the City.
- (g) **Rights of Secondary Owners Unaware of Forfeiture Proceedings.**
- (1) Any Secondary Owner who did not receive notice of the forfeiture action and who did not otherwise receive actual notice of the action may assert a claim within six months after the forfeiture.
- (2) The claim must be one that could have been asserted in the original forfeiture action, and must be adjudicated before the Justice of the Supreme Court who presided at the original forfeiture action.
- (3) The court can grant the relief sought upon such terms and conditions as it deems reasonable and just if the claimant:
- (i) Establishes that he or she was not sent notice of the commencement of the forfeiture action and was without actual knowledge of the forfeiture action, and
- (ii) Proves one of the affirmative defenses set forth in subdivision (e) of this section.
- (h) **Total Claims May Not Exceed Value of Vehicle at Sale.**
- (1) In any forfeiture action, including a subsequent action initiated under subdivision (g) of this section, where the court awards a sum of money to one or more persons in satisfaction of claims in the forfeited vehicle, the total amount awarded to satisfy all interests must not exceed the amount of the net proceeds of

the sale of the forfeited vehicle.

- (2) The net proceeds is the amount remaining after deduction of the lawful expenses incurred by the City, including the reasonable costs of removal and storage of the vehicle between the time of seizure and the date of sale.

**§18-28 Special Procedures – Removal and Storage Fees for Seized Vehicles**

- (a) **Removal Fee.** The removal fee for all vehicles is one hundred eighty-five dollars (\$185).
- (b) **Storage Fee.**
- (1) The storage fee for vehicles seized for unlicensed Taxicab, Paratransit, or For-Hire activity will be as set by the New York City Police Department or such other agency as may store the vehicles.
- (2) The storage fee for vehicles seized for unlicensed Commuter-Van activity is fifteen dollars (\$15) per day.

**Statement of Basis and Purpose of Rules**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission (“TLC”) to revise its existing rule book. The first phase of this project consisted of reorganizing and redrafting TLC’s rules, to enhance their clarity and accessibility without significant substantive change. Except as noted below, these rules are not intended to make any changes to TLC’s current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC’s existing rules were redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter was revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision was intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings were held separately from monthly stated Commission meetings.

When this process had been completed for all TLC rules, the complete set of rules was presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. Following promulgation of these rules, the rules will become effective and the repeal of the current rules will occur on January 1, 2011.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	New Rule Chapters
Chapter 8, Adjudications	Chapter 18, Adjudications

The promulgated rules make several substantive changes to the provisions of current rules governing Adjudications. Specifically, the promulgated rules:

- Consistent with local law, add provisions reflecting that taxicabs can be seized and forfeited for unlicensed operation, just as other vehicles operating for hire may be.
- Update vehicle towing and storage fees to reflect current practice.
- Streamline the fitness hearing procedure to provide that all recommended decisions be issued to the Chairperson, which includes the Chairperson’s designee. The TLC intends to continue its current practice of referring to the Deputy Commissioner for Licensing, as the Chairperson’s designee, recommendations regarding applicants who have never held a TLC license.
- Clarify, consistent with practice, that an ALJ’s recommendations as to both findings of fact and penalties are recommended decisions in fitness hearings and in summary suspension proceedings.
- To fully incorporate the provisions of Local Law 16 of 2008, provisions regarding suspensions and persistent violator penalties will begin ten days after the mailing of the decision and fines will be due 30 days from the date of the guilty finding, as may be extended by the filing of appeals or motions to vacate, as may be applicable.
- To fully incorporate the provisions of Local Law 16 of 2008, provisions regarding a respondent’s time to vacate an Inquest have been modified to 2 years.

**Supplemental Statement**

A public hearing on these rules was held on November 6, 2009. Following that hearing the TLC voted at a public meeting on November 19, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having been conditionally approved by the TLC, the 19 chapters were republished for additional public comment, another hearing, and final approval by the TLC, which occurred on July 15, 2010.

After the conditional TLC approval of this rules chapter (and before final approval), the following additional substantive changes were made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- The failure to prosecute provisions of section 18-08 were corrected to more closely track the current rule, based on a staff comment.
- The provisions regarding drug tests in section 18-20 were amended to reflect that both a positive test and a sample that cannot be tested may lead to a referral for a fitness hearing. This change resulted from a staff comment.
- Certain language regarding the subject of appeals was clarified, based on a staff comment.

**Notice of Promulgation of Rules**

Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York

(“Charter”) that the Taxi and Limousine Commission (“TLC”) hereby promulgates rules governing taxicab agents.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on these proposed rules were held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on February 20, 2009 at 2:30 P.M. and on July 8, 2010 at 10:00 A.M.

These rules will take effect on January 1, 2011.

Section 1. Title 35 of the Rules of the City of New York is hereby amended by adding a new chapter 13 thereto, to read as follows:

New Material is underlined.

**Chapter 13  
TAXICAB AGENT RULES**

**§13-01 Scope of the Chapter**

- (a) To establish that an individual or Business Entity must be licensed by the Commission to act as an Agent.
- (b) To provide the qualifications, requirements and procedures for getting and maintaining an Agent’s License.
- (c) To set forth the penalties for violating these Rules.

**§13-02 Penalties**

- (a) **Unlicensed Activity**
- (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated service or business by:
- (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
- (ii) Any person who does not hold a Valid License from the Commission for the service or business.
- (2) Unlicensed Activity specifically includes the activities listed in §19-528 of the Administrative Code and can subject the violator to padlocking and other penalties.
- (b) **Specific Penalties.** If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (c) **Payment of Fines.**

- (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
- (2) If fines are not paid by the close of business on the due date, the violator’s License will be suspended until the fine is paid.
- (3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

**§13-03 Definitions Specific to this Chapter**

- (a) Agent is an individual or Business Entity that has been Licensed by the Commission to operate or facilitate the operation of one or more Taxicabs on behalf of the Taxicab owner.
- (b) Applicant in this Chapter means an Applicant for an original or renewal License as an Agent.
- (c) Business Entity. In this Chapter, a Business Entity may be a sole proprietorship, a corporation, or a partnership.
- (d) License in this Chapter means a License to be an Agent.
- (e) Limited Business Entity Person shall mean all Business Entity Persons except for corporate shareholders holding less than ten percent (10%) of the stock of the corporation.
- (f) Merchant. An individual or Business Entity who holds a Commission License and who has agreed to do the following:
- (4) Facilitate contracts between Taxicab Technology Service Providers and Commission-approved banks, and
- (5) Contract to provide credit/debit card services for in-cab payment of Taxicab fares.
- (g) Taxicab Technology Service Provider (“T-PEP Provider”) means a vendor who has contracted with the Commission to install and maintain the Taxicab Technology System in Taxicabs.
- (h) Taxicab Technology System (“T-PEP”) means the hardware and software that provides the following four core services:
- (1) Credit, debit and prepaid card payment
- (2) Text messaging
- (3) Trip data collection and transmission
- (4) Data transmission with the passenger information monitor

**§13-04 Licensing – Requirements**

- (a) License Required. An individual or Business Entity must first obtain a License from the Commission before acting as an Agent.

§13-04(a) Fine: \$500-\$1,000 Appearance REQUIRED

- (b) Who May File an Application. An application or renewal application for a Business Entity Agent's License may only be submitted by the following:
- (1) An individual
  - (2) The Proprietor, on behalf of a sole proprietorship
  - (3) A general partner on behalf of a partnership
  - (4) An officer or director on behalf of a corporation
- (c) Certification. The application must contain a sworn and notarized statement by the person filing the application that the information contained in the application is true.
- (d) Fingerprinting and Background Investigations.
- (1) For the purpose of securing criminal history records from the New York State Division of Criminal Justice Services, an individual Applicant and all Limited Business Entity Persons of a Business Entity Applicant must be fingerprinted.
  - (2) The Applicant must pay any processing fee required by the New York State Division of Criminal Justice Services.
- (e) Bond.
- (1) An Applicant for an original or renewal Agent's License must deposit a fifty thousand (\$50,000) dollar bond payable to the City of New York with the Commission. The bond must be provided by one or more sureties approved by the Commission.
  - (2) The bond must guarantee that the Applicant or Licensee will comply with the provisions of the Administrative Code, observe all applicable rules or regulations of the Commission, pay all fines imposed by the Commission, and pay all judgments or settlements arising from any action connected with the Agent's License.
  - (3) The Agent is immediately liable for any fine or judgment as soon as the amount is determined or, in case of an appeal, when the final determination is issued.
  - (4) The bond must remain in effect for one year following the expiration or revocation of the License.
- (f) Identify Business Entity Persons. Upon application for a License or License renewal or upon request, an Agent must provide the Commission with the identity of all of the Agent's Business Entity Persons.

### §13-05 Licensing – Term

- (a) Maximum One-Year Term. The term of an Agent's License may be up to one year, but will expire on December 31 of the year in which it is issued or renewed, unless earlier suspended or revoked by the Commission.
- (b) No Longer Meets Requirements. If at any time during the term of the License, the Commission learns that the Agent no longer meets the requirements for an Agent's License, the Commission may deny any renewal application, or suspend or revoke the current License, after appropriate notice and hearing.

### §13-06 Licensing – Fees

- (a) Annual Fee. The fee for an Agent's License will be five hundred dollars (\$500) annually.
- (b) When Fee is Paid. The fee for an original or renewal License must be paid at the time the application is filed.
- (c) Shorter Term. If a License is granted for a period of six months or less, the fee will be two hundred and fifty dollars (\$250).

### §13-07 Licensing – Causes for Denial

- (a) Material Misstatement. The Commission will deny any application if the Applicant makes a material misstatement or misrepresentation on the application.
- (b) Unlawful Acts. The Commission will deny any application if the Applicant commits a fraudulent or unlawful act while acting as an Agent.
- (c) Criminal Conviction. The Commission will deny an application, including a renewal application, if the individual Applicant, or any Limited Business Entity Person of the Applicant is convicted of a crime that under Article 23-A of the Correction Law would provide a basis for suspension or revocation of the License.
- (d) Medallion-Owner Agent Violates Rules. The Commission will deny an application for an Agent's License if the Applicant owns a Medallion and has violated any Commission Rule where the penalty for that violation is revocation of the License.
- (e) Violation of the Administrative Code. The Commission will deny an application if the Applicant has violated any provision of §19-530 of the Administrative Code or any applicable rule of the Commission.

### §13-08 Proper Conduct

- (a) An Agent must not make a material misrepresentation or omission or commit a fraudulent or unlawful act while acting as an Agent, whether Validly Licensed or not. Such acts will include but not be limited to any of the following:
- (1) Presenting a Taxicab for inspection with a

vehicle identification number ("VIN") other than the one under which the vehicle is licensed by the Commission.

- (2) Operating a Taxicab with a vehicle identification number that has been removed and reattached, or that is different from the VIN shown on the Taxicab License.
  - (3) Presenting a document to the Commission that falsely states that the insurance requirements for the Taxicab have been met.
  - (4) Bribing or attempting to bribe any officer or employee of the Commission.
- §13-08 (a)(1) – (4) Fine: \$1,000-\$10,000 and/or revocation Appearance REQUIRED
- (b) Fraud, Theft. While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit any act of fraud, misrepresentation or theft.
- §13-08(b) Fine: \$1,000-\$5,000 Appearance REQUIRED
- (c) Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.
- §13-08(c) Fine: \$1,000-\$5,000 Appearance REQUIRED
- (d) Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.
- §13-08(d) Fine: \$1,000-\$5,000 Appearance REQUIRED
- (e) Failure to Cooperate with the Commission.
- (1) A Licensee must truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission, its representatives or the New York City Department of Investigation.
  - (2) Upon request of the Commission, a Licensee must make the Agent's business premises, books and records available for inspection.
- §13-08(e) Fine: \$500-\$1,500 Appearance REQUIRED
- (f) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.
- §13-08(f) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (g) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person.
- §13-08(g) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (h) Death or Incompetency of Taxicab Owner. An Agent who becomes aware of the death or incompetency of an owner of an interest in a Taxicab Medallion shall promptly inform the Commission.
- §13-08(h) Fine: \$100 Appearance NOT REQUIRED

### §13-09 Personal Conduct – Unlicensed Activity

- (a) An Agent must not dispatch a taxicab or other vehicle that is unlicensed.
- §13-09(a) Fine: \$500-\$2,000 and/or suspension up to 30 days Appearance REQUIRED
- (b) An Agent must not dispatch a Taxicab that does not have a current Medallion affixed to the Taxicab.
- §13-09(b) Fine: \$500-\$2,000 and/or suspension up to 30 days Appearance REQUIRED

### §13-10 Agent's Business Premises

- An Agent who operates one or more Taxicabs that are returned at the end of a shift must maintain business premises in an appropriately-zoned location. The location must allow or provide for, and the Agent must provide or maintain, all of the following:
- (a) Sufficient off-street parking space at or near the business premises to store the lesser of:
    - (1) Twenty-five (25) vehicles, or
    - (2) Fifty percent (50%) of the Taxicabs leased on a daily or shift basis, plus five percent (5%) of the Taxicabs leased for longer than one day
  - (b) Sufficient office space to conduct business and keep all records required by the Commission, including trip sheets and Driver records.
  - (c) Regular business hours, including the hours of 9:00 a.m. through 5:00 p.m. every weekday other than legal holidays.
  - (d) A business address and telephone number on file with the Commission.
- §13-10(a)-(d) Fine: \$500-\$1,000 and suspension until compliance Appearance REQUIRED

### §13-11 Vehicle Operation

- (a) Provide a List of Taxicabs Being Operated by Agent. An Agent must provide the Commission with a list of all Taxicabs operated by the Agent, annually and upon request.
- §13-11(a) Fine: \$250 and suspension until compliance Appearance REQUIRED

- (b) Double Shift Requirement. An Agent must ensure that Fleet and Minifleet Taxicabs are operated for a minimum of two shifts of nine hours each day including weekends and holidays. This double shift requirement is established in §8-20(a)(1) of The Taxicab Owners Chapter.
- (c) Safety. An Agent must not dispatch a Taxicab unless all equipment, including brakes, tires, lights, signals and trouble lights are in good working order. The Taxicab must meet all requirements and specifications of the New York State Vehicle and Traffic Law and Chapter 17 of these Rules.

§13-11(c) Fine: \$100 Appearance NOT Required

### (d) Drivers.

- (1) An Agent must not authorize or allow a Driver to operate a Taxicab unless either:
    - (i) The Driver's name has been entered on the Rate Card by the Commission, and the Driver's Vehicle lease (if any) has not expired, or
    - (ii) "Unspecified Drivers" has been entered on the rate card by the Commission.
- §13-11(d)(1)(i)-(ii) Fine: \$350 Appearance NOT Required
- (2) An Agent must not authorize or allow a driver to operate a Taxicab unless the driver possesses a Valid Driver's License and a Valid Taxicab Driver's License.
- §13-11(d)(2) \$500-\$2,000 and/or suspension up to 30 days Appearance REQUIRED

### §13-12 Vehicle – Equipment

- (a) Partition. An Agent must not dispatch a Taxicab unless it is equipped with a partition that isolates the Driver from the rear seat passengers in accordance with the specifications in §17-09 of the Taximeter Chapter unless the Taxicab is exempt from the partition requirements under the general provisions of §8-34(b) of the Taxicab Owners Chapter.
- (b) Distress Signal. An Agent must not dispatch a Taxicab that is not equipped with a help or distress signaling light system, as required in §8-33(e) and in accordance with specifications established in §17-10.
- (c) Taximeter.
- (1) An Agent must not dispatch a Taxicab unless it is equipped with a Taximeter as required in §8-36 and in accordance with the specifications established in §17-08.
  - (2) An Agent must not tamper with, alter, repair or attempt to repair any of the following:
    - (i) A Taximeter
    - (ii) Any Seal affixed to the taximeter by a licensed Taximeter repair shop or other authorized facility
    - (iii) The Taxicab Technology System
    - (iv) Any cable mechanism or electrical wiring of a Taximeter or Taxicab Technology System
  - (3) An Agent must not make any change in a vehicle's mechanism or its tires that would affect the operation of the Taximeter or of the Taxicab Technology System.
- §13-12(c)(1)-(2) Fine: \$250-\$1,500 and/or suspension up to 30 days Appearance REQUIRED

### §13-13 Vehicle Equipment – Trip Sheet

- An Agent must not dispatch a Taxicab unless all of the following are present in the Taxicab:
- (a) An electronic or hand written trip record (also known as a "trip sheet") or an operable Taxicab Technology System.
  - (b) The Taxicab Driver's License.
  - (c) The Rate Card, in a frame next to the frame for the Taxicab Driver's License.
  - (d) An insurance card or copy, unless the owner is self-insured and has noted this fact on the Rate Card.
  - (e) All notices required to be posted in the Taxicab.

### §13-14 Vehicle Equipment – Taxicab Technology System

- (a) Equip Taxicabs with T-PEP. An Agent must ensure that each of Agent's Taxicabs is equipped with the Taxicab Technology System by the compliance date established in §8-39(b), unless exempt from the requirement under §8-39(c). The T-PEP must comply with the specifications established in §17-14.
- §13-14(a) Fine: \$1,000 and suspension until compliance Appearance REQUIRED
- (b) Good Working Order. For any Taxicab that is required to be equipped with the Taxicab Technology System, the equipment must be in good working order at all times and each of the four core services must be functioning at all times.
- §13-14(b) Fine: \$250 and suspension until compliance Appearance REQUIRED
- (c) Malfunction or Failure to Operate.
- (1) If the T-PEP malfunctions or fails to operate, the Agent must file an incident report with the authorized T-PEP Provider within two hours following the discovery of the malfunction or as soon as

the Agent reasonably should have known of such malfunction.

(2) If the Driver or Taxicab owner previously filed an incident report, the Agent will not be required to file a separate incident report. The Agent must verify that the report has been filed by obtaining the incident report number from the Driver, owner or T-PEP Provider.

(3) Upon instruction from the owner the Agent must meet the appointment for repair scheduled by the T-PEP Provider following the incident report.

§13-14(c)(1)-(3) Fine: \$250 and suspension until compliance Appearance REQUIRED

(d) 48-Hour Repair Deadline. An Agent must not allow a Taxicab in which any of the four core services of the Taxicab Technology System (or any material feature of a core service) is not functioning to be operated more than 48 hours following the timely filing of an incident report.

§13-14(d) Fine: \$250 and suspension until compliance Appearance REQUIRED

(e) Inspection upon Multiple T-PEP Malfunctions. An Agent for any Taxicab requiring six or more repairs of a vehicle's Taxicab Technology System in any 30-day period must promptly take that vehicle for inspection or schedule an inspection with the Commission's Safety and Emissions Facility. This requirement will not apply to the Agent if compliance is made by the owner or Driver of the vehicle.

§13-14(e) Fine: \$250 Appearance NOT Required

(f) Merchant's 5% Fee. A Merchant who is an Agent may charge a Driver a maximum mark-up of five percent (5%) of the total credit/debit card charges incurred during the Driver's shift.

§13-14(f) Fine: Appearance REQUIRED  
 First violation: \$200.  
 Second violation: \$300.  
 Third violation: \$500.  
 In addition to the penalty payable to the Commission, the administrative law judge may order the Agent to pay restitution to the Driver, equal to the excess amount that was charged to the Driver.

**Statement of Basis and Purpose of Rules**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without significant substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules were redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter was revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision was intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings were held separately from monthly stated Commission meetings.

When this process had been completed for all TLC rules, the complete set of rules was presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. Following promulgation of these rules, the rules will become effective and the repeal of the current rules will occur on January 1, 2011.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules promulgated here are as follows:

Current Rule Chapters revised in this rule-making	New Rule Chapters
Chapter 12, Taxicab Agents	Chapter 13, Taxicab Agent Rules

The rules as initially proposed make one change to clarify a contradiction in the existing rule which limits an agent to being, in form, an individual, partnership, or corporation and a reference elsewhere in that rule to "other type of business entity". The new chapter makes it clear that an agent may be only an individual, partnership, or corporation, consistent with TLC practice.

In addition, the rule as proposed makes one other substantive change. To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

**Supplemental Statement**

A public hearing on these rules was held on February 20, 2009. Following that hearing the TLC voted at a public meeting on March 26, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having been conditionally approved by the TLC, the 19 chapters were republished for additional public comment, another hearing, and final approval by the TLC, which occurred on July 15, 2010.

After the conditional TLC approval of this rules chapter (but before final approval), the following additional substantive changes were made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions, as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of

staff comment based on further drafting refinements made by the consultant. The provisions of section 13-08 regarding acts of commission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment to similar provisions in Chapter 4.

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**Notice of Promulgation of Rules**

Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") hereby promulgates rules governing drivers of paratransit vehicles.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on these proposed rules were held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on May 8, 2009 at 2:30 P.M. and on July 8, 2010 at 10:00 A.M.

These rules will take effect on January 1, 2011.

Section 1. Title 35 of the Rules of the City of New York is hereby amended by adding a new chapter 6 thereto, to read as follows:

New Material is underlined.

**Chapter 6  
Paratransit Drivers**

**§6-01 Scope of this Chapter**

- (a) To establish procedures for the licensing and supervision of Paratransit Drivers who operate for hire in the City of New York.
- (b) To establish operating rules to protect the customers and the public.
- (c) To establish appropriate penalties for the violation of these Rules.

**§6-02 Penalties**

- (a) Unlicensed Activity.
  - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated for hire transportation service by:
    - (i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or
    - (ii) Any person who does not hold a Valid License or Authorization from the Commission as a for hire driver, for the for hire vehicle, or for the for hire service, as applicable.
  - (2) Unlicensed Activity specifically includes the activities listed in §19-506 and §19-528 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of the vehicle involved.
- (b) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (c) Payment of Fines.
  - (1) Fines are due within 30 days of the day the violator is found guilty of the violation.
  - (2) If fines are not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
  - (3) If a Respondent has made a timely request for a copy of the hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date of the issuance of the recording.
- (d) Mandatory Penalties. If a Licensee has violated a Rule listed below, or any combination of these Rules, the Commission will enforce the following mandatory penalties and fines:

VIOLATION DESCRIPTION	Rule	Penalty
1. Proper licensing	§6-11(a)	First Violation: \$100 - \$350
2. only Licensees can operate Paratransit Vehicles	§6-11(d)	(i)
3. refusal to serve	§6-20(a)	(i)
4. refusal to transport equipment for disabled passengers	§6-15(b)(1)	Second Violation within 24 months: \$300 - \$500
5. attempt to overcharge additional fare to passengers	§6-15(g)(1)	(i)
6. can conduct prearranged service only	§6-19(a)	Third Violation within 24 months: Revocation of relevant License for Driver, base owner, or owner found in violation.

(1) The Commission can also suspend or revoke a Paratransit Driver's License.

- (2) The 24-month period referred to above will be counted backward from the date of the most recent conviction.
- (3) Any individual or Business Entity whose License has been revoked will not be eligible for any Commission License for at least one year after revocation.
- (4) The Commission will automatically revoke the License of any Licensee who has five or more summonses that remain open and outstanding for 12 months. The 12-month period will be counted from the date the earliest summons was issued.

**§6-03 Definitions Specific to this Chapter**

- (a) Applicant in this Chapter means an Applicant for an original or renewal Paratransit Driver's License.
- (b) Approved Motor Vehicle Accident Prevention Program. An accident prevention course approved by the New York State Department of Motor Vehicles.
- (c) Chauffeur's License. As used herein, Chauffeur's License shall mean:
  - (1) A Valid New York driver's license Class A, B, C or E; or
  - (2) A Valid license of similar class from another state of which the licensee is a resident.
- (d) Driver when used alone in this Chapter refers to a Paratransit Driver.
- (e) Driver's License (or License). In this Chapter, any reference to "Driver's License" or "License" (when used alone) will refer to a Paratransit Driver's License.

(f) Paratransit Disability. A person with a Paratransit Disability is an individual with a physical or mental impairment, including any person with a mobility impairment who uses a wheelchair, three-wheeled motorized scooter or other mobility aid, or is semi-ambulatory, and who cannot board, ride or disembark from a vehicle without the assistance of a wheelchair lift or other boarding assistance device.

(g) Paratransit Vehicle (also know as a wheelchair accessible van). A Paratransit Vehicle is any motor vehicle, equipped with a hydraulic lift or ramp(s) designed for the purpose of transporting persons who use wheelchairs or containing any other physical devices designed to permit access to and the transportation of a person with a Paratransit Disability.

(h) Service Animal. A service animal is a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

(i) Vehicle when used alone in this Chapter refers to a Paratransit Vehicle.

**§6-04 Licensing - Requirements**

- (a) Age. An Applicant must be at least 18 years of age.
- (b) Identification. If the Applicant is applying for an original License, he or she must provide both of the following proofs of identity:
  - (1) A Valid Government photo ID
  - (2) A Valid, original social security card
- (c) Chauffeur's License. An Applicant must hold a Valid Chauffeur's License.
- (d) Qualified "Bus Driver" Under Article 19-A. An Applicant for a Paratransit Driver's License must meet the special requirements for bus drivers under Article 19-A of the NYS Vehicle and Traffic Law.
- (e) Fitness for the Job.
  - (1) The Applicant must be in sound mental and physical condition
  - (2) The Applicant's fitness must be certified by a licensed physician on forms provided by the Commission or as part of Applicant's qualification process under Article 19-A of the NYS Vehicle and Traffic Law.
  - (3) The Commission can, for good cause, require the Applicant to be examined by a licensed physician chosen by the Commission.
  - (4) An existing License can be suspended or revoked if the Driver fails to be examined as directed.
  - (5) The Applicant's vision must be tested and Applicants must possess at least 20/40 vision in each eye (with corrective lenses if necessary).
  - (6) The Applicant must be of good moral character.
- (f) Speak and Understand English. Applicants must be able to understand, speak, read and write the English language.
- (g) Familiar with Geography. Applicants must be familiar with New York City geography, streets and traffic regulations, as well as New York State Vehicle and Traffic Law.
- (h) Reserved. Pass Drug Test
- (i) Fingerprinting and Tests. All Applicants must be fingerprinted, be photographed and pass all tests administered or directed by the Commission.

- (j) File Application. Applicants must personally sign and file their application for a new or renewal Paratransit Driver's License.
- (k) Agreement to Accept Service of Process. An Applicant agrees that the City of New York can serve any notice or legal process of any kind upon the Driver by leaving a copy with anyone who resides at the Mailing Address listed on the Driver's application.
- (l) Reserved. Training.
- (m) Unique Requirements/Exceptions for New York Police Officers. A member of the New York City Police Department who applies for a Paratransit Driver's License must satisfy all the normal requirements for the License and also provide a letter to the Commission from his or her commanding officer approving the application.
- §6-05 RESERVED [Licensing – Probationary Licenses]**
- §6-06 Licensing – Term of Licenses**
- (a) Original (New) License Term. An original (new) Paratransit Driver's License will be Valid for two years from the date it is issued.
- (b) Renewal License Term. A License issued to a renewing Applicant will be Valid for two years from the date that the previous License expired.
- §6-07 Licensing – License and Administrative Fees**
- (a) Fee for License. The fee for a Paratransit Vehicle Driver's License will be \$60 annually.
- (b) When Fee is Paid. The fee for an original (new) or renewal License must be paid at the time the application is filed.
- (c) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves the application.
- (d) Late Filing Fee. The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- §6-08 Licensing – Process and Cause for Denial of License**
- (a) Failure to Meet Any of Above Requirements. The Commission will deny the Paratransit License or renewal License of any Applicant who fails to meet the requirements. The Commission will inform the Applicant, in writing, of the specific reason(s) for this denial.
- (b) Material Misrepresentation or Falsification.
- (1) The Commission will deny a Driver's License application, including a renewal application, and can suspend or revoke an existing License if the Applicant fails to notify the Commission of any material change in the information contained in the application. The Commission can impose other sanctions as well.
- (2) The Commission will deny a Driver's License application and can suspend or revoke an existing License if the Applicant lies or misrepresents any information in the application. The Commission can impose other sanctions as well.
- (c) Evidence of Attempt to Bribe.
- (1) An Applicant (or someone acting on behalf of the Applicant) must not offer or give any gift or gratuity to any employee, representative, public servant, or member of the Commission.
- (2) An Applicant must immediately report to the Chairperson if any employee, representative, public servant, or member of the Commission makes a request or demand for any gift or gratuity.
- (d) Representation Before the Commission. If the Commission denies a new or renewal Driver's License application, the Applicant is entitled to a hearing before the Commission. The Applicant can be represented by an attorney or a non-attorney at the hearing. The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant.
- (e) No Longer Meets Requirements. The Commission can deny, suspend or revoke the License of any renewal Applicant who no longer meets the requirements for a Paratransit Driver's License.
- §6-09 RESERVED [Licensing – Transfer of License]**
- §6-10 Licensing – Care of License**
- (a) No One Else Can Use. A Driver must not allow anyone to use his or her Paratransit Driver's License. Drivers must not use another person's Paratransit Driver's License.
- §6-10(a) Fine: \$250 Appearance REQUIRED
- (b) Suspension or Revocation of Chauffeur's License. A Driver must immediately report the suspension or revocation of his or her Chauffeur's License to the Commission, and must then surrender his Paratransit Driver's License to the Commission.
- §6-10(b) Fine: \$15-\$150 Appearance REQUIRED
- (c) Loss or Theft of License. A Driver must notify the Commission in writing of the loss, theft or mutilation of his Paratransit Driver's License within 72 hours of that loss (not counting weekends and holidays). A Driver must report in person to apply for a replacement Paratransit Driver's License and must be re-photographed.
- §6-10(c) Fine: \$25 Appearance NOT REQUIRED
- (d) Unreadable License.
- (1) A Driver must not do anything to any portion of his Paratransit Driver's License or the attached photograph that would make the License unreadable or the photograph unrecognizable.
- §6-10(d)(1) Fine: \$50 Appearance NOT REQUIRED
- (2) A Driver must immediately surrender any unreadable, unrecognizable, or mutilated Paratransit Driver's License to the Commission.
- §6-10(d)(2) Fine: \$25 Appearance NOT REQUIRED
- (e) Keep Photo Updated. A Driver must come to the Commission to be re-photographed whenever his or her physical appearance has changed.
- §6-10(e) Fine: \$25 Appearance NOT REQUIRED
- (f) Safeguarding Licenses.
- (1) A Driver must safeguard his or her Paratransit Driver's License and the Paratransit Vehicle License.
- (2) Locking the Paratransit Vehicle with the Paratransit Driver's License and Paratransit Vehicle License inside during his or her shift will satisfy this rule.
- (3) A Driver must not leave his or her Licenses in the Paratransit Vehicle while another is in possession of the Vehicle.
- §6-10(f) Fine: \$25 Appearance NOT REQUIRED
- §6-11 Comply with Laws – Unlicensed Activity Prohibited**
- (a) Vehicle Must be Licensed. A Driver must not operate a paratransit vehicle for hire within the City of New York, unless it is properly licensed by the Commission.
- §6-11(a) MANDATORY PENALTIES: Appearance REQUIRED See §6-02
- (b) Driver Must be Licensed. A driver of a New York City Paratransit Vehicle for hire must be licensed as a Paratransit Driver by the Commission.
- §6-11(b) Fine: Appearance REQUIRED  
\$100 – 1st Offense  
\$250 – 2nd Offense  
\$350 – 3rd Offense  
\$500 – 4 or more offenses within 12 months
- (c) Driving Must Have Valid Chauffeur's License. A Driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Chauffeur's License.
- §6-11(c) Fine: \$100-\$250 and/or suspension up to 30 days unless exempted by the Commission; summary suspension until compliance
- (d) Driver Must Possess Valid Paratransit License.
- (1) A driver must not operate a Paratransit Vehicle unless he or she possesses a Valid Paratransit Driver's License.
- §6-11(d)(1) Fine: \$100 Appearance REQUIRED
- (2) A Driver will not permit any individual who is not currently licensed by the Commission to operate the Paratransit Vehicle in which he or she is dispatched, unless directed to do so by the owner or his or her agents.
- §6-11(d)(2) MANDATORY PENALTIES: Appearance REQUIRED See §6-02
- (e) Vehicle Must be Insured. A Driver must not operate a Paratransit Vehicle unless the vehicle is adequately insured in accordance with New York State Law.
- §6-11(e) Fine: \$100 Appearance REQUIRED
- (f) Driver Must Not Drive with Expired Paratransit License.
- (1) A Driver must submit an application for renewal of his or her License before its expiration date, unless the Commission extends the date.
- §6-11(f)(1) Fine: \$25 Appearance NOT REQUIRED
- (2) A driver who operates as a licensee after the expiration date of a License and before the renewal License has been issued is engaged in Unlicensed Activity and can be subject to penalties under other applicable statutes and regulations.
- (g) Driver Must Not Drive with a Suspended or Revoked Paratransit License. A driver must not operate a Paratransit Vehicle in New York City while his Paratransit Driver's License is revoked, suspended or expired.
- §6-11(g) Fine: Appearance REQUIRED  
\$100 – 1st Offense  
\$250 – 2nd Offense  
\$350 – 3rd Offense  
OATH – 4 or more offenses within 12 months
- §6-12 Comply with Laws – Proper Conduct**
- (a) No Bribery. An Applicant or Driver (or anyone representing the Driver) must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.
- §6-12(a) Fine: \$1,000 up to revocation Appearance REQUIRED
- (b) Report Request for Bribe. A Driver must immediately report to the Commission any request or demand for a gift, gratuity or thing of value from him or his representative by any employee, representative or member of the Commission or any other public servant.
- §6-12(b) Fine: \$1,000 up to revocation Appearance REQUIRED
- (c) No Fraud, Theft. While performing the duties and responsibilities of a Licensee, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.
- §6-12(c) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (d) No Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public although not specifically mentioned in these Rules.
- §6-12(d) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (e) No Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with any other, any act that is against the best interests of the public although not specifically mentioned in these rules.
- §6-12(e) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (f) Notify of Criminal Conviction.
- (1) A Driver must notify the Commission within 15 calendar days after the Driver is convicted of any crime.
- (2) The Driver must deliver to the Commission a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction, within 15 days of sentencing.
- §6-12(f) Fine: \$25-\$150 Appearance REQUIRED
- (g) Cooperate with the Commission.
- (1) A Driver must answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.
- (2) A Driver must produce any licenses, Trip Records, or other documents required by the Commission.
- §6-12(g)(1)(2) Fine: \$200 and suspension until compliance Appearance REQUIRED
- (3) A Driver must notify the Commission of any change in mailing address (or any other information provided on his or her License application) within 72 hours (not including weekends and holidays). (NOTE: Any notice sent by the Commission will be considered adequate notice if sent to the last mailing address provided by the Driver.)
- §6-12(g)(3) Fine: \$50 Appearance NOT REQUIRED
- (h) Cooperate with Law Enforcement. A Driver must cooperate with all law enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Driver's name, License number, and any documents Driver is required to have in his or her possession.
- §6-12(h) Fine: \$15-\$150 Appearance REQUIRED
- (i) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, a Driver must not threaten, harass, or abuse any person or distract or attempt to distract any Service Animal.
- §6-12(i) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (j) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee, a Driver must not use or attempt to use any physical force against a person or Service Animal.
- §6-12(j) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (k) No Unlawful Purpose. A Driver must not use or permit another person to use his or her Paratransit Vehicle for any unlawful purpose and must immediately report to the police any criminal use or attempted criminal use involving the vehicle.
- §6-12(k) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- §6-13 Comply with laws – Miscellaneous**
- (a) Traffic Laws. A Driver must operate his or her Paratransit Vehicle in full compliance with:
- (1) All New York State and City traffic laws, rules and regulations;
- (2) All applicable New York and New Jersey Port Authority and Triboro Bridge and Tunnel Authority rules and regulations;
- (3) The rules and regulations of any other regulatory body or government agency having jurisdiction over motor vehicles.
- §6-13(a) Fine: \$25-\$350 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period. Appearance REQUIRED
- (b) Critical Driver's Program. In addition to any other action the Commission might take, the following penalties will be enforced as part of the Commission's Critical Driver's Program:
- (1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license



(whether issued by New York or another state), the Commission will suspend the Driver's Paratransit Driver's License for 30 days.

(2) **License Revocation.** If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Paratransit Driver's License.

(3) **Review of Driver Fitness.** The Commission can at any time review the fitness of a Driver following any moving violation, accident, or other driving related incident.

(4) **15-Month Period.** When calculating any suspension or revocation, the Commission will use the relevant 15-month period that begins with the date of the most recent violation carrying points.

(5) **Date of Point Accumulation.** When points are assigned as a result of a violation, they will be counted as of the date of the violation.

(6) **Multiple Points from a Single Incident.** A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, if a Driver has accumulated points for multiple violations arising from a single incident, the Commission will count the single violation with the highest point total.

(7) **Point Reduction for Voluntary Course Completion.**

(i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Licensee who voluntarily attends and satisfactorily completes an Approved Motor Vehicle Accident Prevention Course.

(ii) The Driver must provide the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total.

(iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.

(iv) The Commission will not reduce the total points of any Driver more than once in any 18-month period.

(c) **Reserved. Program for Persistent Violators.**

**\$6-14 Operations - Passenger and Driver Safety**

(a) **Safe Driving.** A Driver must not operate a Vehicle unless it is in safe operating condition, and it meets and is operated under all the requirements of New York State and New York City vehicle and traffic laws, and all Commission requirements under these rules.

**\$6-14(a) Fine: \$50-\$150 Appearance REQUIRED**

(b) **Reckless Driving Rule.** A Paratransit Driver must not operate his or her vehicle in a manner or speed that endangers others or their property.

**\$6-14(b) Fine: \$25-\$250 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period. Appearance REQUIRED**

(c) **Reporting Before Leaving Scene.**

(1) Any Paratransit Driver involved in an accident must stop and identify himself or herself.

(2) Before leaving the accident scene, the Paratransit Driver will provide the following to the other involved parties or to a police officer on the scene:

(i) An opportunity to copy information from the Driver's Chauffeur's License, Paratransit Driver's License and insurance card.

(ii) The Driver's name and residence address.

(iii) The Paratransit Driver's number.

(iv) The Paratransit Vehicle Identification number

(v) The Vehicle's insurance carrier and the insurance policy number.

**\$6-14(c) Fine: \$25-\$250 and/or suspension up to 30 days or revocation if Driver is found guilty of having violated this rule more than three times within a 12-month period. Appearance REQUIRED**

(d) **Driving While Impaired.** A Driver must not operate a Paratransit Vehicle if his or her driving ability is impaired by either alcohol or drugs. A Driver must not consume alcoholic beverages or illegal drugs while occupying the vehicle.

**\$6-14(d) Fine: \$50-\$300 and/or suspension or revocation. Appearance REQUIRED**

(e) **Reserved. TLC can Require Drug Test.**

(f) **Not Allowed to Drive More than 12 Consecutive Hours.** A Driver must not operate a Paratransit Vehicle for more than 12 consecutive hours. If a Driver has accepted a passenger prior to the conclusion of the twelfth hour the Driver can complete that trip provided he or she is able to drive safely.

**\$6-14(f) Fine: \$25 Appearance NOT REQUIRED**

(g) **Handling Passengers with Infectious Diseases.**

(1) Drivers must obey any Federal, State or City laws and regulations regarding the handling of passengers with infectious diseases. This includes providing passengers with things such as masks and gloves when required.

(2) Drivers must adhere to any Federal, State or City laws and regulations regarding cleaning Paratransit Vehicles after transporting passengers with infectious diseases and the disposal of contaminated materials. It is the responsibility of the owner of the Paratransit Vehicle to provide protective clothing (goggles, gloves, gowns and masks) to any employee who disinfects the vehicle.

(i) The New York State Department of Health has recommended the following as an appropriate disinfectant solution: One (1) part sodium hypochlorite solution (bleach) to nine (9) parts water – fill the bucket with water first and then add the solution.

(ii) If a stretcher is contaminated, it can be cleaned and disinfected by wiping. If it is saturated, however, Drivers (or owners) are required to dispose of it in an appropriate manner. The Driver (or owner) must dispose of any contaminated linen. **Note:** Dispose of contaminated material by placing the items in a buff-colored impervious plastic bag and seal the bag and tag it as "contaminated" and dispose of the material in the manner approved at a local hospital.

(iii) In the case of gross contamination, where the vehicle is saturated or encrusted, then the vehicle must be sterilized with steam, gas or liquid agents.

**\$6-14(g) Fine: \$25-\$1,000 possible suspension or revocation (OATH). Appearance REQUIRED**

(h) **Accident Notification.**

(1) A Driver must immediately notify the Vehicle owner if the Driver and the Paratransit Vehicle are involved in an accident.

(2) A Driver must immediately notify his or her employer of any traffic infraction, accident or conviction as required in section 509-i of Article 19A of the New York State Vehicle and Traffic Law.

**\$6-14(h) Fine: \$25-\$250 and/or suspension up to 30 days Appearance REQUIRED**

(i) **Use of an Electronic Communication Device.**

(1) A Driver must not Use an Electronic Communication Device while operating a Vehicle. A Driver can Use an Electronic Communication Device only while the Vehicle is lawfully standing or parked.

**NOTE:** A Driver convicted of a violation of any similar state law or rule will get points under this Rule just as if he or she had been convicted of a violation of this Rule.

**\$6-14(i)(1) Fine: \$200 Appearance NOT REQUIRED**

(2) In addition to the penalties provided above for any violation of this Rule, a Driver convicted of a violation of this Rule, or any similar state law or rule, must take a Distracted Driving Course.

(i) The Commission will issue a directive to a Driver to take the Distracted Driving Course.

(ii) The Driver must complete the Distracted Driving Course and provide proof of completion to the Chairperson no later than 60 days after the directive is issued.

(3) **Affirmative Defense.** A Driver can offer an affirmative defense to a charge of Using an Electronic Communication Device under this Rule if all of the following are true:

(i) The communication was to an emergency response operator;

(ii) The communication reports an imminent threat to life or property;

(iii) The Driver could not safely stop the Vehicle to make the report; and

(iv) The Driver provides documentary proof of communication with an emergency response provider.

**\$6-15 Operations — General Rules During Operation of Vehicle**

(a) **No Weapons.** A Driver must not carry a weapon while operating a Paratransit Vehicle without the Commission's written authorization.

**\$6-15(a) Fine: \$100 and/or suspension up to 30 days. Appearance REQUIRED**

(b) **Driver Neat & Clean.** A Driver must be clean and neat in appearance when operating a Paratransit Vehicle for hire.

**\$6-15(b) Fine: \$25 Appearance NOT REQUIRED**

(c) **No Smoking.** A Driver must not smoke when transporting a passenger, or while assisting the passenger in or out of the vehicle.

**\$6-15(c) Fine: No Penalty Noted. Appearance NOT REQUIRED**

(d) **Reserved. No Locking Rear Doors.**

(e) **Reserved.**

(f) **Reserved. Have E-Z Pass.**

(g) **No Overcharges.**

(1) A Driver must not charge or try to charge a fare above the approved rate of fare established by the owner and filed with the Commission.

(2) A Driver must not charge or try to charge any additional fees for transporting a person with a Paratransit Disability, a Service Animal, or a wheelchair or other mobility aid.

**\$6-15(g)(1)-(2) MANDATORY PENALTIES: Appearance REQUIRED See \$6-02**

(3) A Driver must give passengers the correct change.

**\$6-15(g)(3) Fine: \$25-\$150 Appearance REQUIRED**

(4) A Driver must not ask or in any way indicate to a passenger that a tip is expected or required.

**\$6-15(g)(4) Fine: \$50 Appearance REQUIRED**

(h) **Reserved. Non-Paying Customers.**

(i) **No Overloading Vehicle.** A Driver must never carry more passengers than the capacity of the vehicle as determined by the State Department of Transportation.

**\$6-15(i) Fine: \$25 Appearance NOT REQUIRED**

(j) **Reserved. Use of Front Seat.**

(k) **Luggage.**

(1) A Driver must not refuse to transport a passenger's wheelchair, crutches or other property.

**\$6-15(k)(1) MANDATORY PENALTIES: Appearance REQUIRED See \$6-02**

(2) When necessary or if the passenger requests it, the Driver must load or unload the passenger's luggage and other property, within reason.

**\$6-15(k)(2) Fine: \$50-\$100 Appearance REQUIRED**

(l) **Reserved. No Transporting Property Only.**

(m) **No 'Marketing' to Passengers.** A Driver must not sell or advertise any service or merchandise to the passengers without prior written approval from the Commission.

**\$6-15(m) Fine: \$50 Appearance NOT REQUIRED**

(n) **Assist Passengers to Board Vehicle.**

(1) A Driver must provide all necessary and reasonable assistance to passengers to board the vehicle, to be secured inside, to be delivered to their destination, and to depart from the vehicle.

(2) The Driver must assist all passengers whether the passenger is ambulatory, or uses a wheelchair or other mobility aid.

(3) The Driver's assistance must also include ensuring that a service animal has entered and exited the vehicle.

(4) The Driver is not required to assist passengers up or down the steps.

**\$6-15(n)(1)-(4) Fine: \$100-\$340 and/or suspension up to 30 days and possible revocation (OATH). Appearance REQUIRED**

(o) **Be Punctual.** A Driver must be diligent and on time in picking up and transporting passengers.

**\$6-15(o) Fine: \$25 Appearance NOT REQUIRED**

(p) **Find Alternate Transportation if Vehicle Breaks Down.**

(1) If the Paratransit Vehicle becomes inoperable while a passenger is in the Vehicle, the Driver must try to find comparable transportation for the remainder of the passenger's trip.

(2) This does not apply if the passenger wants to find his or her own transportation.

**\$6-15(p) Fine: \$50 - \$150 Appearance REQUIRED**

(q) **Courtesy.** A Driver must be courteous to passengers.

**\$6-15(q) Fine: \$25 Appearance NOT REQUIRED**

**\$6-16 Operations — Comply with Reasonable Passenger Requests**

(a) **Shortest Route.** A Driver must take passengers to their destination by the shortest, most reasonable

route unless the Driver or passenger requests a different route, and all of the other passengers agree.

§6-16(a) Fine: \$25-\$150 Appearance REQUIRED

(b) Request to Change Destination or Terminate. A Driver must comply with a passenger's request to change the destination or terminate the trip unless it is impossible or unsafe for the Driver to comply. The passenger can not request this change in an emergency situation, and any change or termination must be in the best interest of the other passengers.

§6-16(b) Fine: \$25-\$150 Appearance REQUIRED

(c) Request for Driver's Name, License Number. A Driver must comply with all lawful and reasonable requests from passengers. This can include giving his or her name, his or her Paratransit Driver's License number and the Paratransit Vehicle's license number.

§6-16(c) Fine: \$50-\$100 Appearance REQUIRED

(d) Request for Receipt.

(1) Upon request, the Driver must give a passenger a receipt for payment of the fare.

(2) The receipt must clearly show the date, time, Paratransit Vehicle license plate number, name of the Base, fare paid, extras, and the telephone number of the Commission's complaint department.

§6-16(d) Fine: \$25 Appearance NOT REQUIRED

(e) Passenger Requests on Audio.

(1) A Driver must turn the radio on or off at the passenger's request.

(2) The passenger has the right to select the radio station.

(3) The radio volume will only be played at a reasonable level, and the Driver must abide by all noise ordinances.

§6-16(e) Fine: \$25 Appearance NOT REQUIRED

(f) Passenger Request Regarding Air Conditioning / Heat. A Driver must turn the air conditioning or heating device in a Paratransit Vehicle on or off at a passenger's request.

§6-16(f) Fine: \$25 Appearance NOT REQUIRED

**§6-17 Operations – Method of Payment**

(a) Reserved. Accept US Currency.

(b) Be Able to Make Change. A Driver must always be capable of making change for a \$20 bill when providing service on a cash basis.

§6-17(b) Fine: \$25 Appearance NOT REQUIRED

(c) Reserved. Credit / debit Card with Operable T-PEP.

**§6-18 Operations — Lost Property**

(a) Inspecting for Passenger Property. The Driver must inspect the interior of the Paratransit Vehicle after each trip and any property found must be returned to the passenger if possible; otherwise it must be taken immediately to the police precinct closest to where the passenger was discharged.

§6-18(a) Fine: \$50-\$250 Appearance REQUIRED

(b) Inform Commission of Lost Property. The Driver must promptly inform the Commission of any property found and the police precinct where it is held if the property is not returned to the passenger.

§6-18(b) Fine: \$25 Appearance NOT REQUIRED

**§6-19 Operations – Passenger Solicitation and Engagement**

(a) Limitations on Driver Solicitation of Passengers. A Driver must only pick up passengers on a prearranged basis. Paratransit Drivers must not solicit or respond to hails.

§6-19(a) MANDATORY PENALTIES: Appearance REQUIRED See §6-02

**§6-20 Operations – Refusing Passengers**

(a) Must Not Refuse. Unless justified, a Driver who is dispatched must not refuse by words, gestures or any other means, to transport a person who has prearranged the trip with a destination within the City of New York. This includes a passenger accompanied by a service animal.

§6-20(a) MANDATORY PENALTIES: Appearance REQUIRED See §6-02

(b) Justification for Refusal. The following are justifiable grounds for refusing to provide transportation services:

(1) The passenger has a weapon.

(2) The passenger has a package or some article that the Driver reasonably believes could injure others or damage the Paratransit Vehicle.

(3) The passenger is intoxicated or disorderly. (A Driver will not, however, refuse to provide service solely because a disability results in annoying, offensive, or inconvenient behavior.)

(4) The passenger is accompanied by an animal which is not properly or

adequately secured in a kennel case or other suitable container. This provision will not apply to service animals accompanying people with disabilities.

(5) The passenger is in need of emergency medical assistance.

**§6-21 RESERVED [Operations – Cooperation with Issuing Jurisdictions]**

**§6-22 Vehicles – Operation and Condition of Vehicle**

(a) Pollution Control.

(1) The Driver will not unnecessarily allow the Vehicle's engine to idle for longer than three minutes.

(2) The Driver will adhere to the New York City Air Pollution Control Code.

§6-22(a) Fine: \$25 Appearance NOT REQUIRED

(b) Inspect Condition. A Driver must personally inspect and reasonably determine that all equipment, including brakes, tires, lights, signals, wheelchair ramps and fastening devices are in good working order, before operating the vehicle.

§6-22(b) Fine: \$15-\$150 Appearance REQUIRED

(c) Reserved. No On-street Maintenance Other than Emergency.

(d) Clean Interior. A Driver must keep the Paratransit Vehicle clean and in good appearance during his or her work shift.

§6-22(d) Fine: \$25 Appearance NOT REQUIRED

(e) No Unauthorized Equipment. Drivers must not put any unauthorized equipment, devices or signs on or in a Paratransit Vehicle during their work shifts (excluding mobility devices, such as grab bars, or non-slip flooring). Drivers can install devices or equipment not listed here only with the written authorization of the Commission.

§6-22(e) Fine: \$25-\$200 and/or suspension up to 30 days. Appearance REQUIRED

**§6-23 Vehicles – Items Required to be in the Vehicle During Operation**

(a) General. The following items must be present in the Paratransit Vehicle prior to its operation:

- (1) The Driver's Paratransit Driver's License
- (2) The Vehicle's registration certificate (or a photocopy)
- (3) The Paratransit Vehicle License (or a photocopy)
- (4) An insurance card (or a photocopy)
- (5) The lease card, if any, (or a photocopy)
- (6) The Trip Record
- (7) Any notices required to be posted in the Paratransit Vehicle

§6-23(a) Fine: \$15 each violation. Appearance NOT REQUIRED

**§6-24 Vehicles – Trip Records.**

(a) Information Required in Trip Records. All Trip Records will contain the following information:

- (1) The Driver's Paratransit Driver's License number
- (2) The Paratransit Vehicle's state license plate number
- (3) The date and time of pick-up of each passenger
- (4) The date and time of drop-off of each passenger
- (5) The locations of pick-ups and drop-offs
- (6) Any other entries required by the Commission and local, state or federal law.
- (7) When the electronic Trip Record system is operable, the Driver will use the system to record entries for the locations, dates and time of pick-ups and drop-offs, at the times they occur; the Base Owner is permitted to make all other entries

§6-24(a) Fine: \$50 for each violation Appearance NOT REQUIRED of this rule; however, no fine for a violation of this rule will exceed \$100 for each vehicle stop.

(b) Electronic Trip Record System.

- (1) An electronic Trip Record system must be installed and functioning in each Paratransit Vehicle.
- (2) If the electronic system malfunctions, the Driver:
  - (i) Must report the malfunction promptly,
  - (ii) Must use a written Trip Record temporarily, and
  - (iii) Must not operate the Paratransit Vehicle for hire for more than three business days after timely reporting the malfunction.

§6-24(b) Fine: \$250 Appearance REQUIRED

(c) Maintaining Written Trip Records When Electronic System is Inoperable. The written Trip Record must contain each of the record entries required under §6-26(a) above and must be maintained as follows:

- (1) All entries must be in ink and the Trip Record must be current.
- (2) At the beginning of each work shift the Driver will sign and certify on the Trip Record that the Paratransit Vehicle and its equipment are in good working condition and that all required items are present. (One entry for an owner/Driver is sufficient.)

§6-24(c) Fine: \$50 for each violation Appearance NOT REQUIRED of this Rule; however, no fine shall exceed \$100 for each Vehicle stop.

(d) Correcting Trip Records Entries. The only method of correcting errors in written trip records is as follows:

- (1) Drivers must correct errors by written Trip Records by drawing a single line through the incorrect entry and initialing the correction.
- (2) A Driver must not erase, smear, cross out or otherwise cover an entry on a written Trip Record, and must not leave any blank lines between entries.
- (3) No one may erase, delete, alter, change or obliterate electronic Trip Record data collected in the Paratransit Vehicle.
- (4) A Driver must report all necessary corrections to the Base owner.

§6-24(d) Fine: \$30 Appearance NOT REQUIRED

**§6-25 Vehicle Equipment – Electronic Trip Record System**

(a) The "electronic Trip Record system" is hardware and software that collects and stores the electronic trip record data required by the Commission. This includes the following:

- (1) The Driver's Paratransit Driver's License number
  - (2) The Paratransit Vehicle's state license plate number
  - (3) The date and time of pick-up of passengers
  - (4) The date and time of drop-off of passengers
  - (5) The locations of pick-ups and drop-offs
  - (6) Any other entries required by the Commission and local, state or federal law.
- (b) The specific pick-up and drop-off locations, dates and times must be collected in the vehicle during the trip; the Base Owner is permitted to make other entries.

**§6-26 Vehicle Equipment – Miscellaneous**

(a) Wheelchair Ramps and Fastening Devices. A Driver must only use wheelchair ramps and fastening devices that are functioning properly and are secure.

§6-26(a) Fine: \$25-\$250 and/or suspension up to 30 days. Appearance REQUIRED

**Statement of Basis and Purpose of Rules**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consisted of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without significant substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules were redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter was revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision was intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings were held separately from monthly stated Commission meetings.

When this process had been completed for all TLC rules, the complete set of rules was presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. Following promulgation of these rules, the rules will become effective and the repeal of the current rules will occur on January 1, 2011.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules promulgated here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters in this rule-making
Chapter 4, Paratransit Services, as to Drivers of Paratransit Vehicles	Chapter 6, Paratransit Drivers

The promulgated rules make the following substantive changes to the provisions of the current rules governing drivers of paratransit vehicles:

- Eliminate references to drug addiction that are contrary to the Americans with Disabilities Act.
- Provide that a driver must be re-photographed whenever his or her appearance changes, to conform to existing practice by which drivers are photographed by the TLC, rather than submit photographs to the TLC as stated in the existing rules.
- To fully incorporate the provisions of Local Law 16 of 2008, the rule revises the penalty provisions to reflect that fines are stayed for thirty days, and

- further pending decision of a timely-filed appeal. Provide that the certification as to medical fitness of an applicant may be done as part of the certification process under Article 19-A of the NYS Vehicle and Traffic Law, which conforms the rule to current TLC practice.
- Clarify the driver's duties with respect to the operation of the electronic trip record system to conform to actual experience.

#### Supplemental Statement

A public hearing on these rules was held on May 8, 2009. Following that hearing the TLC voted at a public meeting on May 28, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having been conditionally approved by the TLC, the 19 chapters were re-published for additional public comment, another hearing and final approval by the TLC, which occurred on July 15, 2010.

After the conditional TLC approval of this rules chapter, the following additional substantive changes have been made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1 Definitions as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions of section 6-12 regarding acts of commission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment to similar provisions in Chapter 4.
- The provisions regarding cell phone use were revised to track revised TLC rules governing the use of cell phones and electronic devices.

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#### Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") hereby promulgates rules governing taxicab vehicles and the "hack-up" of taxicabs.

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on these proposed rules were held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on June 30, 2009 at 2:30 P.M and on July 8, 2010 at 10:00 A.M.

These rules will take effect on January 1, 2011.

Section 1. Title 35 of the Rules of the City of New York is hereby amended by adding a new chapter 17 thereto, to read as follows:

New Material is underlined.

#### CHAPTER 17

#### RULES FOR TAXICAB HACK-UP AND MAINTENANCE

##### §17-01 Scope of this Chapter

- To establish the standards and requirements for preparing a vehicle for Taxicab Licensing, and
- To establish the standards and requirements for Taxicab maintenance, inspection and retirement.

##### §17-02 Penalties

- This Chapter is informational in nature and does not contain penalties. Penalties for failure to follow the rules established in this Chapter will be found in Chapter 4 and Chapter 8 which establish specific requirements for Taxicab Drivers and owners.

##### §17-03 Definitions Specific to this Chapter

- Accessible Taxicab is an Accessible Vehicle that has been Hacked-Up.
- Accessible Vehicle is a vehicle that is licensed by the Commission and that meets the specifications in §17-05.2 of these rules and the following Americans with Disabilities Act regulations for vans under 22 feet in length:
  - 49 CFR Parts 37 and 38 (US DOT)
  - 36 CFR §§1192.23 et.seq. (Architectural and Transportation Barriers Compliance Board)
  - 49 CFR part 571 (Motor Vehicle Safety Standards)
- Clean Air Taxicab is a Taxicab that uses a type of fuel which allows the vehicle to:
  - Receive an air pollution score of 9.0 or higher from the U.S. EPA and
  - Emit 6.4 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.
- Level I Clean Air Taxicab is a Taxicab that uses a type of fuel which allows the vehicle to:
  - Receive an air pollution score of 9.5 or higher from the U.S. EPA and
  - Emit 5.0 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.
- Level II Clean Air Taxicab is any Clean Air Taxicab that does not meet the standards of a Level One Clean Air Taxicab.
- Hybrid Electric Vehicle means a commercially

available mass-produced vehicle originally equipped by the manufacturer with a combustion engine system and an electric propulsion system that operate in an integrated manner.

- Safety and Emissions Inspection means the required vehicle inspections conducted at the Commission's inspection facility.
- Scheduled Retirement Date is the date on which a Taxicab must be retired from service, as determined in §17-18, as may be extended as provided in §17-19 of this Chapter.
- A Taxicab Candidate is the vehicle being considered for use as a Taxicab Model.
- Taxicab Model is a Taxicab Candidate that has been verified by the Commission to comply with the standard specifications set forth in §17-05, §17-05.1 or §17-05.2 of this Chapter.

##### §17-04 Original Verification of Taxicab Candidate as Taxicab Model

- Meet All Specifications. A Taxicab Candidate must meet the technical specifications in §17-05, 17-05.1 or 17-05.2 of these Rules, as well as all applicable federal and New York State motor vehicle standards and requirements, in order to become a Taxicab Model.

##### §17-05 Standard Specifications for a Hybrid Electric Taxicab Model

- Type of Vehicle. The vehicle must be a four-door model of one of the following types, and must meet all of the other requirements in this section:
  - A compact or larger sedan
  - A minivan
  - A sport utility vehicle equipped with running boards. To qualify as a Taxicab Model, a sport utility vehicle must include the manufacturer or dealer option that provides the greatest degree of light transmittance available in the rear and side rear windows, and in no case less than 20 percent light transmittance. A sport utility vehicle will be designated as a sport utility vehicle by either the manufacturer or the National Highway Traffic Safety Administration.
- Interior Size. The vehicle must have an EPA passenger compartment interior volume index of at least 101.5 cubic feet.
- Rear Compartment. The rear compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:
  - Effective legroom (L51) must be at least 34.6 inches
  - Effective headroom (H63) must be at least 37.1 inches
  - Seat depth (L16) must be at least 18 inches
- Front Compartment. The front compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions:
  - Effective headroom (H61) must be at least 37.5 inches
  - Effective legroom (L34) must be at least 41.6 inches
  - Total legroom (the sum of L34 and L51) must be at least 76.2 inches
- Air Conditioning. The vehicle must be equipped with a factory installed air conditioning system. The system must include air conditioning outlets for the rear seat area.
- Engine Size. The vehicle may not be equipped with an engine in which the maximum horsepower exceeds 268.
- Diesel Fuel Usage. A vehicle can be hacked up as a Taxicab even if it is not a Hybrid Electric Vehicle if it is powered by diesel fuel and otherwise meets the requirements of this §17-05.
- Windows. All windows must have a light transmittance of 70 percent or more, except for the upper 6 inches of the front windshield.
- Manufactured for Consumer Market. Any Hybrid Electric Vehicle manufactured for the general consumer market may be approved for Hack-up, provided the vehicle meets all of the standard specifications for vehicle Hack-up of this §17-05.

##### §17-05.1 Standard Specifications for Other Taxicab Models

- Type of Vehicle. The vehicle must be one of the following types:
  - A sedan, manufactured with heavy-duty equipment for taxicab, police, or fleet service that meets all of the specifications in subparagraphs (b) through (i) below.
  - A minivan that, based on the Commission's determination, can provide adequate safety and comfort to passengers and meets the air conditioning and engine size specifications in subsections (f) and (g) below.
- Special Package Designation. There must be a term in the VIN or in a body tag that distinguishes the taxicab, police, or fleet package from the standard sedan on which it is based.
- Interior Size. The vehicle must have an EPA passenger compartment interior volume index of at least 107 cubic feet.
- Rear Compartment. The rear compartment of any vehicle approved for use as a Taxicab Model must

meet the following dimensions as defined by the Society of Automotive Engineers:

- Effective legroom (L51) must be at least 43 inches
  - Effective headroom (H63) must be at least 37.5 inches
  - The seat depth (L16) must be at least 18 inches
- Front Compartment. The front compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions:
    - Effective headroom (H61) must be at least 37.5 inches
    - Effective legroom (L34) must be at least 42 inches
    - Total legroom (the sum of L34 and L51) must be at least 85 inches
  - Air Conditioning. The vehicle must be equipped with a factory installed air conditioning system. The system must include air conditioning outlets for the rear seat area.
  - Engine Size. The vehicle may not be equipped with an engine in which the maximum horsepower exceeds 220.
  - Compressed Natural Gas Usage. Beginning on October 1, 2008, a vehicle may be fueled by compressed natural gas only if the vehicle:
    - Is an originally manufactured vehicle
    - Meets the air conditioning and engine size provisions in paragraphs (f) and (g) above
  - Windows. All windows must have a light transmittance of 70 percent or more, except for the upper 6 inches of the front windshield.

##### §17-05.2 Standard Specifications for Accessible Taxicab Models

- An Accessible Vehicle may be approved for Hack-up if it meets all of the following conditions:
  - 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.
  - 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).
  - It does not seat more than five passengers when presented for Hack-up.
  - It complies with the requirements in subdivisions and (c) of this section and all other requirements for Hack-up in §17-05.1 that are not inconsistent with the provisions of this section.
- The chassis of the Accessible Vehicle, as originally manufactured, must have:
  - A maximum horsepower of 240.
  - The original equipment manufacturer's suspension and steering components.
  - No bumper modifications.
  - Exception regarding bumpers: A bumper modified to allow installation of a rear-entry ramp may be approved if it satisfies either of the following:
    - Modification by secondary manufacturer:
      - The rear bumper is reinforced
      - The modification is approved by the vehicle manufacturer.
      - The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
      - 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.
    - Modification by other than secondary manufacturer:
      - The rear bumper is reinforced.
      - The modification is approved by the vehicle manufacturer.
      - The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
      - 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 when the vehicle is submitted for Hack-up.

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 Taxicab 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) The minimum passenger compartment length (measured from rear of driver's seat base to rear seat base) must be 56 inches.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) The wheelchair ramp must not block any part of the door or glass while in the stowed position.
- (7) The system provided to securely hold one or more wheelchairs in place must be the system known as Q strain QRT Standard or its equal.
- (8) No anchor points may project more than 1/8 of an inch above the finished floor.
- (9) If the Accessible Taxicab 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.
- (10) Any modifications to the rear air conditioning must be approved by the OEM.
- (11) Any and all electrical wiring, other than as provided by the OEM, must be PVC-or-better insulated and color-coded for positive identification.
- (12) 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.

#### §17-06 Requirements for Hacking Up a Taxicab

(a) Requirement. Only Taxicab Models may be Hacked-Up.

(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.
- (2) Has been purchased in the first sale from a licensed dealer or a manufacturer. An original of the manufacturer's certificate of origin (MCO) or of the certificate of title must be submitted, in addition to relevant documents of ownership.
- (3) Is one of the manufacturer's two latest vehicle model years. (Example: If in calendar year 2008 the manufacturer introduces the 2009 Caprice, only 2009 and 2008 Caprices may be Hacked-up.)
- (4) Has not been discontinued by the manufacturer, except that a model vehicle may be hacked-up until September 30 of the calendar year, two years subsequent to its designated model year. (Example: if in 2010, the manufacturer stops production of the Caprice, a new 2008 model year Caprice may be hacked up until September 30, 2010 and a new 2009 model year Caprice may be hacked-up until September 30, 2011.)

(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 §17-18, as may be extended by §17-19, below.

(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, 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) Long-Term Drivers. The vehicle is owned by a Long-Term Driver who has driven the vehicle for at least five months under the existing Medallion and who will continue to be a Long-Term Driver under the new Medallion.
- (3) 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.
- (4) 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.

(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.

#### §17-07 Requirements for Hack-up – Paint, Finish and Lighting

(a) Taxi Yellow. The exterior of the vehicle must be painted taxi yellow (Dupont M6284 or its equivalent), except for trim. Samples of paint color and code are to be submitted to the Commission for approval.

(b) Front Design. The front of the vehicle, and especially the bumper, should be designed with strong emphasis on reducing injury to pedestrians. There must be no unnecessary projections such as rigid hood ornaments.

(c) Signs. The vehicle must be provided with signs that conform to the marking specifications in §8-31(i) of these rules.

(d) Auxiliary Turn Signals. Suitable wiring must be provided for a pair of auxiliary turn signal lamps to be located next to the roof light. These lamps must not be activated with the brake lights.

(e) Roof Light. The vehicle must be equipped with an approved Roof Light.

#### §17-08 Requirements for Hack-up – Occupant Accommodation

(a) Upholstery and Trim.

(1) Must be an easy-to-clean material such as vinyl. Exception: If the vehicle manufacturer installed side airbags or a system which determines whether a seat is occupied for purposes of inflating an airbag, the upholstery must be that provided by the manufacturer.

(2) Must meet federal (MVSS) standards for flame resistance.

(3) Must have a surface suitable for mounting authorized decals.

(b) Seats.

(1) A Taxicab may not be equipped with power-adjusted seats.

(2) A Taxicab may be equipped with either bucket or bench seats.

(3) The seats must not interfere with the partition and must meet all other Commission requirements.

(4) All replacement seats must be designed by the manufacturer for installation in the model and year of the vehicle in which the seats are installed.

#### §17-09 Requirements for Hack-up – Taximeters

(a) Requirement. The vehicle must be equipped with a sealed, tamper-resistant Taximeter installed by a Licensed Taximeter Business according to the rules and regulations in Chapter 14. The Taximeter must be installed in a location approved by the Chairperson which permits safe operation of the vehicle and visibility to the passenger.

(b) Technical Specifications. The Taximeter must meet the specifications and tolerances published in the most recent National Institute of Standards and Technology Handbook, and must be approved for use in New York by the NYS Department of Agriculture and Markets and the Commission. Any new Taximeter will be subject to a minimum three month test period before approval.

(c) Other Technical Requirements.

(1) The Roof Light must be controlled by engaging the Taximeter.

(2) The Taximeter must be capable of calculating and displaying all required rates of fare.

(3) The Taximeter must be capable of transferring data to the Taxicab Technology System manufactured by any Taxicab Technology Service Provider which has chosen to use the Taximeter.

(4) The Taximeter and all connections must

be secure and tamper proof. All switches, wiring and caps must meet applicable specifications of the Society of Automotive Engineers.

#### §17-10 Requirements for Hack-up – Partitions

(a) Requirement.

(1) The vehicle must be equipped with a partition that isolates the driver from the rear seat passengers or all passengers of the vehicle.

(2) The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the Taxicab Driver's License, Rate Card, and front windshield.

(3) An owner may apply for a certificate of exemption from the requirement to install a partition upon meeting the general criteria for exemption specified in §8-39(b) of Chapter 8.

(b) Technical Specifications.

(1) The partition must extend from the ceiling to a specific point as recommended by the Chairperson and approved by the Commission, based upon the make and model of the vehicle.

(2) The transparent portion of the partition must be constructed of a mar-resistant polycarbonate not less than 0.375 inches thick that will provide passengers and drivers with maximum visibility.

(i) For a flat partition and a partition for a Taxicab with factory installed curtain airbags, the transparent portion must extend from the ceiling to join or overlap with the protective plate of the partition.

(ii) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition. On the side that extends forward to back between the two front seats, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console located between the two front seats.

(3) The protective plate must join or overlap with the transparent portion of the partition and extend downward to the floor of the vehicle. The protective plate must be a plate of 0.085-inch thick bullet-resistant ballistic steel or its equivalent recommended by the Chairperson and approved by the Commission. The protective plate must be installed inside and covering the front seat's entire backrest.

(i) The protective plate must extend from the point that the transparent portion joins it downward to the floor of the Taxicab.

(ii) If the transparent portion overlaps the protective plate, the protective plate must extend from the point of joinder with the transparent portion downward to the floor of the Taxicab.

(iii) For an L shaped partition, the protective plate must also cover the right side of the center console between the two front seats.

(4) The entire protective plate of each partition must have sufficient padding to prevent injury to any rear-seat passenger in case of an accident or sudden stopping, and all surfaces must be free of sharp and rough edges.

(5) There must be no opening or gap between the partition and the body of the vehicle larger than one inch, except for vehicles equipped with factory installed curtain airbags. In those vehicles, the partition shall allow a space of six inches on each side, sufficient to permit proper deployment of the curtain airbags.

(6) In addition to meeting all other technical specifications, a partition may be installed only if it does not impair passenger and driver safety and has the following features:

(i) Allows passengers and drivers to communicate with each other

(ii) Allows passengers in the rear passenger compartment to pay fares by cash or by credit card (if the Taxicab is capable of accepting credit card payments) and to receive receipts for payments and transactions

#### §17-11 Requirements for Hack-up – Distress Signal Lights

(a) Requirement. An owner must equip all Taxicabs with a help or distress signaling light system consisting of two turn signal type "lollipop" lights.

(b) Technical Specifications.



- (1) One light must be mounted on the front center of the vehicle, either on top of the bumper or forward or behind the grill. A second light must be mounted on top of the rear bumper, to the left of the license plate.
- (2) Each light must be three to four inches in diameter, have a total rated output of 32 candle power, and be amber-colored or have an amber-colored lens so that the light output of the device is the color amber at 32 candle power.
- (3) The activator must be installed within easy reach of the driver, must be silent when operating, and must be fully solid-state.
- (4) The lights must be able to flash between 60 and 120 times per minute.
- (5) The wiring must not affect or interfere with, directly or otherwise, any wiring or circuitry used by the meter for measuring time or distance.

**§17-12 Requirements for Hack-up – In-Vehicle Camera System (“IVCS”)**

- (a) Requirement. When an existing IVCS is required to be replaced or when an IVCS system is installed (including, but not limited to, at Hack-up), it must meet the specifications below.

(b) Technical Specifications.

- (1) The IVCS must be connected to the vehicle battery, and the fuse for the connection must be concealed in a tamper-resistant housing.
- (2) Wiring between the recording unit and the camera head must use at either end, tamper-resistant registered jack (RJ) style connectors.
- (3) All electrical connections and wiring must be protected from spikes and dips in vehicle voltage.
- (4) The camera head housing and brackets must be tamper-proof and securely mounted to the right of the rear view mirror. The installation must provide unobstructed vision for the driver.
- (5) The camera’s field of view must include the full face of all occupants seated in passenger seats and facing forward.
- (6) Images must be recorded and stored in a unit separate from the camera head.
- (7) The recording unit must be concealed from view and fastened securely with tamper-resistant hardware.
- (8) The IVCS must provide a visual indication of system status that is located on the lower left portion of the dashboard and is visible to the driver and to law enforcement personnel inspecting the vehicle from outside of the driver door.
- (9) The IVCS and components must be sufficiently shock-resistant to withstand typical vehicle movement and collisions.
- (10) The IVCS must have an RS-232 connection or other means for secure image retrieval.
- (11) Images must be sharp, undistorted, and clear enough to enable the viewer to identify all passengers under all lighting conditions, including, for example, dark and bright light, daylight, and backlight.
- (12) Sensor resolution must be, at a minimum, 510 by 480 pixels.
- (13) Storage capacity must be, at a minimum, 7,000 images in an encrypted format, and all access to the storage unit must result in the storage of an electronic “tag” including the installer identification number and date of the event.
- (14) The IVCS must have connection ports for a minimum of two (2) cameras.
- (15) The IVCS must have an event flag or panic button accessible to the driver and located in an inconspicuous location.
- (16) The IVCS must record images and the following information for each image:
  - (i) Date and time
  - (ii) Taxicab Medallion number
  - (iii) IVCS serial number
  - (iv) IVCS indicator for event flags
- (17) Image capture must be linked to the following events:
  - (i) Vehicle door openings and closings
  - (ii) Meter engagement
  - (iii) Event flag button activation
  - (iv) Event flag in the test mode when the image(s) are recorded for inspection and test purposes
  - (v) Panic button activation
- (18) In the event of a panic button activation, systems must record to protected memory a total of three events. The recording must include, at a minimum, the 2.5 minutes immediately before and after the button activation, at one frame per second.

- (19) Image access may be provided only to law-enforcement agencies, including the New York City Police Department.
- (20) If the IVCS has a physical port for secure image retrieval, the port must be located on the right side of the dashboard or in the trunk, installed inconspicuously, and accessible to law enforcement personnel.
- (21) When memory storage capacity is reached, the IVCS must overwrite the oldest images as new images are recorded in sequence.
- (22) Installations and repairs of IVCS may be performed only by installers authorized by the manufacturer and currently licensed by the Department of Consumer Affairs. Installations and repairs may also be performed by Taximeter Businesses currently licensed by the Commission pursuant to chapter 14 of this title.
- (23) A notarized affidavit signed by a manufacturer’s authorized installer attesting to the proper functionality of the IVCS must be provided to the Commission by the authorized installer: (i) annually, and (ii) within 14 calendar days after any installation, repair, or modification of the IVCS.

**§17-13 Requirements for Hack-up – Credential Holders**

- (a) Requirement. A credential holder must be mounted behind the driver in the vehicle in a manner that does not block the driver’s view. The holder will be on the partition if there is a partition, or on the headrest if there is no partition.
- (b) Technical Specifications. A credential holder frame mounted on the driver’s side of the clear portion of the partition must conform to the following:
- (1) Be approved by the Commission.
  - (2) Be secured by either rivet or screw at least two inches above the frame supporting the clear portion of the partition and centered on the vehicle’s steering column or the headrest on the driver’s seat facing the rear passenger’s compartment.
  - (3) The frame must have a drop-in or slide-in slot accessible only from the driver’s compartment for the rate card and the driver’s license.
  - (4) The frame must have sufficient illumination so that the rate card and the driver’s license are clearly visible from the rear seat after dark.
  - (5) The frame must be sufficiently padded so as not to cause injury to the driver.

**§17-14 Requirements for Hack-up – Air Conditioning**

- (a) Requirement. All vehicles must be equipped with an air conditioner. The air conditioner must be in good working condition from May 1st through September 30th each year. In vehicles equipped with a partition, the air conditioner must include an auxiliary unit for the rear seating area.
- (b) Technical Specifications.
- (1) The auxiliary unit must be either standard equipment or optional equipment built into the vehicle by the vehicle manufacturer.
  - (2) The auxiliary unit must have controls that passengers may operate in the rear passenger area.

**§17-15 Requirements for Hack-up – Taxicab Technology System (T-PEP)**

- (a) Credit, Debit, and Prepaid Card Payment. Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that is capable of accepting all major credit and debit cards that are approved for payment of fares by that T-PEP Provider.
- (b) Text Messaging. Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that enables the driver to receive and send text messages. The text messaging equipment may not be used for dispatch purposes.
- (c) Trip Data Collection and Transmission. Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that permits the collection and transmission of data to the Commission in accordance with the following requirements:
- (1) All systems must be capable of transmitting data to the Commission or its designated repository at pre-determined intervals established by the Chairperson
  - (2) All transmissions must be in a format and manner approved by the Chairperson.
  - (3) The data to be transmitted must include:
    - (i) Taxicab License number
    - (ii) Taxicab Driver’s License number
    - (iii) Location of trip initiation
    - (iv) Time of trip initiation
    - (v) Number of passengers
    - (vi) Location of trip termination
    - (vii) Time of trip termination
    - (viii) Metered fare for the trip
    - (ix) Distance of the trip

- (4) All data transmitted to Commission must be sent in a secure format as approved by the Chairperson.
  - (5) To the extent necessary to facilitate data transfer, the Commission may mandate that each Taxicab be equipped with external antennas.
  - (6) No equipment designed to comply with the provisions of this section may be installed unless it has been approved by the Commission based on a determination that the equipment conforms to the specifications set herein, is safe, and fulfills the intended purposes for such equipment.
- (d) Passenger Information Monitor (“PIM”)
- (1) Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that includes a passenger information monitor that meets the following requirements:
    - (i) The monitor is located in the rear passenger compartment and provides passengers sitting in the rear of the vehicle with an unobstructed view of the monitor.
    - (ii) The monitor has a screen that is no less than ten inches measured diagonally. (Exception: In Hybrid Electric Vehicles and other small clean air or low emission Taxicabs that do not have a partition, the screen size may be less than ten inches but not less than five and one-half inches measured diagonally.)
    - (iii) The monitor displays a map that shows the current location of the vehicle as well as the route traveled from the beginning to the end of the trip.
    - (iv) The monitor displays the following required information:
      - A. The passenger bill of rights
      - B. The flat fare notice
      - C. Any other public service announcements designated by the Chairperson
      - D. Itemized metered fare information at the termination of the trip
    - (v) At the Medallion owner’s option, the monitor may also be used to display limited media content, which may include commercial advertising and commercial sponsorships as permitted in the contract between the Commission and the T-PEP Provider(s).
    - (vi) The monitor may be turned off by the passenger, with the following conditions:
      - A. If the monitor is turned off, all information that is required to be shown must remain visible for all or a reasonable portion of the passenger’s trip.
      - B. The monitor must have the capability to come back on when the meter disengages, to further display any additional information required when the passenger leaves the Taxicab.
      - C. The monitor must also allow the passenger to control and mute the volume of content after any required information has been shown.
  - (2) If the credit/debit card acceptance equipment is not operational but the passenger information monitor is operational, the passenger information monitor must display the message, “Credit Card System Currently Not Available”.

**§17-16 (Reserved)**

**§17-17 (Reserved)**

**§17-18 Scheduled Vehicle Retirement**

- (a) 36-Month Retirement.
- (1) If the vehicle is double-shifted, it must be retired no later than the first scheduled inspection of the vehicle occurring 36 months after the vehicle was Hacked-up
  - (2) The 36-Month Retirement will not apply if the vehicle is driven by at least one Long-Term Driver or it is in service solely as an authorized Stand-By Vehicle.
- (b) 60-Month Retirement. All other vehicles must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 60 months after the vehicle was Hacked-up.

**§17-19 Vehicle Retirement Extensions**

- (a) Hardship Extension: An Independent Taxicab Owner or a Long-Term Driver who owns the vehicle may apply to the Chairperson for an extension of up to 12 months from the Scheduled Retirement Date. To obtain approval of a hardship extension:
- (1) The vehicle owner must demonstrate an economic or other personal hardship that the Chairperson determines would create an undue burden upon the owner if the extension were not granted.
  - (2) The vehicle owner must submit a request in writing, together with any supporting documentation, to the Chairperson at least 30 days before the Scheduled Retirement Date. This 30-day deadline may be waived by the Chairperson upon a showing of good cause.
  - (3) The vehicle must continue to meet all safety and emission requirements throughout the extension. The Chairperson shall withdraw any extension granted whenever the vehicle is determined by the Commission to be unsafe for operation.
- (b) Compressed Natural Gas Extension. An automatic 24-month extension is granted to any Taxicab vehicle that meets the following requirements:
- (1) The vehicle was Hacked-up between March 1, 1996 and April 17, 2007.
  - (2) The vehicle was dedicated to operating on compressed natural gas (with a maximum reserve gas tank of five gallons) within six months after Hack-up.
  - (3) The vehicle has remained dedicated to operating on compressed natural gas thereafter and throughout its operation.
- (c) Minivan Extension.
- (1) Any minivan approved for use as a Taxicab by the Commission that was Hacked-up between March 1, 1996 and April 17, 2007 will have its Scheduled Retirement Date extended as follows:
    - (i) By 12 additional months of Taxicab service if double-shifted and not driven by at least one long-term driver
    - (ii) By 18 additional months of Taxicab service under other conditions
  - (2) A Taxicab whose Scheduled Retirement Date has been extended in accordance with the provisions of this section is not eligible for the extended vehicle lifetime provided for Clean Air and Accessible Taxicabs described in §17-20(d) below.
- (d) Clean Air and Accessible Taxicab Extensions.
- (1) Extensions of 36-Month Retirement Schedule. The regular 36-Month Retirement Schedule for any Level I or Level II Clean Air Taxicab or any Accessible Taxicab is extended by 12 months.
  - (2) Extensions of 60-Month Retirement Schedule: Accessible or Level I Clean Air. The regular 60-Month Retirement Schedule for any Level I Clean Air Taxicab or any Accessible Taxicab is extended by 24 months.
  - (3) Extensions of 60-Month Retirement Schedule: Level II Clean Air. The regular 60-Month Retirement Schedule for any Level II Clean Air Taxicab is extended by 12 months.
- (e) Final Retirement Date. A vehicle which cannot pass inspection must be replaced, regardless of whether its Scheduled Retirement Date has been reached. A vehicle that has reached its Scheduled Retirement Date, including any extensions provided for in this section, must be retired regardless of whether it may still pass inspection.

**Statement of Basis and Purpose of Rules**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consisted of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without significant substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules were redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter was revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision was intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings were held separately from monthly stated Commission meetings.

When this process had been completed for all TLC rules, the complete set of rules was presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. Following promulgation of these rules, the rules will become effective and the repeal of the current rules will occur on January 1, 2011.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules promulgated here are as follows:

Current Rule Chapters revised in this rule-making	New Rule Chapters
Chapter 3, Taxicab Specifications	Chapter 17, Rules for Taxicab Hack-up and Maintenance

The promulgated rules make a number of substantive changes to the provisions of the current rules governing taxicab vehicles and hack-up. Specifically:

- The experimental vehicle provisions contained within existing rule 3-03(d) have been eliminated as being duplicative of the pilot program rules set forth in Chapter 2 of the revised Rules. It is anticipated that future experimental vehicles, if any, may be proposed as pilot projects. Moreover, the TLC believes that the vehicle specifications enumerated are unnecessary in light of prior experience with experimental vehicles.
- The rule provisions regarding sponsorship of proposed taxicab vehicles have been eliminated as being obsolete.
- The proposed rules contain no requirements concerning "pinion gears" corresponding to those set forth in section 3-03(e)(2)(v) of the existing rules because pinion gears are obsolete and no longer in use.
- The requirements for placement of credential holders in section 17-13 of the proposed rules have been revised to reflect current practice that credential holders are placed behind the driver, and not on the dashboard.
- The air conditioner specifications in section 17-14 of the proposed rules have eliminated the specifications regarding "patch units" contained in the prior rule as patch units are now obsolete.

In addition, while the TLC does not regard it as a substantive change, the detailed list of taximeter specification set forth in section 3-04 of the current rule has been replaced with a reference to the requirements of National Institute of Standards and Technology Handbook 44 and approval of a taximeter by the New York State Department of Agriculture and Markets, which govern taximeter specifications in all instances.

**Supplemental Statement**

A public hearing on these rules was held on June 30, 2009. Following that hearing the TLC voted at a public meeting on July 16, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having been conditionally approved by the TLC, the 19 chapters were republished for additional public comment, another hearing, and final approval by the TLC.

After the conditional TLC approval of this rules chapter (and before final approval), the following additional substantive changes were made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- Rules governing standards for bumper modifications relating to accessible vehicles were corrected as a result of staff comment.

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**Notice of Promulgation of Rules**

**Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") hereby promulgates rules governing the promulgation of a new rule books.**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York.

Public hearings on these rules were held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on March 5, 2010 at 2:30 P.M. and on July 8, 2010 at 10:00 A.M.

These rules will take effect on January 1, 2011.

Section 1. Title 35 of the Rules of the City of New York is hereby amended by adding a new chapter 20 thereto, to read as follows:

New Material is underlined.

**Chapter 20 Transition Rules****§20-01 Scope of this Chapter**

- (a) To repeal existing TLC rules:
- (b) To promulgate new TLC rules of which this chapter is part;
- (c) To provide for a transition from the existing rules to the new rules;
- (d) To set forth the general purpose that actions taken under the existing rules remain effective when the new rules take effect, a purpose which is to be construed broadly.

**§20-02 Penalties**

This chapter is informational in nature and does not provide for any penalties.

**§20-03 Definitions Specific to this Chapter**

- (a) Activation Date. The Activation Date is January 1, 2011.
- (b) New Rules. Title 35 of the Rules of the City of New York and any amendments that become effective on and after the Activation Date.
- (c) Old Rules. Title 35 of the Rules of the City of New York as in effect before the Activation Date.

**§20-04 Rules**

- (a) Old Rules. The Old Rules are repealed on the Activation Date.
- (b) New Rules. The New Rules become effective and binding on the Activation Date.

**§20-05 Existing Licenses**

- (a) Existing Licenses. All Licenses issued by the

Commission and Valid at the Activation Date continue in existence.

- (b) Obligation to follow New Rules. All Licensees must obey the New Rules beginning on the Activation Date. It does not matter when a License was issued or when the License expires. A Licensee will be responsible for his or her conduct as a Licensee under the New Rules beginning on the Activation Date.

- (c) Old Rules are no defense to ongoing obligations. No person can raise as a defense to a violation of the New Rules from the Activation Date either the existence of the Old Rules before the Activation Date or that a License was issued under the Old Rules.

**License Terms-Expiration.**

- (1) A License Valid and in effect on the Activation Date expires on the date it was scheduled to expire when issued under the Old Rules.
  - (2) A License suspended on the Activation Date expires on the date it was scheduled to expire when issued under the Old Rules.
- (e) License Renewals. When a License expires on or after the Activation Date, the New Rules apply to any application to renew that License.

**§20-06 License Applications**

- (a) License Applications received before the Activation Date. License applications received before the Activation Date will be processed under the Old Rules. However, for any such License, the Licensee must follow the New Rules beginning on the Activation Date.

- (b) License Applications received after the Activation Date. License applications received on and after the Activation Date will be processed under the New Rules.

**§20-07 Persistence of Enforcement Actions****Summonses.**

- (1) All summonses written and outstanding under the Old Rules remain valid at the Activation Date. Charges in the summonses will be adjudicated under the Old Rules.
- (2) All summonses written beginning on the Activation Date will be written under the New Rules. Charges in the summonses will be adjudicated under the New Rules.
- (3) No summons can be dismissed on or after the Activation Date on the ground that it was written under the Old Rules for conduct that occurred before the Activation Date.

**Outstanding Fines and Penalties.**

- (1) Fines, penalties and debts owed to the Commission on the Activation Date for violations of any rule or duty continue to be due and payable until paid.
- (2) Any fine, penalty or debt imposed on or after the Activation Date resulting from a summons written under the Old Rules for conduct that occurred before the Activation Date will be due and payable until paid.

**Suspensions.**

- (1) Any License suspension which has gone into effect before the Activation Date remains in effect beginning on the Activation Date and must be served until the terms of the suspension are satisfied.
- (2) Any suspension imposed under the Old Rules which goes into effect beginning on or after the Activation Date must be served until the terms of the suspension are satisfied.
- (3) The Activation Date will not affect the end date of any suspension.

**Hearing Schedules. The Activation Date will not affect the date of any Hearing or other action scheduled before the Commission's Adjudications Tribunal or OATH****Directives and Notices to Correct.**

- (1) Any directive or notice to correct issued by the Commission before the Activation Date remains in effect on the Activation Date and until complied with.
- (2) Penalties for violation of any directive or notice to correct issued before the Activation Date will be imposed under the Old Rules.

**Outstanding Points for Drivers, Vehicle Owners, and Bases.**

- (1) All points issued as penalties by the Commission under any of the Persistent Violator or Critical Driver Programs, or as Penalty Points to owners of For-Hire Vehicles or Bases and accumulated against any License on the Activation Date remain in effect.
- (2) Any points issued and accumulated on and after the Activation Date as a result of summonses issued under the Old Rules will be added to any accumulated points.
- (3) Any action to suspend or revoke any License under any accumulated point program initiated on or after the

Activation Date will be governed by the New Rules.

- (4) In any action to suspend or revoke, the Commission will consider points accumulated within the period specified by applicable rules. Points accumulated against a License both before and on and after the Activation Date will be considered.
- (g) Cumulative Penalties. When penalties are affected by the number of times a person has been convicted of that violation, convictions for prior offenses under the Old Rules count toward second and subsequent offense penalties under the New Rules.

**Statement of Basis and Purpose of Rules**

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consisted of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without significant substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules were redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter was revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision was intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings were held separately from monthly stated Commission meetings.

When this process had been completed for all TLC rules, the complete set of rules was presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. Following promulgation of these rules, the rules will become effective and the repeal of the current rules will occur on January 1, 2011.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules promulgated here are intended to effect the transition between the existing rule book and the new rule book and have no analog under the existing rules. These rules are generally intended to ensure that actions validly taken under the existing rules by the TLC, any licensee or applicant, or any other person, remain valid and effective under the new rules. The TLC intends to construe these rules to ensure that no action, consequence, or duty may be avoided simply because the existing rules are replaced by new rules. Consistent with this intention, the TLC expects that appeals decisions made concerning the existing rules will continue to have the same effect, where appropriate, after the revised rules become effective. The rules address such matters as

- An application will be processed according to the rules that are in effect on the date the application is received.
- A license that is validly issued under the existing rules will remain valid for its stated term, despite the promulgation of the new rules.
- A summons validly issued under the existing rules will remain valid under the new rules.
- A summons validly issued under the existing rules will be adjudicated under the existing rules, even if the adjudication occurs entirely or in part after the effective date of the new rules.
- A fine or other penalty validly imposed under the existing rules will remain valid and enforceable under the new rules.
- A directive or notice to correct that is validly issued under the existing rules will remain valid and enforceable under the new rules.
- Points accumulated in penalty programs in the existing rules, such as the persistent violator program or the critical driver program, will remain in effect under the new rules. Therefore, for example, the "look-back" period for the persistent violator program and for the critical driver program will continue to be 15 months under the new rules, and will incorporate points that were accrued for violations that occurred under the existing rules.
- Predicate offenses that occur under the existing rules will remain in effect under the new rules. That is, if a violation occurs under the existing rules, it will count toward "second offense" penalties or other applicable multiple offense provisions in the new rules.

**Supplemental Statement**

A public hearing on these rules was held on March 5, 2010. Following that hearing the TLC voted at a public meeting on March 18, 2010 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having been conditionally approved by the TLC, the 19 chapters were republished for additional public comment, another hearing, and final approval by the TLC, which occurred on July 15, 2010.

After the conditional TLC approval of this rules chapter (and before final approval), the following additional substantive changes were made to this chapter as a result of public comment and testimony previously received and considered and staff comments:

- The Activation Date was reset to reflect staff expectations of when activation and implementation of the revised rule book is likely to occur.

Finally, because the Accessible Dispatch program embodied in Chapter 3 has been terminated, Chapter 3 has not been submitted for final Commission approval or promulgation.

**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6533  
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/6/2010
2887105	2.0	#1DULS	MANH	SPRAGUE ENERGY CORP	+0.0443 GAL. 2.5476 GAL.
2887105	3.0	#1DULS	BRONX	SPRAGUE ENERGY CORP	+0.0443 GAL. 2.5476 GAL.
2887105	4.0	#1DULS	BROOKLYN	SPRAGUE ENERGY CORP	+0.0443 GAL. 2.5826 GAL.
2887105	5.0	#1DULS	QUEENS	SPRAGUE ENERGY CORP	+0.0443 GAL. 2.5826 GAL.
2887105	6.0	#1DULS	S.I.	SPRAGUE ENERGY CORP	+0.0443 GAL. 2.6476 GAL.
2887105	7.0	#1DULS	P/U	SPRAGUE ENERGY CORP	+0.0443 GAL. 2.4594 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.0391 GAL. 2.5351 GAL.
2887086	7.0	#1DULSB20	P/U	SPRAGUE ENERGY CORP	+0.0391 GAL. 2.4654 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.0430 GAL. 2.4830 GAL.
2887086	5.0	#1DULSB5	P/U	SPRAGUE ENERGY CORP	+0.0430 GAL. 2.4010 GAL.
3087064	1.0	#1DULSB50	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.0313 GAL. 3.1429 GAL.
2887052	1.0	#2	MANH	RAPID PETROLEUM	+0.0478 GAL. 2.0969 GAL.
2887052	4.0	#2	BRONX	RAPID PETROLEUM	+0.0478 GAL. 2.0967 GAL.
2887052	7.0	#2	BROOKLYN	RAPID PETROLEUM	+0.0478 GAL. 2.0863 GAL.
2887052	13.0	#2	S.I.	RAPID PETROLEUM	+0.0478 GAL. 2.1298 GAL.
2887053	10.0	#2	QUEENS	METRO FUEL OIL CORP.	+0.0478 GAL. 2.1196 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.0463 GAL. 2.5066 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111	SPRAGUE ENERGY CORP	+0.0478 GAL. 2.3724 GAL.
2887106	9.0	#2DHS	BARGE WI	METRO FUEL OIL CORP.	+0.0478 GAL. 2.2838 GAL.
2887301	1.0	#2DLS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	+0.0358 GAL. 2.3790 GAL.
2887301	3.0	#2DLS	P/U	METRO FUEL OIL CORP.	+0.0358 GAL. 2.2418 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.0473 GAL. 2.2881 GAL.
2887105	1.1	#2DULS	P/U	SPRAGUE ENERGY CORP.	+0.0473 GAL. 2.2531 GAL.
2887301	2.0	#2DULS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	+0.0473 GAL. 2.3678 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.0415 GAL. 2.4162 GAL.
2887087	8.0	#2DULSB20	P/U	METRO FUEL OIL CORP.	+0.0415 GAL. 2.7670 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.0458 GAL. 2.3444 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE	SPRAGUE ENERGY CORP	+0.0458 GAL. 2.8797 GAL.
2887159	6.0	#2DULSB5	P/U	METRO FUEL OIL CORP.	+0.0458 GAL. 2.3921 GAL.
3087065	2.0	#2DULSB50	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.0328 GAL. 2.9748 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP.	+0.0473 GAL. 2.6150 GAL.
2887052	2.0	#4	MANH	RAPID PETROLEUM	+0.0407 GAL. 1.9581 GAL.
2887052	5.0	#4	BRONX	RAPID PETROLEUM	+0.0407 GAL. 1.9615 GAL.
2887052	8.0	#4	BROOKLYN	RAPID PETROLEUM	+0.0407 GAL. 1.9723 GAL.
2887052	14.0	#4	S.I.	RAPID PETROLEUM	+0.0407 GAL. 2.0053 GAL.
2887053	11.0	#4	QUEENS	METRO FUEL OIL CORP.	+0.0407 GAL. 1.9771 GAL.
2887052	3.0	#6	MANH	RAPID PETROLEUM	+0.0361 GAL. 1.8811 GAL.
2887052	6.0	#6	BRONX	RAPID PETROLEUM	+0.0361 GAL. 1.8811 GAL.
2887052	9.0	#6	BROOKLYN	RAPID PETROLEUM	+0.0361 GAL. 1.8961 GAL.
2887052	15.0	#6	S.I.	RAPID PETROLEUM	+0.0361 GAL. 1.9321 GAL.
2887054	12.0	#6	QUEENS	CASTLE OIL CORPORATION	+0.0361 GAL. 1.9002 GAL.
2787347	1.0	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP	+0.0282 GAL. 2.8520 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6534  
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/6/2010
3087154	1.0	#2	MANH	F & S PETROLEUM CORP.	+0.0478 GAL. 2.2034 GAL.
3087154	79.0	#2	BRONX	F & S PETROLEUM CORP.	+0.0478 GAL. 2.2034 GAL.
3087154	157.0	#2	BKLYN, QUEENS, SI	F & S PETROLEUM CORP.	+0.0478 GAL. 2.2834 GAL.
3087225	1.0	#4	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.0407 GAL. 2.4062 GAL.
3087225	2.0	#6	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.0361 GAL. 2.2861 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6535  
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/6/2010
3087115	1.0	#2	MANH & BRONX	PACIFIC ENERGY	+0.0478 GAL. 2.0288 GAL.
3087115	80.0	#2	BKLYN, QUEENS, SI	PACIFIC ENERGY	+0.0478 GAL. 2.0340 GAL.
3087218	1.0	#4	CITY WIDE BY TW	PACIFIC ENERGY	+0.0407 GAL. 2.3475 GAL.
3087218	2.0	#6	CITY WIDE BY TW	PACIFIC ENERGY	+0.0361 GAL. 2.3390 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6536  
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/6/2010
2687312	2.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.0602 GAL. 2.4557 GAL.
2787192	7.0	PREM	CITY WIDE BY TW	METRO TERMINALS	+0.0400 GAL. 2.2038 GAL.
2887274	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0400 GAL. 2.4373 GAL.
2787192	1.0	U.L.	CITY WIDE BY TW	METRO TERMINALS	+0.0365 GAL. 2.0597 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0365 GAL. 2.4308 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0365 GAL. 2.3308 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0365 GAL. 2.3308 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0365 GAL. 2.3308 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY CORP.	+0.0365 GAL. 2.3308 GAL.

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**COMPTROLLER**

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on September 16, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	13427	1

Acquired in the proceedings, entitled: 149th Avenue from 183rd to 184th Street subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu  
Comptroller

s1-16

**HOUSING PRESERVATION & DEVELOPMENT**

■ NOTICE

OFFICE OF ENFORCEMENT & NEIGHBORHOOD SERVICES  
CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR  
CERTIFICATION OF NO HARASSMENT PURSUANT TO  
LOCAL LAW 19 OF 1983

DATE OF NOTICE: September 10, 2010

TO: OCCUPANTS, FORMER OCCUPANTS AND  
OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
360 West 121st Street, Manhattan	79/10	August 2, 2007 to Present
151 West 126th Street, Manhattan	80/10	August 5, 2007 to Present
154 West 122nd Street, Manhattan	81/10	August 5, 2007 to Present
104 West 120th Street, Manhattan	82/10	August 12, 2007 to Present
564 West 161st Street, Manhattan	83/10	August 12, 2007 to Present

The Department of Housing Preservation and Development

☛ s10

has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

s10-17

WATER BOARD

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the New York City Water Board (the "Board") is considering additions and

revisions to its Regulation No. 1, which would modify the "Reimbursable Metering Program" currently in effect.

The Reimbursable Metering Program ("RMP") allows owners of unmetered properties, or properties with outdated or malfunctioning water meters, the opportunity to have meters installed/replaced by licensed master plumbers of their own choosing and to receive reimbursement from the Board. Reimbursement is in the form of a credit to the property's water/wastewater account with the New York City Department of Environmental Protection ("DEP"), which can be applied against current or future bills or may be refunded to those customers who are eligible and so request. The credit is equal to the scheduled amount or the actual amount paid to a plumber for each type and size of meter installed or replaced, whichever is less. The proposed changes include the following:

- 1. Extending the time period for licensed plumbers to return original completed meter permits to a DEP Bureau of Customer Services Borough Office from 72 hours to ten (10) business days;
2. Adjustments to the scheduled reimbursement amounts for various meter sizes and types;
3. Addition of "Enhanced Meter Reimbursement Amounts" (effective for two years only) for meters 3" and larger that were installed before 1995;
4. Merging of reimbursements for replacement of compound, single-jet or electromagnetic meters with single-jet or electromagnetic meters;

- 5. Requirement that requests for extensions of meter installation or replacement permits, which are valid for 30 days, must be received prior to the expiration of the 30-day period;
6. Elimination of reimbursement for telephone-based AMR equipment installations;
7. Elimination of reimbursement for installing or replacing detector check valve assemblies; and
8. Minor updates and editorial changes to the RMP booklet.

Specific details, including the rules, guidelines, forms, and reimbursement schedule are provided in DEP's "Reimbursable Metering Program" booklet. Copies of the booklet with the proposed changes can be downloaded from http://nyc.gov/nycwaterboard or by contacting James Gallagher, DEP BCS Metering/Conservation Unit, 96-05 Horace Harding Expressway, 1st Floor, Corona, NY 11368-4100, (718) 595-4701 or jgallagher@dep.nyc.gov.

Members of the public who wish to comment on the proposed changes to the Board may do so in writing to Kevin Kunkle, New York City Water Board, 59-17 Junction Boulevard, 8th Floor, Flushing, NY 11373-5108, (718) 595-3601 or kkunkle@dep.nyc.gov. Deadline for the submission of comments is September 16, 2010. Following the period allowed for public comment, a proposal concerning the changes will be submitted to the Board for consideration at a meeting on September 24, 2010.

s3-10

CHANGES IN PERSONNEL

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Education Admin.

OFFICE OF PROBATION FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Office of Probation.

DEPARTMENT OF BUSINESS SERV. FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Business Services.

HOUSING PRESERVATION & DVLPMT FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Housing Preservation & Development.

DEPARTMENT OF BUILDINGS FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Buildings.

DEPT OF HEALTH/MENTAL HYGIENE FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Health/Mental Hygiene.

ADMIN TRIALS AND HEARINGS FOR PERIOD ENDING 08/06/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Admin Trials and Hearings.

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