

**LOCAL LAWS
OF
THE CITY OF NEW YORK**

FOR THE YEAR 1997

No. 83

Introduced by Council Members Dear, McCaffrey, Eisland, Warden, Spigner and Freed;
also Council Members DiBrienza, Harrison, O'Donovan, Perez, Pinkett and Weiner.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to imposing a moratorium on the acceptance, processing and approval of applications for authorization to operate or expand the operation of commuter van services.

Be it enacted by the Council as follows:

Section one. Legislative Intent and Findings. In 1993 Local Law 115 was enacted which established a licensing and regulatory structure for the operation of commuter van services, the performance of the drivers who drive for such services and the commuter vans used in such operations. This allowed for licensing and enforcement to be performed by City agencies. Previously, the licensing and regulation of commuter van services was within the exclusive jurisdiction of the New York State Department of Transportation.

Local Law 115 contained a provision by which the Council could, at its discretion, review those commuter van service applications which were approved by the Taxi and Limousine Commission and could, by local law, either approve or disapprove those determinations. In the two years since the first commuter van service application became subject to Council review the Council has chosen to review each approval of a commuter van service that was presented to it and, in fact, has approved more determinations than it has disapproved. However, the independent analyses conducted by the Council during its review of these applications has disclosed significant weaknesses in the manner in which the Taxi and Limousine Commission and the New York City Department of Transportation, the agencies charged under Local Law 115 with evaluating those applications, meet that obligation. Moreover, it has become readily apparent that the decisions made by those agencies to authorize the operation of a commuter van service in specific geographic areas have been made without the benefit of any compre-

hensive study having been made of where in the City commuter vans are needed as a complement to existing mass transit services, not as competitors, the number of vans actually necessary to provide this complementary service, the hours during which complementary service is really needed and concerns related to traffic congestion and physical safety as the number of commuter vans proliferates. Recognition of this deficiency led the Department of City Planning to initiate a Commuter Van Service Policy Study this Spring, whose mission includes identifying areas underserved by existing mass transit, and the creation of a Technical Advisory Committee comprised largely of representatives from a number of City, State and Federal agencies. A Final Report is scheduled to be completed by March 31, 1998.

Finally, for many years, even prior to the enactment of Local Law 115, many members of the Council have decried the lack of effective enforcement against those who operate commuter van services without legal authorization and those with legal authorization to operate but who do so in an illegal manner.

For these reasons, it is the strongly held view of the Council that no further applications for authorization to operate or expand the operations of commuter van services should be approved for a period of one year during which period the Final Report of the Department of City Planning should be issued and the Council will have had a reasonable period of time to consider its contents, and/or until the Council has conducted its own study of these issues. During this period the Council will also have a fair and reasonable opportunity to consider regulatory changes which may be appropriate and to undertake any necessary legislative action.

§ 2. Section 2300 of the New York city charter is amended to read as follows:

Sec. 2300. Commission. There shall be a New York city taxi and limousine commission, the purposes of which shall be the continuance, further development and improvement of taxi and limousine service in the city of New York. It shall be the further purpose of the commission, consonant with the promotion and protection of the public comfort and convenience to adopt and establish an overall public transportation policy governing taxi, coach, limousine [and], wheelchair accessible van services *and commuter van services* as it relates to the overall public transportation network of the city; to establish certain rates, standards of service, standards of insurance and minimum coverage; standards for driver safety, standards for equipment safety and design; standards for noise and air pollution control; and to set standards and criteria for the licensing of vehicles, drivers and chauffeurs, owners and operators engaged in such services; all as more particularly set forth herein.

§ 3. Section 19-504.2 of the administrative code of the city of New York, as enacted by local number 115 for the year 1993, is amended by adding thereto, a new subdivision k to read as follows:

k. (i) Notwithstanding any other provision of this section, no application for authorization to operate a commuter van service, to increase the number of commuter vans that a commuter van service is authorized to operate, to increase the number of hours during which a commuter van service may operate or to modify the territory within which a commuter van service may operate, other than an application to renew an authorization to operate a commuter van service, shall be accepted or processed and no pending application, other than an application to renew an authorization to operate a

commuter van service, shall be approved by the commission for a period of one year from the effective date of this paragraph.

(ii) The department of city planning shall submit to the mayor and the council copies of the final report reflecting the results of a commuter van service policy study currently being conducted under the auspices of the department of city planning, or any similar study, within five business days of its completion.

§ 4. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 30, 1997, and disapproved by the Mayor on October 10, 1997 and repassed by the Council members on October 29, 1997 and said law is adopted notwithstanding the objection of the Mayor.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 83 of 1997, Council Int. No. 1038-B) contains the correct text and:

Received the following vote at the meeting of the New York City Council on September 30, 1997: 39 FOR, 8 AGAINST.

Was disapproved by the Mayor on October 10, 1997.

Was returned to the City Clerk on October 10, 1997.

Was reconsidered by the Council on October 29, 1997 and received the following vote of the Council members at a meeting of the Council on October 29, 1997: 35 FOR, 9 AGAINST.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

The validity of this local law is currently a subject of litigation between the Mayor and the City Council. This certification is not intended as a legal opinion as to the validity of the local law, other than certifying the truth of the facts presented herein.