Governmental Operations Committee Staff

Daniel Collins, *Senior Legislative Counsel*

Emily Forgione, *Senior Legislative Policy Analyst*

Elizabeth Kronk, *Senior Legislative Policy Analyst*

Sebastian Bacchi, *Finance Analyst*



## THE COUNCIL

# **Briefing Paper OF THE GOVERNMENTAL AFFAIRS Division**

*Jeffrey Baker, Legislative Director*

*Rachel Cordero, Deputy Director, Governmental Affairs*

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

*Hon. Fernando Cabrera, Chair*

#### December 10, 2019

**Administrative Code:** Adds new section 19-554

**Int. 1095** By Council Members Cabrera, Cumbo and Holden

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to notification of expiration of variances and special permits granted by the board of standards and appeals

**Administrative Code:** Section 25-209

**Int. 1249-B** By Council Member Cabrera

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to repealing the critical driver program and amending the persistent violators program relating to drivers of taxicabs and for-hire vehicles

**Administrative Code:** Sections 19-507.1 and 19-507.2

# **Introduction**

On December 9, 2019 the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, held a second hearing and vote on Int. 1095, in relation to notification of expiration of variances and special permits granted by the board of standards and appeals; and Int. 1249-B, in relation to repealing the critical driver program and amending the persistent violators program relating to drivers of taxicabs and for-hire vehicles, both sponsored by Council Member Cabrera. The Committee first heard a prior version of Int. 1249-B on January 31, 2019. The Committee first heard Int. 1095 on February 25, 2019. The Committee approved the legislation on December 9, 2019.

# **Background**

# **The Board of Standards and Appeals**

The BSA was originally established in 1916, when New York City adopted its first comprehensive zoning resolution, as an “independent board to grant ‘relief’ from the zoning code.”[[1]](#footnote-2) The BSA is comprised of five commissioners, each appointed by the Mayor for a term of six years.[[2]](#footnote-3) Of these, one must be a professional planner, one a registered architect, and one a professional engineer, each with ten years of experience.[[3]](#footnote-4) Both the chair and vice-chair of the BSA are designated by the Mayor, but must satisfy the requisite experience to serve as the planner, the architect, or the engineer.[[4]](#footnote-5) No more than two of the BSA’s commissioners may reside in any one borough.[[5]](#footnote-6)

The BSA is empowered to interpret the meaning or applicability of the Zoning Resolution, Building Code, Fire Code, Multiple Dwelling Law, and Labor Law, with respect to the usage of private property.[[6]](#footnote-7) This includes the ability to “vary” in certain instances the provisions of these regulations.[[7]](#footnote-8) This ability to grant such relief on an individual basis is necessary in order to satisfy the “takings clause” of the United States Constitution.[[8]](#footnote-9) In that role, the BSA can act “as a safety valve by releasing restrictions in certain instances from their possible confiscatory effect in depriving a property owner of a proper use of his property while at the same time requiring him to pay taxes thereupon.”[[9]](#footnote-10) Specifically, when the application of a provision of the Zoning Resolution to an individual property results in “practical difficulties or unnecessary hardship,” provided specific findings are made,[[10]](#footnote-11) the BSA may “vary or modify the provision so that the spirit of the law shall be observed, public safety secured and substantial justice done.”[[11]](#footnote-12)

The BSA is also empowered to grant “special permits” for specified uses, or for the modification of use and bulk regulations[[12]](#footnote-13) in appropriate cases.[[13]](#footnote-14) Special permits that affect use regulations are granted to permit a certain use in a district where that use might not otherwise be allowed, such as an auto service station in designated commercial districts,[[14]](#footnote-15) or an electric or gas utility substation in a residence district.[[15]](#footnote-16) The uses that may be permitted, and the conditions under which they may be permitted, are also enumerated within the Zoning Resolution.[[16]](#footnote-17) Special permits that affect bulk regulations include the enlargement of single- and two-family residences in designated areas of Brooklyn, enlargement of non-residential buildings, and modification of community facility uses.[[17]](#footnote-18) The BSA can extend the term of variances and special permits, or modify previous approvals.[[18]](#footnote-19)

The BSA can also renew, or “vest,” building permits that have lapsed due to zoning changes or common law doctrine, if the work is determined to have commenced under validly-issued permits and tangible change occurred, or if economic loss would result due to significant expenditure or irrevocable financial commitment.[[19]](#footnote-20) The BSA may grant waivers of certain provisions of the State General City Law, such as of the prohibition of building in the bed of any street identified on an official map[[20]](#footnote-21) or to grant certificates of occupancy to buildings that do not front on a mapped street.[[21]](#footnote-22) The BSA may also vary or modify certain provisions and requirements of the State Multiple Dwelling Law.[[22]](#footnote-23)

Finally, one of the more often-used powers of the BSA is to hear and decide appeals to decisions rendered by the DOB, or any City agency that has jurisdiction over the use of land or bulks of buildings, for which the BSA may reverse, affirm, or modify such decisions.[[23]](#footnote-24)

Public input is required for the exercising of certain powers of the BSA. Prior to the consideration of applications for variances or special permits, community boards (“CBs”) and borough boards are to review such applications under a process codified in the City Charter.[[24]](#footnote-25) CBs, borough boards, lessees, tenants, and owners have a right to appear before the BSA to submit arguments and evidence in support of or in opposition to an application, and the BSA must respond to them in its final written decision.[[25]](#footnote-26) The City Planning Commission (“CPC”) shall also be a party to any proceeding to vary the Zoning Resolution and may appear and be heard on any application.[[26]](#footnote-27) The DCP must post on its website a copy of testimony it provides on applications for variances and special permits.[[27]](#footnote-28) Because the BSA reviews orders from the DOB, the Fire Department, the Department of Transportation, or any other agency responsible for enforcement of the Zoning Resolution, Building Code, Fire Code, Multiple Dwelling Law, and Labor Law, with respect to the usage of private property,[[28]](#footnote-29) such agencies may also appear before the BSA. The BSA rules provide that the chair may permit testimony of several people, including elected officials; CB representatives; any individual called by an applicant; any person who resides at, leases, or owns real property within an affected area, or such person’s representative; neighborhood, civic, business, or industry association representatives; and members of the general public.[[29]](#footnote-30) The BSA chair may also compel the attendance of witnesses.[[30]](#footnote-31)

In 2017, the Council passed a package of nine local laws in relation to the BSA.[[31]](#footnote-32) One of these was Local Law 84 of 2017, which requires the BSA to provide a notification to the owner of record when a variance issued after December 31, 2013 is about to expire.[[32]](#footnote-33) Such notification must go out six months prior to the expiration.[[33]](#footnote-34) Use of such property after the expiration of the variance may be a violation of the certificate of occupancy, and the BSA’s notification must inform the owner that the BSA may not extend the term of the variance until any penalties for such a violation are paid.[[34]](#footnote-35)

# **The Taxi and Limousine Commission**

Established in 1971, New York City’s Taxi and Limousine Commission (‘TLC’) was created to license and regulate the City’s yellow medallion taxicabs, street hail liveries (“boro or green taxis), for-hire vehicles (app-based services, liveries, black cars and luxury limousines) (“FHVs”), commuter vans, paratransit vehicles and wheelchair accessible vehicles.[[35]](#footnote-36) More than 200,000 TLC licensees complete approximately 1,000,000 trips each day.[[36]](#footnote-37) The TLC conducted 126,275 safety and emissions inspections at its Woodside, Queens inspection facility in fiscal year 2019, according to the 2019 Mayor’s Management Report.[[37]](#footnote-38) In addition to an unpaid board of nine members, the TLC has 600 employees.[[38]](#footnote-39)

TLC has more than 170 officers who issue summonses to licensees.[[39]](#footnote-40) The violations that TLC enforces range from compliance with generally applicable traffic laws, such as speeding or failure to yield,[[40]](#footnote-41) to more TLC-specific violations. TLC-specific violations include relatively minor rules, such as vehicle cleanliness and proper display of a license, as well as service refusals or illegal pick-ups.[[41]](#footnote-42) Since 2011, the adjudication of TLC violations has been the responsibility of OATH.[[42]](#footnote-43)

# **TLC’s Critical Driver Program and Persistent Violators Program**

The TLC maintains two programs that relate to violations that result in points on a driver’s licenses, the Persistent Violators Program and the Critical Driver Program.[[43]](#footnote-44) Under the Persistent Violators Program, the TLC can suspend a driver’s TLC license for up to 30 days after the driver has accumulated between six and 10 TLC-issued points in a 15-month period.[[44]](#footnote-45) A driver’s TLC license will be revoked after accumulating 10 or more TLC points in a 15-month period.[[45]](#footnote-46) Drivers may be eligible to complete a TLC-approved course in order to reduce their points by up to three points.[[46]](#footnote-47)

The Critical Driver Program operates in exactly the same manner—but only with regard to the number of New York State Department of Motor Vehicle points drivers accumulate on their state driver’s licenses as a result of traffic violations. Under the Critical Driver Program a driver’s TLC license will be suspended for up to 30 days after a driver accumulates six or more points in a 15-month period.[[47]](#footnote-48) A driver’s TLC license will be revoked after such driver accumulates 10 or more points in a 15-month period.[[48]](#footnote-49) Drivers may also complete a DMV-approved vehicle accident prevention course provider to receive a three-point reduction on their license.[[49]](#footnote-50) However, TLC will only reduce points accumulated within 15 months prior to the date of the completion of the course and they will not reduce points more than once in any 18-month period.[[50]](#footnote-51)

The TLC provides driver education resources, including information for approved driver courses and a study guide on its website.[[51]](#footnote-52) According to its study guide,[[52]](#footnote-53) the top ten reasons drivers get Critical Drive Points are:

|  |  |
| --- | --- |
|  | Moving violations like unsafe lane changes |
|  | Using cell phones including hands free while driving |
|  | Disobeying traffic signals |
|  | Speeding |
|  | Making improper turns |
|  | Failing to use signals |
|  | Failing to stop at stop signs |
|  | Running red lights |
|  | Failing to give pedestrians and cyclists the right of way |
|  | Making illegal U-turns |

In 2014, as part of the safety goals of the Mayor’s Vision Zero Action Plan, the Council passed Local Law 30, which allowed the TLC to combine DMV license points assessed against a license under the Critical Driver Program for traffic violations with TLC license points assigned under the Persistent Violators Program for safety violations in determining when a TLC-issued driver’s license must be suspended or revoked.[[53]](#footnote-54) The law also increased the number of points deducted from a TLC license after a driver completes a point reduction class.[[54]](#footnote-55)

TLC’s license point enforcement programs serve to ensure that TLC-licensed drivers operate their vehicles safely by providing for license suspension or revocation for drivers with a demonstrated record of unsafe driving. While these programs existed prior to 2014 and are important tools for ensuring street and driver safety, having the two enforcement programs and allowing the TLC to combine the points has caused some confusion in the industry. At a March 2018 hearing of the Committee on For-Hire Vehicles, now-former TLC Commissioner Meera Joshi said the Critical Driver Program is “very confusing and doesn’t do what it’s intended to do,” and that drivers often “feel like they are getting two tickets for the same act.”[[55]](#footnote-56) This confusion has led some drivers to complain about overzealous enforcement practices taken by the TLC and prompted drivers to call for the elimination of the Critical Driver Program.[[56]](#footnote-57)

# **Legislative Analysis**

## Int. 1095

Int. 1095-2018 would amend Local Law 84 of 2017, which currently requires the BSA to provide a notification to the owner of record when a variance issued after December 31, 2013 is about to expire,[[57]](#footnote-58) to also require the BSA to provide a notification to the owner of record when a special permit issued after December 31, 2013 is about to expire. Such notification must go out six months prior to the expiration of the special permit. Use of such property after the expiration of the special permit may be a violation of the certificate of occupancy, and the BSA’s notification must inform the owner that the BSA may not extend the term of the special permit until any penalties for such a violation are paid. Int. 1095 would also require that such notification additionally be sent to the CB for the community district where the subject property is located. This local law would take effect 30 days after it becomes law.

## Int. 1249-B

To eliminate driver confusion, Int. 1249-B would repeal the Critical Driver Program and update the Persistent Violator Program to include provisions from the Critical Driver Program related to motor vehicle accident prevention courses approved by the DMV. Under Int. 1249-B, the single, consolidated Persistent Violator Program would retain the TLC’s ability to suspend or revoke a TLC-regulated driver’s license for accumulating points issued by either the TLC or DMV. Drivers would also be able to reduce accumulated points through either DMV- or TLC-approved accident prevention courses.

Since it was heard by the Committee on Governmental Operations in January 2019, the bill was only edited to clarify references to the “department of motor vehicles” by changing them to “*New York state* department of motor vehicles” throughout.

Int. No. 1095

By Council Member Cabrera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to notification of expiration of variances and special permits granted by the board of standards and appeals

..Body

Be it enacted by the Council as follows:

Section 1. Section 25-209 of the administrative code of the city of New York, as added by local law 84 for the year 2017, is amended to read as follows:

§ 25-209 Notice of expiration of a variance or special permit. For any variance or special permit granted by the board after December 31, 2013 pursuant to sections 666 and 668 of the charter for which such board imposed a term, the board shall notify, no later than six months prior to the expiration of the term of such variance or special permit, the owner of record of the subject property and the community board for the community district in which the subject property is located that the term of such variance or special permit will expire. Such notification shall be sent via first class mail and, if practicable, via email. Use of such subject property after the expiration of such term in a manner that is inconsistent with the certificate of occupancy or with records of the department of buildings shall subject such property to a violation of section 28-118.3.2 of this code. Such notification shall also inform the owner of record of the subject property that the board may not approve an application to extend the term of a variance or special permit until penalties imposed pursuant to a violation of such section are paid in full.

§ 2. This local law takes effect 30 days after it becomes law.

NAB

LS# 6365

8/16/18

Int. No. 1249-B

By Council Member Cabrera

..Title

A Local Law to amend the administrative code of the city of New York, in relation to repealing the critical driver program and amending the persistent violators program relating to drivers of taxicabs and for-hire vehicles

..Body

Be it enacted by the Council as follows:

Section 1. Subdivisions a, b and c of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 51 for the year 2016, are amended to read as follows:

a. (1) Any taxicab or for-hire vehicle driver may attend a remedial or refresher course approved by the commission or a motor vehicle accident prevention course approved by the New York state department of motor vehicles. Upon presentation to the commission of proof of satisfactory completion of a commission-approved remedial or refresher course by such driver, three points shall be deducted from the number of points assessed under the persistent violators program against his or her commission-issued driver's license, except as otherwise provided in this paragraph. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this [subdivision] paragraph for points assessed by the commission against his or her commission-issued driver’s license only once within a five-year period.

(2) Upon presentation to the commission of proof of satisfactory completion of a motor vehicle accident prevention course approved by the New York state department of motor vehicles, three points shall be deducted from the number of points accrued under the persistent violator program for points assessed by the New York state department of motor vehicles or an equivalent licensing agency of the driver’s state of residence against the driver’s license issued to such taxicab or for-hire vehicle driver by such department or agency, except as otherwise provided in this paragraph. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this paragraph for points assessed by the New York state department of motor vehicles or an equivalent licensing agency of the driver’s state of residence only once within an eighteen-month period.

(3) In the event no [such approved] commission-approved remedial or refresher course is available at the time such driver seeks to enroll, [such driver may take a course provided for in paragraph one of subdivision c of section 19-507.2 of this chapter. In such instance, completion] completion of a New York state department of motor vehicles-approved course taken pursuant to [this] paragraph [or pursuant to paragraph one of subdivision c of section 19-507.2] two of this subdivision shall result in the removal of three points from [either] the number of points accrued under the persistent violators program [or from the number of points accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course], whether such points are assessed against such driver’s commission-issued license or such driver’s license issued by the New York state department of motor vehicles or an equivalent licensing agency of the driver’s state of residence.

[(2)] (4) Notwithstanding the provisions of [paragraph] paragraphs one, two or three of this subdivision, no point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of [the] a commission-approved or department of motor vehicles-approved course and no taxicab or for-hire vehicle driver shall receive a point reduction unless attendance at [the] such course is voluntary on the part of the driver.

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations [of the commission's rules] such that a total of six or more points but fewer than ten points have been assessed by the commission against his or her commission-issued driver's license or by the New York state department of motor vehicles or an equivalent licensing agency of the driver’s state of residence against the driver’s license issued to such taxicab or for-hire vehicle driver by such department or agency within any fifteen-month period and whose license has not been revoked shall have his or her commission-issued driver's license suspended for up to thirty days.

c. Any taxicab or for-hire vehicle driver who has been found guilty of violations [of the commission's rules] such that a total of ten or more points have been assessed by the commission against his or her commission-issued driver's license or by the New York state department of motor vehicles or an equivalent licensing agency of the driver’s state of residence against the driver’s license issued to such taxicab or for-hire vehicle driver by such department or agency within any fifteen-month period shall have his or her commission-issued driver's license revoked.

§2. Subdivision e of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 51 for the year 2016, is amended to read as follows:

e. A taxicab or for-hire vehicle driver shall not be subject to an assessment of points against his or her commission-issued driver's license or the imposition of duplicate penalties where the same act is a violation under provisions of law other than commission rules and where such violations duplicate each other or are substantively the same and any such driver may be issued only one summons or notice of violation for such violation. [Points assessed pursuant to section 19-507.2 of this chapter may, pursuant to subdivisions i and j of this section, be added to points assessed by the commission under this section for violations of commission rules.]

§3. Subdivisions i and j of section 19-507.1 of the administrative code of the city of New York are REPEALED.

§ 4. Section 19-507.2 of the administrative code of the city of New York is REPEALED.

§ 5. This local law takes effect 60 days after it becomes law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

EL/dfc

LS #6823

11/22/19 2:50 p.m.

1. About BSA, Board of Standards and Appeals, <https://www1.nyc.gov/site/bsa/about/about.page> (last visited August 27, 2019). The 1916 zoning resolution stated, “Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this resolution the Board of Appeals shall have power in a specific case to vary any such provision in harmony with its general purpose and intent, so that the public health, safety and general welfare may be secured and substantial justice done.” City of New York, Building Zone Resolution, adopted July 25, 1916, Art. 5 §20, *available at* <https://www1.nyc.gov/assets/planning/download/pdf/about/city-planning-history/zr1916.pdf>. [↑](#footnote-ref-2)
2. NYC Charter § 659(a). [↑](#footnote-ref-3)
3. NYC Charter § 659(b). [↑](#footnote-ref-4)
4. *Id.* [↑](#footnote-ref-5)
5. *Id.* [↑](#footnote-ref-6)
6. NYC Charter § 666; About BSA, supra note 1. [↑](#footnote-ref-7)
7. *See* NYC Charter § 666. [↑](#footnote-ref-8)
8. *See* About BSA, supra note 1. [↑](#footnote-ref-9)
9. *New York City Hous. Auth. v. Foley*, 32 Misc. 2d 41, 47 (Sup. Ct. Kings Co. 1961). [↑](#footnote-ref-10)
10. In order to grant such a variance the BSA must make five specific findings:

    (a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;

    (b) that because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization;

    (c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

    (d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

    (e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

    NYC Zoning Resolution § 72-21, *available at* <https://zr.planning.nyc.gov>. [↑](#footnote-ref-11)
11. *Id*. All determinations approving a variance must set forth each of the required findings and all determinations disapproving a variance must set forth which of the findings were not satisfied, and each finding must be “supported by substantial evidence or other data considered by the Board in reaching its decision.” *Id*. [↑](#footnote-ref-12)
12. “Bulk regulations are the combination of controls (lot size, floor area ratio, lot coverage, open space, yards, height and setback) that determine the maximum size and placement of a building on a zoning lot.” Glossary of Planning Terms, About Zoning, Department of City Planning, <https://www1.nyc.gov/site/planning/zoning/glossary.page> (last visited September 3, 2019). *See also* NYC Zoning Resolution § 12-10 (defining “bulk”). [↑](#footnote-ref-13)
13. NYC Charter § 666(10). [↑](#footnote-ref-14)
14. NYC Zoning Resolution § 73-211. [↑](#footnote-ref-15)
15. NYC Zoning Resolution § 73-14. [↑](#footnote-ref-16)
16. *See* NYC Zoning Resolution § 73-01. [↑](#footnote-ref-17)
17. *See* NYC Zoning Resolution § 73-60. [↑](#footnote-ref-18)
18. *See* NYC Zoning Resolution § 11-40. [↑](#footnote-ref-19)
19. *See* NYC Zoning Resolution § 11-30 *et seq*. *See also* BZY and Common Law Cases, Frequently Asked Questions, Board of Standards and Appeals, <https://www1.nyc.gov/site/bsa/about/frequently-asked-questions.page> (last visited September 3, 2019). [↑](#footnote-ref-20)
20. N.Y. Gen. City Law § 35. [↑](#footnote-ref-21)
21. N.Y. Gen. City Law § 36(2). [↑](#footnote-ref-22)
22. *See* N.Y. Multiple Dwelling Law §§ 277 and 310. [↑](#footnote-ref-23)
23. NYC Charter § 666(6)(a); NYC Zoning Resolution § 72-11. [↑](#footnote-ref-24)
24. NYC Charter § 668(c). This process begins with the BSA forwarding a copy of the application to the affected CB, and to the Borough Board if the application involves land in multiple districts in a borough, which then must either conduct a public hearing, submit a recommendation to the BSA, or waive the right to do so. *Id*. [↑](#footnote-ref-25)
25. NYC Charter § 666(9). These written decisions are filed with the CPC and with the affected CB or borough board, and are made available on the BSA’s website. NYC Charter § 668(e); BSA Decisions, Board of Standards and Appeals, <https://www1.nyc.gov/site/bsa/applications/bsa-decisions.page> (last visited September 17, 2019). [↑](#footnote-ref-26)
26. NYC Charter § 668(h). [↑](#footnote-ref-27)
27. NYC Charter § 191(b)(10). The BSA must post a link to such testimony on its website. Charter § 668(j). [↑](#footnote-ref-28)
28. *See* NYC Charter §666; NYC Zoning Resolution § 72-11; About BSA, supra note 1. [↑](#footnote-ref-29)
29. 2 RCNY § 1-11.7-.8. [↑](#footnote-ref-30)
30. NYC Charter § 663. [↑](#footnote-ref-31)
31. *See generally* Rey Mashayekhi, *City Council Seeks to Reform the ‘Most Powerful Agency That No One Has Heard of,’* Commercial Observer (Oct. 11, 2017), <https://commercialobserver.com/2017/10/battle-over-nyc-board-of-standards-and-appeals>. [↑](#footnote-ref-32)
32. NYC Admin. Code § 25-209. [↑](#footnote-ref-33)
33. *Id*. [↑](#footnote-ref-34)
34. *Id*. [↑](#footnote-ref-35)
35. *See* New York City Taxi & Limousine Commission, About TLC, <https://www1.nyc.gov/site/tlc/about/about-tlc.page> (last accessed Nov. 29, 2019). *See also generally* New York City Taxi & Limousine Commission Fact Book 2018 at 3, *available at* <https://www1.nyc.gov/assets/tlc/downloads/pdf/2018_tlc_factbook.pdf>. [↑](#footnote-ref-36)
36. About TLC, *supra* note 35. [↑](#footnote-ref-37)
37. Mayor’s Office of Operations, Mayor’s Management Report (Sept. 2019) at 148, *available at* <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf>. [↑](#footnote-ref-38)
38. *See* About TLC, *supra* note 35. [↑](#footnote-ref-39)
39. Vision Zero, TLC Enforcement, <http://www.nyc.gov/html/visionzero/pages/initiatives/tlc-enforcement.shtml> (last accessed Nov. 29, 2019). [↑](#footnote-ref-40)
40. *See id*. [↑](#footnote-ref-41)
41. Relevant TLC rules and local laws may be found at <https://www1.nyc.gov/site/tlc/about/tlc-rules.page>. [↑](#footnote-ref-42)
42. *See* Executive Order 148 of 2011. Pursuant to EO 148 of 2011, OATH issued proposed rules applicable to the TLC violations in 2013, available at <http://rules.cityofnewyork.us/content/oath-taxi-and-limousine-tribunal-rules-0>. *See generally* 48 RCNY § 5-01 *et seq.* (OATH’s current rules applicable to violations enforced by the TLC). [↑](#footnote-ref-43)
43. See generally NYC Admin. Code §§ 19-507.1 and 19-507.2(a); RCNY § 80-27. [↑](#footnote-ref-44)
44. NYC Admin. Code § 19-507.1(b). [↑](#footnote-ref-45)
45. NYC Admin. Code § 19-507.1(c). [↑](#footnote-ref-46)
46. NYC Admin. Code § 19-507.1(a). [↑](#footnote-ref-47)
47. NYC Admin. Code § 19-507.2(a). [↑](#footnote-ref-48)
48. NYC Admin. Code § 19-507.2(b). [↑](#footnote-ref-49)
49. NYC Admin. Code § 19-507.2(c)(1). [↑](#footnote-ref-50)
50. YC Admin. Code § 19-507.2(c)(1)-(2). [↑](#footnote-ref-51)
51. *See* New York City Taxi & Limousine Commission, Driver Education, <https://www1.nyc.gov/site/tlc/drivers/driver-education.page> (last accessed Nov. 29, 2019). [↑](#footnote-ref-52)
52. NYC Taxi & Limousine Commission Driver Education Study Guide (Aug. 4, 2016), *available at* <https://www1.nyc.gov/assets/tlc/downloads/pdf/driver_education_study_guide.pdf>. [↑](#footnote-ref-53)
53. NYC Admin. Code § 19-507.1(e). [↑](#footnote-ref-54)
54. Local Law 30 of 2014 (amending NYC Admin. Code § 19-507.2(c) to allow for the current three-point reduction, up from two). [↑](#footnote-ref-55)
55. Hearing Transcript, p. 37, Committee on For-Hire Vehicles, Fiscal Year 2019 Preliminary Budget and on the Fiscal Year 2018 Preliminary Mayor’s Management Report, March 8, 2018, *available at* <https://nyc.legistar.com/View.ashx?M=F&ID=6158673&GUID=D1CD81FC-6135-4A26-B723-7DE2451C78CF>. [↑](#footnote-ref-56)
56. *See e.g.* Hearing Transcript, p. 119, Committee on For-Hire Vehicles, Oversight: TLC Enforcement Practices, Feb. 12, 2018, *available at* <https://nyc.legistar.com/View.ashx?M=F&ID=5827936&GUID=21ADE568-BFE8-4717-A21E-81E39F8993F2>. [↑](#footnote-ref-57)
57. *See* NYC Admin. Code § 25-209. [↑](#footnote-ref-58)