



# THE CITY RECORD

Official Journal of The City of New York

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## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.  
ELI BLACHMAN, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## CITY COUNCIL

### PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, March 20, 2012:

#### AGAVE

**MANHATTAN CB - 2** 20125076 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Four Green Fields LLC, d/b/a Agave, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 140 Seventh Avenue South.

#### CASA BELLA

**MANHATTAN CB - 2** 20125298 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Il Commendatore Restaurant Inc., d/b/a Casa Bella, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 127 Mulberry Street.

#### SPUNTO

**MANHATTAN CB - 2** 20125381 TCM  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Spunto, Inc., d/b/a Spunto, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 65 Carmine Street.

#### E-DESIGNATION TEXT

**CITYWIDE** N 120090 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, relating to Articles I, VIII, IX, X, XI, XII and XIII and other related Sections concerning environmental requirements associated with potential hazardous material contamination or noise or air quality.

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

### Article 1 General Provisions

### Chapter 1 Title, Establishments of Controls and Interpretations of Regulations

\* \* \*

#### 11-15

#### Environmental Requirements

The designation (E), or an environmental restrictive declaration, where listed in Appendix C (CEQR Environmental Requirements), of this Resolution, indicates that environmental requirements pertaining to potential hazardous materials ~~contamination, or noise or air quality impacts have been established which are incorporated into in connection with the provisions of a #zoning map# an amendment of or an action pursuant to this Resolution for one or more tax lots. The said Such~~ environmental requirements are set forth in the City Environmental Quality Review (CEQR) Declaration determination related to such amendment or action, a specific #zoning map# amendment. In the case of a merger or subdivision of tax lots or #zoning lots# with an (E) designation, involving improved or unimproved properties, the (E) designation will apply to all portions of the property.

The CEQR Declaration determinations are on file with the designated lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR Declaration determinations and their related environmental requirements, entitled City Environmental Quality Review Declarations, is found within Appendix C of this Resolution, appended to the #zoning maps#. (E) designations and environmental restrictive declarations may only be removed from Appendix C or modified in accordance with the provisions of paragraph (d) of this Section.

In the case of a merger or subdivision of lots, any of which is subject to an (E) designation or Environmental Restrictive Declaration, such (E) designation or Environmental Restrictive Declaration shall be considered assigned to all portions of the merged or subdivided lots. The environmental requirements of such (E) designation or environmental restrictive declaration shall apply to the merged or subdivided lots, or portions thereof, as determined by OER.

Tax lots with environmental requirements shall be subject to the following:

#### (a) Building permit conditions

Prior to issuing a building permit, or temporary or final Certificate of Occupancy, for any #development#, or for an #enlargement#, #extension# or a change of #use#, any of which involves a #residential# or a #community facility use#, or for an #enlargement# of a #building# for any #use# that involves a disturbance of the soil any action listed in paragraphs (a)(1), (a)(2) or (a)(3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to ~~for potential hazardous materials, noise, or air quality contamination,~~ the Department of Buildings (DOB) shall be furnished with a report from the Department of Environmental Protection notice issued by (DEP OER) of the city of New York stating that the environmental requirements related to the (E) designation have been met for that lot OER does not object to the issuance of such building permit, or temporary or final Certificate of Occupancy, in accordance with the applicable rules of the City of New York ("OER Notice").

An (E) designation for potential hazardous material

contamination may be satisfied and administratively removed from a #zoning map# through the following procedure:

#### (a) Satisfaction of requirements

The owner of any tax lot with an (E) designation for potential hazardous material contamination may file, with the Department of City Planning, a report from DEP, or its successor agency, specifying that the environmental requirements relating to such designation have been satisfied regarding that lot. Upon receipt of such report, the Department of City Planning shall indicate such satisfaction as to that lot on the listing of (E) designations appended to the #zoning maps# of the Zoning Resolution.

#### (1) For hazardous materials:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#, or
- (iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

#### (2) For air quality:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#, or
- (iii) an alteration that involves ventilation or exhaust systems, including but not limited to stack relocation or vent replacement; or

#### (3) For noise:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#, or
- (iii) an alteration that involves window or exterior wall relocation or replacement.

#### (b) Ongoing site management Removal of (E) designation

The Department of City Planning shall administratively remove the (E) designation for potential hazardous material contamination from a #zoning map# when all environmental requirements for potential hazardous material contamination have been met on all tax lots specified in the CEQR declaration.

In the event that a duly issued OER Notice indicates that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing site management, OER may require that a declaration of covenants and restrictions governing the ongoing site management requirements be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's Office in the County where the lot is located.

As a condition to the issuance of a temporary or final Certificate of Occupancy or granting of permit sign-off, if no Certificate of Occupancy is required, DOB shall be provided with proof that the declaration of covenants and restrictions for ongoing site management has been duly recorded. The recording information for the ongoing site management declaration shall be referenced on the first Certificate of Occupancy to be issued after

such declaration is recorded, as well as all subsequent Certificates of Occupancy, for as long as the declaration remains in effect.

The Director of the Department of City Planning shall transmit notice of such satisfaction or removal of an (E) designation to the Department of Buildings, the OEC and the DEP.

(c) Modifications

Upon application to the Mayor's Office of Environmental Remediation (OER) by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR Determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.

(d) Completion of environmental requirements Sunset provision

The DEP shall adopt rules pursuant to Chapter 45 of the Charter of the City of New York which shall establish:

- (1) standards for determining potential hazardous material contamination which, upon adoption, shall be utilized in determining whether or not an (E) designation shall be imposed on any tax lot; and
(2) testing and remediation standards and protocols for potential hazardous material contamination which, upon adoption, shall be utilized in determining whether or not the environmental requirements relating to such (E) designation(s) have been satisfied so as to warrant the removal of such designation.

The requirements for the adoption of rules set forth in paragraph (c) of this Section, inclusive, shall not be construed to prohibit either the imposition or the removal of an (E) designation, in accordance with law, prior to the adoption of such rules.

In the event that such rules are not adopted by DEP by July 1, 2001, the provisions of this Section as they relate to potential hazardous material contamination, except for underground gasoline storage tanks, shall lapse.

(1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from Appendix C

The Department of City Planning (DCP) shall administratively modify Appendix C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed for or otherwise no longer apply to a tax lot or lots, because:

- (i) no further testing, remediation or ongoing site management is required for hazardous materials contamination;
(ii) the noise generating source has been permanently eliminated; or
(iii) the emissions source related to air quality has been permanently eliminated.

(2) Removal of (E) designation from Appendix C

DCP shall administratively remove an (E) designation from Appendix C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

(3) Cancellation of environmental restrictive declaration and modification of Appendix C

DCP shall administratively remove an environmental restrictive declaration from Appendix C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the County where the lots are located.

(4) Notification

DCP shall notify DOB, MOEC and OER when modifications to Appendix C are made.

(de) Notice provision

The City Planning Commission shall adopt rules pursuant to Chapter 45 of the Charter of the City of

New York which shall require the lead agency, as defined in 6 N.Y.C.R.R., Part 617, and Executive Order 91 of 1977, as amended, to provide notification of a proposed (E) designation to the owner(s) of the property to be so designated not less than 60 days prior to such designation.

The provisions of this Section 11-15 shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

11-151 Special requirements for properties in the Borough of Queens

(a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Designations Requirements) of the Zoning Resolution.

(b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (5) of this paragraph, (b):

\* \* \*

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in this Section paragraph (b), the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

\* \* \*

86-04 Applicability of Article I

Within the #Special Forest Hills District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

\* \* \*

87-04 Applicability of Article I, Chapter 1

Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

87-05 04 Applicability of Article VI, Chapter 2

\* \* \*

87-06 05 Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

\* \* \*

93-051 Applicability of Chapter 1 of Article I

(a) Within the #Hudson Yards Redevelopment Area#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

(1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or

#enlargement# will result in compliance with the environmental requirements related to the (E) designation.

(b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.

\* \* \*

98-051 Applicability of Chapter 1 of Article I

(a) Within the #Special West Chelsea District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a #zoning lot# that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

(1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that #zoning lot#, or

(2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

(b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than June 23, 2006.

\* \* \*

104-05 Applicability of Article I, Chapter 1

Within the #Special Manhattanville Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

\* \* \*

115-03 Applicability of Article I, Chapter 1

Within the #Special Downtown Jamaica District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

\* \* \*

117-05 Applicability of Article I, Chapter 1

Within the #Special Long Island City Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, or noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

(a) in the case of an (E) designation for potential hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

110-06 Special requirements for certain properties within Special Hillside Preservation District The following sites: Block 24, Lot 1, Block 23, Lots 17, 42, Block 23, Lots 1, 4, 13, Block 115, Lots 61, 62, 63, and Block 47, Lots 7, 10, 107 shall be subject to the procedures of Section 11-15 (Environmental Requirements) governing (E) designations. The CEQR Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Requirements Declarations) of the Zoning Resolution. Section 11-15, paragraph (b), shall not apply to such CEQR Declarations.

124-041 Applicability of Article I, Chapter 1 Within the #Special Willets Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a tax lot or #zoning lot# that has an (E) designation(e) for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot, or (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# shall result in compliance with the environmental requirements related to the (E) designation.

124-042 041 Applicability of Article III, Chapter 6 \* \* \* 124-043 042 Applicability of Article VII, Chapter 3 \* \* \* 124-044 043 Applicability of Article VII, Chapter 4 \* \* \*

126-03 Applicability of Article I, Chapter 1 Within the #Special Colgoe Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot, or (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

128-051 Applicability of Article I, Chapter 1 Within the #Special St. George District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot, or (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

128-052 051 Applicability of Article I, Chapter 2 \* \* \* 128-053 052 Applicability of Article I, Chapter 5 \* \* \*

128-054 053 Applicability of Article III, Chapter 6 The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

131-041 Applicability of Article I, Chapter 1 Within the #Special Concy Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot, or (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

131-042 041 Applicability of Article I, Chapter 5 \* \* \*

131-043 042 Applicability of Article VI, Chapter 2 \* \* \*

131-044 043 Applicability of Article VII, Chapter 4 \* \* \*

131-045 044 Physical culture or health establishments \* \* \*

131-046 045 Modification of use and bulk regulations for zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park

NYC ZONING RESOLUTION APPENDIX C:

Table with columns: E-No., CEQR No., Effective Date, ULURP No., Zoning Map No., Description, Tax Block, Tax Lot(s), Lot Remediation Date. Rows include E-1, E-2, E-3, E-4, E-5.

END OF AMENDMENT TEXT

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, March 20, 2012.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, March 20, 2012.

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, March 28, 2012 at 10:00 A.M.

BOROUGH OF THE BRONX No. 1 92 WEST TREMONT AVENUE

CD 5 C 120107 HAX IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for: a) the designation of property located at 92 West Tremont Avenue (Block 2867, Lots 125 and 128) as an Urban Development Action Area; and b) an Urban Development Action Area Project for such area; and 2) pursuant to Section 197-c of the New York City Charter for the disposition of Block 2867, Lot 125 to a developer to be selected by HPD;

to facilitate the construction of a six-story senior residence with approximately 61 dwelling units to be developed under the New York State's Housing Trust Fund.

No. 2 ALBERT EINSTEIN COLLEGE OF MEDICINE

CD 11 C 070558 ZSX IN THE MATTER OF an application submitted by Yeshiva University pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to modify the requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities) to allow a group parking facility accessory to uses in a Large-Scale Community Facility Development with a maximum capacity of 425 spaces, and to modify the requirements of Section 25-11 (General Provisions) so

as to permit some of such off-street parking spaces to be located on the roof, in connection with the proposed enlargement of a garage building at 1925 Eastchester Road (Block 4205, Lot 2), within a Large-Scale Community Facility Development (Block 4117, Lot 1 and Block 4205, Lot 2 & p/o Lot 1), in R4 and R6 Districts.

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.

BOROUGH OF QUEENS No. 3 DOS CENTRAL REPAIR SHOP

CD 2 C 120131 PCQ IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 52-07 59th Street (Block 2352, Lot 22) for use as a vehicle storage facility.

BOROUGH OF MANHATTAN No. 4 SPECIAL TRIBECA TEXT AMENDMENT

CD 1 N 120166 ZRM IN THE MATTER OF an application submitted by Laight Street Project Owner, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District.

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

Article XI: Special Purpose Districts

Chapter 1: Special Tribeca Mixed Use District

111-20 SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

(d) Area A4, A5, A6 and A7 Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within two six years of the original granting of grant of said variance.

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

COMPTROLLER

ASSET MANAGEMENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held in the Municipal Building, 1 Centre Street, Room 650 conference room, on Tuesday, March 27, 2012 at 10:30 A.M. on the following items:

1) IN THE MATTER OF a proposed contract between the Office of the NYC Comptroller, acting on behalf of the New York City Police Pension Fund, Subchapter 2 (the "System") and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller, and State Street Global Advisors, a division of State Street Bank and Trust Company, with its principal place of business at State Street Financial Center, One Lincoln Street, Boston, MA 02111 for Global Real Estate Equity Securities Investment Management Services. The term of the contract will commence on or about April 15, 2012 and will end December 31, 2014 with options to renew. The amount of the contract is not to exceed \$464,000. PIN: 015 108133 12 RS.

The proposed contractor was selected pursuant to a competitive sealed proposal process in accordance with Section 3-03 of the PPB Rules.

A copy of the contracts, or excerpts thereof, can be seen at the Office of the Comptroller, 1 Centre Street, Room 650, New York, New York 10007, Monday through Friday excluding holidays commencing March 16, 2012 through March 26, 2012 between 10:00 A.M. - Noon and 1:30 P.M. - 4:30 P.M.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

FRANCHISE ADMINISTRATION

PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, April 9, 2012 commencing at 2:30 P.M. at 22 Reade

Street, Borough of Manhattan in the matter of a proposed franchise agreement between the City of New York and Transit Wireless, LLC. The proposed franchise agreement grants the non-exclusive right to install and operate fiber optic cables and related equipment for the purpose of interconnecting mobile telecommunications equipment installed, pursuant to a valid license from the New York City Transit Authority (NYCTA), in NYCTA subway facilities to one another and to external networks. The proposed term of the franchise will not exceed fifteen years. The proposed monetary compensation to the City for the grant of the franchise will be \$100,000 per year (subject to inflation adjustment) plus increases as the proposed franchisee's facilities are activated in subway stations, up to approximately \$500,000 per year (subject to inflation adjustment) when all anticipated facilities have been activated.

Copies of the proposed franchise agreements may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from March 30, 2012 through April 9, 2012, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the proposed franchise agreement may be obtained during such period, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The proposed franchise agreement may also be obtained during such period in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at [RChambers@doitt.nyc.gov](mailto:RChambers@doitt.nyc.gov). The hearing may be cablecast on NYC Media Group channels.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

► m16-a9

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

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, March 27, 2012 at 9:30 A.M.**, at the Landmarks Preservation Commission will conduct a *public hearing and 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 Landmarks and Landmark Sites. 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.

### ITEMS TO BE HEARD

#### BOROUGH OF BROOKLYN

##### PUBLIC HEARING ITEM NO.1

**Public Hearing Continued from March 22, 2011**

LP-2469

**SEARS ROEBUCK and CO. STORE**, 2307 Beverly Road (aka 2301-2323 Beverly Road; 2386-2420 Bedford Avenue), Brooklyn  
*Landmark Site:* Borough of Brooklyn Tax Map Block 5133, Lot 14

[Community District 14]

#### BOROUGH OF MANHATTAN

##### PUBLIC HEARING ITEM NO. 2

LP-2510

**YORKVILLE BANK BUILDING**, 1511 Third Avenue (aka 1511-1515 Third Avenue; 201-203 East 85th Street), Manhattan  
*Landmark Site:* Borough of Manhattan Tax Map Block 1531, Lot 1

[Community District 8]

##### PUBLIC HEARING ITEM NO. 3

LP-2517

**HOTEL MANSFIELD**, 12 West 44th Street (aka 12-14 West 44th Street), Manhattan  
*Landmark Site:* Borough of Manhattan Tax Map Block 1259, Lot 47

[Community District 5]

m13-26

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, **March 20, 2012 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 12-6865 - Block 8052, lot 21-342 Arleigh Road, aka 240-46 35th Avenue - Douglaston Historic District

A vernacular Colonial Revival style freestanding house designed by Fred D. Gardner and built in 1920. Application to enclose an existing porch. Community District 11.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 12-8050 - Block 2557, lot 1-58 Kent Street - Eberhard Faber Pencil Company Historic District

A German Revival style factory building designed by Theobald Engelhardt and built in 1895. Application is alter the front and rear facades and construct a light court and rooftop addition. Zoned M1-1. Community District 1.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 12-4814 - Block 216, lot 32-48 Henry Street - Brooklyn Heights Historic District An Eclectic style rowhouse built in 1861-79. Application is to install mechanical equipment at the rear facade. Community District 2.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 12-8363 - Block 951, lot 5-185 6th Avenue - Park Slope Historic District  
A late Italianate style rowhouse designed by George White and built in 1874. Application is to install a deck and create a new door opening. Community District 6.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 12-8751 - Block 1145, lot 8-611 Vanderbilt Avenue - Prospect Heights Historic District  
A Renaissance Revival style store and flats building designed by Peter M. Cassidy and built c.1893. Application is to legalize the replacement of storefront infill and an exterior security gate without Landmarks Preservation Commission permits. Community District 8.

##### BINDING REPORT

BOROUGH OF BROOKLYN 12-3751 - Block 1183, lot 2-2 Eastern Parkway - Brooklyn Public Library, Central Building - Individual Landmark

A Modern Classical style library with Art Deco detailing designed by Alfred Morton Githens and Francis Keally, built in 1935-41. Application is to establish a master plan governing the future installation of rooftop mechanical equipment. Community District 8.

##### BINDING REPORT

BOROUGH OF BROOKLYN 12-4726 - Block 1183, lot 2-2 Eastern Parkway - Brooklyn Public Library, Central Building - Individual Landmark

A Modern Classical style library with Art Deco detailing designed by Alfred Morton Githens and Francis Keally, built in 1935-41. Application is to construct an addition. Zoned R6. Community District 8.

##### BINDING REPORT

BOROUGH OF MANHATTAN 12-8539 - Block 1, lot 10- Governors Island - Governors Island

A portion of an island in New York Harbor containing fortifications and a range of military buildings dating from the early 19th century to the 1930s. Application is to establish a master plan governing seasonal installations. Community District 1.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7776- Block 149, lot 29-287 Broadway - 287 Broadway Building - Individual Landmark

An Italianate/Second Empire style bank and office building built in 1871-1872 and designed by John B. Snook. Application is for structural and facade work to right the leaning building, and to raise the rooftop cresting, install storefront infill and a ramp. Community District 1.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7332 - Block 231, lot 36-449 Broadway, aka 26 Mercer Street - SoHo-Cast Iron Historic District

A store building built in 1868, and a store and loft building built in 1855. Application is to install storefront infill and signage. Community District 2.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7301 - Block 583, lot 50-11 St. Luke's Place - Greenwich Village Historic District

An Italianate style rowhouse built in 1852. Application is to construct rooftop and rear yard additions, reconstruct the rear facade and excavate the rear yard. Zoned R6. Community District 2.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-6141 - Block 583, lot 29-32 Morton Street - Greenwich Village Historic District

A utilitarian building designed by Hobart B. Upjohn and built in 1920. Application is to enlarge window openings at the penthouse. Community District 2.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-8522 - Block 586, lot 45-29 7th Avenue South - Greenwich Village Historic District

Extension II  
A contemporary style apartment building with a commercial ground floor designed by George Schwarz and built in 1997. Application is to replace storefront infill and signage. Zoned C2-6. Community District 2.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7641 - Block 571, lot 7502-21 East 13th Street, aka 22-26 East 14th Street - Bauman

Brothers Furniture Store - Individual Landmark

A store and loft building, designed by David and John Jardine and built in 1880-81. Application is to replace storefront infill. Community District 2.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-0337 - Block 673, lot 1-220 12th Avenue, 261-279 11th Avenue, 220-238 12th Avenue; 601-651 West 27th Street; 600-654 West 28th Street - West Chelsea Historic District

A complex of American Round Arch style warehouse buildings designed by George B. Mallory and Otto M. Beck and built in 1890-91. Application is to establish a master plan governing the future replacement of windows. Community District 4.

##### BINDING REPORT

BOROUGH OF MANHATTAN 12-7955 - Block 772, lot 64-216-234 West 23rd Street - Hotel Chelsea - Individual Landmark

A Victorian Gothic style apartment house, designed by Hubert Pirsson & Co. and built in 1883. Application to construct additions and rooftop bulkhead, install mechanical equipment and balcony partitions; and replace ground floor infill, windows, and a canopy. Zoned C2-7A/R9A. Community District 4.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-8404 - Block 825, lot 29-23 West 23rd Street - Ladies' Mile Historic District

A converted Italianate style dwelling built c. 1860-62. Application is to install storefront infill.

Community District 5.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-3901 - Block 821, lot 1-636 6th Avenue, aka 56 West 19th Street - Ladies' Mile

Historic District

A neo-Renaissance style store building designed by Buchman and Deisler and built in 1896. Application is to construct a rooftop addition. Zoned C6-2A & C6-4A.

Community District 5.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-8665 - Block 822, lot 31-154-158 Fifth Avenue, aka 1-3 West 20th Street - Ladies' Mile Historic District

A neo-Romanesque style office building, designed by Rowe & Baker and built in 1894-1895. Application is to install signage. Community District 5.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-7785 - Block 824, lot 35-1 West 22nd Street - Ladies' Mile Historic District

A Beaux-Arts style store and loft building designed by Schickel & Ditmars and built in 1904. Application is to install storefront infill. Community District 5.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-2247 - Block 876, lot 21-36 Gramercy Park East - Gramercy Park Historic District

A neo-Gothic style apartment building designed by J. Riely Gordon and built in 1908-1910. Application is to establish a master plan governing the future installation of mechanical equipment. Community District 6.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-5746 - Block 1116, lot 7502-15 West 63rd Street - Upper West Side/Central Park West

Historic District

A neo-Romanesque style school designed by Dwight James Baum and built in 1931. Application is to install a marquee. Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-1319 - Block 1124, lot 3-67-69 West 71st Street - Upper West Side/Central Park West

Historic District

Two neo-Grec style rowhouses, designed by Thom and Wilson and built in 1887-1888. Application is to amend Certificate of Appropriateness 09-9525 to alter the approved storefronts, and construct rear yard additions. Zoned C1-8A.

Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-4278 - Block 1120, lot 38-12 West 68th Street - Upper West Side/Central Park West

Historic District

A Queen Anne style house designed by Louis Thouvard and built in 1895, with an attached studio building designed by Edwin C. Georgi and built in 1925. Application is to demolish a rooftop addition constructed without Landmarks Preservation Commission permits, and alter the facade and construct a new rooftop addition. Zoned R8 and R10A. Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-5565 - Block 1128, lot 50-30 West 76th Street - Upper West Side/Central Park West

Historic District

A Renaissance Revival style rowhouse with Romanesque style elements designed by Gilbert A. Schellenger and built in 1891. Application is to alter the areaway entrance. Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-5626 - Block 1249, lot 53-344 West 88th Street - Riverside-West End Historic District

A Renaissance Revival style rowhouse designed by Thom & Wilson and built in 1893-94. Application is to construct a rear yard addition and replace windows at the front facade. Zoned R8. Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-9109 - Block 1207, lot 40,41,141,42,142,43-

20-30 West 94th Street - Upper West Side/Central Park West Historic District

A row of six Queen Anne style houses, with Romanesque Revival and neo-Grec style elements, designed by Increase M. Grenell and built in 1888. Application is to install a barrier-free access ramp, a marquee, and alter window and door openings. Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-8788 - Block 1220, lot 5-175 West 89th Street - Claremont Stables - Individual

Landmark

A Romanesque Revival style carriage house and stable designed by Frank A. Rooke and built in 1892. Application is to construct a rooftop addition, extend the parapet at the east facade, and construct a connecting bridge at the rear facade. Zoned R7-2. Community District 7.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-6882 - Block 1389, lot 65-4 East 75th Street - Upper East Side Historic District

A neo-French Renaissance style townhouse designed by Trowbridge, Colt and Livingston Architects and built in 1895-96. Application is to alter the rear facade. Community District 8.

##### CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-8108 - Block 1384, lot 7501-28 East 70th Street - Upper East Side Historic District

A neo Gothic-style apartment hotel built in 1926-27 and designed by Emory Roth. Application is to enlarge a window opening. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-8517 - Block 1410, lot 53-1067-1071 Lexington Avenue - St. Jean Baptist R.C. Church - Individual Landmark  
An Italian Renaissance style church, designed by Nicholas Sirracino and built in 1910. Application is to replace limestone columns at the bell tower. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-2338 - Block 1405, lot 18-968 Lexington Avenue - Upper East Side Historic District  
An Italianate style rowhouse built in 1871-72 and altered in 1928. Application is to install a bracket sign. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-8999 - Block 1717, lot 63-70 West 119th Street - Mount Morris Park Historic District  
A rowhouse designed by Andrew Spence and built in 1894. Application is to construct a rear yard addition. Zoned R 7-2. Community District 9.

m7-20

**TAXI AND LIMOUSINE COMMISSION**

■ NOTICE

**PUBLIC NOTICE OF A SCOPING MEETING  
DRAFT ENVIRONMENTAL IMPACT  
STATEMENT  
(CEQR No.12TLC026Y)**

NOTICE IS HEREBY GIVEN that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Taxi and Limousine Commission (TLC), is assuming lead agency status for this application and is initiating the CEQR review. TLC has determined that a Draft Environmental Impact Statement is to be prepared for the proposed Sale of 2,000 Taxi Medallions (CEQR No. 12TLC026Y).

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

TLC, which is also the Applicant, is requesting authorization to issue 2,000 Taxi Medallions (the "Proposed Action").

The Proposed Action is intended to address the observed shortage in the number of taxis, and increase the number of medallions restricted for use with vehicles accessible to persons with disabilities to foster increased access, mobility and independence of persons with disabilities, which is a major goal of the City's transportation system. The Proposed Action would authorize the issuance of 2,000 new medallions, an increase of approximately 15.1% above the existing number of medallions, all of which will be required to be used with taxicab vehicles that are accessible to individuals who use wheelchairs.

The analysis years for this proposal are 2013, 2014, and 2015.

**A public scoping meeting has been scheduled for Thursday, April 19, 2012, at the New York City Taxi and Limousine Commission - Commission Room located at 33 Beaver Street, 19th Floor, New York, New York, 10004.** The meeting will commence at 6:30 P.M. and close at 8:30 P.M. Written comments will be accepted by the lead agency until April 30, 2012.

Copies of the Draft Scope of Work and the Environmental Assessment Statement will be available at the public scoping meeting at the New York City Taxi and Limousine Commission - Commission Room located at 33 Beaver Street, 19th Floor, New York, New York 10004. They are also available in advance of the meeting on the TLC website at [www.nyc.gov/taxi](http://www.nyc.gov/taxi) or by calling 212 227-0700 to request that copies be mailed to you.

Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.

m16

**PROPERTY DISPOSITION**

**CITYWIDE ADMINISTRATIVE SERVICES**

**MUNICIPAL SUPPLY SERVICES**

■ SALE BY SEALED BID

**SALE OF: HEAVY EQUIPMENT/LIGHT DUTY VEHICLES, USED AND TRUCK TRANSMISSIONS REBUILT.**

S.P.#: 12016 DUE: March 22, 2012

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.

m9-22

**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**

*"Compete To Win" More Contracts!*  
*Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

*"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**

■ SOLICITATIONS

Human / Client Services

**NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children's Services, Division of Youth and Family 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 5/31/13.

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, New York, NY 10038. Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; [patricia.chabla@dca.state.ny.us](mailto:patricia.chabla@dca.state.ny.us)

j1-n14

**CITYWIDE ADMINISTRATIVE SERVICES**

**MUNICIPAL SUPPLY SERVICES**

■ SOLICITATIONS

Goods

**MOPS, DECK** – Competitive Sealed Bids – PIN# 8571200489 – DUE 04-11-12 AT 10:30 A.M. – Vendors interested in obtaining copies of the bid should contact Anna Wong, (212) 669-8610; Fax: (212) 669-7603; [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Jeanette Megna (212) 669-3521; Fax: (212) 669-7585; [Jmegna@dcas.nyc.gov](mailto:Jmegna@dcas.nyc.gov)

m16

**LABORATORY CHEMICALS, SUPPLIES AND EQUIPMENT**

– Competitive Sealed Bids – PIN# 8571200445 – DUE 04-11-12 AT 10:30 A.M. – Vendors interested in obtaining copies of the bid should contact Anna Wong, (212) 669-8610; Fax: (212) 669-7603; [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Masha Rudina (212) 669-4098; [mrudina@dcas.nyc.gov](mailto:mrudina@dcas.nyc.gov)

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■ AWARDS

Goods

**WRINGER, MOP** – Competitive Sealed Bids – PIN# 8571200173 – AMT: \$102,648.00 – TO: Paradigm Marketing Consortium Inc. dba United Supply Sys., 350 Michael Drive, Syosset, NY 11791-5307.  
● **NON GENUINE FORKLIFT PARTS FOR TOYOTA FORKLIFTS** – Competitive Sealed Bids – PIN# 8571200257 – AMT: \$705,500.00 – TO: Continental Lift Truck, Inc., 127-18 Foch Blvd., South Ozone Park, NY 11420.

m16

■ VENDOR LISTS

Goods

**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: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j5-d31

**COMPROLLER**

**ASSET MANAGEMENT**

■ AWARDS

Services (Other Than Human Services)

**INVESTMENT MANAGEMENT SERVICES** – Renewal – PIN# 01507811105QF – AMT: \$4,099,000.00 – TO: Piedmont Investment Advisors LLC, 300 W. Morgan Street, Suite 1200, Durham, NC 27701.  
● **INVESTMENT MANAGEMENT SERVICES** – Request for Proposals – PIN# 01509812600QI – AMT: \$1,090,000.00 – TO: State Street Global Advisors, One Lincoln Street, Boston, MA 02111.  
● **INVESTMENT MANAGEMENT SERVICES** – Request for Proposals – PIN# 01510813102QI – AMT: \$1,045,000.00 – TO: State Street Global Advisors, One Lincoln Street, Boston, MA 02111.  
● **INVESTMENT MANAGEMENT SERVICES** – Request for Proposals – PIN# 01510812902QI – AMT: \$4,006,000.00 – TO: State Street Global Advisors, One Lincoln Street, Boston, MA 02111.

m16

**DESIGN & CONSTRUCTION**

■ SOLICITATIONS

Construction / Construction Services

**CORRECTION: RECONSTRUCTION AND RESTORATION OF LANDMARK AND LANDMARK QUALITY BUILDINGS** – Request for Qualifications – PIN# VARIOUS – DUE 03-30-12 AT 4:00 P.M. – CORRECTION: PROJECT NO.: VARIOUS. Pre-qualification forms can be downloaded from City Record and/or DDC websites.

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 Design and Construction, 30-30 Thomson Avenue, 5th Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615; [holley1@ddc.nyc.gov](mailto:holley1@ddc.nyc.gov)

m12-16

**CONTRACTS**

■ SOLICITATIONS

Construction / Construction Services

**CONSTRUCTION OF STORM SEWERS EXTENSIONS, SANITARY SEWERS AND APPURTENANCES** – Competitive Sealed Bids – PIN# 85012B0057 – DUE 04-12-12 AT 11:00 A.M. – In Cleveland Place between Landis Avenue, etc., Staten Island. PROJECT NO.: SER200219/DDC PIN: 8502012SE0033C. Vendor Source ID#: 78836.  
● **CONSTRUCTION OF SANITARY, STORM SEWERS, AND APPURTENANCES** – Competitive Sealed Bids – PIN# 85012B0059 – DUE 04-10-12 AT 11:00 A.M. - In 116th Avenue between 202nd Street, etc., Queens. PROJECT NO.:SEQ200489/DDC PIN: 8502012SE0012C. Vendor Source ID#: 78837. Apprenticeship participation requirements apply to this contract.  
Experience Requirements. Bid documents are available at: <http://www.nyc.gov/ddc>

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at [www.nyc.gov/buildnyc](http://www.nyc.gov/buildnyc) see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified).

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. Bid document deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted.  
Department of Design and Construction,  
30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614; Fax: (718) 391-2615.

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## EMPLOYEES RETIREMENT SYSTEM

### SOLICITATIONS

#### Goods & Services

**DATA POINT TO POINT AND INTERNET CIRCUITS** – Competitive Sealed Bids – PIN# 00900309201201 – DUE 04-09-12 AT 5:00 P.M. – NYCERS seeks Dark Fiber Service by a local exchange carrier for the installation, connection, and maintenance of optional fiber transmission capacity between its 335 Adams Street, Brooklyn, New York location and its Long Island City, Queens, New York location. The installation and connection timeline should not exceed 90 days from the date of the issued purchase order. The maintenance shall be a minimum of 5 years but up to 10 years with additional options to renew. The award shall be made to the lowest responsive and responsible bidder.

Additional contract terms and conditions are included in Appendix A, which has been uploaded with the competitive sealed bid.

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.  
Employees Retirement System, 335 Adams Street, Suite 2300, Brooklyn, NY 11201. Cheryl Greenidge (347) 643-3169; [bidresponse@nycers.nyc.gov](mailto:bidresponse@nycers.nyc.gov)

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## ENVIRONMENTAL PROTECTION

### WASTEWATER TREATMENT

#### SOLICITATIONS

#### Services (Other Than Human Services)

**RE-BID: SERVICE AND REPAIR OF EMU SUBMERSIBLE MIXERS AT VARIOUS WATER POLLUTION CONTROL PLANTS** – Competitive Sealed Bids – PIN# 826091302MIX – DUE 04-05-12 AT 11:30 A.M. RE-BID: Contract #1302-MIX(R): Document Fee: \$80.00. Project, Manish Patel, (718) 595-7462.

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 Boulevard, 17th Floor, Elmhurst, NY 11373. Greg Hall (718) 595-3236; [ghall@dep.nyc.gov](mailto:ghall@dep.nyc.gov)

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## FINANCIAL INFORMATION SERVICES AGENCY

### INTENT TO AWARD

#### Services (Other Than Human Services)

**IBM BUSINESS RECOVERY SERVICES** – Negotiated Acquisition – PIN# 127FY1300004 – DUE 03-21-12 AT 10:00 A.M. – Pursuant to Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules (PPB) the Financial Information Services Agency (FISA) intends to extend its current contract with International Business Machines Corporation (IBM) for Business Recovery Services. Business Recovery Services allows the agency to maintain a state of readiness with both Hot and Cold Site disaster recovery capabilities in the event of a scenario resulting in the destruction or loss of access to the agency's premises that would necessitate the relocation of critical functions to an alternate processing site. The term of this contract shall be from 7/1/12 - 6/30/14. Contractors may express interest in future procurements by contacting Elon Sylvester at FISA, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603. Phone: (212) 857-1516 or by emailing [Esylvester@fisa.nyc.gov](mailto:Esylvester@fisa.nyc.gov).

Negotiated Acquisition Extension.

m12-16

## 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

**A PHOTONIC BAND GAP FIBER DELIVERY SYSTEM FOR CO2 LASER** – Competitive Sealed Bids – PIN# ME12-954-853-RE BID3 – DUE 04-02-12 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.  
Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Marissa Espinoza (718) 245-1876; Fax: (718) 735-5486; [marissa.espinoza@nychhc.org](mailto:marissa.espinoza@nychhc.org)  
Support Office Building, 591 Kingston Avenue, 2nd Floor, Rm. 251, Brooklyn, NY 11203.

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#### Construction Related Services

**PAINTING AND PLASTERING** – Competitive Sealed Bids – KCB# 27/12 – DUE 03-30-12 AT 2:30 P.M. – Provide painting and plastering of E-Building, 9th Floor and Dental Clinic at Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203.

Estimated cost for this project is under \$95k

Painting Area of this project is approx. 20,000 sq. ft. (Floor Area)

● **PAINTING AND PLASTERING** – Competitive Sealed Bids – KCB# 29/12 – DUE 03-30-12 AT 3:30 P.M. - Provide painting and plastering of Medical Record Area at B-Building, Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203.

Estimated cost for this project is under \$95k

Painting Area of this project is approx. 21,000 sq. ft. (Floor Area)

● **PAINTING AND PLASTERING** – Competitive Sealed Bids – KCB# 28/12 – DUE 03-30-12 AT 3:00 P.M. - Provide painting and plastering of Bedford - Stuyvesant Clinic, located at 722 Myrtle Avenue, Brooklyn, NY 11205.

Estimated cost for this project is under \$55k

Painting Area of this project is approx. 12,000 sq. ft. (Floor Area)

There will be one (1) non-mandatory pre-bid meeting followed by walk thru on Wednesday, March 21, 2012 at 10:30 A.M. at "E" Building, Conference Room, 2nd Floor, Room #2236. Prospective Bidders are advised that information from the New York City Record should be followed.

Request for Bid package should be e-mailed to: [Rup.bhowmick@nychhc.org](mailto:Rup.bhowmick@nychhc.org) or by calling at (718) 245-2122 or (718) 245-2125. Upon pre-arrangement bid packages will be available at: Purchasing Dept., Support Office Building, 2nd Floor, Room #251, 591 Kingston Avenue, Brooklyn, NY 11203. A fee of \$25.00 (non-refundable) shall be required to secure a complete set of bid documents. Payment shall be in the form of a Cashier's Check or Money Order payable to: KCHC Comptroller's Office.

Prospective Bidders are strongly advised to purchase bid documents prior to attending walk thru.

Bid Security in the form of a Certified Check in the amount of 2 percent of the Bid price or, Bid Bond in the amount of 10 percent of the bid price shall require. The required bid documents must be completed and returned to KCHC Purchasing Department.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Kings County Hospital Center, 591 Kingston Avenue, Support Office Bldg. (S.O.B.), Room #251, Brooklyn, NY 11203. Rup Bhowmick (718) 245-2122; Fax: (718) 245-5459; [rup.bhowmick@nychhc.org](mailto:rup.bhowmick@nychhc.org)

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### MATERIALS MANAGEMENT

#### SOLICITATIONS

#### Goods

**DENTAL SUPPLIES** – Competitive Sealed Bids – PIN# 033-0007 – DUE 03-28-12 AT 10:00 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.  
Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013-3990. Sherry Lloyd (212) 442-3863; Fax: (212) 442-3872; [sherry.lloyd@nychhc.org](mailto:sherry.lloyd@nychhc.org)

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## HEALTH AND MENTAL HYGIENE

### AGENCY CHIEF CONTRACTING OFFICER

#### SOLICITATIONS

#### Human / Client Services

**NEW YORK/NY III SUPPORTED HOUSING CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300R0X00-R – DUE 09-18-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or e-mailed to the above address. All proposals must be hand delivered at the Agency Chief Contracting Officer, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132, no later than September 18, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

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 Mental Hygiene, ACCO, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132. Huguette Beauport (347) 396-6633; [hbeaupor@health.nyc.gov](mailto:hbeaupor@health.nyc.gov)

a6-s17

## HOUSING AUTHORITY

### SOLICITATIONS

#### Construction / Construction Services

**REQUIREMENT CONTRACT "B" FOR INSTALLATION OF SIDEWALK SHED AT CITYWIDE VARIOUS LOCATIONS** – Competitive Sealed Bids – PIN# BW1128080 – DUE 04-05-12 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. Documents can also be obtained by registering with I-supplier and downloading documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
Housing Authority, 90 Church Street, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121; Fax: (212) 306-5151; [gloria.guillo@nychc.nyc.gov](mailto:gloria.guillo@nychc.nyc.gov)

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## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### AGENCY CHIEF CONTRACTING OFFICER

#### AWARDS

#### Goods & Services

**ORACLE ENTERPRISE LICENSING AGREEMENT FOR LICENSES AND SOFTWARE SUPPORT** – Intergovernmental Purchase – PIN# 85812O0008001 – AMT: \$17,444,658.39 – TO: Oracle America, Inc., 500 Oracle Parkway, Redwood Shores, CA 94065. This award was procured through the NYSOGS; therefore, the Agency must follow the State procurement policy.

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### EXECUTIVE DIVISION

#### AWARDS

#### Services (Other Than Human Services)

**CITYWIDE ENTERPRISE STRATEGIC PLANNING** – Negotiated Acquisition – PIN# 85807O0053CNVN001 – AMT: \$3,000,000.00 – TO: Gartner, Inc., 56 Top Gallant Road, Stamford, CT 06904. Citywide Enterprise Strategic Planning for Information Technology and Telecommunications. Negotiated Acquisition Extension.

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## PARKS AND RECREATION

### CAPITAL PROJECTS

#### INTENT TO AWARD

#### Construction Related Services

**BAYSWATER POINT STATE PARK RESTORATION** – Government to Government – PIN# 8462012Q000D01 – DUE 03-28-12 AT 4:00 P.M. – Department of Parks and Recreation, Capital Projects Division, intends to enter into Government-to-Government negotiations with New York State Office of Parks, Recreation and Historic Preservation, located at 1 Empire State Plaza, Albany, NY 12238, for planning, design and interim stabilization leading to restoration of the park landscape and Sunset Lodge in Bayswater Point State Park.

Any firms that would like to express their interest in providing services of similar projects in the future may do so. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available on-line at "NYC.gov/selltonyc" and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

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, Olmsted Center, Room 61, Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; [grace.fieldsmitchell@parks.nyc.gov](mailto:grace.fieldsmitchell@parks.nyc.gov)

m15-21

**ROBERTO CLEMENTE STATE PARK HOT WATER HEATING SYSTEM REHAB.** – Government to Government – PIN# 8462012X000D01 – DUE 03-28-12 AT 4:00 P.M. – Department of Parks and Recreation, Capital Projects Division, intends to enter into Government-to-Government negotiations with New York State Office of Parks, Recreation and Historic Preservation, located at 1 Empire State Plaza, Albany, NY 12238, for the Hot Water Heating System rehabilitation in Robert Clemente State Park.

Any firms that would like to express their interest in providing services of similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by March 28, 2012. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available on-line at "NYC.gov/selltonyc" and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

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, Olmsted Center, Room 61, Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; [grace.fieldsmitchell@parks.nyc.gov](mailto:grace.fieldsmitchell@parks.nyc.gov)

m15-21

**REVENUE AND CONCESSIONS****SOLICITATIONS***Services (Other Than Human Services)*

**OPERATION OF A FREE CONCERT SERIES AND A MAXIMUM OF SIX (6) KIOSKS** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# X39-OB-O-2012 – DUE 04-12-12 AT 3:00 P.M. – At Orchard Beach, Pelham Bay Park, Bronx.

There will be a recommended proposer meeting on Tuesday, March 20, 2012 at 12:00 P.M. We will be meeting in Room 407 of the Arsenal, which is located at 830 5th Avenue, in Central Park, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended meeting.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)  
212-504-4115

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, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021.  
Venus Melo (212) 360-1397; Fax: (212) 360-3434;  
venus.melo@parks.nyc.gov*

m6-19

**TAXI AND LIMOUSINE COMMISSION****SOLICITATIONS***Services (Other Than Human Services)*

**DEVELOPMENT OF A SMARTPHONE APPLICATION FOR MEDALLION TAXICABS AND OTHER FOR-HIRE VEHICLES** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 15612P00120 – DUE 06-14-12 AT 2:00 P.M. – The RFP can be obtained from the office of the Agency Chief Contracting Officer between the hours of 10:00 A.M. and 5:00 P.M., Monday through Friday, except holidays, at 33 Beaver Street - 22nd Floor, New York, New York 10004 or via the City Record website: <http://www.nyc.gov/cityrecord> (click on “Visit the City Record On-line (CROL),” then on “Search Procurement Notices.” Search using the PIN listed at the top of this page. You must register with the site in order to download the RFP.) All parties who obtain the RFP package - electronically or otherwise - must provide: the organization’s name, address, telephone number, fax number, a contact person, and that person’s e-mail address. RFP packages will not be distributed without the above 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.

*Taxi and Limousine Commission, 33 Beaver Street, 22nd Fl., New York, NY 10004. Jeremy Halperin (212) 676-1031; Fax: (212) 676-1153; halperinj@tlc.nyc.gov*

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**AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS**

**NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.**

**AGING****PUBLIC HEARINGS****CANCELLATION OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, March 22, 2012, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER** of one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below, for the provision of various senior services (e.g., case assistance and information). The contract term shall be from July 1, 2011 to June 30, 2012. The contract amount and the Community Districts in which the programs are located are identified below.

**NO. CONTRACTOR/ADDRESS**

1. Metropolitan NY Coordinating Council  
D/B/A Metropolitan Council  
80 Maiden Lane, 21st Floor, New York, NY 10038

**EPIN** 12512L0209001 **Amount** \$600,000  
**Boro/CD** Bronx, CD 8; Brooklyn CD 17, 18;  
Manhattan CD 3, 12; Queens CD 6, 14  
Staten Island CD 2

The proposed contract is being funded through discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Betty Lee, Agency Chief Contracting Officer at the

Department for the Aging (DFTA), 2 Lafayette St., 4th Floor, NY, NY 10007. If DFTA receives no written request to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4th Floor, New York, New York 10007, on business days, from March 7, 2012 to March 22, 2012, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

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**ENVIRONMENTAL PROTECTION****WASTEWATER TREATMENT****PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN THAT** a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on March 29, 2012 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and ABB, Inc., 29801 Euclid Avenue, Wickliffe, Ohio 44092 for 1295-OH: Service and Repair of the ABB Control System at the Owls Head WPCP. The Contract term shall be 1095 consecutive calendar days with a an option to renew for one year from the date of the written notice to proceed. The Contract amount shall be \$1,406,481.00 - Location: Borough of Brooklyn - PIN: 82612S0002001.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from March 16, 2012 to March 29, 2012 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

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**AGENCY RULES****HEALTH AND MENTAL HYGIENE****NOTICE****NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on proposed amendment of §3.12 (Administrative Tribunal) of the New York City Health Code, relating to service of notices of violation returnable to the Environmental Control Board

**Date / Time:** April 18, 2012, from 10:00 A.M. to 12:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
2 Gotham Center, 14th Floor, Room 14-45  
42-09 28th Street  
Long Island City, NY 11101-4132

**Contact:** Rena Bryant  
(347) 396-6071

**Proposed Rule Amendment**

Pursuant to the authority vested in the Board of Health (“Board”) by Section 558(b) and (c) of the New York City Charter (“Charter”), and in accordance with §§556, 558 and 1043 of the Charter, the Department of Health and Mental Hygiene (“Department”) is proposing that the Board of Health amend §3.12 of the Health Code relating to service of notices of violation returnable to the Environmental Control Board. This proposal was not included in the Department’s regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

**Instructions**

- Prior to the hearing, you may submit written comments about the proposed amendment by mail to:

New York City Department of Health and Mental Hygiene  
Board of Health  
Office of the Secretary to the Board  
Attention: Rena Bryant  
2 Gotham Center, 14th Floor, Room 14-15, Box 31  
Long Island City, NY 11101-4132

or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) or by email to [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) or online (without attachments) at <http://www.nyc.gov/html/doh/html/notice/notice.shtml> on or before 5:00 P.M., on April 18, 2012.

- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number shown above by April 4, 2012.

- Copies of written comments and a summary of oral comments received at the hearing will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at:

New York City Department of Health and Mental Hygiene  
Board of Health  
Office of the Secretary to the Board  
Attention: Rena Bryant  
2 Gotham Center, 14th Floor, Room 14-05, CN 30  
Long Island City, NY 11101-4132

- The Department’s general policy is to make written comments available for public viewing on the internet. The comments it receives, including any personal information provided with the comment, will be posted without change to <http://www.nyc.gov/html/comment/comment.shtml>.

**Statement of Basis and Purpose***Statutory Authority*

These amendments to the New York City Health Code (the “Health Code”) are issued according to §§556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department”) with authority to regulate all matters affecting health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

These amendments are related to revisions to the Charter approved by the voters in 2010, authorizing the Mayor by Executive Order to consolidate certain administrative tribunals by transferring their adjudicatory functions to the Office of Administrative Trials and Hearings (“OATH”).

*Background of Rule Amendments*

On November 2, 2010, New York City voters approved Charter revisions including an amendment authorizing the Mayor, by Executive Order, to consolidate certain administrative tribunals into OATH. In addition, the Charter amendment required the establishment of a committee whose mandate was to recommend which tribunals or types of cases should be transferred to OATH. The Mayor’s Committee on Consolidation of Administrative Tribunals (“Mayor’s Committee”) issued its “Report and Recommendations,” dated June 7, 2011, containing an Appendix with recommended modifications to rules of the various tribunals (“Report” and “Appendix”).

By Executive Order No. 148 (June 8, 2011) (the “Executive Order”), the Mayor ordered the “transfer of the administrative tribunals [sic] established by the Board of Health pursuant to Section 558 of the Charter” to OATH, effective July 3, 2011. According to the Executive Order, certain provisions of the Health Code and other Rules of the City of New York pertaining to the Department’s Administrative Tribunal, as well as some additional interim procedures, would be deemed interim rules of OATH in accordance with the Mayor’s Committee’s Report and Appendix. These provisions, rules, and procedures, were designated interim rules until OATH itself completed official rulemaking in accordance with the Charter.

At its meeting on December 13, 2011, the Board adopted a Resolution repealing Article 7 (“Administrative Tribunal”) of the Health Code, and amending other provisions of the Health Code that refer to Article 7 and/or the Administrative Tribunal. Certain provisions of Article 7 survived the transfer to OATH and were added to Article 3 (“General Provisions”) of the Health Code. According to the Resolution, the amendments (including the repeal of Article 7) would not be effective until OATH’s rules for the Health Tribunal at OATH became effective. Section 3.12 will become effective at the same time as the new OATH rules.

A new §3.12 (“Administrative Tribunal”) was adopted by the Board, incorporating surviving provisions of the repealed Article 7. Subdivision (b) of this section confers jurisdiction on the Health Tribunal at OATH and the Environmental Control Board (“ECB”) to hear all violations of the Health Code or any other State or local law or regulation enforced by the Department seeking monetary penalties. The same subdivision also provides that these proceedings will be adjudicated in accordance with the applicable procedures of the Health Tribunal or the ECB. However, the new section inadvertently omitted a provision for service of notices of violation (“NOVs”) to be brought before the ECB.

This rule therefore addresses service of Department NOVs to be heard by ECB; NOVs can be served either personally or by mail or other delivery. The proposed amendments to §3.12 (b) allow any of these methods of service. Currently, the Charter prescribes that when NOVs to be heard by ECB are served personally, the resulting decisions, whether rendered after a hearing or after a default by the respondent, may be docketed, or entered, as judgments in a court, without additional court proceedings, but does not prescribe procedures for other than personal service. The Charter does allow automatic docketing of decisions on NOVs not served personally by several other City agencies, but not those issued by the Health Department.

*Proposed Rule Amendments*

Adding this provision to § 3.12 is necessary because ECB’s rules provide that NOVs returnable to ECB that are not served personally may be brought before ECB, and may be served “alternatively as provided by the statute, rule or other provision of law governing the violation alleged. Lawful

service in a manner other than that provided for in §1049-a(d)(2) shall give the tribunal jurisdiction to hold a hearing or render a decision and order whether after hearing or in default thereof, but such decision and order shall not be entered in Civil Court or any other place provided for entry of civil judgments without court proceedings.” 48 RCNY §3-31 (c).

Thus, the Department is proposing that the Board further amend §3.12 (b) to add provisions for service of NOV's returnable to the ECB.

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

The resolution is as follows:

Deleted material is in [brackets]; new text is underlined.

RESOLVED, that §3.12 of Article 3 (General Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is amended, to be printed together with explanatory notes as follows:

### §3.12 Administrative Tribunal and Environmental Control Board proceedings.

(a) *Administrative Tribunal.* The Administrative Tribunal established by the Board of Health pursuant to §558 of the Charter is hereby continued. It shall be operated by and within the City's Office of Administrative Trials and Hearings and known as the Health Tribunal at OATH.

(b) *Proceedings at the Health Tribunal at OATH and the Environmental Control Board.* Where the Department seeks a fine or monetary penalty for a violation of this Code or any other State or local law or regulation enforced by the Department, it shall bring a proceeding at either the Health Tribunal at OATH or at the Environmental Control Board, and such proceedings shall be governed by the procedures of such Tribunal or Board, as the case may be.

(1) (c) *Service of notices of violations returnable to the Environmental Control Board.*

(1) *Personal service.* Notices of violation returnable to the Environmental Control Board may be served in person upon (i) the person alleged to have committed the violation, (ii) the permittee or registrant, (iii) the person who was required to hold the permit or to register, (iv) a member of the partnership or other group concerned, (v) an officer of the corporation, (vi) a member of a limited liability company, (vii) a management or general agent, or (viii) any other person of suitable age and discretion as may be appropriate, depending on the organization or character of the person, business, or institution charged.

(2) *Service by mail.* Notices of violation returnable to the Environmental Control Board may be served by certified or registered mail through the U.S. Postal Service, or by any type of mail utilizing any other mailing service that provides proof of mailing and receipt, to any such person at the address of the premises that is the subject of the NOV or, as may be appropriate, at the residence or business address of (i) the alleged violator, (ii) the individual who is listed as the permittee or applicant in the permit issued by the Board or the Commissioner or in the application for a permit, or (iii) the registrant listed in the registration form. In the case of service by mail, documentation of delivery or receipt provided by the delivery or mailing service is proof of service of the notice of violation.

(2) (d) *Decisions.* The decisions of the Environmental Control Board shall be final; the decisions of the Health Tribunal at Oath shall be final, except in the case of any appeal from an adjudication of a violation of Article 13-E of the Public Health Law.

(c) (e) *Appeals pursuant to Article 13-E of the Public Health Law.* Where there is an appeal from an adjudication of a violation of Article 13-E of the Public Health Law, the Health Tribunal at OATH shall, pursuant to the applicable provision of the rules of OATH governing such Tribunal, issue a recommended decision to the Commissioner for him or her to review. Within thirty (30) days of the issuance of the recommendation, the respondent may submit to the Department a written argument why the decision should or should not be followed by mailing by certified or registered mail, emailing or delivering by hand a copy of the argument to the General Counsel of the Department. After the Department has received the respondent's argument or after forty-five (45) days have passed from when the Tribunal issued its recommended decision, whichever time is shorter, the Commissioner shall issue a written decision affirming, reversing or modifying the recommended decision, or remanding the appeal back to the Health Tribunal at OATH for further proceedings. The Commissioner's decision shall be served on the respondent by certified or registered mail. Where appropriate, the Commissioner's decision shall order the Tribunal to repay the respondent any penalty that has been paid. Except when the Commissioner remands an appeal to the Health Tribunal at OATH for future proceedings, the Commissioner's decision shall constitute a final agency determination.

Notes: Section 3.12, added by resolution adopted December 13, 2011, reflecting the transfer of the former Department Administrative Tribunal to OATH, in accordance with the Mayor's Executive Order No. 148 (June 8, 2011), was further amended by resolution adopted XX, adding a new subdivision (c) providing for service of notices of violations returnable to the Environmental Control Board; and making conforming technical changes to the section. This section is effective on the effective date of the rules for the Health Tribunal at OATH.

NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087

CERTIFICATION PURSUANT TO  
CHARTER §1043(d)

**RULE TITLE:** Service of NOV's Returnable to ECB

**REFERENCE NUMBER:** 2012 RG 010

**RULEMAKING AGENCY:** Dept. of Health & Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: March 5, 2012

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400

### CERTIFICATION / ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

**RULE TITLE:** Proposed Amendment of Section 3.12 of the NYC Health Code (Services of Notices of Violation Returnable to the Environmental Control Board)

**REFERENCE NUMBER:** DOHMH-12

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Rachel Squire  
Mayor's Office of Operations

March 6, 2012  
Date

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### NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to Comment on Proposed Amendment of Article 47 (Child Care Services) of the New York City Health Code, found in Title 24 of the Rules of the City of New York.

**Date / Time:** April 19, 2012, 10:00 A.M. – 12:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
2 Gotham Center, 14th Floor, Room 14-45  
42-09 28th Street  
Long Island City, NY 11101-4132

**Contact:** Rena Bryant  
(347) 396-6071

### Proposed Rule Amendment

The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 47 of the Health Code relating to Child Care Services. This proposal was not included in the Department's Regulatory Agenda for FY '12 since the need for the proposal was not known at the time the Regulatory Agenda was promulgated.

### Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment by mail to:

New York City Department of Health and Mental Hygiene  
Board of Health  
Office of the Secretary to the Board  
Attention: Rena Bryant  
2 Gotham Center, 14th Floor, Room 14-15, Box 31  
Long Island City, NY 11101-4132

or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) or by email to [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) or online (without attachments) at <http://www.nyc.gov/html/doh/html/notice/notice.shtml> on or before 5:00 P.M., on April 19, 2012.

- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number shown above by April 5, 2012.

- Copies of written comments and a summary of oral

comments received at the hearing will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the:

New York City Department of Health and Mental Hygiene  
Board of Health  
Office of the Secretary to the Board  
Attention: Rena Bryant  
2 Gotham Center, 14th Floor, Room 14-05, CN 30  
Long Island City, NY 11101-4132

### Statement of Basis and Purpose

#### Statutory authority

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 grants the Department rule-making authority.

#### Background of proposed amendments

The Charter provides the New York City Department of Health and Mental Hygiene ("Department") with jurisdiction to regulate many areas with the goal of protecting and promoting the health of all New Yorkers. The Bureau of Child Care, in the Department's Division of Environmental Health, enforces Article 47 ("Child Care Services") of the Health Code, which regulates all public and private group day care services providing care for children less than six years of age, except those residential-based programs that are registered or licensed by the State Office of Children and Family Services. Standards for school-based programs for children ages three through five have been established in Article 43 of the Health Code. Article 47 was repealed and recodified in 2008, as part of a general Health Code revision process, resulting in updating and reorganizing many of its provisions.

#### Proposed amendments

At this time, the Department is proposing the following further amendments of Article 47, explained in detail below:

- (1) Provide additional guidance and establish additional standards for programs providing care for infants in child care services.
- (2) Require that staff of each child care service be instructed and trained in the policies and procedures contained in the required written safety plan of each child care service.
- (3) Require reporting to the Department of incidents where children are seriously injured, died or where program staff or volunteers fail to maintain constant line of sight supervision; require permittees to provide a correction plan when such incidents occur; and designate a failure to report as an imminent or public health hazard.
- (4) Provide more guidance to parents about what to expect from a child care service in terms of incident reporting.
- (5) Replace the term "discipline" with "behavioral management."

(1) *Infant care supervision and safe sleep environments.* In early 2011, the death of a four month old child in an infant care program was reported to the Department. The Department investigated the incident, which occurred while the child was sleeping, and which was found to have resulted from natural causes by the City's Chief Medical Examiner. The Department's review of the supervision practices of the infant care program found that while supervision was provided in accordance with Health Code requirements, i.e., line of sight supervision was maintained by an adequate number of qualified and trained staff, the Code was silent as to what constitutes adequate line of sight supervision for sleeping infants. The Department is requesting that the Board amend Article 47 to assist infant care programs and the Department in assessing whether they are providing such supervision at all times, as well as a safe sleep environment for infants. The proposed provisions are based on recommendations of the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education's *Caring for our children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs*, 3rd ed., 2011. Accordingly, the Department is proposing that the Board amend §47.11 (Written safety plan) (b) to include provision in the written safety plan for infant sleep safety and for training staff in procedures, and to amend § 47.67 (Child development policies, program, rest periods and clothing) to add a new subdivision (f), Safe sleep environment for infants.

(2) *Staff training in policies and procedures in the written safety plan.* In addition, although Health Code §47.11 requires that emergency and other policies and procedures of every child care service be incorporated in the written safety plan, the Department notes that where rates of staff turnover in child care services are relatively high, many staff do not have adequate training in the contents and application of the written safety plan policies and procedures. When issues have arisen involving lack of supervision, recent Department inspections have noted that staff and volunteers are not aware of and are not being trained in the procedures in the written safety plan. Accordingly, the Department is asking the Board to amend this provision to specify more active training requirements.

(3) *Notification and preparation of a correction plan when children are injured, died, or were lost to supervision.* Since January 1, 2009 there have been 40 instances reported to the Department of child care services regulated by Article 47 failing to maintain line of sight supervision of children in their care resulting in the children wandering through and/or

out of the child care facilities alone and unnoticed by child care services' staff. In addition the Department has received reports of 10 incidents resulting in the serious injury to a child, 2 fatalities, and 110 incidents of alleged child abuse in the same period. The DOHMH is usually notified of these incidents by complaints made by parents, the New York State Central Register for Child Abuse and Maltreatment, and concerned members of the public after they have come across a child alone in the neighborhood. Currently the Code requires that programs notify the Department and submit corrective action plans when programs are notified that staff or potential hires have a criminal or child abuse or maltreatment background, but does not require immediate notification to the Department of deaths, serious injuries, or lost children. This results in delays in reporting and immediate analysis of what happened and how to prevent further incidents from occurring. Accordingly, the DOHMH requests amendment of §47.19 (g) to add a requirement for timely reporting of these critical incidents and amendment of §47.21 (a)(2) to require the submission of a correction action plan within five business days for the Department's review and approval. The Department is also proposing amendment of the list of imminent or public health hazards in §47.01 (Definitions) to include failure to maintain constant and competent line of sight supervision as such a hazard. It is hoped that these amendments will reduce the frequency and recurrence of lost children incidents.

(4) *Parent orientation upon enrollment.* During a recent hearing on Code requirements for child care services by the City Council, some council members expressed a desire for increased communication between the Department and parents as to what to expect from the child care service their children attend. They said that parents were interested in getting more information about particular programs and child care services generally. Health Code §47.67(d)(2) (Parents) contains a number of requirements for allowing parents access to their children while they are attending child care services, but there is no requirement that the parents receive a full orientation in the policies and procedures of the child care service, including the contents of the written safety plan. The Department is proposing that the Board amend this provision to require that child care services provide orientation and information for parents, and that they distribute to parents copies of the Department brochure on how to get information on child care in New York City.

(5) *Discipline v. behavior management.* The Department is requesting that the Board amend the term "discipline" to substitute the term "behavior management," to reflect current trends in child care practice which favor "behavior management" as a more neutral, non-judgmental term.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.

The proposal is as follows:

Note-matter in brackets [ ] to be deleted

Matter underlined is new

RESOLVED, that subdivision (k) of §47.01 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

#### §47.01 Definitions.

\* \* \*

(k) *Imminent or public health hazard* shall mean any violation, combination of violations, conditions or combination of conditions occurring in a child care service making it probable that illness, physical injury or death could occur or the continued operation of the child care service could result in injury or be otherwise detrimental to the health and safety of a child. Any of the following shall be imminent or public health hazards which require the Commissioner or designee to order its immediate correction or to order the child care service to cease operations immediately and institute such corrective action as may be required by the Department or provided by this Code. Imminent health hazards shall include, but not be limited to:

- (1) Supervision of children that is not in accordance with the supervisory ratios required by this Article;
- (2) Use of corporal punishments or of frightening or humiliating methods of [discipline] behavior management;
- (3) Failure to report instances of alleged child abuse or maltreatment to the Department and the Statewide Central Register of Child Abuse and Maltreatment and to take appropriate corrective action to protect children when allegations of such abuse or maltreatment have been reported to or observed by the permittee;
- (4) Refusal or failure to provide access to the child care facility to an authorized employee or agent of the Department;
- (5) Uncontained sewage in any part of the child care facility;
- (6) Transporting children in the bed of a truck or trailer or in any other part of any motor vehicle that is not designed for passenger occupancy; or transporting children without adequate supervision; or failing to use appropriate child restraints in vehicles;
- (7) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;
- (8) Failure to properly store flammable liquids or other toxic substances;
- (9) Failure to maintain firefighting or fire detection equipment in working order;
- (10) Allowing pillows to be used for children who are not disabled or when not recommended by a health care provider;
- (11) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;
- (12) Serving food to children from an unknown or unapproved source; serving food that is adulterated, contaminated or otherwise unfit for human consumption, or

re-serving food that was previously served;

(13) Holding potentially hazardous foods for periods longer than that necessary for preparation or service at temperatures greater than 41°F or less than 140°F;

(14) Failing to exclude from work at the child care service a person with a communicable disease who is required to be excluded pursuant to Article 11 of this Code;

(15) Failure to implement the child care service's written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;

(16) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the child care service; failing to remove children from areas and rooms while such activities are in progress;

(17) Failure to screen any person who has, or will have the potential for, unsupervised contact with children in accordance with §47.19 of this Article; [or]

(18) Failure to maintain constant and competent line of sight supervision of each child in a child care service at all times; and

[(18)] (19) Any other condition(s), violations, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or his or her designee.

(l) *Infant* means a child younger than 12 months of age.

\* \* \*

*Notes:* Subdivision (k) of §47.01 was amended by resolution of the Board of Health adopted on XXX to include as an imminent health hazard the failure to maintain constant and competent line of sight supervision of each child attending a child care service and/or to report an incident of a lost child to the Department or to the child's parent.

RESOLVED, that §47.11 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

#### §47.11 Written safety plan.

(a) *Safety plan required.* Every current permittee and every applicant for a new permit shall develop, review annually and update, in accordance with changed circumstances, conditions or activities, or as required by the Department, a written safety plan. The written safety plan shall be approved by the Department if it includes all the information required in this Article. Upon permit renewal, if no changed circumstances require changes to a previously approved written safety plan, the permittee shall state in writing that no changes were needed or made to the plan. The safety plan shall be implemented by the permittee, [used in training staff and volunteers,] provided to parents on request, kept in an accessible location at the child care service where it may be used by staff for reference and be available for Department inspection. The child care service must provide all staff and volunteers with copies of the safety plan, and training in implementing the policies and procedures of the plan. Documentation showing that staff have received copies of and training in the provisions of the safety plan must be maintained by the permittee and made available for inspection by the Department.

(b) *Scope and content.* The written safety plan shall establish policies and procedures for safe operation, including teaching and other staff duties, facility operation and maintenance, fire safety, general and activity-specific safety, emergency management, staff and child health and medical requirements, staff training and parent/child orientation. The written safety plan shall consist of, at a minimum, a table of contents and the following components:

- (1) *Staff:* organization chart, job descriptions, responsibilities and supervisory responsibilities.
- (2) *Program operation and maintenance:* including, but not limited to, schedules and designated staff for facility inspection, cleaning and maintenance, schedule for boiler/furnace and HVAC system maintenance, maintenance of adequate water pressure, protection of the potable water supply from submerged inlets and cross-connections in the plumbing system, schedule for the annual lead paint survey, inspection of window guards, indoor and outdoor equipment inspection and replacement schedule, evaluation of injury prevention procedures, equipment and structures, identification of procedures for transportation vehicle maintenance, food protection procedures during receipt, storage and preparation, identity of individuals certified in food protection, schedule for sanitization procedures of food prep areas and identification of approved food sources.
- (3) *Fire safety:* evacuation of buildings and property, assembly, supervision, and accounting for children and staff; fire prevention; coordination with local fire officials; fire alarm and detection systems and their operation, maintenance, and routine testing; type, location and maintenance of fire extinguishers; inspection and maintenance of exits; required fire drills and log; electrical safety; and reporting to the Department within 24 hours fires which destroy or damage any facilities, or which result in notification of the fire department, or are life or health threatening.
- (4) *Health care plan:* statement of policies and procedures to show how the health and medical requirements of this Code shall be implemented for maintaining children's medical histories; addressing individual children's restrictions on activities, policies for medication administration and special needs, if any; initial health screening for children and staff; daily health surveillance of children; procedures for providing basic first aid, handling and reporting medical emergencies and outbreaks; procedures for response to allegations of child abuse; identification of and provisions for medical, nursing and emergency medical services addressing special individual needs; names, qualifications and duties of staff certified in first aid and CPR; description of separation facilities, supervision and other procedures for ill children to be provided by the child care service until parent arrives; storage of medications; location and use of first aid and CPR supplies; maintenance of a medical log; description of universal precautions for blood borne pathogens; reporting of child and staff illness and injuries; and sanitary practices.

When the permittee has a medication administration policy, the permittee shall immediately notify the Department of any changes in designated exempt or certified staff.

(5) *Corrective action plans:* actions to be taken to protect children on receipt of reports of alleged and confirmed teaching and other staff criminal justice or child abuse histories.

(6) *General and activity specific safety:* description of child supervision and staff schedules, including arrangements for general supervision; supervision during and between on-site activities; recreational and trip supervision for specific outdoor and off-site activities; supervision during sleeping and rest hours; transportation; and in emergencies.

(7) *Infant sleep safety:* practices and policies that establish a safe sleeping environment, promote an infant's comfort and well-being and reduce the risk of suffocation or death occurring while infants are in cribs or asleep. Such practices and policies must be based on current recommendations of the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education, *Caring for our children: National Health and Safety Performance Standards: Guidelines for Early Care and Education Programs*, 3rd edition, 2011, or successor recommendations. The plan must include procedures for actively observing and evaluating infants for overheating, breathing status, and other signs of physical or medical distress that may require intervention, at intervals not to exceed 15 minutes. Documentation must be maintained, on forms provided or approved by the Department, of staff-infant observations. The infant/toddler education director must review and approve the observation forms and make them available for inspection by the Department. The use of infant movement monitors or infant apnea monitors does not relieve the child care service from conducting and noting required observations.

[(7)] (8) *Staff training:* new employee orientation; training curricula, including how staff will be trained in the provisions of the written safety plan and be made aware of its contents of and any changes to the safety plan; procedures for child supervision, infant sleep safety; [and] behavior management; child abuse recognition and reporting; provision of first aid and emergency medical assistance; reporting of child injury and illness; managing and reporting incidents where children are lost to supervision; fire safety and fire drills; child and staff evacuation procedures; activity specific training for assigned activities; and process to document attendance at staff training.

[(8)] (9) *Emergency evacuation:* age-specific plans for removal of children from the premises for each shift and program where care is provided. Primary emphasis shall be placed on the immediate evacuation of children in premises which are not fireproof. Emergency evacuation procedures, implementing Fire Department recommendations, shall be posted in conspicuous places throughout the facility. The emergency evacuation plan shall include the following:

- (A) How children and staff will be made aware of the emergency;
- (B) Primary and secondary routes of egress;
- (C) Methods of evacuation, including where children and staff will meet after evacuating the building, and how attendance will be taken;
- (D) Roles of the staff and chain of command;
- (E) Notification of authorities and the children's parents.

[(9)] (10) *Parent/child orientation:* orientation curriculum outline; tour of premises; reporting and management of illnesses, injuries and other incidents; evacuation plan; lost child plan; lightning plan; fire safety and fire drills; evacuation procedures; activity specific training for assigned activities; trips (if provided).

*Notes:* §47.11 was amended by the Board of Health by resolution adopted XXX, adding provisions requiring training in the policies and procedures included in the written safety plan for staff and volunteers to subdivision (a) and a new paragraph (7) for infant sleep safety provisions to subdivision (b).

RESOLVED that subdivision (g) of §47.19 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

#### §47.19 Criminal justice and child abuse screening of current and prospective personnel; reports to the Department.

\* \* \*

(g) *Reports to the Department.* Permittees shall notify the Department within 24 hours when they have received an indicated report from the SCR; an employee report that an allegation has been filed against the employee; and a record or report of criminal conviction(s), pending criminal action, or arrest or criminal charge for any misdemeanor or felony for any person required to have a criminal record review or SCR screening. Permittees must also notify the Department within 24 hours whenever a child attending a child care service has been seriously injured, has died, or a child in their care has been unaccounted for, left behind at any location outside the child's assigned classroom or where supervision has not been maintained in the manner required by this Code for any period of time while in the care of the permittee.

*Notes:* Subdivision (g) was amended by resolution adopted XXX to add a requirement that the permittee timely report any incident involving death or serious injury of a child or that a child has been lost to supervision while attending the child care service.

RESOLVED that paragraph (2) of subdivision (a) of §47.21 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

#### §47.21 Corrective action plan.

(a) *Approved corrective action plan required.* A corrective action plan shall be submitted by the permittee [and

approved by the Department] to the Department within five business days for review and approval by the Department.

(2) When a death or serious injury of a child or an incident involving a lost child has occurred while in the care of an applicant or permittee, or in the care of any owner, director, employee, or volunteer of the applicant or permittee or while in the care of any agent of the permittee, or if a related criminal or civil action has been already adjudicated or adjudication is pending in any jurisdiction with respect to such death or serious injury or incident involving a lost child.

Notes: Paragraph (2) of subdivision (a) was amended by resolution of the Board of Health adopted on XXX to require that permittees submit a corrective action plan whenever there has been an incident involving a lost child.

RESOLVED, that paragraph (3) of subdivision (a) of §47.77 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

**§47.37 Training.**  
\*\*\*

(3) *Assistant teachers.* Assistant teachers shall complete 15 hours of training every 24 months, including the mandatory child abuse prevention and identification training in paragraph (1), and other subjects related to child health and safety, and early childhood development. The Educational Director shall develop a training curriculum based on assessment of the professional development needs of individual assistant teachers. The curriculum shall include, but not be limited to, the following topics:

- (A) Preventing, recognizing signs of, and reporting injuries, infectious diseases, other illnesses and medical conditions.
- (B) First aid and CPR
- (C) Lead poisoning prevention.
- (D) Physical activities, scheduling and conducting guided and structured physical activity.
- (E) Asthma prevention and management.
- (F) Setting up and maintaining staff and child health records including immunizations
- (G) Growth and child development
  - (i) Early intervention
  - (ii) Early childhood education curriculum development and appropriate activity planning.
  - (iii) Appropriate supervision of children
  - (iv) Meeting the needs of children with physical or emotional challenges
  - (v) Behavior management [and discipline].
  - (vi) Meeting nutritional needs of young children
  - (vii) Parent, staff, and volunteer, communication and orientation: roles and responsibility.
  - (viii) The selection of appropriate equipment and classroom arrangement.
  - (ix) Safety and security procedures for fire safety, emergency evacuation, playgrounds, trips and transportation.

Notes: Paragraph (3) of subdivision (a) of §47.37 was amended by resolution of the Board of Health adopted on XXX to delete the term "discipline" from the training requirements in clause (v) of subparagraph (G).

RESOLVED, that §47.67 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

**§47.67 Child development policies, program, rest periods and clothing.**

(a) *Program.* The program shall be varied in order to promote the physical, intellectual, and emotional well-being of the children. Corporal punishment and humiliating or frightening methods of control [and discipline] shall be prohibited. Food, rest or isolation shall not be used as a means of punishment. Punitive methods of toilet training are prohibited.

(b) *Schedules.* A written daily schedule of program activities and routines which offer reasonable regularity, including snack and meal periods, nap and rest periods, indoor and outdoor activities, and activities which provide children with opportunities for learning and self-expression in small and large groups is required. When night care is provided, this schedule shall include routine personal hygiene, including changing into night clothes, brushing teeth, and washing before bed in the manner to be agreed between the parent and the operator.

(c) *[Disciplinary policies.] Child behavior management.* A written statement on the philosophy of [disciplining] managing the behavior of children shall be distributed to every staff member, posted in a prominent location within the child care service and made available to parents upon request.

(d) *Parents.*  
(1) *Unrestricted access.* Parents shall have unrestricted access to their children at all times.

(2) *Enrollment and orientation.* At the time children are enrolled in a child care service, parents must be provided with information that acquaints parents with the policies and procedures of the child care service for supervision, attendance, admission, discharge, emergency and illness management as specified in the written safety plan and the requirements of this Code, and a copy of the Department brochure, "How to Get Information about Child Care Programs in New York City," or successor publication.

(1) (3) *Video surveillance.* The parents of all children receiving care in a child care service equipped with video surveillance cameras installed for the purpose of allowing parents to view their children in the child care setting by means of the internet shall be informed in writing that cameras will be used for this purpose. All staff of the child care service also shall be informed in writing if video surveillance cameras will be used for this purpose. The child care service shall make available copies of such notices to the Department upon request.

(2) (A) All parents of children enrolled in the child care

service and all staff of the child care service shall be made aware of the locations of all video surveillance cameras used at the child care service.

(3) (B) Child care services opting to install and use video surveillance equipment shall comply with all law applicable to the use of such equipment.

(4) (C) Video surveillance cameras may not be used as a substitute for competent direct supervision of children.

(5) (D) Child care services opting to allow parents to view their children in the child care setting by means of the internet shall use and maintain adequate internet security measures at all times. Such measures include but are not limited to: passwords that are frequently changed that enable parent to access the internet site for viewing children; filtering measures that prohibit public access to or viewing of child care activities via the internet; and immediate corrective action in response to any report of abuse of the system or inappropriate access. Such services shall also advise the parents having access to views of the child care service through the internet of the importance of security in regard to such viewing and of the importance of the privacy rights of other children who may be viewed.

(6) (E) Video surveillance cameras shall be used only to transmit images of children in common rooms, hallways and play areas. Bathrooms and changing areas shall remain private and free of all video surveillance equipment.

(7) (F) Child care services that use video surveillance equipment shall allow inspectors and other representatives of the Department to have access to such equipment and to have viewing privileges as required by the Department.

(e) Children shall be comforted when distressed.

(f) *Safe sleep environment for infants.*

(1) *An infant/toddler service must provide a safe sleep environment for each infant, consisting of a single crib or bassinet per child that is approved by the US Consumer Product Safety Commission, and that complies with standards of the American Society for Testing and Materials [ASTM] International for infant sleep equipment; and a firm crib mattress specifically designed for the equipment used, covered by a tight fitting sheet flush with the sides of the crib/ bassinet. The crib or bassinet must be free of bumper pads, pillows or sleep positioning devices not medically prescribed, loose bedding, blankets, toys and other possible suffocation risks.*

(2) *Positioning.* Infants must be placed in a supine position unless written medical instructions directing otherwise are provided by the infant's primary health care provider. The child care service must maintain written medical instructions and make the instructions available for inspection by the Department. Infants capable of turning over by themselves may remain in the position the infant attains.

(3) *Prohibitions.* Infants must not be allowed to sleep or nap in a car safety seat except during transportation. Infants must not be allowed to sleep on bean bag chairs, futons, bouncy seats, infant swing or highchairs, playpens or other furniture/equipment not designed and approved for infant sleep purposes and meeting safe sleep environment criteria. Infants found sleeping in other than a safe sleep environment must be moved to a safe sleep environment upon discovery. Only one infant may occupy a single crib or bassinet at any given time.

(4) *Bedding.* Bedding must be changed prior to placing an infant in a crib or bassinet previously occupied by another infant.

(5) *Choking, tangling hazards.* Bibs, necklaces, and garments with ties or hoods must be removed prior to placing an infant in a crib or bassinet.

(f) (g) Each child in full time child care shall have a quiet, relaxed period of approximately one hour a day. Shorter, comparable periods of quiet and relaxation shall be provided for each child who spends less time in the service.

Notes: §47.67 was amended by resolution of the Board of Health adopted XXX, adding requirements in subdivision (d) for enhanced parent orientation and a new subdivision (f) requiring provision of a safe sleep environment for infants in child care.

RESOLVED, that the Table of Section Headings in Article 47 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be and the same hereby is amended, to be printed together with explanatory notes to read as follows:

**ARTICLE 47  
CHILD CARE SERVICES**

**§47.01 Definitions**

\*

**§47.17 Teaching staff qualifications in night child care services.**

**§47.19 Criminal justice and child abuse screening of current and prospective personnel; reports to the Department.**

**§47.21 Corrective action plan.**

\*

Notes: The listing for §47.19 in the Table of Section Headings was amended by resolution of the Board of Health adopted XXX, adding "reports to the Department" to the section title.

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Health Code Article 47 (Infant Care Providers)

**REFERENCE NUMBER:** 2012 RG 014

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York

City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: March 6, 2012

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Amendment of Health Code Article 47 (Infant Care Providers)

**REFERENCE NUMBER:** DOHMH-14

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Rachel Squire  
Mayor's Office of Operations

March 6, 2012  
Date

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**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on proposed amendment of Article 49 of the New York City Health Code, related to tuberculosis (TB) screening requirement in secondary schools in the City of New York.

**Date / Time:** April 20, 2012 from 10:00 A.M. to 12:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
2 Gotham Plaza  
42-09 28th Street  
Room 14-44  
Long Island City, NY 11101

**Contact:** Rena Bryant, (347) 396-6071  
New York City Department of Health and Mental Hygiene  
Board of Health, Office of the Secretary to the Board  
2 Gotham Plaza  
42-09 28th Street  
Long Island City, NY 11101

**Proposed Rule**

The Department of Health and Mental Hygiene (the Department) is proposing that the Board of Health amend Article 49 (Schools) of the Health Code to repeal the tuberculosis (TB) screening requirement in §49.06 for new entrants to secondary schools in the City of New York, and recodify this provision to require testing of all persons in a school only when the Department deems it necessary in conducting an epidemiologic investigation. The proposed rule was inadvertently excluded in the Department's Regulatory Agenda.

**Instructions**

- Prior to the hearing, you may submit written comments about the proposed amendment either 1) by mail to Rena Bryant at the address above, 2) electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules), 3) by e-mail to [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV), or 4) online (without attachments) at <http://www.nyc.gov/html/doh/html/notice/notice.shtml> on or before 5:00 P.M., on April 20, 2012. Comments received after this date will be considered to the extent practicable.
- To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number shown above by April 6, 2012.
- Copies of written comments received by the Secretary to the Board of Health and transcript of the public hearing will be available for public inspection within a reasonable time after receipt,

between the hours of 9:00 A.M. and 5:00 P.M. at the location listed above.

- The Department's general policy is to make written comments available for public viewing on the internet. All Comments received, including any personal information provided, will be posted without change to [http://www.nyc.gov/html/doh/html/comment/comment\\_shtml](http://www.nyc.gov/html/doh/html/comment/comment_shtml).

#### Statement of Basis and Purpose

##### Statutory Authority

These amendments to the New York City Health Code (the "Health Code") are issued according to §§556, 558 and 1043 of the New York City Charter (the "Charter").

- Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department" or "DOHMH") with authority to regulate all matters affecting health in the City of New York.
- Section 558(b) and (c) of the Charter empowers the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters over which the Department has authority.
- Section 1043 of the Charter gives the Department rulemaking powers.

##### Introduction and Background

The Department is requesting that the Board of Health repeal and recodify Health Code §49.06. The recodified section would authorize the Commissioner to require testing for tuberculosis (TB) infection only when testing is considered by the Department as necessary for an epidemiologic and public health purposes.

Between 2001 and 2010, the TB case<sup>1</sup> rate among persons 18 years of age and younger in New York City declined 42%, from 4.8 to 2.8 cases per 100,000 persons. As TB rates continue to decline, the Department has found that screening school children is currently not an effective way to identify new cases of active TB or TB infection.

In the 1980s, TB incidence in New York City was rising and high rates of TB were found during voluntary TB screenings. As a result, the Board of Health adopted Health Code §49.06 in 1989 to require that all new school entrants from pre-kindergarten to 12th grade have a tuberculin skin test. In 1996, the Board of Health amended §49.06 to eliminate mandatory TB testing except for new entrants to secondary schools within any public or non-public school system in New York City. Secondary school is defined in the Health Code as including junior high school and higher grade levels. This change was based on data showing that the prevalence of TB infection was low among young school age children but increased with age.

Mandatory TB testing of school children had the following objectives:

- 1) Identify children with TB disease and provide appropriate medication and follow up;
- 2) Identify TB disease through investigation of family contacts that may be the source of infection;
- 3) Identify children with latent TB infection and provide preventive therapy to them; and
- 4) Provide valid data on the prevalence of TB infection in school children.

<sup>1</sup> A TB case is a person who shows signs and/or symptoms of active TB disease, as defined in Health Code §11.03 (a). TB infection or latent TB infection (LTBI) occurs in persons who have been exposed to a person with active TB disease, test positive for TB infection on a tuberculin skin test or blood test, and who have become infected with the TB bacillus, but do not show signs and/or symptoms of active TB disease.

##### School Screening and TB Control

In recent years, DOHMH data suggest that the school TB screening requirement has not achieved the first three objectives as stated above. From September 2010 to August 2011, no TB cases were found through the school screening requirement. However, DOHMH identified 32 cases of active TB among persons 10-18 years old in New York City through other means. Twenty persons (63%) were evaluated as a result of symptoms consistent with TB; 10 (31%) had a chest radiograph, a medical evaluation or an incidental laboratory result that led to their TB diagnosis; and 2 (6%) were identified through DOHMH screening of newly arrived immigrants. In 2009, TB preventive therapy was initiated in only 59% of 10-18 year olds with TB infection who were not contacts to active cases and had received a normal chest radiograph in a DOHMH TB clinic.<sup>2</sup> Only 27% that initiated therapy actually completed therapy.<sup>3</sup>

The fourth objective of §49.06 has been met. Based on data from the New York City Department of Education (DOE), the overall latent TB infection (LTBI) prevalence for new entrants tested from September to December 2011 was 8% (458 out of 5,643). Prevalence by secondary school grade level did not differ substantially: 7% (42 of 618 persons tested) below 7th grade, 8% (109 of 1,408) for grades 7 and 8; and 8% (307 of 3,617) for 9th through 12th grade. This prevalence rate is much lower than in children who were tested in DOHMH TB clinics between 2002 and 2004, when 21% (2,742 of 13,311) had LTBI, including 6% (177 of 2,918) among US born and 24% (2,565 of 10,569) among foreign born.<sup>4</sup> This finding is consistent with the decline in the overall TB case rate among persons aged 18 years and younger in New York City.

<sup>2</sup> DOHMH TB clinic data do not specifically capture the school entry requirement as a reason for obtaining a TB test or chest radiograph, but it can be assumed that children who are not contacts come to the clinic for this reason.

<sup>3</sup> This includes all children in the age group that were started on isoniazid (INH) preventative treatment regardless of TB test or chest radiograph result.

<sup>4</sup> Li, J, Munsiff, SS, Agerton, T. Prevalence of tuberculin skin test positivity in clinical population in New York City. J Immigr Minor Health. 2010. 12(6):816-22

##### Resources Saved By Eliminating the TB Testing Requirement

DOHMH TB clinics currently provide TB testing and follow-up evaluation for new secondary school entrants who need to be tested as a result of this Health Code mandate. Every year approximately 3,300 children in the secondary school age group<sup>4</sup> are referred to one of the clinics for TB testing and follow-up.

In addition, two DOHMH bureaus, Bureau of TB Control (BTBC) and Bureau of School Health (BSH), and the DOE oversee compliance with this mandate in schools. At the beginning of each school year, DOE staff identifies eligible entrants in public schools and informs parents of the mandate. School principals are required to follow up on TB testing, reading TB tests, and chest x-ray results of identified students, and then report results back to DOE. DOE collects the data, enters it into an electronic system, and submits follow-up reports to the DOHMH and BSH on a monthly basis. BTBC also mails packets of information about the TB testing requirement and copies of the reporting forms to hundreds of private, parochial, and charter schools. After schools submit their reporting forms to DOHMH, data are compiled and entered into a database.

Over the past several years, DOE's compliance with this provision of the Health Code improved from 30% to 90% for public schools. Obtaining compliance, however, is extremely resource intensive for both DOE and DOHMH. Moreover, children who visit DOHMH clinics are missing school and their parents or guardians are missing work to comply with the testing requirement.

Children and adolescents are considered to be at low risk for exposure to TB and should be tested only if one or more risk factors<sup>5</sup> are present. Since the mid 1990's, mandated TB testing for low risk school entrants has not been recommended by both the Centers for Disease Control and Prevention (CDC) and American Academy of Pediatrics in the absence of risk factors.<sup>6</sup>

<sup>5</sup> Risk factors for TB disease and latent TB infection: Contact to a TB case; immigrated in the past 5 years from high TB incidence areas; prolonged stay in high TB incidence areas; work in clinical or institutional settings such as nursing home or homeless shelters; individuals with certain clinical conditions, i.e. HIV, cancer, etc. and children/adolescents exposed to adults in high-risk categories.

<sup>6</sup> Centers for Disease Control and Prevention. 2000. Targeted tuberculosis testing and treatment of latent tuberculosis infection. *MMWR* 49(No. RR-6): 7-10; Pediatric TB Collaborative Group. Targeted tuberculin skin testing and treatment of latent TB infection in children and adolescents. *Pediatrics*. 2004;114:1175-1201.

##### Conclusion

Mandatory testing of new entrants in secondary schools consumes substantial resources while contributing little to TB prevention and control in New York City. Eliminating this mandate would allow DOHMH to direct increasingly limited resources to screen, identify and treat TB among persons at highest risk, and would allow the DOE to focus its resources on higher priority adolescent health issues.

Instead of mandatory testing of all new entrants in secondary schools, the DOHMH is requesting that the provision in current subdivision (g) of this section be amended to authorize the testing of persons in a school only when such testing is considered by the Department as necessary for epidemiologic and other public health purposes, such as in an investigation to determine if any students or staff may have had contact with a TB case in a school.

The resolution is as follows.

New matter is underlined; Deleted matter appears in [brackets].

RESOLVED, that of §49.06 (Mandatory tuberculosis examination for students) of Article 49 (Schools) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is repealed and recodified, to be printed together with explanatory notes to read as follows:

§49.06 Test for tuberculosis infection. The Department may require testing for tuberculosis of any persons in a school when such testing is considered by the Department as necessary for epidemiological or other public health purposes.

Notes: Section 49.06 (Mandatory tuberculosis examination for students) was repealed and recodified by resolution of the Board of Health adopted XXX, after an analysis of incidence data showed that routine mandatory testing of all children newly admitted to secondary schools was ineffective in identifying new tuberculosis cases occurring in persons under 18 years of age. As recodified, this section now authorizes the Department to require testing of any persons in a school when such testing is considered by the Department as necessary for epidemiological or other public health purposes.

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

#### CERTIFICATION PURSUANT TO CHARTER §1043(d)

**RULE TITLE:** Amendment of Health Code Article 49  
(Repeal of Tuberculosis Testing Requirement)

**REFERENCE NUMBER:** 2012 RG 013

**RULEMAKING AGENCY:** Department of Health and  
Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: March 5, 2012

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

#### CERTIFICATION / ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

**RULE TITLE:** Amendment of Health Code Article 49  
(Repeal of Tuberculosis Testing Requirement)

**REFERENCE NUMBER:** DOHMH-13

**RULEMAKING AGENCY:** Department of Health and  
Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Ruby B. Choi  
Mayor's Office of Operations

3/6/2012  
Date

m16

## TAXI AND LIMOUSINE COMMISSION

### NOTICE

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would add a new chapter on Technology System Providers creating a new licensee type for vendors of technology systems for Street Hail Liveries as the result of creation of Street Hail Livery Service.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 9:00 A.M. on Thursday, April 19, 2012. The hearing will be held at the Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street, 22nd Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on April 19, 2012. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by April 16, 2012.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, April 12, 2012.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

#### Statement of Basis and Purpose of Proposed Rule

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These proposed rules will implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the proposed rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The proposed rule changes are organized as follows:

1. Amendment to *Definitions* (Chapter 51) to incorporate Street Hail Liveries
2. Amendment to *For-Hire Service* (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
3. New chapter on *Street Hail Livery Service* outlining licensing, service and vehicle requirements
4. Amendments to *Medallion Taxicab Drivers* (Chapter 54) to incorporate requirements for drivers of Street Hail Liveries
5. New chapter on *Technology Vendors* creating a new license type for vendors of taxicab technology for Street Hail Liveries.

This statement first provides some background on existing street hail service availability and passenger demand for this service, and explains the rationale for the Street Hail Livery program. It then discusses the purpose of some of the more specific rules being proposed to implement the program.

#### Background: Brooklyn, the Bronx, Queens, Staten Island, & Northern Manhattan Lack Street Hail Service

Currently, yellow taxis with medallions issued by the TLC are the only vehicles authorized to pick up passengers by street hail anywhere in the city. However, according to recent GPS data collected by TLC, 95% of all yellow taxi street hail pickups are in Manhattan's Central Business District (CBD) and at La Guardia or JFK airports. The demand for street hail service in Northern Manhattan, Brooklyn, Bronx, Queens and Staten Island neighborhoods, where 80% of the City's population lives, but where yellow taxis choose not to go, is met (illegally) by livery vehicles, which are licensed to pick up passengers only by prearrangement. TLC staff who recently observed passengers hailing rides at various locations outside Manhattan counted 65 street hails per hour at Mermaid and Stillwell Avenues in Brooklyn, 39 per hour at Jamaica Avenue and Parsons Boulevard in Queens, and 19 per hour at Grand Concourse and 149th Street in the Bronx. All street-hails observed by TLC were picked up by livery vehicles.

The current licensing and street hail regulations mean that:

- Livery drivers who pick passengers up from the street by hail to meet the existing demand, but do so without notification from the base, are put in the position of routinely violating the law.
- Business districts outside of the Manhattan CBD are at a competitive disadvantage because their clients and customers do not have access to safe, legal and convenient street hail service for travel between meetings or home from shopping trips.
- Residents who use the street-hail service from liveries are not protected by nor benefit from key features of yellow taxicab service:
  - **Set Fares:** Fares, determined in a livery street-hail pickup by haggling between the driver and the passenger (who is often uncomfortable with this arrangement), are not metered or otherwise regulated and leave passengers vulnerable to over-charging.
  - **Safety and Security:** Licensed livery

vehicles can be difficult for street hail passengers to distinguish from unlicensed vehicles. Many passengers seeking to hail a livery on the street are exposed, without their knowledge, to uninsured and possibly unsafe vehicles and to drivers with unknown safety records.

- **Convenience and Customer Service:** Most livery vehicles have no GPS locator, which can make it hard to help street-hail passengers recover lost property. Most livery vehicles do not offer passengers the convenience of paying by debit or credit card, an extremely popular feature among yellow taxi passengers.
- **Wheelchair Access:** Only a minute fraction of existing livery vehicles are accessible to wheelchair users. Although there are currently TLC rules in place that require the for-hire industry to provide service to wheelchair users, the service currently available is insufficient to meet wheelchair users' mobility needs.

#### Purpose of Proposed Rules

The legislation enacted in Albany, which these proposed rules implement, addresses the problems described above by authorizing the City to issue transferable Street Hail Livery licenses. Vehicles with these licenses will be permitted to pick up street hail passengers anywhere in Brooklyn, the Bronx, Staten Island, Northern Manhattan (north of W. 110th St. and north of E. 96th St.), and Queens (excluding airports). They can also pick up passengers by prearrangement anywhere except Manhattan south of W. 110th St. and E. 96th St. This will ensure that these new Street Hail Livery Vehicles serve the neighborhoods that are currently underserved by yellow taxis and protect yellow taxis from competition in the areas of the city they typically serve.

*Vehicle Requirements.* Street Hail Liveries will have a variety of features, as described in these rules, to make them safer and more convenient for passengers. These features include:

1. Meters calculating a uniform fare for street-hail trips (to provide predictability for passengers, build trust between drivers and passengers, and prevent price gouging)
2. Credit and debit card readers (to make it easier for passengers to pay their fares and reduce the amount of cash drivers carry)
3. GPS locators (to assist with locating lost property and to assist TLC enforcement with preventing Street Hail Liveries from making illegal pickups)
4. Distinguishing markings (a uniform color scheme, text markings, and roof light) so passengers know they are entering a legal car with a licensed driver

*Accessibility.* The Street Hail Livery program also expands transportation options for individuals who use wheelchairs. As per the state legislation, 20 percent of Street Hail Liveries will be required to be accessible to individuals who use wheelchairs. Individuals who purchase Street Hail Livery licenses that are part of this accessibility initiative will be eligible for a City subsidy to cover costs of upgrading their vehicles or purchasing new accessible vehicles. This will significantly expand access to both prearranged and hail service for wheelchair users, expanding these individuals' ability to travel around the city.

*Driver Requirements.* To ensure that Street Hail Livery drivers can safely and effectively operate a Street Hail Livery and provide excellent customer service, these proposed rules require that new Street Hail Livery drivers be licensed by the Commission and be either (1) existing licensed for-hire vehicle drivers, (2) existing licensed yellow taxi ("hack") drivers, or (3) existing licensed paratransit drivers (for accessible vehicles). Individuals who do not fall into any of the three categories above will be required to obtain a yellow taxi hack license to operate a Street Hail Livery.

*Service Requirements.* To ensure that the public receives good customer service in Street Hail Liveries, these rules outline the service Street Hail Livery drivers must provide. This includes many requirements that are found in the yellow taxi industry, such as rules surrounding service refusals, compliance with reasonable passenger requests, and rates charged.

*Service Options.* Street Hail Liveries will be permitted to provide both prearranged and street hail service. This gives drivers flexibility to adapt to fluctuations in customers' demand for each of these types of service (e.g., prearranged airport drop-offs in the early morning and street hail rides late-night). This enables drivers to maximize revenue earned and gives bases flexibility to respond to spikes and troughs in demand.

*Enforcement.* To protect yellow taxis in areas where they are the only vehicles authorized to pick up street hails, these rules clearly define the areas where Street Hail Liveries are not allowed to make pickups and the penalties for violating these rules. Vehicle requirements will include GPS technology that will enable TLC to detect and penalize Street Hail Liveries that make illegal pickups, putting violators' licenses in jeopardy.

*Base Requirements.* State legislation requires that each Street Hail Livery be affiliated with a base that is specially licensed to affiliate Street Hail Liveries. These proposed rules outline the process for bases to become licensed to affiliate a Street Hail Livery, along with these bases' responsibilities. These responsibilities include ensuring their Street Hail Livery vehicles and drivers comply with TLC rules and transmit the 50 cent MTA surcharge on each hail ride to the MTA.

*Technology Vendor Requirements.* State legislation authorizes the TLC to license vendors of credit card and

customer enhancements technology to Street Hail Liveries. The TLC intends to regulate these vendors because it believes that licensure is preferable to the procurement and contract approach used in the taxicab industry. Under a regulatory approach, any vendor who can meet TLC requirements can apply for a license. This will maintain vendor competition and allow the TLC to create and enforce consistent service standards for all licensees. In addition, the TLC believes that a regulatory approach will enable it to revisit and revise standards as technology and other factors advance. Accordingly, the TLC believes that the competition permitted by a regulatory approach is key to both keeping prices affordable and improving service quality. Allowing multiple taxicab technology vendors to develop and provide taxicab technology is important for fostering innovation and giving the for-hire industries choices. Moreover, the TLC believes that the benefits of competition in the for-hire industries may ultimately feed into the taxi industry by permitting advances in technology that may benefit passengers in all the industries the TLC regulates. In order to maintain the ability for multiple vendors to provide taxicab technology—while maintaining TLC oversight and quality control—these proposed rules outline the process and standards for becoming a TLC-licensed technology vendor.

In addition to providing a service to the public, the Street Hail Livery program provides opportunities for the industries TLC regulates:

- Livery drivers and bases that choose to enter the Street Hail Livery business (which is completely optional for both vehicle owners and bases) will expand the ways in which they may legally serve the communities they have been serving for years by providing not only high-quality prearranged service, but also safe, convenient and legal street hail service.
- The street hail business that already exists in many neighborhoods outside the Manhattan CBD will be brought out of the shadows, bringing legitimacy and pride to those providing this service.
- Income-generating opportunities for drivers will increase as more customers will be enticed to take advantage of the predictability and quality of this new street hail service.

#### Proposed Chapter 83 – Licensing & Rules for Street Hail Livery Technology Systems Providers

Each Street Hail Livery Vehicle will be equipped with a Street Hail Livery Technology System (LPEP) which:

- has an electronic payment system, which will allow riders to pay with credit, debit, and prepaid cards,
- has an Automatic Vehicle Location system, which will identify the location of Street Hail Liveries while in operation; and
- will collect and transmit trip, fare and other data. The LPEP will interface with the meter and together will allow the TLC to regulate fares and enforce violations of the Hail Service Rules stated in Chapter 82.

The proposed Chapter establishes a formal procedure for licensing and supervision of LPEP Providers, sets forth technical requirements for LPEP systems, and establishes the services to be provided.

Licensing Requirements for LPEP Providers include:

- Posting a \$50,000 bond in favor of the City
- Providing an acceptance testing plan and demonstrating that an independent third party certifies that the LPEP and the LPEP Provider meet all of the requirements in Chapter 83
- Providing a security testing certification from an independent third party
- Providing a disaster recovery plan
- Providing proof of various types of insurance, including Commercial General Liability and Professional Liability Insurance
- Completing a financial disclosure form.

General and Business Requirements for LPEP Providers include:

- Providing indemnification for the City
- Filing with the TLC a schedule of fees
- Entering into agreements with end-users (i.e., Street Hail Livery licensees) that contain terms and conditions required by TLC Rules
- Providing warranty for equipment
- Providing a help desk service
- Meeting all required service levels
- Retaining records
- Safeguarding passenger personal information

Technical/Service Requirements for LPEP Providers include:

- Providing a credit, debit and prepaid card payment system
- Providing a system capable of transmitting text messages
- Providing a system that will reliably and accurately collect trip data and transmit this data to the TLC
- Providing an Automatic Vehicle Location data system to collect and transmit certain location data to the TLC]

#### Chapter 83

#### Licensing & Rules for Street Hail Livery Technology System Providers

#### §83-01 Scope of the Chapter

- (a) To establish a formal procedure for the licensing and supervision of businesses that sell, lease, make available for use, install, service and repair Street

Hail Livery Technology Systems (LPEP) for Street Hail Liveries.

- (b) To establish technical requirements for the Street Hail Livery Technology System and to issue licenses to Street Hail Livery Technology System Providers whose systems meet such requirements.
- (c) To establish services to be provided by Street Hail Livery Technology System Providers for the benefit of Street Hail Livery Licensees and the public.
- (d) To establish appropriate penalties for the violation of these rules.

**§83-02 Penalties**

- (a) Unlicensed Activity.
  - (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated 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 from the Commission for the Street Hail Livery Technology System.
  - (2) Unlicensed Activity specifically includes the activities listed in §83-10 of these Rules and can result in License suspension, revocation, and other penalties.

(b) Specific Penalties. If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section will also state whether the violator must attend the Hearing.

- (c) Payment of Fines.
  - (1) Fines are due within thirty (30) days of the day the Respondent is found guilty of the violation.
  - (2) If the Respondent files an appeal of the decision imposing the fines within thirty (30) days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within seven (7) calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of:

    - thirty (30) days from the date of the decision, or
    - twenty-one (21) days from the date the recording is issued.
  - (3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in ten (10) business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

- (d) Non-renewal of License; Suspension; Revocation.
  - (1) Non-renewal of License.
    - (i) If an LPEP Provider License is not timely renewed, the LPEP Provider must immediately notify:
      - (A) the Commission of the date of License expiration; and
      - (B) each Street Hail Livery Licensee who is using the LPEP approved under the expired License that the Street Hail Livery Licensee has ninety (90) days from the date of License expiration to obtain an LPEP and related services from another LPEP Provider.
    - (ii) Upon expiration of the LPEP Provider License, the LPEP Provider must not enter into any new contracts with Street Hail Livery Licensees for sale, lease or use of the LPEP approved under the expired License, and must not renew the existing contracts with Street Hail Livery Licensees who are using the LPEP approved under the expired License.
    - (iii) Upon expiration of the LPEP Provider License, the LPEP Provider must continue to provide to each such Street Hail Livery Licensee all services required by this Chapter, including but not limited to

Maintenance Service, and will be subject to all monetary fines that apply as if their LPEP Provider License were not expired for one hundred fifty (150) days after License expiration or until all such Street Hail Livery Licensees have obtained LPEPs and related services from other LPEP Providers, whichever is earlier.

- (iv) An LPEP Provider whose License has expired must provide to each Street Hail Livery Licensee who used the LPEP approved under the expired License the following:
  - (A) De-installation of the LPEP at no charge;
  - (B) A refund of all installation-related charges and all other non-recurring charges paid or payable by the Street Hail Livery Licensee; and
  - (C) If the Street Hail Livery Licensee purchased the LPEP for ownership, a refund of the purchase price of the LPEP based on the net book value of such LPEP, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value.

- (2) Suspension.
  - (i) If an LPEP Provider's License has been suspended by the Commission, the LPEP Provider must immediately notify:
    - (A) the Commission of the period of License suspension; and
    - (B) each Street Hail Livery Licensee who is using the LPEP approved under the suspended License that:
      - The dates during which the License is suspended,
      - that the Street Hail Livery Licensee has the option to terminate its contract with the LPEP Provider License, or if its contract will expire during the period of suspension that the Street Hail Livery Licensee has the option to not renew its contract, and,
      - that the Street Hail Livery Licensee has ninety (90) days from the end date of the suspension period to obtain an LPEP and related services from another LPEP Provider.

(ii) While the LPEP Provider's License is suspended, the Provider must not enter into any new contracts with Street Hail Livery Licensees for sale, lease or use of the LPEP approved under the suspended License, but may renew, at the option of the Street Hail Livery Licensee, the existing contracts with Street Hail Livery Licensees who are using the LPEP approved under the suspended License.

(iii) While the LPEP Provider's License is suspended, the LPEP Provider must continue to provide to such Street Hail Livery Licensees all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if their LPEP Provider License were not suspended. If the Street Hail Livery Licensee opted to terminate its contract with the LPEP Provider or to not renew its contract while the LPEP license is suspended, the LPEP Provider must provide such services for:

- A. one hundred twenty (120) days after the end date of the suspension period, or
- B. until all such Street Hail Livery Licensees have obtained LPEPs and related services from other LPEP Providers, whichever is earlier.

(iv) If the Street Hail Livery Licensee opted to terminate or not renew its contract with the LPEP Provider while the LPEP license is suspended, the LPEP Provider must provide de-installation at no charge and refunds as described in subdivision (d)(1)(iv) above to each Street Hail Livery Licensee who used the LPEP approved under the suspended License.

(3) Revocation.

- (i) If an LPEP Provider's License has been revoked by the Commission, the LPEP Provider must immediately notify:

(A) the Commission of the date of License revocation; and

(B) each Street Hail Livery Licensee who is using the LPEP approved under the revoked License that:

- its contract with the LPEP Provider will be deemed terminated ninety (90) days following the date of License revocation, or
- may be terminated earlier by the Street Hail Livery Licensee giving written notice of termination, and,
- that the Street Hail Livery Licensee has up to ninety (90) days from the date of License revocation to obtain an LPEP and related services from another LPEP Provider.

(ii) Upon revocation of the LPEP Provider's License, the Provider must not:

(A) enter into any new contracts with Street Hail Livery Licensees for sale, lease or use of the LPEP approved under the revoked License, or

(B) renew the existing contracts with Street Hail Livery Licensees who are using the LPEP approved under the revoked License.

(iii) Upon revocation of the LPEP Provider License, if the LPEP approved under the revoked License is functioning properly, the LPEP Provider must continue to provide to such Street Hail Livery Licensees all services required by this Chapter, including but not limited to Maintenance Service, and will be subject to all monetary fines that apply as if their LPEP Provider License were not revoked, for:

(A) one hundred fifty (150) days after License revocation, or

(B) until all such Street Hail Livery Licensees have obtained LPEPs and related services from other LPEP Providers, whichever is earlier.

(iv) If the LPEP is not functioning properly, the LPEP Provider must cease its operations with respect to such LPEP.

(v) An LPEP Provider whose License has been revoked must provide de-installation at no charge and refunds as described in subdivision (d)(1)(iv) above to each Street Hail Livery Licensee who used the LPEP approved under the revoked License.

§83-02(d) Penalty: \$500-\$1,000 fine Appearance REQUIRED

**§83-03 Definitions Specific to this Chapter**

- (a) Accessible Street Hail Livery shall have the same meaning given such term in §51-03 of these Rules.
- (b) Applicant in this Chapter means an Applicant for an original or renewal LPEP Provider License.
- (c) Automatic Vehicle Location System or AVL shall have the same meaning given such term in §51-03 of these Rules.
- (d) Core Services shall have the same meaning given such term in §51-03 of these Rules.
- (e) Credit, Debit, and Prepaid Card Services. The

- portion of the LPEP used to process Passenger payment of fare in a Street Hail Livery by credit, debit, or prepaid card as described in §83-31(a) of these Rules.
- (f) **Critical Performance Failure.** A failure of the LPEP or any of its components that satisfies any of the conditions set forth in §83-31(j) of these Rules.
- (g) **Dispatch** shall have the same meaning given such term in §51-03 of these Rules.
- (h) **Driver Information Monitor or DIM.** The display unit that is part of the LPEP, enables Street Hail Livery Drivers at a minimum to receive and send text messages, and has the features described in §83-31(b) of these Rules.
- (i) **Emergency Public Service Announcement or Emergency PSA.** A Public Service Announcement that addresses an imminent public health, safety or welfare concern.
- (j) **Epilogue.** The series of screens to be run on a Passenger Information Monitor at the end of each trip as described in §83-31(d)(4)(i)(A) of these Rules.
- (k) **Hail Exclusionary Zone** shall have the same meaning given such term in §51-03 of these Rules.
- (l) **Hail Trip** shall have the same meaning given such term in §51-03 of these Rules.
- (m) **Hardware** shall have the same meaning given such term in §51-03 of these Rules.
- (n) **Help Desk.** The telephonic and electronic support provided by the LPEP Provider on a 24 x 7 x 365 Basis with the operation of the LPEP. Telephonic support must be accessed by a toll-free number.
- (o) **System.** An interconnected set of information resources under the same direct management control that shares common functionality. An Information System normally includes Hardware, Software, information, data, applications, communications, and people.
- (p) **License.** When the term "License" is used by itself in this Chapter—and in this Chapter ONLY—it refers to an LPEP Provider License.
- (q) **Licensee.** When the term "Licensee" is used by itself, in this Chapter—and in this Chapter ONLY—it refers to an LPEP Provider Licensee.
- (r) **Maintenance Service.** All of the services required to be provided by the LPEP Provider pursuant to §83-22 of these Rules.
- (s) **Merchant** shall have the same meaning given such term in §51-03 of these Rules.
- (t) **Modification of LPEP.** Any modification to the LPEP or related services after the Commission has issued a License for such LPEP that would materially alter any of the following:
- (1) functionality, performance characteristics, security measures, or technical environment of the LPEP or related services;
  - (2) interfaces to the Software, Hardware, network, or other LPEP components;
  - (3) the manner in which the LPEP or related services are provided;
  - (4) the manner in which the Commission, Street Hail Livery Licensees, Street Hail Livery Drivers or Passengers use the LPEP or related services; or
  - (5) the composition of the LPEP or related services.
- A Modification of LPEP excludes:
- (6) fixes and/or maintenance patches necessary to conform the LPEP or any of its components or related services to the requirements set forth in §83-31 of these Rules; and
  - (7) security patches to the extent such fixes or patches are necessary in the LPEP Provider's good faith judgment to maintain the continuity of the LPEP or related services or to correct an event or occurrence that would, if uncorrected, substantially prevent, hinder or delay proper operation of the LPEP or related services.
- (u) **On-duty Hail Exclusionary Zone Positioning.** The date, time and geographic position of an on-duty Street Hail Livery (with or without Passengers) upon the point of entering and leaving the Hail Exclusionary Zone, and at each point in the vehicle's route within the Hail Exclusionary Zone in near real time at an interval no less frequent than every thirty (30) seconds.
- (v) **On-duty Location Positioning.** The date, time and geographic position of an on-duty Street Hail Livery (with Passengers) at the commencement and end of each Passenger fare, and (with or without Passengers) at each point in the vehicle's route in near real time at an interval no less frequent than every thirty (30) seconds.
- (w) **Passenger Information Monitor or PIM** shall have the same meaning given such term in §51-03 of these Rules.
- (x) **Passenger Route Map.** The interactive route map featured in the PIM for viewing by a Passenger and as further described in §83-31(d)(4)(ii) of these Rules.
- (y) **Passenger Surveys.** In-vehicle surveys on the Passenger Information Monitor that can be taken by Passengers as described in §83-31(d)(4)(i)(C) of these Rules.
- (z) **PCI Standards.** The Payment Card Industry Data Security Standards issued by the Payment Card Industry Security Standards Council as they may change from time to time. See www.pcisecuritystandards.org
- (aa) **Performance Failure.** An event that causes the LPEP or the related services to fail to satisfy any of the Service Levels required in §83-31(i) of these Rules.
- (bb) **Personal Information.** Any information that can specifically identify an individual, such as name, address, social security number, unmasked or non-truncated credit, debit, or prepaid card numbers, together with any other information that relates to an individual who has been so identified, and any other information that is otherwise subject to privacy or confidentiality laws and associated rules and regulations. The display or disclosure of only the last four digits of a credit, debit, or prepaid card number is not Personal Information. The name of a Street Hail Livery Driver and the Driver's Commission license number is not Personal Information.
- (cc) **Prologue.** The series of screens to be run on a Passenger Information Monitor at the start of each trip as described in §83-31(d)(4)(i)(A) of these Rules.
- (dd) **Public Service Announcement or PSA.** A governmental public service announcement to Passengers and/or Street Hail Livery Drivers from the Commission, the City or any other City agency.
- (ee) **Security Incident.** The attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an Information System.
- (ff) **Service Levels.** The standards of performance of the LPEP and its components that are described in §83-31(i) of these Rules.
- (gg) **Software** shall have the same meaning given such term in §51-03 of these Rules.
- (hh) **Street Hail Livery** shall have the same meaning given such term in §51-03 of these Rules.
- (ii) **Street Hail Livery Base** shall have the same meaning given such term in §51-03 of these Rules.
- (jj) **Street Hail Livery Driver** shall have the same meaning given such term in §51-03 of these Rules.
- (kk) **Street Hail Livery License** shall have the same meaning given such term in §51-03 of these Rules.
- (ll) **Street Hail Livery Licensee** shall have the same meaning given such term in §51-03 of these Rules.
- (mm) **Street Hail Livery Technology System or LPEP** shall have the same meaning given such term in §51-03 of these Rules.
- (nn) **Street Hail Livery Technology System Provider or LPEP Provider** shall have the same meaning given such term in §51-03 of these Rules.
- (oo) **Street Hail Livery Technology System Provider License or LPEP Provider License.** A license issued to a Street Hail Livery Technology System Provider pursuant to this Chapter.
- (pp) **Street Hail Livery Technology System Provider Licensee or LPEP Provider Licensee.** The Street Hail Livery Technology System Provider to whom a Street Hail Livery Technology System Provider License is issued pursuant to this Chapter.
- (qq) **Taximeter** shall have the same meaning given such term in §51-03 of these Rules.
- (rr) **Technical Standards.** Performance-based or design-specific technical specifications and related management systems practices.
- (ss) **TLC Content.** The content defined in §83-31(d)(4)(i) of these Rules.
- (tt) **Trip Data** shall have the same meaning given such term in §51-03 of these Rules.
- (uu) **24 x 7 x 365 Basis.** A level of effort provided by the LPEP Provider that makes the applicable service relating to the LPEP available 24 hours per day, 7 days per week, 365 days per year without regard to local, national, international or other holidays or events.
- (vv) **Update.** All revisions, updates, modifications, corrections, releases, versions, fixes and enhancements to Software or Hardware that is a component of the LPEP.
- §83-04 Licensing – General Requirements**
- (a) **Licensees.** An Applicant for an LPEP Provider License or its renewal may be an individual or a Business Entity.
- (b) **License for each LPEP.** An application for a new or renewal LPEP Provider License must be filed for each LPEP for which Commission approval is sought. A separate LPEP Provider License will be issued or renewed for each approved LPEP. All License requirements of this Chapter apply to each License to be issued or renewed.
- (c) **Certification.** Any new or renewal application for an LPEP Provider License must be filed on a form approved by the Chairperson. The Applicant must swear (or affirm) that the information in the Application is true, under penalty of perjury.
- (d) **Proof of Identity.** The individual or Business Entity Person submitting the application for an LPEP Provider License must provide to the Commission proof of identity with all of the following:
- (1) A valid form of photo identification issued by the United States, a state or territory, or any political subdivision of a state or territory
  - (2) A valid, original social security card
- (e) **Age.** The individual or Business Entity Person applying for an LPEP Provider License or its renewal must be at least 18 years of age.
- (f) **Proficiency in the English Language.** The individual or Business Entity Person applying for an LPEP Provider License or its renewal must be able to speak, read, write, and understand the English language.
- (g) **Fit to Hold a License.** The individual or Business Entity Person applying for an LPEP Provider License or its renewal must demonstrate that they are Fit to Hold a License.
- (h) **Partnership Filings.** When the Applicant is a partnership, it must file with its License application a certified copy of the partnership certificate from the clerk of the county where the principal place of business is located. In addition, each partner must satisfy the requirements of identity, age, and English language proficiency, as specified in subdivisions (d) – (f), above.
- (i) **Corporate or LLC Filings.** When the Applicant is a corporation, it must file with its License application all of the following:
- (1) One of the following certificates:
    - (i) A certified copy(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application
    - (ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application
    - (iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation
  - (2) A list of its officers and shareholders, including names, residence addresses, telephone numbers, and percentage of ownership interest of each shareholder
  - (3) A certified copy of the minutes of the organizational meeting at which the current officers were elected
  - (4) **Limited Liability Companies (LLCs).** When the Applicant is a limited liability company, it must file with its application all of the following:
    - (i) A copy of its articles of organization
    - (ii) A copy of its operating agreement
    - (iii) A list of the members, with the percentages of the Applicant owned by each.
- (j) **Uniqueness of Name.** The Commission has the right to reject the proposed name of any LPEP Provider that the Commission finds to be substantially similar to any name in use by another LPEP Provider Licensee.
- (k) **Payment of Fines and Fees.**
- (1) An Applicant, including an applicant for a renewal License, must pay, and provide proof of payment of, any outstanding fines or fees owed by the Applicant to
    - (i) the Commission,
    - (ii) NYC Department of Finance,
    - (iii) NYC Department of Consumer Affairs,
    - (iv) NYS DMV's Traffic Violations Bureau, and

- (v) any of their successor agencies.
- (2) This requirement includes payment of fines and fees owed as of the date of the application by
- (i) any Business Entity Persons of the Applicant
- (ii) any Business Entity of which the Applicant is a Business Entity Person, and
- (iii) any Business Entity of which a Business Entity Person of Applicant is also a Business Entity Person.
- (1) Address. An Applicant must give the Commission the Applicant's current Mailing Address and Email Address as required by §83-17 of these Rules.
- §83-05 Licensing – Specific Requirements**
- (a) LPEP Approval for New License. The Commission shall not issue an LPEP Provider License to any Applicant unless the Commission approves the LPEP proposed for sale, lease or use by the Applicant. In determining whether to approve the LPEP, the Commission will consider, in its sole discretion, whether the documentation required to be submitted by the Applicant pursuant to §83-05(b) below adequately demonstrates that the LPEP complies with all of the requirements set forth in §83-31 of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section.
- (b) Documentation for LPEP Approval. The Applicant shall submit with its License application the following documentation:
- (1) An acceptance test plan that uses information technology industry testing tools, techniques and methodologies designed to comprehensively test whether the LPEP and related services comply with all of the requirements set forth in §83-31(a)-(e) and (i) of these Rules, or as such requirements may be waived or modified by the Commission pursuant to subdivision (g) of this section;
- (2) Documentation demonstrating that an independent third party with relevant expertise, acceptable to the Commission, has performed acceptance testing consistent with the acceptance test plan, and certification by the independent third party of the successful results of the acceptance testing;
- (3) Documentation demonstrating that an independent third party with relevant expertise, acceptable to the Commission, has performed security testing of the LPEP and related services to determine compliance with the security standards set forth in §83-31(f) of these Rules, or as such standards may be waived or modified by the Commission pursuant to subdivision (g) of this section, and certification by the independent third party of the successful results of the security testing; and
- (4) A disaster recovery plan that complies with the requirements set forth in §83-31(g) of these Rules;
- (c) Modification of LPEP. If after the LPEP Provider License is issued pursuant to this Chapter, the LPEP Provider Licensee wants to implement a Modification of LPEP, the Licensee must submit an application for approval of a Modification of LPEP by submitting all documentation required by subdivision (b) of this section and the fee required in §83-08(c) of these Rules. The Commission will treat the submission as an application for a new LPEP Provider License. If the Commission approves the Modification of LPEP, the existing LPEP Provider License will apply to the modified LPEP.
- (d) LPEP Approval Upon Renewal. If upon renewal of the LPEP Provider License,
- (1) the Licensee seeks approval of a Modification of LPEP, the Licensee must meet all of the requirements applicable to a Modification of LPEP pursuant to subdivision (c) of this section; or
- (2) the Licensee does not seek approval of a Modification of LPEP and there has been no Modification of LPEP since the prior Commission approval of the License or prior Commission approval of a Modification of LPEP, the Licensee must certify this and also certify that all prior certifications by independent third parties submitted to the Commission are still valid.
- (e) Required Insurance. After submission of an application for a new LPEP Provider License, an Applicant must provide to the Commission proof of the insurance required in this subdivision (e) when the Commission requests it. Upon submission of an

application to renew an LPEP Provider License, the Licensee must provide to the Commission proof of the insurance required in this subdivision (e).

- (1) Commercial General Liability Insurance.
- (i) The Applicant shall maintain Commercial General Liability ("CGL") Insurance covering the Applicant as Named Insured and the City as an Additional Insured in the amount of at least Five Million Dollars (\$5,000,000) per occurrence. Such insurance must protect the City and the Applicant from claims for property damage and/or bodily injury, including death that may arise from any of the operations performed or to be performed by or on behalf of the Applicant in connection with any of the activities licensed under this Chapter. Coverage under this insurance must be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and must be "occurrence" based rather than "claims-made."
- (ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's CGL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own CGL Insurance subject to all other requirements herein.
- (iii) Such CGL Insurance must name the City, together with its officials and employees, as an Additional Insured with coverage at least as broad as the most recently issued ISO Form CG20 10.
- (2) Professional Liability Insurance.
- (i) In the Commission's discretion, if professional services will be performed by the Applicant in connection with any of the activities licensed under this Chapter, the Applicant must maintain and submit evidence of Professional Liability ("PL") Insurance appropriate to the type(s) of services performed by the Applicant in the amount of at least One Million Dollars (\$1,000,000) per claim. The policy or policies must include an endorsement to cover the liability assumed by the Applicant under this Chapter arising out of the negligent performance of professional services or caused by an error, omission or negligent act of the Applicant or anyone employed by the Applicant.
- (ii) If the Applicant's subcontractor(s) is/are performing or will perform professional services in connection with any of the activities licensed under this Chapter for which PL Insurance is reasonably commercially available, either the Applicant's PL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own PL Insurance subject to all other requirements herein.
- (iii) Claims-made policies will be accepted for Professional Liability Insurance. All such policies must have an extended reporting period option or automatic coverage of not less than two (2) years. If available as an option, the Applicant must purchase extended reporting period coverage effective on cancellation or termination of such insurance unless a new policy is secured with a retroactive date, including at least the last policy year.
- (3) Crime Insurance.
- (i) The Applicant must maintain crime insurance to protect against employee dishonesty, covering tangible property or monies against loss, damage or destruction resulting from larceny, theft, embezzlement,

forgery, robbery, misappropriation, willful misapplication or other fraudulent or dishonest acts committed by the Applicant's employees or agents. The liability limits under the policy shall be at least One Million Dollars (\$1,000,000) per occurrence.

- (ii) If the Applicant's subcontractor(s) is/are performing or will perform operations in connection with any of the activities licensed under this Chapter, either the Applicant's crime insurance under item (i) above must cover the subcontractor(s) employees or agents or such subcontractor(s) must maintain its/their own crime insurance subject to all other requirements herein.
- (4) Workers' Compensation, Disability Benefits, and Employer's Liability Insurance.
- The Applicant must maintain, and ensure that its subcontractor(s) who is/are performing or will perform services in connection with any of the activities licensed under this Chapter maintain, Workers' Compensation Insurance, Disability Benefits Insurance, and Employer's Liability Insurance in accordance with the laws of the State of New York on behalf of, or with regard to, all employees performing services to the Applicant in connection with any of the activities licensed under this Chapter.
- (5) Unemployment Insurance. To the extent required by law, the Applicant must provide Unemployment Insurance for its employees.
- (6) Business Automobile Liability Insurance.
- (i) If vehicles are being used or will be used by the Applicant in connection with any of the activities licensed under this Chapter, then the Applicant must maintain Business Automobile Liability ("BAL") Insurance in the amount of at least One Million Dollars (\$1,000,000) each accident combined single limit for liability arising out of ownership, maintenance or use of any owned, non-owned, or hired vehicles to be used in connection with any of the activities licensed under this Chapter. Coverage must be at least as broad as the most recently issued ISO Form CA0001.
- (ii) If vehicles are being used or will be used by the Applicant's subcontractor(s) in connection with any of the activities licensed under this Chapter, either the Applicant's BAL Insurance under item (i) above must cover the subcontractor(s) or such subcontractor(s) must maintain its/their own BAL Insurance subject to all other requirements herein.
- (7) General Requirements for Insurance Coverage and Policies.
- (i) All required insurance policies must be maintained with companies that may lawfully issue the required policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Commission.
- (ii) All insurance policies must be primary (and non-contributing) to any insurance or self-insurance maintained by the City.
- (iii) The Applicant must be solely responsible for the payment of all premiums for all required insurance policies and all deductibles or self-insured retentions to which such policies are subject, whether or not the City is an insured under the policy.
- (iv) There must be no self-insurance program with regard to any insurance required under this subdivision (e) unless approved in writing by the Commission. Any such self-insurance program must provide the City with all rights that would be provided by traditional insurance required under this subdivision (e).

including but not limited to the defense obligations that insurers are required to undertake in liability policies.

- (v) The City's limits of coverage for all types of insurance required under this subdivision (e) must be the greater of:

(A) the minimum limits set forth in this subdivision (e); or  
(B) the limits provided to the Applicant as Named Insured under all primary, excess, and umbrella policies of that type of coverage.

(8) Proof of Insurance.

- (i) For Workers' Compensation Insurance, Disability Benefits Insurance, and Employer's Liability Insurance, the Applicant must file one of the following:
- (A) C-105.2 Certificate of Workers' Compensation Insurance;
- (B) U-26.3 — State Insurance Fund Certificate of Workers' Compensation Insurance;
- (C) Request for WC/DB Exemption (Form CE-200);
- (D) Equivalent or successor forms used by the New York State Workers' Compensation Board; or
- (E) Other proof of insurance in a form acceptable to the Commission

ACORD forms are not acceptable proof of workers' compensation coverage.

- (ii) For each policy required under this subdivision (e), except for Workers' Compensation Insurance, Disability Benefits Insurance, Employer's Liability Insurance, and Unemployment Insurance, the Applicant must file a Certificate of Insurance with the Commission. All Certificates of Insurance must be:
- (A) in a form acceptable to the Commission and certify the issuance and effectiveness of such policies of insurance, each with the specified minimum limits;
- (B) accompanied by the endorsement in the Applicant's Commercial General Liability Insurance policy by which the City has been made an additional insured pursuant to subdivision (e)(1)(iii) above; and
- (C) accompanied by either a duly executed "Certification by Broker" in the form provided by the Commission or copies of all policies referenced in the Certificate of Insurance. If complete policies have not yet been issued, binders are acceptable, until such time as the complete policies have been issued, at which time such policies must be submitted.
- (iii) The Applicant must provide the Commission with a copy of any policy required under this subdivision (e) upon demand by the Commission or the New York City Law Department.
- (iv) Acceptance by the Commission of a certificate or a policy does not excuse the Licensee from maintaining policies consistent with all provisions of this subdivision (e) (and ensuring that subcontractors maintain such policies) or from any liability arising from its failure to do so.
- (vi) If the Licensee receives notice, from an insurance company or other person, that any insurance policy required under this subdivision (e) will expire, be cancelled, or terminated for any reason, the Applicant must immediately forward a copy of the notice to the Commission and the New York City Comptroller at:

NYC Taxi and Limousine Commission  
Attn: General Counsel  
33 Beaver Street, 22nd Floor

New York, New York 10004

New York City Comptroller  
Attn: Office of Contract Administration  
Municipal Building, One Centre Street,  
Room 1005  
New York, New York 10007.

(9) Miscellaneous Insurance Provisions.

- (i) Whenever notice of loss, damage, occurrence, accident, claim or suit is required under a Commercial General Liability policy maintained in accordance with this subdivision (e), the Licensee must provide the insurer with timely notice thereof on behalf of the City. Such notice must be given even where the Licensee may not have coverage under such policy (for example, where one of Licensee's employees was injured). Such notice must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured" and contain the following information:
- the number of the insurance policy;
  - the name of the named insured;
  - the date and location of the damage, occurrence, or accident;
  - the identity of the persons or things injured, damaged, or lost; and
  - the title of the claim or suit, if applicable.

The Licensee must simultaneously send a copy of such notice to:

The City of New York c/o  
Insurance Claims Specialist,  
Affirmative Litigation Division,

New York City Law Department,  
100 Church Street, New York,  
New York 10007.

If the Licensee fails to comply with the requirements of this subdivision (e)(9)(i), the Licensee must indemnify the City for all losses, judgments, settlements and expenses, including reasonable attorneys' fees, arising from an insurer's disclaimer of coverage citing late notice by or on behalf of the City.

- (ii) Insurance coverage in the minimum amounts required in this subdivision (e) shall not relieve the Licensee of any liability for indemnification under this Chapter.
- (iii) The Licensee waives all rights against the City, including its officials and employees for any damages or losses that are covered under any insurance required under this subdivision (e) (whether or not such insurance is actually procured or claims are paid under such insurance) or any other insurance applicable to the activities of the Licensee and/or its subcontractors required to be licensed under this Chapter.
- (iv) If the Licensee requires any subcontractor to procure insurance in connection with any of the activities licensed under this Chapter and requires the subcontractor to name the Licensee as an additional insured under such insurance, the Licensee must ensure that such entity also names the City, including its officials and employees, as an additional insured with coverage at least as broad as the most recently issued ISO form CG 20 26.

- (f) **Renewals of Required Insurance Policies.** The LPEP Provider Licensee must submit to the Commission Certificates of Insurance confirming renewals of insurance before coverage of insurance policies required under subdivision (e) above expires. Certificates of Insurance must comply with the requirements of subdivision (e)(8)(i) or (ii) above, as applicable.

§83-05(f) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED

- (g) **Waivers or Modifications.** Except where expressly prohibited by law, the Commission may, in its discretion, waive or modify any requirements for licensing under this Chapter in the interests of public safety and convenience. Requests for waivers or modifications must be submitted in writing to the Commission.

§83-06 Licensing – Bond Required

- (a) **Amount of Bond.** An Applicant for an LPEP Provider License or renewal must deposit or have deposited with the Commission a fifty thousand dollar (\$50,000) bond per LPEP Provider payable to the City of New York. The bond must be provided by one or more sureties approved by the Commission.
- (b) **Bond Guarantees.** The bond must guarantee that the License Applicant or Licensee will:
- comply with all applicable provisions of law and rules of the Commission,
  - pay all fines imposed by the Commission, and
  - all judgments or settlements arising from any action connected in any way with the LPEP Provider License.
- (c) **Fines and Judgments.** The LPEP Provider Licensee is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal. If the fine is not paid as required by § 83-02(c) of these Rules, the Commission may draw upon the bond.

§83-07 Licensing – Financial Disclosure

- (a) Each individual Applicant and each Business Entity Person of a Business Entity Applicant for a new or renewal LPEP Provider License must file a financial disclosure statement with the Commission. This financial disclosure statement must be on a form approved by the Chairperson and must include a list of assets, liabilities and bank accounts and must specify any interest in any Street Hail Livery and any other information requested by the Chairperson.

§83-08 Licensing – Fees and Term of License

- (a) **Annual Fee.** Every application for a new or renewal LPEP Provider License must be accompanied by a non-refundable application fee of \$500 for each License to be issued or renewed for the term as provided in subdivision (h) of this section. If the License term is for more than six months and less than one year, the fee will be prorated.
- (b) **Half-Year Fee.** The application fee for any LPEP Provider License to be issued for a term of six months or less will be one-half of the annual fee.
- (c) **Modification of LPEP Fee.** Every application for approval of a Modification of LPEP must be accompanied by a non-refundable application fee of \$500 for each LPEP for which a Modification of LPEP is sought.
- (d) **Form of Payment.** All application fees must be paid by credit card, money order, or certified check.
- (e) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves the application.
- (f) **License Replacement Fee.** The fee to replace any lost, damaged or destroyed License is \$25.
- (g) **Late Filing Fee.** If the Commission allows a late filing for a renewal application, there will be an additional late filing fee of \$25.
- (h) **Term of License.** The term of an LPEP Provider License will be one year or less and each License will expire on October 31st.
- (i) **When to File for Renewal.**
- (1) To avoid a late fee, a renewing Applicant must file a completed application at least sixty (60) days before the expiration date of the License.
  - (2) A renewing Applicant may file a completed application less than sixty (60) days before the expiration date as a "late application". The fee for the late application will be \$25.
  - (3) The postmark date is the date of filing for an application that is filed by mail. The date of submission is the date of filing for an application that is filed in person.
  - (4) The Commission will not accept a renewal application after the expiration date of the License. If the application is not filed before the expiration date, the License cannot be renewed.
- (j) **Suspended Licenses.**
- (1) If a License is suspended and it is also due to be renewed, the Licensee must apply for renewal as required in subdivision (i) above if the Licensee wants to renew the License. Failure to complete

the renewal requirements means that the License cannot be renewed.

- (2) A License that is suspended is not Valid and cannot be used until the suspension ends. This is true even if the Applicant has filed an application for a renewal.

#### §83-09 Licensing – Cause for Denial

- (a) *Failure to Continuously Comply.* Whenever the Commission determines that the LPEP Provider Licensee no longer meets the requirements for the License, the Commission may suspend or revoke the License and deny any application for renewal.
- (b) *Summary Suspension.* Nothing in this section limits the authority of the Commission to summarily suspend any LPEP Provider License when a threat to public health, safety, or welfare exists.
- (c) *Failure to Complete Application Requirements*
- (1) The Chairperson may deny an application for a new License if the Applicant has not completed all the requirements of an application within ninety (90) days of the date the application is filed.
- (2) The Chairperson may deny an application for a renewal License if the Applicant has not completed all the requirements of an application by the expiration date of the prior License.
- (d) *Additional Consideration of an Application.* If a review of the application leads the Chairperson to believe that the Applicant may not be Fit to Hold a License, the Chairperson may seek additional information from the Applicant. This request for additional information may be an in-person interview, telephone call, letter, e-mail, or other method of communication. This additional consideration may result in the denial of the application. Failure to provide any requested information within the time frame requested, or failure to appear at a scheduled interview will result in a denial of the application.

#### §83-10 General Requirements – Unlicensed Activity

*LPEP Provider License Required.* An individual or Business Entity must not sell, lease, make available for use, install, maintain, service or repair an LPEP in any Street Hail Livery, or enter into or renew a contract with a Street Hail Livery Licensee for the sale, lease, use, installation, maintenance, service or repair of an LPEP without a Valid LPEP Provider License.

§83-10 Penalty: \$10,000 Appearance REQUIRED

#### §83-11 General Requirements – Compliance with Applicable Law

- (a) *Licenses and Permits.* An LPEP Provider Licensee must obtain licenses and permits required by applicable local law, state or federal law.
- (b) *Occupational Safety & Health Administration.* An LPEP Provider Licensee must comply with all applicable Occupational Safety and Health Administration (OSHA) standards and requirements at the Licensee's place of business, as well as all other federal, state, and local laws governing its business.
- (c) *Payment of All Fines and Fees.* An LPEP Provider Licensee must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction when they are due.
- (d) *Workers' Compensation Laws.* An LPEP Provider Licensee must comply with all laws regarding workers' compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§83-11(a)-(d) Penalty: \$500-\$1,000 fine and/or suspension until compliance Appearance REQUIRED

#### §83-12 General Requirements – Indemnification

- (a) *General Indemnification.* An LPEP Provider Licensee must defend, indemnify and hold the City, its officers and employees harmless from any and all claims (even if the allegations of the lawsuit are without merit) or judgments for damages on account of any injuries or death to any person or damage to any property and from costs and expenses (including reasonable attorneys' fees) to which the City, its officers and employees may be subjected or which it may suffer or incur allegedly arising out of or in connection with any operations of the LPEP Provider Licensee and/or its employees, agents or subcontractors to the extent resulting from any negligent act of commission or omission, any intentional tortious act, or failure to comply with any of the provisions of this Chapter. Insofar as the facts or law relating to any claim would preclude the City from being completely indemnified by the LPEP Provider Licensee, the City shall be partially indemnified by the LPEP Provider Licensee to the fullest extent permitted by law.

- (b) *Infringement Indemnification.* An LPEP Provider Licensee must defend, indemnify and hold the City harmless from any and all claims (even if the allegations of the lawsuit are without merit) or judgments for damages and from costs and expenses (including reasonable attorneys' fees) to which the City may be subjected or which it may suffer or incur allegedly arising out of or in connection with any infringement by the LPEP Provider Licensee, its agents or subcontractors of any copyright, trade secrets, trademark or patent rights or any other property or personal right of any third party in the conduct of the licensed activities. Insofar as the facts or law relating to any claim would preclude the City from being completely indemnified by the LPEP Provider Licensee, the City shall be partially indemnified by the LPEP Provider Licensee to the fullest extent permitted by law.

- (c) *Not Limited by Insurance.* The indemnification obligations set forth in this section shall not be limited in any way by the LPEP Provider Licensee's obligations to obtain and maintain insurance as provided in §83-05(e) of these Rules.

§83-12(a)-(b) Penalty: \$500-\$1,000 fine and/or suspension until compliance Appearance REQUIRED

#### §83-13 Business Requirements – Premises

An LPEP Provider must operate its business only within the structures described in the certificate of occupancy for the premises. No installation, service, or repairs of any type can be performed on a public street or any facility other than the LPEP Provider's premises.

§83-13 Penalty: \$500-\$1,000 fine Appearance REQUIRED

#### §83-14 Business Requirements – Signage

- (a) At all times, an LPEP Provider must maintain a sign that displays its business name, LPEP Provider License number and the words, "Licensed Street Hail Livery Technology System Provider". This sign must meet the specifications of the Commission and be hung or mounted on the outside of the premises so that it is easily visible to the public. An LPEP Provider must not display the foregoing sign if its LPEP Provider License or any other necessary license is expired, suspended, or revoked.

- (b) Each Licensed LPEP Provider must also display, on each of its business premises, a printed sign bearing its business name, License number, and the TLC complaint number. This sign must be affixed to the inside of a front window or glass pane so that it is clearly legible from the outside. This sign is not required when the business premises do not have any front windows or glass panes.

§83-14(a)-(b) Penalty: \$100 fine Appearance NOT REQUIRED

#### §83-15 General Requirements – Unlawful Activities Prohibited

- (a) An LPEP Provider Licensee must not use or permit any other person to use his business premises or office of record for any unlawful purpose.

§83-15(a) Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation Appearance REQUIRED

- (b) An LPEP Provider Licensee must not conceal any evidence of a crime connected with his business premises or office of record.

§83-15(b) Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation Appearance REQUIRED

- (c) An LPEP Provider Licensee must immediately report to the Commission and the police any attempt to use his business premises to commit a crime.

§83-15(c) Penalty: \$100-\$350 fine and/or suspension up to 30 days Appearance REQUIRED

- (d) An LPEP Provider Licensee must not file with the Commission any statement that he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

§83-15 (d) Penalty: \$10,000 fine and revocation Appearance REQUIRED

#### §83-16 General Requirements – Notice to TLC

- (a) *Material Change in Information.* An LPEP Provider Licensee must notify the Commission of any material change in the information contained in its current LPEP Provider License application or renewal.

§83-16(a) Penalty: \$500-\$1,000 fine and/or suspension up to 30 days Appearance REQUIRED

- (b) *Suspension or Revocation of License.* An LPEP Provider Licensee must immediately notify the Commission in writing of any suspension or revocation of any license granted to the Licensee, or any other person acting on his or her behalf, by any agency of the City or State of New York, or the government of the United States.

§83-16(b) Penalty: \$500-\$1,000 fine and suspension until compliance Appearance REQUIRED

#### §83-17 Business Requirements – Mailing and Email Address

- (a) Each LPEP Provider must designate and provide the Commission the street address of its primary LPEP Provider location as its Mailing Address.
- (b) An LPEP Provider must have and provide the Commission a working Email Address and telephone number at all times.
- (c) An LPEP Provider must report any change of Mailing Address, Email Address and telephone number to the Commission in person or by mail within ten days.

§83-17(a)-(c) Fine: \$100 Appearance NOT REQUIRED

- (d) Any communication from the Commission is sufficient if sent to the last Mailing Address provided by the LPEP Provider.

- (e) Any communication from the Commission, except notices and summonses for which the manner of service is specified in §68-05 of these Rules, is sufficient if sent by email to the last Email Address provided by the LPEP Provider.

#### §83-18 Business Requirements – Change in Business Ownership

- (a) *Approval for Transfer of Ownership.* An LPEP Provider Licensee must not transfer any ownership interest in the LPEP Provider or make any change in the officers, directors, members, partners or general partners without the prior consent of the Commission. This prohibition covers the transfer of any ownership interest or any agreement to transfer an ownership interest in the future.

§83-18(a) Penalty: \$1,000-\$5,000 fine and suspension until consent of Commission is obtained or change in business ownership is withdrawn, or revocation Appearance REQUIRED

- (b) *Approval for Change to Application Information.* An LPEP Provider Licensee must obtain the Commission's approval before making any change in the location of its business premises where it interacts with customers, the location of its facility where installation and/or repairs of LPEPs are performed, mailing address, corporate name, trade name, or any other material deviation from the description of the LPEP Provider as stated in the original or renewal application.

§83-18(b) Penalty: \$500-\$1,000 fine Appearance REQUIRED

#### §83-19 Business Requirements – Fees Charged by Licensees

- (a) *Filing of Fee Schedule with TLC.* An LPEP Provider Licensee must file with the Commission a current schedule of fees for:

- (1) Services related to the sale, lease, use, installation, maintenance, service or repair of the LPEP approved under this Chapter;
- (2) Credit, debit, and prepaid card processing charges imposed by the LPEP Provider and by the credit/debit/prepaid card services provider;
- (3) Training provided by the LPEP Provider over and above the training required by §83-20(i) of these Rules;
- (4) Late payment charges, if any, for undisputed, invoiced amounts that are not paid by the Street Hail Livery Licensee on or before thirty (30) days from the due date;
- (5) De-installation of an LPEP; and
- (6) Moving an LPEP from one vehicle to another.

§83-19(a) Penalty: \$50 fine Appearance NOT REQUIRED

- (b) *Filing of Fee Changes with TLC.* An LPEP Provider Licensee must file any change in fees with the Commission at least ten (10) days before the fees are scheduled to change.

§83-19(b) Penalty: \$50 fine Appearance NOT REQUIRED

- (c) *Prominent Display of Fee Schedule.* An LPEP Provider Licensee must not engage in any activity required to be licensed under this Chapter unless a current fee schedule as set forth in Rule 83-19(a) is displayed clearly to the public on the business premises. All fee schedules must be filed with the Commission before being displayed.

§83-19(c) Penalty: \$50 fine Appearance NOT REQUIRED

- (d) *Overcharges Prohibited.* In any transaction involving LPEPs and related services, an LPEP Provider Licensee must not charge more than the fees set by its fee schedule.

§83-19(d) Penalty: \$50 fine Appearance NOT REQUIRED

- (e) *Advertising and Sponsorship Rates.* An LPEP

Provider Licensee must file with the Commission a schedule of current rates for commercial advertising and sponsorships on the Passenger Information Monitor or in the content displayed thereon, and must file any changes in such rates at least ten (10) days before the rates are scheduled to change.

§83-19(e) Penalty: \$50 fine Appearance NOT REQUIRED

**§83-20 Business Requirements – Sale, Lease or Use of LPEP**

All of the following conditions apply with regard to an LPEP Provider's sale, lease, making available for use, and installation of an LPEP for use in a Street Hail Livery:

- (a) The LPEP Provider must not sell, lease, make available for use, or install an LPEP for use in a Street Hail Livery unless the LPEP has been approved by the Commission pursuant to this Chapter and the LPEP installed in the Street Hail Livery is identical to the LPEP that was approved;
- (b) Prior to the sale, lease, making available for use, or installation of an LPEP, an LPEP Provider must present to the Street Hail Livery Licensee a contract for execution by the LPEP Provider and the Street Hail Livery Licensee that meets the requirements set forth in §83-21 of these Rules;
- (c) The LPEP and its components must be new or operate and appear as if new;
- (d) The LPEP Provider must install the LPEP in the Street Hail Livery and conduct customer acceptance testing of the LPEP to demonstrate, to the reasonable satisfaction of the Street Hail Livery Licensee, that the LPEP complies with all of the requirements set forth in §83-31 of these Rules;
- (e) The LPEP Provider must provide the results of customer acceptance testing to the Street Hail Livery Licensee;
- (f) If the Street Hail Livery Licensee has a reasonable good faith basis to conclude that the LPEP will not operate in substantial compliance with any of the requirements set forth in §83-31 of these Rules, the Street Hail Livery Licensee is not obligated to accept the LPEP and may request the LPEP Provider to correct any deficiencies disclosed by the customer acceptance testing or identified by the Street Hail Livery Licensee. If the Street Hail Livery Licensee requests correction(s) of such deficiencies, the LPEP Provider shall perform such corrections until the Street Hail Livery Licensee is reasonably satisfied that the LPEP substantially complies with all of the requirements set forth in §83-31 of these Rules. If the Street Hail Livery Licensee is not reasonably satisfied with the corrections, the Street Hail Livery Licensee is not obligated to complete the contract for sale, lease or use of the LPEP.
- (g) Upon the Street Hail Livery Licensee's acceptance of the LPEP, the LPEP Provider shall present a customer acceptance form for the Street Hail Livery Licensee's signature.
- (h) The LPEP Provider must not enable any LPEP to be operated in a Street Hail Livery until such LPEP has been accepted by the Street Hail Livery Licensee as evidenced by the Street Hail Livery Licensee's signature on the customer acceptance form.
- (i) Prior to installation of an LPEP, or prior to making an LPEP operational, the LPEP Provider must offer to the Street Hail Livery Licensee, Street Hail Livery Driver(s) and affiliated Street Hail Livery Base, at no additional charge, at least one training session on the proper use and operation of the LPEP. The LPEP Provider must also train others designated by the Street Hail Livery Licensee to conduct training sessions (i.e., train-the-trainer training). The content of the training shall be sufficient to enable the Street Hail Livery Licensee, Street Hail Livery Driver(s) and affiliated Street Hail Livery Base to properly use and operate the LPEP.
- (j) At the request of the Commission, any LPEP Provider that has completed a contract for sale, lease or use of one or more LPEPs must provide at no cost to the Commission training sessions to personnel of the Commission or its designee on the proper use and operation of the LPEP and on the proper way to access and use data required to be maintained by the LPEP Provider pursuant to §83-31 of these Rules.

§83-20 (a)-(j) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

- (k) An LPEP Provider may require a Street Hail Livery Licensee to enter into an agreement with a credit, debit, and prepaid card services provider as a condition of the sale, lease or use of an LPEP.

**§83-21 Business Requirements – Contract with Street Hail Livery Licensee**

The contract between the LPEP Provider and the Street Hail Livery Licensee for the sale, lease or use of an LPEP must contain provisions specifying that:

- (a) The LPEP Provider agrees to charge fees for services provided that do not exceed the fees set

forth in the fee schedule filed with the Taxi and Limousine Commission pursuant to § 83-19(a) of the Commission Rules;

- (b) The LPEP Provider agrees to comply with the conditions for sale, lease or use of an LPEP set forth in §83-20(a), (c)-(i) of the Taxi and Limousine Commission Rules;
- (c) The LPEP Provider agrees to provide Maintenance Service in accordance with §83-22 of the Taxi and Limousine Commission Rules;
- (d) The LPEP Provider agrees to comply with the LPEP requirements and Service Levels as required by §83-23 of the Taxi and Limousine Commission Rules, including the obligation to provide credits to the Street Hail Livery Licensee for Performance Failures as required by §83-24 of the Taxi and Limousine Commission Rules;
- (e) The LPEP Provider agrees that it shall be responsible for any and all physical damage to any Street Hail Livery incurred by a Street Hail Livery Licensee where such damage is caused by the negligence or willful conduct of the LPEP Provider or its agents while installing or maintaining the LPEP in such Street Hail Livery;
- (f) The LPEP Provider agrees to maintain the insurance required by §83-05(e) of the Taxi and Limousine Commission Rules;
- (g) Each party agrees to defend, indemnify and hold harmless the other party from and against any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from or in connection with third-party claims attributable to any of the following:
- (1) the death or bodily injury of any agent, employee, business invitee, or business visitor or other person proximately caused by the tortious or willful conduct of the indemnifying party; or
  - (2) the damage, loss or destruction of any real or tangible personal property proximately caused by the tortious or willful conduct of the indemnifying party;
- (h) The LPEP Provider agrees to defend, indemnify and hold harmless the Street Hail Livery Licensee or any agent thereof against any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from or in connection with any third-party claims or actions alleging infringement of a third party's intellectual property rights attributable to the provision by the LPEP Provider, or use by any Street Hail Livery Licensee or Passenger, of the LPEP, any component thereof, or any service related to the LPEP. The LPEP Provider shall have no obligation to defend and indemnify to the extent the alleged infringement is attributable to the Street Hail Livery Licensee's or any Street Hail Livery Driver's:
- (1) unauthorized modification of the LPEP, component thereof, or service related to the LPEP; or
  - (2) use of the allegedly infringed element in a manner that is not consistent with the purpose for which it was intended;
- (i) The LPEP Provider agrees that if:
- an injunction is or may be obtained against the Street Hail Livery Licensee's use of the LPEP, any of its components, or against any service related to the LPEP provided by the LPEP Provider, by reason of the allegations of infringement, or
  - in the opinion of the LPEP Provider the LPEP, any of its components, or any service related to the LPEP, is likely to become the subject of a claim of intellectual property infringement, the LPEP Provider shall at its option and expense take one of the following actions:
- (1) procure for the Street Hail Livery Licensee the right to continue using the LPEP, any component thereof, or any service related to the LPEP; or
  - (2) replace or modify the LPEP, any component thereof, or any service related to the LPEP so that it is non-infringing, provided that such replacement or modification does not materially impair the intended use of the LPEP, any component thereof, or any service related to the LPEP.
- If neither (1) nor (2) are feasible, the LPEP Provider must direct the Street Hail Livery Licensee to discontinue using the affected LPEP, its components, or service related to the LPEP. The LPEP Provider at its expense must:
- (3) de-install the affected LPEP at no charge;
  - (4) refund to the Street Hail Livery Licensee all installation-related charges and all

other non-recurring charges paid or payable by the Street Hail Livery Licensee; and

- (5) if the Street Hail Livery Licensee purchased the LPEP for ownership, refund to the Street Hail Livery Licensee the purchase price of the LPEP based on the net book value of such LPEP, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value
- (j) Each party agrees that any limitation of liability in the contract shall not apply to:
- (1) the obligations to provide indemnification required in §83-21(g)-(i) above; or
  - (2) any and all damages, fines, penalties, deficiencies, losses, liabilities, and expenses (including reasonable attorneys' fees) arising from direct claims between the parties based on damage to real or tangible personal property, death or bodily injury caused by the tortious or willful conduct of a party;
- (k) The term of the contract is concurrent with the term of the LPEP Provider's License (which will not exceed one year), and contract renewals may be permitted for up to two (2) additional years at the option of the Street Hail Livery Licensee, but such contract renewals shall be subject to the renewal of the LPEP Provider's License;
- (l) Termination of the contract is permitted as follows:
- (1) If either party defaults in the performance of any of its material obligations under the contract, and does not cure the default within thirty (30) days of receipt of a notice of default from the other party, then the non-defaulting party may terminate the contract for cause by giving a written notice of termination;
  - (2) The Street Hail Livery Licensee may terminate the contract by giving written notice of termination if:
    - a Street Hail Livery is taken out of service because the LPEP and/or the LPEP Provider is not in compliance with the LPEP requirements and Service Levels as required by §83-23 of the Taxi and Limousine Commission Rules, and the LPEP Provider fails to cure the noncompliance within ten (10) days after receiving written notice of such noncompliance by the Street Hail Livery Licensee;
    -
  - (3) (i) If the LPEP Provider's License is not renewed, the LPEP Provider must immediately notify the Street Hail Livery Licensee of the expiration date of the License, and the contract will be deemed terminated by the Street Hail Livery Licensee on the ninetieth (90th) day after the expiration date or may be terminated earlier by the Street Hail Livery Licensee by giving written notice of termination.
 

(ii) When the LPEP Provider's License expires, the LPEP Provider must continue to provide to the Street Hail Livery Licensee all services required by Chapter 83 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §83-22 of those Rules. The contract provisions shall survive termination for one hundred fifty (150) days after the date of expiration of the LPEP Provider's License or until the Street Hail Livery Licensee has obtained an LPEP and related services from another LPEP Provider, whichever is earlier.
  - (4) (i) If the LPEP Provider's License has been suspended by the Taxi and Limousine Commission, the LPEP Provider must immediately notify the Street Hail Livery Licensee of the dates during which the License is suspended. The Street Hail Livery Licensee will have the option to terminate the contract, or if its contract will expire during the period of suspension, the Street Hail Livery Licensee will have the option to not renew the contract. The Street Hail Livery Licensee must give written notice to the LPEP Provider of the exercise of any such option. If either option is exercised, the contract will:
    - be deemed terminated by the Street Hail Livery Licensee, or
    - will expire on the ninetieth (90th) day after the end date of the suspension period, or
    - may be terminated earlier by the Street Hail Livery Licensee by giving written notice of termination.

(ii) During the period of suspension of the LPEP Provider's License and after termination or expiration of the contract if the Street Hail Livery Licensee opts for termination or expiration, the LPEP Provider shall continue to provide to the Street Hail Livery Licensee all services required by Chapter 83 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §83-22 of those Rules. The contract provisions shall survive during the suspension period and after termination or expiration for one hundred twenty (120) days after the end date of the suspension period or until the Street Hail Livery Licensee has obtained an LPEP and related services from another LPEP Provider, whichever is earlier.

(5) (i) If the LPEP Provider's License has been revoked by the Taxi and Limousine Commission, the LPEP Provider must immediately notify the Street Hail Livery Licensee of the revocation date. The contract will be deemed terminated by the Street Hail Livery Licensee on the ninetieth (90th) day after the revocation date or may be terminated earlier by the Street Hail Livery Licensee giving written notice of termination.

(ii) Upon the revocation of the LPEP Provider's License, if the LPEP is functioning properly, the LPEP Provider shall continue to provide to the Street Hail Livery Licensee all services required by Chapter 83 of the Taxi and Limousine Commission Rules, including but not limited to Maintenance Service in accordance with §83-22 of those Rules. The contract provisions shall survive termination for one hundred fifty (150) days after the date of revocation of the LPEP Provider's License or until the Street Hail Livery Licensee has obtained an LPEP and related services from another LPEP Provider, whichever is earlier. If the LPEP is not functioning properly, the LPEP Provider must cease its operations with respect to the LPEP.

(6) If the Street Hail Livery Licensee terminates the contract for the reasons provided in §83-21(l)(1), (2), (3), (4) or (5) above and §83-21(8)(i) below, or if the contract expires pursuant to §83-21(l)(4) above, the LPEP Provider must provide to the Street Hail Livery Licensee:

- (i) De-installation of the LPEP at no charge;
- (ii) A refund of all installation-related charges and all other non-recurring charges paid or payable by the Street Hail Livery Licensee; and
- (iii) If the Street Hail Livery Licensee purchased the LPEP for ownership, a refund of the purchase price of the LPEP based on the net book value of such LPEP, applying straight line depreciation by using the purchase price as the cost basis and assuming a sixty (60) month useful life with no salvage value;

(7) The Street Hail Livery Licensee may terminate the contract at any time and for any reason if:

- at least thirty (30) days written notice is given to the LPEP Provider and
- if the Street Hail Livery Licensee pays a termination charge which will constitute a liquidated damage agreed upon by the parties.

The termination charge must not be more than twenty-five percent (25%) of all monthly charges applicable to the LPEP multiplied by the number of months remaining in the term of the contract, plus a de-installation charge. The termination charge will not apply to any termination of the contract where the Street Hail Livery Licensee is:

- permitted to terminate the contract without incurring liability or
- where at the Street Hail Livery Licensee's request the LPEP is removed from one vehicle and installed in another vehicle to be operated under the same Street Hail Livery Licensee;

(8) A party may terminate the contract upon ten (10) days written notice to the other party if:

(i) such other party ceases to do business as a going concern; or

(ii) of the insolvency of, or commencement of any proceeding by or against, the other party, either voluntarily or involuntarily, under the Bankruptcy Code, or relating to the insolvency, receivership, liquidation, or composition of the other party for the benefit of creditors.

(m) Upon the expiration or earlier termination of the contract, the LPEP Provider shall remove the LPEP on the dates reasonably agreed upon by the parties. Except where the Street Hail Livery Licensee terminates the contract pursuant to §83-21(l)(1),(2), (3), (4), (5) or (8)(ii) above, or where the contract expires pursuant to §83-21(l)(4) above, the LPEP Provider may charge the Street Hail Livery Licensee a de-installation charge for each LPEP removed;

(n) The LPEP Provider must reimburse the Street Hail Livery Licensee for any and all Fines caused by:

- (1) a failure of the LPEP or any of its components to perform in accordance with the LPEP requirements and Service Levels as required by §83-23 of the Taxi and Limousine Commission Rules where such failure is not attributable to the acts or omissions of the Street Hail Livery Licensee or Street Hail Livery Driver, the abuse or misuse of the LPEP or other circumstances beyond the control of the LPEP Provider; or
- (2) breach by the LPEP Provider of any term or condition of the contract.

The Street Hail Livery Licensee must make reasonable efforts to mitigate the amount of the Fine, including not operating the Street Hail Livery if the Street Hail Livery Licensee knows or has reason to know the LPEP is malfunctioning. For purposes of this provision, the term "Fine" means any and all fees, fines, or financial penalties imposed on a Street Hail Livery Licensee or Street Hail Livery Driver by the City, the Commission or other City agency.

(o) The LPEP Provider must provide to a Street Hail Livery Licensee all intellectual property licenses needed to operate and use the LPEP. If Street Hail Livery Licensee assigns its rights in any LPEP to an assignee approved by the LPEP Provider, the intellectual property licenses shall be transferable to the assignee without payment of any additional charge;

(p) Neither party may assign the contract, or any of its rights and obligations under the contract, without the prior written consent of the other party. Consent must not be unreasonably withheld or delayed;

(q) If the LPEP Provider subcontracts any services related to the LPEP, the LPEP Provider will be fully responsible to the Street Hail Livery Licensee for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by such subcontractors as the LPEP Provider is for the acts and omissions of any person directly employed by it;

(r) The parties agree that the contract shall be deemed to be executed in the City and State of New York, regardless of the domicile of the parties, and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States, where applicable.

(s) The parties agree that any and all claims asserted by or against either party arising under or related to the contract shall solely be heard and determined either in the courts of the United States located in the City of New York or in the courts of the State located in the City and County of New York.

**§83-22 Business Requirements – Maintenance of LPEP**

(a) Warranty Service.

- (1) The LPEP Provider must pass through to the Street Hail Livery Licensee all standard warranties of third party manufacturers of Hardware, Software or other components of the LPEP.
- (2) During the applicable warranty periods of the standard warranties described above, the LPEP Provider must provide or pass through warranty service at no additional charge in accordance with the warranty terms applicable to the LPEP component.

§83-22(a) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated

(b) Maintenance Service on Fixed Fee Basis. The LPEP Provider must provide to a Street Hail Livery

Licensee such maintenance services as are necessary to maintain the LPEP in good working order and in accordance with the requirements in §83-31 of these Rules. Such maintenance services must be provided on a 24 x 7 x 365 Basis for a fixed fee, and must include but not be limited to:

- (1) Providing preventive and remedial maintenance of the LPEP at a maintenance facility;
- (2) Providing and installing replacement parts, and Hardware and Software Updates;
- (3) Providing technical support by means of a Help Desk which meets the requirements of subdivision (c) below; and
- (4) Maintaining a maintenance log for each LPEP installed by the LPEP Provider that states in detail all preventive maintenance, remedial maintenance and other actions performed on such LPEP. The LPEP Provider must provide a copy of the maintenance log when a Street Hail Livery Licensee or the Commission request one.

§83-22(b) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated

(c) Help Desk Service. The LPEP Provider must provide Help Desk services as follows:

- (1) Service may be requested on a 24 x 7 x 365 Basis by calling a telephone line and/or sending an electronic message.
- (2) All communications by telephone and electronic message must be recorded and logged; if service or repair to the LPEP is needed, that is considered an incident and the Help Desk must open a service ticket. If the service or repair is needed to resolve credit, debit or prepaid card disputes, the Help Desk will not consider these service or repairs to be an incident and will not need to open a service ticket.
- (3) The Help Desk must report any incident not resolved within twenty-four (24) hours to the Commission in a format prescribed by the Commission.

§83-22(c) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated

(d) Maintenance Service on Time and Materials Basis. The LPEP Provider must correct any problem, error, or malfunction of the LPEP caused by any of the following events, and may charge the Street Hail Livery Licensee on a time and materials basis or as may be otherwise agreed to by the LPEP Provider and the Street Hail Livery Licensee:

- (1) Any alteration of the Street Hail Livery by the Street Hail Livery Licensee, Street Hail Livery Driver or their agent where such alteration:
  - (i) results in the LPEP failing to comply with the requirements in §83-31 of these Rules;
  - (ii) is made without the LPEP Provider's prior consent; and
  - (iii) is not required by applicable law;
- (2) Vandalism of, or deliberate and unauthorized modification or repair to, the LPEP or components thereof by someone other than the LPEP Provider, where such vandalism or unauthorized modification or repair is not due to the fault or negligence of the LPEP Provider;
- (3) Accidental damage to the LPEP not due to the fault or negligence of the LPEP Provider; or
- (4) The Street Hail Livery Licensee's failure to follow all written operation and user instructions provided by the LPEP Provider.

§83-22(d) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated

(e) Maintenance Service Levels. The LPEP Provider must provide Maintenance Services in compliance with the Service Levels in §83-31(i)(6) of these Rules.

§83-22(e) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation

(f) Inspection Upon Repair. The LPEP Provider must inspect the LPEP upon completion of a repair to verify that the LPEP operates in compliance with

§83-22(f) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation

§83-22(g) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation

§83-22(h) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation

- all of the requirements set forth in §83-31 of these Rules.
- §83-22(f) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- §83-23 Business Requirements – Compliance with LPEP Requirements and Service Levels**
- (a) Credit, Debit, and Prepaid Card Payment.
- (1) An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides Credit, Debit, and Prepaid Card Services in compliance with the requirements in §83-31(a) and the Service Levels in §83-31(i)(1) of these Rules.
- (2) An LPEP Provider must ensure that when Passengers pay by credit, debit, or prepaid card, the Merchant receives deposit of funds within forty-eight (48) business hours, excluding banking holidays, of transmission of a batch close transaction from the LPEP.
- §83-23(a) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED for each subdivision violated
- (b) Text Messaging. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides text messaging in compliance with the requirements in §83-31(b) and the Service Levels in §83-31(i)(2) of these Rules.
- §83-23(b) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (c) Trip Data Collection and Transmission. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides Trip Data collection and transmission in compliance with the requirements in §83-31(c) and the Service Levels in §83-31(i)(3) of these Rules.
- §83-23(c) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (d) Passenger Information Monitor, Screen or Other Credit/Debit Card/Prepaid Device. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides either a Passenger Information Monitor, a screen or other device that reads credit/debit/prepaid cards in compliance with the requirements in §83-31(d), including all requirements relating to content on an LPEP with a Passenger Information Monitor or screen, and the Service Levels in §83-31(i)(4) of these Rules.
- §83-23(d) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (e) Automatic Vehicle Location System and Location Services. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery provides an Automatic Vehicle Location System and location services in compliance with the requirements in §83-31(e) of these Rules and the Service Levels in §83-31(i)(5) of these Rules.
- §83-23(e) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (f) Security. An LPEP Provider must ensure that with respect to an LPEP that has been installed in a Street Hail Livery, the LPEP Provider is in compliance with the security requirements in §83-31(f) of these Rules.
- §83-23(f) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (g) Disaster Recovery. An LPEP Provider must ensure that with respect to an LPEP that has been installed in a Street Hail Livery, the LPEP Provider is in compliance with the disaster recovery requirements in §83-31(g) of these Rules.
- §83-23(g) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (h) Data Retention. An LPEP Provider must ensure that with respect to an LPEP that has been installed in a Street Hail Livery, all data required to be maintained pursuant to §83-31 of these Rules is maintained for the period required in §83-31(h).
- §83-23(h) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (i) Service Level Procedures.
- (1) The LPEP Provider must implement and maintain procedures, tools and records to monitor, measure and record performance of the LPEP and related services provided by the LPEP Provider for compliance with the Service Levels required by §83-31(i) of these Rules.
- (2) The LPEP Provider must provide the Commission with reasonable access to the procedures, tools and records monitoring, measuring and recording compliance with Service Levels.
- §83-23(i) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED for each subdivision violated

- (j) Critical Performance Failures. The occurrence of a Critical Performance Failure constitutes a violation of this rule.
- §83-23(j) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (k) Inspection by TLC. An LPEP Provider must ensure that an LPEP that has been installed in a Street Hail Livery can be inspected by Commission personnel as required in §83-31(k) of these Rules.
- §83-23(k) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (l) Affirmative Defense. It shall be an affirmative defense in any proceeding to adjudicate a violation of subdivisions (a)(1), (b), (d), or (e) above that at the time of the violation the LPEP Provider:
- (i) did not know or have reason to know of the violation; or
- (ii) was making reasonable efforts to remedy such violation as evidenced by documentation.
- (m) Commission Ordered Testing. In any proceeding where the LPEP Provider has been found guilty of a violation of subdivisions (a), (b), (c), (d), (e), (f), (g) or (k) above, the Commission may order the LPEP Provider to provide, within sixty (60) days of the final decision on the violation:
- documentation demonstrating that subsequent to the violation an independent third party with relevant expertise, acceptable to the Commission, has performed testing of the LPEP and related services to determine that the condition giving rise to the violation has been corrected, and
  - certification by such third party of the successful results of such testing.
- §83-24 Business Requirements – Credit for Performance Failures**
- (a) If the Commission, Street Hail Livery Licensee, Street Hail Livery Base, or Street Hail Livery Driver notifies the LPEP Provider in writing of any Performance Failure with respect to any LPEP installed in one or more Street Hail Liveries, the LPEP Provider must remedy the Performance Failure within a cure period of thirty (30) days following receipt of notification. If the LPEP Provider does not remedy the Performance Failure within the 30-day cure period, then the LPEP Provider must apply a five percent (5%) credit of the monthly fees for the first month following the cure period to any affected Street Hail Livery Licensee.
- (b) If the Performance Failure continues during the second month and subsequent months following the 30-day cure period, the LPEP Provider must apply a credit of ten percent (10%) of the monthly fees for the second month and for each month thereafter.
- §83-24(a)-(b) Penalty: \$500-\$1,500 fine and/or Appearance suspension up to 60 days or revocation for each subdivision violated
- §83-25 Business Requirements – Record-Keeping and Reporting Requirements**
- (a) Record-Keeping and Reporting. In addition to any records required to be maintained pursuant to this Chapter, an LPEP Provider must maintain the records described below on a monthly basis, and file with the Commission reports of the required information for the preceding month. The information contained in the report must start on the first of the month and cover a full month. All records and reports must be in the form and manner prescribed by the Commission:
- (1) A list of all Street Hail Livery Licensees (by name and license number) for whom an LPEP has been installed by the LPEP Provider in a Street Hail Livery;
  - (2) A list of all Street Hail Livery Licensees for whom an LPEP has been de-installed by the LPEP Provider;
  - (3) A list of all Help Desk service incidents not resolved within twenty-four (24) hours for each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) and the disposition thereof;
  - (4) A description of the performance of each LPEP installed by the LPEP Provider in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) and the performance of the LPEP Provider in attaining or failing to attain the applicable Service Levels, and with respect to deviations from the Service Levels, the steps taken or planned for corrective action;
  - (5) A description of all Security Incidents affecting each LPEP in a Street Hail Livery (by name of Street Hail Livery

- Licensee and license number) or affecting related services provided by the LPEP Provider, and corrective actions taken in response;
- (6) The itemized gross revenue accruing to the LPEP Provider from each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number), including but not limited to:
- the revenue obtained by the LPEP Provider from Passenger payment by credit, debit or prepaid card,
  - commercial advertising and sponsorships or other content on LPEPs with Passenger Information Monitors or screens, and
  - a certification from an officer of the LPEP Provider that the revenue report is complete and accurate;
- (7) A description of all content displayed on each LPEP in a Street Hail Livery (by name of Street Hail Livery Licensee and license number) with a Passenger Information Monitor or screen, and the number of times a Passenger used a screen touch or turned on or off the PIM or screen.
- §83-25(a) Penalty: \$500-\$1,000 fine and/or Appearance suspension up to 60 days or revocation REQUIRED for each subdivision violated
- (b) Record Retention Period. An LPEP Provider must maintain the records required by this section for five (5) years.
- §83-25(b) Penalty: \$500-\$1,000 fine and/or Appearance suspension up to 60 days or revocation REQUIRED
- (c) Examination of Records. An LPEP Provider must allow agents of the Commission or other authorized law enforcement officers to examine at any time all of the records the LPEP Provider is required to maintain under this Chapter.
- §83-25(c) Penalty: \$500 fine and suspension until compliance Appearance REQUIRED
- (d) Inspection of Premises. An LPEP Provider must allow any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time.
- §83-25(d) Penalty: \$500-\$1,000 fine and suspension Appearance REQUIRED
- §83-26 Business Requirements – Use of Personal Information and Certain Location-Based Data**
- (a) The LPEP Provider must use and process Personal Information provided to it or to which it has access in connection with the activities licensed under this Chapter solely for the purposes of performing such licensed activities and in compliance with all applicable privacy and data protection laws.
- (b) Except to the extent necessary to provide Credit, Debit, and Prepaid Card Services, the LPEP Provider must not collect any Personal Information on any Passenger without such Passenger's express, informed and documented consent. Such prohibition includes but is not limited to collecting Personal Information through any cookie, applet, web bug, beacon or similar technology.
- (c) The LPEP Provider must ensure that Personal Information collected by a credit/debit/prepaid card services provider engaged by the LPEP Provider is stored in database management systems maintained and administered by the credit/debit/prepaid card services provider or its processing agent in compliance with the PCI Standards.
- (d) The LPEP Provider must not collect or store Personal Information in a way that associates such information with Street Hail Livery location-based information.
- (e) Except as may be permitted in the contract between a Street Hail Livery Licensee and the LPEP Provider or as otherwise required by law, an LPEP Provider must not disseminate, and must not permit its agents to disseminate, to any other person or entity any Street Hail Livery location-based information regarding a Street Hail Livery while it is off-duty.
- §83-26(a)-(e) Penalty: \$500-\$1,000 fine and Appearance suspension for each subdivision violated
- §83-27 Business Requirements – Cooperation with the Commission**
- (a) The LPEP Provider shall cooperate with the Commission, its designees and any contractor(s) of the Commission as described below:
- (1) in the development and support of any application (including but not limited to smartphone applications) or other commercial opportunities capable of interacting with the LPEP; and

(2) in the facilitation of any data connection required by the Commission between the LPEP and any systems of a contractor of the Commission, such as a contractor who will provide services for dispatch of Accessible Street Hail Liveries.

(3) If such cooperation will involve considerable expense by the LPEP Provider, the LPEP Provider shall be entitled to condition such cooperation on obtaining reasonable compensation.

(b) Cooperation as described in subdivision (a) above may be effectuated by agreements (including non-disclosure agreements) among and/or between the Commission or its designees or contractors, and the LPEP Provider on mutually agreeable terms.

(c) Upon request of the Commission, an LPEP Provider shall provide at no charge a fully operable demonstration LPEP.

(d) Upon request of the Commission, an LPEP Provider shall provide at no charge to any Commission-approved driver training school the following:

- (1) one complete tabletop demonstration LPEP including the services related to the LPEP; and
- (2) one complete driver training manual (in electronic format) and a perpetual license to use and reproduce an unlimited number of copies of the manual.

(e) Upon request of the Commission, an LPEP Provider must make available personnel who can translate from English to Spanish, Mandarin and/or Urdu, if necessary to interact with the LPEP Provider's actual or potential customers in the sale, lease, use, installation, service or repair of an LPEP.

§83-27(a)-(e) Penalty: \$500-\$1,000 fine and suspension for each subdivision violated Appearance REQUIRED

**§83-28 Business Requirements – Notifications to TLC of Unauthorized or Illegal Activity**

(a) An LPEP Provider must notify the Commission immediately by telephone and in writing or by email within 24 hours when any of the following occurs:

- (1) A Taximeter has been presented for installation, repair, adjustment or calibration, which the LPEP Provider knows or has reason to know has been reported to the Commission as lost or stolen;
- (2) A Taximeter is discovered with one or more seals removed, damaged, broken, or tampered with;
- (3) A person has requested that the LPEP Provider engage in any unlawful activity or activity prohibited by these Rules;
- (4) Any unauthorized person whom the LPEP Provider knows or should have known to be a Licensee of the Commission or to be acting on behalf of a Licensee has attempted to repair any LPEP or Taximeter, seal, cable connection, or electrical wiring, and the repair may have affected the operation of the LPEP or Taximeter;
- (5) Any person has attempted to connect any unauthorized device to any LPEP, Taximeter, seal, cable connection, or electrical wiring, and the attempt may have affected the operation of the LPEP or Taximeter; or
- (6) The LPEP Provider discovers the existence of any intervening connections, splices, "Y" connections, or direct or indirect interruptions or connections of any kind whatsoever.

(b) Any notice required by the Commission pursuant to subdivision (a) of this section must contain, at a minimum, the following information:

- (1) The Street Hail Livery License number;
- (2) The Street Hail Livery Driver's License number of any driver or drivers who presented the vehicle to the LPEP Provider;
- (3) The date of the inspection or repair;
- (4) A detailed description of any items, evidence, or occurrences as described in subdivision (a) of this section; and
- (5) The names and Street Hail Livery Driver's License numbers of each individual listed as a Driver on the Rate Card.

§83-28(a)-(b) Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

**§83-29 Business Requirements – LPEP Provider Liability for Conduct of Employees**

(a) *Liability for Employee Conduct.* An LPEP Provider

must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter.

(b) *Familiarizing Employees with Rules and Regulations.* An LPEP Provider must ensure that all of its employees, contractors, and agents are fully familiar with all relevant regulatory agency rules and regulations.

(c) *Compliance with Laws.* An LPEP Provider must ensure that all of its employees, contractors, and agents perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

§83-29(a)-(c) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

**§83-30 Comply with Laws – Conduct Rules**

(a) *Acceptance of Gift or Gratuity.* An LPEP Provider Licensee or any person acting on his or her behalf must not accept any gift, gratuity, or thing of value from an owner or driver of any vehicle licensed by the Commission or from anyone acting on behalf of an owner or driver for the purpose of violating any of these rules through acts of commission or omission.

(b) *Reporting Requests for Gift or Gratuity.* An LPEP Provider Licensee, any person acting on the LPEP Provider's behalf, or any of the Licensee's employees must immediately report to the Commission and the NYC 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 by any public servant.

(c) *Offer of Gifts and Gratuities.* An LPEP Provider Licensee or any person acting on his or her behalf must not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission or to any other public servant.

§83-30(a)-(c) Penalty: \$10,000 fine and revocation Appearance REQUIRED

(d) *Reporting Offers of Gift or Gratuity.* An LPEP Provider Licensee must notify the Commission immediately by telephone and in writing or email within 24 hours after receiving any offer of a gift or gratuity prohibited by subdivision (a) above.

(e) *Fraud, Misrepresentation & Larceny.* An LPEP Provider Licensee, while performing his or her duties and responsibilities as an LPEP Provider Licensee, must not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny, or misrepresentation include, but are not limited to:

- calibration of a fare other than that set by the Commission;
- adjustment of the tire size, driving axle, transducer, wiring, or other equipment for the purpose of generating an inaccurate signal of time or distance into the Taximeter or the LPEP;
- the manufacture, sale or installation of any device that is either designed to or does generate a false or inaccurate signal into the Taximeter or the LPEP; or
- falsification of Trip Data.

§83-30(e) Penalty: \$10,000 fine and revocation Appearance REQUIRED

(f) *Willful Acts of Omission and Commission.*

(1) *Omission.* While performing the duties and responsibilities of an LPEP Provider Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

(2) *Commission.* While performing the duties and responsibilities of an LPEP Provider Licensee, a Licensee must not deliberately perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§83-30(f) Penalty: \$150-\$350 and/or suspension up to 30 days or revocation Appearance REQUIRED

(g) *Notice of Criminal Conviction.*

(1) An LPEP Provider Licensee must notify the Commission in writing within two (2) days after any criminal conviction of the Licensee or any of the Licensee's Business Entity Persons.

(2) Notification must be in writing and must be accompanied by a certified copy of the certificate of disposition of the conviction issued by the clerk of the court.

§83-30(g) Penalty: \$500-\$1,000 and/or suspension up to 30 days Appearance REQUIRED

(h) *Threats, Harassment, Abuse.* An LPEP Provider Licensee must not threaten, harass, or abuse any governmental or Commission representative, public servant, or other person while performing his or her duties and responsibilities as a Licensee.

§83-30(h) Penalty: \$350-\$1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(i) *Use or Threat of Physical Force.* An LPEP Provider Licensee must not use or attempt to use any physical force against a Commission representative, public servant, or other person while performing his or her duties and responsibilities as a Licensee.

§83-30(i) Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

(j) *Failure to Cooperate with Law Enforcement.* An LPEP Provider Licensee must cooperate with all law enforcement officers and representatives of the Commission at all times.

§83-30(j) Penalty: \$250 fine Appearance NOT REQUIRED

(k) *Failure to Cooperate with the Commission.* An LPEP Provider Licensee must answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives. A Licensee must produce his or her Commission License and other documents whenever the Commission requires.

§83-30(k) Penalty: \$250 fine and suspension until compliance Appearance REQUIRED

**§83-31 Technical Requirements – Street Hail Livery Technology System (LPEP)**

No LPEP shall be approved by the Commission pursuant to this Chapter unless it complies with the all of the requirements set forth in this section or as such requirements may be waived or modified by the Commission pursuant to §83-05(g) of these Rules.

(a) *Credit, Debit, and Prepaid Card Payment.* An LPEP must be capable of accepting for payment of fares the following credit, debit, and prepaid cards: Visa, MasterCard, American Express, Discover, and any other cards specified by the Commission. The LPEP must conform to the following specifications:

- (1) The following information must be provided to Passengers:
  - (i) a prominent notice containing a list of all credit and debit cards accepted for fare payment;
  - (ii) a statement indicating that fares for all trips may be paid using the listed credit or debit cards; and
  - (iii) a statement that no additional fee or surcharge shall be imposed on Passengers who pay by credit, debit, or prepaid card;

(2) (i) In an LPEP with a Passenger Information Monitor or a screen, the PIM or screen must be used to provide payment processing by credit, debit, and prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and tip options of 15%, 20% and 25%, and permitting Passengers to manually enter another tip amount or percentage at their option. The PIM or screen must display all information reasonably required for the Passenger to understand and complete electronic payment of the total fare due.

(ii) In an LPEP with a device that reads credit/debit/prepaid cards but without a Passenger Information Monitor or screen, the device must enable a Passenger to complete payment of the total fare by credit, debit or prepaid card and must otherwise comply with requirements of this subdivision (a);

(3) The LPEP must generate an accurate receipt for payment of fare, whether payment is made by cash, credit, debit, or prepaid card, and such receipt must be offered to the Passenger either in hard copy form or in electronic form that is transmitted to the Passenger. The receipt must contain the following information:

- (i) License number for the Street Hail Livery License, affiliated Street Hail Livery Base, and Street Hail Livery Driver's License;
- (ii) trip number;
- (iii) date and time;
- (iv) tolls and surcharges;
- (v) extras and taxes;
- (vi) tip, if paid by credit/debit/prepaid card, and total fare;
- (vii) last four digits of credit, debit or

prepaid card account number, if applicable. All receipts for credit, debit, and prepaid card transactions must mask account numbers except for the last four digits; and

(viii) the "311" Commission complaint telephone number;

- (4) Fare transactions of \$25.00 and under must not require a Passenger signature;
- (5) (i) In an LPEP with a Passenger Information Monitor or a screen, the credit, debit, and prepaid card reader may be either integral to the Passenger Information Monitor or screen or a freestanding unit that is securely attached to the interior structure of the vehicle and located near the Passenger Information Monitor or screen or in a location convenient to the Passenger. A Passenger must be able to enter his or her account number by swiping a credit, debit, or prepaid card through the card reader, tapping the card, placing or waving the card near an appropriate contact point, or other method approved by the Commission.
- (ii) In an LPEP with a device that reads credit/debit/prepaid cards but without a Passenger Information Monitor or screen, the device must be securely attached to the interior structure of the vehicle and in a location convenient to the Passenger. A Passenger must be able to enter his or her account number by swiping a credit, debit, or prepaid card through the device or other method approved by the Commission;
- (6) If the Commission authorizes credit, debit and prepaid card payment via the LPEP by a Passenger using a smartphone, the LPEP Provider will be required to integrate such technology into the LPEP. In such event, the LPEP Provider must submit an application for approval of a Modification of LPEP pursuant to §83-05(c) of these Rules, provided, however, that the Commission will waive the application fee for a Modification of LPEP;
- (7) The LPEP must comply with the PCI Standards. Credit, debit, and prepaid card magnetic strip information must not be stored in the LPEP after the Street Hail Livery Driver has received authorization for use of the card;
- (8) The LPEP must be able to complete a credit, debit, or prepaid card transaction utilizing floor-limit authorization via a store and forward capability when wireless access is unavailable. The LPEP must authorize and store for later transmission up to five (5) floor-limit approved transactions. The LPEP must automatically provide the floor-limit approval of credit, debit, and prepaid card authorization requests for transactions of \$25.00 and under if either the LPEP does not provide a valid response in less than twenty-five (25) seconds or there is a failure in the wireless network;
- (9) In an LPEP with a Passenger Information Monitor or a screen, if the mechanism for acceptance of credit, debit, or prepaid cards is not operational or the LPEP has stored five (5) floor-limit approved transactions and the Passenger Information Monitor or screen is still operational, the following message must be displayed on the Passenger Information Monitor or screen, as applicable: "Credit Card System Currently Not Available;"
- (10) The LPEP must be capable of generating the following data, whether payment is made by cash, credit, debit, or prepaid cards:
- (i) reasonably detailed data of individual and cumulative payment transactions (including sufficient detail to support daily and monthly reconciliations and to perform problem resolution);
- (ii) if the payment is by credit, debit, or prepaid card, in addition to the information in subparagraph (i) above, the name of the credit, debit, or prepaid card, and the name of the credit card merchant engaged by the LPEP Provider; and
- (iii) end-of-shift data summarizing the number of fares, the total fare amount, and as applicable, the number of credit, debit and prepaid card transactions and the total fares of such transactions;
- (11) The data described in paragraph (10) above and its component elements must be stored, maintained and accessible to

the Commission and any designee as follows:

(i) \_\_\_\_\_ in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;

(ii) \_\_\_\_\_ by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and

(iii) \_\_\_\_\_ by downloading and transferring data to the Commission on a weekly basis.

The data must also be accessible to end users such as Street Hail Livery Licensees, affiliated Street Hail Livery Bases, Street Hail Livery Drivers, and Merchants to the extent that such end users are involved in or have any responsibility for the transactions; and

(12) The LPEP must wipe any credit, debit, and prepaid card transaction data following stored and forwarded payment transaction processing or when any equipment or component of the LPEP is replaced.

(b) *Text Messaging.* An LPEP must enable the Street Hail Livery Driver to receive and send text messages as provided below. The LPEP must conform to the following specifications:

(1) The LPEP must include a Driver Information Monitor that is securely mounted in the driver-seat area with the following capabilities:

(i) \_\_\_\_\_ enables the LPEP to be turned on and interact with the Taximeter only upon log in which requires:

- (A) entry of a Valid Street Hail Livery Driver's License number and a unique password set up by the Street Hail Livery Driver; and
- (B) system-initiated search of the Valid Street Hail Livery License number of the vehicle;

(ii) enables the Commission, other City agencies, and any other entity approved by the Commission to send text messages to a specific Street Hail Livery, a selected group of Street Hail Liveries and/or all Street Hail Liveries equipped with an LPEP:

- (A) in real time and future time ranges of up to thirty (30) days in advance;
- (B) based on location; and
- (C) to preempt any other message if the message is an emergency;

(iii) enables a Street Hail Livery Licensee, an affiliated Street Hail Livery Base, and an LPEP Provider servicing the Street Hail Livery to send text messages to the Street Hail Livery Driver in connection with the conduct of their respective businesses;

(iv) provides for the sender of the text message to receive delivery notification of receipt of the message by a Street Hail Livery;

(v) enables up to five (5) messages to be scheduled per day and sent up to thirty (30) days in advance;

(vi) if transmission of a text message cannot be completed due to loss of communication or other causes, the DIM must:

- record the attempted transmission;
- store the message for up to one (1) week for later transmission; and
- periodically attempt to retransmit the message.

If after one (1) week the message has not been received, the message must be purged and a separate message sent to the sender referencing the purged message and indicating that it has been purged;

(vii) enables the Street Hail Livery Driver to respond to the text message only when the vehicle is not in motion;

(viii) receives and displays text messages

of up to 500 bytes. If necessary, a message of 256 bytes or more may be divided into two parts;

(ix) stores received text messages and subsequently displays them;

(x) is able to encrypt text messages;

(xi) displays and prints out the last three trips performed by the vehicle; and

(xii) enables the Street Hail Livery Driver to enter the following "off-duty" two-digit codes and other codes designated by the Commission, by selection of one or two push-buttons:

- 01, personal;
- 02, relief time;
- 03, returning home;
- 04, defective equipment;
- 05, no charge fare; and
- 06, fare dispute.

Upon entry of a code, the LPEP must produce a receipt for the Street Hail Livery Driver showing the two-digit code and descriptor and the date and time of entry of the code;

(2) All text messages sent and received via the Driver Information Monitor, and the date and time that all such messages were sent and received, must be stored, maintained and accessible to the Commission and any designee as follows:

(i) \_\_\_\_\_ in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;

(ii) \_\_\_\_\_ by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and

(iii) \_\_\_\_\_ by downloading and transferring data to the Commission on a weekly basis.

(3) The data described in paragraph (2) above must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the partial or complete license number of a Street Hail Livery and/or a Street Hail Livery Driver, and time and date of the message, and the data retrieved must be capable of identifying the Street Hail Livery and/or Street Hail Livery Driver that received a particular message.

(c) *Trip Data Collection and Transmission.* An LPEP must be capable of collecting and transmitting to the Commission Trip Data as described below. The LPEP must conform to the following specifications:

(1) The LPEP must be capable of collecting and transmitting Trip Data as required in paragraph (5) below for all fare trips for each Street Hail Livery made during a shift;

(2) The Trip Data to be collected and transmitted must include:

(i) date, time and location of Passenger pick-up and drop off;

(ii) trip duration measured in time and mileage;

(iii) trip number;

(iv) itemized fare (time/distance fare, tolls, surcharges, extras, taxes, and tip amount for credit/debit/prepaid card payments);

(v) payment type (cash, credit, debit, or prepaid card);

(vi) total number of Passengers;

(vii) Street Hail Livery identification (i.e., Street Hail Livery License number);

(viii) Street Hail Livery Driver identification (i.e., Street Hail Livery Driver's License number);

(ix) all codes referred to in subdivision (b)(1)(xii) of this section, and the date, time and location when each code is entered by a Street Hail Livery Driver, provided that the date and time is collected from the Taximeter;

- (x) Taximeter reading at the start of each shift;
- (xi) Taximeter reading at the end of each shift;
- (xii) date and time of start of shift;
- (xiii) date and time of end of shift;
- (xiv) last four digits of credit, debit, and prepaid cards used for paying fares;
- (xv) On-duty Location Positioning;
- (xvi) On-duty Hail Exclusionary Zone Positioning; and
- (xvii) whether each trip is a Hail Trip or was commenced by Dispatch;
- (3) (i) The LPEP must display the rate code in effect during a trip, and must collect and transmit the rate of fare and the times and locations such rate of fare was in effect, including but not limited to the time and location time when Rate Code 4 went into effect and the fare at the time Rate Code 4 was initiated;
- (ii) The LPEP must collect and transmit all meter-initiated codes.
- (4) The LPEP must be equipped with external antennas if necessary to facilitate the LPEP data transfer functions;
- (5) The Trip Data for each Street Hail Livery must be stored and maintained by the LPEP Provider in accordance with the following requirements:
- (i) The Trip Data and its component elements must be stored and maintained in alphanumeric form in a format approved by the Commission, which format is based on Technical Standards developed by a voluntary consensus standards body that are available to the City without royalty or fee and reportable in a format that is open and non-proprietary;
- (ii) The Trip Data must not contain any Personal Information of a Passenger;
- (iii) The Trip Data must be accessible to the Commission and any designee as follows:
- (A) by viewing the data in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and
- (B) by downloading and transferring data to the Commission on a weekly basis;
- (iv) The Trip Data relating to a particular Street Hail Livery must be accessible to the Street Hail Livery Licensee, affiliated Street Hail Livery Base, and to the LPEP Provider servicing that Street Hail Livery;
- (v) The Trip Data and rate of fare information relating to a particular trip by a Street Hail Livery Driver must be made available by the LPEP Provider to that Driver without charge in electronic or hard copy form within three (3) business days of the LPEP Provider's receipt of a written, electronic or in-person request from that Driver;
- (vi) In the event of a failure or interruption in transmission of Trip Data, the LPEP must be capable of saving and restoring transmission of the data without any degradation of data integrity or loss of data;
- (vii) The Trip Data must be searchable by a fully functional application permitting data to be retrievable by searching in plain English, using geographical or word searches, in near real time, at the end of each shift, and for prior trips, and the reports of any search shall be available in an open, non-proprietary format. Data must also be retrievable by searching the following:
- (A) any Trip Data elements;
- (B) a partial or complete license number of a Street Hail Livery and/or a Street Hail Livery Driver to get the current geographic location or prior geographic location of the Street Hail Livery and/or Driver;
- (C) a specific pick up and/or drop off location(s); and
- (D) a specific geographic location(s) or area(s);
- (viii) In addition to retrieving information by searches described in subparagraph (vii) above, the search function must be capable of retrieving the following:
- (A) a list of Street Hail Liveries and/or Street Hail Livery Drivers (identified by license number) that dropped off or picked up Passengers at a specific location (or within a specific geographic area) within a specific timeframe;
- (B) a list of pick up and/or drop off locations for a specific Street Hail Livery and/or Street Hail Livery Driver (identified by license number) within a specific timeframe; and
- (C) the time and location a Street Hail Livery Driver went off duty.
- (d) Passenger Information Monitor, Screen, or Other Credit/Debit/Prepaid Card Device. An LPEP must have either a Passenger Information Monitor, a screen, or other device that reads credit/debit/prepaid cards as provided below. The LPEP must conform to the following specifications:
- (1) An LPEP with a device that reads credit/debit/prepaid cards but without a Passenger Information Monitor or screen must have the following features:
- (i) The device is located in the back-seat area of the vehicle, is securely attached to the interior of the vehicle, and provides a Passenger sitting in the rear of the vehicle with an unobstructed view of the device;
- (ii) The device must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism; and
- (iii) The device permits Passengers to complete payment of the total fare by credit, debit or prepaid card as required in subdivision (a) of this section.
- (2) An LPEP with a screen but without a Passenger Information Monitor must have the following features:
- (i) The screen is located in the back-seat area of the vehicle and provides a Passenger sitting in the rear of the vehicle with an unobstructed view of the screen;
- (ii) The screen must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism;
- (iii) The screen measurement must not be greater than 15.5 inches measured diagonally and not less than 2.5 inches measured diagonally;
- (iv) The screen displays all information reasonably required for the Passenger to understand and complete electronic payment of the total fare by credit, debit, or prepaid card as required in subdivision (a) of this section;
- (v) The screen must display to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid card, tip options of 15%, 20% and 25%, and permit Passengers to manually enter another tip amount or percentage at their option; and
- (vi) The screen may display such non-commercial content as may be approved by the Commission.
- (3) An LPEP with a Passenger Information Monitor must have the following features:
- (i) The PIM is located in the back-seat area of the vehicle and provides a Passenger sitting in the rear of the vehicle with an unobstructed view of the PIM;
- (ii) The PIM must be able to operate in the extreme environment of New York City (e.g., heat, humidity and vibration), be scratch and spill resistant, and be reasonably secure against vandalism;
- (iii) The PIM is comprised of a touch screen display that is interactive, has audio capability, full-color display, and its measurement must not be greater than 15.5 inches measured diagonally and not less than 5.5 inches measured diagonally;
- (iv) The PIM displays all information reasonably required for the Passenger to understand and complete electronic payment of the total fare by credit, debit, or prepaid card as required in paragraph (4)(iii) below;
- (v) The volume of the PIM may be controlled by the Passenger, and may be muted during and following the display of TLC Content known as the Prologue (see paragraph (4)(i)(A) below);
- (vi) The PIM may be turned off by the Passenger, with the following conditions:
- (A) If a Passenger attempts to turn off the PIM, all information that is required to be shown, such as the Prologue and Epilogue must remain visible for all or a reasonable portion of the Passenger trip; and
- (B) The PIM must have the capability to come back on when the Taximeter disengages, to display payment processing information;
- (vii) The LPEP must track and record Passenger use of the PIMs, including when a Passenger uses a screen touch and turns the PIM on or off;
- (4) Required features relating to PIM content are as follows:
- (i) TLC Content. TLC Content consists of content that is produced by the Commission and submitted to the LPEP Provider for presentation to Passengers via the PIM. The Commission has the sole discretion to select TLC Content, and to decide whether the content is presented in audio and/or video formats. TLC Content includes, but is not limited to, the Prologue and Epilogue, Public Service Announcements, and Passenger Surveys, as described below in clauses (A) through (C) below. TLC Content does not include the passenger route map described in subparagraph (ii) below, payment processing information described in subparagraph (iii) below, news and entertainment content described in subparagraph (iv) below, commercial advertisements and sponsorships supplied by or for the LPEP Provider as described in subparagraph (v) below, and any other content not supplied by the Commission to the LPEP Provider. TLC Content shall be displayed on the PIM in accordance with the reserved space requirements in clause (D) below and may be updated in accordance with clause (E) below.
- (A) Prologue and Epilogue. The Commission will provide the LPEP Provider with a series of screens to be run at the start (Prologue) and end (Epilogue) of each trip. The text and graphic content for the screens will be provided on a CD-Rom, by email or by other method acceptable to the Commission. The Prologue must run for at least thirty-five (35) seconds and will contain a greeting, Passenger information, fare information, credit, debit, or prepaid card payment information, and any Public Service Announcements provided by the Commission. The Epilogue must be either displayed for ten (10) seconds (whether in audio, video, or both) alone on the PIM screen or displayed on the fare payment screen upon the initiation of the payment transaction by an action of the Passenger. Such initiation of the payment transaction includes but is not limited to, depression of a cash selection button or the swiping (or other contact) of a credit, debit or prepaid card. Except as permitted by this paragraph (d)(4), the Prologue and Epilogue must not be interrupted or interfered with by other PIM content.
- (B) Public Service Announcements. The PIM must present to Passengers all of the PSAs and Emergency PSAs provided by the Commission from time to time in graphic or text files or other format in the discretion of the Commission. The PSAs and Emergency PSAs must be presented in the manner prescribed by the Commission, such as during the Prologue and/or Epilogue, at other times, and by showing certain PSAs at certain times of the day. The Commission may require that Emergency PSAs preempt all other content on the PIM. The Passenger must have the option of viewing any additional PSAs not in the Prologue or Epilogue.
- (C) Passenger Surveys. The PIM must permit the Passenger to take in-

vehicle surveys of not more than twenty (20) questions (in yes or no, multiple choice format), the results of which are to be provided to the Commission on a weekly basis electronically, or made accessible to the Commission as described in paragraph (d)(7) below.

(D) Reserved Space Requirements.

(I) The PIM must provide an initial channel for content that is activated when the Taximeter is activated. The initial channel must display the PSAs and Passenger survey. The Commission must be reserved not less than one-third of the viewing time and space on the initial channel (calculated in accordance with the formula in item (III) below) to present PSAs and other content.

(II) The PIM must provide a second channel for content that is capable of being voluntarily activated by a Passenger via a button or tab on the PIM. The PIM must provide a means for a Passenger to return the PIM screen to the initial channel from the second channel. The PIM second channel must display any additional PSAs and other TLC Content submitted to the LPEP Provider. The Commission must be reserved not less than two-thirds of the viewing time and space on the second channel (calculated in accordance with the formula in item (III) below) to present additional PSAs and other TLC Content.

(III) The percentage of PIM content used by the Commission to present TLC Content on each channel (the initial channel and the second channel) shall be calculated using the following formula:

$$\text{TLC Content Percentage} = (\text{Apc} * \text{Tv}) / \text{Tt}$$

Where Apc is the percent of the screen (frame) containing TLC Content,

Tv is the scheduled viewing time, and

Tt is the average trip time.

Apc must be at least 25% of the screen unless the Commission approves otherwise.

Tt, the average trip time, shall be twelve (12) minutes initially. The average trip shall, however, be reset every six (6) months following the LPEP installation date to a value equal to the average trip time calculated using actual Trip Data collected via the LPEP during the applicable six (6) month period.

For purposes of calculating the time allotted for presentation of TLC Content, the following shall be excluded: the Prologue and Epilogue, additional PSAs, and any other TLC Content contained therein; and the Passenger viewing time associated with Passenger initiated views of the PSAs, Passenger surveys or any other content voluntarily selected by Passengers.

(E) Update of TLC Content. The Commission may update its content on the PIM to add new TLC Content, or delete or modify any existing TLC Content, by notifying the LPEP Provider in writing and by providing an update file containing text or graphic content, or modifications thereof, in a CD-Rom, by email or other method acceptable to the Commission, indicating the date such update is to take effect. The LPEP Provider must implement such update on the PIM by the date indicated.

(ii) Passenger Route Map. The PIM must feature an interactive route map for viewing by a Passenger. The route map must be driven by on-board Automatic Vehicle Location System capabilities, where the current start point (location where Taximeter is engaged), ongoing route, and end point (location where Taximeter is disengaged) is clearly displayed in real time with the Street Hail Livery position updated every five (5) seconds. The route map must not be used to provide routing or directions to the Street Hail Livery Driver or Passenger. The route map must display the names of highways and commonly known streets, and be capable of being maximized to the full PIM screen at the Passenger's request for at least fifteen (15) seconds.

(iii) Payment Processing Information. The PIM must be used to process payment by credit,

debit, or prepaid card by displaying to Passengers at the end of the trip the total fare, itemizing all fare, tolls, surcharges, extras, taxes, and for fares paid by credit/debit/prepaid cards, tip options of 15%, 20%, and 25%, and permitting Passengers to manually enter another tip amount or percentage at their option. The PIM must display all content required to meet the requirements of subdivision (a) of this section.

(iv) News and Entertainment Content. The PIM must feature reasonably fresh and up-to-date news and entertainment-based content, including weather and sports information, in compliance with paragraphs (5) and (6) below.

(v) Commercial Advertising and Sponsorships. At the option of the Street Hail Livery Licensee, the LPEP Provider may provide for the display on a PIM of commercial advertising and sponsorships in compliance with paragraphs (5) and (6) below;

(5) The content on the Passenger Information Monitor must not contain, imply, or declare endorsement by the City, the Commission, or any other agency of the City without the prior written consent of the Commission;

(6) The commercial advertising, commercial sponsorships, and news and entertainment content on the Passenger Information Monitor must not contain any content that falls within the following categories:

(i) Information promoting unlawful or illegal goods, services, or activities;

(ii) Obscene material (see New York Penal Law 235.00, as such provisions may be amended, modified, or supplemented from time to time);

(iii) Material, image, or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character or content, would give rise to a violation of New York Penal Law 235.21 (see also New York Penal Law 235.20) as such provisions may be amended, modified, or supplemented from time to time;

(iv) Information that is libelous or violates New York Civil Rights Law Section 50 as such provisions may be amended, modified, or supplemented from time to time;

(v) Images or information that demeans an individual or group of individuals on account of race, color, religion, national origin, ancestry, gender, age, disability, or sexual orientation;

(vi) Images or information that are so violent, frightening, or otherwise disturbing as to be harmful to minors;

(vii) Image of a person, who appears to be a minor, in a sexually suggestive dress, pose, or context;

(viii) Images or information that would be deemed by a significant segment of the public to be patently offensive, improper, in bad taste, or controversial;

(ix) Advertisements that propose a commercial transaction where the information contained in it is false, misleading, or deceptive;

(x) Advertisements that propose a commercial transaction, and promote tobacco or tobacco-related products;

(xi) Advertisements or any other information that is adverse to the commercial, proprietary, or administrative interests of the Commission, the City, or any other City agency, or is harmful to the morale of employees of the Commission, the City or any other City agency;

(xii) Advertisements that promote an escort service, or sexually oriented business; and

(xiii) Advertisements that do not promote a commercial message, do not propose a commercial transaction, or are not sponsorships by a commercial entity;

(7) The LPEP Provider must provide access to the Commission and any designee to all content on the LPEP with a PIM or screen as follows:

(i) by viewing the content in near real time on a web-based portal established by the LPEP Provider, or by providing a web service acceptable to the Commission, or by other method acceptable to the Commission; and

(ii) by downloading and transferring content to the Commission on a weekly basis;

(e) Automatic Vehicle Location System and Location Services. An LPEP must have an Automatic Vehicle Location System and must provide location services as provided below. The LPEP must conform to the following specifications:

(1) The LPEP must capture and transmit On-duty Location Positioning and On-duty Hail Exclusionary Zone Positioning and store and maintain the data in accordance with the requirements of subdivision (c)(5) of this section;

(2) The LPEP must capture and transmit all elements of the Trip Data involving geographic location data, and store and maintain the data in accordance with the requirements of subdivision (c)(5) of this section; and

(2) An LPEP with a PIM must capture geographic location data sufficient to display the Passenger Route Map on the PIM in accordance with the requirements of subdivision (d)(4)(ii) of this section.

(f) Security.

(1) All features of the LPEP, including the collection, transmission and maintenance of data by the LPEP Provider, required by this section must conform to the following security standards:

(i) PCI Standards;

(ii) Department of Information Technology and Telecommunications Citywide Information Security Policy for Service Providers and Encryption Standards ("DOITT Standards") at <http://www.nyc.gov/html/doitt/html/business/security.shtml>; and

(iii) Commission security standards to be promulgated at a later time.

(2) Access to all data required to be collected, transmitted and maintained by this section must be by log-in identification and password controls or other equivalent security measures.

(g) Disaster Recovery. All data required to be collected, transmitted and maintained by the LPEP and the LPEP Provider pursuant to this section must be backed up and recoverable in accordance with a disaster recovery plan prepared by the LPEP Provider and approved by the Commission. The disaster recovery plan must include, but not be limited to, the following:

(1) A duplicate copy of all data must be stored in a separate, secure site for back-up and recovery purposes. In the event of a failure or interruption in the operation of the LPEP or in any services provided by the LPEP Provider relating to data collection, transmission or maintenance, the LPEP and any such services must be capable of saving and restoring all data without any degradation of data integrity or loss of data;

(2) The back-up data center should be geographically dispersed, preferably located at least 100 miles from the primary data center;

(3) The back-up data center should preferably reside on a separate power grid from the primary data center; and

(4) In the event the back-up data center is located within 100 miles of the primary data center or uses a common power grid with the primary data center, the disaster recovery plan must describe in detail how the plan will ensure the continuity of service and recovery of data when a single disaster affects both primary and back-up data centers.

(h) Data Retention. All data required to be collected, transmitted and maintained pursuant to this section must be maintained for at least three (3) years.

(i) Service Levels. The LPEP and the LPEP Provider must perform in accordance the requirements of this section and with the following service levels:

(1) Credit, Debit, and Prepaid Card Payment.

(i) The mean response time of an authorization request shall be five (5) seconds or less. Ninety-five percent (95%) of all authorization requests must occur in less than twenty-five (25) seconds. The response time is measured from the time of payment authorization initiation (e.g., card swipe or other triggering event) to the authorization response by the LPEP.

(ii) The availability of the authorization system must be greater than ninety-six percent (96%), if floor-limit authorizations are excluded, and must be greater than ninety-nine percent (99%) if floor-limit authorizations are included. Availability is measured by the ratio of the authorization responses to the authorization requests.

(iii) In an LPEP with a PIM or screen, the payment screen must appear in less than two (2) seconds after the Street Hail Livery Driver presses the button to indicate the end of the fare.

(2) Text Messaging; Driver Information Monitor.

(i) The availability of completing a text message to a single Street Hail Livery on the first attempt shall be greater than ninety-six percent (96%). The availability of completing a text message to all on-duty operating Street Hail Liveries installed by an LPEP Provider on the first attempt shall be greater than ninety-seven percent (97%). Availability is measured by the ratio of completed messages to message transmission requests.

(ii) The availability of the text messaging system shall be greater than ninety-nine percent (99%). Availability is measured by the ratio of uptime to total operating time.

(iii) At least fifty percent (50%) of the messages (256 bytes or smaller) sent from the Commission or other City agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than eight (8) minutes. At least fifty percent (50%) of the messages (above 256 bytes up to 500 bytes) sent from the Commission or other City agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than fifteen (15) minutes. This service level is measured from the time of message departure at the Commission or other City agency to the time of message arrival at the Street Hail Livery.

(iv) At least ninety-five percent (95%) of the messages (256 bytes or smaller) sent from the Commission or other City agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than fifteen (15) minutes. At least ninety-five percent (95%) of the messages (above 256 bytes up to 500 bytes) sent from the Commission or other City Agencies to operating Street Hail Liveries installed by an LPEP Provider must be received in less than thirty (30) minutes. This service level is measured from the time of message departure at the Commission or other City agency to the time of message arrival at the Street Hail Livery.

(v) The Driver Information Monitor must have a mean time between failures (MTBF) greater than 67,500 hours and a mean time to repair (MTTR) of one (1) hour. The MTBF and MTTR are determined by the record of failures and repairs recorded or logged by the Help Desk.

(3) Trip Data Collection and Transmission.

(i) The LPEP must accurately collect, transmit and maintain Trip Data 99.95% of the time. This service level is measured by the ratio of total Trip Data collected, transmitted and maintained as captured from Taximeter readings taken at the Commission's inspection facility to the total number of trips per Street Hail Livery as recorded in the Trip Data records.

(ii) The availability and accessibility to the Commission of Trip Data must be greater than ninety-nine percent (99%). This service level is determined by the record of failures recorded or logged by the Help Desk.

(iii) The Trip Data must be retrievable by the Commission in response to a Commission initiated query within five

(5) seconds at least fifty percent (50%) of the time and within ten (10) seconds at least ninety-five percent (95%) of the time. This service level is measured from the time of initiating the query to receipt of a response.

(4) PIM, Screen, or Other Credit/Debit/Prepaid Card Device.

The PIM, screen, or other device that reads credit/debit/prepaid cards must have a mean time between failures (MTBF) greater than 8,000 hours and a mean time to repair (MTTR) of two (2) hours. The MTBF and MTTR are determined by the record of failures and repairs recorded or logged by the Help Desk. The MTTR is measured from the time the Street Hail Livery arrives at an authorized repair facility.

(5) Automatic Vehicle Location System and Location Services.

(i) The AVL must determine the vehicle location in On-duty Location Positioning and On-duty Hail Exclusionary Zone Positioning to within twenty-five (25) meters at least ninety-seven percent (97%) of the time and to within fifty (50) meters at least ninety-nine percent (99%) of the time.

(ii) The availability of the AVL and location services shall be greater than 99.5%. Availability is measured as follows: (drop-off point determination + pick-up point determinations from Taximeter readings taken at Commission inspection facility) / (2 x number of paid trips as recorded in the Trip Data records).

(6) Maintenance Services.

Ninety-nine and nine tenths percent (99.9%) of service tickets or incidents as described in §83-22(c)(2) of these Rules must be resolved by the Help Desk within twenty-four (24) hours. Service ticket or incident resolution time is measured from the time of first reporting of an incident until the time LPEP service is restored enabling the Street Hail Livery to continue service.

(j) Critical Performance Failures. A Critical Performance Failure exists when any of the following conditions are satisfied:

(1) Eight percent (8%) or more of the LPEPs installed by an LPEP Provider are unable to process credit, debit, and prepaid card payment for more than four (4) consecutive hours;

(2) The Commission or other City agencies are unable to transmit an emergency text message to at least twenty-five percent (25%) of the LPEPs installed by an LPEP Provider within four (4) hours; or

(3) During any month, more than eight percent (8%) of PIMS, screens, or other devices that read credit/debit/prepaid cards in LPEPs installed by an LPEP Provider experience a system failure as follows:

(i) For screens or other devices that read credit/debit/prepaid cards, a reported problem prevents a Passenger from making payment by credit, debit, or prepaid card; or

(ii) For PIMs, a reported problem prevents a Passenger from making payment by credit, debit, or prepaid card, viewing (or hearing) PSAs, or tracking the trip on the Passenger route map.

(k) Inspection by TLC. The LPEP Provider must enable the Commission to inspect all components and inner workings of the LPEP by providing Commission inspection personnel with access to the LPEP by magnetic swipe card and/or password, or other secure method. Such components and inner workings include, but are not limited to:

- Hardware.
- Software.
- Driver Information Monitor.
- Passenger Information Monitor.
- screen.
- device that reads credit/debit/prepaid cards.
- AVL receiver, and
- modem.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Rules Governing Street Hail Livery Technology Systems (Chapter 83)

**REFERENCE NUMBER:** TLC-24

**RULEMAKING AGENCY:** TLC

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period for certain violations because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances. Does provide a cure period if there is a Performance Failure of the LPEP installed in a Street Hail Livery Vehicle.

/s/ Francisco Navarro  
Mayor's Office of Operations

March 13, 2012  
Date

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Rules Governing Street Hail Livery Technology Systems (Chapter 83)

**REFERENCE NUMBER:** 2012 RG 027

**RULEMAKING AGENCY:** Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: March 13, 2012

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**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

**MUNICIPAL SUPPLY SERVICES**

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6841  
FUEL OIL AND KEROSENE**

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE     | VENDOR                | CHANGE                 | PRICE EFF. 3/12/2012   |
|--------------|----------|-------------------|-----------------------|------------------------|------------------------|
| 3187250      | 5.0      | #1DULS            | CITY WIDE BY DELIVERY | GLOBAL MONTELLO GROUP  | -0030 GAL. 3.6996 GAL. |
| 3187250      | 6.0      | #1DULS            | P/U                   | GLOBAL MONTELLO GROUP  | -0030 GAL. 3.5746 GAL. |
| 3187251      | 11.0     | #1DULS >=80%      | CITY WIDE BY DELIVERY | SPRAGUE ENERGY CORP.   | -0029 GAL. 3.8453 GAL. |
| 3187251      | 12.0     | #1DULS B100 <=20% | CITY WIDE BY DELIVERY | SPRAGUE ENERGY CORP.   | -0030 GAL. 5.1111 GAL. |
| 3187251      | 13.0     | #1DULS            | P/U                   | SPRAGUE ENERGY CORP.   | -0030 GAL. 3.7610 GAL. |
| 3187251      | 14.0     | #1DULS B100 <=20% | P/U                   | SPRAGUE ENERGY CORP.   | -0030 GAL. 5.0267 GAL. |
| 3087064      | 1.0      | #1DULSB50         | CITY WIDE BY TW       | METRO FUEL OIL CORP.   | +0142 GAL. 4.3267 GAL. |
| 3187221      | 1.0      | #2                | CITY WIDE BY DELIVERY | METRO FUEL OIL CORP.   | -0213 GAL. 3.3227 GAL. |
| 3187221      | 4.0      | #2 >=80%          | CITY WIDE BY DELIVERY | METRO FUEL OIL CORP.   | -0213 GAL. 3.3879 GAL. |
| 3187221      | 5.0      | #2 B100 <=20%     | CITY WIDE BY DELIVERY | METRO FUEL OIL CORP.   | -0213 GAL. 3.5124 GAL. |
| 3187249      | 1.0      | #2DULS            | CITY WIDE BY DELIVERY | CASTLE OIL CORPORATION | +0082 GAL. 3.4517 GAL. |
| 3187249      | 2.0      | #2DULS            | P/U                   | CASTLE OIL CORPORATION | +0082 GAL. 3.4102 GAL. |
| 3187249      | 3.0      | #2DULS            | CITY WIDE BY DELIVERY | CASTLE OIL CORPORATION | +0082 GAL. 3.4672 GAL. |
| 3187249      | 4.0      | #2DULS            | P/U                   | CASTLE OIL CORPORATION | +0082 GAL. 3.4302 GAL. |

|         |      |            |            |                                    |                        |              |             |
|---------|------|------------|------------|------------------------------------|------------------------|--------------|-------------|
| 3187249 | 7.0  | #2DULS     | >=80%      | CITY WIDE BY DELIVERY              | CASTLE OIL CORPORATION | +0.082 GAL.  | 3.4595 GAL. |
| 3187249 | 8.0  | #2DULS     | B100 <=20% | CITY WIDE BY DELIVERY              | CASTLE OIL CORPORATION | +0.082 GAL.  | 3.5967 GAL. |
| 3187249 | 9.0  | #2DULS     | >=80%      | P/U                                | CASTLE OIL CORPORATION | +0.082 GAL.  | 3.4202 GAL. |
| 3187249 | 10.0 | #2DULS     | B100 <=20% | P/U                                | CASTLE OIL CORPORATION | +0.082 GAL.  | 3.5537 GAL. |
| 3187252 | 15.0 | #2DULS     |            | BARGE M.T.F. 111 & ST. GEORGE & WI | METRO FUEL OIL CORP.   | +0.082 GAL.  | 3.4636 GAL. |
| 3087065 | 2.0  | #2DULSB50  |            | CITY WIDE BY TW                    | SPRAGUE ENERGY CORP.   | +0.198 GAL.  | 4.1716 GAL. |
| 2887274 | 7.0  | #2DULSDISP |            | DISPENSED                          | SPRAGUE ENERGY CORP.   | +0.082 GAL.  | 3.7881 GAL. |
| 3187222 | 2.0  | #4         |            | CITY WIDE BY TW                    | CASTLE OIL CORPORATION | +0.0396 GAL. | 3.2823 GAL. |
| 3187222 | 3.0  | #6         |            | CITY WIDE BY TW                    | CASTLE OIL CORPORATION | +0.0801 GAL. | 3.2845 GAL. |
| 3187263 | 1.0  | JETA       |            | FLOYD BENNETT                      | METRO FUEL OIL CORP.   | -0.167 GAL.  | 3.9058 GAL. |

**OFFICIAL FUEL PRICE SCHEDULE NO. 6842  
FUEL OIL, PRIME AND START**

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | VENDOR            | CHANGE                | PRICE EFF. 3/12/2012     |
|--------------|----------|---------------|-------------------|-----------------------|--------------------------|
| 3087154      | 1.0      | #2            | MANH              | F & S PETROLEUM CORP. | -0.213 GAL. 3.4065 GAL.  |
| 3087154      | 79.0     | #2            | BRONX             | F & S PETROLEUM CORP. | -0.213 GAL. 3.4065 GAL.  |
| 3087154      | 157.0    | #2            | BKLYN, QUEENS, SI | F & S PETROLEUM CORP. | -0.213 GAL. 3.4865 GAL.  |
| 3087225      | 1.0      | #4            | CITY WIDE BY TW   | METRO FUEL OIL CORP.  | +0.0396 GAL. 3.7259 GAL. |
| 3087225      | 2.0      | #6            | CITY WIDE BY TW   | METRO FUEL OIL CORP.  | +0.0801 GAL. 3.6835 GAL. |

**OFFICIAL FUEL PRICE SCHEDULE NO. 6843  
FUEL OIL AND REPAIRS**

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | VENDOR            | CHANGE         | PRICE EFF. 3/12/2012     |
|--------------|----------|---------------|-------------------|----------------|--------------------------|
| 3087115      | 1.0      | #2            | MANH & BRONX      | PACIFIC ENERGY | -0.213 GAL. 3.2319 GAL.  |
| 3087115      | 80.0     | #2            | BKLYN, QUEENS, SI | PACIFIC ENERGY | -0.213 GAL. 3.2371 GAL.  |
| 3087218      | 1.0      | #4            | CITY WIDE BY TW   | PACIFIC ENERGY | +0.0396 GAL. 3.6672 GAL. |
| 3087218      | 2.0      | #6            | CITY WIDE BY TW   | PACIFIC ENERGY | +0.0801 GAL. 3.7364 GAL. |

**OFFICIAL FUEL PRICE SCHEDULE NO. 6844  
GASOLINE**

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | VENDOR               | CHANGE               | PRICE EFF. 3/12/2012    |
|--------------|----------|---------------|----------------------|----------------------|-------------------------|
| 3187093      | 5.0      | E70           | CITY WIDE BY TW      | SPRAGUE ENERGY CORP. | -0.135 GAL. 2.6336 GAL. |
| 2887274      | 6.0      | PREM          | CITY WIDE BY VEHICLE | SPRAGUE ENERGY CORP. | -0.012 GAL. 3.5656 GAL. |
| 3187093      | 2.0      | PREM          | CITY WIDE BY TW      | SPRAGUE ENERGY CORP. | -0.012 GAL. 3.2261 GAL. |
| 3187093      | 4.0      | PREM          | P/U                  | SPRAGUE ENERGY CORP. | -0.012 GAL. 3.1470 GAL. |
| 2887274      | 1.0      | U.L.          | MANH P/U BY VEHICLE  | SPRAGUE ENERGY CORP. | -0.365 GAL. 3.4509 GAL. |
| 2887274      | 2.0      | U.L.          | BX P/U BY VEHICLE    | SPRAGUE ENERGY CORP. | -0.365 GAL. 3.3509 GAL. |
| 2887274      | 3.0      | U.L.          | BR P/U BY VEHICLE    | SPRAGUE ENERGY CORP. | -0.365 GAL. 3.3509 GAL. |
| 2887274      | 4.0      | U.L.          | QNS P/U BY VEHICLE   | SPRAGUE ENERGY CORP. | -0.365 GAL. 3.3509 GAL. |
| 2887274      | 5.0      | U.L.          | S.I. P/U BY VEHICLE  | SPRAGUE ENERGY CORP. | -0.365 GAL. 3.3509 GAL. |
| 3187093      | 1.0      | U.L.          | CITY WIDE BY TW      | SPRAGUE ENERGY CORP. | -0.365 GAL. 3.0397 GAL. |
| 3187093      | 3.0      | U.L.          | P/U                  | SPRAGUE ENERGY CORP. | -0.365 GAL. 2.9636 GAL. |

**REMINDER FOR ALL AGENCIES:**

Please be informed that the \$1.00 per gallon federal tax credit for blenders of biodiesel expired December 31, 2011. Beginning January 1, 2012, the price for biodiesel blended to create any biodiesel blend will be increased by \$1.00 per gallon and itemized as a separate line item on your invoice.

Please be informed that the federal tax credit of \$.45 per gallon on ethanol blended into gasoline expired on December 31, 2011. Beginning January 1, 2012, the price for ethanol will be increased by the amount of the lost tax credit and itemized as a separate line item on your invoice.

**CITY PLANNING**

■ NOTICE

**PROPOSED ANNUAL PERFORMANCE REPORT (APR) 2011 CONSOLIDATED PLAN PROGRAM YEAR COMMENT PERIOD - March 9 - March 23, 2012**

The Proposed 2011 Consolidated Plan Annual Performance Report (APR) Public Comment Period will be from March 9th to March 23rd. This document describes the City's performance concerning the: statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy, and the City's use of the four U.S. Department of Housing and Urban Development (HUD) Community Planning and Development formula entitlement programs: Community Development Block Grant (CDBG); HOME Investment Partnerships (HOME); Emergency Shelter Grant (ESG); and Housing Opportunities for Persons with AIDS (HOPWA). The APR reports on the accomplishments and commitment of these funds during the 2011 program year, January 1, 2011 to December 31, 2011. In addition, a One-Year update of the City's Affirmatively Furthering Fair Housing (AFFH) Statement is included.

As of March 9, 2012, copies of the Proposed APR can be obtained at the Department of City Planning Bookstore, 22 Reade Street, Manhattan, (Monday 12:00 P.M. to 4:00 P.M., Tuesday - Friday 10:00 A.M. to 1:00 P.M.). In addition, the report will be posted in Adobe .PDF format for free downloading on City Planning's Website at: [www.nyc.gov/planning](http://www.nyc.gov/planning). Furthermore, copies of the Proposed APR will be available for review at the main public library in each of the five boroughs. Please call (212) 720-3337 for information on the closest library.

The public comment period ends close of business March 23, 2012. Written comments should be sent to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4N, New York, N.Y. 10007, email: [2011ConPlanAPR@planning.nyc.gov](mailto:2011ConPlanAPR@planning.nyc.gov).

m7-20

**MAYOR'S OFFICE OF ENVIRONMENTAL REMEDIATION**

■ NOTICE

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from ADAS, Inc.; Porteral Warehouse and Porter Foundation, Inc. for a site known as 1426-1438 Fulton Street and 293 Herkimer Street, Block 1863, Lots 9, 10, and 15 in Brooklyn. Site No. 12CVCP045K is assigned to this project.

Information regarding this site, including the site cleanup plan, can be found at: <http://www.nyc.gov/html/oenr/html/repository/RBrooklyn.shtml>

The public comment period on the cleanup plan ends on April 15, 2012. Please send comments to Shaminder Chawla, NYC OER, 253 Broadway, 14th Fl., New York, NY 10007 or to [shaminderc@dep.nyc.gov](mailto:shaminderc@dep.nyc.gov)

m16

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Forte Italia/Marco Hotel, Inc. for a site known as 41-02/10 Crescent Street, Block 414, Lot 23 in Queens. Site No. 12CVCP046Q is assigned to this project.

Information regarding this site, including the site cleanup plan, can be found at: <http://www.nyc.gov/html/oenr/html/repository/RQueens.shtml>

The public comment period on the cleanup plan ends on April 16, 2012. Please send comments to Shaminder Chawla, NYC OER, 253 Broadway, 14th Fl., New York, NY 10007 or to [shaminderc@dep.nyc.gov](mailto:shaminderc@dep.nyc.gov)

m16

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from 507 West 24th Street, LLC, for a site known as 507 West 24th Street, Block 696, Lot 28 in New York. Site No. 12CVCP047M is assigned to this project.

**CHANGES IN PERSONNEL**

**BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 02/17/12**

| NAME      | TITLE      | NUM   | SALARY   | ACTION    | PROV | EFF DATE |
|-----------|------------|-------|----------|-----------|------|----------|
| KAUR      | RAVINDER   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KAZAZYAN  | IZABELLA   | 9POLL | \$1.0000 | APPOINTED | YES  | 02/09/12 |
| KAZI      | MAHJABEE   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KEARINS   | ANTHONY    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KEEL      | JUDETH R   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KELLY     | ENRICA     | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KENDALL   | AARON C    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KENDRICK  | VICKI      | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KEYS      | CHRISTOP   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KHAN      | HYDER A    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KHAN      | MAMUN A    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KHANOM    | RUKSANA    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KHATOON   | RAMKARRA A | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KHEMIRI   | KARIM M    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KHERA     | KANWALPR K | 9POLL | \$1.0000 | APPOINTED | YES  | 01/31/12 |
| KHIM      | SANG NAE   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KIM       | EUN JOO    | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KIM       | JENNIFER J | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KING      | CEDRIC     | 9POLL | \$1.0000 | APPOINTED | YES  | 02/10/12 |
| KIRILLINA | IRINA      | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KIRK      | CHARON V   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KISE      | CASSANDR   | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |
| KISHORE   | RITU       | 9POLL | \$1.0000 | APPOINTED | YES  | 01/01/12 |

|            |            |       |          |           |     |          |
|------------|------------|-------|----------|-----------|-----|----------|
| KNIGHT     | MARESHAH S | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| KOLLER     | BRETT      | 9POLL | \$1.0000 | APPOINTED | YES | 02/01/12 |
| KONG       | RAYMOND    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| KRAVITZ    | MARK D     | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| KRINSKY    | JOEL       | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| KU         | JIM        | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| KUMI       | JOSEPH E   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LAI        | JIMMY      | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LAMARCA    | MICHAEL    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LANG       | EVELYN M   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LATIF      | SADAF      | 9POLL | \$1.0000 | APPOINTED | YES | 02/01/12 |
| LATOPOLSKI | BRIDGET    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LAWRENCE   | MARTIN J   | 9POLL | \$1.0000 | APPOINTED | YES | 01/31/12 |
| LEARY      | PERCILLA A | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEBOURNE   | CRYSTAL    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LECHTER    | EVA        | 9POLL | \$1.0000 | APPOINTED | YES | 02/02/12 |
| LEDWOZAN   | MICHELE L  | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEE        | HONG SOO   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEE        | JUN SUNG   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEGER      | KERLINE    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEHMANN    | GRACE E    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEHR       | DORIS A    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEMERDY    | MARGARIT   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEMES      | GLENDA     | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LESSEY     | CURLENE K  | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEWIS      | DEPRE A    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEWIS      | PATRICK    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEWIS      | SHEKIRA M  | 9POLL | \$1.0000 | APPOINTED | YES | 02/07/12 |
| LEWIS      | TASHA      | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LEYDER     | JIMMY B    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LI         | MEI PO     | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LI         | XUAN XUA   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |
| LI         | YUN SHI    | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 |

Information regarding this site, including the site cleanup plan, can be found at: <http://www.nyc.gov/html/oenr/html/repository/RManhattan.shtml>

The public comment period on the cleanup plan ends on April 16, 2012. Please send comments to Shaminder Chawla, NYC OER, 253 Broadway, 14th Fl., New York, NY 10007 or to [shaminderc@dep.nyc.gov](mailto:shaminderc@dep.nyc.gov)

m16

**HOUSING PRESERVATION & DEVELOPMENT**

■ NOTICE

**REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT**

Notice Date: March 9, 2012

To: Occupants, Former Occupants, and Other Interested Parties

| Property: Address                | Application # | Inquiry Period               |
|----------------------------------|---------------|------------------------------|
| 406 West 146th Street, Manhattan | 15/12         | February 1, 2009 to Present  |
| 5 West 120th Street, Manhattan   | 21/12         | February 10, 2009 to Present |
| 132 West 136th Street, Manhattan | 24/12         | February 24, 2009 to Present |
| 1277 Bergen Street, Brooklyn     | 16/12         | February 2, 2009 to Present  |
| 151 Coleridge Street, Brooklyn   | 17/12         | February 3, 2009 to Present  |
| 404 Clermont Avenue, Brooklyn    | 18/12         | February 3, 2009 to Present  |
| 92 Lafayette Avenue, Brooklyn    | 20/12         | February 6, 2009 to Present  |
| 173 Hancock Street, Brooklyn     | 23/12         | February 22, 2009 to Present |
| 671 Monroe Street, Brooklyn      | 25/12         | February 24, 2009 to Present |

154 Beach 120th Street, Queens 22/12 February 22, 2009 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH 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.

m9-16

**REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT**

Notice Date: March 9, 2012

To: Occupants, Former Occupants, And Other Interested Parties

| Property: Address           | Application # | Inquiry Period             |
|-----------------------------|---------------|----------------------------|
| 558 Driggs Avenue, Brooklyn | 19/12         | October 4, 2004 to Present |

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH 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.

m9-16

|                 |            |   |       |          |           |     |          |                 |            |       |          |           |           |          |          |
|-----------------|------------|---|-------|----------|-----------|-----|----------|-----------------|------------|-------|----------|-----------|-----------|----------|----------|
| LIEBERT         | SIMON      | G | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PINKNEY         | KATHERIN   | F     | 9POLL    | \$1.0000  | APPOINTED | YES      | 01/01/12 |
| LINGUVIC        | LINDA      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PITTMAN II      | SUNDIATA   | F     | 9POLL    | \$1.0000  | APPOINTED | YES      | 01/01/12 |
| LINS            | PRISCILL   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | POLICANO        | JAMES      | M     | 9POLL    | \$1.0000  | APPOINTED | YES      | 01/01/12 |
| LIPNITSKY       | ROBERT     | I | 9POLL | \$1.0000 | APPOINTED | YES | 02/02/12 | POLLAS          | PIERRE     | R     | 9POLL    | \$1.0000  | APPOINTED | YES      | 01/01/12 |
| LIRIANO         | BRUNILDA   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | POLLINS         | TODD       | C     | 9POLL    | \$1.0000  | APPOINTED | YES      | 02/08/12 |
| LIZARDO         | RAUL       | E | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | POOBALARAJ      | BALAMBIG   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LO CASCIO       | JUDITH S   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | POORAN          | KOMARIE    | 9POLL | \$1.0000 | APPOINTED | YES       | 02/07/12 |          |
| LOIACONO        | JOSEPH P   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | POWELL          | ROBERTA M  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LOPEZ           | ELIZABET J |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | POWELL JR       | AUVILLE B  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LOPEZ           | SILVIA     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PRAT            | VANESSA    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LOUIS           | ROSELINE   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PRAVATA         | ADRIANNE   | 9POLL | \$1.0000 | APPOINTED | YES       | 02/06/12 |          |
| LU              | JIAMIN     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PRENDERGAST     | BEVERLY A  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LU              | JIAIYING   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PRESCOTT        | MEGAN      | B     | 9POLL    | \$1.0000  | APPOINTED | YES      | 01/01/12 |
| LUI             | KAWI NAM   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PROTANO         | RALPH D    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LUNA            | MARIA E    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | PURDY           | JOHN A     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| LUTT            | DANA B     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | QIAN            | ROGER      | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MA              | MINDY      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | QUINTON         | ADOLPHUS K | 9POLL | \$1.0000 | APPOINTED | YES       | 02/10/12 |          |
| MABROUK         | SHAREEF A  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | QURESHI         | MUHAMMAD S | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MACKAY          | PATRICIA A |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RABAYEVA        | DIANA      | 9POLL | \$1.0000 | APPOINTED | YES       | 02/09/12 |          |
| MADHOO          | RAMEEZA    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RABAYEVA        | KHIVIT     | 9POLL | \$1.0000 | APPOINTED | YES       | 02/09/12 |          |
| MAGLIOCCO       | AMANDA     |   | 9POLL | \$1.0000 | APPOINTED | YES | 02/10/12 | RACHKO          | THOMAS J   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MAHMUD          | FARIHA N   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RADKAR          | RADHA A    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MALDONADO       | ANTHONY    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAHIM           | SUBHANA    | 9POLL | \$1.0000 | APPOINTED | YES       | 02/03/12 |          |
| MALDONADO       | FAUSTO R   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAHMAN          | MUSTAFIZ   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MALDONADO       | MARTHA F   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAI             | IRENE B    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MANN            | TANYA Y    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAMLALL         | RAOCHAN    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MARASCH         | AMANDA N   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAMOS           | LIZ A      | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MARKS           | JALEH      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RANDALL         | SHANNON    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MARRERO         | SAM J      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RASHID          | AM R       | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MARTINEZ        | MARIAN     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAU             | PING F     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MARTINEZ        | MONICA G   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RAVENELL        | CRYSTAL M  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MARTINEZ III    | ANDRES     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | REED-SUTTON     | BERNICE D  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MASON           | KYLE       |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | REID            | TERRY      | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MATEO           | TYISHA M   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | REIS            | JASON J    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MAYZENBERG      | TAMIKA     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RENAUD          | RAQUEL A   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCALLISTER      | TIFFANY N  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | REY             | NAYDA      | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCBRIDE         | ALEXANDE A |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | REYNOSO         | EBONY A    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCCANN          | NORAH      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RHEE            | JOSEPH K   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCCORMICK       | RITA       |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RHOCK           | SHEILA V   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCFADDEN        | CONNIE     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RIBAS           | MARIA A    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCGARVEY        | MARY KAY L |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RICCIO          | MICHAEL J  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCGEE           | CARLTON D  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RICHARDS        | SHARICE C  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/30/12 |          |
| MCGE            | CORY       |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RINGEL          | HILDEGAR K | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCLAURIN        | TONY       |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RITTER          | CAROLYN S  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCCNEILL        | LORRAINE M |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RIVERA          | ARACELIS   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCPHERSON       | KEVEN D    |   | 9POLL | \$1.0000 | APPOINTED | YES | 02/10/12 | RIVERA          | BRENDA I   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCSWEEN         | DACHELL R  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RIVERA          | EDWARD     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCWAYNE         | ESTHER R   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RIVERA          | FRANCHES T | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MCWILLIS        | EARLINE D  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RIVERA          | GREGGIO    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MELENDEZ        | CARLOS     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROBERSON        | JEFFREY    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MELILLO         | LOUISE T   |   | 9POLL | \$1.0000 | APPOINTED | YES | 02/06/12 | ROBERTS         | GERARD B   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MENARD          | GERALDA    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROBERTSON-WILLI | ASHLEY A   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MENDEZ          | NORGA      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROBINSON        | JIMMIE L   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MENEZES         | DIEGO V    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROCA            | CINDY A    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MENZE           | PAUL       |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RODNEY          | NYESHA S   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MERCED          | SOCORRO    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RODRIGUES       | SHANELLE   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MEYERS          | BENJAMIN E |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RODRIGUEZ       | AIDA L     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MICHAEL         | JOHANNA E  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RODRIGUEZ       | JOSE L     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MILLER          | DIANE J    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RODRIGUEZ SR    | GILBERTO   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MILLER          | FLORENCE C |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROJAS           | RUTH E     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MILLER          | IRVING     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROMALIS         | CARL       | 9POLL | \$1.0000 | APPOINTED | YES       | 02/03/12 |          |
| MILLER          | RHONDA E   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROMERO          | JUAN       | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MILLER          | SHARON K   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROMERO          | LAURA V    | 9POLL | \$1.0000 | APPOINTED | YES       | 02/07/12 |          |
| MILLER          | TABITHA N  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RONGA           | ADRIENNE V | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MINZENBERG      | ROSS A     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROSA            | LEILANI M  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MITCHELL        | VINCENT    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROSARIO         | JOSARANN L | 9POLL | \$1.0000 | APPOINTED | YES       | 02/01/12 |          |
| MOHAMED         | FATIMA S   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROSE            | JOAN C     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MOID            | ABDUL      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROSENBERG       | MARK L     | 9POLL | \$1.0000 | APPOINTED | YES       | 02/09/12 |          |
| MOLLETTE        | RICHARD    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROSI            | FATJET     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MOLLISON        | LAWRENCE E |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROSSMAN         | SHERI R    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MONCLOVA        | CORPA M    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROTHERMEL       | THOMAS S   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MONCRIEFFE      | MAXINE A   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROTHMAN         | ISAAC      | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MONTALVO        | GILBERT    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROTOLO          | FRANCIS J  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MONTANARO       | KAREN R    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | ROZENBERG       | ALEXANDE   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MONTERO         | VELE       |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RUBINSTEIN      | JUDITH     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MOORE           | RAVEN C    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RUIZ            | MONICA     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MORELAND        | DIANE      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | RUTRICK         | DAVID S    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MORERA          | KEVIN      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SADIA           | FARNAJ     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MORGAN          | JEANETTE R |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SADDO           | DEODAT H   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MORRIS-HOLLOWAY | VIVIAN     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SAHADEO         | VEJAI L    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MORRISSETTE     | JOHN W     |   | 9POLL | \$1.0000 | APPOINTED | YES | 02/06/12 | SAHLI           | JOEL       | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MOTTO           | SALVATOR R |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SAINI           | RUPINDER K | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MULLAN          | EILEEN P   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SALAHUDDIN      | MOHAMMED   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MULLIN          | LOUISE A   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SALDANA         | VICTOR W   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MULLINS         | ROBERT C   |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SALISBURY       | GINA M     | 9POLL | \$1.0000 | APPOINTED | YES       | 02/01/12 |          |
| MUNIZ           | HAYDEE     |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SALISBURY       | RAYMOND J  | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MUNOZ           | SASHA G    |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SANCHEZ         | NARCELO    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MURAD           | RAFIQUL I  |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SANICHAIR       | ROCKMINI   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MURPHY          | JULIE M    |   | 9POLL | \$1.0000 | APPOINTED | YES | 02/06/12 | SANTANA         | MICHELLE   | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MURPHY          | PAUL T     |   | 9POLL | \$1.0000 | APPOINTED | YES | 02/06/12 | SANTIAGO        | DAVID      | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MURRELL         | NEDRA      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SANTIAGO        | JOANNE     | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MURRIA          | NEYDA      |   | 9POLL | \$1.0000 | APPOINTED | YES | 01/01/12 | SANTIAGO        | LETICIA    | 9POLL | \$1.0000 | APPOINTED | YES       | 01/01/12 |          |
| MUSFIQUR        | RAH        |   |       |          |           |     |          |                 |            |       |          |           |           |          |          |

| NAME                     | TITLE | NUM      | SALARY    | ACTION | PROV     | EFF DATE |
|--------------------------|-------|----------|-----------|--------|----------|----------|
| TAN TERESA J             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TANG ANGELLYN            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TANG TONY                | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TANVEER KHALED           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TASNIM ZARIN             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TATTENBAUM MYRA T        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TELFAR JOHN H            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TERRY ALMEDA R           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THAPAR PUNEET            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THIAM OUSMANE            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMAS CHARLES W         | 9POLL | \$1.0000 | APPOINTED | YES    | 02/02/12 |          |
| THOMAS DOUGLAS           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMAS JANESSA M         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMAS VERONICA B        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMASAND MARIA          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMPSON BRENDA S        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMPSON EARL G          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMPSON EDWARD          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| THOMS JACQUELI A         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TODD LINDSAY             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TOLBERT LISA A           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TONG CASEY A             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TORRES KHALIL C          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TORRES MIRIAM            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TOURE CHEICK G           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TOUSSAINT MAURICIO       | 9POLL | \$1.0000 | APPOINTED | YES    | 02/08/12 |          |
| TOW WIN-SIE              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TOWNES EVERDINE          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TOWNSEND LINDA A         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TRAN LETHU T             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TRAVIS BARRY             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TREJO RITA G             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TRENTCHEU YVETTE         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TRINIDAD MARIA           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TROIANO DARLENE          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TROTMAN SHANTE I         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TRUPIA JOSEPH R          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TSE YUET HAW             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TSUI ALLEN S             | 9POLL | \$1.0000 | APPOINTED | YES    | 02/01/12 |          |
| TUCKER ROOSEVEL N        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TURNER DESHAUNA          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| TURNER MARK A            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ULMER ESSENCE I          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| URENA ARIDIA M           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| USHOMIRSKIY YEVGENIY     | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| UVENCE MILKA M           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VALENTIN SUZZETTE        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VARGAS ANDREA D          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VARGAS JONATHAN          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/30/12 |          |
| VAS NUNES HENRY J        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VASQUEZ YOCATI M         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VEGA AWILDA              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VELEZ TAI SHA M          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VENITO LEONARD G         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VENKERSAMMY WYNETTE      | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VERDERAME JOSEPHIN       | 9POLL | \$1.0000 | APPOINTED | YES    | 02/09/12 |          |
| VERMA MANJU B            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VERMA MEERA J            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VERNON MICHAEL A         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VERVOORDT LINDA          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VIGIL SHARON             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VIGIL JOSE S             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VIGLIANO DANIEL R        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VILLALOBOS CARLOS N      | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VILLEDA ADA L            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VON BEEN ALEXANDR        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| VYAS AMAR                | 9POLL | \$1.0000 | APPOINTED | YES    | 01/02/12 |          |
| WALKER ILAURA P          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WALKER SANDRA J          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WALKER-BETTIS NAKITA S   | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WALKER-WINSTON JASMINE J | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WANG LEI                 | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WANG VIVIAN H            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WARD NEVILLE S           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WARD IV RODNEY C         | 9POLL | \$1.0000 | APPOINTED | YES    | 02/09/12 |          |
| WARING MALINGRI ELNORA   | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WARREN WANDA J           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WASHINGTON MARY B        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WASHINGTON PAM D         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WATERMAN MAXWELL C       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WEBBER ALLISHA S         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WECHTER ALLEN            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WEINBERG JOAN            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WEINOWITZ JESSICA N      | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WELLS OMAREO D           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WEST JULIAN M            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WESTON EDITH R           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WESTON LARANDA R         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WHITE DONNIE T           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WHITE PATRICIA           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WHITE SHAWNELL T         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WHITEHEAD GEORGE A       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WIELINSKI SANDRA M       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WIGGINS CAROL J          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WIJAYA ENNY              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS BEVERLY D       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS DANA            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS INGRID          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS JENNIFER        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS ROSLYN R        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS VALERIE A       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILLIAMS VIRGIL          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILSON ALBERT            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILSON CAROL B           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WILSON JOYCE             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WINTER JOAN M            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WISE MARSHALL M          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WITHERSPOON LAVOUNE L    | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WOLFSON ELI              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WOLKOFF ARLENE S L       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WONG JOE-YEE             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WOODS JOHN T             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WRAY SHANA M             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WRIGHT ANNETTE           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WU MEI ZHEN              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WU YI                    | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WUNDER EUGENE R          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WUSKLE SUSAN E           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| WYNNE NICOLE J           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/10/12 |          |
| YABGUNICH ANDREY         | 9POLL | \$1.0000 | APPOINTED | YES    | 02/09/12 |          |
| YANKOVICH NIDIA G        | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YANOVSKAYA LYUDMILA      | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YANOVSKIY ALEKSAND       | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YAU KAM YU               | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YIFENG WANG              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YOUNG ANDREW             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YOUNG DOROTHY M          | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YOUNG HELEN V            | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| YU LENA                  | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZAMATY HELEN             | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZARADIC IDA              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZERNER CRAIG A           | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZHANG XIJIN              | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZHU RIHUI                | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZOMBORI MONICA E         | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |
| ZOU SHARON               | 9POLL | \$1.0000 | APPOINTED | YES    | 01/01/12 |          |

CONFLICTS OF INTEREST BOARD FOR PERIOD ENDING 02/17/12

| NAME            | TITLE | NUM           | SALARY    | ACTION | PROV     | EFF DATE |
|-----------------|-------|---------------|-----------|--------|----------|----------|
| BHAGWANT VARUNI | 10026 | \$95000.0000  | INCREASE  | YES    | 02/01/12 |          |
| BHAGWANT VARUNI | 1022A | \$71449.0000  | APPOINTED | NO     | 02/01/12 |          |
| O' MALLEY UTE   | 10026 | \$112788.0000 | RETIRED   | YES    | 02/01/12 |          |

OFFICE OF COLLECTIVE BARGAINING FOR PERIOD ENDING 02/17/12

| NAME             | TITLE | NUM          | SALARY  | ACTION | PROV     | EFF DATE |
|------------------|-------|--------------|---------|--------|----------|----------|
| POPELL BEVERLY M | 13327 | \$71000.0000 | RETIRED | YES    | 01/01/12 |          |

QUEENS COMMUNITY BOARD #3 FOR PERIOD ENDING 02/17/12

| NAME               | TITLE | NUM          | SALARY   | ACTION | PROV     | EFF DATE |
|--------------------|-------|--------------|----------|--------|----------|----------|
| HOWARD KEISHA M    | 56056 | \$27421.0000 | INCREASE | YES    | 01/01/12 |          |
| MCGINLEY SABRINA K | 56056 | \$27421.0000 | INCREASE | YES    | 01/01/12 |          |
| REID GIOVANNA      | 56086 | \$83342.0000 | INCREASE | YES    | 07/01/11 |          |

| COMMUNITY COLLEGE (CUNY) FOR PERIOD ENDING 02/17/12 |       |               |           |        |          |          |
|---|-------|---------------|-----------|--------|----------|----------|
| NAME  | TITLE | NUM           | SALARY    | ACTION | PROV     | EFF DATE |
| HODA-KEARSE REBECCA                                 | 04097 | \$109087.0000 | APPOINTED | YES    | 02/05/12 |          |
| MICKELSON JEFFREY N                                 | 04090 | \$57375.0000  | APPOINTED | YES    | 01/27/12 |          |
| SO SOPHEA C   | 04099 | \$61903.0000  | APPOINTED | YES    | 02/05/12 |          |

  

| COMMUNITY COLLEGE (BRONX) FOR PERIOD ENDING 02/17/12 |       |              |           |        |          |          |
|--|-------|--------------|-----------|--------|----------|----------|
| NAME   | TITLE | NUM          | SALARY    | ACTION | PROV     | EFF DATE |
| ADDAI-MUNUNKUM AMPONASH                              | 10102 | \$10.4000    | APPOINTED | YES    | 02/01/12 |          |
| ADEBOLA ADIJAT                                       | 04008 | \$51195.0000 | APPOINTED | YES    | 01/27/12 |          |
| AGYEI SAMUEL A                                       | 04294 | \$36.4725    | APPOINTED | YES    | 01/29/12 |          |
| ALBUQUERQUE LUCIANO                                  | 04096 | \$51568.0000 | APPOINTED | YES    | 01/27/12 |          |
| ALEJO PEREZ BRIAN C                                  | 10102 | \$10.0000    | APPOINTED | YES    | 01/30/12 |          |
| BEGA ANETA   | 04294 | \$85.1025    | APPOINTED | YES    | 01/29/12 |          |
| BROOKS DEBRA A                                       | 04625 | \$37.7500    | APPOINTED | YES    | 01/24/12 |          |
| BROTMAN MICHELLE S                                   | 10102 | \$10.0000    | APPOINTED | YES    | 01/27/12 |          |
| CAPELLAN JOEL  | 04294 | \$36.4725    | APPOINTED | YES    | 01/29/12 |          |
| CASTELLON JESSICA                                    | 04294 | \$60.7875    | APPOINTED | YES    | 01/29/12 |          |
| CLARK TONY C   | 04096 | \$54241.0000 | APPOINTED | YES    | 01/27/12 |          |
| CLARKE MATTHEW                                       | 04294 | \$48.6300    | APPOINTED | YES    | 01/29/12 |          |
| CONDON CATILIN C                                     | 04294 | \$85.1025    | APPOINTED | YES    | 01/29/12 |          |
| CONLEY TARA  | 04294 | \$85.1025    | APPOINTED | YES    | 01/29/12 |          |
| CROWE WRENN L  | 04688 | \$38.9100    | APPOINTED | YES    | 01/27/12 |          |
| DOYLE BETTY P  | 04294 | \$24.3150    | APPOINTED | YES    | 01/29/12 |          |
| DRIEVER JULIANA                                      | 04294 | \$50.5650    | APPOINTED | YES    | 01/29/12 |          |
| ELTON WILLIAM  | 04293 | \$36.4725    | APPOINTED | YES    | 01/29/12 |          |
| FANNING CHRISTOP                                     | 04294 | \$110.2950   | APPOINTED | YES    | 01/29/12 |          |
| FERDMAN BERTHA C                                     | 04293 | \$24.3150    | APPOINTED | YES    | 01/29/12 |          |
| GEORGE ERNEST  | 04294 | \$96.5081    | APPOINTED | YES    | 01/29/12 |          |
| GILBERTI ROSANNA R                                   | 04294 | \$36.4725    | APPOINTED | YES    | 01/29/12 |          |
| GONZALEZ GULLERM                                     | 04293 | \$109.4175   | APPOINTED | YES    | 01/29/12 |          |
| GRIFFITH DOROTHY                                     | 04293 | \$55.1475    | APPOINTED | YES    | 01/29/12 |          |
| GUERRERO GINO D                                      | 04294 |              |           |        |          |          |