

MEMORANDUM

TO: Ira Goldstein

FROM: Matthew W. Daus
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DATE: June 21, 2022

SUBJECT: Reciprocity for New York City Taxi and Limousine Commission Licensees in Westchester County

As you requested, we provide this memorandum with our research concerning the recent summonses that certain licensees in New York City are experiencing in Westchester County. We include the legal provisions applicable to trips to and from Westchester County, the examples of permissible and prohibited trips, the range and types of fines being issued, and also address the protections afforded to licensed for-hire service providing interstate trips.

Background

The Inter-Jurisdictional Pre-Arranged For Hire Vehicle Operation Act of 2006 (VTL §498), effective November 14, 2006, was initiated by the New York City Taxi and Limousine Commission (NYC TLC) to create a more equitable system that guarantees the right for NYC TLC licensed for-hire vehicles to operate in other qualified jurisdictions without the need for an additional licensing permit.

VTL §498 established reciprocity between qualified jurisdictions. Reciprocity is the mutual recognition of one license by two or more regulatory jurisdictions. Under VTL §498, this recognition allows certain for-hire activity in outside jurisdictions.

Qualified Licensing Jurisdictions

New York City is recognized as a “qualified licensing jurisdiction” under VTL §498 in recognition that the NYC TLC holds licensees to the highest standards. This means NYC TLC licensees may operate in NYC and throughout New York State. Qualified jurisdictions are licensing jurisdictions that have met the eligibility requirements for reciprocal recognition under VTL §498.

In order to qualify for eligibility, a licensing jurisdiction must:

- Have a population of one million or more; or be a county within New York that shares a border with a city that has a population of one million or more, Rockland County, Dutchess County, Suffolk County, or Ulster County;
- Issue a license, permit, registration, certification or other approval for a vehicle to operate for-hire in the jurisdiction;
- Comply with minimum standards for pre-arranged for-hire vehicle transportation, including licensing standards, standards for drivers and standards for enforcement.

Westchester County is a qualified jurisdiction for reciprocity with NYC TLC. Drivers and vehicles licensed by NYC. The Westchester County Taxi and Limousine Commission (WCTLC) meets the requirements for reciprocal recognition with the NYC TLC.

Reciprocal Recognition

Under TLC Rule §59A-03(s) Reciprocal Recognition means that:

- (1) New York City For-Hire Vehicles and Drivers can do pickups or drop offs in Qualified Jurisdictions for trips ending or beginning in NYC, and
- (2) Vehicles and drivers that are licensed to perform for-hire transportation by a Qualified Jurisdiction can do pickups or drop offs in NYC for trips ending or beginning in the Qualified Jurisdiction.

In order for a driver from a qualified jurisdiction to be eligible for reciprocity, the vehicle must hold a valid license or permit from NYC TLC, NCTLC or WCTLC, and the driver must hold a valid license from the same licensing jurisdiction. A driver who meets the requirements for reciprocity will be allowed, without any License issued by or any fee paid to another Commission, to do the following:

- (1) **Pick up Passengers in the driver's Qualified Jurisdiction (NYC) for travel to or through Westchester County.**

Example: Driver licensed by NYC TLC, is allowed to pick up a passenger in NYC and drop off the passenger in Westchester.

- (2) **Pick up Passengers in Westchester County for travel to the driver's Qualified Jurisdiction (NYC).**

Example: Driver licensed by NYC TLC is allowed to pick up a passenger in White Plains for drop-off at a destination in Brooklyn.

- (3) When transporting Passengers between the qualified jurisdictions, temporarily discharge and pick up such Passengers within Westchester County; provided, however, that all the stops must occur within 24 hours of the initial pick up of the Passengers.**

Example: Driver from NYC TLC is allowed to pick up a group of 3 passengers in Manhattan, who plan to spend the day in Westchester County. The NYC TLC Driver can drive the 3 passengers to a hotel in White Plains on Saturday afternoon and take the same 3 passengers to an event in Westchester later that evening. The NYC TLC Driver would also be allowed to pick up the 3 passengers the next morning for a return trip to NYC.*

*Driver may not pick up additional passengers at the various stops.

*Continuous trip must be complete within 24 hours.

*Trip must begin or end in the jurisdiction in which the driver is licensed.

- (4) Transit through Westchester County for a trip beginning and ending outside of Westchester County.**

Example: NYC TLC drivers may transit through Westchester County for a trip that begins in New York City and ends in New Jersey.

Reciprocity does not allow a driver from NYC to operate point-to-point in Westchester County. A driver must NOT provide transportation for-hire between two points wholly within Westchester County – unless both the vehicle and the driver are licensed by the WCTLTC.

Trip Record Required

A record of each trip between New York City and a qualified jurisdiction must be made prior to the commencement of the trip and recorded on a trip record carried in the vehicle. The trip record must be available to present for inspection in any qualified jurisdiction. The trip record must be kept for a period of no less than one year after the trip. All trips between New York City and a qualified jurisdiction must be pre-arranged, no street hail pickups are allowed.

Enforcement in Qualified Jurisdictions

Enforcement in qualified licensing jurisdictions vary. As a NYC TLC licensee, drivers are subject to potential enforcement when operating in Westchester County.

Enforcement in Westchester County is strict and any for-hire activity that is not covered under reciprocity will likely result in multiple summonses. WCTLTC issues multiple summonses due to a single infraction. The summonses are issued to the driver, base and/or vehicle owner, similar to NYC TLC classes of summonses. The WCTLTC crafted its rules and regulations to mirror that of the NYC TLC; however, the Westchester enforcement officers issue significantly more violations on a single stop. From our experience defending these summonses, WCTLTC Officers will issue an average of 6-9 summonses per administrative stop. From that one enforcement stop, there will be

finesthat can total up to \$2,500 as an aggregate amount. If the base and vehicle owner are the same entity, WCTLCTLC issues the summons to the owner.

In order to address the question from a Westchester officer, drivers eligible for reciprocal recognition should always have proof of their NYC TLC vehicle and driver license (which is already required under the NYC TLC rules), as well as the applicable trip record available for any trip that begins or ends in Westchester County. This action may address the questions of the WCTLCTLC officer and result

WCTLCTLC Schedule of Rule Violations and Fines

For incidents involving out-of-state for-hire activity, WCTLCTLC commonly issues summonses for the following rule violations:

Driver Summonses

- **WCTLCTLC §300.10a:** Out of County Vehicle Operating Point to Point in Westchester County
 - Penalty: \$500
- **WCTLCTLC §300.10:** No Valid TLC Driver Permit
 - Penalty: \$125
- **WCTLCTLC §300.12:** No Valid TLC Vehicle Permit
 - Penalty: \$125
- **WCTLCTLC §300.15b:** VTL 402.4 - Improper Plates
 - Penalty: \$200

Base/Owner Summonses

- **WCTLCTLC §500.22:** Allowing Out of County Vehicle to Operate Point to Point in Westchester County
 - Penalty: \$1000
- **WCTLCTLC §500.23:** Improper Plates
 - Penalty: \$100-\$350 and/or suspension of permit up to 30 days
- **WCTLCTLC §500.13:** Operating Without Westchester County Base Permit
 - Penalty: \$750
- **WCTLCTLC §500.15:** No Valid TLC Driver Permit
 - Penalty: \$500

- **WCTLC §500.14: No Valid TLC Vehicle Permit**
 - Penalty: \$500

Interstate Reciprocity under Federal Law

The Real Interstate Drivers Equity Act of 2002 (RIDE Act) prohibits states from enacting any law, rule or regulation that would require an additional license or fee for out-of-state drivers providing pre-arranged for-hire transportation, so long as the driver and vehicle are properly licensed in another state.

States are also prohibited from penalizing drivers who arrange to provide round trip interstate service with a stop outside the state of origin.

To qualify for interstate reciprocity under the RIDE Act, a driver and vehicle must:

- (1) Be properly licensed in another state as a for-hire vehicle; and**

Example: Driver is licensed by NYC TLC and vehicle is licensed by NYC TLC,

- (2) Have a trip record or contract showing a trip from one State, including intermediate stops, to a destination in another State; or**

Example: A driver licensed by NYC TLC showing a trip record for a trip with a pickup in New York City and destination in New Jersey.

- (3) Have a trip record showing a trip from one State, including intermediate stops in another State, to a destination in the original State.**

Example: A driver licensed by NYC TLC showing a trip record for a trip beginning in New York with stops in New Jersey and a final drop-off in New York.

TNC Law

As you may recall, New York State passed its own version of the TNC law. Under the law, Westchester County had the ability to opt out. It did not. So, today, Uber and Lyft can provide services point-to-point in Westchester as a TNC. The TNCs may also take a passenger to a NYC location to drop off the passenger(s). However, the TNCs may not pick up a fare in NYC.

We hope this information and research addresses the questions concerning the administrative enforcement actions in Westchester County TLC against NYC TLC licensees. We are available to expand on this memo or address any questions that you may have.