



Legislation Text

---

File #: Int 0570-2014, Version: A

---

Int. No. 570-A

By Council Members Williams, Kallos, Koo, Menchaca, Ferreras-Copeland, Cornegy, Richards, Reynoso, Levine, Chin, Levin and Barron

A Local Law to amend the administrative code of the city of New York, in relation to eliminating the passenger manifest and public support statement requirements for commuter vans, eliminating the requirement that commuter vans renew their license every six years, and repealing subdivision k of section 19-504.2

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision e of section 19-504.2 of the administrative code of the city of New York, as added by local law number 115 for the year 1993, is amended to read as follows:

(1) The applicant shall have the burden of demonstrating that the service proposed will be required by the present or future public convenience and necessity. The commission shall not issue an authorization to operate a commuter van service unless the commissioner of transportation determines that the service proposed will be required by the present or future public convenience and necessity. Such determination that the service proposed will be required by the present or future public convenience and necessity shall be in effect [for six years after the date of issuance of such authorization, unless] until such authorization has [not been renewed or has] been revoked by the commission [prior to the end of such six-year period in which case such determination shall be in effect only until the expiration or revocation of such authorization] or such determination has been revoked by the commissioner of transportation. After the [expiration or] revocation of such authorization or such determination of public convenience and necessity, no authorization to operate a commuter van service shall be renewed unless a new determination is made by the commissioner of transportation that the service proposed will be required by the present or future public convenience and necessity.

§ 2. Paragraph 3 of subdivision e of section 19-504.2 of the administrative code of the city of New York, as added by local law number 115 for the year 1993, is amended to read as follows:

(3) The commissioner of transportation, after consultation with the state department of transportation, shall make a determination whether the service proposed in the application will be required by the present or future public convenience and necessity. The commissioner of transportation may request that the applicant provide any additional information relevant to such determination; provided, however, that public support statements shall not be required. The commissioner of transportation shall notify the New York city transit authority and all council members and community boards representing any portion of the geographic area set forth in the application for the purpose of obtaining comment on the present or future public convenience and necessity for any proposed service. The commissioner of transportation shall provide for publication in the City Record of a notice of any such application and shall allow for public comment on such application for a period not to exceed sixty days after the date of publication of such notice. If any such application is protested by a bus line operating in the city or by the New York city transit authority, and such bus line and/or transit authority has timely submitted objections to the application to the commissioner of transportation, the commissioner shall, in making such determination, evaluate such objections in accordance with the following criteria:

(a) the adequacy of the existing mass transit and mass transportation facilities to meet the transportation needs of any particular segment of the general public for the proposed service; and

(b) the impact that the proposed operation may have on any existing mass transit or mass transportation facilities.

Any determination by the commissioner that a service proposed will be required by the present or future public convenience and necessity shall specify the geographic area where service is authorized and the number of commuter vans authorized to be used in providing such service.

§ 3. Paragraph 7 of subdivision a of section 19-504.3 of the administrative code of the city of New York, as added by local law number 115 for the year 1993, is amended to read as follows:

(7) A commuter van service and an owner of a commuter van shall maintain such records as the commission shall prescribe by rule [including, but not limited to, records of requests for service and trips]. Such records shall be subject to inspection by authorized officers or employees of the commission during regular business hours.

§ 4. Subdivision b of section 19-516 of the administrative code of the city of New York, as added by

local law number 115 for the year 1993, is amended to read as follows:

b. No commuter van service and no person who owns, operates or drives a commuter van, shall provide, permit or authorize the provision of transportation service to a passenger unless such service to a passenger is on the basis of a telephone contract or other prearrangement [and such prearrangement is evidenced by such records as are required by the commission to be maintained]. Where a violation of this subdivision has been committed by a driver of a commuter van, the commuter van service and the owner of such vehicle shall also be liable for a violation of this subdivision.

§ 5. Subdivision d of section 19-529.4 of the administrative code of the city of New York, as added by local law 115 for the year 1993, is amended to read as follows:

d. All commuter vans shall at all times carry inside the vehicle and the operator shall produce upon demand of any officer or employee designated by the commission, any police officer or any authorized officers or employees of the department of transportation or the New York city transit authority:

1. the commuter van license;
2. the driver's commuter van driver's license;
3. the authorization to operate a commuter van service, or copy thereof reproduced in accordance with the specifications set forth in the rules of the commission; and
4. the vehicle registration and evidence of current liability insurance[; and
5. a passenger manifest, and such records evidencing prearrangement as are prescribed by rule of the commission].

§ 6. Subdivision k of section 19-504.2 of the administrative code of the city of New York is hereby REPEALED.

§ 7. Subdivision l of section 19-504.2 is relettered as subdivision k, to read as follows:

[l] k. The commission shall post on its website links to all New York city laws and rules governing the operation of commuter vans. Not more than three days after issuing an authorization to operate a commuter van service, the commission shall post on its website the geographic area where such service is authorized and the number of commuter vans authorized to be used in providing such service.

§ 8. This local law takes effect 120 days after its enactment into law.

GZ/LF/KET 12/14/16 8:32PM

LS 1594 & 1761