



# THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD  
U.S.P.S. 0114-660

Printed on paper containing  
40% post-consumer material

VOLUME CXXXVII NUMBER 176

MONDAY, SEPTEMBER 13, 2010

PRICE \$4.00

## TABLE OF CONTENTS

### PUBLIC HEARINGS & MEETINGS

Board Meetings	.2537
City Council	.2537
City Planning Commission	.2541
Community Boards	.2544
Board of Correction	.2544
Employees' Retirement System	.2544
Equal Employment Practices Commission	.2544
Finance	.2544
Landmarks Preservation Commission	.2544

### PROPERTY DISPOSITION

Citywide Administrative Services	.2545
Division of Municipal Supply Services	2545

Sale by Sealed Bid	.2545
Police	.2545

### PROCUREMENT

Administration for Children's Services	.2545
Brooklyn Bridge Park	.2545
Citywide Administrative Services	.2546
Division of Municipal Supply Services	2546
Vendor Lists	.2546
Comptroller	.2546
Correction	.2546
Central Office of Procurement	.2546
Design and Construction	.2546
Contract Section	.2546
Economic Development Corporation	.2546
Contracts	.2546

Environmental Protection	.2546
Bureau of Wastewater Treatment	.2546
Health and Hospitals Corporation	.2546
Homeless Services	.2546
Office of Contracts and Procurement	.2546
Housing Authority	.2547
Housing Preservation and Development	2547
Division of Maintenance	.2547
Juvenile Justice	.2547
Office of Management and Budget	.2547
Parks and Recreation	.2547
Contracts	.2547
Purchasing and Accounting	.2547
Revenue and Concessions	.2547
Police Pension Fund	.2547

### AGENCY RULES

Housing Preservation and Development	2547
Parks and Recreation	.2549
Taxi and Limousine Commission	.2550

### SPECIAL MATERIALS

Comptroller	.2578
Environmental Protection	.2578
Housing Preservation and Development	2578
Changes in Personnel	.2578

### LATE NOTICES

Correction	.2579
Police	.2579
Board of Standards and Appeals	.2579

READERS GUIDE	.2580
---------------	-------

## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

ELI BLACHMAN, Editor of The City Record.

Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail)

Periodicals Postage Paid at New York, N.Y.

POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, Room 2208, New York, N.Y. 10007 - 1602

Editorial Office  
1 Centre Street, Room 2208  
New York N.Y. 10007-1602  
Telephone (212) 669-8252

Subscription Changes/Information  
1 Centre Street, Room 2208  
New York N.Y. 10007-1602  
Telephone (212) 669-8252

The City of New York Home Page  
provides Internet access via the WORLD  
WIDE WEB to solicitations and awards  
<http://www.nyc.gov/cityrecord>

## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOARD MEETINGS

#### NOTICE OF MEETINGS

#### City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

#### City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

#### Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

#### Design Commission

Meets in City Hall, Third Floor, Manhattan, New York 10007 on the second Monday of the month, except August. For changes in the schedule, copies of monthly agendas, or additional information, please call (212) 788-3071 or visit our web site at [nyc.gov/artcommission](http://nyc.gov/artcommission)

#### Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

#### Board of Elections

32 Broadway, 7th floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner

#### Environmental Control Board

Meets at 66 John Street, 10th floor, conference room, New York, NY 10038 at 9:15 A.M., once a month at the call of the Chairman.

#### Board of Health

Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

#### Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

#### Board of Higher Education

Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

#### Citywide Administrative Services

Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

#### Commission on Human Rights

Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

#### In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

#### Franchise And Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, Commencing 2:30 P.M., and other days, times and location as warranted.

**Real Property Acquisition And Disposition**  
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, Commencing 10:00 A.M., and other days, times and location as warranted.

#### Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at [www.nyc.gov/landmarks](http://www.nyc.gov/landmarks).

#### Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

#### Housing Authority

Board Meetings take place every other Wednesday at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). For Board Meeting dates and times, please visit NYCHA's Website at [nyc.gov/nycha](http://nyc.gov/nycha) or contact the Office of the Secretary at (212) 306-6088. Copies of the Agenda are available on NYCHA's Website or can be picked up at the Office of the Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Copies of the Minutes are also available on NYCHA's Website or can be picked up at the Office of the Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting.

These meetings are open to the public. Pre-registration of speakers is required. Those who wish to register must do so at least forty-five (45) minutes before the scheduled Board Meeting. Comments are limited to the items on the Agenda. Speakers will be heard in the order of registration. Speaking time will be limited to three (3) minutes. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five (5) business days before the Board Meeting. For additional information, please visit NYCHA's Website or contact (212) 306-6088.

#### Parole Commission

Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

#### Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

#### Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

#### Tax Commission

Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

## 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

\* \* \*

#### Chapter 2 Construction of Language and Definitions

\* \* \*

#### 12-10 DEFINITIONS

\* \* \*

Bulk

\* \* \*

#### 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:

- (a) 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
(b) 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#:

- (a) that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
(b) 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:

- (a) 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
(b) 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

- (a) 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.
(b) 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.
(c) #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.

- (d) #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:
(b) 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. For the purposes of this finding, (b), such need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;

\*\*\*

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 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# M1 M2 M3

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, Edgewood 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 Bleecker 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 curblin of Clarkson Street and easterly along the northern curblin 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:

- 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;
- Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
- 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;
- Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- 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	COMMUNITY PROGRAM	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**

- For a #general large-scale development#, the City Planning Commission may permit:
  - 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:
    - 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;
    - 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;
  - location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
  - 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;
  - 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;
  - in an #Inclusionary Housing designated area# in a C4-6 or C5 District:
    - 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
    - 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
  - modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:
    - 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
    - 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.
- 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 various districts like Bronx, Brooklyn, Manhattan, and Queens with their corresponding zoning codes.

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.

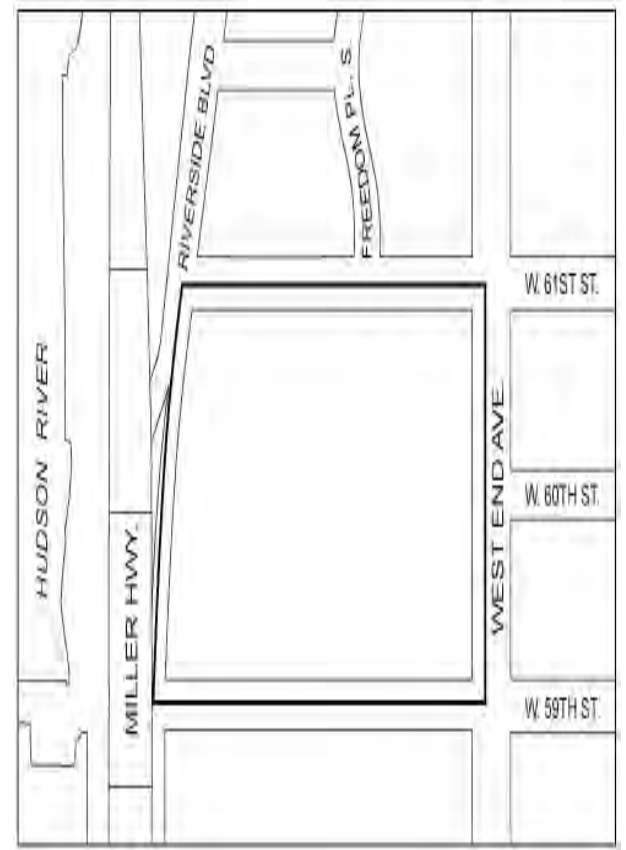
For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #general large-scale development#, a phasing plan showing the 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:
    - ~~(1)~~(i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #general large-scale development#; and
    - ~~(2)~~(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 curb 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 Section 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

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

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@bbpny.org](mailto:dlowin@bbpny.org) [www.brooklynbridgeparknyc.org](http://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) 222-9216, fax: (718) 222-9258, [dlowin@bbpny.org](mailto:dlowin@bbpny.org)*

s10-14

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF MUNICIPAL SUPPLY SERVICES

#### ■ SOLICITATIONS

##### Goods

**CRANE, CARRY DECK, BRAND SPECIFIC, D.E.P.** – Competitive Sealed Bids – PIN# 8571000547 – DUE 10-08-10 AT 10:30 A.M.

● **VACUUM CLEANERS, WET/DRY** – Competitive Sealed Bids – PIN# 8571000234 – DUE 10-01-10 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

☛ s13

#### ■ AWARDS

##### Goods

**NYS CONTR FOR SECURITY SYSTEMS AND SOLUTIONS - NYPD** – Intergovernmental Purchase – PIN# 8571100095 – AMT: \$1,100,095.00 – TO: Imtech Corp. DBA Activu Corp., 2 Stewart Court, Denville, NJ 07834. NYS Contract #PT64342.  
● **NYS CONTR FOR HP SYSTEMS AND PERIPHERALS - DEP** – Intergovernmental Purchase – PIN# 8571100092 – AMT: \$224,800.00 – TO: CDW Government, Inc., 230 North Milwaukee Avenue, Vernon Hills, IL 60061. NYS Contract #PT63224.  
● **NYS CONTR FOR CISCO NETWORKING EQUIPMENT - FDNY** – Intergovernmental Purchase – PIN# 8571100047 – AMT: \$201,884.79 – TO: IPLogic Inc., 17 British American Boulevard, Latham, NY 12110. NYS Contract #PT64525.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

☛ s13

**NYS CONTR FOR HP ENTERPRISE SYSTEMS - DEP** – Intergovernmental Purchase – PIN# 8571100100 – AMT: \$295,805.58 – TO: Hewlett-Packard Company, 10810 Farnam Drive, Omaha, NE 68154. NYS Contract #PT64150.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

☛ s13

**STOREHOUSE: MISC. MOUSE GLUE TRAP** – Competitive Sealed Bids – PIN# 8571000821 – AMT: \$25,875.00 – TO: Alter Lev Inc., 1004 Cortelyou Road, Brooklyn, NY 11218.

☛ s13

#### ■ 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.

- 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

## COMPTROLLER

#### ■ AWARDS

##### Goods & Services

**SALESFORCE.COM** – Sole Source – Available only from a single source - PIN# 015BIS2239 – AMT: \$107,772.75 – TO: Carahsoft Technology Corp., 12369 Sunrise Valley Drive, Suite D2, Reston, VA 20191. GSA Contract #GS-35F-0131R “Salesforce.com” license, software and Tech Support.

☛ s13

## CORRECTION

### CENTRAL OFFICE OF PROCUREMENT

#### ■ SOLICITATIONS

##### Services (Other Than Human Services)

**ON CALL SERVICES/REPAIR TO MISCELLANEOUS FIRE SAFETY SYSTEM AT DOC FACILITIES** – Competitive Sealed Bids – PIN# 072201112FSU – DUE 09-30-10 – Bid packages must be picked up in person with a \$25.00 check or money order payable to Commissioner of Finance between the hours of 9:00 A.M. to 3:00 P.M. at NYC Department of Correction, The Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. A Pre-bid meeting and Site Visit will be on September 23, 2010 at 10:30 A.M. at 620 Mandanici Road, East Elmhurst, NY 11370 follow by the site visit. For admission to the Pre-Bid conference interested contractors must execute a “Clearance Request and Authorization Form” available within the bid book. This form must be faxed no later than 48 hours prior to the Pre-Bid conference to Mrs. Shaneza at (718) 278-6205 or (718) 7323/7324.

“Bidders are hereby advised that this contract is subject to a Project Labor Agreement (“PLA”) entered into between the City and the Building and Construction Trades Council of Greater New York (“BCTC”) affiliated local unions. Please refer to the bid documents for further information.”

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.  
The Bulova Corporate Center, 75-20 Astoria Blvd., Suite 160 East Elmhurst, NY 11370. Shaneza Shinath (718) 546-0684 Fax: (718) 278-6218, shaneza.shinath@doc.nyc.gov

☛ s13

## DESIGN & CONSTRUCTION

### CONTRACT SECTION

#### ■ AWARDS

##### Construction Related Services

**ENVIRONMENTAL ASSESSMENT REQUIREMENT CONTRACT** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 8502010VP0002P – AMT: \$2,298,040.00 – TO: Hazen and Sawyer, PC, 498 7th Avenue, 11th Floor, New York, NY 10018. HWEARCO2, Engineering and Construction Services for Environmental Assessment, Traffic Study Report and preparation of Schematic Roadway Improvement Plan, Staten Island.

☛ s13

## ECONOMIC DEVELOPMENT CORPORATION

### CONTRACTS

#### ■ SOLICITATIONS

##### Goods & Services

**TEMPORARY STAFFING SERVICES** – Request for Proposals – PIN# 38400001 – DUE 10-06-10 AT 4:00 P.M. – Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises (“M/WBE”) are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC’s M/WBE program, please visit www.nycedc.com/RFP.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 5:00 P.M. on Friday, September 24, 2010. Questions regarding the subject matter of this RFP should be directed to temprfp@nycedc.com. For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC’s Contracts Hotline at (212) 312-3969. Answers to all questions will be posted by Friday, October 1, 2010, to www.nycedc.com/RFP. To download a copy of the solicitation documents please visit www.nycedc.com/RFP. Please submit six (6) sets of your proposal to NYCEDC.

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.  
Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969, fax: (212) 312-3918, temprfp@nycedc.com

☛ s13

## ENVIRONMENTAL PROTECTION

### BUREAU OF WASTEWATER TREATMENT

#### ■ SOLICITATIONS

##### Construction / Construction Services

**JOB ORDER CONTRACT, ELECTRICAL WORK FOR THE NORTH AND SOUTH REGIONS, VARIOUS LOCATIONS IN NYC** – Competitive Sealed Bids – DUE 10-05-10 AT 11:30 A.M. – PIN# 82611WPC1225 - North Region  
PIN# 82611WPC1226 - South Region  
JOC-11-NE,SE. Document Fee: \$100.00.  
● **JOB ORDER CONTRACT, PLUMBING WORK FOR THE EAST REGION, BROOKLYN AND QUEENS** – Competitive Sealed Bids – PIN# 82611WPC1227 – DUE 10-05-10 AT 11:30 A.M. - JOC-11-EP. Document Fee: \$100.00.

There will be a pre-bid conference, which is highly recommended, on 9/23/2010, at 1:00 P.M. at 96-05 Horace Harding Expressway, 2nd Floor, Conference Room #4, Flushing, NY 11373. Kavita Sazawal, Project Manager, (718) 595-5538.

Bidders are hereby advised that these contracts are subject to a Project Labor Agreement.

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., 17th Floor, Flushing, NY 11373.  
Greg Hall (718) 595-3236.

☛ s13

**JOB ORDER CONTRACT FOR THE BUREAU OF WATER SUPPLY, REGION 2, ELECTRICAL WORK, UPTATE NEW YORK** – Competitive Sealed Bids – PIN# 82610WS00005 – DUE 10-07-10 AT 11:30 A.M. – New York City Department of Environmental Protection, Bureau of Water Supply (BWS) is Bidding Job Order Contract CRO-484E(R) for work primarily in Westchester, Putnam, and Dutchess counties. The document fee is \$80.00. There will be a pre-bid conference which is highly recommended on 10/4/2010 at 1:00 P.M. at 465 Columbus Avenue, Suite 200, Valhalla, NY 10595 Please be advised that CRO-484E is subject to the Local Law 129 of the M/WBE requirements. Vendor ID#: CRO-484E - 65369.

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., 17th Floor, Flushing, NY 11373.  
Greg Hall (718) 595-3236, ghall@dep.nyc.gov

☛ s13

## 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

**BLANKET ORDER FOR OR SUPPLIES** – Competitive Sealed Bids – PIN# 22211022 – 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.  
Lincoln Hospital Center, 234 East 149th Street, Bronx, NY 10451. Yolanda Johnson (718) 579-5687, fax: (718) 579-4788, yolanda.johnson@nychhc.org

☛ s13

##### Goods & Services

**ENVIRONMENTAL SERVICES AND PLANT MAINTENANCE MANAGEMENT RFP** – Request for Proposals – PIN# 001922 – DUE 10-29-10 AT 5:00 P.M. – The New York City Health and Hospitals Corporation (HHC) is seeking to enter into an agreement for a period of three (3) years with two (2) additional three (3) year options with a vendor that has demonstrable and extensive experience in the healthcare industry to provide management services for HHC’s Environmental (EVS) and Plant Maintenance (PM) operations. Selected vendors must have the experience and the capability to effectively manage HHC’s EVS and PM operations at 11 acute care hospitals, 5 long term care facilities, 6 diagnostic and treatment centers. Vendors must also be able to purchase all supplies, equipment and products necessary to assure cost effective operations on behalf of HHC. Proposers must meet the following minimum qualifications: maintain a full-time office within New York City; and five (5) years experience in EVS and PM management within the healthcare industry.

A copy of the RFP can be obtained on the HHC website at: <http://www.nyc.gov/html/hhc/html/contracting/contracting.shtml>

You can also request a copy of the RFP by e-mail. Please e-mail Joseph Quinones at joseph.quinones@nychhc.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.  
Health and Hospitals Corporation, 125 Worth Street Room 502, New York, NY 10013.  
Joseph Quinones (212) 788-5423, fax: (212) 788-5483, joseph.quinones@nychhc.org; angela.mariani@nychhc.org

☛ s13

## HOMELESS SERVICES

### 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, mzmoira@dhs.nyc.gov

jy6-20

**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

Services (Other Than Human Services)

**DOOR REPLACEMENT** – Competitive Sealed Bids – PIN# 092810 – DUE 10-21-10 AT 10:00 A.M.  
 A mandatory pre-bid conference and walk thru will be held at 630 East 170th St., Bronx, NY, on September 28, 2010 at 11:00 A.M.  
 ● **ROOF REPLACEMENT AND REPAIR** – Competitive Sealed Bids – PIN# 093010 – DUE 10-21-10 AT 11:00 A.M.  
 A mandatory pre-bid conference and walk thru will be held at 630 East 170th St., Bronx, NY, on September 30, 2010 at 11:00 A.M.  
 ● **FACADE REPAIR** – Competitive Sealed Bids – PIN# 092910 – DUE 10-21-10 AT 10:30 A.M.  
 A mandatory pre-bid conference and walk thru will be held at 630 East 170th St., Bronx, NY, on September 29, 2010 at 11:00 A.M.

No vendor should be permitted to bid without first obtaining RFP documents by appointment only from Consulting Associates of NY between September 15th and September 27, 2010 from 9:00 A.M. to 5:00 P.M.

These are prevailing wage projects. Kraus Mgt. and NYCHA encourage minority and WBE organizations to submit bids.

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.  
 Consulting Associates of NY, 130 West 25th St.  
 New York, NY 10001. Thomas Seminara (212) 414-9623.  
 Kraus Mgt., 33-01 Vernon Blvd., L.I.C., NY 11106.  
 Attn: Lisa Zeiger.

s13

**HOUSING PRESERVATION & DEVELOPMENT**

■ AWARDS

Services (Other Than Human Services)

**LEASE AGREEMENT** – Other – PIN# 806111000188 – AMT: \$4,840,000.00 – TO: Trustees of Columbia University, 420 West 119th Street, New York, NY 10027.

s13

**DIVISION OF MAINTENANCE**

■ AWARDS

Services (Other Than Human Services)

**ABATEMENT OF LEAD-BASED PAINT** – Contract Change – PIN# 80609X0008CNVR002 – AMT: \$1,388,260.00 – TO: Linear Environmental Corp., 10-25 44th Ave., Long Island City, NY 11101-6913.

s13

**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

**OFFICE OF MANAGEMENT AND BUDGET**

■ AWARDS

Services (Other Than Human Services)

**ACTUARIAL CONSULTING SERVICES** – Request for Proposals – PIN# 002-10-0198201 – AMT: \$300,000.00 – TO: The Segal Company, 333 West 34th Street, New York, NY 10001.

s13

**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](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](http://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](mailto:evan.george@parks.nyc.gov)

s1-15

**POLICE PENSION FUND**

■ SOLICITATIONS

Services (Other Than Human Services)

**DOCUMENT SHREDDING SERVICES** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 256011008PPF – DUE 10-06-10 AT 12:00 P.M. – The selected contractor will be required to shred approximately 9.4 million documents on site in a secured

vehicle. A proposal conference will be held on September 22nd at 11:00 A.M., New York City Police Pension Fund, 233 Broadway, 25th Floor Conference Room. Please confirm your attendance in advance by emailing the contact person below of your intent.

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 Pension Fund, Contracts Unit, 233 Broadway  
 25th Floor, New York, NY 10279. Latonia Harris  
 (212) 693-5068, fax: (212) 693-2715, [lharris@nycppf.org](mailto:lharris@nycppf.org)

s13

**AGENCY RULES**

**HOUSING PRESERVATION AND DEVELOPMENT**

■ NOTICE

Notice of Adoption

Revision to Add a New Chapter 42 to Title 28 of the Official Compilation of Rules of the City of New York

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Housing Preservation and Development (“HPD”) by Section 1802 of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that HPD hereby adds a new Chapter 42 to Title 28 of the Official Compilation of Rules of the City of New York.

Written comments regarding the rules were received in accordance with notice published in *The City Record* and a public hearing was held on August 10, 2010 at the Chelsea Recreation Center, 430 West 25th Street, New York, New York 10010. Written comments and an audio recording of the oral testimony from the hearing are available for public inspection between the hours of 9:00 A.M. and 5:00 P.M. at The Arsenal, Room 313, 830 Fifth Avenue, New York, NY 10065.

New material is indicated by underlining. Deletions are indicated by brackets.

**Section 1. Title 28 of the Official Compilation of the Rules of the City of New York is amended to add a new Chapter 42 to read as follows:**

**GreenThumb Gardens**

§ 42-01 Definitions.

As used in this chapter, the following terms will have the meanings set forth below:

**“Accelerated Default.”** A Default based in whole or in part upon any conduct, activity, or condition occurring in or immediately adjacent to the Lot and caused by the Gardening Group or circumstances under its control that (i) is contrary to law, (ii) constitutes a public nuisance, or (iii) affects, or poses a threat to, the health or safety of the community in which the Lot and Garden are located.

**“Alternate Garden Contact Person.”** An individual registered with GreenThumb as the secondary representative of a Gardening Group.

**“Alternate Site List.”** Either (i) a list of available City-owned vacant land within one-half mile of the Lot upon which an existing Garden is located, including the address, block and lot, and approximate size of each parcel of land contained therein, (ii) where there is no such available City-owned vacant land within one-half mile of such Lot, a list of available City-owned vacant land within the community district in which such Lot is located, including the address, block and lot, and approximate size of each parcel of land contained therein; or (iii) a statement that there is no available City-owned vacant land within either one-half mile of such Lot or within the community district in which such Lot is located.

**“Alternate Site Notice.”** A notice that transmits an Alternate Site List to a Garden Contact Person and Alternate Garden Contact Person and, if such Alternate Site List contains available City-owned vacant land, states that (i) the Garden Contact Person may select any site from such Alternate Site List and inform HPD and GreenThumb of such selection in writing within 45 days after the date of such notice, (ii) failure to inform HPD and GreenThumb of the selection of a site from the Alternate Site List within 45 days after the date of such notice will be deemed to be a rejection of the offer, (iii) rejection of the offer may result in a Transfer without relocation of the Garden, and (iv) if the Garden Contact Person accepts a site from the Alternate Site List, GreenThumb will offer an opportunity to register and license such new site. The Alternate Site List may be incorporated into the text of, and will in any event be deemed to be incorporated by reference in, the Alternate Site Notice.

**“City.”** The City of New York.

**“Default.”** A Gardening Group's failure or refusal to (i) comply with GreenThumb Registration requirements, (ii) complete the Registration process, (iii) comply with the terms of its Registration, (iv) comply with GreenThumb License requirements, (v) enter into a License, or (vi) comply with its License.

**“Default Notice.”** A notice from DPR directing a Gardening Group to cure an Accelerated Default within 30 days after the date of such notice or a notice to cure a Default within 6 months after the date of such notice. Copies of such notices shall be sent to the council member for the council district in which the Garden is located and the community board of the community district in which the Garden is located.

**“DPR.”** The City's Department of Parks and Recreation.

**“Garden.”** A community garden that is registered and licensed with GreenThumb and located on a Lot.



**“Garden Contact Person.”** An individual registered with GreenThumb as the primary representative of a Gardening Group.

**“Garden Review Process.”** The process set forth in section 42-05 of this chapter to be followed in connection with the Transfer of any Lot.

**“Garden Review Statement.”** A written statement, prepared by HPD in accordance with section 42-05(b)(4) of this chapter, describing a Lot, the existing Garden on such Lot, and the proposed Transfer of such Lot.

**“Gardening Group.”** An organized group of individuals who maintain a Garden and are collectively represented by the Garden Contact Person. The Garden Contact Person shall by April 15 of each calendar year provide a list to GreenThumb of the names and contact information for all members of the Gardening Group.

**“GreenThumb.”** A division within DPR responsible for New York City’s urban gardening program.

**“HPD.”** The City’s Department of Housing Preservation and Development.

**“License.”** An agreement between HPD and a Licensee providing a license to operate a Garden on a Lot for a set term subject to requirements set forth therein, unless earlier terminated.

**“Licensee.”** A Gardening Group, acting through its Garden Contact Person, pursuant to a License.

**“Lot.”** A parcel of City-owned land under the jurisdiction of HPD that contains a Garden at any time on or after September 17, 2010.

**“Other Agency.”** A governmental agency or entity other than HPD.

**“Retention Agreement.”** A written agreement between the City, acting by and through HPD or an Other Agency, and a Gardening Group, acting by and through its Garden Contact Person, providing for (i) the retention of part or all of a Garden as a community garden and/or open space as part of a project to be developed, or (ii) the relocation of the Garden to an alternate site. Gardens that are retained or relocated pursuant to a Retention Agreement remain subject to the GreenThumb Registration and License requirements and this chapter.

**“Registration.”** Written acknowledgment by GreenThumb that a Gardening Group has complied with the criteria set forth by DPR to demonstrate eligibility for a License pursuant to section 6-03 of chapter 6 of title 56 of the Rules of the City of New York.

**“Transfer.”** The conveyance of a Lot for the purpose of devoting such Lot to a use other than as a garden or open space.

**“Uncured Default.”** A Default that remains uncured six months after the date of a Default Notice or an Accelerated Default that remains uncured 30 days after the date of a Default Notice.

#### § 42-02 Application.

This chapter establishes certain procedures with respect to the operation of Gardens registered and licensed on September 17, 2010, or first registered and licensed within the exercise of DPR’s and HPD’s discretion after September 17, 2010. This chapter also establishes certain procedures with respect to the Transfer of the Lots upon which such Gardens are located.

#### § 42-03 Licenses.

- (a) HPD will issue a License if the proposed Licensee and Garden meet the Registration criteria established by GreenThumb. HPD may renew such License if the Licensee complies with the terms and conditions set forth therein and continues to meet the Registration criteria established by GreenThumb. If the Licensee has not complied with the terms of or fails to renew the License, or fails to meet the Registration criteria established by GreenThumb, abandons the Garden, or if an Uncured Default has occurred, HPD may offer a License for the Garden to a new Gardening Group.
- (b) Licenses will set forth terms and conditions under which the Licensee will design and install a plant garden on a Lot and will thereafter maintain such Garden and all plants and conforming structures contained therein (including, but not limited to, all raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition. HPD, in consultation with GreenThumb, may permit other uses of the Lot that are compatible with gardening and are authorized pursuant to the License.
- (c) Any license agreement from the City to any party performing work on the Lot or development work on an adjacent property that affects the Lot shall require the licensee to return the Garden to a condition similar to that which existed prior to commencement of said work.
- (d) The License will provide that (i) the Licensee accepts the Lot “as is,” in whatever condition it may be on the date the License is fully executed, (ii) the City makes no representation or warranty of fitness of the Lot for gardening purposes, (iii) the Licensee must meet GreenThumb’s Registration and License requirements; (iv) the Licensee must comply with all applicable federal, state, and local laws, rules, regulations, codes, and ordinances, and (v) the Licensee must comply with such other requirements as GreenThumb or HPD may establish.
- (e) The City will retain title to the Lot and the Licensee will not have any leasehold or other interest in the land comprising such Lot, any improvement thereon, or any equipment provided by GreenThumb.

#### § 42-04 Lots used as Gardens or as open space; Gardens not deemed mapped parkland.

Except as provided in section 42-05 of this chapter, all Lots will be used as Gardens. Lots are not dedicated as, and will not be deemed to be dedicated as, parkland unless they have otherwise been mapped as parkland by the City.

#### § 42-05 Garden Review Process.

- (a) HPD will comply with the Garden Review Process before any Transfer.
- (b) Under the Garden Review Process:
  - (1) HPD will notify the Garden Contact Person and the Alternate Garden Contact Person of the proposed Transfer. Such notice may, but will not be required to, be included within the Alternate Site Notice.
  - (2) HPD will provide an Alternate Site Notice to the Garden Contact Person and Alternate Garden Contact Person.
    - a. The Garden Contact Person may select one site from the Alternate Site List for relocation of the Garden and inform HPD and GreenThumb of such selection in writing within 45 calendar days after the date of the Alternate Site Notice.
    - b. The offer contained in the Alternate Site Notice will be deemed rejected, and the Garden Contact Person will have no further right to select a site from the Alternate Site List for relocation of the Garden if (i) HPD and GreenThumb do not receive, within 45 calendar days after the date of the Alternate Site Notice, written notice from the Garden Contact Person that the Gardening Group has selected a site from the Alternate Site List for relocation of the Garden, or (ii) HPD or GreenThumb receives written notice from the Garden Contact Person at any time that the Gardening Group will not select a site from the Alternate Site List for relocation of the Garden.
    - c. If the Alternate Site List states that there is no available City-owned vacant land within one-half mile of the Lot upon which the existing Garden is located, or within the community district in which such Lot is located if there is no City-owned vacant land within one-half mile of the Lot, the provisions of sections 42-05(b)(2)(a) and 42-05(b)(2)(b) of this chapter will not apply.
  - (3) Any site on the Alternate Site List will be offered “as is,” and a Gardening Group will be responsible for performing all necessary work on such lot. DPR will, upon request and contingent upon staff availability and resources, assist the Gardening Group with its relocation and gardening efforts at the alternate site. The City will offer the Gardening Group an opportunity to register with GreenThumb for the alternate site, and once registered, obtain a License.
  - (4) Before any Transfer, HPD will prepare a Garden Review Statement that includes the following, to the extent that such information exists and/or is contained in HPD’s files:
    - a. a description of each affected Lot (including the address, block, and lot of such Lot) and the existing Garden located thereon;
    - b. the name, address, and telephone number of the Garden Contact Person and Alternate Garden Contact Person;
    - c. the date that GreenThumb licensed each affected Lot for the first time;
    - d. copies of the most recent Registration form submitted to GreenThumb by the Garden Contact Person; the two most recent site visit forms prepared by GreenThumb; and at least two photographs of the existing Garden;
    - e. the Alternate Site List and a statement of whether the Garden Contact Person has accepted or rejected any sites on such Alternate Site List; and
    - f. a description of any proposed Transfer of each affected Lot.
    - g. A description provided by the Gardening Group of any programs, activities and events in, and existing features of, the Garden. The above description, which shall be no more than four legal size pages in length, will be included in the Garden Review Statement if submitted to HPD before submission of any application for approval as set forth in section 42-05(b)(6) of this chapter.
  - (5) HPD will send a Garden Review Statement to the Garden Contact Person, the Alternate Garden Contact Person, the council member for the council district in which the Garden is located and the community board of the community district in which the Garden is located by written notice not less than 45 calendar days before any Transfer. The sending of such notice will constitute notice of the

proposed Transfer.

- (6) HPD will include a Garden Review Statement in any application for approval of a Transfer pursuant to section 197-c of the City Charter, in any application to the City Council or the Mayor for approval of a Transfer pursuant to Article 15 of the General Municipal Law, Article 16 of the General Municipal Law, or Article XI of the Private Housing Finance Law, and in any application to a Borough Board for approval of a Transfer pursuant to section 384(b)(4) of the City Charter.
- (c) If the Transfer of a Lot is disapproved through an applicable public review process, a Garden may remain on such Lot, subject to Registration, execution of a License, and compliance with all GreenThumb program requirements, until approval of a future Transfer of such Lot. Any new approval of such future Transfer will be subject to the Garden Review Process.
- (d) In order to facilitate the Transfer of a Lot, HPD may, by notice to the Garden Contact Person and Alternate Garden Contact Person at any time after the Transfer of such Lot is approved through the applicable public review process, terminate or decline to renew the License and direct the Gardening Group to vacate the Lot.

#### § 42-06 Exemptions.

- (a) The following Lots will not be subject to any of the requirements set forth in this chapter:
  - (1) Bronx: Block 2418; Lot 6; Block 2786; Lots 12, 13; Block 2867; Lot 128; Block 2979; Lot 1; Block 3540; Lots 1, 29, 40.
  - (2) Brooklyn: Block 1028; Lot 7; Block 1432; Lot 48; Block 1447; Lots 68-70; Block 1450; Lot 14; Block 1450; Lots 8, 11; Block 1476; Lot 34; Block 1484; Lots 6, 8; Block 1484; Lots 35, 41, 43; Block 1486; Lots 15, 16; Block 1663; Lot 82; Block 1664; Lot 40; Block 1755; Lots 54-57; Block 1792; Lots 22-25, 61; Block 3514; Lot 6; Block 3600; Lots 29, 31, 32, 34, 134; Block 3603; Lot 25; Block 3613; Lots 31-33; Block 3791; Lots 26, 28; Block 3841; Lot 32; Block 4000; Lot 3; Block 4009; Lot 47; Block 4015; Lots 22, 23; Block 4067; Lots 13, 14; Block 7050; Lot 74;
  - (3) Queens: Block 16088; Lot 15.
  - (4) Manhattan: Block 372; Lot 11; Block 372; Lot 49; Block 1645; Lots 3, 71; Block 1790; Lot 41; Block 1918; Lot 51.
- (b) Upon execution of a Retention Agreement that provides for the relocation of a Garden to an alternate site, (i) the Lot from which such Garden is to be relocated will no longer be subject to any of the requirements set forth in this chapter, and (ii) the Lot to which such Garden is to be relocated will be subject to the requirements set forth in this chapter.
- (c) After the execution of a Retention Agreement that provides for the retention of part or all of a Garden as a community garden as part of a project to be developed, the Transfer that is the subject of such Retention Agreement will no longer be subject to any of the requirements set forth in section 42-05 of this chapter.
- (d) Except as set forth in section 42-03(a) of this chapter, after the occurrence of an Uncured Default, the Lot that is the subject of such Uncured Default will no longer be subject to any of the requirements set forth in this chapter.

#### § 42-07 Miscellaneous.

- (a) Any determination by HPD pursuant to this chapter will be made in HPD’s sole discretion.
- (b) Any notices required pursuant to this chapter will be in writing and will be delivered by regular mail, certified mail, registered mail, or personal delivery, and will also be posted at or near the Garden entrance. Any such notice will be deemed delivered when deposited in an official United States Postal Service receptacle. HPD will make reasonable efforts to provide translations for notices required pursuant to this chapter into the predominant language of the Gardening Group as identified by the Gardener of Record to GreenThumb.
- (c) Any Garden must comply with all applicable federal, state, and local laws, rules, regulations, codes and ordinances and is subject to the GreenThumb Registration and License requirements and this chapter.

#### STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of the Department of Housing Preservation and Development (“HPD”) under sections 1802 and 1043 of the New York City Charter.

Active community gardens allow members of the public to play an active, hands-on role in the creation and maintenance of public open spaces used for recreation, education, and horticulture and food production. They also serve to increase civic participation and spur neighborhood revitalization, transforming vacant and unattractive plots of public land throughout the five boroughs. In addition, gardens offer vital environmental and health benefits.

This rule seeks to codify and strengthen the practices that HPD has followed since 2002 and set forth the practices HPD will follow for licensing City-owned gardens registered through the Department of Parks and Recreation’s GreenThumb program. In particular, the rule establishes a formal system for HPD to provide and renew licenses to participating community gardens and sets forth a Garden Review Process to address the development or disposition of GreenThumb garden lots, ensuring that detailed information concerning the garden and proposed project are provided to interested parties, including decision makers and gardeners, as part of the land use process.

Certain lots will be exempt from the provisions of these rules regarding transfer, disposition, and development because



they have already undergone the procedures described therein, have already completed all public reviews required for such actions, and/or have been exempted from such review under a prior Memorandum of Agreement with the Attorney General State of New York.

• s13

## PARKS AND RECREATION

### NOTICE

#### Notice of Adoption

*Revision to Add a New Chapter 6 to Title 56 of the Official Compilation of Rules of the City of New York*

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Parks & Recreation ("Parks") by section 533(a) (9) of the New York City Charter, and in accordance with the requirement of section 1043 of the New York City Charter, that Parks hereby adds a new Chapter 6 to Title 56 of the Official Compilation of Rules of the City of New York.

Written comments regarding the rules were received in accordance with notice published in the City Record and a public hearing was held on August 10, 2010 at the Chelsea Recreation Center, 430 West 25th Street, New York, NY 10010. Written comments and an audio recording of the oral testimony from the hearing are available for public inspection between the hours of 9:00 A.M. and 5:00 P.M. at The Arsenal, Room 313, 830 Fifth Avenue, New York, NY 10065.

New material is indicated by underlining. Deletions are indicated by brackets.

**Title 56 of the Official Compilation of the Rules of the City of New York is amended to add a new Chapter 6 to read as follows:**

#### GreenThumb Gardens

##### § 6-01 Definitions.

As used in this chapter, the following terms will have the meanings set forth below:

**"Accelerated Default."** A Default based in whole or in part upon any conduct, activity, or condition occurring in or immediately adjacent to the Lot and caused by the Gardening Group or circumstances under its control that (i) is contrary to law, (ii) constitutes a public nuisance, or (iii) affects, or poses a threat to, the health or safety of the community in which the Lot and Garden are located.

**"Alternate Garden Contact Person."** An individual registered with GreenThumb as the secondary representative of a Gardening Group.

**"Alternate Site List."** Either (i) a list of available City-owned vacant land within one-half mile of the Lot upon which an existing Garden is located, including the address, block and lot, and approximate size of each parcel of land contained therein; (ii) where there is no such available City-owned vacant land within one half mile of such Lot, a list of available City-owned vacant land within the community district in which such Lot is located, including the address, block and lot, and approximate size of each parcel of land contained therein; or (iii) a statement that there is no available City-owned vacant land within either one half mile of such Lot or within the community district in which such Lot is located.

**"Alternate Site Notice."** A notice that transmits an Alternate Site List to a Garden Contact Person and Alternate Garden Contact Person and, if such Alternate Site List contains available City-owned vacant land, states that (i) the Garden Contact Person may select any site from such Alternate Site List and inform the Department and GreenThumb of such selection in writing within 45 days after the date of such notice, (ii) failure to inform the Department and GreenThumb of the selection of a site from the Alternate Site List within 45 days after the date of such notice will be deemed to be a rejection of the offer, (iii) rejection of the offer may result in a Transfer without relocation of the Garden, and (iv) if the Garden Contact Person accepts a site from the Alternate Site List, GreenThumb will offer an opportunity to register and license such new site. The Alternate Site List may be incorporated into the text of, and will in any event be deemed to be incorporated by reference in, the Alternate Site Notice.

**"City."** The City of New York.

**"Default."** A Gardening Group's failure or refusal to (i) comply with GreenThumb Registration requirements, (ii) complete the Registration process, (iii) comply with the terms of its Registration, (iv) comply with GreenThumb License requirements, (v) enter into a License, or (vi) comply with its License.

**"Default Notice."** A notice from the Department or an Other Agency directing a Gardening Group to cure an Accelerated Default within 30 days after the date of such notice or a notice to cure a Default within 6 months after the date of such notice. Copies of such notices shall be sent to the council member for the council district in which the Garden is located and the community board of the community district in which the Garden is located.

**"Garden."** A community garden that is registered and licensed with GreenThumb and located on a Lot.

**"Garden Contact Person."** An individual registered with GreenThumb as the primary representative of a Gardening Group.

**"Garden Review Process."** The process set forth in section 6-05 of this chapter to be followed in connection with the Transfer of any Lot.

**"Garden Review Statement."** A written statement, prepared by the Department in accordance with section 6-05(b)(4) of this chapter, describing a Lot, the existing Garden on such Lot, and the proposed Transfer of such Lot.

**"Gardening Group."** An organized group of individuals who maintain a Garden and are collectively represented by the Garden Contact Person. The Garden Contact Person shall by April 15 of each calendar year provide a list to GreenThumb of the names and contact information for all members of the Gardening Group.

**"GreenThumb."** A division within the Department responsible for the City's urban gardening program.

**"License."** An agreement between the Department or an Other Agency and a Licensee providing a license to operate a Garden on a Lot for a set term subject to requirements set forth therein, unless earlier terminated.

**"Licensee."** A Gardening Group, acting through its Garden Contact Person, pursuant to a License.

**"Lot."** A parcel of City-owned land under the jurisdiction of the Department that contains a Garden at any time on or after September 17, 2010.

**"New Garden."** A community garden on available City-owned land identified on or after the effective date of this chapter and accepted for registration and licensing as a community garden by GreenThumb and transferred to the Department by the agency having jurisdiction over such City-owned land.

**"Other Agency."** A governmental agency or entity other than the Department.

**"Retention Agreement."** A written agreement between the City, acting by and through the Department or an Other Agency and a Gardening Group, acting by and through its Garden Contact Person, providing for (i) the retention of part or all of a Garden as a community garden and/or open space as part of a project to be developed, or (ii) the relocation of the Garden to an alternate site. Gardens that are retained or relocated pursuant to a Retention Agreement remain subject to the GreenThumb Registration and License requirements and this chapter.

**"Registration."** Written acknowledgment by GreenThumb that a Gardening Group has complied with the criteria set forth by the Department to demonstrate eligibility for a License pursuant to section 6-03.

**"Transfer."** The conveyance of a Lot or, with regard to any Lot under the jurisdiction of the Department, the transfer of jurisdiction over such Lot to an Other Agency for the purpose of devoting such Lot to a use other than as a garden or open space.

**"Uncured Default."** A Default that remains uncured six months after the date of a Default Notice or an Accelerated Default that remains uncured 30 days after the date of a Default Notice.

##### § 6-02 Application.

This chapter establishes certain procedures with respect to the operation of Gardens registered and licensed with GreenThumb on September 17, 2010, or first registered and licensed with GreenThumb within the exercise of the Department's discretion after September 17, 2010. This chapter also establishes certain procedures with respect to the Transfer of the Lots upon which such Gardens are located.

##### § 6-03 Licenses.

(a) The Department will issue a License if the proposed Licensee and Garden meet the Registration criteria established by GreenThumb. The Department shall renew such License if the Licensee complies with the terms and conditions set forth therein and continues to meet the Registration criteria established by GreenThumb. If the Licensee has not complied with the terms of or fails to renew the License, fails to meet the Registration criteria established by GreenThumb, abandons the Garden, or if an Uncured Default has occurred, the Department will attempt to identify a successor Gardening Group and offer a License to it for the Garden. The Department's efforts to identify a successor Gardening Group will include contacting the local community board and councilmember and may include contacting nearby Gardening Groups. The Department's efforts to identify a successor Gardening Group may begin as early as the Department determines necessary in order to retain the Lot's use as a Garden, but shall not extend beyond 3 months of after any Uncured Default, at which point the Garden is subject to Transfer.

(b) Licenses will set forth terms and conditions under which the Licensee will design and install a plant garden on a Lot and will thereafter maintain such Garden and all plants and conforming structures contained therein (including, but not limited to, all raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition. The Department may permit other uses of the Lot that are compatible with gardening and are authorized pursuant to the License.

(c) Any license agreement from the City to any party performing work on the Lot or development work on an adjacent property that affects the Lot shall require the licensee to return the Garden to a condition similar to that which existed prior to commencement of said work.

(d) The License will provide that (i) the Licensee accepts the Lot "as is," in whatever condition it may be on the date the License is fully executed, (ii) the City makes no representation or warranty of fitness of the Lot for gardening purposes, (iii) the Licensee must meet GreenThumb's Registration and License requirements; (iv) the Licensee must comply with all applicable federal, state, and local laws, rules, regulations, codes, and ordinances, and (v) the Licensee must comply with such other requirements as the Department may establish.

(e) The City will retain title to the Lot and the Licensee will not have any leasehold or other interest in the land comprising such Lot, any improvement thereon, or any equipment provided by GreenThumb.

##### § 6-04 Active gardens to be preserved; Gardens not deemed mapped parkland.

Except as provided in section 6-05 of this chapter, all Lots under the Department's jurisdiction will be used and preserved as Gardens as long as they comply with the Department's registration and licensing requirements. Lots are not dedicated as, and will not be deemed to be dedicated as, parkland unless they have otherwise been mapped as parkland by the City.

##### § 6-05 Garden Review Process.

(a) The Department will comply with the Garden Review Process before any Transfer.

(b) Under the Garden Review Process:

(1) The Department will notify the Garden Contact Person and the Alternate Garden Contact Person of the proposed Transfer. Such notice may, but will not be required to, be included within the Alternate Site Notice.

(2) The Department will provide an Alternate Site Notice to the Garden Contact Person and Alternate Garden Contact Person.

a. The Garden Contact Person may select one site from the Alternate Site List for relocation of the Garden and inform the Department and GreenThumb of such selection in writing within 45 calendar days after the date of the Alternate Site Notice.

b. The offer contained in the Alternate Site Notice will be deemed rejected, and the Garden Contact Person will have no further right to select a site from the Alternate Site List for relocation of the Garden if (i) the Department and GreenThumb do not receive, within 45 calendar days after the date of the Alternate Site Notice, written notice from the Garden Contact Person that the Gardening Group has selected a site from the Alternate Site List for relocation of the Garden, or (ii) the Department or GreenThumb receives written notice from the Garden Contact Person at any time that the Gardening Group will not select a site from the Alternate Site List for relocation of the Garden.

c. If the Alternate Site List states that there is no available City-owned vacant land within one half mile of the Lot upon which the existing Garden is located, or within the community district in which such Lot is located if there is no City-owned vacant land within one half mile of the Lot, the provisions of sections 6-05(b)(2)(a) and 6-05(b)(2)(b) of this chapter will not apply.

(3) Any site on the Alternate Site List will be offered "as is," and a Gardening Group will be responsible for performing all necessary work on such lot. The Department will, upon request and contingent upon staff availability and resources, assist the Gardening Group with its relocation and gardening efforts at the alternate site. The City will offer the Gardening Group an opportunity to register with GreenThumb for the alternate site, and once registered, obtain a License.

(4) Before any Transfer, the Department will prepare a Garden Review Statement that includes the following, to the extent that such information exists and/or is contained in the Department's files:

a. a description of each affected Lot (including the address, block, and lot of such Lot) and the existing Garden located thereon;

b. the name, address, and telephone number of the Garden Contact Person and Alternate Garden Contact Person;

c. the date that GreenThumb licensed each affected Lot for the first time;

d. copies of the most recent Registration form submitted to GreenThumb by the Garden Contact Person; the two most recent site visit forms prepared by GreenThumb; and at least two photographs of the existing Garden;

e. the Alternate Site List and a statement of whether the Garden Contact Person has accepted or rejected any sites on such Alternate Site List; and

f. a description of any proposed Transfer of each affected Lot.

g. a description provided by the Gardening Group of any programs, activities and events in, and existing features of, the Garden. The above description,

which shall be no more than four legal size pages in length, will be included in the Garden Review Statement if submitted to the Department before submission of any application for approval as set forth in section 6-05(b)(6).

(5) The Department will send a Garden Review Statement to the Garden Contact Person, the Alternate Garden Contact Person, the council member for the council district in which the Garden is located and the community board of the community district in which the Garden is located by written notice not less than 45 calendar days before any Transfer. The sending of such notice will constitute notice of the proposed Transfer.

(6) The Department or Other Agency will include a Garden Review Statement in any application for approval of a Transfer pursuant to section 197-c of the City Charter, in any application to the City Council or the Mayor for approval of a Transfer pursuant to Article 15 of the General Municipal Law, Article 16 of the General Municipal Law, or Article XI of the Private Housing Finance Law, and in any application to a Borough Board for approval of a Transfer pursuant to section 384(b)(4) of the City Charter.

(c) If the Transfer of a Lot is disapproved through an applicable public review process, a Garden may remain on such Lot, subject to Registration, execution of a License, and compliance with all GreenThumb program requirements, until approval of a future Transfer of such Lot. Any new approval of such future Transfer will be subject to the Garden Review Process.

(d) In order to facilitate the Transfer of a Lot, the Department may, by notice to the Garden Contact Person and Alternate Garden Contact Person at any time after the Transfer of such Lot is approved through the applicable public review process, terminate or decline to renew the License and direct the Gardening Group to vacate the Lot.

§ 6-06 Exemptions.

(a) Upon execution of a Retention Agreement that provides for the relocation of a Garden to an alternate site, (i) the Lot from which such Garden is to be relocated will no longer be subject to any of the requirements set forth in this chapter, and (ii) the Lot to which such Garden is to be relocated will be subject to the requirements set forth in this chapter.

(b) After the execution of a Retention Agreement that provides for the retention of part or all of a Garden as a community garden as part of a project to be developed, the Transfer that is the subject of such Retention Agreement will no longer be subject to any of the requirements set forth in section 6-05 of this chapter.

§ 6-07 Miscellaneous.

(a) Any determination by the Department pursuant to this chapter will be made in the Department's sole discretion.

(b) Any notices required pursuant to this chapter will be in writing and will be delivered by regular mail, certified mail, registered mail, or personal delivery, and will also be posted at or near the Garden entrance. Any such notice will be deemed delivered when deposited in an official United States Postal Service receptacle. The Department will make reasonable efforts to provide translations for notices required pursuant to this chapter into the predominant language of the Gardening Group as identified by the Gardener of Record to GreenThumb.

(c) Any Garden must comply with all applicable federal, state, and local laws, rules, regulations, codes and ordinances and is subject to the GreenThumb Registration and License requirements and this chapter.

§ 6-08 New Gardens.

(d) The Department may establish New Gardens on available City-owned land. New Gardens shall be subject to the same requirements of the Department as any other garden and all other provisions of this chapter concerning registration, licensing and transfer.

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the "Commissioner") under sections 389, 533(a)(9) and 1043 of the New York City Charter. The Commissioner is authorized to establish and enforce rules for the use, governance and protection of public parks and of all property under the charge or control of the Department of Parks and Recreation. This rule was amended from the draft version to reflect comments received from the City Council, community gardening organizations, and the general public.

Active community gardens allow members of the public to play an active, hands-on role in the creation and maintenance of public open spaces used for recreation, education, and horticulture and food production. They also serve to increase civic participation and spur neighborhood revitalization, transforming vacant and unattractive plots of public land throughout the five boroughs. In addition, gardens offer vital environmental and health benefits.

Parks intends to preserve gardens under its jurisdiction that

are currently registered, licensed and in good standing. Under this rule, gardens that are in good standing and consistently comply with the Department's registration and licensing requirements and are under its jurisdiction will be preserved and will not be subject to transfer to another agency or sold by the City for a non-garden or non-open space use. This rule seeks to codify and strengthen the practices that Parks has followed since 2001 and set forth the practices Parks will follow for licensing City-owned gardens registered through the GreenThumb program. In particular, the rule establishes a formal system for the Department to provide and renew licenses to participating community gardens and sets forth a Garden Review Process to address the development or disposition of GreenThumb garden lots, ensuring that detailed information concerning the garden and proposed project are provided to interested parties, including decision makers and gardeners, as part of the land use process. The transfer provisions included in these rules are intended to address gardens under the Parks Department's jurisdiction that are a blight upon the community because they have been abandoned or are in persistent default and will be utilized if the Department has been unable to identify a new group to responsibly care for the Garden.

s13

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 Paratransit Vehicles and Service.

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 5, 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 10 thereto, to read as follows:

New Material is underlined.

Chapter 10 PARATRANSIT VEHICLES AND BASES

SUB-CHAPTER 10A PARATRANSIT VEHICLE OWNERS SUB-CHAPTER 10B PARATRANSIT BASE STATION OWNERS

§10A-01 Scope of this Sub-chapter

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Vehicle Owner's License.
(b) To provide penalties for violation of the requirements of maintaining a Paratransit Vehicle Owner's License.

§10A-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.

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 the recording is issued.

Mandatory Penalties.

- (1) The following violations incur mandatory penalties:

Table with 3 columns: Description of Violation, Rule, and Mandatory Penalty for All Violations. It lists 7 types of violations such as 'Operation of unlicensed vehicle' and 'Driver unlicensed by TLC' with corresponding rules and penalties.

- (2) The 24-month period will be counted backward from the date of the most recent conviction.
(3) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked. The 12-month period will be counted from the date the earliest summons was issued.

§10A-03 Definitions Specific to this Sub-chapter

- (a) Applicant in this Sub-chapter means an Applicant for an original or renewal Paratransit Vehicle License.
(b) Base Affiliation. Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.
(c) Business Entity. A Paratransit Business Entity must be either a corporation or a partnership.
(d) Driver in this Sub-chapter means the Driver of a Paratransit Vehicle.
(e) Electronic Trip Record System is the hardware and software that collects and stores the data that must be recorded for each passenger trip.
(f) License in this Sub-chapter means a License for a Paratransit Vehicle.
(g) Licensee refers to a Paratransit Vehicle Owner.
(h) Rate Schedule is the Commission-approved listing of the manner in which and amount of fare that a Paratransit Vehicle Owner is permitted to charge a passenger.
(i) Vehicle refers to a Paratransit Vehicle.
(j) Vehicle Owner (or Owner) refers to a Paratransit Vehicle Owner, and can be an individual or Business Entity who:
(1) Owns the Vehicle outright;
(2) Is purchasing the Vehicle from a conditional vendor;
(3) Is leasing the Vehicle; or
(4) Is an agent or employee of any of the above and has authority to act on their behalf.

§10A-04 Licensing - Requirements

Requirements (a) through (e) apply to an individual Applicant and to all of a Business Entity Applicant's Business Entity Persons

- (a) Age. Applicants must be at least 18 years of age.
(b) Identification. Applicants for a new (original) Paratransit Vehicle License must provide both of the following proofs of identity:
(1) A Valid Government photo ID.
(2) A Valid, original social security card.
(c) Fingerprinting to Verify Good Moral Character.
(1) Applicants must be of good moral character.
(2) Applicants must be fingerprinted.
(3) In addition, any individual and all Business Entity Persons of a Business Entity that provides funds to an Applicant must be fingerprinted, unless the provider is a licensed bank or loan company.
(4) The Commission may waive any of this subdivision's fingerprinting requirements.
(d) Valid Certificate of Operating Authority. Applicants must have a valid certificate of Operating Authority

for the City of New York issued by the New York State Department of Transportation.

- (e) Operate from Licensed Base. Applicants must demonstrate that the Vehicle will operate from a base that is Licensed unless exempted from this requirement by the Commission.
- (f) Complete Application Forms. The Applicant must complete and file the required Commission application forms.
- (g) Fitness to Hold License. The Commission will determine an Applicant's fitness by examining the Applicant's (or Licensee's) criminal and driving records, medical and mental health records, and any history of drug or alcohol use.
- (h) Own a Paratransit Vehicle. Applicants must have ownership in a Paratransit Vehicle.
- (i) Vehicle Mileage Requirements. The Applicant for an original (new) License must submit a New York State Department of Transportation Form MC300, dated not more than one month from the application date, proving that the Vehicle meets the relevant mileage requirement:
  - (1) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.
  - (2) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
  - (3) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.
- (j) Other Requirements Relating to the Vehicle. The Applicant must demonstrate that:
  - (1) The vehicle is in safe operating condition and meets all the requirements of the Commission and all other Government agencies that have concurrent jurisdiction.
  - (2) Applicant has the required vehicle liability insurance coverage by bond or policy as determined by the State of New York.
  - (3) The certificate of title and the certificate of registration are in the Applicant's name (unless title is retained by a lessor or conditional vendor).
  - (4) The vehicle will not have to be retired before the end of the two-year term of the License under the terms of Vehicle Retirement established in §10A-34 of this Sub-chapter.
- (k) Other Required Documents. In addition to copies of the certificate of title and the certificate of registration, the following documents must be filed with the application:
  - (1) A copy of the motor vehicle tax stamp receipt for the Paratransit Vehicle.
  - (2) A current Rate Schedule.
  - (3) A New York State Department of Transportation inspection checklist.
  - (4) A copy of the leasing agreement, if Applicant is leasing the vehicle.
  - (5) A partnership Applicant must file a certified copy of its partnership certification from the County Clerk.
  - (6) A corporate Applicant must file a certified copy of its certificate of incorporation and a list of its current shareholders and officers.
- (l) Designate Drivers as Agents to Accept Service. The Applicant must agree that any Driver who operates one of the Owner's Paratransit Vehicles will be considered as an agent of the Owner for purposes of accepting service of Commission notices to correct Vehicle defects.

**§10A-05 Licensing - Terms of License**

- (a) New Licenses. The term of a new Vehicle License is two years from the date it is issued.
- (b) Renewals. The renewal term of a Vehicle License is two years from the date on which the previous License expired.
- (c) Extension. The Commission can extend the expiration date of the Vehicle License by up to an additional 31 days.
- (d) When to File Application for Renewal. A renewing Applicant must file on or before the expiration date of the current License.

**§10A-06 Licensing - License and Administrative Fees**

- (a) Fee for License. The fee for a Vehicle License will be \$275 annually.
- (b) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) 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.
- (d) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves an application.
- (e) Change of Base Affiliation. A Vehicle Owner can change the Paratransit Base with which it is affiliated after approval by the Commission and payment of a \$25 fee.

**§10A-07 Licensing - Causes for Denial**

- (a) Failure to Meet the Requirements. The Commission will deny an application for a new or renewed

License if the Applicant fails to meet the requirements.

- (b) No Longer Meets Requirements. The Commission will deny a Licensee's renewal application or suspend or revoke a License if the Commission learns that the Vehicle Owner no longer meets the licensing requirements.
- (c) Material Misrepresentation or Falsification. The Commission will deny a Paratransit License application and may suspend or revoke a renewal application, and can impose other sanctions if the Applicant:
  - (1) Fails to notify the Commission of any material change in the information contained in the application;
  - (2) Attempts to conceal the identity of a party who has an interest in the ownership of a Paratransit Vehicle; or
  - (3) Lies or misrepresents any information in the application.
- (d) Prior License Revocation. The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (e) Misleading Trade Name. The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Vehicle Owner.

**§10A-08 Licensing - Process upon Denial**

- (a) Denial of Application. If the Commission denies the application for a Paratransit Vehicle License or its renewal, the Applicant will be notified, in writing, of the reason(s) for the denial.
- (b) Right to Appeal On Denial. If the Commission denies an application for a new or renewal Paratransit Vehicle License:
  - (1) The Applicant is entitled to a hearing before the Commission.
  - (2) The Applicant can be represented by an attorney or by a non-attorney.
  - (3) The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant.

**§10A-09 Licensing - Care of Licenses**

- (a) Unauthorized Changes to License. A Vehicle Owner must not make any unauthorized entry on a Paratransit Vehicle License or change, deface, conceal, obliterate or render any entry on that License unreadable.
- §10A-09(a) Mandatory Penalties See §10A-02(c)
- (b) Surrender of Unreadable License. A Vehicle Owner must immediately surrender an unreadable Paratransit Vehicle License to the Commission to obtain a legible replacement.
- §10A-09(b) Fine: \$25 Appearance NOT required
- (c) Surrender Upon Suspension or Revocation. A Vehicle Owner must surrender a suspended or revoked License to the Commission within 48 hours of the suspension or revocation.
- §10A-09(c) Fine: \$100 Appearance NOT required
- (d) Report of Lost, Stolen, or Destroyed License.
    - (1) A Vehicle Owner must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the theft, loss or destruction of a Paratransit Vehicle License.
    - (2) The Vehicle Owner must also furnish the Commission with an affidavit or other information as may be required, including the police receipt number.
    - (3) A substitute Paratransit Vehicle License will be issued by the Commission.
- §10A-09(d) Fine: \$50 Appearance NOT required
- (e) Report of Plate Replacement. A Vehicle Owner must notify the Commission within 48 hours (not including weekends and holidays) after replacing the Vehicle's New York State license plates.
- §10A-09(e) Fine: \$50 Appearance NOT required

**§10A-10 Compliance with Laws - Unlicensed Activity**

- (a) Vehicle Must Be Licensed. A Vehicle Owner must not allow a vehicle to be dispatched or operated if the vehicle does not have a Valid Paratransit Vehicle License from the Commission.
- §10A-10(a) Mandatory Penalties. See §10A-02(c)
- (b) Driver Must Have a Paratransit License. A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a driver who does not have a Valid Paratransit Driver's License.
- §10A-10(b) Mandatory Penalties See §10A-02(c)
- (c) Drivers Must Have State Driver's License. A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a driver who does not have a Valid state driver's license.
- §10A-10(c) Mandatory Penalties See §10A-02(c)
- (d) Compliance with §5-09(d). A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a driver who has not complied with §5-09(d) of Article 19-A of the New York State Vehicle and Traffic Law (setting forth certain requirements for bus drivers).

**§10A-10(d) Mandatory Penalties See §10A-02(c)**

- (e) Base Must be Licensed. A Vehicle Owner must not dispatch or allow to be dispatched any Paratransit Vehicle from a base that does not have a Valid License, unless it has been exempted by the New York State Department of Transportation.

**§10A-10(e) Fine: \$150 Appearance NOT required**

- (f) Advertising of Unlicensed Paratransit Service. A Vehicle Owner whose License is not Valid may not advertise or claim to offer "Paratransit Service" or any comparable service.

**§10A-10(f) Mandatory Penalties See §10A-02(c)**

- (g) Activity After License Expiration. Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issued is considered "unlicensed activity" and is subject to the penalties in these Rules and in the Administrative Code.

**§10A-11 Compliance with Law - Vehicle Insurance**

- (a) Maintain Liability Insurance.
  - (1) A Vehicle Owner must maintain at least the minimum amount of liability insurance required by the NYS Department of Transportation for each Vehicle owned by Owner.
  - (2) A Vehicle Owner must comply with all New York State Laws regarding this coverage.

**§10A-11(a) (1) and (2) Fine: \$50 Appearance NOT required**

- (b) Submit Proof of Insurance.
  - (1) A Vehicle Owner must submit annual proof of liability insurance coverage to the Commission on or before the 15th day of January of each year.
  - (2) Proof must include the name and address of the carrier and the insurance policy number for each Paratransit Vehicle owned.

**§10A-11(b) (1) and (2) Fine: \$50 Appearance NOT required**

- (c) Notify Commission of Cancellation or Change of Carrier. A Vehicle Owner must notify the Commission, in writing, within 72 hours after receiving notice of:
  - (1) Cancellation of the required liability insurance;
  - (2) Change of insurance carrier; or
  - (3) Change in the policy number.

**§10A-11(c) Fine: \$100 Appearance NOT required**

- (d) Surrender License on Loss or Termination of Insurance. A Vehicle Owner must surrender the Paratransit Vehicle License to the Commission prior to or on the termination date of the liability insurance unless:
  - (1) The Owner is not notified, or
  - (2) The Owner obtains new insurance effective on the termination date of the old policy.

**§10A-11(d) Fine: \$100 Appearance NOT required**

**§10A-12 Compliance with Laws - Proper Conduct**

- (a) Bribery. A Vehicle Applicant or Licensee 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.
- §10A-12(a) Fine: \$1,000 up to revocation Appearance REQUIRED
- (b) Failure to Report Bribery. A Vehicle Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.
- §10A-12(b) Fine: \$1,000 up to revocation Appearance REQUIRED
- (c) Fraud, Theft. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.
- §10A-12(c) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (d) Willful Acts of Omission. While performing the duties and responsibilities of a Vehicle Owner, 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.
- §10A-12(d) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (e) Willful Acts of Commission. While performing the duties and responsibilities of a Vehicle Owner, 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.
- §10A-12(e) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (f) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not threaten, harass, or abuse any person.
- §10A-12(f) Fine: \$50-\$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 Vehicle Owner or any act in connection with those duties, a

- Licensee must not use or attempt to use any physical force against a person or Service Animal.
- §10A-12 (g) Fine: \$20-\$350 and/or suspension up to 30 days; possible revocation (OATH) Appearance REQUIRED
- (h) *Notice of Criminal Conviction.*
- (1) A Vehicle Owner must notify the Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction.
- §10A-12 (h) Fine: \$50-\$250 Appearance REQUIRED
- (i) *Failure to Cooperate with Commission Enforcement.*
- (1) A Vehicle Owner must cooperate with all Commission enforcement officers and all authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.
- §10A-12 (i) Fine: \$50 to 150 Appearance REQUIRED
- (j) *Failure to Cooperate with the Commission.*
- (1) A Vehicle Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.
- §10A-12 (j)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED
- (2) A Vehicle Owner must respond to any contact from the Commission within forty-eight hours, seven days a week.
- §10A-12 (j)(2) Fine: \$500 Appearance NOT required
- (k) *Courtesy. Vehicle Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Licensees.*
- §10A-12 (k) Fine: \$25 Appearance NOT required
- (l) *Unlawful Uses of Vehicle or Garage. A Vehicle Owner must not use or permit another person to use his or her Paratransit Vehicle or garage for any unlawful purpose and must immediately report to the police any criminal use or attempt thereof involving the Vehicle or Base.*
- §10A-12 (l) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED
- §10A-13 Compliance with Laws - Miscellaneous**
- (a) *Compliance with Laws, Rules and Regulations. A Vehicle Owner must comply with the Commission's Paratransit Vehicle Specifications and all other pertinent laws, rules or regulations governing Vehicle Owners.*
- §10A-13(a) Fine: \$50 Appearance NOT REQUIRED
- §10A-14 RESERVED [Operations - Business Premises]**
- §10A-15 RESERVED [Operations - Management Oversight (Use of Agents)]**
- §10A-16 Operations - Service Requirements (Passengers)**
- (a) *Timely Pickups. Vehicle Owners must schedule the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.*
- §10A-16(a) Fine: \$25 Appearance NOT required
- (b) *Notify Passenger of Delay. If a pickup is unreasonably delayed or cancelled, the Vehicle Owner (or Base Owner) must promptly notify the waiting passenger.*
- §10A-16(b) Fine: \$50 Appearance NOT required
- (c) *Monitor Drivers' Behavior. Vehicle Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate complaints, and take appropriate action to resolve the complaints.*
- §10A-16(c) Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission Appearance REQUIRED
- (d) *Unauthorized Refusal to Provide Transportation. A Vehicle Owner must not refuse by words, gestures or any other means, to provide transportation to any orderly person who has prearranged the trip and the destination is within New York City, unless:*
- (1) There is no Vehicle then available for the requested transportation; or
- (2) There is a justification for refusing that is listed in §6-20(b) of the Paratransit Driver's chapter.
- §10A-16(d) Mandatory Penalties. See §10A-02(c)
- §10A-17 Operations - Owners' Responsibilities with Respect to Drivers**
- (a) *Training for Paratransit Drivers. A Vehicle Owner must ensure that every Driver is trained how to properly and safely:*
- (1) Assist any Person with a Disability or other passenger in and out of a Paratransit Vehicle
- §10A-17(a)(1) Fine: \$50-\$150 Appearance REQUIRED
- (2) Utilize the wheelchair ramp, the fastening devices, and any other safety precautions or devices contained in the Vehicle.
- §10A-17(a)(2) Fine: \$50-\$150 Appearance REQUIRED
- §10A-18 Records - Trip Record Information**
- (a) *Trip Sheet. All Paratransit Vehicles must be equipped with an Electronic Trip Sheet that shows the following information:*
- (1) The 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.
- §10A-18(a) Fine: \$50 for each violation of this rule; however, no violation of this rule may exceed \$100 for each vehicle stop Appearance NOT required
- (b) *Contemporaneous Recording. The specific information about each trip must be collected and recorded when it occurs.*
- (c) *Transmit Monthly. All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.*
- §10A-18(c) Fine: \$250 and suspension until compliance Appearance NOT required
- (d) *Re-Write of Trip Record Prohibited. A Vehicle Owner must not rewrite a Trip Record in whole or in part, without prior Commission approval.*
- §10A-18(d) Fine: \$75-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (e) *Correcting Electronic Trip Sheets.*
- (1) The Vehicle Owner must ensure that all necessary corrections and additions are made to the Trip Sheet.
- (2) The electronic Trip Record data collected in the Paratransit Vehicle must not be erased, deleted, altered, changed or obliterated.
- §10A-18(e) Fine: \$30 Appearance NOT required
- (f) *Hand-written Trip Sheets.*
- (1) In the event that the electronic Trip Record equipment malfunctions, hand-written Trip Sheets showing the same information required in subdivision (a) above, must be used during the period the Vehicle is permitted to operate (see §10A-33(c)).
- (2) The Vehicle Owner must not allow a Vehicle to be dispatched until the Owner has signed his or her name to the hand-written Trip Sheet.
- §10A-18(f)(1)-(2) Fine: \$50 for each violation of this rule; however, no violation of this rule may exceed \$100 for each vehicle stop Appearance NOT required
- (3) At the end of a Driver's shift, the Vehicle Owner must examine any hand-written Trip Record and must enter the date and time in ink.
- (4) The Vehicle Owner must also enter and sign a statement indicating that the Driver's entries have been examined.
- §10A-18(f)(3)-(4) Fine: \$25 Appearance NOT required
- (g) *Correcting Mistakes on Hand-Written Trip Sheets.*
- (1) The Vehicle Owner must correct wrong entries on a written Trip Record (or any other written records Owner is required to maintain) by drawing a single line through the incorrect entry and initialing the correction.
- (2) A Vehicle Owner must not make erasures or obliterate or omit any essential information.
- §10A-18(f) Fine: \$30 Appearance NOT required
- §10A-19 Records - Current Contact Information**
- (a) *Current Mailing Address.*
- (1) The Mailing Address for a Paratransit Vehicle Owner must be either a designated post office box, or one of the following:
- (i) The home address for an individual Vehicle Owner
- (ii) A partner's home address for a partnership Licensee
- (iii) The address of the secretary of the corporation for a corporate Licensee.
- (2) The Commission will consider any notice or summons sent to the last address given by the Vehicle Owner as sufficient notice.
- (b) *24-hour Communication Device.*
- (1) A Vehicle Owner must maintain a current telephone number on file with the Commission.
- (2) This number must be connected to an answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Vehicle Owner on a 24-hour basis.
- §10A-19(b) Fine: \$100 Appearance NOT required
- §10A-20 Records - Additional Records to be Maintained**
- (a) *Financial and Operational Records. A Vehicle Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:*
- (1) Vehicle liability insurance coverage
- (2) Any other documents specifically prepared in connection with the operation of a Paratransit Vehicle
- §10A-20(a) Fine: \$50 Appearance NOT required
- §10A-21 Reporting Requirements**
- (a) *Give Drivers Access to Records for Reporting. A Vehicle Owner must make available to a Driver any records that the Vehicle Owner is required to maintain, if a Driver is required to bring those records to the Commission or any other Government agency.*
- §10A-21(a) Fine: \$50 Appearance NOT required
- (b) *Lost Property.*
- (1) A Vehicle Owner must look inside the Paratransit Vehicle after each work shift for anything passengers have forgotten.
- (2) If property is found and the rightful owner is known or can be easily determined, the Vehicle Owner must notify the rightful owner within a reasonable time.
- (3) If the rightful owner cannot be determined, the lost property must be taken without delay to the police precinct where the garage is located.
- §10A-21(b) Fine: \$50-\$250 Appearance NOT required
- (c) *Lost Property Notification. The Vehicle Owner must promptly inform the Commission of any property found and taken to a police precinct.*
- (d) *Notification of Change of Status. A Vehicle Owner must report any important changes, including any changes regarding Vehicle ownership, title, financing and registration, to the Commission within 72 hours.*
- §10A-21(d) Fine: \$50 Appearance NOT required
- §10A-22 Operations - Rates and Tolls**
- (a) *Overcharges.*
- (1) A Vehicle Owner must not charge or attempt to charge a fare above the approved rate of fare currently filed with the Commission.
- (2) A Vehicle Owner must not impose or attempt to impose any additional charge for transporting a Person with a Disability, a service animal accompanying a Person with a Disability, or a wheelchair or other mobility aid.
- §10A-22(a) Mandatory Penalty. See 10A-02(c)
- §10A-23 RESERVED [Operations - E-ZPass]**
- §10A-24 RESERVED [Operations - Miscellaneous Requirements]**
- §10A-25 Vehicle Condition - Inspections**
- (a) *Inspection of Paratransit Vehicles.*
- (1) A Vehicle Owner is responsible for ensuring that all repairs discovered by the Base Owner during Base Owner's inspection are made before allowing a Driver to operate the Vehicle.
- §10A-25(a)(1) Fine: \$50-\$500 Appearance NOT required
- (2) The Commission can inspect any Vehicle at any time.
- (b) *Approved Paratransit Vehicles. A Vehicle Owner must only allow vehicles that have been inspected and approved by the New York State Department of Transportation to be dispatched.*
- §10A-25(b) Fine: \$100-\$500 Appearance NOT required
- (c) *Compliance with NYS DOT Rules. A Vehicle Owner must comply with the New York State Department of Transportation regulations and inspection requirements and schedules.*
- §10A-25(c) Fine: \$100 Appearance NOT required
- §10A-26 Vehicle Condition - Safety**
- (a) *Compliance with Notices to Correct Defects. A Vehicle Owner must comply with all Commission notices, summonses, and directives to correct defects in a Paratransit Vehicle.*
- §10A-26(a) Fine: \$100 Appearance NOT required
- (b) *Timely Repairs. A Vehicle Owner must make all repairs or alterations that the New York State Department of Transportation requires to meet its specifications or to maintain proper standards of safety and comfort. These repairs or alterations must be made within the time period given by the state inspectors.*



§10A-26(b) Fine: \$100 Appearance NOT required

(c) Replacement of Unsafe or Unfit Vehicles.

- (1) A Vehicle Owner must replace a Paratransit Vehicle when the New York State Department of Transportation determines that the Vehicle is unsafe or unfit for use as a Paratransit Vehicle and directs the Owner to remove it from service immediately.
- (2) If a Vehicle Owner fails to replace the Vehicle within 120 days of notice, the Commission will consider it as abandonment of the Paratransit Vehicle License and the Commission can initiate revocation proceedings.

§10A-26(c) Fine: \$100-\$500 and/or suspension for 30 days Appearance REQUIRED

(d) Handling of Infectious Disease.

- (1) Handling Passengers with Infectious Diseases. Owners and Drivers must obey all Government laws, rules and regulations, regarding the handling of passengers with infectious diseases.

§10A-26(d)(1) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED

- (2) Compliance with Rules. Owners must obey all Government laws, rules and regulations, regarding what must be provided to the Driver or passengers when transporting passengers with infectious diseases (e.g. masks, gloves, etc.).

§10A-26(d)(2) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED

- (3) Protective Clothing. The Vehicle Owner must provide protective clothing, (goggles, gloves, gowns, and masks) to any employee who disinfects the Vehicle.

§10A-26(d)(3) Fine: \$25-\$1,000 and possible suspension or revocation Appearance REQUIRED

(4) Cleaning of Vehicle after Transportation.

- (i) Owners and Drivers must obey all Government laws, rules and regulations, regarding the cleaning of Paratransit Vehicles after transporting passengers with infectious diseases and the disposal of contaminated materials.
- (ii) An appropriate disinfectant solution (according to the New York City Emergency Medical Service and the New York State Department of Health) is:

- A. One (1) part sodium hypochlorite solution (bleach) to nine (9) parts water.
- B. Fill the bucket with water first and then add the solution.
- C. This solution is incompatible with acids, organic material or reducing agents; NEVER mix this solution with hydrogen peroxide, ammonia or any other cleansing agent.

§10A-26(d)(4) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED

(5) Stretchers and Linens.

- (i) If a stretcher is contaminated, clean and disinfect by wiping.
- (ii) If it is saturated, dispose of it in an appropriate manner.
- (iii) Dispose of any contaminated linen.
- (iv) Dispose of contaminated material by placing the items in a buff-colored impervious plastic bag, seal the bag, tag it as "contaminated" and dispose of the material in the manner approved at a local hospital.

§10A-26(d)(5) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED

- (6) Gross Contamination. In the case of gross contamination where the Vehicle is saturated or encrusted, the Vehicle must be sterilized through the use of steam gas or liquid agents.

§10A-26(d)(6) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED

§10A-27 Vehicle Condition - Miscellaneous

- (a) Clean, Painted, Good Appearance. A Vehicle Owner must keep all Paratransit Vehicles clean, well-painted and in good appearance.

§10A-27(a) Fine: \$25 Appearance NOT required

§10A-28 Vehicle - Markings and Advertising

- (a) Vehicle Specifications and Markings. A Vehicle Owner must comply with the markings specifications for Paratransit Vehicles.

§10A-28(a) Fine: \$50 Appearance NOT required

- (b) Remove Markings Before Selling. A Vehicle Owner is responsible for removing all official markings when selling or disposing of a Paratransit Vehicle, unless the Owner obtains Commission approval in approved transfers.

§10A-28(b) Fine: \$100 Appearance NOT required

- (c) Required ID Marking. A Valid Commission decal must be attached to the Vehicle in a plainly visible location when a License is granted, renewed, or whenever else a new decal is required. The Commission can require the vehicle to be presented at a Commission facility so that Commission staff can attach the decal. The Vehicle Owner must also put the company name, trade name and other vehicle identification markings required by the Commission or New York State Law.

§10A-28(c) Fine: \$50 Appearance NOT required

- (d) Commercial Use Tax Stamp. A Vehicle Owner must attach a commercial use motor vehicle tax stamp to the lower right side of the Vehicle windshield, so that it is plainly visible.

§10A-28(d) Fine: \$25 Appearance NOT required

- (e) Unauthorized Advertising. A Vehicle Owner may not display advertising on the exterior or interior of a Paratransit Vehicle unless the Vehicle Owner has first obtained Commission authorization.

§10A-28(e) Fine: \$50 Appearance NOT required

§10A-29 Vehicle - Documents Required in Vehicle

- (a) A Vehicle Owner may only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:

- (1) The Driver's written Trip Record.
- (2) The Driver's Paratransit Driver's License.
- (3) A copy of the registration certificate.
- (4) A copy of the Paratransit Vehicle License.
- (5) A copy of the individual vehicle insurance card.
- (6) A copy of the lease card or agreement, if any.
- (7) All required notices.
- (8) A two-way radio, if the Paratransit Base Owner uses a radio system.
- (9) An electronic Trip Record system.

§10A-29(a) Fine: \$15 for each violation Appearance NOT required

§10A-30 Vehicle - Equipment

- (a) Only Authorized Equipment.

- (1) A Vehicle Owner must allow the dispatch only of Paratransit Vehicles outfitted with equipment and devices specifically required by the Vehicle and Traffic Laws and by the Commission for use in Paratransit Vehicles.
- (2) The Commission has the authority to approve equipment and devices other than those described in paragraph (1) upon the request of the Vehicle Owner.
- (3) Owner does not need Commission approval to install additional mobility devices such as grab bars or non-slip flooring.

§10A-30(a) Fine: \$30-\$300 and/or suspension up to 30 days Appearance REQUIRED

§10A-31 RESERVED [Vehicle Equipment - Partitions]

§10A-32 RESERVED [Vehicle Equipment - In-Vehicle Camera System]

§10A-33 Vehicle Equipment - Electronic Trip Record System

- (a) Must Be Installed. A Vehicle Owner must install Electronic Trip Record Systems in all Paratransit Vehicles owned by Owner.

§10A-33(a) Fine: \$250 and suspension until compliance Appearance NOT required

- (b) Must Be in Good Working Order. A Vehicle Owner must not allow a Paratransit Vehicle to be dispatched unless the Electronic Trip Record System in the Vehicle is in good working order.

§10A-33(b) Fine: \$500 Appearance REQUIRED

(c) System Malfunction.

- (1) If the Electronic Trip Record System malfunctions, the Vehicle Owner must have the system repaired or replaced within three (3) business days after the malfunction is reported to the Commissions Safety and Emissions facility.
- (2) A Vehicle Owner can dispatch a Paratransit Vehicle in which the

Electronic Trip Record System does not work, only:

- (i) For three business days after the malfunction was reported to Safety and Emissions.
- (ii) If a hand-written Trip Record is used in place of the Electronic Trip Record.

§10A-34 Vehicle Retirement Dates

- (a) On and after January 1, 2009, all Paratransit Vehicles that are of model year 2000 or earlier must be retired from Paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

- (b) On and after January 1, 2010, all Paratransit Vehicles that are of model year 2002 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

- (c) On and after January 1, 2011, all Paratransit Vehicles that are of model year 2004 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

- (d) On and after January 1, 2012, all Paratransit Vehicles must be retired no later than seven years after the Vehicle was first licensed.

(e) Mandatory Retirement.

- (1) A Paratransit Vehicle that cannot pass the New York State Department of Transportation inspection must be retired, regardless of whether its retirement date has been reached.

- (2) A Paratransit Vehicle which has reached its retirement date must be retired, regardless of whether it may still pass the New York State Department of Transportation inspection.

(f) Extension of Time for Retirement.

- (1) A Vehicle Owner can request an extension of a Vehicle's retirement date.

- (2) Any request for an extension of the retirement date must be made at least two months before that date.

- (3) The extension request must include documentation demonstrating that:

- (i) A new vehicle has been ordered.
- (ii) The new vehicle will not be delivered until after the retirement date.
- (iii) The new vehicle will be delivered no later than 60 days after the retirement date.

- (4) If the Vehicle Owner's documentation is complete and accurate, the retirement date of the Vehicle will be extended to the projected delivery date of the new vehicle. The Chairperson may confirm the completeness and accuracy of the documentation.

§10B-01 Scope of this Sub-chapter

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Base Station Owner's License.

- (b) To provide penalties for violation of the requirements of maintaining a Paratransit Base Station Owner's License.

§10B-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 recording is issued.

(d) **Mandatory Penalties.** The following violations incur mandatory penalties:

- (1) The following violations incur mandatory penalties:

Description of Violation	Rule	Mandatory Penalty for All Violations
8. Operation of unlicensed vehicle	§10B-10(a)	<ul style="list-style-type: none"> <li>• First violation: \$100-\$350</li> <li>• Second violation (any combination of provisions) within 24 months: \$350-\$500</li> <li>• Third violation (any combination of provisions) within 24 months: Mandatory Revocation of License</li> </ul>
9. Driver unlicensed by TLC	§10B-10(b)	
10. Driver unlicensed by State and/or has not qualified as Article 19-A "bus driver"	§10B-10(c)/10B-10(d)	
11. Passenger pick-ups only on prearranged basis, no "tail K"	§10B-16(a)	

- (2) The 24-month period will be counted backward from the date of the most recent conviction.
- (3) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked. The 12-month period will be counted from the date the earliest summons was issued.

**§10B-03 Definitions Specific to this Sub-chapter**

- (a) **Applicant** in this Sub-chapter means an Applicant for an original or renewal Paratransit Base Station License.
- (b) **Base Affiliation.** Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.
- (d) **Base (or Base Station)** refers to Paratransit Base Station.
- (e) **Base Owner (or Owner)** refers to the owner of a Paratransit Base Station.
- (f) **Business Entity.** A Paratransit Business Entity must be either a corporation or a partnership.
- (g) **Driver** in this Sub-chapter means the Driver of a Paratransit Vehicle.
- (h) **Electronic Trip Record System** is the hardware and software that collects and stores the data required to be collected and kept for each passenger trip.
- (i) **License** in this Sub-chapter means a License for a Paratransit Base Station.
- (j) **Licensee** refers to a Paratransit Base Station Licensee.
- (k) **Rate Schedule** is the official list of rates and rules concerning the rates that a Paratransit Base Station is permitted to charge a passenger.
- (l) **Trip Record (or Trip Sheet)** refers to the hand-written or electronic collection of data that is required to be kept for each passenger trip.
- (m) **Vehicle** refers to a Paratransit Vehicle.

**§10B-04 Licensing - General Requirements**

- (a) **Identification.** An individual Applicant or an Applicant's Business Entity Persons applying for a new (original) Base Station License must provide both of the following proofs of identity:
  - (1) A Valid Government photo ID
  - (2) A Valid, original social security card
- (b) **Fingerprinting.** The Applicant and all corporate officers and active stockholders of a corporate Applicant must be fingerprinted at the Commission.
- (c) **Complete Application Forms.** The Applicant must complete and file the required application forms.
- (d) **Requirements concerning Paratransit Vehicles.**
  - (1) The application for a Base License must be accompanied by at least one Paratransit Vehicle License application.
  - (2) The Applicant must ensure that any affiliated Paratransit Vehicle being licensed for the first time submits a New

York State Department of Transportation Form MC300, dated within one month of the application date, proving that the Vehicle meets the relevant mileage requirement:

- (i) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.
- (ii) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
- (iii) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.

(e) **Additional Documents Required.**

- (1) A copy of the Applicant's New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority).
  - (2) The copy of the current Rate Schedule.
  - (3) A corporate Applicant must file a copy of its certificate of incorporation and a list of its shareholders and current officers.
  - (4) A partnership Applicant must file a copy of its partnership agreement, if any.
- (f) **Additional Requirements.** An Applicant for a Base Station License must show that:

- (1) The Base will be located on commercial property or other appropriately-zoned location unless the Base will operate no more than four (4) vehicles, in which case it can be maintained at the Base Owner's residence.
- (2) The Base will be maintained as a separate entity.
- (3) The Base will maintain outside advertising identifying the premises as a Paratransit Base Station and providing its business name and phone number.

**§10B-05 Licensing - Term of License**

- (a) **New Licenses.** The term of a new Base License is two years.
- (b) **Renewals.** The renewal term of a Base License is two years from the date on which the previous License expired.
- (c) **When to File Application for Renewal.** A renewing Applicant must file a complete application on or before the expiration date of the current License.

**§10B-06 Licensing - License and Administrative Fees**

- (a) **Fee for License.** The fee for a Paratransit Base License is \$500 annually.
- (b) **License Replacement Fee.** The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) **When Fee is Paid.** The fee for an original or renewal License must be paid at the time the application is filed.
- (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) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves an application.

**§10B-07 Licensing - Causes for Denial**

- (a) **No Longer Meets Requirements.** The Commission will deny a Base Owner's renewal application or suspend or revoke a License if the Commission learns that the Owner no longer meets the Base License requirements.
- (b) **Prior License Revocation.** The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (c) **Misleading Trade Name.** The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Base Station Owner.

**§10B-08 Licensing - Transfer of Base License**

- (a) A Base Owner must notify and get prior approval from the Commission before transferring, selling, or assigning the Base to another.
- §10B-08(a) Fine: \$100 Appearance NOT required
- (b) The prospective new Base Owner must file the appropriate Base application form with the Commission.
  - (c) Upon approval of the transfer, the Commission will permit the entire fleet to be transferred to the new Base as long as the Vehicles meet the age retirement requirements established in Sub-chapter 10A-34 of this Chapter.
  - (d) The Transferee must pay the paratransit affiliation fee to the Commission, if any is required.
- §10B-08(d) Fine: \$100 Appearance NOT required

**§10B-09 RESERVED [Licensing - Care of Licenses]**

**§10B-10 Compliance with Laws - Unlicensed Activity**

- (a) **Vehicle Must Be Licensed.** A Base Station Owner must not dispatch or allow a vehicle to be operated if the vehicle does not have a Valid Paratransit Vehicle License.

§10B-10(a) **Mandatory Penalties.** See §10B-02(c)

- (b) **Driver Must Have a Paratransit License.** A Base Station Owner must not dispatch a driver who does not have a Valid Paratransit Driver's License.

§10B-10(b) **Mandatory Penalties** See §10B-02(c)

- (c) **Driver Must Have State Driver's License.** A Base Station Owner must not dispatch a driver who does not have a Valid state driver's license.

§10B-10(c) **Mandatory Penalties** See §10B-02(c)

- (d) **Compliance with §509-d.** A Base Station Owner must not allow a Vehicle to be dispatched or operated by a driver who has not complied with §509-d of Article 19-A of the New York State Vehicle and Traffic Law (regarding requirements for bus drivers).

§10B-10(d) **Mandatory Penalties** See §10B-02(c)

- (e) **Base Must Be Licensed.** A base, and any owner of a base, must not dispatch any Paratransit Vehicle or act as a Base if the base does not have a Valid Base Station License, unless it has been exempted by the New York State Department of Transportation.

§10B-10(e) Fine: \$150 Appearance NOT required

- (f) **Activity After License Expiration.** Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issued is considered "unlicensed activity" and is subject to the penalties in these Rules and in the Administrative Code.

**§10B-11 Compliance with Laws - Worker's Compensation**

- (a) **Compliance with Workers' Compensation Law.** A Base Station Owner must comply with all provisions of the New York State Workers' Compensation law and regulations, and provide coverage and benefits to all eligible employees.

§10B-11(a) Fine: \$25 for each day of non-compliance and either suspension until compliance or license revocation Appearance REQUIRED

**§10B-12 Compliance with Laws - Proper Conduct**

- (a) **Bribery.** A Base Station Applicant or Licensee 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.

§10B-12 (a) Fine: \$1,000 up to revocation Appearance REQUIRED

- (b) **Failure to Report Bribery.** A Base Station Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

§10B-12 (b) Fine: \$1,000 up to revocation Appearance REQUIRED

- (c) **Fraud, Theft.** While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§10B-12 (c) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

- (d) **Willful Acts of Omission.** While performing the duties and responsibilities of a Base Station Owner, a Licensee must not deliberately fail to perform any act, alone or with another, where this failure is against the best interests of the public.

§10B-12 (d) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

- (e) **Willful Acts of Commission.** While performing the duties and responsibilities of a Base Station Owner, a Licensee must not perform or attempt to perform, alone or with another, any act that is against the best interests of the public.

§10B-12 (e) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

- (f) **Threats, Harassment, Abuse.** While performing the duties and responsibilities of a Base Station Owner, a Licensee must not:
  - (1) Threaten, harass, or abuse any person;
  - (2) Distract, or attempt to distract a Service Animal.

§10B-12 (f) Fine: \$25-\$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 Base Station Owner or any act in connection with those duties, a Licensee must not harm, use or attempt to harm or use any physical force against a person or Service Animal.

§10B-12 (g) Fine: \$25-\$350 and/or suspension up to 30 days; possible revocation (OATH)

- (h) **Notice of Criminal Conviction.**
  - (1) A Base Station Owner must notify the Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
  - (2) The Owner must also provide the Commission with 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 after the certificate is issued.

§10B-12 (h) Fine: \$50-\$250 Appearance REQUIRED

- (i) **Failure to Cooperate with Commission Enforcement.** A Base Station Owner must cooperate with all Commission enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number,

and any documents Licensee is required to have in his or her possession.

§10B-12 (i) Fine: \$15-150 Appearance REQUIRED

(j) Failure to Cooperate with the Commission.  
(1) A Base Station Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§10B-12 (j)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

(2) A Base Station Owner must respond to any contact from the Commission within forty-eight hours, seven days a week.

§10B-12 (j)(2) Fine: \$500 Appearance NOT required

(k) Courtesy. Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Owners.

§10B-12 (k) Fine: \$25 Appearance NOT required

**§10B-13 RESERVED [Compliance with Laws - Miscellaneous]**

**§10B-14 Operations - Business Premises**

(a) Location of Business. The Base must be located on commercial property or other appropriately-zoned location. If the Base operates four or fewer vehicles, it can be maintained at the Base Owner's residence.

(b) Required Outside Signage. The Base must maintain outside advertising stating the business name and telephone number and indicating to the public that it is a Paratransit Base.

§10B-14(b) Fine: \$50 Appearance NOT required

(c) Record Maintenance. The Base must maintain Trip Records of all Paratransit Vehicles dispatched.

**§10B-15 RESERVED [Operations - Management Oversight (Use of Agents)]**

**§10B-16 Operations - Service Requirements (Passengers)**

(a) Prohibited Pickups. A Base Owner must only dispatch Drivers to pick up passengers on a prearrangement basis. Base Owners must not allow Drivers to solicit or respond to hails.

§10B-16(a) Mandatory Penalties. See §10B-02(c)

(b) Timely Pickups. Base Owners must schedule and dispatch the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.

§10B-16(b) Fine: \$25 Appearance NOT required

(c) Notify Passenger of Delay. If a pickup is unreasonably delayed or cancelled, the Base Owner (or Vehicle Owner) must promptly notify the waiting passenger.

§10B-16(c) Fine: \$50 Appearance NOT required

(d) Monitor Drivers' Behavior. Base Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate passenger complaints, and take appropriate action to resolve the complaints.

§10B-16(d) Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission Appearance REQUIRED

**§10B-17 Operations - Owners' Responsibilities with Respect to Drivers**

(a) Maximum Hours of Work for Drivers. A Base Owner must not require a Driver to operate a Paratransit Vehicle more than (12) consecutive hours. However, 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.

§10B-17(a) Fine: \$50 Appearance NOT required

(b) Familiarize Employees with Rules and Regulations.

(1) Base Owners must ensure that all Drivers (and other employees) are familiar with the rules that govern Driver conduct and aware of any changes made to those rules.

(2) Base Owners must maintain a current copy of the Commission Rules at the Base for the information of Drivers and employees.

§10B-17(b) Fine: \$50 Appearance NOT required

**§10B-18 Records - Trip Record Information (Electronic)**

(a) Required Information. Base Owners must not dispatch a Paratransit Vehicle unless it is equipped with an Electronic Trip Record System that electronically collects all of the following trip data:

- (1) The 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.

NOTE: 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

§10B-18(a) Fine: \$250 and suspension until compliance Appearance NOT required

(b) Transmit Monthly. All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

§10B-18(b) Fine: \$250 and suspension until compliance Appearance NOT required

(c) Corrections. The Base Owner must make all necessary corrections and additions to the Electronic Trip Record System.

§10B-18(c) Fine: \$30 Appearance NOT required

(d) No Deletions or Alterations. The Base Owner must not permit the electronic trip record data collected in the Paratransit Vehicle to be erased, deleted, altered, changed or obliterated.

§10B-18(d) Fine: \$30 Appearance NOT required

**§10B-19 Records - Current Contact Information**

(a) Current Mailing Address. The Mailing Address for a Paratransit Base Station must be either the address of the Base Station or a designated post office box. The Commission will consider any notice or summons sent to the last address given by the Base Owner as sufficient notice.

(b) 24-hour Communication Device.

(1) A Base Owner must maintain a current telephone number on file with the Commission.

(2) This number must be connected to an answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Base Owner on a 24-hour basis.

§10B-19(b) Fine: \$100 Appearance NOT required

**§10B-20 Records - Additional Records to be Maintained**

(a) Financial and Operational Records. A Base Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:

- (1) The driver's trip records
- (2) Any workers' compensation insurance coverage
- (3) Any other documents created or maintained in conjunction with the operation of a Base

§10B-20(a) Fine: \$50 Appearance NOT required

**§10B-21 Reporting Requirements**

(a) Report Rate Changes. A Base Owner must file the Rate Schedule with the Commission annually or at least ten (10) days prior to the effective date of any change.

§10B-21(a) Fine: \$50 Appearance NOT required

(b) Give Drivers Access to Records for Reporting. A Base Owner must provide a Driver with access to any records (or copies of the records) that the Base is required to maintain, if a Driver is required to bring those records (or copies) to the Commission or any other Government agency.

§10B-21(b) Fine: \$50 Appearance NOT required

(c) Report Change of Status. A Base Owner must report any important changes, including a change in the Base address, to the Commission within 72 hours.

§10B-21(c) Fine: \$50 Appearance NOT required

**§10B-22 Operations - Rates and Tolls**

(a) Must file Rate Schedule. A Base Owner must not dispatch a Paratransit Vehicle unless the Rate Schedule for the Paratransit Vehicle has been filed with the Commission.

(b) Must List Rate Schedule. The Rate Schedule must include the minimum fare, different fares for different types of paratransit services, portal time, tolls and extra charges, if any.

§10B-22 Fine: \$50 Appearance NOT required

**§10B-23 RESERVED [Operations - E-ZPass]**

**§10B-24 RESERVED [Operations - Miscellaneous Requirements]**

**§10B-25 Vehicle Condition - Inspections**

(a) Equipment Must be in Good Working Order. A Base Owner must not dispatch a Paratransit Vehicle until the Base Owner inspects and reasonably determines that all equipment is in good working order and meets all requirements of the New York State Vehicle and Traffic Law and these Commission Rules.

(b) Equipment to be Inspected. Equipment to be inspected includes, but is not limited to, brakes, tires, lights, signals, wheelchair ramps, fastening devices, and heating and ventilation units.

§10B-25 Fine: \$50-\$500 Appearance NOT required

**§10B-26 RESERVED [Vehicle Condition - Safety]**

**§10B-27 RESERVED [Vehicle Condition - Miscellaneous]**

**§10B-28 Vehicle - Markings and Advertising**

(a) Vehicle Specifications and Markings. A Base Owner must comply with the markings specifications for Paratransit Vehicles.

§10B-28(a) Fine: \$50 Appearance NOT required

(b) Required ID Marking. A Base Owner must ensure that each Vehicle affiliated with the Base has a Valid Commission Decal attached to and plainly visible on the exterior of the Vehicle.

§10B-28(b) Fine: \$50 Appearance NOT required

(c) Commercial Use Tax Stamp. A Base Owner must confirm that the vehicle has a commercial use motor vehicle tax stamp attached to the lower right side of the Vehicle windshield, and is plainly visible.

§10B-28(c) Fine: \$25 Appearance NOT required

(d) Unauthorized Advertising. A Base Owner must not display advertising on the exterior or interior of a Paratransit Vehicle unless the Base Owner has first obtained Commission authorization.

§10B-28(d) Fine: \$50 Appearance NOT required

**§10B-29 Vehicle - Documents Required in Vehicle**

(a) A Base Owner must only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:

- (1) The Trip Record.
- (2) The Driver's Paratransit Driver's License.
- (3) A copy of the registration certificate.
- (4) A copy of the Paratransit Vehicle License.
- (5) A copy of the individual Vehicle insurance card.
- (6) A copy of the lease card or agreement, if any.

§10B-29(a) Fine: \$15 for each violation Appearance NOT required

**§10B-30 Vehicle - Equipment**

(a) Two-way Radio. If a Base Owner uses a radio system, the Base Owner must only permit a Paratransit Vehicle to be dispatched and operated when it has a two-way radio in the vehicle.

§10B-30(a) Fine: \$15 Appearance NOT required

(b) FCC Compliant Two-way Radio. A Base Owner operating a two-way radio service must instruct the Drivers and other employees on the two-way radio service rules of the Federal Communications Commission.

§10B-30(b) Fine: \$50-250 Appearance REQUIRED

**§10B-31 RESERVED [Vehicle Equipment - Partitions]**

**§10B-32 RESERVED [Vehicle Equipment - In-Vehicle Camera System]**

**§10B-33 Vehicle Equipment - Electronic Trip Record System**

(a) Install System. Base Owners must ensure that all Paratransit Vehicles affiliated with the Base are equipped with an Electronic Trip Record System.

§10B-33(a) Fine: \$250 and suspension until compliance Appearance NOT required

(b) System Must be in Good Working Order. A Base Owner must not dispatch a Paratransit Vehicle unless the Electronic Trip Record System in the Paratransit Vehicle is in good working order.

§10B-33(b) Fine: \$500 Appearance REQUIRED

(c) System Malfunction.

- (1) The Base Owner must report any malfunction of the electronic trip record system to the Commission's Safety and Emissions Facility within twenty-four (24) hours of when the Base Owner knew or should have known of the malfunction.

§10B-33(c)(1) Fine: \$250 Appearance REQUIRED

- (2) The Base Owner must dispatch a Paratransit Vehicle in which the Electronic Trip Record System does not work, only:

- (i) For three business days after the malfunction was timely reported to Safety and Emissions.
- (ii) If a hand-written Trip Record is used in place of the electronic Trip Record.

§10B-33(c)(2) Fine: \$250 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	New Rule Chapters
Chapter 4, Paratransit Services (Vehicles and Bases).	Chapter 10, Paratransit Vehicles and Bases

The promulgated rules make substantive changes to the provisions of the current rules governing paratransit vehicles and bases. Specifically, the promulgated rules:

- Clarify that an individual, partnership or corporation may own a paratransit vehicle (the prior rule was inconsistent in its references to the types of entities that may own a vehicle).
- Clarify duties with respect to the operation of the electronic trip record system to conform to actual experience.
- Clarify that Commission staff will affix license decals and may inspect any vehicle at any time.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for 30 days, and further pending decision of a timely-filed appeal.

#### Supplemental Statement

A public hearing on these rules was held on June 5, 2009. Following that hearing the TLC voted at a public meeting on June 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.

After the conditional TLC approval of this rules chapter (and before the final hearing), 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 sections 10A-12 and 10B-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 response to TLC communications were modified to make clear that the TLC expects a response to any communication, not just a communication by telephone or pager.
- The provisions of section 10A-25 were amended to clarify that the TLC may inspect a vehicle at any time, based on staff comment.
- The provisions of section 10A-28 were amended to clarify that the TLC may require vehicles to be presented for application of decals, based on staff comment.
- The provisions of section 10B-10 were amended to clarify that the base must be licensed, based on staff comment.

◀ s13

#### 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 representatives appearing before the TLC.

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 December 5, 2008 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 19 thereto to read as follows:

New Material is underlined.

#### CHAPTER 19 RULES FOR REPRESENTATIVES

##### §19-01 Scope of this Chapter

- (a) To provide for competent non-attorney representation of Respondents and to establish the rules for authorizing and regulating such Representatives.
- (b) To ensure that Representatives possess or comply with the following:
- (1) Authorization by the Commission
  - (2) Familiarity with the rules and procedures of the Commission
  - (3) Supervision by an attorney who must assume ultimate responsibility for the Representative's performance
- (c) To provide for a separate forum in which to adjudicate any violation of these rules by such Representatives.

##### §19-02 Adjudication of Violation of Rules and Penalties

- (a) Penalty for Violation of Rules. A violation of these rules by a Representative may result in the suspension and/or revocation of the Representative's authorization to appear before the Commission.
- (b) Adjudication before OATH. The adjudication of any alleged violation by a Representative must be held at, and under the auspices of, the New York City Office of Administrative Trials and Hearings (also known as OATH), before an OATH Administrative Law Judge specially designated to conduct such a hearing.
- (c) Recommended Decision. At the conclusion of the hearing, the OATH ALJ will prepare and submit a Recommended Decision to the Chairperson, who will make the final agency decision as to findings of fact, conclusions of law, and penalties.

##### §19-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter refers to an individual seeking to be authorized as a Representative.
- (b) Hearing Officer is the Administrative Law Judge (ALJ) who presides over a hearing.

##### Authorization to Appear Before the Commission

An individual who wants to be authorized to appear before the Commission Tribunal as a Representative must apply on the proper Commission forms and must meet or comply with all of the following requirements:

- (a) The Applicant must be at least eighteen (18) years of age.
- (b) The Applicant must be of good moral character. A Representative's authorization to appear before the Commission can be suspended or revoked if it is determined that he or she has committed an act evidencing lack of good moral character. An act evidencing a lack of moral character can be any act that, had it occurred prior to the application, would have served as a basis for denying the application.
- (c) The Applicant must be familiar with all Commission rules and procedures, and will be required to demonstrate his or her knowledge of these rules and procedures prior to approval.
- (d) The Applicant must be sponsored by an attorney duly admitted to the practice of law in the State of New York who has agreed that he or she will directly supervise and review the work product of the Applicant and will assume legal responsibility for the conduct of the Applicant before the Commission.
- (e) The Applicant must provide a Mailing Address to the Commission.
- (f) The Applicant shall also provide the Commission with any e-mail addresses used by the Applicant in the course of business.

##### §19-05 Requirements - Procedural

- (a) Notification of Cases. A Representative must supply the Legal Director of Adjudications or his/her designee with a written list of all cases to be handled by that Representative no later than 3:30 p.m. on the day prior to the date that those cases are scheduled for hearing. There must be no additions to this list without the express permission of the Legal Director of Adjudications or his/her designee.
- (b) Permission to Leave a Hearing in Progress. A Representative may not leave a hearing in progress without the express permission of the presiding Administrative Law Judge.
- (c) Restricted Equipment. A Representative may not operate any Commission computer terminal or other equipment at any time, except for equipment that is specifically provided for the use of the general public.
- (d) Restricted Areas. A Representative may not enter any non-public service area at the Commission unless accompanied or authorized by a Commission manager or supervisor.
- (e) Notification of Change in Mailing Address. A Representative must notify the Commission immediately of any change in the Representative's Mailing Address.

##### §19-06 Requirements - Evidence and Testimony

- (a) False Evidence or Testimony. A Representative may not make, encourage, or knowingly allow any false or misleading statement, document, evidence, or testimony to be offered in any hearing or appeal.
- (b) Affirmative Duty to Preview Evidence and Testimony. The Representative may not call any witness or offer into evidence any evidentiary materials unless he or she has examined the evidence or interviewed the witnesses and is satisfied that the evidence or the testimony of the witness will not be false or misleading.

##### §19-07 Requirements - General

- (a) Behavior Toward the Tribunal. Representatives may not engage in any of the following types of conduct:
- (1) Disorderly behavior, breach of the peace, or other disturbances that directly or indirectly tend to disrupt or interrupt the proceedings at the Commission
  - (2) Willful disregard of an Administrative Law Judge's authority prior to, during, or after the course of an administrative hearing conducted at the Commission
  - (3) Actions, gestures or verbal conduct that show disrespect for the proceedings of the Commission

- (b) Solicitation. A Representative may not solicit clients or permit someone else to solicit clients for him or her anywhere on the premises of the Commission.
- (c) Truth in Advertising. Any advertising or other publicity generated or permitted by a Representative may not contain any false or misleading statement and shall clearly and conspicuously state that the Representative is not an attorney at law.
- (d) Misrepresentation of Self as Attorney. A Representative may not call himself or herself an attorney or lawyer and must not advertise that he or she is an attorney or lawyer. The Representative has an affirmative obligation to inform his/her clients or prospective clients and to state clearly and conspicuously in all advertising that he or she is not an attorney.
- (e) Conflict of Interest. No Representative may represent more than one person or Business Entity in connection with any matter in which the interests of those persons, partnerships, corporations or associations are in conflict with one another.
- (f) Incompetent Representation. No Representative may undertake the representation of a client unless he or she is able provide competent representation. A Representative must, at a minimum, meet the following requirements:
- (1) Be thoroughly familiar with the facts of his or her client's particular case
  - (2) Have a thorough understanding of the rule or rules of the Commission involved in the case
  - (3) Be thoroughly familiar with all applicable procedures
- (g) Attempt to Influence Assignment of ALJ. No Representative may attempt to influence an employee of the Commission concerning the selection of an Administrative Law Judge to hear a particular case.

##### §19-08 Personal Conduct

- (a) Bribery. A Representative may not offer or give any gift, gratuity, or thing of value to any employee or member of the Commission or to any other public servant. A Representative must immediately report to the Commission and the New York City Department of Investigation any request or demand for any gift, gratuity, or thing of value by any employee or member of the Commission or any other public servant.
- (b) Deceit or Collusion. In connection with the representation of a Respondent in an adjudication, a Representative must not engage in or consent to any deception or collusion with the intent to deceive the Commission or any other party.
- (c) Cooperation with Law Enforcement. A Representative must, at all times, cooperate with all law enforcement officers, authorized representatives of the Commission, and the New York City Department of Investigation. A Representative must comply with all of their reasonable requests.
- (d) Cooperation with TLC. A Representative must promptly and truthfully answer and comply as directed with all questions, communications, directives, and summonses from the Commission or its representatives and the New York City Department of Investigation or its representatives.

#### 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      New Rule Chapters



in this rule-making

Chapter 7, Standards of Conduct for Representatives Appearing Before the Commission Tribunal

Chapter 19, Rules for Representatives

The promulgated rules make one substantive change from the chapter 7 rules they will replace. The new rule will require industry representatives to provide email addresses as well as mailing addresses, to conform to current business communication practices.

**Supplemental Statement**

A public hearing on these rules was held on December 5, 2008. Following that hearing the TLC voted at a public meeting on February 12, 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:

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions, as a result of staff comment.

s13

**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 commuter van owners and services.

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 September 11, 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 11 thereto, to read as follows:

New Material is underlined.

**Chapter 11 - Commuter Van Vehicles and Owners**  
**Sub-chapter 11A - Commuter-Van Vehicle Owners**  
**Sub-chapter 11B - Commuter-Van Service Owners**

**§11A-01 Scope of this Sub-chapter**

- (a) To establish the procedures and requirements for obtaining and maintaining a Commuter-Van Vehicle Owner's License.
- (b) To provide penalties for violation of the requirements of maintaining a Commuter-Van Vehicle Owner's License.
- (c) All Rules in this sub-chapter apply to the Commuter-Van Vehicle Owner, and the penalties included will be assessed against the Commuter-Van Vehicle Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

**§11A-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, 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 the 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 the recording is issued.
- (d) Effect of Suspension or Revocation of Service Authorization on Affiliated Commuter-Van Vehicle Owners.
  - (1) Any Vehicle affiliated with a Commuter-Van Service whose Authorization has

been suspended or revoked will have its License suspended or revoked if the suspension or revocation was based in whole or in part on the actions of the Commuter-Van Vehicle.

- (2) If the suspension or revocation was not based on the actions of the Commuter-Van Vehicle, the Vehicle's License will remain Valid. However, the Vehicle must not operate until it has formed an affiliation with another authorized Commuter-Van Service.

(e) Mandatory Penalties.

Violation	Cumulative Criteria	Penalty, after opportunity for Hearing
11A-11(b) Failure to maintain proper insurance	Failure to maintain the required liability insurance three or more times within one year	Revocation of Vehicle License
11A-26 Failure to comply with safety inspection requirements	Operating without complying with any safety inspection requirement three or more times within one year.	Revocation of Vehicle License

**§11A-03 Definitions Specific to this Sub-chapter**

- (a) Applicant in this Sub-chapter means an Applicant for an original or renewal Commuter-Van Vehicle License.
- (b) Authorization means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission.
- (c) Driver in this Sub-chapter refers to a Commuter-Van Vehicle Driver.
- (d) License in this Sub-chapter means a Commuter-Van Vehicle License.
- (e) Official Bus Route in this Sub-chapter means the route, including all stops, traveled upon by a bus line that is operated by:
  - (1) The New York City Transit Authority
  - (2) The City of New York, or
  - (3) A private bus company that has been approved by local law or Charter provision enacted in accordance with §80-4 of the Transportation Law.
- (f) Owner in this Sub-chapter refers to a Commuter-Van Vehicle Owner and, in addition to complete ownership of the Vehicle, includes those individuals or entities with the following ownership interests:
  - (1) Entitlement to the use and possession of a Vehicle subject to a security interest held by another, regardless of the terms of the contract. (Owner does NOT include any party with a security interest in a Vehicle that is not in that party's possession.)
  - (2) The right, by any lessee or bailee, to exclusive use of the Vehicle for more than 30 days.
- (g) Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.
- (h) Vehicle, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

**§11A-04 Licensing - General Requirements**

- (a) Reserved. [ID]
- (b) Reserved. [Age]
- (c) Fingerprinting to Verify Good Moral Character.
  - (1) An Applicant for a Commuter-Van License must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.
  - (2) Fingerprints will be taken of all of the

Applicant's Limited Business Entity Persons.

- (3) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition.
- (4) Any additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.
- (5) The Applicant must pay any processing fee required by the State.
- (d) Fitness to Hold License. No Commuter-Van License can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is fit, willing, and able to operate a Commuter-Van Vehicle.
- (e) Designate Drivers as Agents for Service. An Applicant must agree that any Driver who operates one of Owner's Commuter-Van Vehicles will be considered an agent of the Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.
- (f) Vehicle Liability Insurance. No Commuter-Van Vehicle License will be issued or renewed unless the Applicant proves that the Vehicle is properly registered and has the insurance coverage required in §11A-11.
- (g) Forms and Filing. An application for a Commuter-Van Vehicle License or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.

**§11A-05 Licensing - Term of License**

- (a) New Licenses. The term of a new Vehicle License is two years.
- (b) Renewals. The renewal term of a Vehicle License is two years from the date on which the previous License expired.

**§11A-06 Licensing - Fees**

- (a) Fee for License. The fee for a Commuter-Van Vehicle License will be \$275 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) No Refund if Application Denied.
  - (1) The Commission will not refund the application fee if it denies or disapproves the application.
  - (2) However, if disapproval of the Vehicle License is based on disapproval of the affiliated Commuter-Van Service Authorization, the vehicle application fee will be refunded.
- (d) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

**§11A-07 Licensing - Causes for Denial**

- (a) Material Misrepresentation. The Commission can deny an application if the Applicant has made a material false statement or concealed a material fact relating to the application.
- (b) Conduct Prohibited by Rules. The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the License under the Rules in this sub-chapter.
- (c) Commission's Failure to Approve. Any application that the Commission does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.
- (d) Refusal to Renew. The Commission can refuse to renew a Commuter-Van Vehicle License for additional reasons, including but not limited to:
  - (1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
  - (2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.
  - (4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Vehicle Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Vehicle License.

- (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Vehicle License.
- (6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

**§11A-08 Licensing - Transfer of License**

- (a) Not Transferable. A Commuter-Van License is not assignable or transferable.

**§11A-09 RESERVED [Licensing - Care of Licenses]**

**§11A-10 Comply with Laws - No Unlicensed Activity**

- (a) Vehicle Must Be Licensed. A Commuter-Van Vehicle Owner must not allow a vehicle to be operated within the City of New York as a Commuter Van if the vehicle does not have a Valid License from the Commission.

§11A-10(a) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (b) Vehicle Must Be Affiliated with Authorized Commuter-Van Service. A Commuter-Van Vehicle Owner must not allow Owner's Vehicle to be operated within the City of New York unless it is affiliated with a Validly Authorized Commuter-Van Service.

§11A-10(b) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (c) Vehicle Must Be Registered and Insured. Failure to comply with the registration or insurance requirements established in this Sub-chapter will create an automatic License suspension as of the date the compliance lapsed, and any operation of the Vehicle during this time will be considered unlicensed activity.

§11A-10(c) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (d) Driver Must Be Licensed. The Commuter-Van Vehicle Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle in the operation of a Commuter-Van Service has:

- (1) A Valid driver's license that qualifies as a Chauffeur's License, and
- (2) A Valid Commuter-Van Driver's License.

§11A-10(d) Fine: \$300 and suspension Appearance REQUIRED  
of Commuter-Van license until  
compliance

- (e) No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service. No person is allowed to operate or to allow anyone else to operate a vehicle bearing the words "Commuter-Van service", "van service", "Commuter-Van", "van" or other similar designation unless:

- (1) The vehicle is a Validly Licensed Commuter Van Vehicle
- (2) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and
- (3) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

§11A-10(e) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (f) Special Procedures Relating to Unlicensed Commuter-Van Operations.

- (1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:
  - (i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or
  - (ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.
- (2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:
  - (i) Suspend the vehicle's registration,
  - (ii) Deny any application for the vehicle's registration or registration renewal,
  - (iii) Take any other action permitted under law.
- (3) The Commission will also notify the NYS Department of Finance.

**§11A-11 Comply with Laws - Vehicle Insurance Coverage**

- (a) Joint Responsibility. The Commuter-Van Vehicle Owner is liable for ensuring that every Commuter-Van Vehicle owned and operated by Owner is in compliance with the insurance requirements set forth in this §11A-11.

§11A-11(a) Fine: \$300 and/or revocation Appearance REQUIRED  
of Commuter-Van license

- (b) Surety Bond or Policy of Insurance. No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Type of Liability	Minimum Coverage Required	
	Commuter-Van for 12 Passengers Or Fewer	Commuter-Van for 13-20 Passengers
• For personal injury or death to one person	\$100,000	\$100,000
• For personal injury or death to one person in one accident	\$300,000	\$500,000
• Maximum for each person in one accident	\$100,000	\$100,000
• For property damage	\$50,000	\$50,000

§11A-11(b) Fine: \$300 and suspension Appearance REQUIRED  
until compliance  
Three or more violations within  
one year: License revocation  
(see Mandatory Penalties §11A-02(d))

- (c) Remain in Effect Until Terminated. Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.

- (d) Conditions for Replacement of Bonds or Insurance. Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

- (1) The new surety bond or certificate of insurance is acceptable to the Commission.
- (2) The Commuter-Van Service Owner or an authorized employee of the Commuter-Van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.
- (3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.

- (e) Provision for Continuing Liability. Every surety bond or certificate of insurance must contain a provision for a continuing liability after a claim has been successfully filed and recovered against the bond or insurance.

- (f) Notice of Cancellation to the Commission.

- (1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.
- (2) Proper notification must be given on or in the relevant Form K - Uniform Notice of Cancellation of Motor Carrier Insurance Policies or Form L - Uniform Notice of Cancellation of Motion Carrier Surety Bonds. Copies of these forms are available at Commission offices.
- (3) If a cancelled insurance policy or bond is reinstated:
  - (i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and
  - (ii) The new certificate must have the relevant phrase "REINSTATEMENT OF INSURANCE POLICY" or "REINSTATEMENT OF BOND" typed or printed on it in capital letters, as shown.

- (g) Forms. Certificates of insurance and other forms necessary for filing can be obtained from the Commission.

- (h) Contract is Required. No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Commuter-Van Vehicle Licensee (or

the Authorized Commuter-Van Service) and the insurance or bonding company making the filing.

- (i) Commission's Right to Refuse. The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

**§11A-12 Comply with Laws - Proper Conduct**

- (a) No Bribery. An Applicant or Licensee must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11A-12(a) Fine: \$1,000 and/or Appearance REQUIRED  
suspension or revocation

- (b) Report Request for Gift. A Licensee must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11A-12(b) Fine: \$1,000 and/or Appearance REQUIRED  
suspension or revocation

- (c) No Threat or Use 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 or Service Animal and must not distract or attempt to distract any Service Animal.

§11A-12(c) Fine: \$50 - \$350 and/or Appearance REQUIRED  
suspension or revocation

- (d) Report Criminal Conviction.

- (1) A Licensee must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Limited Business Entity Person.
- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§11A-12(d) Fine: \$100 Appearance NOT REQUIRED

- (e) Cooperate with the Commission. A Commuter-Van Vehicle Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§11A-12(e)(1) Fine: \$200 and suspension Appearance REQUIRED  
until compliance

- (2) Produce or be responsible for instructing the Driver of Owner's Commuter-Van Vehicle to produce any documents required to be kept in the Commuter-Van upon the demand of the Commission or its representatives.

§11A-12(e)(2) Fine: \$50-\$150 Appearance REQUIRED

- (3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission.

§11A-12(e)(3) Fine: \$75-\$350 and/or Appearance REQUIRED  
suspension until  
compliance

- (4) Aid the Commission to obtain information regarding any Commuter-Van Driver operating a Commuter-Van owned by the Owner.

§11A-12(e)(4) Fine: \$75-\$350 and/or Appearance REQUIRED  
suspension until compliance

- (5) Respond to any contact from the Commission within 48 hours, seven days a week.

§11A-12(e)(5) Fine: \$500 Appearance NOT REQUIRED

- (f) Reserved. No Willful Acts of Omission.

- (g) Reserved. No Willful Acts of Commission.

**§11A-13 Comply with Laws - Miscellaneous**

- (a) Commission Rules. The following actions can result in suspension or revocation of an Owner's Commuter-Van Service Authorization:

- (1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Vehicles or Service in Chapter 5, Title 19 of the Administrative Code.
- (2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.
- (3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.
- (4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner's fitness or ability to perform the functions required of a Commuter-Van Service Owner.
- (5) The Owner fails to maintain the

conditions of operation that apply to Commuter-Van Vehicle Owners.

(6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

(b) Workers Compensation. A Commuter-Van Vehicle Owner must comply with all provisions of the NYS Workers' Compensation Law and regulations with respect to coverage of and benefits to eligible persons.

§11A-13(b) Fine: \$25 for each day of non-compliance, and either suspension until compliance or license revocation. Appearance REQUIRED

(c) Disability Laws. The Commuter-Van Vehicle Owner must ensure that all new Commuter-Van Vehicles comply with the applicable provisions of law regarding accessibility to Persons with Disabilities.

§11A-13(c) Fine: \$200-\$350 Appearance REQUIRED

(d) Motor Vehicle Registration Laws. A Commuter-Van Vehicle Owner must ensure that no Commuter-Van Vehicle is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§11A-13(d) Fine: \$300 and suspension until compliance of the Commuter-Van license Appearance REQUIRED

§11A-14 **RESERVED [Operations - Business Premises]**

§11A-15 **RESERVED [Operations - Management Oversight (Use of Agents)]**

§11A-16 **Operations - Service Requirements (Passengers)**

(a) No Pick-Ups Outside Authorized Area. No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Commuter-Van Service Owner's Authorization.

(b) No Pick-Ups Along Bus Routes.

(1) Restriction. No Commuter-Van Vehicle Owner will permit the pick up or discharge of passengers along any Official Bus Route.

(2) Grandfathered Exception.

(i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area.

(ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

§11A-16(a), (b) Fine: \$75 Appearance NOT REQUIRED

(c) Service Must Be Pre-Arranged. No Commuter-Van Vehicle Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§11A-16(c) Fine: \$50 Appearance NOT REQUIRED

(d) Multiple Person Liability. The Commuter-Van Vehicle Owner is liable for violating this §11A-16 even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§11A-17 **Operations - Responsibility with Respect to Drivers**

(a) Prohibit Disability Discrimination by Drivers. A Vehicle Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

(1) Refusing to serve Persons with Disabilities.

(2) Refusing to load and unload the mobility aids of Persons with Disabilities, and

(3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.

(b) Multiple Person Liability. The Commuter-Van Vehicle Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§11A-17 Fine: \$200-\$350 Appearance REQUIRED

§11A-18 **Records - Trip Record Information**

(a) Commuter-Van Service. The Vehicle Owner is responsible for ensuring that the following records are kept for all dispatched calls:

(1) The Passenger Manifest

§11A-18(a)(1) Fine: \$50 Appearance NOT REQUIRED

(2) Records of requests for service and trips

§11A-18(a)(2) Fine: \$100 Appearance NOT REQUIRED

(3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11A-18(a)(3) Fine: \$300 Appearance NOT REQUIRED

§11A-19 **Records - Current Contact Information**

(a) Current Phone Number for Immediate Access. A Commuter-Van Vehicle Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24- hour basis.

§11A-19(a) Fine: \$100 Appearance NOT REQUIRED

§11A-20 **RESERVED [Records - Additional Records to be Maintained]**

§11A-21 **RESERVED [Reporting Requirements]**

§11A-22 **RESERVED [Operations - Rates and Tolls]**

§11A-23 **RESERVED [Operations - E-ZPass]**

§11A-24 **Operations - Miscellaneous**

(a) Advertising Must State Commission Licensed and Authorized. No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§11A-24(a) Fine: \$50 Appearance NOT REQUIRED

§11A-25 **Vehicle Condition - Inspections**

(a) Inspection by NYS Department of Transportation. A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation. Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in §80-5.a.(1).

§11A-25(a) Fine: \$300 Appearance NOT REQUIRED

(b) Display Inspection Certificate. All Commuter-Van Vehicles must display the inspection certificate.

§11A-25(b) Fine: \$100 Appearance NOT REQUIRED

§11A-26 **Vehicle Condition - Meets Safety Standards**

(a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§11A-26(a) Fine: \$100-\$500 and/or suspension or revocation of Commuter-Van License Three or more violations within one year: License revocation (see Mandatory Penalties §11A-02(d)) Appearance REQUIRED

§11A-27 **Vehicles - Markings and Displays**

(a) Required Exterior ID Markings. All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the Vehicle in letters at least 3 inches in height:

(1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;

(2) The Commuter-Van Vehicle Owner's exact name next to the word OWNER; and

(3) A Vehicle License number.

§11A-27(a) Fine: \$50 Appearance NOT REQUIRED

(b) Required Interior ID Markings.

(1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.

(2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling "311" or through the Commission's website: <http://nyc.gov/taxi>.

§11A-27(b) Fine: \$50 Appearance NOT REQUIRED

(c) Valid Commission Decal.

(1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.

(2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:

(i) The lower right corner of the front windshield

(ii) The center of the rear window

(iii) One on each of the rear-most side windows

§11A-27(c) First violation in a 1-month period: \$500 Second and subsequent violations within a 12-month period: \$1,000 and suspension of the Commuter-Van License until compliance Appearance NOT REQUIRED

(d) Vehicle Cannot Be Yellow. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

§11A-27(d) Fine: \$100 Appearance NOT REQUIRED

§11A-28 **Vehicles - Items Required to be in the Vehicle**

(a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:

(1) The Commuter-Van Vehicle License;

(2) The Driver's Commuter-Van Driver's License;

(3) The Authorization to operate a Commuter-Van Service, or a legible photocopy;

(4) The Vehicle registration and evidence of current liability insurance; and

(5) A Passenger Manifest.

§11A-28(a) Fine: \$25 per missing item; maximum penalty \$50 Appearance NOT REQUIRED

§11A-29 **Vehicle Equipment**

(a) Two-Way Radio. A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

§11A-29(a) Fine: \$100 Appearance NOT REQUIRED

§11B-01 **Scope of this Sub-chapter**

(a) To establish the procedures and requirements for obtaining and maintaining Authorization for a Commuter-Van Service.

(b) To provide penalties for violation of the requirements of maintaining Authorization for a Commuter-Van Service.

(c) The Rules in this sub-chapter apply primarily to the Commuter-Van Service Owner. When a Rule references that another party is also responsible, unless otherwise clearly stated, the responsibility is joint and several and both parties may be held entirely responsible for a violation of the Rule.

§11B-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 or holder of an Authorization whose License or Authorization 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, or for the for hire vehicle, or for the for hire service, as applicable.

(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 or Authorization 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.

(d) Mandatory Penalties.

(1) The following cumulative violations will result in mandatory revocation:

Penalty, after opportunity for Hearing	Revocation of Service Authorization	Revocation of Service Authorization	Revocation of Service Authorization	Revocation of Service Authorization
Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Each of a group of 30% of the total number of Vehicles affiliated with the Service violates three or more times within 12 months	Any Driver driving for the Service commits three or more violations within six months	The number of violations is equal to 90% (rounded up) of the Service's Vehicles, or of the licenses necessary to operate a Commuter Van
Failure to maintain proper insurance	Failure to comply with any safety inspection requirement	Operating a Vehicle without a Commuter-Van Drivers License	Drivers operating a vehicle without any one of the licenses necessary to operate a Commuter Van	
§ 11B-11(b)	11B-26	11B-10(a)	11B-10(c)	

(2) A Service that has had its Authorization revoked under any of these mandatory penalties is not permitted to apply for a new Authorization for a period of six months after the date of revocation.

**§11B-03 Definitions Specific to this Sub-chapter**

- (a) Applicant in this Sub-chapter means an applicant for an original Commuter-Van Service Authorization or its renewal.
- (b) Authorization means the Commission's approval to operate a Commuter-Van Service within the geographic boundaries specified by the Commission. An Authorization is a License.
- (c) Business Entity is a sole proprietorship, partnership or corporation.
- (d) Driver in this Sub-chapter refers to a Commuter-Van Vehicle Driver.
- (e) Finding of Public Need means a determination that a Commuter-Van Service being proposed will be required either now or in the future for the convenience and necessity of the public.
- (f) Limited Business Entity Persons are all Business Entity Persons except shareholders holding less than 10% of the stock of the Business Entity.
- (g) New York City will be abbreviated NYC or the City.
- (h) New York State will be abbreviated NYS.
- (i) Official Bus Route in this Sub-chapter means the route, including all stops, traveled upon by a bus line that is operated by:
  - (1) The New York City Transit Authority
  - (2) The City of New York, or
  - (3) A private bus company that has been approved by local law or Charter provision enacted in accordance with §80-4 of the Transportation Law.
- (j) Owner, when used alone in this Sub-chapter, means a Commuter-Van Service Owner.
- (k) Passenger Manifest is the document on which a Commuter-Van Driver enters the name of each passenger to be picked up.
- (l) Vehicle, when used alone in this Sub-chapter, means a Licensed Commuter-Van Vehicle.

**§11B-04 Authorization - Requirements**

- (a) **Reserved.** [ID]
- (b) **Reserved.** [Age]
- (c) Fingerprinting to Verify Good Moral Character.
  - (1) An Applicant for a new Service Authorization must be fingerprinted for the purpose of securing criminal history records from the NYS Division of Criminal Justice Services.
  - (2) An Applicant for a renewal of a Service Authorization must be fingerprinted when a new Finding of Public Need is also required.
  - (3) Fingerprints will be taken of all of the Applicant's Limited Business Entity Persons.
  - (4) If the Applicant intends to add or change any additional Limited Business Entity Persons, the Applicant must apply for the Commission's approval within five days of the change or addition, and those additional Limited Business Entity Persons must be fingerprinted either before or during the Commission's approval process.

- (5) The Applicant must pay any processing fee required by the State.
- (d) Fitness to Hold Authorization. No Commuter-Van Service Authorization can be issued or renewed unless an Applicant demonstrates to the satisfaction of the Commission that the Applicant is fit, willing, and able to operate a Commuter-Van Service.
- (e) Designate Driver as Agent for Service. An Applicant must agree that any Commuter-Van Driver who drives for Owner's Commuter-Van Service will be considered an agent of the Service Owner for purposes of accepting service of any and all legal process issued by any department of the City of New York.
- (f) Forms and Filing. An application for a Commuter-Van Service Authorization or renewal must be submitted on forms provided by the Commission, signed by the applicant, and personally filed with the Commission.
- (g) Certification of Compliance with ADA. An applicant for an Authorization to operate a Commuter-Van Service or its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with Title III of the Federal Americans With Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).
- (h) Certification of Compliance with Federal Omnibus Testing Act. An Applicant for an Authorization to operate a Commuter-Van Service or for its renewal must certify by affidavit, annually, that the Commuter-Van Service is in compliance with all applicable provisions of section 5 of the Federal Omnibus Transportation Testing Act of 1991 (49 U.S.C. App. Section 2717), as amended, and all regulations relating to the Act.
- (i) A "Finding of Public Need".
  - (1) The Commission cannot issue an Authorization to operate a Commuter-Van Service unless the NYC Commissioner of Transportation makes a Finding of Public Need.
  - (2) Role of the Commission:
    - (i) The Commission will forward any new application for Authorization to operate a Commuter-Van Service (or a renewal application that requires a new Finding of Public Need) to the NYC Commissioner of Transportation.
    - (ii) The application must include the following information:
      - A. The geographic area proposed to be served by the Applicant;
      - B. The maximum number of vehicles to be operated; and
      - C. The capacity of each vehicle.
    - (iii) The Applicant has the burden of demonstrating that the proposed service will be required now or in the future for the convenience and necessity of the public.
  - (3) Role of the NYC Commissioner of Transportation.
    - (i) The Commissioner of Transportation can request that the Applicant provide any additional information relevant to his or her determination.
    - (ii) The Commissioner of Transportation must:
      - A. Consult with the NYS Department of Transportation,
      - B. Provide a notice of the application for publication in the City Record
      - C. Allow for public comment for a period not to exceed 60 days after the date of publication of the notice.
      - D. Notify the New York City Transit Authority and all City Council members and community boards representing any portion of the geographic area set forth in the application.
    - (iii) If a city bus line or the New York City Transit Authority initiates a protest by timely submitting objections to the application for a Finding of Public Need, the Commissioner of Transportation will evaluate their objections as follows:
      - A. The adequacy of the existing transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

B. The impact that the proposed operation may have on any existing transit or mass transportation facilities.

(iv) If the Commissioner of Transportation makes a Finding of Public Need, the Finding must specify the geographic area where service is authorized and the number of Commuter-Van Vehicles authorized to be used in providing the service.

(4) Term of a Finding of Public Need.

(i) A Finding of Public Need will be in effect for six years or until the Authorization granted by the Commission is revoked, whichever comes first.

(ii) A Finding of Public Need can be renewed prior to its expiration. If the Finding of Public Need expires, a new determination of public need must be made by the Commissioner of Transportation.

**§11B-05 Authorization - Term of Authorization**

- (a) New Authorizations. The term of a new Commuter-Van Service Authorization is two years from the date the Authorization is issued.
- (b) Renewals. The renewal term of a Commuter-Van Service Authorization is two years from the date on which the previous Authorization expired.
- (c) No Temporary Authorization. The Commission will not issue a temporary authorization to operate a Commuter-Van Service.

**§11B-06 Authorization - Fees**

- (a) **Reserved.** [Commuter Service Authorization Fee]
- (b) Authorization Replacement Fee. The fee to replace any lost, damaged or destroyed Authorization is \$25.

**§11B-07 Authorization - Causes for Denial**

- (a) Material Misrepresentation. The Commission can deny an application for Authorization if the Applicant has made a material false statement or concealed a material fact relating to the information required on the application.
- (b) Conduct Prohibited by Rules. The Commission can deny an application if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of the Authorization under the Rules in this sub-chapter.
- (c) Prior Unlicensed Activity. The Commission will deny an application for an Authorization if the Applicant has been found guilty of operating a Commuter-Van Service without Authorization two times within a six-month period prior to the date of application.
- (d) Failure to Approve. Any application that the Commission, after consultation with the NYS Department of Transportation, does not approve or disapprove within 180 days after the completed application is filed will be considered disapproved.
- (e) Refusal to Renew. The Commission may refuse to renew a Commuter-Van Service Authorization for additional reasons, including but not limited to:
  - (1) The Applicant or any of its Limited Business Entity Persons or employees has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
  - (2) The Applicant or any of its Limited Business Entity Persons or employees has engaged in any fraud or misrepresentation in connection with providing any transportation service.
  - (3) The Applicant or any of its Limited Business Entity Persons has failed to pay any penalty that has been properly imposed under these Rules.
  - (4) The Applicant or any of its Limited Business Entity Persons has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter-Van Service Owner, or has been convicted of any offense that under Article 23-A of the NYS Correction Law would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter-Van Service Authorization.
  - (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter-Van Service Owners.
  - (6) The Applicant or any of its Limited Business Entity Persons or employees has engaged in discrimination according to the provisions of §8-107 of the Administrative Code.

**§11B-08 Licensing - Transfer of License**

- (a) Not Transferrable or Assignable Without Approval. An authorization to operate a Commuter-Van Service will not be assignable or transferable unless otherwise provided by the Commission.

**§11B-09 Licensing - Care of Licenses**

- (a) If the Authorization for a Commuter-Van Service is lost, damaged, or destroyed, the Owner must provide the Commission with a statement of what



happened and any proof that the Commission requires.

- (b) The Commission can issue a duplicate or substitute Authorization upon the Owner's payment of a \$25 fee.

**§11B-10 Comply with Laws - No Unlicensed Activity**

- (a) Vehicle Must Be Licensed. A Commuter-Van Service Owner must not allow a vehicle to be operated within the City of New York (meaning performing passenger pick-up and drop-off wholly within New York City) if the vehicle does not have a Valid Commuter-Van License from the Commission.

§11B-10(a) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (b) Vehicle Must Be Affiliated with Authorized Commuter-Van Service. A Commuter-Van Service Owner must not operate a Commuter-Van Vehicle within the City of New York unless it is affiliated with the Owner's Commuter-Van Service.

§11B-10(b) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months  
Multiple violations: See Mandatory Penalties (§11B-02(c))

- (c) Driver Must Be Licensed. The Commuter-Van Service Owner is responsible for ensuring that anyone operating a Commuter-Van Vehicle affiliated with the Owner's Service has:

- (1) A Valid driver's license that qualifies as a Chauffeur's License, and
- (2) A Valid Commuter-Van Driver's License.

§11B-10(c) Fine: \$300 and suspension of Appearance REQUIRED  
Commuter-Van license until compliance  
Multiple violations: See Mandatory Penalties (§11B-02(c))

- (d) No Person Can Operate an Unlicensed Commuter-Van Vehicle or Service.

- (1) No person is allowed to operate or to allow anyone else to operate his or her vehicle bearing the words "Commuter-Van service," "van service," "Commuter-Van," "van" or other similar designation unless:

- (i) The vehicle is a Validly Licensed Commuter Van Vehicle
- (ii) The Vehicle is affiliated with a Validly Authorized Commuter-Van Service, and
- (iii) The Vehicle is driven by a Validly Licensed Commuter-Van Driver.

- (2) A "License" that has expired and has not yet been renewed is not a "Valid License" and operating with an expired License is considered "unlicensed activity."

§11B-10(d) Fine: \$500 - first violation; Appearance REQUIRED  
\$1,000 - subsequent violation  
within twenty-four months

- (e) Special Procedures Relating to Unlicensed Commuter-Van Operations.

- (1) The Commission will notify the NYS Commissioner of Motor Vehicles upon finding a person liable for:
  - (i) Operating a vehicle without a Valid Commuter-Van Vehicle License, or
  - (ii) Operating a vehicle that is not affiliated with an Authorized Commuter-Van Service.
- (2) Until notified that the violation has been corrected, the Motor Vehicle Commissioner can:
  - (i) Suspend the vehicle's registration,
  - (ii) Deny any application for the vehicle's registration or registration renewal,
  - (iii) Take any other action permitted under law.
- (3) The Commission will also notify the NYS Department of Finance.

**§11B-11 Comply with Laws - Insurance Coverage**

- (a) Joint Responsibility. The Commuter-Van Service owner must ensure that no Commuter-Van will be used in the Commuter-Van Service unless such vehicle is in compliance with the insurance requirements set forth in this §11B-11.

§11B-11(a) Fine: \$300 and/or revocation Appearance REQUIRED  
of Commuter-Van license  
If each one of a group of at least 30% of the Vehicles affiliated with a Commuter-Van Service fails to maintain liability insurance three times within a 12 month period, the Service's Authorization will be revoked (§9-14(a)(1))

- (b) Surety Bond or Policy of Insurance. No Commuter-Van Vehicle can be used in the operation of a Commuter-Van Service unless it is covered by a surety bond or a policy of insurance approved as to form by the Commission and issued by a solvent and responsible company authorized to do business

in this State by the Superintendent of Insurance. Coverage must be in at least the following amounts:

Type of Liability	Minimum Coverage Required	
	Commuter-Van for 12 Passengers or Fewer	Commuter-Van for 13-20 Passengers
• For personal injury or death to one person	\$100,000	\$100,000
• For personal injury or death to one person in one accident	\$300,000	\$500,000
• Maximum for each person in one accident	\$100,000	\$100,000
• For property damage	\$50,000	\$50,000

§11B-11(b) Fine: \$300 and suspension Appearance REQUIRED  
until compliance  
Multiple violations: See Mandatory Penalties (§11B-02(c))

- (c) Remain in Effect Until Terminated. Surety bonds and certificates of insurance must specify that coverage will remain in effect continuously until terminated as provided in this Sub-chapter.

- (d) Conditions for Replacement of Bonds or Insurance. Surety bonds or certificates of insurance may be replaced, and the liability of the retiring surety or insurer will be considered terminated as of the effective date of its replacement, provided that the replacement surety bond or certificate of insurance meets all of the following conditions:

- (1) The new surety bond or certificate of insurance is acceptable to the Commission.
- (2) The Commuter-Van Service Owner or an authorized employee of the van service submits, in duplicate, a letter authorizing the replacement surety bond or certificate of insurance and verifying its effective date.
- (3) The effective date must coincide with the effective date specified in the letter of authorization, and that date may not be more than 30 days before the date the Commission receives the letter of authorization and replacement certificate.

- (e) Provision for Continuing Liability. Every surety bond or certificate of insurance must contain a provision for a continuing liability even after a claim has been successfully filed and recovered against the bond or insurance.

- (f) Notice of Cancellation to the Commission.

- (1) Every surety bond or certificate of insurance must include a provision that cancellation will not be effective until at least 30 days after the Commission has been properly notified in writing of the party's intention to cancel.
- (2) Proper notification must be given on or in the relevant **Form K - Uniform Notice of Cancellation of Motor Carrier Insurance Policies or Form L - Uniform Notice of Cancellation of Motion Carrier Surety Bonds.** Copies of these forms are available at Commission offices.
- (3) If a cancelled insurance policy or bond is reinstated:

- (i) A new certificate, in the form required by subdivision (d) of this section, must be filed with the Commission, and
- (ii) The new certificate must have the relevant phrase "REINSTATEMENT OF INSURANCE POLICY" or "REINSTATEMENT OF BOND" typed or printed on it in capital letters, as shown.

- (g) Forms. Certificates of insurance and other forms necessary for filing can be obtained from the Commission.

- (h) Contract is Required. No surety bond or certificate of insurance can be filed with the Commission unless a direct contractual relationship exists between the Authorized Commuter-Van Service (or the Commuter-Van Vehicle Licensee) and the insurance or bonding company making the filing.

- (i) Commission's Right to Refuse. The Commission can at any time refuse to accept any surety bond or certificate of insurance if in the judgment of the Commission it does not provide adequate protection for the public.

**§11B-12 Comply with Laws - Personal Conduct**

- (a) No Bribery. A Commuter-Van Service Owner must not directly or indirectly offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11B-12(a) Fine: \$1,000 and/or Appearance REQUIRED  
suspension or revocation

- (b) Report Request for Gift. A Commuter-Van Service Owner must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this sub-chapter or any traffic rule or law. All administrative hearings on this matter will be referred to OATH.

§11B-12(b) Fine: \$1,000 and/or Appearance REQUIRED  
suspension or revocation

- (c) No Threat or Use of Physical Force. While performing the duties and responsibilities of an Authorized Commuter-Van Service Owner, or any act in connection with those duties, an Owner must not use or attempt to use any physical force against a person or Service Animal and must not distract or attempt to distract any Service Animal.

§11B-12(c) Fine: \$50 - \$350 and/or Appearance REQUIRED  
suspension or revocation

- (d) Report Criminal Conviction.

- (1) A Commuter-Van Service Owner must notify the Commission within five calendar days after any criminal conviction of the Licensee, individually or, if the Owner is a Business Entity, of any Limited Business Entity Person.

- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§11B-12(d) Fine: \$100 Appearance NOT REQUIRED

- (e) Cooperate with TLC. A Commuter-Van Service Owner must:

- (1) Truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives;

§11B-12(e)(1) Fine: \$200 and suspension Appearance REQUIRED  
until compliance

- (2) Produce or be responsible for instructing Drivers working in association with Owner's Commuter-Van Service to produce any documents required to be kept in the Commuter-Van Vehicle upon the demand of the Commission or its representatives;

§11B-12(e)(2) Fine: \$50-\$150 Appearance REQUIRED

- (3) Produce any other document the Owner is required to keep no later than 10 days following a request from the Commission;

§11B-12(e)(3) Fine: \$75-\$350 and/or Appearance REQUIRED  
suspension until compliance

- (4) Aid the Commission to obtain information regarding any Commuter-Van Driver or Commuter-Van Vehicle affiliated with the Owner's Commuter-Van Service.

§11B-12(e)(4) Fine: \$75-\$350 and/or Appearance REQUIRED  
suspension until compliance

- (5) Respond to any contact from the Commission within 48 hours, seven days a week.

§11B-12(e)(5) Fine: \$500 Appearance NOT REQUIRED

- (f) Reserved. No Willful Acts of Omission.

- (g) Reserved. No Willful Acts of Commission.

**§11B-13 Comply with Laws - Miscellaneous**

- (a) Commission Rules. The following actions can result in suspension or revocation of an Owner's Commuter-Van Service Authorization:

- (1) The Owner or any of its Limited Business Entity Persons or employees violates any provision of these Rules or any of the rules relating to Commuter-Van Service in Chapter 5, Title 19 of the Administrative Code.
- (2) The Owner or any of its Limited Business Entity Persons or employees engages in any fraud or misrepresentation in connection with providing any transportation service.
- (3) The Owner or any of its Limited Business Entity Persons fails to pay any penalty that has been properly imposed under these Rules.
- (4) The Owner or any of its Limited Business Entity Persons is convicted of a crime that the Commission believes has a direct bearing upon the Owner's fitness or ability to perform the functions required of a Commuter-Van Service Owner.

- (5) The Owner fails to maintain the conditions of operation that apply to Commuter-Van Service Owners.
- (6) The Owner or any of its Limited Business Entity Persons or employees engages in discrimination according to the provisions of §8-107 of the Administrative Code.

(b) Workers Compensation. A Commuter-Van Service Owner must comply with all provisions of the NYS Workers' Compensation Laws and regulations with respect to coverage of and benefits to eligible persons.

§11B-13(b) Fine: \$25 for each day of non-compliance, and either suspension until compliance or license revocation. Appearance REQUIRED

(c) Disability Laws. A Commuter-Van Service Owner must ensure that any new Commuter-Van Vehicle purchased or leased by the Commuter-Van Service complies with all applicable provisions of law regarding accessibility to Persons with Disabilities.

§11B-13(c) Fine: \$200-\$350 Appearance REQUIRED

(d) Motor Vehicle Registration Laws. A Commuter-Van Service Owner must ensure that no Commuter-Van is used in the operation of a Commuter-Van Service unless the Vehicle is in compliance with the registration requirements of the NYS Vehicle and Traffic Law.

§11B-13(d) Fine: \$300 and suspension of the Commuter-Van license until compliance Appearance REQUIRED

#### §11B-14 RESERVED [Operations - Business Premises]

#### §11B-15 RESERVED [Operations - Management Oversight (Use of Agents)]

#### §11B-16 Operations - Service Requirements (Passengers)

(a) No Pick-Ups Outside Authorized Area. No Commuter-Van Service Owner will permit the pick up or discharge of passengers outside of the geographical area established in the Owner's Authorization.

§11B-16(a) Fine: \$75 Appearance NOT REQUIRED

(b) No Pick-Ups Along Bus Routes.

(1) Restriction. No Commuter-Van Service Owner will permit the pick up or discharge of passengers along any Official Bus Route.

§11B-16(b)(1) Fine: \$75 Appearance NOT REQUIRED

(2) Grandfathered Exception.

- (i) This restriction will not apply to the pick up and discharge of passengers along bus routes in Manhattan, south of Chambers Street, by Commuter-Van Service Owners that had authority on July 1, 1992 from the NYS Department of Transportation to pick up and discharge passengers along bus routes in that area
- (ii) The scope of operations by the exempted Commuter-Van Service, however, must not exceed the scope of its operations prior to July 1, 1992.

(c) Service Must Be Pre-Arranged. No Commuter-Van Service Owner will permit transportation service unless the service is prearranged and the prearrangement is shown on the Passenger Manifest.

§11B-16(c) Fine: \$50 Appearance NOT REQUIRED

(d) Multiple Person Liability. The Commuter-Van Service Owner is liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

#### §11B-17 Operations - Responsibility with Respect to Drivers

(a) Prohibit Disability Discrimination by Drivers. A Commuter-Van Service Owner must not allow a Driver to discriminate unlawfully against Persons with Disabilities. Such discrimination includes, but is not limited to:

- (1) Refusing to serve Persons with Disabilities.
- (2) Refusing to load and unload the mobility aids of Persons with Disabilities, and
- (3) Imposing any charge in addition to the authorized fare for the transportation of Persons with Disabilities, service animals, wheelchairs, or other mobility aids.

(b) Multiple Person Liability. The Commuter-Van Service Owner will be liable for violating this Rule even when the actual violation has been unilaterally committed by the Commuter-Van Driver.

§11B-17 Fine: \$200-\$350 Appearance REQUIRED

#### §11B-18 Records - Trip Record Information

(a) Commuter-Van Service. The Commuter-Van Service Owner is responsible for ensuring that the following records are kept for all dispatched calls:

- (1) The Passenger Manifest

§11B-18(a)(1) Fine: \$50 Appearance NOT REQUIRED

- (2) Records of requests for service and trips:

§11B-18(a)(2) Fine: \$100 Appearance NOT REQUIRED

- (3) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11B-18(a)(3) Fine: \$300 Appearance NOT REQUIRED

#### §11B-19 Records - Current Contact Information

(a) Current Phone Number for Immediate Access. A Commuter-Van Service Owner must maintain on file with the Commission a current telephone number (connected to an answering machine or recording device), pager number, answering service number or a number for any similar means of telephone contact that allows the Vehicle Owner to be reached by the Commission on a 24-hour basis.

§11B-19(a) Fine: \$100 Appearance NOT REQUIRED

#### §11B-20 Records - Additional Records to be Maintained

The Commuter-Van Service Owner is responsible for keeping the following records:

(a) A list of all Vehicles currently operating under the Service Owner's Authorization, and information about each vehicle including, but not limited to the following:

- (1) The Vehicle Owner's name, mailing address, and home telephone number.
- (2) The Vehicle's registration number.
- (3) The Vehicle's Commuter-Van License number.
- (4) The Department of Motor Vehicles license plate number of the Vehicle.
- (5) The name of the Vehicle's insurance carrier and the policy number, and
- (6) The dates of inspection of the Vehicle and the outcome of each inspection.

§11B-20(a) Fine: \$300 Appearance NOT REQUIRED

(b) The records required by this paragraph must be kept for a period of one year and will be subject to inspection by authorized officers or employees of the Commission during regular business hours.

§11B-20(b) Fine: \$300 Appearance NOT REQUIRED

#### §11B-21 RESERVED [Reporting Requirements]

#### §11B-22 RESERVED [Operations - Rates and Tolls]

#### §11B-23 RESERVED [Operations - E-ZPass]

#### §11B-24 Operations - Miscellaneous

(a) Advertising to State TLC Licensed/Authorized. No one is permitted to advertise Commuter-Van services unless the advertisement states CONSPICUOUSLY that the Commuter-Van Vehicle is Licensed by the Commission and includes the affiliated Commuter-Van Service Authorization number.

§11B-24(a) Fine: \$50 Appearance NOT REQUIRED

#### §11B-25 Vehicle Condition - Inspections

(a) Inspection by NYS Department of Transportation. The Commuter-Van Service Owner will be responsible for compliance with the following provisions:

- (1) A Commuter-Van Vehicle must not be operated as a Commuter-Van Vehicle unless it has been inspected by the NYS Department of Transportation.
- (2) Provisions and requirements for this inspection can be found in the safety provisions (§140) of the NYS Transportation Law or as modified by an agreement between the NYS Department of Transportation and the Commission, as provided in §80-5.a.(1).

§11B-25(a) Fine: \$300 Appearance NOT REQUIRED

(b) All Commuter-Van Vehicles must display the inspection certificate.

§11B-25(b) Fine: \$100 Appearance NOT REQUIRED

#### §11B-26 Vehicle Condition - Meets Safety Standards

(a) No Commuter-Van Vehicle can be used in a Commuter-Van Service unless it meets the vehicle safety standards prescribed by rule or regulation of the NYS Commissioner of Transportation according to §140 of the NYS Transportation Law.

§11B-26(a) Fine: \$100-\$500 and/or suspension or revocation of Commuter-Van license Appearance REQUIRED  
Multiple violations: See Mandatory Penalties (§11B-02(c))

#### §11B-27 Vehicles - Markings and Displays

(a) Required Exterior ID Markings. All Commuter-Van Vehicles must have the following information conspicuously painted on each side of the exterior of the vehicle in letters at least 3 inches in height:

- (1) The exact name and address of the Commuter-Van Service next to the word OPERATOR;
- (2) The Commuter-Van Vehicle Owner's exact name next to the word OWNER; and
- (3) A Vehicle License number.

§11B-27(a) Fine: \$50 Appearance NOT REQUIRED

(b) Required Interior ID Markings.

(1) A sign with the information listed above (in subdivision (a)) must be placed in the interior of the Vehicle clearly visible from all Passenger seats in the Vehicle.

(2) The sign must include the statement that any complaints can be submitted to the Taxi and Limousine Commission by calling "311" or through the Commission's website, <http://nyc.gov/taxi>.

§11B-27(b) Fine: \$50 Appearance NOT REQUIRED

(c) Valid TLC Decal.

(1) Each time a Commuter-Van Vehicle License is issued or renewed or transferred to a new Vehicle, the Vehicle must be taken to a Commission inspection facility to have four decals affixed to the Vehicle.

(2) No Commuter-Van Vehicle License is Valid unless the Vehicle has the appropriate, undamaged decals in each of the following locations:

- (i) The lower right corner of the front windshield
- (ii) The center of the rear window
- (iii) One on each of the rear-most side windows

§11B-27(c) First violation in a 12-month period: \$500 Appearance NOT REQUIRED  
Second and subsequent violations within a 12-month period: \$1,000 and suspension of the Commuter-Van License until compliance

Third violation within a 12-month period: revocation of Commuter-Van Service Authorization Appearance REQUIRED

(d) Vehicle Cannot Be Yellow. A Commuter-Van Vehicle must not be operated in a Commuter-Van Service if the Vehicle is painted, in whole or in part, any shade of taxicab yellow.

§11B-27(d) Fine: \$100 Appearance NOT REQUIRED

#### §11B-28 Vehicles - Items Required to be in the Vehicle

(a) Commuter-Van Vehicles must carry the following inside the Vehicle any time the Vehicle is in operation:

- (1) The Commuter-Van Vehicle License;
- (2) The Driver's Commuter-Van Driver's License;
- (3) The Authorization to operate a Commuter-Van Service, or legible photocopy;
- (4) The Vehicle registration and evidence of current liability insurance; and
- (5) A Passenger Manifest.

§11B-28(a) Fine: \$25 per missing item; maximum penalty \$50 Appearance NOT REQUIRED

#### §11B-29 Vehicle Equipment

(a) Two-Way Radio. A Commuter-Van Vehicle Owner that uses a two-way radio or other communications system must be in compliance with all regulations of the Federal Communications Commission relating to the communication system.

§11B-29(a) Fine: \$100 Appearance NOT 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	New Rule Chapters
Chapter 9 Commuter Vans (Vehicles and Services).	Chapter 11 Commuter Van Owners and Services

The promulgated rules, as initially proposed, make two substantive changes to the provisions of the current rules governing commuter vehicles and bases. Specifically, the promulgated rules:

- Eliminate transition provisions contained in sections 9-04 and 9-05 of the existing rule as such provisions are now obsolete.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for 30 days, and further pending decision of a timely-filed appeal.

**Supplemental Statement**

A public hearing on these rules was held on September 11, 2009. Following that hearing, the TLC voted at a public meeting on September 17, 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:

- 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 11A-10 were modified to clarify that unlicensed vehicles may not be operated as commuter vans, based on staff comment.
- The provisions regarding response to TLC communications were modified to make clear that the TLC expects a response to any communication, not just a communication by telephone or pager.

• s13

**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 medallion taxicab service.

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 February 19, 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 8 thereto, to read as follows:

New Material is underlined.

**Chapter 8  
Medallion Taxicab Service**

**§8-01 Scope of this Chapter**

- (a) To establish the procedures and requirements for obtaining a Taxicab License
- (b) To establish the rules and regulations for operating a Taxicab
- (c) To establish the penalties for violating the Rules

**§8-02 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(c) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

**§8-03 Definitions Specific to this Chapter**

- (a) Administrator for the purposes of this Chapter, will refer to an executor, administrator, conservator, guardian or any other person or entity legally appointed to act on behalf of an Owner of a Taxicab

- (b) Medallion due to owner's death or incompetency. Applicant in this chapter means the individual or Business Entity applying for an original or renewal Taxicab License under this Chapter in whose name the License applied for will be issued.
- (c) Business Entity in this Chapter includes corporations, partnerships and limited liability companies.
- (d) Claim Letter is a letter asserting a possible Excess Claim against an Owner of a Taxicab Medallion or a Taxicab Medallion.
- (e) Dispatch. When used in this Chapter, the term Dispatch refers to an Owner sending out one or more Taxicabs for a particular shift; it does NOT mean sending a Taxicab to pick up a particular passenger by pre-arrangement.
- (f) Driver in this Chapter means a Taxicab Driver.
- (g) Driver Authorization Statement is the document an Owner files with the Commission indicating that a Taxicab will be operated by the Named Drivers listed or by Unspecified Drivers, along with the required additional information.
- (h) Escrow Amount is the amount for which an escrow account is required to be established in order to satisfy one or more Excess Claims.
- (i) Excess Claim is a Tort Claim asserted against the Owner of a Taxicab Medallion for more than the amount of insurance covering the Taxicab at the time the claim arose.
- (j) Fair Market Value in reference to the transfer of a Taxicab Medallion is the average value of arms-length transactions for similar Medallions during the prior calendar month, as determined by the Commission.
- (k) Flat Rate is a definite dollar amount that will be charged to a Taxicab passenger for a specific trip, and is fixed before the trip begins (NOTE: "double the Taximeter" is not a Flat Rate).
- (l) Fleet is a Business Entity organized for the purpose of owning or operating Taxicabs that meets the following requirements:
  - (1) Controls a minimum of 25 Taxicabs
  - (2) has a single business location that is adequate for the storage, maintenance, repair and dispatch of the Fleet Taxicabs and the storage and maintenance of records
  - (3) operates with a dispatcher on the premises at least 18 hours every day, who assigns Drivers to Fleet Taxicabs.
- (m) Group Ride Program is a program established by the Commission for the transportation of more than one passenger from a common location to destinations within a specified common geographic area.
- (n) Legatee means someone to whom the proceeds of an estate are to be distributed.
- (o) License in this Chapter means a Taxicab License.
- (p) Licensee in this Chapter means the holder of a Taxicab License.
- (q) Market Value in reference to the transfer of a Taxicab Medallion will be the greater of: (i) the actual consideration being paid for the transfer; and (ii) the Fair Market Value.
- (r) Maximum Escrow Amount means:
  - (1) The Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by the Medallion and the Transfer costs PLUS
  - (2) The value of any proceeds of any refinancing received by the Owner that was not used to reduce any previously existing debt or liens secured by the Medallion following the date of an occurrence of an alleged tort involving the Taxicab which gives rise to a potential Excess Claim
- (s) Medallion is the numbered plate originally issued by the Commission and affixed to the outside of a Taxicab as physical evidence that the Taxicab has been licensed to operate as a Medallion Taxicab.
- (t) MTA Tax is the 50 cent tax on taxicab trips imposed by Article 29-A of the NYS Tax Law.
- (u) Named Drivers is a term indicating that only the Drivers specifically named on the Rate Card are allowed to drive the Taxicab.
- (v) Owner in this Chapter means an individual or Business Entity licensed by the Commission to own and operate one or more Medallion Taxicabs.
- (w) Prior Claim Letter is a Claim Letter received by the Commission prior to February 1, 2009.
- (x) Secured Lender Escrow Amount means the Market Value of the Taxicab Medallion being transferred less the value of any debt or liens secured by Medallion and the Transfer Costs.
- (y) Secured Lender Recipient means a secured creditor seeking to repossess or foreclose upon a Taxicab Medallion in order to realize the value of its secured interest, but that is not applying to operate the Taxicab Medallion and will not be considered a Transferee provided the Secured Lender Recipient places the Medallion in storage as required in §8-45(c) of this Chapter.
- (z) Stop-Use Directive is a notice sent to an Owner by the Commission directing the Owner to stop using a designated Agent because that Agent's License has been revoked or suspended.

- (aa) Substantial Interest in Taxicab Medallions means direct or indirect ownership of four or more Medallions, that can result from one or more of the following:
    - (1) Ownership of 25 percent or more of the stock in one or more corporations that own Medallions
    - (2) Ownership of 25 percent or more of the membership interests in one or more LLC's that own Medallions
    - (3) A partnership interest in one or more partnerships that own Medallions
    - (4) Being an officer in one or more corporations that, in the aggregate, have a direct or indirect equity interest in four or more Medallions.
  - (bb) Taxicab License is the authority granted by the Commission for an Applicant to own and operate a designated vehicle as a Taxicab within the Commission's jurisdiction, and is evidenced by the Medallion affixed to the hood of the vehicle.
  - (cc) Taxpayer is a person or Business Entity required to pay the MTA Tax.
  - (dd) Tort Letter is a statement from the insurer of a Taxicab stating whether or not the insurer is aware of any Excess Claims against the Taxicab Medallion or its Owner.
  - (ee) Transfer means the transfer of all or any portion of a Medallion ownership interest, including the transfer of interests in a Business Entity owning Medallions.
  - (ff) A Transferee is an Applicant seeking approval from or approved by the Chairperson to own and operate a Medallion Taxicab in which Applicant is acquiring an interest, either directly or indirectly, through a transfer described under this §8-42.
  - (gg) Transfer Costs means the administrative costs involved in processing a transfer of ownership of a Taxicab Medallion and includes the costs of any foreclosure or similar action and any outstanding fines or fees owed to the Commission or the Parking Violations Bureau.
  - (hh) Transferor is the Owner of an interest in a Taxicab Medallion being transferred.
  - (ii) Valid Claim Letter is a Claim Letter which is not a Prior Claim Letter, and which:
    - (1) Is dated no more than one year prior to the date documentation is submitted to the Chairperson for a proposed transfer of a Taxicab Medallion,
    - (2) Sets forth a minimum claim in an amount sufficient to be an "Excess Claim",
    - (3) Includes a copy of the police report regarding the incident in question, and
    - (4) Includes a representation by the sender that the party against which the Excess Claim has been asserted has been provided with a copy of the Claim Letter.
  - (jj) Unspecified Driver is a term that is entered on a Rate Card indicating that the Taxicab can be driven by any Licensed Taxicab Driver whose name (or category) has been filed with the Commission by the Owner of that Taxicab.
  - (kk) Wheelchair Passenger. A Wheelchair Passenger is a Passenger using a wheelchair.
- §8-04 Licensing - General Requirements**
- (a) Identification. An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must provide to the Commission proof of identity in the form of:
    - (1) A Valid Government-issued photo ID and
    - (2) A Valid, original Social Security Card.
  - (b) Age. An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License or its renewal must be at least 18 years of age.
  - (c) Good Moral Character.
    - (1) An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must be fingerprinted and must be of good moral character. Fingerprinting for the purpose of investigating good moral character is also required of the following, unless waived by the Chairperson in his or her discretion:
      - (i) Any new Business Entity Persons added by a Licensee
      - (ii) Any individual or Business Entity Persons of a Business Entity that provides funds for any Owner, unless the provider is a licensed bank or loan company
    - (2) Applicant's criminal history will be considered in a manner consistent with the Corrections Law of the State of New York.
  - (d) Fit to Hold a License. An individual or Business Entity must demonstrate to the satisfaction of the Commission that the Applicant is qualified to assume the duties and obligations of an Owner of a Taxicab License.
  - (e) Drivers Designated as Agents to Accept Service.
    - (1) An Owner must designate each and every Driver who operates one of Owner's Taxicabs as an agent to accept service of Commission notices to correct defects in the Taxicab.

- (2) Delivery of a notice of defect to a Driver will be adequate service of notice to the Owner.
- (f) Financial Disclosure.
- (1) An Applicant for a Taxicab License where the Applicant already owns one or more Medallion Taxicabs must provide a financial disclosure statement to the Commission.
- (2) The disclosure statement must be completed on a form provided by the Commission and must include the disclosure of assets, liabilities, income and net worth of all Business Entity Persons of a Business Entity Applicant, as well as any other information required by the Commission.
- (3) The financial disclosure statement must be given under oath and must include all attachments and documentation required by the Commission.
- (g) Liability Insurance. The Applicant must have liability insurance coverage by bond or policy as required by the State of New York and these Rules.
- §8-05 Licensing – Special Requirements**
- (a) Commission Approval. All Medallion transfers, including partial transfers, must be approved by the Commission. All Applicants to own a Medallion or an interest in a Medallion must be approved by the Commission.
- (b) Concurrent Purchase and Licensing of Medallion. An application to own and operate a Medallion Taxicab must be filed by any individual or Business Entity acquiring a Medallion, including an interest in a Medallion, either:
- (1) As part of the public sale or auction process, if the Applicant is purchasing a Medallion from the Commission
- (2) Jointly, with the current Owner (the “transferor”) of the Medallion, if the Applicant is purchasing a Medallion from a private Owner.
- (3) As a transfer of an interest in an Owner.
- (4) By becoming a new Business Entity Person in an Owner, or
- (5) By succeeding to the interest of any Owner or Business Entity Person of any Owner.
- (c) Vehicle Ownership Requirements. An Applicant must demonstrate to the satisfaction of the Commission that the Applicant:
- (1) Owns a vehicle that meets all of the requirements set forth in Chapter 17 (Taxicab Hack-Up) of these Rules, as well as the requirements of all other governmental agencies having concurrent jurisdiction.
- (2) Possesses the certificate of title and the certificate of registration, both of which must be in the name of the Applicant unless title is retained by a lessor or conditional vendor; and
- (3) Has provided the Commission with all information required concerning the financing of the purchase price of the Medallion and/or Taxicab.
- (d) “Owner-Must-Drive” Rule.
- (1) If an Applicant is an Independent Medallion Owner and acquires his or her interest in the Medallion on or after January 7, 1990:
- (i) The Applicant must also have a Valid Taxicab Driver’s License, and
- (ii) The Applicant must pledge that he or she will personally drive the Taxicab enough hours to fulfill the Owner-Must-Drive service requirements set forth in §8-20(a)(ii).
- (2) If the Applicant is a Business Entity, then one Business Entity Person must fulfill this requirement.
- (e) Licensing – Special Requirements for Business Entities.
- (1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership’s principal place of business is located.
- (2) Corporations.
- (i) If the Applicant is a corporation it must file the following with its Taxicab License application:
- A. A certified copy of its certificate of incorporation
- B. A list of officers and shareholders
- C. A certified copy of the minutes of the meeting at which the current officers were elected
- (i) No corporate or trade name will be accepted by the Commission that is similar to a name
- already in use by another Owner.
- (iii) All officers and shareholders of the corporate Taxicab License Applicant must disclose each and every Medallion in which he or she has any interest whatsoever, including but not limited to, any interest as individual Owner or as a Business Entity Person in a Business Entity that owns other Medallion(s); this disclosure must be made:
- A. Upon original application for the Taxicab License,
- B. Upon application for renewal of a Taxicab License, and
- C. Upon application for transfer of a Taxicab License
- (iv) All corporate officers and shareholders are subject to the same standards and criteria as individual Owners.
- (v) The Commission will only recognize corporate officers that have been approved by the Commission.
- (vi) It is a violation of these Rules for a corporate Owner to appoint a new officer without the approval of the Commission.
- (vii) Temporary approval contingent on final approval can be permitted in cases where an officer has resigned or died and another individual must be able to continue the regular daily operation of the Owner corporation.
- (viii) The standards and criteria for Ownership are equally applicable when the shares of a corporate Owner are held by another Business Entity.
- (3) Closed Corporations.
- (i) A stockholder in a closed corporation that owns a Medallion will be personally accountable for complying with these Rules and any other laws that relate directly and uniquely to Medallion Ownership.
- (ii) If a closed corporation wants to transfer stock or Medallion(s) to another closed corporation that is already an approved Medallion owner, the stockholders of the transferee corporation must sign an assumption and indemnification agreement in which they agree to assume all of the duties and responsibilities set forth in these Rules and to indemnify the Commission for all unpaid fines or fees regarding the Medallion(s) owned by the transferor corporation.
- §8-06 Licensing – Term of License**
- (a) New License.
- (1) Length of Term. The term of a new Taxicab License is a maximum of two years.
- (2) Expiration Date. The first term of Taxicab License expires on May 31<sup>st</sup> of the year set by the Commission.
- (b) Renewal License.
- (1) Length of Term. Each renewal term is two years and expires on May 31<sup>st</sup> of the second year of the term.
- (2) Extension. The Chairperson can extend the effectiveness of a Taxicab License until the completion of the next scheduled inspection of the Taxicab, or as the Chairperson believes is appropriate.
- (c) Filing for Renewal.
- (1) Unless the time to renew the License has been extended by the Chairman, a renewal application must be filed no later than April 30<sup>th</sup> of each year in which a License is scheduled to expire.
- (2) It is the Owner’s responsibility to obtain a renewal application in order to comply with the filing deadline.
- §8-06(c) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED
- (d) Advertising Permits. A permit to display exterior advertising runs for one year or less and each permit will expire on the 31st day of August.
- §8-07 Licensing – Fees**
- (a) Annual Fee. The fee for each Taxicab License is \$550 annually; the fee will be pro-rated if the License will be owned for less than one year by the next May 31st.
- (b) Medallion Plate Replacement Fee.
- (1) The fee for a new Medallion “tin” will be \$10. This fee will be charged when the Commission issues a new “tin”, including when it issues a new model of “tin”.
- (2) If a “tin” is lost, stolen or damaged, the replacement fee is \$25.
- (c) License Plate Replacement Fee. The Commission’s fee for replacement of license plates issued by the New York State Department of Motor Vehicles will be \$25 per vehicle.
- (d) Inspection Fee. The Commission’s fee for a required Taxicab Safety and Emissions inspection is fifty dollars (\$50); this fee includes the certificate of inspection issued when the Taxicab passes the inspection. Inspection fees must be prepaid for each renewal period as part of the renewal.
- (e) Reinspection Fee. There is no additional fee for the first re-inspection. If a second re-inspection is required, the fee is \$35. No additional fees will be charged for the third or subsequent reinspections.
- (f) Stand-By Vehicle Fee. The fee for each Stand-By Vehicle is \$550 annually. Inspection fees are also charged for Stand-By Vehicles.
- (g) Advertising Permit Fee. The fee for a permit to display exterior advertising is \$50 annually. If a permit is surrendered in less than 6 months, one half of the fee will be refunded.
- §8-08 Licensing – Causes for Denial**
- (a) Failure to Meet Requirements. The Commission can deny an application for a License or its renewal 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. The Commission will deny an application for a License or its renewal, or can impose other sanctions, if any of the following occurs:
- (1) The Applicant makes a material misrepresentation in the application
- (2) The Applicant fails to inform the Commission of a material change in the information contained in the application
- (3) The Applicant attempts to conceal the identity of a party having an interest in the ownership of a Taxicab
- (c) No Longer Meets Requirements. The Commission can deny an application for a License or its renewal and can revoke or suspend any License if the Commission becomes aware of information that the Owner no longer meets the requirements for an Owner’s License.
- (d) Violation of the Rules. The Commission can deny an application for a License if, within the past two years, the Applicant (or any Business Entity Person of a Business Entity Applicant) has engaged in any of the following:
- (1) Assault of a passenger, official or member of the public in any way relating to a Taxicab
- (2) Any instance of bribery or unlawful gratuity toward a city employee
- (3) Providing the Commission with false information
- (4) Two or more unlawful passenger service refusals
- (5) Two or more incidents of overcharging, as a Driver
- (6) Three failures to respond to an official communication
- (7) Three or more vehicle safety violations for a particular Taxicab
- (8) Whether as an individual has or as a Business Entity Person of a Business Entity that has:
- (i) Ten or more outstanding unexcused failures to appear at scheduled TLC hearings, or
- (ii) Ten or more unsatisfied Commission fines or fines that remained unsatisfied until renewal.
- (e) The Applicant’s criminal history will be reviewed in a manner consistent with the NYS Corrections Law.
- (f) Chronic Disregard of Public Welfare. An Applicant will not be approved to own another Medallion or to be a stockholder or an officer in another corporate Medallion Owner if he or she has evidenced a chronic disregard for the rules and regulations that impact the welfare, safety or security of the riding public.
- §8-09 RESERVED [Licensing – Procedures for Approval / Denial]**
- §8-10 Licensing – Transfer of License (see §§8-42-47)**
- §8-11 Licensing – Care of Medallion License & Rate Card**
- (a) Do Not Alter Rate Card. An Owner must not change, mark, cross out or make any unauthorized entries on a Taxicab’s Rate Card, or display a Rate Card that contains wrong information.
- §8-11(a) Fine: \$100 Appearance NOT REQUIRED
- (b) Replace Damaged Medallion or Rate Card. An Owner must immediately surrender an unreadable



Rate Card or a damaged Medallion to the Commission for replacement.

§8-11(b) Fine: Notice to correct within 10 days. Failure to comply: \$200 and suspension until compliance Appearance REQUIRED

(c) Replace Damaged Medallion or Rate Card. An Owner must immediately surrender an unreadable Rate Card or a damaged Medallion to the Commission for replacement.

(1) An Owner must notify the Commission and the Police Department of the theft, loss or destruction of any Medallion or Rate Card within 48 hours (not including weekends and holidays) of the loss.

(2) The Owner must also provide any affidavit or information the Commission requires, including the police receipt number.

(3) A substitute Medallion and Rate Card will be issued by the Commission.

§8-11(c)(1)-(2) Fine: \$200 Appearance NOT REQUIRED

(d) Report Finding Lost Medallion or Rate Card.

(1) An Owner must notify the Commission and the Police Department within 24 hours (not including weekends and holidays) after locating any Medallion or Rate Card that was reported as stolen or lost.

(2) The Owner must also provide any affidavit or information the Commission requires.

§8-11(d) Fine: \$200 for the first violation; \$350-\$500 for the second or subsequent violation(s) within 36 months Appearance NOT REQUIRED

(e) Surrender Medallion and Rate Card. An Owner must surrender Owner's Medallion and Rate Card to the Commission:

(1) Within 48 hours of notice that Owner's Taxicab License has been suspended or revoked

(2) Prior to the sale of Owner's Taxicab

(3) Prior to removal of Owner's Taxicab from service for a period of 30 or more consecutive days

§8-11(e) Fine: \$100 Appearance REQUIRED

(f) Report Replaced New York License Plates. An Owner must report to the Commission the replacement of any lost or stolen New York State license plates within 48 hours (not including weekends and holidays) after getting the new plates.

§8-11(f) Fine: Notice to correct within 10 days. Failure to comply: \$200 and suspension until compliance Appearance REQUIRED

**§8-12 Compliance with Law - No Unlicensed Activity**

(a) No Unlicensed Taxicabs. An Owner must ensure that all of Owner's Taxicabs in operation for hire are Validly licensed by the Commission and have a Valid Medallion attached to the vehicle.

§8-12(a) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(b) No Advertising as "Taxi" if Unlicensed. An Owner who does not have a Valid License must not hold himself or herself out to the public as a "taxi," "Taxicab" or "hack" service. =

§8-12(b) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(c) No Unregistered Vehicles.

(1) An Owner must ensure that all of Owner's Taxicabs are operated only while the registration of the vehicle remains Valid.

(2) Operating a vehicle without a Valid registration will be considered the same as operating without a Valid Taxicab License.

§8-12(c) Fine: \$100-\$350 and/or suspension up to 30 days; Summary Suspension until compliance Appearance REQUIRED

(d) No Unlicensed Drivers.

(1) No Taxicab can be operated for hire unless the driver has in his or her possession a Valid Taxicab Driver's License.

§8-12(d)(1) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(2) Exceptions. An Owner can permit a person who does not possess a Taxicab Driver's License to drive the vehicle only when all of the following limited circumstances are met:

(i) The vehicle is being driven to or from the Commission's centralized Taxicab inspection facility or a repair facility;

(ii) The offduty light is illuminated;

(iii) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is "Off-Duty" and why;

(iv) The rear doors are locked;

(v) The person driving the vehicle is licensed to drive a motor vehicle;

(vi) The person driving the vehicle is not a person whose Taxicab Driver's License is suspended or revoked.

§8-12(d)(2) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

**§8-13 Compliance with Laws - Insurance Coverage**

(a) Maintain Insurance Coverage.

(1) Taxicab Owners must ensure that all of their Taxicabs are covered by liability insurance in the form of a bond or an insurance policy that fully complies with the New York State Vehicle and Traffic Law and the New York State Insurance Law.

(2) Owners must maintain all other forms of insurance required by law.

§8-13(a) Fine: \$150-\$350 and/or suspension up to 30 days Appearance REQUIRED

(b) Submit Proof of Insurance. Every year in which an Owner files an application to renew the License of one or more Taxicabs, Owner must, at that time, provide the Commission with the name and address of the Owner's insurance carrier and the policy numbers for each of Owner's Taxicabs, along with proof of coverage.

§8-13(b) Fine: \$100 Appearance REQUIRED

(c) Notification of Changes in Insurance Coverage. An Owner must notify the Commission in writing within 72 hours of any of the following:

(1) Receipt of notice that Owner's required liability insurance has been cancelled;

(2) A change of insurance carrier;

(3) A change in the policy number of Owner's liability insurance.

§8-13(c) Fine: \$100 Appearance NOT REQUIRED

(d) Coverage Requirements.

(1) All Taxicab Owners must, for each of Owner's Taxicabs, maintain liability coverage through an insurance policy or a bond in amounts not less than the following:

(i) \$200,000 per person, payable for those expenses specified in paragraphs 1, 2 and 3 of subdivision "a" of §5102 of the New York State Insurance Law

(ii) \$100,000 minimum liability and not less than \$300,000 maximum liability for bodily injury or death, as these terms are described and defined in §370(1) of the Vehicle and Traffic Law.

§8-13(d)(1) Fine: \$350 and suspension until compliance Appearance NOT REQUIRED

(2) A Taxicab Fleet or Minifleet as well as an Independent Owner operating more than one shift daily must maintain double shift insurance coverage.

§8-13(d)(2) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(e) Report of Accidents.

(1) Report to Insurance Carrier. Any accident involving one (or more) of Owner's Taxicabs that is required to be reported to the insurance carrier must be immediately reported to the carrier by the Owner, in writing.

§8-13(e)(1) Fine: \$500-\$1,000 Appearance REQUIRED

(2) Report to Commission.

(i) An Owner must immediately report to the Commission in writing all accidents that are required to be reported to the Department of Motor Vehicles (as required by §605 of the Vehicle and Traffic Law) that involve any of Owner's Taxicabs.

(ii) An Owner must also provide to the Commission a copy of any legally required report filed with the NYS Department of Motor Vehicles, within 10 days of the date the report is due to be filed with the Department of Motor Vehicles.

§8-13(e)(2) Fine: \$150 and \$25 for each day of violation thereafter and suspension until compliance Appearance REQUIRED

(f) Surrender Rate Card and Medallion upon Termination of Insurance. An Owner must either:

(1) Surrender the Taxicab's Rate Card and Medallion to the Commission on or before the termination date of the vehicle's insurance, or

(2) Submit proof of new insurance effective on the date of termination of the old policy.

§8-13(f) Fine: \$50 Appearance NOT REQUIRED

**§8-14 Compliance With Laws - Workers' Compensation**

(a) Compliance with Law. An Owner must comply with all provisions of the New York State Workers' Compensation Law and regulations with respect to coverage and benefits to eligible persons.

§8-14(a) Fine: \$25 for each day in violation Appearance REQUIRED

(b) File Certificate of Coverage with the Commission. An Owner must maintain on file with the Commission a current Certificate of Workers' Compensation Coverage, or a Valid exemption.

§8-14(b) Fine: \$200 Appearance NOT REQUIRED

(c) Designate the Commission to Receive Notices. An Owner must designate the Commission as a certificate holder to receive all notices concerning the Workers' Compensation policy.

§8-14(c) Fine: \$200 Appearance NOT REQUIRED

(d) Provide Driver with Proof of Benefits Ending. When a Driver who is receiving Workers Compensation benefits has recovered and is ready to return to work, an Owner must:

(1) File a notice with the Workers' Compensation Board to end the disbursement of benefits due to the worker's recovery; and

(2) Provide the Driver with documentation that benefits have ceased in order for the Commission to return the Driver's License.

§8-14(d) Fine: \$100-\$250 Appearance REQUIRED

**§8-15 Compliance with Law - Personal Conduct**

(a) Bribery.

(1) Actual Bribery Attempt. An Owner must not bribe or attempt to bribe or offer any gratuity whatsoever to any employee, representative or member of the Commission in return for favorable or preferential treatment.

§8-15(a)(1) Fine: Up to \$10,000 per Medallion implicated in the violation plus mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner. Appearance REQUIRED

(2) Appearance of Bribery. An Owner must not offer or give any gift or gratuity or any other thing of value to any employee, representative or member of the Commission, or any public servant or dispatcher employed at a public transportation facility.

§8-15(a)(2) Fine: \$10,000 plus revocation Appearance: N/A

(3) Failure to Report Bribery. An Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant or dispatcher employed at a public transportation facility or authorized groupride taxi line.

§8-15(a)(3) Fine: \$100 Appearance NOT REQUIRED

(4) Failure to Remove Cash. When the Taxicab is in Owner's possession, Owner must remove all currency from a Taxicab's interior prior to its inspection by any Commission personnel.

§8-15(a)(4) Fine: \$50 Appearance NOT REQUIRED

(b) Fraud, Theft. While performing the duties and responsibilities of a Licensee, an Owner must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or theft.

§8-15(b) Fine: \$350-\$1,000 and suspension up to 60- days or revocation Appearance REQUIRED

(c) Willful Acts of Omission. While performing the duties and responsibilities of a Licensee, an Owner 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.

§8-15(c) Fine: \$150-\$350 and Suspension up to 30 days or revocation. Appearance REQUIRED

(d) Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, an Owner 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.

§8-15(d) Fine: \$150-\$350 and Suspension up to 30 days or revocation. Appearance REQUIRED

(e) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, an Owner must not threaten, harass or abuse any person.

§8-15(e) Fine: \$350-\$1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(f) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee, an Owner must not use any physical force against any person.

§8-15(f) Fine: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

(g) Reporting of Criminal Conviction.

(1) A Licensee must immediately notify the Commission of any criminal conviction of the Taxicab Owner, individually or, if the Licensee is a Business Entity, of any Business Entity Person.

(2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the clerk of the court explaining what happened as a result of the conviction.

§8-15(g) Fine: \$50-\$250 Appearance REQUIRED

(h) Cooperate with Law Enforcement. A Licensee must cooperate with all law enforcement officers, authorized representatives of the Commission and the NYC Department of Investigation. Cooperation includes, but is not limited to, responding to a request for Licensee's name, Licensee's Medallion numbers, Rate Cards, Trip Records, and any other documents required to be maintained by the Taxicab Owner.

§8-15(h) Fine: \$50-\$350 Appearance REQUIRED

(i) Cooperate with the Commission

(1) An Owner must promptly answer all questions and comply with all communications, directives and summonses from the Commission or its representatives and the NYC Department of Investigation or its representatives.

§8-15(i)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

(2) An Owner must respond to any contact from the Commission within 48 hours, seven days a week.

§8-15(i)(2) Fine: \$500 Appearance NOT REQUIRED

**§8-16 Compliance with Law - Miscellaneous**

(a) Compliance with Commission Rules and Regulations, Generally. An Owner must comply with the Commission's Taxicab specifications, the Marking Specifications for Taxicabs, all pertinent provisions of the Administrative Code and other laws, rules or regulations governing Taxicab Owners.

§8-16(a) Fine: \$50 Appearance NOT REQUIRED

(b) Compliance with Accessible Taxicab Medallion Rules. An Owner of an Accessible Taxicab Medallion must comply with Chapter 3 of these Rules.

(c) No False Statements.

(1) An Owner must not file with the Commission any statement required under the Special Requirements for Business Entities provision (§8-05(d)(2)) that the Owner knows or should know to be false, misleading, deceptive or materially incomplete.

(2) An Owner must not file with the Commission any statement required under the Financial Disclosure provision (§8-04(f)) that the Owner knows or should know to be false, misleading, deceptive or materially incomplete.

§8-16(c)(1) and (2) Fine: Up to \$10,000 per Medallion implicated in the violation and/or mandatory divestiture of any and all interests in any Taxicab Licenses held by the Owner, shareholder, officer, director or partner in violation Appearance REQUIRED

(d) No Unlawful Purpose

(1) An Owner must not use or permit any other person to use Owner's Taxicab, garage or office of record for any unlawful purpose.

§8-16(d)(1) Fine: \$350 - 1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(2) An Owner must not conceal any evidence of a crime connected with Owner's Taxicab, garage or office of record.

§8-16(d)(2) Fine: \$350 - 1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(3) An Owner must report immediately to the police any attempt to use Owner's Taxicab to commit a crime or to escape from the scene of a crime.

§8-16(d)(3) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED

(e) No False Credentials

(1) An Owner must not attempt to avoid inspection of a Licensed vehicle by using false credentials to disguise one vehicle as another or by any other means contrary to law or regulation of the Commission.

§8-16(e)(1) Fine: Up to \$10,000 per Medallion implicated in the violation plus mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner Appearance REQUIRED

(2) An Owner must not operate or present for inspection a vehicle in which the Vehicle Identification Number has been loosened and reattached, or switched from another vehicle or otherwise altered in a manner

not in compliance with Article 17 of the New York State Vehicle and Traffic Law.

§8-16(e)(2) Fine: Mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner, plus a fine of up to \$10,000 per Medallion implicated in the violation Appearance REQUIRED

(3) An Owner must not present documents to the Commission that falsely indicate compliance with liability insurance and/or Workers' Compensation insurance requirements.

§8-16(e)(3) Fine: Mandatory divestiture of any and all Taxicab Licenses held by the Owner, and any held by a director, officer or stockholder of the Owner, plus a fine of up to \$10,000 per Medallion implicated in the violation Appearance REQUIRED

**§8-17 Operations - Business Premises**

(a) Maintenance of Physical Location. The following entities must maintain a business premise in a location zoned for the operation of a business:

(1) Any Agent;

(2) Any Owner who leases or otherwise Dispatches one or more Taxicabs for return at the end of a shift;

(3) Any Owner or Business Entity that has a Substantial Interest in Taxicab Medallions.

(b) Requirements of Premises. The Business Premises must have the following:

(1) Sufficient off-street space at or near the premises to store the lesser of:

(i) Twenty-five (25) vehicles, or

(ii) Fifty percent (50%) of the Taxicabs leased or otherwise Dispatched on a daily or a shift basis, plus five percent (5%) of the Taxicabs leased for longer than one day.

§8-17(b)(1) Suspension until condition is corrected Appearance REQUIRED

(2) Sufficient office space to conduct business, where all records required by the Commission, including Trip Records and Driver records, can be kept.

§8-17(b)(2) Suspension until condition is corrected Appearance REQUIRED

(c) Hours of Operation. Owner must keep regular business hours, including the hours of 9:00 a.m. through 5:00 p.m. for every weekday.

§8-17(c) Fine: \$100 Appearance NOT REQUIRED

(d) Contact Information. Owner must maintain the current address and telephone number of the business premises with the Commission.

§8-17(d) Fine: \$100 Appearance NOT REQUIRED

**§8-18 Operations - Management Oversight**

(a) Direct Owner Operations. The Commission will hold the Owner of every Taxicab accountable for hands-on operation of the Taxicabs and expects the Owner to be personally responsible for :

(1) Physically observing the Taxicabs

(2) Overseeing compliance with Taxicab inspection requirements

(3) Overseeing compliance with insurance and all other regulatory requirements

(4) Communicating with Drivers (where the Owners vehicles are driven by Drivers other than him/herself).

(b) Indirect Owner Operations.

(1) Notwithstanding the provisions in §8-18(a) above, an Owner can authorize employees or a Licensed Agent to perform any or all such functions.

(2) The use of an employee or Agent will not relieve an Owner of any obligation under these rules.

(3) An Owner remains fully accountable for all violations of Commission rules, committed by any employee or Agent in the operation of Owner's Medallion(s).

(c) Owner's Use of Agents

(1) Designation of Agent.

(i) An Owner can designate an Agent to act on the Owner's behalf to operate a Licensed Taxicab and perform all required functions.

(ii) The Agent must be licensed by the Commission in under with Chapter 13 of these Rules.

(iii) The designation will remain in effect until:

A. The Owner revokes the designation and notifies the Commission, or

B. The Commission suspends or revokes the Agent's License and notifies the Owner.

§8-18(c)(1) Fine: \$500 - 1,000 and/or suspension up to 30 days Appearance REQUIRED

(2) File Designation with the Commission. Prior to the use of an Agent, an Owner must file a designation of the Agent with the Commission.

§8-18(c)(2) Fine: \$200 Appearance NOT REQUIRED

(3) Owner Can Use Only One Agent. An Owner must not designate or use more than one Agent regardless of the number of Medallions in which Owner has an interest.

§8-18(c)(3) Fine: \$200 Appearance NOT REQUIRED

(d) Limitations on Owner's Use of an Agent.

(1) Agent's Personal Oversight Required. An Owner can designate or use an Agent, only if the Agent operates the Taxicab(s) through:

(i) Personal observation of the vehicle(s),

(ii) Personal oversight of compliance with inspection, insurance and all other regulatory requirements, and

(iii) Personal communications with Drivers.

§8-18(d)(1) Fine: \$200 Appearance NOT REQUIRED

(2) Agent Must Not Assign Responsibilities. An Owner can allow an Agent to use employees to assist in fulfilling these functions, however the Owner must NOT permit the Agent to delegate or assign its responsibilities to another party; Owner's designation of an Agent will be ineffective if the Agent delegates to another party.

§8-18(d)(2) Fine: \$200 Appearance NOT REQUIRED

(3) Must Maintain Business Premises. The Owner must ensure that the Agent maintains business premises meeting the requirements set forth in both §8-17 and §13-05 of these Rules.

§8-18(d)(3) Fine: \$200 Appearance NOT REQUIRED

(4) Owner Must Not Use Unlicensed Agent.

((i) An Owner must not designate or continue to use an Agent if the Commission has notified the Owner that the specified Agent's License is suspended or revoked.

§8-18(d)(4)(i) Fine: \$500 - 1,000 and/or suspension up to 30 days Appearance REQUIRED

(ii) The Commission will issue a directive to Owners to discontinue use of a specified Agent (a Stop-Use Directive) by mailing notification to the Owner's personal address.

(iii) The Commission will maintain a list of all Agents whose Licenses are currently suspended or revoked. This information is available for inspection by the public, and the Commission strongly suggests that Owners review these lists before selecting an Agent.

(iv) If an Owner seeks to designate an Agent who is the subject of a current Stop-Use Directive, the Commission will reject the designation and inform the Owner that the Agent's License is suspended or revoked.

(5) Provisions of this Section Cannot be Waived by Contract.

(i) No contract or other agreement between an Owner and an Agent will include a provision intended to supersede or impair the effectiveness, in whole or in part, of the provisions of this §8-18(d).

(ii) No provision in a contract or other agreement between an Owner and an Agent that attempts to impair the effectiveness of this section will be enforceable.

**§8-19 RESERVED [Operations - Service Requirements (Passengers)]**

**§8-20 Operations - Responsibilities with Respect to Drivers**

(a) Hours of Operation

(1) Double Shift Requirement. A Fleet or Minifleet must operate each of its operating Taxicabs for a minimum of two nine-hour shifts per day (for a total operating time of 18 hours per day) including weekends and holidays.

§8-20(a)(1) Fine: \$75 Appearance NOT REQUIRED

(2) Minimum Hours of Operation for Independent Owner.

(i) An Independent Medallion Owner must operate his/her Taxicab a minimum of 210 nine-hour shifts per year (for a total operating time of 1,890 hours per year).

§8-20(a)(2)(i) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(ii) Owner-Must-Drive Rule.

A. If the Owner acquired the Independent Medallion on or after January 7, 1990, the Owner must personally drive the Taxicab the required minimum number of hours.

B. If the Owner is a Business Entity this requirement must be fulfilled by:

1. One shareholder if the Owner is a corporation.

2. One partner if the Owner is a partnership.

3. One member if the Owner is a limited liability company.

§8-20(a)(2)(ii) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(iii) Upon written request by an Owner, the Commission can waive or modify the requirements of the Owner-Must-Drive rule, for a limited time, for good cause shown.

§8-20(a)(2)(iii) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(3) Maximum Driving Hours. An Owner must not require a Driver to operate one or more Taxicabs for more than 12 consecutive hours.

§8-20(a)(3) Fine: \$50 Appearance NOT REQUIRED

(b) Authorized Drivers.

(1) Driver Categories. An Owner must not authorize or allow a Driver to operate a Taxicab unless the Rate Card specifies that the Taxicab will be driven by either:

(i) Unspecified Drivers, or

(ii) Named Drivers whose names have been entered on the Rate Card and no named lease Driver is operating beyond the lease expiration date entered on the Rate Card.

§8-20(b)(1) Fine: \$75\$150 for the first violation, \$150\$300 for a second violation, \$300\$500 for a third violation - within 24 months, and Suspension until compliance Appearance REQUIRED

(2) Driver Authorization Statement.

(i) An Owner must maintain on file with the Commission a current Driver Authorization Statement, indicating whether the Taxicab will be operated by Named Drivers of record (including the Owner's Business Entity Persons, if applicable) or by "Unspecified Drivers;" the Driver Authorization Statement must include the additional information required below for either Unspecified Drivers or Named Driver Lessees.

(ii) The Commission will enter the Owner's choice on the Rate Card including, when applicable, the Named Drivers of record and the expiration dates of applicable leases.

§8-20(b)(2) Fine: \$250-\$500 and suspension until compliance Appearance REQUIRED

(3) Driver Authorization Statement for Unspecified Drivers. If an Owner elects to operate with Unspecified Drivers, the Driver Authorization Statement must be accompanied by a copy of a master lease, employment agreement and/or union contract, together with evidence that the Owner has unnamed driver insurance for the vehicle.

(4) Driver Authorization Statement for Named Driver Lessees.

(i) If an Owner elects to lease to Named Drivers, the Owner must file a Driver Authorization Statement for each lessee, before the lessee takes possession of the Taxicab.

(ii) The Owner must file the Driver Authorization Statement with the Commission in person or by power of attorney.

(iii) The Driver Authorization Statement must be signed by both parties and must include, but is not limited to, the following:

A. The date of execution of the lease

B. The term of the lease

C. The names and addresses of the lessor and lessee and their social security or

federal tax identification numbers

D. The Medallion number, the license plate number, the vehicle identification number, and the titled Owner of the Taxicab

E. The name and address of the vehicle liability and workers' compensation insurance carriers, the policy numbers and expiration dates

F. The name, address and telephone number of the Owner's Agent, if the Agent arranged or manages the lease

G. The charges to lessee

§8-20(b)(4)(i)-(iii) Fine: \$250-\$500 and suspension until compliance Appearance NOT REQUIRED

(iv) If any lease (or its renewal) listed in the Driver Authorization Statement is terminated for any reason, the Owner must notify the Commission in writing within 48 hours of such termination, unless exempted by the Commission.

§8-20(b)(4)(iv) Fine: \$100 Appearance REQUIRED

(c) Wheelchair Passenger Assistance Training.

(1) Training Must be Approved by Commission. The Owner of an Accessible Taxicab must make sure each Driver of such Accessible Taxicab has attended a Commission-approved training course regarding Wheelchair Passenger assistance.

(2) Requirements of the Course. Wheelchair Passenger assistance training must be a minimum of three hours and must include the following:

(i) A review of all legal requirements that apply to transportation of Persons with Disabilities;

(ii) Passenger assistance techniques including a review of various disabilities, hands-on demonstrations, disability etiquette, mobility equipment training (including familiarity with lift/ramp operations and various types of wheelchairs), and safety procedures

(iii) Training with an actual person using a wheelchair

(iv) Sensitivity awareness, including customer service and conflict resolution policies.

(3) Vehicle Owner Must Pay for Training. The Accessible Taxicab Owner is responsible for paying any fees required to train each of Owner's Drivers.

(4) Vehicle Owner Responsibility. The Accessible Taxicab Owner must ensure that each of Owner's Accessible Taxicabs is driven only by a Driver who has completed the Wheelchair Passenger assistance training provided for in this section.

§3-07(a)(6) Fine: \$50 Appearance NOT Required

**§8-20.1 Leasing a Taxicab or Medallion**

(a) An Owner can lease a Taxicab (or a Medallion-only) to a Licensed Taxicab Driver, or to Licensed Drivers working different shifts or days if the Owner complies with the provision of this section.

(1) Regardless of the terms of the lease, the Owner is responsible for complying with all laws, rules and regulations governing Owners.

(2) An Owner must not authorize or allow a lessee of a Taxicab to sublease the Taxicab to another party.

§8-20.1(a) Fine: \$75\$150 for the first violation, \$150\$300 for a second violation, \$300\$500 for a third violation within 24 months, and Suspension until compliance Appearance REQUIRED

(b) Service and Maintenance of Leased Taxicab Vehicles.

(1) Service and maintenance of a leased Taxicab (including the vehicle) is the responsibility of the Owner/lessor, and the cost of the service and maintenance of the Vehicle cannot be charged to the Driver/lessee.

(2) The lease of a Medallion-only does not include, and does not require, the Medallion Owner/lessor to provide service and maintenance of the vehicle.

(3) A Medallion-only lessor must not require the lessee to obtain service and maintenance from any particular provider, including, but not limited to, the Medallion Owner or any agent of the Medallion Owner.

§ 8-20.1(b) First violation \$500 Second and subsequent violations: \$1000 and/or suspension of the Medallion for up to 30 days. In Appearance REQUIRED

addition to the penalty payable to the Commission, the administrative law judge may order the owner to pay restitution to the driver, equal to the excess that was charged to the driver.

(d) Rate Rules.

(1) Standard Lease Cap Rates. An Owner of a Taxicab can charge a lease rate to a Driver that is not greater than the following Standard Lease Caps:

(i) The Standard Lease Cap for a Medallion and vehicle for one shift will not exceed:

A. \$105, for all 12-hour day shifts

B. \$115, for the 12-hour night shift on Sunday, Monday and Tuesday

C. \$120, for the 12-hour night shift on Wednesday

D. \$129, for the 12-hour night shifts on Thursday, Friday and Saturday

E. \$666, for any one-week shift for one week or longer.

(2) Cost Adjustments. For Taxicabs that are Hacked-up under §17-05.1 and are not Accessible Vehicles, the Standard Lease Caps set forth in paragraph (1) above will be adjusted as follows:

(i) Beginning on May 1, 2009, each amount will be reduced by \$4 per shift (\$28 per week), so that the lease amount for one shift must not exceed:

A. \$101, for all 12-hour day shifts

B. \$111, for the 12-hour night shift on Sunday, Monday and Tuesday

C. \$116, for the 12-hour night shift on Wednesday

D. \$125, for the 12-hour night shifts on Thursday, Friday and Saturday

E. \$638, for any one-week shift for one week or longer

(ii) Beginning on May 1, 2010, each amount will be reduced by \$8 per shift (\$56 per week), so that the lease amount for one shift must not exceed:

A. \$97, for all 12-hour day shifts

B. \$107, for the 12-hour night shift on Sunday, Monday and Tuesday

C. \$112, for the 12-hour night shift on Wednesday

D. \$121, for the 12-hour night shifts on Thursday, Friday and Saturday

E. \$610, for any one-week shift for one week or longer

(iii) Beginning on May 1, 2011, each amount will be reduced by \$12 per shift (\$84 per week), so that the lease amount for one shift must not exceed:

A. \$93, for all 12-hour day shifts

B. \$103, for the 12-hour night shift on Sunday, Monday and Tuesday

C. \$108, for the 12-hour night shift on Wednesday

D. \$117, for the night shifts on Thursday, Friday and Saturday

E. \$582, for any one-week shift for one week or longer

(3) Cost Adjustments for the Lease of Hybrid Electric and Diesel-Fueled Vehicles.

(i) The Standard Lease Cap for Hybrid Electric Taxicabs and Diesel-Fueled Taxicabs that are hacked-up under §17-05 of these Rules are raised by \$3 per shift (\$21 per week), so that the lease amount for one shift must not now exceed:

A. \$108, for all 12-hour day shifts

B. \$118, for the 12-hour night shift on Sunday, Monday and Tuesday

C. \$123, for the 12-hour night shift on Wednesday

D. \$131, for the 12-hour night shifts on Thursday, Friday and Saturday

E. \$687, for any one-week shift for one week or longer

(4) *The Standard Lease Cap:*

(i) For a *Medallion-only* Hybrid Taxicab, Hacked-up under §17-05 is \$842 weekly.

(ii) For all other *Medallion-only* Taxicabs, (including Accessible Taxicabs), is \$800.

(5) *Limits on Additional Charges.* In addition to a lease amount no greater than the Standard Lease Cap (as adjusted), an Owner/lessor (as well as any agent or employee of the Owner/lessor) must not request of or accept from any lessee (of a Taxicab or Medallion-only) any money or other thing of value, except for the following (this means an Owner/lessor must not charge any tip, tax, surcharge or other fee of any kind above the Standard Lease Cap (as adjusted) except for the following):

(i) A credit card pass-along no greater than five percent (5%), as allowed under subdivision (f), below;

(ii) A security deposit and deductions from the security deposit no greater than allowed under subdivision (d) below;

(iii) The discount toll amount for use of the Owner's *EZ-Pass®* as described in §8-26 of this Chapter;

(iv) A late charge not to exceed \$25 for any shift;

(v) A reasonable cancellation charge, subject to the provisions of subdivision (i)(5) below;

(vi) Parking tickets and red light violations permitted to be deducted from the security deposit described in subdivision (e) below, provided that the Driver/lessee is allowed to challenge any ticket or violation; and

(vii) If the Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can collect the MTA Tax collected by the lessee/Driver from the lessee/Driver. The MTA Tax must be collected in the following order:

A. The MTA Tax must first be deducted from any credit card reimbursements due as required in subdivision (f) below.

B. The MTA Tax must next be deducted from the security deposit permitted in subdivision (e) below.

C. If not fully paid, then the MTA Tax must be collected from the lessee/Driver.

§8-20.1(c) Fine: First violation: \$500 Appearance REQUIRED  
Second and subsequent violations: \$1,000 and/or suspension of the Medallion for up to 30 days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was charged to the Driver.

(6) *Collective Bargaining Exception to the Standard Lease Cap.* The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed by the terms of a collective bargaining agreement that regulates the subject of lease prices.

(d) *Commission Review and Change of Lease Caps.* The Commission can make changes to the lease caps as a response to policy needs or in conjunction with its regular two-year review, as follows:

(1) The Commission can initiate lease cap changes at any time, if the Commission believes that policy considerations require changes to be made.

(2) During March of each even-numbered year, the Commission will hold a public hearing and solicit written comment as to operating expenses, driver earnings, the retention of experienced drivers in the Taxicab industry, and other matters relevant to the setting of lease caps, for purposes of considering changes to the Standard Lease Caps.

(e) *Security Deposit on Taxicab Vehicles.*

(1) *Security Deposit Provision Permitted.* An Owner can include a lease provision for a security deposit from the Driver, provided it complies with the requirements of this subdivision (e).

(2) *Permitted Withholdings from Security Deposit.* At the termination or expiration of a lease an Owner may be reimbursed from the security deposit only for the following:

(i) Any unpaid but owing lease charges.

(ii) Damage to the vehicle, if the lease clearly and prominently states that the Driver is responsible for damage.

(iii) Any parking tickets issued during the lease.

(iv) Any red light violations issued to the Owner during the lease, under the NYC Department of Transportation's camera surveillance system.

(v) If the Owner (or Owner's Agent) is a Taxpayer, any MTA Tax remaining due from the Driver after deductions from credit card receipts due to the Driver.

(3) *Deposit Not to be Used for Owner Violations.* An Owner must not require a Driver to pay any summons that is written to the Owner as Respondent, other than those specified above.

§8-20.1(e)(3) Fine: First violation: \$250; Appearance REQUIRED  
Second violation: \$350;  
Third and subsequent violations \$500 and/or suspension of the Medallion for up to thirty days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was withheld from the Driver, or equal to the amount that the Driver paid, at the requirement of the Owner, to satisfy any summons against the Owner

(4) *Limits on Amount of Deposit.* An Owner must not require a Driver to post any security deposit that is greater in amount than the rate for one lease term. However, if the lease term is for more than one week, an Owner must not require a Driver to pay a security deposit in an amount greater than the lease rate for one week. Examples include:

(i) An Owner who leases a Taxicab for one shift at the rate of \$80 per shift can require up to an \$80 security deposit.

(ii) An Owner who leases a Taxicab or Medallion for one week at the rate of \$500 a week can require up to a \$500 security deposit.

(iii) An Owner who leases a Taxicab for six months at the rate of \$2,000 a month can require up to a \$500 security deposit.

§8-20.1(e)(4) Fine: \$200 Appearance NOT REQUIRED

(5) *Provide Driver Written Receipt and Accounting for Security Deposit.*

(i) An Owner must provide written receipts for any security deposits made by a Driver.

(ii) An Owner must provide a Driver with a written itemization of any items withheld or deducted from a security deposit.

§8-20.1(e)(5) Fine: \$50 Appearance NOT REQUIRED

(6) *Return Deposit within 30 Days of Lease Termination.*

(i) An Owner must return a security deposit no later than 30 days after the end of the lease term.

(ii) An Owner must return a security deposit either by check or by cash exchanged for a written receipt from the Driver.

§8-20.1(e)(6) Fine: \$50 Appearance NOT REQUIRED

(7) *Interest on Security Deposit.*

(i) An Owner who requires a security deposit must secure the funds in an interest-bearing account in a bank or credit union within the City of New York, in an account devoted to security deposits and not commingled with funds of the Owner.

(ii) The Owner must indicate in writing provided to the Driver the name and address of the bank or credit union and the applicable account number.

(iii) Interest on the security deposit must accrue to the benefit of the Driver furnishing the security, except, however, that the Owner can retain one percentage point of any interest, as compensation for bookkeeping expenses.

§8-20.1(e)(7) Fine: \$50 Appearance NOT REQUIRED

(8) *Collective Bargaining Agreement Exception to Limitations on Security Deposits.* The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed

by the terms of a collective bargaining agreement that regulates the subject of security deposits.

(f) *Credit Card Charges.*

(1) For any lease of a Taxicab (vehicle and Medallion), an Owner (or Owner's Agent) must pay a Driver in cash, on a daily basis, the total amount of all credit card payments made during the Driver's shift;

(2) For any lease not described in subparagraph (1), an Owner (or Owner's Agent) must pay the Driver in cash, on no less than a weekly basis, the total amount of all credit card payments made during that period;

§8-20.1(f)(1)&(2) Fine: \$100 Appearance NOT REQUIRED

(3) An Owner (or Owner's Agent) can withhold from the cash payments, a credit card pass-along of no more than five percent (5%) of the total amount.

§8-20.1(f)(3) Fine: First violation: \$200 Appearance REQUIRED  
Second violation: \$300  
Third violation: \$500  
In addition to the penalty payable to the Commission, the ALJ may order the Owner to pay restitution to the Driver, equal to the excess amount that was charged to the Driver.

(4) If an Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can deduct from the credit card receipts payable to the Driver the amount due for the MTA Tax from the Driver's trips.

(g) *Receipts to Drivers for All Payments.*

(1) An Owner (or Owner's Agent) must give a Driver a written receipt for every payment or deduction made under the lease and these Rules.

(2) The receipt must include the name of the Driver and the number of the Medallion subject to the lease.

(3) The receipt must clearly state the following information with respect to the payment or deduction:

(i) The date

(ii) The name of the recipient

(iii) The amount

(iv) The purpose

(v) The number of the section of this chapter that authorizes the payment or deduction

§8-20.1(g) Fine: \$50 plus driver gets free shift.

(h) *Lease Must Be in Writing.*

(1) Every Taxicab operating lease (including any amendments), must be in writing, and must be signed by the Owner (or a person authorized to act on behalf of the Owner), and by the leasing Driver or Drivers.

(2) A copy of the fully executed lease must be provided to the leasing Driver or Drivers.

§8-20.1(h) Fine: \$500 Appearance NOT REQUIRED

(i) *Terms.* Every lease must contain the following terms:

(1) *The type and term of the lease.* The lease must state the beginning date and time of the lease and the ending date and time of the lease.

(i) A weekly lease must run for seven consecutive calendar days.

(ii) A shift must run for 12 consecutive hours.

(2) *Costs covered by the lease.* The lease must state the total lease amount, and must itemize that total cost, including:

(i) The amount of the lease that applies to the medallion and the amount, if any, that applies to the vehicle

(ii) The amounts, if any, of the security deposit

(iii) The percentage credit card pass-along

(iv) Any other costs that the Driver will be charged

(3) *Reference Authorizing Rule Sections.*

(i) For each itemized cost listed above (in subparagraph (2)), the lease must include a reference to the Commission Rule authorizing the Owner to charge the cost to the Driver.

(ii) The lease must either recite the complete text of each Rule or state the address of the Commission's Web page on which the Rule is published.

(4) *Overcharges.* Every lease must contain clearly legible notice that overcharging a lessee/Driver is prohibited by the Commission's Rules, and that complaints of overcharges may be made in writing to the Commission or by telephone call to 311.



(5) Charges Upon Cancellation.

(i) If an Agent demands the return of a Medallion upon the request of an Owner, the Driver has the right to request the Agent to provide a replacement Medallion and, if the Agent provides another Medallion, the Driver will not be responsible for the costs of hacking up a replacement vehicle.

(ii) Any cancellation charge contained in the lease must be reasonable, and will not be permitted unless the lease also provides that:

A. Owner is not permitted to charge a Driver a cancellation charge if the Driver is not late in making lease payments at the time the Owner cancels the lease.

B. When a cancellation payment is made, the Driver's obligation to make lease payments terminates immediately.

(6) Deposit information. Each lease must include the information regarding deposits required by §8-20.1(e) of this chapter.

§8-20.1(i) Fine: First violation \$500 Appearance REQUIRED  
Second and subsequent violations: \$1000 and/or suspension of the Medallion for up to thirty days. In addition to the penalty payable to the Commission, the administrative law judge may order the owner to pay restitution to the driver, equal to the excess or non-authorized charge that was charged to the driver.

(j) Retaliation.

(1) An Owner must not retaliate against any Driver for making a good faith complaint against any Owner for violation of the leasing provisions in §8-20.1 of this chapter.

(2) "Retaliation" will be broadly construed, and will include imposing any adverse condition or consequence on the Driver or withholding or withdrawing any beneficial condition or consequence from the Driver.

§8-20.1(j) Fine: \$1,000 Appearance NOT REQUIRED

**§8-21 Records – Trip Record Information**

(a) Record of Passenger Trip Information. The Trip Record is the record of all data collected from every for hire trip made by a Taxicab and must include the following information:

- The Taxicab Medallion number
- The Taxicab Driver's License number
- The location where each passenger is picked up
- The time each passenger is picked up
- The total number of passengers
- The location where each passenger is dropped off
- The time each passenger is dropped off
- The total trip mileage
- The itemized metered fare for the trip (fare, tolls, surcharge, and tip, if paid by credit or debit card)
- Method of payment
- The trip number
- Other information required by the Commission

(b) Form of Trip Record.

- Trip Records must be collected and stored electronically, through the use of the Taxicab Technology System (T-PEP).
- If the T-PEP is inoperable, a written Trip Record must be kept during the 48-hour period the Taxicab is permitted to operate after timely notification of the malfunction. (See §8-40 of this Chapter)

(c) Access to Trip Record.

- Trip Record information must be available to the Commission and the Taxicab Driver.
- Trip Record information must be available at the end of each shift and/or at the end of a lease term.
- An Owner must take possession of any written Trip Records weekly.

§8-21(c)(3) Fine: \$25 Appearance NOT REQUIRED

(d) Changes and Corrections.

- An Owner must not knowingly enter false information into the electronic data system for entry onto the electronic Trip Record.

(2) An Owner must not make erasures or obliterate information on a written Trip Record, or other record that Owner is required to maintain.

§8-21(d)(2) Fine: \$50 Appearance NOT REQUIRED

(3) If a wrong entry is made on any written Trip Record, the Driver or Owner must correct it and record the date, time, and reason for the change, so long as a record of the manually changed entry exists.

§8-21(d)(3) Fine: \$50 Appearance NOT REQUIRED

(4) Trip Records must not be changed either in whole or in part, unless authorized by the Commission.

§8-21(d)(4) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance NOT REQUIRED

**§8-22 Records – Contact Information**

(a) Mailing Addresses.

- Each Owner must designate a Mailing Address; this can be the Agent's address but cannot be a post office box number.
- Any notice from the Commission will be sufficient if sent to the Mailing Address.
- Each individual Owner must also file and maintain with the Commission the Owner's personal address and a telephone number where the Owner can be reached directly.
- Each Business Entity Owner must also file and maintain with the Commission the personal addresses and telephone numbers of each of Owner's Business Entity Persons.

§8-22(a)(1)-(4) Fine: \$100 Appearance NOT REQUIRED

(5) The Commission is not required to send any communication to the Owner's personal address, except when notifying Owner that the License of the Agent designated by Owner has been revoked. Other communications sent to the Owner's personal address are at the discretion of the Commission.

(b) Telephone Number and Immediate Access. An Owner must maintain on file with the Commission a current telephone number connected to an answering machine or recording device, a pager number, an answering service telephone number or a similar means of telephone contact, so that the Commission can reach the Owner on a 24-hour basis.

§8-22(b) Fine: \$100 Appearance NOT REQUIRED

**§8-23 Records – Maintenance Requirements**

(a) Shift Drivers. An Owner must keep accurate records of the Driver for each shift.

§8-23(a) Fine: \$250 Appearance NOT REQUIRED

(b) Fleet or Minifleet Owner Records. A fleet or minifleet Owner must maintain for a period of three years a written record of every shift providing the following information for each Taxicab:

- Driver's name,
- Taxicab Driver's License number,
- State license plate number,
- Medallion number,
- Time of leaving garage,
- Exact time of return.

§8-23(b) Fine: \$25 Appearance NOT REQUIRED

(c) All Owners must maintain the following additional records for a period of three years:

- Drivers' electronic and written trip records
- Receipts and disbursements from the Taxicab operations
- Payments to Drivers
- Mileage record of each vehicle
- Workers' compensation insurance coverage, if any
- Liability insurance coverage
- Any other information required by the Commission

§8-23(c)(1)-(7) Fine: \$50 for violation of each subdivision hereof Appearance NOT REQUIRED

(d) An Owner must make available to a Driver any records that the Owner is required to maintain, and that the Driver can be required to present to the Commission or any other governmental agency; the Owner can provide photocopies of the records.

§8-23(d) Fine: \$50 Appearance NOT REQUIRED

**§8-24 Reporting Requirements**

(a) Report Change in Status.

- When an Owner has a change of Mailing Address or a change in the office of record, the Owner must personally appear at the Commission to report the changes within 72 hours of such change (not including weekends and holidays).
- The Owner must bring the Rate Cards for all of Owner's Taxicabs.

§8-24(a) Fine: \$100 Appearance NOT REQUIRED

(b) Lost, Stolen, or Damaged Taximeter. If a Taximeter is lost, stolen or damaged beyond repair, the Owner must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the loss, theft or destruction, and must provide any affidavit or information that the Commission requires.

§8-24(b) Fine: \$100 Appearance NOT REQUIRED

**§8-25 Operations – Rates and Tolls**

(a) Metered Rate of Fare.

(1) Metered Rate of Fare. The rate of fare for Taxicabs is as follows, regardless of the number of passengers or stops:

- The charge for the initial unit is \$2.50
- The charge for each additional unit is \$.40
- The unit of fare is:
  - One-fifth of a mile, when the Taxicab is traveling at 12 miles an hour or more; or
  - 60 seconds (at a rate of \$.40 per minute), when the Taxicab is traveling at less than 12 miles an hour.
- The Taximeter must combine fractional measures of distance and time in accruing a unit of fare. Any combination of distance or time specified in paragraph (iii) above must be computed by the Taximeter in accordance with Handbook 44 of the National Institute of Standards and Technology.
- The fare must include pre-assessment of the unit currently being accrued; the amount due can therefore include a full unit charge for a final, fractional unit.

(2) Surcharges. In addition to the metered rate of fare, Taxicabs will add the following surcharges, except where surcharges are specifically exempted:

- A rush hour surcharge of \$1.00 for all trips beginning on a weekday after 4:00 p.m. and before 8:00 p.m.; this surcharge will not be applied on legal holidays
- A nighttime surcharge of \$.50 for all trips beginning after 8:00 P.M. and before 6:00 A.M.

(3) MTA Tax. The MTA Tax must be charged on any trip that starts in New York City and ends in any of the following:

- New York City
- Dutchess County
- Nassau County
- Orange County
- Putnam County
- Rockland County
- Suffolk County
- Westchester County

(b) Flat Rates from Kennedy Airport.

(1) Flat Fare Rate to Manhattan. The fare for a trip between Kennedy Airport and Manhattan will be a Flat Rate of \$45, plus any tolls.

- NO surcharge will be added to this Flat Rate.
- The MTA Tax must be charged in addition to the Flat Rate.
- The Taximeter must reflect that this trip is a Flat Rate fare.

(2) Calculating Fare for Multiple Stops to Manhattan. If passengers request multiple stops on a trip from Kennedy Airport to Manhattan, the fare will be determined as follows:

- The first stop in Manhattan is paid as required by paragraph (1) of this subdivision (a Flat Rate fare of \$45 plus tolls plus the MTA Tax).
- The Taximeter is then turned on as if for a new trip and a new fare is calculated as a regular metered trip.
- The total metered fare (plus any surcharge) is paid at the last stop by the remaining passenger.
- No fare is due at the time any other passengers are dropped off between the first and last passenger.
- Example: if three passengers request stops at 42nd St., 18th St. and 4th St.:

- A. \$45.50 will be collected at 42nd St.
  - B. The Taximeter will be turned on at that point
  - C. When the second passenger exits at 18th St., the Taximeter remains on and no money is paid to the Driver.
  - D. The passenger dropped off at 4th St. must pay the fare on the Taximeter.
- (3) Metered Fare to Boroughs Other Than Manhattan. All trips between Kennedy Airport and a borough other than Manhattan are governed by the metered rate of fare as set forth in §8-25(a).
- (4) Chairperson's Right to Suspend this Provision. The Chairperson is authorized to suspend the enforcement of this provision at any time, if in the judgment of the Chairperson such a suspension is necessary to preserve adequate levels of service to and from Kennedy Airport.
- (c) Group Ride Fares.
- (1) Group Ride Fare from LaGuardia Airport (Reserved)
  - (2) Group Ride Fare from York Avenue. The fare for trips made under a Group Riding plan from York Avenue to the Financial District will be \$6.00 per passenger. In addition, there can be a fee for dispatch services as the Commission determines.
  - (3) Experimental Group Ride Programs.
    - (i) Additional Pickup Locations. The Chairperson can recommend for Commission approval additional Group Riding plan pickup locations on a temporary basis, to determine the effectiveness of each Group Riding plan.
    - (ii) Demand-Driven Temporary Group Riding Plans. The Chairperson can also recommend for Commission approval additional Group Riding plans on a temporary basis to respond to demand created by special events or unique circumstances.
    - (iii) Duration. Any Group Ride plan established by the Commission under this subdivision will terminate one year after the date the plan was established, unless:
      - A. Final rulemaking has been enacted establishing the Group Riding plan location and rate of fare; or
      - B. The Commission has determined that it is in the best interest of the Commission to extend the Group Riding plan pilot program for an additional definite period of time not to exceed one year.
  - (iv) Termination. The Commission can discontinue any Group Riding plan that has not been the subject of final rulemaking upon a determination that continuation of the plan is not in the best interest of the public.
- (4) MTA Tax. In a group ride, one passenger will pay the MTA Tax. The fare for that passenger will be reduced by the amount of the MTA Tax. All passengers will pay the same total amount. (Example: If three passengers are taking a group ride for which the fare is \$6.00 per person, the fare will be adjusted so that the total fare for all three passengers equals \$17.50 plus the \$.50 MTA Tax.)
- (d) Trips Beyond the City.
- (1) For a trip beyond the limits of the City of New York, except for Westchester or Nassau County, or Newark Airport, the fare will be a Flat Rate. The MTA Tax must be added to the Flat Rate for any trip that starts in New York City and ends in any of the following:
    - (i) Dutchess County
    - (ii) Orange County
    - (iii) Putnam County
    - (iv) Rockland County
    - (v) Suffolk County
  - (2) For a trip to Westchester or Nassau County the fare will be the sum of the following amounts:

- (i) The amount shown on the Taximeter for that portion of the trip that is inside the City limits, plus
  - (ii) Twice the amount shown on the Taximeter for that portion of the trip that is outside the City limits, plus
  - (iii) All necessary tolls to and from the destination.
  - (iv) The MTA Tax must be added to the total fare.
- (3) For a trip to Newark Airport the fare will be the sum of the following amounts:
- (i) The amount shown on the Taximeter, plus
  - (ii) A surcharge of \$15.00, plus
  - (iii) All necessary tolls to and from the destination
- (4) Any continuous trip where the point of origin and the destination are both within the limits of the City of New York will not be considered a trip beyond the City limits, even though the shortest and most direct route requires traveling outside the City limits but within continuous counties. The Taximeter must be kept in the recording position throughout the trip.
- (e) No Charge for Luggage or Mobility Aids. There will be no charge for:
- (1) Steamer trunks or other luggage or belongings;
  - (2) Wheelchairs, crutches, three-wheeled motorized scooters and other mobility aids transported in the interior of the Taxicab;
  - (3) Use of the Taxicab's trunk.
- (f) Tolls – How Tolls are Paid.
- (1) All Taxicabs must be equipped with a New York MTA Bridges & Tunnels EZ-Pass®. (See §8-26)
  - (2) When a Taxicab drives through a toll plaza with an EZ-Pass®, the MTA Bridges & Tunnels automatically deducts the cost of the toll from an account maintained by the EZ-Pass® tag holder.
  - (3) Passengers must pay for the toll, and must be informed of this fact before the trip begins, but are only required to pay the actual amount (often a discounted toll) charged to the EZ-Pass®.
  - (4) Drivers must collect the proper toll amount from the passenger and forward it to the holder of the EZ-Pass® tag.
- (g) Tolls – What Tolls are Paid by Passenger.
- (1) On all trips within the City of New York, the passenger must pay:
    - (i) All tolls incurred driving to the passenger's destination
    - (ii) No tolls for the Driver's return trip, except for trips over:
      - A. The Cross Bay Veterans Bridge
      - B. The Marine Parkway – Gil Hodges Memorial Bridge
  - (2) On trips beyond the City of New York, the passenger must pay all necessary tolls to and from the destination.
  - (3) A Driver who charges a passenger more than the actual amount of the EZ-Pass® toll is guilty of an overcharge as prohibited by §4-15(g) of the Taxicab Drivers chapter.
  - (4) A Driver who fails to reimburse an EZ-Pass® tag holder for all toll charges incurred, including toll charges for which there is no passenger reimbursement, will be subject to the provisions of §4-15(f)(4) of the Taxicab Drivers chapter.
  - (5) In addition to any other penalty permitted, the Commission can order restitution to a passenger or the EZ-Pass® tag holder.
- (h) Credit/Debit Card Rules.
- (1) An Owner who is a merchant is permitted to charge the Driver a pass-along of not more than five percent (5%) of the total credit/debit charges incurred during the Driver's shift.
  - (2) Merchants are not permitted to charge a pass-along to any passenger for credit/debit card transactions.

- §8-26 Operations – EZ-Pass® Required**
- (a) EZ-Pass® Account. All Owners must participate in the EZ-Pass® New York Program by maintaining a current account with the Metropolitan Transportation Authority, Triborough Bridge and Tunnel Authority ("MTA Bridges and Tunnels" or "MTA B&T").
- §8-26(a) Fine: \$100 and suspension until compliance      Appearance REQUIRED
- (b) EZ-Pass® Tags Required on all Taxicabs.
- (1) Owners must either:
    - (i) Equip all of Owner's Taxicabs with an MTA Bridges and Tunnels EZ-Pass® tag, each of which must be attached as required by MTA B&T, or
    - (ii) Allow a Driver to use his or her personal EZ-Pass® tag.
  - (2) Owners must have available at least one MTA Bridges and Tunnels tag for each of their Medallions.
  - (3) Owners must maintain a sufficient balance in their EZ-Pass® account, according to what is required by the program.
- §8-26(b) Fine: \$100 and suspension until compliance      Appearance REQUIRED
- (c) Driver Provides EZ-Pass® Tag.
- (1) A Driver can choose to use his or her own EZ-Pass® tag.
  - (2) If a Driver uses his or her own EZ-Pass®, the Driver keeps the toll money paid by the passenger, or is reimbursed the amount of the toll(s) if the passenger pays by credit or debit card.
- (d) Owner Provides EZ-Pass® Tag.
- (1) Funds Accrue to Owner. When an Owner provides the EZ-Pass® tag, the Driver must ensure that all of the monies paid by a passenger for toll(s) accrue to the Owner.
    - (i) If the customer pays by cash, the Driver will forward the money to the Owner at the end of his or her shift or at the end of his or her lease.
    - (ii) If the customer pays by credit or debit card, the Owner will retain any amount paid for toll(s).
- §8-26(d)(1) Fine: \$250      Appearance NOT REQUIRED
- (2) Owner can Require Driver to Maintain a "Replenishment" Account.
    - (i) An Owner who is the EZ-Pass® tag holder can require a Driver who is Dispatched in one of Owner's Taxicabs for one or more shifts to maintain an EZ-Pass® replenishment account with the Owner.
    - (ii) The Owner can require a Driver to maintain a maximum of \$10 for every 12-hour shift included within a lease period, up to a maximum of \$100, in the replenishment account for the benefit of Owner.
    - (iii) The Owner can collect from this account any tolls paid by the Owner's EZ-Pass® account for a tag assigned to a Taxicab operated by the Driver, for which the Owner has not been reimbursed.
    - (iv) Any funds held in the replenishment account that are not used to reimburse the Owner must be returned to a Driver within 30 days after the termination of the Driver's lease with the Owner.
    - (v) An Agent has the same rights and obligations as Owner under this paragraph §8-26(e)(2).
- §8-26(d)(2) Fine: \$250 plus restitution to the Driver of any replenishment account improperly retained by an Owner or Agent      Appearance REQUIRED
- §8-27 Operations – Miscellaneous Requirements**
- (a) Lost Property–Police Notification. Passenger lost property found in a Taxicab must be taken without delay to the police precinct in which the garage is located unless it can be returned to its rightful owner within a reasonable time.
- §8-27(a) Fine: \$25 – 250      Appearance REQUIRED
- (b) Lost Property–Notify the Commission. The Taxicab Owner must promptly inform the Commission of any property that has been taken to a police precinct as required by §8-27(a).
- §8-27(b) Fine: \$25      Appearance NOT REQUIRED
- (c) No Solicitation.
- (1) When a Taxicab is operating, Owners must not allow any service or merchandise to be sold or advertised to any passenger.
  - (2) An Owner must not make any arrangement with an owner, manager or

employee of any restaurant, bar, night club, cabaret, dance hall, hotel, or any similar place, in which the Driver agrees to solicit or recommend patronage for such places, without prior written approval of the Commission.

§8-27(c) Fine: \$50 – 200 Appearance REQUIRED

(d) No Disruption of Pedestrian or Vehicular Traffic. An Owner must not Dispatch a Taxicab from a public street or other public area if the Dispatch will prevent the flow of pedestrians or vehicular traffic, or cause inconvenience or annoyance to the public.

§8-27(d) Fine: \$100 Appearance NOT REQUIRED

**§8-28 Vehicle Condition – Inspections**

(a) Required Inspections. No new or replacement Taxicab can operate for hire unless it has been inspected and approved by the Commission.

§8-28(a) Fine: \$100 and seizure of the vehicle Appearance NOT REQUIRED

(b) Tri-Annual Inspection. An Owner must have his Taxicab inspected every four months at a date and time designated by the Commission and at any other time deemed necessary by the Commission.

§8-28(b) Fine: (penalties below are cumulative) Appearance REQUIRED  
 0-30 days past inspection due date: \$100 and Summary Suspension until compliance  
 31-60 days past inspection due date: \$100/\$250 and Summary Suspension until compliance  
 61-120 days past inspection due date: \$250/\$500 and Summary Suspension until compliance  
 More than 120 days past inspection due date: \$500 and/or revocation.

**§8-29 Vehicle Condition – Meet Safety Standards**

(a) While a taxicab is in operation, all equipment, including brakes, tires, lights and signals must be in good working order and meet all requirements of the New York State Vehicle and Traffic Law, and the Rules of the Commission.

§8-29(a) Fine: \$100 Appearance N/A

(b) An Owner must comply with all notices and directives to correct defects in Taxicabs.

§8-29(b) Fine: \$50 and suspension until the defective condition is corrected. Appearance N/A

(c) An Owner must repair or replace a Taxicab when the Commission determines that the vehicle is unsafe or unfit for use as a Taxicab and directs the Owner to remove it from service. The Owner must surrender the Medallion and Rate Card to the Commission for storage and the License will be suspended.

§8-29(c) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance N/A  
 Summary Suspension until compliance

**§8-30 Vehicle Condition – Miscellaneous**

(a) Clean. The Taxicab's exterior and interior must be clean.

§8-30(a) Fine: \$25 Appearance NOT REQUIRED

(b) Trunk. The trunk compartment must be capable of securely holding passengers' baggage.

§8-30(b) Fine: \$75 Appearance NOT REQUIRED

(c) Shoulder Belts.

(1) Every Taxicab must be equipped with shoulder belts for both outside front seat positions and both outside rear seat positions.

§8-30(c)(1) Fine \$100 - \$250 Appearance REQUIRED

(2) All seat belts and shoulder belts must be clearly visible, accessible and in good working order.

§8-30(c)(2) Fine: \$100 - \$250 Appearance REQUIRED

(d) No Alterations. An Owner will make no structural change in a Taxicab that deviates from the Taxicab specifications set forth in Chapter 17 of these Rules without the Commission's written approval.

§8-30(d) Fine: \$100 Appearance NOT REQUIRED

(e) No Physical Movement of Medallion. An Owner must not affix, remove or transfer a Medallion to a new or replacement vehicle without prior authorization of the Commission, except that an Owner can affix additional bolts to a Medallion in order to further secure it.

§8-30(e) Fine: \$100 - \$350 and/or suspension up to 30 days Appearance REQUIRED

(f) Medallion Number on Roof Light. The Medallion number on the front and rear of the roof light must be clean and unobstructed so that the Medallion number is plainly visible.

§8-30(f) Fine: \$50 Appearance NOT REQUIRED

(g) Illumination. When a Taxicab is in operation for hire after sunset, the following items must be illuminated so that they are clearly visible from the rear seat:

(1) The face of the Taximeter

§8-30(g)(1) Fine: \$25 Appearance NOT REQUIRED

(2) The Taxicab Driver's License

§8-30(g)(2) Fine: \$200 Notice to correct within 10 Days Appearance REQUIRED

(3) The Rate Card

§8-30(g)(3) Fine: \$200 Notice to correct within 10 Days Appearance REQUIRED

(h) Lighting Control. The dashboard dimmer switch or any other device must not control the candlepower of the roof light, Taximeter light, card frame light or interior lighting.

§8-30(h) Fine: \$50 - \$350 and/or suspension up to 30 days Appearance N/A

**§8-31 Vehicle – Markings & Advertising**

(a) Approved Exterior Markings.

(1) An Owner of a Taxicab must apply to the exterior of the Taxicab the following markings approved by the Commission:

(i) Two Taxicab logo decals

(ii) Two rate of fare decals

(iii) Two Medallion number decals

(iv) Two checkerboard stripe decals

(2) An Owner of a Taxicab must obtain the approved Taxicab markings from a person or entity authorized by the Commission to print and distribute the decals. A depiction of the decals and a list of persons authorized to print and distribute the decals will be available on the Commission's website and/or through other means determined by the Commission and announced on its website.

(3) Authorized Stand-by vehicles must display SBV number decals in lieu of the Medallion number decals.

§8-31(a)(1)-(3) Fine: \$75 Appearance NOT REQUIRED

(b) Approved Emblems.

(1) An Owner must not display emblems on the Taxicab exterior, other than an emblem identifying:

(i) The Owner

(ii) An association of Owners

(iii) A Taxicab Drivers' union

(iv) The Taxicab manufacturer

(2) These emblems must conform to the Marking Specifications for Taxicabs and will be subject to the approval of the Commission.

(3) No more than two of the same emblem can be displayed on a Taxicab, unless otherwise authorized by the Commission.

§8-31(b)(1)-(3) Fine: Notice to correct within 10 days; failure to comply: \$200 Appearance REQUIRED

(c) Other Approved Markings. An Owner must not display any lettering, emblem, advertising or marking of any kind on the exterior of a Taxicab, including windows and exterior accessories, unless authorized by the Commission, except for the following:

(1) Markings, inscriptions and/or advertising specifically permitted or authorized by the Commission.

(2) Advertising that is authorized by the Commission on the Vehicle's Rate Card and for which the Owner has obtained a permit from the Commission

(3) Accessible Taxicab Insignia

(i) The design for insignia that will identify the vehicle as an Accessible Taxicab will be provided by the Commission on its website or through other means presented on its website.

(ii) These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of the accessible Taxicab, and will be visible to passengers entering the accessible Taxicab.

(4) Clean Air Taxicab Insignia.

(i) The design for insignia that will identify the vehicle as a Clean Air Vehicle will be provided by the Commission on its website or through other means presented on its website.

(ii) These insignia must be located on the exterior of the C-pillars of a sedan or an SUV or on the exterior of the D-pillars of a minivan, on both sides of such Taxicab, and will be visible to passengers entering the clean air Taxicab.

§8-31(c) Fine: \$25 Appearance NOT REQUIRED

(d) Maintain in Good Condition. Required inscriptions and markings must be maintained in good condition.

§8-31(d) Fine: \$75 Appearance NOT REQUIRED

(e) Commercial Use Tax Stamp. An Owner must affix a current New York City commercial use motor vehicle tax stamp to the lower right side of the Taxicab windshield so as to be plainly visible.

§8-31(e) Fine: Notice to correct within 10 days Failure to comply: \$200 Appearance REQUIRED

(f) Approved Interior Markings. An Owner must not display inside a Taxicab any advertising or other notice not specifically authorized by these rules or the Commission's Marking Specifications for Taxicabs unless approved by the Commission, except for the following:

(1) Industry signage/logos of all credit/debit cards accepted by the Taxicab Technology System, all of equal size, shown in the information content on the passenger information monitor screen; and

(2) Advertising in the information content on the passenger information monitor screen as set forth below in the Taxicab Marking Specifications table (§8-31(i)) and in §17-15(d) of these Rules.

§8-31(f)(2) Fine: \$50 Appearance NOT REQUIRED

(g) Braille and Raised Lettering Plaques. An Owner must equip all Taxicabs with both of the following:

(1) A Taxicab Identification Braille Plaque.

(i) This plaque must be made of .040 gauge aluminum with a matte finish and measure 3¼ inches in length and 1¾ inches in height, with radius corners.

(ii) The plaque must state, in Raster Braille grade two:

A. The Medallion number centered on the first line.

B. The word "COMPLAINTS" centered on the second line, and

C. The telephone number "212 NYC TAXI" centered on the third line.

(iii) The plaque must be permanently affixed on the door armrest of the horizontal plane of the right rear door, or another location approved by the Chairperson.

(2) A Taxicab Identification Raised Lettering Plaque.

(i) This plaque must be made of ½-inch thick black acrylic plastic and measure 11 inches in length and five inches in height, with radius corners and four holes (one in each corner) for attachment with screws.

(ii) The plaque must state, in one inch high white Helvetica lettering that is permanently affixed:

A. The Medallion number centered on the first line.

B. The word "COMPLAINTS" centered on the second line, and

C. The telephone number "212 NYC TAXI" centered on the third line with appropriate spacing between the three words.

(iii) The plaque must be permanently affixed on the rear of the front right passenger seat or partition, not more than six inches below the lexan or polycarbonate portion of the partition.

§8-31(g)(2) Fine: \$100. No penalty for missing plaque, if condition is corrected within forty-eight hour Appearance N/A

(h) Special Markings for Clean Air Vehicles. Owners of a Clean Air Taxicab must display on the Taxicab's Personal Information Monitor information provided by the Commission that accomplishes the following:

(1) Identifies the Taxicab as a Clean Air Vehicle

(2) Includes the address of the Commission web page(s)

(3) Includes, to the extent practicable:

(i) Estimated air quality benefits associated with the use of the vehicle, and

(ii) The type of fuel used to power the vehicle.

§8-31(h) Fine: Notice to correct within 10 days Failure to comply: \$200 Appearance REQUIRED

(i) **Marking Specifications for Taxicabs.**

INSCRIPTION	LOCATION	SIZE
(a) Rate of fare decals (required). (Non-detachable type only.)	Both rear doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle.  The base line of the rate of fare and Taxicab logo decals must be parallel and the same distance to the bottom door edge.	The size of the approved rate of fare decals must be determined by the Commission.
(b) Taxicab logo decals (required). (Non-detachable type only.)	Both front doors centered left to right and located in the upper half of the flat surface between the bottom edge of the door and the door handle.  The base line of the rate of fare and Taxicab logo decals must be parallel and the same distance to the bottom door edge.	The size of the Taxicab logo decals must be determined by the Commission.
(n) Medallion number (required)	Front and rear of roof light.	2 1/4" to 3" high letters 1/2" thick.
(o) "OFF DUTY" (required)	Each end of roof light.	1 1/4" high letters 1/4" thick.
(e) "Owner/Driver" (optional)	Rear of taxi.	3" maximum height.
(f) EMBLEMS (Optional)	On rear baggage compartment in lower right corner of deck lid. Consult the Commission if contour of lid requires another location on the lid.	2" high letters 1/4" thick. Avoid overcrowding.
(g) Medallion number, interior (required). Can be one-piece decal or a stencil. The number must be of a color contrasting with the seat, to provide for easy legibility.	On the back of the front seat.  The top of the number must be located not more than two inches below the top of the front seat.	Numbers and letter must be 3" minimum in height.
(h) Passenger Information Sign (required) Must contain the information required by the Chairman or his designee.	On the back of the front seat or on a safety partition displayed in a manner that is clearly visible to the passengers in the back seat.  If the taxi is equipped with a safety partition, the passenger information sign can be placed on the partition behind the Driver's head, but no higher than a headrest would be.	Approximately 12" wide by 3" high.
(p) "Drivers Wanted" sign. Can include the telephone number of the Owner. (Optional)	Rear of taxi.	No more than 24" wide by 3" high.
(j) "If this taxi is parked for over 24 hours, please call Owner at (telephone number)..." (Optional)	Rear of taxi or horizontal on dashboard.	No more than 24" wide by 3" high.

INSCRIPTION	LOCATION	SIZE
(q) Telephone available or similar language or symbol (optional)	Exterior, on a door or a side window.	4" by 6" or smaller.
(r) Brand name of passenger information monitor, manufacturer or Taxicab Technology Service Provider	On the bezel of the frame of the passenger information monitor	Not to exceed 11.4" in height and 4" in length.
(m) "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED." (Non-detachable decals only)	On rear passenger window	Letters must be at least one-half inch high.
(s) Medallion number decals (required). (Non-detachable decals only)	Immediately before the check-board stripe decal so that the two decals appear to be one stripe.  The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and check-board are aligned and appear to be one stripe.  On some vehicles, such as minivans, the Medallion number can be placed at the rear of the sliding door, but must still align with the check-board stripe.  The trailing end of the check-board can be shortened, if necessary, on vehicles with short quarter panels.	The size of the Medallion number decals must be determined by the Commission.
(c) Check-board stripe decals (required). (Non-detachable decals only)	Immediately behind the Medallion number decal so that the two decals appear to be one stripe.  The decals must be applied to both rear quarter panels, just below the rear windows or following the line created by the bottom edge of the windows, such that the number and check-board are aligned and appear to be one stripe.	The size of the check-board stripe decals must be determined by the Commission.
(p) "Drivers are not allowed to use cell phones or handheld electronics." Decal or sticker shall be issued by the Commission	Interior of passenger compartment in a location plainly visible to passengers.	As issued by the Commission.

\*Detachable signs suspended from door frames are not permitted.

**§8-32 Vehicles – Items Required in Vehicle**

(a) **The following must be present in the Taxicab while it is in operation for hire:**

- (1) **The Taxicab Driver's License, in the Driver's License frame**
- (2) **The Rate Card, in the Driver's License frame**
- (3) **An insurance card or photocopy, unless the Owner is self insured and has noted this fact on the Rate Card along with any other information required by the Commission**
- (4) **All other notices required to be posted in the Taxicab**

§8-32(a)(1)-(4) Fine: \$25 for each (1) – (4) not in vehicle, not to exceed \$75 in the aggregate Appearance NOT REQUIRED

(5) **A means of collecting and recording all of the Trip Sheet data.**

**§8-33 Vehicle Equipment**

(a) **Roof Light.** A roof light is required on all Taxicabs, as required by the Hack-Up specifications in

Chapter 17; the Taxicab Owner must ensure compliance with the following:

(1) **Off-duty Sign by Manual Switch.** While a Taxicab is in operation for hire, the "Off Duty" sign must not be illuminated in any way other than by a manually operated switch on the Taxicab dashboard.

§8-33(a)(1) Fine: \$75 Appearance NOT REQUIRED

(2) **Controlled by Taximeter.** The Taxicab roof light must be automatically controlled by the operation of the Taximeter so that it is lighted only when the Taximeter is in an off position and unlighted when the Taximeter is in a recording position. An Owner must not tamper with the operation of the Taxicab's roof light.

§8-33(a)(2) Fine: \$50 - \$350 and/or suspension up to 30 days Appearance REQUIRED

(b) **Optional Two-way Radio.**

(1) **A Taxicab can be equipped with a two-way radio only in the Citizens Radio Service and only on the forty frequencies, within allowed deviation, specifically authorized under the rules of the Federal Communications Commission.**

(2) **Emissions, transmission power and antenna length must comply with limits established by the rules of the Federal Communications Commission.**

(3) **A two-way radio must not be used for purposes of Dispatch or passenger reservations.**

§8-33(b) Fine: \$100 - \$350 And removal of radio Appearance N/A

(c) **Air Conditioning.** Each Taxicab must be equipped with an operable air conditioning system; when the vehicle is also equipped with a partition, the air conditioning system must be able to provide cool air to the rear passenger area.

§8-33(c) Fine: \$50 per day except that where the system is installed and malfunctioning, a notice to correct within ten days must be issued Appearance REQUIRED

(d) **Trouble Lights.** An Owner must equip all Taxicabs with a help or distress signaling light system meeting the requirements of §17-11.

§8-33(d) Fine: \$100 and suspension until the condition is corrected Appearance REQUIRED

**§8-34 Vehicle Equipment – Partitions**

(a) **Partition Required.** An Owner must equip all Taxicabs, except as provided in subdivision (b) of this section, with a partition that meets the specifications set forth in §17-10 of these Rules, and with provision for air conditioning for the rear passenger compartment, as set forth in §17-14.

§8-34(a) Fine: \$300 and suspension until the condition is corrected Appearance REQUIRED

(b) **Owner-Drives Exemption from Partition Requirement.** An Owner of an Independent Medallion Taxicab or a Business Entity owning one or more Medallions will be exempt from the provisions of subdivision (a) provided all of the following five conditions are met:

- (1) **The Taxicab is driven only by the Owner(s) of the Medallion (including a Business Entity Person of a Business Entity Owner).**
- (2) **The Rate Card lists only the persons named above in paragraph (1) as Named Driver(s).**
- (3) **The Taxicab is equipped with the following:**
  - (i) **The required Trouble Lights**
  - (ii) **A cellular telephone with an emergency dialing feature.**
  - (iii) **A camera approved by the Commission**
- (4) **The Owner has not previously been found in violation of this rule with respect to the subject Medallion.**
- (5) **The Owner has applied for and received a certification of exemption from the Commission.**

(c) **Exception to Exemption.** Even if the Owner meets all the conditions for an exemption, if a partition is the only approved location for display of the Rate Card and Driver License in a particular model of automobile, then a partition is required.

(d) **Curtain Airbags Modification.**

(1) **A Taxicab that is equipped with factory**

installed curtain airbags will be equipped with a modified partition that does not extend the full width of the interior of the Taxicab.

(2) **The modified partition instead must allow a space of six inches at each side, sufficient to permit proper deployment of the curtain airbags.**

(3) **The modified partition must conform in all other respects with the applicable requirements of §17-10 of these Rules.**

§8-34(d) Fine: \$300 and suspension until the condition is corrected Appearance REQUIRED

**§8-35 Vehicle Equipment – In Vehicle Camera System (IVCS)**

(a) **When an existing in-vehicle camera system is required to be replaced or when the system is installed, the Taxicab will be equipped with an IVCS that meets the specifications of §17-12; the system must be installed and maintained by the manufacturer's authorized installer and will be in good working order.**

§8-35(a) Fine: \$50 Appearance NOT REQUIRED

(b) **Each Taxicab equipped with an IVCS must be equipped with a cellular telephone as set forth in subdivision (b) of this section.**

§8-35(b) Fine: 50 Appearance NOT REQUIRED

(c) **Each Taxicab equipped with an IVCS must display decals on each rear passenger window, visible to the outside, that contain the following information: "This vehicle is equipped with camera security. YOU WILL BE PHOTOGRAPHED."**

§8-35(c) Fine: \$50 Appearance NOT REQUIRED

**§8-36 Vehicle Equipment – Taximeters**

(a) **Taximeter Requirements.** An Owner must equip the Taxicab with a Taximeter subject to the following conditions:

(1) **The Taximeter must be of a make and type acceptable to the Commission.**

§8-36(a)(1) Fine: \$50 Appearance NOT REQUIRED

(2) **It must be affixed to the vehicle's dashboard so that it is clearly readable and visible to all passengers in the vehicle.**

§8-36(a)(2) Fine: \$50 Appearance NOT REQUIRED

(3) **The Taximeter's serial number must be the same as that shown on the Rate Card assigned to the Taxicab; or entered on the Rate Card by a Licensed Taximeter shop.**

§8-36(a)(3) Fine: \$500 Appearance NOT REQUIRED

(4) **The Taxicab tire size must be the same as that for which the Taximeter is calibrated, as indicated by the Rate Card.**

§8-36(a)(4) Fine: \$50 Appearance NOT REQUIRED

(5) **All Taximeter seals must be installed by a Licensed Taximeter repair shop or agent of the Commission.**

§8-36(a)(5) Fine: \$500 Appearance REQUIRED

(6) **The wiring harness leading from the Taximeter to the speed sensor must be of one piece construction with no intervening connectors, splices, "Y" connections, or direct or indirect interruptions or connections of any kind whatsoever.**

§8-36(a)(6) Fine: \$500 Appearance REQUIRED

(b) **Accuracy of Taximeter.** A Taxicab must be equipped with a Taximeter that is in good working condition and will accurately compute the rate of fare currently established by the Commission. Penalties for violation are as follows:

(1) **1% Inaccurate.** The penalty is \$50, if the Taximeter is found to be at least 52.8 feet (one percent) inaccurate, but less than 264 feet (five percent) inaccurate in computing distance, or more than one percent but less than five percent inaccurate in computing time.

(2) **5% Inaccurate.** The penalty is \$200, if the Taximeter is found to be at least 264 feet (five percent) inaccurate but less than 528 feet (ten percent) inaccurate in computing distance, or more than five percent but less than ten percent inaccurate in computing time.

(3) **10% Inaccurate.** The penalty is \$300, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a first violation.



(4) Repeated 10% Inaccuracy. The penalty is \$600, if the Taximeter is found to be at least 528 feet (ten percent) inaccurate in computing distance or ten percent inaccurate in computing time, for a second or subsequent violation within thirty-six months.

**§8-37 Vehicle Equipment – Taximeter Defects**

(a) No Defects in Taximeter or Installation. A Taxicab must not be in service for hire with a defective Taximeter or a Taximeter that has been improperly installed.

(b) Repair or Replace Defective Taximeter. Whenever a Taximeter or its installation is defective or whenever a Taximeter computes an inaccurate rate of fare, the Owner must have the Taximeter:

- (1) Repaired, tested and certified at a licensed Taximeter Business, or
- (2) Replaced by the Taximeter Business with an approved Taximeter that has been inspected, tested and sealed;

(c) Assembly Must be Certified. After repair or replacement of the Taximeter, the Taximeter/vehicle assembly must be tested and certified in compliance with Commission regulations.

§8-37(a)-(c) Fine: \$100 Appearance NOT REQUIRED

(d) Repairs by Licensed Agent. No adjusted, repaired or recalibrated Taximeter or appurtenance of a Taximeter can be installed in a Taxicab unless the adjustment, repair or recalibration was done at a licensed Taximeter repair shop or other authorized facility; the Owner is responsible for any installation that violates this rule.

§8-37(d) Fine: \$75 Appearance NOT REQUIRED

**§8-38 Vehicle Equipment – Taximeter Tampering**

(a) Unauthorized Tampering. Unless authorized by the Commission, no person will tamper with, alter, repair or attempt to repair any portion of the Taximeter system that would affect the operation of the Taximeter or the Taxicab Technology System, including, but not limited to:

- (1) The Taximeter
- (2) The Taxicab Technology System
- (3) Any seal affixed to the Taxicab by a licensed Taximeter repair shop or other authorized facility
- (4) Any cable connection or cable system electrical wiring
- (5) The vehicle's mechanism or its tires

(b) Owner's Responsibility. The Owner is responsible for any tampering, alteration or any unauthorized repair or attempt to repair.

§8-38(a) & (b) Fine: \$250 – 1,500 and/or suspension up to 30 days. Appearance N/A  
Summary suspension until compliance under to §8-17(b) of this title

(c) Owner's Defense. It will be an affirmative defense to a violation of this section that the Owner:

- (1) Did not know of or participate in the alleged tampering of the Taximeter or T-PEP; and
- (2) Exercised due diligence to ensure that tampering with the Taximeter or T-PEP does not occur. Examples of an Owner's due diligence include, but are not limited to:
  - (i) Clearly warning Drivers that if they violate the Taximeter or T-PEP tampering rules, Owner will:
    - A. Immediately terminate any lease agreement Owner has with the Driver; and
    - B. Report the tampering violation to the Commission, which will result in the probable revocation of their Taxicab Driver's License;
  - (ii) Including the warning against violating the Taximeter and T-PEP tampering rules as a provision in any written lease agreement;
  - (iii) Stamping the warning against violating the Taximeter and T-PEP tampering rules on any written Trip Records whenever paper Trip Records must be

issued to one or more Taxicab Drivers;

(iv) Conducting periodic random comparisons of the odometer and the Taximeter mileage readings of a Taxicab to check for any inappropriate disparities;

(v) Conducting periodic random inspections of the Taximeter and the T-PEP system in all the Owner's Taxicabs to detect any evidence of tampering; and

(vi) Having all of the Owner's Taxicabs inspected by a licensed Taximeter shop once every inspection cycle.

(d) Notify the Commission of Tampered, Unauthorized or Removed Taximeter. An Owner must notify the Commission by telephone immediately, and in writing within 24 hours, upon discovering any of the following:

- (1) Any Taximeter other than the Taximeter approved by the Commission (as indicated on the Rate Card) has been installed in the Owner's Taxicab;
- (2) Any Taximeter seal in the Owner's Taxicab has been removed or tampered with;
- (3) Any unauthorized device has been connected to any Taximeter, any seal, cable connection or electrical wiring, in the Owner's Taxicab, which can affect the operation of the Taximeter;
- (4) Any intervening connections, splices, "Y" connections or direct or indirect interruptions or connections of any kind whatsoever have been discovered on any wiring harness attached to the Taximeter in the Owner's Taxicab.

§8-38(d) (1)-(4) Fine: \$500-\$1,000 and/or suspension up to 60 days or revocation Appearance REQUIRED

(e) Inspections by Authorized Person.

- (1) A Taxicab's Taximeter must be tested for accuracy over a measured mile course and its installation must be tested for compliance with the rules of the Commission.
- (2) Only personnel authorized by the Commission can perform these tests.
- (3) These two inspections must be completed and the results of the tests indicated on the Rate Card in each of the following circumstances:

(i) At least once every 12 months.  
§8-38(e) (3)(i) Fine: \$100 Appearance NOT REQUIRED

(ii) Whenever a Taximeter is installed in a vehicle  
§8-38(e) (3)(ii) Fine: \$100 Appearance NOT REQUIRED

(iii) When the transmission or differential is altered, repaired or replaced  
§8-38(e) (3)(iii) Fine: \$50 Appearance NOT REQUIRED

(iv) When a change is made in any other part of the Taxicab that can affect the Taximeter reading  
§8-38(e) (3)(iv) Fine: \$50 Appearance NOT REQUIRED

(v) At any other time required by the Commission  
§8-38(e)(3)(v) Fine: \$100 Appearance NOT REQUIRED

**§8-39 Vehicle Equipment – Taxicab Technology System (T-PEP) Installation**

(a) Taxicab Technology System. The T-PEP is a system of hardware and software that electronically provides the following four Core Services in the Taxicab vehicle:

- (1) The ability for passengers to pay using a debit, credit or prepayment card
- (2) The ability for Drivers to send and receive text messages
- (3) The ability to record, collect and transmit Trip Record data
- (4) The ability to provide passengers with information through a rear seat monitor screen (a Passenger Information Monitor or PIM) including:
  - (i) A map of the route being traveled

(ii) Public service announcements, including information about the Taxicab fares and passenger Bill of Rights

(iii) Limited commercial advertising and sponsorships

(iv) Directions on how to turn off all audio and visual presentations

(b) Required Installation. Owners must ensure that all of their Taxicabs are equipped with the T-PEP and otherwise meet the requirements of these provisions.

§8-39(b) Fine: \$1,000 and suspension until compliance Appearance REQUIRED

**§8-40 Vehicle Equipment – Taxicab Technology System (T-PEP) Operation**

(a) Good Working Order. Owners must ensure that the Taxicab Technology System equipment is constantly maintained, is in good working order, and that each of the four core services functions properly.

§8-40(a) Fine: \$250 and suspension until compliance Appearance REQUIRED

(b) Failure to Operate.

(1) If the T-PEP malfunctions or fails to operate, an incident report must be filed with the authorized T-PEP Provider within two hours following the discovery of the malfunction or at such time as the Owner reasonably should have known of the malfunction.

(2) If the Driver or Owner's Agent filed the incident report, the Owner will not be required to file a separate incident report but must verify the filing by obtaining the incident report number.

(3) The Owner or Owner's Agent must meet the appointment for repair scheduled by the T-PEP Provider following the incident report.

(c) 48-Hour Repair Deadline. 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 must not operate more than 48 hours following the timely filing of an incident report.

§8-40(c) Fine: \$250 and suspension until compliance Appearance REQUIRED

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

§8-40(d) Fine: \$250 Appearance REQUIRED

**§8-41 Vehicles – Use of Stand-by Vehicles (SBV)**

(a) Who Can Use. Only a Fleet can maintain and use Stand-By Vehicles.

(b) When Used. A Stand-by Vehicle can be used in place of a currently Licensed Taxicab only in the following circumstances and for the length of time indicated below:

(1) When the currently Licensed Taxicab is out of service for repairs or for required inspection, until the repairs or inspection have been completed

(2) When a Vehicle has been stolen, for no more than 30 days after the date stolen

(3) When a vehicle has been permanently retired from service, for no more than 30 days from the date of retirement

(c) Maximum Number of Stand-By Vehicles. A Fleet can maintain Stand-by Vehicles equal to 10% of the total number of current Medallion Taxicabs owned or operated by the Fleet.

(d) Medallion to be Transferred to Stand-By Vehicle. When a Stand-by Vehicle is Dispatched, the Medallion and Medallion number in the Roof light of the out-of-service Taxicab must be transferred to the Standby Vehicle.

(e) Required in the Stand-By Vehicle. A Stand-by Vehicle must not be Dispatched unless the SBV transfer form and the SBV Rate Card are present in the vehicle.

§8-41(a)-(e) Fine: \$50 – 350 and/or suspension up to 30 days. Appearance REQUIRED

**§8-42 Medallion Transfers – Overview**

(a) Applicability of the "Medallion Transfer" Sections.

- (1) The "Medallion Transfers" sections of this Chapter, along with "Licensing" §8-04 and §8-05, establish the rules for all Transfers of a Taxicab Medallions between/among private parties, either by:
- Purchase
  - Gift
  - Request, or
  - Operation of law
- (2) These provisions do not apply to the sale or resale of Medallions by the Commission, as described in Chapter 15.
- (3) Except where the provisions specifically reference Secured Lenders, these provisions do not apply to Secured Lender Recipients.
- (b) *Overview of Requirements to Complete and Effect Transfer.* The transfer of an interest in a Taxicab Medallion will be complete and effective upon all of the following:
- Commission Approval.* Commission approval of the Transferee's application
  - Proper Appearances.* All persons described in §8-43(a) below must appear before the Commission.
  - Transfer Tax Payment.* A Transferee of a Taxicab Medallion must satisfy his or her transfer tax liability as determined by the NYC Department of Finance, prior to or at the time of transfer.
  - Fulfillment of the Licensing Requirements.* The parties to the transfer must fulfill the Licensing requirements set forth in §8-04 and §8-05 of this Chapter.
  - Fulfillment of Tort Liability Requirements.* The parties to the transfer must fulfill the Tort Claim liability requirements set forth in §8-46, below.
  - Fulfillment of the Medallion Clearance Requirements.* The parties to the transfer must fulfill the applicable Medallion Clearance Requirements set forth in §8-45 below.
  - Medallion Put into Service.* Each Transferee, as well as any Administrator seeking to operate a Medallion under §8-47 below, must place the Medallion in service with a Hacked-up Taxicab vehicle within seven days of approval of the approval of the application.
- §8-42(b)(7) Fine: \$250 Appearance NOT REQUIRED
- (c) *Comply with Transfer Provisions.*
- No person or entity is permitted to attempt to transfer or participate in the transfer of an interest in any Taxicab Medallion without fulfilling the requirements of subdivision (b) above, as applicable.
  - The mere act of submitting a transfer application to the Chairperson will not be considered as a violation of this subdivision.
- §8-42(c) Fine: \$10,000 per entity, per Medallion and attempted transfer invalid, applicable to any person or persons (transferor, transferee or both) whose actions constituted a violation;
- Revocation may be ordered. Appearance NOT REQUIRED
- §8-43 Medallion Transfers – Special Requirements**
- (a) *Personal Appearance.*
- All Transferees or Administrator applicants seeking to operate a transferred Medallion must appear in person as directed by the Chairperson.
  - If the Transferee applicant is a Business Entity, the following Business Entity Persons must appear in person before the Commission:
    - All individual shareholders of a corporate entity
    - All general partners of a partnership entity
    - All members of a Limited Liability Company
  - Exception to Personal Appearance Requirement.* A power of attorney can appear and represent any Applicant or Business Entity Person of a Business Entity Applicant who:
    - Holds an existing, continuing
- License from the Commission, and
- Has an electronic fingerprint record on file with the Commission, made not earlier than one year prior to the date of the transfer
- (b) *Transfers During and After Pending Judgment.*
- No voluntary transfer or sale of an interest in a Taxicab License can be made if a judgment docketed with the clerk of court of any county within the City of New York remains unsatisfied against the Licensee and in favor of any state, federal or New York City government agency unless:
    - A bond is filed in an amount sufficient to satisfy the judgment,
    - All the judgment creditors of a Licensee file written permission for the transfer, or
    - The proceeds from the transfer are paid into court or held in escrow, on terms and conditions approved by the Commission, to protect the rights of all parties that can have a legitimate interest.
  - An Owner's interest a Taxicab License can be transferred involuntarily and disposed of by public or private sale in the same manner as personal property. In that event:
    - Owner's License will be immediately cancelled,
    - A new License will be issued to the new owner when the Transfer is properly approved and the transfer is effective, and
    - If the transfer is by reason of a tort judgment against the involuntary Transferor, no bond need be provided with respect to that judgment.
- (c) *Voluntary Transfer During Revocation Proceedings.*
- The Owner must not transfer his Taxicab License after the commencement of revocation proceedings without the written permission of the Chairperson.
  - The Chairperson can also require that no relative of the Medallion Owner or any other person or entity affiliated with the Owner receive the Taxicab License.
  - The Chairperson can also require an escrow be held in an amount to be determined by the Chairperson after an approved closing in order to satisfy any fines subsequently levied against the Owner.
- (d) *Preserve Medallion Category*
- A transfer of an Independent Medallion will be made only to an approved individual or Business Entity that does not own any interest in any other Medallion; similarly, the transfer of a Minifleet Medallion will be made only to a Transferee approved to own and operate a Fleet or Minifleet.
  - An Independent Medallion Owner must not have a financial interest in any other Taxicab.
  - A Minifleet Medallion Owner must not have a financial interest in any Independent Medallion Taxicab.
  - For the purpose of this subdivision (d), "financial interest" will mean an ownership interest or an interest received as a pledge or security or subject to a security agreement to secure financing.
- (e) *Additional Requirements for Transfers Made by Conditional Sales Agreements.* Where an interest in a Medallion is acquired through a conditional sales agreement, the following requirements apply:
- The parties must provide the Commission with a disclosure statement indicating the terms of the agreement.
  - The seller must remain liable for any fines or penalties imposed against the Taxicab License for violations occurring during the term of the agreement, unless they are paid by the purchaser.
  - The seller must notify the Commission in writing if the seller repossesses the Taxicab within 72 hours of the sale (exclusive of weekends and holidays).
- (4) The parties to a conditional sales agreement are subject to the Lease Cap provisions in §8-20.1 of this Chapter.
- (5) No conditional transfer shall be effective until the parties have completed all the requirements for transfer required by this Chapter.
- §8-44 Medallion Transfers – Application Documentation and Requirements.**
- (a) *Application.* An Applicant/Transferee must file a completed application in the form prescribed by the Chairperson.
- (b) *Payment of Fees.* An Applicant/Transferee must pay the following fees:
- A transfer fee of Fifty Dollars (\$50).
  - An administrative charge of \$160.
  - The licensing and inspection fees required under §8-07 of this Chapter.
- (c) *Proof of Identity.* An individual Transferee and all Business Entity Persons of a Business Entity Transferee must:
- Provide proof of identity in the form specified in §8-04(a) of this Chapter, and
  - Disclose any trade name under which the Transferee intends to operate.
- (d) *Owner-Must-Drive Proof.* If the Transferee is acquiring an interest in a Medallion from an Independent Taxicab Owner, Transferee must provide the Valid License number of the person who will fulfill the service requirements of the Owner-Must-Drive Rule in §8-05(d).
- (e) *Proof of Vehicle Ownership.* Transferee must provide proof that Transferee has or will have an appropriate vehicle, by providing either:
- A bill of sale of a vehicle eligible to be used as a Taxicab (see Chapter 17, Taxicab Hack-Up), or
  - An affidavit specifying that the Transferee will have a vehicle to be used as a Taxicab within the seven days following the effective date of the transfer (see §8-42(b)(7), above).
- (f) *Payment of Fines and Fees.* An Applicant/Transferee must provide proof of payment of any outstanding fines or fees owed to the Commission, the Parking Violations Bureau (or their successors) by the Transferee or any Business Entity Persons of a Business Entity Transferee.
- (g) *Source of Funds.*
- An Applicant/Transferee must provide documentation in a form satisfactory to the Chairperson detailing the sources of the funds, if any. Transferee is using to purchase the Medallion, including:
    - Copies of bank account passbooks or bank statements;
    - Affidavit explaining cash sums and deposits over \$10,000 paid to or by the Transferee within six months prior to the date of submission of this documentation;
    - Affidavits from donors of any gifts;
    - Statements from secured and/or unsecured lenders detailing amounts lent, security if any, and terms of payment; and
    - Copies of IRS Form 8300 filed by any Broker in connection with funds received in the context of the transaction.
  - If the transfer is by gift or is for less than Market Value, the Transferee must produce a waiver letter from the NYC Department of Finance along with any documentation referred to in the waiver.
- (h) *Additional Documents Required from Corporate Transferee Applicants.* Any corporate Applicant/Transferee or any Applicant seeking to purchase an interest in a corporation must provide, for that corporation:
- All newly formed corporations must include a copy of the certificate of incorporation and the filing receipt of the certificate of incorporation.
  - Established corporations can include the documents described in (i) above alternatively, they can include a certified copy of the certificate of incorporation.

- (3) All corporations must include a copy of the resolution or action by the incorporators, shareholders or directors electing officers of the corporation.
- (4) All corporations must include a list of stockholders, with the number of shares owned by each.
- (i) Additional Documents Required for Partnerships. Any partnership Transferee Applicant or any Applicant seeking to purchase an interest in a partnership must provide for that partnership:
  - (1) A copy of the certificate of partnership
  - (2) A list of the partners, including the percentage owned by each
- (j) Additional Documents Required for Limited Liability Companies. Any LLC Transferee Applicant or any Applicant seeking to purchase an interest in an LLC must provide for that LLC:
  - (1) A copy of the articles of organization
  - (2) A copy of the operating agreement
  - (3) A list of the members, with the percentage owned by each.
- (k) Additional Document Required from a Foreign Business Entity. Any Business Entity not organized under the laws of the State of New York must also provide proof of authorization to operate in New York.
- (l) Documents Required from a Secured Lender Recipient. If the transfer is the result of a foreclosure or similar action by a creditor, the following documents must be provided:
  - (1) A hypothecation agreement, stock pledge or stock pledge agreement if the transfer is occurring by transfer of, or foreclosure upon, stock;
  - (2) A UCC Article 9 Foreclosure "Affidavit of Disbursements" showing that all claims have been satisfied or will be satisfied or acceptable documentation regarding any claims not satisfied;
  - (3) Copies of UCC-1 filings (including file stamp or file number) filed against the former Owner or Owner's interest in the Medallion;
  - (4) Copies of all security agreements involved in the transfer in respect of the lenders' interests in the Medallion;
  - (5) A bill of sale, if any, or proof of other transfer in connection with any security agreement;
  - (6) If the Medallion was sold in an auction, proof of advertisement of the auction together with the attendance sheet;
  - (7) If the Medallion was sold outright, a copy of the Notice of Sale.
- (m) Affidavits Required by the Commission. Transferees must provide:
  - (1) An affidavit or affirmation under penalty of perjury, in a form approved by the Chairperson, that the Applicant does not rely upon the actions or determination of the Commission with respect to the Medallion; and
  - (2) Any other affidavit or affirmation regarding documentation required by the Chairperson.
- (n) Lien Searches. An Applicant/Transferee must submit with the application:
  - (1) Copies of a NYS UCC lien search of the Transferor/Owner,
  - (2) Copies of a lawsuit and judgment search for all counties in which the transferor has been domiciled for the shorter of (i) five years, or (ii) length of time the transferor has owned the Medallion being transferred,
  - (3) Copies of all active records found in the search, and
  - (4) An affidavit or affirmation, under penalty of perjury, from the Applicant/Transferee and the transferor warranting that:
    - (i) They have reviewed and are familiar with the contents of all of the searches
    - (ii) All disclosed liens and judgments will be:
      - A. Satisfied prior to or from the proceeds of the transfer

- B. Included in the escrow amount, or
- C. Assumed by the Applicant
- (o) Tort Letters to Establish Escrow Amount. The application of any Transferee subject to the Tort Liabilities rules in §8-46 below (and except as excused in §8-46(d)) must include all of the following:
  - (1) All Tort Letters from the transferor's insurer(s) during the shorter of
    - (i) Six years, or
    - (ii) The length of time the transferor has owned the Medallion up to and including the date the Medallion is put into storage or the date prior to the effective date of transfer
  - (2) Any documentation that may be required regarding any potential Excess Claims that the Tort Letters may disclose.
  - (3) Any information held by the Applicant/Transferee or transferor regarding any potential Excess Claims.
  - (4) Any other information held by the Applicant/Transferee or Transferor that might be necessary to determine the Escrow Amount.
- (p) Transferring T-PEP. The application must include the following information regarding T-PEP:
  - (1) Proof of Notice to T-PEP Provider
    - (i) The Transferor must provide proof that notice of the transfer has been sent to the T-PEP provider that holds the contract to provide the T-PEP for the Medallion being transferred.
    - (ii) The notice must be:
      - A. Sent at least 30 days prior to the proposed date of transfer (NOTE: The TPEP Provider can waive the 30-day requirement by signing the form)
      - B. Sent by certified mail, return receipt requested, and
      - C. Sent to the address specified in the contract
    - (iii) Proof of notice will be:
      - A. A copy of the Notice
      - B. A copy of the certified mail receipt, and
      - C. An affidavit or affirmation under penalty of perjury verifying the mailing
  - (2) Transferor's Statement of Intent. The Transferor must use a form approved by the Chairperson to:
    - (i) Provide a statement of Transferor's intent to
      - A. Cancel the contract with the T-PEP Provider or
      - B. Assign the contract to the Transferee
    - (ii) Provide a statement of Transferor's intent to:
      - A. Return the T-PEP equipment to the T-PEP Provider,
      - B. Retain the T-PEP equipment, or
      - C. Transfer the equipment to the Transferee
  - (3) Transferee's Statement of Intent. The Transferee must use a form approved by the Chairperson to provide a statement of Transferee's intent to:
    - (i) Assume the Transferor's contract with the T-PEP Provider, or
    - (ii) Identify the approved T-PEP Provided with which the

- Transferee intends to use to provide T-PEP.
- (q) Other Documentation. The Applicant must provide any other documentation required by the Chairperson in order to assist in the Chairman in determining whether the proposed Transferee meets the criteria for licensing and ownership of a Taxicab Medallion.
- §8-45 Medallion Transfers – Transferor Must Clear the Medallion.**
  - (a) Place in Storage. Before a Medallion can be transferred, it must be placed in storage for at least seven days not counting the day it is put in storage or the day the clearance is given. *(Exception: A Medallion owned by a corporation or LLC need not be placed in storage if the transfer is to be accomplished by a transfer of stock or membership interests in the company.)*
  - (b) Clear All Open Items. All open items against the Medallion Owner/Transferor (including any Business Entity Person of the Owner) must be cleared, including but not limited to summons issued by the Commission, outstanding fines and penalties owed to the Commission or the Parking Violations Bureau (or their successors), incomplete License renewal requirements, and violations against the Taxicab Drivers License.
  - (c) Requirements of Secured Lenders. Any secured lender that obtains possession of a Medallion through foreclosure, repossession or in any similar manner, must place the Medallion in storage with the Chairperson.
- §8-46 Medallion Transfers – Tort Claims**
  - (a) Applicability.
    - (1) This §8-46 applies:
      - (i) To all Transferees other than Administrators and Legatees.
      - (ii) To all Transferors other than an Administrator/operator making a distribution to a Legatee.
    - (2) This §8-46 does not apply to Secured Lender Recipients.
  - (b) Provisions for Satisfaction of Tort Liabilities.
    - (1) The parties to any applicable transfer must prove that provisions have been made to satisfy all outstanding tort claims against the Transferor of the Taxicab Medallion.
    - (2) This can be accomplished either by:
      - (i) Posting a bond with the Chairperson to cover all outstanding tort liabilities; or
      - (ii) Establishing an escrow account in the Escrow Amount (not exceeding the Maximum Escrow Amount), determined as described in subdivision (c) below.
    - (3) No transfer of the Taxicab Medallion(s) can occur until:
      - (i) The bond is posted
      - (ii) The Escrow Amount is established and the escrow agent has given an undertaking to the Chairperson to establish and hold the escrow account on the terms required by this §8-46 and to notify the Chairperson within five days after the escrow account has been established, or
      - (iii) It is determined by the Chairperson that neither a bond nor an escrow account is required.
    - (4) Secured Lender Recipients must create an escrow account in the amount of the Secured Lender Escrow Amount.
  - (c) Determining the Amount of the Escrow Account.
    - (1) Identify Potential Claimants. The Transferor must identify the holders of all potential Excess Claims, by obtaining and reviewing the following sources of information:
      - (i) All Valid Claim Letters held in Commission files
      - (ii) Prior Claim Letters held in Commission files
      - (iii) Tort Letters
      - (iv) Potential claims revealed through the lien, judgment and lawsuit searches required under §8-44(n), above.

- (2) Notify Potential Claimants.
- (i) The Transferor must provide adequate mail notice, as described in subdivision (3) below, to the holder of each potential Excess Claim. The notice must state the following:
- A. Whether the Transferor believes the holder's claim is a potential Excess Claim and the dollar amount (including \$0) that Transferor proposes to establish for that claimant's claim.
- B. That the claimant has 30 days from the date of the notice to object to the amount by sending a written response to the Transferor (with a copy to the Commission, attention Legal Department Transfer Division); the response must state the basis for claimant's objection to the proposed Escrow Amount.
- C. That if the Commission does not receive the claimant's objection within the 30 day period, the Commission will consider the claimant to have accepted the Transferor's proposal regarding the Escrow Amount to be established for the claim.
- D. That claimant's acceptance of or failure to object to the Transferor's proposed Escrow Amount will not affect any rights, claims or remedies the claimant has directly against the Transferor.
- (ii) If the Commission does not receive the claimant's objection within 30 days from the date of the notice, the Commission will consider the claimant to have accepted the Transferor's proposal regarding the Escrow Amount to be established for the claim.
- (3) Adequate Mail Notice to Potential Claimants. Transferor's notice to potential claimants must be sent by certified mail, return receipt requested, with a copy also sent by regular mail and a copy sent to the Commission, attention "Legal Department Transfer Division," as follows:
- (i) For potential claimants disclosed by the lien, judgment and lawsuit searches required under §8-44(n) above, adequate notice will be considered given if the following steps are taken:
- A. Notice is sent to the address for the claimant disclosed by the search
- B. If this mailing is returned as non-deliverable, the notice is sent to any other address for the claimant or claimant's attorney of record disclosed by the search
- (ii) For potential claimants disclosed by a Prior Claim Letter or a Valid Claim Letter, adequate notice will be considered given if the following steps are taken:
- A. Notice is sent to the sender of the letter and
- i. To the claimant at the address disclosed in the letter, or
- ii. If no address for the claimant is disclosed, to whatever address the sender provides in the letter
- B. If these mailings are returned as non-deliverable, notice must be sent to any subsequent address provide for claimant by:
- i. The sender of the letter, or
- ii. The recipient of the notice at the subsequent address of a further address for claimant
- (iii) For potential claimants disclosed by a Tort Letter, adequate notice will be considered given if the following steps are taken, as necessary:
- A. Notice is sent to the address disclosed in, by or through the Tort Letter or to any counsel of record disclosed in, by or through the Tort Letter
- B. If neither the claimant's address nor counsel of record is disclosed by the Tort Letter, Transferor must consult with the insurers providing the Tort Letter to ascertain an address for claimant or for claimant's counsel of record and notice must be sent to any address provided by the insurer
- C. If a recipient of the notice at this address (or any subsequent recipient who is neither the claimant or claimant's counsel) provides a subsequent address for claimant or claimant's counsel, notice must be mailed to all subsequently provided addresses
- D. If no address can be obtained for the claimant or claimant's counsel or representative, public notice of the contents of the notice must be placed in the *New York Times* and *The New York Law Journal* as a public notice for one business day.
- (iv) The Transferor must provide the Chairperson with proof of all mailings by providing:
- A. A copy of the mailing receipts
- B. An affidavit or affirmation under penalty of perjury verifying the mailings.
- (4) Response to Claimant's Objection. If a claimant sends a timely objection, the Chairperson will refer the matter to OATH to determine the amount of claimant's claim to be included in the Escrow Amount.
- (i) OATH's rules of practice will govern the proceedings and OATH will apply principles of tort law.
- (ii) For the purposes of this proceeding, the OATH terminology will apply as follows:
- A. The claimant will be considered to be the "Petitioner"
- B. The response sent by claimant objecting to the proposed Escrow Amount will be considered to be the "Petition"
- C. Transferor will be considered the "Respondent"
- D. Transferor's original notice to claimant will be considered to be the "Answer."
- (5) Settling the Escrow Amount by Agreement.
- (i) At any time, the Transferor and claimant can agree on the amount of the claim to be used in establishing the Escrow Amount for the claim.
- (ii) If the parties reach an agreement, it must be verified in writing and signed by both parties with a copy provided to the Chairperson.
- (6) Finalizing the Escrow Amount. If the parties have not reached agreement:
- (i) The Chairperson will make a final determination of the required Escrow Amount for each claim, as follows:
- A. Any Escrow Amount determined by OATH will be the Escrow Amount for that claim;
- B. When the claimant has not objected, the Chairperson's determination will be based on the Transferor's proposed Escrow Amount for the claim;
- C. If the claimant and the Transferor have come to a written agreement, the Chairperson's determination will be based on that agreement.
- (ii) The Chairperson's determination will be a final agency determination regarding Escrow Amount(s) for the purpose of transferring the Medallion, but is not and is not intended to determine the actual merits of the claim(s).
- (d) When the Escrow Amount Cannot Be Reasonably Determined.
- (1) If Tort Letters cannot be obtained for all or any part of the period for which they are required to be provided (see §8-44(o) above) the Escrow Amount will be as follows:
- (i) When a Secured Lender Recipient is foreclosing on a Taxicab License and the transfer is occurring as a result of that action, the escrow account will be established in the amount of the Secured Lender Escrow Amount;
- (ii) For all other applicable Transferors, the escrow account will be established in the Maximum Escrow Amount.
- (2) An escrow account created with either a Secured Lender or Maximum Escrow Amount must be maintained for the shorter of:
- (i) Six years following the date of transfer, or
- (ii) As required by subdivision (e) below, provided that all Tort Letters have been obtained and Transferor has determined the appropriate Escrow Amount under subdivision (c) above.
- (e) The Escrow Account When Amount Is Determinable
- (1) Creating the Escrow Account
- (i) Once the Escrow Amount has been determined, an escrow account in that amount will be established from the proceeds of the transfer or other resources of the Transferor and maintained until all claims represented in the account are satisfied or released, as described subdivision (2) below.
- (ii) The Escrow Account can be held by either:



- A. Counsel for the claimant.
  - B. Counsel for the Transferor, or
  - C. Otherwise as the claimant and Transferor agree
  - (iii) The parties must notify the Chairperson as to who is holding the account
- (2) Releasing Funds from the Escrow Account
- (i) Any person or entity seeking a release of funds from the escrow account must show that the claim is no longer outstanding by providing one of the following forms of evidence:
    - A. Proof of release of the claim
    - B. Proof of satisfaction of the claim
    - C. Proof of dismissal of the underlying claim
    - D. Agreement of the parties settling the claim
    - E. A court judgment directing payment of all or part of the Escrow Amount to a party
  - (ii) If the evidence is a court order, it must be a final order, fully executed and, if necessary, filed or entered.
  - (iii) No funds will be released from the escrow account without the prior written approval of the Chairperson.

§8-46(e) Fine: \$10,000 Appearance NOT REQUIRED

**§8-47 Medallion Transfers - Special Provisions Regarding Estates and Incompetency**

(a) Notice. Notice of the death or the declaration of incompetency of a Medallion Owner must be given to the Chairperson promptly upon the occurrence. A Medallion Owner which is a Business Entity must also give prompt notice upon the death or the declaration of incompetency of a shareholder, partner, or member of a Business Entity.

§8-47(a) Fine: \$250 for failure to notify. Appearance NOT REQUIRED

(b) Distribution of Interest in Medallion to Legatee.

(1) To A Legatee. When a Medallion(s) or an interest in a company or corporation that owns a Medallion(s) is distributed from an estate, the Legatee recipient must qualify as a Transferee under the applicable rules in this Chapter 8, and must submit the following additional documents to the Commission:

- (i) A certified copy of the death certificate of the former Owner listed with the Commission;
- (ii) A certified copy of letters testamentary or letters of administration and for an estate not in New York, a certified copy of ancillary letters testamentary or letters of administration covering the estate's New York property, which letters:
  - A. Must have been issued no earlier than six months prior to the date of submission
  - B. Must be unqualified as to the amount of estate assets that the Executor is authorized to administer and distribute or, if the amount is qualified, it must be in excess of the value of the Medallion(s) to be operated or transferred
- (iii) A certified copy of the will, if any.

(2) Additional Requirements for Distribution to a Legatee in Trust.

- (i) An interest in a Medallion Taxicab can only be distributed to a Trust if the distribution is made to a trust for the benefit of a minor and:
  - A. The ownership interest is in the stock of a corporation, or
  - B. The interest is in membership of an LLC that owns one or more Medallions.
- (ii) The ownership interest in the Taxicab Medallion must be distributed out of the trust within 60 days after the date on which the beneficiary reaches the age for ownership of a Taxicab Medallion (see §8-04(b)).
- (iii) The beneficiary must apply and be approved as a Transferee under these Medallion Transfer rules before the transfer will be effective.
- (iv) Notice must be given to the Chairperson promptly upon the beneficiary reaching the age for ownership of a Taxicab Medallion.

(c) Additional Requirements for Temporary Operation of Medallion Taxicab

- (1) If an Owner of an interest in a Taxicab Medallion dies or is declared incompetent by a court of competent jurisdiction, the Medallion can continue to be operated by an Agent for a period of up to 120 days following the date of death or declaration of incompetency.
- (2) If, during the 120-day period, an Administrator is appointed, the administrator will have 60 days from the date of appointment to apply and be approved under the applicable Medallion Transfer rules to operate the Medallion; an Agent can continue to operate the Medallion during this 60-day period.
- (3) If the decedent or incompetent Owner was an Independent Medallion Owner, the Owner-Must-Drive Rule (see §8-05(d)) will be waived for the 120-day period as well as during the 60-day period following the appointment of an Administrator, if the appointment occurs during the 120-day period; the Owner-Must-Drive rule will apply to an Administrator who is approved to operate the Taxicab.
- (4) If no one has been approved by the Commission to operate the Medallion by the end of the 120-day period, the Medallion must be placed in storage until an Administrator or new person has qualified to operate the Medallion.
- (5) If no Administrator, Legatee or other new owner associated with the estate has qualified to operate the Medallion by the end of the 180-day period from the date of the death or declaration of incompetency of the Owner:
  - (i) The interest in the Medallion must be transferred to a Transferee who has applied and been approved as a Transferee by the Commission.
  - (ii) The Medallion must remain in storage until the transfer is effective.

§8-47(c) Revocation may be ordered if medallion operated beyond, or not transferred by, the periods specified. Appearance NOT 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	New Rule Chapters
Chapter 2, Taxicab Owners Rules	Chapter 8, Medallion Taxicab Service

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

- Correct the mis-numbering of the penalty applicable to failure to report loss or theft of licenses plates.
- Eliminate references to pinion gears, which are obsolete.
- Eliminate obsolete transition provisions phasing in now well-established requirements regarding medallion renewal dates, TPEP phase-in, and the requirement that only one agent may manage an owner's medallions.
- Provide that the TLC will reject an agent designation if the agent is the subject of a stop-use directive (the prior rule provides only that no owner may use an agent subject to such a directive, but not that the TLC will reject the designation).
- Eliminate a reference to an "association" which was used in the prior rule as a type of owner to which ownership standards apply. This change was made to make the rule consistent with existing requirements for owners. Medallions may be owned by persons, corporations, partnerships, and limited liability companies.
- Clarify the medallion transfer provisions requiring 30 days notice of transfer to a taxicab technology system vendor to permit the vendor to waive the 30 day notice, which is consistent with existing practice.
- Delete as obsolete the provisions permitting a taxicab to contain a cell phone for use by the passenger.
- Clarify that a camera is the only device, together with a cell phone with an emergency dialing feature, that has been approved by the Commission for taxicabs that are not required to have a partition.
- 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 19, 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, 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.
- Technical changes were made to clarify lease charge pass-throughs based on 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.
- Provisions regarding advertising permits, including fees for such permits, were added based on staff comment to reflect provisions of the Administrative Code.
- Provisions regarding costs for new models of medallions as opposed to the cost to replace lost or stolen medallions were clarified, based on staff comment.
- Provisions were added specifying the fees for stand-by vehicles, consistent with existing practice, based on staff comment.
- The provisions of section 8-15 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 on these provisions.
- The provisions regarding response to TLC communications were modified to make clear that the TLC expects a response to any communication, not just a communication by telephone or pager.
- The markings provisions of section 8-31 were updated to accommodate the revised cell phone and electronic device rules passed by the TLC.
- Owners of Accessible Taxicabs are required to assure that the drivers of such taxicabs have been trained in certain accessible topics, to maintain a standard from the Accessible Dispatch program based upon a staff comment from a public comment.

SPECIAL MATERIALS

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:

Table with 3 columns: Damage Parcel No., Block, Lot. Row 1: 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

ENVIRONMENTAL PROTECTION

NOTICE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP)

JOINT NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

APPLICANT AND SEQR LEAD AGENCY: New York City Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, NY 11373 (NYSDEC Application #0-9999-00051/00001/NYCDEP CEQR No: 10DEP046U)

TITLE OF ACTION: New York State Department of Environmental Conservation: Water Supply Permit Application Decision
New York City Department of Environmental Protection: Continued funding and implementation of the New York City Watershed Land Acquisition Program

PUBLIC NOTICE AND PUBLIC COMMENT: A notice of public hearing was published on June 23, 2010 in NYSDEC's Environmental Notice Bulletin, the City Record, and in local newspapers located within the New York City Watershed. The notice provided for written comments to be submitted by the public by July 30, 2010. In July 2010, the public comment period was extended to September 15, 2010. That time period is now being extended to October 22, 2010. All other public comments procedures remain the same. Public hearings were held at 6:00 P.M. at the following locations and dates: 1) Monday July 12, 2010 at SUNY Delhi, Evenden Tower, Room 104, 2 Main Street, Delhi, NY13753, 2) Tuesday July 13, 2010 at Hunter Elementary School, 7794 Main Street, Hunter, NY 12442, 3) Wednesday July 14, 2010 at Tri Valley High School, 34 Moore Hill Road, Grahamsville, NY 12740.

WRITTEN COMMENTS: All comments must be filed with the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 4 Field Office, 65561 State Highway 10, Stamford, NY 12167, Attn: Martha A. Wood, Project Manager. All written comments must be submitted (postmarked) by no later than October 22, 2010. Comments may also be submitted in electronic form to R4DEP@gw.dec.state.ny.us.

FOR FURTHER INFORMATION PLEASE CONTACT: Martha A. Wood, Project Manager/Environmental Analyst, New York State Department of Environmental Conservation, Division of Environmental Permits, Region 4 Field Office, 65561 State Highway 10, Stamford, NY 12167, 607-652-7741, Email: mawood@gw.dec.state.ny.us

Sangamithra Iyer, EIS Project Manager, New York City

Department of Environmental Protection Bureau of Environmental Planning and Analysis, 59-17 Junction Blvd, 11th Floor, Flushing, New York, 11373-5108, 718-595-3585, Email: siver@dep.nyc.gov

s13

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

Table with 3 columns: Address, Application #, Inquiry Period. Lists addresses in Manhattan and their corresponding application and inquiry periods.

The Department of Housing Preservation and Development 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

CHANGES IN PERSONNEL

DEPT OF ENVIRONMENT PROTECTION FOR PERIOD ENDING 08/06/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Environment Protection.

DEPARTMENT OF SANITATION FOR PERIOD ENDING 08/06/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Sanitation.

DEPARTMENT OF FINANCE FOR PERIOD ENDING 08/06/10

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Finance.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 08/06/10

TITLE

Table with 7 columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 08/06/10

Table with 7 columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Parks & Recreation.



# READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

## NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

## CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

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.

## VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

### Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

## SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

## PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

## NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

## PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

## ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

## PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

## PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

## COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB ..... Acceptable Brands List
- AC ..... Accelerated Procurement
- AMT ..... Amount of Contract
- BL ..... Bidders List
- CSB ..... Competitive Sealed Bidding (including multi-step)
- CB/PQ ..... CB from Pre-qualified Vendor List
- CP ..... Competitive Sealed Proposal (including multi-step)
- CP/PQ ..... CP from Pre-qualified Vendor List
- CR ..... The City Record newspaper
- DA ..... Date bid/proposal documents available
- DUE ..... Bid/Proposal due date; bid opening date
- EM ..... Emergency Procurement
- IG ..... Intergovernmental Purchasing
- LBE ..... Locally Based Business Enterprise
- M/WBE ..... Minority/Women's Business Enterprise
- NA ..... Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB ..... Procurement Policy Board
- PQ ..... Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE ..... Service Contract Short-Term Extension
- DP ..... Demonstration Project
- SS ..... Sole Source Procurement
- ST/FED ..... Subject to State &/or Federal requirements

## KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB ..... **Competitive Sealed Bidding** (including multi-step)  
*Special Case Solicitations / Summary of Circumstances:*
- CP ..... **Competitive Sealed Proposal** (including multi-step)
- CP/1 ..... Specifications not sufficiently definite
- CP/2 ..... Judgement required in best interest of City
- CP/3 ..... Testing required to evaluate
- CB/PQ/4 ....
- CP/PQ/4 .... **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP ..... Demonstration Project
- SS ..... **Sole Source Procurement/**only one source
- RS.....Procurement from a Required Source/ST/FED
- NA.....Negotiated Acquisition  
*For ongoing construction project only:*
- NA/8 ..... Compelling programmatic needs

- NA/9 .....New contractor needed for changed/additional work
- NA/10.....Change in scope, essential to solicit one or limited number of contractors
- NA/11.....Immediate successor contractor required due to termination/default  
*For Legal services only:*
- NA/12.....Specialized legal devices needed; CP not advantageous
- WA ..... **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 .....Prevent loss of sudden outside funding
- WA2 .....Existing contractor unavailable/immediate need
- WA3 .....Unsuccessful efforts to contract/need continues
- IG ..... **Intergovernmental Purchasing** (award only)
- IG/F.....Federal
- IG/S.....State
- IG/O .....Other
- EM ..... **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A.....Life
- EM/B.....Safety
- EM/C.....Property
- EM/D.....A necessary service
- AC ..... **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE ..... **Service Contract Extension/**insufficient time; necessary service; fair price  
*Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason* (award only)
- OLB/a.....anti-apartheid preference
- OLB/b.....local vendor preference
- OLB/c .....recycled preference
- OLB/d.....other: (specify)

## HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM** – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 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.*  
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

## NUMBERED NOTES

**Numbered Notes are Footnotes.** If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.