



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, 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

HEARINGS

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, JUNE 9, 2010 AT 10:30 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

Council Recommendation

● **Pre-considered M**, Victoria Sammartino, a candidate for recommendation by the Council to the Youth Board, pursuant to § 734 of the *New York City Charter*. If Ms. Sammartino is recommended by the Council and subsequently appointed by the Mayor, she will be eligible to serve for an undefined term.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
City Clerk, Clerk of the Council

j4-9

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, June 9, 2010, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN

No. 1

BROOKLYN TERMINAL MARKET

CD 18 C 090376 PPK
IN THE MATTER OF an application submitted by the Department of Small Business Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 8201 Foster Avenue (Block 7920, Lots 20 and 25), in the Brooklyn Terminal Market, pursuant to zoning.

No. 2

470 VANDERBILT AVENUE OFFICE SPACE

CD 2 N 100390 PXX
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 470 Vanderbilt Avenue (Block 2009, Lot 1) (Human Resources Administration).

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

m26-j9

CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

The Civilian Complaint Review Board's monthly public meeting has been scheduled for Wednesday, June 9, 2010 at 10:00 A.M. at 40 Rector Street, 2nd Floor, New York, NY 10006.

j3-16

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO 11 - Monday, June 7, 2010 at 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

#C 100409ZMQ

An application by the New York City Department of City Planning to rezone the areas of Hollis Hills, Oakland Gardens, and parts of Auburndale in Queens.

j1-7

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 06 - Wednesday, June 9, 2010 at 6:30 P.M., Community School 211, 1919 Prospect Avenue, (between E. Tremont and East 176th St.), Bronx, New York

#C 100407ZMX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 3c and 3d.

j3-9

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 03 - Tuesday, June 8, 2010, 6:00

P.M., 1426 Boston Road, (near Prospect Ave. and East 170th St.) Bronx, NY

#C 070550ZMX

IN THE MATTER of an application submitted by High Hawk, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from a C8-3 district to an R7-1 district property bounded by Boston Road, Hoe Avenue, and East 174th Street.

j2-8

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

BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 01 - Monday, June 7, 2010, 8:00 P.M., Community Board Office, 1 Edgewater Plaza - Suite #217, Staten Island, New York

Agenda

BSA 44-99-BZ

Application has been submitted to extend the term of a variance in an R3A zoning district, and waive the Rules of Practice and Procedure due to the fact that the variance expired on February 1, 2010 at 194 Brighton Avenue.

#N 100250ZAR

Application has been submitted to authorize disturbance of steep slope, modify tree preservation requirements and modify lot coverage controls on a tier I site in order to facilitate the construction on an in-ground swimming pool and relocate retaining walls within the Special Hillside Preservation District at 294 Howard Avenue.

#N 100284ZRY

Application submitted to create regulations to allow car share vehicles to park in off-street accessory garages, lots and in public parking facilities in all zoning districts.

j1-7

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 03 - Monday, June 7, 2010, 6:30 P.M., University Settlement - (Speyer Hall), 184 Eldridge Street (Rivington and Delancey Streets), New York, NY

Land Use/Zoning/Public and Private Housing Committee
Third Avenue Corridor Rezoning:

#N 100419ZRM

Zoning map and text amendments for the area bounded by East 9th Street and East 13th Street between 3rd Avenue and 4th Avenue, and including the east side block frontage on 3rd Avenue between East 9th and East 13th, zoning text amendment to make the Inclusionary Housing Program applicable within the proposed rezoning area.

#100420ZMM

Zoning map amendment to rezone an existing C6-1 district to a C6-2A district.

j1-7

CONSUMER AFFAIRS

PUBLIC HEARING

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, June 9, 2010, at 2:00 P.M., at 66 John Street, 11th Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 1226 Second Avenue Realty Corp.
1226 Second Avenue, in the Borough of Manhattan (To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 2) 1326 Restaurant, LLC
1326 Second Avenue, in the Borough of Manhattan (To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 3) 16th Street BBQ, LLC
114-116 East 16th Street, in the Borough of Manhattan (To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 4) 212 Lafayette Associates, LLC
212 Lafayette Street, in the Borough of Manhattan
(To establish,, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 5) 243 Dekalb Rest Corp.
243 Dekalb Avenue, in the Borough of Brooklyn
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) 4 Runners, Inc.
310 West 14th Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 7) 611 Hudson Street Corp.
611 Hudson Street, in the Borough of Manhattan
(To establish,, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 8) 8868 Corp.
1492 Second Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 9) 892 Restaurant Corp.
1715 Second Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 10) Aven B Buon Gusto Corp.
76th Avenue B, in the Borough of Manhattan
(To establish,, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 11) Bleecker Trattoria, Inc.
232 Bleecker Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 12) Chelsea 26 LLC
249 West 26th Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 13) Dale Restaurtant Inc.
189 West 231st Street, in the Borough of the Bronx
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 14) E. A. T. Is Owned by Elizabar, Inc.
1064 Madison Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 15) East Pub Inc.
359-361 Broadway, in the Borough of Manhattan
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 16) Erjo Company LLC
285 Mott Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 17) RS Enterprises Inc.
44 West 63rd Street, in the Borough of Manhattan
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 18) Focacceria LTD
87 Mcdougal Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 19) Gallo Nero, Inc.
185 Bleecker Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 20) Groove Enterprises, Inc.
125 Mcdougal Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 21) Hailey Grace Corp.
1708 Second Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 22) Heledona Inc.
200 West 60th Street, in the Borough of Manhattan
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 23) India Foods International Inc.
2791 Broadway, in the Borough of Manhattan
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 24) ITM Garden, Inc.
10 Little West 12 Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 25) Kebab Garden, Inc.
128 First Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 26) Larry Kevin K Corp.
751 9th Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 27) Little Cupcake Corp.
9102 3rd Avenue, in the Borough of Brooklyn
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 28) M & M 28th St. Restaurant LLC
382 8th Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 29) Madison Entertainment Associate LLC
625 Madison Avenue, in the Borough of Manhattan
(To establish,, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 30) MNY-Chelsea LLC
112 Seventh Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 31) Moz Restaurant Inc.
581 Hudson Street, in the Borough of Manhattan
(To establish,, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 32) Nera Corp.
145 Avenue A, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 33) Piu Bello, Inc.
70-09 Austin Street, in the Borough of Queens
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 34) Porto Restaurant, Inc.
574 6th Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 35) Seventh Avenue Tomato, Inc.
209 7th Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 36) Sharaku Inc.
14 Stuyvesant Street, in the Borough of Manhattan
(To establish,, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 37) Skibereen Bar, Inc.
1672 3rd Avenue, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 38) Smorgas Chef West Village LLC
283 West 12th Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 39) Think Bleecker, LLC
1st Bleecker Street, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 40) Tokyo Pop, LLC
2728 Broadway, in the Borough of Manhattan
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 41) Verdi Square, LLC
935 Columbus Avenue, in the Borough of Manhattan
(To establish,, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 42) Westville Restaurant, Inc.
173 Avenue A, in the Borough of Manhattan
(To establish,, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 43) Woodhaven Blvd. Rest., Inc.
63-98 Woodhaven Boulevard, in the Borough of Queens
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)

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

j4

EMPLOYEES' RETIREMENT SYSTEM

MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, June 10, 2010 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

j3-9

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, June 9, 2010 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

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

m28-j9

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **June 15, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-7117 - Block 8057, lot 14-22 West Drive, aka 37-22 West Drive - Douglaston Historic District
An English Cottage style freestanding house designed by Frank J. Forster and built in 1936. Application is to construct an addition and dormer and modify masonry openings.
Zoned R1-1

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7788 - Block 276, lot 16-169 Atlantic Avenue - Brooklyn Heights Historic District

A modern commercial style building built 1976-77. Application is to install awnings and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5767 - Block 1151, lot 13-162 St. Marks Avenue - Prospect Heights Historic District
A neo-Grec style rowhouse built c.1879. Application is to legalize painting the facade, stoop, areaway wall and steps and removing a bluestone sidewalk and areaway pavers without Landmarks Preservation Commission permits.

BINDING REPORT
BOROUGH OF BROOKLYN 10-4900 - Block 8502, lot 20-1940 East 36th Street - Hendrick I. Lott House- Individual Landmark
A Dutch Colonial style wood-frame house built in 1800, incorporating a structure built in 1720. Application is to install fencing, alter circulation paths, construct outbuildings and a barrier-free access ramp.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5269 - Block 1680, lot 19-250 Decatur Street - Stuyvesant Heights Historic District
A Romanesque Revival style rowhouse with Renaissance Revival style elements designed by Magnus Dalander & Associates and built in 1894-97. Application is to legalize the installation of stoop railings and a lamppost without Landmarks Preservation Commission permits.

BINDING REPORT
BOROUGH OF MANHATTAN 10-7128 - Block 122, lot 1-City Hall- Individual and Interior Landmark-African Burial Ground and Commons Historic District
A Federal style government building designed by Mangin and McComb and built between 1802 and 1811. Application is to install rooftop mechanical equipment, modify interior and exterior stairs, install fire suppression equipment and alter an areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7832 - Block 21, lot 6-71 Broadway - Empire Building-Individual Landmark
A neo-Classical style office building designed by Kimball & Thompson and built in 1897-98. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8866 - Block 46, lot 9-14 Wall Street - 14 Wall Street Building - Individual Landmark
A Classical Revival style office building designed by Trowbridge & Livingston, and built in 1910-12, with a Modern Classic style addition designed by Shreve, Lamb & Harmon and built in 1931-33. Application is to install two escalators, modify storefront infill and install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7083 - Block 483, lot 29-54 Crosby Street - SoHo-Cast Iron Historic District
A two-story building altered in 1980. Application is to enlarge the ground floor opening and install new infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8384 - Block 572, lot 11-62 West 9th Street - Greenwich Village Historic District
A Greek Revival style rowhouse built in 1839, with a ground floor storefront. Application is to legalize the installation of lighting and a related housing, and artificial ivy secured to the façade without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7288 - Block 615, lot 62-30 Jane Street - Greenwich Village Historic District
A stable building built in 1870. Application is to paint the facade and install a display window.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7964 - Block 634, lot 60-581 Hudson Street - Greenwich Village Historic District
A brick apartment house with a commercial ground floor built in 1873. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8714 - Block 506, lot 53-27 Vandam Street - Charlton -King-Vandam Historic District
A Federal style rowhouse built in 1823. Application is to remove lintel covers, construct rooftop and rear yard additions, and excavate the rear yard. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7801 - Block 646, lot 30-420 West 14th Street - Gansevoort Market Historic District
A neo-Classical style store-and-loft building designed by Thomas H. Styles and built in 1903-04. Application is to establish a master plan governing the future installation of storefronts infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3959 - Block 848, lot 14-893 Broadway, aka 13 East 19th Street - Ladies' Mile Historic District
A neo-Grec style converted shop and dwelling built in 1844, altered in 1873-74 and altered again in 1975. Application is to alter the facade and replace storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6943 - Block 1274, lot 25-768-770 Fifth Avenue - Plaza Hotel-Individual and Interior Landmark
A French Renaissance style hotel designed by Henry J. Hardenberg and built in 1905-07, with an addition designed by Warren and Wetmore and built in 1921. Application is to alter stairs and replace railings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8687 - Block 1264, lot 5-1 Rockefeller Plaza-Rockefeller Center - Individual Landmark
An Art Deco style office tower, designed by L. Andrew Reinhard and Wallace K. Harrison of the Associated Architects and built in 1936-37 as part of the Rockefeller Center complex. Application is to alter storefront infill and install planters.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8922 - Block 1257, lot 1-476 Fifth Avenue - The New York Public Library - Individual and Interior Landmark
A Beaux-Arts style library building designed by Carrere & Hastings and built in 1898-1911. Application is to install lighting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-2827 - Block 1228, lot 33-428 Amsterdam Avenue - Upper West Side/Central Park West Historic District
A Renaissance Revival style building designed by Henry F. Cook and built in 1896-97. Application is to install storefront infill and signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7983 - Block 1127, lot 1
301 Columbus Avenue - Upper West Side/Central Park West
Historic District
A Romanesque Revival style flats building designed by
Gilbert A. Schellenger and built in 1890-91. Application is to
install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6344 - Block 1121, lot 39-
14 West 69th Street - Upper West Side/Central Park West
Historic District
A Renaissance Revival style rowhouse designed by Gilbert A.
Schellenger and built in 1896. Application is to alter the
areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8871 - Block 1144, lot
7501-
105 West 72nd Street - Upper West Side/Central Park West
Historic District
A neo-Renaissance style apartment building with
Churrigueresque style elements designed by George and
Edward Blum and built in 1913. Application is to recreate a
balcony that was removed without Landmarks Preservation
Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4691 - Block 1127, lot 18-
27 West 74th Street - Upper West Side/Central Park West
Historic District
A Renaissance Revival style rowhouse, designed by John H.
Duncan, and built in 1889-90. Application is to alter the stoop
and areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3560- Block 1167, lot 29-
201 West 75th Street, aka 318-330 Amsterdam Avenue -
New York Cab Company Stable - Individual Landmark
A Romanesque Revival style commercial stable building
designed by C. Abbott French and built in 1888-90.
Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7373 - Block 1128, lot 18-
25 West 75th Street - Upper West Side/Central Park West
Historic District
A Renaissance Revival style rowhouse designed by George M.
Walgrove and built in 1892-93. Application is to alter the
basement entrance.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8591 - Block 1416, lot 7-
211 East 61st Street - Treadwell Farms Historic District
A rowhouse built in 1875, and altered in the English Regency
style, between 1940 and 1966. Application is to alter the
primary façade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3999 - Block 1381, lot 7504 -
21 East 66th Street - Upper East Side Historic District
A neo-Gothic style apartment building designed by Fred F.
French Company and built in 1921. Application is to
construct a rooftop addition. Zoned C5-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8711 - Block 1385, lot 1-
1 East 70th Street - Henry Clay & Adelaide Childs Frick
House - Individual Landmark-Upper East Side Historic
District
A French Louis XVI style mansion designed by Carrere &
Hastings, built in 1913-14 and altered by John Russell Pope
in 1931-35. Application is to enclose a loggia.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BRONX 10-7906 - Block 2309, lot 1-
112 Lincoln Avenue - Estey Piano Factory Building
-Individual Landmark
A factory building designed by A.B. Ogden & Son architects,
and built in 1885-86, with later additions. Application is to
amend Certificate of Appropriateness 10-5557 to construct a
rear yard addition. Zoned M1-2/R6A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7619 - Block 1498, lot 69-
1056 Fifth Avenue - Carnegie Hill Historic District
A modern style apartment building designed by George F.
Pelham and built in 1948. Application is to install a new
window opening and to create a master plan for terrace
enclosures. Zoned R10/R8-B.

j2-15

OFFICE OF THE MAYOR

■ PUBLIC HEARING

NOTICE OF PUBLIC HEARING TO BE HELD BY THE CITY OF NEW YORK ON BEHALF OF THE OFFICE OF THE MAYOR OF THE CITY OF NEW YORK IN CONNECTION WITH REVENUE BONDS TO BE ISSUED BY THE VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

NOTICE IS HEREBY GIVEN that The City of New York on
behalf of The Mayor of The City of New York, will hold a
public hearing in connection with the issuance of tax exempt
revenue bonds described herein (the "Bonds") by The Virginia
Small Business Financing Authority at the request of, and for
the benefit of, NPPF Intermediate Funding I, LLC ("NPPF"),
a Virginia limited liability company exempt from federal
taxation pursuant to Section 501(c)(3) of the Internal
Revenue Code of 1986, as amended (the "Code"), which is in
the business of providing loans to nonprofits in furtherance of
its exempt purposes. NPPF will in turn loan the proceeds of
the Bonds to 434W33CHC, LLC, a Virginia limited liability
company (the "Borrower") exempt from federal taxation
pursuant to Section 501(c)(3) of the Code. The Borrower is a
subsidiary of Planned Parenthood Federation of America, Inc.
("PPFA"), a New York corporation exempt from federal
taxation pursuant to Section 501(c)(3) of the Code. Proceeds
of the Bonds will be used by the Borrower for the purpose of
paying all or any portion of the cost of acquiring PPFA's
headquarters, consisting of a commercial condominium unit
of approximately 103,071 square feet with approximately
seven floors, in a building located at 434 West 33rd Street,
New York, New York, which is to be leased by the Borrower to
PPFA (the "Facility"). The New York Women's Foundation,
a New York corporation exempt from federal income taxation
pursuant to Section 501(c)(3) of the Code, will also use a
portion of the Facilities as a "principal user." The Borrower
has requested that the City of New York provide "host
approval" in accordance with Section 147(f) of the Code, and
the regulations issued thereunder, in connection with the
issuance of the Bonds and the financing of the Facility.
Approval has already been obtained from the Commonwealth of
Virginia in accordance with Section 147(f) of the Code.

The Bonds will be issued by the Virginia Small Business
Financing Authority (the "Issuing Authority") pursuant to
the Virginia Small Business Financing Act, Chapter 28, Title
9, Code of Virginia of 1950, as amended, and to further the
purposes thereof, in an amount up to \$30,000,000, in one or
more series, at one time or from time to time.

Pursuant to Section 147(f) of the Code, The City of New York
will hold a hearing on the proposed financing set forth above
at the office of New York City Economic Development
Corporation ("NYCEDC") at 110 William Street, New York,
New York, commencing at 10:00 A.M. on June 18, 2010.
Interested members of the public are invited to attend.
Information will be presented at such hearing on the
proposed financing set forth above. Persons desiring to make
a brief statement regarding the proposed financing should
give prior notice to NYCEDC at the address or phone number
shown below. Written comments may be submitted to
NYCEDC to the attention of Mr. Shin Mitsugi at the address
shown below.

110 William Street, 4th Floor
New York, New York 10038

j4

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

NOTICE OF FRANCHISE AND CONCESSION REVIEW COMMITTEE PUBLIC HEARING ON AGENCY CONCESSION PLANS

Notice of a Franchise and Concession Review Committee
(FCRC) Public Hearing on Agency Concession Plans for
Fiscal Year 2011 pursuant to Section 1-10 of the Concession
Rules of the City of New York (Concession Rules), to be held
on June 7, 2010, commencing at 2:30 P.M., and located at 22
Reade Street, Barish Room, Manhattan. At this hearing, the
FCRC will further solicit comments about the provisions of
the Concession Rules from the vendor community, civic
groups and the public at large.

The following agencies submitted an Annual Concession
Plan: the Department of Parks and Recreation, the
Department of Citywide Administration Services, the
Department of Transportation, the Department of
Corrections, the Department of Probation, the New York
Police Department, the Department of Housing Preservation
and Development, the Department of Homeless Services, the
Department of Environmental Protection, the Department of
Health and Mental Hygiene, the Department of Records and
Information Services, the New York City Office of Chief
Medical Examiner, the New York City Economic
Development Corporation on behalf of the Department of
Small Business Services, and NYC & Company on behalf of
the Department of Small Business Services.

The portfolio of Agency Concession Plans covers significant
and non-significant concessions expiring, continuing and
anticipated for solicitation or initiation in Fiscal Year 2011.
Furthermore, the portfolio covers:

- Department of Parks and Recreation: mobile food
units, food service facilities, golf courses, driving
ranges, marinas, tennis professionals, Christmas
trees, parking lots, markets, concerts, newsstands,
stables, gas stations, amusement venues, ice
skating rinks, carousels, ferry services, bike
rentals, circus, sailboat rentals, souvenirs and gifts.
- Department of Citywide Administrative Services:
maritime and non-maritime occupancy permits.
- Department of Transportation: food kiosks, vending
machines, pedestrian plazas, food courts.
- Department of Corrections: commissary services,
food court, lockers.
- Department of Probation: advertising and
marketing software.
- New York City Police Department: vending
machines.
- Department of Housing Preservation and
Development: vending machines.
- Department of Homeless Services: athletic
facilities.
- Department of Environmental Protection: gas
purification.
- Department of Health and Mental Hygiene: drug
discount card program, café.
- Department of Records and Information Services:
publication of record collections.
- New York City Office of the Chief Medical
Examiner: DNA swab kit.
- New York City Economic Development Corporation
on behalf of the Department of Small Business
Service: parking lots, maritime and non-maritime
occupancy permits.
- NYC & Company on behalf of the Department of
Small Business Services: marketing, advertising,
intellectual property & trademark merchandising.

Interested parties may obtain a copy of the Agency
Concession Plans by contacting Adam Buchanan by phone at
(212) 788-0023 or via email at abuchanan@cityhall.nyc.gov.
Hard copies will be provided at a cost of \$.25 per page by
check or money order made payable to the New York City
Department of Finance. Upon request, a PDF version of the
Agency Concession Plans is available free of cost. The FCRC
shall consider the issues raised at the Public Hearing in
accordance with the procedures set forth in the Charter
under the City Administrative Procedure Act.

m21-j7

RENT GUIDELINES BOARD

■ NOTICE

**NOTICE IS HEREBY GIVEN THAT THE NEW YORK CITY
RENT GUIDELINES BOARD** will hold a public hearing on
Tuesday, **June 15, 2010** at the LaGuardia Performing Arts
Center, 31-10 Thomson Avenue (use entrance on Van Dam
Street, just north of 47 Ave), Long Island City, NY, 11101 to
consider public comments concerning rent adjustments for
renewal leases for apartments, lofts, hotels and other housing
units subject to the Rent Stabilization Law of 1969 and the
Emergency Tenant Protection Act of 1974. These
adjustments will affect renewal leases commencing between
October 1, 2010 through September 30, 2011.

Public comments regarding proposed rent adjustments for
rent stabilized apartments, lofts, and hotels (including class

A and class B hotels, SROs, rooming houses and lodging
houses) will take place between the hours of **4:00 P.M. and
10:00 P.M.** on Tuesday, **June 15, 2010**. Registration of
speakers is required and pre-registration is now being
accepted and is advised. Pre-registration requests for the
hearing must be received before 1:00 P.M. on Monday, **June
14, 2010**. For further information and to pre-register for the
public hearing call the Board at (212) 385-2934 or write to
the Rent Guidelines Board, 51 Chambers Street, Rm. 202,
New York, NY 10007. Persons who request that a sign
language interpreter or other form of reasonable
accommodation for a disability be provided at the hearing are
requested to notify Ms. Charmaine Superville at the above
address by **June 4, 2010** by 4:30 P.M.

Proposed rent guidelines for all of the above classes of
stabilized housing units were adopted on **May 5, 2010** and
published in the City Record on **May 12, 2010**. Copies of the
proposed guidelines are available from the Rent Guidelines
Board staff office at the above listed address and at the
Board's website: housingnyc.com.

j3-14

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the
following proposed revocable consents, have been scheduled
for a public hearing by the New York City Department of
Transportation. The hearing will be held at 55 Water Street,
9th Floor, Room 945 commencing at 2:00 p.m. on Wednesday,
June 23, 2010. Interested parties can obtain copies of
proposed agreements or request sign-language interpreters
(with at least seven days prior notice) at 55 Water Street, 9th
Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing
4 St. Luke's Place Inc. to continue to maintain and use a
fenced-in area on the north sidewalk of St. Luke's Place, east
of Hudson Street, in the Borough of Manhattan. The
proposed revocable consent is for a term of ten years from
July 1, 2010 to June 30, 2020 and provides, among other
terms and conditions, for compensation payable to the City
according to the following schedule:

For the period July 1, 2010 to June 30, 2020 - \$25/annum

the maintenance of a security deposit in the sum of \$2,000
and the filing of an insurance policy in the minimum amount
of \$250,000/\$1,000,000 for bodily injury and property damage
for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing
The Iris Foundation to continue to maintain and use a
conduit under, across and along West 86th Street, between
Central Park West and Columbus Avenue, in the Borough of
Manhattan. The proposed revocable consent is for a term of
ten years from July 1, 2010 to June 30, 2020 and provides,
among other terms and conditions, for compensation payable
to the City according to the following schedule:

For the period July 1, 2010 to June 30, 2011 - \$6,995
For the period July 1, 2011 to June 30, 2012 - \$7,199
For the period July 1, 2012 to June 30, 2013 - \$7,403
For the period July 1, 2013 to June 30, 2014 - \$7,607
For the period July 1, 2014 to June 30, 2015 - \$7,811
For the period July 1, 2015 to June 30, 2016 - \$8,015
For the period July 1, 2016 to June 30, 2017 - \$8,219
For the period July 1, 2017 to June 30, 2018 - \$8,423
For the period July 1, 2018 to June 30, 2019 - \$8,627
For the period July 1, 2019 to June 30, 2020 - \$8,831

the maintenance of a security deposit in the sum of \$8,900
and the filing of an insurance policy in the minimum amount
of \$250,000/\$1,000,000 for bodily injury and property damage
for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing
New York University to construct, maintain and use two
additional conduits under and across West 4th Street, west of
Mercer Street, in the Borough of Manhattan. The proposed
revocable consent is for a term of four years from the date of
approval by the Mayor to June 30, 2014 and provides among
other terms and conditions for the compensation payable to
the City according to the following schedule:

From the approval date to June 30, 2011 - \$14,569 + \$4,975/
annum (prorated from the date of Approval by the Mayor)
For the period July 1, 2011 to June 30, 2012 - \$20,002
For the period July 1, 2012 to June 30, 2013 - \$20,460
For the period July 1, 2013 to June 30, 2014 - \$20,918

the filing of an insurance policy in the minimum amount of
\$250,000/\$1,000,000 for bodily injury and property damage
for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing
Citibank, N.A. to continue to maintain and use removable
railings on the south sidewalk of 44th Drive and north
sidewalk of 45th Avenue, between 23rd Street and Jackson
Avenue, and on the northwest sidewalk of Jackson Avenue,
northeast of 45th Avenue, in the Borough of Queens. The
proposed revocable consent is for a term of ten years from
July 1, 2007 to June 30, 2017 and provide among other terms
and conditions for the compensation payable to the City
according to the following schedule.

For the period July 1, 2007 to June 30, 2008 - \$2,492
For the period July 1, 2008 to June 30, 2009 - \$2,567
For the period July 1, 2009 to June 30, 2010 - \$2,644
For the period July 1, 2010 to June 30, 2011 - \$2,723
For the period July 1, 2011 to June 30, 2012 - \$2,802
For the period July 1, 2012 to June 30, 2013 - \$2,881
For the period July 1, 2013 to June 30, 2014 - \$2,960
For the period July 1, 2014 to June 30, 2015 - \$3,039
For the period July 1, 2015 to June 30, 2016 - \$3,118
For the period July 1, 2016 to June 30, 2017 - \$3,197

the maintenance of a security deposit in the sum of \$3,200
and the filing of an insurance policy in the minimum amount
of \$500,000/\$2,000,000 for bodily injury and property damage
for each occurrence in the aggregate amount of \$200,000.

#5 In the matter of a proposed revocable consent authorizing
Citibank, N.A. to continue to maintain and use bollards on
the south sidewalk of 44th Drive and north sidewalk of 45th
Avenue, between 23rd Street and Jackson Avenue, and on
the northwest sidewalk of Jackson Avenue, northeast of 45th
Avenue; to remove thirteen bollards and five planters and
to construct, maintain and use additional bollards on the
northwest sidewalk of Jackson Avenue, northeast of 45th
Avenue, in the Borough of Queens. The proposed revocable
consent is for a term of ten years from the date of approval by
the Mayor. There shall be no compensation required for this
revocable consent.

the maintenance of a security deposit in the sum of \$19,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

j2-23

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001 - X & Y PUBLIC AUCTION SALE NUMBER 10002 - A

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on WEDNESDAY, JULY 7, 2010 (SALE NUMBER 10002-A). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our Web site, on the Friday prior to the sale date at:

*** PLEASE NOTE: THE SALES FOR JUNE 9, 2010 AND JUNE 23, 2010 (SALE NUMBERS 10001-X & 10001-Y) HAVE BEEN CANCELLED.

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

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

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

j4-jy7

■ SALE BY SEALED BID

SALE OF: 1 LOT OF AUTOMOTIVE PARTS (UNUSED) AND 1 LOT OF STORAGE CONTAINERS. (USED).

S.P.#: 10023

DUE: June 24, 2010

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.

j4-24

POLICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves. Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The

contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

ENTREES, FRESH AND FROZEN, HALAL FOR DOC – Competitive Sealed Bids – PIN# 8571000745 – DUE 06-09-10 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.

Department of Citywide Administrative Services
1 Centre Street, Room 1800, New York, NY 10007.
Anna Wong (212) 669-8610, fax: (212) 669-7603,
dcasdmssbids@dcas.nyc.gov

j4

BABY FOOD AND INFANT FORMULA RTU – Competitive Sealed Bids – PIN# 8571000703 – DUE 06-09-10 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.

Department of Citywide Administrative Services
1 Centre Street, Room 1800, New York, NY 10007.
Anna Wong (212) 669-8610, fax: (212) 669-7603
dcasdmssbids@dcas.nyc.gov

j4

■ VENDOR LISTS

Goods

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

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

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

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

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

jy17-j4

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

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

jy17-j4

EMPLOYEES' RETIREMENT SYSTEM

■ INTENT TO AWARD

Goods & Services

VIGNETTE SOFTWARE MAINTENANCE – Negotiated Acquisition – Available only from a single source - PIN# 0090528101 – DUE 06-09-10 AT 9:00 A.M. – Contractor shall provide maintenance and support for NYCERS existing Vignette case management software.

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. Sari Goldmeer Rella (347) 643-3612 fax: (347) 643-3200, sgoldmeer@nycers.nyc.gov

j2-8

MAINLINE DISASTER RECOVERY SITE SERVER INFRASTRUCTURE AGREEMENT

Negotiated Acquisition – PIN# 0090526101 – DUE 06-08-10 AT 9:00 A.M. – The vendor will provide hardware, services and maintenance to implement the server infrastructure for NYCERS Data Center at its Disaster Recovery Site. The server infrastructure shall provide computing resources at

the Disaster Recovery Site and shall provide redundancy between the Data Centers in NYCERS Brooklyn Office and NYCERS Disaster Recovery Site. Thereafter, vendor will provide services and maintenance as it relates to the upkeep of the server infrastructure.

Pursuant to PPB Rule 3-04, NYCERS will award a contract under a negotiated acquisition due to a compelling need for goods and services that cannot be timely met through competitive sealed bidding or competitive sealed proposals.

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. Sari Goldmeer Rella (347) 643-3612
sgoldmeer@nycers.nyc.gov

j1-7

ENVIRONMENTAL PROTECTION

BUREAU OF WASTEWATER TREATMENT

■ SOLICITATIONS

Goods & Services

RE-BID: SUPPLYING CATIONIC DEWATERING POLYMER AT THE BOWERY BAY WPCP, QUEENS – Competitive Sealed Bids – PIN# 8261001258BB – DUE 06-24-10 AT 11:30 A.M. – PROJECT: 1258-BB(R). Document Fee: \$80.00. Project, Avinash Pawar (646) 584-1842. Vendor ID#: 64294.

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

Department of Environmental Protection
59-17 Junction Blvd., 17th Floor, Flushing, NY 11373.
Greg Hall (718) 595-3236, ghall@dep.nyc.gov

j4

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

REFRIGERATION SUPPLIES – Competitive Sealed Bids – PIN# 231-11-006 – DUE 06-23-10 AT 10:00 A.M. – For the North Brooklyn Health Network, Engineering and Maintenance Department.

Bid package with complete description can be picked up and returned to the Purchasing Department, Cumberland Diagnostic and Treatment Center, 100 North Portland Avenue, Room C-32, Brooklyn, NY 11205. Bid document fee of \$25.00 per set (check or money order), non-refundable, made payable to NYCHHC for hard copy. Copy of bid can also be obtained free of charge by emailing Deborah Royster at Deborah.Royster@nychhc.org. Bid package request deadline is June 17, 2010 at 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
North Brooklyn Health Network, 100 North Portland Avenue Room C-32, Brooklyn, NY 11205.
Deborah Royster (718) 260-7694, fax: (718) 260-7619
deborah.royster@nychhc.org

j4

MATERIALS MANAGEMENT

■ SOLICITATIONS

Goods & Services

PEST CONTROL SERVICE USING THE CARBON DIOXIDE SNOW TECHNOLOGY – Competitive Sealed Bids – PIN# 0300022 – DUE 06-17-10 AT 10:00 A.M. – Seeking a vendor that provides chemical free pest control service using the carbon dioxide snow technology, for getting rid of bed bugs at it facilities.

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) 442-3880
sherry.lloyd@nychhc.org

j4

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human/Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This

is an open-ended solicitation; there is no due date for submission.

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

Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmoira@dhs.nyc.gov

j6-20

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ SOLICITATIONS

Services (Other Than Human Services)

LONG DISTANCE PRESUBSCRIPTION SERVICES – Request for Proposals – PIN# 85810FRNC100 – DUE 06-28-10 AT 3:00 P.M.

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

Department of Information Technology and Telecommunication, 75 Park Place, New York, NY 10007.
Wayne Kalish (212) 788-6525, fax: (212) 788-6528,
wkalish@doitt.nyc.gov

j4

JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

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

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

jy1-d16

PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

CONSTRUCTION OF A SKATE PARK - RECONSTRUCTION OF A PORTION OF JJ BYRNE PLAYGROUND – Competitive Sealed Bids – DUE 07-07-10 AT 10:30 A.M. –
PIN# 8462010B018C01 - Construction of a Skate Park
PIN# 8462010B111C01 - Reconstruction of a portion of JJ Byrne Playground

Located at Southeast of Seaview Avenue in Canarsie Park, Brooklyn, known as Contract #B018-109M.
Located on 5th Avenue between 3rd and 4th Streets in Washington Park, Brooklyn, known as Contract #B111-109M.
This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents. Vendor Source ID#: 68292, 68666.

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 64, Flushing Meadows Corona Park, Flushing, NY 11368.
Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

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SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

ACCESSIBILITY/ELECTRICAL SYSTEM/FIRE ALARM SYSTEM – Competitive Sealed Bids – PIN# SCA10-13245D-1 – DUE 06-18-10 AT 11:00 A.M. – Project Range: \$3,460,000.00 to \$3,650,000.00. Pre-bid Meeting: June 10, 2010
NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority.

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.

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Anthony Largie (718) 752-5842
alargie@nysca.org

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TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

■ SOLICITATIONS

Goods

TWO (2) YEAR REQUIREMENT OF JANITORIAL SUPPLIES – Competitive Sealed Bids – PIN# OP14470000 – DUE 06-17-10 AT 3:00 P.M.

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

Triborough Bridge and Tunnel Authority, 2 Broadway
Bid Suite, New York, NY 10004.
Victoria Warren (646) 252-6101, fax: (646) 252-6108
vprocure@mtabt.org

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” **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.**

DESIGN & CONSTRUCTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, June 17, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and HAKS/JWP Joint Venture, 40 Wall Street, 11th Floor, New York, NY 10005, for HW2CR11A, Resident Engineering Inspection Services for Street Milling, Citywide. The contract amount shall be \$2,788,033.60. The contract term shall be 455 Consecutive Calendar Days from the date of written notice to proceed. PIN#: 8502010HW0037P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from June 4, 2010 to June 17, 2010, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Maritza Ortega at (718) 391-1542.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Hazen and Sawyer, P.C., 498 Seventh Avenue, 11th Floor, New York, NY 10018, for HWEARCO2, Engineering and Construction Services for Environmental Assessment, Traffic Study Report and Preparation of Schematic Roadway Improvement Plan, Borough of Staten Island. The contract amount shall be \$2,298,040.00. The contract term shall be 365 Consecutive Calendar Days from the date of registration. PIN#: 8502010VP0002P.

The proposed consultant has been selected by means of Negotiated Acquisition Extension, pursuant to Section 3-04 (b) (2) (vii) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from June 4, 2010 to June 17, 2010, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Carol Phoenix at (718) 391-1530.

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AGENCY RULES

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

NOTICE OF PROMULGATION OF RULES PERTAINING TO CERTIFICATIONS OF NO HARASSMENT

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development (“Department”) by Chapter 61

of the New York City Charter, Chapter 2 of Title 27 of the New York City Administrative Code, and Sections 96-110, 93-90, 98-70, and 23-013 of the New York City Zoning Resolution that HPD hereby adopts amendments to rules pertaining to certifications of no harassment.

New material in the rule is underlined. A public hearing was held on May 10, 2010 at 100 Gold Street, New York, N.Y.

Section one. The definition of the term “Owner” as set forth in section 10-01 of Chapter 10 of Title 28 of the rules of the city of New York is amended to read as follows:

“Owner” shall mean (i) the holder of title to the property, (ii) a contract vendee of title to the property, [or] (iii) the lessee pursuant to a net lease of the entire property with an unexpired term of not less than ten years from the date of submission of the application, (iv) a receiver who is authorized by court order to apply to HPD for a certification and to DOB for building permits, or (v) an administrator appointed pursuant to article 7A of the Real Property Actions and Proceedings Law who is authorized by court order to apply to HPD for a certification and to DOB for building permits

STATEMENT OF BASIS AND PURPOSE

The amendment to the definition of owner in the rules pertaining to certifications of no harassment is made in order to ensure that court-appointed receivers and administrators appointed pursuant to Article 7A of the Real Property Actions and Proceedings Law, who are in control of a building that is in need of repairs or other work, will be able to apply for a certification of no harassment as a prerequisite to obtaining permits from the Department of Buildings for such work.

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TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York (“Charter”) that the Taxi and Limousine Commission (“TLC”) proposes amended rules governing taxicab agents.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC’s regulatory agenda for Fiscal Year 2010. A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on February 20, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC’s Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC’s Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

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

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

New Material is underlined.

Chapter 13 TAXICAB AGENT RULES

§13-01 Scope of the Chapter

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

§13-02 Penalties

- (a) Unlicensed Activity
- (1) Unlicensed Activity is the act of providing or advertising the provision of any

Commission-regulated service or business by:

(i) Any Licensee whose License is suspended, revoked, or expired and not yet renewed, or

(ii) Any person who does not hold a Valid License from the Commission for the service or business.

(2) Unlicensed Activity specifically includes the activities listed in §19-528 of the Administrative Code and can subject the violator to padlocking and other penalties.

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

(c) Payment of Fines.

(1) Fines are due within 30 days of the day the violator is found guilty of the violation.

(2) If fines are not paid by the close of business on the due date, the violator's License will be suspended until the fine is paid.

(3) If a Respondent has made a timely request for a copy of the Hearing recording (see §18-14(e) of these Rules), the time for payment of fines is extended to 21 days from the date the recording is issued.

§13-03 Definitions Specific to this Chapter

(a) Agent is an individual or Business Entity that has been Licensed by the Commission to operate or facilitate the operation of one or more Taxicabs on behalf of the Taxicab owner.

(b) Applicant in this Chapter means an Applicant for an original or renewal License as an Agent.

(c) Business Entity. In this Chapter, a Business Entity may be a sole proprietorship, a corporation, or a partnership.

(d) License in this Chapter means a License to be an Agent.

(e) Limited Business Entity Person shall mean all Business Entity Persons except for corporate shareholders holding less than ten percent (10%) of the stock of the corporation.

(f) Merchant. An individual or Business Entity who holds a Commission License and who has agreed to do the following:

(4) Facilitate contracts between Taxicab Technology Service Providers and Commission-approved banks, and

(5) Contract to provide credit/debit card services for in-cab payment of Taxicab fares.

(g) Taxicab Technology Service Provider ("T-PEP Provider") means a vendor who has contracted with the Commission to install and maintain the Taxicab Technology System in Taxicabs.

(h) Taxicab Technology System ("T-PEP") means the hardware and software that provides the following four core services:

(1) Credit, debit and prepaid card payment

(2) Text messaging

(3) Trip data collection and transmission

(4) Data transmission with the passenger information monitor

§13-04 Licensing - Requirements

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

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

(b) Who May File an Application. An application or renewal application for a Business Entity Agent's License may only be submitted by the following:

(1) An individual

(2) The Proprietor, on behalf of a sole proprietorship

(3) A general partner on behalf of a partnership

(4) An officer or director on behalf of a corporation

(c) Certification. The application must contain a sworn and notarized statement by the person filing the application that the information contained in the application is true.

(d) Fingerprinting and Background Investigations.

(1) For the purpose of securing criminal history records from the New York State Division of Criminal Justice Services, an

individual Applicant and all Limited Business Entity Persons of a Business Entity Applicant must be fingerprinted.

(2) The Applicant must pay any processing fee required by the New York State Division of Criminal Justice Services.

(e) Bond.

(1) An Applicant for an original or renewal Agent's License must deposit a fifty thousand (\$50,000) dollar bond payable to the City of New York with the Commission. The bond must be provided by one or more sureties approved by the Commission.

(2) The bond must guarantee that the Applicant or Licensee will comply with the provisions of the Administrative Code, observe all applicable rules or regulations of the Commission, pay all fines imposed by the Commission, and pay all judgments or settlements arising from any action connected with the Agent's License.

(3) The Agent is immediately liable for any fine or judgment as soon as the amount is determined or, in case of an appeal, when the final determination is issued.

(4) The bond must remain in effect for one year following the expiration or revocation of the License.

(f) Identify Business Entity Persons. Upon application for a License or License renewal or upon request, an Agent must provide the Commission with the identity of all of the Agent's Business Entity Persons.

§13-05 Licensing - Term

(a) Maximum One-Year Term. The term of an Agent's License may be up to one year, but will expire on December 31 of the year in which it is issued or renewed, unless earlier suspended or revoked by the Commission.

(b) No Longer Meets Requirements. If at any time during the term of the License, the Commission learns that the Agent no longer meets the requirements for an Agent's License, the Commission may deny any renewal application, or suspend or revoke the current License, after appropriate notice and hearing.

§13-06 Licensing - Fees

(a) Annual Fee. The fee for an Agent's License will be five hundred dollars (\$500) annually.

(b) When Fee is Paid. The fee for an original or renewal License must be paid at the time the application is filed.

(c) Shorter Term. If a License is granted for a period of six months or less, the fee will be two hundred and fifty dollars (\$250).

§13-07 Licensing - Causes for Denial

(a) Material Misstatement. The Commission will deny any application if the Applicant makes a material misstatement or misrepresentation on the application.

(b) Unlawful Acts. The Commission will deny any application if the Applicant commits a fraudulent or unlawful act while acting as an Agent.

(c) Criminal Conviction. The Commission will deny an application, including a renewal application, if the individual Applicant, or any Limited Business Entity Person of the Applicant is convicted of a crime that under Article 23-A of the Correction Law would provide a basis for suspension or revocation of the License.

(d) Medallion-Owner Agent Violates Rules. The Commission will deny an application for an Agent's License if the Applicant owns a Medallion and has violated any Commission Rule where the penalty for that violation is revocation of the License.

(e) Violation of the Administrative Code. The Commission will deny an application if the Applicant has violated any provision of §19-530 of the Administrative Code or any applicable rule of the Commission.

§13-08 Proper Conduct

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

(1) Presenting a Taxicab for inspection with a vehicle identification number ("VIN") other than the one under which the vehicle is licensed by the Commission.

(2) Operating a Taxicab with a vehicle identification number that has been removed and reattached, or that is different from the VIN shown on the Taxicab License.

(3) Presenting a document to the Commission that falsely states that the insurance

requirements for the Taxicab have been met.

(4) Bribing or attempting to bribe any officer or employee of the Commission.

§13-08 (a)(1) - (4) Fine: \$1,000-\$10,000 and/or revocation Appearance REQUIRED

(b) Fraud, Theft. While performing the duties and responsibilities of a Licensee, a Licensee must not commit or attempt to commit any act of fraud, misrepresentation or theft.

§13-08(b) Fine: \$1,000-\$5,000 Appearance REQUIRED

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

§13-08(c) Fine: \$1,000-\$5,000 Appearance REQUIRED

(d) Willful Acts of Commission. While performing the duties and responsibilities of a Licensee, a Licensee must not deliberately perform or attempt to perform, alone or with another, any act that is against the best interests of the public, although not specifically mentioned in these Rules.

§13-08(d) Fine: \$1,000-\$5,000 Appearance REQUIRED

(e) Failure to Cooperate with the Commission.

(1) A Licensee must truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission, its representatives or the New York City Department of Investigation.

(2) Upon request of the Commission, a Licensee must make the Agent's business premises, books and records available for inspection.

§13-08(e) Fine: \$500-\$1,500 Appearance REQUIRED

(f) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Licensee, a Licensee must not threaten, harass, or abuse any person.

§13-08(f) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(g) Use or Threat of Physical Force. While performing the duties and responsibilities of a Licensee or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person.

§13-08(g) Fine: \$100-\$350 and/or suspension up to 30 days Appearance REQUIRED

(h) Death or Incompetency of Taxicab Owner. An Agent who becomes aware of the death or incompetency of an owner of an interest in a Taxicab Medallion shall promptly inform the Commission.

§13-08(h) Fine: \$100 Appearance NOT REQUIRED

§13-09 Personal Conduct - Unlicensed Activity

(a) An Agent must not dispatch a taxicab or other vehicle that is unlicensed.

§13-09(a) Fine: \$500-\$2,000 and/or suspension up to 30 days Appearance REQUIRED

(b) An Agent must not dispatch a Taxicab that does not have a current Medallion affixed to the Taxicab.

§13-09(b) Fine: \$500-\$2,000 and/or suspension up to 30 days Appearance REQUIRED

§13-10 Agent's Business Premises

An Agent who operates one or more Taxicabs that are returned at the end of a shift must maintain business premises in an appropriately-zoned location. The location must allow or provide for, and the Agent must provide or maintain, all of the following:

(a) Sufficient off-street parking space at or near the business premises to store the lesser of:

(1) Twenty-five (25) vehicles, or

(2) Fifty percent (50%) of the Taxicabs leased on a daily or shift basis, plus five percent (5%) of the Taxicabs leased for longer than one day

(b) Sufficient office space to conduct business and keep all records required by the Commission, including trip sheets and Driver records.

(c) Regular business hours, including the hours of 9:00 a.m. through 5:00 p.m. every weekday other than legal holidays.

(d) A business address and telephone number on file with the Commission.

§13-10(a)-(d) Fine: \$500-\$1,000 and suspension until compliance Appearance REQUIRED

§13-11 Vehicle Operation

(a) Provide a List of Taxicabs Being Operated by Agent. An Agent must provide the Commission with a list of all Taxicabs operated by the Agent, annually and upon request.

§13-11(a) Fine: \$250 and suspension until compliance Appearance REQUIRED

(b) Double Shift Requirement. An Agent must ensure that Fleet and Minifleet Taxicabs are operated for a minimum of two shifts of nine hours each day including weekends and holidays. This double shift requirement is established in §8-20(a)(1) of The Taxicab Owners Chapter.

(c) Safety. An Agent must not dispatch a Taxicab unless all equipment, including brakes, tires, lights, signals and trouble lights are in good working order. The Taxicab must meet all requirements and specifications of the New York State Vehicle and Traffic Law and Chapter 17 of these Rules.

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

(d) Drivers.

(1) An Agent must not authorize or allow a Driver to operate a Taxicab unless either:

(i) The Driver's name has been entered on the Rate Card by the Commission, and the Driver's Vehicle lease (if any) has not expired, or

(ii) "Unspecified Drivers" has been entered on the rate card by the Commission.

§13-11(d)(1)(i)-(ii) Fine: \$350 Appearance NOT Required

(2) An Agent must not authorize or allow a driver to operate a Taxicab unless the driver possesses a Valid Driver's license and a Valid Taxicab Driver's License.

§13-11(d)(2) \$500-\$2,000 and/or suspension up to 30 days Appearance REQUIRED

§13-12 Vehicle – Equipment

(a) Partition. An Agent must not dispatch a Taxicab unless it is equipped with a partition that isolates the Driver from the rear seat passengers in accordance with the specifications in §17-09 of the Taximeter Chapter unless the Taxicab is exempt from the partition requirements under the general provisions of §8-34(b) of the Taxicab Owners Chapter.

(b) Distress Signal. An Agent must not dispatch a Taxicab that is not equipped with a help or distress signaling light system, as required in §8-33(e) and in accordance with specifications established in §17-10.

(c) Taximeter.

(1) An Agent must not dispatch a Taxicab unless it is equipped with a Taximeter as required in §8-36 and in accordance with the specifications established in §17-08.

(2) An Agent must not tamper with, alter, repair or attempt to repair any of the following:

- (i) A Taximeter
- (ii) Any Seal affixed to the taximeter by a licensed Taximeter repair shop or other authorized facility
- (iii) The Taxicab Technology System
- (iv) Any cable mechanism or electrical wiring of a Taximeter or Taxicab Technology System

(3) An Agent must not make any change in a vehicle's mechanism or its tires that would affect the operation of the Taximeter or of the Taxicab Technology System.

§13-12(c)(1)-(2) Fine: \$250-\$1,500 and/or suspension up to 30 days Appearance REQUIRED

§13-13 Vehicle Equipment – Trip Sheet

An Agent must not dispatch a Taxicab unless all of the following are present in the Taxicab:

- (a) An electronic or hand written trip record (also known as a "trip sheet") or an operable Taxicab Technology System.
- (b) The Taxicab Driver's License.
- (c) The Rate Card, in a frame next to the frame for the Taxicab Driver's License.
- (d) An insurance card or copy, unless the owner is self-insured and has noted this fact on the Rate Card.
- (e) All notices required to be posted in the Taxicab.

§13-14 Vehicle Equipment – Taxicab Technology System

(a) Equip Taxicabs with T-PEP. An Agent must ensure that each of Agent's Taxicabs is equipped with the Taxicab Technology System by the compliance date established in §8-39(b), unless exempt from the requirement under §8-39(c). The T-PEP must comply with the specifications established in §17-14.

§13-14(a) Fine: \$1,000 and suspension until compliance Appearance REQUIRED

(b) Good Working Order. For any Taxicab that is required to be equipped with the Taxicab Technology System, the equipment must be in good working order at all times and each of the four core services must be functioning at all times.

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

(c) Malfunction or Failure to Operate.

(1) If the T-PEP malfunctions or fails to operate, the Agent must file an incident report with the authorized T-PEP Provider within two hours following the discovery of the malfunction or as soon as the Agent reasonably should have known of such malfunction.

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

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

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

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

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

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

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

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

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

Statement of Basis and Purpose of Rules

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

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

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

The rules proposed here are as follows:

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

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

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

Supplemental Statement

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

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

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions, as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions of section 13-08 regarding acts of commission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment to similar provisions in Chapter 4.

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing the taximeter business.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on January 23, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than July 1, 2010.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York, 10006
Telephone: 212-676-1135
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

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

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 14 thereto, to read as follows:

New Material is underlined.

Chapter 14 Licensing & Rules for Taximeter Businesses & Manufacturers

§14-01 Scope of the Chapter

- (a) To establish a formal procedure for the licensing and supervision of businesses that manufacture, sell, repair, and install Taximeters for Medallion Taxicabs.
- (b) To establish comprehensive criteria for the ownership of such businesses.
- (c) To establish operating rules to protect customers and the public.
- (d) To establish appropriate penalties for the violation of these rules.

§14-02 Penalties

- (a) Unlicensed Activity.
- (1) Unlicensed Activity is the act of providing or advertising the provision of any Commission-regulated service or business by:
- (i) Any Licensee whose License is suspended, revoked, or expired

- and not yet renewed, or
- (ii) Any person who does not hold a Valid License from the Commission for the service or business.
- (2) Unlicensed Activity specifically includes the activities listed in §19-528 of the Administrative Code and can subject the violator to padlocking and other penalties.

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

§14-03 Definitions Specific to this Chapter

- (a) Applicant in this Chapter means an Applicant for an original or renewal Taximeter License.
- (b) Certified Taximeter Technician. A technician certified by a Licensed Taximeter Manufacturer to perform work on its Taximeters.
- (c) Licensee. When the term "Licensee" is used by itself, in this Chapter-- and in this Chapter ONLY-- it refers to a Taximeter Licensee.
- (d) Manufacturer's Representative. "manufacturer's representative" doesn't appear in the rule | An individual or Business Entity appointed by a Taximeter Manufacturer to hold a License on behalf of that manufacturer and to carry out that manufacturer's duties and responsibilities as a Licensee under this chapter.
- (e) MTA Tax is the 50 cent tax on taxicab trips imposed by Article 29-A of the NYS Tax Law.
- (f) Taximeter. An instrument or device approved by the Commission that automatically calculates and that plainly indicates the charge to a passenger for hire of a Licensed Taxicab.
- (g) Taxicab Technology Service Provider (or T-PEP Provider). A vendor who has contracted with the Commission to install and maintain the Taxicab Technology System in Taxicabs.
- (h) Taxicab Technology System (or T-PEP). The hardware and software that provides the following four core services:
- (1) Credit, debit and prepaid card payment
- (2) Text messaging
- (3) Trip data collection and transmission
- (4) Data transmission with the passenger information monitor.
- (i) Taximeter Business. A business licensed by the Commission that sells new or used equipment or installs, repairs, adjusts, tests, seals, or calibrates Taximeters and/or Taxicab Roof Lights.
- (j) Taximeter Manufacturer. An entity that manufactures Taximeters and has been licensed by the Commission; only Taximeters made by a Licensed Taximeter Manufacturer may be installed or used in Taxicabs.
- (k) Taximeter License(e). Term used when the rule applies to both a Taximeter Business License and a Taximeter Manufacturer's License.
- (l) Wiring Harness. Any wire or collection of wires that is connected in any manner whatsoever to a Taximeter or in any way affects the operation of a Taximeter.

§14-04 Licensing – General Requirements

- (a) Licensees. An Applicant for a Taximeter License or its renewal may be an individual or a Business Entity.
- (b) Certification. Any new or renewal application for a Taximeter License must be notarized and 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.
- (c) Proof of Identity. The individual or Business Entity Person submitting the application for a Taximeter 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
- (d) Age. The individual or Business Entity Person applying for a Taximeter License or its renewal must be at least 18 years of age.
- (e) Proficiency in the English Language. The individual or Business Entity Person applying for a Taximeter License or its renewal must be able to speak, read, write, and understand the English language.
- (f) Good Moral Character. The individual or Business Entity Person applying for a Taximeter License or its renewal must be of good moral character, as determined in part through a review of the criminal history records from the New York State Division of Criminal Justice Services to be secured through fingerprinting of the following:

- (1) Each of the Applicant's Business Entity Persons
- (2) An individual or the Business Entity Persons who provide funds for the Applicant unless the provider is a licensed bank or loan company

The new Applicant must pay any processing fees required by the Commission or the Division of Criminal Justice Services.

- (g) 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 §14-04(c) – (e), above.
- (h) Corporate 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
- (i) Uniqueness of Name. The Commission has the right to reject the proposed name of any Taximeter Business that the Commission finds to be substantially similar to any name in use by another Taximeter Business Licensee.
- (j) Manufacturer's Agreement to Cooperate with T-PEP Providers. A taximeter manufacturer's application must include its agreement to cooperate with any approved T-PEP Provider to bring about an interface between the Manufacturer's Taximeters and the T-PEP.

§14-05 Licensing – Bond Required

- (a) Amount of Bond. An Applicant for a Taximeter License or renewal must deposit with the Commission a fifty thousand dollar (\$50,000) bond 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 provisions of the Administrative Code of the City of New York, observe all applicable rules or regulations of the Commission, pay all fines imposed by the Commission, and pay all judgments or settlements arising from any action connected in any way with the Taximeter License.
- (c) Fines and Judgments. The Taximeter Licensee is immediately liable for the payment of any fine or judgment when the amount is determined or upon final determination of an appeal and if the fine is not paid as required by § 14-02(b), the Commission may draw upon the bond.

§14-06 Licensing – Financial Disclosure

Each individual Applicant and each Business Entity Person of a Business Entity Applicant for a new or renewal Taximeter 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 Licensed Medallion Taxicab and any other information requested by the Chairperson.

§14-07 Licensing – Fees and Term of License

- (a) Annual Fee. Every application for a Taximeter License must be accompanied by a non-refundable application fee of \$500 for each location to be Licensed.
- (b) Half-Year Fee. The application fee for any Taximeter License to be issued for a period of six months or less will be one-half of the annual fee.
- (c) Form of Payment. The application fee must be paid by credit card, money order, or certified check.
- (d) Term of License. The term of a Taximeter License will be one year or less and each License will expire on the 31st day of March.

§14-08 Licensing – Cause for Denial

- (a) Failure to Continuously Comply. Whenever the Commission determines that the Taximeter 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 Taximeter License when a threat to public health, safety, or welfare exists.

§14-09 General Requirements – Unlicensed Activity

- (a) Taximeter Business License Required. An individual or Business Entity must not sell, install, repair, adjust, inspect, calibrate, or maintain Taximeters or install or repair seals, wiring harnesses or other equipment relating to the operation of a Taximeter or roof light for use on any Taxicab, without a Valid Taximeter License.
- (b) Taximeter Manufacturer's License Required. A Taximeter cannot be used in a Taxicab unless the Taximeter's Manufacturer has been licensed by the Commission under these rules.
- (c) Authorized Taxicab Technology Service Provider Required. An individual, partnership, corporation, or other business entity cannot manufacture, sell, install, repair, adjust, calibrate, or maintain a Taxicab Technology System that is not provided by an authorized T-PEP Provider.

§14-10 General Requirements – Compliance with Applicable Law

- (a) Licenses and Permits. A Taximeter Licensee must obtain Licenses and permits required by city, state, or federal law.
- (b) Occupational Safety & Health Administration. A Taximeter 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. A Taximeter Licensee must pay all fines, fees, and taxes it owes to any federal, state, or local governmental jurisdiction.
- (d) Workers' Compensation Laws. A Taximeter Licensee must comply with all laws regarding worker's compensation and disability benefits, as well as all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

§14-10(a)-(d) Penalty: \$500-\$1,000 fine and/or suspension until compliance Appearance REQUIRED

§14-11 General Requirements – Unlawful Activities Prohibited

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

§14-11(a) Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation Appearance REQUIRED

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

§14-11(b) Penalty: \$350-\$1,000 fine and/or suspension up to 30 days or revocation Appearance REQUIRED

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

§14-11(c) Penalty: \$100-\$350 fine and/or suspension up to 30 days Appearance REQUIRED

- (d) A Taximeter 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.

§14-11(d) Penalty: \$10,000 fine and revocation Appearance REQUIRED

§14-12 General Requirements – Notice to TLC

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

§14-12(a) Penalty: \$500-\$1,000 fine and/or suspension up to 30 days Appearance REQUIRED

(b) Suspension or Revocation of License. A Taximeter 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.

§14-12(b) Penalty: \$500-\$1,000 fine and suspension until compliance Appearance REQUIRED

§14-13 Business Requirements – Fees Charged by Licensees

(a) Filing of Fee Schedule with TLC. A Taximeter Business must file with the Commission a schedule of current fees for all services related to the sale, repair, installation, and calibration of Taximeters, including inspections, tests, adjustments, installations, corrections, or repairs.

§14-13(a) Penalty: \$50 fine Appearance NOT REQUIRED

(b) Filing of Fee Changes with TLC. A Taximeter Business must file any change in fees with the Commission at least ten days before the fees are scheduled to change.

§14-13(b) Penalty: \$50 fine Appearance NOT REQUIRED

(c) Prominent Display of Fee Schedule. A Taximeter Business must not engage in any business unless a current schedule of inspection and repair charges, including hourly rates (if applicable) is displayed clearly to the public on the business premises. All fee schedules must be filed with the Commission before being displayed.

§14-13(c) Penalty: \$50 fine Appearance NOT REQUIRED

(d) Overcharges Prohibited. For any work involving Taximeters, a Taximeter Business must not charge more than the fees set by its fee schedule.

§14-13(d) Penalty: \$50 fine Appearance NOT REQUIRED

§14-14 Business Requirements – Premises and Equipment

(a) A Taximeter Business and a Taximeter Manufacturer (but not an appointed Manufacturer's Representative) must ensure that its business premises meet the following conditions at all times:

- (1) Location within an area zoned for this business activity
- (2) Sufficient size to simultaneously accommodate at least three (3) vehicles of the type(s) and model(s) licensed by the Commission
- (3) Sufficient illumination and space in the areas used for inspection, testing, and calibration to enable proper inspections and tests required by these regulations
- (4) Sufficient waiting area and restroom facilities for customers
- (5) All signs required by law and these rules displayed

§14-14(a) Penalty: \$500-\$1,000 fine and suspension until compliance Appearance REQUIRED

(b) A Taximeter Business must operate its business only within the structures described in the certificate of occupancy for the premises. No installation, adjustment, correction, calibration, or repairs of any type can be performed on a public street or any facility other than the Taximeter Business premises.

§14-14(b) Penalty: \$500-\$1,000 fine Appearance REQUIRED

(c) A Taximeter Business must be equipped with, at a minimum, the equipment the Commission requires for the repair and installation of Taximeters.

§14-14(c) Penalty: \$500-\$1,000 fine and suspension until compliance Appearance REQUIRED

§14-15 Business Requirements – Maintenance of Required Equipment

(a) A Taximeter Business must properly maintain all equipment required by the Commission and any other equipment required by law or regulation. Proper maintenance includes ensuring that equipment is in good working order and is maintained in such a manner that an inspection, test, or calibration can be conducted in conformity with these rules.

§14-15(a) Penalty: \$500-\$1,000 fine Appearance REQUIRED

(b) A Taximeter Business must not conduct any test, calibration, or installation using equipment that is not in good working order.

§14-15(b) Penalty: \$500-\$1,000 fine Appearance REQUIRED

§14-16 Business Requirements – Signage

(a) At all times, a Taximeter Business must maintain a sign that displays the Taximeter Business License

number and the words, "Licensed Taximeter Business". 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. A Taximeter Business must not display a "Licensed Taximeter Business" sign if its Taximeter Business License or any other necessary license is expired, suspended, or revoked.

(b) Each Licensed Taximeter Business 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.

§14-16(a)-(b) Penalty: \$100 fine Appearance NOT REQUIRED

§14-17 Business Requirements – Mailing Address

Each Taximeter Business must designate the street address of its primary Taximeter Business location as its official mailing address for receipt of notices from the Commission, unless otherwise approved in advance by the Commission.

§14-18 Business Requirements – General Record-Keeping and Reporting Requirements

(a) A Taximeter Business must comply with all record-keeping procedures established by the Commission. All records required to be kept by the Commission must be in the form and manner prescribed by the Commission and must be maintained for a period of five (5) years.

(b) A Taximeter Business must account for all certification stickers procured and issued by the Taximeter Business Licensee.

(c) A Taximeter Business must account for all new or used Taximeters that the Taximeter Business Licensee buys, loans, rents, exchanges, or accepts in trade, and report all sales, trades and exchanges to the Commission within seven days of the transaction.

(d) A Taximeter Business must keep records of all sales, installations, inspections, re-inspections, calibrations, and repairs, as well as their results.

§14-18(d) Penalty: \$500-\$1,000 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(e) A Taximeter Business must allow agents of the Commission or other authorized law enforcement officers to examine all the records the official Taximeter Business is required to keep at any time.

§14-18(e) Penalty: \$500 fine and suspension until compliance Appearance REQUIRED

(f) A Taximeter Business must allow any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time.

§14-18(f) Penalty: \$500-\$1,000 fine and suspension Appearance REQUIRED

§14-19 Business Requirements – Notifications to TLC of unauthorized or illegal activity

(a) A Taximeter Business must notify the Commission immediately by telephone and in writing within 24 hours when any of the following occurs:

- (1) A Taximeter has been presented for installation, repair, adjustment or calibration, which the Taximeter Business knows or has reason to know has been reported to the Commission as lost or stolen.
- (2) A T-PEP has been presented for installation, repair, adjustment or calibration that the Taximeter Business knows or has reason to know has not been provided by a T-PEP Provider.
- (3) A Taximeter is discovered with one or more seals removed, damaged, broken, or tampered with.
- (4) A person has requested that the Taximeter Business engage in any activity prohibited by these rules.
- (5) Any unauthorized person whom the Taximeter Business 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 Taximeter, seal, cable connection, or electrical wiring, and the repair may have affected the operation of a Taximeter.
- (6) Any person has attempted to connect any unauthorized device to any Taximeter, seal, cable connection, or electrical wiring, and the attempt may have affected the operation of a Taximeter.
- (7) The Taximeter Business 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 must contain, at a minimum, the following information:

(1) The Taxicab Medallion number

(2) The Driver's License number, if any, of the driver or drivers who presented the vehicle to the Taximeter Business

(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

(5) The names and Driver's License numbers of each individual listed as a Driver on the Rate Card.

§14-19(a)-(b) Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation (If the failure to report relates to a medallion in which the Taximeter Business has a financial or other interest, the penalty may include fine or revocation of the medallion or loss of medallion owner's privileges as provided in the Commission's rules)

No reference to appearance

§14-20 Business Requirements – Taximeter Business Liability for Conduct of Employees

(a) Liability for Employee Conduct. A Taximeter Business must supervise and be responsible for the conduct of all its employees, contractors, or agents, for activities related to the sale, installation, inspection, testing, and calibration of Taximeters.

(b) Familiarizing Employees with Rules and Regulations. A Taximeter Business must ensure that all its employees are fully familiar with all pertinent regulatory agency rules and regulations.

(c) Employment of Certified Taximeter Technicians. A Taximeter Business must employ only certified Taximeter Technicians to perform any installation, testing, repair, or calibration of Taximeters.

(d) Responsibility for Maintenance of Records. The Certified Taximeter Technician must be responsible for maintaining all records required by the Commission and must place his or her signature on all inspection, testing, repair, or other reports he or she prepares.

(e) Compliance with Laws. A Taximeter Business must ensure that all its employees perform their duties in compliance with all relevant federal, state, and city laws, rules, and regulations.

(f) List of Certified Taximeter Technicians. A Taximeter Business must provide to the Commission, upon licensing or renewal, the names of all Certified Taximeter Technicians it employs. The Taximeter Business must also notify the Commission in writing of any changes in the employment of certified Taximeter Technicians.

§14-20(a)-(f) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation Appearance REQUIRED

§14-21 Business Requirements – Sale of Taximeters

All of the following conditions must be met for a Taximeter Business to sell a Taximeter for use in a Medallion Taxicab:

(a) The Taximeter must be manufactured by a Taximeter Manufacturer and approved by the New York State Commissioner of Agriculture and Markets and the Commission.

(b) The Medallion must be attached to the vehicle.

(c) The Taximeter Business must also perform the installation, testing, and certification of the Taximeter/vehicle assembly.

(d) The Taximeter Business must inform all purchasers in writing before the sale takes place of all restrictions imposed by the Taximeter manufacturer or Taximeter Business Licensee regarding the testing, repairs, calibration, and installation of the Taximeter.

(e) The Taximeter Business must remove, deface, or otherwise void the validity of the certification sticker when it receives a Taximeter that has been purchased, exchanged, or accepted in trade by the Taximeter Business Licensee. The Taximeter Business must report such decertification to the Commission.

(f) The certification sticker must conform to all specifications established by the Commission and bear the name of the Chairperson of the Commission.

(g) The Taximeter must be installed in accordance with specifications filed with and approved by the Commission.

(h) No change in the method of installation can be made unless the installation method has been filed with and approved by the Commission.

§14-21(a)-(h) Penalty: \$500-\$1,500 fine and/or suspension up to 60 days or revocation for each subdivision violated Appearance REQUIRED

§14-22 Business Requirements – Change in Business Ownership

(a) Approval for Transfer of Ownership. A Taximeter Business owner must not transfer any interest in a Taximeter Business 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.

§14-22(a) Penalty: \$1,000-\$5,000 Appearance REQUIRED
fine and suspension until consent of Commission is obtained or change in business ownership is withdrawn, or revocation

(b) Approval for Change to Application Information. A Taximeter Business must obtain the Commission's approval before making any change in its location, mailing address, corporate name, trade name, corporate officers, or any other material deviation from the description of the Taximeter Business as stated in the original or renewal application.

§14-22(b) Penalty: \$500-\$1,000 fine Appearance REQUIRED

§14-23 Technical Requirements – Liability for Tampering or Alteration

(a) Strict Liability. By installing a seal on a Taximeter, the Taximeter Business certifies that the Taximeter has been tested and calibrated in accordance with these Rules. A Taximeter Business will be strictly liable for the tampering of a meter that is sealed with an unbroken seal issued by the Taximeter Business.

(b) Certification of Accuracy. By testing, installing, or calibrating a Taximeter, the Taximeter Business certifies that at the time of the installation, testing, or calibration, it conducted an examination and found the wiring harness leading from the Taximeter to the speed sensor is of one-piece construction with no intervening connectors, splices, "Y" connections, or direct or indirect interruptions of any kind whatsoever.

§14-23(a)-(b) Penalty: \$500-\$1,500 Appearance REQUIRED
fine and/or suspension up to 60 days or revocation

§14-24 Technical Requirements – Seals

(a) Installation. The installation of a Taximeter includes affixing security seals to the Taximeter as required by the Commission. A Taximeter Business must use seals authorized and approved by the Commission. The security seals must be installed in the manner prescribed by the Commission so that the security seals self-destruct when the Taximeter or sealed part of the vehicle is disassembled.

(b) Record Keeping. The Taximeter Business must number each seal, keep a record of each seal used, use seals in consecutive numerical order, and account for any unused seal. The record of seals must be available for inspection by the Commission as provided in this section. The record must contain, at a minimum, the following information:

- (1) The seal number
- (2) The number of the Taximeter in which the seal was installed
- (3) The Medallion number of the Taxicab in which the Taximeter was installed
- (4) The date the seal was installed
- (5) The date and seal number of any seal removed
- (6) The reason for installing any new seal

(c) Removal. A Taximeter Business must remove all seals installed by another meter shop, whether or not the seal is broken, before installing a seal on a Taximeter.

(d) Storage. Each Taximeter Business must store seals and Taximeter repair records on its business premises either in a fireproof safe secured to the floor of the establishment or in a locked room secured by an alarm connected to a centralized monitoring facility.

(e) Security Procedures. Each Taximeter Business must maintain and file with the Commission a description of the procedures it uses to prevent the loss, theft, destruction, or misuse of Taximeter seals.

§14-24(a)-(e) Penalty: \$500-\$1,500 Appearance REQUIRED
fine and/or suspension up to 60 days or revocation

§14-25 Technical Requirements – Inspection of Taximeters

(a) A Taximeter must be inspected by the Taximeter Business whenever it is installed, repaired, or calibrated. Inspection must include an examination of the Taximeter installation and operation to verify compliance with all of the following:

- (1) The Taximeter specifications, type approvals, tolerances, and all other requirements of the Commission, including, but not limited to a measured mile run test
- (2) The rate of fare established by the Commission
- (3) The standards established in the sections of the Taxicab owners' rules regarding Taximeters

(4) All other applicable federal, state, and city regulations and guidelines

(b) This section does not apply to repairs made exclusively to the printing mechanism or the resetting of the date or time on the printer receipt.

§14-25(a)-(b) Penalty: \$500-\$1,500 fine Appearance and/or suspension up to 60 days REQUIRED
or revocation

§14-26 Technical Requirements – Other Repair Limitations

A Taximeter Business must not perform any work on a Taximeter, including inspection, testing, calibration, or repair if any of the following conditions exist:

(a) No valid Taxicab License is presented, unless the Taximeter is not for use in a taxicab licensed by the Commission.

(b) The Taximeter serial number is deleted, defaced, or otherwise altered.

(c) The Taximeter (or the Taximeter Manufacturer) has not been approved for use by the Commission.

(d) The Taximeter Business knows or should know that the Taximeter was reported lost or stolen to the Commission or any other law enforcement agency.

(e) The Taximeter Business has not received written consent from the owner or driver of the vehicle or his agent to perform any work on the Taximeter.

§14-26(a)-(e) Penalty: \$500-\$1,500 fine Appearance and/or suspension up to 60 days or revocation REQUIRED

§14-27 Technical Requirements – Recording the Results of Taximeter Tests

(a) Record of Results. The Taximeter Business must record the results of any inspections or tests, as well as the Taximeter make, model, and serial number on the form prescribed by the Commission. The Taximeter Business Licensee must submit the record of results to the Commission within seven (7) days of the inspection.

§14-27(a) Penalty: \$500 fine and suspension until compliance Appearance REQUIRED

(b) Certification Sticker. Once the Taximeter has passed an inspection, the Taximeter Business, in addition to complying with subdivision (a), must affix to the Taximeter a certification sticker prescribed and approved by the Commission. Once removed, a certification sticker may not be re-affixed to the Taximeter.

§14-27(b) Penalty: \$500-\$1,500 Appearance REQUIRED
fine and/or suspension up to 60 days or revocation Appearance REQUIRED

(c) Security of Certification Stickers. A Taximeter Business must provide for the safekeeping of certification stickers, control their sequence of issuance, and ensure that the stickers are placed only on Taximeters in accordance with these regulations.

§14-27(c) Penalty: \$500-\$1,500 Appearance REQUIRED
fine and/or suspension up to 60 days or revocation

(d) Taxicab Hack-Up Installations. When a Taximeter is installed in preparation for "hack-up," the Taximeter Business, in addition to complying with subdivisions (a) and (b), must do the following:

- (1) Prepare a vehicle "hack up" certification form approved by the Commission at the completion of the preparatory work for vehicle "hack-up"
- (2) Submit to the Commission, within 24 hours, all documents relating to the installation and inspection of the Taximeter
- (3) Provide the vehicle owner with an itemized list of all work performed in preparation for "hack-up"

§14-27(d) Penalty: \$500 fine and suspension until compliance Appearance REQUIRED

§14-28 Technical Requirements – Failure of Tests

(a) No Precondition to Perform Repairs. A Taximeter Business must not require that repair work based on the results of a test or inspection be performed by that Taximeter Business as a condition of performing any test or inspection.

(b) Who May Perform Repair Work. The Taximeter Business must inform the Taxicab owner or Driver that any needed work or repairs can be performed by any Licensed Taximeter Business.

(c) No Mandated Referrals. The Taximeter Business must not direct a Taxicab owner or Driver to use a particular Taximeter Business to perform the needed repair work.

§14-28(a)-(c) Penalty: \$500 fine Appearance REQUIRED

§14-29 Technical Requirements – Roof Light Installation and Repair

(a) Approved Roof Lights. A Taximeter Business can install Roof Lights only in a Medallion Taxicab. The Roof Lights must be of a type or model approved by the Commission.

(b) Limitation on Use of Directional Appendages. A Taximeter Business must install Roof Light directional appendages so that they can be used for directional or emergency uses ONLY.

(c) Emergency or Trouble Lights. When an emergency or trouble light is installed, the Taximeter Business must install only a type or model that has been approved by the Commission and that complies with the Commission's specifications.

(d) Emergency/Trouble Light Switch. When an emergency or trouble light is installed, the Taximeter Business must install a switch that has no other function than to operate the emergency or trouble light and that is not connected to any other equipment.

(e) Interrelationship of Operation. The Taximeter Business must install the Roof Light, the trouble light, the Taximeter, and the Rate Card/Taxicab Driver License holder light so that the operation of any of these mechanisms is not controlled or affected by the dashboard light dimmer switch or any other device controlled by the driver.

(f) Specifications for Switches and Wiring. The Taximeter Business must only use switches and wiring that meet specifications of the Society of Automotive Engineers, where such specifications are applicable.

(g) Unauthorized Switches, Wiring or Connections. The Taximeter Business can only install switches for functions approved by the Commission. No additional switches, wiring, or connections may be installed.

§14-29(a)-(g) Penalty: \$500 fine for each subdivision violated Appearance NOT REQUIRED

§14-30 Taximeter Manufacturers – Licensing and General Requirements

(a) Approval Required. Before they are eligible for use in the State of New York, all Taximeters must be approved by the New York Department of Agriculture and Markets.

(b) Licensing of Taximeter Manufacturer. No Taximeter can be used in a Taxicab unless the manufacturer has a Valid Taximeter Manufacturer's License.

(c) General Requirements. All Licensing Requirements (§14-04 through §14-08), General Requirements (§14-09 through §14-12) and Conduct requirements (§14-33 through §14-40) will govern and apply to Taximeter Manufacturers in addition to the specific requirements established in §14-31 and §14-32.

§14-31 Taximeter Manufacturers – Requirements

(a) Cooperation with T-PEP Providers. No Taximeter can be used with any Taxicab Technology System unless the Taximeter's manufacturer has agreed to interface its Taximeter with the Taxicab Technology Systems of all T-PEP Providers that have chosen that Taximeter.

(b) Options for System Installation. When notified that one of its Taximeters has been selected by a T-PEP Provider, the Taximeter Manufacturer must choose one of the following options for system installation:

(1) System Installation By T-PEP Provider

(i) The Taximeter Manufacturer must provide to the T-PEP Provider all information on the design and inner operation of the Taximeter that is necessary for the T-PEP Provider to establish an interface and communication of data between the T-PEP and the Taximeter.

(ii) Before providing the information on the design and inner operation of a Taximeter, a Taximeter Business can require a T-PEP Provider to execute a non-disclosure agreement that is substantially similar in form to the non-disclosure agreement attached to the agreement between the Commission and T-PEP Providers or in a form agreed to by the parties.

(2) System Installation By Taximeter Manufacturer

(i) Within five days of notification of selection, the Taximeter Manufacturer must execute a non-disclosure agreement with the T-PEP Provider in a form substantially similar to the non-disclosure agreement attached to the agreement between the Commission and T-PEP Providers or in a form agreed to by the parties.

(ii) When the non-disclosure agreement is executed, the T-PEP Provider must provide to

the Taximeter Manufacturer all information on the design and inner operation of the provider's T-PEP that is necessary for the Taximeter Manufacturer to establish an interface and communication of data between its Taximeter and the Taxicab Technology System.

(iii) The Taximeter Manufacturer must then perform the work of establishing an interface and communication of data between its Taximeter and the Taxicab Technology System.

(iv) The Taximeter Manufacturer must ensure that when the Taxicab Technology System is installed, the interface and communication of data are and will continue to be effective.

(v) The Taximeter Manufacturer must submit to the Commission on an annual basis a signed certification that it has established and continues to establish an interface and communication of data between the Taxicab Technology System and its Taximeter.

(c) Separate Violations. Each failure on the part of a Taximeter Manufacturer to cooperate with a T-PEP Provider as provided in subdivisions (a) and (b) of this section will constitute a separate violation of this rule.

§14-31(a)-(c) Penalty: \$10,000 for first violation; revocation of License for second violation Appearance REQUIRED

§14-32 Taximeter Manufacturers – Appointment of Manufacturer's Representative

(a) A manufacturer required to be licensed by the Commission under this chapter can appoint a Manufacturer's Representative to hold that License.

(b) A Taximeter Manufacturer that wishes to use a Manufacturer's representative must appoint and authorize the Manufacturer's representative to act on its behalf, in writing. The Taximeter Manufacturer will be bound by the actions of the Manufacturer's Representative.

(c) In the event a Taximeter Manufacturer chooses to appoint a Manufacturer's Representative to hold a License, the following provisions apply:

(1) The Manufacturer's Representative must have the ability to fulfill the requirements and obligations of a Taximeter Manufacturer under this chapter, including the ability to cooperate with T-PEP Providers, as required in §14-31(a) and (b), and will be held jointly responsible with the Taximeter Manufacturer for fulfilling these duties and responsibilities. The Taximeter Manufacturer's appointment of a Manufacturer's Representative will not relieve it of responsibility for compliance.

(2) The Taximeter Manufacturer must inform the Commission of the appointment of a Manufacturer's Representative by providing a copy of the appointment together with the name, address, and License numbers, if any, of the Manufacturer's Representative, and must resubmit this information, as updated, with every renewal application as long as the Manufacturer's Representative's appointment continues.

(3) Each Manufacturer's Representative appointed under this subdivision must apply to hold a License under this chapter and must meet all applicable standards, criteria, and conditions of licensure. When a Manufacturer's Representative applies for a License or its renewal, he or she must also include in his or her application an acceptance of his or her appointment as Manufacturer's Representative and of the responsibilities imposed on the manufacturer by this chapter.

§14-32(a)-(c) Penalty: \$10,000 fine and revocation if the Taximeter Business License is suspended Appearance REQUIRED

§14-33 Comply with Laws – Conduct Rules

(a) Acceptance of Gift or Gratuity. A Taximeter 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 on Requests for Gift or Gratuity. A Taximeter Licensee, any person acting on the business owner'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. A Taximeter 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.

§14-33(a)-(c) Penalty: \$10,000 fine and revocation Appearance REQUIRED

(d) Reporting on Offers of Gift or Gratuity. A Taximeter Licensee must notify the Commission immediately by telephone and in writing within 24 hours after receiving any offer of a gift or gratuity prohibited by §14-33(a)

(e) Fraud, Misrepresentation & Larceny. A Taximeter Licensee, while performing his or her duties and responsibilities as a Taximeter 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 Taxicab Technology System; 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 Taxicab Technology System; or falsification of Taxicab Technology System records.

§14-33(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 a Licensee, a Licensee must not deliberately fail to perform, alone or with another, any act where this failure is against the best interests of the public, although not specifically mentioned in these Rules.

(2) Commission. While performing the duties and responsibilities of a 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.

§14-33(f) Penalty: \$150-\$350 and/or suspension up to 30 days or revocation Appearance REQUIRED

(g) Notice of Criminal Conviction.

(1) A Taximeter Licensee must notify the Commission in writing within fifteen (15) 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.

§14-33(g) Penalty: \$500-\$1,000 and/or suspension up to 30 days Appearance REQUIRED

(h) Threats, Harassment, Abuse. A Taximeter 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.

§14-33(h) Penalty: \$350-\$1,000 and/or suspension up to 30 days or revocation Appearance REQUIRED

(i) Use or Threat of Physical Force. A Taximeter 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.

§14-33(i) Penalty: \$500-\$1,500 and/or suspension up to 60 days or revocation Appearance REQUIRED

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

§14-33(j) Penalty: \$250 fine Appearance NOT REQUIRED

(k) Failure to Cooperate with the Commission. A Taximeter 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.

§14-33(k) Penalty: \$250 fine and suspension until compliance Appearance REQUIRED

(l) MTA Tax. A Taximeter Licensee must adjust the Taximeter in any Taxicab to add the MTA Tax to the fare. The MTA Tax must be charged on any trip that starts in New York City and ends in any of:

1. New York City

2. Dutchess County
3. Nassau County
4. Orange County
5. Putnam County
6. Rockland County
7. Suffolk County
8. Westchester County

Statement of Basis and Purpose of Rules

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

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

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

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 15, Taximeter Business Rules	Chapter 14, Licensing & Rules for Taximeter Businesses & Manufacturers

The proposed rule makes one substantive change. To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed pending decision of a timely-filed appeal.

Supplemental Statement

A public hearing on these proposed rules was held on January 23, 2009. Following that hearing the TLC voted at a public meeting on February 12, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

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

- Technical changes were made to conform certain definitions to those proposed in Chapter 1, Definitions, as a result of staff comment.
- The general penalty and fines section was amended to include the subject of unlicensed activity and to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.
- The provisions of section 14-33 regarding acts of commission and omission were modified based on staff comment to reflect further refinements to this language by the consultant and the staff, including following public comment to similar provisions in Chapter 4.
- Provisions were added governing the collection of the MTA taxi surcharge to track rules passed by the TLC.

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing the sale of taxicab medallions.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on December 5, 2008 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given

below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

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

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 15 thereto to read as follows:

New Material is underlined.

Chapter 15 SALE OF TAXICAB MEDALLIONS

SUBCHAPTER A: SALE OF NEW MEDALLIONS

§15-01 Scope of this Subchapter

- (a) In accordance with Administrative Code §19-532, the Chairperson will issue and sell additional Taxicab Licenses up to the number authorized by state and local law.
- (b) This subchapter establishes the process for issuing and selling newly authorized Medallions.

§15-02 Penalties

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

§15-03 Definitions Specific to this Subchapter

- (a) Bidder. An individual submitting a sealed bid for one or more Lots of Taxicab Medallions or a Business Entity to which an individual Bidder assigns a bid.
- (b) Broker or Taxicab Broker. For purposes of this subchapter, a Broker or Taxicab Broker will include any person or entity, and any person or entity which is an owner, shareholder, partner, member or employee of such person or entity, that represents or advises any Bidder or potential Bidder in connection with an actual or potential bid and meets either of the following criteria:
- (1) Provides advice regarding bid price or potential bid price; or
 - (2) Obtains actual knowledge of the bid price submitted by any Bidder while providing representation or advice.
- (c) Closing Deadline. A Closing Deadline will be the date by which a winning Bidder must close on any Lot as established in §15-07(a).
- (d) Independent Medallion. A class of Medallion Taxicab License, the owner of which may only own one Medallion.
- (e) Lot. Medallions being sold in a single unit, which will be one Medallion in the case of an Independent Medallion and two or more Medallions in the case of Minifleet Medallions.
- (f) Minifleet Medallion. A class of Medallion Taxicab License, the owner of which must own at least two Minifleet Medallions.
- (g) Reserve Status and Reserve Status Bids. The highest ten percent of the non-winning bids in each category hold Reserve Status, unless the Chairperson determines a greater number of non-winning bids will receive Reserve Status and sets a higher qualifying percentage. A bid holding Reserve

Status is a Reserve Status Bid and is converted to a winning bid when a winning Bidder fails to comply with the Closing Deadlines established in this Rule.

§15-04 General Provisions

- (a) Sale by Sealed Bid. The public sale of newly issued Taxicab Medallions will be done by Sealed Bid.
- (b) Classification of Medallions. Each Medallion will belong to only one of the following classifications and will permanently remain in that classification regardless of change in ownership of the Medallion after issuance:
- (1) Independent Medallion
 - (2) Minifleet Medallion
 - (3) Accessible Independent Medallion
 - (4) Accessible Minifleet Medallion
 - (5) Alternative Fuel Independent Medallion
 - (6) Alternative Fuel Minifleet Medallion
- (c) Sale in Lots. New Medallions will be sold in Lots.
- (d) Ratios of Medallion Classifications. The ratio of Minifleet Medallions to Independent Medallions (whether Restricted or Unrestricted) will be maintained in accordance with §19-504(i) of the Administrative Code.
- (e) Separate Public Sales. Separate sales may be conducted for each of Independent Medallions, Minifleet Medallions, Accessible Independent Medallions, Accessible Minifleet Medallions, Alternative Fuel Independent Medallions, and Alternative Fuel Minifleet Medallions.

§15-05 Commission Procedures for Holding a Sealed Bid Sale

- (a) Notice of the Sale. Sealed bid sales and any postponements of these sales will be publicized as required below.
- (1) Publication of Sealed Bid Sale. The Chairperson will publicize each sealed bid sale by placing an announcement in the City Record for five consecutive days, beginning at least thirty days prior to the deadline for bidding. The announcement will include the following:
 - (i) The date and time on which bids are due;
 - (ii) The number of Medallions to be sold;
 - (iii) Whether those Medallions will be sold as Independent Medallions, Minifleet Medallions, Accessible Independent Medallions, Accessible Minifleet Medallions, Alternative Fuel Independent Medallions, or Alternative Fuel Minifleet Medallions;
 - (iv) The numbers of Minifleet and Independent Medallions to be sold;
 - (v) The percentage of highest non-winning bids that will determine the Reserve Status class for each type of Medallion to be sold; and
 - (vi) Other terms of sale.
 - (2) Publication of Postponements. The Chairperson has the ability to postpone the public sale. The Chairperson will place an announcement of the postponement in the City Record for five consecutive days, beginning at least ten days prior to the new deadline for bidding.
 - (3) Additional Notices. The Chairperson can place additional notices in the City Record or other publications.
- (b) Pricing
- (1) The Chairperson will set a minimum upset price for Medallions to be sold.
 - (2) The Chairperson will establish different upset prices for each type of Medallion sold.
 - (3) A minimum upset price will be published in the City Record at least ten days prior to the deadline for submission of bids.
 - (4) Any bid received that is less than that minimum will be rejected as non-responsive.
- (c) Bid Opening
- (1) The Chairperson will set a date when the bids will be opened in public and the winning bids announced at the public sale.
 - (2) The winning bids will be the highest bids that are complete and responsive as established in §15-06.

- (3) The winning Bidders will be notified promptly by certified mail.
 - (4) Tie bids will be decided with a drawing, which will be held at the bid opening. This process will also be used to determine tie bids that qualify for Reserve Status.
 - (5) Winning bids will be published in the City Record and posted at the Commission's office and on the Commission's website.
- (d) Reserve Status Bids
- (1) The Chairperson will determine the number of the highest, non-winning bids that will be given Reserve Status for each type of Medallion sold. This number will not be less than ten percent of the total number of Medallions of that type being sold.
 - (2) The holders of the highest non-winning bids that have been given Reserve Status will be notified of their Reserve Status.
 - (3) Reserve Status may be converted to a winning bid if a winning Bidder fails to comply with the Closing Deadlines established in this Rule.
 - (4) The Chairperson will notify the holder of a Reserve Status Bid when that status changes to a winning bid. The date of notification will be the date of the bid opening for purposes of calculating the holder's deadlines under this Subchapter.
 - (5) The Chairperson will hold a drawing at the bid opening to determine which bids will be given Reserve Status if there are more bids at the lowest bid price qualifying for Reserve Status than set by the Chairperson.
 - (6) A winning Bidder for any Lot that fails to comply with the Closing Deadline requirements will be disqualified from Reserve Status.
- (e) Assignment of the Winning Bid
- (1) The rights of a winning Bidder can only be assigned prior to the close of sale by a winning Bidder who is a Business Entity Person to a Business Entity.
 - (2) The rights of a winning Bidder may not be assigned to any Business Entity if any Business Entity Person of that Business Entity did not comply with the Closing Deadline requirements associated with a winning bid on any higher priced Lot.
- §15-06 Procedures for Bidding**
- (a) Submitting a Bid. Each Bidder must do the following:
- (1) Submit bid on the form determined by the Chairperson.
 - (2) Submit only one bid for one Lot per envelope.
 - (3) Include with each bid the following:
 - (i) For each Medallion for which a Bidder submits a bid, a deposit of \$2,000 in a certified check, bank check, money order, or a check issued by a Taxicab Broker or Agent licensed by the Commission pursuant to chapter 12 or chapter 13 of this title respectively, payable to the "New York City Taxi and Limousine Commission"; and
 - (ii) A letter of commitment for no less than eighty percent of the bid amount, issued by a bank or credit union licensed to do business in the State of New York or other lender licensed by the State of New York or the Federal Government.
 - (4) Submit bid in a 9" x 12" sealed envelope with a cover form determined by the Chairperson on which the Bidder must indicate the following:
 - (i) The Bidder's name, address, phone number and date of sale
 - (ii) The type of Medallion Lot
 - (5) Submit each sealed bid by hand delivery at the time and place designated by the Chairperson.
 - (6) Submit each bid between 9:00 a.m. and 12:00 noon on any of the four business days immediately prior to the deadline for bidding.
- (b) Late Bids. Any bid presented to the Commission after the deadline in 15-06(a)(6) will not be accepted.
- (c) Required Certifications. As part of each bid form, the Bidder must certify the following:

- (1) The Bidder has not relied on any statements or representations from the City of New York in determining the amount of the bid.
- (2) The Bidder has not colluded, consulted, communicated, or agreed in any way with any other Bidder or prospective Bidder for the purpose of restricting competition or of inducing any other prospective Bidder to submit or not to submit a bid for the purpose of restricting competition.
- (3) The Bidder has not disclosed any bid price, directly or indirectly, to any other Bidder for the purpose of restricting competition or of inducing any other prospective Bidder to submit or not to submit a bid for the purpose of restricting competition.
- (4) The Bidder is not acting as a Taxicab Broker for any other Bidder and is not the owner, shareholder, partner, member, or employee of any person or entity acting as a Taxicab Broker for any other Bidder.
- (d) Non-Responsive Bids. The following will be considered "non-responsive" bids and will be rejected:
- (1) Bids not rounded to the nearest one-cent increment.
- (2) Bids not using the proper form or the proper envelope.
- (3) Bids where the form or envelope cover form is not properly completed, as determined by the Chairperson.
- (4) Bid packages that do not have the proper deposit.
- (5) Bid packages that do not contain a commitment letter meeting the requirements of this section.
- (6) Bid packages containing bids for more than one Lot per envelope.
- (7) Bids that are non-responsive or non-conforming in any other respect.
- (e) All Bids Final. All bids are considered final and no Bidder will be allowed to correct any bid after submission.
- §15-07 Closing on the Purchase**
- (a) Closing Deadlines
- (1) Within thirty days after the bid opening, each winning Bidder must close on his or her Medallion(s). If the winning Bidder is unable to close within that period, Bidder must complete the following no later than thirty days after the bid opening:
- (i) Deposit twenty-five thousand dollars (\$25,000) in a certified check for each Medallion covered by the winning bid; and
- (ii) Provide the Chairperson with proof of purchase of a vehicle eligible for Hack-Up (see Chapter 17) in the form of a certificate of origin, a certificate of title, a bill of sale, or a signed sales contract.
- (2) All purchases of Medallions must close by no later than sixty days after bid opening unless extended by the Chairperson for reasonable cause shown.
- (3) All closing dates are subject to the approval of the Chairperson.
- (4) No closing date can be scheduled until the winning Bidder has done the following:
- (i) Demonstrated compliance with all of the requirements for issuance and ownership of a Taxicab License; and
- (ii) Submitted proof of purchase of a vehicle eligible for Hack-Up in the form of a certificate of origin, a certificate of title, a bill of sale, or a signed sales contract.
- (5) A winning Bidder's failure to comply with the provisions in this subdivision will result in the disqualification of the winning bid.
- (b) Additional Pre-Closing Requirements. Each winning Bidder must complete the following prior to closing:
- (1) Submit all documentation required by the Chairperson.
- (2) Clear outstanding fines and penalties.
- (3) Submit fingerprint records as directed by the Chairperson unless the Bidder has electronic fingerprints already on file with the Commission.
- (c) Post-Closing Requirement: Hack-Up each
- Medallion sold under this Subchapter no later than the fifth business day following the day of the closing on the sale of the Medallion, unless extended by the Chairperson for reasonable cause shown.
- (d) Special Requirements for Winners of Independent Medallion. Each winning Bidder of an Independent Medallion must demonstrate the ability to comply with the "Owner-Must-Drive" service requirements set forth chapter 8 of this title. Winners may fulfill this requirement through the following:
- (1) By personally holding or obtaining a Taxicab Driver's License; or
- (2) If the Medallion has been assigned to a Business Entity, by identifying a Business Entity Person who holds such a License.
- (e) Payment. The winning Bidder will be responsible for payment of the following:
- (1) The balance of the purchase price (the bid amount, minus any deposits);
- (2) Any applicable taxes;
- (3) Two years' worth of license and inspection fees (as provided in §8-07 of this title); and
- (4) Any other fees due. No Medallion transfer tax will be collected for the initial Medallion issuance.
- (f) Disposition of Deposits
- (1) All deposits of winning Bidders will be credited toward the sale price.
- (2) If the winning Bidder is not qualified to hold a license, the deposit will be refunded.
- (3) A winning Bidder who does not attempt to meet the requirements of this subchapter, including a winning Bidder who fails to comply with the Closing Deadlines, will lose all deposits made under §15-06.
- (4) Deposits of non-winning and non-responsive Bidders will be returned by the Chairperson.
- (5) Deposits submitted with bids that achieve Reserve Status will be held until those bids are converted to winning bids or until the sales have closed for all Lots of Medallions of the type for which the bid was made.
- (g) Disqualification
- (1) A winning Bidder's failure to meet the Closing Deadlines provided in this section will result in the disqualification of that Bidder as to that winning bid and the forfeiture of deposits made under §15-06 for that winning bid.
- (2) A winning Bidder whose bid is disqualified due to Bidder's failure to meet the Closing Deadlines established here will also be disqualified and will have all deposits made under §15-06 forfeited with respect to any Reserve Status Bids that Bidder may have.
- (3) A winning Bidder who has more than one winning bid or Reserve Status Bid (including any bids assigned to a Business Entity in which that Bidder is a Business Entity Person) must close first on his or her highest winning bid and then in descending order of each next highest winning bid(s).
- (4) A winning Bidder who has more than one winning bid or Reserve Status Bid (including any bids assigned to a Business Entity in which that Bidder is a Business Entity Person) may not avoid closing on the higher winning bid(s) by failing to meet Closing Deadlines. In such a case, the winning Bidder will be disqualified first on the lowest of his or her winning bids and then in ascending order on each of the next lowest winning bids. The deposits made under §15-06 for the disqualified bids will be forfeited.
- §15-08 Conflict of Interest Prohibitions**
- (a) A Bidder cannot collude, consult, communicate, or agree in any way with any other Bidder or prospective Bidder for the purpose of restricting competition or inducing any other prospective Bidder to submit or not submit a bid for the purpose of restricting competition. A Bidder cannot disclose any bid price, directly or indirectly, to any other Bidder for the purpose of restricting competition or inducing any other prospective Bidder to submit or not submit a bid for the purpose of restricting competition. In addition to any other penalties provided by law, violation of this subdivision or submission of a false certification under §15-06 of this Subchapter will result in the disqualification of all bids submitted by that Bidder.
- §15-08(a) Penalty:** \$10,000 fine and either disqualification of bid or, if sale has closed, revocation of Taxicab License(s) Appearance REQUIRED
- (b) A Taxicab Broker cannot submit a bid to purchase any Lot if that broker is acting as a Taxicab Broker for any Bidder. This prohibition also applies to any Business Entity Person or employee of a Taxicab Broker.
- §15-08(b) Penalty:** \$10,000 fine and either disqualification of bid or, if sale has closed, revocation of Taxicab License(s) Appearance REQUIRED
- SUBCHAPTER B: SALE OF REISSUED MEDALLIONS**
- §15-11 Scope of this Subchapter**
- This Subchapter establishes the procedures for the Commission to reissue Taxicab Medallions that have been revoked where the owners of such revoked Medallions did not provide for the resale of the Medallions.
- §15-12 Penalties**
- This Subchapter is informational in nature and does not contain any penalties.
- §15-13 Definitions Specific to this Subchapter**
- Reissued Medallions are Medallions that meet the following criteria:
- (a) The original owner's Medallion Taxicab License has been revoked;
- (b) The original owner failed to sell or otherwise legally dispose of the Medallion; and
- (c) The Medallion was repossessed by the Commission and subsequently re-issued for sale to a new owner.
- §15-14 General Provisions**
- (a) Re-Issuing Medallions. Any Taxicab Medallion that has been revoked by the Commission and not sold by the Owner prior to revocation may be repossessed by the Commission and reissued and sold by the Commission.
- (b) Sale by Public Auction. The sale of reissued Medallions will be done by public auction.
- §15-15 Commission Requirements for Conducting the Public Auction**
- (a) Licensed Auctioneer. The public auction will be conducted by a licensed auctioneer.
- (b) Notice. The auction sale will be advertised in the City Record for at least twenty days before the auction. At his or her discretion, the Chairperson can also advertise the auction in newspapers and other media.
- (c) Maintenance of Medallion Classification. The classification of Medallions issued under this Subchapter will not change regardless of change in ownership of the Medallion after issuance.
- (d) Sale of Minifleet Medallions
- (1) A Minifleet Medallion can be issued only to a corporation that owns at least one other Minifleet Medallion. The purchase at auction of two Minifleet Medallions will satisfy that requirement.
- (2) If more than one Minifleet Medallion is being auctioned, the Medallions will be auctioned first as a pair and then separately. The final sale of the Medallions will be in the manner (as a pair or separately) that will bring the highest return to the City.
- §15-16 Chairperson's Authority to Modify Auction Procedures**
- (a) Cancellation. The Chairperson can, at any time and for any reason, postpone or cancel an auction.
- (b) Modification. The Chairperson may modify the bidding or closing procedures established below provided that a public notice in the City Record is made in advance of the auction.
- (c) Delegation and Discretion. The Chairperson may take further measures as may be appropriate to the sale of the medallions.
- §15-17 Bidding Requirements and Procedures**
- (a) Bidder Criteria. Any person can bid. However, the highest Bidder must satisfy all criteria for Taxicab License owners. The Chairperson will review the application for a license by the highest bidder to determine if that bidder satisfies the ownership criteria.
- (b) Application for Medallion License. The highest bidder must file an application for a Taxicab License with the Commission within three weeks from the auction date, unless the Chairperson extends the deadline for good cause.
- (c) Denial of Application.
- (1) If the highest bidder's application for a license is denied for any reason, the second-highest bidder will be awarded the sale on condition that the second-highest bidder's application for a Taxicab License is approved by the Chairperson.
- (2) If neither the highest bidder's nor the

second-highest bidder's application for a license is approved, the auction will be nullified.

§15-18 Closing Requirements and Procedures

- (a) Deposit. Immediately after the close of bids, the highest Bidder must provide a deposit to the auctioneer covering a percentage of the high bid as set in advance by the Chairperson. The deposit must be in the form of a certified check, a money order, or such other form as set in advance by the Chairperson and published in the City Record.
- (b) Other Payments Due. In addition to the amount bid, the highest Bidder will be responsible on the transfer closing date for any sales tax, Medallion transfer tax, or other applicable taxes or fees.
- (c) Stay of Closing. The outcome of an auction remains conditional pending the resolution of any challenge to the Commission's legal authority to issue and auction the Medallion.

Statement of Basis and Purpose of Rules

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

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

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

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters in this rule-making
Chapter 10, Rules Governing Public Auction of Taxicab Licenses and Chapter 13, Rules Governing Issuance and Public Sale of Taxicab Licenses	Chapter 15, Sale of Taxicab Medallions

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

Supplemental Statement

A public hearing on these proposed rules was held on December 5, 2008. Following that hearing the TLC voted at a public meeting on February 12, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

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

- The general penalty and fines section was amended to align payment of fines terms with those of other chapters. These changes were made as a result of staff comment based on further drafting refinements made by the consultant.

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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing taxicab vehicles and the "hack-up" of taxicabs.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on June 30, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given

below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

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

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

New Material is underlined.

CHAPTER 17 RULES FOR TAXICAB HACK-UP AND MAINTENANCE

§17-01 Scope of this Chapter

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

§17-02 Penalties

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

§17-03 Definitions Specific to this Chapter

- (a) Accessible Taxicab is an Accessible Vehicle that has been Hacked-Up.
- (b) Accessible Vehicle is a vehicle that is licensed by the Commission and that meets the specifications in §17-05.2 of these rules and the following Americans with Disabilities Act regulations for vans under 22 feet in length:
- 49 CFR Parts 37 and 38 (US DOT)
 - 36 CFR §§1192.23 et.seq. (Architectural and Transportation Barriers Compliance Board)
 - 49 CFR part 571 (Motor Vehicle Safety Standards)
- (c) Clean Air Taxicab is a Taxicab that uses a type of fuel which allows the vehicle to:
- Receive an air pollution score of 9.0 or higher from the U.S. EPA and
 - Emit 6.4 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.
- (d) Level I Clean Air Taxicab is a Taxicab that uses a type of fuel which allows the vehicle to:
- Receive an air pollution score of 9.5 or higher from the U.S. EPA and
 - Emit 5.0 tons or less of equivalent carbon dioxide per year, as estimated by the U. S. Department of Energy.
- (e) Level II Clean Air Taxicab is any Clean Air Taxicab that does not meet the standards of a Level One Clean Air Taxicab.
- (f) Hybrid Electric Vehicle means a commercially available mass-produced vehicle originally equipped by the manufacturer with a combustion engine system and an electric propulsion system that operate in an integrated manner.
- (g) Safety and Emissions Inspection means the required vehicle inspections conducted at the Commission's inspection facility.
- (h) Scheduled Retirement Date is the date on which a Taxicab must be retired from service, as determined in §17-18, as may be extended as provided in §17-19, of this Chapter.
- (i) A Taxicab Candidate is the vehicle being considered for use as a Taxicab Model.
- (j) Taxicab Model is a Taxicab Candidate that has been verified by the Commission to comply with the standard specifications set forth in §17-05, §17-05.1 or §17-05.2 of this Chapter.

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

- (a) Meet All Specifications. A Taxicab Candidate must meet the technical specifications in §17-05, 17-05.1 or 17-05.2 of these Rules, as well as all applicable federal and New York State motor vehicle standards and requirements, in order to become a Taxicab Model.
- #### §17-05 Standard Specifications for a Hybrid Electric Taxicab Model
- (a) Type of Vehicle. The vehicle must be a four-door model of one of the following types, and must meet all of the other requirements in this section:
- A compact or larger sedan
 - A minivan
 - A sport utility vehicle equipped with running boards. To qualify as a Taxicab Model, a sport utility vehicle must include the manufacturer or dealer option that provides the greatest degree of light transmittance available in the rear and side rear windows, and in no case less than 20 percent light transmittance.
- (b) Interior Size. The vehicle must have an EPA passenger compartment interior volume index of at least 101.5 cubic feet.
- (c) Rear Compartment. The rear compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:
- Effective legroom (L51) must be at least 34.6 inches
 - Effective headroom (H63) must be at least 37.1 inches
 - Seat depth (L16) must be at least 18 inches
- (d) Front Compartment. The front compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions:
- Effective headroom (H61) must be at least 37.5 inches
 - Effective legroom (L34) must be at least 41.6 inches
 - Total legroom (the sum of L34 and L51) must be at least 76.2 inches
- (e) Air Conditioning. The vehicle must be equipped with a factory installed air conditioning system. The system must include air conditioning outlets for the rear seat area.
- (f) Engine Size. The vehicle may not be equipped with an engine in which the maximum horsepower exceeds 268.
- (g) Diesel Fuel Usage. A vehicle can be hacked up as a Taxicab even if it is not a Hybrid Electric Vehicle if it is powered by diesel fuel and otherwise meets the requirements of this §17-05.
- (h) Windows. All windows must have a light transmittance of 70 percent or more, except for the upper 6 inches of the front windshield.
- (i) Manufactured for Consumer Market. Any Hybrid Electric Vehicle manufactured for the general consumer market may be approved for Hack-up, provided the vehicle meets all of the standard specifications for vehicle Hack-up of this §17-05.
- #### §17-05.1 Standard Specifications for Other Taxicab Models
- (a) Type of Vehicle. The vehicle must be one of the following types:
- A sedan, manufactured with heavy-duty equipment for taxicab, police, or fleet service that meets all of the specifications in subparagraphs (b) through (i) below.
 - A minivan that, based on the Commission's determination, can provide adequate safety and comfort to passengers and meets the air conditioning and engine size specifications in subsections (f) and (g) below.
- (b) Special Package Designation. There must be a term in the VIN or in a body tag that distinguishes the taxicab, police, or fleet package from the standard sedan on which it is based.
- (c) Interior Size. The vehicle must have an EPA passenger compartment interior volume index of at least 107 cubic feet.
- (d) Rear Compartment. The rear compartment of any vehicle approved for use as a Taxicab Model must meet the following dimensions as defined by the Society of Automotive Engineers:
- Effective legroom (L51) must be at least 43 inches
 - Effective headroom (H63) must be at least 37.5 inches
 - The seat depth (L16) must be at least 18 inches
- (e) Front Compartment. The front compartment of any vehicle approved for use as a Taxicab Model must

meet the following dimensions:

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

§17-05.2 Standard Specifications for Accessible Taxicab Models

- (a) An Accessible Vehicle may be approved for Hack-up if it meets all of the following conditions:
- (1) It is a vehicle other than (i) a bus, (ii) a minibus, or (iii) a van, the chassis for which, as originally manufactured, is designed to seat eight or more persons.
 - (2) It is capable of transporting at least one passenger using a common wheelchair (as wheelchair is defined in Code of Federal Regulations, title 49, section 37.3).
 - (3) It does not seat more than five passengers when presented for Hack-up.
 - (4) It complies with the requirements in subdivisions (b) and (c) of this section and all other requirements for Hack-up in §17-05.1 that are not inconsistent with the provisions of this section.
- (b) The chassis of the Accessible Vehicle, as originally manufactured, must have:
- (1) A maximum horsepower of 240.
 - (2) The original equipment manufacturer's suspension and steering components.
 - (3) No bumper modifications.
 - (4) Exception regarding bumpers: A bumper modified to allow installation of a rear-entry ramp may be approved if it satisfies either of the following:
 - (i) Modification by secondary manufacturer:
 - a. The rear bumper is reinforced.
 - b. The modification is approved by the vehicle manufacturer.
 - c. The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
 - d. Any rear door lock modifications must meet the Federal Motor Vehicle Safety Standards and the lock must be attached to the chassis, not the ramp, unless a secondary lock is attached to the chassis.
 - (ii) Modification by other than secondary manufacturer:
 - a. The rear bumper is reinforced.
 - b. The modification is approved by the vehicle manufacturer.
 - c. The modification meets or exceeds Federal Motor Vehicle Safety Standards crash testing requirements.
 - d. The modifier must retain an engineer with at least a bachelors degree in either mechanical engineering or electrical engineering with at least 3 years' experience in automotive manufacturing to certify that each vehicle was modified using the design tested to meet or exceed Federal Motor Vehicle Safety Standards crash testing requirements.
 - e. A separate certification from such engineer for each vehicle must be presented when the vehicle is submitted for Hack-up.
 - f. Any rear door lock modifications must meet the

Federal Motor Vehicle Safety Standards and the lock must be attached to the chassis, not the ramp, unless a secondary lock is attached to the chassis.

- (c) The Accessible Taxicab as manufactured by the original equipment manufacturer ("OEM") or as modified by an OEM-approved second-stage manufacturer must meet the following specifications:
- (1) The minimum ground clearance (measured from frame, loaded to gross vehicle weight rating) must be 5 inches.
 - (2) The minimum passenger compartment length (measured from rear of driver's seat base to rear seat base) must be 56 inches.
 - (3) The original floor of the Accessible Vehicle, if lowered, must be lowered from the base of the firewall to the area immediately in front of the rear axle.
 - (4) If a lowered floor assembly is used, it must be stainless steel (16 gauge minimum) and must meet or exceed the 1,000 hour salt spray rating.
 - (5) If a lowered floor assembly is used, a vapor-insulating barrier of ½ inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.
 - (6) The wheelchair ramp must not block any part of the door or glass while in the stowed position.
 - (7) The system provided to securely hold one or more wheelchairs in place must be the system known as Q straint QRT Standard or its equal.
 - (8) No anchor points may project more than 1/8 of an inch above the finished floor.
 - (9) If the Accessible Taxicab has a middle fold-up passenger seat, it must have a folding mechanism and base plate and must meet the requirements of the Federal Motor Vehicle Safety Standard No. 207, Code of Federal Regulations, title 49, and section 571.207.
 - (10) Any modifications to the rear air conditioning must be approved by the OEM.
 - (11) Any and all electrical wiring, other than as provided by the OEM, must be PVC-or-better insulated and color-coded for positive identification.
 - (12) The back-up alarm must be an electrically operated device that produces an intermittent audible signal when the Accessible Vehicle's transmission is shifted into reverse.
- #### **§17-06 Requirements for Hacking Up a Taxicab**
- (a) Requirement. Only Taxicab Models may be Hacked-Up.
- (b) Putting Vehicle into Service the First Time. A Taxicab Model may be Hacked-up for use as a Taxicab, only if it:
- (1) Is new, having fewer than 500 miles on the odometer.
 - (2) Has been purchased in the first sale from a licensed dealer or a manufacturer. An original of the manufacturer's certificate of origin (MCO) or of the certificate of title must be submitted, in addition to relevant documents of ownership.
 - (3) Is one of the manufacturer's two latest vehicle model years. (Example: If in calendar year 2008 the manufacturer introduces the 2009 Caprice, only 2009 and 2008 Caprices may be Hacked-up.)
 - (4) Has not been discontinued by the manufacturer, except that a model vehicle may be hacked-up until September 30 of the calendar year, two years subsequent to its designated model year. (Example: if in 2010, the manufacturer stops production of the Caprice, a new 2008 model year Caprice may be hacked up until September 30, 2010 and a new 2009 model year Caprice may be hacked-up until September 30, 2011.)
- (c) Continuation in Service. Upon Hack-up, a vehicle may continue in service with the same Medallion so long as the vehicle passes inspection and has not yet met its Scheduled Retirement Date, as set forth in §17-18, as may be extended by §17-19, below.
- (d) Limited Right to "Re-Hack" for Transfer. A vehicle that has been Hacked-up may be transferred to another Medallion, with the approval of the Commission, only if the vehicle passes inspection, has not yet met its Scheduled Retirement Date and meets one of the following conditions:
- (1) Repossessions. The vehicle is purchased through a bank or other lender that has

acquired the right to sell the vehicle through repossession and the repossession occurs within 24 months of Hack-up.

- (2) Long-Term Drivers. The vehicle is owned by a Long-Term Driver who has driven the vehicle for at least five months under the existing Medallion and who will continue to be a Long-Term Driver under the new Medallion.
 - (3) Same Medallion Owner or Agent. The owner (or owner's Agent) of the Medallion transfers the vehicle to another Medallion operated by the same owner or agent.
 - (4) Compressed Natural Gas Vehicle. The owner of a Medallion (or the owner's agent) may transfer a vehicle fueled by Compressed Natural Gas to any other Medallion owned by the same owner.
- (e) Re-Hack Transfer Inspection Fee. The Commission may charge an inspection fee of \$50 to inspect a vehicle for transfer to another Medallion as a re-hack. If necessary, the Commission may charge \$25 for replacement of New York State DMV license plates.
- #### **§17-07 Requirements for Hack-up – Paint, Finish and Lighting**
- (a) Taxi Yellow. The exterior of the vehicle must be painted taxi yellow (Dupont M6284 or its equivalent), except for trim. Samples of paint color and code are to be submitted to the Commission for approval.
- (b) Front Design. The front of the vehicle, and especially the bumper, should be designed with strong emphasis on reducing injury to pedestrians. There must be no unnecessary projections such as rigid hood ornaments.
- (c) Signs. The vehicle must be provided with signs that conform to the marking specifications in §8-31(i) of these rules.
- (d) Auxiliary Turn Signals. Suitable wiring must be provided for a pair of auxiliary turn signal lamps to be located next to the roof light. These lamps must not be activated with the brake lights.
- (e) Roof Light. The vehicle must be equipped with an approved Roof Light.

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

- (a) Upholstery and Trim.
- (1) Must be an easy-to-clean material such as vinyl. Exception: If the vehicle manufacturer installed side airbags or a system which determines whether a seat is occupied for purposes of inflating an airbag, the upholstery must be that provided by the manufacturer.
 - (2) Must meet federal (MVSS) standards for flame resistance.
 - (3) Must have a surface suitable for mounting authorized decals.
- (b) Seats.
- (1) A Taxicab may not be equipped with power-adjusted seats.
 - (2) A Taxicab may be equipped with either bucket or bench seats.
 - (3) The seats must not interfere with the partition and must meet all other Commission requirements.
 - (4) All replacement seats must be designed by the manufacturer for installation in the model and year of the vehicle in which the seats are installed.

§17-09 Requirements for Hack-up – Taximeters

- (a) Requirement. The vehicle must be equipped with a sealed, tamper-resistant Taximeter installed by a Licensed Taximeter Business according to the rules and regulations in Chapter 14. The Taximeter must be installed in a location approved by the Chairperson which permits safe operation of the vehicle and visibility to the passenger.
- (b) Technical Specifications. The Taximeter must meet the specifications and tolerances published in the most recent National Institute of Standards and Technology Handbook, and must be approved for use in New York by the NYS Department of Agriculture and Markets and the Commission. Any new Taximeter will be subject to a minimum three month test period before approval.
- (c) Other Technical Requirements.
- (1) The Roof Light must be controlled by engaging the Taximeter.
 - (2) The Taximeter must be capable of calculating and displaying all required rates of fare.
 - (3) The Taximeter must be capable of transferring data to the Taxicab Technology System manufactured by any

Taxicab Technology Service Provider which has chosen to use the Taximeter.

- (4) The Taximeter and all connections must be secure and tamper proof. All switches, wiring and caps must meet applicable specifications of the Society of Automotive Engineers.

§17-10 Requirements for Hack-up – Partitions

(a) Requirement.

- (1) The vehicle must be equipped with a partition that isolates the driver from the rear seat passengers or all passengers of the vehicle.
- (2) The purpose of the partition is to provide protection to the driver while ensuring passenger safety and enabling rear seat passengers to enjoy a clear and unobstructed view of the Taxicab Driver's License, Rate Card, and front windshield.
- (3) An owner may apply for a certificate of exemption from the requirement to install a partition upon meeting the general criteria for exemption specified in §8-39(b) of Chapter 8.

(b) Technical Specifications.

- (1) The partition must extend from the ceiling to a specific point as recommended by the Chairperson and approved by the Commission, based upon the make and model of the vehicle.
- (2) The transparent portion of the partition must be constructed of a mar-resistant polycarbonate not less than 0.375 inches thick that will provide passengers and drivers with maximum visibility.
- (i) For a flat partition and a partition for a Taxicab with factory installed curtain airbags, the transparent portion must extend from the ceiling to join or overlap with the protective plate of the partition.
- (ii) For an L shaped partition, on the side that is behind the driver, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition. On the side that extends forward to back between the two front seats, the transparent portion of the partition must extend from the ceiling to join or overlap with the protective plate of the partition on the right side of the center console located between the two front seats.
- (3) The protective plate must join or overlap with the transparent portion of the partition and extend downward to the floor of the vehicle. The protective plate must be a plate of 0.085-inch thick bullet-resistant ballistic steel or its equivalent recommended by the Chairperson and approved by the Commission. The protective plate must be installed inside and covering the front seat's entire backrest.
- (i) The protective plate must extend from the point that the transparent portion joins it downward to the floor of the Taxicab.
- (ii) If the transparent portion overlaps the protective plate, the protective plate must extend from the point of joinder with the transparent portion downward to the floor of the Taxicab.
- (iii) For an L shaped partition, the protective plate must also cover the right side of the center console between the two front seats.
- (4) The entire protective plate of each partition must have sufficient padding to prevent injury to any rear-seat passenger in case of an accident or sudden stopping, and all surfaces must be free of sharp and rough edges.
- (5) There must be no opening or gap between the partition and the body of the vehicle larger than one inch, except for vehicles equipped with factory installed curtain airbags. In those vehicles, the partition shall allow a space of six inches on each side, sufficient to permit proper deployment of the curtain airbags.
- (6) In addition to meeting all other technical specifications, a partition may be installed only if it does not impair passenger and driver safety and has the following features:
- (i) Allows passengers and drivers

to communicate with each other

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

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

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

(b) Technical Specifications.

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

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

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

(b) Technical Specifications.

- (1) The IVCS must be connected to the vehicle battery, and the fuse for the connection must be concealed in a tamper-resistant housing.
- (2) Wiring between the recording unit and the camera head must use at either end, tamper-resistant registered jack (RJ) style connectors.
- (3) All electrical connections and wiring must be protected from spikes and dips in vehicle voltage.
- (4) The camera head housing and brackets must be tamper-proof and securely mounted to the right of the rear view mirror. The installation must provide unobstructed vision for the driver.
- (5) The camera's field of view must include the full face of all occupants seated in passenger seats and facing forward.
- (6) Images must be recorded and stored in a unit separate from the camera head.
- (7) The recording unit must be concealed from view and fastened securely with tamper-resistant hardware.
- (8) The IVCS must provide a visual indication of system status that is located on the lower left portion of the dashboard and is visible to the driver and to law enforcement personnel inspecting the vehicle from outside of the driver door.
- (9) The IVCS and components must be sufficiently shock-resistant to withstand typical vehicle movement and collisions.
- (10) The IVCS must have an RS-232 connection or other means for secure image retrieval.
- (11) Images must be sharp, undistorted, and clear enough to enable the viewer to identify all passengers under all lighting conditions, including, for example, dark and bright light, daylight, and backlight.
- (12) Sensor resolution must be, at a minimum, 510 by 480 pixels.
- (13) Storage capacity must be, at a minimum, 7,000 images in an encrypted format, and all access to the storage unit must result in the storage of an electronic "tag" including the installer identification number and date of the event.
- (14) The IVCS must have connection ports for a minimum of two (2) cameras.
- (15) The IVCS must have an event flag or panic button accessible to the driver and

located in an inconspicuous location.

- (16) The IVCS must record images and the following information for each image:

- (i) Date and time
- (ii) Taxicab Medallion number
- (iii) IVCS serial number
- (iv) IVCS indicator for event flags

- (17) Image capture must be linked to the following events:

- (i) Vehicle door openings and closings
- (ii) Meter engagement
- (iii) Event flag button activation
- (iv) Event flag in the test mode when the image(s) are recorded for inspection and test purposes
- (v) Panic button activation

- (18) In the event of a panic button activation, systems must record to protected memory a total of three events. The recording must include, at a minimum, the 2.5 minutes immediately before and after the button activation, at one frame per second.

- (19) Image access may be provided only to law-enforcement agencies, including the New York City Police Department.

- (20) If the IVCS has a physical port for secure image retrieval, the port must be located on the right side of the dashboard or in the trunk, installed inconspicuously, and accessible to law enforcement personnel.

- (21) When memory storage capacity is reached, the IVCS must overwrite the oldest images as new images are recorded in sequence.

- (22) Installations and repairs of IVCS may be performed only by installers authorized by the manufacturer and currently licensed by the Department of Consumer Affairs. Installations and repairs may also be performed by Taximeter Businesses currently licensed by the Commission pursuant to chapter 14 of this title.

- (23) A notarized affidavit signed by a manufacturer's authorized installer attesting to the proper functionality of the IVCS must be provided to the Commission by the authorized installer: (i) annually, and (ii) within 14 calendar days after any installation, repair, or modification of the IVCS.

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

(a) Requirement. A credential holder must be mounted behind the driver in the vehicle in a manner that does not block the driver's view. The holder will be on the partition if there is a partition, or on the headrest if there is no partition.

(b) Technical Specifications. A credential holder frame mounted on the driver's side of the clear portion of the partition must conform to the following:

- (1) Be approved by the Commission.
- (2) Be secured by either rivet or screw at least two inches above the frame supporting the clear portion of the partition and centered on the vehicle's steering column or the headrest on the driver's seat facing the rear passenger's compartment.
- (3) The frame must have a drop-in or slide-in slot accessible only from the driver's compartment for the rate card and the driver's license.
- (4) The frame must have sufficient illumination so that the rate card and the driver's license are clearly visible from the rear seat after dark.
- (5) The frame must be sufficiently padded so as not to cause injury to the driver.

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

(a) Requirement. All vehicles must be equipped with an air conditioner. The air conditioner must be in good working condition from May 1st through September 30th each year. In vehicles equipped with a partition, the air conditioner must include an auxiliary unit for the rear seating area.

(b) Technical Specifications.

- (1) The auxiliary unit must be either standard equipment or optional equipment built into the vehicle by the vehicle manufacturer.
- (2) The auxiliary unit must have controls that passengers may operate in the rear passenger area.

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

(a) Credit, Debit, and Prepaid Card Payment. Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that is capable of accepting all major credit and debit cards that are approved for payment of fares by that T-PEP Provider.

(b) Text Messaging. Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that enables the driver to receive and send text messages. The text messaging equipment may not be used for dispatch purposes.

(c) Trip Data Collection and Transmission. Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that permits the collection and transmission of data to the Commission in accordance with the following requirements:

- (1) All systems must be capable of transmitting data to the Commission or its designated repository at pre-determined intervals established by the Chairperson
- (2) All transmissions must be in a format and manner approved by the Chairperson.
- (3) The data to be transmitted must include:
 - (i) Taxicab License number
 - (ii) Taxicab Driver's License number
 - (iii) Location of trip initiation
 - (iv) Time of trip initiation
 - (v) Number of passengers
 - (vi) Location of trip termination
 - (vii) Time of trip termination
 - (viii) Metered fare for the trip
 - (ix) Distance of the trip
- (4) All data transmitted to Commission must be sent in a secure format as approved by the Chairperson.
- (5) To the extent necessary to facilitate data transfer, the Commission may mandate that each Taxicab be equipped with external antennas.
- (6) No equipment designed to comply with the provisions of this section may be installed unless it has been approved by the Commission based on a determination that the equipment conforms to the specifications set herein, is safe, and fulfills the intended purposes for such equipment.

(d) Passenger Information Monitor ("PIM")

- (1) Unless exempt under §8-39(c), every Taxicab must be equipped with T-PEP that includes a passenger information monitor that meets the following requirements:
 - (i) The monitor is located in the rear passenger compartment and provides passengers sitting in the rear of the vehicle with an unobstructed view of the monitor.
 - (ii) The monitor has a screen that is no less than ten inches measured diagonally. (Exception: In Hybrid Electric Vehicles and other small clean air or low emission Taxicabs that do not have a partition, the screen size may be less than ten inches but not less than five and one-half inches measured diagonally.)
 - (iii) The monitor displays a map that shows the current location of the vehicle as well as the route traveled from the beginning to the end of the trip.
 - (iv) The monitor displays the following required information:
 - A. The passenger bill of rights
 - B. The flat fare notice
 - C. Any other public service announcements designated by the Chairperson
 - D. Itemized metered fare information at the termination of the trip
 - (v) At the Medallion owner's option, the monitor may also be used to display limited media content, which may include commercial advertising and commercial sponsorships as permitted in the contract between the Commission and the T-PEP Provider(s).

(vi) The monitor may be turned off by the passenger, with the following conditions:

- A. If the monitor is turned off, all information that is required to be shown must remain visible for all or a reasonable portion of the passenger's trip.
- B. The monitor must have the capability to come back on when the meter disengages, to further display any additional information required when the passenger leaves the Taxicab.
- C. The monitor must also allow the passenger to control and mute the volume of content after any required information has been shown.

(2) If the credit/debit card acceptance equipment is not operational but the passenger information monitor is operational, the passenger information monitor must display the message, "Credit Card System Currently Not Available".

§17-16 (Reserved)

§17-17 (Reserved)

§17-18 Scheduled Vehicle Retirement

(a) 36-Month Retirement.

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

(b) 60-Month Retirement. All other vehicles must be retired from Taxicab service and replaced no later than the first scheduled inspection of the vehicle occurring 60 months after the vehicle was Hacked-up.

§17-19 Vehicle Retirement Extensions

(a) Hardship Extension: An Independent Taxicab Owner or a Long-Term Driver who owns the vehicle may apply to the Chairperson for an extension of up to 12 months from the Scheduled Retirement Date. To obtain approval of a hardship extension:

- (1) The vehicle owner must demonstrate an economic or other personal hardship that the Chairperson determines would create an undue burden upon the owner if the extension were not granted.
- (2) The vehicle owner must submit a request in writing, together with any supporting documentation, to the Chairperson at least 30 days before the Scheduled Retirement Date. This 30-day deadline may be waived by the Chairperson upon a showing of good cause.
- (3) The vehicle must continue to meet all safety and emission requirements throughout the extension. The Chairperson shall withdraw any extension granted whenever the vehicle is determined by the Commission to be unsafe for operation.

(b) Compressed Natural Gas Extension. An automatic 24-month extension is granted to any Taxicab vehicle that meets the following requirements:

- (1) The vehicle was Hacked-up between March 1, 1996 and April 17, 2007.
- (2) The vehicle was dedicated to operating on compressed natural gas (with a maximum reserve gas tank of five gallons) within six months after Hack-up.
- (3) The vehicle has remained dedicated to operating on compressed natural gas thereafter and throughout its operation.

(c) Minivan Extension.

- (1) Any minivan approved for use as a Taxicab by the Commission that was Hacked-up between March 1, 1996 and April 17, 2007 will have its Scheduled Retirement Date extended as follows:
 - (i) By 12 additional months of Taxicab service if double-shifted and not driven by at least one long-term driver
 - (ii) By 18 additional months of Taxicab service under other conditions
- (2) A Taxicab whose Scheduled Retirement Date has been extended in accordance with the provisions of this section is not eligible for the extended vehicle lifetime provided for Clean Air and Accessible Taxicabs described in §17-20(d) below.

(d) Clean Air and Accessible Taxicab Extensions.

- (1) Extensions of 36-Month Retirement Schedule. The regular 36-Month Retirement Schedule for any Level I or Level II Clean Air Taxicab or any Accessible Taxicab is extended by 12 months.
- (2) Extensions of 60-Month Retirement Schedule: Accessible or Level I Clean Air. The regular 60-Month Retirement Schedule for any Level I Clean Air Taxicab or any Accessible Taxicab is extended by 24 months.
- (3) Extensions of 60-Month Retirement Schedule: Level II Clean Air. The regular 60-Month Retirement Schedule for any Level II Clean Air Taxicab is extended by 12 months.

(e) Final Retirement Date. A vehicle which cannot pass inspection must be replaced, regardless of whether its Scheduled Retirement Date has been reached. A vehicle that has reached its Scheduled Retirement Date, including any extensions provided for in this section, must be retired regardless of whether it may still pass inspection.

Statement of Basis and Purpose of Rules

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

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

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

The rules proposed here are as follows:

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

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

- The experimental vehicle provisions contained within existing rule 3-03(d) have been eliminated as being duplicative of the pilot program rules set forth in Chapter 2 of the revised Rules. It is anticipated that future experimental vehicles, if any, may be proposed as pilot projects. Moreover, the TLC believes that the vehicle specifications enumerated are unnecessary in light of prior experience with experimental vehicles.
- The rule provisions regarding sponsorship of proposed taxicab vehicles have been eliminated as being obsolete.
- The proposed rules contain no requirements concerning "pinion gears" corresponding to those set forth in section 3-03(e)(2)(v) of the existing rules because pinion gears are obsolete and no longer in use.
- The requirements for placement of credential holders in section 17-13 of the proposed rules have been revised to reflect current practice that credential holders are placed behind the driver, and not on the dashboard.
- The air conditioner specifications in section 17-14 of the proposed rules have eliminated the specifications regarding "patch units" contained in the prior rule as patch units are now obsolete.

In addition, while the TLC does not regard it as a substantive change, the detailed list of taximeter specification set forth in section 3-04 of the current rule has been replaced with a reference to the requirements of National Institute of Standards and Technology Handbook 44 and approval of a taximeter by the New York State Department of Agriculture and Markets, which govern taximeter specifications in all instances.

Supplemental Statement

A public hearing on these proposed rules was held on June 30, 2009. Following that hearing the TLC voted at a public meeting on July 16, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional

public comment and final approval by the TLC.

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

- Rules governing standards for bumper modifications relating to accessible vehicles were corrected as a result of staff comment.

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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing TLC adjudications.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on November 6, 2009 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

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

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

New Material is underlined.

CHAPTER 18 ADJUDICATIONS

§18-01 Scope of this Chapter

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

§18-02 Penalties

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

§18-03 Definitions Specific to this Chapter

- Commission Adjudications Tribunal (or Commission Tribunal) is the judicial body that has, except as otherwise provided in these Rules, jurisdiction over:
 - Violations of Title 19, Chapter 5 of the Administrative Code
 - Violations of Commission Rules

- Review of the fitness of an Applicant or a Licensee to hold a License

- De Novo is a legal term meaning "over again from the beginning."
- Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation must be imposed; Discretionary Revocation can be sought by the Chairperson for any Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.
- Fit to Hold a License means that the Applicant or Licensee is qualified ("fit") to assume the duties and obligations of the particular TLC Licensee and meets and will continue to meet the qualifications for licensure established by applicable rule or law, and that a Licensee or Applicant for a License will comply and continue to be able to comply with such qualifications or applicable rule or law
- Inquest is the presentation and consideration of evidence at a Hearing before an ALJ, when the Respondent has failed to appear.
- Mandatory Revocation is the imposition of the penalty of revocation when a Rule specifies that revocation must be imposed.
- Notice of Seizure is document served upon and mailed to an owner of a vehicle that has been seized and removed to a secure facility.
- OATH is the New York City Office of Administrative Trials and Hearings.
- Recommended Decision. A Recommended Decision is a writing made by an ALJ (or by OATH) following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.
- Respondent is an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being not Fit to Hold a License.
- Secondary Owner is an individual or Business Entity that has a lien or mortgage or any other type of legal interest in a vehicle.
- Unlicensed Activity is the provision or advertising of any Commission-regulated for-hire transportation service by any (i) Licensee whose License is suspended, revoked, or expired and not yet renewed, or by any (ii) person who does not hold a Valid License or Authorization for the vehicle, for the driver of the vehicle and, if applicable, for the service; Unlicensed Activity specifically includes these activities as specifically set forth in §19-506 and §19-529 of the Administrative Code, and can subject the violator to the seizure and possible forfeiture of his or her vehicle.

§18-04 Alternative Forum

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

§18-05 Service of Summonses and Notices

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

- If the Respondent is the registered owner of a vehicle, by personal service upon the driver of the vehicle.
- If the Respondent is charged with operating an unlicensed Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business, by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Respondent at the Respondent's place of business.

§18-06 Contents of Summonses or Notice of Violation

- Required Information. A summons or notice of violation must contain, at a minimum, the following information:
 - The date, time, and location of the alleged violation.
 - A description of the nature of the violation sufficient to inform the Respondent of the prohibited conduct, including the basis for any charge that the Respondent is not Fit to Hold a License.
 - The Rule or Administrative Code Section alleged to have been violated. If there is a conflict between the Rule or Code Section cited and the description of the violation, the description controls the final resolution of the issue.
 - The date, time, and location of the scheduled Hearing on the violation, or instructions to the Respondent on how to schedule a Hearing date including the deadline for responding.
 - Whether the Respondent's personal appearance at the Hearing is required.
 - If the rule violated includes the penalty of discretionary revocation, a specific statement that a finding of guilt could result in the revocation of the Respondent's License.
 - If the rule violated includes the penalty of mandatory revocation, a specific statement that a finding of guilt will result in the revocation of the Respondent's License.
 - Failure of Summonses to Provide Information.
 - If, at a Hearing, a Respondent claims that the summons or notice of violation did not provide the required information, the Commission will attempt to have the Respondent provided with the required information and the ALJ will determine if the lack of information has unfairly prejudiced the Respondent.
 - The ALJ will then determine whether to:
 - Proceed with the Hearing
 - Grant an adjournment, or
 - Dismiss the violation
 - If the summons or notice of violation is dismissed solely because the information specified in subdivision (a) has not been provided, the Commission can issue an amended summons or notice of violation.
- #### §18-07 Respondent Options Based on Violation's Appearance Requirements
- Options When Attendance Is Not Required. For violations where the Respondent's personal appearance is not required, the Respondent can choose from the following options:
 - The Respondent can plead guilty and pay the scheduled fine in person or by mail (or in any other manner approved by the Commission) prior to the scheduled Hearing or deadline. By pleading guilty, the Respondent admits the charges contained in the summons or notice of violation and waives any right to appeal the ALJ's determination or assessment of penalties.
 - The Respondent can choose, instead, to appear for a Hearing at the location, date, and time indicated on the summons or notice of violation. If no Hearing date is scheduled, the Respondent can request a Hearing by pleading not guilty to the summons or by following the instructions contained in the notice from the Commission.
 - The Respondent's failure to enter a plea in a timely manner will constitute a default to the charges, and the Respondent will be subject to penalties that can include License suspension or revocation.
 - Options When Appearance is Required. If the summons or violation requires a personal appearance, the Respondent must appear for a Hearing at the location, date, and time indicated on the summons or notice of violation. Failure to appear will constitute a default to the charges and

the Respondent will be subject to penalties that can include License suspension or revocation.

§18-08 Failure to Prosecute by the Commission

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

§18-09 Hearings – Adjourment Requests

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

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

- (a) *Licensees.* A Respondent who is a Licensee can be represented at a Hearing by an attorney or by an authorized non-attorney Representative.
- (b) *Corporations.* If the Respondent is a corporation, it can also be represented by an officer, director, or employee of the Respondent corporation designated as an agent for the Respondent.
- (c) *Partnerships.* If the Respondent is a partnership, it can also be represented by any partner.
- (d) *Non-Licensees.* A Respondent who is not a Licensee must appear personally and can be accompanied and represented by an attorney or an authorized non-attorney Representative.
- (e) *Non-Licensee Business Entity.* If the non-Licensee Respondent is a corporation or partnership, an officer, director, employee, or partner must appear.
- (f) *Proof of Relationship to Respondent.* Any individual appearing who is not a Respondent must provide proof of his or her relationship to the Respondent.
- (g) The Commission can, for cause, deny any non-attorney (other than an authorized Representative or the Respondent) the opportunity to appear at a Hearing.

§18-11 Hearings – Procedures

- (a) *Identification Required.* A Respondent must provide the ALJ with a Valid government-issued photo ID prior to the Hearing.
- (b) *Hearings Conducted in English.* All Hearings must be conducted in English.
- (c) *Right to Bring Translator.* Except for a Licensed Taxicab Driver, any Respondent who does not speak or understand English can appear at a Hearing with a translator who is not a party, a representative of the Respondent, or a witness to the proceeding.
- (d) *Right to Present Witnesses.* A Respondent is entitled to be present throughout the entire Hearing and can present witnesses. However, witnesses will be excluded from the Hearing room except while they are actually testifying.
- (e) *Right to Confront Witnesses.*
- (1) The Commission will produce a complaining witness, if there is one, to testify in person where the witness's credibility is relevant. The Respondent will have the opportunity to confront a complaining witness, if the witness is produced.
 - (2) If the witness does not personally appear, the Commission will make reasonable efforts to have the witness available by videoconferencing or teleconferencing at the Hearing.
 - (3) If the Commission is unable to produce the witness in person or by video or teleconference, it will provide the ALJ with a statement outlining its efforts to produce the witness.
 - (4) If the ALJ determines that the Commission's efforts were not adequate, the ALJ shall dismiss the notice of violation.
- (f) *Conduct of Hearing.*
- (1) All Hearings must be conducted before an ALJ.
 - (2) The ALJ must consider all relevant testimony and review documentary evidence submitted at the Hearing.
 - (3) Evidence at a Hearing can include affidavits or affirmations submitted under

penalties of perjury. Evidence can also include records maintained by the Commission or by another governmental body in its regular course of business.

- (4) If the Respondent fails to produce any document that the Commission has requested or that Respondent is required by Commission Rules to maintain, the Commission will presume that the document, if produced, would have been adverse to the Respondent.

- (5) Although the formal rules of evidence do not apply, all witnesses must testify under oath or affirmation.

- (6) At the conclusion of the Hearing, the ALJ must issue a decision that includes findings of fact and conclusions of law.

- (g) *Recordings.* All Hearings shall be recorded. The record of the Hearing and the written decision of the ALJ will constitute the only official record of the Hearing. No individual can record or photograph the Hearing without prior written permission from the Commission.

- (h) *Findings of Guilt.* If the ALJ finds that a violation has been committed, the ALJ must impose the appropriate penalties, which can include a fine, points, and a suspension or revocation of the Respondent's License. If a suspension for a specified period of time is imposed, the suspension period will not include any period of time during which the Respondent's License is not in the possession of the Commission.

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

- (a) *Failure to Appear.* If a Respondent fails to appear at a scheduled Hearing, the Commission will conduct an Inquest on or after the Hearing date.

- (b) *Inquest Proceedings.* At the Inquest, the ALJ will conduct the Hearing and review the evidence and impose any penalties deemed appropriate, including additional penalties for the failure to appear at the Hearing.

- (c) *Notification of Results.*

- (1) The Commission will mail a copy of the ALJ's decision by regular, USPS first class mail to the Respondent at the address on file with the Commission.

- (2) The Commission will record the time and date this notification is mailed and the name of the person who mailed it. This record of information will be available to the Respondent upon request.

- (d) *Imposition of Penalties.*

- (1) *Suspension.* All suspension penalties imposed at an Inquest will begin 10 days from the date the ALJ's decision is mailed to the Respondent.

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

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

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

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

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

- (1) The reasons for his or her failure to appear at the Hearing

- (2) A defense to the charge which, if established and proved at a Hearing, would result in the dismissal of the summons

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

- (1) The Inquest determination must be vacated and the Respondent must be entitled to a new Hearing.

- (2) Any suspension, revocation or Persistent Violator penalties imposed at the Inquest must be vacated.

- (3) Any fines paid will be refunded.

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

§18-14 Appeals – By Respondent

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

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

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

- (d) *Payment of Fines Deferred.*

- (1) If the Respondent files a timely appeal, any fines imposed by the ALJ will be deferred until a decision on the appeal is made.

- (2) The Commission will not be required to refund any fines paid before Respondent filed the appeal, unless the appeal is successful.

- (e) *Requests for Copy of Recording.*

- (1) The Respondent can request a copy of the recording of the Hearing within seven calendar days from the ALJ's determination. The request must be made in writing on a form supplied by the Commission.

- (2) The Commission will provide Respondent with a copy of the recording within 30 days after receipt of the request.

- (3) If the Commission cannot produce the recording to the Respondent within 30 days, the determination being appealed will be dismissed without prejudice, which means that the Commission is entitled to re-issue the violation and rehear the case as a new case.

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

- (1) The original 30 calendar days from the date of the decision being appealed

- (2) Twenty-one calendar days from the date the Commission issues the requested copy of the recording of the Hearing to the Respondent.

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

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

- (i) *Temporary License.*

- (1) If the ALJ's decision results in the suspension of the Respondent's License, the Deputy Commissioner for Legal Affairs/General Counsel or his designee can, in his or her discretion, issue a temporary license, which will remain in effect pending the determination of the appeal.

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

§18-15 Appeals – By Commission

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

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

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

- (d) *Rights of the Respondent.*

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

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

- (3) The Respondent can request a copy of the recording of the Hearing within seven calendar days from the notice of appeal. The request must be in writing on the form supplied by the Commission.
- (4) If a Respondent requests a copy of the recording of the Hearing, his or her time to respond to the notice of appeal is extended until 21 calendar days from the issuance of the requested copy by the Commission, whether by mailing or otherwise.
- (e) Issues of Law on Appeal. A Commission appeal of an ALJ's decision must be limited to the issues of law raised in the appeal submitted.
- (f) Results of Appeal. On appeal, the determination of the ALJ can be affirmed, reversed in whole or in part, or modified.

- (1) If a decision appealed by the Commission results in the reversal of a decision by an ALJ to dismiss a summons, the matter must be remanded to the Commission Adjudications Tribunal for a new Hearing.
- (2) If a decision appealed by the Commission affirms a determination of guilt by an ALJ but modifies a penalty that had been incorrectly imposed, the decision can correct the penalty without remand for a new Hearing.

§18-16 ALJ's Final and Recommended Decisions

- (a) ALJs of the Commission Adjudications Tribunal will render final decisions that include findings of fact and conclusions of law, as well as penalties to be assessed.
- (b) ALJ decisions will be final except for the following, which shall be Recommended Decisions:
- (1) ALJ findings and penalty determinations as to the fitness of Licensees or License Applicants
- (2) ALJ penalty determinations in padlocking or proceedings under §19-528(b) of the Administrative Code
- (3) ALJ findings and penalty determinations in Summary Suspension proceedings pending revocation.

§18-17 Procedure for Finalizing Recommended Decisions

- (a) Respondent's Opportunity to Respond. When a Recommended Decision is issued, the Respondent must be given an opportunity to provide a written response. The response must be limited to the record of the Hearing and the determination of the ALJ with respect to penalty only.
- (b) Submission to Chairperson. The Recommended Decision must include the findings of fact, conclusions of law and recommended penalties. This will be submitted to the Chairperson along with any written comments submitted by the Respondent.
- (c) Final Decision by Chairperson. The Chairperson will determine whether to accept, modify, or reject the Recommendation of the ALJ and will issue a Final Decision. Alternatively, the Chairperson can remand the matter to the ALJ for further consideration.

§18-18 Appeal of Chairperson's Final Decision

- (a) The only Chairperson's Final Decision that can be appealed is a decision regarding the imposition of Discretionary Revocation (see §18-19).
- (b) The Chairperson's Final Decision on the imposition of discretionary revocation can be appealed to the Commissioners following these rules:
- (1) The Respondent must file a written appeal with the Deputy Commissioner for Legal Affairs/General Counsel within 30 calendar days from the date of the Chairperson's final decision.
- (2) The filing must describe the basis for the appeal and must include all supporting statements and arguments.
- (3) The Chairperson can prescribe the form for the conduct and filing of these appeals.
- (4) A review of the Chairperson's decision must be limited to the issues of law raised in the appeal submitted and whether the decision of the Chairperson and the Recommended Decision of the ALJ are supported by substantial evidence. The Commissioners can not review findings of fact or determinations of credibility by an ALJ.
- (5) The Commission can submit a written response to any appeal filed by the Respondent.
- (6) The Respondent must be given the opportunity to respond in writing to the Commission's written submission.
- (7) The Commissioners must each receive a copy of the ALJ's Recommended Decision,

the Chairperson's Final Decision, the Respondent's appeal, and any responses filed by the Commission or the Respondent.

- (8) Acting in its quasi-judicial capacity, the Commission must affirm, reject, modify, or remand the Chairperson's Final Decision. A minimum of five votes is required to reject, modify or remand the Final Decision; the absence of five votes to change the Final Decision constitutes an affirmance. The Chairperson can not vote on these appeals.
- (9) The results of the vote and the action taken by the Commission must be communicated at a public meeting.

§18-19 Special Procedures – Imposition of Revocation

- (a) Mandatory Revocation. Mandatory License revocation will be imposed when a Respondent is found liable for a violation in which mandatory revocation is specified.
- (b) Discretionary Revocation. If the Commission seeks Discretionary Revocation, the following procedure must be followed.
- (1) The Chairperson must determine that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.
- (2) The proceeding must be commenced before the Office of Administrative Trials and Hearings (OATH).
- (3) The Commission must notify the Respondent by serving a written summons or notice detailing the charged misconduct and warning the Respondent that a finding of guilt could result in the revocation of his License.
- (4) The Respondent must be served with charges according to the procedures adopted by OATH.
- (5) The charges must inform the Respondent of the location, date, and time of any scheduled Hearing.
- (6) The Hearing will be conducted by an OATH ALJ and governed by OATH procedures. The affirmative defenses in subdivision b of §19-512.1 of the Administrative Code can be available in the Hearing.
- (7) The OATH ALJ must issue a Recommended Decision to the Chairperson containing findings of fact, conclusions of law, and recommended penalties. These penalties can include License revocation, License suspension for a period up to six months, and a fine not to exceed \$10,000 for each offense for which a Taxicab owner, base owner, taximeter business owner, Taxicab broker, or Taxicab agent is found guilty or a fine not to exceed \$1,000 for each offense for which any other Licensee is found guilty.

§18-20 Special Procedures – Fitness Hearings

- (a) The Chairperson will notify the Applicant or Licensee to appear as Respondent for a fitness Hearing if the Chairperson believes that a Licensee or Applicant for a License is not Fit to Hold a License including, but not limited to, as a result of:
- (1) A criminal conviction.
- (2) A failed drug test as a result of illegal drug use or a sample which cannot be tested.
- (b) The Notice to Respondent and the conduct of the Hearing will be governed by the rules and procedures established in this Chapter.
- (c) At the conclusion of the Hearing, the ALJ must issue a Recommended Decision that must include a determination as to the Respondent's fitness to possess a License.
- (d) If the Respondent is or has ever been a Licensee, the Recommended Decision will be issued to the Chairperson.
- (e) If the Respondent is an Applicant who has never held a License issued by the Commission, the Recommended Decision will be issued to the Chairperson.
- (f) The Chairperson can accept, reject, or modify the Recommended Decision. The decision of the Chairperson will constitute the final, determination of the Commission.
- (g) The License of a Licensee who is found to be not Fit to Hold a License will be revoked.

§18-21 Special Procedures – Summary Suspension Pending Revocation

- (a) Summary Suspension.
- (1) The Chairperson can summarily suspend a License if the Chairperson believes that continued licensure would constitute a

direct and substantial threat to public health or safety, pending revocation proceedings.

- (2) Any Licensee subjected to a Summary Suspension is entitled to a Summary Suspension Hearing or a Revocation Hearing as established below.
- (3) The Commission will notify the Licensee either by personal service or by USPS first class mail of the Summary Suspension, within five days of the suspension.
- (b) Summary Suspension or Revocation Hearing (other than Suspensions resulting from Criminal Charges). If the Commission does not schedule a revocation Hearing to be held within 15 days from the suspension:
- (1) The Respondent can request a Hearing on the Summary Suspension within ten calendar days from receiving the notice of suspension.
- (2) Upon receipt of a request for a Hearing, the Commission must schedule a Suspension Hearing within ten calendar days of the receipt of the request, unless the Chairperson determines that the Hearing will harm any ongoing civil or criminal investigation.
- (3) No Summary Suspension Hearing will be required where the Commission schedules the revocation Hearing within 15 calendar days of the suspension.
- (c) Conduct of Summary Suspension Hearing.
- (1) A summary suspension Hearing must be held before an ALJ who must consider relevant evidence and testimony under oath, according to the Hearing procedures established in this Chapter.
- (2) Where applicable, the affirmative defenses will include those provided in §19-512.1(b) of the Administrative Code.
- (3) At the end of the Summary Suspension Hearing, the ALJ must issue a written Recommended Decision to the Chairperson, who can accept, reject, or modify the recommendation.
- (4) The decision of the Chairperson is the final determination of the Commission with respect to the summary suspension.
- (5) If the Chairperson does not render a decision within 60 calendar days from the end of the suspension Hearing, the suspension must be lifted until the decision is rendered.
- (d) Summary Suspension for Criminal Charges.
- (1) The Chairperson can summarily suspend a License based upon an arrest on criminal charges if the Chairperson believes that the charges, if true, would demonstrate that continued licensure would constitute a direct and substantial threat to public health or safety.
- (2) The Chairperson need not commence revocation proceedings while the criminal charges are pending. However, the Respondent is entitled to request a Suspension Hearing.
- (3) At the Summary Suspension Hearing, the issue will be whether the charges underlying the Licensee's arrest, if true, demonstrate that the continuation of the License while awaiting a decision on the criminal charges would pose a direct and substantial threat to the health or safety of the public.
- (4) Within five calendar days from the date the Commission receives from the Licensee a certificate of disposition of the criminal charges, the Chairperson must either lift the suspension or commence revocation proceedings.
- §18-22 **Special Procedures – Summary Suspension Pending Compliance**
- (a) Summary Suspension. If the Chairperson finds that the Licensee is not in compliance with a rule in this title that provides for "summary suspension until compliance," the Licensee's TLC-issued License can be summarily suspended until compliance pending an opportunity to be heard.
- (b) Notice to Licensee. The Commission will send a notice to the Licensee (now, Respondent) by personal service or by USPS first class mail to the Respondent's current Mailing Address with the following information:
- (1) That the Respondent's TLC-issued License is being suspended for a violation of the Commission's rules or applicable Administrative Code section
- (2) A description of the nature of the violation
- (3) That the Respondent's License will be suspended based on one of the following

- options, whichever applies:
- (i) Immediately upon service of the notice if made by personal service
- (ii) Five days from the date of the mailing if the notice was sent by USPS first class mail to the Respondent's current Mailing Address
- (4) That the Respondent has the right to be heard by following the instructions contained in the notice and responding:
- (i) Within ten calendar days from receiving the notice, if notice was given by personal service
- (ii) Within 15 calendar days from the mailing of the notice of suspension, if the notice was mailed
- (c) *Respondent's Right to Expedited Hearing.*
- (1) Except as set forth in §18-22(d) below, any Licensee subjected to a summary suspension is entitled to an expedited Hearing provided the Licensee or Respondent timely requests an expedited Hearing.
- (2) *Scheduling a Summary Suspension Hearing.*
- (i) Upon receipt of a request for a Hearing, the Commission must schedule a Suspension Hearing (or a Hearing on the underlying violation), which must be held within ten calendar days from the receipt of the request.
- (ii) A Summary Suspension Hearing must be held before an ALJ who will consider relevant evidence and testimony under oath according to the Hearing procedures established in this Chapter.
- (3) *Failure to Request a Hearing on the Suspension.* If a Respondent does not request an expedited Hearing within the timeframe given in §18-22(b)(4) above, then the Respondent is deemed to have waived the opportunity to be heard on an expedited basis. The Respondent will be scheduled for a Hearing on the underlying violation in accordance with the normal procedures set forth in this Chapter. The Summary Suspension will be continued until lifted by the ALJ in the Hearing on the underlying violation or until the Licensee furnishes proof of compliance satisfactory to the Chairperson.
- (d) *Respondent's Right to be Heard Through Written Documentation.*
- (1) *Violation of Drug-Testing Rules.* A Taxicab or For-Hire Vehicle Driver who fails to be timely tested for drug use, in accordance with §4-14(d) or §5-15(e) of these Rules, and whose License is then summarily suspended, is not entitled to a Hearing, but can provide the Commission with a single submission of written documentation refuting the suspension of his or her License.
- (2) *ALJ Review of Documentation.* The documentation submitted by a Licensee refuting the Summary Suspension will be reviewed by an ALJ who will then issue a decision including findings of fact and conclusions of law. This decision can be appealed in accordance with the process established in §18-14 of this Chapter.
- (3) *Failure to Submit Documentation.* If the Driver does not timely submit written documentation refuting the Summary Suspension, the opportunity to be heard is waived and the Driver will be deemed to be guilty of the violation.
- (e) *Continuation of a Suspension.* The suspension of TLC-issued Licenses provided by this section must continue until any fines assessed are paid and until compliance with the underlying Commission rule or Administrative Code section has been shown to the satisfaction of the Chairperson or his or her designee.
- (f) *Lifting of Suspension.* At any time after being notified of a suspension, a Respondent can pay any applicable fines, comply with the underlying Commission rule or Administrative Code section, and furnish proof of such compliance to the satisfaction of the Chairperson or his or her designee. Upon such payment and submission of proof of compliance, the suspension of the TLC-issued License will be lifted.
- §18-23 Special Procedures – Seizure of Unlicensed Taxicab, Paratransit, and For-Hire Vehicles**
- (a) *Seizure.*
- (1) The Commission and/or a police officer is entitled to seize any vehicle where probable cause exists to believe that the vehicle is operated or engaged in any Unlicensed Activity set forth in §19-506(b) or (c) of the Administrative Code.
- (2) A vehicle seized under subdivision (1) above will be removed to a designated secured facility.
- (b) *Summons and Notice of Seizure.*
- (1) The officer or representative of the Commission seizing the vehicle will serve a summons for Unlicensed Activity upon the owner of the vehicle, by service upon the owner or any person who uses the vehicle with the permission of the owner, express or implied.
- (2) The officer or representative of the Commission seizing the vehicle will also serve a Notice of Seizure upon the owner of the vehicle in the same manner permitted in paragraph (b)(1) above. The Notice of Seizure will include, but not be limited to, the following information:
- (i) Identification of the seized vehicle
- (ii) Information concerning these regulations, and
- (iii) The designated secured facility to which the vehicle was or will be taken.
- (3) An officer or representative of the Commission will also mail a Notice of Seizure to the owner of the vehicle. Any defect in delivery or mailing of a Notice of Seizure will not affect the validity of service of a summons upon the owner described in subdivision (b)(1) above.
- (c) *Expedited Hearing.* The summons will set a date and time for a Hearing, no later than:
- (1) Seven calendar days (rolling forward to the next business day if the seventh day is not a business day) for seizure of a paratransit vehicle; or
- (2) Fourteen days for seizure of a for-hire vehicle or Taxicab.
- (d) *Release of Vehicle Prior to the Scheduled Hearing.*
- (1) *Eligibility for Early Release.*
- (i) An owner of a vehicle is eligible to obtain the release of a seized vehicle prior to the scheduled hearing if the owner has not been found in violation two or more times of §19-506(b) or (c) of the Administrative Code within the previous thirty-six month period.
- (ii) An owner who has already been found guilty of engaging in Unlicensed Activity two or more times within the previous thirty six months is subject to having the vehicle forfeited, and is not eligible for early release.
- (2) *Process.* To obtain the release of a seized vehicle, an eligible owner must personally bring the notice of violation to the Commission Tribunal, on or before the scheduled hearing date, and either:
- (i) Plead guilty, whereupon:
- A. The Commission must verify that the owner meets the eligibility requirements;
- B. An ALJ will determine the amount of the civil penalty;
- C. The Commission will determine the amount of removal and storage fees;
- D. The owner must pay in full the civil penalty and removal and storage fees;
- E. Upon receiving payment, the Commission will issue an order to release the vehicle;
- F. The owner or his agent can present the order at the designated secured facility to obtain the vehicle.
- (ii) *Post a Bond, whereupon:*
- A. The Commission must verify that the owner meets the eligibility requirements.
- B. The owner must post a bond in the amount of the maximum civil penalty, plus removal and storage fees.
- C. Upon the bond being posted, the Commission will issue an order to release the vehicle.
- D. The owner or his agent can
- (iii) If the owner does not obtain the vehicle by the date specified in the order of release, the owner will be responsible for any further storage fees, and payment of such fees must be made before the release of the vehicle.
- (e) *Decisions at the Expedited Hearing.*
- (1) *Dismissal.* If the ALJ dismisses the summons, he or she will then issue an order for release of the seized vehicle without removal and storage fees.
- (2) *Liable for Violation.* If the ALJ finds that the owner is guilty, the ALJ will assess a civil penalty. The owner must pay the civil penalty as well as any remaining removal and storage fees in order to obtain an order for release of the seized vehicle.
- (3) *Potential for Forfeiture.* If the ALJ finds that the owner is guilty and that this was the owner's third or subsequent conviction of engaging in Unlicensed Activity within a thirty-six month period, the ALJ will:
- (i) Set a civil penalty, and
- (ii) Issue a notice to the owner and to the Chairperson that the vehicle is subject to forfeiture upon a judicial determination.
- (f) *Inquest Review.* If the owner of the seized vehicle fails to appear for the Hearing, an Inquest hearing will be held, and the following process will be followed:
- (1) An ALJ will make a determination in accordance with subdivision (e) above.
- (2) The Commission will notify the owner/Respondent of the Inquest determination by first class mail, and will include the provisions of §18-25 concerning Abandoned Vehicles.
- (3) The owner/Respondent can appear at the Commission offices within seven calendar [business] days of the notice to comply with the Inquest determination or to move to vacate the determination.
- (4) If the Inquest determination is vacated, the owner/Respondent will be entitled to a hearing De Novo on the original summons.
- (5) Such hearing will be scheduled within seven calendar days of the order vacating the Inquest determination, or, if the seventh day is a Saturday, Sunday or City government holiday, no later than on the business day next following the seventh day.
- (g) *Appeals.*
- (1) If the owner has been found guilty of Unlicensed Activity, he or she must pay the civil penalty together with removal and storage fees in order to appeal.
- (2) If the owner has been found liable for Unlicensed Activity three or more times within a 36-month period and therefore subject to having the vehicle forfeited, the owner must pay only the civil penalty in order to appeal.
- (3) If upon appeal the decision is reversed in whole or part, the relevant civil penalty and fees will be refunded to the owner.
- §18-24 Special Procedures – Forfeiture of Unlicensed Taxicab, Paratransit, and For-Hire Vehicles**
- (a) *Forfeiture.* If an owner of a vehicle is found to be guilty of Unlicensed Activity three or more times within a thirty-six month period, the interest of the owner in the vehicle used to commit the most recent violation will be subject to forfeiture after notice and judicial determination.
- (b) *Determination to Pursue Forfeiture.*
- (1) The Chairperson will determine whether to pursue the remedy of forfeiture.
- (2) If the Chairperson determines not to pursue the remedy of forfeiture, the owner will be notified by first class mail.
- (3) The owner can get an order to release the vehicle by paying the civil penalty already assessed along with all removal and storage fees.
- (4) If the Chairperson determines to pursue a remedy of forfeiture, the owner will be served proper summons and other papers required under the provisions of the civil practice law and rules.
- (c) *Public Sale Pursuant to Forfeiture.*
- (1) A public sale of the forfeited vehicle can be held no sooner than 30 days after the owner is served notice of the forfeiture.

- (2) Prior to a public sale, at least five days notice of the sale:
- (i) Must be published in the City Record or in a newspaper of general circulation, and
 - (ii) Must be mailed to any Secondary Owner shown in the records of the jurisdiction that issued the number license plates on the vehicle.
- (d) Rights of Secondary Owners.
- (1) Any person who can establish a right of ownership in the vehicle (other than the owner whose interest has been forfeited) can recover the vehicle, provided the person:
 - (i) Redeems the ownership interest which was subject to forfeiture, by paying the city the value of that interest;
 - (ii) Pays the reasonable expenses for the safekeeping of the vehicle between the time of seizure and redemption;
 - (iii) Proves that he or she has not expressly or impliedly permitted the actions that led to the seizure and forfeiture.
 - (2) A person wishing to assert an ownership claim in the vehicle must either:
 - (i) File a claim and participate in the forfeiture proceedings or
 - (ii) Submit a claim in writing within 30 days after the determination of forfeiture.
 - (3) If the Secondary Owner submits the claim after the forfeiture hearing (but within 30 days of the forfeiture determination), the Commission will hold a separate administrative adjudication, and will:
 - (i) Schedule a Hearing;
 - (ii) Mail notice to the claimant at least ten business days in advance of the Hearing, and
 - (iii) Determine whether the violations upon which the forfeiture was predicated were expressly or impliedly permitted by the claimant;
 - (iv) If the ALJ finds that there was such permission by the claimant, the claim will be denied.

§18-25 Special Procedures – Abandoned Taxicab, Paratransit, and For-Hire Vehicles

- (a) Declaration of Abandonment. A vehicle will be declared Abandoned by the Commission, if an owner does not:
- (1) Remove the vehicle from storage within five days of obtaining an order of release; or
 - (2) Pay the civil penalty and removal and storage fees within five days after the Hearing in which a determination of violation was made; or
 - (3) Pay the civil penalty and removal and storage fees, within seven days after a notice that the Commission will not pursue the remedy of forfeiture was mailed to the owner; or
 - (4) Within seven days after notice of an inquest determination of violation is mailed to the owner:
 - (i) Pay the civil penalty and removal and storage fees, or
 - (ii) Obtain an order vacating the Inquest determination of violation and setting a hearing De Novo.
- (b) Disposition of the Vehicle. In the event that a vehicle has been deemed Abandoned, the Commission will:
- (1) Mail notice to the owner and any Secondary Owners that the vehicle has been declared Abandoned and that, unless claimed within 10 days of the mailing date of the letter, the vehicle will become the property of the Commission and will be sold.
 - (2) The owner or any Secondary Owner can claim the vehicle by paying the removal and storage fees due and, in the case of the owner, the civil penalty claimed that is now a lien on the vehicle.
 - (3) If the vehicle is not claimed within the allotted time, the Commission can sell the vehicle by public auction or by bid.
- (c) Disposition of the Proceeds from the Sale of the Vehicle.
- (1) Proceeds from any sale, minus expenses incurred for removal, storage and sale of the vehicle and minus the civil penalty lien will be held without interest for the benefit of the former owner of the vehicle for one year.
 - (2) If these funds are not claimed within the one year period, they will be paid into the Commission's general fund.

§18-26 Special Procedures – Seizure of Commuter Vans

- (a) Right to Seize Vehicle.
- (1) The Commission and/or any police officer is entitled to seize any vehicle where reasonable cause exists to believe that the vehicle is operated or engaged in any Unlicensed Activity set forth in §19-529.2 of the Administrative Code.
 - (2) All passengers and the driver in a vehicle that has been seized will be left in or transported to a location that is readily accessible to other means of public transportation.
 - (3) Any vehicle that has been seized will be taken to a designated secured facility.
- (b) Procedure after Seizure.
- (1) Notice of Seizure.
 - (i) Within one business day after the seizure, notice of the seizure and a copy of the notice of violation will be mailed to the owner of the vehicle.
 - (ii) The notices will be mailed to the address listed for the owner in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
 - (2) Hearing.
 - (i) A Hearing to adjudicate Unlicensed Activity will be held before the Commission Tribunal within five business days after the date of the seizure.
 - (ii) The Hearing will be conducted according to the procedures set forth in this Chapter 18 of the Rules.
 - (iii) Where the procedures in this section are inconsistent with procedures in other sections of this Chapter, the procedures established in this section will govern seizure and forfeiture Hearings.
- (c) Release of Vehicle Prior to Hearing.
- (1) An owner will be eligible to obtain release of the vehicle prior to a Hearing if the owner has not previously been found liable for Unlicensed Activity under §19-529(2) within a five-year period prior to the violation resulting in the seizure.
 - (2) To obtain release of the vehicle, an eligible owner must post a bond (in a form satisfactory to the Commission) in an amount equal to:
 - (i) The maximum civil penalty that could be imposed for the violation, plus
 - (ii) All reasonable costs for removal and storage of the vehicle.
- (d) Hearing Decision.
- (1) Timely Decision. The Commission Tribunal will render a determination within one business day of the conclusion of the hearing, with a finding as to whether the vehicle has been engaged in Unlicensed Activity of a commuter van or a commuter van service.
 - (2) Guilty Finding. If the Administrative Tribunal of the Commission finds that the vehicle has been engaged in Unlicensed Activity:
 - (i) If the vehicle's owner has not engaged in Unlicensed Activity within the past five years, the vehicle is not subject to forfeiture and the Commission will release the vehicle to the owner upon payment of the applicable civil penalties and all reasonable removal and storage costs;
 - (ii) If the vehicle's owner has previously engaged in Unlicensed Activity within the past five years, the vehicle is subject to forfeiture and the Commission can either:
 - A. Release the vehicle to an owner upon payment of the applicable civil penalties and all reasonable removal and storage costs, or
 - B. Commence a forfeiture action within ten days after the owner's written demand for such vehicle (see §18-27).
 - (3) Not Guilty Finding. Where the Commission Tribunal finds that the charge of Unlicensed Activity has not been sustained, the vehicle will be released to the owner.
- (e) Declaration of Abandonment.
- (1) If an owner has not tried to reclaim a seized vehicle within thirty days after the Commission mails the owner a notice that the Commission Tribunal has made its final determination regarding the violation underlying the seizure, the vehicle will be declared abandoned, regardless of whether the owner was found guilty or not guilty of the violation.

- (2) An abandoned vehicle will be disposed of by the City according to §1224 of the NYS Vehicle and Traffic Law; provided, however, that, if an owner seeks to reclaim the abandoned vehicle under §1224, nothing in this §18-26(e) will apply to prevent the owner from making the claim and the Commission will take whichever action is authorized by subdivision (d) of this section.
- §18-27 Special Procedures – Forfeiture of Commuter Vans**
- (a) Forfeiture.
- (1) If an owner of a vehicle is found to be in violation of §19-529.2 of the Administrative Code two or more times within a five-year period, all rights, title and interest in the vehicle is subject to forfeiture of the vehicle after notice and judicial determination.
 - (2) A vehicle which is the subject of such an action will remain in the custody of the City pending the final determination of the forfeiture action.
- (b) Commencing an Action for Forfeiture. A forfeiture action is commenced by the filing of a summons with notice or a summons and complaint according to the New York Civil Practice Law and Rules.
- (c) Who Must Be Served and How. Service of a summons with notice (or a summons and complaint) will be made:
- (1) By personal service (according to the New York Civil Practice Law and Rules) upon all owners listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
 - (2) By first class mail upon all individuals who have notified the Commission Tribunal that they are an owner of the vehicle; and
 - (3) By first class mail upon all persons holding a Valid security interest, filed with the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered, at the address shown in the filing.
- (d) Asserting a Claim. Any owner or Secondary Owner who receives notice of the forfeiture action and who claims an interest in the vehicle must assert a claim for the recovery of the vehicle or their interest in the vehicle by intervening in the forfeiture action (in accordance with the New York Civil Practice Law and Rules).
- (e) Affirmative Defenses Required to Sustain a Claim. In order to sustain his or her claim in the vehicle, a claimant must plead and prove that he or she was not in any way a party to allowing the actions that constituted the violation, by showing that:
- (1) The claimant had no knowledge of the actions; or
 - (2) If the claimant had knowledge of the actions, claimant took all reasonable steps to prevent the use of the vehicle for the unlawful conduct and did not knowingly obtain his or her interest in the vehicle in order to avoid forfeiture of the vehicle; or
 - (3) The vehicle was unlawfully in the possession of another person who committed the actions that constituted the violation.
- (f) Disposition of Vehicle. The City, after judicial determination of forfeiture, can either:
- (1) Retain the vehicle for the official use of the City; or
 - (2) Sell the vehicle at public sale after at least a 20-day public notice, and pay the net proceeds into the general fund of the City.
- (g) Rights of Secondary Owners Unaware of Forfeiture Proceedings.
- (1) Any Secondary Owner who did not receive notice of the forfeiture action and who did not otherwise receive actual notice of the action may assert a claim within six months after the forfeiture.
 - (2) The claim must be one that could have been asserted in the original forfeiture action, and must be adjudicated before the Justice of the Supreme Court who presided at the original forfeiture action.
 - (3) The court can grant the relief sought upon such terms and conditions as it deems reasonable and just if the claimant:
 - (i) Establishes that he or she was not sent notice of the commencement of the forfeiture action and was without actual knowledge of the forfeiture action, and
 - (ii) Proves one of the affirmative defenses set forth in subdivision (e) of this section.
- (h) Total Claims May Not Exceed Value of Vehicle at Sale.
- (1) In any forfeiture action, including a subsequent action initiated under subdivision (g) of this section, where the court awards a sum of money to one or more persons in satisfaction of claims in the forfeited vehicle, the total amount awarded to satisfy all interests must not exceed the amount of the net proceeds of the sale of the forfeited vehicle.

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

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

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

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility. Except as noted below, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

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

The rules proposed here are as follows:

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

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

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

Supplemental Statement

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

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

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

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing representatives appearing before the TLC.

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

in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on December 5, 2008 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing, by telephone, or by TTY/TDD no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 6, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
TTY/TDD: 212-341-9596
Email: tlcrules@tlc.nyc.gov

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

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 19 thereto to read as follows:

New Material is underlined.

CHAPTER 19 RULES FOR REPRESENTATIVES

§19-01 Scope of this Chapter

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

§19-02 Adjudication of Violation of Rules and Penalties

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

§19-03 Definitions Specific to this Chapter

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

Authorization to Appear Before the Commission

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

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

the Applicant and will assume legal responsibility for the conduct of the Applicant before the Commission.

- (e) The Applicant must provide a Mailing Address to the Commission.
- (f) The Applicant shall also provide the Commission with any e-mail addresses used by the Applicant in the course of business.

§19-05 Requirements – Procedural

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

§19-06 Requirements – Evidence and Testimony

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

§19-07 Requirements – General

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

§19-08 Personal Conduct

- (a) Bribery. A Representative may not offer or give any gift, gratuity, or thing of value to any employee or member of the Commission or to any other public servant. A Representative must immediately report to the Commission and the New York City

Department of Investigation any request or demand for any gift, gratuity, or thing of value by any employee or member of the Commission or any other public servant.

- (b) Deceit or Collusion. In connection with the representation of a Respondent in an adjudication, a Representative must not engage in or consent to any deception or collusion with the intent to deceive the Commission or any other party.
- (c) Cooperation with Law Enforcement. A Representative must, at all times, cooperate with all law enforcement officers, authorized representatives of the Commission, and the New York City Department of Investigation. A Representative must comply with all of their reasonable requests.
- (d) Cooperation with TLC. A Representative must promptly and truthfully answer and comply as directed with all questions, communications, directives, and summonses from the Commission or its representatives and the New York City Department of Investigation or its representatives.

Statement of Basis and Purpose of Rules

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

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

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

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters in this rule-making
Chapter 7, Standards of Conduct for Representatives Appearing Before the Commission Tribunal	Chapter 19, Rules for Representatives

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

Supplemental Statement

A public hearing on these proposed rules was held on December 5, 2008. Following that hearing the TLC voted at a public meeting on February 12, 2009 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

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

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

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

NOTICE IS HEREBY GIVEN in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes rules governing the promulgation of a new rule books.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on March 5, 2010 at 2:30 P.M.

An additional public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York, 10006 on July 8, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's

Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than July 1, 2010.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than July 8, 2010 to:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

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

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 20 thereto, to read as follows:

New Material is underlined.

Chapter 20 Transition Rules

§20-01 Scope of this Chapter

- (a) To repeal existing TLC rules:
- (b) To promulgate new TLC rules of which this chapter is part;
- (c) To provide for a transition from the existing rules to the new rules;
- (d) To set forth the general purpose that actions taken under the existing rules remain effective when the new rules take effect, a purpose which is to be construed broadly.

§20-02 Penalties

This chapter is informational in nature and does not provide for any penalties.

§20-03 Definitions Specific to this Chapter

- (a) Activation Date. The Activation Date is January 1, 2011.
- (b) New Rules. Title 35 of the Rules of the City of New York and any amendments that become effective on and after the Activation Date.
- (c) Old Rules. Title 35 of the Rules of the City of New York as in effect before the Activation Date.

§20-04 Rules

- (a) Old Rules. The Old Rules are repealed on the Activation Date.
- (b) New Rules. The New Rules become effective and binding on the Activation Date.

§20-05 Existing Licenses

- (a) Existing Licenses. All Licenses issued by the Commission and Valid at the Activation Date continue in existence.
- (b) Obligation to follow New Rules. All Licensees must obey the New Rules beginning on the Activation Date. It does not matter when a License was issued or when the License expires. A Licensee will be responsible for his or her conduct as a Licensee under the New Rules beginning on the Activation Date.
- (c) Old Rules are no defense to ongoing obligations. No person can raise as a defense to a violation of the New Rules from the Activation Date either the existence of the Old Rules before the Activation Date or that a License was issued under the Old Rules.
- (d) License Terms-Expiration.

- (1) A License Valid and in effect on the Activation Date expires on the date it was scheduled to expire when issued under the Old Rules.
- (2) A License suspended on the Activation Date expires on the date it was scheduled to expire when issued under the Old Rules.

- (e) License Renewals. When a License expires on or after the Activation Date, the New Rules apply to any application to renew that License.

§20-06 License Applications

- (a) License Applications received before the Activation Date. License applications received before the Activation Date will be processed under the Old Rules. However, for any such License, the Licensee must follow the New Rules beginning on the

Activation Date.

- (b) License Applications received after the Activation Date. License applications received on and after the Activation Date will be processed under the New Rules.

§20-07 Persistence of Enforcement Actions

- (a) Summonses.
- (1) All summonses written and outstanding under the Old Rules remain valid at the Activation Date. Charges in the summonses will be adjudicated under the Old Rules.
- (2) All summonses written beginning on the Activation Date will be written under the New Rules. Charges in the summonses will be adjudicated under the New Rules.
- (3) No summons can be dismissed on or after the Activation Date on the ground that it was written under the Old Rules for conduct that occurred before the Activation Date.

(b) Outstanding Fines and Penalties.

- (1) Fines, penalties and debts owed to the Commission on the Activation Date for violations of any rule or duty continue to be due and payable until paid.
- (2) Any fine, penalty or debt imposed on or after the Activation Date resulting from a summons written under the Old Rules for conduct that occurred before the Activation Date will be due and payable until paid.

(c) Suspensions.

- (1) Any License suspension which has gone into effect before the Activation Date remains in effect beginning on the Activation Date and must be served until the terms of the suspension are satisfied.
- (2) Any suspension imposed under the Old Rules which goes into effect beginning on or after the Activation Date must be served until the terms of the suspension are satisfied.
- (3) The Activation Date will not affect the end date of any suspension.

(d) Hearing Schedules. The Activation Date will not affect the date of any Hearing or other action scheduled before the Commission's Adjudications Tribunal or OATH

(e) Directives and Notices to Correct.

- (1) Any directive or notice to correct issued by the Commission before the Activation Date remains in effect on the Activation Date and until complied with.
- (2) Penalties for violation of any directive or notice to correct issued before the Activation Date will be imposed under the Old Rules.

(f) Outstanding Points for Drivers, Vehicle Owners, and Bases.

- (1) All points issued as penalties by the Commission under any of the Persistent Violator or Critical Driver Programs, or as Penalty Points to owners of For-Hire Vehicles or Bases and accumulated against any License on the Activation Date remain in effect.
- (2) Any points issued and accumulated on and after the Activation Date as a result of summonses issued under the Old Rules will be added to any accumulated points.
- (3) Any action to suspend or revoke any License under any accumulated point program initiated on or after the Activation Date will be governed by the New Rules.
- (4) In any action to suspend or revoke, the Commission will consider points accumulated within the period specified by applicable rules. Points accumulated against a License both before and on and after the Activation Date will be considered.

- (g) Cumulative Penalties. When penalties are affected by the number of times a person has been convicted of that violation, convictions for prior offenses under the Old Rules count toward second and subsequent offense penalties under the New Rules.

Statement of Basis and Purpose of Rules

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

any changes to TLC's current policies, procedures or operations.

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

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2010.

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

The rules proposed here are intended to effect the transition between the existing rule book and the new rule book. The proposed rules are generally intended to ensure that actions validly taken under the existing rules by the TLC, any licensee or applicant, or any other person, remain valid and effective under the new rules. The TLC intends to construe these rules to ensure that no action, consequence, or duty may be avoided simply because the existing rules are replaced by new rules. Consistent with this intention, the TLC expects that appeals decisions made concerning the existing rules will continue to have the same effect, where appropriate, after the revised rules become effective. The rules address such matters as

- An application will be processed according to the rules that are in effect on the date the application is received.
- A license that is validly issued under the existing rules will remain valid for its stated term, despite the promulgation of the new rules.
- A summons validly issued under the existing rules will remain valid under the new rules.
- A summons validly issued under the existing rules will be adjudicated under the existing rules, even if the adjudication occurs entirely or in part after the effective date of the new rules.
- A fine or other penalty validly imposed under the existing rules will remain valid and enforceable under the new rules.
- A directive or notice to correct that is validly issued under the existing rules will remain valid and enforceable under the new rules.
- Points accumulated in penalty programs in the existing rules, such as the persistent violator program or the critical driver program, will remain in effect under the new rules. Therefore, for example, the "look-back" period for the persistent violator program and for the critical driver program will continue to be 15 months under the new rules, and will incorporate points that were accrued for violations that occurred under the existing rules.
- Predicate offenses that occur under the existing rules will remain in effect under the new rules. That is, if a violation occurs under the existing rules, it will count toward "second offense" penalties or other applicable multiple offense provisions in the new rules.

Supplemental Statement

A public hearing on these proposed rules was held on March 5, 2010. Following that hearing the TLC voted at a public meeting on March 18, 2010 to conditionally approve these rules, subject to a further vote of approval after all 19 revised rules chapters have been conditionally approved. All 19 chapters having now been conditionally approved by the TLC, the 19 chapters are being republished for additional public comment and final approval by the TLC.

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

- The Activation Date has been reset to reflect staff expectations of when activation and implementation of the revised rule book is likely to occur.

or by the insertion of an electronic debit card. Parking at an on-street or off street meter also may be paid for by the activation of a valid IVPS or other authorized method of payment as provided for herein.

Section 2. Subdivision (h) of section 4-08 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (11), to read as follows:

(11) "Electronic Communication Device Payments"

(i) Notwithstanding any provision herein, any person may park at an on street or off street parking space controlled by a meter or muni-meter as defined herein by making payment via electronic communication device as approved by the Department.

(ii) "Electronic communication device" shall mean any electronic equipment approved by the Department capable of transmitting information via telephone, cable, fiber, satellite or antenna to the Department for payment of parking at parking spaces where payment for such space is requested. This includes but is not limited to mobile or vehicle mounted computers with an on-line connection, mobile (cellular) phones, personal digital assistants, or any other electronic communication device approved by the Department.

(iii) The Department may establish authorized payment by electronic communication device by designating on street or off street parking spaces

controlled by a meter or muni-meter where payment by such electronic communication device shall be permitted.

- (A) The Department shall designate each location by the posting of a sign.
- (B) A motorist wishing to pay by electronic communication device at each designated location can call, text and/or e-mail the telephone number and/or email address posted on the sign in order to pay for parking at said designated location.

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the Department of Transportation is authorized to promulgate rules regarding parking and traffic in the City pursuant to section 2903 of the New York City Charter.

Subparagraph (i) of paragraph (7) of subdivision (h) of section 4-08 of the Rules of the City of New York is being amended to include off street meters as a location for payment by IVPS, and to enable persons parking at such locations to pay by alternative authorized methods of payment.

Paragraph (11) of subdivision (h) of section 4-08 of Title 34 of the Rules of the City of New York is being added to enable motorists in designated locations to pay for parking spaces via electronic communication devices authorized by the Department. This will allow motorists to use metered parking spaces without having the need to carry coins and may result in cost saving to the Department due to the likelihood that there will be a reduction in meter collections.

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SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6477
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/31/2010
2887105	2.0	#1DULS	MANH	SPRAGUE ENERGY CORP	+0.071 GAL. 2.4481 GAL.
2887105	3.0	#1DULS	BRONX	SPRAGUE ENERGY CORP	+0.071 GAL. 2.4481 GAL.
2887105	4.0	#1DULS	BROOKLYN	SPRAGUE ENERGY CORP	+0.071 GAL. 2.4831 GAL.
2887105	5.0	#1DULS	QUEENS	SPRAGUE ENERGY CORP	+0.071 GAL. 2.4831 GAL.
2887105	6.0	#1DULS	S.I.	SPRAGUE ENERGY CORP	+0.071 GAL. 2.5481 GAL.
2887105	7.0	#1DULS	P/U	SPRAGUE ENERGY CORP	+0.071 GAL. 2.3599 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.128 GAL. 2.4153 GAL.
2887086	7.0	#1DULSB20	P/U	SPRAGUE ENERGY CORP	+0.128 GAL. 2.3456 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.085 GAL. 2.3784 GAL.
2887086	5.0	#1DULSB5	P/U	SPRAGUE ENERGY CORP	+0.085 GAL. 2.2964 GAL.
3087064	1.0	#1DULSB50	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.215 GAL. 2.9925 GAL.
2887052	1.0	#2	MANH	RAPID PETROLEUM	+0.072 GAL. 2.0180 GAL.
2887052	4.0	#2	BRONX	RAPID PETROLEUM	+0.072 GAL. 2.0178 GAL.
2887052	7.0	#2	BROOKLYN	RAPID PETROLEUM	+0.072 GAL. 2.0074 GAL.
2887052	13.0	#2	S.I.	RAPID PETROLEUM	+0.072 GAL. 2.0509 GAL.
2887053	10.0	#2	QUEENS	METRO FUEL OIL CORP.	+0.072 GAL. 2.0407 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW	METRO FUEL OIL CORP.	+0.087 GAL. 2.4216 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111	SPRAGUE ENERGY CORP	+0.072 GAL. 2.2935 GAL.
2887106	9.0	#2DHS	BARGE WI	METRO FUEL OIL CORP.	+0.072 GAL. 2.2049 GAL.
2887301	1.0	#2DLS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	+0.030 GAL. 2.3199 GAL.
2887301	3.0	#2DLS	P/U	METRO FUEL OIL CORP.	+0.030 GAL. 2.1827 GAL.
2887302	4.0	#2DLS	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.030 GAL. 2.3044 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.086 GAL. 2.1945 GAL.
2887105	1.1	#2DULS	P/U	SPRAGUE ENERGY CORP.	+0.086 GAL. 2.1595 GAL.
2887301	2.0	#2DULS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	+0.086 GAL. 2.2742 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.141 GAL. 2.3011 GAL.
2887087	8.0	#2DULSB20	P/U	METRO FUEL OIL CORP.	+0.141 GAL. 2.6519 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	+0.100 GAL. 2.2454 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE	SPRAGUE ENERGY CORP	+0.100 GAL. 2.7807 GAL.
2887159	6.0	#2DULSB5	P/U	METRO FUEL OIL CORP.	+0.100 GAL. 2.2931 GAL.
3087065	2.0	#2DULSB50	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.223 GAL. 2.8274 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP.	+0.086 GAL. 2.5214 GAL.
2887052	2.0	#4	MANH	RAPID PETROLEUM	-0.124 GAL. 1.8088 GAL.
2887052	5.0	#4	BRONX	RAPID PETROLEUM	-0.124 GAL. 1.8122 GAL.
2887052	8.0	#4	BROOKLYN	RAPID PETROLEUM	-0.124 GAL. 1.8230 GAL.
2887052	14.0	#4	S.I.	RAPID PETROLEUM	-0.124 GAL. 1.8560 GAL.
2887053	11.0	#4	QUEENS	METRO FUEL OIL CORP.	-0.124 GAL. 1.8278 GAL.
2887052	3.0	#6	MANH	RAPID PETROLEUM	-0.255 GAL. 1.6850 GAL.
2887052	6.0	#6	BRONX	RAPID PETROLEUM	-0.255 GAL. 1.6850 GAL.
2887052	9.0	#6	BROOKLYN	RAPID PETROLEUM	-0.255 GAL. 1.7000 GAL.
2887052	15.0	#6	S.I.	RAPID PETROLEUM	-0.255 GAL. 1.7360 GAL.
2887054	12.0	#6	QUEENS	CASTLE OIL CORPORATION	-0.255 GAL. 1.7041 GAL.
2787347	1.0	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP	+0.215 GAL. 2.7724 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6478
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/31/2010
3087154	1.0	#2	MANH	F & S PETROLEUM CORP.	+0.072 GAL. 2.1245 GAL.
3087154	79.0	#2	BRONX	F & S PETROLEUM CORP.	+0.072 GAL. 2.1245 GAL.
3087154	157.0	#2	BKLYN, QUEENS, SI	F & S PETROLEUM CORP.	+0.072 GAL. 2.2045 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6479
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/31/2010
3087115	1.0	#2	MANH & BRONX	PACIFIC ENERGY	+0.072 GAL. 1.9499 GAL.
3087115	80.0	#2	BKLYN, QUEENS, SI	PACIFIC ENERGY	+0.072 GAL. 1.9551 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6480
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/31/2010
2687312	2.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	+0.013 GAL. 2.1182 GAL.
2787192	7.0	PREM	CITY WIDE BY TW	METRO TERMINALS	-0.070 GAL. 2.2697 GAL.
2887274	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY CORP.	-0.070 GAL. 2.5032 GAL.
2787192	1.0	U.L.	CITY WIDE BY TW	METRO TERMINALS	-0.197 GAL. 2.0869 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.197 GAL. 2.4580 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.197 GAL. 2.3580 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.197 GAL. 2.3580 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.197 GAL. 2.3580 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0.197 GAL. 2.3580 GAL.

TRANSPORTATION

NOTICE

NOTICE OF ADOPTION of the Rule on parking payment via electronic device.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Transportation by section 2903(a) of the New York City Charter, and in accordance with section 1043 of the Charter, that the Department of Transportation hereby adopts section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York, the Traffic Rules, with the amendment to subparagraph (i) of paragraph (7) of subdivision (h) and the addition of paragraph (11) subdivision (h). This rule was first published on March 30, 2010 and a public hearing was held on May 5, 2010. This rule shall take effect 30 days from the date hereof.

Section 1. Subparagraph (i) of Paragraph (7) of subdivision (h) of section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (7) Authorized payment methods; counterfeits prohibited.
 - (i) Authorized payment methods. Parking meters shall be activated by the insertion of a coin or coins of United States currency, by the insertion of a token issued by the Metropolitan Transportation Authority New York City Transit ("MTA/NYCT") where authorized by sign or other official indicator,

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CITY PLANNING

NOTICE

Domino Sugar Rezoning

Project Identification

CEQR No. 07DCP094K
ULURP Nos. C 100185 ZMK,
N 100186 ZRK, C 100187 ZSK,
C 100188 ZSK, C 100189 ZSK,
N 100190 ZAK, N 100191 ZCK,
N 100192 ZCK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street, Room 1W
New York, New York 10007

Contact Person

Robert Dobruskin, AICP, Director (212) 720-3423
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on Wednesday, April 28, 2010. Comments were requested on the DEIS and were received and considered by the Lead Agency until Monday, May 10, 2010. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS. The proposed action is classified as a SEQRA Type I action.

The Refinery LLC ("the applicant") is requesting discretionary approvals in connection with the redevelopment of the former Domino Sugar site along the East River waterfront in Williamsburg, Brooklyn (the "proposed project"). The approximately 11-acre project site comprises two parcels: a waterfront parcel (Block 2414, Lot 1) and an upland parcel (Block 2428, Lot 1). The waterfront parcel is approximately 9.9 acres (excluding the approximately 6.2 acres of land underwater to the pierhead line) and the upland parcel is approximately 1.3 acres. The waterfront parcel is bounded on the west by the East River, on the north by Grand Street, on the east by Kent Avenue, and on the south by South 5th Street, which separates the site from the Williamsburg Bridge immediately to the south. Grand Street ends at Grand Ferry Park, which is a public park that provides access to the East River. The block on which the upland parcel is located is bounded on the west by Kent Avenue, on the north by South 3rd Street, on the east by Wythe Avenue, and on the south by South 4th Street. The project site is located entirely within Brooklyn Community District 1. The project site is currently zoned M3-1 for heavy industrial use.

The proposed project would facilitate a proposal by the applicant to develop approximately 2.81 million gsf above-grade, including the reuse of the Refinery complex. The proposed project would include up to 2,400 residential units, up to 127,537 gross square feet (gsf) of retail/commercial space, up to 146,451 gsf of community facility space, and up to 98,738 gsf of commercial office space. The applicant currently intends to build 2,200 residential units on the project site, of which 660 would be affordable to low- and moderate-income households. However, it is assumed for analysis purposes in the Environmental Impact Statement (EIS) that the project could include up to 2,400 residential units (based on an average unit size of approximately 1,000 gsf), 30 percent of which would be affordable to low- and moderate-income households. The complex of landmarked buildings along the waterfront known as the Refinery would be adaptively reused. The project's approximately four acres of publicly accessible open space would include an esplanade along the water's edge, linking the project site to Grand Ferry Park, a large open lawn between the esplanade and the Refinery that would highlight this restored historic structure, and new connections that are intended to provide visual and physical access to the waterfront from all streets leading to the project site.

The proposed project would require a number of discretionary approvals from the City Planning Commission (CPC): a) zoning map amendments from M3-1 to R8 with a C2-4 commercial overlay or to C6-2 for the waterfront parcel and from M3-1 to R6 with a C2-4 commercial overlay on the upland parcel; b) zoning text amendments to apply the Inclusionary Housing program to the project site and to modify the requirements of non-conforming signs to permit a sign on the Refinery as per the approval from the NYC Landmarks Preservation Commission (LPC); c) special permits to allow transfer of floor area development rights across Kent Avenue, and modifications to: height and setback, dimensions on an inner court recess, required distance between windows in an inner court, rear yard regulations, and distance between buildings regulations; d) special permit to modify the location of use provisions; e) special permit to permit, within the General Large Scale Development (GLSD), the northern parking facility on the waterfront parcel to exceed the prescribed maximums for accessory parking spaces; f) authorizations to modify certain requirements of the Waterfront Public Access Areas to permit the phased implementation of waterfront public access in coordination with phased development of the project site; g) CPC Chair certifications for compliance with waterfront public access and visual corridor requirements and to permit the subdivision of a waterfront zoning lot; and, h) Coastal Zone Consistency determination (because the project site is within the Coastal Zone).

Additionally, the proposed project will require approvals of a Joint Permit Application from the U.S. Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC) for reconstruction of the existing waterfront platform and installation of a new sheet pile bulkhead. Approvals will also be required for the two proposed stormwater outfalls to be located at the end of South 2nd and South 3rd Streets. A State Pollution Discharge Elimination System (SPDES) permit from NYSDEC will also be required for stormwater discharges during the construction period because construction on the project site involves more than one acre.

The now-vacant project site was purchased by the applicant in June 2004, subsequent to the closure of sugar processing operations. Although sugar refining had taken place on the project site since the 1850s, the oldest existing buildings remaining on the site were built in the 1880s and the most recent in the 1960s. The site operated under the name

Domino Sugar until 2001, when the Domino brand was acquired by American Sugar Refining. American Sugar closed its refining operations on the site in early 2004 with the exception of some limited packaging and warehousing operations, which ceased operating in mid-2004.

Reflecting the project site's historical use, the entire development site is currently zoned M3-1, a zoning designation that permits heavy industrial and manufacturing uses and limited commercial uses. The waterfront portion of the site, which stretches for approximately 1,300 feet along the East River, is a complex of industrial buildings ranging in height from one to 16 stories. These buildings include warehouses, sugar processing buildings, power-generating facilities, and research and design structures. The buildings on the project site are currently unoccupied. LPC designated the three buildings which comprise the Refinery (individually known as the Filter House, the Pan House, and the Finishing House) as New York City Landmarks (NYCLs) on September 25, 2007. The Filter House, located along the riverfront, is 12 stories tall. The Pan and Finishing Houses, located along Kent Avenue, are each eight stories. The interiors of the buildings do not consist of discrete and continuous floor levels, as in a conventional structure. Many large pieces of vertical processing equipment extend through several floors of the buildings, and in many cases what floor structure does exist was built around the various tanks, hoppers, bins, vats, pipes, and diagonal bracing that fill the structures. Internal columns are cast iron, and the floors consist variously of iron plate, catwalks, and terra cotta arch floor slabs.

The upland parcel, now a vacant lot, was formerly used as a parking lot.

All of the East River shoreline along the project site is developed with a platform and bulkhead. The pier/platform, which covers about 1.3 acres over the water, is a pile-supported deck that is in fair-to-moderate structural condition. It was formerly used for the docking of cargo ships and there are cranes and other maritime infrastructure along the water's edge.

Consistent with the Greenpoint-Williamsburg rezoning changes in the area of the Williamsburg waterfront, and in keeping with the mission of the applicant, the proposed project seeks to meet the following objectives: a) to address community concerns that affordable housing is still not achievable for existing working-class residents of Williamsburg, the proposed project would offer 660 housing units as affordable, with a portion of those units affordable to households with income levels reaching as low as 30 percent of Area Median Income (AMI); b) create physical and visual access to the waterfront, including a substantial amount of publicly accessible open space, and link the site to the existing Grand Ferry Park to the north of the project site and to South 5th Street to the south of the site; c) redevelop a former waterfront industrial site into an economically integrated mix of residential, retail/commercial, and community facility uses with a high quality design, including massing consistent with the redevelopment of nearby waterfront sites to the north and south and complementary to the existing neighborhood; and, d) adaptively reuse the three buildings that comprise the complex of buildings known as the Refinery.

Construction would begin with the upland parcel and subsequently proceed from south to north along the waterfront for the new buildings. Construction would begin in 2011, and the project would be fully built in 2020. It is currently anticipated that the renovation of the Refinery would begin concurrent with the construction of the buildings on Sites C and D immediately to the south. A Construction Protection Plan (CPP) would be prepared to protect the Refinery during the rehabilitation of the Refinery itself and during the construction of the adjacent new buildings. While the existing pilings and platform are currently functional, the platform would be demolished and a new deck would be built over the same footprint.

As each of the five sites along the waterfront is built out, the publicly accessible open space required under the NYC Zoning Resolution (ZR) would be completed at the time the buildings on any particular site are completed.

The applicant will be entering into an agreement with the NYC School Construction Authority (SCA) to provide an option to locate an approximately 100,000-square-foot public elementary and intermediate school within the community facility space in the Refinery complex. SCA and the NYC Department of Education (DOE) would monitor school utilization rates as the project is built and determine whether a school is needed within the Refinery complex. Under the public school option, SCA could request that the development of the Refinery be deferred until after Site B. Under this Delayed School Phasing Sequence, an interim open space would be developed in front of the Refinery to complete the open space connection between Sites B and C, the two sites flanking the Refinery.

To ensure that the proposed project, if approved, is constructed consistent with the drawings shown on the site plan approved by CPC and the City Council pursuant to ULURP, that access to the project is at the locations analyzed in the EIS, and that the mix of uses in the project is substantially consistent with the proposed project as described above and as analyzed in the EIS, the applicant will execute and record a Restrictive Declaration at the time all land use related actions required to authorize the project's development are approved. The Restrictive Declaration would: a) provide design standards and requirements, and an envelope within which the project's bulk and heights would be arranged, including a limitation on the FAR for the waterfront portion of the site to 5.6 and the upland portion of the site to 6.0; b) require that the project be developed substantially in accordance with the development program studied in the EIS; c) provide for the implementation of Project Components Related to the Environment and mitigation measures, consistent with the EIS; d) require use of the Inclusionary Housing Program under ZR Section 23-90 to gain the full height and setback waivers and requested FAR; e) provide requirements for the completion of portions of the waterfront public access areas as a condition of issuance of Certificates of Occupancy, as well as for the transfer of title and conveyance of public access easements; f) provide that height and setback waivers under the GLSD Special Permit will be utilized in connection with use of the Inclusionary Housing Program under ZR Section 23-90; and, g) require measures related to the remediation of hazardous materials on the site to be implemented to ensure that significant adverse impacts related to hazardous materials would be avoided during and after construction.

The FEIS identifies potential significant adverse impacts related to community facilities (public schools and child care facilities), shadows, historic resources (architectural), traffic, transit, pedestrians, and construction (traffic and noise). The FEIS identifies measures that would fully or partially mitigate impacts for community facilities, shadows, historic resources, traffic, transit, pedestrians, and construction. The

FEIS identifies unavoidable significant impacts in the area of shadows and historic resources.

Additional modifications to the proposed action are under consideration by the CPC. One possible modification would be consideration of the same development program as the proposed project but without the special permit for accessory parking spaces in the northern parking facility (located beneath Sites A and B). As a consequence, there would be 266 fewer accessory parking spaces than the proposed project, thereby reducing the on-site parking capacity from 1,694 spaces to 1,428 spaces. The access/egress for the north parking facility and all other on-site parking facilities would be the same as those for the proposed project. The FEIS compares the effects of this modified project to those of the proposed project. The analysis concludes that the proposed project without the parking special permit would result in significant adverse impacts similar to the proposed project. While the reduction in the number of on-site parking spaces could result in changes in the circulation pattern on the adjacent street network and less auto trips to the project site, this modified project could result in the same significant adverse traffic impacts as the proposed project.

The second modification being considered by the CPC would reduce the heights on the northernmost waterfront buildings (Site A) in conjunction with no special permit for accessory parking spaces in the northern parking facility (see above). Under this possible project modification, the three commercial modules on Site A would be reduced to 130 feet, 160 feet, and 205 feet, from 200 feet, 240 feet, and 300 feet, respectively. These reductions in height would be achieved by a combination of adjustments to the floor-to-floor height of the Site A buildings and a reallocation of approximately 20,000 sf of community facility space from Site A to elsewhere on the waterfront parcels (Sites B, C, and D). With the exception of the building heights on Site A, all above-grade uses, including building envelopes and design, building materials, and access/egress points, would be the same as those for the proposed project. This modified project of reduced heights on Site A and no parking special permit would result in significant adverse impacts similar to the proposed project. As noted above, the reduction in the number of on-site parking spaces could result in changes in the circulation pattern on the adjacent street network and less auto trips to the project site, this modified project could result in the same significant adverse traffic impacts as the proposed project. Although the heights of the buildings on Site A would be shorter under this modified project when compared to the proposed project, the modified project would be consistent with the design principles of stepping up building heights from Kent Avenue to the waterfront and staggering the heights of the buildings and would positively affect the urban design of the project site because it would break up the massing of each block.

On May 28, 2010, the New York City Department of City Planning, on behalf of the City Planning Commission as lead agency, issued a Notice of Completion for a Final Environmental Impact Statement (FEIS) for the proposed Domino Sugar Rezoning. Copies of the Final Environmental Impact Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York 10038, Robert Kulikowski, Director (212) 788-9956; and on the New York City Department of City Planning's website at http://www.nyc.gov/html/dcp/html/env_review/eis.shtml.

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COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on June 17, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
27	15960	p/o 56

Acquired in the proceedings, entitled: Beach 43, 44, and 45 and Conch Drive, et. al. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

j3-16

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on June 16, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
46	15960	p/o 26
47	15960	p/o 25
48	15960	p/o 24
51	15960	p/o 21
52	15960	p/o 20
57	15960	p/o 14
58	15960	p/o 11
59	15960	p/o 9
70	15965	p/o 110

Acquired in the proceedings, entitled: Beach 43, 44, and 45 and Conch Drive, et. al. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

j3-16

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm.

629, New York, NY 10007 on June 8, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
28	15960	p/o 54
29	15960	p/o 53
30	15960	p/o 51
31	15960	p/o 49
39	15960	p/o 37
41	15960	p/o 34
42	15960	p/o 32

Acquired in the proceedings, entitled: Beach 43, 44, and 45 and Conch Drive, et. al. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

m25-j8

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on June 7, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
3	4728	2
4	4740	15
12	4736	12
6	4740	14
7,8,9,10,13	4740	1,7,9,11,13
22	4737	14
11,14,15	4736	1,6,15
21,23,24,25,26,27	4737	1,5,7,9,13,18
36,37,38	4738	1,3,13
46,47,48,49,50,51	4692	1,11,18,21,28,33
5,18,19,20,30,31,32,33	4740	16,21,24,33,35,36,37,41
41,42,43,44,45	4739	1,3,9,20,29
34	4740	43
35	4740	46

Acquired in the proceedings, entitled: Oakwood Beach Bluebelt, Stage 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

m25-j7

TRANSPORTATION

NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON DEKALB AVENUE, BETWEEN FULTON STREET, BOND STREET AND ALBEE SQUARE, BOROUGH OF BROOKLYN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on DeKalb Avenue between Fulton Street, Bond Street and Albee Square in Brooklyn ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the

neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fulton Mall Improvement Association as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

m13-j8

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON EAST FORDHAM ROAD, EAST KINGSBRIDGE ROAD AND CELIA CRUZ BOULEVARD, BOROUGH OF THE BRONX

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on East Fordham Road, East Kingsbridge Road and Celia Cruz Boulevard in the Bronx ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fordham Road Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have

demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

m13-j8

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON BROAD STREET, BETWEEN WALL STREET AND BEAVER STREET, BOROUGH OF MANHATTAN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on Broad Street between Wall Street and Beaver Street in Manhattan ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Alliance for Downtown New York as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 8, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

m13-j8

CHANGES IN PERSONNEL

DISTRICT ATTORNEY KINGS COUNTY FOR PERIOD ENDING 04/16/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
GOLDBERG DAVID R		30114	\$54080.0000	RESIGNED	YES	03/28/10
KRALJEVIC MAIRA A		56058	\$55988.0000	RESIGNED	YES	04/09/10
LASPINA SEBASTIA A		10025	\$75996.0000	RETIRED	YES	12/28/08
MEEHAN CHRISTOP		30114	\$50000.0000	APPOINTED	YES	04/04/10
SCHEMBRI ROSEANN		1002C	\$53373.0000	INCREASE	NO	04/04/10
WEEKE MARGAUX A		56056	\$16.1100	RESIGNED	NO	04/08/10
WILKINS COREY J		52406	\$26567.0000	APPOINTED	YES	03/28/10
WILLIAMS MIRANDA E		1002C	\$53373.0000	INCREASE	NO	04/04/10
YORMARK SHERYL G		1002C	\$65026.0000	INCREASE	NO	04/04/10

DISTRICT ATTORNEY QNS COUNTY FOR PERIOD ENDING 04/16/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
LARSEN JOHN H		30114	\$167648.0000	RETIRED	YES	03/29/10

DISTRICT ATTORNEY RICHMOND COU FOR PERIOD ENDING 04/16/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BOUSQUET MICHAEL J		30114	\$150110.0000	RETIRED	YES	04/02/10

DISTRICT ATTORNEY-SPECIAL NARC FOR PERIOD ENDING 04/16/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
LAUSCHER DAVID F		30114	\$118000.0000	APPOINTED	YES	03/28/10

OFFICE OF THE MAYOR FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BEST STACY L		06423	\$42116.0000	RESIGNED	YES	03/14/10
DALY WILLIAM J		05455	\$151424.0000	RESIGNED	YES	02/21/10
FINKELSTEIN KATE E		60913	\$98500.0000	INCREASE	YES	03/14/10
GARBA JOSEPH N		30070	\$90000.0000	APPOINTED	YES	04/18/10
GARCIA MASSIEL		30070	\$78000.0000	INCREASE	YES	03/21/10
GERBAUER FREDERIC		09743	\$156834.0000	RESIGNED	YES	03/07/10
HAMPTON WHITNEY M		0668A	\$55000.0000	APPOINTED	YES	04/18/10

HODGE KIP T		06393	\$55326.0000	RESIGNED	YES	03/11/10
JONES MORGAN		0668A	\$50000.0000	APPOINTED	YES	04/11/10
KONSTAM AMANDA D		10022	\$79179.0000	APPOINTED	YES	04/11/10
RUVOLO JENNIFER L		0668A	\$50000.0000	APPOINTED	YES	04/18/10

BOARD OF ELECTION FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ASSENNATO NEIL		94232	\$17.0700	INCREASE	YES	04/20/10
BUIE LAVINIA		94367	\$11.9000	APPOINTED	YES	04/11/10
IACOVONE ROSEMARY A		94216	\$27927.0000	INCREASE	YES	04/11/10
MORGELLO ANTHONY A		94367	\$11.0000	APPOINTED	YES	04/18/10
PALERMO KENNETH A		94216	\$29323.0000	INCREASE	YES	04/11/10
PERCHIACCA ANNE M		94216	\$32740.0000	INCREASE	YES	04/20/10
VOGLER GUDRUN I		94207	\$42659.0000	INCREASE	YES	04/20/10

CAMPAIGN FINANCE BOARD FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
KONSTAM AMANDA D		0660A	\$62400.0000	RESIGNED	YES	04/11/10

NYC EMPLOYEES RETIREMENT SYS FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
EPPES CHERYL		40493	\$21.8800	RESIGNED	YES	04/09/10
FREIRE PAOLA		40502	\$54312.0000	APPOINTED	NO	04/18/10
JONES DEVON M		10251	\$33927.0000	RESIGNED	YES	02/01/09

BOROUGH PRESIDENT-BROOKLYN FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
DEAN LAURA A		10124	\$50268.0000	RESIGNED	NO	04/21/10

OFFICE OF THE COMPTROLLER FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
GOLD NECHUMA		40510	\$54088.0000	RESIGNED	YES	04/11/10
KIM MARK T		10026	\$150000.0000	APPOINTED	YES	04/11/10
LI CHIEHWEI		1002C	\$65000.0000	APPOINTED	YES	04/18/10
SNEED-COHEN KAREN		10044	\$150000.0000	APPOINTED	YES	04/11/10

OFFICE OF EMERGENCY MANAGEMENT FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
AGNEW MICHAEL A		06766	\$46800.0000	RESIGNED	YES	04/23/10
BREGMAN NEIL A		06765	\$70200.0000	APPOINTED	YES	04/18/10
DAVIS BRETT L		06766	\$62500.0000	APPOINTED	YES	04/11/10
MORROW ADAM B		06766	\$82202.0000	RESIGNED	YES	04/09/10

OFFICE OF MANAGEMENT & BUDGET
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BLANCO	CHRISTOP J	06088	\$52438.0000	INCREASE	YES	04/18/10
CARRILLO	ILLIAM N	06088	\$55000.0000	APPOINTED	YES	04/11/10
CHING	ANDREW Y	06088	\$54542.0000	RESIGNED	YES	03/04/07
DUBOWSKI	MELISSA L	06088	\$55583.0000	APPOINTED	YES	04/18/10
FONG	DONNA Y	10251	\$28588.0000	APPOINTED	YES	03/31/10
QUEVEDO	BRYAN A	06088	\$66661.0000	RESIGNED	YES	04/18/10
YIP	LYNA L	06088	\$55000.0000	APPOINTED	YES	04/11/10

TAX COMMISSION
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BUTLER	ROBERTA A	40202	\$81907.0000	DECEASED	NO	04/18/10

LAW DEPARTMENT
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
GOODMAN	LORNA B	30112	\$160000.0000	APPOINTED	YES	04/11/10
JONES	LISA O	10026	\$96742.0000	APPOINTED	YES	04/11/10
MARKOVITZ	RUTH H	30112	\$135000.0000	APPOINTED	YES	04/11/10
PENDARVIS	YVONNE	10251	\$19.3100	RESIGNED	YES	04/11/10
ROOSEVELT	PHOEBE	30112	\$41.0900	RESIGNED	YES	06/17/09

DEPARTMENT OF CITY PLANNING
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
NG	WAIKIN	13620	\$36748.0000	APPOINTED	YES	11/13/07
SANTORO	LISA M	10209	\$12.8600	RESIGNED	YES	04/11/10
ST LOUIS	PETER A	13620	\$36748.0000	APPOINTED	NO	11/13/07

DEPARTMENT OF INVESTIGATION
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
KODJOE	NENE	31143	\$43621.0000	RESIGNED	YES	04/13/10

TEACHERS RETIREMENT SYSTEM
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
DOWLING	TINA L	40493	\$48052.0000	RESIGNED	YES	10/16/08
DOWLING	TINA L	10251	\$26430.0000	RESIGNED	NO	10/16/08

CIVILIAN COMPLAINT REVIEW BD
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
BERNARDO	AMANDA J	31165	\$35660.0000	RESIGNED	YES	04/16/10
COURY	AARON D	31165	\$49045.0000	RESIGNED	YES	04/16/10

POLICE DEPARTMENT
FOR PERIOD ENDING 04/30/10

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ABEL	DAVID S	7023B	\$96206.0000	PROMOTED	NO	03/26/10
ACHEAMPONG	BISMARK	70205	\$11.3600	DECREASE	YES	04/13/10
AGOSTI	MARGARET E	70205	\$9.8800	APPOINTED	YES	04/09/10
ALAMGIR	MNM	70205	\$9.8800	DECREASE	YES	04/13/10
ALEXANDER	AVRIL C	70205	\$9.8800	APPOINTED	YES	04/09/10
ALVAREZ	DONNA M	70205	\$9.8800	APPOINTED	YES	04/09/10
ANDRIANOPOULOS	NICK	92510	\$250.9600	APPOINTED	NO	04/18/10
ATANCURI QUITO	ANA L	70205	\$9.8800	APPOINTED	YES	04/09/10
BARAL	DEBASISH	71651	\$29217.0000	APPOINTED	NO	04/11/10
BARNETT	DIONNE E	71651	\$33600.0000	RESIGNED	NO	03/12/09
BARNETT	ROBIN	71012	\$32710.0000	RESIGNED	YES	04/16/10
BARRY JR	JOHN P	06750	\$96467.0000	INCREASE	YES	03/26/10
BATEN	ABDUL	70205	\$9.8800	DECREASE	YES	04/13/10
BEAULIEU	VICTOR J	71651	\$29217.0000	APPOINTED	NO	04/11/10
BERNARD	ADRIANA A	71652	\$49122.0000	INCREASE	NO	03/26/10
BIRLING	WAYNE A	70210	\$53270.0000	RESIGNED	NO	04/17/10
BLOOMFIELD	MONA	70204	\$15.6500	RESIGNED	YES	12/06/07
BORBEE	CHRIS J	70235	\$94300.0000	RETIRED	NO	04/23/10
BORDLEY	ARTHUR E	60817	\$35455.0000	RETIRED	NO	04/22/10
BOYD	CHARLOTT L	10144	\$35285.0000	RETIRED	NO	04/21/10
BRANIGAN	ANNABELL D	71141	\$54170.0000	INCREASE	NO	03/26/10
BULLOCK	MCDUFFIE	7165A	\$42088.0000	RETIRED	NO	04/13/10
CAMPBELL	DAVID	7026B	\$119073.0000	RETIRED	NO	04/17/10
CAMPBELL	KEITH	70235	\$94300.0000	DEMOTED	NO	04/22/10
CARTER	ANTHONY M	70265	\$106304.0000	PROMOTED	NO	04/19/10
CASMIER	DAVID G	71651	\$29217.0000	APPOINTED	NO	04/11/10
CASSIDY	DRUCILLA J	71652	\$49122.0000	INCREASE	NO	03/26/10
CASTILLO JR	CARLOS M	71651	\$29217.0000	APPOINTED	NO	04/11/10
CHANDLER	CHERIE A	70205	\$9.8800	APPOINTED	YES	04/09/10
CHARLES	DAVID W	71652	\$49122.0000	INCREASE	NO	03/26/10
CHARLES	MONA	71651	\$36210.0000	RETIRED	YES	04/13/10
CHECO	BRIAN	70210	\$53270.0000	DISMISSED	NO	03/24/10
CHIU	JACK	70210	\$43644.0000	TERMINATED	NO	04/09/10
CLARK	DENNIS P	70210	\$76488.0000	RESIGNED	NO	04/10/10
CLARK	KRISTEN M	70206	\$14.1600	RESIGNED	YES	04/10/10
CLIFFORD	JOHN	70265	\$106304.0000	PROMOTED	NO	04/19/10
COLEMAN	COREY N	71651	\$33600.0000	RESIGNED	NO	04/06/10
COLLAZO	KESHANDA L	71651	\$29217.0000	APPOINTED	NO	04/11/10
CONVINGTON	DIANE	70205	\$9.8800	APPOINTED	YES	04/09/10
CORTES	ROBIN	71651	\$29217.0000	APPOINTED	NO	04/11/10
COSTAGLIOLA	VINCENT J	70265	\$106304.0000	PROMOTED	NO	04/19/10
COTTLE	CLARISSA J	10144	\$30683.0000	RESIGNED	NO	04/10/10
COWAN	JEWEL G	70205	\$9.8800	APPOINTED	YES	04/09/10
CRAWFORD	LINZEY	7165B	\$41928.0000	RETIRED	YES	04/12/10
CRIMMINS	KEVIN A	7023B	\$96206.0000	PROMOTED	NO	03/26/10
CRUZ	NAIMA	70205	\$9.8800	APPOINTED	YES	04/09/10
CRUZ	ROBERTO	70265	\$106304.0000	PROMOTED	NO	04/19/10
DAVIS	VERNA	10144	\$35657.0000	RETIRED	NO	04/02/10
DEACON	LAREVA	71652	\$49122.0000	INCREASE	NO	03/26/10
DEFREITAS	DERRON A	71651	\$29217.0000	APPOINTED	NO	04/11/10
DIAZ-MOJICA	JOHNATHA C	71651	\$29217.0000	APPOINTED	NO	04/11/10
EMILIAIRE	DARNIE	71651	\$29217.0000	APPOINTED	NO	04/11/10
FAMUTIMI	ELLIOT O	71651	\$29217.0000	APPOINTED	NO	04/11/10
FERRINA-GIACALON	MARIA	70265	\$106304.0000	PROMOTED	NO	04/19/10
FERRANTE	VICTOR	70265	\$106304.0000	PROMOTED	NO	03/26/10
FISHER	KATHELEN M	7023B	\$96206.0000	PROMOTED	NO	03/26/10
FRANCIS	CALVIN	71652	\$49122.0000	INCREASE	NO	03/26/10
FRANGELLA	FRANCESC M	7023B	\$96206.0000	PROMOTED	NO	03/26/10
GANGADEEN	ANESA S	71651	\$29217.0000	APPOINTED	NO	04/11/10
GARCIA	JUAN A	70210	\$48779.0000	RESIGNED	NO	04/07/10
GARVEY	MICHAEL	71651	\$36319.0000	RETIRED	YES	04/08/10
GAUTREAU	ALIDA I	71651	\$29217.0000	APPOINTED	NO	04/11/10
GERENA	AURILDA	70205	\$9.8800	APPOINTED	YES	04/09/10
GIRGIS	THERESA	71651	\$29217.0000	APPOINTED	NO	04/11/10
GLEASON	KERRI A	70205	\$9.8800	APPOINTED	YES	04/09/10
GONZALEZ	ROSA E	70205	\$12.9000	RESIGNED	YES	03/19/10
GORDON	VERONICA A	70205	\$9.8800	APPOINTED	YES	04/09/10
GREEN	CAROLYN	71651	\$36230.0000	RETIRED	NO	04/10/10
GRIFFIN	NIKITA K	71651	\$29217.0000	APPOINTED	NO	04/11/10
GRIMES	JEANNE	71651	\$29217.0000	APPOINTED	NO	04/11/10
GRIMES	PAUL	71651	\$29217.0000	APPOINTED	NO	04/11/10
HAQUE	MOHAMMED B	70205	\$9.8800	DECREASE	YES	04/13/10
HARPER	CHAD F	71651	\$29217.0000	APPOINTED	NO	04/11/10
HERNANDEZ	EDWIN	70265	\$106304.0000	PROMOTED	NO	04/19/10
HIBBERT	WESTNEY J	71651	\$29217.0000	APPOINTED	NO	04/11/10
HOCKNEY	SCOTT D	7021A	\$78000.0000	RESIGNED	NO	04/10/10
HORES	ERIC R	70235	\$77064.0000	RESIGNED	NO	04/09/10
HUBLAL	ROBINDRA D	92510	\$250.9600	APPOINTED	NO	04/18/10
HURTLE	RICHARD T	7023A	\$96206.0000	PROMOTED	NO	03/26/10
INDIG	JENNIFER B	06750	\$77171.0000	INCREASE	YES	03/26/10
ISLAM	MOHAMMED A	71651	\$29217.0000	APPOINTED	NO	04/11/10
JENSON	KEITH E	71651	\$29217.0000	APPOINTED	NO	04/11/10
JONES	REGINALD J	71651	\$29217.0000	APPOINTED	NO	04/11/10
JORDAN	ANTHONY M	71651	\$29217.0000	APPOINTED	NO	04/11/10

KARIDIS	VICKY E	70205	\$9.8800	APPOINTED	YES	04/09/10
KELLY	THOMAS F	70210	\$76488.0000	RETIRED	NO	04/24/10
KHALIFA	ELHAMY G	71651	\$29217.0000	APPOINTED	NO	04/11/10
KIMBALL	JOHN	70265	\$106304.0000	PROMOTED	NO	04/19/10
KING	KATHYANN	70205	\$11.3600	DECREASE	YES	04/13/10
LAMSTEIN	CATHERIN M	52110	\$71098.0000	INCREASE	NO	03/26/10
LAPOLLO	ROBERT C	70265	\$106304.0000	PROMOTED	NO	04/19/10
LEASA	DRAGOS	71651	\$29217.0000	APPOINTED	NO	04/11/10
LEE-LORD	KATIMA T	71651	\$29217.0000	APPOINTED	NO	04/11/10
LINDSAY	KIM M	71014	\$62981.0000	INCREASE	NO	03/26/10
LIPFORD	BONITA	71652	\$49122.0000	INCREASE	NO	03/26/10
LLINAS	JANET K	70205	\$9.8800	APPOINTED	YES	04/09/10
LOBIKIS	FRANCES	71012	\$44786.0000	RETIRED	NO	04/02/10
LONG	CHARLES M	71651	\$29217.0000	APPOINTED	NO	04/11/10
LOPEZ-CORTES	GIOVANNY	70205	\$9.8800	DECREASE	YES	04/13/10
MALONE	MARIE	70205	\$12.9000	DECEASED	YES	09/25/09
MARIN	LUIS A	70205	\$9.8800	DECREASE	YES	04/13/10
MARTE	IRIS D	71012	\$32710.0000	RESIGNED	YES	03/30/10
MASIELLO	LORRAINE	70205	\$9.8800	APPOINTED	YES	04/09/10
MATTHEWS	CHE L	71651	\$29217.0000	APPOINTED	NO	04/11/10
MCCBRAYER	MICHELLE	71651	\$29217.0000	APPOINTED	NO	04/11/10
MCCASKILL	STACIE T	71651	\$29217.0000	APPOINTED	NO	04/11/10
MCDONNELL JR.	WALTER R	13631	\$74257.0000	INCREASE	YES	03/26/10
MCGEOWN	JAMES R	70265	\$106304.0000	PROMOTED	NO	04/19/10
MCLAUGHLIN	KEVIN C	7023B	\$96206.0000	PROMOTED	NO	03/26/10
MERCED	BLANCA	70235	\$94300.0000	RETIRED	NO	04/11/10
MIELES	BLANCA A	70205	\$9.8800	RESIGNED	YES	04/13/10
MIRZA	NASIR J	71652	\$49122.0000	INCREASE	NO	03/26/10
MITCHELL	CURISSMA J	71651	\$28094.0000	RESIGNED	YES	02/03/09
MOLLOY	GEORGE F	7023A	\$96206.0000	PROMOTED	NO	03/26/10
MONAGHAN	JAMES J	70260	\$108244.0000	RETIRED	NO	04/24/10
MONAGHAN	THOMAS G	70210	\$76488.0000	RETIRED	NO	04/16/10

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LATE NOTICES

HEALTH AND HOSPITALS CORPORATION

SOLICITATIONS

Goods

ANALYZER LAB TESTING DS2 2 PLATE AUTOMATED ELISA INSTRUMENT DIONEX CORPORATION, NO SUBSTITUTE – Competitive Sealed Bids – PIN# 21-10-037 – DUE 06-15-10 AT 11:00 A.M. – Elisa Instrument including incubator module, microplate strip washer, barcode reader module, computer with printer.

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. *Jacobi Medical Center, Purchasing Department, Nurses Residence Building, 7 South 1400 Pelham Parkway, Bronx, NY 10461. Romarie Miele (718) 918-3983, fax: (718) 918-7823 rosemarie.miele@nbhn.net*

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” **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.**

OFFICE OF EMERGENCY MANAGEMENT

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, June 17, 2010, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following: